

TABLE A3.1

## Compliance Review – DA 172-7-2004

Condition	Conditional Requirement	Compliance	Comments
3 (1)	WCC shall implement all practicable measures to prevent/minimise any harm to environment that may result from construction, operation or rehabilitation of development.	Yes	
3 (2)	Development is to be carried out generally in accordance with: a) DA 172-7-2004 b) EIS c) Letter from applicant indicating relocated position of mine access road d) Information accompanying modification application DA 172 - 7-2004 MOD 1, 11/10/2005 prepared by WCC e) Information accompanying modification application DA 172- 7-2004 MOD 2, 6/03/2007 prepared by WCC and f) Conditions of consent.	Yes	The activities on site were generally being undertaken in accordance with the EIS. WCC has, through the Management Plans, correspondence with authorities and site visits, kept the relevant agencies informed about any minor variations to the development. Projected maximum production was not achieved during the Reporting Period.
3 (3)	If any inconsistency between the above, the latter document shall prevail over the former to the extent of the inconsistency. However Conditions of this consent shall prevail over all other documents to the extent of any inconsistency.	Yes	Noted
3 (4)	WCC shall comply with any reasonable requirements of DG's with regards to Departments assessment of: a) reports, plans or correspondence submitted in accordance with consent b) the implementation of any actions, measures contained in any reports, plans or correspondence.	Yes	
3 (5)	Approval granted for 15 years from 18 February 2005.	Yes	The development has been operational for three years the grant of ML1563 on 23 March 2005 following.
3 (6)	WCC shall not extract more than 2 million tonnes of ROM coal annually.	Yes	Coal extraction during the Reporting Period was 1,036,288t.
3 (6A)	WCC to limit coal extraction to the area within the outline of the "Original Pit" as shown on Plan 5.1 of document referenced in condition 1(e).	Yes	Modified in accordance with DA172-7-2004 MOD 2, 06/03/2007.
3 (7)	WCC shall not transport more than 30,000 tonnes of saleable coal annually by public road.	No	46,922t despatched by road during the Reporting Period.



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Condition	Conditional Requirement	Compliance	Comments
4 (5)	Upon receiving written request from landowner if dust generated by mine operations is greater than deposited dust criteria WCC shall install a first flush system on any drinking water tank.	Yes	No written requests received.
4 (6)	Prepare & implement Air Quality Monitoring Plan in consultation with DEC and to satisfaction of DG.	Yes	Plan prepared May 2005 and approved by DIPNR 07/07/2005.
4 (7)	Noise generated by development does not exceed Noise Impact Assessment criteria at any residence or privately owned land.  Day (Construction Stage) $L_{Aeq(15 \text{ minutes})}$ 40  Day (Operational Stage) $L_{Aeq(15 \text{ minute})}$ 35  Evening $L_{Aeq(15 \text{ minute})}$ 35  Night $L_{Aeq(15 \text{ minute})}$ 35  Night $L_{A1(1 \text{ minute})}$ 45	No	Routine Operational Noise monitoring undertaken by Spectrum Acoustics in Appendix 7 and Section 3.10.  Continual Exceedances.
4 (8)	Noise generated by shunting operations does not exceed Noise Impact Assessment criteria at any residence or privately owned land.  Day/Evening/Night $L_{eq(24 \text{ Hour})}$ 55  Day/Evening /Night $L_{A(Max)}$ 80	Yes	See Appendix 7.
4 (9)	If noise emissions exceed criteria in Table 9 of Consent, upon receiving written request from landowner initiate an independent review in accordance with conditions 4-9 of schedule 5 & if required, acquire the land in accordance with procedures in conditions 10 – 12 of schedule 5.	Yes	No written requests received.
4 (10)	WCC shall ensure all reversing alarms fitted to vehicles on site are mid-high frequency broadband type.	Yes	As confirmed in previous correspondence with DoP.
4 (11)	WCC shall prepare & implement Rail Spur Management Plan in consultation with Australian Rail Track Corp.	Yes	Plan prepared June 2005 and approved by DIPNR 20/07/2005.

