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## Austar Independent Environmental Audit

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Austar Coal Mine Pty Ltd  
1 Middle Road Paxton, NSW 2325

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# Austar Independent Environmental Audit

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This report has been prepared by SLR Consulting Australia Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with the Client. Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

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## DOCUMENT CONTROL

Reference	Date	Prepared	Checked	Authorised
630.12258-R01--v0.3	27 February 2018	Chris Jones	Chris Jones	Chris Jones
630.12258-R01--v0.2	27 February 2018	Chris Jones	Chris Jones	Chris Jones
630.12258-R01--v0.1	21 February 2018	Tracey Ball	Chris Jones	Chris Jones

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# 1 INTRODUCTION

## 1.1 Background to the Site

The history of the Austar Coal Mine Pty Limited (Austar) operations are outlined within the Annual Environmental Management Reports for the site.

Austar is an aggregate of the former Pelton, Ellalong, Cessnock No.1 (Kalingo) Colliery and Bellbird South Collieries. Austar is owned by Yancoal Australia Limited (Yancoal). Austar is located on Middle Road, Paxton, NSW

Underground mining commenced in 1916 at Pelton Colliery and continued until 1992. Kalingo Colliery began as an underground mine in 1921 and ceased operations in 1961. In the late 1960's the Kalingo Colliery was amalgamated into the Pelton Colliery. Longwall production commenced at the Pelton Colliery in 1983 and continued until the mine, then known as Ellalong Colliery, was closed in May 1998 by Oakbridge. Southland Coal then acquired the assets of Ellalong and Pelton Collieries and amalgamated those with Bellbird South, which was also owned by Southland Coal.

Southland Coal developed a longwall operation that mined the substantial Bellbird South coal reserves utilising the existing Ellalong facilities and infrastructure.

In December 2003, spontaneous combustion in longwall panel SL4 resulted in Southland Coal ceasing mining activities. The site of the underground fire was sealed and the mine was placed on a 'care and maintenance' program for 18 months. Yancoal purchased the mine in December 2004 and changed the name to Austar Coal Mine.

Yancoal introduced an enhanced form of the conventional retreat longwall system to the Australian Coal Mining Industry at the Austar Coal Mine in 2006 called Longwall Top Coal Caving (LTCC). To allow for the introduction of LTCC to Austar Stage 1 panels A1 and A2 in the Bellbird South area, a modification to DA 29/95 under section 96(2) of the Environmental Planning and Assessment Act 1979 was sought in 2006. The Minister for Planning approved the modification which permitted the extraction of up to 6.5 metres of coal in panels A1 and A2. In 2008, consent was granted for extraction in panels A3, A4 and A5 under a second modification, and for slightly longer and wider panels in A4 and A5 under a subsequent modification. In December 2010 approval was granted for extraction of additional longwall panel A5a in the Stage 2 area, and a modification to lengthen panel A5a was granted on 27 April 2012.

Approval for Stage 3 operations (PA 08\_0111) was granted on 6 September 2009 by the Minister for Planning. A minor administrative modification was granted on 4 May 2010, and a modification to allow reorientation of Stage 3 longwall panels was granted by the Minister for Planning and Infrastructure on 13 March 2012. A further modification to allow extension of longwall panels A7 to A10 to the west by between 100m and 300m was granted under delegated authority of the Minister for Planning and Infrastructure on 17 December 2013.

The Stage 3 Project (as modified) involves mining of known coal resources within areas of Consolidated Mining Lease 2 (CML2) and Mining Leases ML1661 and ML1666. Mining in the second Stage 3 panel (Longwall A8) commenced on 16 June 2014 and was completed on 24 June 2015. Austar made a business decision to relocate development operations to the Bellbird South and Ellalong Colliery areas in 2015. However, the Stage 3 Project remains central to the long term future of Austar Coal Mine and the aim is to return to mining in the Stage 3 area in the medium term, with mining in this area approved until 2030.

Mining within the Bellbird South and Ellalong Colliery recommenced in June 2015 with development of first workings of existing approved coal reserves to allow future extraction of longwall panels LWB1 to LWB3. A modification to DA 29/95 extending the area and life of the consent and permitting transfer and processing of coal from panels LWB1 to LWB3 was approved under delegation of the Minister for Planning on 29 January 2016. The modified consent contemporised subsidence management conditions requiring an approved Extraction Plan to be in place prior to longwall extraction of panels LWB1 to LWB3. Longwall extraction of LWB2 commenced 7 July 2016.

The approved Mining Operations Plan (MOP) in place at the start of this AEMR period, covered the period November 2015 to November 2022, which was endorsed by the Division of Resources and Geosciences (DRG) on 27 November 2015. A new MOP was submitted in August 2016, in response to the modification approval to DA29/95, which covers the period 9 September 2016 to 1 June 2023, and was approved by DRG on 9 September 2016. The new MOP identifies that mining will continue within existing approved coal reserves of the Bellbird South and Ellalong Colliery areas to allow future extraction of longwall panels prior to returning to the Stage 3 area.

## 1.2 Audit Scope

### 1.2.1 Audit Conditions

The scope of the audit will be from **15 November 2014 to 23 November 2017**. This is the date of the previous audit site visit, until the final day of the 2017 audit completed by SLR. The audit covers the Austar Mine Complex, as outlined within **Figure 1.1** (Umwelt 2017).

Schedule 7 Condition 7 and 8 of the Stage 3 Development Consent (08\_0111) is outlined below:

*Condition 7.*

*By end of December 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the mine complex. This audit must:*

- (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;*
- (b) include consultation with the relevant agencies;*
- (c) assess the environmental performance of the mine complex and assess whether it is complying with the requirements in relevant project approvals and development consents and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*
- (d) review the adequacy of strategies, plans or programs required under these approvals; and*
- (e) recommend appropriate measures or actions to improve the environmental performance of the mine complex, and/or any assessment, plan or program required under these approvals.*

*Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.*

*Condition 8.*

*Within 6 weeks of the completing of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.*

Schedule 5 Condition 5 of the Bellbird South Development Consent (DA 29/95) is outlined below:

*Prior to 31 December 2008, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:*

- (a) be conducted by suitably qualified, experienced, and independent expert/s whose appointment has been endorsed by the Secretary;*
- (b) include consultation with the relevant agencies and the CCC;*

- (c) *assess, in respect of the requirements of this consent and any relevant mining lease or environment protection licence, the environmental performance of the development and its effects on the surrounding environment;*
- (d) *assess whether the development is complying with relevant standards and performance measures specified in these approvals (including under any strategy, plan or program required under this consent) and with other statutory requirements;*
- (e) *review the adequacy of strategies, plans or programs required under this consent; and, if necessary, recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under this consent; and*
- (f) *be conducted and reported to the satisfaction of the Secretary.*

*Note: This audit team must be led by a suitably qualified auditor and include experts in the fields of subsidence, surface water, groundwater, noise and air quality.*

SLR was endorsed by the DPE to complete the independent environmental audit in the letter dated 26 October 2017. Correspondence was undertaken between Austar and the DPE regarding the submission date. In an email dated 23 November 2017, Leah Cook from the DPE granted an extension to the audit submission until 27 February 2018.

### **1.2.2 Approval Documentation**

The Audit has assessed the key approvals and documentation outlined in **Section 4**, including:

- Stage 3 Development Consent (08\_0111);
- Bellbird South Development Consent (DA 29/95);
- Environment Protection Licence;
- Environmental Assessment (EA) Modification 5 (MOD 5) Consolidated Statement of Commitments;
- Consolidated Mining Lease No 2 (Act 1992); and
- Water Access Licences.

The physical boundaries of the audit are defined by the Development Consent areas.

### **1.3 Key Site Contacts**

The key contact details for the key main Austar contact is outlined below:

Gary Mulhearn

Environment and Community Manager

+61 2 4993 7334

Gary.Mulhearn@yancoal.com.au



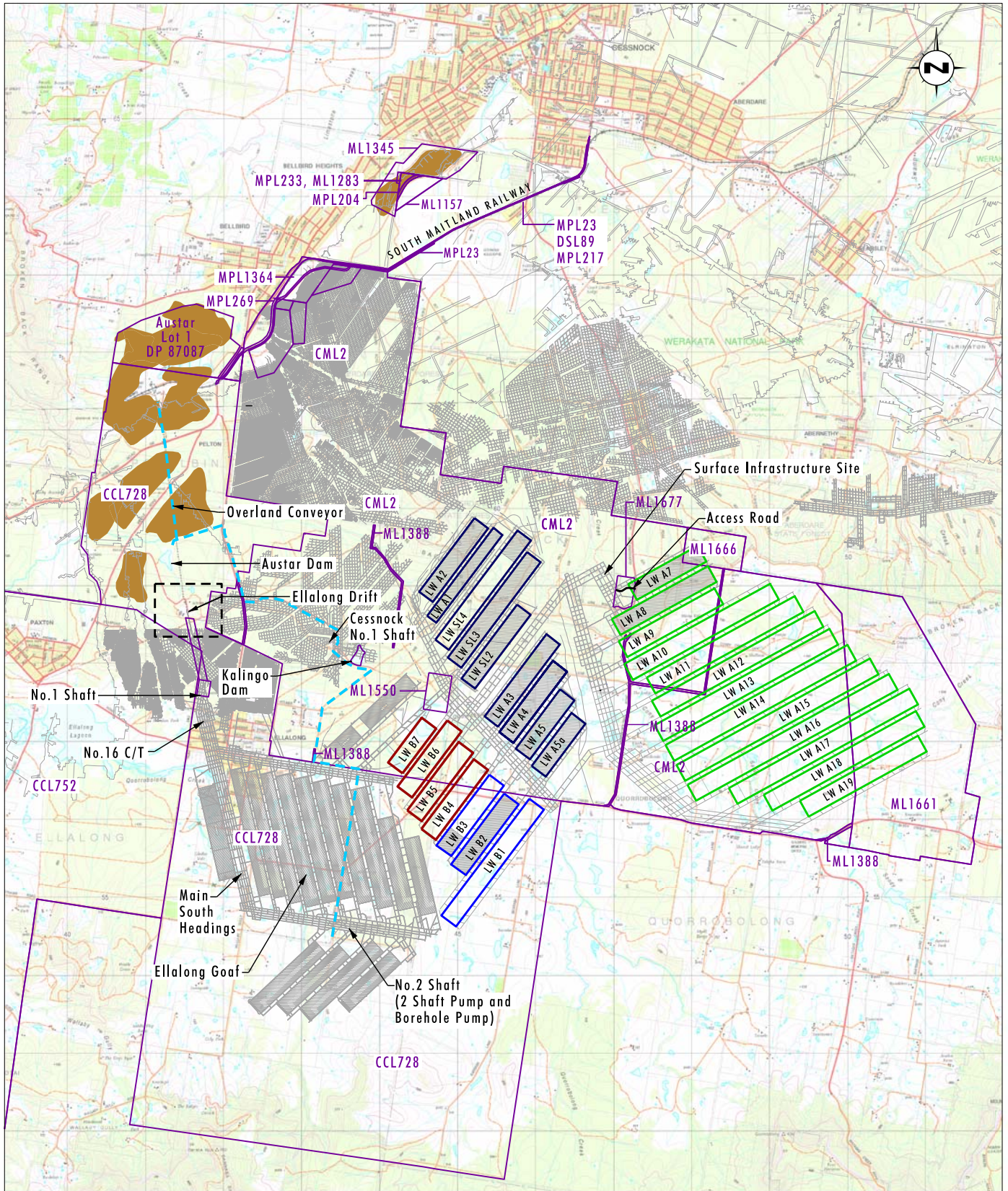


Image Source: LPI NSW (2009)  
 Data Source: Austar Coal Mine (2015)

0 1 2 3 km  
 1:70 000

### Legend

- ▭ B1-B3 Extraction Plan Longwall Panels (DA29/95 MOD 6)
- ▭ Proposed B4-B7 Longwall Panels (DA25/95 MOD 7)
- ▭ Completed Bellbird South Stage 1, Stage 2 and Southland Longwall Panels (DA29/95)
- ▭ Layout for Stage 3 Longwall Panels (PA08\_0111 MOD3)
- ▭ Approved Reject Emplacement Areas
- ▭ Completed Underground Workings
- ▭ Mining Lease Boundary
- Water Pipeline

FIGURE 1.1

Austar Coal Mine Complex



## 1.4 Audit Methodology

The Independent Environmental Audit was undertaken on site by the following personnel:

- Chris Jones (SLR Lead Auditor) – Present at site for four days;
- Tracey Ball (SLR Assistant Auditor) – Present at site for four days;
- Nathan Archer (SLR Noise Specialist) – Present onsite for Day 1;
- Paul Delaney (SLR Surface Water Specialist) - Present onsite for Day 1;
- Ali Naghizadeh (SLR Air Quality Specialist) – Desktop Assistance;
- Tim Wilkinson (SLR Groundwater Specialist) – Desktop Assistance; and
- Steve Ditton (DGS Subsidence Specialist) – Present onsite for Day 3.

The SLR audit team are independent of Austar as defined under Section 3.3 of the NSW Government's (2015) *Independent Audit Guideline*.

Information was provided by Austar prior to the audit, during the audit and following the audit. SLR also sourced a large amount of information from the Austar website.

The methodology for the Independent Environmental Audit consisted of the following key steps:

- Introductory and close out meetings;
- Reviewing key documents provided by Austar prior to the audit;
- Consultation with relevant government agencies as per the audit requirements prior to the site component;
- Site component of the audit from 20 to 23 November 2017 – including inspections and discussions with key Austar personnel;
- Review of additional relevant documentation obtained while on site during the inspection or provided by Austar after the site inspection; and
- Client review and comment on the draft audit report.

Photographs taken during the site inspections are included in **Appendix A**. A large amount of evidence was viewed and collected as part of the audit, including monitoring records, reports, and correspondence. While this key evidence has been referenced in **Section 2**, it has not been attached to this audit report.

The audit has been completed as per the *Independent Environmental Audit Guidelines* (DP&E, October 2015).

The audit team assessed the approvals and documentation outlined in **Section 4**.

### 1.4.1 Introductory and Close Out Meetings

Introductory and close out meetings were held for the audit. At these meetings the current status of the site was discussed as well as a general discussion about compliance and areas for improvement. **Table 1** lists those present at these meetings.

**Table 1 Meeting Attendees**

Name	Role	Comment
Gary Mulhearn	Environment & Community Manager	Present at both meetings and site inspections.
Josh Chadwick	Environment & Community Coordinator	Present at both meetings.
Lloyd Jeston	Acting CHPP Superintendent	Present at both meetings.
Mark Murray	Mine Surface & Logistics Coordinator	Present at the opening meeting.
Heath Sowter	Senior Site Engineer	Present at the opening meeting.
Bill Farnworth	Technical Services Manager	Present at the opening meeting.
Brian Wesley	Mine Operations Manager	Present at the opening meeting.
Justin Peterkin	Mining Engineering Manager	Present at the opening meeting.
Chris Jones	SLR Lead Auditor	Present at both meetings and all site inspections.
Tracey Ball	SLR Assistant Auditor	Present at both meetings and all site inspections.
Nathan Archer	SLR Noise Specialist	Present at the opening meeting.
Paul Delaney	SLR Water Specialist	Present at the opening meeting.

Meetings/interviews with operations staff were also held for the audit. At these meetings/interviews aspects including water management and spontaneous combustion were discussed.

## 1.5 Consultation Requirements

**Table 2** outlines the stakeholder consultation completed for Austar, undertaken in accordance with the Audit Guidelines.

**Table 2 Stakeholder Consultation for the Audit**

Regulatory Authority	Contact Details (name, phone and email please)	Consultation Details
Department of Planning and Environment (DPE)	Ann Hagerthy Senior Compliance Officer - Compliance 6575 3407, 0428 976 540 <a href="mailto:ann.hagerthy@planning.nsw.gov.au">ann.hagerthy@planning.nsw.gov.au</a>	Email sent to contact on 14 November 2017.  In a return email on 14 November 2017, the DPE stated:  <i>"The Department requested Austar utilise experts in the fields of subsidence, surface water, groundwater, noise and air quality, to review those areas in greater detail for the audit".</i>  Correspondence was undertaken between Austar and the DPE regarding the submission date. In an email dated 23 November 2017, Leah Cook from the DPE granted an extension to the audit submission until 27 February 2018.
Environment Protection Authority (EPA)	Lisa Richards Operations Officer – North 4908 6826, <a href="mailto:Lisa.richards@epa.nsw.gov.au">Lisa.richards@epa.nsw.gov.au</a>	Email sent to contact on 14 November 2017.  The EPA responded on 20 November 2017 stating 'the EPA does not provide input to these as our role is to set environmental objectives for environmental/conservation management and manage outcomes.
Division of Resources and Geosciences (DRG)	Neil McElhinney Environmental Sustainability Unit - Inspector Environment 4931 6522, 0429 154 075 <a href="mailto:neil.mcelhinney@industry.nsw.gov.au">neil.mcelhinney@industry.nsw.gov.au</a>	Email sent to contact on 14 November 2017.  No response.
Department of Primary Industries – Water (DPI Water)	Hannah Grogan Water Regulation Officer 02 4904 2516 <a href="mailto:hannah.grogan@dpi.nsw.gov.au">hannah.grogan@dpi.nsw.gov.au</a>	Email sent to contact on 14 November 2017. SLR received a phone call from DPI Water on 19 December 2018 to discuss the audit. DPI Water did not provide any additional comments.
Council	Austar CCC - Councillor Mark Lyons 0417 083 073 <a href="mailto:mark.lyons@cessnock.nsw.gov.au">mark.lyons@cessnock.nsw.gov.au</a>	Email sent to contact on 14 November 2017.  No response.
CCC Chairperson	Margaret MacDonald Hill 0448 414 888 <a href="mailto:mmacdonald-hill@bigpond.com">mmacdonald-hill@bigpond.com</a>	Email sent to contact on 14 November 2017.  Margaret stated in return email on 22 November 2017 - <i>The audit was discussed at the CCC meeting and have nothing further to add or any specific concerns.</i>

## 2 DOCUMENTS REVIEWED AND REFERENCED

Some of the key documentation reviewed as part of the audit includes:

- Stage 3 Development Consent (08\_0111);
- Bellbird South Development Consent (DA 29/95);
- Environment Protection Licence;
- Environmental Assessment (EA) Modification 5 (MOD 5) Consolidated Statement of Commitments;
- Consolidated Mining Lease No 2 (Act 1992);
- Water Access Licences;
- Approved Environmental Management Plans, including:
  - Environmental Management Strategy – May 2013;
  - Site Water Management Plan – April 2013;
  - Noise and Vibration Management Plan – July 2013;
  - Air Quality and Greenhouse Gas Management Plan – June 2013;
  - Stage 3 Surface Infrastructure Site – Shaft Construction Environmental Management Plan – June 2012;
  - Landscape Management Plan – June 2013;
  - Aboriginal Cultural Heritage Management Plan – May 2013;
  - Pollution Incident Response Management Plan;
  - Historic Heritage Management Plan.
- Mining Operations Plan – 2016 – 2024 (dated August 2016);
- Annual Returns – across the audit period;
- Annual Environmental Management Reviews (AEMRs) across the audit period;
- Community Consultative Committee Meeting Minutes – across the audit period;
- Key consultation with government – including consultation and approval letters;
- Complaints Register;
- Pollution Reduction Program; and
- Environmental monitoring reports and data – air, noise, water.

