

Appendix 3

COMPLIANCE REVIEWS

- DA 8-1-2005 MOD 2 (Table A3-1)
- Environment Protection Licence 10094 (Table A3-2)
- MLs 1464 and 1471 (Table A3-3)

TABLE A3.1
Compliance Review – DA 8-1-2005 MOD 2

| 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 development. | Yes | |
| 2. | The Applicant shall carry out the development generally in accordance with the: (a) DA No.8-1-2005; (b) <i>Environmental Impact Statement for the Stage 2 "Whitehaven" Open Cut Coal Mine Development near Boggabri and Specialist Consultant Studies Compendium</i> dated March 2000, and prepared by R.W. Corkery & Co. Pty. Limited; (c) <i>Statement of Environmental Effects to Support an Application to Modify Consent</i> , dated 28 January 2003, and prepared by Whitehaven Coal Mining Limited; (d) SEE titles <i>Proposed Canyon Extension to the Whitehaven Coal Mine</i> , dated December 2004, and prepared by Whitehaven Coal Mining Limited; and (e) Modification Application DA 8-1-2005 MOD 1, dated 19 th June 2007, and revised supporting information from Whitehaven Coal Limited, dated 18 July 2007; (f) Modification Application DA 8-1-2005 MOD 2, dated 9 th July 2008, and "Statement of Environmental Effects for Minor Modifications to Canyon Mine"; and (g) Conditions of this consent. | 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, the later document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency. | N/A | No inconsistency determined at this time. |
| 4. | The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of; (a) any reports, plans or correspondence that are submitted in accordance with this consent; and (b) the implementation of any actions or measures contained in these reports, plans or correspondence. | Yes | All requests and requirements have been complied with. |
| 5. | Within 6 months of the date of this consent, the Applicant shall surrender all previous development consents for the Whitehaven mine to the satisfaction of the Director-General. | Yes | Notification letter to Department of Planning on 22 nd March 2006 |
| 6. | This consent lapses on 7 September 2015. | Not Yet Applicable | |
| 7. | The Applicant shall not extract more than 1.25 million tonnes of ROM coal a year from the Whitehaven mine. | Yes | No coal extracted during the reporting period. |
| 8. | The Applicant shall not transport more than 1.25 Mtpa (coal and gravel) a year from the Whitehaven mine by public road, without the written approval of the Director-General. | Yes | No coal transported during the reporting period. No gravel transported during the reporting period. |

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| Condition | Conditional Requirement | Compliance | Comments |
|--|---|--------------------------------------|--|
| 9. | The Applicant shall ensure that all new buildings and structures, and any alterations and additions to existing buildings and structures are carried out in accordance with the relevant requirements of the BCA. | Yes | Open Cut Maintenance Facility - as per condition. |
| 10. | The Applicant shall ensure that all demolition work is carried out in accordance with <i>Australian Standard AS2601-2001: The Demolition of Structures</i> , or its latest version. | Not Applicable | No demolition during reporting period. |
| 11. | The Applicant shall ensure that all plant and equipment used at the site, or to transport material offsite, are: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner. | Yes | All plant and equipment maintained and operated in proper and efficient manner. |
| Schedule 3: Specific Environmental Controls | | | |
| 1. | The Applicant shall ensure that dust emissions generated by the development do not cause additional exceedances of the air quality criteria listed in Tables 1,2 and 3 (see Appendix 1) at any residence on, or on more than 25% of, any privately-owned land. | Yes | See Section 3.1.3. |
| 2. | If the dust emissions generated by the development exceed the criteria in Tables 4, 5 and 6 (see Appendix 1b) at any residence on, or on more than 25% of, any privately-owned land the Applicant shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 6-8 of schedule 4. | Not Yet Applicable | No requests received. |
| 3. | The Applicant shall carry out the development in a way that prevents and/or minimises the air pollution generated by the development. | Yes | All measures are undertaken to minimise dust generation. |
| 4. | The Applicant shall: (a) ensure any visible air pollution generated by the development is assessed regularly, and that mining operations are relocated, modified, and/or stopped as required to minimise air quality impacts on privately-owned land; (b) ensure that trucks entering and leaving the site carrying loads are covered at all times; and (c) implement all practicable measures to minimise the off-site odour and fume emissions generated by any spontaneous combustion or blasting at the development. to the satisfaction of the Director-General. | Yes Not Applicable Yes | Visible air pollution assessed during rehabilitation activities. No haulage during reporting period |
| 5. | Within 6 months of this consent, the Applicant shall prepare and implement a detailed Air Quality Monitoring Program in consultation with the DECC, and to the satisfaction of the Director-General. This program shall include an air quality monitoring protocol for evaluating compliance with the air quality impact assessment and land acquisition criteria in this consent. | Yes | Air Quality Monitoring Program (December 2005) approved by the DG. |
| 6. | The Applicant shall ensure that the noise generated by the development does not exceed the noise impact assessment criteria presented in Table 7 (see Appendix 1b) at any residence on, or on more than 25 percent of, any privately-owned land. | Not Applicable | Noise monitoring no longer conducted as mine is in closure. |

