



SSD-6764 Independent Environmental Audit 2024

Wilpinjong Coal Project

Peabody Australia Pty Ltd.

Revision 0

27 November 2024



Document version history

Version	Date	Revision description	Author
0	27 November 2024	Final 2024 Independent Environmental Audit Report	Elliot Holland: Lead Auditor and Rehabilitation specialist (Onward) Carmen Osborne: Auditor (Onward) Dr Adam Wyatt: Surface Water, Groundwater and Geomorphology Specialist (Engeny)

Abbreviations

Abbreviation	Definition
ACHMP	Aboriginal Cultural Heritage Management Plan
AMP	Asbestos Management Plan
ANC	Administrative Non-Compliance
AQMP	Air Quality Management Plan
BCS	Biodiversity, Conservation and Science
BFMS	Blast Fume Management Strategy
BMP	Biodiversity Management Plan
BOA	Biodiversity Offset Area
BVT	Biometric Vegetation Type
CA	Corrective Action
CCC	Community Consultative Committee
CDC	Complying Development Certificates
CHPP	Coal handling and preparation plant
CWD	Clean Water Dam
DCCEEW	Department of Climate Change, Energy, the Environment and Water (NSW)
DG	Depositional dust gauge
DPE	The former Department of Planning and Environment (NSW)
DPHI	Department of Planning, Housing and Infrastructure (NSW)
DPIE	The former Department of Planning, Infrastructure and Environment (NSW)
EL	Exploration Licence
EMP	Environmental Management Plan
EMS	Environmental Management Strategy
EP&A	<i>Environmental Planning And Assessment Act 1979</i> (NSW)
EPA	Environment Protection Authority (NSW)
EPL	Environmental Protection Licence
GDP	Ground Disturbance Permit
GWMP	Groundwater Management Plan
ha	hectares
HHMP	Historic Heritage Management Plan
HVAS	High Volume Air Sampler
IBC	Intermediate Bulk Containers
IEA	Independent Environmental Audit

Abbreviation	Definition
km	kilometre
LDP	Licensed Discharge Point
LV	Light Vehicle
m	metre
m/s	Metres per second
MIA	Mine Infrastructure Area
the Mine	Wilpinjong Coal Mine
ML	Mining Lease
mm	millimetre
Moolarben Coal Complex	Moolarben Coal Operations Pty Ltd
MOP	Mining Operations Plan
Mt	Million tonnes
Mtpa	million tonnes per annum
MWRC	Mid-Western Regional Council
NC	Non-Compliance
NMP	Noise Management Plan
NPWS	National Parks and Wildlife Service
NSW	New South Wales
NTU	Nephelometric Turbidity Units
OFI	Opportunity for improvement
Onward	Onward Consulting Pty Ltd
Peabody	Peabody Australia Pty Ltd
PIRMP	Pollution Incident Management Plan
POEO Act	<i>Protection of the Environment Operations Act 1997 (NSW)</i>
RAP	Registered Aboriginal Party
RCE	Rehabilitation Cost Estimate
RFS	Rural Fire Service
RMP	Rehabilitation Management Plan
ROM	Run-of-mine
RR	Resources Regulator
RS	Rehabilitation Strategy
RWD	Raw Water Dam
SCMP	Spontaneous Combustion Management Plan
SIMP	Social Impact Management Plan

Abbreviation	Definition
SSD	State Significant Development
SWB	Site Water Balance
SWMP	Surface Water Management Plan
TARP	Trigger Action Response Plan
TEOM	Tapered element oscillating microbalances technology
Ulan Coal Mine	Ulan Coal Mine Pty Ltd
WAL	Water Access License
WCPL	Wilpinjong Coal Pty Ltd
WMP	Water Management Plan
WMS	Water Management System

Executive summary

Onward Consulting Pty Ltd (Onward) was engaged by Wilpinjong Coal Pty Ltd (WCPL) to conduct an Independent Environmental Audit (IEA) of the Wilpinjong Coal Mine (the Mine), an existing open cut coal mine. The Mine is located on Ulan-Wollar Rd, near the village of Wollar, approximately 40 km north-east of Mudgee within the Mid-Western Regional Council (MWRC) local government area, in central NSW.

The IEA was undertaken in accordance with the requirements of:

- AS/NZS ISO 19011:2019 Guidelines for quality and / or environmental management systems auditing
- Schedule 5, Conditions 10 and 11 of State Significant Development (SSD) 6764
- the Independent Audit Post Approval Requirements (DPIE, 2020)

The audit period to which this audit applies is inclusive of the period from 15 September 2021 to 9 October 2024. This report presents the findings of this audit.

The audit team consisted of

- Lead Auditor and rehabilitation – Elliot Holland of Onward
- Auditor – Carmen Osborne of Onward
- Back-up rehabilitation – Mark Vile of Onward
- Surface water, groundwater, and geomorphology – Adam Wyatt, with Susan Shields as back-up, both of Engeny

The audit was inclusive of the following:

- a two-day site inspection at the Mine on 8 and 9 October 2024, which included interviews with key site personnel, of all key aspects of the development (Section 1) and Appendix G of this IEA report)
- consultation with regulatory agencies and the chair of the Community Consultative Committee (CCC) to obtain feedback and identification of any key issues to focus on during the audit (Section 2.3 and Appendix C of this IEA report)
- the status of implementation of the previous IEA findings, recommendations and actions (Section 3.1 of this IEA report)
- an assessment of compliance against all conditions:
 - SSD-6764 (Section 3.3.1 and Appendix D of this IEA report)
 - Environmental Protection Licence (EPL) 12425 (Section 3.3.2 and Appendix F of this IEA report)
 - Mining Leases (ML) 1573, 1779, 1795 and 1846 (Section 3.3.3 3.3.3 and Appendix F of this IEA report)
 - Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016 (NSW) (Section 3.3.3 and Appendix F of this IEA report)
- a review of the adequacy of the environmental management strategies, plans and programs required under the consent (Section 3.4 of this IEA report)
- identification and discussion of complaints and incidents that occurred during the audit period (Section 3.5 of this IEA report)
- an assessment of the environmental performance of the development through review of the implementation of key environmental management strategies, plans and programs (Section 4 of this IEA)
- identification of the Corrective Actions and / or Opportunities for Improvement (Section 5 of this IEA)

Audit findings summary

The IEA identified a total of 24 non-compliances (including the now removed EPL 12425 Special Condition E1.1). However, overall compliance with conditions of relevant approvals, licences and leases was noted as high, as follows:

- **SSD-6764:** Compliance with 89% of conditions (i.e. 88 of 99 conditions) (Appendix D).
- **EPL 12425:** Compliance with approximately 89% of conditions (i.e. 63 out of 71 conditions) (Appendix E)
- Relevant leases:
 - ML1573: Up to 30 June 2022: Compliance with 100% of conditions (Appendix F)
 - ML1779: Up to 30 June 2022: Compliance with 100% of conditions (Appendix F)
 - ML1795: Up to 30 June 2022: Compliance with 100% of conditions (Appendix F)
 - Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016: Compliance with approximately 94% of conditions (i.e. 46 out of 49 conditions) (Appendix F)

However, the IEA assessed a total of 21 non-compliances, as follows:

- **SSD-6764**, with more detail provided in Section 3.3.1, non-compliances include:
 - **NC01** (Schedule 2, Condition 2)
 - **NC02** (Schedule 3, Condition 12)
 - **NC03** (Schedule 3, Condition 15)
 - **NC04** (Schedule 3, Condition 25)
 - **NC05** (Schedule 3, Condition 29)
 - **NC06** (Schedule 3, Condition 30)
 - **NC07** (Schedule 3, Condition 31)
 - **NC08** (Schedule 3, Condition 35)
 - **NC09** (Schedule 3, Condition 57)
 - **NC10** (Schedule 5, Condition 5)
 - **NC11** (Schedule 5, Condition 12)
- **EPL 12425**, with more detail provided in Section 3.3.2, non-compliances include:
 - **NC12** (Condition L1.1)
 - **NC13** (Condition O1.1)
 - **NC14** (Condition O2.1)
 - **NC15** (Condition M2.1)
 - **NC16** (Condition M2.2)
 - **NC17** (Condition M4.2)
 - **NC18** (Condition R2.2)
 - **NC19** (Condition former Special Condition E1.1)
- **Standard Conditions** (Schedule 8A, Part 2) of the Mining Regulation 2016, with more detail provided in Section 3.3.3, non-compliances include:
 - **NC20** (Condition 9)
 - **NC21** (Clause 16[3])
 - **NC22** (Clause 19[3])

Executive Summary Table Non-compliance summary

Finding ID	Non-compliance	Source	Condition	Risk rating
NC01	This is a non-compliance in relation to the other nine non-compliances against relevant conditions of consent. These include Schedule 3, Conditions 12, 15, 25, 29, 30, 31, 35, 57, and Schedule 5, Conditions and 12.	SSD-6764	Schedule 2, Condition 2	Low
NC02	<p>Non-compliance with the requirements of this condition is noted in relation to:</p> <ul style="list-style-type: none"> Some of the required blasting data for the 2021 Reporting Period is not available, relating to blast monitoring of public infrastructure at Pit 6. This non-compliance was identified during preparation of the 2021 Annual Review and reported to MWRC and DPIE on 30 March 2022. This non-compliance is as per NC03. The 2022 Annual Review noted a non-compliance in relation to employees being exposed to and affected by NOx fumes from a planned blast (11 April 2022). This non-compliance is as per NC13. <p>While the missing blast data is an administrative non-compliance, a low risk non-compliance has been identified for this condition due to the blast fume event.</p>		Schedule 3, Condition 12	Low
NC03	This non-compliance is as per NC02 , non-compliance with this condition has been identified due to missing blasting data for the 2021 Reporting Period, relating to blast monitoring of public infrastructure at Pit 6.		Schedule 3, Condition 15	ANC
NC04	<p>This non-compliance is as per NC12 and NC14, in which one unlicensed discharge was reported during the audit period, with discharge of untreated mine water occurring on 19 May 2023. The discharge was caused by a split in a poly pipe which resulted in water flowing through a vegetated area within the mine boundary towards a catchment dam. Some of this water passed through a low point in the containment bund resulting in water reporting off-site. This event was reported as a non-compliance against this condition.</p> <p>Review of correspondence with the NSW EPA following the event indicates that the incident was managed in accordance with the WMP (WI-ENV-MNP-006) (Version 4, August 2017) and the PIRMP.</p>		Schedule 3, Condition 25	Low
NC05	Non-compliance with this condition is noted in relation to the unlicensed discharge discussed further under Schedule 3, Condition 25, resulting in non-compliance in relation to performance measures for Mine Water Storages in Table 6 of Schedule 3, Condition 29.		Schedule 3, Condition 29	Low
NC06	The SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) includes a program to monitor and report on most of the performance measures listed in Table 6 of Schedule 3, Condition 29, except for chemical and hydrocarbon storage. No procedure for reporting on chemical and hydrocarbon storage is provided.		Schedule 3, Condition 30	ANC
NC07	<p>The SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) states that if surface water triggers are exceeded for three consecutive readings, the Trigger Action Response Plan (TARP) in Section 7 of the plan are to be followed. Similarly, the GWMP (WI-ENV-MNP0041) (Version 3, August 2017) states that if a groundwater trigger is exceeded for three consecutive readings, the groundwater TARP in Section 8 of the plan is to be followed.</p> <p>Both of these TARPs include the requirement to notify the "relevant agencies as soon as practicable that an exceedance of the trigger level has occurred".</p> <p>Three non-compliances (one for surface water and two for groundwater) were reported for this Condition in the 2021 Annual Review as exceedances of triggers for water quality were not reported to relevant agencies as soon as practicable. The consecutive exceedances were identified during the development of the Annual Review.</p>		Schedule 3, Condition 31	ANC
NC08	A non-compliance is noted in relation to finalisation of transfer of offset after the approved extension date of 31 July 2023 (provided by DPE on 5 July 2023), with transfer completed on 2 August 2023.		Schedule 3, Condition 31	ANC
NC09	<p>A non-conformance with <i>AS4282.2019 Control of the Obtrusive Effects of Outside Lighting</i> was detected during an External Lighting Compliance Audit conducted by CR Engineering in December 2021.</p> <p>This non-conformance related to the entry point to the East Pit Mine Infrastructure Area carpark and administration area, with the External Lighting Compliance Audit recommending lighting fitting adjustment be completed at the East Pit MIA and administration area, with the audit not able to confirm this recommendation has been addressed.</p>		Schedule 3, Condition 57	Low

Finding ID	Non-compliance	Source	Condition	Risk rating
NC10	<p>WCPL has been in the process of revising EMPs in consideration of the 2023 Annual Review. However, in June 2024, WCPL submitted a letter to DPHI requesting an extension to submit EMPs (considering Modification 2) and withdrawing the request for approval of various EMPs which had previously been submitted in June 2023.</p> <p>As a result, DPHI approved extension to 30 September 2024. However, while the WMP and GWMP were submitted to DPHI by 30 September 2024, updated versions of the SWMP and SWB were not provided. Audit interviews with WCPL personnel indicate the revised versions of the SWMP and SWB will be submitted by the end of 2024.</p>		Schedule 5, Condition 5	ANC
NC11	<p>Review of the Mine website indicates general compliance with the requirements of this condition; however, the following plans were identified to be superseded versions:</p> <ul style="list-style-type: none"> Aboriginal Cultural Heritage Management Plan: The website version is Version 8.1, June 2021, but the current version is updated to Version 9, June 2022. Spontaneous Combustion Management Plan: The website version is Version 7.1, June 2021, but the current version is Version 8.1, June 2022. Environmental Management Strategy: The website version is Version 9.1, June 2022, but the current version is Version 10, June 2023. Rehabilitation Strategy: The website version is Version 3, March 2022, but the current version is Version 4, September 2024. 		Schedule 5, Condition 12	ANC
NC12	<p>This non-compliance is as per NC04, in which one unlicensed discharge was reported during the audit period, with discharge of untreated mine water occurring on 19 May 2023. The discharge was caused by a split in a poly pipe which resulted in water flowing through a vegetated area within the mine boundary towards a catchment dam. Some of this water passed through a low point in the containment bund resulting in water reporting off-site. This event was reported as a non-compliance with this condition.</p> <p>Review of correspondence with the NSW EPA following the event indicates that the incident was managed in accordance with the WMP (WI-ENV-MNP-006) (Version 4, August 2017) and the PIRMP.</p>	EPL 12425	L1.1	Low
NC13	<p>This non-compliance is as per NC02, in which the 2022 Annual Review noted a non-compliance relating to employees being exposed to and affected by NOx fumes from a planned blast (11 April 2022). The PIRMP was activated, and the NSW Resources Regulator issued a Section 195 notice. Actions taken to prevent recurrence were outlined in the incident report prepared for the NSW Resources Regulator. An environmental incident notification for the blast fume event, dated 11 April 2022 was issued and a Blast Fume Report provided to the NSW EPA on 22 May 2022. A letter from NSW EPA acknowledging receipt of the Blast Fume Report was also sighted. In addition, subsequent updates were received on 12 April 2022 and 20 April 2022 and on 18 July 2022 it was stated that no regulatory action was deemed relevant.</p>		O1.1	Low
NC14	<p>This non-compliance is as per NC04 and NC12, in relation to an event which occurred on 19 May 2023 when a split in a poly pipeline resulted in mine water being reported off site and the PIRMP needing to be activated.</p> <p>Further investigations occurred and no change was detected in water chemistry or macroinvertebrate indices. The EPA reviewed the incident and determined corrective actions and preventative measures had been taken. Further regulatory action would not be taken. CAs taken included isolating and locking out the pump supplying water to the poly pipe, fixing the leak, additional containment topsoil stockpile controls and inspections.</p>		O2.1	Low

Finding ID	Non-compliance	Source	Condition	Risk rating
NC15	<p>Air quality monitoring requirements</p> <p>During all reporting years (i.e. 2021/2022, 2022/2023, and 2023/2024), there were (self-reported) non-compliances due to 24-hour average PM₁₀ and PM_{2.5} results not being captured continuously by the air quality monitoring unit due to a technical fault, routine maintenance, or reasons outside foreseeable control of WCPL. Furthermore, continuous monitoring percentages remained above 95%.</p> <p>Water and / or land monitoring requirements</p> <p>Monitoring generally appears to have been carried out in accordance with Condition M2.4 of EPL 12425. While results for turbidity at LDP 30 are presented in the EPL Monthly Monitoring Reports, no results are presented for pH or EC. However, verification of compliance was achieved via review of the 2022 and 2023 Annual Reviews which indicates discharge from LDP 30 did not occur during the 2023 reporting period, and pH and EC were monitoring during discharge from LDP 30.</p>		M2.1	ANC
NC16	Refer to discussion at Condition M2.1.		M2.2	ANC
NC17	Non-compliances during the 2024 IEA period were noted relating to missed continuous meteorological monitoring. This notwithstanding, continuous monitoring percentages remained above 99.5 %.		M4.2	ANC
NC18	<p>Review of relevant documentation confirmed general compliance with the requirements of this condition; however, a non-compliance (administrative) was identified in relation to the Environmental Event Report for the poly pipe failure. The associated notification was made on 19 May 2023, during this correspondence WCPL provided a written letter titled Wilpinjong Coal – Mine Water from Site Event with details of the non-compliance. In this letter WCPL requested an extension for submission of a formal report, stating:</p> <p><i>“A formal report on the above event will be prepared by WCPL as per the requirements of EPL 12425 Condition R3. WCPL requests an extension to the required timeframe of report lodgement (EPL Condition R2.2) until 31 May 2023. WCPL is undertaking significant community-based meetings during the week of 22nd May 2023, which will delay WCPL’s ability to appropriately investigate and develop the required report.”</i></p> <p>There is no evidence indicating that this extension was approved, with the Environmental Event Report provided on 31 May 2023, which is more than 7 days after the notification was made..</p>		R2.2	ANC
NC19	<p>During the audit period, EPL Variation Notice 1625163 allowed the extension of time for water discharge under emergency water discharge conditions from 5:00pm on 25 November 2022 to 5:00pm on 1 January 2023 (i.e. Special Condition E1 of EPL 12425). A non-compliance with Condition E1.1 of EPL 12425 was reported in the 2022 Annual Review, with 0.35 ML of excess rainwater discharged from LDP 32 on 26 December 2022.</p> <p>As a result of subsequent variations, Special Condition E1 has been removed from EPL 12425.</p>		Former Special Condition E1.1	Low
NC20	In the 2023 Annual Review, a non-compliance occurred when no Rehabilitation Cost Estimate was submitted to the NSW RR, as required with the submission of a Forward Program submitted on 31 March 2023. WCPL submitted the RCE through the NSW Resource Regulator portal on 7 November 2023 and received a letter of Official Caution from the NSW RR on 7 December 2023.	Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016	9	ANC
NC21	While the relevant documents were confirmed as being available on the Mine website, WCPL was unable to provide evidence to verify this information was published within 14 days after it was prepared or amended (i.e. the RMP) or within 14 days after it was given to the Secretary or amended (i.e. Annual Rehabilitation Report and Forward Program).		16(3)	ANC
NC22	The audit confirmed that the NSW Resources Regulator was provided with the full name and contact details of the nominated person, with NSW Resources Regulator acknowledgement dated 20 September 2023. However, documentation was not able to be reviewed to confirm these details were provided within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation.		19(2)	ANC

Furthermore, 13 of the 22 non-compliances were already identified in the Annual Reviews required by conditions of SSD-6764 and Annual Returns required by conditions of EPL 12425, including:

- **NC02** (Schedule 3, Condition 12)
- **NC03** (Schedule 3, Condition 15)
- **NC04** (Schedule 3, Condition 25)
- **NC05** (Schedule 3, Condition 29)
- **NC07** (Schedule 3, Condition 31)
- **NC12** (Condition L1.1 of EPL 12425)
- **NC13** (Condition O1.1 of EPL 12425)
- **NC14** (Condition O2.1 of EPL 12425)
- **NC15** (Condition M2.1 of EPL 12425)
- **NC16** (Condition M2.2 of EPL 12425)
- **NC17** (Condition M4.2 of EPL 12425)
- **NC19** (Condition former Special Condition E1.1 of EPL 12425)
- **NC20** (Clause 9 of Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016)

Non-compliances were identified against relevant approvals are discussed in Section 3.3, Appendix D (i.e. SSD-6764), Appendix E (i.e. EPL 12425) and Appendix F (i.e. Standard Conditions [Schedule 8A, Part 2] of the Mining Regulation 2016).

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

Audit conclusion

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

The WCPL Environment & Community Team has implemented the environmental management systems for the Mine to ensure processes are system-dependent as opposed to people-dependent. This approach is complemented by the established systems which include corporate Peabody systems and internal site-specific measures.

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

Contents

Abbreviations	2
Executive summary	5
1. Introduction	1-1
1.1. Background of the project	1-1
1.1.1. Department of Planning, Housing and Infrastructure endorsement	1-1
1.1.2. Period covered by the audit.....	1-1
1.2. Site description.....	1-1
1.3. Audit objective and scope	1-3
1.3.1. Objective.....	1-3
1.3.2. Scope	1-4
1.4. Audit commencement	1-5
1.5. Limitations	1-5
2. Audit methodology	2-6
2.1. Audit participants.....	2-6
2.2. Audit site inspection	2-7
2.2.1. Opening and closing meetings	2-7
2.2.2. Audit interviews	2-7
2.2.3. Site inspection	2-7
2.3. Agency / stakeholder consultation	2-8
2.4. Audit definitions.....	2-10
3. Audit Findings	3-12
3.1. Previous independent audit and status	3-12
3.2. Summary of agency notices, orders, penalty	3-19
3.2.1. Section 195 notice from NSW Resources Regulator	3-19
3.2.2. Show Cause letter from NSW EPA	3-19
3.3. Summary of non-compliances.....	3-19
3.3.1. SSD-6764	3-21
3.3.2. EPL 12425.....	3-24
3.3.3. Leases	3-27
3.4. Adequacy of any strategies / plans, programs and compliance documents	3-28
3.4.1. Environmental Management Strategy	3-28
3.4.2. Rehabilitation Strategy	3-28
3.4.3. Rehabilitation Management Plan	3-29
3.4.4. Water Management Plan.....	3-29

3.4.5. Air Quality Management Plan.....	3-30
3.4.6. Noise Management Plan	3-31
3.4.7. Blast Management Plan	3-31
3.4.8. Aboriginal Cultural Heritage Management Plan	3-32
3.4.9. Historic Heritage Management Plan.....	3-32
3.4.10. Biodiversity Management Plan	3-33
3.4.11. Social Impact Management Plan	3-33
3.5. Complaints and reportable incidents.....	3-34
3.5.1. Complaints.....	3-34
3.5.2. Reportable incidents under the Protection of the Environment Operations Act 1997	3-35
4. Environmental performance.....	4-36
4.1. General environmental management.....	4-36
4.2. Rehabilitation.....	4-36
4.2.1. Progressive rehabilitation	4-36
4.2.2. Rehabilitation design	4-37
4.2.3. Rehabilitation management and monitoring.....	4-38
4.3. Biodiversity	4-39
4.3.1. Securing of offsets and retirement of biodiversity area	4-39
4.3.2. Retirement of biodiversity credits	4-39
4.3.3. Management and monitoring.....	4-39
4.4. Air quality.....	4-39
4.5. Noise management	4-40
4.6. Blasting.....	4-41
4.7. Water management.....	4-42
4.7.1. Water supply and site water balance	4-42
4.7.2. Compensatory water supply.....	4-42
4.7.3. Water discharge and monitoring	4-42
4.7.4. Performance measures	4-43
4.8. Heritage management.....	4-45
4.8.1. Aboriginal cultural heritage	4-45
4.8.2. Historic heritage.....	4-45
4.9. Social impact.....	4-46
4.10. Management of visual amenity and lighting impacts	4-46
4.11. Bushfire management	4-47
4.12. Waste management	4-47
5. Corrective actions and opportunities for improvement	5-48
5.1. Corrective actions	5-48
5.2. Opportunities for improvement.....	5-49

Appendices

Appendix A	DPHI audit team endorsement and extension of time
Appendix B	Independent Audit Declaration Forms
Appendix C	Agency consultation
Appendix D	SSD-6764
Appendix E	EPL 12425
Appendix F	Other licences and approvals
Appendix G	Site inspection photos

Tables

Table 1.1 Audit requirements	1-3
Table 1.2 Approvals audited	1-4
Table 1.3 Management plans evaluated	1-4
Table 2.1 Audit participants	2-6
Table 2.2 Agency and administrative organisation IEA requirements	2-8
Table 2.3 Risk ratings for non-compliances	2-10
Table 3.1 Status of 2021 IEA findings / recommendations	3-12
Table 3.2 SSD-6764 non-compliances	3-21
Table 3.3 EPL 12425 non-compliances	3-24
Table 3.4 Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016 non-compliances	3-27
Table 3.5 Total complaints by reporting period during the audit period	3-34
Table 4.1 Progressive rehabilitation during the audit period	4-37
Table 5.1 Corrective actions identified during the audit	5-48
Table 5.2 Opportunities for improvement identified	5-49

Figures

Figure 1.1 The Mine General Arrangement..... 1-2

1. Introduction

1.1. Background of the project

The Wilpinjong Coal Mine (the Mine) is owned and operated by Wilpinjong Coal Pty Ltd (WCPL), a wholly owned subsidiary of Peabody Australia Pty Ltd (Peabody). The Mine is an existing open cut coal mining operation located on Ulan-Wollar Rd, near the village of Wollar, approximately 40 km north-east of Mudgee, within the Mid-Western Regional Council (MWRC) local government area, in the Central West region of NSW.

The Mine originally operated under Project Approval MP05_0021, granted by the Minister for Planning under Part 3A of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) on 1 February 2006. On 24 April 2017, WCPL was granted State Significant Development (SSD) consent (SSD-6764) for the Wilpinjong Extension Project, approving operations until 31 December 2033 (Figure 1.1). As a result, MP05_0021 was surrendered in 2020.

As required by Schedule 5, Condition 10 of SSD-6764, WCPL is required to complete an independent environmental audit (IEA) for the Mine every three years.

1.1.1. Department of Planning, Housing and Infrastructure endorsement

WCPL engaged Onward Consulting Pty Ltd (Onward) to conduct the IEA with the following Audit Team:

- Lead Auditor and rehabilitation – Elliot Holland of Onward
- Auditor – Carmen Osborne of Onward
- Back-up rehabilitation – Mark Vile of Onward
- Surface water, groundwater, and geomorphology – Adam Wyatt, with Susan Shields as back-up, both of Engeny

The Department of Planning, Housing and Infrastructure (DPHI) endorsed the appointment of the Audit Team on 16 August 2024. The letter of endorsement is included in Appendix A.

1.1.2. Period covered by the audit

The audit period is from 15 September 2021 (the last day of the previous IEA completed by RPS Australia East Pty Ltd [RPS]) to 9 October 2024 (the last day of the 2024 IEA site inspection). The site inspection for the 2024 IEA was required prior to 15 September 2024; however, DPHI approved an extension of time to commence the site inspection on 8 October 2024 (refer to letter dated 16 August 2024 [Appendix A]).

1.2. Site description

In accordance with Schedule 2 Condition 6 of SSD-6764, operations are conducted at rates of up to 16 million tonnes per annum (Mtpa) of run-of-mine (ROM). 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, with approval to operate 24 hours per day, seven days a 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. To the west of the Mine, land is owned by adjacent mining companies, whilst to the north and south-west, the land is part of the National Parks and Wildlife Service estate (i.e. Munghorn Gap Nature Reserve and Goulburn River National Park).

The Mine is located in close proximity to Ulan Coal Mine (Ulan Coal Mines Pty Ltd) and Moolarben Coal Complex (Moolarben Coal Operations Pty Ltd).

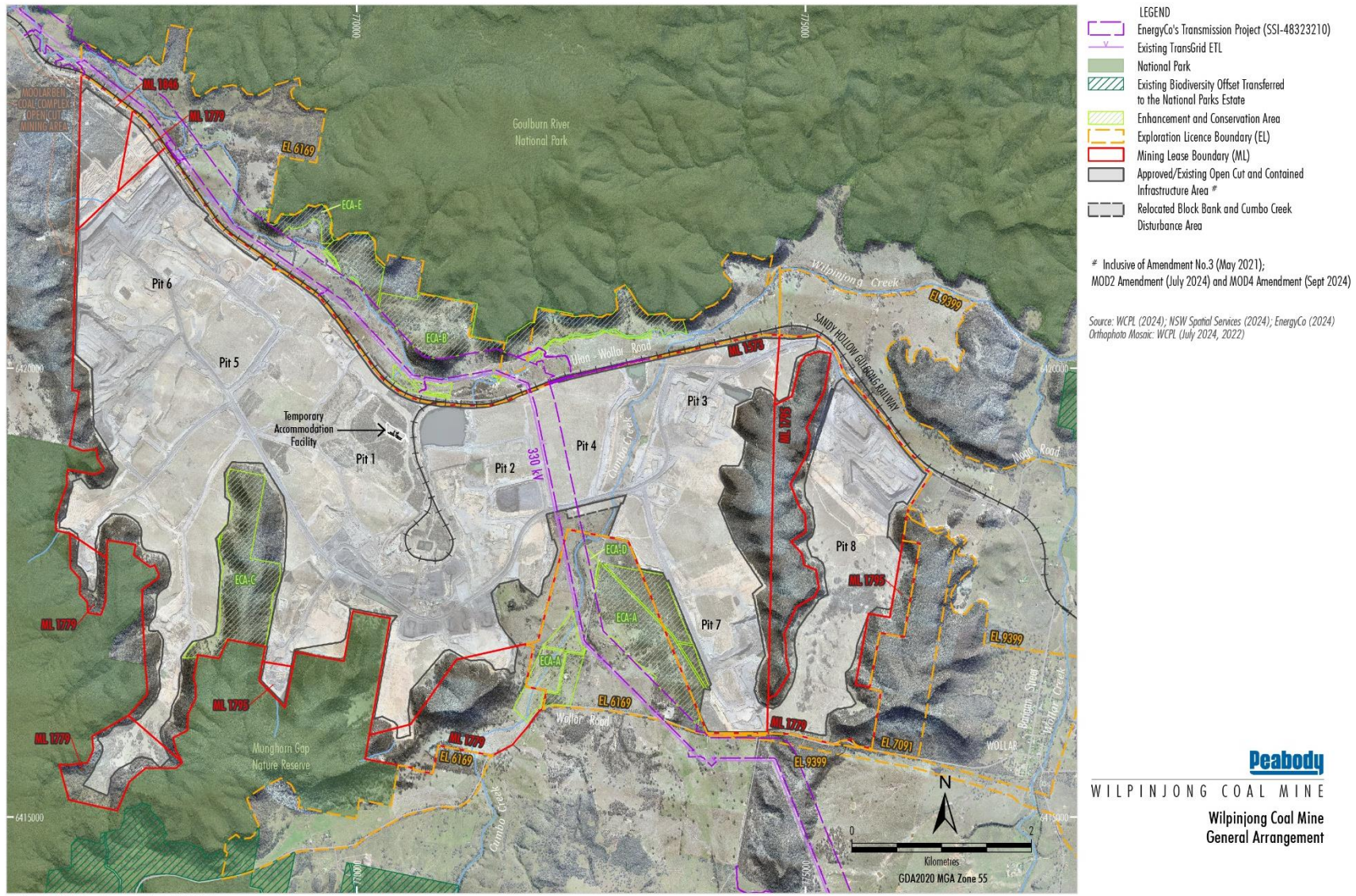


Figure 1.1 The Mine General Arrangement

Wollar Village is located approximately 1.5 km west of the Mine, and includes one privately-owned dwelling, Crown Land managed by the Wollar Progress Association (e.g. Wollar Public School and Community Hall), and land owned by Peabody (e.g. dwellings, former St Luke’s Anglican Church, and former St Laurence O’Toole Catholic Church).

Major components of the Mine include open cut pits, an elevated waste rock emplacement in Pit 2, ROM pads / coal stockpiles, water treatment facility, water management infrastructure, coal handling and preparation plant (CHPP), product coal stockpiles, and rail loadout and other associated infrastructure areas. Open cut mining targets the Ulan Coal Seam and Moolarben Coal Member (within Mining Lease [ML] 1573, ML 1779, ML 1795 and ML 1846).

A summary of modifications to SSD-6764 include:

- Modification 1 (withdrawn): to construct and operate additional water supply infrastructure. It was subsequently withdrawn.
- Modification 2 (approved 3 July 2024): to incorporate a temporary on-site accommodation facility and to excise four parcels of Crown Land from the development application area.
- Modification 3 (not yet approved): to facilitate extensions of the existing Pits 3 and 8 (referred to as the Pits 3 and 8 Extension areas) within Exploration Licences (EL) 9399 and EL 6169 and development of associated supporting infrastructure and facilities.
- Modification 4 (approved 12 September 2024): to facilitate the changes to the Wilpinjong Extension Project required for the approved Central-West Orana Renewable Energy Zone Transmission Project (Significant State Infrastructure [SSI-48323210]).

1.3. Audit objective and scope

1.3.1. Objective

Onward was commissioned to undertake an IEA of the Mine on behalf of WCPL. The primary purpose of this audit IEA was to satisfy the Schedule 5, Conditions 10 and 11 of SSD-6764, which requires completion of an IEA every three years (Table 1.1).

Table 1.1 Audit requirements

Condition	Requirements	Reference to 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:	
(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 2.1 Appendix A Appendix B
(b)	include consultation with the relevant agencies;	Section 2.3 Appendix C
(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);	Sections 3 and 4 Appendix D Appendix E Appendix F
(d)	review the adequacy of strategies, plans or programs required under the above mentioned approvals;	Section 3.4
(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 5
(f)	Be conducted and reported to the satisfaction of the Secretary.	Outside the audit process

Condition	Requirements	Reference to report section
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.	Outside the audit process

1.3.2. Scope

The audit considered compliance with conditions of relevant approvals, licences and leases listed in Table 1.2, and was conducted in accordance with:

- AS/NZS ISO 19011:2019 Guidelines for quality and / or environmental management systems auditing
- Schedule 5, Condition 10 and Condition 11 of SSD-6764
- the *Independent Audit Post Approval Requirements* (DPIE, 2020)

Table 1.2 Approvals audited

Approval document	Relevant section reference
SSD-6764	Section 3.3.1 and Appendix D
EPL 12425	Section 3.3.2 and Appendix F
ML 1573 ¹	Section 3.3.3.1 and Appendix F
ML 1779 ¹	Section 3.3.3.1 and Appendix F
ML 1795 ¹	Section 3.3.3.1 and Appendix F
ML 1846 ¹	Section 3.3.3.1 and Appendix F
Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016 ²	Section 3.3.3.2 and Appendix F

1) Up to 30 June 2022, except for ML 1846, which was granted on 28 February 2023.

2) All MLs from 1 July 2022.

Relevant evidence to determine the compliance ratings against the conditions is presented in Appendix D, Appendix E, and Appendix F. This included relevant management plans required by conditions of SSD-6764 as listed in Table 1.3.

Table 1.3 Management plans evaluated

Management plan	Version and date	Section reference
Environmental Management Strategy (EMS) (WI-ENV-MNP-0001)	Version 9.1, June 2022	3.4.1 Appendix D Appendix E
Rehabilitation Strategy (RS) (WI-ENV-MNP-0046)	Version 4, September 2022	3.4.2 Appendix D Appendix E
Rehabilitation Management Plan (RMP)	Version 2, June 2023	3.4.3 Appendix D Appendix E
Water Management Plan (WMP) (WI-ENV-MNP-006), including:	Version 4, August 2017	3.4.4 Appendix D Appendix E
• Site Water Balance (SWB) (WI-ENV-MNP-0038)	Version 3, August 2017	
• Surface Water Management Plan (SWMP) (WI-ENV-MNP-0040)	Version 3, June 2018	
• Groundwater Management Plan (GWMP) (WI-ENV-MNP0041)	Version 3, August 2017	

Management plan	Version and date	Section reference
Air Quality Management Plan (AQMP) (WI-ENV-MNP-0004), including:	Version 8.1, June 2022	3.4.5
• Spontaneous Combustion Management Plan (SCMP) (WI-ENV-MNP-0010)	Version 8.1, June 2022	Appendix D Appendix E
Noise Management Plan (NMP) (WI-ENV-MNP-0011)	Version 8, November 2022	3.4.6 Appendix D Appendix E
Blast Management Plan (WI-ENV-MNP-0037), including:	Version 9.1, June 2022	3.4.7
• Blast Fume Management Strategy (BFMS) (WI-ENV-MNP-0037)	Version 6, June 2022	Appendix D Appendix E
Aboriginal Cultural Heritage Management Plan (ACHMP) (WI-ENV-MNP-0034)	Version 8.1, June 2021	3.4.8 Appendix D Appendix E
Historic Heritage Management Plan (HHMP) (WI-ENV-MNP-0044)	Version 6, June 2022	3.4.9 Appendix D Appendix E
Biodiversity Management Plan (BMP) (WI-ENV-MNP-0035)	Version 7.1, June 2021	3.4.10 Appendix D Appendix E
Social Impact Management Plan (SIMP) (WI-ENV-MNP-0047)	Version 3, June 2022	3.4.11 Appendix D Appendix E

1.4. Audit commencement

A Purchase Order commissioning the audit was issued to Onward by WCPL on Friday, 6 September 2024, with an inception meeting held between Onward and WCPL on Monday, 9 September 2024 to:

- confirm the audit methodology
- identify relevant personnel involved in the audit
- discuss key activities and systems occurring on site
- identify key documentation for review
- schedule a date for the site inspection

1.5. Limitations

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

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

The services undertaken by Onward in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out Section 1.3.

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

2. Audit methodology

A desktop review of all approval documents including management plans, as well as monitoring data and community complaints was conducted to determine the contents of the audit protocol to be used during the site inspection and interviews. Evidence was collected and reviewed as part of the audit, including monitoring records, reports and correspondence.

Documents and data collected during the audit process were reviewed prior to the on-site component of the audit where possible. Additional documents were provided to the audit team during, and following completion of, the on-site component of the audit.

All information obtained during the audit process were verified by the audit team. Statements made by site personnel were verified by viewing relevant documentation and/or visual observations made during the site inspection. Audit findings have been outlined in this report including where suitable evidence was unable to be obtained.

2.1. Audit participants

The IEA was led by Elliot Holland, Lead Auditor – Environmental Management Systems (number: C-115351) with involvement of technical specialists for surface water, groundwater and geomorphology.

The IEA participants are listed in Table 2.1, which includes the audit team as approved by DPHI (Appendix A), and relevant personnel of WCPL.

Table 2.1 Audit participants

Audit participants	Organisation	Role	Qualifications
Elliot Holland	Onward	Auditor: Lead Auditor, Technical Specialist – Rehabilitation, and Project Director	Lead Auditor – Environmental Management Systems (number: C-115351) Bachelor of Environmental Science and Management
Carmen Osborne	Onward	Auditor: Auditor, Primary Author and Project Manager	Lead Auditor – EMS & Quality Management Systems (QMS) (number: C-477328)
Emma Ferguson	Onward	Auditor: Assistant Author	Bachelor of Science (First Class Honours) Bachelor of Environment and Sustainability
Adam Wyatt	Engeny	Auditor: Technical Specialist – Surface Water, Groundwater, and Geomorphology	Bachelor of Engineering (Environmental), PhD
Keiren Bennetts	WCPL	Auditee: Manager – Environment and Community	N/A
Stephen Bragg	WCPL	Auditee: Environmental Advisor (Contractor)	N/A
James Heesterman	WCPL	Auditee: Environmental Advisor	N/A
Clark Potter ¹	WCPL	Auditee: Senior Environmental Officer	NA
Erynn Mayall ¹	WCPL	Environmental Coordinator	NA
Tian Oosthuizen ¹	WCPL	Compliance Manager	NA
Peter Grosvenor ¹	WCPL	Mine Manager	NA
Mark Eaglesham ¹	WCPL	General Manager	NA
Reinier Coetzee ¹	WCPL	Technical Services Manager	NA

1) Attendance at the opening and closing meetings only.

2.2. Audit site inspection

2.2.1. Opening and closing meetings

The opening and closing meetings were held at the WCPL office during the site inspection completed on 8 and 9 October 2024.

The opening meeting on 8 October 2024 discussed the audit objectives, scope, resources required and methodology to be applied.

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

2.2.2. Audit interviews

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

2.2.3. Site inspection

A detailed site inspection was conducted on 8 and 9 October 2024.

During the inspection, site documentation and the physical aspects of environmental management and implementation of management plans and programs were reviewed.

Conditions during the site inspection were noted to be:

- Tuesday, 8 October 2024:
 - up to 24.5 degrees Celsius
 - winds up to 8.3 metres per second (m/s), predominantly from the east and south-east
 - mostly sunny, with no rain during the site inspection or preceding 48 hours
- Wednesday, 9 October 2024:
 - up to 15.1 degrees Celsius
 - winds up to 10.8 m/s, predominantly from the east-south-east and south-east
 - overcast, with no rain during the site inspection or preceding 48 hours

The locations inspected during the site audit included:

- Monitoring units, including:
 - meteorological weather station (i.e. EPL 12425 Monitoring Point 21)
 - air quality monitoring units:
 - tapered element oscillating microbalances technology (TEOM) units (i.e. EPL 12425 Monitoring Point 25 – real-time PM₁₀ [TEOM3] / EPL 12425 Monitoring Point 29 – real-time PM_{2.5} [TEOM5])
 - High Volume Air Sampler (HVAS) unit (i.e. EPL 12425 Monitoring Point 13 [HV1])
 - depositional dust gauge (DG) units (i.e. EPL 12425 Monitoring Point 4 [DG5], and DG12 associated with Castle Rock [i.e. Site 72])
 - blast monitoring units:
 - fixed blast monitor for airblast overpressure and ground vibration monitoring, associated with Wollar Public School
 - fixed blast monitoring geophone sensor for ground vibration monitoring, associated with Castle Rock (i.e. Site 72)
 - noise monitoring units: fixed real-time noise monitor in village of Wollar, also N15 operator-attended Noise Monitoring location

- Aboriginal cultural heritage site Castle Rock (i.e. Site 72).
- Active mining areas (i.e. Pit 5 and Pit 6), including haulage and drilling for blasting within Pit 6.
- Workshop area, including bunded above-ground storage tanks, locked corrosive substances and flammable materials storage, oily rags bins, spill kits, waste disposal, fire extinguishers, light and heavy vehicle washout areas, oily water separator.
- CHPP, including product stockpile, Clean Water Dam (CWD) and Raw Water Dam (RWD).
- Licensed discharge locations (i.e. EPL 12425 Monitoring Point 24 and EPL 12425 Monitoring Point 30).
- Rehabilitation areas, including rehabilitated tailings emplacement area, and timber stockpiles for use as fauna habitat.
- Firefighting truck and equipment.

2.3. Agency / stakeholder consultation

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

- DPHI Compliance
- NSW DCCEEW groups including the Biodiversity, Conservation and Science (BCS); Water Group; Heritage NSW; Crown Lands; and the Environment Protection Authority (EPA)
- Commonwealth DCCEEW
- NSW Resources Regulator
- Subsidence Advisory NSW
- MWRC
- the Mine Community Consultative Committee (CCC) Chairperson

Responses were not received from MWRC, Commonwealth DCCEEW, Heritage NSW, Crown Lands, and DPHI Compliance.

Agency and administrative organisation responses to the IEA request for input are provided in Table 2.2 and Appendix C.

Table 2.2 Agency and administrative organisation IEA requirements

Auditor to consider	Response and / or relevant section reference
Biodiversity Conservation and Science	
Condition 64 requires the preparation of a Rehabilitation Management Plan that includes measures that are to be implemented to ensure compliance with conditions 36, 37 and 38. A review of the progress of the rehabilitation should be undertaken, particularly within the rehabilitation offset areas.	Sections 4.2 and 4.3 Appendix D – SSD-6764 Appendix F – Other licenses and approvals
Commonwealth Department of Climate Change, Energy, the Environment and Water	
No response received.	N/A
Department of Planning, Housing and Infrastructure – Compliance	
No response received	N/A
Heritage NSW	
No response received.	N/A.
Mid-Western Regional Council	
No response received.	N/A.

Auditor to consider	Response and / or relevant section reference
Community Consultative Committee	
One community member wished to raise dust management as an issue for the Independent Environmental Audit.	Section 4.4 Appendix D – SSD-6764 Appendix E – EPL 12425
Odour management, problems noticed around Spring and Summer.	Section 4.4 Appendix D – SSD-6764 Appendix E – EPL 12425
Noise management, concerns over weekend noise being louder than weekday noise.	Section 4.5 Appendix D – SSD-6764 Appendix E – EPL 12425
Complaints in relation to reports from the Mogo Road and Wollar area.	Section 3.5.1 Appendix D – SSD-6764 Appendix E – EPL 12425
Community hardships, decimating the Wollar community, bore access is limited as the mine has bought the access and fenced off areas. No fuel station or post office for residents.	Section 4.9 Appendix D – SSD-6764
In terms of the CCC, Peabody meets its requirements in providing members with comprehensive presentations at the quarterly meetings. They continue to actively engage with the community and there are no outstanding issues.	N/A
NSW Environmental Protection Authority	
Determine attended noise monitoring is undertaken at times representative of the operations during worst-case conditions (i.e. with reference to page 37-38 of the NSW EPA – <i>Noise Policy for Industry</i>), checking compliance with the consent/licence condition, the following items are the minimum requirement: <ul style="list-style-type: none"> the operational condition of the noise source/emitter (for example, not operating, at full capacity, or at some percentage capacity). 	Section 4.5 Appendix D – SSD-6764 Appendix E – EPL 12425
Determine current management strategies are appropriate to manage any potential spontaneous combustion of coal and / or waste coal materials	Section 4.4 Appendix D – SSD-6764 Appendix E – EPL 12425
Determine effectiveness of Trigger Action Response Plan (TARP) in response to dust mitigation and management.	Section 4.4 Appendix D – SSD-6764 Appendix E – EPL 12425
NSW Department of Climate Change, Energy, the Environment and Water – Water Group	
The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management mitigation. These plans may include: <ul style="list-style-type: none"> Water Management Plans and related sub-plans, e.g. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan Extraction Plans and related sub-plans, e.g. Water Management Plan, Subsidence Management Plan 	Section 3.4.4 Appendix D – SSD-6764
The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance-based reporting.	Section 3.4.4 Appendix D – SSD-6764
Water supply availability is clearly defined for the project.	Section 3.4.4 Appendix D – SSD-6764
Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under Water Management (General) Regulation 2018.	Section 3.4.4 Appendix D – SSD-6764
Water metering at the site is in accordance with the NSW Non-Urban Metering Framework, where relevant	Section 3.4.4 Appendix D – SSD-6764
Water Access Licence(s) used to account for water take by the Project nominates the work where the water is being taken from.	Section 3.4.4 Appendix D – SSD-6764
Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous years, and 3) identified exceedances and how these are managed / mitigated.	Section 3.4.4 Appendix D – SSD-6764

Auditor to consider	Response and / or relevant section reference
NSW Resources Regulator	
The independent environmental audit is required to assess compliance against the relevant environmental management conditions of the mining leases up to 1 July 2022, including implementation of the mining operations plan for the site.	Section 3.3 – Summary of non-compliances Section 3.3.3 – Leases Appendix F– Other licences and approvals
From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016.	
The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.	
Subsidence Advisory NSW	
Subsidence Advisory has no comment to make on the independent environmental audit.	N/A

2.4. Audit definitions

Audit reporting was undertaken generally in accordance with the requirements of the *Independent Audit Post Approval Requirements* (DPIE, 2020).

Compliant





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

Non-compliant

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

In addition, while not required by the *Independent Audit Post Approval Requirements* (DPIE, 2020), risk ratings have also been assigned for non-compliances as identified in Table 2.3.

