

INDEPENDENT ENVIRONMENT AUDIT 2021

Wilpinjong Coal - SSD-6764



PR148231

1

20 December 2021

REPORT

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Approval for issue

Ian Richardson



20 December 2021

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GLOSSARY OF TERMS

| Abbreviation | Description |
|------------------------------------|---|
| Annual Review | The annual review report required by condition 4 of schedule 5 of SSD6764. |
| Applicant | Wilpinjong Coal Pty Limited, or any person who seeks to carry out the development approved under this consent. |
| ARI | Average Recurrence Interval |
| ARTC | Australian Rail Track Corporation Ltd |
| BCA | Building Code of Australia |
| Biodiversity Offset Strategy (BOS) | The conservation and enhancement strategy described in the EIS and the Wilpinjong Coal Project EIS, summarised in Table 7 and depicted conceptually in the figure in Appendix 8 |
| Blast misfire | The failure of one or more holes in a blast pattern to initiate |
| BVT | Biometric Vegetation Type |
| CCC | Community Consultative Committee |
| CHPP | Coal Handling and Preparation Plant |
| Commencement of Development | The date notified to the Department by the Applicant under condition 8 of schedule 2. |
| Conditions of this consent | Conditions contained in schedules 1 to 5 inclusive Council |
| Day | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on |
| Conditions of this consent | Conditions contained in schedules 1 to 5 inclusive Council Sundays and Public Holidays |
| DPIE | Department of Planning, Industry and Environment |
| the Department | Department of Planning and Environment (now DPIE) |
| Development | The development described in the EIS and the Wilpinjong Coal Project EIS |
| DoEE | Commonwealth Department of the Environment and Energy administering the Environment Protection and Biodiversity Conservation Act 1999 administering the Environment Protection and Biodiversity Conservation Act 1999. |
| DPI | Department of Primary Industries |
| DPI Water | The Division of Water within DPI |
| EIS | The Environmental Impact Statement titled Wilpinjong Extension Project EIS, dated January 2016, associated response to submissions, and the Response to the Planning Assessment Commission Review, dated February 2017 |
| EPA | Environment Protection Authority |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> |
| EPL | Environment Protection Licence issued under the Protection of the Environment Operations Act 1997 |
| Evening | The period from 6pm to 10pm |
| Feasible | Feasible relates to engineering considerations and what is practical to build or implement |
| Heritage Division | Heritage Division of OEH |
| Heritage item | An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> |
| IESC | Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development |
| Incident | A set of circumstances that: <ul style="list-style-type: none"> causes or threatens to cause material harm to the environment; and/or breaches or exceeds the limits or performance measures/criteria in this consent |

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| Abbreviation | Description |
|----------------------------------|---|
| Land | As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in schedules 3 and 4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent |
| Material harm to the environment | Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial |
| Mine water | Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with carbonaceous material |
| Mining operations | Includes the removal and emplacement of overburden and extraction, processing, handling, storage and transport of coal on site |
| Minister | Minister for Planning and Environment, or delegate |
| Minor | Not very large, important or serious |
| Mitigation | Activities associated with reducing the impacts of the development |
| Negligible | Small and unimportant, such as to be not worth considering |
| Night | The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays |
| NP&W Act | <i>National Parks and Wildlife Act 1974</i> |
| OEH | Office of Environment and Heritage |
| Peabody | Peabody Australia Pty Ltd |
| PMF | Probable Maximum Flood |
| POEO Act | <i>Protection of the Environment Operations Act 1997</i> |
| Privately-owned land | Land that is not owned by a public agency, or a mining company or its subsidiary |
| Public infrastructure | Linear and related infrastructure that provides services to the general <ul style="list-style-type: none"> public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc. |
| RAPs | The eight Registered Aboriginal Parties for the development as identified in Table 7 of Appendix G of the EIS |
| Reasonable | Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements |
| Rehabilitation | The restoration of land disturbed by the development to a good condition to ensure it is safe, stable and non-polluting |
| Residence | For the purposes of this instrument, a residence includes existing or approved dwellings or buildings at the date of this consent, including those offering overnight accommodation |
| RFS | Rural Fire Service |
| RMS | Roads and Maritime Services |
| ROM | Run-of-mine |
| Secretary | Secretary of the Department, or nominee |
| Site | The land defined in Appendix 1 |
| TSC Act | <i>NSW Threatened Species Conservation Act 1995</i> |
| Ulan Road Strategy | The strategy prepared by the Arrb Group Limited, dated December 2011 as amended by the Secretary's letter dated 25 May 2013 |
| WEP | Wilpinjong Extension Project (also referred to as the Project) |
| Wilpinjong Coal Project | Mining operations at the Wilpinjong coal mine undertaken in accordance with the project approval MP 05-0021 |
| Wilpinjong Coal Project EIS | The 2005 Environmental Impact Statement and subsequent environmental assessments for the Wilpinjong Coal Project, as listed in Appendix 3 |
| WCM | Wilpinjong Coal Mine (the Mine) |
| WCPL | Wilpinjong Coal Pty Limited |

INDEPENDENT AUDIT REPORT DECLARATION FORM

Independent Audit Report Declaration Form


| | |
|------------------------|--|
| Project Name | Wilpinjong Extension Project |
| Consent Number | SSD-6764 |
| Description of Project | Competition of an Independent Environment Compliance, required every 3 years, in accordance with Condition 10, Schedule 5 of Development Consent SSD-6764. |
| Project Address | 1434 Ulan – Wollar Road, Wilpinjong NSW 2850 |
| Proponent | Wilpinjong Coal Pty Limited |
| Title of Audit | Independent Environmental Audit 2021 – Wilpinjong Coal – SSD-6764 |
| Date | 20 December 2021 |

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

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

Notes:

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

| | |
|-----------------|--|
| Name of Auditor | Ian Richardson |
| Signature |  |
| Qualification | Bachelor of Environmental Science Exemplar Global Certified Lead Auditor – Environmental Management Systems (ISO 14001) |
| Company | RPS Australia East Pty Ltd |
| Company Address | RPS Newcastle – Unit 2A, 45 Fitzroy Street, Carrington NSW 2294 |

EXECUTIVE SUMMARY

RPS Australia East Pty Ltd (RPS) was engaged by Wilpinjong Coal Pty Limited (WCPL) to conduct an Independent Environmental Audit (IEA) (the Audit) of the Wilpinjong Coal Mine (WCM) located in the mid-western region of New South Wales (NSW).

The Audit was conducted in accordance with Condition 10, Schedule 5 of Development Consent (SSD-6764) as issued by the Department of Planning, Industry and Environment (DPIE) and RPS proposal dated 4 May 2021.

The last IEA carried out at WCM under SSD-6764 was conducted for the period of 19 September 2017 to 24 August 2018. The Audit period to which this Audit applies is inclusive of the period from 25 August 2018 to 23 September 2021 (date of last day of Audit site inspection). This report presents the findings of the Audit.

- The Department's Post-approval requirements for State Significant Developments Independent Audit Guideline, May 2020 (Independent Audit Guideline, 2020).
- AS/NZS ISO 19011:2014 Guidelines for Auditing management systems.
- RPS's proposal (dated 4 May 2021).

The Audit Team was approved by the Department on 26 February 2021. Following changes to the Audit Team additional approvals were issued by the Department for Auditors assistant Sam Mitchell on 11 May 2021 and rehabilitation specialist Clayton Richards on 9 September 2021. Copies of the approval letters are located in **Appendix A**. A three (3) day site inspection was conducted at WCM between 21 to 23 September 2021.

The IEA identified a total of thirteen (13) non-compliances against SSD-6764, and reviewed mining leases (MLs). A summary of the compliance of the project approvals and coal/mining leases is outlined in **Table 1** below.

Table 1 Summary of Audit Findings

| Approval | Total No. of Conditions | Compliant | Non-Compliant | Not Triggered |
|------------------------------|-------------------------|-----------|---------------|---------------|
| Development Consent SSD-6764 | 110 | 70 | 13 | 27 |
| Mining Lease ML1573 | 23 | 11 | 0 | 12 |
| Mining Lease ML1779 | 11 | 7 | 0 | 4 |
| Mining Lease ML1795 | 10 | 7 | 0 | 3 |

1 INTRODUCTION

RPS Australia East Pty Ltd (RPS) was engaged by Wilpinjong Coal Pty Limited (WCPL) to conduct an Independent Environmental Audit (IEA) (the Audit) of the Wilpinjong Coal Mine (WCM) located in the mid-western region of New South Wales (NSW).

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1.1 Background of the Project

1.1.1 Wilpinjong Coal Mine (WCM)

The WCM is owned by WCPL, a wholly owned subsidiary of Peabody Australia Pty Ltd (Peabody). The Mine is an existing open cut coal mining operation situated approximately 40 kilometres (km) north-east of Mudgee, near the Village of Wollar, within the Mid-Western Regional Local Government Area, in central New South Wales as shown in **Figure 1**. The Mine produces thermal coal products which are transported by rail to domestic customers for use in electricity generation and to the Port of Newcastle for export. Open cut mining operations and associated fixed and mobile mining equipment movements are undertaken 24 hours per day, seven days per week.

WCPL and Peabody Pastoral Holdings Pty Ltd are a major landholder owning adjacent rural properties and land to the east and south-east of the Mine. Land to the west of the Mine is owned by adjacent mining companies, whilst the National Parks and Wildlife Service estate own significant land to the north and south-west of the Mine.

Private properties are located predominantly in and around the Wollar Village approximately 1.5 km to the east of the Mine and along Mogo Road to the north of the Mine.

The Mine originally operated under Project Approval (PA 05-0021) that was granted by the Minister for Planning under Part 3A of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) on 1 February 2006. On 24 April 2017, WCPL was granted SSD-6764 for the Wilpinjong Extension Project (WEP) that provides for the continued operation of the Mine at rates of up to 16 million tonnes per annum (Mtpa) of run-of-mine (ROM) out to 2033, and access to approximately 800 hectares (ha) of open cut extensions. SSD-6764 has superseded the PA 05-0021. WCPL commenced development under SSD-6764 on the 19 September 2017. Additional approvals occurring during the Audit period also include:

- March 2019 – Generally in accordance approval – Amend the disturbance boundary for the haul road between Pit 3 and Pit 8
- August 2019 - Generally in accordance approval - Increase Pit 8 the disturbance and open cut boundary
- June 2021 - Generally in accordance approval - Amend the disturbance footprint in Pit 6 mining area by approximately 2.5ha.

The approximate extent of the WEP approved open cut and contained infrastructure area at WCM is shown on **Figure 2** below.

Major components include open cut pits, an elevated waste rock emplacement in Pit 2, ROM pads/coal stockpiles, water treatment facility and water management infrastructure, coal handling and preparation plant (CHPP), product coal stockpiles and rail loadout and other associated infrastructure areas. Open cut mining targeting the Ulan Coal Seam and Moolarben Coal Member (within ML1573, ML1779 & ML1795) and the handling and processing of ROM coal at the CHPP is currently approved to operate 24 hours per day, seven days per week.

1.1.2 Mining within the Audit Period

During the Audit Period the following mining activities occurred:

- **2018** – A total of 39.30 million bank cubic metres (Mbcm) of waste rock/overburden was mined to allow the extraction of 14.92 Mt of ROM coal.
- **2019** – A total of 42.52 Mbcm of waste rock/overburden was mined to allow the extraction of 15.12 Mt of ROM coal.
- **2020** – A total of 54.51 Mbcm of waste rock/overburden was mined to allow the extraction of 14.74 Mt of ROM coal.
- **2021** (proposed) – A total of 48.27 Mbcm of waste rock/overburden is proposed to be mined to allow the extraction of 14.92 Mt of proposed ROM coal.



Source: WCPL (2019); Office of Environment & Heritage NSW (2019); NSW Land & Property Information (2017); NSW Dept of Industry (2019); Geoscience Australia (2011)

- LEGEND**
- Mining Lease Boundary
 - Exploration Licence Boundary
 - Authorisation Boundary
 - Local Government Boundary
 - NSW State Forest
 - National Park, Nature Reserve or State Conservation Area
 - ⛏ Coal Mining Operation

Peabody
WILPINJONG COAL MINE
 Regional Location

Figure 1 Wilpinjong Coal Mine Locality Plan

(Source: 2019 Annual Review – Wilpinjong Coal Mine)

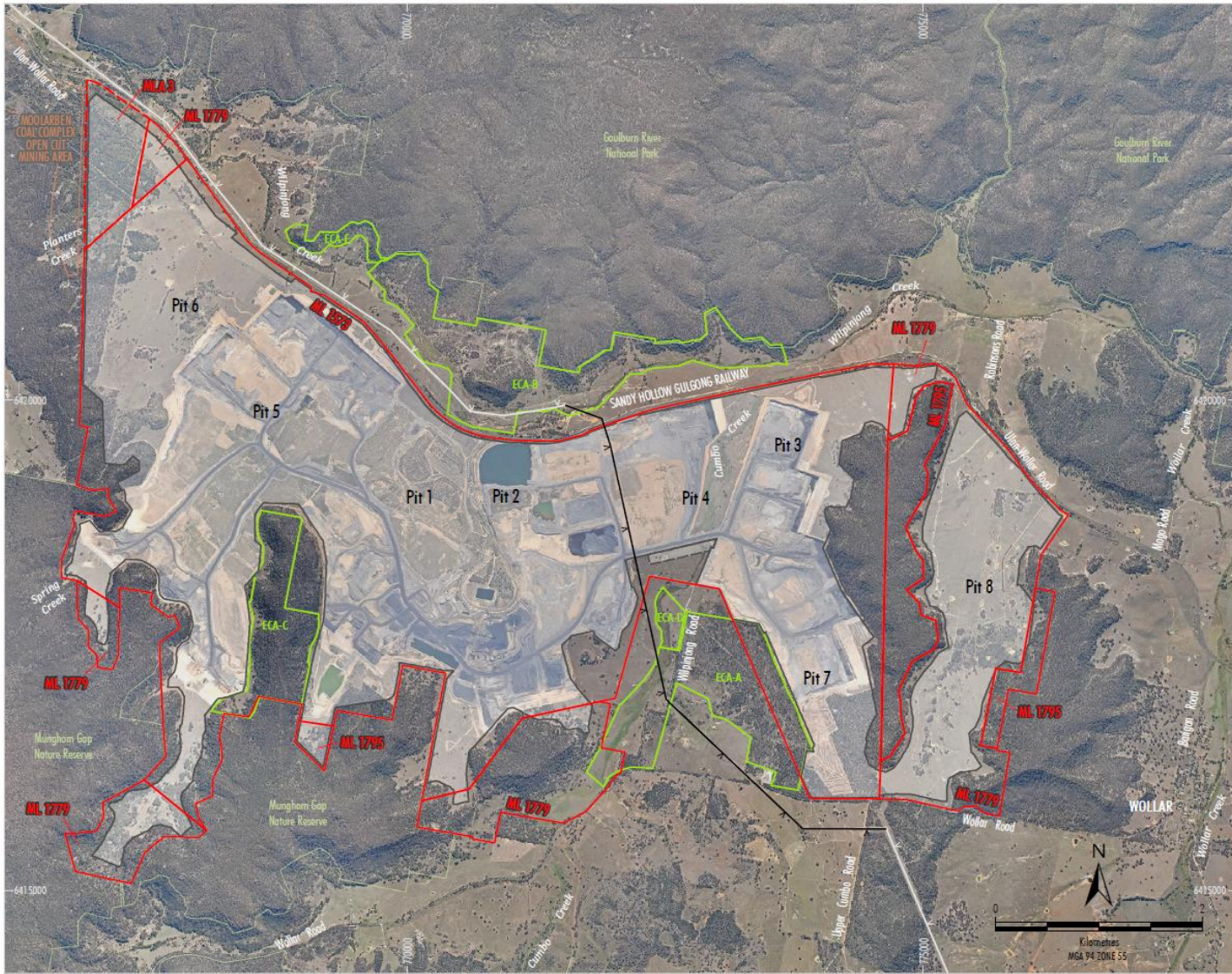


Figure 2 Approved WEP Layout and Surrounds

(Source: 2019 Annual Review – Wilpinjong Coal Mine)

1.2 Approvals, Licences and Leases

The current approvals, licences and leases held for WCM that were reviewed as part of this IEA are summarised in **Table 2** below.

Table 2 Summary of Existing Major Approvals and Licences

| Title | Agency | Expiry |
|------------------------------|---|--|
| Development Consent SSD-6764 | Department of Planning, Industry and Environment (DPIE) | 28 years from commencement of Project Approval (i.e. 2033) |
| Mining Lease ML1573 | DPIE – Resource Regulator | February 2027 |
| Mining Lease ML1779 | DPIE – Resource Regulator | 20 December 2039 |
| Mining Lease ML1795 | DPIE – Resource Regulator | 27 September 2040 |

Notes: EPBC Approval (2015/7431), EPL 12425 and EL 7091 and EL 6169 held by WCPL were not reviewed as part of this IEA in accordance with consultation for this Audit (refer **Section 1** and **Section 2.1.2**)

1.3 Audit Team

The RPS 2021 IEA team, inclusive of the required technical specialists, included personnel outlined in **Table 3** below. The Audit Team, inclusive of specialists, was approved by the Department to conduct the Audit. Refer to the letters of approval from the Department provided in **Appendix A**.

Table 3 2021 IEA Audit Team

| Personnel | Audit Team Role |
|------------------|---|
| Ian Richardson | Lead Auditor/Air Quality Specialist – RPS Group |
| Sam Mitchell | Auditors Assistant – RPS Group |
| Clayton Richards | Rehabilitation Specialist – Minesoils |
| Neil Pennington | Noise and Vibration Specialist – Spectrum Acoustics |
| Dean Jarvis | Surface Water Specialist – Northrop |
| Bryce McKay | Groundwater Specialist – AGE |

1.4 Audit Scope

The requirements for the IEA under SSD-6764 are detailed in **Table 4** below.

Table 4 SSD-6764 IEA Requirements

| SSD-6764 Conditions | Requirement | IEA Report Section |
|-----------------------------|--|---|
| Schedule 5, Condition 10 | Within a year of commencing development under this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This Audit must: | IEA Report (this report) |
| Schedule 5, Condition 10(a) | be conducted by a suitably qualified lead Auditor and suitably qualified, experienced and independent team of experts in any field specified by the Secretary, whose appointment has been endorsed by the Secretary; | Section 2.5 and Appendix A |
| Schedule 5, Condition 10(b) | include consultation with the relevant agencies; | Section 2.7 and Appendix C |
| Schedule 5, Condition 10(c) | assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals); | Section 4 |
| Schedule 5, Condition 10(d) | review the adequacy of strategies, plans or programs required under the abovementioned approvals; | Section 3 |
| Schedule 5, Condition 10(e) | recommend appropriate measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under the abovementioned approvals; and | Section 6 |
| Schedule 5, Condition 10(f) | be conducted and reported to the satisfaction of the Secretary. | Section 2 |
| Schedule 5, Condition 10 | Note: The "Post Approval Requirements for State Significant Developments - Independent Audit Guideline, NSW Government, October 2015" (or its latest version) provides an Audit and reporting framework for the independent Audit that will guide compliance with this condition. | IEA conducted in accordance with Independent Audit Post Approval Requirements (the Department, May 2020). |
| Schedule 5, Condition 11 | Within 3 months of commissioning this Audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the Audit Report to the Secretary, together with its response to any recommendations contained in the Audit Report, and a timetable for the implementation of these recommendations as required. The Applicant must implement these recommendations, to the satisfaction of the Secretary. | WCPL is required to submit this report along with responses to recommendations made in this report to the Department. |

1.5 Audit Period

The last IEA carried out at the WCM under SSD-6764 was conducted for the period of 19 September 2017 to 24 August 2018. The Audit Period to which this Audit applies is inclusive of the period from 25 August 2018 to 23 September 2021 (date of last day of Audit site inspection). This report presents the findings of the Audit.

2 AUDIT METHODOLOGY

RPS undertook the IEA in accordance with the following methodology:

- Task 1: Audit preparation
- Task 2: Site visit and interviews
- Task 3: Preparation of a draft IEA report for review by WCPL
- Task 4: Finalisation of the IEA report.

2.1 Task 1 Audit Preparation

2.1.1 Pre-Audit Meeting and Documentation Requests

RPS undertook initial discussions with WCPL to organise the Audit, including the provision of documentation through requests for information (RFI) and provided an Audit Agenda for the site visit and timing.

Review of documentation provided by WCPL and their representatives and preparation of compliance assessment checklists that included a list of conditions of key regulatory approvals to be assessed for compliance.

2.1.2 Approval and Regulator Consultation

Following DPIE approval of the RPS Audit Team, RPS consulted via email with relevant regulators with respect to the Audit scope in accordance with the DPIE *Independent Audit Post Approval Requirements, 2020*. DPIE requested that the Audit Team consider the below:

- Rehabilitation progression
- Biodiversity and management of Offsets
- Protection, management and monitoring of Aboriginal and Heritage sites
- Noise and dust monitoring and management
- Surface and groundwater management/monitoring/performance measures
- Blasting monitoring and management
- Implementation of management plans
- Reporting and management of non-compliance and incidents
- Community consultation and complaints register.

Relevant comments and requests from these regulators were included in the Audit Report and investigated as part of the Audit as required.

2.2 Task 2 Site Inspection and Interviews

The Audit Team conducted the Audit site visit over a three (3) day period from 21 to 23 September 2021, comprising:

- Document reviews.
- Interviews with relevant personnel.
- Site inspection.

Opening and closing meetings were held to ensure open communication with WCPL and provide preliminary Audit findings. The Audit was conducted as per the Audit Agenda, which was prepared and sent to WCPL on 13 September 2021, prior to the site visit.

2.2.1 Opening Meeting

An opening meeting was held upon commencement of the Audit at the site. The purpose of this meeting was to confirm the objectives of the Audit, the scope of the Audit, the resources required and methodology to be applied.

2.2.2 Site Inspection and Interviews

The Lead Auditor, Auditors Assistant, and specialists undertook a site inspection, which involved physical validations and collection of a photographic record. The Auditor's observations used to supplement information gathered during the review of documents and records. During the site inspection, interviews were conducted to verify compliance with the SSD-6764, and associated documents.

2.2.3 Close-out Meeting

At the completion of the Audit site visit, a brief close-out meeting was held with relevant WCPL personnel. The purpose of the close-out meeting was to provide and receive feedback on the Audit process and present the summary of preliminary findings, recommendations, and any post-Audit actions. It should be noted that additional findings based on a detailed document reviews as part of the Audit process were required following the completion of the site inspection. As such, the summary of preliminary findings detailed in the closeout meeting did not cover all findings associated with the Audit.

A record of attendance for the opening and closing meetings is contained in **Appendix F**.

2.3 Task 3 Draft IEA Report

During the site visit, and as required following the site visit, the Audit Team conducted a review of the key documentation provided. Each requirement within the Audit compliance tables were reviewed and evidence gathered to support an assessment of compliance. Whilst personal communication does provide valuable input into this process it was not be relied upon as verification of compliance.

An assessment of environmental performance was undertaken and reported in the Audit Report where issues were identified. A review of the Environmental Management Strategy and Environmental Monitoring Program were undertaken, and a summary provided in the Audit Report (this Report).

A single consolidated report was prepared (this Report), with separate Audit tables appended to address each of the approval instruments.

2.4 Task 4 Finalise IEA Report

Following receipt of consolidated comments from WCPL, RPS updated and finalised the IEA Report and reissued for WCPL to submit to the Department via the Major Project website.

2.5 Audit Team Approval

The Department reviewed the nominations and information provided in accordance with the requirements of the consents and the Department's Post-approval requirements for State Significant Developments Independent Audit Guideline, May 2020 (IEA Guideline) and was satisfied that the RPS Audit Team was suitably qualified and experienced.

The Audit Team was approved by the Department on 26 February 2021. Following changes to the Audit Team additional approvals were issued by the Department for Auditors assistant Sam Mitchell on 11 May 2021 and rehabilitation specialist Clayton Richards on 9 September 2021. A copy of the approval letters are located in **Appendix A**.

The Department noted that within three (3) months from undertaking the Audit, in accordance with Schedule 5 Condition 11 of SSD-6764, WCPL are to submit the Audit Report, including the response to any recommendations contained in the Audit Report and a timetable to implement the recommendations as required, to the Secretary.

Therefore the Audit Report and a timetable to implement any identified recommendations as required must be submitted by 23 December 2021, unless otherwise agreed by the Secretary at the request of WCPL.

2.6 Scope Development

The IEA was undertaken in general accordance with:

- The Department’s Post-approval requirements for State Significant Developments Independent Audit Guideline, May 2020 (Independent Audit Guideline, 2020).
- AS/NZS ISO 19011:2014 Guidelines for Auditing management systems.
- RPS’s proposal (dated 4 May 2021).

2.7 Consultation

Schedule 5, Condition 10(b) of SSD-6764 requires the IEA to include consultation with relevant agencies. A summary is provided in **Table 5** of the stakeholder agencies which were sent requests for comment on 3 September 2021 as well as the status of any responses received.

Table 5 Stakeholder Response Summary

| Regulatory Agency | Response Received | Date Received |
|--|-------------------|-------------------|
| Department of Planning, Industry and Environment | Yes | 13 September 2021 |
| NSW Environment Protection Authority | Yes | 17 September 2021 |
| Subsidence Advisory NSW | Yes – no comment | 14 September 2021 |
| Natural Resources Access Regulator | No | - |
| Mid-Western Regional Council | No | - |
| Community Consultative Committee | Yes | 13 September 2021 |
| NSW Resource Regulator | Yes | 20 September 2021 |

A summary of comments received from the stakeholder agencies as well as responses to regulator consultation is provided in **Appendix C**.

2.8 Site Inspection

A three (3) day site inspection was conducted at WCM between 21 to 23 September 2021. During the site inspection the weather conditions were generally fine, partially cloudy with the daytime temperature ranging from approx. -0.4°C in the morning to 20.9°C in the afternoons. No rain events occurred during the site inspection with one rainfall event occurring prior to the site inspection on 19 September 2021 (2.8mm).

Photographs from the Audit site inspection supporting Audit findings are provided in **Appendix D**.

2.8.1 Opening and Closing Meetings

In accordance with ISO 19011:2014 Guidelines for Auditing management systems an opening and closing meeting was held during the Site inspection. Details of attendees at both meetings are included in the sign on sheets included in **Appendix F**.

2.9 Compliance Status

The compliance status was determined using the relevant descriptors in accordance with the Independent Audit Post Approval Requirements (the Department, May 2020) provided in **Table 6** below.

Table 6 Compliance Status Descriptors

| Status | Description |
|-----------|---|
| 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. |

| Status | Description |
|---------------|--|
| 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. |
| 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. |

Previous Audit descriptors of partial compliance, partial non-compliance, not verified or administrative non-compliance or other similar terms must not be used in accordance with the above requirements.

As part of the Audit evaluation, the Auditor may make observations, including identifying any opportunities for improvement in relation to any compliance requirement or any other aspect of the Project. Any observations or notes are in addition to the compliance status descriptor assigned to each compliance requirement, limited to the descriptors listed in **Table 6**.

2.10 Evidence Validation

The Audit Team undertook verification activities to confirm the reliability of Audit evidence. This included interviews, data checking, the examination of records, and site inspections. Records were provided in electronic and/or hard copy by site personnel and additional documents were reviewed whilst on site.

Some aspects of the Audit process may have relied on information such as judgements and assumptions where external supporting evidence was unavailable or limited. Where this information was considered, its validity was confirmed to the extent possible prior to use by the Auditors and is noted in appropriate areas of the Audit checklists.

The majority of information was assessed off-site prior to the site inspection. The site inspections concentrated on assessment of the effectiveness of environmental management and adequacy of performance. The extent of Audit activities was limited to the time available for the Audit site inspections and interviews over two (2) days.

2.11 Technical Specialists Input

The Department requested on 22 September 2020 that the IEA team include technical specialists in the following fields:

- Noise.
- Air Quality.
- Water (surface and groundwater).
- Rehabilitation.

The technical specialists provided technical advice to the IEA Lead Auditor during the Audit site inspection and reporting periods. Specific findings from the technical specialists have been incorporated into the Audit Checklists and recommendations where applicable.

3 ENVIRONMENTAL MANAGEMENT

A detailed implementation review was conducted against each management plan condition in SSD-6764 and can be found in the SSD-6764 Audit checklist in **Appendix B**. The approved strategies, plans or programs required under SSD-6764 including a brief summary of the implementation review conducted against each plan are summarised **Table 7**. This section satisfies the IEA requirement to review the adequacy of any approved strategies, plans or programs required under Schedule 5, Condition 10(d) of SSD-6764.

Table 7 Management Plan Adequacy Review

| Document | Findings from Review |
|--------------------------------------|---|
| Noise Management Plan (NMP) | <p>Doc No.: WI-ENV-MNP-0011 Version 6.1 – June 2021 Approved on 16 August 2021 by Stephen O'Donoghue, Director Resource Assessments as nominee of the Secretary. In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 5.</p> |
| Blast Management Plan (BMgtP) | <p>Doc No.: WI-ENV-MNP-0037 Version 7 – June 2021. Approved on 13 August 2021 by Stephen O'Donoghue, Director Resource Assessments as nominee of the Secretary. In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 14.</p> |
| Air Quality Management Plan (AQMP) | <p>Doc No.: WI-ENV-MNP-0004 Version 7.1 – June 2021. Approved on 16 August 2021 by Stephen O'Donoghue, Director Resource Assessments as nominee of the Secretary. In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 20.</p> |
| Water Management Plan (WMP) | <p>Doc No.: WI-ENV-MNP-0006 Version 4 – August 2017 Approved on 4 August 2017 by Stephen O'Donoghue, Director Resource Assessments as nominee of the Secretary. In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 30. Note: Since 2017 the WMP has been reviewed and resubmitted for approval on three more occasions. WMP (Version 7) was resubmitted recently in June 2021 and was pending approval at the time of the Audit</p> |
| Site Water Balance (SWB) | <p>Doc No.: WI-ENV-MNP-0038 Version 3 – August 2017 Approved on 4 August 2017 by Stephen O'Donoghue, Director Resource Assessments as nominee of the Secretary. In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 30(d)(ii). Note: Since 2017 the SWB has been reviewed and resubmitted for approval on two more occasions. SWB (Version 5) was resubmitted recently in June 2021 and was pending approval at the time of the Audit.</p> |
| Surface Water Management Plan (SWMP) | <p>Doc No.: WI-ENV-MNP-0040 Version 2 – August 2017 Approved on 4 August 2017 by Stephen O'Donoghue, Director Resource Assessments as nominee of the Secretary. In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 30(d)(iii). Note: Since 2017 the SWMP has been reviewed and resubmitted for approval on three more occasions. SWMP (Version 5) was resubmitted recently in June 2021 and was pending approval at the time of the Audit.</p> |
| Groundwater Management Plan (GWMP) | <p>Doc No.: WI-ENV-MNP-0041 Version 3 – August 2017</p> |

| Document | Findings from Review |
|--|--|
| | <p>Approved on 4 August 2017 by Stephen O’Donoghue, Director Resource Assessments as nominee of the Secretary.</p> <p>In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 30(d)(iv).</p> <p>Note: Since 2017 the GWMP has been reviewed and resubmitted for approval on two more occasions. GWMP (Version 5) was resubmitted recently in June 2021 and was pending approval at the time of the Audit</p> |
| <p>Biodiversity Management Plan (BMP)</p> | <p>Doc No.: WI-ENV-MNP-0035</p> <p>Doc Date: June 2021</p> <p>Version 7.1 approved by DPIE 2 September 2021</p> <p>Approved on 2 September 2021 by Stephen O’Donoghue, Director Resource Assessments as nominee of the Secretary.</p> <p>In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 42.</p> |
| <p>Aboriginal Cultural Heritage Management Plan (ACHMP)</p> | <p>Doc No.: WI-ENV-MNP-0034</p> <p>Version 6 – September 2019</p> <p>Approved on 19 June 2020 by Stephen O’Donoghue, Director Resource Assessments as nominee of the Secretary.</p> <p>In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 47.</p> |
| <p>Spontaneous Combustion Management Plan (SCMP)</p> | <p>Doc No.: WI-ENV-MNP-0010</p> <p>Version 7.1 – June 2021.</p> <p>Approved on 16 August 2021 by Stephen O’Donoghue, Director Resource Assessments as nominee of the Secretary.</p> <p>In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 20(g).</p> |
| <p>Historic Heritage Management Plan (HHMP)</p> | <p>Doc No.: WI-ENV-MNP-0044</p> <p>Version 3 – September 2019</p> <p>Approved on 19 June 2020 by Stephen O’Donoghue, Director Resource Assessments as nominee of the Secretary.</p> <p>In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 49.</p> |
| <p>Rehabilitation Management Plan Mining Operations Plan (MOP) 2021-2022</p> | <p>Doc No.: WCPL_MOP_2021</p> <p>Approved as the MOP (1 January 2021 to 31 December 2022) 8 September 2021</p> <p>Approved on 20 January 2021 by Christine Fawcett, Manager Environmental Operations, Mining Act Inspectorate Resource Regulator.</p> <p>In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 64.</p> |
| <p>Environmental Management Strategy (EMS)</p> | <p>Doc No.: WI-ENV-MNP-0001</p> <p>Version 6 – September 2019</p> <p>Approved on 19 June 2020 by Stephen O’Donoghue, Director Resource Assessments as nominee of the Secretary.</p> <p>In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 1, Schedule 5.</p> |
| <p>Social Impact Management Plan (SIMP)</p> | <p>Doc No.: WI-ENV-MNP-0047</p> <p>Version 2 – June 2021</p> <p>Approved on 9 September 2021 by Stephen O’Donoghue, Director Resource Assessments as nominee of the Secretary.</p> <p>In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 63.</p> |

4 ENVIRONMENTAL PERFORMANCE

This section assesses the requirement of Schedule 5, Condition 10(c) of SSD-6764 to assess the environmental performance of the Project and whether it is complying with the relevant requirements in this approval and any Mining Lease (including any assessment, plan or program required under these approvals). RPS based the assessment of the environmental performance of the site on the following:

- Section 3 provides an assessment of the effectiveness and adequacy of the environmental management plans and programs required under the SSD-6764.
- An assessment of compliance with the conditions of SSD-6764 and authorised leases. The findings of this assessment are provided in the compliance checklists presented in **Appendix B** with the identified non-compliances and associated recommendations summarised in the Audit Findings in Section 6.
- Section 4.1 provides a review of compliance management practices in place at WCM.
- Section 4.2 provides a review of incidents reported during the Audit period.
- Section 4.3 provides a review of complaints received during the Audit period.

4.1 Compliance Management

4.1.1 Compliance Monitoring

WCPL utilise SAP as a compliance management tool to store and track compliance with development consents, leases, licences, and other approvals and their associated conditions. SAP is also utilised to assign and complete inspections and to track complaints, actions arising from internal or external consultation practices or actions following an Audit.

During the Audit site inspection, WCPL demonstrated its use of SAP to the Auditors. The SAP database included the requirements of the Development Consent, EPL, Mining Leases, Sewage Treatment Plant approvals and the key commitments / requirements for each management plan. The WCPL Environment and Community (E&C) department used SAP to access evidence to demonstrate compliance with specific conditions of consent.

4.1.2 Internal Assurance

WCPL implements an internal Audit program which is conducted in accordance with Peabody's corporate procedures for internal and external Auditing. The Audit program involves internal compliance Audits conducted at scheduled intervals. The internal compliance Audit assesses compliance against the site's Project Approval conditions and associated approval conditions.

4.1.3 Environmental Inspections

The WCPL E&C Department and Open Cut Examiners (OCE's) conduct a variety of environmental inspections of the site to address the requirements of each approved management plans. In addition, inspections are undertaken to:

- Identify any potential non-conformances or environmental incidents that have not been previously identified/reported;
- Maintain a visual presence around the site to promote environmental awareness to mine personnel and contractors; and
- Maintain site familiarity by ensuring E&C personnel are aware of any physical changes to operations or processes at the site.

The environmental inspections include a description of general environmental conditions as well as checks of specific areas. The inspections include identified actions, an action category, due date and status and include photos and attachments where relevant. Depending on the category of the action, it may be entered into SAP and tracked.

The Auditors sighted examples of completed inspections conducted by WCPL, including rehabilitation progress, OCE shift, and maintenance inspections. Inspections were observed to be undertaken at the frequencies outlined in the respective management plans. The reports were considered to be sufficiently detailed and generally completed with appropriate actions identified for issues raised.

4.2 Reportable Incidents

WCPL commit to managing and reporting all environmental incidents at the Mine in accordance with WCPL's Incident Management Procedure and Pollution Incident Response Management Plan (PIRMP). WCPL utilises the SAP system to log incidents, conduct investigations, assign tasks, and provide findings.

An incident is defined by the project approval SSD-6764 as a set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval.

The Auditors reviewed the site's incident database, external consultant's investigation reports as well as results presented in the Annual Reviews during the Audit period. Seven (7) reportable incidents occurred during the Audit period which required reporting in 2020 to the Department, the EPA and other stakeholders (where relevant).

There were no reportable incidents during the 2018, 2019, and 2021 review period. However, the DPIE and EPA were notified in regard to elevated dust levels as a result of extraordinary events.

Table 8 Reportable Environmental Incidents during the Audit Period

| Reported Event | Date | Details of Incident | Mitigation Measures Implemented |
|-----------------|------------------|--|---|
| Water Discharge | 9 February 2020 | Water was observed flowing (through and underneath) a sedimentation fence at the Slate Gully/Pit 8 North development area at approximately 14:40 on 9 February 2020 after heavy rainfall. The estimated water released was approximately 200m ³ . The released water was captured downstream within a Peabody owned farm dam and did not leave the premises as defined by EPL12425 and SSD-6764. 25 May 2020 - The EPA determined that Wilpinjong generally complied with the Wilpinjong Coal Surface Water Management Plan (WI-ENV-MNP-0040, August 2017) | A review of the water management for Pit 8 North was completed. Commencement of works to upgrade the Bund along Pit 8 North. A review of the PIRMP was also undertaken. |
| Water Discharge | 19 February 2020 | Water was observed flowing (through and underneath) a sedimentation fence at the Slate Gully/Pit 8 North development area at approximately 01:55 on 19 February 2020 after heavy rainfall, whilst mitigation measures to address the previous event on the 9 February were being carried out. The estimated water released was approximately 495m ³ . Lightning associated with the rainfall event hampered WCPL personnel to effectively control the water. The released water flowed overland onto Peabody owned land and likely mixed with water from the undisturbed catchment to the north of Wilpinjong Coal. During inspection of the drainage line north of the event area there was vegetation debris and pooled water suggesting that the drainage line had recently flowed into Wilpinjong Creek 25 May 2020 - The EPA determined that Wilpinjong generally complied with the Wilpinjong Coal Surface Water | As a result of the event, the following remedial works have been undertaken: <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 (later automated) 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 PIRMP was also undertaken. |

REPORT

| Reported Event | Date | Details of Incident | Mitigation Measures Implemented |
|----------------------|------------------|--|--|
| | | Management Plan (WI-ENV-MNP-0040, August 2017) | |
| Fume Rating <3 | 28 February 2020 | Fume (rated 4A) was released during a blast on the 28 February 2020 in Pit 3. The fume was contained and dissipated within WCPL's approved mining boundary. The event was reported in accordance with the Blast Management Plan. | The Blast Management Plan was reviewed in August 2020 (Version 7) to include ML1795, update reporting protocols, clarify vibration monitoring and revise the blast fume management strategy as a result of the two fume events. The Blast Management Plan reviewed in August 2020 (Version 7) included the following fume mitigation measures: - Installation of Blastshield - a lining for blast holes that provides a barrier to stop the ingress of water and potential product degradation; and - A trailer mounted blast hole dewatering pump has been sourced, to pump water from blast holes, allowing for the installation of the Blastshield. |
| Fume Rating <3 | 10 June 2020 | Fume (rated 4C) was released during a blast on the 10 June 2020 in Pit 8 at 15.21. The fume was contained and dissipated within WCPL's approved mining boundary. The event was reported in accordance with the Blast Management Plan. 24 July 2020 – NSW DPIE formally notified "The Department has carefully reviewed the report and requests no further information in relation to the matter". | |
| Vibration Exceedance | 11 July 2020 | A blast related ground vibration level of 100.18mm/s (PPV) was recorded at the nearest Public Road Infrastructure on Ulan Wollar Road 11 July 2020 at 13:49. Wilpinjong Coal has an agreed limit of 100mm/s with Mid-Western Regional Council (MWRC) for Public Road Infrastructure when blasting within 350 meters. The investigation found that structural geology of the Pit 8 overburden shot on 11 July 2020 was a contributing factor to the elevated vibration level monitored. 4 August 2020 – NSW DPIE formally notified "...WCPL failed to implement the requirements of the BMP which is non-compliant with Schedule 3 Condition 15 of the Consent. The non-compliance has been assessed in accordance with the Department's Compliance Policy, with the Department on this occasion, determining to record the breach with no further enforcement action...". | Condition inspection of the Ulan Wollar Road culvert by Wilpinjong Coal Technical Services Manager – no damage to the culvert observed. WCPL commissioned an independent condition inspection of the culvert by Barnson's - Principal Civil Engineer who concluded the culverts sustained no damage from the vibration event. WCPL completed a review of predictive blast modelling, review of the geology and review blast design. |
| Vibration Exceedance | 11 November 2020 | A blast related ground vibration level of 117.66mm/s (PPV) was recorded at the nearest Public Road Infrastructure on Ulan Wollar Road 11 November 2020 at 11:45. Wilpinjong Coal has an agreed limit of 100mm/s with Mid-Western Regional Council (MWRC) for Public Road Infrastructure when blasting within 350 meters. The investigation found potential increased confinement of the vibration associated with a number of holes and a change in the blasting product decreases the modelled K Factor from the original design were contributing factors to the elevated vibration level monitored. 10 December 2020 - NSW DPIE formally notified "...WCPL failed to implement the | Condition inspection of the Ulan Wollar Road culvert by Wilpinjong Coal Technical Services Manager – no damage to the culvert observed. WCPL commissioned an independent condition inspection of the culvert by Barnson's - Principal Civil Engineer who concluded the culverts sustained no damage from the vibration event. Continue to update the predictive parameters of the vibration model for Pit 8 blasting using data obtained from all blasts in Pit 8. Review Blast Logic loading parameters specifically in relation to blast vibration sensitive shots. Blasting personnel to undertake additional training in Blast Logic software – inclusive of |

| Reported Event | Date | Details of Incident | Mitigation Measures Implemented |
|-------------------------|------------------|--|--|
| Overpressure Exceedance | 30 November 2020 | <p>requirements of the BMP which is non-compliant with Schedule 3 Condition 15 of the Consent".</p> <p>A blast related overpressure of 123.3dBL was recorded at WCPL's approved blast monitoring location (approximately 50m west of the Wollar Primary School grounds) 30 November 2020 at 14:53 from a blast in Pit 6.</p> <p>The most probable cause of the overpressure measured in Wollar was an outburst (compromised confinement) on the eastern end of the blast.</p> <p>18 January 2021 - NSW DPIE formally notified "The Department has carefully reviewed the details of the non-compliance with Schedule 3, Condition 7 of the Consent, in which the resultant overpressure (being 123.3 dB) is greater than the criteria of 120dB at this location.</p> <p>The Department has decided on this occasion to record the non-compliance with the Consent with no further enforcement action".</p> | <p>quality assurance components relating to blast design vs actual.</p> <p>WCPL implemented an additional interim quality control review of all blasts with a hole charge volume greater than 650 kilograms WCPL reviewed blasting procedures for the loading of overburden shots. Stemming horizons less than 3.7m will trigger a shot firer/blast controller review prior to stemming to ensure the correct ratio of stemming to product prior to loading of stemming. This additional control will be included in a revision of WCPL's Blast Management Plan.</p> |

4.3 Complaints

The WCPL Environmental Management Strategy outlines the procedure for receiving, handling, respond to, and recording community complaints. WCPL operates a free Environment and Community Enquiry Hotline which operates 24 hours per day, 7 days per week. The number is 1300 606 625. In addition to this hotline, potentially impacted stakeholders also have the contact details of the WCPL Environment and Community team members.