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| 7. | <ul style="list-style-type: none"> • Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situation) where the dwelling is more than 30m from the boundary. • To determine compliance with the LAeq (15minute) noise limits in the above table, where it can be demonstrated that direct measurement of noise from the development is impractical, the DEC may accept alternative means of determining compliance... • Noise from the development is to be measured at 1 metre from the dwelling façade to determine compliance with the LA1(1 minute) noise limits in the above table. • The noise emission limits identified in the above table apply under meteorological conditions of; <ul style="list-style-type: none"> -Wind speeds of up to 3m/s at 10m above ground level, or -temperature inversion conditions... | Yes | As above. |
| 8. | If the noise generated by the development exceeds the criteria in Tables 8 (see Appendix 1b) at any residence on, or on more than 25% of, any privately-owned land the Applicant shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 6-8 of schedule 4. | Not Yet Applicable | No requirements for acquisition of property. |
| 9. | The Applicant: <ol style="list-style-type: none"> (a) Shall carry out the development at the site between 7am to 10pm Monday to Saturday, excluding public holidays; (b) May undertake overburden and interburden removal and emplacement operation below natural ground level, and the dust suppression activities associated with these operations, between 7am and midnight, Monday to Saturday and midnight and 2am, Tuesday to Saturday; (c) May undertake highwall mining operations at any time, excluding public holidays; and (d) Shall only transport coal or gravel on public roads between 7am to 10pm Monday to Saturday, excluding public holidays. | Yes | Operations undertaken in accordance with these conditions. |
| 10. | The Applicant shall ensure that all reversing alarms fitted to vehicles on the site are of a mid-high frequency broadband type. | Yes | As per condition. |
| 10. | Within 6 months of this consent, the Applicant shall prepare a Noise Monitoring Program for the development in consultation with the DECC, and to the satisfaction of the Director-General. This program shall include a noise monitoring protocol for evaluating compliance with the noise impact assessment and land acquisition criteria in this consent. | Yes | Noise Monitoring Program produced December 2005, with amendment approved by DoP in March 2007. |
| 11. | Within 6 months of this consent, the Applicant shall ensure there is a suitable meteorological station operating in the vicinity of the development in accordance with the requirements in <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> and to the satisfaction of the DECC and the Director-General | Yes | A station was established on "Whitehaven" in December 2000, the DEC has since approved in writing that the mentioned station is suitable. |

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| Condition | Conditional Requirement | Compliance | Comments |
|-----------|---|----------------|---|
| 12. | The Applicant shall ensure that the airblast overpressure level from blasting at the development does not exceed the criteria in Table 9 at any residence on privately-owned land: <ul style="list-style-type: none"> • 115dBL, Allowable exceedances: 5% of the total number of blasts in a 12 month period. • 120dBL at any time. | Not applicable | No blasting during reporting period. |
| 13. | The Applicant shall ensure that the ground vibration level from blasting at the development does not exceed the criteria in Table 10 at any residence on privately-owned land: <ul style="list-style-type: none"> • 5mm/s Allowable exceedances: 5% of the total number of blasts in a 12 month period. • 10mm/s at any time. | Not applicable | No blasting during reporting period. |
| 14. | The Applicant shall only carry out blasting at the development between 9am and 5pm Monday to Saturday. No blasting is allowed on Sundays, public holidays, or any other time without the written approval of the DECC. | Not applicable | No blasting during reporting period. |
| 15. | The Applicant shall not carry out more than 1 blast a day at the site without the written approval of the DECC. | Not applicable | No blasting during reporting period. |
| 16. | Within 6 months of this consent, the Applicant shall prepare and implement a detailed Blasting Monitoring Program for the development in consultation with the DECC, and to the satisfaction of the DG. | Yes | Blasting Monitoring Program completed December 2005 and approved by DG. |
| 17. | During the life of the development, the Applicant shall: <p>(a) operate a blasting notification system agreed to by the Director-General, to provide the public with up-to-date information on blasting operations at the development; and</p> <p>(b) notify the landowner/occupier of any privately-owned land within 4km of the development about this system on an annual basis.</p> | Not applicable | No blasting during the reporting period. |
| 18. | If any landowner within a 2km of the development, or any other landowner nominated by the DG, claims that his/her property, including infrastructure such as water supply or underground irrigation mains, has been damaged as a result of blasting at the development, the Applicant shall within 3 months of receiving this request: <p>(a) commission a suitably qualified person whose appointment has been approved by the Director-General to investigate the claim; and</p> <p>(b) give the landowner a copy of the property investigation report.</p> | Yes | Inspections carried out on seven residences by civil and structural engineers in December 1999. No requests for inspections within the reporting period. |
| 19. | Except as may be expressly provided by a DECC Licence, the Applicant shall ensure that the discharges from any licensed discharge point comply with the limits in Table 11 (Appendix 1b) i.e. TSS <50mg/L, pH 6.5 – 8.5, Oil and Grease <10 mg/L. | No | See Section 3.3. |
| 20. | The Applicant shall: <p>(a) prepare a detailed site water balance for all the development site;</p> <p>(b) measure water use on site;</p> <p>(c) review the site water balance for the development annually; and</p> <p>(d) report the results of this review in the AEMR, to the satisfaction of the DG.</p> | Yes | Water Management Plan which includes section on Site Water Balance prepared in December 2005 and approved by DG. |

