RUSSELL VALE COLLIERY – MP 10_0046

# INDEPENDENT AUDIT REPORT

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| Revision | Date | Prepared By | Reviewed By | Description |
|---|---|---|---|---|
| V0 | 19/11/2019 | S Fermio | WCL | Factual correctness review & provision of additional information documentation |
| V1 | 24/1/2020 | S Fermio | D Low | Final Draft |
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| **Author name** | Steve Fermio | **Reviewer / approver name** | Derek Low |
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| **Date** | 24/1/2020 | **Date** | 24/1/2020 |

## Executive Summary

Wollongong Coal Ltd (WCL) is the operator of the Russell Vale and Wongawilli collieries located in the Illawarra region of NSW. This Audit Report applies only to Russell Vale Colliery (RVC). A separate audit report has been prepared for Wongawilli Colliery.

In 2010 WCL sought approval for an expansion of the RVC, the "Russell Vale Colliery Preliminary Works Project" (MP 10_0046) (the Project), approval for which was granted on 13 October 2011 and which has been modified on several occasions since.

The objective of this Independent Environmental Audit (IEA) is to satisfy MP10_0046 (The Approval) Schedule 5, Condition 8. It requires that IEAs of the Project be carried out within 12 months of the Approval, and every three years thereafter. This IEA seeks to verify compliance with the relevant Conditions of Consent (CoC), Environment Protection Licence (EPL), Wollongong City Council (WCC) consent conditions and generally assess the effectiveness of environmental management on the Project. The audit was also required to include other matters raised during consultation with agencies and with the RVC Community Consultative Committee.

This Audit Report presents the findings from the third IEA for the Project and covers the period from 1 July 2016 to 30 June 2019. The Project is currently in care and maintenance mode.

This IEA was completed by senior staff of WolfPeak Pty Ltd (WolfPeak) following site visits undertaken between 29 August and 16 October 2019.

There were 73 CoCs assessed. The findings were as follows:

- There were 49 CoC that were identified as being complied with.
- 7 non-compliances with the CoCs were identified including 2 administrative non-compliances.
- Compliance with 6 CoCs could not be verified, including several related to subsidence performance measures due to lack of sufficient information and clarity around its assessment.
- 10 CoCs were identified as not being triggered.

There were 48 EPL conditions assessed. The findings were as follows:

- There were 41 conditions identified as being complied with.
- 5 non-compliances with conditions were identified.
- 2 conditions were identified as not being triggered.

There were 55 conditions of WCC's development consent assessed. The findings were as follows:

- 34 conditions were identified as being complied with.
- 2 non-compliances with the conditions were identified.
- 9 conditions were for noting.

- Compliance with 4 conditions was not able to be verified.
- 6 conditions were not triggered.

27 actions identified from the previous audit in 2016 had been closed. 14 actions remain open. This is a relatively high number of findings not to have been closed out compared to other major projects we have audited in NSW.

We have also made several recommendations of a more strategic nature, or arising following consultation with government agencies and the Community Consultative Committee, which are outlined below:

*Subsidence impacts*

One of the key environmental issues for WCL (relevant to both RVC and Wongawilli Collieries) is protecting the Metropolitan Special Area drinking water catchment and public infrastructure from the deleterious effects of mine subsidence. To this end, comprehensive subsidence performance measures are included in the Approval.

We found that while subsidence performance monitoring has been undertaken, the results are distributed throughout several reports and data sets, and therefore not synthesized in a way that provides a definitive, time bound and verifiable statement of compliance against each of the performance measures (or explanation provided as to why certain measures may not be relevant at any point in time).

Consequently, we were not able to verify that the RVC Project has complied with all of the subsidence performance measures in the Approval, not because there is evidence that mining has caused subsidence, but because of the absence of verifiable evidence, analysis and/or statements by the relevant experts (ecological, geotechnical, heritage etc.) that it has not.

***We recommend that WCL prepares an Annual Subsidence Impact Performance Report or Statement that provides a statement of compliance against all of the Subsidence Performance Measures in Tables 1 and 2 of the Approval, and includes references to the supporting evidence, analysis and statements by the relevant technical experts in support of compliance (or otherwise) with all of the measures.***

*Compliance management*

WCL is operating under many licences, approvals and consents which impose a significant regulatory burden on the company. In carrying out the audit we found that compliance records were not uniformly well organized, available, or in a form that readily enables verification of compliance. This is a challenge for audits held every 3 years, as evidence needs to be collected, retained and organized in way that enables it to be easily accessed and retrieved at 3 yearly intervals. Accordingly, many of the non-compliances recorded in this Audit Report are due to the absence of evidence in support of compliance, rather than direct evidence of non-compliance.

***We recommend that WCL develops and implements a Compliance Management System as soon as possible. Ideally, such a system would enable coverage of the next 3 yearly audit period from July 2019 to June 2022. We also recommend that a dedicated resource (e.g. Environmental Compliance Coordinator or similar role) be assigned to managing such a system.***

*Environmental Monitoring*

A significant amount of high-quality air, water and noise monitoring is being undertaken by the Project and much of this data is collated and published on WCL's website in quarterly and annual reports or live data in the case of Bellambi Gully water quality inflows and outflows. However, in some cases, it is not clear from the published reports or data sets what the relevant regulatory criteria or limits are (e.g. EPL water quality limits etc.). This makes it difficult for a member of the community accessing this information to understand whether WCL has met the relevant discharge requirements or not (or whether any such criteria apply in the first place).

***We recommend that the published reports and data sets clearly indicate what the relevant limit criteria are, or clearly state where none apply.***

*Complex regulatory framework*

During this audit we had the opportunity to review the implementation of many of the environmental management plans applicable to the RVC operation. The overriding picture is one of a complex series of management plans, required under various approvals and consents, that are not well integrated and do not provide WCL with a clear pathway and approach to their environmental, monitoring and reporting obligations. There are numerous overlapping requirements, often buried in the appendices to the main plans, and sometimes inconsistent between plans. This is not a criticism of the plans or WCL's approach per se, as the plans are developed in accordance with regulatory requirements and have been approved by the relevant authorities. It is more a reflection on the complex regulatory framework that that WCL's operations sit within and the age of some of the approvals and consents, which do not reflect more contemporary environmental practices or current arrangements on the Project.

***We recommend that a comprehensive review of the requirements of all the various approvals and consents applicable to RVC be undertaken with a view to streamlining and clarifying (or removing) outdated, overlapping, confusing or unclear conditions between the different approvals and consents. This will also require the assistance and support of the relevant regulatory agencies to agree to modify their approvals and consents to assist this process. We believe that this would greatly assist WCL achieving a higher degree of compliance by clarifying and simplifying the regulatory framework they are operating under and potentially improve without compromising environmental performance requirements.***

*Environmental Management System*

WCL operates an EMS (not independently certified) for the Project. In carrying out the audit, it was evident that some elements of AS/NZ ISO 14001-2016 Environmental Management Systems are being implemented. However, a previous Risk Assessment carried out by us earlier this year found that aspects of risk management at WCL could be significantly improved and better integrated with the company's EMS. Any re-opening of mining operations at RVC would place the current EMS and risk management process under greater pressure than it is currently under during the care and maintenance phase.

***We recommend that WCL undertake a review of its EMS with a view to ensuring it is fit for the purpose of any proposed extension and reopening of the mine in 2020 should this be approved.***

*Agency and Community Consultative Committee*

We make the following recommendations following consideration of issues raised by government agencies and the CCC during consultation on the scope of this audit:

- ***We recommend that should RVC return to operations in 2020 the necessary Mining Operations Plan (MOP) review required at that time should include a comprehensive review of the rehabilitation strategy across all RVC's operations, including both Russell Vale and the Special Catchment Areas.***
- ***We support the approach advised by Wollongong City Council in relation to lantana control and further recommend that in any revised MOP, triggered by the reopening of the mine, consideration be given to a coordinated approach to the control of this weed, in consultation with landowners and managers surrounding the mine.***
- ***We recommend that the testing register required under section 12.2 of the PIRMP be actively maintained and that it should include as a minimum, relevant details of the nature & date of the test / scenario, personnel involved and any improvements and recommendations to pollution response procedures and the PIRMP arising from the test***.

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# 1. Introduction

## 1.1 The Project

Wollongong Coal Ltd (WCL) is the operator of the Russell Vale Colliery (formerly the NRE No. 1 Colliery), in the Illawarra region of NSW. This mine is located at Russell Vale, approximately 8km north of Wollongong and 70km south of Sydney, in the Wollongong and Wollondilly local government areas.

The Project location is presented in Figure 1.

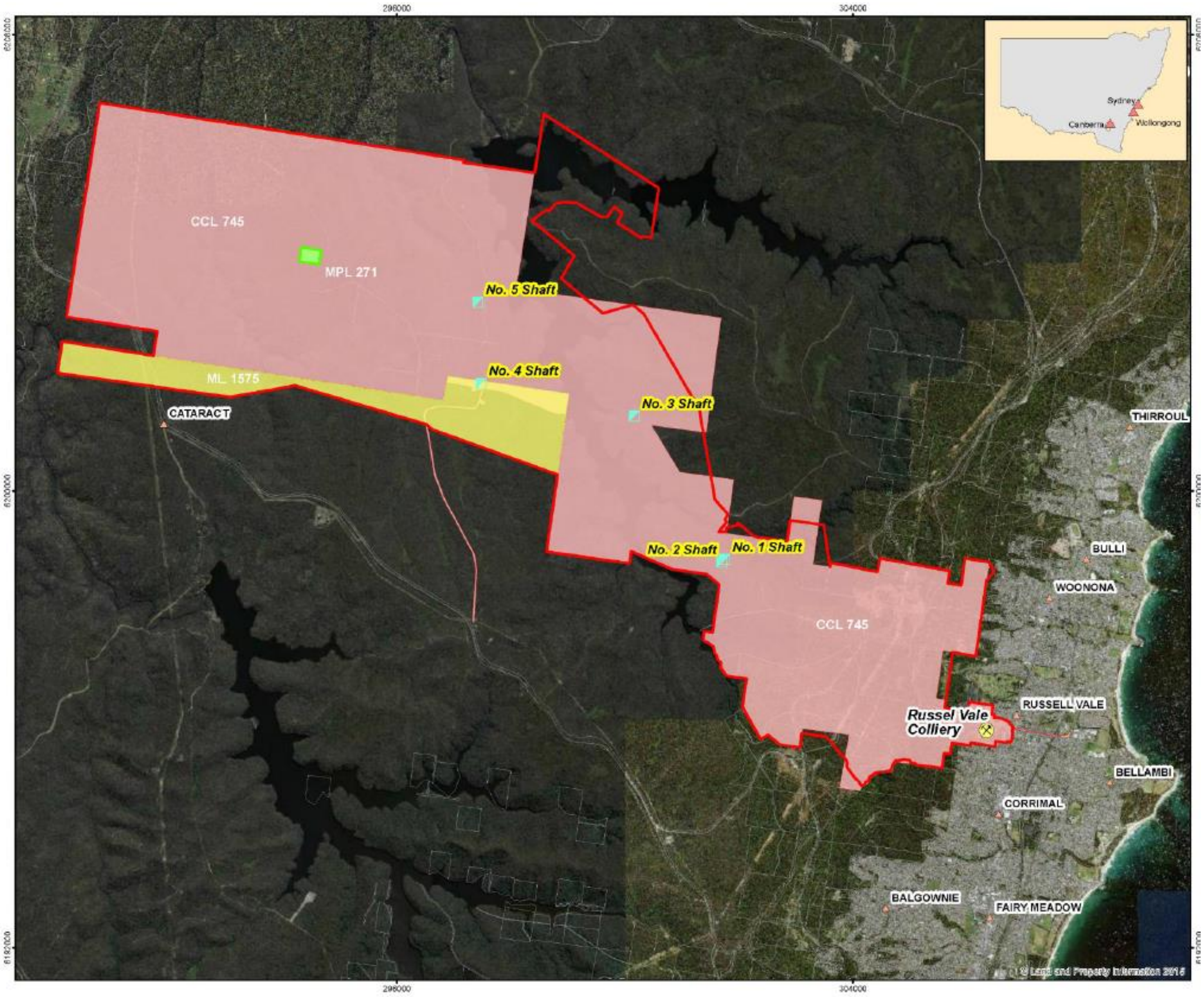

**Figure 1: Russel Vale Colliery location (from WCL 2017/18 Annual Review/Annual Environmental Management Report for Russell Vale Colliery).**

In 2010 WCL sought approval for the "Russell Vale Colliery Preliminary Works Project" (MP 10_0046) (the Project), and an expansion of the existing Russell Vale Colliery, approval for which was granted on 13 October 2011 and provided for continued operations at the mine, including:

- Augmenting, upgrading and using the existing infrastructure;
- Extracting remnant Coal reserves within existing mining areas;
- Extracting up to 1 million tonnes of run of mine Coal a year from Bulli and Wongawilli Seams for a period of three years; and
- Trucking run of mine Coal from the Colliery to the port.

On 24 December 2012, a modification (MOD1) to MP10_0064 was approved, which allowed:

- Extraction of Coal using longwall mining techniques in the Wongawilli Seam for longwalls 4 and 5; and
- Development of the main gate roads for longwall 6.

On 19 November 2014, a further modification (MOD2) to MP10_0064 was approved, which authorised:

- Secondary extraction of the first 365 m of Longwall 6; and
- Extension of the duration of mining until 31 December 2015.

It should be noted that on 10 October 2014, a modification (designated MOD3) was approved, which authorised the continuation of mining until 31 December 2014. This was effectively superseded by MOD2, which authorised mining operations until 31 December 2015.

Other approvals/licences related to the Project include:

- an Environmental Protection Licence (EPL) No. 12040 held by WCL under the *Protection of the Environment Operations Act 1997* (NSW);
- three mining leases: Consolidated Coal Lease (CCL) 745; Mining Lease 1575; and Mining Purposes Lease (MPL) 271;
- Development Consent No. 1989/389 dated 11 April 1990 for the Russell Vale Colliery Emplacement Area (consent for a Coal washery emplacement area);
- An approval, EPBC 2014/7259, granted under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and dated 24 December 2014.

On 1 September 2015, the Project was placed in care and maintenance, which has continued since then and throughout the audit period.

## 1.2 Approval requirements

Condition 8 of Schedule 5 of MP10_0046 requires the Proponent (WCL), within 12 months of the approval, and every three years thereafter, to commission and pay the full cost of an Independent Environmental Audit (IEA) of the Project. This IEA must:

(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;

(b) include consultation with the relevant agencies;
(c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
(d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
(e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.

Condition 9 of Schedule 5 requires WCL to submit this IEA Report to the Director-General within 6 weeks of the date of the IEA, together with WCL's response to any recommendations contained in the IEA Report.

### 1.3 The audit team

In accordance with Condition 8(a) of Schedule 5, the IEA must be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General.

The Audit Team comprises:

- Derek Low (Auditor Lead): Master of Environmental Engineering Management, Exemplar Global Certified Principal Environmental Auditor (Certificate No 114283)
- Steve Fermio (Auditor): Bachelor of Science (Hons), Exemplar Global Certified Principal Environmental Auditor (Certificate No 110498)

Approval of the Audit Team was provided by the Director-General of the Department on 1 May 2019. The letter is presented in Appendix F.

### 1.4 The objectives of the audit

The objective of this IEA is to satisfy Condition 8 of Schedule 5 of MP 10_0046, which, as noted above, states:

> *8. Within 12 months of this approval, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:*
> *(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;*
> *(b) include consultation with the relevant agencies;*
> *(c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*

*(d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and*

*(e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.*

*Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.*

The IEA should be conducted in accordance with AS/NZS ISO 19011:2014 – Guidelines for Auditing Management Systems as required by the Director-General's letter of 1 May 2019, and the Department's October 2015 Independent Audit Guideline as suggested by that letter.

# 2. Audit methodology

## 2.1 The audit scope

This IEA relates to the Project works for the period dating 1 July 2016 to 30 June 2019, during which time the Project was in care and maintenance mode.

The scope of the IEA comprises:

- an assessment of compliance with:
    - CoCs applicable to the phase of the development that is being audited
    - post approval documents prepared to satisfy the CoCs, including an assessment of the implementation of Environmental Management Plans and Sub-plans
    - the relevant EPL
    - Wollongong City Council's development consent conditions for the emplacement area at RVC
- an assessment of the environmental performance of the development, including but not necessarily limited to, an assessment of:
    - actual impacts compared to predicted impacts documented in the environmental impact assessment
    - the physical extent of the development in comparison with the approved boundary, and any potential off-site impacts
    - incidents, non-compliances and complaints that occurred or were made during the audit period
    - the performance of the development having regard to agency policy and any particular environmental issues identified through consultation carried out when developing the scope of the audit
    - feedback received from the Department, and other agencies and stakeholders, including the community, on the environmental performance of the project during the audit period
- a review of the status of implementation of previous Independent Audit findings, recommendations and actions (if any);
- a high-level review of the project's environmental management systems, including assessment of any third-party certification of them, the type, nature and scope of the systems having regard to the nature and scale of the development, and the implementation of the systems;
- a high-level assessment of whether Environmental Management Plans and Sub-plans are adequate; and
- details of any other matters considered relevant by the Auditor or the Department taking into account relevant regulatory requirements and legislation and knowledge of the development's past performance.

## 2.2 Audit process

The IEA was conducted in a manner consistent with *AS/NZS ISO 19011.2014 – Guidelines for Auditing Management Systems*, and the Department's October 2015 Independent Audit Guideline. An overview of the audit activities, as specified in the standard, is presented in Figure 2.

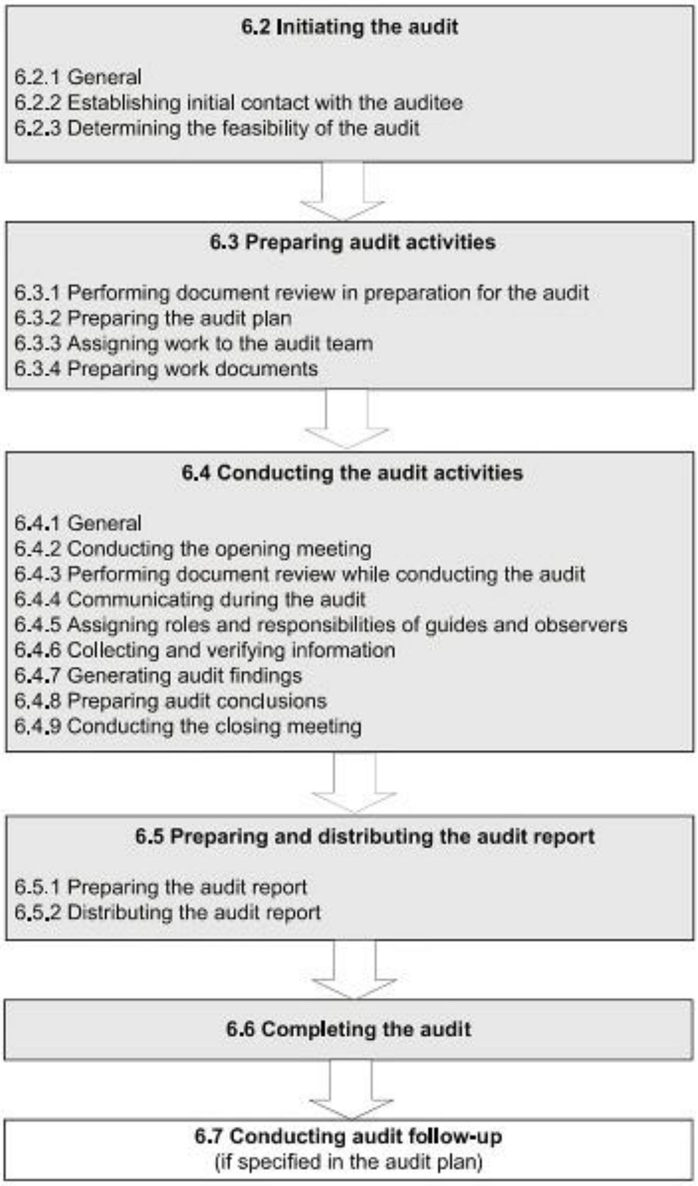

**Figure 2: Audit activities overview (AS/NZS ISO 19011:2014). Subclause numbering refers to the relevant subclauses in the Standard.**

### 2.2.1 Audit initiation and scope development

Prior to the commencement of the audit the following tasks were completed:

- Establish initial contact with the auditee;
- Confirm the audit team; and
- Confirm the audit purpose, scope and criteria.

On 23 August 2019 WolfPeak consulted with:

- the Department;
- the NSW Environment Protection Authority (EPA);
- the NSW Resources Regulator;
- the Office of Environment and Heritage;
- the Department's Water division;
- Wollongong City Council;
- the Natural Resources Access Regulator; and
- the Russell Vale Colliery Community Consultative Committee (CCC).
  to obtain their input into the scope of the IA in accordance with Section 3.2 of the IAPAR. The consultation records are presented in Section 3.

A summary of the key issues and areas of focus raised by the stakeholders and an assessment of how WCL have addressed those issues is presented in Section 3. The following agencies who were consulted did not require or provide any specific issues or areas of focus for the audit:

- Water division of Department of Planning, Industry and Environment
- Office of Environment and Heritage
- Natural Resources Access Regulator

### 2.2.2 Preparing audit activities

The Auditor performed a document review, prepared an audit plan, and prepared work documents (audit checklists) and distributed these to the Project team in preparation for the IEA.

The primary documents reviewed prior to the site visit are as follows:

- *Russell Vale Colliery Environmental Management Strategy*, WCL, 01/04/2019 (CoC 1, Sch 5)
- *Russell Vale Colliery Air Quality and Greenhouse Gas Management Plan,* WCL, 01/04/2019 (CoC 21, Sch 3)
- *Russell Vale Colliery Biodiversity Management Plan*, WCL, 01/04/2019 (CoC 29, Sch 3)
- *Russell Vale Colliery Heritage Management Plan*, WCL, 03/04/2019 (CoC 38, Sch 3)
- *Russell Vale Colliery Traffic Management Plan*, WCL, 01/04/2019 (CoC 28, Sch 3)
- *Russell Vale Colliery Noise Management Plan*, WCL, 03/05/2019 (CoC 16, Sch 3)
- *Russell Vale Colliery Surface Facilities Water Management Plan*, WCL, 03/06/2019 (CoC 32, Sch 3)

- *Russell Vale Colliery Russell Vale East Water Management Plan*, WCL, 06/05/2019 (CoC 35, Sch 3)
- *Russell Vale Colliery Rehabilitation Management Plan*, WCL, 18/04/2019 (CoC 44, Sch 3)
- *Russell Vale East- Longwall 6 (365m) Extraction Plan*, WCL/Hansen Bailey Environmental Consultants, 06/02/2015 (CoC 7, Sch 3)
- *Independent Environmental Audit of Russell Vale Colliery,* Umwelt (Australia) Pty Ltd, September 2016
- *WCL Response to Russell Vale Colliery Independent Environmental Audit*, WCL, Undated (Response to September 2016 IEA)
- *Annual Review/Annual Environmental Management Report (1 July 2017 – 30 June 2018)*, WCL, dated 28/02/2019

Audit checklists were reviewed and prepared. These comprised:

- *Conditions of Consent for MP10_0046*
- *Conditions of Consent for WCC Development Consent D89/839*
- *EPA Licence 12040*
- *Current* status of actions against 2016 Audit Findings Checklist

### 2.2.3 Site personnel involvement

The on-site audit activities took place on 29 August and 16 October 2019. The following personnel took part in the audit:

- Eladio Perez: WCL Environmental Manager (until November 2019)
- Ron Bush: WCL Group Environment and Approvals Manager (from November 2019)
- Robert Faddy-Vrouwe: WCL Environmental Coordinator
- Sasa Cugalj: WCL Environmental Monitoring Coordinator
- Sarah Jones: WCL Administrative Support
- Steve Fermio – Auditor (WolfPeak).

**Meetings**

Opening and closing meetings were held with the Auditor and Project personnel.

During the opening meeting the objectives and scope of the IEA, the resources required and methodology to be applied were discussed. At the closing meeting, preliminary audit findings and recommendations (as appropriate) were made, and any post-audit actions were confirmed.

**Interviews**

The Auditor conducted interviews with key personnel involved in Project delivery, including those with responsibility for environmental management, to assist with verifying the compliance status of the development.

### 2.2.4 Site inspection

The on-site audit activities took place on 29 August and 16 October 2019. The on-site audit activities included an inspection of the site and work activities. Photos are presented in Appendix E.

### 2.2.5 Document review

The IEA included investigation and review of Project files, records and documentation that act as evidence of compliance (or otherwise) with a compliance requirement. The documents sighted are referenced in Appendices A, B, C & D.

### 2.2.6 Generating audit findings

IEA findings were based on verifiable evidence. The evidence included:

- relevant records, documents and reports;
- interviews with relevant site personnel;
- photographs;
- figures and plans; and
- site inspections of relevant locations, activities and processes.

**Compliance evaluation**

The Auditor determined the compliance status of each compliance requirement in the Audit Table, using the descriptors from Table 2 of the IAPAR, comprising the following:

- **Compliant** – Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit.
- **Not verified** - Where the auditor has not been able to collect sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit. In the absence of sufficient verification, the auditor may in some instances be able to verify by other means (visual inspection, personal communication, etc.) that a requirement has been met. In such a

situation, the requirement should still be assessed as not verified. However, the auditor could note in the report that they have no reasons to believe that the operation in non-compliant with that requirement.
- **Non-compliant** – Where the auditor has collected sufficient veritable evidence to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.
- **Administrative non-compliance** - A technical non-compliance with a regulatory approval that would not impact on performance and that is considered minor in nature (e.g. report submitted but not on the due date, failed minor or late monitoring session). This would not apply to performance- related aspects (e.g. exceedance of noise limit) or were a requirement had not been met at all (e.g. noise management plan not prepared and submitted for approval).
- **Not triggered** – A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, therefore a determination of compliance could not be made.
- **Observation** - Observations are recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance. Further observations are considered to be indicators of potential non-compliances or areas where performance may be improved.
- **Note** - A statement or fact, were no assessment of compliance in required.

**Evaluation of post approval documentation**

The Auditor assessed whether post approval documents:

- have been developed in accordance with the CoCs and all other environmental licences and approvals applicable to the Project (if any) and their content is adequate; and
- have been implemented in accordance with the CoCs and all other environmental licences and approvals applicable to the Project (if any).

The adequacy of post approval documents was determined based on whether:

- there are any non-compliances resulting from the implementation of the document; and
- whether there are any opportunities for improvement.

### 2.2.7 Completing the audit

The IEA Report was distributed to the proponent to check factual matters and for input into actions in response to findings (where relevant). The Auditor retained the right to make findings or recommendations based on the facts presented.

# 3. Audit findings

## 3.1 Compliance Status

This Section presents a summary of the findings of the 2019 IA. The Audit Checklists provided in Appendices A to E and photos in Appendix F present details of all the evidence collected, observed and provided in support of a finding.

Section 4 presents the actions proposed or undertaken in response to the findings.

### 3.1.1 Summary

There were a total of 176 conditions assessed across the Project Approval, EPL and WCC development consent. The findings were as follows:

- 11 non-compliances with the conditions were identified including 3 administrative non-compliances.
- Compliance with 12 conditions could not be verified, including several related to subsidence performance measures due to lack of sufficient information and clarity around its assessment.
- The remaining conditions were compliant, not triggered or were for noting.

27 actions identified from the previous audit in 2016 had been closed. 14 actions remain open. This is a relatively high number of findings not to have been closed out compared to other major projects we have audited in NSW.

### 3.1.2 Key issues

In addition to the findings and recommendations detailed in sections 3.2 and 4 below, we have identified several key strategic issues that warrant further recommendations. These are detailed below.

*Subsidence impacts*

One of the key environmental issues for WCL (relevant to both RVC and Wongawilli Collieries) is protecting the Metropolitan Special Area drinking water catchment and public infrastructure from the deleterious effects of mine subsidence. To this end, comprehensive subsidence performance measures are included in the Approval.

We found that while subsidence performance monitoring has been undertaken, the results are distributed throughout several reports and data sets, and therefore not synthesized in a way that provides a definitive, time bound and verifiable statement of compliance against each of the performance measures (or explanation as to why certain measures may not be relevant at a point in time).

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***We recommend that WCL prepares an Annual Subsidence Impact Performance Report or Statement that provides a statement of compliance against all of the Subsidence Performance Measures in Tables 1 and 2 of the Approval, and includes references to the supporting evidence, analysis and statements by the relevant technical experts in support of compliance (or otherwise) with all of the measures.***

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***We recommend that WCL develops and implements a Compliance Management System as soon as possible. Ideally, such a system would enable coverage of the next 3 yearly audit period from July 2019 to June 2022. We also recommend that a dedicated resource (e.g. Environmental Compliance Coordinator or similar role) be assigned to managing such a system.***

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***We recommend that WCL undertake a review of its EMS with a view to ensuring it is fit for the purpose of any proposed extension and reopening of the mine in 2020 should this be approved.***

### 3.1.3 Details

Table 1 presents the details of our findings and recommendations against conditions for which compliance could not be verified or that were assessed as non-compliant.