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Condition	Conditional Requirement	Compliance	Comments
4 (11) (a)	Rail Spur Management Plan includes Noise monitoring program for privately owned residences in proximity to Spur line and rail load out facilities.	Yes	
4 (11) (b)	RSMP includes measures to reduce noise and vibration impacts.	Yes	
4 (11) (c)	RSMP includes measures to avoid/minimise impacts such as train headlights, interruption of public access roads across spur line.	Yes	
4 (12)	Construction Stage Hours of Operation : 7am to 6pm Monday to Friday. 8am to 6pm Saturday and excludes public holidays. Activities must not commence until 8am during temperature inversion conditions and if northwest and southeast winds exceed 3m/s unless approved by DEC.	Yes	WCC construction activities formally commenced 12/04/2005. DIPNR advised by letter.
4 (13)	Stage 1 Hours of Operation: 7am to 10pm Monday to Friday. 8am to 2pm Saturday excludes public holidays. Activities must not commence until 8am during temperature inversion conditions and if northwest and southeast winds exceed 3m/s unless approved by DEC.	Yes	Eastern acoustic bund completed to minimum height of 15 metres over entire length. Letter dated 17/10/2005 sent to Department of Planning advising that mine will be progressing to Stage 1.
4 (14)	Train Load out Facility Hours of Operation: As above in condition 13 plus between 2pm and 10pm Saturday, excluding Public Holidays. Maintenance operations 24 hours a day Monday to Saturday.	Yes	
4 (15)	WCC to undertake an acoustical validation study approved by DEC to measure noise impacts during initial 6 months of operation. If DEC and DG are satisfied predicted noise impacts unlikely to be exceeded WCC may progress to Stage 2 Operating Hours.	Yes	Noise validation study completed and accepted by DEC. Approval from DOP to progress to Stage 2 dated 09/01/2006.
4 (15) (a – e)	Stage 2 Operating Hours: a) Midnight to 4am and 7am to Midnight Monday to Friday. b) Midnight to 4am and 7am to 2pm Saturday. c) On-site processing coal permitted between additional hours of 2pm to 10pm Saturday. d) Overburdenremoval & emplacement permitted any time Monday to Saturday. e) Operation of coal load-out facility and maintenance activities permitted any time Monday to Sunday.	Yes	DG approved request to progress to Stage 2 operational hours upon completion of new access road, ie 13/01/2006.
4 (16)	Prepare Noise Monitoring Program in consultation with DEC and to satisfy DG.	Yes	Plan prepared June 2005 and approved by DIPNR 07/05/2005.

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Condition	Conditional Requirement	Compliance	Comments
4 (17)	Install and operate a meteorological station.	Yes	Installed and commenced operation 25/03/2005.
4 (18)	Do not exceed blasting overpressure levels: <ul style="list-style-type: none"> <li>• 115dBL for more than 5% of total number of blasts over 12 months.</li> <li>• 120dBL at any time.</li> </ul>	Yes No	15/05/2007 overpressure exceedance of 121.4 dBL was reported to EPA. 03/07/2007 overpressure exceedance of 121.9 dBL was reported to EPA.
4 (19)	Do not exceed ground vibration peak particle velocity levels: <ul style="list-style-type: none"> <li>• 5mm/s for more than 5% of total number of blasts over 12 months.</li> <li>• 10mm/s at any time.</li> </ul>	Yes	
4 (20)	Carry out blasting only between the hours of 10am and 4pm Monday to Friday during Construction Stage & 9am to 5pm Stages 1 & 2. No blasting allowed on Saturdays, Sundays and Public Holidays.	Yes	See Appendix 6 - Blast Monitoring Results.
4 (21)	No more than 1 blast per day without written approval of DEC.	Yes	See Appendix 6 - Blast Monitoring Results.
4 (22)	Prepare and implement a Blasting Management Plan to the satisfaction of the DG prior to blasting .	Yes	Plan prepared June 2005 and approved by DIPNR 15/04/2005. Variation to EPA licence to remove "Hillview" following purchase August 2006.
4 (23)	Prepare and implement a Traffic Management Plan in consultation with Council and DPI & to satisfaction of the DG for blasting activities that require temporary periodic closure of Quirindi to Werris Creek Road.	Not required to date	
4 (24) (a-b)	During life of development a) Operate a Blasting Hotline or alternate system agreed to by DG and b) notify landowner/occupier of any land within 2 km of WCC about this hotline on an annual basis.	Yes	Alternate system implemented and Department of Planning notified 04/07/2005.
4 (25)	Advise all landowners with 2km of WCC that they are entitled to a property inspection before any blasting is carried out.	Yes	16 Property inspections completed 2005 – 2006 AEMR period.
4 (26)	If WCC receives written request for property inspection concerning claims of blast damage within 3 months of receiving request WCC to: a) commission DG approved suitably qualified person to inspect building or structures on land for potential blasting impacts b) landowner to receive copy of property inspection report.	Yes	No written requests received.