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| 21. | The Applicant shall implement a range of erosion and sediment controls at the site, in general accordance with the requirements of the Department of Housing's <i>Managing Urban Stormwater: Soils and Construction</i> manual, to minimise erosion and the discharge of sediment from the site. | Yes | All actions are undertaken to ensure erosion and sediment control measures are in place as per this condition. |
| 22. | The Applicant shall monitor: (a) the volume and quality of water discharged from the site; and (b) report the results of this monitoring in the AEMR. | Yes | All discharge events are sampled and analysis presented in the AEMR. |
| 23. | The Applicant shall regularly monitor: (a) groundwater levels and quality at bores and piezometers which are representative of the areas that are likely to be impacted within and around the development; (b) impacts of groundwater movement from the final void of the Canyon extension on the adjacent groundwater and surface water resources; and (c) post-mining watertable levels and water quality. | Yes | Ongoing monitoring has identified little change in groundwater levels and quality over the last 12 months in bores in close proximity to the void. There appears to be no interaction between groundwater and surface water in the void. |
| 24. | Within 6 months of this consent, the Applicant shall prepare and implement a Water Management Plan for the mine, to the satisfaction of the DG. This plan must include: (a) the site water balance; (b) an Erosion and Sediment Control Plan; (c) a Groundwater Monitoring Program; (d) a Surface and Groundwater Response Plan to address any potential adverse impacts associated with the development; and (e) provision for a review of collected data and monitoring requirements 5 years after the cessation of mining, or otherwise agreed by the DG. | Yes | Water Management Plan includes site water balance, erosion and sediment control plan, groundwater monitoring program and a surface and groundwater response plan. |
| 24A. | Prior to 30 November 2008, the Applicant shall review, and subsequently implement any revision of the mines Site Water Management Plan required by Condition 24, in consultation with DWE and DECC and to the satisfaction of the Director-General. | Yes | Review conducted by Soil Services following removal of SB-14 identified sufficient sediment capacity. |
| 25. | At least 6 months before the cessation of mining, the Applicant shall prepare and implement a final Void Management Plan for the site, in consultation with the DPI, and to the satisfaction of the DG. This plan must: (a) investigate options for the future use of the final void; (b) assess the potential interactions between the final void and the adjacent groundwater and surface water resources; and (c) describe what actions and measures would be implemented to: -minimise any potential adverse impacts with the final void; and -manage and monitor the potential impacts of the final void over time. | No | Incorporated in Closure Plan approved by DG, August 2009. |
| 26. | The Applicant shall implement the offset strategy described in section 2.4.8 and depicted in Figure 2.4 of the SEE for the proposed Canyon extension, or a refined version of this offset strategy that has been approved by the DG, to the satisfaction of the DG. | No | Incorporated into Regional Biodiversity Offset Area as a Biobank site. Currently awaiting formal registration of the Biobank expected first quarter 2012. |

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| 26A. | Prior to 30 June 2008, the Applicant shall, in addition to the measures described in condition 26, identify and implement a vegetation offset equivalent to 30 hectares of Bimble Box/Pilliga Grey Box vegetation community, in consultation with the DECC and to the satisfaction of the Director General. | Yes | Incorporated into Biobank area currently awaiting registration. |
| 27. | Within 12 months of this consent, the Applicant shall implement suitable arrangements to provide long-term security for the offset, to the satisfaction of the DG. | No | See Condition 26. |
| 28. | Within 6 months of this consent, the Applicant shall prepare and implement a detailed Flora and Fauna Management Plan for the site, to the satisfaction of the DG. This plan must include: (a) a description of the offset strategy in broad terms, including its objectives and its relationship to the rehabilitation of the mine over time; (b) completion criteria for the offset strategy; (c) a description of what actions and measures will be implemented over the next 3 years; (d) a flora and fauna monitoring program that is based on sound statistical principles; and (e) a description of the procedures that would be implemented to: -salvage and reuse material from the site; -clear vegetation on site; -collect and propagate seed from the local area; -control weeds and feral pests (particularly fox control); and -control access to the offset area | Yes | Presented to DG in December 2005 and approved February 2006. |
| 29. | The Applicant shall: (a) review the performance of the offset strategy and Flora and Fauna Management Plan annually; and (b) report on this review in the AEMR; to the satisfaction of the DG. | No | See Condition 26 and Sections 3.6 and 3.7. |
| 30. | At least 6 months prior to the cessation of mining, unless the DG directs otherwise, the Applicant shall commission, and pay the full cost of, an Independent Audit of the offset strategy. This audit shall: (a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been approved by the DG; (b) assess the performance of the offset strategy and Flora and Fauna Management Plan; and if necessary (c) recommend actions or measures to improve the performance of the offset strategy. | No | See Condition 26. |
| 31. | Within 3 months of commissioning this audit, the Applicant shall submit a copy of the audit report to the DG, with a response to any of the recommendations contained in the audit report. | No | See Condition 26. |
| 32. | Within 6 months of this consent, the Applicant shall review the approved Archaeological and Cultural Management Plan for the site in consultation with the Red Chief Local Aboriginal Land Council and DECC, and to the satisfaction of the DG. | Yes | ACHMP approved and operating in conjunction with Red Chief LALC. |

