

WOLLONGONG COAL LIMITED

Independent Environmental Audit of
Wongawilli Colliery

FINAL

September 2016



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Prepared by
Umwelt (Australia) Pty Limited

on behalf of
Wollongong Coal Limited

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1.0 Introduction

Wollongong Coal Limited's (WCLs) Wongawilli Colliery is located in the southern coal fields of NSW. WCL commissioned Umwelt (Australia) Pty Limited (Umwelt) to conduct an independent environmental audit of the Wongawilli Colliery. The Independent Environmental Audit was conducted in accordance with the Project Approval for the NRE Wongawilli Colliery – Nebo Project Area (09_0161) Schedule 5 Condition 8.

The audit assessed the compliance status of Wongawilli Colliery against the Project Approval and other relevant environmental approvals and licences, for operations occurring between 1 July 2013 and 30 June 2016.

The on-site component of the environmental audit was conducted on 9 - 11 (inclusive) August 2016. Some information requested by the audit team was not available on-site at the time of the audit and was subsequently provided to the audit team for review. This report provides an outline of the audit methodology and results, and provides recommended actions for achieving full compliance with environmental approvals.

The audit was led by John Merrell (Group Manager Environment and Community NSW) and the audit team included:

- Luke Bettridge (Principal Environmental Consultant)
- Susan Shield (Technical Specialist – Surface Water).

As required by the Project Approval, the audit team was approved by Department of Planning and Environment (DPE) to undertake the audit (refer to **Appendix 1** for a copy of the letter of approval from DPE dated 5 July 2016). The Independent Audit Certification Form is also included within **Appendix 1**.

In addition to being undertaken in accordance with the Wongawilli Colliery Project Approval, the Independent Environmental Audit (IEA) was also conducted in accordance with the NSW Government Independent Audit Guideline (NSW Government, 2015).

1.1 Audit Objectives

The key objectives identified for the 2016 Independent Environmental Audit for Wongawilli Colliery were as follows:

- to undertake an independent environmental audit as required by the conditions of Project Approval
- review the effectiveness of the water management system at Wongawilli Colliery
- to assess the environmental performance of the Wongawilli Colliery and the ability of the WCL environmental management systems and controls to provide for sustainable management of the operations.

The IEA assessed the level of compliance and the environmental performance of Wongawilli Colliery in accordance with the:

- the NRE Wongawilli Colliery – Nebo Project Area Project Approval (09_0161)
- the Wongawilli Environment Protection Licence (EPL) 1087 – Wongawilli Colliery and EPL 12442 – Avondale Site
- the EA's for the Wongawilli Colliery including:
 - NRE Wongawilli Colliery Nebo Area Environmental Assessment (ERM, 2010)
 - Section 75W Application for Modification 1 Extension of Life (WCL, 2015) and Nebo Area Modification 1 Response to Submissions (Hansen Bailey, 2015)
- Mining Leases CCL 776, ML 1565 and ML 1596
- Subsidence Management Plan approvals and
- any strategy, plan or program which has been prepared for the Project.

The scope of the audit for and Wongawilli Colliery is detailed in **Section 1.2.1**. It is noted that the water licences held by WCL for Wongawilli Colliery were not reviewed as part of the audit as the licences are not referenced within the Project Approval and the licences were not provided to Umwelt by WCL.

1.2 Audit Scope

The IEA was undertaken in accordance with the Project Approval conditions as detailed in **Section 1.2.1**.

1.2.1 Wongawilli Colliery

As part of the Project Approval conditions, Wongawilli Colliery is required to be audited independently to determine compliance to the satisfaction of the Secretary of DPE. In order to assess the level of compliance with the terms of the approval, Condition 8 of Schedule 5 of the Wongawilli Colliery Project Approval requires that an independent environmental audit be carried out. Specifically, the Project Approval condition states:

By the end of June 2013 (or other such timing as agreed by the Secretary) 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:

- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;*
- (b) include consultation with relevant agencies;*
- (c) assess the environmental performance of the project and whether it is complying with the relevant 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 any approved strategies, plans or programs required under these 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 these approvals.*

Notes: This audit team must be led by a suitably qualified auditor, and include experts in any fields specified by the Secretary.

The scope of the Wongawilli Colliery IEA includes the documents listed in **Section 1.2.1.1.**

1.2.1.1 Project Approval / Development Consent and Supporting Document Summary

Below is a summary of the Project Approval history for the Wongawilli Colliery

NRE Wongawilli Colliery Nebo Area

On 2 November 2011, the Project Approval (PA 09_0161) for Gujarat NRE FCGL Pty Ltd (NRE) for the NRE Wongawilli Colliery Nebo Area was granted by the Planning Assessment Commission of NSW.

The Project Approval allows for:

- Continued use of the surface infrastructure at the Wongawilli pit top as operated at the time of approval
- Coal production at up to 2 million tonnes per annum (mtpa)
- Longwall mining in the Nebo area in the north east corner of the lease area
- Continued development and construction of the Western Driveage
- Continued transportation of run-of-mine (ROM) coal from the Colliery to Port Kembla Coal Terminal (PKCT) by rail and
- Rehabilitation of the site.

The Project Approval was supported by NRE No.1 Colliery Preliminary Works Environmental Assessment (ERM, 2010).

NRE Wongawilli Colliery Nebo Area MOD 1

A modification (MOD 1) to Project Approval (PA 09_0161) was obtained to allow mining activities to be undertaken until 31 December 2020. The Project Approval was supported by Section 75W Application for Modification 1 Extension of Life (WCL, 2015) and Nebo Area Modification 1 Response to Submissions (Hansen Bailey, 2015).

1.2.1.2 Supporting Approvals and Documents

The other approvals and statutory documents held by Wongawilli Colliery which have been reviewed as part of this IEA include:

- the WCL EPL 1087 and EPL 12442
- Mining leases - Consolidated Coal Lease (CCL) 766, Mining Lease (ML) 1565 and ML 1596
- Subsidence Management Plan / Extraction Plan approvals
- any strategy, plan or program which has been prepared for the Project.

1.3 Audit Criteria

The compliance status of each approval was assessed in accordance with the compliance assessment criteria detailed within the Independent Environmental Audit Guidelines (NSW Government, 2015) as reproduced in **Table 1.1** and **Table 1.2**.

Table 1.1 Independent Audit Guidelines Compliance Assessment Criteria

Assessment	Criteria
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 is non-compliant with that requirement.
Non-compliant	Where the auditor has collected sufficient verifiable 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 where 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, where no assessment of compliance is required.

Table 1.2 Risk level for non-compliances

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

1.4 Structure of this Document

This report contains the following sections:

- **Section 1.0 - Introduction.** An overview of the WCL operations and the purpose and scope of the audit
- **Section 2.0 - Audit Methodology.** A detailed description of the audit process
- **Section 3.0 – Previous Independent Audit Recommendations and Status**
- **Section 4.0 – Compliance Assessment.** An overview of the findings of the audit, including detailed descriptions of any non-compliance identified, a review of site environmental management plans and environmental performance
- **Section 5.0 – Environmental Management Plans**
- **Section 6.0 – Environmental Performance**
- **Section 7.0 – Conclusion**
- **Appendix 1 – DPE Correspondence Approving the Audit Team and Audit Certification Form**
- **Appendix 2 – Wongawilli Colliery Project Approval Checklist**
- **Appendix 3 – Wongawilli Colliery Photographic Plates.** Photographs of key site features referred to in this report.

2.0 Audit Methodology

The audit process involved the interview of personnel and relevant regulatory agencies, a review of documentation and samples of records provided by WCL and a site inspection of the mine operations to determine the level of environmental performance and compliance of the Wongawilli Colliery operations. The audit process is described in more detail in **Sections 2.1 to 2.5**.

2.1 Audit Team

The audit team was led by John Merrell, a qualified and highly experienced environmental auditor, who has undertaken a number of DPE independent environmental audits for resources projects in NSW. John was approved by DPE to act as the lead auditor for the project. Luke Bettridge was approved by DPE to act as the Environmental Auditor for the audit. The audit team also included a surface water specialist, with Susan Shield, Umwelt's Water Resources Engineering Manager, being approved to fulfil this role for the audit. A copy of the DPE correspondence approving the audit team and the certification form is included within **Appendix 1**.

2.2 Agency Consultation

During the preparation for this IEA, input was sought from regulatory agencies to confirm any areas of compliance or environmental management at Wongawilli Colliery that should be a particular focus. The following agencies provided input as part of the scoping phase of this Audit:

- DPE
- Environment Protection Authority (EPA)
- NSW Trade and Investment, Department of Resources and Energy (DRE)
- Office of Environment & Heritage (OEH)
- Department of Primary Industries – Water (DPI – Water)
- Wollongong City Council
- The Community Consultative Committee (CCC) Chairperson.

An overview of the agency consultation is included in **Table 2.1**.

Table 2.1 Stakeholder Consultation

Stakeholder	Person Contacted	Dates Contacted	Response
DPE	Chris Schultz (Senior Compliance Officer)	2 August 2016	Chris noted that Wongawilli Colliery had not been operational for a period of time however the site was preparing to recommence mining operations. Chris noted that environmental incidents had occurred at Wongawilli Colliery during the audit period and that these incidents related to water management and hydrocarbon management. Chris advised that the audit was to consider hydrocarbon management on site as detailed within DPE correspondence to WCL dated 7 June 2016 (refer to Section 6.3.8).
DRE	Greg Kininmonth (Manager and Principal Inspector Environment (Southern))	4 August 2016	Greg noted that a DRE audit had been undertaken of Wongawilli Colliery during 2015 which showed a high level of compliance with the Wongawilli Colliery Mining Lease conditions. DRE noted that limited mining had been undertaken during the audit period and that subsidence had been within predictions. It was noted that Wongawilli Colliery had developed an updated MOP in 2016.
EPA	Andrew Couldridge (Senior Operations Officer) William Dove	5 August 2016	The EPA provided limited feedback regarding the Wongawilli Colliery and requested that the IEA included a review of the Wongawilli Colliery discharge and flow paths.
OEH	James Dawson (Senior Threatened Species Officer)	3 August 2016	James noted that OEH would like further control / reference sites as part of subsidence monitoring at Wongawilli Colliery.
DPI Water	John Galea Water Regulation Officer (Hunter, Sydney, South Coast)	2 August 2016	John noted that as part of the audit Umwelt is to consider whether WCL hold appropriate capacity in existing licences to cater for water extracted as part of ongoing operations.
WCC	Ron Zwicker	5 August 2016	WCC noted that they have limited interaction with WCL regarding Wongawilli Colliery. WCC noted that there had been previous complaints received by WCC in regards to train movements from Wongawilli. Ron noted that these were historical and not related to recent operations, however train noise would need to be managed when operations recommence at Wongawilli Colliery.
CCC Chairperson	Col Gellatly	4 August 2016	Col provided an overview of the Wongawilli Colliery as discussed during CCC meetings. Col noted that Wongawilli Colliery had limited feedback regarding environmental performance during CCC meetings.

2.3 Site Interviews and Inspections

The opening meeting was held at the WCL Head Office commencing at 9.30 am on 9 August 2016. The list of participants is provided in **Table 2.2**.

Table 2.2 Opening Meeting Attendees

Person	Organisation	Title
Dave Clarkson	WCL	Group Manager Environment and Approvals
Kamlesh Prajapati	WCL	Group Environmental Coordinator
John Merrell	Umwelt	Lead Auditor
Luke Bettridge	Umwelt	Auditor
Susan Shield	Umwelt	Technical Surface Water Specialist / Auditor

The audit team was introduced and the scope of their responsibilities was conveyed to the auditees. The purpose, depth and scope of the audit were outlined. The methods to be used by the team to conduct the audit were explained. It was stated that the audit team would be interviewing personnel, reviewing site management plans, examining records and conducting a site inspection in order to address specific compliance requirements, particularly those related to the relevant approvals and licences for Wongawilli Colliery. WCL were asked to provide an overview of the operations and the approval history and some key issues relevant to the operations were discussed.

2.3.1 Audit Interviews

During the on-site component of the audit, interviews were conducted with the WCL staff and contractors identified in **Table 2.3**.

Table 2.3 Personnel Interviewed During the Audit

Person	Organisation	Title
Rhys Brett	WCL	Wongawilli and Russell Vale Colliery Operations Manager
David Clarkson	WCL	Group Environment and Community Manager
Kamlesh Prajapati	WCL	Group Environment and Community Coordinator
Kristen Lee	WCL	Group Environment Monitoring Manager

2.3.2 Data Collection and Verification

Where possible, documents and data collated during the audit process were reviewed whilst on site. A number of documents were provided to the audit team prior to the on-site component of the audit. Several documents that were not available during the on-site component of the audit were provided following the audit.

All information obtained during the audit process was verified by the audit team where possible. For example, statements made by site personnel were verified by viewing documentation and/or site inspections where possible. Where suitable verification could not be provided, this has been identified in the audit findings.

2.3.3 Site Inspection

A site inspection of the Wongawilli Colliery pit top area was undertaken during the audit including the offices, pit top, ROM coal and product coal stockpile, train loading facility, water management system including clean water diversion, water management infrastructure and discharge locations at the Wongawilli Colliery Pit Top.

It is noted that the Avondale Pit Top site and remote infrastructure removed from the Wongawilli Colliery Pit Top site were not reviewed during the site inspection.

2.3.4 Closing Meeting

The list of participants who attended the closing meeting is provided in **Table 2.4**.

Table 2.4 Closing Meeting Attendees

Person	Organisation	Title
Rhys Brett	WCL	Operations Manager – Wongawilli Colliery
Dave Clarkson	WCL	Group Manager Environment and Approvals
Kamlesh Prajapati	WCL	Group Environmental Coordinator
John Merrell	Umwelt	Lead Auditor
Luke Bettridge	Umwelt	Auditor

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

2.3.5 Independent Environmental Audit Reporting

Following completion of the site audit, the Project Approval, EPL and ML compliance assessments were completed and audit notes were reviewed in order to compile a list of outstanding matters to be noted in the audit report. This report was prepared to provide an overview of the status of compliance by reference to the relevant compliance documentation and any other observations of the auditors during the site inspections and interviews. This report has been prepared on an exception basis, highlighting the compliance issues identified along with any areas where action or improvement is required. This IEA has been prepared in accordance with the NSW Government Independent Audit Guidelines with **Table 2.5** detailing where the requirements of the Independent audit Guideline have been addressed.

Table 2.5 Audit Guidelines Requirements

Section	Description	Where Addressed
2	Assess the operator's compliance with the requirements of regulatory approvals, including (as applicable): <ul style="list-style-type: none"> • The Development Consent; • The Environment Protection Licence; • The Mining Lease; and • Water licences and approvals. 	Section 4.0
2, 3	The scope of the audit and the audit team (including any technical specialists) to be determined by the lead regulator.	Section 1.2
3.3	The auditor team must be independent of the development being audited and audit findings must be based on verifiable evidence.	Section 2.0
4.1	The compliance status of each requirement or commitment should be assessed in accordance with the compliance assessment criteria and risk levels in the audit guidelines.	Section 4.0
4.2	Consultation with key regulatory agencies prior to commencement of the audit site inspection.	Section 2.2
5.1	The audit outcomes to be documented in a thorough, accessible and accurate audit report that is written in a neutral tone reflecting facts gathered by the audit team.	This Audit Report
5.1	The audit report should include the following sections: <ul style="list-style-type: none"> • Introduction, providing a brief overview of the development, audit scope and objectives; • Methodology, describing the audit team, methodology applied, document reviews, site inspections and interviews; • Audit findings, including documentation of consultation, response to actions from the previous audit, assessment of compliance status against the conditions and commitments in relevant documents and a discussion of environmental incidents and performance; and • Recommendations, identifying any opportunities for improvement identified in the audit. 	This Audit Report

Section	Description	Where Addressed
5.2	Audit reports submitted to the lead regulator must be certified by the lead auditor on an attached 'Independent Audit Submission Form'	Appendix 1
5.3	Copies of the final audit report to be distributed to regulatory agencies within two weeks of finalisation and placed on the development's website.	WCL
6	The operator of the development to respond to the lead regulator responding to the audit findings and recommendations with an action plan within four weeks of receiving the final audit report.	WCL

2.4 Limitations

The findings of the compliance audit are based upon visual observations of the site and its vicinity, interviews with site personnel and our interpretation of documentation provided by WCL.

Opinions presented herein apply to the site as it existed at the time of the audit and from information provided by site personnel and government agencies. Any changes to this information of which Umwelt is not aware and has not had the opportunity to evaluate therefore cannot be considered in this report.

The auditors have taken due care to consider all reasonably available information provided during the undertaking this audit and have taken this information to represent a fair and reasonable characterisation of the environmental status of the site, but recognise that any site assessment program is necessarily limited in scope and true site conditions may differ from those inferred from the available data.

3.0 Previous Independent Audit Recommendations and Status

The recommendations made in the 2013 Wongawilli Colliery Independent Environmental Audit – Nebo Area Project (Parsons Brinkerhoff, 2014) and the status of the recommendations as at 8 August 2016 are detailed in **Table 3.1**. The audit action plan as detailed in **Table 3.1** was developed by WCL to detail how the actions from the 2013 Independent Environmental Audit were planned to be addressed with the audit action plan available on the WCL website.

Table 3.1 Previous Audit Findings

[illegible]

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
Project Approval – Sch.4, Condition 1	Wongawilli Coal advised that the current noise monitoring program is complaint driven and there is no established noise monitoring program. This arrangement prevents an assessment of compliance against the noise criteria and goals detailed in the project approval.	<p>The Noise Audit was accepted by the EPA as adequate on 6 January 2014 and approved by DPI on 22 January 2014</p> <p>Wilkinson Murray conducted onsite noise testing with attended and unattended loggers in Feb and March. They have the results and are currently developing draft noise management plan and analysis of noise results. Due to operational difficulties at the Colliery restricting coal production during the period of the Audit, a preliminary management plan will be produced for DPI review.</p> <p>This will be followed by a more complete review as part of the Annual Review report process including updating of the Noise Management Plan.</p>	<p>Complete</p> <p>22/4/14</p> <p>31/12/14</p>	<p>Non-compliant.</p> <p>No noise monitoring undertaken within the audit period, however, a real-time noise monitor was installed in December 2015. It is noted the WCL was non-operational for much of, but not all of, the audit period.</p>
Project Approval – Sch.4, Condition 3	As per above for Project Approval – Sch. 4, Condition 1.	<p>The Noise Audit was accepted by the EPA as adequate on 6 January 2014 and approved by DPI on 22 January 2014</p> <p>Wilkinson Murray conducted onsite noise testing with attended and unattended loggers in Feb and March. They have the results and are currently developing draft noise management plan and analysis of noise results. Due to operational difficulties at the Colliery restricting coal production during the period of the Audit, a preliminary management plan will be produced for DPI review.</p> <p>This will be followed by a more complete</p>	<p>Complete</p> <p>22/4/14</p>	<p>Non-compliant.</p> <p>At the time of the audit mining operations were recommencing and not all actions from the noise audit had been closed out.</p>

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
		review as part of the Annual Review report process including updating of the Noise Management Plan.	31/12/14	
Project Approval – Sch. 4, Condition 4(b)	Train wagon numbers are less than the specified 30 wagons.	The current haulage contractor for Wongawilli Colliery will not commit to providing 33 wagons. As a result, and constrained by current contractual limitations, WCL is investigating other options for haulage contractor services once the existing contract expires. The basis of any new haulage contract will be the provision of 33 wagon trains.	12/2015	<p>Administrative non-compliance</p> <p>Letter to DPE from WCL dated 12 Dec 2013 regarding this issue identified that Pacific National has been unwilling to increase train length but that new contract is proposed and that WCL will seek to address this issue.</p> <p>No evidence could be provided that the Secretary of DPE is satisfied that WCL has used its best endeavours to meet this condition. Confirmation of DPE satisfaction is required to demonstrate compliance.</p>
Project Approval – Sch. 4, Condition 6(b)	Lack of an established noise monitoring program prevents an assessment of compliance against the noise criteria and goals detailed in the project approval.	<p>The Noise Audit was accepted by the EPA as adequate on 6 January 2014 and approved by DPI on 22 January 2014</p> <p>Wilkinson Murray are currently assessing the attended and unattended noise loggers that were placed on site for Feb and March. There was a delay due to low production that would have given unrealistic noise levels. We needed realistic noise to record accurate data. They now have the results and are currently developing draft noise management plan and analysis of noise results. Due to operational difficulties at</p>	<p>Complete</p> <p>22/4/14</p>	<p>Non-compliant.</p> <p>No noise monitoring undertaken within the audit period, however, a real-time noise monitor was installed in December 2015. It is noted the WCL was non-operational for much of, but not all of, the audit period.</p> <p>No evidence was provided that an approved management plan is in place.</p>

