

Appendix 3

COMPLIANCE REVIEWS

- DA 88-4-2005 MOD 1 (Table A3-1)
- EPL 12365 (Table A3-2)
- ML 1579 (Table A3-3)

TABLE A3.1
Compliance Review – DA 88-4-2005 MOD 1

Cond.	Conditional Requirement	Compliance	Comments
Schedule 2: Administrative Conditions			
1.	The Applicant shall implement all reasonable and feasible measures to prevent or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.	Yes	Activities on site are undertaken on the basis of minimising harm to the environment.
2.	The Applicant shall carry out the development generally in accordance with the: (a) EIS; (b) EA; and (c) conditions of this consent.	Yes	The activities on site were being undertaken in accordance with the nominated documents.
3.	If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency.	Not Applicable	
4.	The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of; (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with the conditions of this consent; and (b) the implementation of any actions or measures contained in these documents.	Yes	Any requests by the Department have been addressed.
5.	The Applicant may carry out mining operations on the site until 9 November 2017.	Not Yet Applicable	
6.	The Applicant shall not extract more than 2 million tonnes of coal from site in a calendar year.	Yes	During the reporting period, 1,578,852 tonnes of ROM coal was extracted.
7.	The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings or structures, are constructed in accordance with the relevant requirements of the BCA.	Yes	All buildings meet relevant requirements
8.	The Applicant shall ensure that all demolition work is carried out in accordance with <i>Australian Standard AS 2601-2001: The Demolition of Structures</i> , or its latest version.	Not Applicable	No demolition of structures during reporting period.
9.	The Applicant shall ensure that all the plant and equipment used on site, or to transport coal along the transport route, is: (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.
10.	Within 3 months of the date of this consent, the Applicant shall develop (and following approval implement) a Contributions Plan for the development in conjunction with the GSC and the NSC, and to the satisfaction of the Director-General. The plan must: <ul style="list-style-type: none"> determine a fair and reasonable contribution towards the provision of public amenities/services; and include a program outlining how and when the proposed contributions will be provided. 	Yes	Contributions Plan developed in consultation with both NSC and GSC

Cond.	Conditional Requirement	Compliance	Comments
11.	With the approval of the Director-General, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.	No	Extension requested for the Environmental Management Strategy and Rehabilitation Strategy submitted in March 2011. DoPI advised 25/5/11 of no provision for extension to time of submission.
12.	Until they are replaced by an equivalent strategy, plan or program approved under this consent, the Applicant shall continue to implement the existing strategies, plans or programs that apply to any development on site.	Yes	As per condition.
Schedule 3: Environmental Performance Conditions			
1.	Upon receiving a written request for acquisition from an owner of the land listed in Table 1 (Tarrawonga, Ambardo), the Applicant shall acquire the land in accordance with the procedures in Conditions 6 - 7 of Schedule 4.	Not Yet Applicable	Written request not received to date.
2.	Except for the land referred to in Table 1, the Applicant shall ensure that the noise generated by the development does not exceed the criteria in Table 2 (35dB(A) $L_{Aeq(15min)}$ at all properties during day, evening and night except Kyalla [37] and 45 $L_{Aeq(1 min)}$ at all properties at night) at any residence on privately-owned land or on more than 25 percent of any privately-owned land. Criteria do not apply if the Applicant has a written agreement with the relevant landowner to exceed the limit.	Yes	As per condition. Exceedances of standard criteria have only occurred at properties where negotiated agreements are in place. See Section 3.10.3 for details.
3.	If the noise generated by the development exceeds the criteria in Table 3 (40dB(A) $L_{Aeq(15 min)}$ at any residence on privately-owned land or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner, the Applicant shall acquire the land in accordance with the procedures in Conditions 6 - 7 of Schedule 4.	Not Yet Applicable	Written request not received to date.
4.	Upon receiving a written request from the owner of any residence: (a) on the land listed in Table 1; or (b) on privately-owned land where subsequent noise monitoring shows that the noise generated by the project is greater than or equal to LAeq (15 minute) 38 dB(A), on a systemic basis, the Applicant shall implement additional noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the owner. These measures must be reasonable and feasible. If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.	Not Yet Applicable	Written request not received to date.
5.	Except for the land referred to in Table 1, the Applicant shall ensure that the noise generated by the development on public roads does not exceed the criteria in Table 4 (60dB(A) $L_{Aeq(1 hour)}$ during the day, evening and night).	Yes	No recorded exceedances in road noise criteria.
6.	During mining operations, the Applicant shall only carry out mining operations on site between 7 am and midnight Monday to Friday, Midnight to 3.30 am Tuesday to Saturday, and 7 am to 6 pm Saturday, excluding public holidays. However, the Applicant may undertake maintenance activities on site at any time Monday to Sunday.	Yes	As per condition.

