

Appendices

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Appendix 1

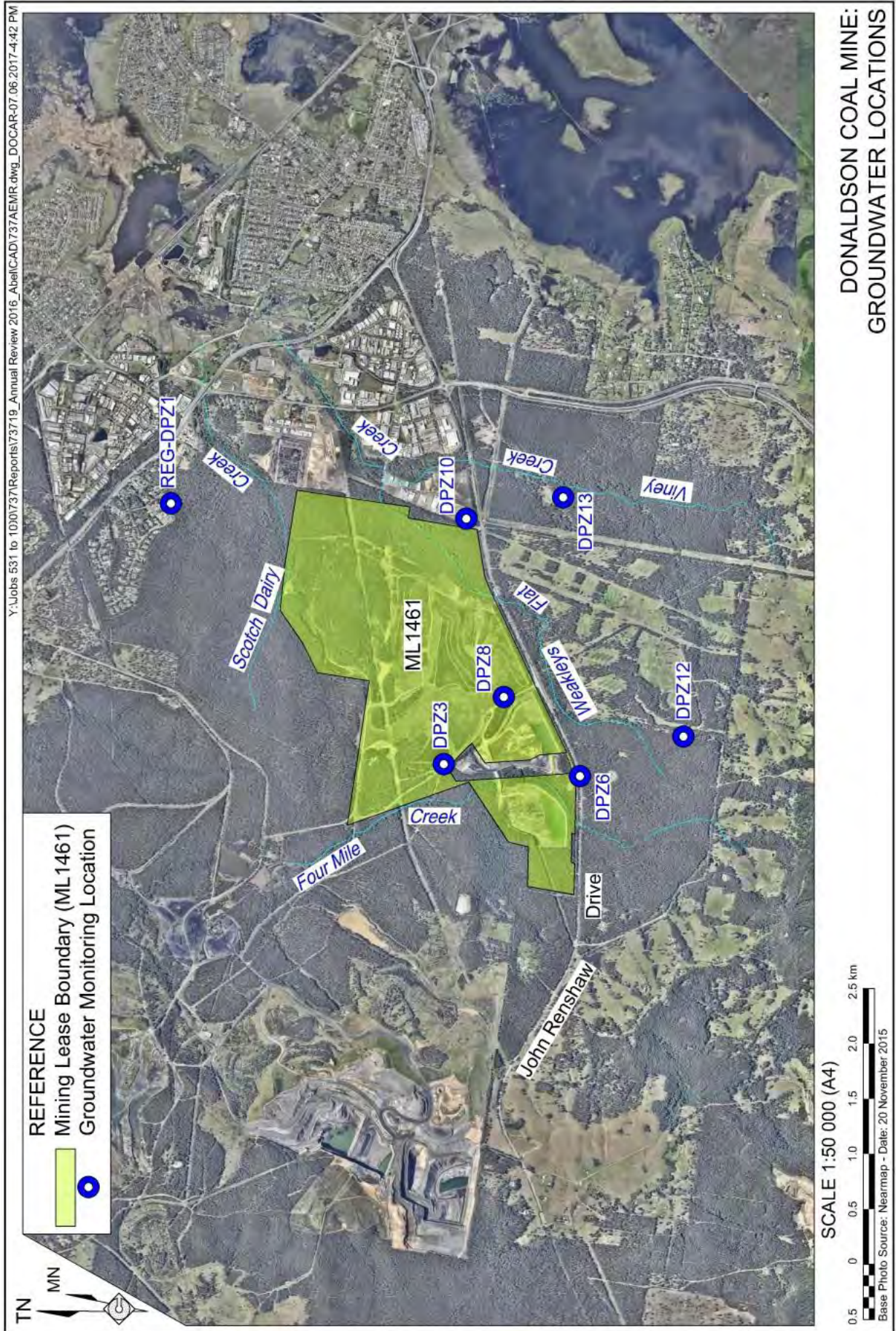
Site Locality Plan and Monitoring Locations



Locality Plan







Appendix 2

Description and Location of Known Aboriginal Sites

Site Name	Recorder	Location	Description	Comments
Bushland Conversation Area				
FMC3	Effenberger (1997)	368300E 6368900N Bank of Four Mile Creek	Artefact scatter (5 artefacts), one axe grinding groove	
FMC4	Effenberger (1997)	368250E 6368650N Lower slope above Four Mile Creek	Artefact scatter (2 artefacts)	
FMC5	Effenberger (1997)	368500E 6368700N Lower slope above Four Mile Creek	Artefact scatter (2 artefacts)	
FMC6	Effenberger (1997)	368400E 6366100N Upper slope above Four Mile Creek	Artefact scatter (4 artefacts)	
FMC7	Effenberger (1997)	367600E 6366500N Crest between Four Mile Creek and a major tributary	Artefact scatter (3 artefacts)	
FMC8	Effenberger (1997)	367600E 6366850N Upper slope above tributary of Four Mile Creek	Scarred tree	
WFC1	Effenberger (1997)	371200E 6369200N Lower slope above Weakleys Flat Creek	Artefact scatter (3 artefacts)	
ISF3	Umwelt (1998)	368750E 6367650N Lower slope above Four Mile Creek	Isolated find	
ISF4	Umwelt (2001)	370550E 6368625N Mid slope above Weakleys Flat Creek	Isolated find	
Four Mile Creek 1 (38- 4-139)	Brayshaw (1985)	368130E 6367020N Bank of Four Mile Creek	Artefact scatter (19 artefacts)	
Four Mile Creek 2 (38- 4-140)	Brayshaw (1985)	367820E 6366880N Terrace of Four Mile Creek	Artefact scatter (10 artefacts)	
CA1	Umwelt (2001)	370658E 6368051N Mid slope, south of Weakleys Flat Creek	Isolated find	
CA2	Umwelt (2001)	371132E 6369039N Lower slope, north west of Weakleys Flat Creek	Artefact scatter (2 artefacts)	
CA3	Umwelt (2001)	370985E 6370511N Lower slope above a tributary of Scotch Dairy Creek	Isolated find	
CA4	Umwelt (2001)	369568E 6370040N Mid slope above Scotch Dairy Creek	Isolated find	
CA5	Umwelt (2001)	368391E 6366747N Mid slope, east of Four Mile Creek	Isolated find	
CA6	Umwelt (2001)	368229E 6366592N Lower slope above a tributary of Four Mile Creek	Isolated find	

Site Name	Recorder	Location	Description	Comments
CA7	Umwelt (2001)	367617E 6366456N Mid slope above Four Mile Creek	Isolated find	
CA8	Umwelt (2001)	370746E 6369747N Lower slope, south of Scotch Dairy Creek	Isolated find	
DMS2	Umwelt (2002)	370966E 6368184N Mid slope, south of Weakleys Flat Creek	Artefact scatter (2 artefacts)	
DMS4	Umwelt (2002)	368649E 6368181N Mid slope, east of Four Mile Creek	Isolated find	
DMS5	Umwelt (2002)	370665E 6368177N Mid slope, south of Weakleys Flat Creek	Isolated find	
DMS6	Umwelt (2002)	370809E 6369721N Mid slope, south of Scotch Dairy Creek	Scarred tree	
Mine Impact Area				
ISF1	(Effenberger 1997)	370500E 6369100N Lower slope above small tributary of Weakleys Flat Creek	Isolated find	Consent to Destroy granted (2002)
ISF2	(Effenberger 1997)	369800E 6368950N Lower slope above tributary of Weakleys Flat Creek	Isolated find	Consent to Destroy granted (2002)
ISF5	Umwelt (2001)	370275E 6368626N Mid slope above Weakleys Flat Creek	Isolated find	Application being prepared for consent to remove
ISF6	Umwelt (2001)	370305E 6368600N Mid slope above Weakleys Flat Creek	Isolated find	Application being prepared for consent to remove
Ironbark 2 (38-4-339)	Ruig (1993)	369190E 6367890N Upper slope above tributary of Weakleys Flat Creek	Isolated find	
DMS1	Umwelt (2002)	369734E 6369122N	Isolated find	Consent to Destroy granted (2002)
DMS3	Umwelt (2002)	369090E 6367962N Mid slope above Four Mile Creek	Isolated find	

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Appendix 3

Compliance Review

**Table A3.1
Donaldson Development Approval – Compliance Review**

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
OPERATION OF DEVELOPMENT				
1	<p>(1) Applicant shall carry out the development generally in accordance with the:</p> <ul style="list-style-type: none"> Development application DA 8/01173, dated 13 February 1998, lodged with Maitland City Council and DA 118/698/22 dated 19 February 1998, lodged with Cessnock City Council and the accompanying Environmental Impact Statement (EIS) dated 10 February 1998, and prepared by PPK Environment and Infrastructure, as modified by reports in Schedule 4; Submissions to the Commission of Inquiry by the applicant; Statement of Environmental Effects titled Modification to the approved mining area at the Donaldson Open Cut Cola Mine, Beresfield, dated 10 November 2004, and prepared by GSS Environmental; modification application DA 98/01173 & DA 118/698/22 MOD 2 and supporting information, prepared by Donaldson Coal Pty Limited and dated 16 December 2010 and 25 March 2011; and Conditions of this consent. <p>(2) If there is any inconsistency between the above, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.</p> <p>(3) Unless otherwise specifically stated, the conditions of consent do not apply to lot 131 DP 234203 (owned by Steggles Limited at the date of this consent), provided the Deed of Agreement between Steggles Limited and the Applicant is in effect.</p>	YES		The Donaldson Coal project has been developed generally in accordance with the specified documents, with the mine pits and rehabilitation conducted in accordance with the Mining Operations Plan approved by DPI-Mineral Resources.
2	<p>Except as expressly provided by the Statement of Environmental Effects, dated 10 November 2004, the development shall be restricted as follows:</p> <p>(i) the mine plan in the EIS shall be reduced such that no mining shall be undertaken in any area identified in accordance with these Conditions as a Conservation Area. This includes the Tetratheca Juncea Conservation Area (Condition 68); and</p> <p>(ii) the Applicant shall not clear any land or erect any structures within any Conservation Area without obtaining any further development approval from the Director-General.</p>	YES		<p>The mining area is delineated on the mine plans with the Conservation Area that surrounds the disturbed area of the mine managed for the protection of the vegetation and habitat value.</p> <p>The relocation of the 11kV power line required clearing a small area of the Bushland Conservation Area on the western end of the site and rehabilitation of the existing power line easement.</p> <p>The clearing and rehabilitation of these areas and the adjustment to the boundaries of the Bushland Conservation Area were approved by DoP in</p>

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes																								
		Yes	No																									
				Nov 2006.																								
3	<p>(1) Subject to (2) the approved hours of operation are as follows:</p> <table border="1"> <thead> <tr> <th>Works</th> <th>Period</th> <th>Hours</th> </tr> </thead> <tbody> <tr> <td>Construction, including construction of any haulroads</td> <td>Monday to Friday Saturday</td> <td>7am to 6pm 8 am to 1pm</td> </tr> <tr> <td>Mining operations, including mining, haulage of waste to dumps and coal processing</td> <td>Monday to Friday Saturday, Sunday</td> <td>24 hours per day 7am to 6pm</td> </tr> <tr> <td>Road transportation and stockpiling of coal</td> <td>7 days per week</td> <td>24 hours per day</td> </tr> <tr> <td>Rail loading of coal</td> <td>7 days per week</td> <td>7am to 10pm</td> </tr> <tr> <td>Maintenance of mobile and fixed plant</td> <td>7 days per week</td> <td>24 hours per day</td> </tr> <tr> <td>Blasting, not involving closure of John Renshaw Drive</td> <td>Monday to Saturday</td> <td>7am to 5pm</td> </tr> <tr> <td>Blasting, involving closure of John Renshaw Drive</td> <td>Monday to Saturday</td> <td>10am to 2pm</td> </tr> </tbody> </table> <p><i>Table 1: Approved Hours of Operation</i> <i>Notes: Restrictions on Public Holidays are the same as Sundays.</i></p> <p>(2) The Applicant shall submit a report to the Director-General's satisfaction demonstrating that the noise limits in Condition 15 can be met while rail loading of coal is occurring during the period from 6pm to 10pm. If that report does not demonstrate that the noise limits can be met to the Director-General's satisfaction, then the hours of operation for rail loading of coal shall be restricted to 7am to 6pm.</p>	Works	Period	Hours	Construction, including construction of any haulroads	Monday to Friday Saturday	7am to 6pm 8 am to 1pm	Mining operations, including mining, haulage of waste to dumps and coal processing	Monday to Friday Saturday, Sunday	24 hours per day 7am to 6pm	Road transportation and stockpiling of coal	7 days per week	24 hours per day	Rail loading of coal	7 days per week	7am to 10pm	Maintenance of mobile and fixed plant	7 days per week	24 hours per day	Blasting, not involving closure of John Renshaw Drive	Monday to Saturday	7am to 5pm	Blasting, involving closure of John Renshaw Drive	Monday to Saturday	10am to 2pm	YES		No construction or mining activities occurred during the reporting period.
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4	The Applicant shall comply with any order of the Director-General to cease activities causing serious or irreversible environmental concerns, until those concerns have been addressed to the satisfaction of the Director-General.	Not activated.		No order issued to date.																								
COMMENCEMENT AND DURATION																												
5	<p>(1) To ensure the employment benefits of this development are realised without delay, the Applicant shall commence mining within two years of the date of this Consent. This does not remove the obligation of the Applicant to comply with any other requirement listed in the Conditions of this Consent.</p> <p>(2) To minimise potential delays to development on adjoining lands, consent for mining operations shall lapse on 31 December 2013.</p> <p><i>Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Director-General and DRE.</i></p> <p><i>Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been properly rehabilitated.</i></p>	YES		<p>Mining commenced on 25 January 2001 (i.e. within 2 years of granting of the Consent) therefore this condition was complied with. Extension of time approved by Department of Planning.</p> <p>The Donaldson Open Cut Coal Mine operations ceased in April 2013.</p>																								
6	The Applicant shall notify the Director-General and the Councils in writing of the dates of commencement of:	YES		Donaldson Coal provided written Notification to the Director-General and Councils prior to commencement of construction works, mining and coal processing operations.																								
7	No construction or mining shall commence until:	YES		(i) Compliance Reports for construction and mining were prepared and submitted to DUAP prior to commencement of the activities on the site in																								

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
	(ii) the Applicant provides evidence to the Director-General of an agreement with the adjoining Bloomfield mine for the use of rail loading infrastructure.			2001.
ENVIRONMENTAL OFFICER				
8	The Applicant shall employ an Environmental Officer, whose qualifications are suitable to the Director-General, throughout the life of the mine. The Environmental Officer shall: (i) be responsible for the preparation of the Environmental Management Strategy (Conditions 10-13) and environmental management plans; (ii) be responsible for considering and advising on matters specified in the Conditions of this Consent and compliance with such matters; (iii) be responsible for receiving and responding to complaints in accordance with Condition 113; (iv) facilitate an induction and training program for all persons involved with construction activities, mining and environmental management activities; and (v) have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.	YES		Phillip Brown was employed as Environmental Manager in May 2003 and Planning NSW was notified on 7 April 2003 as required by MCoA 8.
9	The Applicant shall notify the Director-General, OEH, NOW, DRE, Councils and the Community Consultative Committee (Conditions 107-110) of the name and contact details of the Environmental Officer upon appointment and upon any changes to that appointment.	YES		The Director-General, EPA, DLWC, DMR, NPWS, Councils and the Community Consultative Committee were notified 30 May 2003 by letter of the appointment of Phillip Brown.
ENVIRONMENTAL MANAGEMENT STRATEGY				
10	The Applicant shall prepare an Environmental Management Strategy (the Strategy) for the development, providing a strategic context for environmental management. All environmental management plans required by the Conditions of this Consent shall be consistent with the Strategy. The Strategy shall be prepared in consultation with the relevant authorities and the Community Consultative Committee and to the satisfaction of the Director-General, prior to commencement of construction.	YES		The Environmental Management Strategy was prepared in May 2000 for the Donaldson Mine for construction of the mine and mining operations. Revision of the EMS occurred to integrate the requirements of the Donaldson Mine and the mining contractor to provide a single EMS for the project occurred in 2002. Review and revision of the EMS has occurred as management plans for the Donaldson Coal operations are revised and an integrated Environmental Management Strategy to include the Tasman and Abel Coal projects was approved by DoP on 26 February 2008.

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
11	<p>The Strategy shall cover the area of mining, the haul road and rail loading facility, and the Conservation Areas. The Strategy shall include:</p> <p>(i) statutory and other obligations which the Applicant is required to fulfil during construction and mining, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;</p> <p>(ii) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management including the Environmental Officer;</p> <p>(iii) overall environmental management objectives and performance outcomes, during construction, mining and decommissioning of the mine for each of the key environmental elements for which management plans are required under this Consent;</p> <p>(iv) overall ecological and community objectives and a strategy for restoration and management including habitat areas, creeklines and drainage channels, within the context of those objectives;</p> <p>(v) identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;</p> <p>(vi) overall objectives and strategies for minimising the impacts of the development on economic productivity;</p> <p>(vii) steps to be taken to ensure that all approvals, plans, and procedures are being complied with;</p> <p>(viii) processes for conflict resolution in relation to the environmental management of the project; and</p> <p>(ix) documentation of the results of consultations undertaken in the development of the Strategy.</p>	YES		The Environmental Management Strategy prepared for the Donaldson Mine included sections addressing each of the elements of ISO14001 and the requirements of MCoA 11.
12	The Applicant shall make copies of the Environmental Management Strategy available to Councils, OEH, NOW, DRE and the Community Consultative Committee within 14 days of approval by the Director-General.	YES		Copies of the Environmental Management Strategy and revisions prepared for Donaldson Coal projects have been made available.

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
ENVIRONMENTAL MONITORING AND REVIEWING				
13	<p>(1) Except as provided in (2), the Applicant shall provide six-monthly monitoring reports on all environmental monitoring required under this Consent for the first three years of the project and for any further period as may be determined necessary by the Director-General. The reports shall contain interpretations of the monitoring data, and summarise exceedances and action taken. The Applicant shall make copies of the monitoring reports available to the Director-General, NOW, OEH, DRE, Councils and the Community Consultative Committee.</p> <p>(2) Noise monitoring reports shall be provided six-monthly for the life of the mine, unless the Director-General, on the advice of the independent noise expert (Condition 48) requires more frequent reports.</p>	YES		<p>Monitoring Reports including all noise, blasting, air quality, surface and groundwater, indigenous heritage, flora and fauna, employment statistics, community consultation and complaints, were prepared six monthly and provided to the relevant authorities listed in MCoA 13 (1) between 2001 and 2004.</p> <p>DIPNR approved the reporting of monitoring an annual basis on 1 April 2004.</p> <p>All monitoring data and reporting has occurred in the AEMR's / Annual Reviews since 2004.</p>
14	<p>All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program. Only accredited laboratories shall be used for laboratory analysis.</p>	YES		<p>Quality assurance/Quality Control information and data is included in the laboratory reports from the NATA registered laboratory, with the monitoring data.</p> <p>All sampling and analysis has been conducted by Ecowise Environment NATA or AS/NZS ISO 17025 registered laboratories, as from 23 May 2002.</p>

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes																											
		Yes	No																												
NOISE AND VIBRATION																															
Noise Limits																															
15	<p>Except as may be expressly provided by a OEH licence under the <i>Protection of the Environment Operations Act 1997</i>, or unless subject to a negotiated agreement in accordance with Condition 23, the Applicant shall ensure that the noise emission from construction or mining operations, when measured or computed at the boundary of any dwelling not owned by the Applicant (or within 30 metres of the dwelling, if the boundary is more than 30 metres from the dwelling), shall not exceed the following limits:</p> <table border="1"> <thead> <tr> <th colspan="3">Location LA10(15 minute) noise limits (dB(A))</th> </tr> <tr> <th></th> <th>Daytime</th> <th>Night-time</th> </tr> </thead> <tbody> <tr> <td>Beresfield (residential)</td> <td>45</td> <td>35</td> </tr> <tr> <td>Steggles Poultry Farm</td> <td>50</td> <td>40</td> </tr> <tr> <td>Ebenezer Park</td> <td>46</td> <td>41</td> </tr> <tr> <td>Black Hill Area</td> <td>40</td> <td>38</td> </tr> <tr> <td>Buchanan/Louth Pk</td> <td>38</td> <td>36</td> </tr> <tr> <td>Ashtonfield Area</td> <td>41</td> <td>35</td> </tr> <tr> <td>Thornton Area</td> <td>48</td> <td>40</td> </tr> </tbody> </table> <p><i>Table 2: Noise Limits</i> <i>Note: Daytime is 7am to 10pm Monday – Saturday, and 8am to 10pm Sundays and Public Holidays. Nighttime is 10pm to 7am Monday – Saturday, and 10pm to 8am Sundays and Public Holidays.</i> The noise limits apply for prevailing meteorological conditions (winds up to 3 m/s), except under conditions of temperature inversions.</p>	Location LA10(15 minute) noise limits (dB(A))				Daytime	Night-time	Beresfield (residential)	45	35	Steggles Poultry Farm	50	40	Ebenezer Park	46	41	Black Hill Area	40	38	Buchanan/Louth Pk	38	36	Ashtonfield Area	41	35	Thornton Area	48	40	YES		Given that mining operations have ceased, no noise monitoring was undertaken during the reporting period. Previous Quarterly Noise Surveys generally identified that noise levels contributed by Donaldson Mine operations do not exceed noise emission goals for any of the periods. IN the absence of operations, complaints and previous monitoring results, compliance is considered likely.
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Noise Management																															
16	Prior to 31 October 2005, the Applicant shall prepare a Noise Monitoring Program for the development in consultation with OEH, and to the satisfaction of the Director-General, which includes a noise monitoring protocol for evaluating compliance with the criteria in condition 15.	YES		The Mine Noise Monitoring Plan was forwarded to DoP and DEC in Oct 2005 and a final revised copy submitted on 27 Dec 2005 for approval. The Plan was approved by DoP on 22 Jan 2007.																											
17	Deleted in Notice of Modification 26 August 2005																														
18	Deleted in Notice of Modification 26 August 2005																														
19	Deleted in Notice of Modification 26 August 2005																														
20	In the event that a landowner or occupier considers that noise or vibration from the project at their property is in excess of the relevant criteria set out in this Consent, the Applicant shall, upon receipt of a written request and at its own expense immediately undertake direct discussion with the landowners or occupiers affected to determine their concerns. Independent investigations of the noise complaints shall be carried out if the matter is not resolved within six weeks, in accordance with Conditions 48-53	Not activated.		No request for acquisition by any land owners due to noise or vibration impact had been initiated prior to April 2007.																											
Noise Acquisition																															
21	If noise monitoring or independent noise investigations indicate that noise from construction or operation of the mine at the	Not activated		.																											

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes						
		Yes	No							
	boundary of a dwelling, or within 30 metres of the dwelling where the boundary is more than 30 metres from the dwelling, is in excess of the noise limits set out in this Consent under adverse weather conditions and if appropriate noise control measures cannot be achieved on the mine site, the landowner may request the Applicant in writing to acquire the whole of the property or such part of the property requested by the landowner where subdivision is approved. Note: Adverse weather conditions means the presence of winds up to 3 metres per second, and/or temperature inversions of up to 4 degrees Celsius per 100 metres.									
22	Any such request shall be referred to the Director-General for determination in consultation with the independent expert. If the Director-General determines acquisition is necessary, the Applicant shall acquire the property in accordance with Conditions 54-55.	Not activated								
Negotiated Agreements										
23	If monitoring or independent investigations indicate that noise or dust from the mine is in excess of the criteria set out in this Consent and the affected landowner does not wish to be acquired, the Applicant shall, if requested by the affected landowner, enter into a negotiated agreement. Where a negotiated agreement is required, the Applicant shall, within the time period specified by the Director-General: (i) appoint an independent facilitator, approved by the Director-General; (ii) negotiate a package of benefits for the landowner, which may include undertaking noise reduction measures on the property or at the dwelling(s) or compensation; (iii) pay all reasonable costs of the process; and (iv) report to the Director-General and the OEH on the agreement reached.	Not activated		No requirement for a negotiated agreement with any land owners.						
BLASTING										
Blasting Criteria										
24	The Applicant shall ensure that the airblast over pressure level from blasting at the development does not exceed the criteria in Table 3, and the ground vibration level does not exceed the criteria in Table 4, at any residence on privately-owned land or noise sensitive location as defined in the EPA's Industrial Noise Policy.	YES		No blasting occurred during the 2015/2016 reporting period.						
	<table border="1"> <tr> <td>Airblast overpressure (db(Lin Peak)</td> <td>Allowable exceedance</td> </tr> <tr> <td>115</td> <td>5% of total number of blasts in a 12 month period</td> </tr> <tr> <td>120</td> <td>0%</td> </tr> </table>				Airblast overpressure (db(Lin Peak)	Allowable exceedance	115	5% of total number of blasts in a 12 month period	120	0%
	Airblast overpressure (db(Lin Peak)				Allowable exceedance					
	115				5% of total number of blasts in a 12 month period					
120	0%									
Table 3: Airblast Overpressure Impact Assessment Criteria										

Condition	Minister's Conditions of Consent (MCoA)		Compliance		Comments/Notes
			Yes	No	
	Peak Particle Velocity mm/s	Allowable exceedance			
	5	5% of total number of blasts in a 12 month period			
	10	0%			
<i>Table 4: Ground Vibration Impact Assessment Criteria</i>					
Blasting Design and Management					
25	(1) The Applicant shall not blast within 500 metres of an occupied residence.		YES		(1) There are no residential properties within 500 metres of the mining operations.
	(2) The Applicant shall not blast within 500 metres of private lands unless there is a written agreement between the Applicant and the landowner/occupier(s) to the satisfaction of the Director-General that guarantees the safety of persons who might use those lands.		YES		None identified during this period.
	(3) The Applicant shall not blast within 500 metres of public lands unless public access to those areas is prevented at times of blasting.		YES		(3) An Agreement between Donaldson Coal and the RTA was signed in 2004 and a Road Occupancy Licence obtained in 2006 in relation to any short-term closure of John Renshaw Drive during blasting operations within 500 metres the public road. The Road Occupancy Licence with the RTA has been extended each six months since 2006, to allow Donaldson Coal to effect short-term road closures (of no greater than 10 minutes) when blasting was to occur at the mine within 500m of the public road.
	(4) The Applicant shall not blast within 500 metres of a public road unless the road is closed with the prior written agreement of the Regional Traffic Committee (or in the absence of the Regional Traffic Committee, the Director-General). A copy of any such agreement shall be supplied to the Director-General within 14 days of the agreement. If determined necessary by the Regional Traffic Committee, the Applicant shall prepare a Traffic Study to identify upgrading of the surrounding road system commensurate with the additional traffic volumes. The Study shall be prepared in consultation with Councils and the RTA, and to the satisfaction of the Regional Traffic Committee. All recommended traffic management measures and road infrastructure upgrading are to be undertaken at the Applicant's expense prior to any closure of John Renshaw Drive. If the study identifies the need for acquisition to enable the works to be undertaken, acquisition shall occur in accordance with the acquisition procedures established under this Consent.		YES		An Agreement between Donaldson Coal and the RTA was signed in 2004 and a Road Occupancy Licence obtained in 2006 in relation to any short term closure of John Renshaw Drive during blasting operations that are within 500 metres the public road. Donaldson Coal have applied for and received an Extension from RTA for closure of John Renshaw Drive (Main Road 588) during blasting events at the Donaldson Mine.

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
	(5) The 500 metre distance may be reduced by the Director-General if a risk analysis undertaken by the Applicant to the Director-General's requirements indicates a lesser distance provides an appropriate level of safety.			Not activated at the time of this audit.
26	The Applicant shall prepare and implement a Blast Management Plan in consultation with DRE and Councils, prior to the commencement of blasting (including trial blasting). The Applicant shall make copies of the Blast Management Plan available to the independent noise expert (Condition 48), OEH, /DRE, Councils and the Community Consultative Committee within 14 days of approval by the Director-General.	YES		Blast Management Plan was developed for the Donaldson Mine in consultation with the DMR and Maitland City Council, Cessnock City Council, and Newcastle City Council, prior to the commencement of blasting at the Donaldson Mine and copies of the Plan were distributed to the relevant authorities and the CCC. The Blast Management Plan was revised in 2007 and approved by DoP.
27	The Blast Management Plan shall: (i) provide details of any proposed trial blasting;			(i) The Blast Management Plan 2001 addresses Trial Blasting in Section 6.2.
	(ii) identify a monitoring program, including locations and justification for selection of locations such as the Steggles Black Hill poultry operations and areas of old underground mine workings;	YES		(ii) The Blast Management Plan 2001 Section 8 addressed the Monitoring Program for the specified areas.
	(iii) detail measures to ensure that air blast overpressure and vibration monitoring and control is generally carried out in accordance with the recommendations of Australian Standard AS-2187-1993 (or its latest version) and in terms of ANZECC Guidelines;	YES		The Blast Management Plan 2001 addresses Monitoring Procedures, in Section 8. The monthly Blast Monitoring and Assessment Reports by Hunter Acoustics address the quality control and monitor the data collection and recording.
	(iv) detail methods to measure weather data as soon as practicable prior to blasting and from that data predict whether noise levels are likely to be increased above the levels expected under prevailing meteorological conditions;	YES		The Blast Management Plan 2001 addresses Meteorological Data Collection in Section 7.2 and Table 9.4.1. The meteorological station located at the Donaldson Mine provides continuous records of the prevailing weather conditions and this data is available immediately prior to blasting.
	(v) detail measures to be taken to minimise disruptions from blasting, including any road closures agreed in accordance with Condition 25, and management of impacts on local traffic and pedestrian movements;	YES		(iii) The Blast Management Plan 2001 addresses minimisation of disruptions caused by blasting in Section 7.3. John Renshaw Drive road closure only occurs for a maximum of 10 minutes at the time of any blast in accordance with the RTA Road Occupancy Licence.
	(vi) specify procedures for ensuring that the occurrence of concurrent blasts with the adjoining coal mine operators is avoided;	YES		The Blast Management Plan 2001 addresses timing of blasts in Section 7.4.

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		Yes	No	
	and			
	(vii) identify procedures for notifying landowners/occupiers within 2 km of the site of the general blasting program and for notifying landowners or occupiers within 500m of blasting events (or any reduced area approved by the Director-General under Condition 25(5)) prior to blasting occurring.	YES		The Blast Management Plan addresses Notification of blasting events to land owners in Section 7.5. Blast notification is provided to landowners within 2km of the blast area. Newcastle Fairfax and the chicken farms are advised prior to each blast.
28	The Applicant shall not blast if weather conditions indicate that air blast overpressure levels are likely to be exceeded at residences not owned by the Applicant.	Not Applicable		No blasting occurred during the reporting period.
29	The Applicant shall report on blasting practices (including any trial blasting), weather data and the results of blast emissions monitoring in the six-monthly environmental monitoring reports and in the AEMR.	Not Applicable		No blasting occurred during the reporting period.
30	The Applicant shall revise the Blast Management Plan as necessary and provide an updated Plan five years after commencement of mining to the Director-General, the independent noise expert, OEH, DRE, Councils and the Community Consultative Committee.	YES		The Blast Management Plan was revised and submitted to the DoP on 16 July 2007. Approval from DoP was received on 17 July 2007.
Blasting Impacts				
31	Prior to the commencement of blasting, the Applicant shall undertake baseline structural surveys of all buildings and structures within 1.5 kilometres of blasting locations, unless it can be demonstrated to the satisfaction of the Director-General in consultation with DRE that surveys of certain properties are unnecessary because blasting damage is unlikely to occur to those properties. In conducting these structural surveys, the Applicant shall ensure that: (i) the surveys are carried out by a technically qualified person, as agreed in consultation with the Director-General and relevant landowners; and (ii) a copy of any inspection report (including video or photographs, if requested), certified by the person who undertook the inspection, is supplied to the relevant property owner within 14 days of receipt of same.	YES		Two consultants - Burke Engineering Services and Geoff Craig & Associates, were offered to building owners for the structural survey reports in 2000. All the required surveys of residences had been conducted when blasting commenced at the mine site, except for buildings on the Steggles property (as per a commercial agreement with Steggles). The survey of ABAKK House at the western end of the property was carried out later when the Donaldson Mine operations progressed to the west. Donaldson Coal corresponded with ABAKK Pty Ltd in 2007 in relation to three dwellings and infrastructure that would be within 1500m of the area of blasting at the Donaldson Mine and arranged for structural inspections. A copy of the structural survey reports were provided to the property owners for each residence/structure.

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		Yes	No	
32	In the event that a landowner or occupier considers that blast emissions from the development may have affected the material condition of their property, the landowner may make a written request to the Director-General for an independent dilapidation assessment. If the Director-General, in consultation with the DRE, is satisfied that an independent investigation is required, the Applicant shall ensure: (i) the survey is carried out by a technically qualified person, as agreed in consultation with the Director-General and the relevant landowners or occupiers; and (ii) a copy of any inspection report (including video or photographs, if requested), certified by the person who undertook the inspection, is supplied to the relevant property owner within 14 days of receipt of same.	Not activated at the time of this audit.		No requests for structural surveys have been received during this reporting period.
33	Where a dilapidation assessment concludes that structural damage has occurred as a result of blast emissions, the Applicant shall undertake immediate preventative and/or remedial measures at its expense.	YES		No dilapidation assessments have been requested during this reporting period.
Newcastle Herald's Printing Facilities at Holmwood Business Park				
34	Prior to commencement of mining, the Applicant shall: (i) conduct ambient vibration monitoring adjacent to (on the floor) and if required, on the most vibration-sensitive component of the printing facilities in order to establish both the levels of ambient vibration generated by the operation of the Printing Facility itself and that of any other nearby vibration sources; (ii) provide a detailed report on the monitoring procedures and the monitoring results and findings to the Newcastle Herald upon completion of the survey; (iii) meet with Herald representatives to discuss the results of the survey and determine whether the initially agreed limit of 0.3 mm/s is appropriate; and (iv) design initial blasting for compliance with a peak particle velocity vibration criterion of 0.3 mm/s adjacent to or on the Printing Facility, unless a more appropriate limit is mutually agreed.	YES		Blast Vibration Assessment was conducted for the Newcastle Fairfax Printing facility in 2001. The report results established the ambient vibration levels at the site. Discussions with Fairfax in 2001 resulted in an agreement that the vibration criteria be 3 mm/s ppv. Correspondence in relation to the 3mm/s ppv was received by Donaldson and DUAP advised of the change on 18 December 2001.
35	The Applicant shall monitor the impacts of blasting on the Printing Facility throughout the life of the mine, at a mutually agreed location in or adjacent to the Printing Facility during every blast. The Applicant shall provide results of the monitoring to the Newcastle Herald and provide a summary in the AEMR.	Not Applicable		No blasting occurred during the reporting period.
Hunter Water Corporation Pipelines				
36	The Applicant shall ensure that blasting is undertaken in a manner that protects the Hunter Water Corporation's pipeline to the satisfaction of the Hunter Water Corporation.	YES		Consultation with HWC resulted in agreement of a peak particle velocity of 100mm/sec at the pipeline. Vibration monitoring has been conducted for each blast at

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		Yes	No	
				monitors located along the pipeline corridor. No results have exceeded the blast criteria agreed between Donaldson Coal and HWC for the pipeline infrastructure during this reporting period.
AIR QUALITY				
Air Quality Criteria				
37	The Applicant shall take all practical steps to manage the mine's operations so that the ambient air quality goals for total suspended particles (TSP) of 90ug/m ³ (annual average) and the dust deposition goal of 4gm/m ² (annual average) are not exceeded as a result of the development when monitored at any monitoring location specified in the Air Quality Management Plan.	YES		The air quality results reported for the Donaldson Mine are compliant with the criteria in MCoA 37. The dust deposition criteria of 4gm/m ² and the TSP goal of 90ug/m ³ have not been exceeded during this reporting period.
Air Quality Management				
38	The Applicant shall prepare and implement an Air Quality Management Plan, containing strategies to manage the mine's contribution to dust deposition, TSP, PM10 and PM2.5 to the satisfaction of the Director-General, prior to the commencement of construction. The Applicant shall make copies of the Air Quality Management Plan available to the independent expert (Condition 48), OEH, Councils and the Community Consultative Committee within 14 days of approval by the Director-General.	YES		The Air Quality Management Plan for the Donaldson Mine was finalised in November 2000 and presented to the CCC on 13 November 2000. The Air Quality Management Plan was reviewed in 2007 by Holmes Air Services and no revision was required.
39	The Air Quality Management Plan shall: (i) identify potential sources of dust deposition, TSP and fine particulates (PM10 and PM2.5) and specify appropriate monitoring intervals and locations. The purpose of the monitoring is to evaluate, assess and report on these emissions and the ambient impacts with the objective of understanding the mine's contribution to levels of dust deposition, TSP and fine particulates in ambient air around the mine site;	YES		(i) Air Quality Management Plan addresses potential sources of dust emissions and presents an appropriate monitoring program in Section 2. The monitoring program was implemented and the results of the dust deposition, TSP, PM10 and DustTrak recording are presented in Section 6 of the Annual Review.
	(ii) provide the mine's monitoring plan having regard to local meteorology and the relevant Australian Standards, identifying the methodologies to be used, including justification for monitoring intervals, weather conditions, seasonal variations, selecting locations, periods and times of measurements;	YES		(ii) Air Quality Management Plan addresses the monitoring plan in Section 5.
	(iii) provide the design of any modelling or other studies, including the means for determining the contribution to dust deposition, TSP and fine particulates from the development;	YES		(iii) Air Quality Management Plan addresses modelling and other studies in Section 5.
	(iv) provide details of dust suppression measures for all sources of dust from the development (including the haul road and the rail loading site);	YES		(iv) Air Quality Management Plan addresses dust suppression measures in Section 6.