### 3 ASSESSMENT OF COMPLIANCE

The terms used in the audit to describe the level of compliance of the site with the relevant approval documentation are outlined in **Table 3** and **Table 4**. These are requirements of the DPE *Independent Environmental Audit Guidelines* (October 2015).

**Table 3 Compliance Assessment Criteria**

Assessment	Criteria
<b>Compliant</b>	Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit.
<b>Not verified</b>	Where the auditor has not been able to collect sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit. In the absence of sufficient verification the auditor may in some instances be able to verify by other means (visual inspection, personal communication, etc.) that a requirement has been met. In such a situation, the requirement should still be assessed as not verified. However, the auditor could note in the report that they have no reasons to believe that the operation is non-compliant with that requirement.
<b>Non-compliant</b>	Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.
<b>Administrative non-compliance</b>	A technical non-compliance with a regulatory approval that would not impact on performance and that is considered minor in nature (e.g. report submitted but not on the due date, failed monitor or late monitoring session). This would not apply to performance-related aspects (e.g. exceedance of a noise limit) or where a requirement had not been met at all (e.g. noise management plan not prepared and submitted for approval).
<b>Not triggered</b>	A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection; therefore a determination of compliance could not be made.
<b>Observation</b>	Observations are recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance. Further observations are considered to be indicators of potential non-compliances or areas where performance may be improved.
<b>Note</b>	A statement or fact, where no assessment of compliance is required.

**Table 4 Risk Levels for Non-Compliances**

Risk level	Colour Code	Description
<b>High</b>		Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence.
<b>Medium</b>		Non-compliance with: <ul style="list-style-type: none"> <li>potential for serious environmental consequences, but is unlikely to occur; or</li> <li>potential for moderate environmental consequences, but is likely to occur.</li> </ul>
<b>Low</b>		Non-compliance with: <ul style="list-style-type: none"> <li>potential for moderate environmental consequences, but is unlikely to occur; or</li> <li>potential for low environmental consequences, but is likely to occur.</li> </ul>
<b>Administrative Non-Compliance</b>		Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions).

## **4 APPROVALS AND DOCUMENTATION ASSESSED**

### **4.1 Previous Audit Recommendations**

The Independent Environmental Audit for Austar was led by Trevor Brown & Associates during November 2014, with the final audit report completed on 16 July 2015. The Independent Environmental Audit indicates Austar Coal operations have generally demonstrated a high degree of compliance with Development Consent DA29/95, Project Approval 08\_0111, Environment Protection Licence No. 416, and mining lease conditions.

Recommendations relating to the audit and the response from Austar Coal were outlined within the 2014-15 AEMR. Based on a review of status update on proposed actions within the 2014-15 AEMR, it appears that Austar have completed the required actions.

### **4.2 Stage 3 Project Approval**

The Project Approval for the Stage 3 Project (PA08\_01111) was assessed as part of the audit. PA08\_0111 has been modified on three occasions, with the last being outside the audit period in December 2013. Key conditions assessed have been separated into the following aspects:

- Construction;
- Noise;
- Air Quality and Greenhouse Gas;
- Meteorological;
- Surface and Ground Water;
- Heritage;
- Transport;
- Visual;
- Waste;
- Notification of Landowners;
- Independent Review;
- Land Acquisition;
- Environmental Management;
- Incident Reporting;
- Independent Environmental Audit; and
- Access to Information.

### **4.3 Bellbird South Development Consent**

The Development Consent for the DA29/95 was assessed as part of the audit. DA29/95 has been modified on seven occasions, with the last being in August 2017. Mining is currently completed within the Bellbird South area.

Key conditions assessed have been separated into the following aspects:

- General conditions;
- Acquisition;
- Subsidence;



- Offset area management;
- Water;
- Noise and vibration;
- Air quality;
- Meteorological monitoring;
- Reject emplacement;
- Flora and fauna;
- Heritage;
- Traffic and transport;
- Rehabilitation objectives;
- Environmental management strategy;
- Incident reporting;
- Annual reporting;
- Auditing;
- Management plans;
- Community consultative committee; and
- Website.

#### **4.4 Environmental Assessment – Statement of Commitments**

The Statement of Commitments is attached to the Stage 3 Project (PA08\_01111) and includes commitments relating to:

- Life of mine plan;
- Subsidence;
- Ecology;
- Heritage;
- Surface water and drainage;
- Groundwater;
- Noise and blasting;
- Air quality;
- Energy and greenhouse gas;
- Visual;
- Transport;
- Community; and
- Decommissioning and rehabilitation.

#### **4.5 Management Plans and Programs**

The following management plans and programs were assessed as part of this Independent Environmental Audit:

- Environmental Management Strategy – May 2013;
- Site Water Management Plan – April 2013;
- Noise and Vibration Management Plan – July 2013;
- Air Quality and Greenhouse Gas Management Plan – June 2013;
- Stage 3 Surface Infrastructure Site – Shaft Construction Environmental Management Plan – June 2012;
- Landscape Management Plan – June 2013;
- Aboriginal Cultural Heritage Management Plan – May 2013;
- Pollution Incident Response Management Plan; and
- Historic Heritage Management Plan.

It should be noted that these management plans cover the Austar Complex. AEMR reports during the audit period indicate that updated management plans were submitted to regulators in 2015 and 2017, however it is understood that these were not approved by the relevant regulators. Several management plans are in the process of being updated by Austar in consultation with the DPE and other relevant government agencies. SLR assessed compliance against approved environmental management plans, as well as reviewing the unapproved updated management plans to gain an understanding on proposed changes in the future.

#### **4.6 Environment Protection Licence**

Austar operates under the Environment Protection Licence (EPL 416). The EPL contains conditions relating to:

- Administrative Conditions;
- Discharges to Air and Water and Applications to Land;
- Limit Conditions;
- Operating Conditions;
- Monitoring and recording conditions;
- Reporting conditions;
- General conditions; and
- Pollution studies and reduction programs.

#### **4.7 Mining Leases**

Consolidated Mining Lease No. 2 was assessed as part of the audit. This included a variety of conditions relating to environmental performance and reporting.

## 4.8 Water Licences

The Austar AEMR's outline the performance of the site relating to water licence entitlements. Water licences 20BL171481, 20BL173349 and 20BL173350 have a combined extraction limit of 770ML in any 12 month period, commencing 1 July. The amount of groundwater intercepted as calculated from monthly flow rates and volumes for the audit period are outlined below:

**Table 5 Groundwater Interception at Austar**

Water Licence No.s	Water sharing plan, source and management zone	Passive take / groundwater interception (ML) – 2016 - 2017	Passive take / groundwater interception (ML) – 2015 - 2016	Passive take / groundwater interception (ML) – 2014 - 2015	Entitlement (ML/year)
20BL171481 20BL173349 20BL173350	North Coast Fractured and Porous Rock Groundwater Sources	699.7	280.15	357.1	770

## 4.9 Complaints

Complaints are summarised in AEMR's and the complaint log. Based on a review of the complaints log most complaints related to noise and odour from spontaneous combustion. Follow up actions have been recorded within the complaints log.

## 4.10 Incident / Non - Compliance Management

Environmental incidents during the audit period are outlined within the AEMR's. Incidents that required PIRMP notifications included:

- LDP001 discharge event on 21 and 22 April 2017;
- Leak of mine water pipelines on 26 March 2015, 24 February 2017;
- Kitchener Surface Infrastructure Site (SIS) Sediment Dam discharge 6 January 2015 and 4 May 2015; and
- Orange staining in cleanwater drain - 7 June 2017. Investigation did not find the source of the staining. Material cleaned up. No further actions directed by the EPA.

Incident investigations and reporting were completed with evidence provided to the audit team.

## 5 ENVIRONMENTAL PERFORMANCE - SPECIALIST ASSESSMENTS

### 5.1 Air Quality

Air quality has generally been a low level environment and community risk for Austar. A review of performance over the audit period indicates:

- There are limited sources of dust at site, compared to many other coal mines;
- Air quality monitoring as per the *Air Quality and Greenhouse Gas Management Plan*;
- No exceedances of air quality criteria; and
- No air quality complaints.

There was several incidences of spontaneous combustion/odour complaints during the audit period, however there have been no odour complaints since October 2016. Recommendations relating to air quality and spontaneous combustion are outlined in **Section 6 and 7**.

### 5.2 Noise

Noise is a significant risk for Austar due to the proximity of the site to the community. A review of the performance over the audit period indicates:

- There have been some low level noise non - compliances relating to the low frequency modifying factor;
- There have been improvements in noise management at site with a reduction in complaints during the audit period, compared to the two previous audit periods; and
- Austar have participated in a program to reduce noise levels. This will continue into the next audit period.

### 5.3 Surface Water

Surface water is a key aspect for Austar, with erosion and sediment control and pumping of water across site requiring ongoing management. There have been incidents within the Audit period relating to discharge and pipeline leakages. There are some recommendations relating to surface water and erosion and sediment control under **Section 6 and 7**.

### 5.4 Groundwater

The Groundwater Monitoring Program was assessed by SLR's Groundwater specialist as part of this audit. Key recommendations relating to groundwater are outlined within **Section 6 and 7**.

### 5.5 Subsidence

The subsidence component of this audit was completed by Steve Ditton from DGS, with the specialist assessment included as **Appendix C** to this report. A full methodology of the subsidence component is outlined within **Appendix C**. DGS stated that *overall, the current strategies, plans and programs for managing mine subsidence impacts to the environment, man-made developments and public safety are considered to be performing adequately*. Recommendations relating to subsidence are outlined within **Section 6 and 7**.

## 6 AUDIT FINDINGS

**Table 6** provides a summary of the key recommendations for conditions which are non - compliant. Recommendations have been provided a distinct recommendation identifying number (eg. **REC 1**), as several recommendations are repeated across different approval conditions.

**Table 6 Summary of Audit Findings – Non – Compliant Conditions**

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
<b>Project Approval – PA 08_0111</b>				
Schedule 3 Condition 7	<p><b>Meteorological</b></p> <p>The Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the project in accordance with the requirements in Approved Methods for Sampling of Air Pollutants in New South Wales and to the satisfaction of the Director-General.<b>Error! Not a valid link.</b></p>	Non-Compliant (Low Risk)	<p>Meteorological data outlined in the AEMR; Section 3.2 of the 2016-2017 AEMR. The summary includes temperature, wind and rain.</p> <p><u>The 2016-2017 AEMR states:</u></p> <p>During the end of month download of February 2017, an issue was identified with the data storage which included rainfall and temperature. The meteorological station had stored data up to the 17/02/2017 then ceased storing data for a period of 11 days. The meteorological station commenced downloading data as of the 1 March 2017 after the Environment and Community Coordinator routinely checked the station and it was found to be operating normally after that time during the 2016- 2017 reporting.</p> <p>Since this issue data is now downloaded on a fortnightly basis.</p> <p>Letter approving extension to metrological station time from the DPE dated 2/2/2009.</p>	<p><b>REC 1</b></p> <p>Continue to download data on a fortnightly basis.</p>
Schedule 3 Condition 8	<p><b>Discharge Limits</b></p>	Non-Compliant (Medium Risk)	<p>Evidence of PIRMP notifications during the audit period. Evidence of consultation with EPA following PIRMP notifications. All PIRMP notifications are also outlined in the AEMR's and include:</p>	<p><b>REC 2</b></p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
	<p>The Proponent shall not discharge any water from the site except as may be expressly provided by an EPL, or in accordance with section 120 of the Protection of the Environment Operations Act 1997.</p>		<ul style="list-style-type: none"> <li>• LDP001 discharge event on 21 and 22 April 2017;</li> <li>• Leak of mine water pipelines on 26 March 2015, 24 February 2017;</li> <li>• Kitchener SIS Sediment Dam discharge 6 January 2015 and 4 May 2015; and</li> <li>• Orange staining in cleanwater drain - 7 June 2017.</li> </ul> <p>Austar has a comprehensive Environmental Management System to identify and minimise risk of harm to the environment. These are the management plans required by the project approval and development consent.</p>	<p>Review and if possible reduce the 'leak detection' level for pipelines with the aim of minimising volume that could potentially leak without triggering alarms and the automatic shut down.</p>



Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
Schedule 5 Condition 3	<p>Each year, the Proponent shall review the environmental performance of the mine complex to the satisfaction of the Director-General. This review must:</p> <p>(a) describe the works that were carried out in the past year, and the works that are proposed to be carried out over the next year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the mine complex over the past year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> <li>· the relevant statutory requirements, limits or performance measures/criteria;</li> <li>· the monitoring results of previous years; and</li> <li>· the relevant predictions in the EA and Extraction Plan;</li> </ul> <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the mine complex;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the mine complex, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measure will be implemented over the next year to improve the environmental performance of the mine complex.</p>	Administrative Non-Compliance	<p>a) Works undertaken at Austar are outlined in Section 2 of the AEMR;</p> <p>b) Monitoring results are reviewed within Section 3 of the AEMR's. Monitoring results compare against statutory requirements. Results for key aspects such as surface water and air. Some minor comparison against groundwater results.</p> <p><b>Admin NC</b> - There is a lack of a comparison of predictions for key aspects against the Environmental Assessment (EA) and Extraction Plans;</p> <p>c) Non compliances have been identified. In the 2016-2017 AEMR these are outlined in Appendix H;</p> <p>d) <b>Admin NC</b> - There is little information relating to trends in key aspects over a number of years. Key aspects such as surface water and air are graphically displayed but little trends provided over a five year period;</p> <p>e) There is a lack of discussion for a comparison of predicted impacts for aspects such as surface water and air. There is some comparison of predicted impacts for groundwater, noise and subsidence; and</p> <p>f) Proposed improvements are outlined in current AEMRs.</p>	<p><b>REC 3</b></p> <ul style="list-style-type: none"> <li>• SLR recommends renaming the document an Annual Review and completing it in accordance with the Annual Review Guidelines;</li> <li>• Future Annual Reviews should compare results against EA predictions and assess trends in data (eg. over a five year period);</li> <li>• It is suggested that tilt and strain profiles be provided in the Annual Review reports and a sub-section provided in the text that compares the measured v. predicted values and discusses whether the overburden is behaving as expected or otherwise. Curvatures may be then able to be estimated from the strain profiles through a locally derived ratio between maximum strain and peak curvatures (excluding disturbed survey pegs). The main purpose of this exercise would be to provide technical information to stakeholders that do not have access to the DRG portal;</li> <li>• The amount of rehabilitation and disturbance undertaken during the reporting period vs that included in the MOP should be included in future Annual Reviews;</li> <li>• Future Annual Reviews should report compliance with the MOP; and</li> </ul>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
				<ul style="list-style-type: none"> <li>Future Annual Reviews should report progress in respect of rehabilitation completion criteria.</li> </ul>
Schedule 5 Condition 4	<p>Within 3 months of:</p> <p>(a) the submission of an annual review under Condition 3 above;</p> <p>(b) the submission of an incident report under Condition 6 below;</p> <p>(c) the submission of an audit report under Condition 7 below; or</p> <p>(d) any modification to the conditions of this approval, (unless the conditions require otherwise), the Proponent shall review the strategies, plans, and programs required under this approval, to the satisfaction of the Director-General. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Director- General.</p> <p><i>Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the project.</i></p>	Administrative Non-Compliance	<p>(a) <b>Admin NC:</b> Historic Heritage Management Plan doesn't include mechanism for reviewing the management plan after an Annual Review/AEMR has been submitted. The Site Water Management Plan, AHCMP, Landscape Management Plan, AQGHGMP, EMS and NMP are reviewed after an AEMR is submitted;</p> <p>(b) There have been several PIRMP water management incidents. It would not be practical for the site to update the Site Water Management Plan following each PIRMP incident;</p> <p>(c) <b>Admin NC:</b> The Management Plans weren't updated within 3 months of the submission of the prior audit report; and</p> <p>(d) Currently updating plans in accordance with the latest MOD that was approved August 2017.</p>	<p><b>REC 4</b></p> <p>All relevant Management Plans are to be updated to meet this timing, including updating the Plans with any recommendations from this audit.</p>
<b>Statement of Commitments – Stage 3</b>				
SOC – 1.7.2	The results of groundwater monitoring and a comparison of measured and predicted impacts will be reported annually in the Annual Environmental Management Report.	Administrative Non-Compliance	<p>* Groundwater monitoring results are reported in the AEMRs.</p> <p>* <b>Admin NC:</b> A comparison of measured and predicted impacts is not provided in the two most recent AEMRs. The 2014-2015 AEMR included such a comparison.</p>	<p><b>REC 5</b></p> <p>Provide a comparison of measured and predicted impacts in future Annual Reviews.</p>
<b>DA 29 95</b>				

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation				
Schedule 3 Condition 5	<p><b>Discharge Limits</b>  Except as may be expressly provided by a EPA Environment Protection Licence, or in accordance with section 120 of the Protection of the Environment Operations Act 1997, the Applicant must not discharge any water from the site.</p>	Non-Compliant (Medium Risk)	<p>Evidence of PIRMP notifications during the audit period. Evidence of consultation with EPA following PIRMP notifications. All PIRMP notifications are also outlined in the AEMR's and include:</p> <ul style="list-style-type: none"> <li>LDP001 discharge event on 21 and 22 April 2017;</li> <li>Leak of mine water pipelines on 26 March 2015, 24 February 2017;</li> <li>Kitchener SIS Sediment Dam discharge 6 January 2015 and 4 May 2015; and</li> <li>Orange staining in cleanwater drain - 7 June 2017.</li> </ul> <p>Austar has a comprehensive Environmental Management System to identify and minimise risk of harm to the environment. These are the management plans required by the project approval and development consent.</p>	<p><b>REC 2</b>  Review and if possible reduce the 'leak detection' level for pipelines with the aim of minimising volume that could potentially leak without triggering alarms and the automatic shut down.</p>				
Schedule 3 Condition 13	<p><b>Noise and Vibration</b>  <i>Table 2: Noise impact assessment criteria dB(A)</i></p> <table border="1" data-bbox="241 970 831 1038"> <thead> <tr> <th data-bbox="241 970 521 1007">Day/Evening/Night L<sub>Aeq</sub>(15 minute)</th> <th data-bbox="521 970 831 1007">Land</th> </tr> </thead> <tbody> <tr> <td data-bbox="241 1007 521 1038">35</td> <td data-bbox="521 1007 831 1038">All privately owned land</td> </tr> </tbody> </table>	Day/Evening/Night L <sub>Aeq</sub> (15 minute)	Land	35	All privately owned land	Non-Compliant (Low Risk)	<p>Noise compliance is reported within the AEMR's. Outlined within AEMR's for;</p> <ul style="list-style-type: none"> <li>2014 - 2015 (covers June 2014 - June 2015);</li> <li>2015 - 2016 (covers July 2015 - June 2016).</li> <li>2016 - 2017 (covers July 2016 - June 2017).</li> </ul>	<p><b>REC 6</b>  Continue program to reduce noise. Complete sound power level testing of equipment in isolation in an attempt to reduce noise levels.</p>
Day/Evening/Night L <sub>Aeq</sub> (15 minute)	Land							
35	All privately owned land							