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
		<p>the Colliery restricting coal production during the period of the Audit, a preliminary management plan will be produced for DPI review.</p> <p>This will be followed by a more complete review as part of the Annual Review report process including updating of the Noise Management Plan.</p>	31/12/14	
Project Approval – Sch. 4, Condition 7(b)	Failure to prepare and submit a Noise Audit for the Director-General’s approval by the end of June 2013.	The Noise Audit was accepted by the EPA as adequate on 6 January 2014 and submitted to DPI on 22 January 2014	Complete	<p>Administrative non-compliance.</p> <p>Noise audit completed and accepted by government agencies, however, it was found to be an administrative non-compliance due to late submission.</p>
Project Approval – Sch. 4, Condition 8	DP&I approval of the Noise Management Plan had not been achieved. The Noise Management Plan does not provide details of a noise monitoring program.	<p>The Noise Audit was accepted by the EPA as adequate on 6 January 2014 and approved by DPI on 22 January 2014</p> <p>Wilkinson Murray are currently assessing the attended and unattended noise loggers that were placed on site for Feb and March. There was a delay due to low production that would have given unrealistic noise levels. We needed realistic noise to record accurate data. They now have the results and are currently developing draft noise management plan and analysis of noise results. Due to operational difficulties at the Colliery restricting coal production during the period of the Audit, a preliminary management plan will be produced for DPI review.</p>	<p>Complete</p> <p>22/4/14</p> <p>31/12/14</p>	<p>Non-compliant</p> <p>Sighted Noise Management Plan for Wongawilli Colliery, date of print May 2013. Document control table in front of doc describes that Revision 2 has been completed incorporating DPE feedback in 2013. Consultation described in Section 2.4. No evidence was provided that the noise management plan was approved with a letter from DPE dated 19/4/13 requiring that a final Noise Management Plan be submitted within 3 months of the completion of the audit. No evidence was provided that this was completed.</p>

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
		This will be followed by a more complete review as part of the Annual Review report process including updating of the Noise Management Plan.		
Project Approval – Sch. 4, Condition 11	Lack of an established real-time dust monitoring program for PM10 and TSP which prevents an assessment of compliance against the air quality criteria detailed in the project approval.	WCL has obtained and is reviewing a proposal for the installation of a real time air quality, noise monitoring and meteorological monitoring system. PEL are waiting on the results of the unattended and attended noise loggers to see what system would best suit the needs of Wongawilli Colliery.	31/12/14	Non-compliant. The air quality monitoring requirements were not met for much of the audit period. Monitoring for deposited dust undertaken only for much of the audit period (i.e. no HVAS / TSP / TEOM monitoring). Real-time dust monitors installed in December 2015 but no results prior to that time. Mining was undertaken during the audit period without appropriate monitoring systems being in place.
Project Approval – Sch. 4, Condition 12	As per above for Project Approval – Sch. 4, Condition 11.	WCL has obtained and is reviewing a proposal for the installation of a real time air quality, noise monitoring and meteorological monitoring system. PEL are waiting on the results of the unattended and attended noise loggers to see what system would best suit the needs of Wongawilli Colliery.	31/12/14	As for condition 11.
Project Approval – Sch. 4, Condition 13(c)	Lack of an established real-time dust monitoring program and meteorological station.	WCL has obtained and is reviewing a proposal for the installation of a real time air quality, noise monitoring and meteorological monitoring system. PEL are waiting on the results of the	31/12/14	Administrative non-compliance. Appropriate systems are now in place but were not in place for the majority of the audit period. Real-time monitors were installed in December 2015.

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
		unattended and attended noise loggers to see what system would best suit the needs of Wongawilli Colliery.		
Project Approval – Sch. 4, Condition 14	DP&I approval of the Air Quality and Greenhouse Gas Management Plan had not been achieved.	The Air Quality and Greenhouse Gas Management Plan was approved by DPI on 25 September 2013	Complete	Administrative non-compliance. Plan developed and approved but not within the required timeframe.
Project Approval – Sch. 4, Condition 15	Lack of an established meteorological station.	WCL has obtained and is reviewing a proposal for the installation of a real time air quality, noise monitoring and meteorological monitoring system. PEL are waiting on the results of the unattended and attended noise loggers to see what system would best suit the needs of Wongawilli Colliery	31/12/14	Non-compliance Meteorological station is now installed on site (installed Dec 2015) but was not in place for most of the audit period.
Project Approval – Sch. 4, Condition 19	Environment Protection Licence (1087) non-compliance (discharge of dirty water) reported in Annual Return for October 2011 – September 2012.		NA	Non-compliance Further non-compliances with water licence conditions occurred in 2016.
Project Approval – Sch. 4, Condition 20	DP&I approval of the Surface Water Management Plan had not been achieved.	The Surface Water Management Plan was approved by DPI on 25 September 2013	Complete	Administrative non-compliance. Approved plan is now in place but was not approved within the required timeframe.
Project Approval – Sch. 4, Condition 21	DP&I approval of the Heritage Management Plan had not been achieved.	The Heritage Management Plan was approved by DPI on 25 September 2013	Complete	Administrative non-compliance. Approved plan is now in place but was not approved within the required timeframe. No evidence of any consultation with local historical organisations.

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
Project Approval – Sch. 4, Condition 23(b & c)	No inspection of external colliery lighting has been undertaken.	A lighting consultant will be engaged as part of the Annual Review process and outcomes will be integrated into appropriate management plans as part of the Annual Review process	31/12/14	Not verified. SMEC report on lighting dated 24 Dec 2014 and WCL advised that required works have been undertaken to address identified issues, however, no evidence was provided to verify this.
Project Approval – Sch. 5, Condition 1	Lack of an established noise monitoring program and real-time dust monitoring program.	<p>The Noise Audit was accepted by the EPA as adequate on 6 January 2014 and approved by DPI on 22 January 2014</p> <p>Wilkinson Murray are currently assessing the attended and unattended noise loggers that were placed on site for Feb and March. There was a delay due to low production that would have given unrealistic noise levels. We needed realistic noise to record accurate data. They now have the results and are currently developing draft noise management plan and analysis of noise results. Due to operational difficulties at the Colliery restricting coal production during the period of the Audit, a preliminary management plan will be produced for DPI review.</p> <p>This will be followed by a more complete review as part of the Annual Review report process including updating of the Noise Management Plan.</p> <p>The Air Quality and Greenhouse Gas Management Plan was approved by DPI</p>	<p>Complete 22/4/14</p> <p>31/12/14</p> <p>Complete 31/12/14</p>	<p>2016 audit found that this condition had not been triggered.</p> <p>Real-time monitoring equipment is now in place.</p>

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
		<p>on 25 September 2013.</p> <p>WCL has obtained and is reviewing a proposal for the installation of a real time air quality, noise monitoring and meteorological monitoring system.</p> <p>PEL are waiting on the results of the unattended and attended noise loggers to see what system would best suit the needs of Wongawilli Colliery</p>		
Project Approval – Sch. 6, Condition 1	DP&I approval of the Environmental Management Strategy was obtained after the required 6 months from the date of the project approval.		NA	Administrative non-compliance. Strategy approved on 15/7/13 by DPE but was submitted late.
Project Approval – Sch. 6, Condition 4	Wongawilli Coal advised that no specific reviews of strategies, plans or programs has been undertaken with respect to the requirements of this condition of approval.	On 8 January 2014 the DPI approved the merging of the Annual Review and Annual Environmental Management Report (for DRE) in order to increase efficiency and reduce WCL resource requirements. This report is due by 30 September 2014 and WCL would request that rather than producing another Annual Review as a result of the triggering of the Review by the submission of the Noise Audit, the company be allowed to continue its approved Annual Review process with submission on 30 September 2014.	30/9/14	Administrative non-compliance. It is noted that the management plans reviewed were predominantly completed in 2013 and that no evidence was provided that they have been reviewed in accordance with the requirements of this condition.
Project Approval – Sch. 6, Condition 6	Instances whereby DP&I was not notified of environmental incidents.	<p>WCL will develop an Incident Notification Protocol and incident register as part of the Annual Review process.</p> <p>An incident report was submitted to DRE</p>	30/9/14	The most recent Annual Review (2014/15) did not contain an incident register, however, it did specify for each issue whether or not there had been

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
		with regard to the unauthorised land clearing. The DRE responded to WCL on 21 March 2014 indicating its satisfaction with the incident report and proposed action to prevent recurrence of this type of incident. No MOP amendment was required.	Complete	any reportable incidents. Three incidents have occurred during the audit process.
Project Approval – Sch. 6, Condition 8	Failure to have completed an independent environmental audit by 30 June 2013.		NA	Administrative non-compliance. Audit completed but was not by 30 June 2013.
Project Approval – Sch. 6, Condition 10	Company website does not provide access to all of the information specified by this condition of approval.	All necessary information has been collated and will be uploaded to the WCL website once it has been launched	31/5/14	Not verified. The website has been updated but evidence could not be provided that this was to the secretary's satisfaction.
SoC – Bushfire Management Plan	Bushfire Management Plan has not been finalised.	The draft Bushfire Management Plan is under final review and will be placed on the WCL website when it is launched	31/5/14	Bushfire management plan (May 2014) is on the WCL website.
SoC – Surface Water Management Plan	DP&I approval of the Surface Water Management Plan had not been achieved.	The Heritage Management Plan was approved by DPI on 25 September 2013	Complete	Water management plan is now approved.
SoC – Rainfall Monitoring at Pit Top	Lack of an established meteorological station (including rain gauge) at Pit Top.	WCL has obtained and is reviewing a proposal for the installation of a real time air quality, noise monitoring and meteorological monitoring system. PEL are waiting on the results of the unattended and attended noise loggers to see what system would best suit the needs of Wongawilli Colliery	31/12/14	Meteorological monitoring station is now in place. Installed in December 2015.

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
SoC – Air Quality	Lack of an established real-time dust (PM10 and TSP) monitoring program.	WCL has obtained and is reviewing a proposal for the installation of a real time air quality, noise monitoring and meteorological monitoring system. PEL are waiting on the results of the unattended and attended noise loggers to see what system would best suit the needs of Wongawilli Colliery	31/12/14	Real-time dust monitor installed in December 2015.
SoC – Prevention of Rail Wagon Overfilling	Lack of a protocol to prevent the overfilling of rail wagons.	A concept plan has been developed and is currently undergoing feasibility review by the Mechanical Engineering Department with an aim to install a system by early 2015	31/3/15	WCL to review and revise as necessary then re-communicate the procedure to relevant personnel.
SoC – Depositional Dust Gauges	Depositional dust gauges along the rail line were not installed within the specified timeframe.	Depositional dust gauges have been installed	Complete	WCL advised that a revised air quality management plan had been submitted to DPE for approval which addressed this requirement. The revised plan has not been approved by DPE.
SoC – Energy Audits	No energy audits have been undertaken to date.	An energy audit will be undertaken and the results, as well as a schedule for regular audits will be incorporated into the Air Quality and Greenhouse Gas Management Plan as part of the next Annual Review	30/9/14	Audit now completed.
SoC – Emissions Inventory	The emissions inventory prepared for the project's environmental assessment has not been updated.	Inventory related to underground emission of gases are updated monthly and at present has been updated up to March 2014. The inventory of the emission of gases emitted on the surface of the mine are maintained and taken into account during the annual Greenhouse	Complete	Addressed through ongoing NGERs reporting.

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
		Gas Audit and NGERs Reporting. Annual Greenhouse Gas Audits are conducted annually (completed in October 2013 for 2012-13 and for 2013-14 the process has been initiated and expected to be completed by July 2014)		
SoC – Emissions and Abatement Strategies	Emissions and abatement strategies are not being reported be it via internal reports or reports prepared for external parties.	The Annual Review report will be modified to include updates on GHG emissions	30/9/14	There is limited reporting of greenhouse gas emissions and abatement strategies in the Annual Review.
SoC - Acoustics	Lack of an established noise monitoring program.	The Noise Audit was accepted by the EPA as adequate on 6 January 2014 and approved by DPI on 22 January 2014 Wilkinson Murray are currently assessing the attended and unattended noise loggers that were placed on site for Feb and March. There was a delay due to low production that would have given unrealistic noise levels. We needed realistic noise to record accurate data. They now have the results and are currently developing draft noise management plan and analysis of noise results. Due to operational difficulties at the Colliery restricting coal production during the period of the Audit, a preliminary management plan will be produced for DPI review This will be followed by a more complete review as part of the Annual Review	Complete 22/4/14 31/12/14	Non-compliant. No noise monitoring undertaken within the audit period, however, a real-time noise monitor was installed in December 2015. It is noted the WCL was non-operational for much of, but not all of, the audit period.

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
		report process including updating of the Noise Management Plan.		
SoC - Acoustics	DP&I approval of the Noise Management Plan had not been achieved.	<p>The Noise Audit was accepted by the EPA as adequate on 6 January 2014 and approved by DPI on 22 January 2014</p> <p>Wilkinson Murray are currently assessing the attended and unattended noise loggers that were placed on site for Feb and March. There was a delay due to low production that would have given unrealistic noise levels. We needed realistic noise to record accurate data. They now have the results and are currently developing draft noise management plan and analysis of noise results. Due to operational difficulties at the Colliery restricting coal production during the period of the Audit, a preliminary management plan will be produced for DPI review</p> <p>This will be followed by a more complete review as part of the Annual Review report process including updating of the Noise Management Plan.</p>	<p>Complete</p> <p>22/4/14</p> <p>31/12/14</p>	Non-compliant.
SoC - Waste	Waste skip bins were not covered or located under a roofed area.	A Waste Management Plan will be developed and submitted as part of the Annual Review that will be submitted to DPI on 30 September 2014.	30/9/14	<p>Compliant</p> <p>Waste bins were not always located under a covered area however skip bins on site were observed to have plastic lids to prevent rainfall entering the bins</p>

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
Mining Lease – Condition 3b	Un-authorised land clearing and earthworks took place in the North West Mains Portal area. This work was not covered by the approved Mining Operations Plans.	An incident report was submitted to DRE with regard to the unauthorised land clearing. The DRE responded to WCL on 21 March 2014 indicating its satisfaction with the incident report and proposed action to prevent recurrence of this type of incident. WCL will develop an Incident Notification Protocol and incident register as part of the Annual Review process.	Complete 30/9/14	The most recent Annual Review (2014/15) did not contain an incident register, however, it did specify for each issue whether or not there had been any reportable incidents.
Mining Lease – Condition 15a	No vibration monitoring of underground blasting associated with underground construction activities is undertaken. No evidence of a documented risk assessment justifying why vibration monitoring is not required.	All blasting is conducted underground, and several km's from the portals. Quantities of permitted explosives are low. Vibration is very localised and has no impact on the stability of the workings. Blasting activities are infrequent A risk assessment is not considered necessary.	NA	No surface blasting occurred during the report period and therefore no further action is required.
Mining Lease – Condition 15b	No blast overpressure monitoring of underground blasting is undertaken. No evidence of a documented risk assessment justifying why blast overpressure monitoring is not required.	Overpressure from blasting causes only minor impacts on the u/g infrastructure. A risk assessment is not considered necessary.	NA	No surface blasting occurred during the report period and therefore no further action is required.
Mining Lease – Condition 17(1)	NSW Office of Water (NOW) has not been notified in advance of drilling operations and the required information to accompany the notification has not been supplied.	Wollongong Coal, as part of its exploration documentation, has developed a checklist covering requirements for various government agencies. NOW are covered by this checklist	Complete	WCL advised that checklists had been included within REF's.

Ref.	2013 -Summary of Audit Finding (non-compliance) and Recommendations	2013 -WCL Response	WCL Proposed Delivery Date	2016 Finding
Mining Lease – Condition 18	A number of environmental management housekeeping issues were observed at the time of the on- site audit (September 2013) including excessive build-up of dirt on paved sections of the Colliery work areas, instances of poor chemical storage practices and steep banking with limited ground cover.	<p>Veolia sweeping truck to be site introduced. Sweeping will be conducted once a week.</p> <p>Environmental chemicals and calibrations solutions are now kept in a locked cabinet.</p> <p>Steep banking is primarily rocky and doesn't accept vegetative growth readily. Revegetation will be undertaken where possible but was not required as part of the DRE response to the unauthorised clearing incident where much low vegetated banking occurs..</p>	Complete	House keeping practices were reviewed during this audit and are detailed in Section 6.3.8 . A number of issues were identified that require resolution.

4.0 Compliance Assessment Wongawilli Colliery

This section provides a discussion of the identified non-compliances and the status of the approvals assessed as part of the audit. **Appendix 2** provides a condition by condition checklist of the Project Approval PA09_0161 and provides the compliance status of each condition. The scope of approvals assessed as part of this audit is detailed in **Section 1.2**. The respective compliance tables in the following sections include a ranking of the non-compliance risk levels in accordance with Table 2 of the NSW Government Independent Audit Guidelines (NSW Government, 2015). Recommendations arising from the non-compliances are also included in the followings sections.

4.1 Project Approval 09_0161

WCL was found to have a number of non-compliances with the Project Approval 09_0161. A number of the non-compliances related to the failure to undertake environmental monitoring or in regard to the late submission of management plans and reports required by the Project Approval during the audit period, with some of these actions now closed out. Some environmental incidents have also occurred during the audit period and are summarised in **Section 6.2.1**.

The non-compliances identified with the Project Approval (09_0161) are detailed in **Table 4.1** below.

Table 4.1 Non Compliances with Project Approval (09_0161)

Condition	Non-Compliance	Risk Level
Schedule 2, Condition 1	On the basis of some of the controls not in place during the audit period (e.g. monitoring), the occurrence of some non-compliances against the Project Approval conditions and management plans and the incidents that have occurred, it is not considered that all reasonable and feasible controls to prevent harm were in place during the audit period.	Low
Schedule 2, Condition 2	Non-compliances were identified with the Statement of Commitments and with the conditions of the Project Approval. See individual condition risk level ratings below.	See below ratings
Schedule 2, Condition 4	WCL has been issued various letters by DPE requesting actions to be undertaken. These requests have generally been actioned, however, not all of the actions over the audit period were closed out in the required timeframes and some issues are not yet resolved.	Low
Schedule 2, Condition 6	Not all recommendations of the noise audit have been implemented prior to the recommencement of operations.	Low
Schedule 2, Condition 7	Review of train loading and haulage records for 2014 identified a number of periods where the train loading times specified in the consent were breached.	Low
Schedule 2, Condition 12	The current approach to storage and management of chemicals and hydrocarbons, combined with the incidents that have occurred are considered to be non-compliance with this condition.	Medium

Condition	Non-Compliance	Risk Level
Schedule 4, Condition 1	No compliance noise monitoring was undertaken during the audit period and therefore compliance with noise limits could not be demonstrated. Limited operations occurred during the audit period. Real-time noise monitor was installed in December 2015.	Low
Schedule 4, Condition 2	No compliance noise monitoring was undertaken during the audit period and therefore compliance with noise limits could not be demonstrated. Limited operations occurred during the audit period. Real-time noise monitor was installed in December 2015.	Low
Schedule 4, Condition 3	No compliance noise monitoring was undertaken during the audit period and therefore compliance with noise limits could not be demonstrated. Limited operations occurred during the audit period. Real-time noise monitor was installed in December 2015.	Low
Schedule 4, Condition 4	No evidence could be provided that the Secretary of DPE is satisfied that WCL has used its best endeavours to meet this condition including increasing the length of trains. It is noted that WCL has provided correspondence to DPE on this matter.	Administrative
Schedule 4, Condition 6(a)	Not all recommendations of the noise audit have been implemented prior to the recommencement of operations.	Low
Schedule 4, Condition 6 (b)	Noise monitoring results have not been regularly assessed to assist in managing compliance as noise monitoring was not undertaken.	Low
Schedule 4, Condition 7(a)	Not all recommendations of the noise audit have been implemented prior to the recommencement of operations.	Low
Schedule 4, Condition 7(b)	The Noise Audit was not completed within the required timeframe.	Administrative
Schedule 4, Condition 8 (a-e)	Various draft noise management plans have been submitted to DPE and not accepted. Gain approval and then implement the updated Noise Management Plan from DPE.	Administrative
Schedule 4, Condition 10	No evidence of satisfaction of the Secretary with the greenhouse gas mitigation measures implemented was provided and they are not discussed in any substantive way in the Annual Review.	Administrative
Schedule 4, Condition 11	Gain approval and then implement the updated AQMP Management Plan from DPE.	Low
Schedule 4, Condition 12	Mining was undertaken during the audit period with TSP being monitored for a portion but not the entire audit period. WCL advised that the TSP monitor was operational for the full audit period, however, these full results were not available at the time of the audit and were not provided in a manner that facilitated a ready review of compliance. Real-time dust monitors installed in Dec 2015. Real-time dust monitors installed in Dec 2015. Limited operations occurred during the audit period. Gain approval and then implement the updated AQMP Management Plan from DPE.	Low

Condition	Non-Compliance	Risk Level
Schedule 4, Condition 13(c)	Air quality monitoring results have not been regularly assessed to assist in managing compliance as no particulate matter monitoring was undertaken.	Low
Schedule 4, Condition 14 (a)	The Air Quality and Greenhouse Gas Management Plan was not prepared and submitted for approval within the required timeframe. Gain approval and then implement the updated AQMP Management Plan from DPE.	Administrative
Schedule 4, Condition 14 (a, b, d)	The Air Quality and Greenhouse Gas Management Plan does not include the real-time monitoring within the Air Quality monitoring sites detailed in Table 5.2 of the plan. Management plan states that a real-time monitor will be installed in the future, but does not provide any detail about where or how it will be used to ensure compliance. Gain approval and then implement the updated AQMP Management Plan from DPE.	Administrative
Schedule 4, Condition 19	Licensed discharge results for first half 2016 show exceedance of limits for pH in January and TSS in March.	Low
Schedule 4, Condition 20	An approved water management plan is now in place but was not submitted within the required timeframe.	Administrative
Schedule 4, Condition 21 (a, c)	Heritage Management Plan approved but not within required timeframe. No evidence of any consultation with local historical organisations. Plan does not include specific measures to protect and monitor heritage items outside the project disturbance area.	Administrative
Schedule 4, Condition 22	Train movement information on the website is not complete with information for the months of March to June 2014 only. It could not be confirmed that accurate records of train movements are in place for the full audit period.	Administrative
Schedule 4, Condition 23	The requirements of the SMEC lighting report have not been implemented.	Low
Schedule 4, Condition 28 (a, d)	The MOP is intended to address the requirements for the Rehabilitation Management Plan but it does not address all of the specific requirements of this condition.	Administrative
Schedule 6, Condition 1 (a, f)	The Environmental Management Strategy was submitted after the due date, does not include copies of all the environmental management plans and does not include a clear monitoring plan.	Administrative
Schedule 6, Condition 3 (b) and (d) and (e)	The Annual Review does not include a discussion of monitoring results relating to performance trends against the EA predictions or previous years results. Discrepancies between the predicted and actual impacts of the project and analysis of the potential cause of any significant discrepancies are also not discussed.	Administrative
Schedule 6, Condition 8	The 2013 independent environmental audit was not completed by the required date.	Administrative

The environmental performance of Wongawilli Colliery as observed during the audit is discussed in **Section 6.0**.