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		Yes	No	
	(v) provide details of actions to ameliorate impacts if they exceed the relevant criteria; and	YES		Air Quality Management Plan addresses amelioration and mitigation measures for dust control in Section 7.
	(vi) provide the design of the reactive management system intended to reduce the day-to-day impacts of dust and fine particulates due to the mine's operation.	YES		Air Quality Management Plan addresses dust management procedures in Section 7.2, 7.4 and 7.5.
40	The Applicant shall ensure the prompt and effective rehabilitation of all disturbed areas as soon as practicable to minimise the generation of dust.	YES		Rehabilitation has progressively occurred on disturbed land at the Donaldson Mine overburden and backfill areas to minimise generation of wind blown dust, with revegetation established using local indigenous species.
41	The Applicant shall cease offending work at such times when the hourly average wind speed exceeds 5 metres per second and the operations are resulting in visible dust emissions blowing in a direction so as to cross onto public roads or lands not owned by the Applicant.	YES		The meteorological station installed at the Donaldson Mine site provides continuous reading of wind speed. Results are available instantly on computer at the Donaldson Mine site offices. Wind speed above 5 m/s triggers a response to stop work at the mine site until wind conditions return to below 5 metres/sec.
42	The Applicant shall revise the Air Quality Management Plan as necessary and provide an updated Plan five years after commencement of mining and to the Director-General, independent air quality expert (Condition 48), OEH, Councils and the Community Consultative Committee.	YES		The Air Quality Management Plan and monitoring program was reviewed by Holmes Air Services in 2007 and it was concluded that the plan was adequate and did not require to be updated. The DoP accepted that the Air Quality Management Plan did not require revision following the review by Holmes Air Services.
Air Quality Monitoring				
43	The Applicant shall install, maintain and continuously operate a meteorological station in accordance with the relevant Australian Standards and to the satisfaction of the OEH. The meteorological station shall be installed within six weeks of the date of this consent and remain for the life of the mine. The Applicant shall analyse and report the meteorological data on a monthly basis to adequately characterise the site, and shall use the data collected by the wind monitoring and recording station to determine when and how the mine operation is to be modified in accordance with the Air Quality Management Plan and the Conditions of this Consent.	YES		Meteorological station installed at the Donaldson Mine site office in December 2000. Meteorological data is collected continuously and analysed monthly in the air quality reports prepared by Holmes Air Sciences.

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		Yes	No	
44	The Applicant shall install, maintain and operate dust deposition gauges in accordance with the relevant Australian Standards and to the satisfaction of the OEH. The dust deposition gauges shall be installed and operational within six weeks of the date of this consent and the Applicant shall determine the dust deposition rate in grams/m ² /month in each calendar month so that any increases in dust deposition rates can be presented in the AEMR.	YES		Eleven (11) dust deposition gauges have been installed on the Donaldson Mine site, in accordance with Australian Standard. Dust deposition is analysed monthly and the data is presented by Holmes Air Services in a monthly report to Donaldson Coal..
45	(1) The Applicant shall install, maintain and operate an air quality monitoring network in accordance with the relevant Australian Standards and to the satisfaction of the OEH. The network shall be installed and operational within six weeks of the date of this consent and in each calendar year the Applicant shall determine the concentrations of TSP in g/m ³ (annual average) and fine particulates (PM ₁₀ and PM _{2.5}) in g/m ³ (24 hour average and annual average) so that the contribution of the mine to regional ambient air quality can be presented in the AEMR. (2) The Applicant shall also participate in (and if appropriate contribute reasonable funds to) regional air quality studies conducted by or on behalf of the OEH or the Director-General.	YES		(1) See MCoA 44 above. All air quality meteorological data is stored on the air quality database at the Donaldson Mine site. High Volume Air Samplers (HVAS) have been installed at Bartter Enterprise site and Beresford Golf Course for collection of TSP, PM ₁₀ and PM _{2.5} particulate. (2) No approach has been made to Donaldson Mine in relation to regional air quality studies during this reporting period.
Air Quality Acquisition				
46	If dust monitoring or independent dust investigations indicate that dust from operation of the mine at a dwelling is in excess of the criteria set out in this Consent and if appropriate dust control measures cannot be achieved on the mine site, the landowner may request the Applicant in writing to acquire the whole of the property or such part of the property requested by the landowner where subdivision is approved.	Not activated.		
47	Any such request shall be referred to the Director-General for determination. If the Director-General determines acquisition is necessary, the Applicant shall acquire the property in accordance with Conditions 54-55.	Not activated.		

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
INDEPENDENT MONITORING OF NOISE, VIBRATION OR DUST				
48	<p>The Applicant shall bear the reasonable costs of the appointment by the Director-General of an independent noise and air quality expert(s) and/or mediator to assist in the implementation of the Conditions of this Consent. The independent expert(s) shall:</p> <p>(i) receive and advise the Director-General on the Noise, Blast and Air Quality Management Plans;</p> <p>(ii) receive and advise the Director-General on noise and dust monitoring results;</p> <p>(iii) be responsible for, or supervise, the independent investigation of complaints; and</p> <p>(iv) advise the Director-General on the need for acquisition due to noise, vibration or dust.</p> <p>The independent expert(s) shall report directly to the Director-General and provide such advice as agreed by the Director-General to the Applicant and the landowner or occupier.</p>	Not activated		
49	<p>In the event that a landowner or occupier considers that noise, vibration and/or dust from the project at their property is in excess of the relevant criteria set out in this Consent the landowner may make a written request to the Applicant for an investigation. If the Director-General, on the advice of the independent expert, is satisfied that an investigation is required, the independent expert shall ensure that:</p> <p>(i) direct discussions are undertaken with the landowners or occupiers affected to determine their concerns and to plan and implement an investigation to quantify the impact and determine the sources of the effect;</p> <p>(ii) independent investigations are conducted to quantify the impact and determine the source of the effect; and</p> <p>(iii) a report is submitted to the Director-General, the Applicant and the landowner or occupier.</p>	Not activated.		
50	<p>If exceedances are identified, within six weeks or as otherwise directed by the Director-General, the Applicant shall modify the mining activity which may be causing the impacts and/or enter into a negotiated agreement (Condition 23) with the affected landowner.</p>	Not activated.		
51	<p>The Applicant shall bear the cost of the independent investigations and make available plans, programs and other information necessary for the independent expert(s) to form an appreciation of the past, present and future works and their effects on noise, vibration and/or dust emissions.</p>	Not activated.		

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
52	Investigations shall be carried out in accordance with a documented Plan. The Plan shall be designed and implemented to measure and/or compute (with appropriate calibration by measurement) the relevant noise, vibration and/or dust levels at the complainant's residence/property boundary emitted by the development.	Not activated.		
53	Further independent investigations shall cease if the Director-General, in consultation with the independent expert, is satisfied that the relevant approval levels are not being exceeded and are unlikely to be exceeded in the future.	Not activated.		
ACQUISITION PROCEDURE				
54	<p>Upon determination of the Director-General in relation to the purchase of a property in accordance with any Conditions of this Consent, the Applicant shall negotiate and purchase the whole of the property (unless the request specifically requests acquisition of only part of the property and subdivision has already been approved) within six months of receipt of notification from the Director-General. The Applicant shall pay the landowners an acquisition price resulting from proper consideration of:</p> <p>(i) a sum not less than the current market value of the owner's interest in the land, whosoever is the occupier, having regard to:</p> <p>(a) the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request;</p> <p>(b) the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of the request is completed subsequent to that date; and</p> <p>(c) as if the land was unaffected by the development proposal.</p> <p>(ii) the owner's reasonable compensation for disturbance allowance and relocation within the Lower Hunter Region;</p> <p>(iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price for the land and the terms upon which it is to be acquired; and</p> <p>(iv) the purchase price determined by reference to points (i), (ii) and (iii) shall be reduced by the amount of any compensation awarded to a landowner pursuant to the Mining Act, 1992 or other legislation providing for compensation in relation to coal mining but limited to compensation for dwellings, structures and other fixed improvements on the land, unless otherwise determined by the Director-General in consultation with the DRE.</p>	Not activated.		

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		Yes	No	
55	Notwithstanding any other Condition of this Consent, the Applicant may, upon request of the landowner, acquire any property affected by the project during the course of this Consent on terms agreed to between the Applicant and the landowner.	Not activated.		
INDEPENDENT VALUATION				
56	In the event that the Applicant and the landowner cannot agree within three months upon the acquisition price of the land and/or the terms upon which it is to be acquired under the terms of this Consent, then either party may refer the matter to the Director-General who shall request an independent valuation to determine the acquisition price. The independent valuer shall consider any submissions from the landowner and the Applicant in determining the acquisition price.	Not activated.		
57	If the independent valuer requires guidance on any contentious legal, planning or other issues, the independent valuer shall refer the matter to the Director-General, who, if satisfied that there is a need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of: (i) the appointed independent valuer; (ii) the Director-General; and/or (iii) the President of the Law Society of NSW or nominee. The qualified panel shall, on the advice of the valuer, determine the issue referred to it and advise the valuer.	Not activated.		
58	The Applicant shall bear the costs of any independent valuation or survey assessment requested by the Director-General.	Not activated.		
59	The Applicant shall, within 14 days of receipt of a valuation by the independent valuer, offer in writing to acquire the relevant land at a price not less than the said valuation.	Not activated.		
WATER				
Water Management				
60	The Applicant shall prepare and implement a Water Management Plan in consultation with NOW, Councils, OEH and the Hunter Catchment Management Trust, and to the satisfaction of the Director-General, prior to the commencement of construction. The Applicant shall make copies of the Water Management Plan available to the OEH, NOW, DRE, Councils, the Hunter Catchment Management Trust and the Community Consultative Committee within 14 days of approval by the Director-General.	YES		The Water Management Plan 2000 was developed in consultation with the EPA, DLWC, Councils, Hunter Catchment Management Trust and to the satisfaction of the Director-General, prior to the commencement of construction. The Water Management Plan was reviewed in 2005 and a revision of the Plan occurred in 2008.

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
61	The Water Management Plan shall include but not be limited to:	YES		(i) The Water Management Plan addresses the management of impacts of the development on the quality and quantity of surface and groundwater in Section 3.
	(i) management of the impacts of the development on the quality and quantity of surface and groundwater, including water in dirty water dams and clean water diversion dams;			(ii) The Water Management Plan addresses the management of impacts of the development on the quality and quantity of surface and groundwater in Section 3.3 and 3.4.
	(ii) stormwater and general surface runoff diversion to ensure separate effective management of clean and dirty water;			(iii) The Water Management Plan addresses the stormwater management issues, in Section 3.3.
	(iii) stormwater management facilities designed to at least a 1:10 year storm design criteria;			(iv) The Water Management Plan addresses possible adverse effects of the development on water supply sources, in Section 5.
	(iv) identification of any possible adverse effects on water supply sources (both surface and groundwater) of landowners or occupiers from the development, and implementation of mitigation measures as necessary;			(v) The Water Management Plan addresses the quality of groundwater zones within the DA area, in Section 6.
	(v) identification of the fresh quality groundwater zones within the DA area and appropriate protection strategies;			(vi) The Water Management Plan addresses the management of impacts on the quality and quantity of groundwater within 2km of the DA area, in Section 3 and 6.
	(vi) management of the impacts of the development on the quality and quantity of groundwater within 2 kilometres of the boundary of the DA area, with particular attention to mobilisation of salts and contingency plans for managing any adverse impacts;			(vii) The Water Management Plan addresses the management of impacts on the quality and quantity of surface water discharged from the Donaldson Mine site, in Section 5.
	(vii) management of the impacts of the development on the quality and quantity of surface water discharged, including scheduling of mining operations to minimise the area excised from the catchment draining to Woodberry Swamp at any one time;			(viii) The Water Management Plan addresses the buffer zone and protection Four Mile Creek in Section 5.2.2
	(viii) identification of a defined buffer zone between the mine pit and Four Mile Creek and measures to minimise the risk of blast-induced fractures in the buffer zone to prevent saline seepage from the rehabilitated landform toward Four Mile Creek in the post-mining period;			(ix) The Water Management Plan addresses the procedures for maintenance of drainage systems and water management structures in Section 4.2.
	(ix) procedures for the maintenance of drainage systems and water management structures; and			(x) The Water Management Plan addresses the strategy for decommissioning of the water management structures in Section 4.3.
(x) development of a strategy for the decommissioning of water management structures, including dirty water dams and clean water diversion dams, and long term management of the final void.				
62	The Applicant shall revise the Water Management Plan as necessary and provide an updated Plan five years after commencement of mining to the Director-	YES		The Water Management Plan was reviewed in 2005 and Tasman Mine requirements included. The Plan was further

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
	General, OEH, NOW, DRE, Councils, the Hunter Catchment Management Trust and the Community Consultative Committee.			revised in 2008 to include the Abel Mine water management.
Water Monitoring				
63	The Applicant shall prepare and implement a detailed monitoring program for groundwater and surface water in consultation with DP&I, OEH, DRE, and the Hunter-Central Rivers Catchment Management Authority, throughout the life of the mine and for a period of at least 5 years after the completion of mining, or other such period as determined by the D_G. The results of the monitoring shall be included in the AEMR (Conditions 114-116). The monitoring program shall contain: (i) details of proposed monitoring sites, frequency and parameters to be tested; (ii) pre-mining baseline data; (iii) monitoring of surface water quality to detect any changes in ambient water quality between the mine site and the wetlands; (iv) monitoring of macroinvertebrates and vegetation in accordance with the protocols developed by the Hunter SIGNAL biological assessment criteria, with an assessment of inflows to the wetlands; (v) monitoring of stream bank and bed stability; (vi) monitoring of the volume and quality of water transfer between the Donaldson and Bloomfield operations; and (vii) a program for replacement of any monitoring bores destroyed by the development.	YES		(i) Water Quality Management Plan section 5.9 (ii) Water Quality Management Plan section 3. (iii) Water Quality Management Plan section 5.9 and 7 (iv) monitoring locations located upstream and downstream in the three creeks, using SIGNAL and OZRIVER assessment criteria. (v) Macro-invertebrate surveys include bank and bed stability. (vi) Continuous metering of water transfer volumes between the Donaldson and Bloomfield operations occurs. (vii) Whilst four (4) monitoring bores were previously destroyed as part of the mining operations, a review of the groundwater monitoring network by Dundon Consulting Pty Ltd concluded that the existing network is adequate with no changes considered necessary.
64	Prior to 31 October 2005, the Applicant shall revise, and then implement any necessary changes in the monitoring program for groundwater and surface water to the satisfaction of the Director-General.	YES		The Water Management Plan was revised in 2005 under the Notification of Modification condition with comments received from DLWC and DoP and response from Peter Dundon & Associates.
Water Supply				
65	On request of a landowner whose water supply from licensed bore holes or springs has been determined by NOW at any time to have been affected by the project, the Applicant shall replace lost water supply with water of an equivalent quality and quantity to meet the landowner's requirements, to the satisfaction of NOW.		Not activated at the time of this environmental audit.	

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
EROSION AND SEDIMENT CONTROL				
66	The Applicant shall prepare and implement an Erosion & Sediment Control Plan for the development (including the haul road and the relocation of utilities and services) to the satisfaction of NOW and submit the Plan to the OEH as part of applications for a licence under the Protection of the Environment Operations Act. The Plan shall be prepared prior to the commencement of work in the relevant areas. The Applicant shall make copies of all Erosion & Sediment Control Plan available to Director-General, Councils and the Community Consultative Committee within 14 days of approval.	YES		Erosion and Sediment Control Plan was submitted to the EPA on 4 May 2000 as part of the application for Environment Protection Licence No. 11080. A review of the Erosion and Sediment Control Management Plan was conducted in 2005 following the DPI-MR inspection in May 2005, and the Plan revised.
67	The Erosion and Sediment Control Plan(s) shall include consideration and management of erosion and sedimentation of watercourses and water bodies, including Woodberry Swamp.	YES		The Erosion and Sediment Control Plan addresses the management of erosion and sedimentation of watercourses and water-bodies on the Donaldson Mine site, in Sections 4. Control of erosion and monitoring of water quality of watercourses and water bodies on the mine site and to the boundaries of the Donaldson property, results in management of impact from the mine on downstream habitats (e.g. Woodberry Swamp). Monitoring also includes assessment of bank and bed stability as part of the macroinvertebrate survey reports.
FLORA AND FAUNA				
Tetratheca Juncea Conservation Area				
68	Prior to the commencement of construction, the Applicant shall: (i) undertake a survey of potential Tetratheca Juncea habitat in the southwest portion of the site. The survey shall: (a) be undertaken by a suitably qualified botanist, with the assistance of a suitably qualified surveyor, both approved by the Director-General; (b) re-examine the outcomes of previous surveys; (c) be undertaken between the months of August and December (inclusive); (d) record the location of Tetratheca Juncea clumps on the ground using suitable tags and by using either theodolite and electronic measuring equipment or differential GPS; (e) investigate the occurrence of any native sonicating bee habitat within 500 metres of the Tetratheca Juncea population; and (ii) establish a Conservation Area for the	YES		(i) Figures 1 and 2 of the Tetratheca Juncea Management Plan show the Southwest Conservation Area. (a) a T. Juncea survey of the Conservation Area was undertaken by Gunninah Environmental Consultants and the areal survey of the area was conducted by a qualified surveyor. (b) The results of previous T. Juncea surveys were assessed and collated with the current data for the preparation of the maps and T. Juncea Management Plan. (d) T. Juncea clumps have been located using GPS and surveyed onto the site maps in the T. Juncea Management Plan.

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		Yes	No	
	Tetratheca Juncea based on the findings of the survey. The Conservation Area shall include a 50 metre buffer. The boundaries of the Conservation Area shall be surveyed and marked by a suitably qualified surveyor, with the assistance of a botanist, using either a theodolite and electronic measuring equipment or differential GPS. No clearing, construction or mining shall commence until the boundary of the Conservation Area has been approved by the Director-General.			e) Bee habitat is discussed in Section 5.2.2 of the T. Juncea Management Plan. (ii) The southwest Conservation Area has been established with a 50 metre buffer to the closest area that may become part of the mine operations (see Figure 1 from the Flora and Fauna Management Plan). The area is pegged but not fenced.
69	The Applicant shall prepare a Management Plan for the Tetratheca Juncea Conservation Area in consultation with OEH and to the satisfaction of the Director-General, prior to commencement of construction. The Plan shall be consistent with the Flora and Fauna Management Plan (Conditions 76-79); and include measures for fire management. The Applicant shall clearly mark the boundary of the Conservation Area and make provision for signage which specify that no dumping, clearing or other works are permitted in the Conservation Area. Such signage shall be replaced as required. The Applicant shall make copies of the Tetratheca Juncea Management Plan available to OEH, Councils and the Community Consultative Committee within 14 days of approval by the Director-General.	YES		NPWS provided correspondence advising they were satisfied that the T Juncea Management Plan in November 2000. The property boundary of the Conservation Area is fenced along John Renshaw Drive and the T.Juncea areas are pegged but not fenced or signed. (The presence of a fence or signage around the specific areas of T.Juncea would highlight their location and result in unwanted attention and possibly vandalism to the area). The current status of the Conservation Area indicates that there is no intrusion of work areas or other disturbance to the T.Juncea locations. Weekly surveillance of the Conservation Area is conducted. A biologist monitors the T.Juncea areas to keep records of the status of growth and flowering.

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		Yes	No	
BUSHLAND AREA				
70	<p>Within six months of this Consent, or as otherwise agreed by the Director-General, the Applicant shall identify a bushland area(s) in the region that will adequately compensate for the impact of the mine on biodiversity, provide compensatory habitat and be managed for the primary purposes of conservation. The area shall be identified in consultation with OEH and Councils and be to the satisfaction of the Director-General. Identification of the bushland area(s) shall include:</p> <p>(i) a detailed assessment of the current characteristics and ecological values of existing ecosystems affected by the mine, including the habitat of threatened species identified in the EIS as possibly occurring in the area and the Spotted Gum Ironbark community;</p> <p>(ii) identification of conservation objectives to be achieved by the establishment of the bushland area(s), with reference to the Regional Biodiversity Strategy and the principles of Ecologically Sustainable Development;</p> <p>(iii) consideration of alternative locations within the region, including, but not limited to, the land proposed as compensatory area in the EIS (i.e. land adjoining the mine site);</p> <p>(iv) a detailed assessment of appropriate boundaries, size and shape of the bushland area(s), in relation to the characteristics, values and objectives;</p> <p>(v) consideration of appropriate management options necessary to protect the conservation values; and</p> <p>(vi) consideration of opportunities to incorporate cultural heritage conservation into the bushland area(s).</p>	YES		<p>(i) A detailed assessment of the current flora and fauna and habitat values of the mine site was conducted by Barker Harle in 2001.</p> <p>(ii) The Bushland Area Management Plan was prepared and submitted to the Director-General in 2005 for approval. The Plan included identification of conservation objectives.</p> <p>(iii) NPWS provided Donaldson Mine with a number of compensatory bushland areas to consider in 2001. Donaldson assessed inclusion of land around the mining lease, and have established the Conservation Area for bushland protection, within the mine lease area.</p>
71	<p>In identifying the bushland area(s), the following broad criteria shall be applied:</p> <p>(i) a ratio of 2:1 in terms of compensatory area to the area to be directly impacted by mining and associated infrastructure;</p> <p>(ii) the vegetation communities and habitat values of the bushland area(s) are to be broadly representative of the area which will be subject to mining and contain a similar suite of fauna species;</p> <p>(iii) the location of the bushland area(s) will aim to consolidate existing reserves in the lower Hunter Area; and</p> <p>(iv) reserve design criteria, including edge-to-area ratio, size and connectivity shall be taken into account.</p>	YES		<p>(i) The Donaldson owned property around the mine area has been retained as a buffer and compensatory conservation area.</p> <p>(ii) The compensatory area of bushland is adjacent to and surrounds the mining area and is representative of the vegetation communities and habitat present on the disturbed areas.</p> <p>(iii) The compensatory area around the Donaldson Mine is contiguous with the Ironbark-Spotted Gum vegetative corridors in the Maitland area.</p>

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
72	<p>Upon approval of the identified bushland area(s) by the Director-General, the Applicant shall:</p> <p>(i) secure care, control and management of the bushland area(s) prior to the commencement of mining;</p> <p>(ii) retain management and ownership of the land for a minimum of 36 years from the commencement of construction, unless other arrangements are agreed in accordance with Condition 73; and</p> <p>(iii) prepare and implement a Management Plan for that area in consultation with OEH and to the satisfaction of the Director-General, during the period in which the Applicant is responsible for management. The Management Plan shall be consistent with the Flora and Fauna Management Plan (Conditions 76-79) and consider the integration of cultural conservation objectives and management. The Applicant shall make copies of the Management Plan available to OEH and the Community Consultative Committee within 14 days of approval by the Director-General. For the purposes of the Conditions of this Consent, the bushland area(s) approved by the Director-General shall be known as the Bushland Conservation Area until the completion of the period referred to in Condition 72(ii) and any Conditions relating to Conservation Areas shall apply to that area during that period. The Management Plan referred to in Condition 72(iii) shall be referred to as the Bushland Conservation Area Management Plan.</p>	YES		<p>(i) The bushland area around the mine operations is owned by Donaldson Mine and managed as part of the overall land management strategies.</p> <p>(ii) See above.</p> <p>(iii) The Bushland Conservation Area Management Plan was developed in consultation with the NPWS and the Plan submitted to the Director-General on 31 October 2005. (Refer to MCoA 74).</p>
73	<p>The Applicant shall undertake negotiations with the OEH and Councils to reach agreement on the long term tenure and management status of the Bushland Conservation Area. These negotiations must commence within six months of commencement of construction.</p>	YES		<p>Donaldson Coal provided information on the management of the proposed bushland conservation area to NPWS in May 2001 and undertook consultation and negotiations with the authorities. A Draft Plan of Management for the Bushland Conservation Area was presented to the D-G in February 2005 and the Plan revised and submitted to the D-G in October 2005. Studies by DEC during 2006 in preparation for the Draft Lower Hunter Conservation Plan (LHCP), which was to be released together with the final LHRS, identified parts of the Donaldson land for conservation reserve and bio-banking investment (NAPS Map). The identified conservation land does not align exactly with the Donaldson Bushland Conservation Area. Donaldson, along with other</p>

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		Yes	No	
				<p>Lower Hunter major landowners, was formally requested by DEC to consider dedication of lands for conservation in the reserve system prior to announcement of the final LHRS and Draft LHCP.</p> <p>Donaldson presented a formal proposal to DEC in late 2006, and discussions with DEC are continuing for a major portion of the Donaldson land to be dedicated as conservation reserve or nominated as Bio-banking investment area.</p> <p>The likely outcome of the intensive investigations described above is that some 400-500 hectares of the Donaldson land may be placed in permanent conservation (via either the reserve system or bio-banking) and the remainder of the land will be zoned consistent with the final LHRS (yet to be finalised).</p>
74	Prior to 31 October 2005, the Applicant shall revise the Bushland Conservation Area Management Plan to compensate for the extension of the disturbance area in the vicinity of Weakley's Flat Creek, to the satisfaction of the Director-General, and provide an updated Plan to the OEH, Councils and the Community Consultative Committee.	Yes		The Bushland Conservation Area Management Plan was prepared and revised following consultation with the NPWS/OEH.
74A	By 30 September 2011, the Applicant shall revise the Bushland Conservation Area Management Plan to the satisfaction of the Director-General. The revised plan must: (i) be prepared in consultation with OEH; and (ii) include the 3 hectares of land removed from the approved mining area, as detailed in the letter from Donaldson Coal Pty Limited to the Minister for Planning dated 25 March 2011.	Yes		The Bushland Conservation Area Management Plan was prepared, submitted to OEH 22 September 2011 and revised following consultation with the NPWS/OEH. The map of the bushland conservation area was updated to compensate for the extension of the disturbance area in the vicinity of Weakley's Flat Creek.

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		Yes	No	
Flora and Fauna Management				
75	The Applicant shall bear the reasonable costs of the appointment by the Director-General of an independent flora and fauna expert(s) to assist in the implementation of the Conditions of this Consent. The independent expert(s) shall: (i) be selected in consultation with the applicant; (ii) assess and advise the Director-General on the Applicant's proposed Conservation Areas and Management Plans for those areas; (iii) assess and advise the Director-General on the Applicant's proposed bushland area(s); (iv) assess and advise the Director-General on the Applicant's proposed Flora and Fauna Management and the Rehabilitation Plan; and (v) assess and advise the Director-General on the Applicant's monitoring of flora and fauna management and rehabilitation.	Planning NSW - condition of approval		Robert Payne was commissioned as an independent flora and fauna expert by Director-General to assess and advise on the flora and fauna management for the Donaldson Mine proposed conservation areas and flora and fauna management plans.
76	The Applicant shall prepare and implement a Flora and Fauna Management Plan for the mine site (in addition to the management plans for specific Conservation Areas), in consultation with NOW, OEH and Councils, and to the satisfaction of the Director-General, prior to the commencement of construction. The Applicant shall make copies of the Flora and Fauna Management Plan available to NOW, OEH, Councils and the Community Consultative Committee within 14 days of approval by the Director-General.	YES		The Flora and Fauna Management Plan was prepared and approved by DUAP in December 2000. The Flora and Fauna Management Plan was implemented for the Donaldson Mine site and the Plan reviewed in 2007. The flora and fauna monitoring programs have been conducted and results summarised in the AEMR's / Annual Reviews.
77	The Flora and Fauna Management Plan shall include but not be limited to: (i) additional surveys to more precisely identify the distribution of known and potential nest and roost trees for owl species. The surveys shall: (a) be undertaken by a person experienced in the identification of owl nest and roost trees, approved by the Director-General; and (b) record the location of known and potential nest and roost trees on the ground by marking the tree and by using either theodolite and electronic measuring equipment or differential GPS; (c) a vegetation map delineating major vegetation communities, topographic features and the location of threatened species habitats, including potential and known owl nest and roost trees;	YES		(i)(a) Additional surveys of owl habitat were conducted by Rod Kavanagh on the Donaldson Mine site during Sept - Oct 2000. The Kavanagh Report is included in Appendix F and G of the Flora and Fauna Management Plan. (ii) Figures 3 and 4 in the Flora and Fauna Management Plan present vegetation communities and locations of threatened species habitats on the Donaldson Mine site.

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
	<p>(ii) details of measures to manage the impacts of the development, including:</p> <p>(a) restoration of degraded areas;</p> <p>(b) management of invasive weeds and feral animals;</p> <p>(c) establish an appropriate hazard reduction regime in keeping with the ecological values of the area;</p> <p>(d) revegetation and provision of compensatory areas of equivalent ecological and habitat value where necessary; and</p> <p>(e) strategies to provide increased security for existing habitats and communities;</p> <p>(iii) details of measures to manage the impacts of environmental management on flora and fauna, including the impact of erosion and sediment control measures and hazard reduction burning;</p> <p>(v) priorities for action and a timetable for all works outlined in the Plan; and</p> <p>(vi) a program to monitor flora and fauna impacts on undisturbed portions of the mining lease area and downstream environments (such as the Woodberry Swamp). The program shall extend for the life of the mine and for a period thereafter as approved by the Director-General, and include:</p> <p>(a) justification for monitoring intervals and locations;</p> <p>(b) monitoring of the presence and persistence of native flora and fauna species over time, particularly threatened species; and</p> <p>(c) monitoring the effectiveness of management measures.</p>			<p>(iii)(a) Degraded area restoration procedures are presented in the Rehabilitation Plan Dec 2000 section 4.3.7.</p> <p>(iii)(b) Weed management and feral animal control are presented in the Rehabilitation Plan sections 5.2 and 5.3.</p> <p>(iii)(c) Hazard reduction addressed in the Rehabilitation Plan section 5.4, and the Bushfire Management Plan.</p> <p>(iii)(d) See comments on MCoA 71 to 74.</p> <p>(iii)(e) Protection strategies for existing habitats and communities include pre-clearing surveys of all areas to be disturbed, fenced perimeter of the mine lease area, and the Flora and Fauna Management Plan section 4.1 and 4.2.</p> <p>(iv) The priorities for action in relation to protection of flora and fauna are outlined in section 4.3.1 (Erosion and Sediment Control) and section 4.3.6 (Bushfire Management Regime) of the Flora and Fauna Management Plan.</p> <p>(v) The priorities for action in relation to protection of flora and fauna are outlined in section 4.4 of the Flora and Fauna Management Plan.</p> <p>(vi) Section 5 (Monitoring and Reporting) of the Flora and Fauna Management Plan describes the proposed monitoring programs.</p>

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
				A detailed survey and reporting of the flora and fauna on the Donaldson Mine site was conducted during Sept and Oct 2001 by Barker Harle. The quadrants used for the surveys were recorded and the report provides a detailed quantitative description of the flora and fauna species present within the boundaries of the Donaldson property. As the Donaldson property has no boundary with the Woodberry Swamp the surveys did not extend to the Woodberry Swamp. There are a large number of developments downstream of Donaldson that have the potential to affect the environment of the swamp. The surveys to the boundary of the Donaldson property will specifically identify potential impacts from the mine activities.
78	The Flora and Fauna Management Plan shall also include a Rehabilitation Plan that details the measures to be undertaken to progressively rehabilitate disturbed areas of the mine to replicate the original vegetation cover that existed before mining occurred. The Applicant shall be responsible for the management and monitoring of the rehabilitated mine site until such time as the Director-General agrees that restoration has been successful.	YES		The Rehabilitation Plan was included in the Mining Operations Plan (MOP) for the June 2006 to May 2012 period for the Donaldson Mine. The Rehabilitation Management Plan is now Appendix 3 of the Landscape Management Plan 2008.
78A	By 31 October 2011, the Applicant shall revise the Rehabilitation Plan to the satisfaction of the Director-General. The revised plan must: (i) be prepared in consultation with DRE; (ii) include: <ul style="list-style-type: none"> • the rehabilitation objectives for the site; • a strategic description of how the rehabilitation of the site would be integrated with surrounding land uses; • a general description of the short and long term measures that would be implemented to rehabilitate the site, including; <ul style="list-style-type: none"> - managing remnant vegetation and habitat on site; - minimising impacts on fauna; - minimising visual impacts; - conserving and reusing topsoil; - controlling weeds, feral pests, and access; and - managing bushfires; • detailed performance and completion criteria for the rehabilitation of the site; • a detailed description of how the 	Yes		The Rehabilitation Plan is included in the MOP for the Donaldson Mine and was prepared in consultation with the DRE and includes: <ul style="list-style-type: none"> • section 5.2 Domain Rehabilitation Objectives for the site; • section 5 Rehabilitation Planning and Management provides a strategic description of integration of the rehabilitation of the site with surrounding land uses; • section 7 Rehabilitation Implementation describes the short and long term measures to be implemented to rehabilitate the site; • performance and completion criteria for rehabilitation; • section 8 Rehabilitation Monitoring addresses monitoring performance of the rehabilitation works over time to achieve stated objectives

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
	<p>performance of the rehabilitation works would be monitored over time to achieve the stated objectives and against the relevant performance and completion criteria; and</p> <ul style="list-style-type: none"> • details of who is responsible for monitoring, reviewing and implementing the plan. 			<p>and against performance and completion criteria; and</p> <ul style="list-style-type: none"> • responsibilities for monitoring, reviewing and implementing the plan.
79	The Applicant shall revise the Flora and Fauna Management Plan as necessary and provide an updated Plan five years after commencement of mining to the Director-General, OEH, Councils and the Community Consultative Committee.	In progress		The Flora and Fauna Management Plan was reviewed by Ecobiological in March 2007 and a Revised Flora and Fauna Management Plan submitted to DoP on 17 July 2007. DoP approved the revised Plan on 25 July 2007.
80	The Applicant shall participate in (and if appropriate, contribute such reasonable funds as determined by the Director-General in consultation with OEH) research into the Powerful Owl and Masked Owl habitat requirements in the region, and the habitat requirements and lifecycle of <i>Tetratheca Juncea</i> .	YES		<p>Donaldson Mine supported projects by the University of Newcastle with financial and technical help for:</p> <p>Deborah Landenberger - 2 year Honours project 'Defining the Niche of T. Juncea'; and Adam Blundell with Rod Kavanagh during 2002-2003 for 'Comparing Ecology of Powerful Owl in Disturbed and Undisturbed Environments'. Both these projects have been completed.</p>
HERITAGE				
Heritage Statutory Requirements				
81	<p>Prior to commencement of construction, the Applicant shall:</p> <p>(i) comply with the statutory requirements of OEH in relation to works affecting Aboriginal sites; and</p> <p>(ii) undertake a targeted archaeological survey of the slopes component within the mining impact area in cooperation with the Aboriginal community. Any Aboriginal sites located will be recorded, the significance of the sites assessed, and management strategies for the sites identified.</p>	YES		<p>Management of the aboriginal heritage sites occurs in accordance with the Aboriginal Sites Management Plan and the status of management is reported in the AEMR / Annual Review.</p>
82	If, during the course of construction, the Applicant becomes aware of any heritage or archaeological material, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include OEH, the Heritage Office, and the Local Aboriginal Land Councils. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.	YES		<p>Section 90 Consents to Destroy under the National Parks and Wildlife Act, were obtained for Aboriginal artefact areas DMS1 on 22 April 2000 and ISF1 and ISF2 on 3 May 2000. No further Section 90 Consents have been required since that time.</p>

