

Appendix 3

COMPLIANCE REVIEWS

- PA 06_0198 MOD 1 (Table A3-1)
- Environment Protection Licence No 12870 (Table A3-2)
- ML 1620 (Table A3-3)

TABLE A3.1
Compliance Review – PA 06_0198 MOD 1

Condition	Conditional Requirement	Compliance	Comments
Schedule 2: Administrative Conditions			
1.	The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.	Yes	Activities on site are undertaken on the basis of minimising harm to the environment.
2.	The Proponent shall carry out the project generally in accordance with the: (a) EA; (b) statement of commitments; (c) modification application 06_0198 MOD 1 and the accompanying Environmental Assessment prepared by GSS Environmental and dated May 2010; and (d) the conditions of this approval.	Yes	The activities on site were being undertaken in accordance with the nominated documents.
3.	If there is an inconsistency between the above documents, the latter document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	Not Applicable	
4.	The Proponent shall comply with any reasonable and feasible requirements of the Director-General arising from the Departments assessment of: (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this approval; and (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.	Yes	Any requests by the Department have been addressed.
5.	Mining operations may take place on the site for 12 years from the grant of the mining lease for the project.	Not Yet Applicable	
6.	The Proponent shall not extract more than 1.5 million tonnes of ROM coal a year from the site.	Yes	During the reporting period 956,535 tonnes of ROM coal was extracted.
7.	The Proponent is permitted to undertake mining operations 24 hours a day, Monday to Saturday, with the exception of public holidays. Note: This condition does affect the operation of conditions 13 and 40 of schedule 3 in relation to blasting and coal transportation hours.	Yes	As per condition. See Section 2.4.4.
8.	The Proponent is only permitted to undertake construction activities between the hours of: (a) 6 am to 8 pm, Monday to Saturday; (b) 6 am to 5 pm, Sunday; and (c) At no time on public holidays	Not Applicable	No construction during the reporting period.
9.	With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.	Not Applicable	
10.	The proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.	Yes	All buildings meet relevant requirements.
11.	The Proponent shall ensure that all demolition work is carried out in accordance with <i>Australian Standard 2601-2001: The Demolition of Structures</i> , or its latest version.	Not Applicable	No buildings demolished during reporting period.

Condition	Conditional Requirement	Compliance	Comments
12.	The Proponent shall ensure that all plant and equipment used on site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Yes	All plant and equipment maintained in a proper and efficient manner.
Schedule 3: Specific Environmental Conditions			
1.	Except as may be expressly provided for by an EPL, the Proponent shall not discharge any surface waters from the site.	Yes	Water only discharged from locations nominated on EPL. See Section 2.8.3 for details about discharges during the reporting period.
2.	The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must: (a) be prepared in consultation with DWE and DECC by suitably qualified expert/s whose appointment/s have been approved by the Director-General (b) be submitted to the Director-General prior to the commencement of construction activities (no including construction of the Kamilaroi Highway and Hoad Lane intersections or sections 1 and 2 of the road transport route); and (c) include a: <ul style="list-style-type: none"> • Site Water Balance; • Erosion and Sediment Control Plan; • Surface Water Monitoring Plan; • Groundwater Monitoring Program; and • Surface and Groundwater Response Plan, setting out the procedures for: <ul style="list-style-type: none"> ○ investigating, and if necessary mitigating, any exceedances of the surface or groundwater assessment criteria (see below); and ○ responding to any unforeseen impacts of the project. 	Yes	Water Management Plan prepared in accordance with this condition and approved on 16 th June 2008 by the Director-General. Amended SWMP (incorporated additional water management structures and EPL wet weather discharge points) approved on 6 th October 2009 by the Director-General.
3.	The Site Water Balance must: (a) include details of: <ul style="list-style-type: none"> • sources and security of water supply; • water use on site; • water management on site; • any off-site water transfers; (b) describe measures to minimise water use by the project; and (c) be reviewed and recalculated each year in the light of the most recent water monitoring data.	Yes	As per condition.
4.	The Erosion and Sediment Control Plan must: (d) be consistent with the requirements of <i>Managing Urban Stormwater: Soils and Construction</i> manual (Landcom 2004, or its latest version); (e) identify activities that could cause soil erosion and generate sediment; (f) describe measures to minimise soil erosion and the potential for transport of sediment to downstream waters; (g) describe the location, function, and capacity of erosion and sediment control structures; and (h) describe what measures would be implemented to monitor and maintain the structures over time.	Yes	As per condition.