Table 2.3 Risk ratings for non-compliances

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

Not triggered

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

Note

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

Corrective action (CA)

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

Opportunity for improvement (OFI)

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

3. Audit Findings

3.1. Previous independent audit and status

Table 3.1 Status of 2021 IEA findings / recommendations

Condition	ID	2021 IEA finding / recommendation	2024 IEA finding	Status
SSD-6764				
Schedule 2, Condition 10	OFI01	Ensure document control and management for future construction projects is recorded through a traceable system that is accessible to WCPL.	Conduct of the audit determined relevant documentation related to structural adequacy was available for the auditor to determine compliance with the requirements of Schedule 2, Condition 10. In addition, it is noted Barnson Pty Ltd was engaged to prepare retroactive certifications for the Pit 3 pre-start facility. Therefore, this recommendation is considered closed.	Closed
Schedule 2, Condition 10	OFI02	Undertake periodic audits of construction projects to ensure accurate and progressive document management is occurring.	Refer to commentary at OFI01 above.	Closed
Schedule 3, Condition 6	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.	Conduct of the audit determined the Mine uses two sizes of microphone weather shields (i.e. 3-inch and 7-inch diameter types), with specifications of the items as follows: <ul style="list-style-type: none"> • 20 ppi (pores per inch) • approximate response: <ul style="list-style-type: none"> ◦ WS1 (3-inch) >25 kHz ◦ WS7 (7-inch) about 10 kHz • 80T versions 80ppi Treated (i.e. hydrophobic – treated-immersed) • excellent weather resistance • enhanced UV protection • WS1-80T >12.5 kHz WS7-80T 3 kHz 	Closed
Schedule 3, Condition 7	OFI04	Review “site laws” (site-based prediction equations) for ground vibration and air blast overpressure and amend blast design and Blast Management Plan as required.	A revised Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (current version), was approved by DPE on 17 December 2022. The BFMS was updated to include sensitive receivers for workers at the reverse osmosis plant, post-fume event reporting requirements and improved mitigation measures.	Closed
Schedule 3, Condition 16	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.	Review of documentation verifies the SCMP (Version 8.1, August 2022) was reviewed and revised within six months of the 2021 IEA action plan being accepted by the DPE. Revisions included an appropriate procedure to mitigate off-site odour impacts as they arise and frequency of entire site thermal surveys. In addition, an entire site thermal survey was conducted 8 October 2021. The SCMP (Version 8.1, August 2022) was approved on 17 December 2022. The recommendations were closed in 2022.	Closed

Condition	ID	2021 IEA finding / recommendation	2024 IEA finding	Status
Schedule 3, Condition 16	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.	Refer to commentary at OFI05 above.	Closed
Schedule 3, Condition 17	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.	Review of relevant documentation verifies this recommendation has been closed out, with: <ul style="list-style-type: none"> Dust management training provided to applicable operational personnel by the Environment and Community Department in November 2021 through a presentation on air quality and management. A review of daily production occurring to consider availability of water carts in respect of forecasting adverse weather. A trigger level was established to assist in mitigating dust impacts associated with bad weather conditions. Annual presentations in relation to the NSW EPA's Bust the Dust Campaign, and use of the NSW EPA's Dust Assessment Handbook. 	Closed
Schedule 3, Condition 19	OFI08	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.	Review of relevant documentation verifies this recommendation has been closed out, with WCPL proposing to engage their air quality specialist to review real time meteorological data and implement triggers and update the AQMP accordingly with findings from their review. The revised AQMP (Version 8.1, August 2022) was approved by DPE on 17 December 2022.	Closed
Schedule 3, Condition 20	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 trigger levels during site operations.	Refer to commentary at OFI08 above.	Closed
Schedule 3, Condition 21	OFI10	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.	Review of relevant documentation verifies this recommendation has been closed out, with the AQMP (Revision 8.1, August 2022), including the SCMP (Version 8, June 2022), revised during the audit period and approved by DPE on 17 December 2022.	Closed
Schedule 3, Condition 23	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 offsite discharge of mine water and potential need for mine water transfer with neighbouring mines.	Review of relevant documentation indicates this OFI has not been implemented, with the site water balance updated annually with updates documented in Appendix 3C of the Mine Annual Reviews. The 2022 Annual Review water balance forecast indicates that the forecast period was extended to December 2025, while the 2023 Annual Review water balance forecast indicates that the forecast period was extended to December 2026. Therefore, OFI11 has been reproduced in the 2024 IEA as OFI01 .	Open

Condition	ID	2021 IEA finding / recommendation	2024 IEA finding	Status
Schedule 3, Condition 23	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	Review of the Annual Reviews for the audit period indicates this OFI has not been addressed; however, it is the auditor's view that groundwater take from pastoral activities undertaken by Peabody Pastoral Holdings Pty Ltd is not relevant in relation to reporting in the Annual Review for Mine, being activities that are undertaken by a separate entity and unrelated to the Mine.	Closed
Schedule 3, Condition 24	OFI13	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.	Review of the revised GWMP submitted 30 September 2024 (not yet approved) does not include any provisions for quarterly monitoring of the Wollar Public School bore groundwater level. Monitoring results for the Wollar Public School bore groundwater level are not included in the Annual Reviews. As the Wollar Public School was predicted to experience greater than 2 metre drawdown related to the activities of the Project, OFI20 has been reproduced in the 2024 IEA as OFI02 .	Open
Schedule 3, Condition 29	OFI14	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.	The 2022 Annual Review states: <i>"WCPL are planning to install a strategic clean water diversion in western area of Pit 6 to reduce surface water from undisturbed water catchments that will otherwise report into the Pit 6 disturbance footprint. During the Reporting period clean water upslope of mining disturbance in Pit 6 & 8 was captured in existing dams, pumped around the active mining area and returned downslope of the mining operation."</i> The 2023 Annual Review states: <i>"WCPL are planning to install a strategic clean water diversion in western area of Pit 6 to reduce surface water from undisturbed water catchments that will otherwise report into the Pit 6 disturbance footprint."</i> The above statements indicate that the Pit 6 diversion has not yet been installed. Therefore, OFI14 has been reproduced in the 2024 IEA as OFI03 .	Open
Schedule 3, Condition 29	OFI15	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.	Section 6.6 of the updated 2022 revision of the SWMP states: <i>"To develop appropriate water trigger levels for reinstated drainage lines within rehabilitated landforms, water quality monitoring from rehabilitated landforms is scheduled to commence in late 2022, with the installation of two automated water sampling units, one unit in Pit 5 South and one unit in Pit 1 North. WCPL will continue to liaise with its surface water specialist and accrue data until it is considered there is sufficient data to determine water trigger levels for reinstated drainage lines."</i> Therefore, OFI15 has been closed.	Closed

Condition	ID	2021 IEA finding / recommendation	2024 IEA finding	Status
Schedule 3, Condition 29	OFI16	It is recommended that the predicted impacts of the mine on water flow are reviewed, and performance measures included in the SWMP.	Section 6.8 of the updated 2022 revision of the SWMP states: <i>“The re-establishment of a flow trigger is not deemed the most suitable method of capturing the environmental impacts of mining operations at Wilpinjong Creek. Instead, it is recommended that a detailed review of flow trends will be undertaken annually, to assess compliance with environmental outcomes and water management performance measures. The review will consider historical baseline data, the relationships between climate, mining operations, groundwater levels, and waterway conditions and other impacting processes. A detailed cause-and-effect analysis will be undertaken to provide a clear picture of waterway health and impacts being incurred.”</i> Therefore, OFI16 has been closed.	Closed
Schedule 3, Condition 30	OFI17	Update the Site Water Balance to detail the investigation and implementation of water saving measures during the 2017-2019 drought	The approved SWB (WI-ENV-MNP-0038) is Version 3, dated August 2017, with annual updates of the site water balance detailed in the Annual Reviews. Section 10.6 of Appendix 3C of the 2021 and 2022 Annual Reviews and Section 11.6 of Appendix 3C of the 2023 Annual Review describe water saving measures implemented during the 2017-2019 drought.	Closed
Schedule 3, Condition 30	OFI18	Update the SWMP to include the developed performance triggers for the reinstatement of drainage lines	Section 6.6 of the updated 2022 revision of the SWMP states: <i>“To develop appropriate water trigger levels for reinstated drainage lines within rehabilitated landforms, water quality monitoring from rehabilitated landforms is scheduled to commence in late 2022, with the installation of two automated water sampling units, one unit in Pit 5 South and one unit in Pit 1 North. WCPL will continue to liaise with its surface water specialist and accrue data until it is considered there is sufficient data to determine water trigger levels for reinstated drainage lines. Once completed, this SWMP will be updated to include the trigger levels for the reinstated drainage lines.”</i>	Closed
Schedule 3, Condition 30	OFI19	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.	Section 6.4 of the revised 2022 SWMP outlines parameters that are to be considered during channel stability surveys for assessment of impacts. The parameters are to be compared to baseline monitoring data. A channel stability TARP is provided in Table 17 of the 2022 revision of the SWMP. The unapproved 2022 and 2024 revisions of the SWMP were not provided. As such, further information is required to verify whether this has been captured in the WMP.	Closed

Condition	ID	2021 IEA finding / recommendation	2024 IEA finding	Status
Schedule 3, Condition 30	OFI20	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>Review of the 2022 revision of the GWMP indicates OFI20 was addressed in Section 6.1, which states:</p> <p><i>“WCPL undertakes quarterly reviews of the groundwater monitoring program to identify trends and/or investigate exceedances to determine if a groundwater trigger (Section 7) has occurred. In the event that a trigger level has been exceeded, the response protocols outlined in the various Trigger Action Response Plans (TARPs) would be implemented (Section 8).”</i></p> <p>This also resulted in related updates to TARPs in Section 8 of the 2022 revision of the GWMP. Addressing the requirements of OFI20. It is noted, while some reviews were undertaken, there were still two instances where groundwater trigger exceedances were identified and only investigated within the annual review at years end.</p> <p>In the 2022 Annual Review, the quarterly reviews are not referenced and there were two instances where groundwater trigger exceedances were identified and only investigated within the annual review at years end.</p> <p>The quarterly reviews are not referenced in the 2023 Annual Review.</p> <p>Furthermore, while the 2022 revision of the GWMP addressed the requirements of OFI20 and most other recommendations from the 2021 IEA, review of the revised GWMP submitted on 30 September 2024 does not include the updates made in the 2022 revision of the GWMP.</p> <p>Therefore, while OFI20 is considered closed, OFI04 has been identified.</p>	Closed
Schedule 3, Condition 30	OFI21	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.	Core sampling and hydraulic conductivity is detailed in Section 2.1.1 of Appendix 3D of the 2021 Annual Review. Hydraulic conductivity values were considered in the 2023 revision of the groundwater model.	Closed
Schedule 3, Condition 30	OFI22	Annual review should include information as to whether the model updates were independently reviewed.	Review of the 2023 Annual Review indicates WCPL commenced construction of a new groundwater model in 2023 and is currently being developed to support proposed changes and extensions of mining operations. It is anticipated that this model will be used for the 2024 Annual Groundwater Monitoring Report and satisfies the GWMP requirement for triennial updates.	Closed
Schedule 3, Condition 30	OFI23	Solubility of key metals from waste and reject bore holes to be analysed and included in annual review.	<p>In reference to this recommendation, Section 2.2.2 of Appendix 3C of the 2021 Annual Review states:</p> <p><i>“Leachability tests on spoil and reject material for key metals (i.e. arsenic, selenium and molybdenum) identified in past geochemistry assessments for WCM (GEM, 2015) will be undertaken in 2022. Findings from these tests will be compared with groundwater and surface water monitoring data to assess to what extent (if any) spoil and other waste material may have impacted water quality.”</i></p> <p>Review of Appendix 3D of the 2023 Annual Review identified metal and major ion concentrations, and included boreholes located in spoil / final landforms. However, while arsenic and molybdenum are presented, selenium is not. Therefore, OFI23 is considered partially closed; however, OFI05 has been identified in Section 5.</p>	Partially closed
Schedule 3, Condition 30	OFI24	Indicate timeframe for monthly parameter sampling to commence. Commence monthly sampling for parameters outlined in Table 8 of the GWMP.	Review of the updated 2024 GWMP that has recently been submitted for approval includes the frequency of groundwater monitoring in Table 8 as ‘monthly’. This update was also captured in the 2022 revision of the GWMP.	Closed

Condition	ID	2021 IEA finding / recommendation	2024 IEA finding	Status
Schedule 3, Condition 30	OFI25	Describe the screened intervals of PZ13, PZ20, PZ21 and PZ2 as per Table 8 of the GWMP.	<p>Review of the 2022 revision of the GWMP, and the 2024 revision of the GWMP that has recently been submitted for approval, include the screened interval for PZ13, PZ20, PZ21, and PZ2, with Section 6.1 of the GWMP stating:</p> <p><i>“The planned ongoing water quality monitoring has considered the following recommendations from IESC:</i></p> <ul style="list-style-type: none"> • <i>Include analyses for molybdenum in the groundwater sampling program.</i> • <i>Monthly and event based metals monitoring.</i> <p><i>The incorporation of monthly metals monitoring will assist with identifying seepage from nearby backfilled open cut pits and decommissioned tailings dams.”</i></p> <p>The requirement for monthly monitoring is detailed in Table 8 of the 2022 revision of the GWMP and Table 9 of the 2024 revision of the GWMP.</p> <p>Therefore, OFI25 is considered closed.</p>	Closed
Schedule 3, Condition 56	OFI26	Recommend that formal correspondence be issued to the remaining resident in the form of a letter/email outlining their entitlements for mitigation.	<p>Review of documentation indicates a mine amenity agreement with the resident of 11 Barnett Street, Wollar was in place from 25 November 2021, with the former DPE (now DPHI) advised in writing on 30 November 2021.</p>	Closed
Schedule 3, Condition 57	OFI27	Attain documentation confirming that Pit 3 pre-start area complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting.	<p>Conduct of the audit verified this recommendation has been closed out, an External Lighting Compliance Audit in line with AS4282.2019, Control of the Obtrusive Effects of Outside Lighting (including Pit 3 pre-start area) conducted by CR Engineering in December.</p> <p>The External Lighting Compliance Audit determined the Pit 3 pre-start area was in line with AS4282:2019.</p>	Closed
Schedule 3, Condition 57	OFI28	Ensure adequate document management and filing is undertaken for all future construction activities.	<p>Review of relevant documentation indicates that, for all future developments that require a lighting assessment, WCPL would update relevant plans to detail requirements for new and modified infrastructure on site, which would include consideration of a lighting assessment.</p> <p>Conduct of the audit has determined there has been no new or modified infrastructure which would necessitate the preparation of a lighting assessment. However, the Modification 3 of SSD-6764, which is currently in the process of attaining approval requires consideration of lighting impacts of the development as part of the preparation of the Environmental Impact Statement.</p> <p>Therefore, OFI28 is considered closed.</p>	Closed
Schedule 3, Condition 58	OFI29	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>Conduct of the audit verified this recommendation has been closed out, with WCPL committing to include further information in the EMS regarding record keeping and ensuring evidence is provided to close a matter out. Review of relevant documentation indicates this was closed in 2022 following updates to the EMS (Version 9.1, June 2022) (current version), which was approved by DPE on 14 July 2022.</p> <p>In addition, WCPL also held toolbox talks regarding waste management and hydrocarbon management.</p>	Closed
Schedule 3, Condition 58	OFI30	There is the opportunity to improve the reporting and management of spills, and the identification and management of remediation cells.	Refer to commentary at OFI29.	Closed

Condition	ID	2021 IEA finding / recommendation	2024 IEA finding	Status
Schedule 3, Condition 58	OFI31	Ensure IBCs, fuel pods, and barrels are in suitable, bunded, hardstand areas (preferably covered). WCPL noted that a new bunded storage area is currently under construction to store IBCs.	Conduct of the site inspection for the audit, completed on 8 and 9 October 2024, identified intermediate bulk containers, fuel pods, and barrels were in suitable, bunded, hardstand areas. Therefore, this recommendation is considered closed.	Closed
Schedule 3, Condition 60	OFI32	Landform design appeared stable; however, recommendations are for surface preparations on new rehabilitation areas to include the following: <ul style="list-style-type: none"> Install appropriately designed graded banks on rehabilitation 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 facilitate 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. 	Conduct of the audit has verified that this recommendation has been closed out, noting the current RMP (Version 2, June 2023) includes: <ul style="list-style-type: none"> The requirement for topsoil to be applied at depths between 100 mm to 300 mm thickness in all areas and keyed into the final landform, with survey completed to confirm alignment with the final landform design. As a general design principle, the establishment of contour drains or deep staggered rips to assist in initial surface stabilisation on long slopes, as well as assisting in erosion control and infiltration of water. Deep ripping, seeding and fertilizing is undertaken following the placement of topsoil and construction of drainage structures on the reshaped final landform, with full and continuous ripping undertaken (where practicable) and generally carried out to a depth of 300 mm to 500 mm on the contour with survey control. Seeding and fertilisation completed contemporaneously with contour ripping. 	Closed
Schedule 3, Condition 60	OFI33	Install additional access tracks throughout rehabilitation to provide easy access for rehabilitation inspections and maintenance.	Conduct of the audit has verified that this recommendation has been closed out, with the site inspection confirming sufficient access is available in rehabilitation areas to enable completion of rehabilitation inspections and maintenance.	Closed
Schedule 3, Condition 60	OFI34	Revise topsoil parameters within the completion criteria as they are currently not suitable for the soils on site.	Conduct of the audit has verified that this recommendation has been closed out, with Minesoils completing a Review of Soil Parameters for Post Mining Rehabilitation Criteria in June 2022, which informed the current RMP (Version 2, June 2023).	Closed
Schedule 3, Condition 61	OFI35	Attain sign-off of Rehabilitation Strategy from the (former) Department of Planning, Industry and Environment (DPIE) (now DPHI).	Conduct of the audit verified verifies this recommendation has been closed out, with the Rehabilitation Strategy (Version 3, March 2022) conditionally approved by DPE on 6 December 2022, subject to addressing a few requirements. As a result of Modification 2 of SSD-6764, the Rehabilitation Strategy is not required to be submitted for approval until 31 December 2024, which is outside the audit period. It is noted the requirements identified in DPE's conditional approval will be addressed in the Rehabilitation Strategy submitted by 31 December 2024.	Closed
Schedule 3, Condition 58	OFI36	Consider the Social Impact Assessment Guideline for State Significant Projects July 2021 for future revisions.	Review of relevant documentation indicates compliance with the requirements of this condition. It is noted revision of the SIMP (Version 3, June 2022) was undertaken to include community responses regarding social day event and the closure of the Wollar Store with new mailboxes installed to continue the mail service. It is noted the SIMP considers the 2017 version of the Social Impact Assessment Guideline for State Significant Projects July rather than the 2021 revision recommended in the 2021 IEA. However, it is noted Schedule 3, Condition 68 does not require the SIMP to be developed in accordance with the Social Impact Assessment Guideline for State Significant Projects July. Therefore, the 2021 IEA is not considered relevant to meeting the requirements of Schedule 3, Condition 68, and the SIMP addresses the requirements this condition.	Closed

3.2. Summary of agency notices, orders, penalty

3.2.1. Section 195 notice from NSW Resources Regulator

The 2022 Annual Review noted a non-compliance as employees were exposed to and affected by NOx fumes from a planned blast (11 April 2022). The Pollution Incident Response Management Plan (PIRMP) was activated, and the NSW Resources Regulator issued a Section 195 notice. Actions taken to prevent recurrence were outlined in the incident report prepared for the NSW Resources Regulator.

An environmental incident notification for the blast fume event, dated 11 April 2022 was issued and a Blast Fume Report provided to the NSW EPA on 22 May 2022. A letter from NSW EPA acknowledging receipt of the Blast Fume Report was also sighted. In addition, subsequent updates were received on 12 April 2022 and 20 April 2022 and on 18 July 2022 it was stated that no regulatory action was deemed relevant.

3.2.2. Show Cause letter from NSW EPA

One unlicensed discharge was reported during the audit period, with discharge of untreated mine water occurring on 19 May 2023.

The discharge was caused by a split in a poly pipe which resulted in water flowing through a vegetated area within the mine boundary towards a catchment dam.

Some of this water passed through a low point in the containment bund resulting in water reporting off-site.

This event was initially reported on 19 May 2023, with an Environmental Event Report provided on 31 May 2023. A Show Cause letter was issued by the NSW EPA on 27 June 2023, in relation to Alleged breach of licence condition and of the *Protection of the Environment Operations Act 1997* (NSW), requiring response by 14 July 2023. WCPL's response to the Show Cause letter was sighted and dated 14 July 2024.

Review of correspondence with the NSW EPA following the event indicates that the incident was managed in accordance with the WMP (WI-ENV-MNP-006) (Version 4, August 2017) and the PIRMP.

This event was previously reported as a non-compliance in the 2023 Annual Review.

3.3. Summary of non-compliances

The IEA noted that compliance with the conditions of the relevant approvals, licences and leases listed in Section 1.3.2 was high, as follows:

- **SSD-6764:** Compliance with approximately 89% of conditions (i.e. 88 of 99 conditions) (Appendix D).
- **EPL 12425:** Compliance with approximately 89% of conditions (i.e. 63 of 71 conditions) (Appendix E).
- **Relevant leases:**
 - ML1573: Up to 30 June 2022: Compliance with 100% of conditions (Appendix F).
 - ML1779: Up to 30 June 2022: Compliance with 100% of conditions (Appendix F).
 - ML1795: Up to 30 June 2022: Compliance with 100% of conditions (Appendix F).
 - Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016: Compliance with approximately 94% of conditions (i.e. 46 out of 49 conditions) (Appendix F).

However, the IEA assessed a total of 21 non-compliances, as follows:

- **SSD-6764**, with more detail provided in Section 3.3.1, non-compliances include:
 - **NC01** (Schedule 2, Condition 2)
 - **NC02** (Schedule 3, Condition 12)
 - **NC03** (Schedule 3, Condition 15)
 - **NC04** (Schedule 3, Condition 25)
 - **NC05** (Schedule 3, Condition 29)
 - **NC06** (Schedule 3, Condition 30)
 - **NC07** (Schedule 3, Condition 31)
 - **NC08** (Schedule 3, Condition 35)
 - **NC09** (Schedule 3, Condition 57)
 - **NC10** (Schedule 5, Condition 5)
 - **NC11** (Schedule 5, Condition 12)
- **EPL 12425**, with more detail provided in Section 3.3.2, non-compliances include:
 - **NC12** (Condition L1.1)
 - **NC13** (Condition O1.1)
 - **NC14** (Condition O2.1)
 - **NC15** (Condition M2.1)
 - **NC16** (Condition M2.2)
 - **NC17** (Condition M4.2)
 - **NC18** (Condition R2.2)
 - **NC19** (Condition former Special Condition E1.1)
- **Standard Conditions** (Schedule 8A, Part 2) of the Mining Regulation 2016, with more detail provided in Section 3.3.3, non-compliances include:
 - **NC20** (i.e. Condition 9)
 - **NC21** (i.e. Condition 16[3])

Associated CAs and OFIs are included in Section 5, as relevant.

3.3.1. SSD-6764

Table 3.2 SSD-6764 non-compliances

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC01	Schedule 2, Condition 2	The Applicant must carry out the development... in accordance with the conditions of this consent.	This is a non-compliance in relation to the other nine non-compliances against relevant conditions of consent. These include Schedule 3, Conditions 12, 15, 25, 29, 30, 31, 35, 57, and Schedule 5, Conditions and 12.	Low	N/A
NC02	Schedule 3, Condition 12	During mining operations on the site, the Applicant must... <ul 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... f. carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent. 	<p>Non-compliance with the requirements of this condition is noted in relation to:</p> <ul style="list-style-type: none"> • Some of the required blasting data for the 2021 Reporting Period is not available, relating to blast monitoring of public infrastructure at Pit 6. This non-compliance was identified during preparation of the 2021 Annual Review and reported to MWRC and DPIE on 30 March 2022. An investigation report relating to this non-compliance, including Road Structures Inspection Report (Barnson, April 2022), was provided to these agencies on 6 April 2022. The investigation did not identify any issues / impacts to the public infrastructure. As the non-compliance was reported to relevant agencies, was a one-off occurrence and has not reoccurred during the audit period, a CA has not been deemed relevant. • The 2022 Annual Review noted a non-compliance in relation to employees being exposed to and affected by NOx fumes from a planned blast (11 April 2022). The PIRMP was activated, and the NSW Resources Regulator issued a Section 195 notice. Actions taken to prevent recurrence were outlined in the incident report prepared for the NSW Resources Regulator. An environmental incident notification for the blast fume event, dated 11 April 2022 was issued and a Blast Fume Report provided to the NSW EPA on 22 May 2022. A letter from NSW EPA acknowledging receipt of the Blast Fume Report was also sighted. In addition, subsequent updates were received on 12 April 2022 and 20 April 2022. On 18 July 2022, it was stated that no regulatory action was deemed relevant. As this non-compliance was reported to relevant agencies, was a one-off occurrence and has not reoccurred during the audit period, a CA has not been deemed relevant. <p>While the missing blast data is an administrative non-compliance, a low risk non-compliance has been identified for this condition due to the blast fume event.</p>	Low	N/A
NC03	Schedule 3, Condition 15	The Applicant must implement the approved Blast Management Plan for the development.	<p>Non-compliance with this condition has been identified due to missing blasting data for the 2021 Reporting Period, relating to blast monitoring of public infrastructure at Pit 6. This is discussed further under Schedule 3, Condition 12.</p> <p>As this non-compliance was reported to relevant agencies, was a one-off occurrence and has not reoccurred during the audit period, a CA has not been deemed relevant.</p>	ANC	N/A

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC04	Schedule 3, Condition 25	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>One unlicensed discharge was reported during the audit period, with discharge of untreated mine water occurring on 19 May 2023. The discharge was caused by a split in a poly pipe which resulted in water flowing through a vegetated area within the mine boundary towards a catchment dam. Some of this water passed through a low point in the containment bund resulting in water reporting off-site. This event was reported as a non-compliance against this condition.</p> <p>Review of correspondence with the NSW EPA following the event indicates that the incident was managed in accordance with the WMP (WI-ENV-MNP-006) (Version 4, August 2017) and the PIRMP.</p> <p>As this event was a one-off occurrence, and has been reported and closed out, no CA or OFI has been deemed relevant.</p>	Low	N/A
NC05	Schedule 3, Condition 29	The Applicant must comply with the performance measures in Table 6 to the satisfaction of the Secretary.	Non-compliance with this condition is noted in relation to the unlicensed discharge discussed further under Schedule 3, Condition 25, resulting in non-compliance in relation to performance measures for Mine Water Storages in Table 6 of Schedule 3, Condition 29.	Low	N/A
NC06	Schedule 3, Condition 30	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.	The SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) includes a program to monitor and report on most of the performance measures listed in Table 6 of Schedule 3, Condition 29, except for chemical and hydrocarbon storage. No procedure for reporting on chemical and hydrocarbon storage is provided. Therefore, CA01 has been identified.	ANC	CA01
NC07	Schedule 3, Condition 31	The Applicant must implement the approved Water Management Plan for the development.	<p>The SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) states that if surface water triggers are exceeded for three consecutive readings, the Trigger Action Response Plan (TARP) in Section 7 of the plan are to be followed. Similarly, the GWMP (WI-ENV-MNP0041) (Version 3, August 2017) states that if a groundwater trigger is exceeded for three consecutive readings, the groundwater TARP in Section 8 of the plan is to be followed.</p> <p>Both of these TARPs include the requirement to notify the <i>“relevant agencies as soon as practicable that an exceedance of the trigger level has occurred”</i>.</p> <p>Three non-compliances (one for surface water and two for groundwater) were reported for this Condition in the 2021 Annual Review as exceedances of triggers for water quality were not reported to relevant agencies as soon as practicable. The consecutive exceedances were identified during the development of the Annual Review.</p> <p>As these exceedances were identified during the development of the Annual Review, rather than because of the monthly reviews required by the SWMP and GWMP, CA02 has been identified in relation to ensuring implementation of the SWMP (WI-ENV-MNP-0040) and GWMP (WI-ENV-MNP0041).</p>	ANC	CA02
NC08	Schedule 3, Condition 35	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 BCS.	<p>A non-compliance is noted in relation to finalisation of transfer of offset after the approved extension date of 31 July 2023 (provided by DPE on 5 July 2023), with transfer completed on 2 August 2023.</p> <p>Due to the minor nature of this non-compliance and that the requirements of this condition have now been completed, no CA or OFI has been deemed relevant.</p>	ANC	N/A

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC09	Schedule 3, Condition 57	The Applicant must... 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>A non-conformance with <i>AS4282.2019 Control of the Obtrusive Effects of Outside Lighting</i> was detected during an External Lighting Compliance Audit conducted by CR Engineering in December 2021.</p> <p>This non-conformance related to the entry point to the East Pit Mine Infrastructure Area carpark and administration area, with the External Lighting Compliance Audit recommending lighting fitting adjustment be completed at the East Pit MIA and administration area, with the audit not able to confirm this recommendation has been addressed. Therefore, CA03 has been identified.</p>	Low	CA03
NC10	Schedule 5, Condition 5	<p>Within 3 months of:</p> <ol style="list-style-type: none"> the submission of an annual review under condition 4 above; the submission of an incident report under condition 8 below; the submission of an audit under condition 10 below; and the approval of any modification to the conditions of this consent; or a direction of the Secretary under condition 4 of schedule 2; <p>the Applicant must review, and if necessary, revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.</p>	<p>WCPL has been in the process of revising EMPs in consideration of the 2023 Annual Review. However, in June 2024, WCPL submitted a letter to DPHI requesting an extension to submit EMPs (considering Modification 2) and withdrawing the request for approval of various EMPs which had previously been submitted in June 2023.</p> <p>As a result, DPHI approved extension to 30 September 2024. However, while the WMP and GWMP were submitted to DPHI by 30 September 2024, updated versions of the SWMP and SWB were not provided. Audit interviews with WCPL personnel indicate the revised versions of the SWMP and SWB will be submitted by the end of 2024.</p> <p>Therefore, this is a non-compliance (ANC) and CA04 has been identified.</p>	ANC	CA04
NC11	Schedule 5, Condition 12	<p>From the commencement of development under this consent, the Applicant shall:</p> <ol style="list-style-type: none"> Make copies of the following information publicly available on its website... keep this information up to date. 	<p>Review of the Mine website indicates general compliance with the requirements of this condition; however, the following plans were identified to be superseded versions:</p> <ul style="list-style-type: none"> ACHMP: The website version is Version 8.1, June 2021, but the current version is updated to Version 9, June 2022. SCMP: The website version is Version 7.1, June 2021, but the current version is Version 8.1, June 2022. EMS: The website version is Version 9.1, June 2022, but the current version is Version 10, June 2023. RS: The website version is Version 3, March 2022, but the current version is Version 4, September 2024. <p>Therefore, CA05 has been identified.</p>	ANC	CA05

3.3.2. EPL 12425

Table 3.3 EPL 12425 non-compliances

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC12	L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	<p>One unlicensed discharge was reported during the audit period, with discharge of untreated mine water occurring on 19 May 2023. The discharge was caused by a split in a poly pipe which resulted in water flowing through a vegetated area within the mine boundary towards a catchment dam. Some of this water passed through a low point in the containment bund resulting in water reporting off-site. This event was reported as a non-compliance with this condition.</p> <p>Review of correspondence with the NSW EPA following the event indicates that the incident was managed in accordance with the WMP (WI-ENV-MNP-006) (Version 4, August 2017) and the PIRMP.</p> <p>As this event was a one-off occurrence, and has been reported and closed out, no CA or OFI has been deemed relevant.</p>	Low	N/A
NC13	O1.1	Licensed activities must be carried out in a competent manner.	<p>The 2022 Annual Review noted a non-compliance relating to employees being exposed to and affected by NOx fumes from a planned blast (11 April 2022). The PIRMP was activated, and the NSW Resources Regulator issued a Section 195 notice. Actions taken to prevent recurrence were outlined in the incident report prepared for the NSW Resources Regulator. An environmental incident notification for the blast fume event, dated 11 April 2022 was issued and a Blast Fume Report provided to the NSW EPA on 22 May 2022. A letter from NSW EPA acknowledging receipt of the Blast Fume Report was also sighted. In addition, subsequent updates were received on 12 April 2022 and 20 April 2022 and on 18 July 2022 it was stated that no regulatory action was deemed relevant.</p> <p>As this non-compliance was reported to relevant agencies, was a one-off occurrence and has not reoccurred during the audit period, a CA has not been deemed relevant.</p>	Low	N/A
NC14	O2.1	<p>All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <ol style="list-style-type: none"> must be maintained in a proper and efficient condition; and must be operated in a proper and efficient manner. 	<p>Review of relevant documentation and conduct of audit interviews noted general compliance with the requirements of this condition. However, a non-compliance was identified in relation to an event which occurred on 19 May 2023 when a split in a poly pipeline resulted in mine water being reported off site and the PIRMP needing to be activated.</p> <p>Further investigations occurred and no change was detected in water chemistry or macroinvertebrate indices. The EPA reviewed the incident and determined corrective actions and preventative measures had been taken. Further regulatory action would not be taken. CAs taken included isolating and locking out the pump supplying water to the poly pipe, fixing the leak, additional containment topsoil stockpile controls and inspections.</p> <p>Therefore, the audit has determined no CA or OFI is relevant to this non-compliance.</p>	Low	N/A.

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC15	M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1.	<p>There were several non-compliances noted during the 2024 IEA period in relation to air quality monitoring requirements:</p> <ul style="list-style-type: none"> 2021 Reporting Period, noting within November 2021, 0.7% of the continuous PM₁₀ dust monitoring did not occur at EPL 12425 Monitoring Point 28 (TEOM 4). Action taken included TEOM 4 checks each month, remotely each day and following power outage and/or repair work. The 2nd instance related to 1.8% of the continuous PM_{2.5} dust monitoring did not occur at EPL 12425 Monitoring Point 29 (TEOM 2.5). Action taken included TEOM 2.5 checked each month, remotely each day and following power outage and/or repair work. 2022 Reporting Period: <ul style="list-style-type: none"> On 27 June 2022 and 12 December 2022 there were two PM₁₀ dust samples not collected and analysed from EPL 12425 Monitoring Point 13 (HV1). This was caused by a filter paper anomaly and a power outage respectively. The HV1 was checked after every sample date and following power outages. On six occasions in 2022, six PM₁₀ dust samples were not collected and analysed at EPL 12425 Monitoring Point 27 (HV5). This was caused by high rainfall and a flooded causeway limiting access to HV5 (July and 13, 19 September) and sampling issues on the other dates. The HV5 was checked after every sample date and HV5 replaced on 1 October 2022. From 8 February, 4.2% of the continuous PM₁₀ dust monitoring was rejected or did not occur at EPL 12425 Monitoring Point 25 (TEOM 3). This was caused by lags in the sensors when conditions change or due to instrument component failures and power interruptions. TEOM 3 was checked remotely each day to identify faults, onsite each month and following power outages / when usual data was recorded. From 8 February, 0.7% of the continuous PM₁₀ dust monitoring did not occur at EPL 12425 Monitoring Point 28 (TEOM 4). The reason given was predominately due to power interruptions. TEOM4 was checked remotely each day, identifying potential faults, onsite each month and following power outages or when unusual data was recorded. The 2023 Annual Review reported three non-compliances. <ul style="list-style-type: none"> The first when 2.5% of the continuous PM₁₀ dust monitoring did not occur at EPL 12425 Monitoring Point 25 (TEOM 3). The TEOM 3 was checked remotely each day, onsite each month and following power outages or unusual data detected. The second when 1.0% of the continuous PM₁₀ dust monitoring did not occur at EPL 12425 Monitoring Point 28 (TEOM 4). TEOM 4 was checked remotely every day, onsite each month and following power outages or when unusual data was recorded. The third when 2.5% of the continuous PM_{2.5} dust monitoring did not occur at EPL 12425 Monitoring Point 29 (TEOM 2.5). TEOM 2.5 was checked remotely each day, onsite each month and following power outages or if unusual data was detected. <p>Water and / or land monitoring requirements</p> <p>Monitoring results are provided in the 2021, 2022 and 2023 Annual Reviews, and in the EPL Monthly Monitoring Reports provided to the NSW EPA each month for LDP 24.</p> <p>Monitoring generally appears to have been carried out in accordance with Condition M2.4 of EPL 12425. While results for turbidity at LDP 30 are presented in the EPL Monthly Monitoring Reports, no results are presented for pH or EC. However, verification of compliance was achieved via review of the 2022 and 2023 Annual Reviews which indicates discharge from LDP 30 did not occur during the 2023 reporting period, and pH and EC were monitoring during discharge from LDP 30.</p>	ANC	OFI06

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
			This notwithstanding, OFI06 has been identified to ensure future EPL Monthly Monitoring Reports report pH and EC results in addition to NTU.		
NC16	M2.2	Air Monitoring Requirements	Refer to discussion at Condition M2.1.	ANC	N/A.
NC17	M4.2	For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1.	<p>Non-compliance during the 2024 IEA period is noted as follows:</p> <ul style="list-style-type: none"> • Within September to November 2021, the percentage of continuous monitoring that did not occur for (i) air temperature and (ii) wind speed/direction, lapse rate, rainfall and humidity, was 0.5%. Action taken included remotely checking meteorological equipment each day, following any repair work and during an annual inspection. • Within the 2022 Annual Review, several non-compliances were noted: <ul style="list-style-type: none"> ◦ On three occasions (20 May, 2 Oct, 22 Nov), 0.1% of continuous monitoring for air temperature, wind speed / direction, lapse rate, rainfall and humidity did not happen at monitoring point 21. This was due to planned equipment maintenance. The weather station was checked remotely each day to identify potential faults. ◦ The 2023 Annual Review noted a non-compliance when 0.3% of continuous monitoring for air temperature, wind speed/direction, lapse rate, rainfall and humidity did not occur at monitoring point 21. The weather station was checked remotely each day. 	ANC	N/A.
NC18	R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.	<p>Review of relevant documentation confirmed general compliance with the requirements of this condition; however, a non-compliance (administrative) was identified in relation to the Environmental Event Report for the poly pipe failure. The associated notification was made on 19 May 2023, during this correspondence WCPL provided a written letter titled Wilpinjong Coal – Mine Water from Site Event with details of the non-compliance. In this letter WCPL requested an extension for submission of a formal report, stating:</p> <p><i>“A formal report on the above event will be prepared by WCPL as per the requirements of EPL 12425 Condition R3. WCPL requests an extension to the required timeframe of report lodgement (EPL Condition R2.2) until 31 May 2023. WCPL is undertaking significant community-based meetings during the week of 22nd May 2023, which will delay WCPL’s ability to appropriately investigate and develop the required report.”</i></p> <p>There is no evidence indicating that this extension was approved, with the Environmental Event Report provided on 31 May 2023, which is more than 7 days after the notification was made. As this non-compliance has not re-occurred and has since been closed out, no CA or OFI has been deemed relevant.</p>	ANC	N/A.
NC19	Former Special Condition E1.1	The licensee is permitted to discharge excess rainwater from the premises via licence discharge points 30, 31 and 32. The volumes of water discharged from each point shall not exceed: <ol style="list-style-type: none"> Point 30 - 18 ML/day Point 31 - 18 ML/day Point 32 - 35 ML/day 	<p>During the audit period, EPL Variation Notice 1625163 allowed the extension of time for water discharge under emergency water discharge conditions from 5:00pm on 25 November 2022 to 5:00pm on 1 January 2023 (i.e. Special Condition E1 of EPL 12425). A non-compliance with Condition E1.1 of EPL 12425 was reported in the 2022 Annual Review, with 0.35 ML of excess rainwater discharged from LDP 32 on 26 December 2022. As a result of subsequent variations, Special Condition E1 has been removed from EPL 12425.</p> <p>As this non-compliance (low risk) has been reported, closed out, and the associated Special Condition under EPL 12425 removed, no CA or OFI has been deemed relevant.</p>	Low	N/A.

3.3.3. Leases

3.3.3.1. Mining Leases 1573, 1779, 1795

The review of compliance with ML 1573, ML 1779, and ML 1795 did not identify any non-compliance with conditions up to 30 June 2022 (Appendix F).

3.3.3.2. Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016

Table 3.4 Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016 non-compliances

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC20	9	A document required to be prepared under this Division must— a. be in a form approved by the Secretary, and Note— The approved forms are available on the Department’s website. b. include any matter required to be included by the form, and if required to be given to the Secretary—be given in a way approved by the Secretary.	The Forward Program is required to be prepared in accordance with the requirements of Clause 9, as outlined in the Form and Way templates, which includes the submission of a Rehabilitation Cost Estimate. In the 2023 Annual Review, a non-compliance occurred when no Rehabilitation Cost Estimate was submitted to the NSW RR, as required with the submission of a Forward Program submitted on 31 March 2023. WCPL submitted the RCE through the NSW Resource Regulator portal on 7 November 2023 and received a letter of Official Caution from the NSW RR on 7 December 2023. As this non-compliance has been addressed, no CA or OFI has been deemed relevant.	ANC	N/A
NC21	16(3)	If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published— a. for a rehabilitation management plan—within 14 days after it is prepared or amended, or b. for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended.	While the relevant documents were confirmed as being available on the Mine website, WCPL was unable to provide evidence to verify this information was published within 14 days after it was prepared or amended (i.e. the RMP) or within 14 days after it was given to the Secretary or amended (i.e. Annual Rehabilitation Report and Forward Program). Therefore, CA06 has been identified.	ANC	CA06
NC22	19(2)	The holder of the mining lease must give written notice to the Secretary of— a. the full name and contact details of the nominated person—within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and b. any change in nomination or in the nominated person’s contact details—within 28 days after the change occurs.	The audit confirmed that the NSW Resources Regulator was provided with the full name and contact details of the nominated person, with NSW Resources Regulator acknowledgement dated 20 September 2023. However, documentation was not able to be reviewed to confirm these details were provided within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation. Therefore, CA07 has been identified.	ANC	CA07

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

3.4.1. Environmental Management Strategy

The EMS (WI-ENV-MNP-0001) (Version 10, June 2023) has been written and implemented in accordance with the SSD-6764, including:

- Schedule 5, Conditions 1 (Environmental Management Strategy).
- Schedule 5, Condition 3 (Monitoring Plan Requirements).

This EMS has been updated three times during the audit period (Version 8.1, May 2022; Version 9.1, June 2022; and Version 10, June 2023), with the most recent update being in relation to updating figures, Government Agency details, organisation chart, contact details, a new environmental policy, and to reflect requirements of EPL 12425. The former Department of Planning and Environment (DPE) (now DPHI) approved the current version in June 2023.

There were no issues identified during the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the EMS (WI-ENV-MNP-0001) (Version 10, June 2023). However, the EMS available on the website is noted to be an out-of-date revision (Version 9.1, June 2022), which is not the most up-to-date document available. As a result, NC11 has been identified (Section 3.3.1) and **CA05** recommends updating the website with the most recently approved EMS document (Section 5).

3.4.2. Rehabilitation Strategy

The RS (WI-ENV-MNP-0046) (Version 4, September 2022) has been written and implemented in accordance with the SSD-6764, including Schedule 3, Condition 61. The RS has been updated twice during the audit period (Version 3, March 2022 and Version 4, September 2022). The most recent update was in regard to addressing comments from the former DPE Water (now the NSW Department of Climate Change, Energy, the Environment and Water [DCCEEW] Water Group).

The former DPE (now DPHI) granted conditional approval of the RS on 6 December 2022, subject to:

- the development of an updated groundwater model, prepared in consultation with the former DPE Water (now the NSW DCCEEW Water Group) and in accordance with the Minimum Groundwater Modelling Requirements for SSD / SSI Projects Technical Guideline 2022, within 18 months of the date of the letter.
- lodgement of an updated RS:
 - having regard to the findings of the updated groundwater model; and
 - including an update on mine progression and consultation with Moolarben Coal Operations Pty Ltd regarding an integrated final landform.

There were no issues identified during the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the RS (WI-ENV-MNP-0046) (Version 4, September 2022). However, the RS available on the website is Version 3, March 2022, which is not the most up-to-date document available. As a result, NC11 has been identified (Section 3.3.1) and **CA05** recommends updating the website with the most recently approved RS (Section 5).

Modification of SSD-6764 does not require the RS to be submitted until 31 December 2024, which is outside the audit period.

3.4.3. Rehabilitation Management Plan

The RMP (Version 2, June 2023) has generally been written and implemented in accordance with:

- Relevant Standard Conditions (Schedule 8A, Part 2) of the NSW Mining Regulation 2016 and NSW Resources Regulator Form and Way and Guideline documents, with the exception of a non-compliance (ANC) with Clause 9 Schedule 8A, Part 2 of the NSW Mining Regulation 2016. This was a result of a RCE not being submitted with the submission of a Forward Program submitted on 31 March 2023 to the NSW Resources Regulator, as required. WCPL submitted the RCE through the NSW Resource Regulator portal on 7 November 2023 and received a letter of Official Caution from the NSW Resources Regulator on 7 December 2023. As this non-compliance has been addressed, no COA or OFI has been deemed relevant.
- SSD-6764, specifically:
 - Schedule 3, Condition 60 (Rehabilitation Objectives)
 - Schedule 3, Condition 64 (RMP)
 - Schedule 5, Condition 3 (Management Plan Requirements).

The NSW Resources Regulator approved the Rehabilitation Objectives Statement Wilpinjong Coal Mine on 20 February 2024, while BCS and DPFI approval of the rehabilitation performance and completion criteria preceded the 2024 IEA period.

There were no significant issues identified during the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the RMP (Version 2, June 2023), with the following related documents sighted during the audit:

- *Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023* (submitted 28 March 2024) (Ref. ARR0001252).
- *Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024* (submitted 28 March 2024) (Ref: FWP0001325).

The RMP (Version 2, June 2023) and the above documents were confirmed to be available on the Mine website.

3.4.4. Water Management Plan

The following are the current approved documents relevant to water:

- WMP (WI-ENV-MNP-006) (Version 4, August 2017), including:
 - SWB (WI-ENV-MNP-0038) (Version 3, August 2017).
 - SWMP (WI-ENV-MNP-0040) (Version 3, June 2018).
 - GWMP (WI-ENV-MNP0041) (Version 3, August 2017).

These plans are consistent with those reviewed during the 2021 IEA.

While these plans were reviewed and updated following the 2021 IEA, the versions considered during the 2021 IEA remain the relevant plans during the 2024 IEA period. However, the following is noted:

- The revised plans were provided to the former DPE Water (now NSW DCCEEW Water Group) on 30 June 2022 for review and comment.
- The former DPE Water (now NSW DCCEEW Water Group) provided feedback on the revised plans on 9 August 2022 and requested additional information to be added to the GWMP (Appendix 3 of the GWMP).
- Correspondence addressed to the former DPE Water (now NSW DCCEEW Water Group) from WCPL on 8 June 2023 indicating the GWMP was resubmitted in November 2022, and further additional information requested from former DPE Water (now NSW DCCEEW Water Group) on 23 February 2023. In this correspondence it is stated:

“As discussed on the 1 June 2023, WCPL are seeking the DPE to approve the current version GWMP (Version 6.2) and the current versions of WMP (Version 8), the SWB (Version 6) and the SWMP (Version 6) to provide WCPL with contemporary water management plans.”

While they were not approved, the 2022 and 2024 revisions of the WMP and GWMP were reviewed for the purpose of this assessment. While the 2022 revision of the GWMP addressed the requirements of most recommendations from the 2021 IEA, review of the 2024 revision of the GWMP (submitted on 30 September 2024) does not include the updates made in the 2022 revision of the GWMP (Section 3.1). As a result, **OFI04** has been identified (Section 5).

In addition, the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) does not include a procedure to monitor and report on the chemical and hydrocarbon storage performance measures listed in Table 6 of Schedule 3, Condition 29 of SSD-6764. This has been identified as a non-compliance (ANC) with Schedule 3, Condition 29 of SSD-6764 (**NC06**), with **CA01** relevant to this non-compliance (Section 5).

WCPL has been in the process of revising EMPs in consideration of the 2023 Annual Review. However, in June 2024, WCPL submitted a letter to DPHI requesting an extension to submit EMPs (considering Modification 2) and withdrawing the request for approval of various EMPs which had previously been submitted in June 2023. As a result, DPHI approved extension to 30 September 2024. However, while the WMP and GWMP were submitted to DPHI by 30 September 2024, updated versions of the SWMP and SWB were not provided. Audit interviews with WCPL personnel indicate the revised versions of the SWMP and SWB will be submitted by the end of 2024. This notwithstanding, a non-compliance (ANC) with Schedule 5, Condition 5 of SSD-6764 has been identified (**NC10**), with **CA04** relevant to this non-compliance (Section 5).

3.4.5. Air Quality Management Plan

The AQMP (WI-ENV-MNP-0004) (Version 8.1, June 2022), including the SCMP (WI-ENV-MNP-0004) (Version 8.1, June 2022), has been written and implemented in accordance with SSD-6764, including:

- Schedule 3, Conditions 20 and 21 (AQMP).
- Schedule 5, Condition 3 (Monitoring Plan Requirements).

The AQMP (WI-ENV-MNP-0004) (Version 8.1, June 2022), including the SCMP (WI-ENV-MNP-0004) (Version 8.1, June 2022), were updated during the audit period in consultation with the NSW EPA, to address the recommendations of the 2021 IEA, with the former DPE (now DPHI) approval provided on 17 December 2022. The current version of the AQMP (WI-ENV-MNP-0004) (Version 8.1, June 2022) was confirmed to be available on the Mine website. However, the SCMP available on the website is Version 7.1, June 2021, which is not the most up-to-date document available. As a result, **NC11** has been identified (Section 3.3.1) and **CA05** recommends updating the website with the most recently approved SCMP (Section 5).

There were no issues identified during the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the AQMP (WI-ENV-MNP-0004) (Version 8.1, June 2022), including the SCMP (WI-ENV-MNP-0004) (Version 8.1, June 2022).

WCPL has been in the process of revising environmental management plans (EMPs) in consideration of the 2023 Annual Review. However, in June 2024, WCPL submitted a letter to DPHI requesting an extension to submit EMPs (considering Modification 2) and withdrawing the request for approval of various EMPs which had previously been submitted in June 2023. As a result, DPHI approved extension to 30 September 2024, with Version 9 of the AQMP submitted for consultation with government stakeholders via the Major Projects portal on 30 September 2024. This version is not yet approved at the time of this audit, with the updates reflecting Modification 2, which was approved on 3 July 2024.

3.4.6. Noise Management Plan

The NMP (WI-ENV-MNP-0011) (Version 8, November 2022) has been written and implemented in accordance with SSD-6764, including:

- Schedule 3, Conditions 5 and 6 (NMP)
- Schedule 5, Condition 3 (Management Plan Requirements).

The NMP was updated twice during the audit period in consultation with the NSW EPA, as follows:

- Version 7, June 2022: due to review completed after the 2021 IEA, with the former DPE (now DPHI) approval provided on 8 August 2022.
- Version 8, November 2022: due to changes in property ownership and mine amenity agreements, with the former DPE (now DPHI) approval provided on 21 January 2023. This version was confirmed to be available on the Mine website.

There were no issues identified during the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the NMP (WI-ENV-MNP-0011) (Version 8, November 2022),

WCPL has been in the process of revising EMPs in consideration of the 2023 Annual Review. However, in June 2024, WCPL submitted a letter to DPHI requesting an extension to submit EMPs (considering Modification 2) and withdrawing the request for approval of various EMPs which had previously been submitted in June 2023. As a result, DPHI approved extension to 30 September 2024, with Version 9 of the NMP submitted for consultation with government stakeholders via the Major Projects portal on 30 September 2024. This version is not yet approved at the time of this audit, with the updates reflecting Modification 2, which was approved on 3 July 2024.

3.4.7. Blast Management Plan

The Blast Management Plan (WI-ENV-MNP-0037) (Version 9.1, June 2022), including the BFMS (Version 6, June 2022), has been written and implemented in accordance with SSD-6764, including:

- Schedule 3, Conditions 14 and 15 (Blast Management Plan).
- Schedule 5, Condition 3 (Management Plan Requirements).

The Blast Management Plan (WI-ENV-MNP-0037) (Version 9.1, June 2022), including the BFMS (Version 6, June 2022), were updated once during the audit period, with approval by the former DPE (now DPHI) on 17 December 2022. This version was confirmed to be available on the Mine website.

There were no issues identified during the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the Blast Management Plan (WI-ENV-MNP-0037) (Version 9.1, June 2022).

In June 2024, WCPL submitted a letter to DPHI requesting an extension to submit EMPs (considering Modification 2) and withdrawing the request for approval of various EMPs previously submitted in June 2023. This was approved, allowing until 30 September 2024 to submit the Plans (correspondence dated 16 June 2024). This including the revised Blast Management Plan. WCPL submitted Version 10 of the Blast

Management Plan, including Version 6 of the BFMS, for consultation with government stakeholders in September 2024. The updates reflect Modification 2 which was approved 3 July 2024. This version is not yet approved at the time of this audit.

3.4.8. Aboriginal Cultural Heritage Management Plan

The ACHMP (WI-ENV-MNP-0034) (Version 9, June 2022) has been written and implemented in accordance with the SSD-6764, including:

- Schedule 3, Conditions 47 and 48 (ACHMP)
- Schedule 5, Condition 3 (Management Plan Requirements).

The ACHMP was updated once during the audit period (Version 9, June 2022). WCPL submitted Version 9 of the ACHMP after a review following the 2021 IEA and inclusive of consultation with Registered Aboriginal Parties (RAPs). Approval by the former DPE (now DPHI) was provided on 23 August 2022.

There were no issues identified during the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the ACHMP (WI-ENV-MNP-0034) (Version 9, June 2022). However, the ACHMP available on the website is Version 8.1, June 2021, which is not the most up-to-date document available. As a result, NC11 has been identified (Section 3.3.1) and **CA05** recommends updating the website with the most recently approved ACHMP (Section 5).

In June 2024, WCPL submitted a letter to DPHI requesting an extension to submit EMPs (considering Modification 2) and withdrawing the request for approval of various EMPs previously submitted in June 2023. This was approved, allowing until 30 September 2024 to submit the Plans (correspondence dated 16 June 2024). This including the revised ACHMP. WCPL submitted Version 10 of the ACHMP for consultation with government stakeholders in September 2024. The updates reflect Modification 2 which was approved 3 July 2024. This version is not yet approved at the time of this audit.

3.4.9. Historic Heritage Management Plan

The HHMP (WI-ENV-MNP-0044) (Version 6, June 2022) has been written and implemented in accordance with the SSD-6764, including:

- Schedule 3, Conditions 49 and 50 (HHMP)
- Schedule 5, Condition 3 (Management Plan Requirements).

The HHMP (Version 6, June 2022) was updated once during the audit period, with WCPL submitting this revision after a review following the 2021 IEA. The most recent update considered updates to records of dilapidated buildings demolished in Wollar in 2021. There were no comments from Heritage NSW regarding Version 6 (June, 2022) of the HHMP, with approval of the former DPE (now DPHI) provided 6 February 2023. This version was confirmed to be available on the Mine website.

There were no issues identified during the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the HHMP (WI-ENV-MNP-0044) (Version 6, June 2022).