			<p>SLR also reviewed noise monitoring reports from the period. Noise monitoring is completed on a quarterly basis. It should be noted that there have been improvements in noise management at site with a reduction in complaints during the audit period, compared to the two previous periods.</p> <p>2014-2015 - Activities from Austar complied with the relevant noise limits during the survey at all monitoring locations, with the exception of C3. On 21 July 2014 (Q3 2014), the LA90 criteria was exceeded by 1 dB at C3 (Bimbadeen Road, Mt View). This is compliant as it's not more than 2dB above (EPA Industrial Noise Policy). When the INP low frequency modifying factor correction was applied a further seven exceedances of project specific noise criteria were recorded.</p> <p>2015-2016 - Activities from Austar complied with the relevant noise limits during at all monitoring locations during the 2015-2016 reporting period. There were reduced operations at the CHPP site with only development mining operations producing coal during the reporting period, however, the Kitchener Surface Infrastructure Site and the Kalingo Infrastructure Area were operating normally.</p> <p>2016-17 - All recorded exceedances of noise limits from the CHPP or KIA were due to the addition of the low frequency modifying factor. Noise levels measured from the CHPP and KIA were 1-2dB over the noise limit on a total of six (6) occasions, which do not class as a non-compliances. As per the Industrial Noise Policy (INP), the nature of the measured noise indicated that C2 and C5 in quarter 3 of 2016, and C2, C3, C4, C5 in quarter 2 2017 were classified as low frequency and attracted the 5dB modifying factor. When the modifying factor was applied the resultant noise level exceeded the relevant EPL or the adopted Noise and Vibration Management Plan L A90 noise limit.</p>	
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Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
Schedule 3 Condition 20	<p><b>Meteorological Monitoring</b></p> <p>The Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the development in accordance with the requirements in Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales and to the satisfaction of the Secretary.</p>	<p>Non-Compliant (Low Risk)</p>	<p>Meteorological data outlined in Section 3.2 of the 2016-2017 AEMR. The summary includes temperature, wind and rain.</p> <p><u>2016-2017 AEMR states:</u></p> <p>"During the end of month download of February 2017, an issue was identified with the data storage which included rainfall and temperature. The meteorological station had stored data up to the 17/02/2017 then ceased storing data for a period of 11 days, the meteorological station commenced downloading data as of the 1 March 2017 after the Environment and Community Coordinator routinely checked the station and it was found to be operating normally after that time during the 2016- 2017 reporting".</p> <p>No further issues have been identified since there have been more regular data downloads.</p>	<p><b>REC 1</b></p> <p>Continue to download data on a fortnightly basis.</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
Schedule 5 Condition 5	<p><b>Annual Review</b>  By the end of September each year, unless the Secretary agrees otherwise, the Applicant must submit a review to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the previous year to 30 June, and the development that is proposed to be carried out over the current year to 30 June;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous year to 30 June, which includes a comparison of these results against the:  * relevant statutory requirements, limits or performance measures/criteria;  * requirements of any plan or program required under this consent;  * monitoring results of previous years; and  * relevant predictions in the documents listed in condition 2 of Schedule 2;</p> <p>(c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the development;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the development.</p>	Administrative Non-Compliance	<p>a) Works undertaken at Austar are outlined in Section 2 of the AEMRs;</p> <p>b) Monitoring results are reviewed within Section 3 of the AEMRs. Monitoring results compare against statutory requirements. Results for key aspects such as surface water and air. Some minor comparison against groundwater results.</p> <p><u>Admin NC</u> - there is a lack of a comparison of predictions for key aspects against the EA and Extraction Plans;</p> <p>c) Non compliances have been identified. In the 2016/17 Annual Review these are outlined in Appendix H;</p> <p>d) <u>Admin NC</u> - There is little information relating to trends in key aspects over a number of years. Key aspects such as surface water and air are graphically displayed but little detail for trends over a five year period;</p> <p>e) There is a lack of discussion for a comparison of predicted impacts for aspects such as surface water and air. There is some comparison of predicted impacts for groundwater, noise and subsidence; and</p> <p>f) Proposed improvements are outlined in the AEMRs.</p>	<p><b>REC 3</b></p> <ul style="list-style-type: none"> <li>• SLR recommends renaming the document an Annual Review and completing it in accordance with the Annual Review Guidelines;</li> <li>• Future Annual Reviews should compare results against EA predictions and assess trends in data (eg. over a five year period);</li> <li>• It is suggested that tilt and strain profiles be provided in the Annual Review reports and a sub-section provided in the text that compares the measured v. predicted values and discusses whether the overburden is behaving as expected or otherwise. Curvatures may be then able to be estimated from the strain profiles through a locally derived ratio between maximum strain and peak curvatures (excluding disturbed survey pegs);</li> <li>• The main purpose of this exercise would be to provide technical information to stakeholders that do not have access to the DRG portal;</li> <li>• The amount of rehabilitation and disturbance undertaken during the reporting period vs that included in the MOP should be included in future Annual Reviews; and</li> <li>• Future Annual Reviews should report compliance with the MOP. Future Annual Reviews should report progress in respect of rehabilitation completion criteria.</li> </ul>



Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
Schedule 5 Condition 8	<p><b>Updating and Staging of Strategies, Plans or Programs</b> Within 3 months of:</p> <p>(a) the submission of an incident report under condition 4 above;</p> <p>(b) the submission of an Annual Review under condition 5 above;</p> <p>(c) the submission of an audit report under condition 6 above; and</p> <p>(d) the approval of a modification to the conditions of this consent, the Applicant must review the strategies, plans and programs required under this consent, to the satisfaction of the Secretary. The applicant must notify the Department in writing of any such review being undertaken. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the Secretary.</p> <p><i>Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the development.</i></p>	Administrative Non-Compliance	<p>(a) <b>Admin NC:</b> Historic Heritage Management Plan doesn't include mechanism for reviewing the management plan after an Annual Review/AEMR has been submitted. The Site Water Management Plan, AHCMP, Landscape Management Plan, AQGHGMP, EMS and NMP are reviewed after an AEMR is submitted;</p> <p>(b) There have been several PIRMP water management incidents. It would not be practical for the site to update the Site Water Management Plan following each PIRMP incident;</p> <p>(c) <b>Admin NC:</b> The Management Plans weren't updated within 3 months of the submission of the prior audit report; and</p> <p>(d) Currently updating plans in accordance with the latest MOD that was approved August 2017.</p>	<p><b>REC 7</b> All Management Plans are to be updated to meet this timing, including updating the Plans with any recommendations from this audit.</p>
<b>EPL 416</b>				
L1.1	<p><b>Pollution of Waters</b> Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.</p>	Non-Compliant (Medium Risk)	<p>Evidence of PIRMP notifications during the audit period. Evidence of consultation with EPA following PIRMP notifications. All PIRMP notifications are also outlined in the AEMR's and include:</p> <ul style="list-style-type: none"> <li>• LDP001 discharge event on 21 and 22 April 2017;</li> <li>• Leak of mine water pipelines on 26 March 2015, 24 February 2017;</li> <li>• Kitchener SIS Sediment Dam discharge 6 January 2015 and 4 May 2015; and</li> </ul>	<p><b>REC 2</b> Review and if possible reduce the 'leak detection' level for pipelines with the aim of minimising volume that could potentially leak without triggering alarms and the automatic shut down.</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation																														
			<ul style="list-style-type: none"> <li>Orange staining in cleanwater drain - 7 June 2017. Austar has a comprehensive Environmental Management System to identify and minimise risk of harm to the environment. These are the management plans required by the project approval and development consent.</li> </ul>																															
L2.2	<p><b>Concentration Limits</b></p> <p>Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.</p>	Non-Compliant (Medium Risk)	<p>Discharge occurred on 21 and 22 April 2015 (see Condition L1.2 for details).</p> <p>pH outside the range. pH value of 3.55 recorded on 22 April 2015 from LDP001.</p> <p>EPA provided a letter response to this incident dated 10/9/15 indicating the EPA does not intend to take regulatory action regarding this matter.</p>	No further action recommended.																														
L2.4	<p>POINT 1</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Iron</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>1</td> </tr> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>6.5-8.5</td> </tr> <tr> <td>Total dissolved solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>6000</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>50</td> </tr> </tbody> </table>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Iron	milligrams per litre				1	pH	pH				6.5-8.5	Total dissolved solids	milligrams per litre				6000	Total suspended solids	milligrams per litre				50	Non-Compliant (Medium Risk)	<p>Discharge from LDP001 outlined in incident report, AEMR and Annual Return.</p> <p>Discharge occurred on 21 and 22 April 2015.</p> <p>pH outside the range. pH value of 3.55 recorded on 22 April 2015 from LDP001.</p> <p>Iron recorded well above criteria at 10.7 mg/L.</p> <p>EPA provided a letter response to this incident dated 10/9/15 indicating the EPA does not intend to take regulatory action regarding this matter. It should be noted that this was a regional flooding event, above design criteria. Evidence of maintenance of dam levels during the audit. No further recommendations.</p>	No further action recommended.
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																													
Iron	milligrams per litre				1																													
pH	pH				6.5-8.5																													
Total dissolved solids	milligrams per litre				6000																													
Total suspended solids	milligrams per litre				50																													

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
M2.1	<p><b>Requirement monitor concentration of pollutants discharged</b></p> <p>For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:</p>	Non-Compliant (Low Risk)	<p>In the 2016 Annual Return it was reported by Austar that monthly grab samples to comply with this condition were not obtained at monitoring point 2 and 5 due to dry conditions in the creek at the time of sampling. This also occurred during the 2015 and 2014 Annual Return periods.</p> <p>The discharge from LDP001 in April 2015 was monitored.</p>	No further action recommended.
M4.1	<p><b>Weather Monitoring</b></p> <p>The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.2.</p>	Non-Compliant (Low Risk)	<p>Meteorological data outlined in the Annual Review - Section 3.2 of the 2016-17 Annual Review. Summary includes temperature, wind and rain. <u>2016-17 AEMR states:</u></p> <p>During the end of month download of February 2017, an issue was identified with the data storage which included rainfall and temperature. The meteorological station had stored data up to the 17/02/2017 then ceased storing data for a period of 11 days, the meteorological station commenced downloading data as of the 1 March 2017 after the Environment and Community Coordinator routinely checked the station and it was found to be operating normally after that time during the 2016- 2017 reporting period.</p>	<p><b>REC 1</b></p> <p>Continue regular downloading to prevent loss of data.</p>
M5.2	<p><b>Recording of Pollution Complaints</b></p>	Administrative Non-Compliance	<p>Evidence of complaints register with this published on the Austar website. Evidence of internal register.</p> <p>Contains a) to e) with the exception of time of the complaint. It's noted that some complaints logged have the time, however many complaints do not register the time.</p>	<p><b>REC 8</b></p> <p>Add an additional column to record the time of the complaint. Sometimes the time of the complaint is not known. Where this is the case, this should be recorded.</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation								
	<p>The record must include details of the following:</p> <ul style="list-style-type: none"> <li>a) the date and time of the complaint;</li> <li>b) the method by which the complaint was made;</li> <li>c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;</li> <li>d) the nature of the complaint;</li> <li>e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and</li> <li>f) if no action was taken by the licensee, the reasons why no action was taken.</li> </ul>											
U2.1	<p><b>Premises Noise Limits</b></p> <p>Noise generated at the premises must not exceed the noise limits below:</p> <table border="1" data-bbox="248 986 828 1161"> <thead> <tr> <th>Receiver</th> <th>Noise Limit dBS(A)L90</th> </tr> </thead> <tbody> <tr> <td>Pelton Village</td> <td>43</td> </tr> <tr> <td>Pyne Residence</td> <td>40</td> </tr> <tr> <td>O'Hearn Residence</td> <td>37</td> </tr> </tbody> </table> <p><small>Note: These noise limits apply until new noise limits, determined through the "Premises Noise Assessment" pollution reduction program, condition U1 of this licence, are applied to the licence.</small></p>	Receiver	Noise Limit dBS(A)L90	Pelton Village	43	Pyne Residence	40	O'Hearn Residence	37	<p><b>Non-Compliant (Low Risk)</b></p>	<p>2016-17 Annual Return - As per the Industrial Noise Policy (INP), the nature of the measured noise indicated that C2 and C5 in quarter 3 of 2016, and C2, C3, C4, C5 in quarter 2 2017 were classified as low frequency and attracted the 5dB modifying factor. When the modifying factor was applied the resultant noise level exceeded the relevant EPL or the adopted Noise and Vibration Management Plan L A90 noise limit.</p> <p>2016 Annual Return - exceedance of noise from Pelton Village in July and August 2016 based on the low frequency modifying factor.</p> <p>2015 Annual Return - exceedance of noise from residence in January 2015 based on the low frequency modifying factor.</p> <p>2014 Annual Return - all exceedances relating to the 2014 Annual Return dated prior to this audit period (this audit period commenced 15 November 2014).</p>	<p><b>REC 9</b></p> <p>Continue to investigate noise mitigation measures, including additional sound power level testing.</p>
Receiver	Noise Limit dBS(A)L90											
Pelton Village	43											
Pyne Residence	40											
O'Hearn Residence	37											

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
U2.4	<p><b>Premises Noise Limits</b>  A noise compliance assessment report must be submitted to the EPA's Regional Manager, Hunter on a quarterly basis. The report must contain the results of noise compliance monitoring specified in U2.3.</p>	Administrative Non-Compliance	Evidence of quarterly reporting since October 2016 to November 2017. In the letter dated 6 October 2016 there was an oversight in providing the quarterly reports to the EPA between Quarter 3 2014 and Quarter 2 2016. No further recommendations as this is now being completed. Based on site communications, Austar has scheduled provision of compliance monitoring reports to EPA on a quarterly basis on compliance action tool program to minimise risk of further administrative non-compliance.	No further action recommended.
<b>Consolidated Mining Lease No. 2</b>				
Condition 5	<p>a) report against compliance with the MOP;  b) report on progress in respect of rehabilitation completion criteria;  c) report on the extent of compliance with regulatory requirements; and  d) have regard to any relevant guidelines adopted by the Director-General;</p>	Administrative Non-Compliance	<p>a) <u>Admin NC</u>: The AEMRs do not report compliance with the MOP;  b) <u>Admin NC</u>: The AEMRs do not report on progress in respect of rehabilitation completion criteria;  c) The AEMRs report on the extent of compliance with regulatory requirements; and  d) <u>Admin NC</u>: The AEMRs have been prepared in accordance with the former AEMR Guideline. That has been replaced with an Annual Review Guideline. There is a different document structure required.</p>	<p><b>REC 3</b></p> <ul style="list-style-type: none"> <li>• SLR recommends renaming the document an Annual Review and completing it in accordance with the Annual Review Guidelines;</li> <li>• Future Annual Reviews should compare results against EA predictions and assess trends in data (eg. over a five year period);</li> </ul>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
				<ul style="list-style-type: none"> <li>• It is suggested that tilt and strain profiles be provided in the Annual Review reports and a sub-section provided in the text that compares the measured v. predicted values and discusses whether the overburden is behaving as expected or otherwise. Curvatures may be then able to be estimated from the strain profiles through a locally derived ratio between maximum strain and peak curvatures (excluding disturbed survey pegs). The main purpose of this exercise would be to provide technical information to stakeholders that do not have access to the DRG portal;</li> <li>• The amount of rehabilitation and disturbance undertaken during the reporting period vs that included in the MOP should be included in future Annual Reviews;</li> <li>• Future Annual Reviews should report compliance with the MOP;</li> <li>• Future Annual Reviews should report progress in respect of rehabilitation completion criteria.</li> </ul>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
Condition 11	<p>The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <p>(a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;  (b) Details of expenditure incurred in conducting that exploration;  (c) A summary of all geological findings acquired through mining or development evaluation activities;  (d) Particulars of exploration proposed to be conducted in the next twelve months period;  (e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>	Administrative Non-Compliance	<p>Evidence of 'Indexing Title DSL89 Group Report's. Anniversary period is April 4 to April 4. Reports covering:</p> <ul style="list-style-type: none"> <li>• April 4th, 2016 - April 4th 2017 (submitted May 4th 2017);</li> <li>• April 4th, 2015- April 4th 2016 (submitted May 4th 2016); and</li> <li>• April 4th, 2014- April 4th 2015 (submitted May 4th 2015).</li> </ul> <p>Reports cover these requirements. There is a minor non - compliance as the reports are dated 30 days after the anniversary date, not 28 days.</p>	<p><b>REC 10</b>  Ensure Exploration Reports are dated and sent to the DRG within 28 days of the anniversary date.</p>
<b>Water Access Licences</b>				
No non-compliances identified based on the information provided to SLR.				

## 7 ADDITIONAL RECOMMENDATIONS

Additional recommendations relating to compliant conditions are outlined within **Table 7**. Recommendations have been provided a distinct recommendation identifying number, with this carried over from **Section 6**.