Cond.	Conditional Requirement	Compliance	Comments
7.	<p>The Applicant shall:</p> <p>(a) implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the operational, low frequency and road traffic noise generated by the development;</p> <p>(b) regularly assess the real-time noise monitoring and meteorological forecasting data, and relocate, modify and/or stop operations on site to ensure compliance with the relevant conditions in this consent, and</p> <p>(c) co-ordinate the noise management on site with the noise management of the Boggabri mine, or any other mines in the vicinity of the site, to minimise the cumulative noise impacts of the mines,</p> <p>to the satisfaction of the Director-General.</p>	Yes	As per condition.
8.	<p>The Applicant shall prepare and implement a Noise Management Plan for the development to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with DECCW, and submitted to the Director-General for approval by the end of March 2011;</p> <p>(b) describe the noise mitigation measures that would be implemented to ensure compliance with the relevant conditions of this consent, including a real-time noise management system that use reactive and proactive mitigation measures; and</p> <p>(c) include a noise monitoring program that:</p> <ul style="list-style-type: none"> • uses a combination of real-time and supplementary attended monitoring measures to evaluate the performance of the development; • includes a protocol for determining exceedances with the relevant conditions of this consent.; and • includes a program for validating the accuracy of the tenth percentile methodology used to predict the potential noise impacts of the development. <p>(d) include a protocol that has been prepared in consultation with the owners of any nearby mines to minimise the cumulative noise impacts of the mines.</p>	Yes	Noise Management Plan submitted to DECCW and DG in March 2011 for review. No response received.
9.	<p>The Applicant shall ensure that the blasting on site does not cause exceedances of the criteria in Table 5.</p> <ul style="list-style-type: none"> • 115dB, Allowable exceedances: 5% of the total number of blasts in a 12 month period. • 120dB at any time. • 5mm/s Allowable exceedances: 5% of the total number of blasts in a 12 month period. • 10mm/s at any time. 	Yes	See Section 3.9.2 and Appendix 8 for details.
10.	<p>The Applicant shall only carry out blasting on site between 9am and 5pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of Director-General.</p>	Yes	As per condition.
11.	<p>The Applicant shall not carry out more than 1 blast a day on site, unless an additional blast is required following a blast misfire.</p>	Yes	As per condition.

Cond.	Conditional Requirement	Compliance	Comments
12.	<p>If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on their land, or to have a previous property inspection report updated, then within 2 months of receiving this request the Proponent shall:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to:</p> <ul style="list-style-type: none"> • establish the baseline condition of the buildings and/or structures on the land or update the previous property inspection report; • identify any measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and/or structures; and <p>(b) give the landowner a copy of the new or updated property inspection report.</p>	Not Yet Applicable	No requests received since approval of modification in October 2010.
13.	<p>If the owner of any privately-owned land claims that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within 2 months of receiving this claim the Applicant shall:</p> <p>(a) commission a suitably qualified, experienced and independent 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> <p>If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant shall repair the damages to the satisfaction of the Director-General.</p> <p>If the Applicant or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.</p>	Not Yet Applicable	No claims received.
14.	<p>During mining operations, the Applicant shall</p> <p>(a) implement best blasting management practice on site to:</p> <ul style="list-style-type: none"> • protect the safety of people and livestock in the surrounding area; • protect public or private property in the surrounding area; and • minimise the dust and fume emissions from blasting on site; <p>(b) co-ordinate the blasting on site with the blasting at the Boggabri mine, or any other coal mine in the vicinity of the site, to minimise the cumulative blasting impacts of the mines; and</p> <p>(c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule, to the satisfaction of the Director-General.</p>	Yes	As per condition.

Cond.	Conditional Requirement	Compliance	Comments
15.	<p>The Applicant shall prepare and implement a Blast Management Plan for the development to the satisfaction of the Director-General. This program must:</p> <p>(a) be prepared in consultation with DECCW, and be submitted to the Director-General for approval by the end of March 2011;</p> <p>(b) describe the blast mitigation measures that would be implemented to ensure compliance with the relevant conditions of this consent;</p> <p>(c) include a protocol that has been prepared in consultation with the owners of the Boggabri mine, and any other mines in the vicinity of the site, to minimise the cumulative blasting impacts of the mines;</p> <p>(d) describe the measures that would be implemented to ensure the public can get up-to-date information of the proposed blasting schedule; and</p> <p>(e) include a blast monitoring program to evaluate the performance of the development.</p>	Yes	<p>Blast Management Plan prepared in consultation with Boggabri Coal and submitted to DECCW and DG in March 2011. No response received.</p>
16.	The Applicant shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.	Yes	As per condition.
17.	The Applicant shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Director-General.	Yes	As per condition.
18.	The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the particulate emissions generated by the project do not exceed the criteria listed in Tables 6, 7 and 8 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.	Yes	As per condition.
19.	If the dust emissions generated by the development exceed the criteria in Tables 9, 10, and 11 at any residence on privately-owned land or on more than 25 percent of any privately owned land, then upon receiving a written request for acquisition from the landowner, the Applicant shall acquire the land in accordance with the procedures in Conditions 6 - 7 of Schedule 4.	Not Yet Applicable	Written request not received to date.
20.	<p>The Applicant shall:</p> <p>(a) implement best practice air quality management on site, including all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions generated by the project, including any spontaneous combustion emissions,</p> <p>(b) minimise any visible air pollution generated by the development;</p> <p>(c) regularly assess the real-time air quality monitoring and meteorological forecasting data and relocate, modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent; and</p> <p>(d) co-ordinate the air quality management on site with the air quality management of the Boggabri mine, and any other mines in the vicinity of the site, to minimise the cumulative air quality impacts of the mines,</p> <p>to the satisfaction of the Director-General.</p>	Yes	As per condition. Specific real time air quality monitoring not yet commenced – awaiting endorsement of AQMP.