4.1.1 Environmental Assessment

As part of the audit an assessment of the operations was undertaken against the Environmental Assessments (EAs) prepared as part of the original and modification approval processes for Wongawilli Colliery. Limited operations were undertaken in the audit period and much of the infrastructure covered by the approval was existing and no changes building works have occurred in the audit period. WCL advised that the mine plans for the mining undertaken in this audit period (LW N2) was the same as that presented in the EA.

The audit also included an assessment of the operation against the Statement of Commitments from the EA, with the Statement of Commitments also included as Appendix 3 of the Project Approval. It is noted that a number of the statement of commitments have been assessed as part of this audit during the review of the Project Approval conditions for the Wongawilli Colliery Project Approval (09_0161) and therefore the non-compliances detailed in **Table 4.2** are the statement of commitments which are non-compliant and which are not addressed by the non-compliances identified in **Table 4.1** (for example, the non-compliances related to not undertaking monitoring or not having approved management plans in place are also non-compliances with the statement of commitments but are not repeated in **Table 4.2**).

Table 4.2 Wongawilli Colliery Statement of Commitment Non-compliances

Commitment	2016 Audit Finding
NRE will conduct regular community liaison meetings and provide regular updates to the community during operations of the Project. Timing – At regular intervals of not less than three times a year.	The CCC is in place, however, no other regular community liaison was identified as occurring. It is noted that limited operations have occurred for most of the audit period.
Protocol to prevent overfilling of rail wagons is to be adhered to at all times.	No protocol is currently in place, however, limited train loading occurred during the audit period.
Emissions and abatement strategies will be reported annually as part of internal environmental reporting and the National Greenhouse and Energy Reporting System obligations.	Limited commentary on greenhouse and energy is included in the Annual Return.
If required as an outcome of the noise monitoring program, acoustic treatment of front end loaders and other stockpile. If required as an outcome of the noise monitoring program, noise mitigation options for the coal conveyor system and coal bins will be investigated.	Noise monitoring program not in place for much of the audit period. The requirements of the noise audit were also not implemented prior to the commencement of site operations.

4.2 Environment Protection Licence

WCL hold Environment Protection Licence (EPL) 1087 for the Wongawilli Colliery as well as EPL 12442 for the Avondale Colliery as it conducts an activity that requires an approval under the POEO Act. The EPL outlines WCL's responsibilities and the environmental performance standards it is required to meet, being:

- limit conditions
- operating conditions
- monitoring and recording conditions
- reporting conditions.

WCL reports its performance against the above responsibilities and environmental performance status via the submission of its Annual Return. Generally, WCL has demonstrated compliance with the conditions of its EPL, however, some non-compliances have been identified. A review of the available 2013-2014 and 2014-2015 Annual Returns from the EPA website for EPL 1087 (Wongawilli Colliery) has identified that there have been no non-compliances reported within the Annual Returns. It is noted that, at the time of writing, in accordance with legislative requirements, the 2015-2016 Annual Environmental Management Report and Annual Returns for the site had not yet been completed.

A review of the Annual Return summary information from the EPA website for EPL 12442 notes that there have been no non-compliances recorded by WCL for EPL 12442 during the audit period, however, the 2015-2016 Annual Environmental Management Report and Annual Returns for the site had not yet been completed.

A review of water monitoring data identified exceedance of water quality parameters at licenced discharge point 2 in early 2016. These included exceedances of show exceedance of limits for pH in January and TSS in March.

The non-compliances identified with EPL 1087 are detailed in **Table 4.3** below and include:

Condition O2 Maintenance of Plant and Equipment

O2.1 - All plant and equipment installed at the premises or used in connection with the licensed activity:

- must be maintained in a proper and efficient condition; and*
- must be operated in a proper and efficient manner.*

Table 4.3 Non Compliances with EPL 1087

Condition	Non-Compliance	Risk Level
O2.1	Hydrocarbon and chemical storage and handling practise at the Wongawilli Colliery Pit Top do not comply with this condition. There are a range of hydrocarbon products stored outside of bunded areas with existing site infrastructure not designed or operated in accordance with Australian standards and regulatory requirements. Further information is included in Section 6.3.8 .	Medium
L2.1	LDP2 results for first half 2016 show exceedance of limits for pH in January and TSS in March.	Low

4.3 Mining Leases

The audit findings indicate that WCL has achieved a high level of compliance with the environmental management conditions of its mining leases. WCL hold mining leases ML 1596, ML 1565 and CCL 766. During 2016, DRE undertook an independent environmental audit of the Wongawilli Colliery Mining Leases to determine WCL's compliance with the requirements of the ML's.

The DRE audit identified a total of 50 Category 2 non-compliances and 13 Category 3 non-compliances. There were no Category 1 non-compliances. It is noted that most of the non-compliances were with aspects of the management plans with relatively few non-compliances noted with regard to the mining lease conditions. Definitions utilised by the DRE for non-compliances were defined as follows:

- Category 1 non-compliances were defined as 'the absence of planning or implementation of a required operational element, which has the potential to result in a significant risk'.
- Category 2 non-compliances were defined as 'an isolated lapse or absence of control in the implementation of an operational element which is unlikely to result in a significant risk'.
- Category 3 non-compliances were defined as 'an administrative or non-reporting non-compliance which does not have a direct environmental or safety significance'.

The audit report documents that overall compliance with mining lease conditions was high with the key compliance issues relating to the care and maintenance MOP for the site and associated environmental management plans. The audit made a number of recommendations to improve overall compliance status.

The majority of the non-compliance issues relate to the following:

- Water monitoring and management
- Heritage management
- Noise monitoring
- Bushfire management
- Weed and pest management and
- Public safety.

Given this recent and highly detailed audit undertaken by DRE and given that the site was on care and maintenance for the latter part of the audit period, this audit focussed on reviewing the outcomes of the DRE audit, key non-compliances and in seeking to identify any ongoing compliance issues. The key non-compliance identified with MLs as part of the IEA is detailed in **Table 4.4** below. As noted above, some of the issues identified by DRE relate to management plans and these are discussed in **Section 5.0**.

Table 4.4 Non Compliances with Wongawilli Colliery MLs

Lease	Non-Compliance	Risk Level
ML 1565, ML 1596 and CCL 766	<p>The Wongawilli Colliery Mining Operations Plan (effective 17 May 2016) has been developed for activities to be undertaken by WCL within ML 1596, ML 1565 and CCL 766.</p> <p>The MOP has been developed in accordance with DRE guidelines which had been superseded before the MOP was submitted to DRE and therefore it is recommended that a revised MOP is prepared in accordance with the requirements of DRE guideline ESG3: MOP Guidelines (DRE, 2013).</p>	Low
ML 1565 Condition 2(1)	Not all operations were undertaken in accordance with the approved MOP. There are also some aspects of environmental monitoring that are not in place (e.g. noise, heritage).	Low
ML 1596 Condition 2(a)	This condition requires the lease holder to implement all practical measures to prevent or minimise harm and was identified as a non-compliance due to the non-compliances identified with some performance based conditions and with elements of the management plans.	Low
ML 1596 Condition 3(a)	Not all aspects of the MOP were being implemented. As noted above, a new MOP is required for the operation and it is currently being prepared by WCL.	Low

During the audit period WCL were found to be largely compliant with the requirements of the ML's held for Wongawilli Colliery. WCL have prepared Extraction Plans for the mining undertaken during the audit period within LW N2. An Extraction Plan was prepared in accordance with the requirements of the Project Approval and was approved by DRE / DP&E prior to the commencement of secondary extraction in LW N2. An end of panel report has been prepared for LW N2, however, whilst the end of panel report states that subsidence impacts as a result of mining LW N2 were within subsidence predictions as detailed within the EIS and Extraction Plan, there is a not a direct comparison of results to the performance measures in the Project Approval and it is recommended that this occur for future end of panel reports as well as being included within the Annual Review.

5.0 Environmental Management Plans

WCL has developed a number of environmental management plans and monitoring programs for the project in accordance with relevant requirements of the Project Approval. These documents address specific impacts associated with the project, such as noise, and reflect the requirements detailed in the Project Approval and statement of commitments. The plans and programs required to be prepared include:

- Environmental Management Strategy (EMS STD 001 published No date provided)
- Air Quality and Greenhouse Gas Management Plan (EMS MP 011 published September 2013)
- Biodiversity Management Plan (EMS-MP-007 published March 2013)
- Heritage Management Plan (EMS-MP-008 published August 2013)
- Noise Management Plan (EMS-MP-0010 published May 2013)
- Surface Water Management Plan (EMS-MP-006 published August 2013)
- Nebo Longwalls 1-6 Extraction Plan (published November 2012)
- EPL 1087 – Pollution Incident Response Management Plan (published February 2015)
- EPL 12442 Pollution Incident Response Management Plan (published March 2016)

Additionally, the Mining Operations Plan (MOP) for Wongawilli Colliery was reviewed, being a Plan required under the provisions of the Mining Leases for the site. The MOP was prepared by WCL to guide the environmental management of the mining operations.

This audit found that the management plans that had been prepared for the project were generally adequate and prepared in accordance with the relevant compliance requirements.

Key issues in relation to the adequacy of the documents reviewed and their implementation on-site are discussed in the following sections.

5.1.1 Environmental Management Strategy

The Wongawilli Colliery Environmental Management Strategy (Strategy) (EMS STD 001) Amendment 1 was reviewed during the audit. The Strategy has been developed in accordance with the requirements of the Project Approval and includes a description of the operations and the approvals held by WCL.

The Strategy addresses the requirement of the Project Approval, however copies of any strategies, plans or programs required by the Project Approval are not included within the plan as required by the Project Approval. It is noted that these plans and programs are however included on the WCL website as required by the Project Approval and it is recommended that the Strategy is updated to reflect this practice. The Strategy also lacks a clear plan of environmental monitoring locations as required by the condition of the Project Approval. Recommendations have been made to address these issues.

The audit found that WCL is generally undertaking operations in accordance with the Strategy.

5.1.2 Environmental Management Plans

An overview of the compliance status of the environmental management plans and relevant environmental / operational plans (e.g. Extraction Plans, Mining Operations Plans) including an overview of the compliance of the management plans with the requirements of the Project Approval and implementation status of the plans is included in **Table 5.1**.

Table 5.1 Wongawilli Colliery Environmental Management Plans

Management Plan	Comments
Air Quality and GHG Management Plan (AQMP)	<p>The NRE Wongawilli Colliery AQMP includes the mitigation measures which are to be implemented during the operations of the Wongawilli Colliery in particular for the operations undertaken at the Wongawilli Pit Top. The AQMP was determined to be generally compliant with the requirements of the Project Approval with mitigation measures within the AQMP including utilisation of water carts as required and stockpile sprays. There was no visible dust generation during the site inspection, however, it is noted that limited operations were occurring.</p> <p>The AQMP included limited information regarding GHG management which is considered acceptable whilst Wongawilli Colliery was on care and maintenance. A range of GHG measures are detailed in Attachment B of the AQMP, including the need for an annual GHG audit. The GHG actions to be implemented at Wongawilli Colliery should be reviewed as Wongawilli Colliery has recently re-started coal production.</p> <p>Non-compliances</p> <p>Real time air quality monitoring was not installed until December 2015 with TSP monitoring undertaken prior to this however TSP data for the entire audit period could not be provided by WCL.</p> <p>Recommendations</p> <p>Review the GHG measures detailed in Attachment B to determine the actions that are required to be implemented now that coal production has recommenced at Wongawilli Colliery.</p> <p>Update the Air Quality and GHG Management Plan to include the real-time monitors and the protocol for compliance management.</p>

Management Plan	Comments
Noise Management Plan (NMP)	<p>The NRE Wongawilli Colliery NMP (NREW EMS MP010) printed 20/05/2013 has been developed in accordance with the requirements of the Project Approval. As noted in Section 4.0, although various versions of the NMP have been submitted to DPE for approval, evidence of gaining approval for the plan was not provided.</p> <p>The management plan details that attended noise monitoring is undertaken at Wongawilli Colliery to monitor noise emissions and notes that real time noise loggers will be installed in future report periods. Real time noise loggers were not installed at Wongawilli Colliery until December 2015 which is a non-compliance with the requirements of the Project Approval. There was also no compliance noise monitoring undertaken during the audit period which is also a non-compliance. It is noted that Wongawilli Colliery was on care and maintenance for a large portion of the audit period.</p> <p>Management controls as detailed in the NMP and observed to be in operation during the audit include the utilisation of predictive meteorological systems to determine when meteorological conditions conducive to noise emissions may occur. WCL advised that a revised NMP had been submitted to DPE which provides an update on the status of the implementation of the noise audit. At the time of the audit mining operations were recommencing and not all actions from the noise audit had been closed out.</p> <p>Non-compliances</p> <p>WCL was found to be non-compliant with the NMP due to the lack of noise monitoring during the audit period.</p> <p>Recommendations</p> <p>WCL to implement the requirements of the 2013 Noise Audit and continue to utilise real time noise monitoring systems to manage noise performance from the Wongawilli Colliery Pit Top particularly when machines are undertaking any coal loading, machinery maintenance or rehabilitation works.</p> <p>Compliance noise monitoring to be undertaken in accordance with the NMP.</p>
Water Management Plan (WMP)	<p>A Water Management Plan has been included as part of the LW N2 Extraction Plan. The WMP details the potential subsidence impacts associated with mining LW N2. The WMP includes environmental monitoring requirements, management measures and TARPs to be implemented. Implementation of the water management plan is discussed in Section 6.3.9.</p>

Management Plan	Comments
Surface Water Management Plan	<p>Surface Water Management Plan (NREW EMS MP 006) (SWMP) dated 29 August 2013. The requirements of the Project Approval conditions have been addressed within the management plan.</p> <p>The SWMP includes environmental monitoring requirements and management measures to be implemented at Wongawilli Colliery. The water management system is described in the SWMP with the implementation of the water management system observed in the site inspection undertaken as part of the audit.</p> <p>Non-compliances:</p> <p>The schematic in the SWMP is required to be reviewed to ensure it reflects the existing surface water management system.</p> <p>The audit and the DRE audit identified some discrepancies between the management and monitoring measures in the plan and site practice (e.g. monitoring, inspections). The plan should be updated to reflect site practice or site practice modified to comply with the plan; subject to a detailed review of the discrepancies by WCL.</p> <p>The DRE audit identified that the Wongawilli Mine Integrated Wastewater Management Plan has not been implemented as outlined in the plan. It is noted that for much of the audit period the site was on care and maintenance. The timeline for implementation should be determined by WCL.</p> <p>WCL has not been conducting annual AS1940 audits as per the plan.</p> <p>Recommendations</p> <p>Update the schematic in the SWMP to reflect current practices. Resolve the discrepancies between site practice and the Water Management Plan.</p> <p>Confirm the timing for implementation of the Integrated Wastewater Management Plan.</p> <p>Undertake AS1940 audits as per the commitment in the plan.</p>
Heritage Management Plan (HMP)	<p>The Heritage Management Plan for Wongawilli Colliery (NREW EMS MP 008) (dated 30/08/2013) includes processes for dealing with previously unidentified Aboriginal objects, dealing with human remains if they are discovered, consultation to be undertaken with Aboriginal stakeholders and the monitoring requirements for Aboriginal sites prior to, during and post mining. The HMP also identifies the level of significance of historical heritage sites and the processes to be utilised to managed historical heritage sites. It is also noted that the respective Extraction Plans also include heritage management measures to be implemented during mining operations. The N1 – N6 Extraction Plan includes specific management measures and monitoring requirements for historical heritage features however there weren't any Aboriginal heritage sites predicted to be impacted by the mining of LW N2 which is the only longwall area mined during the audit period.</p> <p>Non-compliances</p> <p>The DRE audit conducted March 2016 noted that the heritage inspections were not conducted in accordance with the requirements of the Heritage Management Plan. No evidence was provided that this issue has been rectified, however, it is noted that the site was on care and maintenance for the latter phase of the audit period.</p> <p>Recommendations</p> <p>WCL to ensure that all heritage inspections as required by the HMP are undertaken. It is noted that a heritage inspection was undertaken on 29 June 2016.</p>

Management Plan	Comments
LW N1 – N6 Extraction Plan	<p>During the audit period mining at Wongawilli Colliery was undertaken within LW N2. Mining within LW N2 was undertaken in accordance with the NRE Wongawilli Colliery Nebo Longwalls N1 – N6 Extraction Plan Revision 1 (Niche Environment and Heritage, November 2012).</p> <p>The implementation of the LW N1 – N6 Extraction Plan has been detailed within the Wongawilli Colliery Longwall N2 End of Panel Report (WCL, 2014) (LW N2 EOP Report). Secondary extraction of LW N2 was undertaken from 12 June 2013 to 26 February 2014, with the extraction of LW N2 suspended due to a roof fall on the longwall miner.</p> <p>The LW N2 EOP Report states “the mining of LW N2 did not result in any environmental consequences that were greater than the predicted environmental consequences.....the observed consequences did not exceed any of the relevant Trigger Action Response Plans.”</p> <p>A review of the implementation of the Extraction Plan and supporting plans found that the required monitoring and management requirements were being implemented and interviews of operational personnel responsible for monitoring indicated a strong understanding of the requirements of the Extraction Plan and focus on implementation.</p> <p>It is also noted that the DRE audit identified some minor discrepancies between site monitoring practice and the detailed monitoring requirements in the various plans forming part of the Extraction Plan. These minor discrepancies should be rectified for future monitoring.</p>
LW N1 – N6 Biodiversity Management Plan (BMP)	<p>Sighted NRE Wongawilli Colliery Biodiversity Management Plan which is included as Section 8 of the Extraction Plan. The BMP does not specifically address Water Dependent Ecosystems (WDE) but it does address upland swamps would are a GDE.</p> <p>A review of the implementation of the BMP is included within Appendix D of the EOP Report for LW N2. The Nebo Area – Longwall N2 End of Panel Report (Ecology) (Biosis, 2014) notes that monitoring was undertaken before and after mining with the results of monitoring compared to control sites. The monitoring identified that subsidence impacts are within predictions and that significant impacts to ecological values did not result from the Extraction of LW N2.</p> <p>Interviews of operational personnel responsible for management of biodiversity monitoring indicated a strong understanding of the requirements of the plan and focus on implementation.</p>
Mining Operations Plan	<p>The Wongawilli Colliery Mining Operations Plan (effective 17 May 2016) has been developed for activities to be undertaken by WCL within ML 1596, ML 1565 and CCL 766. The MOP details the proposed mining activities to be undertaken as well as the environmental management measures to be implemented. The MOP has been developed to enable pillar extraction of panels N2 – N6 with panels N4 and N5 to be extracted during the MOP period. Post mining land use, domain rehabilitation objectives and conceptual rehabilitation works are detailed within the MOP</p> <p>Non-compliances</p> <p>The MOP has been developed in accordance with DRE guidelines which had been superseded before the MOP was submitted to DRE.</p> <p>Recommendations</p> <p>WCL advised during the audit that a revised MOP is required to be developed in accordance with the DRE ESG 03 MOP Guidelines (DRE, 2013).</p>

6.0 Environmental Performance

6.1 Environmental Management System

6.1.1 Management Commitment and Resourcing

Throughout the audit, WCL environmental staffs were co-operative and forthcoming with information and this allowed the auditors to gain an understanding of the culture of the organisation. WCL environmental staff attend the daily RVC management meeting and discuss any environmental works required to be undertaken at this meeting.

