



Russel Vale Underground Expansion | State Significant Development

INDEPENDENT ENVIRONMENTAL AUDIT

Prepared for Wollongong Coal Limited | 21 June 2022



Russel Vale Underground Expansion

STATE SIGNIFICANT DEVELOPMENT | INDEPENDENT ENVIRONMENTAL AUDIT

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PR188

Prepared by		Reviewed by
Name	Darren Green	Mark Roberts
Company	Element Environment	Element Environment
Position	Executive Director	Principal Scientist
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Signature		
Date	21 June 2022	21 June 2022

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DOCUMENT CONTROL

Revision	Date	Description	Prepared by	Reviewed by
0	21/06/2022	For WCL response	Element Environment	Wollongong Coal Limited

Audit declaration

Project name	Russel Vale Underground Expansion
Consent number	MP09_0013
Description of project	<p>Mining by means of non-caving bord and pillar mining technique only, with workings designed to be long term stable with minimal subsidence impacts. The Project will extract up to 3.7 million tonnes (Mt) of run-of-mine (ROM) coal over 5 years at a production rate that does not exceed 1 Mt of product coal per year.</p> <p>Key features of the Project, as described in the Revised Preferred Project Report are:</p> <ul style="list-style-type: none">▪ A project life of 5 years.▪ Mining design and method – Non-caving bord and pillar mining technique within the Wonga East area only, with no mining proposed within the Wonga West area or underneath the full supply level of Cataract Reservoir.▪ Current longwall equipment will be retrieved from underground and sold.▪ Extraction of approximately 3.7 Mt of ROM coal over a period of 5 years at a reduced production rate that will not exceed 1 Mt of product coal per year.▪ Hours of operation – Underground operations will operate 24 hours, 7 days a week. Surface facilities and product transport will operate 7am to 6pm Monday to Friday; 8am to 6pm on Saturday; no Sundays or public holidays. Provision for restricted operation until 10.00pm Monday to Friday subject to the approval of the Secretary, to cater for unexpected Port closures or interruptions. Use of some surface facilities required to support underground operations (primary sizer building, decline conveyor and tripper system) 24 hours, 7 days a week.▪ Surface facilities infrastructure – Upgraded and continued operation of the Pit Top area, support facilities and utilities; Establishment of new product stockpile (approx. 14,000 t capacity) and rejects stockpile (approx. 1,500 t capacity) within Pit Top disturbance area; Construction and use of new enclosed Coal Processing Plant to improve coal quality; Construction and use of a new Secondary Sizing Plant; Construction and use of new Surge Bin in more shielded location; Construction and use of enclosed conveyors for transfer of ROM coal to Secondary Sizer, Processing Plant and truck loading facility; Construction of new truck loading facility; Construction of noise barrier along access road and extension to height of existing bunds; Establishment of a designated truck parking area.
Project address	7 Princes Highway, Corrimal, NSW
Proponent	Wollongong Coal Limited
Title of audit	Russel Vale Underground Expansion Project Independent Environmental Audit

I declare that I have undertaken the Independent Environmental Audit and prepared the contents of this independent audit report and to the best of my knowledge:

The audit was in accordance with relevant condition(s) of consent.

The findings of the audit are reported truthfully, accurately and completely.

I have exercised due diligence and professional judgement in conducting the audit.

I have acted professionally, objectively and in an unbiased manner.

I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child.

I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child. Neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Name of Auditor	Darren Green	Mark Roberts
Signature		
Company	Element Environment Pty Ltd	Element Environment Pty Ltd
Date	21 June 2022	21 June 2022

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CHAPTER 1

INTRODUCTION

1 INTRODUCTION

1.1 Background

The Russell Vale Colliery (Russell Vale) is an underground coal mine which has been operating for more than 130 years. The colliery is in the Illawarra Region, approximately 8 kilometres (km) north of Wollongong and 70 km south of Sydney.

Since 2009, Wollongong Coal Limited (WCL) has sought approval to expand longwall mining operations including mining beneath the Cataract Reservoir catchment, which is a source of drinking water for Sydney.

An Environmental Impact Statement (EIS) was exhibited in 2013 for the Russell Vale Underground Expansion Project (UEP 2013) for 18 longwall panels across two domains (Wonga East and Wonga West) extracting 31 million tonnes (Mt) of coal over 18 years.

The project was then substantially amended through submission of a Preferred Project Report (PPR) in September 2013 for 8 longwall panels in one domain (Wonga East) extracting 4.7 Mt of coal over 5 years.

Two public hearings were held by the NSW Independent Planning Commission (the Commission) on the PPR in 2015 and 2016, with the Commission concluding after the second review that the social and economic benefits of the Preferred UEP were most likely outweighed by the magnitude of impacts to the environment.

This conclusion was largely due to uncertainty associated with subsidence and groundwater impacts due to proposed longwall mining in the multi-seam mining environment present at Russell Vale.

In July 2019, in response to the Commission's second review, WCL lodged a Revised Preferred Project Report (RPPR) with major changes to the project to reduce impacts, particularly an amended mine plan which no longer involved longwall mining. The Revised Russell Vale Underground Expansion Project (Revised UEP) involved mining by means of non-caving bord and pillar mining technique only, with workings designed to be long term stable with minimal subsidence impacts.

WCL proposed to extract up to 3.7 million tonnes (Mt) of run-of-mine (ROM) coal over 5 years, at a production rate that would not exceed 1 Mt of product coal per year. WCL also proposed to redesign, upgrade and continue to use its existing surface facilities site.

On 8 December 2020 the Commission approved the development application for the Russell Vale Underground Expansion Project (MP09_0013) (the Project), in accordance with Part 4 of the NSW *Environmental Planning and Assessment Act 1979* (the Act).

It is a requirement of Condition F13 of MP09_0013 that within one year of commencement of development, an independent environmental audit in accordance with the *Independent Audit Post Approval Requirements* (DPIE, May 2020) (the Independent Audit PAR) must be commissioned.

1.2 Audit team

The following audit team has been agreed by the Secretary of the Department of Planning and Environment (DPE) as suitably qualified, experienced and independent to undertake this audit (refer Appendix A):

- Lead auditor – Darren Green.
- Auditor – Mark Roberts.

Darren led the audit and carried out the site inspection and interviews. Mark has reviewed audit findings and challenged declarations of compliance, where necessary.

Darren Green

Darren has over 14 years' experience in environmental impact assessment, environmental planning and environmental management, across the transport, infrastructure, water, extractive, construction and waste sectors. Darren is a certified RABQSA ISO 14001 Lead Auditor (TPECS).

Mark Roberts

Mark has over 10 years' experience in the environment sector and has been involved with the preparation and management of a range of environmental impact assessments under both NSW and Commonwealth legislation including a number of State significant development applications; environmental management plans and strategies; constraints analyses; bushfire and hazard assessment; and environmental planning advice. Mark has recently completed an independent audit of the Bringelly Brickworks and Quarry Expansion. Mark is a certified Exemplar Global Integrated Management Systems Lead Auditor (AU, TL, QM, EM, OH).

1.3 Audit objectives

The objective of this audit is to obtain an independent and unbiased assessment of the environmental performance and compliance status of the Project.

1.4 Audit scope

The audit scope, as required by Condition F13, must:

- be carried out in consultation with the relevant agencies and the Community Consultative Committee (CCC);
- assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licenses and mining leases for the project (including any assessment, strategy, plan or program required under these approvals);
- review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent; and
- recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent.

In accordance with section 3.2 of the Independent Audit PAR, the audit team consulted with DPE, the CCC and other identified stakeholders to obtain their input into the scope of the audit. Details of this consultation is included in Section 2.1.

1.5 Audit period

This audit is a requirement of Condition F13 of MP09_0013 and is the first audit required by this condition. Development under MP09_0013 commenced in March 2021, therefore the audit period is March 2021 to March 2022.

CHAPTER 2

AUDIT METHOD

2 AUDIT METHOD

2.1 Development of audit scope

In accordance with Section 3.3 of the Independent Audit PAR, the audit scope comprised:

- An assessment of compliance with all conditions of consent applicable to the current phase of the Project.
- An assessment of compliance with all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of environmental management plans (EMPs) and sub-plans, including a high-level assessment of whether EMPs and sub-plans are adequate.
- A review of the environmental performance of the Project, including an assessment of actual impacts compared to predicted impacts documented in the environmental impact assessment.
- Incidents, non-compliances and complaints that occurred or were made during the audit period.
- Feedback received from DPE and other agencies and stakeholders in relation to the environmental performance of the Project during the audit period.

In accordance with Section 3.2 of the Independent Audit PAR, the auditors consulted with DPE to obtain input into the scope of the audit on 5 April 2022. DPE in its response on 13 April 2022 requested that the audit give particular attention to:

- Environmental performance in air quality, noise, surface water and traffic.
- Complaints and WCL response.
- In addition to CCC, consult with Department of Planning and Environment – Water (DPE Water), WaterNSW, NSW Resource Regulator, NSW Environment Protection Authority (EPA), NSW Biodiversity Conservation Department (BCD) and Wollongong City Council (WCC).

2.1.1 Complaints or incidents

A total of 21 complaints have been recorded by WCL during the reporting period. Complaints have been predominantly received via telephone from residents living near the development. The majority of complaints were related to noise from a generator operating outside standard working hours near the Storm Water Control Dam (SWCD) (refer Figure 2.1).

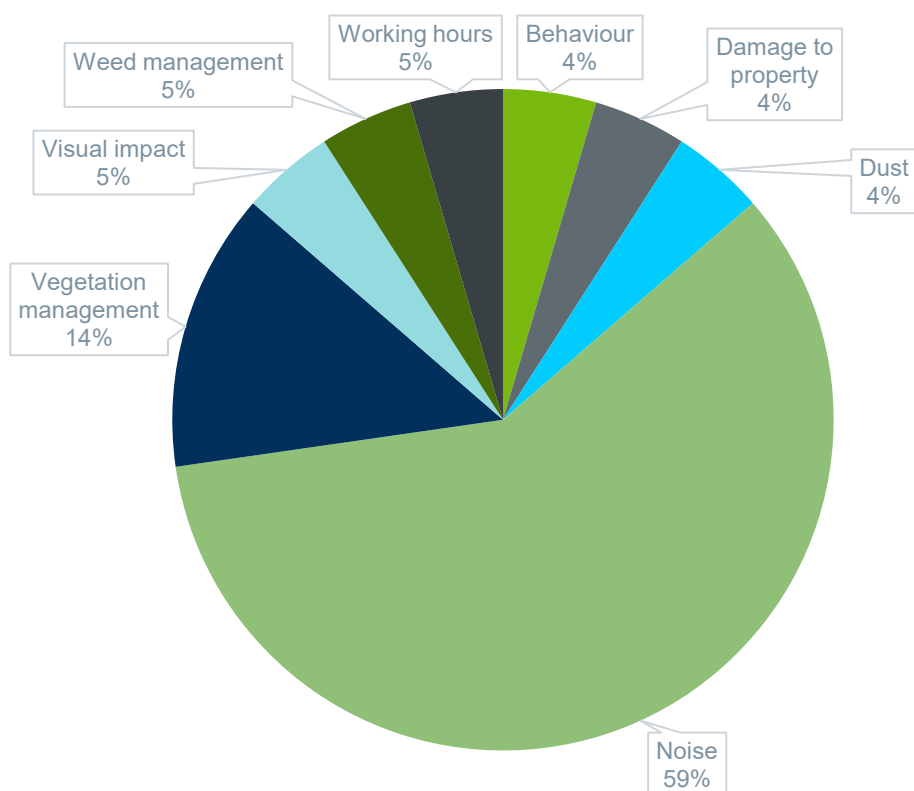


Figure 2.1 Summary of complaint issues

A total of 5 incidents were reported to authorities by WCL during the reporting period and a further 10 non-conformances with trigger action response levels were recorded by WCL. The majority of the incidents and non-conformances were related to high turbidity measurements from real-time turbidity meters installed at locations LDP 11 and LDP 12 (refer Figure 2.2).

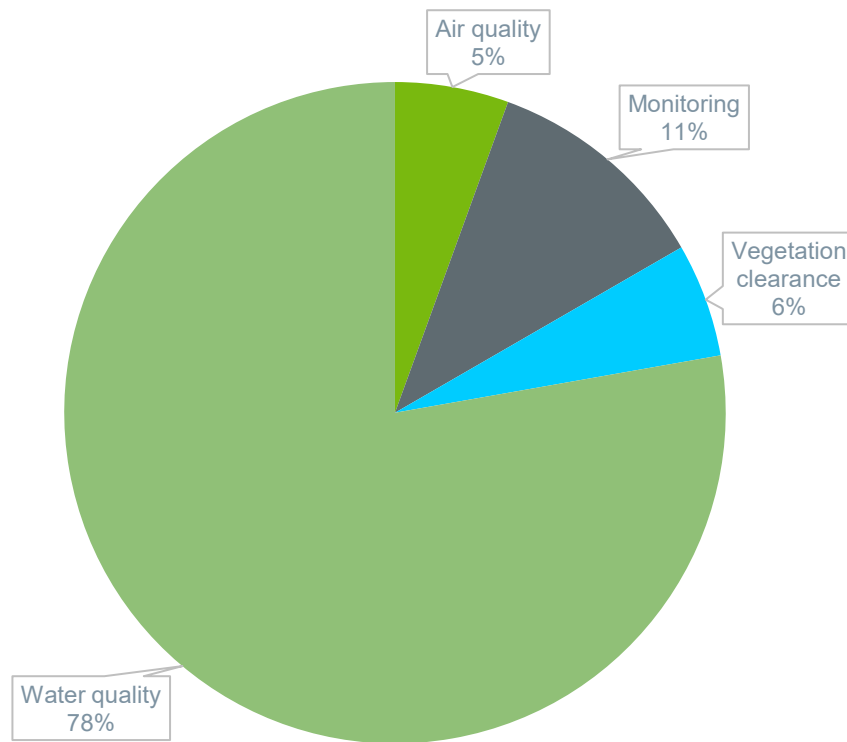


Figure 2.2 Summary of incidents and non-conformances

2.1.2 Consultation

In accordance with Section 3.2 of the Independent Audit PAR the auditors consulted with DPE and other interested and affected parties to obtain their input into the scope of the audit (refer Appendix C). A summary of consultation is provided below:

1) DPE

- a) Auditor commenced consultation with DPE on scope of audit on 5 April 2022.
- b) DPE responded on 13 April 2022 requesting that the audit give particular attention to:
 - i) Environmental performance in air quality, noise, surface water and traffic.
 - ii) Complaints and WCL response.
 - iii) In addition to CCC, consult with DPE Water, WaterNSW, NSW Resource Regulator, EPA, BCD and WCC.

2) CCC

- a) Auditor commenced consultation with CCC on 11 April 2022.
- b) On behalf of the CCC, the Independent Chairman responded on 26 April 2022 requesting attention to:
 - i) The adequacy of the Greenhouse Gas and Air Quality Management Plan.
 - ii) Compliance with the environment protection licence, particularly in terms of surface water quality (incoming and outgoing) and dams located above the Pit Top Surface Area.
 - iii) Compliance with the timelines specified in MP09_0013 for producing the management plans.
 - iv) Investigate the absence of the Adit Discharge Water Management Plan.
 - v) The adequacy and compliance of monitoring data for impacts on Uplands Swamps.

3) DPE Water

- a) Auditor commenced consultation with DPE Water on 27 April 2022.
- b) DPE Water responded on 28 April 2022 confirming there was nothing specific they required addressed in the audit. DPE Water forwarded the request for consultation on to the Licensing and Approvals team. No response to date from the Licensing and Approvals team.

4) Water NSW

- a) Auditor commenced consultation with Water NSW on 27 April 2022.
- b) Water NSW responded on 4 May 2022, noting that they were aware WCL had received approval of the Stage 1 Extraction Plan and had commenced mining using first workings bord and pillar technique. Water NSW noted they had not received any monitoring data or reports since mining activities had commenced, and there had been no environmental incidents reported to them. Water NSW had no comments on the environmental performance of the mine. Water NSW requested a copy of the final audit report.

5) NSW Resources Regulator

- a) Auditor commenced consultation with the Resources Regulator on 27 April 2022, but no response has been received to date.

6) NSW EPA

- a) Auditor commenced consultation with the EPA on 27 April 2022.
- b) EPA responded on 4 May 2022 confirming the scope of the audit as described provides a good basis for assessment of compliance and environmental performance. The EPA had no further comments and referred the auditor to the online public register for regulatory information pertaining to the mine.

7) BCD

- a) Auditor commenced consultation with the BCD on 27 April 2022, but no response has been received to date.

8) WCC

- a) Auditor commenced consultation with WCC on 27 April 2022.
- b) WCC responded on 5 May 2022 stating that Council's mine specialist was on extended leave and the only matter was an outstanding invoice for the annual maintenance of Bellambi Lane.

2.2 Compliance evaluation

The compliance status descriptors applied to this audit are generally consistent with Independent Audit PAR (refer Table 2.1), however two additional descriptors have been added by necessity.

Table 2.1 Compliance status descriptors in this audit

Descriptor	Definition
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

Descriptor	Definition
Note	The auditor acknowledges the requirement and compliance or non-compliance is demonstrated through the various conditions of consent.
Cannot be determined	There is insufficient evidence to determine compliance and further investigation is required.

The audit comprised evaluating compliance based on verifiable evidence. Verifiable evidence included:

- review of the relevant records, documents and reports including correspondence and website content.
- visual observation and photographs taken during a site inspection.
- on-site (during site inspection) and off-site (via Teams) interviews with the relevant project personnel, and
- review of the environmental monitoring data and analysis including the period covered by the monitoring data.

The evidence used to verify the compliance status is documented in the Independent Audit Table provided in Appendix B.

2.3 Opening meeting

The audit commenced with an opening meeting via Microsoft Teams on 7 April 2022. The purpose of the opening meeting was to confirm the scope of the audit, the audit method and agree on the audit schedule. The meeting agenda included:

- introductions and welcome;
- audit objectives;
- scope of the audit;
- confirmation of audit criteria;
- audit schedule including any access limitations during the inspection;
- any clarifications or questions in relation to the above; and
- meeting closure.

Attendees at the opening meeting were:

- Richard Sheehan (Group Environmental Manager, WCL);
- Simon Pigozzo (Environment Superintendent, WCL);
- Darren Green (Lead Auditor, Element); and
- Mark Roberts (Auditor, Element).

2.4 Interviews

The following WCL personnel were interviewed during the audit:

- Simon Pigozzo, Environment Supervisor, WCL.
- Jackson Allenby, Environment Coordinator, WCL.
- Richard Sheehan, Group Environmental Manager, WCL.
- Paul Evert, Logistics Manager, WCL.
- David Moore, Health, Safety and Training Manager, WCL.

2.5 Site inspection

The site was inspected on 14 April 2022. The auditor was accompanied by environmental representatives from WCL. The site inspection comprised a walk over the Pit Top facilities, including:

- The administrative buildings and car parking area;
- ROM coal conveyor and stockpile area;
- Bellambi Gully diversion alignment;
- Truck parking area;
- On-site detention basin;
- Dirty water basin;
- Water treatment facilities;
- Truck wash;
- Noise walls;
- Dam 1 & 2;
- Highway Dam; and
- Stormwater control dam;

The site inspection included visiting the following monitoring locations at the Pit Top:

- LDP 2, LDP 3, LDP 9, LDP 11;
- NMT 1 and NMT 2; and
- TEOM 1.

2.6 Post-inspection information gathering

After the inspection the auditor has requested additional information to be provided to further demonstrate compliance with the consent. In addition to requested information, several telephone calls and Microsoft Teams meetings have been held between the auditors and WCL to further demonstrate compliance with the consent.

2.7 Closing meeting

An audit closing meeting was held on 25 May 2022 where preliminary audit findings were presented, recommendations were made, and any post-audit actions and requests for information confirmed.

CHAPTER 3

AUDIT FINDINGS

3 AUDIT FINDINGS

This section documents the audit findings based on a review of available evidence during the audit period, evaluated against the audit criteria.

3.1 Compliance performance

Compliance performance is assessed against the audit criteria detailed in the Independent Audit Table provided in Appendix B, with a summary of compliance shown in Figure 3.1. Findings are based on an evaluation of the evidence provided, site interviews, site observations and other information as documented. A photo log of site observations is included in Appendix D.

■ Compliant ■ Non-compliant ■ Not triggered ■ Note ■ Cannot be determined

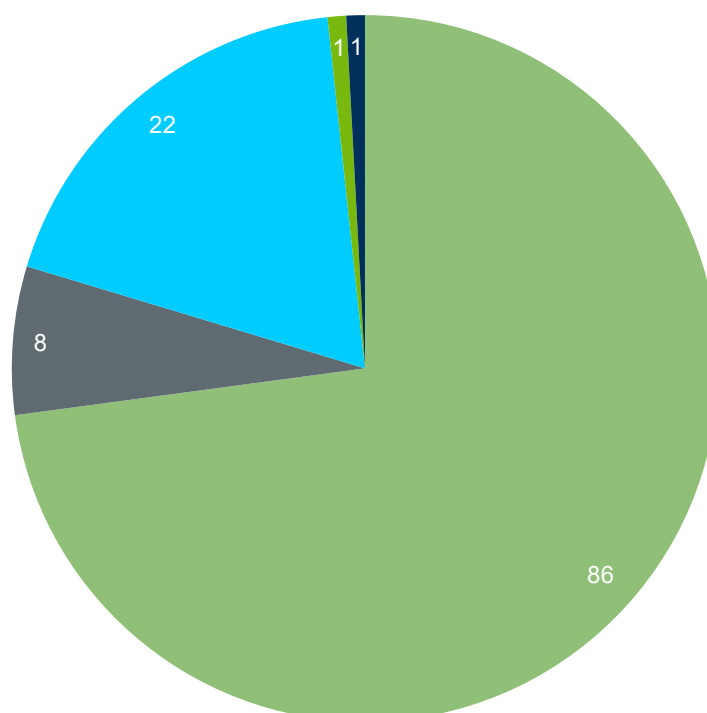


Figure 3.1 Compliance status breakdown by descriptors

3.2 Summary of agency notices, orders, penalty notices or prosecutions

The EPA issued a clean-up notice to WCL in May 2021 under section 91 of the NSW *Protection of the Environment Operations Act 1997* (POEO Act). The clean-up notice was in response to WCL's notification of a discharge of turbid water from a suspected stormwater pipe.

The auditors are not aware of any other agency notices, orders, penalty notices or prosecutions.

3.3 Audit non-compliances and improvement opportunities

Findings for non-compliances identified during the audit are described in Table 3.1. Opportunities for WCL to improve are described in Table 3.2.

Table 3.1 Audit non-compliance findings

ID	Condition	Auditor findings	Recommendations
NCR #1	<p>A17</p> <p>Surrender of existing consent</p> <p>Within 12 months of commencing development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent for Russell Vale Preliminary Works Project (MP10_0046) in accordance with the EP&A Regulation.</p> <p>Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid approval or approval can no longer be legally maintained or used.</p>	<p>Evidence</p> <p>Letter from CEO of WCL, dated 4/5/2022, addressed to the Compliance Section of DPE surrendering MP10_0046.</p> <p>Findings</p> <p>Development under this consent commenced in March 2021 and MP10_0046 is required to have been surrendered by April 2022. WCL commenced the surrender process on 4 May 2022, outside the time period required by this condition.</p>	<p>Non-compliance.</p> <p>WCL commenced the surrender process on 4 May 2022, outside the time period required by this condition.</p>
NCR #2	<p>B11</p> <p>Meteorological monitoring</p> <p>Prior to commencing construction under this consent and for the remaining life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that:</p> <p>(a) complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007);</p>	<p>Evidence</p> <p>Site observations.</p> <p>Quarterly air quality and noise monitoring report (July to September 2021) (EMM, January 2022).</p> <p>Quarterly air quality and noise monitoring report (October to December 2021) (EMM, April 2022).</p> <p>EPA non-compliance 2020-21.</p> <p>Findings</p> <p>During the reporting period, a non-compliance was reported by WCL to the NSW EPA for the period May 2020 to May 2021, with regards to condition M8.1 of EPL#12040. The non-compliance was related to the availability of</p>	<p>Non-compliance.</p> <p>The meteorological station has not been capable of continuously recording real-time measurements for wind speed, wind direction and temperature. There is no evidence of the Planning Secretary approving an alternative meteorological station.</p>

ID	Condition	Auditor findings	Recommendations
	<p>(b) is capable of continuous real-time measurement of wind speed, wind direction sigma theta and temperature; and</p> <p>(c) is capable of measuring meteorological conditions in accordance with the NPfl;</p> <p>unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.</p>	<p>the meteorological station being less than 95%. According to the reported non-compliance, WCL replaced the meteorological station and implemented a regular maintenance regime.</p> <p>It's noted that during the remaining months of 2021, the weather station did not continuously measure: wind speed, wind direction, temperature, relative humidity and pressure. It does appear that in the month of December there was an improvement in the reliability of the weather station, but an air quality and noise monitoring report for January to March 2022 was not available for the Auditor to review.</p>	
NCR #3	<p>B18</p> <p>Water management plan</p> <p>The Applicant must implement the Water Management Plan as approved by the Planning Secretary.</p>	<p>Evidence</p> <p>Interview with Environment Supervisor.</p> <p>Site observations.</p> <p>Annual Environmental Management Report 2020-2021 [https://wollongongcoal.com.au/?ddownload=30027].</p> <p>RVC Environmental Inspections - Water Management System.</p> <p>Field Water Monitoring Records.</p> <p>Sedimentation and Erosion Control Plan (prepared by ROC Engineering Design, 12/05/2021) in office of Logistics Manager.</p> <p>Compliance Report – EPBC 2020/8702 (12/05/2022).</p> <p>Findings</p> <p>With regards to the ESCP, clean water diversions are in place (i.e. Bellambi Creek Diversion Works) and the embankments of the diversion are vegetated. There was no obvious mixing of clean and dirty water, except for at LDP 2 where water from the water treatment plan is discharged into Bellambi Creek Diversion Works. The new dirty water sediment basin has been constructed and is being used, and the on-site detention basin has been constructed. While conducting the site investigation, the pre-existing enhanced dirty water settlement basins were being de-silted. WCL undertakes regular inspections of the water management system (inspection sited during site visit). Groundwater monitoring results as presented in the Compliance Report for EPBC 2020/8702 indicates there were no trigger exceedances and that groundwater levels have improved in parallel with the above average rainfall experienced during the reporting period.</p>	<p>Non-compliance.</p> <p>There have been 41 days (9 multi-day rain events) between January 2022 and May 2022 where discharges via LDP 11 have been significantly more turbid than the upstream ambient turbidity level (LDP 12). Four of these events were notified to EPA and DPE, but three of these notifications were not immediate (i.e. the notification was issued more than 24 hours after the high turbidity readings commenced).</p> <p>WCL has not followed the requirements of the TARP in the water management plan by failing to notify DPE and EPA of all discharges where turbidity at LDP 11 has been significantly higher than LDP 12.</p> <p>There is also no evidence of WCL investigating the source and reason for the higher turbidity levels, and whether any additional mitigation measures or controls are proposed to be installed to mitigate future occurrences.</p>