Complaints are recorded and managed through a system called Consultation Manager. Complaints are recorded in this system and assigned to a member of the Environment and Community team to investigate. The outcomes of the investigation are recorded in the system and tasks, where required, task assigned.

The complaints received during the Audit period are outlined in **Table 9** below.

Table 9 Complaints Received during Audit Period

| Compliant Type | 2018 | 2019 | 2020 | 2021 | Totals |
|--|-----------|-----------|-----------|-----------|------------|
| Noise | 9 | 8 | 59 | 41 | 116 |
| Blast | 2 | 6 | 5 | 1 | 14 |
| Odour | 2 | 1 | 10 | 7 | 20 |
| Odour and Noise | 1 | 0 | 0 | 0 | 1 |
| Odour and Dust | 0 | 1 | 0 | 0 | 1 |
| Tree Clearing | 0 | 1 | 0 | 0 | 1 |
| Driver Behaviour | 0 | 2 | 0 | 0 | 2 |
| Dust | 0 | 3 | 1 | 5 | 8 |
| Noise, dust, vibration, tree clearing | 0 | 0 | 1 | 0 | 1 |
| COVID and DIDO Employees | 0 | 0 | 1 | 0 | 1 |
| Road Closure | 0 | 0 | 1 | 0 | 1 |
| Previous complaint and mining in general | 0 | 0 | 1 | 0 | 1 |
| Unknown | 0 | 0 | 0 | 1 | 1 |
| Blast overpressure | 0 | 0 | 0 | 3 | 3 |
| Totals | 14 | 22 | 79 | 58 | 171 |

Analysis of the complaints received during the Audit period indicate that the majority of complaints were in response to noise, blast, and odour issues. A significant increase in complaints relating to noise and odour were noted in 2020 and 2021.

4.4 Community Consultation Committee

WCPL has a range of communication methods in place which enables it to share information with the local community. These methods include:

- The Community Consultative Committee (CCC).
- Direct engagement with nearby landholders.
- The WCPL Public Website (<https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wilpinjong-Mine>).
- Distribution of Community Newsletters
- Monthly 'Have a Chat' meetings, Quarterly Native Title Meetings and Registered Aboriginal Consultative Committee (RAPCC meetings)

WCPL utilise the established Community Consultative Committee (CCC) which meets quarterly to satisfy the requirements of Schedule 5, Condition 7 of SSD-6764.

5 STATUS OF 2018 IEA RECOMMENDATIONS

The IEA conducted a reviewed against the findings made in the 2018 IEA conducted by AECOM Australia Pty Ltd. The findings from this review have been provided in **Appendix E**.

6 AUDIT FINDINGS

The findings of the IEA compliance assessment are presented in this section.

A summary of compliance against the SSD-6764 and Mining Leases (MLs) is provided in **Table 10** below. The non-compliances and corresponding recommendations are summarised in Section 6.1 and detailed in **Appendix B**.

Table 10 Summary of Audit Findings

| Approval | Total No. of Conditions | Compliant | Non-Compliant | Not Triggered |
|------------------------------|-------------------------|-----------|---------------|---------------|
| Development Consent SSD-6764 | 110 | 70 | 13 | 27 |
| Mining Lease ML1573 | 23 | 11 | 0 | 12 |
| Mining Lease ML1779 | 11 | 7 | 0 | 4 |
| Mining Lease ML1795 | 10 | 7 | 0 | 3 |

6.1 Identified Non-Compliances and Recommendations

6.1.1 Development Consent (SSD-6764)

Non-Compliances identified against SSD-6764 have been summarised in **Table 11** below. Further Audit commentary and evidence is provided against each condition in the SSD-6764 Audit Checklist provided in **Appendix B**.

Table 11 Non-Compliances against SSD-6764

| Ref No. | Condition No. | Requirement | Independent Audit Finding | Recommendation | | | | | | | | | | | |
|-----------------------------------|--------------------------------------|---|--|--|-------------------------|-----------------------------------|-----|---|-----|----|---------------------------|---|--|---|---|
| SSD 02 | S2 C2 | <p>The Applicant must carry out the development:</p> <ul style="list-style-type: none"> a. generally in accordance with the EIS and the Wilpinjong Coal Project EIS; and b. in accordance with the conditions of this consent. <p>Note: The general layout of the development is shown in Appendix 2.</p> | <p>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:</p> <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 | <p>Refer to recommendation made against each Condition of Consent in the below table.</p> | | | | | | | | | | | |
| SSD 10 | S2 C10 | <p>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.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works; and <p>Part 8 of the EP&A Regulation sets out the requirements for the certification of the development</p> | <p>Construction of the Pit 3 Pre-Start Facility occurred during the Audit period. WCPL was unable to produce the BCA certificate to the Auditors.</p> <p>WCPL verbally confirmed the structure was constructed in accordance with the relevant requirements of the BCA.</p> | <p>Ensure document control and management for future construction projects is recorded through a traceable system that is accessible to WCPL.</p> <p>Undertake periodic Audits of construction projects to ensure accurate and progressive document management is occurring.</p> | | | | | | | | | | | |
| SSD 21 | S3 C7 | <p>Blast Criteria</p> <p>The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 4.</p> <p><small>Table 4: Blasting criteria</small></p> <table border="1"> <thead> <tr> <th>Location</th> <th>Airblast overpressure (dB(Lin Peak))</th> <th>Ground vibration (mm/s)</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Residence on privately owned land</td> <td>115</td> <td>5</td> </tr> <tr> <td>120</td> <td>10</td> </tr> <tr> <td>All public infrastructure</td> <td>-</td> <td>50 <small>(or a limit determined by structural design methodology in AS 21006, or its latest version, or other alternative limit public infrastructure, to the satisfaction of the Sect</small></td> </tr> </tbody> </table> | Location | Airblast overpressure (dB(Lin Peak)) | Ground vibration (mm/s) | Residence on privately owned land | 115 | 5 | 120 | 10 | All public infrastructure | - | 50 <small>(or a limit determined by structural design methodology in AS 21006, or its latest version, or other alternative limit public infrastructure, to the satisfaction of the Sect</small> | <p>30 November 2020</p> <p>Non-compliance with Blast Criteria in SSD-6764 - An overpressure exceedance recorded at the Wollar Primary School blast monitoring location 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> <p>With the exception of one blast on the 30 November 2020, all other blast monitoring results for the reporting period complied with the approved criteria of 115dB (<120dB) and</p> | <p>Review "site laws" (site-based prediction equations) for ground vibration and air blast overpressure and amend blast design and Blast Management Plan as required.</p> |
| Location | Airblast overpressure (dB(Lin Peak)) | Ground vibration (mm/s) | | | | | | | | | | | | | |
| Residence on privately owned land | 115 | 5 | | | | | | | | | | | | | |
| | 120 | 10 | | | | | | | | | | | | | |
| All public infrastructure | - | 50 <small>(or a limit determined by structural design methodology in AS 21006, or its latest version, or other alternative limit public infrastructure, to the satisfaction of the Sect</small> | | | | | | | | | | | | | |

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| | | However, these criteria do not apply if the Applicant has a written agreement with the relevant owner to exceed these criteria and has advised the Department in writing of the terms of this agreement. | 5mm/s (<10mm/s) at privately owned residences. | |
| SSD 29 | S3 C15 | The Applicant must implement the approved Blast Management Plan for the development. | <p>In general, the Blast Management Plan was being implemented. Evidence of this included:</p> <ul style="list-style-type: none"> Blasting hours were being adhered to (refer Schedule 3, Condition 8) Blasting frequency was being adhered to (refer Schedule 3, Condition 9) Blast monitoring was being undertaken (refer Schedule 3, Condition 7) Blast notifications were being implemented and the Blasting Hotline was operational (refer Schedule 3, Condition 12) Blasting design and control procedures were being implemented such as completion of Shotfirer Checklist and Blast Controller Checklist (refer Schedule 3, Condition 12) Blasting criteria were being met (refer Schedule 3, Condition 7) with the exception of two (2) non-compliance listed below: <ul style="list-style-type: none"> 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. 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 vibration criteria of 100mm/s as agreed with the MWRC for Public Road Infrastructure was exceeded by 17.66 mm/s. | Recommendation as above. |
| SSD 30 | S3 C16 | <p>Odour</p> <p>The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.</p> | <p>Control measures to manage the release of odour from WCM are detailed in Section 5.2 of the Air Quality Management Plan (AQMP) (WI-ENV-MNP-0004) and in the Spontaneous Combustion Management Plan (AQMP - Appendix 3).</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> | Review the response to identified spontaneous combustion issues during OCE and other inspections. Develop and implement an appropriate procedure to mitigate off-site odour impacts. |

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| | | | <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>Ensure that biennial thermal surveys of the site are conducted as required. If the frequency of these surveys is proposed to be altered, the Spontaneous Combustion Management Plan (AQMP - Appendix 3) should be reviewed and updated to reflect this requirement.</p> | | | | | | | | | |
| SSD 31 | S3 C17 | <p>Air Quality Criteria</p> <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><small>Table 5: Air quality criteria</small></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> </tr> <tr> <td>24 hour</td> </tr> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> </tr> <tr> <td>^c Deposited dust</td> <td>Annual</td> </tr> </tbody> </table> <p>Notes:</p> <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. Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter – Deposited Matter - Gravimetric Method.</p> <p>d. Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary.</p> | Pollutant | Averaging period | Particulate matter < 10 µm (PM ₁₀) | Annual | 24 hour | Total suspended particulate (TSP) matter | Annual | ^c Deposited dust | Annual | <p>Mitigation and management measures listed in Section 5.1 of the AQMP were observed to be applied during the site inspection. The monitoring program indicates that the air quality conditions are good overall with exceedances likely due to extraordinary meteorological events rather than mine dust generation during the Audit period.</p> <p>Interview with dispatch operators on site indicated an understanding of the AQMP, response to triggers based on real time air quality monitors and mitigation actions.</p> <p>Observations on site during the Audit site inspection identified regular occurrences where substantial vehicle generated dust emissions were evident. 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. 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>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> |
| Pollutant | Averaging period | | | | | | | | | | | | |
| Particulate matter < 10 µm (PM ₁₀) | Annual | | | | | | | | | | | | |
| | 24 hour | | | | | | | | | | | | |
| Total suspended particulate (TSP) matter | Annual | | | | | | | | | | | | |
| ^c Deposited dust | Annual | | | | | | | | | | | | |
| SSD 33 | S3 C19 | <p>Operating Conditions</p> <p>The Applicant shall:</p> <p>a. implement all reasonable and feasible measures to minimise the off-site odour, fume, spontaneous combustion and dust</p> | <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</p> | <p>Review the use of real time meteorological data and consider the establishment of trigger levels to assist in proactively mitigating dust impacts associated</p> | | | | | | | | | |

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| | | <p>emissions of the development;</p> <p>b. implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;</p> <p>c. minimise any visible air pollution generated by the development;</p> <p>d. operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;</p> <p>e. minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note d to Table 5);</p> <p>f. co-ordinate the air quality management on site with the air quality management at the Moolarben and Ulan mines to minimise cumulative air quality impacts; and</p> <p>carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent.</p> | <p>the site boundaries, and where vehicle generated dust emissions were evident without sufficient controls in place to minimise these emissions.</p> <p>The majority of GHG emissions (80%) from the site are from the combustion of diesel fuel during operation. Measures to minimise the release of greenhouse gas (GHG) emissions from site are outlined in Section 5.3 of the AQMP.</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. 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>WCPL, MCO and UCML have entered into a data sharing agreement (executed on 22/01/2014) which enables them to access monitoring data and assists in reducing cumulative dust impacts.</p> <p>The air quality monitoring program for the site is outlined in Section 6 of the AQMP. The Audit air quality specialist reviewed monitoring locations as well as monitoring data and confirmed the monitoring conducted was in accordance with the AQMP.</p> | <p>with adverse weather conditions.</p> |
| SSD 35 | S3 C21 | The Applicant must implement the approved Air Quality Management Plan for the development. | <p>Observations during the site inspection identified the implementation of a range of control measures specified within the AQMP, including:</p> <ul style="list-style-type: none"> • Water sprays were being used on CHPP feed and product coal stockpiles • Areas were being progressively rehabilitated to minimise exposed areas • The air quality monitoring program including dust deposition, TSP, PM10 and PM2.5 monitoring was being implemented • Meteorological monitoring was being conducted • The use of real time meteorological and air quality data to proactively manage | <p>Refer to OFI's with respect to Schedule 3, Conditions 16, 17 and 19 as reproduced below:</p> <p>Review the response to identified spontaneous combustion issues during OCE and other inspections. Continue to implement and update as required the Spontaneous Combustion Management Plan to mitigate off-site odour impacts.</p> |

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| | | | <p>operational air quality impacts had been established.</p> <ul style="list-style-type: none"> Interviews with WCPL Dispatch Operators demonstrated the response where real time response triggers were activated, adverse weather conditions occurred or a dust complaint was received. The Dispatch Operators log their notes on the "Noise & Dust Assessment Form". A sample of completed forms were viewed by the Auditors and observed to include notes of the elevated dust levels and communication with the Mine Manager on potential causes and whether a change of operations is required. <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>With respect to Schedule 3, conditions 16 and 17, 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. 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>With respect to Schedule 3, Condition 19, 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. 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>Ensure that biennial thermal surveys of the site are conducted as required. If the frequency of these surveys is proposed to be altered, the Spontaneous Combustion Management Plan (AQMP - Appendix 3) should be reviewed and updated to reflect this requirement.</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> |
| SSD 43 | S3 C29 | <p>Water Management Performance Measures</p> <p>The Applicant must comply with the performance measures in</p> | <p>General</p> <p>The Water Management System currently being implemented by WCPL is for the separation of clean water where reasonable</p> | <p>The clean water diversion upslope of Pit 6 is to be installed to minimise clean</p> |

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Table 6 to the satisfaction of the Secretary.

Table 6: Water management performance measures

| Feature | Performance |
|--|--|
| General | Maintain separation between clean, dirt systems Minimise the use of clean water on site Design, install, operate and maintain in proper and efficient manner |
| Clean water diversion & storage infrastructure | Maximise as far as reasonable and feasible around disturbed areas on site |
| Sediment dams | Design, install and/or maintain sediment surface waters, except in accordance with Section 120 of the POEO Act. |
| Mine water storages | Design, install and/or maintain mine water no discharge of untreated mine water or Discharge treated mine water in accordance with Section 120 of the POEO Act. |
| Wilpinjong, Cumbo and Wollar Creeks | No greater impact than predicted for the quality |
| Aquatic, riparian and groundwater dependent ecosystems | Negligible environmental consequences development |
| Flood mitigation measures | Ensure all open cut pits, CHPP, coal storage areas exclude flows for all flood events year ARI. All final voids designed to exclude all flood event. |
| Overburden, CHPP Reject and Tailings | Design, install and maintain emplacement migration of pollutants due to seepage |
| Chemical and hydrocarbon storage | Chemical and hydrocarbon products in structures in accordance with relevant A |

and feasible, and dirty and mine water is being managed under the one system. The Water Management System as detailed in the SWMP is a well thought out and implemented system that allows for the containment and re-use of mine and dirty water.

There is a strategy in place to improve the segregation between mine and dirty water through the introduction of sediment dams within well established rehabilitation areas. This strategy can be improved by the commencement of water quality monitoring as detailed in the recommendations.

One of two non-compliances of this condition, is due to the uncontrolled release of water from downslope of Pit 8 on two separate occupations (9th and 19th February 2020). 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.

Clean water diversion & Storage Infrastructure

Following a recommendation of the Independent Environmental Audit in August 2018, a review was undertaken to document the assessment process for adopting or not adopting clean water diversions. The review included an assessment of WCPL's harvestable right position which is detailed in the 2020 Annual Return. This concluded that WCPL can achieve its harvestable rights position with the construction of the clean water diversions in Pit 8 and later, Pit 6.

The other key outcome from the review was only installing clean water diversions when it 'maximises, as far as reasonable and feasible, the diversion of clean water runoff around disturbed areas within the WCM site'. This is detailed in Section 5.1 of SWMP. This differs from the approach detailed in the last Secretary approved SWMP (June 2018) which showed a series of diversions above all mining disturbance areas.

The change in strategy is considered logical by the surface water specialist Auditor given the limitations of installing an extensive system of clean water diversions as a result of the natural topography, soil conditions and layout of the mine. Some of the proposed diversions detailed in the June 2018 revision of the SWMP are considered impractical, and if implemented, would likely cause more environmental harm though

water runoff into the mine water system. Rehabilitation of the clean water diversions following installation has been a problem for WCPL in the past, as evident by the limited vegetation establishment within that installed for Pit 8. Given the channel has been constructed in cut and exposed the underlying sodic subsoils, controlling erosion within the channel itself is proving difficult, with runoff from the undisturbed areas becoming sediment-laden when flowing along the channel before reaching the dam. It is recommended that the Pit 6 clean water diversion is installed via pushing up topsoil material from the low (disturbed) side of the channel, compacting and then seeding. This will allow runoff from the upslope (undisturbed) side of the channel to flow through existing vegetation against the compacted topsoil bund that should have a better opportunity to revegetate. This will prevent the runoff being exposed to sodic subsoils. This construction methodology is commonly referred to as a 'back-push bank' Its use is limited to gentle cross slopes and where longitudinal grades of 0.5-1% can be achieved along the bank to divert runoff around the proposed

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| | | | <p>required vegetation clearing and potential for erosion.</p> <p>A clean water diversion drain and associated dam has been installed upslope of Pit 8 within Slate Gully. Water collected within this dam can be released from site via pumping to EPL No. 30 located between Pit 8 and Ulan-Wollar Road. EPL12425 includes a condition requiring the TSS of the released water to be less than the reading at the upstream gauging station on Wilpinjong Creek. An automatic water monitoring system that continually monitors the turbidity reading within the dam is in place, with water only released via opening a valve on the outlet pipe when meeting the EPL condition. WCPL are currently working on upgrading the automation of the system to allow water to be released remotely should turbidity levels meet the required criteria. In the meantime, opening the valve is restricted to WCPL environmental personnel by using a manual locking system.</p> <p>At the time of the Audit, a clean water diversion drain had not been installed around Pit 6. This area was inspected and WCPL personnel had a plan for how it can be implemented.</p> <p>The second non-compliance of this condition, is due to the Pit 6 clean water diversion not being in place and therefore not complying with 'maximise as far as reasonable and feasible the diversion of clean water around disturbance areas on site'</p> <p>Sediment Dams</p> <p>Currently there are no sediment dams that are designed to overflow off-site, with all water storages considered part of the mine water system. At such time that the rehabilitated areas are stable enough to allow for suitable water quality within the dams for offsite release, their outlets will be modified.</p> <p>As requested by the EPA, WCPL will apply as required to vary EPL 12425 to incorporate any sediment dams that will discharge off-site under high intensity rainfall events.</p> <p>Mine Water Storages</p> <p>Mine water is contained onsite via downstream bunds and an extensive pumping system that transfers water between mine water storages. The pumping system allows for mine water to re-used onsite, create additional storage to prevent off-site discharges or the release of excess water off site following treatment via the WTP.</p> <p>Wilpinjong, Cumbo and Wollar Creeks</p> | <p>disturbance area without the need for cutting through ridgelines/humps. Based on site observations, the majority of the Pit 6 diversion appeared suitable.</p> <p>Start planning for the implementation of sediment basin installation within rehabilitated catchments. This would include routine water samples of collected surface water following runoff forming rainfall events to monitor water quality and assess when it's of a suitable quality to enable off-site release via applying to NSW EPA to vary EPL 12425. The requirement to release runoff off-site from sediment basins will likely become critical in the future life of the mine should above average rainfall continue based on the Site Water Balance predictions. This is due to daily limits placed on discharges from EPL Point No.24 out of the mine water system, resulting in an increase in water storages within the mine voids which may begin to impact on coal production operations.</p> <p>It is recommended that the predicted impacts of the mine on water flow are reviewed, and performance measures included in the SWMP.</p> |

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| | | | <p>Baseline stream flow data for Wilpinjong Creek and water quality data across Wilpinjong, Cumbo and Wollar Creeks is presented in the SWMP. The predicted impacts however are not included.</p> <p>The streamflow monitoring data at the upstream and downstream gauging stations on Wilpinjong Creek and upstream gauging station on Cumbo Creek are presented in the 2018, 2019 and 2020 Annual Reviews. The 2019 and 2020 Annual Reviews included detailed analysis of the collected data against recorded rainfall. Likewise, water quality data is presented and well analysed in the 2018, 2019 and 2020 Annual Reviews.</p> <p>Water quality monitoring, triggers and responses are well defined in the SWMP.</p> | |
| | | | <p>Aquatic, riparian and groundwater dependant ecosystems</p> <p>Stream health monitoring, triggers and responses are well defined in the SWMP.</p> <p>Annual channel stability monitoring is undertaken along Wilpinjong and Cumbo Creeks to provide qualitative measures of stream bed and bank erosion. The 2018, 2019 and 2020 annual monitoring reports found that the channel stability rating had either improved or remained constant for the majority of the 59 monitoring sites. It should be noted that 2018 and 2019 were very dry years with 2020 receiving above average rainfall. The annual monitoring undertaken by Ecological Australia, concluded in the 2020 report that ongoing mining operations are not causing stability issues within the target creek system.</p> <p>Annual Stream monitoring is undertaken along Wilpinjong, Wollar, Cumbo and Barigan Creeks. The 2020 report concluded that aquatic habitat assessments recorded mid-range scores, typical of catchments in the region. Water quality had fluctuated over the years since monitoring began in 2016 and macroinvertebrate scores increased in 2020 following declines in previous years associated with drought and below average rainfall. The temporal and spatial consistency of the macroinvertebrates results indicate that historical disturbances within the catchments surrounding WCM are the main factors responsible for current stream health conditions rather than through impacts caused by mining.</p> <p>Flood mitigation measures</p> <p>As stated in the SWMP, the WCM is located outside the extent of flood events exceeding the 1 in 100-year ARI event from Wilpinjong Creek. Flood mitigation measures (i.e. bunds) are implemented along Cumbo</p> | |

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| | | | <p>Creek to prevent at least the 1 in 100-year ARI flood events from entering open cut pits. As stated in the SWMP, the two final voids will be designed to exclude all events up to the probable maximum flood.</p> <p>Overburden, CHPP Reject and Tailings</p> <p>The site is designed to capture all runoff within the downslope pit voids and dams. Chemical and Hydrocarbon Storage Vehicle washdown and refuelling area was well maintained and staff had a good understanding of the environmental risks associated with the infrastructure and handling of fuels, oils and greases. The oil and water separators are routinely inspected and maintenance scheduled as required.</p> | |
| SSD 44 | S3 C30 | <p>Water Management Plan</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. This plan must:</p> <ol style="list-style-type: none"> a. be prepared in consultation with DPI Water and EPA, by suitably qualified and experienced persons whose appointment has been approved by the Secretary; b. include detailed performance criteria and describe measures to ensure that the Applicant complies with the water management performance measures (see Table 6); c. consider the recommendations of the IESC advice (IESC 2016-078), dated 2 September 2016 and the recommendations for management of potentially acid forming (PAF) and sodic materials as identified in the Geochemistry Assessment (Appendix K) completed for the EIS; and d. in addition to the standard requirements for management plans (see condition 3 of schedule 5), this plan must include a: <ol style="list-style-type: none"> i. <u>Cumbo Creek Relocation Plan that includes:</u> <ul style="list-style-type: none"> • a vision statement for the creek relocation; | <p>Water Management Plan Development</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. 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>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> <p>Cumbo Creek Relocation Plan</p> <p>WCPL sent a letter to the NSW Department of Planning dated 8 June 2017 proposing a timeframe for the completion and approval of the Cumbo Creek Relocation Plan. This timeframe was:</p> <p>2021-2023 – development of mine planning, engineering and supporting technical advice for the creek relocation</p> | <p>Surface Water</p> <p>Update the Site Water Balance to detail the investigation and implementation of water saving measures during the 2017-2019 drought</p> <p>Update the SWMP to include the developed performance triggers for the reinstatement of drainage lines to allow water flow offsite.</p> <p>Update the SWMP to include developed performance criteria for investigating any potential or adverse impacts on channel stability attributed to WCM activities along with an associated TARP.</p> <p>Groundwater</p> <p>A number of groundwater trigger exceedances were identified in 2018, 2019 and 2020 and were only investigated within the annual review at years end. Quarterly data reviews should be undertaken to identify trends and investigate</p> |

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| | | <ul style="list-style-type: none"> an assessment of the water quality, ecological, hydrological and geomorphic baseline conditions in Cumbo Creek; the detailed design and specifications for the creek relocation; a construction program for the creek relocation, describing how the work would be staged, and integrated with mining operations; a revegetation program for the relocated creek using a range of suitable native species; • water quality, ecological, hydrological and geomorphic performance and completion criteria for the creek relocation based on the assessment of baseline conditions; and • a program to monitor and maintain the water quality, ecological, hydrological and geomorphic integrity of the creek relocation; | <p>2024 – preparation of the draft Cumbo Creek Relocation plan and conduct of associated regulatory consultation</p> <p>2025 – approval of the Cumbo Creek Relocation Plan</p> <p>The NSW Department of Planning & Environment have subsequently accepted this approach with a letter provided in August 2017, approving the Water Management Plan without the inclusion of the Cumbo Creek Relocation Plan. As such, the WMP currently does not contain the Cumbo Creek Relocation Plan as it is yet to be developed.</p> <p>Site Water Balance</p> <p>WCPL engaged SLR Consulting Australia Pty Ltd (SLR) to update the Site Water Balance under a 2021 review, of which details are summarised within the June 2021 WMP. A detailed review of the Site Water Balance (Revision 5 dated June 2021) found that it adequately covers the requirements outlined in this condition. The 2021 revision of the site water balance only extends to December 2023, and as such, its ability to inform longer term management decisions is limited.</p> <p>In addition, WCPL personnel informed Audit personnel that a synthetic dust suppressant is also added to the water carts to assist with minimising water use.</p> <p>Surface Water Management Plan</p> <p>The latest revision of the SWMP is Revision 5 dated June 2021 and is included in Appendix 2 of the WMP Revision 7 dated June 2021.</p> <p>A detailed review of the SWMP identified that the plan adequately contained the contents required. The following areas could be improved:</p> <ul style="list-style-type: none"> The Plan comments that a study is underway by Alluvium to develop a suitable drainage system for WCPL to reinstate drainage lines in rehabilitation areas. As part of this study, the Plan states that ‘WCPL will develop appropriate trigger levels for the reinstated drainage lines over the course of 2017 and 2018. Once completed, this SWMP will be updated to include the trigger levels for the reinstated drainage lines’. It is recommended these triggers are developed and included in the next update of the SWMP. Including performance criteria for investigating any potential or adverse impacts on channel stability attributed to WCM activities along with an associated TARP. | <p>exceedances as early as possible. Update TARP and the 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.</p> <p>Solubility of key metals from core testing to be analysed and included in annual review.</p> <p>Indicate timeframe for monthly parameter sampling to commence. Commence monthly sampling for parameters outlined in Table 8 of the GWMP, or include comment with respect to dry boreholes.</p> <p>Describe the screened intervals of PZ13, PZ20, PZ21 and PZ2 as per Table 8 of the GWMP</p> <p>EC triggers for GWc1, GWc3 and GWc5 are recommended to be revised based on 80th percentiles of the full monitoring record at each site. These revised values are well below the values naturally found in the alluvium and below the guideline value.</p> <p>With respect to exceedance of the “Cease to pump</p> |
| | | <p>ii. <u>Site Water Balance that:</u></p> <ul style="list-style-type: none"> includes details of: <ul style="list-style-type: none"> sources and security of water supply, including contingency planning for future reporting periods; water use and management on site, including details of water sharing between neighbouring mining operations (if applicable); any off-site water transfers and discharges; reporting procedures, including the preparation of a site water balance for | <p>Groundwater</p> | |

| Ref No. | Condition No. | Requirement | Independent Audit Finding | Recommendation |
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| | | <p>each calendar year; and</p> <ul style="list-style-type: none"> • investigates and implements all reasonable and feasible measures to minimise water use on site; <p>iii. <u>Surface Water Management Plan that includes:</u></p> <ul style="list-style-type: none"> • detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the development; • a program to augment the baseline data over the life of the project; • a detailed description of the water management system on site, including the <ul style="list-style-type: none"> ○ clean water diversions; ○ sediment dams and associated infrastructure; ○ mine water management system; ○ final voids; and ○ reinstatement of drainage lines on the rehabilitated areas of the site; • detailed objectives and performance criteria, including trigger levels for investigating any potential or actual adverse impacts associated with the development, for: <ul style="list-style-type: none"> ○ downstream surface water quality; ○ stream and riparian vegetation health in Wilpinjong, Cumbo and Wollar Creeks; ○ channel stability; ○ design and management for the emplacement of coal reject, tailings materials and saline, sodic and PAF materials; ○ reinstatement of drainage lines on | <p>2019</p> <p>Climatic conditions have resulted in exceedances of the trigger levels for groundwater monitoring in alluvial material. Notification to relevant government agencies did not occur in the nominated time frame. Initial investigations by WCPL identified the potential source of the trigger exceedances to be non-mine related due to extreme ongoing climatic conditions experienced in 2019.</p> <p>2020</p> <p>Non-compliance of Section 8.2 of the Groundwater Management Plan – did not report to relevant agencies as soon as practicable that an exceedance of the groundwater quality trigger levels had occurred.</p> <p>Two alluvial bores exceeded the EC criteria in 2020 including GWA5 and GWA7.</p> <p>Trigger EC exceedances for coal monitoring bores were observed in GWc1, GWc2, GWc3, and GWc5</p> <p>The groundwater assessment is carried out annually by WCPL’s specialist groundwater consultants, which identified the potential source of the trigger exceedances in the majority of bores to be non-mine related due to extreme ongoing climatic conditions experienced in 2019/2020 period.</p> <p>GWA5 and GWA7 are subject to further investigation in 2021 to determine if the bores are functioning correctly.</p> <p>EC triggers for GWc1, GWc3 and GWc5 are recommended to be revised based on 80th percentiles of the full monitoring record at each site. These revised values are well below the values naturally found in the alluvium and below the guideline value.</p> <p>Quarterly reviews to identify earlier trends and exceedances</p> <p>Update TARP and the GWMP as required.</p> <p>Non-compliance of Sections 7.1.2 and 8.2 of the Groundwater Management Plan – exceeded “Cease to pump trigger level” and did not report to relevant agencies as soon as practicable that an exceedance of the “Cease to pump trigger levels” had occurred.</p> <p>Groundwater level observations at GWc11 were below the “Cease-to-pump trigger level” for both the January and February 2020 observations, by 0.54 m and 0.91 m respectively.</p> <p>The exceedance in January and February 2020 is likely related to a combination of severe below average rainfall conditions from 2017 to early 2020, nearby open-cut</p> | <p>trigger levels”, Implementation of SLR’s recommendations should occur. Ensure that Quarterly reviews identify earlier trends and exceedances. Update TARP and the GWMP as required.</p> |

| Ref No. | Condition No. | Requirement | Independent Audit Finding | Recommendation |
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| | | <ul style="list-style-type: none"> the rehabilitated areas of the site; and control of any potential water pollution from the rehabilitated areas of the site; a program to monitor and report on: <ul style="list-style-type: none"> the effectiveness of the mine water management system; surface flows and water quality, channel stability, stream and riparian vegetation health of Wilpinjong, Cumbo and Wollar creeks, including statistical trend analysis of salinity and other parameters; the performance measures listed in Table 6; impacts on water users; reporting procedures for the results of the monitoring program; and a plan to respond to any exceedances of the trigger levels/ and or performance criteria, and mitigate and/or offset any adverse surface water impacts of the development, including measures to provide compensatory water supply to any affected downstream water use under condition 24 of this schedule; | <p>mining operations, and extraction from GWs11, PB1 and the 'Turkey's Nest' bores. The magnitude of the exceedance is minor, and recovery above the "Cease to pump trigger" was observed when pumping stopped and rainfall increased in March 2020.</p> <p>AGE is in agreeance with the text provided above from WCPL Annual Reviews.</p> <p>Appendix 3 of WMP – GWMP – assessment against condition 30 (d) (iv):</p> <ul style="list-style-type: none"> Condition 30 (a) is compliant Condition 30 (b) is compliant Condition 30 (c) IESC GW advice shown in bold below with AGE response: <p>A plan to conduct additional core testwork as mining advances (GWMP Section 6.2):</p> <p>Core samples from 5 boreholes were provided for 2021 (ALS report number GB-20-J131_001-version1). The GWMP states "WCPL would opportunistically undertake core sampling and testing during exploration drilling...from a minimum of two boreholes annually". This data is to be stored within a database which would be used to constrain and validate model parameters and guide future groundwater assessments.</p> <p>Solubility studies of arsenic, selenium and molybdenum in waste and reject material: Core testing would also include solubility studies of waste and reject materials (i.e. arsenic, selenium and molybdenum). Porosity and permeability were analysed in ALS report but there is no mention of key metals.</p> <p>Install additional groundwater bores in backfill areas:</p> <p>Compliant – four additional spoil bores installed 2019.</p> <p>Include analyses for molybdenum in the groundwater sampling Program:</p> <p>Compliant</p> | |
| | iv. | <p><u>Ground Water Management Plan that includes:</u></p> <ul style="list-style-type: none"> detailed baseline data of groundwater levels, yield and quality in the region that could be affected by the development, including privately-owned groundwater bores and groundwater dependent ecosystems; groundwater assessment criteria | <p>Monthly and event based metals monitoring:</p> <p>Non-compliant. Table 8 of the GWMP states planned monthly monitoring for certain parameters. Only select bores from the list have been sampled monthly for these parameters.</p> <p>Resume monitoring at four piezometers in the vicinity of the existing Tailings Dams (PZ13, PZ20, PZ21 and PZ26).</p> | |

| Ref No. | Condition No. | Requirement | Independent Audit Finding | Recommendation |
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| | | <p>including trigger levels for investigating any potentially adverse groundwater impacts;</p> <ul style="list-style-type: none"> • a program for accurately delineating the boundary of the Wilpinjong Creek alluvial aquifer in any areas intersected by mining; • a program to monitor and report on: <ul style="list-style-type: none"> ○ impacts of the development on: <ul style="list-style-type: none"> – groundwater supply of potentially affected landowners; – regional and local (including alluvial) aquifers; – groundwater dependent ecosystems and riparian vegetation; ○ connectivity and groundwater leakage to/from Cumbo Creek following relocation; ○ the seepage/ leachate from water storages and emplacements; ○ groundwater inflows into open cut/ voids and transfers to the water management system; ○ ground water levels and/or pressure and quality in the alluvial, coal seam, and inter-burden aquifers; and • a program to review and validate the groundwater model for the development, including independent expert review; and <p>a plan to respond to any exceedances of the trigger levels and/or performance criteria, and mitigate and/or offset any adverse groundwater impacts of the development, including measures to provide compensatory water supply to any affected</p> | <p>Describe the screened intervals of the relevant piezometers:</p> <ul style="list-style-type: none"> • Monitoring has resumed at these locations, however the screened intervals are not included in the annual review. • Adequate baseline groundwater level and quality data (from 2004) and yield from pumping tests and falling/rising head tests. • Adequate assessment criteria including trigger levels. • Previous geophysical and geological/drilling investigations completed between 2011 and 2014 to define alluvial boundary in Wilpinjong Creek. • Private bore census completed. Procedure in place for adverse effects to single private bore at Wollar Public School pending notification from School. • Regional and local aquifers monitored monthly. • Wilpinjong Creek (stream and associated riparian vegetation) identified as a GDE. Wilpinjong Creek alluvium regularly monitored. • Cumbo Creek connectivity leakage was assessed for original creek location – N/A re relocation. • Monitoring in place for water storages and spoil. • Inflows into open cuts and transfers summarised from pumping records in annual review. • Groundwater levels and quality monitored in relevant aquifers. <p>Groundwater model developed by Hydrosimulations (2015) was updated by SLR in 2020 – unclear whether the model was reviewed by an independent expert or when the last independent review was undertaken. Model validity was assessed three years post model build (i.e. 2018) as per section 6.4 of GWMP.</p> <p>TARPs in place – exceedance reported as ‘soon as practicable’. Investigation report to relevant agencies required within seven days of identified non-compliance. RFI correspondence (PR148231_IEA_RFI_3_210930) indicates TARPs in the latest GWMP (V5) contain wording “WCPL will notify upon verification of a mining related exceedance”.</p> | |

| Ref No. | Condition No. | Requirement | Independent Audit Finding | Recommendation |
|---------|---------------|--|--|--|
| | | groundwater users under condition 24 of this schedule; | | |
| SSD 71 | S3 C57 | <p>Operating Conditions</p> <p>The Applicant must:</p> <ul style="list-style-type: none"> a. implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development, including establishing and maintain a vegetation screen between Ulan-Wollar Road and the Pit 3 to Pit 8 haul road cutting; b. ensure no fixed outdoor lights shine above the horizontal; c. ensure no in-pit mobile lighting rigs shine directly above the pit wall and other mobile lighting rigs do not shine above the horizontal; d. ensure no lighting shines directly on the Shale Oil Mine Audit; and <p>ensure that all external lighting associated with the development complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version.</p> | <p>The vegetation screen which is in place between Ulan-Wollar Road and the Pit 3 – Pit 8 haul road was observed during the site inspection and was noted to block the majority of the view of the mine from Ulan-Wollar road.</p> <p>External Lighting AS4282 Compliant Audit Report, MRA 20.10.2017</p> <p>Lighting Plant procedure (WI-NIN-PRO-0048) outlines measure to ensure lighting does not shine above the horizontal. Mobile lighting rigs were observed to have heads facing down and to be positioned to shine into the pit.</p> <p>Pit 8 is currently located significantly away from the Shale Oil Mine with lighting systems noted to be shining into Pit 8 and not towards the Shale Oil Mine. Mining is currently moving towards the Shale Oil Mine.</p> <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. 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>It should be noted that the western pre-start area is currently under constructions and will be completed during the next Audit period.</p> | <p>Attain documentation confirming that Pit 3 pre-start area complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting.</p> <p>Ensure adequate document management and filing is undertaken for all future construction activities.</p> |
| SSD 72 | S3 C58 | <p>The Applicant must:</p> <ul style="list-style-type: none"> a. implement all reasonable and feasible measures to minimise waste (including coal rejects and tailings) generated by the development; b. ensure that the waste generated by the development is appropriately stored, handled and disposed of; c. manage on-site sewage treatment and disposal in accordance with the requirements of Council; d. ensure irrigation of treated wastewater is undertaken in accordance with OEH’s Environmental Guideline for the Utilisation of Treated Effluent; | <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 (Incident 10000303728) 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>Management of on-site sewage treatment was reviewed by the Auditors and was generally complying with Council’s requirements. ALS report ME1700716 for analysis of effluent was sighted.</p> <p>Building and demolition waste was noted to be deposited in Pit 7 South during the Audit period from the demolition of derelict structures in Wollar.</p> | <p>While there was evidence of email communication of cross contamination of waste streams these issues from the Environment team to other relevant departments, there is the opportunity to improve this process to ensure that these items are effectively closed, and evidence is maintained. This may include reporting these incidents in SAP to ensure that evidence is attached, and closure of the matter can be tracked.</p> <p>There is the opportunity to</p> |

| Ref No. | Condition No. | Requirement | Independent Audit Finding | Recommendation |
|---------|---------------|---|---|---|
| | | <p>e. only dispose of building and demolition wastes and tyres on-site in accordance with an EPL; and</p> <p>monitor and report on effectiveness of the waste minimisation and management measures in the Annual Review.</p> | <p>The tyre burial register cited during the site inspection indicated that tyre burials during the Audit period have not exceeded the 350 tonne per annum limit as per EPL.</p> <p>Monitoring and reporting on effectiveness of the waste minimisation and management measures was observed in Section 6.5 of the Annual Reviews for the Audit period.</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>improve the reporting and management of spills, and the identification and management of remediation cells.</p> <p>Ensure IBCs, fuel pods, and barrels are located in suitable, bunded, hardstand areas (preferably covered). WCPL noted that a new bunded storage area is currently under construction to store IBCs.</p> |
| SSD 75 | S3 C61 | <p>Rehabilitation Strategy</p> <p>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. This strategy must:</p> <p>f. in consultation with the proponent of the Moolarben Coal Mine, investigate options to integrate the final landform with the Moolarben Coal Mine, including options to integrate final voids and minimise the sterilisation of land post-mining;</p> <p>g. include an assessment of partially backfilling voids 2 and 6 above the groundwater equilibrium level having regard to the final void rehabilitation objectives in Table 11, including consideration of downstream water quality and the objectives in Table 6;</p> <p>h. include a revised final landform plan which builds on the rehabilitation objectives in Table 11, including incorporation of micro-relief, landform stability, hydrological and ecological function; and</p> <p>i. include detailed justification for proposed changes to the final landform, having regard to the approved post-mining land use.</p> | <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> | <p>Attain sign off of Rehabilitation Strategy from DPIE.</p> |

| Ref No. | Condition No. | Requirement | Independent Audit Finding | Recommendation |
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Note: The strategy should build on the proposed rehabilitation strategy shown in Appendix 8.

6.1.2 Mining Leases

There were no Non-Compliances identified against the relevant Mining Leases during the Audit period.