WCL has acknowledged that it has had issues in the past in relation to the environmental performance of its operations, however, it has sought to address these issues in a controlled and sustained manner based on improving its environmental performance whilst managing the economic constraints associated with Wongawilli Colliery being on care and maintenance.

The audit also found that the environmental department at WCL operate with limited resources from both a capital and human resource perspective. The environmental team are responsible for the operations of Wongawilli Colliery and Russell Vale Colliery which requires the environmental department to identify and prioritise focus for ongoing management. Wongawilli Colliery 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.

It is also 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.

6.1.2 Training and Competence

Training records were reviewed during the audit to verify that WCL has a system in place for the training of its employees and contractors such that licensed activities are undertaken in a competent manner (EPL Condition O1.1) and that plant and equipment on site is operated in a proper and efficient manner (EPL Condition O2.1).

Training programs and records reviewed during the audit indicated that WCL has developed and implemented an induction and training system for the training of employees and assessment of competence.

In terms of environmental training, training records reviewed during the audit identified that the site inductions include environmental management requirements for the site. WCL staff also noted that tool box talks were undertaken as required. It is noted that with the recent recommencement of mining activity

(post the current audit period) the training needs for the new contractor and contractor workforce need to be carefully scoped and an appropriate program put in place.

6.1.3 Environmental Inspections and Compliance Management

The WCL environmental team undertakes periodic site environmental inspections; however, the environmental management of the site facilities is largely undertaken by WCL production personnel. WCL environmental personnel undertake inspections however the inspections are not undertaken on a regular or routine basis.

The inspection results and any actions required are discussed at the daily meeting where they are reviewed and prioritised based on the risk level attributable to the action. It is noted that actions identified in environmental inspections are not always completed due to constraints associated with equipment and personnel availability.

It is recommended that the current inspection checklists be reviewed and updated and a formal comprehensive periodic inspection (at least monthly) be put in place for environmental personnel (not just water). Where issues are not closed out these should be elevated to management through the regular meeting processes undertaken on site.

WCL is currently implementing a compliance management computer software system (*Complysure*) to track the actions arising from site inspections as well as acting as a register of the environmental commitments as contained within the various Project Approvals / Development Consents, Mining Leases and supporting approvals as well as environmental management plans. The *Complysure* system has not yet been put into operation by WCL but resources were allocated to enter compliance requirements into the system.

WCL currently have a substantial number of commitments and requirements from existing statutory approvals and management plans which are required to be complied with as part of ongoing operations. The implementation of a compliance management system is considered key to assisting WCL identify and manage these existing requirements.

6.1.4 Plant Maintenance

On the basis of the audit observations and the records reviewed on-site, the auditors found that appropriate systems are in place for the maintenance of plant used on site and that the key risk area relates to the appropriate implementation of this system.

Poorly maintained plant and equipment has the potential to increase the risk of environmental impacts due to the increased risk of fuel or oil spills and leaks, increased air emissions and increased noise. These impacts can be significantly reduced with a comprehensive plant and equipment maintenance program.

WCL is using the SAP software system to manage vehicle and plant maintenance, including any identified defects. Services are then carried out and the results recorded on the work order. The extent of the maintenance works required to be undertaken at RVC has decreased since the operations were placed on care and maintenance, reducing the risk associated with maintenance and reducing the required resources to appropriately maintain the site.

6.1.5 Contractor Management

During the much of the audit period the operation was on care and maintenance, however, WCL had recently engaged a contractor to recommence operations at the mine. The recommencement of the mine will occur outside the audit period. Discussions with site personnel indicated that the full details of how the contractor will be managed from an environmental perspective were not yet resolved. Providing a clear contractor management framework relating to environmental performance, community performance and compliance requirements is essential for successful operations. It is recommended that WCL put formal measures in place that clearly outline the contractors responsibilities relating to environmental, community and compliance matters and that a clear management framework is established in regard to how WCL will liaise with and manage the contractor from an environmental perspective. Under this framework, the contractor and key staff will require appropriate training so that their obligations and site specific requirements are understood.

6.1.6 Environmental Monitoring

A range of environmental monitoring programs have been developed within the respective site management plans. Monitoring undertaken in accordance with the environmental monitoring programs are displayed on the WCL website with the monitoring data also included within the Annual Review.

In December 2015 real-time monitoring equipment was installed for dust, noise and meteorological conditions showing improvement on this issue during the audit period. It is noted that Wongawilli Colliery was on care and maintenance for much of, but not all of, the audit period.

WCL needs to continue to ensure monitoring is undertaken in accordance with the requirements of the management plans.

In regard to monitoring systems, significant funds have been expended in the audit period to establish a real-time monitoring system. This system is appropriate for the nature of the operations and functions such as dust level alerts, daily environmental risk forecasts and the ability to connect to the monitors in real-time are all valuable tools to assist site personnel to manage impacts.

6.2 Environmental Incidents and Complaints

The environmental incidents, PINs and complaints received by RVC during the audit period are discussed in the following sections.

6.2.1 Penalty Infringement Notices

During the audit period WCL received three penalty infringement notices (PINs) (refer to **Table 6.1**).

Table 6.1 Wongawilli Colliery PINS during the Audit Period.

Date	Details of PIN	Status
11/7/13	Failure to undertake independent environmental audit	Audit was subsequently completed.
11/7/13	Failure to prepare and submit a noise audit.	Noise audit has been completed.
15/3/16	The appropriate security deposit was not held for the WCL mining leases and WCL had not complied with a letter from DRE requesting this to be notified.	Security deposit is now in place.

6.2.2 Incidents

Three reportable incidents occurred within the audit period. These relate to:

- presence of coal fines in a clean stormwater channel
- release of bund contents containing solcentric oil into site water management system
- presence of white precipitation in a creek.

These incidents were discussed with WCL as part of the site inspection however detailed incident reports were not provided by WCL for further review as part of the audit.

6.2.3 Community Complaints

During the audit period community complaints were received by WCL regarding the operation of Wongawilli Colliery with the complaints related to:

- coal dust deposition adjacent to train loading operations and
- noise emissions associated with utilisation of horns by trains whilst trains were travelling through rail crossings.

There have been no community complaints recorded by Wongawilli Colliery between February 2014 and July 2016 as detailed within the register of community complaints located on the WCL website. It is noted that the site was not operational for much of this period.

6.3 Key Issue Environmental Performance

6.3.1 Subsidence & Associated Impacts

During the audit period (1 July 2013 – 30 June 2016) mining at Wongawilli Colliery was undertaken within LW N2. Mining within LW N2 was undertaken in accordance with the NRE Wongawilli Colliery Nebo Longwalls N1 – N6 Extraction Plan Revision 1 (Niche Environment and Heritage, November 2012).

The implementation of the LW N1 – N6 Extraction Plan has been detailed within the Wongawilli Colliery Longwall N2 End of Panel Report (WCL, 2014) (LW N2 EOP Report). Secondary extraction of LW N2 was undertaken from 12 June 2013 to 26 February 2014, with the extraction of LW N2 suspended due to a roof fall on the longwall miner.

The LW N2 EOP Report states “the mining of LW N2 did not result in any environmental consequences that were greater than the predicted environmental consequences.....the observed consequences did not exceed any of the relevant Trigger Action Response Plans.” It is noted that the EOP Report does not include a clear discussion of whether or not the performance measures within the Project Approval have been met. The Annual Reviews prepared for Wongawilli Colliery also do not include a clear statement regarding the performance measures being met and it is suggested that this is included in future Annual Reviews.

As discussed in **Section 5.0**, the audit interviews of operational personnel responsible for monitoring indicated a strong understanding of the requirements of the Extraction Plan and focus on implementation. It is also noted that the DRE audit identified some minor discrepancies between site monitoring practice and the detailed monitoring requirements in the various plans forming part of the Extraction Plan. These minor discrepancies should be rectified for future monitoring.

6.3.2 Heritage Management

No significant heritage impacts or issues were identified during the audit. The performance criteria for LWN2 were met from a historical heritage perspective and it is noted that there were no Aboriginal archaeological sites predicted to be impacted by subsidence from the mining of LW N2. Heritage inspections at the Wongawilli Colliery Pit Top were not completed in accordance with the Heritage Management Plan however it is noted that the Wongawilli Colliery was on care and maintenance for the majority of the audit period. These inspections should be completed as part of ongoing effective management of the site.

6.3.3 Biodiversity

As indicated in **Section 6.3.1** WCL monitoring personnel indicated a good understanding of monitoring requirements and the monitoring results available at the time of the audit indicate that impacts are within predictions and no significant adverse impacts on biodiversity have been identified associated with LW N2. The LW N2 EOP Report stated that there had been no impacts to threatened species or upland swamps as a result of the mining undertaken within LW N2.

Detailed biodiversity monitoring (aquatic and terrestrial) is being undertaken by appropriately qualified consultants. The biodiversity monitoring methodology, results and reporting are appropriate and appear to be consistent with the requirements of the Biodiversity Management Plan (Niche 2012).

6.3.4 Noise

Noise was identified as a compliance issue for the Project Approval due to compliance aspects related to a lack of compliance monitoring the Noise Audit. The Noise Audit was completed after its due date and most, but not all, actions could be demonstrated to be closed out. There were also complaints received during the audit period related to noise emissions from trains, however this related to trains utilising horns as a safety measure whilst passing through rail crossing whilst travelling adjacent to the Wongawilli Colliery operations.

In regards to current noise performance, whilst the site was on care and maintenance there has been significantly reduced noise generation however it is noted that operations have recommenced at Wongawilli Colliery and there is potential for increased noise generation, particularly related to the handling of coal and loading of trains.

The site has a real-time monitoring system which is available for use by site personnel, however, it was found that this was not being actively used on an ongoing basis for compliance management. As operations have recommenced at Wongawilli Colliery the previously identified noise controls (e.g. those identified in the noise audit) should be reviewed and the appropriate controls implemented to minimise noise impacts during operations. As the mining operations will be undertaken by a contractor on behalf of WCL, appropriate procedures need to be put in place to manage noise as part of the ongoing operations; e.g. providing the contractor with information from the real-time noise monitor.

6.3.5 Air Quality

Limited operations were occurring at the time of the site audit with coal production commencing approximately one week prior to the site audit. However, dust generation was observed to be minimal and overall dust monitoring results appear reasonable. The dust controls in place at the site were considered appropriate. The key issue relating to air quality management will be the management of air quality emissions associated with train loading activities, particularly during train loading operations undertaken with a loader. Dust sprays are in place at the train loading facility.

6.3.6 Traffic

As coal is transported from the site via trains, there are limited traffic movement to and from the site which consist of employees and deliver / service vehicles which are required for mining operations. There were no traffic issues identified during the audit and there are no additional recommendations in regards to traffic management.

6.3.7 Rehabilitation

There are generally limited opportunities for progressive rehabilitation at the site as much of the site is static due the nature of the underground mining operation. There are opportunities to undertake some progressive rehabilitation of disused mining infrastructure with a schedule for these works included in the MOP.

6.3.8 House Keeping

The site audit identified the need for improved housekeeping in some parts of the site, with the opportunity for improved bunding (including use of bunded pallets), consolidation of stored liquids and the need to review some of the older chemical and liquid storages against current Australian Standards.

Photos from the site inspection are provided in **Appendix 3**, with key areas identified for improvement including:

- storage of hydrocarbons inside the Russell Vale Colliery workshop
- prompt clean-up of oil spillages and absorbent material within and outside of the workshop and
- review of the diesel storage and Petrotec tank structures to confirm the facilities have been designed and are operated in accordance with AS 1940:2004.

It is also noted that DPE undertook an inspection of Wongawilli Colliery on 7 June 2016 and provided correspondence that required a range of hydrocarbon management measures to be addressed as part of this audit. The hydrocarbon management issues raised by DPE within correspondence dated 7 June 2016 have been identified in **Table 6.2**.

Table 6.2 DPE hydrocarbon issued identified during 7 June 2016 inspection

Item	DPE Comment	2016 IEA Finding
Petrotec substance	A bund adjacent to the solcenic bund contains a black substance identified as Petrotec. This substance was noted on a site inspection by a Departmental officer on 25 February 2016, at which time it was requested that it be addressed. It was noted that on the 7 June 2016 this had still not been addressed.	The Petrotec substance as identified within the DPE audit was still located within the tank bund (refer to Appendix 3 Plate 7). It is recommended that the Petrotec substance be removed from the bund by a licenced waste contractor in accordance with waste management legislation and an assessment be undertaken by WCL to consider either decommissioning the tank and bund or implementing additional measures to minimise the potential for rainwater to enter the bund.
Spill kit	While the spill kit at the workshop contained absorbent socks, it contained some rubbish, did not contain any bags of absorbent material for soil clean-up and had not been inspected recently.	Spill kits were reviewed during the audit inspection and were observed to contain absorbent material (refer to Appendix 3 Plate 12). As operations have recommenced at Wongawilli Colliery the spill kits are recommended to be reviewed on a regular basis (at least monthly) to confirm they contain the appropriate equipment to respond to an oil spill.
20L oil drums	Six pallets of 20L oil drums were being stored on bunds in the surface oil bay which would not be capable of containing an oil spill if drums were punctured. It was not apparent that the structure was on a sealed surface, and it also appeared that an oil drum had been knocked off the bund and was crushed beneath an attachment for underground mining equipment.	Pallets of oil drums were located at the surface oil bay at the location as observed by DPE and referenced in the DPE correspondence (refer to Appendix 3 Plate 8). It is recommended that either the bund capacity at the surface oil bay be improved to ensure there is adequate capacity to capture any oil spills or alternatively the pallets are to be moved to a hardstand undercover location on the Wongawilli Colliery Pit Top. The crushed oil was still observed to be <i>in-situ</i> and is required to be removed.

Item	DPE Comment	2016 IEA Finding
Oily water treatment	It was advised that there is no oily water treatment on site, which would potentially allow oily water from the workshop, wash down bay and pit top surface area to enter the dirty water system if an incident were to occur.	<p>A HumeCeptor oil water separator was located on site adjacent to the washdown bay however the design information and operating procedures for the oil water separator were not available for review. These procedures and operating systems are to be reviewed to ensure the system is designed and operating as intended.</p> <p>As there is potential for overflows from the oil water separator to enter the dirty water system spill response procedures and equipment are required to be available and personnel appropriately trained in order to minimise the risk of oil entering the dirty water management system.</p>
Solcenic bund	It was noted that while a more substantial fitting had been installed following an incident on 19 February 2016, the bund remains non-compliant with Australian Standard 1940-2004.	The solcenic bund was reviewed during the site inspection (refer to Appendix 3 Plate 5). The solcenic bund has a pipe through the bund wall which is not in accordance with the requirements of AS 1940:2004 and as such the pipe is required to be relocated to ensure the bund complies with the requirements of AS 1940:2004.

There are also a range of general housekeeping issues detailed within **Appendix 3** which relate to:

- **Plate 4** – Diesel refuelling infrastructure is located outside of the bund on an unsealed surface
- **Plate 13** – There are a number of stone dust spillages which are required to be cleaned up and
- **Plate 14** – There are pods of water treatment flocculent stored outside of bunded areas adjacent to the timber yard storage sheds in the vicinity of LDP 2 which need to be relocated.

In regards to housekeeping the following actions are suggested:

- A detailed review of existing hydrocarbon and chemical storage facilities is required to ensure the infrastructure is designed and operated in accordance with legislative requirements and the relevant Australian Standards
- Wongawilli hydrocarbon management standards and operating procedures are to be reviewed to ensure the appropriate hydrocarbon management practices are detailed within the procedures and
- Training to detail the hydrocarbon management requirement and spill response procedures at Wongawilli Colliery are to be provided to WCL and contract personnel to ensure the appropriate hydrocarbon management and housekeeping practices are implemented on site.

6.3.9 Water Management

This audit and the DRE audit identified some discrepancies between the management and monitoring measures in the site water management plan and site practice (e.g. monitoring, inspections). The site water management plan should be updated to reflect site practice or site practice modified to comply with the plan; subject to a detailed review of the discrepancies by WCL. It is noted that WCL has recently undertaken a review of the plan, however, the draft updated plan was not subject to review to confirm that these discrepancies have been resolved.

The DRE audit identified that the Wongawilli Mine Integrated Wastewater Management Plan has not been implemented as outlined in the plan. It was also found that the completion of annual AS1940 audits which are required by the Plan have not been completed. It is noted that for much of the audit period the site was on care and maintenance reducing the operational requirements for the water management system.

The Annual Reviews prepared for Wongawilli Colliery were reviewed and it was noted that WCL do not report water make from underground operations in the Annual Review and therefore there is no data available to determine whether the water licences held by WCL are adequate for the ongoing operations. WCL should report compliance against the requirements of the site water licences within the Annual Reviews for future report periods.

It is considered that further investigations are required into the discharge water quality from the active discharge at site to understand the visibly cloudy brown discolouration of the water in the sediment basins onsite (refer to **Appendix 3, Plate 17**). The investigation is required to be undertaken to determine the cause of the water turbidity and whether there are any changes to the existing water management methodology which could be implemented to reduce the turbidity of the water. The investigation should consider water treatment system including additional water quality monitoring (of a wider range of cations and anions) and testing of different flocculants/coagulants following on from monitoring/testing above, including relationship between TSS and turbidity (no clear relationship from the data provided). This is seen as a key issue for the site to understand the source/treatment options in relation to the cloudy brown water noted within the site water management system.

7.0 Recommendations and Conclusion

7.1 Recommendations

A summary of recommendations identified as an outcome of the audit process is provided in **Table 7.1**.

Table 7.1 Consolidated Recommendations

Condition / Issue	Recommendation
Wongawilli Project Approval	
Schedule 2, Condition 6(a)	WCL to update the train movement data on the website to provide a full record including during which periods no movements occur.
Schedule 2, Condition 7	WCL to update the train movement data on the website to provide a full record including during which periods no movements occur.
Schedule 2, Condition 7	It is suggested that a tool box talk is held for relevant operational and management personnel to remind them of permissible operating hours and key environmental controls relating to coal stockpiling and transport. Procedures in place for train loading need to be reviewed, updated and re-communicated as required to ensure operating hours are met.
Schedule 3, Condition 1	In End of Panel reports include a clear discussion of whether or not the performance criteria have been met. A table format would be suitable for ease of review.
	WCL to confirm that no impacts to Reservoirs have occurred due to mining in N2. Future End of Panel reports should specifically address this criteria.
	WCL to confirm that no impacts to 'other watercourses' have occurred due to mining in N2. Future end of panel reports should specifically address this criteria.
	WCL to confirm that no impacts to the SCA and Metropolitan Special Area have occurred due to mining in N2. Future end of panel reports should specifically address this criteria.
Schedule 4, Condition 8(a)	Update Noise Management Plan and gain approval as required by DPE. Gain approval from DPE and then implement the updated Noise Management Plan.
Schedule 4, Condition 10	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.
Schedule 4, Condition 11	The TSP results are to be reported in the AEMR and on the WCL website.
Schedule 4, Condition 13(a)	Resolve system for implementation of dust management measures (e.g. real-time system, risk alerts etc.) with new contractor at Wongawilli.
Schedule 4, Condition 14(d)	Gain approval and then implement the updated AQMP Management Plan from DPE.

