

Appendix 3

COMPLIANCE REVIEW

PA 05_0102 MOD 1 (Table A3-1)

EPL 12789 (Table A3-2)

ML 1609 (Table A3-3)

TABLE A3-1
PROJECT APPROVAL 05_0102 MOD 1

Condition	Conditional Requirement	Compliance	Comments
Schedule 2: Administrative Conditions			
1.	The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.	Yes	All measures take to reduce impact of operation.
2.	The Applicant shall carry out the development generally in accordance with the: (a) EA; (b) statement of Commitments (see Appendix 3); (c) modification application 05_0102 MOD 1, supporting Environmental Assessment title "Narrabri Coal Mine – Section 75W Modification", dated October 2009 and Proponent's Response to Submissions dated 10 February 2010; and (d) conditions of this approval.	Yes	The activities on site were generally being undertaken in accordance with the nominated documents.
3.	If there is any inconsistency between the above documents, that later document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	Yes	As per condition.
4.	The proponent shall comply with any reasonable and feasible requirements of the Director General arising from the Department's assessment of: (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this approval; and (b) the implementation of any actions or measures contained in these reports, plans, programs strategies or correspondence.	Yes	All requests complied with.
5.	Mining Operations may take place on the site for 21 years from the grant of the mining lease for the project.	Yes	Mining Lease granted in January 2008.
6.	The proponent shall not extract more than 2.5 million tonnes of ROM coal a year from the site.	Yes	142,000t coal produced during reporting period.
7.	The proponent shall transport all coal from the site by rail.	Yes	As per condition.
8.	With the approval of the Director General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.	Yes	As per condition.

Condition	Conditional Requirement	Compliance	Comments
8A.	The proponent shall prepare revisions of any strategies, plans or programs required under this approval if directed to do so by the Director-General. Such revisions shall be prepared to the satisfaction of, and within a timeframe approved by, the Director- General.	Yes	As per condition.
9.	The proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with relevant requirements of the BCA.	Yes	All buildings on site constructed in accordance with Council certification.
10.	The proponent shall ensure that all demolition work is carried out in accordance with <i>Australian Standards AS 2601-2001: The Demolition of Structures</i> , or its latest version.	N/A	No demolition works required.
11.	The proponent shall ensure that all plant and equipment used on site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Yes	All equipment used subject to pre-start check.
12.	Within 12 months of this approval, the Proponent shall enter into a planning agreement with Narrabri Shire Council, Gunnedah Shire Council and the Minister in accordance with: (a) Division 6 of Part 4 of the EP&A Act; and (b) the terms of the Proponents offer to the Minister on 7 September 2007, which includes the matters set out in Appendix 4.	Yes	As per condition.
Schedule 3: Specific Environmental Conditions			
1.	Within 5 years of the date of this approval, the proponent shall ensure that any loss of water flow into the Great Artesian Basin aquifers (equal to the maximum predicted impact, or the measured impact of the project, whichever is the greater), is managed, licensed or offset to the satisfaction of the NOW.	N/A	Not yet triggered
2.	Within 12 months of the commencement of mining operations, the Proponent shall undertake a transient calibration of the groundwater model presented in the EA, in consultation with NOW and DECCW, and to the satisfaction of the Director-General.	N/A	Mining commenced end June 2010.
3.	Following the completion of the transient calibration of the groundwater model.....	N/A	Calibration not yet required.