Condition	Conditional Requirement	Compliance	Comments
5.	<p>The Surface Water Monitoring Plan must include:</p> <ul style="list-style-type: none"> (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project; (b) surface water impact assessment criteria; (c) a program to monitor the impact of the project on surface water flows and quality; and (d) procedures for reporting the results of this monitoring. 	Yes	As per condition.
6.	<p>The Groundwater Monitoring Program must include:</p> <ul style="list-style-type: none"> (a) further development of the regional and local groundwater model; (b) detailed baseline data to benchmark the natural variation in groundwater levels, yield and quality (including at any privately owned bores in the vicinity of the site); (c) groundwater impact assessment criteria; (d) a program to monitor the impact of the project on groundwater levels, yield and quality; and (e) procedures for reporting the results of this monitoring. 	Yes	As per condition.
7.	<p>The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria set out in Table 1 at any residence on privately-owned land, or on more that 25 percent of any privately-owned land.</p> <p>However, if the Proponent has a written negotiated noise agreement with any landowner and a copy of this agreement has been forwarded to the Department and DECC, then the Proponent may exceed the noise limits in Table 1 in accordance with the negotiated noise agreement.</p>	No	2 dB exceedance at "Surrey" and 3 dB exceedance at "Costa Vale" on the 8 th September 2009. See Section 3.10.3 for details.
8.	<p>The Proponent shall ensure that the cumulative noise generated by road traffic associated with the project, Canyon (Whitehaven) and Tarrawonga mines on public roads does not exceed the criteria in Table 2.</p>	Yes	Cumulative road noise below criteria. See Section 3.10.3.
9.	<p>The Proponent shall:</p> <ul style="list-style-type: none"> (a) implement all reasonable and feasible best practice noise mitigation measures; (b) investigate ways to reduce the noise generated by the project, including off-site road and rail noise and maximum noise levels which may result in sleep disturbance; and (c) report on these investigations and the implementation and effectiveness of these measures in the AEMR, to the satisfaction of the Director-General. 	Yes	As per condition.
10.	<p>The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with the DECC; (b) be submitted to the Director-General for approval prior to the commencement of construction activities (not including the construction of the Kamilaroi Highway and Hoard Lane intersections and sections 1 and 2 of the coal transport route); (c) use attended noise monitoring measures to monitor the performance of the project; and (d) include a protocol to establish whether the project is complying with the noise impact assessment criteria in Tables 1 and 2. 	Yes	Plan approved by DG – 27 th May 2008.

Condition	Conditional Requirement	Compliance	Comments
11.	The Proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 3 and 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. 	No	See Section 3.9 and Appendix 8.
12.	The Proponent shall ensure that the ground vibration level from blasting, or any other activity at the project does not exceed the criteria in Table 4 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. 	Yes	All ground vibration levels at non-project-related residences were less than 5mm/s. See Section 3.9 and Appendix 8.
13.	The proponent shall only carry out blasting on site between 9 am and 5 pm Monday to Saturday.	Yes	As per condition. See Appendix 8.
14.	The Proponent may carry out: <ol style="list-style-type: none"> a maximum of 2 blasts a day; 5 blasts a week, averaged over a 12 month period; on site without the written approval of the Director-General.	Yes	As per condition. See Appendix 8.
15.	During mining operations on site, the Proponent shall implement the best blasting practice to: <ol style="list-style-type: none"> protect the safety of people, property, public infrastructure, and livestock; minimise the dust and fume emissions from blasting at the mine site to the satisfaction of the Director-General.	Yes	As per Blasting Monitoring Program.
16.	The Proponent shall not undertake blasting within 500 metres of any privately-owned land, unless suitable arrangements have been made with the landowner and any tenants to minimise the risk of flyrock-related impact to the property to the satisfaction of the Director-General.	Yes	As per Blasting Monitoring Program.
17.	Prior to blasting within 500 metres of any public road, the Proponent shall prepare and implement a Road Closure Management Plan for the project to the satisfaction of the GSC and DPI.	Yes	Road Closure Management Plan approved by GSC on the 9 th February 2009 and DPI on the 7 th April 2009.
18.	During mining operations on site, the Proponent shall: <ol style="list-style-type: none"> notify any person who registers an interest in being notified about the blasting schedule at the mine; operate a Blasting Hotline, or alternate system agreed to by the Director-General, to enable the public to get up-to-date information on the blasting schedule at the project; advertise the blasting hotline number in a local newspaper each year; and provide signage, with updated details of proposed blasting times, immediately to the north and south of the mine site on Wean Road, to the satisfaction of the Director-General.	Yes	As per condition.
19.	Before carrying out any blasting, the Proponent shall advise the owners of "Costa Vale", "Surrey" and "Brolga", all landowners within 2 km of proposed blasting activities, and any other landowner nominated by the Director-General, that they are entitled to a property inspection.	Yes	Blasting system in place to ensure all affected landowners/occupiers are kept informed of blasting arrangements.