**Table 1: Detailed findings and actions**

| Unique ID | Compliance requirement | Independent Audit findings and recommendations | Compliance Status | Proposed or completed action by the auditee | By whom and by when | Status |
|---|---|---|---|---|---|---|
| **RUSSELL VALE COLLIERY PROJECT APPROVAL MP10_0046 (CONSOLIDATED MOD 3)** | | | | | | |
| **SCHEDULE 2** | | | | | | |
| **ADMINISTRATIVE CONDITIONS - OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT** | | | | | | |
| 1 | The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the project. | While there were numerous non compliances identified in this audit, there is no direct evidence of material harm to the environment. However, the absence of evidence in several cases does not allow us to conclude that this condition has been fully complied with.<br>***We recommend that WCL develops and implements a Compliance Management System as soon as possible. Ideally, such a system would enable coverage of the next 3 yearly audit period from July 2019 to June 2022. We also recommend that a dedicated resource (e.g. Environmental Compliance Coordinator or similar role) be assigned to managing such a system.*** | Not verified | WCL's response to the findings of this audit will be provided to DPIE in accordance with Condition 9 of Schedule 5 of the Approval which requires that within 6 weeks of the completion of this audit, or as otherwise agreed by the DPIE, WCL shall submit a copy of the audit report to DPIE, together with its response to any recommendations contained in the audit report. The response to the 2016 IEA findings is currently available on WCL's website | | |
| **TERMS OF APPROVAL** | | | | | | |

| Unique ID | Compliance requirement | Independent Audit findings and recommendations | Compliance Status | Proposed or completed action by the auditee | By whom and by when | Status |
|---|---|---|---|---|---|---|
| 2 | The Proponent shall carry out the project generally in accordance with the:<br>(a) EA;<br>(a1) EA- Mod 1 with the exception that approval is not given for development of Maingates 7 and 8;<br>(a2) EA - Mod 2;<br>(b) Statement of Commitments (see Appendix 3); and<br>(c) conditions of this approval.<br>*Note: The general layout of the project is shown in Figure 1 of Appendix 2.* | Works have been undertaken at Russell Vale Colliery generally in accordance with the EA and CoC.<br>However, several non-compliances were noted against specific conditions.<br>WCL has been issued several orders and requests from DPE. These orders and requests have been actioned and many of the required actions have been completed. There are, however, several actions that are still in progress. Where these occur, they are noted in the relevant conditions or in the main text of the audit<br>***It is recommended that regulatory actions be included within the Compliance Management System (see recommendation above) for tracking and expeditious close out*** | Administrative non-compliance | As above | | |
| **OPERATION OF PLANT AND EQUIPMENT** | | | | | | |
| 10 | The Proponent shall ensure that all plant and equipment used on site is:<br>(a) maintained in a proper and efficient condition; and operated in a proper and efficient manner. | PINs (totalling $30,000) issued by EPA on 8/7/16 for 2 failures of plant and equipment on 5 & 7 July 2016 that resulted in Coal fines being discharged into Bellambi Gully.<br>PINs ($30,000) issued by EPA on 1/8/17 for discharge of turbid water into Bellambi Gully on 15/11/16 that were partly due to failure of plant and equipment. | Non-compliant | As above | | |

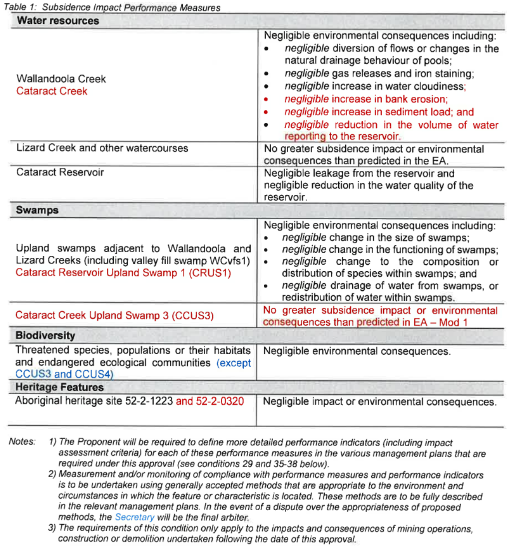
| Unique ID | Compliance requirement | Independent Audit findings and recommendations | Compliance Status | Proposed or completed action by the auditee | By whom and by when | Status |
|---|---|---|---|---|---|---|
| | | Equipment and vehicle prestart checklists (PITs) were sighted with Work Orders for required maintenance and parts.<br>***No specific recommendation*** | | | | |
| **SCHEDULE 3** | | | | | | |
| **SPECIFIC ENVIRONMENTAL CONDITIONS - SUBSIDENCE** | | | | | | |
| **Performance Measures** | | | | | | |
| 1 | The Proponent shall ensure that the project does not cause any exceedance of the performance measures in Table 1 to the satisfaction of the Secretary.<br> | Following the autumn 2019 ecological monitoring surveys Biosis found that an ecological response had been detected at one post-mining upland swamp site, CCUS3, at Russell Vale East resulting in a change in species composition. This was attributed to a likely decrease in water availability following a review of the piezometric data, and thus a Level 2 TARP was triggered. Biosis notes in its draft report that this finding is based upon a single season of data alone and should be reviewed in detail in the 2019 annual report with spring data incorporated into the analyses. As this may, subject to further data being assessed by Biosis in the 2019 annual report, represent a greater environmental consequence than predicted in the EA, this could become a non-compliance with the subsidence impact performance measure for CCUS3.<br>***We recommend that the ecological response data at CCUS3 be reviewed as soon as possible after it becomes*** | Not verified | As above | | |

*Table 1: Subsidence Impact Performance Measures*

| | |
|---|---|
| **Water resources** | |
| Wallandoola Creek<br>Cataract Creek | Negligible environmental consequences including:<br>• *negligible* diversion of flows or changes in the natural drainage behaviour of pools;<br>• *negligible* gas releases and iron staining;<br>• *negligible* increase in water cloudiness;<br>• *negligible* increase in bank erosion;<br>• *negligible* increase in sediment load; and<br>• *negligible* reduction in the volume of water reporting to the reservoir. |
| Lizard Creek and other watercourses | No greater subsidence impact or environmental consequences than predicted in the EA. |
| Cataract Reservoir | Negligible leakage from the reservoir and negligible reduction in the water quality of the reservoir. |
| **Swamps** | |
| Upland swamps adjacent to Wallandoola and Lizard Creeks (including valley fill swamp WCvfs1)<br>Cataract Reservoir Upland Swamp 1 (CRUS1) | Negligible environmental consequences including:<br>• *negligible* change in the size of swamps;<br>• *negligible* change in the functioning of swamps;<br>• *negligible* change to the composition or distribution of species within swamps; and<br>• *negligible* drainage of water from swamps, or redistribution of water within swamps. |
| Cataract Creek Upland Swamp 3 (CCUS3) | No greater subsidence impact or environmental consequences than predicted in EA – Mod 1 |
| **Biodiversity** | |
| Threatened species, populations or their habitats and endangered ecological communities (except CCUS3 and CCUS4) | Negligible environmental consequences. |
| **Heritage Features** | |
| Aboriginal heritage site 52-2-1223 and 52-2-0320 | Negligible impact or environmental consequences. |

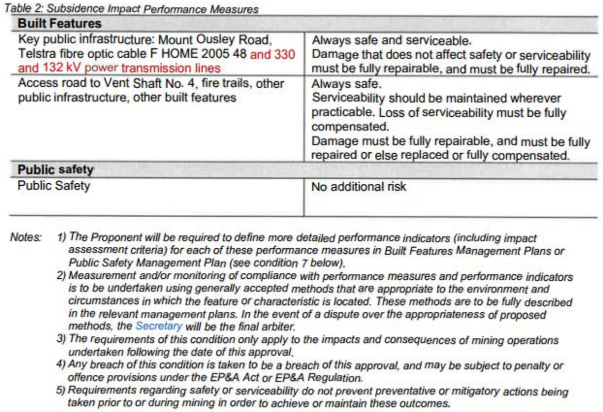
*Notes: 1) The Proponent will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this approval (see conditions 29 and 35-38 below).*

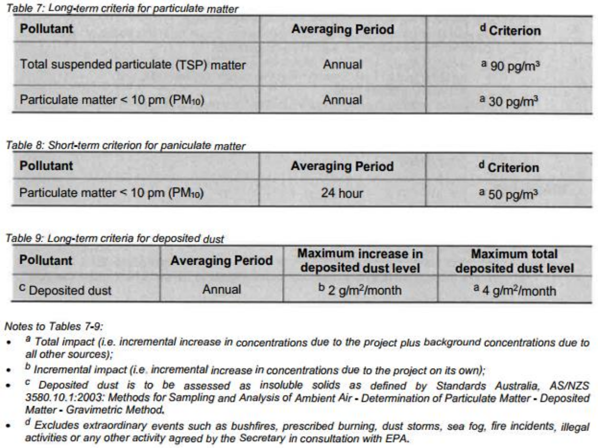
*2) Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Secretary will be the final arbiter.*

*3) The requirements of this condition only apply to the impacts and consequences of mining operations, construction or demolition undertaken following the date of this approval.*

| Unique ID | Compliance requirement | Independent Audit findings and recommendations | Compliance Status | Proposed or completed action by the auditee | By whom and by when | Status |
|---|---|---|---|---|---|---|
|  |  | ***available, and appropriate TARP and reporting measures initiated as required***<br>We note that the SCT RVC 2018 Update of Water Balance Estimation Report, No WCRV 4929 dated 4/4/19 does not provide a definitive statement addressing the performance measure related to Cataract Reservoir in Table 1. Accordingly, this absence of information is regarded as non-compliant with the requirements of this condition.<br>***We recommend that any future water balance reports specifically address the performance measure related to Cataract Reservoir in Table 1***<br>Likewise, there was no evidence provided of any systematic, periodic interpretation or evaluation of water quality and photographic monitoring data (collected by WCL personnel) that could be used to address the performance measures related to water quality, bank erosion, iron staining, gas releases or sediment load in Table 1.<br>***We recommend that WCL prepares an Annual Subsidence Impact Performance Report or Statement that provides a statement of compliance against all of the Subsidence Performance Measures in Tables 1 and 2 of the Approval, and includes references to the supporting evidence, analysis and statements by the*** | 🟧 |  |  |  |

| Unique ID | Compliance requirement | Independent Audit findings and recommendations | Compliance Status | Proposed or completed action by the auditee | By whom and by when | Status |
|---|---|---|---|---|---|---|
| | | ***relevant technical experts in support of compliance (or otherwise) with all of the measures*** | | | | |
| 2 | The Proponent must assess and manage project-related risks to ensure that there are no exceedances of the performance measures in Table 1. Any exceedance of these performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Actor EP&A Regulation, notwithstanding actions taken pursuant to paragraphs (a)-(c) or condition 3 below. Where any exceedance of these performance measures has occurred, the Proponent must, at the earliest opportunity:<br>(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;<br>(b) consider all reasonable and feasible options for remediation and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and<br>implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary. | Non-compliance given the absence of full evidence.<br>On the evidence available to us, we cannot see how WCL is able to assess or manage project-related risks to ensure no exceedances of all the subsidence performance measures in Table 1.<br>***We recommend that WCL prepares an Annual Subsidence Impact Performance Report or Statement that provides a statement of compliance against all of the Subsidence Performance Measures in Tables 1 and 2 of the Approval, and includes references to the supporting evidence, analysis and statements by the relevant technical experts in support of compliance (or otherwise) with all of the measures*** | Not verified | As above | | |
| 3 | If the Proponent exceeds the performance measures in Table 1 and the Secretary determines that:<br>(a) it is not reasonable or feasible to remediate the impact or environmental consequence; or<br>(b) remediation measures implemented by the Proponent have failed to satisfactorily remediate the impact or environmental consequence;<br>then the Proponent shall provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Secretary. | Non-compliance given the absence of full evidence<br>***We recommend that WCL prepares an Annual Subsidence Impact Performance Report or Statement that provides a statement of compliance against all of the Subsidence Performance Measures in Tables 1 and 2 of the Approval, and includes references to the supporting evidence, analysis and statements by the*** | Not verified | As above | | |

<table>
<tr><th>Unique ID</th><th>Compliance requirement</th><th>Independent Audit findings and recommendations</th><th>Compliance Status</th><th>Proposed or completed action by the auditee</th><th>By whom and by when</th><th>Status</th></tr>
<tr><td></td><td>The offset must give priority to like-for-like physical environmental offsets, but may also consider funding for supplementary measures such as:<br>• actions outlines in threatened species recovery programs;<br>• actions that contribute to threat abatement programs;<br>• biodiversity research and survey programs; and/or<br>• rehabilitating degraded habitat.<br><br><em>Note: Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence.</em></td><td><strong><em>relevant technical experts in support of compliance (or otherwise) with all of the measures</em></strong></td><td></td><td></td><td></td><td></td></tr>
<tr><td>4</td><td>The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 2, to the satisfaction of the Secretary.<br><br><br><em>Table 2: Subsidence Impact Performance Measures</em>
<table>
<tr><th colspan="2">Built Features</th></tr>
<tr><td>Key public infrastructure: Mount Ousley Road, Telstra fibre optic cable F HOME 2005 48 and 330 and 132 kV power transmission lines</td><td>Always safe and serviceable.<br>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired.</td></tr>
<tr><td>Access road to Vent Shaft No. 4, fire trails, other public infrastructure, other built features</td><td>Always safe.<br>Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated.<br>Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated.</td></tr>
<tr><th colspan="2">Public safety</th></tr>
<tr><td>Public Safety</td><td>No additional risk</td></tr>
</table>
<em>Notes: 1) The Proponent will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in Built Features Management Plans or Public Safety Management Plan (see condition 7 below).<br>2) Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Secretary will be the final arbiter.<br>3) The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of this approval.<br>4) Any breach of this condition is taken to be a breach of this approval, and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.<br>5) Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes.</em></td><td>Non-compliant due to absence of evidence demonstrating compliance with performance measures of Table 2<br><br><strong><em>We recommend that WCL prepares an Annual Subsidence Impact Performance Report or Statement that provides a statement of compliance against all of the Subsidence Performance Measures in Tables 1 and 2 of the Approval, and includes references to the supporting evidence, analysis and statements by the relevant technical experts in support of compliance (or otherwise) with all of the measures</em></strong></td><td>Not verified</td><td>As above</td><td></td><td></td></tr>
<tr><td colspan="7"><strong>AIR QUALITY & GREENHOUSE GASES</strong></td></tr>
<tr><td colspan="7"><strong>Air Quality Assessment Criteria</strong></td></tr>
</table>

<table>
<tr><th>Unique ID</th><th>Compliance requirement</th><th>Independent Audit findings and recommendations</th><th>Compliance Status</th><th>Proposed or completed action by the auditee</th><th>By whom and by when</th><th>Status</th></tr>
<tr><td>19</td><td>The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not exceed the criteria listed in Tables 7, 8 or 9 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.<br>
<br>
<i>Table 7: Long-term criteria for particulate matter</i>
<table>
<tr><th>Pollutant</th><th>Averaging Period</th><th>[d] Criterion</th></tr>
<tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>[a] 90 pg/m$^3$</td></tr>
<tr><td>Particulate matter < 10 pm (PM$_{10}$)</td><td>Annual</td><td>[a] 30 pg/m$^3$</td></tr>
</table>
<i>Table 8: Short-term criterion for paniculate matter</i>
<table>
<tr><th>Pollutant</th><th>Averaging Period</th><th>[d] Criterion</th></tr>
<tr><td>Particulate matter < 10 pm (PM$_{10}$)</td><td>24 hour</td><td>[a] 50 pg/m$^3$</td></tr>
</table>
<i>Table 9: Long-term criteria for deposited dust</i>
<table>
<tr><th>Pollutant</th><th>Averaging Period</th><th>Maximum increase in deposited dust level</th><th>Maximum total deposited dust level</th></tr>
<tr><td>[c] Deposited dust</td><td>Annual</td><td>[b] 2 g/m$^2$/month</td><td>[a] 4 g/m$^2$/month</td></tr>
</table>
<i>Notes to Tables 7-9:</i><br>
• [a] <i>Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources);</i><br>
• [b] <i>Incremental impact (i.e. incremental increase in concentrations due to the project on its own);</i><br>
• [c] <i>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.</i><br>
• [d] <i>Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Secretary in consultation with EPA.</i></td><td>Non-compliant due to data gap.<br><br><b><i>We recommend that for the avoidance of doubt it would be useful if a statement of compliance with the air quality criteria in Table 7 was made in the quarterly reports, including reasons for any exceedances due to the extraordinary events noted in the condition (if applicable)</i></b></td><td>Administrative non-compliance</td><td>As above</td><td></td><td></td></tr>
<tr><td colspan="7"><b>Operating Conditions</b></td></tr>
<tr><td>20</td><td>The Proponent shall:<br>(a) implement best practice air quality management on site, including all reasonable and feasible measures to minimise the off-site odour, and dust emissions generated by the project including those generated by any spontaneous combustion on site;<br>(b) minimise any visible air pollution generated by the project; and<br>(c) regularly assess the real time air quality monitoring and meteorological forecasting data and modify and/or suspend operations on site to</td><td>Investigation into complaint on 8/5/19 indicates that all reasonable and feasible measures were not being implemented on that occasion<br><br><b><i>No recommendation as the automatic spray system has since been repaired and was operational at the time of the audit</i></b></td><td>Non-compliant</td><td>As above</td><td></td><td></td></tr>
</table>

| Unique ID | Compliance requirement | Independent Audit findings and recommendations | Compliance Status | Proposed or completed action by the auditee | By whom and by when | Status |
|---|---|---|---|---|---|---|
| | ensure compliance with the relevant conditions of this approval, to the satisfaction of the Secretary. | | | | | |
| **WATER MANAGEMENT** | | | | | | |
| **Surface Water Discharge** | | | | | | |
| 31 | The Proponent shall ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the project in any EPL. | Non-compliant due to exceedance of discharge limits in EPL (self-reported to EPA in annual return for 2016 – 2017)<br>***We recommend that the published reports and data sets clearly indicate what the relevant limit criteria are, or clearly state where none apply.*** | Non-compliant | As above | | |
| **SCHEDULE 4** | | | | | | |
| **ADDITIONAL PROCEDURES** | | | | | | |
| **NOTIFICATION OF LANDOWNERS** | | | | | | |
| 1 | Within 2 weeks of obtaining monitoring results showing an exceedance of the relevant criteria in Schedule 3, the Proponent shall notify the affected landowner and tenants in writing of the exceedance and provide monitoring results to each of these parties until the project is complying with the relevant criteria again. | Insufficient evidence provided on whether any exceedances of the criteria in Tables 1 & 2 triggered the notification requirements under this condition.<br>***We recommend that the requirement to notify affected external parties could be included within the functionality of the Compliance Management System recommended above*** | Not verified | As above | | |
| **SCHEDULE 5** | | | | | | |
| **ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING** | | | | | | |
| **Access to Information** | | | | | | |
| 10 | From the end of December 2011, the Proponent shall:<br>(a) make copies of the following publicly available on its website:<br>• the documents referred to in Condition 2 of Schedule 2; | All the required documents are available on WCL's website except for the Quarterly Air Quality & Monitoring Reports for the | Administrative non-compliance | As above | | |

| Unique ID | Compliance requirement | Independent Audit findings and recommendations | Compliance Status | Proposed or completed action by the auditee | By whom and by when | Status |
|---|---|---|---|---|---|---|
| | - all relevant statutory approvals for the project;<br>- all approved strategies, plans and programs required under the conditions of this approval;<br>- a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval;<br>- a complaints register, which is to be updated on a monthly basis;<br>- minutes of CCC meetings;<br>- the annual reviews required under this approval;<br>- any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit;<br>- any other matter required by the Secretary; and<br>keep this information up to date, to the satisfaction of the Secretary. | period October to December 2018. Non-compliant.<br>***We recommend that the missing Quarterly monitoring report be uploaded to the website*** | | | | |
| **RUSSELL VALE COLLIERY EPL 12040** | | | | | | |
| **3 LIMIT CONDITIONS** | | | | | | |
| **L1 Pollution of Waters** | | | | | | |
| L1.1 | Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997. | Non-compliant due to discharge of turbid water into Bellambi Gully on 15/11/16 that was partly due to failure of plant and equipment<br>***No recommendation as we understand that the plant and equipment responsible*** | Non-compliant | As above | | |

| Unique ID | Compliance requirement | Independent Audit findings and recommendations | Compliance Status | Proposed or completed action by the auditee | By whom and by when | Status |
|---|---|---|---|---|---|---|
| | | ***for the discharge to Bellambi Gully has been repaired and is fully operational*** | | | | |
| **L2 Concentration Limits** | | | | | | |
| L2.1 | For each monitoring/discharge point or utilisation area specified in the table\s below (by a point number),<br>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. | Non-compliant due to discharge of turbid water into Bellambi Gully on 15/11/16<br>***No recommendation as per above*** | Non-compliant | As above | | |
| **4 OPERATING CONDITIONS** | | | | | | |
| **O1 Activities must be carried out in a competent manner** | | | | | | |
| O1.1 | Licensed activities must be carried out in a competent manner.<br>This includes:<br>a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and<br>b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity. | Non-compliant as a result of failure of plant and equipment resulting in discharge of turbid water into Bellambi Gully on 15/11/16 and the automated spray system on 8/5/19<br>***No recommendation as the relevant plant and equipment has since been repaired and was fully operational at the time of the audit*** | Non-compliant | As above | | |
| **6 REPORTING CONDITIONS** | | | | | | |
| **R2 Notification of environmental harm** | | | | | | |
| R2.1 | Notifications must be made by telephoning the Environment Line service on 131 555. | Not able to be verified as no evidence was provided indicating compliance with this requirement | Not verified | As above | | |

| Unique ID | Compliance requirement | Independent Audit findings and recommendations | Compliance Status | Proposed or completed action by the auditee | By whom and by when | Status |
|---|---|---|---|---|---|---|
| | | ***We have recommended an Incident Notification and Reporting Procedure be developed, tested and communicated to relevant personnel. It needs to include this requirement*** | | | | |
| R2.2 | The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.<br>*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.* | Not able to be verified as no evidence was provided indicating compliance with this requirement<br>***Recommendation as per above*** | Not verified | As above | | |
| **WOLLONGONG CITY COUNCIL DEVELOPMENT CONSENT NO. 1989/389** | | | | | | |
| 4 | The security fund established in conjunction with Development Consents D 76 /198 , D84 /599 , D 85/ 293 and D 86/527 shall continue in its existing form , and be increased annually throughout the duration of the filling and rehabilitation operations , of this consent, the security fund shall be increased annually by the amount of $15,000. | WCL has advised that this matter is subject of an ongoing and complex legal dispute with WCC and will be resolved during 2020 with the completion of the REA Implementation Plan that will resolve the matter in conjunction with the close out of the transfer of the WCL to WCC<br>*We are not able to assess the compliance status of this condition due to the current legal action* | Not verified | TBA | | |
| 15 | Details to be submitted pursuant to Condition 12 shall include investigations (including test drilling) carried out on behalf of the stability and adequacy of the foundations of the applicant by suitably qualified Engineering and Geotechnical Consultants approved by the Council indicating the stability and adequacy of the foundations of the emplacement area (including the depth and condition of the | WCC 2015 audit noted “no evidence of any investigations / test drilling to determine the stability and adequacy of the foundations of the emplacement area. However, it is presumed Council agreed with the geotechnical information supplied | Not verified | TBA | | |

| Unique ID | Compliance requirement | Independent Audit findings and recommendations | Compliance Status | Proposed or completed action by the auditee | By whom and by when | Status |
|---|---|---|---|---|---|---|
| | bedrock and the strength and condition of the overlying soil and emplacement material) under all conditions (including earthquake). | prior to the commencement of filling of the emplacement area."<br>Based on the findings of the 20015 WCC audit and discussions with WCL personnel, this condition may have been satisfied prior to commencement of emplacement but no records exist with the current owner to confirm this.<br>*Not able to be assessed as per 2016 IEA* | | | | |
| 16 | The foundations when exposed pursuant to Condition 15 shall be inspected and reported upon to the Council by the consultants. No emplacement shall take place until the Council is satisfied as to the adequacy of the foundations. | As above | Not verified | TBA | | |
| 37 | The applicant shall ensure that material hauled to the emplacement will have a moisture content sufficient to prevent the emission of dust but limited to prevent the escape of liquid from the haulage vehicles. | Coal previously stockpiled on emplacement area was removed from site between March and July 2019.<br>Russell Vale Colliery, Quarterly Air Quality and Noise Monitoring Report (January to March 2019) and Russell Vale Colliery, Quarterly Air Quality and Noise Monitoring Report (April to June 2019) by ERM cover the removal of the stockpiled Coal but the reports do not directly address the requirements of this condition | Not verified | No action required as stockpiled coal has now been removed from emplacement area | | |
| 47 | The applicant shall carry out compaction tests of the emplaced material at intervals of not more than one month and submit the results to the Council as soon as they are available. All test results shall be certified by a registered National Australian Testing Authority (NATA) laboratory. | Various compaction tests of the emplacement material (by Coffey) dating from 2010 were provided but no evidence of these tests being undertaken since or provided to WCC was evidenced | Non-compliant | As above | | |

| Unique ID | Compliance requirement | Independent Audit findings and recommendations | Compliance Status | Proposed or completed action by the auditee | By whom and by when | Status |
|---|---|---|---|---|---|---|
| | | ***Action in response to be advised by WCL*** | | | | |
| 48 | The applicant shall:<br>(i) Ensure that water quality monitoring tests including tests for both heavy metals and ground water conditions are carried out at three monthly intervals or as often as is necessary to ensure that the final leachate from the emplacement contains no solids or chemicals in excess of standards set by the State Pollution Control Commission;<br>(ii) Engage a NATA or appropriately qualified laboratory to undertake those tests;<br>(iii) Forward results of those tests to Council as soon as they are available. | Records of heavy metal surface water testing were provided by WCL for the period covered by this audit but there was no evidence of that the results were provided to WCC<br><br>***Action in response to be advised by WCL*** | Non-compliant | As above | | |

### 3.2 Status of actions arising from previous audit findings

The status of actions stemming from findings made in the 2016 Independent Audit are presented in Table 2. 27 actions identified from the previous audit had been closed. 14 actions remain open.

**Table 2: Status of actions stemming from findings made in the 2016 Independent Audit**

| **Condition / Issue** | **Compliance requirement** | **Agreed Recommendation / Action**<br>**WCL Response** | **Due date** | **Current Status** |
|---|---|---|---|---|
| **Russell Vale Colliery Project Approval** | | | | |
| Sch 2, 9 | The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures,* or its latest version. | Obtain documented evidence that demolition works were completed in accordance with Australian Standard 2601-2001.<br>WCL will attempt to locate documentary evidence. | 31/12/16 | 2017/18 AEMR: "WCL can't locate documentary evidence."<br>The auditor understands that given the passage of time it is unlikely that evidence will be able to be found<br>OPEN |
| Sch 3, 1<br>Table 1- Subsidence Performance Criteria | *See Table 1 in Approval Instrument.* | Interim End of Panel Report to be revised to include an assessment of compliance against the performance measures in the Project Approval<br>WCL will revise the Interim End of Panel Report to include an assessment against performance measures in the Project Approval. | 31/12/16 | While 2017/18 AEMR states that this is "Complete" we have not found evidence that the EoP Report for Longwall 6 has been updated<br>WCL has advised that LW6 EoP interim EOP report has not been updated. Final EOP Report is pending UEP approval that will permit the final 25 metres to be extracted so that the longwall can be removed and the EOP reporting completed.<br>OPEN |

| **Condition / Issue** | **Compliance requirement** | **Agreed Recommendation / Action**<br>**WCL Response** | **Due date** | **Current Status** |
|---|---|---|---|---|
| Sch 3, 1<br>Table 1- Swamp Impact Criteria | | Interim End of Panel Report to be revised to include an assessment of compliance against the performance measures in the Project Approval, including assessment of impacts on swamps.<br>WCL will revise the Interim End of Panel Report to include an assessment against performance measures in the Project Approval. | 31/12/16 | While 2017/18 AEMR states that this is "Complete" we have not found evidence that the EoP Report for Longwall 6 has been updated<br>WCL has advised that LW6 EoP interim EOP report has not been updated. Final EOP Report is pending UEP approval that will permit the final 25 metres to be extracted so that the longwall can be removed and the EOP reporting completed.<br>*NB: Biosis Report dated 9/3/17 assesses compliance against Table 1 performance measures*.<br>OPEN |
| Sch 3, 1<br>Table 1 – Biodiversity Impact Criteria | | Interim End of Panel Report to be revised to include an assessment of compliance against the performance measures in the Project Approval, including assessment of impacts on biodiversity.<br>WCL will revise the Interim End of Panel Report to include an assessment against performance measures in the Project Approval. | 31/12/16 | While 2017/18 AEMR states that this is "Complete" we have not found evidence that the EoP Report for Longwall 6 has been updated<br>WCL has advised that LW6 EoP interim EOP report has not been updated. Final EOP Report is pending UEP approval that will permit the final 25 metres to be extracted so that the longwall can be removed and the EOP reporting completed.<br>*NB: Biosis Report dated 9/3/17 assesses compliance against Table 1 performance measures*.<br>OPEN |

| **Condition / Issue** | **Compliance requirement** | **Agreed Recommendation / Action**<br>**WCL Response** | **Due date** | **Current Status** |
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| Sch 3, 1<br>Table 1 – Heritage Features | | Interim End of Panel Report to be revised to include an assessment of compliance against the performance measures in the Project Approval, including assessment of impacts on heritage.<br>WCL will revise the Interim End of Panel Report to include an assessment against performance measures in the Project Approval. | 31/12/16 | While 2017/18 AEMR states that this is "Complete" we have not found evidence that the EoP Report for Longwall 6 has been updated<br>WCL has advised that LW6 EoP interim EOP report has not been updated. Final EOP Report is pending UEP approval that will permit the final 25 metres to be extracted so that the longwall can be removed and the EOP reporting completed.<br>OPEN |
| Sch 3, 4 | *See Table 2 in Approval Instrument* | Interim End of Panel Report to be revised to include an assessment of compliance against the performance measures in the Project Approval.<br>WCL will revise the Interim End of Panel Report to include an assessment against performance measures in the Project Approval. | 31/12/16 | While 2017/18 AEMR states that this is "Complete" we have not found evidence that the EoP Report for Longwall 6 has been updated<br>WCL has advised that LW6 EoP interim EOP report has not been updated. Final EOP Report is pending UEP approval that will permit the final 25 metres to be extracted so that the longwall can be removed and the EOP reporting completed.<br>OPEN |
| Sch 3, 11 | From 1 January 2014, the Proponent shall ensure that the noise generated by the project does not exceed the criteria in Table 5 at any residence on privately-owned land or on more than 25 percent of any privately-owned land. | Agree on an approach to compliance noise monitoring with DPE for care and maintenance phase.<br>WCL agreed an approach to compliance noise monitoring during C&M with Jeff Parnell from DPE on 15 August 2016. WCL will update the current noise management plan to reflect this change in accordance with Schedule 5, Condition 4 of MP10_0046 review process. | 31/12/16 | 2017/18 AEMR: "Complete"<br>Current version of Noise Management Plan notes in 10 Control and revision history that version 1.1 dated 10/02/2017 was "review following 2016 Independent Environmental Audit"<br>CLOSED |

| **Condition / Issue** | **Compliance requirement** | **Agreed Recommendation / Action**<br>**WCL Response** | **Due date** | **Current Status** |
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| Sch 3, 12 | The Proponent shall make continual endeavours to reduce noise, with the objective that the noise generated by the project will comply with criteria in Table 6 at any existing residence on privately-owned land or on more than 25 percent of any privately-owned land, to the satisfaction of the Secretary | Prior to any future re-commencement of operations, close out all actions from the noise audit.<br>WCL will close out all noise recommendations prior to any recommencement of mining operations where relevant to the new operations. | Prior to re-commencement of mining operations | 2017/18 AEMR: "Due prior to Mining Operations recommencement."<br>WCL has advised that this cannot be closed out while in care and maintenance mode – be closed out post any UEP approval and new conditions of consent for noise operations.<br>OPEN |
| Sch 3, 14a | The Proponent shall ensure that the following noise mitigation measures are undertaken, in consultation with EPA, and to the satisfaction of the Secretary:<br>(a) the existing Bulli Conveyor is operated during daylight hours only (i.e. 7:00 am to 6:00 pm) and is decommissioned after completion of the driveage of the Wonga Mains; and | Prior to any future re-commencement of operations, close out all actions from the noise audit.<br>WCL will close out all noise recommendation prior to any recommencement of mining operations where relevant to the new operations. | Prior to re-commencement of mining operations | 2017/18 AEMR: "Due prior to Mining Operations recommencement."<br>WCL has advised that this cannot be closed out while in care and maintenance mode – will be closed out post any UEP approval and new conditions of consent for noise operations.<br>OPEN. |
| Sch 3, 15 | The Proponent shall:<br>(a) implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the construction, operational and road | Prior to any future re-commencement of operations, close out all actions from the noise audit.<br>WCL will close out all noise recommendation prior to any recommencement of mining operations where relevant to the new operations. | Prior to re-commencement of mining operations | 2017/18 AEMR: "Due prior to Mining Operations recommencement."<br>WCL has advised that this cannot be closed out while in care and maintenance mode – will be closed out post any UEP approval and new conditions of consent for noise operations.<br>OPEN |

| **Condition / Issue** | **Compliance requirement** | **Agreed Recommendation / Action**<br>**WCL Response** | **Due date** | **Current Status** |
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| | traffic noise generated by the project; and<br>(b) regularly assess the real-time noise monitoring to ensure compliance with the relevant conditions of this approval, to the satisfaction of the Secretary | Prior to any future re-commencement of operations, review procedures for use of real-time noise monitoring system and undertake training program for relevant staff.<br>Alerts have been set on the real time noise monitoring system since its installation. The real time noise monitoring systems have been used in conjunction with attended noise monitoring to determine compliance as per the current noise management plan. WCL will review the procedures for the use of the real time noise monitors prior to recommencement of mining operations in accordance with any new approval conditions. | Prior to re-commencement of mining operations | 2017/18 AEMR: “Due prior to Mining Operations recommencement.”<br>WCL has advised that this cannot be closed out while in care and maintenance mode – will be closed out post any UEP approval and new conditions of consent for noise operations.<br>OPEN |
| Sch 3, 18 | The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site, to the satisfaction of the Secretary. | The actions being undertaken on site to minimise energy use and GHG emissions should be reported as part of the Annual Review including a review of any proposed actions / justification for no actions.<br>These will be reported in the 16/17 Annual Environmental Management Report | 30/10/16 | 2017/18 AEMR: “Complete”<br>16/17 AEMR at 6.16: “Energy usage and GHG Emissions have reduced due to mine on care and maintenance during the reporting period.”<br>CLOSED |
| Sch 3, 19 | The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not exceed the criteria listed in Tables 7, 8 or 9 at any residence on privately-owned land or on more than 25 percent of any privately-owned land. | It is recommended that an arrangement with the monitoring contractor is made so that any exceedances of the criteria or adverse trends are notified in advance of the quarterly reporting.<br>Alerts have been set on the real time noise monitoring system since its installation. | NA | 2017/18 AEMR: “Complete”<br>CLOSED |

| Condition / Issue | Compliance requirement | Agreed Recommendation / Action<br>**WCL Response** | Due date | Current Status |
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| Sch 3, 29 | The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This Plan must:<br>(a) be prepared by a suitably qualified expert in consultation with OEH;<br>(b) be submitted for approval to the Secretary within 6 months of this approval;<br>(c) include:<br>– management measures;<br>– monitoring procedures;<br>– performance indicators; and<br>– reporting frameworks,<br>– with particular reference to the Green and Golden Bell Frog, the Red-crowned Toadlet, Giant Burrowing Frog, Littlejohn's Tree Frog and Giant Dragonfly; and demonstrate achievement of the relevant performance measures in Table 1. | Interim LW 6 End of Panel Report to be updated to include an assessment against performance measures in the Project Approval.<br>WCL will revise the Interim End of Panel Report to include an assessment against performance measures in the Project Approval. | 31/12/16 | While 2017/18 AEMR states that this is "Complete" we have not found evidence that the EoP Report for Longwall 6 has been updated<br>WCL has advised that LW6 EoP interim EOP report has not been updated. Final EOP Report is pending UEP approval that will permit the final 25 metres to be extracted so that the longwall can be removed and the EOP reporting completed.<br>*NB: Biosis Report dated 9/3/17 assesses compliance against Table 1 performance measures*.<br>OPEN |
| Sch 3, 30 | The Proponent shall obtain all necessary water licences for the project under the *Water Act 1912* or the *Water Management Act 2000.* | WCL to confirm whether licences have been registered with LPI.<br>Obtain license for take of water from Corrimal Springs.<br>WCL will cease use of Corrimal Springs and allow the water to follow its natural course into Towradgi Creek. | 31/12/16 | 2017/18 AEMR: "Complete"<br>CLOSED |

| **Condition / Issue** | **Compliance requirement** | **Agreed Recommendation / Action**<br>**WCL Response** | **Due date** | **Current Status** |
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| Sch 3, 33(a) | The Site Water Balance must:<br>(a) include details of:<br>– sources and security of water supply;<br>– water use on site;<br>– water management on site;<br>– any off-site water transfers; and | Update the Surface Facilities Water Management Plan at to address this requirement.<br>This plan will be updated in accordance with Schedule 5, Condition 4 of MP10_0046 review process | 31/12/16 | Complete - see Appendix I of the Surface Facilities Water Management Plan<br>2017/18 AEMR: “Complete”<br>CLOSED |
| Sch 3, 35(f) | The Proponent shall prepare and implement a Water Management Plan, to the satisfaction of the Secretary. This plan must:<br>(f) detail surface water quality and stream health impact assessment criteria, including trigger levels for investigating any potentially adverse surface water impacts; and | Stream health impact assessment criteria are to be developed and included in the Water Management Plan.<br>This plan will be updated in accordance with Schedule 5, Condition 4 of MP10_0046 review process. | 31/12/16 | Complete - See Stream TARPs at Appendix E to the Water Management Plan<br>2017/18 AEMR: “Complete”<br>CLOSED |
| Sch 3, 44(c) | The Proponent shall prepare and implement a Rehabilitation Management Plan for the project to the satisfaction of the Executive Director Mineral Resources. This plan must:<br>(c) provide for detailed mine closure planning, including measures to minimise socio- | Update the Rehabilitation Management Plan to address this requirement.<br>This plan will be updated in accordance with Schedule 5, Condition 4 of MP10_0046 review process | 31/12/16<br>. | Complete - see section 6 of rehabilitation management plan<br>2017/18 AEMR: “Complete”<br>CLOSED |