Condition	Conditional Requirement	Compliance	Comments
4.	The proponent must commence construction of the water conditioning plant identified in condition 10(d) when daily mine dewatering volumes exceed 0.88 megalitres, or an alternative trigger point based on review of the water balance and model and established in consultation with NOW and DECCW, and approved by the Director General.	N/A	Not yet triggered however construction of the water conditioning plant has commenced.
5.	Except as may be expressly provided for by an EPL, the Proponent shall not discharge any surface waters from the site. However, product water from the water conditioning plant may be transferred to water users in accordance with an approved Water Management Plan.	Yes	Water retained on site and pumped to retention pond in rail loop. No transfer of water to date.
6.	The Proponent shall: (a) construct evaporation/storage ponds incorporating the use of low permeability layers to manage minewater generated by the project. (b) prior to commencement of construction, submit pond designs and a construction QA/QC program to DECCW; and (c) prior to commissioning the ponds, submit an "as constructed" report, produced by an experienced and qualified engineer, to DECCW; to the satisfaction of the Director General.	Yes Yes No	Ponds constructed to design criteria as approved by DECC.
7.	The proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director General. This plan must be submitted to the Director General for approval prior to the commencement of construction activities (not including the construction of the Kamilaroi Highway intersection) in consultation with DECCW and NOW by suitably qualified expert/s whose appointments have been approved by the Director General and include a: (a) site water balance; (b) Erosion and Sediment Control Plan (c) Surface Water Monitoring Program; and (d) Surface and Groundwater Response Plan, setting out procedures for:.....	Yes	Director General approved the implementation of a Construction Phase Surface Water Management Plan (CPSWMP) on 20 th February 2008 conditional on a full Site Water Management Plan (SWMP) being submitted prior to commencement of mining operations. The SWMP for the operational phase was submitted to DECCW, DoP and NOW on the 17 th March 2010 and was approved by DoP on the 13 th July 2010.
8.	The Site Water Balance must....	Yes	As per condition.
9.	The Erosion and Sediment Control Plan must....	Yes	As per condition.
10.	The Surface Water Monitoring Plan must....	Yes	As per condition.
11.	The Groundwater monitoring program must.....	Yes	As per condition.
12.	The proponent shall ensure that the noise generated by the project does not exceed the levels set out in Table 1 at any privately owned residence.	Yes	No noise exceedances recorded during the reporting period.

Condition	Conditional Requirement	Compliance	Comments
12A.	If the noise generated by the project exceeds the criteria in Table 1A at any residence on privately-owned land, or on more than 25% of any privately-owned land, then the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 5-7 of schedule 3A.	N/A	No exceedances during reporting period and no requests from landowners.
12B.	If the noise generated by the project is equal to or exceeds the criteria in Table 1B at any residence on privately-owned land, then the Proponent shall, upon receiving a written request from the landowner, implement reasonable and feasible noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the landowner.....	N/A	No exceedances during reporting period and no requests from landowners.
13.	The Proponent shall: (a)implement all reasonable and feasible best practice noise mitigation measures; (b)investigate ways to reduce the noise generated by the project, including off-site road and rail noise and maximum noise levels which may result in sleep disturbance; and (c)report on these investigations and the implementation and effectiveness of these measures in the AEMR; to the satisfaction of the Director General.	Yes	Access road sealed. Rail loop and loading point cut below surface level to assist noise reduction. Real time noise monitoring and inversion monitoring included in updated Noise Management Plan. See Section 3.10 for noise discussions.
13A.	The Proponent shall prepare and implement a Noise Management Plan for the mine's activities to the satisfaction of the Director-General. This Plan shall: (a) be prepared in consultation with DECCW by a suitably qualified expert whose appointment has been approved by the DG; (b)be submitted to the DG for approval by 31 May 2010; (c)include a Noise Monitoring Program incorporating real-time noise and temperature inversion monitoring; and (d)include reactive noise control measures to manage noise impacts for sensitive receivers.	Yes	Issued to DoP 28 th May 2010.