ID	Condition	Auditor findings	Recommendations
		<p>A review of environmental monitoring reports prepared by WCL indicates TARP criteria (Turbidity) have been within the warning category for LDP 11 monthly averages, however real-time measurements between January 2022 and May 2022 show there have been 1,361 measurements which have exceeded the 300 NTU Level 3 trigger between January 2022 and May 2022.</p> <p>Per Appendix C of the Pit Top Surface Water Management Plan, Level 2 and Level 3 Triggers should prompt a response and action. A review of the correspondence register shows some TARP Level 3 exceedances have been notified to DPE and EPA, but there are several events where the notification was days after the exceedances were recorded, or in some instances the exceedances weren't notified at all.</p> <p>A review of these discharge measurements indicates a significant difference between the water quality (turbidity) of LDP12 (upstream) and LDP11 (downstream), raising the question as to whether the cause for the potential exceedance originated from the site.</p> <p>There is no evidence in the correspondence register of informing DPE and EPA of these differences in water quality, or whether WCL undertook further investigations to clarify the sources of turbidity.</p> <p>It is also worth noting that several of these exceedances were registered after rainfall events that are not significant. LDP 11 receives water from the Storm Water Control Dam (SWCD). Section 4.3.4 of the Erosion & Sediment Control Plan states that the capacity of the SWCD needs to be managed to minimise the chance of surcharging Bellambi Gully.</p> <p>A review of aerial photography over several years indicates the current water level of the SWCD is very high. Given the high turbidity readings recorded soon after non-significant rainfall events, it seems to indicate WCL is struggling to manage the capacity of dirty water stored in the SWCD.</p>	
NCR #4	<p>B19</p> <p>Adit discharge water management plan</p> <p>The Applicant must prepare an Adit Discharge Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person/s;</p>	<p>Evidence</p> <p>Correspondence to DPE dated 4 May 2022.</p> <p>Findings</p> <p>An Adit Discharge Management Plan has not been submitted to DPE within 12 months of commencing development under this consent.</p>	<p>Non-compliance.</p> <p>The adit discharge water management plan has not been submitted to the Planning Secretary for approval within 12 months of commencing this consent.</p>

ID	Condition	Auditor findings	Recommendations
	<p>(b) be prepared in consultation with EPA, DPIE Water and WaterNSW;</p> <p>(c) be submitted to the Planning Secretary for approval within 12 months of the date of commencement;</p> <p>(d) identify the location of all mine related adits and other potential groundwater leakage points associated with the development and historical mining at the Russell Vale Colliery;</p> <p>(e) include:</p> <ul style="list-style-type: none"> (i) predictions of the volumes and discharge water quality from each point; (ii) timelines for discharges; (iii) avoidance, mitigation and monitoring measures to reduce adverse impact of discharge waters; (iv) treatment, discharge and beneficial reuse options, including associated environmental impacts and costs; (v) details of consultation with other mines in the region and relevant agencies to ensure outcomes are based on strategic regional considerations; (vi) any necessary funding arrangements during operations and post-mining which consider short and long term discharges and appropriate water quality targets based on an agreed potential discharge water end use; <p>(f) be reviewed and updated every 5 years, including a protocol to report on the outcome of the requirements identified above.</p>		

ID	Condition	Auditor findings	Recommendations
NCR #5	B20 Adit discharge water management plan The Applicant must implement the Adit Discharge Water Management Plan as approved by the Planning Secretary.	Evidence Correspondence to DPE dated 4 May 2022. Findings An Adit Discharge Management Plan has not been submitted to DPE within 12 months of commencing development under this consent.	Non-compliance. The adit discharge water management plan has not been submitted to the Planning Secretary for approval within 12 months of commencing this consent.
NCR #6	B46 Social impact management plan The Applicant must prepare a Social Impact Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person/s; (b) be prepared in consultation with WCC, the CCC, local affected communities and other interested stakeholders (to the greatest extent practicable); (c) be submitted to the Planning Secretary for approval within six months of the date of commencement of development under this consent; (d) identify both positive and negative social impacts resulting from the development and following mine closure, both locally and regionally; (e) specify adaptive management and mitigation measures to avoid, minimise, and/or mitigate negative social impacts; (f) identify opportunities to secure and enhance positive social impacts from the development, including opportunities to assist in maintaining community services and facilities; (g) include a stakeholder engagement plan to guide the evaluation and 	Evidence Correspondence to DPE dated 4 May 2022. Findings A social impact management plan has not been submitted to DPE within 6 months of commencing development under this consent.	Non-compliance. A social impact management plan has not been submitted within 6 months of commencement of development.

ID	Condition	Auditor findings	Recommendations
	implementation of social impact management and mitigation measures, and (h) include a program to monitor, review and report on the effectiveness of these measures, including updating the plan 1 year prior to mine closure.		
NCR #7	B47 Social impact management plan The Applicant must implement the Social Impact Management Plan as approved by the Planning Secretary.	Evidence Correspondence to DPE dated 4 May 2022. Findings A social impact management plan has not been submitted to DPE within 6 months of commencing development under this consent.	Non-compliance. There is no approved social impact management plan.
NCR #8	F10 Non-compliance notification Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Evidence Letter dated 4/5/2022 from WCL in response to complaint to DPE. Findings WCL responded to DPE in writing, with regards to a complaint about the adit discharge water management plan and social impact management plan that was lodged by a member of the public. Neither of these plans have been approved within the timeframes required by conditions B19 and B46 and WCL had failed to notify DPE of this non-compliance prior to a complaint being lodged.	Non-compliance. WCL failed to notify DPE of a non-compliance with conditions B19 and B46.

3.4 Previous audit recommendations

This is the first independent audit under this consent.

3.5 EMPs, subplans and compliance documents

All EMPs, subplans and compliance documents requiring implementation under MP09_0013 have been reviewed.

A high-level assessment of the EMP and sub-plans confirmed that, while the plans are generally adequate, non-compliances associated with the water management plan have been identified. Additionally, the adit discharge water management plan has not been submitted to the Planning Secretary for approval within 12 months of commencing this consent; a social impact management plan has not been submitted within 6 months of commencement of development.

Opportunities for improvement were identified and a summary of these is provided in Table 3.2.

Table 3.2 Improvement opportunities

ID	Condition	Auditor findings	Recommendations
OPP #1	<p>A14 Coal Extraction and Transportation</p> <p>Trucks arriving at the site before 7am Monday to Friday and 8am Saturday must proceed to the truck parking area on site and turn off the engine until coal loading commences.</p>	<p>Evidence</p> <p>Daily Truck Movements 2022 [https://wollongongcoal.com.au/?ddownload=30075] Daily Truck Movements 2021 [https://wollongongcoal.com.au/?ddownload=30076] Complaint Register 2021</p> <p>Findings</p> <p>There is evidence of trucks for coal transportation arriving to site prior to 7am Monday to Friday and 8am Saturday. Per interview with Environment Superintendent, these trucks proceed to the truck parking area.</p> <p>It is noted that a complaint received on 9 September 2021 was related to an Over Size Over Mass delivery of equipment to site in the early morning of Friday 3 September 2021. WCL undertook an investigation after receiving the complaint and concluded the delivery was scheduled by WCL and needed to be undertaken outside normal hours due traffic approvals from the roads authority. The auditor notes this event was not related to the transportation of coal and the timing was dictated by a third-party approval from the roads authority.</p>	<p>Opportunity for improvement.</p> <p>The auditor recommends, where planned transportation activities are required to occur outside normal operating times due to third party approvals, WCL proactively notifies the surrounding community of the upcoming event at least 7 days prior to the event occurring.</p>
OPP #2	<p>B1 Operational Noise Criteria</p> <p>Except for the carrying out of construction, the Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 1 (see table in Development Consent) at any residence on privately-owned land.</p> <p>Notes:</p> <ul style="list-style-type: none"> To identify the locations referred to in Table 1, refer to Appendix 3. 	<p>Evidence</p> <p>Noise Compliance Monitoring Q1 2021 (VMS Australia, 14 March 2021); Noise Compliance Monitoring Q2 2021 (VMS Australia, 2 July 2021); Noise Compliance Monitoring Q3 2021 (VMS Australia, 9 October 2021); Noise Compliance Monitoring Q4 2021 (VMS Australia, 10 January 2022); Noise Compliance Monitoring Q1 2022 (VMS Australia, 27 April 2022); and</p>	<p>Opportunity for improvement.</p> <p>The auditor recommends all noise compliance monitoring reports include the calibration certificates of the monitoring equipment as an appendix to the report.</p>

ID	Condition	Auditor findings	Recommendations
	<ul style="list-style-type: none"> ¹ Receivers relate to school therefore only daytime criteria apply. <p>Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NPfl. Appendix 4 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.</p> <p>However, the noise criteria in Table 1 do not apply if the Applicant has an agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.</p>	<p>Interview with Environment Manager.</p> <p>Findings</p> <p>Noise emissions during the day, evening and night-time periods complied with the operational noise criteria. The Environment Manager has confirmed that there are no landowner noise agreements in place.</p>	
OPP #3	<p>B7 Air Quality Criteria</p> <p>The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate emissions generated by the development do not cause exceedances of the criteria listed in Table 2 (see table in Development Consent) at any residence on privately-owned land.</p>	<p>Evidence</p> <p>Quarterly air quality and noise monitoring report (October to December 2021) (EMM, April 2022);</p> <p>Quarterly air quality and noise monitoring report (July to September 2021) (EMM, January 2022);</p> <p>Quarterly air quality and noise monitoring report (April to June 2021) (EMM, September 2021); and</p> <p>Quarterly air quality and noise monitoring report (January to March 2021) (EMM, September 2021).</p> <p>Findings</p> <p>Quarterly compliance monitoring reports prepared by EMM indicate the development has been compliant with the air quality criteria. However, the report dates are several months after the reporting period, meaning that non-compliances with air quality criteria would only be identified several months after an incident.</p>	<p>Opportunity for improvement.</p> <p>Air quality compliance reports should be available sooner after monitoring so that potential non-compliances are identified earlier.</p>
OPP #4	<p>B15 Water Discharge</p> <p>The Applicant must ensure that all surface discharges from the site comply with:</p>	<p>Evidence</p> <p>Interview with Environment Supervisor.</p> <p>Site observations.</p> <p>Real-time data.</p>	<p>Opportunity for improvement.</p> <p>WCL's compliance with section 120 of the POEO Act via LDP 11 and LDP 12 cannot be confirmed as there are too many unknown variables influencing the water</p>

ID	Condition	Auditor findings	Recommendations
	(a) discharge limits (both volume and quality) set for the development in any EPL; or (b) relevant provisions of the POEO Act.	<p>Environmental Monitoring Report Environmental Protection Licence No: 12040 (14 March 2022).</p> <p>Findings</p> <p>It was explained to the Auditor that there is only 1 discharge point from the site which discharges water from Bellambi Gully at Princes Highway, labelled as LDP 11 in EPL 12040. The discharge point provides real-time monitoring data to the general public.</p> <p>On 6 May 2021, WCL reported a turbid discharge from the site (via Point 11); on 8 May 2021 the EPA issued a Clean-up Notice. The Auditor has not been informed of any other reported pollution incidents.</p> <p>LDP 11 is not a licensed discharge point but is a downstream ambient monitoring point for Bellambi Gully, therefore water released via this downstream discharge point must comply with section 120 of the POEO Act.</p> <p>LDP 12 is not a licensed discharge point but is an upstream ambient monitoring point for Bellambi Gully and must also comply with section 120 of the POEO Act.</p> <p>Both LDP 12 and LDP 11 have recorded extremely high turbidity levels during the reporting period; significantly higher than the Level 3 TARP levels (300 NTU) and significantly higher than the 95th percentile from baseline data between 2016 and 2020 (166 NTU and 250 NTU respectively).</p> <p>The auditors have reviewed the evidence available and can neither determine compliance or non-compliance with the requirement that all surface discharges from the site have complied with section 120 of the POEO Act.</p> <p>Turbidity levels in Bellambi Gully have historically been higher compared to the turbidity levels in other nearby waterways, but the turbidity exceedances are significant. The auditors could not rely solely on the measured readings from LDP 11 and LDP 12 as the probes are poorly located and do not truly represent the ambient upstream and ambient downstream conditions. For example, the trash rack upstream of LDP 12 is often buried by natural materials carried down the waterway, clearly increasing the turbidity of the water entering WCL surface water management system. The origin</p>	<p>quality at these monitoring locations to rely on the monitoring results alone to determine compliance. The auditors recommend WCL investigate the potential sources of turbidity to identify whether any additional mitigation measures or controls should be implemented.</p>

ID	Condition	Auditor findings	Recommendations
		<p>of these upstream sediments and natural materials is unconfirmed. Similarly the origin of turbidity being recorded at LDP 11 is unconfirmed, but it's worth noting that the spillway for the stormwater control dam (dirty water storage) is downstream of WCL's licensed discharge point into Bellambi Gully (LDP 2) and there is potential for this dam, and the Highway Dam (which retains surface water runoff from the road and is adjacent to LDP) to overflow and discharge via LDP 11.</p>	

3.6 Environmental performance

The audit found that the environmental performance of the Project was generally adequate. No inconsistencies or non-compliances between actual and predicted impacts documented in environmental impact assessment were identified during the audit. The Project's commitment to environmental performance was evident from:

- All new employees need to complete an induction remotely before arriving to site for the first time, using the HowSafe occupational health management system. This system keeps record of all inductions, training, competencies etc. The induction includes an environmental module which outlines key conditions of consent and environmental requirements relevant to their functional role.
- Through regular operational noise monitoring, the Project has demonstrated compliance with the operational noise criteria.
- Water performance measures have generally been met, but further investigation into the sources of turbidity in Bellambi Gully and stabilisation of the channel recommended.
- There have been no reported exceedances to any of the subsidence performance measures, and no instruction from the Secretary to impose additional requirements on to WCL.

3.7 Consultation outcomes

The auditor attempted to consult with all the parties identified by DPE. No response was received from the Resources Regulator or BCD. Matters raised by consulted parties are documented below, with the auditors response denoted by italics.

1) DPE

- a) Environmental performance in air quality, noise, surface water and traffic.
The audit found that the environmental performance of the Project was generally adequate, however further investigation into the sources of turbidity in Bellambi Gully is recommended.
- b) Complaints and WCL response.
WCL maintains a publicly available complaint register. All complaints have been closed out by WCL.
- c) In addition to CCC, consult with DPE Water, WaterNSW, NSW Resource Regulator, EPA, BCD and WCC.
Attempts were made to consult with all the listed parties; the Resources Regulator and BCD did not respond to consultation attempts.

2) CCC

- a) The adequacy of the Greenhouse Gas and Air Quality Management Plan.
An updated Greenhouse Gas and Air Quality Management Plan was submitted to DPE on 11 March 2022.
- b) Compliance with the environment protection licence, particularly in terms of surface water quality (incoming and outgoing) and dams located above the Pit Top Surface Area.
The auditors note that on 8 May 2021 the EPA issued a Clean-up Notice following a turbid discharge from site. During the reporting period LDP 11 and LDP 12 have recorded significant exceedances above the Level 3 TRAPS and baseline water quality. Turbidity levels in Bellambi Gully have historically been higher compared to the turbidity levels in other nearby waterways, but the turbidity exceedances recorded during the reporting period are significant. The auditors could not rely solely on the measured readings from LDP 11 and LDP 12 as the probes are poorly located and do not truly represent the ambient upstream and ambient downstream conditions. For example, the trash rack upstream of

LDP 12 is often buried by natural materials carried down the waterway, clearly increasing the turbidity of the water entering WCL surface water management system. The origin of these upstream sediments and natural materials is unconfirmed. Similarly the origin of turbidity being recorded at LDP 11 is unconfirmed, but it's worth noting that the spillway for the stormwater control dam (dirty water storage) is downstream of WCL's licensed discharge point into Bellambi Gully (LDP 2) and there is potential for this dam, and the Highway Dam (which retains surface water runoff from the road and is adjacent to LDP) to overflow and discharge via LDP 11.

- c) Compliance with the timelines specified in MP09_0013 for producing the management plans.

The auditors have recommended non-compliances for B19 and B46, as these plans have not yet been approved.

- d) Investigate the absence of the Adit Discharge Water Management Plan.

The auditors have recommended non-compliances for B19 and B20.

- e) The adequacy and compliance of monitoring data for impacts on Uplands Swamps.

Monitoring reports prepared by WCL indicate compliance with the monitoring criteria. It is noted that some monitoring activities were not possible due to access restriction into the area, as a consequence of wet weather events.

3) WCC

- a) WCC responded on 5 May 2022 stating that Council's mine specialist was on extended leave and the only matter was an outstanding invoice for the annual maintenance of Bellambi Lane.

Evidence was provided to demonstrate WCL paid this invoice on 11 May 2022.

APPENDIX A

PLANNING SECRETARY AUDIT
TEAM AGREEMENT



Department of Planning and Environment

Mr Richard Sheehan
Environment Manager
Wollongong Coal Limited
7 Princess Highway
CORRIMAL NSW 2518

23/03/2022

Dear Mr Sheehan

**Russell Vale Underground Expansion Project (MP 09_0013)
Independent Environmental Audit 2022**

I refer to your letter of 22 March 2022 seeking approval of Messrs Darren Green and Mark Roberts of Element Environment Pty Ltd (the audit team) for the upcoming Independent Environmental Audit of Russell Vale Underground Expansion Project (the development), in accordance with Schedule 2, Condition F13 of development consent MP 09_0013 (the consent).

Having considered the qualifications and experience of the audit team, the Secretary endorses the appointment of the audit team to undertake the audit and prepare the audit report in accordance with Schedule 2, Condition F13 of the consent. This approval is conditional on the audit team being independent of the development.

The audit is to be conducted in accordance with the Independent Audit Post Approval Requirements (Department 2020 or as updated). A copy of this guideline can be located at <http://planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/Integrated-Mining-Policy>. Audit team may also wish to consider the AS/NZS ISO 19011 Australian/New Zealand Standard: Guidelines for quality and/or environmental management systems auditing.

The audit report is to include the following:

1. consultation with the relevant agencies and the CCC;
2. a compliance table indicating the compliance status of each condition of consent and any relevant EPL;
3. not use the term "partial compliance";
4. recommend actions in response to non-compliances;
5. review the adequacy of plans and programs required under this consent; and
6. identify opportunities for improved environmental management and performance.

Within three months of commencing this audit, Wollongong Coal Ltd is to submit a copy of the audit report to the Secretary and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report and a timetable to implement the recommendations.

Prior to submitting the audit report to the Secretary, it is recommended that Wollongong Coal Ltd review the report to ensure it complies with the relevant consent condition.



Department of Planning and Environment

Should you have any enquiries in relation to this matter, please contact Georgia Dragicevic, Senior Compliance Officer, on (02) 4247 1852 or by email to Georgia.Dragicevic@planning.nsw.gov.au.

Yours sincerely

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

APPENDIX B

INDEPENDENT AUDIT TABLE

Condition of Consent		Requirement	Evidence collected	Auditor findings and recommendations	Compliance status	NCR ID#
SCHEDULE 2						
Condition	Item No.	PART A - ADMINISTRATION CONDITIONS				
A1		OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT In addition to meeting the specific performance measures and criteria established under this approval, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the project, and any rehabilitation required under this consent.		There is no evidence to suggest the development has any material harm to the environment.	Compliant	
A2		TERMS OF APPROVAL The development may only be carried out:		Noted.	Noted	
	(a)	in compliance with the conditions of this consent;				
	(b)	in accordance with all written directions of the Planning Secretary; and				
	(c)	generally in accordance with the RPPR and the Development Layout.				
A3		TERMS OF APPROVAL Consistent with the requirements in this approval, the Planning Secretary may make written directions to the Applicant in relation to:	Correspondence from DPE dated 4 February 2022.	WCL was instructed to update the air quality and greenhouse gas management plan to include commitments WCL has made with regards to EPBC Approval (2020/8702). WCL submitted an updated plan on 11 March 2022.	Compliant	
	(a)	the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this approval, including those that are required to be, and have been, approved by the Planning Secretary; and				
	(b)	the implementation of any actions or measures contained in any such document referred to in paragraph A3(a).				
A4		TERMS OF APPROVAL The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.		No inconsistencies, ambiguities or conflicts between this consent and the planning documents has been identified.	Not triggered	
A5		NOTIFICATION OF COMMENCEMENT The Applicant must notify the Department in writing at least two weeks prior to:		The letters do not specify the actual start dates, therefore the Auditor has used the date of the letter as the commencement dates.	Compliant	
	(a)	commencing the development under this consent	Letter correspondence from WCL to DPIE dated 11/03/2021.			
	(b)	commencing construction under this consent;	Letter correspondence from WCL to DPIE dated 11/03/2021.			
	(c)	commencing mining operations under this consent;	Letter correspondence from WCL to DPIE dated 01/09/2021.			
	(d)	ceasing mining operations (i.e. leading to mine closure); and	Not triggered.			
	(e)	suspending mining operations (i.e. temporary care and maintenance).	Not triggered.			
A6		NOTIFICATION OF COMMENCEMENT If the development is to be further staged, the Department must be notified in writing at least two weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.		No evidence of the development being staged.	Not triggered	
A7		LIMITS ON CONSENT - Mining Operations Underground mining operations may only be carried out by means of bord and pillar techniques, except for longwall mining of approximately 25 m required to retrieve existing longwall mining equipment.		The underground mining operation was not observed during the audit due to safety reasons. Interviews with WCL employees confirm bord and pillar technique is being implemented.	Compliant	
A8		LIMITS ON CONSENT - Mining Operations Mining operations may be carried out on the site for a period of 5 years from the date of commencement of mining operations, unless otherwise agreed by the Planning Secretary. Notes: •Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard. •Mining operations and rehabilitation are also regulated under the Mining Act 1992.		Mining operations commenced 1 September 2021; mining operations are to cease in September 2026, unless otherwise agreed by the Planning Secretary.	Not triggered	
A9		LIMITS ON CONSENT - Coal Extraction and Transportation A maximum of 1.2 million tonnes of ROM coal may be extracted from the site in any calendar year.	Email from General Manager - Operations.	Per correspondence, 97,031.038 tonnes of coal was extracted in 2021 and 139, 567.960 tonnes of coal has been extracted in 2022 (to date). The development is below the tonnage limits for a calendar year.	Compliant	
A10		LIMITS ON CONSENT - Coal Extraction and Transportation A maximum of 1 million tonne of ROM coal from the site may be processed in any calendar year.			Compliant	
A11		LIMITS ON CONSENT - Coal Extraction and Transportation No coal may be imported onto the site.	Interview with Environment Superintendent.	Per interview with Environment Superintendent, no coal has been imported to the site.	Compliant	
A12		LIMITS ON CONSENT - Coal Extraction and Transportation Transportation of ROM coal, product coal and coal reject from the site must only be undertaken by trucks between 7am to 6pm Monday to Friday and 8am to 6pm Saturday, with a maximum of 17 laden trucks leaving the site per hour, except during exceptional circumstances with written approval of the Planning Secretary, where a maximum of 12 laden trucks per hour can leave the site up to 10pm. Note: The kind of circumstances which may constitute an exceptional circumstance include major disruption or scheduling issue on the transport route (including on the road network or at PKCT). The Planning Secretary's approval can be provided through identifying the exceptional circumstances through an approved Traffic Management Plan required under condition B30.	Daily Truck Movements 2022 [https://wollongongcoal.com.au/?ddownload=30075] Daily Truck Movements 2021 [https://wollongongcoal.com.au/?ddownload=30076]	There are no recorded truck movements leaving the site on Sundays. There are no recorded truck movements on public holidays (4 Oct 2021, 25-28 Dec 2021, 1 Jan 2022, 3 Jan 2022, 26 Jan 2022, 15 Apr 2022). There are no recorded truck movements leaving the site before 7am, Monday to Friday, or 8am on Saturdays. There are no recorded truck movements leaving the site after 6pm Monday to Saturday.	Compliant	
A13		LIMITS ON CONSENT - Coal Extraction and Transportation No transportation of ROM coal, product coal and coal reject from the site is permitted on Sundays or Public Holidays.	Daily Truck Movements 2022 [https://wollongongcoal.com.au/?ddownload=30075] Daily Truck Movements 2021 [https://wollongongcoal.com.au/?ddownload=30076]	There are no recorded truck movements leaving the site on Sundays. There are no recorded truck movements on public holidays (4 Oct 2021, 25-28 Dec 2021, 1 Jan 2022, 3 Jan 2022, 26 Jan 2022, 15 Apr 2022).	Compliant	
A14		LIMITS ON CONSENT - Coal Extraction and Transportation Trucks arriving at the site before 7am Monday to Friday and 8am Saturday must proceed to the truck parking area on site and turn off the engine until coal loading commences.	Daily Truck Movements 2022 [https://wollongongcoal.com.au/?ddownload=30075] Daily Truck Movements 2021 [https://wollongongcoal.com.au/?ddownload=30076]	There is evidence of trucks for coal transportation arriving to site prior to 7am Monday to Friday and 8am Saturday. Per interview with Environment Superintendent, these trucks proceed to the truck parking area. It is noted that a complaint received on 9 September 2021 was related to an Over Size Over Mass delivery of equipment to site in the early morning of Friday 3 September 2021. WCL undertook an investigation after receiving the complaint and concluded the delivery was scheduled by WCL and needed to be undertaken outside normal hours due traffic approvals from the roads authority. The auditor notes this event was not related to the transportation of coal and the timing was dictated by a third party approval from the roads authority. Opportunity for improvement: The auditor recommends, where planned transportation activities are required to occur outside normal operating times due to third party approvals, that WCL proactively notifies the surrounding community of the upcoming event at least 7 days prior to the event occurring.	Compliant	OPP #1
A15		LIMITS ON CONSENT - Hours of Operation Underground mining operations, including the use of the primary sizer building, decline conveyor and tripper system located at the surface, may be undertaken 24 hours a day, 7 days a week.		There is no evidence which suggests a non-compliance with this condition.	Compliant	
A16		LIMITS ON CONSENT - Hours of Operation Apart from the use of the surface facilities identified in condition A15, operations at the surface facilities site must only be undertaken between 7am to 6pm Monday to Friday and 8am to 6pm Saturday, unless the Planning Secretary agrees otherwise.	Interview with Environment Superintendent.	Surface facilities, apart from those listed in A15, only operate between the times listed. There are no complaints regarding surface facilities being operated outside of these times, and consultation with other regulators and the CCC do not highlight issues with works outside standard working hours.	Compliant	