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| Condition | Conditional Requirement | Compliance | Comments |
|-----------|--|----------------|--|
| 33. | The Applicant shall ensure: (a) coal from the mine is only transported along Hoads Lane, Blue Vale Road, and the Kamilaroi Highway to the Whitehaven Siding coal handling and preparation plant, unless an alternate route is approved by the DG; (b) trucks travelling to and from the mine do not exceed 40 kilometres per hour when the school bus is operating on Hoads Lane; (c) appropriate warning signs are in place advising of the turning movements of heavy vehicles at the intersection of the mine access road and Hoads Lane, to the satisfaction of NSC; (d) an investigation of road safety and traffic management is undertaken for the Kamilaroi Highway and junctions with Blue Vale and Whitehaven Siding Access Roads, within 6 months of this consent, to the satisfaction of the Roads and Traffic Authority; and (d) spillage from coal haulage vehicles is minimised and that sediment-laden runoff from roads is effectively managed to prevent harm to the environment. | Yes | As per conditions of consent. |
| 34. | Within 6 months of this consent, the Applicant shall review (and implement any approved changes to) the Road Noise Management Plan for traffic associated with the development, in consultation with NSC and GSC, and to the satisfaction of the DG. | Yes | Reviewed Road Noise Management Plan prepared in December 2005. |
| 35. | Within 6 months of this consent, the Applicant shall review (and implement any approved changes to) the road maintenance agreement between the Applicant and NSC and GSC for roads within Narrabri and Gunnedah Shires respectively, that are used by traffic associated with the development, to the satisfaction of the respective Council. If agreement cannot be reached the matter shall be referred to the DG for resolution. | Yes | Agreements in place and operational. |
| 36. | The Applicant shall: (a) keep records of the: -amount of gravel transported from the site each year; -amount of coal transported from the site each year; -destination of coal and gravel transported from the site each year; and -number of truck movements generated by the development; and (b) include these records in the AEMR. | Yes | All required figures reported in the AEMR. |
| 37. | The Applicant shall carry out the development in a way that prevents and/or minimises the visual impacts of the development, to the satisfaction of the DG. | Yes | See Section 3.11. |
| 38. | The Applicant shall: (a) take all practicable measures to mitigate off-site lighting impacts from the development; and (b) ensure that all external lighting associated with the development complies with <i>Australian Standard AS4282 (INT) 1995- Control of Obtrusive Effects of Outdoor Lighting</i> , to the satisfaction of DG. | Not Applicable | No lighting at the site during reporting period. |

TABLE A3.1
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| Condition | Conditional Requirement | Compliance | Comments |
|---|--|------------|---|
| 39. | The Applicant shall: (a) monitor the greenhouse gas emissions generated by the development; (b) investigate ways to reduce greenhouse gas emissions generated by the development; and (c) report on greenhouse gas monitoring and abatement measures in the AEMR, to the satisfaction of the DG. | Yes | See Section 3.1.4. |
| 40. | The Applicant shall: (a) monitor the amount of waste generated by the development; (b) investigate ways to minimise waste generated by the development; (c) implement reasonable and feasible measures to minimise, reuse and/or recycle waste generated by the development; and (d) report on waste management and minimisation in the AEMR, to the satisfaction of the DG. | Yes | See Section 2.5. |
| 41. | The Applicant shall: (a) ensure that the development is suitably equipped to respond to any fires on-site; and (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire on site during the development. | Yes | See Section 3.15. |
| 42. | Within 6 months of the consent, the Applicant shall review (and implement any approved changes) the Bushfire Management Plan for the site, to the satisfaction of the GSC and NSC. | Yes | WCM maintains regular liaison with the Nandewar Bushfire Brigade. No changes were necessary to the management plan over the reporting period. |
| 43. | At least 6 months prior to the cessation of mining, the Applicant shall prepare a Mine Closure Strategy for the development, in consultation with the DPI, GSC, NSC, and to the satisfaction of the DG. | No | Closure Plan approved by DG, August 2009. |
| Schedule 4: Additional Procedures for Air Quality & Noise Management | | | |
| 1. | If the results of the air quality and/or noise monitoring required in Schedule 3 identify that the air pollution and/or noise generated by the development is greater than any of the air quality and/or noise criteria in Schedule 3, then the Applicant shall notify the DG and the affected landowners and/or existing or future tenants (including tenants of mine-owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the development is complying with the air quality and/or noise criteria in schedule 3. | Yes | Results for air quality monitoring and noise presented in AEMR. |

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| Condition | Conditional Requirement | Compliance | Comments |
|-----------|---|--------------------|--|
| 2. | <p>If a landowner considered the development to be exceeding the air quality and/or noise criteria in schedule 3, then he/she may ask the Applicant in writing for an independent review of the air pollution and/or noise impacts of the development on his/her land.</p> <p>If the DG is satisfied that an independent review is warranted:</p> <p>(a)consult with the landholder to determine his/her concerns;</p> <p>(b)commission a suitably qualified, experienced and independent person, whose appointment has been approved by the DG, to conduct air quality and/or noise monitoring on the land, to determine whether the development is complying with the relevant air quality and/or noise criteria in schedule 3, and identify the source(s) and scale of any air quality and/or noise impact on the land, and the development's contribution to this impact;</p> <p>(c)give the DG and landowner a copy of the independent review.</p> | Not Yet Applicable | No requests during the reporting period. |
| 3. | <p>If the Independent review determines that the development is complying with the relevant air quality/or noise criteria in schedule 3, then the applicant may discontinue the independent review with the approval of the DG.</p> | Not Yet Applicable | No independent reviews required during reporting period. |
| 4. | <p>If the independent review determines that the development is not complying with the relevant air quality and/or noise criteria in schedule 3, and that the development is primarily responsible for this non-compliance, then the applicant shall:</p> <p>(a)take all practicable measures, in consultation with the landowner, to ensure that the development complies with the relevant air quality and/or noise criteria; and</p> <p>(b)conduct further air quality and/or noise monitoring to determine whether these measures ensure compliance; or</p> <p>(c)secure a written agreement with the landowner to allow exceedances of the air quality and/or noise criteria in schedule 3, to the satisfaction of the DG.</p> <p>If the additional monitoring referred to above subsequently determines that the development is complying with the relevant air quality and/or noise criteria in schedule 3, then the applicant may discontinue the independent review with the approval of the DG.</p> <p>If the measures referred to in (a) do not achieve compliance with the air quality and/or noise land acquisition criteria in schedule 3, and the applicant cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then the applicant shall, upon receiving a written request from the landowner, acquire the landowners land in accordance with the procedures in conditions 6-8 below.</p> | Not Yet Applicable | No independent reviews during reporting period. |
| 5. | <p>If the landowner disputes the results of the independent review, either the applicant or the landowner may refer the matter to the DG for resolution.</p> | Not Yet Applicable | No referral to DG required in reporting period. |