6.2 Summary of Opportunities for Improvement


Table 12 below outlines the opportunities for improvement (OFI) identified during the Audit. The OFIs detailed below are based around continuous improvement opportunities identified during the Audit and do not represent immediate non-compliance issues.

Table 12 Summary of Opportunities for Improvement

| OFI Ref | Condition Ref | Context | Opportunities for Improvement |
|---------|---------------|-----------------------------|---|
| OFI 01 | S2 C10 | Document management | Ensure document control and management for future construction projects is recorded through a traceable system that is accessible to WCPL. |
| OFI 02 | S2 C10 | Document management | Undertake periodic audits of construction projects to ensure accurate and progressive document management is occurring. |
| OFI 03 | S3 C6 | Noise Monitoring | It is recommended that all real-time monitors be fitted with new wind shields certified by the supplier to be rated for wind noise mitigation up to 5 m/s and continued exposure to the elements, to ensure noise management procedures are informed by data uncorrupted as much as possible by wind. |
| OFI 04 | S3 C7 | Blast Planning | Review "site laws" (site-based prediction equations) for ground vibration and air blast overpressure and amend blast design and Blast Management Plan as required. |
| OFI 05 | S3 C16 | Odour | Review the response to identified spontaneous combustion issues during OCE and other inspections. Develop and implement an appropriate procedure to mitigate off-site odour impacts. |
| OFI 06 | S3 C16 | Odour | Ensure that biennial thermal surveys of the site are conducted as required. If the frequency of these surveys is proposed to be altered, the Spontaneous Combustion Management Plan (AQMP - Appendix 3) should be reviewed and updated to reflect this requirement. |
| OFI 07 | S3 C17 | Dust management | 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. |
| OFI 08 | S3 C19 | Air Quality | Review the use of real time meteorological data and consider the establishment of trigger levels to assist in proactively mitigating dust impacts associated with adverse weather conditions. |
| OFI 09 | S3 C20 | Air Quality Management Plan | Further to recommendations against condition S3 C19, it is noted that there is reference in the AQMP to "adverse meteorological conditions", however these are not defined within the AQMP. It is recommended that the AQMP is reviewed to define what constitutes adverse weather conditions and to ensure that these definitions are incorporated into appropriate responses and trigger levels during site operations. |
| OFI 10 | S3 C21 | Air Quality Management Plan | Review the response to identified spontaneous combustion issues during OCE and other inspections. Develop and implement an appropriate procedure to mitigate off-site odour impacts. |

| OFI Ref | Condition Ref | Context | Opportunities for Improvement |
|---------|---------------|---------------------------------------|---|
| OFI 11 | S3 C23 | Site water balance | It is recommended that the current site water balance (SLR, 2021) is updated to extend its modelling period to cover the life of mine (i.e. 2033) as part of the 2022 review. This will help guide future water management decisions such as the introduction of sediment dams to enable the offsite release of surface runoff from rehabilitation areas, scale and extent of clean water diversions, required scale of water quality treatment for off-site discharge of mine water and potential need for mine water transfer with neighbouring mines. |
| OFI 12 | S3 C23 | Groundwater | Include groundwater take from pastoral activities in annual review to ensure the take is less than the allocated 100 ML/yr held by Peabody Pastoral Holdings Pty Ltd. |
| OFI 13 | S3 C24 | Compensatory Water Supply | Implementation of contingency measures for private water supply users is dependent on notification from the user (i.e., Wollar Public School) to WCPL that there has been "a decrease in water level and/or reduction in yield from the bore". The Wollar Public School bore groundwater level should be monitored regularly (i.e., quarterly) to record seasonal groundwater trends and levels, noting that the Wollar School has been in recess for 3 years and may not re-open. |
| OFI 14 | S3 C29 | Water Management Performance Measures | The clean water diversion upslope of Pit 6 is to be installed to minimise clean water runoff into the mine water system. Rehabilitation of the clean water diversions following installation has been a problem for WCPL in the past, as evident by the limited vegetation establishment within that installed for Pit 8. Given the channel has been constructed in cut and exposed the underlying sodic subsoils, controlling erosion within the channel itself is proving difficult, with runoff from the undisturbed areas becoming sediment-laden when flowing along the channel before reaching the dam. It is recommended that the Pit 6 clean water diversion is installed via pushing up topsoil material from the low (disturbed) side of the channel, compacting and then seeding. This will allow runoff from the upslope (undisturbed) side of the channel to flow through existing vegetation against the compacted topsoil bund that should have a better opportunity to revegetate. This will prevent the runoff being exposed to sodic subsoils. This construction methodology is commonly referred to as a 'back-push bank' Its use is limited to gentle cross slopes and where longitudinal grades of 0.5-1% can be achieved along the bank to divert runoff around the proposed disturbance area without the need for cutting through ridgelines/humps. Based on site observations, the majority of the Pit 6 diversion appeared suitable. |
| OFI 15 | S3 C29 | Water Management Performance Measures | Start planning for the implementation of sediment basin installation within rehabilitated catchments. This would include routine water samples of collected surface water following runoff forming rainfall events to monitor water quality and assess when it's of a suitable quality to enable off-site release via applying to NSW EPA to vary EPL 12425. The requirement to release runoff off-site from sediment basins will likely become critical in the future life of the mine should above average rainfall continue based on the Site Water Balance predictions. This is due to daily limits placed on discharges from EPL Point No.24 out of the mine water system, resulting in an increase in water storages within the mine voids which may begin to impact on coal production operations. |
| OFI 16 | S3 C29 | Water Management Performance Measures | It is recommended that the predicted impacts of the mine on water flow are reviewed and performance measures included in the SWMP. |
| OFI 17 | S3 C30 | Surface Water Management Plan | Update the Site Water Balance to detail the investigation and implementation of water saving measures during the 2017-2019 drought |
| OFI 18 | S3 C30 | Surface Water Management Plan | Update the SWMP to include the developed performance triggers for the reinstatement of drainage lines |
| OFI 19 | S3 C30 | Surface Water Management Plan | Update the SWMP to include developed performance criteria for investigating any potential or adverse impacts on channel stability attributed to WCM activities along with an associated TARP. |

| OFI Ref | Condition Ref | Context | Opportunities for Improvement |
|---------|---------------|-------------------------------|--|
| OFI 20 | S3 C30 | Groundwater Management Plan | A number of exceedances were identified in 2018, 2019 and 2020 and were only investigated within the annual review at years end. Quarterly data reviews should be undertaken to identify trends and investigate exceedances as early as possible. Update TARP and the GWMP as required. |
| OFI 21 | S3 C30 | Groundwater Management Plan | Core sampling report, when undertaken, to be included in annual groundwater review as an appendix. Hydraulic conductivity values should be used to update groundwater model if appropriate. |
| OFI 22 | S3 C30 | Groundwater Management Plan | Annual review should include information as to whether the model updates were independently reviewed. |
| OFI 23 | S3 C30 | Groundwater Management Plan | Solubility of key metals from waste and reject bore holes to be analysed and included in annual review. |
| OFI 24 | S3 C30 | Groundwater Management Plan | Indicate timeframe for monthly parameter sampling to commence. Commence monthly sampling for parameters outlined in Table 8 of the GWMP. |
| OFI 25 | S3 C30 | Groundwater Management Plan | Describe the screened intervals of PZ13, PZ20, PZ21 and PZ2 as per Table 8 of the GWMP. |
| OFI 26 | S3 C56 | Documentation | Recommended that formal correspondence be issued to the remaining resident in the form of a letter/email outlining that their entitlements for mitigation. |
| OFI 27 | S3 C57 | Lighting | Attain documentation confirming that Pit 3 pre-start area complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting. |
| OFI 28 | S3 C57 | Documentation | Ensure adequate document management and filing is undertaken for all future construction activities. |
| OFI 29 | S3 C58 | Waste tracking | While there was evidence of email communication of cross contamination of waste streams these issues from the Environment team to other relevant departments, there is the opportunity to improve this process to ensure that these items are effectively closed, and evidence is maintained. This may include reporting these incidents in SAP to ensure that evidence is attached, and closure of the matter can be tracked. |
| OFI 30 | S3 C58 | Remediation cells | There is the opportunity to improve the reporting and management of spills, and the identification and management of remediation cells. |
| OFI 31 | S3 C58 | Chemical storage | Ensure IBCs, fuel pods, and barrels are located in suitable, bunded, hardstand areas (preferably covered). WCPL noted that a new bunded storage area is currently under construction to store IBCs. |
| OFI 32 | S3 C60 | Rehabilitation Objectives | Landform design appeared stable however, recommendations are for surface preparations on new rehab areas to include the following: <ul style="list-style-type: none"> • Install appropriately designed graded banks on rehab slopes. • Contour rip surface to key in topsoil to overburden and provide infiltration of rainwater. Current smooth surface and non-graded, non-designed windrow type diversion channels on slopes facilitates increased surface runoff leading to rills/gullies, sedimentation of channels and rehab failures. • Consider accountability and signoff trail for rehab areas for handover from production team/OCE to ensure standards of landform and surface prep are met prior to sowing and revegetation. |
| OFI 33 | S3 C60 | Rehabilitation Objectives | Install additional access tracks throughout rehab to provide easy access for rehab inspections and maintenance. |
| OFI 34 | S3 C60 | Rehabilitation Objectives | Revise topsoil parameters within the completion criteria as they are currently not suitable for the soils on site. |
| OFI 35 | S3 C61 | Rehabilitation Strategy | Attain sign-off of Rehabilitation Strategy from DPIE. |
| OFI 36 | S3 C68 | Social Impact Management Plan | Consider the Social Impact Assessment Guideline for State Significant Projects July 2021 for future revisions. |



Appendix A DPIE Audit Team Approval Letters



Mr Kieren Bennetts
Environment and Community Manager
Wilpinjong Coal
Locked Bag 2005,
New South Wales 2850

26/02/2021

Dear Kieren,

**Wilpinjong Extension Project - SSD-6764
Independent Environment Audit Team 2021 Endorsement**

I refer to your request (SSD-6764-PA-26) seeking approval of the audit team for the upcoming Independent Environmental Audit of [REDACTED] Wilpinjong Extension Project (the Project) in accordance with Schedule 5 Condition 10 of SSD-6764 (the Consent).

The Department has reviewed the nominations and information you have provided and is satisfied that the experts from RPS are suitably qualified and experienced. Consequently, I can advise that the Secretary endorses the appointment of

- Mr Ian Richardson (Lead Auditor, expert Specialist Air and document reviewer);
- Mr Shaun Smith (Assisting the Lead Auditor);
- Mr Neil Pennington (Expert Specialist Noise);
- Mr Dean Jarvis (Expert Specialist Surface Water);
- Mr Bryce McKay (Expert Specialist Groundwater); and
- Ms Dee Murdoch (Expert Specialist Mine Rehabilitation)

to undertake the audit in accordance with Schedule 5, Condition 10 of the Consent.

Please ensure this correspondence is appended to the Independent Audit Report.

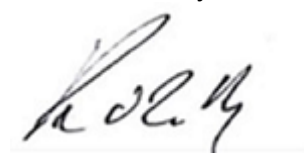
The audit is to be conducted in accordance with the Department's Independent Audit Post Approval Requirements (May 2020). A copy of the requirements can be located at <https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Compliance-policy-and-guidelines/Independent-audit-post-approval-requirements>. Auditors may wish to have regard to AS/NZS ISO 19011 Australian/New Zealand Standard: Guidelines for quality and/or environmental management systems auditing.

Within 3 months from undertaking the Audit, in accordance with Schedule 5 Condition 11, Wilpinjong Coal Pty Limited (WCPL) are to submit the Audit report, including the response to any recommendations contained in the Audit report and a timetable to implement the recommendations, to the Secretary.

The Department reserves the right to request an alternate auditor or audit team for future audits.

If you wish to discuss the matter further, please contact myself on 0429400261 or at katrina.oreilly@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. O'Reilly', enclosed in a thin black rectangular border.

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



Mr Kieren Bennetts
Environment and Community Manager
Wilpinjong Coal
1434 Ulan-Wollar Road
Wilpinjong New South Wales 2850

11/05/2021

Dear Mr Bennetts

**Wilpinjong Coal 2 – SSD 6764
Additional IEA Team member 2021**

I refer to your request (SSD-6764-PA-28) for the Secretary's approval of a suitably qualified person to be included in the Independent Environmental Audit (IEA) team to assist in preparing the IEA for the Wilpinjong Coal 2 – SSD 6764 (the project).

The Department has reviewed the nomination and information you have provided and is satisfied that Mr Sam Mitchell of RPS is suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of Mr Mitchell as Assisting Lead Auditor in the preparation of the IEA. This is conditional of Mr Mitchell being independent of the project.

Please ensure this correspondence is appended to the Independent Audit Report.

If you wish to discuss the matter further, please contact myself on 0429400261 or at katrina.oreilly@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Katrina O'Reilly', enclosed in a thin black rectangular border.

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



Mr Kieren Bennetts
Environment and Community Manager
Wilpinjong Coal Pty Ltd
Wilpinjong New South Wales 2850

09/09/2021

Dear Mr Bennetts

**Wilpinjong Extension Project - SSD 6764
Independent Environment Audit - replacement of expert request**

I refer to your request (SSD-6764-PA-47), submitted to the Department on 8 September 2021, for the Secretary's approval of a suitably qualified person to replace Ms Dee Murdoch in the Independent Environment Audit (IEA) team for the Wilpinjong Extension Project (the project).

The Department notes that due to COVID reasons Ms Murdoch can no longer participate in the IEA. The Department has reviewed the nomination and information you have provided and is satisfied that Mr Clayton Richards of Minesoils Pty Ltd is suitably qualified and experienced. Consequently, in accordance with Schedule 5 Condition 10 of SSD 6764 (the Consent) I can advise that the Secretary approves the appointment of Mr Richards to replace Ms Murdoch as the mine rehabilitation expert in the IEA team. This approval is conditional on Mr Richards being independent of the project. Please also ensure all IEA team members sign a declaration form.

Please ensure this correspondence is appended to the IEA Report.

If you wish to discuss the matter further, please contact me on 0429400261.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. O'Reilly', enclosed in a light grey rectangular box.

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



Appendix B Audit Checklists

SSD 6764 AUDIT CHECKLIST – WILPINJONG IEA 2021

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| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|---|----------|---|---|----------------|---|
| SCHEDULE 2 – ADMINISTRATIVE CONDITIONS | | | | | |
| OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT | | | | | |
| SSD01 | S2 C1 | In addition to meeting the specific performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development. | <p>The auditors and specialists conducted a review of incident occurrences at WCPL during the audit period, complaints received, as well as a review of the general environmental performance of the site with WCPL's various environmental management plans.</p> <p>A number of exceedances of performance criteria established under this consent were recorded by WCPL.</p> <p>Seven (7) reportable incidents were recorded which were considered to have caused or had the potential to cause material harm to the environment.</p> <p>WCPL received a total of 171 complaints in the audit period primarily relating to noise, blasting, air quality odour and infrastructure. The number of complaints recorded during the audit period indicated a significant increase in complaints from 2019 to 2020.</p> <p>Based on the audit team's assessment of implementation with the various environmental management plans, the site appears to be implementing reasonable and feasible measures to minimise any material harm to the environment.</p> | Compliant | |
| TERMS OF CONSENT | | | | | |
| SSD02 | S2 C2 | <p>The Applicant must carry out the development:</p> <ul style="list-style-type: none"> a. generally in accordance with the EIS and the Wilpinjong Coal Project EIS; and b. in accordance with the conditions of this consent. <p>Note: The general layout of the development is shown in Appendix 2.</p> | <p>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:</p> <ul style="list-style-type: none"> • Schedule 2, Condition 10 | Non-compliant | Refer to recommendation made against each Condition of Consent below. |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|--------------------------|----------|--|---|----------------|-----------------|
| | | | <ul style="list-style-type: none"> • 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 | | |
| SSD03 | S2 C3 | If there is any inconsistency between documents listed in condition 2(a) above, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency. | Noted | Not triggered | |
| SSD04 | S2 C4 | <p>The Applicant must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:</p> <ol style="list-style-type: none"> any strategies, plans, programs, reviews, reports, audits or correspondence that are submitted in accordance with this consent (including any stages of these documents); any reviews, reports or audits commissioned by the Department regarding compliance with this consent; and the implementation of any actions or measures contained in these documents. | All evidence reviewed indicated that WCPL has complied with any reasonable requirement/s of the Secretary arising from the Department's assessments during the audit period. | Compliant | |
| LIMITS ON CONSENT | | | | | |
| SSD05 | S2 C5 | <p>Mining Operations</p> <p>The Applicant may carry out mining operations on site until the 31 December 2033.</p> <p><i>Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of the</i></p> | Wilpinjong Coal project open cut operations mining operations plan 2021-2022 (WCPL_MOP_2021) indicates that mining operations on site will continue until 2033. | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|---|----------|--|---|----------------|-----------------|
| | | <i>Secretary. Consequently, this consent will continue to apply in all respects other than the right to conduct mining operations, until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.</i> | | | |
| SSD06 | S2 C6 | Coal Extraction and Transport The Applicant must not extract more than 16 million tonnes of ROM coal from the site in a calendar year. | ROM coal extracted from the site during the audit period calendar years included: <ul style="list-style-type: none"> • 2018 – 14.92Mt ROM Coal • 2019 – 15.12Mt ROM Coal • 2020 – 14.74 ROM Coal • 2021 – Forecast 14.92Mt ROM Coal | Compliant | |
| SSD07 | S2 C7 | The Applicant must ensure that: <ol style="list-style-type: none"> a. all product coal is transported from the site by rail; b. no more than 10 laden trains leave the site on any one day; and c. not more than 6 laden trains leave the site per day on average when calculated over any calendar year. | The site inspection and data reviewed indicate that all coal has been transported from the site by rail during the audit period to Port of Newcastle for export and domestic use. Tracking of train movements is managed by the Coal Handling and Preparation Plant (CHPP) Team. Review of the rail haulage data during the audit period indicates that laden train movements were compliant with the condition. | Compliant | |
| NOTIFICATION OF COMMENCEMENT | | | | | |
| SSD08 | S2 C8 | Prior to commencing any development under this consent, the Applicant must notify the Department in writing of the date on which it will commence the development permitted under this consent | WCL's Project Development and Approvals Manager sent a letter to the DPE on 18/09/17 notifying the DPE of their intention to commence development on 19/09/17. | Compliant | |
| SURRENDER OF EXISTING PROJECT APPROVAL | | | | | |
| SSD09 | S2 C9 | Within 6 months of the commencement of development under this consent, or as otherwise agreed by the Secretary, the Applicant must surrender the existing project approval (MP 05-0021) for the Wilpinjong Coal Project in accordance with Section 8P of the EP&A Regulation. Following the commencement of development under this consent, and prior to the surrender of the project approval (MP 05-0021), the | Letter from DPIE dated 21 September 2017 confirming extension for the surrender of the existing project approval for the Wilpinjong Extension Project (MP 05-0021) to 31 December 2018. Letter from DPIE dated 7 December 2018 confirming extension for the surrender of the existing project approval for the Wilpinjong | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|----------------------------|----------|---|--|----------------|--|
| | | <p>conditions of this consent shall prevail to the extent of any inconsistency with the conditions of MP 05-0021.</p> <p>Notes:</p> <ul style="list-style-type: none"> Any existing management and monitoring plans/strategies/programs/protocols/committees under the existing approval for the Wilpinjong Coal Project will continue to apply until the approval of the comparable plan/strategy/program/protocol/committee under this consent. This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 4A of the EP&A Act. Surrender of a consent should not be understood as implying that works legally constructed under a valid consent can no longer be legally maintained or used. | <p>Extension Project (MP 05-0021) to 28 February 2019.</p> <p>Letter from DPIE dated 5 March 2019 confirming extension for the surrender of the existing project approval for the Wilpinjong Extension Project (MP 05-0021) to 31 May 2019.</p> <p>Letter from DPIE dated 28 April 2020 confirming acceptance of the surrender project approval for the Wilpinjong Extension Project (MP 05-0021).</p> | | |
| STRUCTURAL ADEQUACY | | | | | |
| SSD10 | S2 C10 | <p>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.</p> <p>Notes:</p> <ul style="list-style-type: none"> Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works; and Part 8 of the EP&A Regulation sets out the requirements for the certification of the development | <p>Construction of the Pit 3 Pre-Start Facility occurred during the audit period. WCPL was unable to produce the BCA certificate to the auditors.</p> <p>WCPL verbally confirmed the structure was constructed in accordance with the relevant requirements of the BCA.</p> | Non-compliant | <p>OFI01 - Ensure document control and management for future construction projects is recorded through a traceable system that is accessible to WCPL.</p> <p>OFI02 - Undertake periodic audits of construction projects to ensure accurate and progressive document management is occurring.</p> |
| DEMOLITION | | | | | |
| SSD11 | S2 C11 | <p>The Applicant must ensure that all demolition work is carried out in accordance with <i>Australian Standard AS 2601-2001: The Demolition of Structures</i>, or its latest version.</p> | <p>Ongoing demolition of derelict houses, including in-pit disposal of inert building material has occurred during the audit period.</p> <p>Review of documentation provided during demolition works in 2020 and 2021 indicated that work was carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.</p> | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|--|----------|--|--|----------------|-----------------|
| PROTECTION OF PUBLIC INFRASTRUCTURE | | | | | |
| SSD02 | S2 C12 | <p>Unless the Applicant and the applicable authority agree otherwise, the Applicant must:</p> <ul style="list-style-type: none"> a. repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and b. relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development. <p>Note: This condition does not apply to any damage to roads caused as a result of general road usage.</p> | There has been no requirement to repair, pay, or relocate any public infrastructure during the audit period. | Not triggered | |
| OPERATION OF PLANT AND EQUIPMENT | | | | | |
| SSD12 | S2 C13 | <p>The Applicant must ensure that all plant and equipment used on site, or to monitor the performance of the development, is:</p> <ul style="list-style-type: none"> a. maintained in a proper and efficient condition; and b. operated in a proper and efficient manner. | <p>The auditors interviewed Maintenance Superintendent Kyle Kennedy during the site inspection on the process undertaken to ensure all plant and equipment are maintained and operated in a proper and efficient manner. The auditors were generally satisfied that the process and monitoring measures implemented are sufficient.</p> <p>Example of maintenance plan supplied for 2021 Week 36 indicating plant and equipment are maintained in a proper and efficient condition.</p> <p>WCPL utilise the SAP system to raise workorders for maintenance and repair tasks. The auditors conducted a review of maintenance of equipment relating to environmental management of the site. This included the following:</p> <ul style="list-style-type: none"> • Oily water separators were observed on site. • Spill containment and clean up equipment was maintained by waste contractor JR Richards. | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|-----------------------------|----------|--|---|----------------|-----------------|
| | | | <ul style="list-style-type: none"> Self-contained sumps The WCPL weather monitoring station (the tri-truss guyed mast tower (GMT)), is serviced annually by external contractors Novecom and Rigcom Access. <p>Only qualified and inducted personnel are permitted to operate specific plant and equipment on site. WCPL maintains a stringent training and approval process with regards to operating light vehicles in the pit area and operation of mine specific vehicles and plant i.e. dozers, excavators, trucks etc.</p> | | |
| PLANNING ASSESSMENT | | | | | |
| SSD13 | S2 C14 | Within 6 months of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant shall amend the current planning agreement with Council under Division 6 of Part 4 of the EP&A Act to reflect the terms outlined in Appendix 4 | <p>The Planning Agreement was initially entered into in March 2013 to satisfy the requirements of Project Approval MP 05-0021. WCPL lodged a development application for the WEP in January 2016. On 5 April 2016 WCPL offered to enter into a revised agreement with MWRC to provide additional commitments to take account of the WEP. The Planning Agreement was amended and signed by WCPL and MWRC (date stamp 09 September 2016).</p> <p>WCPL maintains three (3) separate VPAs. One (1) VPA utilises the formula based on employee numbers and CPI each year. The other two (2) VPAs are based on fixed amounts with CPI.</p> <p>Refer to the Appendix 4 audit checklist below for assessment of the terms outlined.</p> | Compliant | |
| SUPPLY OF OVERBURDEN | | | | | |
| SSD14 | S2 C15 | With the approval of the Secretary and in consultation with Council, the Applicant may supply small quantities of overburden material to regional infrastructure projects in the vicinity of the site. | No overburden has been supplied to regional infrastructure projects in the vicinity of the site during the audit period. | Not triggered | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations | | | | |
|---|-----------------------|--|--|-----------------------------|---|-----------------------|--|---------------|--|
| | | Note: The use of this material in the regional infrastructure project must be approved prior to the supply of any material. | | | | | | | |
| SCHEDULE 3 – SPECIFIC ENVIRONMENTAL CONDITIONS | | | | | | | | | |
| ACQUISITION UPON REQUEST | | | | | | | | | |
| SSD15 | S3 C1 | <p>Upon receiving a written request for acquisition from the owner of the land listed in Table 1, the Applicant must acquire the land in accordance with the procedures in conditions 5 and 6 of schedule 4.</p> <p><i>Table 1: Land subject to acquisition upon request</i></p> <table border="1"> <thead> <tr> <th>Residence</th> </tr> </thead> <tbody> <tr> <td>102, 903, 908, 933, and 959</td> </tr> </tbody> </table> <p><i>Note: To interpret the land referred to in Table 1, see the applicable figures in Appendix 5.</i></p> | Residence | 102, 903, 908, 933, and 959 | There have been no written requests for acquisition from the owner of the land listed in Table 1 during the audit period. Noise agreements in place for ID 101 (Pierce) and 102 (Filipczyk) - Continue to maintain compliance at 933 (Faulkner) and 959 (Clarke). | Not triggered | | | |
| Residence | | | | | | | | | |
| 102, 903, 908, 933, and 959 | | | | | | | | | |
| MITIGATION UPON REQUEST | | | | | | | | | |
| SSD16 | S3 C2 | <p>Upon receiving a written request from the owner of any residence on the land listed in Table 2, the Applicant must implement additional noise mitigation measures at or in the immediate 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. They must also be reasonable and feasible and proportionate with the level of predicted impact.</p> <p>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 Secretary for resolution.</p> <p><i>Table 2: Land subject to additional mitigation upon request</i></p> <table border="1"> <thead> <tr> <th>Mitigation Basis</th> <th>Residence</th> </tr> </thead> <tbody> <tr> <td>Noise</td> <td>102, 903, 908 and 933</td> </tr> </tbody> </table> <p><i>Note: To interpret the land referred to in Table 2, see the applicable figures in Appendix 5.</i></p> | Mitigation Basis | Residence | Noise | 102, 903, 908 and 933 | No requests for mitigation have been received during the audit period. | Not triggered | |
| Mitigation Basis | Residence | | | | | | | | |
| Noise | 102, 903, 908 and 933 | | | | | | | | |
| NOISE | | | | | | | | | |
| SSD17 | S3 C3 | <p>Noise Criteria</p> <p>The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 3 at any</p> | Attended noise monitoring reports throughout the audit period have been conducted in accordance with the NSW Noise Policy for Industry (NPfl) which superseded the | Compliant | | | | | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|------------------------------|--|--|----------------------------|-----------------|-------|--|------------------------------|------------------------------|------------------------------|----------------------------|-----|----|----|----|----|------------------------------|----|----|----|----|--------------------------------|----|----|----|----|---------------------|--|---|--|---|---|--|------------------------------|--|---|--|--|--|
| | | <p>residence on privately-owned land or at the other specified locations.</p> <p>Table 3: Noise criteria dB(A)</p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>Day</th> <th>Evening</th> <th colspan="2">Night</th> </tr> <tr> <th>L_{Aeq}(15 minute)</th> <th>L_{Aeq}(15 minute)</th> <th>L_{Aeq}(15 minute)</th> <th>L_{A1}(1 minute)</th> </tr> </thead> <tbody> <tr> <td>102</td> <td>36</td> <td>36</td> <td>38</td> <td>45</td> </tr> <tr> <td>Wollar Village – Residential</td> <td>36</td> <td>37</td> <td>37</td> <td>45</td> </tr> <tr> <td>All other privately owned land</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> <tr> <td>901 – Wollar School</td> <td></td> <td>35 (internal) 45 (external) When in use</td> <td></td> <td>-</td> </tr> <tr> <td>150A – St Luke’s Anglican Church 900 – St Laurence O’Toole Catholic Church</td> <td></td> <td>40 (internal) When in use</td> <td></td> <td>-</td> </tr> </tbody> </table> <p>Note: To interpret the locations referred to in Table 3, see the applicable figures in Appendix 5.</p> <p>Noise generated by the development is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy (as may be updated from time to time). Appendix 6 sets out the meteorological conditions under which these criteria apply along with any modifications to the NSW Industrial Noise Policy and the requirements for evaluating compliance with these criteria.</p> <p>However, these criteria do not apply if the Applicant has an agreement with the owner/s of the relevant residence of land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.</p> | Location | Day | Evening | Night | | L _{Aeq} (15 minute) | L _{Aeq} (15 minute) | L _{Aeq} (15 minute) | L _{A1} (1 minute) | 102 | 36 | 36 | 38 | 45 | Wollar Village – Residential | 36 | 37 | 37 | 45 | All other privately owned land | 35 | 35 | 35 | 45 | 901 – Wollar School | | 35 (internal) 45 (external) When in use | | - | 150A – St Luke’s Anglican Church 900 – St Laurence O’Toole Catholic Church | | 40 (internal) When in use | | - | Industrial Noise Policy (INP) in 2017. No exceedances of noise criteria were recorded. | | |
| Location | Day | Evening | | Night | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | L _{Aeq} (15 minute) | L _{Aeq} (15 minute) | L _{Aeq} (15 minute) | L _{A1} (1 minute) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 102 | 36 | 36 | 38 | 45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wollar Village – Residential | 36 | 37 | 37 | 45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| All other privately owned land | 35 | 35 | 35 | 45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 901 – Wollar School | | 35 (internal) 45 (external) When in use | | - | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 150A – St Luke’s Anglican Church 900 – St Laurence O’Toole Catholic Church | | 40 (internal) When in use | | - | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SSD18 | S3 C4 | <p>Operating Conditions</p> <p>The Applicant must:</p> <ol style="list-style-type: none"> implement all reasonable and feasible measures to minimise the construction, operational, low frequency, road and rail noise of the development; operate a comprehensive noise management system that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent; minimise the noise impacts of the development during meteorological conditions when the noise limits in this consent do not apply (see Appendix 6); | <ol style="list-style-type: none"> No specific additional measures have been required since the previous audit period. Interviews with Dispatch staff demonstrated the operation of the system and the reactive responses. Real-time feedback from the system triggered on-site responses as demonstrated. Pro-active planning based on real-time meteorological data was not evidenced. Noise monitoring results confirmed very low off-site levels so the need for pro-active responses is minimal. The attended and real-time noise data identify meteorological conditions. | Compliant | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|---------|----------|--|---|----------------|-----------------|
| | | <ul style="list-style-type: none"> d. 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; e. co-ordinate noise management at the site with the noise management at Moolarben and Ulan mines to minimise cumulative noise impacts; and f. carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent. | <ul style="list-style-type: none"> d. Noted. e. Documented in the NMP. No instances occurred where communication was required. <p>Attended and real-time monitoring was conducted as required.</p> | | |
| SSD19 | S3 C5 | <p>Noise Management Plan</p> <p>Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> a. be prepared in consultation with the EPA; b. describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this consent; c. describe the proposed noise management system in detail; and d. include a monitoring program that: <ul style="list-style-type: none"> • evaluates and reports on: <ul style="list-style-type: none"> – the effectiveness of the noise management system; – compliance against the noise criteria in this consent; and – compliance against the noise operating conditions; • includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a better indicator of compliance with the noise criteria in this consent and trigger for further attended monitoring); and • defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents. | <p>Noise Management Plan (NMP - WI-ENV-MNP-0011 - Version 6.1 - June 2021). Approved by DPIE on 2 September 2021.</p> <p>The plan was modified September 2019 as a result of SSD-6747 modification and four (4) of the previous ten (10) attended monitoring locations were removed. Attended monitoring at these locations was continued until July 2020. A real-time noise monitor previously called "Wandoona" was renamed "Tichular" and relocated further south in August 2020 as required in the revised NMP.</p> <p>The NMP was prepared in consultation with a variety of regulators including the NSW EPA. Records of consultation are detailed in Section 1.4, 2.4 and Appendix 2 of the NMP. Section 4.0 of the NMP outlines the Noise Compliance requirements.</p> <p>Section 5.0 of the NMP outlines noise management and control measures that WCMP will implement to ensure best management practice to minimise the operational, road and rail noise of the WCM.</p> <p>Section 6.0 of the NMP details the Noise Monitoring program to be implemented at WCM. This section outlines the monitoring locations, Meteorological monitoring, Operator-attended noise monitoring as well</p> | Compliant | |

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| | | | <p>as the monitoring methodology to be employed. Real time noise monitoring is outlined in section 6.4 and includes a monitoring methodology and real-time response protocol.</p> <p>Section 6.0 also outlines how WCPL will evaluate compliance against development consent SSD-6764 and how the site will respond to non-compliances or exceedances.</p> | | |
| SSD20 | S3 C6 | The Applicant must implement the approved Noise Management Plan for the development. | <p>In general, it was considered that the NMP was being implemented. This included implementing planning and operational measures to minimise noise, implementing a noise monitoring program and comprehensive noise management system incorporating real time monitoring and meteorological forecasting.</p> <p>The Annual Environment Management Reports (AEMR) during the audit period report the following production hours lost (operations suspended or significantly reduced, based on dig implements only) in order to comply with the off-site noise criteria, as directed by the trained Control Room Operators (CRO, Sec 5.2 of NMP) in response to the real-time noise and meteorological monitoring and forecasting system:</p> <ul style="list-style-type: none"> • 2018 - 868.53 hours • 2019 - 176 hours • 2020 - 2282.25 hours <p>The occurrence of lost hours in itself is evidence of the implementation of mitigation measures in accordance with the documented measures, which were evidenced during the site inspection to be well understood by the personnel</p> | Compliant | <p>OFI03 - It is recommended that all real-time monitors be fitted with new wind shields certified by the supplier to be rated for wind noise mitigation up to 5 m/s and continued exposure to the elements, to ensure noise management procedures are informed by data uncorrupted as much as possible by wind.</p> |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | | <p>interviewed. The cause of the significant increase in noise-related lost hours in 2020 is beyond the formal scope of an IEA but is conspicuous in its magnitude.</p> <p>Review of the majority of the 36 attended noise monitoring reports during the audit period revealed a clear trend of attended monitoring at the real-time monitors returning results well below the real-time results at the corresponding time. The site has been largely “inaudible” or “<20 dB(A)” and occasionally up to 25 dB(A),Leq(15min) in the attended results but the corresponding real-time results at N15/SX33, N19/SX32, N20/SX30 and N21/SX31 have been consistently 10 dB or more greater. Monthly attended monitoring is clearly not as comprehensive as continuous real-time results, but the attended results at the real-time loggers is considered statistically significant evidence that the real-time data may be coming in high.</p> <p>The attended monitoring reports note below Table(s) 4.4, with regard to levels from the real-time monitors, “Levels in this Table are not necessarily the result of activity at WCP”. The real-time levels of interest are interpreted here as low-pass (<630 HZ) LAeq(15min) levels, given the discussion in Sections 6.4.2, 6.4.3, Table 12 and Figure 6 of the NMP.</p> <p>The critical component in a real-time monitoring system is the hardware, which for all mine sites is specified, installed, operated and calibrated in accordance with manufacturer’s specification. With noise monitoring equipment, installed in the manner of the mobile Sentinex units, the component most prone to degradation or failure with continued exposure to the elements is the</p> | | |

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| | | | <p>microphone wind shield. Wind shields are matched to the specific instrument and microphone type and are of an open-cell or closed-cell foam type capable of reducing wind noise up to a maximum wind speed rating without compromising the incoming acoustic signal in the typical frequency range 20Hz – 20kHz.</p> <p>The wind shield observed on the real-time logger in Wollar Village appeared to be approximately cylindrical in shape and approximately 50mm in diameter. The wind shield used on most hand-held IEC Class 1 sound level meters for attended monitoring is spherical and 90mm in diameter and is rated to 5 m/s for wind noise reduction without compromising the noise measurement.</p> <p>On the day of the site inspection, it was observed from the CRO's notes that a noise trigger had occurred at a wind speed of approximately 2.3 m/s and their review of the real-time audio had not identified significant noise from MCP. Wind, being low velocity and high displacement relative to acoustic signals, primarily affects the low frequency response of condenser microphones, and it is the low-pass signal that drives the protocol for noise management measures. Real-time noise data must be as accurate as possible to prevent off-site impacts.</p> <p>It is possible that weather degradation of the wind shields on the real-time noise monitors may account for the consistently elevated low-pass noise levels relative to the corresponding attended monitoring results.</p> | | |

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| BLASTING | | | | | | | | | | | | | | | | | | | | |
| SSD21 | S3 C7 | <p>Blast Criteria</p> <p>The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 4.</p> <p><i>Table 4: Blasting criteria</i></p> <table border="1"> <thead> <tr> <th>Location</th> <th>Airblast overpressure (dB(Lin Peak))</th> <th>Ground vibration (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Residence on privately owned land</td> <td>115</td> <td>5</td> <td>5% of the total number of blasts over a rolling period of 12 months</td> </tr> <tr> <td>120</td> <td>10</td> <td>0%</td> </tr> <tr> <td>All public infrastructure</td> <td>-</td> <td>50 <i>(or a limit determined by the structural design methodology in AS 2187.2-2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Secretary)</i></td> <td>0%</td> </tr> </tbody> </table> <p>However, these criteria do not apply if the Applicant has a written agreement with the relevant owner to exceed these criteria and has advised the Department in writing of the terms of this agreement.</p> | Location | Airblast overpressure (dB(Lin Peak)) | Ground vibration (mm/s) | Allowable exceedance | Residence on privately owned land | 115 | 5 | 5% of the total number of blasts over a rolling period of 12 months | 120 | 10 | 0% | All public infrastructure | - | 50 <i>(or a limit determined by the structural design methodology in AS 2187.2-2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Secretary)</i> | 0% | <p>30 November 2020</p> <p>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 123.3dBL, exceeding the maximum overpressure criteria of 120dBL from a blast in Pit 6.</p> <p>With the exception of one blast on the 30 November 2020, all other blast monitoring results for the reporting period complied with the approved criteria of 115dB (<120dB) and 5mm/s (<10mm/s) at privately owned residences.</p> | Non-compliant | OF104 - Review "site laws" (site-based prediction equations) for ground vibration and air blast overpressure and amend blast design and Blast Management Plan as required. |
| Location | Airblast overpressure (dB(Lin Peak)) | Ground vibration (mm/s) | Allowable exceedance | | | | | | | | | | | | | | | | | |
| Residence on privately owned land | 115 | 5 | 5% of the total number of blasts over a rolling period of 12 months | | | | | | | | | | | | | | | | | |
| | 120 | 10 | 0% | | | | | | | | | | | | | | | | | |
| All public infrastructure | - | 50 <i>(or a limit determined by the structural design methodology in AS 2187.2-2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Secretary)</i> | 0% | | | | | | | | | | | | | | | | | |
| SSD22 | S3 C8 | <p>Blasting Hours</p> <p>The Applicant must only carry out blasting on the site between 9am and 5pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Secretary.</p> | <p>The auditors viewed an extract from the Wilpinjong Blast Tracking Spreadsheet for the audit period. No blasts were identified to have occurred before 9am or after 5pm.</p> <p>No blasts were identified to have occurred on a Sunday.</p> | Compliant | | | | | | | | | | | | | | | | |
| SSD23 | S3 C9 | <p>Blasting Frequency</p> <p>The Applicant may carry out a maximum of:</p> <ol style="list-style-type: none"> 2 blasts a day; and 5 blasts a week, averaged over a calendar year, at the site. <p>This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, blast misfires or blasts required to ensure the safety of the mine or its workers.</p> <p>Notes:</p> | <p>There were no more than two blasts per day and an average of 4.8 blasts per week during the audit period.</p> | Compliant | | | | | | | | | | | | | | | | |

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| | | <ul style="list-style-type: none"> For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine. For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast. In circumstances of recurring unfavourable weather conditions (following planned but not completed blast events), to avoid excess explosive sleep times and minimise any potential environmental impacts, the Applicant may seek agreement from the Secretary for additional blasts to be fired on a given day. | | | |
| SSD24 | S3 C10 | <p>Property Inspections</p> <p>If the Applicant receives a written request from the owner of any privately-owned land within 3 kilometres of any approved open cut mining pit/s on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant must:</p> <ul style="list-style-type: none"> a. commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to: <ul style="list-style-type: none"> establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and identify reasonable and feasible measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and/or structures; and b. give the landowner a copy of the new or updated property inspection report. <p>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 property inspection report, either party may refer the matter to the Secretary for resolution.</p> | It was reported that no requests for inspections had occurred at the time of the audit. | Not triggered | |