| **Condition / Issue** | **Compliance requirement** | **Agreed Recommendation / Action**<br>**WCL Response** | **Due date** | **Current Status** |
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| | economic effects due to mine closure, to be conducted prior to the site being placed on care and maintenance; | | | |
| Sch 5, 3(b)<br>[described in 2016 IEA as Sch 5, Condition 3(b)(c)(d) and (e)] | By the end of August 2012, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Secretary. This review must:<br>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past calendar year, which includes a comparison of these results against the<br>– the relevant statutory requirements, limits or performance measures/criteria;<br>– the monitoring results of previous years; and<br>– the relevant predictions in the EA; | An assessment of compliance against the subsidence performance measures should be included in future Annual Reviews.<br>WCL will include this in the 16/17 Annual Environmental Management Report. | 30/10/16 | Complete - see section 5.14 Mine Subsidence of the 2017/18 AEMR<br>2017/18 AEMR: “Complete”<br>CLOSED |

| Condition / Issue | Compliance requirement | Agreed Recommendation / Action<br>**WCL Response** | Due date | Current Status |
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| Sch 5, 3(d) [described in 2016 IEA as Sch 5, Condition 3(g)] | (d) identify any trends in the monitoring data over the life of the project; | In future, Annual Reviews include a discussion of the monitoring trends over the life of the project.<br>WCL will include this in the 16/17 Annual Environmental Management Report. | 30/10/16 | Terrestrial biodiversity - Complete: see Appendix B to the 2017/18<br>2017/18 AEMR: "Complete"<br>CLOSED |
| Sch 5, 4 | Within 3 months of:<br>(a) the submission of an annual review under Condition 3 above;<br>(b) the submission of an incident report under Condition 6 below;<br>(c) the submission of an audit under Condition 8 below; and<br>(d) any modification to the conditions of this approval (unless the conditions require otherwise),<br>(e) the Proponent shall review, and if necessary, revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary. | Implement a process to undertake reviews of management plans as required by condition 4 of schedule 5.<br>WCL will develop a process to notify of review requirements | 31/12/16 | 2017/18 AEMR: "Complete"<br>CLOSED |
| Sch 5, 10(a) | From the end of December 2011, the Proponent shall:<br>(b) make copies of the following publicly available on its website: | Update the on-line complaints register on a monthly basis.<br>WCL will update the complaints register monthly. | END OF EACH MONTH | Complaints Register dated 17/9/19 available on website<br>CLOSED |

| Condition / Issue | Compliance requirement | Agreed Recommendation / Action<br>WCL Response | Due date | Current Status |
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| | • a complaints register, which is to be updated on a monthly basis; | | | |
| **WCC Development Consent No. 1989/839** | | | | |
| Condition 3 | The applicant shall indemnify Council from any action, suit or claim arising out of any work which the Company is permitted or required to carry out by virtue of this consent. | Finalise required actions to indemnify WCC as per the requirements of this condition.<br>WCC's lawyer are in discussion with WCL's lawyer to resolve this issue | In liaison with WCC | 2017/18 AEMR: "WLC's lawyer have provided a response to WCC lawyer on 08/02/17."<br>CLOSED |
| Condition 4 | The security fund established in conjunction with Development Consents D 76 /198 , D84 /599 , D 85/ 293 and D 86/527 shall continue in its existing form , and be increased annually throughout the duration of the filling and rehabilitation operations , of this consent, the security fund shall be increased annually by the amount of $15,000. | Establish security deposit with WCC for the emplacement area.<br>WCC's lawyer are in discussion with WCL's lawyer to resolve this issue | In liaison with WCC | 2017/18 AEMR: "WLC's lawyer have provided a response to WCC lawyer on 08/02/17."<br>WCL has advised that this matter is subject to an ongoing and complex legal dispute with WCC and will be resolved during 2020 with the completion of the REA Implementation Plan that will resolve the matter in conjunction with the close out of the transfer of the WCL to WCC<br>OPEN |
| Condition 7 | The applicant shall engage suitably qualified consultants acceptable to Council to prepare the necessary reports, designs, drawings and specifications and to carry out the necessary tests at times, periods and stages specified in these conditions. All such reports, designs, drawings | Finalise the final landform design and commence reshaping works to implement design.<br>WCL will finalise the final landform design by 30 April 2017 | In liaison with WCC | 2017/18 AEMR: "Complete"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site<br>CLOSED |

| Condition / Issue | Compliance requirement | Agreed Recommendation / Action<br>**WCL Response** | Due date | Current Status |
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| | and specifications shall be submitted for Council's approval. | | | |
| Condition 14 | Details to be submitted pursuant to Condition 12 shall include a detailed structural design of the emplacement, incorporating both stormwater pollution control measures in accordance with the requirements of the State Pollution Control Commission and also drainage measures designed to prevent saturation of the emplaced material , excessive impounding of waters behind emplaced material, details of design of filter walls and scouring or over-topping of the emplaced material. The design shall be accompanied by rainfall and run-off calculations and a catchment map. | As part of the final landform plan, prepare a final drainage plan for the emplacement area.<br>WCL will prepare a final drainage plan as a part of final landform design for the emplacement area by 30 April 2017. | In liaison with WCC | 2017/18 AEMR: "Complete"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site.<br>CLOSED |
| Condition 19 | The applicant shall ensure that drainage of all batters and berms is designed in such a way as to prevent scour of the dump face; plans of the principles proposed to be adopted for this drainage shall be submitted for approval by the Council prior to the commencement of work on the site, pursuant to Condition 12. | Finalise the final landform design and commence reshaping works to implement design.<br>WCL will finalise the final landform design by 30 April 2017. | In liaison with WCC | 2017/18 AEMR: "Complete"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site.<br>CLOSED |
| Condition 21 | The applicant shall ensure that provision is made in the development for retardation and/or retention of stormwater flow to ensure that this | As part of the final landform plan, prepare a final drainage plan for the emplacement area. | In liaison with WCC | 2017/18 AEMR: "Complete" |

| **Condition / Issue** | **Compliance requirement** | **Agreed Recommendation / Action**<br>**WCL Response** | **Due date** | **Current Status** |
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| | development does not cause any accelerated run-off from the site. The applicant shall submit for approval by Council, prior to the commencement of any retention basins proposed, a design based on recognised flood routing methods (references to be stated) and in accordance with the requirements of the Soil Conservation Service of NSW. | WCL will prepare a final drainage plan as a part of final landform design for the emplacement area by 30 April 2017. | | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site.<br>CLOSED |
| Condition 23 | The applicant shall ensure that the silt trap dams are maintained and de - silted regularly to Council's satisfaction having due regard to weather conditions so as to maintain their continued efficient functioning. Any de-silting shall be carried out in such a manner as to wholly contain all dredged material within the dumping site unless otherwise required by the State Pollution Control Commission, shall be included in the annual monitoring report, required pursuant to Condition 11. | Implement a maintenance program to remove sediment from ponds in the emplacement area and surrounds.<br>WCL will add the emplacement area sediment ponds to its regular Environmental Inspections as part of Schedule 5, Condition 4 of MP10_0046 review process. | 31/12/16 | 2017/18 AEMR: “Complete”<br>Evidence of desilting of ponds sighted during site inspection.<br>CLOSED |
| Condition 26 | Site preparation for filling shall be carried out in limited stages to match the progress of the filling processes so that the area of disturbed land is kept to a workable minimum. Site preparation shall not | Based on the final landform plan, implement a program for progressive reshaping and rehabilitation of the portions of the emplacement area at level.<br>WCL will implement a program for progressive reshaping and rehabilitation of the portions of the emplacement area at level once the final landform plan becomes available. | In liaison with WCC | 2017/18 AEMR: “N/A”<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site.<br>CLOSED |

| Condition / Issue | Compliance requirement | Agreed Recommendation / Action<br>WCL Response | Due date | Current Status |
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| | commence until appropriate drainage and water quality controls are in place to Council's satisfaction.<br>During such preparation works, the applicant shall transplant small trees and shrubs on the edge of the emplacement area in accordance with Condition 25. | | | |
| Condition 29 | Construction methods to be utilised within the additional emplacement area shall be in accordance with those described in the Environmental Impact Statement referred to in condition 1. Construction methods incorporate measures to prevent air pollution, ensure that the exposed face of the emplacement is kept to a minimum and exposed for only a minimum duration of time, keep to a workable minimum the area of land disturbed in preparation to filling , and ensure appropriate compaction of the emplacement. | Based on the final landform plan, implement a reshaping program to achieve suitable levels. Implement required compaction testing.<br>WCL will implement a program for progressive reshaping and rehabilitation of the portions of the emplacement area at level once the final landform plan becomes available.<br>There has been no compaction of material on the emplacement area for a substantial period. The test is not necessary until emplacement and compaction recommences. | In liaison with WCC | 2017/18 AEMR: “N/A”<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site.<br>CLOSED |
| Condition 30 | Following preparation of the site the refuse is to be placed at 'as dumped' moisture content in a manner to be approved by Council which shall be compacted to 95 % of the Standard Compaction Density (Maximum Dry | Implement required compaction testing<br>There has been no compaction of material on the emplacement area for a substantial period. The test is not necessary until emplacement and compaction recommences | In liaison with WCC | 2017/18 AEMR: “N/A”<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site.<br>CLOSED |

| Condition / Issue | Compliance requirement | Agreed Recommendation / Action<br>**WCL Response** | Due date | Current Status |
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| | Density, A.S. A89-1966, Test 11A). | | | |
| Condition 31 | All tipping shall take place in 2.0m lifts, behind suitably landscaped mounding.<br>The details of the mounding and landscaping shall be submitted to Council in accordance with Condition 12 and 51 Details of the progress of all landscaping shall be included in the annual monitoring report required pursuant to Condition 11. | Based on the final landform plan, implement a program for progressive reshaping and rehabilitation of the portions of the emplacement area at level<br>WCL will implement a program for progressive reshaping and rehabilitation of the portions of the emplacement area at level once the final landform plan becomes available | In liaison with WCC | 2017/18 AEMR: "N/A"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site.<br>CLOSED |
| Condition 32 | Tipping shall be in heaps on the compacted berms and no tipping shall be permitted to take place down the slope from a berm. Compaction shall be carried out with a vibration roller and tested by the Sand Replacement Method or other appropriate standard method approved by Council. | Implement required compaction testing<br>There has been no compaction of material on the emplacement area for a substantial period. The test is not necessary until emplacement and compaction recommences. | In liaison with WCC | 2017/18 AEMR: "N/A"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site.<br>CLOSED |
| Condition 33 | A layer of clay or similar inert and reasonably impervious material approved by Council and not less than 300 mm thick shall be laid as a seal over the top of the filled area as a fire prevention measure, and also as a means of retaining moisture required for the survival of vegetation, by a further 500mm layer of weathered rock or other similar subgrade not to bring the height of the emplacement to the designed level , location and method of | Capping requirements for the emplacement area are to be included within the Final Landscape Plan to be developed for the site<br>WCL will include capping requirements for the emplacement area within the final landscape plan. The final landscape plan will prepare as a part of final landform design | In liaison with WCC<br>. | 2017/18 AEMR: "Complete"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site.<br>CLOSED |

| Condition / Issue | Compliance requirement | Agreed Recommendation / Action<br>**WCL Response** | Due date | Current Status |
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| | winning of any material required for this purpose from another source shall be submitted to Council for approval prior to its importation. | | | |
| Condition 39 | The applicant shall ensure that all roads used in connection with the haulage of fill material to the emplacement area are regularly washed down with clean water to Council's satisfaction in order to prevent dust emission. Run-off from such roads shall be drained through silt trap dams prior to discharge from the property. The applicant shall also take whatever measures are necessary to prevent dust arising from the emplacement operations including vehicular movement to and from the emplacement area. These measures shall include the provision of an automatically controlled water spray system; and the use of mobile tankers to the satisfaction of Council for the spraying of the emplacement area, night or day weather conditions dictating. | Implement an automated sprinkler system.<br>The system is installed and is awaiting final components to complete automation | In liaison with WCC | 2017/18 AEMR: "Complete"<br>Sprinkler system observed during site inspection and understood to have been in operation during removal of material from emplacement area earlier in 2019<br>The system is automated and triggered by wind speed recorded at onsite weather station.<br>CLOSED |
| Condition 47 | The applicant shall carry out compaction tests of the emplaced material at intervals of not more than one month and submit the results to the Council as soon as they are available. All test results shall be certified by a registered | Implement required compaction testing.<br>There has been no compaction of material on the emplacement area for a substantial period. The test is not necessary until emplacement and compaction recommences | In liaison with WCC | 2017/18 AEMR: "N/A"<br>Material in emplacement area removed earlier in 2019.<br>CLOSED |

| **Condition / Issue** | **Compliance requirement** | **Agreed Recommendation / Action**<br>**WCL Response** | **Due date** | **Current Status** |
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| | National Australian Testing Authority (NATA) laboratory. | | | |
| Condition 48 | The applicant shall:<br>Ensure that water quality monitoring tests including tests for both heavy metals and ground water conditions are carried out at three monthly intervals or as often as is necessary to ensure that the final leachate from the emplacement contains no solids or chemicals in excess of standards set by the State Pollution Control Commission. | Agree arrangements with WCC for provision of water quality data and implement program to provide data<br>WCL will provide water quality data with Annual Reviews for the site which is due by 30 September each year to DPE and DRE | In liaison with WCC | 2017/18 AEMR: “N/A”<br>No evidence provided that water quality monitoring results are being provided to WCC although there is evidence via Certificates of Analysis that heavy metal water quality monitoring is being undertaken.<br>OPEN |
| Condition 49 | Periodic sampling of the emplaced material shall be carried out by the applicant at six-monthly intervals and tested to ensure that only approved material is being deposited. Results of the tests shall be submitted by the applicant to Council as soon as they are available. | Agree arrangements with WCC for provision of water quality data and implement program to provide data.<br>WCL will provide water quality data with Annual Reviews for the site which is due by 30 September each year to DPE and DRE. | In liaison with WCC | 2017/18 AEMR: “N/A”<br>AS ABOVE<br>OPEN |
| Condition 52 | (i) The applicant shall prior to the commencement of emplacement operations or within such further period as may be approved by the Council, submit for the approval of Council following consultation with the Soil Conservation Service a detailed rehabilitation plan covering revegetation techniques, surface drainage structures and on-going maintenance which shall include measures to prevent the | Complete the final landform and final drainage design to enable material shaping and rehabilitation to be undertaken.<br>WCL will complete the final landform and final drainage design by 30 April 2017.<br>WCL will finalise the final landform design by 30 April 2017. | In liaison with WCC | 2017/18 AEMR: “Complete”<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site.<br>CLOSED |

| Condition / Issue | Compliance requirement | Agreed Recommendation / Action<br>WCL Response | Due date | Current Status |
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| | re-introduction of lantana or other noxious weeds.<br>(ii) The applicant shall ensure rehabilitation of the site in accordance with the approved rehabilitation plan. | | | |
| **Mining Lease** | | | | |
| | 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 | WCL to prepare a MOP for RVC Care and Maintenance Operations in accordance with DRE ESG 3 MOP Guidelines.<br>The MOP is currently under preparation in liaison with Department of Industry, Resources and Energy Division | . | 2017/18 AEMR: "Complete"<br>Russell Vale Colliery, Mining Operations Plan, 20/6/18 available on WCL Website.<br>CLOSED |

### 3.3 Issues raised by agencies

A review of WCLs operations at RVC was conducted in consideration of the issues raised by agencies & Community Consultative Committee during consultation on the scope of the audit. The findings are presented in Table 3.

## Table 3: Audit consultation with agencies & Community Consultation Committee feedback

| ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations |
|---|---|---|---|
| **DPIE LETTER OF 3 SEPTEMBER 2019 IN RESPONSE TO CONSULTATION ON AUDIT SCOPE** | | | |
| 1 | Review relevant mining leases and exploration licences as agreed with Resources Regulator | Licenses and leases applicable to RVC are set out in Table 2.2 Licences and Leases of the Rehabilitation Management Plan 18/4/19. | As environmental auditors we are not able to determine whether all the mining and exploration licences, leases and approvals required for RVC's operations, including exploration activities, are in place. However, we consider that the environmental planning related licences and approvals are current for the RVC and we have been advised by WCL that all Mining and Exploration Licences and Leases are in place. |
| 2 | Undertake an assessment of compliance against the conditions of title related to environmental management | We interpret this to mean an audit of compliance against the relevant approval and licence conditions for the following environmental & planning instruments:<br>• EPL 12040<br>• WCC Development Consent D89/839<br>• SSD APPROVAL 10_0046<br>This Audit Report provides evidence of compliance against the relevant conditions of the above licences and approvals | The Audit found that there were non-compliances with the relevant conditions of the environmental & planning instruments relevant to RVC. There were also instances where verification of compliance with conditions was not possible.<br>The details of these are provided in the relevant checklists and further discussed in the main body of the Audit Report. |
| 3 | Verify that there is a current Mining Operations Plan (MOP) in place and it has been approved by the Regulator - review compliance against any conditions of approval of the MOP | The current RVC Mining Operations Plan (version 1.2) is dated 31/08/2018 and was approved by DPI on 11/09/2018 (copy emailed). | Compliant |
| 4 | Undertake a critical review of the MOP, including an assessment of its compatibility with the description of operations contained in the planning approval. In particular: | As the RVC has been on a Care and Maintenance footing since 2015, the short-term rehabilitation objectives of the Rehabilitation Management Plan (RMP) dated 18/4/19 are the most applicable to the | We consider that the short-term rehabilitation requirements of the RMP require review in the context of the recently completed Risk Assessment (WolfPeak, May 2019) to capture |

| ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations |
|---|---|---|---|
| | - Review the rehabilitation strategy as outlined in the MOP to determine if it is consistent with the Project Approval in terms of progressive rehabilitation schedule; and proposed final land use(s);<br>- Review the rehabilitation objectives and completion criteria as outlined in the MOP to determine if they have been developed in accordance with the proposed final land use(s) as outlined in the Project Approval | current state of operation and this plan is also referenced in the MOP.<br>We are unable to find any reference to "proposed final land uses (s)" in the Project Approval. | any relevant rehabilitation requirements of that report.<br>WCL has advised that the recommended actions in the Risk Assessment are being undertaken in accordance with the Section 240 Notice and that completion of these is being reported via quarterly reports to Resources Regulator<br>WCL advise that the MOP is required to be revised and updated by 1 September 2020 (or earlier should UEP approval be granted and RVC becomes operational).<br>***We recommend that should RVC return to operations in 2020 the necessary MOP review required at that time should include a comprehensive review of the rehabilitation strategy across all RVC's operations, including both Russell Vale and the Special Catchment Areas*** |
| 5 | Review the development and implementation of any rehabilitation monitoring programs to assess performance against the nominated objectives and completion criteria - verified by reviewing monitoring reports and rehabilitation inspection records | As the extent of rehabilitation that is currently occurring (under the current Care and Maintenance footing) is limited to weed removal, desilting of drains, sediment and erosion control and some minor mulching and turfing of exposed batter slopes at RVC, there is limited monitoring required, other than weekly environmental inspections, which have been occurring. | NA |
| 6 | Determine if a rehabilitation care and maintenance program has been developed and implemented based on the outcomes of monitoring program - verified by reviewing Annual Rehabilitation Programs or similar documentation | As per above, there has been a limited rehabilitation care and maintenance program established at RVC due to the Care and Maintenance footing of the mine since 2015. | See recommendation for item 4 above. |

| ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations |
|---|---|---|---|
| 7 | Confirm that mining operations are being conducted in accordance with the approved MOP (production, mining sequence etc.), including within the designated MOP approval boundary - to be verified by site plans and site inspection | RVC has been on a Care and Maintenance footing since 2015 and accordingly there are no mining operations taking place. For this current phase at RVC, the removal of identified noxious weeds in disturbed areas; and maintenance of roads and drains in serviceable condition are required by the MOP. | We observed drain maintenance at RVC (Plate 1) and roads have been maintained in a serviceable condition throughout the site.<br>Lantana infests a significant area of the RVC site and while efforts have been made to remove this weed as required under the current MOP, it remains present over a significant area.<br>***We recommend that in any revised MOP, triggered by the reopening of the mine, consideration be given to a coordinated approach to the control of this weed, in consultation with landowners and managers surrounding the mine*** |
| 8 | Confirm that rehabilitation progress is consistent with the approved MOP as verified by site plans and a site inspection. This should include an evaluation against rehabilitation targets and whether the final landform is being developed in accordance with conceptual final landform in the Project Approval; and | In our earlier Risk Assessment of RVC operations within the Catchment Area (May 2019) we noted that several of the requirements of the short-term rehabilitation requirements in section 4 of the RMP, particularly related to scrap metal and redundant machinery at No 4 Shaft had not been affected.<br>In our May Risk Assessment, we also noted that scrap metal and redundant infrastructure at No 2 Shaft should also be removed. | WCL has advised that the recommended actions in the Risk Assessment are being undertaken in accordance with the Section 240 Notice & that completion of these is being reported via quarterly reports to Resources Regulator.<br>WCL advise that the MOP is required to be revised and updated by 1 September 2020 (or earlier should UEP approval be granted and RVC becomes operational).<br>***We recommend that should RVC return to operations in 2020 the necessary MOP review required at that time should include a comprehensive review of the rehabilitation strategy across all RVC's operations, including both Russell Vale and the Special Catchment Areas*** |
| 9 | Based on a visual inspection, determine if there are any rehabilitation areas that appear to have failed or that have | Lantana growth around the RVC site is a major issue and while there appear to have been attempts to | WCL advises that lantana weed management has been identified as a priority action for 2020 and |

| ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations |
|---|---|---|---|
| | incurred an issue that may result in a delay in achieving the successful rehabilitation | remove this, little progress has been made on a broader scale. | an action plan is being developed and will be documented within the revised MOP to be completed in 2020.<br>***We support the approach advised by WCL in relation to lantana control and further recommend that in any revised MOP, triggered by the reopening of the mine, consideration be given to a coordinated approach to the control of this weed, in consultation with landowners and managers surrounding the mine*** |
| **EPA RESPONSE TO CONSULTATION ON AUDIT SCOPE** | | | |
| 11 | The EPA requests that you audit the information provided by WCL in their Annual Return documentation to assess its correctness and completeness and determine whether or not the annual return documentation has been accurately completed by WCL. This assessment should include but not be limited to the following aspects of the Annual Returns:<br>**B Monitoring and Complaints Summary: -**<br>Section B1 – Monitoring and complaints summary<br>Section B2 – Concentration Monitoring Summary for all LDPs<br>Section B3 - Volume or Mass Monitoring Summary for all LDPs<br>**E Statement of Compliance – Requirement to Prepare a PIRMP: -**<br>Audit compliance with all PIRMP requirements, in particular PIRMP testing, PIRMP updating and the recording of these processes<br>**F Statement of Compliance – Requirement to Publish Pollution Monitoring Data: -**<br>There are conditions on EPL 12040 which require pollution monitoring to be carried out. WCL state that pollution | To *fully* satisfy items B & F would require a forensic review of all the monitoring requirements and data against limit conditions and other requirements, including its correctness and completeness, for 3 years' worth of data, and how this has been represented in the three Annual Returns. This would take considerable time and impact significantly on the timing of completion of this audit report - which is primarily aimed at verifying compliance with project approval, licence and consent conditions. Were this to be required, it would best be completed as a separate audit focusing on these requirements alone.<br>We note that with respect to item F a significant amount of pollution monitoring data and reports are published on WCL's RVC web page at: http://wollongongcoal.com.au/monitoring-r/ including a link to Bellambi Gully Creek real time monitoring data which has been active on each occasion we have clicked on the link to the data.<br>With respect to item G we note that the issuance of a PIN by the EPA on 1/9/17 for a breach of condition | See main audit report for findings against the EPL conditions for RVC<br>***We have made recommendations in the main audit report regarding the need for an improved compliance management and reporting process by WCL***<br>***We recommend that the testing register required under section 12.2 of the PIRMP be actively maintained and that should include as a minimum, relevant details of the nature & date of the test / scenario, personnel involved and any improvements and recommendations to pollution response procedures and the PIRMP arising from the test.*** |

| ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations |
|---|---|---|---|
| | monitoring data is published on their website in accordance with EPA requirements.<br>The EPA requests you audit the correctness and completeness of all pollution monitoring data collected by WCL and the publishing of this data in accordance with EPA and EPL requirements.<br><br>**G Statement of Compliance – Environment Management System and Practices: -**<br>WCL provide responses in Section G relating to Environmental Management Systems in place at Russell Vale Colliery. The EPA requests you audit the 7 responses provided by WCL against the 7 components of this section of the Annual Return<br><br>**H Signature and Certification: -**<br>WCL Annual Returns have been signed by Milind Oza and Sanjay Sharma in their positions of 'Director' and 'Company Secretary' respectively. The EPA requests you audit the signatories to ensure they have legal authority to sign the Annual Returns.<br><br>NOTE: EPL Non-compliances reported 2016/2017, 2017/2018 and 2018/2019<br><br>a. Annual Return 2016-2017. 14 incidents of non-compliance were reported against conditions L1.1, L2.1, M2.4, O2.1, R2 and M7.1.<br>b. Annual Return 2017-2018. No non-compliances reported.<br>c. Annual Return 2018-2019. No non-compliances reported. | O1.1 was not reported as a non-compliance in the Annual Return for 2017/18<br><br>We note that with respect to item E, WCL advised that the PIRMP was most recently tested on 17 May 2019. However, no register of such testing (section 12.2 of the PIRMP requires a register will be maintained alongside the PIRMP to record the details of testing) was provided.<br><br>We are not able to verify item H as we consider this is beyond the scope of our role as environmental auditors.<br><br>We have noted other instances of non-compliances in the RVC EPL checklist and these are reported in this audit report. | |
| 12 | **Condition 1 Administrative Conditions: -**<br>Audit correctness of map provided at A2.2 in EPL 12040 in describing Russell Vale Colliery premises described in condition A2.1. | We are not able to fully audit the correctness of this information as this would require a detailed survey to be undertaken which is outside the scope of this audit. | Not able to be assessed |

| ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations |
|---|---|---|---|
| | | WCL has advised us that the premises map is current and correct | |
| 13 | **Condition 2 Discharge to Air and Water and Applications to Land: -**<br>Audit locations of all LDPs, both air and water against location description of LDPs in EPL and locations of LDPs in Map provided in A2.2 | We are not able to audit the correctness of this information as this would require a detailed survey to be undertaken which is outside the scope of this audit. Based on site inspections the locations of licensed discharge points appear to be generally in conformance with those shown on the maps provided in A2.2 | No able to be assessed |
| 14 | **Condition 5 Monitoring and Recording Conditions: -**<br>Audit compliance against condition M1, M2, M3, M4, M5, M6, M7, and M8, in particular as they relate to the frequency and sampling method requirements specified in M2 | See response to Issue 11 above | |
| **CCC RESPONSE TO CONSULTATION ON AUDIT SCOPE** | | | |
| 15 | Wongawilli Colliery[1] has endured a number of ownership changes over its mining life and the therefore the environmental department are presented with some challenges related to past owners and the lack of completion of some actions or production of records relating to tasks that may have been completed but which cannot be verified. There are some existing housekeeping issues, past reporting / documentation issues associated with the site along with some operational challenges (e.g. concern related to trains from the colliery), with resources required to close out the identified actions. The appropriate allocation of resources (both capital and human) will be key to resolving the identified issues in a timely manner.<br>. | WCL have advised that in August 2019 it appointed a full time and experienced Group Environment and Approvals Manager to provide direction and leadership to the Environment Department and mentor team.<br>In November 2019 WCL appointed two full time Environmental Officers and that both Russell Vale and Wongawilli have a full time Compliance Coordinators.<br>There was no evidence provided at the audit that WCL has a compliance management or tracking system in place. This is essential for such a complex operation, with significant potential for environmental and other risks and particularly given the complex regulatory | ***We have recommended that a dedicated WCL Environmental Compliance Coordination Officer be appointed and that a compliance tracking, reporting and management system be developed and implemented before the end of 2019*** |

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[1] We have assumed the respondent meant to refer to WCL as a whole

| ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations |
|---|---|---|---|
| | | environment (viz a viz regulatory approvals and licences) within which the mine operates | |
| 18 | It is recognised that WCL is currently implementing a new compliance management system to help site personnel track and deliver on compliance requirements. This is considered a positive initiative and will assist in reducing future administrative non-compliances which have stemmed from missing reporting deadlines. It is recommended that a clear resourcing plan is developed by the management team so that the funding needs to address the identified issues are defined and allocated | Has WCL made any decisions on the proposed compliance tracking system? | WCL has advised that it has engaged SMEC to develop a compliance tracking system for the mine, with a draft provided and being Beta tested. The system is scheduled to be operational by end December 2019<br>***We recommend that a compliance management and tracking system be operational by the start of 2020 and that evidence of its implementation be provided to the Department by the end of Q1 2020*** |

### 3.4 Summary of notices from agencies

The auditor is aware of several notices issued by regulatory agencies during the reporting period which are summarised in Table 4. In our experience this is a relatively high number of infringements and notices to have been incurred on a project over a 3-year period.

**Table 4- Summary of notices from agencies between July 2016-October 2019**

| Notice Type | Notice Reference | Issued By | Date | Details |
|---|---|---|---|---|
| Penalty Notice* | 1542407 | NSW EPA | 8 July 2016 | Contravene condition of licence. |
| Penalty Notice* | 1542408 | NSW EPA | 8 July 2016 | Contravene condition of licence. |
| Notice | DI 0188 2016 | Department of Industry | 8 September 2016 | Request WCL provide specific finance and business details. |
| Penalty Notice | 3120699057 | Department of Planning and Environment | 31 October 2016 | Non-compliance with Schedule 2 Condition 2 of the Project Approval by stockpiling extracted material on the emplacement area. |
| Penalty Notice | 3120699066 | Department of Planning and Environment | 31 October 2016 | Failure to undertake Bellambi Gully works as required. |
| s.91 Clean Up Notice* | 1546718 | NSW EPA | 16 November 2016 | Require WCL to undertake clean-up actions to address a suspected pollution incident at Bellambi Gully. |
| Penalty Notice* | 3085781885 | NSW EPA | 1 September 2017 | Contravene condition of licence. |
| Penalty Notice* | 3085781959 | NSW EPA | 1 September 2017 | Fail to make monitoring data available on website. |
| Penalty Notice* | 3085781968 | NSW EPA | 1 September 2017 | Contravene condition of licence. |
| Corrective Action Request | N/A | Resources Regulator | 16 April 2018 | Request WCL identify corrective and preventive actions in a Corrective Action Plan in relation to non-compliances detailed in the Compliance Audit Report- Catchment Special Areas for the Russell Vale and Wongawilli Collieries. |
| Notice | NTCE0002037 | Resources Regulator | 11 March 2019 | Require WCL to appoint a suitably qualified independent expert to undertake a comprehensive risk assessment including |

| Notice Type | Notice Reference | Issued By | Date | Details |
|---|---|---|---|---|
| | | | | environmental and operational risks for RVC |
| Notice | NTCE0002362 | Resources Regulator | 9 April 2019 | Replace Notice NTCE0002044 to grant an extension of time to complete the comprehensive risk assessment (extended from 5 April 2019 to 31 May 2019). |
| Notice | NTCE0003184 | Resources Regulator | 3 July 2019 | Require WCL to:<br>• Complete all "Recommended Controls and Implementation Program" items identified in specified sections of the Independent Environmental Risk Assessment dated May 2019;<br>• Implement an independent audit program to monitor progression a six-monthly basis; and<br>• Report to the Resources Regulator on a quarterly basis to detail the works completed and how risks have been addressed. |
| Inspection Outcome | CCL745 | Resources Regulator | 10 July 2019 | Summarising the outcomes of a site inspection on 19 June 2019, which identified that several outcomes identified in the Corrective Action Plan had not achieved and further actions were required. |

*Notices were obtained from NSW EPA website.

## 3.5 Complaints

A complaints register is being maintained by the Project. The register is published annually on the Project website at http://wollongongCoal.com.au/monitoring-r/.

At the time of writing, a total of 22 complaints were recorded during the audit period. These related to vegetation, pests, dust, water, noise, vibration and fencing.

### 3.6 Adequacy of Environmental Management Plans, Sub Plans and post approval documents

The adequacy of post approval documents was determined based on whether:

- there are any non-compliances resulting from the implementation of the document; and
- whether there are any opportunities for improvement.

During this audit we had the opportunity to review the implementation of many of the environmental management plans applicable to the RVC operation. The overriding picture is one of a complex series of management plans, required under various approvals and consents, that are not well integrated and do not provide WCL with a clear pathway and approach to their environmental, monitoring and reporting obligations.

There are numerous overlapping requirements, often buried in the appendices to the main plans, sometimes inconsistent between plans. This is not a criticism of the plans or WCL's approach per se, as the plans are developed in accordance with regulatory requirements and have been approved by the relevant authorities. It is more a reflection on the complex regulatory framework that that WCL's operations sit within and the age of some of the approvals and consents, which do not reflect more contemporary environmental practices or current arrangements on the Project.