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| Condition | Conditional Requirement | Compliance | Comments |
|-----------|--|--------------------|--|
| 6. | <p>Within 3 months of receiving a written request from a landowner with acquisition rights, the applicant shall make a binding written offer to the landowner based on:</p> <p>(a)the current market value of the landowners interest in the property at the date of this written request, as if the property was unaffected by the development the subject to the DA, having regard to the:</p> <ul style="list-style-type: none"> • existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and • presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowners written request, and is due to be completed subsequent to that date; <p>(b)the reasonable costs associated with:</p> <ul style="list-style-type: none"> • relocating within the Narrabri or Gunnedah local government areas, or to any other local government area determined by the DG; • obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and <p>(b)reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>However, if at the end of this period, the applicant and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the DG for resolution.</p> <p>Upon receiving such a request, the DG shall request the President of the NSW division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land and/or terms upon which the land is to be acquired.</p> <p>If either party disputes the independent valuer's determination, then the independent valuer should refer the matter back to the DG.</p> <p>Upon receiving such a referral, the DG shall appoint a panel comprising the:</p> <ul style="list-style-type: none"> (i)appointed independent valuer; (ii)DG and/or nominee/s; and (iii)President of the Law Society of NSW or nominee, <p>To consider submissions from both parties, including meeting with the parties individually if requested, and to determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.</p> <p>Within 14 days of receiving the panel's determination, the applicant shall make a written offer to purchase the land at a price not less than the panel's determination.</p> <p>If the landowner refuses to accept this offer within 6 months of the date of the applicant's offer, the applicant's obligations to acquire the land shall cease, unless otherwise agreed by the DG.</p> | Not Yet Applicable | No requirement to acquire within reporting period. |

TABLE A3.1

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| Condition | Conditional Requirement | Compliance | Comments |
|---|---|--------------------|--|
| 7. | The applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel or the DG and costs of determination referred above. | Not Yet Applicable | No valuation required during reporting period. |
| 8. | If the applicant and landowner agree that only part of the land shall be acquired, then the applicant shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision, and registration of the plan at the Office of the Registrar-General. | Not Yet Applicable | No requirement for subdivision during reporting period. |
| Schedule 5: Environmental Management, Monitoring, Auditing and Reporting | | | |
| 1. | <p>Within 6 months of this consent, the Applicant shall prepare and subsequently implement an Environmental Management Strategy for the development to the satisfaction of the DG.</p> <p>This strategy must:</p> <p>(a) provide the strategic context for environmental management of the development;</p> <p>(b) identify the statutory requirements that apply to the development;</p> <p>(c) describe in general how the environmental performance for the development would be monitored and managed during the development;</p> <p>(d) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> -keep the local community and relevant agencies informed about the operation and environmental performance of the development; -receive, handle, respond to and record complaints; -resolve any disputes that may arise during the course of the development; -respond to any non-compliance; -manage cumulative impacts; and -respond to emergencies; and <p>(e) describe the role, responsibility, authority, and accountability of all the key personnel, involved in environmental management of the development.</p> | Yes | Environmental Management Strategy prepared and signed off by DG February 2006. |
| 2. | Within 3 months of the completion of the Independent Environmental Audit (see condition 6 below), the Applicant shall review, and if necessary revise, the Environmental Management Strategy to the satisfaction of the DG. | Not applicable | See Condition 6. |
| 3. | Within 7 months of the date of this consent, the Applicant shall prepare an Environmental Monitoring Program for the development in consultation with relevant agencies, and to the satisfaction of the DG. This program must consolidate the various monitoring requirements in schedule 3 of this consent into a single document. | Yes | Environmental Monitoring Program approved by DoP 5 th April 2007. |
| 4. | Within 3 months of the completion of the Independent Environmental Audit (see condition 6 below), the Applicant shall review, and if necessary revise, the Environmental Monitoring Program to the satisfaction of the DG. | Not applicable | See Condition 6. |