**Table 7 Additional Recommendations for Austar Coal Mine**

Aspect	Recommendation
Demolition/Hazardous Substances	<p><b>REC 11</b></p> <p>Complete the 'Progress Assessments for demolition of existing structures and foundations at Bellbird, Pelton &amp; Cessnock No 1 shaft. This should include a review of historical heritage significance as well as hazardous substances.</p>
Erosion and Sediment Control	<p><b>REC 12</b></p> <ul style="list-style-type: none"> <li>• Remove sediment collected in sediment fence to the north of the Surface Infrastructure Site (SIS);</li> <li>• Perimeter fence along the northern boundary of the SIS is being underscoured by a drainage channel. Maintenance required;</li> <li>• Water management required in laydown area 1 at the pit top. There was evidence of coal material leaving the disturbance footprint of the site (remains within site boundaries). Clean up this area;</li> <li>• Erosion and sediment control areas around rail spur of the CHPP. Steep sides, highly erodible. Based on site discussions Douglas Partners have been engaged to assist; and</li> <li>• Some sections of the dirty water drain at the CHPP (internal through site) have been eroded. Maintenance required.</li> </ul>
Water quality testing – LDP001	<p><b>REC 13</b></p> <p>Recommend testing a greater suite of analytes when sampling discharge events from LDP001.</p>
Water Spreadsheet	<p><b>REC 14</b></p> <p>Austar to liaise with CITEC to ensure LDP001 is added as a line item in the 'Site Water Monthly Data' spreadsheet. Discharges rarely occur from this location, however it should be recorded in this spreadsheet.</p>
Noise Monitoring	<p><b>REC 15</b></p> <p>Continue to implement actions to reduce noise. As discussed at the audit, complete additional sound power level testing program around the CHPP.</p>
Spontaneous Combustion Management Plan	<p><b>REC 16</b></p> <p>Update Spontaneous Combustion Management Plan with details regarding monthly pushing of material to reduce spontaneous combustion risks.</p>
General Management Plans	<p><b>REC 17</b></p> <ul style="list-style-type: none"> <li>• Update figures in management plan, to include more up-to-date aerial photos, including those that are in the 2017 version of the Site Water Management Plan;</li> <li>• Recommend continued liaison with the DPE regarding the approval of the revised management plans;</li> <li>• All management plans are to be updated to meet this timing (as per S5 C8 of DA29/95), including updating with any recommendations from this audit; and</li> <li>• Although it has been noted that consultation has been completed, some plans provide little detail regarding consultation dates and outcomes. Include additional detail including dates for consultation, outcomes and where it has been covered within the management plans.</li> </ul>



Aspect	Recommendation
Groundwater Reporting	<p><b>REC 18</b></p> <ul style="list-style-type: none"> <li>• Recommend to remove data from when a logger was pulled out, which is evident on the graphs with large 'reverse or downward' spikes from the lines;</li> <li>• In AEMR - comments regarding trends are generally limited to the 12 month reporting period only. Suggest longer term discussion is included future reviews; and</li> <li>• In AEMR - no comparison to predicted results or discussion comparing model estimates to actual readings.</li> </ul>
Kitchener SIS/Lighting	<p><b>REC 19</b></p> <p>If there are changes to the site such as finalising works at the Kitchener SIS then a lighting assessment should be completed to determine compliance with the Australian Standard AS4282 (INT) 1995.</p>
Waste Minimisation	<p><b>REC 20</b></p> <ul style="list-style-type: none"> <li>• Waste bins at the pit top need to be labelled, to ensure waste is sorted into the right containers;</li> <li>• Compare waste volumes in the AEMR across the previous AEMR periods; and</li> <li>• Provide additional detail in the AEMRs regarding waste minimisation and management.</li> </ul>
Subsidence	<p><b>REC 21</b></p> <p>It is suggested that tilt and strain profiles be provided in the Annual Review reports and a sub-section provided in the text that compares the measured v. predicted values and discusses whether the overburden is behaving as expected or otherwise. Curvatures may be then able to be estimated from the strain profiles through a locally derived ratio between maximum strain and peak curvatures (excluding disturbed survey pegs).</p>
Photographic Monitoring – Creek Surveys	<p><b>REC 22</b></p> <p>There is no discussion within the Photographic Survey Reports prepared by Carbon Based relating to creek stability. A conclusion should be added within these reports outlining if there were any creek stability issues.</p>
Ecological Monitoring	<p><b>REC 23</b></p> <ul style="list-style-type: none"> <li>• Outline fauna work in 2017-2018 AEMR;</li> <li>• Send Ecological Monitoring report to OEH; and</li> <li>• Based on site communications Austar are planning to cease ecological monitoring in Stage 2 as it's been 5 years since monitoring. Undertake consultation with OEH to obtain approval to cease this monitoring.</li> </ul>
REA Capping	<p><b>REC 24</b></p> <p>Recommend formal trials for capping the REA are undertaken. Justify capping depth and obtain approval from the DRG.</p>
Rehabilitation Phasing	<p><b>REC 25</b></p> <p>Update with the correct rehabilitation phasing in MOP Plans in the next MOP.</p>

## 8 CONCLUSION

### ***Good Performance***

The following areas of good environmental performance were identified:

- Austar staff were very well prepared for the audit and were readily available to assist prior to, during and post audit;
- Austar had excellent record keeping during the audit period;
- There has been the continuity of Environmental Manager for over two audit periods which has resulted in excellent site environmental knowledge;
- Noise management has been generally effective during the audit and a significant amount of work has been completed relating to noise mitigation over successive audit periods. There has been a noticeable drop in complaints in this audit period compared to previous periods;
- The site was generally kept in a clean and tidy condition;
- Incident investigation and reporting has been completed with reporting outlined within the AEMR;
- Records of staff training were provided;
- The site has had minimal impacts to subsidence, with the site generally in compliance with Extraction Plan requirements; and
- Based on information provided the site has a good relationship with the community. Evidence through community notifications, complaints management and the Community Consultative Committee.

### ***Areas of Improvement***

The main areas of improvement which were identified, include:

- There are some minor improvements relating to water management and erosion and sediment control identified during the site inspection;
- There continues to be some leakages relating to pipelines. SLR understands Austar will be investigating ways to reduce the likelihood of leakages;
- There are some minor recommendations relating to improvements in waste management;
- Minor administrative updates are required to management plans;
- Recommendations relating to improving reporting within the Annual Review; and
- Completion of formal capping trial for REA.

# APPENDIX A – PHOTOGRAPHS



**Photo 1 Small Amount of Coal Material at Laydown Area. To be removed**



**Photo 2 Fully bunded workshop area meets the required standards**





**Photo 3** Small area of weeds at the pit top



**Photo 4** Small amount of cardboard in the general waste bin



**Photo 5 Tank not within bunded area**



**Photo 6 Pit top rubbish sorting areas have generally been effective for managing underground waste**





**Photo 7 Austar Dam**



**Photo 8 Lantana along Bellbird Creek**





**Photo 9 Old paint tins to be removed from CHPP**



**Photo 10 Rehabilitation of Abedare REA**





**Photo 11** Reject stockpiles at Abedare REA



**Photo 12** Stable rehabilitation area at Kitchener SIS





**Photo 13 Evidence of erosion outside the boundary fence**



**Photo 14 Feral goat at Kitchener SIS**



**Photo 15 Subsidence Area. No impacts observed during the inspection.**

# APPENDIX B – COMPLIANCE REGISTER

# AUSTAR COAL MINE PTY LTD-Kitchener

Application No.: 08\_0111

Proponent: Austar Coal Mine Pty Ltd  
 Approval Authority: Minister for Planning  
 Land: See Appendix 1  
 Project: Austar Coal Mine Project - Stage 3

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
<b>SCHEDULE 2 ADMINISTRATIVE CONDITIONS</b>				
<b>OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT</b>				
1	The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the project.	Compliant	There were PIRMP notifications required during the audit period. These all related to surface water management. Although there were incidents, the site has implemented measures to prevent and/or minimise harm to the environment. These measures included: * Water management design. * Inspections. * Monitoring and reporting.  All PIRMP notifications are also outlined in the AEMR's and include: * LDP001 discharge event on 21 and 22 April 2017 - above Blue Book design. * Leak of mine water pipelines on 26 March 2015, 24 February 2017 - inspections are completed. There are some recommendations within Schedule 3 Condition 8 of this consent. * Kitchener SIS Sediment Dam discharge 6 January 2015 and 4 May 2015 - above Blue Book design. * Orange staining in cleanwater drain - 7 June 2017. Investigation did not find the source of the staining. Material cleaned up. No further actions directed by the EPA.	Recommendation as per Schedule 3 Condition 8 of this consent
<b>TERMS OF APPROVAL</b>				
2	The Proponent shall carry out the project generally in accordance with the: (a) EA; (b) EA (MOD 1); (c) EA (MOD 2); (d) EA (MOD 3); (e) statement of commitments; and (f) conditions of this approval.  Notes: · The general layout of the project is shown in Appendix 2; · The statement of commitments is reproduced in Appendix 3.	Compliant	Environmental Assessments (EA) provided on the Austar website. Most recent EA is MOD 3 dated October 2013. Works completed at Austar have generally been in accordance with the EA, Statement of Commitments and Conditions of Approval.	
3	If there is any inconsistency between the above documents, 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.	Note		
4	The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of: (a) any strategies, plans, programs, reviews, audits, or correspondence that are submitted in accordance with this approval; and (b) the implementation of any actions or measures contained in these documents.	Compliant	* Evidence of consultation with DPE including Management Plan consultation dated May 2017. * Plans will be resubmitted in early 2018, and will be revised according to the recent approved Modification, approved August 2017. * AEMRs provide evidence of DRG and DPE inspection, and evidence where it has been addressed by site.	
<b>LIMITS ON APPROVAL</b>				
5	Mining operations in Stage 3 may take place until 31 December 2030.  Note : Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Director-General and the Executive Director, Mineral Resources. 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.	Compliant	Within this period.	
6	The Proponent shall not extract more than 3.6 million tonnes of ROM coal a year from the Austar Mine Complex.	Compliant	According to AEMRs: ROM in 2016/17 period was 2,015,817 tonnes, in 2015/16 ROM was 272,018 tonnes and in 2014/15 ROM was 2,097,195 tonnes.	
7	The Proponent may transport a maximum of 60,000 tonnes of coal (including coal reject) per calendar year from the mine complex by road. All other coal shall be transported from the site by rail.	Compliant	Email from Austar Environment and Community Manager dated 20 September 2017 to Cessnock City Council (CCC) outlines road haulage. All years of road haulage well within the set limit.	
<b>STRUCTURAL ADEQUACY</b>				
8	The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structure, are constructed in accordance with: (a) the relevant requirements of the BCA; and (b) any additional requirements of the MSB in areas where subsidence effects are likely to occur.  Notes: · Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works; · Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.	Compliant	Based on AEMRs and discussion with Environment and Community Manager there has been no new construction during audit period.	
<b>DEMOLITION</b>				
9	The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	Compliant	Based on the AEMRs and site discussions there has been no demolition completed during the audit period. The last 3 AEMRs state that there will be progress assessments for the demolition of existing structures and foundations at Bellbird, Pelton & Cessnock No 1 shaft. This has not been completed.	Complete the 'Progress Assessments for demolition of existing structures and foundations at Bellbird, Pelton & Cessnock No 1 shaft. This should include a review of historical heritage significance as well as hazardous substances.
<b>PROTECTION OF PUBLIC INFRASTRUCTURE</b>				
10	Unless a claim under the Mine Subsidence Compensation Act 1961 can be made, or where the Proponent and the applicable authority agree otherwise, the Proponent shall: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; or (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.	Not Triggered	This has not been required. No impacts go beyond minor repair.	
<b>OPERATION OF PLANT AND EQUIPMENT</b>				



Condition Number	Condition	Compliance Status	Evidence	Recommended Action								
11	The Proponent shall ensure that all plant and equipment used at the site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Compliant	* Reversing beepers removed from bulldozers. Bulldozers just now use flashing lights. * Evidence of noise management upgrades at CHPP and other areas at the site, including the use of double cladding at the CHPP. * Plant and equipment are serviced. There has been a large amount of work completed across many years to reduce noise. Evidence provided for maintenance activities. Evidence of pipeline maintenance Routine Work Order Maintenance from November 2017. Evidence of several maintenance records on plant and equipment from the CHPP and pit top.									
<b>STRATEGIES, PLANS AND PROGRAMS</b>												
12	With the approval of the Director-General, the Proponent may submit any strategies, plans or programs required by this approval on a progressive basis.	Compliant	Evidence of consultation with DPE regarding management plans during the audit period. Management Plans to be resubmitted again in early 2018.									
13	With the approval of the Director-General, the Proponent may integrate any strategies, plans, programs, reviews, audits or committees required by this approval with any similar requirement under another development consent or approval relating to the Austar Mine Complex.	Compliant	Austar management plans have been approved to cover the entire complex and not just the consent area.									
<b>SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS - MINING</b>												
<b>KEY PERFORMANCE MEASURES</b>												
1	<p><i>Table 1: Subsidence Impact Performance Measures</i></p> <table border="1"> <thead> <tr> <th colspan="2"><b>Water Resources and Flooding</b></th> </tr> </thead> <tbody> <tr> <td>Flooding</td> <td>No significant increased risk on built features, unless the landowner agrees otherwise in writing.</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2"><b>Built Features</b></th> </tr> </thead> <tbody> <tr> <td>Built features</td> <td>Safe, serviceable and repairable, unless the owner agrees otherwise in writing.</td> </tr> </tbody> </table> <p><i>Note: The Proponent will be required to define more detailed performance indicators for these performance measures in the various management plans that are required under this approval (see condition 4 below).</i></p>	<b>Water Resources and Flooding</b>		Flooding	No significant increased risk on built features, unless the landowner agrees otherwise in writing.	<b>Built Features</b>		Built features	Safe, serviceable and repairable, unless the owner agrees otherwise in writing.	Not Triggered	a) Subsidence Predictions for A7 to A10 in Appendix J of the Austar LW A7-A10 Extraction Plan (dated 19/12/13) b) End of Panel Report for LW A8 dated 29/9/15 that was submitted to DRG (Department of Resources and Geosciences). Built features remained serviceable.	
<b>Water Resources and Flooding</b>												
Flooding	No significant increased risk on built features, unless the landowner agrees otherwise in writing.											
<b>Built Features</b>												
Built features	Safe, serviceable and repairable, unless the owner agrees otherwise in writing.											
<b>ACQUISITION OF AFFECTED RESIDENCES</b>												
2	If the subsidence generated by the project results in damage to any residence on privately-owned land that in the opinion of the MSB exceeds its safe, serviceable and repairable criteria, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 5 to 7 of schedule 5.  However, the Proponent does not have to act on any such request if: (a) the Proponent has a current, written negotiated agreement with the landowner in regard to the management of subsidence-related impacts beyond safe, serviceable and repairable criteria, and a copy of this agreement has been forwarded to the Department by the Proponent; or (b) the landowner has agreed to the MSB purchasing the land or otherwise compensating the impacts under the Mine Subsidence Compensation Act 1961.  If the landowner has not made a written request for acquisition within 12 months of the date of being notified of the criteria exceedance and his/her acquisition rights by the Proponent, then the Proponent's obligations to acquire the land shall cease, unless the Director-General determines otherwise.	Not Triggered	Built Features Management Plan in Austar LW A7-A10 Extraction Plan (dated 19/12/13)									
<b>FIRST WORKINGS</b>												
3	The Proponent shall not carry out first workings in the mining area that are not consistent with the approved mine plan without the written approval of the Director-General.	Compliant	Evidence of Stage 3 first working approval: * LWA7: Approved 21/2/2013. * LWA8: Approved 20/11/2013. * LWA9: Approved 23/12/2013.									
<b>SECOND WORKINGS</b>												
<b>Extraction Plan</b>												
4	The Proponent shall prepare and implement an Extraction Plan for all second workings in the mining area to the satisfaction of the Director-General. This plan must: (a) be prepared by a team of suitably qualified and experienced experts whose appointment has been endorsed by the Director-General, and be approved by the Director-General prior to the commencement of any second workings covered by the Extraction Plan; (b) include a detailed plan for the second workings, which has been prepared to the satisfaction of DRE, and provides for adaptive management; (c) include detailed plans of any associated surface construction works; (d) include the following to the satisfaction of DRE: - a coal resource recovery plan that demonstrates effective recovery of the available resource; - revised predictions of the subsidence effects and subsidence impacts of the extraction plan, incorporating any relevant information that has been obtained since this approval; and - a Subsidence Monitoring Program to: o validate the subsidence predictions; and o analyse the relationship between the subsidence effects and subsidence impacts of the Extraction Plan and any ensuing environmental consequences; (e) include a: - Watercourse Management Plan, which has been prepared in consultation with OEH and NOW, to manage the environmental consequences of second workings on watercourses (including flooding and ponding) and alluvial aquifers; - Biodiversity Management Plan, which has been prepared in consultation with OEH, to manage the potential environmental consequences of second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species; - Land Management Plan, to manage the potential environmental consequences of second workings on steep slopes and land in general; - Heritage Management Plan, which has been prepared in consultation with OEH and the relevant Aboriginal groups, to manage the potential environmental consequences of second workings on heritage sites or values; - Built Features Management Plan, which has been prepared in consultation with the owner of the relevant feature, to manage the potential environmental consequences of second workings on any built features; and (f) include a Public Safety Management Plan, which has been prepared in consultation with DRE, to ensure public safety in the mining area.	Not Triggered	Approvals: * Modified Project Approval (Mod 3 PA No. 08_0111) for Stage 3 Longwalls A7 to A10 (dated 17/12/13) * Modified Subsidence Management Plan / Extraction Plan Approval for Stage 3 Longwalls A7 to A10 (DPE, dated 06/01/14 and DRG, dated 19/02/14) * LWA7 to LWA10 Extraction Plan dated 6/1/2014 includes revised layout. a) Specialist consultants listed in A7-A10 EP Report and endorsed by DPE. b) and c) Detailed plans included in Extraction Plan. See Graphical Plans. d) Subsidence Monitoring program prepared and approved by DRG. e) Individual Management Plans prepared and approved by DRG. Cover requirements. f) Built Features Management Plan prepared and approved. Consultation noted in the plan.									

Condition Number	Condition	Compliance Status	Evidence	Recommended Action						
	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>In accordance with condition 12 of schedule 2, the preparation and implementation of Extraction Plans for second workings may be staged, with each plan covering a defined area of second workings. In addition, these plans are only required to contain management plans that are relevant to the specific second workings that are being carried out.</li> <li>The Watercourse Management Plan must be integrated with all relevant aspects of the Site Water Management Plan required under condition 8 of schedule 4.</li> </ul>									
5	<p>In addition to the standard requirements for management plans (see condition 2 of schedule 7), the Proponent shall ensure that the management plans required under condition 4(e) above include:</p> <p>(a) a program to collect sufficient baseline data for future Extraction Plans;</p> <p>(b) a revised assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this approval;</p> <p>(c) a detailed description of the measures that would be implemented to remediate predicted impacts; and</p> <p>(d) a contingency plan that expressly provides for adaptive management.</p>	Compliant	<p><u>Approvals/Extraction Plan:</u></p> <p>a) Modified Project Approval (Mod 3 PA No. 08_0111) for Stage 3 Longwalls A7 to A10 (dated 17/12/13).</p> <p>b) Modified Subsidence Management Plan / Extraction Plan Approval for Stage 3 Longwalls A7 to A10 (DPE, dated 06/01/14 and DRG, dated 19/02/14).</p> <p>* LWA7 to LWA10 Extraction Plan dated 6/1/2014 includes revised layout.</p> <p>c) Austar LW A7-A10 Extraction Plan (dated 19/12/13).</p> <p>d) TARP's and individual sub-plans assess adaptive management potential for improving plan performance issues.</p>							
<b>Payment of Reasonable Costs</b>										
6	The Proponent shall pay all reasonable costs incurred by the Department to engage independent experts to review the adequacy of any aspect of the Extraction Plan.	Not Triggered	<p>a) Austar LW A7-A10 Extraction Plan (dated 19/12/13).</p> <p>b) Modified Subsidence Management Plan / Extraction Plan Approval for Stage 3 Longwalls A7 to A10 (DPE, dated 06/01/14 and DRG, dated 19/02/14). No peer review of EP by third party consultants considered necessary by any NSW Government departments.</p>							
<b>SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS - MINING</b>										
<b>CONSTRUCTION</b>										
<b>Surface Infrastructure Site - Shaft Construction Management</b>										
1	<p>The Proponent shall prepare and implement a Shaft Construction Management Plan for the Surface Infrastructure Site, to the satisfaction of the Director-General. This plan must:</p> <p>(a) be submitted to the Director-General for approval prior to commencement of shaft construction activities on the Surface Infrastructure Site; and</p> <p>(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7), a description of the measures/procedures to be implemented for:</p> <ul style="list-style-type: none"> <li>minimising and managing the disturbance area;</li> <li>protecting vegetation and soil outside the disturbance area;</li> <li>controlling erosion and sedimentation, and managing water use;</li> <li>undertaking pre-clearance surveys and managing impacts on fauna;</li> <li>managing any Aboriginal objects or skeletal remains discovered during the project;</li> <li>traffic management; and</li> <li>noise, vibration and dust management.</li> </ul> <p><b>Note:</b> Shaft construction activities are limited to the construction of the access road to the shafts, erection of security fencing, vegetation clearing (approximately 1.8 hectares), construction of the shafts and minor ancillary works.</p>	Compliant	<p><u>Preparation: (Kitchener Dam)</u></p> <p>* Shaft construction management plan was submitted 5/6/2012 (outside the audit period). Letter approving shaft construction plan dated 15/6/2012. Original shaft Environmental Management Plan was approved 13/11/2009. The management plans was prepared in accordance with the requirements a) and b) of this condition.</p> <p><u>Implementation:</u></p> <p>* SLR viewed Kitchener SIS area as part of the site inspection. The site is generally neat and tidy with some temporary stabilisation. Engineering design for water management. There were 2 discharges during the audit period from the Kitchener SIS Sediment Dam, with these occurring on 6 January 2015 and 4 May 2015. These occurred when the area was operational, with rainfall above design requirements.</p>	<p>* Remove sediment collected in sediment fence to the north of the SIS.</p> <p>* Perimeter fence along the northern boundary of the SIS is being underscored by a drainage channel.</p>						
<b>NOISE</b>										
<b>Noise Impact Assessment Criteria</b>										
2	<p>The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in:</p> <p>(a) Table 2, for noise generated by the Surface Infrastructure Site; and</p> <p>(b) any relevant EPL, for noise generated by all other components of the project.</p> <p><i>Table 2: Noise impact assessment criteria – Surface Infrastructure Site, dB(A)</i></p> <table border="1"> <thead> <tr> <th>Day/Evening/Night <i>L<sub>Aeq</sub> 15 minute</i></th> <th>Night <i>L<sub>A1</sub> (1 minute)</i></th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>35</td> <td>45</td> <td>All privately owned land</td> </tr> </tbody> </table> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The location of the Surface Infrastructure Site is shown in the figures in Appendix 2.</li> <li>Noise generated by the project is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy.</li> <li>The noise limits in Table 2 do not apply if the Proponent has an agreement with the relevant owner/s of these residences/land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</li> <li>The noise limits in Table 2 do not apply to construction of the Surface Infrastructure Site. Noise generated during construction activities is to comply with the requirements Construction Noise Guideline (DECCW 2009).</li> </ul>	Day/Evening/Night <i>L<sub>Aeq</sub> 15 minute</i>	Night <i>L<sub>A1</sub> (1 minute)</i>	Land	35	45	All privately owned land	Compliant	<p>This condition only refers to noise criteria associated with the Kitchener Surface Infrastructure Site (SIS).</p> <p>Noise compliance is reported within the AEMR's, with the reporting covering the following periods:</p> <p>2014 - 15 (covers June 2014 - June 2015).</p> <p>2015 - 16 (covers July 2015 - June 2016).</p> <p>2016 - 17 (covers July 2016 - June 2017).</p> <p>SLR also reviewed noise monitoring reports from the audit period. Noise monitoring is completed on a quarterly basis.</p> <p>2014-15 - There was one exceedance in Quarter 3 2014 at the Kitchener SIS for low frequency noise, however this was less than 2DB, therefore this is still compliant.</p> <p>2015-16 - No exceedances of the Kitchener SIS criteria in 2015-16 AEMR.</p> <p>2016-17 - No exceedances of the Kitchener SIS criteria in 2016-17 AEMR.</p>	
Day/Evening/Night <i>L<sub>Aeq</sub> 15 minute</i>	Night <i>L<sub>A1</sub> (1 minute)</i>	Land								
35	45	All privately owned land								
<b>Noise and Vibration Management</b>										