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Condition	Conditional Requirement	Compliance	Comments
4 (27)	If WCC receives written request for property investigation concerning claims of blast damage within 3 months of receiving request WCC to: a) commission DG approved suitably qualified person to investigate claim and b) landowner to receive copy of property inspection report. If independent investigation confirms landowners claim and both parties agree with findings the WCC to repair damages to satisfaction of DG.	N/A	
4 (28)	Comply with section 120 of Protection of the Environment Operations Act 1997.	No	Mine void structure breach. Pending – Under investigation by DECC.
4 (29)	Comply with water discharge concentration limits i.e. Table 13 of Consent. TSS <50mg/L, pH 6.5 – 8.5, Oil and Grease <10 mg/L.	No	Discharges occurred: 20-21 August 2007 TSS during wet weather discharges 60mg/L(Point 10), 110mg/L (Point 12) and 125mg/L (Point 13). 20-21 August 2007 during wet weather discharges 92mg/L (QC-Up), 165mg/L (WC-Up), 125mg/L (QC-Down), 690mg/L (WC-Down).  5 February 2008 PH during wet weather discharge 9.0 (Point 10).
4 (30)	Prepare a Groundwater Contingency Plan to satisfaction of DG.	Yes	Plan approved by Department of Planning 18/10/2005.
4 (31)	Annually WCC shall review site water balance against predictions in the EIS, recalculate the site water balance and report results in AEMR.	Yes	Refer to Section 2.8.
4 (32)	Prepare a Site Water Management Plan to the satisfaction of the DG and DEC. Plan must include: a) predicted site water balance b) Erosion & Sediment Control Plan, Surface c) Water Monitoring Program d) Groundwater Management Plan and e) strategy for decommissioning of water management structures on the site.	Yes	Plan prepared April 2005 and approved by DIPNR 07/04/2005.  Site Water Management Plan revised during current AEMR period March 2008.
4 (33)	Erosion and Sediment Control Plan must be consistent with requirements of Department of Housings <i>Managing Urban Stormwater: Soils and Construction</i> .	Yes	Included in recently revised SWMP.

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4 (34) (a – e)	Surface water monitoring Program to include: a) surface water impact assessment criteria b) program to monitor land in waste water utilisation areas & receiving waters c) program to monitor the quality of water contained in or discharged from water storages. d) Program to monitor surface water flows and quality upstream and downstream of Northern catchment e) Program to monitor effectiveness of Erosion and Sediment Control Plan.	Yes	
4 (35)(a – k)	Groundwater Management Plan covers the full cycle of operation from pre-mining to completion of rehabilitation/restoration of all groundwater.	Yes	
4 (36)	Prepare and provide an annual review on surface and groundwater monitoring. Report to be prepared by qualified independent hydrogeologist approved by DG.	Yes	Report prepared by Andrew Dawkins from Geoterra Pty Ltd (see Appendix 5(b)).  Report to be forwarded to DG.
4 (37)	3 years before cessation of mining WCC to prepare and implement a Final Void Management Plan in consultation with DPI and DEC and to satisfaction of DG.	Not Yet Required	
4 (38)	Implement Biodiversity Offset Strategy as described in EIS.	No	See Section 3.6.
4 (39)	Provide long term security for the offset in Biodiversity Offset Strategy to satisfaction of DG within 12 months of DA Consent.	No	See Section 3.6.
4 (40)	Prepare and implement Flora & Fauna Management plan to the satisfaction of the DG.	Yes	Plan prepared August 2005 by Geoff Cunningham Natural Resources Pty Ltd and approved by DIPNR 18/10/2005.
4 (41)	Annual Review and revision if necessary performance of Biodiversity Offset Strategy and Flora & Fauna management Plan to satisfy DG.	Ongoing	Refer Section 3.6.1.
4 (42)	Within 3 years of consent and every 3 years WCC to commission and pay cost of an independent audit of Biodiversity Offset Strategy and Flora and Fauna Management Plan.	Ongoing	Independent audit will be scheduled once BOS has been determined.
4 (43)	End of year 6 or cessation of mining, WCC to lodge a conservation bond with DG to fully implement Biodiversity Offset Strategy.	Not yet required	