*We recommend that a comprehensive review of the requirements of all the various approvals and consents applicable to RVC be undertaken with a view to streamlining and clarifying (or removing) outdated, overlapping, confusing or unclear conditions between the different approvals and consents. This will also require the assistance and support of the relevant regulatory agencies to agree to modify their approvals and consents to assist this process. We believe that this would greatly assist WCL achieving a higher degree of compliance by clarifying and simplifying the regulatory framework they are operating under and potentially improve without compromising environmental performance requirements.*

## 4. Conclusions

The overall outcome of this Independent Environmental Audit indicated that compliance records were not well organised and available at the time of the site inspection and interview with WCL personnel. That being said, WCL personnel involved with the audit provided open communication, full access to the available records and site and were cooperative throughout.

There were 73 CoCs assessed. The findings were as follows:

- There were 49 CoC that were identified as being complied with.
- 7 non-compliances with the CoCs were identified including 2 administrative non-compliances.
- Compliance with 6 CoCs could not be verified, including several related to subsidence performance measures due to lack of sufficient information and clarity around its assessment.
- 10 CoCs were identified as not being triggered.

There were 48 EPL conditions assessed. The findings were as follows:

- There were 41 conditions identified as being complied with.
- 5 non-compliances with conditions were identified.
- 2 conditions were identified as not being triggered.

There were 55 conditions of WCC's development consent assessed. The findings were as follows:

- 34 conditions were identified as being complied with.
- 2 non-compliances with the conditions were identified.
- 9 conditions were for noting.
- Compliance with 4 conditions was not able to be verified.
- 6 conditions were not triggered.

27 actions identified from the previous audit in 2016 had been closed. 14 actions remain open. This is a relatively high number of findings not to have been closed out compared to other major projects we have audited in NSW.

We have also made several recommendations of a more strategic nature, or arising following consultation with government agencies and the Community Consultative Committee, which are outlined below:

*Subsidence impacts*

**We recommend that WCL prepares an Annual Subsidence Impact Performance Report or Statement that provides a statement of compliance against all of the Subsidence Performance Measures in Tables 1 and 2 of the Approval, and includes references to the supporting evidence,**

**analysis and statements by the relevant technical experts in support of compliance (or otherwise) with all of the measures.**

*Compliance management*

**We recommend that WCL develops and implements a Compliance Management System as soon as possible. Ideally, such a system would enable coverage of the next 3 yearly audit period from July 2019 to June 2022. We also recommend that a dedicated resource (e.g. Environmental Compliance Coordinator or similar role) be assigned to managing such a system.**

*Environmental Monitoring*

**We recommend that the published reports and data sets clearly indicate what the relevant limit criteria are, or clearly state where none apply.**

*Complex regulatory framework*

**We recommend that a comprehensive review of the requirements of all the various approvals and consents applicable to RVC be undertaken with a view to streamlining and clarifying (or removing) outdated, overlapping, confusing or unclear conditions between the different approvals and consents. This will also require the assistance and support of the relevant regulatory agencies to agree to modify their approvals and consents to assist this process. We believe that this would greatly assist WCL achieving a higher degree of compliance by clarifying and simplifying the regulatory framework they are operating under and potentially improve without compromising environmental performance requirements.**

*Environmental Management System*

**We recommend that WCL undertake a review of its EMS with a view to ensuring it is fit for the purpose of any proposed extension and reopening of the mine in 2020 should this be approved.**

*Agency and Community Consultative Committee*

We make the following recommendations following consideration of issues raised by government agencies and the CCC during consultation on the scope of this audit:

- **We recommend that should RVC return to operations in 2020 the necessary Mining Operations Plan (MOP) review required at that time should include a comprehensive review of the rehabilitation strategy across all RVC's operations, including both Russell Vale and the Special Catchment Areas**
- **We support the approach advised by Wollongong City Council in relation to lantana control and further recommend that in any revised MOP, triggered by the reopening of the mine, consideration be given to a coordinated approach to the control of this weed, in consultation with landowners and managers surrounding the mine.**

## 5. Limitations

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# Appendix A. MP10_0046 Conditions of Consent

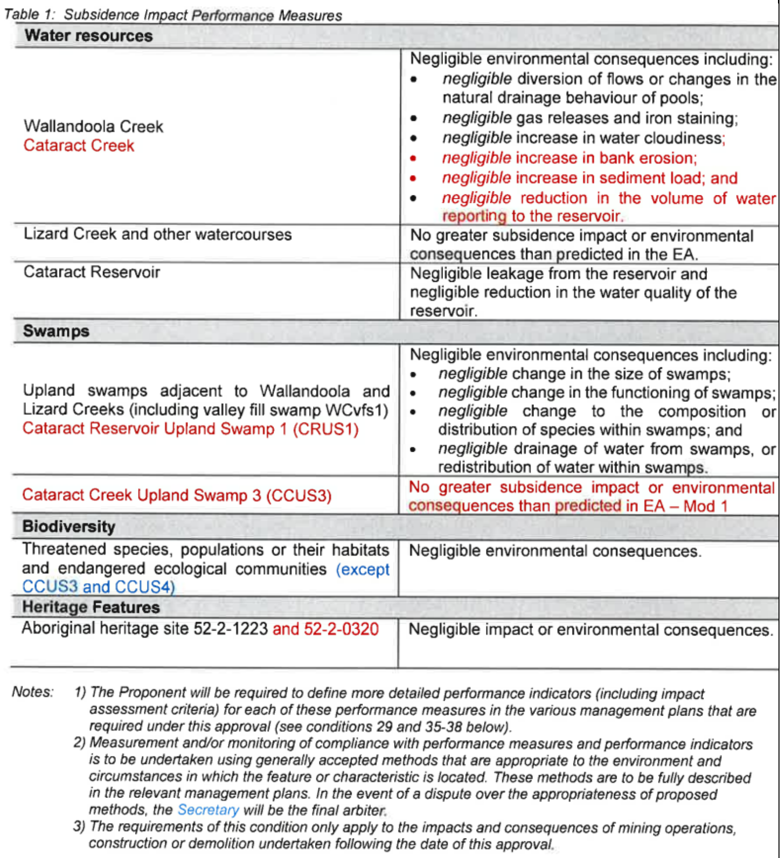
| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| **SCHEDULE 2** | | | | |
| **ADMINISTRATIVE CONDITIONS** | | | | |
| **OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT** | | | | |
| 1 | The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the project. | See details and evidence provided against conditions below. | While there are numerous non compliances noted below, there is no direct evidence of material harm to the environment. However, the absence of evidence in several cases does not allow us to conclude that this condition has been fully complied with | Not verified |
| **TERMS OF APPROVAL** | | | | |
| 2 | The Proponent shall carry out the project generally in accordance with the:<br>(d) EA;<br>(a1) EA- Mod 1 with the exception that approval is not given for development of Maingates 7 and 8;<br>(a2) EA - Mod 2;<br>(e) Statement of Commitments (see Appendix 3); and<br>(f) conditions of this approval.<br>*Note: The general layout of the project is shown in Figure 1 of Appendix 2.* | Works have been undertaken at Russell Vale Colliery generally in accordance with the EA and CoC with details provided below.<br>However, several non-compliances are noted below against specific conditions and commitments.<br>WCL has been issued several orders and requests from DPE. These orders and requests have been actioned and many of the required actions have been completed. | Several non-compliances are noted below against specific conditions and commitments. | Administrative non-compliance |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| | | There are, however, several actions that are still in progress. Where these occur, they are noted in the relevant conditions below or in the main text of the audit. | | 🟧 |
| 3 | If there is any inconsistency between the above documents, the more recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency. | Not an auditable requirement, for noting only. | NA | Note |
| 4 | The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:<br>(a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval;<br>(b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this approval; and<br>(c) the implementation of any actions or measures contained in these documents. | This audit has assessed the status of actions taken by WCL in response to the 2016 IEA (which included specific review of water management measures as required by DPE) by Umwelt and notes that its response is also tabled on WCL's website. | Compliant<br><br>Note: actioning of certain findings of the 2016 IEA are still ongoing | Compliant (C) |
| **LIMITS ON APPROVAL** | | | | |
| **Mining Operations** | | | | |
| 5 | (a) The mining operations may take place until 31 December 2015; and<br>(b) nothing in this approval authorises development of Maingates 7 and 8.<br><br>*Note: Under this Approval, the Proponent is required to rehabilitate the site to the satisfaction of the Executive Director Mineral Resources. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated to a satisfactory standard.* | No underground mining activity occurred after this date, however, there was a 200,000 tonne ROM stockpile remaining at Russell Vale and DPE has identified this as a non-compliance of this condition and instructed its removal. Weighbridge Logs dated 4 March to 2 June and 2 June to 19 July 2019 sighted covering removal of the stockpiled material.<br><br>Mining ceased 8/9/2015 according to evidence cited in the 2016 IEA Report. | Compliant | C |

| **Unique ID** | **Compliance requirement** | **Evidence collected** | **Independent Audit findings and recommendations** | **Compliance Status** |
|---|---|---|---|---|
| 5A | The Proponent shall not extract more than the first 365 meters of Longwall 6.<br>*Note: This limit on the extraction of Longwall 6 aligns with the number 10 cut-through in Maingate 6 which is shown in Figure 2 of Appendix 2* | 348 meters of Longwall 6 was mined according to SCT EoP Report August 2016 | Compliant | C |
| **Coal Production** | | | | |
| 6 | The Proponent shall not extract more than 1 million tonnes of ROM Coal from the site per calendar year. | No underground Coal extraction has occurred since 2015 | Compliant | C |
| **Hours of operation** | | | | |
| 7 | The Proponent may undertake mining operations 24 hours a day, 7 days a week. | Operations noted as being undertaken as per this condition | Compliant | C |
| **STRUCTURAL ADEQUACY** | | | | |
| 8 | The Proponent shall 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.<br>*Notes:*<br>• *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works; and*<br>• *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.* | No new buildings or structures were constructed during the period covered by this audit | NA | Not triggered |
| **DEMOLITION** | | | | |
| 9 | The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures,* or its latest version. | No demolition work was carried out during the period covered by this audit | NA | Not triggered |
| **OPERATION OF PLANT AND EQUIPMENT** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 10 | The Proponent shall ensure that all plant and equipment used on site is:<br>(b) maintained in a proper and efficient condition; and<br>(c) operated in a proper and efficient manner. | PINs (totalling $30,000) issued by EPA on 8/7/16 for 2 failures of plant and equipment on 5 & 7 July 2016 that resulted in Coal fines being discharged into Bellambi Gully.<br>PINs ($30,000) issued by EPA on 1/9/17 for discharge of turbid water into Bellambi Gully on 15/11/16 that were partly due to failure of plant and equipment.<br>Equipment and vehicle prestart checklists (PITs) sighted with Work Orders for any required maintenance and parts. | Non-compliant due to issuing of PINs by EPA in 2016 & 2017 related to failures of plant and equipment. | NC |
| **UPDATING AND STAGING OF STRATEGIES, PLANS OR PROGRAMS** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 11 | To ensure that strategies, plans and programs required under this approval are updated on a regular basis, and that they incorporate any appropriate additional measures to improve the environmental performance of the project, the Proponent may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Proponent may also submit any strategy, plan or program required by this approval on a staged basis.<br>With the agreement of the Secretary, the Proponent may prepare a minor revision of or a stage of a strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this approval.<br>*Notes*<br>- *While any strategy, plan or program may be submitted on a staged basis, the Proponent 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/s of the project to which the strategy, plan or program applies; the relationship of this stage/s to any future stages; and the trigger for updating the strategy, plan or program.*<br>- *See also condition 5 of Schedule 5.* | DPIE approved revised versions of the following plans on 24 April 2019:<br>- Air quality and greenhouse gas management plan April 2019<br>- Rehabilitation Management Plan April 2019<br>DPIE approved revised versions of the following plans on 3 June 2019:<br>- Surface Facilities Management Plan May 2019<br>- Water Management Plan May 2019<br>These updated plans are available on WCL's website | Compliant | C |
| **SCHEDULE 3** | | | | |
| **SPECIFIC ENVIRONMENTAL CONDITIONS** | | | | |
| **SUBSIDENCE** | | | | |
| **Performance Measures** | | | | |

<table>
<tr>
<td>1</td>
<td>The Proponent shall ensure that the project does not cause any exceedance of the performance measures in Table 1 to the satisfaction of the Secretary.<br>

<i>Table 1: Subsidence Impact Performance Measures</i>
<table>
<tr><td colspan="2"><b>Water resources</b></td></tr>
<tr><td>Wallandoola Creek<br>Cataract Creek</td><td>Negligible environmental consequences including:<br>• <i>negligible</i> diversion of flows or changes in the natural drainage behaviour of pools;<br>• <i>negligible</i> gas releases and iron staining;<br>• <i>negligible</i> increase in water cloudiness;<br>• <i>negligible</i> increase in bank erosion;<br>• <i>negligible</i> increase in sediment load; and<br>• <i>negligible</i> reduction in the volume of water reporting to the reservoir.</td></tr>
<tr><td>Lizard Creek and other watercourses</td><td>No greater subsidence impact or environmental consequences than predicted in the EA.</td></tr>
<tr><td>Cataract Reservoir</td><td>Negligible leakage from the reservoir and negligible reduction in the water quality of the reservoir.</td></tr>
<tr><td colspan="2"><b>Swamps</b></td></tr>
<tr><td>Upland swamps adjacent to Wallandoola and Lizard Creeks (including valley fill swamp WCvfs1)<br>Cataract Reservoir Upland Swamp 1 (CRUS1)</td><td>Negligible environmental consequences including:<br>• <i>negligible</i> change in the size of swamps;<br>• <i>negligible</i> change in the functioning of swamps;<br>• <i>negligible</i> change to the composition or distribution of species within swamps; and<br>• <i>negligible</i> drainage of water from swamps, or redistribution of water within swamps.</td></tr>
<tr><td>Cataract Creek Upland Swamp 3 (CCUS3)</td><td>No greater subsidence impact or environmental consequences than predicted in EA – Mod 1</td></tr>
<tr><td colspan="2"><b>Biodiversity</b></td></tr>
<tr><td>Threatened species, populations or their habitats and endangered ecological communities (except CCUS3 and CCUS4)</td><td>Negligible environmental consequences.</td></tr>
<tr><td colspan="2"><b>Heritage Features</b></td></tr>
<tr><td>Aboriginal heritage site 52-2-1223 and 52-2-0320</td><td>Negligible impact or environmental consequences.</td></tr>
</table>
<i>Notes: 1) The Proponent will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this approval (see conditions 29 and 35-38 below).</i><br>
<i>2) Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Secretary will be the final arbiter.</i><br>
<i>3) The requirements of this condition only apply to the impacts and consequences of mining operations, construction or demolition undertaken following the date of this approval.</i></td>
<td>The outcomes of the ecological monitoring undertaken during the period covered by this audit are set out in the following reports:<br>• Russell Vale East Terrestrial ecological monitoring program, Annual report 2017, 27 February 2019 (Biosis)<br>• Russell Vale East Ecological monitoring program: combined report (DRAFT) October 2019 (Biosis)<br><br>End of Panel Reports for SCT Interim End of Panel Report dated 21/2/2017 (Rep No WCRV4584) indicates subsidence movements associated with upland swamps as follows:<br>• CCUS4, low level, no significant impacts<br>• CCUS3, CCUS5 & CCUS23, low & insignificant impacts<br><br>The process for monitoring of impacts of subsidence on aboriginal heritage is set out in WCL's RVC Heritage Management Plan April 2019. Monitoring applies to the V Mains area; however, it has been confirmed in an email from WCL on 24 September 2019 that as this area has not yet been mined no monitoring of aboriginal heritage sites has been required.<br><br>Photographic monitoring records of the condition of Cataract Creek (upstream and downstream of water quality monitoring sites) plus water quality monitoring records have been maintained by WCL environmental monitoring personnel for</td>
<td>Following the autumn 2019 ecological monitoring surveys Biosis found that an ecological response had been detected at one post-mining upland swamp site, CCUS3, at Russell Vale East resulting in a change in species composition. This was attributed to a likely decrease in water availability following a review of the piezometric data, and thus a Level 2 TARP (within prediction) was triggered. Biosis notes in its report that this finding is based upon a single season of data alone and should be reviewed in detail in the 2019 annual report with spring data incorporated into the analyses. As this may, subject to further data being assessed by Biosis in the 2019 annual report, represent a greater environmental consequence than predicted in the EA (Level 3 TARP), this could become a non-</td>
<td>Not verified</td>
</tr>
</table>

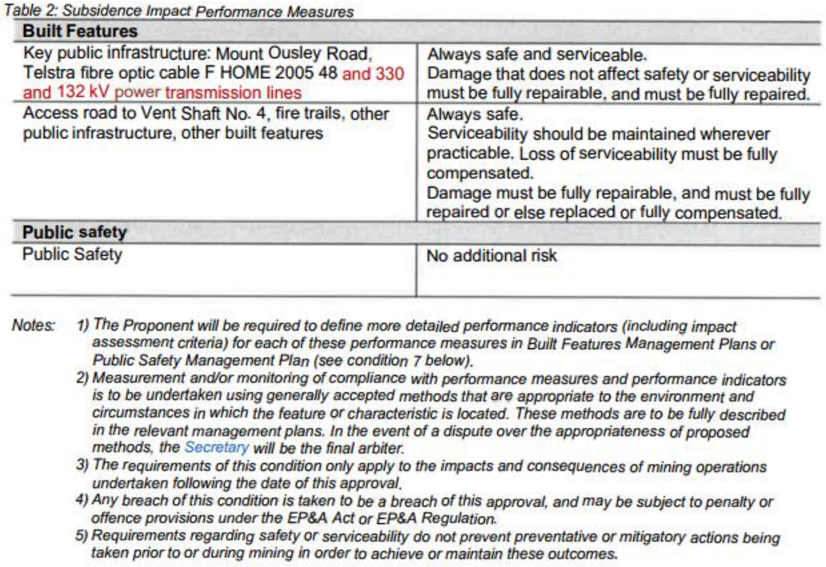
| | | | | |
|---|---|---|---|---|
| | | several years. These records were sighted and are very comprehensive. However, there was no evidence provided of any systematic, periodic interpretation or evaluation of this data that could be used to address the performance measures related to water quality, bank erosion, iron staining, gas releases or sediment load in Table 1.<br>The following creeks have not yet been mined under yet:<br>• Lizard Creek<br>• Wallandoola Creek | compliance with the subsidence impact performance measure for CCUS3.<br>***Accordingly, we recommend that the ecological response data at CCUS3 be reviewed as soon as possible after it becomes available and appropriate TARP and reporting measures initiated as required***<br>We also note that the SCT RVC 2018 Update of Water Balance Estimation Report, No WCRV 4929 dated 4/4/19 does not provide a definitive statement addressing the performance measure related to Cataract Reservoir in Table 1. Accordingly, this absence of information does not enable verification of compliance with these aspects of this condition.<br>***We recommend that any future water balance reports specifically address*** | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| | | | ***the performance measure related to Cataract Reservoir in Table 1***<br>Likewise, there was no evidence provided of any systematic, periodic interpretation or evaluation of water quality and photographic monitoring data (collected by WCL personnel) that could be used to address the performance measures related to water quality, bank erosion, iron staining, gas releases or sediment load in Table 1.<br>***We recommend that WCL specifically addresses and reports on the performance measures related to water quality, bank erosion, iron staining, gas releases or sediment load in Table 1.*** | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 2 | The Proponent must assess and manage project-related risks to ensure that there are no exceedances of the performance measures in Table 1. Any exceedance of these performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Actor EP&A Regulation, notwithstanding actions taken pursuant to paragraphs (a)-(c) or condition 3 below. Where any exceedance of these performance measures has occurred, the Proponent must, at the earliest opportunity:<br>(c) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;<br>(d) consider all reasonable and feasible options for remediation and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and<br>(e) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary. | Insufficient evidence has been provided that demonstrates ongoing monitoring of all of the environmental aspects identified in Table 1 (viz a viz Cataract Reservoir leakage and performance measures related to water quality, bank erosion, iron staining, gas releases or sediment load in Table 1) which would permit an evaluation of compliance with all of the subsidence impact performance measures. | Not able to be verified given the absence of full evidence.<br>On the evidence available to us, we cannot see how WCL is able to assess or manage project-related risks to ensure no exceedances of all the subsidence performance measures in Table 1.<br>***See recommendation above*** | Not verified |
| **Offsets** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 3 | If the Proponent exceeds the performance measures in Table 1 and the Secretary determines that:<br>(c) it is not reasonable or feasible to remediate the impact or environmental consequence; or<br>(d) remediation measures implemented by the Proponent have failed to satisfactorily remediate the impact or environmental consequence;<br>then the Proponent shall provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Secretary.<br><br>The offset must give priority to like-for-like physical environmental offsets, but may also consider funding for supplementary measures such as:<br>• actions outlines in threatened species recovery programs;<br>• actions that contribute to threat abatement programs;<br>• biodiversity research and survey programs; and/or<br>• rehabilitating degraded habitat.<br><br>*Note: Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence.* | As indicated above, not all the required performance measures in Table 1 appear to have been assessed.<br><br>Those that have been are compliant with the subsidence performance measures but this does not constitute full compliance with this condition. | Not able to be verified given the absence of full evidence<br><br>***See recommendation in Schedule 3, Condition 1 above*** | Not verified |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 3A | If mining under this approval causes impacts on Cataract Creek Upland Swamp 4 (CCUS4) which exceed a standard of 'minor environmental consequences', and the Secretary determines that:<br>(a) it is not reasonable or feasible to remediate the impact or environmental consequence; or<br>(b) remediation measures implemented by the Proponent have failed to satisfactorily remediate the impact or environmental consequence;<br>then the Proponent shall provide a suitable offset to compensate for the impact or environmental consequence in accordance with the requirements of condition 3 above, to the satisfaction of the Secretary<br><br>Minor environmental consequences' is defined as:<br>• *negligible* erosion of the surface of the swamps;<br>• *minor* changes in the size of the swamps;<br>• *minor* changes in the ecosystem functionality of the swamp;<br>• *no significant* change to the composition or distribution of species within the swamp; and<br>• *maintenance or restoration* of the structural integrity of controlling rock bars. | The 2017 and 2019 Biosis reports indicates no exceedance of this requirement for CCUS4. | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 4 | The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 2, to the satisfaction of the Secretary.<br><br>*Table 2: Subsidence Impact Performance Measures*<br>**Built Features**<br>Key public infrastructure: Mount Ousley Road, Telstra fibre optic cable F HOME 2005 48 and 330 and 132 kV power transmission lines<br>Always safe and serviceable.<br>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired.<br>Access road to Vent Shaft No. 4, fire trails, other public infrastructure, other built features<br>Always safe.<br>Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated.<br>Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated.<br>**Public safety**<br>Public Safety<br>No additional risk<br>*Notes: 1) The Proponent will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in Built Features Management Plans or Public Safety Management Plan (see condition 7 below).*<br>*2) Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Secretary will be the final arbiter.*<br>*3) The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of this approval.*<br>*4) Any breach of this condition is taken to be a breach of this approval, and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.*<br>*5) Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes.* | Table 1 of the SCT Interim EoP Report 2017 provides statements against each of the performance measures, however these statements are ambiguously worded by using the term "compliance expected" which does not provide the necessary level of evidence. | Not able to be verified due to absence of evidence demonstrating compliance with performance measures of Table 2<br>***We recommend that WCL prepares an Annual Subsidence Impact Performance Report that provides a statement of compliance against all of the Subsidence Performance Measures in Tables 1 and 2 of the Approval and references to supporting evidence, analysis and statements by the relevant technical experts that provide clarity with regard to the extent of compliance with the measures.*** | Not verified |
| 5 | Any dispute between the Proponent and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 2 is to be settled by the Secretary, following consultation with the MSB and the Executive Director Mineral Resources. Any decision by the Secretary shall be final and not subject to further dispute resolution under this approval. | No such disputes are known to have occurred during the period covered by this audit | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| **First Workings** | | | | |
| 6 | The Proponent may carry out first workings within the underground mining area, other than in accordance with an approved Extraction Plan, provided that DRE is satisfied that the first workings are designed to remain stable and non-subsiding in the long-term, except insofar as they may be impacted by approved second workings.<br>*Note: The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible resulting direct subsidence impacts.* | No first workings were carried out during the period covered by this audit | Compliant | C |
| **Extraction Plan** | | | | |

| | | | | |
|---|---|---|---|---|
| 7 | The Proponent shall prepare and implement an Extraction Plan for all second workings on site to the satisfaction of the Secretary. This plan must:<br>(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;<br>(b) be approved by the Secretary before the Proponent carries out any of the second workings covered by the plan;<br>(c) include detailed plans of existing and proposed first and second workings and any associated surface development;<br>(d) include detailed performance indicators for each of the performance measures in Tables 1 and 2;<br>(e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this approval;<br>(f) describe the measures that would be implemented to:<br>• ensure compliance with the performance measures in Tables 1 and 2; and<br>• manage or remediate subsidence impacts and/or environmental consequences;<br>(g) include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Tables 1 and 2, or where any such exceedance appears likely;<br>(h) include the following to the satisfaction of DRE:<br>• a Coal Resource Recovery Plan that demonstrates effective recovery of the available resource.<br>• a Subsidence Monitoring Program to:<br>– provide data to assist with the management of the risks associated with subsidence;<br>– validate the subsidence predictions; and<br>– analyse, in consultation with OEH, the relationships between predicted and resulting subsidence effects and predicted and resulting subsidence impacts and environmental consequences; and<br>– inform the contingency plan and adaptive management process; | Longwall 6 Extraction Plan (**LW6EP**) vols 1 and 2 available http://wollongongCoal.com.au/management-compliance-r/<br>16/02/2015 letter DPE (Howard Reed as nominee for the Secretary) to WCL approves Longwall 6 Extraction Plan. Approval limited to first 365m of longwall 6.<br>Only 348m subsequently mined.<br>30/01/2015 DRE letter endorsed:<br>1 Coal Resource Recovery Plan<br>2 Subsidence Monitoring Program<br>3 Spontaneous Combustion Management Plan<br>4 Appropriate revisions to the Rehabilitation Management Plan<br>5 Built Features Management Plan [subject to a condition]<br>6 Public Safety Management Plan [subject to a condition] | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
|  | • a Built Features Management Plan to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings, and which:<br>– addresses in appropriate detail all items of public infrastructure and all classes of other built features; and<br>– has been prepared following appropriate consultation with the owner/s of potentially affected feature/s;<br>• a Public Safety Management Plan to ensure public safety in the mining area;<br>• a Spontaneous Combustion Management Plan; and<br>• appropriate revisions to the Rehabilitation Management Plan required under condition 44; and<br>(hi) include appropriate references to:<br>• water resources, biodiversity values and heritage values managed under the Water Management, Biodiversity and Heritage Management Plans required under conditions 29, 35 and 38 of Schedule 3 and;<br>• programs, procedures, management measures and the like required under those plans;<br>(i) include a program to collect sufficient baseline data for any future Extraction Plans.<br><br>*Note: An SMP that is substantially consistent with this condition and which is approved by DRE prior to 31 December 2011 is taken to satisfy the requirements of this condition* |  |  | 🟩 |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 8 | The Proponent shall ensure that the management plans required under conditions 29 and 35-38:<br>(a) include an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this approval; and<br>(b) include a Trigger Action Response Plan, or equivalent, to address potential subsidence impacts and environment consequences that may result from mining subsidence; and<br>(c) are approved by the Secretary before the Proponent carries out any of the second workings covered by the Extraction Plan. | 29- Biodiversity Management Plan (dated 01/04/2019): includes TARP at Appendix A<br>35-37 - Water TARP (Surface & Groundwater) (Appendix E, RVE Water Management Plan 6/5/19)<br>38 – Heritage Management Plan 1/4/19 TARP included at Appendix A<br>Second workings at RVC have not occurred since 2015 (prior to the period covered by this audit) | Compliant | C |
| **Payment of Reasonable Costs** | | | | |
| 9 | The Proponent shall pay all reasonable costs incurred by the Department to engage suitably qualified experienced and independent persons to review the adequacy of any aspect of an Extraction Plan. | No such review has been required by the Department | Not triggered | Not triggered |
| **NOISE** | | | | |
| **Noise Criteria** | | | | |

| | | | | |
|---|---|---|---|---|
| 10 | Until 31 December 2013, the Proponent shall ensure that the noise generated by the project does not exceed the criteria in Table 3 and Table 4 at any residence on privately-owned land or on more than 25 percent of any privately-owned land. | | Not triggered as outside audit period | Not triggered |

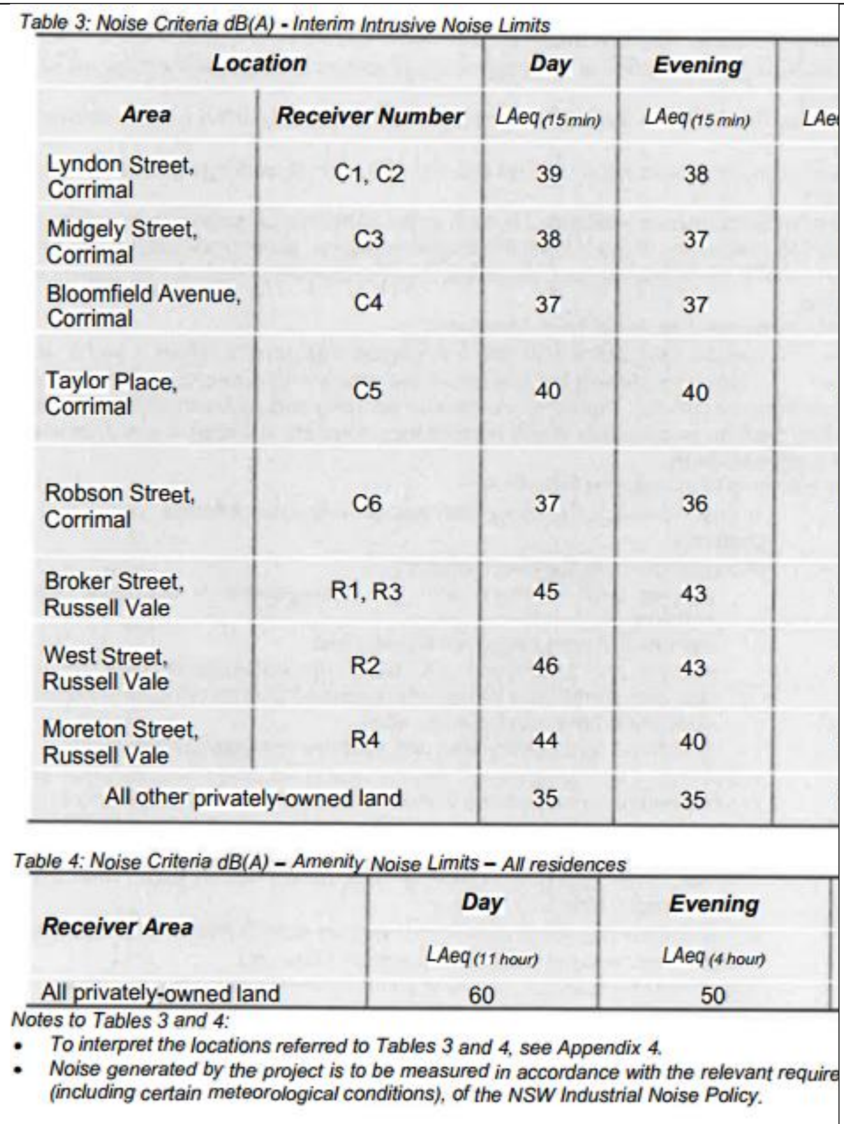


*Table 3: Noise Criteria dB(A) - Interim Intrusive Noise Limits*

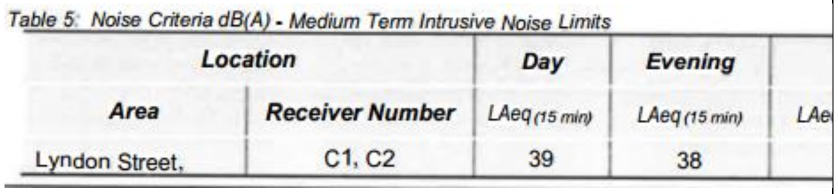
| **Location** | | **Day** | **Evening** | |
|---|---|---|---|---|
| **Area** | **Receiver Number** | LAeq (15 min) | LAeq (15 min) | LAe |
| Lyndon Street, Corrimal | C1, C2 | 39 | 38 | |
| Midgely Street, Corrimal | C3 | 38 | 37 | |
| Bloomfield Avenue, Corrimal | C4 | 37 | 37 | |
| Taylor Place, Corrimal | C5 | 40 | 40 | |
| Robson Street, Corrimal | C6 | 37 | 36 | |
| Broker Street, Russell Vale | R1, R3 | 45 | 43 | |
| West Street, Russell Vale | R2 | 46 | 43 | |
| Moreton Street, Russell Vale | R4 | 44 | 40 | |
| All other privately-owned land | | 35 | 35 | |