Condition	Conditional Requirement	Compliance	Comments
14.	The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must: (a) be submitted to the Director-General for approval prior to the commencement of construction activities; (b) be prepared in consultation with the DECCW; (c) use attended noise monitoring measures to monitor the performance of the project; (d) include a protocol to establish whether the project is complying with the noise impact assessment criteria in Table 1.	Yes	Noise monitoring program conducted in accordance with the Noise Monitoring Program approved by DG on 15 th January 2008.
15.	The proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 2 at any residence on privately owned land.	N/A	No surface or near surface blasting during the reporting period.
16.	The proponent shall ensure that the ground vibration level from blasting, or any other activity at the project does not exceed the criteria in Table 3 at any residence on privately owned land.	N/A	No surface or near surface blasting during the reporting period.
17.	The proponent shall only carry out blasting associated with construction activities on site between 10am and 4pm Monday to Friday.	N/A	No surface or near surface blasting during the reporting period.
18.	The proponent may carry out: (a) a maximum of 2 blasts a day associated with construction activities; and (b) 5 blasts a week associated with construction activities, average over a 12 month period; on site without the written approval of the Director General.	N/A	No surface or near surface blasting during the reporting period.
19.	Before carrying out any blasting, the Proponent shall advise all landowners within 2km of proposed blasting activities, and any other landowner nominated by the Director-General, that they are entitled to a property inspection.	Yes	Letters sent to nominated landholders advising of rights to an inspection, with inspections completed by Kelley Covey Pty Ltd.
20.	If the proponent receives a written request for a property inspection from any landowner with 2km of proposed blasting activities, or any other landowner nominated by the Director General, the proponent shall within 3 months of receiving this request: (a) commission a suitably qualified person, whose appointment has been approved by the Director General, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and (b) give the landowner a copy of this property inspection report.	Yes	All reports provided to landowners.

Condition	Conditional Requirement	Compliance	Comments
21.	If any landowner within 2km of proposed blasting activities or any other landowner as nominated by the Director General claims that his/her property, including vibration sensitive infrastructure.....	N/A	Not triggered.
22.	Prior to the commencement of blasting, the proponent shall prepare and implement a detailed Blasting Monitoring Program for the project to the satisfaction of the Director General.	Yes	Blast Monitoring Program approved by DG 15 th January 2008.
23.	The proponent shall ensure that dust emissions generated by the project does not cause additional exceedances of the criteria listed in Tables 4 to 6 at any residence on privately owned land, or on more than 25% of privately owned land.	No	Annual average deposited dust criteria exceeded at ND-4 "Matoppo" and ND-5 "Claremont". See AEMR Section 3.1.3 for details.
24.	The proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director General. This program must: (a) be submitted to the Director-General prior to the commencement of construction activities; (b) be prepared in consultation with the DECCW; and (c) use a combination of high volume air samplers and dust deposition gauges to monitor the performance of the project.	Yes	Air Quality Monitoring program in place and approved by the DG on 15 th January 2008.
25.	During the project, the Proponent shall ensure there is a suitable meteorological station on site that complies with the requirements in <i>Approved Methods for Sampling of Air Pollutants in New South Wales (DECCW, 2007)</i> , or its latest version.	No	Some data not collected during the reporting period due to station malfunction.
26.	The proponent shall ensure that the project does not result in subsidence impacts of greater than 20mm vertical subsidence on any land.	Yes	No subsidence impacts to date.
27.	Six months prior to mining occurring under each privately owned property, the proponent shall notify the relevant landowners of the extent of planned mining operations under their property.	Yes	No mining under privately owned property at this stage.
28.	The Proponent shall rehabilitate the site to the satisfaction of the Director General.	N/A	Only minor works undertaken to date to pit top area.