Condition	Conditional Requirement	Compliance	Comments
20.	<p>If the Proponent receives a written request for a property inspection from any landowner within 2 km of proposed blasting activities, or any other landowner nominated by the Director-General, the Proponent shall within 3 months of receiving this request:</p> <p>(a) commission a suitably qualified person, whose appointment has been approved by the Director-General, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and</p> <p>(b) give the landowner a copy of this property inspection report.</p>	Yes	As per condition.
21.	<p>If any landowner within a 2 km of proposed blasting activities, or any other landowner nominated by the Director-General, claims that any building or structure on his/her property, including vibration-sensitive infrastructure such as water supply or underground irrigation mains, has been damaged as a result of blasting at the project, the Proponent shall within 3 months of receiving this request:</p> <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> <p>If this independent investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damages to the satisfaction of the Director-General.</p>	Not Yet Applicable	No requests for property inspections received.
22.	<p>Prior to the commencement of blasting, the Proponent shall prepare and implement a detailed Blasting Monitoring Program for the project in consultation with DECC, and to the satisfaction of the Director-General.</p>	Yes	Blasting Monitoring Program approved 27 th May 2008.
23.	<p>The Proponent shall ensure that dust emissions generated by the project does not cause additional exceedances of the criteria in Tables 5 to 7 at any residence on privately owned land, or on more than 25 percent of any privately-owned land.</p> <ul style="list-style-type: none"> • Total suspended particulate (TSP) matter – Annual average: 90µg/m³ • Particulate matter <10 µm(PM10) – Annual average: 30 µg/m³ • Particulate matter <10 µm(PM10) – 24 hour period - 50 µg/m³ • Deposited dust – Annual average: <ul style="list-style-type: none"> ○ Maximum increase in deposited dust level – 2 g/m²/month ○ Maximum total deposited dust level – 4 g/m²/month 	No	See Section 3.1.3 and Appendix 5.
24.	<p>The Proponent shall prepare and implement an Air Quality Monitoring Program for the project in consultation with DECC, and to the satisfaction of the Director-General. This program must:</p> <p>(a) be submitted to the Director-General prior to the commencement of construction activities (not including the Kamilaroi Highway and Hoad Lane intersections and sections 1 and 2 of the coal transport route);</p> <p>(b) be prepared in consultation with the DECC; and</p> <p>(c) use a combination of high volume samplers and dust deposition gauges to monitor the performance of the project.</p>	Yes	Air Quality Monitoring Program (AQMP) approved 27 th May 2008. AQMP revised in Jan 2009 to include HVAS relocation. Updated locations also incorporated in Environmental Monitoring Program (approved by DG – July 2009).

Condition	Conditional Requirement	Compliance	Comments
25.	During the project, the Proponent shall ensure there is a suitable meteorological station on site that complies with the requirements in <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> (DECC, 2007), or its latest version.	Yes	Long term meteorological station used onsite since 2002. Meteorological station upgrade in April 2009 to ensure station meets the requirements in the Approved Methods.
26.	The Proponent shall ensure that subsidence of the land surface caused by auger coal mining does not result in vertical subsidence of greater than 20 mm.	Yes	Nil subsidence.
27.	The Proponent shall: (a) implement the Biodiversity Offsets summarised in Table 8 and described in the EA (shown conceptually in Figure 6 in Appendix 4); and (b) make suitable arrangements to provide appropriate long term security for the offset areas by the end of August 2010, to the satisfaction of the Director-General.	Not Yet Applicable	Regional Biodiversity Offset expected to be established by the end of October 2010
28.	The Proponent is to allocate at least 60 ha of the required offset from the Whitehaven Regional Biodiversity Offset area (offset 5 in Table 8). This must be done in consultation with DECC, and to the satisfaction of the Director-General.	Not Yet Applicable	Regional Biodiversity Offset expected to be established by the end of October 2010.
29.	The Proponent shall progressively rehabilitate the site in a manner that is generally consistent with the final landform set out in the EA (shown conceptually in Figure 5 in Appendix 4) to the satisfaction of the Director-General and DPI. The final landform shall provide for at least 84 hectares of woodland vegetation, in a manner generally consistent with that shown conceptually in Figure 6 in Appendix 4.	Not Yet Applicable	As per condition.
30.	The Proponent shall prepare and implement a detailed Landscape Management Plan for the site to the satisfaction of the Director-General and DPI. This plan must: (a) be prepared in consultation with DWE, DECC and GSC by suitably qualified expert/s whose appointment/s have been approved by the Director-General; (b) be submitted to the Director-General for approval by the end of March 2009; and (c) include a: <ul style="list-style-type: none"> • Rehabilitation and Offset Management Plan; • Final Void Management Plan; and • Mine Closure Plan 	No	Awaiting completion of Regional Biodiversity Offset Strategy (see condition 27).