In June 2024, WCPL submitted a letter to DPHI requesting an extension to submit EMPs (considering Modification 2) and withdrawing the request for approval of various EMPs previously submitted in June 2023. This was approved, allowing until 30 September 2024 to submit the Plans (correspondence dated 16 June 2024). This including the revised HHMP. WCPL submitted Version 7 of the HHMP for consultation with government stakeholders in September 2024. The updates reflect Modification 2 which was approved 3 July 2024. This version is not yet approved at the time of this audit.

3.4.10. Biodiversity Management Plan

The BMP (WI-ENV-MNP-0035) (Version 7.1, June 2021) has been written and implemented in accordance with the SSD-6764, including:

- Schedule 3, Conditions 42 and 43 (Biodiversity and Offset Management Plan).
- Schedule 5, Condition 3 (Management Plan Requirements).

The BMP (WI-ENV-MNP-0035) (Version 7.1, June 2021) was updated during the audit period; however, the current approved version is the same as considered during the 2021 IEA. This version was confirmed to be available on the Mine website.

There were no issues identified during the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the BMP (WI-ENV-MNP-0035) (Version 7.1, June 2021).

In June 2024, WCPL submitted a letter to DPHI requesting an extension to submit EMPs (considering Modification 2) and withdrawing the request for approval of various EMPs previously submitted in June 2023. This was approved, allowing until 30 September 2024 to submit the Plans (correspondence dated 16 June 2024). This including the revised BMP. WCPL submitted Version 8.1 of the BMP for consultation with government stakeholders in September 2024. The updates reflect Modification 2 which was approved 3 July 2024. This version is not yet approved at the time of this audit.

3.4.11. Social Impact Management Plan

The SIMP (WI-ENV-MNP-0047) (Version 3, June 2022) has been written and implemented in accordance with the SSD-6764, including:

- Schedule 3, Conditions 68 and 69 (Social Impact Management Plan).
- Schedule 5, Condition 3 (Management Plan Requirements).

The SIMP (WI-ENV-MNP-0047) (Version 3, June 2022) was updated during the audit period, which was . submitted after a review following the 2021 IEA. The most recent update considered updates to reflect the community responses regarding social day event, the closure of the Wollar Store and mail delivery updates. MWRC provided review/comment on the SIMP, dated 19 August 2022. Approval of the former DPE (now DPHI) was provided 5 April 2023. This version was confirmed to be available on the Mine website.

There were no issues identified during the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the SIMP (WI-ENV-MNP-0047) (Version 3, June 2022).

In June 2024, WCPL submitted a letter to DPHI requesting an extension to submit EMPs (considering Modification 2) and withdrawing the request for approval of various EMPs previously submitted in June 2023. This was approved, allowing until 30 September 2024 to submit the Plans (correspondence dated 16 June 2024). This including the revised SIMP. WCPL submitted Version 4 of the SIMP for consultation with government stakeholders in September 2024. The updates reflect Modification 2 which was approved 3 July 2024. This version is not yet approved at the time of this audit.

3.5. Complaints and reportable incidents

3.5.1. Complaints

Review of complaints data for the audit period indicate a slight increase in complaints, with complaints increasing from 202 during the 2020 IEA period to 213 during the current audit period. However, it is noted that within the 2020 audit period, complaints during 2020 and 2021 reporting years made up 167 of the 202 complaints, as follows:

- **2020:** 108 in total, as follows:
 - 88 relating to noise (81%)
 - 5 relating to blast (noise and vibration) (5%)
 - 1 relating to dust (1%)
 - 10 relating to odour (9%)
 - 4 relating to other issues (4%)
- **2021** (to 23 September 2021): 59 in total, as follows:
 - 42 relating to noise (71%)
 - 4 relating to blast (noise and vibration) (7%)
 - 5 relating to dust (8%)
 - 7 relating to odour (12%)
 - 1 relating to other issues (2%)

With consideration to the above, there has generally been a reduction in the number of complaints received in relation to noise, odour and other issues, while complaints relating to blast (noise and vibration) and dust have remained consistent (see Table 3.5).

Table 3.5 Total complaints by reporting period during the audit period

Reporting period		Type of complaint					Total
		Noise	Blast (noise & vibration)	Dust	Odour	Other issues	
24 September – 31 December 2021 ¹	Number	16	0	0	10	0	26
	Percentage	~62%	0%	0%	~38%	0%	N/A
2022	Number	47	4	5	2	0	58
	Percentage	~81%	~7%	~9%	~3%	0%	N/A
2023	Number	47	4	7	12	6	76
	Percentage	~62%	~5%	~9%	~16%	~8%	N/A
1 January – 30 September 2024	Number	40	5	1	6	0	52
	Percentage	~77%	~9.5%	~2%	~11.5%	0%	N/A

1. A total of 85 complaints were received during 2021, of which 58 related to noise (68%), 4 related to blast (noise and vibration) (5%), 5 related to dust (6%), 17 related to odour (20%), and 1 related to other issues (1%).

All complaints were documented with commentary around the response to the complainant. Review of documentation and conduct of the audit interviews indicate WCPL are responsive to complaints, investigating if there are any possible sources from the Mine (e.g. odour) or reviewing data from relevant monitoring equipment (e.g. meteorological station, real-time noise, and blast monitors) to verify the complaints.

Complaints during the audit period were noted to generally be received from two (2) complainants, as follows:

- **2021 (from 24 September):** 26 of the 26 complaints in total (100%), with 16 from one complainant (~61.5%) and 10 from the other (~38.5%)
- **2022:** 57 of the 58 complaints in total (~98%), with 34 from one complainant (~58.5%) and 23 from the other (~39.5%)
- **2023:** 70 of the 76 complaints in total (~92%), with 60 from one complainant (~79%) and 10 from the other (~13%)
- **2024 (to 30 September 2024):** 52 of the 52 complaints in total (100%), with 43 from one complainant (~83%) and 9 from the other (~17%)

In response to these complaints, review of documentation indicates that while WCPL offer to speak or meet with these complainants, they generally decline these offers. Furthermore, review of complaints data indicates no non-compliance with relevant conditions of SSD-6764 or EPL 12425 have occurred.

3.5.2. Reportable incidents under the Protection of the Environment Operations Act 1997

During the review of relevant documentation and audit interviews conducted there were no identification of incidents that have occurred during the audit period, in relation to Section 148 (Pollution incidents causing or threatening material harm to be notified) of the *Protection of the Environment Operations Act 1997* (NSW). However, an incident relating to Section 120 (Prohibition of pollution of waters) occurred, as described in Section 3.2.2. This resulted in non-compliance with Schedule 3, Condition 25 of SSD-6764 (**NC04**) and Condition L1.1 of EPL 12425 (NC12).

4. Environmental performance

The Mine demonstrated a high level of environmental performance during the audit period and site inspection. This was demonstrated in the general lack of exceedances of relevant criteria in SSD-6764 (Appendix D), EPL 12425 (Appendix E), the various Mining Leases and Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016 (Appendix F) and through observations made during the site inspection (Appendix G).

4.1. General environmental management

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

- equipment lay down areas are tidy and free of contamination
- oil recycling areas and wash down area were in good condition and tidy
- the workshop was relatively free of spills and was tidy and well organised
- the auditors observed the use of dust suppression, with water trucks observed to be in use during the site inspection

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

4.2. Rehabilitation

Review of relevant documentation indicates relevant plans for rehabilitation during the audit period included:

- Mining Operations Plan (MOP) 2021 – 2022 (Amendment A, 8 September 2021)
- Rehabilitation Strategy (WI-ENV-MNP-0046) (Version 4, September 2022)
- RMP (Version 2, 28 June 2023)

4.2.1. Progressive rehabilitation

The Annual Review for 2023 indicates approximately 998.57 hectares (ha) of land was under active rehabilitation during the 2023 reporting period, predicting this would increase to approximately 1,201 ha during the 2024 reporting period. An overview of rehabilitation activities during the 2021, 2022, and 2023 reporting periods is provided in Table 4.1, verifying appropriate implementation of the MOP and RMP during the audit period.

Progressive rehabilitation during the audit period was confirmed through review of relevant documentation and conduct of the site inspection, with various areas observed to be under active rehabilitation. Rehabilitation utilises methods including foliar spraying the undesirable pastures, dozing and felling of undesirable canopy species and having areas scarified and ameliorants applied prior to drone or tractor seeding.

Finally, the 2024-2026 Forward Program indicates forecast areas proposed for active rehabilitation as follows:

- 2024: Approximately 202.76 ha of land prepared for rehabilitation, and approximately 1,201 ha land under active rehabilitation.
- 2025: Approximately 240.89 ha of land prepared for rehabilitation, and approximately 1,442 ha land under active rehabilitation.
- 2026: Approximately 129.93 ha of land prepared for rehabilitation, and approximately 1,572 ha land under active rehabilitation.

Table 4.1 Progressive rehabilitation during the audit period

Reporting year	Rehabilitation (ha)		MOP / RMP prediction (ha)		Commentary
	Prepared	Active	Prepared	Active	
2021	88	901	86	901	Rehabilitation of overburden emplacement areas in Pit 1, Pit 2, Pit 4, Pit 5, Pit 6 and Pit 7.
2022	47.1	948.1	44	945	Proposed rehabilitation of overburden emplacement areas in Pit 2, Pit 6, and Pit 7.
2023	74.27	1020	46	994	Rehabilitation activities included: <ul style="list-style-type: none"> • establishment of landform utilising waste rock • landforms established following dumping schedules and landform designs • shaping and grading of established landforms • placement and spreading of topsoil • ripping and application of soil ameliorants • rework of rehabilitation conforming to the previously approved biodiversity criteria (PA 05-0021) sowing of native seeds specific to Final Landform Vegetation Communities as per SSD 6764

It is noted that no rehabilitated landforms are yet considered ready for formal sign off by the NSW Resource Regulator in terms of meeting the relevant completion criteria as provided in the RMP, with Eco Logical Australia noting in the 2023 Annual Biodiversity Monitoring Report that:

“No significant conclusions can be drawn from the data at this early stage of the rehabilitation monitoring program.”

4.2.2. Rehabilitation design

Historically, rehabilitation within the Mine rehabilitation areas focussed on the establishment of productive pasture for grazing and mixed woodland community species. However, as part of the WEP Environmental Impact Statement, WCPL identified an opportunity to prioritise Regent Honeyeater habitat establishment within existing rehabilitation areas, a re-evaluation of the previous rehabilitation areas against contemporary Biometric Vegetation Types (BVT) classifications was completed by WCPL, with a post-mining land use focussed on woodland.

Rehabilitation performance and completion criteria for BVTs and Regent Honeyeater habitat relevant to the Mine’s rehabilitation areas was approved by the former DPE (now DPPI) on 24 April 2019, while BCS support was received on 21 June 2021. As a result, historically completed landforms focussed on the establishment of pasture or mixed woodland, which do not meet the desired mine closure BVTs, are in the process of being progressively converted to the appropriate BVT communities to align with the approved rehabilitation performance and completion criteria

During the 2023 reporting period, rework of rehabilitation areas with native species conforming to the BVTs specified within the BMP and relevant conditions of SSD-6764 consisted of:

- 16.88 ha of HU732 – Yellow Box Grassy Woodland
- 53.02 ha of HU824 – White Box – Black Cypress Pine Shrubby Woodland
- 1.44 ha of HU697 – Mugga Ironbark – Black Cypress Pine Shrub/Grass Open Forest

The site inspection verified structures such as tree hollows, logs, rock material and other woody debris are used to augment the target habitat value of rehabilitation areas

4.2.3. Rehabilitation management and monitoring

Conduct of the audit verified active rehabilitation management is undertaken by WCPL, with review of relevant documentation and conduct of interviews indicating rehabilitation management and monitoring planning undertaken by Eco Logical Australia is in accordance with the BMP and MOP/RMP and reported on an annual basis. Monitoring of rehabilitation areas includes:

- Autumn and spring vegetation monitoring, including established and reference vegetation monitoring sites. Monitoring is consistent with the BioMetric method of plot assessment prescribed in the BMP. Permanent BioMetric plots, comprising a 20 m x 20 m (0.04 ha) plot nested within a 20 m x 50 m plot, are surveyed at each monitoring site, collecting the following data:
 - native species richness, cover and abundance within the 20 m x 20 m plot
 - native overstorey cover – at regular 5 m intervals along a 50 m transect
 - native mid-storey cover– at regular 5 m intervals along a 50 m transect
 - native ground stratum (grass, shrub, other) – at regular 1 m intervals along a 50 m transect
 - exotic cover – at regular 1 m intervals along a 50 m transect
 - habitat features (number of trees with hollows, length of logs) – within the 20 m x 50 m plot
 - proportion of overstorey species regeneration – within the 20 m x 50 m plot
- Landscape function analysis (LFA) monitoring at established and reference sites, in accordance with the methods prescribed by Tongway and Hindley (2004) and in the BMP. LFA attributes were assessed to monitor:
 - Landscape Organisation Index, characterising and mapping the spatial patterns of resource loss or accumulation at a site
 - Soil Surface Assessment, collecting data relating to 11 Soil Surface Condition Indicators.
- Terrestrial fauna monitoring, including:
 - summer, winter, and spring bird surveys, targeting those species that feed on the blossoms of winter-flowering eucalypts and lerps.
 - spring ground fauna monitoring consisting of infra-red camera observations and herpetological searches
 - spring microbat monitoring using ultrasonic acoustic recording devices
- Monitoring also includes identification of pest species and any areas of new weed infestations.
- Photo monitoring providing multi-year comparison.
- Livestock incursion.
- Impacts due to authorised and unauthorised (as relevant) access.
- Fire impacts, as relevant.

Relevant management actions noted to be in the process of being completed include:

- A review of the monitoring program to align with the rehabilitation objectives of the BMP and RMP. This is required due to the monitoring methods in the current form only providing an assessment of tracking toward benchmark data to generate site value scores, but does not provide any information on the rehabilitation areas progression toward the target BVTs.
- Enacting the TARP and completing a review of LFA data, due to a decrease in the LFA scores from 2022 to 2023. However, Eco Logical Australia note in the 2023 Annual Biodiversity Monitoring Report that this was likely due to drier climatic conditions leading up to 2023 monitoring and that results were generally consistent with observations at reference sites.

4.3. Biodiversity

4.3.1. Securing of offsets and retirement of biodiversity area

Review of relevant documentation indicates relevant offset sites were secured prior to the audit period, and Biodiversity Offset Areas (BOAs) D & E were transferred to the National Parks Estate in previous audit periods.

During the audit period, BOAs 1-5 were required to be transferred to the National Parks and Wildlife Service (NPWS). An extension of time to complete this was provided by the former DPE (now DPHI) on 5 July 2023, requiring completion by 31 July 2023. Conduct of the audit determined the transfer of land and payment of the management fee agreed between WCPL and NPWS was completed on 2 August 2023 due to the interbank transfer timing for the management fee. As a result, this is a non-compliance (ANC) with the requirements of Schedule 3, Condition 35 of SSD-6764 (Section 3.3.1).

4.3.2. Retirement of biodiversity credits

In accordance with Schedule 3, Condition 36 of SSD-6764, securement of biodiversity credits is required within 10 years of the completion of mining operations, or as otherwise agreed by the Secretary. As a result, retirement of biodiversity credits is not relevant to the current audit period.

4.3.3. Management and monitoring

Following completion of relinquishment of the BOAs to the NPWS (i.e. to be managed as part of National Parks Estate) in August 2023, the biodiversity monitoring program was adapted to focus on rehabilitation areas. However, conduct of the audit indicates biodiversity auditing of the Mine biodiversity offsets was undertaken on an annual basis prior to relinquishment of the BOAs to the NPWS, with Eco Logical Australia engaged by WCPL to undertake biodiversity monitoring of the BOAs in accordance with the BMP.

Relevant monitoring activities for the BOAs were consistent with those described for rehabilitation areas in Section 4.2.3.

4.4. Air quality

During the site inspection, the Mine representatives were forthcoming in producing any evidence requested and showed that the Mine has exhibited best practice air management in accordance with their AQMP (WI-ENV-MNP-0004) (Version 8.1, June 2022) during the audit period. Review of the relevant documentation indicates compliance with the requirements of air quality conditions, noting:

- WCPL have a mine amenity agreement with property #933, permitting increased 24 hour PM₁₀ concentrations at this location.
- Air quality criteria: no exceedances of air quality criteria occurred during the reporting period.
- While non-compliances with Conditions M2.1 (**NC15**) and M2.2 (**NC16**) of EPL 12425 are noted in Section 3.3.2 relating to 24-hour average PM₁₀ and PM_{2.5} results not being captured continuously by the air quality monitoring unit, a high-degree of data capture was noted, with continuous monitoring percentages remaining above 95%.
- No reportable incidents caused by spontaneous combustion occurred in 2021, 2022, 2023, or 2024 (to date).
- The AQMP (WI-ENV-MNP-0004) (Version 8.1, June 2022) outlines the regular monitoring program including meteorological forecasting and real-time air quality monitoring data.
- WCPL cooperates with Moolarben and Ulan Mines on data sharing and collaboration to minimise the cumulative air quality impacts on the surrounding community.
- Odour:

- The site inspection completed on 8 and 9 October 2024 did not identify any odours or spontaneous combustion.
- The complaints records indicate complaints were received during the audit period in relation to odour (i.e. 17 in 2021, 2 in 2022 Reporting Period, 12 in 2023 Reporting Period, and 6 in 2024 [to date]). However, review of relevant documentation indicates none of these complaints were verified, with WCPL completing follow-up checks on receipt of the complaints (including a review of the wind speed and wind direction prior to receiving an odour complaint) and were unable to detect spontaneous combustion outbreaks with the capacity to generate offsite odours or detect odours beyond the boundary of the Mine. It is noted, the complainants declined to discuss any of the odour complaints with a WCPL representative for all of these complaints.
- Dust management, including:
 - dust management training was provided to applicable operational personnel by the Environment and Community Team in November 2021 through a presentation on air quality and management
 - a review of daily productions occurring to consider availability of water carts in respect of forecasting adverse weather
 - a trigger level is established to assist in mitigating dust impacts associated with bad weather conditions
 - completion of annual presentations in relation to the NSW EPA's Bust the Dust Campaign, and use of the NSW EPA's Dust Assessment Handbook

4.5. Noise management

During the site inspection, Mine representatives were forthcoming in producing any evidence requested, and showed that the Mine has exhibited best practice noise management in accordance with their NMP (WI-ENV-MNP-0011) (Version 8, November 2022) during the audit period.

Review of the relevant documentation indicates compliance with the requirements of noise conditions, noting:

- The NMP (WI-ENV-MNP-0011) (Version 8, November 2022) outlines planning, operations and engineering controls which minimise development noise.
- Planning controls include cooperation with RailCorp and ARTC regarding the rail network and noise limits.
- Meteorological conditions are considered in noise management including the use of an external provider for daily forecasting. Alerts are in place for adverse conditions and data is accessible. There is an on-site continuous monitoring meteorological monitoring station.
- Coordination and implementation of controls in conjunction with Moolarben and Ulan occurs, to prevent cumulative noise impacts.
- The Mine conducts a mixture of operator-attended and unattended noise monitoring to assess performance at 11 specified locations, taking into account consultation feedback and proximity to community sites.
- There has generally been a reduction in the number of complaints received in relation to noise during the audit period, with all complaints documented with commentary around the response to the complainant. Review of documentation and conduct of the audit interviews indicates WCPL are responsive to complaints, investigating complaints through the review of data from relevant monitoring equipment (e.g. meteorological station, real-time noise, and blast monitors) to verify the complaints. Further commentary on complaints is provided in Section 3.5.1.

4.6. Blasting

During the site inspection, WCPL representatives were forthcoming in producing any evidence requested, and showed the Mine has generally exhibited best practice blast management in accordance with their Blast Management Plan (WI-ENV-MNP-0037) (Version 9.1, June 2022) during the audit period. Review of the relevant documentation indicates compliance with the requirements of blast conditions, noting:

- Blasting within criteria: All blasts were within the approved criteria for the audit period, with no blasts exceeded ground vibration limits, and no fume events occurred.
- Blasting hours and days: No blasting events occurred outside the approved hours of 9am to 5pm, nor on a Sunday or Public Holiday during the audit period.
- Blasts per day: No more than two blasts per day during the audit period, with weekly averages being 2.9 blasts (2021), 2.5 blasts (2022), 2.5 blasts (2023), and <2.5 blasts (2024 to date).
- Scheduled blast information is provided on the Mine website. This information was up to date for September at the time of IEA preparation.
- Review of the 2021, 2022 and 2023 Annual Reviews shows that the timing of blasts is arranged in co-ordination with Moolarben and Ulan to reduce cumulative impacts.
- WCPL maintain a hotline for accessing blasting information. The public can access the upcoming blast schedule on the Mine website (was up to date for September at the time of audit preparation).

The above notwithstanding, non-compliances are noted as follows:

- **Schedule 3, Condition 12 and 15 of SSD-6764 (NC02 and NC03):** In relation to some of the required blasting data for the 2021 Reporting Period not being available, relating to blast monitoring of public infrastructure at Pit 6. This non-compliance was identified during preparation of the 2021 Annual Review and reported to MWRC and DPIE on 30 March 2022. An investigation report relating to this non-compliance, including Road Structures Inspection Report (Barnson, April 2022), was provided to these agencies on 6 April 2022. The investigation did not identify any issues / impacts to the public infrastructure. As this non-compliance was reported to relevant agencies, was a one-off occurrence and has not reoccurred during the audit period, a CA has not been deemed relevant.
- **Schedule 3, Condition 12 of SSD-6764, and Condition O1.1 of EPL 12425 (NC02 and NC13):** The 2022 Annual Review noted a non-compliance as employees were exposed to and affected by NOx fumes from a planned blast (11 April 2022). The PIRMP was activated, and the NSW Resources Regulator issued a Section 195 notice. Actions taken to prevent recurrence were outlined in the incident report prepared for the NSW Resources Regulator. An environmental incident notification for the blast fume event, dated 11 April 2022 was issued and a Blast Fume Report provided to the NSW EPA on 22 May 2022. A letter from NSW EPA acknowledging receipt of the Blast Fume Report was also sighted. In addition, subsequent updates were received on 12 April 2022 and 20 April 2022 and on 18 July 2022 it was stated that no regulatory action was deemed relevant.

While the missing blast data is an administrative non-compliance, a low risk non-compliance has been identified for this condition due to the blast fume event.

4.7. Water management

4.7.1. Water supply and site water balance

Quantification of operational water demands are detailed in the SWB (WI-ENV-MNP-0038) (Version 3, August 2017), which states:

“The Wilpinjong Coal Mine Water Management System has been designed to maximise the reuse of on-site water runoff and groundwater flows. Nevertheless, in particularly dry years, water from the existing borefield may be required.”

Water balance results indicate shortfall in very dry climate conditions (1st percentile) where borefield makeup could be required (up to approximately 130 ML/year). However, the Mine water management system includes a borefield to the north of up to 19 bores, with two of the bores licensed to provide up to 110 ML annually (i.e. 220 ML in total), which is sufficient to meet makeup demand (up to 130 ML/year) during dry conditions.

Review of the 2021, 2022 and 2023 Annual Reviews indicates there was sufficient water to supply the Mine and that the WALs held were sufficient to cover licensable take.

4.7.2. Compensatory water supply

No compensatory water supply was required during the audit period.

Table 17 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) outlines a TARP for complaints by local landholders regarding surface water supply. The TARPs in Section 8 of the GWMP (WI-ENV-MNP0041) (Version 3, August 2017) also outlines that an alternative water source will be provided if required.

4.7.3. Water discharge and monitoring

One unlicensed discharge was reported during the audit period, with discharge of untreated mine water occurring on 19 May 2023. The discharge was caused by a split in a poly pipe which resulted in water flowing through a vegetated area within the mine boundary towards a catchment dam. Some of this water passed through a low point in the containment bund resulting in water reporting off-site. This event was reported as a non-compliance with Schedule 3, Condition 25 of SSD-6764 and Condition L1.1 of EPL 12425, and is identified as **NC04** and **NC05** (Schedule 3, Condition 29 of SSD-6764) in Section 3.3.1 and **NC12** and **NC14** in Section 3.3.2.

Review of correspondence with the NSW EPA following the event indicates that the incident was managed in accordance with the WMP (WI-ENV-MNP-006) (Version 4, August 2017) and the PIRMP. WCPL engaged Bio-Analysis Pty Ltd to complete a stream health assessment at selected upstream and downstream sites to understand any potential changes to stream health, which determined there were no obvious impacts to aquatic macroinvertebrates detected and no further monitoring to assess potential impacts was required. As this event was a one-off occurrence, and has been reported and closed out, no CA or OFI has been deemed relevant.

In addition, during the audit period, EPL Variation Notice 1625163 allowed the extension of time for water discharge under emergency water discharge conditions from 5:00pm on 25 November 2022 to 5:00pm on 1 January 2023 (i.e. Special Condition E1 of EPL 12425). A non-compliance with Condition E1.1 of EPL 12425 was reported in the 2022 Annual Review, with 0.35 ML of excess rainwater discharged from LDP 32 on 26 December 2022. As a result of subsequent variations, Special Condition E1 has been removed from EPL 12425. As this non-compliance (low risk) has been reported, closed out, and the associated Special Condition under EPL 12425 removed, no CA or OFI has been deemed relevant.

4.7.4. Performance measures

4.7.4.1. General and Clean water diversions & storage infrastructure

Section 3 of the SWB (WI-ENV-MNP-0038) (Version 3, August 2017) details the components of the Mine water management system (WMS) that receive inflows from pit dewatering, with the WMS to maintain separation between clean, dirty and mine water management systems.

As per the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018), where reasonable and feasible, runoff from undisturbed areas (i.e. clean water) is diverted via clean water drains. Clean water diversions, pipelines and transfers dams are in place upstream of each of the mining pits and are progressively constructed during pit progression.

Runoff from disturbed areas is managed via sediment dams, which are discussed further in Section 4.7.4.2.

4.7.4.2. Sediment Dams

Sediment dams are designed and managed as per Sections 5.2.1 to 5.2.4 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018).

Section 3.4 of the SWB (WI-ENV-MNP-0038) (Version 3, August 2017) states that sediment dams on site have been designed in accordance with *Managing Urban Stormwater, Soils and Construction* (Landcom, 2004) (the 'Blue Book') and *Managing Urban Stormwater, Soils and Construction – Volume 2E Mines and Quarries* (Department of Environment and Climate Change, 2008) based on the catchment area reporting to the dams. The design criteria for the dams is also noted to be provided.

The pump capacity required to dewater each of the sediment dams within five (5) days, as per the 'Blue Book' (Landcom, 2004), are listed in Table 4 of the SWB (WI-ENV-MNP-0038) (Version 3, August 2017).

The sediment dams are managed via transfers to the Mine WMS to avoid discharges. It is possible that discharges could occur during rainfall events of a greater magnitude than the event for which the dams have been designed to contain (5 day, 95th percentile event). However, no discharges from sediment dams were reported in the 2021, 2022 and 2023 Annual Reviews.

4.7.4.3. Mine Water Storages

Mine water storages are described in Section 3 of the SWB (WI-ENV-MNP-0038) (Version 3, August 2017), which states that management of mine water storages is undertaken to protect the integrity of local and regional water sources" and to operate such that there is no contained water storage overflow.

Licensed discharge of untreated mine water is reported in the 2021, 2022 and 2023 Annual Reviews.

4.7.4.4. Wilpinjong, Cumbo and Wollar Creeks

Sections 6.1 and 8.2 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) outlines triggers for the assessment of impacts to Wilpinjong Creek, Cumbo Creek, and Wollar Creek. While some exceedances of trigger values were observed during the assessment period, results and investigations reported in the 2021, 2022 and 2023 Annual reviews indicate no greater impact than predicted for the development for water flow and quality for these locations.

4.7.4.5. Aquatic, Riparian and Groundwater Dependent Ecosystems

Sections 6.2, 7.2 and 8.2.4 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) and Section 8.3 of the GWMP (WI-ENV-MNP0041) (Version 3, August 2017) outline how monitoring of aquatic, riparian and groundwater dependent ecosystems is undertaken and methodologies for assessing impacts.

Assessment of impacts is reported in the 2021, 2022 and 2023 Annual Reviews, with monitoring results indicating negligible environmental consequences beyond those predicted for the Project.

4.7.4.6. Flood Mitigation Measures

Section 5.7 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) outlines flood management components of the Mine WMS stating that WCPL

“will maintain all open cut pits, CHPP, coal stockpiles and main mine facilities areas so that they exclude flows for all flood events up to and including the 1 in 100-year ARI”.

It is also stated that the final voids will be designed to exclude all flood events up to the probable maximum flood.

4.7.4.7. Overburden, CHPP Reject and Tailings

A site inspection was undertaken by Engeny on 8 and 9 October 2024 as part of the audit, which observed that the Mine is an internally draining site and that runoff from overburden, CHPP reject, and tailings areas reports to, and is managed in, the Mine WMS.

4.7.4.8. Chemical and Hydrocarbon Storage

Section 9 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) states that storage of chemical and hydrocarbon products in bunded areas in accordance with the relevant Australian Standards and chemical and hydrocarbon spill containment and prompt clean-up using mobile spill kit.

Section 9 of the PIRMP outlines the responsibility to, as possible:

“undertake regular inspections of the site, including all areas where hazardous waste, chemicals and hydrocarbon products are stored and handled”

No chemical and hydrocarbon storage related non-compliances were reported in the 2022 and 2023 Annual Reviews. Chemical and hydrocarbon storage was inspected during the site inspection completed by Engeny on 8 and 9 October 2024 which identified that all chemicals and hydrocarbons observed were stored in bunded areas at the fuel farm and workshop areas.

As identified by **CA01** (Section 5), to ensure vigilance in relation to the management of chemical and hydrocarbon storage, a procedure should be developed with consideration to:

- the chemical and hydrocarbon storage performance measures detailed in Table 6 of Schedule 3, Condition 30 of SSD-6764
- refining the frequency of inspections of hazardous waste, chemicals and hydrocarbon storage and handling stored areas to ensure that these inspections are occurring regularly (i.e. monthly, at a minimum)
- documenting the results of, and tracking any actions identified during, inspections.

The SWMP should be updated to include reference to, and a summary of the requirements of, this procedure.

4.8. Heritage management

Review of the Mine Induction indicates Aboriginal cultural heritage and historic heritage awareness are covered and presented to any new employee or contractor. The Induction pack includes reference to requirements such as:

- Relevant heritage values at the Mine and history of the region.
- The existence of the ACHMP (WI-ENV-MNP-0034) (Version 9, June 2022) and HHMP (WI-ENV-MNP-0044) (Version 6, June 2022), including identification of the types of heritage items relevant to the Mine.
- The existence of the scarred trees keeping place.
Offences and penalties under the *National Parks and Wildlife Act 1974* (NSW) and the *Heritage Act 1997* (NSW), and other Commonwealth legislation (i.e. *Native Title Act 1993*).
- Responsibilities if potential heritage items are identified and contact details for key personnel in the Environment & Community Team.

4.8.1. Aboriginal cultural heritage

From the site inspection and interviews, relevant personnel were generally aware of the requirements of the ACHMP (WI-ENV-MNP-0034) (Version 9, June 2022) relevant to their role and the monitoring and management requirements are being undertaken in accordance with the ACHMP.

- Consultation: In preparation for the 2024 IEA, WCPL consulted with registered Aboriginal parties (RAPs), with RAPs requesting the audit consider ground vibration impacts and monitoring in relation to in situ rock shelters close to the Mine. The audit considered this concern and identified all blast monitoring requirements of Aboriginal sites was undertaken in-line with the Blast Management Plan during the audit period, with all vibration results below the performance criteria for the respective sites.
- Completed Ground Disturbance Permit (GDP) (WI-ENV-PER-0013) samples were sighted, which consider potential impacts on Aboriginal cultural heritage, including:
 - Permit #01-23 (Mining Areas 2023): For Stripping of Topsoil, Light Vehicle (LV) Road Construction and Mining Activities, dated 2/01/2023.
 - Permit #10-21 (MWRC Laydown Area 2): Laydown Area for MWRC Road Maintenance Equipment, dated 16/08/2021.
 - Permit #04-22 (Energy Co Easement Corridor Access): For Grading of LV Road Becoming Corridor Access for Energy Co, dated 10/9/2022.
 - Permit #05-24 (Pit 1 Accommodation Camp Amendment 1): Clearing of vegetation and stripping of topsoil, grading of construction pad, polypipe relocation, construction of noise bunds and water diversion drains, erection of fencing in preparation for construction of accommodation camp facility.

The audit did not identify non-compliances in relation to Aboriginal cultural heritage.

4.8.2. Historic heritage

From the site inspection and interviews, relevant personnel were generally aware of the requirements of the HHMP (WI-ENV-MNP-0044) (Version 6, June 2022) relevant to their role and the monitoring and management requirements are being undertaken in accordance with the HHMP.

Completed GDP (WI-ENV-PER-0013) samples were sighted, which consider potential impacts on historic heritage (see Section 4.8.1).

The audit did not identify non-compliances in relation to historic heritage.

4.9. Social impact

Conduct of the audit indicates social impact is appropriately managed and that WCPL actively consult with the local community. Relevant actions during the audit period include:

- Conduct of a social day event, which enabled community responses in relation to the revision of the SIMP (Version 3, June 2022) and closure of the Wollar Store and establishment of alternative mail options. The site inspection confirmed WCPL has provided locked mail boxes at the former Wollar Store for the local community.
- Management and maintenance of the public toilet at the former Wollar Store and local sporting facilities.
- Conduct of Have a Chat meetings, which are held on the 1st Thursday of the month from 1.30pm to 4.30pm, with the advertisements for these provided in Annual Reviews and sighted in the community of Wollar during the site inspection.
- Community Support Program investments, with Appendix 6 of the Annual Reviews showing where these donations have been made, the value, and the category of investment.
- Demolition of derelict dwellings in Wollar in accordance with the SIMP (discussed at Schedule 2, Condition 11), during 2022 and 2023. Through property purchasing program, two left in Wollar in 2024, and next into Araloone Lane.

Access to bore water was raised as an issue in feedback from the CCC for this audit (see Section 2.3 and Appendix C); however, it is noted Schedule 3, Condition 24 of SSD-6467 requires WCPL to compensate potentially affected landowners with privately-owned groundwater bore within the predicted drawdown impact zone and that this condition was not triggered during the audit period. In relation to groundwater sources and availability of shares, review of relevant documentation and the NSW Water Register indicates the following:

- Wollar Creek Alluvium: A total share component of 782 ML, of which 474 ML is held by WCPL under Water Access Licence (WAL) 21499.
- Lower Goulburn River Alluvium: A total share component of 3,086 ML, of which 511 ML is held by WCPL under WALs 19045, 19055, 19057, and 19058.
- Porous Hard Rock: A total share component of 68,481.5 ML, of which 3,121 ML is held by WCPL under WAL 41862.

4.10. Management of visual amenity and lighting impacts

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

A non-compliance (**NC09**) with Schedule 3, Condition 57 of SSD-6764 during the audit period is noted in relation to a non-conformance with AS4282.2019 *Control of the Obtrusive Effects of Outside Lighting* detected during an External Lighting Compliance Audit conducted by CR Engineering in December 2021. This non-conformance related to the entry point to the East Pit Mine Infrastructure Area (MIA) carpark and administration area, with the External Lighting Compliance Audit recommending lighting fitting adjustment be completed at the East Pit MIA and administration area. The audit was not able to confirm this recommendation has been addressed. Therefore, **CA03** has been identified (Section 5).

4.11. Bushfire management

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

The audit noted the following actions in relation to fire management:

- provision of donations to the Royal Fire Service (RFS)
- ensuring water is available in a dam for use by the RFS of Ulan-Wollar Road, as required during bushfire events
- managing the protection of scarred trees at Cumbo Shed, as per recommendations from Eco Logical Australia which are captured in the Mines Bushfire Management Plan.

No fire related incidents were recorded during the audit period, with no non-compliances identified relating to bushfire management.

4.12. Waste management

Review of relevant documentation and conduct of interviews indicates the Mine undertakes appropriate waste management (Appendix G). Effective waste minimisation during the audit period was observed.

- Recycling:
 - 2021: Approximately 81% of the total waste removed from the Mine was recycled.
 - 2022 and 2023: Approximately 83% of the total waste removed from the Mine was recycled.
- Tyre management:
 - 2021: Approximately 283 tonnes of tyres were disposed of, buried in Pit 6.
 - 2022: Approximately 348.9 tonnes of tyres were disposed of, buried in Pit 1 South.
 - 2023: Approximately 392.2 tonnes of tyres were disposed of, buried in Pit 7.
- Demolition:
 - 2021: Six dilapidated Peabody owned properties were demolished and approximately 182 truckloads of inert waste material were moved to the Mine for disposal. These were disposed of in-pit in January 2022.
 - 2022: Five dilapidated Peabody-owned properties were demolished. Approximately 1,440 tonnes of inert waste material generated from these demolitions were disposed of on site within Pit 7 in 2023.
- Record keeping:
 - the Mine keeps up-to-date, detailed records of waste generation and movement including, but not limited to:
 - transport tracking through JR Richards & Sons Waste
 - NSW EPA Online Waste Tracking System Transport Certificates
 - data forms from Renewable Oil Services
 - annual Waste Tyre Burial Register

The audit did not identify non-compliances in relation to waste management.

5. Corrective actions and opportunities for improvement

5.1. Corrective actions

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

Table 5.1 Corrective actions identified during the audit

Consent / licence / lease	Condition	CA ID	CA requirement
SSD-6764	Schedule 3, Condition 30	CA01	To ensure vigilance in relation to the management of chemical and hydrocarbon storage, a procedure should be developed with consideration to: <ul style="list-style-type: none"> the chemical and hydrocarbon storage performance measures detailed in Table 6 of Schedule 3, Condition 30 of SSD-6764 refining the frequency of inspections of hazardous waste, chemicals and hydrocarbon storage and handling stored areas to ensure that these inspections occur regularly (i.e. monthly, at a minimum) documenting the results of, and tracking any actions identified during, inspections. The SWMP should be updated to include reference to, and a summary of the requirements of, this procedure.
	Schedule 3, Condition 31	CA02	Implement actions to ensure monthly reviews of surface water and groundwater monitoring data are completed and that relevant agencies are notified as soon as practicable that an exceedance of trigger levels has occurred (as relevant), in accordance with the requirements of the SWMP (WI-ENV-MNP-0040) and GWMP (WI-ENV-MNP0041).
	Schedule 3, Condition 57	CA03	Action the recommendation from the External Lighting Compliance Audit regarding adjusting the light fitting.
	Schedule 5, Condition 5	CA04	Submit the revised versions of SWMP and SWB required for submission on 30 September 2024 as soon as possible to DPHI.
	Schedule 5, Condition 12	CA05	Update the Mine website to ensure the currently approved versions of the ACHMP, SCMP and EMS are available.
Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016	Clause 16(3)	CA06	Ensure evidence is collected internally to confirm relevant documents are published on the WCPL website in accordance with Clause 16(3) of the Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016, as follows: <ul style="list-style-type: none"> RMP – within 14 days after it is amended, with the next revision of the RMP due to be submitted on 31 December 2024). Forward Programs and/or Annual Rehabilitation Report – within 14 days after it is given to the Secretary or amended.
	Clause 19(2)	CA07	Should any change occur during the next audit period regarding the nominated person's contact details or the nominated person, ensure written notice is provided to the NSW Resources Regulator within 28 days after the change occurs.

5.2. Opportunities for improvement

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

Table 5.2 Opportunities for improvement identified

Consent / licence / lease	Condition	OFI ID	OFI requirement
SSD-6764	Schedule 3, Condition 23	OFI01	It is recommended that the site water balance 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 offsite discharge of mine water and potential need for mine water transfer with neighbouring mines.
SSD-6764	Schedule 3, Condition 24	OFI02	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.
SSD-6764	Schedule 3, Condition 29	OFI03	The clean water diversion upslope of Pit 6 is to be installed to minimise clean water runoff into the mine water system. 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. Based on site observations, the majority of the Pit 6 diversion appeared suitable. As the statements in the Annual Reviews for the 2024 IEA audit period indicate that the Pit 6 diversion has not yet been installed. Therefore, OFI14 from the 2021 IEA is reproduced in the 2024 IEA.
SSD-6764	Schedule 3, Condition 30	OFI04	Complete a cross-check of the 2022 and 2024 revisions of the GWMP, and update the 2024 revision of the GWMP to ensure all relevant updates made in the 2022 revision of the GWMP are adopted.
SSD-6764	Schedule 3, Condition 30	OFI05	Ensure future leachability tests on spoil and reject material, and subsequent comparison in Annual Reviews, also include selenium.
EPL 12425	Condition M2.1	OFI06	Where discharge occurs at LDP 30, ensure future EPL Monthly Monitoring Reports report pH and EC results in addition to NTU.

Appendix A

DPHI audit team endorsement and extension of time

NSW Planning ref: SSD-6764-PA-102
Mr Kieren Bennetts
Manager Environment & Community
Wilpinjong Coal Pty Ltd
1434 Ulan-Wollar Road
Wilpinjong New South Wales 2850
16/08/2024

Sent via the Major Projects Portal only

**Subject: Wilpinjong Coal Expansion Project – Independent Environmental Audit 2021-2024
team endorsement and**

Request for extension to undertake Independent Environmental Audit

Dear Mr Bennetts

Reference is made to your post approval matter, SSD-6764-PA-102, request for the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Environmental Audit (IEA) of the Wilpinjong Coal Expansion Project, submitted as required by Schedule 5, Condition 10 of SSD-6764 as modified (the approval) to NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 26 July 2024.

NSW Planning has reviewed the independent auditor nominations and based on the information you have provided is satisfied that the proposed person/s are suitably qualified, experienced, and independent.

In accordance with Schedule 5, Condition 10 (a) of the approval and the NSW Planning, *Independent Audit Post Approval Requirements* (2020), as nominee of the Planning Secretary, I endorse the following independent audit team:

- Lead Auditor – Elliot Holland of Onward Consulting
- Auditor – Carmen Osborne of Onward Consulting
- Rehabilitation – Elliot Holland, with Mark Vile as back-up, both of Onward Consulting
- Surface Water and Groundwater (including geomorphology) – Susan Shields, with Adam Wyatt as back-up, both of Engeny.

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

The audit is to be conducted in accordance with the condition/s of approval and AS/NZS ISO 19011 Australian/New Zealand Standard: Guidelines for quality and/or environmental management systems auditing. The Audit team may also wish to consider the and the Independent Audit Post Approval

Requirements (Department 2020 or as updated). A copy of this guideline can be located at <http://planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/Integrated-Mining-Policy>. The audit must:

- include consultation with the relevant agencies;
- 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);
- review the adequacy of strategies, plans or programs required under the abovementioned approvals;
- 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.

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

In accordance with Schedule 5 condition 11 of the approval within 3 months of commissioning this audit, or as otherwise agreed by the Planning Secretary, Wilpinjong Coal Pty Limited (WCPL) must submit a copy of the audit report to the Planning Secretary, together with its response to any recommendations contained in the audit report.

I have reviewed and considered your request for an extension and in accordance with Schedule 5 condition 10 of the approval, as nominee of the Planning Secretary, I grant an extension to the 3-year audit period for the 2021-2024 IEA for Wilpinjong Coal 2 Project, with the site visit commencing the 8 October 2024.

Should you wish to discuss the matter further, please contact me on 0429400261 or email compliance@planning.nsw.gov.au

Yours sincerely



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

Appendix B

Independent Audit Declaration Forms

INDEPENDENT AUDIT DECLARATION OF INDEPENDENCE FORM




Project name	Wilpinjong Extension Project – 2024 Independent Environmental Audit.
Consent number/s	SSD-6764
Description of Project	The Wilpinjong Coal Ming (WCM) is owned by Wilpinjong Coal Pty Limited, a wholly owned subsidiary of Peabody Australia Pty Ltd (Peabody). The WCM 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 NSW. An audit of compliance with environmental conditions at WCM by a third-party environmental auditor is required every 3 years, in accordance with Schedule 5, Condition 10 of SSD-6765.
Project address	1434 Ulan-Wollar Road, Wilpinjong NSW 2850
Proponent	Wilpinjong Coal Pty Limited (ABN 87 104 594 694)
Date	7 August 2024

I declare that I will undertake the Independent Audit, prepare the contents of the Independent Audit Report, and to the best of my knowledge:

- i. the audit will be undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements* (DPIE 2020);
- ii. the findings of the audit will be reported truthfully, accurately and completely;
- iii. I will exercised due diligence and professional judgement in conducting the audit;
- iv. I will act professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the project that are subject to the 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 proposed auditor	Elliot Holland	Mark Vile	Carmen Osborne	Emma Spires
Signature				
Qualification	B. Env. Sc. & Mgt.	B. Env. Sc. (Hons)	B. App. Sci. M Env. Mgt. & Sust.	Integrated Management Systems – Auditor training
Company	Onward Consulting Pty Ltd	Onward Consulting Pty Ltd	Onward Consulting Pty Ltd	Onward Consulting Pty Ltd

INDEPENDENT AUDIT DECLARATION OF INDEPENDENCE FORM

Project name	Wilpinjong Extension Project – 2024 Independent Environmental Audit.
Consent number/s	SSD-6764
Description of Project	The Wilpinjong Coal Ming (WCM) is owned by Wilpinjong Coal Pty Limited, a wholly owned subsidiary of Peabody Australia Pty Ltd (Peabody). The WCM 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 NSW. An audit of compliance with environmental conditions at WCM by a third-party environmental auditor is required every 3 years, in accordance with Schedule 5, Condition 10 of SSD-6765.
Project address	1434 Ulan-Wollar Road, Wilpinjong NSW 2850
Proponent	Wilpinjong Coal Pty Limited (ABN 87 104 594 694)
Date	5 August 2024

I declare that I will undertake the Independent Audit, prepare the contents of the Independent Audit Report, and to the best of my knowledge:

- i. the audit will be undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements* (DPIE 2020);
- ii. the findings of the audit will be reported truthfully, accurately and completely;
- iii. I will exercised due diligence and professional judgement in conducting the audit;
- iv. I will act professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the project that are subject to the 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 proposed auditor	Susan Shield	Adam Wyatt
Signature		
Qualification	B. Eng. (Hons) & M. Eng. (Water	B. Eng. & PhD
Company	Engeny Australia Pty Ltd	Engeny Australia Pty Ltd

Appendix C

Agency consultation

26 September 2024

Mr Elliot Holland
Onward Consulting Pty Ltd
Suite 2, Level 1, 28 Donald Street
Hamilton NSW 2303
By Email: elliott.holland@onward.net.au

Re: Wilpinjong Coal Mine – Independent Environmental Audit

Dear Mr Holland,

Thank you for your email dated 12 September 2024 (our reference: AREQ0057742) requesting consultation on the independent audit to be undertaken of the Wilpinjong Coal Mine which is covered by mining leases ML1573 (1992), ML1779 (1992), ML1795 (1992) and ML1846 (1992).

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

From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016.

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

Sincerely

Jenny Ehmsen
Principal Compliance Auditor
NSW Resources Regulator

Elliot Holland
Principal – Onward Consulting
elliot.holland@onward.net.au

Re: WILPINJONG COAL MINE 2024 IEA CONSULTATION

Dear Elliot Holland,

Thank you for your email (dated 12 September 2024), giving Subsidence Advisory NSW (Subsidence Advisory) the opportunity to provide comment on the independent environmental audit of the Wilpinjong Coal Mine.

In accordance with the *Coal Mine Subsidence Compensation Act (2017)*, Subsidence Advisory regulates development within mine subsidence districts to help protect homes, buildings and infrastructure from potential subsidence damage.

Subsidence Advisory NSW is the NSW Government agency responsible for supporting property and infrastructure owners in areas where subsidence from underground coal mining may occur.

Wilpinjong Coal Mine is an open cut mine. Subsidence Advisory has no comment to make on the independent environmental audit.

If you would like more information, please contact Subsidence Advisory NSW on 4908 4300 or subsidedevelopment@customerservice.nsw.gov.au.

Sincerely,



Melanie Fityus
Senior Risk Engineer

Our ref: OUT24/14307

Elliot Holland
Onward Consulting PTY
elliot.holland@onward.net.au

17 September 2024

Subject: Wilpinjong Coal Mine - Independent Environmental Audit 2024

Dear Elliot Holland,

I refer to your request seeking advice from the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group on an upcoming audit for the above matter. It is understood this consultation is in accordance with conditions of approval for the project.

NSW DCCEEW Water Group understands that the scope of the audit as outlined under the development consent and the reference guideline, "Independent Audit Post Approval Requirements (2020)" extends to at least the following:

- Identification of compliance requirements and documentation of any non-compliances.
- Assessment of the adequacy and implementation of management plans and sub plans.
- Assessment of compliance against relevant regulatory requirements and legislation.
- Assessment of compliance between actual and predicted impacts in the environmental assessment.
- Reporting requirements for management plans.
- Identification of strengths of the project in environmental management and opportunities for improvement.

NSW DCCEEW Water Group requests that the audit address compliance with the following specific elements of the consent conditions and related legislative requirements in a manner consistent with the above audit scope:

- The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include:
 - Water Management Plans and related sub-plans eg. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan.
 - Extraction Plans and related sub-plans eg. Water Management Plan, Subsidence Management Plan.

- The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance-based reporting.
- Water supply availability is clearly defined for the project.
- Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018.
- Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.
- Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.
- Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous years, and 3) identifies exceedances and how these are managed/mitigated.

Should you have any further queries in relation to this submission please do not hesitate to contact DCCEE - Water Assessments at water.assessments@dpie.nsw.gov.au

Yours sincerely,



Tim Baker
Senior Project Officer
Water Assessments
NSW Department of Climate Change, Energy, the Environment and Water

Elliot Holland

From: Allan Adams <allan.adams@epa.nsw.gov.au>
Sent: Thursday, September 19, 2024 4:30 PM
To: Elliot Holland
Cc: Lucy Apps
Subject: WIL-001: Wilpinjong Coal Mine 2024 IEA Consultation - NSW EPA

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Elliot,

Thanks for your offer to provide comments on your upcoming independent environmental audit (IEA) of Wilpinjong Coal Mine.

The EPA notes the focus of the audit and provides the following comments.

- Determine attended noise monitoring is undertaken at times representative of the operations during worst-case conditions, i.e., with reference to page 37-38 of the NSW EPA – Noise Policy for Industry (NPfI):
 - *To check compliance with the consent/licence condition, the following items are the minimum requirements:*
 - *the operational condition of the noise source/emitter (for example, not operating, at full capacity, or at some percentage capacity).*
- Determine current management strategies are appropriate to manage any potential spontaneous combustion of coal and / or waste coal materials.
- Determine effectiveness of Trigger Action Response Plan (TARP) in response to dust mitigation and management.

Please contact me if you require any additional information.

Thanks,

Allan

Allan Adams
Senior Operations Officer
Regulatory Operations
NSW Environment Protection Authority
D 02 6333 3804



www.epa.nsw.gov.au @NSW EPA

The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.