Condition	Conditional Requirement	Compliance	Comments
29.	<p>The proponent shall prepare and implement a detailed Landscape Management Plan for the site to the satisfaction of the Director-General and I&I NSW. This plan must:</p> <p>(a) be submitted to the Director-General for approval within 12 months of this approval;</p> <p>(b) be prepared by suitably qualified expert/s whose appointment have been endorsed by the Director General;</p> <p>(c) be prepared in consultation with NOW, DECCW and NSC; and</p> <p>(d) include a Rehabilitation Management Plan and Mine Closure Plan.</p>	Yes	Landscape Management Plan approved in March 2010.
30.	The Rehabilitation Management Plan must.....	No	See response to 29 above.
31.	The mine closure plan must.....	No	See response to 29 above.
32.	The proponent shall not destroy any known Aboriginal objects (as defined in the NPWA 1974) without the written approval of the Director General.	Yes	No known objects destroyed.
33.	<p>The proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan to the satisfaction of the Director General. This plan must:</p> <p>(a) be submitted to the Director General prior to the commencement of construction activities;</p> <p>(b) be prepared in consultation with DECCW and the Narrabri Local Aboriginal Land Council;</p> <p>(c) include a protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage on site;</p> <p>(d) describe the measures that would be implemented to protect Aboriginal sites on site, or if any new Aboriginal objects or skeletal remains are discovered during the project.</p>	Yes	ACHMP prepared and implemented, approved by DG on 4 th February 2008.

Condition	Conditional Requirement	Compliance	Comments
34.	The Proponent shall construct the Kamilaroi Highway intersection in consultation with NSC and to the satisfaction of RTA. This intersection must: (a) be completed, other than for items listed in (c) below, prior to the commencement of construction activities on site; (b) be constructed in accordance with a Traffic Management Plan approved by NSC and RTA; (c) include boom gates, flashing lights and warning bells for the Kurrajong Creek Road level crossing, to the satisfaction of ARTC and NSC; (d) include illumination of the Kurrajong Creek Road level crossing during construction of the intersection; (e) provide a information sign on Kurrajong Creek Road to inform road users of likely delays due to train traffic; and (f) maintain permanent access for the "Bow Hills" quarry.	Yes	As per condition.
35.	Within 12 months of commencement of mining operations, the proponent shall bitumen seal Kurrajong Creek Road for a distance of 7km south of the Kamilaroi Highway intersection, to the satisfaction of the NSC.	Yes	Kurrajong Creek Road sealed. Currently seeking final sign-off from NSC (request sent to NSC in February 2010).
36.	The proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.	Yes	Pit Top Area managed to reduce visual impact with completed areas rehabilitated to extent practicable.
37.	The proponent shall ensure that: (a) no outdoor lights shine above the horizontal; and (b) all external lighting associated with the project complies with <i>Australian Standard AS4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting</i> .	Yes	Lighting maintained in accordance with these provisions.
38.	The proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Director General. This plan must: (a) be prepared in consultation with DECCW; (b) be prepared in accordance with the <i>Guidelines for Energy Savings Action Plans (DEUS, 2005)</i> , or its latest version; (c) be submitted to the Director-General for approval within 3 months of this approval; and (d) include a program to monitor the effectiveness of measures to reduce energy on site.	Yes	Energy Savings Action Plan developed and approved by DG on 13 th October 2008.
39.	The proponent shall implement all reasonable and feasible measures to minimise the greenhouse gas emissions from the underground mining operations to the satisfaction of the Director General.	Yes	Gas drainage measures being thoroughly investigated to determine most feasible method to reduce impact. Composition of gas significantly minimises options.