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
Aboriginal Heritage Management				
83	<p>Prior to commencement of construction, the Applicant shall establish an Aboriginal Conservation Area along Four Mile Creek and tributaries in accordance with a plan approved by the Director-General. The plan shall include:</p> <p>(i) identification of an appropriate boundary and the basis on which the boundary has been selected;</p> <p>(ii) a map at a scale of 1:1000 or larger which clearly delineates the Conservation Area boundary and specific features; and</p> <p>(iii) documentation of consultations with OEH and Aboriginal community groups in relation to the definition of the Conservation Area.</p>	YES		<p>(i) A 50 metre buffer along Four Mile Creek as an Aboriginal Conservation Area (ACA) has been established by Donaldson Coal. The ACA boundary is shown in Figure 2.3 of the Aboriginal Sites Management Plan.</p> <p>ii) Maps of the Four Mile Creek Conservation Area and other Conservation Areas (1:1000 scale) have been prepared by Donaldson Coal for the Donaldson Mine area.</p> <p>(iii) Consultation with the Mindaribba Aboriginal Local Land Council was held during the preparation of the Aboriginal Sites Management Plan. NPWS consultation and correspondence was available on file.</p>
84	<p>The Applicant shall prepare and implement an Aboriginal Sites Management Plan in consultation with the Aboriginal community, Councils and OEH, and to the satisfaction of the Director-General, prior to the commencement of construction. The Applicant shall make copies of the Aboriginal Sites Management Plan available to the Director-General, Aboriginal community, Councils and the Community Consultative Committee within 14 days of approval by OEH.</p>	YES		<p>An Aboriginal Sites Management Plan was prepared prior to commencement of mining operations in 2000, with Supplementary Plans prepared for Years 2 to 5 of the operations.</p> <p>The Aboriginal Sites Management Plan has been submitted to the relevant authorities within 14 days of approval by the NPWS.</p> <p>The Aboriginal Sites Management Plan has not required revision since 2005.</p>

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
85	<p>The Management Plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> (i) documentation of consultation with the relevant Aboriginal community groups to identify any outstanding concerns they may have with the project and a clear statement about how these concerns will be addressed, including any action to be taken; (ii) identification of conservation objectives for the site as a whole and for the Conservation Area specifically; (iii) a program to monitor the impacts of the development on the Conservation Area, including justification for monitoring locations and intervals; (iv) strategies to achieve conservation objectives, including an access policy; (v) the provision of fencing to permit faunal movement and the removal of fencing within six months of completion of mining; (vi) further investigations; and (vii) long term management requirements upon completion of mining. 	YES		<p>(i) Consultation with the Mindaribba Aboriginal Local Land Council is addressed in the Plan with relevant correspondence attached in Appendix 1 of the Plan.</p> <p>(ii) Conservation objectives are addressed in section 1.3 of the Aboriginal Sites Management Plan.</p> <p>(iii) Monitoring of the Conservation Area is outlined in section 2.1 and 3 of the Aboriginal Sites Management Plan. The location of the monitoring datum points are illustrated in Figure 2.4 of the Plan.</p> <p>(iv) Strategies to achieve the conservation objectives are outlined in section 2 of the Aboriginal Sites Management Plan.</p> <p>(v) The boundary of the Mining lease area and the Donaldson owned land is fenced.</p> <p>(vi) The mining lease area was re-surveyed for Year 2 to 5 of the mining operations. Ongoing monitoring and surveys will occur prior to disturbance of any new areas required for mining.</p>
86	<p>The Applicant shall revise the Aboriginal Sites Management Plan as necessary and provide an updated Plan five years after commencement of mining to the Director-General, OEH, Councils and the Community Consultative Committee.</p>	YES		<p>The Aboriginal Sites Management Plan was subjected to annual review until 2005 and amendments to the Plan made by Umwelt as required.</p> <p>The Plan has not required revision since 2005.</p>
WASTE				
87	<p>The Applicant shall prepare and implement a Waste Management Plan in consultation with OEH, DRE and the Hunter Waste Planning and Management Board, and to the satisfaction of the Director-General, prior to commencement of construction. The Applicant shall make copies of the Waste Management Plan available to Councils and the Community Consultative Committee within 14 days of approval by the Director-General.</p>	YES		<p>The Waste Management Plan was prepared prior to commencement of construction of the mine. The Plan was submitted to DUAP and approved on 10 October 2000.</p> <p>Copies of the Waste Management Plan were distributed to the Councils and the CCC, within 14 days of approval by the Director-General.</p>

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
88	The Waste Management Plan shall include, but not be limited to the management of the mine site to prevent dumping of waste; and the management and treatment of Potentially Acid Forming waste.	YES		Management of waste streams including overburden, coarse rejects material and fine reject material is included in section 7 of the Waste Management Plan. The management and treatment of potential acid forming (PAF) material is addressed in the geotechnical report and there is ongoing assessment of PAF material to ensure application of best practice management options.
89	The Applicant shall meet the requirements of Councils, OEH and Hunter Water Corporation with respect to water and sewer.	YES		Potable water for use on the mine site is supplied from the Hunter Water Corporation. There is no discharge to sewer from the site operations. All ablutions are connected to onsite biocycle systems.
VISUAL AMENITY				
Landscaping				
90	The Applicant shall provide a minimum of 50 metres of landscaping between the outer edge of the bund wall and the edge of John Renshaw Drive. The 50 metres may include landscaping within the road verge if agreed by Cessnock Council.	YES		The Landscape Management Plan has been implemented with revegetation of the 50m strip along the power-line easement between John Renshaw Drive and the earthen bund on the edge of the high-wall of the open cut.
91	The Applicant shall, within three months of the date of this Consent, or within such further period as Councils may require, submit for the Councils' approval a detailed Landscaping Plan covering all land within the proposed mining area (including the haul road and transmission line easements) and road reserve along the frontage to John Renshaw Drive. The Applicant shall engage a suitably qualified person to assist in the landscaping plan.	YES		The Landscape Management Plan was reviewed and revised in March 2008. The 2008 Landscape Management Plan is an integrated plan for all the Donaldson Coal projects (i.e. the Donaldson Mine, Tasman Mine and Abel Mine). The 2008 Plan has the Rehabilitation Management Plan, Final Void Management Plan and Integrated Mine Closure Plan appended to provide an overall strategy for the mines.
92	The Landscaping Plan shall be consistent with the Environmental Management Strategy and include: (i) provision for the establishment of trees and shrubs and the construction of mounding or bunding along the planned highwall and any other areas identified as necessary by the Councils for the maintenance of satisfactory visual amenity and the re-establishment of flora and fauna habitats and corridors;	YES		The Landscape Management Plan 2000 addresses the establishment of trees and shrubs for visual amenity and re-establishment of flora and fauna corridors in Section 4.3.

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		Yes	No	
	(ii) appropriate erosion control and sediment control practices for earthworks associated with the landscaping;			The Landscape Management Plan 2000 addresses erosion and sediment control in Section 4.3 and refers to the Erosion and Sediment Management Plan.
	(iii) details of the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications). Buildings and structures shall be designed and constructed so as to present a neat and orderly appearance and to blend as far as possible with the surrounding landscape; and			The Landscape Management Plan 2000 addresses the visual appearance of buildings, structures, facilities and works in Section 4.0.
	(iv) details, specifications and staged work programs to be undertaken, including a maintenance program of all landscape works, building materials and cladding.			The Landscape Management Plan 2000 addresses the staged work programs for maintenance program of all landscape works, building materials and cladding in Section 4.2
93	The Applicant shall implement the approved Plan in accordance with Councils' requirements and make copies available to the Community Consultative Committee within 14 days of approval by Councils.	YES		Copies of the Landscape Management Plan 2000 were provided to the CCC following approval by the Councils 9 March 2000. The revised Landscape Management Plan was submitted to the CCC in 2008.
94	The Applicant shall plant screening vegetation on properties at higher elevation and with views across the mine site in the Black Hill area if requested in writing by the landowner, within three months of that request. The species, density and location of the plantings shall be determined in consultation with the landowner.		Condition not activated at the time of the audit.	
95	The Applicant shall lodge a landscaping bond with Cessnock Council, to a maximum of \$10,000 at any one time, for landscaping during the life of mine. This bond does not affect rehabilitation works covered by the <i>Mining Act</i> .	No Longer Applicable		Landscaping bond of \$10,000 was lodged with the Cessnock City Council on 19 April 2007. This bond was previously refunded due to the satisfactory completion of the works.
Lighting				
96	The Applicant shall screen or direct all onsite lighting and vehicle lights away from residences and roadways to the satisfaction of Councils. All screening to be completed prior to commissioning of the coal preparation plant and associated facilities.	YES		Lighting from the mine activities has not given rise to complaints. No lighting is used on high points of the overburden emplacement areas at night and no light scatter occurs to roadways or residential areas from the Donaldson Mine operations.

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		Yes	No	
HAZARDS, RISKS AND SAFETY				
97	The Applicant shall: (i) provide adequate fire protection works on site. This shall include one fully equipped fire fighting unit on standby and hazard reduction works at a time determined by the relevant Council, with particular attention to boundaries of adjoining land holdings;	YES		(i) Fire fighting equipment on includes a 38,000L water cart with capability for fire fighting. Meetings have been held between Donaldson Mine and the Cessnock City Council / Thornton Fire Brigade in relation to access to the mine site in case of fire. Donaldson Coal will make equipment available if required at short notice to construct fire-breaks or access to reach the seat of any fire on Donaldson property.
	(ii) submit an annual report on fire management activities to the local Bush Fire Management Committee; and	YES		(ii) A Bushfire Management Plan for the areas owned by Donaldson Coal was prepared in 2004 and submitted to the Rural Fire Service for review. Following a site inspection the RFS provided comments and the Plan was updated and finalised. A report on controlled burn-off at the Donaldson site was forwarded to the RFS for inclusion in the Bush Fire Management Committee folder in Oct 2005. Hazard burning is conducted on the Donaldson Mine site and reported to the Bushfire Management Committee by the RFA. Mechanical works along the southern and eastern sections of the Avalon Estate at Thornton is also carried out annually.
	(iii) ensure that all dangerous goods and materials stored on site are stored in accordance with the relevant Australian standards.	YES		(iii) The bulk storage for dangerous goods includes: T1 Above ground tank – approx. diesel 60,000L at the maintenance workshop area and T2 Above ground tank - diesel 40,000L in an earthen bunded above the MaxxHire workshop compound. The fuel farm facility is approved as a bulk storage facility for hazardous materials under Workcover requirements. Storage of lubricants and waste oil is in drums and small above ground tanks that are less than the volume required to be notified under the Occupational Health and Safety (Dangerous Goods) Regulation 2005.

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
UTILITIES AND SERVICES				
98	The Applicant shall consult with affected service authorities and make arrangements satisfactory to those authorities for the protection or relocation of utilities and services (such as transmission lines and pipelines) at the Applicant's expense, prior to any existing utilities or services being affected by mining activity. Relocation of utilities and services shall be conducted in accordance with the relevant Management Plans and the Erosion and Sediment Control Plan(s).	YES		The Energy Australia 11kV power-line was relocated along an easement adjacent to the John Renshaw Drive boundary of the mine lease, in 2002. Part of the Hunter Water Corporation water pipeline was relocated for the progression of the Donaldson Mine, in accordance with the MOP. Telstra lines off the new intersection on John Renshaw Drive were relocated in 2006.
TRANSPORT AND ACCESS				
99	Prior to commencement of construction, or as otherwise agreed by the Councils, the Applicant shall design, construct and seal the private haul road and access road to the satisfaction of the Councils, and with consideration of the impact on the fragmentation of fauna habitat and fauna movement.	YES		The internal haul road was constructed from Donaldson Mine to Bloomfield CPP and Coal Loader in 2001. Cessnock City Council advised it did not require to approve the road construction as it was an internal haul road. The Flora and Fauna Management Plan included pre-clearing protocol, road design and general measures covering erosion and sediment control, removal of weeds and rubbish, and incident reporting that were applied to the construction of the road.
100	No coal shall be hauled on public roads.	YES		No coal is transported on public roads. Coal from the Abel Underground Coal Mine continued to be transported via the internal haul road
101	The Applicant shall carry out intersection improvements as determined necessary by the Regional Traffic Committee as a result of the development and by such times as directed by the Regional Traffic Committee.	YES		A Development Application was submitted to the Cessnock City Council for the John Renshaw Drive intersection in Nov 2001. The Hunter Regional Traffic Committee considered the DA and recommended a number of changes, and the plan was amended and re-submitted to the Council. The Council re-exhibited the DA and granted consent in July 2003. The intersection from John Renshaw Drive to the Donaldson Mine access road was completed in accordance with the consent.
102	If closure of John Renshaw Drive is agreed by the Regional Traffic Committee under	YES		The \$20,000 contribution was provided to the Cessnock City

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
	Condition 25(4), the Applicant shall: (i) pay \$20,000 to Cessnock City Council to upgrade the alignment and surface of the unsealed western end of Black Hill Road; (ii) provide a water cart and apply water to the unsealed western end of Black Hill Road to the requirements of Cessnock City Council prior to each closure of John Renshaw Drive for blasting; and (iii) prepare a Traffic Management Plan for the approval of the RTA in relating to the closure of John Renshaw Drive during blasting.			Council in November 2004 for the upgrade of the western end of Black Hill Road. The improvements to Black Hill Road were completed by Cessnock City Council. The improvement of the Black Hill Road intersection with a John Renshaw Drive turning lane, was under construction at the time of this audit (i.e. April 2010). Donaldson has a current Road Occupancy Licence for the closure of John Renshaw Drive during blasting.
103	The Applicant shall provide for signalling of the Bloomfield rail loop to the satisfaction of Freight Corp prior to the commencement of mining.	YES		Freightcorp correspondence provided options for implementation of safe working procedures for the rail loop to satisfy MCoA 103. Bloomfield upgraded the rail system alarm signals on the Entry road to the mines, from the old key system. The management of trains on the loop has been upgraded with implementation of safe work practices.
INITIAL COAL WASHING				
104	Upon commencement of coal extraction, the Applicant shall initially make use of the coal preparation plant (CPP) at the adjoining Bloomfield coal mine for up to two years from commencement of mining or such other period as approved by the Director-General. This will allow the Applicant to: (i) trial the washing of Donaldson coal to assist in the determination of its washing characteristics; and (ii) commence the earliest possible coal extraction at Donaldson, and hence hasten project completion.	YES		Approval for the ongoing use of the Bloomfield CPP is now in place under the Abel Mine consent with an extended agreement between Bloomfield Coal and Donaldson Coal.
105	The haulage route for raw coal from the Donaldson pit to the Bloomfield CPP shall be the same as that proposed for haulage of product coal from the proposed Donaldson CPP to the existing Bloomfield rail loading facility up to the point of intersection with the Bloomfield Mine access road, and thence westward along the Bloomfield Mine access road to the CPP, unless otherwise agreed to with the owners of Bloomfield. However, any variation to the route shall be considered to determine whether a modification to this Consent is required to enable the variation.	YES		Donaldson Coal constructed an internal haul road to transport ROM coal to the Bloomfield CPP, the road alignment crossing Four Mile Creek.
106	The Applicant shall notify the Director-General within eighteen months of the commencement of mining as to the results of the Bloomfield washery trials.	YES		See comment on MCoA 104.

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
COMMUNITY INVOLVEMENT				
Community Consultative Committee				
107	The Applicant shall establish a Community Consultative Committee which shall be chaired by an independent chairperson approved by the Director-General. Selection of representatives shall be agreed by the Director-General and include (unless otherwise agreed by the Director-General) two representatives from the Applicant (including the Environmental Officer), four community representatives (including a representative of the local Aboriginal Community) and representatives of the local Councils. Representatives from relevant government agencies (including DUAP) may be invited to attend meetings of the Committee as required.	YES		The CCC was established on 30 May 2000 and meetings have been held regularly since that time. Members of the CCC are: Independent Chairperson – Hon Milton Morris Donaldson Mine representatives – Alick Osborne - Director Donaldson Coal and Phillip Brown Environmental Manager Community Representatives - Mr Stephen Wright Dr Greg Steele
108	The Committee may make comments and recommendations about the implementation of the development. The Applicant shall ensure that the Committee has access to the necessary plans and/or studies for such purposes. The Applicant shall consider the recommendations and comments of the Committee and provide a response to the Committee and the Director-General.	YES		Management Plans have been provided to the CCC for comment and information. Discussion of management plans has occurred at the CCC meetings.
109	The Applicant shall, at its own expense: (i) provide appropriate facilities for meetings of the Committee;	YES		CCC Meetings have been held at Donaldson Mine offices. Donaldson have arranged and provided the required material and administrative backup for the meetings.
	(ii) nominate a representative to attend all meetings of the Committee;	YES		Donaldson Coal nominated representative to attend all meetings is the Environmental Manager- Phillip Brown.
	(iii) ensure that the first meeting is held prior to commencement of construction, that meetings are held at least every six months for the first 24 months from the date of the mining lease and at least annually thereafter;	YES		The first meeting of the CCC was held on 30 May 2000 prior to commencement of construction and subsequent meetings have been held on a regular basis. The meetings have been arranged by the Independent Chairperson as required.
	(iv) provide to the Committee regular information on the progress of the work and monitoring results;	YES		Reports on project status, monitoring results and AEMR's and complaints are provided to the CCC and published on the Company website.
	(v) promptly provide to the Committee such other information as the Chairperson of the Committee may reasonably request concerning the environmental performance of the development; and	YES		Material is provided to the CCC as and when requested as detailed in the CCC Minutes.

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
	(vi) provide reasonable access for site inspections by the Committee.	YES		Site inspections by members of the CCC to view the mine and rehabilitation areas, following CCC Meetings.
110	The Applicant shall establish a trust fund to be managed by the Chairperson of the Committee to facilitate functioning of the Committee, and pay \$2000 per annum to the fund for the duration of mining operations. The payment shall be indexed according to the Consumer Price Index (CPI) at the time of payment. The first payment shall be made by the date of the first Committee meeting.	YES		A trust fund for the functioning of the CCC was established in May 2000 and has been managed by the Independent Chairperson. Donaldson Coal provides all the requirements for the CCC Meetings with any additional funding reported to be provided upon request by the Chairperson.
Community Information				
111	The Applicant shall, in consultation with Councils, ensure that the local community is kept informed of the progress of the project, including prior notice of: (i) the nature of works proposed for the forthcoming period; (ii) hours of construction; (iii) a 24 hour contact telephone number; (iv) any traffic disruptions and controls; (v) proposed blasting program, and any changes to the program; (vi) work required outside the normal working hours; (vii) individuals' rights under the Conditions of this Consent (such as the rights for acquisition or independent monitoring) and mechanisms proposed to be used to safeguard the community and individual properties against adverse impacts from the development.	YES		Since June 2003, community information has been made available on the Donaldson website.

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
112	<p>By 30 September 2011, the Applicant shall:</p> <p>(i) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> • all relevant statutory approvals for the development; • all approved strategies, plans and programs required under the conditions of this consent; • monitoring results, reported in accordance with the specifications in any approved plans or programs required under the conditions of this consent or any other approval; • a complaints register, which is to be updated on a monthly basis; • minutes of CCC meetings; • the Annual Environmental Management Reports required under condition 114; • any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit; • any other matter required by the Director-General; and <p>(ii) keep this information up-to-date, to the satisfaction of the Director-General.</p>	YES		Donaldson website has been established and information on the CCC, monitoring and company status and activities is available on the site, including Minutes of the CCC Meetings, AEMR's / Annual Reviews and any project Newsletters.
Complaints				
113	<p>(1) The Applicant shall record details of all complaints received and ensure that a response is provided to the complainant within 24 hours.</p> <p>(2) If the Applicant's response does not address the complaint to the satisfaction of the complainant within six weeks, the Applicant shall refer the matter to an independent mediator (approved by the Director-General) and bear the costs of such mediation. The Applicant shall immediately carry out such works as agreed through the mediation process.</p> <p>(3) The Applicant shall make available a 3 monthly report on complaints to the Community Consultative Committee and to relevant government agencies and the Councils upon request; and include a summary in the AEMR. The report shall include the complaints that have been resolved with or without mediation.</p>	YES		<p>(1) The Complaints Register is on a database held at the Donaldson Mine office and maintained by the Environment Manager.</p> <p>(2) This requirement of the condition had not been activated at the time of the audit.</p> <p>(3) A Complaints Report is prepared and presented to the CCC at each meeting. A summary of complaints/actions/status is presented in the AEMR's / Annual Reviews.</p>
ANNUAL ENVIRONMENTAL MANAGEMENT REPORT				
114	<p>The Applicant shall prepare and submit an Annual Environmental Management Report (AEMR) throughout the life of the mine to the satisfaction of the Director-General. The AEMR shall review the performance of the mine against the Environmental Management Strategy and the Conditions of this Consent, and other licences and approvals relating to the mine. To enable ready comparison with the EIS's predictions, diagrams and tables, the report shall include, but not be limited to, the following matters:</p>	YES		The AEMR's / Annual Review have been prepared in accordance with the relevant guidelines and submitted to the DPE and DRE.

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
	<p>(i) an annual compliance audit of the performance of the project against Conditions of this Consent and statutory approvals;</p> <p>(ii) a review of the effectiveness of the environmental management of the mine in terms of OEH, NOW, DRE, and the Councils' requirements and provide an explanation of any variance;</p> <p>(iii) results of all environmental monitoring required under this Consent or other approvals, including interpretations and discussion by a suitably qualified person;</p> <p>(iv) identification of trends in monitoring results over the life of the mine;</p> <p>(v) a comparison of the actual impacts with predictions made in the EIS and supporting documents;</p> <p>(vi) a review of the social impact of the mine, including mitigation works and acquisition;</p> <p>(vii) a listing of any variations obtained to approvals applicable to the subject area during the previous year;</p> <p>(viii) the outcome of the water budget for the year, the quantity of water used from water storages and details of discharge of any water from the site;</p>	YES		<p>(i) Compliance Audit conducted by Donaldson Mine in August 2001. Compliance with the conditions of consent is commented on in each AEMR / Annual Review.</p> <p>(ii) Commented on throughout the Annual Review.</p> <p>(iii) Environmental monitoring data included in the Annual Review in the relevant sections.</p> <p>(iv) Trends in monitoring data are presented under each specific heading in Sections 6 & 7 of the Annual Review.</p> <p>(v) Comparison with the EIS predictions for the development are provided in each AEMR / Annual Review taking account of the approved MOP.</p> <p>(vi) No acquisition requests have been made to the time of this audit. Mitigation measures are part of the normal mine operation.</p>
	<p>(ix) rehabilitation report; and</p> <p>(x) environmental management targets and strategies for the next year, taking into account identified trends in monitoring results.</p>			<p>(vii) Approval status is summarised in Section 3 of the Annual Review</p> <p>(viii) No discharge has occurred from the mine site during the 2007 to 2016 period. Water management is reported in Section 7 of the Annual Review.</p> <p>(ix) Rehabilitation progress is reported in Section 8 of the Annual Review.</p> <p>(x) Targets and strategies for the next 12 months are reported in Section 12 of the Annual Review.</p>
115	<p>In preparing the AEMR, the Applicant shall:</p> <p>(i) consult with the Director-General during preparation of each report for any additional requirements;</p> <p>(ii) comply with any requirements of the Director-General or other relevant government agency and with any guidelines current at the time of reporting; and</p> <p>(iii) ensure that the first report is completed and submitted within 12 months of this Consent, or at a date determined by the Director-General in consultation with the DRE and the OEH.</p>	YES		<p>Actions / requirements raised by DPE from previous AEMR reviews have been summarised and addressed within this Annual Review (Section 5) These actions are considered to have been adequately addressed.</p>

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
116	The Applicant shall ensure that copies of each AEMR are submitted at the same time to DP&I, OEH, NOW, Councils and the Community Consultative Committee, and made available for public information at Councils within 14 days of submission to these authorities.	YES		Copies of the previous AEMR's prepared for the Donaldson Mine have been submitted to the authorities following receipt of acceptance of the document by the DII (or DPI-MR) and the Director-General. The AEMR's have been submitted to the DII/DPI/DMR in accordance with the mining lease agreement.
INDEPENDENT ENVIRONMENTAL AUDIT				
117	At 3 yearly intervals after the commencement of mining and at the completion of mining, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development.	YES		An Independent Environmental Audit was conducted in March 2015 by Trevor Brown & Associates to fulfil the requirements of MCoA 117.
	This audit must: (i) be conducted by a suitably qualified, experienced and independent person whose appointment has been endorsed by the Director-General; (ii) be consistent with <i>ISO 19011:2002 – Guideline for Quality and/or Environmental Systems Auditing</i> , or equivalent updated versions of these guidelines; (iii) assess the environmental performance of the development, and its effects on the surrounding environment; (iv) assess whether the development is complying with the relevant standards, performance measures and statutory requirements; (v) review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; (vi) and if necessary, recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.	YES		The March 2015 audit was conducted by Trevor Brown of Trevor Brown & Associates Applied Environmental Management Consultants. The conduct of the 2015 audit was consistent with the requirements of ISO19011. The environmental performance of the development was reviewed and comments are provided in Section 4 of the audit report. The development demonstrated a high degree of compliance with the standards, performance measures and statutory requirements relevant to the development (v) Comment on the Environmental Management Strategy and Environmental Monitoring Program are provide in Sections 4.1 and 4.2 of the audit report
118	The audit shall: (i) assess compliance with the requirements of this Consent, licences and approvals; (ii) review the effectiveness of the environmental management of the mine, and any mitigation works; (iii) be carried out at the Applicant's expense; and (iv) be conducted by a duly qualified independent person or team approved by the Director-General in consultation with the Councils.	YES		An Independent Environmental Audit was conducted in March 2015 by Trevor Brown & Associates to fulfil the requirements of MCoA 117 and 118.
119	The Director-General may, after assessing compliance in accordance with this Consent and after considering any submission made by the OEH, NOW, DRE, the Councils or the Community Consultative Committee on the report, notify the Applicant of any	Noted		

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
	reasonable requirements for compliance with this Consent. The Applicant shall comply with those requirements within such time as the Director-General may require.			
COMPLIANCE				
120	The Applicant shall comply with all requirements of the Director-General in respect of the implementation of any measures arising from the Conditions of this Consent. The Applicant shall bring to the attention of the Director-General any matter that may require further investigation and the issuing of instructions from the Director-General. The Applicant shall ensure that these instructions are implemented to the satisfaction of the Director-General within such time that the Director-General may specify. If necessary, the Director-General may order the Applicant to cease work until non-compliance has been addressed to her satisfaction.		Noted	
121	The Applicant shall submit for the approval of the Director-General compliance reports concerning the implementation of Conditions of this Consent as applicable: (i) before the commencement of construction works; and (ii) before the commencement of mining.	YES		Compliance Reports were prepared and submitted to DUAP for construction of the Donaldson Mine on 20 October 2000, and a Compliance Report was submitted to DUAP prior to commencement of mining works on 17 January 2001.
Y2K COMPLIANCE				
122	One month prior to the commencement of operation of any automated system, included embedded systems used for operation, pollution control, monitoring and safety (including fire safety), the Applicant shall provide the Director-General with a report confirming that the system(s) has been tested in accordance with the most recent edition of BSI/DISC PD2000-1 to confirm continuous time and date functionality of that system.	YES		The Donaldson Mine commenced after the 1 January 2000. Systems installed and operated for the Donaldson Mine are Y2K compliant.
DISPUTE RESOLUTION				
123	In the event that the Applicant and an individual, the Councils or a Government agency, other than DP&I, cannot agree on the specification or requirements applicable under this Consent, the matter shall be referred by either party to the Director-General or if not resolved within six months, to the Minister for Planning and Infrastructure, whose determination of the disagreement shall be final and binding on the parties.		Noted	The development consent was accepted by the parties and construction and commencement of mining occurred after 1 January 2000.
OTHER ISSUES				

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
124	The Applicant shall participate in (including a financial contribution if appropriate, to a maximum of \$10,000) the preparation of a revised Planning Strategy for the Thornton-Beresfield area. Any such financial contribution shall be paid as directed by the Director-General and any amounts not expended in the review upon completion of mining shall be refunded to the Applicant.	Requirements of this condition not specifically activated at the time of the audit due to changes to the planning proposals.		<p>The Thornton-Beresford Area has been incorporated into the Lower Hunter Area and a Planning Strategy as an employment generating area with a transport intermodal hub proposed for the area.</p> <p>Donaldson has participated in meetings associated with the Thornton-Killingworth study, Lower Hunter Regional Strategy and Lower Hunter Conservation Plan.</p> <p>Donaldson also made some financial contributions including analysis and participation in the planning of a Newcastle rail by-pass line through the Stony Pinch site.</p> <p>The Lower Hunter Regional Strategy and Conservation Plan is not yet finalised, but Donaldson Coal continues to be involved in discussions with the authorities on the Strategy and Plan.</p>
125	The Applicant shall provide reasonable funding to Councils for independent counselling services for any landowner within 1.5 kilometres of the mining lease area who may request support on stress-related matters resulting from the development.	Not activated at the time of the audit		No requests have been made for the activation of this condition.
126	Within six months of the date of this Consent and in each AEMR thereafter, the Applicant shall report to the Director-General on the number of personnel employed by the mine in construction, mining and environmental management during that reporting period. The report shall compare the employment figures with those predicted in the EIS.	YES		As the mine is now on care and maintenance there are a total of four full-time equivalent positions on site.

**Table A3.2
Mining Lease 1461 – Compliance Review**

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
EXTRACTION OF COAL				
1	The lease holder shall extract as large a percentage of the coal in the subject area as is practicable consistent with the provisions of the Coal Mines Regulations Act 1982 and the Regulations thereunder and shall comply with any direction given or which may be given in this regard by the Minister.	Yes		Coal recovery was maximised during operations. No further economic coals approved for extraction. No mining occurred during this reporting period.
MINING, REHABILITATION, ENVIRONMENTAL MANAGEMENT PROCESS (MREMP)				
MINING OPERATIONS PLAN (MOP)				
2 (1)	Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for: a) ongoing mining operations and environmental management; and b) ongoing monitoring of the project.	Yes		Operations have been undertaken in accordance with the MOP for Closure for the period ending 16 May 2021 as approved by DRE 16 May 2014.
2(2)	The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement.	Yes		The MOP was prepared in accordance with <i>ESG3: Mining Operations Plan (MOP) Guidelines (September 2013)</i>
2(3)	A Plan must be lodged with the Director-General: a) prior to the commencement of operations; b) subsequently as appropriate prior to the expiry of any current Plan; and c) in accordance with any direction issued by the Director-General.	Yes		The current MOP was submitted prior to the expiry of the previous MOP.
2(4)	The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:- a) area(s) proposed to be disturbed under the Plan; b) mining and rehabilitation method(s) to be used and their sequence; c) areas to be used for disposal of tailings/waste; d) existing and proposed surface infrastructure; e) progressive rehabilitation schedules; f) areas of particular environmental sensitivity; g) water management systems (including erosion and sediment controls); h) proposed resource recovery; and i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining land use/vegetation	Yes		The MOP addresses these issues as relevant to the closure activities.
2(5)	The Plan when lodged will be reviewed by the Department of Mineral Resources.	Yes		The MOP was reviewed and approved by DRE 16 May 2014.

Table A3.2 (Cont'd)
Mining Lease 1461 – Compliance Review

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
2(6)	The Director-General may within two (2) months of the lodgement of a Plan, require modification and re lodgement.	Not Applicable		No request for modification was received.
2(7)	If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan, the lease holder may proceed with implementation of the Plan submitted subject to the lodgement of the required security deposit with in the specified time.	Not Applicable		The MOP was processed as required.
2(8)	During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in (5) - (7) above.	Not Applicable		No modifications to the current MOP have been proposed to date.
ANNUAL ENVIRONMENTAL MANAGEMENT REPORT (AEMR)				
3(1)	Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General.	Yes		The Annual Review for this reporting period was lodged within the required timeframes.
3(2)	The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain are view and forecast of performance for the preceding and ensuing twelve months in terms of: - a) the accepted Mining Operations Plan b) development consent requirements and conditions; c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals; d) any other statutory environmental requirements; e) details of any variations to environmental approvals applicable to the lease area. and f) where relevant, progress towards final rehabilitation objectives.	Yes		This Annual Review was prepared in accordance with the current guidelines.
3(3)	After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.	Yes		Remedial actions were request following submission of the previous 2014/2015 AEMR. The requested actions have been completed.
3(4)	The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.	Not Applicable		No request received during the reporting period.
SHAFTS, DRIFTS, ADITS				
14	Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the lease holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the lease holder.	Yes		Retained pits have been appropriately fenced and bunded.

Table A3.2 (Cont'd)
Mining Lease 1461 – Compliance Review

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
DUMPS				
15	The lease holder shall comply with any direction, given or which may be given by the Inspector regarding the dumping, depositing or removal of material extracted as well as the stabilisation and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situated on the subject area or the associated colliery holding.	Yes		Erosion control works were carried out within the drainage channel to Brown's Hole in response to DRE's correspondence following the 2014/2015 AEMR.
16	The lease holder shall comply with any direction given or which may be given by the Minister regarding the spraying of coal dumps on the subject area.	Not Applicable		No such direction received during the reporting period.
DUST				
17	The lease holder shall take such precautions as are necessary to abate any dust nuisance.	Yes		Dust management measures were considered effective during the reporting period.
MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)				
18	The lease holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or the Minister and subject to such conditions as the Minister may stipulate.	Yes		The Company did not interfere with any such fences during the reporting period.
19	The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.	Not Applicable		No instruction given during the reporting period.
20	If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.	Not Applicable		No instruction given during the reporting period.
21	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister any lands within the subject area which may have been disturbed by the lease holder.	Yes		Erosion control works were carried out within the drainage channel to Brown's Hole in response to DRE's correspondence following the 2014/2015 AEMR.
22	Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.	Yes		All buildings, structures, plant etc. not potentially required for future operations have been removed. All areas of disturbance not potentially required for future operations have been rehabilitated.

Table A3.2 (Cont'd)
Mining Lease 1461 – Compliance Review

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
23	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister, any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.	Yes		Erosion control works were carried out within the drainage channel to Brown's Hole in response to DRE's correspondence following the 2014/2015 AEMR.
24	The lease holder shall take all precautions against causing outbreak of fire on the subject area.	Yes		Measures were implemented as appropriate to the activities undertaken.
25	The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, degradation, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse, groundwater or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, degradation, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse, groundwater or catchment area or any undue interference to fish or their environment.	Yes		No contamination, pollution, erosion, etc. of any river, streams etc. occurred during the reporting period.
BLASTING				
26	The lease holder shall carry out all blasting in accordance with the conditions of the Development Consent, File No N97/00147, given on 14/10/99. All noise, vibration and institute controls shall be generally in accordance with the recommendations of Australian Standard AS-2187-1993 and ANZEC Guidelines.	Not Applicable		No blasting occurred during the reporting period.
	a) Ground Vibration The lease holder shall design all blasts on the basis that the ground vibration peak particle velocity generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting.	Not Applicable		No blasting occurred during the reporting period.
	b) Blast Overpressure The lease holder shall design all blasts on the basis that the blast overpressure noise level generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting .	Not Applicable		No blasting occurred during the reporting period.