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4 (44)	WCC to manage the removal, relocation and protection of the axe-grinding grooves "Narrawolga Site" in accordance with DA 172-7-2004 MOD 2 and to satisfaction of DG.	Yes	"Narrawolga site" axe grinding grooves relocated March 2007 in consultation with John Appleton Archaeologist, Archaeological Surveys and Reports Pty Ltd.
4 (45)	Prepare and implement Archaeology & Cultural Heritage Management Plan in consultation with DEC and Nungaroo LALC.	Yes	Plan prepared May 2005 and approved by DIPNR 07/04/2005.
4(45A)	Prior to 31/05/2007 WCC to revise WCC Archaeology and Cultural Heritage Management Plan in respect of ongoing management of "Narrawolga Site" in consultation with DEC, Nungaroo LALC to satisfaction of DG.	Yes	Revised Archaeology and Cultural Heritage Management Plan approved by Director General 30/07/2007.
4 (46)	Within 12 months of consent ensure a qualified heritage architect fully records the "Narrawolga" homestead building identifying material elements of building and those materials that will be recovered during demolition of building.	Yes	Report prepared by Hill Lockart Architects November 2005.
4 (47)	Detailed progress report on measures implemented to preserve and protect Aboriginal cultural heritage in AEMR.	Yes	Refer Section 3.12.
4 (48)	Construct a mine site access road from mine site to Quirindi Werris Creek Road and produce a Traffic Management Plan for its construction. Maintain intersection for life of mine and provide street lighting in accordance with local electricity authority guidelines to satisfaction of council.	Yes	This condition modified 19.10.2005. See Appendix 1.
4 (49)	Design and construct intersection of the coal haul road and Escott Road. Produce a Traffic Management Plan for its construction. Maintain intersection for life of mine and provide street lighting in accordance with local electricity authority guidelines to satisfaction of council.	Yes	
4 (50)	Maintain the Escott Road/Werris Creek Road for the life of the mine to satisfaction of Council.	Yes	
4 (51)	Tar seal mine access road and coal haul road from the mine to rail load-out facility.	Yes	This condition modified 19/10/2005. See Appendix 1.
4 (52)	Only haul coal from site by road between the hours of 7am to 6 pm Monday to Friday, 7am to 2pm Saturday and at no time on public holidays.  Coal haulage by road must not commence until 8am during temperature inversion conditions, southeast winds exceeding 3m/s & northwest winds exceeding 3m/s unless approved by DEC.	Yes	

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Condition	Conditional Requirement	Compliance	Comments
4 (53)	Ensure spillage from coal haulage vehicles is minimised and sediment-laden runoff from roads is managed effectively.	Yes	
4 (54)	Keep records of amount of coal transported from site each year and number of coal haulage truck movements and report these in AEMR.	Yes	Refer Section 2.11.
4 (55) (a-c)	Prevent or minimise visual impacts including design and construction, progressive rehabilitation of mine overburden emplacements, construction of 15 metre high acoustic bund to satisfaction of DG.	Ongoing	Refer Section 3.11.
4 (56)	WCC to commission qualified person to investigate ways to minimise visual impacts is so requested in writing by landowners living within 2km of site. If measurements need to be taken they must be done to satisfaction of DG.	Not yet required	No request received.
4 (57)	Take all measures to mitigate off-site lighting impact and ensure all lighting complies with <i>Australian Standard AS4282(INT)1995 Of Control of obtrusive Effects of Outdoor Lighting</i> to satisfaction of DG.	Yes	
4 (58)	Monitor greenhouse gas emissions, investigate ways to reduce emissions and report on greenhouse gas monitoring in AEMR to satisfaction of DG.	Yes	Refer Section 3.1.5.
4 (59)	Monitor and investigate waste amounts generated. Implement feasible measures to minimise waste and report on waste management in AEMR to satisfaction of DG.	Yes	Refer to Section 2.6.
4 (60)	No waste generated outside mine to be received at mine for storage, treatment, processing, reprocessing or disposal, or any waste generated at the mine.	Yes	
4 (61)	Prevent and manage spontaneous combustion on site to satisfaction of DPI.	Yes	Refer Section 3.14.
4 (62)	Storage, handling and transport of dangerous goods is done in accordance with <i>Australian Standards, AS1940 and AS1596 and Dangerous Goods Code</i> . Explosives are managed in accordance with requirements of DPI.	Yes	Refer Section 2.9.
4(63)	WCC is equipped to respond to on-site fires and to assist Rural Fire Service if fire on-site.	Yes	
4 (64)	Prepare and Implement Bushfire Management Plan to satisfaction of Council and Rural Fire Service	No	Plan submitted 2007.