Condition	Conditional Requirement	Compliance	Comments
40.	<p>Prior to carrying out underground coal mining operations, the Proponent shall submit a Greenhouse Gas Minimisation Plan to the Director General. This plan must:</p> <p>(a) identify options for minimizing greenhouse gas emissions from underground mining operations, with a particular focus on capturing and/or using these emissions;</p> <p>(b) investigate the feasibility of implementing each option;</p> <p>(c) propose the measures that would be implemented in the short to medium term on site; and</p> <p>(d) include a research program to inform the continuous improvement of the greenhouse gas minimization measures on site.</p>	No	<p>A draft Greenhouse Gas Minimisation Plan was prepared by Heggies Pty Ltd and submitted to DoP on 24/11/09. Subsequent verbal discussions with the DoP identified that the supplied plan was inadequate in meeting the requirements of the condition. It was agreed that a revised plan would issue in conjunction with the Stage 2 Project Approval requirements.</p>
41.	<p>The proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <p>(a) be submitted to the Director General for approval prior to commencing construction;</p> <p>(b) identify the various waste streams for the project;</p> <p>(c) describe what measures would be implemented to reuse, recycle or minimize the waste generated by the project;</p> <p>(d) ensure irrigation of treated wastewater is undertaken in accordance with <i>Environmental Guidelines: Use of Effluent by Irrigation (DEC, 2004)</i>, or its latest version; and</p> <p>(e) include a program to monitor the effectiveness of these measures,</p>	Yes	<p>Waste Management Plan approved by DG on 15th January 2008.</p>
Schedule 3A: Additional Procedures			
1.	<p>If the results of the monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, except where a negotiated agreement has been entered into in relation to that impact then the Proponent shall, within 2 weeks of obtaining the monitoring results, notify the DG, the affected landowners and tenants (including tenants in mine-owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 3.</p>	No	<p>Notification has not occurred for deposited dust exceedances which have all occurred on mine owned property.</p>

Condition	Conditional Requirement	Compliance	Comments
2.	If the results of monitoring required in Schedule 3 identify that the impacts generated by the project are greater than the relevant air quality impact assessment criteria in schedule 3, then the Proponent shall send the relevant landowners and tenants (including tenants of mine-owned properties) a copy of the NSW Health fact sheet "Mine Dust and You" (and associated updates) in conjunction with the notification required in condition 1.	No	Notification has not occurred for deposited dust exceedances which have all occurred on mine owned property.
3.	If a landowner considers the project to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the DG in writing for an independent review of the impacts of the project on his/her land. (see consent for independent review process).	N/A	No requests during reporting period.
4.	If the independent review determines that the project is complying.... then the Proponent may discontinue the independent review with the approval of the DG. If the independent review determines that the project is not complying.... (see consent for further details).	N/A	No requests during reporting period.
5.	Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:.....	N/A	No requests during reporting period.
6.	The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 5 above.	N/A	No requests during reporting period.
7.	If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall also pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.	N/A	No requests during reporting period.
Schedule 4: Environmental Management, Monitoring, Auditing and Reporting			
1.	The proponent shall prepare and implement and Environmental Management Strategy for the project to the satisfaction of the Director General. This strategy must be submitted to the Director General prior to the commencement of construction activities and.....	Yes	Environmental Management Strategy approved by DG on 15 th January 2008.
2.	The proponent shall prepare and implement an Environmental Monitoring Program for the project to the satisfaction of the Director General. This program must be submitted to the Director General within 6 months of this approval and consolidate the various monitoring requirements in Schedule 3 of this approval into a single document.	No	To be submitted as part of Stage 2 consent requirements.

Condition	Conditional Requirement	Compliance	Comments
3.	As soon as practicable, and in any event within 24 hours of detecting an exceedance of the limits/performance criteria in the approval, or the occurrence of an incident that causes (or may cause) material harm to the environment, the proponent shall notify the Department and other relevant agencies of the exceedance/incident.	No	All occurrences reported, but not within 24 hours.
4.	Within 6 days of notifying the Department and other relevant agencies....	No	All occurrences reported, but not within 6 days.
5.	<p>Within 12 months of this approval, and annually thereafter, the proponent shall submit an AEMR to the Director General and to all relevant agencies. This report must:</p> <p>(a) identify the standards and performance measures that apply to the project;</p> <p>(b) describe works carried out in last 12 months;</p> <p>(c) describe the works that would be carried out in the next 12 months;</p> <p>(d) include a summary of complaints received during the past year, and compare this to complaints from previous years;</p> <p>(e) include a summary of the monitoring results for the project during the past year;</p> <p>(f) include an analysis of these monitoring results against the relevant:</p> <ul style="list-style-type: none"> - impact assessment criteria/limits; - monitoring results from previous years; and - predictions in the EA; <p>(g) identify any trends in the monitoring results over the life of the project;</p> <p>(h) identify any non-compliance during the previous year; and</p> <p>(i) describe what actions were, or are being taken to ensure compliance.</p>	Yes	As per condition.
6.	Within 2 years of this approval, and every 3 years thereafter, unless the Director General directs otherwise, the proponent shall commission and pay the full cost of an Independent Environmental Audit of the project	Yes	NCOPL requested in early February 2010 that the Independent Environmental Audit be postponed until 12 months after the commencement of mining (ie. audit due in June 2011). Stage 2 consent required audit to be commissioned by September 2010. Umwelt commissioned and site inspection conducted in February 2011.
7.	Within 6 weeks of completing this audit....	N/A	See Condition 4(6) above.
8.	Within 3 months of submitting the audit....	N/A	Not yet triggered. See Condition 4(6) above.