Report pollution and environmental incidents
131 555 or +61 2 9995 5555

Elliot Holland

From: Elliot Holland
Sent: Monday, October 21, 2024 7:12 AM
To: Elliot Holland
Subject: Information for the auditor.
Attachments: CloudofDustOverMine_11_09_2024.jpg; CloudofDustOverPitnearUlanSideAccrossRoadEveryWhere_11_09_2024.jpg; DustTopPit8NewArea_11_09_2024.jpg; MudgeeWollar_11_09_2024DustEverywhere.jpg; Pit8_11_09_2024_DustDystDust.jpg; Pit8_11_09_2024_DustEveryWhere.jpg; Pit8_11-09-2024_MrkUp.jpg; Pit8_11-09-2024_Org.jpg; Pit8_Dust_AccrossTheRd_11_09_2024.jpg; Pit8_dustheading toWollar.jpg; Pit8_WolarUlanRd_11-09-2024_MrkUp.jpg; Pit8_WolarUlanRd_11-09-2024_Orig.jpg; WollarMudgeeRd_11_09_2024_MoreDust.jpg

From: Lisa Andrews <lisaandrews.ic@gmail.com>
Sent: Thursday, October 3, 2024 4:35 PM
To: Elliot Holland <elliot.holland@onward.net.au>
Cc: Carmen Osborne <carmen.osborne@onward.net.au>
Subject: Fwd: Information for the auditor.

Further to your email of 12 September 2024 regarding the IEA for Wilpinjong Coal Mine. **Please see below and attached concerns raised with one of our Community Members on the project's Community Consultative Committee (CCC). It would be appreciated if you could include this information when undertaking the audit.**

There have been no other submissions received.

In terms of the CCC, Peabody meets its requirements in providing members with comprehensive presentations at the quarterly meetings. They continue to actively engage with the community and there are no outstanding issues.

Thank you and regards
Lisa

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

PREVIOUS EMAIL:

Hi,

Wilpinjong Coal Pty Limited (WCPL) has engaged Onward Consulting Pty Ltd (Onward) to undertake an independent environmental audit (IEA) of the Wilpinjong Coal Mine (the Mine), approved as the Wilpinjong Extension Project under development consent SSD-6764.

The IEA will be prepared in accordance with the *Independent Audit Guideline Post Approval Requirements* (DPIE, 2020) and Schedule 5, Condition 10 of SSD-6764, and the focus of the IEA will be:

- compliance with the conditions of:
 - SSD-6764
 - EPL 12425
 - relevant MLs and CLs, including ML1573, ML1779, ML1795, and ML1846
 - relevant water access licences

- relevant groundwater licences
- evidence of implementation and effectiveness of the site's environmental management plans as part of the conditions of SSD-6764
- compliance with Schedule 8A of Mining Regulation 2016
- assessment of environmental risks at the site during a site visit
- recommending measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval

I am writing to you to invite comment from yourself regarding WCPL's operations at the Mine (as they relate to SSD-6764) so that we may adequately address any concerns during the audit. I also invite you to comment on WCPL's performance with other requirements, as you may deem appropriate.

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

- compliance with requirements
- progress to meeting requirements
- details of incidents of non-compliance
- adequacy of actions taken
- adequacy of the requirements of the approval / licence

The site visit for the audit is currently scheduled to be conducted Tuesday and Wednesday, 8/9 October 2024, with the audit team noted to include technical specialists for the following aspects:

- rehabilitation
- surface water and groundwater (including geomorphology)

It would be appreciated if you could submit your written comments by close of business Friday, 4 October 2024.

All correspondence in relation to the IEA should be directed to Elliot Holland (Principal – Auditing & Compliance, Exemplar Global Lead Auditor – EMS) on 0427 863 567 or elliott.holland@onward.net.au.

Regards,

Elliot Holland

Principal – Auditing & Compliance / Exemplar Global Lead Auditor – EMS



- ☎ +61427863567
- ✉ elliott.holland@onward.net.au
- 📍 Suite 2, Level 1, 28 Donald Street, Hamilton NSW 2303
- 🌐 www.onward.net.au

Please note my work days are Monday-Thursday. For anyt

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

----- Forwarded message -----

From: **Guy Luck** <gtluck@gmail.com>

Date: Tue, Oct 1, 2024 at 1:52 PM

Subject: Information for the auditor.

To: <lisaandrews.ic@gmail.com>, Beverley Smiles <bevsmiles85@gmail.com>

Hi Lisa,

Can you please let the auditor know the following for me.

1) We get the odour from the mine every time around spring summer. as per the years of reports. This occurs if the breeze is coming from the SW which is the direction to Pit8 from our home. Years ago we got the odor from the Kila dump, which I understand someone did their job and made the mine remove. Lots more of nothing to see here. This is the same odor you smell at the mine. It hits us mostly around 20:45 hours once it starts and can go for days, weather permitting.

2) Also please let them know that we hear the mine often, however they have been very quiet the last 3 weeks. Prior to that they would start their noise most weekends and quieten down weekdays not too hard to guess why. We are about 8 Kms as the crow flies through a lot of bush and hills / mountains. We should not hear the mine. 14.1 Km by road.

3) Please have the auditor have a look at the reports from the Mogo road and Wollar area. You will notice a familiar theme of nothing to see here, and that the mine is always in the right. "Something clearly wrong with this reporting" many years of nothing to see here.

!

4) Please find attached some pics for the auditor. I have many more if required. These were taken in the last month, This will only get worse as summer approaches. They cannot control their dust. Pit8 is a wind tunnel straight through to Wollar creek / us.

5) The mine has placed us in some degree of hardship as well as added to our costs, due to decimating the Wollar community. We can't even get bore water now as all our access was brought up by the mine and fenced off. Net alone having a shop it's a long drive for a litre of oil. We now have no parcel delivery available due to the shop being closed. This makes freight very hard, often paying more or missing out because no physical delivery is available now the shop has gone.

Be assured any further expansion by this mine will destroy our lives!
More noise, more dust, more odor.

regards,

Guy

Elliot Holland

From: Lisa Andrews <lisaandrews.ic@gmail.com>
Sent: Friday, October 4, 2024 3:17 PM
To: Elliot Holland
Cc: Carmen Osborne
Subject: Wilpinjong Coal Mine IEA

Further to my previous email; at the last meeting of the Community Consultative Committee, there was a request from one of the community members that "*dust management be raised as an issue for the Independent Environmental Audit*".

For your information and appropriate action.

Thank you

Lisa

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

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Our ref: DOC24/795495
Your ref: SSD 6764

Elliot Holland
Principal – Auditing & Compliance
Onward Consulting
Elliot.holland@onward.net.au

Dear Elliot

Wilpinjong Coal Extension Project (SSD 6764) – Independent Environmental Audit (IEA)

Thank you for your request via email on 12 September 2024 to the Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) inviting input into the Independent Environmental Audit for Wilpinjong Coal Extension Project.

The specific items that we are interested in (in addition to compliance against all other biodiversity and rehabilitation conditions) are:

1. Condition 64 requires the preparation of a Rehabilitation Management Plan that includes measures that are to be implemented to ensure compliance with conditions 36, 37 and 38. A review of the progress of the rehabilitation should be undertaken, particularly within the rehabilitation offset areas.

BCS is interested in the outcomes of this audit of the project, and we are willing to meet with you to provide any further background if needed.

If you have any questions about this advice, please do not hesitate to contact Michelle Howarth, Senior Conservation Planning Officer, via michelle.howarth@environment.nsw.gov.au or (02) 6883 5339.

Yours sincerely

A handwritten signature in black ink, appearing to read "C. Houlison".

Calvin Houlison
Senior Team Leader Planning North West
Biodiversity, Conservation and Science Group

30 September 2024

Appendix D

SSD-6764

Table D1. SSD-6764

Condition #	Details	Compliance status	Relevant evidence	Commentary
Schedule 2 – ADMINISTRATIVE CONDITIONS				
OBLIGATIONS TO MINIMISE HARM TO THE ENVIRONMENT				
1	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.	Compliant	<ul style="list-style-type: none"> This audit. Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2F021/2022, 2022/2023, and 2023/2024. Environmental Monitoring reports for the audit period. Site inspection/interviews completed 8/9 October 2024. 	Review of relevant documentation indicates no events of incidents have occurred during the audit period with the potential to result in material harm to the environment.
TERMS OF CONSENT				
2	The Applicant must carry out the development: <ol style="list-style-type: none"> generally, in accordance with the EIS and the Wilpinjong Coal Project EIS; and in accordance with the conditions of this consent. <i>Note: The general layout of the development is shown in Appendix 2.</i>	Non-compliant (Low)	<ul style="list-style-type: none"> This audit. Site inspection/interviews completed 8/9 October 2024. 	This is a non-compliance in relation to the other nine non-compliances against relevant conditions of consent. These include Schedule 3, Conditions 12, 15, 25, 29, 30, 31, 35, 57, and Schedule 5, Conditions and 12.
3	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.	Not triggered	Noted	N/A.
4	The Applicant must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: <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. 	Compliant	<ul style="list-style-type: none"> Site inspection/interviews completed 8/9 October 2024. WCPL submission of Environmental Management Plans (EMPs) as a result of review completed after 2021 IEA, dated 30/06/2022, including: <ul style="list-style-type: none"> Noise Management Plan (NMP) (Version 7, June 2022) (<i>superseded</i>) Blast Management Plan (Version 9, June 2022) (<i>current version</i>), including the Blast Fume Management Strategy (BFMS) (Version 6, June 2022) (<i>current version</i>). Air Quality Management Plan (AQMP) (Version 8, June 2022) (<i>current version</i>), including Spontaneous Combustion Management Plan (SCMP) (Version 8, June 2022) (<i>not approved</i>). Water Management Plan (WMP) (Version 4, June 2022) (<i>not approved</i>) including Site Water Balance (SWB) (Version 4, June 2022) (<i>not approved</i>), Surface Water Management Plan (SWMP) (Version 4, June 2022) (<i>not approved</i>), and Groundwater Management Plan (GWMP) (Version 4, June 2022) (<i>not approved</i>). Aboriginal Cultural Heritage Management Plan (ACHMP) (Version 9, June 2022). Historic Heritage Management Plan (HHMP) (Version 6, June 2022) (<i>current version</i>). Environmental Management Strategy (EMS) (Version 9, June 2022) (<i>current version</i>). Social Impact Management Plan (SIMP) (Version 3, June 2022) (<i>current version</i>). WCPL submission of various EMPs to NSW EPA, dated 12/07/2022, including: <ul style="list-style-type: none"> NMP (Version 7, June 2022). WMP (Version 8, June 2022), including GWMP (Version 4, June 2022) and SWMP (Version 4, June 2022). AQMP (Version 8, June 2022). Blast Management Plan (Version 9, June 2022), including BFMS (Version 6, June 2022). WCPL letter to DPHI requesting extension of time to submit EMPs (with consideration of Modification 2) and withdrawing request for approval for various EMPs submitted in June 2023, dated 4/06/2024. WCPL submission of EMPs for consultation with government stakeholders due to Modification 2 (approved 3/07/2024), dated 30/09/2024, including: <ul style="list-style-type: none"> NMP (Version 9, September 2024) (<i>not yet approved</i>). Blast Management Plan (Version 10, September 2024) (<i>not yet approved</i>), including BFMS (Version 6, September 2024) (<i>not yet approved</i>). AQMP (Version 9, September 2024) (<i>not yet approved</i>), including SCMP (Version 9, September 2024) (<i>not yet approved</i>). 	Review of relevant documentation and conduct of audit interviews verified compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> ◦ WMP (Version 9, September 2024) (<i>not yet approved</i>), including: GWMP (Version 6, September 2024) (<i>not yet approved</i>). ◦ BMP (Version 8, September 2024) (<i>not yet approved</i>). ◦ ACHMP (Version 10, September 2024) (<i>not yet approved</i>). ◦ HHMP (Version 7, September 2024) (<i>not yet approved</i>). ◦ SIMP (Version 4, September 2024) (<i>not yet approved</i>). ◦ EMS (Version 10, September 2024) (<i>not yet approved</i>). • WCPL submission of revised ACHMP (as a result of review completed after 2021 IEA) post-agency consultation dated 26/07/2022, including Registered Aboriginal Party (RAP) Consultation Committee Meeting Minutes for 20/06/2022. • WCPL submission of revised Blast Management Plan (as a result of review completed after 2021 IEA) post-agency consultation dated 26/07/2022, including NSW EPA review comments and WCPL response. • WCPL submission of revised NMP (as a result of review completed after 2021 IEA) post-agency consultation dated 26/07/2022, including NSW EPA review comments and WCPL response. • WCPL submission of revised NMP (as a result of review completed after 2021 IEA) post-agency consultation dated 30/12/2022, including Heritage NSW review comments and WCPL response. • WCPL response to DPE request for further information on the GWMP, dated 8/06/2023, with additional actions to be undertaken including: <ul style="list-style-type: none"> ◦ Developing trigger levels for metals/ions and subsequently developing a new TARP for inclusion in to the GWMP. WCPL will require additional time with groundwater specialist to collect and collate and perform the adequate analysis of the data. ◦ Higher resolution figures to be provided in next revision of the GWMP. ◦ Refinement of water level triggers for the Wollar School Bore with groundwater specialists (provisional water level trigger provided in this review of GWMP). ◦ Progressing groundwater recommendations as provided by SLR and providing a status of their completion in the GWMP. • Correspondence from: <ul style="list-style-type: none"> ◦ Heritage NSW noting no additional concerns or comments in relation to the ACHMP, dated 6/07/2022. ◦ Biodiversity, Conservation and Science (BCS), noting no comments on the Blast Management Plan and ACHMP, dated 12/07/2022. ◦ DPE – Water regarding the WMP, dated 9/08/2022, recommending: <ul style="list-style-type: none"> ▪ Additional monitoring bores be installed to monitor potential impacts on the alluvium and Wilpinjong Creek near Pit 6 void. ▪ Monitoring bore GWa12 be assessed for its suitability to detect the water level trigger. ◦ Mid-Western Regional Council (MWRC) providing comment on the SIMP, dated 19/08/2022. • Correspondence from DPHI in relation to: <ul style="list-style-type: none"> ◦ Request for additional information for the ACHMP (Version 9, June 2022) by 31/08/2022. ◦ Approval of the ACHMP (Version 9.1, June 2022), dated 23/08/2022. ◦ Request for additional information in relation to the Blast Management Plan (Version 9, June 2022) by 9/09/2022. ◦ Approval of the Blast Management Plan (Version 9.1, June 2022) (<i>current version</i>) dated 17/12/2022. ◦ Providing conditional approval of the Rehabilitation Strategy (Version 4, September 2022) (<i>current version</i>), dated 6/12/2022, subject to: <ul style="list-style-type: none"> ▪ The development of an updated groundwater model, prepared in consultation with DPE Water and in accordance with the Minimum Groundwater Modelling Requirements for SSD / SSI Projects Technical Guideline 2022, within 18 months of the date of this letter; and ▪ lodgement of an updated Rehabilitation Strategy: <ul style="list-style-type: none"> – having regard to the findings of the updated groundwater model; and 	

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> – including an update on mine progression and consultation with Moolarben Coal Operations Pty Ltd regarding an integrated final landform. ◦ Approval of the AQMP (Revision 8.1, August 2022) (<i>current version</i>), dated 17/12/2022. ◦ Approval of the EMS (Version 9.1, June 2022) (<i>current version</i>) dated 14/07/2022. ◦ Approval of the NMP (Version 7, June 2022) (<i>superseded</i>), dated 8/08/2022. ◦ Approval of the NMP (Version 8, November 2022) (<i>current version</i>), dated 21/01/2023. ◦ Approval of the Rehabilitation Management Plan (RMP) (Version 1, December 2022) dated 25/01/2023. ◦ Approval of the HHMP (Version 6, dated June 2022) (<i>current version</i>), dated 6/02/2023. ◦ Approval of the SIMP (Version 3, June 2022) (<i>current version</i>), dated 5/04/2023. ◦ Approval of extension of time to submit revised EMPs until 30/09/2024, dated 17/06/2024. ◦ Approval of experts to prepare the revised WMP, dated 17/06/2024. • Correspondence from BCS in relation to revised EMPs related to update of figures and reference the relatively recent granting of the mining lease ML1846 and exploration licence EL9339, dated 12/07/2023. 	
LIMITS ON CONSENT				
Mining Operations				
5	The Applicant may carry out mining operations on site until the 31 December 2033. <i>Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of the 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>	Compliant	<ul style="list-style-type: none"> • Site inspection/interviews completed 8/9 October 2024. • Annual Reviews for 2021, 2022 and 2023. • Annual Returns for 2020/2021, 2021/2022, and 2022/2023. 	Within current approval period.
Coal Extraction and Transportation				
6	The Applicant must not extract more than 16 million tonnes of ROM coal from the site in a calendar year.	Compliant	<ul style="list-style-type: none"> • Annual Reviews for 2021, 2022 and 2023. • Annual Returns for 2020/2021, 2021/2022, and 2022/2023. • ROM coal tracking spreadsheet to August 2024. • WCPL 2024 Coal Plan Excel Spreadsheet. 	Review of relevant documentation indicates compliance with the requirements of this conditions, with production as follows: <ul style="list-style-type: none"> • 2023: 12.8 million tonnes (Mt). • 2022: 13.28 Mt. • 2021: 14.48 Mt.
7	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. 	Compliant	<ul style="list-style-type: none"> • Site inspection/interviews completed 8/9 October 2024. • Annual Reviews for 2021, 2022 and 2023. • Annual Returns for 2020/2021, 2021/2022, and 2022/2023. • ROM coal tracking spreadsheet to August 2024. • WCPL 2024 Coal Plan Excel Spreadsheet. 	<ul style="list-style-type: none"> • 2021: 12.17 Mt of product coal transported from Mine via rail, an average of approximately four trains per day. No more than 10 laden coal trains left the site during a 24-hour period. • 2022: 10.97 Mt of product coal transported from Mine via rail, an average of approx. 3.4 train movements per day. A maximum of 7 train movements per day. • 2023: 10.525 Mt of product coal transported from Mine via rail, an average of approx. 3.6 train movements per day. A maximum of 7 train movements per day.
NOTIFICATION OF COMMENCEMENT				
8	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.	Not triggered	N/A.	This condition falls outside the current audit period and was considered during the 2021 IEA.
SURRENDER OF EXISTING PROJECT APPROVAL				
9	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 conditions of this consent shall prevail to the extent of any inconsistency with the conditions of MP 05-0021. <i>Notes:</i> <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. 	Not triggered	N/A.	This condition was considered during the 2021 IEA which states 'Letter from DPIE dated 28 April 2020 confirming acceptance of the surrender project approval for the Wilpinjong Extension Project (MP 05-0021)'.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> 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. 			
STRUCTURAL ADEQUACY				
10	<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. 	Compliant	<ul style="list-style-type: none"> Site inspection/interviews completed 8/9 October 2024. Annual Reviews for 2021, 2022 and 2023. 	<p>2021 IEA Findings:</p> <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> <p>2024 IEA Findings:</p> <p>Status of 2021 IEA Recommendations:</p> <p>OFI01 and OFI02: Conduct of the audit determined relevant documentation related to structural adequacy was available for the auditor to determine compliance with the requirements of Schedule 2, Condition 10. In addition, it is noted Barnson Pty Ltd was engaged to prepare retroactive certifications for the Pit 3 pre-start facility. Therefore, this recommendation is considered closed.</p> <p>2024 IEA Findings:</p> <p>Conduct of the audit determined that while the construction of temporary accommodation approved by Modification 2 of SSD-6764 is underway, it has not yet been completed and as such, no BCA is available as yet.</p>
DEMOLITION				
11	<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>	Compliant	<ul style="list-style-type: none"> Site inspection/interviews completed 8/9 October 2024. Annual Reviews for 2021, 2022 and 2023. 2022 demolition of 17 Barigan Street (W15), 19 Barigan Street (W14), 2 Bedes Lane (W2), 3 Fitzgerald Street (W3), and 9 Price Street (W6), including: <ul style="list-style-type: none"> Asbestos Management Plans (AMP), with inspection completed 20/06/2014 (W15), 29/07/2014 (W14), 19/06/2014 (W2), 13/06/2014 (W3), and 11/08/2014 (W6). Complying Development Certificates (CDCs) 6022 (W15), 5822 (W14), 6222 (W2), 6122 (W3), and 6322 (W6), including Stamped Plans, all dated 26/07/2022. Notification of Commencement and Confirmation of PCA by Whitehall Building Certifiers, all dated 26/07/2022. Asbestos Inspection Reports completed by Whitehall Building Certifiers. 2024 demolition of 1 Ledes Lane, 3 Maitland Street, 4 Maitland Street, 5 Maitland Street, and 5 Parish Lane (BDC 2991), including: <ul style="list-style-type: none"> Asbestos Inspection Reports by completed by Jaycees Constructions CDCs (including Stamped Plans, all dated 8/09/2023), including: 0010/2024 (5 Maitland Road), 0011/2024 (3 Maitland Road), 0013/2024 (1 Bedes Lane), 0014/2024 (4 Maitland Street), 0015/2024 (5 Parish Lane). Photos of in-pit disposal of demolition materials (not including asbestos containing materials) dated 31/07/2023 and 1/08/2023. Job Step Analysis samples (WI-WIN-JSA) for dumping external building waste in Pit 7, dated 1/08/2023, 26/03/2024, 27/03/2024, 8/04/2024, 9/04/2024, 10/04/2024, 11/04/2024, 18/04/2024, 7/05/2024, 14/05/2024, 21/05/2024, 31/07/2024 2/08/2024, 3/08/2024, and 04/08/2024. 	Demolition undertaken during the audit period was determined to have been undertaken in accordance with the requirements of this condition.
PROTECTION OF PUBLIC INFRASTRUCTURE				
12	<p>Unless the Applicant and the applicable authority agree otherwise, the Applicant must:</p> <ol style="list-style-type: none"> repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and 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>	Not triggered	<ul style="list-style-type: none"> Site inspection/interviews completed 8/9 October 2024. Annual Reviews for 2021, 2022 and 2023. 	Review of relevant documentation and site interviews indicates this conditions has not been triggered during the audit period.
OPERATION OF PLANT AND EQUIPMENT				
13	<p>The Applicant must ensure that all plant and equipment used on site, or to monitor the performance of the development, is:</p>	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. 	Review of relevant documentation and conduct of audit interviews noted general compliance with the requirements of this condition. However, a non-compliance was identified in relation to an event which occurred on 19 May

Condition #	Details	Compliance status	Relevant evidence	Commentary				
	<ul style="list-style-type: none"> a. maintained in a proper and efficient condition; and b. operated in a proper and efficient manner. 		<ul style="list-style-type: none"> • Site interviews/inspection completed 8/9 October 2024. • Wilpinjong Coal Mine Training Needs Analysis (WI-TRG-REG-0004). • Introduction to Site Plant and Ancillary Equipment Inspection Form samples, including for: <ul style="list-style-type: none"> ◦ Mobile Service Cart (ST208/9341) dated 21/12/2023. ◦ Generator (4184) dated 14/03/2022. • Drill & Blast Preparation Request for Pit 6 sample (dated 30/05/2023), including sign-off sheet (dated 3/06/2023). • Drill Plan using Drill Pattern Cover Sheet (WI-MIN-FRM-0269) samples, including: <ul style="list-style-type: none"> ◦ In Pit 7, with signatures dated 23/02/2022. ◦ In Pit 6, with signatures dated 26/06/2023. ◦ In Pit 6, with signatures dated 28/06/2024. 	<p>2023 when a split in a poly pipeline resulted in mine water being reported off site and the Pollution Incident Response Management Plan (PIRMP) needing to be activated.</p> <p>Further investigations occurred and no change was detected in water chemistry or macroinvertebrate indices. The EPA reviewed the incident and determined corrective, and preventative measures had been taken. Further regulatory action would not be taken. Corrective actions taken included isolating and locking out the pump supplying water to the poly pipe, fixing the leak, additional containment topsoil stockpile controls and inspections.</p> <p>Therefore, the audit has determined no Corrective Action (CA), or Opportunity for Improvement (OFI) is relevant to this non-compliance.</p>				
PLANNING AGREEMENT								
14	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.	Not triggered	N/A.	This condition falls outside the current audit period and was considered during the 2021 IEA.				
SUPPLY OF OVERBURDEN								
15	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. <i>Note: The use of this material in the regional infrastructure project must be approved prior to the supply of any material</i>	Not triggered	<ul style="list-style-type: none"> • Site interviews/inspection completed 8/9 October 2024. • Annual Reviews for 2021, 2022 and 2023. 	Review of relevant documentation and conduct of site interviews indicates this condition has not been triggered, with no overburden material supplied or requested for regional infrastructure projects during the audit period.				
Schedule 3 – SPECIFIC ENVIRONMENTAL CONDITIONS								
ACQUISITION UPON REQUEST								
1	<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 and 933</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 and 933	Not triggered	<ul style="list-style-type: none"> • Site inspection/interviews completed 8/9 October 2024. • Annual Reviews for 2021, 2022 and 2023. 	Review of relevant documentation and conduct of site interviews indicates this condition has not been triggered during the audit period.		
Residence								
102 and 933								
MITIGATION UPON REQUEST								
2	<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 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 and 933	Not triggered	<ul style="list-style-type: none"> • Site inspection/interviews completed 8/9 October 2024. • Annual Reviews for 2021, 2022 and 2023. 	Review of relevant documentation and conduct of site interviews indicates this condition has not been triggered during the audit period.
Mitigation Basis	Residence							
Noise	102 and 933							
NOISE								
Noise Criteria								
3	The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 3 at any residence on privately-owned land or at the other specified locations.	Compliant	<ul style="list-style-type: none"> • Annual Reviews for 2021, 2022 and 2023. • Annual Returns for 2020/2021, 2021/2022, and 2022/2023. • NMP (Version 8, November 2022). • Noise Monitoring Reports for the audit period. • Noise agreements with: <ul style="list-style-type: none"> ◦ 564 Mogo Road, Wollar, with DPHI acknowledgement dated 11/12/2020. 	<p>Review of relevant documentation verifies compliance with the requirements of this condition, noting:</p> <ul style="list-style-type: none"> • 2021: no noise criteria exceeded • 2022: one exceedance of the Mine impact assessment LA_{eq} noise criteria at N15 in June 2022. A follow up measurement was taken directly afterwards and the Mine levels were compliant. • 2023: one exceedance at N15 during September 2023 monitoring. 15 minutes later a second measurement was taken, and noise levels were 				

Condition #	Details	Compliance status	Relevant evidence	Commentary																													
	<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> </tbody> </table> <p><i>Note: To interpret the locations referred to in Table 3, see the applicable figures in Appendix 5.</i></p> <p>Noise generated by the development is to be measured in accordance with the relevant requirements of the <i>NSW Industrial Noise Policy</i> (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 <i>NSW Industrial Noise Policy</i> 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 _A 1(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		-		<ul style="list-style-type: none"> 11 Barnett Street, Wollar, with DPE acknowledgement dated 8/12/2021. Lot 35 and Lot 36 DP 755422 (764 Mogo Road Wollar), with DPE acknowledgement dated 27/05/2021. Site inspection/interviews completed 8/9 October 2024. 	<p>compliant. Noise limits were not applicable due to meteorological conditions at the time of monitoring.</p> <ul style="list-style-type: none"> Most recently approved Noise Management Plan is from November 2022.
Location	Day		Evening	Night																													
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _A 1(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		-																													
Operating Conditions																																	
4	<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); 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; co-ordinate noise management at the site with the noise management at Moolarben and Ulan mines to minimise cumulative noise impacts; and carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. NMP (Version 8, November 2022) (<i>current version</i>). Noise Monitoring Reports for the audit period. Site inspection/interviews completed 8/9 October 2024. Environmental Noise Monitoring – Mogo Road Noise Complaints May 2023 (Advitech, 2023). 	<p>Review of relevant documentation indicates compliance with the requirements of this condition, with no exceedances of noise criteria in Table 3 during the audit period. Furthermore, it is noted:</p> <ul style="list-style-type: none"> The NMP outlines planning, operations and engineering controls which minimise development noise. Planning controls include cooperating with RailCorp and ARTC regarding the rail network and noise limits. Meteorological conditions are considered in noise management including use of an external provider for daily forecasting. Alerts are in place for adverse conditions and data is accessible. There is an on-site continuous monitoring meteorological monitoring station. Coordination and implementation of controls in conjunction with Moolarben and Ulan to prevent cumulative noise impacts. Conduct a mixture of operator-attended and unattended noise monitoring to assess performance at 11 specified locations, taking into account consultation feedback and proximity to community sites. There has generally been a reduction in the number of complaints received in relation to noise during the audit period, with all complaints were documented with commentary around the response to the complainant. Review of documentation and conduct of the audit interviews indicate WCPL are responsive to complaints, investigating complaints through the review of data from relevant monitoring equipment (e.g. meteorological station, real-time noise, and blast monitors) to verify the complaints. 																													
Noise Management Plan																																	
5	<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> <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 noise criteria and operating conditions in this consent; describe the proposed noise management system in detail; and 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 	Compliant	<ul style="list-style-type: none"> NMP (Version 8, November 2022) (<i>current version</i>). WCPL submission of revised NMP (Revision 7, June 2022) (<i>superseded</i>) (as a result of review completed after 2021 IEA) post-agency consultation dated 26/07/2022, including NSW EPA review comments and WCPL response. Correspondence from DPHI in relation to: <ul style="list-style-type: none"> Approval of the NMP (Version 7, June 2022) (<i>superseded</i>), dated 8/08/2022. Approval of the NMP (Version 8, November 2022) (<i>current version</i>), dated 21/01/2023. Approval of extension of time to submit revised EMPs until 30/09/2024, dated 17/06/2024. WCPL letter to DPHI requesting extension of time to submit EMPs (with consideration of Modification 2) and withdrawing request for approval for various EMPS submitted in June 2023, dated 4/06/2024, including revised NMP (Version 9, September 2024) (<i>not yet approved</i>). WCPL submission of EMPs for consultation with government stakeholders due to Modification 2 (approved 3/07/2024), dated 30/09/2024, including NMP (Version 9, September 2024) (<i>not yet approved</i>). 	<p>Review of the NMP (Version 8, November 2022) and other relevant documentation verified compliance with the requirements of this condition.</p>																													

Condition #	Details	Compliance status	Relevant evidence	Commentary															
6	The Applicant must implement the approved Noise Management Plan for the development.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site inspection/interviews completed 8/9 October 2024. Complaints register. Noise Monitoring Reports for the audit period. 	<p>2021 IEA Findings: 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> <p>2024 IEA Findings: Status of 2021 IEA Recommendations:</p> <p>2024 IEA Findings: Conduct of the audit determined compliance with the requirements of this condition.</p>															
BLASTING																			
Blast Criteria																			
7	<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%	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (<i>current version</i>), including correspondence from DPHI in relation to approval of the Blast Management Plan (Version 9.1, June 2022), dated 17/12/2022. Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 31/08/2024. Site inspection/interviews completed 8/9 October 2024. 	<p>2021 IEA Findings: OFI04: 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> <p>2024 IEA Findings: Status of 2021 IEA Recommendations: A revised Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (<i>current version</i>), was approved by DPHI on 17 December 2022. The BFMS was updated to include sensitive receivers for workers at the RO plant, post-fume event reporting requirements and improved mitigation measures.</p> <p>2024 IEA Findings: Review of relevant documentation indicates compliance with the requirements of this condition, noting:</p> <ul style="list-style-type: none"> Version 10 of the Blast Management Plan was revised in June 2023 and approval of this has not been sighted. Approval was pending when preparing the 2023 Annual Review. Within the 2021 Annual Review Reporting Period (from 24 September 2021), all blasts were within the approved criteria (153 blasts). No blasts exceeded ground vibration limits, and no fume events occurred. Within the 2022 Annual Review Reporting Period, all blasts were within the approved criteria (129 blasts). One blast on 24 September 2022 (116.3 dBL) reached 0.78% of the allowable 5 % of all blasts to be > 115 dBL for the Reporting Period. No blasts exceeded the ground vibration limit, and no fume events occurred. Within the 2023 Annual Review Reporting Period, all blasts were within the approved criteria (130 blasts). No airblast pressures exceeded limits nor blasts exceeding ground vibrations. No reportable fume events occurred in the 2023 Reporting Period. To the end of September 2024, all blasts were within the approved criteria (130 blasts). No airblast pressures exceeded limits nor blasts exceeding ground vibrations. No reportable fume events have occurred in the 2024 Reporting Period to date.
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%																
Blasting Hours																			
8	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.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023 Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 30/09/2024. Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (<i>current version</i>). 	<p>Review of the relevant documentation indicates compliance with the requirements of this condition.</p> <ul style="list-style-type: none"> 2021: no blasting events occurred outside the approved hours of 9am to 5pm, nor on a Sunday or Public Holiday. 2022: no blasting events occurred outside the approved hours of 9am to 5pm, nor on a Sunday or Public Holiday. 2023: no blasting events occurred outside the approved hours of 9am to 5pm, nor on a Sunday or Public Holiday. 2024 (to date): no blasting events occurred outside the approved hours of 9am to 5pm, nor on a Sunday or Public Holiday. 															
Blasting Frequency																			
9	The Applicant may carry out a maximum of: a. 2 blasts a day; and	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. 	<p>Review of the relevant documentation indicates compliance with the requirements of this condition, noting:</p>															

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<p>b. 5 blasts a week, averaged over a calendar year, at the site.</p> <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> <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. 		<ul style="list-style-type: none"> Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 30/09/2024. Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (current version). 	<ul style="list-style-type: none"> 2021: there were no more than two blasts per day and the weekly average was 2.9 blasts. 2022: there were no more than two blasts per day and the weekly average was 2.5 blasts. 2023: there were no more than two blasts per day and the weekly average was 2.5 blasts. 2024 (to date): there were no more than two blasts per day and the weekly average was <2.5 blasts.
Property Inspections				
10	<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> <ol style="list-style-type: none"> 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 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>	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection/interviews completed 8/9 October 2024. 	Conduct of the audit determined this condition has not been triggered during the audit period.
Property Investigations				
11	<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"> commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and 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>	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection/interviews completed 8/9 October 2024. 	Conduct of the audit determined this condition has not been triggered during the audit period.
Operating Conditions				
12	<p>During mining operations on the site, the Applicant must:</p> <ol style="list-style-type: none"> 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 Audit containing the Eastern Bentwing-bat roost site located adjacent to Pit 8; and minimise the dust and fume emissions from blasting at the development; ensure that blasting at the site does not: <ol style="list-style-type: none"> damage any identified rock shelters with moderate to high Aboriginal cultural heritage significance located within the Munghorn Gap Nature Reserve; and cause more than negligible damage to any identified rock shelters with low Aboriginal cultural heritage significance located within the Munghorn Gap Nature Reserve; limit temporary blasting-related road closures to 1 per day; 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; operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site; and carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent. 	Non-compliant (Low)	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site inspection/interviews completed 8/9 October 2024. Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (current version). Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 31/08/2024. Complaints register Pit 6 Vibration Monitoring – Missed Blast Vibration Event: <ul style="list-style-type: none"> Notification dated 30/03/2022 to MWRC and DPIE. Report provided to DPIE and MWRC, dated 6/04/2022, including Road Structures Inspection Report (Barnson, 5/04/2022), identifying no issues were identified. 	<p>Review of relevant documentation indicates general compliance with the requirements of this condition, with no exceedances of blast criteria in Table 4 of SSD-6764 during the audit period. With it noted:</p> <ul style="list-style-type: none"> Scheduled blast information is provided on the Mine website https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wilpinjong-Mine/Approvals.-Plans-Reports. This information was up to date for September at the time of IEA preparation. Review of the 2021, 2022 and 2023 Annual Reviews that the timing of blasts is arranged in co-ordination with Moolarben and Ulan to reduce cumulative impacts. WCPL maintain a hotline for accessing blasting information. The public can access the upcoming blast schedule on the Mine website (was up to date for September at the time of audit preparation). In relation to the 2024 IEA, WCPL consulted with registered Aboriginal parties (RAPs), with RAPs requesting the IEA consider ground vibration impacts and monitoring in relation to in situ rock shelters close to the mine. The IEA considered this concern and identified all blast monitoring requirements of Aboriginal sites was undertaken in line with the Blast Management Plan during the audit period, with all vibration results below the performance criteria for the respective sites. <p>Despite the above, non-compliance is noted in relation to:</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
				<ul style="list-style-type: none"> In relation to some of the required blasting data for the 2021 Reporting Period not being available, relating to blast monitoring of public infrastructure at Pit 6. This non-compliance was identified during preparation of the 2021 Annual Review and reported to MWRC and DPIE on 30 March 2022. An investigation report relating to this non-compliance, including Road Structures Inspection Report (Barnson, April 2022), was provided to these agencies on 6 April 2022. The investigation did not identify any issues / impacts to the public infrastructure. As this non-compliance was a one-off occurrence and has not reoccurred during the audit period and was already reported to relevant agencies, a corrective action has not been deemed relevant. The 2022 Annual Review noted a non-compliance as employees were exposed to and affected by NOx fumes from a planned blast (11 April 2022). The PIRMP was activated, and the NSW Resources Regulator issued a Section 195 notice. Actions taken to prevent recurrence were outlined in the incident report prepared for the NSW Resources Regulator. An environmental incident notification for the blast fume event, dated 11 April 2022 was issued and a Blast Fume Report provided to the NSW EPA on 22 May 2022. A letter from NSW EPA acknowledging receipt of the Blast Fume Report was also sighted. In addition, subsequent updates were received on 12 April 2022 and 20 April 2022 and on 18 July 2022 it was stated that no regulatory action was deemed relevant. As this non-compliance was a one-off occurrence and has not reoccurred during the audit period and was already reported to relevant agencies, a corrective action has not been deemed relevant. <p>While the missing blast data is an administrative non-compliance, a low risk non-compliance has been identified for this condition due to the blast fume event.</p>
13	<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. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023 Site inspection/interviews completed 8/9 October 2024 Blast Management Plan (Version 9, June 2022), including written agreements from infrastructure owners for blasting within 500m (Appendix 4). 	Review of the relevant documentation indicates compliance with the requirements of this condition.
Blast Management Plan				
14	<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 BCS; describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent; include an 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 	Compliant	<ul style="list-style-type: none"> Blast Management Plan (Version 9.1, June 2022) (<i>current version</i>), including the BFMS (Version 5, June 2022). WCPL submission of various EMPs to NSW EPA, dated 12/07/2022, including the Blast Management Plan (Version 9.1, June 2022), including the BFMS (Version 5, June 2022). WCPL submission of revised Blast Management Plan (Version 9.1 June 2022), including the BFMS (Version 5, June 2022). (as a result of review completed after 2021 IEA) post-agency consultation dated 26/07/2022, including NSW EPA review comments and WCPL response. Correspondence from BCS noting no comments on the Blast Management Plan and ACHMP, dated 12/07/2022. Correspondence from DPHI in relation to: <ul style="list-style-type: none"> Requesting additional information in relation to the Blast Management Plan (Version 9, June 2022) by 9/09/2022 Approval of the Blast Management Plan (Revision 9.1, June 2022) dated 17/12/2022. Approval of extension of time to submit revised EMPs until 30/09/2024, dated 17/06/2024. WCPL letter to DPHI requesting extension of time to submit EMPs (with consideration of Modification 2) and withdrawing request for approval for various EMPs submitted in June 2023, dated 4/06/2024, including Blast Management Plan (Version 9, June 2022) and BFMS (Version 5, June 2022). WCPL submission of EMPs for consultation with government stakeholders due to Modification 2 (approved 3/07/2024), dated 30/09/2024, including the Blast Management Plan (Version 10, September 2024) (<i>current version</i>) and the BFMS (Version 6, September 2024). 	<p>Review of the relevant documentation indicates compliance with the requirements of this condition, noting:</p> <ul style="list-style-type: none"> The Blast Management Plan (Version 9.1, June 2022) (<i>current version</i>) was developed in consultation with DPHI and the EPA. Blast emission monitoring results presented in the Blast Management Plan (Version 9.1 reviewed) show 100% compliance with the Blast Criteria and ground vibration criteria. This monitoring program outlines how blasting is measured to ensure the Blast Criteria are being achieved. Section 5.5 of the Blast Management Plan outlines Eastern Bentwing-Bat Management Strategies. Section 4.1 of the Blast Management Plan provides a Table addressing the ground vibration limits for nearby public infrastructure. Section 5.3 of the Blast Management Plan addresses road closures and management controls when blasting within certain distances of a public road. Section 6 of the Blast Management Plan covers the monitoring program including locations of sites on private and public land.

Condition #	Details	Compliance status	Relevant evidence	Commentary
15	The Applicant must implement the approved Blast Management Plan for the development.	Non-compliant (Administrative)	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site inspection/interviews completed 8/9 October 2024. Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (<i>current version</i>). Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 31/08/2024. Complaints register Pit 6 Vibration Monitoring – Missed Blast Vibration Event: <ul style="list-style-type: none"> Notification dated 30/03/2022 to MWRC and DPIE. Report provided to DPIE and MWRC, dated 6/04/2022, including Road Structures Inspection Report (Barnson, 5/04/2022), identifying no issues were identified. 	Review of relevant documentation indicates general compliance with the requirements of this condition; however, non-compliance with this condition has been identified due to missing blasting data for the 2021 Reporting Period, relating to blast monitoring of public infrastructure at Pit 6. This is discussed further at Schedule 3, Condition 12. As Schedule 3, Condition 12 has been actioned and closed off, Schedule 3, Condition 15 does not require a CA or OFI.
AIR QUALITY				
Odour				
16	The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023 Annual Returns for 2021/2022, 2022/2023, and 2023/2024. AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022), (<i>current version</i>). WCPL submission of various EMPs to NSW EPA, dated 12/07/2022, including AQMP and SCMP. WCPL submission of revised AQMP (Revision 8.1, August 2022) and SCMP (Version 8, June 2022) (as a result of review completed after 2021 IEA) post-agency consultation dated 26/07/2022, including NSW EPA review comments and WCPL response. Correspondence from DPPI in relation to: <ul style="list-style-type: none"> Approval of the AQMP (Revision 8, June 2022), including SCMP (Version 8, June 2022), dated 17/12/2022. Approval of extension of time to submit revised EMPs until 30/09/2024, dated 17/06/2024. Complaints register. Site interviews and inspection completed 8/9 October 2024. 	<p>2021 IEA Findings:</p> <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> <p>2024 IEA Findings:</p> <p><u>Status of 2021 IEA Recommendations:</u></p> <p>Review of documentation verifies the SCMP (Version 8.1, August 2022) was reviewed and revised within six months of the 2021 IEA action plan being accepted by the former DPE (now DPPI). Revisions included an appropriate procedure to mitigate off-site odour impacts as they arise and frequency of entire site thermal surveys. In addition, an entire site thermal survey was conducted 8 October 2021. The SCMP (Version 8.1, August 2022) was approved on 17 December 2022. The recommendations were closed in 2022.</p> <p><u>2024 IEA Findings:</u></p> <p>Review of the relevant documentation indicates compliance with the requirements of this condition, noting:</p> <ul style="list-style-type: none"> No reportable incidents caused by spontaneous combustion occurred in 2021, 2022, 2023, or 2024 (to date). The site inspection completed on 8 and 9 October 2024 did not identify any odours or spontaneous combustion. <p>Complaints records indicate complaints were received during the audit period in relation to odour (i.e. 17 in 2021, 2 in 2022 Reporting Period, 12 in 2023 Reporting Period, and 6 in 2024 [to date]). However, review of relevant documentation indicates none of these complaints were verified, with WCPL completing follow-up checks on receipt of the complaints (including a review of the wind speed and wind direction prior to receiving an odour complaint) and were unable to detect spontaneous combustion outbreaks with the capacity to generate offsite odours or detect odours beyond the boundary of the Mine. It is noted, the complainants declined to discuss any of the odour complaints with a WCPL representative for all of these complaints.</p>
Air Quality Criteria				
17	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.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022) (<i>current version</i>). Site interviews and inspection completed 8/9 October 2024. Air Quality Monitoring Reports for the audit period. Air Quality & Management Presentation (November 2021). NSW EPA Bust the Dust Campaign (950-WI-WILP-TBT) Presentation. 	<p>2021 IEA Findings:</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> <p>2024 IEA Findings:</p> <p><u>Status of 2021 IEA Recommendations:</u></p> <p>Review of relevant documentation verifies this recommendation has been closed out, with:</p> <ul style="list-style-type: none"> Dust management training provided to applicable operational personnel by the Environment and Community Department in November 2021 through a presentation on air quality and management.

Condition #	Details	Compliance status	Relevant evidence	Commentary																			
	<p>Table 5: Air quality criteria</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th colspan="2">^dCriterion</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td colspan="2">≈ 30 µg/m³</td> </tr> <tr> <td>24 hour</td> <td colspan="2">≈ 50 µg/m³</td> </tr> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td colspan="2">≈ 90 µg/m³</td> </tr> <tr> <td rowspan="2">^c Deposited dust</td> <td rowspan="2">Annual</td> <td>^b 2 g/m²/month</td> <td>≈ 4 g/m²/month</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources). Incremental impact (i.e. incremental increase in concentrations due to the development on its own). 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. Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary. <p>However, these criteria do not apply if the Applicant has an agreement with the owner/s of the relevant residence of land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.</p>	Pollutant	Averaging period	^d Criterion		Particulate matter < 10 µm (PM ₁₀)	Annual	≈ 30 µg/m ³		24 hour	≈ 50 µg/m ³		Total suspended particulate (TSP) matter	Annual	≈ 90 µg/m ³		^c Deposited dust	Annual	^b 2 g/m ² /month	≈ 4 g/m ² /month			<ul style="list-style-type: none"> A review of daily productions occurring to consider availability of water carts in respect of forecasting adverse weather. A trigger level established to assist in mitigating dust impacts associated with bad weather conditions. Annual presentations in relation to the NSW EPA's Bust the Dust Campaign, and use of the NSW EPA's Dust Assessment Handbook. <p>2024 IEA Findings: Review of the relevant documentation indicates compliance with the requirements of this condition, noting:</p> <ul style="list-style-type: none"> WCPL have a mine amenity agreement with property #933, with increased 24 hour PM¹⁰ concentrations are permitted at this location. During the 2021 Reporting Period, deposited dust monitoring results did not exceed approved criteria. One day the PM₁₀ concentrations exceeded relevant criterion; however, this was determined to not be due to mining and due to smoke from hazard reduction burning unrelated to mining activities. During the 2022 Reporting Period, no exceedances of air quality criteria occurred. During the 2023 Reporting Period, no exceedances of air quality criteria occurred. During the 2024 Reporting Period (to 30 September 2024), no exceedances of air quality criteria occurred.
Pollutant	Averaging period	^d Criterion																					
Particulate matter < 10 µm (PM ₁₀)	Annual	≈ 30 µg/m ³																					
	24 hour	≈ 50 µg/m ³																					
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^c Deposited dust	Annual	^b 2 g/m ² /month	≈ 4 g/m ² /month																				
		Mine-owned Land																					
18	<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; 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); 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 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 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023 AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022) (current version). Site interviews and inspection completed 8/9 October 2024 Air Quality Monitoring Reports for the audit period Standard Form Agreement – Standard form residential tenancy agreement (First National Real Estate – Mudjee), including Mine Dust and You Fact Sheet, most recently revised in 2022. 	Review of the relevant documentation indicates compliance with the requirements of this condition.																			
Operating Conditions																							
19	<p>The Applicant shall:</p> <ol style="list-style-type: none"> implement all reasonable and feasible measures to minimise the off-site odour, fume, spontaneous combustion and dust emissions of the development; implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site; minimise any visible air pollution generated by the development; 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; minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note d to Table 5); 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 carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent; and minimise the extent of potential dust generating surfaces exposed on the site at any given point in time through implementation of progressive rehabilitation, including use of interim stabilisation and temporary vegetation strategies when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated. 	Compliant	<ul style="list-style-type: none"> AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022) (current version). Annual Reviews for 2021/2022, 2022/2023, 2023/2024. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site interviews and inspection completed 8/9 October 2024 Air Quality Monitoring Reports for the audit period. Complaints register. Air Quality & Management Presentation (November 2021). NSW EPA Bust the Dust Campaign (950-WI-WILP-TBT) Presentation. 	<p>2021 IEA Findings: OFI08: 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.</p> <p>2024 IEA Findings: Status of 2021 IEA Recommendations: Review of relevant documentation verifies this recommendation has been closed out, with WCPL proposing to engage their air quality specialist to review real time meteorological data and implement triggers and update the AQMP accordingly with findings from their review. The revised AQMP (Version 8.1, August 2022) was approved by DPE on 17 December 2022.</p> <p>2024 IEA Findings: Review of the relevant documentation indicates compliance with the requirements of this condition, noting:</p> <ul style="list-style-type: none"> The AQMP (Version 8.1, August 2022) outlines the regular monitoring program including meteorological forecasting and real-time air quality monitoring data. WCPL cooperates with Moolarben and Ulan Mines on data sharing and collaboration to minimise the cumulative air quality impacts on the surrounding community. During the 2022 Reporting Period, no exceedances of air quality criteria occurred. 																			