Condition Number	Condition	Compliance Status	Evidence	Recommended Action																							
3	<p>The Proponent shall prepare and implement a Noise Management Plan for the mine complex, to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with EPA, and be submitted to the Director-General for approval prior to the commencement of construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above);</p> <p>(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7):</p> <ul style="list-style-type: none"> <li>a noise monitoring program providing for a combination of continuous and supplementary attended monitoring measures;</li> <li>a vibration monitoring program that is capable of recording ground vibrations on the surface emanating from underground mining activities; and</li> <li>a detailed continual improvement program for investigating, implementing and reporting on all reasonable and feasible measures to reduce noise levels and vibration impacts generated by the mine complex.</li> </ul>	Compliant	<p><u>Preparation:</u> Noise and Vibration Management Plan approved by DPE on 2/8/2013. Also evidence of the submission of a Noise and Vibration Management Plan in April 2017, including consultation with the EPA. All relevant Management Plans are being updated and resubmitted to the DPE in early 2018.</p> <p>a) Section 1.2 of the 2013 Noise Management Plan states: "This Noise and Vibration Management Plan has been prepared in consultation with the NSW Environment Protection Authority (EPA) in accordance with the requirements of PA08_0111". No evidence in the 2013 document outlining the consultation - when, how and outcomes. Evidence of letter from EPA dated 4 May 2017 outlining no specific input into management plans.</p> <p>Austar consulted with EPA regarding the management plans. Letter from EPA dated 4/5/2017 states the department did not have any comments on the management plans.</p> <p>b) Section 5 of the Noise and Vibration Management Plan is the Noise Monitoring Program. Section 8.2 of the Noise and Vibration Management Plan is the Vibration Monitoring Program. Chapter 6 of the Noise and Vibration Management Plan is Continuous improvement.</p> <p><u>Implementation:</u></p> <ul style="list-style-type: none"> <li>* Evidence of noise monitoring.</li> <li>* Sighted vibration monitor in the field inspection.</li> <li>* Complaints management system implemented.</li> <li>* Evidence of consultation with nearby neighbours relating to vibration during undermining.</li> <li>* Pollution Reduction Programs in place.</li> <li>* Noise walls in place across the site.</li> <li>* Acoustic silencer noise controls installed on surface mine ventilation fans.</li> <li>* Evidence of maintenance of equipment.</li> <li>* Evidence of calibration.</li> </ul>	Include additional details of consultation within the Noise Management Plan, as it is currently hard to track.																							
<b>AIR QUALITY AND GREENHOUSE GAS</b>																											
<b>Impact Assessment Criteria</b>																											
4	<p>The Proponent shall ensure that the dust emissions generated by the project do not cause additional exceedances of the air quality impact assessment criteria in:</p> <p>(a) Tables 3, 4 and 5 for dust generated by the Surface Infrastructure Site; and</p> <p>(b) any relevant EPL, for dust generated by all other components of the project, at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.</p> <p><i>Table 3: Long term impact assessment criteria for particulate matter – Surface Infrastructure Site</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>90 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td>30 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 4: Short term impact assessment criterion for particulate matter – Surface Infrastructure Site</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td>50 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 5: Long term impact assessment criteria for deposited dust – Surface Infrastructure Site</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m<sup>2</sup>/month</td> <td>4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table> <p><i>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 2003, AS 3580.10.1- 2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</i></p>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month	Compliant	<ul style="list-style-type: none"> <li>* Dust reported in the 2014-15 Annual Review was within criteria.</li> <li>* Dust reported in the 2015-16 Annual Review was within criteria.</li> <li>* Dust reported in the 2016-17 Annual Review was within criteria.</li> <li>* All dust records are within criteria up to the end of September 2017, according to monitoring data.</li> </ul> <p><u>Implementation:</u></p> <ul style="list-style-type: none"> <li>* Limited dust sources at the site.</li> <li>* Biggest dust source is the CHPP area.</li> <li>* Based on site communications dust has not been a major issue.</li> <li>* No dust complaints.</li> <li>* Evidence of watering haul roads at the CHPP.</li> <li>* Sprinklers also used for dust suppression.</li> </ul>	
Pollutant	Averaging period	Criterion																									
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>																									
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>																									
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Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month																								
<b>Operating Conditions</b>																											
5	<p>The Proponent shall:</p> <p>(a) ensure that any visible air pollution generated by the project is assessed regularly and measures are taken to minimise air quality impacts on privately-owned land; and</p> <p>(b) implement all reasonable and feasible measures to minimise the off-site odour and fume emissions generated by the mine complex's ventilation system or any spontaneous combustion on the site, to the satisfaction of the Director-General.</p>	Compliant	<p>a) Air</p> <ul style="list-style-type: none"> <li>* No visible air pollution during field inspection.</li> <li>* Regular inspections and dust monitoring completed.</li> <li>* Evidence of mitigation measures.</li> </ul> <p>b) Odour</p> <ul style="list-style-type: none"> <li>* Ventilation areas included as part of the monthly inspection.</li> <li>* Spontaneous Combustion Management Plan.</li> <li>* Evidence of spontaneous combustion through complaints and inspections.</li> <li>* Oct 2016 three odour complaints. Evidence of mitigation measures following complaints; and</li> <li>* Oct 2015 eight complaints.</li> <li>* Discussions with CHPP Manager regarding spontaneous combustion management at the Abedare REA. Based on discussions there is a new process where rejects are pushed every month to reduce spontaneous combustion risk. Noticeable improvement since relating to spontaneous combustion.</li> </ul>	Update Spontaneous Combustion Management Plan with details regarding monthly pushing of material to reduce spontaneous combustion risks.																							
<b>Air quality and Greenhouse Gas Management</b>																											



Condition Number	Condition	Compliance Status	Evidence	Recommended Action
6	<p>The Proponent shall prepare and implement an Air Quality and Greenhouse Gas Management Plan for the mine complex, to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with EPA, and be submitted to the Director-General for approval prior to the commencement of construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above); and</p> <p>(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7):</p> <ul style="list-style-type: none"> <li>an air quality monitoring program providing for a combination of continuous monitors, high volume samplers and dust deposition gauges;</li> <li>an energy savings action plan, including a feasibility study into the capture and beneficial utilisation of methane gas emissions from the project; and</li> <li>a detailed continual improvement program for investigating, implementing and reporting on all reasonable and feasible measures to reduce dust generated by the mine complex.</li> </ul>	Compliant	<p><b>Preparation:</b> The most current approved Air Quality and Greenhouse Gas Management Plan (AQGHGMP) is dated June 2013. Evidence of resubmission of AQGHGMP with document dated April 2017. Evidence of consultation with the EPA for April 2017 update. All management plans will again be updated in early 2018 based on a recent EA modification.</p> <p>a) Stakeholder consultation outlined in Section 1.3 of the AQGHGMP. EPA was consulted on 20 March 2013.</p> <p>b) Monitoring program outlined in Section 2.3 of the AQGHGMP. Energy Savings Action Plan outlined in Section 3.3. Continuous improvement outlined in Section 3.3.2.4 of the AQGHGMP.</p> <p>* Austar reconsulted with EPA regarding management plans. Letter from EPA (dated 4/5/2017) stated the Department did not feedback on the management plans.</p> <p><b>Implementation:</b></p> <ul style="list-style-type: none"> <li>* Air quality monitoring undertaken at site.</li> <li>* Monitoring of energy usage undertaken at site.</li> <li>* Spontaneous combustion has been an issue during the audit period, with many complaints received relating to odour. However there has been a reduction in issues since there has been monthly pushing of reject material. Incident reports noted in the AEMR's.</li> </ul>	Update Spontaneous Combustion Management Plan with details regarding monthly pushing of material to reduce spontaneous combustion risks.
<b>METEOROLOGICAL</b>				
7	The Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the project in accordance with the requirements in Approved Methods for Sampling of Air Pollutants in New South Wales and to the satisfaction of the Director-General.	Non-Compliant (Low Risk)	<p>Meteorological data outlined in the AEMR; Section 3.2 of the 2016-2017 AEMR. The summary includes temperature, wind and rain.</p> <p>The 2016-2017 AEMR states:</p> <p>During the end of month download of February 2017, an issue was identified with the data storage which included rainfall and temperature. The meteorological station had stored data up to the 17/02/2017 then ceased storing data for a period of 11 days. The meteorological station commenced downloading data as of the 1 March 2017 after the Environment and Community Coordinator routinely checked the station and it was found to be operating normally after that time during the 2016-2017 reporting.</p> <p>Since this issue data is now downloaded on a fortnightly basis.</p> <p>Letter approving extension to meteorological station time from the DPE dated 2/2/2009. Since this issue data is now downloaded on a fortnightly basis.</p>	Continue to download data on a fortnightly basis.
<b>SURFACE AND GROUND WATER</b>				
<b>Discharge Limits</b>				
8	The Proponent shall not discharge any water from the site except as may be expressly provided by an EPL, or in accordance with section 120 of the Protection of the Environment Operations Act 1997.	Non-Compliant (Medium Risk)	<p>Evidence of PIRMP notifications during the audit period. Evidence of consultation with EPA following PIRMP notifications. All PIRMP notifications are also outlined in the AEMR's and include:</p> <ul style="list-style-type: none"> <li>* LDP001 discharge event on 21 and 22 April 2017.</li> <li>* Leak of mine water pipelines on 26 March 2015, 24 February 2017.</li> <li>* Kitchener SIS Sediment Dam discharge 6 January 2015 and 4 May 2015.</li> <li>* Orange staining in cleanwater drain - 7 June 2017.</li> </ul> <p>Austar has a comprehensive Environmental Management System to identify and minimise risk of harm to the environment. These are the management plans required by the project approval and development consent.</p>	Review and if possible reduce the 'leak detection' level for pipelines with the aim of minimising volume that could potentially leak without triggering alarms and the automatic shut down.
<b>Site Water Management Plan</b>				
9	The Proponent shall prepare and implement a Site Water Management Plan for the mine complex to the satisfaction of the Director-General. This plan must:	Compliant	<ul style="list-style-type: none"> <li>* Evidence of management plan updates being sent to DPI-Water and the EPA; letters and emails dated 2/2/2015 and 28/4/2017.</li> <li>* Letter approving the management plan dated 17/5/2013.</li> <li>* All management plans are being updated and sent to the DPE in early 2018 based on the recent modification.</li> </ul>	* Update figures in management plan, to include more up-to-date aerial photos, including those that are in the 2017 version of the Site Water Management Plan.
	(a) be prepared in consultation with EPA, NOW and DRE, and be submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above); and	Compliant	<p>The water balance has:</p> <ul style="list-style-type: none"> <li>Sources and security of water supply.</li> <li>Dust suppression.</li> <li>Off-site water transfers or discharges.</li> <li>Excess water at site.</li> </ul>	
	(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7):	Compliant	<p><b>Preparation:</b> Erosion and Sediment Control Plan includes:</p> <p>(a) Section 6 erosion and sediment control as per the Bluebook. Dams and drainage channels designed in accordance with the Bluebook.</p> <p>(b) Section 6.2 identifies activities that could cause soil erosion and generate sediment.</p> <p>(c) Section 6.2 and 6.3 identifies activities that could cause soil erosion and generate sediment.</p> <p>(d) Section 5 and 6 describes the location, function and capacity of erosion and sediment control structures.</p> <p>(e) Section 6.3 describes the location, function and capacity of erosion and sediment control structures.</p> <p><b>Implementation:</b></p> <ul style="list-style-type: none"> <li>* Erosion and sediment control generally in accordance with the Bluebook.</li> <li>* Dams and drainage channels constructed in accordance with the Bluebook.</li> <li>* Some improvements noted from the field inspection.</li> </ul>	<ul style="list-style-type: none"> <li>* Remove sediment collected in sediment fence to the north of the Surface Infrastructure Site (SIS).</li> <li>* Perimeter fence along the northern boundary of the SIS is being underscored by a drainage channel. Maintenance required.</li> <li>* Water management required in laydown area 1 at the pit top. There was evidence of coal material leaving the disturbance footprint of the site (remains within site boundaries). Clean up this area.</li> <li>* Erosion and sediment control areas around rail spur of the CHPP. Steep sides, highly erodible. Based on site discussions Douglas Partners have been engaged to assist.</li> <li>* Some sections of the dirty water drain at the CHPP (internal through site) have been eroded. Maintenance required.</li> </ul>
(i) a Site Water Balance, which details:	Compliant			
(ii) an Erosion and Sediment Control Plan;	Compliant			
(iii) a Surface Water Monitoring Program, including programs to monitor:	Compliant	<p><b>Preparation:</b> Site Water Monitoring Program includes the following aspects:</p> <ul style="list-style-type: none"> <li>* Surface water flows and quality, stream health and channel stability in Black Creek, Cony Creek, Sandy Creek and Quorrobolong Creek.</li> <li>* Impacts on water users and water levels in farm dams.</li> </ul> <p><b>Implementation:</b></p> <ul style="list-style-type: none"> <li>* Water monitoring outlined in the AEMR's.</li> <li>* Laboratory data provided.</li> </ul>		
(a) be prepared in consultation with EPA, NOW and DRE, and be submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above); and	Compliant			
(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7):	Compliant			
(i) a Site Water Balance, which details:	Compliant			
(ii) an Erosion and Sediment Control Plan;	Compliant			
(iii) a Surface Water Monitoring Program, including programs to monitor:	Compliant			
(a) be prepared in consultation with EPA, NOW and DRE, and be submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above); and	Compliant			
(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7):	Compliant			
(i) a Site Water Balance, which details:	Compliant			
(ii) an Erosion and Sediment Control Plan;	Compliant			
(iii) a Surface Water Monitoring Program, including programs to monitor:	Compliant			