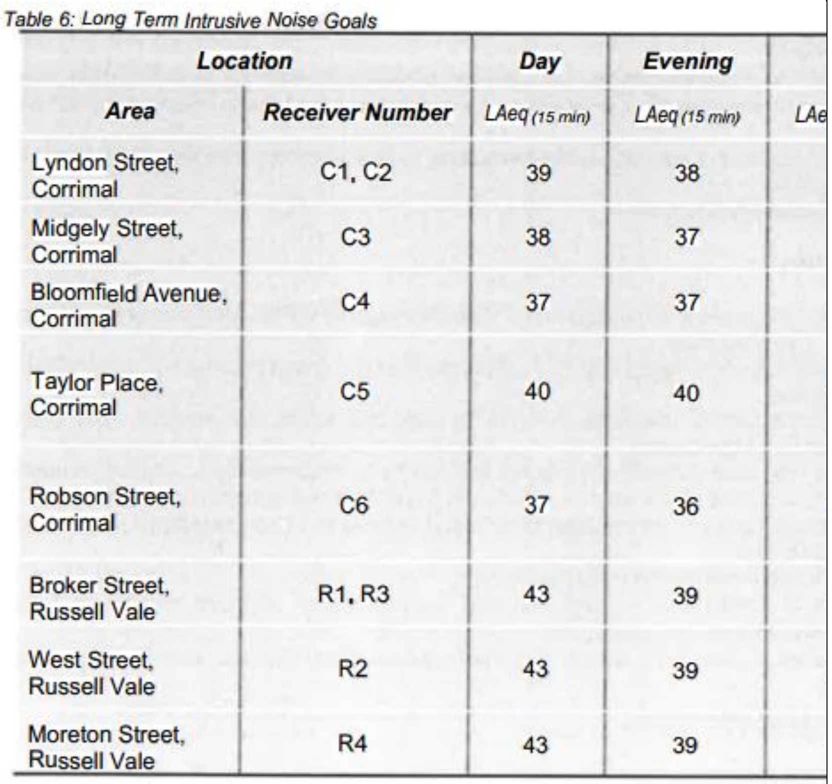
*Table 4: Noise Criteria dB(A) – Amenity Noise Limits – All residences*

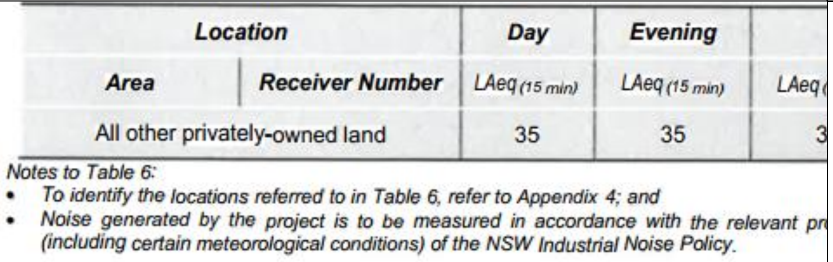
| **Receiver Area** | **Day** | **Evening** |
|---|---|---|
| | LAeq (11 hour) | LAeq (4 hour) |
| All privately-owned land | 60 | 50 |

*Notes to Tables 3 and 4:*

- *To interpret the locations referred to Tables 3 and 4, see Appendix 4.*
- *Noise generated by the project is to be measured in accordance with the relevant require (including certain meteorological conditions), of the NSW Industrial Noise Policy.*

<table>
<tr><th>Unique ID</th><th>Compliance requirement</th><th>Evidence collected</th><th>Independent Audit findings and recommendations</th><th>Compliance Status</th></tr>
<tr><td></td><td>However, these noise criteria do not apply if the Proponent has an agreement with the relevant owner/s of the residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</td><td></td><td></td><td></td></tr>
<tr><td>11</td><td>From 1 January 2014, the Proponent shall ensure that the noise generated by the project does not exceed the criteria in Table 5 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.<br><br><i>Table 5: Noise Criteria dB(A) - Medium Term Intrusive Noise Limits</i>
<table>
<tr><th colspan="2">Location</th><th>Day</th><th>Evening</th><th></th></tr>
<tr><th>Area</th><th>Receiver Number</th><th>LAeq (15 min)</th><th>LAeq (15 min)</th><th>LAe</th></tr>
<tr><td>Lyndon Street,</td><td>C1, C2</td><td>39</td><td>38</td><td></td></tr>
</table></td><td>Draft noise monitoring reports by ERM covering ROM stockpile removal activities during the first half of 2019 were reviewed:<br>• Noise Compliance Monitoring Q2 2019, 30 July 2019, Project No.: 0503198<br>• Noise Compliance Monitoring Q1 2019<br>• 30 July 2019, Project No.: 0503198</td><td>Attended noise monitoring undertaken by ERM indicates compliance with the noise criteria in this condition</td><td>C</td></tr>
</table>

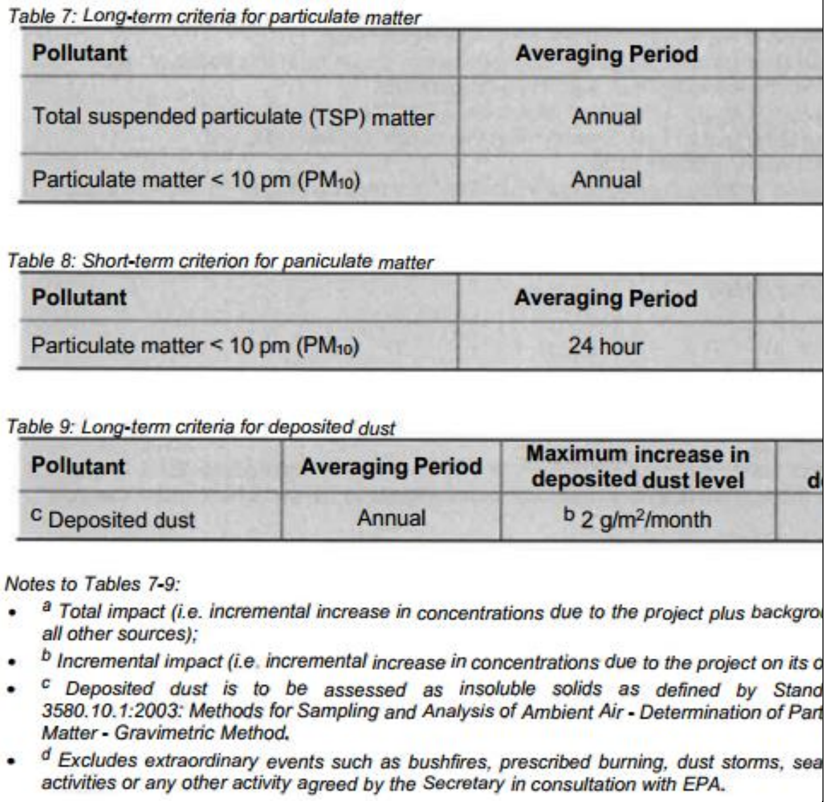
<table>
<tr>
<td>12</td>
<td>The Proponent shall make continual endeavours to reduce noise, with the objective that the noise generated by the project will comply with criteria in Table 6 at any existing residence on privately-owned land or on more than 25 percent of any privately-owned land, to the satisfaction of the Secretary.<br><br><br>Table 6: Long Term Intrusive Noise Goals<br>
<table>
<tr><th colspan="2">Location</th><th>Day</th><th>Evening</th><th></th></tr>
<tr><th>Area</th><th>Receiver Number</th><th>LAeq (15 min)</th><th>LAeq (15 min)</th><th>LAe</th></tr>
<tr><td>Lyndon Street, Corrimal</td><td>C1, C2</td><td>39</td><td>38</td><td></td></tr>
<tr><td>Midgely Street, Corrimal</td><td>C3</td><td>38</td><td>37</td><td></td></tr>
<tr><td>Bloomfield Avenue, Corrimal</td><td>C4</td><td>37</td><td>37</td><td></td></tr>
<tr><td>Taylor Place, Corrimal</td><td>C5</td><td>40</td><td>40</td><td></td></tr>
<tr><td>Robson Street, Corrimal</td><td>C6</td><td>37</td><td>36</td><td></td></tr>
<tr><td>Broker Street, Russell Vale</td><td>R1, R3</td><td>43</td><td>39</td><td></td></tr>
<tr><td>West Street, Russell Vale</td><td>R2</td><td>43</td><td>39</td><td></td></tr>
<tr><td>Moreton Street, Russell Vale</td><td>R4</td><td>43</td><td>39</td><td></td></tr>
</table>
</td>
<td>The ERM reports referenced above.</td>
<td>Compliant.<br><br>ERM reports indicate that project operations were inaudible at the locations being monitored.</td>
<td>C</td>
</tr>
</table>

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| | <br>*Location* *Day* *Evening*<br>*Area* *Receiver Number* LAeq(15 min) LAeq(15 min) LAeq(<br>All other privately-owned land 35 35 3<br>*Notes to Table 6:*<br>• *To identify the locations referred to in Table 6, refer to Appendix 4; and*<br>• *Noise generated by the project is to be measured in accordance with the relevant pr*<br>*(including certain meteorological conditions) of the NSW Industrial Noise Policy.* | | | 🟩 |
| **Noise Audit** | | | | |
| 13 | The Proponent shall prepare and implement a Noise Audit for the project to the satisfaction of the Secretary. The audit must:<br>(a) be prepared by a suitably qualified acoustic consultant, whose appointment has been approved by the Secretary;<br>(b) be prepared in consultation with OEH, and be submitted to the Secretary for approval by the end of December 2012;<br>(c) investigate and evaluate all reasonable and feasible measures to mitigate operational noise levels to comply with the long-term noise goals in Table 5; and<br>(d) include an action plan to implement the audit recommendations and a protocol for monitoring the effectiveness of these measures. | | Outside audit period | Not triggered |
| **Noise Mitigation Measures** | | | | |
| 14 | The Proponent shall ensure that the following noise mitigation measures are undertaken, in consultation with EPA, and to the satisfaction of the Secretary:<br>(b) the existing Bulli Conveyor is operated during daylight hours only (i.e. 7:00 am to 6:00 pm) and is decommissioned after completion of the driveage of the Wonga Mains; and<br>(c) the Wongawilli Conveyor utilises noise minimisation measures conforming to Best Available Technology Economically Achievable (BATEA) standards, with construction completed by the end of December 2012. | | Conveyors not operational during audit period | Not triggered |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| Admi | The Proponent shall:<br>(a) in consultation with the CCC assess options for improved noise mitigation measures as an alternative to construction of the two acoustic screens identified in the 2010 Statement of Commitments and submit by 30 June 2013 appropriate options for consideration by the Secretary;<br>(b) implement the approved option within 6 months of the Secretary's approval. | | Outside audit period | Not triggered |
| **Operating Conditions** | | | | |
| 15 | The Proponent shall:<br>(c) implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the construction, operational and road traffic noise generated by the project; and<br>(d) regularly assess the real-time noise monitoring to ensure compliance with the relevant conditions of this approval, to the satisfaction of the Secretary. | Noise monitoring during removal of ROM from emplacement area was undertaken by ERM as per Condition 11 above. | Compliant.<br>ERM reports indicate that operations were not audible at any of the monitoring locations | C |
| **Noise Management Plan** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 16 | The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:<br>(a) be prepared in consultation with EPA, and submitted for approval to the Secretary within 6 months of this approval;<br>(b) include provisions to ensure that the road haulage fleet attains and maintains best practices in both equipment and operations;<br>(d) [*sic*] describe the noise mitigation measures that would be implemented to ensure compliance with the relevant conditions of this approval, including a real-time noise management system;<br>(d) outline procedures to manage responses to any complaints or issues raised by the owners of affected residences; and<br>(e) include a noise monitoring program that:<br>• uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the project; and<br>• includes a protocol for determining exceedances of the relevant conditions of this approval. | Noise management plan dated 03/05/2018 available at http://wollongongCoal.com.au/management-compliance-r/<br>DPE letter of approval of plan dated 11/3/19 sighted.<br>16(a): see Appendix D, 31/08/2012 letter, EPA to Pacific Environment (Appendix D to NMP)<br>16(b)- see sections 6.1.4, 6.1.4.2, 6.1.4.3, 6.1.4.4, 6.1.4.8<br>16(d) *sic*: see section 6; Appendix A (TARP)<br>16(d): see section 7<br>16(e)- see section 5.1, table 4.1<br>Attended noise monitoring was carried out during ROM removal operations by ERM during the first half of 2019. These reports are referenced in condition 10 above.<br>Unattended noise monitoring reports for each quarter covered by this audit are available on the website | Compliant | C |
| **AIR QUALITY & GREENHOUSE GASES** | | | | |
| **Odour** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 17 | The Proponent shall ensure that no offensive odours, as defined under the POEO Act, are emitted from the site. | A review of complaints summaries for the period 2017 to 2019 indicates that no complaints regarding odours were made | Compliant | C |
| **Greenhouse Gas Emissions** | | | | |
| 18 | The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site, to the satisfaction of the Secretary. | Air Quality and Greenhouse Gas Management Plan 1/4/19 includes mitigation measures related to the following:<br>• Low emission diesel fuel<br>• Regular vehicle maintenance (PITs records sighted)<br>• No methane being flared as the mine is classed as non-gassy<br>It should also be noted that RVC has been on care and maintenance since 2015 | Compliant | C |
| **Air Quality Assessment Criteria** | | | | |

<table>
<tr><th>Unique ID</th><th>Compliance requirement</th><th>Evidence collected</th><th>Independent Audit findings and recommendations</th><th>Compliance Status</th></tr>
<tr><td>19</td><td>The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not exceed the criteria listed in Tables 7, 8 or 9 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.<br><br><i>Table 7: Long-term criteria for particulate matter</i><table><tr><th>Pollutant</th><th>Averaging Period</th><th></th></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td></td></tr><tr><td>Particulate matter $<$ 10 pm ($PM_{10}$)</td><td>Annual</td><td></td></tr></table><i>Table 8: Short-term criterion for paniculate matter</i><table><tr><th>Pollutant</th><th>Averaging Period</th><th></th></tr><tr><td>Particulate matter $<$ 10 pm ($PM_{10}$)</td><td>24 hour</td><td></td></tr></table><i>Table 9: Long-term criteria for deposited dust</i><table><tr><th>Pollutant</th><th>Averaging Period</th><th>Maximum increase in deposited dust level</th><th>d</th></tr><tr><td>$^{c}$ Deposited dust</td><td>Annual</td><td>$^{b}$ 2 $g/m^2$/month</td><td></td></tr></table><i>Notes to Tables 7-9:</i><br>• [a] <i>Total impact (i.e. incremental increase in concentrations due to the project plus backgro all other sources);</i><br>• [b] <i>Incremental impact (i.e. incremental increase in concentrations due to the project on its o</i><br>• [c] <i>Deposited dust is to be assessed as insoluble solids as defined by Stand 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Part Matter - Gravimetric Method.</i><br>• [d] <i>Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea activities or any other activity agreed by the Secretary in consultation with EPA.</i></td><td>Dust monitoring results are available in the quarterly air and noise monitoring reports for the period covered by this audit. It is noted that there are days over the air criteria in Table 7 however the monitoring reports do not discuss whether this is due to regional air conditions or emissions from site.<br><br>All reasonable and feasible measures to prevent particulate matter emissions generated by the project to not exceed the criteria listed in tables 7, 8 or 9 of the project approval were not taken as the PM10 monitoring system was not operating through May & June for TEOM 2 & June 2018 for TEOM1</td><td>Non-compliant due to data gap.<br><br><b><i>We recommend that for the avoidance of doubt it would be useful if a statement of compliance with the air quality criteria in Table 7 was made in the quarterly reports, including reasons for any exceedances due to the extraordinary events noted in the condition (if applicable)</i></b></td><td>Administrative non-compliance</td></tr>
<tr><td colspan="5"><b>Operating Conditions</b></td></tr>
</table>

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 20 | The Proponent shall:<br>(d) implement best practice air quality management on site, including all reasonable and feasible measures to minimise the off-site odour, and dust emissions generated by the project including those generated by any spontaneous combustion on site;<br>(e) minimise any visible air pollution generated by the project;<br>(f) regularly assess the real time air quality monitoring and meteorological forecasting data and modify and/or suspend operations on site to ensure compliance with the relevant conditions of this approval, to the satisfaction of the Secretary. | Monitoring reports available on website indicated that compliance with air quality criteria was achieved except on a small number of occasions.<br>The weather monitoring and air quality monitoring stations were in operation at the time of the audit.<br>There were no regulatory notices or PINs issued in relation to air quality that we are aware of during the period covered by this audit.<br>On 8/5/19 a complaint regarding dust from the ROM removal area was received by the EPA from a member of the public. It was discovered that the weather station had failed, and the sprays were not operating automatically.<br>The site inspections carried out during this audit did not identify any concerns regarding air quality control measures | Investigation into complaint on 8/5/19 indicates that all reasonable and feasible measures (stockpile sprays) were not being implemented on that occasion<br>***No recommendation as the automatic spray system has since been repaired and was operational at the time of the audit*** | NC |
| **Air Quality & Greenhouse Gas Management Plan** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 21 | The Proponent shall prepare and implement an Air Quality & Greenhouse Gas Management Plan for the project to the satisfaction of the Secretary. This plan must:<br>(a) be prepared in consultation with EPA, and submitted for approval to the Secretary within 6 months of this approval;<br>(b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, including a real-time air quality management system that employs both reactive and proactive mitigation measures; describe the measures that would be implemented to minimise the release of greenhouse gas emissions from the site; and<br>(c) include an air quality monitoring program, that:<br>• uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the project; and<br>• includes a protocol for determining exceedances with the relevant conditions of this approval. | The Plan required under this condition was approved by DPE on 24/4/19. Real time weather monitoring is used to trigger water sprays over a certain wind speed.<br>Air quality monitoring is being undertaken as required under the Plan and reports are available on the project website | Compliant | C |
| **Meteorological Monitoring** | | | | |
| 22 | During the life of the project, the Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the site that<br>(a) complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and<br>(b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Industrial Noise Policy,* or as otherwise approved by EPA. | Real time weather data was being collected and displayed in the site office at the time of the site inspection and records are also provided within the air and noise monitoring reports available on the website (Plate 2) | Compliant | C |
| **Truck Washing** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 23 | The Proponent shall prepare a report to the Department about the various truck washing arrangements that have been trialled at the surface facilities site. This report must:<br>(a) be submitted for approval to the Secretary within 6 months of this approval; and<br>(b) consider the following truck washing arrangements:<br>– washing trucks before they depart the surface facilities site;<br>– washing trucks when they arrive at the surface facilities site; and<br>– not washing trucks at all.<br>(c) include consideration of the effectiveness of the various arrangements in terms of:<br>– preventing fugitive materials from being carried from the surface facilities site and deposited on public roads; and<br>– minimising the impacts of polluted water from truck wash areas on surface water and groundwater. | | Outside audit period | Not triggered. |
| **TRANSPORT** | | | | |
| **Monitoring of Coal Transport** | | | | |
| 24 | The Proponent shall:<br>(a) keep accurate records of the amount of Coal transported from the site (on a daily basis).<br>(b) make these records publicly available on its website at the end of each calendar year. | Daily Coal transportation tonnage records are available on the website for the years 2012 to 2018. | Compliant | C |
| **Road Transport Restrictions** | | | | |
| 25 | The Proponent shall only load Cool or Coal reject onto trucks or transport it off site by road between 7am to 10pm, Monday to Friday and between and 8 am to 6 pm on Saturdays, Sundays and public holidays. | No verifiable complaints regarding work outside the permitted hours were received during the ROM removal exercise in early 2019 | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 26 | During emergencies, the Proponent may exceed the restrictions in condition 25 above with the written approval of the Secretary.<br>*Note: The kind of circumstances which may constitute an emergency include major traffic disruptions on the transport route and major loading equipment failure or other critical port need at PKCT.* | | | Not triggered |
| 27 | The Proponent shall ensure that any truck leaving the site:<br>(a) does not carry dirt or mud onto public roads; and<br>(b) is free of material that may fall on the road and create a road safety hazard or public nuisance to the satisfaction of the Secretary. | No verifiable complaints regarding mud or dirt tracking onto public roads were received during the ROM removal exercise in early 2019<br>No PINs were received by regulatory authorities in relation to this issue during the period covered by this audit<br>A truck wash was in operation at the exit from the colliery during the transport operations | Compliant | C |
| **Traffic Management Plan** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 28 | The Proponent shall prepare and implement a Traffic Management Plan for the project to the satisfaction of the Secretary. This Plan must:<br>(a) be prepared in consultation with RMS, EPA, WCC and PKCT;<br>(b) be submitted for approval to the Secretary within 6 months of this approval;<br>(c) aim to minimise the traffic impacts of the project on the residential areas surrounding the surface facilities site, and in particular the residences located along Bellambi Lane.<br>(d) include a traffic management protocol, which must consider:<br>– appropriate speed limits;<br>– truck separation distances;<br>– minimisation of compression braking and other noisy practices, especially on the approach to Port Kembla Road/Springhill Road traffic lights when entering or exiting PKCT;<br>– reporting of vehicle faults; and<br>– reporting of all traffic incidents; and<br>(e) include a Traffic Noise Management Strategy, which must consider, but is not limited to:<br>– the selection and maintenance of vehicle fleets;<br>– movement scheduling to reduce noise impacts during sensitive times of the day; and<br>– procedures to minimise impacts at identified sensitive areas along the haulage routes. | Traffic Management Plan (**TMP**), dated 01/04/2019, available at http://wollongongCoal.com.au/management-compliance-r/<br>28(a): see TMP sections 1.3-1.4<br>28(c): see TMP sections 3, 5, and 6.1-6.8, Appendix A (TARP)<br>28(d): no protocol per se in TMP, however requisite matters are generally covered in section 628(e): see TMP section 6.8<br>DPIE letter of 3/4/19 approving TMP dated April 2019 | Compliant | C |
| 28A | The Proponent shall consult with Wollongong City Council with a view to having a 50kph speed limit imposed on Bellambi Lane. | Council has retained 60km speed limit signage.<br>WCL impose a speed limit of 50km/h on its drivers and this is evidenced via a TBT for trucking from emplacement area material given on 1/3/19 | | C |
| **BIODIVERSITY** | | | | |
| **Biodiversity Management Plan** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 29 | The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This Plan must:<br>(d) be prepared by a suitably qualified expert in consultation with OEH;<br>(e) be submitted for approval to the Secretary within 6 months of this approval;<br>(f) include:<br>– management measures;<br>– monitoring procedures;<br>– performance indicators; and<br>– reporting frameworks,<br>– with particular reference to the Green and Golden Bell Frog, the Red-crowned Toadlet, Giant Burrowing Frog, Littlejohn's Tree Frog and Giant Dragonfly; and<br>(g) demonstrate achievement of the relevant performance measures in Table 1. | Biodiversity Management Plan dated 1/4/2019 available on website.<br>Plan approved by DPE on 3/4/2019<br>Monitoring of the fauna specified in (c) is being undertaken as evidenced in the monitoring report for August 2017 | Compliant | C |
| **WATER MANAGEMENT** | | | | |
| **Water Licences** | | | | |
| 30 | The Proponent shall obtain all necessary water licences for the project under the *Water Act 1912* or the *Water Management Act 2000.* | Water Access Licence 36488 is available on website | Compliant | C |
| **Surface Water Discharges** | | | | |
| 31 | The Proponent shall ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the project in any EPL. | Exceedances of discharge limits for the site were noted in the EPL Annual Return for 2016 – 2017, | Non- compliant due to exceedance of discharge limits in EPL (self-reported to EPA in annual return for 2016 – 2017) | NC |
| **Surface Facilities Water Management Plan** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 32 | The Proponent shall prepare and implement a Surface Facilities Water Management Plan for the surface facilities areas, to the satisfaction of the Secretary. This plan must:<br>(a) be prepared in consultation with EPA, NOW, DRE and WCC by suitably qualified and experienced persons whose appointment has been approved by the Secretary;<br>(b) be submitted for approval to the Secretary within 6 months of this approval; and<br>(c) include:<br>– a Site Water Balance; and<br>– an Erosion and Sediment Control Plan. | Surface Facilities Water Management Plan available on website.<br>Plan approved by DPE on 3/6/19. Plan includes required components and evidence of implementation including establishment and maintenance of erosion and sediment controls and recycling of site water were observed during site inspection<br>Plate 3 indicates implementation of erosion and sediment controls | Compliant | C |
| 33 | The Site Water Balance must:<br>(b) include details of:<br>– sources and security of water supply;<br>– water use on site;<br>– water management on site;<br>– any off-site water transfers; and<br>(c) investigate and implement all reasonable and feasible measures to minimise potable water use from Wollongong's reticulated water supply and to reuse and recycle water. | Included in Plan approved under condition 32 above | Compliant | C |

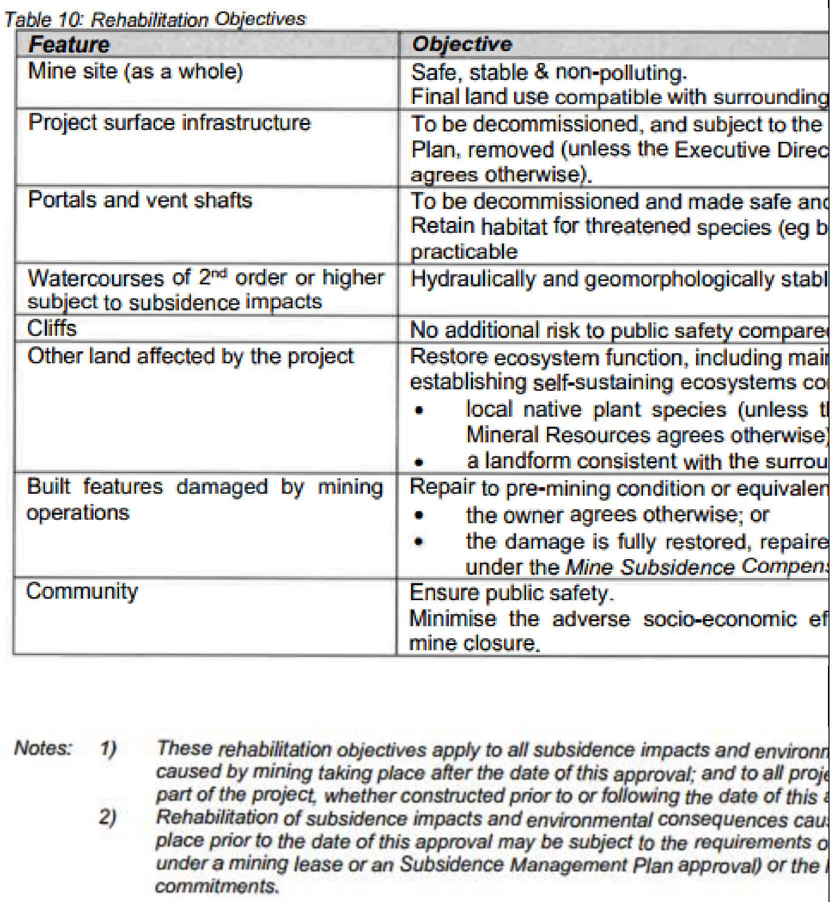
| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 34 | The Erosion and Sediment Control Plan must:<br>(a) be consistent with the requirements of the *Managing Urban Stormwater - Soils and Construction, Volume 2E: Mines and Quarries* (DECC 2008), or its latest version);<br>(b) identify activities that may cause soil erosion and generate sediment, particularly in relation to Bellambi Gully Creek;<br>(c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;<br>(d) describe the location, function, and capacity of erosion and sediment control structures;<br>(e) describe what measures would be implemented to maintain the structures over time. | Erosion and Sediment Control Plan is included within the Surface Facilities Water Management Plan approved by DPE on 3/6/19<br>ERSED measures were noted to be implemented on site and in Bellambi Gully Creek during inspection | Compliant | C |
| **Water Management Plan** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 35 | The Proponent shall prepare and implement a Water Management Plan, to the satisfaction of the Secretary. This plan must:<br>(a) be prepared in consultation with EPA, NOW, SCA, DRE and WCC by suitably qualified and experienced persons whose appointment has been approved by the Secretary;<br>(b) be submitted for approval to the Secretary within 6 months of this approval; and<br>(c) include:<br>– a Groundwater Monitoring Program; and<br>– a Surface and Ground Water Response Plan; and<br>(d) include detailed baseline data on surface water flows and quality of Cataract, Wallandoola and Lizard Creeks and associated tributaries;<br>(e) provide a geomorphic description of watercourses within and downstream of the project area;<br>(f) detail surface water quality and stream health impact assessment criteria, including trigger levels for investigating any potentially adverse surface water impacts; and<br>(g) provide a program to monitor:<br>– surface water discharges;<br>– surface water flows and quality;<br>– stream health; and<br>– channel stability,<br>in natural watercourses on site, including Tributary 4 of Cataract Creek, which drains CCUS4. | Water Management Plan dated 6/5/19 is available on website and was approved by DPE on 3/6/19<br>Monthly EPL monitoring reports from 2012 to the present time are available on the website which indicate monitoring of surface water flows, quality and discharges is being carried out in accordance with this Plan and the EPL for the site.<br>Real time water quality data is available on the website for Bellambi Gully.<br>Field sheet dated 16 & 17 July 2019 indicate that monitoring of Trib 4 of Cataract Creek is occurring<br>WCL Consolidated Monitoring (includes all water quality monitoring sites both in and outside the Special Catchment Area, frequencies and parameters) sighted) | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 36 | The Groundwater Monitoring Program must include:<br>(a) detailed baseline data of all groundwater levels (including swamp, alluvial and weathered rock aquifers), yield and quality in the region, and any privately-owned groundwater bores that may be affected by mining operations;<br>(b) groundwater impact assessment criteria based upon analysis of baseline data for swamps, groundwater, surface water and ecology, including trigger levels for investigating any potentially adverse groundwater impacts;<br>(c) a detailed program to monitor and/or validate the impacts of the project on swamps and other groundwater dependent ecosystems, with reference to relevant performance indicators and groundwater impact assessment criteria and a particular focus on all swamps listed in Table 1: and<br>(d) a program to monitor and/or validate the impacts of the project on alluvial and Coal seam aquifers and any affected groundwater bores. | Groundwater Monitoring Program includes baseline data for swamps, stream and groundwater (including privately owned bores), Sections 6 – 8.<br>Groundwater impact assessment criteria detailed in Sections 12 – 13.<br>Monitoring and validation program for swamps and aquifers detailed in Section 13 | Compliant | C |
| 37 | The Surface and Ground Water Response Plan must describe what measures and/or procedures would be implemented to:<br>(a) respond to any exceedances of the surface water, stream health, and groundwater impact assessment criteria;<br>(b) mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation located within and adjacent to the site; and<br>(c) ensure that ongoing impacts reduce to levels below the impact assessment criteria as quickly as possible. | Groundwater Monitoring Program includes response and mitigation / offset measures, Section 14. | Compliant | C |
| **Additional Groundwater Monitoring** | | | | |
| 37A | Prior to the commencement of mining in Longwall 6, the Proponent shall establish a groundwater bore between Longwall 6 and the Cataract Reservoir that investigates and monitors the height of groundwater depressurisation in this area, to the satisfaction of the Secretary. | RV17-19 piezometers and RV23 piezometers indicated on Figure 5 of Extraction Plan for Longwall 6 March 2016 | Compliant | C |
| **HERITAGE** | | | | |
| **Heritage Management Plan** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 38 | The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Secretary. This Plan must:<br>(a) be prepared in consultation with OEH, WCC, any relevant local historical organisations and any relevant Aboriginal stakeholders;<br>(b) be submitted for approval to the Secretary within 6 months of this approval;<br>(c) include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;<br>(d) detail the responsibilities of all stakeholders; and<br>(e) include programs/procedures and management measures for:<br>• dealing with previously unidentified Aboriginal objects (excluding human remains), including any need to halt works in the vicinity, assessment of significance, determination of appropriate mitigation measures (by a qualified archaeologist in consultation with Aboriginal stakeholders), re-commencement of works, notifying OEH, and registering the new site(s) in the OEH AHIMS register;<br>• dealing with any human remains which may be discovered, including halting of works in the vicinity; notifying NSW Police, OEH, the Department and Aboriginal stakeholders; and not recommencing any works in the vicinity unless authorised;<br>• heritage induction for construction personnel (including procedures for keeping records of inductions);<br>• ongoing Aboriginal consultation and involvement (including procedures for keeping records of this);<br>• the monitoring of site 52-2-0320 and 52-2-1223 by a qualified archaeologist and the Aboriginal community;<br>• appropriate identification, management, conservation and protection of non-Aboriginal heritage items identified on the site, particularly within the NRE No. 1 Colliery surface facilities site; and<br>• dealing with previously unidentified non-Aboriginal heritage items which may be discovered during the project. | Heritage Management Plan dated 3/4/19 is available on website and was approved by DPE on 24/04/19.<br>All items of COC 38(e) covered in the HMP.<br>WCL Surface Induction and Registration Form (WCL MIN TRN 002) includes indigenous and non-indigenous heritage requirements<br>As RVC has been on care and maintenance footing since 2015 and there has been no mining yet under sites 52-2-0320 and 52-2-1223 | Compliant | C |
| **VISUAL** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| **Visual Amenity and Lighting** | | | | |
| 39 | The Proponent shall:<br>(a) minimise visual impacts, and particularly the off-site lighting impacts, of the project; and<br>(b) ensure that all external lighting associated on site complies with Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting,<br>to the satisfaction of the Secretary. | Annual Environmental Management Report 2017/18. 5.9 Visual and/or Stray Light, outlines that the community has not raised the issue of stray light from the mine site. | Compliant | C |
| **WASTE** | | | | |
| 40 | The Proponent shall:<br>(a) minimise the waste generated by the project; and<br>(b) ensure that the waste generated by the project is appropriately stored, handled and disposed of, to the satisfaction of the Secretary. | During site visit wastes were observed to be appropriately stored and separated for reuse or recycling. No litter was observed on site. | Compliant | C |
| **BUSHFIRE MANAGEMENT** | | | | |
| 41 | The Proponent shall:<br>(a) ensure that the project is suitably equipped to respond to any fires on site; and<br>(b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the surrounding area. | Annual Environmental Management Report 2017/18. 5.13 Bushfire, outlines measures implemented to respond to and control bushfires.<br>Hydrants and fire water mains were noted throughout the site.<br>No fires have occurred during period covered by this audit | Compliant | C |
| **REHABILITATION** | | | | |
| **Rehabilitation Objectives** | | | | |