Condition	Conditional Requirement	Compliance	Comments
9.	Within 3 months of this approval, the Proponent shall establish a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General, in general accordance with the <i>Guideline for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007)</i> or its latest version.	Yes	CCC established and operating as per guidelines.
10.	Within 3 months of the approval of any strategy/plan/program required under this approval, or the completion of audits or AEMR's required under this approval, the Proponent shall: (a) provide a copy of the relevant documents to the relevant agencies and CCC; and (b) put a copy of the relevant documents on its website.	Yes	As per requirements.
11.	During the project, the proponent shall: (a) make a summary of monitoring results required under this approval publicly available at the mine and on its website; and (b) update these results on a regular basis (at least every three months)	Yes	As per requirements.

TABLE A3-2

Compliance Review – Environment Protection Licence 12789

Condition	Conditional Requirement	Compliance	Comments
A1.2	Carry out Coal Mining not exceeding 3,500,000t	Yes	Coal production during reporting period – 142,000t
A1.4	The licensee must not commence scheduled activities on the premises without prior approval from DECC.	Yes	As per condition.
A4.1	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.	Yes	As per condition.
P1.1 & P1.2	Comply with monitoring/ discharge points and areas. Setting of limits for the emission of pollutants.	Yes	Monitoring of all dust sampling points undertaken throughout term.
P2.1	Monitor weather parameters at the location specified.	Yes	As per condition.
L1.1	Comply with Section 120 of the POEO Act 1997 (re water quality)	Yes	As per condition.
L3	Discharge water quality must not exceed the parameters specified.	Yes	No discharges during the reporting period.
L6.1	Ensure noise compliance: (a) 35 dB(A) LAeq(15 minute) during the day (7am to 6pm), evening (6pm to 10pm) and night (10pm to 7am) for construction activities.	Yes	No exceedances at non-project related residences. See Section 3.10.3.
L6.2	To determine compliance, measure noise within 30m of noise sensitive residences or receptors.	Yes	Except “Kurrajong” as access was denied by landholder.
L7.1/2	Do not exceed blasting overpressure levels: <ul style="list-style-type: none"> • 115dB for more than 5% of total number of blasts over 12 months • 120dB at any time 	N/A	No surface or near surface blasting during reporting period.
L7.4/5	Do not exceed vibration particle velocity from blasting by: (a) 5mm/s for more than 5% of total blasts during reporting period; and (b) 10mm/s at any time; At any point within 30m of any affected residential boundary or noise sensitive location.	N/A	No surface or near surface blasting during reporting period.
L7.7	Carry out blasting between 10:00am-4:00pm Monday to Friday	N/A	No surface or near surface blasting during reporting period.
L7.8	Blasting is limited to: a) Maximum two (2) blasts per day b) Five (5) blasts a week	N/A	No surface or near surface blasting during reporting period.