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| SSD25 | S3 C11 | <p>Property Investigations</p> <p>If any owner of privately-owned land within 3 kilometres of any approved open cut mining pit/s on site, or any other landowner where the Secretary is satisfied an investigation is warranted, claims that buildings and/or structures on his/her land have been damaged as a result of blasting associated with the development, then within 2 months of receiving this request, the Applicant must:</p> <ol 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. <p>If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damages to the satisfaction of the Secretary.</p> <p>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, either party may refer the matter to the Secretary for resolution.</p> | It was reported that no requests for inspections had occurred at the time of the audit. | Not triggered | |
| SSD26 | S3 C12 | <p>Operating Conditions</p> <p>During mining operations on the site, the Applicant must:</p> <ol style="list-style-type: none"> a. implement reasonable and feasible measures to: <ul style="list-style-type: none"> • protect the safety of people and livestock in the area surrounding blasting operations; • protect public or private infrastructure/property and heritage items in the area surrounding blasting operations from blasting damage; • minimise blasting impacts on the Shale Oil Mine Adit containing the Eastern Bentwing-bat roost site located adjacent to Pit 8; and • minimise the dust and fume emissions from blasting at the development; b. ensure that blasting at the site does not: | <p>WCPL has developed a blast protocol to ensure the safety of people, property, livestock and infrastructure. Key features of this protocol include:</p> <ul style="list-style-type: none"> • A minimum blasting exclusion zone of 500 m applies for persons; • Pre-blast inspections are undertaken to ensure that no persons, property or livestock are at risk from blasting; • Sentries are posted on all access points to ensure that there is no possible access to the blasting exclusion zone; | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | <ul style="list-style-type: none"> i. damage any identified rock shelters with moderate to high Aboriginal cultural heritage significance located within the Munghorn Gap Nature Reserve; and ii. cause more than negligible damage to any identified rock shelters with low Aboriginal cultural heritage significance located within the Munghorn Gap Nature Reserve; c. limit temporary blasting-related road closures to 1 per day; d. co-ordinate the timing of blasting on site with the timing of blasting at the adjoining Moolarben and Ulan coal mines to minimise the potential cumulative blasting impacts of the three mines; e. operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site; and f. carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent. | <ul style="list-style-type: none"> • No blasting will occur within 500 m of Private Receivers without consultation with relevant landholders; • Prior to carrying out any blasting within 500 m of a public road or railway, WCPL will obtain written approval from MWRC (in respect of Ulan-Wollar Road and Wollar Road) and ARTC (in respect of the Gulgong-Sandy Hollow railway). Refer to Section 5.3 for further details; • When blasting within 1km of Aboriginal rock art sites (in particular Site 72) WCPL will monitor blast impacts to maintain the structural integrity of the sites; • When blasting within 1km of Aboriginal heritage sites within the Munghorn Gap Nature Reserve (Table 10) WCPL will monitor blast impacts to maintain the structural integrity of the sites; • Monitoring of blasts within in Pit 8 at the Historical Mine Adit; • Development and ongoing review of “site laws” (site-based prediction equations) for ground vibration and air blast overpressure; • Notification of blasting times provided to closest Private Receivers on request; • Manage misfires in a safe manner and in accordance with BMgtP; and • Visual monitoring of all of blasts with video records of significant blasts. <p>After completing trials in 2020, WCPL now has incorporated the following as part of its blasting process to prevent/minimise blast fume events, including:</p> | | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | | <ul style="list-style-type: none"> Installation of Blastshield - a lining for blast holes that provides a barrier to stop the ingress of water and potential product degradation. Blastshield will also contain blasting product within the blast hole as intended if the surrounding material is compromised. Blastshield is now utilised for all relevant overburden blasts; and A trailer mounted blast hole dewatering pump is now in use to pump water from blast holes(when required), allowing for the installation of the Blastshield. | | |
| SSD27 | S3 C13 | <p>The Applicant must not undertake blasting on site within 500 metres of any public road or railway, or any land outside the site not owned by the Applicant, unless the Applicant has:</p> <ol style="list-style-type: none"> a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the infrastructure or land, and the Applicant has advised the Department in writing of the terms of this agreement; or demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the infrastructure or land without compromising the safety of people or livestock or damaging the infrastructure and/or other buildings and structures, and updated the Blast Management Plan to include the specific mitigation measures that would be implemented while blasting is being carried out within 500 metres of the infrastructure or land. | <p>WCPL updated the Blast Management Plan to include a protocol to follow when blasting is planned to occur within 500m of council infrastructure or the ARTC rail line. Specifically, road closures for blasting within 500 metres of a public road is conducted in accordance with the road closure management plan which is included in the Blast Management Plan.</p> <p>WCPL and ARTC have developed an agreed "Blasting Deed" which sets out the terms under which WCPL can undertake blasting adjacent to the Gulgong-Sandy Hollow Railway Line.</p> <p>WCPL also a have written agreements with MWRC when proposing to undertake blasting adjacent to both Ulan-Wollar Road and Wollar Road within 500 m.</p> <p>All blasts are monitored in accordance with Section 6.0 of the BMgtP. Results are reviewed and evaluated (Section 6.3.5) and provided to ARTC and MWRC as agreed. Results that are deemed to have exceeded their respective criteria are managed in accordance with Section 6.3.6 of the BMgtP.</p> | Compliant | |

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| SSD28 | S3 C14 | <p>Blast Management Plan</p> <p>Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ol style="list-style-type: none"> be prepared in consultation with the EPA and OEH; describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent; include a Eastern Bentwing-bat Management Plan that: <ul style="list-style-type: none"> establishes preliminary blasting ground vibration thresholds of no more than 80mm/s to protect the Shale Oil Mine Adit and minimise disturbance to the Eastern Bentwing-bat roosting site; evaluates and reports on blast vibration and overpressure at the Shale Oil Mine Adit and monitors disturbance of the Eastern Bentwing-bat roosting site; includes an annual program for reviewing and revising blasting thresholds; and describes other measures to minimise impacts consistent with the Biodiversity Management Plan (see condition 42 of this schedule). propose and justify any alternative ground vibration limits for public infrastructure in the vicinity of the site (if relevant); and include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with Council; include a monitoring program located on or representative of privately-owned land for evaluating and reporting on compliance with the blasting criteria and operating conditions of this consent. | <p>Blast Management Plan (BMgtP - WI-ENV-MNP-004 - Version 8.1 - June 2021). Approved by DPIE on 2 September 2021. Appendix 4 of the BMgtP includes evidence of consultation with EPA and OEH.</p> <p>Section 5.0 and Section 6.0 of the BMgtP describes blast management and control measures.</p> <p>Section 5.5 of the BMgtP discusses Eastern Bentwing-bat management strategies and also refers to the Biodiversity Management Plan. At the time of the audit mining was yet to commence in Slate Gully (proposed Pit 8) which is in the vicinity of the Shale Oil Mine Adit.</p> <p>Alternative ground vibration limits for railway infrastructure (railway lines and railway culverts) have been adopted following consultation with ARTC. The general blasting criteria for public infrastructure presented in Table 4 of Schedule 3, Condition 7 has been adopted for other public infrastructure.</p> <p>Section 5.3.2 of the BMgtP discusses blasting adjacent to public roads. This section also refers to a Road Closure Plan that was prepared in consultation with MWRC as being included in Appendix 3. Appendix 3 included the consultation but not the actual Road Closure Plan.</p> <p>Section 6.0 of the BMgtP describes the blast monitoring program.</p> | Compliant | |
| SSD29 | S3 C15 | The Applicant must implement the approved Blast Management Plan for the development. | In general, the Blast Management Plan was being implemented. Evidence of this included: | Non-compliant | OF104 - Review "site laws" (site-based prediction equations) for ground vibration and air blast |

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| | | | <ul style="list-style-type: none"> • Blasting hours were being adhered to (refer Schedule 3, Condition 8) • Blasting frequency was being adhered to (refer Schedule 3, Condition 9) • Blast monitoring was being undertaken (refer Schedule 3, Condition 7) • Blast notifications were being implemented and the Blasting Hotline was operational (refer Schedule 3, Condition 12) • Blasting design and control procedures were being implemented such as completion of Shotfirer Checklist and Blast Controller Checklist (refer Schedule 3, Condition 12) • Blasting criteria were being met (refer Schedule 3, Condition 7) with the exception of two (2) non-compliance listed below: <ul style="list-style-type: none"> – 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. – 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 vibration criteria of 100mm/s as agreed with the | | overpressure and amend blast design and Blast Management Plan as required. |

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| | | | MWRC for Public Road Infrastructure was exceeded by 17.66 mm/s. | | |
| AIR QUALITY | | | | | |
| SSD30 | S3 C16 | <p>Odour</p> <p>The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.</p> | <p>Control measures to manage the release of odour from WCM are detailed in Section 5.2 of the Air Quality Management Plan (AQMP) (WI-ENV-MNP-0004) and in the Spontaneous Combustion Management Plan (AQMP - Appendix 3).</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> | Non-compliant | <p>OFI05 - Review the response to identified spontaneous combustion issues during OCE and other inspections. Develop and implement an appropriate procedure to mitigate off-site odour impacts.</p> <p>OFI06 - Ensure that biennial thermal surveys of the site are conducted as required. If the frequency of these surveys is proposed to be altered, the Spontaneous Combustion Management Plan (AQMP - Appendix 3) should be reviewed and updated to reflect this requirement.</p> |
| SSD31 | S3 C17 | <p>Air Quality Criteria</p> <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</p> | <p>Mitigation and management measures listed in Section 5.1 of the AQMP were observed to be applied during the site inspection. The monitoring program indicates that the air quality conditions are good overall with</p> | Non-compliant | <p>OFI07 - It is recommended that water cart use be reviewed to ensure there is adequate coverage across the site, and that vehicle operators are trained</p> |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations | | | | | | | | | | | | | | |
|--|------------------|--|--|------------------|------------------------|--|--------|-----------------------------------|---------|-----------------------------------|--|--------|-----------------------------------|-----------------------------|--------|---|--|--|--|
| | | <p>not cause exceedances of the criteria listed in Table 5 at any residence on privately-owned land.</p> <p><i>Table 5: Air quality criteria</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^dCriterion</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>^a 30 µg/m³</td> </tr> <tr> <td>24 hour</td> <td>^a 50 µg/m³</td> </tr> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>^a 90 µg/m³</td> </tr> <tr> <td>^c Deposited dust</td> <td>Annual</td> <td>^b 2 g/m²/month ^a 4 g/m²/month</td> </tr> </tbody> </table> <p>Notes:</p> <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. Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter – Deposited Matter - Gravimetric Method.</p> <p>d. Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary.</p> | Pollutant | Averaging period | ^d Criterion | Particulate matter < 10 µm (PM ₁₀) | Annual | ^a 30 µg/m ³ | 24 hour | ^a 50 µg/m ³ | Total suspended particulate (TSP) matter | Annual | ^a 90 µg/m ³ | ^c Deposited dust | Annual | ^b 2 g/m ² /month ^a 4 g/m ² /month | <p>exceedances likely due to extraordinary meteorological events rather than mine dust generation during the audit period.</p> <p>Interview with dispatch operators on site indicated an understanding of the AQMP, response to triggers based on real time air quality monitors and mitigation actions.</p> <p>Observations on site during the audit site inspection identified regular occurrences where substantial vehicle generated dust emissions were evident. 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. 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> | | to ensure awareness of dust generation and mitigation. |
| Pollutant | Averaging period | ^d Criterion | | | | | | | | | | | | | | | | | |
| Particulate matter < 10 µm (PM ₁₀) | Annual | ^a 30 µg/m ³ | | | | | | | | | | | | | | | | | |
| | 24 hour | ^a 50 µg/m ³ | | | | | | | | | | | | | | | | | |
| Total suspended particulate (TSP) matter | Annual | ^a 90 µg/m ³ | | | | | | | | | | | | | | | | | |
| ^c Deposited dust | Annual | ^b 2 g/m ² /month ^a 4 g/m ² /month | | | | | | | | | | | | | | | | | |
| SSD32 | S3 C18 | <p>Mine-owned Land</p> <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 occupied residence on mine-owned land (including land owned by another mining company) unless:</p> <ol style="list-style-type: none"> 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 schedule 4 of this consent; the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice; | <p>Mitigation and management measures listed in Section 5.1 of the AQMP were observed to be applied during the site inspection. The monitoring program indicates that the air quality conditions are good overall with exceedances likely due to extraordinary meteorological events rather than mine dust generation during the audit period. Section 4.3 of the AQMP outlines WCPL's commitment to this condition.</p> <p>A sample of tenant notification letters were reviewed as part of the audit, and satisfied the requirements, including the attachment of NSW Health advice on mine dust and health.</p> | Compliant | | | | | | | | | | | | | | | |

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| | | <ul style="list-style-type: none"> c. air mitigation measures such as air filters, a first flush roof water drainage system and/or air conditioning) are installed at the residence, if requested by the tenant or landowner (if the residence is owned by another mining company); d. air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining company) of particulate emissions in the vicinity of the residence; and e. 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. | <p>No evidence of requests for air mitigation measures from residents were identified during the audit period.</p> <p>Air quality monitoring, depositional dust, PM10 and TSP is conducted at multiple locations as outlined in Table 11 of the AQMP including mine-owned land. Air monitoring results are summarised and uploaded to the WCPL website (https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wilpinjong-Mine/Approvals,-Plans-Reports) each month as required by EPL 12425. Results are also summarised in the CCC meeting presentations and Annual Reviews.</p> | | |
| SSD33 | S3 C19 | <p>Operating Conditions</p> <p>The Applicant shall:</p> <ul style="list-style-type: none"> a. implement all reasonable and feasible measures to minimise the off-site odour, fume, spontaneous combustion and dust emissions of the development; b. implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site; c. minimise any visible air pollution generated by the development; d. operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent; e. minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note d to Table 5); | <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 majority of GHG emissions (80%) from the site are from the combustion of diesel fuel during operation. Measures to minimise the release of greenhouse gas (GHG) emissions from site are outlined in Section 5.3 of the AQMP.</p> <p>The site utilises a third party provider to provide daily prediction of likely adverse weather conditions. While this system is in</p> | Non-compliant | OF108 - Review the use of real time meteorological data and consider the establishment of trigger levels to assist in proactively mitigating dust impacts associated with adverse weather conditions. |

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| | | <p>f. co-ordinate the air quality management on site with the air quality management at the Moolarben and Ulan mines to minimise cumulative air quality impacts; and</p> <p>g. carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent.</p> | <p>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. 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>WCPL, MCO and UCML have entered into a data share agreement (executed on 22/01/2014) which enables them to access monitoring data and assists in reducing cumulative dust impacts.</p> <p>The air quality monitoring program for the site is outlined in Section 6 of the AQMP. The audit air quality specialist reviewed monitoring locations as well as monitoring data and confirmed the monitoring conducted was in accordance with the AQMP.</p> | | |
| SSD34 | S3 C20 | <p>Air Quality Management Plan</p> <p>Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ol style="list-style-type: none"> be prepared in consultation with the EPA; describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this consent; describe the air quality management system in detail; include a protocol for notifying NSW Health and any affected residents of any exceedance of the air quality criteria; | <p>The Air Quality Management Plan (AQMP - WI-ENV-MNP-0004 – Version 6 – August 2020) was revised in consultation with the EPA, and approval letters from DPIE were observed for Version 5 Sep 2019 and Version 6 Aug 2020.</p> <p>Section 4.0 of the AQMP outlines the Air Quality compliance requirements specific to WCPL.</p> <p>Section 5.0 of the AQMP outlines the Air Quality management and control measures to be implemented on site.</p> <p>Section 6.0 of the AQMP outlines the Air Quality Monitoring Program for WCPL and</p> | Compliant | <p>OFI09 – Further to recommendations against condition S3 C19, it is noted that there is reference in the AQMP to “adverse meteorological conditions”, however these are not defined within the AQMP. It is recommended that the AQMP is reviewed to define what constitutes adverse weather conditions and to ensure that these definitions are incorporated into appropriate responses and</p> |

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| | | <ul style="list-style-type: none"> e. include a review of all air quality management measures against best practice guidelines; f. include an air quality monitoring program that: <ul style="list-style-type: none"> • adequately supports the air quality management system; includes PM2.5 monitoring in Wollar Village; • evaluates and reports on the: <ul style="list-style-type: none"> – - the effectiveness of the air quality management system; – - compliance with the air quality criteria; – - compliance with the air quality operating conditions; and • defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents; and g. include a Spontaneous Combustion Management Plan that: <ul style="list-style-type: none"> • identifies all areas (including stockpiles, waste emplacements, piles, seams and interburden) at risk of spontaneous combustion events; • includes a protocol for ongoing monitoring and management of areas at risk of spontaneous combustion events; and • includes a protocol for the management of on-site heating and spontaneous combustion events. <p>Note: The air quality monitoring program may incorporate monitoring from any relevant regional monitoring network endorsed by EPA.</p> | <p>addresses monitoring locations, evaluation and compliance, incident management and response.</p> <p>The Spontaneous Combustion Management Plan (SCMP) is provided in Appendix 3 of the AQMP. The SCMP addresses the following:</p> <ul style="list-style-type: none"> • Identification of areas at risk of spontaneous combustion events (Section 4.1) • Protocols for monitoring and management Section 6, 7, 8, 9 and 10 and reporting (Section 11). | | trigger levels during site operations. |
| SSD35 | S3 C21 | The Applicant must implement the approved Air Quality Management Plan for the development. | <p>Observations during the site inspection identified the implementation of a range of control measures specified within the AQMP, including:</p> <ul style="list-style-type: none"> • Water sprays were being used on CHPP feed and product coal stockpiles • Areas were being progressively rehabilitated to minimise exposed areas | Non-compliant | <p>OF110 - Review the response to identified spontaneous combustion issues during OCE and other inspections. Develop and implement an appropriate procedure to mitigate off-site odour impacts.</p> <p>OF106 - Ensure that biennial thermal surveys of the site are</p> |

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| | | | <ul style="list-style-type: none"> • The air quality monitoring program including dust deposition, TSP, PM10 and PM2.5 monitoring was being implemented • Meteorological monitoring was being conducted • The use of real time meteorological and air quality data to proactively manage operational air quality impacts had been established. • Interviews with WCPL Dispatch Operators demonstrated the response where real time response triggers were activated, adverse weather conditions occurred or a dust complaint was received. The Dispatch Operators log their notes on the "Noise & Dust Assessment Form". A sample of completed forms were viewed by the auditors and observed to include notes of the elevated dust levels and communication with the Mine Manager on potential causes and whether a change of operations is required. <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>With respect to Schedule 3, conditions 16 and 17, observations on site during the audit site inspection identified situations where odour was evident outside the site</p> | | <p>conducted as required. If the frequency of these surveys is proposed to be altered, the Spontaneous Combustion Management Plan (AQMP - Appendix 3) should be reviewed and updated to reflect this requirement.</p> <p>OFI07 - 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> |

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| | | | <p>boundaries, and where vehicle generated dust emissions were evident without sufficient controls in place to minimise these emissions. 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>With respect to Schedule 3, Condition 19, 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. 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> | | |
| METEOROLOGICAL MONITORING | | | | | |
| SSD36 | S3 C22 | <p>For the life of the development, the Applicant must ensure that there is a meteorological station operating in the vicinity of the site that:</p> <ul style="list-style-type: none"> a. complies with the requirements in Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and b. is capable of continuous real-time measurement of temperature inversions in accordance with the NSW Industrial Noise Policy, unless a suitable alternative is | <p>WCPL operates an onsite weather station which is continuously operating in accordance with consent conditions and EPL requirements. The meteorological monitoring results are accessible from the WCPL Sentinex weather page and are also provided in an auto generated summary each morning as well as monthly. In addition to the weather station, WCPL also maintains a 60 m high temperature inversion monitoring tower for</p> | Compliant | |

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| | | approved by the Secretary following consultation with the EPA. | the direct measurement of temperature lapse rates at the Wilpinjong Coal Mine. Novecom have been contracted to maintain the station and conduct calibration of the weather station in September of each year. | | |
| WATER | | | | | |
| SSD37 | S3 C23 | <p>Water Supply</p> <p>The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of mining operations to match its available water supply.</p> <p>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.</p> | <p>Surface Water</p> <p>The Water Management Plan Revision 7 dated June 2021 (WMP) outlines that water supply for the mine is sourced from captured surface water runoff, groundwater inflows into open voids and provisions to use backup water from bore licences.</p> <p>The Surface Water Management Plan Revision 5 dated June 2021 (SWMP) details the high-level strategy of the water management system around the capture and re-use of dirty and mine water runoff.</p> <p>WCPL engaged SLR Consulting Australia Pty Ltd (SLR) to update the Site Water Balance under a 2021 review, of which details are summarised within the Site Water Balance Revision 5 dated June 2021 which is contained in Appendix 1 of the WMP. This update provided forecast site water behaviour from January 2021 to December 2023. Under the two scenario's modelled, there is sufficient water available for mining operations in all climatic conditions from the 1%ile (very dry climatic conditions) to the 99%ile (very wet climatic conditions). The updated water balance does not cover the mining operations beyond December 2023.</p> <p>It is noted that the older Water Balance presented in the August 2017 Water Management Plan (latest approved plan from the Department) modelled through to 2033.</p> | Compliant | <p>Surface Water</p> <p>OFI11 - It is recommended that the current site water balance (SLR, 2021) is updated to extend its modelling period to cover the life of mine (i.e. 2033) as part of the 2022 review. This will help guide future water management decisions such as the introduction of sediment dams to enable the offsite release of surface runoff from rehabilitation areas, scale and extent of clean water diversions, required scale of water quality treatment for off-site discharge of mine water and potential need for mine water transfer with neighbouring mines.</p> <p>Groundwater</p> <p>OFI12 - Include groundwater take from pastoral activities in annual review to ensure the take is less than the allocated 100 ML/yr held by Peabody Pastoral Holdings Pty Ltd.</p> |

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| | | | <p>The plan states ‘modelling indicated that the maximum water supply demand, which would only occur under very dry climatic conditions, would be up to approximately 130 ML/ year. This small amount of make-up water could be readily secured via WCPL’s existing hard rock groundwater licences given WCPL hold approximately 1,000 ML/year of available entitlement not required to account for modelled groundwater inflows’</p> <p>Based on observations onsite of current storage dams and a review of the site water balance results outlined in the August 2017 and June 2021 revisions of the Water Management Plan, there is sufficient water available for WCPL based on their current scale of mining operations.</p> <p>Groundwater</p> <p>2018 – 127 ML/yr estimated alluvial take (baseflow loss) of 374ML/yr allocated for WCPL under WAL21499 for Wollar Creek Water Source.</p> <p>Highest estimated groundwater take of 1,033 ML/yr from 3,121, ML/yr allocated under WAL41862 for extraction from open pits and water supply bores.</p> <p>2019 – 131ML/yr estimated alluvial take (baseflow loss) from 374 ML/yr allocated for WCPL under WAL21499 for Wollar Creek Water Source.</p> <p>Highest estimated take of 905 ML/yr from 3,121 ML/yr allocated under WAL41862 for extraction from open pits and water supply bores.</p> <p>2020 –150ML/yr estimated alluvial take (baseflow loss) of 374ML/yr allocated under WAL21499 for Wollar Creek Water Source.</p> | | |

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| | | | <p>Highest estimated take of 740ML/yr from 3,121ML allocated under WAL41862 for extraction from open pits and water supply bores.</p> <p>(Note a total 474 ML/yr is allocated under WAL21499 of which 374ML held by WCPL and 100ML held by Peabody Pastoral Holdings).</p> <p>Estimated groundwater take indicates sufficient water/licences are available for WCPL. No records of water use were available for pastoral activities on Peabody owned land.</p> | | |
| SSD38 | S3 C24 | <p>Compensatory Water Supply</p> <p>The Applicant must provide a compensatory water supply to any landowner of privately-owned land (including the owner of the Wollar Public School land) whose surface water and/or groundwater supply is adversely and directly impacted as a result of the development (other than an impact that is minor or negligible), in consultation with DPI Water, and to the satisfaction of the Secretary.</p> <p>The compensatory water supply measures must provide an alternative long term supply of water that is equivalent to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable from the loss being identified, unless otherwise agreed with the landowner.</p> <p>If the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution. If the Applicant is unable to provide an alternative long term supply of water, then the Applicant must provide alternative compensation to the satisfaction of the Secretary.</p> | <p>WCPL personnel informed the auditors that no adverse or direct affects to surface water or groundwater on any privately-owned land occurred as a result of WCPL operations. As such, this condition had not been triggered during the audit period.</p> <p>Surface Water baseline data for Wilpinjong Creek is contained within SWMP (Section 4). Streamflow is also continually monitored in Wilpinjong Creek upstream (WILGSU) and downstream (WILGSD) of the WCPL mining operation and within Cumbo Creek. This monitoring would assist in determining if there has been an impact to the downstream surface water supply.</p> <p>A Trigger Action Response Plan (TARP) is contained within the SWMP for incidents when a complaint is received by a local landowner regarding a surface water supply issue. If triggered, the TARP documents required investigations, actions, reviews and reporting.</p> | Not triggered | OF113 - Implementation of contingency measures for private water supply users is dependent on notification from the user (i.e., Wollar Public School) to WCPL that there has been “a decrease in water level and/or reduction in yield from the bore”. The Wollar Public School bore groundwater level should be monitored regularly (i.e., quarterly) to record seasonal groundwater trends and levels. |

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| | | Note: The Water Management Plan (see condition 30) is required to include trigger levels for investigating potentially adverse impacts on water supplies. | <p>With the exception of Wollar Public School bore, all private bores are now on WCPL owned land.</p> <p>Wollar Public School bore has a maximum predicted 6m drawdown and 40+m available drawdown. Appropriate contingency measures for an impact on this groundwater supply user is outlined in the GWMP and includes deepening of the affected supply works, construction of a new supply works or provision of a new alternative water supply.</p> | | |
| SSD39 | S3 C25 | <p>Discharge Limits</p> <p>The Applicant must not discharge any water from the site or irrigate any waste water on site except as may be expressly provided by an EPL, or in accordance with Section 120 of the POEO Act.</p> | <p>Discharge of Water</p> <p>Under EPL 12425, there are two licenced discharge points for release of water from the site. The first is Point No.24 and is located on Wilpinjong Creek. It receives flows from the Water Treatment Plant (WTP) which is located adjacent Pit 2W. The second is located downslope of Pit 8 adjacent Ulan-Wollar Road and receives flows from the clean water dam located upslope of Pit 8.</p> <p>The surface water management system is designed to capture all dirty and mine water runoff. The runoff is collected in a series of water holding structures which are commonly either active and old pit voids. A network of pumps and pipes can then transfer this water between storages as required for operational purposes, and to manage the risk of off-site discharges via overflows. During the audit inspection, it was observed that any disturbances downslope of the active mining pits on the mine's downslope perimeter, were graded such that runoff would report back into the pit, rather than leaving site via the Ulan-Wollar Road Reserve.</p> <p>From December 2018 until 28 December 2020, no water was discharge from site via</p> | Compliant | |

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| | | | <p>EPL Point 24. From 29 December 2020, the WTP was recommissioned with water being released daily (with the exception of scheduled maintenance activities on the WTP) following treatment. On review of the 2018, 2019, 2020 annual returns and January 2021 to August 2021 EPL Monthly Report's, there has been no reported exceedances of the concentration or volume limits outlined in the EPL from Point No. 24.</p> <p>No details within the 2020 Annual return nor the EPL Monthly Reports could be found on the release of flows from Point No. 30. However WCPL personnel informed the surface water specialist during the audit that water has been released from Point No. 30 following treatment in accordance with the conditions of EPL12425.</p> <p>WCPL reported two discharge events from site that did not occur through EPL Point No. 24 or 30.</p> <p>Water Discharge – 9 February 2020</p> <p>The first event occurred at approximately 2:20pm on 9 February 2020, where water was observed to be flowing (through and underneath) a sediment fence at the Slate Gully/Pit 8 North development as a result of heavy rainfall. The estimated water released volume was approximately 200m³. The released water was captured downstream within a WCPL owned farm dam and did not reach Wilpinjong Creek. Water quality monitoring undertaken upstream and downstream of the tributary on Wilpinjong Creek indicated no increased in total suspended solids.</p> <p>25 May 2020 - The EPA determined that WCPL generally complied with the WMP (WI-</p> | | |

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| | | | <p>ENV-MNP-0040, August 2017) and no regulatory action would be taken against WCPL.</p> <p>A review of the water management for Pit 8 North was completed with the commencement of works to upgrade the Bund along Pit 8 North. A review of the PIRMP was also undertaken.</p> <p>Water Discharge – 19 February 2020</p> <p>The second event occurred at approximately 1:55am on 19 February 2020, where water was observed to be flowing (through and underneath) a sediment fence at the Slate Gully/Pit 8 North development as a result of heavy rainfall. The installation of the mitigation measures to address the event on the 9 February 2020 had progressed but had not been completed.</p> <p>The estimated volume of water released was approximately 495m³. Lightning associated with the rainfall event hampered WCPL personnel to effectively control the water via activating the de-watering pumps.</p> <p>The released water flowed overland through WCPL owned land and likely mixed with water from the undisturbed catchment to the north of the mine. During an inspection of the drainage line north of the event area shortly after the incident, there was vegetation debris and pooled water suggesting that the drainage line had recently flowed into Wilpinjong Creek. The subsequent water quality testing upstream and downstream of the tributary on Wilpinjong Creek indicated a slight rise in total suspended solids. WCPL's letter on the event concluded that the off-site</p> | | |

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| | | | <p>discharge of water was unlikely to lead to environmental harm.</p> <p>25 May 2020 - The EPA determined that Wilpinjong generally complied with the WMP (WI-ENV-MNP-0040, August 2017). It noted the limitations on actions during the discharge event as a result of WCPL's lightning TARP and no regulatory action would be taken against WCPL.</p> <p>As a result of the event, the following remedial works were undertaken:</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 PIRMP was also undertaken. <p>The event sites were inspected by the surface water specialist auditor on 22 September 2021. At this point in time, Pit 8 void was well advanced will all runoff from the upslope catchment prevented to flow offsite via entering the large void. The light vehicle road on the downslope side of the void has a berm and is graded such that runoff flows back into the void. It is considered to be an excellent strategy to prevent future discharge from site in this area and had been well thought through by WCPL personnel.</p> | | |

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| | | | <p>Given it could not be determined if the discharge events caused pollution (and therefore be a breach of the EPL and Section 120 of EPA Act), the audit finding is that WCPL have complied with this condition.</p> <p>Wastewater Irrigation</p> <p>Section 5.4 of the Site Water Balance (June 2021) states that 'treated effluent is used for irrigation in accordance with EPL 12425'. EPL 12425 includes a condition that states irrigation of treated waste water must be in accordance with Environmental Guidelines: Use of Effluent by Irrigation (NSW DEC, 2004) and not cause surface runoff, nor exceed the capacity of the utilisation areas to effectively utilise the effluent.</p> <p>Section 5.4 of the Site Water Balance (June 2021) goes onto say 'the existing sewerage treatment facilities and treated/grey water spray areas will continue to be operated in accordance with the Environmental Guidelines: Use of Effluent by Irrigation (NSW DEC, 2004)'.</p> <p>The irrigation area is currently within the rail loop with two sprinklers in grass areas and a third within the trees. WCPL personnel informed the surface water specialist during the audit site inspection that a plumber regularly checks the performance of the sewerage treatment facility as regulated by the local Council. There has been no issues over the audit period.</p> | | |
| SSD40 | S3 C26 | <p>Cumbo Creek Relocation</p> <p>The Applicant must design, construct, maintain, and rehabilitate the proposed relocation of Cumbo Creek, to the satisfaction of the Secretary.</p> | <p>WCPL sent a letter to the NSW Department of Planning dated 8 June 2017 proposing a timeframe for the completion and approval of the Cumbo Creek Relocation Plan. This timeframe was:</p> | Not triggered | |

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| | | | <ul style="list-style-type: none"> 2021-2023 – development of mine planning, engineering and supporting technical advice for the creek relocation 2024 – preparation of the draft Cumbo Creek Relocation plan and conduct of associated regulatory consultation 2025 – approval of the Cumbo Creek Relocation Plan <p>The NSW Department of Planning & Environment have subsequently accepted this approach with a letter provided in August 2017, approving the Water Management Plan without the inclusion of the Cumbo Creek Relocation Plan.</p> <p>At the time of the audit, no work had commenced on the Cumbo Creek Relocation Plan.</p> | | |
| SSD41 | S3 C27 | Within one month of completing the construction of the Cumbo Creek relocation, the Applicant must submit an as-executed report, certified by a practising registered engineer, to the Secretary. | Cumbo Creek relocation has not yet commenced | Not triggered | |
| SSD42 | S3 C28 | Prior to destroying the original creek line, the Applicant must demonstrate that the Cumbo Creek relocation is operating successfully, in consultation with DPI Water, and to the satisfaction of the Secretary. | Cumbo Creek relocation has not yet commenced | Not triggered | |
| SSD43 | S3 C29 | <p>Water Management Performance Measures</p> <p>The Applicant must comply with the performance measures in Table 6 to the satisfaction of the Secretary.</p> | <p>General</p> <p>The Water Management System currently being implemented by WCPL is for the separation of clean water where reasonable and feasible, and dirty and mine water is being managed under the one system.</p> <p>The Water Management System as detailed in the SWMP is a well thought out and implemented system that allows for the containment and re-use of mine and dirty water.</p> | Non-compliant | OF114 - The clean water diversion upslope of Pit 6 is to be installed to minimise clean water runoff into the mine water system. Rehabilitation of the clean water diversions following installation has been a problem for WCPL in the past, as evident by the limited vegetation establishment within that installed for Pit 8. Given the channel has been constructed in |

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| | | <p>Table 6. Water management performance measures</p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measure</th> </tr> </thead> <tbody> <tr> <td>General</td> <td>Maintain separation between clean, dirty and mine water management systems Minimise the use of clean water on site Design, install, operate and maintain water management systems in a proper and efficient manner</td> </tr> <tr> <td>Clean water diversion & storage infrastructure</td> <td>Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site</td> </tr> <tr> <td>Sediment dams</td> <td>Design, install and/or maintain sediment dams to ensure no discharges to surface waters, except in accordance with an EPL or in accordance with Section 120 of the POEO Act.</td> </tr> <tr> <td>Mine water storages</td> <td>Design, install and/or maintain mine water storage infrastructure to ensure no discharge of untreated mine water off-site. Discharge treated mine water in accordance with an EPL or in accordance with Section 120 of the POEO Act.</td> </tr> <tr> <td>Wilpinjong, Cumbo and Wollar Creeks</td> <td>No greater impact than predicted for the development for water flow and quality</td> </tr> <tr> <td>Aquatic, riparian and groundwater dependent ecosystems</td> <td>Negligible environmental consequences beyond those predicted for the development</td> </tr> <tr> <td>Flood mitigation measures</td> <td>Ensure all open cut pits, CHPP, coal stockpiles and main mine facilities areas exclude flows for all flood events up to and including the 1 in 100 year ARI. All final voids designed to exclude all flood events up to including the PMF event.</td> </tr> <tr> <td>Overburden, CHPP Reject and Tailings</td> <td>Design, install and maintain emplacements to prevent or minimise the migration of pollutants due to seepage</td> </tr> <tr> <td>Chemical and hydrocarbon storage</td> <td>Chemical and hydrocarbon products to be stored in bunded areas or structures in accordance with relevant Australian Standards</td> </tr> </tbody> </table> | Feature | Performance Measure | General | Maintain separation between clean, dirty and mine water management systems Minimise the use of clean water on site Design, install, operate and maintain water management systems in a proper and efficient manner | Clean water diversion & storage infrastructure | Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site | Sediment dams | Design, install and/or maintain sediment dams to ensure no discharges to surface waters, except in accordance with an EPL or in accordance with Section 120 of the POEO Act. | Mine water storages | Design, install and/or maintain mine water storage infrastructure to ensure no discharge of untreated mine water off-site. Discharge treated mine water in accordance with an EPL or in accordance with Section 120 of the POEO Act. | Wilpinjong, Cumbo and Wollar Creeks | No greater impact than predicted for the development for water flow and quality | Aquatic, riparian and groundwater dependent ecosystems | Negligible environmental consequences beyond those predicted for the development | Flood mitigation measures | Ensure all open cut pits, CHPP, coal stockpiles and main mine facilities areas exclude flows for all flood events up to and including the 1 in 100 year ARI. All final voids designed to exclude all flood events up to including the PMF event. | Overburden, CHPP Reject and Tailings | Design, install and maintain emplacements to prevent or minimise the migration of pollutants due to seepage | Chemical and hydrocarbon storage | Chemical and hydrocarbon products to be stored in bunded areas or structures in accordance with relevant Australian Standards | <p>There is a strategy in place to improve the segregation between mine and dirty water through the introduction of sediment dams within well established rehabilitation areas. This strategy can be improved by the commencement of water quality monitoring as detailed in the recommendations.</p> <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 occupations (9th and 19th February 2020). 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>Clean water diversion & Storage Infrastructure</p> <p>Following a recommendation of the Independent Environmental Audit in August 2018, a review was undertaken to document the assessment process for adopting or not adopting clean water diversions. The review included an assessment of WCPL's harvestable right position which is detailed in the 2020 Annual Return. This concluded that WCPL can achieve its harvestable rights position with the construction of the clean water diversions in Pit 8 and later, Pit 6.</p> <p>The other key outcome from the review was only installing clean water diversions when it 'maximises, as far as reasonable and feasible, the diversion of clean water runoff around disturbed areas within the WCM site'. This is detailed in Section 5.1 of SWMP. This</p> | | <p>cut and exposed the underlying sodic subsoils, controlling erosion within the channel itself is proving difficult, with runoff from the undisturbed areas becoming sediment-laden when flowing along the channel before reaching the dam. It is recommended that the Pit 6 clean water diversion is installed via pushing up topsoil material from the low (disturbed) side of the channel, compacting and then seeding. This will allow runoff from the upslope (undisturbed) side of the channel to flow through existing vegetation against the compacted topsoil bund that should have a better opportunity to revegetate. This will prevent the runoff being exposed to sodic subsoils. This construction methodology is commonly referred to as a 'back-push bank' Its use is limited to gentle cross slopes and where longitudinal grades of 0.5-1% can be achieved along the bank to divert runoff around the proposed disturbance area without the need for cutting through ridgelines/humps. Based on site observations, the majority of the Pit 6 diversion appeared suitable.</p> <p>OF115 - Start planning for the implementation of sediment basin installation within</p> |
| Feature | Performance Measure | | | | | | | | | | | | | | | | | | | | | | | | |
| General | Maintain separation between clean, dirty and mine water management systems Minimise the use of clean water on site Design, install, operate and maintain water management systems in a proper and efficient manner | | | | | | | | | | | | | | | | | | | | | | | | |
| Clean water diversion & storage infrastructure | Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site | | | | | | | | | | | | | | | | | | | | | | | | |
| Sediment dams | Design, install and/or maintain sediment dams to ensure no discharges to surface waters, except in accordance with an EPL or in accordance with Section 120 of the POEO Act. | | | | | | | | | | | | | | | | | | | | | | | | |
| Mine water storages | Design, install and/or maintain mine water storage infrastructure to ensure no discharge of untreated mine water off-site. Discharge treated mine water in accordance with an EPL or in accordance with Section 120 of the POEO Act. | | | | | | | | | | | | | | | | | | | | | | | | |
| Wilpinjong, Cumbo and Wollar Creeks | No greater impact than predicted for the development for water flow and quality | | | | | | | | | | | | | | | | | | | | | | | | |
| Aquatic, riparian and groundwater dependent ecosystems | Negligible environmental consequences beyond those predicted for the development | | | | | | | | | | | | | | | | | | | | | | | | |
| Flood mitigation measures | Ensure all open cut pits, CHPP, coal stockpiles and main mine facilities areas exclude flows for all flood events up to and including the 1 in 100 year ARI. All final voids designed to exclude all flood events up to including the PMF event. | | | | | | | | | | | | | | | | | | | | | | | | |
| Overburden, CHPP Reject and Tailings | Design, install and maintain emplacements to prevent or minimise the migration of pollutants due to seepage | | | | | | | | | | | | | | | | | | | | | | | | |
| Chemical and hydrocarbon storage | Chemical and hydrocarbon products to be stored in bunded areas or structures in accordance with relevant Australian Standards | | | | | | | | | | | | | | | | | | | | | | | | |

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| | | | <p>differs from the approach detailed in the last Secretary approved SWMP (June 2018) which showed a series of diversions above all mining disturbance areas.</p> <p>The change in strategy is considered logical by the surface water specialist auditor given the limitations of installing an extensive system of clean water diversions as a result of the natural topography, soil conditions and layout of the mine. Some of the proposed diversions detailed in the June 2018 revision of the SWMP are considered impractical, and if implemented, would likely cause more environmental harm though required vegetation clearing and potential for erosion.</p> <p>A clean water diversion drain and associated dam has been installed upslope of Pit 8 within Slate Gully. Water collected within this dam can be released from site via pumping to EPL No. 30 located between Pit 8 and Ulan-Wollar Road. EPL12425 includes a condition requiring the TSS of the released water to be less than the reading at the upstream gauging station on Wilpinjong Creek. An automatic water monitoring system that continually monitors the turbidity reading within the dam is in place, with water only released via opening a valve on the outlet pipe when meeting the EPL condition. WCPL are currently working on upgrading the automation of the system to allow water to be released remotely should turbidity levels meet the required criteria. In the meantime, opening the valve is restricted to WCPL environmental personnel by using a manual locking system.</p> <p>At the time of the audit, a clean water diversion drain had not been installed around</p> | | <p>rehabilitated catchments. This would include routine water samples of collected surface water following runoff forming rainfall events to monitor water quality and assess when its of a suitable quality to enable off-site release via applying to NSW EPA to vary EPL 12425. The requirement to release runoff off-site from sediment basins will likely become critical in the future life of the mine should above average rainfall continue based on the Site Water Balance predictions. This is due to daily limits placed on discharges from EPL Point No.24 out of the mine water system, resulting in an increase in water storages within the mine voids which may begin to impact on coal production operations.</p> <p>OF116 - It is recommended that the predicted impacts of the mine on water flow are reviewed and performance measures included in the SWMP.</p> |

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| | | | <p>Pit 6. This area was inspected and WCPL personnel had a plan for how it can be implemented.</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>Sediment Dams</p> <p>Currently there are no sediment dams that are designed to overflow off-site, with all water storages considered part of the mine water system. At such time that the rehabilitated areas are stable enough to allow for suitable water quality within the dams for offsite release, their outlets will be modified.</p> <p>As requested by the EPA, WCPL will apply as required to vary EPL 12425 to incorporate any sediment dams that will discharge off-site under high intensity rainfall events.</p> <p>Mine Water Storages</p> <p>Mine water is contained onsite via downstream bunds and an extensive pumping system that transfers water between mine water storages. The pumping system allows for mine water to re-used onsite, create additional storage to prevent off-site discharges or the release of excess water off site following treatment via the WTP.</p> <p>Wilpinjong, Cumbo and Wollar Creeks</p> <p>Baseline stream flow data for Wilpinjong Creek and water quality data across Wilpinjong, Cumbo and Wollar Creeks is presented in the SWMP. The predicted impacts however are not included.</p> | | |

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| | | | <p>The streamflow monitoring data at the upstream and downstream gauging stations on Wilpinjong Creek and upstream gauging station on Cumbo Creek are presented in the 2018, 2019 and 2020 annual returns. The 2019 and 2020 Annual Returns included detailed analysis of the collected data against recorded rainfall. Likewise, water quality data is presented and well analysed in the 2018, 2019 and 2020 Annual Returns.</p> <p>Water quality monitoring, triggers and responses are well defined in the SWMP.</p> <p>Aquatic, riparian and groundwater dependant ecosystems</p> <p>Stream health monitoring, triggers and responses are well defined in the SWMP.</p> <p>Annual channel stability monitoring is undertaken along Wilpinjong and Cumbo Creeks to provide qualitative measures of stream bed and bank erosion. The 2018, 2019 and 2020 annual monitoring reports found that the stability rating had either improved or remained constant for the majority of the 59 monitoring sites. 2018 and 2019 were very dry with 2020 receiving above average rainfall. The annual monitoring undertaken by Ecological Australia, concluded in the 2020 report that ongoing mining operations are not causing stability issues within the target creek system.</p> <p>Annual Stream monitoring is undertaken along Wilpinjong, Wollar, Cumbo and Barigan Creeks. The 2020 report concluded that aquatic habitat assessments recorded mid-range scores, typical of catchments in the region. Water quality had fluctuated over the years since monitoring began in 2016 and</p> | | |