Table A3.2 (Cont'd)
Mining Lease 1461 – Compliance Review

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
TREES (PLANTING AND PROTECTION OF) FLORA AND FAUNA AND ARBOREAL SCREENS				
27	If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.	Not Applicable		No such direction received during the reporting period.
28	The lease holder shall maintain an arboreal screen to the satisfaction of the Minister with in such parts of the subject area as may be specified by the Minister and shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen In a condition satisfactory to the Minister.	Yes		The 50m buffer has been maintained in accordance with the Landscape Management Plan.
SOIL EROSION				
29	The lease holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the lease holder shall observe and perform any instructions given or which may be given by the Minister with a view to minimising or preventing soil erosion.	Yes		Rehabilitation works have minimised the potential for erosion. Erosion as noted within the drainage channel to Brown's Hole and noted in the 2014/15 AEMR review was repaired.
ROADS				
31	The lease holder shall pay to Cessnock City and Maitland City Council, Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Councilor Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area. PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Conservation and Land Management or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.	Not Applicable		No payments occurred and no claims occurred during the reporting period.
32	In the event of operations being conducted on the surface of any road, track or firetrail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or firetrail the lease holder, at his own expense, shall if directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and , if required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or fire trail to a condition satisfactory to the Minister.	Not Applicable		No such direction received during the reporting period.

Table A3.2 (Cont'd)
Mining Lease 1461 – Compliance Review

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
CATCHMENT AREAS				
33	<p>a) Operations shall be carried out in such a way as not to cause any pollution of the Hunter River Catchment area.</p> <p>b) If the lease holder is using or about to use any process which in the opinion of the Minister is likely to cause contamination of the waters of the said Catchment Area the lease holder shall refrain from using or cease using as the case may require such process within twenty four (24) hours of the receipt by the lease holder of a notice in writing under the hand of the Minister requiring the lease holder to do so.</p> <p>c) The lease holder shall comply with any regulations now in force or hereafter to be in force for the protection from pollution of the said Catchment Area.</p>	Yes		All operations were carried out in accordance with the Erosion and Sediment Control Plan and Mining Operations Plan.
TRANSMISSION LINES , COMMUNICATION LINES AND PIPELINES5				
41	The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.	Yes		No interference or impacts to transmission lines, communication lines or pipelines occurred during the reporting period.
42	Unless with the consent of Energy Australia , the lease holder shall not carry out any operations within any easement for any power transmission line traversing the subject area.	Yes		All necessary agreements are in place with Energy Australia.
ABORIGINAL PLACE OR RELIC				
43	The lease holder shall not knowingly destroy, deface or damage any aboriginal place or relic within the subject area except in accordance with an authority issued under the National Parks and Wildlife Act, 1974, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.	Yes		No Aboriginal sites are known to have been disturbed during the reporting period.
LABOUR/EXPENDITURE				
44	<p>The lease holder shall during each year of the term of the authority:</p> <p>a) ensure that at least 22 workers are efficiently employed on the subject area or</p> <p>b) expend on operations carried out in the course of prospecting or mining the subject area, an amount of not less than \$385,000,</p> <p>The Minister may, at any time after a period of two (2) years from the date on which this authority has effect or from the date on which the renewal of this authority has effect, increase or decrease the amount of expenditure of labour required.</p>		Administrative Non-Compliance	The Company has ceased operations and has not met the required employment or expenditure. The Company will formally apply to DRE to suspend this requirement.

Table A3.2 (Cont'd)
Mining Lease 1461 – Compliance Review

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
ADDITIONAL INFORMATION				
45	The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister: a) information regarding the ownership of the land within the subject area; b) information regarding the ownership of the coal within the subject area prior to 1 st January, 1982; c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished by the lease holder; d) information regarding the financial viability of the lease holder and operations within and associated with the subject area ; and e) information regarding shareholdings in the lease holder.	Not Applicable		No such direction received during the reporting period.
SERVICE OF NOTICES				
46	Within a period of three (3) months from the date of this authority or a period of three (3) months from the date of service of the notice of renewal, or within such further time as the Director General may allow the lease holder shall serve on each owner and occupier of the private land and on each occupier of the Crown land held under a pastoral lease within the subject area a notice in writing indicating that this authority has been granted or renewed and whether the authority includes the surface. The notice shall be accompanied by an adequate plan and description of the subject area. If there are ten (10) or more owners or occupiers affected the lease holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this authority has been granted or renewed, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.	Not Applicable		As the lease was granted 21 December 1999, this requirement is not applicable during the reporting period.

Table A3.2 (Cont'd)
Mining Lease 1461 – Compliance Review

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
INSPECTORS				
47	<p>a) Where an Inspector under the Mining Act 1992 is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder:</p> <p>i) to cease operations within the subject area in contravention of that condition or Act; and</p> <p>ii) to carry out within the specified time works necessary to rectify or remedy the situation.</p> <p>b) The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director General may confirm, vary or revoke any such direction.</p> <p>c) A notice referred to in his condition may be served on the Colliery Manager.</p>	Not Applicable		No such notice received during the reporting period.
INDEMNITIES				
48	The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expense which may be brought against the lease holder or which the lease holder may incur respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do hereunder.	Yes		Liability Insurance for \$100 million current to 30/11/2016.
49	The lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.	Yes		No such claims issued. Liability insurances were maintained for the reporting period.

Table A3.2 (Cont'd)
Mining Lease 1461 – Compliance Review

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
PROSPECTING (GENERAL)				
50	<p>a) Where the lease holder desires to commence prospecting operations in the subject area the lease holder shall notify the Director General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond of other form of security or rehabilitation of the area affected by such operations .</p> <p>b) Where the lease holder notifies the Director General pursuant to sub paragraph (a) of this condition the lease holder shall furnish with that notification details of the type of prospecting methods that would be adopted and the extent and location of the area that would be affected by them.</p>	Not Applicable		The Company did not undertake any prospecting operations within the lease area during the reporting period.
SECURITY DEPOSIT				
51	<p>a) The lease holder shall, upon request by the Director General, lodge with the Minister the sum of \$250,000, in accordance with Instructions for Manner of Lodgement of Security Deposits as security for the fulfillment of the obligations of the lease holder under this authority. In the event that the lease holder fails to fulfill any of the lease holder's obligations under this authority the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purposes of the clause a lease holder shall be deemed to have failed to fulfill the lease holder's obligations under this authority, if the lease holder fails to comply with any condition or provision of this authority, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision of this authority or of any provision of the Act or regulations made thereunder.</p> <p>b) The Minister may at any time after the commencement of this authority or any renewal thereof, vary the amount of security required in accordance with this condition.</p> <p>c) Where the amount of security has been increased pursuant to Clause (b) hereof the lease holder shall, within two (2) months of being requested by the Minister, lodge a security for the amount of security required, in which case the Minister shall refund or release to the lease holder the security previously lodged.</p>	Yes		A security deposit, as determined in accordance with DREs calculation tool, remained current during the reporting period.
ROYALTY AT ADDITIONAL RATE				
54	The lease holder shall during the term of this authority pay to the Minister royalty at the additional rate as prescribed by the Regulations for coal recovered by open cut mining methods from the area.	Not Applicable		All economic coal as approved for extraction has been recovered. No mining operations during the reporting period.
METHODS OF OPERATION (PRESCRIBED DAMS)				
55	See attached Annexure "A".			

Table A3.2 (Cont'd)
Mining Lease 1461 – Compliance Review

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
ADDITIONAL CONDITIONS				
56	The lease holder shall not carry out mining in areas identified as conservation areas in accordance with the conditions of the development consent.	Yes		No mining operations occurred during the reporting period.
57	The lease holder shall not clear any land or erect any structures in areas identified as conservation areas in terms of the conditions of the development consent, other than in accordance with provisions of the development consent.	Yes		No land clearing or construction activities occurred during the reporting period.
58	The lease holder shall carry out all operations in accordance with the approved hours of operation contained in the conditions of the development consent.	Yes		All activities during the reporting period were in accordance with the approved hours.
59	Any risk analysis undertaken by the lease holder in order to seek a reduction (by the Director General of the Department of Urban Affairs and Planning) in the requirement for blasting to be a minimum of 500 meters from occupied residences, public lands and unclosed public roads, must be assessed by the Chief Inspector of Coal Mines, prior to lodgement with the Director General of the Department of Urban Affairs and Planning.	Not Applicable		No such reduction sought during the reporting period.
60	The lease holder shall prepare a Traffic Management Plan to the satisfaction of the Chief Inspector of Coal Mines, for the haulage of coal to the Bloomfield Colliery coal preparation plant and rail loading facility.	Yes		Whilst no coal was hauled from within ML1461, coal hauled from the Abel Underground Coal Mine through ML 1461 was undertaken in accordance with the Company's Traffic Management Plan.
61	The lease holder shall notify the Principal Environmentalist, the name and contact details of the Environmental Officer upon appointment, and upon any changes to that appointment.	Yes		DRE have been notified of the contact details of the Environmental Officer. These are also included within this Annual Review.
ANNEXURE "A" - METHODS OF OPERATION (PRESCRIBED DAMS)				
1.	A) Subject to paragraphs (C) and (D) the lease holder shall not mine coal from within any part of the subject area which is within the notification area of the Stoney Pinch Reservoir. Dam without the consent of the Minister pursuant to paragraph (E) of this condition.	Yes		No mining operations occurred during the reporting period.
	B) Where the lease holder desires to mine coal from within any part of the subject area which is within the notification area he shall- i) at least twelve (12) months before such mining is to commence or such lesser time as the Minister may permit, notify the Minister of his desire to do so. A plan of the mining system to be implemented must accompany the notice to the Minister, ii) provide such information as the Minister may direct.	Not Applicable		No mining operations occurred during the reporting period.

Table A3.2 (Cont'd)
Mining Lease 1461 – Compliance Review

Condition	Minister's Conditions of Consent (MCoA)	Compliance		Comments/Notes
		Yes	No	
	C) No coal shall be mined from within any part of the subject area which is within the notification area except in accordance with such system as may be consented to by the Minister and subject to such conditions as he may impose. The Minister shall not grant any such consent unless the requirements referred to in sub-paragraph (i) of this paragraph have been complied with.	Yes		No mining operations occurred during the reporting period.
	l) This sub-paragraph is complied with if:- a) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act and the owner of the dam have been notified in writing of the desire to mine referred to in Condition No 1 (8). b) the notification referred to in paragraph (a) is accompanied by a description or plan of the area that would be mined or continued to be mined, c) the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal, d) the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations, and, e) where the Dams Safety Committee has made recommendations under paragraph (d), the consent is in terms that are :- i) in accordance with those recommendations, or, ii) where the Minister does not accept those recommendations or any of them - in accordance with a determination under subparagraph (ii) of this paragraph . iii) where the Minister does not accept the recommendations of the Dams Safety Committee made as provided by sub-paragraph (i), or where the Dams Safety Committee has failed to make any such recommendations and has not informed the Minister in writing that it does not propose to make any such recommendations, the consent shall be in terms that are, in relation to matters dealing with the safety of the dam:- a) as determined by agreement between the Minister and the Minister administering the Dams Safety Act, 1978, or b) in the event of failure to reach such agreement - as determined by the Premier.	Not Applicable		No mining operations occurred during the reporting period.
	d) The Minister, on notice from the Dams Safety Committee, may at any time or times: i) cancel any consent to a system where a notice pursuant to Section 18 of the Dams Safety Act, 1978 is given, ii) suspend for a period of time, alter, omit from or add to any system consented to or conditions imposed by him.	Noted		No mining operations occurred during the reporting period.

Appendix 4

Complaints Summary

Donaldson Coal Open Cut Complaints

Date	Location	Complaint/Action
3/02/2010	Blackhill Road Blackhill	Complaint about blast – knocked them off their feet. Caller advised blast was within limits
4/02/2010		Caller affected by huge blast at the mine. Noise and vibration affected caller - windows in the building rattled. Please provide blast data. Data provided. Blast within limits
26/02/2010	Blackhill	Caller affected by loud blast and significant vibration in the air, ground and windows also shaking. Caller indicates that this was a stronger blast than normal. Caller advised that blast was within limits at their residence.
26/02/2010	Blackhill	Blast from Donaldson Mine that shook whole house and caller said this was the worst in a while. Caller advised that blast was within limits at their place.
26/02/2010	Cnr Blackhill Road and John Renshaw Drive	Complained about the blast. Light vibration in the office then a big air vibration. Advised the resident that blast was within limits at their place.
26/02/2010	Cnr Blackhill Road and John Renshaw Drive	Really felt the blast today. Advised neighbour that blast was within limits
5/03/2010	Cnr Blackhill Road and John Renshaw Drive	Complained about the blast. Light vibration in the office then a big air vibration. Advised the resident that blast was within limits at their place.
18/03/2010	Blackhill Road/John Renshaw Drive	Complaint about the blast. Not as bad as the other day. Was told to call by his daughter. Explained what the results were.
18/03/2010	Blackhill Road/John Renshaw Drive	Large blast. Normal size. Rattled windows. Caller was outside and he could "feel it". 8 on a scale of 1 to 10. Advised the caller that the blast results were low and within limits.
13/04/2010	Donaldson Open Cut	Explosion shook the house. Advised DECC that blast was within limits.
28/05/2010	John Renshaw Drive ex Donaldson	Trucks and employees cars are tracking huge quantities of mud onto the highway, causing water pollution and danger to other road users.
12/11/2010	John Renshaw Dr	Complained about the blast. Advised that the blast was within limits and that the levels were low.
24/11/2010	Cnr Black hill Rd and JRD	Complained about the blast. One of the largest she has felt. Advised the complainant that the monitor levels were low at their place and the blast was within limits
24/11/2010	Cnr Black hill Rd and JRD	Blast rocked the house. Explained to the caller changes that have been made to blast patterns and that the blast was within limits at their house.
31/01/2011	Blackhill Road Blackhill	Load of asbestos dumped in bushland off Blackhill Road. Asbestos company will remove this week. Asbestos was removed.

Appendix 5

Groundwater Response

Dundon Consulting Pty Limited

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ABN 27 083 246 459

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28 June 2017

Donaldson Coal Ltd
PO Box 2275
GREENHILLS, NSW 2322

Attention: Phillip Brown

Dear Phillip,

Re: Abel coal project – 2015 AEMR – response to DP&E comments

This letter addresses certain matters relating to water quality raised by Department of Planning and Environment by letter dated 25 February 2016. The DP&E letter was in response to the 2015 AEMR for the Donaldson Coal Mine.

The DP&E raised a number of comments in their letter, including the following relating to groundwater and surface water quality:

5. The Department notes that the surface water monitoring results in Scotch Dairy Creek re moderately acidic (lowest pH value is 4.81), and more acidic than pre-mining levels. The Department also notes that the downstream results are more acidic than the upstream results. Please investigate and report on the potential source and extent of this acidic influence, and the potential impact on surrounding sensitive receptors.
6. The Department notes that the groundwater monitoring results in groundwater bores REGDPZ1, DPZ3 and DPZ8 are moderately to strongly acidic (lowest pH value is 2.99), and more acidic than pre-mining levels. The Department also notes that these bores are in the general area of Scotch Dairy Creek, also reporting low pH levels. Please investigate and report on the potential source and extent of this acidic influence, and the potential impact on surrounding sensitive receptors.

You asked me by email on 7 June 2017 to review the groundwater results and provide a response.

1. Scotch Dairy Creek

Water quality monitoring has been undertaken on Scotch Dairy Creek since July 2000, on an approximately monthly basis. Two locations are sampled on Scotch Dairy Creek each month, one upstream and the other downstream from the Donaldson Open Cut mine, which has now closed and has been substantially rehabilitated. These sampling locations are shown approximately on **Figure 1**.

Mining commenced on 14 February 2001, thus there is a short period of pre-mining baseline data, although it is likely that there would have been some delay before any possible impact on the surface water environment as the early mining activities took place at relatively shallow depth and the area of disturbance was still limited in 2001.

The full record of available pH measurements from the upstream and downstream monitoring points on Scotch Dairy Creek is shown plotted on **Figure 2**. Visually, **Figure 2** shows no evidence for a change in pH from pre-mining to post commencement of mining in February 2001. Nor is there any discernible difference in pH between the upstream and downstream sampling locations.

For completeness, the text boxes on **Figure 2** list the minimum, maximum, average and median pH values for each sampling location, and a comparison of pre- and post- data. While there are small

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differences between pre- and post- stats, the differences are not significant, especially when the small sample size for pre-mining monitoring is small (8 samples) compared with the post-commencement of mining dataset (165 samples).

The differences between upstream and downstream pH values are even smaller, and the two datasets are statistically identical.

Consequently, it is concluded that there is no statistical difference in pH, either between upstream and downstream pH values, or between pre- and post- pH values.

2. Groundwater Monitoring Bores

The DP&E letter refers specifically to bores REGDPZ1 (a regional monitoring bore located approximately at least 1.5 km north of the Donaldson open cut), and DPZ3 and DPZ8 (both located within the Donaldson mine area).

The DP&E letter states that these bores are located in the catchment of Scotch Dairy reek, however this is incorrect. REGDPZ1 is located in a residential area to the north of Donaldson, in the sub-catchment of a small tributary which flows into Scotch Dairy Creek about 1 km downstream of SCU, the downstream monitoring location on Scotch Dairy Creek. DPZ8 is located in the catchment of Wheatley's Flat Creek, and DPZ3 in the Four Mile Creek catchment.

Figure 3 shows the pH values from monitoring of these 3 bores, extending from 2000 to the present. REGDPZ1 shows some variability in pH during the period up to October 2002, but has reported a fairly consistent set of pH values since then, generally in the range 5 to 6, with occasional higher or lower outliers.

This bore is located outside the surface water catchments that are directly or indirectly affected by the mining activities, and is also located up dip from the subcrop line of the coal measures being mined in the Abel underground mine and were previously mined at the Donaldson open cut. Consequently, the strata that are physically or hydraulically connected to the Donaldson mining operations are absent at REGDPZ1, meaning that there is no prospect of any hydraulic connection between REGDPZ1 and the mining operations.

The pH variability seen prior to October 2002 is more likely related to residential activities close to the bore itself. In any case, there is no evidence for a significant change in pH to more acidic values post-mining compared with pre-mining.

Both DPZ3 and DPZ8 show changes in pH that are probably related to mining or associated activities.

The pH values reported from PZ3 were generally in the range 6.5 to 7.0 until around 2006, when the pH started to be more erratic, and more frequent lower pH values than previously, possibly indicating slightly more acidic conditions. Since around May 2006, pH values at DPZ3 have been generally in the range 5.2 to 7.2, but with median and average values of 6.45 and 6.50 respectively, only slightly lower than pre-mining average and median values of 6.66 and 6.70 respectively.

The pH values reported from DPZ8 were generally in the range 5.0 to 6.5 until late 2007, when the pH started to be more erratic, and generally much lower than previously, indicating more acidic conditions. Water levels in DPZ8 dropped sharply in September 2007, at the same time that EC increased noticeably and pH started to be erratic and eventually fell to a much lower level (as shown in Figure 8 of the 2016 annual groundwater review (Dundon Consulting, 2017)). There was a gap in monitoring of DPZ8 between March 2007 and February 2008, but since February 2009, pH values at DPZ8 have been generally in the range 3.0 to 4.5 albeit with a number of higher outlier values, but with median and average values of 3.76 and 3.32 respectively, significantly lower than the pre-mining average and median values of 5.95 and 5.94 respectively.

The open cut mining has probably exposed sulphides or other acid-forming minerals present in the coal seams or the interburden strata to oxidation, leading to the reduction in pH at the time that mining reached the vicinity of this bore.

Monitoring bores that are located in the Scotch Dairy Creek catchment are DPZ1, DPZ2, DPZ16 and DPZ17. The pH data from these four bores are plotted on **Figure 4**. The data on **Figure 4** show no adverse trends in pH value, and if anything, show a rise in pH to less acidic conditions after commencement of mining, relative to the available pre-mining data.

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3. Weakley's Flat Creek

As most of the Donaldson open cut mining activity took place in the Weakley's Flat Creek catchment, the pH monitoring data for the surface water locations on Weakley's Flat Creek have been examined as well.

Figure 5 shows a plot of pH data for Weakley's Flat Upstream (WFCU) and Downstream (WFCD).

There has been no significant change in acidity in the upstream data post-mining, with pH values generally between 6.3 and 7.7 throughout the period of monitoring, with occasional higher or lower outlier values.

The downstream data showed lower pH values during a period from 2003 to 2007, but the pH values since then have generally been above 6.0, and only slightly lower overall than upstream values. There is interpreted to have been a small impact of the mining operation on downstream surface water acidity in Weakley's Flat Creek, but the impact is small, and not considered to be significant for sensitive receptors in the downstream catchment.

It is also likely that the increased acidity seen in bores within the catchment has been contained by ongoing dewatering of the coal measures in the down-dip Abel underground mine, which has altered pre-mining gradients in the coal measures in the former open cut area, causing groundwater to now flow towards the Abel void. Accordingly, baseflow discharges of higher acidity groundwater to the surface in the Weakley's Flat Creek catchment are unlikely to occur.

The monitoring records show that the Weakley's Flat Creek downstream monitoring point (WFCD) has been dry since August 2015, supporting the view that baseflows have been reduced as a result of mining. Prior to cessation of flow, the salinity of samples from the downstream monitoring point after cessation of open cut mining have been markedly lower than those collected pre-mining and during mining, as shown on **Figure 6**. This supports the suggestion of less groundwater baseflow contribution to total streamflow.

4. Conclusions

Following this review of the monitoring data, it is concluded that there has been no significant adverse impact on surface water acidity in the Scotch Dairy Creek catchment, and no significant impact on groundwater acidity in bores located within that catchment.

There has been a small reduction on pH of the surface flows in Weakley's Flat Creek downstream of the Donaldson open cut post-mining, but the magnitude of impact is not considered to be environmentally significant.

There has been a pH reduction in some bores located within the mine area in the Weakley's Flat Creek catchment, especially DPZ8. This is most likely due to exposure of sulphides or other potentially acid-forming minerals in the coal measures to oxidation during open cut mining and the associated dewatering.

The increased acidity is considered to be a local rather than regional effect on the groundwater within the coal measures, as there has been no lasting pH reduction at bore DPZ20 further downstream in the same catchment, suggesting that the effect observed at DPZ8 is limited in areal extent.

The apparent reduction in baseflow contribution to total streamflow, accompanied by a reduction in streamflow salinity, is likely to have an overall beneficial effect, rather than adverse, on the downstream environment.

5. References

Donaldson Coal Pty Ltd, 2001. *Donaldson Coal Mine, Six-monthly Environmental Monitoring Report, 1 November 2000 to 30 April 2001*. Report dated May 2001.

Dundon Consulting Pty Ltd, 2016. *Abel Coal Project – Annual Groundwater Review – 2015 Year*. Letter report dated 25 February 2016.

Dundon Consulting Pty Ltd, 2017. *Abel Coal Project – Annual Groundwater Review – 2016 Year*. Letter report dated 29 March 2017.

Dundon Consulting Pty Ltd

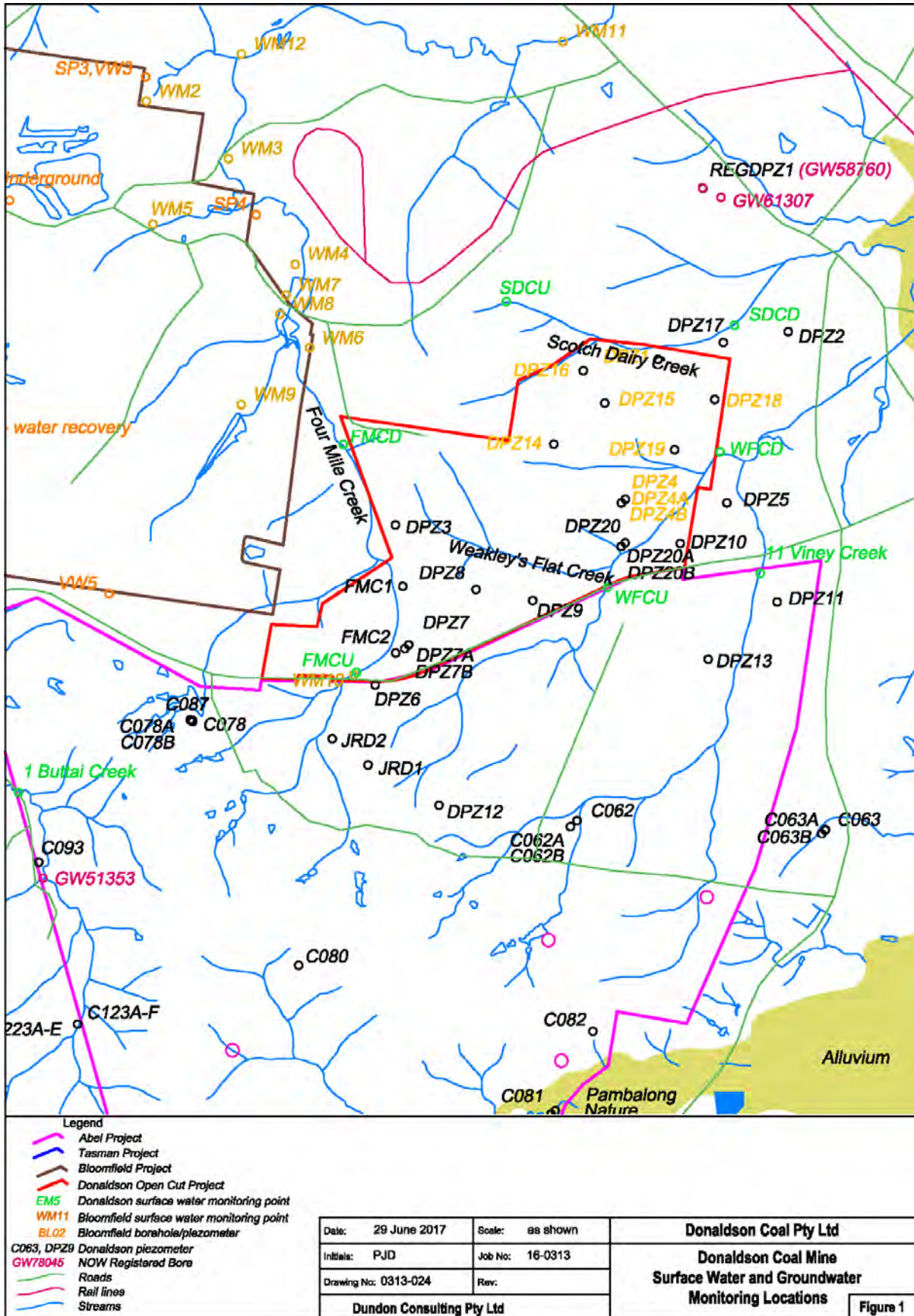
Figures

- Figure 1 Surface Water and Groundwater Monitoring Locations
- Figure 2 pH Monitoring Data Scotch Dairy Creek
- Figure 3 pH Monitoring Data - bores REGDPZ1, DPZ3 and DPZ8
- Figure 4 pH Monitoring Data - bores DPZ1, DPZ2, DPZ16 and DPZ17
- Figure 5 pH Monitoring Data Weakley's Flat Creek
- Figure 6 EC Monitoring Data - Weakley's Flat Creek Downstream