A17		<p>SURRENDER OF EXISTING CONSENT Within 12 months of commencing development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent for Russell Vale Preliminary Works Project (MP10_0046) in accordance with the EP&A Regulation.</p> <p><i>Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid approval or approval can no longer be legally maintained or used.</i></p>	Letter from CEO of WCL, dated 4/5/2022, addressed to the Compliance Section of DPE surrendering MP10_0046.	<p>Development under this consent commenced in March 2021 and MP10_0046 is required to have been surrendered by April 2022. WCL commenced the surrender process on 4 May 2022, outside the time period required by this condition.</p> <p>Non-compliance: WCL commenced the surrender process on 4 May 2022, outside the time period required by this condition.</p>	Not compliant	NCR #1
A18		<p>SURRENDER OF EXISTING CONSENT Upon the commencing development under this consent, and before the surrender of the existing project approval required under condition A17, the conditions of this consent prevail to the extent of any inconsistency with the conditions of MP10_0046.</p>		Noted.	Compliant	
A19		<p>COMMUNITY CONSULTATIVE COMMITTEE The Applicant must continue operation of the Russell Vale CCC established under MP10_0046 for the development. The CCC must be operated in accordance with the Department's <i>Community Consultative Committee Guidelines: State Significant Projects</i> (2019) during the life of the development, or other timeframe agreed by the Planning Secretary.</p> <p>Notes: •<i>The CCC is an advisory committee only.</i> •<i>In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.</i></p>	Presentations and minutes of meetings available on WCL website: https://wollongongcoal.com.au/community/	<p>The CCC continued to meet every 3 months, on 22-Feb-2021, 24-May-2021, 23-Aug-2021, 22-Nov-2021, 28-Feb-2022. WCL maintains an Action Register which tracks all actions raised during CCC meetings, and a Questions on Notice register which documents questions raised during the meetings and responses provided outside the meeting. The Action Register and Questions on Notice register are reviewed at every CCC meeting.</p> <p>The CCC is chaired by an independent chairperson, Mike Archer, who is listed on the DPE website as being suitably qualified.</p>	Compliant	
A20		<p>EVIDENCE OF CONSULTATION Where conditions of this consent require consultation with an identified party, the Applicant must:</p>	<p>Management plans publicly available on WCL website at: https://wollongongcoal.com.au/management-compliance-r/</p> <p>Letters of approval issued by DPE on the Major Projects website at: https://pp.planningportal.nsw.gov.au/major-projects/projects/russell-vale-underground-expansion#tab-tab_post_approval</p>	<p>Noise management plan - consultation included in version F dated 11/08/2021. Plan approved by DPE on 20/08/2021.</p> <p>Air quality and greenhouse gas management plan - consultation included in version 9 dated 24/08/2021. Plan approved by DPE on 31/08/2021.</p> <p>Water management plan - consultation included in version 7 dated 30/08/2021. Plan approved conditionally by DPE on 31/08/2021.</p> <p>Adit discharge management plan - consultation has been undertaken per correspondence from WCL to DPE dated 4/05/2022. Plan is not approved by DPE.</p> <p>Biodiversity management plan - consultation included in version 8 dated 20/08/2021. Plan approved by DPE on 20/08/2021.</p> <p>Aboriginal cultural heritage management plan - consultation included in Heritage management plan version 6 dated 17/08/2021. Plan approved by DPE on 24/08/2021.</p> <p>Historic heritage management plan - consultation included in Heritage management plan version 6 dated 17/08/2021. Plan approved by DPE on 24/08/2021.</p> <p>Traffic management plan - consultation included in version 1 dated 29/07/2021. Plan approved by DPE on 3/08/2021.</p> <p>Visual impact management plan - consultation included in version 4 dated 12/08/2021. Plan approved by DPE on 18/08/2021.</p> <p>Waste management plan - consultation included in version 7 dated 12/08/2021. Plan approved by DPE on 18/08/2021.</p> <p>Bushfire management plan - consultation included in version 3 dated 4/02/2021. This plan is not required to be approved by DPE.</p> <p>Rehabilitation management plan - has been incorporated into the Mining Operations Plan. The plan is not required to be approved by DPE.</p> <p>Social impact management plan - consultation is being undertaken per correspondence from WCL to DPE dated 4/05/2022, however a final version of the report is not yet available.</p> <p>Extraction plan (and sub-plans) - consultation for Stage 1 (Panels PC07, PC08 and PC21 to PC25) has been undertaken and included in version 2 dated 19/11/2021. DPE conditionally approved the plan on 3/12/2021.</p> <p>Construction management plan - consultation included in version 5 dated 8/03/2021. Plan approved by DPE on 9/03/2021.</p> <p>This audit.</p>	Compliant	
A21		STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS With the approval of the Planning Secretary, the Applicant may:	Stage 1 Extraction Plan Approval and Reasons for Approval located at https://pp.planningportal.nsw.gov.au/major-projects/projects/russell-vale-underground-expansion#tab-tab_post_approval	WCL has staged the Extraction Plan with the approval of the Planning Secretary.	Compliant	
	(a)	prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);				
	(b)	combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and				
	(c)	update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).				
A22		<p>STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.</p>		The Stage 1 Extraction Plan has not been updated since the document was approved by DPE on 3/12/2021.	Compliant	
A23		<p>APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS The Applicant must continue to apply existing management strategies, plans or monitoring programs approved under MP10_0046, until the approval of a similar plan, strategy or program under this consent.</p>	<p>Air Quality and Greenhouse Gas Management Plan - approved 31/08/2021</p> <p>Biodiversity Management Plan - approved 24/08/2021</p> <p>Construction Environmental Management Plan - approved 9/03/2021</p> <p>Environmental Management Strategy - approved 31/08/2021</p> <p>Extraction Plan (Stage 1) - approved 3/12/2021</p> <p>Heritage Management Plan (incorporating Aboriginal cultural heritage and historic heritage) - approved 24/08/2021</p> <p>Noise Management Plan - approved 20/08/2021</p> <p>Traffic Management Plan - approved 3/08/2021</p> <p>Visual Impact Management Plan - approved 18/08/2021</p> <p>Waste Management Plan - approved 18/08/2021</p> <p>Water Management Plan - approved 31/08/2021</p>	The majority of the management plans required under this development consent were approved in the month of August 2021. Second workings only commenced after approval of the Extract Plan. Therefore the period after the date of this consent up to August 2021, plans approved under MP10_0046 were applicable.	Compliant	

A24		PROTECTION OF PUBLIC INFRASTRUCTURE Unless the Applicant and the applicable authority agree otherwise, the Applicant must:	Correspondence from WCC addressed to the Auditor, dated 5/05/2022.	WCC were consulted as part of the audit process. WCC did not identify any issues related to damaging of public infrastructure, noting that this condition does not apply to damage to roads.	Compliant	
	(a)	repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and				
	(b)	relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.				
		Note: This condition does not apply to damage to roads caused as a result of general road usage or otherwise addressed by contributions required by condition B28 of this consent.				
A25		DEMOLITION All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).	Interview with Environment Superintendent.	There has been no demolition during the reporting period.	Compliant	
A26		STRUCTURAL ADEQUACY All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development must be constructed in accordance with:			Not triggered	
	(a)	the relevant requirements of the BCA; and				
	(b)	any additional requirements of SA NSW where the building or structure is located on land within a declared Mine Subsidence District.				
		Notes: •Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. •Part 8 of the EP&A Regulation sets out the requirements for the certification of the development. •Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SA NSW's approval before carrying out certain development in a Mine Subsidence District.				
A27		OPERATION OF PLANT AND EQUIPMENT The Applicant must ensure that all plant and equipment used at the site is:	Interview with Environment Supervisor and Logistics Manager	WCL maintains a register of all plant and equipment. Haulage transport is contracted to a third party, maintenance of haulage tracks is completed off site.	Compliant	
	(a)	maintained in a proper and efficient condition; and				
	(b)	operated in a proper and efficient manner.				
A28		COMPLIANCE The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	Site induction register and online learning system. Interview with Environment Supervisor. Interview with Health, Safety & Training Manager.	New employees need to complete a site induction remotely before arriving to site for the first time using the HowSafe occupational health management system. This system keeps record of all inductions, training, competencies etc. The site induction includes an environmental module which outlines key conditions of consent relevant to their functional role.	Compliant	
A29		APPLICABILITY OF GUIDELINES References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) of the condition.		Noted.	Compliant	
A30		APPLICABILITY OF GUIDELINES However, consistent with the conditions of this consent and without altering any limits or criteria in this approval, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	Interview with Environment Supervisor.	There have been no instructions from DPE to adopt guidelines different to those listed in this consent.	Compliant	
Condition	Item No.	PART B - SPECIFIC ENVIRONMENTAL CONDITIONS				
B1		NOISE - Operational Noise Criteria Except for the carrying out of construction, the Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 1 (see table in Development Consent) at any residence on privately-owned land. Notes: •To identify the locations referred to in Table 1, refer to Appendix 3. • ¹ Receivers relate to school therefore only daytime criteria apply. Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NPfl. Appendix 4 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria. However, the noise criteria in Table 1 do not apply if the Applicant has an agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	Noise Compliance Monitoring Q1 2021 (VMS Australia, 14 March 2021); Noise Compliance Monitoring Q2 2021 (VMS Australia, 2 July 2021); Noise Compliance Monitoring Q3 2021 (VMS Australia, 9 October 2021); Noise Compliance Monitoring Q4 2021 (VMS Australia, 10 January 2022); Noise Compliance Monitoring Q1 2022 (VMS Australia, 27 April 2022); and Interview with Environment Manager.	Noise emissions during the day, evening and night-time periods complied with the operational noise criteria. The Environment Manager has confirmed that there are no landowner noise agreements in place. Opportunity for improvement: The auditor recommends all noise compliance monitoring reports include the calibration certificates of the monitoring equipment as an appendix to the report.	Compliant	OPP #2
B2		NOISE - Noise Operating Conditions The Applicant must:	Noise Compliance Monitoring Q1 2021 (VMS Australia, 14 March 2021);	The Auditor is of the opinion that WCL are implementing controls and mitigation measures identified in the noise management plan. Real-time noise monitoring is being used to inform daily operational activities, and quarterly and annual attended monitoring verifies the real-time monitoring data.	Compliant	
	(a)	take all reasonable steps to minimise the construction, operational and road noise of the development, including low frequency noise and other audible characteristics;	Noise Compliance Monitoring Q2 2021 (VMS Australia, 2 July 2021);			
	(b)	implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas and monitors and reports on these measures;	Noise Compliance Monitoring Q3 2021 (VMS Australia, 9 October 2021);			
	(c)	monitor and record all major equipment use and make this data readily available at the request of the Department or the EPA;	Noise Compliance Monitoring Q4 2021 (VMS Australia, 10 January 2022);			
	(d)	minimise the noise impacts of the development during meteorological conditions in order to satisfy the noise criteria in Table 1 in conjunction with Appendix 4;	Noise Compliance Monitoring Q1 2022 (VMS Australia, 27 April 2022);			
	(e)	operate a comprehensive noise management system that uses a combination of meteorological forecasts, predictive noise modelling and real-time monitoring to guide the day to day planning of mining operations and the implementation of adaptive management both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;	Site observations; Interview with Environment Supervisor; Registered complaints 2021 (https://wollongongcoal.com.au/?download=29915); and Registered complaints 2022 (https://wollongongcoal.com.au/?download=30106).			
	(f)	carry out attended noise monitoring (quarterly or as otherwise agreed with the Secretary) to determine whether the project is complying with the relevant conditions of consent; and				
B3	(g)	regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent.				
		NOISE - Noise Mitigation The Applicant must:	Interview with Environment Supervisor. Site observations and NearMap timelapse imagery. Russell Vale Colliery - Underground Expansion Project – Revised Barrier Design (RWDI Australia Pty Ltd, July 2021)	Construction of the noise walls finished in June 2021, before mining operations commenced in September 2021. RWDI Australia Pty Ltd reviewed the final noise wall design and confirmed that predicted noise levels were consistent with the EIS and there would be no additional residual noise impacts.	Compliant	
	(a)	Implement noise mitigation bunds, walls and barriers identified in Appendix 2 prior to the commencement of mining operations;				
	(b)	consider the use of noise absorptive material as far as practicable in the construction of the noise walls and barriers in condition B3(a); and				
	(c)	ensure the design of the noise walls and barriers in condition B3(a) are endorsed by a suitably qualified and experienced noise expert.				
B4		NOISE - Noise Management Plan The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:	Noise Management Plan - approved 20/08/2021. Interview with Environment Supervisor. Site observations.	The operational noise management plan was approved by DPE, prior to mining operations commencing, as adequately addressing the requirements of B4. There have been no changes or updates to this plan since it was approved by DPE	Compliant	
	(a)	be prepared by a suitably qualified and experienced person/s;	Russell Vale Colliery - Underground Expansion Project – Revised Barrier Design (RWDI Australia Pty Ltd, July 2021).			
	(b)	be prepared in consultation with EPA and WCC;				
	(c)	be approved by the Secretary prior to the commencement of mining operations under this consent;				

		<div><div>(d) describe the measures that would be implemented to ensure:</div><div>(i) compliance with the noise criteria, operating and noise mitigation conditions in this consent;</div><div>(ii) best practice management is being employed; and</div><div>(iii) the noise impacts of the development are minimised during all meteorological conditions in order to satisfy the noise criteria in Table 1 in conjunction with Appendix 4;</div><div>(e) minimise road traffic noise, including but not limited to:</div><div>(i) minimising noise generated by employee commuter vehicles on public roads, particularly on Bellambi Road;</div><div>(ii) avoiding the queuing of trucks on Bellambi Road as they enter the site;</div><div>(iii) limiting the queuing of trucks outside of the bund walls;</div><div>(f) describe the proposed noise management system in detail;</div><div>(g) include a noise monitoring program that:</div><div>(i) uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;</div><div>(ii) includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;</div><div>(iii) monitors noise at the nearest and/or most affected residences;</div><div>(iv) adequately supports the noise management system; and</div><div>(v) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.</div></div>				
B5		NOISE - Noise Management Plan The Applicant must implement the Noise Management Plan as approved by the Secretary.	Interview with Environment Supervisor. Site observations. Russell Vale Colliery - Underground Expansion Project – Revised Barrier Design (RWDI Australia Pty Ltd, July 2021). Noise Compliance Monitoring Q1 2021 (VMS Australia, 14 March 2021); Noise Compliance Monitoring Q2 2021 (VMS Australia, 2 July 2021); Noise Compliance Monitoring Q3 2021 (VMS Australia, 9 October 2021); Noise Compliance Monitoring Q4 2021 (VMS Australia, 10 January 2022); Noise Compliance Monitoring Q1 2022 (VMS Australia, 27 April 2022); Registered complaints 2021 (https://wollongongcoal.com.au/?ddownload=29915); and Registered complaints 2022 (https://wollongongcoal.com.au/?ddownload=30106). Correspondence from CCC and other regulatory authorities.	Following a site inspection, interviews to site personnel and a review of compliance monitoring data and community complaints, the Auditor is of the opinion that WCL has been implementing the NMP . Notably, where specific plant or equipment has been identified in community complaints as causing excessive noise, WCL has undertaken attended noise verification monitoring. An example provided by WCL was a temporary generator that was the subject of several complaints. This generator was used to temporarily power a pump for the stormwater control dam (SWCD) and several complaints lodged in the evening noted this generator was generating excessive noise emissions. VMS Australia Pty Ltd undertook attended verification monitoring in the evening period at the nearest sensitive receivers to this piece of equipment. Results of this monitoring indicated that the noise emissions from the development were compliant with the criteria in B1, and that nearfield measurements indicated a sound pressure level of 57 dBA at 6 metres from the noise source. Based on distance calculation and the nearfield reading, VMS estimated the noise contribution of the temporary generator to be 33 dBA and compliant with B1.	Compliant	
B6		AIR QUALITY & GREENHOUSE GAS - Odour The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.	https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=12040&id=12040&option=licence&searchrange=general&range=POEO%20licence&prp=no&status=Issued Correspondence from EPA dated 5 May 2022. Registered complaints 2021 (https://wollongongcoal.com.au/?ddownload=29915); and Registered complaints 2022 (https://wollongongcoal.com.au/?ddownload=30106). Correspondence from CCC and other regulatory authorities.	Consultation with the EPA Operations Officer who oversees the surface operations and no comments in relation to the performance of development. There have been no odour complaints during the reporting period and this has not been highlighted as an issue that concerns the CCC.	Compliant	
B7		AIR QUALITY & GREENHOUSE GAS - Air Quality Criteria The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate emissions generated by the development do not cause exceedances of the criteria listed in Table 2 (see table in Development Consent) at any residence on privately-owned land.	Quarterly air quality and noise monitoring report (October to December 2021) (EMM, April 2022); Quarterly air quality and noise monitoring report (July to September 2021) (EMM, January 2022); Quarterly air quality and noise monitoring report (April to June 2021) (EMM, September 2021); and Quarterly air quality and noise monitoring report (January to March 2021) (EMM, September 2021).	Quarterly compliance monitoring reports prepared by EMM indicate the development has been compliant with the air quality criteria. However, the report dates are several months after the reporting period, meaning that non-compliances with air quality criteria would only be identified several months after an incident. Opportunity for improvement: air quality compliance reports should be available more timeously so that potential non-compliances are identified earlier.	Compliant	OPP #3
B8		AIR QUALITY & GREENHOUSE GAS - Air Quality Operating Conditions The Applicant must: (a) take all reasonable steps to: (i) minimise odour, fume and particulate matter (including PM10 and PM2.5) emissions of the development, paying particular attention to minimising wheel-generated haul road emissions (including but not limited to mitigation measure at coal transfer points e.g. concealment of coal drops to minimise particular matter, where practicable); (ii) eliminate or minimise the risk of spontaneous combustion; (iii) improve energy efficiency and reduce Scope 1 and Scope 2 greenhouse gas emissions of the development; (iv) minimise any visible off-site air pollution generated by the development; and (v) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time; (b) ensure that major mobile diesel mining equipment used in undertaking the development includes reasonable and feasible diesel emissions reduction technology; (c) operate a comprehensive air quality management system that uses a combination of meteorological forecasts, predictive air quality modelling and real-time monitoring to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent; (d) minimise air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 2 above); (e) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and (f) regularly assess meteorological and air quality monitoring data, and modify operations on the site to ensure compliance with the relevant conditions of this consent.	Quarterly air quality and noise monitoring report (October to December 2021) (EMM, April 2022); Quarterly air quality and noise monitoring report (July to September 2021) (EMM, January 2022); Quarterly air quality and noise monitoring report (April to June 2021) (EMM, September 2021); and Quarterly air quality and noise monitoring report (January to March 2021) (EMM, September 2021).	During the site inspection, air quality monitoring stations and the meteorological station were observed. No dust was observed to be leaving the site during the site inspection (the site was operating), and mined material was observed to be sufficiently damp from the in-conveyor and surrounding dust suppression system. The Environmental Supervisor explained how daily meteorological conditions and air quality readings from the NSW Government website is used to inform and plan daily operations and minimise potential air quality impacts.	Compliant	
B9		AIR QUALITY & GREENHOUSE GAS - Air Quality and Greenhouse Gas Management Plan The Applicant must prepare a detailed Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared by a suitably qualified and experienced person/s	Air Quality and Greenhouse Gas Management Plan - approved 31/08/2021. Interview with Environment Supervisor. Site observations.	The air quality and greenhouse gas management plan was approved by DPE, prior to mining operations commencing, as adequately addressing the requirements of B9. There have been no changes or updates to this plan since it was approved by DPE	Compliant	

		<div><div>(b) prepared in consultation with EPA, NSW Health and the CCC;</div><div>(c) be approved by the Secretary prior to the commencement of the mining operations under this consent;</div><div>(d) describe the measures that would be implemented to ensure:</div><div>(i) compliance with the air quality criteria and operating conditions in this consent;</div><div>(ii) greenhouse gas emissions generated by the development do not exceed the criteria listed in Table 3;</div><div>(iii) best practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site and energy efficiency) to:<div>- minimise the development's air quality impacts; and</div><div>- minimise the development's Scope 1 and 2 greenhouse gas emissions;</div><div>- improve the development's energy efficiency; and</div></div><div>(iv) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;</div><div>(e) describe the air quality management system in detail; and</div><div>(f) include an air quality monitoring program that, undertaken in accordance with the <i>Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales</i> (DEC, 2007), that:</div><div>(i) uses monitors to evaluate the performance of the project against the air quality criteria in this approval and to guide day to day planning of operations;</div><div>(ii) adequately supports the air quality management system; and</div><div>(iii) includes a protocol for identifying an air quality incident and notifying the Department and relevant stakeholders of these events.</div><div>Table 3<div>Table 3: Greenhouse gas emissions criteria</div><div>Scope 1_1,418,997 Total Project GHG Emissions (tCO2-e)</div><div>Scope 2_103,500 Total Project GHG Emissions (tCO2-e)</div></div></div>				
B10		<div>AIR QUALITY & GREENHOUSE GAS - Air Quality and Greenhouse Gas Management Plan</div> <div>The Applicant must implement the approved Air Quality and Greenhouse Gas Management Plan as approved by the Secretary.</div>	<div>Quarterly air quality and noise monitoring report (October to December 2021) (EMM, April 2022);</div> <div>Quarterly air quality and noise monitoring report (July to September 2021) (EMM, January 2022);</div> <div>Quarterly air quality and noise monitoring report (April to June 2021) (EMM, September 2021);</div> <div>Quarterly air quality and noise monitoring report (January to March 2021) (EMM, September 2021);</div> <div>Registered complaints 2021 (https://wollongongcoal.com.au/?ddownload=29915);</div> <div>Registered complaints 2022 (https://wollongongcoal.com.au/?ddownload=30106); and</div> <div>Correspondence from CCC and other regulatory authorities.</div>	<div>Air quality monitoring indicates the development is compliant with the air quality criteria. Controls were observed to be in place and functioning, and there were no observable air quality impacts at the time of the site inspection. In interview with WCL employees, there was a good understanding of the controls used to minimise air quality impacts.</div> <div>Registered complaints indicate air quality (dust) is a minor issue, with only one dust complaint being recorded during the reporting period. In response to this complaint, WCL increased water cart operations (high wind day) and initiated the revegetation of bare areas and installation of irrigation.</div>	Compliant	
B11		<div>METEOROLOGICAL MONITORING</div> <div>Prior to commencing construction under this consent and for the remaining life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that:</div>	<div>Site observations.</div> <div>Quarterly air quality and noise monitoring report (July to September 2021) (EMM, January 2022).</div> <div>Quarterly air quality and noise monitoring report (October to December 2021) (EMM, April 2022).</div> <div>EPA non-compliance 2020-21 (https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?id=12040&periodid=64138&searchrange=general&option=noncompliance&range=POEO%20licence)</div>	<div>During the reporting period, a non-compliance was reported by WCL to the NSW EPA for the period May 2020 to May 2021, with regards to condition M8.1 of EPL#12040. The non-compliance was related to the availability of the meteorological station being less than 95%. According to the reported non-compliance, WCL replaced the meteorological station and implemented a regular maintenance regime.</div> <div>It's noted that during the remaining months of 2021, the weather station did not continuously measure: wind speed, wind direction, temperature, relative humidity and pressure. It does appear that in the month of December there was an improvement in the reliability of the weather station, but an air quality and noise monitoring report for January to March 2022 was not available for the Auditor to review.</div> <div>Non-compliance: the meteorological station has not been capable of continuously recording real-time measurements for wind speed, wind direction and temperature. There is no evidence of the Planning Secretary approving an alternative meteorological station.</div>	Not compliant	NCR #2
	(a)	complies with the requirements in the <i>Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales</i> (DEC, 2007);				
	(b)	is capable of continuous real-time measurement of wind speed, wind direction sigma theta and temperature; and				
	(c)	is capable of measuring meteorological conditions in accordance with the NPfi; unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.				
B12		<div>WATER - Water Licences</div> <div>The Applicant must obtain all necessary water licences for the development, including during rehabilitation and following mine closure, under the <i>Water Act 1912 and/or the Water Management Act 2000</i>, prior to the take of water occurring.</div>	<div>WAL36488</div> <div>WAL43561</div>	<div>WCL holds two water access licence certificate issued under s87B of the Water Management Act 2000. Per the NSW Water Register, both licences are current and provide access to the Sydney Basin Nepean Groundwater Source.</div>	Compliant	
B13		<div>WATER - Water Supply</div> <div>The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.</div>	<div>12 C/T Main Pumping Station Data - Water coming out from Wongawilli Seam</div>	<div>WCL maintains a logbook of all groundwater movements. Water supply was not flagged as an issue during the audit process.</div>	Compliant	
B14		<div>WATER - Water Supply</div> <div>The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.</div>	<div>Correspondence from DPE to WCL dated 14/03/2022.</div>	<div>On 14 March 2022, DPE approved the variation of the reporting date for the Annual Return (a requirement of F11). The Planning Secretary agreed to vary the Annual Review reporting deadline to 30 September each year. Consequently an Annual Review (per F11 of MP09_0013) was not available to review during this audit.</div>	Not triggered	