Condition #	Details	Compliance status	Relevant evidence	Commentary
				<ul style="list-style-type: none"> • During the 2023 Reporting Period, no exceedances of air quality criteria occurred. • During the 2024 Reporting Period (to 30 September 2024), no exceedances of air quality criteria occurred. • Dust management training provided to applicable operational personnel by the Environment and Community Department in November 2021 through a presentation on air quality and management. • A review of daily productions occurs, to consider availability of water carts in respect of forecasting adverse weather. • Annual presentations in relation to the NSW EPA's Bust the Dust Campaign, and use of the NSW EPA's Dust Assessment Handbook.
Air Quality Management Plan				
20	<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; include a review of all air quality management measures against best practice guidelines; 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 include a Spontaneous Combustion Management Plan that: <ul style="list-style-type: none"> identifies all areas (including stockpiles, waste emplacements, piles, seams and inter-burden) 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><i>Note: The air quality monitoring program may incorporate monitoring from any relevant regional monitoring network endorsed by EPA.</i></p>	Compliant	<ul style="list-style-type: none"> • AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022) (<i>current version</i>). • WCPL submission of various EMPs to NSW EPA, dated 12/07/2022, including AQMP (Revision 8.1, August 2022). • WCPL submission of revised AQMP (Revision 8.1, August 2022) and SCMP (Version 8, June 2022) (as a result of review completed after 2021 IEA) post-agency consultation dated 26/07/2022, including NSW EPA review comments and WCPL response. • WCPL submission of AQMP (Revision 9, September 2024), including SCMP (Version 9, September 2024) (<i>not yet approved</i>), for consultation with government stakeholders due to Modification 2 (approved 3/07/2024), dated 30/09/2024. • Correspondence from DPHI in relation to: <ul style="list-style-type: none"> ◦ Approval of the AQMP (Revision 8.1, August 2022), dated 17/12/2022. ◦ Approval of extension of time to submit revised EMPs until 30/09/2024, dated 17/06/2024. • WCPL letter to DPHI requesting extension of time to submit EMPs (with consideration of Modification 2) and withdrawing request for approval for various EMPs submitted in June 2023, dated 4/06/2024, including revised AQMP (Revision 8.1, August 2022) and SCMP (Version 8, June 2022). 	<p>2021 IEA Findings: OFI09: <i>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.</i></p> <p>2024 IEA Findings: Status of 2021 IEA Recommendations: Review of relevant documentation verifies this recommendation has been closed out, with WCPL proposing to engage their air quality specialist to review real time meteorological data and implement triggers and update the AQMP accordingly with findings from their review. The revised AQMP (Version 8.1, August 2022) was approved on 17 December 2022.</p> <p>2024 IEA Findings: Review of the AQMP (Revision 8.1, August 2022) and SCMP (Version 8, June 2022) verified compliance with the requirements of this condition.</p>
21	The Applicant must implement the approved Air Quality Management Plan for the development.	Compliant	<ul style="list-style-type: none"> • AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022) (<i>current version</i>). • Site interviews and inspection completed 8/9 October 2024 • Air Quality Monitoring Reports for the audit period. • Complaints register. • Air Quality & Management Presentation (November 2021). • NSW EPA Bust the Dust Campaign (950-WI-WILP-TBT) Presentation. • Correspondence from DPHI in relation to approval of the AQMP (Revision 8.1, August 2022), dated 17/12/2022. 	<p>2021 IEA Findings: OFI10: <i>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.</i></p> <p>2024 IEA Findings: Status of 2021 IEA Recommendations: Review of relevant documentation verifies this recommendation has been closed out, with the AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022), revised during the audit period and approved by DPE on 17 December 2022.</p> <p>2024 IEA Findings: Review of relevant documentation indicates compliance with the requirements of this condition.</p>
METEOROLOGICAL MONITORING				
22	<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> <ol style="list-style-type: none"> complies with the requirements in Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and 	Compliant	<ul style="list-style-type: none"> • Site inspection/interviews completed 8/9 October 2024 • AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022) (<i>current version</i>). • Meteorological Station Customer Service Report (S/N 16-0942) completed by ACOEM, dated 7/11/2022. • Meteorological Station Calibration Reports completed by ACOEM: 	Review of the relevant documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	b. is capable of continuous real-time measurement of temperature inversions in accordance with the NSW Industrial Noise Policy, unless a suitable alternative is approved by the Secretary following consultation with the EPA.		<ul style="list-style-type: none"> ID 026338 dated 4/11/2022. ID 028260 dated 6/12/2023. Weather Station Maintenance and Calibration Report (Work Order 35514) completed by Novecom, dated 30/11/2022. 	
WATER				
Water Supply				
23	<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>	Compliant	<ul style="list-style-type: none"> Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017). Annual Reviews for 2021/2022, 2022/2023, and 2023/2024. 	<p>2021 IEA Findings:</p> <p>OFI11: <i>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 offsite discharge of mine water and potential need for mine water transfer with neighbouring mines.</i></p> <p>OFI12: <i>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.</i></p> <p>2024 IEA Findings:</p> <p><u>Status of 2021 IEA Recommendations:</u></p> <p>OFI11: Review of relevant documentation indicates this OFI has not been implemented, with the site water balance updated annually with updates documented in Appendix 3C of the Mine Annual Reviews. The 2022 Annual Review water balance forecast indicates that the forecast period was extended to December 2025, while the 2023 Annual Review water balance forecast indicates that the forecast period was extended to December 2026. Therefore, OFI11 has been reproduced in the 2024 IEA as OFI01.</p> <p>OFI12: Review of the Annual Reviews for the audit period indicates this OFI has not been addressed; however, it is the auditor's view that groundwater take from pastoral activities undertaken by Peabody Pastoral Holdings Pty Ltd is not relevant in relation to reporting in the Annual Review for Mine, being activities that are undertaken by a separate entity and unrelated to the Mine.</p> <p><u>2024 IEA Findings:</u></p> <p>Quantification of operational water demands are detailed in the Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017), which states:</p> <p><i>"The Wilpinjong Coal Mine Water Management System has been designed to maximise the reuse of on-site water runoff and groundwater flows. Nevertheless, in particularly dry years, water from the existing borefield may be required."</i></p> <p>Water balance results indicate shortfall in very dry climate conditions (1st percentile) where borefield makeup could be required (up to approximately 130 ML/year).</p> <p>The Mine water management system includes a borefield to the north, with up to 19 bores. Two of the bores are licensed to provide up to 110 ML annually (220 ML in total) which is sufficient to meet makeup demand (up to 130 ML/year) during dry conditions.</p> <p>Review of the 2021, 2022 and 2023 Annual Reviews indicate that there was sufficient water to supply the development and that the WALs held were sufficient to cover licensable take.</p> <p>OFI01: <i>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 offsite discharge of mine water and potential need for mine water transfer with neighbouring mines.</i></p>
Compensatory Water Supply				
24	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 Water Group, and to the satisfaction of the Secretary.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021/2022, 2022/2023, 2023/2024. WMP (WI-ENV-MNP-006) (Version 4, August 2017), including: <ul style="list-style-type: none"> Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017). SWMP (WI-ENV-MNP-0040) (Version 3, June 2018). GWMP (WI-ENV-MNP0041) (Version 3, August 2017). 	<p>2021 IEA Findings:</p> <p>OFI13: <i>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</i></p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<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.</p> <p>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>Note: The Water Management Plan (see condition 30) is required to include trigger levels for investigating potentially adverse impacts on water supplies.</p>		<ul style="list-style-type: none"> Site interviews and inspection completed 8/9 October 2024. 	<p>and levels, noting that the Wollar School has been in recess for 3 years and may not re-open.</p> <p>2024 IEA Findings:</p> <p><u>Status of 2021 IEA Recommendations:</u></p> <p>Review of the revised GWMP submitted 30 September 2024 (not yet approved) does not include any provisions for quarterly monitoring of the Wollar Public School bore groundwater level. Monitoring results for the Wollar Public School bore groundwater level are not included in the Annual Reviews. As the Wollar Public School was predicted to experience greater than 2 metre drawdown related to the activities of the Project, OFI20 has been reproduced in the 2024 IEA as OFI02.</p> <p><u>2024 IEA Findings:</u></p> <p>No compensatory water supply was required during the audit period.</p> <p>Table 17 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) outlines a trigger action response plan (TARP) for complaints by local landholders regarding surface water supply. The TARPs in Section 8 of the GWMP (WI-ENV-MNP0041) (Version 3, August 2017) also outlines that an alternative water source will be provided if required.</p> <p>OFI02: 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.</p>
Discharge Limits				
25	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.	Non-compliant (Low)	<ul style="list-style-type: none"> Site interviews and inspection completed 8/9 October 2024. Annual Reviews for 2021/2022, 2022/2023, 2023/2024 WMP (WI-ENV-MNP-006) (Version 4, August 2017), including: <ul style="list-style-type: none"> Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017). SWMP (WI-ENV-MNP-0040) (Version 3, June 2018). GWMP (WI-ENV-MNP0041) (Version 3, August 2017). 	<p>One unlicensed discharge was reported during the audit period, with discharge of untreated mine water occurring on 19 May 2023. The discharge was caused by a split in a poly pipe which resulted in water flowing through a vegetated area within the mine boundary towards a catchment dam. Some of this water passed through a low point in the containment bund resulting in water reporting off-site. This event was reported as a non-compliance with this condition.</p> <p>Review of correspondence with the NSW EPA following the event indicates that the incident was managed in accordance with the WMP (WI-ENV-MNP-006) (Version 4, August 2017) and the Mine Pollution Incident Management Plan (PIRMP).</p> <p>As this event was a one-off occurrence, and has been reported and closed out, no CA or OFI has been deemed relevant.</p>
Cumbo Creek Relocation				
26	The Applicant must design, construct, maintain, and rehabilitate the proposed relocation of Cumbo Creek, to the satisfaction of the Secretary.	Not triggered	Site interviews and inspection completed 8/9 October 2024.	<p>It was confirmed by WCPL staff during a site inspection completed by Engeny on 8 and 9 of October 2024 that the Cumbo Creek Relocation is no longer planned to take place.</p> <p>It is understood that WCPL is in the process of seeking to amend SSD-6764 to remove conditions relating to the relocation of Cumbo Creek.</p>
27	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.	Not triggered	Site interviews and inspection completed 8/9 October 2024.	<p>It was confirmed by WCPL staff during a site inspection completed by Engeny on 8 and 9 of October 2024 that the Cumbo Creek Relocation is no longer planned to take place.</p> <p>It is understood that WCPL is in the process of seeking to amend SSD-6764 to remove conditions relating to the relocation of Cumbo Creek.</p>
28	Prior to destroying the original creek line, the Applicant must demonstrate that the Cumbo Creek relocation is operating successfully, in consultation with Water Group, and to the satisfaction of the Secretary.	Not triggered	Site interviews and inspection completed 8/9 October 2024.	<p>It was confirmed by WCPL staff during a site inspection completed by Engeny on 8 and 9 of October 2024 that the Cumbo Creek Relocation is no longer planned to take place.</p> <p>It is understood that WCPL is in the process of seeking to amend SSD-6764 to remove conditions relating to the relocation of Cumbo Creek.</p>
29	The Applicant must comply with the performance measures in Table 6 to the satisfaction of the Secretary.	Non-compliant (Low)	<ul style="list-style-type: none"> Annual Reviews for 2021/2022, 2022/2023, 2023/2024 Site interviews and inspection completed 8/9 October 2024 WMP (WI-ENV-MNP-006) (Version 4, August 2017), including: <ul style="list-style-type: none"> Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017). SWMP (WI-ENV-MNP-0040) (Version 3, June 2018). GWMP (WI-ENV-MNP0041) (Version 3, August 2017). Annual Returns for 2021, 2022, and 2023. 	<p>2021 IEA Findings:</p> <p>OFI14: 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</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary																				
	<p><i>Table 6: Water management performance measures</i></p> <table border="1" data-bbox="305 279 1276 1163"> <thead> <tr> <th data-bbox="305 279 557 331">Feature</th> <th data-bbox="557 279 1276 331">Performance Measure</th> </tr> </thead> <tbody> <tr> <td data-bbox="305 331 557 485">General</td> <td data-bbox="557 331 1276 485"> 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 data-bbox="305 485 557 548">Clean water diversion & storage infrastructure</td> <td data-bbox="557 485 1276 548">Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site</td> </tr> <tr> <td data-bbox="305 548 557 636">Sediment dams</td> <td data-bbox="557 548 1276 636">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 data-bbox="305 636 557 753">Mine water storages</td> <td data-bbox="557 636 1276 753"> Design, install and/or maintain mine water storage infrastructure to ensure no discharge of untreated mine water off-site. 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All final voids designed to exclude all flood events up to including the PMF event. </td> </tr> <tr> <td data-bbox="305 1037 557 1100">Overburden, CHPP Reject and Tailings</td> <td data-bbox="557 1037 1276 1100">Design, install and maintain emplacements to prevent or minimise the migration of pollutants due to seepage</td> </tr> <tr> <td data-bbox="305 1100 557 1163">Chemical and hydrocarbon storage</td> <td data-bbox="557 1100 1276 1163">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>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>OFI15: 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>OFI16: It is recommended that the predicted impacts of the mine on water flow are reviewed, and performance measures included in the SWMP.</p> <p>2024 IEA Findings: <u>Status of 2021 IEA Recommendations:</u> OFI14: The 2022 Annual Review states: <i>"WCPL are planning to install a strategic clean water diversion in western area of Pit 6 to reduce surface water from undisturbed water catchments that will otherwise report into the Pit 6 disturbance footprint. During the Reporting period clean water upslope of mining disturbance in Pit 6 & 8 was captured in existing dams, pumped around the active mining area and returned downslope of the mining operation."</i> The 2023 Annual Review states: <i>"WCPL are planning to install a strategic clean water diversion in western area of Pit 6 to reduce surface water from undisturbed water catchments that will otherwise report into the Pit 6 disturbance footprint."</i> The above statements indicate that the Pit 6 diversion has not yet been installed. Therefore, OFI14 has been reproduced in the 2024 IEA as OFI03. OFI15: Section 6.6 of the updated 2022 revision of the SWMP states: <i>"To develop appropriate water trigger levels for reinstated drainage lines within rehabilitated landforms, water quality monitoring from rehabilitated landforms is scheduled to commence in late 2022, with the installation of two automated water sampling units, one unit in Pit 5 South and one unit in Pit 1 North. WCPL will continue to liaise with its surface water specialist and accrue data until it is considered there is sufficient data to determine water trigger levels for reinstated drainage lines."</i> Therefore, OFI15 has been closed. OFI16: Section 6.8 of the updated 2022 revision of the SWMP states: <i>"The re-establishment of a flow trigger is not deemed the most suitable method of capturing the environmental impacts of mining operations at Wilpinjong Creek. Instead, it is recommended that a detailed review of flow trends will be undertaken annually, to assess compliance with environmental outcomes and water management performance measures. The review will consider historical baseline data, the relationships between climate, mining operations, groundwater levels, and waterway conditions and other impacting processes. A detailed cause-and-effect analysis will be undertaken to provide a clear picture of waterway health and impacts being incurred."</i> Therefore, OFI16 has been closed. <u>2024 IEA Findings:</u> The performance measures are reported on in the 2021, 2022 and 2023 Annual Reviews. <i>General and Clean water diversions & storage infrastructure</i> Section 3 of the Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017) details the components of the Mine water management system (WMS) that receive inflows from pit dewatering, with the WMS to maintain separation between clean, dirty and mine water management systems. </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																							
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				<p>As per the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018), where reasonable and feasible, runoff from undisturbed areas (i.e. clean water) is diverted via clean water drains. Clean water diversions, pipelines and transfers dams are in place upstream of each of the mining pits and are progressively constructed during pit progression.</p> <p>Runoff from disturbed areas is managed via sediment dams, which is discussed below.</p> <p><i>Sediment Dams</i></p> <p>Sediment dams are designed and managed as per Sections 5.2.1 to 5.2.4 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018).</p> <p>Section 3.4 of the Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017) states that sediment dams on site have been designed in accordance with Managing Urban Stormwater, Soils and Construction (Landcom, 2004) (the 'Blue Book') and Managing Urban Stormwater, Soils and Construction – Volume 2E Mines and Quarries (Department of Environment and Climate Change, 2008) based on the catchment area reporting to the dams. The design criteria for the dams is also noted to be provided.</p> <p>The pump capacity required to dewater each of the sediment dams within five (5) days, as per the 'Blue Book' (Landcom, 2004), are listed in Table 4 of the Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017).</p> <p>The sediment dams are managed via transfers to the Mine WMS to avoid discharges. It is possible that discharges could occur during rainfall events of a greater magnitude than the event for which the dams have been designed to contain (5 day, 95th percentile event). However, no discharges from sediment dams were reported in the 2021, 2022 and 2023 Annual Reviews.</p> <p><i>Mine Water Storages</i></p> <p>Mine water storages are described in Section 3 of the Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017), which states that management of mine water storages is undertaken to "protect the integrity of local and regional water sources" and "to operate such that there is no contained water storage overflow".</p> <p>Discharges of untreated mine water is reported in the 2021, 2022 and 2023 Annual Reviews. There was one discharge of untreated mine water on 19 May 2023 that was reported as a non-compliance of SSD-6764 and environmental protection license (EPL12425). The incident was managed in accordance with the WMP (WI-ENV-MNP-006) (Version 4, August 2017) and reported on in the 2023 Annual Review.</p> <p><i>Wilpinjong, Cumbo and Wollar Creeks</i></p> <p>Sections 6.1 and 8.2 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) outlines triggers for the assessment of impacts to Wilpinjong Creek, Cumbo Creek, and Wollar Creek. While some exceedances of trigger values were observed during the assessment period, results and investigations reported in the 2021, 2022 and 2023 Annual reviews indicate no greater impact than predicted for the development for water flow and quality for these locations.</p> <p><i>Aquatic, Riparian and Groundwater Dependent Ecosystems</i></p> <p>Sections 6.2, 7.2 and 8.2.4 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) and Section 8.3 of the GWMP (WI-ENV-MNP0041) (Version 3, August 2017) outline how monitoring of aquatic, riparian and groundwater dependent ecosystems is undertaken and methodologies for assessing impacts.</p> <p>Assessment of impacts is reported in the 2021, 2022 and 2023 Annual Reviews, with monitoring results indicating negligible environmental consequences beyond those predicted for the development.</p> <p><i>Flood Mitigation Measures</i></p> <p>Section 5.7 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) outlines flood management components of the Mine WMS stating that WCPL "will maintain all open cut pits, CHPP, coal stockpiles and main mine facilities areas so that they exclude flows for all flood events up to and including the 1 in 100-year ARI".</p> <p>It is also stated that the final voids will be designed to exclude all flood events up to the probable maximum flood.</p> <p><i>Overburden, CHPP Reject and Tailings</i></p> <p>A site inspection was undertaken by Engeny on 8 and 9 October 2024 as part of the audit, which observed the Mine is an internally draining site and that</p>

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				<p>runoff from overburden, CHPP reject, and tailings areas reports to, and is managed in, the Mine WMS.</p> <p><i>Chemical and Hydrocarbon Storage</i></p> <p>Section 9 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) states that storage of chemical and hydrocarbon products in bunded areas in accordance with the relevant Australian Standards and chemical and hydrocarbon spill containment and prompt clean-up using mobile spill kit.</p> <p>Section 9 of the PIRMP outlines the responsibility to, as possible: “undertake regular inspections of the site, including all areas where hazardous waste, chemicals and hydrocarbon products are stored and handled”</p> <p>No chemical and hydrocarbon storage related non-compliances were reported in the 2022 and 2023 Annual Reviews, while chemical and hydrocarbon storage was inspected during the site inspection completed by Engeny on 8 and 9 October 2024 for the audit. All chemicals and hydrocarbons observed were stored in bunded areas at the fuel farm and workshop areas.</p> <p>OFI03: <i>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.</i></p>
Water Management Plan				
30	<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"> be prepared in consultation with Water Group and EPA, by suitably qualified and experienced persons whose appointment has been approved by the Secretary; include detailed performance criteria and describe measures to ensure that the Applicant complies with the water management performance measures (see Table 6); 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 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"> Cumbo Creek Relocation Plan that includes: <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; Site Water Balance that: <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); 	Non-compliant (Administrative)	<ul style="list-style-type: none"> WMP (WI-ENV-MNP-006) (Version 4, August 2017) and consultation evidence and approval letter, including: <ul style="list-style-type: none"> Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017). SWMP (WI-ENV-MNP-0040) (Version 3, June 2018). GWMP (WI-ENV-MNP0041) (Version 3, August 2017). 	<p>2021 IEA Findings:</p> <p>OFI17: Update the Site Water Balance to detail the investigation and implementation of water saving measures during the 2017-2019 drought.</p> <p>OFI18: Update the SWMP to include the developed performance triggers for the reinstatement of drainage lines.</p> <p>OFI19: 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>OFI20: 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>OFI21: 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.</p> <p>OFI22: Annual review should include information as to whether the model updates were independently reviewed.</p> <p>OFI23: Solubility of key metals from waste and reject bore holes to be analysed and included in annual review.</p> <p>2024 IEA Findings:</p> <p><u>Status of 2021 IEA Recommendations:</u></p> <p>Following the 2021 IEA, the WMP, SWMP, SWB and GWMP were updated and provided to the former DPE Water (now NSW DCCEE Water Group). The final revision of the 2021 IEA was provided to WCPL on 20 December 2021. The updated plans were provided to DPE Water 30 June 2022, with DPE Water providing feedback on the draft plans on 9 August 2022 and requested additional information to be added to the GWMP (Appendix 3 of the GWMP).</p> <p>Correspondence addressed to DPE Water from WCPL on 8 June 2023 indicates that the GWMP was resubmitted in November 2022 with additional</p>

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	<ul style="list-style-type: none"> - 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; iii. Surface Water Management Plan that includes: <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 the rehabilitated areas of the site; and ▪ a program to monitor and report on: <ul style="list-style-type: none"> - control of any potential water pollution from the rehabilitated areas of the site; - 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; iv. Ground Water Management Plan that includes: <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; ▪ 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 dependant ecosystems and riparian vegetation; ▪ connectivity and groundwater leakage to/from Cumbo Creek following relocation; <ul style="list-style-type: none"> - 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>information requested from DPE Water on 23 February 2023. In this correspondence it is stated:</p> <p><i>“As discussed on the 1 June 2023, WCPL are seeking the DPE to approve the current version GWMP (Version 6.2) and the current versions of WMP (Version 8), the SWB (Version 6) and the SWMP (Version 6) to provide WCPL with contemporary water management plans.”</i></p> <p>While they were not approved, the 2022 revisions of the WMP and GWMP were reviewed for the purpose of this assessment and do not capture all updates recommended in the 2021 IEA.</p> <p>The 2022 revisions of the SWMP and SWB report were not provided. As such, it could not be verified whether the recommended updates from the 2021 IEA have been captured.</p> <p>During a site inspection undertaken by Engeny on 8 and 9 of October 2024, WCPL personnel communicated that, no approval of the update management plans has been received to date</p> <p>WCPL submitted an updated version of the WMP and GWMP to the DPHI on 30 September 2024 and is intending to submit and updated version of the SWMP and SWB reports by end 2024.</p> <p>OFI17: The approved Site Water Balance (WI-ENV-MNP-0038) is Version 3, dated August 2017, with annual updates of the site water balance detailed in the Annual Reviews. Section 10.6 of Appendix 3C of the 2021 and 2022 Annual Reviews and Section 11.6 of Appendix 3C of the 2023 Annual Review describe water saving measures implemented during the 2017-2019 drought.</p> <p>OFI18: Section 6.6 of the updated 2022 revision of the SWMP states:</p> <p><i>“To develop appropriate water trigger levels for reinstated drainage lines within rehabilitated landforms, water quality monitoring from rehabilitated landforms is scheduled to commence in late 2022, with the installation of two automated water sampling units, one unit in Pit 5 South and one unit in Pit 1 North. WCPL will continue to liaise with its surface water specialist and accrue data until it is considered there is sufficient data to determine water trigger levels for reinstated drainage lines. Once completed, this SWMP will be updated to include the trigger levels for the reinstated drainage lines.”</i></p> <p>OFI19: Section 6.4 of the revised 2022 SWMP outlines parameters that are to be considered during channel stability surveys for assessment of impacts. The parameters are to be compared to baseline monitoring data. A channel stability TARP is provided in Table 17 of the 2022 revision of the SWMP. The unapproved 2022 and 2024 revisions of the SWMP were not provided. As such, further information is required to verify whether this has been captured in the WMP.</p> <p>OFI20: Review of the 2022 revision of the GWMP indicates OFI20 was addressed in Section 6.1, which states:</p> <p><i>“WCPL undertakes quarterly reviews of the groundwater monitoring program to identify trends and/or investigate exceedances to determine if a groundwater trigger (Section 7) has occurred. In the event that a trigger level has been exceeded, the response protocols outlined in the various Trigger Action Response Plans (TARPs) would be implemented (Section 8).”</i></p> <p>This also resulted in related updates to TARPs in Section 8 of the 2022 revision of the GWMP. Addressing the requirements of OFI20. It is noted, while some reviews were undertaken, there were still two instances where groundwater trigger exceedances were identified and only investigated within the annual review at years end.</p> <p>In the 2022 Annual Review, the quarterly reviews are not referenced and there were two instances where groundwater trigger exceedances were identified and only investigated within the annual review at years end.</p> <p>The quarterly reviews are not referenced in the 2023 Annual Review.</p> <p>Furthermore, while the 2022 revision of the GWMP addressed the requirements of OFI20 and most other recommendations from the 2021 IEA, review of the revised GWMP submitted on 30 September 2024 does not include the updates made in the 2022 revision of the GWMP.</p> <p>Therefore, while OFI20 is considered closed, OFI04 has been identified.</p> <p>OFI21: Core sampling and hydraulic conductivity is detailed in Section 2.1.1 of Appendix 3D of the 2021 Annual Review. Hydraulic conductivity values were considered in the 2023 revision of the groundwater model.</p> <p>OFI22: Review of the 2023 Annual Review indicates WCPL commenced construction of a new groundwater model in 2023 and is currently being developed to support proposed changes and extensions of mining operations.</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
				<p>It is anticipated that this model will be used for the 2024 Annual Groundwater Monitoring Report and satisfies the GWMP requirement for triennial updates.</p> <p>OFI23: In reference to this recommendation, Section 2.2.2 of Appendix 3C of the 2021 Annual Review states:</p> <p><i>“Leachability tests on spoil and reject material for key metals (i.e. arsenic, selenium and molybdenum) identified in past geochemistry assessments for WCM (GEM, 2015) will be undertaken in 2022. Findings from these tests will be compared with groundwater and surface water monitoring data to assess to what extent (if any) spoil and other waste material may have impacted water quality.”</i></p> <p>Findings from these tests were not included in the Annual Reviews for 2022 or 2023. Therefore, OFI23 has been reproduced in the 2024 IEA as OFI05.</p> <p><u>2024 IEA Findings:</u></p> <p>The following are the current approved documents relevant to water:</p> <ul style="list-style-type: none"> • WMP (WI-ENV-MNP-006) (Version 4, August 2017), including: <ul style="list-style-type: none"> ◦ Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017). ◦ SWMP (WI-ENV-MNP-0040) (Version 3, June 2018). ◦ GWMP (WI-ENV-MNP0041) (Version 3, August 2017). <p>The SWMP, GWMP and SWB report form appendices 1 to 3 of the WMP.</p> <p>a) The WMP (WI-ENV-MNP-006) (Version 4, August 2017) was prepared and reviewed by WCPL, Hatch and HydroSimulation and was approved by the former DPE (now DPHI). The WMP (WI-ENV-MNP-006) (Version 4, August 2017) was also developed in consultation with the former DPE Water (now DCCEEW Water Group) and the NSW EPA.</p> <p>b) Section 3 of the WMP (WI-ENV-MNP-006) (Version 4, August 2017) includes a description of water performance criteria that are consistent with Table 6 of SSD-6764. Descriptions of measures to meet the performance criteria are described throughout the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) and GWMP (WI-ENV-MNP0041) (Version 3, August 2017).</p> <p>c) Section 6.4 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) describes how potentially acid forming material will be managed if exposed.</p> <p>d) Cumbo Creek Relocation Plan: WCPL is no longer considering relocating Cumbo Creek. As such, no Cumbo Creek Relocation Plan has been developed.</p> <p><i>Site Water Balance</i></p> <p>The Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017) includes details of sources and security of water supply, including contingency planning for future reporting periods (Section 5), water use and management on site, including details of water sharing between neighbouring mining operations (if applicable) (Section 3, 4 and 5), any off-site water transfers and discharges (Section 6), and reporting procedures (Section 6 of the WMP (WI-ENV-MNP-006) (Version 4, August 2017)), including the preparation of a site water balance for each calendar year (Section 9).</p> <p>Measures for the minimisation of water use are detailed in Section 3.5 of the Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017).</p> <p><i>Surface Water Management Plan</i></p> <p>Section 4 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) provides detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the development.</p> <p>Section 8 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) outlines the sites surface water monitoring program to allow for the continued collection of baseline data.</p> <p>A detailed description of the water management system inclusive of all elements described Condition 30 is provided in Section 5 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018).</p> <p>Detailed objectives and performance criteria, including trigger levels for investigating any potential or actual adverse impacts associated with the development for all elements described in Condition 30 is provided Section 6 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018).</p> <p>The SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) includes a program to monitor and report on control of any potential water pollution from the rehabilitated areas of the site (Section 6.4), the effectiveness of the mine water management system (Section 8.2.1), 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 (Section 8.2), and impacts on water users (Section 7.3).</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
				<p>Reporting is further detailed in Section 6 of the WMP (WI-ENV-MNP-006) (Version 4, August 2017). The SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) includes a program to monitor and report on most of the performance measures listed in Table 6 of SSD-6764 (Section 2.3 and throughout) with the exception of chemical and hydrocarbon storage. No procedure for reporting on chemical and hydrocarbon storage is provided. Therefore, CA01 has been identified.</p> <p>Reporting procedures for the results of the surface water monitoring program (Section 8 of the SWMP [WI-ENV-MNP-0040] [Version 3, June 2018]) are described in Section 6 of the WMP (WI-ENV-MNP-006) (Version 4, August 2017).</p> <p>Section 7 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) provides 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. Table 17 of the SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) outlines a trigger action response plan (TARP) for complaints by local landholders regarding surface water supply.</p> <p><i>Groundwater Management Plan</i></p> <p>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) is provided in Section 4 of the GWMP (WI-ENV-MNP0041) (Version 3, August 2017)..</p> <p>Section 7 of the GWMP (WI-ENV-MNP0041) (Version 3, August 2017). outlines groundwater assessment criteria including trigger levels for investigating any potentially adverse groundwater impacts.</p> <p>Section 4.3 of the GWMP (WI-ENV-MNP0041) (Version 3, August 2017). states that "a number of investigations into the nature and extent of the alluvium associated with Wilpinjong Creek has been undertaken at the Wilpinjong Coal Mine" and that the "investigations suggest that the actual alluvial deposits are generally much narrower than the regional mapping, with long thin deposits along Wilpinjong Creek, Cumbo Creek, and in the northern part of Slate Gully." References for the investigations are provided.</p> <p>A program to monitor and report on the elements described Condition 30 is provided in Section 6 of the GWMP (WI-ENV-MNP0041) (Version 3, August 2017). and Section 6 of the WMP (WI-ENV-MNP-006) (Version 4, August 2017).</p> <p>Section 6.4 of the GWMP (WI-ENV-MNP0041) (Version 3, August 2017). includes a program to review and validate the groundwater model for the development, including independent expert review.</p> <p>Section 8 of the GWMP (WI-ENV-MNP0041) (Version 3, August 2017). includes 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 Schedule 3 of SSD-6764.</p> <p>CA01: To ensure vigilance in relation to the management of chemical and hydrocarbon storage, a procedure should be developed with consideration to:</p> <ul style="list-style-type: none"> the chemical and hydrocarbon storage performance measures detailed in Table 6 of Schedule 3, Condition 30 of SSD-6764 refining the frequency of inspections of hazardous waste, chemicals and hydrocarbon storage and handling stored areas to ensure that these inspections occur regularly (i.e. monthly, at a minimum) documenting the results of, and tracking any actions identified during, inspections. <p>The SWMP should be updated to include reference to, and a summary of the requirements of, this procedure.</p> <p>OFI04: Complete a cross-check of the 2022 and 2024 revisions of the GWMP, and update the 2024 revision of the GWMP to ensure all relevant updates made in the 2022 revision of the GWMP are adopted.</p> <p>OFI05: Ensure future leachability tests on spoil and reject material, and subsequent comparison in Annual Reviews, also include selenium.</p>
31	<p>The Applicant must implement the approved Water Management Plan for the development.</p> <p><i>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.</i></p>	Non-compliant (Administrative)	<ul style="list-style-type: none"> Site interviews and inspection completed 8/9 October 2024. Water quality or water level exceedance notifications, as relevant. Water quality monitoring reports, groundwater monitoring reports, and annual reviews. Annual Reviews for 2021/2022, 2022/2023, 2023/2024. 	<p>The current approved WMP (WI-ENV-MNP-006) (Version 4, August 2017) for the Project was developed by WCPL in 2017 and approved by the former DPE (now DPHI). The WMP (WI-ENV-MNP-006) (Version 4, August 2017) was also developed in consultation with the former DPI Water (now DCCEEW Water Group) and the NSW EPA.</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> Annual Returns for 2021, 2022, and 2023. WMP (WI-ENV-MNP-006) (Version 4, August 2017), including: <ul style="list-style-type: none"> Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017). SWMP (WI-ENV-MNP-0040) (Version 3, June 2018). GWMP (WI-ENV-MNP0041) (Version 3, August 2017). 	<p>Development related risk relating to water is managed as per the WMP (WI-ENV-MNP-006) (Version 4, August 2017).</p> <p>The SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) states that if surface water triggers are exceeded for three consecutive readings, the Trigger Action Response Plans (TARP) in Section 7 of the plan are to be followed. Similarly, the GWMP (WI-ENV-MNP0041) (Version 3, August 2017) states that if a groundwater triggers are exceeded for three consecutive readings, the groundwater TARPs in Section 8 of the plan is to be followed.</p> <p>Both of these TARPs include the requirement to notify the <i>“relevant agencies as soon as practicable that an exceedance of the trigger level has occurred”</i>.</p> <p>Three non-compliances (one for surface water and two for groundwater) were reported for this Condition in the 2021 Annual Review as exceedances of triggers for water quality were not reported to relevant agencies as soon as practicable. The consecutive exceedances were identified during the development of the Annual Review.</p> <p>Three non-compliances (one for surface water and two for groundwater) were reported for this Condition in the 2022 Annual Review as exceedances of triggers for water quality were not reported to relevant agencies as soon as practicable. The consecutive exceedances were identified during the development of the Annual Review.</p> <p>As these exceedances were identified during the development of the Annual Review, rather than because of the monthly reviews required by the SWMP and GWMP, CA02 has been identified in relation to ensuring implementation of the SWMP (WI-ENV-MNP-0040) and GWMP (WI-ENV-MNP0041).</p> <p>CA02: Implement actions to ensure monthly reviews of surface water and groundwater monitoring data are completed and that relevant agencies are notified as soon as practicable that an exceedance of trigger levels has occurred (as relevant), in accordance with the requirements of the SWMP (WI-ENV-MNP-0040) and GWMP (WI-ENV-MNP0041).</p>

BIODIVERSITY

Land Based Offsets

32	<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><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>410</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>121</td> </tr> <tr> <td>Rehabilitation Areas</td> <td></td> <td>2856</td> </tr> <tr> <td></td> <td>TOTAL</td> <td>4604</td> </tr> </tbody> </table>	Area	Offset	Minimum Size (hectares)	Existing Offsets	Enhancement and Conservation Areas	410	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		121	Rehabilitation Areas		2856		TOTAL	4604	Compliant	<ul style="list-style-type: none"> Conservation Agreement between the Minister Administering NSW <i>National Parks and Wildlife Service Act 1974</i> and WCPL, dated 27/06/2011. Deed of Variation of Conservation Agreement between the Minister Administering NSW <i>National Parks and Wildlife Service Act 1974</i> and WCPL, dated 23/03/2018. Annual Reviews for 2021/2022, 2022/2023, 2023/2024, including Annual Biodiversity Reports. Wilpinjong Coal Mine 2021 Annual Biodiversity Monitoring Report (Ecological, 2022). Wilpinjong Coal Mine 2022 Annual Biodiversity Monitoring Report (Ecological, 2023). Wilpinjong Coal Mine Annual Biodiversity Offset Area Bird Monitoring (Ecological, 2024). Wilpinjong Coal Mine 2023 Annual Biodiversity Monitoring Report (Ecological, 2024). Letter from DPIE approving extension of time to transfer offsets until 29/07/2022, dated 24/08/2021. Letter to DPIE requesting extension of time to transfer offsets, dated 8/07/2022. Letter from DPIE approving extension of time to transfer offsets to 31/03/2023, dated 14/09/2022. Letter from DPE approving extension of time to transfer offsets to 30/06/2023, dated 15/02/2023. Letter from DPE approving extension of time to transfer offsets to 31/07/2023, dated 5/07/2023. 	Review of the relevant documentation indicates compliance with the requirements of this condition.
Area	Offset	Minimum Size (hectares)																														
Existing Offsets	Enhancement and Conservation Areas	410																														
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	TOTAL	4604																														
33	<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 410 hectares.</p>	Not triggered	N/A	<ul style="list-style-type: none"> Condition met in previous audits. The Deed of Variation of the Conservation Agreement was executed on the 23 March 2018. 																												

Long Term Security

Condition #	Details	Compliance status	Relevant evidence	Commentary																																		
34	<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 BCS.</p>	Not triggered	N/A	<ul style="list-style-type: none"> Condition was met during the previous audit period. Offset Areas D and E were transferred to the NPWS in August 2023. 																																		
35	<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>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 BCS.</p>	Non-compliant (Administrative)	<ul style="list-style-type: none"> Letter from DPIE approving extension of time to transfer offsets until 29/07/2022, dated 24/08/2021. Letter to DPIE requesting extension of time to transfer offsets, dated 8/07/2022. Letter from DPIE approving extension of time to transfer offsets to 31/03/2023, dated 14/09/2022. Letter from DPE approving extension of time to transfer offsets to 30/06/2023, dated 15/02/2023. Letter from DPE approving extension of time to transfer offsets to 31/07/2023, dated 5/07/2023. Email to DPE confirming transfer of offset lands and payment of the associated/agreed management fee to NPWS on Wednesday 2/08/2023, dated 16/08/2023. 	<p>Conduct of the audit indicates this condition has been met; however, a non-compliance (administrative) is noted in relation to finalisation of transfer of offset after the approved extension date of 31 July 2023 (provided by DPE on 5 July 2022), with transfer completed on 2/08/2023.</p> <p>Due to the minor nature of this non-compliance and that the requirements of this condition have now been completed, no CA or OFI has been deemed relevant.</p>																																		
Rehabilitation Offsets																																						
36	<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 Western Slopes Bioregion.</td> <td>9</td> <td>37</td> <td>HU547</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>877</td> <td>3,703</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>538</td> <td>2,261</td> <td>HU824</td> </tr> </tbody> </table> <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 BCS</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>2,857</td> <td>8,175</td> </tr> </tbody> </table> <p>Notes:</p> <ol style="list-style-type: none"> The BVT's are required to be planted as Regent Honeyeater habitat The following rehabilitation types may generate up to 3.55 Regent Honeyeater credits / hectare: <ul style="list-style-type: none"> Wilpinjong Extension Project open cut, and ancillary areas rehabilitated to woodland Wilpinjong Coal Project approved agricultural areas rehabilitated to woodland 	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 Western Slopes Bioregion.	9	37	HU547	Rough Barked Apple Woodland	HU981	Rough-barked Apple grassy tall woodlands of the Brigalow Belt South	877	3,703	HU981 HU732	Whitebox Woodland Shrubby	HU824	White Box-Black Cypress Pine shrubby woodland of the Western Slopes	538	2,261	HU824	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 BCS	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	2,857	8,175	Not triggered	N/A.	This condition has not yet been triggered.
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Condition #	Details	Compliance status	Relevant evidence	Commentary						
	<p>The following rehabilitation types may generate up to 1.775 Regent Honeyeater credits / hectare:</p> <ul style="list-style-type: none"> Wilpinjong Coal Project approved area woodland rehabilitated to BVT woodland 									
37	<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 BCS, the Department and AG DCCEEW 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>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>	Not triggered	<ul style="list-style-type: none"> Email from NSW Resources Regulator approving the Rehabilitation Objectives Statement, dated 20/02/2024. Approved Rehabilitation Objectives Statement Wilpinjong Coal Mine (Tuesday, 20/02/2024). Correspondence from: <ul style="list-style-type: none"> BCS indicating support for the rehabilitation performance and completion criteria, dated 21/06/2021 DPIE approving of performance and completion criteria dated 23/04/2019. 	It is noted he 2021 IEA assessed this condition as not triggered; however, review of relevant documentation indicates the requirements of this condition we met via BCS support provided 21 June 2021 and DPIE approval dated 23/04/2019.						
38	<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 BCS 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. 	Not triggered	N/A.	This condition has not yet been triggered.						
Additional Regent Honeyeater Measures										
39	<p>The Applicant must contribute funds to BCS towards the Regent Honeyeater Recovery Plan captive breeding and release programs, or alternative Regent Honeyeater recovery initiative agreed by BCS, in accordance with the payment schedule in Table 10.</p> <p><small>Table 10: Contributions to the Regent Honeyeater Recovery Plan - Payment Schedule</small></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>\$110,000</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	\$110,000	Annually thereafter for 9 years	\$60,000 per year	Compliant	<ul style="list-style-type: none"> Evidence of annual funding to BCS for the audit period: <ul style="list-style-type: none"> Tax Invoice dated 14/11/2023 for \$66,000 FY 2021/2022: \$300,000 provided to date, of which \$138,723 had been expended. FY 2022/2023: \$360,000 provided to date, of which \$138,723 had been expended. 	Review of relevant documentation verifies compliance with the requirements of this condition.
Timeframe	Funds Allocated									
Within 1 year from the commencement of development under this consent	\$110,000									
Annually thereafter for 9 years	\$60,000 per year									
Munghorn Gap Nature Reserve										
40	<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><i>Note: It is accepted that some ancillary infrastructure would need to be retained for access and water management.</i></p>	Compliant	<ul style="list-style-type: none"> Site interviews and inspection completed 8/9 October 2024. RMP (Version 2, June 2023). GIS / overlay boundaries of open cut pits adjacent to the Munghorn Gap Nature Reserve depicting 20m setback, with the April 2022 sighted and most recent being August 2024. WI-ENV-PER-0013 Ground Disturbance Permit (GDP), samples sighted: <ul style="list-style-type: none"> Permit #01-23 (Mining Areas 2023): For Stripping of Topsoil, Light Vehicle (LV) Road Construction and Mining Activities, dated 2/01/2023. Permit #10-21 (MWRC Laydown Area 2): Laydown Area for MWRC Road Maintenance Equipment, dated 16/08/2021. Permit #04-22 (Energy Co Easement Corridor Access): For Grading of LV Road Becoming Corridor Access for Energy Co, dated 10/9/2022. Permit #05-24 (Pit 1 Accommodation Camp Amendment 1): Clearing of vegetation and stripping of topsoil, grading of construction pad, polypipe relocation, construction of noise bunds and water diversion drains, erection of fencing in preparation for construction of accommodation camp facility. 	Review of relevant documentation verified compliance with the requirements of this condition, noting: <ul style="list-style-type: none"> Direct and indirect impacts to the Munghorn Gap Nature Reserve are avoided through detailed mine planning and delineation of areas to be cleared as part of the vegetation clearance protocol (including GDPs). Regular inspections of clearance areas are undertaken by project managers and Environmental Representatives to ensure controls are implemented and maintained during disturbance related activities. GDP forms (WI-ENV-PER-0013) are completed, which included consideration to proximity to Munghorn Gap Nature Reserve. 						

Condition #	Details	Compliance status	Relevant evidence	Commentary
41	<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 BCS. 	Compliant	<ul style="list-style-type: none"> GIS / overlay boundaries of open cut pits adjacent to the Munghorn Gap Nature Reserve depicting 20m setback, with the April 2022 sighted and most recent being August 2024. Site interviews and inspection completed 8/9 October 2024. WI-ENV-PER-0013 GDP, samples sighted: <ul style="list-style-type: none"> Permit #01-23 (Mining Areas 2023): For Stripping of Topsoil, Light Vehicle (LV) Road Construction and Mining Activities, dated 2/01/2023. Permit #10-21 (MWRC Laydown Area 2): Laydown Area for MWRC Road Maintenance Equipment, dated 16/08/2021. Permit #04-22 (Energy Co Easement Corridor Access): For Grading of LV Road Becoming Corridor Access for Energy Co, dated 10/9/2022. Permit #05-24 (Pit 1 Accommodation Camp Amendment 1): Clearing of vegetation and stripping of topsoil, grading of construction pad, polypipe relocation, construction of noise bunds and water diversion drains, erection of fencing in preparation for construction of accommodation camp facility. RMP (Version 2, June 2023). 	<p>Review of relevant documentation verified compliance with the requirements of this condition, noting:</p> <ul style="list-style-type: none"> Surveys were completed prior to commencement of development (source: RMP [Version 2, June 2023]). GDP forms (WI-ENV-PER-0013) are completed, which included consideration to proximity to Munghorn Gap Nature Reserve.
Biodiversity Management Plan				
42	<p>Prior to carrying out any development under this consent, the Applicant must prepare a Biodiversity 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 BCS and AG DCCEEW; 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; include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary); 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 adit 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; 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; include a program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria including: <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 include details of who would be responsible for monitoring, reviewing, and implementing the plan. <p>Notes:</p>	Not triggered	N/A	<p>Review of relevant documentation identified that, while the BMP has been revised during the audit period, the current approved version of the BMP is the same version as considered during the 2021 IEA.</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<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. 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 			
43	The Applicant must implement the approved Biodiversity Management Plan for the development.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021/2022, 2022/2023, 2023/2024, including Annual Biodiversity Reports. Wilpinjong Coal Mine 2021 Annual Biodiversity Monitoring Report (Ecological, 2022). Wilpinjong Coal Mine 2022 Annual Biodiversity Monitoring Report (Ecological, 2023). Wilpinjong Coal Mine Annual Biodiversity Offset Area Bird Monitoring (Ecological, 2024). Wilpinjong Coal Mine 2023 Annual Biodiversity Monitoring Report (Ecological, 2024). WI-ENV-PER-0013 GDP, samples sighted: <ul style="list-style-type: none"> Permit #01-23 (Mining Areas 2023): For Stripping of Topsoil, Light Vehicle (LV) Road Construction and Mining Activities, dated 2/01/2023. Permit #10-21 (MWRC Laydown Area 2): Laydown Area for MWRC Road Maintenance Equipment, dated 16/08/2021. Permit #04-22 (Energy Co Easement Corridor Access): For Grading of LV Road Becoming Corridor Access for Energy Co, dated 10/9/2022. Permit #05-24 (Pit 1 Accommodation Camp Amendment 1): Clearing of vegetation and stripping of topsoil, grading of construction pad, polypipe relocation, construction of noise bunds and water diversion drains, erection of fencing in preparation for construction of accommodation camp facility. 	Review of relevant documentation verified compliance with the requirements of this condition.
Conservation Bond				
44	<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> <ol style="list-style-type: none"> 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 employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Secretary. <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. The sum of the existing bonds for the existing Enhancement and Conservation Areas may be reduced in connection with any revision to the Biodiversity Offset Strategy and/or the Biodiversity Management Plan. Alternative funding arrangements for long-term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by BCS 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. 	Not triggered	N/A	Condition was met in previous audits.
HERITAGE				
Protection of Aboriginal Heritage Items				
45	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.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021/2022, 2022/2023, 2023/2024 Site inspection completed 8/9 October 2024 ACHMP (Version 9, June 2022) (<i>current version</i>). 	Review of relevant documentation verifies compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> • WCPL submission of Environmental Management Plans (EMPs) as a result of review completed after 2021 IEA, dated 30/06/2022, including ACHMP (Version 9, June 2022) (<i>current version</i>). • Correspondence from: <ul style="list-style-type: none"> ◦ Heritage NSW noting no additional concerns or comments in relation to the ACHMP (Version 9, June 2022) (<i>current version</i>), dated 6/07/2022 ◦ BCS, noting no comments on the ACHMP (Version 9, June 2022) (<i>current version</i>) dated 12/07/2022. • WCPL submission of revised ACHMP (as a result of review completed after 2021 IEA) post-agency consultation dated 26/07/2022, including Registered Aboriginal Party Consultation Committee Meeting Minutes for 20/06/2022. • Correspondence from DPPI in relation to: <ul style="list-style-type: none"> ◦ Request for additional information for the ACHMP (Version 9.1, June 2022) by 31/08/2022. ◦ Approval of the ACHMP (Version 9, June 2022), dated 23/08/2022. • WI-ENV-PER-0013 GDP, samples sighted: <ul style="list-style-type: none"> ◦ Permit #01-23 (Mining Areas 2023): For Stripping of Topsoil, Light Vehicle (LV) Road Construction and Mining Activities, dated 2/01/2023. ◦ Permit #10-21 (MWRC Laydown Area 2): Laydown Area for MWRC Road Maintenance Equipment, dated 16/08/2021. ◦ Permit #04-22 (Energy Co Easement Corridor Access): For Grading of LV Road Becoming Corridor Access for Energy Co, dated 10/9/2022. ◦ Permit #05-24 (Pit 1 Accommodation Camp Amendment 1): Clearing of vegetation and stripping of topsoil, grading of construction pad, polypipe relocation, construction of noise bunds and water diversion drains, erection of fencing in preparation for construction of accommodation camp facility. 	
Additional Cultural Heritage Survey – Offset Areas				
46	<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> <ol style="list-style-type: none"> a. be undertaken by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary; b. be undertaken in consultation with Heritage NSW 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. 	Not triggered	N/A.	This condition was considered during the 2021 IEA.
Aboriginal Cultural Heritage Management Plan				
47	<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> <ol 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 Heritage NSW 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 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; – 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; 	Compliant	<ul style="list-style-type: none"> • ACHMP (Version 9, June 2022) (<i>current version</i>). • WCPL submission of Environmental Management Plans (EMPs) as a result of review completed after 2021 IEA, dated 30/06/2022, including ACHMP (Version 9, June 2022) (<i>current version</i>). • Correspondence from: <ul style="list-style-type: none"> ◦ Heritage NSW noting no additional concerns or comments in relation to the ACHMP (Version 9, June 2022) (<i>current version</i>), dated 6/07/2022 ◦ BCS, noting no comments on the ACHMP (Version 9, June 2022) (<i>current version</i>) dated 12/07/2022. • WCPL submission of revised ACHMP (as a result of review completed after 2021 IEA) post-agency consultation dated 26/07/2022, including Registered Aboriginal Party Consultation Committee Meeting Minutes for 20/06/2022. • Correspondence from DPPI in relation to: <ul style="list-style-type: none"> ◦ Request for additional information for the ACHMP (Version 9.1, June 2022) by 31/08/2022. ◦ Approval of the ACHMP (Version 9, June 2022), dated 23/08/2022. 	Review of relevant documentation verifies compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> - 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 ▪ a strategy for the storage of heritage items salvaged on site, both during the development and in the long term. 			
48	The Applicant must implement the approved Aboriginal Cultural Heritage Management Plan for the Development.	Compliant	<ul style="list-style-type: none"> • Site interviews/inspection completed 8/9 October 2024. • WI-ENV-PER-0013 GDP, samples sighted: <ul style="list-style-type: none"> ◦ Permit #01-23 (Mining Areas 2023): For Stripping of Topsoil, Light Vehicle (LV) Road Construction and Mining Activities, dated 2/01/2023. ◦ Permit #10-21 (MWRC Laydown Area 2): Laydown Area for MWRC Road Maintenance Equipment, dated 16/08/2021. ◦ Permit #04-22 (Energy Co Easement Corridor Access): For Grading of LV Road Becoming Corridor Access for Energy Co, dated 10/9/2022. ◦ Permit #05-24 (Pit 1 Accommodation Camp Amendment 1): Clearing of vegetation and stripping of topsoil, grading of construction pad, polypipe relocation, construction of noise bunds and water diversion drains, erection of fencing in preparation for construction of accommodation camp facility. • Wilpinjong Coal Mine Induction Module 6 covering Aboriginal cultural heritage. • Annual Reviews for 2021/2022, 2022/2023, 2023/2024. 	Review of relevant documentation verifies compliance with the requirements of this condition.
Historic Management Plan				
49	<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; b. be prepared in consultation with the Heritage NSW, Council and relevant landowners; and c. 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; ▪ 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. 	Compliant	<ul style="list-style-type: none"> • HHMP (Version 6, June 2022) (<i>current version</i>). • WCPL submission of EMPs as a result of review completed after 2021 IEA, including HHMP (Version 6, June 2022) (<i>current version</i>), dated 30/06/2022 • WCPL submission of EMPs for consultation with government stakeholders due to Modification 2 (approved 3/07/2024), dated 30/09/2024, including HHMP (Version 7, September 2024) (<i>not yet approved</i>). • Correspondence from Heritage NSW (Heritage Council of NSW) noting no comments in relation to the HHMP, dated 12/07/2022. • Correspondence from DPHI in relation to approval of the HHMP (Version 6, dated June 2022) (<i>current version</i>), dated 6/02/2023. 	Review of relevant documentation verifies compliance with the requirements of this condition.
50	The Applicant must implement the approved Historic Heritage Management Plan for the development.	Compliant	<ul style="list-style-type: none"> • Site interviews/inspection completed 8/9 October 2024 • Annual Reviews for 2021, 2022, 2023. • WI-ENV-PER-0013 GDP, samples sighted: <ul style="list-style-type: none"> ◦ Permit #01-23 (Mining Areas 2023): For Stripping of Topsoil, Light Vehicle (LV) Road Construction and Mining Activities, dated 2/01/2023. ◦ Permit #10-21 (MWRC Laydown Area 2): Laydown Area for MWRC Road Maintenance Equipment, dated 16/08/2021. ◦ Permit #04-22 (Energy Co Easement Corridor Access): For Grading of LV Road Becoming Corridor Access for Energy Co, dated 10/9/2022. 	Review of relevant documentation verifies compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> Permit #05-24 (Pit 1 Accommodation Camp Amendment 1): Clearing of vegetation and stripping of topsoil, grading of construction pad, polypipe relocation, construction of noise bunds and water diversion drains, erection of fencing in preparation for construction of accommodation camp facility. 	
TRANSPORT				
Monitoring of Coal Transport				
51	<p>The Applicant must:</p> <ol style="list-style-type: none"> 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 include these records in the Annual Review 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022, 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. ROM coal tracking spreadsheet to August 2024. WCPL 2024 Coal Plan Excel Spreadsheet. 	Review of relevant documentation verifies compliance with the requirements of this condition.
Operating Conditions				
52	<p>The Applicant must:</p> <ol style="list-style-type: none"> schedule shift changes on site to occur outside of school bus hours; and 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. 	Compliant	<ul style="list-style-type: none"> Site interviews/inspection completed 8/9 October 2024. Email liaison between Environment & Community Managers of Wilpinjong, Moolarben and Ulan coal mines, dated November 2022. WCPL Shifts vs Moolarben and Ulan coal mines Microsoft Excel tracking sheet, dated 13/04/2023. 	Review of relevant documentation verifies compliance with the requirements of this condition.
Road Works				
53	<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><i>Note: The initial approved schedule can be amended following further consultation with Council and subsequent approval by the Secretary.</i></p>	Not triggered	N/A	This condition was met in the 2021 IEA.
54	<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><i>Note: These road works must be constructed in accordance with the relevant TfNSW 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.</i></p>	Not triggered	N/A	This condition was met in the 2021 IEA.
Ulan Road Strategy				
55	<p>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.</p>	Compliant	<ul style="list-style-type: none"> Samples of paid Tax Invoices for Ulan Road Strategy Funding Instalments under the associated Purchase Order, including: <ul style="list-style-type: none"> Invoice number 22 1665, dated 1/02/2022 Invoice number 23 9286, dated 21/07/2022 Invoice number 23 1980, dated 10/02/2023 Invoice number 24 0315, dated 27/07/2023 Invoice number 24 2053, dated 16/02/2023 Remittance letters from MWRC providing invoices for Ulan Road Strategy Funding Instalments, as follows: <ul style="list-style-type: none"> For 1 July 2022 instalment, dated 25/07/2022 For 1 January 2023 instalment, dated 13/02/2023 For 1 July 2023 instalment, dated 25/07/2023 For 1 January 2024 instalment, dated 14/02/2024 	Review of relevant documentation verifies compliance with the requirements of this condition.
56	<p>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.</p>	Compliant	<ul style="list-style-type: none"> Site interviews/inspection completed 8/9 October 2024. Letter to former DPE (now DPHI) regarding the mine amenity agreement with resident of 11 Barnett Street, dated 30/11/2021. DPE (now DPHI) acknowledgement of receipt of mine amenity agreement with resident of 11 Barnett Street, dated 8/12/2021. Mine Amenity Agreement with resident of 11 Barnett Street, dated 25/11/2021. 	<p>2021 IEA Findings:</p> <p>OFI26: Recommended that formal correspondence be issued to the remaining resident in the form of a letter/email outlining that their entitlements for mitigation.</p> <p>2024 IEA Findings:</p> <p>Status of 2021 IEA Recommendations:</p> <p>Review of documentation indicates a mine amenity agreement with the resident of 11 Barnett Street, Wollar was in place from 25 November 2021, with the former DPE (now DPHI) advised in writing on 30 November 2021.</p> <p>2024 IEA Findings:</p> <p>Conduct of the audit determined compliance with the requirements of this condition.</p>
VISUAL				