Cond.	Conditional Requirement	Compliance	Comments
21.	<p>The Applicant shall prepare and implement a detailed Air Quality & Greenhouse Gas Management Plan for the project to the satisfaction of the Director-General. This program must:</p> <p>(a) be prepared in consultation with DECCW, and submitted to the Director-General for approval by the end of March 2011;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, including a real-time air quality management system; and</p> <p>(c) include an air quality monitoring program, that:</p> <ul style="list-style-type: none"> • uses a combination of real-time monitors, high volume samplers and dust deposition gauges to evaluate the performance of the project, and • includes a protocol for determining exceedances with the relevant conditions of this consent; and <p>(d) include a protocol that has been prepared in consultation with the owners of the nearby mines to minimise the cumulative air quality impacts of the mines.</p>	Yes	Air Quality and Greenhouse Gas Management Plan submitted to DECCW and DG in March 2011. No response received.
22.	<p>While development is being carried out on site, the Applicant shall ensure that there is a suitable meteorological station operating in the vicinity of the site that:</p> <p>(a) complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and</p> <p>(b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the NSW Industrial Noise Policy.</p>	Yes	As per condition.
23.	<p>The Applicant shall obtain the necessary water licences for the development on site under the <i>Water Act 1912</i> or <i>Water Management Act 2000</i>.</p>	Yes	As per condition.
24.	<p>The Applicant shall provide compensatory water supply to any landowner of privately-owned land whose water entitlements are impacted (other than an impact that is negligible) as a result of the development, in consultation with NOW and to the satisfaction of the Director-General.</p> <p>The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the development. Equivalent water supply must be provided (at least on an interim basis) within 24 hours of the loss being identified.</p> <p>If the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.</p> <p>If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant shall provide alternative compensation to the satisfaction of the Director-General.</p>	Not Yet Applicable	No compensatory water supply required to date.
25.	<p>The Applicant shall ensure that all surface water discharges from the site comply with the relevant discharge limits (both volume and quality) in any EPL.</p>	No	Exceedances in discharge criteria. See Section 3.3.2 for details.

Cond.	Conditional Requirement	Compliance	Comments
26.	<p>The Applicant shall prepare and implement a Water Management Plan for the development to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with NOW & DECCW;</p> <p>(b) be submitted to the Director-General for approval by the end of March 2011; and</p> <p>(c) include:</p> <ul style="list-style-type: none"> • a Site Water Balance; • an Erosion and Sediment Control Plan; • a Surface Water Monitoring Program; • a Groundwater Monitoring Program; and • a Surface & Ground Water Response Plan. 	Yes	Water Management Plan submitted to DECCW, NOW and DG in March 2011. No responses received.
27.	<p>The Site Water Balance must:</p> <p>(a) include</p> <ul style="list-style-type: none"> • sources and security of water supply; • water use on site; • water management on site; and • reporting procedures; <p>(b) describe what measures would be implemented to minimise water use on site; and</p> <p>(c) reviewed each year, with the results being included in the annual review (see Condition 3 of Schedule 5).</p>	Yes	Existing water balance currently in use. Updated water balance to be provided by June 2011.
28.	<p>The Erosion and Sediment Control Plan shall:</p> <p>(a) be consistent with the requirements of the Managing Urban Stormwater: Soils and Construction Manual (Landcom 2004, or its latest version);</p> <p>(b) identify activities that could cause soil erosion and generate sediment;</p> <p>(c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;</p> <p>(d) describe the location, function, and capacity of erosion and sediment control structures; and</p> <p>(e) describe what measures would be implemented to maintain the structures over time.</p>	Yes	Existing Erosion and Sediment Control Plan currently in use. Updated water balance to be provided by June 2011.
29.	<p>The Surface Water Monitoring Program shall include:</p> <p>(a) detailed baseline data on surface water flows and quality in creeks and other water bodies that could be affected by the project;</p> <p>(b) surface water quality and stream health assessment criteria, including trigger levels for investigating any potentially adverse surface water impacts; and</p> <p>(c) a program to monitor:</p> <ul style="list-style-type: none"> • surface water flows, quality, and impacts on water users; • stream health; and • channel stability, <p>in the creeks and other water bodies that could be affected by the development on site, including the Bollol and Driggle Draggie Creeks in the vicinity of the road crossing works.</p>	Yes	Existing Surface Water Monitoring Program currently in use. Updated water balance to be provided by June 2011.

Cond.	Conditional Requirement	Compliance	Comments
30.	<p>The Groundwater Monitoring Program must include a program to:</p> <p>(a) detailed baseline data of groundwater levels, yield and quality in the region, and particularly any groundwater bores, springs and seeps (including spring and seep fed dams) that may be affected by mining operations on site;</p> <p>(b) a program to augment the baseline data over the life of the project;</p> <p>(c) groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;</p> <p>(d) a program to monitor and/or validate:</p> <ul style="list-style-type: none"> • groundwater inflows to the open cut mining operations; • the impacts of the project on: <ul style="list-style-type: none"> - the surrounding aquifers; and - any groundwater bores, springs and seeps on privately-owned land; <p>(e) a program to validate the groundwater model for the project, and calibrate it to site specific conditions.</p>	Yes	Existing Groundwater Monitoring Program currently in use. Updated water balance to be provided by June 2011.
31.	<p>The Surface and Ground Water Response Plan must describe what measures and/or procedures would be implemented to:</p> <p>(a) respond to any exceedances of the surface water, stream health, and groundwater assessment criteria;</p> <p>(b) compensate landowners of privately-owned land whose water supply is adversely affected by the project; and</p> <p>(c) mitigate and/or offset any adverse impacts on riparian vegetation.</p>	Yes	As per condition.
32.	<p>By the end of March 2011, the Applicant shall prepare a revised Biodiversity Offset Strategy for the development as a whole to the satisfaction of the Director-General. This strategy must:</p> <p>(a) be prepared in consultation with DECCW;</p> <p>(b) offset all the vegetation clearing associated with the approved development on site;</p> <p>(c) maintain or improve biodiversity conservation values in the region in the medium to long term.</p>	Yes	Biodiversity Offset Strategy submitted to DECCW and DG in March 2011. No written responses received.
33.	<p>Within 6 months of the approval of the Biodiversity Offset Strategy, the Applicant shall make suitable arrangements to provide appropriate long-term security for the offset areas in the strategy to the satisfaction of the Director-General.</p>	Not Yet Applicable	Biodiversity Offset Strategy not approved.