Condition	Conditional Requirement	Compliance	Comments
31.	<p>The Rehabilitation and Offset Management Plan must include:</p> <ul style="list-style-type: none"> (a) the objectives for rehabilitation of the site and offset areas; (b) a strategic description of how the rehabilitation of the site would be integrated with surrounding land use; (c) a description of the short and long term measures that would be implemented to: <ul style="list-style-type: none"> • rehabilitate the site; • implement the biodiversity offsets; • manage the remnant vegetation and habitat on the site and in the offset areas; and • maximise effective vegetative linkages for the offset areas and across the valley floor to the Whitehaven Regional Biodiversity Offset area; (d) detailed performance and completion criteria for the rehabilitation of the site and the implement of the biodiversity offsets; (e) a detailed description of how the performance of the rehabilitation works and the offset areas would be monitored over time to achieve the stated objectives; (f) a detailed description of the measures that would be implemented to rehabilitate the site, including measures to be implemented for: <ul style="list-style-type: none"> • managing the remnant vegetation and habitat on site; • minimising impacts on fauna; • minimising visual impacts; • conserving and reusing topsoil; • controlling weeds, feral pests, and access; • managing bushfires; and • managing any potential conflicts between the rehabilitation works and/or biodiversity offsets and Aboriginal cultural heritage; (g) a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and (h) details of who is responsible for monitoring, reviewing and implementing the plan. 	No	See condition 30.
32.	<p>The Final Void Management Plan must:</p> <ul style="list-style-type: none"> (a) justify the final locations, configuration and future use of the final void; (b) incorporate design criteria and specifications of the final void based on verified groundwater modelling predictions and re-assessment of the post-mining groundwater levels; (c) assess the potential interactions between groundwater resources, surface water flows and the final void; and (d) describe what actions and measures would be implemented to: <ul style="list-style-type: none"> • minimise any potential adverse impacts associated with the final void; and • manage and monitor the potential impact of the final void. 	No	See condition 30.

Condition	Conditional Requirement	Compliance	Comments
33.	The Mine Closure Plan must: (a) define the objectives and criteria for mine closure; (b) investigate options for the future use of the site, including the final void; (c) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local and regional employment levels; (d) describe the measures that would be implemented to minimise or manage the on-going environmental effects of the project and (e) describe how the performance of these measures would be monitored over time.	No	See condition 30.
34.	The Proponent may destroy sites B1, B2 and B3, and undertake salvage of the artefacts contained in these sites, to the satisfaction of DECC. Representatives of the local Aboriginal community may, subject to the conditions of a Care and Control permit, relocate some or all of the artefacts contained in these sites to the Cumbo Gunerah Keeping Place.	Yes	Complete.
35.	The Proponent shall not destroy any known Aboriginal objects (as defined in the National Parks and Wildlife Act 1974), except in accordance with condition 34, without the written approval of the Director-General.	Yes	No known Aboriginal objects destroyed.
36.	The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Director-General. This plan must: (a) be submitted to the Director-General prior to the commencement of construction activities (not including the construction of the Kamilaroi Highway and Hoard Lane intersections); (b) be prepared in consultation with the DECC, Red Chief Local Aboriginal Land Council, Gunida Gonyah Aboriginal Corporation, Min Min Aboriginal Corporation and Bigundi Gunnedar Traditional People; (c) include a protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage on site; (d) make provision for the local Aboriginal community to monitor works at the project site that occur in areas considered by the local Aboriginal community to be culturally sensitive; (e) describe the measures that would be implemented to protect Aboriginal objects and traditional resources (such as Wild Orange – <i>Capparis mitchellii</i>) on site, or if any new Aboriginal objects or skeletal remains are discovered during the project; and (f) describe the cultural heritage awareness and protection training program to be undertaken by all employees and contractors.	Yes	Aboriginal Cultural Heritage Management Plan approved 5 th June 2008.
37.	The Proponent shall keep records of the amount of coal transported from the mine site, and number of coal truck movements each year, and include these records in the AEMR.	Yes	As per condition.
38.	Prior to coal being transported from the site, the Proponent shall ensure the coal transport route from the Belmont mine site to the Whitehaven Siding coal handling and preparation plant is constructed and tar sealed, to the satisfaction of GSC. If agreement cannot be reached, the matter shall be referred to the Director-General for resolution.	Yes	As per condition.