Condition	Conditional Requirement	Compliance	Comments
O1.1	Carry out licensed activities in a competent manner, i.e. (a) Processing, handling, movement and storage of materials and substances; & (b) Treatment, storage, processing, reprocessing, transport and disposal of generated waste.	Yes	All measures undertaken in competent manner.
O2.1	Maintain and operate all plant and equipment at premises in proper and efficient condition.	Yes	Adequate maintenance scheduling.
O3.1	Minimise or prevent emission of dust	Yes	Dust lift off kept to minimum.
M1.1	Record and retain monitoring results required as per this licence.	Yes	Monitoring results recorded and retained.
M1.2	Keep all monitoring records associated with this licence: (a) In a legible form; (b) For at least 4 years; for production to any EPA authorised officer.	Yes	As above
M1.3	(a) Sampling date; (b) Sampling time (c) Sampling location (d) Sample collectors name	Yes	As per condition.
M2.1	Monitor each monitoring point for pollutants as specified in licence	Yes	As per condition.
M3.1	Monitor air pollutants in accordance with the Approved Methods publication or as approved by EPA.	Yes	In accordance with guidelines
M4.1	Keep a legible record of all complaints re pollution arising from licenced activity.	Yes	Complaints record held.
M4.2	Keep the following records of complaint. (a) Date and time of complaint (b) Method complaint made (c) Any personal details of complaint (d) Nature of complaint (e) Licensee's action in response, any follow up contact; and (f) If no action-reason why	Yes	All details recorded.
M4.3	Keep records of complaints for 4 years	Yes	Complaints retained on site.
M4.4	Present records to EPA on request	Yes	All records will be provided on request.
M5.1	Operate telephone complaints line for receipt of complaints from the public	Yes	Complaints line operational.
M5.2	Notify the public of the complaints telephone line	Yes	Complaints line advertised.
M7.1	Monitor weather parameters specified	No	Some data not collected due to station malfunction.
M8	Monitor specified noise parameters at nominated properties	Yes	As per condition.

Condition	Conditional Requirement	Compliance	Comments
R1.1	Complete and supply Annual Return to EPA comprising: (a) Statement of Compliance (b) Monitoring & Complaints Summary	Yes	Annual Return completed.
R1.5	Provide EPA with Annual Return no later than 60 days after end o each reporting period.	Yes	Annual Return supplied.
R1.7	Retain copy of Annual Return for 4 years.	Yes	Annual Return retained.
R1.8	Certify the Statement of Compliance within the Annual Return and sign the Monitoring and Complaints Summary by: (a) Licence holder; or (b) Approved person	Yes	Return signed by authorised company representatives.
R2.1	Notify EPA of threatening or harmful incidents as soon as practicable by phoning EPA's Pollution Line Service	Yes	All incidents will be reported.
R2.2	Provide written details of the incident to EPA within 7 days of incident	Yes	Written details will be supplied.
R3.1	Upon an EPA officer suspecting that an event is causing or likely to cause environmental harm: (a) At the premises; or (b) In connection with vehicles or plant associated with the licenced activities; A request may be made for a written report of the event.	Yes	Any requests for information will be complied with.
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within the time specified	Yes	Report will be supplied.
R3.3	The report may be required to include: (a) Event cause, time and duration; (b) Type, volume and concentration of every pollutant discharged; (c) Contact details of employees or agents of licensee who witnessed event; (d) Contact details of any other persons witnessing the event; (e) The action taken and follow-up action with complainants in relation to event; (f) Mitigation measures proposed to prevent recurrence; (g) Ant other relevant matter	Yes	Reporting will supply required information.
R3.4	EPA may request further details-must be supplied within specified time	Yes	Timeframes will be met.
G1.1	Retain a copy of this licence at premises to which the licence applies	Yes	Licence retained at site office.
G1.2	Produce licence to EPA officer on request	Yes	Licence available at site office on request.