Condition / Issue	Recommendation
Schedule 4, Condition 21(c)	Update heritage management plan to include measures to protect and monitor heritage items outside the project disturbance area.
Schedule 4, Condition 22(b)	WCL to update the train movement data on the website to provide a full record including during which periods no movements occur.
Schedule 4, Condition 23	WCL to implement the outcomes of the SMEC lighting report.
Schedule 4, Condition 26	New MOP to be developed consistent with the requirements of ESG3 DRE MOP Guidelines.
Schedule 6, Condition 3(b)	An assessment of performance trends and performance against EA predictions should be included in future Annual Reviews.
Schedule 6, Condition 3(d)	In future, Annual Reviews include a discussion of the monitoring trends over the life of the project.
Schedule 6, Condition 3(e)	In future, Annual Reviews include a discussion of discrepancies between the predicted and actual impacts.
Schedule 6, Condition 4	Implement a process to undertake reviews as required by condition 4 of schedule 6.
Mining Leases	
Respective ML Conditions	WCL to prepare a MOP for Wongawilli Operations in accordance with DRE ESG 3 MOP Guidelines.
Environmental Performance Recommendations	
Environmental Inspections	It is recommended that the current site environmental inspection checklists be reviewed and updated and a formal comprehensive periodic inspection (at least monthly) be put in place for environmental personnel (not just covering water).
Environmental Inspections	The water management system inspection checklists need to be updated to reflect current practice and improved focus is required on closing out the identified issues. Where issues are not closed out these should be elevated to management through the regular meeting processes undertaken on site so that appropriate resources can be allocated.
Subsidence Reporting	Future End of Panel reports to specifically address compliance or otherwise with the performance criteria.
Noise	Prior to recommencement of operations at the site the status of previously identified noise controls (e.g. those identified in the noise audit) should be reviewed and it determined which controls need to be in place to minimise noise impacts during operations.
House keeping	A detailed review of existing hydrocarbon and chemical storage facilities is required to ensure the infrastructure is designed and operated in accordance with legislative requirements and the relevant Australian Standards
Housekeeping	Wongawilli hydrocarbon management standards and operating procedures are to be reviewed to ensure the appropriate hydrocarbon management practices are detailed within the procedures.

Condition / Issue	Recommendation
Housekeeping	The design information and operating procedures for the oil water separator was not available for review. These procedures and operating systems are to be reviewed to ensure the system is designed and operating as intended.
Housekeeping	Training to detail the hydrocarbon management requirement and spill response procedures at Wongawilli Colliery are to be provided to WCL and contract personnel to ensure the appropriate hydrocarbon management and housekeeping practices are implemented on site.
Water	It is considered that further investigations are required into the discharge water quality from the active discharge at site to understand the visibly cloudy brown discolouration of the water in the sediment basins onsite.
Water	WCL are to therefore report compliance against the requirements of the site water licences within the Annual Review for future report periods.

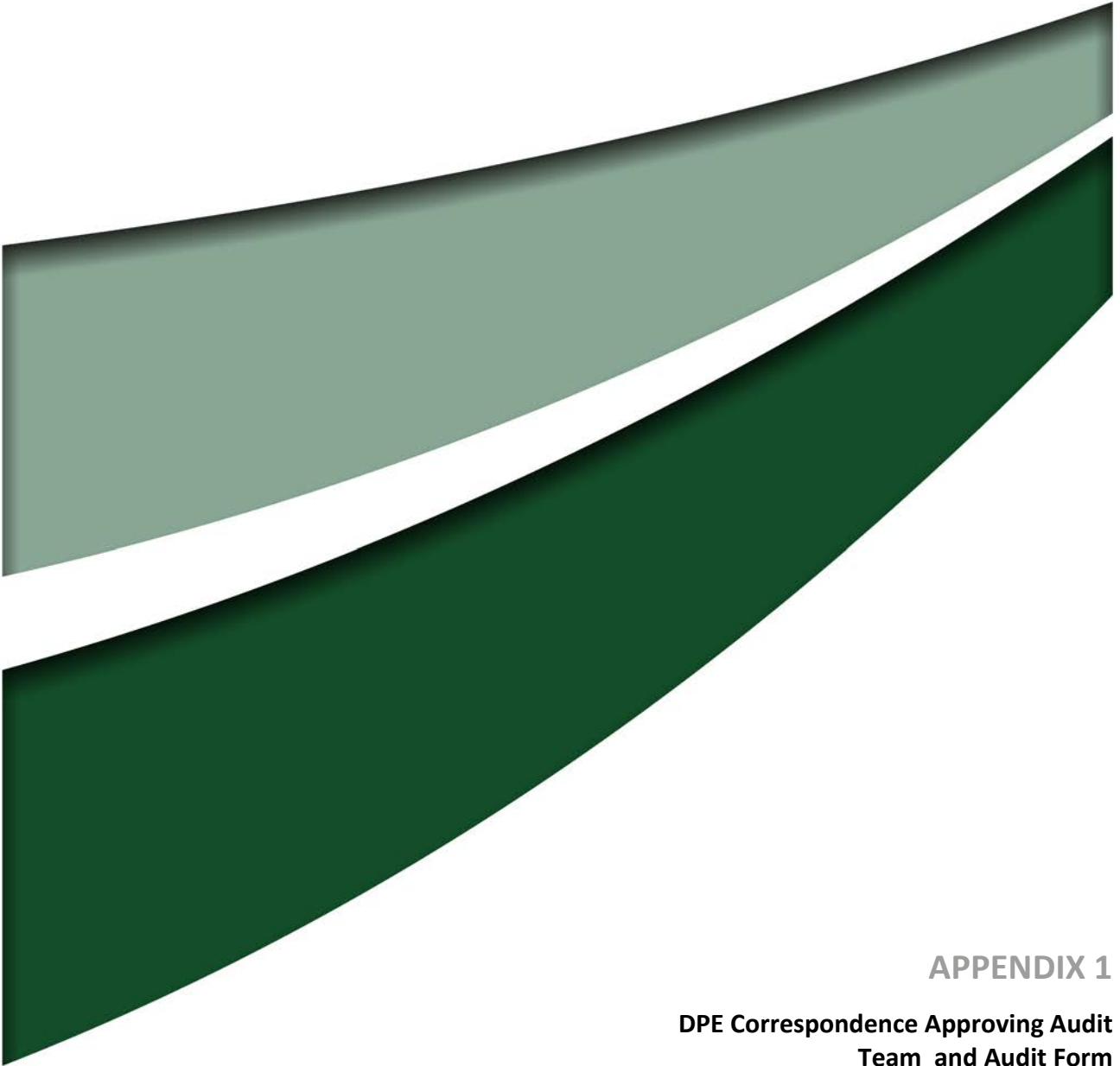
7.2 Conclusion

This independent environmental audit has assessed the compliance status of WCL at Wongawilli Colliery with the key approvals in place including the Project Approval for the mining operations, the Mining Leases and the EPL. The audit has identified a number of non-compliances and where appropriate, has made recommendations to improve the compliance status of the operation.

The audit found that some of the compliance issues relate to a period where WCL purchased the mining operation from the previous owner, with some required reporting, monitoring and other compliance matters not being effectively managed during this period. The audit also found that in more recent times some improvements have been achieved, such as the implementation of the real-time monitoring system, however, further work is required to improve the compliance status at the site.

WCL had recently entered into a contractor to recommence operations at the mine. The recommencement of the mine will occur outside the audit period. Discussions with site personnel indicated that the full details of how the contractor will be managed from an environmental perspective were not yet resolved. Providing a clear contractor management framework relating to environmental performance, community performance and compliance requirements is essential for successful operations.

The audit found that the ongoing implementation of a new compliance management system by WCL should assist site personnel to improve compliance, however, appropriate resource allocation from senior management will be required to achieve this outcome.



APPENDIX 1

**DPE Correspondence Approving Audit
Team and Audit Form**



Contact: Chris Schultz
Phone: 02 4224 9478
Fax: 02 4224 9470
Email: Christopher.Schultz@planning.nsw.gov.au

Mr David Clarkson
Group Environment Manager
Wollongong Coal Limited
7 Princes Highway
CORRIMAL NSW 2518

Dear Mr Clarkson

**Russell Vale Colliery and Wongawilli Colliery
Independent Environmental Audits**

I refer to your email dated 28 June 2016 in relation to the Independent Environmental Audits required under the conditions of approval for Russell Vale Colliery and Wongawilli Colliery.

The Department supports the proposal to consolidate the two audit reports. The Department considers that the scope of the audits should include the assessment of compliance against the following documents:

- the Russell Vale Preliminary Works Project Approval (10_0046) and the Wongawilli Continued Operations Project Approval (09_0161), the respective Statements of Commitment, and controlling documents listed in Schedule 2 of these approvals;
- Wollongong City Council's consent for the Coal Washery Reject Emplacement Area (D89/839);
- all strategies, plans or programs which have been prepared under these approvals; and
- all other relevant statutory approvals, including environment protection licences, water licences and approvals and mining leases.

Further, the Department and Environment Protection Authority (EPA) have been investigating water discharges from the Russell Vale site in response to recent pollution incidents and community complaints. Water discharges from the premises have resulted in water quality impacts to Bellambi Gully caused by sediments, including coal fines.

Potential sources of water pollution include, erosion/sedimentation, stormwater runoff and mine water, from the pit top areas discharging to Bellambi Creek and reject emplacement areas discharging to Hicks Creek.

In discussion with Wollongong Coal and the Department an independent audit of the water management system at the Russell Vale mine is considered appropriate. The Department therefore requests that the Russell Vale audit includes a detailed audit of the water management system at the site, including:

- the adequacy the current water management system to ensure the following:
 - compliance with relevant statutory requirements;
 - water pollution is prevented, controlled or minimised through the implementation of best practice management techniques; and
 - receiving waters are protected from pollution, including suspended particulate matter and turbidity.
- the design, installation, operation and maintenance of the water management system including the following specific issues:
 - the influence of seepage from the main stormwater dam to Bellambi Creek;

- the effect of sediment accumulation in the main stormwater dam and sediment dams on the operation of the system;
- water treatment;
- potential run off or seepage impacts from the reject emplacement area; and
- the management of any other water pollution risks;
- the programs in place to monitor and report on the environmental performance of the water management system and review the effectiveness of management measures;
- the measures in place to identify and respond to water pollution issues in a timely manner, particularly in periods outside of normal working hours and during high rainfall or flood events;
- contingencies to manage any unpredicted impacts and their consequences; and
- the proposed Bellambi Creek flood mitigation works, including the commitment to divert Bellambi Creek and the works proposed in the most recent Cardno flood study.

The audit should also provide:

- an assessment of the current water management system against industry best practice and appropriate guidance documents including *Managing Urban Stormwater - Soils and Construction - Volume 2E Mines and Quarries - June 2008*;
- a summary of water management system critical risks;
- detailed recommendations for improvements to the system, to reduce or eliminate the identified risks; and
- timeframes in which audit recommendations will be implemented.

The findings and recommendations of the audit on the surface water management system will be used to help inform any future Department and EPA compliance actions.

The Department has considered the information you provided your email dated 28 June 2016, including the nominated audit team from Umwelt (Australia) Pty Limited.

The Department considers that the audit team are suitably qualified and experienced to undertake the audits. Accordingly, the Secretary has approved the following persons to undertake the audits:

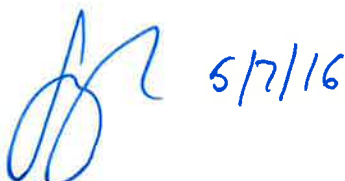
- Mr John Merrell (lead auditor);
- Mr Luke Bettridge (auditor); and
- Ms Susan Shields (auditor and surface water specialist).

I wish to remind you that the audits must be undertaken in accordance with AS/NZS ISO 19001:2014 and The Department's *Independent Audit Guideline - Post-approval requirements for State significant mining developments* dated October 2015.


The Secretary directs that the combined audit report is submitted to the Department no later than **Monday 29 August 2016**.

Should you wish to discuss the matter further, please contact Chris Schultz on 02 4224 9478 or at christopher.schultz@planning.nsw.gov.au.

Yours sincerely



Steve O'Donoghue
A/Director Resource Assessments
as nominee of the Secretary

Independent Audit Certification Form	
Development Name	NRE Wongawilli Colliery – Nebo Project Area
Development Consent No.	09_0161
Description of Development	Underground coal mine and associated surface facilities
Development Address	Main Road, Wongawilli NSW, 2530
Independent Audit	
<p><i>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</i></p> <ul style="list-style-type: none"> <i>The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2014 and Post Approval Guidelines – Independent Audits</i> <i>The findings of the audit are reported truthfully, accurately and completely;</i> <i>I have exercised due diligence and professional judgement in conducting the audit;</i> <i>I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</i> <i>I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;</i> <i>I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);</i> <i>Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</i> <i>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i> <p><i>Note.</i></p> <p>a) <i>The Independent Audit is an ‘environmental audit’ for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</i></p> <p>b) <i>The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</i></p>	
Signature	
Name of Lead / Principal Auditor	John Merrell
Address	75 York Street Teralba NSW 2284
Email Address	jmerrell@umwelt.com.au
Auditor Certification (if relevant)	15266
Date:	19 September 2016



APPENDIX 2

Wongawilli Colliery Project Approval Checklist

Condition Number				
Schedule 2 Administrative Conditions				
1	In addition to meeting the specific performance measures and criteria established under this approval, 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.	Non-compliant	<p>WCL has an environmental management strategy and a number of environmental management plans in place (sighted as part of audit) to assist to minimise environmental impacts. As identified in the audit report, not all of the management plans are being fully implemented, with some required controls not in place.</p> <p>Dedicated environmental personnel on site (includes environmental team plus water management role and logistics role both of which have environmental functions). Environmental inspection program in place.</p> <p>Real-time air and noise monitoring onsite – system sends alerts for elevated dust levels. However, this system was not in place for the full audit period.</p> <p>Each day the monitoring contractor sends a dust/noise risk email and provides a forecast for the day reviewed by env personnel.</p> <p>Various environmental controls in place as observed during the audit site inspection including a water management system, dust suppression sprays, noise shielding equipment etc.).</p> <p>It is noted that the site has had several incidents and notices issued by government agencies during the audit period. Some of these related to actions to be implemented and not were closed out at the time of the audit. Further details are discussed in the main text of the audit report.</p> <p>On the basis of some of the controls not in place during the audit period (e.g. monitoring), the occurrence of some non-compliances identified below and the incidents that have occurred, it is not considered that all reasonable and feasible controls to prevent harm were in place during the audit period.</p>	
Terms of Approval				
2	The Proponent shall carry out the project: (a) generally in accordance with the EA;	Compliant	Statement of commitments from EA addressed separately below. WCL advised that no changes from the mine plans from the EA have occurred.	EP variation approved 17/12/15 – change of mining method.
	(b) in accordance with the general layout of the project and the Statement of Commitments; and	Non-compliant	Non-compliances with the Statement of Commitments are detailed in the Independent Audit Report.	
	(c) in accordance with the conditions of this approval.	Non-compliant	There have been non-compliances recorded with the conditions of this approval as discussed in the table below.	
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.	Noted	Noted	
4	The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval; (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this approval; and (c) the implementation of any actions or measures contained in these documents.	Non-compliant	<p>WCL has been issued various letters by DPE requesting actions to be undertaken. These requests have generally been actioned, however, it is noted that not all of the actions over the audit period were closed out in the required timeframes and that some issues are not yet resolved.</p> <p>E.g. DPE advised that real-time monitoring system implementation could be delayed until December 2015 provided that no operations occurred, however, coal transfer to trains occurred in April 2015 which would be considered operations.</p>	

Condition Number				
Limit of Approval				
Mining Operations				
5	Mining operations for the project may take place until 31 December 2020	Compliant	Date not yet reached.	
Coal Production & Transport				
6	The Proponent shall: (a) not transport coal from the site by road (except in an emergency situation and with the prior approval of the Secretary in consultation with Council);	Compliant	WCL advised that one request was made to DPE to permit transport of coal by road but was refused. WCL advised that all coal during the audit period was transported by train (K. Prajapati pers. com.).	Observation – train movement information on the website is not complete with information for the month of March 2014 only. WCL to make clear on the website during which periods no movements occur. Recommendation: WCL to update the train movement data on the website to provide a full record including during which periods no movements occur.
	(b) restrict coal processing and transport to/from the site to a maximum of 2 million tonnes of ROM coal per calendar year; and	Compliant	WCL confirmed that coal production and tonnages were below 2Mtpa for each calendar year. It is noted that coal production and transportation data in the Annual Review is reported by financial year. During the report period coal tonnages were: 2013 – 375,785 T 2014 – 163,090 T 2015 – 0 T 2016 – 0 T (as at July 2016)	
	(c) restrict train movements to/from the site to a maximum of (except with the prior approval of the Secretary): <ul style="list-style-type: none"> 8 train movements (calendar year average) a day; 10 train movements (maximum weekly rolling average) a day; 2 train movements a night during normal operations; and 4 train movements a night during advertised campaigns, with a maximum of 10 such campaigns a year. 	Compliant	Train movement data has not been updated on the website since June 2014. Review of train loading and haulage records for 2014 (March to June) indicated compliance for that period. Train movements also occurred in April 2015. These have not been included on the website.	
Hours of Operation				
7	The Proponent shall restrict loading and unloading to/from the coal stockpile as follows: (a) Normal operations: <ul style="list-style-type: none"> 7am to 6pm Monday to Friday. 8am to 4pm Saturdays. At no time on Sundays and public holidays. (b) During longwall change-outs: <ul style="list-style-type: none"> 7am to 10pm Monday to Saturdays. At no time on Sundays and public holidays. At least 7 days prior to undertaking longwall change-outs involving extended hours of operation as allowed in “Longwall Change-Outs” above, the Proponent shall provide written notification of the works to the Department, EPA, Council, the CCC and adjacent and affected residents, to the satisfaction of the Secretary	Non-compliant	Review of train loading and haulage records for 2014 identified a number of periods where the train loading times specified in the consent were breached. It is noted that this condition applies only to loading from the stockpile and not due to direct loading from the coal bin, however, WCL could not advise during the audit whether or not stockpile loading occurred and therefore is considered a non-compliance. For example: 3/3/14 – loading finished at 6:40pm 6/3/14 – loading finished at 6:30pm 8/3/14 – loading started on a Saturday at 7.22 am 22/3/14 – loading started on a Saturday at 7.20 am 24/3/14 – loading finished at 6:20pm Train movement data has not been updated on the website since June 2014.	Observation: It is noted that the site has been on care and maintenance for much of the audit period, however, interviewed site personnel did not readily respond with permissible operating hours. Recommendation: Procedures in place for train loading need to be reviewed, updated and recommunicated as required to ensure operating hours are met. Recommendation: It is suggested that a tool box talk is held for relevant operational and management personnel to remind them of permissible operating hours and key environmental controls relating to coal stockpiling and transport.

Condition Number				
Surrender of Consents and Approvals				
8	Within 6 months of this approval, or as otherwise agreed by the Secretary, the Proponent shall surrender all existing development consents and project approvals for mining operations relied on by the Proponent for the site (other than this approval) in accordance with Sections 75YA and 104A of the EP&A Act.	Compliant	WCL advised that the only other approval in force is the bathhouse approval which was granted in 2010 by DPE (ie after the date of this approval) (K. Prajapati pers. com.).	
9	Prior to the surrender of these consents and/or approvals, the conditions of this approval (including any notes) shall prevail to the extent of any inconsistency with the conditions of these consents and/or approvals.	Noted		
Structural Adequacy				
10	The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structure, that are part of the project are constructed in accordance with:	Compliant	No building works in the audit period (K. Prajapati pers. com.).	
	(a) the relevant requirements of the BCA; and	Compliant	No building works in the audit period (K. Prajapati pers. com.).	
	(b) any additional requirements of the MSB where the building or structure is located on land within declared Mine Subsidence Districts.	Compliant	No building works in the audit period (K. Prajapati pers. com.).	
Demolition				
11	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.	Compliant	No demolition works in the audit period (K. Prajapati pers. com.).	
Operation of plant and equipment				
12	The Proponent shall ensure that all plant and equipment used at the site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Non-compliant	WCL operates a work order system in place that covers regular maintenance. Site uses Pronto System (e.g. order sighted for 250 excavator service – 0252945 from 27 April 2016). Interviewed maintenance manager and reviewed records for a range of Process in place for daily pre start inspections to be completed (confirmed by discussions with operational personnel). It is noted that three reportable incidents have occurred at the site. One of these related to drainage from a solcenic oil bund due to the bund being drained whilst the bund contained solcenic oil. It is also noted that several chemical storage facilities are not as per AS1940. The current approach to storing and managing chemicals and hydrocarbons at the mine is not considered to meet this requirement. Further details are provided in the main text of the audit report.	
Staged submission of strategies, plans or programs				
13	With the approval of the Secretary, the Proponent may submit any strategies, plans or programs required by this approval on a progressive basis.	Noted		
Protection of public infrastructure				
14	Unless the Proponent and the applicable authority agree otherwise, the Proponent shall: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.	Compliant	WCL advised that there have been no impacts in the audit period. WCL advised that there is an agreement in place with Sydney Water regarding transmission line (power) but WCL didn't mine under this in the audit period. A bond will be required prior to mining.	