B15		WATER - Water Discharge The Applicant must ensure that all surface discharges from the site comply with:	Interview with Environment Supervisor. Site observations. Real-time data [https://dsweb.datasight.cloud/WCL/login.aspx?ReturnUrl=%2fWCL]. Environmental Monitoring Report Environmental Protection Licence No: 12040 (14 March 2022).	It was explained to the Auditor that there is only 1 discharge point from the site which discharges water from Bellambi Gully at Princes Highway, labelled as Point 11 in EPL 12040. The discharge point provides real-time monitoring data to the general public. On 6 May 2021, WCL reported a turbid discharge from the site (via Point 11); on 8 May 2021 the EPA issued a Clean-up Notice. The Auditor has not been informed of any other reported pollution incidents. LDP 11 is not a licensed discharge point but is a downstream ambient monitoring point for Bellambi Gully, therefore water released via this downstream discharge point must comply with section 120 of the POEO Act. LDP 12 is not a licensed discharge point but is an upstream ambient monitoring point for Bellambi Gully and must also comply with section 120 of the POEO Act. Both LDP 12 and LDP 11 have recorded extremely high turbidity levels during the reporting period; significantly higher than the Level 3 TARP levels (300 NTU) and significantly higher than the 95th percentile from baseline data between 2016 and 2020 (166 NTU and 250 NTU respectively). The auditors have thoroughly investigated the high turbidity levels and can neither determine compliance or non-compliance with the requirement that all surface discharges from the site must comply with section 120 of the POEO Act. Turbidity levels in Bellambi Gully have historically been higher than the turbidity levels in other nearby waterways, but the turbidity levels currently being recorded are significant. The auditors cannot rely solely on the measured readings from LDP 11 and LDP 12 as the probes are poorly located and do not truly represent the ambient upstream and downstream ambient conditions. For example, the trash rack upstream of LDP 12 is often buried by natural materials carried down the waterway, clearly increasing the turbidity of the water entering WCL surface water management system. The origin of these upstream sediments and natural materials is unconfirmed. Similarly the origin of turbidity being recorded at LDP 11 is unconfirmed, but it's worth noting that the spillway for the stormwater control dam (dirty water storage) is downstream of WCL's licensed discharge point into Bellambi Gully (LDP 2) and there is potential for this dam, and the Highway Dam which catches surface water runoff from the road and is adjacent to LDP, to overflow and discharge via LDP 11. In summary, WCL's compliance with section 120 of the POEO Act via LDP 11 and LDP 12 cannot be confirmed as there are too many unknown variables influencing the water quality at these monitoring locations to rely on the monitoring results alone to determine compliance.	Cannot be determined	OPP #4
	(a)	discharge limits (both volume and quality) set for the development in any EPL; or				
	(b)	relevant provisions of the POEO Act.				
B16		WATER - Water Management Performance Measures The Applicant must ensure that the development does not cause any exceedance of the performance measures in Table 4 (see table in development consent), to the satisfaction of the Planning Secretary.	2021 Environmental Monitoring Report for Environment Protection Licence No: 12040 (19/01/2022). Water Management Plan - approved 31/08/2021.	The water management plan states that these performance measures are measured by compliance with the relevant water quality standards at the various water quality monitoring locations, however compliance cannot be strictly quantitative as these "performance" measures are mostly actions. What is obvious from an observation perspective is that "dirty" water from process areas is separated from "clean" water in the Bellambi Creek Diversion Works. The newly constructed on-site detention basin was free of water and therefore had suitable on-site detention volume, however it was explained during the site inspection that the basin had not yet been fully commissioned. There was minor erosion in places, but this looked recent and was most likely attributable to a rainfall event that had occurred several days prior to the site inspection.	Compliant	
B17		WATER - Water Management Plan The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:	Water Management Plan - approved 31/08/2021	The water management plan was approved by DPE, prior to mining operations commencing, as adequately addressing the requirements of B17. There have been no changes or updates to this plan since it was approved by DPE.	Compliant	
	(a)	be prepared by a suitably qualified and experienced person/s;				
	(b)	be prepared in consultation with WCC, DPIE Water, WaterNSW and the EPA;				
	(c)	be approved by the Secretary prior to the commencement of mining operations under this consent;				
	(d)	describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see Table 4);				
	(e)	build on existing monitoring programs, where practicable;				
	(f)	include a:				
	(i)	Site Water Balance that includes details of: <ul style="list-style-type: none"> •predicted annual inflows to and outflows from the site; •sources and security of water supply for the life of the development (including authorised entitlements, licences and harvestable rights); •water storage capacity; •water use and management on the site, including any water transfers or sharing with other industries; •licensed discharge points and limits; and •reporting procedures, including the annual preparation of an updated site water balance; 				
	(ii)	Salt Balance that includes details of: <ul style="list-style-type: none"> •sources of saline material on the site; •saline material and saline water management on the site; •measures to minimise discharge of saline water from the site; and •reporting procedures, including the annual preparation of an updated salt balance; 				
	(iii)	Erosion and Sediment Control Plan that: <ul style="list-style-type: none"> •is consistent with the requirements of <i>Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book</i> (Landcom, 2004) and Volume 2E: <i>Mines and Quarries</i> (DECC, 2008); •identifies activities that could cause soil erosion, generate sediment or affect flooding; •includes a program to review the adequacy of flood protection works, and ensure they comply with the relevant performance measures listed in Table 4; •describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk; •describes the location, function, and capacity of erosion and sediment control structures and flood management structures; and •describes what measures would be implemented to maintain (and if necessary decommission) the structures over time; 				

	<div> <div>(iv) Surface Water Management Plan that; <ul style="list-style-type: none"> •Is consistent with the Guidelines for <i>Controlled Activities on Waterfront Land</i> (NRAR, 2018); •includes detailed baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development, including: <ul style="list-style-type: none"> -stream and riparian vegetation health; -channel stability (geomorphology); and -water supply for other surface water users; •includes a detailed description of the surface water management system; •includes detailed plans, design objectives and performance criteria for water management infrastructure, including: <ul style="list-style-type: none"> -any approved creek diversions or restoration works associated with the development, including details of the Bellambi Creek Diversion Works that were required under the Russell vale Preliminary Works Project (MP10_0046); -water run-off diversions and catch drains; -water storages and sediment dams; -reinstated drainage networks on rehabilitated areas of the site; •includes detailed performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development, for: <ul style="list-style-type: none"> -downstream surface water flows and quality; -channel stability; -downstream flooding impacts; -stream and riparian vegetation heath; -water supply for other water users; and -post-mining water pollution from rehabilitated areas of the site; •includes a program to monitor and evaluate: <ul style="list-style-type: none"> -compliance with the relevant performance measures listed in Table 4 and the performance criteria in this plan; -controlled and uncontrolled discharges and seepage/leachate from the site; -surface water inflows, outflows and storage volumes, to inform the Site Water Balance; and -the effectiveness of the surface water management system and the measures in the Erosion and Sediment Control Plan; •includes reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results; and </div> <div> <div>(v) Groundwater Management Plan that includes: <ul style="list-style-type: none"> •detailed baseline data of groundwater levels, yield and quality for groundwater resources potentially impacted by the development; •a detailed description of the groundwater management system; •groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts associated with the development, on: <ul style="list-style-type: none"> -regional and local aquifers (alluvial and hardrock); and -groundwater supply for other water users such as licensed privately-owned groundwater bores; •a program to monitor and evaluate: <ul style="list-style-type: none"> -compliance with the relevant performance measures listed in Table 4 and the performance criteria in this plan; -water loss/seepage from water storages into the groundwater system, -groundwater inflows, outflows and storage volumes, to inform the Site Water Balance; -the hydrogeological setting of any nearby alluvial aquifers and the likelihood of any indirect impacts from the development; -the effectiveness of the groundwater management system; •reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results; •a trigger action response plan to respond to any exceedances of the groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development; and •a program to periodically validate the groundwater model for the development, including an independent review of the model every 3 years, and a comparison of monitoring results with modelled predictions; and </div> <div> <div>(vi) a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition F11.</div> </div> </div> </div>				
B18	<div> <div>WATER - Water Management Plan</div> <div>The Applicant must implement the Water Management Plan as approved by the Planning Secretary.</div> </div>	<div> <div>Interview with Environment Supervisor.</div> <div>Site observations.</div> <div>Annual Environmental Management Report 2020-2021 [https://wollongongcoal.com.au/?ddownload=30027].</div> <div>RVC Environmental Inspections - Water Management System.</div> <div>Field Water Monitoring Records.</div> <div>Sedimentation and Erosion Control Plan (prepared by ROC Engineering Design, 12/05/2021) in office of Logistics Manager.</div> <div>Compliance Report – EPBC 2020/8702 (12/05/2022).</div> </div>	<div> <div>With regards to the ESCP, clean water diversions are in place (i.e. Bellambi Creek Diversion Works) and the embankments of the diversion are vegetated. There was no obvious mixing of clean and dirty water, except for at LDP 2 where water from the water treatment plan is discharged into Bellambi Creek Diversion Works. The new dirty water sediment basin has been constructed and is being used, and the on-site detention basin has been constructed. While conducting the site investigation, the pre-existing enhanced dirty water settlement basins were being de-silted. WCL undertakes regular inspections of the water management system (inspection sited during site visit). Groundwater monitoring results as presented in the Compliance Report for EPBC 2020/8702 indicates there were no trigger exceedances and that groundwater levels have improved in parallel with the above average rainfall experienced during the reporting period.</div> <div>A review of environmental monitoring reports prepared by WCL indicates TARP criteria (Turbidity) have been within the warning category for LDP 11 monthly averages, however real-time measurements between January 2022 and May 2022 show there have been 1,361 measurements which have exceeded the 300 NTU Level 3 trigger between January 2022 and May 2022. Per Appendix C of the Pit Top Surface Water Management Plan, Level 2 and Level 3 Triggers should prompt a response and action. A review of the correspondence register shows some TARP Level 3 exceedances have been notified to DPE and EPA, but there are several events where the notification was days after the exceedances were recorded, or in some instances the exceedances weren't notified at all. A review of these discharge measurements indicates a significant difference between the water quality (turbidity) of LDP12 (upstream) and LDP11 (downstream), raising the question as to whether the cause for the potential exceedance originated from the site. There is no evidence in the correspondence register of informing DPE and EPA of these differences in water quality, or whether WCL undertook further investigations to clarify the sources of turbidity. It is also worth noting that several of these exceedances were registered after rainfall events that are not significant. LDP 11 receives water from the Storm Water Control Dam (SWCD). Section 4.3.4 of the Erosion & Sediment Control Plan states that the capacity of the SWCD needs to be managed to minimise the chance of surcharging Bellambi Gully. A review of aerial photography over several years indicates the current water level of the SWCD is very high. Given the high turbidity readings recorded soon after non-significant rainfall events, it seems to indicate WCL is struggling to manage the capacity of dirty water stored in the SWCD.</div> <div>Non-compliance: There have been 41 days (9 multi-day rain events) between January 2022 and May 2022 where discharges via Point 11 have been significantly more turbid than the upstream ambient turbidity level (Point 12). Four of these events were notified to EPA and DPE, but three of these notifications were not immediate (i.e. the notification was issued more than 24 hours after the high turbidity readings commenced). WCL has not followed the requirements of the TARP in the water management plan by failing to notify DPE and EPA of all discharges where turbidity at PT 11 has been significantly higher than PT 12. There is also no evidence of WCL investigating the source and reason for the higher turbidity levels, and whether any additional mitigation measures or controls are proposed to be installed to mitigate future occurrences.</div> </div>	Not compliant	NCR #3
B19	<div> <div>WATER - Adit Discharge Water Management Plan</div> <div>The Applicant must prepare an Adit Discharge Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</div> <div>(a) be prepared by a suitably qualified and experienced person/s;</div> <div>(b) be prepared in consultation with EPA, DPIE Water and WaterNSW;</div> <div>(c) be submitted to the Planning Secretary for approval within 12 months of the date of commencement;</div> <div>(d) identify the location of all mine related adits and other potential groundwater leakage points associated with the development and historical mining at the Russell Vale Colliery;</div> <div>(e) include:</div> <div>(i) predictions of the volumes and discharge water quality from each point;</div> <div>(ii) timelines for discharges;</div> </div>	Correspondence to DPE dated 4 May 2022.	<div>An Adit Discharge Management Plan has not been submitted to DPE within 12 months of commencing development under this consent.</div> <div>Non-compliance: the adit discharge water management plan has not been submitted to the Planning Secretary for approval within 12 months of commencing this consent.</div>	Not compliant	NCR #4

		<div>(iii) avoidance, mitigation and monitoring measures to reduce adverse impact of discharge waters;</div> <div>(iv) treatment, discharge and beneficial reuse options, including associate environmental impacts and costs;</div> <div>(v) details of consultation with other mines in the region and relevant agencies to ensure outcomes are based on strategic regional considerations;</div> <div>(vi) any necessary funding arrangements during operations and post-mining which consider short and long term discharges and appropriate water quality targets based on an agreed potential discharge water end use;</div> <div>(f) be reviewed and updated every 5 years, including a protocol to report on the outcome of the requirements identified above.</div>				
B20		WATER - Adit Discharge Water Management Plan The Applicant must implement the Adit Discharge Water Management Plan as approved by the Planning Secretary.	Correspondence to DPE dated 4 May 2022.	An Adit Discharge Management Plan has not been submitted to DPE within 12 months of commencing development under this consent.	Not compliant	NCR #5
B21		BIODIVERSITY - Biodiversity Management Plan The Applicant must prepare a Biodiversity Management Plan for the development, to the satisfaction of the Planning Secretary. This plan must: <div>(a) be prepared by a suitably qualified and experienced person/s;</div> <div>(b) be prepared in consultation with BCD;</div> <div>(c) be approved by the Secretary prior to the commencement of mining operations under this consent;</div> <div>(d) establish baseline data for existing remnant vegetation and habitat on site;</div> <div>(e) describe the short, medium, and long-term measures to be undertaken to manage the remnant vegetation and habitat on the site;</div> <div>(f) include detailed description of the measures that would be implemented to: <div>(i) minimise impacts to biodiversity on the site, including any species and communities listed under the BC Act and EPBC Act;</div> <div>(ii) protect vegetation and fauna habitat outside of the approved disturbance areas;</div> <div>(iii) control weeds, including measures to avoid and mitigate the spread of noxious weeds;</div> <div>(iv) control feral pests;</div> <div>(v) control erosion;</div> <div>(vi) control access to vegetated or revegetated areas; and</div> <div>(vii) manage bushfire hazards;</div> </div> <div>(g) include program to monitor and report on the effectiveness of the above measures and identify measures that could be implemented to improve biodiversity outcomes; and</div> <div>(h) include details of who would be responsible for monitoring, reviewing, and implementing the plan.</div>	Biodiversity Management Plan - approved 24/08/2021	The biodiversity management plan was approved by DPE, prior to mining operations commencing, as adequately addressing the requirements of B21. There have been no changes or updates to this plan since it was approved by DPE.	Compliant	
B22		BIODIVERSITY - Biodiversity Management Plan The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary. <p>Note:</p> <p>1. The Biodiversity Management Plan required under condition B21 applies to managing biodiversity impacts associated with surface infrastructure areas within the site. Biodiversity impacts associated with subsidence are incorporated into the Extraction Plan required under condition C10.</p> <p>2. The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated site.</p>	Interview with Environment Supervisor. Site observations. Annual Environmental Management Report 2020-2021 [https://wollongongcoal.com.au/?ddownload=30027]. Compliance Report – EPBC 2020/8702 (12/05/2022).	WCL has undertaken vegetation management during the reporting period, with some of these activities observed by the Auditor during the site inspection. No impacts to threatened fauna or threatened flora were raised by site employees during the site inspection. Weed management is ongoing and WCL works with Illawarra District Noxious Weeds Authority to control noxious weeds. The site induction register informs employees of the developments requirements with regards to biodiversity management. Water quality monitoring is an integral part of monitoring the aquatic ecology of the site, and this has occurred in accordance with the water management plan and biodiversity management plan.	Compliant	
B23		HERITAGE - Protection of Aboriginal Heritage The Applicant must ensure that the project does not cause any direct or indirect impact on any identified heritage items. <p>Note: Identified heritage items are shown in the figure in Appendix 6.</p>	Annual Environmental Management Report 2020-2021 [https://wollongongcoal.com.au/?ddownload=30027].	There have been no reported impacts (direct or indirect) to Aboriginal heritage items.	Compliant	
B24		HERITAGE - Aboriginal Cultural Heritage Management Plan The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must: <div>(a) be prepared by suitably qualified and experienced persons;</div> <div>(b) be prepared in consultation with BCD and Registered Aboriginal Parties;</div> <div>(c) be approved by the Secretary prior to the commencement of mining operations under this consent;</div> <div>(d) include the outcome of Aboriginal community consultation that meets the requirements of the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponent's</i> (DECCW, 2010);</div> <div>(e) include updated baseline recording of Aboriginal heritage sites previously identified in the vicinity of the bord and pillar workings;</div> <div>(f) include updated assessment of risk of impact from the project to Aboriginal heritage sites previously identified above the Bulli Seam goaf areas yet to be confirmed as subsided;</div> <div>(g) describe the measures to be implemented on the site to: <div>(i) comply with the heritage-related operating conditions of this consent;</div> <div>(ii) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;</div> <div>(iii) monitor identified Aboriginal objects and Aboriginal places identified in the vicinity of the first-workings mine panels (Appendix 6);</div> <div>(iv) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;</div> <div>(v) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places; and</div> <div>(vi) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and</div> </div> <div>(h) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.</div>	Heritage Management Plan (incorporating Aboriginal cultural heritage and historic heritage) - approved 24/08/2021	The Aboriginal cultural heritage management plan is part of the site's heritage management plan that was approved on 24/08/2021, prior to the commencement of mining operations. There have been no changes or updates to this plan since it was approved by DPE.	Compliant	
B25		HERITAGE - Aboriginal Cultural Heritage Management Plan The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.	Interview with Environment Supervisor. Annual Environmental Management Report 2020-2021 [https://wollongongcoal.com.au/?ddownload=30027].	WCL activities occur in previously disturbed surface areas and all known Aboriginal heritage items have been mapped. The risk of impacting known Aboriginal heritage items is low. No unexpected Aboriginal heritage items have been found during the reporting period, and no known items have been reported to be damaged.	Compliant	
B26		HERITAGE - Historic Heritage Management Plan The Applicant must prepare a Historic Heritage Management Plan for the project, in respect of all non-Aboriginal cultural heritage items, to the satisfaction of the Planning Secretary. This plan must: <div>(a) be prepared by a suitably qualified and experienced person/s;</div> <div>(b) be prepared in consultation with the Heritage Branch, WCC and WSC, and in accordance with the relevant Heritage Branch guidelines;</div> <div>(c) be approved by the Secretary prior to the commencement of mining operations under this consent;</div> <div>(d) describe how historic heritage values of the site would be recorded and preserved, including all heritage items at the surface facilities site;</div> <div>(e) identify all heritage items in the vicinity of the site and include a statement of significance for each item;</div> <div>(f) describe the measures to be implemented on the site to: <div>(i) ensure all workers receive suitable heritage inductions prior to carrying out any activities which may cause impacts to historic heritage, and that suitable records are kept of these inductions;</div> </div>	Heritage Management Plan (incorporating Aboriginal cultural heritage and historic heritage) - approved 24/08/2021	The historic heritage management plan is part of the site's heritage management plan that was approved on 24/08/2021, prior to the commencement of mining operations.	Compliant	

		<div><div>(ii) undertake photographic/archival recording of any items of heritage significance predicted to be impacted by the development, prior to disturbance;</div><div>(iii) protect heritage items located outside the approved disturbance area from unpredicted impacts of the development, disrepair or vandalism (where practicable); and</div><div>(iv) manage any new heritage items discovered during the life of the development; and</div><div>(g) include a strategy for the care, control and storage of relics salvaged from the site.</div></div>				
B27		HERITAGE - Historic Heritage Management Plan The Applicant must implement the Historic Heritage Management Plan as approved by the Planning Secretary.	Interview with Environment Supervisor. Site observations.	There has been no demolition or removal of historic heritage items during the reporting period.	Compliant	
B28		TRANSPORT - Bellambi Lane of Maintenance Contributions The Applicant must pay Bellambi Lane maintenance contributions to WCC equivalent to a total of \$338,000 (in 2019/2020 dollars value), with: <div><div>(a) \$67,600 to be paid in 5 instalments for the 5 years of operation of the mine;</div><div>(b) all instalments to be payable by 31 March each year, and</div><div>(c) payments indexed in accordance with the CPI for the December quarter of the previous year.</div></div>	Bpay transaction dated 31/03/2021. Correspondence from WCC dated 5/05/2022.	WCL made payment of the maintenance contribution for the Bellambi Lane on 31 March 2021. Next instalment was due 11 May 2022 (per correspondence with WCC).	Compliant	
B29		TRANSPORT - Monitoring of Coal Transport The Applicant must monitor and report on: <div><div>(a) the amount of coal transported from the site (on a daily basis);</div><div>(b) the date and time of each truck movement from the site; and</div><div>(c) make these records publicly available on its website at the end of each quarter.</div></div>	Daily Coal Transportation Tonnages 2021[https://wollongongcoal.com.au/?ddownload=30070] Daily Coal Transportation Tonnages 2022 [https://wollongongcoal.com.au/?ddownload=30069]	WCL publishes via its website, daily coal tonnages transported from site.	Compliant	
B30		TRANSPORT - Traffic Management Plan The Applicant must prepare a Traffic Management Plan for the project to the satisfaction of the Planning Secretary. This plan must: <div><div>(a) be prepared by a suitably qualified and experienced person/s;</div><div>(b) be prepared in consultation with TfNSW and WCC;</div><div>(c) be approved by the Secretary prior to the commencement of mining operations under this consent;</div><div>(d) include details of all transport routes to be used for the development;</div><div>(e) include details of the measures to be implemented to minimise traffic impacts and safety issues impacts of the development the residential areas surrounding the surface facilities site, and in particular the residences located along Bellambi Lane. These measures should include coordinating truck movements avoiding school hours where practicable;</div><div>(f) include a traffic management protocol for construction and operation of the development, which considers:<div><div>(i) truck number, time and operating restrictions as required by conditions A11-A13;</div><div>(ii) appropriate speed limits;</div><div>(iii) truck separation distances;</div><div>(iv) minimisation of compression braking and other noisy practices, including on the approach to Port Kembla Road/Springhill Road traffic lights when entering or exiting PKCT;</div><div>(v) reporting traffic faults and traffic incidents; and</div></div></div><div>(g) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:<div><div>(i) adhere to any revised speed limits for the development;</div><div>(ii) adhere to the designated transport routes;</div><div>(iii) implement safe driving practices; and</div></div></div><div>(h) include a program to monitor and report on the effectiveness of these measures.</div></div>	Traffic Management Plan - approved 3/08/2021	The traffic management plan was approved on 3/08/2021, prior to the commencement of mining operations, and met the requirements of B30. There have been no changes or updates to this plan since it was approved by DPE.	Compliant	
B31		TRANSPORT - Traffic Management Plan The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.	Daily Truck Movements 2022 [https://wollongongcoal.com.au/?ddownload=30075] Daily Truck Movements 2021 [https://wollongongcoal.com.au/?ddownload=30076]	The traffic management plan is being implemented per the commitments in the plan. There is evidence of trucks for coal transportation arriving to site prior to 7am Monday to Friday and 8am Saturday. Per interview with Environment Superintendent, these trucks proceed to the truck parking area. It is noted that a complaint received on 9 September 2021 was related to an Over Size Over Mass delivery of equipment to site in the early morning of Friday 3 September 2021. WCL undertook an investigation after receiving the complaint and concluded the delivery was scheduled by WCL and needed to be undertaken outside normal hours due traffic approvals from the roads authority. The auditor notes this event was not related to the transportation of coal and the timing was dictated by a third party approval from the roads authority.	Compliant	
B32		VISUAL - Visual Amenity and Lighting The Applicant must: <div><div>(a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;</div><div>(b) ensure no fixed outdoor lights shine above the horizontal or above the building line or any illuminated structure;</div><div>(c) ensure that all external lighting associated with the project complies with <i>Australian Standard AS4282 (INT) 1997 - Control of Obtrusive Effects of Outdoor Lighting</i>;</div><div>(d) implement a landscaping strategy to shield public views of the project that includes a road-side tree planting and maintenance schedule; and</div><div>(e) ensure that the visual appearance of all noise walls/bunds, buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape; to the satisfaction of the Secretary.</div></div>	Site observations. Interview with Environment Supervisor. Registered complaints 2021 (https://wollongongcoal.com.au/?ddownload=29915). Registered complaints 2022 (https://wollongongcoal.com.au/?ddownload=30106). Consultation with CCC dated 26/04/2022.	There is no evidence to suggest lighting from the development is having an impact beyond the extent of the development's premises. A complaint has been recorded in March 2021 regarding the visual impact of the noise walls that were under construction at the time. The complainant requested information on how the visual impact of the noise wall would be minimised; WCL responded to the complainant, explaining the noise wall would be painted to blend into the surrounding environment. There have been no other complaints recorded that relate to visual amenity or lighting.	Compliant	
B33		VISUAL - Visual impact Management Plan The Applicant must prepare a Visual Impact Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: <div><div>(a) be prepared by a suitably qualified and experienced person/s;</div><div>(b) be prepared in consultation with WCC and CCC;</div><div>(c) be approved by the Secretary prior to the commencement of mining operations under this consent;</div><div>(d) describe the measures to be implemented to minimise the visual and off-site lighting impacts of the development;</div><div>(e) include a landscaping strategy to shield public views of the project that includes a road-side tree planting and maintenance schedule; and</div><div>(f) include a program to monitor and report on the implementation and effectiveness of the mitigation measures.</div></div>	Visual Impact Management Plan - approved 18/08/2021	The visual impact management plan was approved on 18/08/2021, prior to the commencement of mining operations, and met the requirements of B33. There have been no changes or updates to this plan since it was approved by DPE.	Compliant	
B34		VISUAL - Visual impact Management Plan The Applicant must implement the Visual Impact Management Plan as approved by the Planning Secretary.	Site observations.	Tree and screening planting was observed during the inspection and constructed noise walls have been painted to help blend in to the existing environment.	Compliant	
B35		WASTE The Applicant must: <div><div>(a) take all reasonable steps to minimise the waste (including coal rejects) generated by the development;</div><div>(b) classify all waste in accordance with the Waste Classification Guidelines (EPA, 2014);</div><div>(c) dispose of all waste at appropriately licensed waste facilities;</div><div>(d) manage on-site sewage treatment and disposal in accordance with the requirements of WCC;</div><div>(e) ensure coal reject material:<div><div>(i) is tested every 6 months to confirm its suitability for beneficial reuse and/or underground emplacement;</div><div>(ii) that meets the EPA's <i>Coal Washery Rejects Order 2014</i> and <i>Coal Washery Rejects Exemption 2014</i> is prioritised for beneficial reuse;</div></div></div></div>	Site observations. Annual Environmental Management Report 2020-2021 [https://wollongongcoal.com.au/?ddownload=30027].	The site was presentable and waste receptacles placed around the pit top amenities were being used. Waste management reporting documented in the annual review for 2021 indicates that all waste types are being removed to licensed facilities.	Compliant	

