

Table 5: 2021-2024 Audit Findings and Proponent Response



Condition	Comment/Audit Finding/Recommendation	Compliance Status	Non-Compliance Identifier	Proponent Response	Proposed Action Due Date
Retained Recommendations from Previous Audit					
Schedule 3 Condition 3: Underground Mining, Performance Measures	Mine Extraction Plan Section 4.2.1 details an exclusion zone of 200 m around the existing open cut (Woodlawn Landfill). Heron/Develop confirmed that construction operations conformed with the approved design including the 200 m exclusion zone, verified by a design review and sign-off process. Recommendation: Include a process to verify compliance with this condition in the next revision of the Mine Extraction Plan.	Compliant		The current mine plan (conceptual mine design) completed in 2020/2021 complies with this conditions. The underground excavation design approval processes (final design for execution) will be revised to incorporate a specific check of the planned excavation against this condition and formal documentation of this process will be incorporated into the Extraction Plan. The mine planning and approval process for all underground excavation activity on the site has incorporated into it the 200m exclusion zone from the pit and the exclusion zone is also incorporated into the Inrush and Inundation Principle Hazard Management Plan.	
Schedule 3 Condition 5: Underground Mining, Paste Fill	The PFMP includes results of the paste fill chemical analysis trial, approved by the Department on 29/8/2019. It also requires the backfill to be physically and chemically stable and non-polluting. TCLP results from the paste fill trial indicate that the concentration of the majority of metals in leachate, including lead (46 mg/L), copper (4.84 mg/L) and zinc (13.9 mg/L), exceeded the adopted site-specific trigger values. These results indicate that the paste fill is potentially polluting. Recommendation: Reassess the method of paste fill testing and the adopted trigger values prior to paste plant recommissioning. Ongoing testing of the paste will be required following paste plant recommissioning. Consider further leachate testing including ASLP.	Not Triggered		The PFMP will be reviewed prior to resumption of paste fill operations. Monitoring during paste fill production operations will be undertaken on an ongoing basis as detailed in the PFMP. As well as this, the technical pastefill review and re-establishment contract that has just been awarded will provide paste fill recipes that will include these parameters as considerations.	
Schedule 4 Condition 3: Water Resources, Existing Acid Drainage	PA 07_0143 is dated 4/7/2013 and this condition became non-compliant from 4/7/2018. A passive treatment system has been proposed for the WRD and the WRMP specifies implementation of the system by the end of mining operations. Recommendation: It is recommended that the timeframe and agreed management method be aligned between the WWRM and the proposed PA MOD3.	Non-Compliant	NC1	Verbal discussions with the resources regulator at their last visit indicate that potentially improving the cap and eliminating/minimising the source may be a better approach rather than ongoing treatment. Further discussions and investigative work will be completed in order to inform a modification for this.	Incorporate into the next version of the waste rock management plan
Schedule 4 Condition 29: Waste	A large amount of demolition material (including reinforced concrete) was present on the western edge of TDS. Recommendation: The long-term plan for the use/placement of the demolition material should be expressed in the EMS.	Compliant		A separate waste management plan has been drafted during this audit period. Ongoing updates for the fate of this material will be specified when known. Alternatively, it may be more applicable to be considered as part of site closure and rehabilitation planning.	
Schedule 5 Condition 1: Notification of Landowners	Recommendation: Review this condition as part of PA MOD3 such that notification of landowners is not required in the case of off-site generated dust exceedances.	Compliant		Agree. This will be included in a subsequent modification.	
Schedule 6 Condition 5: Revision of Strategies, Plans and Programs	While most Plans have been submitted to the Regulator and approval received in 2017, approval of the latest Plan versions will be required prior to commencement of extractive mining operations. It is noted that while Department comments were received for the WWRMP, TMP and EMS, no evidence of approval of the revised plans was available. Recommendation: It is recommended that document control sections for each management plan are clarified to differentiate between document reviews, revisions and submissions to stakeholders. All Plans under this PA require Secretary approval, to be appended to the Plan documents.	Non-Compliant	NC2	Agree. Following improvements plans will be re-submitted and the consultation log updated accordingly.	Prior to the resumption of extractive mining operations
SML20 3. Mining Operations Plan and Rehabilitation Report	The location of the waste rock dump was moved from the approved location. The approved location was an existing vegetated area and rather than remove the vegetation, the dump was moved to an already cleared location a short distance away. Heron notified the DPIE of the breach and the non-compliance was reported in the NSW Resources Regulator Compliance Audit (Feb 2020). The location of the box cut mine entry was also altered and was the subject of a penalty notice. Heron advised that the new locations will be included in the PA MOD3 application.	Non-Compliant	NC3	Agree. This will be included in a subsequent modification.	Prior to the resumption of extractive mining operations
PA 07_0143-MOD2					
Schedule 3 Condition 1 Tailings Dams, Performance Measures	Seepage from TDS has been managed through lining of the seepage return dam and drainage upgrade works, in lieu of seepage source identification. Recommendation: This condition requires review in PA MOD3 to remove reference to tailings reprocessing and note the alternative management strategy, as approved by the Regulator.	Compliant		Agree. This will be included in a subsequent modification.	