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| | | | <p>macroinvertebrate scores increased in 2020 following declines in previous years. The temporal and spatial consistency of the macroinvertebrates results indicate that historical disturbances within the catchments surrounding WCM are the main factors responsible for current stream health conditions rather than through impacts caused by mining.</p> <p>Flood mitigation measures As stated in the SWMP, the WCM is located outside the extent of flood events exceeding the 1 in 100 year ARI event from Wilpinjong Creek. Flood mitigation measures (i.e. bunds) are implemented along Cumbo Creek to prevent at least the 1 in 100 year ARI flood events from entering open cut pits.</p> <p>As stated in the SWMP, the two final voids will be designed to exclude all events up to the probable maximum flood.</p> <p>Overburden, CHPP Reject and Tailings The site is designed to capture all runoff within the downslope pit voids and dams. Chemical and Hydrocarbon Storage Vehicle washdown and refuelling area was well maintained and staff had a good understanding of the environmental risks associated with the infrastructure and handling of fuels, oils and greases. The oil and water separators are routinely inspected and maintenance scheduled as required.</p> | | |
| SSD44 | S3 C30 | <p>Water Management Plan 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. This plan must:</p> | <p>Water Management Plan Development 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</p> | Non-compliant | <p>Surface Water OF117 - Update the Site Water Balance to detail the investigation and implementation of water saving measures during the 2017-2019 drought</p> |

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| | | <p>a. be prepared in consultation with DPI Water and EPA, by suitably qualified and experienced persons whose appointment has been approved by the Secretary;</p> <p>b. include detailed performance criteria and describe measures to ensure that the Applicant complies with the water management performance measures (see Table 6);</p> <p>c. consider the recommendations of the IESC advice (IESC 2016-078), dated 2 September 2016 and the recommendations for management of potentially acid forming (PAF) and sodic materials as identified in the Geochemistry Assessment (Appendix K) completed for the EIS; and</p> <p>d. in addition to the standard requirements for management plans (see condition 3 of schedule 5), this plan must include a:</p> <p>i. <u>Cumbo Creek Relocation Plan that includes:</u></p> <ul style="list-style-type: none"> • a vision statement for the creek relocation; • an assessment of the water quality, ecological, hydrological and geomorphic baseline conditions in Cumbo Creek; • the detailed design and specifications for the creek relocation; • a construction program for the creek relocation, describing how the work would be staged, and integrated with mining operations; • a revegetation program for the relocated creek using a range of suitable native species; • • water quality, ecological, hydrological and geomorphic performance and completion criteria for the creek relocation based on the assessment of baseline conditions; and • • a program to monitor and maintain the water quality, ecological, hydrological and geomorphic integrity of the creek relocation; <p>ii. <u>Site Water Balance that:</u></p> | <p>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 sited 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>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> <p>Cumbo Creek Relocation Plan</p> <p>WCPL sent a letter to the NSW Department of Planning dated 8 June 2017 proposing a timeframe for the completion and approval of the Cumbo Creek Relocation Plan. This timeframe was:</p> <p>2021-2023 – development of mine planning, engineering and supporting technical advice for the creek relocation</p> | | <p>OF118 - Update the SWMP to include the developed performance triggers for the reinstatement of drainage lines</p> <p>OF119 - Update the SWMP to include developed performance criteria for investigating any potential or adverse impacts on channel stability attributed to WCM activities along with an associated TARP.</p> <p>Groundwater</p> <p>OF120 - A number of exceedances were identified in 2018, 2019 and 2020 and were only investigated within the annual review at years end. Quarterly data reviews should be undertaken to identify trends and investigate exceedances as early as possible. Update TARP and the GWMP as required.</p> <p>OF121 - 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.</p> <p>OF122 - Annual review should include information as to whether</p> |

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| | | <ul style="list-style-type: none"> • includes details of: <ul style="list-style-type: none"> ○ sources and security of water supply, including contingency planning for future reporting periods; ○ water use and management on site, including details of water sharing between neighbouring mining operations (if applicable); any off-site water transfers and discharges; ○ reporting procedures, including the preparation of a site water balance for each calendar year; and • investigates and implements all reasonable and feasible measures to minimise water use on site; <p>iii. <u>Surface Water Management Plan that includes:</u></p> <ul style="list-style-type: none"> • detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the development; • a program to augment the baseline data over the life of the project; • a detailed description of the water management system on site, including the <ul style="list-style-type: none"> ○ clean water diversions; ○ sediment dams and associated infrastructure; ○ mine water management system; ○ final voids; and ○ reinstatement of drainage lines on the rehabilitated areas of the site; • detailed objectives and performance criteria, including trigger levels for investigating any potential or actual adverse impacts associated with the development, for: <ul style="list-style-type: none"> ○ downstream surface water quality; ○ stream and riparian vegetation health in Wilpinjong, Cumbo and Wollar Creeks; ○ channel stability; | <p>2024 – preparation of the draft Cumbo Creek Relocation plan and conduct of associated regulatory consultation</p> <p>2025 – approval of the Cumbo Creek Relocation Plan</p> <p>The NSW Department of Planning & Environment have subsequently accepted this approach with a letter provided in August 2017, approving the Water Management Plan without the inclusion of the Cumbo Creek Relocation Plan. As such, the WMP currently does not contain the Cumbo Creek Relocation Plan as it is yet to be developed.</p> <p>Site Water Balance</p> <p>WCPL engaged SLR Consulting Australia Pty Ltd (SLR) to update the Site Water Balance under a 2021 review, of which details are summarised within the June 2021 WMP. A detailed review of the Site Water Balance (Revision 5 dated June 2021) found that it adequately covers the requirements outlined in this condition. The 2021 revision of the site water balance only extends to December 2023, and as such, its ability to inform longer term management decisions is limited.</p> <p>In addition, WCPL personnel informed audit personnel that a synthetic dust suppressant is also added to the water carts to assist with minimising water use.</p> <p>Surface Water Management Plan</p> <p>The latest revision of the SWMP is Revision 5 dated June 2021 and is included in Appendix 2 of the WMP Revision 7 dated June 2021.</p> <p>A detailed review of the SWMP identified that the plan adequately contained the contents required. The following areas could be improved:</p> | | <p>the model updates were independently reviewed.</p> <p>OFI23 - Solubility of key metals from core testing to be analysed and included in annual review.</p> <p>OFI24 - Indicate timeframe for monthly parameter sampling to commence. Commence monthly sampling for parameters outlined in Table 8 of the GWMP.</p> <p>OFI25 - Describe the screened intervals of PZ13, PZ20, PZ21 and PZ2 as per Table 8 of the GWMP.</p> |

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| | | <ul style="list-style-type: none"> ○ design and management for the emplacement of coal reject, tailings materials and saline, sodic and PAF materials; ○ reinstatement of drainage lines on the rehabilitated areas of the site; and ○ control of any potential water pollution from the rehabilitated areas of the site; ● a program to monitor and report on: <ul style="list-style-type: none"> ○ the effectiveness of the mine water management system; ○ surface flows and water quality, channel stability, stream and riparian vegetation health of Wilpinjong, Cumbo and Wollar creeks, including statistical trend analysis of salinity and other parameters; ○ the performance measures listed in Table 6; ○ impacts on water users; ● reporting procedures for the results of the monitoring program; and ● a plan to respond to any exceedances of the trigger levels/ and or performance criteria, and mitigate and/or offset any adverse surface water impacts of the development, including measures to provide compensatory water supply to any affected downstream water use under condition 24 of this schedule; <p>iv. <u>Ground Water Management Plan that includes:</u></p> <ul style="list-style-type: none"> ● detailed baseline data of groundwater levels, yield and quality in the region that could be affected by the development, including privately-owned groundwater bores and groundwater dependent ecosystems; ● groundwater assessment criteria including trigger levels for investigating any potentially adverse groundwater impacts; ● a program for accurately delineating the boundary of the Wilpinjong Creek alluvial aquifer in any areas intersected by mining; | <ul style="list-style-type: none"> ● The Plan comments that a study is underway by Alluvium to develop a suitable drainage system for WCPL to reinstate drainage lines in rehabilitation areas. As part of this study, the Plan states that 'WCPL will develop appropriate trigger levels for the reinstated drainage lines over the course of 2017 and 2018. Once completed, this SWMP will be updated to include the trigger levels for the reinstated drainage lines'. It is recommended these triggers are developed and included in the next update of the SWMP. ● Including performance criteria for investigating any potential or adverse impacts on channel stability attributed to WCM activities along with an associated TARP. <p>Groundwater 2019 Climatic conditions have resulted in exceedances of the trigger levels for groundwater monitoring in alluvial material. Notification to relevant government agencies did not occur in the nominated time frame. Initial investigations by WCPL identified the potential source of the trigger exceedances to be non-mine related due to extreme ongoing climatic conditions experienced in 2019.</p> <p>2020 Non-compliance of Section 8.2 of the Groundwater Management Plan – did not report to relevant agencies as soon as practicable that an exceedance of the</p> | | |

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| | | <ul style="list-style-type: none"> • a program to monitor and report on: <ul style="list-style-type: none"> ○ impacts of the development on: <ul style="list-style-type: none"> – groundwater supply of potentially affected landowners; – regional and local (including alluvial) aquifers; – groundwater dependent ecosystems and riparian vegetation; ○ connectivity and groundwater leakage to/from Cumbo Creek following relocation; ○ the seepage/ leachate from water storages and emplacements; ○ groundwater inflows into open cut/ voids and transfers to the water management system; ○ ground water levels and/or pressure and quality in the alluvial, coal seam, and inter-burden aquifers; and • a program to review and validate the groundwater model for the development, including independent expert review; and • a plan to respond to any exceedances of the trigger levels and/or performance criteria, and mitigate and/or offset any adverse groundwater impacts of the development, including measures to provide compensatory water supply to any affected groundwater users under condition 24 of this schedule; | <p>groundwater quality trigger levels had occurred.</p> <p>Two alluvial bores exceeded the EC criteria in 2020 including GWa5 and GWa7.</p> <p>Trigger EC exceedances for coal monitoring bores were observed in GWc1, GWc2, GWc3, and GWc5</p> <p>The groundwater assessment is carried out annually by WCPL's specialist groundwater consultants, which identified the potential source of the trigger exceedances in the majority of bores to be non-mine related due to extreme ongoing climatic conditions experienced in 2019/2020 period.</p> <p>GWa5 and GWa7 are subject to further investigation in 2021 to determine if the bores are functioning correctly.</p> <p>EC triggers for GWc1, GWc3 and GWc5 are recommended to be revised based on 80th percentiles of the full monitoring record at each site. These revised values are well below the values naturally found in the alluvium and below the guideline value.</p> <p>Quarterly reviews to identify earlier trends and exceedances</p> <p>Update TARP and the GWMP as required.</p> <p>Non-compliance of Sections 7.1.2 and 8.2 of the Groundwater Management Plan – exceeded “Cease to pump trigger level” and did not report to relevant agencies as soon as practicable that an exceedance of the “Cease to pump trigger levels” had occurred.</p> <p>Groundwater level observations at GWc11 were below the “Cease-to-pump trigger level” for both the January and February 2020</p> | | |

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| | | | <p>observations, by 0.54 m and 0.91 m respectively.</p> <p>The exceedance in January and February 2020 is likely related to a combination of severe below average rainfall conditions from 2017 to early 2020, nearby open-cut mining operations, and extraction from GWs11, PB1 and the 'Turkey's Nest' bores.</p> <p>The magnitude of the exceedance is minor, and recovery above the "Cease to pump trigger" was observed when pumping stopped and rainfall increased in March 2020.</p> <p>Implementation of SLR's recommendations.</p> <p>Quarterly reviews to identify earlier trends and exceedances</p> <p>Update TARP and the GWMP as required.</p> <p>AGE is in agreeance with the text provided above from WCPL Annual Reviews.</p> <p>Appendix 3 of WMP – GWMP – assessment against condition 30 (d) (iv):</p> <ul style="list-style-type: none"> • Condition 30 (a) is compliant • Condition 30 (b) is compliant • Condition 30 (c) IESC GW advice shown in bold below with AGE response: <p>A plan to conduct additional core testwork as mining advances (GWMP Section 6.2):</p> <p>Core samples from 5 boreholes were provided for 2021 (ALS report number GB-20-J131_001-version1). The GWMP states "WCPL would opportunistically undertake core sampling and testing during exploration drilling...from a minimum of two boreholes annually". This data is to be stored within a database which would be used to constrain</p> | | |

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| | | | <p>and validate model parameters and guide future groundwater assessments.</p> <p>Solubility studies of arsenic, selenium and molybdenum in waste and reject material: Core testing would also include solubility studies of waste and reject materials (i.e. arsenic, selenium and molybdenum). Porosity and permeability were analysed in ALS report but there is no mention of key metals.</p> <p>Install additional groundwater bores in backfill areas: Compliant – four additional spoil bores installed 2019.</p> <p>Include analyses for molybdenum in the groundwater sampling Program: Compliant</p> <p>Monthly and event based metals monitoring: Non-compliant. Table 8 of the GWMP states planned monthly monitoring for certain parameters. Only select bores from the list have been sampled monthly for these parameters.</p> <p>Resume monitoring at four piezometers in the vicinity of the existing Tailings Dams (PZ13, PZ20, PZ21 and PZ26). Describe the screened intervals of the relevant piezometers:</p> <ul style="list-style-type: none"> Monitoring has resumed at these locations, however the screened intervals are not included in the annual review. Adequate baseline groundwater level and quality data (from 2004) and yield from | | |

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| | | | <p>pumping tests and falling/rising head tests.</p> <ul style="list-style-type: none"> • Adequate assessment criteria including trigger levels. • Previous geophysical and geological/drilling investigations completed between 2011 and 2014 to define alluvial boundary in Wilpinjong Creek. • Private bore census completed. Procedure in place for adverse effects to single private bore at Wollar Public School pending notification from School. • Regional and local aquifers monitored monthly. • Wilpinjong Creek (stream and associated riparian vegetation) identified as a GDE. Wilpinjong Creek alluvium regularly monitored. • Cumbo Creek connectivity leakage was assess for original creek location – N/A re relocation. • Monitoring in place for water storages and spoil. • Inflows into open cuts and transfers summarised from pumping records in annual review. • Groundwater levels and quality monitored in relevant aquifers. <p>Groundwater model developed by Hydrosimulations (2015) was updated by SLR in 2020 – unclear whether the model was reviewed by an independent expert or when the last independent review was undertaken. Model validity was assessed</p> | | |

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|---------------------|----------|---|--|----------------|-----------------|
| | | | <p>three years post model build (i.e. 2018) as per section 6.4 of GWMP.</p> <p>TARPs in place – exceedance reported as ‘soon as practicable’. Investigation report to relevant agencies required within seven days of identified non-compliance. RFI correspondence (PR148231_IEA_RFI_3_210930) indicates TARPs in the latest GWMP (V5) contain wording “WCPL will notify upon verification of a mining related exceedance”.</p> | | |
| SSD45 | S3 C31 | <p>The Applicant must implement the approved Water Management Plan for the development.</p> <p>Note: The Department accepts that the initial Site Water Management Plan may not include the detailed plans for the proposed relocation of Cumbo Creek. However, if this occurs, the Applicant will be required to seek approval from the Secretary for an alternative timetable for completion and approval of the Cumbo Creek Relocation Plan.</p> | <p>The surface water specialist auditor reviewed many of the management measures in place when undertaking the site audit inspection. With the exception of once control yet to be implemented (Pit 6 Clean Water diversion), the majority of the measures have been implemented onsite. WCPL environmental personnel had a sound knowledge of the water management system and how water is to be managed for operational use and prevention of creating off-site pollution. The controls observed appear to adequately prevent the uncontrolled release of dirty or mine water off-site.</p> <p>The groundwater specialist reviewed the approved GWMP (Version 3 – August 2017) and noted that it is being adequately implemented at the time of audit.</p> | Compliant | |
| BIODIVERSITY | | | | | |
| SSD46 | S3 C32 | <p>Land Based Offsets</p> <p>The Applicant must implement the biodiversity offset strategy as summarised in Table 7 and shown conceptually in Appendix 7, to the satisfaction of the Secretary.</p> | <p>Section 4.0 of the Biodiversity Management Plan (BMP) outlines the Biodiversity Offset Strategy. Table 7 of the BMP provides a summary of the Biodiversity Offset Strategy, which is consistent with the condition. The</p> | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|----------------------|------------------------------------|---|---|----------------|-------------------------|------------------|------------------------------------|-----|-----------------------------------|-----|--------------------|---------------|-----|---------------|-------|---------------|-------|---------------|----|---------------|-----|--------------------|--|-----|----------------------|--|-------|--|--------------|--------------|--|--|--|
| | | <p><i>Table 7: Biodiversity Offset Strategy</i></p> <table border="1"> <thead> <tr> <th>Area</th> <th>Offset</th> <th>Minimum Size (hectares)</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Existing Offsets</td> <td>Enhancement and Conservation Areas</td> <td>480</td> </tr> <tr> <td>Biodiversity Offset Areas D and E</td> <td>211</td> </tr> <tr> <td rowspan="5">Additional Offsets</td> <td>Offset Area 1</td> <td>199</td> </tr> <tr> <td>Offset Area 2</td> <td>416.5</td> </tr> <tr> <td>Offset Area 3</td> <td>124.5</td> </tr> <tr> <td>Offset Area 4</td> <td>38</td> </tr> <tr> <td>Offset Area 5</td> <td>218</td> </tr> <tr> <td>Regeneration areas</td> <td></td> <td>148</td> </tr> <tr> <td>Rehabilitation Areas</td> <td></td> <td>2,906</td> </tr> <tr> <td></td> <td>TOTAL</td> <td>4,741</td> </tr> </tbody> </table> | Area | Offset | Minimum Size (hectares) | Existing Offsets | Enhancement and Conservation Areas | 480 | Biodiversity Offset Areas D and E | 211 | Additional Offsets | Offset Area 1 | 199 | Offset Area 2 | 416.5 | Offset Area 3 | 124.5 | Offset Area 4 | 38 | Offset Area 5 | 218 | Regeneration areas | | 148 | Rehabilitation Areas | | 2,906 | | TOTAL | 4,741 | BMP was approved by the Department dated 19 June 2020. | | |
| Area | Offset | Minimum Size (hectares) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Existing Offsets | Enhancement and Conservation Areas | 480 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Biodiversity Offset Areas D and E | 211 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Additional Offsets | Offset Area 1 | 199 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Offset Area 2 | 416.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Offset Area 3 | 124.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Offset Area 4 | 38 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Offset Area 5 | 218 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Regeneration areas | | 148 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rehabilitation Areas | | 2,906 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | TOTAL | 4,741 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SSD47 | S3 C33 | <p>Within one year of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant must amend the Conservation Agreement for the Enhancement and Conservation Areas to remove the areas proposed to be incorporated into the re-alignment of the Transmission Line and include an additional area to ensure that the total area of the Enhancement and Conservation Area remains at 480 hectares.</p> | <p>Condition was met during the previous audit period.</p> <p>The Conservation Agreement between WCPL and OEH was amended to exclude the relocated electricity transmission line easement corridor where it crosses ECA-A and ECA-B (approximately 5 ha) and to add a compensatory additional area (approximately 17 ha) to the west of ECA-B. The Deed of Variation of the Conservation Agreement was executed on the 23 March 2018.</p> | Not triggered | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SSD48 | S3 C34 | <p>Long Term Security</p> <p>Within one year of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant must make suitable arrangements to protect the Enhancement and Conservation Areas and Offset Areas D and E in Table 7 in perpetuity to the satisfaction of the Secretary.</p> <p>In relation to protecting Biodiversity Offset Areas D and E, the Applicant must use its best endeavours to add the relevant land to the adjoining National Park, in consultation with OEH.</p> | <p>Condition was met during the previous audit period.</p> <p>Biodiversity Offset Areas D and E were transferred to NPWS other than a parcel of land awaiting subdivision (email provided from OEH approving transfer dated 13 January 16).</p> | Not triggered | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SSD49 | S3 C35 | <p>Within 3 years of the commencement of the development under this consent, unless the Secretary agrees otherwise, the Applicant must secure Offset Areas 1 to 5 by:</p> <ol style="list-style-type: none"> transferring the land to National Park estate; or entering into a Biobanking Agreement; or a combination of (a) and (b). | <p>A request dated 2 June 2020 for an extension of time to secure Biodiversity Offset Areas 1-5 as required under Condition 32, Schedule 3 for the WEP was approved 5 June 2020. The Planning Secretary granted an extension of time until 19 September 2021 for the extension of time.</p> | Not triggered | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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|-----------------------------|------------|---|--|------------------|---------------------------------------|-----------------|------------------|---------------------------------------|--------------------|-------|---|---|----|-------|--|--|---------------------------|--|--|--|-----------------------------|-------|---|-----|-------|----------------|---------------------------|-------|---|-----|-------|-------|--|---------------|--|
| | | The Applicant must use its best endeavours to secure Offset Areas 1 to 5 by transferring the land to adjoining National Park estate, in consultation with OEH. | Due to weather events impacting required preparation works an additional extension was requested by WCPL on 17 August 2021 and approved via letter on 24 August 2021. The Secretary granted an extension of time until 29 July 2022 to secure Biodiversity Offset Areas 1-5. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SSD50 | S3 C36 | <p>Rehabilitation Offsets</p> <p>Within 10 years of the completion of mining operations under this consent, unless otherwise agreed by the Secretary, the Applicant must demonstrate that there are sufficient biodiversity credits of a number and class specified in Tables 8 and 9 below.</p> <p><i>Table 8: Ecosystem Credit Requirements</i></p> <table border="1"> <thead> <tr> <th>Vegetation Community</th> <th>Code (BVT)</th> <th>Biometric Vegetation Type</th> <th>Area (hectares)</th> <th>Credits Required</th> <th>BVTs that can be used to meet credits</th> </tr> </thead> <tbody> <tr> <td>Fuzzy Box Woodland</td> <td>HU547</td> <td>Fuzzy Box Woodland on alluvial brown loam soils mainly in the NSW South</td> <td>9</td> <td>37</td> <td>HU547</td> </tr> <tr> <td></td> <td></td> <td>Western Slopes Bioregion.</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Rough Barked Apple Woodland</td> <td>HU981</td> <td>Rough-barked Apple grassy tall woodlands of the Brigalow Belt South</td> <td>880</td> <td>3,716</td> <td>HU981 HU732</td> </tr> <tr> <td>Whitebox Woodland Shrubby</td> <td>HU824</td> <td>White Box-Black Cypress Pine shrubby woodland of the Western Slopes</td> <td>575</td> <td>2,417</td> <td>HU824</td> </tr> </tbody> </table> | Vegetation Community | Code (BVT) | Biometric Vegetation Type | Area (hectares) | Credits Required | BVTs that can be used to meet credits | Fuzzy Box Woodland | HU547 | Fuzzy Box Woodland on alluvial brown loam soils mainly in the NSW South | 9 | 37 | HU547 | | | Western Slopes Bioregion. | | | | Rough Barked Apple Woodland | HU981 | Rough-barked Apple grassy tall woodlands of the Brigalow Belt South | 880 | 3,716 | HU981 HU732 | Whitebox Woodland Shrubby | HU824 | White Box-Black Cypress Pine shrubby woodland of the Western Slopes | 575 | 2,417 | HU824 | Rehabilitation areas are being managed towards the target vegetation communities. Given the previous (pre 2017) efforts were targeting 'Woody Corridors' or forest style outcomes there are some areas that now require 're-work' to conform to the Woodland community targets. There is a solid program in place on site that includes monitoring and maintenance to ensure these areas and new rehabilitation is moving towards the revised targets. | Not triggered | |
| Vegetation Community | Code (BVT) | Biometric Vegetation Type | Area (hectares) | Credits Required | BVTs that can be used to meet credits | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fuzzy Box Woodland | HU547 | Fuzzy Box Woodland on alluvial brown loam soils mainly in the NSW South | 9 | 37 | HU547 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | Western Slopes Bioregion. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rough Barked Apple Woodland | HU981 | Rough-barked Apple grassy tall woodlands of the Brigalow Belt South | 880 | 3,716 | HU981 HU732 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Whitebox Woodland Shrubby | HU824 | White Box-Black Cypress Pine shrubby woodland of the Western Slopes | 575 | 2,417 | HU824 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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|-------------------|--|---|---|-------------------------------|---------------------------|-----------|-------------------------------|-------------------|--|--|-------|-------|--|--|--|
| | | <p><i>Table 9: Species Credit Requirements</i></p> <table border="1"> <thead> <tr> <th>Species</th> <th>Code (BVT) ¹</th> <th>Biometric Vegetation Type</th> <th>Area (ha)</th> <th>Credits Required²</th> </tr> </thead> <tbody> <tr> <td>Regent Honeyeater</td> <td>HU697, HU732, HU824 or additional BVT's as otherwise agreed by the Secretary in consultation with OEH</td> <td>Mugga Ironbark-Black Cypress Pine shrub/ grass open forest of the upper Hunter Valley Yellow Box grassy woodland on lower hillslopes and valley flats in the southern NSW Brigalow Belt South Bioregion. White Box-Black Cypress Pine shrubby woodland of the Western Slopes</td> <td>2,897</td> <td>8,650</td> </tr> </tbody> </table> <p>Notes: 1. The BVT's are required to be planted as Regent Honeyeater habitat 2. The following rehabilitation types may generate up to 3.55 Regent Honeyeater credits / hectare: • Wilpinjong Extension Project open cut and ancillary areas rehabilitated to woodland • Wilpinjong Coal Project approved agricultural areas rehabilitated to woodland The following rehabilitation types may generate up to 1.775 Regent Honeyeater credits / hectare: • Wilpinjong Coal Project approved area woodland rehabilitated to BVT woodland</p> | Species | Code (BVT) ¹ | Biometric Vegetation Type | Area (ha) | Credits Required ² | Regent Honeyeater | HU697, HU732, HU824 or additional BVT's as otherwise agreed by the Secretary in consultation with OEH | Mugga Ironbark-Black Cypress Pine shrub/ grass open forest of the upper Hunter Valley Yellow Box grassy woodland on lower hillslopes and valley flats in the southern NSW Brigalow Belt South Bioregion. White Box-Black Cypress Pine shrubby woodland of the Western Slopes | 2,897 | 8,650 | | | |
| Species | Code (BVT) ¹ | Biometric Vegetation Type | Area (ha) | Credits Required ² | | | | | | | | | | | |
| Regent Honeyeater | HU697, HU732, HU824 or additional BVT's as otherwise agreed by the Secretary in consultation with OEH | Mugga Ironbark-Black Cypress Pine shrub/ grass open forest of the upper Hunter Valley Yellow Box grassy woodland on lower hillslopes and valley flats in the southern NSW Brigalow Belt South Bioregion. White Box-Black Cypress Pine shrubby woodland of the Western Slopes | 2,897 | 8,650 | | | | | | | | | | | |
| SSD51 | S3 C37 | <p>Within 6 months of the commencement of development under this consent, or as otherwise agreed by the Secretary, the Applicant must, in consultation with OEH, the Department and DoEE and to the satisfaction of the Secretary, develop suitable rehabilitation performance and completion criteria for:</p> <ul style="list-style-type: none"> a. the BVTs in Tables 8 and 9; and b. Regent Honeyeater habitat. <p>The performance and completion criteria must include consideration of the effect of climatic conditions, such as drought, and the NSW Biodiversity Offsets Policy for Major Projects 2014 and the associated Fact sheet: Mine Site Rehabilitation (OEH, 2014).</p> | Evidence cited Letter May 21 with Response from OEH June 21. OEH benchmarks the sites then Wilpinjong reviewing own local sites to ensure criteria is suitable. | Not triggered | | | | | | | | | | | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | Note: The rehabilitation offset performance and completion criteria form a component of the Rehabilitation Management Plan required under condition 64 of this schedule. | | | |
| SSD52 | S3 C38 | <p>If at the end of 10 years after landform establishment the rehabilitation does not meet the performance criteria to the satisfaction of the Secretary or 10 years after completion of mining operations the rehabilitation does not meet the completion criteria to the satisfaction of the Secretary, the Applicant must retire the relevant number of credits in accordance with the NSW Biodiversity Offsets Policy for Major Project 2014 to the satisfaction of OEH and can be achieved by:</p> <ol style="list-style-type: none"> acquiring or retiring credits under the Biobanking Scheme; making payments into an offset fund that has been established by the NSW Government; or providing supplementary measures. <p>Notes:</p> <ul style="list-style-type: none"> Landform establishment is a recognised stage of rehabilitation when the final land shape has been developed prior to growth medium development and ecosystem development. Landform establishment stage will progressively occur across the mine site, the performance criteria for new areas progressing into landform establishment stage will need to be assessed by the Secretary on a regular basis, for example every 3 years, to determine whether the requirements of the condition are met. The rehabilitation offset performance and completion criteria form a component of the Rehabilitation Management Plan required under condition 64 of this schedule. In accordance with the NSW Biodiversity Offsets Policy for Major Projects, additional biodiversity credits can be generated for the ongoing management of the rehabilitation area to ensure its biodiversity values are continually improved. Any additional credits could be secured through a Biobanking Agreement and used to offset future developments. | This condition is not yet triggered however it was noted during the site inspection that rehabilitation is well organised and implemented regularly. Maintenance is based on regular monitoring and scheduling involving Environment Department, Production Department and Mine & General Manager. | Not triggered | |
| SSD53 | S3 C39 | Additional Regent Honeyeater Measures | Evidence of contribution to DPIE (formerly OEH) towards the Regent Honeyeater Recovery Plan captive breeding and release | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations | | | | | | |
|---|-------------------|--|---|-----------------|---|-----------|---------------------------------|-------------------|---|--|--|
| | | <p>The Applicant must contribute funds to OEH towards the Regent Honeyeater Recovery Plan captive breeding and release programs, or alternative Regent Honeyeater recovery initiative agreed by OEH, in accordance with the payment schedule in Table 10.</p> <p><i>Table 10: Contributions to the Regent Honeyeater Recovery Plan - Payment Schedule</i></p> <table border="1"> <thead> <tr> <th>Timeframe</th> <th>Funds Allocated</th> </tr> </thead> <tbody> <tr> <td>Within 1 year from the commencement of development under this consent</td> <td>\$120,000</td> </tr> <tr> <td>Annually thereafter for 9 years</td> <td>\$60,000 per year</td> </tr> </tbody> </table> | Timeframe | Funds Allocated | Within 1 year from the commencement of development under this consent | \$120,000 | Annually thereafter for 9 years | \$60,000 per year | <p>programs was provided during the audit period (Tax Invoice - 1400089325 (2019) and 1400093948 (2020)).</p> | | |
| Timeframe | Funds Allocated | | | | | | | | | | |
| Within 1 year from the commencement of development under this consent | \$120,000 | | | | | | | | | | |
| Annually thereafter for 9 years | \$60,000 per year | | | | | | | | | | |
| SSD54 | S3 C40 | <p>Munghorn Gap Nature Reserve</p> <p>The Applicant must ensure that the edge of all open cut pits for the development are setback at least 20 metres from the boundary of the Munghorn Gap Nature Reserve.</p> <p>Note: It is accepted that some ancillary infrastructure would need to be retained for access and water management.</p> | <p>WCPL was implementing the following measures to ensure that the edge of all open cut pits for the development are setback at least 20 metres from the boundary of the Munghorn Gap Nature Reserve:</p> <ul style="list-style-type: none"> • Detailed mine planning and delineation of areas to be cleared as part of the vegetation clearance protocol, including Ground Disturbance Process (GDP). • A GDP is required to be completed prior to the commencement of new projects or activities requiring ground disturbance within the Mine site. Where required, a site-specific erosion and sediment control plan is required to be developed as part of this process. The GDP must be approved by the ECM (or delegate) prior to works commencing. Ground disturbing activities are not authorised to proceed without an approved GDP. Pre-clearance surveys will be undertaken as required, in accordance with WCPL's Pre Clearance Protocol. • Regular inspections of clearance areas are undertaken by respective project managers and WCPL's Environmental Representatives to ensure adequate | Compliant | | | | | | | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|---------|----------|--|--|----------------|-----------------|
| | | | <p>controls are implemented and maintained during the disturbance activity. Inspection frequency are determined based on the scale of the disturbance and with consideration to the environmental risks. Controls may need to be amended to accommodate changes in construction activities, disturbance areas, drainage paths and other conditions. Such changes are to be approved by the ECM (or delegate).</p> <ul style="list-style-type: none"> • The disturbance boundary and pit limit have been included on GPS coordinate system for machinery on site. • Every month overlay boundaries (including MOP disturbance, MOP extraction boundary) are assessed. WCPL maintain a GPS database which enables them to track the edge of all open cut pits against the Mughorn Gap Nature Reserve and rehabilitation area. • The section of the reserve that interfaces with mine is delineated by tape and was observed during site inspection. | | |
| SSD55 | S3 C41 | <p>Prior to carrying out any development under this consent, the Applicant must:</p> <ol style="list-style-type: none"> undertake a survey of the boundary of the Munghorn Gap Nature Reserve where it adjoins operational mining areas; ensure that the boundary is clearly delineated in the field and in Geographic Information Systems(GIS); and provide relevant Geographic Information System data to the Department and OEH. | Noted to have been completed during the previous audit period. | Not triggered | |
| SSD56 | S3 C42 | <p>Biodiversity Management Plan</p> <p>Prior to carrying out any development under this consent, the Applicant must prepare a Biodiversity Management Plan for</p> | Biodiversity Management Plan (BMP - WI-ENV-MNP-0035 - Version 6 - August 2020). Approved by DPIE on 19/06/2020. | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|---------|----------|--|--|----------------|-----------------|
| | | <p>the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> a. be prepared in consultation with OEH and DoEE; b. describe the short, medium, and long term measures that would be implemented to: <ul style="list-style-type: none"> • manage the remnant vegetation and fauna habitat on the site; and • implement the biodiversity offset strategy; c. include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary); d. include a detailed description of the measures that would be implemented to: <ul style="list-style-type: none"> • minimise the impacts on fauna, including undertaking pre-clearance surveys; maximise the salvage of resources within the disturbance area; • collect and propagate seed to be used for site rehabilitation, including the threatened species <i>Ozothamnus tessellatus</i>; undertake germination and propagation trials for <i>Ozothamnus tessellatus</i> for potential planting in rehabilitation and regeneration areas; • protect vegetation and fauna habitat outside the approved disturbance area on-site including targeted measures to minimise impacts on the Eastern Bentwing-bat roost site, including detailed information on proposed engineering works at the audit entry; • minimise lighting impacts on the Eastern Bentwing-bat roost site, including measures to prioritise the use of non-ultra violet lighting; • ensure that open cut setback distances to the Munghorn Gap Nature Reserve are met; • enhance the quality of existing vegetation and fauna habitat in the biodiversity offset areas; | <p>Section 1.6 of the BMP states that it was prepared in consultation with OEH and DoEE with copies of key correspondence contained in Appendix 2.</p> <p>Section 7.0 of the BMP outlines the Biodiversity Management Measures and Strategies to be implemented at WCM.</p> <p>Section 6.0 outlines Completion Criteria and Interim Performance Targets for WCM.</p> <p>Section 7 provides a detailed description of the measures that would be implemented to meet the requirements of C42(d).</p> <p>Section 9 provides a program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria.</p> <p>In April 2019, WCPL finalised the BVT performance and completion criteria⁷ in consultation with OEH, DoEE and DPIE and accordingly the BMP was comprehensively updated as required to reflect the new criteria and resubmitted in June 2019.</p> <p>Section 15 and Table 23 of the BMP outlines the management plan roles and responsibilities.</p> | | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | <ul style="list-style-type: none"> • manage any potential conflicts between the proposed enhancement works in the biodiversity offset strategy areas and any Aboriginal heritage values (both cultural and archaeological) in these areas, as informed by the Aboriginal cultural heritage survey required under condition 46 of this schedule; • manage salinity; • avoid and mitigate the spread of <i>Phytophthora cinnamomi</i> (<i>P. cinnamomi</i>) with consideration of actions identified in relevant threat abatement plans; • control weeds and feral pests; • control erosion; • control access; and • manage bushfire risk; <p>e. include a program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria including:</p> <ul style="list-style-type: none"> • a monitoring program for the implementation of the biodiversity offset strategy; • monitoring programs for the Eastern Bentwing-bat roost site to assess impacts from blasting and lighting; • targeted monitoring of cave dwelling bats within offset areas to inform potential for roost/ maternity sites; and <p>f. include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The Biodiversity Management Plan would not apply to offset areas if they are transferred into National Park Estate, in accordance with conditions 34 and 35 of this schedule. • A bond for the rehabilitation offsets within the Mining Lease will be required under the Mining Act 1992. | | | |

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| | | <ul style="list-style-type: none"> • With the approval of the Secretary, the Biodiversity Management Plan may exclude offset areas secured under a Biobanking Agreement. • The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated mine site. | | | |
| SSD57 | S3 C43 | The Applicant must implement the approved Biodiversity Management Plan for the development. | <p>The BMP was noted to generally being implemented for the development.</p> <p>The ground disturbance permit (GDP) system was observed to be utilised to manage disturbance activities as per Section 7.8 of the BMP.</p> <p>Annual biodiversity monitoring is being undertaken by Ecological Australia (the 2020 Annual Biodiversity Monitoring Report - V2 – 30/3/2021 was reviewed). The 2020 report provided a review of monitoring results and recommendations.</p> <p>A series of recommendations were provided to ensure the continual improvement of the annual biodiversity monitoring program. Recommendations included re-evaluating the current LFA monitoring. As part of the required TARP review for LFA results, it is recommended that consideration is given to the management aims for which LFA monitoring seeks to evaluate, and the efficacy of the LFA method to inform the achievement of these aims. A range of alternative methods are proposed for consideration.</p> <p>Recommendations also included a review of the frequency and selection of sites to continue monitoring.</p> <p>Fencing, Gates, and Signage inspections are undertaken annually.</p> <p>Access tracks are regularly inspected with no rehabilitation of tracks occurring during the</p> | Compliant | |

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|---------|----------|--|---|----------------|-----------------|
| | | | <p>audit period. Repair and maintenance of access tracks ongoing.</p> <p>Evidence of building demolition waste removal from BOA's has occurred during the audit period.</p> <p>Erosion, Sedimentation and Soil Management has occurred during the audit period through regular inspections and ongoing targeted tree planting along sections of Wilpinjong Creek within Regen Area 4, ECA_B, ECA_A and Regen Area 2 in 2020.</p> <p>Livestock unlikely to be use due to the revised requirement for native vegetation as opposed to previous agricultural land use.</p> <p>WCPL has maintained an ongoing seed collecting and seed storage program since 2015</p> <p>During 2020, applicable BVT seed species were identified from WCPL's seed bank and approximately 5,000 seedlings were propagated at a local nursey in Wollar</p> <p>In July 2020 a weed management map was developed with weed control ongoing and in accordance with the weed management map.</p> | | |
| SSD58 | S3 C44 | <p>Conservation Bond</p> <p>Within two years of commencing development under this consent, unless otherwise agreed by the Secretary, the Applicant must lodge a revised 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 shall be determined by:</p> <ul style="list-style-type: none"> a. calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs) for the land in Table 7 identified as "Existing offsets" and "Additional offsets"; and | <p>This condition was satisfied during the previous audit.</p> <p>WCPL hand delivered a cheque on 15 September 2017 to DPIE's offices for the agreed conservation bond amount of \$2,759,573.97. This was followed up by a letter to DPIE dated 5 October 2017 confirming the lodgement.</p> | Not triggered | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | <p>b. employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Secretary.</p> <p>If the offset strategy is completed in accordance with the completion criteria in the Biodiversity Management Plan the Secretary will release the bond.</p> <p>If the offset strategy is not completed in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will call in all, or part of, the conservation bond, and arrange for the completion of the relevant works.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Existing bonds which have been paid for the existing Enhancement and Conservation Areas remain current and are satisfactory to fulfill the requirements of this condition for those areas. • Alternative funding arrangements for long-term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to National Park Estate can be used to reduce the liability of the conservation and biodiversity bond. • The sum of the bond may be reviewed in conjunction with any revision to the Biodiversity Offset Strategy and/or the Biodiversity Management Plan. | | | |
| HERITAGE | | | | | |
| SSD59 | S3 C45 | <p>Protection of Aboriginal Heritage Items</p> <p>Unless otherwise authorised under the NP&W Act, the Applicant must ensure that the development does not cause any direct or indirect impact on the identified Aboriginal heritage items located outside the approved disturbance area of the development.</p> | There were no instances recorded within the audit period of direct or indirect impacts on identified Aboriginal items outside the approved disturbance area of the development. | Compliant | |
| SSD60 | S3 C46 | <p>Additional Cultural Heritage Survey – Offset Areas</p> <p>Within 12 months of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant shall carry out an investigation into the Aboriginal cultural heritage values in Offset Areas 1 to 5 to the satisfaction of the Secretary. This investigation must:</p> <p>a. be undertaken by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;</p> | WCPL requested endorsement from DPE of a suitably qualified and experienced person on 21 May 2017. DPE approved the appointment of the person from Southeast Archaeology (SEA) to undertake the investigation on 18 June 2018. WCPL requested an extension to the conduct the investigation in the Offset Areas 1-5. This was due to the fact that the appointed | Compliant | |

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| | | <ul style="list-style-type: none"> b. be undertaken in consultation with OEH and RAPs; c. focus the survey effort to identifying areas of moderate to high significance, such as rock shelter/ art sites; d. include a detailed report on the findings; and e. describe how the outcomes would be incorporated into the Biodiversity Management Plan and Aboriginal Cultural Heritage Plan required under this consent. | <p>heritage expert from SEA was not available to undertake the survey until late 2018. WCPL highlighted the extensive experience SEA has at Wilpinjong Coal Mine as well as the established long term relationships with the local RAPs.</p> <p>On 3 August 2018 DPE approved an extension of time to complete the heritage investigation until 31 March 2019.</p> <p>Wilpinjong Coal Mine, Central tablelands of New South Wales: Aboriginal cultural heritage investigation of Biodiversity Offset areas 1-5 was prepared in March 2019 by South East Archaeology Pty Limited. The survey report was submitted to Steve O'Donoghue from DPIE on 29/03/2019.</p> | | |
| SSD61 | S3 C47 | <p>Aboriginal Cultural Heritage Management Plan</p> <p>Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> a. be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary; b. be prepared in consultation with OEH and the RAPs; c. include the following for the management of Aboriginal heritage: <ul style="list-style-type: none"> • ensure any workers on site receive suitable heritage inductions prior to carrying out any project on site, and that suitable records are kept of these inductions; • a program and description of the measures/procedures that would be implemented for: <ul style="list-style-type: none"> ○ where reasonable and feasible, designing, constructing and operating ancillary | <p>Aboriginal Cultural Heritage Management Plan (ACHMP - WI-ENV-MNP-0034 - Version 6 - September 2019). Approved by DPIE on 19/06/2020.</p> <p>The ACHMP was prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary. Letter from DPE to WCPL titled "WEP Management Plans", dated 24/05/2017.</p> <p>The ACHMP was also prepared in consultation with OEH and the RAPs with response to comments evident in Appendix 3. Section 3.4 outlines the Cultural Heritage Induction and Training Requirements for WCPL. Prior to commencing work at WCPL, all contractors and employees will receive a general introduction to cultural heritage as part of their standard induction package. The records for the induction are captured through the Pegasus System.</p> | Compliant | |