Condition Number				
Schedule 3 - Subsidence				
Performance Measures				
1	The Proponent shall ensure that the project does not cause any exceedance of performance measures in Table 1, to the satisfaction of the Secretary.	Compliant	Longwall N2 was only longwall mining undertaken in this audit period. The LW N2 EOP Report states “the mining of LW N2 did not result in any environmental consequences that were greater than the predicted environmental consequences.....the observed consequences did not exceed any of the relevant Trigger Action Response Plans.” Letter from DPE 12/9/14 saying no comments on EoP report for LW N2. DRE email dated 27/10/14 & 17/10/14 – no major issues, made some recommendations for ongoing monitoring. Says report is satisfactory.	Observation: The N2 EOP report does not include a clear discussion of compliance status against the performance measures. Recommendation: In End of Panel reports include a clear discussion of whether or not the performance criteria have been met. A table format would be suitable for ease of review.
	Table 1- Water Resources Catchment yield to Upper Cordeaux Reservoirs (No. 1 and No. 2) and Avon Reservoir. Performance Measures: <ul style="list-style-type: none">Negligible reduction to the quality or quantity of water resources reaching the reservoirs.No connective cracking between the surface and the mine.	Compliant	LW N2 EOP Report (WCL, 2014) states that “no connectivity between aquitards within 20 m of the surface has been identified”. The EOP report also notes the have been “no changes to stream flows or water chemistry identified.”	
	Water Resources Upper Cordeaux Reservoirs (No. 1 and No. 2) and Avon Reservoir. Performance Measures: <ul style="list-style-type: none">Negligible leakage from the reservoirs.Negligible reduction in the water quality of the reservoirs.	Not Verified	Appendix C of the LW N2 EOP Report includes a Groundwater and Surface Water end of panel report completed by GeoTerra. There is no comment in the EOP report about the reservoirs, however, it is understood mining in N2 is unlikely to have resulted in impacts.	Recommendation: WCL to confirm that no impacts to Reservoirs have occurred due to mining in N2. Future end of panel reports should specifically address this criteria.
	Watercourses Wattle Creek, Little Wattle Tree Creek, Cordeaux River, Gallaghers Creek. Performance Measures: Negligible environmental consequences, including: <ul style="list-style-type: none">Negligible diversion of flows or changes in the natural drainage behaviour of pools;Negligible gas releases and iron staining; andNegligible increase in water cloudiness.	Compliant	Section 4.1.3 of the LW N2 EOP report states: “Compared with baseline data, mining of LW N2 did not have any observable impact on the water levels in Wattle Creek, Little Wattle Tree Creek and Jacksons Creek.” It was also noted that: “compared to baseline conditions, mining of LW N2 did not result in any observable changes to water quality beyond variability caused by climatic influences.”	Observation: The EOP report does not say ‘negligible’ impacts instead saying no observable impact. A clearer assessment that provides for direct comparison to the performance criteria is required. Recommendation: In End of Panel reports include a clear discussion of whether or not the performance criteria have been met. A table format would be suitable for ease of review.
	Watercourses Other watercourses Performance Measures: No greater subsidence impact or environmental consequences than predicted in the EA.	Not Verified	No impacts identified in the EOP report, however, this performance criteria has not been specifically addressed in the report.	Recommendation: WCL to confirm that no impacts to ‘other watercourses’ have occurred due to mining in N2. Future end of panel reports should specifically address this criteria.
	Watercourses Upland Swamps (No 22 and No 39) Performance Measures: Negligible environmental consequences including: <ul style="list-style-type: none">Negligible change in the size of swamps.Negligible change in the functioning of swamps.	Compliant	Appendix D – Ecology report Table 3 notes that there are no upland swamps located in the vicinity of N2. Section 3.4.2 of Appendix D within the LW N2 EOP report states: “monitoring to date in the Nebo Area has not identified any impacts to flora and fauna, and aquatic ecology sites as a result of subsidence associated with mining of Longwall N2.”	

Condition Number				
	<ul style="list-style-type: none"> Negligible change to the composition or distribution of species within swamp; and Negligible drainage of water from swamps, or redistribution of water within swamps. 			
	Land Illawarra Escarpment State Conservation Area, Metropolitan Special Area Performance Measures: <ul style="list-style-type: none"> Negligible environmental consequences. 	Not Verified	No impacts identified in the EOP report, however, this performance criteria has not been specifically addressed in the report.	Recommendation: WCL to confirm that no impacts to the SCA and Metropolitan Special Area have occurred due to mining in N2. Future end of panel reports should specifically address this criteria.
	Land Cliffs Performance Measures: <ul style="list-style-type: none"> Negligible environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing, that in total do not impact more than 0.5% of the total face area of such cliffs within the longwall mining area). 	Compliant	Section 4 of Appendix A of the LW N2 EOP Report notes: "the subsidence observed above LW N2 is considered to be consistent with the predictions made in the EP/SMP and Part 3A application." The report also notes: "at these low levels of ground movement, there is considered to be no potential for significant impacts on power lines, access roads, or any natural features including cliffs and steep slopes in the vicinity of LW N2."	
	Biodiversity Threatened species, threatened populations, or endangered ecological communities. Performance Measures: <ul style="list-style-type: none"> Negligible environmental consequences. 	Compliant	Section 4.4.3 of the LW N2 EOP Report notes "Based on the monitoring undertaken to date, there are no observable impacts on terrestrial species and populations as a result of mining LW N2."	
	Heritage Features Aboriginal heritage sites. Performance Measures: <ul style="list-style-type: none"> Negligible impact or environmental consequences 	Compliant	There were no Aboriginal archaeological sites within the Extraction area.	
	Heritage Features: Non-Aboriginal heritage sites (including Historic 1, Historic 2 and Historic 3. Performance Measures: <ul style="list-style-type: none"> Negligible loss of heritage value. 	Compliant	Appendix B of the LW N2 EOP Report includes a heritage report completed by Biosis which concludes within Section 4 of the report: "observed impacts are within prediction and that significant impacts to heritage values have not resulted from the extraction of LW N2."	
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 Act or 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: (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; (b) consider all reasonable and feasible options for remediation and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and (c) implement remediation measures as directed by the Secretary to the satisfaction of the Secretary	Not triggered.	The LW N2 EOP Report states: "The observed consequences did not exceed any of the triggers in the relevant Trigger Action Response Plans. As such, no additional management or mitigation measures are required for the Longwall N2."	

Condition Number				
Offsets				
3	<p>If the Proponent exceeds the performance measures in Table 1 and the Secretary determines that:</p> <p>(a) it is not reasonable or feasible to remediate the impact or environmental consequence; or</p> <p>(b) remediation measures implemented by the Proponent have failed to satisfactorily remediate the impact or environmental consequence; then the Proponent shall provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Secretary.</p>	Not triggered.	No exceedances occurred in the audit period.	
4	<p>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.</p> <p>Table 2</p> <p>Subsidence Impact Performance Measures</p> <p>Built Features</p> <p>Key public infrastructure: including WaterNSW infrastructure (Avon Dam, Upper Cordeaux No.1 and No.2 dams, water supply pipelines), high pressure gas pipelines, electricity transmission lines, fibre optic networks.</p> <p>Performance Measures:</p> <ul style="list-style-type: none"> Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired. 	Compliant	<p>No impacts identified in the EOP report, however, this performance criteria has not been specifically addressed in the report.</p> <p>No TARPs triggered as a result of mining operations and impacts were reported to be within predictions.</p>	
	<p>Built Features</p> <p>Gas distribution pipelines, electricity distribution lines, roads, fire trails, other public infrastructure, other built features.</p> <p>Performance Measures:</p> <ul style="list-style-type: none"> Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated. 	Compliant	<p>No impacts identified in the EOP report, however, this performance criteria has not been specifically addressed in the report.</p> <p>No TARPs triggered as a result of mining operations and impacts were reported to be within predictions.</p>	
	<p>Public Safety</p> <p>Public Safety.</p> <p>Performance Measures:</p> <ul style="list-style-type: none"> No additional risk. 	Compliant	<p>No impacts identified in the EOP report, however, this performance criteria has not been specifically addressed in the report.</p> <p>No TARPs triggered as a result of mining operations and impacts were reported to be within predictions.</p>	
5	<p>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 DRE. Any decision by the Secretary shall be final and not subject to further dispute resolution under this approval.</p>	Compliant	WCL advised that no disputes have occurred (K. Prajapati pers. com.).	
6	<p>The Proponent may carry out first workings on site, other than in accordance with an approved Extraction Plan, provided that DRE is satisfied that the first workings are designed to remain long-term stable and non-subsiding, except insofar as they may be impacted by approved second workings.</p>	Not Triggered	No requests made in audit period (K. Prajapati pers. com.).	

Condition Number				
Extraction Plan				
7	The Proponent shall prepare and implement an Extraction Plan for and second workings on site, to the satisfaction of the Secretary. The plan must: (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;	Compliant	Extraction plan approval for LW N1 to N6 dated 21/12/12. Check EP for below section. Letter 22/12/11 approving Niche Env and Heritage to prepare the Extraction Plan (letter from David Kitto of DPE).	Draft copies of the full extraction plan including the mgt plans were sent to the following agencies: - 14 Aug 2012 to SCA, Water NSW, NOW, OEH, EPA, DRE
	(b) be approved by the Secretary before the Proponent carries out any of the second workings covered by the plan;	Compliant	Date of commencement was 12 June 2013 (which post-dates the approval of the EP) completion 26 Feb 2014.	
	(c) include detailed plans of existing and proposed first and second workings and any associated surface development;	Compliant	NRE Wongawilli Colliery Nebo Longwalls N1-N6 Extraction Plan (Revision 1) includes plans of existing and proposed workings and surface development within Appendix D.	
	(d) provide revised predictions of the conventional and non-conventional subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this approval;	Compliant	NRE Wongawilli Colliery Nebo Longwalls N1-N6 Extraction Plan (Revision 1) includes subsidence predictions within Section 3.	
	(e) include detailed performance indicators for each of the performance measures in Tables 1 and 2;	Compliant	NRE Wongawilli Colliery Nebo Longwalls N1-N6 Extraction Plan (Revision 1) includes performance indicators within Section 3.	
	(f) describe the measures that would be implemented to: <ul style="list-style-type: none"> ensure compliance with the performance measures in Tables 1 and 2; and manage or remediate subsidence impacts and/or environmental consequences; 	Compliant	NRE Wongawilli Colliery Nebo Longwalls N1-N6 Extraction Plan (Revision 1) includes monitoring and management requirements to address the requirements of Condition 7(h) and 7(i). A contingency plan and potential remediation measures are also included within Section 12 of the Extraction Plan.	
	(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;	Compliant	A contingency plan and potential remediation measures are also included within Section 12 of the Extraction Plan.	
	(h) include the following to the satisfaction of DRE: <ul style="list-style-type: none"> a subsidence monitoring program to: <ul style="list-style-type: none"> provide data to assist with the management of the risks associated with subsidence; validate the subsidence predictions; monitor the integrity of the overlying strata, particularly the Cordeaux Crinanite; analyse the relationship between the predicted and resulting subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and inform the contingency plan and adaptive management process; 	Compliant	Confirmed by DRE in letter dated 4/12/12 from Brad Mullard Exec. Director DRE. Subsidence monitoring program is included within Section 4 of the Extraction Plan.	
	<ul style="list-style-type: none"> a coal resource recovery plan that demonstrates effective recovery of the available resource; 	Compliant	Resource recovery and mine plan information is included within Section 2 of the Extraction Plan.	
	<ul style="list-style-type: none"> a Built Features Management Plan, which has been prepared in consultation with the owners of such features, to manage the potential impacts and consequences of subsidence on any built features; 	Compliant	Built Features Management Plan is included within Section 5 of the Extraction Plan.	
	<ul style="list-style-type: none"> a Public Safety Management Plan to ensure public safety in the mining area; and 	Compliant	Refer to Section 6 of the Extraction Plan.	
	<ul style="list-style-type: none"> appropriate revisions to the Rehabilitation Management Plan required under condition 26 of schedule 4; and 	Compliant	Table 1.1 of the Extraction Plan notes that this condition is not applicable.	

Condition Number				
	<p>(i) include a:</p> <p>Water Management Plan, which has been prepared in consultation with EPA, WaterNSW and DPI Water, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on watercourses and aquifers, including:</p> <ul style="list-style-type: none"> o surface and groundwater impact assessment criteria based on at least 2 years of baseline data, including trigger levels for investigating any potentially adverse impacts on water resources or water quality; o a program to monitor and report groundwater inflows to underground workings; and o a program to predict, manage and monitor impacts on any groundwater bores on privately-owned land; 	Compliant	<p>Draft copies of the full extraction plan including the mgt plans were sent to the following agencies:</p> <p>14 Aug 2012 to SCA, Water NSW, NOW, OEH, EPA, DRE.</p> <p>A water management plan is included within Section 7 of the Extraction Plan.</p>	
	<ul style="list-style-type: none"> • Biodiversity Management Plan, which has been prepared in consultation with OEH and DRE, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species, populations and their habitats; endangered ecological communities, and water dependent ecosystems; 	Compliant	<p>Sighted NRE Wongawilli Colliery Biodiversity Management Plan. Management included as Section 8 of the Extraction Plan.</p> <p>BMP does not specifically address Water Dependent Ecosystems (GDE) but it does address upland swamps would be a GDE.</p> <p>Section 1.4 describes that the BMP was distributed to OEH and DRE but no further details are provided regarding consultation process or whether any agency comments were required to be addressed.</p> <p>Draft copies of the EP were sent to OEH and DRE on 14 Aug 2012.</p>	
	<ul style="list-style-type: none"> • Land Management Plan, which has been prepared in consultation with any affected public authorities, to manage the potential impacts and/or environmental consequences of the proposed second workings on land in general, with a specific focus on cliffs and steep slopes; and 	Compliant	<p>A Land Management Plan (LMP) is included as Section 9 of the Extraction Plan. The LMP identifies potential impacts on rock outcrops and steep slopes as a result of mining. There are no cliffs in the extraction area.</p>	
	<ul style="list-style-type: none"> • Heritage Management Plan, to manage the potential environmental consequences of the proposed second workings on both Aboriginal and non-Aboriginal heritage sites or values; and 	Compliant	<p>A Heritage Management Plan is included within Section 10. Historical heritage sites and management measures are included and there are no Aboriginal archaeological sites within the extraction area.</p>	
	(j) include a program to collect sufficient baseline data for future Extraction Plans.	Compliant	<p>The program of monitoring required to be undertaken for future baseline monitoring is included in Section 11 of the Extraction Plan.</p>	
8	<p>The Proponent shall ensure that the management plans required under condition 7(i) above include:</p> <p>(a) an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this approval; and</p> <p>(b) a detailed description of the measures that would be implemented to remediate predicted impacts.</p>	Compliant	<p>Potential impacts associated with mining of LW N2 were included within the respective management plans as were the management measures to be implemented to manage these impacts.</p>	
Payment of Reasonable Costs				
9	<p>The Proponent shall pay all reasonable costs incurred by the Department to engage suitably qualified, experienced and independent experts to review the adequacy of any aspect of an Extraction Plan.</p>	Not Triggered	<p>WCL advised that no cost payments have been requested (K. Prajapati pers. com.).</p>	

Condition Number				
Schedule 4				
Noise Criteria				
1	The Proponent shall ensure that the noise generated by the project (including train loading and shunting within the yard but excluding train movements on the Wongawilli rail spur) 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.	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring is required by the Project Approval LW ceased in Feb 2014 with some limited first workings in 2015 so no mining for much of the rest of the audit period. No monitoring being undertaken however there was a noise audit completed in 2013.	WCL advised that with mining recommencing in 2016/17 FY, it is intended to undertake quarterly monitoring however this was not in place at the time of the site audit. Real-time noise monitor was installed in Dec 2015 but not used for compliance assessment.
	Table 3 - Noise Criteria dB(A) – Intrusive Noise Limits – Existing Residences Receiver Area RA1 Day 43 LAeq(15min) Evening 43 LAeq(15min) Night 43 LAeq(15min), 59 LA1(1min)	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring required by consent. Unable to confirm compliance with condition.	
	Receiver Area RA2 Day 44 LAeq(15min) Evening 43 LAeq(15min) Night 43 LAeq(15min), 60 LA1(1min)	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring required by consent. Unable to confirm compliance with condition.	
	Receiver Area RA3 Day 40 LAeq(15min) Evening 40 LAeq(15min) Night 38 LAeq(15min), 48 LA1(1min)	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring required by consent. Unable to confirm compliance with condition.	
	All other existing residential receivers Day 40 LAeq(15min) Evening 40 LAeq(15min) Night 38 LAeq(15min), 48 LA1(1min)	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring required by consent. Unable to confirm compliance with condition.	
	Table 4 - Noise Criteria dB(A) – Amenity Noise Limits – All Residences All privately-owned land Day 60 LAeq(11 hour) Evening 50 LAeq (4 hour) Night 45 LAeq (9 hour)	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring required by consent. Unable to confirm compliance with condition.	
Noise Goals				
2	The Proponent shall make continual endeavours to reduce the noise generated by the project, with the objective being that noise generated by the project (including train loading and shunting within the yard but excluding train movements on the Wongawilli rail spur) does not exceed the criteria in Table 5 at any existing residence on privately-owned land or on more than 25 percent of any privately-owned land.	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring required by consent. Unable to confirm compliance with condition.	
	Table 5 - Noise Criteria dB(A) – Intrusive Noise Goals – Existing Residences Receiver Area RA1 Day 40 LAeq(15min) Evening 40 LAeq(15min) Night 38 LAeq(15min), 51 LA1(1min)	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring required by consent. Unable to confirm compliance with condition.	
	Receiver Area R2 Day 40 LAeq(15min)	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring required by consent. Unable to confirm compliance with condition.	

Condition Number				
	Evening 40 LAeq(15min) Night 38 LAeq(15min), 51 LA1(1min)			
	Receiver Area R3 Day 40 LAeq(15min) Evening 40 LAeq(15min) Night 38 LAeq(15min), 48 LA1(1min)	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring required by consent. Unable to confirm compliance with condition.	
	All other existing residential receivers Day 40 LAeq(15min) Evening 40 LAeq(15min) Night 38 LAeq(15min), 48 LA1(1min)	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring required by consent. Unable to confirm compliance with condition.	
Rail Noise				
3	The Proponent shall ensure that the noise generated by railway activities on the Wongawilli rail spur outside of the yard limits (excluding any train shunting or when loading is taking place) does not exceed the criteria in Table 6 at any existing residence on privately-owned land.	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring required by consent. Unable to confirm compliance with condition.	
	Table 6 Noise Criteria dB(A) – Rail Noise Limits – Existing Residences All existing residential receivers Day 65 LAeq (period) Night 60 LAeq (period)	Non- compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No noise monitoring undertaken during the audit period. Noise monitoring required by consent. Unable to confirm compliance with condition.	
4	By the end of July 2013, or other timing as may be agreed by the Secretary, the Proponent shall use its best endeavours to ensure that its rail spur is only accessed by: (a) locomotives that are approved to operate on the NSW rail network in accordance with noise limits L6.1 to L6.4 in RailCorp's EPL (No. 12208); and (b) trains comprising no less than 30 wagons.	Administrative non-compliance	Letter to DPE from WCL dated 12 Dec 2013 regarding this issue. Identifies that Pacific National has been unwilling to increase train length but that new contract is proposed and will seek to address this issue. No evidence could be provided that the Secretary of DPE is satisfied that WCL has used its best endeavours to meet this condition. Confirmation of DPE satisfaction is required to demonstrate compliance.	
5	The Proponent shall restrict train speeds on the Wongawilli rail spur to a maximum of 20 km/h.	Compliant	Sighted Pacific National Load Point Capability Statement (May 2012) - says the main line points to load point has a 20km/hour limit.	
Operating Conditions				
6	The Proponent shall: (a) implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the operational, road traffic and rail noise generated by the project; and	Non-compliant	Sighted Wongawilli Colliery Noise Management Plan (WWC EC PLN 007) Version 3.1 which has been submitted to DPE for approval but has not yet been approved by DPE. Section 4.2 and Table 4.5 of the management plan provides an update on the status of the actions from the noise audit with the effectiveness of the noise management measures and noise performance to be measured by WCL by 31 December 2016.	
	(b) regularly assess the results of noise monitoring to ensure compliance with the relevant conditions of this approval, to the satisfaction of the Secretary.	Non-compliant	Noise monitoring has not been undertaken during the audit period.	