		(iii) is only emplaced underground if it meets the neutral or beneficial effect on water quality test in accordance with the <i>Neutral or Beneficial Effect on Water Quality Assessment Guideline</i> (SCA, 2015); and				
		(f) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition F11.				
B36		WASTE Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> , the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.	Site observations.	During the inspection there was no evidence to suggest waste was being received at the site.	Compliant	
B37		WASTE - Waste Management Plan The Applicant must prepare a Waste Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:	Waste Management Plan - approved 18/08/2021	The waste management plan was approved on 18/08/2021, prior to the commencement of mining operations, and met the requirements of B37. There have been no changes or updates to this plan since it was approved by DPE.	Compliant	
	(a)	be prepared in consultation with EPA, WaterNSW and WCC;				
	(b)	identify all waste types generated by the development; and				
	(c)	describe the measures to ensure the management of waste generated by, and received at, the development complies with the requirements of conditions B35 and B36.				
B38		WASTE - Waste Management Plan The Applicant must implement the Waste Management Plan as approved by the Planning Secretary.	Site observations. Annual Environmental Management Report 2020-2021 [https://wollongongcoal.com.au/?ddownload=30027].	The site was presentable and waste receptacles placed around the pit top amenities were being used. Waste management reporting documented in the annual review for 2021 indicates that all waste types are being removed to licensed facilities.	Compliant	
B39		BUSHFIRE MANAGEMENT The Applicant must:	Site observations. Interview with Environment Supervisor. Registered complaints 2021 (https://wollongongcoal.com.au/?ddownload=29915). Registered complaints 2022 (https://wollongongcoal.com.au/?ddownload=30106). Annual Environmental Management Report 2020-2021 [https://wollongongcoal.com.au/?ddownload=30027].	Lawn mowing and vegetation clearing was observed during the site inspection. No fires were reported in the annual review for 2021 and undergrowth within APZ's was cleared and maintained. It's noted that a complaint regarding vegetation management and bushfire risk was recorded on 24/01/2022. WCL responded to the complainant to advise of planned vegetation management activities in February and March 2022, to which the complainant was satisfied with.	Compliant	
	(a)	ensure that the development:				
	(i)	provides for asset protection in accordance with the relevant requirements in the <i>Planning for Bushfire Protection</i> (RFS, 2019) guideline; and				
	(ii)	ensure that there is suitable equipment to respond to any fires on the site; and				
B40	(b)	assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.	Bushfire management plan dated 4/02/2021. This plan is not required to be approved by DPE.	The bushfire management plan includes a table of key persons, their role, responsibilities and contact number. The plan identifies asset protection zones which need to be maintained, water supply, internal access roads and locations of flammable liquids and materials. A hot works standard is included in appendix B. An emergency/evacuation plan is included too.	Compliant	
		BUSHFIRE MANAGEMENT Prior to commencing mining operations under this consent, the Applicant must prepare a Bushfire Management Plan for the project in consultation with RFS. This plan must include a:				
	(a)	contact person and 24 hour contact phone number;				
	(b)	schedule and description of proposed bushfire mitigation works, including:				
	(i)	location of managed and unmanaged vegetation within the site;				
	(ii)	location of water supply; and				
	(iii)	internal access roads;				
	(c)	plan identifying the location and storage of bulk flammable liquids and materials;				
	(d)	'hot works' management plan, including:				
	(i)	circumstances when 'hot works' are limited or prohibited; and				
	(ii)	safety measures to be implemented when 'hot works' are being conducted; and				
	(e)	emergency/evacuation plan in accordance with the <i>Guidelines for the Preparation of Emergency/Evacuation Plans</i> (RFS) and <i>Australian Standard AS3745 Planning for Emergencies in Facilities</i> .				
B41		BUSHFIRE MANAGEMENT The Applicant must implement the Bushfire Management Plan in consultation with RFS.	Annual Environmental Management Report 2020-2021 [https://wollongongcoal.com.au/?ddownload=30027].	The asset protection zones were not observed during the inspection, however lawn mowing and vegetation clearance was observed generally. The annual review for 2021 states bushfire management activities, specifically clearing undergrowth within APZs occurred during the reporting period.	Compliant	
B42		DANGEROUS GOODS The Applicant must ensure that the storage, handling, and transport of:	Correspondence to NSW Resources Regulator dated 27/04/2022.	An attempt to consult the NSW Resources Regulator was made on 27 April 2022; no response has been received to date. During the site inspection, there was no evidence to indicate that the storage, handling and transport of dangerous goods was done in contravention to the relevant Australian Standards.	Compliant	
	(a)	dangerous goods is done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code; and				
	(b)	explosives are managed in accordance with the requirements of the Resources Regulator.				
B43		EXPLORATION ACTIVITIES AND SURFACE INFRASTRUCTURE - Gas Drainage The Applicant must ensure that all gas drainage pipelines (other than connection points, monitoring points, dewatering facilities, regulation or isolation points) between gas drainage plants are buried, unless otherwise agreed with the relevant landowner or unless burial is inappropriate for safety or other reasons, to the satisfaction of the Planning Secretary.	Annual Environmental Management Report 2020-2021 [https://wollongongcoal.com.au/?ddownload=30027].	The annual review prepared for 2021 states methane drainage has not been undertaken for the mining area approved by this consent due to the low gas content of the coal.	Not triggered	
B44		REHABILITATION - Rehabilitation Objectives The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining leases(s) associated with the project under the <i>Mining Act 1992</i> . This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the RPPR and comply with the objectives in Table 5 (refer to table in Development Consent). Notes: •These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by all underground mining of the development and to all surface infrastructure components of the development. •Where remediation of watercourses is likely to cause subsidence impacts or environmental consequences greater than those that require rehabilitation, alternative equivalent works may be undertaken within the affected watercourse.	Mining Operations Plan dated 17/05/2021.	Rehabilitation objectives have been committed to in the mining operations plan for the period 1 June 2021 to 1 June 2024.	Compliant	
B45		REHABILITATION - Rehabilitation Management Plan The Applicant must prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the development under the <i>Mining Act 1992</i> . This plan must:	Mining Operations Plan dated 17/05/2021.	The management and objectives of rehabilitating the mine have been included in the mining operations plan (MOP). The MOP states that stakeholder consultation is to be undertaken with DPIE, DPIE Water, BCD, Resources Regulator, WaterNSW and WCC. However, no evidence is provided to indicate that the rehabilitation management plan was prepared in consultation with these stakeholders. The MOP states stakeholder consultation is an ongoing process. WCL has clarified that the Rehabilitation Management Plan is currently under going an update to address changes in legislation, and that consultation with the listed authorities is underway.	Compliant	
	(a)	be prepared by a suitably qualified and experienced person/s;				
	(b)	be prepared in accordance with the relevant requirements specified under the Mining Act 1992;				
	(c)	be prepared in consultation with the Department, DPIE Water, BCD, WaterNSW, RR and WCC;				
	(d)	be prepared in accordance with any relevant MEG Guideline;				
	(e)	include a life of mine rehabilitation and mining schedule which outlines key progressive rehabilitation milestones from the commencement of operations through to decommissioning and mine closure;				
	(f)	include Rehabilitation Objectives, Rehabilitation Completion Criteria and a Final Landform and Rehabilitation Plan				
	(g)	Include an overview of the identified risks to achieving successful rehabilitation and the type of rehabilitation strategies to be implemented to address the identified risks;				
	(h)	describe the measures to be implemented on the site to achieve the Rehabilitation Objectives in Table 5 and the criteria in paragraph (f);				
	(i)	include detailed mine plans and scheduling for progressive rehabilitation to be initiated, undertaken and/or completed over the next three years, or other suitable time period as agreed with the Resources Regulator;				
	(j)	include procedures for the reasonable use of interim stabilisation and temporary vegetation strategies to minimise the area exposed for dust generation;				
	(k)	include a program to monitor, audit and report on the progress against the Rehabilitation Objectives and Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan; and				

	(l)	outline intervention and adaptive management techniques to ensure rehabilitation remains on a trajectory of achieving the Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan as soon as reasonably practical.				
		Note: <i>The Rehabilitation Management Plan may be combined with a Mining Operations Plan, or similar plan, required under any mining lease granted for the development</i>				
B46		SOCIAL - Social Impact Management Plan The Applicant must prepare a Social Impact Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:	Correspondence to DPE dated 4 May 2022.	A social impact management plan has not been submitted to DPE within 6 months of commencing development under this consent. Non-compliance: a social impact management plan has not been submitted within 6 months of commencement of development.	Not compliant	NCR #6
	(a)	be prepared by a suitably qualified and experienced person/s;				
	(b)	be prepared in consultation with WCC, the CCC, local affected communities and other interested stakeholders (to the greatest extent practicable);				
	(c)	be submitted to the Planning Secretary for approval within six months of the date of commencement of development under this consent;				
	(d)	identify both positive and negative social impacts resulting from the development and following mine closure, both locally and regionally;				
	(e)	specify adaptive management and mitigation measures to avoid, minimise, and/or mitigate negative social impacts;				
	(f)	identify opportunities to secure and enhance positive social impacts from the development, including opportunities to assist in maintaining community services and facilities;				
	(g)	include a stakeholder engagement plan to guide the evaluation and implementation of social impact management and mitigation measures, and				
	(h)	include a program to monitor, review and report on the effectiveness of these measures, including updating the plan 1 year prior to mine closure.				
B47		SOCIAL - Social Impact Management Plan The Applicant must implement the Social Impact Management Plan as approved by the Planning Secretary.	Correspondence to DPE dated 4 May 2022.	A social impact management plan has not been submitted to DPE within 6 months of commencing development under this consent. Non-compliance: there is no approved social impact management plan.	Not compliant	NCR #7
Condition	Item No.	PART C - SPECIFIC ENVIRONMENTAL CONDITIONS - UNDERGROUND MINING				
C1		SUBSIDENCE - Performance Measures - Natural and Heritage Features etc The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 6 (refer to table in Development Consent), to the satisfaction of the Secretary. Note: • <i>The Applicant will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this consent.</i>	Extraction plan (and sub-plans) as conditionally approved the plan on 3/12/2021. Heritage Management Plan (incorporating Aboriginal cultural heritage and historic heritage) - approved 24/08/2021. Site observations. Compliance Report - EPBC 2020/8702 (12 May 2022).	The subsidence performance measures have been included in the heritage management plan. Historic heritage and Aboriginal heritage sites are visually inspected for changes in condition or value. Compliance reporting prepared by WCL indicates that subsidence results are negligible and no TARPs have been triggered. WCL intends to gather LiDAR in 2022 to further assess potential subsidence impacts.	Compliant	
C2		SUBSIDENCE - Performance Measures - Natural and Heritage Features etc Measurement and monitoring of compliance with performance measures and performance indicators in this consent is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans and monitoring programs. In the event of a dispute over the appropriateness of proposed methods, the Planning Secretary will be the final arbiter.	Heritage Management Plan (incorporating Aboriginal cultural heritage and historic heritage) - approved 24/08/2021. extraction plan (and sub-plans) as conditionally approved the plan on 3/12/2021.	Methods of subsidence monitoring has been documented in the relevant plans, and WCL has consulted with the necessary stakeholders regarding these plans. The plans have been subsequently approved by DPE. No disputes have been raised by the general public with regards to the proposed methods.	Compliant	
C3		SUBSIDENCE - Performance Measures - Natural and Heritage Features etc If the Applicant causes an exceedance of any Subsidence Impact Performance Measure (see Table 6) for Watercourses or for Water Supply that is deemed by the Secretary to be substantial and not capable of being offset under condition C4, then the Secretary may impose requirements on the Applicant to:		There have been no reported exceedances to any of the subsidence performance measures, and no instruction from the Secretary to impose additional requirements on to WCL.	Not triggered	
	(a)	revise components of its Extraction Plan;				
	(b)	change its future mine plan; and/or				
	(c)	cease mining until the cause of the exceedance is properly understood and measures have been implemented by the Applicant to prevent a re-occurrence of the exceedance, to the satisfaction of the Secretary.				
		Notes: • <i>Any action under this condition must be proportionate with the significance of the subsidence impact or environmental consequence.</i> • <i>Any action under this condition does not limit other actions by the Department under the penalty powers or enforcement provisions of the EP&A Act.</i>				
C4		SUBSIDENCE - Offsets If the Applicant exceeds the performance measures in Table 6 and the Secretary determines that:		There have been no reported exceedances to any of the subsidence performance measures, and no instruction from the Secretary to impose additional requirements on to WCL.	Not triggered	
	(a)	it is not reasonable or feasible to remediate the subsidence impact or environmental consequence; or				
	(b)	remediation measures implemented by the Applicant have failed to satisfactorily remediate the subsidence impact or environmental consequence; then the Applicant must provide a suitable offset to compensate for the subsidence impact or environmental consequence, to the satisfaction of the Secretary.				
		Notes: • <i>Any offset required under this condition must be proportionate with the significance of the subsidence impact or environmental consequence.</i> • <i>Any offset required under this condition does not limit other actions by the Department under the penalty powers or enforcement provisions of the EP&A Act.</i>				
C5		SUBSIDENCE - Offsets If required under Condition C4, any offsets for biodiversity and swamps must be undertaken in accordance with the Biodiversity Offsets Scheme of the BC Act.		There have been no reported exceedances to any of the subsidence performance measures, and no instruction from the Secretary to impose additional requirements on to WCL.	Not triggered	
C6		SUBSIDENCE - Offsets The offset must give priority to like-for-like physical environmental offsets, but may also consider other offsets under the Biodiversity Offsets Scheme of the BC Act, such as the Biodiversity Conservation Fund established by BCT, or funding or implementing supplementary measures, such as:		There have been no reported exceedances to any of the subsidence performance measures, and no instruction from the Secretary to impose additional requirements on to WCL.	Not triggered	
	(a)	actions outlined in threatened species recovery programs;				
	(b)	actions that contribute to threat abatement programs;				
	(c)	biodiversity research and survey programs; and/or				
	(d)	rehabilitating degraded habitat.				
C7		SUBSIDENCE - Performance Measures The Applicant must ensure that the project does not cause any exceedances of the performance measures in Table 7 (refer to table in Development Consent), to the satisfaction of the Secretary. Notes: • <i>The Applicant will be required to define more detailed performance measures in the Built Features Management Plans or Public Safety Management Plan (see condition C10).</i> • <i>Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes.</i> • <i>Requirements under this condition may be met by measures undertaken in undertaken in accordance with the Coal Mine Subsidence Compensation Act 2017.</i>		There have been no reported exceedances to any of the subsidence performance measures, and no instruction from the Secretary to impose additional requirements on to WCL.	Not triggered	

C8		<p>SUBSIDENCE - Performance Measures</p> <p>Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 7 is to be settled by the Secretary, following consultation with RR. Any decision by the Secretary shall be final and not subject to further dispute resolution under this consent.</p>		There have been no reported exceedances to any of the subsidence performance measures, and no instruction from the Secretary to impose additional requirements on to WCL.	Not triggered	
C9		<p>SUBSIDENCE - First Workings</p> <p>The Applicant may carry out first workings within the underground mining area, other than in accordance with an approved Extraction Plan, provided that the RR is satisfied that the first workings are designed to remain stable and non-subsiding, except insofar as they may be impacted by approved second workings.</p> <p>Note: <i>the intent of this condition is not require additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible resulting subsidence impacts.</i></p>	Interview with Environment Supervisor. Mining Operations Plan dated 17/05/2021.	First workings are considered "mining" in the definitions of this consent. First workings therefore only commenced in September 2021, after management plans were approved by DPE and after the RR approved the mining operations plan.	Compliant	
C10		<p>SUBSIDENCE - Extraction Plan</p> <p>The Applicant must prepare an Extraction Plan for all second workings on site to the satisfaction of the Secretary. The Extraction Plan must:</p> <p>(a) be prepared in consultation with RR, DPIE Water and WaterNSW and by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;</p> <p>(b) be approved by the Secretary before the Applicant carries out any second workings covered by the plan;</p> <p>(c) include detailed plans of existing and proposed first and second workings, previously mined overlying seam and overlying surface features, including any applicable adaptive management measures;</p> <p>(d) include adequate consideration of mine roof and floor conditions, pillar width to height ratio, final pillar design dimensions and the long-term stability of pillars which has been undertaken in consultation with RR;</p> <p>(e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed mining covered by the Extraction Plan, incorporating any relevant information obtained since this consent;</p> <p>(f) describe in detail the performance indicators that would be implemented to ensure compliance with the performance measures in Tables 5 and 6, and manage or remediate any impacts and/or environmental consequences to meet the rehabilitation objectives in Table 4;</p> <p>(g) include a:</p> <p>(i) Subsidence Monitoring Program which has been prepared in consultation with RR to:</p> <ul style="list-style-type: none"> •describe the ongoing conventional and non-conventional subsidence monitoring program, including consideration of contemporary subsidence monitoring methods such as InSAR (Interferometric Synthetic Aperture Radar) and LIDAR (Light Detection and Ranging); •provide data to assist with the management of risks associated with conventional and non-conventional subsidence; •confirm the status of the Bulli Seam goaf areas yet to be confirmed as subsided through observation of development roadway conditions driven below the edges of these extracted goaf areas; •validate the conventional and non-conventional subsidence predictions; •analyse the relationship between the predicted and resulting conventional and non-conventional subsidence effects and predicted and resulting impacts under the plan and any ensuring environmental consequences; •ensure that the development does not cause any exceedances of the maximum vertical subsidence limit in Table 7; and •inform the adaptive management process in paragraph (viii) below; <p>(ii) Built Features Management Plan which has been prepared in consultation with RR, to manage the potential subsidence impacts of the proposed underground workings on built features, and which:</p> <ul style="list-style-type: none"> •has been prepared in consultation with the owner/s of potentially affected feature/s; •addresses in appropriate detail all items of key public infrastructure (with particular consideration of transmission lines and towers (including angle towers), other public infrastructure and all classes of other built features; •recommends appropriate pre-mining mitigation measures to reduce subsidence impacts; •recommends appropriate remedial measures and includes commitments to mitigate, repair, replace or compensate predicted impacts on potentially affected built features in a timely manner; and •in the case of all key public infrastructure, and other public infrastructure except roads, trails and associated structures, reports external auditing for compliance with ISO 31000 (or alternative standard agreed with the infrastructure owner), and provides for annual auditing of compliance and effectiveness during extraction which may impact the infrastructure; <p>(iii) Water Management Plan which has been prepared in consultation with WCC, EPA, DPIE Water and WaterNSW, which provides for the management of potential impacts and/or environmental consequences of the proposed underground workings on watercourses and aquifers, including:</p> <ul style="list-style-type: none"> •detailed baseline data on: <ul style="list-style-type: none"> -surface water flows and quality in water bodies that could be affected by subsidence, including Cataract River, Cataract Creek and all major associated tributaries; -groundwater levels, yield and quality in the region; •surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality; •a surface water monitoring program to monitor and report on: <ul style="list-style-type: none"> -stream flows and quality; -stream and riparian vegetation health; and -channel and bank stability; •a groundwater monitoring program to monitor and report on: <ul style="list-style-type: none"> -springs, their discharge quantity and quality, as well as associated groundwater dependent ecosystems; -groundwater inflows to the underground mining operations; -the height of groundwater depressurization; -background changes in groundwater yield/quality against mine-induced changes, in particular, on groundwater bore users in the vicinity of the site; -permeability, hydraulic gradient, flow direction and connectivity of the deep and shallow groundwater aquifers; and -impacts of the project on upland swamps (refer to condition C10(v) below) and other groundwater dependent ecosystems; •a description of any adaptive management practices implemented to guide future mining activities in the event of greater than predicted impacts on aquatic habitat; •a program to validate the surface water and groundwater models for the project, and compare monitoring results with modelled predictions; and •a plan to respond to any exceedances of the surface water and groundwater assessment criteria; 	Extraction plan (and sub-plans) - conditionally approved on 3/12/2021.	<p>The extraction plan was approved on 3/12/2021 for Stage 1 (Panels PC07, PC08, PC21-PC25), prior to the commencement of second workings, and met the requirements of C10. The plan was conditionally approved for PC21 only, with extract of the additional panels subject to meeting the Reasons for Approval prepared by DPE.</p> <p>There have been no changes or updates to this plan since it was approved by DPE.</p>	Compliant	

		(iv) Biodiversity Management Plan which has been prepared in consultation with BCD, which establishes a baseline data for the existing habitat on the site, including water table depth, vegetation condition, stream morphology and threatened species habitat, and provides for the management of potential impacts and/or environmental consequences of the proposed first workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species, populations and their habitats, EECs and water dependent ecosystems;				
		(v) Swamp Monitoring Program which has been prepared in consultation with BCD, DPI Water and WaterNSW, and which includes (as a minimum): •outcome of updated surveys of existing biodiversity, species distribution and swamp condition for potentially impacted and control swamps; •further consideration of the location of existing piezometers and the installation of upslope and downslope piezometers in shrub swamps, in order to better understand the down-slope movement of shallow groundwater; •installation of flow monitoring points, nested monitoring bores and environmental water tracers to define hydraulic connection between swamps and associated aquifers; •measures to record the nature and condition of terrestrial and aquatic flora and fauna within all swamps; •measures to characterise soils or peat layers within the swamps to determine: -porosity; -a basis for relating water levels to rainfall and evapotranspiration; and -the presence, or absence, of clay materials at the interface with the underlying bedrock; •a program for monthly review of the water balance of all monitored swamps based on recorded rainfall, estimated evapotranspiration and recorded surface and shallow groundwater levels and outflow measurements; •detailed performance indicators for the relevant performance measures in Table 6, including performance indicators relating to surface and shallow groundwater levels and outflow measurements; •baseline data for swamp hydrology and swamp vegetation; •hydrological and vegetative monitoring which fully satisfies Before After Control Impact (BACI) design principles; •consideration of post-mining swamp monitoring, including for the initial 12 month post-mining period and longer-term monitoring for inclusion into regional data bases; •a program for consideration of long-term monitoring data for swamp hydrology and swamp vegetation (including baseline, during and post mining) to identify any statically significant changes; •provision of raw piezometer and other monitoring data to the Department, BCD and WaterNSW, if requested; and •incorporation of any relevant findings from swamp research projects into the swamp monitoring program;				
		(vi) Land Management Plan which has been prepared in consultation with any affected public authorities, which provides for the management of potential impacts and/or environmental consequences of the proposed underground workings on land in general, with a specific focus on cliffs, minor cliffs, rock face features, steep slopes and gorges;				
		(vi) Heritage Management Plan which has been prepared in consultation with BCD and the Heritage Branch and relevant stakeholders for both Aboriginal and non-Aboriginal heritage; B33 and B36;				
		(vii) Public Safety Management Plan which has been prepared in consultation with RR and WaterNSW, which ensures public safety and manages access on the site;				
		(viii) Trigger Action Response Plan/s addressing all features in Tables 6 and 7, which contain: •appropriate triggers to warn of increased risk of exceedance of any performance measure; •specific actions to respond to high risk of exceedance of any performance measure to ensure that the measure is not exceeded; •adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Tables 6 and 7, or where any such exceedance appears likely; and •an assessment of remediation measures that may be required if exceedances occur and the capacity to implement those measures;				
		(ix) Contingency Plan that expressly provides for: •adaptive management where monitoring indicates that there has been an exceedance of any performance measures in Tables 6 and 7, or where exceedance appears likely; and •an assessment of remediation measures that may be required if exceedances occur and the capacity to implement those measures;				
		(x) proposes appropriate revisions to the Rehabilitation Management Plan required under condition B45; and				
		(xi) includes a program to collect sufficient baseline data for future Extraction Plans.				
C11		SUBSIDENCE - Extraction Plan The Applicant must implement the Extraction Plan(s) as approved by the Planning Secretary. <i>Note: In accordance with condition A21-A22, the preparation and implementation of Extraction Plans may be staged, with each plan covering a defined area of underground workings. In addition, these plans are only required to contain management plans that are relevant to the specific underground workings that are being carried out.</i>	Extraction plan (and sub-plans) - conditionally approved on 3/12/2021. Interview with Environment Supervisor. Site observations. WCL Russel Vale website. Approval letter from DPE to vary F11 dated 14/02/2022.	WCL maintains a compliance register documenting all conditions of all approvals, consents and licenses. During the site inspection is was stated that there have been no non-compliances reported during the period; it was however clarified a dirty water discharge had occurred due to significant rainfall (regional flooding) and this has been reported. A six-monthly subsidence impact report (per 7.2.2 of the EP) was not available during the audit, subsidence monitoring has been undertaken and a review of the Compliance Report for EPBC 2020/8702 indicates subsidence has been negligible. It's noted that the results of the six-monthly report is to be provided to the CCC. The last recorded meeting for the CCC was February 2022, before this six-month report was due. Therefore it is expected that the results of this monitoring will be provided at the next CCC meeting in May. Furthermore, implementation of the extract plan is to be demonstrated in the annual review required by condition F11. DPE agreed in March 2022 to WCL's request to vary the annual review reporting deadline to 30 September. An annual review of this development consent was therefore not available to review during this audit.	Compliant	
C12		SUBSIDENCE - Payment of Reasonable Costs The Applicant must pay all reasonable costs incurred by the Department to engage suitably qualified, experienced and independent persons to review the adequacy of any aspect of an Extraction Plan.		This condition has not been triggered during the reporting period.	Not triggered	
Condition	Item No.	PART D - SPECIFIC ENVIRONMENTAL CONDITIONS - CONSTRUCTION				
D1		CONSTRUCTION - Construction Hours Construction activities at the surface facilities site must only be undertaken between the hours of 7am to 6pm Monday to Friday, and 8am to 1pm Saturday, with no construction on Sundays or public holidays, unless the Planning Secretary agrees otherwise.	Construction Environmental Management Plan - approved 9/03/2021.	The construction environmental management plan (CEMP) included standard construction hours. Construction was completed prior to commencement of the audit. A complaint was recorded on 13 May 2021 regarding construction noise. WCL investigated and confirmed there were no construction works undertaken outside standard construction hours.	Compliant	
D2		CONSTRUCTION - Construction Noise The Applicant must ensure that the noise generated by construction complies with the requirements of the ICNG.	Construction Environmental Management Plan - approved 9/03/2021.	Noise management levels cited in the CEMP were developed in accordance with the Interim Construction Noise Guidelines. There is no evidence to suggest construction was non-compliant with these management levels.	Compliant	
D3		CONSTRUCTION - Out of Hours Construction Works If the Applicant proposes to undertake any construction works outside the hours specified in condition D1, then the Applicant must prepare an Out of Hours Work Protocol for these works, to the satisfaction of the Planning Secretary. This protocol must:	Construction Environmental Management Plan - approved 9/03/2021.	Appendix B of the approved CEMP includes an Out of Hours Work Protocol.	Compliant	
	(a)	be prepared in consultation with the EPA and any residents who may be affected by the noise generated by these works;				
	(b)	address the relevant requirements of the ICNG; and				
	(c)	be approved by the Planning Secretary before any out of hours construction works are carried out.				