Condition	Conditional Requirement	Compliance	Comments
39.	The Proponent shall transport all coal from the site to the Whitehaven Siding coal handling and preparation plant by use of the road transport route shown in Figure 3 of Appendix 2, unless otherwise approved by the Director-General.	Yes	As per condition.
40.	The Proponent shall only dispatch coal from the site by road between the hours of (a) 7 am to 9:15 pm, Monday to Friday; (b) 7 am to 5:15 pm Saturday; and (c) At no time on Sundays and public holidays.	Yes	As per condition.
41.	The Proponent shall construct the Kamilaroi Highway intersections in consultation with GSC and to the satisfaction of RTA. This intersection must: (a) be completed within 18 months of this approval; (b) be constructed in accordance with a Traffic Management Plan approved by NSC and RTA; and (c) include appropriate signage and illumination of the intersections.	No	Works currently being completed.
42.	Prior to coal being transported from the site, the Proponent shall construct the Hoard Lane intersection in general accordance with the design shown in Figure 4 of Appendix 1, and to the satisfaction of GSC.	Yes	As per condition.
43.	By the end of March 2009, the Proponent shall reconstruct and bitumen seal Wean Road from the northern end of the existing tar seal to a point 200 metres north of the proposed light vehicle entry to the site from Wean Road. Additionally, within 3 months of the completion of the proposed diversion of Wean Road to facilitate open cut mining operations, the Proponent shall reconstruct and extend the bitumen seal Wean Road to a point 200 metres north of the relocated position of Jaeger Lane (see Figure 1 of Appendix 2) in general accordance with GSC's Rural Local Roads Standard, and to the satisfaction of GSC.	No	Wean Road reconstruction and bitumen sealing completed April 2010. Realignment of Wean Road scheduled for next AEMR period.
44.	By the end of September 2008, the Proponent shall review (and implement any approved changes to) the road maintenance agreement between the Proponent and GSC for public roads used as the coal transport route within Gunnedah Shire, to the satisfaction of GSC. If agreement cannot be reached, the matter shall be referred to the Director-General for resolution.	No	Completed early August 2009.
45.	Prior to the transport of any coal from the mine site, the Proponent shall produce and implement a combined Road Noise Management Plan for the project, Canyon (Whitehaven) and Tarrawonga mines, including a noise monitoring program and full consideration of the combined impacts of traffic associated with these mines, in consultation with GSC, and to the satisfaction of the Director-General.	Yes	Road Noise Management Plan approved 7 th November 2008.
46.	The Proponent shall: (a) ensure no outdoor lights shine above the horizontal; (b) ensure that all external lighting associated with the project complies with <i>Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting</i> ; (c) take all practicable measures to mitigate off-site lighting impacts from the project; and (d) minimise the visual impacts of the project, to the satisfaction of the Director-General.	Yes	As per condition.

Condition	Conditional Requirement	Compliance	Comments
47.	<p>The Proponent shall prepare and implement a Greenhouse and Energy Efficiency Plan for the project to the satisfaction of the Director-General. The plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with DECC and generally in accordance with the <i>Guidelines for Energy Savings Action Plans</i> (DEUS 2005, or its latest version) (b) be submitted to the Director-General for approval by the end of September 2008; (c) include a program to monitor greenhouse gas emissions and energy use generated by the project; (d) include a framework for investigating and implementing measures to reduce greenhouse gas emissions and energy use at the site; and (e) describe how the performance of these measures would be monitored over time. 	No	Greenhouse and Energy Efficiency Plan approved 10 th July 2009.
48.	<p>The Proponent shall:</p> <ul style="list-style-type: none"> (a) monitor the amount of waste generated by the project; (b) investigate ways to reuse, recycle, or minimise the waste generated by the project; (c) implement reasonable and feasible measures to minimise waste generated by the project; (d) ensure irrigation of treated wastewater is undertaken in accordance with Environmental Guidelines: Use of Effluent by Irrigation (DEC, 2004), or its latest version; and (e) report on waste management and minimisation in the AEMR, <p>to the satisfaction of the Director-General.</p>	Yes	As per condition.
Schedule 4: Additional Procedures			
1.	<p>If a landholder considers the project to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land.</p> <p>If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 2 months of the Director-General's decision;</p> <ul style="list-style-type: none"> (a) consult with the landowner to determine his/her concerns; (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land to: <ul style="list-style-type: none"> • determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and • identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and (c) give the Director-General and landowner a copy of the independent review. 	Not Yet Applicable	No requests from adjoining landowners.
2.	<p>If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.</p>	Not Yet Applicable	