Cond.	Conditional Requirement	Compliance	Comments
34.	<p>The Applicant shall prepare and implement a Biodiversity Management Plan for the development to the satisfaction of the Director-General. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with DECCW, (b) be submitted to the Director-General within 6 months of the approval of the Biodiversity Offset Strategy; (c) describe how the implementation of the Biodiversity Offset Strategy would be integrated with the overall rehabilitation of the site (see below); (d) include: <ul style="list-style-type: none"> • detailed performance and completion criteria for the implementation of the Biodiversity Offset Strategy; • a detailed description of the measures that would be implemented over the next 3 years for: • a program to monitor the effectiveness of these measures, and evaluate progress against the detailed performance and completion criteria; and • details of who would be responsible for monitoring, reviewing and implementing the plan. 	Not Yet Applicable	Biodiversity Offset Strategy not approved.
35.	<p>Within 6 months of the approval of the Biodiversity Management Plan, the Applicant shall lodge a conservation bond with the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond shall be determined by:</p> <ul style="list-style-type: none"> (a) calculating the full cost of implementing the offset strategy; and (b) employing a suitably qualified quantity surveyor to verify the calculated costs, <p>to the satisfaction of the Director-General.</p> <p>If the Biodiversity Offset Strategy is completed to the satisfaction of the Director-General, the Director-General will release the conservation bond.</p> <p>If the Biodiversity Offset Strategy is not completed to the satisfaction of the Director-General, the Director-General will call in all or part of the conservation bond, and arrange for the satisfactory completion of the relevant works</p> <p>With the agreement of the Director-General, this bond may be combined with the rehabilitation securities administered by the Minister for Mineral Resources.</p>	Not Yet Applicable	Biodiversity Offset Strategy not approved.

Cond.	Conditional Requirement	Compliance	Comments
36.	<p>The Applicant shall prepare and implement an Aboriginal Heritage Management Plan for the development to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with DECCW and the Aboriginal community;</p> <p>(b) be submitted to the Director-General for approval by the end of March 2011; and</p> <p>(c) describe the program/procedures that would be implemented for:</p> <ul style="list-style-type: none"> • recording, salvaging, and/or managing the Aboriginal sites and potential archaeological deposits within the approved disturbance area; • conserving, managing and monitoring the Aboriginal sites outside the approved disturbance area; • responding to the discovery of any new Aboriginal objects or skeletal remains during the development; • enabling the Aboriginal community to get access to archaeological sites on site; and • involving the Aboriginal community in the conservation and management of Aboriginal cultural heritage on site. 	Yes	<p>Aboriginal Heritage Management Plan submitted to DECCW and DG in March 2011. No responses received.</p> <p>TCPL was awaiting advice from DECCW regarding consultation with Aboriginal groups however as a response has not been received, the plan was issued to all registered stakeholders in early May 2011 for review. No responses have been received from Aboriginal stakeholders.</p>
37.	<p>The Applicant shall only dispatch coal from the site by road between the hours of;</p> <p>(a) 7 am to 9.15 pm Monday to Friday;</p> <p>(b) 7 am to 5.15 pm Saturday; and</p> <p>(c) at no time on public holidays.</p>	Yes	As per condition.
38.	<p>The Applicant shall ensure that:</p> <p>(a) coal from the mine site is only transported along the private sections of the transport route, Rangari Road, Hoad Lane, Blue Vale Road, and the Kamilaroi Highway to the Whitehaven Siding coal handling and preparation plant;</p> <p>(b) trucks travelling to and from the mine site do not exceed 40 kilometres per hour in the vicinity of the school bus when it is operating on Hoad Lane; and</p> <p>(c) spillage from coal haulage vehicles is minimised; and</p> <p>(d) any spillage is promptly managed to avoid harm to the environment.</p>	Yes	As per condition.
39.	<p>During mining operations, the Applicant shall continue to implement its existing road maintenance agreements with NSC and GSC for the maintenance of the public roads affected by the development to the satisfaction of the respective Council.</p>	Yes	Road maintenance agreement in place.
40.	<p>The Applicant shall:</p> <p>(a) keep accurate records of the:</p> <ul style="list-style-type: none"> • amount of coal transported from the site in a calendar year (on a monthly basis); and • number of coal haulage truck movements generated by the development (on a daily basis); and <p>(b) make these records publicly-available on its website at the end of each calendar year.</p>	Yes	As per condition.