Condition Number				
Noise Audit				
7	The Proponent shall prepare and implement a Noise Audit for the project to the satisfaction of the Secretary. The audit must: (a) be prepared by a suitably qualified and experienced expert, whose appointment has been approved by the Secretary;	Non-compliant	Sighted Noise Audit Report for Wongawilli Colliery (Wilkinson Murray, Dec 2013). Letter dated 2 April 2012 seeking approval from WM to undertake the audit. No evidence of approval sighted but DPE subsequently approved the audit. Sighted Wongawilli Colliery Noise Management Plan (WWC EC PLN 007) Version 3.1 which has been submitted to DPE for approval but has not yet been approved by DPE. Section 4.2 and Table 4.5 of the management plan provides an update on the status of the actions from the noise audit with the effectiveness of the noise management measures and noise performance to be measured by WCL by 31 December 2016. At the time of the audit operations were recommencing and not all actions from the noise audit had been closed out.	
	(b) be prepared in consultation with EPA, and be submitted to the Secretary for approval by the end of June 2013;	Administrative non-compliance	Submitted late (Dec 2013) and received a penalty infringement notice for this. Pg 1 of the Audit report confirms that EPA reviewed the draft audit report and that the EPA comments were addressed. Letter from the EPA regarding comments on draft noise audit (Dated 20/9/13) Letter from EPA approving of the final noise audit 6/1/14. DPE approval of noise audit in letter dated 22/1/14. Administrative non-compliance due to late submission of the audit.	DPE approval letter requested an updated noise mgt plan by April 2014. Not done by this time but was submitted at a later date (March 2016) – revised plan not yet approved.
	(c) undertake improved background noise monitoring;	Compliant	Updated background noise monitoring measurements undertaken as part of audit report – refer to Item 1.	
	(d) investigate and evaluate: <ul style="list-style-type: none"> all reasonable and feasible measures to mitigate operational noise levels to comply with the noise goals in Table 5; and all reasonable and feasible measures to mitigate rail noise associated with the project (eg locomotive use, use of longer trains and 3-pack wagons, track works); 	Compliant	Refer to Item 3 of the Audit Report	
	(e) review the feasibility of reducing the maximum train movements, particularly at night (see condition 6 of schedule 2), based on the minimum train length required under condition 4 above; and	Compliant	Refer to Item 3 of the Audit Report	
	(f) include an action plan to implement the audit recommendations and a protocol for monitoring the effectiveness of these measures	Compliant	Refer to Item 4 of the Audit Report	
Noise Management Plan				
8	The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with EPA and Council, and submitted to the Secretary for approval within 6 months of this approval;	Administrative non-compliance	Sighted Noise Management Plan for Wongawilli Colliery, date of print May 2013. Document control table in front of doc describes that Revision 2 has been completed incorporating DPE feedback in 2013. Consultation described in Section 2.4. Sighted email from DPE on 20 May 2013 which states: “the revised Noise MP and it appears adequate in addressing some of the concerns as outlined in the Department letter of the 19 April 2013, in particular the plan now addresses condition 8 (d) and has been updated to reflect agency name changes.” This email although not explicit, infers the management plan was approved. No evidence was provided that the noise management plan was	The noise management plan was required by 13 April 2012 but was not submitted on time. Letter from 9/5/12 requiring the management plan to be submitted by 11 May 2012. DPE approval letter requested an updated noise mgt plan by April 2014. Not done by this time but was submitted at a later date (March 2016) – revised plan not yet approved. Recommendation: Gain approval and then implement the updated Noise Management Plan from DPE.

Condition Number				
			<p>approved with a letter from DPE dated 19/4/13 requiring that a final noise mgt plan be submitted within 3 months of the completion of the audit. No evidence was provided that this was completed, however, it is noted that a letter from WM (noise audit consultant) to DPE on 17/4/14 noted difficulty undertaking noise monitoring for the audit without the mine in full operations and suggesting a later timeframe for update of the management plan.</p> <p>However, there is a letter from DPE dated 18/12/14 granting approval for plans to not be updated until 31/12/16 as the site is on care and maintenance. This was contingent on the site not being in operations and operations had recommenced at the time of the site audit.</p> <p>An updated noise management plan has now been submitted to DPE but was not approved at the time of the audit. Administrative non-compliance due to late submission of the plan.</p>	
	(b) describe the noise mitigation measures that would be implemented to ensure compliance with the relevant conditions of this approval;	Administrative non-compliance	Described in Section 6.1.2 of the NMP dated May 2013 (not approved). Administrative non-compliance due to late submission of the plan.	
	(c) include a protocol for continual improvement of noise performance, and reporting progress in meeting the noise goals in Table 5;	Administrative non-compliance	On the basis of the results of the noise audit proposed as part of Condition 7 Schedule 4, the operation would potentially implement future mitigation measures in accordance with Section 6.1.3 of the management plan. Administrative non-compliance due to late submission of the plan.	
	(d) include a protocol for notifying residents of advertised campaigns (see condition 6 of schedule 2); and	Administrative non-compliance	Described in Section 6.1.1 of the NMP dated May 2013 (not approved). Administrative non-compliance due to late submission of the plan.	
	(e) include a noise monitoring program that: <ul style="list-style-type: none"> uses a combination of attended and unattended monitoring to evaluate the performance of the project; and includes a protocol for determining exceedances of the relevant conditions of this approval. 	Administrative non-compliance	NMP dated May 2013 (not approved) - Section 5.0 refers to a future process of developing a noise monitoring program for the site. Administrative non-compliance due to late submission of the plan.	
Air quality & Greenhouse Gas				
Odour				
9	The Proponent shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act, unless otherwise authorised by an EPL.	Compliant	<p>None noted during site inspection.</p> <p>No community complaints about odour.</p>	
Greenhouse Gas Emissions				
10	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.	Administrative non-compliance	<p>SMEC did an energy and GHG assessment for the site 24 Dec 2014. Reviewed current practice and identified a range of options for consideration for implementation. No evidence of action on these options. It is noted that the site was in care and maintenance for much of the audit period.</p> <p>No substantive discussion of GHG in the Annual Review.</p> <p>No evidence of satisfaction of the Secretary was provided with the measures being implemented and as they are not discussed in any substantive way in the Annual Review, there is no evidence that information of the actions being undertaken have been advised to the secretary.</p> <p>Although the satisfaction of the Secretary cannot be demonstrated, due to the site being in care and maintenance, the opportunity for implementing further mitigation measures is reduced.</p>	Recommendation: 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.

Condition Number				
Air Quality Criteria				
11	The Proponent shall implement all reasonable and feasible mitigation measures to ensure that the particulate emissions generated by the project do not exceed the criteria listed in Tables 7, 8 and 9 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.	Non-compliant	Reasonable and feasible measures identified in the Air Quality and Greenhouse Gas Management Plan (refer to Condition 14 Schedule 3). However, compliance with this condition cannot be confirmed. Based on review of the 2013-2014 and 2014-2015 Annual Reviews, not all air quality monitoring requirements from this consent were undertaken during the term of the audit. Monitoring for deposited dust undertaken with TSP monitoring undertaken but not for the entire audit period with no PM 10 monitoring conducted. The TSP results were not reported in the AEMR and are not available on the WCL website. Real-time dust monitors installed in Dec 2015 but no results prior to that time. Mining was undertaken during the audit period without appropriate monitoring systems being in place.	Monitoring of deposited dust is undertaken and is reported in the Annual Review. Sighted HVAS TSP results for the period March – September 2013, October 2013 – December 2013, January 2014 – April 2014, September 2014 – April 2015. WCL advised that the monitor was operational for the full audit period, however, these full results were not available at the time of the audit and were not provided in a manner that facilitated a ready review of compliance. Real-time monitor installed in December in 2015 and is now being used for compliance assessment. Sighted quarterly report for Jan to March – only operated 30% of the time (no mining activity). Was compliant for period of operation. Recommendation: Gain approval and then implement the updated AQMP Management Plan from DPE.
	Table 7-Long Term Criteria for Particulate Matter Total Suspended Particulate (TSP) matter Averaging period – Annual Criterion 90 ug/m3 (a) and (d).	Non-compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. TSP Monitoring has been undertaken periodically during the audit period. Sighted HVAS TSP results during the audit period however TSP results were not available for the entire audit period. Real-time dust monitors installed in Dec 2015 but no results prior to that time. Mining was undertaken during the audit period and therefore this is assessed as non-compliant due to no monitoring being available during operations.	
	Particulate Matter <10 um (PM10) Averaging period – Annual Criterion 30 ug/m3 (a) and (d).	Non-compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No PM10 monitoring results reported. Real-time dust monitors installed in Dec 2015 with monitoring results not obtained for the entire audit period prior to that time. Mining was undertaken during the audit period and therefore this is assessed as non-compliant due to no monitoring being available during operations.	
	Table 8- Short Term Criterion for Particulate Matter Particulate Matter <10um (PM10) Averaging period – 24 hour. Criterion 50 ug/m3 (a) and (d).	Non-compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. No PM10 monitoring results reported. Real-time dust monitors installed in Dec 2015 with monitoring results not obtained for the entire audit period prior to that time. Mining was undertaken during the audit period and therefore this is assessed as non-compliant due to no monitoring being available during operations.	
	Table 9-Long Term Criteria for Deposited Dust Deposited Dust Averaging period – Annual Maximum increase in deposited dust level 2g/m2/month Maximum total deposited dust level 4g/m2/month	Compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews and WCL website which includes copies of the depositional dust monitoring results.	
Air Quality Acquisition Criteria				
12	If the particulate matter emissions generated by the project exceed the criteria in Tables 10, 11, and 12 on a systematic basis at any residence on privately-owned land, or on more than 25 percent of any privately owned land, then upon receiving a written request for acquisition from the landowner the Proponent shall acquire the land in accordance with the procedures in conditions 4-5 of	Non-compliant	Depositional dust results compliant during the audit period. PM10 and TSP monitoring undertaken periodically during the audit period. WCL advised that the monitor was operational for the full audit period, however, these full results were not available at the time of the audit and were not provided in a manner that facilitated a ready review of	

Condition Number				
	schedule 5.		compliance. Monitoring undertaken since the real-time monitor was installed in December 2015 has been compliant with required air quality criteria. Non-compliant as monitoring for TSP / PM10 has not been undertaken throughout the duration of the audit period.	
	Table 10-Long Term Acquisition Criteria for Particulate Matter Total Suspended Particulate (TSP) Matter Averaging Period – Annual Criterion 90 ug/m3 (a) and (d)	Non-compliant	TSP monitoring undertaken periodically during the audit period (see comments above).. Monitoring undertaken since this time has been compliant with required air quality criteria. Non-compliant as monitoring for TSP has not been undertaken throughout the duration of the audit period.	
	Particulate Matter <10 um (PM10) Averaging Period – Annual Criterion 30 ug/m3 (a) and (d)	Non-compliant	PM10 monitoring did not commence until December 2015. Monitoring undertaken since this time has been compliant with required air quality criteria. Non-compliant as monitoring for PM10 has not been undertaken throughout the duration of the audit period.	
	Table 11-Short Term Acquisition Criteria for Particulate Matter Particulate Matter <10um (PM10) Averaging Period – 24 hour Criterion 150 ug/m3 (a) and (d)	Non-compliant	PM10 monitoring did not commence until December 2015. Monitoring undertaken since this time has been compliant with required air quality criteria. Non-compliant as monitoring for PM10 has not been undertaken throughout the duration of the audit period.	
	Particulate Matter <10 um (PM10) Averaging Period – 24 hour Criterion 50 ug/m3 (b) and (d)	Non-compliant	PM10 monitoring did not commence until December 2015. Monitoring undertaken since this time has been compliant with required air quality criteria. Non-compliant as monitoring for PM10 has not been undertaken throughout the duration of the audit period.	
	Table 12-Long Term Acquisition Criteria for Deposited Dust Deposited Dust (c) Averaging Period – Annual. Maximum increase in deposited dust level 2g/m2/month (b) Maximum total deposited dust level 4g/m2/month (a)	Compliant	Sighted 2013-2014 and 2014-2015 Annual Reviews. Depositional dust monitoring compliant during the audit term. Sighted 2013-2014 and 2014-2015 Annual Reviews and WCL website which includes copies of the depositional dust monitoring results.	
Operating Conditions				
13	The Proponent shall: (a) implement best practice air quality management, including all reasonable and feasible measures to minimise off-site odour, fume and dust emissions generated by the project, including from any spontaneous combustion on site, to the satisfaction of the Secretary.	Compliant	There have been no spontaneous combustion events noted at the site. There have also been no odour complaints during the audit period (K. Prajapati pers.com.). Stockpile sprays (automatic) operating at the site and water cart operating. Real-time monitoring system in place and daily forecast of dust risk provided for the site. Real-time system installed in Dec 2015. The dust controls viewed on site were effective for the current operations noting that limited operations are currently occurring. It is noted that train loading is intended to be undertaken directly from the ROM bin into trains which will reduce the need to rehandle coal at the train loading area, reducing the potential for dust generation. It is noted that the satisfaction of the Secretary has not been demonstrated, however, in the auditors opinion the controls in place (assuming operated effectively) appear reasonable.	WCL needs to resolve system for implementation of dust management measures (e.g. real-time system, risk alerts etc) with new contractor at Wongawilli. Dust risk email goes to control room at WW and to logistics manager in addition to enviro staff. WCL advised the control room is manned by contractor personnel. Recommendation: resolve system for implementation of dust management measures (e.g. real-time system) with new contractor at Wongawilli.
	(b) minimise any visible air pollution generated by the project; and	Compliant	There was no visible air pollution observed during the site inspection	

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	to the satisfaction of the Secretary.		undertaken as part of the audit. There were two complaints received during the audit period regarding dust generation however there have been no complaints received regarding Wongawilli Colliery operations since February 2014. It is noted that the satisfaction of the Secretary has not been demonstrated, however, in the auditors opinion the controls in place (assuming operated effectively) appear reasonable.	
	(c) regularly assess the real-time air quality monitoring and meteorological forecasting data, and relocate, modify and/or suspend operations to ensure compliance with the relevant conditions of this approval; to the satisfaction of the Secretary.	Non-compliant	Appropriate systems are now in place but were not in place for the majority of the audit period. Real-time monitors were installed in Dec 2015.	
Air Quality & Greenhouse Gas Management Plan				
14	The Proponent shall prepare and implement a detailed Air Quality & Greenhouse Gas Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with OEH, and submitted to the Secretary for approval within 6 months of this approval;	Administrative non-compliance	Sighted Air Quality and GHG Management Plan (AQGHGMP) for Wongawilli Colliery, date of print September 2013. AQGHGMP sighted has not been updated post MOD1. Document control table in front of doc describes that Revision 4 has been completed incorporating both DP&E and EPA feedback in 2013. Consultation described in Section 1.3. Approved in letter dated 29/8/13. Administrative non-compliance due to not being submitted within required timeframe.	The Air Quality and Greenhouse Gas Management Plan was required by 13 April 2012 but was not submitted on time. Letter from 9/5/12 requiring the management plan to be submitted by 11 May 2012.
	(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;	Administrative non-compliance	Described in Section 6.1 and Attachment B. Management plan states that a real-time monitor will be installed in the future, but does not provide any detail about where or how it will be used to ensure compliance. It is understood that this has been updated in the revised version of the management plan however this had not been approved by DPE at the time of the audit. Real time air quality monitoring commenced during December 2015. Sighted email alerts to WCL which identify if the real time system is approaching performance criteria.	
	(c) describe the measures that would be implemented to minimise the greenhouse gas emissions from the site; and	Compliant	Measures to minimise GHG emissions are included in Appendix B of the plan.	
	(d) include an air quality monitoring program that: <ul style="list-style-type: none"> uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the project; and includes a protocol for determining exceedances with the relevant conditions of this approval. 	Administrative non-compliance	Real time monitoring noted as being required to be installed but is not included within the Air Quality monitoring sites detailed in Table 5.2 of the AQGHG MP. It is understood that this has been updated in the revised version of the management plan however this had not been approved by DPE at the time of the audit. TARP for air quality monitoring exceedances detailed in Attachment C. Contingency plan Section 6.3. Incidents and non-conformances Section 7.0.	
Meteorological Monitoring				
15	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: (a) complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and (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.	Compliant	Met Station installed on site in Dec 2015. No met station before that however extensions were granted by DPE to 30 June 2016.	

Condition Number				
Soil and Water				
Water Licences				
16	The Proponent shall ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the Secretary.	Compliant	Groundwater Licence 10BL602990 sighted WAL 36487 and WAL 36488 held by the operation. The site has been in care and maintenance for most of the audit period and has had sufficient water available for operational needs.	
Baseflow Offsets				
17	The Proponent shall offset the loss of any baseflow to watercourses caused by the project to the satisfaction of the Secretary. This condition does not apply if the Secretary subsequently determines that the loss of baseflow is negligible.	Not Triggered	Review of the EOP report for LW N2 indicated not observable impacts on water systems. On this basis, this condition has not been triggered for the audit period.	
Compensatory Water Supply				
18	The Proponent shall provide a compensatory water supply to any landowner of privately-owned land whose water entitlements are adversely impacted (other than an impact that is negligible) as a result of the project, in consultation with DPI Water, and to the satisfaction of the Secretary. The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the project. Equivalent water supply must be provided (at least on an interim basis) within 24 hours of the loss being identified. If the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution. If the Proponent is unable to provide an alternative long-term supply of water, then the Proponent shall provide alternative compensation to the satisfaction of the Secretary.	Not Triggered	No registered private bores are located within the Nebo area as it is within a restricted access water catchment area administered by the SCA (Wongawilli Colliery Nebo Area, Longwall N2 Groundwater & Surface Water End Of Panel Report, GeoTerra, 2014). No adverse impacts on privately owned water supplies have been identified.	
Surface Water Discharges				
19	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	LDP2 results for first half 2016 show exceedance of limits for pH in January and TSS in March. Past three annual returns (2013, 2014, 2015) have shown zero non-compliances	
Surface Water Management Plan				
20	The Proponent shall prepare and implement a Surface Water Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with DPI Water, EPA and Council, and be submitted to the Secretary for approval within 6 months of this approval, or as otherwise agreed with the Secretary; (b) include a comprehensive water balance for the project, that includes details of: <ul style="list-style-type: none"> sources of water supply and water make; water use; and water discharges; and (c) management plans for the surface facilities sites, that include: <ul style="list-style-type: none"> a detailed description of water management systems for each site, including: <ul style="list-style-type: none"> clean water diversion systems; 	Administrative Non-compliance	Surface Water Management Plan dated 29 August 2013 sighted. All required information included. Approved by DPE in letter dated 25/9/13. Administrative non-compliance due to not meeting the required lodgement date.	

Condition Number				
	<ul style="list-style-type: none"> ○ erosion and sediment controls; and ○ any water storages; • measures to minimise potable water use and to reuse and recycle water; • measures to comply with surface water discharge limits; • measures to manage sewage wastewater in accordance with Council requirements; and • monitoring and reporting procedures. 			
Heritage				
Heritage Management Plan				
21	<p>The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with OEH, the Aboriginal community, Council and any local historical organisations, and be submitted to the Secretary for approval within 6 months of this approval, or as otherwise agreed with the Secretary;</p>	Administrative non-compliance	<p>Sighted Heritage Management Plan for Wongawilli Colliery (NREW EMS MP 008) Printed 30/08/2013</p> <p>Consultation details outlined in Section 2.4. Section 2.4 describes consultation with OEH, Wollongong Council and Aboriginal Community.</p> <p>No evidence of any consultation with local historical organisations. Letter from DPE approving the plan dated 25/9/13. This was not within 6 months of the approval.</p>	Approved management plan now in place.
	<p>(b) include the following program/procedures for managing Aboriginal heritage management within the project area:</p> <ul style="list-style-type: none"> • conserving, managing and monitoring Aboriginal sites and potential archaeological deposits within the project disturbance area; • conserving, managing, and monitoring Aboriginal sites outside the project disturbance area; • managing the discovery of any new Aboriginal objects or skeletal remains during the project; • maintaining and managing access to archaeological sites by the Aboriginal community; and • ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage within the project area; and 	Compliant	<p>Subsidence related impacts to Aboriginal sites are managed under a separate management plan as part of the Extraction Plan for the operations.</p> <p>Sighted Environment, Subsidence and Safety Management Plan for LWs 11, 12, 15, 16, 19 and PE1 (LW11-20 SMP) and the Nebo LW1-6 Extraction Plan.</p> <p>Management techniques proposed in this HMP and Extraction Plans generally cover the requirements of this consent condition. Refer to Section 3.2.1 of the HMP, and various Aboriginal Heritage Management techniques described in Extraction Plans.</p>	
	<p>(c) include the following for managing other historic heritage on site:</p> <ul style="list-style-type: none"> • a conservation management plan for the Wongawilli Colliery, that balances heritage management with the operational, safety, and rehabilitation requirements of the mine; and • a program/procedures for: <ul style="list-style-type: none"> ○ photographic and archival recording of potentially affected heritage items; ○ protection and monitoring of heritage items outside the project disturbance area; and ○ additional archaeological excavation and/or recording of any significant heritage items requiring demolition 	Administrative non-compliance	<p>Management techniques to be utilised for each Heritage Item are listed in Attachment B.</p> <p>Photographic and recording process for heritage items pre demolition is described in Section 3.2.2, and further discussed in Table B2.</p> <p>Heritage items in subsidence affected areas are also managed in accordance with the Extraction plan requirements.</p> <p>Specific measures to protect and monitor heritage items outside the project disturbance area have not been addressed within the plan.</p>	Recommendation: update heritage management plan to include measures to protect and monitor heritage items outside the project disturbance area.