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| | | <p>infrastructure to avoid direct impacts on the Aboriginal sites identified in the EIS as being potentially impacted, with particular consideration for the 15 sites classified as moderate, low-moderate or low-possibly moderate significance;</p> <ul style="list-style-type: none"> ○ protecting, monitoring and/or managing (including any proposed archaeological investigations and/or salvage measures) Aboriginal cultural heritage on site, including monitoring of ground vibration and dust deposition at sites WCP72, WCP152 and WCP153; ○ protecting, monitoring and/or managing the impacts of blasting on potentially affected Aboriginal cultural heritage sites located outside of the disturbance area including rock shelters in the Munghorn Gap Nature Reserve in accordance with condition 12 of this schedule; ○ undertaking test and salvage excavation at sites within the disturbance boundary as having high scientific significance and representative sites identified as potential archaeological deposits (PADs) and undertaking detailed recording of the ochre quarry evidence and rock art associated with WCP578 and WCP579, to inform the archaeological research program described in the Aboriginal Cultural Heritage Assessment in Appendix G of the EIS; ○ managing the discovery of any new Aboriginal objects or skeletal remains during the development; ○ maintaining and managing reasonable access for relevant Aboriginal stakeholders to heritage items on site and within offset areas; ○ ongoing consultation and involvement of RAPs in the conservation and/or management of Aboriginal cultural heritage on the site; and | <p>Section 5.0 outlines the management and control measures for aboriginal cultural heritage.</p> <p>Section 5.2.1 outlines the Ancillary Infrastructure Works and Exploration Drilling in previously unsurveyed areas of the development application area.</p> <p>Section 5.1.3 – 5.1.8 outline the measures in place to manage surface salvage, surface scrapes of open artefact sites, test excavation of open area and PADs, Management of Castle Rock WCP72 and management of rocky hill in slate gully and WCP118/WCP119.</p> <p>Section 6.3 outlines the monitoring requirements for rock art sites WCP152, WCP 153 and WCP72 (Castle Rock).</p> <p>Sections 5.2.3 outlines measures for the discovery of previously unidentified Aboriginal places and/or objects and Section 5.2.5 outlines measures for the discovery of skeletal remains.</p> <p>Section 5.3 outlines the management measures in place for the temporary keeping place at WCPL. Section 5.3.3 is titled Aboriginal Community Access to the Temporary Keeping Place and outlines that visitation to the Temporary Keeping Place (and therefore access to any salvaged Aboriginal objects) by the RAPs is permissible upon written request addressed to the ECM, provided at least 10 working days' notice of the requested visit is given.</p> <p>Section 5.4 outlines the measures in place for long-term curation options.</p> | | |

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| | | <ul style="list-style-type: none"> a strategy for the storage of heritage items salvaged on site, both during the development and in the long term. | | | |
| SSD62 | S3 C48 | The Applicant must implement the approved Aboriginal Cultural Heritage Management Plan for the development. | <p>There have been no incidents or complaints regarding aboriginal cultural heritage during the audit period.</p> <p>A review of the general induction package and confirmed it contained adequate information with regards to aboriginal heritage.</p> <p>Additional items were also noted:</p> <ul style="list-style-type: none"> Aboriginal heritage is included in the visitor induction, which is completed at the log in points; Records of employee and contractor inductions were sighted by the auditors. A quarterly safety training day was occurring on day 2 of the site inspection. This training day included the delivery of the heritage training program to WCPL employees. WCPL has a Native Title Liaison Office (NTLO) onsite who conducts fortnightly training sessions with workers. This is an interactive training session in which the NTLO brings in artefacts to familiarise their appearance with workers. Signage and fencing was evident at Castle Rock during the site inspection. <p>A number of clearance surveys were conducted during the audit period. A sample of reports from NOHC were reviewed by the auditors. The surveys include consideration of the archaeological and cultural heritage values associated with the site and the</p> | Compliant | |

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| | | | <p>potential value of conducting subsurface salvage.</p> <p>A workshop was held in 31 October 2019 between WCPL, Navin Officer Heritage Consultants, and RAPs on the management of Aboriginal rock art sites within the WCM lease, and in particular, the removal of dust at 'The Castle', Site WCP72 (Minutes Stakeholder Workshop, November 2019).</p> <p>Evidence provided that registered Aboriginal Parties Consultation Committee (RAPCC) meetings are occurring during the audit period (RAPCC Minutes 2207_2020).</p> <p>There were no instances recorded within the audit period of direct or indirect impacts on identified Aboriginal items outside the approved disturbance area of the development.</p> | | |
| SSD63 | S3 C49 | <p>Historic Heritage Management Plan</p> <p>Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare an Historic Heritage Management Plan for the development to the satisfaction of the Secretary. The plan must:</p> <ol style="list-style-type: none"> a. be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary; be prepared in consultation with the Heritage Division, Council and relevant landowners; and b. include the following for the management of historic heritage: <ul style="list-style-type: none"> • ensure any workers on site receive suitable heritage inductions prior to carrying out any project on site, and that suitable records are kept of these inductions; | <p>Historic Heritage Management Plan (HHMP - WI-ENV-MNP-0044 – Version 3 – September 2019) approved 19 June 2020.</p> <p>The HHMP was prepared by heritage specialists from Niche Environment and Heritage (Niche). The specialists were approved by the DP&E to prepare the HHMPP on 24 May 2017.</p> <p>Consultation with the Heritage division, MWRC and relevant landowners was sighted by the auditors. WCPL requested the HHMP be reviewed by the Heritage Division, MWRC and relevant landowners on 08 June 2017.</p> <ul style="list-style-type: none"> • Section 4.6 outlines the requirement for a Historic Heritage Component to the site induction. The records for the induction are captured through the Pegasus System. | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | <ul style="list-style-type: none"> • a program and description of the measures/procedures that would be implemented for: <ul style="list-style-type: none"> ○ photographic and archival recording of any impacted heritage items; ○ where reasonable and feasible, designing, constructing and operating ancillary infrastructure to avoid direct impacts on historic heritage items; ○ undertaking test and salvage excavation at the Potential Caretakers Cottage Site (Site 1G); ○ monitoring and managing the effects of blasting on potentially affected heritage items; ○ managing the discovery of any new historic heritage items during the development; and; ○ additional archaeological excavation and/or recording of any significant heritage items requiring demolition; and • a strategy for the storage of heritage items salvaged on site, both during the development and in the long term. | <ul style="list-style-type: none"> • Section 4 outlines the general management measures to be put in place with regards to historic heritage. • Section 4.1 outlines the specific management measures relating to historic heritage and have been incorporated from the WEP EIS Historic Heritage Assessment (Niche, 2015). • Section 4.7 outlines the management of historic heritage items in Wollar and wider surrounds. <p>Section 4.1 outlines that records will include as a minimum, a photographic record with notes and cross-referencing to base plans. The HHMP also references the OEH Heritage Branch stated guidelines 'Photographic Recording of Heritage Items Using Film or Digital Capture' (2006).</p> <p>Section 4.1 also states that that ancillary development at the Wilpinjong Coal Mine is subject to final design, and where practicable, infrastructure would be located to avoid direct impacts to historic heritage items.</p> <p>Section 4.1.1 outlines the management measures associated with the Historic Shale Oil mine Complex, Slate Gully (Site 1). The section outlines that WCPL will engage a suitably qualified heritage consultant to conduct archival recording of all features of the shale oil mine prior to the commencement of any mining works associated with Pit 8. A detailed test and salvage excavation program for the Potential Caretakers Cottage Site (Site 1G) is provided in Appendix 1 of the HHMP (ARD for the Caretakers Cottage Site).</p> <p>Section 4.2 references the Blast Management Plan with regards to monitoring</p> | | |

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| | | | <p>heritage items for impacts caused by blasting operations.</p> <p>Section 4.3 outlines the new site recording protocol.</p> <p>Section 4.8 outlines the measures in place to manage the storage of heritage items that have been salvaged.</p> <p>During 2020 the HHMP was revised and updated to include results of completed ARD in 2019, archival recording of the Historic Shale Oil Mine Complex and include ML1795 and update figures accordingly. At the time of preparing this audit an updated revision of the HHMP (i.e. Version 4) was pending approval with DPIE.</p> | | |
| SSD64 | S3 C50 | The Applicant must implement the approved Historic Heritage Management Plan for the development. | <p>There have been no incidents or complaints regarding aboriginal cultural heritage during the audit period.</p> <p>A review of the general induction package and confirmed it contained adequate information with regards to aboriginal heritage.</p> <p>Additional items were also noted:</p> <ul style="list-style-type: none"> • Heritage signage at the site entrance. • Historic heritage is included in the visitor induction, which is completed at the log in points; • Records of employee and contractor inductions were sighted by the auditors. • A quarterly safety training day was occurring on day 2 of the site inspection. This training day included the delivery of the heritage training program to WCPL employees. <p>In November 2019, WCPL implemented the ARD for the test and salvage excavation</p> | Compliant | |

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| | | | <p>required at the potential caretaker's cottage site in Pit 8. As a result of the ARD, no archaeological remains of the cottage or associated structures were found.</p> <p>Archival recording of the Historic Shale Oil Mine Complex was completed prior to the commencement of any mining works associated with the open cut in Pit 8.</p> | | |
| TRANSPORT | | | | | |
| SSD65 | S3 C51 | <p>Monitoring of Coal Transport</p> <p>The Applicant must:</p> <ol style="list-style-type: none"> a. keep accurate records of the: <ul style="list-style-type: none"> • amount of coal transported from the development in each calendar year (on a monthly basis); • number of coal haulage train movements generated by the development (on a daily basis); and b. include these records in the Annual Review. | <p>Tracking of ROM Coal quantities is managed by the Tech Services Department. Review of the ROM Coal Tracking Spreadsheets and Annual Reviews indicate that the amount of coal transported from the development is tracked monthly.</p> <p>The number of coal haulage train movements generated by the development is tracked on a daily basis by the CHPP team and is recorded in the Annual Reviews.</p> | Compliant | |
| SSD66 | S3 C52 | <p>Operating Conditions</p> <p>The Applicant must:</p> <ol style="list-style-type: none"> a. schedule shift changes on site to occur outside of school bus hours; and b. co-ordinate the shift changes on site with the shift changes of the adjoining Moolarben and Ulan mines to minimise the potential cumulative traffic impacts of shift changes of the three mines. | <p>Shift times were changed in March of 2013 following a request from DPE for both shift workers and staff to ensure local traffic on roads associated with shift changes occurs outside of the school bus hours. No other shift changes have been required or requested during the audit period.</p> <p>Evidence of correspondence between WCPL, Moolarben and Ulan mines in 2018 was provided indicating co-ordination of shift times between the three mines to minimise cumulative traffic impacts.</p> <p>Shift changes discussed amongst mines where changes occur. 30 March 2021 Moolarben email site</p> | Compliant | |

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| | | | <p>Email sent to Robert Brown from Ulan regarding shift changes 28 February 2019 change of shift to Ulan.</p> <p>Shift times recorded on spreadsheet managed by Wilpinjong and compared to Ulan and Moolarben. This is then communicated via email to the other mines.</p> | | |
| SSD67 | S3 C53 | <p>Road Works</p> <p>The Applicant must prepare a detailed schedule for the re-alignment and upgrade of Ulan-Wollar Road to the satisfaction of Council. This schedule must be submitted to the Secretary for approval within 6 months of the commencement of development or prior to carrying out any roadworks under this consent, whichever comes first.</p> <p>Note: The initial approved schedule can be amended following further consultation with Council and subsequent approval by the Secretary.</p> | <p>This condition was addressed during the 2018 IEA. WCPL submitted the schedule for the re-alignment of Ulan-Wollar Road to DPIE on 19 March 2018. Development under SSD 6764 commenced on 19 September 2017 and as such the schedule was required to be provided to DPIE no later than 19 March 2018.</p> <p>Approval of the re-alignment schedule by MWRC was provided on 19 March 2018 via email. MWRC also stated they have a good working relationship with WCPL.</p> | Compliant | |
| SSD68 | S3 C54 | <p>The Applicant shall construct the Ulan-Wollar Road re-alignment and upgrades as described and shown conceptually in the EIS and in accordance with the schedule in condition 53 of this schedule, to the satisfaction of Council.</p> <p>Note: These road works must be constructed in accordance with the relevant RMS or Austroads standards, and signposted and lit in accordance AS 1742 – Manual of Uniform Traffic Control Devices and AS/NZS 1158: 2005 – Lighting for Roads and Public Spaces.</p> | <p>All associated works regarding the road capital upgrades for Ulan Road and Cope Road in line with the Strategy and managed by MWRC have been 100% completed.</p> <p>The Ulan-Wollar Road re-alignment and upgrades was constructed generally in accordance with the conceptual design in the EIS.</p> <p>WCPL provided the Heads of Agreement for opening of new, realigned sections of Ulan-Wollar Road dated 8 May 2019.</p> <p>WCPL requested MWRC provide a fee for the construction of Wilpinjong Pit 6 and Main Entry Slip lanes on the Ulan Wollar Road. MWRC provided a letter quote on 28 July 2021 for the proposed works and was accepted by WCPL on 3 August 2021.</p> | Compliant | |

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| SSD69 | S3 C55 | Ulan Road Strategy The Applicant must make contributions towards the implementation of the Ulan Road Strategy (ARRB Group, December 2011). If there is any dispute about the implementation of the strategy, then any of the parties involved may refer the matter to the Secretary for resolution. | Maintenance contributions continue to be made in accordance with the Ulan deed of Agreement for the life of the mine. Remittance advice letters from MWRC for ongoing contributions for the implementation of the Ulan Road strategy were provided for the audit period. | Compliant | |
| SSD70 | S3 C56 | Prior to carrying out any development under this consent, the Applicant shall write to the owners of the residences that are entitled to additional road noise mitigation works under the Ulan Road Strategy (ARRB Group, December 2011) who have not sought these mitigation measures yet and remind them that they are entitled to additional road noise mitigation works under the strategy. | Evidence provided showing that WCPL initially wrote to the owners of the residences that are entitled to additional road noise mitigation works under the Ulan Road Strategy in 2017. Only one (1) remaining resident has not opted to have mitigation measures. The resident has been visited on multiple occasion by WCPL during the audit period to remind them of their entitlements. | Compliant | OFI26 - Recommended that formal correspondence be issued to the remaining resident in the form of a letter/email outlining that their entitlements for mitigation. |
| VISUAL | | | | | |
| SSD71 | S3 C57 | Operating Conditions The Applicant must: <ul style="list-style-type: none"> a. implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development, including establishing and maintain a vegetation screen between Ulan-Wollar Road and the Pit 3 to Pit 8 haul road cutting; b. ensure no fixed outdoor lights shine above the horizontal; c. ensure no in-pit mobile lighting rigs shine directly above the pit wall and other mobile lighting rigs do not shine above the horizontal; d. ensure no lighting shines directly on the Shale Oil Mine Audit; and e. ensure that all external lighting associated with the development complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version. | The vegetation screen which is in place between Ulan-Wollar Road and the Pit 3 – Pit 8 haul road was observed during the site inspection and was noted to block the majority of the view of the mine from Ulan-Wollar road. External Lighting AS4282 Compliant Audit Report, MRA 20.10.2017 Lighting Plant procedure (WI-NIN-PRO-0048) outlines measure to ensure lighting does not shine above the horizontal. Mobile lighting rigs were observed to have heads facing down and to be positioned to shine into the pit. Pit 8 is currently located significantly away from the Shale Oil Mine with lighting systems noted to be shining into Pit 8 and not towards | Non-compliant | OFI27 - Attain documentation confirming that Pit 3 pre-start area complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting. OFI28 - Ensure adequate document management and filing is undertaken for all future construction activities. |

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| | | | <p>the Shale Oil Mine. Mining is currently moving towards the Shale Oil Mine.</p> <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. 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>It should be noted that the western pre-start area is currently under constructions and will be completed during the next audit period.</p> | | |
| WASTE | | | | | |
| SSD72 | S3 C58 | <p>The Applicant must:</p> <ol style="list-style-type: none"> implement all reasonable and feasible measures to minimise waste (including coal rejects and tailings) generated by the development; ensure that the waste generated by the development is appropriately stored, handled and disposed of; manage on-site sewage treatment and disposal in accordance with the requirements of Council; ensure irrigation of treated wastewater is undertaken in accordance with OEH's Environmental Guideline for the Utilisation of Treated Effluent; only dispose of building and demolition wastes and tyres on-site in accordance with an EPL; and monitor and report on effectiveness of the waste minimisation and management measures in the Annual Review. | <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 (Incident 100000303728) 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>Management of on-site sewage treatment was reviewed by the auditors and was generally complying with Council's</p> | Non-compliant | <p>OF129 - While there was evidence of email communication of cross contamination of waste streams these issues from the Environment team to other relevant departments, there is the opportunity to improve this process to ensure that these items are effectively closed, and evidence is maintained. This may include reporting these incidents in SAP to ensure that evidence is attached, and closure of the matter can be tracked.</p> <p>OF130 - There is the opportunity to improve the reporting and management of spills, and the identification and management of remediation cells.</p> |

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| | | | <p>requirements. ALS report ME1700716 for analysis of effluent was sighted.</p> <p>Building and demolition waste was noted to be deposited in Pit 7 South during the audit period from the demolition of derelict structures in Wollar.</p> <p>The tyre burial register sited during the site inspection indicating that tyre burials during the audit period have not exceeded the 350 tonne per annum limit as per EPL.</p> <p>monitoring and reporting on effectiveness of the waste minimisation and management measures was observed in Section 6.5 of the Annual Reviews for the audit period.</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.</p> | | <p>OFI31 - Ensure IBCs, fuel pods, and barrels are located in suitable, bunded, hardstand areas (preferably covered). WCPL noted that a new bunded storage area is currently under construction to store IBCs.</p> |
| BUSHFIRE MANAGEMENT | | | | | |
| SSD73 | S3 C59 | <p>The Applicant must:</p> <p>(a) ensure that the development is suitably equipped to respond to any fires on site; and</p> <p>(b) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site.</p> | <p>WCPL maintain a fire truck and other firefighting equipment to respond to any fires on site. All staff are trained in the use of fire extinguishers and how to respond in the event of a fire.</p> <p>WCPL provided 2 trucks and associated crew for 2 weeks to control daytime activities at Pogy Creek in February 2020.</p> <p>WCPL also attended a power pole fire at Barigan road in 2020.</p> | Compliant | |
| REHABILITATION | | | | | |
| SSD74 | S3 C60 | <p>Rehabilitation Objectives</p> <p>The Applicant must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must be consistent with the proposed rehabilitation strategy described in the EIS (and</p> | <p>This condition is not yet triggered however it was noted during the site inspection that rehabilitation is well organised and implemented regularly. Maintenance is based on regular monitoring and scheduling involving Environment Department,</p> | Not triggered | <p>OFI32 - Landform design appeared stable however, recommendations are for surface preparations on new rehab areas to include the following:</p> |

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| | | <p>shown conceptually in Appendix 8), and comply with the objectives in Table 11.</p> <p><i>Table 11: Rehabilitation Objectives</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Mine site (as a whole)</td> <td> <ul style="list-style-type: none"> • Safe, stable and non-polluting • Final landforms designed to incorporate micro-relief and integrate with surrounding natural landforms and adjacent mine rehabilitation • Final landforms maximise geotechnical performance, stability and hydrological function • Constructed landforms maximise surface water drainage to the natural environment (excluding final void catchments) • Minimise long term groundwater seepage from the site to ensure negligible environmental consequences beyond those predicted for the development • Minimise visual impact of final landforms as far as is reasonable and feasible </td> </tr> <tr> <td>Final Voids</td> <td> <ul style="list-style-type: none"> • Minimise to the greatest extent practicable: <ul style="list-style-type: none"> ○ the size and depth of final voids ○ the drainage catchment of final voids ○ any high wall and low wall instability risk ○ risk of flood interaction for all flood events up to and including the PMF </td> </tr> <tr> <td>Surface infrastructure</td> <td> <ul style="list-style-type: none"> • To be decommissioned and removed, unless the Secretary agrees otherwise </td> </tr> <tr> <td>Rehabilitation</td> <td> <ul style="list-style-type: none"> • Rehabilitate at least 2,906 hectares of self-sustaining woodland ecosystem to the BVTs specified in Tables 8 and 9; • Establish self-sustaining ecosystem function in areas of: <ul style="list-style-type: none"> ○ aquatic habitat, within diverted and/or re-established drainage lines and retained water features, with consideration of hydro-geomorphological constraints; ○ habitat for threatened flora and fauna species; and ○ habitat for flora and fauna species known to occur in the region. </td> </tr> <tr> <td>Cumbo Creek relocation</td> <td> <ul style="list-style-type: none"> • Restored in accordance with conditions 26 to 28 of this Schedule. </td> </tr> <tr> <td>Other reinstated drainage lines</td> <td> <ul style="list-style-type: none"> • Drainage lines are restored in accordance with the principles, concepts and techniques described in "A rehabilitation manual for Australian streams (Rutherford, I, Jerie, K, Marsh, N 2000) </td> </tr> <tr> <td>Community</td> <td> <ul style="list-style-type: none"> • Ensure public safety • Minimise the adverse socio-economic effects associated with mine closure </td> </tr> </tbody> </table> <p>Note: To avoid any doubt, the final landform in Pit 8 must not include a final void and must be consistent with the landform proposed in the Applicant's Response to the Planning Assessment Commission Review, dated February 2017, and shown conceptually in Appendix 8.</p> | Feature | Objective | Mine site (as a whole) | <ul style="list-style-type: none"> • Safe, stable and non-polluting • Final landforms designed to incorporate micro-relief and integrate with surrounding natural landforms and adjacent mine rehabilitation • Final landforms maximise geotechnical performance, stability and hydrological function • Constructed landforms maximise surface water drainage to the natural environment (excluding final void catchments) • Minimise long term groundwater seepage from the site to ensure negligible environmental consequences beyond those predicted for the development • Minimise visual impact of final landforms as far as is reasonable and feasible | Final Voids | <ul style="list-style-type: none"> • Minimise to the greatest extent practicable: <ul style="list-style-type: none"> ○ the size and depth of final voids ○ the drainage catchment of final voids ○ any high wall and low wall instability risk ○ risk of flood interaction for all flood events up to and including the PMF | Surface infrastructure | <ul style="list-style-type: none"> • To be decommissioned and removed, unless the Secretary agrees otherwise | Rehabilitation | <ul style="list-style-type: none"> • Rehabilitate at least 2,906 hectares of self-sustaining woodland ecosystem to the BVTs specified in Tables 8 and 9; • Establish self-sustaining ecosystem function in areas of: <ul style="list-style-type: none"> ○ aquatic habitat, within diverted and/or re-established drainage lines and retained water features, with consideration of hydro-geomorphological constraints; ○ habitat for threatened flora and fauna species; and ○ habitat for flora and fauna species known to occur in the region. | Cumbo Creek relocation | <ul style="list-style-type: none"> • Restored in accordance with conditions 26 to 28 of this Schedule. | Other reinstated drainage lines | <ul style="list-style-type: none"> • Drainage lines are restored in accordance with the principles, concepts and techniques described in "A rehabilitation manual for Australian streams (Rutherford, I, Jerie, K, Marsh, N 2000) | Community | <ul style="list-style-type: none"> • Ensure public safety • Minimise the adverse socio-economic effects associated with mine closure | <p>Production Department and Mine & General Manager.</p> <p>Various areas of rehabilitation were inspected during the site visit. It was noted that rehabilitation was undertaken progressively and in full accordance with the MOP with one approved area of rehabilitation change of 10ha. It was observed through visual inspection and review of rehabilitation monitoring and maintenance reports that rehabilitation is on a trajectory for compliance in the future.</p> <p>Landform design appeared stable however recommendations are for surface preparations on new rehab areas to include the following:</p> <ul style="list-style-type: none"> • Install appropriately designed graded banks on rehab slopes. • Contour rip surface to key in topsoil to overburden and provide infiltration of rainwater. Current smooth surface and non-graded, non-designed windrow type diversion channels on slopes facilitates increased surface runoff leading to rills/gullies, sedimentation of channels and rehab failures. • Consider accountability and signoff trail for rehab areas for handover from production team/OCE to ensure standards of landform and surface prep are met prior to sowing and revegetation. <p>There were no straight line drop structures. Any contours wrapped around to low grade drainage lines at the toe of the dumps. Rehabilitation areas were seen to have some weed presence with areas of treatment (spraying) indicating active management.</p> | | <ul style="list-style-type: none"> • Install appropriately designed graded banks on rehab slopes. • Contour rip surface to key in topsoil to overburden and provide infiltration of rainwater. Current smooth surface and non-graded, non-designed windrow type diversion channels on slopes facilitates increased surface runoff leading to rills/gullies, sedimentation of channels and rehab failures. • Consider accountability and signoff trail for rehab areas for handover from production team/OCE to ensure standards of landform and surface prep are met prior to sowing and revegetation. <p>OFI33 - Install additional access tracks throughout rehab to provide easy access for rehab inspections and maintenance.</p> <p>OFI34 - Revise topsoil parameters within the completion criteria as they are currently not suitable for the soils on site.</p> |
| Feature | Objective | | | | | | | | | | | | | | | | | | | | |
| Mine site (as a whole) | <ul style="list-style-type: none"> • Safe, stable and non-polluting • Final landforms designed to incorporate micro-relief and integrate with surrounding natural landforms and adjacent mine rehabilitation • Final landforms maximise geotechnical performance, stability and hydrological function • Constructed landforms maximise surface water drainage to the natural environment (excluding final void catchments) • Minimise long term groundwater seepage from the site to ensure negligible environmental consequences beyond those predicted for the development • Minimise visual impact of final landforms as far as is reasonable and feasible | | | | | | | | | | | | | | | | | | | | |
| Final Voids | <ul style="list-style-type: none"> • Minimise to the greatest extent practicable: <ul style="list-style-type: none"> ○ the size and depth of final voids ○ the drainage catchment of final voids ○ any high wall and low wall instability risk ○ risk of flood interaction for all flood events up to and including the PMF | | | | | | | | | | | | | | | | | | | | |
| Surface infrastructure | <ul style="list-style-type: none"> • To be decommissioned and removed, unless the Secretary agrees otherwise | | | | | | | | | | | | | | | | | | | | |
| Rehabilitation | <ul style="list-style-type: none"> • Rehabilitate at least 2,906 hectares of self-sustaining woodland ecosystem to the BVTs specified in Tables 8 and 9; • Establish self-sustaining ecosystem function in areas of: <ul style="list-style-type: none"> ○ aquatic habitat, within diverted and/or re-established drainage lines and retained water features, with consideration of hydro-geomorphological constraints; ○ habitat for threatened flora and fauna species; and ○ habitat for flora and fauna species known to occur in the region. | | | | | | | | | | | | | | | | | | | | |
| Cumbo Creek relocation | <ul style="list-style-type: none"> • Restored in accordance with conditions 26 to 28 of this Schedule. | | | | | | | | | | | | | | | | | | | | |
| Other reinstated drainage lines | <ul style="list-style-type: none"> • Drainage lines are restored in accordance with the principles, concepts and techniques described in "A rehabilitation manual for Australian streams (Rutherford, I, Jerie, K, Marsh, N 2000) | | | | | | | | | | | | | | | | | | | | |
| Community | <ul style="list-style-type: none"> • Ensure public safety • Minimise the adverse socio-economic effects associated with mine closure | | | | | | | | | | | | | | | | | | | | |

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| | | | <p>Vegetation establishment appeared successful in the areas inspected. Where patches of vegetation were impacted by erosion, repair of this erosion and re-planting has either been undertaken or will be triggered in the future. There was diversity in target tree species with understorey and lower level shrubs to be targeted as rehabilitation develops. Vegetation health was high following above average rainfall this year.</p> <p>Overall soil management was of high standard with pre strip soil mapping and lab testing undertaken well ahead of time to plan for amelioration and stripping depths. Soil stockpiles were <3m and signposted.</p> | | |
| SSD75 | S3 C61 | <p>Rehabilitation Strategy</p> <p>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. This strategy must:</p> <ul style="list-style-type: none"> a. in consultation with the proponent of the Moolarben Coal Mine, investigate options to integrate the final landform with the Moolarben Coal Mine, including options to integrate final voids and minimise the sterilisation of land post-mining; b. include an assessment of partially backfilling voids 2 and 6 above the groundwater equilibrium level having regard to the final void rehabilitation objectives in Table 11, including consideration of downstream water quality and the objectives in Table 6; c. include a revised final landform plan which builds on the rehabilitation objectives in Table 11, including incorporation of micro-relief, landform stability, hydrological and ecological function; and | <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> | Non-compliant | OF135 - Attain sign-off of Rehabilitation Strategy from DPIE. |

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| | | <p>d. include detailed justification for proposed changes to the final landform, having regard to the approved post-mining land use.</p> <p>Note: The strategy should build on the proposed rehabilitation strategy shown in Appendix 8.</p> | | | |
| SSD76 | S3 C62 | <p>Progressive Rehabilitation</p> <p>The Applicant must rehabilitate the site progressively as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies must be employed when areas prone to dust generation cannot be permanently rehabilitated.</p> <p>Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development. It is also accepted that delays in rehabilitation due to extended wet or dry conditions may occur.</p> | <p>The site inspection and review of mining plans and scheduling indicated very little area was non-active and requiring rehabilitation. Progressive rehabilitation was noted on all plans and reports as well as site inspection. Refer to S3 C60 for details on inspection notes.</p> | Compliant | |
| SSD77 | S3 C63 | <p>The Applicant must commence the ecosystem and land use establishment phase of rehabilitation for areas within 50 metres of the Munghorn Gap Nature Reserve, within 2 years of ceasing mining operations in those areas.</p> <p>Note: It is accepted that some ancillary infrastructure would need to be retained for access and water management.</p> | Not Triggered | Not triggered | |
| SSD78 | S3 C64 | <p>Rehabilitation Management Plan</p> <p>Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> a. be prepared in consultation with DPI Water, OEHL, Council and the CCC; b. be prepared in accordance with any relevant NSW Government mining rehabilitation guidelines; c. describe how the rehabilitation of the site be integrated with the biodiversity offset strategy; d. include a conceptual life of mine rehabilitation schedule, a detailed rehabilitation schedule covering a period of | <p>The Mine Operations Plan (MOP) is used to address the requirements of the Rehabilitation Management Plan required under this condition.</p> <p>The MOP was approved on 20 January 2021 (DPIE letter cited).</p> <ul style="list-style-type: none"> a. Evidence of consultation with DPI Water, OEHL, Council and the CCC is located in Section 1.4 and Appendix 3 shows correspondence. b. Section 1.1 outlines the relevant NSW Government mining rehabilitation guidelines used in preparing the management plan | Compliant | |

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| | | <p>up to 3 years, and an annual program for reviewing and revising the schedule;</p> <ul style="list-style-type: none"> e. include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site and triggering remedial action (if necessary); f. clearly identify the rehabilitation offset areas required under condition 36 of this Schedule including: areas required for the ecosystem and Regent Honeyeater species credits; areas generating different credits per hectare for Regent Honeyeater species credits; and BVT's proposed to generate the offset credits; g. describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform (including final voids), biodiversity values and final land use; h. describe the rehabilitation methodologies that will be implemented to achieve the rehabilitation performance measures; i. describe a process for managing minor delays or changes to progressive rehabilitation forecasts; j. include interim rehabilitation where necessary to minimise the area exposed for dust generation; k. include a program to monitor, independently audit and report on the effectiveness of rehabilitation methodologies and progress against the detailed performance measures, trends and completion criteria; and l. build to the maximum extent practicable on the other management plans required under this consent. <p>Notes:</p> <ul style="list-style-type: none"> • The Mine Operations Plan (MOP) may be used to address the requirements of the Rehabilitation Management Plan required under this condition. However, the MOP must clearly document how the requirements of this condition have been met. • It is accepted that the Rehabilitation Management Plan initially submitted in accordance with this condition would not include the agreed rehabilitation offsets performance and completion criteria | <ul style="list-style-type: none"> c. Section 3.3.6 describes how the rehabilitation of the site be integrated with the biodiversity offset strategy d. Conceptual life of mine rehabilitation located in Section 5.2.2 e. Performance and completion criteria for evaluating the performance of the rehabilitation of the site located in Section 5.4 f. Rehabilitation offset areas identified in Section 3.3.6 and Section 5.2 g. Table 3, Sections 1.4.2, 3.4, 4.2, 5.0 outlines the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation h. Sections 3.3, 3.4, 5.2, 5.3, and 5.4 describe the rehabilitation methodologies that will be implemented to achieve the rehabilitation performance measures i. Section 9.2 describes a process for managing minor delays or changes to progressive rehabilitation forecasts j. Section 3.4.3 includes interim rehabilitation where necessary to minimise the area exposed for dust generation k. A program to monitor, independently audit and report on the effectiveness of rehabilitation methodologies are outlined in Section 8.0 l. Section 3.4 and 3.3.6 outlines how the remediation plan builds to the maximum extent practicable on the other management plans required under this consent | | |

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| | | required under condition 37 of this schedule or any rehabilitation changes resulting from the Rehabilitation Strategy required under condition 61 of this schedule. | | | |
| SSD79 | S3 C65 | Within 3 months of approval of the performance and completion criteria for rehabilitation offsets required under condition 37 of this schedule, the Applicant must revise the Rehabilitation Management Plan to include the approved performance and completion criteria, including a protocol for assessing and reporting on rehabilitation offsets against the performance criteria, as the mine is progressively rehabilitated. | Local reference sites approved and will be included in New MOP. OEH were consulted, DPIE approved. 31st May 2021 sent to OEH, 21st June 2021 DPIE Approved. Submitted MOP on 8th September 2021. | Compliant | |
| SSD80 | S3 C66 | Within 3 months of approval of the Rehabilitation Strategy required under condition 61 of this schedule, the Applicant must revise the Rehabilitation Management Plan accordingly. | Rehab Strategy not yet signed off by Secretary. | Not triggered | |
| SSD81 | S3 C67 | The Applicant must implement the approved Rehabilitation Management Plan for the development. | Active mining and rehabilitation ongoing. | Compliant | |
| SOCIAL | | | | | |
| SSD82 | S3 C68 | <p>Social Impact Management Plan</p> <p>Within 12 months of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare a Social Impact Management Plan to the satisfaction of the Secretary. This plan must</p> <ol style="list-style-type: none"> be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary; be prepared in consultation with Council, the CCC and the local community of Wollar; identify negative social impacts resulting from the project during operations and following closure in both a local and regional context; include an adaptive management and mitigation program to minimise and/or mitigate negative social impacts during operations and following closure; include a detailed description of the measures that would be implemented to: | <p>Social Impact Management Plan (SIMP - WI-ENV-MNP-0047 – Version 2 – June 2021).</p> <p>The negative social impacts resulting from the project during operation and following closure in both a local and regional context are outlined in Section 3.2 and 3.3.</p> <p>An adaptive management and mitigation program to minimise and/or mitigate negative social impacts during operations and following closure is outlined in Section 4 and 5.</p> <p>Detailed description of the measures that would be implemented to maintain and manage land and assets owned by the Applicant in Wollar Village are outlined in Section 4.1.</p> <p>Measures to maintain services for the local community, including postal services, public ablution facilities and the Rural Fire Service are detailed in Section 4.1, 4.3.3, and 4.4.</p> | Compliant | OF136 - Consider the Social Impact Assessment Guideline for State Significant Projects July 2021 for future revisions. |

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| | | <ul style="list-style-type: none"> maintain and manage land and assets owned by the Applicant in Wollar Village; assist in maintaining services for the local community, including postal services, public ablution facilities, and the Rural Fire Service; and minimise the adverse social impacts associated with mine closure; <p>f. include a program to monitor, review and report on the effectiveness of these measures, including updating the plan 3 years prior to mine closure.</p> | <p>Measures to minimise the adverse social impacts associated with mine closure are outlined in Section 4.5.</p> <p>A program to monitor and review the proposed measures are outlined in Section 5. Table 11 summarises the key social impact management measures within this SIMP and the indicators that will be used by WCPL to monitor the SIMP's delivery and effectiveness. Table 12 outlines the Social Indicator Monitoring Program. Section 6 also outlines the process for public reporting of monitoring results, including any revisions to the monitoring and management framework.</p> | | |
| SSD83 | S3 C69 | The Applicant must implement the approved Social Impact Management Plan for the development. | <p>Implementation of the SIMP was evident during the site inspection and following review of relevant documents including CCC meeting minutes.</p> <p>WCPL were observed to be actively implementing the Voluntary Planning Agreement (VPA) with MWRC by:</p> <ul style="list-style-type: none"> providing access to the ablution facilities at the Wollar General Store for public use during and beyond the store opening hours. providing cleaning services to the Wollar General Store ablution facilities. providing continued ground keeping of the vacant and public land within the Village of Wollar, including former church grounds, park and town entrances. <p>It was noted that the operator of the Wollar General Store has indicated that they will cease operation on 31 December 2021.</p> <p>It was noted that demolition of derelict structures in Wollar has occurred during the audit period.</p> | Compliant | |

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| SCHEDULE 4 – ADDITIONAL PROCEDURES | | | | | |
| NOTIFICATION OF LANDOWNERS/TENANTS | | | | | |
| SSD84 | S4 C1 | <p>Within 1 month of the date of this consent, the Applicant must:</p> <p>a. notify in writing the owners of:</p> <ul style="list-style-type: none"> the residences listed in Table 1 of schedule 3 that they have the right to require the Applicant to acquire their land at any stage during the development; any residence on the land listed in Table 2 of schedule 3 that they have the right to request the Applicant to ask for additional noise mitigation measures to be installed at their residence at any stage during the development; and any privately-owned land within 2 kilometres of the approved open cut mining pit/s that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; <p>b. notify the tenants of any mine-owned land of their rights under this consent; and</p> <p>c. send a copy of the NSW Health fact sheet entitled “Mine Dust and You” (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EIS identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria in schedule 3 at any time during the life of the development.</p> | This condition was addressed in the 2018 IEA and is not triggered during this phase of the development. | Not triggered | |
| SSD85 | S4 C2 | <p>Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, the Applicant must:</p> <p>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</p> | Tendency agreements are managed through First National Mudgee. Agreements were sighted for the audit period (Agreement 57 Araluen Lan Wollar NSW on 23 June 2020) and advise the tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW | Compliant | |

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| | | <p>entitled "Mine Dust and You" (as may be updated from time to time); and</p> <p>b. advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Secretary.</p> | Health fact sheet. The agreement also advises the tenants of the rights they would have under this consent. | | |
| SSD86 | S4 C3 | <p>As soon as practicable after obtaining monitoring results showing:</p> <p>a. an exceedance of any relevant criteria in schedule 3, the Applicant must notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria; and</p> <p>b. an exceedance of the relevant air quality criteria in schedule 3, the Applicant must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).</p> | Not triggered during the audit period. | Not triggered | |
| INDEPENDENT REVIEW | | | | | |
| SSD87 | S4 C4 | <p>If an owner of privately-owned land considers the development to be exceeding the relevant criteria in schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.</p> <p>If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Applicant must:</p> <p>a. commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:</p> <ul style="list-style-type: none"> • consult with the landowner to determine his/her concerns; • conduct monitoring to determine whether the development is complying with the relevant criteria in schedule 3; and | No written request for an independent review of the impacts of the development on privately-owned land during the audit period. | Not triggered | |

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| | | <ul style="list-style-type: none"> • if the development is not complying with these criteria, then identify the measures that could be implemented to ensure compliance with the relevant criteria; and b. give the Secretary and landowner a copy of the independent review. <p>Note: Where the independent review finds that the development is not complying with applicable criteria, the Department may take enforcement action under the EP&A Act to ensure compliance with the consent.</p> | | | |
| LAND ACQUISITION | | | | | |
| SSD88 | S4 C5 | <p>Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> • existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and • presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date; b. the reasonable costs associated with: <ul style="list-style-type: none"> • relocating within the Mid-Western Regional Council local government area, or to any other local government area determined by the Secretary; and • obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and c. reasonable compensation for any disturbance caused by the land acquisition process. | No written requests for land acquisition occurred during the audit period. | Not triggered | |

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| | | <p>However, if at the end of this period, 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 Secretary for resolution.</p> <p>Upon receiving such a request, the Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <ul style="list-style-type: none"> • consider submissions from both parties; • determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above; • prepare a detailed report setting out the reasons for any determination; and • provide a copy of the report to both parties. <p>Within 14 days of receiving the independent valuer's report, the 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.</p> <p>However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.</p> <p>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 Secretary's determination.</p> <p>If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer</p> | | | |

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| | | being made, unless the Secretary determines otherwise, then the Applicant's obligations to acquire the land shall cease. | | | |
| SSD89 | S4 C6 | The Applicant must pay all reasonable costs associated with the land acquisition process described in condition 5 above, 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. | No written requests for land acquisition occurred during the audit period. | Not triggered | |

SCHEDULE 5 – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

| | | | | | |
|-------|-------|---|---|-----------|--|
| SSD90 | S5 C1 | <p>Environmental Management Strategy</p> <p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary, and carry out the development in accordance with this strategy. The strategy must:</p> <ol style="list-style-type: none"> be submitted to the Secretary for approval prior to carrying out any development under this consent; provide the strategic framework for environmental management of the development; identify the statutory approvals that apply to the development; describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; describe the procedures that would be implemented to: <ul style="list-style-type: none"> keep the local community and relevant agencies informed about the operation and environmental performance of the development; receive, handle, respond to, and record complaints; resolve any disputes that may arise during the course of the development; respond to any non-compliance; respond to emergencies; and include: | <p>Environmental Management Strategy (EMS - WI-ENV-MNP-0001 – Version 6 – September 2019) approved by DPIE on 16 June 2020.</p> <p>The EMS outlines the strategic framework for environmental management at WCPL.</p> <p>Statutory approvals are outlined in Section 3 and Appendix 1 and 2.</p> <p>Section 7 outlines the key responsibilities of personnel under the EMS.</p> <p>Section 4 summarises WCPLs implementation and monitoring processes for the EMS and identifies where the processes are also included in individual site Environmental Management Plans. Section 6 outlines the reporting requirements for the EMS including non-compliance reporting, adaptive management, annual review, PIRMP, EPL reporting and outlines access to information.</p> <p>Section 3.11 outlines the components of the EMS and lists the Environmental Management Plans and programs required by the Development Consent. Appendix 3 details the monitoring locations from each of the management plans.</p> | Compliant | |
|-------|-------|---|---|-----------|--|