Cond.	Conditional Requirement	Compliance	Comments
41.	The Applicant shall minimise the visual impacts of the development, including: (a) minimises the visual contrasts of the development on site; (b) progressively rehabilitating the disturbed areas on site; (c) taking all practicable measures to mitigate lighting impacts from the mine site; (d) minimising lighting impacts within the Siding Spring Observatory Dark Skies Region; and (e) ensuring that all external lighting associated with the development complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the Director-General.	Yes	As per condition.
42.	Upon receiving a written request from the owner of any residence on privately-owned land which has significant direct views of the mining operations on site, the Applicant shall implement additional visual mitigation measures (such as landscaping treatments or vegetation screens) on the land in consultation with the owner. These measures must be reasonable and feasible, and directed towards minimising the visibility of the mining operations from the residence. If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.	Not Yet Applicable	No written requests received.
43.	The Applicant shall: (a) minimise the waste (including coal reject) generated by the development; (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of, to the satisfaction of the Director-General.	Yes	As per condition
44.	The Applicant shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must be submitted to the Director-General for approval by the end of March 2011.	Yes	Waste Management Plan submitted to DG in March 2011. No response received.
45.	The Applicant shall: (a) ensure that the development is suitably equipped to respond to any fires on-site; and (b) assist the emergency services as much as possible if there is a fire on-site during the development.	Yes	Fire fighting equipment available onsite.
46.	Within 6 months of the date of this consent, the Applicant shall prepare and implement a Bushfire Management Plan for the site, to the satisfaction of the NSC in consultation with the Boggabri No.1 and Nandewar Rural Fire Brigades.	Yes	Bushfire Management Plan submitted to NSC and Rural Fire Service by due date. No responses received.
47.	The Applicant shall rehabilitate the site to the satisfaction of the Director-General of I&I NSW. To the extent that mining operations permit, this rehabilitation must be carried out progressively, that is, as soon as reasonably practicable following disturbance.	Yes	As per condition.
48.	The Applicant shall ensure that at least 100 hectares within the proposed Native Vegetation (Rehabilitation) or Proposed Offset areas depicted in the figure in Appendix 4 are rehabilitated or retained to comply with the specifications for Class 3 agricultural land suitability.	Not Yet Applicable	

Cond.	Conditional Requirement	Compliance	Comments
49.	<p>By the end of March 2011, the Applicant shall prepare a Rehabilitation Strategy for the site to the satisfaction of the Director-General. This strategy must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with I&I NSW and the owners of the Boggabri coal mine; (b) investigate the opportunities for improving the integration between the proposed final landform of the development on site with the proposed landform on the adjoining Boggabri coal mine; (c) identify the land on site that will be rehabilitated to Class 3 agricultural land suitability; (d) describe how the rehabilitation of the site will be integrated with the Biodiversity Offset Strategy (see above); (e) define the rehabilitation objectives for the site; and (f) include detailed plans of the proposed rehabilitation of the site, including suitable cross sections. 	No	Extension to due date requested in March 2011. Letter received from DoPI on 25/5/2011 indicated that there is no provision for extension.
50.	<p>The Applicant shall prepare and implement a Rehabilitation Management Plan for the development on site to the satisfaction of the Director-General of I&I NSW. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with the Department, DECCW, NOW, Council and the CCC; (b) be prepared in accordance with any relevant I&I NSW guidelines; (c) be submitted to the Director-General of I&I NSW for approval within 6 months of the approval of the Rehabilitation Strategy (see above); and (d) build, to the maximum extent practicable, on the other management plans required under this consent. 	Not Yet Applicable	Rehabilitation Strategy not approved.
Schedule 4: Additional Procedures			
1.	<p>By the end of November 2010, the Applicant shall notify in writing the owners of:</p> <ul style="list-style-type: none"> (a) the land listed in Table 1 of Schedule 3 that they have the right to require the Applicant to acquire their land at any stage during the development; and (b) any residence on the land listed in Table 1 that they are entitled to ask for additional noise mitigation measures to be installed at their residence at any stage during the development. 	No	Notification to Tarrawonga occurred in January 2011. No notification to Ambaro as the mine had already commenced acquisition negotiations.
2.	<p>Within 2 weeks of obtaining results showing:</p> <ul style="list-style-type: none"> (a) an exceedance of the relevant criteria in Schedule 3, the Proponent shall notify the affected landowners and tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the development is complying with the relevant criteria; (b) an exceedance of the relevant criteria in Condition 4(b) of Schedule 3, that they are entitled to ask for additional noise mitigation measures to be installed at their residence; and (c) an exceedance of the relevant air quality criteria in Schedule 3, send the affected landowners and tenants (including the tenants of any mine-owned land) a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time). 	No	Exceedances in deposited dust annual averages at some monitoring locations. Residents not notified.