D4		CONSTRUCTION - Out of Hours Construction Works The Applicant must implement the Out of Hours Work Protocol approved by the Planning Secretary. <i>Note: For areas where construction noise is predicted to be at or below operational noise criteria at sensitive receptors, this is likely to provide sufficient justification to allow construction works to be undertaken outside of recommended standard hours as specified in the ICNG.</i>	Interview with Environment Supervisor.	No out of hour works were undertaken during construction.	Compliant	
D5		CONSTRUCTION - Construction Management Plan The Applicant must prepare a Construction Environmental Management Plan for construction works to the satisfaction of the Planning Secretary. This plan must:	Construction Environmental Management Plan - approved 9/03/2021.	The CEMP was approved on 9/03/2021 by DPE, prior to the commencement of construction, and met the requirements of D5. There have been no changes or updates to this plan since it was approved by DPE.	Compliant	
	(a)	be prepared in consultation with the EPA, WCC and the relevant roads or utilises authorities;				
	(b)	provide the specific environmental management measures for construction works; and				
	(c)	describe the measures to be implemented to minimise construction-related traffic, noise, dust and visual impacts, including minimising surface disturbance.				
D6		CONSTRUCTION - Construction Management Plan The Applicant must not commence construction until the Construction Environmental Management Plan is approved by the Planning Secretary.	Construction Environmental Management Plan - approved 9/03/2021. Letter correspondence from WCL to DPIE dated 11/03/2021. NearMap imagery from 4/12/2020 and 10/04/2021.	The CEMP was approved prior to construction commencing on 11/03/2021.	Compliant	
D7		CONSTRUCTION - Construction Management Plan The Applicant must implement the Construction Environmental Management Plan as approved by the Planning Secretary.		The CEMP was a contractual document applicable to construction.	Compliant	
Condition	Item No.	PART E - ADDITIONAL PROCEDURES				
E1		NOTIFICATION OF EXCEEDANCES As soon as practicable, and no longer than 7 days after obtaining monitoring results showing:	2022 Environmental Monitoring Report for EPL 12040 (6/05/2022)[https://wollongongcoal.com.au/?ddownload=30101]	No exceedances against quantifiable criteria have been reported by WCL.	Compliant	
	(a)	an exceedance of any relevant criteria in PART B of this consent, the Applicant must notify affected landowners in writing of the exceedance, and provide regular monitoring results to these landowners until the project is again complying with the relevant criteria; and	2021 Environmental Monitoring Report for EPL 12040 (6/05/2022)[https://wollongongcoal.com.au/?ddownload=29914]			
	(b)	an exceedance of any relevant air quality criteria in PART B of this consent, the Applicant must also provide to any affected land owners and tenants a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017).				
E2		INDEPENDENT REVIEW If an owner of privately-owned land considers the development to be exceeding the relevant criteria in PART B or PART C of this consent, then he/she may ask the Secretary in writing for an independent review of the impacts of the project on his/her land.		No evidence provided to indicate an independent review has been requested by the Secretary.	Not triggered	
E3		INDEPENDENT REVIEW If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 28 days of the request for a review.		No evidence provided to indicate an independent review has been requested by the Secretary.	Not triggered	
E4		INDEPENDENT REVIEW If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:		No evidence provided to indicate an independent review has been requested by the Secretary.	Not triggered	
	(a)	commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:				
	(i)	consult with the landowner to determine their concerns;				
	(ii)	conduct monitoring to determine whether the project is complying with the relevant criteria in PART B or PART C; and				
	(iii)	if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; and				
	(b)	give the Planning Secretary and landowner a copy of the independent review.				
E5		INDEPENDENT REVIEW The Applicant must then comply with any written requests made by the Planning Secretary to implement any findings of the review and in accordance with any timeframes specified.		No evidence provided to indicate an independent review has been requested by the Secretary.	Not triggered	
Condition	Item No.	PART F - ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
F1		ENVIRONMENTAL MANAGEMENT - Environmental Management Strategy The Applicant must prepare an Environmental Management Strategy for the project to the satisfaction of the Planning Secretary. This strategy must:	Environmental Management Strategy - approved 31/08/2021	The environmental management strategy (EMS) was approved by DPE on 31/08/2021 as adequately addressing the requirements of F1. There have been no updates or amendments to this strategy.	Compliant	
	(a)	provide the strategic framework for environmental management of the development;				
	(b)	identify the statutory approvals that apply to the development;				
	(c)	set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;				
	(d)	set out the procedures to be implemented to:				
	(i)	keep the local community and relevant agencies informed about the operation and environmental performance of the development;				
	(ii)	receive record, handle and respond to complaints;				
	(iii)	resolve any disputes that may arise during the course of the development;				
	(iv)	respond to any non-compliance and any incident;				
	(v)	respond to emergencies; and				
	(e)	include:				
	(i)	references to any strategies, plans and programs approved under the conditions of this consent; and				
	(ii)	a clear plan depicting all the monitoring to be carried out under the conditions of this consent				
F2		ENVIRONMENTAL MANAGEMENT - Environmental Management Strategy The Applicant must not commence mining operations until the Environmental Management Strategy is approved by the Planning Secretary.	Letter from DPE approving the environmental management strategy, dated 31/08/2021.	The EMS was approved by DPE prior to mining operations commencing in September 2021.	Compliant	
F3		ENVIRONMENTAL MANAGEMENT - Environmental Management Strategy The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.	Site observations. Interview with WCL staff.	Based on an inspection of the site, interviews with employees and a review of the information public available and made available by WCL, the auditor is of the opinion the EMS is being implemented.	Compliant	
F4		ENVIRONMENTAL MANAGEMENT - Adaptive Management The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in this approval. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation, notwithstanding offsetting actions taken. Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:	2022 Environmental Monitoring Report for EPL 12040 (6/05/2022)[https://wollongongcoal.com.au/?ddownload=30101] . 2021 Environmental Monitoring Report for EPL 12040 (6/05/2022)[https://wollongongcoal.com.au/?ddownload=29914] . Compliance Report - EPBC 2020/8702 (12 May 2022). Annual Environmental Management Report 2020-2021 [https://wollongongcoal.com.au/?ddownload=30027].	Development-related risks are managed and minimised through the implementation of controls cited in the sites various management plans and through the ongoing monitoring of performance. The monitoring reports provided by WCL do not identify any exceedances of the sites performance criteria.	Compliant	
	(a)	take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur;				
	(b)	consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action;				
	(c)	within 14 days of the exceedance occurring, submit a report to the Secretary describing these remediation options and any preferred remediation measures or other course of action; and				

	(d)	implement remediation measures as directed by the Planning Secretary; to the satisfaction of the Secretary.			
F5		ENVIRONMENTAL MANAGEMENT - Management Plan Requirements Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:		None of the plans have been updated or amended since they were approved by DPE, the auditor therefore considers the plans to have adequately addressed the requirements of the Secretary.	Compliant
	(a)	a summary of relevant background or baseline data;			
	(b)	details of:			
	(i)	the relevant statutory requirements (including any relevant consent, license or lease conditions);			
	(ii)	any relevant limits or performance measures and criteria; and			
	(iii)	the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;			
	(c)	any relevant commitments or recommendations identified in the document/s listed in condition A2;			
	(d)	a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;			
	(e)	a program to monitor and report on the:			
	(i)	impacts and environmental performance of the project; and			
	(ii)	effectiveness of the management measures set out pursuant to condition F5(c);			
	(f)	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;			
	(g)	a program to investigate and implement ways to improve the environmental performance of the development over time;			
	(h)	a protocol for managing and reporting any:			
	(i)	incident, non-compliance or exceedance of any impact assessment criterion or performance criterion;			
	(ii)	complaint; or			
	(iii)	failure to comply with other statutory requirements;			
	(i)	public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and			
	(j)	a protocol for periodic review of the plan.			
		Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.			
F6		ENVIRONMENTAL MANAGEMENT - Management Plan Requirements The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.	EPL 12040	The environment protection licence and limits therein is consistent with the quantitative performance criteria listed in this consent.	Compliant
F7		ENVIRONMENTAL MANAGEMENT - Revision of Strategies, Plans and Programs Within three months of:		WCL has not reported an incident under condition F9. The deadline date for an annual review under this consent has been varied to 30 September, therefore no annual review has previously been prepared for this consent. This is the first independent environment audit prepared for this consent. There have been no modifications to this consent.	Not triggered
	(a)	the submission of an incident report under condition F9;			
	(b)	the submission of an Annual Review under condition F11;			
	(c)	the submission of an Independent Environmental Audit under condition F13; or			
	(d)	the approval of any modification of the conditions of this consent (unless the conditions require otherwise); the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.			
F8		ENVIRONMENTAL MANAGEMENT - Revision of Strategies, Plans and Programs If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within 6 weeks of the review. Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.		WCL has not reported an incident under condition F9. The deadline date for an annual review under this consent has been varied to 30 September, therefore no annual review has previously been prepared for this consent. This is the first independent environment audit prepared for this consent. There have been no modifications to this consent.	Not triggered
F9		REPORTING - Incident Notification The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must identify the development (including the development application number and name) and set out the location and nature of the incident.	Interview with Environment Supervisor.	No incidents have been recorded during the reporting period.	Not triggered
F10		REPORTING - Non-Compliance Notification Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Letter dated 4/5/2022 from WCL in response to complaint to DPE.	WCL responded to DPE in writing, with regards to a complaint about the adit discharge water management plan and social impact management plan that's been lodged by a member of the public. Neither of these plans have been approved within the timeframes required by conditions B19 and B46. Non-compliance: WCL failed to notify DPE of a non-compliance with conditions B19 and B46.	Not compliant NCR #8
F11		REPORTING - Annual Review By the end of March in each year after the commencement of the development, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:	Letter dated 14/03/2022 from DPE to WCL.	The first annual review under this consent would have been due in March 2022, however WCL applied to vary the deadline of the annual review to 30 September. Therefore the first annual review under this consent will be due on 30 September 2022.	Not triggered
	(a)	describe the development (including any rehabilitation) that was carried out in the previous calendar year and the development that is proposed to be carried out over the current financial/calendar year;			
	(b)	include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:			
	(i)	relevant statutory requirements, limits or performance measures/criteria;			
	(ii)	requirements of any plan or program required under this consent;			
	(iii)	monitoring results of previous years; and			
	(iv)	relevant predictions in the document/s listed in condition A2(c).			
	(c)	identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;			
	(d)	evaluate and report on:			
	(i)	the effectiveness of the noise and air quality management systems; and			
	(ii)	compliance with the performance measures, criteria and operating conditions of this consent;			
	(e)	identify any trends in the monitoring data over the life of the development;			
	(f)	identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and			
	(g)	describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.			
F12		REPORTING - Annual Review Copies of the Annual Review must be submitted to WCC, WSC and made available to the CCC and any interested person upon request.	Letter dated 14/03/2022 from DPE to WCL.	The first annual review under this consent would have been due in March 2022, however WCL applied to vary the deadline of the annual review to 30 September. Therefore the first annual review under this consent will be due on 30 September 2022.	Not triggered

F13		INDEPENDENT ENVIRONMENTAL AUDIT Within one year of commencement of development under this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:	Letter dated 23/03/2022 from DPE to WCL. This audit.	DPE endorsed the independent audit team on 23/03/2022. The auditor consulted DPE on 5/4/2022 to confirm DPE's audit and consultation requirements. DPE responded via email confirming that, in addition to the CCC, the auditor was to consult with DPE Water, Water NSW, Resource Regulator, EPA, BCD and WCC. In addition to the CCC, the auditor emailed all of these stakeholders requesting feedback and input into preparing the audit criteria.	Compliant	
	(a)	be prepared in accordance with the Independent Audit Post Approval requirements (Department 2020 or as updated);				
	(b)	be led and conducted by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;				
	(c)	by conducted by a suitably qualified, experienced and independent team of experts (including any expert in file/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;				
	(d)	be carried out in consultation with the relevant agencies and the CCC;				
	(e)	assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licenses and mining leases for the project (including any assessment, strategy, plan or program required under these approvals);				
	(f)	review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;				
	(g)	recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and				
	(h)	be conducted and reported to the satisfaction of the Planning Secretary.				
F14		INDEPENDENT ENVIRONMENTAL AUDIT Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.	Opening meeting, 7/4/2022.	The opening meeting commenced on 7/4/2022, with an audit report due to be submitted no later than 7/07/2022.	Compliant	
F15		INDEPENDENT ENVIRONMENTAL AUDIT - Monitoring and Environmental Audits Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit. For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.		This environmental audit has been carried out in accordance with the Independent Audit Post Approval requirements (DPIE 2020).	Compliant	
F16		INDEPENDENT ENVIRONMENTAL AUDIT - Monitoring and Environmental Audits Noise and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s.	Noise Compliance Monitoring Q1 2021 (VMS Australia, 14 March 2021). Noise Compliance Monitoring Q2 2021 (VMS Australia, 2 July 2021). Noise Compliance Monitoring Q3 2021 (VMS Australia, 9 October 2021). Noise Compliance Monitoring Q4 2021 (VMS Australia, 10 January 2022). Noise Compliance Monitoring Q1 2022 (VMS Australia, 27 April 2022).	Noise monitoring has been undertaken in accordance with the noise management plan at locations indicated in the plan.	Compliant	
F17		ACCESS TO INFORMATION Before the commencement of construction until the completion of all rehabilitation required under this consent, the Applicant must:		WCL maintains and up-to-date website all listed information is readily available.	Compliant	
	(a)	make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:				
	(i)	the documents referred to in condition A2(c) of this consent;	https://wollongongcoal.com.au/environmental-assessments/			
	(ii)	all current statutory approvals for the development;	https://wollongongcoal.com.au/approvals-r/			
	(iii)	all approved strategies, plans and programs required under the conditions of this consent;	https://wollongongcoal.com.au/management-compliance-r/			
	(iv)	the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;	https://wollongongcoal.com.au/management-compliance-r/			
	(v)	minutes of CCC meetings;	https://wollongongcoal.com.au/community/#tabs_desc_29430_2			
	(vi)	regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;	https://wollongongcoal.com.au/monitoring-r/			
	(vii)	a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;	https://wollongongcoal.com.au/monitoring-r/			
	(viii)	a summary of the current phase and progress of the development;	https://wollongongcoal.com.au/media/			
	(ix)	contact details to enquire about the development or to make a complaint;	https://wollongongcoal.com.au/contact-us/			
	(x)	a complaints register, updated monthly;	https://wollongongcoal.com.au/community/#tabs_desc_29430_1			
	(xi)	the Annual Reviews of the development;	https://wollongongcoal.com.au/monitoring-r/#tabs_desc_29426_1			
	(xii)	audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report;	https://wollongongcoal.com.au/monitoring-r/#tabs_desc_29426_5			
	(xiii)	any other matter required by the Planning Secretary; and				
	(b)	keep such information up to date, to the satisfaction of the Planning Secretary.				

APPENDIX C

CONSULTATION

5 April 2022

Attention: Georgia Dragicevic
Russell Vale Underground Expansion | MP09_0013



NSW Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta
NSW 2150

PO Box 1563
Warriewood
NSW 2102

ABN 45 162 835 083

Dear Ms Dragicevic

MP09_0013 Russell Vale Underground Expansion – independent environmental audit

Darren Green of Element Environment Pty Ltd (Element) has been endorsed by a delegate of the Planning Secretary on the 23 March 2022 to perform an independent environmental audit of Russell Vale Underground Expansion (the Project, MP09_0013).

An opening meeting is scheduled for 7 April 2022, followed by a site inspection on 14 April 2022. Collection of further audit evidence and interviews with key personnel involved in the project delivery will continue in the ensuing days, and a closing meeting will be scheduled once all evidence is compiled, and the audit findings are finalised.

In accordance with Section 3.2 of the *Independent Audit Post Approval Requirements* (May 2020) (the Independent Audit PAR), I am seeking the Department of Planning and Environment (DPE) input into the scope of the audit. Please advise if DPE requires other parties or agencies to be consulted in relation to the audit scope.

In accordance with Section 3.3 of the Independent Audit PAR and Schedule 2, Condition F13 of the consent, the audit scope will include:

- an assessment of compliance with all conditions of consent applicable to the current phase of the Project.
- assessment of the environmental performance of the Project and whether it is complying with the relevant requirements of the consent, water licences and mining leases (including any assessment, strategy, plan or program required under these approvals).
- the physical extent of the development in comparison with the approved boundary.
- high-level review of the adequacy of any approved strategy, plan or program required under the Project's approvals and consent.
- review incidents, non-compliances and complaints that occurred or were made during the audit period.
- recommend appropriate measures or actions to improve the environmental performance of the Project, and
- to be conducted in consultation with DPE, relevant agencies and the Community Consultative Committee.

Kind Regards

A handwritten signature in black ink, appearing to read 'Darren Green'.

Darren Green
Lead auditor

0418 969 624
darren@elementenvironment.com.au

RE: MP09_0013 | Schedule 2, Condition F13 - development of scope for independent environmental audit

Georgia Dragicevic <Georgia.Dragicevic@planning.nsw.gov.au>

Wed 13/04/2022 1:23 PM

To: Darren Green <darren@elementenvironment.com.au>

Cc: richard.sheehan@wcl.net.au <richard.sheehan@wcl.net.au>; Simon Pigozzo <simon.pigozzo@wcl.net.au>

Hi Darren,

Thank you for consulting the Department on the upcoming IEA for the Russell Vale Colliery.

In addition to the CCC, please consult DPE Water, Water NSW, Resource Regulator, EPA, BCD and WCC.

Please consider air quality, noise, surface water, traffic, complaints and CCC management.

Kind regards,
Georgia

From: Darren Green <darren@elementenvironment.com.au>

Sent: Tuesday, 5 April 2022 1:35 PM

To: Georgia Dragicevic <Georgia.Dragicevic@planning.nsw.gov.au>

Cc: richard.sheehan@wcl.net.au; Simon Pigozzo <simon.pigozzo@wcl.net.au>

Subject: MP09_0013 | Schedule 2, Condition F13 - development of scope for independent environmental audit

Dear Georgia,

Please find attached a letter regarding the independent environmental audit for Russell Vale Underground Expansion Project.

In accordance with Section 3.2 of the *Independent Audit Post Approval Requirements* (May 2020), I am seeking DPE's input into the audit scope.

Please could DPE respond to the attached letter by 14 April 2022, advising as to whether other parties or agencies (other than the CCC) are to be consulted in relation to the audit scope.

If you have any questions, please don't hesitate to get in contact.

Kind regards,



Darren Green

Executive Director

Environmental Management and Compliance

0418 969 624 | darren@elementenvironment.com.au

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Element acknowledges the Traditional Owners of Country throughout Australia. We pay our respects to Elders past and present.

This email is confidential and may contain legally privileged information. If you are not the intended recipient, you must not disclose or use the information in it. If you have received this email in error, please notify us immediately by return email and delete the email and any related attachments.

5 April 2022

Attention: Mike Archer
Russell Vale Underground Expansion | MP09_0013



Russell Vale Colliery Community Consultative Committee
7 Princes Highway
Corrimal
NSW 2518

PO Box 1563
Warriewood
NSW 2102

ABN 45 162 835 083

Dear Mr Archer

MP09_0013 Russell Vale Underground Expansion – independent environmental audit

I have been endorsed by a delegate of the Planning Secretary on the 23 March 2022 to perform an independent environmental audit of the Russell Vale Underground Expansion Project (the Project, MP09_0013).

The scope of the audit is to include:

- an assessment of compliance with all conditions of the development consent (MP09_0013) applicable to the current phase of the Project.
- assessment of the environmental performance of the Project and whether it is complying with the relevant requirements of MP09_0013, water licences and mining leases (including any assessment, strategy, plan or program required under these approvals).
- the physical extent of the development in comparison with the approved boundary.
- high-level review of the adequacy of any approved strategy, plan or program required under the Project's approvals and consent.
- review incidents, non-compliances and complaints that occurred or were made during the audit period.

An opening meeting with Wollongong Coal Limited (WCL) was held on 7 April 2022 and a site inspection is planned for 14 April 2022. Collection of further audit evidence and interviews with key personnel involved in the Project will continue in the ensuing days.

In accordance with Section 3.2 of the *Independent Audit Post Approval Requirements* (May 2020) (the Independent Audit PAR) and Schedule 2 Condition F13(d) of the development consent, I am seeking input from the chairperson of the Community Consultative Committee (CCC) into the scope of the audit. For example, are there any specific environmental issues that have been raised in the CCC that I should be made aware of, or should consider while undertaking the audit.

Please may I receive your input by no later than Tuesday 19 April 2022. Any comments I receive from you will be recorded and reported in the Independent Audit Report.

Kind Regards

A handwritten signature in black ink, appearing to read 'Darren Green', is written over a horizontal line.

Darren Green
Lead auditor

0418 969 624
darren@elementenvironment.com.au

Extension to Independent Environmental Audit CCC comment deadline

Mike Archer <mikearcherpr@hotmail.com>

Tue 12/04/2022 3:47 PM

To: Alison Edwards <alisonedwar@gmail.com>;cherryh7777@gmail.com
<cherryh7777@gmail.com>;Kaye Osborn
<kaye_osborn@hotmail.com>;Treasurer@rvgc.com.au
<Treasurer@rvgc.com.au>;Simon Armstrong <simes1200@gmail.com>;Adrian
Barnett <barnetts_17@hotmail.com>;Coal blows
<coalblows@gmail.com>;deidrestuart@gmail.com <deidrestuart@gmail.com>

Good afternoon all,

I have been in contact with the independent auditor and he has allowed an extra week for the CCC report. I have given him an undertaking that I will provide a report on behalf of the Russell Vale CCC by COB on Tuesday 26 April, 2022. I will need your comments emailed to me no later than 5:00pm on Monday 25 April, 2022, please. I will appreciate if you will keep your comments succinct and please refrain from overly emotional and inflammatory commentary. Please see and note Darren Green's comments to me below.

"For the sake of clarity and fairness to all parties, I wish to reiterate that it is not WCL that is driving the timeline for the response, it is me. The condition of approval requires an audit report to be submitted within 3 calendar months from commencing the audit (i.e. irrespective of public holidays and availability of personnel etc). Within the 3-month period, I need to conduct the audit and WCL needs to be provided with a fair and reasonable duration to to review the audit findings and prepare any responses to the audit findings.

"The audit is required to have been commenced 1 year after commencement of development consent under MP09_0013, which leads us to time of the year. Again, for the sake of clarity and fairness to all parties, it is not WCL that has dictated the time of year this audit is being conducted.

"I would be OK to extend the response period to Tuesday 26 April 2022, but I kindly request that the response of the CCC be submitted no later than this date so that I can have sufficient time to undertake the audit and prepare a report. I still intend on completing the site inspection this Thursday as previously notified".

Regards

Mike

Re: Independent Environmental Audit Russell Vale Underground Expansion Project

Darren Green <darren@elementenvironment.com.au>

Wed 27/04/2022 1:57 PM

To: Mike Archer <mikearcherpr@hotmail.com>; Simon Pigozzo <simon.pigozzo@wcl.net.au>; richard.sheehan@wcl.net.au <richard.sheehan@wcl.net.au>

Hi Mike. The comments of the CCC are noted and will be addressed in the audit report.

Thank you for your assistance.

Kind regards,



Darren Green

Executive Director

Environmental Management and Compliance

0418 969 624 | darren@elementenvironment.com.au

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Please consider the environment before printing this email.

From: Mike Archer <mikearcherpr@hotmail.com>

Sent: Tuesday, 26 April 2022 10:21 AM

To: Darren Green <darren@elementenvironment.com.au>

Cc: Alison Edwards <alisonedwar@gmail.com>; cherryh7777@gmail.com <cherryh7777@gmail.com>; Kaye Osborn <kaye_osborn@hotmail.com>; Treasurer@rvgc.com.au <Treasurer@rvgc.com.au>; Simon Armstrong <simes1200@gmail.com>; Adrian Barnett <barnetts_17@hotmail.com>; Coal blows <coalblows@gmail.com>; deidrestuart@gmail.com <deidrestuart@gmail.com>; Richard Sheehan <richard.sheehan@wcl.net.au>; Simon Pigozzo <simon.pigozzo@wcl.net.au>

Subject: Independent Environmental Audit Russell Vale Underground Expansion Project

Good morning Darren,

As requested please find following comment from the Russell Vale Community Consultative Committee. The comments are all received and are verbatim.

Regards

Mike Archer

Independent Chairperson Russell Vale Community Consultative Committee

- Adequacy of the approved Greenhouse Gas and Air Quality Management Plan.
- Compliance with EPL, particularly in terms of monitoring for water inflow and outflow of the site, and also the dams located above the site on WCL land. (Google Maps Ref: <https://www.google.com.au/maps/place/34%C2%B021'43.1%22S+150%C2%B053'01.3%22E/@-34.3619676,150.8815093,726m/data=!3m2!1e3!4b1!4m6!3m5!1s0x0:0xc8d0168138f1e467!7e2!8m2!3d-34.361972!4d150.883698>)

- Compliance with production of Management Plans required by the consent, within the timeframe specified by the consent.
- Further to the above, the Adit Water Discharge Management Plan appears to be not in existence. The Plan's absence should be investigated. If it is produced during the time the audit is being carried out, a review of the adequacy of this Plan.
- Is adequate and compliant monitoring data in place for impacts on Upland Swamps, including Swamp Specific Water Balances monitoring and data collection at least 12 months prior to any impact? Also other requirements in EPBC approval conditions item 7 related the Upland Swamps.

Sent from [Mail](#) for Windows

MP09_0013 Russell Vale Underground Expansion – independent environmental audit

Darren Green <darren@elementenvironment.com.au>

Wed 27/04/2022 10:20 AM

To: water.enquiries@dpie.nsw.gov.au <water.enquiries@dpie.nsw.gov.au>

Cc: PR200 <PR200@elementenvironment.com.au>

To Whom It May Concern,

I have been endorsed by a delegate of the Planning Secretary on the 23 March 2022 to lead an independent environmental audit of Russell Vale Underground Expansion (the Project, MP09_0013) in Wollongong.

The scope of the audit includes:

- an assessment of compliance with all conditions of the development consent (MP09_0013) applicable to the current phase of the Project.
- assessment of the environmental performance of the Project and whether it is complying with the relevant requirements of MP09_0013, water licences and mining leases (including any assessment, strategy, plan or program required under these approvals).
- the physical extent of the development in comparison with the approved boundary.
- high-level review of the adequacy of any approved strategy, plan or program required under the Project's approvals and consent.
- review incidents, non-compliances and complaints that occurred or were made during the audit period.

An opening meeting with Wollongong Coal Limited (WCL) was held on 7 April 2022 and a site inspection conducted on 14 April 2022. Collection of further audit evidence and interviews with key personnel involved in the Project continues.

Per consultation with the compliance branch of Department of Planning and Environment (DPE), I have been requested to inform DPE Water of the independent environmental audit and to seek feedback from DPE Water's into the performance of this development, relative to any associated approvals or licences.

Please may I receive your input by no later than Friday 6 May 2022. Any comments I receive from you will be recorded and reported in the Independent Audit Report.

Kind regards,



Darren Green
Executive Director
Environmental Management and Compliance
0418 969 624 | darren@elementenvironment.com.au

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RE: MP09_0013 Russell Vale Underground Expansion – independent environmental audit

DPIE Water Assessments Mailbox <water.assessments@dpie.nsw.gov.au>

Thu 28/04/2022 8:32 AM

To: Darren Green <darren@elementenvironment.com.au>

Hi Darren,

Thanks for your email regarding the Independent Environmental Audit.

I can advise that there is nothing specific that DPE Water requires to be addressed in the audit.

However I've forwarded your email to our Licencing and Approvals team (formerly a part of NRAR) for their review and comment back to you. Their email address is waterlicensing.servicedesk@dpie.nsw.gov.au

Regards,

Judy Court

Assistant Project Officer

Water Group

Department of Planning and Environment

www.dpie.nsw.gov.au

4 Parramatta Square

12 Darcy St

Parramatta, NSW 2150

Working days Monday to Thursday.

From: Darren Green <darren@elementenvironment.com.au>

Sent: Wednesday, 27 April 2022 10:20 AM

To: DPIE Water Enquiries Mailbox <water.enquiries@dpie.nsw.gov.au>

Cc: PR200 <PR200@elementenvironment.com.au>

Subject: MP09_0013 Russell Vale Underground Expansion – independent environmental audit

To Whom It May Concern,

I have been endorsed by a delegate of the Planning Secretary on the 23 March 2022 to lead an independent environmental audit of Russell Vale Underground Expansion (the Project, MP09_0013) in Wollongong.

The scope of the audit includes:

- an assessment of compliance with all conditions of the development consent (MP09_0013) applicable to the current phase of the Project.
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Kind regards,



Darren Green

Executive Director

Environmental Management and Compliance

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MP09_0013 Russell Vale Underground Expansion – independent environmental audit

Darren Green <darren@elementenvironment.com.au>

Wed 27/04/2022 10:27 AM

To: nswresourcesregulator@service-now.com <nswresourcesregulator@service-now.com>

Cc: PR200 <PR200@elementenvironment.com.au>

To Whom It May Concern,

I have been endorsed by a delegate of the Planning Secretary on the 23 March 2022 to lead an independent environmental audit of Russell Vale Underground Expansion (the Project, MP09_0013) in Wollongong.