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
	<p>(iv) a Ground Water Monitoring Program, including programs to monitor:</p> <ul style="list-style-type: none"> <li>groundwater volumes and quality seeping into the underground mine workings;</li> <li>impacts on regional aquifers;</li> <li>impacts on the groundwater supply of potentially affected landowners;</li> <li>impacts on the alluvial aquifers in Black Creek, Cony Creek, Sandy Creek and Quorrobolong Creek; and</li> <li>impacts on groundwater dependent ecosystems and riparian vegetation (including the River-flat Eucalypt Forest EEC); and</li> </ul>	Compliant	<p><u>Preparation:</u> The Ground Water Monitoring Program meets all these requirements. Covered in Section 8 of the Water Management Plan.</p> <p><u>Implementation:</u> SLR's groundwater specialist has reviewed the Ground Water Monitoring program, monitoring reports and the AEMR. We have provided some additional recommendations.</p>	<p>* Recommend to remove data from when a logger was pulled out, which is evident on the graphs with large 'reverse or downward' spikes from the lines.</p> <p>* In AEMR - comments regarding trends are generally limited to the 12 month reporting period only. Suggest longer term discussion is included future reviews.</p> <p>* In AEMR - no comparison to predicted results or discussion comparing model estimates to actual readings.</p>
	<p>(v) a Surface and Ground Water Response Plan, which describes the measures and/or procedures that would be implemented to:</p> <ul style="list-style-type: none"> <li>respond to any exceedances of the relevant performance measures/criteria;</li> <li>compensate landowners of privately-owned land whose water supply is adversely affected by the project; and</li> <li>mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.</li> </ul> <p><b>Note:</b> The Department acknowledges that certain monitoring requirements under this plan may be subject to the granting of access on privately-owned land.</p>	Compliant	<p><u>Preparation:</u> * The Surface Water Groundwater Response Plan outlines the requirements of this condition in Section 9 of the Water Management Plan. * Note that pipelines are not included within the Surface and Groundwater Response Plan, despite this being a high risk for water incidents at the site.</p> <p><u>Implementation:</u> Evidence of incident reporting and management. Incident notification for PIRMP incidents.</p>	
<b>HERITAGE</b>				
<b>Aboriginal Cultural Heritage</b>				
10	<p>The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Director-General. The plan must:</p> <p>(a) be prepared by a suitably qualified archaeologist in consultation with OEH and the relevant Aboriginal groups, and be submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above); and</p> <p>(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7), a program/procedures for:</p> <ul style="list-style-type: none"> <li>salvage and management of Aboriginal sites within the Surface Infrastructure Site disturbance area;</li> <li>monitoring and management of Aboriginal sites within the mining area;</li> <li>managing the discovery of any new Aboriginal objects or skeletal remains discovered during the project;</li> <li>undertaking additional archaeological surveys on any areas subject to extensive remediation activities;</li> <li>undertaking additional archaeological surveys to the satisfaction of the Director-General, prior to commencing activities in undisturbed reject emplacement areas (as shown on the figure in Appendix 4); and</li> <li>ongoing consultation with and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site.</li> </ul> <p><b>Note:</b> The Proponent has committed to a \$100,000 contribution to Aboriginal projects to offset the potential impact on an axe grinding groove (see Appendix 3).</p>	Compliant	<p><u>Preparation:</u> a) Current approved version of the Aboriginal Cultural Heritage Management Plan (ACHMP) is dated May 2013. ACHMP approval letter from DPE dated 19/2/2014. Appendix 1 of the ACHMP outlines consultation undertaken. Table 1.5 outlines evidence of consultation in 2011 and 2012. Second workings commenced in Stage 3 in 14 June 2013. All management plans are being updated and sent to the DPE in early 2018 based on the recent modification. b) Key aspects of this sub-condition are outlined within Section 2 and 3 of the ACHMP.</p> <p><u>Implementation:</u> * Heritage management outlined in AEMR's. * Heritage assessed as part of Extraction Plan applications.</p>	
<b>Historic Heritage</b>				
11	<p>The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Director-General. The plan must:</p> <p>(a) be prepared by a suitably qualified heritage consultant in consultation with Council and the Heritage Branch, and be submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above); and</p> <p>(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7), a program/procedures for:</p> <ul style="list-style-type: none"> <li>monitoring and management of identified heritage sites within the mining area and other disturbance areas;</li> <li>undertaking a Heritage Impact Assessment to the satisfaction of the Director-General, prior to re-commencing any mining activities at the Cessnock No.1 Colliery surface facilities at Kalingo;</li> <li>obtaining relevant approvals under the Heritage Act 1977 for any works proposed to be undertaken on or under Lot 1 DP 87087 and Part Lot 1 DP 69968 County of Northumberland, Parish of Heddon; and</li> <li>managing the discovery of any new heritage items during the project.</li> </ul> <p><b>Note:</b> Lot 1 DP 87087 and Part Lot 1 DP 69968 County of Northumberland, Parish of Heddon is currently subject to a section 130 order under the Heritage Act 1977 to prevent harm to buildings, works, relics etc of the South Maitland Railway, gazetted 16 September, 1983.</p>	Compliant	<p><u>Preparation:</u> a) Current Historic Heritage Management Plan dated March 2013. Approval letter dated 19/4/2013. Section 1.4 outlines some document history. The Historic Heritage Management Plan was first approved by the Director General of the DPE on 19 April 2013, and an update was approved by DPE on 19 February 2014. Section 4.1 outlines consultation as part of the Plan. Plan approved before commenced operation in Stage 3 in 14 June 2013. All management plans are being updated and sent to the DPE in early 2018 based on the recent modification. b) Key aspects are outlined in Section 4, including monitoring and approvals.</p> <p><u>Implementation:</u> * Historical heritage outlined in the Annual Review. * Heritage assessed as part of Environmental Assessments and Extraction Plans.</p>	
<b>TRANSPORT</b>				
<b>Road Upgrades</b>				
12	<p>The Proponent shall undertake the following road upgrade works generally in accordance with the recommendations in the EA, and to the satisfaction of Council and/or the RMS:</p> <p>(a) provide crossings over Wollombi Road and Middle Road, prior to the commencement of any reject emplacement south of those roads other than to the Aberdare emplacement areas;</p> <p>(b) construct the Surface Infrastructure Site access intersection on Quorrobolong Road (including lighting and signage) and upgrade the Wollombi Road / West Avenue intersection to provide a designated right turn into West Avenue, prior to the commencement of construction of buildings on the Surface Infrastructure Site;</p> <p>(c) upgrade the road level crossing at Vincent Street, Kitchener, as recommended in Austar Coal Mine Pty Limited Report on Four Rail Level Crossings in Cessnock LGA Stage 5 Road Safety Audit (GHD March 2007), prior to the commencement of construction of the Surface Infrastructure Site; and</p> <p>(d) use its best endeavours to upgrade the following road level crossings, as recommended in Austar Coal Mine Pty Limited Report on Four Rail Level Crossings in Cessnock LGA Stage 5 Road Safety Audit (GHD March 2007), in consultation with South Maitland Railway, prior to the commencement of construction of buildings on the Surface Infrastructure Site:</p> <ul style="list-style-type: none"> <li>Cessnock Road, Kearsley;</li> <li>Neath Road, Neath; and</li> <li>Mitchell Avenue, Weston.</li> </ul> <p><b>Note:</b> The relevant reject emplacement areas referred to in (a) are shown on the figure in Appendix 4.</p>	Compliant	<p>a) Not triggered. b) Approval for intersection will be done in stages. The intersection will be upgraded when there is more traffic going through the area. c) Vincent street works have been completed. d) i) Kitchener level crossing was upgraded by federal government. Evidence provided in the form of a media release dated 2009 stating that flashing lights and bells were installed. ii) Works completed in April 2014. iii) Mitchell Avenue works haven't been undertaken. Roads Board got a safety report prepared in 2013. The report states that a safety review would be undertaken. The Safety Review was completed in April 2014. The Safety Review recommends that the upgrade is not required.</p>	
<b>Road Maintenance Contributions</b>				
13	<p>From the end of 2009, the Proponent shall make an appropriate annual contribution to Council for the maintenance of local roads that are used as haulage routes by the project. If there is any dispute over the amount of the contribution, the matter shall be referred to the Director-General for resolution.</p>	Not verified	<p>* Road Maintenance contribution letter agreement dated 11/11/2013. Email from Austar dated 20/9/2017 providing evidence Austar consulted with Cessnock City Council (CCC) regarding coal haulage for each year of road haulage since the contribution letter was agreed in 2013. Waiting for an invoice from CCC, for Austar to pay. * Council has not come back about the agreement. Austar require traffic counts information from CCC.</p>	
<b>VISUAL</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
14	The Proponent shall: (a) take all reasonable and feasible measures to mitigate visual and off-site lighting impacts of the project; and (b) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the Director-General.	Compliant	a) No lighting issues identified in AEMR's. Site inspections for the audit were undertaken during the day time only. 2016-2017 AEMR - No visual complaints. 2015-16 AEMR - No visual complaints. 2014-15 AEMR - No visual inspections. b) No testing undertaken to determine if external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995. However lighting is designed to point away from receptors and there have been no complaints. * Environment and Community Manager stated that there are no lights visible at night.	If there are changes to the site such as finalising works at the Kitchener SIS then a lighting assessment should be completed to determine compliance with the Australian Standard AS4282 (INT) 1995.
<b>WASTE</b>				
<b>Waste Minimisation</b>				
15	The Proponent shall: (a) minimise the waste (including coal reject) generated by the project; (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of; and (c) report on waste management and minimisation in the Annual Review, to the satisfaction of the Director-General.	Compliant	a) Scrap metal is recycled. Waste management is outlined within the MOP and AEMR. b) During the site inspection it was noted that waste management was being undertaken at site. Sorting of waste from the underground occurs at the pit top. c) A detailed breakdown on waste management is outlined in the AEMR, however the 2016-17 AEMR only outlines the waste during that period. There is no comparison against previous periods. Additional detail could also be provided in the AEMR relating to waste minimisation and management.	* Waste bins at the pit top need to be labelled, to ensure waste is sorted into the right containers. * Compare waste volumes in the AEMR across the previous AEMR periods. * Provide additional detail in the AEMRs regarding waste minimisation and management.
<b>Reject Emplacement</b>				
16	If reject emplacement outside the existing operational West Open Cut, East Open Cut and Aberdare emplacement areas is proposed, the Proponent shall: (a) at least 12 months before reject emplacement into existing operational emplacement areas is complete, after consultation with the Executive Director, Mineral Resources and to the satisfaction of the Director-General: · justify the need for the use of additional emplacement area/s; · provide reports on geotechnical investigations and engineering specifications for the proposed emplacement area/s; and · investigate and report on the possibility of disposal of all reject into a single additional emplacement area; and (b) emplace coal reject in the additional emplacement area/s subject to such conditions as the Director-General may impose. <b>Note:</b> The existing operational reject emplacement areas are shown on the Auster mine complex figure in Appendix 2. Both the existing operational and additional (formerly-approved) reject emplacement areas are shown on the figure in Appendix 4.	Not Triggered	All reject emplacement is completed in the West Pit or Aberdare Pit in accordance with the MOP.	
<b>SCHEDULE 5 ADDITIONAL PROCEDURES</b>				
<b>NOTIFICATION OF LANDOWNERS</b>				
1	If the results of the monitoring required in schedule 4 identify that impacts generated by the project are greater than the relevant impact assessment criteria, except where a negotiated agreement has been entered into in relation to that impact, then the Proponent shall, within 2 weeks of obtaining the monitoring results, notify the Director-General, the affected landowners and tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 4.	Not Triggered	No exceedances in the area. No noise non-compliances since construction for Kitchener SIS.	
2	If the results of monitoring required in schedule 4 identify that impacts generated by the project are greater than the relevant air quality impact assessment criteria in schedule 4, then the Proponent shall send the relevant landowners and tenants (including tenants of mine owned properties) a copy of the NSW Health fact sheet entitled "Mine Dust and You" (and associated updates) in conjunction with the notification required in condition 1.	Not Triggered	* AEMRs indicate there were no exceedances in air quality criteria.	
<b>INDEPENDENT REVIEW</b>				
3	If a landowner of privately-owned land considers the project to be exceeding the impact assessment criteria in schedule 4, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land. If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 2 months of the Director-General's decision: (a) consult with the landowner to determine his/her concerns; (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to: · determine whether the project is complying with the relevant impact assessment criteria in schedule 4; and · identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and (c) give the Director-General and landowner a copy of the independent review.	Not Triggered	No such requests from landowners.	
4	If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 4, then the Proponent may discontinue the independent review with the approval of the Director-General. If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 4, then the Proponent shall: (a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria, and conduct further monitoring to determine whether these measures ensure compliance; or (b) secure a written agreement with the landowner to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the Director-General. If the further monitoring referred to under paragraph (a) above determines that the project is complying with the relevant impact assessment criteria, then the Proponent may discontinue the independent review with the approval of the Director-General.	Not Triggered	No independent review undertaken.	
<b>LAND ACQUISITION</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
5	<p>Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:</p> <p>(a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the project the subject of the project application, having regard to the:</p> <ul style="list-style-type: none"> <li>existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and</li> <li>presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date;</li> </ul> <p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> <li>relocating within the Cessnock local government area, or to any other local government area determined by the Director-General;</li> <li>obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and</li> </ul> <p>(c) reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>However, if following this period, the Proponent and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Director-General for resolution.</p> <p>Upon receiving such a request, the Director-General shall request the President of the NSW Division of the Australian Property Institute (the API) to appoint a qualified independent valuer to:</p> <p>(a) consider submissions from both parties;</p> <p>(b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;</p> <p>(c) prepare a detailed report setting out the reasons for any determination; and</p> <p>(d) provide a copy of the report to both parties.</p> <p>Within 14 days of receiving the independent valuer's report, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.</p> <p>However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Director-General for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Director-General shall determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above and the independent valuer's report. Within 14 days of this determination, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the Director-General's determination.</p> <p>If the landowner refuses to accept the Proponent's binding written offer under this condition within 6 months of the offer being made, then the Proponent's obligations to acquire the land shall cease, unless the Director-General determines otherwise.</p>	Not Triggered	No such written requests from any landowners.	
	<p>However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Director-General for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Director-General shall determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above and the independent valuer's report. Within 14 days of this determination, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the Director-General's determination.</p> <p>If the landowner refuses to accept the Proponent's binding written offer under this condition within 6 months of the offer being made, then the Proponent's obligations to acquire the land shall cease, unless the Director-General determines otherwise.</p>	Not Triggered	No independent valuation undertaken.	
6	The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 5 above.	Not Triggered	Land acquisition process not undertaken.	
7	If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall also pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.	Not Triggered	No such agreement.	

**SCHEDULE 6 REHABILITATION AND OFFSETS**

**REHABILITATION AND BIODIVERSITY OFFSETS**

**Rehabilitation Objectives**

1	<p>The Proponent shall achieve the rehabilitation objectives in Table 6 to the satisfaction of the Executive Director, Mineral Resources.</p> <table border="1"> <thead> <tr> <th>Domain</th> <th>Rehabilitation objective</th> </tr> </thead> <tbody> <tr> <td>Surface Infrastructure Site</td> <td>Revegetate the cleared portion of the site with a structured native vegetation community similar to that existing pre-mining, or other landuse approved by the Director-General</td> </tr> <tr> <td>Biodiversity offset area</td> <td>Additional objectives/criteria to be set through condition 4 below Implement the offset strategy described in the EA and shown conceptually in Appendix 5</td> </tr> <tr> <td>Land affected by the project (including watercourses and steep slopes)</td> <td>Additional objectives/criteria to be set through condition 4 below Rehabilitate landform, landuse and ecosystem function to that existing pre-mining and consistent with the surrounding landform Reduce safety hazards to no more than those existing pre-mining</td> </tr> <tr> <td>Built features</td> <td>Minimise erosion risk Repair/restore/replace to pre-mining condition or better, unless a claim under the <i>Mine Subsidence Compensation Act 1961</i> is made for the repairs, restoration or replacement</td> </tr> <tr> <td>Community</td> <td>Minimise the adverse socio-economic effects associated with mine closure</td> </tr> </tbody> </table>	Domain	Rehabilitation objective	Surface Infrastructure Site	Revegetate the cleared portion of the site with a structured native vegetation community similar to that existing pre-mining, or other landuse approved by the Director-General	Biodiversity offset area	Additional objectives/criteria to be set through condition 4 below Implement the offset strategy described in the EA and shown conceptually in Appendix 5	Land affected by the project (including watercourses and steep slopes)	Additional objectives/criteria to be set through condition 4 below Rehabilitate landform, landuse and ecosystem function to that existing pre-mining and consistent with the surrounding landform Reduce safety hazards to no more than those existing pre-mining	Built features	Minimise erosion risk Repair/restore/replace to pre-mining condition or better, unless a claim under the <i>Mine Subsidence Compensation Act 1961</i> is made for the repairs, restoration or replacement	Community	Minimise the adverse socio-economic effects associated with mine closure	Compliant	Most of these objectives relate to final rehabilitation. Rehabilitation and closure criteria have been developed for the MOP. This condition relates only to the Kitchener SIS, the areas impacted by underground mining, and the Biodiversity Offset.	
Domain	Rehabilitation objective															
Surface Infrastructure Site	Revegetate the cleared portion of the site with a structured native vegetation community similar to that existing pre-mining, or other landuse approved by the Director-General															
Biodiversity offset area	Additional objectives/criteria to be set through condition 4 below Implement the offset strategy described in the EA and shown conceptually in Appendix 5															
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Community	Minimise the adverse socio-economic effects associated with mine closure															

**Progressive Rehabilitation**

2	To the extent that mining operations permit, the Proponent shall carry out rehabilitation progressively, that is, as soon as reasonably practicable following the disturbance.	Compliant	This condition relates only to the Kitchener SIS, the areas impacted by underground mining, and the Biodiversity Offset. The Kitchener SIS was inspected, with the area still active. Some temporary stabilisation has been completed. The management of subsidence relating to the Stage 3 mining area is outlined within past AEMR's and end of panel reports. The offset area has now been transferred to a national park.	
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**Long Term Security of Offset Area**

3	<p>Within 2 years of the date of this approval, the Proponent shall make suitable arrangements to provide appropriate long term conservation security for the offset area to the satisfaction of the Director-General.</p> <p>Note: The offset area is described in the EA and shown conceptually in Appendix 5.</p>	Compliant	<p>The date of approval for PA 08_0111 was 6 September 2009, therefore two years from the date of approval is 6 September 2011.</p> <p>* NSW Government Gazette No. 24 that is a Notice of Reservation of a State Conservation Area, which refers to Lot 3 DP755225 as part of the Werakata State Conservation Area.</p> <p>* No monitoring of offsets at site as it's been transferred to a national park.</p>	
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**Landscape Management Plan**