<table>
<tr><td>42</td><td>The Proponent shall rehabilitate the site to the satisfaction of the Executive Director Mineral Resources. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EA and comply with the objectives in Table 10.<br><br><i>Table 10: Rehabilitation Objectives</i><br>
<table>
<tr><th><b><i>Feature</i></b></th><th><b><i>Objective</i></b></th></tr>
<tr><td>Mine site (as a whole)</td><td>Safe, stable & non-polluting.<br>Final land use compatible with surrounding</td></tr>
<tr><td>Project surface infrastructure</td><td>To be decommissioned, and subject to the Plan, removed (unless the Executive Direc agrees otherwise).</td></tr>
<tr><td>Portals and vent shafts</td><td>To be decommissioned and made safe and<br>Retain habitat for threatened species (eg b practicable</td></tr>
<tr><td>Watercourses of 2nd order or higher subject to subsidence impacts</td><td>Hydraulically and geomorphologically stabl</td></tr>
<tr><td>Cliffs</td><td>No additional risk to public safety compare</td></tr>
<tr><td>Other land affected by the project</td><td>Restore ecosystem function, including mai establishing self-sustaining ecosystems co<br>• local native plant species (unless t Mineral Resources agrees otherwise)<br>• a landform consistent with the surrou</td></tr>
<tr><td>Built features damaged by mining operations</td><td>Repair to pre-mining condition or equivalen<br>• the owner agrees otherwise; or<br>• the damage is fully restored, repaire under the <i>Mine Subsidence Compen</i></td></tr>
<tr><td>Community</td><td>Ensure public safety.<br>Minimise the adverse socio-economic ef mine closure.</td></tr>
</table>
<i>Notes: 1) These rehabilitation objectives apply to all subsidence impacts and environ caused by mining taking place after the date of this approval; and to all proj part of the project, whether constructed prior to or following the date of this</i><br><i>2) Rehabilitation of subsidence impacts and environmental consequences cau place prior to the date of this approval may be subject to the requirements o under a mining lease or an Subsidence Management Plan approval) or the commitments.</i></td><td></td><td></td><td>Not triggered</td></tr>
<tr><td colspan="5"><b>Progressive Rehabilitation</b></td></tr>
</table>

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 43 | The Proponent shall carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance. | Some limited mulching and turf rehabilitation noted during site inspection including weed removal and sediment and erosion controls (see Plate 4)<br>As RVC is currently on care and maintenance only limited rehabilitation has been able to be implemented to ensure operational areas can been reactivated as required.<br>The emplacement area will be rehabilitated in consultation with WCC following finalisation of the landscape plan for this area | Compliant | C |
| **Rehabilitation Management Plan** | | | | |
| 44 | The Proponent shall prepare and implement a Rehabilitation Management Plan for the project to the satisfaction of the Executive Director Mineral Resources. This plan must:<br>(a) be prepared in consultation with the Department, OEH, NOW, SCA, Council and the CCC;<br>(b) be prepared in accordance with any relevant DRE guideline, and be consistent with the rehabilitation objectives in the EA and in Table 10;<br>(c) provide for detailed mine closure planning, including measures to minimise socio-economic effects due to mine closure, to be conducted prior to the site being placed on care and maintenance;<br>(d) build, to the maximum extent practicable, on the other management plans required under this approval; and<br>(e) be submitted to the Department and the Executive Director Mineral Resources within 12 months of this approval.<br>*Note: The Rehabilitation Management Plan should address all land impacted by the project; whether prior to or following the date of this approval.* | Rehabilitation Management Plan dated 18/4/19 is available on website and was approved by DPE on 24/04/19. | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| **SCHEDULE 4** | | | | |
| **ADDITIONAL PROCEDURES** | | | | |
| **NOTIFICATION OF LANDOWNERS** | | | | |
| 1 | Within 2 weeks of obtaining monitoring results showing an exceedance of the relevant criteria in Schedule 3, the Proponent shall notify the affected landowner and tenants in writing of the exceedance and provide monitoring results to each of these parties until the project is complying with the relevant criteria again. | Insufficient evidence provided on whether any exceedances of the criteria in Tables 1 & 2 triggered the notification requirements under this condition | Not able to be verified due to insufficient information and lack of clarity around achievement of criteria in schedule 3 | Not verified |
| **INDEPENDENT REVIEW** | | | | |
| 2 | If an owner of privately-owned land considers the project 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 project on his/her land.<br>If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Proponent shall:<br>(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:<br>• consult with the landowner to determine his/her concerns;<br>• conduct monitoring to determine whether the project is complying with the relevant criteria in Schedule 3; and<br>• if the project is not complying with these criteria, then identify the measures that could be implemented to ensure compliance with the relevant criteria; and<br>(b) give the Secretary and landowner a copy of the independent review. | The auditor is not made aware of any private landowners notifying the Secretary or RVC of any exceedance of the criteria in Schedule 3 | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 3 | If the independent review determines that the project is complying with the relevant criteria in Schedule 3 then the Proponent may discontinue the independent review with the approval of the Secretary.<br>If the independent review determines that the project is not complying with the relevant criteria in Schedule 3, then the Proponent shall implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until the project complies with the relevant criteria to the satisfaction of the Secretary. | As per above | Compliant | C |
| **SCHEDULE 5** | | | | |
| **ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING** | | | | |
| **ENVIRONMENTAL MANAGEMENT** | | | | |
| **Environmental Management Strategy** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 1 | The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy must:<br>(a) be submitted for approval to the Secretary within 6 months of this approval;<br>(b) provide the strategic framework for the environmental management of the project;<br>(c) identify the statutory approvals that apply to the project;<br>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;<br>(e) describe the procedures that would be implemented to:<br>• keep the local community and relevant agencies informed about the operation and environmental performance of the project;<br>• receive, handle, respond to, and record complaints;<br>• resolve any disputes that may arise during the course of the project;<br>• respond to any non-compliance;<br>• respond to emergencies; and<br>(f) include:<br>• copies of any strategies, plans and programs approved under the conditions of this approval; and<br>• a clear plan depicting all the monitoring required to be carried out under the conditions of this approval. | Environmental Management Strategy dated 01/04/19 is available on website and was approved by DPE on 03/04/19.<br>A letterbox drop dated 26 November 2018 was undertaken prior to removal of material from the emplacement area earlier this year.<br>Project information sheet no 2 dated May 2019 regarding the RVC underground expansion revised project available on media section of WCL website<br>Tested Phone (24hours): 1300 109 384 and it went through to a real person in the RVC Control Room | Compliant | C |
| **Management Plan Requirements** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 2 | The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:<br>(a) detailed baseline data;<br>(b) a description of:<br>• the relevant statutory requirements (including any relevant approval, licence or lease conditions);<br>• any relevant limits or performance measures/criteria;<br>• the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;<br>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;<br>(d) a program to monitor and report on the:<br>• impacts and environmental performance of the project;<br>• effectiveness of any management measures (see c above);<br>(e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;<br>(f) a program to investigate and implement ways to improve the environmental performance of the project overtime;<br>(g) a protocol for managing and reporting any:<br>• incidents;<br>• complaints;<br>• non-compliances with statutory requirements; and<br>• exceedances of the impact assessment criteria and/or performance criteria; and<br>(h) a protocol for periodic review of the plan. | All management plants required under the approval reviewed and include requirements of (a) – (h). | Compliant | C |
| **Annual Review** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 3 | By the end of August 2012, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Secretary. This review must:<br>(a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the next year;<br>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past calendar year, which includes a comparison of these results against the<br>• the relevant statutory requirements, limits or performance measures/criteria;<br>• the monitoring results of previous years; and<br>• the relevant predictions in the EA;<br>(c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;<br>(d) identify any trends in the monitoring data over the life of the project;<br>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and<br>(f) describe what measures will be implemented over the next year to improve the environmental performance of the project. | Annual review / environmental management reports for all years from 2012 available on the Wollongong Coal website.<br><br>Sample of annual reports comply with the requirements of (a) – (f). | Compliant | C |
| **Revision of Strategies, Plans and Programs** | | | | |

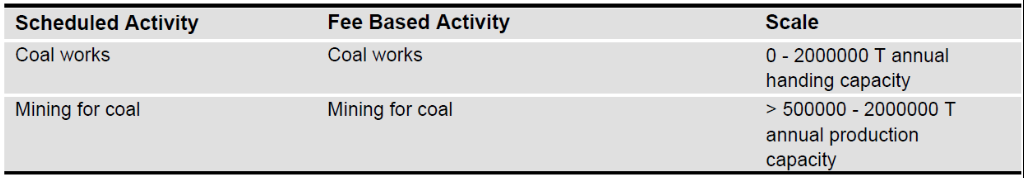
| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 4 | Within 3 months of:<br>(f) the submission of an annual review under Condition 3 above;<br>(g) the submission of an incident report under Condition 6 below;<br>(h) the submission of an audit under Condition 8 below; and<br>(i) any modification to the conditions of this approval (unless the conditions require otherwise),<br>(j) the Proponent shall review, and if necessary, revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary.<br>*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 project.* | All the current environmental plans and strategies on the website have been reviewed and revised since the last Annual Review / AEMR dated 28/2/19 and the current versions are available on the website. | Compliant | C |
| **Community Consultative Committee** | | | | |
| 5 | The Proponent shall establish and operate a Community Consultative Committee (CCC) for the project in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version), or alternative consultative framework as may be agreed by the Secretary, to the satisfaction of the Secretary. This CCC or alternative framework must be operating within 6 months of this approval.<br>*Notes:*<br>• *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval;*<br>• *In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community; and* | A community consultative established for the mining operations at Russell Vale Colliery.<br>Meetings are held approximately every three months; most recent meeting being held 19 August 2019.<br>Committee and those present at the meetings comprised independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community. | Compliant | C |
| **REPORTING** | | | | |
| **Incident Reporting** | | | | |

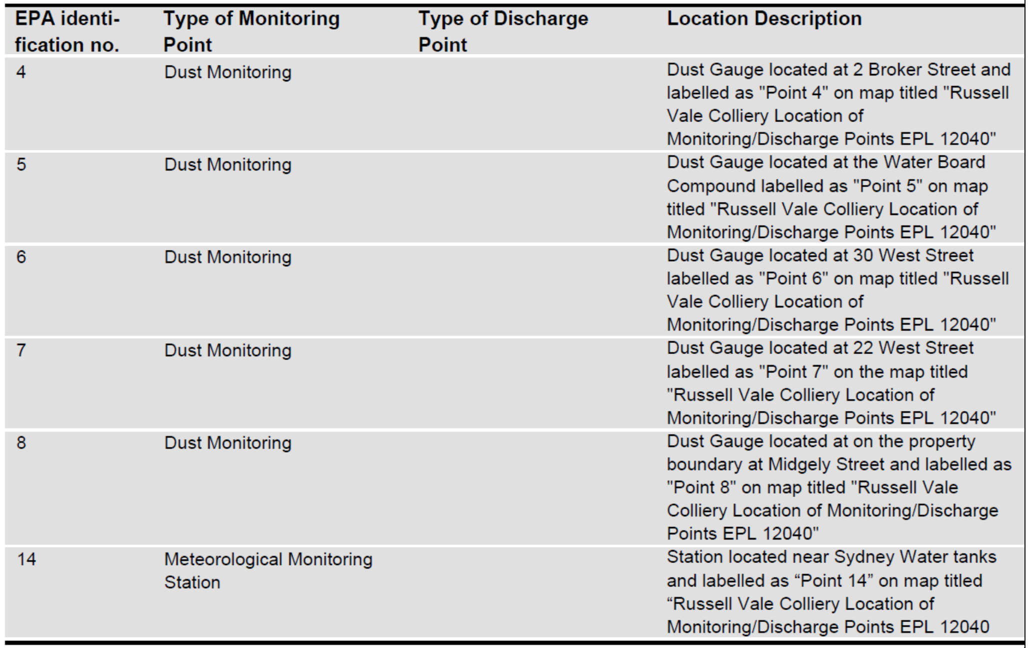
| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 6 | The Proponent shall notify the Secretary and any other relevant agencies of any incident that has caused, or has the potential to cause, significant risk of material harm to the environment, at the earliest opportunity. For any other incident associated with the project, the Proponent shall notify the Secretary and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested. | No Incident Register available however an Incident Reporting Book (combined safety & enviro) was sighted at RVC office.<br>Initial notifications are made to EPA via phone (not Pollution Line) with follow up written reports detailing incidents.<br>Incidents on 15/12/16 and 1/2/17 caused the PIRMP to be activated and DPE, DRG, EPA, CCC and Illawarra Public Health unit were notified. | Compliant | C |
| **Regular Reporting** | | | | |
| 7 | The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval, and to the satisfaction of the Secretary. | The WCL website includes copies of the management plans, Annual Reviews and environmental monitoring data as required by the Project Approval. | Compliant | C |
| **INDEPENDENT ENVIRONMENTAL AUDIT** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 8 | Within 12 months of this approval, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:<br>(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;<br>(b) include consultation with the relevant agencies;<br>(c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);<br>(d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and<br>(e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.<br>*Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.* | Independent Environmental Audit conducted for Russell Vale Colliery by Umwelt. (20 December 2013).<br>2016 independent environmental audit complies with the requirements of (a) – (f). | Compliant | C |
| 9 | Within 6 weeks of the completion of this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report. | 2016 IEA report submitted by email to DPIE on 12/9/16 | Compliant | C |
| **ACCESS TO INFORMATION** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 10 | From the end of December 2011, the Proponent shall:<br>(c) make copies of the following publicly available on its website:<br>• the documents referred to in Condition 2 of Schedule 2;<br>• all relevant statutory approvals for the project;<br>• all approved strategies, plans and programs required under the conditions of this approval;<br>• a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval;<br>• a complaints register, which is to be updated on a monthly basis;<br>• minutes of CCC meetings;<br>• the annual reviews required under this approval;<br>• any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit;<br>• any other matter required by the Secretary; and<br>(d) keep this information up to date, to the satisfaction of the Secretary. | All the required documents are available on WCL's website except for the Quarterly Air Quality & Monitoring Reports for the period October to December 2018 | Non-compliant<br>***No action as the missing Quarterly monitoring report has been uploaded to the website at the time of completing this report*** | Administrative Non-Compliance |

# Appendix B. RVC EPL CHECKLIST

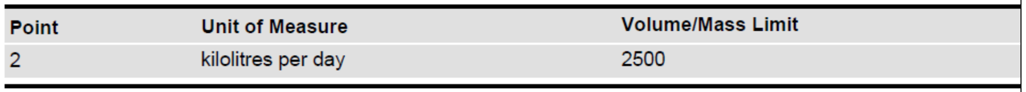
| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| **1. ADMINISTRATIVE CONDITIONS** | | | | |
| **A1 What the licence authorises and regulates** | | | | |
| A1.1 | Unless otherwise further restricted 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.<br><br>**Scheduled Activity** \| **Fee Based Activity** \| **Scale**<br>Coal works \| Coal works \| 0 - 2000000 T annual handing capacity<br>Mining for coal \| Mining for coal \| > 500000 - 2000000 T annual production capacity | No mining has taken place at RVC during the period covered by this audit. However, approximately 80K tonnes of Coal stockpiled in the emplacement area at RVC was removed from 4/319 to 19/7/19 which is well under the scale of activity limited by this condition | Compliant | C |
| **2. DISCHARGES TO AIR WATER AND APPLICATIONS TO LAND** | | | | |
| **P1 Location of monitoring / discharge points and areas** | | | | |
| P1.1 | 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. | 5 dust monitoring locations are shown on Figure 13 of the RVC EPL Environmental Monitoring Report 9/10/19 and these are the monitoring points required under EPL 12040 and there is also a weather station location | Compliant | 🟩 |

<table>
<tr><th>Unique ID</th><th>Compliance requirement</th><th>Evidence collected</th><th>Independent Audit findings and recommendations</th><th>Compliance Status</th></tr>
<tr><td></td><td>
<table>
<tr><th>EPA identi-fication no.</th><th>Type of Monitoring Point</th><th>Type of Discharge Point</th><th>Location Description</th></tr>
<tr><td>4</td><td>Dust Monitoring</td><td></td><td>Dust Gauge located at 2 Broker Street and labelled as "Point 4" on map titled "Russell Vale Colliery Location of Monitoring/Discharge Points EPL 12040"</td></tr>
<tr><td>5</td><td>Dust Monitoring</td><td></td><td>Dust Gauge located at the Water Board Compound labelled as "Point 5" on map titled "Russell Vale Colliery Location of Monitoring/Discharge Points EPL 12040"</td></tr>
<tr><td>6</td><td>Dust Monitoring</td><td></td><td>Dust Gauge located at 30 West Street labelled as "Point 6" on map titled "Russell Vale Colliery Location of Monitoring/Discharge Points EPL 12040"</td></tr>
<tr><td>7</td><td>Dust Monitoring</td><td></td><td>Dust Gauge located at 22 West Street labelled as "Point 7" on the map titled "Russell Vale Colliery Location of Monitoring/Discharge Points EPL 12040"</td></tr>
<tr><td>8</td><td>Dust Monitoring</td><td></td><td>Dust Gauge located at on the property boundary at Midgely Street and labelled as "Point 8" on map titled "Russell Vale Colliery Location of Monitoring/Discharge Points EPL 12040"</td></tr>
<tr><td>14</td><td>Meteorological Monitoring Station</td><td></td><td>Station located near Sydney Water tanks and labelled as “Point 14” on map titled “Russell Vale Colliery Location of Monitoring/Discharge Points EPL 12040</td></tr>
</table></td><td>indicated on Figure 13</td><td></td><td></td></tr>
<tr><td>P1.3</td><td>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.</td><td>8 water monitoring locations are shown on Figure 13 of the RVC EPL Environmental Monitoring Report 9/10/19 and these are the monitoring points required under EPL 12040</td><td>Compliant</td><td>C</td></tr>
</table>

<table>
<tr><th>Unique ID</th><th>Compliance requirement</th><th>Evidence collected</th><th>Independent Audit findings and recommendations</th><th>Compliance Status</th></tr>
<tr><td></td><td>
<table>
<tr><th>EPA Identi-fication no.</th><th>Type of Monitoring Point</th><th>Type of Discharge Point</th><th>Location Description</th></tr>
<tr><td>1</td><td>Discharge to waters<br>Discharge quality monitoring</td><td>Discharge to waters<br>Discharge quality monitoring</td><td>Underground drainage from coal stockpile and forested area. Concrete weir on energy dissipater in Rath's Gully labelled as "Point 1" on map titled "Russell Vale Colliery Location of Monitoring/Discharge Points EPL 12040"</td></tr>
<tr><td>2</td><td>Discharge to waters<br>Discharge quality monitoring<br>Volume monitoring</td><td>Discharge to waters<br>Discharge quality monitoring<br>Volume monitoring</td><td>Outlet from water treatment plant from the 200m steel pipe located in the square concrete sump labelled as "Point 2" on map titled "Russell Vale Colliery Location of Monitoring/Discharge Points EPL 12040".</td></tr>
<tr><td>3</td><td></td><td>Discharge to waters</td><td>Water that seeps through the main stormwater control dam wall labelled as "Point 3" on map titled "Russell Vale Colliery Location of Monitoring/Discharge Points EPL 12040"</td></tr>
<tr><td>9</td><td></td><td>Discharge to waters</td><td>Gabion wall spillway on the main stormwater control dam labelled as point 9 on map titled "Russell Vale Colliery Location of Monitoring/Discharge Points EPL 12040"</td></tr>
<tr><td>11</td><td>Ambient water quality monitoring<br>Volume monitoring</td><td></td><td>Bellambi Gully ambient water quality west of Princes Hwy labelled as point 11 on map titled "Russell Vale Colliery Location of Monitoring/Discharge Points EPL 12040"</td></tr>
<tr><td>12</td><td>Ambient water quality monitoring<br>Volume monitoring</td><td></td><td>Bellambi Gully upstream ambient water quality labelled as point 12 on map titled "Russell Vale Colliery Location of Monitoring/Discharge Points EPL 12040"</td></tr>
</table>
</td><td></td><td></td><td>🟩</td></tr>
</table>

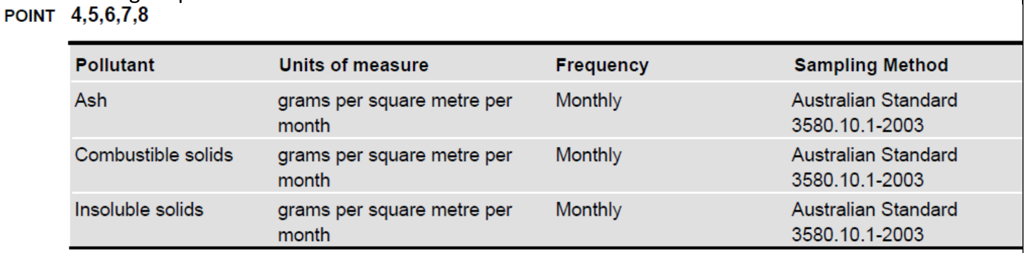
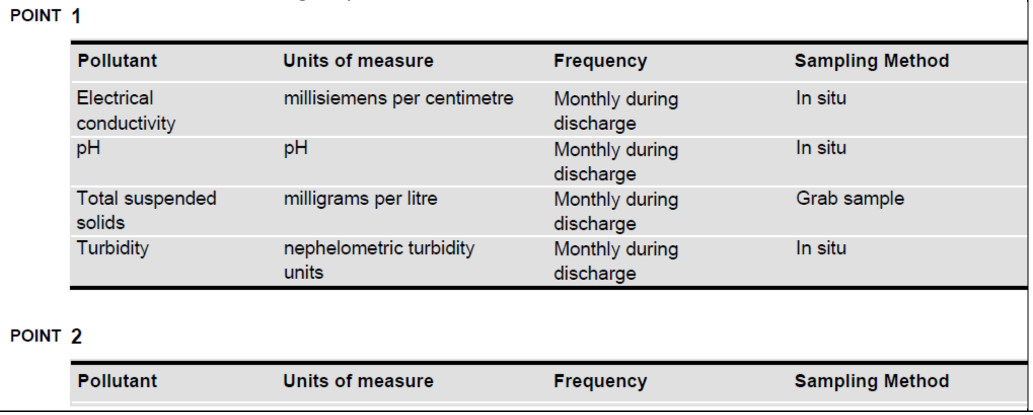
| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| **3. LIMIT CONDITIONS** | | | | |
| **L1 Pollution of Waters** | | | | |
| L1.1 | Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997. | Other than the exceedance reported in the EPL Annual Return for 2016 – 2017, we have not been advised of any other instances of pollution of waters from the RVC site<br>PINs ($30,000) issued by EPA on 1/9/17 for discharge of turbid water into Bellambi Gully on 15/11/16 that were partly due to failure of plant and equipment. | Non-compliant due to discharge of turbid water into Bellambi Gully on 15/11/16 that were partly due to failure of plant and equipment<br>***No recommendation as we understand that the plant and equipment responsible for the discharge to Bellambi Gully has been repaired and is fully operational*** | NC |
| **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. | Other than the exceedance reported in the EPL Annual Return for 2016 – 2017, we have not been advised of any other instances of pollution of waters from the RVC site<br>Discharge of turbid water into Bellambi Gully on 15/11/16 | Non-compliant due to discharge of turbid water into Bellambi Gully on 15/11/16<br>***No recommendation as per above*** | NC |

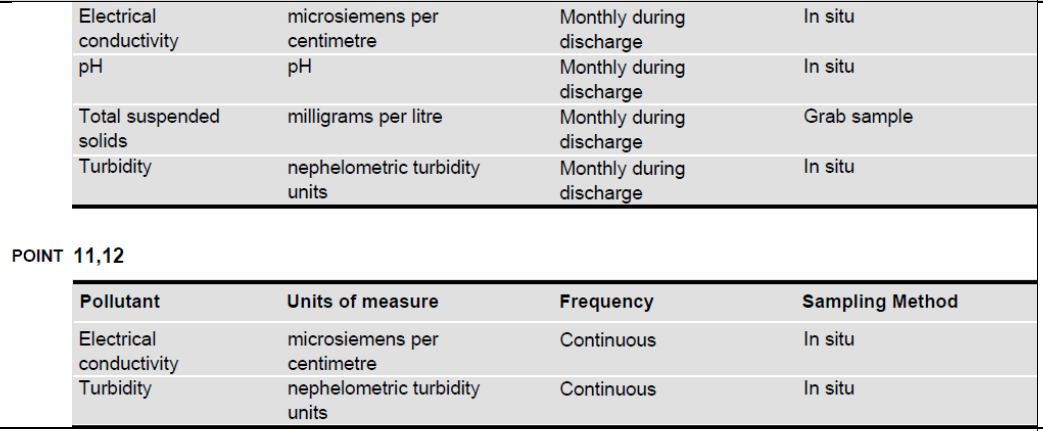
<table>
<tr><th>Unique ID</th><th>Compliance requirement</th><th>Evidence collected</th><th>Independent Audit findings and recommendations</th><th>Compliance Status</th></tr>
<tr><td></td><td></td><td>exceeded concentration limit at the relevant discharge point that were partly due to failure of plant and equipment</td><td></td><td></td></tr>
<tr><td>L2.2</td><td>Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.</td><td>No exceedances of the pH limits were identified in the EPL monitoring reports</td><td>Compliant</td><td>C</td></tr>
<tr><td>L2.3</td><td>To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\s.</td><td>No other discharges of pollutants other than those specified in the EPL were reported to the auditors</td><td>Compliant</td><td>C</td></tr>
<tr><td>L2.4</td><td>Water and/or Land Concentration Limits<br><b>POINT 2</b>
<table>
<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>
<tr><td>pH</td><td>pH</td><td></td><td></td><td></td><td>6.5-9.2</td></tr>
<tr><td>Total suspended solids</td><td>milligrams per litre</td><td></td><td></td><td></td><td>50</td></tr>
</table>
</td><td>Noted</td><td>A condition for noting only.</td><td>C</td></tr>
<tr><td colspan="5"><b>L3 Volume and mass limits</b></td></tr>
<tr><td>L3.1</td><td>For each discharge point or utilisation area specified below (by a point number), the volume/mass of:<br>a) liquids discharged to water; or;<br>b) solids or liquids applied to the area;<br>must not exceed the volume/mass limit specified for that discharge point or area. Point Unit</td><td>Monthly monitoring reports for 2016, 2017, 2018 & 2019</td><td>Monthly reports indicated volume limit for DP 2 is</td><td>C</td></tr>
</table>

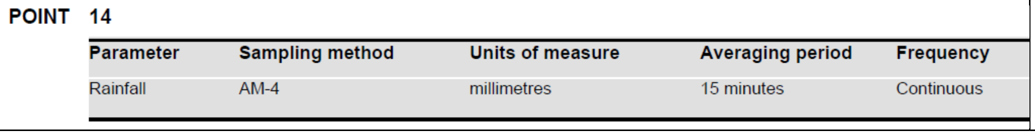
| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| |  Point / Unit of Measure / Volume/Mass Limit<br>2 / kilolitres per day / 2500 | provided on WCL's website | compliant over the audit period | |
| L3.2 | The volume of wastes discharged from Point 2 on any day must not exceed 2500kL under dry weather conditions, but may exceed this volume under wet weather conditions provided all practical measures are<br>taken to minimise additional pollution caused by the wet weather.<br>*Note: For compliance with the above condition, 'Dry Weather Conditions' means less than ten millimetres of rain falling within a 24-hour period and is measured at a point on the premises; and 'Wet Weather Conditions' means anything other than Dry Weather Conditions.*<br>*Note: For 72 hours following wet weather conditions, water may be discharged in excess of 2500kL/day from*<br>*Point 2, in order to allow the dam level to be quickly reduced to a safe level, provided all practical measures are taken to minimise additional pollution caused by the wet weather.* | Monthly monitoring reports for 2016, 2017, 2018 & 2019 provided on WCL's website | Monthly reports indicated volume limit for DP 2 is compliant over the audit period | C |
| **4. OPERATING CONDITIONS** | | | | |
| **O1 Activities must be carried out in a competent manner** | | | | |
| O1.1 | Licensed activities must be carried out in a competent manner.<br>This includes:<br>a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and<br>b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity. | Discharge of turbid water into Bellambi Gully on 15/11/16 was considered by the EPA to be partly due to failure of plant and equipment and a PIN was issued on 1/8/17 as a result<br>On 8/5/19 a complaint regarding dust from the ROM removal area was received by the EPA | Non-compliant as a result of failure of plant and equipment resulting in discharge of turbid water into Bellambi Gully on 15/11/16 and the automated spray system on 8/5/19<br>***No recommendation as the relevant plant and equipment has since been repaired and was fully*** | NC |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| | | from a member of the public. It was discovered that the weather station had failed, and the sprays were not operating automatically. | ***operational at the time of the audit*** | |
| **O2 Maintenance of Plant and Equipment** | | | | |
| O2.1 | All plant and equipment installed at the premises or used in connection with the licensed activity:<br>a) must be maintained in a proper and efficient condition; and<br>b) must be operated in a proper and efficient manner. | Site inspection on 29/8/19<br>Plant maintenance (PITs) records sighted on 16/10/19 for various items of fixed and mobile plant and equipment indicate there is an active process in place for maintaining plant and equipment | Compliant | C |
| **O3 Dust** | | | | |
| O3.1 | All operations and activities occurring at the premises must be carried out in a manner that will minimise<br>the emission of dust from the premises. | On day of inspection there were no dust emissions from the premises<br>RVC is on Care and Maintenance footing so there is a significantly lower | Compliant | C |

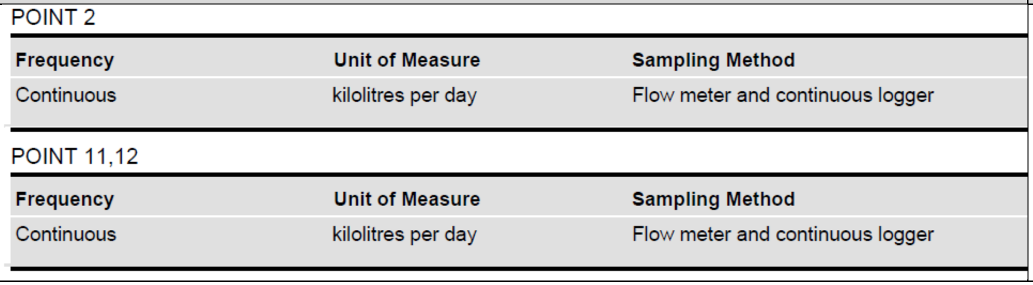
| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| | | level of activity and potential for dust emissions to be generated during this phase. | | |
| **5. MONITORING AND RECORDING CONDITIONS** | | | | |
| **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. | EPL monitoring reports are available on the WCL website with latest report being October 2019 | Compliant | C |
| M1.2 | All records required to be kept by this licence must be:<br>a) in a legible form, or in a form that can readily be reduced to a legible form;<br>b) kept for at least 4 years after the monitoring or event to which they relate took place; and<br>c) produced in a legible form to any authorised officer of the EPA who asks to see them. | EPL monitoring reports dating back to 2012 are published on WCL's website | Compliant | C |
| M1.3 | The following records must be kept in respect of any samples required to be collected for the purposes of this licence:<br>a) the date(s) on which the sample was taken;<br>b) the time(s) at which the sample was collected;<br>c) the point at which the sample was taken; and<br>d) the name of the person who collected the sample. | Water quality and dust sample results are tested by ALS Laboratories and results are retained as required by this condition. Evidence of laboratory certificates of analysis for tests performed by ALS on discharges to Bellambi Creek over the period February to July 2019 were sighted | Compliant | C |

<table>
<tr><th>Unique ID</th><th>Compliance requirement</th><th>Evidence collected</th><th>Independent Audit findings and recommendations</th><th>Compliance Status</th></tr>
<tr><td colspan="5"><b>M2 Requirement to monitor concentration of pollutants discharged</b></td></tr>
<tr><td>M2.1</td><td>For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee<br>must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified<br>in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:</td><td>EPL monitoring reports are available on the WCL website with latest report being October 2019 with these analytes included in results at the</td><td>Compliant</td><td>C</td></tr>
<tr><td>M2.2</td><td>Air Monitoring Requirements

POINT 4,5,6,7,8
<table>
<tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr>
<tr><td>Ash</td><td>grams per square metre per month</td><td>Monthly</td><td>Australian Standard 3580.10.1-2003</td></tr>
<tr><td>Combustible solids</td><td>grams per square metre per month</td><td>Monthly</td><td>Australian Standard 3580.10.1-2003</td></tr>
<tr><td>Insoluble solids</td><td>grams per square metre per month</td><td>Monthly</td><td>Australian Standard 3580.10.1-2003</td></tr>
</table></td><td>EPL monitoring reports are available on the WCL website with latest report being October 2019 with these analytes included in results</td><td>Compliant</td><td>C</td></tr>
<tr><td>M2.3</td><td>Water and/ or Land Monitoring Requirements

POINT 1
<table>
<tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr>
<tr><td>Electrical conductivity</td><td>millisiemens per centimetre</td><td>Monthly during discharge</td><td>In situ</td></tr>
<tr><td>pH</td><td>pH</td><td>Monthly during discharge</td><td>In situ</td></tr>
<tr><td>Total suspended solids</td><td>milligrams per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr>
<tr><td>Turbidity</td><td>nephelometric turbidity units</td><td>Monthly during discharge</td><td>In situ</td></tr>
</table>
POINT 2
<table>
<tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr>
</table></td><td>EPL monitoring reports are available on the WCL website with latest report being October 2019 with these analytes included in results at the specified frequency</td><td>Compliant</td><td>C</td></tr>
</table>