Cond.	Conditional Requirement	Compliance	Comments
3.	<p>If an owner of privately-owned land considers the development on site to be exceeding the relevant criteria in Schedule 3, then he/she may ask the Director-General in writing for an independent review of the impacts of the development on his/her land.</p> <p>If the Director-General is satisfied that an independent review is warranted, then within 2 months of the Director-General's decision the Applicant shall:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to:</p> <ul style="list-style-type: none"> • consult with the landowner to determine his/her concerns; • conduct monitoring to determine whether the development on site is complying with the relevant criteria in Schedule 3; and • if the development on site is not complying with these criteria then: <ul style="list-style-type: none"> – determine if more than one mine is responsible for the exceedance, and if so the relative share of each mine towards the impact on the land; – identify the measures that could be implemented to ensure compliance with the relevant criteria; and <p>(b) give the Director-General and landowner a copy of the independent review.</p>	Not Yet Applicable	No requests to date.
4.	<p>If the independent review determines that the development on site is complying with the relevant criteria in Schedule 3, then the Applicant may discontinue the independent review with the approval of the Director-General.</p> <p>If the independent review determines that the development on site is not complying with the relevant criteria in Schedule 3, and that the development on site is primarily responsible for this non-compliance, then the Applicant shall:</p> <p>(a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until the project complies with the relevant criteria; or</p> <p>(b) secure a written agreement with the landowner to allow exceedances of the relevant criteria,</p> <p>to the satisfaction of the Director-General.</p> <p>If the independent review determines that the development on site is not complying with the relevant acquisition criteria in Schedule 3, and that the development on site is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the Applicant shall acquire all or part of the landowner's land in accordance with the procedures in Conditions 6-7 below.</p>	Not Yet Applicable	

Cond.	Conditional Requirement	Compliance	Comments
5.	<p>If the independent review determines that the relevant criteria in Schedule 3 are being exceeded, but that more than one mine is responsible for this exceedance, then together with the relevant mine/s the Applicant shall:</p> <p>(a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until there is compliance with the relevant criteria; or</p> <p>(b) secure a written agreement with the landowner and other relevant mines to allow exceedances of the relevant criteria in Schedule 3,</p> <p>to the satisfaction of the Director-General.</p> <p>If the independent review determines that the relevant acquisition criteria in Schedule 3 are being exceeded, but that more than one mine is responsible for this exceedance, then upon receiving a written request from the landowner, the Applicant shall acquire all or part of the landowner's land on as equitable a basis as possible with the relevant mine/s in accordance with the procedures in Conditions 6-7 below.</p>	Not Yet Applicable	
6.	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:	Not Yet Applicable	
7.	The Applicant shall pay all reasonable costs associated with the land acquisition process described in Condition 6 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.	Not Yet Applicable	
Schedule 5: Environmental Management, Reporting and Auditing			
1.	<p>The Applicant shall prepare and implement an Environmental Management Strategy for the development to the satisfaction of the Director-General. This strategy must:</p> <p>(a) be submitted to the Director-General for approval by the end of March 2011;</p> <p>(b) provide the strategic framework for environmental management of the development;</p> <p>(c) identify the statutory consents and approvals that apply to the development;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p> <p>(e) 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; • respond to emergencies; and <p>(f) include:</p> <ul style="list-style-type: none"> • copies of any strategies, plans and programs approved under the conditions of this consent; and • a clear plan depicting all the monitoring required to be carried out under this consent. 	No	Extension requested in March 2011. Letter from DoPI on 25/5/2011. Advised that there is no provision for extensions of time. EMS to be developed during next reporting period.

Cond.	Conditional Requirement	Compliance	Comments
2.	<p>The Applicant shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <ul style="list-style-type: none"> (a) detailed baseline data; (b) a description of: <ul style="list-style-type: none"> • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures/criteria; • the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; (d) a program to monitor and report on the: <ul style="list-style-type: none"> • impacts and environmental performance of the development; • effectiveness of any management measures (see c above); (e) a contingency plan to manage any unpredicted impacts and their consequences; (f) a program to investigate and implement ways to improve the environmental performance of the development over time; (g) a protocol for managing and reporting any: <ul style="list-style-type: none"> • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan. <p><i>Note: The Director-General may waive some of these requirements if they are unnecessary or unwarranted.</i></p>	Yes	Plans prepared in accordance with this condition, where relevant.

Cond.	Conditional Requirement	Compliance	Comments
3.	<p>By the end of March 2012, and annually thereafter, the Applicant shall review the environmental performance of the development to the satisfaction of the Director-General. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the past year, which includes a comparison of these results against the</p> <ul style="list-style-type: none"> • the relevant statutory requirements, limits or performance measures/criteria; • the monitoring results of previous years; and • the relevant predictions in any EIS or EA for the development; <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the development;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the development.</p>	Yes	As per condition.
4.	<p>Within 3 months of:</p> <p>(a) the submission of an annual review under Condition 3 above;</p> <p>(b) the submission of an incident report under Condition 6 below;</p> <p>(c) the submission of an audit report under Condition 8 below; and</p> <p>(d) any modification to the conditions of this consent (unless the conditions require otherwise),</p> <p>the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Director-General.</p> <p><i>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.</i></p>	Not Yet Applicable	No reviews or reports submitted since modification approval in October 2010.
5.	<p>The Applicant shall establish and operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Director-General. This CCC must be established and operated in general accordance with the <i>Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects</i> (Department of Planning, 2007, or its latest version).</p>	Yes	See Section 4.3 for details.
6.	<p>The Applicant shall notify the Director-General and any other relevant agencies of any incident associated with the development as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Director-General and any relevant agencies with a detailed report on the incident.</p>	Not Applicable	No incidents during reporting period.
7.	<p>The Applicant shall provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting requirements under the conditions of this consent or any plans or programs approved under the conditions of this consent, and to the satisfaction of the Director-General.</p>	Yes	As per condition.