Condition	Conditional Requirement	Compliance	Comments
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Yes	As above.
E1.1	Prior to the commissioning of the evaporation and storage ponds, the licensee must provide the DECC Armidale with an "as constructed" report	No	As constructed report not yet supplied to DECCW.
E2.1	<p>Noise impacts where wind speed exceeds 3 meters per second at 10 meters above the ground must be addressed by:</p> <p>(a) Documenting noise complaints received to identify any higher level of impacts or wind patterns</p> <p>where levels of noise complaints indicated a higher level of impact then actions to quantify and ameliorate any enhanced impacts where wind speed exceeds 3 meters per second at 10 meters above the ground should be developed and implemented.</p>	Yes	No specific complaints made relating to noise and impacts of wind speed on noise propagation. Attended monitoring undertaken when speeds at <3m/s.

TABLE A3-3

Compliance Review – ML 1609

Condition	Conditional Requirement	Compliance	Comments
1	Within a period of three months from the date of grant/renewal of the lease a notice in writing must be served on each landholder.	Yes	As per condition.
2	All practicable measures to prevent and/or minimise any harm to the environment.	Yes	All measures taken to reduce impact.
3	Conduct mining operations in accordance with a MOP.	Yes	As per condition.
4	EMR to be lodged with the DG annually.	Yes	AEMR supplied annually
7	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the DG.	Yes	Areas disturbed on pit top have been rehabilitated to the extent practicable.
8(a)	Prepare a Subsidence Management Plan prior to commencing any underground mining operations.	N/A	Narrabri Coal has been issued with a modification to the Stage 2 consent which requires the submission of an Extraction Plan. This Extraction Plan will remove the requirement to prepare a Subsidence Management Plan under the terms of ML 1609.
9(a)	Ensure that at least 212 competent people are efficiently employed on the lease area on each week day except Sunday or Public Holiday; or	Yes	As per condition.
9(b)	Expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$3,710,000 per annum whilst the lease is in force.	Yes	Annual expenditure exceeds required minimum.
11	Exploration Report to be submitted to the DG each year within 28 days of the anniversary.	Yes	Submitted annually
15 (a)	Monitor ground vibration generated by any blasting that it does not exceed 10mm/second in more than 5% of the total blasts over a period of 12 months.	N/A	See Section 3.9.
15 (b)	Overpressure noise level generated by any blast is not to exceed 120 dB (linear) and 115 dB (linear) in more than 5% of the total blasts over a period of 12 months.	N/A	See Section 3.9.
16	Ensure the safety of persons or stock.	Yes	Safety measures a priority on site.

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17.2	Exploratory drill holes must satisfy the DG: 1.Cored holes surveyed 2.Cored Holes sealed to prevent collapse 3.Drill holes permanently sealed with cement plugs 4.If drill hole meets natural or noxious gases it is plugged or sealed. 5.If drill hole meets an artesian or sub-artesian flow it is effectively sealed. 6.Unused drill holes are to be sealed in accordance with Department guidelines. 7.Once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.	Yes	As per requirements
18	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution or soil contamination or erosion.	Yes	As per requirement.
19	Transmission line, communication line, pipeline or any other utility must not be interfered with.	Yes	As per requirement.
20	Fences must not be damaged or interfered with. Gates must be closed or left open in accordance with the requirements of the landholder.	Yes	As per requirement.
21(a)	Operations must not affect any road.	Yes	No roads affected, unless in consultation with NSC.
21(b)	The cost incurred in fixing any damage to roads must be paid to the designated authority.	Yes	As per condition.
22	Access tracks must be kept to a minimum.	Yes	Access tracks are minimised.
23(a)	The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder.	Yes	As per requirement.
23(b)	The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations.	Yes	As per requirement.
23(c)	The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.	N/A	No timber removed from Crown land.
27(a)	A security of \$100,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfillment by the lease holder of obligations under this lease.	Yes	Security paid.
27(b)	Security: Cash or Security Certificate	Yes	Security Certificate in place.
28	A person must not remove, damage, destroy, displace, obliterate or deface any marks in connection with any trigonometrical station, permanent mark or survey mark.	Yes	No damage occurred.