<table>
<tr><th>Unique ID</th><th>Compliance requirement</th><th>Evidence collected</th><th>Independent Audit findings and recommendations</th><th>Compliance Status</th></tr>
<tr><td></td><td>
<table>
<tr><td>Electrical conductivity</td><td>microsiemens per centimetre</td><td>Monthly during discharge</td><td>In situ</td></tr>
<tr><td>pH</td><td>pH</td><td>Monthly during discharge</td><td>In situ</td></tr>
<tr><td>Total suspended solids</td><td>milligrams per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr>
<tr><td>Turbidity</td><td>nephelometric turbidity units</td><td>Monthly during discharge</td><td>In situ</td></tr>
</table>
POINT 11,12
<table>
<tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr>
<tr><td>Electrical conductivity</td><td>microsiemens per centimetre</td><td>Continuous</td><td>In situ</td></tr>
<tr><td>Turbidity</td><td>nephelometric turbidity units</td><td>Continuous</td><td>In situ</td></tr>
</table></td><td></td><td></td><td>🟩</td></tr>
<tr><td>M2.4</td><td>In condition M2.3, turbidity monitoring may be undertaken in situ using a calibrated probe or performed in<br>a laboratory using a grab sample.</td><td>Noted</td><td></td><td></td></tr>
<tr><td>M2.5</td><td>The licensee must provide public access on its website to the real time monitoring data collected under the licence for points 11 and 12. The information must be made available from 14 April 2017.</td><td>Link to live data provided on website for both points 11 and 12. Checked on 14/10/19 and data was live on that date</td><td>Compliant</td><td>C</td></tr>
<tr><td colspan="5"><b>M3 Testing methods – concentration limits</b></td></tr>
<tr><td>M3.1</td><td>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence<br>must be done in accordance with:<br>a) any methodology which is required by or under the Act to be used for the testing of the concentration of<br>the pollutant; or<br>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<br>c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking</td><td>Dust monitoring is undertaken by ALS laboratories which is a Nata registered laboratory</td><td>Compliant</td><td>C</td></tr>
</table>

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| | place. | | | |
| 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.<br>*Note: The Protection of the Environment Operations (Clean Air) Regulation 2010 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".* | Noted | | C |
| **M4 Weather Monitoring** | | | | |
| M4.1 | At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.<br><br>**POINT 14**<br>**Parameter** \| **Sampling method** \| **Units of measure** \| **Averaging period** \| **Frequency**<br>Rainfall \| AM-4 \| millimetres \| 15 minutes \| Continuous | Rainfall data is provided in the Quarterly Air Quality and Noise Monitoring Reports (ERM) for the period covered by this audit | Compliant | C |
| **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. | Complaints Register is maintained on website (minus personal details) and auditor sighted record with full details | Compliant | C |
| M5.2 | The record must include details of the following:<br>a) the date and time of the complaint;<br>b) the method by which the complaint was made; | These details are available in the Complaints Record kept by WCL and | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| | 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;<br>d) the nature of the complaint;<br>e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and<br>f) if no action was taken by the licensee, the reasons why no action was taken. | sighted during the audit | | |
| M5.3 | The record of a complaint must be kept for at least 4 years after the complaint was made. | Complaints records dating back to 2012 were noted | Compliant | C |
| M5.4 | The record must be produced to any authorised officer of the EPA who asks to see them. | Noted | A condition for noting | C |
| **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. | Contacted Community Line Phone (24hours): 1300 109 384 and spoke directly with person in Control Room | Compliant | C |
| 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. | Complaints line number is available on the WCL website | Compliant | C |
| M6.3 | The preceding two conditions do not apply until 3 months after: the date of the issue of this licence. | | Noted | C |
| **M7 Requirement to monitor volume or mass** | | | | |
| M7.1 | For each discharge point or utilisation area specified below, the licensee must monitor:<br>a) the volume of liquids discharged to water or applied to the area;<br>b) the mass of solids applied to the area;<br>c) the mass of pollutants emitted to the air;<br>at the frequency and using the method and units of measure, specified below. | Discharge volumes for these points are reported in RVC Environmental Monitoring Reports | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| | <br>POINT 2<br>Frequency \| Unit of Measure \| Sampling Method<br>Continuous \| kilolitres per day \| Flow meter and continuous logger<br>POINT 11,12<br>Frequency \| Unit of Measure \| Sampling Method<br>Continuous \| kilolitres per day \| Flow meter and continuous logger | for the EPL available on the website | | |
| **M8 Other monitoring and recording conditions** | | | | |
| M8.1 | Availability of equipment for continuous monitoring required by this licence.<br>All continuous monitoring equipment must be operated and maintained with the aim of achieving 100% availability in each licence year. Where a monitoring device does not achieve 95% availability, the licensee must report reasons and corrective actions to the EPA in the Annual Return. | No non compliances with conditions requiring continuous monitoring were reported in the 3 EPL Annual Returns submitted by WCL during the period covered by this audit | Compliant | C |
| **6. REPORTING CONDITIONS** | | | | |
| **R1 Annual return documents** | | | | |
| R1.1 | The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:<br>1. a Statement of Compliance,<br>2. a Monitoring and Complaints Summary,<br>3. a Statement of Compliance - Licence Conditions,<br>4. a Statement of Compliance - Load based Fee,<br>5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,<br>6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and<br>7. a Statement of Compliance - Environmental Management Systems and Practices.<br><br>At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be<br>completed and returned to the EPA. | 3 Annual Returns were submitted to EPA during period covered by this audit on:<br><br>17/7/2017<br><br>17/7/2018<br><br>17/7/2019 | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| | | According to the POEO Act Public register | | |
| R1.2 | An Annual Return must be prepared in respect of each reporting period, except as provided below. | | Noted | C |
| R1.3 | Where this licence is transferred from the licensee to a new licensee:<br>a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of<br>the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and<br>b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period. | | | NT |
| R1.4 | Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and<br>ending on:<br>a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is<br>given; or<br>b) in relation to the revocation of the licence - the date from which notice revoking the licence operates. | | | NT |
| 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'). | POEO Act Public Register details of submission dates for the 3 Annual Returns | Complaint | C |
| 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. | These records were sighted | Compliant | C |
| R1.7 | Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:<br>a) the licence holder; or<br>b) by a person approved in writing by the EPA to sign on behalf of the licence holder. | Sighted Annual Returns for period covered by this audit and these have been formally lodged and are recorded on | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| | *Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the*<br>*Annual Return until after the end of the reporting period.*<br>*Note: An application to transfer a licence must be made in the approved form for this purpose.* | POEO Act Public Register as well | | 🟩 |
| **R2 Notification of Environmental Harm** | | | | |
| R2.1 | Notifications must be made by telephoning the Environment Line service on 131 555. | No evidence was provided indicating compliance with this requirement | Not able to be verified as no evidence was provided indicating compliance with this requirement<br>***We have recommended an Incident Notification and Reporting Procedure be developed, tested and communicated to relevant personnel. It needs to include this requirement*** | Not verified |
| R2.2 | The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.<br>*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.* | No evidence was provided indicating compliance with this requirement | Not able to be verified as no evidence was provided indicating compliance with this requirement<br>***Recommendation as per above*** | Not verified |
| **R3 Written Report** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| R3.1 | Where an authorised officer of the EPA suspects on reasonable grounds that:<br>a) where this licence applies to premises, an event has occurred at the premises; or<br>b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event. | We sighted evidence of a written report required by EPA under this condition for the period covered by this audit including letters from WCL to EPA dated 16/11/16 and 6/12/16 regarding a discharge to Bellambi Gully. Also sighted written report to EPA dated 8/5/19 regarding dust complaint and WCL's response to this matter. | Compliant | C |
| 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. | As above | Compliant | C |
| R3.3 | The request may require a report which includes any or all of the following information:<br>a) the cause, time and duration of the event;<br>b) the type, volume and concentration of every pollutant discharged as a result of the event;<br>c) the name, address and business hours telephone number of employees or agents of the licensee, or a<br>specified class of them, who witnessed the event;<br>d) the name, address and business hours telephone number of every other person (of whom the licensee<br>is aware) who witnessed the event, unless the licensee has been unable to obtain that information after<br>making reasonable effort;<br>e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;<br>f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and | As above | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| | g) any other relevant matters. | | | |
| R3.4 | The EPA may make a written request for further details in relation to any of the above matters if it is not<br>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. | As above | Compliant | C |
| **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. | Copy of licence sighted at RVC offices | Compliant | C |
| G1.2 | The licence must be produced to any authorised officer of the EPA who asks to see it. | Noted | | C |
| G1.3 | The licence must be available for inspection by any employee or agent of the licensee working at the premises. | Copy of licence sighted at RVC offices | | C |
| **G1 Other general conditions** | | | | |
| G1.1 | Completed programs<br><br>**Program** **Description** **Completed Date** | Evidence of completion of EIP 1 is available via the continuous monitoring link on WCL's website and physical evidence of the monitoring apparatus was sighted in the field during the site inspection.<br><br>Physical evidence of completion of PRP 8 was noted in the field | Compliant | C |

<table>
<tr><th>Unique ID</th><th>Compliance requirement</th><th>Evidence collected</th><th>Independent Audit findings and recommendations</th><th>Compliance Status</th></tr>
<tr><td></td><td>
<table>
<tr><td>PRP 1: Progressive Rehabilitation</td><td>Progressive Rehabilitation. Integrated strategy to progressively rehabilitate areas of the site no longer in use.</td><td>31-January-2005</td></tr>
<tr><td>PRP 2: Investigation of dust sources in dust gauge</td><td>Investigation of dust sources in dust gauges. Determine the source of particles collected in dust gauges at the site. A dust reduction PRP will be added to the licence if the source is found to be from on site activities to reduce dust impacts on the community.(*)</td><td>19-August-2008</td></tr>
<tr><td>PRP 3: Noise investigation and mitigation program</td><td>Noise investigation and mitigation program. Reduction in noise levels and complaint numbers from neighbouring residents. The PRP will also produce a noise control strategy for use in the Part 3A application for the NRE mine due to be submitted by 2009.(+)</td><td>12-December-2008</td></tr>
<tr><td>PRP 4: Noise Mitigation Program</td><td>Noise Mitigation Program. Implementation of Noise Mitigation Program to meet project specific noise goals for the premises.(+)</td><td>26-August-2009</td></tr>
<tr><td>PRP5: Coal Mine Particulate Matter Control Best Practice</td><td>Requires licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emissions</td><td>29-June-2012</td></tr>
<tr><td>PRP6: Installation of a Boom Gate</td><td>Installation of a boom gate to ensure that coal trucks leaving the site have their loads covered</td><td>31-December-2013</td></tr>
<tr><td>PRP7: Clean Water Diversion Repair and Upgrade Russell Vale Emplacement</td><td>Repair and Upgrade Stormwater diversion pipes that run underneath the Russell Vale Emplacement and discharge into Hicks Creek. Aim is to reduce flows of turbid water into Hicks Creek</td><td>31-August-2015</td></tr>
<tr><td>EIP 1 - Continuous Water Flow and Quality Monitoring</td><td>Real time upstream and downstream water quality and flow monitoring</td><td>09-September-2016</td></tr>
<tr><td>PRP 8 - Stormwater Turbidity Reduction Program</td><td>Water treatment of stormwater dams 1 & 2 and inspection of pipe network</td><td>31-October-2017</td></tr>
</table></td><td>during the site inspection.<br><br>The other PRPs pre-date the period covered by this audit</td><td></td><td>🟩</td></tr>
</table>

# Appendix C. WCC CONSENT CHECKLIST

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| **General** | | | | |
| 1 | This consent is in respect of the extension of emplacement on the subject land in accordance with Environment Impact Statement prepared by Johnstone Environmental Technology Pty Ltd, certified in accordance with Section 77(3) of the Act, dated 15 September 1989 specifically relating to Russell Vale. | Noted | | Note |
| 2 | The only material to be emplaced on this site is refuse from the washery plant and workings of South Bulli Colliery, uncontaminated by oil or any other form of waste. | Coal previously stockpiled on emplacement area was removed from site between March and July 2019 | Compliant | C |
| 3 | The applicant shall indemnify Council from any action, suit or claim arising out of any work which the Company is permitted or required to carry out by virtue of this consent. | Noted | Compliant | C |
| 4 | The security fund established in conjunction with Development Consents D 76 /198 , D84 /599 , D 85/ 293 and D 86/527 shall continue in its existing form , and be increased annually throughout the duration of the filling and rehabilitation operations , of this consent, the security fund shall be increased annually by the amount of $15,000. | WCL has advised that this matter is subject of an ongoing and complex legal dispute with WCC and will be resolved during 2020 with the completion of the REA Implementation Plan that will resolve the matter in conjunction with the close out of the transfer of the WCL to WCC | We are not able to assess the compliance status of this condition due to the current legal action | Not verified |
| 5 | In the event of the applicant's failure to fulfil any of the conditions of this consent Council may cause such work to be carried out and recover the cost thereof from the security fund (see condition 4 above). Any such withdrawal from the fund shall not remove the Company from the liability to maintain that fund at the level required by condition 4. | Not triggered | | Not triggered |
| 6 | Emplacement shall cease on issue by Council of a 'Stop Work' notice. Such notice may be issued if danger to persons or property is foreseen, or the legitimate requirements of any authorities are not being met. Emplacement operations shall not be recommenced unless and until the problems identified in the notice are rectified to Council's satisfaction. | Not triggered | | Not triggered |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 7 | The applicant shall engage suitably qualified consultants acceptable to Council to prepare the necessary reports, designs, drawings and specifications and to carry out the necessary tests at times, periods and stages specified in these conditions. All such reports, designs, drawings and specifications shall be submitted for Council's approval. | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site<br>Most recent landscape plans (prepared by McKay & Sons Golf Course Architects) provided to WCC on 14/11/2019 | Compliant | C |
| 8 | Where required or implied in these conditions that various matters be submitted to Council, such submissions shall be made to Council in writing. | Noted | | Note |
| 9 | The applicant shall permit access to Council officers at reasonable times for the purposes of inspecting the emplacement operation and carrying out such control tests or readings of air, water, temperature and stability as they consider necessary | Not triggered | | Not triggered |
| 10 | The applicant shall submit reports to the Council within a reasonable time upon the completion of the various stages of the comment's development of the dump so that supervisory inspections may be carried out. | Noted | | Note |
| 11 | The applicant shall submit to Council an annual report on the progress of the emplacement operations including the implementation of the effectiveness of environmental controls and conditions attached to the consent, supported where appropriate with results from the monitoring programs. Such reporting shall commence 12 months after the date of this consent and continue for a period determined by Council, and the reports may be made available for public examination by the Council. | While the 2016 IEA indicated that reporting for this condition had been included in the Russell Vale Colliery Annual Environmental Management Report (AEMR) and Annual Review since 2014, there was no reference to this annual report in the 2017/18 AEMR. This information is included in the 2018/2019 AEMR. An email from WCL to Council on 13/9/18 advises Council that the reporting required under this condition will be provided in the AEMRs available on WCL's website | Compliant | C |
| **Design and Construction** | | | | |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| 12 | The applicant shall prepare and submit to Council for approval prior to commencement of work on each stage fully detailed working drawings and specifications, accompanied by all necessary calculations. All work on the site shall be carried out only in accordance with the approved drawings and specifications. | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |
| 13 | The two areas of closed forest indicated on Portion 90 centred at longitude 150 degrees 52' 18", latitude 34 degrees 21'23" and longitude 150 degrees 53'15" respectively on Figure 12 of the EIS shall be kept free from tipping and its effects. The details to be submitted pursuant to condition 12 for Stage 3B shall indicate the boundaries of these forest areas together with appropriate measures to protect them, including water quality controls. | WCC 2015 Audit noted that the Stage 3C emplacement remained clear of the closed forest indicated on Portion 90. This was noted during the site inspection on 29/8/19 | Compliant | C |
| 14 | Details to be submitted pursuant to Condition 12 shall include a detailed structural design of the emplacement, incorporating both stormwater pollution control measures in accordance with the requirements of the State Pollution Control Commission and also drainage measures designed to prevent saturation of the emplaced material , excessive impounding of waters behind emplaced material, details of design of filter walls and scouring or over-topping of the emplaced material. The design shall be accompanied by rainfall and run-off calculations and a catchment map. | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |
| 15 | Details to be submitted pursuant to Condition 12 shall include investigations (including test drilling) carried out on behalf of the stability and adequacy of the foundations of the applicant by suitably qualified Engineering and Geotechnical Consultants approved by the Council indicating the stability and adequacy of the foundations of the emplacement area (including the depth and condition of the bedrock and the strength and condition of the overlying soil and emplacement material) under all conditions (including earthquake). | WCC 2015 audit noted "no evidence of any investigations / test drilling to determine the stability and adequacy of the foundations of the emplacement area. However, it is presumed Council agreed with the geotechnical information supplied prior to the commencement of filling of the emplacement area."<br>Based on the findings of the 20015 WCC audit and discussions with WCL personnel, this condition may have been satisfied prior to commencement of | Not able to be assessed as per 2016 IEA | Not verified |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
|---|---|---|---|---|
| | | emplacement but no records exist with the current owner to confirm this. | | |
| 16 | The foundations when exposed pursuant to Condition 15 shall be inspected and reported upon to the Council by the consultants. No emplacement shall take place until the Council is satisfied as to the adequacy of the foundations. | As above | Not able to be assessed as per 2016 IEA | Not verified |
| 17 | The applicant shall ensure that no emplacement takes place in any area which, following geotechnical advice, is shown to be incapable of being adequately stabilised. | 2016 IEA sighted Russell Vale Emplacement Area (RVEA) Geotechnical Evaluation of Stability for RL 105 Landform (GHD 1999) report which included a review of the stability of the RL 105 landform | Compliant | C |
| 18 | The final shape of the filled area shall be designed in accordance with the landscape plan to be submitted in accordance with Condition 51. | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |
| 19 | The applicant shall ensure that drainage of all batters and berms is designed in such a way as to prevent scour of the dump face; plans of the principles proposed to be adopted for this drainage shall be submitted for approval by the Council prior to the commencement of work on the site, pursuant to Condition 12. | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |
| 20 | Full engineering details of all spillways indicated on the approved drawings (including calculations and scour protection measures) shall be submitted prior to all works commencing. | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |
| 21 | The applicant shall ensure that provision is made in the development for retardation and/or retention of stormwater flow to ensure that this development does not cause any accelerated run-off from the site. The applicant shall submit for approval by Council, prior to the | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
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| | commencement of any retention basins proposed, a design based on recognised flood routing methods (references to be stated) and in accordance with the requirements of the Soil Conservation Service of NSW. | regarding their intended use of part of the site | | |
| 22 | The applicant shall provide diversion drains above each proposed active tipping area and the discharge of such drains shall be directed to silt trap dams. All water passing downstream from the site shall pass through such silt trap dams or a similar structure behind the filling wall. Filtering mechanisms shall be included in the existing retention pond west of West Street in case of the failure of the perimeter diversion drain. Engineering drawings and specifications of such dams' other structures and filer mechanisms shall be submitted for approval by Council prior to commencement of operations. Such drawings shall be in accordance with the requirements of the Soil Conservation Service of NSW. | Diversion drains around emplacement area observed during site inspection on 29/8/19<br>EPL Monitoring Point 1 monitors water quality from the emplacement area at a concrete weir in Raths Gully | Compliant | C |
| 23 | The applicant shall ensure that the silt trap dams are maintained and de - silted regularly to Council's satisfaction having due regard to weather conditions so as to maintain their continued efficient functioning. Any de-silting shall be carried out in such a manner as to wholly contain all dredged material within the dumping site unless otherwise required by the State Pollution Control Commission, shall be included in the annual monitoring report, required pursuant to Condition 11. | Silt trap dams observed to have been recently desilted during site inspection on 29/8/19 (Plate 5) | Compliant | C |
| 24 | On completion of the filling of the emplacement site, Council shall be notified so that the dams may be examined by the Council, which may require their maintenance or removal to its satisfaction. | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |
| 25 | Prior to the commencement of any filling operations for Stage 3A and 3B, a vegetation buffer strip around the western extent of that part of the emplacement under construction shall be planted. Details of the planting shall be agreed with Council following the obtaining of any requirements of the National Parks and Wildlife Service. The buffer strip shall be maintained in a weed free condition to the satisfaction of Council. The buffer strip shall include wherever possible, the retention of existing native vegetation; and the replanting of native plant material | WCC 2015 audit notes that Stages 3A and 3B were addressed by previous consents and therefore this condition is not applicable to Stage 3C which is where current emplacement activities are being undertaken. Therefore, this | | Not triggered |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
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| | removed from other parts of the emplacement site in accordance with condition 26. | condition is not relevant to the current operations being undertaken by WCL | | |
| 26 | Site preparation for filling shall be carried out in limited stages to match the progress of the filling processes so that the area of disturbed land is kept to a workable minimum. Site preparation shall not commence until appropriate drainage and water quality controls are in place to Council's satisfaction. During such preparation works, the applicant shall transplant small trees and shrubs on the edge of the emplacement area in accordance with Condition 25. | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |
| 27 | All timber not to be transplanted shall be progressively cleared from the area to be filled and all stumps, boulders, root and scrub shall be grubbed out to a depth of 0.5 m below the subgrade. This material shall be chipped for future use as mulch, burnt off or removed from the site, whichever is approved by Council in the particular case. | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |
| 28 | All surface soil shall be progressively stripped from the area to be filled and stockpiled separately for topsoiling the finished emplacement. Details of the soil stripping method, soil storage, soil replacement and soil aftercare shall be submitted pursuant to Condition 12. Such stockpiles shall be adequately protected from erosion and suitably located to Council's satisfaction. Details to be submitted pursuant to this condition shall specifically indicate arrangements for surface soil taken from areas of existing woodland. | The location of topsoil stockpiles was observed during the 2016 IEA site inspection. It was noted that the topsoil stockpiles had been revegetated to minimise erosion risk | Compliant | C |
| 29 | Construction methods to be utilised within the additional emplacement area shall be in accordance with those described in the Environmental Impact Statement referred to in condition 1.<br>Construction methods incorporate measures to prevent air pollution, ensure that the exposed face of the emplacement is kept to a minimum and exposed for only a minimum duration of time, keep to a workable minimum the area of land disturbed in preparation to filling , and ensure appropriate compaction of the emplacement. | Coal previously stockpiled on emplacement area was removed from site between March and July 2019 | Compliant | C |
| 30 | Following preparation of the site the refuse is to be placed at 'as dumped' moisture content in a manner to be approved by Council which shall be compacted to 95 % of the Standard Compaction Density (Maximum Dry Density, A.S. A89-1966, Test 11A). | 2016 IEA Report sighted compaction tests undertaken in 2009 and 2010 however it noted there has been no | | Not triggered |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
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| | | compaction of material undertaken since 2010.<br>The 2016 Report also noted “there was no evidence available that the refuse / reject has been placed at a dumped moisture content in a manner approved by Council, however, as noted above, due to the age of the approval and the changes in ownership, there are limited records remaining in WCL possession”.<br>No rejects emplaced – as RVC on care and maintenance since end 2015 | | |
| 31 | All tipping shall take place in 2.0m lifts, behind suitably landscaped mounding. The details of the mounding and landscaping shall be submitted to Council in accordance with Condition 12 and 51 Details of the progress of all landscaping shall be included in the annual monitoring report required pursuant to Condition 11. | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |
| 32 | Tipping shall be in heaps on the compacted berms and no tipping shall be permitted to take place down the slope from a berm. Compaction shall be carried out with a vibration roller and tested by the Sand Replacement Method or other appropriate standard method approved by Council. | No rejects emplaced – as RVC on care and maintenance since end 2015 | | Note |
| 33 | A layer of clay or similar inert and reasonably impervious material approved by Council and not less than 300 mm thick shall be laid as a seal over the top of the filled area as a fire prevention measure, and also as a means of retaining moisture required for the survival of vegetation, by a further 500mm layer of weathered rock or other similar subgrade not to bring the height of the emplacement to the designed level , location and method of winning of any material required for this purpose from another source shall be submitted to Council for approval prior to its importation. | This requirement is subject to approval of the landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
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| 34 | On attaining the designed level of the emplacement, a layer of topsoil to a depth of not less than 150mm shall be placed over the filled area. Details of the location and method of winning of any material required for this purpose from another source shall be submitted to Council for its importation. | This requirement is subject to approval of the landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |
| **Pollution Control and Safety** | | | | |
| 35 | All materials shall be tipped and subsequently compacted in a manner to minimise any nuisance to nearby residential properties. | Coal previously stockpiled on emplacement area was removed from site between March and July 2019 | Compliant | C |
| 36 | The applicant shall prior to the commencement of emplacement operations provide a permanent water supply at the site, for the purpose of suppressing dust and for fire control. | Automated dust suppression system observed during site inspection on 29/8/19 | Compliant | C |
| 37 | The applicant shall ensure that material hauled to the emplacement will have a moisture content sufficient to prevent the emission of dust but limited to prevent the escape of liquid from the haulage vehicles. | Coal previously stockpiled on emplacement area was removed from site between March and July 2019.<br>Russell Vale Colliery, Quarterly Air Quality and Noise Monitoring Report (January to March 2019) and Russell Vale Colliery, Quarterly Air Quality and Noise Monitoring Report (April to June 2019) by ERM cover the removal of the stockpiled Coal but the reports do not directly address the requirements of this condition | Insufficient evidence provided to verify compliance with this condition but there was also no evidence of dust emissions or leakage of liquid during haulage operations | Not verified |
| 38 | The trucks hauling the material to the site shall be suitably modified to Council's satisfaction so as both to contain any water that would otherwise escape en route, and to minimise noise, in accordance with guidelines of the State Pollution Control Commission. Noise minimisation measures shall include rubber seals around the tailgates of trucks. If this method proves to be insufficient to minimise noise | The WCC 2015 Audit notes that this condition was included during within the Development Consent as a Coal washery facility had previously been utilised at | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
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| | levels, alternative designs for the haul vehicles shall be submitted to and approved by Council. The alternative designed vehicles shall be introduced and subsequently used in the tipping operations by the applicant in accordance with an agreed timetable with Council. | Russell Vale Colliery. A Coal washery no longer operates at Russell Vale Colliery.<br>There is no evidence available to confirm that the equipment as required by the Development Consent were utilised in<br>accordance with WCC's requirements due to the operations being undertaken several years ago. Appropriate controls were in place for more recent operations, including the removal of the Coal from the emplacement area between March to July 2019 | | |
| 39 | The applicant shall ensure that all roads used in connection with the haulage of fill material to the emplacement area are regularly washed down with clean water to Council's satisfaction in order to prevent dust emission. Run-off from such roads shall be drained through silt trap dams prior to discharge from the property. The applicant shall also take whatever measures are necessary to prevent dust arising from the emplacement operations including vehicular movement to and from the emplacement area. These measures shall include the provision of an automatically controlled water spray system; and the use of mobile tankers to the satisfaction of Council for the spraying of the emplacement area, night or day weather conditions dictating. | A truck wash is in place prior to the exit from the site onto Bellambi Lane. Runoff from the roads is directed into a sedimentation dam for treatment and discharge in accordance with EPL requirements (Plate 6).<br>An automated sprinkler system is installed at the site. | Compliant | C |
| 40 | The applicant shall ensure that all haul routes both to and across the emplacement shall be regularly maintained to the satisfaction of Council to ensure vibration of vehicles using the route is minimised and no noise nuisance is created. | Haul roads within and to emplacement area were in good condition during site inspection on 29/8/19 | Compliant | C |
| 41 | The applicant shall ensure that a settling pond / filter pond system is provided to collect and treat contaminated wastewaters from the site. Such a system shall be agreed by Council and in accordance with the requirements of the State Pollution Control Commission. | EPL Monitoring Point 1 monitors water quality from the emplacement area at a concrete weir in Raths Gully | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
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| 42 | The hours of haulage of reject material from the washery shall be as required from time to time by Council and the State Pollution Control Commission. | Noted | | Note |
| 43 | The operation of compaction and levelling plant on the site shall be restricted to the hours of 7.00 am to 5.00 pm. | Noted | | Note |
| 44 | The applicant shall be responsible at all times for<br>(a) the prevention and control of fire in the filling area whether caused by spontaneous combustion or otherwise<br>(b) the stability of the filling to ensure that no slip occurs either during or after filling operations and remedying the situation in the event of failure in this regard<br>(c) the prevention of unauthorised use of the site and taking whatever steps are necessary to achieve this, including the provision of adequate signs, security, entrance control and patrol. | Noted | | Note |
| **Monitoring** | | | | |
| 45 | The applicant shall prior to the commencement of the proposed development, prepare and submit for the Council's approval detailed plans specifying the provisions to be made for the monitoring of the temperature at strategic points (as identified by the applicant and approved by the Council) within the emplacement area during the emplacement operation and for a period of not less than three (3) years after completion of each stage thereof. The monitoring program shall be designed and maintained at all times to Council's satisfaction and records of monitoring readings shall be submitted to the Council as soon as they are available. Readings shall be taken by the applicant at three (3) monthly intervals or as directed by the Council.<br>(ii) The applicant shall undertake whatever action is required to control the temperature of the emplaced material sufficiently to ensure that combustion does not occur. | Temperature monitoring records were sighted for the period 1983 and then from 2017 to the present time | Compliant | C |
| 46 | The applicant shall, prior to the commencement of the proposed development, prepare and submit for the Council's approval detailed plans specifying the provisions to be made for the monitoring of horizontal and vertical movement in foundation and emplaced materials and any variations in sub-surface water levels within the emplacement area during the emplacement operation and for a period of not less than three (3) years after the completion thereof. The | Surveyors report dated 30/4/2013 indicate that there was no movement of the emplacement area at that time | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
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| | monitoring programme shall be designed and maintained at all times to Council's satisfaction and records of monitoring readings shall be submitted to the Council as soon as they are available. Readings shall be taken at three (3) monthly intervals or as directed by the Council.<br>(ii) If the Council is of the opinion that excessive movement in foundation or emplaced materials or excessive variations in subsurface water levels is occurring within the emplacement area it may, by notice in writing served on the applicant at its registered office, require that all emplacement operations shall cease and the applicant shall take whatever action is necessary in the opinion of the Council to reduce the movement or water level to ensure the stability of the emplacement area. Emplacement operations shall not recommence until the Council is satisfied that the emplacement area is stable.<br>(iii) In the event of movement occurring within a five (5) year period following completion of the proposed development, the applicant shall take appropriate action as deemed necessary by the Council to stabilise any detected movement. | | | |
| 47 | The applicant shall carry out compaction tests of the emplaced material at intervals of not more than one month and submit the results to the Council as soon as they are available. All test results shall be certified by a registered National Australian Testing Authority (NATA) laboratory. | Various compaction tests of the emplacement material (by Coffey) dating from 2010 were provided but no evidence of these tests being undertaken since or provided to WCC was evidenced | Non-compliant | NC |
| 48 | The applicant shall:<br>(i) Ensure that water quality monitoring tests including tests for both heavy metals and ground water conditions are carried out at three monthly intervals or as often as is necessary to ensure that the final leachate from the emplacement contains no solids or chemicals in excess of standards set by the State Pollution Control Commission;<br>(ii) Engage a NATA or appropriately qualified laboratory to undertake those tests;<br>(iii) Forward results of those tests to Council as soon as they are available. | Records of heavy metal surface water testing were provided by WCL for the period covered by this audit but there was no evidence of that the results were provided to WCC | Non-compliant | NC |
| 49 | Periodic sampling of the emplaced material shall be carried out by the applicant at six-monthly intervals and tested to ensure that only | Coal previously stockpiled on emplacement area was removed from site between March and July 2019. Area | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
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| | approved material is being deposited. Results of the tests shall be submitted by the applicant to Council as soon as they are available. | is currently awaiting approval of landscape plan from WCC before any further changes made or material emplaced again | | 🟩 |
| 50 | The applicant shall meet any costs associated with tests, analysis and reporting undertaken in accordance with these conditions, and shall supply whatever further information is required by Council to assist in monitoring the development. | Noted | | Note |
| **Rehabilitation and Landscaping** | | | | |
| 51 | The applicant shall, prior to the commencement of emplacement operations, submit to the Council a Masterplan, construction details and a maintenance manual of all proposed rehabilitation work. A staged rehabilitation programme is required that is integrated into the emplacement works to the satisfaction of Council.<br>(i) The applicant shall in consultation with Council, appoint a qualified practising landscape architect to prepare all rehabilitation documentation.<br>(iii) The applicant shall at its own cost, progressively implement the rehabilitation works in accordance with the approved documents described in clause 50(iv) to Council's satisfaction.<br>(iv) The site Masterplan shall be a minimum scale of 1:500 and address the following: -<br>(a) Illustrate existing site conditions, vegetation, drainage and adjoining land use.<br>(b) Final land use plan, assessment of proposed golf course layout, tree planting layout, vegetation and final contours, drainage lines, irrigation dams.<br>(c) Staged Masterplan indicating interim uses and revegetation techniques.<br>(d) Provide specific construction details for surface treatment, planting trees, shrubs and groundcover, fairways and golf greens, tees, irrigation plans, bunkers and other components of the golf course.<br>(e) A detailed technical specification and maintenance manual programme and completed "as built" documents to be | Most recent landscape plans (prepared by McKay & Sons Golf Course Architects) provided to WCC on 14/11/2019 | Compliant | C |

| Unique ID | Compliance requirement | Evidence collected | Independent Audit findings and recommendations | Compliance Status |
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| | prepared and provided on completion of the golf course to cover all aspects of the rehabilitation work.<br>(f) A programme of work to eradicate lantana, morning glory, pampas grass and similar exotic plants from the buffer zone.<br>(g) Soil conservation measures to be implemented prior to rehabilitation works occurring, including retention basin, silt traps, grassed swales etc to prevent loss of soil and erosion. | | | |
| 52 | (i) The applicant shall prior to the commencement of emplacement operations or within such further period as may be approved by the Council, submit for the approval of Council following consultation with the Soil Conservation Service a detailed rehabilitation plan covering revegetation techniques, surface drainage structures and on-going maintenance which shall include measures to prevent the re-introduction of lantana or other noxious weeds.<br>(ii) The applicant shall ensure rehabilitation of the site in accordance with the approved rehabilitation plan. | This requirement is subject to approval of the landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |
| 53 | On completion of the various stages of the filling operation the rehabilitated areas shall be maintained to Council's satisfaction. The applicant shall ensure that such maintenance includes the continued growth of planted vegetation, prevention of scour and maintenance of soil and vegetative cover. | This requirement is subject to approval of the landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | Compliant | C |
| 54 | In the event that the development is abandoned within the meaning of Section 107(3) of the Environmental Planning and Assessment Act 1979 the applicant shall rehabilitate the entire site to the satisfaction of the Council. | | | Not Triggered |