Condition #	Details	Compliance status	Relevant evidence	Commentary
Operating Conditions				
57	<p>The Applicant must:</p> <ol style="list-style-type: none"> 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; ensure no fixed outdoor lights shine above the horizontal; ensure no in-pit mobile lighting rigs shine directly above the pit wall and other mobile lighting rigs do not shine above the horizontal; ensure no lighting shines directly on the Shale Oil Mine Audit; and 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 	Non-compliant (Low)	<ul style="list-style-type: none"> Annual Reviews for 2021/2022, 2022/2023 and 2023/2024. Site inspection/interviews completed 8/9 October 2024. External Lighting Compliance Audit in line with AS4282.2019, Control of the Obtrusive Effects of Outside Lighting completed by CR Engineering, dated 2/12/2021. 	<p>2021 IEA Findings:</p> <p>OFI27: <i>Attain documentation confirming that Pit 3 pre-start area complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting.</i></p> <p>OFI28: <i>Ensure adequate document management and filing is undertaken for all future construction activities.</i></p> <p>2024 IEA Findings:</p> <p><u>Status of 2021 IEA Recommendations, and 2024 IEA Findings:</u></p> <p>Conduct of the audit identified general compliance with the requirements of this condition; however, an External Lighting Compliance Audit in line with AS4282.2019, Control of the Obtrusive Effects of Outside Lighting (including Pit 3 pre-start area) conducted by CR Engineering in December determined, while most external lighting was in line with AS4282.2019, one non-conformance associated with entry point to East Pit MIA carpark and administration.</p> <p>This non-conformance related to the entry point to the East Pit Mine Infrastructure Area carpark and administration area, with the External Lighting Compliance Audit recommending lighting fitting adjustment be completed at the East Pit MIA and administration area, with the audit not able to confirm this recommendation has been addressed. Therefore, CA03 has been identified.</p> <p>CA03: <i>Action the recommendation from the External Lighting Compliance Audit in regard to adjusting the light fitting.</i></p>
WASTE				
58	<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 Use of Effluent by Irrigation (DEC, 2004); 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. 	Compliant	<ul style="list-style-type: none"> EMS (Version 9.1, June 2022) (<i>current version</i>), including DPE approval, dated 14/07/2022. Annual Reviews for 2021/2022, 2022/2023 and 2023/2024. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site inspection/interviews completed 8/9 October 2024. JR Richards & Sons Waste Tracking Statistics samples 12/2022, 12/2023, 06/2024. NSW EPA Online Waste Tracking System Transport Certificate samples: <ul style="list-style-type: none"> No. 2T01353385, for 31/05/2023 to 30/05/2024. No. 2T01336821, for 19/03/2024 to 18/03/2024. Waste Data Form NSW completed by Renewable Oil Services, dated 23/05/2024. Renewable Oil Services Service Docket sample (70083) dated 20/06/2024. Waste Management Checklist samples for 14/06/2022, 12/06/2023, and 3/06/2024. 2022 demolition of 17 Barigan Street (W15), 19 Barigan Street (W14), 2 Bedes Lane (W2), 3 Fitzgerald Street (W3), and 9 Price Street (W6), including: <ul style="list-style-type: none"> Asbestos Management Plans (AMP), with inspection completed 20/06/2014 (W15), 29/07/2014 (W14), 19/06/2014 (W2), 13/06/2014 (W3), and 11/08/2014 (W6). Complying Development Certificates (CDCs) 6022 (W15), 5822 (W14), 6222 (W2), 6122 (W3), and 6322 (W6), including Stamped Plans, all dated 26/07/2022 Notification of Commencement and Confirmation of PCA by Whitehall Building Certifiers, all dated 26/07/2022. Asbestos Inspection Reports completed by Whitehall Building Certifiers 2024 demolition of 1 Ledes Lane, 3 Maitland Street, 4 Maitland Street, 5 Maitland Street, and 5 Parish Lane (BDC 2991), including: <ul style="list-style-type: none"> Asbestos Inspection Reports by completed by Jaycees Constructions CDCs (including Stamped Plans, all dated 8/09/2023), including: 0010/2024 (5 Maitland Road), 0011/2024 (3 Maitland Road), 0013/2024 (1 Bedes Lane), 0014/2024 (4 Maitland Street), 0015/2024 (5 Parish Lane). Photos of in-pit disposal of demolition materials (not including asbestos containing materials) dated 31/07/2023 and 1/08/2023. 	<p>2021 IEA Findings:</p> <p>OFI29: <i>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.</i></p> <p>OFI30: <i>There is the opportunity to improve the reporting and management of spills, and the identification and management of remediation cells.</i></p> <p>OFI31: <i>Ensure IBCs, fuel pods, and barrels are located in suitable, banded, hardstand areas (preferably covered). WCPL noted that a new banded storage area is currently under construction to store IBCs.</i></p> <p>2024 IEA Findings:</p> <p><u>Status of 2021 IEA Recommendations:</u></p> <p>OFI29 and OFI30: Conduct of the audit verified verifies this recommendation has been closed out, with WCPL committing to include further information in the EMS regarding record keeping and ensuring evidence is provided to close a matter out. Review of relevant documentation indicates this was closed in 2022 following updates to the EMS (Version 9.1, June 2022) (<i>current version</i>), which was approved by DPE on 14 July 2022.</p> <p>In addition, WCPL also held toolbox talks regarding waste management and hydrocarbon management.</p> <p>OFI31: Conduct of the site inspection for the audit, completed on 8 and 9 October 2024, identified intermediate bulk containers (IBCs), fuel pods, and barrels were located in suitable, banded, hardstand areas. Therefore, this recommendation is considered closed.</p> <p><u>2024 IEA Findings:</u></p> <p>Review of relevant documentation verifies compliance with the requirements of this condition.</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary										
			<ul style="list-style-type: none"> Job Step Analysis samples (WI-WIN-JSA) for dumping external building waste in Pit 7, dated 1/08/2023, 26/03/2024, 27/03/2024, 8/04/2024, 9/04/2024, 10/04/2024, 11/04/2024, 18/04/2024, 7/05/2024, 14/05/2024, 21/05/2024, 31/07/2024 2/08/2024, 3/08/2024, and 04/08/2024. Waste Tyre Burial Registers for 2021, 2022 and 2023. 											
BUSHFIRE MANAGEMENT														
59	The Applicant must: <ol style="list-style-type: none"> ensure that the development is suitably equipped to respond to any fires on site; and assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site. 	Compliant	<ul style="list-style-type: none"> Site inspection and interview completed 8/9 October 2024. 	Conduct of the audit determined compliance with the requirements of this condition.										
59A	The Applicant must ensure that the temporary accommodation facility complies with the relevant asset protection and utility service requirements in the RFS's Planning for Bush Fire Protection 2019 (or equivalent) and Standards for Asset Protection Zones.	Not triggered	<ul style="list-style-type: none"> Site inspection and interview completed 8/9 October 2024. Barnson. (2023). Bushfire Assessment Report. 	Construction of the temporary accommodation facility was still ongoing at the time of the audit. Therefore, compliance with the relevant asset protection and utility service requirements in the RFS's Planning for Bush Fire Protection 2019 (or equivalent) and Standards for Asset Protection Zones (APZs) could not be confirmed. However, it is noted a Bushfire Assessment Report was prepared for Modification 2 of SSD-6764, which included management and mitigation measures with consideration to APZs and protection/maintenance of services.										
59B	Prior to occupying the temporary accommodation facility, the Applicant must prepare a Bush Fire Emergency Management and Evacuation Plan for the temporary accommodation facility consistent with the RFS document A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The plan must: <ol style="list-style-type: none"> be prepared by a suitably qualified bushfire planning and design accredited level 3 bushfire expert; include contact details for the local Rural Fire Service District Office; and include procedures for co-ordinated evacuation of the site in consultation with local emergency services. 	Not triggered	<ul style="list-style-type: none"> N/A. 	Construction of the temporary accommodation facility was still ongoing at the time of the audit.										
59C	A copy of the Bush Fire Emergency Management and Evacuation Plan must be provided to the Local Emergency Management Committee and the Secretary prior to occupying the temporary accommodation facility	Not triggered	<ul style="list-style-type: none"> N/A. 	Construction of the temporary accommodation facility was still ongoing at the time of the audit.										
REHABILITATION														
Rehabilitation Objectives														
60	<p>The site must meet the proposed rehabilitation objectives described in the documents listed in condition 2(a) of schedule 2 (and shown conceptually in Appendix 8) and must 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 2,856 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> </tbody> </table>	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 2,856 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. 	Compliant	<ul style="list-style-type: none"> RMP (Version 2, June 2023). Rehabilitation Strategy (Version 4, September 2022). Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref. ARR0001252). Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). Annual Reviews for 2021, 2022 and 2023. Wilpinjong Coal Mine 2023 Annual Biodiversity Monitoring Report (ELA, 2024) Site inspection and interview completed 8/9 October 2024. Email from NSW Resources Regulator approving the Rehabilitation Objectives Statement, dated 20/02/2024. Approved Rehabilitation Objectives Statement Wilpinjong Coal Mine (Tuesday, 20/02/2024). Review of Soil Parameters for Post Mining Rehabilitation Criteria (Minesoils, June 2022). 	<p>2021 IEA Findings:</p> <p>OFI32: Landform design appeared stable however, recommendations are for surface preparations on new rehabilitation areas to include the following:</p> <ul style="list-style-type: none"> Install appropriately designed graded banks on rehabilitation 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 preparation are met prior to sowing and revegetation. <p>OFI33: Install additional access tracks throughout rehabilitation to provide easy access for rehabilitation 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> <p>2024 IEA Findings:</p> <p><u>Status of 2021 IEA Recommendations:</u></p> <p>OFI32: Conduct of the audit has verified that this recommendation has been closed out, noting the current RMP (Version 2, June 2023) includes:</p> <ul style="list-style-type: none"> The requirement for topsoil to be applied at depths between 100 mm to 300 mm thickness in all areas and keyed into the final landform, with survey completed to confirm alignment with the final landform design. As a general design principle, the establishment of contour drains or deep staggered rips to assist in initial surface stabilisation on long slopes, as well as assisting in erosion control and infiltration of water. Deep ripping, seeding and fertilizing is undertaken following the placement of topsoil and construction of drainage structures on the reshaped final landform, with full and continuous ripping undertaken (where practicable) and generally carried out to a depth of 300 mm to 500 mm on the contour with survey control.
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 													
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Condition #	Details	Compliance status	Relevant evidence	Commentary						
	<table border="1" data-bbox="290 262 1071 426"> <tr> <td data-bbox="290 262 492 300">Cumbo Creek relocation</td> <td data-bbox="504 262 1071 300"> <ul style="list-style-type: none"> Restored in accordance with conditions 26 to 28 of this Schedule. </td> </tr> <tr> <td data-bbox="290 308 492 359">Other reinstated drainage lines</td> <td data-bbox="504 308 1071 359"> <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 data-bbox="290 367 492 426">Community</td> <td data-bbox="504 367 1071 426"> <ul style="list-style-type: none"> Ensure public safety Minimise the adverse socio-economic effects associated with mine closure </td> </tr> </table> <p data-bbox="281 436 1314 541"><i>Note:</i> 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>	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 			<ul style="list-style-type: none"> Seeding and fertilisation completed contemporaneously with contour ripping. <p>OF133: Conduct of the audit has verified that this recommendation has been closed out, with the site inspection confirming sufficient access is available in rehabilitation areas to enable completion of rehabilitation inspections and maintenance.</p> <p>OF134: Conduct of the audit has verified that this recommendation has been closed out, with Minesoils completing a Review of Soil Parameters for Post Mining Rehabilitation Criteria in June 2022, which informed the current RMP (Version 2, June 2023).</p> <p><u>2024 IEA Findings:</u></p> <p>Historically, rehabilitation within mine rehabilitation areas of the Mine focussed on the establishment of productive pasture for grazing and mixed woodland community species. However, to prioritise Regent Honeyeater habitat establishment within existing mine rehabilitation areas, a re-evaluation of the previous rehabilitation areas against contemporary BVT classifications was completed by WCPL, with a post-mining land use focussed on woodland.</p> <p>Rehabilitation performance and completion criteria for Biometric Vegetation Types (BVTs) and Regent Honeyeater habitat relevant to the Mine's rehabilitation areas was approved by the former DPE (now DPHI) on 24 April 2019, while BCS support was received on 21 June 2021. As a result, historically completed landforms focussed on the establishment of pasture or woodland, which do not meet the desired mine closure BVTs, are in the process of being progressively converted to the appropriate BNT communities aligning with the approved rehabilitation performance and completion criteria</p> <p>Rework of rehabilitation areas with native species conforming to the BVTs specified within the BMP and relevant conditions of SSD-6764. During the 2023 reporting period, rehabilitation conforming to relevant BVTs consisted of:</p> <ul style="list-style-type: none"> 16.88 ha of HU732 – Yellow Box Grassy Woodland 53.02 ha of HU824 – White Box – Black Cypress Pine Shrubby Woodland 1.44 ha of HU697 – Mugga Ironbark – Black Cypress Pine Shrub/Grass Open Forest <p>The site inspection verified structures such as tree hollows, logs, rock material and other woody debris are used to augment the target habitat value of rehabilitation areas</p> <p>It is noted that no rehabilitated landforms are yet considered ready for formal sign off by the NSW Resource Regulator in terms of meeting the relevant completion criteria as provided in the RMP, with Eco Logical Australia noting in the 2023 Annual Biodiversity Monitoring Report that:</p> <p>"No significant conclusions can be drawn from the data at this early stage of the rehabilitation monitoring program."</p> <p>Conduct of the audit verified active rehabilitation management is undertaken by WCPL, with review of relevant documentation and conduct of interviews indicating rehabilitation management and monitoring planning undertaken by Eco Logical Australia in accordance with the BMP and MOP/RMP, and reported on an annual basis. Monitoring of rehabilitation areas includes:</p> <ul style="list-style-type: none"> Autumn and spring vegetation monitoring, including established and reference vegetation monitoring sites. Monitoring is consistent with the BioMetric method of plot assessment prescribed in the BMP. Permanent BioMetric plots, comprising a 20 m x 20 m (0.04 ha) plot nested within a 20 m x 50 m plot, are surveyed at each monitoring site, collecting the following data: <ul style="list-style-type: none"> native species richness, cover and abundance within the 20 m x 20 m plot native overstorey cover – at regular 5 m intervals along a 50 m transect native mid-storey cover– at regular 5 m intervals along a 50 m transect native ground stratum (grass, shrub, other) – at regular 1 m intervals along a 50 m transect exotic cover – at regular 1 m intervals along a 50 m transect habitat features (number of trees with hollows, length of logs) – within the 20 m x 50 m plot proportion of overstorey species regeneration – within the 20 m x 50 m plot
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 									

Condition #	Details	Compliance status	Relevant evidence	Commentary
				<ul style="list-style-type: none"> Landscape function analysis (LFA) monitoring at established and reference sites, in accordance with the methods prescribed by Tongway and Hindley (2004) and in the BMP. LFA attributes were assessed to monitor: <ul style="list-style-type: none"> Landscape Organisation Index, characterising and mapping the spatial patterns of resource loss or accumulation at a site Soil Surface Assessment, collecting data relating to 11 Soil Surface Condition Indicators. Terrestrial fauna monitoring, including: <ul style="list-style-type: none"> summer, winter, and spring bird surveys, targeting those species that feed on the blossoms of winter-flowering eucalypts and lerps. spring ground fauna monitoring consisting of infra-red camera observations and herpetological searches spring microbat monitoring using ultrasonic acoustic recording devices Monitoring also includes identification of pest species and any areas of new weed infestations. Photo monitoring providing multi-year comparison. Livestock incursion. Impacts due to authorised and unauthorised (as relevant) access. Fire impacts, as relevant. <p>Relevant management actions noted to be in the process of being completed include:</p> <ul style="list-style-type: none"> Completion of a review of the monitoring program to align it with the rehabilitation objectives of the BMP and RMP, this being due to the monitoring methods in the current form only providing an assessment of tracking toward benchmark data to generate site value scores, but does not provide any information on the rehabilitation areas progression toward the target BVTs. Enacting the TARP and completing a review of LFA data, due to a decrease in the LFA scores from 2022 to 2023. However, Eco Logical Australia note in the 2023 Annual Biodiversity Monitoring Report that this was likely due to drier climatic conditions leading up to 2023 monitoring and that results were generally consistent with observations at reference sites.
Rehabilitation Strategy				
61	<p>The Applicant must prepare a Rehabilitation Strategy for all land disturbed by the development to the satisfaction of the Planning Secretary. This strategy must:</p> <ol style="list-style-type: none"> be submitted for approval by 31 December 2024, or another timeframe agreed by the Secretary; be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; be prepared in consultation with Water Group, BCS, Council, Resources Regulator and the CCC be prepared 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; build upon the Rehabilitation Objectives in Table 11, describe the overall rehabilitation outcomes for the site and address all aspects of rehabilitation including mine closure, final landform (including final void), post-mining land use/s and water management; align with strategic rehabilitation and mine closure objectives and address the principles of the Strategic Framework for Mine Closure (ANZMEC and MCA, 2000); describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition 42 of this schedule; describe how rehabilitation will be integrated with the mine planning process including a plan to address premature mine closure; 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; 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; include detailed justification for proposed changes to the final landform, having regard to the approved post-mining land use; investigate opportunities to refine and improve the final landform and final void outcomes over time; 	Compliant	<ul style="list-style-type: none"> Rehabilitation Strategy (Version 4, September 2022), including correspondence from DPPI in relation to: <ul style="list-style-type: none"> Providing conditional approval of the Rehabilitation Strategy, dated 6/12/2022, subject to: <ul style="list-style-type: none"> The development of an updated groundwater model, prepared in consultation with DPE Water and in accordance with the Minimum Groundwater Modelling Requirements for SSD / SSI Projects Technical Guideline 2022, within 18 months of the date of this letter. Lodgement of an updated Rehabilitation Strategy: <ul style="list-style-type: none"> having regard to the findings of the updated groundwater model; and including an update on mine progression and consultation with Moolarben Coal Operations Pty Ltd regarding an integrated final landform. 	<p>2021 IEA Findings: OF135: <i>Attain sign-off of Rehabilitation Strategy from DPIE.</i></p> <p>2024 IEA Findings: Status of 2021 IEA Recommendations, and 2024 IEA Findings: Conduct of the audit verified verifies this recommendation has been closed out, with the Rehabilitation Strategy (Version 4, September 2022) conditionally approved by DPE on 6 December 2022, subject to addressing a few requirements. As a result of Modification 2 of SSD-6764, the Rehabilitation Strategy is not required to be submitted for approval until 31 December 2024, which is outside the audit period. It is noted the requirements identified in DPE's conditional approval will be addressed in the Rehabilitation Strategy submitted by 31 December 2024.</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<p>m. 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;</p> <p>n. include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including the final void), that:</p> <ul style="list-style-type: none"> ▪ align with regional and local strategic land use planning objectives and outcomes; ▪ support a sustainable future for the local community; ▪ utilise existing mining infrastructure, where practicable; and ▪ avoid disturbing self-sustaining native ecosystems, where practicable; <p>o. investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and</p> <p>p. include a program to periodically review and update this strategy at least every three years.</p> <p><i>Note: The strategy should build on the proposed rehabilitation strategy shown in Appendix 8.</i></p>			
Progressive Rehabilitation				
62	<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><i>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.</i></p>	Compliant	<ul style="list-style-type: none"> • Rehabilitation Management Plan (Version 1, December 2022) • Rehabilitation Strategy (Version 4, September 2022) • Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). • Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref. ARR0001252). • Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). • Annual Reviews for 2021, 2022 and 2023. • Wilpinjong Coal Mine 2021 Annual Biodiversity Monitoring Report (ELA, 2022). • Wilpinjong Coal Mine 2022 Annual Biodiversity Monitoring Report (ELA, 2023). • Wilpinjong Coal Mine 2023 Annual Biodiversity Monitoring Report (ELA, 2024). 	<p>The Annual Review for 2023 indicates approximately 998.57 hectares (ha) of land was under active rehabilitation during the 2023 reporting period, predicting this would increase to approximately 1,201 ha during the 2024 reporting period. An overview of rehabilitation activities during the 2021, 2022, and 2023 reporting periods is provided in Table 4.1, verifying appropriate implementation of the MOP and RMP during the audit period.</p> <p>Progressive rehabilitation during the audit period was confirmed through review of relevant documentation and conduct of the site inspection, with various areas observed to be under active rehabilitation. Rehabilitation utilises methods including foliar spraying the undesirable pastures, dozing and felling of undesirable canopy species and having areas scarified and ameliorants applied prior to drone or tractor seeding.</p> <p>Finally, the 2024-2026 Forward Program indicates forecast areas proposed for active rehabilitation as follows:</p> <ul style="list-style-type: none"> • 2024: Approximately 202.76 ha of land prepared for rehabilitation, and approximately 1,201 ha land under active rehabilitation • 2025: Approximately 240.89 ha of land prepared for rehabilitation, and approximately 1,442 ha land under active rehabilitation • 2026: Approximately 129.93 ha of land prepared for rehabilitation, and approximately 1,572 ha land under active rehabilitation
63	<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><i>Note: It is accepted that some ancillary infrastructure would need to be retained for access and water management.</i></p>	Not triggered	N/A	Not triggered.
64	<p>The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the provisions under the <i>Mining Act 1992</i>.</p>	Compliant	<ul style="list-style-type: none"> • RMP (Version 2, June 2023). • Email from NSW Resources Regulator approving the Rehabilitation Objectives Statement, dated 20/02/2024. • Approved Rehabilitation Objectives Statement Wilpinjong Coal Mine (Tuesday, 20/02/2024). • Letter regarding preparation of RMP to: <ul style="list-style-type: none"> ◦ MWRC, dated 22/06/2022. ◦ DPIE Water, dated 22/06/2022. ◦ BCD, dated 22/06/2022. 	Review of relevant documentation indicates compliance with the requirements of this condition.
65	Deleted			
66	Deleted			
67	Deleted			
SOCIAL				
Social Impact Management Plan				
68	<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"> a. be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary; b. be prepared in consultation with Council, the CCC and the local community of Wollar; 	Compliant	<ul style="list-style-type: none"> • SIMP (Version 3, June 2022) (<i>current version</i>). • WCPL submission of EMPs as a result of review completed after 2021 IEA, dated 30/06/2022, including the SIMP (Version 3). • Correspondence from MWRC providing comment on the SIMP, dated 19/08/2022. • Correspondence from DPHI in relation to approval of the SIMP (Version 3, June 2022) dated 5/04/2023. 	<p>2021 IEA Findings: <i>OF136: Consider the Social Impact Assessment Guideline for State Significant Projects July 2021 for future revisions.</i></p> <p>2024 IEA Findings: <u>Status of 2021 IEA Recommendations, and 2024 IEA Findings:</u></p> <p>Review of relevant documentation indicates compliance with the requirements of this condition. It is noted revision of the SIMP (Version 3, June 2022) was</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<p>c. identify negative social impacts resulting from the project during operations and following closure in both a local and regional context;</p> <p>d. include an adaptive management and mitigation program to minimise and/or mitigate negative</p> <p>e. social impacts during operations and following closure;</p> <p>f. include a detailed description of the measures that would be implemented to:</p> <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>g. 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>undertaken to include community responses regarding social day event and the closure of the Wollar Store with new mailboxes installed to continue the mail service.</p> <p>It is noted the SIMP considers the 2017 version of the <i>Social Impact Assessment Guideline for State Significant Projects July</i> rather than the 2021 revision recommended in the 2021 IEA. However, it is noted Schedule 3, Condition 68 does not require the SIMP to be developed in accordance with the <i>Social Impact Assessment Guideline for State Significant Projects July</i>. Therefore, the 2021 IEA is not considered relevant to meeting the requirements of Schedule 3, Condition 68, and the SIMP addresses the requirements this condition.</p>
69	The Applicant must implement the approved Social Impact Management Plan for the development.	Compliant	<ul style="list-style-type: none"> • Site inspection and interview completed 8/9 October 2024. • Annual Reviews for 2021, 2022 and 2023. 	<p>Review of relevant documentation indicates compliance with the requirements of this condition, noting:</p> <ul style="list-style-type: none"> • Revision of the SIMP to include community responses regarding social day event and the closure of the Wollar Store with new mailboxes installed to continue the mail service (SIMP [Version 3, June 2022]). • Have a Chat meetings, which are held at the Wollar Store on the 1st Thursday of the month from 1.30pm to 4.30pm, with the advertisements for these provided in Annual Reviews. • Community Support Program investments, with Appendix 6 of the Annual Reviews showing where these donations have been made, the value, and the category of investment. • Demolition of derelict dwellings in Wollar is undertaken in accordance with the SIMP (discussed at Schedule 2, Condition 11), during 2022 and 2023. Through property purchasing program, two left in Wollar in 2024, and next into Araloone Lane.
Schedule 4 – ADDITIONAL PROCEDURES				
NOTIFICATION OF LANDOWNERS/TENANTS				
1	<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>	Not triggered	N/A	This condition has been met in previous IEAs.
2	<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 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>	Compliant	<ul style="list-style-type: none"> • Standard Form Agreement – Standard form residential tenancy agreement (First National Real Estate – Mudgee), including Mine Dust and You Fact Sheet, most recently revised in 2022. 	Review of relevant documentation indicates compliance with the requirements of this condition.
3	<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	<ul style="list-style-type: none"> • Annual Reviews for 2021, 2022, 2023 • Site interviews completed 8/9 October 2024N/A. 	Review of relevant documentation and conduct of the audit determined this condition has not been triggered during the audit period.
INDEPENDENT REVIEW				
4	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.	Not triggered	<ul style="list-style-type: none"> • Annual Reviews for 2021, 2022, 2023 • Site interviews completed 8/9 October 2024N/A. 	Review of relevant documentation and conduct of the audit determined this condition has not been triggered during the audit period.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<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> <ol style="list-style-type: none"> commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to: <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 ▪ 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 give the Secretary and landowner a copy of the independent review. <p><i>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.</i></p>			
LAND ACQUISITION				
5	<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> <ol style="list-style-type: none"> 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; 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 reasonable compensation for any disturbance caused by the land acquisition process. <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 being made, unless the Secretary determines otherwise, then the Applicant's obligations to acquire the land shall cease.</p>	Not triggered	<ul style="list-style-type: none"> • Annual Reviews for 2021, 2022, 2023 • Site interviews completed 8/9 October 2024N/A. 	Review of relevant documentation and conduct of the audit determined this condition has not been triggered during the audit period.
6	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.	Not triggered	<ul style="list-style-type: none"> • Annual Reviews for 2021, 2022, 2023 • Site interviews completed 8/9 October 2024N/A. 	Review of relevant documentation and conduct of the audit determined this condition has not been triggered during the audit period.
Schedule 5 – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
ENVIRONMENTAL MANAGEMENT				
Environmental Management Strategy				
1	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:	Compliant	EMS (Version 9.1, June 2022) (<i>current version</i>), including DPIE approval, dated 14/07/2022.	Review of relevant documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> a. be submitted to the Secretary for approval prior to carrying out any development under this consent; b. provide the strategic framework for environmental management of the development; c. identify the statutory approvals that apply to the development; d. describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; e. 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 f. include: <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. 			
Adaptive Management				
2	<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> <ul style="list-style-type: none"> a. take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; b. consider options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and c. implement reasonable remediation measures as directed by the Secretary. 	Compliant	<ul style="list-style-type: none"> • Site interviews/inspection completed 8/9 October 2024. • EMS (Version 9.1, June 2022). • Annual Reviews for 2021, 2022 and 2023. • Relevant Monitoring Reports for the audit period. • Complaints register. 	Review of relevant documentation indicates compliance with the requirements of this condition.
Management Plan Requirements				
3	<p>The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <ul style="list-style-type: none"> a. detailed baseline data; b. 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; 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. 	Compliant	<ul style="list-style-type: none"> • EMS (Version 9.1, June 2022). • Rehabilitation Strategy (Version 3, March 2022). • RMP (Version 2, June 2023). • WMP (WI-ENV-MNP-006) (Version 4, August 2017), including: <ul style="list-style-type: none"> ◦ Site Water Balance (WI-ENV-MNP-0038) (Version 3, August 2017). ◦ SWMP (WI-ENV-MNP-0040) (Version 3, June 2018). ◦ GWMP (WI-ENV-MNP0041) (Version 3, August 2017). • AQMP (Version 8.1, June 2022), including SCMP (Version 8.1, June 2022). • NMP (Version 8, November 2022). • Blast Management Plan (Version 9.1, June 2022), including BFMS (Version 6, June 2022). • ACHMP (Version 9, June 2022). • HHMP (Version 6, June 2022). • BMP (Version 7.1, June 2021). • SIMP (Version 3, June 2022). 	Review of relevant documentation indicates compliance with the requirements of this condition.
Annual Review				
4	<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; ▪ monitoring results of previous years; and 	Compliant	<ul style="list-style-type: none"> • Annual Reviews for 2021/2022, 2022/2023 and 2023/2024. • Provision of additional information in response to DPE's review of the 2021 Annual Review (dated 27/06/2022), dated 29/07/2022. • Provision of additional information in response to DPE's review of the 2022 Annual Review, dated 17/05/2023. • Letter from DPE confirming the 2021 Annual Review generally satisfies reporting requirements, dated 27/06/2022. 	Review of relevant documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> relevant predictions in the EIS; identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance; identify any trends in the monitoring data over the life of the development; identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and describe what measures will be implemented over the next year to improve the environmental performance of the development. <p><i>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.</i></p>		<ul style="list-style-type: none"> Letter from DPE confirming the 2022 Annual Review generally satisfies reporting requirements, dated 19/05/2023. Letter from DPE confirming the 2023 Annual Review generally satisfies reporting requirements, dated 24/04/2024. 	
Revision of Strategies, Plans and Programs				
5	<p>Within 3 months of:</p> <ol style="list-style-type: none"> the submission of an annual review under condition 4 above; the submission of an incident report under condition 8 below; the submission of an audit under condition 10 below; and the approval of any modification to the conditions of this consent; or a direction of the Secretary under condition 4 of schedule 2; <p>the Applicant must review, and if necessary, revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.</p> <p>Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval, unless otherwise agreed with the Secretary.</p> <p><i>Note: This is to ensure the strategies, plans and programs are updated on a regular basis and incorporate any recommended measures to improve the environmental performance of the development.</i></p>	Non-compliant (Administrative)	Refer to evidence provided at Schedule 2, Condition 4.	<p>WCPL has been in the process of revising EMPs in consideration of the 2023 Annual Review. However, in June 2024, WCPL submitted a letter to DPHI requesting an extension to submit EMPs (considering Modification 2) and withdrawing the request for approval of various EMPs which had previously been submitted in June 2023.</p> <p>As a result, DPHI approved extension to 30 September 2024. However, while the WMP and GWMP were submitted to DPHI by 30 September 2024, updated versions of the SWMP and SWB were not provided. Audit interviews with WCPL personnel indicate the revised versions of the SWMP and SWB will be submitted by the end of 2024.</p> <p>This notwithstanding, a non-compliance (ANC) with Schedule 5, Condition 5 of SSD-6764 is noted and CA04 has been identified</p> <p>CA04: Submit the revised versions of SWMP and SWB required for submission on 30 September 2024 as soon as possible to DPHI.</p>
Updating and Staging Strategies, Plans or Programs				
6	<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><i>Notes:</i></p> <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). 	Compliant	Refer to evidence provided at Schedule 2, Condition 4.	Review of relevant documentation indicates compliance with the requirements of this condition.
Community Consultative Committee				
7	<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><i>Notes:</i></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. 	Compliant	<ul style="list-style-type: none"> CCC quarterly meeting minutes for the audit period. Annual Reports 2021, 2022 and 2023. 	Review of relevant documentation indicates compliance with the requirements of this condition.
REPORTING				
Incident Reporting				
8	<p>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.</p>	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021/2022, 2022/2023, and 2023/2024. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site inspection/interviews completed 8/9 October 2024. Incident reports and notification to the Department, as relevant 	There was one water related incident reported between 2021 and 2023. The 2023 Annual Review states that on 19 May 2023 a small split in poly pipe was identified in Pit 3 North that caused water to spray into a nearby area. Some water from the event reported off site. The 2023 Annual Review states that

Condition #	Details	Compliance status	Relevant evidence	Commentary
				<p>the incident was managed in accordance with the PIRMP (Version 11) (Peabody, 2021).</p> <p>The event timeline indicates that the WCPL Environment and Community Manager notified the NSW EPA, the NSW Resources Regulator, the former DPE (now DPPI) of the incident on 19 May 2023.</p> <p>Review of relevant documentation indicates no other incidents occurred that went unreported.</p>
Regular Reporting				
9	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.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021/2022, 2022/2023, and 2023/2024. Mine website. 	Review of the Mine website verified compliance with the requirements of this condition.
INDEPENDENT ENVIRONMENTAL AUDIT				
10	<p>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:</p> <ol style="list-style-type: none"> 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; include consultation with the relevant agencies; 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); review the adequacy of strategies, plans or programs required under the abovementioned approvals; 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 be conducted and reported to the satisfaction of the Secretary. <p><i>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.</i></p>	Compliant	<ul style="list-style-type: none"> This audit report. 2021 IEA. Approval letter from DPE for current audit team. 	Review of relevant documentation indicates compliance with the requirements of this 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.	Compliant	<ul style="list-style-type: none"> Submission letter and email for 2021 IEA and action plan dated 22/12/2021. DPIE acceptance of 2021 IEA dated 9/02/2022. 	Review of relevant documentation indicates compliance with the requirements of this condition.
ACCESS TO INFORMATION				
12	<p>From the commencement of development under this consent, the Applicant shall:</p> <ol style="list-style-type: none"> Make copies of the following information publicly available on its website: <ul style="list-style-type: none"> the EIS; 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 keep this information up to date. 	Non-compliant (Administrative)	<ul style="list-style-type: none"> Website 	<p>Review of the Mine website indicates general compliance with the requirements of this condition; however, the following plans were identified to be superseded versions:</p> <ul style="list-style-type: none"> ACHMP: The website version is Version 8.1, June 2021, but the current version is updated to Version 9, June 2022. SCMP: The website version is Version 7.1, June 2021, but the current version is Version 8.1, June 2022. EMS: The website version is Version 9.1, June 2022, but the current version is Version 10, June 2023. <p>Therefore, CA05 has been identified.</p> <p>CA05: Update the Mine website to ensure the currently approved versions of the ACHMP, SCMP and EMS are available.</p>

Appendix E

EPL 12425

Table E1. EPL 12425

Condition #	Details	Compliance status	Relevant evidence	Commentary									
1. Administrative Conditions													
A1													
What the licence authorises and regulates													
A1.1	<p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal works</td> <td>Coal works</td> <td>> 5000000 T annual handing capacity</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>> 5000000 T annual production capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	> 5000000 T annual handing capacity	Mining for coal	Mining for coal	> 5000000 T annual production capacity	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023 Annual Returns for 2021/2022, 2022/2023, and 2023/2024 Site inspection/interviews completed 8/9 October 2024 	<p>Review of relevant documentation indicates compliance with the requirements of this conditions, with production as follows:</p> <ul style="list-style-type: none"> 2023: 12.8 million tonnes (Mt) 2022: 13.28 Mt 2021: 14.48 Mt
Scheduled Activity	Fee Based Activity	Scale											
Coal works	Coal works	> 5000000 T annual handing capacity											
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A2													
Premises of plant to which this licence applies													
A2.1	<p>The licence applies to the following premises:</p> <table border="1"> <thead> <tr> <th>Premises Details</th> </tr> </thead> <tbody> <tr> <td>WILPINJONG COAL MINE</td> </tr> <tr> <td>1676 ULAN-WOLLAR ROAD</td> </tr> <tr> <td>WILPINJONG</td> </tr> <tr> <td>NSW 2850</td> </tr> <tr> <td>THE LAND DESCRIBED IN APPENDIX 1 – SCHEDULE OF LAND AND APPENDIX 2 - DEVELOPMENT LAYOUT PLAN IN THE DEVELOPMENT CONSENT SSD-6764 DATED 24 APRIL 2017</td> </tr> </tbody> </table>	Premises Details	WILPINJONG COAL MINE	1676 ULAN-WOLLAR ROAD	WILPINJONG	NSW 2850	THE LAND DESCRIBED IN APPENDIX 1 – SCHEDULE OF LAND AND APPENDIX 2 - DEVELOPMENT LAYOUT PLAN IN THE DEVELOPMENT CONSENT SSD-6764 DATED 24 APRIL 2017	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2021/2022, 2022/2023, and 2023/2024. Site inspection/interviews completed 8/9 October 2024. SIX Maps/SEED Portal 	Review of aerial photography with cadastral overlay indicates activities are within the area described.			
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A3													
Other Activities													
A3.1	<p>This licence applies to all other activities carried on at the premises, including:</p> <table border="1"> <thead> <tr> <th>Ancillary Activity</th> </tr> </thead> <tbody> <tr> <td>Crushing, grinding or separating</td> </tr> <tr> <td>Extractive activities</td> </tr> <tr> <td>Waste disposal</td> </tr> </tbody> </table>	Ancillary Activity	Crushing, grinding or separating	Extractive activities	Waste disposal	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2021/2022, 2022/2023, and 2023/2024. Site inspection/interviews completed 8/9 October 2024. 	Conduct of the audit has determined compliance with the requirements of this condition.					
Ancillary Activity													
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Extractive activities													
Waste disposal													
A4													
Information supplied to the EPA													
A4.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <ol style="list-style-type: none"> the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence. 	Note	N/A.	N/A.									
2. Discharge to Air and Water and Applications to Land													
P1													
Location of monitoring/discharge points and areas													
P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p>	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022, and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Environmental Management Strategy (EMS) (Version 9.1, June 2022) (<i>current version</i>). Air Quality Management Plan (AQMP) (Version 8.1, June 2022) (<i>current version</i>). Air Quality Monitoring Reports for the audit period. 	<p>Air quality monitoring locations were inspected during the site visit and confirmed to be in good working order.</p> <p>The EMS and AQMP confirm relevant monitors are in place.</p> <p>The auditor has sighted and reviewed the monitoring results provided in monthly EPA Pollution Monitoring Reports.</p>									

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P1.2	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.	Note	N/A.	N/A.																																																				
P1.3	<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</p> <p style="text-align: center;">Water and land</p> <table border="1"> <thead> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>24</td> <td>Discharge to waters. Discharge water quality monitoring.</td> <td>Discharge to waters. Discharge water quality monitoring.</td> <td>Surface water discharge downstream of the outlet from the reverse osmosis plant located on Lot 234 DP723412.</td> </tr> <tr> <td>30</td> <td>Discharge to waters. Discharge water quality monitoring.</td> <td>Discharge to waters. Discharge water quality monitoring.</td> <td>Surface water discharge downstream from clean water dam located on Lot 3 and Lot 4 of DP 250053 as illustrated on figure provide to EPA (DOC21/38700).</td> </tr> </tbody> </table>	EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	24	Discharge to waters. Discharge water quality monitoring.	Discharge to waters. Discharge water quality monitoring.	Surface water discharge downstream of the outlet from the reverse osmosis plant located on Lot 234 DP723412.	30	Discharge to waters. Discharge water quality monitoring.	Discharge to waters. Discharge water quality monitoring.	Surface water discharge downstream from clean water dam located on Lot 3 and Lot 4 of DP 250053 as illustrated on figure provide to EPA (DOC21/38700).	Note	N/A.	N/A.																																								
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3. Limit Conditions																																																								
L1																																																								
Pollution of Waters																																																								

Condition #	Details	Compliance status	Relevant evidence	Commentary																														
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Non-compliant (Low)	<ul style="list-style-type: none"> Incident reports and notification to Department and agencies. Annual Reviews for 2021, 2022, and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. EPL monitoring reports. 	<p>One unlicensed discharge was reported during the audit period, with discharge of untreated mine water occurring on 19 May 2023. The discharge was caused by a split in a poly pipe which resulted in water flowing through a vegetated area within the mine boundary towards a catchment dam. Some of this water passed through a low point in the containment bund resulting in water reporting off-site. This event was reported as a non-compliance with this condition.</p> <p>Review of correspondence with the NSW EPA following the event indicates that the incident was managed in accordance with the WMP (WI-ENV-MNP-006) (Version 4, August 2017) and the Mine Pollution Incident Management Plan (PIRMP).</p> <p>As this event was a one-off occurrence, and has been reported and closed out, no CA or OFI has been deemed relevant.</p>																														
L2 Concentration limits																																		
L2.1	For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Compliant	<ul style="list-style-type: none"> Incident reports and notification to Department and agencies. Annual Reviews for 2021, 2022, and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. EPL monitoring reports. 	All water quality results for discharge point 24 were within the defined concentration limits during 2021, 2022 and 2023. Water quality results are provided in Section 7.9 of the 2021, 2022 and 2023 Annual Reviews.																														
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Compliant	<ul style="list-style-type: none"> Incident reports and notification to Department and agencies. Annual Reviews for 2021, 2022, and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. EPL monitoring reports. 	All water quality results for pH at discharge point 24 were within the defined concentration limits (6.5 – 8.5 pH units) during 2021, 2022 and 2023. Water quality results are provided in Section 7.9 of the 2021, 2022 and 2023 Annual Reviews																														
L2.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s. <i>Note: Deposited matter is assessed as insoluble solids as defined by AS 3580.10.1-2003 (AM-19)</i>	Note	N/A.	N/A.																														
L2.4	Water and/or Land Concentration Limits POINT 24 <table border="1" data-bbox="341 1129 1163 1432"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Conductivity</td> <td>microsiemens per centimetre</td> <td></td> <td></td> <td></td> <td>500</td> </tr> <tr> <td>Oil and Grease</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>10</td> </tr> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>6.5-8.5</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>50</td> </tr> </tbody> </table> <p>Note: All water discharged from the premises must have a flow regime which is variable and consistent with the ephemeral nature of the flows in Wilpinjong and Cumbo Creeks.</p>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Conductivity	microsiemens per centimetre				500	Oil and Grease	milligrams per litre				10	pH	pH				6.5-8.5	Total suspended solids	milligrams per litre				50	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022, and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. EPL monitoring reports. 	All water quality results for discharge point 24 were within the defined concentration limits during 2021, 2022 and 2023. Water quality results are provided in Section 7.9 of the 2021, 2022 and 2023 Annual Reviews.
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L2.5	The turbidity value measured in the discharge at licence point 30 must not exceed 50 Nephelometric Turbidity Units (NTU) unless the turbidity value measured at the Wilpinjong Creek upstream gauging station is higher. In this instance, the turbidity measured at point 30 cannot exceed the value measured at the gauging station.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022, and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. EPL monitoring reports. 	<p>Licence Variation Notice 1625163 allowed the extension of time of the water discharge under emergency water discharge conditions from 5:00pm on the 25 November 2022 to 5:00pm 1 January 2023.</p> <p>As required by Licence Variation Notice 1625163 on the 14 December 2022, Licensed Discharge Point (LDP) 31 was removed and emergency discharging ceased from LDP30 and LDP31 on the 1 January 2023. The water quality results and volumes from the Emergency Water Discharge inclusive of the 1 January 2023, under Special Condition E1 were reported in the previous 2022 Annual Review (AR, 2023).</p> <p>Review of the 2021 and 2022 Annual Reviews (including to 1 January 2023) that the turbidity values measured at LDP30 did not exceed 50 NTU during discharge events. Review of the 2023 Annual Review indicates no discharge from LDP30 occurred during the reporting period.</p> <p>The 2023 Annual Review states that discharge events occurred but does not explicitly state that the value at LDP30 did not exceed 50 NTU.</p>																														
L3 Volume and Mass Limits																																		

Condition #	Details	Compliance status	Relevant evidence	Commentary																				
L3.1	<p>For each discharge point or utilisation area specified below (by a point number), the volume/mass of:</p> <p>a. liquids discharged to water; or</p> <p>b. solids or liquids applied to the area; must not exceed the volume/mass limit specified for that discharge point or area.</p> <table border="1"> <thead> <tr> <th>Point</th> <th>Unit of Measure</th> <th>Volume/Mass Limit</th> </tr> </thead> <tbody> <tr> <td>24</td> <td>megalitres per day</td> <td>6.5</td> </tr> </tbody> </table>	Point	Unit of Measure	Volume/Mass Limit	24	megalitres per day	6.5	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022, and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. EPL monitoring reports. Incident reports and notification to Department and agencies. 	<p>It is noted on 6 October 2022 the Wilpinjong EPL (EPL 12425) was revised to increase the daily discharge limit at licensed discharge point 24 from 5 ML/day to 6.5 ML/day.</p> <p>Water discharge volumes released at point 24 were below the volume limit (5 ML/day prior to 6 October 2022 and 6.5 ML/day following 6 October 2022) during 2021, 2022 and 2023. Discharge volumes are provided in Section 7.9 of the 2021, 2022 and 2023 Annual Reviews.</p>														
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L4 Waste																								
L4.1	<p>The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below. Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below. This condition does not limit any other conditions in this licence.</p> <table border="1"> <thead> <tr> <th>Code</th> <th>Waste</th> <th>Description</th> <th>Activity</th> <th>Other Limits</th> </tr> </thead> <tbody> <tr> <td>NA</td> <td>General solid waste (non-putrescible)</td> <td>The general solid waste disposed of on the premises must only be sourced from licensee owned properties in the district</td> <td>Waste disposal (application to land)</td> <td>Waste must be classified and disposed of in accordance with the statement of commitments summarised in Appendix 8 of Project Approval 05-0021 (Mod 5)</td> </tr> <tr> <td>NA</td> <td>Waste</td> <td>Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act, as in force from time to time</td> <td>-</td> <td>NA</td> </tr> <tr> <td>T140</td> <td>Tyres</td> <td>As defined in Schedule 1 of the POEO Act, as in force from time to time</td> <td>Waste disposal (application to land)</td> <td>The total volume of tyres disposed of at the premises must not exceed 350 tonnes per annum</td> </tr> </tbody> </table>	Code	Waste	Description	Activity	Other Limits	NA	General solid waste (non-putrescible)	The general solid waste disposed of on the premises must only be sourced from licensee owned properties in the district	Waste disposal (application to land)	Waste must be classified and disposed of in accordance with the statement of commitments summarised in Appendix 8 of Project Approval 05-0021 (Mod 5)	NA	Waste	Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act, as in force from time to time	-	NA	T140	Tyres	As defined in Schedule 1 of the POEO Act, as in force from time to time	Waste disposal (application to land)	The total volume of tyres disposed of at the premises must not exceed 350 tonnes per annum	Compliant	<ul style="list-style-type: none"> EMS (Version 9.1, June 2022) (<i>current version</i>), including DPIE approval, dated 14/07/2022. Annual Reviews for 2021/2022, 2022/2023 and 2023/2024. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site inspection/interviews completed 8/9 October 2024. JR Richards & Sons Waste Tracking Statistics samples 12/2022, 12/2023, 06/2024. NSW EPA Online Waste Tracking System Transport Certificate samples: <ul style="list-style-type: none"> No. 2T01353385, for 31/05/2023 to 30/05/2024. No. 2T01336821, for 19/03/2024 to 18/03/2024. Waste Data Form NSW completed by Renewable Oil Services, dated 23/05/2024. Renewable Oil Services Service Docket sample (70083) dated 20/06/2024. Waste Management Checklist samples for 14/06/2022, 12/06/2023, and 3/06/2024. 2022 demolition of 17 Barigan Street (W15), 19 Barigan Street (W14), 2 Bedes Lane (W2), 3 Fitzgerald Street (W3), and 9 Price Street (W6), including: <ul style="list-style-type: none"> Asbestos Management Plans (AMP), with inspection completed 20/06/2014 (W15), 29/07/2014 (W14), 19/06/2014 (W2), 13/06/2014 (W3), and 11/08/2014 (W6). Complying Development Certificates (CDCs) 6022 (W15), 5822 (W14), 6222 (W2), 6122 (W3), and 6322 (W6), including Stamped Plans, all dated 26/07/2022 Notification of Commencement and Confirmation of PCA by Whitehall Building Certifiers, all dated 26/07/2022. Asbestos Inspection Reports completed by Whitehall Building Certifiers 2024 demolition of 1 Ledes Lane, 3 Maitland Street, 4 Maitland Street, 5 Maitland Street, and 5 Parish Lane (BDC 2991), including: <ul style="list-style-type: none"> Asbestos Inspection Reports by completed by Jaycees Constructions CDCs (including Stamped Plans, all dated 8/09/2023), including: 0010/2024 (5 Maitland Road), 0011/2024 (3 Maitland Road), 0013/2024 (1 Bedes Lane), 0014/2024 (4 Maitland Street), 0015/2024 (5 Parish Lane). Photos of in-pit disposal of demolition materials (not including asbestos containing materials) dated 31/07/2023 and 1/08/2023. Job Step Analysis samples (WI-WIN-JSA) for dumping external building waste in Pit 7, dated 1/08/2023, 26/03/2024, 27/03/2024, 8/04/2024, 9/04/2024, 10/04/2024, 11/04/2024, 18/04/2024, 7/05/2024. 	<p>Review of relevant documentation verifies compliance with the requirements of this condition.</p>
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			14/05/2024, 21/05/2024, 31/07/2024 2/08/2024, 3/08/2024, and 04/08/2024. <ul style="list-style-type: none"> Waste Tyre Burial Registers for 2021, 2022 and 2023 																																				
L5 Noise Limits																																							
L5.1	<p>Noise generated at the premises must not exceed the noise limits presented in the table below. The locations referred to in the table below are indicated in Appendix 5 - Figures 1 and 2 of Development Consent number SSD-6764 dated 24 April 2017.</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Day</th> <th>Evening</th> <th>Night</th> <th>Night</th> </tr> <tr> <td></td> <td>LAeq(15 minute)</td> <td>LAeq(15 minute)</td> <td>LAeq(15 minute)</td> <td>LA1(1 minute)</td> </tr> </thead> <tbody> <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>102</td> <td>36</td> <td>36</td> <td>38</td> <td>45</td> </tr> <tr> <td>Wollar school</td> <td>35 (internal), 45 (external) when in use</td> <td></td> <td></td> <td></td> </tr> <tr> <td>St Luke's Anglican Church & St Laurence O'Toole Catholic Church</td> <td>40 (internal) when in use</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p><i>Note: The above noise limits do not apply at properties where the licensee has a written agreement with the landowner to exceed the noise limits.</i></p>	Location	Day	Evening	Night	Night		LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LA1(1 minute)	Wollar village - residential	36	37	37	45	All other privately owned land	35	35	35	45	102	36	36	38	45	Wollar school	35 (internal), 45 (external) when in use				St Luke's Anglican Church & St Laurence O'Toole Catholic Church	40 (internal) when in use				Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. NMP (Version 8, November 2022). Noise Monitoring Reports for the audit period. Noise agreements with: <ul style="list-style-type: none"> 564 Mogo Road, Wollar, with DPHI acknowledgement dated 11/12/2020. 11 Barnett Street, Wollar, with DPE acknowledgement dated 8/12/2021. Lot 35 and Lot 36 DP 755422 (764 Mogo Road Wollar), with DPE acknowledgement dated 27/05/2021. Site inspection/interviews completed 8/9 October 2024. 	<p>Review of relevant documentation verifies compliance with the requirements of this condition, noting:</p> <ul style="list-style-type: none"> 2021: no noise criteria exceeded 2022: one exceedance of Mine impact assessment LA_{eq} noise criteria at N15 in June 2022. A follow up measurement was taken directly afterwards and levels were compliant. 2023: one exceedance at N15 during September 2023 monitoring. 15 minutes later a second measurement was taken, and noise levels were compliant. Noise limits were not applicable due to meteorological conditions at the time of monitoring.
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L5.2	<p>For the purpose of condition L5.1:</p> <ul style="list-style-type: none"> Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays. Evening is defined as the period 6pm to 10pm. Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. NMP (Version 8, November 2022). Noise Monitoring Reports for the audit period. 	Review of relevant documentation verifies compliance with the requirements of this condition.																																			
L5.3	<p>The noise limits set out in condition L5.1 apply under all meteorological conditions except for the following:</p> <ol style="list-style-type: none"> Wind speeds greater than 3 metres/second at 10 metres above ground level; or Stability category F temperature inversions and wind speeds greater than 2m/s at 10m above ground level; or Stability category G temperature inversion conditions. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. NMP (Version 8, November 2022). Noise Monitoring Reports for the audit period. 	Review of relevant documentation verifies compliance with the requirements of this condition.																																			
L5.4	<p>For the purpose of condition L5.3:</p> <ol style="list-style-type: none"> The meteorological data to be used for determining meteorological conditions is the data recorded by the meteorological weather station identified as EPA identification Point 21 in condition P1.1; and Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. NMP (Version 8, November 2022). Noise Monitoring Reports for the audit period. Environmental Noise Monitoring – Mogo Road Noise Complaints May 2023 (Advitech, 2023). 	Review of relevant documentation verifies compliance with the requirements of this condition.																																			
L5.5	<p>To determine compliance:</p> <ol style="list-style-type: none"> With the Leq (15 minute) noise limits in condition L5.1, the noise measurement equipment must be located: <ol style="list-style-type: none"> approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or within 30 metres of a dwelling façade, but not closer than 3 metres where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable within approximately 50 metres of the boundary of a National Park or Nature Reserve With the LA1(1 minute) noise limits in condition L5.1, the noise measurement equipment must be located within 1 metre of a dwelling façade. With the noise limits in condition L5.1, the noise measurement equipment must be located: <ol style="list-style-type: none"> at the most affected point at a location where there is no dwelling at the location; or at the most affected point within an area at a location prescribed by conditions L5.5(a) or L5.5(b). 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. NMP (Version 8, November 2022). Noise Monitoring Reports for the audit period. 	Review of relevant documentation verifies compliance with the requirements of this condition.																																			
L5.6	<p>A non-compliance of condition L5.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:</p> <ol style="list-style-type: none"> at a location other than an area prescribed by conditions L5.5(a) and L5.5(b); and/or 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. 	Review of relevant documentation verifies compliance with the requirements of this condition.																																			