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Condition	Conditional Requirement	Compliance	Comments
4 (65)	Prepare a Mine Closure Strategy at least 3 years prior to cessation of mining, in consultation with DPI, Council and to satisfaction of DG.	Not yet Applicable.	
5 (1)	If Air quality/noise generated is likely to exceed criteria, WCC is to notify landowners before it carries out any development.	Yes	Prior to construction stage.
5 (2)	If Air quality/noise generated has exceeded criteria, WCC to notify DG and affected landowners and provide quarterly monitoring results until they show compliance with air quality/noise criteria.	No	All exceedances from 1 <sup>st</sup> January 2008 have been reported to appropriate departments and effected landowners. WCC will ensure future compliance.
5 (3)	Within 6 months of consent, WCC to develop brochure to advise landowners of possible health and amenity impacts associated with exposure to particulate matter. In consultation with NSW Health and to satisfaction of DG.	Yes	
5 (4)	If landowner considers WCC to be exceeding air quality/noise criteria they must apply in writing for independent review. WCC to commission qualified person to conduct monitoring and give DG and landowner a copy of review.	N/A	No independent review requests received.
5 (5)	If independent review determines WCC is complying with air quality/noise criteria WCC may discontinue independent review with approval of DG.	N/A	
5 (6)	If independent review determines non compliance with air quality/noise criteria, WCC to take all measures in consultation with landowner to comply, conduct further monitoring, secure written agreement with landowner to allow exceedances to satisfaction of DG.	N/A	
5 (7)	If independent review determines non compliance with air quality/noise criteria but that more than 1 development is responsible, WCC to take all measures with relevant developments to comply to satisfaction of DG.	N/A	
5 (8)	If independent review determines non compliance with air quality/noise land acquisition criteria and that more than one development is responsible for non-compliance and WCC cannot secure written agreement with landowner to allow exceedances within 3 months upon receiving written request from landowner, WCC shall acquire all or part of landowners land on as equitable basis as possible with relevant development/s.	N/A	

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Condition	Conditional Requirement	Compliance	Comments
5 (9)	If landowner disputes results of Independent review, WCC or landowner may refer matter to DG.	N/A	
5 (10)	If WCC receives written request from landowner with acquisition rights then WCC to make binding written offer based on current market value, costs associated with relocating and compensation for disturbances caused by land acquisition process.	N/A	
5 (11)	WCC to bear costs of valuations and survey assessments requested by independent valuer, panel or DG on any land to be aquired.	N/A	
5 (12)	If part of land only acquired WCC to pay all cost associated with Council approval for subdivision, registration.	N/A	
6 (1)	Prepare and implement Environmental Management Strategy to satisfaction of DG	Yes	Plan prepared March 2005 and approved by DIPNR 07/04/2005.
6 (2)	3 months after completion of Independent Environmental Audit, review and revise Environmental Management Strategy to satisfaction of DG.	N/A	Independent environmental audit scheduled September 2008. EMS review due in December 2008.
6 (3)	Within 6 months of date of consent Prepare an Environmental Monitoring Program to satisfaction of DG.	Yes	Plan approved 18/10/2005.
6 (4)	3 months after completion of Independent Environmental Audit , Review and revise Environmental Monitoring Program to satisfaction of DG.	N/A	
6 (5)	Prepare AEMR each year to satisfaction of DG.	Yes	This is the third AEMR.
6 (6)	At end of year 3 and every 3 years after, WCC to commission and pay full cost of Independent Environmental Audit by qualified person who has been endorsed by DG.	Not Applicable as yet	Scheduled for September 2008.
6 (7)	Within 3 months of commissioning Independent Environmental Audit submit copy of report to DG.	Not Applicable as yet	
6 (8)	Establish Community Consultative Committee to oversee environmental performance.	Yes	Established CCC June 2005.
6 (9)	WCC to ensure that: 2 of its representatives attend CCC meetings , provide regular information, provide meeting facilities, arrange site inspections, take minutes of meetings, minutes available to council, respond to recommendations from Committee, forward copy of minutes to DG.	Yes	Committee comprises 5 community representatives one Council rep. from LPSC, 2 rep. from WCC and chaired by independent nominated by LPSC.  Four meetings held during this AEMR reporting period.

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Condition	Conditional Requirement	Compliance	Comments
6 (10)	Any management plans/strategies, independent audits and AEMR are provided to Council, relative agencies and Community Consultative Committee to satisfaction of DG.	Yes	All relevant plans as identified in this consent forwarded to required recipients.
6 (11)	Results of monitoring required under this consent to be publicly available at mine site and updated on a regular basis to satisfaction of DG.	Yes	Monitoring records documented, updated and held on internal database. Results provided to Council for public review quarterly.

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2008\Appendices  
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