Yours faithfully,



Peter Dundon



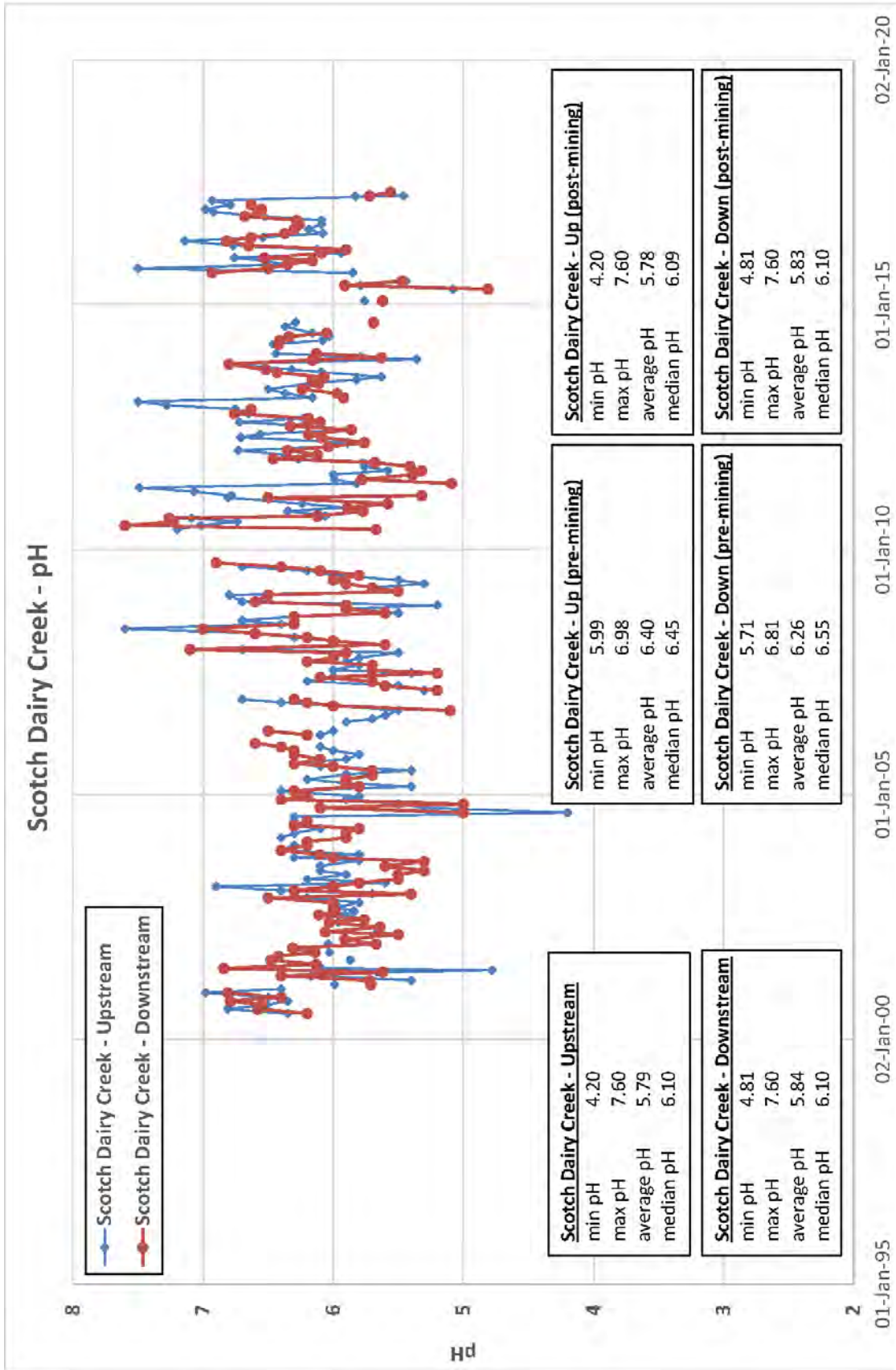


Figure 2 - pH Monitoring Data Scotch Dairy Creek

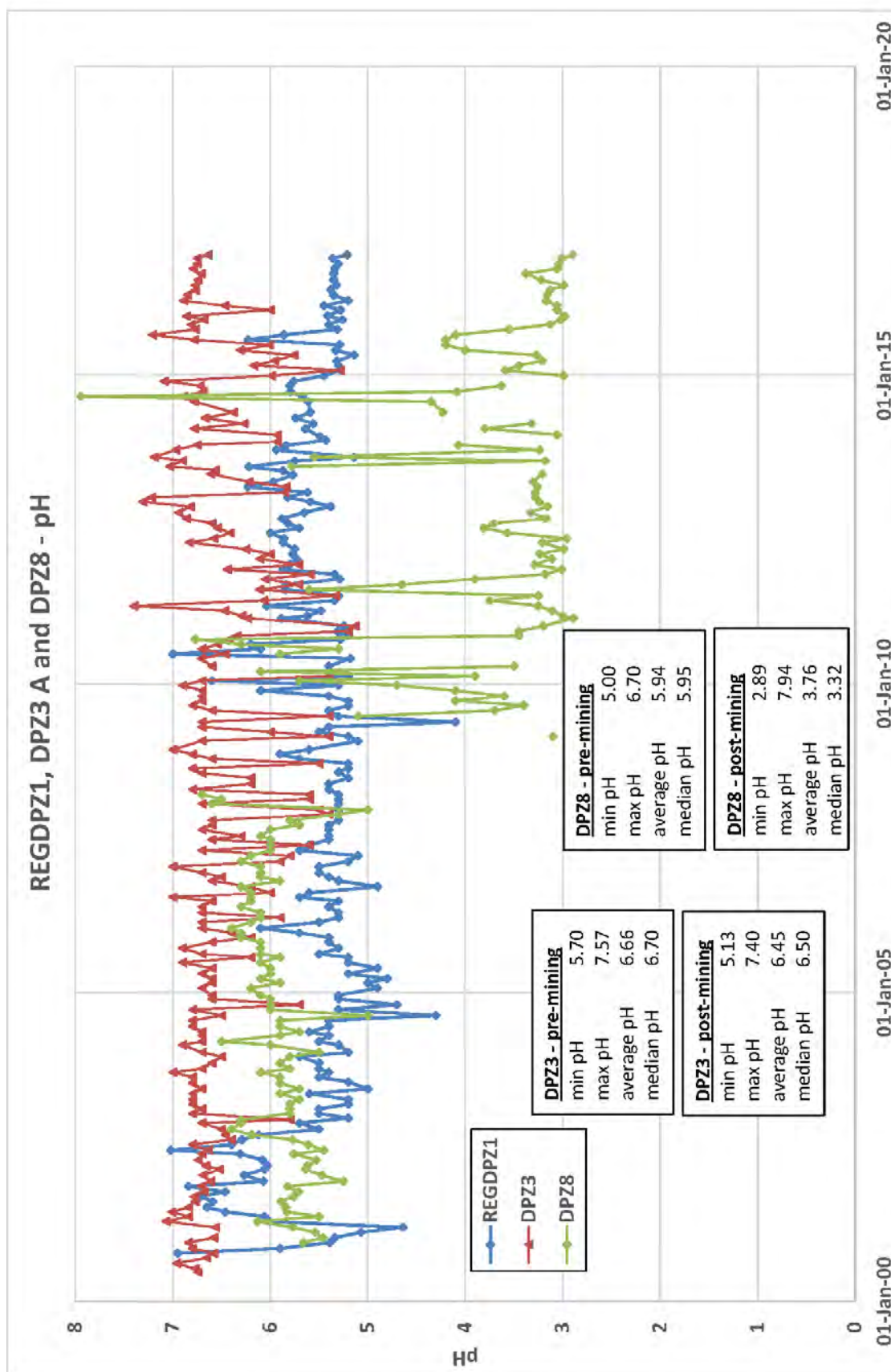


Figure 3 - pH Monitoring Data - Bores REGDPZ1, DPZ3 and DPZ8

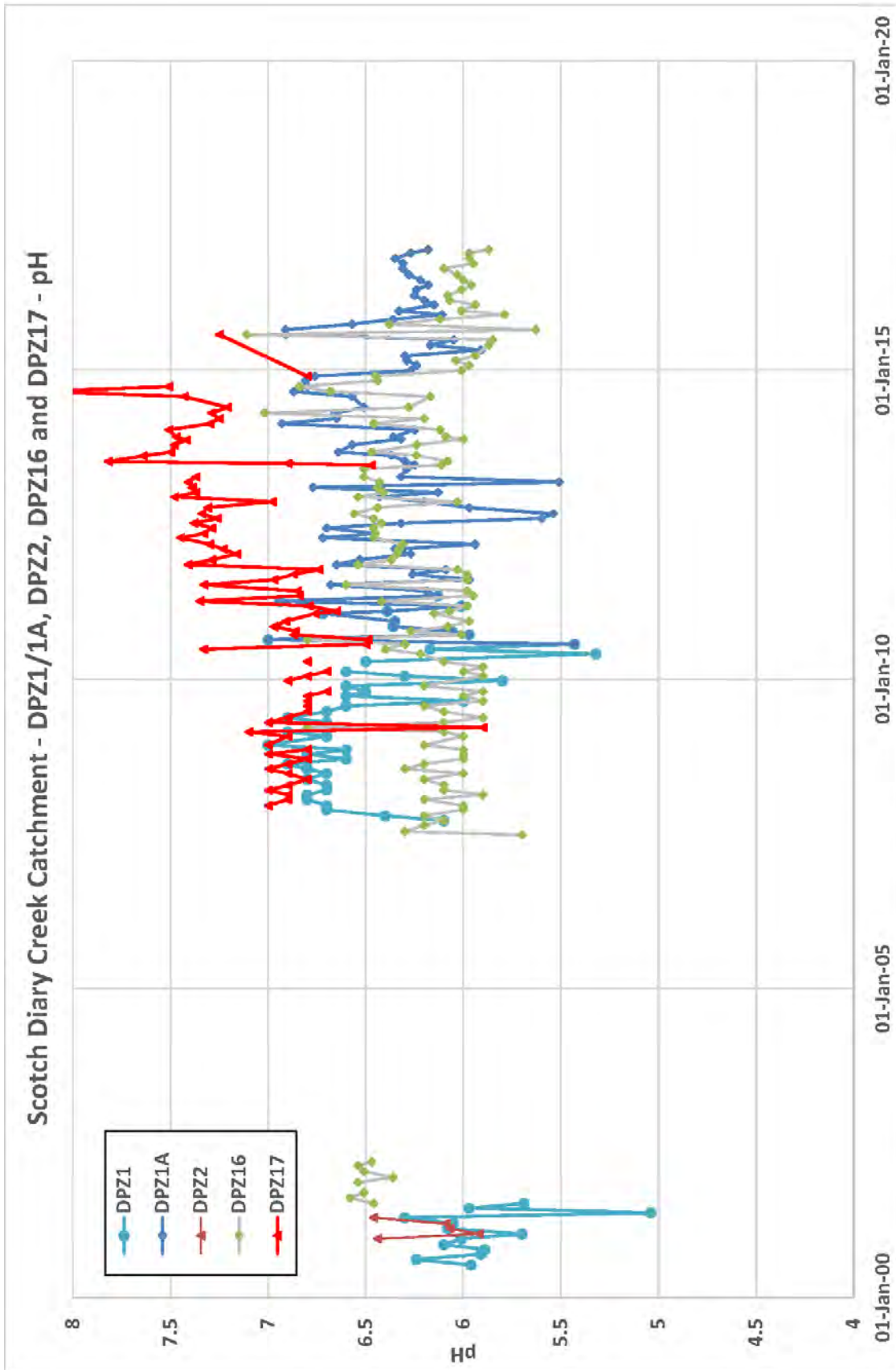


Figure 4 - pH Monitoring Data - Bores DPZ1, DPZ2, DPZ16 and DPZ17

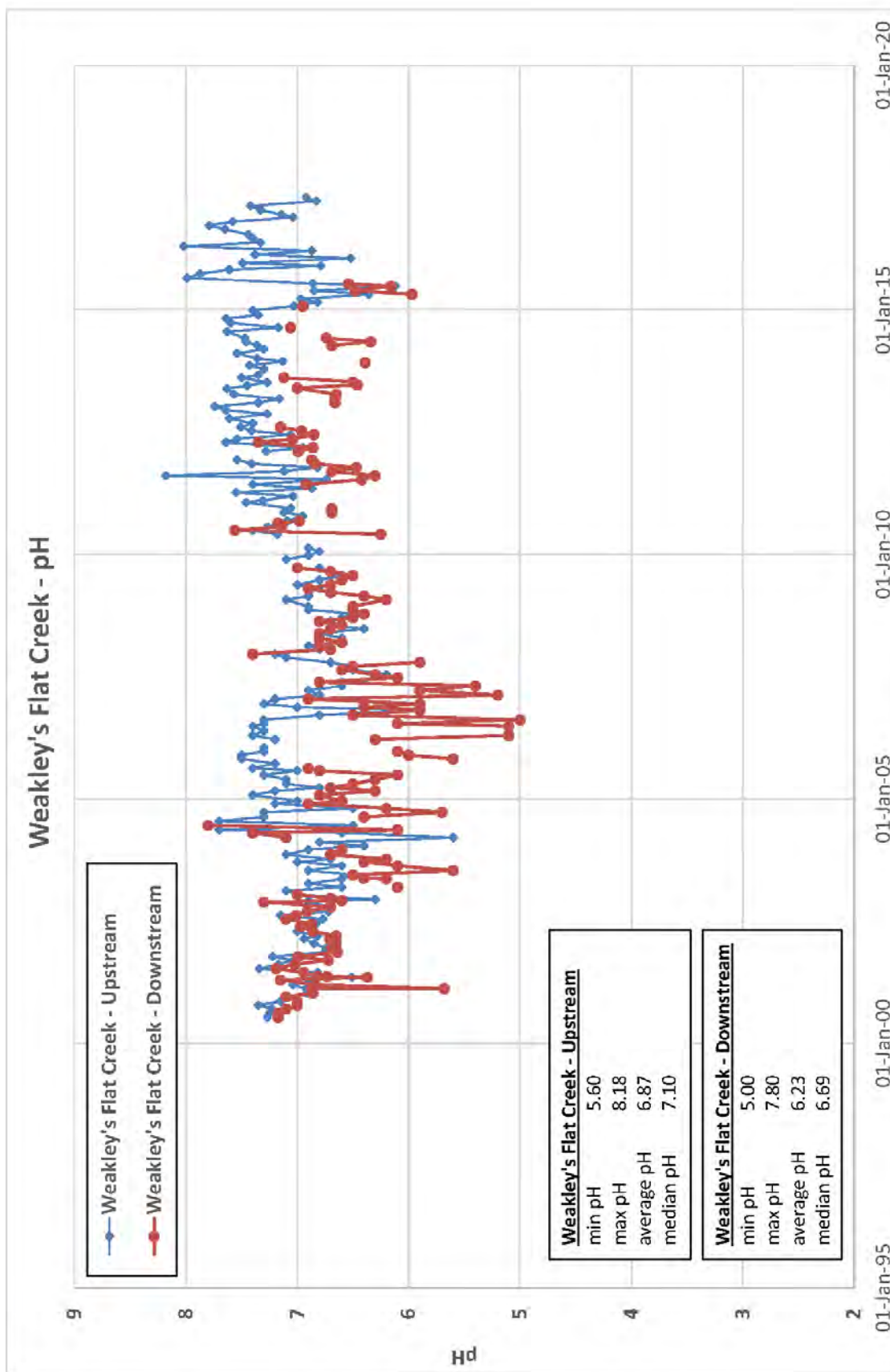


Figure 5 - pH Monitoring Data Weakley's Flat Creek

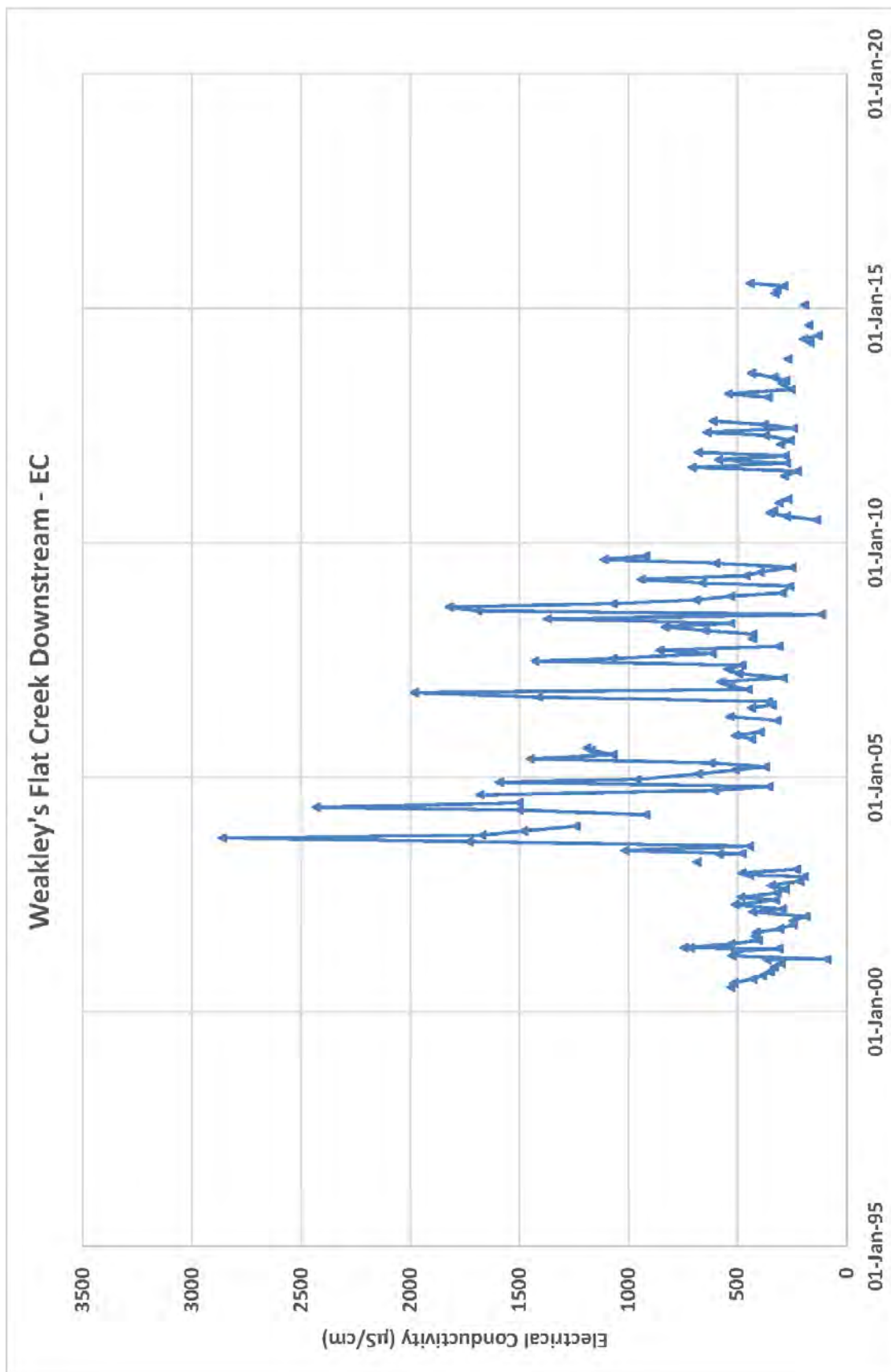


Figure 6 - EC Monitoring Data - Weakley's Flat Creek Downstream

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Appendix 6

Groundwater Review

Dundon Consulting Pty Limited

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29 March 2017

Donaldson Coal Ltd
PO Box 2275
GREENHILLS, NSW 2322

Attention: Phillip Brown

Dear Phillip,

Re: Abel Coal Project – Annual Groundwater Review – 2016 Year

1. Introduction

This letter reviews groundwater data for the Abel Underground Mine during the period 1 January 2016 to 31 December 2016.

There is an extensive groundwater monitoring network around the Abel and Tasman Underground Mines, which also incorporates an earlier monitoring network established for the former Donaldson Open Cut where mining has now ceased. This monitoring network is also integrated with the monitoring of the neighbouring Bloomfield Colliery, as a result of the integration of water management across both projects. Coal from the Abel, Tasman and Donaldson mines has been processed through the Bloomfield Coal Handling and Preparation Plant (CHPP), and excess water from the Abel and Donaldson mines has been pumped into the Bloomfield water circuit for use in the CHPP and ultimate disposal thereafter.

This review presents an assessment of mining and other impacts apparent in the monitoring data, and assesses these against predicted impacts reported in the project environmental approval and SMP/Extraction Plan approvals.

This letter report sets out the results of monitoring relative to the Abel Underground Mine and former Donaldson Open Cut. A separate report addresses monitoring related to the former Tasman Underground Mine.

In the period January to April 2016, mining activities at Abel Underground Mine included completion of secondary extraction from Panels 28, 30 and 31 in SMP Area 4. Drifts from the Upper Donaldson seam to the Lower Donaldson seam were driven to the south off South Mains. Development workings also occurred in Panel 32 now known as South Mains 2 and in South Mains from the Lower Donaldson seam. Mining activities were suspended on 28th April 2016 due to the mine being placed on Care and Maintenance. Mining has not yet resumed.

2. Background

The Abel Underground Mine is located about 25 km west of Newcastle in NSW. It comprises an underground mine located to the south of John Renshaw Drive, which is accessed from a portal in a box-cut within the former Donaldson Open Cut, on the northern side of John Renshaw Drive.

Development Approval (05_0136) was granted for the Abel Underground Mine on 7 June 2007 by the NSW Minister of Planning pursuant to Section 79J of the NSW Environmental Planning and Assessment Act 1979. Mining of development headings commenced in March 2008. Secondary extraction commenced in April 2010.

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Three modifications have subsequently been approved. The most recent Abel Upgrade Modification (MOD3) was lodged in February 2013, and was formally approved on 4 December 2013.

3. Groundwater and Surface Water Monitoring Data

The results of monitoring are reported each year in the Annual Environmental Management Reports. This report outlines the monitoring results and assessment of groundwater performance against predicted impacts for the 2016 calendar year.

Surface water and groundwater monitoring locations for the Abel Underground Coal Mine Project are shown on **Figure 1**. The groundwater monitoring data are presented in graphical format in **Figures 2 to 17**.

4.1 Groundwater Levels

Water levels are monitored monthly in the bores listed in **Table 1**. Some are standpipe (SP) piezometers, others are single-level or multi-level vibrating wire (VW) piezometer bores. The standpipe bores are monitored manually for direct measurement of water level approximately monthly. The vibrating wire piezometers are also monitored manually for hydrostatic pressures, which are converted to water level RLs.

Table 1: Groundwater Level Monitoring – Abel Underground Mine – Monthly

SP Bore	VW Bore	Interval / Formation Monitored	Comments
REGDPZ1		27-33m – lithology unknown	Regional control bore north of Donaldson OC – monitored since 2000.
DPZ1A		?? L Donaldson and Big Ben Seams	Donaldson OC area
DPZ3		6.8-18.8m – coal measures below L Donaldson Seam	Donaldson OC area
DPZ6		26.7-42.5m – U and L Donaldson Seams	South of Donaldson OC
DPZ8		22.2-32.2m – L Donaldson and Big Ben Seams	Donaldson OC area
*DPZ10		11.8-29.8m – Beresfield Seam	Donaldson OC area
**DPZ13		18-30m – U Donaldson Seam overburden	Abel UG mine
DPZ14A		?? Ashtonfield Seam	Donaldson OC area
DPZ16A		??	Donaldson OC area
*DPZ17		62m – ??	NE of Donaldson OC
DPZ20		11.5-17.5m – Regolith	Donaldson OC area
*FMCPZ2		??	Donaldson OC area
*JRD1		??	Abel UG mine
JRD2		??	Abel UG mine
	C063B C063A	128.9m – Coal measures overburden 195.5m – L Donaldson Seam	East of Abel UG mine
C078B C078A		18-24m – Regolith 87-90m and 96-99m – Donaldson Seam	Abel UG mine
*C072B	*C072A	42-45m – Regolith 262m – Donaldson Seam	South of Abel UG mine
C080		280m – Donaldson Seam	Abel UG mine
*C081B	*C081A	14-20m – Regolith 54.7m – U Donaldson Seam	Pambalong NR
*C082		14-20m – Regolith	Pambalong NR
*C092		186m – Sandgate Seam	Abel UG mine
	C093	146m – U Donaldson Seam	West of Abel UG mine
	*C095	249m – L Donaldson Seam	South of Abel UG mine

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Table 1: Groundwater Level Monitoring – Abel Underground Mine – Monthly

SP Bore	VW Bore	Interval / Formation Monitored	Comments
	C123F *C123E *C123D *C123C *C123B *C123A	29m – Fassifern – W Borehole interburden 78m – Sandgate – Donaldson interburden 148m – U Buttai Seam 162m – Beresfield Seam 207m – U Donaldson Seam 229m – L Donaldson Seam	West of Abel UG mine
	C133E C133D C133C C133A C133B	100m – Thornton Seam 145m – Big Ben Seam 172m – Ashtonfield Seam 192m – siderite 248m – Rathluba Seam	West of Abel UG mine
	C138E C138D C138C C138B C138A	75m – Sandgate – Donaldson interburden 113m – Donaldson Seam 136m – Big Ben Seam 142m – Big Ben – Ashtonfield interburden 163m – Ashtonfield Seam	West of Abel UG mine
	C140E C140D C140C C140B C140A	50m – overburden shale/sandstone 100m – overburden shale/sandstone 150m – overburden shale/sandstone 224m – Sandgate Seam 252m – siderite?	West of Abel UG mine
	*C148D *C148C *C148B *C148A	50m – W Borehole Seam 125m – Sandgate – Donaldson IB 200m – Big Ben Seam 237m – Big Ben – Ashtonfield interburden	West of Abel UG mine
	*C223E *C223D *C223C *C223B *C223A	125m – W Borehole Seam 160m – Sandgate Seam 242m – Buttai Seam 325m – U Donaldson Seam 350m – L Donaldson Seam	West of Abel UG mine
	TA28	290m – Donaldson Seam	Tasman mine area
	B029E B029D B029C B029B B029A	66m – W Borehole Seam 92m – Sandgate Seam 150m – Sandgate – Donaldson IB 250m – U Donaldson Seam 280m – L Donaldson Seam	Tasman Extension area
	B030E B030D B030C B030B B030A	50m – Fassifern – W Borehole interburden 97m – Fassifern – W Borehole interburden 150m – Sandgate Seam 230m – U Donaldson Seam 300m – Donaldson – Big Ben interburden	Tasman Extension area
	B031D B031C B031B B031A	54m – Fassifern – W Borehole interburden 100m – W Borehole Seam 180m – Sandgate – Donaldson IB 230m – U Donaldson Seam	Tasman Extension area

* Not monitored in 2016

** Monitored in 2016, but bore dry

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Bores TA28 and B029, B030 and B031 are included in **Table 1** as they include piezometers monitoring the Donaldson Seams and overburden strata, even though these bores are located in the Tasman or Tasman Extended areas.

Review of the water level monitoring data has shown that many of the piezometers are responding to mining effects, not just natural fluctuations due to rainfall recharge. However, these are all piezometers located within the coal measures, with the largest impacts seen in piezometers monitoring the Upper Donaldson and/or Lower Donaldson Seams.

The following comments are provided on the behaviour of each piezometer listed in **Table 1**:

- REGDPZ1 (**Figure 2**) – a regional control bore located in strata well below the Donaldson Seams. Shows gentle change in response to long-term rainfall pattern, declining gradually from 2000 to 2005 (a period of below average rainfall), and rising gradually from 2007 to 2013 (a period of slightly above average rainfall). Since 2013, has been more or less stable.
- DPZ1A (**Figure 3**) – replacement for DPZ1 which was screened in Donaldson Seam. Showed steady water level rise from 2010 to 2016; water level continuing to recover, but still below pre-mining level.
- DPZ17 (**Figure 4**) – piezometer at 62m to base of Donaldson Seam. Showed rapid drawdown 2001 to 2004 during mining in Donaldson OC, then strong recovery from 2004 to 2006 after mining moved westwards in pit. Water level continued steady recovery until the last measurement in July 2015, but still lower than pre-mining level.
- DPZ16 (**Figure 5**) and DP14 (**Figure 6**) – Both show some response to mining in Donaldson OC, and subsequent partial recovery, with stable water levels through 2014, 2015 and 2016.
- DPZ3 (**Figure 7**) – Located in OC area, and screened in coal measures below Donaldson Seam. Showed unexplained rise in water level from 2004 to 2010, then decline apparently in response to mining from Donaldson OC. The rise in water level from 2004 to 2010 may be due to leakage from the Big Kahuna Dam or from Four Mile Creek both of which are close to the bore location. Current behaviour appears to be response to rainfall and natural recession.
- DPZ8 (**Figure 8**) – Screened in Donaldson and Big Ben Seams. Responded to mining in OC in 2007, then slight post-mining recovery thereafter. Water level steady in 2014-2016.
- DPZ20 (**Figure 9**) – Regolith bore, shows modest steady drawdown over period of monitoring.
- DPZ10 (**Figure 10**) – Screened in the Beresfield Seam. Not monitored in 2016.
- DPZ13 (**Figure 11**) – Screened in Donaldson Seam overburden, and showed no response to OC mining, but clear response to Abel UG mining from early 2012. Groundwater level appears to have been below the bottom of the bore since 2013.
- FMCPZ2 (**Figure 12**) and DPZ6 (**Figure 13**) – Both showed drawdowns during latter stages of Donaldson OC, then more pronounced drawdown once development of the Abel UG South Mains started in April 2008. Both have showed partial recovery during 2013 to 2016, probably due to recovery in the former OC.
- JRD1 (**Figure 14**) and JRD2 (**Figure 15**) – Bore construction is not known. Both bores show mining impacts. JRD1 no longer monitored.
- C063B (regolith bore located east of Abel mine area) (**Figure 16**) – C063B is screened in sandstone below Lower Buttai, but is believed to have failed. The hydrograph shows very slow decline in water level from installation until 2015 to well below sea level. The pattern of decline is the same through both mining and non-mining periods, and is suggestive of a piezometer not in hydraulic connection with the groundwater system. It is recommended that monitoring of C063B be discontinued. C063A (screened in the Lower Donaldson Seam) has shown no response to mining throughout the period of record. This indicates no impacts from the Able mine extend to the eastern side of the major Krecji Fault, which is believed to be a significant barrier to regional groundwater flow.
- C082 (**Figure 16**) – Not monitored in 2016. Only one water level since 2014, not considered reliable.
- C081B (regolith) and C081A (Upper Donaldson Seam) (**Figure 16**) – Prior to last monitoring in

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early 2015, the shallow regolith bore showed no mining impact. Deeper Donaldson Seam bore showed continual steady drawdown since installation in 2006. Both bores steady during 2014 and early 2015, and not monitored in 2016.

- C078B (regolith) and C078A (Donaldson Seam) (**Figure 17**) – The shallow regolith bore shows no mining impact. The deeper Donaldson Seam bore showed no mining impact until the start of secondary extraction in Panel 23 in June 2013. Still declining, but at a slower rate in 2015, and almost stable by the end of 2016.
- The C138 and C093 piezometers (**Figure 17**) show drawdown almost continually since installation in 2007 or 2008, at all stratigraphic levels, apart from the Ashtonfield Seam which showed partial recovery in 2015. Drawdown started before mining commenced at Abel, and even before development of the South Mains headings, indicating that the responses at least initially were probably due to mining at Bloomfield.
- C080 (**Figure 18**) – Donaldson Seam piezometer that showed modest mining impact during early development stages of Abel UG, then a pronounced drawdown impact from the start of secondary extraction from Panel 23 in August 2013. The bore has shown erratic behaviour through 2016.
- C123 and C223 (**Figure 18**) – Located near western side of the Abel ML, both are multi-level VW piezometers, screened at several levels from the Lower Donaldson up to the West Borehole Seams. Neither bore was monitored in 2016.
- C072 and C072B (**Figure 19**) – Donaldson Seam and regolith piezometers have not been read since early 2015.
- C095 (**Figure 19**) – Lower Donaldson Seam bore, not monitored in 2016, and prior behaviour was difficult to explain.
- TA28 (**Figure 19**) – Bore shows gradual drawdown in Donaldson Seam from 2006, believed to be in response to Donaldson OC, and then a more pronounced drawdown from April 2010, coinciding with the start of secondary extraction from Panel 1 in the Abel underground mine. Water level was virtually stable through 2016.
- C133, C140 and C148 (**Figure 20**) – Responses occur before mining started at Abel, and are probably related to mining at Bloomfield. Water levels are relatively stable through 2015-6 at C140. C148 was not read in 2016.
- B029, B030 and B031 (**Figure 12**) – At B029, all piezometers showed drawdown response in the Donaldson Seam and overburden. They showed marked drawdowns in the period 2008 to 2010 or 2011, before stabilising for the remaining monitoring period through to 2015. The exception is the Lower Donaldson Seam piezometer which showed steady recovery from 2011 to 2015, before stabilising. The piezometers then showed small drawdowns again through 2016.

In 2016, the B030 piezometers all showed a continuation of prior trends, which were generally slow ongoing drawdown.

Likewise, the three upper piezometers in B031 showed a continuation of prior trends. However, the Upper Donaldson Seam showed partial recovery during 2016.

In general, piezometer bores around the former Donaldson OC are mostly recovering after cessation of OC mining, albeit to lower than pre-mining levels. Piezometers located within and to the south of the Abel mine area are behaving predictably, with drawdown in the Donaldson Seams and by a lesser amount in most overburden piezometers as well. The Donaldson Seam has even shown clear mining related response as far south as TA28, located in the Tasman mine area. Piezometers to the west of Abel are generally not responding in a predictable way to mining at Abel or Donaldson, and are more likely influenced by mining activity at Bloomfield.

There is no evidence of any drawdown response in the alluvium or regolith groundwater. The sole water level measurement at C082 in March 2015 was below trend, and is probably erroneous, but this should be verified from ongoing monitoring. However, C082 has not been monitored since March 2015.

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The lack of any impact on the alluvium or regolith is best illustrated by the following hydrographs for paired regolith and Donaldson Seam piezometers:

- C078A (Donaldson Seam) and C078B (Regolith) – **Figure 17**; and
- C081A (Donaldson Seam) and C081B (Regolith) – **Figure 16**.

At the C078 and C081 sites, where two piezometers are present, a shallow piezometer in the regolith and a deep piezometer in the Donaldson Seam, the lack of drawdown response in the regolith is clearly apparent.

There are no drawdowns apparent in the water level monitoring data that would indicate any unanticipated impact on groundwater levels either in the alluvium/regolith, or in the coal measures. The shallow monitoring piezometer C063B, which is located to the east of the Abel mine, and close to Hexham Swamp, shows a continuous downward trend in the water level to well below sea level, and either the piezometer has failed or the bore has collapsed such that the piezometer is not hydraulically connected to the formation. The downward trend is not considered to be representative of shallow groundwater conditions in that vicinity. The hydrographs from other shallow alluvium and regolith bores is consistent with there having been no impact on the Hexham Swamp.

Bores C081A and B (**Figure 7**) are located adjacent to Pambalong Nature Reserve, and up until the last measurement in March 2015, the shallow regolith monitoring bore showed no response to mining, while in contrast there has been a clear response to mining in the deeper bore in the Donaldson Seam. The lack of response in the shallow regolith bore indicates that there has been no mining impact on the wetland located in Pambalong Nature Reserve.

This pair of bores had only limited monitoring in 2014 and 2015, and were not monitored at all in 2016. It is recommended that monitoring resume on a more regular basis, as they are key bores for demonstrating that the Pambalong wetland is not being impacted.

4.2 Groundwater Quality

Only the standpipe piezometers are able to be sampled for water quality monitoring. There are currently 19 standpipe piezometers available for sampling, of which 14 are specified for regular sampling in the Water Management Plan, and these are all located around the Donaldson OC or immediately south of John Renshaw Drive. Only 11 are currently being sampled, as the other three have been reported to now have too little water to sample.

There are 6 standpipe bores located within and south of the Abel area which could be sampled but currently are not being monitored for water quality. These are C078B, C093, C080, C081B, C072B and C095. These would be more appropriate for monitoring the impacts of mining at Abel.

The eleven bores which are regularly sampled for water quality monitoring, are sampled monthly for temperature, pH, electrical conductivity (EC), total dissolved solids (TDS), total suspended solids (TSS) and sulphate; and quarterly for laboratory analysis of major anions and cations, selected metals, fluoride and alkalinity, as well as the monthly parameters. EC and pH are plotted for each monitored bore on **Figures 2 to 15**.

Salinity varies over a wide range from bore to bore, but within each bore, salinity generally is quite stable over time. Some of the monitored bores have reported occasional outliers of significantly lower salinity (EC and TDS) which are likely due to ingress of rainwater temporarily lowering the salinity in the bore. This is particularly apparent at bores DPZ17 (**Figure 4**), DPZ3 (**Figure 7**), DPZ20 (**Figure 9**), DPZ6 (**Figure 13**) and JRD2 (**Figure 15**).

A downward trend in EC is observed at bores DPZ13 (**Figure 11**) and DPZ6 (**Figure 13**), starting in 2010 or 2011, which could be due to enhanced recharge following drawdowns in the coal measures as a result of open cut mining. The downward trend has levelled out from the start of 2015.

Conversely, a rise in EC was observed at DPZ8 (**Figure 8**), starting in 2008 or 2009, which is almost certainly related to open cut mining. However, the EC in DPZ8 has not continued rising, having stabilised at about 1000 $\mu\text{S}/\text{cm}$ EC higher than pre-2008.

Apart from the EC rise in DPZ8 in 2008, the monitoring has not indicated any rising trend in salinity in any bore, apart from the regional control bore REGDPZ1 (**Figure 2**), which is unrelated to any mining activity, and is probably a result of increased urbanisation.

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Likewise, although there are some pH variations from bore to bore, the monitoring has generally reported consistent pH values at individual bores over the past 2-3 years.

4.3 Mine Inflows

Groundwater inflows were first encountered in the Abel Underground Mine during the initial development of the South Mains not far down dip from the portal. They have continued at a relatively modest rate since that time, with occasional short-term higher inflow from specific zones, related either to intersection of fractures/faults, or areas of limited cover depth. Inflow rates overall are reported by the mine personnel to be generally less than predicted by the groundwater modelling.

Groundwater inflow rates to any underground mining operation are difficult to measure, due to the importation of water for mining equipment operation, and the periodic fluctuations in the amount of water that remains stored within the mine at any time. Water storage in the Abel underground mine is particularly important, especially since around August 2013, when a large area of former workings down dip of the active areas became inaccessible for observation. There are several locations where water is able to accumulate without being observed, and under these circumstances it is not possible to accurately determine the water balance underground. In the 2015 annual groundwater review report, the average rates of historic mine inflow were calculated from pumping data, and allowing for changes to the volumes of in-mine water storage.

Since the mine was placed under care and maintenance in June 2016, water has continued to be pumped from the Abel underground, and small quantities of water have been pumped in for maintenance operational needs. The smaller volumes of inflow and a steadily declining outflow are reflected in the graphs on **Figure 22**.

4. Groundwater Licensing

Groundwater impacts involve water takes regulated by both the *Water Act 1912* and the *Water Management Act 2000*.

The predicted maximum water takes from the relevant water sources for the currently approved mine plan are detailed in **Table 1** below. The affected water sources under the *Water Management Act 2000* are the Wallis Creek Water Source and the Newcastle Water Source in the Hunter Unregulated and Alluvial Water Sharing Plan (HUAWSP), and are due to predicted changes in baseflow or leakage to groundwater. The predicted mine inflows are from the Hard Rock water source which is regulated by the *Water Act 1912*.

Table 1: Predicted Maximum Water Takes from Approved Mine (MOD 3 Modification)

Water Sharing Plan	Management Zone / Groundwater Source	Currently Approved Maximum Annual Water Take (ML/y)	Licence Entitlement Currently Held
HUAWSP	Wallis Creek Water Source	0.19	Nil
	Newcastle Water Source	11.39	Nil
<i>Water Act 1912</i>	Hard Rock	2,304	500 ML/y (Licence number 20BL171935)

Operations to date have not exceeded the above maximum approved water takes from any water source. However, the current licences held by the project are insufficient to meet the predicted maximum water takes in coming years. Additional licence allocations will need to be acquired. However, to this stage of the project, the current licence entitlements have not been exceeded.

5. Conclusions and Recommendations

The groundwater monitoring has not shown any adverse impact on any surficial groundwater, either alluvium or regolith groundwater, within or surrounding the Abel Underground Mine. Groundwater levels and quality in the surficial aquifer system remain within trigger levels. At sites where both the regolith and the underlying coal measures are monitored, no mining induced drawdown impacts have

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been observed in the surficial groundwater, while significant drawdowns have occurred in the Donaldson Seam and coal measures overburden, and it is concluded that baseflow impacts from the project are negligible. Mine inflows from the Permian coal measures and other water takes are within the licensed amounts.

No changes to the monitoring network are considered necessary. However, it is noted that bores C081A and B which are located adjacent to Pambalong Nature Reserve had only limited monitoring in 2014 and 2015, and were not monitored at all in 2016. It is recommended that monitoring resume on a more regular basis, as they are key bores for demonstrating that the Pambalong wetland is not being impacted.

The reporting of water level monitoring results in the annual AEMRs should include graphical presentations of water level data to indicate trends. Groundwater sampling and laboratory analysis should be extended to include the six standpipe bores located within and south of the Abel mine area that are currently not being sampled. Some of the bores in the former Donaldson OC area could be dropped from the ongoing sampling run.

6. References

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R W Corkery & Co Pty Ltd, 2015. *Annual Environmental Management Report – Abel Underground Coal Mine, 1 June 2014 – 31 December 2014*. Report dated 31 March 2015.

RPS Aquaterra, 2013. *Abel Upgrade Modification Groundwater Assessment*. Report dated 7 February 2013.