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|---------|----------|--|---|----------------|-----------------|
| | | <ul style="list-style-type: none"> copies of any strategies, plans and programs approved under the conditions of this consent; and a clear plan depicting all the monitoring required to be carried out under the conditions of this consent. | | | |
| SSD91 | S5 C2 | <p>Adaptive Management</p> <p>The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/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. Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <ol style="list-style-type: none"> take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; 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 implement reasonable remediation measures as directed by the Secretary. | <p>Section 6.2 of the EMS outlines adaptive management measures that WCPL have in place.</p> <p>A number of exceedances of the performance criteria and/or performance measures in Schedule 3 occurred during the audit period.</p> <p>Review of the incident reports and response from regulators indicated that WCPL has taken all reasonable and feasible steps to ensure that the exceedance ceases and does not recur.</p> | Compliant | |
| SSD92 | S5 C3 | <p>Management Plan Requirements</p> <p>The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <ol style="list-style-type: none"> detailed baseline data; a description of: <ul style="list-style-type: none"> the relevant statutory requirements (including any relevant approval, licence or lease conditions); any relevant limits or performance measures/criteria; the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; | <p>Review of the WCPL management plans required under the consent were generally found to be prepared in accordance with any relevant guidelines and the requirements of this condition.</p> <p>Refer to the review of management plans within each relevant management plan conditions.</p> | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|---------|----------|--|---|----------------|-----------------|
| | | <ul style="list-style-type: none"> c. a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; d. a program to monitor and report on the: <ul style="list-style-type: none"> • impacts and environmental performance of the development; • effectiveness of any management measures (see c above); e. a contingency plan to manage any unpredicted impacts and their consequences; f. a program to investigate and implement ways to improve the environmental performance of the development over time; g. a protocol for managing and reporting any: <ul style="list-style-type: none"> • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the criteria and/or performance criteria; and h. a protocol for periodic review of the plan. | | | |
| SSD93 | S5 C4 | <p>Annual Review</p> <p>By the end of March each year, the Applicant must submit a review of the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. This review must:</p> <ul style="list-style-type: none"> a. describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next year; b. include a comprehensive review of the monitoring results and complaints records of the development over the past year, which includes a comparison of these results against the: <ul style="list-style-type: none"> • relevant statutory requirements, limits or performance measures/criteria; | <p>Annual reviews required and completed during the audit period included:</p> <ul style="list-style-type: none"> • 2018 Annual Review (approved 30 March 2019). • 2019 Annual Review (approved 31 March 2020). • 2020 Annual Review (approved 31 March 2021). <p>The Annual Review's for the audit period were reviewed and noted to contain the information required including:</p> <ul style="list-style-type: none"> • An operations summary in Section 4 outlining the activities carried out in the reporting period. | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | <ul style="list-style-type: none"> • monitoring results of previous years; and • relevant predictions in the EIS; <p>c. identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>d. (identify any trends in the monitoring data over the life of the development;</p> <p>e. identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>f. describe what measures will be implemented over the next year to improve the environmental performance of the development.</p> <p>Note: The "Post Approval Requirements for State Significant Developments - Annual Review Guideline 2015, NSW Government, October 2015" (or its latest version) provides a reporting framework to integrate the reporting requirements of the Annual Review required by the Department under the development consent and the Annual Environment Management Report (AEMR) required under the Mining Lease.</p> | <ul style="list-style-type: none"> • A review of environmental performance in Section 6 including comparison of monitoring results against approval criteria, EIS predictions, identification of trends and management implications and proposed actions to improve environmental performance in the next reporting year. • Incidents and non-compliances are summarised in Section 11. • Section 12 describes what measures will be implemented over the next year to improve the environmental performance of the development. | | |
| SSD94 | S5 C5 | <p>Revision of Strategies, Plans and Programs</p> <p>Within 3 months of:</p> <ol style="list-style-type: none"> a. the submission of an annual review under condition 4 above; b. the submission of an incident report under condition 8 below; c. the submission of an audit under condition 10 below; and d. the approval of any modification to the conditions of this consent; or e. a direction of the Secretary under condition 4 of schedule 2; the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary. <p>Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must</p> | <p>Annual Review 2018 period triggered:</p> <ul style="list-style-type: none"> • IEA Audit Actions sent in October 2018 and approved Nov 2018 by DPIE. • Within 3 months of the IEA approval the AQMP, SCMP, SWMP, SWB for due for review and submission in Jan 2019 • In September 2019 all EMPS were revised to include ML1779, IEA recommendations were relevant, Pit 8 Boundary changes • 19 June 2020 all EMPS except for Water Management Plan were approved. <p>Annual Review 2019 period triggered:</p> <ul style="list-style-type: none"> • All EMPs were reviewed and an extension was sought before the end of June (3 months after AR) and granted on the 10 July 2020 by the DPIE to submit all EMPs | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | <p>be submitted to the Secretary for approval, unless otherwise agreed with the Secretary.</p> <p>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.</p> | <p>by the end of August 2020 to allow for ML1795 and for additional work for Water Management Plan.</p> <ul style="list-style-type: none"> All EMPs were approved on the 7 September 2020 except for the HHMP and ACMP (consultation required) and Water Management Plan were not approved as awaiting feedback from NRAR/DPI-Water. <p>Annual Review 2020 period triggered:</p> <ul style="list-style-type: none"> All EMPs were reviewed and resubmitted before the end of June 2021. Reportable Incidents in 2020 triggered: * BMgtP was reviewed in August. No specific reviews for Water Management Plan. Approval of BVT Criteria in 2019 triggered: BMP was updated to revise BVT Completion & Performance Criteria (as approved by OEH & DP&E) Submitted in September 2019. | | |
| SSD95 | S5 C6 | <p>Updating and Staging Strategies, Plans or Programs</p> <p>To ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development, the Applicant may submit revised strategies, plans or programs required under this consent at any time. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.</p> <p>The Secretary may approve a revised strategy, plan or program required under this consent, or the staged submission of any of these documents, at any time. With the agreement of the Secretary, the Applicant may prepare the revised or staged strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this consent.</p> <p>Notes:</p> | <p>WCPL requested approval from DPE on two separate occasions for staged submissions of management plans. This included the Water Management Plan and the Historic Heritage Management Plan.</p> <p>Approval history for each of these plans has been outlined in the corresponding conditions in Schedule 3, see below. The auditors are satisfied that staged submission of management plans has been done in accordance with Condition 6, Schedule 5 of SSD 6764.</p> <ul style="list-style-type: none"> Water Management Plan – refer Condition 30(d)(i), Schedule 3 | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | <ul style="list-style-type: none"> • While any strategy, plan or program may be submitted on a progressive basis, the Applicant will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times. • If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program. • For the avoidance of doubt, existing approved management plans, strategies or monitoring programs for the Wilpinjong Coal Project will continue to apply until the approval of a similar plan, strategy or program under this consent (see condition 9 of schedule 2). | <ul style="list-style-type: none"> • Historic Heritage Management Plan – refer Condition 49, Schedule 3 | | |
| SSD96 | S5 C7 | <p>Community Consultative Committee</p> <p>The Applicant must operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be operated in accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version).</p> <p>Notes:</p> <ul style="list-style-type: none"> • The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent. • In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community. | <p>The WCPL CCC is operated in accordance with the NSW Planning and Infrastructure Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects and includes the following:</p> <ul style="list-style-type: none"> • An independent chairperson who was approved by the DP&E • Midwest Regional Council and National Parks and Wildlife Services (NPWS) representation • WCPL representation • Adequate community representation • Determined by the committee to occur quarterly • A CCC meeting agenda which has been developed to match the Department guideline. • Minutes of the meetings are taken and made available on the WCPL website. • WCPL provide the CCC with reports on mine progress and performance. | Compliant | |
| REPORTING | | | | | |
| SSD97 | S5 C8 | Incident Reporting | Incident reports and notification to the Secretary and relevant agencies was | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | The Applicant must immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested. | observed during the audit period. All incident notifications were noted as being submitted within 7 days of the date of the incident. Annual Review 2018 (no reportable incidents) (11 days when PM10 levels exceeded but due to regional dust events). Annual Review 2019 (no reportable incidents) (numerous days when PM10 levels exceeded but due to regional dust events). Annual Review 2020 (7 incidents reported). Extraordinary days recorded in Jan and Feb elevating dust levels prior to higher than average rainfall commencing throughout the year. | | |
| SSD98 | S5 C9 | Regular Reporting The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent. | WCPL upload an environmental monitoring results summary monthly onto their public website. In addition the following is also available on the Website: <ul style="list-style-type: none"> • Pollution reduction program results • Project and community updates are also provided to the CCC as part of the CCC meetings. • Annual Review • EPL reporting • CCC Meeting minutes • Incident reporting • Complaints summary | Compliant | |
| INDEPENDENT ENVIRONMENTAL AUDIT | | | | | |
| SSD99 | S5 C10 | Within a year of commencing development under this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must: | WCPL commissioned RPS to conduct the 2021 IEA of SSD 6764 in accordance with Condition 10, Schedule 5. The audit process commenced on 13 September 2021. <ul style="list-style-type: none"> a. Refer to Section 2.5 and Appendix A of the IEA report. | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | <p>a. be conducted by a suitably qualified lead auditor and suitably qualified, experienced and independent team of experts in any field specified by the Secretary, whose appointment has been endorsed by the Secretary;</p> <p>b. include consultation with the relevant agencies;</p> <p>c. assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);</p> <p>d. review the adequacy of strategies, plans or programs required under the abovementioned approvals;</p> <p>e. recommend appropriate measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under the abovementioned approvals; and</p> <p>f. be conducted and reported to the satisfaction of the Secretary.</p> <p>Note: The "Post Approval Requirements for State Significant Developments - Independent Audit Guideline, NSW Government, October 2015" (or its latest version) provides an audit and reporting framework for the independent audit that will guide compliance with this condition.</p> | <p>b. Refer Section 4.0 of the IEA report.</p> <p>c. In addition to this checklist refer Section 6.0 of the IEA report.</p> <p>d. Refer Section 3.0 of the IEA report.</p> <p>e. Refer Section 6 of the IEA report.</p> <p>f. To be determined following submission by WCPL and outlined in Section 2 of the IEA Report.</p> | | |
| SSD100 | S5 C11 | Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of these recommendations as required. The Applicant must implement these recommendations, to the satisfaction of the Secretary. | The 2021 IEA commenced on 13 September with the audit period undertaken from 25 August 2021 to 23 September 2021. The audit was submitted within 3 months from the commencement of the audit. | Compliant | |
| ACCESS TO INFORMATION | | | | | |
| SSD101 | S5 C12 | <p>From the commencement of development under this consent, the Applicant shall:</p> <p>a. Make copies of the following information publicly available on its website:</p> <ul style="list-style-type: none"> the EIS; | <p>A review of the Peabody Energy Website was conducted on 23 September 2021. The following was available on the website:</p> <ul style="list-style-type: none"> The WCM EIS and WEP EIS Project Approval, Mining Lease and EP | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|---|----------|--|---|----------------|-----------------|
| | | <ul style="list-style-type: none"> current statutory approvals for the development; approved strategies, plans or programs required under the conditions of this consent; 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; a complaints register, which is to be updated monthly; minutes of CCC meetings; the last five annual reviews; any independent environmental audit, and the Applicant's response to the recommendations in any audit; any other matter required by the Secretary; and <p>b. keep this information up to date.</p> | <ul style="list-style-type: none"> Summary of monitoring results 2011 and 2014 IEA Report (previous approval). 2018 IEA Report Management Plans (as approved by DPIE) Annual Reviews (2011 to 2020) Complaints register dating back to 2014 CCC minutes and presentations Monthly monitoring results summary's dating back to 2013 Scheduled Blast Information <p>Information was current and up to date at the time of the audit site inspection.</p> | | |
| APPENDIX 4 – GENERAL TERMS OF REVISED PLANNING AGREEMENT | | | | | |
| SSD102 | APP4 C1 | <p>The annual payment for each payment year will be determined by the following formulas:</p> <p>(i) for payment years up to and including 2027: Annual Payment (4) = (W-100) x (\$12,000/20)</p> <p>(ii) for payment years on and from 2028 Annual Payment (\$) = W x (\$12,000/20)</p> <p>Where 'W' is the total number of permanent employees and permanent contractors at the Wilpinjong Coal Project as determined by Wilpinjong (acting reasonably) on 28 February in any given year.</p> | <p>i) WCPL provided evidence of letters (dated 30 March 2021) issued to MWRC outlining the payment amounts and calculations in accordance with the required formula. Tax Invoices were also sited from MWRC that correlated with the amount referenced by WCPL (Invoice 212195 dated 31 March 2021).</p> <p>ii) This item has not been triggered during the audit period.</p> | Compliant | |
| SSD103 | APP4 C2 | <p>In addition to financial contributions, Wilpinjong must:</p> <p>(i) Provide access to the ablution facilities at the Wollar General Store for public use during and beyond the store opening hours;</p> <p>(ii) Provide cleaning services to the Wollar General Store ablution facilities; and</p> | <p>i) WCPL has provided lighting and 24/7 access for the toilets at the back of the Wollar General Store. The auditors sighted the facilities and confirmed they were accessible after hours and were signposted by WCPL. It was noted that the operator of the Wollar General Store has</p> | Compliant | |

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| | | <p>(iii) Provided continued ground keeping of the vacant and public land within Wollar Village, including church grounds, park and town entrances.</p> <p>Council agrees to provide Wilpinjong with access to the maintenance equipment as required by Wilpinjong to carry out its obligations under clause (iii).</p> <p>Council will be responsible for repairs and upgrades to the maintenance equipment as and when required to enable Wilpinjong to fulfil its obligations under clause (iii).</p> | <p>indicated that they will cease operation on 31 December 2021. WCPL have committed to continuing providing lighting and 24/7 access for the toilets at the back of the Wollar General Store.</p> <p>ii) WCPL has an agreement where they pay the Wollar General Store worker to clean the ablution facilities at the rear of the store.</p> <p>iii) WCPL pay a local contractor, Lynch's Civil Services' to conduct grounds keeping services in Wollar Village. Invoice from the contractor sighted for January 2021 (Invoice 00005027 dated 4 March 2021).</p> | | |
| APPENDIX 6 – NOISE COMPLIANCE ASSESSMENT | | | | | |
| SSD104 | APP6 C1 | <p>Applicable Meteorological Conditions</p> <p>The noise criteria in Table 3 of schedule 3 are to apply under all meteorological conditions except the following:</p> <ul style="list-style-type: none"> a. wind speeds greater than 3 m/s at 10 m above ground level; or b. stability category F temperature inversions and wind speeds greater than 2 m/s at 10 m above ground level; or c. stability category G temperature inversion conditions. | Applicable meteorological conditions are noted in Section 4.5 of the attended monitoring reports, in and Appendix and in the Tables of results | Compliant | |
| SSD105 | APP6 C2 | <p>Determination of Meteorological Conditions</p> <p>Except for wind speed at microphone height, the data to be used for determining meteorological conditions must be that recorded by the meteorological station located on the site.</p> | The acoustic consultant uses a hand-held Kestrel weather meter to record wind speed at the microphone. The on-site weather station is referenced for other relevant parameters | Compliant | |
| SSD106 | APP6 C3 | <p>Compliance Monitoring</p> <p>Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.</p> | Attended monitoring is conducted as required. Evaluation of compliance with consent conditions was | Compliant | |
| SSD107 | APP6 C4 | This monitoring must be carried out at least 12 times a year, unless the Secretary directs otherwise. | Attended monitoring has been conducted monthly throughout the audit period. | Compliant | |

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| SSD108 | APP6 C5 | <p>Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time), in particular the requirements relating to:</p> <ul style="list-style-type: none"> a. monitoring locations for the collection of representative noise data; b. meteorological conditions during which collection of noise data is not appropriate; c. equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and <p>modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.</p> | <p>The NSW Industrial Noise Policy was replaced by the NSW Noise Policy for Industry in November 2017. Attended noise monitoring was revised to include the revised assessment of "modifying correction factors".</p> <ul style="list-style-type: none"> a. Correct monitoring location. b. Correct identification of meteorological conditions. c. Correct equipment identified and calibration certificates provided. | Compliant | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SSD109 | APP6 C6 | <p>The assessment of excessive levels of low frequency noise generated by the mine shall be as follows: Measure/assess C- and A-weighted Leq,T levels over same time period. Where the C minus A level is 15dB or more and:</p> <ul style="list-style-type: none"> • where any of the 1/3 octave noise levels in Table 6-1 are exceeded by up to 5dB and cannot be mitigated, a 2 dB(A) positive adjustment to measured/predicted A weighted levels applies for the evening/night period. • where any of the 1/3 octave noise levels in Table 6-1 are exceeded by more than 5dB and cannot be mitigated, a 5 dB(A) positive adjustment to measured/predicted A weighted levels applies for the evening/night period and a 2dB positive adjustment applies for the daytime period. <p><small>Table 6-1: One-third octave low frequency noise thresholds</small></p> <table border="1"> <thead> <tr> <th>Hz/dB(Z)</th> <th colspan="12">One-third octave L_{Req,15minute} threshold level</th> </tr> </thead> <tbody> <tr> <td>Frequency (Hz)</td> <td>10</td> <td>12.5</td> <td>16</td> <td>20</td> <td>25</td> <td>31.5</td> <td>40</td> <td>50</td> <td>63</td> <td>80</td> <td>100</td> <td>125</td> <td>160</td> </tr> <tr> <td>dB(Z)</td> <td>92</td> <td>89</td> <td>86</td> <td>77</td> <td>69</td> <td>61</td> <td>54</td> <td>50</td> <td>50</td> <td>48</td> <td>48</td> <td>46</td> <td>44</td> </tr> </tbody> </table> | Hz/dB(Z) | One-third octave L _{Req,15minute} threshold level | | | | | | | | | | | | Frequency (Hz) | 10 | 12.5 | 16 | 20 | 25 | 31.5 | 40 | 50 | 63 | 80 | 100 | 125 | 160 | dB(Z) | 92 | 89 | 86 | 77 | 69 | 61 | 54 | 50 | 50 | 48 | 48 | 46 | 44 | <p>Detailed in the monitoring reports as required. Explanation of why quantitative assessment of low frequency noise is not conducted when noise from Wilpinjong is inaudible or unmeasurable is accepted.</p> | Compliant | |
| Hz/dB(Z) | One-third octave L _{Req,15minute} threshold level | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Frequency (Hz) | 10 | 12.5 | 16 | 20 | 25 | 31.5 | 40 | 50 | 63 | 80 | 100 | 125 | 160 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| dB(Z) | 92 | 89 | 86 | 77 | 69 | 61 | 54 | 50 | 50 | 48 | 48 | 46 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

AUDIT CHECKLIST - MINING LEASE 1573

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| MINING LEASE CONDITIONS 2004 | | | | | |
| NOTICE TO LANDHOLDERS | | | | | |
| ML1573_01 | 1 | Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. | This condition was triggered outside of the audit period. | Not triggered | |
| SUBSIDENCE MANAGEMENT | | | | | |
| ML1573_02 | 4 | <p>The lease holders shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.</p> <p>Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Guideline for Applications for Subsidence Management Approvals.</p> <p>The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the Coal Mines Regulation Act 1982, or the document New Subsidence Management Plan Approval Process - Transitional Provisions.</p> <p>Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals.</p> <p>Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 2 and will be subject to the Annual</p> | WCPL undertakes open cut coal mining operations only. No underground mining operations were planned to occur. This condition is therefore not triggered. | Not triggered | |

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| | | Environmental Management Report process as set out under Condition 3. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence - Policy. | | | |
| WORKING REQUIREMENT | | | | | |
| ML1573_03 | 5 | <p>The lease holder must:</p> <ul style="list-style-type: none"> a) Ensure that at least 114 competent people are efficiently employed on the lease area on each weekday except Saturday or any weekday that is a public holiday; <li style="text-align: center;">OR b) Expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$1,995,000 per annum whilst the lease is in force. <p>The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed.</p> | <p>WCPL maintains a workforce of approximately 550 personnel (2020 Annual Review). The WCM operates 24 hours per day seven days per week.</p> <p>No request from the minister to increase or decrease the expenditure required has been requested during the audit period.</p> | Compliant | |
| ML1573_04 | 6 | <ul style="list-style-type: none"> a) If an Environmental Officer of the Department believes that the leaseholder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the leaseholder to: <ul style="list-style-type: none"> i) Cease working the lease; or ii) cease that part of the operation not complying with the Act or conditions iii) until in the opinion of the Environmental Officer the situation is rectified. <p>The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction.</p> <p>A direction referred to in this condition may be served on the Mine Manager</p> | No direction to the leaseholder to cease any part of the operation during the audit period. | Not triggered | |

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| REPORTS | | | | | |
| ML1573_05 | 7 | <p>The leaseholder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <ul style="list-style-type: none"> a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period; b) Details of expenditure incurred in conducting that exploration; c) A summary of all geological findings acquired through mining or development valuation activities d) Particulars of exploration proposed to be conducted in the next twelve months period; e) All plans, maps, sections and other data necessary to satisfactorily interpret the report. | <p>The anniversary of the Mining Lease is 8 February each year and as such the report is due for lodgement by 7 March each year.</p> <p>Review of the Exploration report indicated it contained the required information. This included the following:</p> <ul style="list-style-type: none"> a) Exploration completed in the reporting period is outlined in Section 3 of the report. This section includes exploration conducted as well as a summary of the results and discussion from exploration. b) Section 3.3 of the report outlines the exploration activity and expenditure for the reporting period. Exploration expenditure is detailed in a table which outlines the exploration category, a description of the activity, the quantity (in hours) and the resulting expenditure. c) The Table of Contents from the report stated that Section 5.4 is the 'Geological Findings' Section, however Section 5.4 is titled 'Conclusion'. Geological findings are detailed in Section 3.2, results and discussion. d) Section 4 of the report outlines the 'Proposed exploration in the next reporting period'. e) A number of plans and maps are included in the exploration report which satisfies this condition. | Compliant | OFI – Amend Exploration Report Table of contents to reflect report headings. |
| LICENCE TO USE REPORTS | | | | | |
| ML1573_06 | 8 | <ul style="list-style-type: none"> a) The lease holder grants the Minister, by way of a non-exclusive licence, the right to publish, print, adapt and reproduce all exploration reports | Noted | Not triggered | |

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| | | <p>lodged in any form and for the full duration of copyright.</p> <p>b) The non-exclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.</p> | | | |
| CONFIDENTIALITY | | | | | |
| ML1573_07 | 9 | <p>a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential while the lease is in force, except in cases where:</p> <p>i) Where the lease holder has granted that specific reports may be made non-confidential.</p> <p>ii) Reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease.</p> <p>Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated. The Director-General may extend the period of confidentiality.</p> | Noted | Not triggered | |
| ML1573_08 | 10 | <p>The terms of the non-exclusive copyright licence granted under condition 8(a) are:</p> <p>a) The Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports</p> <p>b) The Minister and any sub-licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database.</p> <p>c) The lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those</p> | Noted | Not triggered | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
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| | | <p>parts of the report for which the lease holder owns the copyright.</p> <p>There is no royalty payable by the Minister for the licence</p> <p>If the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder, that licence is revocable on the giving of a period of not less than three months notice.</p> | | | |
| SAFETY | | | | | |
| ML1573_09 | 12 | <p>Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.</p> | <p>The Site Preparation Procedure (WI-EXP-PRO-0030 dated January 21) was viewed which includes fencing to render the site safe during operations. The Exploration Site Rehabilitation Procedure (WI-EXP-PRO-0031 dated January 21) was also viewed by the auditors. This outlines how drill sites are surveyed before sealing. An agreement has been made between WCPL and RR regarding alternative borehole sealing requirements (e.g. grouted or alternative methods).</p> | Compliant | |
| EXPLORATORY DRILLING | | | | | |
| ML1573_10 | 15 | <p>1) At least twenty eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Planning regional hydrogeologist the intention to drill exploratory drill holes together with information on the location of the proposed holes</p> <p>2) If the lease holder drills exploratory drill holes he must satisfy the Director- General that:</p> <p>a) All cored holes are accurately surveyed and permanently marked in accordance with</p> | <p>The auditors sighted evidence of emails being sent to NSW DPIE-Water (water.wams@dpie.nsw.gov.au). These emails were sent at least 28 days prior to drilling operations occurring.</p> <p>Review of the Exploration Reports for the audit period indicated that the following boreholes were drilled in ML1573:</p> <ul style="list-style-type: none"> • 2018/19 - 62 • 2019/20 - 24 | Compliant | |

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| | | <p>Departmental guidelines so that their location can be easily established;</p> <p>b) All holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;</p> <p>c) All drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters</p> <p>d) If any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;</p> <p>e) If any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers;</p> <p>f) Once any drill hole ceases to be used the hole must be sealed in accordance with</p> <p>g) Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director-General;</p> <p>h) Once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p> | <ul style="list-style-type: none"> 2020/21 – 0 <p>During the next reporting period, up to 32 boreholes are planned for ML1573</p> <p>Multiple ESF4 applications have been submitted over the audit period which have been approved by NSW DPIE-Water. NSW DPIE-Water satisfaction with WCPL drill practices is obtained via review and approval of the ESF4 applications.</p> | | |
| PREVENTION OF SOIL EROSION AND POLLUTION | | | | | |
| ML1573_11 | 16 | Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard. | <p>It is considered that the management measures in place at the time of the audit site inspection were reasonable and feasible in minimising air pollution, water pollution or erosion.</p> <p>Refer SSD 647; Air Pollution – Condition 19, Schedule 3</p> <p>Refer SSD 647; Water – Condition 29, Schedule 3</p> | Compliant | |
| TRANSMISSION LINES, COMMUNICATION LINES AND PIPELINES | | | | | |
| ML1573_12 | 17 | Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the | During the audit no adverse impacts were reported or observed. | Not triggered | |

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| | | prior written approval of the Director-General and subject to any conditions he may stipulate. | | | |
| FENCES, GATES | | | | | |
| ML1573_13 | 18 | <p>a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate.</p> <p>b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder</p> | No damage or interference to fences was reported during the audit period. All relevant land is owned by Peabody. | Not triggered | |
| ROADS AND TRACKS | | | | | |
| ML1573_14 | 20 | Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Planning | During the audit period - tracks within MLs and ELs are slashed only and/or driven over by rubber wheeled vehicles therefore no disturbance (civil works) required to construct formed tracks and pads. Drilling pad areas are slashed only. Majority of exploration holes within MLs and former ELs now converted into MLs. | Not triggered | |
| RESOURCE RECOVERY | | | | | |
| ML1573_15 | 23 | <p>Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to recover such minerals.</p> <p>a) The notice shall specify the minerals to be recovered and the extent to which they are to be</p> | It was reported that no notices under this condition had been issued to WCPL. | Not triggered | |

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| | | <p>recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified</p> <ul style="list-style-type: none"> b) Recovery c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area. d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director-General has incorporated the views of the lease holder e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act, 1992 f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice. | | | |
| INDEMNITY | | | | | |
| ML1573_16 | 24 | The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the | Noted | Not triggered | |

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| | | lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do. | | | |
| SECURITY | | | | | |
| ML1573_17 | 25 | <p>a) A security in the sum of \$3,560,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under this lease. If the lease holder fails to fulfil any one or more of such obligations the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of this lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder</p> <p>b) The lease holder must provide the security required by sub-clause (a) in one of the following forms:</p> <ul style="list-style-type: none"> i) cash, ii) a security certificate in a form approved by the Minister and issued by an authorised deposit-taking institution. | <p>This condition was completed during the previous audit period.</p> <p>An assessment of the security deposit required under ML 1573 was made by the RR (letter dated 16 February 2017). The Assessed Deposit was determined to be \$48,685,000. This was a reduction of \$8,992,000.00 (difference between the "Assessed Deposit" and the current security deposit held by the Department.</p> | Compliant | |
| ENVIRONMENTAL MANAGEMENT CONDITIONS | | | | | |
| ENVIRONMENTAL HARM | | | | | |
| ML1573_18 | 26 | The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development | The auditors and specialists conducted a review of incident occurrences at the mine during the audit period, complaints received, as well as a review of the general environmental performance of the site with | Compliant | |

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| | | | <p>WCPL's various environmental management plans.</p> <p>WCPL are generally implementing all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.</p> <p>Refer to Condition 1, Schedule 2 of SSD 6764 Audit Checklist.</p> <p>Two blasting related non-compliances occurred in 2020. Both were duly reported, investigated as to cause and preventative actions documented. Neither incident resulted from a failure of practicable, preventative measures and neither incident resulted in environmental harm.</p> | | |
| MINING OPERATIONS PLAN | | | | | |
| ML1573_19 | 27 | <p>a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries - Mineral Resources</p> <p>b) The [MOP] must:</p> <ul style="list-style-type: none"> • identify areas that will be disturbed by mining operations • detail the staging of specific mining operations; • identify how the mine will be managed to allow mine closure • identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment; • reflect the conditions of approval under: <ul style="list-style-type: none"> – the Environmental Planning and Assessment Act 1979; | <p>The Mine Operations Plan (MOP) is used to address the requirements of the Rehabilitation Management Plan required under SSD6764.</p> <p>Mining Operations Plan (MOP) 2021-2022 Doc No.: WCPL_MOP_2021</p> <p>Approved as the MOP (1 January 2021 to 31 December 2022) 8 September 2021</p> <p>Approved on 20 January 2021 by Christine Fawcett, Manager Environmental Operations, Mining Act Inspectorate Resource Regulator.</p> <p>The MOP was considered to contain the information required by this condition. This included the following:</p> <ul style="list-style-type: none"> • Section 2 outlines the proposed mining activities at WCPL for the MOP period (2017-2019). | Compliant | |

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| | | <ul style="list-style-type: none"> – the Protection of the Environment Operations Act 1997 – and any other approvals relevant to the development including the conditions of this lease; and • have regard to any relevant guidelines adopted by the Director-General. <p>c) The titleholder may apply to the DG to amend an approved MOP at any time.</p> <p>d) It is not a breach of this condition if:</p> <ul style="list-style-type: none"> i) The operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 or the Occupational Health and Safety Act 2000; and ii) The Director-General had been notified of the terms of the order or direction prior to the operations constituting the breach being carried out. <p>Note: The Director-General is deemed to be notified of the terms of an order or direction if the order or Direction was issued by the Department or a copy of the order or direction has been faxed to 02 4931 6790.</p> <p>e) A MOP ceases to have affect 7 years after date of approval or other such period as identified by the D-G. An approved amendment to the MOP under condition 29 does not constitute an approval for the purpose of this paragraph unless otherwise identified by the DG.</p> | <ul style="list-style-type: none"> • Plans 3A and 3B outline the sequence of mining and rehabilitation activities for year 1 and 2. • Section 1.4.1 details rehabilitation and mine closure consultation. • Section 3 outlines the specific management measures for environmental issues and includes an environmental risk assessment to identify key environmental aspects in relation to rehabilitation. • Section 1.1 outlines WCPL's approvals, licences and leases applicable to the development. • Section 1.2.1 outlines the development consent requirements for rehabilitation. • Section 5 outlines rehabilitation planning with regards to mine closure domains. <p>The MOP has been amended during the audit period and is prepared for the years 2021 – 2022.</p> | | |
| ANNUAL ENVIRONMENTAL MANAGEMENT REPORTING | | | | | |
| ML1573_20 | 28 | The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the DG. | The EMR is completed as part of the Annual Review process. Refer evidence against Condition 4, Schedule 5 of SSD 6764 Audit Checklist. | Compliant | |

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| ML1573_21 | 29 | The EMR must: <ul style="list-style-type: none"> report against compliance with the MOP; report on progress in respect of rehabilitation completion criteria; report on the extent of compliance with regulatory requirements; and have regard to any relevant guidelines adopted by the Director-General. | Section 8 of the Annual Review outlines rehabilitation progress and references the MOP. | Compliant | |
| ML1573_22 | 30 | Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed. | No request for additional environmental reports have been required on specific surface disturbing operations or environmental incidents during the audit period. | Not triggered | |
| REHABILITATION | | | | | |
| ML1573_23 | 31 | Disturbed land must be rehabilitated to a sustainable/agreed land use to the satisfaction of the Director-General. | The site inspection and review of mining plans and scheduling indicated very little area was non-active and requiring rehabilitation. Progressive rehabilitation was noted on all plans and reports as well as site inspection. Refer to Schedule 3, Condition 60 of the SSD 6764 Audit Checklist for details on inspection notes. | Compliant | |

AUDIT CHECKLIST - MINING LEASE 1779

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| AUDIT CHECKLIST - MINING LEASE 1779 | 1 |
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| MINING LEASE CONDITIONS 2013 | | | | | |
| NOTICE TO LANDHOLDERS | | | | | |
| ML1779_01 | 1 | <p>a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice.</p> <p>b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.</p> | <p>WCPL was granted the mining lease (ML) ML1779 by the Minister for Resources on the 20 December 2018, in accordance with the Mining Act 1992. A notice in writing indicating that the mining lease had been granted and whether the lease includes the surface was sent to each landholder via letter on 22 February 2019 and included:</p> <ul style="list-style-type: none"> • Mid-Western Regional Council (MWRC) • Peabody Pastoral Holdings • Crown Lands/Crown Roads - NSW Department of Industry-Lands <p>A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area accompanied each notice. All notices were sent within a period of three months from the date the mining lease was granted.</p> | Compliant | |
| REHABILITATION | | | | | |
| ML1779_02 | 2 | Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister | Operational activities are currently occurring with ongoing progressive rehabilitation observed to be occurring during the site inspection. | Compliant | |
| MINING OPERATIONS PLAN AND ANNUAL REHABILITATION REPORT | | | | | |
| ML1779_03 | 3 | a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The | The Mine Operations Plan (MOP) is used to address the requirements of the Rehabilitation Management Plan required under SSD6764. | Compliant | |

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| | | <p>lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.</p> <p>b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which:</p> <ul style="list-style-type: none"> i) identifies areas that will be disturbed; ii) details the staging of specific mining operations, mining purposes and prospecting; iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and v) reflects the conditions of approval under: <ul style="list-style-type: none"> • the Environmental Planning and Assessment Act 1979; • the Protection of the Environment Operations Act 1997; and • any other approvals relevant to the development including the conditions of this mining lease. <p>c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-andforms/pgf/environmental-guidelines</p> <p>d) The lease holder may apply to the Minister to amend an approved MOP at any time.</p> <p>e) It is not a breach of this condition if:</p> <ul style="list-style-type: none"> i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were | <p>Mining Operations Plan (MOP) 2021-2022 Doc No.: WCPL_MOP_2021 Approved as the MOP (1 January 2021 to 31 December 2022) 8 September 2021 Approved on 20 January 2021 by Christine Fawcett, Manager Environmental Operations, Mining Act Inspectorate Resource Regulator. The MOP was considered to contain the information required by this condition. This included the following:</p> <ul style="list-style-type: none"> • Section 2 outlines the proposed mining activities at WCPL for the MOP period (2017-2019). • Plans 3A and 3B outline the sequence of mining and rehabilitation activities for year 1 and 2. • Section 1.4.1 details rehabilitation and mine closure consultation. • Section 3 outlines the specific management measures for environmental issues and includes an environmental risk assessment to identify key environmental aspects in relation to rehabilitation. • Section 1.1 outlines WCPL's approvals, licences and leases applicable to the development. • Section 1.2.1 outlines the development consent requirements for rehabilitation. • Section 5 outlines rehabilitation planning with regards to mine closure domains. | | |

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| | | <p>necessary to comply with a lawful order or direction given under the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Protection of the Environment Operations Act 1997</i>, the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> and <i>Work Health and Safety (Mines and Petroleum Sites) Regulation 2014</i> or the <i>Work Health and Safety Act 2011</i>; and <i>Work Health and Safety Regulation 2011</i></p> <p>ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</p> <p>a) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:</p> <p>i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;</p> <p>ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and</p> <p>iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resourcesandenergy.nsw.gov.au/miners-andexplorers/rules-and-forms/pgf/environmental-guidelines</p> <p>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</p> | <p>The MOP has been amended during the audit period and is prepared for the years 2021 – 2022.</p> | | |
| NON-COMPLIANCE REPORTING | | | | | |
| ML1779_04 | 4 | <p>a) The lease holder must notify the Department upon becoming aware of any breaches of the conditions of this mining lease or breaches of the Mining Act or Regulations;</p> | <p>WCPL indicated that there have been no breaches of the conditions of this mining lease or breaches of the Mining Act or Regulations during the audit period.</p> | Not triggered | |

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| | | b) Notifications under condition 4(a) must be provided in the form specified on the Department's website within seven (7) days of the mining lease holder becoming aware of the breach. | The full chain of correspondence relating to two blasting related exceedances in 2020 was viewed during the site visit. The relevant departments were notified as required. | | |
| ENVIRONMENTAL INCIDENT REPORT | | | | | |
| ML1779_05 | 5 | The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the Protection of the Environment Operations Act 1997. | Environmental incident notifications and reports have been submitted to the Secretary within the timing requirements of this condition. | Compliant | |
| EXTRACTION PLAN | | | | | |
| ML1779_06 | 6 | <p>a) In this condition:</p> <p>i) approved Extraction Plan means a plan, being:</p> <p>A an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or</p> <p>B a subsidence management plan relating to the mining operations subject to this lease:</p> <p>(i) submitted to the Secretary on or before 31 December 2014; and</p> <p>(ii) approved by the Secretary.</p> <p>ii) relevant development consent means a development consent or project approval issued under the Environmental Planning & Assessment Act 1979 relating to the mining operations subject to this lease.</p> <p>b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.</p> | WCPL undertakes open cut coal mining operations only. No underground mining operations were planned to occur. This condition is therefore not triggered. | Not triggered | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|--------------------------|----------|---|--|----------------|-----------------|
| | | <p>c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.</p> <p>d) The lease holder must notify the Secretary within 48 hours of any:</p> <ul style="list-style-type: none"> i) incident caused by subsidence which has a potential to expose any person to health and safety risks; ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing: <ul style="list-style-type: none"> A built features; B public safety; or C subsidence monitoring | | | |
| RESOURCE RECOVERY | | | | | |
| ML1779_07 | 7 | The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible. | <p>Mining is being conducted in accordance with SSD 6764 and MOP. WCPL submitted a request for variation to the disturbance footprint of Pit 6 dated 25 May 2021 and 4 June 2021.</p> <p>The Department noted that refinement to the Pit 6 detailed design would provide for recovery of additional coal and have benefits for post-mining landform establishment by reducing the extent of steep slopes required to tie into existing topography.</p> | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|------------------------------|----------|---|--|----------------|-----------------|
| | | | The Department agreed that the minor change to the footprint is generally in accordance with the project approval (DPIE letter dated 7 June 2021 from Stephen O'Donoghue As nominee of the Planning Secretary) and the project general arrangement identified in the environmental assessment for the extension project, noting that minor changes to the disturbance footprint were contemplated following detailed design. | | |
| SECURITY | | | | | |
| ML1779_08 | 8 | The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future. The amount of the security deposit to be provided has been assessed by the Minister at \$10,000. | An assessment of the security deposit required under ML 1779 was made by the RR (letter dated 20 January 2021). | Compliant | |
| COOPERATION AGREEMENT | | | | | |
| ML1779_09 | 9 | The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as: <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. | No overlapping of leases. Not triggered. | Not triggered | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|------------------------------|----------|--|--|----------------|-----------------|
| EXPLORATION REPORTING | | | | | |
| ML1779_10 | 10 | Note: Exploration Reports (Geological and Geophysical) The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 59 of the Mining Regulation 2016. Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales. | <p>Review of the Exploration report indicated it contained the required information. This included the following:</p> <ul style="list-style-type: none"> • Exploration completed in the reporting period is outlined in Section 3 of the report. This section includes exploration conducted as well as a summary of the results and discussion from exploration. • Section 3.3 of the report outlines the exploration activity and expenditure for the reporting period. Exploration expenditure is detailed in a table which outlines the exploration category, a description of the activity, the quantity (in hours) and the resulting expenditure. • A summary of all geological findings acquired through mining or development valuation activities. • Section 4 of the report outlines the 'Proposed exploration in the next reporting period'. • A number of plans and maps are included in the exploration report which satisfies this condition. | Compliant | |
| SPECIAL CONDITIONS | | | | | |
| ML1779_11 | 11 | Note: The standard conditions apply to all mining leases. The Division of Resources and Geoscience (DRG) reserves the right to impose special conditions, based on individual circumstances, where appropriate. | Noted. | Not triggered | |