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Schedule 3 Condition 4 Extraction Plan	It is noted that the subsidence monitoring program was reduced relative to the Extraction Management Plan during the audit period. Develop advised this was because extractive mining had ceased (mine development however continued). Develop advised that Dam Safety NSW were reviewing the appropriateness of the reduced monitoring at the time of this audit. Recommendation: Following Dam Safety NSW review, provision to reduce the subsidence monitoring program (for example during mine development and not extraction) should be considered in the next version of the Extraction Plan.	Compliant		This has been clarified with dam safety and currently no reduction in monitoring is suitable. Monitoring during development will be the same as extraction and as per the subsidence monitoring program. This may be subject to change following the approval review process.	
Schedule 4 Condition 2 Water Resources, Water Discharges EPL Condition L1.1 Pollution of Waters	Section 120 of the POEO Act prohibits the pollution of waters. Overtopping of TDW occurred on 10/12/2021 causing pollution of Crisps Creek in non-compliance with this condition. CUP Notice 3501608 was issued in relation to this incident requiring response actions and reporting. EPA letter DOC22/163830 dated 4 March 2022 noted that the licensee had fulfilled their obligations under the CUP and sampling frequencies could return to those listed under Condition M2 of the licence.	Non-Compliant	NC4	This incident occurred prior to Develop acquiring the site. Ongoing sampling indicates the creek has since returned to pre-spill water quality. A number of mitigation measures have also been introduced to limit chance of reoccurrence.	Nil required
Schedule 4 Condition 4 Water Resources, Water Management Plan	Recommendation: A plan of the monitoring locations should be included in the WMP. Recommendation: The WMP should more clearly set out the trigger levels applicable to surface and groundwater; this may be included in Section 7.1. It is noted that revision of the WMP is proposed in preparation for mining recommencement, including finalisation of the dewatering plan.	Compliant		Agree. The WMP is under review and these recommendations will be incorporated.	
Schedule 4 Condition 14 Air Quality, Odour EPL Condition L5. Potentially Offensive Odour	An odour emissions assessment was undertaken on 7 March 2024 and indicated that the dewatering ponds had a very low odour emission potential and that odour from the receiving dam on 7 March 2024 would be unlikely to lead to off-site impact. This assessment includes a plan of sampling locations correctly targeting ED2, however refers to ED3 throughout. Recommendation: Review reference to ED2/3 in the odour emissions assessment and update as necessary.	Compliant		Although it was this version that was sent to the EPA the report has since been re-issued to us with the correct dam names. This report was about ED2 not ED3.	
Schedule 6 Condition 4 Environmental Management, Annual Review	The auditor notes that conformance with the groundwater quality, surface water quality, subsidence and dam freeboard trigger levels was not directly reported in the 2023-2024 Annual Review. Recommendation: The Annual Reviews should clearly state whether monitored parameters were above or below the relevant trigger levels.	Compliant		Noted. This will be rectified in subsequent reviews.	
EPL					
L4. Hours of Operation	It is understood from personnel interviews that no construction activities were undertaken outside of the hours of operation, however it is noted that the general site hours are 6am-6pm. Recommendation: The EPL and on-site hours of operation should be aligned to avoid inadvertent non-compliance with this condition.	Compliant		Noted. This will be identified in the next subsequent EPL review.	
L6 Other Conditions (Use and Transfer of Waters)	Recommendation: Since development of EPL Attachment 2: Woodlawn Site EPL Water Transfers, ED1 management has been transferred to Veolia and is no longer utilised for mine water transfers. This plan requires amendment in line with current water transfer operations.	Compliant		Noted. This will be identified in the next subsequent EPL review.	
M4 Recording of Pollution Complaints	While no complaints were directly received by Develop during the audit period, one complaint and one query/concern were received via the EPA. The query received on 19 July 2023 regarding underground workings methane was recorded in the Complaints Register, available on the Develop website. However, the complaint received on 5 February 2024 regarding odour from mine water discharged into ED2 was not found in this register. Neither query/complaint were reported in the EPA Annual Returns. Recommendation: All complaints and concerns should be recorded as specified in this condition.	Non-Compliant	NC5	Noted. As these were not made directly to Develop they were not included. This will be rectified for subsequent reporting.	From September monthly reporting, onwards.
M5 Telephone Complaints Line	Public notification of the complaints telephone line was not readily apparent on the Develop website or signage at the site entrance. Recommendation: The complaints telephone number and the fact that it is a complaints line should be notified to the public.	Non-Compliant	NC6	Agree. This is currently being investigated and will be implemented prior to extractive operations.	Prior to the resumption of extractive mining operations