

## Appendix 2 – Schedule of Whitehaven Coals Non-Compliance

<i>Date</i>	<i>Action</i>	<i>Explanation</i>	<i>Mine</i>	<i>Amount</i>
Mar 2012	4 penalty notices <sup>17</sup>	Polluting waters and breaching its environment protection licences in November 2011 and January 2012	Narrabri Underground and Tarrawonga	\$6,000
Dec 2014	Penalty notice <sup>18</sup>	Disturbing an Aboriginal artefact	Narrabri Underground	\$3,000
Dec 2014	Penalty notice <sup>19</sup>	Mining more coal than licence allows	Tarrawonga	\$15,000
Jun 2014	Court undertaking	In response to enforcement action by Maules Creek Community Council Whitehaven gave an undertaking to the Land and Environment Court not to clear forest habitat during sensitive seasons for wildlife and subsequently changed its Biodiversity Management Plan to reinstate this commitment. <sup>20</sup>		
Jul 2015	Investigation <sup>21</sup>	Blast fumes	Maules Creek	-
Aug 2015	2 penalty notices <sup>22</sup>	Failure to implement proper weed and feral animal control as per Biodiversity Management Plan	Maules Creek and Tarrawonga	\$6,000
Mar 2017	Penalty notice <sup>23</sup>	Failing to provide the government with information and records during the blast investigation	Maules Creek	\$1,500
Mar 2018	Official caution <sup>24</sup>	From DPIE for “failure to undertake annual road noise monitoring for the 2017 calendar year”	Rocglen	-
Mar 2018	Warning letter <sup>25</sup>	Failure regarding implementation of the Blast management plan.	Tarrawonga	-
Mar 2018	Official caution	Failure regarding implementation of the Noise Management Plan	Tarrawonga	-

<sup>17</sup> EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2012/decmedia12033003>

<sup>18</sup> See Independent Environmental Audit 2017. Available here:

<http://www.whitehavencoal.com.au/sustainability/environmental-management/narrabri-mine/>

<sup>19</sup> EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2014/epamedia14120902>

<sup>20</sup> For details see a summary of this case from the Environmental Defenders Office

[https://www.edonsw.org.au/maules\\_creek\\_community\\_council\\_v\\_whitehaven\\_coal](https://www.edonsw.org.au/maules_creek_community_council_v_whitehaven_coal)

<sup>21</sup> EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2015/epamedia15070603>

<sup>22</sup> Department of Planning media release: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Media-Releases/2015/August/26082015-Miners-fined-for-environmental-breaches.pdf>

<sup>23</sup> EPA media release: <https://www.epa.nsw.gov.au/nePws/media-releases/2017/epamedia17030801>

<sup>24</sup> This caution is cited in Rocglen Annual Review 2018.

<sup>25</sup> Referred to the Tarrawonga Annual Review 2018.

May 2018	Penalty notice <sup>26</sup>	Failing to minimise dust pollution from truck movements on haul roads	Maules Creek	\$15,000
Dec 2018	Warning letter	Sound power levels of equipment exceeded those specified in the Noise management Plan	Narrabri Underground	-
Mar 2019	Court conviction <sup>27</sup>	Blast fume left site and drifted over neighbouring properties	Rocglen	\$38,500
Mar 2019	Penalty notice <sup>28</sup>	Blast exceeded the airblast overpressure criteria	Werris Creek	\$15,000
Apr 2019	Clean up Notice <sup>29</sup>	Dumping combustible canisters improperly, resulting in fires breaking out at Narrabri Council's rubbish dump	Narrabri Underground	-
Jun 2019	Fine <sup>30</sup>	Failure to minimise dust, resulting clouds from stock pile	Narrabri Underground	\$15,000
Aug 2019	Suspension <sup>31</sup>	Suspension of exploration licence for unlawful clearing of bushland for access tracks	Narrabri Underground	-
Aug 2019	Statutory Notice	Rehabilitation	Tarrawonga and Rocglen	-
Sept 2019	Illegal water take <sup>32</sup>	Natural Resources Access Regulator finds Whitehaven has taken over 3 billion litres of surface water illegally over three years	Maules Creek	Outcome pending
Sept 2019	Prohibition notice <sup>33</sup>	Issued by Resources Regulator prohibiting the use of vehicles following a dangerous incident	Maules Creek	-
Oct 2019	Investigation	NRAR investigating whether mine is causing groundwater loss to local farmers	Maules Creek	Ongoing
Nov 2019	Investigation	NRAR and Dept Planning investigating construction of a water pipeline not included in approval	Maules Creek	Ongoing
Jan 2020	Prosecution <sup>34</sup>	Resources regulator prosecuting over serious WHS incident	Maules Creek	Ongoing

<sup>26</sup> EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2017/epamedia17052202>

<sup>27</sup> EPA media release: [https://www.epa.nsw.gov.au/news/media-releases/2019/epamedia190320-whitehaven-coal-mining-ltd-convicted-and-fined-\\$38500-by-court](https://www.epa.nsw.gov.au/news/media-releases/2019/epamedia190320-whitehaven-coal-mining-ltd-convicted-and-fined-$38500-by-court)

<sup>28</sup> Department of Planning media release: <https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Inspections-and-enforcements/March-2019-formal-enforcements/Penalty-Notice-issued-to-Werris-Creek-Coal-Pty-Ltd>

<sup>29</sup> EPA clean up notice: <https://apps.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1578807>

<sup>30</sup> EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2019/epamedia190625>

<sup>31</sup> Resources Regulator suspension notice: [https://www.resourcesregulator.nsw.gov.au/\\_data/assets/pdf\\_file/0005/1153634/Suspension-Notice-Decision-document.pdf](https://www.resourcesregulator.nsw.gov.au/_data/assets/pdf_file/0005/1153634/Suspension-Notice-Decision-document.pdf)

<sup>32</sup> NRAR media release: <https://www.industry.nsw.gov.au/natural-resources-access-regulator/nrar-news/nsw-water-regulator-concludes-investigations-into-maules-creek-coal-mine>

<sup>33</sup> Resources Regulator media release: <https://resourcesandgeoscience.nsw.gov.au/about-us/news/2019/prohibition-notice-issued-to-maules-creek-open-cut-coal-mine>

<sup>34</sup> Resources Regulator media release <https://www.resourcesandgeoscience.nsw.gov.au/about-us/news/2019/maules-creek-coal-prosecuted-over-mining-truck-collision>