Cond.	Conditional Requirement	Compliance	Comments
8.	<p>By the end of December 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <ul style="list-style-type: none"> (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the development and whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these licences or leases); (d) review the adequacy of any approved strategies, plans or programs required under these approvals; and (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals. <p><i>Note: This audit team must be led by a suitably qualified auditor and include experts in noise, biodiversity and rehabilitation, and any other fields specified by the Director-General.</i></p>	Not Yet Applicable	
9.	<p>Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.</p>	Not Yet Applicable	
10.	<p>From the end of December 2010, the Applicant shall:</p> <ul style="list-style-type: none"> (a) make copies of the following publicly available on its website: <ul style="list-style-type: none"> • the documents referred to in Condition 2 of Schedule 2; • the current statutory approvals for the development; • all approved strategies, plans and programs required under the conditions of this consent; • the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any plans or programs approved under the conditions of this consent; • a complaints register, updated on a monthly basis; • minutes of CCC meetings; • the annual reviews of the development; • any independent environmental audit of the development, and the Proponent's response to the recommendations in any audit; and • any other matter required by the Director-General. (b) keep this information up-to-date, to the satisfaction of the Director-General: 	Yes	As per condition.

TABLE A3.2

Compliance Review – Environment Protection Licence 12365

Condition	Conditional Requirement	Compliance	Comments
A1.2	Carry out coal mining at specified premises at a scale not exceeding >500 000 – 2 000 000t.	Yes	ROM coal production in 2010/2011 reporting period = 1,578,852 t.
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.
L1.1	Comply with Section 120 of the POEO Act 1997 (re water quality).	Yes	All efforts are maintained to ensure compliance with Section 120.
L3.1	Comply with concentration limits: Oil & Grease 10 mg/L pH 6.5 – 8.5 TSS 50 mg/L	No	Monitoring data confirms non compliance with TSS limits – see Section 3.3.2.
L5.1	Ensure no waste receipt or disposal at premises, except as permitted by licence.	Yes	No unauthorised waste received or disposed of at site.
L6.1	Ensure noise compliance: (a) $L_{Aeq(15min)}$ criterion of 40dB(A) during construction period; (b) $L_{Aeq(15min)}$ criterion of 35dB(A) during operational stage; and (c) $L_{A1(1 min)}$ criterion of 45dB(A) at night.	Yes	Monitoring data confirmed noise levels higher than those specified in the EPL, however the noise levels did not exceed those specified in private agreements. See Section 3.10.3.
L6.2	Noise to be measured at any residence not on the premises to determine compliance	Yes	Noise levels monitored at residences as identified and approved in the Noise Management Plan. See Appendix 9 for details.
L7.1	Airblast overpressure from blasting in or on the premises must not exceed: <ul style="list-style-type: none"> • 115dB(Lin Peak) for more than 5% of total number of blasts over reporting period; and • 120dB(Lin Peak) at any time. At any point within 30 metres of any non-project related residential building.	Yes	See Appendix 8. No exceedances during reporting period.

Condition	Conditional Requirement	Compliance	Comments
L7.2	Ground vibration peak particle velocity from blasting operations must not exceed: <ul style="list-style-type: none"> • 5mm/s for more than 5% of the total number of blasts during the reporting period; and • 10mm/s at any time. 	Yes	See Appendix 8. No exceedances during reporting period.
L7.3	Blasting operations must only be carried out between the hours 9am to 5pm, Monday to Friday	Yes	See Appendix 8.
O1.1	Carry out licensed activities in a competent manner, i.e. <p>(a) processing, handling, movement and storage of materials and substances; and</p> <p>(b) treatment, storage, processing, reprocessing, transport and disposal of generated waste.</p>	Yes Yes	As per licence condition.
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity must: <p>(a) be maintained in a proper and efficient condition; and</p> <p>(b) be operated in a proper and efficient manner.</p>	Yes	All plant and equipment is closely monitored and regularly serviced by Tarrawonga personnel.
O3.1	Minimise or prevent emission of dust from the premises.	Yes	Dust emissions are minimised (unable to “prevent” dust emission) principally through watering and progressive rehabilitation.
O3.2	Ensure all trucks cover their loads after loading to prevent wind blown emissions and spillage.	Yes	All trucks are required to use tarpaulins in the transport of coal.
O4.1	Effluent only applied to Point 14 as per Condition P1.3.	Yes	Effluent used as per licence condition and only to extent it can be effectively utilised.
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: <p>(a) in a legible form;</p> <p>(b) for at least 4 years;</p> for production to any EPA authorised officer.	Yes	Monitoring records documented in the AEMRs.

Condition	Conditional Requirement	Compliance	Comments
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	This information is held on chain-of-custody documentation compiled to accompany samples to the laboratory.
M2.1	Monitor the concentration of each pollutant specified using the sampling method, units and frequency specified.	Yes	Monitoring undertaken as required.
M3.1	Monitor air pollutants in accordance with the Approved Methods publication or as approved by EPA.	Yes	Test method used refer to the EPA approved publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW."
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	TCPL operates a complaints hotline on telephone No. 0429 497 730.
M5.2	Notify the public of the complaints telephone line number.	Yes	Complaints hotline advertised in local press.
M7.1	Monitor meteorological conditions as specified	Yes	Meteorological Station has been functional since August 2006.
M8.1	For monitoring points specified, monitor noise utilising sampling method, units and frequency as directed.	Yes	As documented in the Noise Management Plan and Road Noise Management Plan.