Figures

Figure 1	Surface Water and Groundwater Monitoring Locations
Figure 2	Water Levels and EC/pH – REGDPZ1
Figure 3	Water Levels and EC/pH – DPZ1 and DPZ1A
Figure 4	Water Levels and EC/pH – DPZ17=62 and DPZ17
Figure 5	Water Levels and EC/pH – DPZ16 and DPZ16A
Figure 6	Water Levels and EC/pH – DPZ14 and DPZ14A
Figure 7	Water Levels and EC/pH – DPZ3
Figure 8	Water Levels and EC/pH – DPZ8
Figure 9	Water Levels and EC/pH – DPZ20
Figure 10	Water Levels and EC/pH – DPZ10
Figure 11	Water Levels and EC/pH – DPZ13
Figure 12	Water Levels and EC/pH – FMCPZ2
Figure 13	Water Levels and EC/pH – DPZ6
Figure 14	Water Levels and EC/pH – JRD1
Figure 15	Water Levels and EC/pH – JRD2
Figure 16	Water Level Hydrographs – C063, C082 and C081A
Figure 17	Water Level Hydrographs – C078, C138 and C093

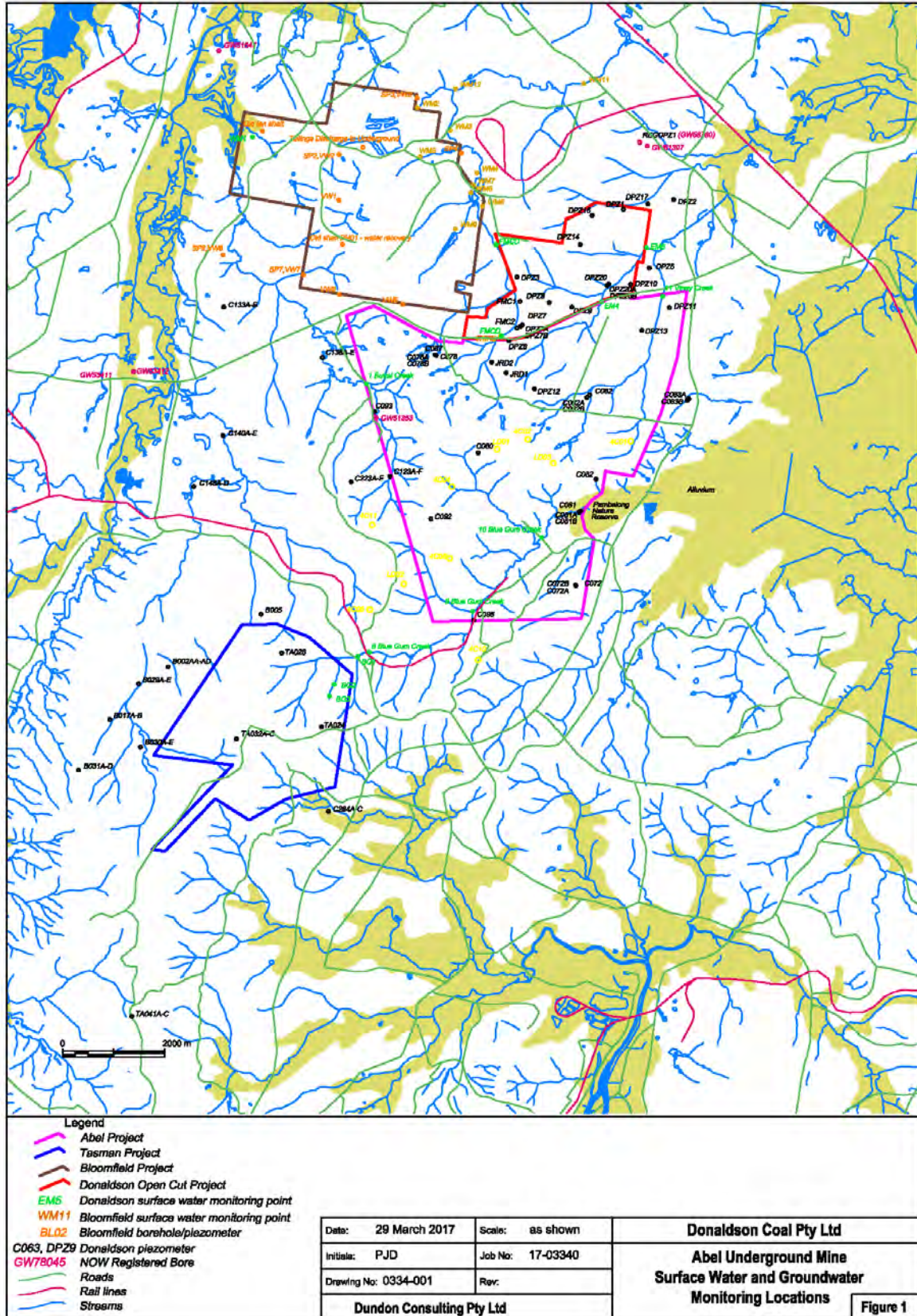
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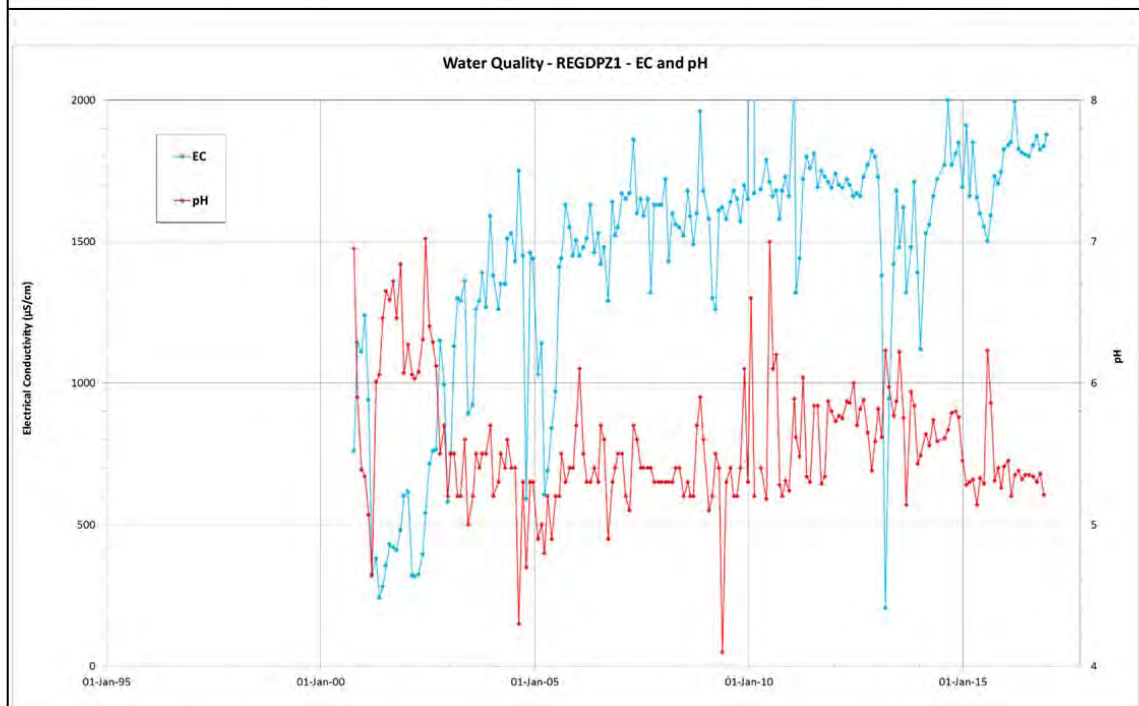
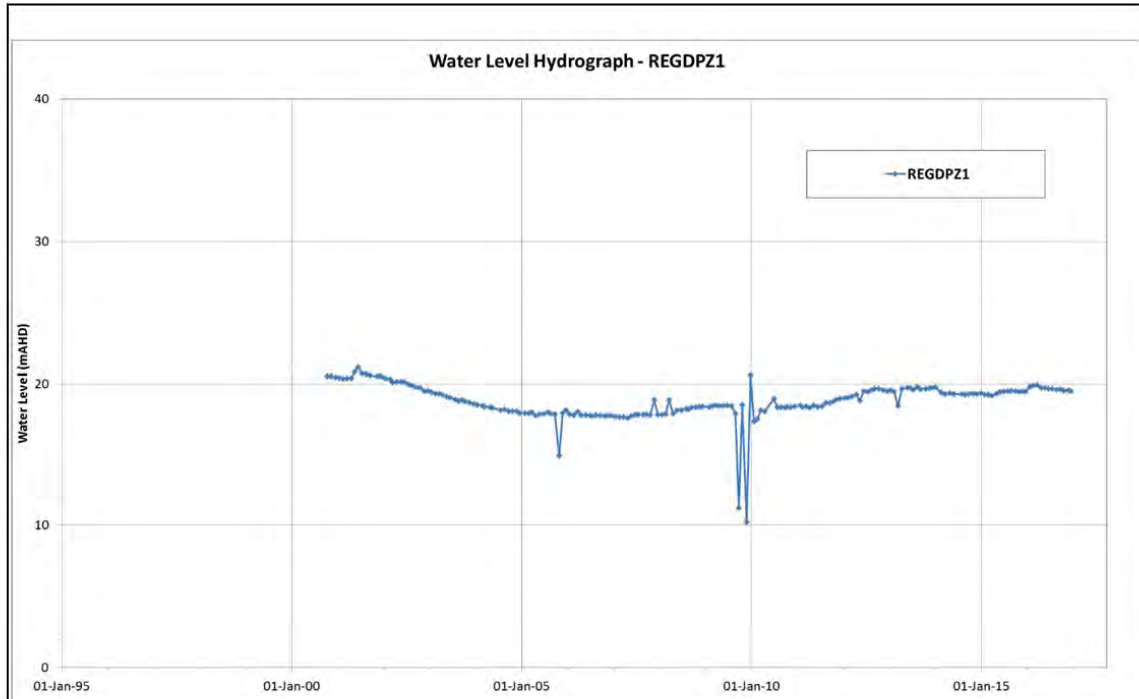
- Figure 18 Water Level Hydrographs – C080, C123 and C233
- Figure 19 Water Level Hydrographs – C072, C095 and TA28
- Figure 20 Water Level Hydrographs – C133, C140 and C148
- Figure 21 Water Level Hydrographs – B029, B030 and B031
- Figure 22 Estimated Net Groundwater Inflow

Yours faithfully,

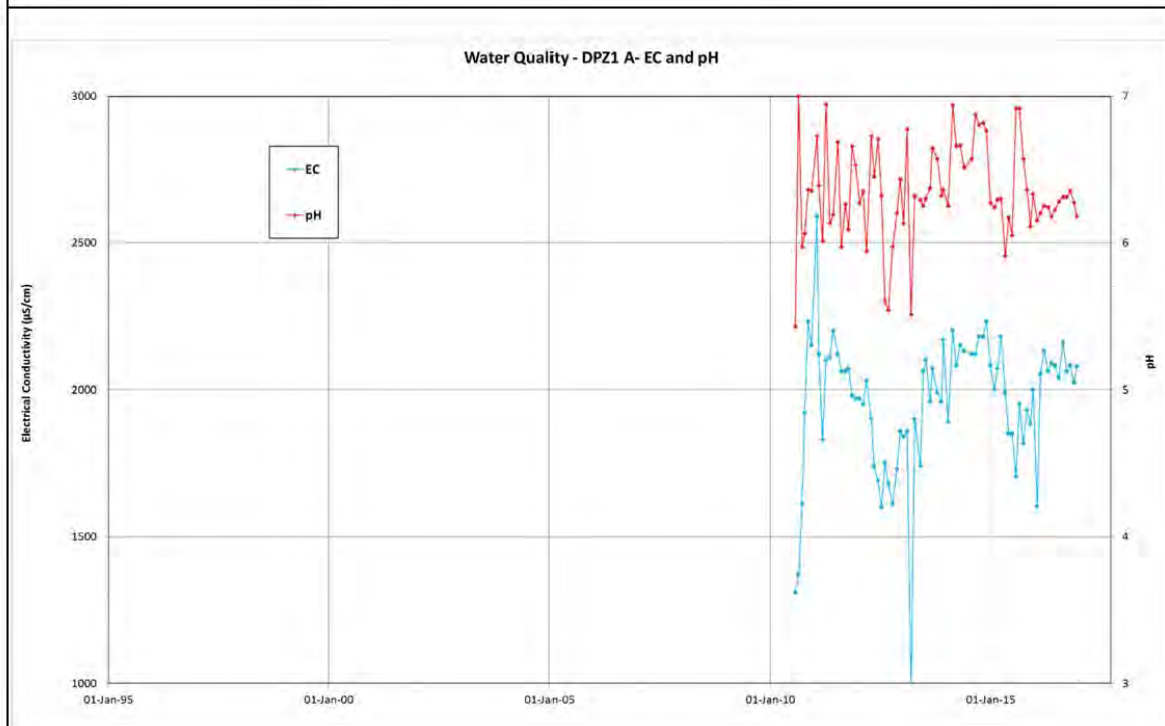
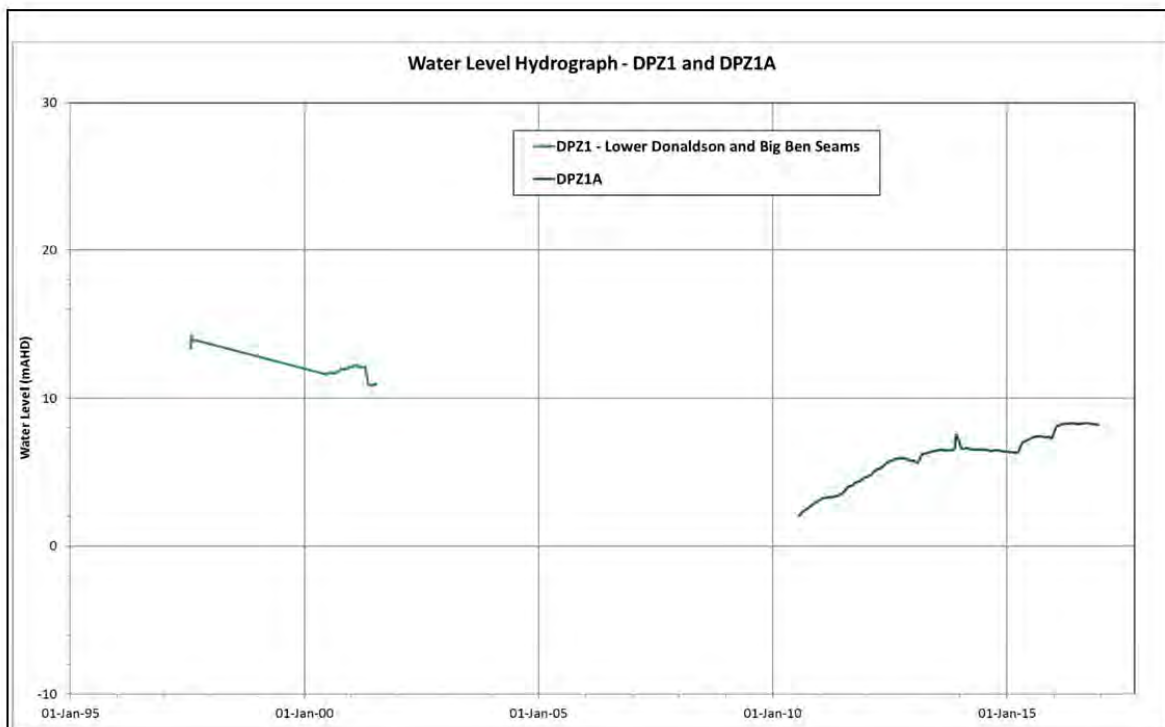


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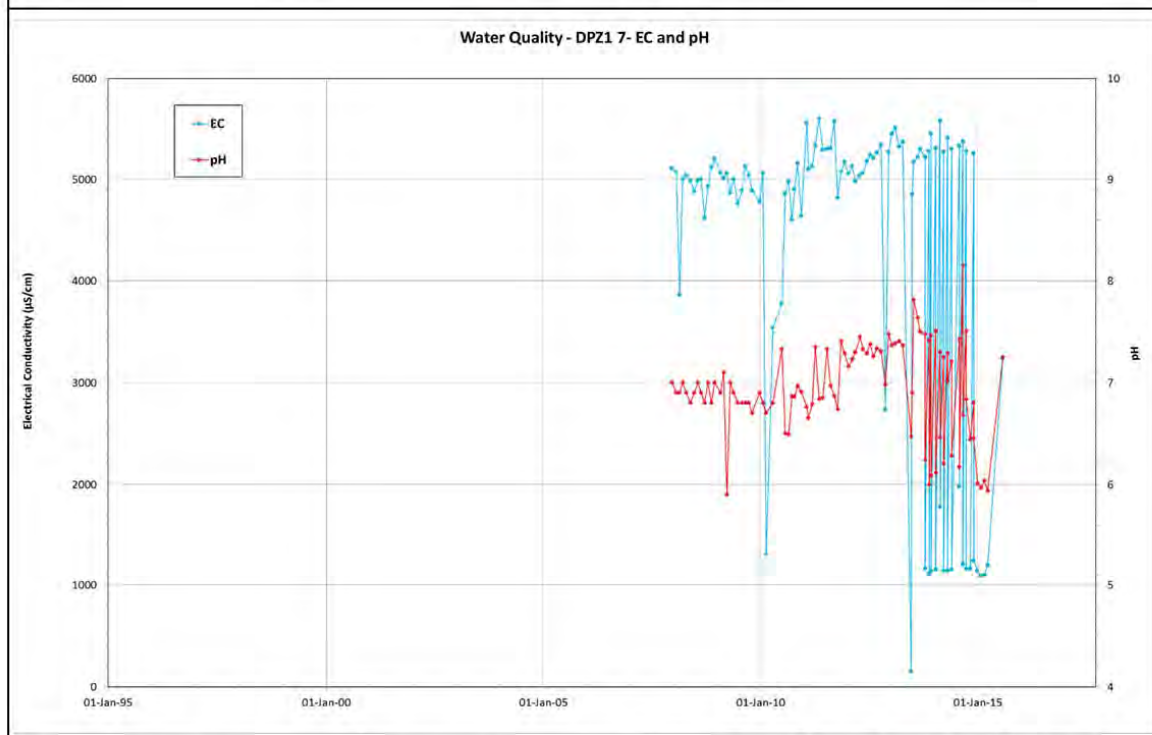
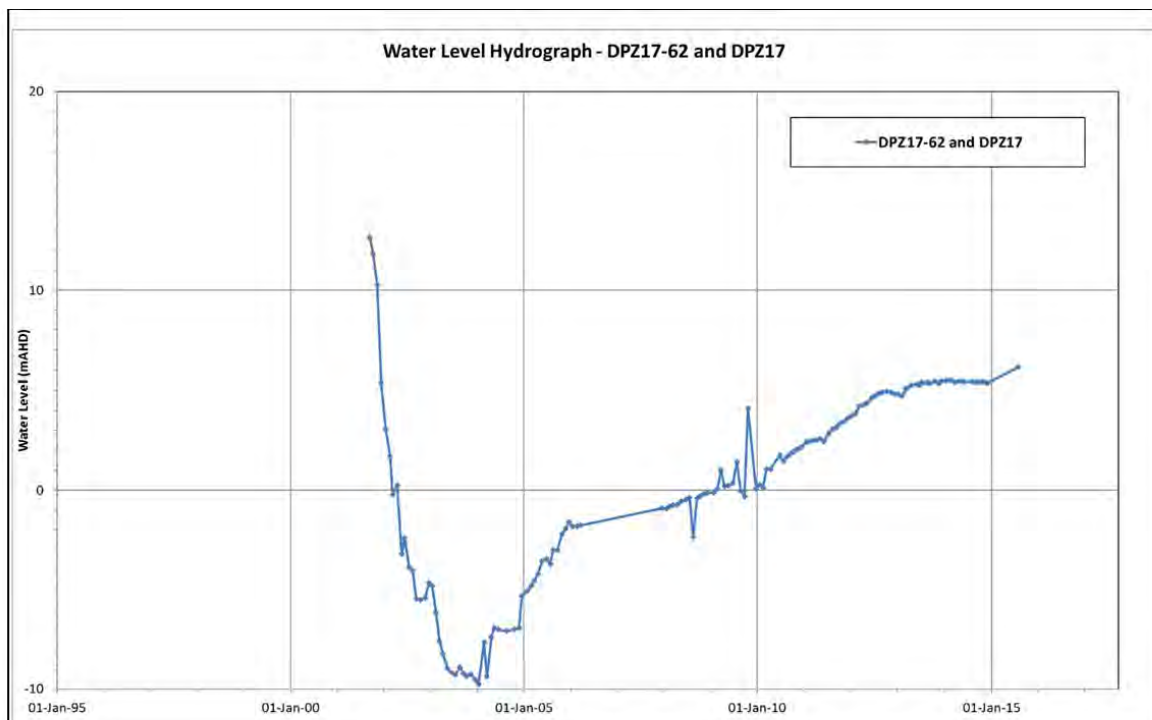




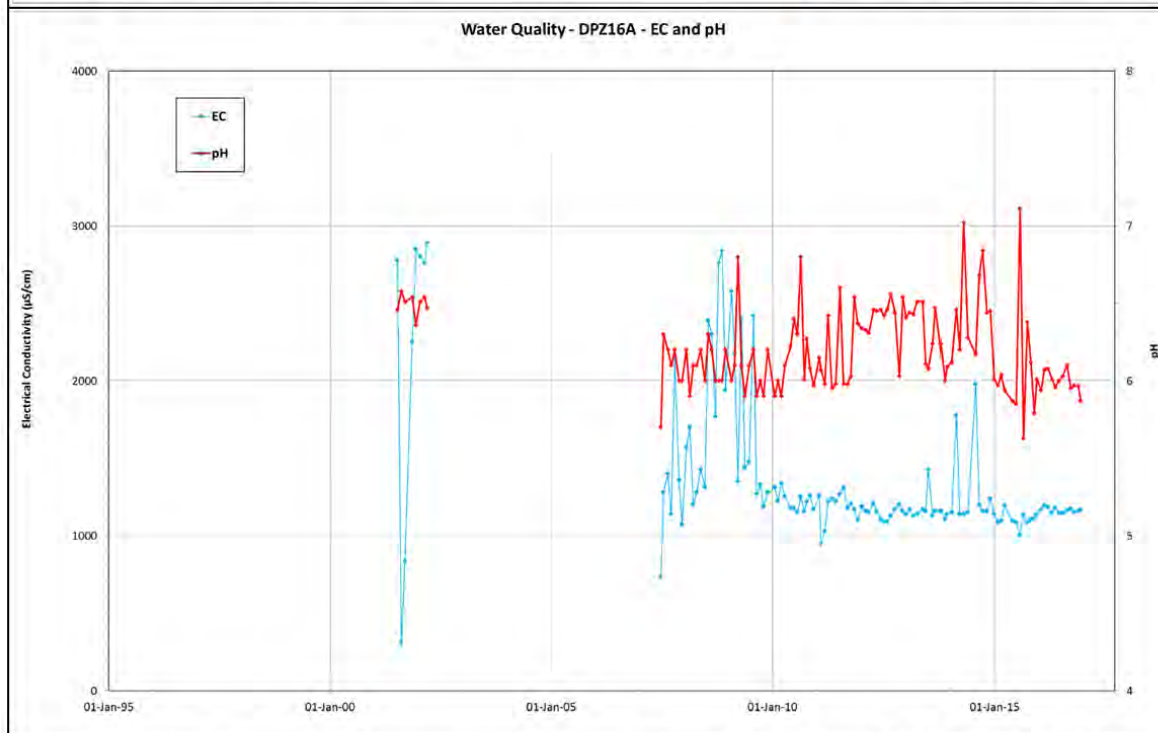
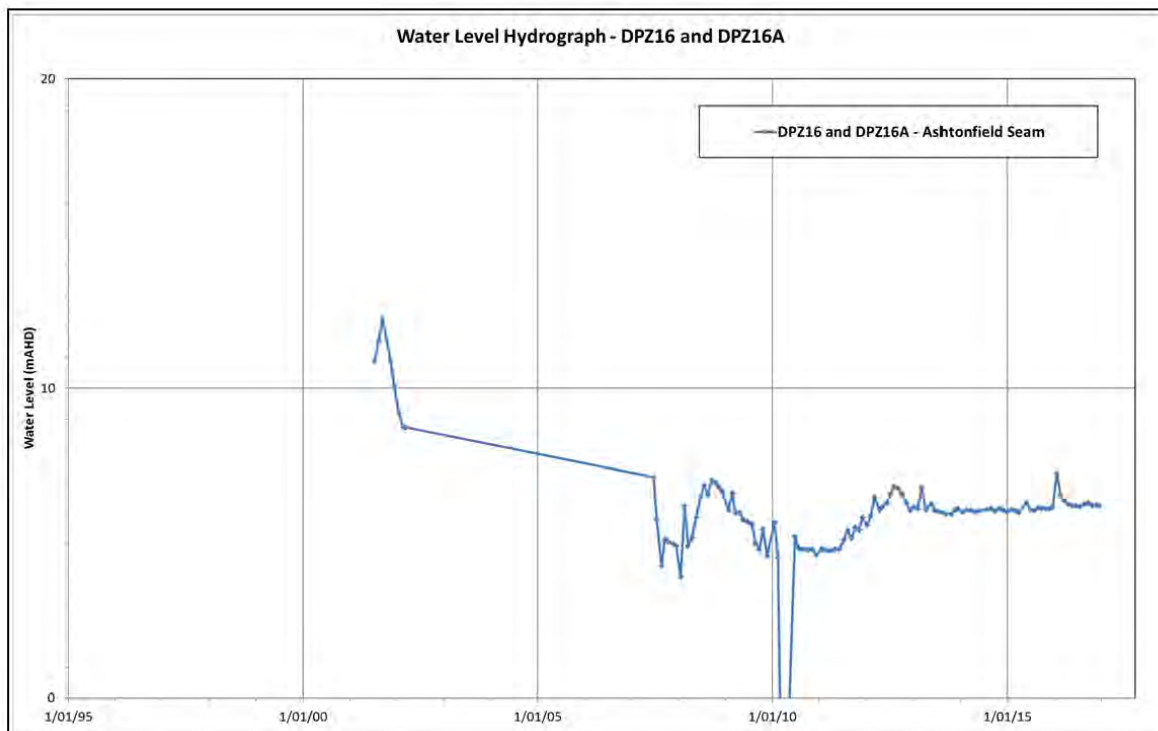
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Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-002	Revision:		
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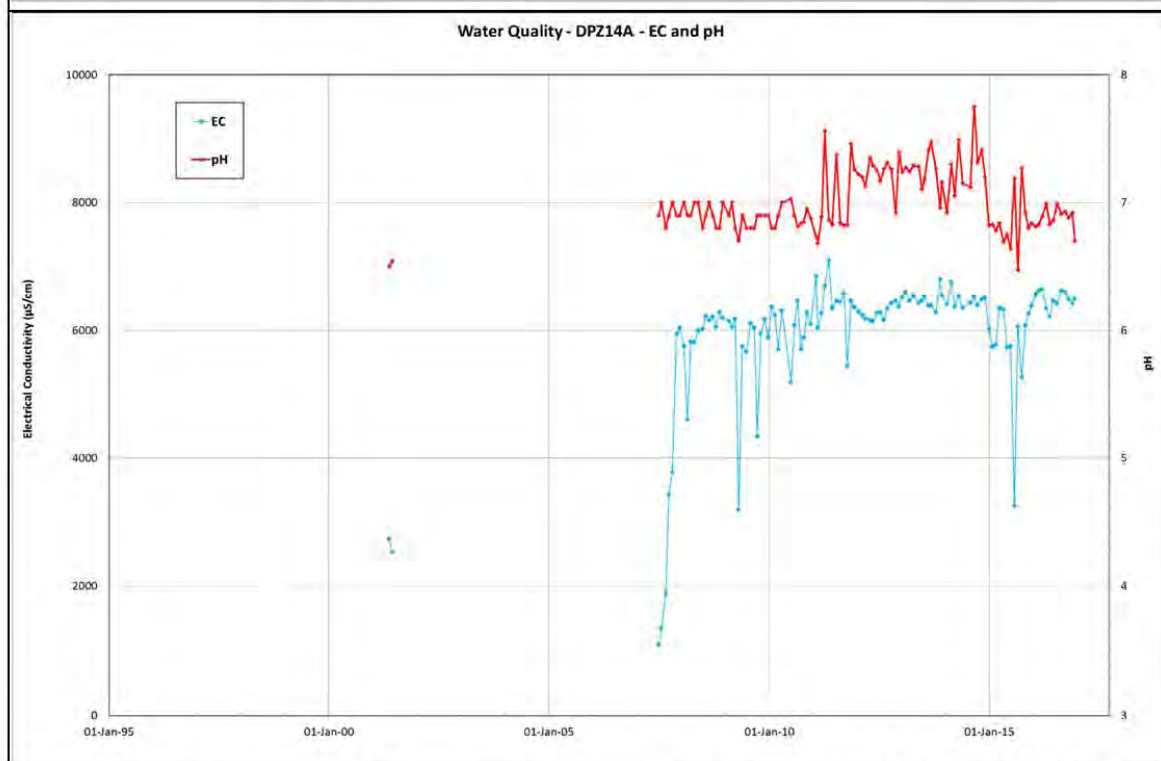
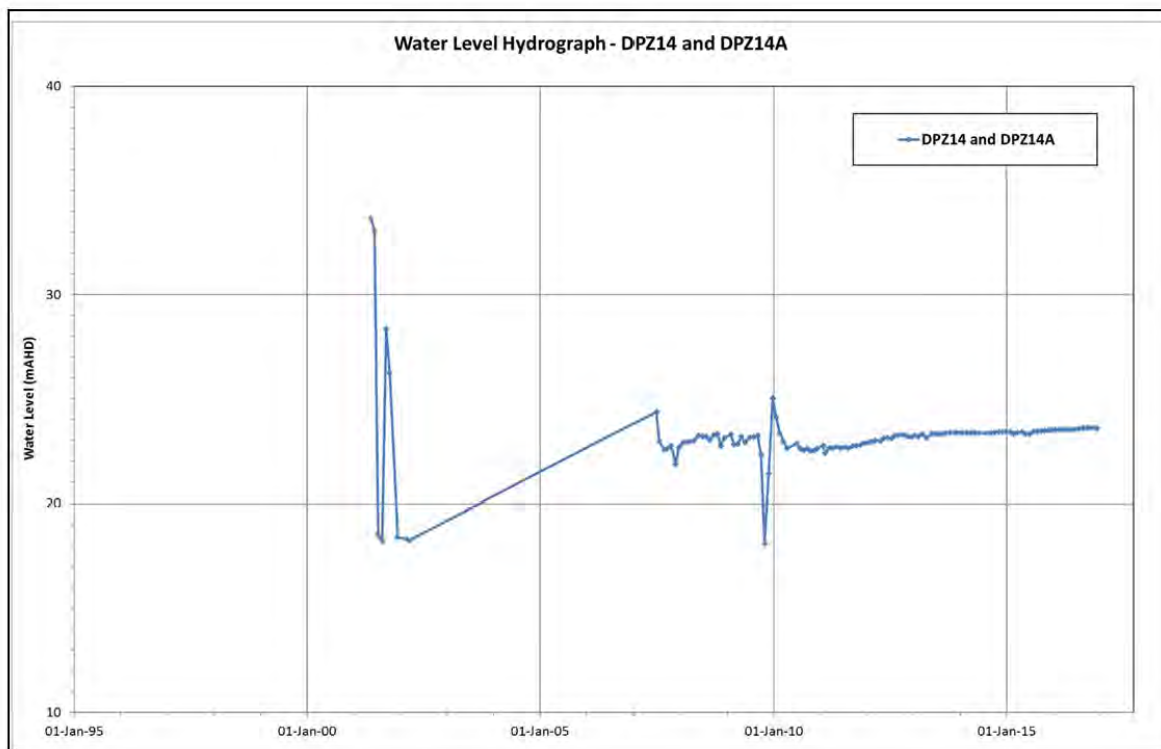
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Dwg No: 0334-003		Revision:	
Dundon Consulting Pty Ltd		Figure 3	



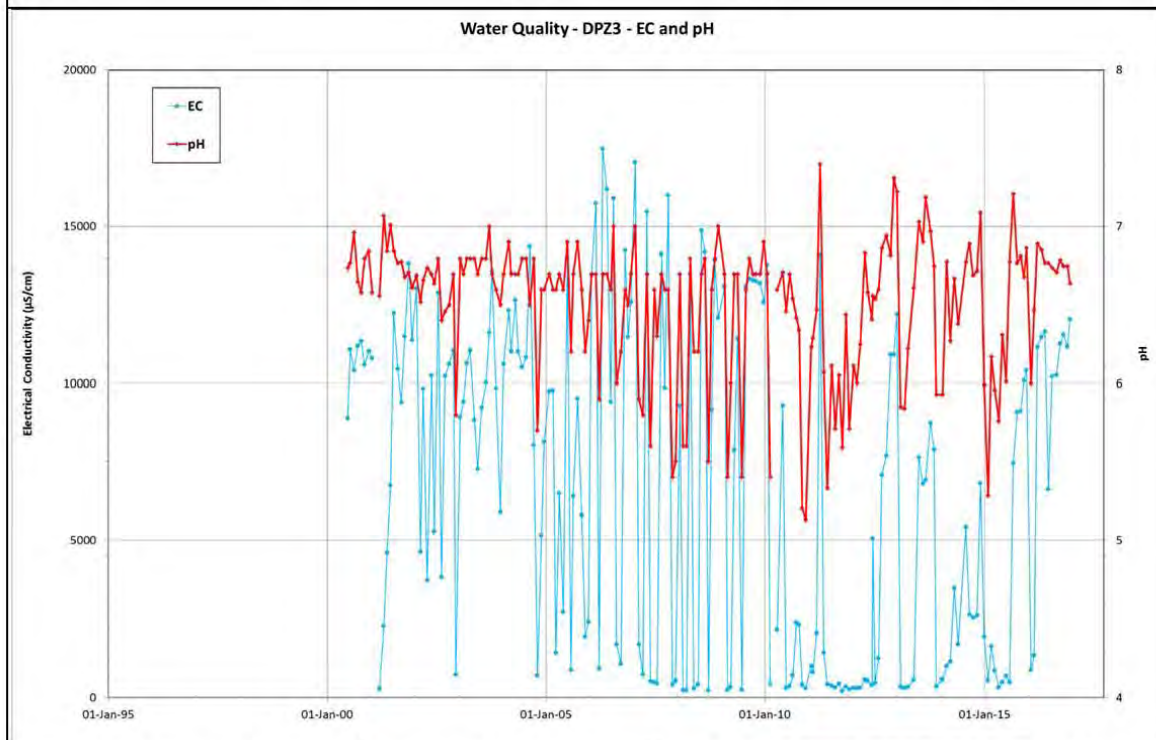
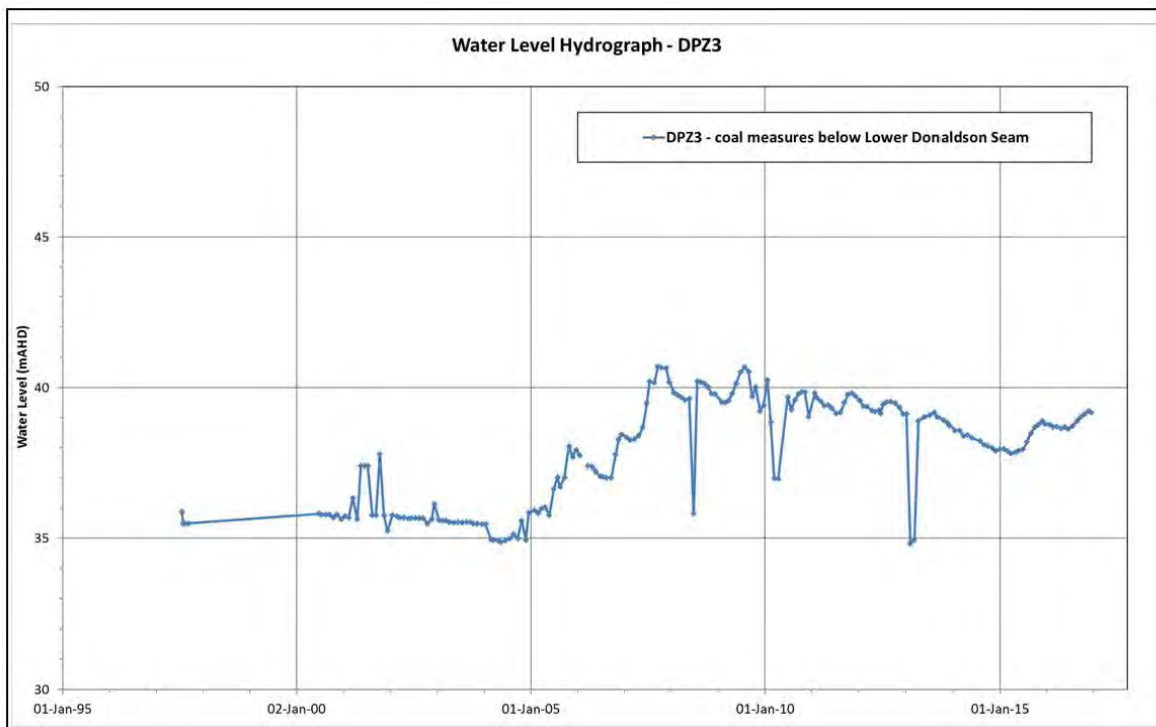
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Dundon Consulting Pty Ltd			Figure 4