Condition	Conditional Requirement	Compliance	Comments
3.	<p>If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall</p> <p>(a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and</p> <p>(b) conduct further monitoring to determine whether these measures ensure compliance.</p> <p>If the additional monitoring referred to above subsequently determines that the project is complying with the relevant criteria in schedule 3, or the Proponent and landowner enter into a negotiated agreement to allow these exceedances, then the Proponent may discontinue the independent review with the approval of the Director-General .</p>	Not Yet Applicable	
4.	<p>If the independent review determines that the relevant criteria in schedule 3 are being exceeded, but that more than one project is responsible for this non-compliance, then the Proponent shall, together with the relevant project/s:</p> <p>(a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the relevant criteria are complied with; and</p> <p>(b) conduct further monitoring to determine whether these measures ensure compliance; or</p> <p>(c) secure a written agreement with the landowner and other relevant projects to allow exceedances of the criteria in schedule 3,</p> <p>to the satisfaction of the Director-General.</p> <p>If the additional monitoring referred to above subsequently determines that the projects are complying with the relevant criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.</p>	Not Yet Applicable	
5.	<p>If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the Director-General for resolution.</p> <p>If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 6).</p>	Not Yet Applicable	

Condition	Conditional Requirement	Compliance	Comments
Schedule 5: Environmental Management, Monitoring, Auditing and Reporting			
1.	<p>The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General prior to the commencement of construction activities (not including the construction of the Kamilaroi Highway and Hoad Lane intersections and sections 1 and 2 of the road transport route), and:</p> <ul style="list-style-type: none"> (a) provide the strategic framework for environmental management of the project; (b) identify the statutory requirements that apply to the project; (c) describe in general how the environmental performance of the project would be monitored and managed; (d) describe the procedures that would be implemented to: <ul style="list-style-type: none"> • keep the local community and relevant agencies informed about the operation and environmental performance of the project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the project; • respond to any non-compliance; • manage cumulative impacts; and • respond to emergencies; and (e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project. 	Yes	Environmental Management Strategy approved by DG on 27 th May 2008.
2.	<p>The Proponent shall prepare and implement an Environmental Monitoring Program for the project to the satisfaction of the Director-General. This program must be submitted to the Director-General by the end of September 2008 and consolidate the various monitoring requirements in schedule 3 of this approval into a single document.</p>	No	Environmental Monitoring Program approved by DG on 15 th July 2009.
3.	<p>Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval, or the occurrence of an incident that causes (or may cause) material harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.</p>	Yes	As per condition.
4.	<p>Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that:</p> <ul style="list-style-type: none"> (a) describe the date, time and nature of the exceedance/incident; (b) identifies the cause (or likely cause) of the exceedance/incident; (c) describes what action has been taken to date; and (d) describes the proposed measures to address the exceedance/incident. 	Yes	As per condition.

Condition	Conditional Requirement	Compliance	Comments
5.	<p>By the end of March 2009, and annually thereafter, the Proponent shall submit an AEMR to the Director-General and to all relevant agencies. This report must:</p> <ul style="list-style-type: none"> (a) identify the standards and performance measures that apply to the project; (b) describe the works carried out in the last 12 months; (c) describe the works that would be carried out in the next 12 months; (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years; (e) include a summary of the monitoring results for the project during the past year; (f) include an analysis of these monitoring results against the relevant: <ul style="list-style-type: none"> • impact assessment criteria/limits; • monitoring results from previous years; and • predications in the EA; (g) identify any trends in the monitoring results over the life of the project; (h) identify any non-compliance during the previous year; and (i) describe what actions were, or are being, taken to ensure compliance. 	Yes	AEMR includes requirements of this condition.
6.	<p>By the end of March 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <ul style="list-style-type: none"> (a) be conducted by 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 project and assess whether it is complying with the relevant requirements in this approval and any associated EPL or Mining Lease (including any strategy, plan or program required under these approvals); (d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate, (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals. 	Not Yet Applicable	
7.	<p>Within 6 weeks of the completing of this audit, or as otherwise directed by the Director-General, the Proponent 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	
8.	<p>Within 3 months of submitting the audit report to the Director-General, the Proponent shall review, and if necessary revise the strategies/plans/programs required under this approval to the satisfaction of the Director-General.</p>	Not Yet Applicable	
9.	<p>By the end of September 2008, or other date agreed by the Director-General, the Proponent shall establish a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General. This CCC must be established and operated in general accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version) to the satisfaction of the Director-General.</p>	Yes	Rocglen Community Consultative Committee established in July 2008.