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 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 EPA's Pollution Line service.	Not Applicable	No incidents in 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 Tarrawonga Coal during reporting period (or to date).
R3.2	Tarrawonga Coal 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 Tarrawonga Coal during reporting period (or to date).

Condition	Conditional Requirement	Compliance	Comments
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 Tarrawonga Coal 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 Tarrawonga Coal during reporting period (or to date).
G1.1	Retain a copy of this licence at premises to which the licence applies.	Yes	Retained in the Tarrawonga Coal Site Office.
G1.2	Produce licence to EPA officer upon request.	Not Yet Applicable	Tarrawonga Coal 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 is located in Tarrawonga Coal Site Office if required. Tarrawonga personnel would be pleased to produce the licence upon request.
E1.1	Erosion and Sediment Control Plan to be prepared and Implemented	Yes	Erosion and Sediment Control Plan is contained within the approved Site Water Management Plan.
E2.1	Stormwater Management Scheme to be prepared and implemented	Yes	Stormwater management is addressed and managed under the Site Water Management Plan.
E3.1	Noise Management protocol to be prepared and implemented	Yes	Noise Management Protocol is included in the approved Noise Management Plan for the site.
E4.1	Blasting/Vibration Management protocol to be prepared and implemented	Yes	Blasting Management Protocol is included in the approved Blasting Management Plan for the site.

TABLE A3-3

Compliance Review – ML 1579

Relevant Condition	Conditional Requirement	Compliance	Comments
1	Service of notice on landholders of granting of mining lease.	Yes	All affected landholders were advised within the 3 months of the grant date.
2	Prepare and submit a MOP in accordance with DG's guidelines.	Yes	Initial MOP lodged with DMR and accepted on the 9 th May 2006. MOP amendment for Section 75W extension approved in October 2010.
3	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.
5	Maintain at least 27 employees or expend not less that \$472,500 per year in mining operations	Yes	An average of 92 full-time personnel employed over the reporting period.
6	Comply with direction of Environmental Officer of Department.	Not Yet Applicable	No directions issued.
7	Provision of Exploration Report at each anniversary of grant of lease.	Yes	Exploration report supplied as required,
11(a)	Ground vibration from blasting must not exceed 10mm/s at any time, and must not exceed 5mm/s in more than 5% of the total number of blasts over a 12 month period.	Yes	See Appendix 8. No exceedances recorded.
11(b)	Peak Overpressure from blasting must not exceed 120dB at any time, and must not exceed 115dB in more than 5% of the total number of blasts over a 12 month period.	Yes	See Appendix 8. No exceedances recorded.
12	Operations must be carried out in such a way as to ensure the safety of persons or stock in the vicinity of operations	Yes	As per condition.
13(a)	Land disturbed is to be rehabilitated to a stable and permanent form in accordance with the MOP.	Yes	Current rehabilitation activities are in accordance with commitments identified in the MOP
13(b)	Topsoil is to be stored and maintained in a manner acceptable to the Director General.	Yes	Topsoil is stockpiled and seeded in accordance with commitments identified in the MOP.

Relevant Condition	Conditional Requirement	Compliance	Comments
14	Comply with directions issued by the Director-General regarding stabilisation and revegetation of mine residues, tailings or overburden dumps	Not Yet Applicable	No directions issued.
15(1)	Advise DNR Regional hydrogeologist of intention to drill exploration holes 28 days prior to commencement	Yes	As per condition.
15(2)	All exploration drill holes must be completed to the satisfaction of the Director General in relation to:- -adequate marking/survey -sealed to prevent collapse -sealed with cement plugs to prevent discharge of groundwaters -if meets gas, it is plugged to prevent escape -if meets artesian or sub-artesian flow is sealed to prevent contamination of aquifer -once no longer used, is sealed according to Department guidelines -once no longer used, the land is left in a clean, tidy and stable condition.	Yes	As per condition.
16	Operations must be carried out so as not to cause or aggravate air pollution, water pollution or soil contamination or erosion.	Yes	As per Air Quality and Site Water Management Plans.
17	Operations must not interfere with transmission lines, pipelines or any other utility	Yes	As per condition.
18	Activities must not interfere with or damage fences, and gates must be closed or left open in accordance with landholder requirements.	Yes	As per condition.
19(a)	Operations must not affect any road unless in accordance with the MOP or written approval of Director General.	Yes	As per condition

Relevant Condition	Conditional Requirement	Compliance	Comments
19(b)	Leaseholder must pay to the authority responsible for the road the cost incurred in fixing any damage to the roads caused by the operations.	Yes	Agreement in place with GSC and NSC.
20	Access tracks kept to a minimum and positioned so as not to cause unnecessary damage. Temporary tracks to be ripped, re-topsoiled and revegetated when no longer required.	Yes	As per condition.
21(a)	Trees must not be felled without the consent of the landholder who is entitled to the use of the timber.	Yes	As per condition.
21(b)	Trees must not be felled on the lease area except where it directly obstructs or prevents the carrying out of operations.	Yes	As per condition.
21(c)	Timber from Crown land within the lease area must not be used until all relevant approvals have been obtained.	Yes	As per condition.
23	Comply with direction of Director General if notice is issued with regard to resource recovery	Not Yet Applicable	No notice issued.
25	Provision of Security of \$100,000 to the Minister to ensure fulfilment of lease conditions.	Yes	As per condition.