Condition #	Details	Compliance status	Relevant evidence	Commentary
	b. at a point other than the most affected point at a location.		<ul style="list-style-type: none"> NMP (Version 8, November 2022). Noise Monitoring Reports for the audit period. 	
L5.7	For the purpose of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. NMP (Version 8, November 2022). Noise Monitoring Reports for the audit period. 	Review of relevant documentation verifies compliance with the requirements of this condition.
L6 Blasting				
L6.1	The overpressure level from blasting operations at the premises must not exceed 115 dB (Lin Peak) at any noise sensitive location for more than five percent of the total number of blasts over each Reporting Period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (<i>current version</i>), including correspondence from DPPI in relation to approval of the Blast Management Plan (Version 9.1, June 2022), dated 17/12/2022. Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 31/08/2024. Site inspection/interviews completed 8/9 October 2024. 	Review of relevant documentation verifies compliance with the requirements of this condition, noting: <ul style="list-style-type: none"> Version 10 of the Blast Management Plan was revised in June 2023 and approval of this has not been sighted. Approval was pending when preparing the 2023 Annual Review. Within the 2021 Annual Review Reporting Period (from 24 September 2021), all blasts were within the approved criteria (153 blasts). No blasts exceeded ground vibration limits, and no fume events occurred. Within the 2022 Annual Review Reporting Period, all blasts were within the approved criteria (129 blasts). One blast on 24 September 2022 (116.3 dBL) reached 0.78% of the allowable 5% of all blasts to be > 115 dB for the Reporting Period. No blasts exceeded the ground vibration limit, and no fume events occurred. Within the 2023 Annual Review Reporting Period, all blasts were within the approved criteria (130 blasts). No airblast pressures exceeded limits nor blasts exceeding ground vibrations. No reportable fume events occurred in the 2023 Reporting Period. To the end of September 2024, all blasts were within the approved criteria (130 blasts). No airblast pressures exceeded limits nor blasts exceeding ground vibrations. No reportable fume events have occurred in the 2024 Reporting Period to date.
L6.2	The overpressure level from blasting operations at the premises must not exceed 120 dB (Lin Peak) at any noise sensitive at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (<i>current version</i>), including correspondence from DPPI in relation to approval of the Blast Management Plan (Version 9.1, June 2022), dated 17/12/2022. Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 31/08/2024. 	Review of relevant documentation verifies compliance with the requirements of this condition.
L6.3	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5 mm/sec at any noise sensitive locations for more than five percent of the total number of blasts over each Reporting Period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (<i>current version</i>), including correspondence from DPPI in relation to approval of the Blast Management Plan (Version 9.1, June 2022), dated 17/12/2022. Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 31/08/2024. 	Review of relevant documentation verifies compliance with the requirements of this condition.
L6.4	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10 mm/sec at any noise sensitive location at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded. Note: "Noise sensitive locations" includes buildings used as a residence, hospital, school, child care centre, place of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (<i>current version</i>), including correspondence from DPPI in relation to approval of the Blast Management Plan (Version 9.1, June 2022), dated 17/12/2022. Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 31/08/2024. 	Review of relevant documentation verifies compliance with the requirements of this condition.
L6.5	Blasting operations at the premises may only take place between 9:00am – 5:00pm Monday to Saturday. Blasting outside the hours specified in this condition can only take place with the written approval of the EPA.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. 	Review of relevant documentation verifies compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (<i>current version</i>), including correspondence from DPHI in relation to approval of the Blast Management Plan (Version 9.1, June 2022), dated 17/12/2022. Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 31/08/2024. 	
L6.6	<p>Blasting at the premises is limited to the following:</p> <ol style="list-style-type: none"> a maximum of 2 blasts per day; and a maximum of 5 blasts per week, averaged over a calendar year. <p><i>Note: This condition does not apply to blasts that generate ground vibration of 0.5mm/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.</i></p>	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (<i>current version</i>), including correspondence from DPHI in relation to approval of the Blast Management Plan (Version 9.1, June 2022), dated 17/12/2022. Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 31/08/2024. 	Review of relevant documentation verifies compliance with the requirements of this condition.
L6.7	<p>Offensive blast fume must not be emitted from the premises.</p> <p><i>Definition:</i> <i>Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:</i></p> <ol style="list-style-type: none"> are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Blast Management Plan (Version 9.1, June 2022) (including the BFMS [Version 6, June 2022]) (<i>current version</i>), including correspondence from DPHI in relation to approval of the Blast Management Plan (Version 9.1, June 2022), dated 17/12/2022. Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 31/08/2024. 	Review of relevant documentation verifies compliance with the requirements of this condition.
4. Operating Conditions				
O1				
Activities must be carried out in a competent manner				
O1.1	<p>Licensed activities must be carried out in a competent manner. This includes:</p> <ol style="list-style-type: none"> the processing, handling, movement and storage of materials and substances used to carry out the activity; and the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity. 	Non-compliant (Low)	<ul style="list-style-type: none"> EMS (Version 9.1, June 2022) (<i>current version</i>), including DPIE approval, dated 14/07/2022. Annual Reviews for 2021/2022, 2022/2023 and 2023/2024. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site inspection/interviews completed 8/9 October 2024. JR Richards & Sons Waste Tracking Statistics samples 12/2022, 12/2023, 06/2024. NSW EPA Online Waste Tracking System Transport Certificate samples: <ul style="list-style-type: none"> No. 2T01353385, for 31/05/2023 to 30/05/2024. No. 2T01336821, for 19/03/2024 to 18/03/2024. Waste Data Form NSW completed by Renewable Oil Services, dated 23/05/2024. Renewable Oil Services Service Docket sample (70083) dated 20/06/2024. Waste Management Checklist samples for 14/06/2022, 12/06/2023, and 3/06/2024. 2022 demolition of 17 Barigan Street (W15), 19 Barigan Street (W14), 2 Bedes Lane (W2), 3 Fitzgerald Street (W3), and 9 Price Street (W6), including: <ul style="list-style-type: none"> Asbestos Management Plans (AMP), with inspection completed 20/06/2014 (W15), 29/07/2014 (W14), 19/06/2014 (W2), 13/06/2014 (W3), and 11/08/2014 (W6). Complying Development Certificates (CDCs) 6022 (W15), 5822 (W14), 6222 (W2), 6122 (W3), and 	<p>The 2022 Annual Review noted a non-compliance as employees were exposed to and affected by NOx fumes from a planned blast (11 April 2022). The PIRMP was activated, and the NSW Resources Regulator issued a Section 195 notice. Actions taken to prevent recurrence were outlined in the incident report prepared for the NSW Resources Regulator. An environmental incident notification for the blast fume event, dated 11 April 2022 was issued and a Blast Fume Report provided to the NSW EPA on 22 May 2022. A letter from NSW EPA acknowledging receipt of the Blast Fume Report was also sighted. In addition, subsequent updates were received on 12 April 2022 and 20 April 2022 and on 18 July 2022 it was stated that no regulatory action was deemed relevant.</p> <p>As this non-compliance was a one-off occurrence and has not reoccurred during the audit period and was already reported to relevant agencies, a corrective action has not been deemed relevant.</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> 6322 (W6), including Stamped Plans, all dated 26/07/2022 Notification of Commencement and Confirmation of PCA by Whitehall Building Certifiers, all dated 26/07/2022. Asbestos Inspection Reports completed by Whitehall Building Certifiers 2024 demolition of 1 Ledes Lane, 3 Maitland Street, 4 Maitland Street, 5 Maitland Street, and 5 Parish Lane (BDC 2991), including: <ul style="list-style-type: none"> Asbestos Inspection Reports by completed by Jaycees Constructions CDCs (including Stamped Plans, all dated 8/09/2023), including: 0010/2024 (5 Maitland Road), 0011/2024 (3 Maitland Road), 0013/2024 (1 Bedes Lane), 0014/2024 (4 Maitland Street), 0015/2024 (5 Parish Lane). Photos of in-pit disposal of demolition materials (not including asbestos containing materials) dated 31/07/2023. 	
O2 Maintenance of plant and equipment				
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: <ol style="list-style-type: none"> must be maintained in a proper and efficient condition; and must be operated in a proper and efficient manner. 	Non-compliant (Low)	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site interviews/inspection completed 8/9 October 2024. Wilpinjong Coal Mine Training Needs Analysis (WI-TRG-REG-0004). Introduction to Site Plant and Ancillary Equipment Inspection Form samples, including for: <ul style="list-style-type: none"> Mobile Service Cart (ST208/9341) dated 21/12/2023. Generator (4184) dated 14/03/2022. Drill & Blast Preparation Request for Pit 6 sample (dated 30/05/2023), including sign-off sheet (dated 3/06/2023). Drill Plan using Drill Pattern Cover Sheet (WI-MIN-FRM-0269) samples, including: <ul style="list-style-type: none"> In Pit 7, with signatures dated 23/02/2022. In Pit 6, with signatures dated 26/06/2023. In Pit 6, with signatures dated 28/06/2024. 	Review of relevant documentation and conduct of audit interviews noted general compliance with the requirements of this condition. However, a non-compliance was identified in relation to an event which occurred on 19 May 2023 when a split in a poly pipeline resulted in mine water being reported off site and the PIRMP needing to be activated. Further investigations occurred and no change was detected in water chemistry or macroinvertebrate indices. The EPA reviewed the incident and determined corrective, and preventative measures had been taken. Further regulatory action would not be taken. Corrective actions taken included isolating and locking out the pump supplying water to the poly pipe, fixing the leak, additional containment topsoil stockpile controls and inspections. Therefore, the audit has determined no Corrective Action (CA), or Opportunity for Improvement (OFI) is relevant to this non-compliance.
O3 Dust				
O3.1	All areas in or on the premises must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).	Compliant	<ul style="list-style-type: none"> AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022) (<i>current version</i>). Annual Reviews for 2021/2022, 2022/2023, 2023/2024. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site interviews and inspection completed 8/9 October 2024 Air Quality Monitoring Reports for the audit period. Complaints register. Air Quality & Management Presentation (November 2021). NSW EPA Bust the Dust Campaign (950-WI-WILP-TBT) Presentation. 	Review of the relevant documentation indicates compliance with the requirements of this condition, noting: <ul style="list-style-type: none"> The AQMP (Version 8.1, August 2022) outlines the regular monitoring program including meteorological forecasting and real-time air quality monitoring data. WCPL cooperates with Moolarben and Ulan Mines on data sharing and collaboration to minimise the cumulative air quality impacts on the surrounding community. During the 2022 Reporting Period, no exceedances of air quality criteria occurred. During the 2023 Reporting Period, no exceedances of air quality criteria occurred. During the 2024 Reporting Period (to 30 September 2024), no exceedances of air quality criteria occurred. Dust management training provided to applicable operational personnel by the Environment and Community Department in November 2021 through a presentation on air quality and management.

Condition #	Details	Compliance status	Relevant evidence	Commentary
				<ul style="list-style-type: none"> A review of daily productions occurs, to consider availability of water carts in respect of forecasting adverse weather. Annual presentations in relation to the NSW EPA's Bust the Dust Campaign, and use of the NSW EPA's Dust Assessment Handbook.
O3.2	Any activity in or on the premises must be carried out by such practicable means as to prevent or minimise the emission into the air of air pollutants (which includes dust).	Compliant	<ul style="list-style-type: none"> AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022) (<i>current version</i>). Annual Reviews for 2021/2022, 2022/2023, 2023/2024. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site interviews and inspection completed 8/9 October 2024 Air Quality Monitoring Reports for the audit period. Complaints register. Air Quality & Management Presentation (November 2021). NSW EPA Bust the Dust Campaign (950-WI-WILP-TBT) Presentation. 	Review of relevant documentation verifies compliance with the requirements of this condition.
O3.3	Any plant in or on the premises must be operated by such practicable means as to prevent or minimise the emission into the air of air pollutants (which includes dust).	Compliant	<ul style="list-style-type: none"> AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022) (<i>current version</i>). Annual Reviews for 2021/2022, 2022/2023, 2023/2024. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site interviews and inspection completed 8/9 October 2024 Air Quality Monitoring Reports for the audit period. Complaints register. Air Quality & Management Presentation (November 2021). NSW EPA Bust the Dust Campaign (950-WI-WILP-TBT) Presentation. 	Review of relevant documentation verifies compliance with the requirements of this condition.
O4 Effluent application to land				
O4.1	The irrigation of treated waste water must be in accordance with the DECC's Environmental Guideline for the use of Effluent by Irrigation (2004)	Noted	N/A.	N/A.
O4.2	Effluent application must not occur in a manner that causes surface runoff.	Compliant	Site interviews and inspection completed on 8/9 October 2024.	Inspection of the site and interviews with site personnel confirmed that effluent application is undertaken in a manner that did not cause runoff.
O4.3	The quantity of effluent applied to the utilisation area(s) must not exceed the capacity of the utilisation area(s) to effectively utilise the effluent. For the purpose of this condition, "effectively utilise" includes the ability of the soil to absorb the nutrient, salt and hydraulic loads and the applied organic material without causing harm to the environment.	Compliant	Site interviews and inspection completed on 8/9 October 2024.	Inspection of the site and interviews with site personnel confirmed that effluent application is undertaken in a manner that did not cause runoff.
5. Monitoring and Recording Conditions				
M1 Monitoring records				
M1.1	The results of any monitoring required to be conducted by this licence, or a load calculation protocol must be recorded and retained as set out in this condition.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Monitoring reports for blasting, noise, surface water and air quality. Site interviews and inspection completed 8/9 October 2024. AQMP (WI-ENV-MNP-0004) (Version 8.1, June 2022) (<i>current version</i>). WMP (WI-ENV-MNP-006) (Version 4, August 2017), including SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) (<i>current version</i>). NMP (WI-ENV-MNP-0011) (Version 8, November 2022) (<i>current version</i>). 	Review of relevant documentation verifies compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> Blast Management Plan (WI-ENV-MNP-0037) (Version 9.1, June 2022) (<i>current version</i>). EnviroSys tracked sample (ID 5482220) at Pit 2 Dam, dated 22/10/2024 at 10.45am, identifying: <ul style="list-style-type: none"> Sampling provider. Sampler name. Location of sample. Date and time. 	
M1.2	All records required to be kept by this licence must be: <ol style="list-style-type: none"> in a legible form, or in a form that can readily be reduced to a legible form; kept for at least 4 years after the monitoring or event to which they relate took place; and produced in a legible form to any authorised officer of the EPA who asks to see them. 	Compliant	Refer to Condition M1.1	Review of relevant documentation verifies compliance with the requirements of this condition.
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: <ol style="list-style-type: none"> the date(s) on which the sample was taken; the time(s) at which the sample was collected; the point at which the sample was taken; and the name of the person who collected the sample. 	Compliant	Refer to Condition M1.1	Review of relevant documentation verifies compliance with the requirements of this condition.
M2 Requirement to monitor concentration of pollutants discharged				
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Non-compliant (Administrative)	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Monitoring reports for blasting, noise, surface water and air quality. Site interviews and inspection completed 8/9 October 2024. WMP (WI-ENV-MNP-006) (Version 4, August 2017), including SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) (<i>current version</i>). AQMP (Version 8.1, June 2022) (<i>current version</i>). Sample laboratory Certificates of Analysis (CoA) and Chain of Custody (CoC) documentation. SLR (2022) Wilpinjong Creek Mine Water Discharge Assessment – Pertaining to the Oct/Nov 2022 EPL Emergency Water Discharge. 	Air quality monitoring requirements There were several non-compliances noted during the 2024 IEA period in relation to air quality monitoring requirements: <ul style="list-style-type: none"> 2021 Reporting Period: <ul style="list-style-type: none"> Within November 2021, 0.7% of the continuous PM10 dust monitoring did not occur at Monitoring Point 28 (TEOM 4). Action taken included TEOM4 checks each month, remotely each day and following power outage and/or repair work. During 2021, 1.8% of the continuous PM2.5 dust monitoring did not occur at Monitoring Point 29 (TEOM 2.5). Action taken included TEOM2.5 checked each month, remotely each day and following power outage and/or repair work. 2022 Reporting Period: <ul style="list-style-type: none"> On 27 June 2022 and 12 December 2022 there were two PM10 dust samples not collected and analysed from monitoring point 13 (HV1). This was caused by a filter paper anomaly and a power outage respectively. The HV1 was checked after every sample date and following power outages. On six occasions in 2022 (3 July, 9 July, 13 September, 19 September, 25 September and 1 Oct 2022), six PM10 dust samples were not collected and analysed at monitoring point 27 (HV5). This was caused by high rainfall and a flooded causeway limiting access to HV5 (July and 13, 19 September) and sampling issues on the other dates. The HV5 was checked after every sample date and HV5 replaced on 1 October 2022. From 8 February, 4.2% of the continuous PM10 dust monitoring was rejected or did not occur at monitoring point 25 (TEOM 3). This was caused by lags in the sensors when conditions change or due to instrument component failures and power interruptions. TEOM3 was checked remotely each day to identify faults, onsite each month and following power outages / when usual data was recorded. This was the same issue, reasoning and solutions offered for PM2.5 dust monitoring at monitoring point 29 (TEOM 2.5). From 8 February, 0.7% of the continuous PM10 dust monitoring did not occur at monitoring point 28 (TEOM 4). The reason given was predominately due to power interruptions. TEOM4 was checked remotely each day, identifying potential faults, onsite each month and following power outages or when unusual data was recorded. The 2023 Annual Review reported three non-compliances. <ul style="list-style-type: none"> The first when 2.5% of the continuous PM10 dust monitoring did not occur at monitoring point 25 (TEOM 3). The TEOM 3 was checked remotely each day, onsite each month and following power outages or unusual data detected. The second when 1.0% of the continuous PM10 dust monitoring did not occur at monitoring point 28 (TEOM 4). TEOM 4 was checked remotely

Condition #	Details	Compliance status	Relevant evidence	Commentary																																
				<p>every day, onsite each month and following power outages or when unusual data was recorded.</p> <ul style="list-style-type: none"> The third when 2.5% of the continuous PM2.5 dust monitoring did not occur at monitoring point 29 (TEOM 2.5). TEOM 2.5 was checked remotely each day, onsite each month and following power outages or if unusual data was detected. <p>Water and / or Land Monitoring Requirements</p> <p>In relation to water monitoring requirements, monitoring results are provided in the 2021, 2022 and 2023 Annual Reviews, and in the EPL Monthly Monitoring Reports provided to the NSW EPA each month for LDP 24.</p> <p>Monitoring generally appears to have been carried out in accordance with Condition M2.4 of EPL 12425. While results for turbidity at LDP 30 are presented in the EPL Monthly Monitoring Reports, no results are presented for pH or EC. However, verification of compliance was achieved via:</p> <ul style="list-style-type: none"> Review of the 2023 Annual Review indicates discharge from LDP 30 did not occur during reporting period Review of the 2022 Annual Review indicates monitoring of pH and EC occurred during discharge from LDP 30 during the reporting period. <p>This notwithstanding, OFI06 has been identified.</p> <p>OFI06: Where discharge occurs at LDP 30, ensure future EPL Monthly Monitoring Reports report pH and EC results in addition to NTU.</p>																																
M2.2	<p>Air Monitoring Requirements</p> <p>POINT 3,4,6,9,26</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Particulates - Deposited Matter</td> <td>grams per square metre per month</td> <td>Monthly</td> <td>AM-19</td> </tr> </tbody> </table> <p>POINT 13,20,27</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Every 6 days</td> <td>AM-18</td> </tr> </tbody> </table> <p>POINT 25,28</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>AM-22</td> </tr> </tbody> </table> <p>POINT 29</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM2.5</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>Special Method 1</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Every 6 days	AM-18	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	AM-22	Pollutant	Units of measure	Frequency	Sampling Method	PM2.5	micrograms per cubic metre	Continuous	Special Method 1	Non-compliant (Administrative)	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. AQMP (Version 8.1, June 2022) (<i>current version</i>). Air Quality Monitoring Reports for the audit period. Site interviews and inspection completed 8/9 October 2024. Sample laboratory CoA and CoC documentation. 	Refer to discussion at Condition M2.1.
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M2.3	For the purposes of the table(s) above Special Method 1 means AS/NZS 3580.9.13:2013 - Methods for sampling and analysis of ambient air determination of suspended particulate matter - PM2.5 continuous direct mass method using a tapered element oscillating microbalance monitor.	Note	N/A.	N/A.																																
M2.4	<p>Water and / or Land Monitoring Requirements</p> <p>POINT 24</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Electrical conductivity</td> <td>microsiemens per centimetre</td> <td>Continuous during discharge</td> <td>In line instrumentation</td> </tr> <tr> <td>Oil and Grease</td> <td>milligrams per litre</td> <td>Weekly during any discharge</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Continuous during discharge</td> <td>In line instrumentation</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Weekly during any discharge</td> <td>Grab sample</td> </tr> <tr> <td>Turbidity</td> <td>nephelometric turbidity units</td> <td>Continuous during discharge</td> <td>In line instrumentation</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Electrical conductivity	microsiemens per centimetre	Continuous during discharge	In line instrumentation	Oil and Grease	milligrams per litre	Weekly during any discharge	Grab sample	pH	pH	Continuous during discharge	In line instrumentation	Total suspended solids	milligrams per litre	Weekly during any discharge	Grab sample	Turbidity	nephelometric turbidity units	Continuous during discharge	In line instrumentation	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023 Annual Returns for 2020/2021, 2021/2022, and 2022/2023 Site interviews and inspection completed 8/9 October 2024 WMP (WI-ENV-MNP-006) (Version 4, August 2017), including SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) (<i>current version</i>). EPL monitoring reports 	Refer to discussion at Condition M2.1.								
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Condition #	Details	Compliance status	Relevant evidence	Commentary																
	<p>POINT 30</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Electrical conductivity</td> <td>microsiemens per centimetre</td> <td>Daily during any discharge</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Daily during any discharge</td> <td>Grab sample</td> </tr> <tr> <td>Turbidity</td> <td>nephelometric turbidity units</td> <td>Daily during any discharge</td> <td>Grab sample</td> </tr> </tbody> </table> <p>Note: For the purposes of conditions M2.2 and M2.4, continuous monitoring is defined as uninterrupted monitoring that occurs over a specified timeframe. Continuous monitoring should only be interrupted during planned equipment maintenance or when planned or unplanned electricity supply interruptions occur.</p>	Pollutant	Units of measure	Frequency	Sampling Method	Electrical conductivity	microsiemens per centimetre	Daily during any discharge	Grab sample	pH	pH	Daily during any discharge	Grab sample	Turbidity	nephelometric turbidity units	Daily during any discharge	Grab sample			
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pH	pH	Daily during any discharge	Grab sample																	
Turbidity	nephelometric turbidity units	Daily during any discharge	Grab sample																	
M2.5	When continuous monitoring equipment is unavailable for a period of time greater than 48 hours, the licensee must notify the EPA to determine whether some other method of sampling, testing or estimation needs to be undertaken on a daily basis at the monitoring point(s) identified under M2.2 and M2.4 while the continuous monitoring equipment is inoperable	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023 Annual Returns for 2020/2021, 2021/2022, and 2022/2023 Site interviews and inspection completed 8/9 October 2024 EPL monitoring reports 	Conduct of the audit has determined this condition has not been triggered during the audit period.																
M3 Testing methods – concentration limits																				
M3.1	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: <ul style="list-style-type: none"> a. any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b. if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c. if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing taking place. 	Compliant	<ul style="list-style-type: none"> AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022) (<i>current version</i>). Air Quality Monitoring Reports for the audit period. 	Review of the relevant documentation indicates compliance with the requirements of this condition.																
M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted. <p>Note: The Protection of the Environment Operations (Clean Air) Regulation 2022 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".</p>	Compliant	<ul style="list-style-type: none"> WMP (WI-ENV-MNP-006) (Version 4, August 2017), including SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) (<i>current version</i>). Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. EPL monitoring reports. 	The SWMP (WI-ENV-MNP-0040) (Version 3, June 2018) states that: <p><i>"surface water monitoring at the Mine will be undertaken in accordance with relevant Australian Standards, legislation and the NSW EPA approved methods for sampling, including (but not limited to) the Approved Methods for the Sampling and Analysis of Water pollutants in NSW (DEC, 2004).</i></p> <p>There is no evidence to indicate that sampling is not undertaken in accordance with this guideline.</p> <p>Manual and automatic water quality sampling point at EPL 24 was observed.</p>																
M4 Weathering monitoring																				
M4.1	The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.2.	Compliant	<ul style="list-style-type: none"> Site inspection/interviews completed 8/9 October 2024 AQMP (Revision 8.1, August 2022), including SCMP (Version 8, June 2022) (<i>current version</i>). Meteorological Station Customer Service Report (S/N 16-0942) completed by ACOEM, dated 7/11/2022. Meteorological Station Calibration Reports completed by ACOEM: <ul style="list-style-type: none"> ID 026338 dated 4/11/2022. ID 028260 dated 6/12/2023. Weather Station Maintenance and Calibration Report (Work Order 35514) completed by Novecom, dated 30/11/2022. 	Review of the relevant documentation indicates compliance with the requirements of this condition.																
M4.2	For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency specified opposite in the other columns.	Non-compliant (Administrative)	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023 Annual Returns for 2020/2021, 2021/2022, and 2022/2023 Site inspection completed 8/9 October 2024 EPL monitoring reports 	Review of the relevant documentation indicates general compliance with the requirements of this condition; however, non-compliance during the 2024 IEA period is noted as follows: <ul style="list-style-type: none"> Within September to November 2021, the percentage of continuous monitoring that did not occur for (i) air temperature and (ii) wind speed/direction, lapse rate, rainfall and humidity, was 0.5%. Action taken included remotely checking meteorological equipment each day, following any repair work and during an annual inspection. Within the 2022 Annual Review, several non-compliances were noted: <ul style="list-style-type: none"> On three occasions (20 May, 2 Oct, 22 Nov), 0.1% of continuous monitoring for air temperature, wind speed / direction, lapse rate, rainfall and humidity did not happen at monitoring point 21. This was due to planned equipment maintenance. The weather station was checked remotely each day to identify potential faults. 																

Condition #	Details	Compliance status	Relevant evidence	Commentary																																			
	<p>Point 21</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Unit of Measure</th> <th>Frequency</th> <th>Averaging Period</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Air temperature</td> <td>Degress celsius</td> <td>Continuous</td> <td>1 hour</td> <td>AM-4</td> </tr> <tr> <td>Wind direction</td> <td>Degrees</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 & AM-4</td> </tr> <tr> <td>Wind speed</td> <td>m/s</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 & AM-4</td> </tr> <tr> <td>Sigma theta</td> <td>Degrees</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 & AM-4</td> </tr> <tr> <td>Rainfall</td> <td>mm</td> <td>Continuous</td> <td>24 hour</td> <td>AM-4</td> </tr> <tr> <td>Relative humidity</td> <td>%</td> <td>Continuous</td> <td>1 hour</td> <td>AM-4</td> </tr> </tbody> </table> <p>Note: For the purposes of conditions M4.1 and M4.2, continuous monitoring is defined as uninterrupted monitoring that occurs over a specified timeframe. Continuous monitoring should only be interrupted during planned equipment maintenance or when planned or unplanned electricity supply interruptions occur.</p>	Parameter	Unit of Measure	Frequency	Averaging Period	Sampling Method	Air temperature	Degress celsius	Continuous	1 hour	AM-4	Wind direction	Degrees	Continuous	15 minute	AM-2 & AM-4	Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4	Sigma theta	Degrees	Continuous	15 minute	AM-2 & AM-4	Rainfall	mm	Continuous	24 hour	AM-4	Relative humidity	%	Continuous	1 hour	AM-4			<ul style="list-style-type: none"> The 2023 Annual Review noted a non-compliance when 0.3% of continuous monitoring for air temperature, wind speed/direction, lapse rate, rainfall and humidity did not occur at monitoring point 21. The weather station was checked remotely each day.
Parameter	Unit of Measure	Frequency	Averaging Period	Sampling Method																																			
Air temperature	Degress celsius	Continuous	1 hour	AM-4																																			
Wind direction	Degrees	Continuous	15 minute	AM-2 & AM-4																																			
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M4.3	When the meteorological station is unavailable for a period of time greater than 48 hours, the licensee must notify the EPA and state what alternative weather monitoring arrangements will be put in place until the return to service of the meteorological station.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site inspection/interviews completed 8/9 October 2024. 	Conduct of the audit determined this condition has not been triggered during the audit period.																																			
M5 Recording of pollution complaints																																							
M5.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	Compliant	<ul style="list-style-type: none"> Complaints register. Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. 	Review of relevant documentation verifies compliance with the requirements of this condition.																																			
M5.2	The record must include details of the following: <ul style="list-style-type: none"> a. the date and time of the complaint; b. the method by which the complaint was made; c. any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d. the nature of the complaint; e. the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f. if no action was taken by the licensee, the reasons why no action was taken. 	Compliant	Refer to Condition M5.1	Review of relevant documentation verifies compliance with the requirements of this condition.																																			
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Compliant	Refer to Condition M5.1	Review of relevant documentation verifies compliance with the requirements of this condition.																																			
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Not triggered	<ul style="list-style-type: none"> Refer to Condition M5.1. Site inspection/interviews completed 8/9 October 2024. 	Conduct of the audit determined this condition has not been triggered during the audit period.																																			
M6 Telephone complaints line																																							
M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	Compliant	<ul style="list-style-type: none"> Complaints records Communities complaints line on the Mine website https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wilpinjong-Mine 	Review of relevant documentation verifies compliance with the requirements of this condition.																																			
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Compliant	<ul style="list-style-type: none"> Communities complaints line on the Mine website https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wilpinjong-Mine Site inspection/interviews completed 8/9 October 2024. 	Review of relevant documentation verifies compliance with the requirements of this condition.																																			
M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Note	N/A.	N/A.																																			
M7 Requirements to monitor volume or mass																																							
M7.1	For each discharge point or utilisation area specified below, the licensee must monitor: <ul style="list-style-type: none"> a) the volume of liquids discharged to water or applied to the area; b) the mass of solids applied to the area; c) the mass of pollutants emitted to the air; at the frequency and using the method and units of measure, specified below. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. 	<p>The 2021, 2022 and 2023 Annual Reviews show continuous discharge volume charts for LDP 24.</p> <p>Volumes discharged at LDP 30 are reported in the Annual Reviews for 2021, 2022 and 2023 as total volumes in text. It is assumed that these volumes are captured using a flow meter and continuous logger with totals calculated.</p>																																			

Condition #	Details	Compliance status	Relevant evidence	Commentary												
	<p>POINT 24</p> <table border="1"> <thead> <tr> <th>Frequency</th> <th>Unit of Measure</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Continuous during discharge</td> <td>megalitres per day</td> <td>Flow meter and continuous logger</td> </tr> </tbody> </table> <p>POINT 30</p> <table border="1"> <thead> <tr> <th>Frequency</th> <th>Unit of Measure</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Continuous during discharge</td> <td>megalitres per day</td> <td>Flow meter and continuous logger</td> </tr> </tbody> </table> <p>Note: For the purposes of condition M7.1, continuous monitoring is defined as uninterrupted monitoring that occurs over a specified timeframe. Continuous monitoring should only be interrupted during planned equipment maintenance or when planned or unplanned electricity supply interruptions occur.</p>	Frequency	Unit of Measure	Sampling Method	Continuous during discharge	megalitres per day	Flow meter and continuous logger	Frequency	Unit of Measure	Sampling Method	Continuous during discharge	megalitres per day	Flow meter and continuous logger			
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M7.2	When continuous monitoring equipment is unavailable for a period of time greater than 48 hours, the licensee must notify the EPA to determine whether some other sampling, testing or estimation needs to be undertaken on a daily basis at the monitoring point identified under M7.1 while the continuous monitoring equipment is inoperable.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. 	Conduct of the audit determined this condition has not been triggered during the audit period.												
M8 Blasting																
M8.1	<p>To determine compliance with condition(s) L6.1 to L6.4:</p> <ol style="list-style-type: none"> Airblast overpressure and ground vibration levels experienced at the following noise sensitive locations must be measured and recorded for all blasts carried out on the premises; <ul style="list-style-type: none"> approximately 50m west of the Wollar Primary School grounds - E 777403 N6416219 (MGA94, Zone 55) Instrumentation used to measure and record the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006. <p>Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in conditions L6.1 to L6.4 at any "noise sensitive locations" other than the locations identified in the above condition.</p>	Compliant	<ul style="list-style-type: none"> Annual Returns for 2021/2022, 2022/2023, and 2023/2024. Blast Monitoring Reports for the audit period, including blast tracking spreadsheet to 31/08/2024. 	Review of relevant documentation verifies compliance with the requirements of this condition.												
6. Reporting Conditions																
R1 Annual return documents																
R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> a Statement of Compliance, a Monitoring and Complaints Summary, a Statement of Compliance - Licence Conditions, a Statement of Compliance - Load based Fee, a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and a Statement of Compliance - Environmental Management Systems and Practices. <p>At the end of each Reporting Period, the EPA will provide to the licensee notification that the Annual Return is due.</p>	Compliant	Annual Returns for 2021/2022, 2022/2023, and 2023/2024.	Review of relevant documentation verifies compliance with the requirements of this condition.												
R1.2	An Annual Return must be prepared in respect of each Reporting Period, except as provided below.	Compliant	Annual Returns for 2021/2022, 2022/2023, and 2023/2024.	Review of relevant documentation verifies compliance with the requirements of this condition.												
R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <ol style="list-style-type: none"> the transferring licensee must prepare an Annual Return for the period commencing on the first day of the Reporting Period and ending on the date the application for the transfer of the licence to the new licensee is granted; and the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the Reporting Period. 	Not triggered	N/A	N/A												
R1.4	<p>Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the Reporting Period and ending on:</p> <ol style="list-style-type: none"> in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or in relation to the revocation of the licence - the date from which notice revoking the licence operates. 	Not triggered	N/A	N/A												
R1.5	The Annual Return for the Reporting Period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each Reporting Period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Compliant	Annual Returns for 2021/2022, 2022/2023, and 2023/2024.	Review of relevant documentation verifies compliance with the requirements of this condition.												
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Compliant	Annual Returns for 2020/2021, 2021/2022, 2022/2023, and 2023/2024.	Review of relevant documentation verifies compliance with the requirements of this condition.												

Condition #	Details	Compliance status	Relevant evidence	Commentary
R1.7	<p>Within the Annual Return, the Statements of Compliance must be certified, and the Monitoring and Complaints Summary must be signed by:</p> <ol style="list-style-type: none"> the licence holder; or by a person approved in writing by the EPA to sign on behalf of the licence holder. <p><i>Note: The term "Reporting Period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the Reporting Period.</i></p> <p><i>Note: An application to transfer a licence must be made in the approved form for this purpose</i></p>	Compliant	Annual Returns for 2021/2022, 2022/2023, and 2023/2024.	Review of relevant documentation verifies compliance with the requirements of this condition.
R2 Notification of environmental harm				
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022, and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site inspection/interviews completed 8/9 October 2024. Environmental incident notification for poly pipe failure, dated 19/05/2023. Environmental incident notification for blast fume event, dated 11/04/2022. Event Timeline (Event timeline 22052023.xlsx) 	Review of relevant documentation verifies compliance with the requirements of this condition.
R2.2	<p>The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.</p> <p><i>Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.</i></p>	Non-compliant (Administrative)	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022, and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Site inspection/interviews completed 8/9 October 2024. Environmental Event Report for poly pipe failure event reported on 19/05/2023 (occurring between 17/05/2023 and 19/05/2023), dated 31/05/2023. Blast Fume Report provided to the NSW EPA on 22/05/2022, including letter from NSW EPA acknowledging receipt of the Blast Fume Report, as well as subsequent updates on 12/04/2022 and 20/04/2022, and noting no regulatory action was deemed relevant, dated 18/07/2022. 	<p>Review of relevant documentation confirmed general compliance with the requirements of this condition; however, a non-compliance (administrative) was identified in relation to the Environmental Event Report for the poly pipe failure. The associated notification was made on 19 May 2023, during this correspondence WCPL provided a written letter titled Wilpinjong Coal – Mine Water from Site Event with details of the non-compliance. In this letter WWCPPL requested an extension for submission of a formal report, stating:</p> <p><i>"A formal report on the above event will be prepared by WCPL as per the requirements of EPL 12425 Condition R3. WCPL requests an extension to the required timeframe of report lodgement (EPL Condition R2.2) until 31 May 2023. WCPL is undertaking significant community-based meetings during the week of 22nd May 2023, which will delay WCPL's ability to appropriately investigate and develop the required report."</i></p> <p>There is no evidence indicating that this extension was approved, with the Environmental Event Report provided on 31 May 2023, which is more than 7 days after the notification was made. As this non-compliance has not re-occurred and has since been closed out, no CA or OFI has been deemed relevant.</p>
R3 Written Report				
R3.1	<p>Where an authorised officer of the EPA suspects on reasonable grounds that:</p> <ol style="list-style-type: none"> where this licence applies to premises, an event has occurred at the premises; or where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022, and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Environmental Event Report for poly pipe failure event reported on 19/05/2023 (occurring between 17/05/2023 and 19/05/2023), dated 31/05/2023. Blast Fume Report provided to the NSW EPA on 22/05/2022, including letter from NSW EPA acknowledging receipt of the Blast Fume Report, as well as subsequent updates on 12/04/2022 and 20/04/2022, and noting no regulatory action was deemed relevant, dated 18/07/2022. 	Review of relevant documentation verifies compliance with the requirements of this condition.
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022, and 2023. Annual Returns for 2020/2021, 2021/2022, and 2022/2023. Environmental Event Report for poly pipe failure event reported on 19/05/2023 (occurring between 17/05/2023 and 19/05/2023), dated 31/05/2023. Blast Fume Report provided to the NSW EPA on 22/05/2022, including letter from NSW EPA acknowledging receipt of the Blast Fume Report, as well as subsequent updates on 12/04/2022 and 20/04/2022, and noting no regulatory action was deemed relevant, dated 18/07/2022. 	Review of relevant documentation verifies compliance with the requirements of this condition.
R3.3	The request may require a report which includes any or all of the following information:	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022, and 2023. 	Review of relevant documentation verifies compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary																					
	<ul style="list-style-type: none"> a. the cause, time and duration of the event; b. the type, volume and concentration of every pollutant discharged as a result of the event; c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g. any other relevant matters 		<ul style="list-style-type: none"> • Annual Returns for 2020/2021, 2021/2022, and 2022/2023. • Environmental Event Report for poly pipe failure event reported on 19/05/2023 (occurring between 17/05/2023 and 19/05/2023), dated 31/05/2023. • Blast Fume Report provided to the NSW EPA on 22/05/2022, including letter from NSW EPA acknowledging receipt of the Blast Fume Report, as well as subsequent updates on 12/04/2022 and 20/04/2022, and noting no regulatory action was deemed relevant, dated 18/07/2022. 																						
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	Compliant	<ul style="list-style-type: none"> • Environmental Event Report for poly pipe failure event reported on 19/05/2023 (occurring between 17/05/2023 and 19/05/2023), dated 31/05/2023. • Blast Fume Report provided to the NSW EPA on 22/05/2022, including letter from NSW EPA acknowledging receipt of the Blast Fume Report, as well as subsequent updates on 12/04/2022 and 20/04/2022, and noting no regulatory action was deemed relevant, dated 18/07/2022. • Show Cause letter from NSW EPA in relation to Alleged breach of licence condition and of the <i>Protection of the Environment Operations Act 1997</i>, requiring response by 14/07/2023, dated 27/06/2023. • WCPL response to Show Cause letter, dated 14/07/2023. 	Review of relevant documentation verifies compliance with the requirements of this condition.																					
7. General Conditions																									
G1 Copy of licence kept at the premises or plant																									
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Compliant	Site interviews completed 8/9 October 2024	Conduct of the audit verified compliance with the requirements of this condition.																					
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Compliant	Site interviews completed 8/9 October 2024	Conduct of the audit interviews indicate this condition has not been triggered during the audit period.																					
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Compliant	Site interviews completed 8/9 October 2024	Conduct of the audit verified compliance with the requirements of this condition.																					
G2 Other general conditions																									
G2.1	<p>Completed Programs</p> <table border="1"> <thead> <tr> <th>Program</th> <th>Description</th> <th>Completed Date</th> </tr> </thead> <tbody> <tr> <td>Discharge Water quality</td> <td>Installation of a water treatment plant (reverse osmosis) to treat excess mine to improve water quality, prior to offsite discharge.</td> <td>19-June-2012</td> </tr> <tr> <td>Coal Mine Particulate Matter Control Best Practice - Assessment and Report</td> <td>Site specific determination of particulate matter controls against best practice</td> <td>09-July-2012</td> </tr> <tr> <td>Particulate Matter Control Best Practice Implementation – Wheel Generated Dust</td> <td>Implementation of particulate matter best management practices to address wheel-generated dust.</td> <td>15-August-2014</td> </tr> <tr> <td>Particulate Matter Control Best Practice Implementation – Disturbing and Handling Overburden in Adverse Weather Conditions</td> <td>Implementation of particulate matter best management practices to address the handling of overburden during adverse weather.</td> <td>15-August-2014</td> </tr> <tr> <td>Particulate Matter Control Best Practice - Trial of Best Practice Measures for Disturbing and Handling Overburden</td> <td>Investigation to establish best practice measures for the handling of overburden.</td> <td>14-April-2014</td> </tr> <tr> <td>Reverse Osmosis Plant Waste</td> <td>Determine disposal options for wastes from the reverse osmosis treatment process.</td> <td>28-February-2017</td> </tr> </tbody> </table>	Program	Description	Completed Date	Discharge Water quality	Installation of a water treatment plant (reverse osmosis) to treat excess mine to improve water quality, prior to offsite discharge.	19-June-2012	Coal Mine Particulate Matter Control Best Practice - Assessment and Report	Site specific determination of particulate matter controls against best practice	09-July-2012	Particulate Matter Control Best Practice Implementation – Wheel Generated Dust	Implementation of particulate matter best management practices to address wheel-generated dust.	15-August-2014	Particulate Matter Control Best Practice Implementation – Disturbing and Handling Overburden in Adverse Weather Conditions	Implementation of particulate matter best management practices to address the handling of overburden during adverse weather.	15-August-2014	Particulate Matter Control Best Practice - Trial of Best Practice Measures for Disturbing and Handling Overburden	Investigation to establish best practice measures for the handling of overburden.	14-April-2014	Reverse Osmosis Plant Waste	Determine disposal options for wastes from the reverse osmosis treatment process.	28-February-2017	Not triggered	N/A	N/A
Program	Description	Completed Date																							
Discharge Water quality	Installation of a water treatment plant (reverse osmosis) to treat excess mine to improve water quality, prior to offsite discharge.	19-June-2012																							
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Reverse Osmosis Plant Waste	Determine disposal options for wastes from the reverse osmosis treatment process.	28-February-2017																							

Appendix F

Other licences and approvals

F.1 ML 1573

Condition #	Details	Compliance status	Relevant evidence	Commentary
Notice to Landholders				
1	<p>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.</p> <p>If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area</p>	Not triggered	N/A.	This condition is outside of the audit period.
Subsidence Management				
4(a)	The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.	Not triggered	N/A.	No underground mining occurring at the Mine.
4(b)	Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Guideline for Applications for Subsidence Management Approvals.	Not triggered	See Condition 4(a)	
4(c)	The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the Coal Mines Regulation Act 1982, or the document New Subsidence Management Plan Approval Process - Transitional Provisions.	Not triggered	See Condition 4(a)	
4(d)	Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approval.	Not triggered	See Condition 4(a)	
4(e)	Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 2 and will be subject to the Annual Environmental Management Report process as set out under Condition 3. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence - Policy.	Not triggered	See Condition 4(a)	
Working Requirement				
5	<p>The lease holder must:</p> <p>a. ensure that at least 114 competent people are efficiently employed on the lease area on each week day except Saturday or any week day that is a public holiday,</p> <p>OR</p> <p>b. expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$1,995,000 per annum whilst the lease is in force.</p> <p>The Minister may at any time or times, by instrument in writing served on the leaseholder, increase or decrease the expenditure required or the number of people to be employed</p>	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site interviews/inspection occurred on 8/9 October 2024 	Conduct of the audit has determined compliance with the requirements of this condition.
Control of Operations				
6(a)	If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to: <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; until in the opinion of the Environmental Officer the situation is rectified.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection/interviews completed 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
6(b)	The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction.	Not triggered	See Condition 6(a)	
6(c)	A direction referred to in this condition may be served on the Mine Manager.	Not triggered	See Condition 6(a)	
Reports				
7	<p>The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <p>a. Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;</p> <p>b. Details of expenditure incurred in conducting that exploration;</p> <p>c. A summary of all geological findings acquired through mining or development evaluation activities;</p> <p>d. Particulars of exploration proposed to be conducted in the next twelve month period;</p> <p>e. All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection/interviews completed 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.