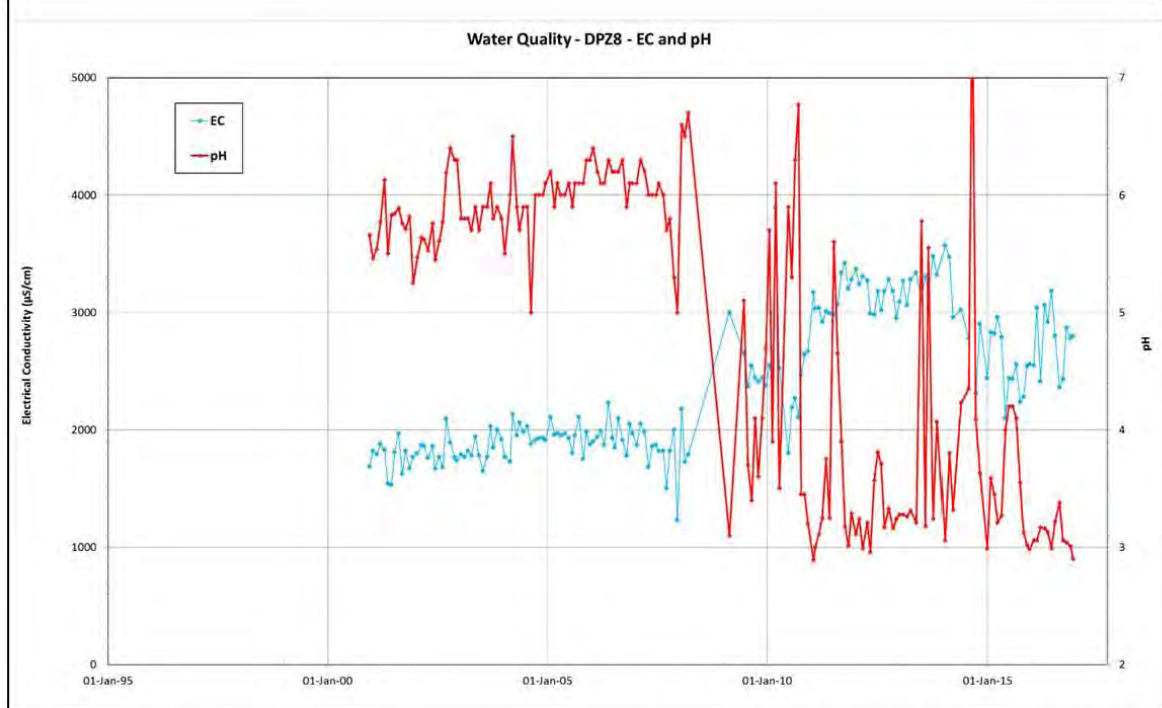
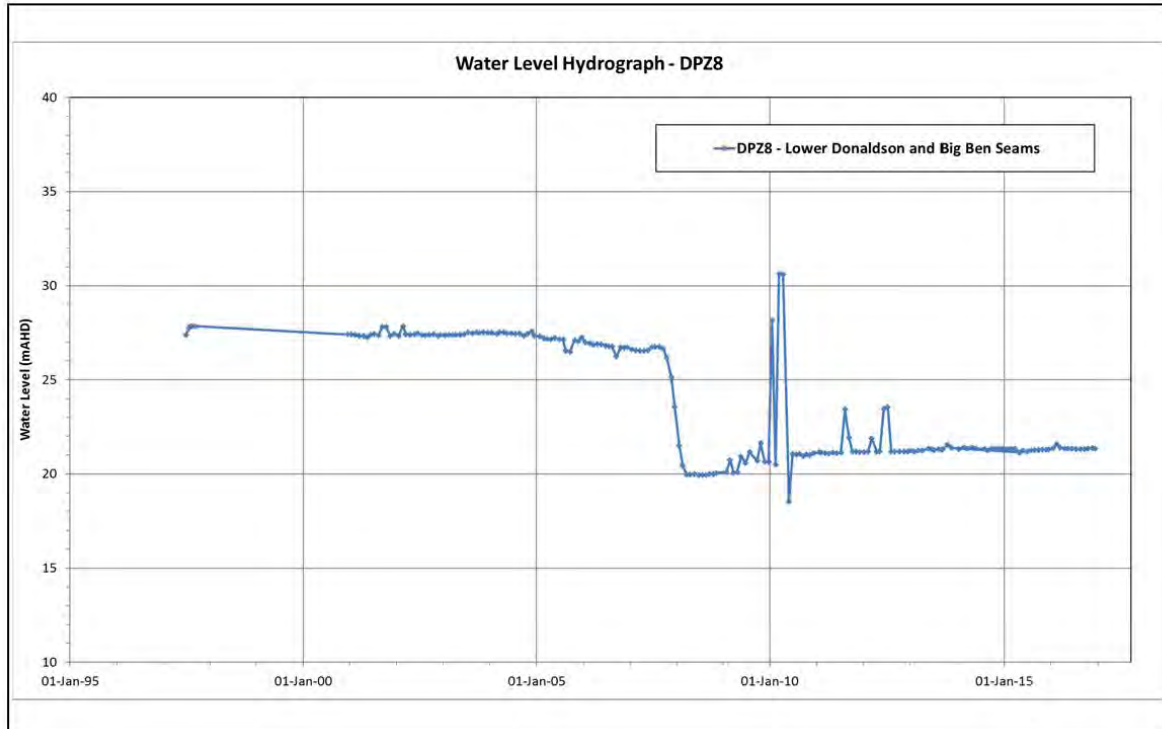
Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE DPZ16 and DPZ16A WATER LEVELS and EC/pH Figure 5
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-005	Revision:		
Dundon Consulting Pty Ltd			



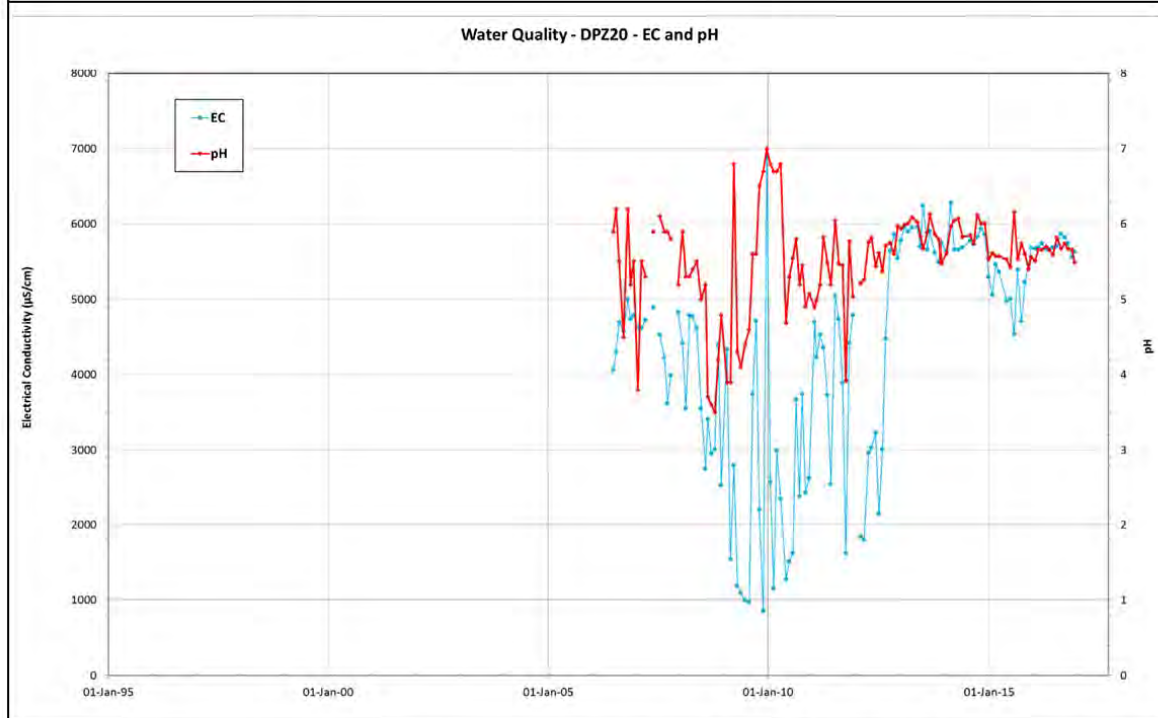
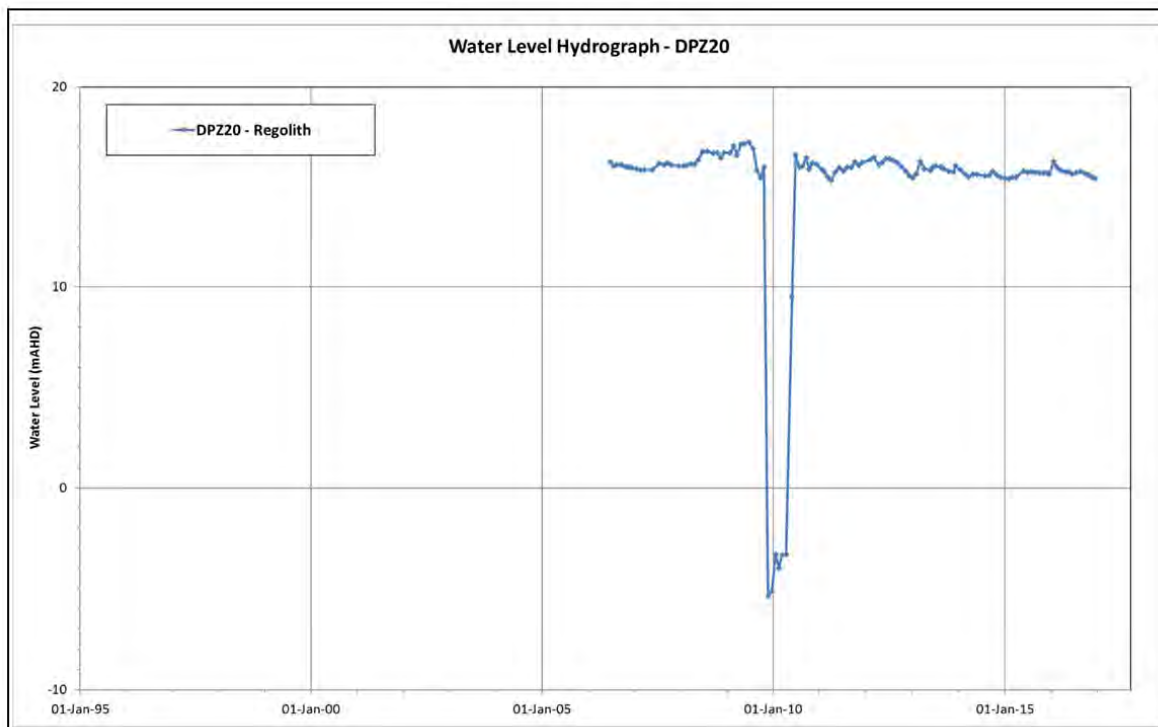
Date: 29 Mar 2017	Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE DPZ14 and DPZ14A WATER LEVELS and EC/pH	
Author: PD	Checked: PD		Project No: 17-0334
Dwg No: 0334-006	Revision:		
Dundon Consulting Pty Ltd			Figure 6



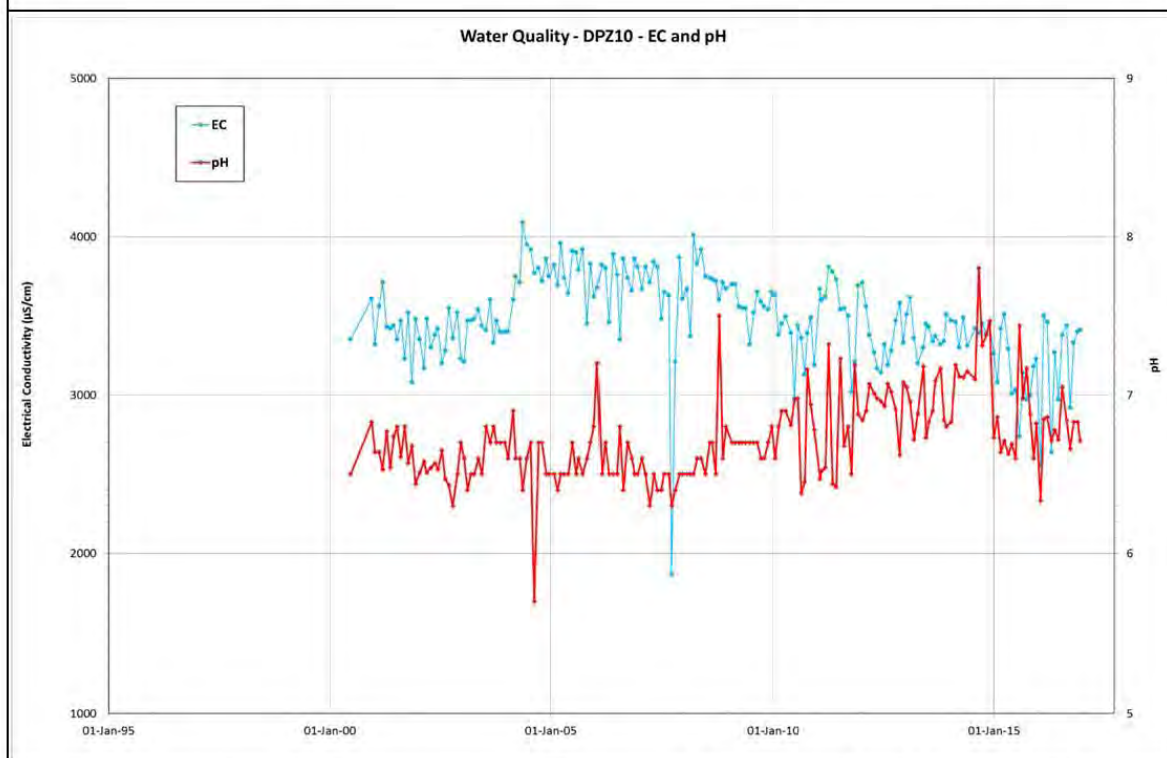
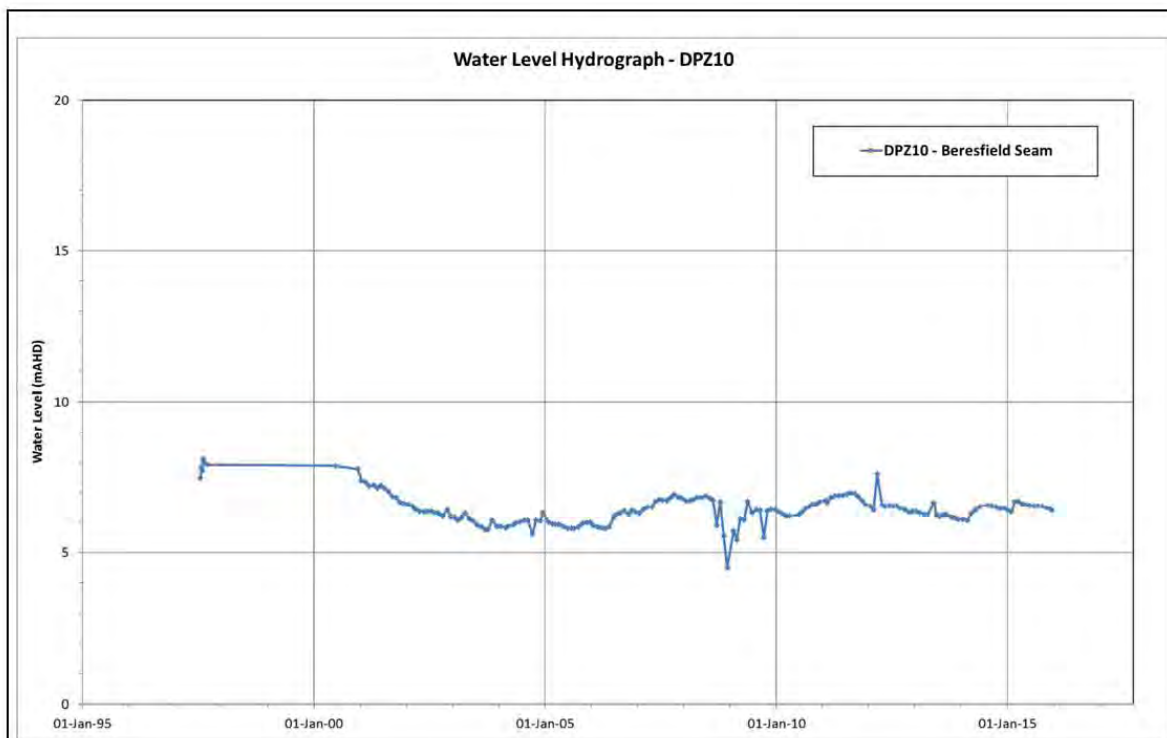
Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE DPZ3 WATER LEVELS and EC/pH
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-007	Revision:		
Dundon Consulting Pty Ltd			Figure 7



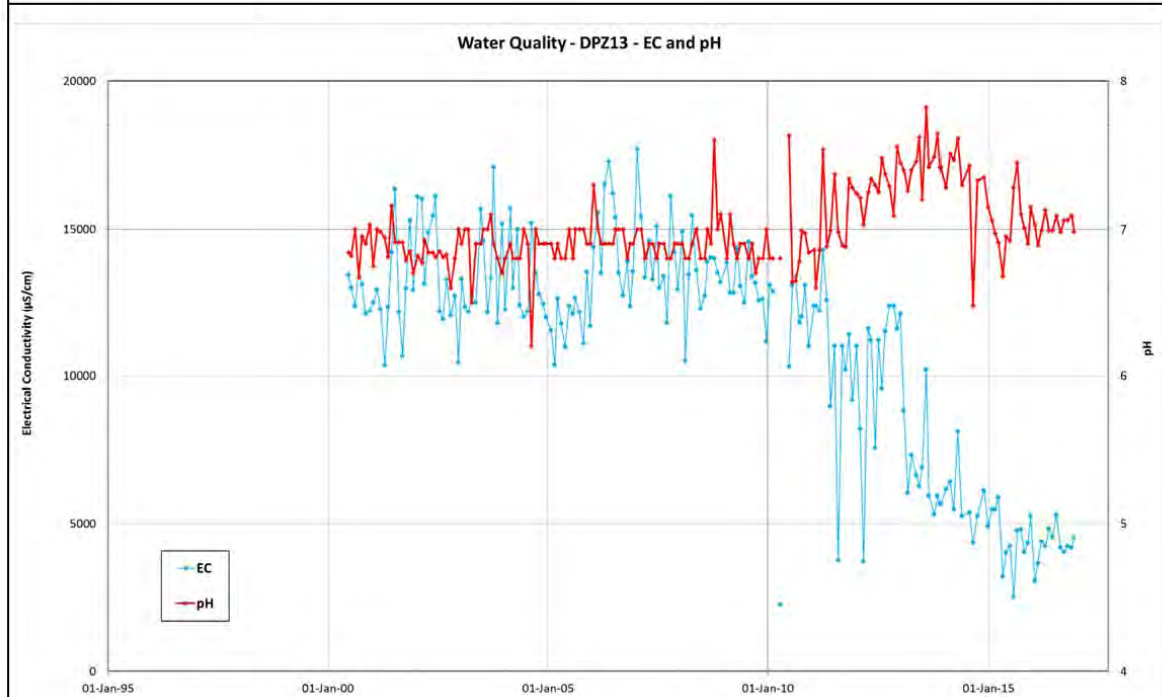
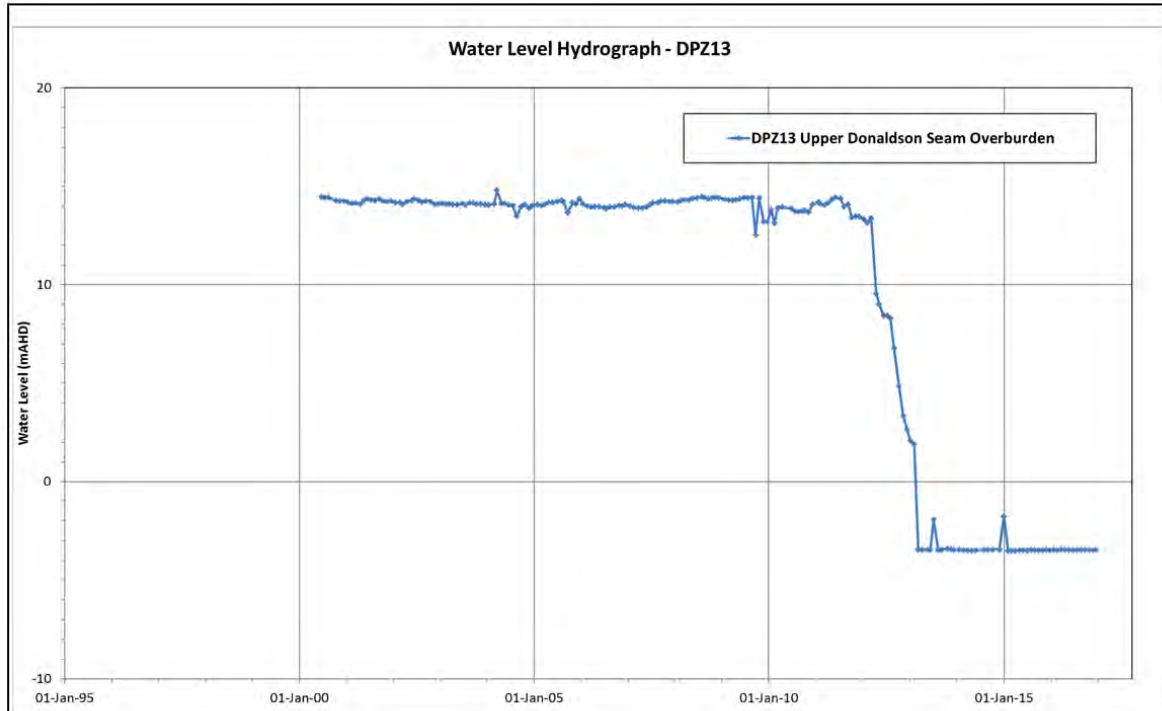
Date: 29 Mar 2017	Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE DPZ8 WATER LEVELS and EC/pH Figure 8	
Author: PD	Checked: PD		Project No: 17-0334
Dwg No: 0334-008	Revision:		
Dundon Consulting Pty Ltd			



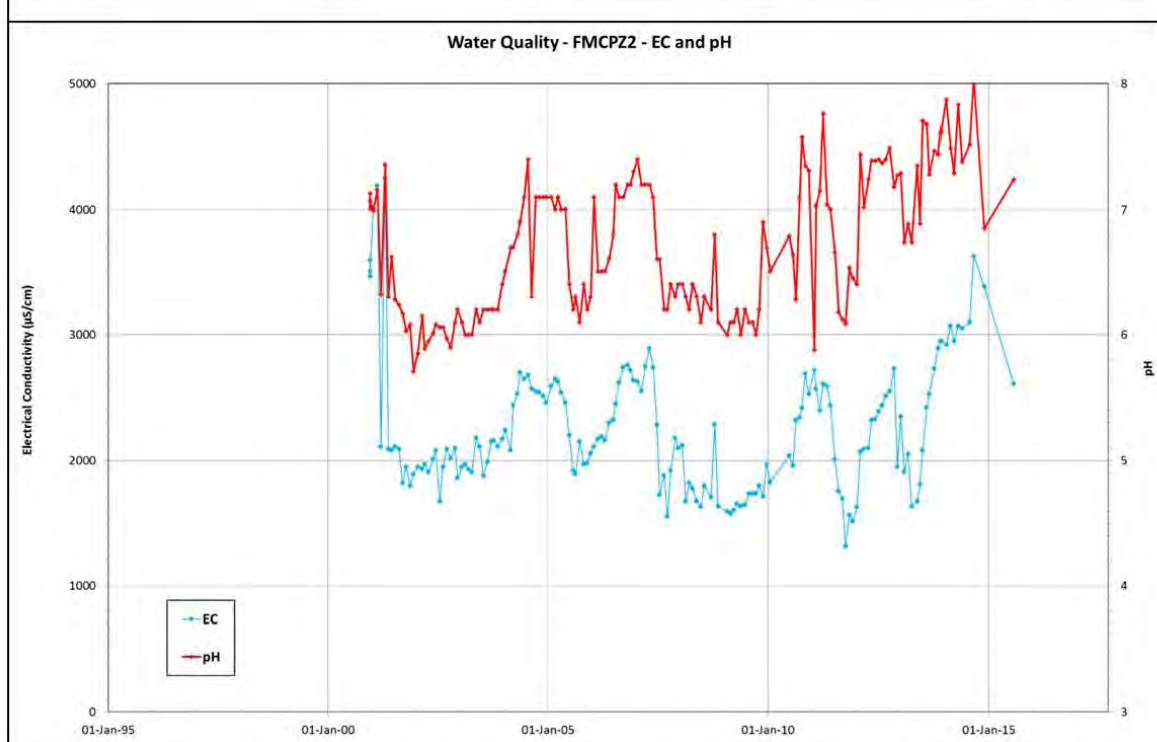
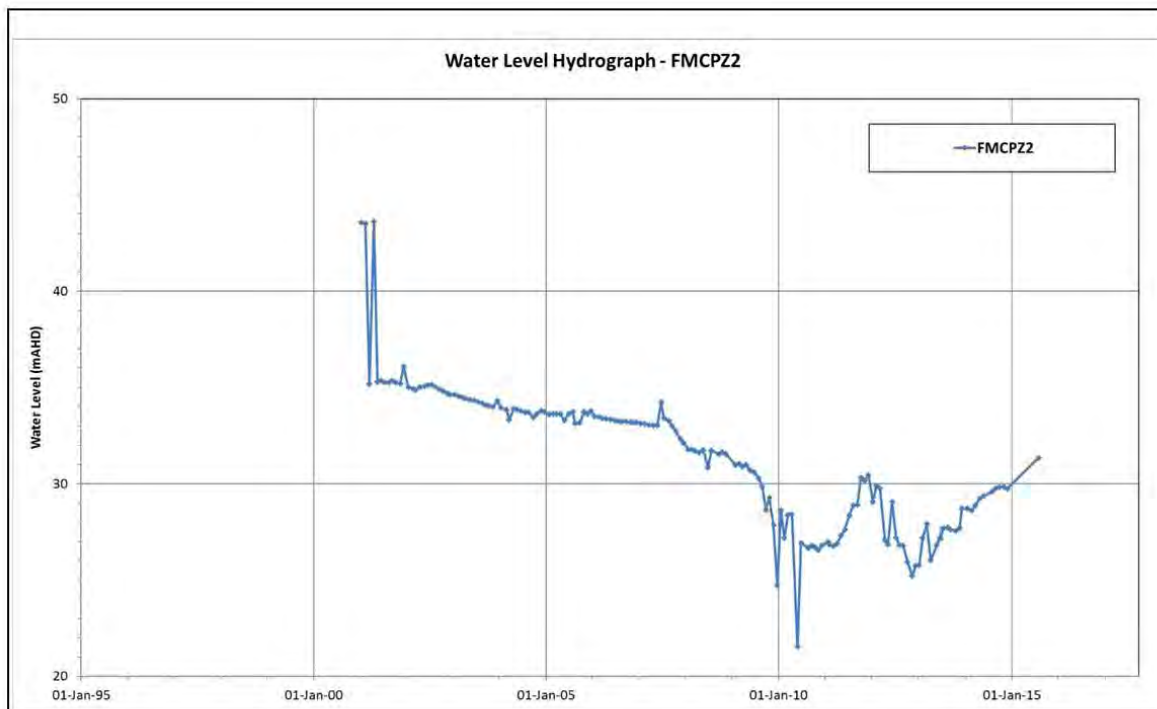
Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE DPZ20 WATER LEVELS and EC/pH Figure 9
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-009	Revision:		
Dundon Consulting Pty Ltd			



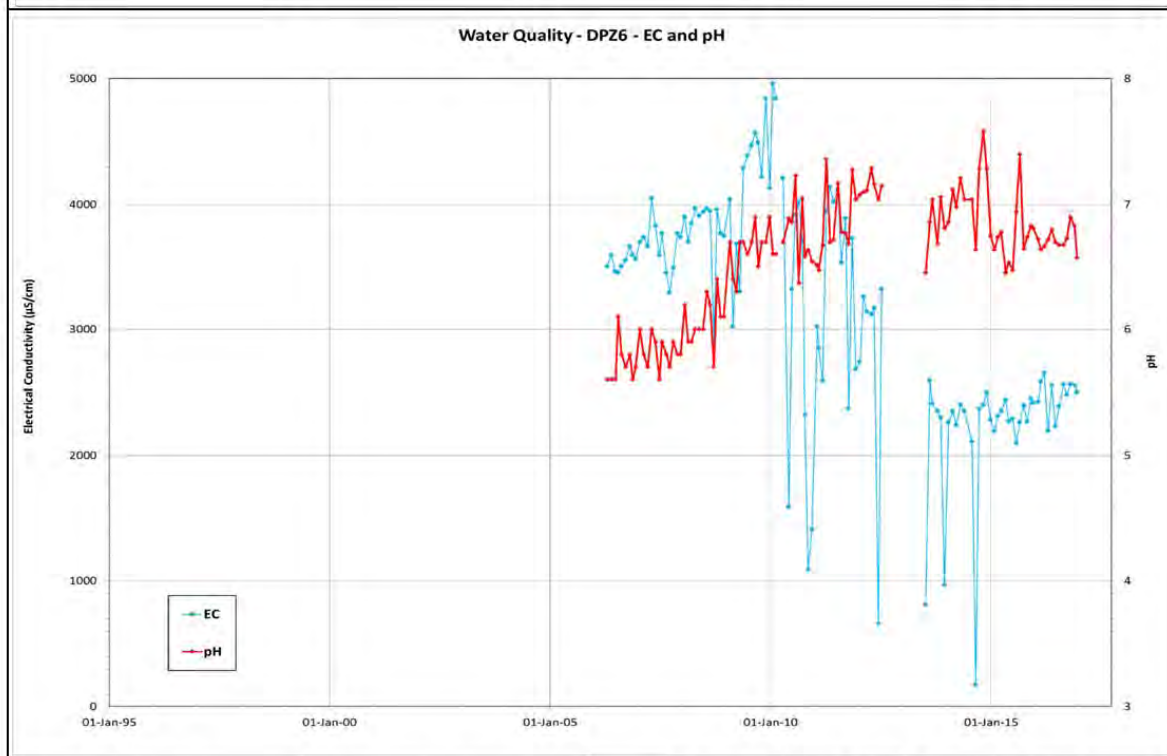
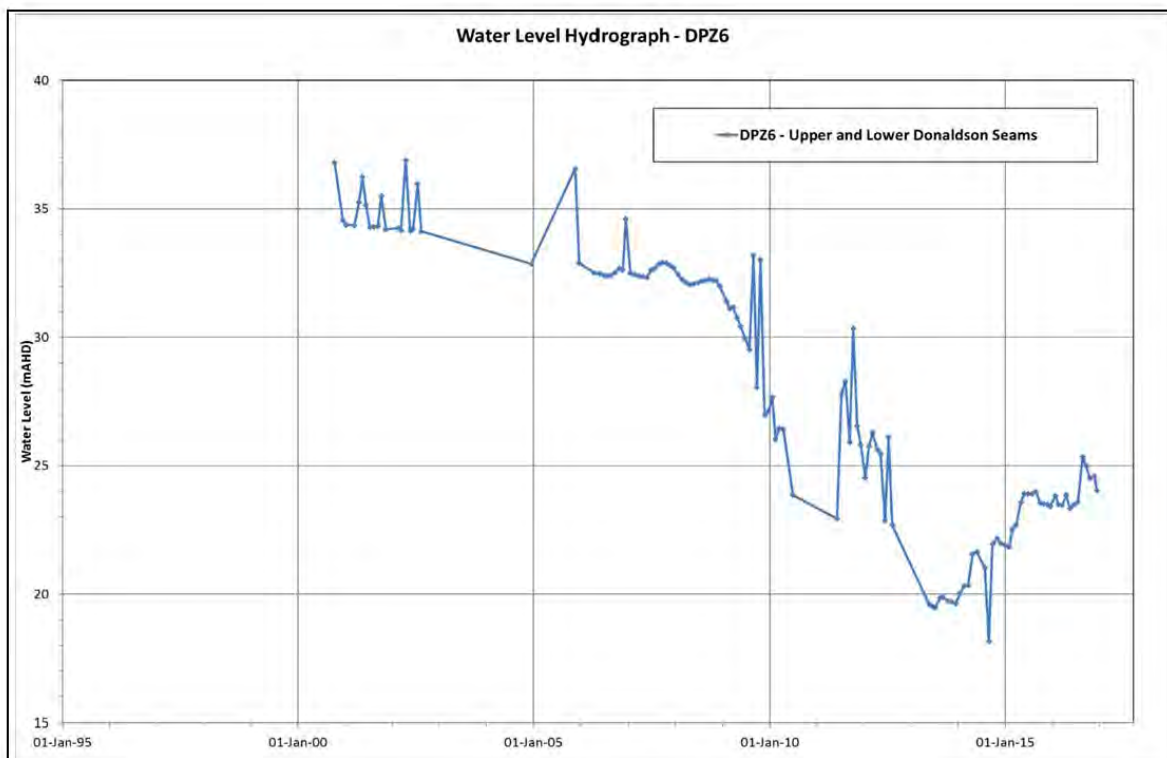
Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE DPZ10 WATER LEVELS and EC/pH
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-010		Revision:	
Dundon Consulting Pty Ltd			
			Figure 10



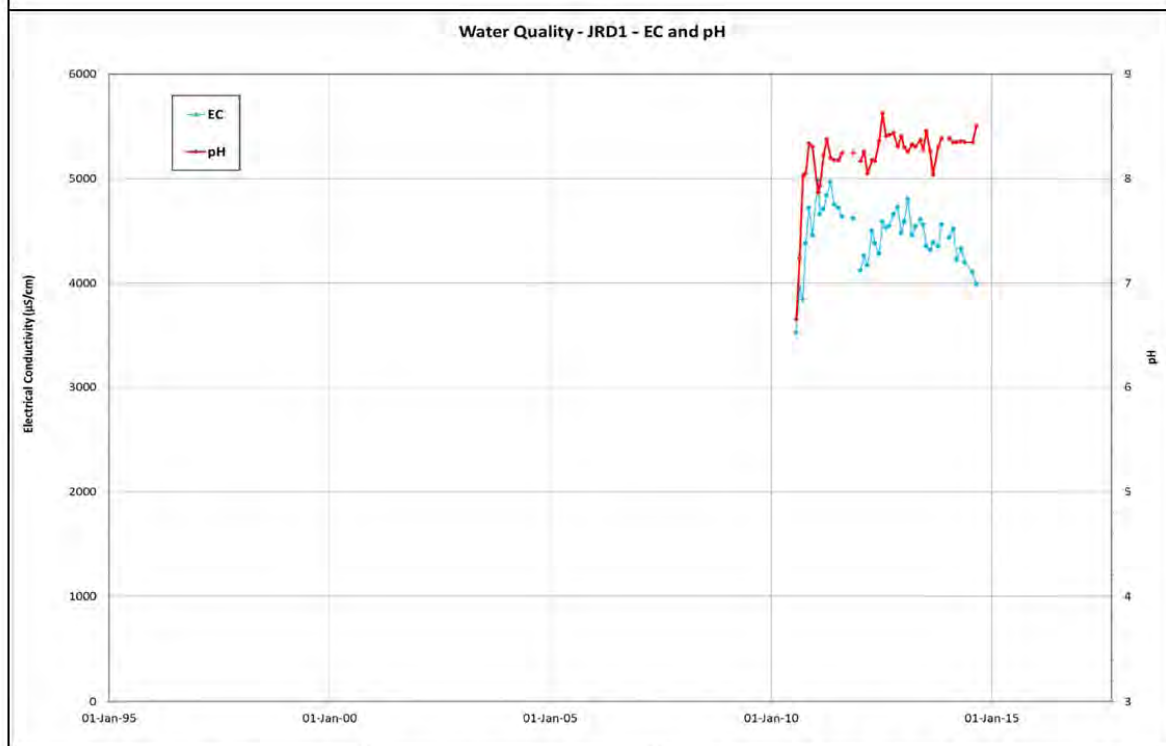
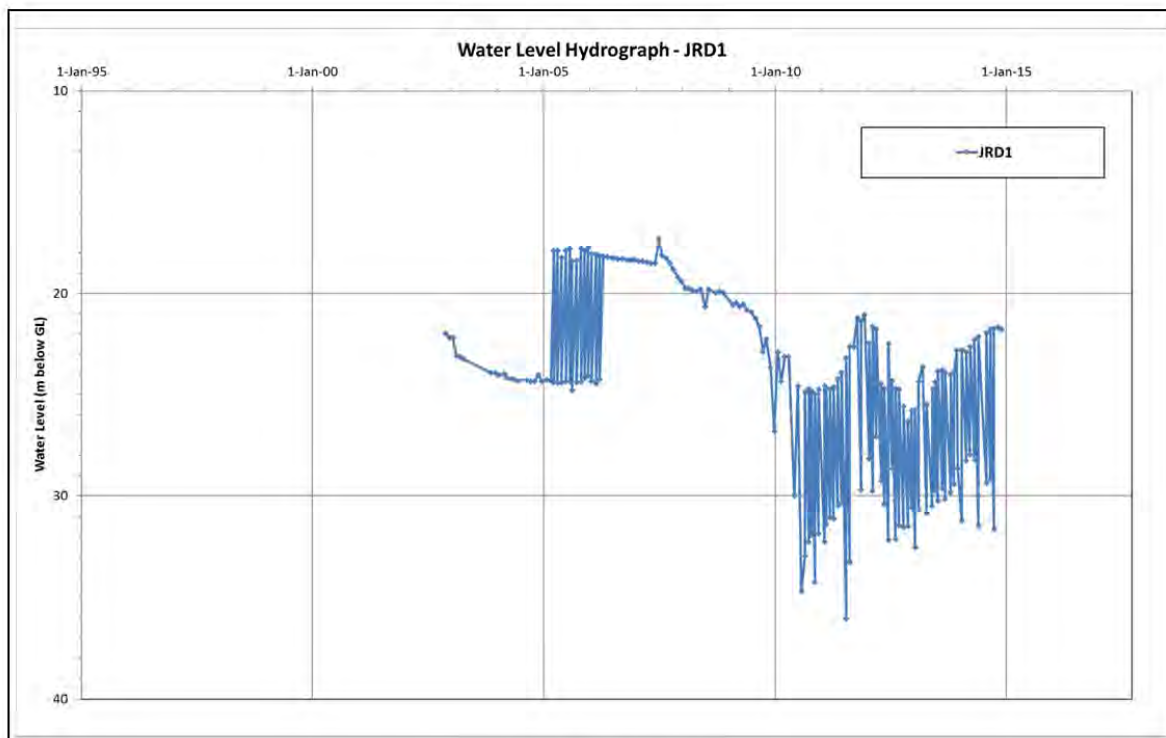
Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE DPZ13 WATER LEVELS and EC/pH Figure 11
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-011	Revision:		
Dundon Consulting Pty Ltd			