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| Condition | Conditional Requirement | Compliance | Comments |
|-----------|--|----------------|---|
| 5. | <p>Each year, the Applicant shall prepare an AEMR to the satisfaction of the DG. This report must:</p> <p>(a) identify the standards and performance measures that apply to the development;</p> <p>(b) include a summary of the complaints received during the past year, and compare this to the complaints received in the previous 5 years;</p> <p>(c) include a summary of the monitoring results on the development during the past year,</p> <p>(d) include an analysis of these monitoring results against the relevant:</p> <ul style="list-style-type: none"> -limits/criteria in this consent; -monitoring results from the previous years; and -predictions in the EIS and SEEs prepared for the development; <p>(e) identify any trends in the monitoring over the life of the development;</p> <p>(f) identify and discuss any non-compliance during the previous year; and</p> <p>(g) describe what actions were, or are being, taken to ensure compliance.</p> | Yes | AEMR completed each year |
| 6. | <p>By the end of September 2006, and every 3 years thereafter, unless the DG directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <p>(a) be conducted by a suitably qualified, experienced, and independent person, or team, whose appointment has been endorsed by the DG;</p> <p>(b) be consistent with <i>ISO 19011:2002-Guidelines for Quality and/or Environmental Systems Auditing</i>, or equivalent updated versions of these guidelines;</p> <p>(c) assess the environmental performance of the development, and its effects on the surrounding environment;</p> <p>(d) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;</p> <p>(e) review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and</p> <p>(f) if necessary, recommend measures or actions to improve the environmental performance of the development, and /or the environmental management and monitoring systems.</p> | Not applicable | Tri-annual Independent Environmental Audit not conducted as production ceased in June 2009. |
| 7. | <p>Within 3 months of commissioning this audit, the Applicant shall submit a copy of the audit report to the DG, with a response to any recommendations contained in the audit report.</p> | N/A | See Condition 6. |

TABLE A3.1
Compliance Review – DA 8-1-2005 MOD 2

| Condition | Conditional Requirement | Compliance | Comments |
|-----------|---|------------|--|
| 8. | <p>The Applicant shall ensure that there is a Community Consultative Committee to oversee the environmental performance of the development. This Committee shall:</p> <p>(a) be comprised of:</p> <ul style="list-style-type: none"> • 2 representatives from the applicant, including the person responsible for environmental management at the mine; • 1 representative each from GSC and NSC; and • 4 representatives from the local community, whose appointment has been approved by the DG in consultation with GSC and NCS; <p>(b) be chaired by the representative from either GSC or NSC, as agreed by the Councils;</p> <p>(c) meet at least four times a year, or as determined by the DG; and</p> <p>(d) review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints.</p> | Yes | One meeting held per year – held on the 18 th November 2010 - as approved by DoP on 5 th April 2006. |
| 9. | <p>The applicant shall, at its own expense:</p> <p>(a) ensure that 2 of its representatives attend the committee's meetings;</p> <p>(b) provide the committee with regular information in the environmental performance and management of the development;</p> <p>(c) provide meeting facilities for the committee;</p> <p>(d) arrange site inspections for the committee, if necessary;</p> <p>(e) take minutes of the committee's meetings;</p> <p>(f) make these minutes available at GSC and NSC within 14 days of the committee meeting, or as agreed to by the committee;</p> <p>(g) respond to any advice or recommendations the committee may have in relation to the environmental management or performance of the development; and</p> <p>(h) forward a copy of the minutes of each committee meeting, and any responses to the committee's recommendations to the DG within a month of the committee meeting.</p> | Yes | As per conditions. |
| 10 | <p>Within 1 month of the approval of any management plan/strategy or monitoring program required under this consent (or any subsequent revision of these management plans/strategies or monitoring programs), the completion of the independent audits required under this consent (see conditions 30 of schedule 3 and condition 6 of schedule 5), or the completion of the AEMR (see condition 5 of schedule 5), the applicant shall:</p> <p>(a) provide a copy of the approved document/s to NSC, GSC, relevant agencies and the CCC; and</p> <p>(b) ensure that a copy of the relevant document/s is made publicly available at NSC and GSC offices; To the satisfaction of the DG.</p> | Yes | As per conditions. |
| 11 | <p>During the life of the development, the applicant shall;</p> <p>(a) make the results of the monitoring required under this consent publicly available at NSC and GSC offices; and</p> <p>(b) update these results on a regular basis; To the satisfaction of the DG.</p> | Yes | Results available on request |

TABLE A3.2

Compliance Review – Environment Protection Licence 10094

| Condition | Conditional Requirement | Compliance | Comments |
|-------------|--|----------------|--|
| A1.2 | Carry out coal mining and crushing at specified premises at a scale not exceeding >500 000 – 2 000 000t. Coal loading 0-2 000 000t. | Yes | No ROM coal produced during reporting period. |
| A4.1 | Carry out works and activities in accordance with proposal contained in licence application. | Yes | Activities carried out in accordance with EIS which accompanied licence application – any modifications have been documented in the subsequent MOPs/AEMRs. |
| L1.1 | Comply with Section 120 of the POEO Act 1997 (re water quality). | Yes | Water management practices on site are well designed and managed. |
| L3.1 | Comply with concentration limits (100 percentile concentration limit): Oil and Grease 10 mg/L pH 6.5 – 9.0 TSS 50 mg/L (note TSS 50 %ile conc. limit = 20 mg/L, TSS 90 %ile conc. limit = 35 mg/L) | No | See Section 3.3. |
| L6.1 | Ensure noise compliance: (a) $L_{Aeq(15min)}$ criterion of 35dB(A) (7am-10pm) Mon-Friday, & (7am-1pm) Sat; and (b) $L_{Aeq(15min)}$ criterion of 35dB(A) (6pm-10pm) Mon-Friday; and (c) $L_{Aeq(15min)}$ criterion of 35dB(A) at all other times. | Yes | As per condition. |
| L6.2 | To determine compliance, measure noise within 30m of noise sensitive residences or receptors. | Not Applicable | No monitoring conducted during reporting period as mining has ceased. |
| L7.1 | Carry out production and processing activities (except highwall mining) between 7am-10pm Monday-Saturday, and not on Sunday or public holidays. | Not Applicable | No production or processing undertaken. |
| L8.1 & L8.2 | Do not exceed blasting overpressure levels: • 115dB(L) for more than 5% of total number of blasts over 12 months. • 120dB(L) at any time. | Not Applicable | No blasting during reporting period. |