## Appendix D. 2016 AUDIT FINDINGS STATUS CHECKLIST

| **Condition / Issue** | **Compliance requirement** | **Recommendation** | **WCL Response** | **Due date** | **Current Status** | **OPEN / CLOSED** |
|---|---|---|---|---|---|---|
| **Russel Vale Project Approval** | | | | | | |
| Sch 2, 9 | The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures,* or its latest version. | Obtain documented evidence that demolition works were completed in accordance with Australian Standard 2601-2001. | WCL will attempt to locate documentary evidence. | 31/12/16 | 2017/18 AEMR: "WCL can't locate documentary evidence."<br>The auditor understands that given the passage of time it is unlikely that evidence will be able to be found | OPEN |
| Sch 3, 1<br>Table 1- Subsidence Performance Criteria | *See Table 1 in Approval Instrument.* | Interim End of Panel Report to be revised to include an assessment of compliance against the performance measures in the Project Approval | WCL will revise the Interim End of Panel Report to include an assessment against performance measures in the Project Approval. | 31/12/16 | While 2017/18 AEMR states that this is "Complete" we have not found evidence that the EoP Report for Longwall 6 has been updated<br>WCL has advised that LW6 EoP interim EOP report has not been updated. Final EOP Report is pending UEP approval that will permit the final 25 metres to be extracted so that the longwall can be removed and the EOP reporting completed.<br>*NB: Biosis Report dated 9/3/17 assesses compliance against Table 1 performance measures.* | OPEN |

| **Condition / Issue** | **Compliance requirement** | **Recommendation** | **WCL Response** | **Due date** | **Current Status** | **OPEN / CLOSED** |
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| Sch 3, 1<br>Table 1-Swamp Impact Criteria | | Interim End of Panel Report to be revised to include an assessment of compliance against the performance measures in the Project Approval, including assessment of impacts on swamps. | WCL will revise the Interim End of Panel Report to include an assessment against performance measures in the Project Approval. | 31/12/16 | While 2017/18 AEMR states that this is "Complete" we have not found evidence that the EoP Report for Longwall 6 has been updated<br>WCL has advised that LW6 EoP interim EOP report has not been updated. Final EOP Report is pending UEP approval that will permit the final 25 metres to be extracted so that the longwall can be removed and the EOP reporting completed.<br>*NB: Biosis Report dated 9/3/17 assesses compliance against Table 1 performance measures.* | OPEN |
| Sch 3, 1<br>Table 1 – Biodiversity Impact Criteria | | Interim End of Panel Report to be revised to include an assessment of compliance against the performance measures in the Project Approval, including assessment of impacts on biodiversity. | WCL will revise the Interim End of Panel Report to include an assessment against performance measures in the Project Approval. | 31/12/16 | While 2017/18 AEMR states that this is "Complete" we have not found evidence that the EoP Report for Longwall 6 has been updated<br>WCL has advised that LW6 EoP interim EOP report has not been updated. Final EOP Report is pending UEP approval that will permit the final 25 metres to be extracted so that the longwall can be removed and the EOP reporting completed. | OPEN |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| Sch 3, 1<br>Table 1 – Heritage Features | | Interim End of Panel Report to be revised to include an assessment of compliance against the performance measures in the Project Approval, including assessment of impacts on heritage. | WCL will revise the Interim End of Panel Report to include an assessment against performance measures in the Project Approval. | 31/12/16 | While 2017/18 AEMR states that this is "Complete" we have not found evidence that the EoP Report for Longwall 6 has been updated<br>WCL has advised that LW6 EoP interim EOP report has not been updated. Final EOP Report is pending UEP approval that will permit the final 25 metres to be extracted so that the longwall can be removed and the EOP reporting completed. | OPEN |
| Sch 3, 4 | *See Table 2 in Approval Instrument* | Interim End of Panel Report to be revised to include an assessment of compliance against the performance measures in the Project Approval. | WCL will revise the Interim End of Panel Report to include an assessment against performance measures in the Project Approval. | 31/12/16 | While 2017/18 AEMR states that this is "Complete" we have not found evidence that the EoP Report for Longwall 6 has been updated<br>WCL has advised that LW6 EoP interim EOP report has not been updated. Final EOP Report is pending UEP approval that will permit the final 25 metres to be extracted so that the longwall can be removed and the EOP reporting completed. | OPEN |
| Sch 3, 11 | From 1 January 2014, the Proponent shall ensure that the noise generated by the project does not exceed the criteria in Table 5 at any residence on privately-owned land or on more than 25 percent of any privately-owned land. | Agree on an approach to compliance noise monitoring with DPE for care and maintenance phase. | WCL agreed on an approach to compliance noise monitoring during C&M with Jeff Parnell from DPE on 15 August 2016. WCL will update the current noise management plan to reflect this change in | 31/12/16 | 2017/18 AEMR: "Complete"<br>Current version of Noise Management Plan notes in 10 Control and revision history that version 1.1 dated 10/02/2017 was "review following 2016 Independent Environmental Audit" | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | | | accordance with Schedule 5, Condition 4 of MP10_0046 review process. | | | |
| Sch 3, 12 | The Proponent shall make continual endeavours to reduce noise, with the objective that the noise generated by the project will comply with criteria in Table 6 at any existing residence on privately-owned land or on more than 25 percent of any privately-owned land, to the satisfaction of the Secretary | Prior to any future re-commencement of operations, close out all actions from the noise audit. | WCL will close out all noise recommendations prior to any recommencement of mining operations where relevant to the new operations. | Prior to re-commencement of mining operations | 2017/18 AEMR: "Due prior to Mining Operations recommencement."<br>WCL has advised that this cannot be closed out while in care and maintenance mode – will be closed out post any UEP approval and new conditions of consent for noise operations | OPEN |
| Sch 3, 14a | The Proponent shall ensure that the following noise mitigation measures are undertaken, in consultation with EPA, and to the satisfaction of the Secretary:<br>(d) the existing Bulli Conveyor is operated during daylight hours only (i.e. 7:00 am to 6:00 pm) and is decommissioned after completion of the driveage of the Wonga Mains; and | Prior to any future re-commencement of operations, close out all actions from the noise audit | WCL will close out all noise recommendation prior to any recommencement of mining operations where relevant to the new operations. | Prior to re-commencement of mining operations | 2017/18 AEMR: "Due prior to Mining Operations recommencement."<br>WCL has advised that this cannot be closed out while in care and maintenance mode – will be closed out post any UEP approval and new conditions of consent for noise operations | OPEN |

| **Condition / Issue** | **Compliance requirement** | **Recommendation** | **WCL Response** | **Due date** | **Current Status** | **OPEN / CLOSED** |
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| Sch 3, 15 | The Proponent shall:<br>(e) implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the construction, operational and road traffic noise generated by the project; and<br>(f) regularly assess the real-time noise monitoring to ensure compliance with the relevant conditions of this approval, to the satisfaction of the Secretary | Prior to any future re-commencement of operations, close out all actions from the noise audit. | WCL will close out all noise recommendation prior to any recommencement of mining operations where relevant to the new operations. | Prior to re-commencement of mining operations | 2017/18 AEMR: "Due prior to Mining Operations recommencement."<br>WCL has advised that this cannot be closed out while in care and maintenance mode – will be closed out post any UEP approval and new conditions of consent for noise operations | OPEN |
| | | Prior to any future re-commencement of operations, review procedures for use of real-time noise monitoring system and undertake training program for relevant staff. | Alerts have been set on the real time noise monitoring system since its installation. The real time noise monitoring systems have been used in conjunction with attended noise monitoring to determine compliance as per the current noise management plan. WCL will review the procedures for the use of the real time noise monitors prior to recommencement of mining operations in accordance with | Prior to re-commencement of mining operations | 2017/18 AEMR: "Due prior to Mining Operations recommencement."<br>WCL has advised that this cannot be closed out while in care and maintenance mode – will be closed out post any UEP approval and new conditions of consent for noise operations | OPEN |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | | | any new approval conditions. | | | |
| Sch 3, 18 | The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site, to the satisfaction of the Secretary. | The actions being undertaken on site to minimise energy use and GHG emissions should be reported as part of the Annual Review including a review of any proposed actions / justification for no actions. | These will be reported in the 16/17 Annual Environmental Management Report | 30/10/16 | 2017/18 AEMR: "Complete"<br>[16/17 AEMR at 6.16: "Energy usage and GHG Emissions have reduced due to mine was on care and maintenance during the reporting period."] | CLOSED |
| Sch 3, 19 | The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not exceed the criteria listed in Tables 7, 8 or 9 at any residence on privately-owned land or on more than 25 percent of any privately-owned land. | It is recommended that an arrangement with the monitoring contractor is made so that any exceedances of the criteria or adverse trends are notified in advance of the quarterly reporting. | Alerts have been set on the real time noise monitoring system since its installation. | NA | 2017/18 AEMR: "Complete" | CLOSED |
| Sch 3, 29 | The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This Plan must: | Interim LW 6 End of Panel Report to be updated to include an assessment against performance measures in the Project Approval. | WCL will revise the Interim End of Panel Report to include an assessment against performance | 31/12/16 | While 2017/18 AEMR states that this is "Complete" we have not found evidence that the EoP Report for Longwall 6 has been updated<br>WCL has advised that LW6 EoP interim EOP report has not been updated. Final EOP Report is pending UEP approval that will | OPEN |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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|  | (h) be prepared by a suitably qualified expert in consultation with OEH;<br>(i) be submitted for approval to the Secretary within 6 months of this approval;<br>(j) include:<br>– management measures;<br>– monitoring procedures;<br>– performance indicators; and<br>– reporting frameworks,<br>– with particular reference to the Green and Golden Bell Frog, the Red-crowned Toadlet, Giant Burrowing Frog, Littlejohn's Tree Frog and Giant Dragonfly; and demonstrate achievement of the relevant performance measures in Table 1. |  | measures in the Project Approval. |  | permit the final 25 metres to be extracted so that the longwall can be removed and the EOP reporting completed.<br>*NB: Biosis Report dated 9/3/17 assesses compliance against Table 1 performance measures.* |  |
| Sch 3, 30 | The Proponent shall obtain all necessary water licences for the project under the *Water Act 1912* or the *Water Management Act 2000.* | WCL to confirm whether licences have been registered with LPI.<br>Obtain license for take of water from Corrimal Springs. | WCL will cease use of Corrimal Springs and allow the water to follow its natural course into Towradgi Creek. | 31/12/16 | 2017/18 AEMR: "Complete" | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | | | | | | |
| Sch 3, 33(a) | The Site Water Balance must:<br>(d) include details of:<br>– sources and security of water supply;<br>– water use on site;<br>– water management on site;<br>– any off-site water transfers; and | Update the Surface Facilities Water Management Plan at to address this requirement. | This plan will be updated in accordance with Schedule 5, Condition 4 of MP10_0046 review process | 31/12/16 | Complete- see Appendix I of the Surface Facilities Water Management Plan<br>2017/18 AEMR: "Complete" | CLOSED |
| Sch 3, 35(f) | The Proponent shall prepare and implement a Water Management Plan, to the satisfaction of the Secretary. This plan must:<br>(g) detail surface water quality and stream health impact assessment criteria, including trigger levels for investigating any potentially adverse surface | Stream health impact assessment criteria are to be developed and included in the Water Management Plan. | This plan will be updated in accordance with Schedule 5, Condition 4 of MP10_0046 review process. | 31/12/16 | Complete- See Stream TARPs at Appendix E to the Water Management Plan<br>2017/18 AEMR: "Complete" | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | water impacts; and | | | | | |
| Sch 3, 44(c) | The Proponent shall prepare and implement a Rehabilitation Management Plan for the project to the satisfaction of the Executive Director Mineral Resources. This plan must:<br>(d) provide for detailed mine closure planning, including measures to minimise socio-economic effects due to mine closure, to be conducted prior to the site being placed on care and maintenance; | Update the Rehabilitation Management Plan to address this requirement | This plan will be updated in accordance with Schedule 5, Condition 4 of MP10_0046 review process | 31/12/16<br>. | Complete - see section 6 of rehabilitation management plan<br>2017/18 AEMR: "Complete" | CLOSED |
| Sch 5, 3(b)<br>[described in 2016 IEA as Sch 5, Condition 3(b)(c)(d) and (e)] | By the end of August 2012, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Secretary. This review must:<br>(c) include a comprehensive review of the monitoring results and complaints records of the project over the past calendar | An assessment of compliance against the subsidence performance measures should be included in future Annual Reviews | WCL will include this in the 16/17 Annual Environmental Management Report. | 30/10/16 | Complete- see section 5.14 Mine Subsidence of the 2017/18 AEMR<br>2017/18 AEMR: "Complete" | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | year, which includes a comparison of these results against the<br>– the relevant statutory requirements, limits or performance measures/criteria;<br>– the monitoring results of previous years; and<br>– the relevant predictions in the EA; | | | | | |
| Sch 5, 3(d) [described in 2016 IEA as Sch 5, Condition 3(g)] | (e) identify any trends in the monitoring data over the life of the project; | In future, Annual Reviews include a discussion of the monitoring trends over the life of the project. | WCL will include this in the 16/17 Annual Environmental Management Report. | 30/10/16 | Terrestrial biodiversity- Complete: see Appendix B to the 2017/18<br>2017/18 AEMR: “Complete” | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| Sch 5, 4 | Within 3 months of:<br>(k) the submission of an annual review under Condition 3 above;<br>(l) the submission of an incident report under Condition 6 below;<br>(m) the submission of an audit under Condition 8 below; and<br>(n) any modification to the conditions of this approval (unless the conditions require otherwise),<br>(o) the Proponent shall review, and if necessary, revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary. | Implement a process to undertake reviews of management plans as required by condition 4 of schedule 5 | WCL will develop a process to notify of review requirements | 31/12/16 | 2017/18 AEMR: "Complete" | CLOSED |
| Sch 5, 10(a) | From the end of December 2011, the Proponent shall:<br>(e) make copies of the following publicly available on its website:<br>• a complai | Update the on-line complaints register on a monthly basis | WCL will update the complaints register monthly. | END OF EACH MONTH | Complaints Register dated 17/9/19 available on website | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | nts register, which is to be updated on a monthly basis; | | | | | |
| **WCC Development Consent No. 1989/839** | | | | | | |
| Condition 3 | The applicant shall indemnify Council from any action, suit or claim arising out of any work which the Company is permitted or required to carry out by virtue of this consent. | Finalise required actions to indemnify WCC as per the requirements of this condition. | WCC's lawyer are in discussion with WCL's lawyer to resolve this issue | In liaison with WCC | 2017/18 AEMR: "WLC's lawyer have provided a response to WCC lawyer on 08/02/17." | CLOSED |
| Condition 4 | The security fund established in conjunction with Development Consents D 76 /198 , D84 /599 , D 85/ 293 and D 86/527 shall continue in its existing form , and be increased annually throughout the duration of the filling and rehabilitation operations , of this consent, the security fund shall be increased annually by the amount of $15,000. | Establish security deposit with WCC for the emplacement area. | WCC's lawyer are in discussion with WCL's lawyer to resolve this issue | In liaison with WCC | 2017/18 AEMR: "WLC's lawyer have provided a response to WCC lawyer on 08/02/17."<br>WCL has advised that this matter is subject of an ongoing and complex legal dispute with WCC and will be resolved during 2020 with the completion of the REA Implementation Plan that will resolve the matter in conjunction with the close out of the transfer of the WCL to WCC | OPEN |
| Condition 7 | The applicant shall engage suitably qualified consultants acceptable to Council to prepare the necessary reports, designs, drawings and specifications | Finalise the final landform design and commence reshaping works to implement design. | WCL will finalise the final landform design by 30 April 2017 | In liaison with WCC | 2017/18 AEMR: "Complete"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | and to carry out the necessary tests at times, periods and stages specified in these conditions. All such reports, designs, drawings and specifications shall be submitted for Council's approval. | | | | discussions with WCC regarding their intended use of part of the site | |
| Condition 14 | Details to be submitted pursuant to Condition 12 shall include a detailed structural design of the emplacement, incorporating both stormwater pollution control measures in accordance with the requirements of the State Pollution Control Commission and also drainage measures designed to prevent saturation of the emplaced material , excessive impounding of waters behind emplaced material, details of design of filter walls and scouring or over-topping of the emplaced material. The design shall be accompanied by rainfall and run-off calculations and a catchment map. | As part of the final landform plan, prepare a final drainage plan for the emplacement area. | WCL will prepare a final drainage plan as a part of final landform design for the emplacement area by 30 April 2017 | In liaison with WCC | 2017/18 AEMR: "Complete"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | CLOSED |
| Condition 19 | The applicant shall ensure that drainage of all batters and berms is designed in such a way as to prevent scour of the dump face; | Finalise the final landform design and commence reshaping works to implement design. | WCL will finalise the final landform design by 30 April 2017 | In liaison with WCC | 2017/18 AEMR: "Complete"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | plans of the principles proposed to be adopted for this drainage shall be submitted for approval by the Council prior to the commencement of work on the site, pursuant to Condition 12. | | | | discussions with WCC regarding their intended use of part of the site | |
| Condition 21 | The applicant shall ensure that provision is made in the development for retardation and/or retention of stormwater flow to ensure that this development does not cause any accelerated run-off from the site. The applicant shall submit for approval by Council, prior to the commencement of any retention basins proposed, a design based on recognised flood routing methods (references to be stated) and in accordance with the requirements of the Soil Conservation Service of NSW. | As part of the final landform plan, prepare a final drainage plan for the emplacement area. | WCL will prepare a final drainage plan as a part of final landform design for the emplacement area by 30 April 2017. | In liaison with WCC | 2017/18 AEMR: "Complete"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | CLOSED |
| Condition 23 | The applicant shall ensure that the silt trap dams are maintained and de - silted regularly to Council's satisfaction having due regard to weather conditions so as to maintain their continued efficient functioning. Any de-silting | Implement a maintenance program to remove sediment from ponds in the emplacement area and surrounds. | WCL will add the emplacement area sediment ponds to its regular Environmental Inspections as part of Schedule 5, Condition 4 of | 31/12/16 | 2017/18 AEMR: "Complete"<br>Evidence of desilting of ponds sighted during site inspection | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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|  | shall be carried out in such a manner as to wholly contain all dredged material within the dumping site unless otherwise required by the State Pollution Control Commission, shall be included in the annual monitoring report, required pursuant to Condition 11. |  | MP10_0046 review process |  |  |  |
| Condition 26 | Site preparation for filling shall be carried out in limited stages to match the progress of the filling processes so that the area of disturbed land is kept to a workable minimum. Site preparation shall not commence until appropriate drainage and water quality controls are in place to Council's satisfaction. During such preparation works, the applicant shall transplant small trees and shrubs on the edge of the emplacement area in accordance with Condition 25. | Based on the final landform plan, implement a program for progressive reshaping and rehabilitation of the portions of the emplacement area at level | WCL will implement a program for progressive reshaping and rehabilitation of the portions of the emplacement area at level once the final landform plan becomes available | In liaison with WCC | 2017/18 AEMR: "N/A"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | CLOSED |
| Condition 29 | Construction methods to be utilised within the additional emplacement area shall be in accordance with | Based on the final landform plan, implement a reshaping program to achieve suitable levels. Implement required compaction testing. | WCL will implement a program for progressive reshaping and rehabilitation of the portions of | In liaison with WCC | 2017/18 AEMR: "N/A"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | those described in the Environmental Impact Statement referred to in condition 1. Construction methods incorporate measures to prevent air pollution, ensure that the exposed face of the emplacement is kept to a minimum and exposed for only a minimum duration of time, keep to a workable minimum the area of land disturbed in preparation to filling , and ensure appropriate compaction of the emplacement. | | the emplacement area at level once the final landform plan becomes available.<br>There has been no compaction of material on the emplacement area for a substantial period. The test is not necessary until emplacement and compaction recommences | | | |
| Condition 30 | Following preparation of the site the refuse is to be placed at 'as dumped' moisture content in a manner to be approved by Council which shall be compacted to 95 % of the Standard Compaction Density (Maximum Dry Density, A.S. A89-1966, Test 11A). | Implement required compaction testing | There has been no compaction of material on the emplacement area for a substantial period. The test is not necessary until emplacement and compaction recommences | In liaison with WCC | 2017/18 AEMR: “N/A”<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | CLOSED |
| Condition 31 | All tipping shall take place in 2.0m lifts, behind suitably landscaped mounding. | Based on the final landform plan, implement a program for progressive | WCL will implement a program for | In liaison with WCC | 2017/18 AEMR: “N/A” | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | The details of the mounding and landscaping shall be submitted to Council in accordance with Condition 12 and 51 Details of the progress of all landscaping shall be included in the annual monitoring report required pursuant to Condition 11. | reshaping and rehabilitation of the portions of the emplacement area at level | progressive reshaping and rehabilitation of the portions of the emplacement area at level once the final landform plan becomes available | | Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | |
| Condition 32 | Tipping shall be in heaps on the compacted berms and no tipping shall be permitted to take place down the slope from a berm. Compaction shall be carried out with a vibration roller and tested by the Sand Replacement Method or other appropriate standard method approved by Council. | Implement required compaction testing | There has been no compaction of material on the emplacement area for a substantial period. The test is not necessary until emplacement and compaction recommences. | In liaison with WCC | 2017/18 AEMR: "N/A"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | CLOSED |
| Condition 33 | A layer of clay or similar inert and reasonably impervious material approved by Council and not less than 300 mm thick shall be laid as a seal over the top of the filled area as a fire prevention measure, and also as a means of retaining moisture required for the survival of vegetation, by a further 500mm layer of weathered rock or other similar | Capping requirements for the emplacement area are to be included within the Final Landscape Plan to be developed for the site | WCL will include capping requirements for the emplacement area within the final landscape plan. The final landscape plan will prepare as a part of final landform design | In liaison with WCC<br>. | 2017/18 AEMR: "Complete"<br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | subgrade not to bring the height of the emplacement to the designed level , location and method of winning of any material required for this purpose from another source shall be submitted to Council for approval prior to its importation. | | | | | |
| Condition 39 | The applicant shall ensure that all roads used in connection with the haulage of fill material to the emplacement area are regularly washed down with clean water to Council's satisfaction in order to prevent dust emission. Run-off from such roads shall be drained through silt trap dams prior to discharge from the property. The applicant shall also take whatever measures are necessary to prevent dust arising from the emplacement operations including vehicular movement to and from the emplacement area. These measures shall include the provision of an automatically controlled water spray system; and the use of mobile tankers to the satisfaction of Council for | Implement an automated sprinkler system. | The system is installed and is awaiting final components to complete automation | In liaison with WCC | 2017/18 AEMR: "Complete"<br>Sprinkler system observed during site inspection and understood to have been in operation during removal of material from emplacement area earlier in 2019<br>The system is automated and triggered by wind speed recorded at onsite weather station | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | the spraying of the emplacement area, night or day weather conditions dictating. | | | | | |
| Condition 47 | The applicant shall carry out compaction tests of the emplaced material at intervals of not more than one month and submit the results to the Council as soon as they are available. All test results shall be certified by a registered National Australian Testing Authority (NATA) laboratory. | Implement required compaction testing. | There has been no compaction of material on the emplacement area for a substantial period. The test is not necessary until emplacement and compaction recommences | In liaison with WCC | 2017/18 AEMR: "N/A"<br>Material in emplacement area removed earlier in 2019 | CLOSED |
| Condition 48 | The applicant shall:<br>Ensure that water quality monitoring tests including tests for both heavy metals and ground water conditions are carried out at three monthly intervals or as often as is necessary to ensure that the final leachate from the emplacement contains no solids or chemicals in excess of standards set by the State Pollution Control Commission. | Agree arrangements with WCC for provision of water quality data and implement program to provide data | WCL will provide water quality data with Annual Reviews for the site which is due by 30 September each year to DPE and DRE | In liaison with WCC | 2017/18 AEMR: "N/A"<br>No evidence provided that water quality monitoring results are being provided to WCC | OPEN |
| Condition 49 | Periodic sampling of the emplaced material shall be carried out by the applicant at six-monthly intervals and tested to ensure that only | Agree arrangements with WCC for provision of water quality data and | WCL will provide water quality data with Annual Reviews for the site which is due | In liaison with WCC | 2017/18 AEMR: "N/A"<br>AS ABOVE | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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| | approved material is being deposited. Results of the tests shall be submitted by the applicant to Council as soon as they are available. | implement program to provide data | by 30 September each year to DPE and DRE | | | |
| Condition 52 | (i) The applicant shall prior to the commencement of emplacement operations or within such further period as may be approved by the Council, submit for the approval of Council following consultation with the Soil Conservation Service a detailed rehabilitation plan covering revegetation techniques, surface drainage structures and on-going maintenance which shall include measures to prevent the re-introduction of lantana or other noxious weeds.<br>(ii) The applicant shall ensure rehabilitation of the site in accordance with the approved rehabilitation plan. | Complete the final landform and final drainage design to enable material shaping and rehabilitation to be undertaken.<br>WCL will complete the final landform and final drainage design by 30 April 2017 | WCL will finalise the final landform design by 30 April 2017 | In liaison with WCC | 2017/18 AEMR: "Complete"<br><br>Landform design report submitted to WCC in April 2017. Final design subject to ongoing discussions with WCC regarding their intended use of part of the site | CLOSED |
| **Mining Leases** | | | | | | |
| | 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 | WCL to prepare a MOP for RVC Care and Maintenance Operations in accordance with DRE ESG 3 MOP Guidelines. The MOP is currently under preparation in liaison with Department of | | . | 2017/18 AEMR: "Complete"<br><br>Russell Vale Colliery, Mining Operations Plan, 20/6/18 available on WCL Website | CLOSED |

| Condition / Issue | Compliance requirement | Recommendation | WCL Response | Due date | Current Status | OPEN / CLOSED |
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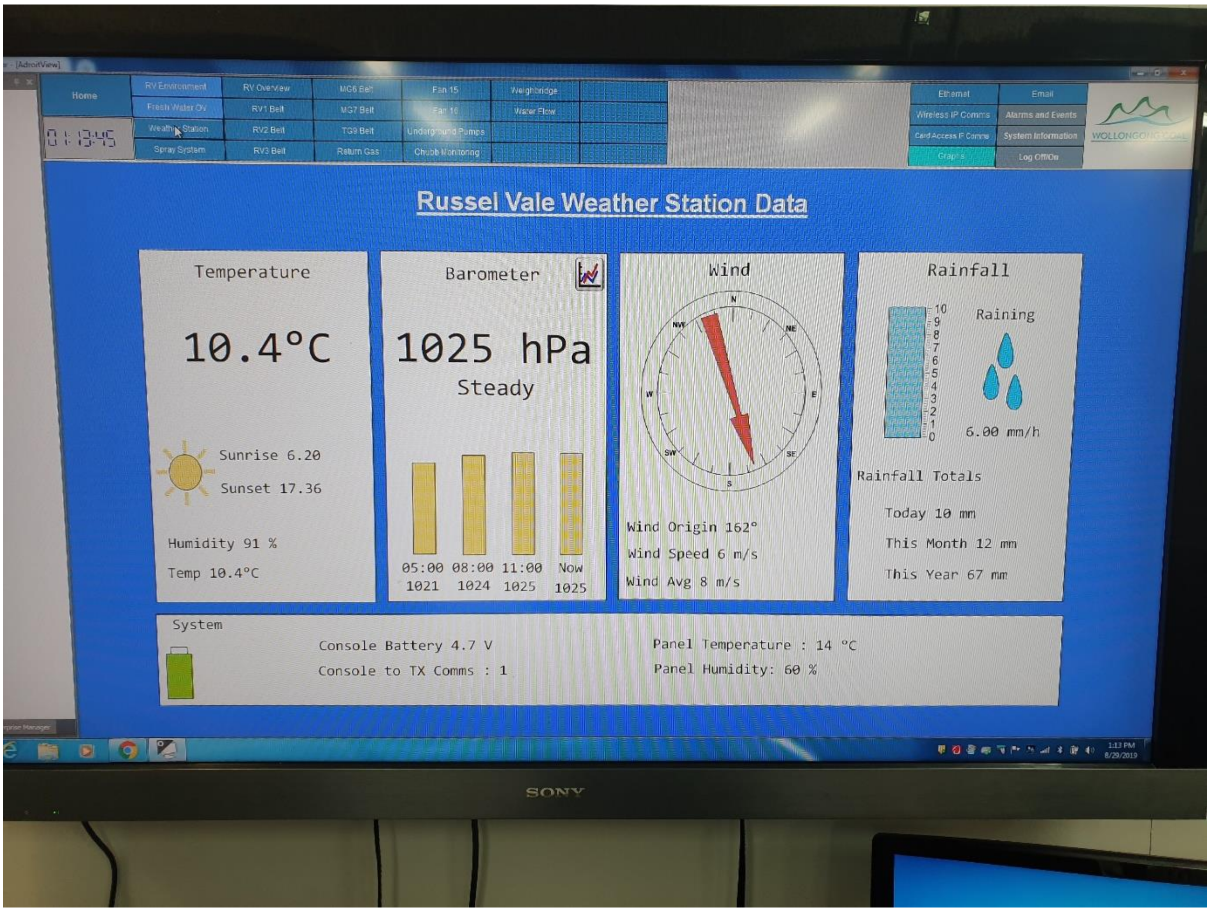
| | | Industry, Resources and Energy Division | | | | |

# **Appendix E. Site inspection photographs.**

*Plate 1 – Drain maintenance on access road within site*



Russel Vale Weather Station Data

Temperature

10.4°C

Sunrise 6.20

Sunset 17.36

Humidity 91 %

Temp 10.4°C

Barometer

1025 hPa

Steady

| 05:00 | 08:00 | 11:00 | Now |
|---|---|---|---|
| 1021 | 1024 | 1025 | 1025 |

Wind

Wind Origin 162°

Wind Speed 6 m/s

Wind Avg 8 m/s

Rainfall

Raining

6.00 mm/h

Rainfall Totals

Today 10 mm

This Month 12 mm

This Year 67 mm

System

Console Battery 4.7 V

Console to TX Comms : 1

Panel Temperature : 14 °C

Panel Humidity: 60 %

1:13 PM
8/29/2019

*Plate 2 – Live weather data from weather station on site screened in site office*

*Plate 3 – Erosion and sediment control and weed removal within the site*

*Plate 4 – Progressive rehabilitation including mulch and turf placement within the RVC site*

*Figure 5 – Recently desilted dam near emplacement area*

*Figure 6 – Truck wash*

# Appendix F. Secretary’s letter of approval of auditors

NSW GOVERNMENT | Planning, Industry & Environment

Contact: Georgia Dragicevic
Phone: 4247 1852
Fax: 4224 9470
Email: Georgia.Dragicevic@planning.nsw.gov.au

Mr Eladio Perez
Acting Group Environment and Approvals Manager
Wollongong Coal Limited
7 Princess Highway
CORRIMAL NSW 2518

Dear Mr Perez

**Russell Vale Colliery Preliminary Works Project (MP 10_0046)**
**NRE Wongawilli Colliery – Nebo Area Project (MP 09_0161)**
**Independent Environmental Audit 2019**

I refer to your letter email of 26 August 2019 seeking approval of the audit team for the upcoming Russell Vale Colliery Preliminary Works Project and NRE Wongawilli Colliery – Nebo Area Project Independent Environmental Audit, in accordance with Schedule 5, Condition 8 of the project approval MP 10_0046, as modified and Schedule 6, Condition 8 of the project approval MP 09_0161, as modified (the approvals).

Having considered the qualifications and experience of the WolfPeak Pty Ltd audit team, namely;

- Steve Fermio – lead auditor; and
- Derek Low – audit support,

the Secretary endorses the appointment of this team to undertake the audit in accordance with Schedule 5, Condition 8 and Schedule 6, Condition 8 of the respective approvals. This approval is conditional on the audit team being independent of the developments.

The audit is to be conducted in accordance with AS/NZS ISO 19011 Australian/New Zealand Standard: Guidelines for quality and/or environmental management systems auditing and you may wish to consider the Independent Audit Guideline dated October 2015. A copy of this guideline can be located at http://www.planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/Integrated-Mining-Policy.

The audit report is to include the following:

- a compliance table indicating the compliance status of each condition of approval and any relevant EPL;
- not use the term "partial compliance";
- recommend actions in response to non-compliances;
- review the adequacy of plans and programs required under this approval; and
- identify opportunities for improved environmental management and performance.

Within six weeks of the completion of the audit, or as otherwise agreed by the Secretary, Wollongong Coal is to 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 to implement the recommendations.

**WolfPeak Pty Limited**

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17A High Street, Wauchope 2446

**www.wolfpeak.com.au**