Condition Number				
Monitoring of Coal Transport				
22	<p>The Proponent shall:</p> <p>(a) keep accurate records of the:</p> <ul style="list-style-type: none"> amount of coal transported from the site (on a monthly basis); date and time of each train movement to and from the site; and <p>(b) make these records publicly available on its website at the end of each calendar year.</p>	Administrative non-compliance	<p>Monthly train movement summaries only available for March to June 2014 are available on the Wongawilli website. Only March monthly summary contains actual data. April, May and June are blank.</p> <p>Train movements also occurred in April 2015 but are not reported on the WCL website.</p>	Recommendation: WCL to update the train movement data on the website to provide a full record including during which periods no movements occur.
Visual				
Visual Amenity and lighting				
23	<p>The Proponent shall:</p> <p>(a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the project;</p> <p>(b) ensure no unshielded outdoor lights shine above the horizontal; and</p> <p>(c) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting,</p> <p>to the satisfaction of the Secretary.</p>	Non-compliant	<p>SMEC report on lighting dated 24 Dec 2014. Found that the vertical illuminous requirements of AS4282 were satisfied but recommended that some of the 100W or above external lights be reorientated to achieve compliance.</p> <p>WCL advised that not all of the required works were completed.</p> <p>Nothing to evidence satisfaction of Secretary.</p>	Recommendation: WCL to implement the outcomes of the SMEC lighting report.
Waste				
24	<p>The Proponent shall:</p> <p>(a) minimise and monitor the waste generated by the project;</p> <p>(b) ensure that the waste generated by the project is appropriately stored, handled and disposed of;</p> <p>(c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and</p> <p>(d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.</p>	Compliant	<p>Waste volumes and disposal is reported in Annual Reviews for the audit term.</p> <p>Same management processes in place as for Russell Vale Mine.</p> <p>Sighted Remondis report for July 15 to June 16.</p> <p>WW has pumpout septic – viola take it away. Sighted pump-out sheet for 2013/14.</p> <p>Waste oil by Nation Wide Oil. Sighted email dated 22/9/14 for waste oil collection record.</p>	
Bushfire				
25	<p>The Proponent shall:</p> <p>(a) ensure that the project is suitably equipped to respond to fires on site; and</p> <p>(b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the site.</p>	Compliant	<p>Bushfire mgt plan for WW. May 2014. Prepared by Cardno.</p> <p>Local RFS fire station is based adjacent to WW site. Same process in place for RV.</p> <p>Sighted DRE Audit of ML conditions which included a review of the Bushfire Management Plan – Wongawilli Colliery (NA82013041-1/Report 001 Version 1) May 2014 which noted that the site was considered compliant in regards to being suitable equipped to respond to fires. The DRE audit also notes the Mining Engineering Manager act as the Emergency Services Coordinator</p>	

Condition Number				
Rehabilitation				
Rehabilitation Objectives				
26	<p>The Proponent shall rehabilitate the site to the satisfaction of the DRE. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EA, and comply with the objectives in Table 13.</p> <p>Table 13-Rehabilitation Objectives Feature – Mine site (as a whole)</p> <p>Objectives</p> <ul style="list-style-type: none"> • Safe, stable & non-polluting. • Final land use compatible with surrounding land uses. <p>Feature – Surface Infrastructure</p> <p>Objectives</p> <ul style="list-style-type: none"> • To be decommissioned and removed, unless the DRE agrees otherwise. <p>Feature – Portals and vent shafts</p> <p>Objectives</p> <ul style="list-style-type: none"> • To be decommissioned and made safe and stable. • Retain habitat for threatened species (eg bats), where practicable <p>Feature – Watercourse of 2nd order or above subject to subsidence impacts</p> <p>Objectives</p> <ul style="list-style-type: none"> • Hydraulically and geomorphologically stable. <p>Feature – Cliffs</p> <p>Objectives</p> <ul style="list-style-type: none"> • No additional risk to public safety compared prior to mining. <p>Feature – Other land affected by the project</p> <p>Objectives</p> <p>Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of:</p> <ul style="list-style-type: none"> • Local native plant species (unless the DRE agrees otherwise); and • A landform consistent with the surrounding environment. <p>Feature – Built features damaged by mining operations</p> <p>Objectives</p> <p>Repair to pre-mining condition or equivalent unless:</p> <ul style="list-style-type: none"> • The owner agrees otherwise; and • The damage is fully restored, repaired or compensated under the Mine Subsidence Compensation Act 1961. <p>Feature – Community</p> <p>Objectives</p> <ul style="list-style-type: none"> • Ensure public safety. <p>Minimise the adverse socioeconomic effects associated with mine closure.</p>	Compliant	<p>ML's held by WCL require the implementation of a MOP. Sighted Wongawilli Colliery Mining Operations Plan (Effective 17/05/2016) which has been developed for ML 1596, ML 1565 and CCL 766. The MOP was prepared in accordance with the NSW Department of Industry Draft Interim MOP Guidelines (V1 dated 15 February 2011) which have been superseded by the DRE ESG 3 Mop Guidelines (DRE, 2013) and therefore the MOP has not been prepared in accordance with the required DRE guidelines.</p> <p>Section 4.1.5 notes that the MOP is to be reviewed at the end of 2016. Limited opportunities occur at the site, however, the need to remove some disused infrastructure at the pit top.</p> <p>DRE has not indicated their dissatisfaction with the progress of rehabilitation.</p>	Recommendation: New MOP to be prepared in accordance with the requirements of ESG3 DRE MOP Guidelines.
Progressive Rehabilitation				
27	<p>The Proponent shall carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance.</p>	Compliant	<p>The area of land available for rehabilitation is limited. It is noted that there are some old infrastructure areas that could be</p>	Note: New MOP to be prepared in accordance with the requirements of ESG3 DRE MOP Guidelines.

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			decommissioned and rehabilitated; and that some rationalisation of laydown / storage areas could occur. However, as these decommissioning works have not been undertaken, these areas are not currently available for rehabilitation.	
Rehabilitation Management Plan				
28	The Proponent shall prepare and implement a Rehabilitation Management Plan for the project, to the satisfaction of the Secretary of DRE. This plan must: (a) be prepared in consultation with the Department, OEH, DPI Water, WaterNSW, Council and the CCC, and be submitted to the DRE for approval within 6 months of this approval, or as otherwise agreed with the Secretary;	Administrative non-compliance	There is no separate Rehabilitation Management Plan and it is understood that the MOP is intended to satisfy this requirement. Sighted Wongawilli Colliery Mining Operations Plan (Effective 17/05/2016) It is unclear in the text of the MOP whether the MOP has been prepared to meet the requirements of this condition of consent for an RMP. Section 1.7 Stakeholder Consultation describes that consultation was undertaken with DRE for the MOP; however no evidence is provided within the MOP regarding consultation with other agencies listed in consent. No evidence provided to confirm that the MOP was submitted within the required timeframe. The MOP does not address all of the specific requirements of this condition with regard to content.	Note: New MOP to be prepared in accordance with the requirements of ESG3 DRE MOP Guidelines.
	(b) be prepared in accordance with any relevant DRE guideline, and be consistent with the rehabilitation objectives in the EA and in Table 13;	Compliant	The MOP has not been prepared in accordance with DRE guidelines ESG 3: MOP Guidelines (DRE, 2013).	
	(c) build, to the maximum extent practicable, on the other management plans required under this approval; and	Compliant	The MOP incorporates the environmental management controls as referenced in other Wongawilli Colliery management plans.	
	(d) address all aspects of rehabilitation and mine closure, including final land use assessment, rehabilitation objectives, domain objectives, completion criteria and rehabilitation monitoring.	Administrative non-compliance	The MOP includes project rehabilitation objectives but does not include domain objectives or completion criteria.	
Schedule 5 Notification of Landowners				
1	As soon as practicable following obtaining monitoring results showing: (a) an exceedance of the relevant criteria in schedule 4, the Proponent shall notify the affected landowner and/or tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the project is complying with the relevant criteria again; or (b) an exceedance of the relevant criteria in conditions 11 or 12 of schedule 4, the Proponent shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).	Not Triggered	No confirmed exceedances of criteria during the audit term.	
Independent Review				
2	If an owner of privately-owned land considers the project to be exceeding the relevant criteria in schedule 4, then he/she may ask the Secretary in writing for an independent review of the impacts of the project on his/her land. If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Proponent shall: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:	Not triggered	WCL advised that no such requests have been made (K. Prajapati pers.com.).	

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	<ul style="list-style-type: none"> consult with the landowner to determine his/her concerns; conduct monitoring to determine whether the project is complying with the relevant criteria in schedule 4; and 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 <p>(b) give the Secretary and landowner a copy of the independent review.</p>			
3	<p>If the independent review determines that the project is complying with the relevant criteria in schedule 4, then the Proponent may discontinue the independent review with the approval of the Secretary.</p> <p>If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 4, and that the project is primarily responsible for this non-compliance, then the Proponent shall:</p> <p>(a) 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; or</p> <p>(b) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Secretary.</p> <p>If the independent review determines that any relevant acquisition criteria in schedule 4 are being exceeded and that the project is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the Proponent shall acquire all or part of the landowner's land in accordance with the procedures in conditions 4-5 below.</p>	Not triggered		
Land Acquisition				
4	<p>Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:</p> <p>(a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the project, having regard to the:</p> <ul style="list-style-type: none"> existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and presence of improvements on the land and/or any approved building or structure which has been physically commenced on the land at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of any additional mitigation measures undertaken by the Proponent on the land; <p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> relocating within the Wollongong local government area, or to any other local government area determined by the Secretary; and obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and <p>(c) reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>If the Proponent and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired within 28 days after the Proponent makes its written offer, then either party may refer the matter to the</p>	Not triggered		

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	<p>Secretary for resolution.</p> <p>Upon receiving such a request, the Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <ul style="list-style-type: none"> consider submissions from both parties; determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above; prepare a detailed report setting out the reasons for any determination; and provide a copy of the report to both parties. <p>Within 14 days of receiving the independent valuer's report, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.</p> <p>However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report disputing the independent valuer's determination, and any other relevant submissions.</p> <p>Within 14 days of this determination, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.</p> <p>If the landowner refuses to accept the Proponent's binding written offer under this condition within 6 months of the offer being made, then the Proponent's obligations to acquire the land shall cease, unless the Secretary determines otherwise</p>			
5	The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 4 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.	Not triggered		
Schedule 6 – Environmental Management				
Environmental Management Strategy				
1	The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy must:	Administrative non-compliance	Environmental Management System Strategic Framework Amendment 1 sighted. EMS approved on 15/7/13 letter from Howard Reed. Strategy is now approved but was submitted late.	
	(a) be submitted to the Secretary for approval within 6 months of this approval;			
	(b) provide the strategic framework for environmental management of the project;	Compliant	Outlined in Section 1.3	
	(c) identify the statutory approvals that apply to the project;	Compliant	Outlined in Section 4.1	
	(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;	Compliant	Outlined in Section 5.1	
	(e) describe the procedures that would be implemented to:	Compliant	Outlined in Sections 5.3, 6.4 and 6.5	

Condition Number				
	<ul style="list-style-type: none"> keep the local community and relevant agencies informed about the operation and environmental performance of the project; 			
	<ul style="list-style-type: none"> receive, handle, respond to, and record complaints; 	Compliant	Outlined in Section 6.4	
	<ul style="list-style-type: none"> resolve any disputes that may arise during the course of the project; 	Compliant	Outlined in Sections 5.3 and 6.4	
	<ul style="list-style-type: none"> respond to any non-compliance; 	Compliant	Outlined in Section 6.4.2	
	<ul style="list-style-type: none"> respond to emergencies; and 	Compliant	Outlined in Section 5.6.2	
	(f) include: <ul style="list-style-type: none"> copies of any strategies, plans and programs approved under the conditions of this approval; and 	Administrative-non compliance	EMS does not include copies of strategies and plans. WCL has advised that the newly updated EMS has addressed this requirement however this plan was not approved at the time of the audit.	Observation: it would be appropriate to refer to the various plans as listed on the WCL website instead of reproducing them. The EMS could be updated to reflect this.
	<ul style="list-style-type: none"> a clear plan depicting all the monitoring required to be carried out under the conditions of this approval. 	Administrative-non compliance	WCL has advised that the newly updated EMS has addressed this requirement however this plan was not approved at the time of the audit.	
Management Plan Requirements				
2	<p>The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p> <p>(b) a description of:</p> <ul style="list-style-type: none"> the relevant statutory requirements (including any relevant approval, licence or lease conditions); any relevant limits or performance measures/criteria; the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures; <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the:</p> <ul style="list-style-type: none"> impacts and environmental performance of the project; effectiveness of any management measures (see (c) above); <p>(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;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the project over time;</p> <p>(g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> incidents; complaints; non-compliances with conditions of this approval and statutory requirements; and exceedances of the impact assessment criteria and/or performance criteria; and 	Compliant	The requirement for management plans to include the requirements of this condition has been assessed as part of each management plan review.	

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	(h) a protocol for periodic review of the plan.			
Annual Review				
3	By the end of December each year (or other such timing as agreed by the Secretary), the Proponent shall review the environmental performance of the project to the satisfaction of the Secretary.	Compliant	Annual Reviews have been completed during the audit term. Letter from DPE (26/2/14) confirming lodgement of 2013/14 AEMR. Letter from DPE (19/1/15) confirming lodgement of 2013/14 AEMR. Letter from DRE (17/4/15) responding to 2013/14 AEMR. Notes AEMR was submitted by 30Sept which was as per DRE requirements Letter from DPE (19/10/15) sighted responding to the 2014/15 AEMR. Letter from DRE (26/10/15) responding to 2014/15 AEMR. Notes AEMR was submitted by 30Sept which was as per DRE requirements.	18/4/14 DPE provided approval to submit the AEMR on 30 September 2014 and each year thereafter (letter from Howard Reed).
	This review must: (a) describe the works (including any rehabilitation) carried out in the past year, and the works proposed to be carried out over the next year;	Compliant	Rehabilitation undertaken during the year included in 2013-2014 and 2014-2015 Annual Reviews. Rehabilitation described as not being proposed for the next year in either Annual Review.	
	(b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the: <ul style="list-style-type: none"> relevant statutory requirements, limits or performance measures/criteria; monitoring results of previous years; and relevant predictions in the EA; 	Administrative non-compliance	Complaints have been summarised in 2013-2014 Annual Review. The 2014-2015 Annual Review identifies that there were nil complaints during the report period. With regard to monitoring data, Annual reviews provided on the website contain brief overviews of results against compliance. No specific mention is made regarding performance trends against the EA predictions or monitoring trends including previous year results.	Recommendation: An assessment of performance trends and performance against EA predictions should be included in future Annual Reviews.
	(c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;	Compliant	Annual Reviews sighted appear to provide details of non-compliance and actions required to address (refer to Table 4.2 of the 2013-2014 Annual Review). The 2014-2015 Annual Review reported nil non-compliances against conditions of consent (refer to section 4.2).	
	(d) identify any trends in the monitoring data over the life of the project;	Administrative non-compliance	Trends in monitoring data are not discussed in the Annual Reviews.	Recommendation: In future Annual Reviews include a discussion of the monitoring trends over the life of the project.
	(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and	Administrative non-compliance	Discrepancies between the predicted and actual impacts of the project, and analysis of the potential cause of any significant discrepancies are not discussed.	Recommendation: In future Annual Reviews include a discussion of discrepancies between the predicted and actual impacts.
	(f) describe what measures will be implemented over the next year to improve the environmental performance of the project.	Compliant	Activities proposed for the next year are reported in Section 6 of the Annual Reviews sighted.	
Revision of Strategies, Plans and Programs				
4	Within 3 months of: (a) the submission of an annual review under condition 3 above; (b) the submission of an incident report under condition 6 below; (c) the submission of an audit report under condition 8 below; and (d) any modification to the conditions of this approval (unless the conditions require otherwise), the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review, the revised document must be submitted to the Secretary for approval. Note: This condition ensures that strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the	Compliant	It is noted that the Management plans reviewed were predominantly completed in 2013 and that no evidence was provided that they have been reviewed in accordance with the requirements of this condition. However, there is a letter from DPE dated 18/12/14 granting approval for plans to not be updated until 31/12/16 as the site is on care and maintenance.	

Condition Number				
	environmental performance of the project.			
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.	Compliant	CCC Meeting minutes sighted on website. CCC established and operational and was in place for the duration of the audit period.	
Reporting				
Incident Reporting				
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.	Not verified	It is noted that three reportable incidents occurred during the audit period. WCL advised that environmental incidents which occurred during the audit period were reported to regulatory authorities in accordance with the requirements of this condition however no evidence was provided by WCL to confirm this.	
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.	Compliant	The WCL website includes copies of the management plans, Annual Reviews and environmental monitoring data as required by the Project Approval. Monthly monitoring results up to date on website.	
Independent Environmental Reporting				
8	By the end of June 2013 (or other such timing as agreed by the Secretary), 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:	Administrative non-compliance	The audit was completed but not by the required timeframe. A PIN was issued by DPE for this not being completed as required. Wongawilli Audit Report (Parsons Brinckerhoff, 11 March 2014) sighted. Section 1.3.1 of the report indicates that the audit team was approved by DP&E.	
	(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;			
	(b) include consultation with the relevant agencies;	Compliant	Consultation discussed in Section 1.3.	
	(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);	Compliant	Entire document assess environmental performance of the site in accordance with approval conditions. Checklists assessing compliance against the Major Project Approval, Statement of Commitments and Mining Lease are provided in appendices A, B and C respectively. EPL compliance is discussed in Section 3.7.	
	(d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and	Compliant	Detailed in Section 3.6	
	(e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.	Compliant	Detailed in Sections 4 and 5.	
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.	Compliant	Response to audit by WCL dated 16/4/14. Submitted to DPE on 16/4/14.	

Condition Number				
Access to Information				
10	<p>From the end of December 2011, the Proponent shall:</p> <p>(a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> • the EA; • all current statutory approvals for the project; • approved strategies, plans and programs required under the conditions of this approval; • a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval; • a complaints register, which is to be updated on a monthly basis; minutes of CCC meetings; • the annual reviews of the project; • any independent environmental audit, and the Proponent's response to the recommendations in any audit; • any other matter required by the Secretary; and <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>	Not verified	<p>The required documents are present on the website.</p> <p>The website is generally being kept up to date however there was no formal evidence provided of the satisfaction of the Secretary in regards to this condition.</p>	



APPENDIX 3

**Wongawilli Colliery Site Inspection
Photographs**



Plate 1 Waste Management Bins



Plate 2 Diesel storage and equipment wash down bay



Plate 3 20L Oil drums stored within wash down bay



Plate 4 Diesel refuelling hoses outside of bunded areas



Plate 5 Solcenic bund non-compliant with AS1940-2004



Plate 6 Contents of bund containing Petrotec



Plate 7 Disused Petrotec tank



Plate 8 20L oil drum pallets to be stored in bunded area under cover



Plate 9 Wongawilla Colliery Workshop



Plate 10 Wongawilla Hardstand adjacent to surface oil bay



Plate 11 Crushed oil drum under mining equipment



Plate 12 Oil absorbent in spill kits on site



Plate 13 Stonedust spillages at Pit Top



Plate 14 Flocculent stored outside of bunded area adjacent to Timber Yard Storage Area



Plate 15 Coal fines removed from Settling Basin – Decline Dam



Plate 16 Wongawilla Colliery Train Loading Facility



Plate 17 Water quality Secondary Settlement Lagoon

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