TABLE A3.2

Compliance Review – Environment Protection Licence 10094

| Condition | Conditional Requirement | Compliance | Comments |
|-------------|--|--------------------------|---|
| L8.3 & L8.4 | 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. | Not Applicable | No blasting during reporting period. |
| L8.5 | Carry out blasting between 9am-5pm, Monday-Saturday, and not on Sundays or public holidays. | Not Applicable | No blasting during reporting period. |
| O1.1 | Carry out licensed activities in a competent manner, i.e. (a) processing, handling, movement and storage of materials and substances; and (b) treatment, storage, processing, reprocessing, transport and disposal of generated waste. | Yes Yes | All activities undertaken in a competent manner. |
| O2.1 | Maintain and operate all plant and equipment at premises in proper and efficient condition. | Yes | All plant and equipment is closely monitored and regularly serviced by WCM. |
| O3.1 | Minimise or prevent emission of dust from the premises. | Yes | Minimal dust emissions as mining has ceased and little exposed soil areas remain. |
| M1.1 | Record and retain monitoring results required as per this licence. | Yes | Monitoring records documented in the AEMRs. |
| 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 | Monitoring record documented in the AEMRs. |
| M1.3 | Keep the following records in respect to samples required: (a) sampling date; (b) sampling time; (c) sampling location; and (d) sample collector's name. | Yes Yes Yes Yes | As per condition. |
| M2.1 | Monitor each monitoring point for pollutants as specified in licence (see P1.1 and P1.3). | Yes | All monitoring points identified in licence are monitored. |

TABLE A3.2

Compliance Review – Environment Protection Licence 10094

| Condition | Conditional Requirement | Compliance | Comments |
|-----------|---|--|---|
| M3.1 | Monitor air pollutants in accordance with the Approved Methods publication or as approved by EPA. | Yes | Test method used meets EPA requirements. |
| M3.2 | Monitor pollutants discharged to waters in accordance with the Approved Methods publication or as approved by EPA. | Yes | Discharges are monitored in accordance with EPA requirements. |
| M4.1 | Keep a legible record of all complaints re pollution arising from licenced activity. | Yes | Complaints register maintained by Environmental Officer. |
| M4.2 | Keep the following records of complaints. (a) date and time of complaint; (b) method complaint made; (c) any personal details of complainant; (d) nature of complaint; (e) licensee's action in response, any follow-up contact; and (f) if no action – reason why. | Yes Yes Yes Yes Yes Yes | Complaints records are compiled in accordance with the condition. |
| M4.3 | Keep records of complaints for 4 years. | Yes | All records have been kept to date. |
| M4.4 | Present records to EPA upon request. | Yes | All records would be made available to the EPA upon request. |
| M5.1 | Operate telephone complaints line for receipt of complaints from the public. | Yes | Since production ceased, the complaints line was cancelled on the basis that there were no regular operations on site. Any concerns can be referred to Whitehaven's general contacts. |
| M5.2 | Notify the public of the complaints telephone line number. | Yes | Whitehaven general contact number is provided in the local telephone directory. |

TABLE A3.2

Compliance Review – Environment Protection Licence 10094

| Condition | Conditional Requirement | Compliance | Comments |
|-----------|---|--------------------|---|
| M7.1 | To determine compliance with L8.1, L8.2, L8.3 and L8.4: (a) Airblast overpressure & ground vibration levels must be measured and electronically recorded at the most affected residence or noise sensitive location that is not owned by the licensee for all blasts; (b) Instrumentation must meet the requirements of Australian Standard AS 2187.2-2006; | Not Applicable | No blasting during the reporting period. |
| R1.1 | Complete and supply Annual Return to EPA comprising: (a) Statement of Compliance; (b) Monitoring & Complaints Summary. | Yes | Completed and submitted each year. |
| R1.5 | Provide EPA with Annual Return no later than 60 days after end of each reporting period. | Yes | Returns submitted within the nominated 60 day period. |
| R1.7 | Retain copy of Annual Return for 4 years. | Yes | All annual returns kept on file. |
| 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 | Documents certified and signed by a Director and the Company Secretary. |
| R2.1 | Notify EPA of threatening or harmful incidents as soon as practicable by phoning the Environment Line service. | Not Applicable | No incidents during reporting period. |
| R2.2 | Provide written details of the incident to EPA within 7 days of incident. | Not Applicable | No incidents during reporting period. |
| 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. | Not Yet Applicable | No requests received by WCM during reporting period (or to date). |