AUDIT CHECKLIST - MINING LEASE 1795

| | |
|---|-------------------------------------|
| AUDIT CHECKLIST - MINING LEASE 1795..... | 1 |
| MINING LEASE CONDITIONS 2013 | 2 |
| NOTICE TO LANDHOLDERS..... | 2 |
| REHABILITATION..... | 2 |
| MINING OPERATIONS PLAN AND ANNUAL REHABILITATION REPORT | 2 |
| NON-COMPLIANCE REPORTING..... | 4 |
| ENVIRONMENTAL INCIDENT REPORT | 5 |
| EXTRACTION PLAN..... | 5 |
| RESOURCE RECOVERY..... | 6 |
| SECURITY | 7 |
| COOPERATION AGREEMENT..... | Error! Bookmark not defined. |
| EXPLORATION REPORTING | 8 |
| SPECIAL CONDITIONS | Error! Bookmark not defined. |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|--|----------|--|---|----------------|-----------------|
| MINING LEASE CONDITIONS 2013 | | | | | |
| NOTICE TO LANDHOLDERS | | | | | |
| ML1795_01 | 1 | <p>a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice.</p> <p>b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.</p> | <p>WCPL was granted the mining lease (ML) ML1779 by the Minister for Resources on the 27 September 2019, in accordance with the Mining Act 1992. A notice in writing indicating that the mining lease had been granted and whether the lease includes the surface was sent to each landholder via letter on 27 November 2019 and included:</p> <ul style="list-style-type: none"> • Peabody Pastoral Holdings • Crown Lands/Crown Roads - NSW Department of Industry-Lands <p>A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area accompanied each notice. All notices were sent within a period of three months from the date the mining lease was granted.</p> | Compliant | |
| REHABILITATION | | | | | |
| ML1795_02 | 2 | Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister. | Operational activities are currently occurring with ongoing progressive rehabilitation observed to be occurring during the site inspection. | Compliant | |
| MINING OPERATIONS PLAN AND ANNUAL REHABILITATION REPORT | | | | | |
| ML1795_03 | 3 | <p>a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to</p> | The Mine Operations Plan (MOP) is used to address the requirements of the Rehabilitation Management Plan required under SSD6764. | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|---------|----------|--|---|----------------|-----------------|
| | | <p>commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.</p> <p>b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which:</p> <ul style="list-style-type: none"> i) identifies areas that will be disturbed; ii) details the staging of specific mining operations, mining purposes and prospecting; iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and v) reflects the conditions of approval under: <ul style="list-style-type: none"> • the Environmental Planning and Assessment Act 1979; • the Protection of the Environment Operations Act 1997; and • any other approvals relevant to the development including the conditions of this mining lease. <p>c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-andforms/pgf/environmental-guidelines</p> <p>d) The lease holder may apply to the Minister to amend an approved MOP at any time.</p> <p>e) It is not a breach of this condition if: <ul style="list-style-type: none"> i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the <i>Environmental</i> </p> | <p>Mining Operations Plan (MOP) 2021-2022 Doc No.: WCPL_MOP_2021 Approved as the MOP (1 January 2021 to 31 December 2022) 8 September 2021 Approved on 20 January 2021 by Christine Fawcett, Manager Environmental Operations, Mining Act Inspectorate Resource Regulator. The MOP was considered to contain the information required by this condition. This included the following:</p> <ul style="list-style-type: none"> • Section 2 outlines the proposed mining activities at WCPL for the MOP period (2017-2019). • Plans 3A and 3B outline the sequence of mining and rehabilitation activities for year 1 and 2. • Section 1.4.1 details rehabilitation and mine closure consultation. • Section 3 outlines the specific management measures for environmental issues and includes an environmental risk assessment to identify key environmental aspects in relation to rehabilitation. • Section 1.1 outlines WCPL's approvals, licences and leases applicable to the development. • Section 1.2.1 outlines the development consent requirements for rehabilitation. • Section 5 outlines rehabilitation planning with regards to mine closure domains. | | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|---------------------------------|----------|---|---|----------------|-----------------|
| | | <p><i>Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Work Health and Safety (Mines and Petroleum Sites) Act 2013 and Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 or the Work Health and Safety Act 2011; and Work Health and Safety Regulation 2011</i></p> <p>ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</p> <p>a) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:</p> <p>i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;</p> <p>ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and</p> <p>iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resourcesandenergy.nsw.gov.au/miners-andexplorers/rules-and-forms/pgf/environmental-guidelines</p> <p>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</p> | <p>The MOP has been amended during the audit period and is prepared for the years 2021 – 2022.</p> | | |
| NON-COMPLIANCE REPORTING | | | | | |
| ML1795_04 | 4 | <p>a) The lease holder must notify the Department upon becoming aware of any breaches of the conditions of this mining lease or breaches of the Mining Act 1992 or Mining Regulation 2016;</p> <p>b) Notifications under condition 4(a) must be provided in the form specified on the Department's website within</p> | <p>There have been no breaches of this mining lease or breaches of the Mining Act 1992 or Mining Regulation 2016 during the audit period.</p> <p>The full chain of correspondence relating to two blasting related exceedances in</p> | Not triggered | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|--------------------------------------|----------|---|--|----------------|-----------------|
| | | seven (7) days of the mining lease holder becoming aware of the breach. | 2020 was viewed during the site visit. The relevant departments were notified as required. | | |
| ENVIRONMENTAL INCIDENT REPORT | | | | | |
| ML1795_05 | 5 | The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the Protection of the Environment Operations Act 1997. | Environmental incident notifications and reports have been submitted to the Secretary within the timing requirements of this condition. | Compliant | |
| EXTRACTION PLAN | | | | | |
| ML1795_06 | 6 | <p>a) In this condition:</p> <p>vi) approved Extraction Plan means a plan, being:</p> <p>A an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or</p> <p>B a subsidence management plan relating to the mining operations subject to this lease:</p> <p>(i) submitted to the Secretary on or before 31 December 2014; and</p> <p>(ii) approved by the Secretary.</p> <p>vii) relevant development consent means a development consent or project approval issued under the Environmental Planning & Assessment Act 1979 relating to the mining operations subject to this lease.</p> <p>b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.</p> <p>c) The lease holder must ensure that the approved Extraction Plan provides for the effective management</p> | WCPL undertakes open cut coal mining operations only. No underground mining operations were planned to occur. This condition is therefore not triggered. | Not triggered | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|--------------------------|----------|---|---|----------------|-----------------|
| | | <p>of risks associated with any subsidence resulting from mining operations carried out under this lease.</p> <p>d) The lease holder must notify the Secretary within 48 hours of any:</p> <ul style="list-style-type: none"> i) incident caused by subsidence which has a potential to expose any person to health and safety risks; ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing: <ul style="list-style-type: none"> A built features; B public safety; or C subsidence monitoring | | | |
| RESOURCE RECOVERY | | | | | |
| ML1795_07 | 7 | The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible. | <p>Mining is being conducted in accordance with SSD 6764 and MOP. WCPL submitted a request for variation to the disturbance footprint of Pit 6 dated 25 May 2021 and 4 June 2021.</p> <p>The Department noted that refinement to the Pit 6 detailed design would provide for recovery of additional coal and have benefits for post-mining landform establishment by reducing the extent of steep slopes required to tie into existing topography.</p> <p>The Department agreed that the minor change to the footprint is generally in accordance with the project approval</p> | Compliant | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|------------------------------|----------|---|--|----------------|-----------------|
| | | | (DPIE letter dated 7 June 2021 from Stephen O'Donoghue As nominee of the Planning Secretary) and the project general arrangement identified in the environmental assessment for the extension project, noting that minor changes to the disturbance footprint were contemplated following detailed design. | | |
| GROUP SECURITY | | | | | |
| ML1795_08 | 8 | The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future. The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$51,165,000 . The leases covered by the group security include: Mining Lease 1573 (Act 1992), Mining Lease 1779 (Act 1992) This group security is extended to apply to this lease. | WCPL provided evidence of group security deposit of \$51,165,000 . | Compliant | |
| COOPERATION AGREEMENT | | | | | |
| ML1795_09 | 9 | The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as: <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. | No overlapping of leases. Not triggered. | Not triggered | |

| IEA No. | Cond No. | Condition | Comments & Evidence | Audit Findings | Recommendations |
|------------------------------|----------|---|--|----------------|-----------------|
| EXPLORATION REPORTING | | | | | |
| ML1795_10 | 10 | <p>Note: Exploration Reports (Geological and Geophysical)</p> <p>The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 59 of the Mining Regulation 2016. Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.</p> | <p>Review of the Exploration report indicated it contained the required information. This included the following:</p> <ul style="list-style-type: none"> • Exploration completed in the reporting period is outlined in Section 3 of the report. This section includes exploration conducted as well as a summary of the results and discussion from exploration. • Section 3.3 of the report outlines the exploration activity and expenditure for the reporting period. Exploration expenditure is detailed in a table which outlines the exploration category, a description of the activity, the quantity (in hours) and the resulting expenditure. • A summary of all geological findings acquired through mining or development valuation activities. • Section 4 of the report outlines the 'Proposed exploration in the next reporting period'. <p>A number of plans and maps are included in the exploration report which satisfies this condition.</p> | Compliant | |

AUDIT CHECKLIST – STATUS OF 2018 IEA RECOMMENDATIONS

| | |
|---|---|
| AUDIT CHECKLIST – STATUS OF 2018 IEA RECOMMENDATIONS..... | 1 |
| DEVELOPMENT CONSENT - SSD-6764..... | 2 |
| MINING LEASE - ML1573..... | 5 |

| IEA No. | Cond No. | Condition Requirement Summary | 2018 IEA Findings and Recommendation | Actions Proposed by WCPL to Address 2018 Audit Finding and Recommendation | Review of the Implementation of Proposed Actions |
|---------------------------------------|--------------|---|---|--|---|
| DEVELOPMENT CONSENT - SSD-6764 | | | | | |
| 2018_IEA_1 | S3 C19(a) | Implement all reasonable and feasible measures to minimise the off-site odour, fume, spontaneous combustion, and dust emissions of the development; | <p>With regards to the generation of dust WCPL received a formal warning letter on 08 February 2018 from the EPA following an unannounced visit to site on 17 January 2018. The EPA officer identified excessive dust emissions from the mine as a result of activities being undertaken in pit 7 and pit 4. The inspection also identified a dust haze in the area around the mine when compared to that of the Ulan area.</p> <p>The EPA contacted the WCPL E&C Manager at the time of the observations and as a result WCPL ceased activities in the areas of concern and increased the use of water carts.</p> <p>The EPA considered the event to be a breach of the sites EPL conditions (Condition O3.1) and as a result issued the site with a formal warning.</p> <p>This condition was found to be non-compliant on the basis that the EPA found WCPL to be in breach of EPL 12425 requirements O3.1 which requires the following, "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".</p> <p>Management measures in place at the time of the audit site inspection were reasonable and feasible and as such no recommendation has been made.</p> | <p>Although no recommendations were made by the Auditors based on WCPL's current dust management measures considered satisfactory during the IEA, WCPL do however proposed the following additional actions to ensure ongoing improvements in relation to air quality management. These actions include:</p> <ul style="list-style-type: none"> • A review of the existing Air Quality Management Plan (AQMP) and Spontaneous Combustion Management Plan (SCMP) to reflect the current monitoring conducted in relation to spontaneous combustion. Remove reference to monitoring requirements relating to the Keylah Dump Removal. • Refresher training for operational personnel in the form of Tool Box Talks regarding dust management and responsibilities. | <p>In 2019 the AQMP and SCMP were reviewed and resubmitted for re-approval into the DPIE.</p> <p>DPIE reviewed AQMP and SCMP with only minor corrections to be addressed on 10 February 2020.</p> <p>WCPL were addressing the DPIE comments with a scheduled re-submission of the AQMP and SCMP in early 2020.</p> <p>Refresher training was provided to applicable employees in 2019.</p> <p>During the 2021 IEA site inspection it was noted that dust and spontaneous combustion issues were identified. Refer to Schedule 3 Condition 19 of the 2021 IEA Audit Checklist.</p> |

| IEA No. | Cond No. | Condition Requirement Summary | 2018 IEA Findings and Recommendation | Actions Proposed by WCPL to Address 2018 Audit Finding and Recommendation | Review of the Implementation of Proposed Actions |
|------------|-----------|---|--|---|--|
| 2018_IEA_2 | S3 C31 | The Applicant must implement the approved Water Management Plan for the development. | <p>The audit team's surface water specialist reviewed management measures in place on site at WCPL during the audit site inspection. The surface water specialist concluded that there are some discrepancies between the approved SWMP, and its implementation on site. In particular relating to sediment basins and up-stream diversions that are depicted in the SWMP but have not been constructed.</p> <p>Operations on site appeared to manage water effectively with minimal risk for offsite transport of water, however on the basis that the approved SWMP did not reflect the current operations, this Condition has been assessed as non-compliant.</p> | <p>WCPL propose the following actions to the Water Management Plan (WMP). These actions include:</p> <ul style="list-style-type: none"> A review of the existing Surface Water Management Plan (SWMP) to include a detailed description of the assessment process for not adopting clean water diversions, based on further specialist reviews that can clearly identify when a clean water diversion is not adopted by WCPL , this decision can demonstrate the least net impact on the environment or presents the lowest longer term risk; and A review of the Site Water Balance if diversions are not adopted to account for in each annual review of the site water balance and calculation of harvestable right. | <p>In 2019 the SWMP was reviewed and resubmitted for re-approval into the DPIE.</p> <p>DPIE reviewed SWMP with only minor corrections to be addressed on 10 February 2020.</p> <p>The Site Water Balance was also reviewed to integrate the latest review of the site water balance model completed in October 2019.</p> <p>WCPL were addressing the DPIE comments with a scheduled re-submission of the SWMP and SWB in early 2020.</p> |
| 2018_IEA_3 | S3 C37 | <p>Within 6 months of the commencement of development under this consent, or as otherwise agreed by the Secretary, the Applicant must, in consultation with OEH, the Department and DoEE and to the satisfaction of the Secretary, develop suitable rehabilitation performance and completion criteria for:</p> <ol style="list-style-type: none"> the BVTs in Tables 8 and 9; and Regent Honeyeater habitat. | <p>WCPL submitted Draft BVT Performance and Completion Criteria for the BVTs listed in Tables 8 and 9 of the Development Consent and Regent Honeyeater Habitat to OEH, DoEE for consultation on the 19.02.18.</p> <p>DoEE responded by email dated 13.03.18 that it was not commenting on the Draft Performance and Completion Criteria at this time.</p> <p>OEH provided comments on the Draft Performance and Completion Criteria including recommendations by letter dated 14.03.18.</p> <p>WCPL made amendments to its Proposed BVT Performance and</p> | <p>WCPL propose the following actions to the Biodiversity Management Plan (BMP). These actions include:</p> <ul style="list-style-type: none"> Continue to work with DP&E and OEH to finalise the BVT Performance and Completion Criteria; Update the BMP accordingly to reflect the final and agreed BVT Performance and Completion Criteria once approved by the Secretary; and Review the Mining Operations Plan (the MOP) to align with the BVT Performance and Completion Criteria once approved by the Secretary and resubmit the MOP for approval by the DRG. | <p>In April 2019 the BVT Performance and Completion Criteria was approved, subsequently the BMP was reviewed and resubmitted for approval in 30 June 2019 and later again on the 27 September 2019 to address changes to Pit 8 boundary and ML1795.</p> |

| IEA No. | Cond No. | Condition Requirement Summary | 2018 IEA Findings and Recommendation | Actions Proposed by WCPL to Address 2018 Audit Finding and Recommendation | Review of the Implementation of Proposed Actions |
|------------|-----------|---|--|---|---|
| | | <p>The performance and completion criteria must include consideration of the effect of climatic conditions, such as drought, and the NSW Biodiversity Offsets Policy for Major Projects 2014 and the associated Fact sheet: Mine Site Rehabilitation (OEH, 2014).</p> <p>Note: The rehabilitation offset performance and completion criteria form a component of the Rehabilitation Management Plan required under condition 64 of this schedule.</p> | <p>Completion Criteria and provided this together with its response to each of the OEH comments to the DPE by letter dated 19.03.18 (within six months of the commencement of development). At the time of writing (October 2018) the DPE was yet to respond.</p> <p>On the basis that confirmation of the satisfaction of the DPE was not received within 6 months of the commencement of the development (March 2018), this condition is considered noncompliant.</p> <p>It is noted that the DPE has had the revised Draft Criteria for seven months and has not provided further feedback or approval of the Criteria and this has led to the timeframe not being met. WCPL personnel indicated they believed the intent of this Condition was to submit the Draft BVT Performance and Completion Criteria within six months of the commencement of development.</p> | | |
| 2018_IEA_4 | S3 C61 | <p>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> | <p>A Rehabilitation Strategy (March 2018) was prepared and submitted to the DPE for approval on the 19 March 2018. At the time of writing, (October 2018) WCPL was yet to receive confirmation from the DPE that the Strategy was prepared to its satisfaction and on this basis, this Condition has been assessed as non-compliant. WCPL personnel indicated they believed the intent of this Condition was to submit the Draft Rehabilitation Strategy within six months of the commencement of development.</p> | <p>WCPL propose the following actions to the Rehabilitation Strategy. These actions include:</p> <ul style="list-style-type: none"> Continue to work with the DP&E to obtain feedback on whether the Rehabilitation Strategy has been prepared to the DP&E's satisfaction; and Review the Mining Operations Plan (the MOP) to align with the Rehabilitation Strategy, once approved by the Secretary, and resubmit the MOP for approval by the DRG. | <p>The Rehabilitation Strategy was not finalised through 2019 and 2020. 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> |

| IEA No. | Cond No. | Condition Requirement Summary | 2018 IEA Findings and Recommendation | Actions Proposed by WCPL to Address 2018 Audit Finding and Recommendation | Review of the Implementation of Proposed Actions |
|------------------------------|----------|---|---|---|---|
| MINING LEASE - ML1573 | | | | | |
| 2018_IEA_5 | 7 | <p>The leaseholder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <ol style="list-style-type: none"> Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period; Details of expenditure incurred in conducting that exploration; A summary of all geological findings acquired through mining or development valuation activities Particulars of exploration proposed to be conducted in the | <p>The anniversary of the Mining Lease is 8 February each year and as such the report is due for lodgement by 07 March each year. The annual exploration report for ML 1573 for the reporting period 08.02.17 - 07.02.18 was lodged on 09 March 2018.</p> <p>The auditors reviewed the email trail with regards to the Annual Exploration Reports submission. WCPL stated that the time delay for submission was caused by the lengthy process associated with uploading the data for the 176 boreholes.</p> <p>On the basis that the exploration was not submitted within the required timeframe, this condition has been assessed as non-compliant.</p> | <p>WCPL propose the following actions to lodgement of the annual exploration report within the 28-day anniversary date. These actions include:</p> <ul style="list-style-type: none"> WCPL Technical Services Department will account for the time taken to upload borehole data via the internet, to ensure the annual exploration report is lodged by the due date; and Review the format of the Exploration Report table of contents and report headings and ensure they align in future annual exploration reports as required. | <p>All lodgements of the annual exploration report have been within the 28-day anniversary date during the 2021 audit period.</p> |

| IEA No. | Cond No. | Condition Requirement Summary | 2018 IEA Findings and Recommendation | Actions Proposed by WCPL to Address 2018 Audit Finding and Recommendation | Review of the Implementation of Proposed Actions |
|---------|----------|---|--------------------------------------|---|--|
| | | next twelve months period; e) All plans, maps, sections and other data necessary to satisfactorily interpret the report. | | | |



Appendix C Stakeholder Consultation

AUDIT CHECKLIST - STAKEHOLDER CONSULTATION

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|---|----------|
| AUDIT CHECKLIST - STAKEHOLDER CONSULTATION | 1 |
| Department of Planning, Industry and Environment | 2 |
| NSW Environmental Protection Agency..... | 3 |
| Community Consultative Committee | 3 |
| NSW Resource Regulator | 4 |

| Topics | Stakeholder Comments | IEA Comments & Evidence |
|---|--|---|
| Department of Planning, Industry and Environment | | |
| Rehabilitation | Rehabilitation progression | Verified with site plans and field inspection. Final landform is being progressively implemented in accordance with Project Approval and approved MOP. Site inspection indicated the target vegetation communities are being progressively established and have the foundations of achieving rehabilitation outcomes including tree densities, species diversity etc. It is noted that additional efforts have been made in last 4 years since the change to target communities for tree corridors. Continual (annual) monitoring and resulting maintenance will assist in continuing to move towards meeting rehabilitation objectives. |
| Biodiversity | Biodiversity and management of Offsets | Refer to the Biodiversity section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Heritage | Protection, management and monitoring of Aboriginal and Heritage sites | WCPL were noted to be actively consulting with RAPs on the protection and salvage of aboriginal heritage sites during the audit period. It was noted that significant works are required to preserve and recover artwork within Castle Rock. It was noted that the Additional Cultural Heritage Survey – Offset Areas 1-5 was also completed during the audit period following an approved extension. In November 2019, WCPL implemented the ARD for the test and salvage excavation required at the potential caretaker's cottage site in Pit 8. As a result of the ARD, no archaeological remains of the cottage or associated structures were found. Archival recording of the Historic Shale Oil Mine Complex was completed prior to the commencement of any mining works associated with the open cut in Pit 8. |
| Noise / Air Quality | Noise and dust monitoring and management | Refer to the Noise and Air quality sections in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Groundwater | Surface and groundwater management / monitoring / performance measures | Refer to the Water section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Blasting | Blasting monitoring and management | Refer to the Water section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix A . |
| Administration | Implementation of management plans | Refer to the implementation condition for each management plan in section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Administration | Reporting and management of non-compliance and incidents | Refer to Section 4 of the IEA Report. |
| Administration | Community consultation and complaints register | Refer to Section 4 of the IEA Report. |

| Topics | Stakeholder Comments | IEA Comments & Evidence |
|--|---|---|
| NSW Environmental Protection Agency | | |
| Noise | Noise impacts: Specifically, this should include noise emissions from Pit 8 works and potential impacts on the remaining residents in the township of Wollar | Refer to the Noise section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Odour | Odour impacts: This should include potential odour impacts from spontaneous combustion odour | Refer to the Odour section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Blasting | Blasting: Specifically, compliance with blasting conditions on Environment Protection Licence 12425 | Refer to the Blasting section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Community Consultative Committee | | |
| Air Quality | Management of spontaneous combustion and odour is an issue. | Refer to the Odour section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Air Quality | Clause 16: The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act. | Refer to the Odour section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Air Quality | Operating conditions for dust management: | Refer to the Air Quality section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Air Quality | Clause 19 (c) minimise any visible air pollution generated by the development | Refer to the Air Quality section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Noise | Noise management | Refer to the Noise section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Noise | Clause 4 (c) minimise noise impacts of the development during meteorological conditions when the noise limits in this consent do not apply | Refer to the Noise section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| Social Impacts | Social Impact Management Plan – the remaining residents in and around the Wollar Village are extremely concerned with the impact that the mine has had in the decline of permanent residents, the closure of the Wollar Public School, decreased membership in the Rural Fire Service and the soon to close Wollar General Store, including the existing type of postal services/deliveries | Refer to the Social Impact section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |

| Topics | Stakeholder Comments | IEA Comments & Evidence |
|-------------------------------|---|--|
| NSW Resource Regulator | | |
| Administration | Review relevant mining leases and exploration licences as agreed with Resources Regulator | Refer to the Mining Lease Audit Checklists in Appendix B . |
| Environmental Management | Undertake an assessment of compliance against the conditions of title related to environmental management | Refer to the Water section in Schedule 3 of the SSD 6764 Audit Checklist – Wilpinjong IEA 2021 in Appendix B . |
| MOP | Verify that there is a current Mining Operations Plan (MOP) in place and it has been approved by the Regulator – review compliance against any conditions of approval of the MOP | Mining Operations Plan (MOP) 2021-2022 Doc No.: WCPL_MOP_2021 Approved as the MOP (1 January 2021 to 31 December 2022) 8 September 2021. Approved on 20 January 2021 by Christine Fawcett, Manager Environmental Operations, Mining Act Inspectorate Resource Regulator. In general, the plan/document was sufficient in addressing the requirements of SSD-6764 Schedule 3, Condition 64. |
| MOP / Rehabilitation | Undertake a critical review of the MOP, including an assessment of its compatibility with the description of operations contained in the planning approval. In particular: <ul style="list-style-type: none"> Review the rehabilitation strategy as outlined in the MOP to determine if it is consistent with the Project Approval in terms of progressive rehabilitation schedule; and proposed final land use(s) Review the rehabilitation objectives and completion criteria as outlined in the MOP to determine if they have been developed in accordance with the proposed final land use(s) as outlined in the Project Approval | Critical review of MOP was undertaken and found to be in line with Project approval in terms of progressive rehabilitation schedule and proposed final land uses. Areas rehabilitated have been in line with MOP over last 3 years (audit period) and planned for next year. Rehabilitation is on track to meet final land use/conditions over time. The change to the target final land use in 2017 from three woody corridors to specific woodland communities has required a lot of re-work to be done and increase in efforts targeting specific species and density of vegetation. Continued monitoring and maintenance/repair is evident and documented. Rehabilitation Tables of the MOP details completion criteria in line with final land use. It is recommended the topsoil parameters be reviewed and adjusted to ensure they are suitable for the soil material on site. |
| Rehabilitation | Review the development and implementation of any rehabilitation monitoring programs to assess performance against the nominated objectives and completion criteria – verified by reviewing monitoring reports and rehabilitation inspection records | Annual monitoring evidence sited including the 2020 Ecological Annual Biodiversity Monitoring Report and TARP, Internal Rehabilitation Inspection and Maintenance Report (19 th May 2020) and fortnightly rehabilitation meetings (minutes sited May 2021). As above it is recommended the completion criteria for soil chemistry parameters be reviewed to suit soils on site. |
| Rehabilitation | Determine if a rehabilitation care and maintenance program has been developed and implemented based on the outcomes of monitoring program – verified by reviewing Annual Rehabilitation Programs or similar documentation | The 2020 Ecological Annual Biodiversity Monitoring Report and TARP and LFA process has been used to guide maintenance requirements for rehabilitation areas. Internal Rehabilitation Inspection and Maintenance Report (19 th May 2020) and fortnightly rehabilitation meetings (minutes sited May 2021) also provide evidence the monitoring processes are being influential in the maintenance program. |

| Topics | Stakeholder Comments | IEA Comments & Evidence |
|----------------|---|--|
| MOP | Confirm that mining operations are being conducted in accordance with the approved MOP (production, mining sequence etc.), including within the designated MOP approval boundary – to be verified by site plans and site inspection | Operations are being undertaken in accordance with the MOP, with one minor change of a 10ha area prioritised rehabilitation in another 10ha area, and approved by NSW Resources Regulator. Verified with site plans and field inspection. |
| Rehabilitation | Confirm that rehabilitation progress is consistent with the approved MOP as verified by site plans and a site inspection. This should include an evaluation against rehabilitation targets and whether the final landform is being developed in accordance with conceptual final landform in the Project Approval | Verified with site plans and field inspection. Final landform is being progressively implemented in accordance with Project Approval and approved MOP. Site inspection indicated the target vegetation communities are being progressively established and have the foundations of achieving rehabilitation outcomes including tree densities, species diversity etc. It is noted that additional efforts have been made in last 4 years since the change to target communities for tree corridors. Continual (annual) monitoring and resulting maintenance will assist in continuing to move towards meeting rehabilitation objectives. |
| Rehabilitation | Based on a visual inspection, determine if there are any rehabilitation areas that appear to have failed or that have incurred an issue that may result in a delay in achieving the successful rehabilitation outcomes | The 2017 change to land use targets from forest to woodland communities means re-work of existing rehabilitation areas. These areas are not considered failures however the maintenance on the areas is high given the land use change. Last years rehabilitation areas indicate poor germination and coverage. Spring inspections will determine re-work requirements. |



Appendix D Photographic Record

COVID 19

Tasks For The Shift

Check Pivot shaft oil!

| Planning Week | Unit | Location | Task for the shift | Month | Batch | Quality | Time | Duration | Planned Start | Actual Time In | Planned Time Out | Issues |
|---------------|------|----------|--|-------|-------|---------|------|----------|---------------|----------------|------------------|------------------------------|
| 30 | | | Preventative Maintenance | | | | | | | | | |
| Day | 3001 | 3001 | Oil system checked & water removed. A14 1/8 | | | | | 5.9 Hrs | 14/9 7pm | | | |
| Night | 3002 | 3002 | Sign Generator - Coolers, Fans pump | | | | | 2.3 Hrs | 14/9 10pm | 14/9 12pm | | Header Tank cracked bad leak |
| Supervisor | 3003 | 3003 | MONITOR MONITOR | | | | | | | | | |
| Leading Hand | 3004 | 3004 | Oil level checked. Run left oil tank. Oil | | | | | 1.6 Hrs | 20/9 7am | | | |
| Service man | 3005 | 3005 | 50 HP Indel Service. 64 Hrs @ 20/9 9am. They have returned missing (in study run) | | | | | | 18/9 7pm | | | |
| Mia | 3006 | 3006 | Running. Lubrication only | | | | | | | | | |
| Workshop TA | 3007 | 3007 | AVOID SERVICE. Splash + Dash Done. 38922 Hrs. 2/5 | | | | | | | | | |
| A/L | 3008 | 3008 | AVOID SERVICE. Splash + Dash Done. 45797 2/5 | | | | | 3.1 Hrs | 2/9 7am | | | |
| P/L | 3009 | 3009 | AVOID SERVICE. Splash + Dash Done. 47159 Hrs. 19/9 | | | | | 3.1 Hrs | 19/9 7am | | | |
| Training | 3010 | 3010 | AVOID SERVICE. Splash + Dash Done. 1611 Hrs. 20/9 | | | | | 3.1 Hrs | 17/9 7pm | | | |
| | 3011 | 3011 | AVOID SERVICE. Splash + Dash Done. 47160 Hrs. 2/5 | | | | | 3.1 Hrs | 20/9 7am | | | |
| | 3012 | 3012 | AVOID SERVICE. Floor time done. Break in Work | | | | | 3.1 Hrs | 19/9 11pm | | | |
| | 3013 | 3013 | AVOID SERVICE. Floor time done. Air-boost Done. 6017 0/1 1/8 | | | | | | | | | |
| | 3014 | 3014 | AVOID SERVICE. OIL 0.14 Hrs. + sample. Every 24 Hrs. 7pm Daily. Water Pump sent to Sydney. | | | | | | | | | |

Plate 1 – Maintenance activity board



Plate 2 – Maintenance activities on haul trucks observed



Plate 3 – Workshop sumps



Plate 4 – IBC's stored near workshop



Plate 5 – Fuel pod, drum, and IBCs stored near workshop



Plate 6 –



Plate 7 – Vehicle wash bay



Plate 8 – Washed coal stockpile near CHPP



Plate 9 – Sprays operational to raw coal dump



Plate 10 – Magnesium storage area with dust suppression systems in place



Plate 11 – View of MIA area



Plate 12 – Truck hauling coal to dump



Plate 13 – View northeast towards Pit 7



Plate 14 – Contaminated material bioremediation area.



Plate 15 – Grader active on roads



Plate 16 – Pit 6 and observation of dust production from Dyno Nobel truck



Plate 17 – Mobile lighting rig pointing into Pit 6



Plate 18 – Dust deposition gauge DG12 near WCP72 ‘Castle Rock’



Plate 19 – WCP72 ‘Castle Rock’ heritage area



Plate 20 – Vibration monitoring equipment at WCP72 ‘Castle Rock’



Plate 21 – Various aged rehabilitation areas foreground and background. Requires rework.



Plate 22 – Logs spread out in rows for habitat and easier maintenance of rehab areas



Plate 23 – Groundwater monitoring well GW02



Plate 24 – Water cart being refilled during inspection



Plate 25 – Pit 6 water cart entering pit bottom to suppress evident dust production



Plate 26 – Dust production along top of pit adjacent Ulan-Wollar Road near Pit 6



Plate 27 – Smooth surface requiring ripping to reduce runoff and increase infiltration.



Plate 28 – Example of poor construction of graded bank leading to sedimentation and bank failure.



Plate 29 – Water cart active on haul roads utilising dust suppressant compound



Plate 30 – Pit 8 shots drilled prior to blasting



Plate 31 – Spon con noted on site 22 September 2021



Plate 32 – Pit 8 shots drilled prior to blasting



Plate 33 – Eastern tie in to Cumbo Creek



Plate 34 – Spon con observed from Ulan-Wollar Road in the morning of 23 September 2021



Plate 35 – Dust production noted from Ulan-Wollar Road in the morning of 23 September 2021



Plate 36 – Realtime noise monitoring station Wollar Village



Plate 37 – Groundwater monitoring well GW05



Plate 38 – Wollar TEOM



Plate 39 – Wollar HVAS



Plate 40 – EPL Discharge location 24



Plate 41 – EPL Discharge Location 30 (Clean Water)



Plate 42 – Clean Water Diversion Pit 8



Plate 43 – Example of Water Management on Downslope Perimeter to prevent offsite discharge (pit 8)



Plate 44 – Bunded Area Mine Infrastructure Area (MIA)



Appendix E
Status of 2018 IEA
Recommendations

AUDIT CHECKLIST – STATUS OF 2018 IEA RECOMMENDATIONS

| | |
|--|----------|
| AUDIT CHECKLIST – STATUS OF 2018 IEA RECOMMENDATIONS..... | 1 |
| DEVELOPMENT CONSENT - SSD-6764..... | 2 |
| MINING LEASE - ML1573..... | 5 |

| IEA No. | Cond No. | Condition Requirement Summary | 2018 IEA Findings and Recommendation | Actions Proposed by WCPL to Address 2018 Audit Finding and Recommendation | Review of the Implementation of Proposed Actions |
|---------------------------------------|--------------|---|---|--|---|
| DEVELOPMENT CONSENT - SSD-6764 | | | | | |
| 2018_IEA_1 | S3 C19(a) | Implement all reasonable and feasible measures to minimise the off-site odour, fume, spontaneous combustion, and dust emissions of the development; | <p>With regards to the generation of dust WCPL received a formal warning letter on 08 February 2018 from the EPA following an unannounced visit to site on 17 January 2018. The EPA officer identified excessive dust emissions from the mine as a result of activities being undertaken in pit 7 and pit 4. The inspection also identified a dust haze in the area around the mine when compared to that of the Ulan area.</p> <p>The EPA contacted the WCPL E&C Manager at the time of the observations and as a result WCPL ceased activities in the areas of concern and increased the use of water carts.</p> <p>The EPA considered the event to be a breach of the sites EPL conditions (Condition O3.1) and as a result issued the site with a formal warning.</p> <p>This condition was found to be non-compliant on the basis that the EPA found WCPL to be in breach of EPL 12425 requirements O3.1 which requires the following, "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".</p> <p>Management measures in place at the time of the audit site inspection were reasonable and feasible and as such no recommendation has been made.</p> | <p>Although no recommendations were made by the Auditors based on WCPL's current dust management measures considered satisfactory during the IEA, WCPL do however proposed the following additional actions to ensure ongoing improvements in relation to air quality management. These actions include:</p> <ul style="list-style-type: none"> • A review of the existing Air Quality Management Plan (AQMP) and Spontaneous Combustion Management Plan (SCMP) to reflect the current monitoring conducted in relation to spontaneous combustion. Remove reference to monitoring requirements relating to the Keylah Dump Removal. • Refresher training for operational personnel in the form of Tool Box Talks regarding dust management and responsibilities. | <p>In 2019 the AQMP and SCMP were reviewed and resubmitted for re-approval into the DPIE.</p> <p>DPIE reviewed AQMP and SCMP with only minor corrections to be addressed on 10 February 2020.</p> <p>WCPL were addressing the DPIE comments with a scheduled re-submission of the AQMP and SCMP in early 2020.</p> <p>Refresher training was provided to applicable employees in 2019.</p> <p>During the 2021 IEA site inspection it was noted that dust and spontaneous combustion issues were identified. Refer to Schedule 3 Condition 19 of the 2021 IEA Audit Checklist.</p> |

| IEA No. | Cond No. | Condition Requirement Summary | 2018 IEA Findings and Recommendation | Actions Proposed by WCPL to Address 2018 Audit Finding and Recommendation | Review of the Implementation of Proposed Actions |
|------------|-----------|---|--|---|--|
| 2018_IEA_2 | S3 C31 | The Applicant must implement the approved Water Management Plan for the development. | <p>The audit team's surface water specialist reviewed management measures in place on site at WCPL during the audit site inspection. The surface water specialist concluded that there are some discrepancies between the approved SWMP, and its implementation on site. In particular relating to sediment basins and up-stream diversions that are depicted in the SWMP but have not been constructed.</p> <p>Operations on site appeared to manage water effectively with minimal risk for offsite transport of water, however on the basis that the approved SWMP did not reflect the current operations, this Condition has been assessed as non-compliant.</p> | <p>WCPL propose the following actions to the Water Management Plan (WMP). These actions include:</p> <ul style="list-style-type: none"> • A review of the existing Surface Water Management Plan (SWMP) to include a detailed description of the assessment process for not adopting clean water diversions, based on further specialist reviews that can clearly identify when a clean water diversion is not adopted by WCPL , this decision can demonstrate the least net impact on the environment or presents the lowest longer term risk; and • A review of the Site Water Balance if diversions are not adopted to account for in each annual review of the site water balance and calculation of harvestable right. | <p>In 2019 the SWMP was reviewed and resubmitted for re-approval into the DPIE.</p> <p>DPIE reviewed SWMP with only minor corrections to be addressed on 10 February 2020.</p> <p>The Site Water Balance was also reviewed to integrate the latest review of the site water balance model completed in October 2019.</p> <p>WCPL were addressing the DPIE comments with a scheduled re-submission of the SWMP and SWB in early 2020.</p> |
| 2018_IEA_3 | S3 C37 | <p>Within 6 months of the commencement of development under this consent, or as otherwise agreed by the Secretary, the Applicant must, in consultation with OEH, the Department and DoEE and to the satisfaction of the Secretary, develop suitable rehabilitation performance and completion criteria for:</p> <ol style="list-style-type: none"> a) the BVTs in Tables 8 and 9; and b) Regent Honeyeater habitat. | <p>WCPL submitted Draft BVT Performance and Completion Criteria for the BVTs listed in Tables 8 and 9 of the Development Consent and Regent Honeyeater Habitat to OEH, DoEE for consultation on the 19.02.18.</p> <p>DoEE responded by email dated 13.03.18 that it was not commenting on the Draft Performance and Completion Criteria at this time.</p> <p>OEH provided comments on the Draft Performance and Completion Criteria including recommendations by letter dated 14.03.18.</p> <p>WCPL made amendments to its Proposed BVT Performance and</p> | <p>WCPL propose the following actions to the Biodiversity Management Plan (BMP). These actions include:</p> <ul style="list-style-type: none"> • Continue to work with DP&E and OEH to finalise the BVT Performance and Completion Criteria; • Update the BMP accordingly to reflect the final and agreed BVT Performance and Completion Criteria once approved by the Secretary; and • Review the Mining Operations Plan (the MOP) to align with the BVT Performance and Completion Criteria once approved by the Secretary and resubmit the MOP for approval by the DRG. | <p>In April 2019 the BVT Performance and Completion Criteria was approved, subsequently the BMP was reviewed and resubmitted for approval in 30 June 2019 and later again on the 27 September 2019 to address changes to Pit 8 boundary and ML1795.</p> |

| IEA No. | Cond No. | Condition Requirement Summary | 2018 IEA Findings and Recommendation | Actions Proposed by WCPL to Address 2018 Audit Finding and Recommendation | Review of the Implementation of Proposed Actions |
|------------|-----------|---|--|---|---|
| | | <p>The performance and completion criteria must include consideration of the effect of climatic conditions, such as drought, and the NSW Biodiversity Offsets Policy for Major Projects 2014 and the associated Fact sheet: Mine Site Rehabilitation (OEH, 2014).</p> <p>Note: The rehabilitation offset performance and completion criteria form a component of the Rehabilitation Management Plan required under condition 64 of this schedule.</p> | <p>Completion Criteria and provided this together with its response to each of the OEH comments to the DPE by letter dated 19.03.18 (within six months of the commencement of development). At the time of writing (October 2018) the DPE was yet to respond.</p> <p>On the basis that confirmation of the satisfaction of the DPE was not received within 6 months of the commencement of the development (March 2018), this condition is considered noncompliant.</p> <p>It is noted that the DPE has had the revised Draft Criteria for seven months and has not provided further feedback or approval of the Criteria and this has led to the timeframe not being met. WCPL personnel indicated they believed the intent of this Condition was to submit the Draft BVT Performance and Completion Criteria within six months of the commencement of development.</p> | | |
| 2018_IEA_4 | S3 C61 | <p>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> | <p>A Rehabilitation Strategy (March 2018) was prepared and submitted to the DPE for approval on the 19 March 2018. At the time of writing, (October 2018) WCPL was yet to receive confirmation from the DPE that the Strategy was prepared to its satisfaction and on this basis, this Condition has been assessed as non-compliant. WCPL personnel indicated they believed the intent of this Condition was to submit the Draft Rehabilitation Strategy within six months of the commencement of development.</p> | <p>WCPL propose the following actions to the Rehabilitation Strategy. These actions include:</p> <ul style="list-style-type: none"> Continue to work with the DP&E to obtain feedback on whether the Rehabilitation Strategy has been prepared to the DP&E's satisfaction; and Review the Mining Operations Plan (the MOP) to align with the Rehabilitation Strategy, once approved by the Secretary, and resubmit the MOP for approval by the DRG. | <p>The Rehabilitation Strategy was not finalised through 2019 and 2020. 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> |

| IEA No. | Cond No. | Condition Requirement Summary | 2018 IEA Findings and Recommendation | Actions Proposed by WCPL to Address 2018 Audit Finding and Recommendation | Review of the Implementation of Proposed Actions |
|------------------------------|----------|---|---|---|---|
| MINING LEASE - ML1573 | | | | | |
| 2018_IEA_5 | 7 | <p>The leaseholder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <ol style="list-style-type: none"> Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period; Details of expenditure incurred in conducting that exploration; A summary of all geological findings acquired through mining or development valuation activities Particulars of exploration proposed to be conducted in the | <p>The anniversary of the Mining Lease is 8 February each year and as such the report is due for lodgement by 07 March each year. The annual exploration report for ML 1573 for the reporting period 08.02.17 - 07.02.18 was lodged on 09 March 2018.</p> <p>The auditors reviewed the email trail with regards to the Annual Exploration Reports submission. WCPL stated that the time delay for submission was caused by the lengthy process associated with uploading the data for the 176 boreholes.</p> <p>On the basis that the exploration was not submitted within the required timeframe, this condition has been assessed as non-compliant.</p> | <p>WCPL propose the following actions to lodgement of the annual exploration report within the 28-day anniversary date. These actions include:</p> <ul style="list-style-type: none"> WCPL Technical Services Department will account for the time taken to upload borehole data via the internet, to ensure the annual exploration report is lodged by the due date; and Review the format of the Exploration Report table of contents and report headings and ensure they align in future annual exploration reports as required. | <p>All lodgements of the annual exploration report have been within the 28-day anniversary date during the 2021 audit period.</p> |

| IEA No. | Cond No. | Condition Requirement Summary | 2018 IEA Findings and Recommendation | Actions Proposed by WCPL to Address 2018 Audit Finding and Recommendation | Review of the Implementation of Proposed Actions |
|---------|----------|--|--------------------------------------|---|--|
| | | <p>next twelve months period;</p> <p>e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p> | | | |



Appendix F Meeting Records of Attendance

MEETING ATTENDANCE RECORD




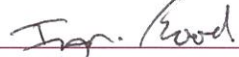
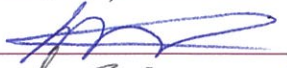







Project: WILPINJONG COAL - 2021 IEA

Meeting Purpose: OPENING MEETING

Date: 21/09/21

Location: WCPL - BOARDROOM

Time: 12:30

| Name | Role | Signature |
|------------------|---|---|
| IAN RICHARDSON | LEAD AUDITOR |  |
| SAM MITCHELL | ASSISTANT AUDITOR |  |
| Kieran Bennetts | Environment + Community Mgr |  |
| IAN. FLOOD | Manager Project Development & Approvals |  |
| James Heisterman | Environmental Coordinator |  |
| Joshua Fyfe | Environmental Advisor |  |
| Stephen Bragg | Environmental Consultant |  |
| CLARK POTTER | SENIOR ENVIRONMENTAL ADVISOR |  |
| RICHARD CADE | CHPP MANAGER |  |
| JACQUES DU TOIT | GENERAL MANAGER |  |
| David Meeling | Maintenance Manager |  |
| PETER GROSSIGNOR | MINE MANAGER |  |