Condition #	Details	Compliance status	Relevant evidence	Commentary
Licence to Use Reports				
8(a)	The lease holder grants to the Minister, by the way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright.	Note	N/A.	N/A.
8(b)	The non-exclusive licence will operate as a consent for the purpose of section 365 of the Mining Act 1992.	Note	N/A.	N/A.
Confidentiality				
9(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: <ul style="list-style-type: none"> i. the lease holder has agreed that specified reports may be made non-confidential. ii. reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease. 	Note	N/A.	N/A.
9(b)	Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated.	Note	N/A.	N/A.
9(c)	The Director-General may extend the period of confidentiality.	Note	N/A.	N/A.
Terms of the non-exclusive licence				
10	The terms of the non-exclusive copyright licence granted under condition 8 (a) are: <ul style="list-style-type: none"> a. the Minister may sub-licence others to publish, print, adapt and reproduce but not on licence reports. 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. 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 parts of the report for which the lease holder owns the copyright. d. there is no royalty payable by the Minister for the licence. e. if the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder, that licence is revocable on the giving of a period of not less than three months' notice. 	Note	N/A.	N/A.
Safety				
12	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.	Compliant	<ul style="list-style-type: none"> • Mining Operations Plan (MOP) 2021 - 2022 (Amendment A), dated 8/09/2021. • Letter from NSW Resources Regulator confirming approval of the MOP until 2/07/2022, dated 6/10/2021. • Annual Reviews for 2021, 2022 and 2023. 	Conduct of the audit has determined compliance with the requirements of this condition.
Exploratory Drilling				
15 (1)	At least twenty eight days prior to commencement of drilling operations lease holder must notify the relevant Department of Planning regional hydrogeologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes.	Not triggered	<ul style="list-style-type: none"> • Annual Reviews for 2021, 2022 and 2023. • Site inspection/interviews completed 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
15 (2)	If the lease holder drills exploratory drill holes, he must satisfy the Director-General that: <ul style="list-style-type: none"> a. all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established; b. all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface; c. all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters; d. if any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape; e. if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers. f. once any drill hole ceases to be used the hole must be sealed in accordance with Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director-General. g. once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition. 	Not triggered	<ul style="list-style-type: none"> • Annual Reviews for 2021, 2022 and 2023. • Site inspection/interviews completed 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
Prevention of Soil Erosion and Pollution				
16	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	Compliant	<ul style="list-style-type: none"> • MOP 2021 - 2022 (Amendment A), dated 8/09/2021. • Letter from NSW Resources Regulator confirming approval of the MOP until 2/07/2022, dated 6/10/2021. • Annual Reviews for 2021, 2022 and 2023. 	Conduct of the audit has determined compliance with the requirements of this condition.
Transmission lines, Communications lines and Pipelines				

Condition #	Details	Compliance status	Relevant evidence	Commentary
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 prior written approval of the Director-General and subject to any conditions he may stipulate.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection completed on 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
Fences, Gates				
18(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.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection completed on 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
18(b)	Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection completed on 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
Road and Tracks				
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.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection completed on 8/9 October 2024. 	Conduct of the audit has determined compliance with the requirements of this condition.
Resource Recovery				
23(a)	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 mineral.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection completed on 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
23(b)	The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection completed on 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
23(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.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection completed on 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
23(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.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection completed on 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
23(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.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection completed on 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
23(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 leaseholder must comply with the requirements of this notice.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection completed on 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
Indemnity				
24	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the leaseholder 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 working now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder maybe licensed or compelled to do.	Note	N/A.	N/A.
Security				
25(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 condition or provision hereof or of any provision of the Act or regulations made thereunder.	Compliant	<ul style="list-style-type: none"> Letter from NSW Resources Regulator regarding Notification of assessment for security deposit (Assessed Deposit), dated 15 October 2021. Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022), including updated Rehabilitation Cost Estimate (RCE). 	Conduct of the audit has determined compliance with the requirements of this condition.
25(b)	The lease holder must provide the security required by sub-clause (a) in one of the following forms: <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. 	Compliant	<ul style="list-style-type: none"> Letter from NSW Resources Regulator regarding Notification of assessment for security deposit (Assessed Deposit), dated 15 October 2021. Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022), including updated RCE. 	Conduct of the audit has determined compliance with the requirements of this condition.
ENVIRONMENTAL MANAGEMENT CONDITIONS				
Environmental Harm				

Condition #	Details	Compliance status	Relevant evidence	Commentary
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	Compliant	Annual Reviews for 2021 and 2022.	Conduct of the audit has determined compliance with the requirements of this condition.
Mining Operation Plan				
27(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 Resource.	Compliant	<ul style="list-style-type: none"> MOP 2021 - 2022 (Amendment A), dated 8/09/2021. Letter from NSW Resources Regulator confirming approval of the MOP until 2/07/2022, dated 6/10/2021. Annual Reviews for 2021 and 2022. 	Conduct of the audit has determined compliance with the requirements of this condition.
27(b)	The [MOP] must: <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 <i>Environmental Planning and Assessment Act 1979</i> the <i>Protection of the Environment Operations Act 1997</i> 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. 	Compliant	<ul style="list-style-type: none"> MOP 2021 - 2022 (Amendment A), dated 8/09/2021. Letter from NSW Resources Regulator confirming approval of the MOP until 2 July 2022, dated 6/10/2021. 	Conduct of the audit has determined compliance with the requirements of this condition.
27(c)	The titleholder may apply to the DG to amend an approved MOP at any time.	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
27(d)	It is not a breach of this condition if: <ol style="list-style-type: none"> the operations constituting the breach were necessary to comply with 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 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>	Note	N/A.	N/A.
27(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.	Note	N/A.	N/A.
Annual Environment Management Reporting				
28	The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the DG.	Compliant	Annual Review for 2021, 2022 and 2023.	Conduct of the audit has determined compliance with the requirements of this condition.
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. 	Compliant	Annual Review for 2021, 2022 and 2023.	Conduct of the audit has determined compliance with the requirements of this condition.
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.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection completed on 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
Rehabilitation				
31	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	Compliant	<ul style="list-style-type: none"> Rehabilitation Management Plan (Version 1, December 2022) Rehabilitation Strategy (Version 3, March 2022) Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). Annual Reviews for 2021, 2022 and 2023 Wilpinjong Coal Mine 2021 Annual Biodiversity Monitoring Report (ELA, 2022) Wilpinjong Coal Mine 2022 Annual Biodiversity Monitoring Report (ELA, 2023). Wilpinjong Coal Mine 2023 Annual Biodiversity Monitoring Report (ELA, 2024). 	<p>Review of the Annual Reviews for 2021 and 2022 indicates progressive rehabilitation at the Mine has occurred:</p> <ul style="list-style-type: none"> 2021: <ul style="list-style-type: none"> Land being prepared for rehabilitation = 88 ha Land under active rehabilitation = 901 ha 2022: <ul style="list-style-type: none"> Land being prepared for rehabilitation = 47.1 ha (forecast 44 ha) Land under active rehabilitation = 948.1 ha (forecast 945 ha) <p>In addition, review of the 2023 Annual Rehabilitation Report and 2023 Annual Review indicates:</p> <ul style="list-style-type: none"> Land being prepared for rehabilitation = 65.49 ha (forecast 46 ha)

Condition #	Details	Compliance status	Relevant evidence	Commentary
				<ul style="list-style-type: none"> • Land under active rehabilitation = 998.57 ha (forecast 994 ha) • 71.38 ha of rehabilitation was rework with native species confirming to the Biometric Vegetation Types (BVTs) specified within the BMP and SSD-6764 utilising methods including foliar spraying the undesirable pastures, dozing and felling of undesirable canopy species and having areas scarified and ameliorants applied prior to drone or tractor seeding. BVTs consisted of: <ul style="list-style-type: none"> ◦ 16.88 ha of HU732 – Yellow Box Grassy Woodland ◦ 53.02 ha of HU824 – White Box – Black Cypress Pine Shrubby Woodland ◦ 1.44 ha of HU697 - Mugga Ironbark – Black Cypress Pine Shrub/Grass Open Forest <p>Finally, the 2024-2026 Forward Program indicates forecast areas proposed for active rehabilitation as follows:</p> <ul style="list-style-type: none"> • 2024: 202.76 ha, with approximately 1,201 ha land under active rehabilitation • 2025: 240.89 ha, with approximately 1,442 ha land under active rehabilitation • 2026: 129.93 ha, with approximately 1,572 ha land under active rehabilitation

F.2 ML 1779

Condition #	Details	Compliance status	Relevant evidence	Commentary
MINING LEASE CONDITONS 2013				
Notice to Landholders				
1(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.	Not triggered	N/A.	This condition is outside of the audit period.
1(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.	Not triggered	N/A.	This condition is outside of the audit period.
Rehabilitation				
2	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Compliant	<ul style="list-style-type: none"> MOP 2021 - 2022 (Amendment A), dated 8/09/2021. Letter from NSW Resources Regulator confirming approval of the MOP until 2 July 2022, dated 6/10/2021. 	Conduct of the audit has determined compliance with the requirements of this condition.
Mining Operations Plan and Annual Rehabilitation Report				
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 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.	Compliant	<ul style="list-style-type: none"> MOP 2021 - 2022 (Amendment A), dated 8/09/2021. Letter from NSW Resources Regulator confirming approval of the MOP until 2 July 2022, dated 6/10/2021. 	Conduct of the audit has determined compliance with the requirements of this condition.
3(b)	The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which: <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. 	Compliant	<ul style="list-style-type: none"> MOP 2021 - 2022 (Amendment A), dated 8/09/2021. Letter from NSW Resources Regulator confirming approval of the MOP until 2 July 2022, dated 6/10/2021. 	Conduct of the audit has determined compliance with the requirements of this condition.
3(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-and-forms/pgf/environmental-guidelines .	Compliant	<ul style="list-style-type: none"> MOP 2021 - 2022 (Amendment A), dated 8/09/2021. Letter from NSW Resources Regulator confirming approval of the MOP until 2 July 2022, dated 6/10/2021. 	Conduct of the audit has determined compliance with the requirements of this condition.
3(d)	The lease holder may apply to the Minister to amend an approved MOP at any time.	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
3(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 Environmental 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. 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. 	Note	N/A.	N/A.
3(f)	The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must: <ul style="list-style-type: none"> i. provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; ii. be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and iii. be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines <p><i>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</i></p>	Compliant	Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022).	Conduct of the audit has determined compliance with the requirements of this condition.
Non-Compliance Reporting				

Condition #	Details	Compliance status	Relevant evidence	Commentary
4(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;	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
4(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.	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
Environmental Incident Report				
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.	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
Extraction Plan				
6(a)	In this condition: <ul style="list-style-type: none"> i. approved Extraction Plan means a plan, being: <ul style="list-style-type: none"> 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 B. a subsidence management plan relating to the mining operations subject to this lease: <ul style="list-style-type: none"> I. submitted to the Secretary on or before 31 December 2014; and II. approved by the Secretary. 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. 	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
6(b)	The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
6(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.	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
6(d)	The lease holder must notify the Secretary within 48 hours of any: <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. 	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
Resource Recovery				
7	The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.	Compliant	<ul style="list-style-type: none"> • Annual Reviews for 2021, 2022 and 2023. • Annual Returns for 2020/2021, 2021/2022, and 2022/2023. • ROM coal tracking spreadsheet to August 2024. • WCPL 2024 Coal Plan Excel Spreadsheet. 	Review of relevant documentation indicates compliance with the requirements of this condition, with production as follows: <ul style="list-style-type: none"> • 2023: 12.8 million tonnes (Mt). • 2022: 13.28 Mt. • 2021: 14.48 Mt.
Security				
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.	Compliant	<ul style="list-style-type: none"> • Letter from NSW Resources Regulator regarding Notification of assessment for security deposit (Assessed Deposit), dated 15 October 2021. • Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022), including updated Rehabilitation Cost Estimate (RCE). 	Review of relevant documentation indicates compliance with the requirements of this condition
Cooperation Agreement				
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 	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. 			
Exploration Reporting				
	<p><i>Note: Exploration Reports (Geological and Geophysical)</i></p> <p><i>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.</i></p>	Not triggered	<ul style="list-style-type: none"> • Annual Reviews for 2021, 2022 and 2023. • Site inspection/interviews completed 8/9 October 2024. 	Conduct of the audit has determined this condition was not triggered during the audit period.
SPECIAL CONDITIONS				
	<p><i>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.</i></p>	Note	N/A.	N/A.

F.3 ML 1795

Condition #	Details	Compliance status	Relevant evidence	Commentary
Notice to Landholders				
1(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.	Not triggered	N/A.	This condition is outside of the audit period.
1(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.	Not triggered	N/A.	This condition is outside of the audit period.
Rehabilitation				
2	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Compliant	<ul style="list-style-type: none"> Rehabilitation Management Plan (Version 1, December 2022) Rehabilitation Strategy (Version 3, March 2022) Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref: ARR0001252). Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). Annual Reviews for 2021, 2022 and 2023 Wilpinjong Coal Mine 2021 Annual Biodiversity Monitoring Report (ELA, 2022) Wilpinjong Coal Mine 2022 Annual Biodiversity Monitoring Report (ELA, 2023). Wilpinjong Coal Mine 2023 Annual Biodiversity Monitoring Report (ELA, 2024). 	<p>Review of the Annual Reviews for 2021 and 2022 indicates progressive rehabilitation at the Mine has occurred:</p> <ul style="list-style-type: none"> 2021: <ul style="list-style-type: none"> Land being prepared for rehabilitation = 88 ha Land under active rehabilitation = 901 ha 2022: <ul style="list-style-type: none"> Land being prepared for rehabilitation = 47.1 ha (forecast 44 ha) Land under active rehabilitation = 948.1 ha (forecast 945 ha) <p>In addition, review of the 2023 Annual Rehabilitation Report and 2023 Annual Review indicates:</p> <ul style="list-style-type: none"> Land being prepared for rehabilitation = 65.49 ha (forecast 46 ha) Land under active rehabilitation = 998.57 ha (forecast 994 ha) 71.38 ha of rehabilitation was rework with native species confirming to the Biometric Vegetation Types (BVTs) specified within the BMP and SSD-6764 utilising methods including foliar spraying the undesirable pastures, dozing and felling of undesirable canopy species and having areas scarified and ameliorants applied prior to drone or tractor seeding. BVTs consisted of: <ul style="list-style-type: none"> 16.88 ha of HU732 – Yellow Box Grassy Woodland 53.02 ha of HU824 – White Box – Black Cypress Pine Shrubby Woodland 1.44 ha of HU697 - Mugga Ironbark – Black Cypress Pine Shrub/Grass Open Forest <p>Finally, the 2024-2026 Forward Program indicates forecast areas proposed for active rehabilitation as follows:</p> <ul style="list-style-type: none"> 2024: 202.76 ha, with approximately 1,201 ha land under active rehabilitation 2025: 240.89 ha, with approximately 1,442 ha land under active rehabilitation 2026: 129.93 ha, with approximately 1,572 ha land under active rehabilitation
Mining Operation Plan and Annual Rehabilitation Report				
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, ancillary mining activities and prospecting. The 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, ancillary mining activities and prospecting.	Compliant	<ul style="list-style-type: none"> MOP 2021 - 2022 (Amendment A), dated 8/09/2021. Letter from NSW Resources Regulator confirming approval of the MOP until 2 July 2022, dated 6/10/2021. 	Conduct of the audit has determined compliance with the requirements of this condition.
3(b)	The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which: <ol style="list-style-type: none"> identifies areas that will be disturbed; details the staging of specific mining operations, ancillary mining activities and prospecting; identifies how the mine will be managed and rehabilitated to achieve the post mining land use; identifies how mining operations, ancillary mining activities and prospecting will be carried out in order to prevent and or minimise harm to the environment; and 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. 	Compliant	<ul style="list-style-type: none"> MOP 2021 - 2022 (Amendment A), dated 8/09/2021. Letter from NSW Resources Regulator confirming approval of the MOP until 2 July 2022, dated 6/10/2021. 	Conduct of the audit has determined compliance with the requirements of this condition.
3(c)	The MOP must be prepared in accordance with the <i>ESG3: Mining Operations Plan (MOP) Guidelines September 2013</i> published on the Department's website at https://www.resourcesandgeoscience.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines .	Compliant	<ul style="list-style-type: none"> MOP 2021 - 2022 (Amendment A), dated 8/09/2021. Letter from NSW Resources Regulator confirming approval of the MOP until 2 July 2022, dated 6/10/2021. 	Conduct of the audit has determined compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
3(d)	The lease holder may apply to the Minister to amend an approved MOP at any time.	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
3(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 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 2017</i>. 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. 	Note	N/A.	N/A.
3(f)	The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must: <ul style="list-style-type: none"> i. provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; ii. be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and iii. be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at https://www.resourcesandgeoscience.nsw.gov.au/miners-and-explorers/rules-and-forms/pgt/environmental-guidelines. <p><i>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</i></p>	Compliant	Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022).	Conduct of the audit has determined compliance with the requirements of this condition.
Non-Compliance Reporting				
4(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;	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
4(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.	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
Environmental Incident Report				
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.	Not triggered	N/A.	Conduct of the audit has determined this condition was not triggered during the audit period.
Extraction Plan				
6(a)	In this condition: <ul style="list-style-type: none"> i. approved Extraction Plan means a plan, being: <ul style="list-style-type: none"> 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 B. a subsidence management plan relating to the mining operations subject to this lease: <ul style="list-style-type: none"> I. submitted to the Secretary on or before 31 December 2014; and II. approved by the Secretary. 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. 	Not triggered	N/A.	No underground mining occurring at the Mine
6(b)	The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.	Not triggered	N/A.	No underground mining occurring at the Mine
6(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.	Not triggered	N/A.	No underground mining occurring at the Mine
6(d)	The lease holder must notify the Secretary within 48 hours of any: <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. 	Not triggered	N/A.	No underground mining occurring at the Mine
Resource Recovery				
7	The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.	Compliant	<ul style="list-style-type: none"> • Annual Reviews for 2021, 2022 and 2023. • Annual Returns for 2020/2021, 2021/2022, and 2022/2023. 	Review of relevant documentation indicates compliance with the requirements of this conditions, with production as follows: <ul style="list-style-type: none"> • 2023: 12.8 million tonnes (Mt).

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> ROM coal tracking spreadsheet to August 2024. WCPL 2024 Coal Plan Excel Spreadsheet. 	<ul style="list-style-type: none"> 2022: 13.28 Mt. 2021: 14.48 Mt.
Group Security				
8	<p>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.</p> <p>The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$51,165,000.</p> <p>The leases covered by the group security include: Mining Lease 1573 (Act 1992), Mining Lease 1779 (Act 1992)</p> <p>This group security is extended to apply to this lease.</p>	Compliant	<ul style="list-style-type: none"> Letter from NSW Resources Regulator regarding Notification of assessment for security deposit (Assessed Deposit), dated 15 October 2021. Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022), including updated Rehabilitation Cost Estimate (RCE). 	Conduct of the audit has determined compliance with the requirements of this condition.
Cooperation Agreement				
9	<p>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:</p> <ul style="list-style-type: none"> access arrangements operational interaction procedures dispute resolution information exchange well location timing of drilling potential resource extraction conflicts; and rehabilitation issues. 	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection completed on 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.
Exploration Reporting				
	<p><i>Note: Exploration Reports (Geological and Geophysical)</i></p> <p><i>The lease holder must lodge reports to the satisfaction of the Secretary in accordance with section 163C of the Mining Act 1992 and in accordance with clauses 59, 60 and 61 of the Mining Regulation 2016.</i></p> <p><i>Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.</i></p>	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Site inspection/interviews completed on 8/9 October 2024. 	Conduct of the audit has determined this condition has not been triggered during the audit period.

F.4 Standard conditions (Schedule 8A, Part 2) Mining Regulation 2016 (NSW)

Condition #	Details	Compliance status	Relevant evidence	Commentary
Division 1 Protection of the environment and rehabilitation				
4 Must prevent or minimise harm to environment				
4(1)	The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease.	Compliant	<ul style="list-style-type: none"> This audit. Annual Reviews for 2021, 2022 and 2023. Environmental Monitoring reports for the audit period. Site inspection completed 8/9 October 2024 Site interviews completed 8/9 October 2024 	Conduct of the audit has determined compliance with the requirements of this condition.
4(2)	In this clause—harm to the environment has the same meaning as in the Protection of the Environment Operations Act 1997.	Note	N/A.	N/A.
5 Rehabilitation to occur as soon as reasonably practicable after disturbance				
	The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023 Rehabilitation Management Plan (RMP) (Version 2, June 2022) Rehabilitation Strategy (RS) (Version 3, March 2022) Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref. ARR0001252). Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). Wilpinjong Coal Mine 2021 Annual Biodiversity Monitoring Report (ELA, 2022) Wilpinjong Coal Mine 2022 Annual Biodiversity Monitoring Report (ELA, 2023) Wilpinjong Coal Mine 2023 Annual Biodiversity Monitoring Report (ELA, 2024) Site inspection completed 8/9 October 2024 Site interviews completed 8/9 October 2024 	<p>Review of the Annual Reviews for 2021 and 2022 indicates progressive rehabilitation at the Mine has occurred:</p> <ul style="list-style-type: none"> 2021: <ul style="list-style-type: none"> Land being prepared for rehabilitation = 88 ha Land under active rehabilitation = 901 ha 2022: <ul style="list-style-type: none"> Land being prepared for rehabilitation = 47.1 ha (forecast 44 ha) Land under active rehabilitation = 948.1 ha (forecast 945 ha) <p>In addition, review of the 2023 Annual Rehabilitation Report and 2023 Annual Review indicates:</p> <ul style="list-style-type: none"> Land being prepared for rehabilitation = 65.49 ha (forecast 46 ha) <ul style="list-style-type: none"> Annual Review says 77, Annual Report says 65.49? Land under active rehabilitation = 998.57 ha (forecast 994 ha) 71.38 ha of rehabilitation was rework with native species confirming to the Biometric Vegetation Types (BVTs) specified within the BMP and SSD-6764 utilising methods including foliar spraying the undesirable pastures, dozing and felling of undesirable canopy species and having areas scarified and ameliorants applied prior to drone or tractor seeding. BVTs consisted of: <ul style="list-style-type: none"> 16.88 ha of HU732 – Yellow Box Grassy Woodland 53.02 ha of HU824 – White Box – Black Cypress Pine Shrubby Woodland 1.44 ha of HU697 - Mugga Ironbark – Black Cypress Pine Shrub/Grass Open Forest <p>Finally, the 2024-2026 Forward Program indicates forecast areas proposed for active rehabilitation as follows:</p> <ul style="list-style-type: none"> 2024: 202.76 ha, with approximately 1,201 ha land under active rehabilitation 2025: 240.89 ha, with approximately 1,442 ha land under active rehabilitation 2026: 129.93 ha, with approximately 1,572 ha land under active rehabilitation
6 Rehabilitation must achieve final land use				
6(1)	The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area.	Compliant	<ul style="list-style-type: none"> RMP (Version 2, June 2023) Rehabilitation Strategy (Version 3, March 2022) Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref. ARR0001252). Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). Annual Reviews for 2021, 2022 and 2023 Wilpinjong Coal Mine 2021 Annual Biodiversity Monitoring Report (ELA, 2022) Wilpinjong Coal Mine 2022 Annual Biodiversity Monitoring Report (ELA, 2023). Wilpinjong Coal Mine 2023 Annual Biodiversity Monitoring Report (ELA, 2024). 	<p>Review of the Annual Reviews for 2021 and 2022 indicates progressive rehabilitation at the Mine has occurred:</p> <ul style="list-style-type: none"> 2021: <ul style="list-style-type: none"> Land being prepared for rehabilitation = 88 ha Land under active rehabilitation = 901 ha 2022: <ul style="list-style-type: none"> Land being prepared for rehabilitation = 47.1 ha (forecast 44 ha) Land under active rehabilitation = 948.1 ha (forecast 945 ha) <p>In addition, review of the 2023 Annual Rehabilitation Report and 2023 Annual Review indicates:</p> <ul style="list-style-type: none"> Land being prepared for rehabilitation = 65.49 ha (forecast 46 ha) Land under active rehabilitation = 998.57 ha (forecast 994 ha) 71.38 ha of rehabilitation was rework with native species confirming to the Biometric Vegetation Types (BVTs) specified within the BMP and SSD-6764 utilising methods including foliar spraying the undesirable pastures, dozing and felling of undesirable canopy species and having areas scarified and ameliorants applied prior to drone or tractor seeding. BVTs consisted of: <ul style="list-style-type: none"> 16.88 ha of HU732 – Yellow Box Grassy Woodland 53.02 ha of HU824 – White Box – Black Cypress Pine Shrubby Woodland 1.44 ha of HU697 - Mugga Ironbark – Black Cypress Pine Shrub/Grass Open Forest <p>Finally, the 2024-2026 Forward Program indicates forecast areas proposed for active rehabilitation as follows:</p> <ul style="list-style-type: none"> 2024: 202.76 ha, with approximately 1,201 ha land under active rehabilitation

Condition #	Details	Compliance status	Relevant evidence	Commentary
				<ul style="list-style-type: none"> 2025: 240.89 ha, with approximately 1,442 ha land under active rehabilitation 2026: 129.93 ha, with approximately 1,572 ha land under active rehabilitation
6(2)	The holder of the mining lease must ensure any planning approval has been obtained that is necessary to enable the holder to comply with subclause (1).	Not triggered	N/A.	Review of relevant documentation indicates planning approval has not been required to comply with subclause (1).
6(3)	The holder of the mining lease must identify and record any reasonably foreseeable hazard that presents a risk to the holder's ability to comply with subclause (1).	Compliant	<ul style="list-style-type: none"> RMP (Version 2, June 2023). RS (Version 3, March 2022). 	Review of relevant documentation verifies compliance with these requirements.
	Note Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause.	Note	N/A.	N/A.
6(4)	<p>In this clause—</p> <p>final land use for the mining area means the final landform and land uses to be achieved for the mining area—</p> <ol style="list-style-type: none"> as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and for a large mine—as spatially depicted in the final landform and rehabilitation plan, and if the final land use for the mining area is required by a condition of development consent for activities under the mining lease—as stated in the condition. <p>planning approval means—</p> <ol style="list-style-type: none"> a development consent within the meaning of the Environmental Planning and Assessment Act 1979, or an approval under that Act, Division 5.1. 	Note	N/A.	N/A.
Division 2 Risk assessment				
7 Rehabilitation risk assessment				
7(1)	The holder of a mining lease must conduct a risk assessment (a rehabilitation risk assessment) that—	Compliant	<ul style="list-style-type: none"> RMP (Version 2, June 2023). Wilpinjong Coal Mine –Rehabilitation Risk Assessment Report based on a Control Framework (Risk Mentor, February 2022), including Risk Assessment Workshop minutes (17/02/2022). 	Review of relevant documentation verifies compliance with this requirement via Section 3 of the RMP.
7(2)	The holder of the mining lease must implement the measures identified.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023 RMP (Version 2, June 2023) RS (Version 3, March 2022) Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref. ARR0001252). Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). Wilpinjong Coal Mine 2021 Annual Biodiversity Monitoring Report (ELA, 2022) Wilpinjong Coal Mine 2022 Annual Biodiversity Monitoring Report (ELA, 2023) Wilpinjong Coal Mine 2023 Annual Biodiversity Monitoring Report (ELA, 2024) Site inspection completed 8/9 October 2024 Site interviews completed 8/9 October 2024 	<p>Review of the Annual Reviews for 2021 and 2022 indicates progressive rehabilitation at the Mine has occurred:</p> <ul style="list-style-type: none"> 2021: <ul style="list-style-type: none"> Land being prepared for rehabilitation = 88 ha Land under active rehabilitation = 901 ha 2022: <ul style="list-style-type: none"> Land being prepared for rehabilitation = 47.1 ha (forecast 44 ha) Land under active rehabilitation = 948.1 ha (forecast 945 ha) <p>In addition, review of the 2023 Annual Rehabilitation Report and 2023 Annual Review indicates:</p> <ul style="list-style-type: none"> Land being prepared for rehabilitation = 65.49 ha (forecast 46 ha) <ul style="list-style-type: none"> Annual Review says 77, Annual Report says 65.49? Land under active rehabilitation = 998.57 ha (forecast 994 ha) 71.38 ha of rehabilitation was rework with native species confirming to the Biometric Vegetation Types (BVTs) specified within the BMP and SSD-6764 utilising methods including foliar spraying the undesirable pastures, dozing and felling of undesirable canopy species and having areas scarified and ameliorants applied prior to drone or tractor seeding. BVTs consisted of: <ul style="list-style-type: none"> 16.88 ha of HU732 – Yellow Box Grassy Woodland 53.02 ha of HU824 – White Box – Black Cypress Pine Shrubby Woodland 1.44 ha of HU697 - Mugga Ironbark – Black Cypress Pine Shrub/Grass Open Forest <p>Finally, the 2024-2026 Forward Program indicates forecast areas proposed for active rehabilitation as follows:</p> <ul style="list-style-type: none"> 2024: 202.76 ha, with approximately 1,201 ha land under active rehabilitation 2025: 240.89 ha, with approximately 1,442 ha land under active rehabilitation 2026: 129.93 ha, with approximately 1,572 ha land under active rehabilitation

Condition #	Details	Compliance status	Relevant evidence	Commentary
7(3)	The holder of a mining lease must conduct a rehabilitation risk assessment— <ol style="list-style-type: none"> for a large mine—before preparing a rehabilitation management plan, and for a small mine—before preparing the rehabilitation outcome documents for the mine, and whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and whenever given a written direction to do so by the Secretary. 	Compliant	<ul style="list-style-type: none"> RMP (Version 2, June 2023). Wilpinjong Coal Mine – Rehabilitation Risk Assessment Report based on a Control Framework (Risk Mentor, February 2022), including Risk Assessment Workshop minutes (17/02/2022). 	Review of relevant documentation verifies compliance with this requirement via Section 3 of the RMP.
Division 3 Rehabilitation documents				
8 Application of Division				
	This Division does not apply to a mining lease unless— <ol style="list-style-type: none"> the security deposit required under the mining lease is greater than the minimum deposit prescribed under the Act, section 261BF in relation to that type of mining lease, or the Secretary gives a written direction to the holder of the mining lease that this Division, or a provision of this Division, applies to the mining lease. 	Note	N/A.	N/A.
9 General requirements for documents				
	A document required to be prepared under this Division must— <ol style="list-style-type: none"> be in a form approved by the Secretary, and Note— The approved forms are available on the Department's website. <ol style="list-style-type: none"> include any matter required to be included by the form, and if required to be given to the Secretary—be given in a way approved by the Secretary. 	Non-compliant (Administrative)	<ul style="list-style-type: none"> RMP (Version 2, June 2023). Email from NSW Resources Regulator approving the Rehabilitation Objectives Statement, dated 20/02/2024. Approved Rehabilitation Objectives Statement Wilpinjong Coal Mine (Tuesday, 20/02/2024). Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref. ARR0001252). Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). Failure to provide Rehabilitation Cost Estimate (RCE) with Forward Program (provided 31/03/2023): <ul style="list-style-type: none"> Letter notifying Commencement of Investigation from NSW Resources Regulator (NSW RR), dated 20/10/2023. Letter from WCPL dated 17/11/2023 (including email submission), indicating issue had been rectified by upload of the RCE on 7/11/2023. Letter of Official Caution from NSW RR, dated 7/12/2023. 	The Forward Program is required to be prepared in the accordance with the requirements of Clause 9, as outlined in the Form and Way templates, which includes the submission of a Rehabilitation Cost Estimate. In the 2023 Annual Review, a non-compliance occurred when no Rehabilitation Cost Estimate was submitted to the NSW RR, as required with the submission of a Forward Program submitted on 31 March 2023. WCPL submitted the RCE through the NSW Resource Regulator portal on 7 November 2023 and received a letter of Official Caution from the NSW RR on 7 December 2023. As this non-compliance has been addressed, no Corrective Action (CA) or Opportunity for Improvement (OFI) has been deemed relevant.
10 Rehabilitation management plans for large mines				
10(1)	The holder of a mining lease relating to a large mine must prepare a plan (a rehabilitation management plan) for the mining lease that includes the following— <ol style="list-style-type: none"> a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area, a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation, a summary of rehabilitation risk assessments conducted by the holder, the risk control measures identified in the rehabilitation risk assessments, the rehabilitation outcome documents for the mining lease, a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored. 	Compliant	<ul style="list-style-type: none"> RMP (Version 2, June 2023). Correspondence from DPHI in relation to approval of the RMP (Version 1, December 2022), dated 25/01/2023. Letter regarding preparation of RMP to: <ul style="list-style-type: none"> MWRC, dated 22/06/2022. DPIE Water, dated 22/06/2022. BCD, dated 22/06/2022. 	Review of the RMP indicates this requirement is addressed.

Condition #	Details	Compliance status	Relevant evidence	Commentary
10(2)	If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must include a proposed version of the document.	Compliant	<ul style="list-style-type: none"> RMP (Version 2, June 2023). Correspondence from DPHI in relation to approval of the RMP (Version 1, December 2022), dated 25/01/2023. 	Review of the RMP indicates this requirement is addressed.
10(3)	A rehabilitation management plan is not required to be given to the Secretary for approval.	Note	N/A.	N/A.
10(4)	The holder of the mining lease— <ol style="list-style-type: none"> must implement the matters set out in the rehabilitation management plan, and if the forward program specifies timeframes for the implementation of the matters—must implement the matters within those timeframes. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. RMP (Version 2, June 2023) Rehabilitation Strategy (Version 3, March 2022) Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref. ARR0001252). Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). Annual Reviews for 2021, 2022 and 2023 Wilpinjong Coal Mine 2021 Annual Biodiversity Monitoring Report (ELA, 2022) Wilpinjong Coal Mine 2022 Annual Biodiversity Monitoring Report (ELA, 2023) Wilpinjong Coal Mine 2023 Annual Biodiversity Monitoring Report (ELA, 2024) Site inspection completed 8/9 October 2024 Site interviews completed 8/9 October 2024 	Review of documentation indicates compliance with these requirements.
11 Amendment of rehabilitation management plans				
	The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows— <ol style="list-style-type: none"> to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary—within 30 days after the document is approved, as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made, to reflect any changes to the risk control measures in the prepared plan that are identified in a rehabilitation risk assessment—as soon as practicable after the rehabilitation risk assessment is conducted, whenever given a written direction to do so by the Secretary—in accordance with the direction. 	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. RMP (Version 2, June 2023) Site interviews completed 8/9 October 2024 	Review of relevant documentation and conduct of audit interviews indicates this requirement has not been triggered during the audit period.
12 Rehabilitation outcome documents				
12(1)	The holder of a mining lease must prepare the following documents (the rehabilitation outcome documents) for the mining lease and give them to the Secretary for approval— <ol style="list-style-type: none"> the rehabilitation objectives statement, which sets out the rehabilitation objectives required to achieve the final land use for the mining area, the rehabilitation completion criteria statement, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives, for a large mine, the final landform and rehabilitation plan, showing a spatial depiction of the final land use. 	Compliant	<ul style="list-style-type: none"> RMP (Version 2, June 2023). Email from NSW Resources Regulator approving the Rehabilitation Objectives Statement, dated 20/02/2024. Approved Rehabilitation Objectives Statement Wilpinjong Coal Mine (Tuesday, 20/02/2024). 	Review of documentation indicates compliance with these requirements.
12(2)	If the final land use for the mining area is required by a condition of development consent for activities under the mining lease, the holder of the mining lease must ensure the rehabilitation outcome documents are consistent with that condition.	Compliant	RMP (Version 2, June 2023).	Review of documentation indicates compliance with these requirements.
13 Forward program and annual rehabilitation report				
13(1)	The holder of a mining lease must prepare a program (a forward program) for the mining lease that includes the following— <ol style="list-style-type: none"> a schedule of mining activities for the mining area for the next 3 years, 	Compliant	<ul style="list-style-type: none"> Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). 	A non-compliance has been identified with Clause 9, in relation to no RCE being submitted with the Forward Program. While the NSW RR letter of Official Caution identifies non-compliance with Clause 13(1), the auditor has determined this non-compliance relates to the requirements of Clause 9, rather than Clause 13.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> b. a summary of the spatial progression of rehabilitation through its various phases for the next 3 years, c. a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs. 		<ul style="list-style-type: none"> • Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref. ARR0001252). • Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). • Failure to provide Rehabilitation Cost Estimate (RCE) with Forward Program (provided 31/03/2023): <ul style="list-style-type: none"> ◦ Letter notifying Commencement of Investigation from NSW RR, dated 20/10/2023. ◦ Letter from WCPL dated 17/11/2023 (including email submission), indicating issue had been rectified by upload of the RCE on 7/11/2023. ◦ Letter of Official Caution from NSW RR, dated 7/12/2023. 	
13(2)	<p>The holder of a mining lease must prepare a report (an annual rehabilitation report) for the mining lease that includes—</p> <ul style="list-style-type: none"> a. a description of the rehabilitation undertaken over the annual Reporting Period, b. a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the Reporting Period, c. a report demonstrating progress made towards the achievement of the following— <ul style="list-style-type: none"> i. the objectives set out in the rehabilitation objectives statement, ii. the criteria set out in the rehabilitation completion criteria statement, iii. for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan. 	Compliant	<ul style="list-style-type: none"> • Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). • Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref. ARR0001252). 	Review of documentation indicates compliance with these requirements.
13(3)	If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must rely on a proposed version of the document.	Note	N/A.	N/A.
13(4)	The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary.	Compliant	<ul style="list-style-type: none"> • Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). • Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref. ARR0001252). • Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). • Failure to provide Rehabilitation Cost Estimate (RCE) with Forward Program (provided 31/03/2023): <ul style="list-style-type: none"> ◦ Letter notifying Commencement of Investigation from NSW RR, dated 20/10/2023. ◦ Letter from WCPL dated 17/11/2023 (including email submission), indicating issue had been rectified by upload of the RCE on 7/11/2023. ◦ Letter of Official Caution from NSW RR, dated 7/12/2023. 	Review of documentation indicates compliance with these requirements.
13(5)	<p>In this clause—</p> <p>annual Reporting Period means each period of 12 months commencing on—</p> <ul style="list-style-type: none"> a. the date on which the mining lease is granted, or b. if the Secretary approves another date in relation to the mining lease—the other date. 	Note	N/A.	N/A.
14 Amendment of rehabilitation outcome documents and forward program				
14(1)	<p>This clause applies to—</p> <ul style="list-style-type: none"> a. a rehabilitation outcome document if it has been approved by the Secretary, and b. a forward program if it has been given to the Secretary. 	Note	N/A.	N/A.
14(2)	The holder of a mining lease must not amend a document to which this clause applies that relates to the mining lease unless—	Note	N/A.	N/A.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> a. the Secretary gives the holder a written direction to do so, or b. the Secretary, on written application by the holder, gives a written approval of the amendment. 			
14(3)	The holder of the mining lease must amend the document in accordance with the Secretary's direction or approval.	Not triggered	N/A.	N/A.
14(4)	Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval.	Note	N/A.	N/A.
15 Times at which documents must be prepared and given				
15(1)	The holder of a mining lease must do the following before the end of the initial period— <ul style="list-style-type: none"> a. prepare a rehabilitation management plan, and b. prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement, to the Secretary for approval, and c. prepare a forward program and give it to the Secretary. 	Compliant	<ul style="list-style-type: none"> • RMP (Version 2, June 2023). • Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). • Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref. ARR0001252). • Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). • Failure to provide Rehabilitation Cost Estimate (RCE) with Forward Program (provided 31/03/2023): <ul style="list-style-type: none"> ◦ Letter notifying Commencement of Investigation from NSW RR, dated 20/10/2023. ◦ Letter from WCPL dated 17/11/2023 (including email submission), indicating issue had been rectified by upload of the RCE on 7/11/2023. ◦ Letter of Official Caution from NSW RR, dated 7/12/2023. 	Review of documentation indicates compliance with these requirements.
15(2)	The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before— <ul style="list-style-type: none"> a. 60 days after the last day of each annual Reporting Period, commencing with the annual Reporting Period in which the forward program was given to Secretary under subclause (1)(c), or b. a later date approved by the Secretary. 	Compliant	<ul style="list-style-type: none"> • RMP (Version 2, June 2023). • Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). • Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref. ARR0001252). • Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). • Failure to provide Rehabilitation Cost Estimate (RCE) with Forward Program (provided 31/03/2023): <ul style="list-style-type: none"> ◦ Letter notifying Commencement of Investigation from NSW RR, dated 20/10/2023. ◦ Letter from WCPL dated 17/11/2023 (including email submission), indicating issue had been rectified by upload of the RCE on 7/11/2023. ◦ Letter of Official Caution from NSW RR, dated 7/12/2023. 	Review of documentation indicates compliance with these requirements.
15(3)	A rehabilitation completion criteria statement relating to completion of rehabilitation during a period covered by a forward program must be given to the Secretary for approval when the forward program is required to be given to the Secretary.	Compliant	<ul style="list-style-type: none"> • Email from NSW Resources Regulator approving the Rehabilitation Objectives Statement, dated 20/02/2024. • Approved Rehabilitation Objectives Statement Wilpinjong Coal Mine (Tuesday, 20/02/2024). • Correspondence from BCD approving rehabilitation performance and completion criteria, dated 21/06/2021. 	Review of documentation indicates compliance with these requirements.
15(4)	The holder of the mining lease must prepare updated rehabilitation outcome documents for the mining lease and give them to the Secretary for approval before— <ul style="list-style-type: none"> a. 60 days after a development consent is modified following an application referred to in clause 20(1)(b), or b. a later date approved by the Secretary. 	Not triggered	<ul style="list-style-type: none"> • Major Projects website • Site inspection/interviews completed 8/9 October 2024. 	Conduct of the audit has determined this requirement has not been triggered during the audit period, with no modifications approved resulting in modification to a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area. However, interviews with WCPL indicate a revised RMP will be submitted with the revised Rehabilitation Strategy required for submission by 31 December 2024.
15(5)	A rehabilitation completion criteria statement is not required to be given to the Secretary under subclause (4) unless a rehabilitation completion criteria statement has already been given to the Secretary under subclause (3).	Compliant	<ul style="list-style-type: none"> • Email from NSW Resources Regulator approving the Rehabilitation Objectives Statement, dated 20/02/2024. • Approved Rehabilitation Objectives Statement Wilpinjong Coal Mine (Tuesday, 20/02/2024). 	Review of documentation indicates compliance with these requirements.

Condition #	Details	Compliance status	Relevant evidence	Commentary
15(6)	The Secretary may, by written notice, direct the holder of a mining lease to prepare, or give to the Secretary, a document required to be prepared under this Division at a time other than that specified in this clause.	Not triggered	N/A.	Conduct of the audit has determined this requirement has not been triggered during the audit period.
15(7)	The holder of the mining lease must comply with the direction.	Not triggered	N/A.	Conduct of the audit has determined this requirement has not been triggered during the audit period.
15(8)	In this clause— initial period means the period commencing when the mining lease is granted and ending— a. 30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or b. if this Division applies to the mining lease because of an increase in the required security deposit— i. when the surface of the mining area is disturbed by activities under the mining lease, or ii. at a later date approved by the Secretary.	Note	N/A.	N/A.
16 Certain documents to be publicly available				
16(1)	This clause applies to the following documents— a. a rehabilitation management plan, b. a forward program, c. an annual rehabilitation report.	Compliant	Wilpinjong Mine Website	Conduct of the audit has determined compliance with the requirements of this requirement.
16(2)	The holder of a mining lease must make a document to which this clause applies publicly available by— a. publishing it on its website in a prominent position, or b. if the holder does not have a website— providing a copy of it to a person— i. on the written request of a person, and ii. without charge, and iii. within 14 days after the request is received.	Compliant	Wilpinjong Mine Website	Conduct of the audit has determined compliance with the requirements of this requirement.
16(3)	If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published— a. for a rehabilitation management plan—within 14 days after it is prepared or amended, or b. for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended.	Non-compliant (Administrative)	<ul style="list-style-type: none"> Site inspection/interviews completed 8/9 October 2024. RMP (Version 2, June 2023) Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref: ARR0001252). Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). 	<p>While the relevant documents were confirmed as being available on the Wilpinjong Mine website, WCPL was unable to provide evidence to verify this information was published within 14 days after it was prepared or amended (i.e. the RMP) or within 14 days after it was given to the Secretary or amended (i.e. Annual Rehabilitation Report and Forward Program). As a result, CA06 has been identified.</p> <p>CA06: Ensure evidence is collected internally to confirm relevant documents are published on the WCPL website in accordance with Clause 16(3) of the Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016, as follows:</p> <ul style="list-style-type: none"> RMP – within 14 days after it is amended, with the next revision of the RMP due to be submitted on 31 December 2024). Forward Programs and/or Annual Rehabilitation Report – within 14 days after it is given to the Secretary or amended.
16(4)	Personal information within the meaning of the Privacy and Personal Information Protection Act 1998 is not required to be included in a document made available to a person under this clause.	Note	N/A.	N/A.
Division 4 Records, reporting and notification				
17 Records demonstrating compliance				
	The holder of a mining lease must create and maintain records of all actions taken that demonstrate compliance with each of the conditions set out in this Part. Note— The Act, sections 163D and 163E provide for the form in which records must be kept and the period for which they must be retained.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2021, 2022 and 2023. Wilpinjong Coal Mine Annual Rehabilitation Report & Forward Program (July 2022). Wilpinjong Coal Mine Annual Rehabilitation Report Sunday 1/01/2023 to Sunday 31/12/2023 (submitted 28/03/2024) (Ref: ARR0001252). Wilpinjong Coal Mine Forward Program Monday 1/01/2024 to Thursday 31/12/2024 (submitted 28 March 2024) (Ref: FWP0001325). 	Conduct of the audit has determined compliance with the requirements of this requirement.
18 Report on non-compliance				
18(1)	The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with— a. a condition of the mining lease, or	Not triggered	N/A.	Conduct of the audit has determined this condition has not been triggered during the audit period.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	Note—The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition. b. a requirement of the Act or this Regulation relating to activities under the mining lease.			
18(2)	The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance.	Not triggered	N/A.	Conduct of the audit has determined this condition has not been triggered during the audit period.
18(3)	The holder of the mining lease must ensure the report— a. identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and b. describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance occurred, and c. describes the causes or likely causes of the non-compliance, and d. describes the action that has been taken, or will be taken, to mitigate the effects, and to prevent any recurrence, of the non-compliance.	Not triggered	N/A.	Conduct of the audit has determined this condition has not been triggered during the audit period.
19 Nominated contact person				
19(1)	The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act. Note— The Act, section 383 sets out the ways in which notices or other documents may be issued or given to, or served on, a person for the purposes of the Act.	Compliant	Email from NSW Resources Regulator acknowledging confirmation identified nominated contact person (NCP0001298), dated 20/09/2023.	Conduct of the audit has determined compliance with the requirements of this requirement.
19(2)	The holder of the mining lease must give written notice to the Secretary of— a. the full name and contact details of the nominated person—within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and b. any change in nomination or in the nominated person's contact details—within 28 days after the change occurs.	Non-compliant (Administrative)	Email from NSW Resources Regulator acknowledging confirmation identified nominated contact person (NCP0001298), dated 20/09/2023.	The audit confirmed the NSW Resources Regulator was provided the full name and contact details of the nominated person, with NSW Resources Regulator acknowledgement dated 20 September 2023. However, documentation was not able to be reviewed to confirm these details were provided within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation. Therefore, CA07 has been identified. CA07: Should any change occur during the next audit period in regard to the nominated person's contact details or the nominated person, ensure written notice is provided to the NSW Resources Regulator within 28 days after the change occurs.
19(3)	The holder of the mining lease must ensure that the contact details for the nominated person include the person's phone number and postal and email addresses.	Compliant	Email from NSW Resources Regulator acknowledging confirmation identified nominated contact person (NCP0001298), dated 20/09/2023.	Conduct of the audit has determined compliance with the requirements of this requirement.
Division 5 Applications relating to development consent				
20 Additional requirements—application for or to modify development consent				
20(1)	The holder of a mining lease must give written notice to the Secretary within 10 days after— a. making an application for development consent that relates to the mining area, or b. making an application for modification of a development consent— i. under the Environmental Planning and Assessment Act 1979 , section 4.55(2), and ii. that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area.	Not triggered	N/A.	Per Clause 20(2) this clause does not apply to SSD.
20(2)	This clause does not apply if the development is State significant development.	Note	N/A.	N/A.

Appendix G

Site inspection photos



Plate 1 Workshop area



Plate 2 Spill kit available in workshop



Plate 3 Waste receptacles available at workshop



Plate 4 Bunded fuel storage and refuelling area near workshop



Plate 5 Locked flammable materials storage available at workshop



Plate 6 Oil rags bin at fuel storage and refuelling area near workshop



Plate 7 Locked corrosive substances storage available at workshop



Plate 8 Oily water separator at fuel storage and refuelling area near workshop



Plate 9 Mine firefighting truck



Plate 10 Fixed blast monitor at Castle Rock (Site 72)



Plate 11 Blast drilling at Pit 6, facing north



Plate 12 Replacement mailboxes provided by WCPL at former Wollar Store



Plate 13 Fixed blast monitor at Wollar Public School



Plate-14 Fixed real-time noise monitor in village of Wollar

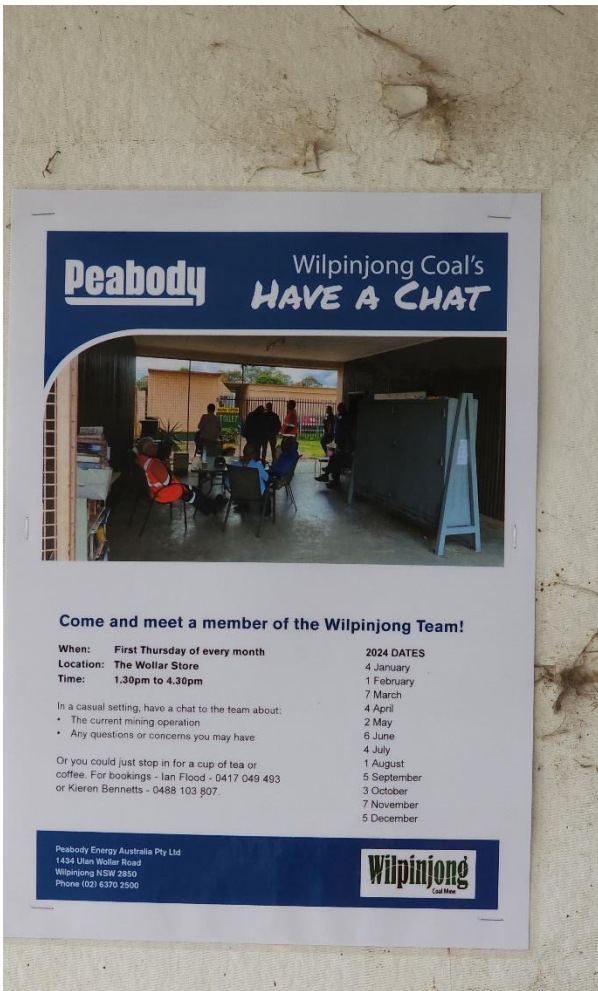


Plate 15 Have a Chat Advert at former Wollar Store



Plate 16 EPL 12425 Monitoring Point 4 (DG5)



Plate 17 EPL 12425 Monitoring Point 25 – real-time PM₁₀ (TEOM3) / EPL 12425 Monitoring Point 29 – real-time PM_{2.5} (TEOM5)



Plate 18 EPL 12425 Monitoring Point 13 (HV1)



Plate 19 WCPL maintained public toilets in Wollar Village



Plate 20 Derelict dwelling at Wollar Village to be demolished in the next IEA period



Plate 21 Rehabilitated tailings dam (formerly TD5)



Plate 22 Water cart in operation at Pit 6



Plate 23 Water cart in operation on haul road at Pit 6



Plate 24 Final landform development at Pit 2



Plate 25 Retained timber for re-use in rehabilitation



Plate 26 Reworked rehabilitation south of raw water dam, facing south



Plate 27 Reworked rehabilitation south of raw water dam, facing east



Plate 28 Operational tailings dam (TD6)



Plate 29 View of the Mine, facing south-east



Plate 30 Cultural heritage information available at the administration buildings

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