The scope of the audit includes:

- an assessment of compliance with all conditions of the development consent (MP09_0013) applicable to the current phase of the Project.
- assessment of the environmental performance of the Project and whether it is complying with the relevant requirements of MP09_0013, water licences and mining leases (including any assessment, strategy, plan or program required under these approvals).
- the physical extent of the development in comparison with the approved boundary.
- high-level review of the adequacy of any approved strategy, plan or program required under the Project's approvals and consent.
- review incidents, non-compliances and complaints that occurred or were made during the audit period.

An opening meeting with Wollongong Coal Limited (WCL) was held on 7 April 2022 and a site inspection conducted on 14 April 2022. Collection of further audit evidence and interviews with key personnel involved in the Project continues.

Per consultation with the compliance branch of Department of Planning and Environment (DPE), I have been requested to inform NSW Resources Regulator of the independent environmental audit and to seek feedback from NSW Resources Regulator into the performance of this development, relative to any associated approvals or licences.

Please may I receive your input by no later than Friday 6 May 2022. Any comments I receive from you will be recorded and reported in the Independent Audit Report.

Kind regards,



Darren Green
Executive Director
Environmental Management and Compliance
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MP09_0013 Russell Vale Underground Expansion – independent environmental audit

Darren Green <darren@elementenvironment.com.au>

Wed 27/04/2022 10:30 AM

To: info@epa.nsw.gov.au <info@epa.nsw.gov.au>

Cc: PR200 <PR200@elementenvironment.com.au>

o Whom It May Concern,

I have been endorsed by a delegate of the Planning Secretary on the 23 March 2022 to lead an independent environmental audit of Russell Vale Underground Expansion (the Project, MP09_0013, EPL12040) in Wollongong.

The scope of the audit includes:

- an assessment of compliance with all conditions of the development consent (MP09_0013) applicable to the current phase of the Project.
- assessment of the environmental performance of the Project and whether it is complying with the relevant requirements of MP09_0013, water licences and mining leases (including any assessment, strategy, plan or program required under these approvals).
- the physical extent of the development in comparison with the approved boundary.
- high-level review of the adequacy of any approved strategy, plan or program required under the Project's approvals and consent.
- review incidents, non-compliances and complaints that occurred or were made during the audit period.

An opening meeting with Wollongong Coal Limited (WCL) was held on 7 April 2022 and a site inspection conducted on 14 April 2022. Collection of further audit evidence and interviews with key personnel involved in the Project continues.

Per consultation with the compliance branch of Department of Planning and Environment, I have been requested to inform NSW Environment Protection Authority (EPA) of the independent environmental audit and to seek feedback from the EPA into the performance of this development, relative to any associated approvals or licences.

Please may I receive your input by no later than Friday 6 May 2022. Any comments I receive from you will be recorded and reported in the Independent Audit Report.

Kind regards,



Darren Green
Executive Director
Environmental Management and Compliance
0418 969 624 | darren@elementenvironment.com.au

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FW: MP09_0013 Russell Vale Underground Expansion – independent environmental audit [ref:_00D7F6iTix._5007F1IKQ6q:ref]

Andrew Couldridge <Andrew.Couldridge@epa.nsw.gov.au>

Wed 4/05/2022 8:59 AM

To: Darren Green <darren@elementenvironment.com.au>

Dear Darren,

Thank you for your request for input to the Independent Audit of Russell Vale mine.

I am the EPA officer who generally deals with licensing of surface facilities at the mine.

I have reviewed the scope of the audit below and consider it provides a good basis for assessment of compliance and environmental performance.

The EPA has no other comments to make but refers you to the NSW EPA public register for information on regulatory matters pertaining to the mine.

The register is [here](#) and relevant information can be found by entering the licence number 12040.

Regards

Mr Andrew Couldridge

Senior Operations Officer – Metro South

Regulatory Services Division, NSW Environment Protection Authority

+61 2 4224 4100

andrew.couldridge@epa.nsw.gov.au www.epa.nsw.gov.au [@EPA_NSW](#)

Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555

----- Forwarded Message -----

From: Darren Green [darren@elementenvironment.com.au]

Sent: 27/04/2022 10:30

To: info@epa.nsw.gov.au

Cc: pr200@elementenvironment.com.au

Subject: MP09_0013 Russell Vale Underground Expansion – independent environmental audit

o Whom It May Concern,

I have been endorsed by a delegate of the Planning Secretary on the 23 March 2022 to lead an independent environmental audit of Russell Vale Underground Expansion (the Project, MP09_0013, EPL12040) in Wollongong.

The scope of the audit includes:

- an assessment of compliance with all conditions of the development consent (MP09_0013) applicable to the current phase of the Project. ?

- assessment of the environmental performance of the Project and whether it is complying with the relevant requirements of MP09_0013, water licences and mining leases (including any assessment, strategy, plan or program required under these approvals).?
- the physical extent of the development in comparison with the approved boundary.?
- high-level review of the adequacy of any approved strategy, plan or program required under the Project's approvals and consent.
- review incidents, non-compliances and complaints that occurred or were made during the audit period. ?

An opening meeting with Wollongong Coal Limited (WCL) was held on 7 April 2022 and a site inspection conducted on 14 April 2022. Collection of further audit evidence and interviews with key personnel involved in the Project continues.

Per consultation with the compliance branch of Department of Planning and Environment, I have been requested to inform NSW Environment Protection Authority (EPA) of the independent environmental audit and to seek feedback from the EPA into the performance of this development, relative to any associated approvals or licences.

Please may I receive your input by no later than Friday 6 May 2022. Any comments I receive from you will be recorded and reported in the Independent Audit Report.

Kind regards,

Darren Green

Executive Director

Environmental Management and Compliance

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expressly and with authority states them to be the views of the Environment Protection Authority.

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MP09_0013 Russell Vale Underground Expansion – independent environmental audit

Darren Green <darren@elementenvironment.com.au>

Wed 27/04/2022 1:48 PM

To: info@environment.nsw.gov.au <info@environment.nsw.gov.au>

Cc: PR200 <PR200@elementenvironment.com.au>

To Whom It May Concern,

I have been endorsed by a delegate of the Planning Secretary on the 23 March 2022 to lead an independent environmental audit of Russell Vale Underground Expansion (the Project, MP09_0013, EPL12040) in Wollongong.

The scope of the audit includes:

- an assessment of compliance with all conditions of the development consent (MP09_0013) applicable to the current phase of the Project.
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- high-level review of the adequacy of any approved strategy, plan or program required under the Project's approvals and consent.
- review incidents, non-compliances and complaints that occurred or were made during the audit period.

An opening meeting with Wollongong Coal Limited (WCL) was held on 7 April 2022 and a site inspection conducted on 14 April 2022. Collection of further audit evidence and interviews with key personnel involved in the Project continues.

Per consultation with the compliance branch of Department of Planning and Environment, I have been requested to inform NSW Biodiversity Conservation Division (BCD) of the independent environmental audit and to seek feedback from the BCD into the performance of this development, relative to any associated approvals or licences.

Please may I receive your input by no later than Friday 6 May 2022. Any comments I receive from you will be recorded and reported in the Independent Audit Report.

Kind regards,



Darren Green
Executive Director
Environmental Management and Compliance
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MP09_0013 Russell Vale Underground Expansion – independent environmental audit

Darren Green <darren@elementenvironment.com.au>

Wed 27/04/2022 1:51 PM

To: council@wollongong.nsw.gov.au <council@wollongong.nsw.gov.au>

Cc: PR200 <PR200@elementenvironment.com.au>

To Whom It May Concern,

I have been endorsed by a delegate of the Planning Secretary on the 23 March 2022 to lead an independent environmental audit of Russell Vale Underground Expansion (the Project, MP09_0013, EPL12040) in Wollongong.

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An opening meeting with Wollongong Coal Limited (WCL) was held on 7 April 2022 and a site inspection conducted on 14 April 2022. Collection of further audit evidence and interviews with key personnel involved in the Project continues.

Per consultation with the compliance branch of Department of Planning and Environment, I have been requested to inform Wollongong City Council (WCC) of the independent environmental audit and to seek feedback from WCC into the performance of this development, relative to any associated approvals or licences.

Please may I receive your input by no later than Friday 6 May 2022. Any comments I receive from you will be recorded and reported in the Independent Audit Report.

Kind regards,



Darren Green
Executive Director
Environmental Management and Compliance
0418 969 624 | darren@elementenvironment.com.au

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RE: MP09_0013 Russell Vale Underground Expansion – independent environmental audit

John Wood <JWood@wollongong.nsw.gov.au>

Thu 5/05/2022 3:20 PM

To: Darren Green <darren@elementenvironment.com.au>

Darren,

unfortunately our mines specialist is on extended leave.

From what I can see in Council's record for the application there are no particular matters that Council is pursuing for MP-2009/13 beyond an outstanding invoice for contribution to annual maintenance of Bellambi Lane for \$69,662.37 - payable by 11 May 2022.

Regards



John Wood

City Wide Development Manager

Post Locked Bag 8821 Wollongong DC NSW 2500

Phone +61242277365

Email jwood@wollongong.nsw.gov.au • www.wollongong.nsw.gov.au

Our Values SUSTAINABLE COURAGE RESPECT INTEGRITY ONE TEAM



From: Darren Green <darren@elementenvironment.com.au>

Sent: Wednesday, 27 April 2022 1:52 PM

To: Records <Records@wollongong.nsw.gov.au>

Cc: PR200 <PR200@elementenvironment.com.au>

Subject: MP09_0013 Russell Vale Underground Expansion – independent environmental audit

[EXTERNAL EMAIL] This email was sent from outside of Wollongong City Council – be cautious, particularly with links and attachments.

To Whom It May Concern,

I have been endorsed by a delegate of the Planning Secretary on the 23 March 2022 to lead an independent environmental audit of Russell Vale Underground Expansion (the Project, MP09_0013, EPL12040) in Wollongong.

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Kind regards,



Darren Green

Executive Director

Environmental Management and Compliance

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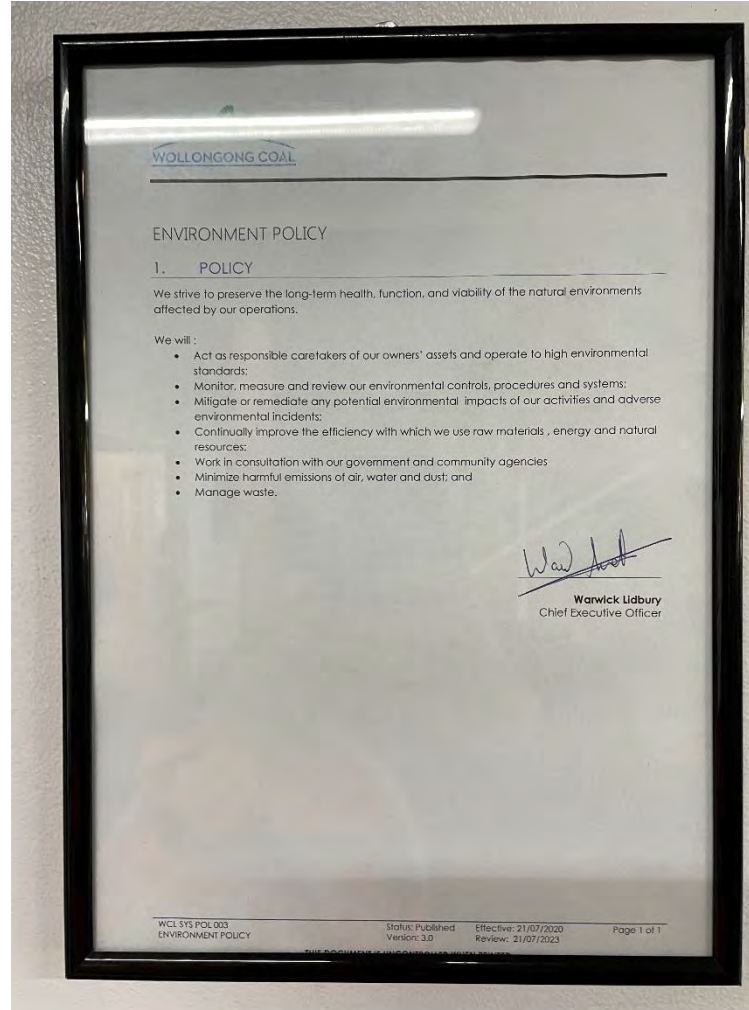
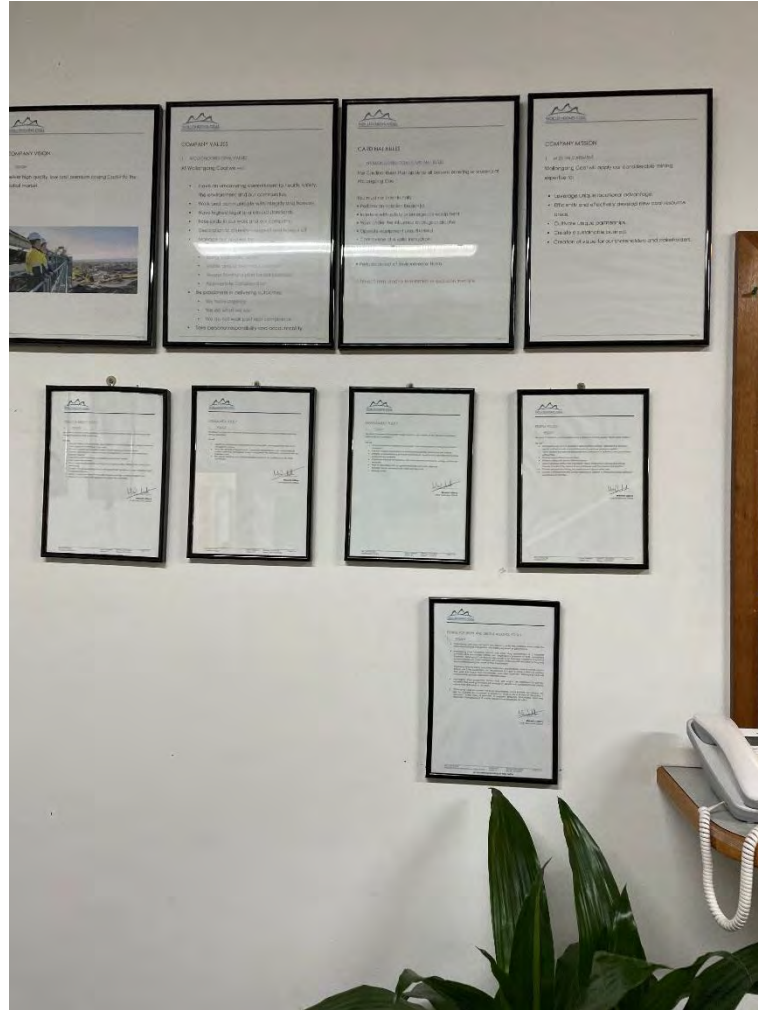
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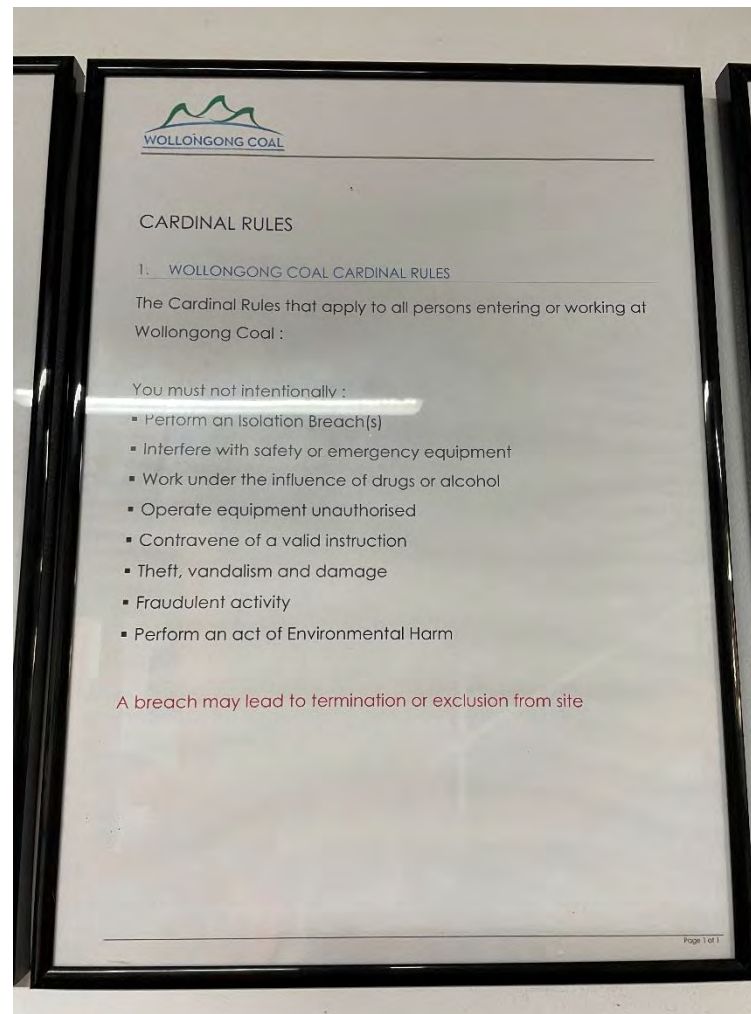
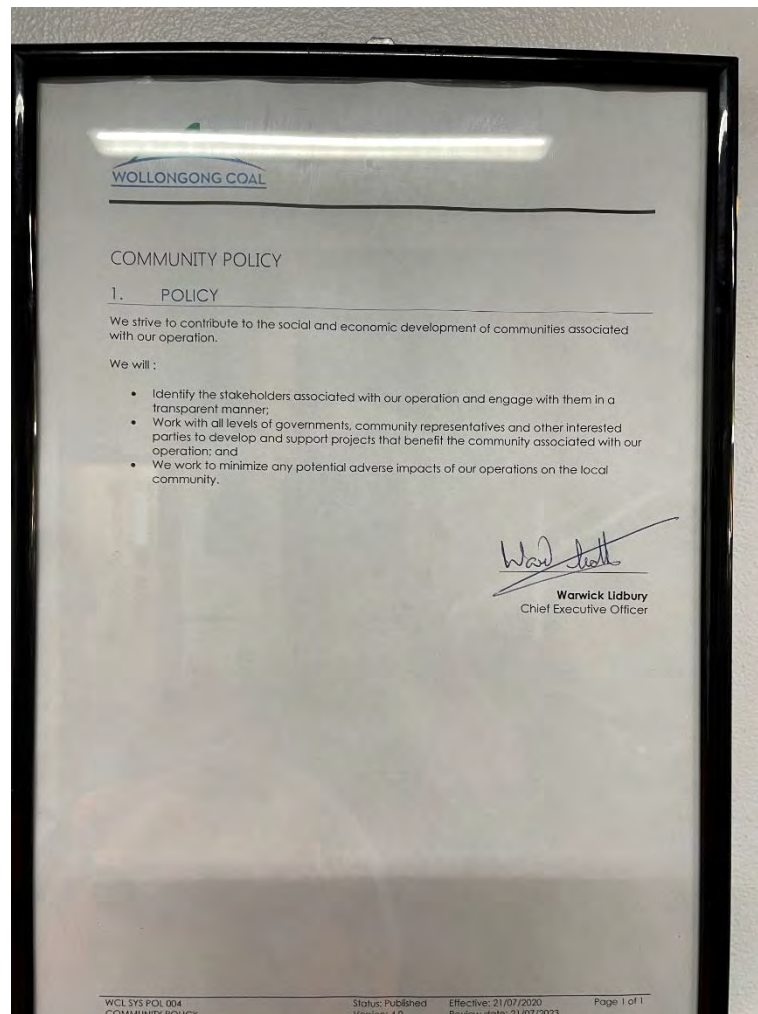
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APPENDIX D

SITE PHOTOGRAPHS







Division 55 Protection of the Environment Operations Act 1997

Environment Protection Licence

Licence - 12040

Licence Details

Number: 12040
Anniversary Date: 19-May

Licence

WOLLOIGONG COAL LIMITED
PO BOX 281
FAIRY MEADOW NSW 2519

Premise:

RUSSELL VALE COLLIERY
BROKEN STREET
RUSSELL VALE NSW 2517

Scheduled Activity

Coal works
Mining for coal

Fee Based Activity

Coal works
Mining for coal

Scale

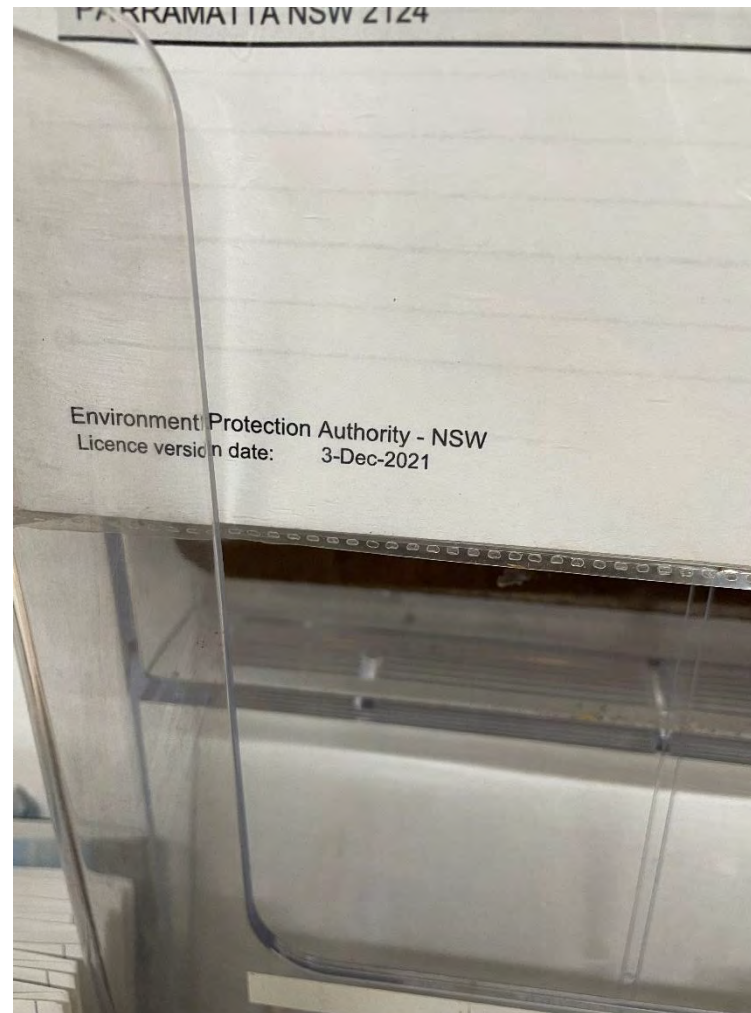
0-2000000 T annual handling capacity
> 500000-2000000 T annual production capacity

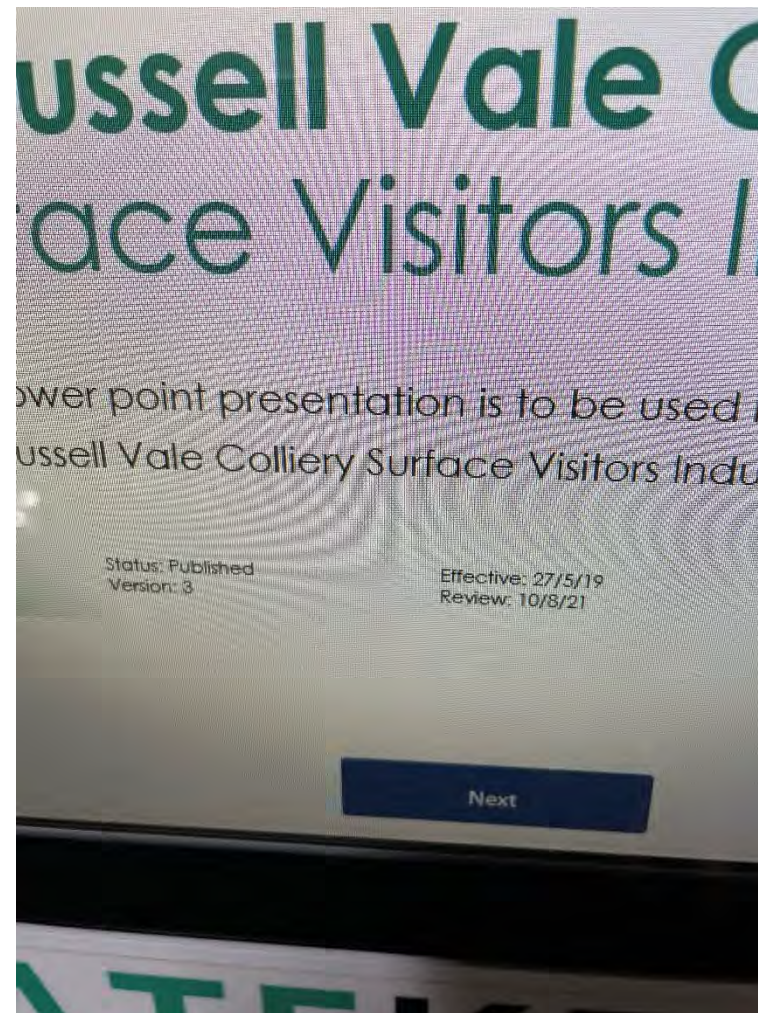
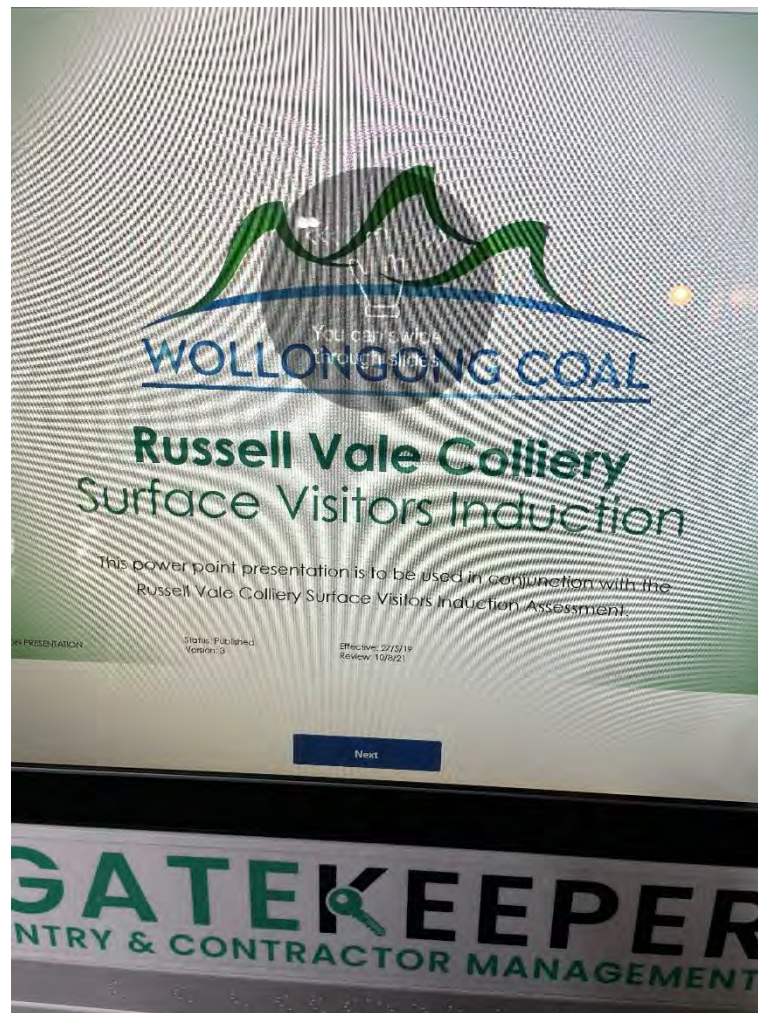
Contact Us