Condition	Conditional Requirement	Compliance	Comments
10.	<p>Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or AEMRs required under this approval, the Proponent shall:</p> <p>(a) provide a copy of the relevant document/s to the relevant agencies and CCC; and</p> <p>(b) put a copy of the relevant document/s on its website.</p>	Yes	As per condition.
11.	<p>From the end of September 2008, and thereafter during the project, the Proponent shall:</p> <p>(a) provide a copy of this approval as may be modified from time to time on its website;</p> <p>(b) provide a comprehensive, running summary or monitoring results required under this approval on its website; and</p> <p>(c) update these results on a regular basis (at least every three months).</p>	Yes	As per condition.

TABLE A3.2
Compliance Review – Environment Protection Licence 12870

Condition	Conditional Requirement	Compliance	Comments
A1.2	Mining for coal: >500,000 – 2,000,000 t produced. Coal works: 0 – 2,000,000 t loaded	Yes	ROM coal production in 2009/2010 reporting period = 956,535 tonnes Coal loaded within specified limits.
A4.1	Carry out works and activities in accordance with proposal contained in licence application.	Yes	As per condition.
L1.1	Comply with Section 120 of the POEO Act 1997 (re pollution of waters).	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	See Section 2.8.3 for details.
L6.1	Ensure noise compliance: (a) $L_{Aeq(15min)}$ criterion of 35dB(A) at all times (day, evening and night time periods); and (b) $L_{A1(1min)}$ criterion of 45dB(A) at night.	No	2 dB exceedance at “Surrey” and 3 dB exceedance at “Costa Vale” on 8 th September 2009. See Section 3.10.3 for details.
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 Monitoring Program. See Appendix 9 for details.
L7.1	The overpressure level from blasting operations at the premises must not exceed 115dB(Lin Peak) for more than 5% of total number of blasts over reporting period.	No	See Section 3.9 and Appendix 8 for details on exceedances.
L7.2	The overpressure level from blasting operations at the premises must not exceed 120dB(Lin Peak) at any time.	Yes	As per condition. See Section 3.9 and Appendix 8 for details.
L7.3	Ground vibration peak particle velocity from blasting operations must not exceed 5mm/s for more than 5% of the total number of blasts during the reporting period.	Yes	See Appendix 8. No exceedances during reporting period.
L7.4	Ground vibration peak particle velocity from blasting operations must not exceed 10mm/s at any time.	Yes	See Appendix 8. No exceedances during reporting period.

Condition	Conditional Requirement	Compliance	Comments
O1.1	Carry out licensed activities in a competent manner, i.e. (a) processing, handling, movement and storage of materials and substances; and (b) treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	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: (a) be maintained in a proper and efficient condition; and (b) be operated in a proper and efficient manner.	Yes	All plant and equipment is closely monitored and regularly serviced by Rocglen Coal Mine personnel.
O3.1	Minimise or prevent emission of dust from the premises.	Yes	Dust emissions are successfully 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.
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; (c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Yes	As per condition.
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.

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 refers 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	As per condition.
M4.1	Keep a legible record of all complaints re pollution arising from licenced activity.	Yes	Complaints register maintained by Environmental Manager.
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	Rocglen Coal Mine operates a complaints hotline on telephone No. 0439 441 251.
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	Initial meteorological station installed in 2002 and new station installed April 2009. Meteorological conditions monitored as specified in condition.
M8.1	For monitoring points specified, monitor noise utilising sampling method, units and frequency as directed.	Yes	As per condition.
R1.1	Complete and supply Annual Return to EPA comprising: (a) Statement of Compliance; (b) Monitoring & Complaints Summary.	Yes	As per condition.