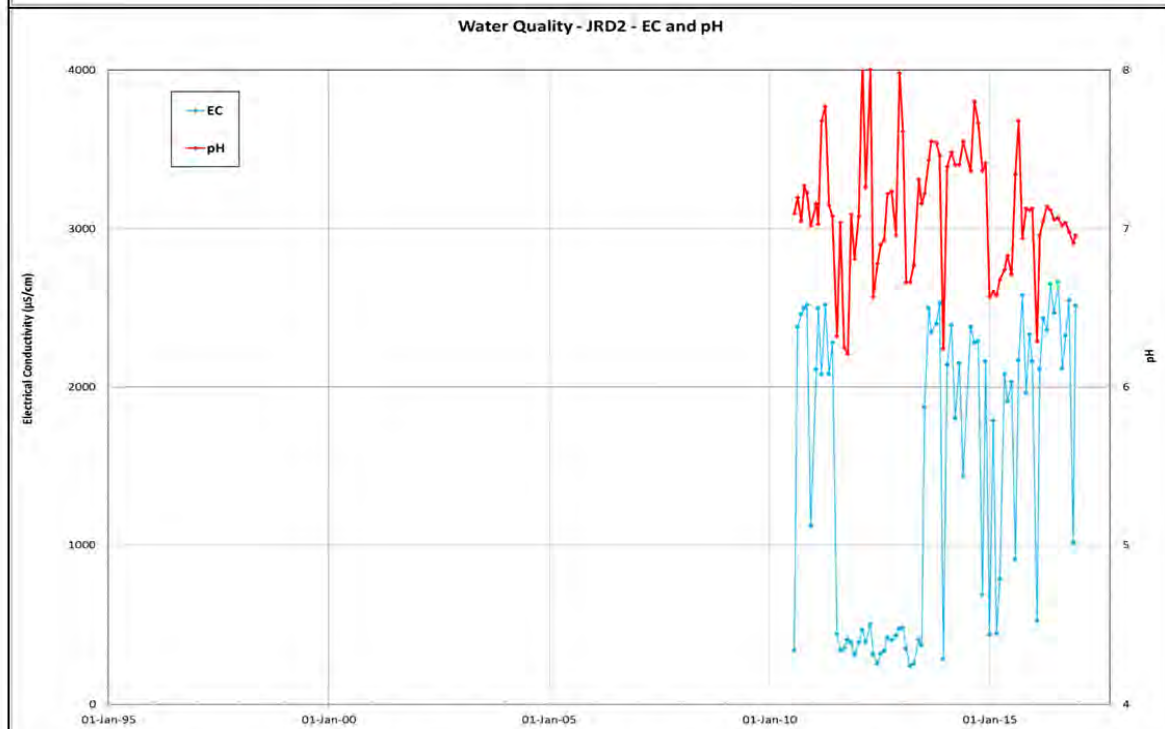
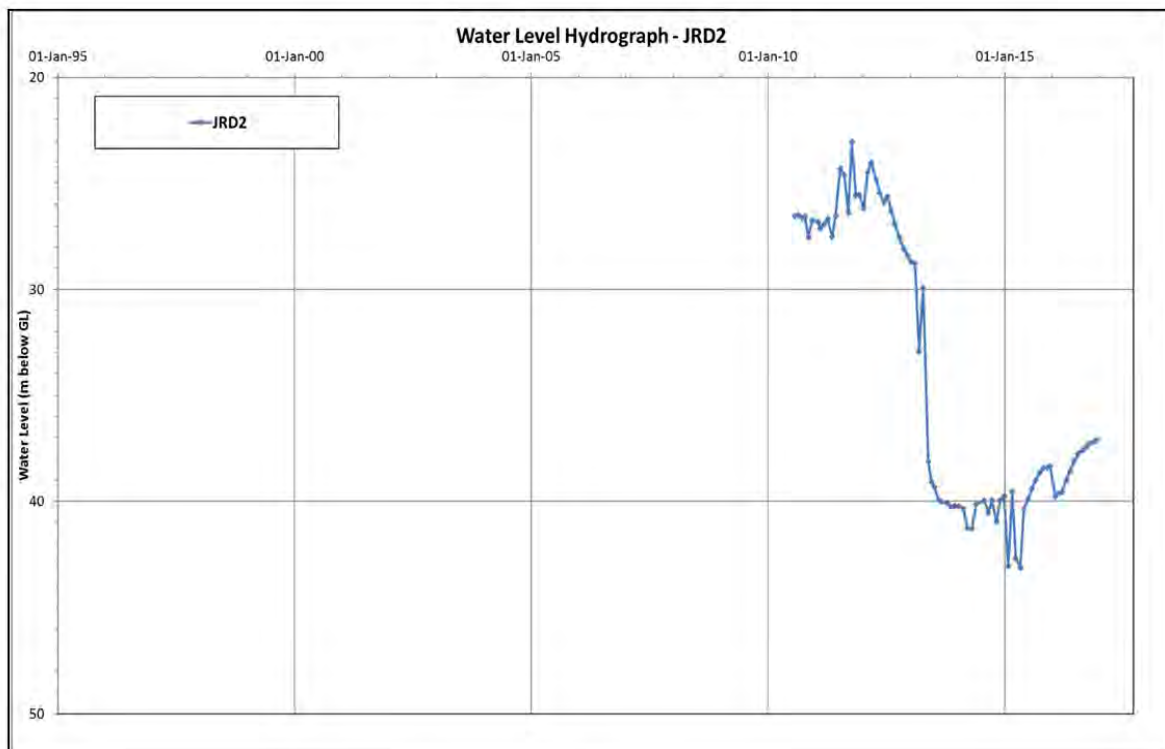
Date: 29 Mar 2017	Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE FMCPZ2 WATER LEVELS and EC/pH	
Author: PD	Checked: PD		Figure 12
Dwg No: 0334-012	Revision:		
Dundon Consulting Pty Ltd			



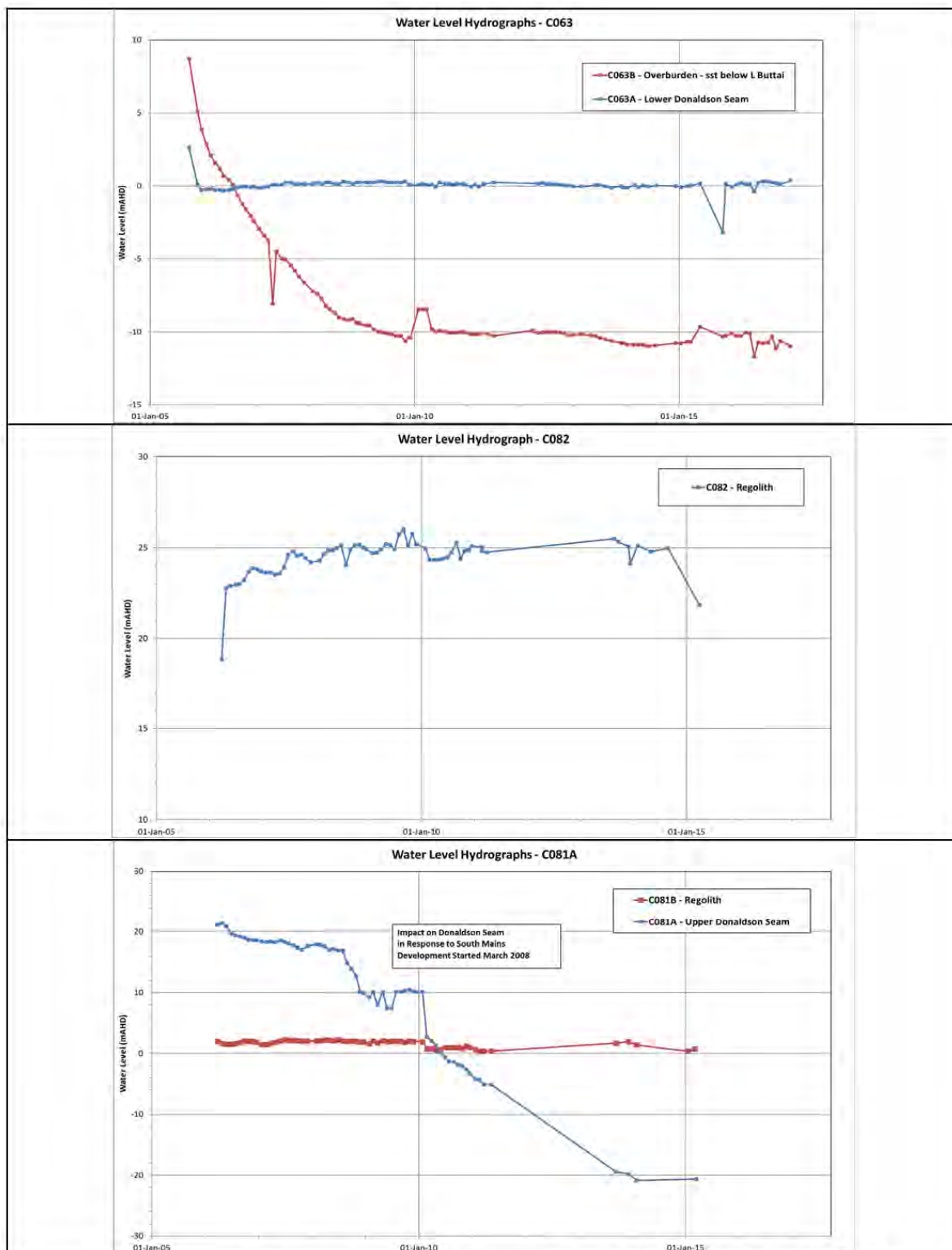
Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE DPZ6 WATER LEVELS and EC/pH
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-013	Revision:		
Dundon Consulting Pty Ltd			



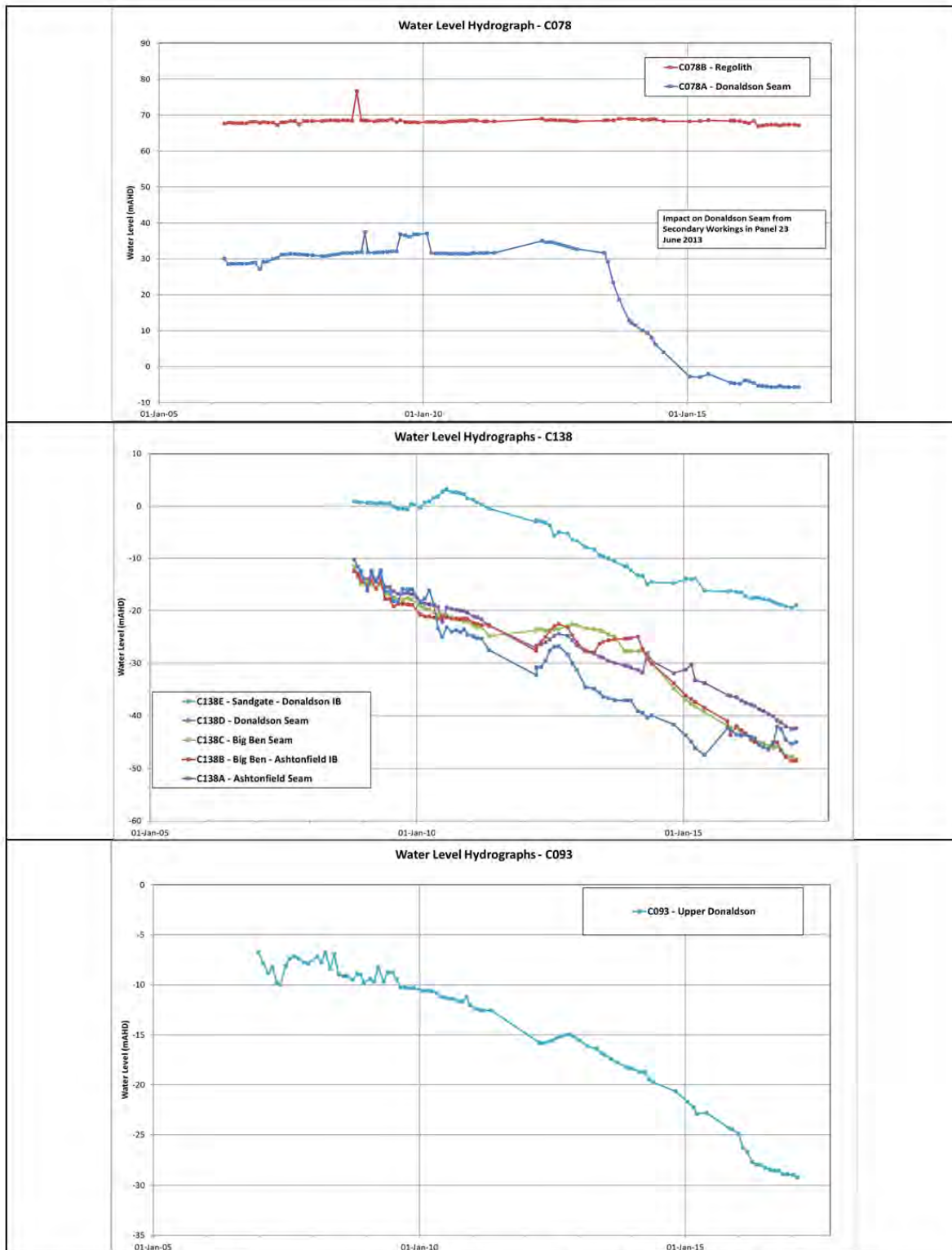
Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE JRD1 WATER LEVELS and EC/pH
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-014	Revision:		
Dundon Consulting Pty Ltd		Figure 14	



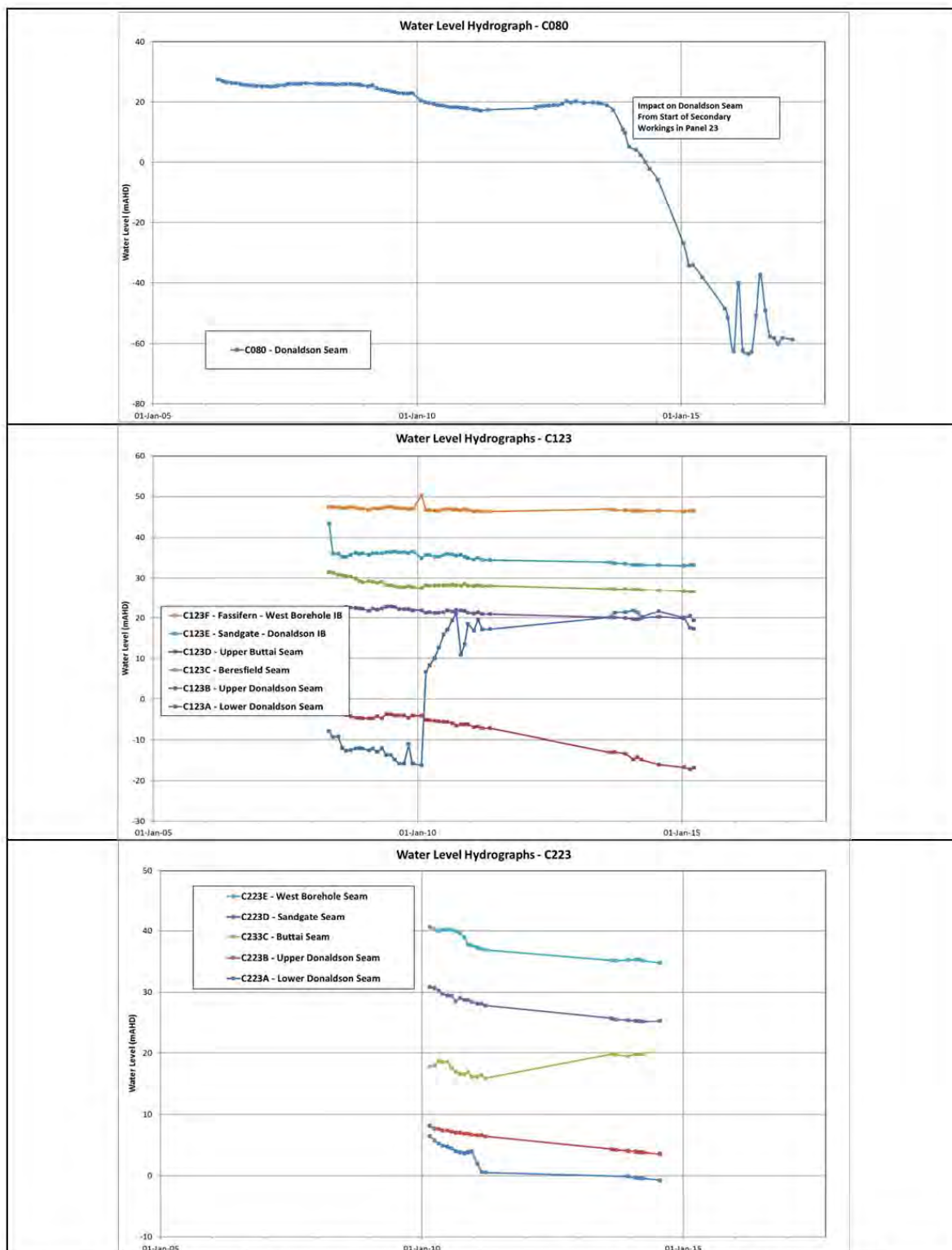
Date: 29 Mar 2017	Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE JRD2 WATER LEVELS and EC/pH Figure 15	
Author: PD	Checked: PD		Project No: 17-0334
Dwg No: 0334-015	Revision:		
Dundon Consulting Pty Ltd			



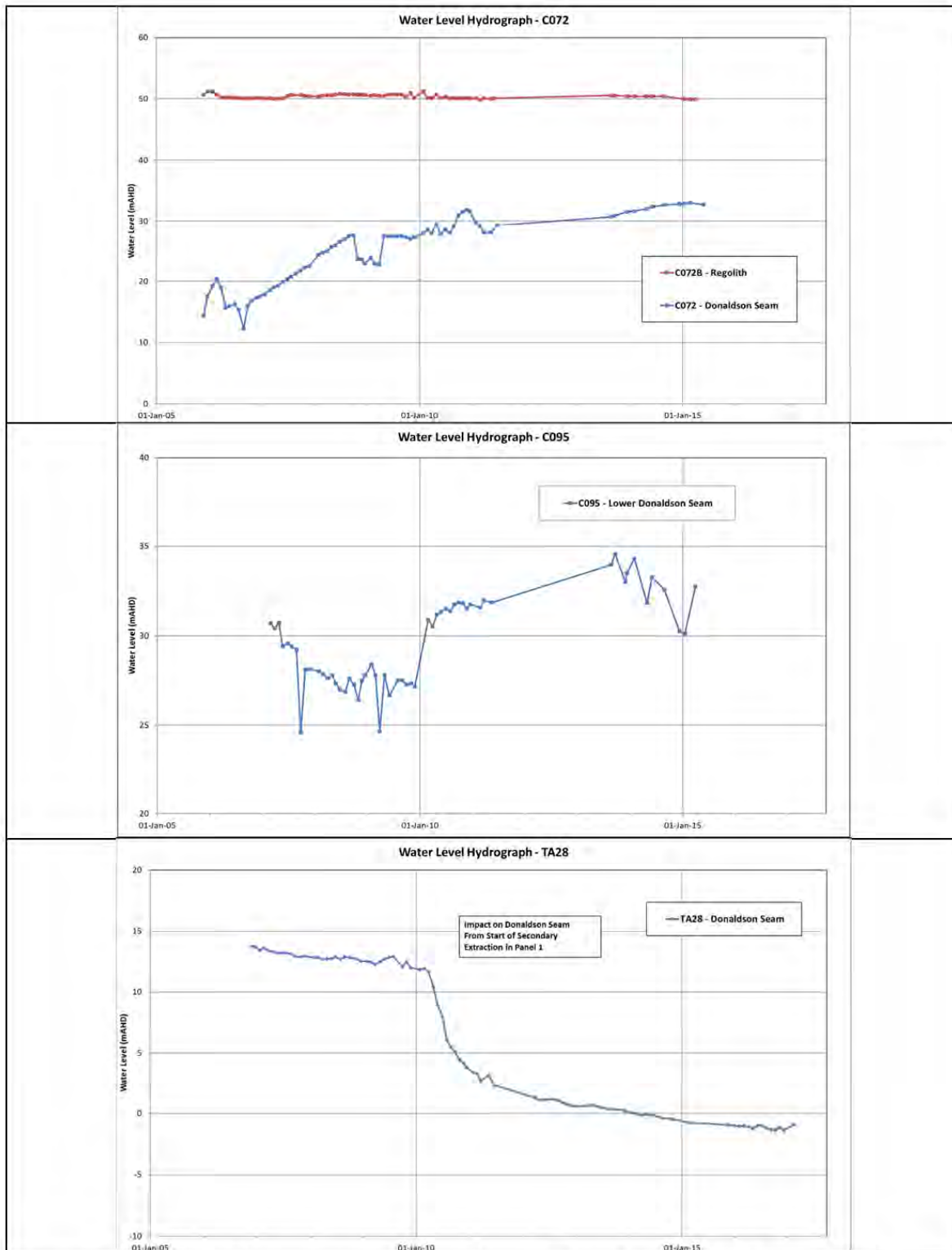
Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE WATER LEVEL HYDROGRAPHS C063, C082 and C081A
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-016		Revision:	
Dundon Consulting Pty Ltd			Figure 16



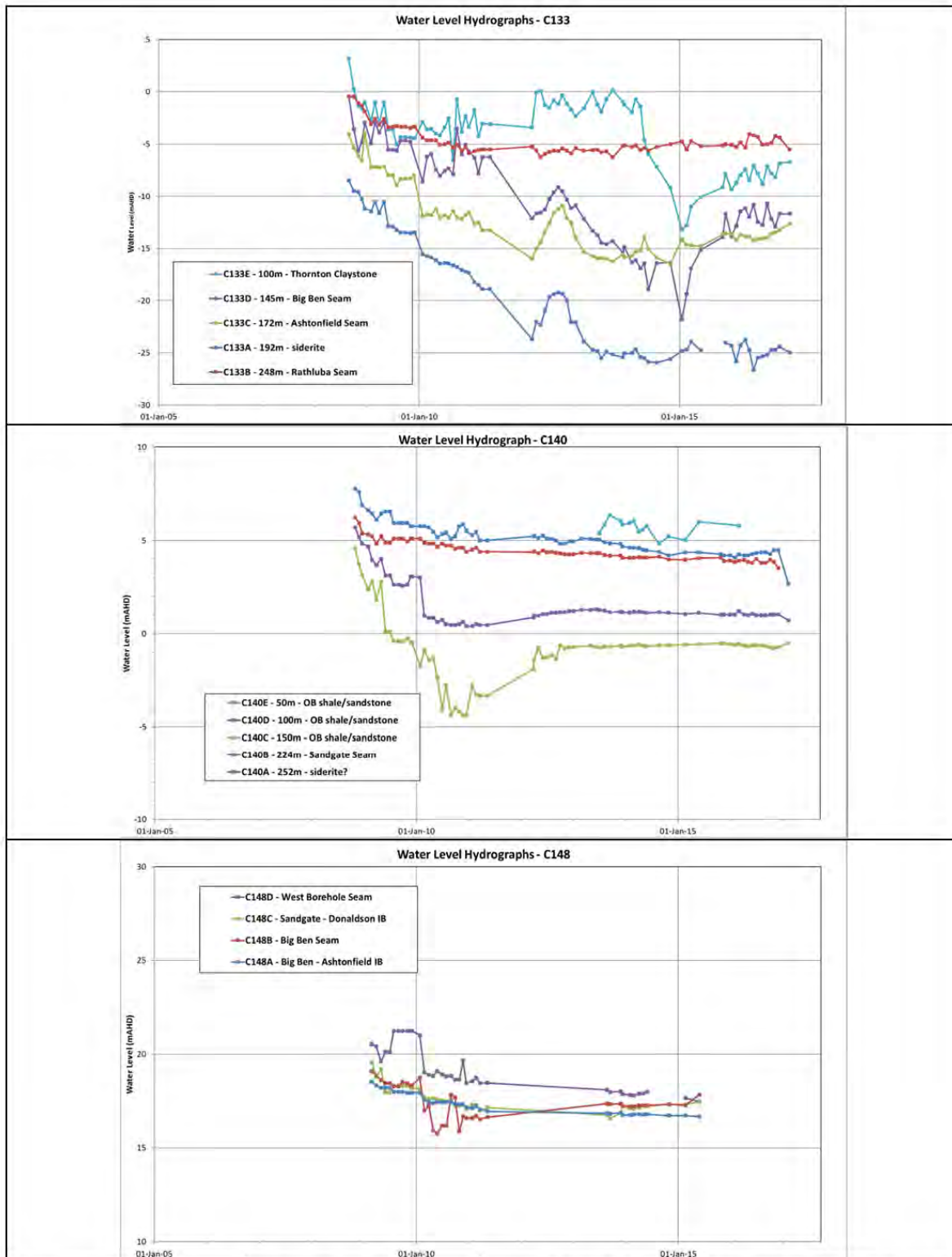
Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE WATER LEVEL HYDROGRAPHS C078, C138 and C093
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-017		Revision:	
Dundon Consulting Pty Ltd			
			Figure 17



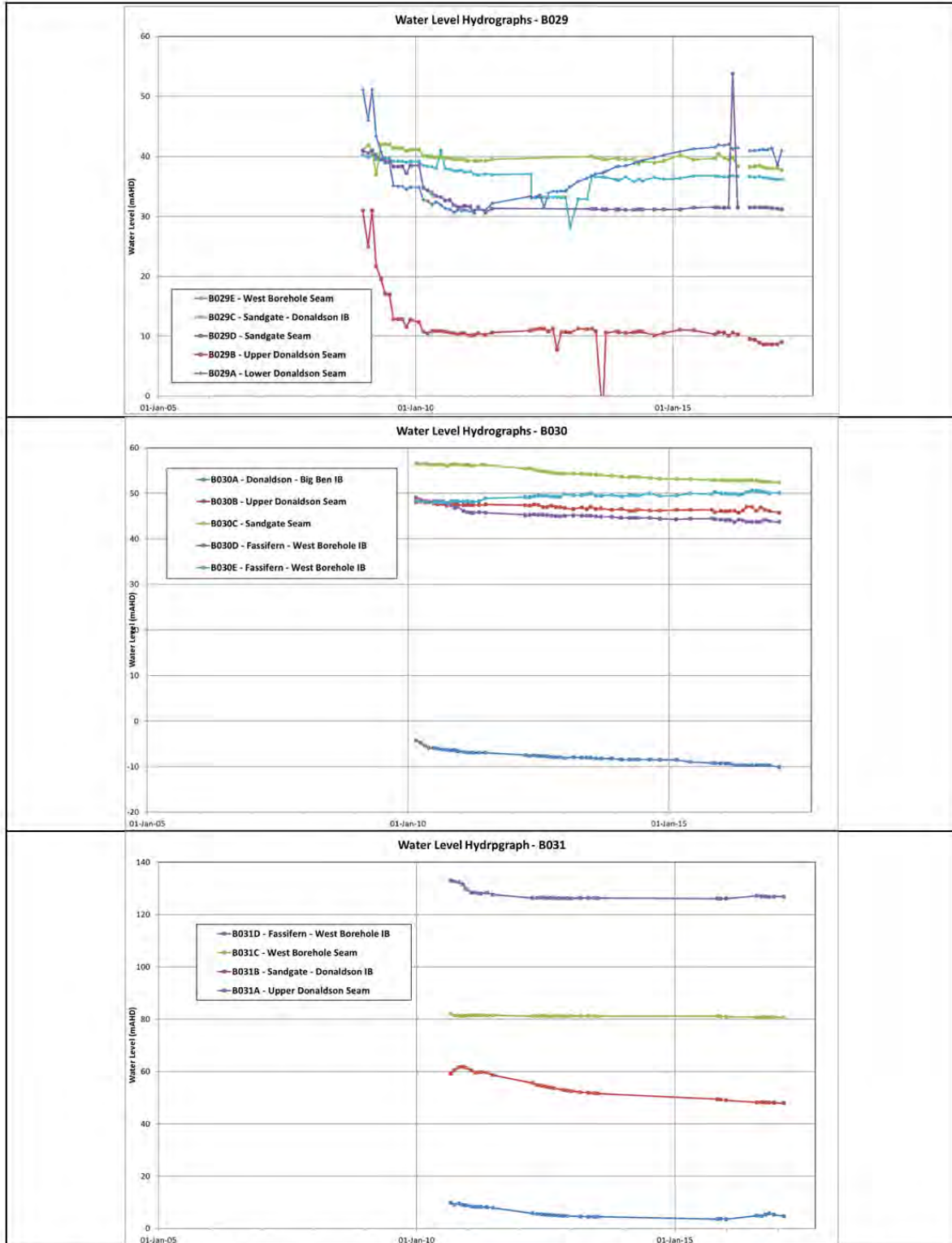
Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE WATER LEVEL HYDROGRAPHS C080, C123 and C223
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-018		Revision:	
Dundon Consulting Pty Ltd			
			Figure 18



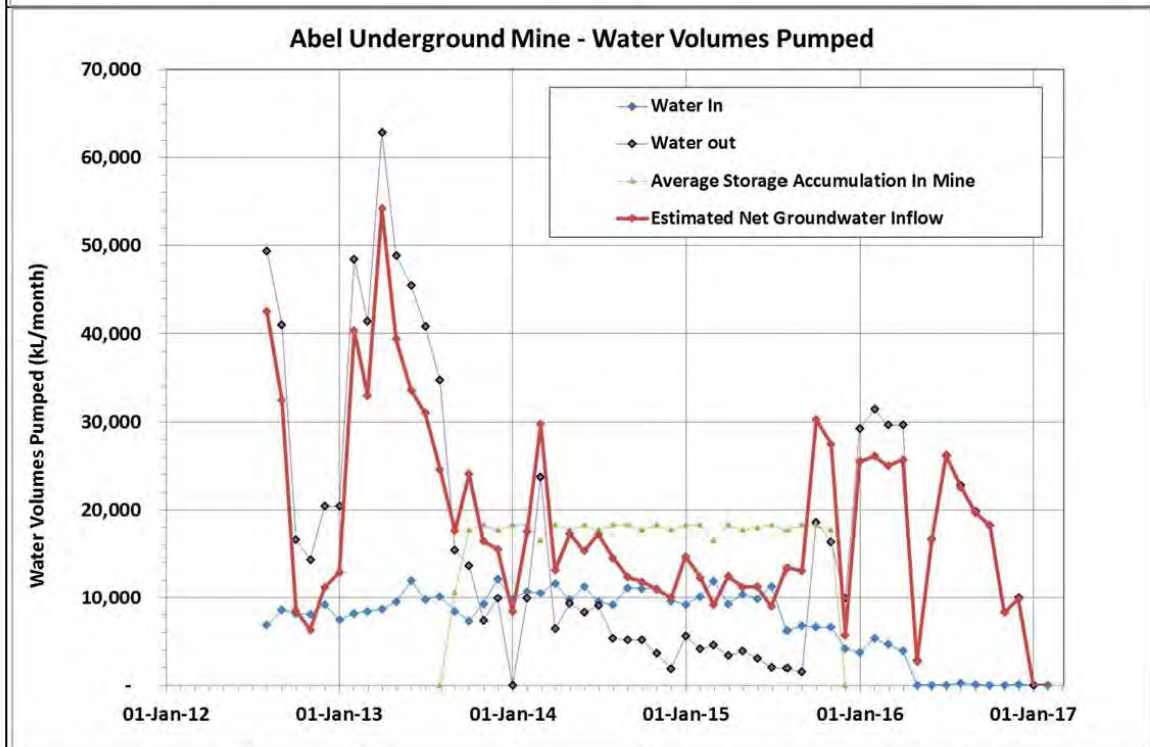
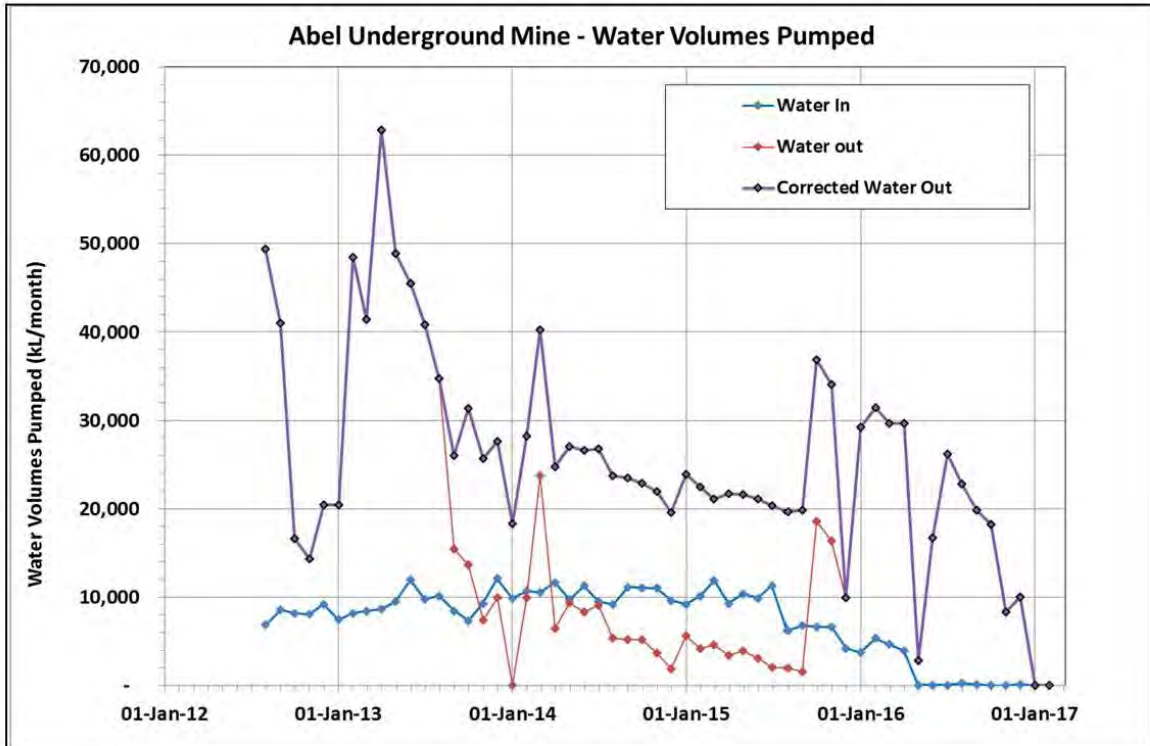
Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE WATER LEVEL HYDROGRAPHS C072, C095 and TA28
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-019		Revision:	
Dundon Consulting Pty Ltd			
			Figure 19



Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE WATER LEVEL HYDROGRAPHS C133, C140 and C148
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-020		Revision:	
Dundon Consulting Pty Ltd			
			Figure 20



Date: 29 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE WATER LEVEL HYDROGRAPHS B029, B030 and B031
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-021		Revision:	
Dundon Consulting Pty Ltd			
			Figure 21



Date: 30 Mar 2017		Scale: as shown	Donaldson Coal Pty Limited ABEL UNDERGROUND MINE ESTIMATED NET GROUNDWATER INFLOW Figure 22
Author: PD	Checked: PD	Project No: 17-0334	
Dwg No: 0334-022	Revision:		
Dundon Consulting Pty Ltd			