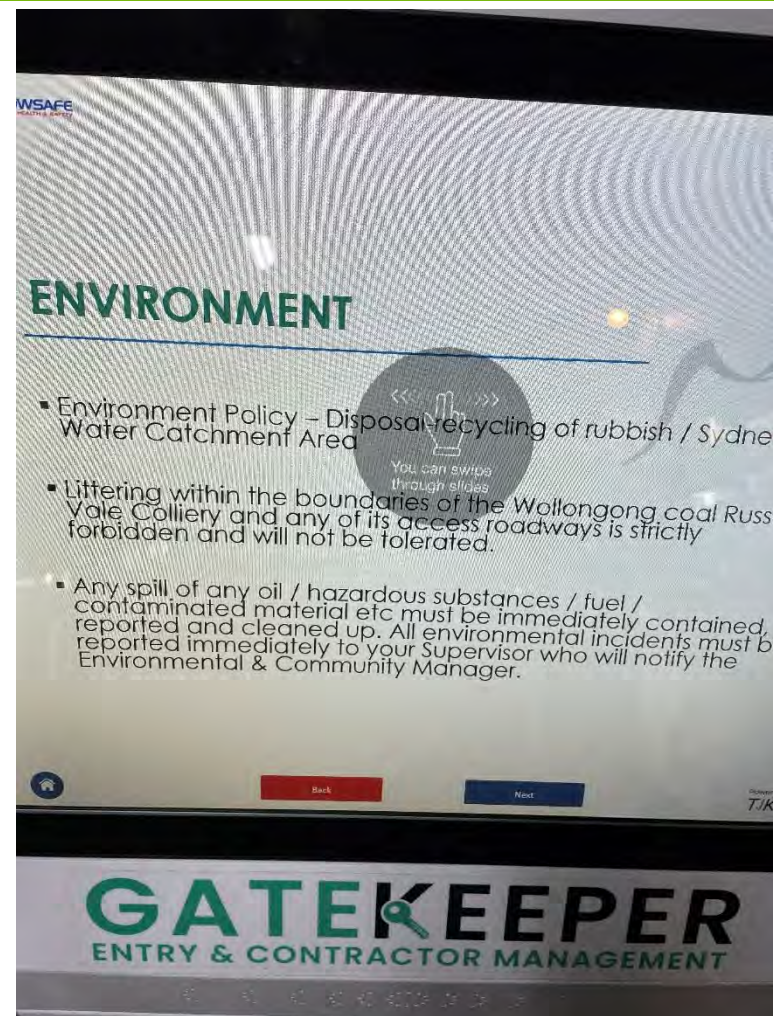
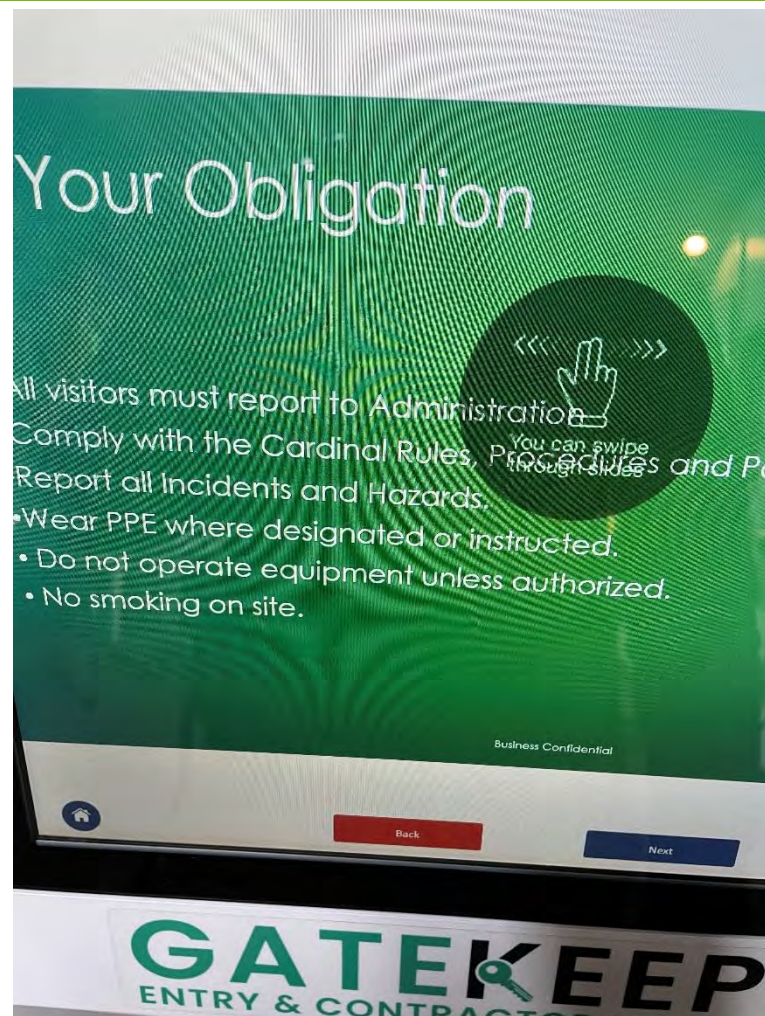
NSW EPA
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150
Phone: 131 855
Email: info@epa.nsw.gov.au
Locked mail 5022
PARRAMATTA NSW 2150

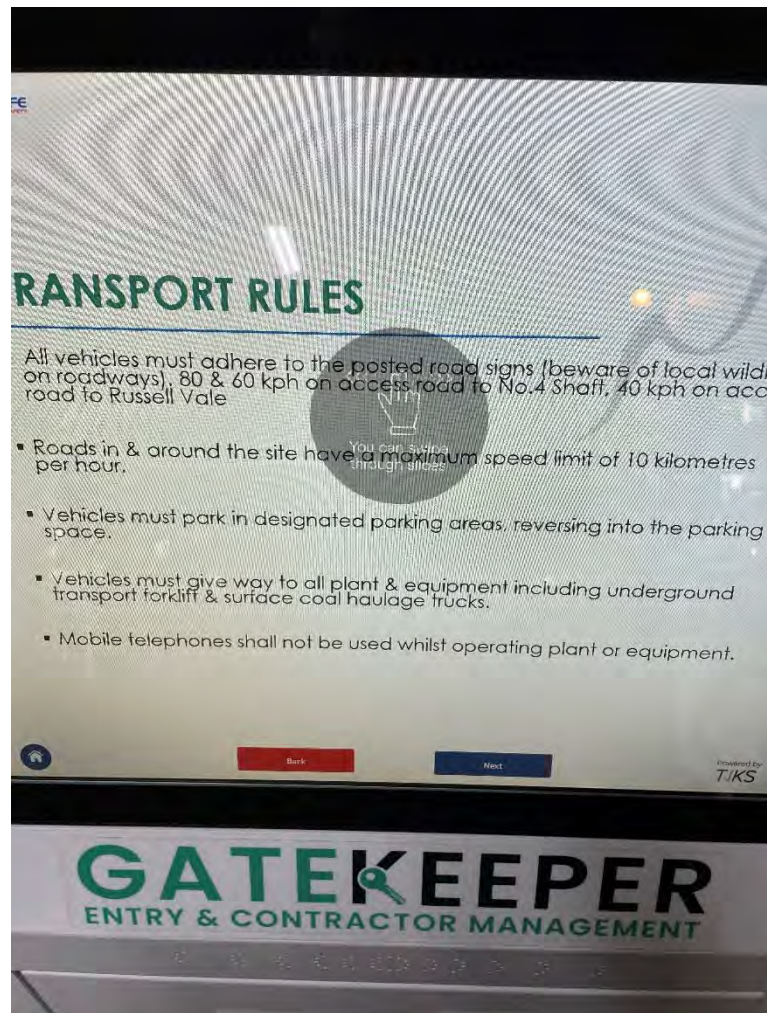
Environment Protection Authority - NSW
Licence version date: 3-Dec-2021

Page 1 of 23









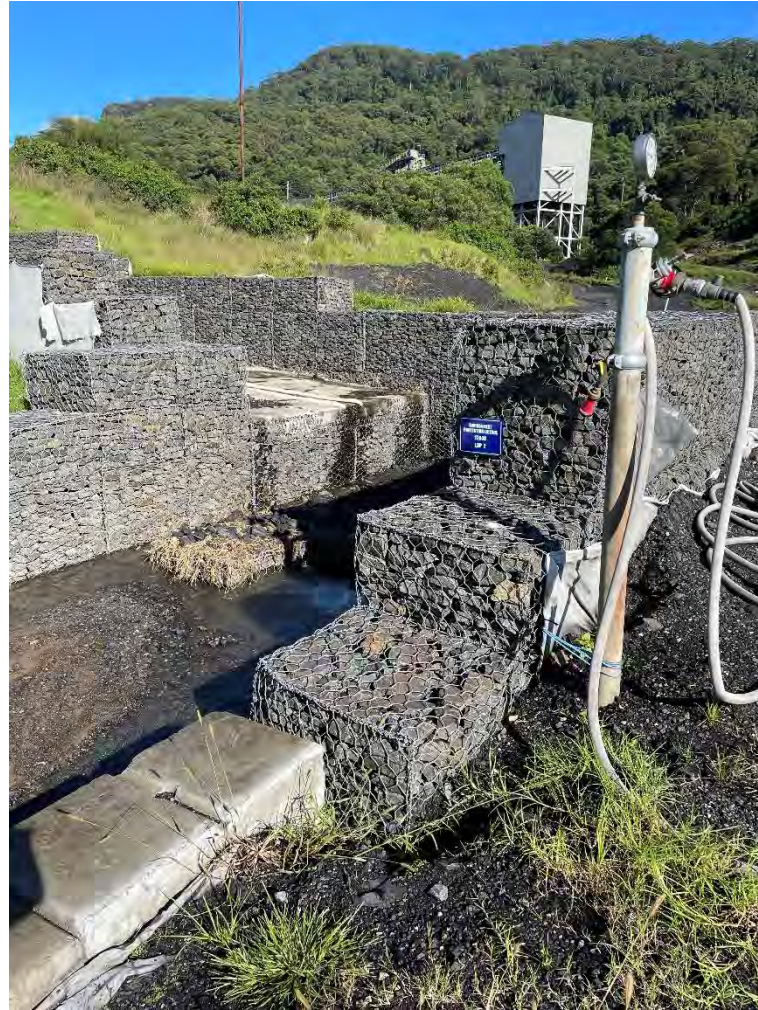






























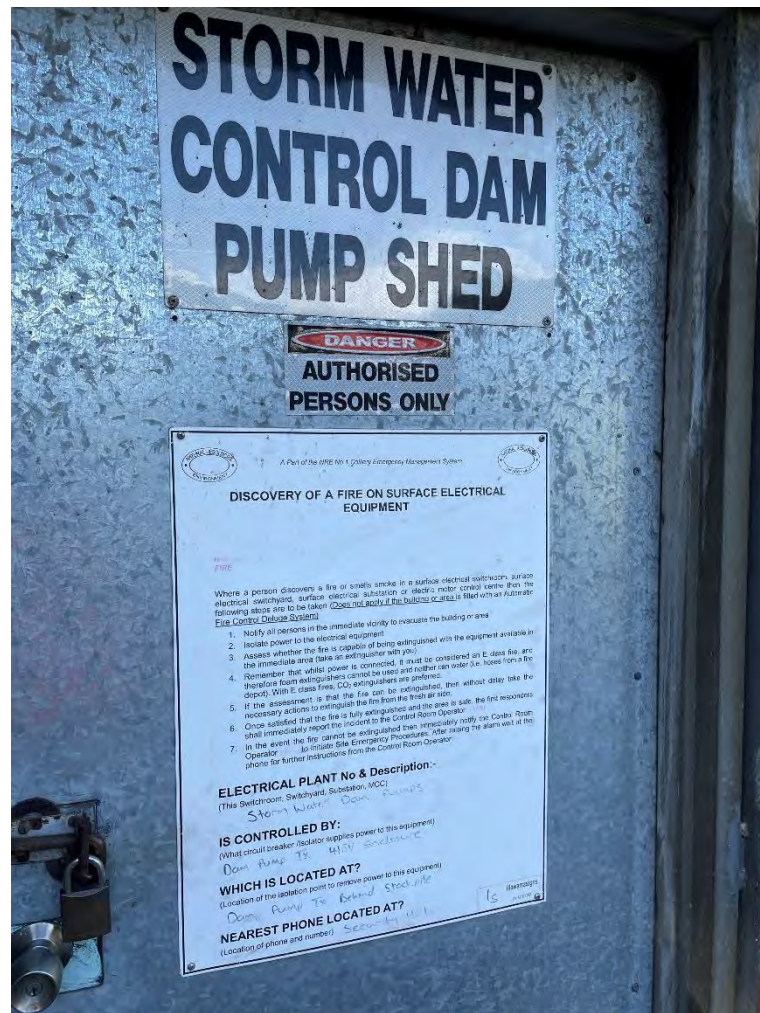


























WOLLONGONG COAL

Site	Russell Vale Colliery	DOC ID	27 April 2020
Type	Form	Date Published	8th April 2020
Doc Title	RVC ENVIRONMENTAL INSPECTIONS – WATER MANAGEMENT SYSTEM		

ENVIRONMENT

1. INSPECTION CRITERIA

If any remedial works or corrective actions are identified during inspection, and they can be corrected/completed at the time of inspection, complete the works provided it is safe to do so and note remedial works i.e.

Location	Drain Condition	Veg Clearing Required	Erosion and Sediment Control	Comments or Other Action Required
Staff Carpark (Series of 3 drains; west and east of entrance; south of stairs)	✓	Drain Blocked by weeds	✓	Weeds Removed

If any issues are identified during the inspection and corrective actions are required, take a photograph of the issue for reference, file alongside completed inspection report and report to RVC Environmental Coordinator (EC) for allocation & action.

1.1 Drains and Drainage

- Tick "Condition" box if in good condition, or note repairs required if in poor condition;
- Check for cracking and depressions in concrete structures that may cause leakage or eddies;
- Check for rubbish, leaf litter and debris causing blockages (remove if possible);
- Inspect inlet and outlet pipes are clear;
- Inspect for erosion, evidence of over wash or breaches in drains (note any repairs required);
- Inspect any erosion and sediment controls (sediment fences, sand bags, hay bales, coir logs etc.) along drainage lines are functional, note if any silt removal or repairs are required and action if possible. Is installation of further erosion and sediment controls are required around drainage structures required;
- Note if weeds or vegetation needs removal, drains and drainage structures should be clear of weeds and shrubs.

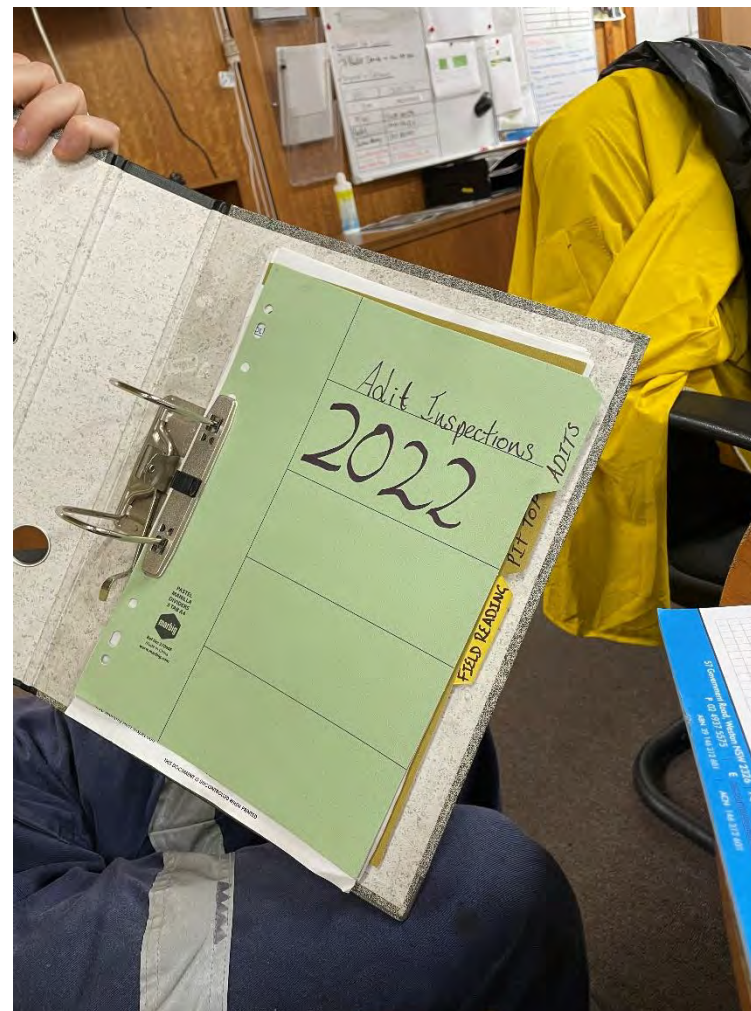
1.2 Trash Racks, Sumps & Culverts

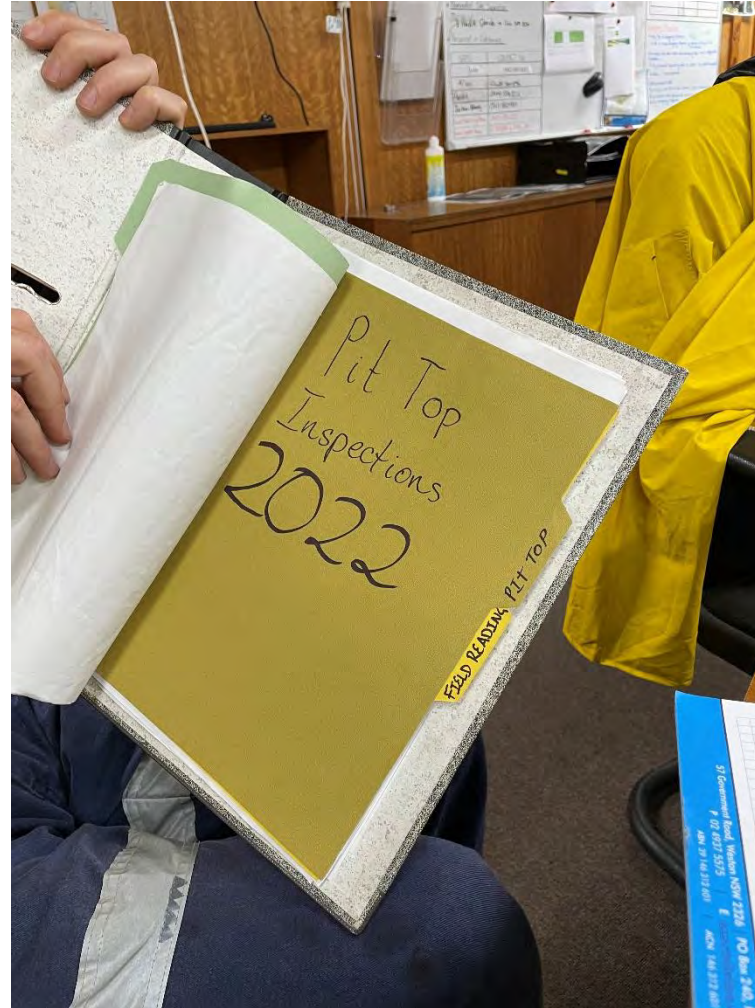
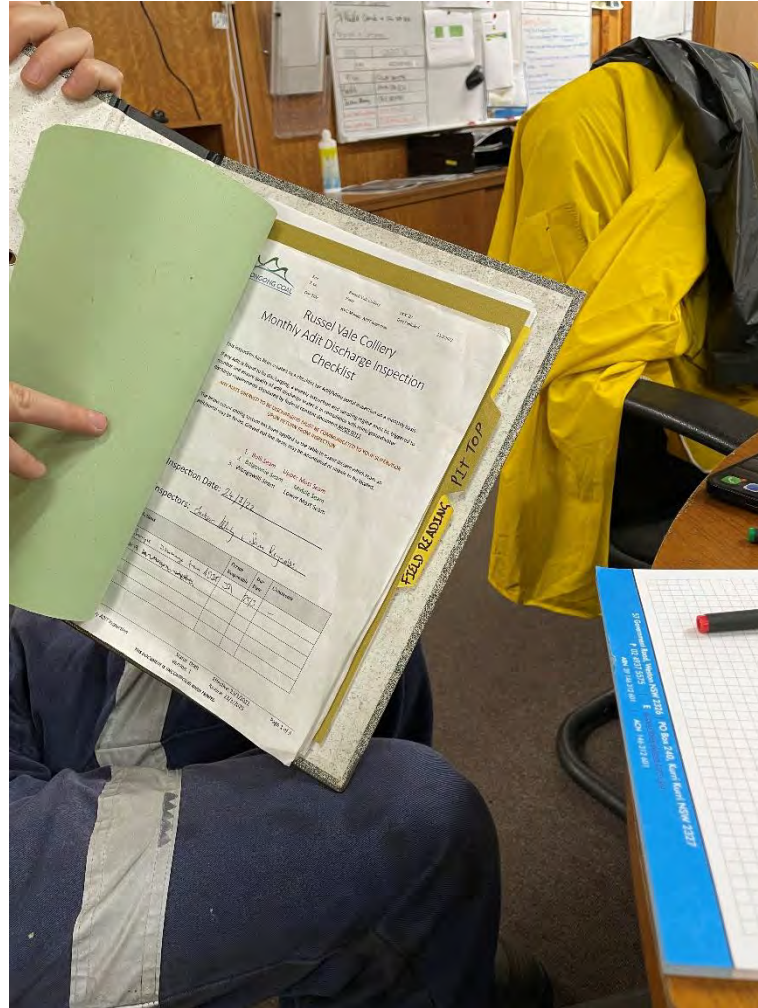
- Check the capacity of trash racks and note if they requires clearing;
- Inspect for cracking, depressions and other damage in concrete structures that may cause leakage;
- Check the depth of debris/sediment in sumps – If greater than 30% full they require cleaning out;
- Check that the depth of liquid is less than 90%;
- Check for any floating oils and hydrocarbons – If significant hydrocarbons are seen, report immediately to the Environmental Dept;
- Check that inlets and outlets are clear of debris, clear any blockages if safe to do so and note works completed;
- Check general condition of sump, and surrounding area (general housekeeping).

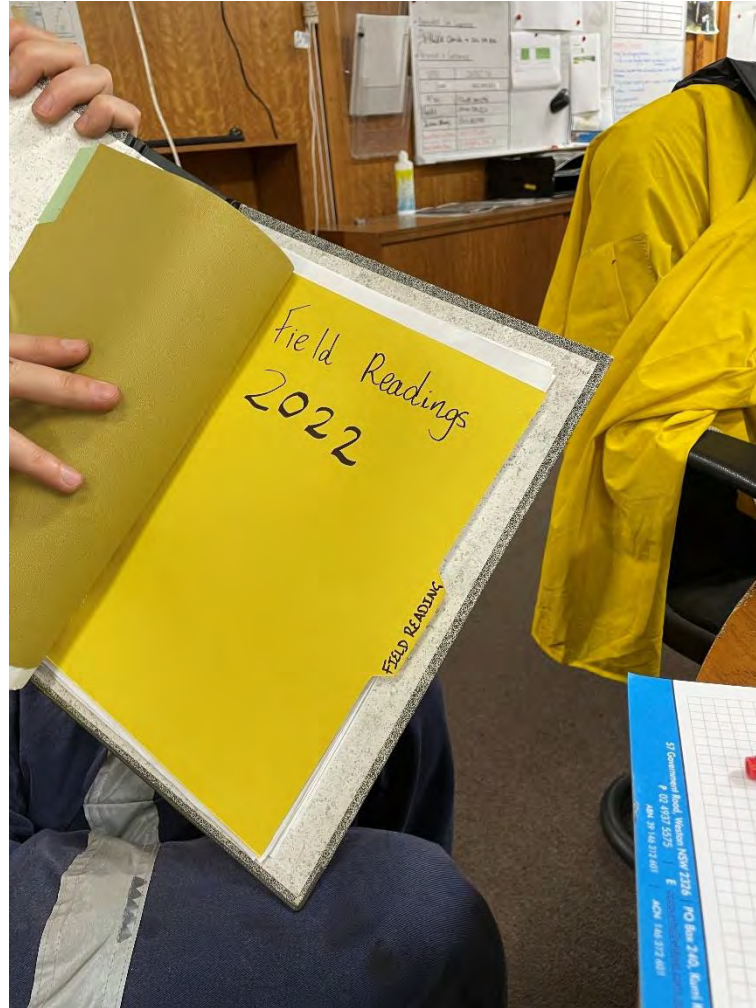
1.3 Dams

- Inspect dams for all aspects on the inspection checklist below and note all issues;
- Refer to **RVC MIN TRN 045 Dam Inspection Training Manual** for inspection methods and criteria relating to onsite dams.

Completed Environmental Inspection...







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FIELD WATER MONITORING RECORD

Job No: WCL RV Colliery Client: WCL RV Colliery
Project: Rainfall Event Area: RV Site
Date: 6/4/18 Sampled By: Jackson Alamy
Probe Used: RVC 274 Field Lab: Best

Location	Date	Time	Temp (°C)	Eh (mv)	pH	DO (mg/L)	EC (µS/cm)	Turbidity / Colour	Photo (Y/N)	Samples (Y/N)
LDP12	6-4-22	10:10	16.86	152.9	8.68	8.97	374.17	Brown 123	Y	Y
CC-AQ1	6-4-22	10:45	18.02	159.0	8.41	8.78	316.28	Brown 111	Y	Y
BQ DS 2	6-4-22	11:20	18.97	136.7	8.82	8.83	442.01	Brown 128	Y	Y
BQ DS 1	6-4-22	11:30	19.04	134.8	8.77	8.58	545.57	Brown 106	Y	Y
TC-AQ1	6-4-22	11:45	18.19	139.9	8.27	8.60	225.60	Brown 134	Y	Y

PVC EC FORM WCL
PVC Site Monitoring (Field Sheet)

Version: 1.0
Effective: 10/09/2020
Revision: 003/09/2021

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