Condition	Conditional Requirement	Compliance	Comments
R1.5	Provide EPA with Annual Return no later than 60 days after end of each reporting period.	Yes	As per condition.
R1.7	Retain copy of Annual Return for 4 years.	Yes	As per condition.
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	As per condition.
R2.1	Notify EPA of threatening or harmful incidents as soon as practicable by phoning EPA's Pollution Line service.	Not Yet Applicable	No incidents during reporting period.
R2.2	Provide written details of the incident to EPA within 7 days of incident.	Not Yet 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 from EPA during reporting period (or to date).
R3.2	The licensee must make all reasonable inquiries in relation to the even and supply the report to the EPA within such time as may be specified in the request.	Not Yet Applicable	No requests received from EPA 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 from EPA 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 from EPA during reporting period (or to date).
R4	Report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known.	No	The exceedance in overpressure was not initially reported to agencies due to oversight. A report has been completed into the incident and has now been referred under covering letter to agencies.
G1.1	Retain a copy of this licence at premises to which the licence applies.	Yes	Retained in the Rocglen Site Office.
G1.2	Produce licence to EPA officer upon request.	Not Yet Applicable	Rocglen Coal Mine personnel would 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 Rocglen Site Office if required. Rocglen Coal Mine personnel would produce the licence upon request.

TABLE A3-3
Compliance Review – ML 1620

Relevant Condition	Conditional Requirement	Compliance	Comments
1	Service of notice on landholders of granting of mining lease.	Yes	All affected landholders were advised within 3 months of the grant date.
2	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	As per condition.
3	Prepare and submit a MOP in accordance with DG's guidelines.	Yes	Initial MOP lodged with DPI and accepted on the 12 th June 2008. MOP amendment for highwall stability works submitted 23 rd September 2010 and awaiting approval. MOP period ends May 2014.
4	Lodge an annual Environmental Management Report with DG annually.	Yes	As per condition.
5.	Prepare the EMR in accordance with requirements in the Mining Lease.	Yes	Prepared in accordance with the requirements.
6	Submit additional environmental reports as directed by the DG.	Not Yet Applicable	No directions issued.
7	Rehabilitate disturbed land to a sustainable/agreed end land use to the satisfaction of the DG.	Yes	Reshaping and rehabilitation works progressing as appropriate.
8	Prepare a Subsidence Management Plan prior to commencing underground mining, in accordance with specified requirements	Not Applicable	No underground mining.
9	(a) Ensure that at least 15 competent people are efficiently employed on the lease area on each week day except Sunday or any week day that is a public holiday. OR (b) Expend on operations an amount of not less than \$262,500 per annum whilst the lease is in force.	Yes	An average of 53 full time personnel employed during the reporting period.
10	Comply with any direction given by an Environmental Officer of the Department in regard to non-compliance with the Act or any condition of this lease.	Not Yet Applicable	No direction received during reporting period.

Relevant Condition	Conditional Requirement	Compliance	Comments
11	Provide an exploration report, within a period of 28 days after each anniversary of the date this lease has effect. The report must be to the satisfaction of the DG and contain the specified requirements.	No	Report overdue.
15(a)	Ensure that ground vibration peak particle velocity generated by any blasting does not exceed 10mm/sec and does not exceed 5mm/sec in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises.	Yes	No exceedances recorded. See Appendix 8.
15(b)	Ensure that blast overpressure noise level generated by any blasting does not exceed 120 dB (linear) and does not exceed 115 dB (linear) more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises.	No	Two exceedances recorded. See Appendix 8.
16	Carry out operations in a manner that ensures the safety of persons and stock.	Yes	As per condition.
17(a)	Advise DWE Regional hydrogeologist of intention to drill exploration holes 28 days prior to commencement.	No	NSW Office of Water (NOW) not notified.
17(b)	All exploration drill holes must be completed to the satisfaction of the Director General in relation to:- <ul style="list-style-type: none"> • 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.

Relevant Condition	Conditional Requirement	Compliance	Comments
18	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. Surface water discharges have occurred above concentration threshold for TSS, however measures are being investigated to minimise potential for downstream pollution.
19	Operations must not interfere with transmission lines, pipelines or any other utility, without prior written approval of the DG and subject to any conditions he may stipulate.	Yes	As per condition.
20	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.
21(a)	Operations must not affect any road unless in accordance with the MOP or written approval of Director General.	Yes	As per condition.
21(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.
22	Access tracks kept to a minimum and positioned so as not to cause unnecessary damage. Temporary tracks to be ripped, topsoiled and revegetated when no longer required.	Yes	As per condition.
23(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.
23(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.
23(c)	Timber from Crown land within the lease area must not be used until all relevant approvals have been obtained.	Yes	As per condition.
25	Comply with direction of Director General if notice is issued with regard to resource recovery	Not Yet Applicable	No notice issued.
27	Provision of Security of \$100,000 to the Minister to ensure fulfilment of lease conditions.	Yes	As per condition.