TABLE A3.2

Compliance Review – Environment Protection Licence 10094

| Condition | Conditional Requirement | Compliance | Comments |
|------------------|---|--------------------|--|
| R3.2 | WCM make inquiries in relation to the event and supply the report to the EPA within the time specified. | Not Yet Applicable | No requests received by WCM during reporting period (or to date). |
| 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 contact with complainants in relation to event; (f) mitigation measures proposed to prevent recurrence; (g) any other relevant matters. | Not Yet Applicable | No requests received by WCM during reporting period (or to date). |
| R3.4 | EPA may request further details – must be supplied within specified time. | Not Yet Applicable | No requests received by WCM during reporting period (or to date). |
| R4.1 | The results of the blast monitoring required by Condition M7.1 must be submitted to the EPA on an annual basis. | No Applicable | No blasting during reporting period. |
| G1.1 | Retain a copy of this licence at premises to which the licence applies. | Yes | Licence held at Whitehaven CHPP office as site office no longer present. |
| G1.2 | Produce licence to EPA officer upon request. | Not Yet Applicable | WCM personnel would be pleased to produce the licence upon request. |
| G1.3 | Make licence available for inspection by any employee or agent of licensee working at premises. | Yes | Licence held at Whitehaven CHPP office as site office no longer present. |

TABLE A3-3
Compliance Review - MLs 1464 and 1471

| Relevant Condition | Conditional Requirement | Compliance | Comments |
|--------------------|--|--------------------|--|
| 1 | Conduct mining operations in accordance with a MOP. | Not Applicable | No mining during reporting period. |
| 2 & 3 | Prepare and submit a MOP in accordance with DG's guidelines. | Yes | Initial MOP lodged with DMR 12/09/2000 (Accepted 12/10/2000). (Note: Stage 2 operations started 14/09/00). The MOP was amended 31/05/01 (accepted 13/08/01), 28/02/03 (accepted 28/03/03) and 22/12/05. Recent MOP was completed 7/7/06 (accepted 8/8/06). Minor MOP Amendment accepted 18/10/2007. Minor MOP Amendment accepted 29/08/2008. MOP replaced by Closure Plan in July 2009 (approved December 2010). |
| 4 | Include a schedule in MOP of proposed mine development for a period up to 7 years. | Yes | The most current MOP (dated 8 August 2006) and MOP amendments (18/10/07) and (29/08/08) relates to development over a period of 3 years. |
| 3 (1) | Submit AEMR to DG and prepare AEMR in accordance with DG's guidelines. | Yes | This document has been prepared in satisfaction with this condition. Content of AEMR follows guidelines. |
| 14 | Conduct operations in a manner not causing danger to persons or stock. | Not Applicable | No shafts, drifts or adits on site. |
| 15, 16 | Comply with dump management at the direction of DMR. | Not Yet Applicable | No directions issued by any inspector or Minister. |
| 17 | Undertake necessary precautions to control dust. | Yes | As presented in AEMR, MOP and Closure Plan. |
| 18 | Ensure no interference with fences. | Not Applicable | This requirement is not applicable given WCM is also the landowner. |
| 19 | Observe instructions given from Minister re public inconvenience / damage. | Not Yet Applicable | No instructions received during reporting period or to date. |
| 20 | Carry out surveys of structures, buildings and pipelines if directed by Minister. | Not Yet Applicable | No directions received during reporting period or to date. |
| 21 | Rehabilitate any disturbed areas if directed by the Minister. | Not Yet Applicable | No directions received during reporting period or to date. |
| 22, 23 | Rehabilitate area on expiry of lease. | Not Yet Applicable | Lease has not yet expired. |
| 24 | Prevent fire outbreak. | Yes | Annual maintenance of fire breaks around the perimeter of ML 1471 and external boundaries of WCM's property. |
| 25 | Prevent water pollution. | Yes | Water management/controls are in place to ensure that all potential chemical & sediment-laden water is maintained on site. |
| 26 | Monitor noise and vibration in accordance with AS-2187-1993 and ANZECC Guidelines. | Not Applicable | No blasting during reporting period. |
| 27 | Ensure minimal disturbance to flora and fauna if directed by the Minister. | Not Yet Applicable | No direction received from the Minister. |
| 29 | Maintain an arboreal screen to the satisfaction of the Minister. | Not Yet Applicable | No screening required. |

TABLE A3-3
Compliance Review - MLs 1464 and 1471

| Relevant Condition | Conditional Requirement | Compliance | Comments |
|--------------------|--|--------------------|--|
| 30 | Minimise or prevent soil erosion. | Yes | All activities on site are undertaken in accordance with the approved Water Management Plan. |
| 31 | Pay NSC and GSC for any road damage caused by operations. | Yes | WCM has agreements with NSC and GSC to maintain the roads used by trucks travelling to and from the mine (see DC Conditions 7.4(b) & (c)). |
| 32 | Provide an alternative road, track, or fire trail at the direction of Minister. | Not Yet Applicable | No direction received from the Minister. |
| 33 | Prevent pollution of Namoi River catchment. | Yes | The surface water management system constructed has controlled surface water on site. |
| 41 | Ensure no interference with transmission lines, communications lines or pipelines. | Not Applicable | No transmission lines, connection lines, pipeline traverse the areas of disturbance. |
| 43 | Prevent damage to any Aboriginal place or relic. | Yes | As per condition. |
| 44 | Employ a minimum of 18 persons and annual expenditure of a minimum of \$315000 (i.e. combined requirement from both leases). | No | Site is in closure – only rehabilitation activities being undertaken. |
| 45 | Provide additional information at direction of Minister. | Not Yet Applicable | No direction received from Minister. |
| 51 | Provide security to Minister | Yes | WCM currently has a security of \$5,500,000.00 held by DMR. Security provided via Societé Généralé Bank. |