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
4	<p>The Proponent shall prepare and implement a Landscape Management Plan for the project to the satisfaction of the Director-General and the Executive Director, Mineral Resources. This plan must:</p> <p>(a) be prepared in consultation with the relevant stakeholders by suitably qualified expert/s whose appointment/s have been endorsed by the Director-General, and be submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 of schedule 4);</p> <p>(b) in addition to the standard requirements for management plans (see condition 2 of schedule 7), include:</p> <p>(i) the rehabilitation objectives for the site and offset area;</p> <p>(ii) a description of the short, medium, and long term measures that would be implemented to:</p> <ul style="list-style-type: none"> <li>· rehabilitate the site;</li> <li>· implement the offset strategy; and</li> <li>· manage the remnant vegetation and habitat on the site and in the offset area;</li> </ul> <p>(iii) performance and completion criteria for the rehabilitation of the site and implementation of the offset strategy;</p> <p>(iv) a detailed description of the measures would be implemented over the next 3 years, including the procedures to be implemented for:</p> <ul style="list-style-type: none"> <li>· minimising and rehabilitating disturbed areas;</li> <li>· implementing the offset strategy;</li> <li>· protecting vegetation and soil outside the disturbance areas;</li> <li>· undertaking pre-clearance surveys;</li> <li>· managing impacts on fauna;</li> <li>· landscaping the site to minimise visual impacts;</li> <li>· conserving and reusing topsoil;</li> <li>· collecting and propagating seed for rehabilitation works;</li> <li>· salvaging and reusing material from the site for habitat enhancement;</li> <li>· controlling weeds and feral pests;</li> <li>· controlling access; and</li> <li>· bushfire management.</li> </ul>	Compliant	<p><u>Preparation:</u></p> <p>a) The Landscape Management Plan for Kitchener SIS is on the website and dated 24 June 2013. The Plan was prepared after commencement of second workings. DPE approved the Plan on 22/7/2013. DRG approved Plan in a letter dated 5/8/2013.</p> <p>b) i) Section 2 and 5 outlines rehabilitation objectives.  ii) Section 5 provides short, medium and long term measures.  iii) Section 5 outlines criteria.  iv) Section 5 and the Appendices (including Appendix C) provides a detailed description of the measures that would be implemented over the next 3 years.</p> <p><u>Implementation:</u></p> <p>Rehabilitation is stable.</p> <p>The offset area is covered by the Landscape Management Plan.</p> <p>Mulch has been placed around the SIS disturbed area. Some plants have naturally regenerated. A small amount of weeds at the site. The landform is stable, with rehabilitation acting as temporary stabilisation.</p> <p>Seed collection not required. It's only required during operations.</p> <p>The Landscape Management Plan is separate to the MOP.</p> <p>Evidence of inspection reports.</p>	
<b>SCHEDULE 7 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>				
<b>ENVIRONMENTAL MANAGEMENT</b>				
<b>Environmental Management Strategy</b>				
1	<p>The Proponent shall prepare and implement an Environmental Management Strategy for the Austar Mine Complex, to the satisfaction of the Director-General. The strategy must:</p> <p>(a) be submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 of schedule 4);</p> <p>(b) provide the strategic framework for environmental management of the mine complex;</p> <p>(c) identify the statutory approvals that apply to the mine complex;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the mine complex;</p> <p>(e) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> <li>· keep the local community and relevant agencies informed about the operation and environmental performance of the mine complex;</li> <li>· receive, handle, respond to, and record complaints;</li> <li>· resolve any disputes that may arise during the course of the project;</li> <li>· respond to any non-compliance; and</li> <li>· respond to emergencies;</li> </ul> <p>(f) include:</p> <ul style="list-style-type: none"> <li>· copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and</li> <li>· a clear plan depicting all the monitoring to be carried out in relation to the mine complex.</li> </ul>	Compliant	<p><u>Preparation:</u></p> <p>Currently approved Environmental Management Strategy (EMS) is dated May 2013. This is a robust document which meets the requirements of this condition.</p> <p>a) Original EMS documentation dates back to 2010. Approved by DPE on 2/10/2013. Draft documents have been updated and sent to DPE since 2013 and will be revised by end of year based on the recent modification.</p> <p>b) The strategic framework for environmental management of the mine complex is covered in several sections of the Strategy.</p> <p>c) Statutory approvals are covered in Section 6 and Appendix B of the Strategy.</p> <p>d) The role, responsibility, authority and accountability of all key personnel is covered in Section 7.</p> <p>e) The procedures are included in Section 10 to Section 12.</p> <p>f) Copies are mentioned in the document. Other Management Plans are attached to the website.</p> <p>All management plans are being updated and sent to the DPE in early 2018 based on the recent modification.</p> <p><u>Implementation:</u></p> <p>Evidence of recording of complaints and incidents in the AEMR.  Incident reporting as per the PIRMP.</p>	
<b>Management Plan Requirements</b>				
2	<p>The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p> <p>(b) a description of:</p> <ul style="list-style-type: none"> <li>· the relevant statutory requirements (including any relevant approval, licence or lease conditions);</li> <li>· any relevant limits or performance measures/criteria;</li> <li>· the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;</li> </ul> <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the:</p> <ul style="list-style-type: none"> <li>· impacts and environmental performance of the project;</li> <li>· effectiveness of any management measures (see (c) above);</li> </ul> <p>(e) a contingency plan to manage any unpredicted impacts and their consequences;</p> <p>(f) a program to investigate and implement ways to continually improve the environmental performance of the project over time;</p> <p>(g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> <li>· incidents;</li> <li>· complaints;</li> <li>· non-compliances with statutory requirements; and</li> <li>· exceedances of the impact assessment criteria and/or performance criteria; and</li> </ul> <p>(h) a protocol for periodic review of the plan.</p>	Compliant	<p>Site Environmental Management Plans reviewed include:</p> <ul style="list-style-type: none"> <li>* Environmental Management Strategy.</li> <li>* Site Water Management Plan.</li> <li>* Noise and Vibration Management Plan.</li> <li>Air Quality and Greenhouse Gas Management Plan.</li> <li>* Landscape Management Plan - Kitchener SIS.</li> <li>* Aboriginal Cultural Heritage Management Plan.</li> <li>* Historic Heritage Management Plan.</li> </ul> <p>The Management Plans contain sufficient information to meet this condition, including details on contingency measures.</p>	
<b>Annual Review</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
3	<p>Each year, the Proponent shall review the environmental performance of the mine complex to the satisfaction of the Director-General. This review must:</p> <p>(a) describe the works that were carried out in the past year, and the works that are proposed to be carried out over the next year;            (b) include a comprehensive review of the monitoring results and complaints records of the mine complex over the past year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> <li>· the relevant statutory requirements, limits or performance measures/criteria;</li> <li>· the monitoring results of previous years; and</li> <li>· the relevant predictions in the EA and Extraction Plan;</li> </ul> <p>c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;            (d) identify any trends in the monitoring data over the life of the mine complex;            (e) identify any discrepancies between the predicted and actual impacts of the mine complex, and analyse the potential cause of any significant discrepancies; and            (f) describe what measure will be implemented over the next year to improve the environmental performance of the mine complex.</p>	Administrative Non-Compliance	<p>a) Works undertaken at Austar are outlined in Section 2 of the AEMR.            b) Monitoring results are reviewed within Section 3 of the AEMR's. Monitoring results compare against statutory requirements. Results for key aspects such as surface water and air. Some minor comparison against groundwater results.  <b>Admin NC</b> - There is a lack of a comparison of predictions for key aspects against the Environmental Assessment (EA) and Extraction Plans.            c) Non compliances have been identified. In the 2016-2017 AEMR these are outlined in Appendix H.            d) <b>Admin NC</b> - There is little information relating to trends in key aspects over a number of years. Key aspects such as surface water and air are graphically displayed but little trends provided over a five year period.            e) There is a lack of discussion for a comparison of predicted impacts for aspects such as surface water and air. There is a some comparison of predicted impacts for groundwater, noise and subsidence.            f) Proposed improvements are outlined in current AEMRs.</p>	<p>* SLR recommends renaming the document an Annual Review and completing it in accordance with the Annual Review Guidelines.</p> <p>* Future Annual Reviews should compare results against EA predictions and assess trends in data (eg. over a five year period).</p> <p>* It is suggested that tilt and strain profiles be provided in the Annual Review reports and a sub-section provided in the text that compares the measured v. predicted values and discusses whether the overburden is behaving as expected or otherwise. Curvatures may be then able to be estimated from the strain profiles through a locally derived ratio between maximum strain and peak curvatures (excluding disturbed survey pegs).</p> <p>The main purpose of this exercise would be to provide technical information to stakeholders that do not have access to the DRG portal.</p> <p>* The amount of rehabilitation and disturbance undertaken during the reporting period vs that included in the MOP should be included in future Annual Reviews.</p> <p>* Future Annual Reviews should report compliance with the MOP.</p> <p>* Future Annual Reviews should report progress in respect of rehabilitation completion criteria.</p>
<b>Revision of Strategies, Plans and Programs</b>				
4	<p>Within 3 months of:</p> <p>(a) the submission of an annual review under Condition 3 above;            (b) the submission of an incident report under Condition 6 below;            (c) the submission of an audit report under Condition 7 below; or            (d) any modification to the conditions of this approval, (unless the conditions require otherwise), the Proponent shall review the strategies, plans, and programs required under this approval, to the satisfaction of the Director-General. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Director-General.</p> <p><b>Note:</b> <i>The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the project.</i></p>	Administrative Non-Compliance	<p>(a) <b>Admin NC:</b> Historic Heritage Management Plan doesn't include mechanism for reviewing the management plan after an Annual Review/AEMR has been submitted. The Site Water Management Plan, AHCMP, Landscape Management Plan, AQHGMP, EMS and NMP are reviewed after an AEMR is submitted.            (b) There have been several PIRMP water management incidents. It would not be practical for the site to update the Site Water Management Plan following each PIRMP incident.            (c) <b>Admin NC:</b> The Management Plans weren't updated within 3 months of the submission of the prior audit report.            (d) Currently updating plans in accordance with the latest MOD that was approved August 2017.</p>	<p>* All relevant Management Plans are to be updated to meet this timing, including updating the Plans with any recommendations from this audit.</p>
<b>Community Consultative Committee</b>				
5	<p>The Proponent shall maintain a Community Consultative Committee (CCC) for the mine complex to the satisfaction of the Director-General. This CCC must be operated in general accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version).</p> <p><b>Note:</b> <i>The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval. In accordance with the Guideline, the Committee should comprise an independent chair and appropriate representation from the Proponent, affected councils, recognised environmental groups and the general community.</i></p>	Compliant	<p>* CCC minutes on the Austar website.            * Evidence provided of advertisements to join CCC.            * CCC made up of a number of people to meet the DPE guidelines.</p>	
<b>Incident Reporting</b>				
6	<p>The Proponent shall notify the Director-General and any other relevant agencies of any incident associated with the mine complex as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.</p>	Compliant	<p>* Incident summaries are provided in the AEMRs.            * Incident reports dated 21/4/2015 and 13/5/2015.            * Evidence of consultation from incident reports, including the incident report dated 28/4/2015.            * Letter from EPA dated 10/9/2015 stating no regulatory action required.</p>	
<b>Independent Environmental Audit</b>				
7	<p>By end of December 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the mine complex. This audit must:</p> <p>(a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;            (b) include consultation with the relevant agencies;            (c) assess the environmental performance of the mine complex and assess whether it is complying with the requirements in relevant project approvals and development consents and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);            (d) review the adequacy of strategies, plans or programs required under these approvals; and            (e) recommend appropriate measures or actions to improve the environmental performance of the mine complex, and/or any assessment, plan or program required under these approvals.</p> <p><b>Note:</b> <i>This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.</i></p>	Compliant	<p>Audits from 2008, 2011 and 2014 were provided on the website.            a) The 2014 Independent Environmental Audit was completed by Trevor Brown and Associates. Trevor Brown and Associates were endorsed by the DPE on 20 October 2014. Suitably qualified and experienced. 2017 Audit team was endorsed by the DPE.            b) Evidence of consultation with DPE, DRE, EPA, DPI Water in letters dated 20 November 2014. There was no evidence of the outcomes of consultation in the 2014 audit report. SLR completed consultation for 2017 Audit.            c) The key consents, Statement of Commitments, EPL and consolidated leases were assessed in the 2014 audit.            d) The adequacy of key programs from the consents was assessed as part of the audit.            e) Appropriate mitigation measures have been provided in the audit report.</p>	
8	<p>Within 6 weeks of the completing of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.</p>	Compliant	<p>The audit inspection was completed between 10 to 14 November 2014. The final report from Trevor Brown and Associates was dated 3 July 2015. The Action Plan letter from Austar is dated 28 July 2015 which is within 6 weeks of completion of the audit report.</p>	
<b>Access to Information</b>				



Condition Number	Condition	Compliance Status	Evidence	Recommended Action
9	<p>From the end of 2009, the Proponent shall make the following information publicly available on its website:</p> <p>(a) a copy of all current statutory approvals for the mine complex;            (b) a copy of the current environmental management strategy and associated plans and programs;            (c) a summary of the monitoring results of the mine complex, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;            (d) a complaints register, which is to be updated on a monthly basis;            (e) a copy of the minutes of CCC meetings;            (f) a copy of any Annual Reviews (over the last 5 years);            (g) a copy of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit; and            (h) any other matter required by the Director-General.</p>	Compliant	<p>The website contains:</p> <p>(a) Copies of all current statutory approvals for the mine complex.            (b) Copies of the current environmental management strategy and associated plans and programs.            (c) A summary of the monitoring results of the mine complex, which have been reported in accordance with the various plans and programs approved under the conditions of this approval.            (d) A complaints register, which is to be updated on a monthly basis.            (e) Copies of the minutes of CCC meetings.            (f) Copies of Annual Reviews (over the last 5 years).            (g) Copies of Independent Environmental Audits, and the Proponent's response to the recommendations in any audit.            (h) Not applicable.</p>	

## Statement of Commitments - Stage 3

Application No.: DA 29/95  
 Proponent: Newcastle Wallsend Coal Company Pty Limited ("The Applicant")  
 Approval Authority: The Minister for Urban Affairs and Planning ("The Minister")  
 Land:  
 Project

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
<b>Compliance with the EA</b>				
1.1	Operation of the Stage 3 development will be undertaken in accordance with the environmental controls and commitments as described in the EA or as specified in this Statement of Commitments.	Compliant	Operations generally completed in accordance with the environmental controls and commitments as described in the EA or as specified in this Statement of Commitments.	
<b>1.2 Life of Stage 3 Concept Mine Plan</b>				
<b>Project Life</b>				
1.2.1	The project approval life will be until 31 December 2030. Closure and rehabilitation activities may continue beyond this period and will be undertaken in accordance with an approved Mining Operations Plan.	Compliant	* End of mine life has not yet been reached. * Mining Operations Plan (MOP) in place. MOP approved by DPE on 9 September 2016.	
<b>Production Limits</b>				
1.2.2	Underground mining in Stage 3 will produce up to 3.6 Mtpa ROM coal by LTCC methods. This coal will be conveyed, handled, processed and transported using Austar Mine Complex infrastructure.	Compliant	Mining within the Stage 3 area has been completed using LTCC methods. No current mining in the Stage 3 area. Tonnages produced by the mine are within the 3.6 Mtpa ROM coal limit.	
<b>Hours of Operation</b>				
1.2.3	Mining and associated activities for the Stage 3 Project may be undertaken 24 hours a day, seven days a week.	Compliant	Mine operates 24/7.	
<b>Refinement of Mine Plan</b>				
1.2.4	Any material changes to the concept mine plan outlined in this EA report will be detailed and assessed as part of Extraction Plans (EPs) and Mining Operations Plan (MOP) prepared by Austar Coal Mine.	Compliant	Material changes to the concept mine plan in the EA were brought across to the MOP (Section 7) and Extraction Plans.	
1.2.5	Mining parameters for the proposed mine plan as detailed in the EP will be designed to ensure that predicted systemic subsidence in terms of subsidence, tilt, tensile strain and compressive strain will comply with or be less than the Upper Bound predictions detailed in the EA. Those being: - 3000 mm subsidence; - 11 mm/m tilt; - 0.09km <sup>-1</sup> total conventional hogging curvature; and - 0.15km <sup>-1</sup> total conventional sagging curvature.	Compliant	* Subsidence management is covered in Section 3.2.1.4 of the MOP. * The 2014-2015 AEMR reported that the End of Panel Report for Stage 3 Longwall A8 stated that extraction of this LW was completed on 24/6/2015. Nothing abnormal was reported in this report.	
1.2.6	The locations of any minor surface infrastructure that may be required to implement the project will be detailed and assessed as part of MOP's prepared by Austar Coal Mine.	Compliant	Details regarding surface infrastructure is included in the MOP text and shown on the MOP plans.	
<b>1.3 Subsidence</b>				
1.3.1	Austar Coal Mine will manage the impacts of mining subsidence as required by the conditions of the consent, conditions of the ML and other DII conditions.	Compliant	* Austar LW A7-A10 Extraction Plan (dated 19/12/13) * Modified Subsidence Management Plan / Extraction Plan Approval for Stage 3 Longwalls A7 to A10 (DPE, dated 06/01/14 and DRG, dated 19/02/14)	
1.3.2	The Mine Plan submitted as part of the EP for longwall extraction will take into consideration monitoring results from previous Austar Mine Complex operations and will be designed to ensure that subsidence as a result of mining does not exceed Upper Bound predictions as set out in the EA for subsidence, tilt, tensile strain and compressive strain. Those being: - Maximum Upper Bound subsidence ranges from approximately 825 mm for LWA7 to approximately 3000 mm for LWA19. - Maximum Upper Bound tilt ranges from approximately 4.0 mm/m for LWA7 to approximately 11 mm/m for LWA19. - Maximum Upper Bound conventional hogging curvature ranges from approximately 0.2 mm/m for LWA7 to approximately 0.09km <sup>-1</sup> for LWA19. - Maximum Upper Bound conventional sagging curvature ranges from approximately 0.06km <sup>-1</sup> for LWA7 to approximately 0.15km <sup>-1</sup> for LWA19.	Compliant	* Austar LW A7-A10 Extraction Plan (dated 19/12/13) * Tilts, Strains and Curvatures not validated against SoC in AEMR or End of Panel Reports for Stage 3. However based on liaison with site, results relating to tilts and strains are provided to the Department.	It is suggested that tilt and strain profiles be provided in the Annual Review reports and a sub-section provided in the text that compares the measured v. predicted values and discusses whether the overburden is behaving as expected or otherwise. Curvatures may be then able to be estimated from the strain profiles through a locally derived ratio between maximum strain and peak curvatures (excluding disturbed survey pegs).
1.3.3	Where a potential subsidence impact is identified on private property, Austar Coal Mine will prepare a Built Features Management Plan in consultation with the property owner. This plan will clearly outline impacts of mining on the property and the management and remediation measures to be implemented.	Compliant	* Built Features Management Plan in Austar LW A7-A10 Extraction Plan (dated 19/12/13). b) Modified Subsidence Management Plan / Extraction Plan Approval for Stage 3 Longwalls A7 to A10 (DPE, dated 06/01/14 and DRG, dated 19/02/14).	



Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1.3.4	<p>Subsidence management measures to be implemented as part of the project will include:</p> <ul style="list-style-type: none"> <li>· subsidence monitoring lines to be located as determined as part of the EP process where access is granted;</li> <li>· visual assessment of all natural features and items of surface infrastructure before, during and following mining to detect subsidence impacts such as surface cracking, irregularities in the subsidence profile, erosion, damage to structures, changes in drainage patterns or loss of water from drainage structures where access is granted;</li> <li>· detailed subsidence monitoring in accordance with DRE requirements. This data will be utilised to regularly update the subsidence predictions for Stage 3;</li> <li>· remediation and rehabilitation of subsidence impacts will be carried out, where required, as soon as practicable following subsidence using methods specified in the EP where access is granted;</li> <li>· building structures located within the subsidence affectation area will be inspected by a structural engineer prior to and after undermining and appropriate management measures implemented where access is granted;</li> <li>· informing all relevant service providers of the potential impacts of mining subsidence on services;</li> <li>· farm dams within the subsidence affectation area will be monitored during and following undermining where access is granted, to ensure they remain in a safe and serviceable condition. Remediation works will be undertaken as required;</li> <li>· in the event of any significant loss of water from a privately-owned farm dam, Austar Coal Mine will provide an alternate source of water, as required, until the dam is repaired where access is granted ; and</li> <li>· any privately-owned bores within the subsidence affectation area will be monitored during and following undermining where access is granted. If the capacity of any utilised private bore is reduced to unacceptable level as a result of subsidence, Austar Coal Mine will provide an alternative supply of water until such time as the MSB re-establishes or replaces the bore.</li> </ul>	Compliant	Austar LW A7-A10 Subsidence Monitoring Program (dated 4/12/13). Evidence of subsidence monitoring provided.	
1.3.5	Austar Coal Mine will, prior to undermining of Quorrobolong Road, Nash Lane and Coney Creek Lane prepare and implement a Traffic Management Plan to manage any subsidence impacts on the roads and associated culverts and bridges in consultation with Cessnock City Council and DRE and to the satisfaction of the Director-General.	Compliant	<ul style="list-style-type: none"> <li>a) Covered within the Built Features Management Plan in Austar LW A7-A10 Extraction Plan (dated 19/12/13).</li> <li>b) Subsidence Monitoring Program for Stage 3 Longwalls A7 to A10 (4/12/13).</li> </ul>	
1.3.6	Austar Coal Mine will prepare management plans in consultation with relevant service providers, for the protection of infrastructure and services within the potential Stage 3 mine subsidence area to ensure these remain in a safe and serviceable condition throughout the mining period. These plans will be submitted to the Director General for approval as part of the EP prior to undermining of the services.	Compliant	<ul style="list-style-type: none"> <li>a) Built Features Management Plan in Austar LW A7-A10 Extraction Plan (dated 19/12/13).</li> <li>b) Subsidence Monitoring Program for Stage 3 Longwalls A7 to A10 (4/12/13).</li> </ul>	
<b>1.4 Ecology</b>				
1.4.1	Austar Coal Mine will establish and manage the proposed Biodiversity Offset Area (refer to Figure 7.1 of the EA) to protect and enhance its ecological values in perpetuity, to the satisfaction of the Director-General.	Compliant	<ul style="list-style-type: none"> <li>* NSW Government Gazette No. 24 that is a Notice of Reservation of a State Conservation Area, which refers to Lot 3 DP755225 as part of the Werakata State Conservation Area.</li> <li>* No monitoring of offsets at site as it's been transferred to a national park.</li> </ul>	
1.4.2	A Weed Management Plan will be developed for the Surface Infrastructure Site.	Compliant	* The Weed Management Plan is incorporated in the Landscape Management Plan.	
1.4.3	The Austar bushfire management strategy will be revised to include the specific requirements of the Surface Infrastructure Site during the construction and operation phases.	Compliant	<ul style="list-style-type: none"> <li>* The Bushfire Management Plan, dated 2012, includes the Surface Infrastructure Site (SIS).</li> <li>* Austar Coal Mine Bushfire Management Plan Supporting Documentation document, dated 2 April 2015, supports the Bushfire Management Plan.</li> </ul>	
1.4.4	<p>Prior to the commencement of construction of the Surface Infrastructure Site (other than for those works identified in the Shaft Construction Management Plan), an Austar Mine Complex Ecological Management Plan which integrates management of ecological issues associated with construction of 25 the Surface Infrastructure Site, Stage 3 underground mining and with the remainder of Austar Coal Mine operations will be submitted to the Director-General for approval. This will include:</p> <ul style="list-style-type: none"> <li>· clearing procedures for establishment of the Surface Infrastructure Site and associated access road/services easement;</li> <li>· replacement of arboreal habitat within surrounding areas or within the Biodiversity Offset Area, should the removal of any hollow-bearing trees be required; and</li> <li>· extension of the existing Austar Coal Mine ecological monitoring program to include monitoring of vegetation condition within subsidence affected areas.</li> </ul>	Not Triggered	* Clearing outside the audit period.	
1.4.5	Clearing of vegetation will be restricted to the minimum area necessary to construct the proposed infrastructure and provide adequate fire protection and will be undertaken in accordance with the tree felling procedure outlined in Section 7.5.3 of the EA.	Compliant	<ul style="list-style-type: none"> <li>* No clearing was undertaken during the audit period.</li> <li>* The MOP includes the amount of disturbance.</li> <li>* Invoices provided regarding clearing of vegetation in areas near powerlines and conveyors as part of maintenance.</li> <li>Evidence of wood chipping vegetation.</li> </ul>	
1.4.6	An appropriate speed limit on access roads will be implemented to minimise the risk of vehicle collision with ground-dwelling fauna dispersing between adjacent habitats.	Compliant	* Speed limit signs installed at site. 30km/hour limit.	
1.4.7	An appropriately designed nest box will be erected (either within remaining bushland areas or within the Biodiversity Offset Area) for the compensation of each tree hollow removed as a result of clearing required for construction of the proposed Surface Infrastructure Site.	Not Triggered	<ul style="list-style-type: none"> <li>* Clearing for the SIS occurred outside of the audit period.</li> <li>* No mention of nest boxes in the AEMRs.</li> </ul>	
1.4.8	Any outbreaks of invasive weeds observed on the property boundary will be appropriately controlled to avoid their escape into the surrounding Werakata State Conservation Area and subsequently competing with threatened flora species. Early detection will ensure the management required is not extensively onerous.	Compliant	* Ongoing site weed management noted in AEMRs.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1.4.9	Species to reduce the risk of invasive plant species escaping into the adjacent reserve and competing with threatened flora species. Particular care will be taken to avoid planting species which are known to escape and naturalise into native bushland.	Compliant	* In accordance with the Landscape Management Plan Austar use locally endemic native plant species in revegetation areas, where possible.	
<b>1.5 Heritage</b>				
1.5.1	An Aboriginal Cultural Heritage Management Plan (ACHMP) will be prepared for the Austar Mine Complex to outline all Aboriginal heritage management strategies for the project, responsibilities of all parties and the timeframe for required heritage works.	Compliant	<p><u>Preparation:</u> ACHMP has been prepared. The Management Plan is available on the Austar website. Consultation is noted within the ACHMP.</p> <p>The ACHMP provides: * Aboriginal heritage management strategies in Section 3.0. * Responsibilities of all parties in Section 4.0. * Timeframe for required heritage works in Section 4.0.</p> <p><u>Implementation:</u> * On-going consultation with registered Aboriginal Party. * Monitoring of Aboriginal cultural heritage sites is undertaken according to the ACHMP.</p>	
1.5.2	Austar will make a monetary contribution of \$100,000 to an Aboriginal project or program (to be decided by Aboriginal stakeholders) as an offset for any subsidence impacts that affect the grinding groove site. Austar will make this contribution when all necessary government approvals for the Project have been obtained.	Compliant	* Letter dated 15 June 2017 from Austar to Lower Hunter Wonnarua Cultural Services regarding Aboriginal program funds. \$7,362 in funds were provided. Since 2013 \$88,344 has been donated according to spreadsheet supplied by Austar. * Prior Audit Report reported that an account was created on 21/2/2012 for distribution of funds for Aboriginal projects and programs. \$106,000 was transferred to this project.	
1.5.3	No Aboriginal archaeological site be visited, or have works done there, without Aboriginal stakeholders in attendance.	Compliant	* On-going consultation with registered Aboriginal Party in accordance with ACHMP & AEMRs.	
1.5.4	Known sites on accessible properties will be included in a monitoring program. This will involve recording each site before and after subsidence to identify any impacts. This will be done by an archaeologist and Aboriginal stakeholders.	Compliant	* Monitoring of each site is undertaken according to the ACHMP. * AEMRs detail due diligence inspections undertaken during the audit period.	
1.5.5	Aboriginal stakeholders (and an archaeologist if requested by Aboriginal stakeholders) will provide relevant Austar personnel with a cultural heritage awareness training session.	Compliant	* Section 3.1 of ACHMP includes requirement for cultural heritage awareness training. * According to site communications Aboriginal stakeholders were invited to training.	
1.5.6	If any additional sites are found within the Project area, these will be inspected by an archaeologist and Aboriginal stakeholders where access is granted to assess the site and decide on how it should be managed.	Compliant	*ACHMP includes a protocol for new finds. The Protocol details how new finds will be inspected by an archaeologist and Aboriginal stakeholders.	
1.5.7	If remediation works are required on any of the creeklines within the Stage 3 area, an archaeological survey with Aboriginal stakeholders will be undertaken prior to commencement of any works where access is granted.	Compliant	*ACHMP includes a Protocol if remediation works are required relating to subsidence impacts on creeklines.	
1.5.8	Historic Heritage Management Plan incorporating all of Austar Mine Complex will be developed.	Compliant	* Historic Heritage Management Plan, dated March 2013, has been developed for the site.	
<b>1.6 Surface Water and Drainage</b>				
1.6.1	Austar will develop a detailed Soil and Water Management Plan for the Surface Infrastructure Site prior to commencement of construction.	Compliant	* Outside audit period. * A Site Water Management Plan was prepared as part of the Construction Environmental Management Plan for the SIS.	
1.6.2	Erosion and sediment control measures will be designed and implemented for construction of surface infrastructure to a standard consistent with Managing Urban Stormwater: Soils and Construction (NSW Landcom 2004) (the Blue Book) and Guidelines for Establishing Drainage Lines on Rehabilitated Mine sites (Draft) (DLWC, 1999).	Compliant	<p><u>Preparation:</u> Section 6 (Erosion and Sediment Control) was prepared as part of the Stage 3 SIS - CEMP. This includes: (a) Section 6 provides erosion &amp; sediment control per Bluebook. Dams and drainage channels are designed in accordance with Bluebook. (b) Section 6.2 provides activities that could cause soil erosion and generate sediment. (c) Section 6.2 and 6.3 identifies activities that could cause soil erosion and generate sediment. (d) Section 5 and 6 describes the location, function and capacity of erosion and sediment control structures. (e) Section 6.3 describes the location, function and capacity of erosion and sediment control structures.</p> <p><u>Implementation:</u> * Erosion and sediment control per Bluebook. * Dams and drainage channels constructed in accordance with Bluebook.</p>	<p>* Remove sediment collected in sediment fence to the north of the Surface Infrastructure Site (SIS).</p> <p>* Perimeter fence along the northern boundary of the SIS is being underscored by a drainage channel.</p>
1.6.3	Any subsidence impacts on drainage lines will be effectively remediated where access is granted such that there is no significant impact on downstream water users and environmental flows. Drainage line monitoring and remediation protocols will be developed as part of the EP process, and in consultation with NOW, to guide the management of subsidence impacts and drainage line remediation works on surface water systems. The drainage line monitoring and remediation protocols will include:  · detailed monitoring protocols;  · a program to complete drainage remediation works in a timely manner, post-subsidence to limit the potential for surface water capture;  · details of the design of drainage line remediation works such that the rehabilitated drainage lines maintain a similar channel form and sinuosity to the pre-mining environment, to ensure that the overall erosive power of the creek system is consistent with that existing pre-mining;  · assessment of the viability and benefits of applying proactive measures such as the installation of liners or geo-fabrics in drainage lines prior to subsidence; and  · the existing Austar Site Water Management Plan will be extended to include the Surface Infrastructure Site and Stage 3 underground mining. The plan will be updated in consultation with NOW and DRE and submitted to the Director-General prior to the commencement of construction of the Surface Infrastructure Site.	Compliant	<p><u>Preparation:</u> The Extraction Plan, dated December 2013, includes: · Detailed subsidence monitoring protocol in the Extraction Plan for LW A7 to LW A10. · Section 3.3.2 includes a program to complete drainage remediation works in a timely manner. · Section 3.4 of the Land Management Plan provides detail of existing creeklines and Table 5 includes completion criteria to rehabilitate the landform to that of the pre-existing environment. · Extraction Plan TARP: Land condition undergoes ongoing visual assessment under the Extraction Plan. · The existing Austar Site Water Management Plan includes the Surface Infrastructure Site and Stage 3 underground mining areas. Evidence to Management Plan being sent to DPI-Water, with letter dated 2/2/2015. Section 3.4 of the Plan states DRG was consulted. Letter approving Management Plan from DPE dated 17/5/2013.</p> <p><u>Implementation:</u> * During the field inspection there was evidence of previous subsidence monitoring pegs. * During the auditing period there was no subsidence in creeklines that required repair.</p>	
1.6.4	Surface water monitoring results will be reported annually in the Annual Review	Compliant	* Surface water monitoring results are reported annually in the AEMRs.	
<b>1.7 Groundwater</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1.7.1	A groundwater monitoring program will be implemented for the project as outlined in Appendix 14, or as otherwise agreed by the Director-General in consultation with NOW.	Compliant	<p><u>Preparation:</u></p> <ul style="list-style-type: none"> <li>* Section 8.2.1 and 8.2.2 of the Site Water Management Plan provides a program to monitor ground water levels and quality.</li> <li>* Section 3.4 of the Management Plan states SWMP prepared in consultation with DPI-Water (formerly NOW).</li> <li>* Evidence of Management Plan updates being sent to DPI-Water, with letters and emails dated 2/2/2015.</li> <li>* DPE letter, dated 17/5/2013, approving Management Plan.</li> </ul> <p><u>Implementation:</u></p> <ul style="list-style-type: none"> <li>* Groundwater monitoring is undertaken across the site.</li> <li>* AEMRs report groundwater monitoring results. Groundwater monitoring data across the annual period is outlined, however little information about how results compared against longterm trends.</li> </ul>	Provide analysis eg. Graphing comparing key monitoring sites with long term trends (eg. Last five years).
1.7.2	The results of groundwater monitoring and a comparison of measured and predicted impacts will be reported annually in the Annual Environmental Management Report.	Administrative Non-Compliance	<ul style="list-style-type: none"> <li>* Groundwater monitoring results are reported in the AEMRs.</li> <li>* <u>Admin NC:</u> A comparison of measured and predicted impacts is not provided in the two most recent AEMRs. The 2014-2015 AEMR included such a comparison.</li> </ul>	* Provide a comparison of measured and predicted impacts in future Annual Reviews.
1.7.3	Impacts on privately-owned bores will be assessed by monitoring where access is granted and in the event that any utilised privately-owned bore is significantly affected, an alternative water supply will be provided by Austar Coal Mine until such time as the bore is re-established or replaced.	Compliant	<ul style="list-style-type: none"> <li>* Groundwater monitoring undertaken across the site.</li> <li>* Section 8.2.5 of the SWMP includes management of privately owned bores.</li> </ul>	
1.7.4	An annual analysis of surface and groundwater monitoring data will be undertaken and will include: <ul style="list-style-type: none"> <li>· comparison of groundwater levels with rainfall information;</li> <li>· identification of any changes or long-term trends in groundwater levels; and</li> <li>· visual inspection of creeks and drainage lines</li> </ul>	Compliant	<ul style="list-style-type: none"> <li>* Comparison of groundwater levels with rainfall information is included in the AEMRs.</li> <li>* Some comparison of groundwater results, but no longterm analysis.</li> <li>* Visual inspection of creeks and drainage lines undertaken as part of subsidence monitoring.</li> <li>* There are quarterly reports prepared for groundwater, but no annual report prepared by a groundwater specialist. An annual summary of results is outlined in the AEMR, but this does not outline longterm trends.</li> </ul>	<ul style="list-style-type: none"> <li>* Recommend to remove data from when logger was pulled out, which is evident on the graphs with large 'reverse or downward' spikes from the lines.</li> <li>* In AEMR - comments regarding trends are generally limited to the 12 month reporting period only. Suggest longer term discussion is included future reviews.</li> <li>* In AEMR - no comparison to predicted results or discussion comparing model estimates to actual readings.</li> </ul>
1.7.5	The monitoring results and analysis findings will be reported in the Annual Review	Compliant	<ul style="list-style-type: none"> <li>* Surface water and groundwater monitoring results and analysis are reported annually in the AEMRs.</li> </ul>	

#### 1.8 Noise and Blasting

1.8.1	<p>Unless otherwise agreed with the landowner, Austar Coal Mine will manage operations associated with the Stage 3 underground mining and Surface Infrastructure Site such that the noise emissions from these operations comply with the noise criteria included in Table 1.1 at surrounding residences for the range of meteorological conditions modelled in the EA.</p> <table border="1"> <caption>Table 1.1 – Project Specific Noise Criteria</caption> <thead> <tr> <th>Location</th> <th>Period</th> <th>Intrusiveness Criteria L<sub>Aeq</sub>(15minute)</th> <th>Amenity Criteria L<sub>Aeq</sub>(Period)</th> <th>Project Specific Noise Criteria L<sub>Aeq</sub>(15minute)</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Kitchener Residences</td> <td>Day</td> <td>38 dBA</td> <td>50 dBA</td> <td>38 dBA</td> </tr> <tr> <td>Evening</td> <td>35 dBA</td> <td>45 dBA</td> <td>35 dBA</td> </tr> <tr> <td>Night</td> <td>35 dBA</td> <td>40 dBA*</td> <td>35 dBA</td> </tr> <tr> <td rowspan="3">Serradilla Residence, Kauter Residences, Penney and Linton Property</td> <td>Day</td> <td>37 dBA</td> <td>50 dBA</td> <td>37 dBA</td> </tr> <tr> <td>Evening</td> <td>37 dBA</td> <td>45 dBA</td> <td>37 dBA</td> </tr> <tr> <td>Night</td> <td>35 dBA</td> <td>40 dBA</td> <td>35 dBA</td> </tr> </tbody> </table>	Location	Period	Intrusiveness Criteria L <sub>Aeq</sub> (15minute)	Amenity Criteria L <sub>Aeq</sub> (Period)	Project Specific Noise Criteria L <sub>Aeq</sub> (15minute)	Kitchener Residences	Day	38 dBA	50 dBA	38 dBA	Evening	35 dBA	45 dBA	35 dBA	Night	35 dBA	40 dBA*	35 dBA	Serradilla Residence, Kauter Residences, Penney and Linton Property	Day	37 dBA	50 dBA	37 dBA	Evening	37 dBA	45 dBA	37 dBA	Night	35 dBA	40 dBA	35 dBA	Compliant	<p>This condition only refers to noise criteria associated with the Surface Infrastructure Site (SIS).</p> <p>Noise compliance is reported within the AEMRs;  2014 - 2015 AEMR (covers June 2014 - June 2015).  2015 - 2016 AEMR (covers July 2015 - June 2016).  2016 - 2017 AEMR (covers July 2016 - June 2017).</p> <p>SLR also reviewed noise monitoring reports from the period. Noise monitoring is completed on a quarterly basis.</p> <p>2014-2015: There was one exceedance in Quarter 3 2014 at the SIS for low frequency noise, however this was less than 2DB, therefore this is still compliant.</p> <p>2015-2016: No exceedances of the SIS criteria reported in the 2015-2016 AEMR.</p> <p>2016-2017:  From 2016-17 Annual Review:  No exceedances of the SIS criteria reported in the 2016-2017 AEMR.</p> <p>SLR has noted that the Noise Management Plan is being revised to take into account Aug 2017 Mod and also new noise policy.</p>	
Location	Period	Intrusiveness Criteria L <sub>Aeq</sub> (15minute)	Amenity Criteria L <sub>Aeq</sub> (Period)	Project Specific Noise Criteria L <sub>Aeq</sub> (15minute)																															
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1.8.2	Unless otherwise agreed with the landowner, Austar Coal Mine will manage the construction phase of the Surface Infrastructure Site in accordance with the requirements of DECCW's Interim Construction Noise Guideline (2009).	Not Triggered	No construction during audit period.																																
1.8.3	Acoustic bunding will be constructed to a height of 3.5 metres above ground level along the northern boundary adjacent to the car park and bathhouse.	Not Triggered	Car park and bathhouse at the Stage 3 area has not been constructed.																																
1.8.4	The ventilation fan outlet will be directed to the west.	Compliant	The ventilation fan is directed to the west.																																
1.8.5	Man and materials winder and second egress winder motors will be enclosed.	Not Triggered	Man and materials and second egress have not been constructed.																																
1.8.6	Blasting will generally take place only once per day and will be undertaken between the hours of 9.00 am to 5.00 pm Monday to Saturday with no blasting on Sundays or Public Holidays.	Not Triggered	No blasting undertaken during the reporting period.																																
1.8.7	Airblast overpressure from blasting associated with shaft development at the Surface Infrastructure Site when measured at residences not associated with the development will not exceed a maximum of 120 dBL Linear Peak at any time and will not exceed 115 dBL for more than 5% of blasts over a 12 month period.	Not Triggered	Construction of shaft outside of the audit period.																																
1.8.8	Peak particle velocity from blasting associated with shaft development at the Surface Infrastructure Site when measured at residences not associated with the development will not exceed a maximum of 10 mm/s at any time and will not exceed 5 mm/s for more than 5% of blasts over a 12 month period.	Not Triggered	Construction of shaft outside of the audit period.																																

#### 1.9 Air Quality

Condition Number	Condition	Compliance Status	Evidence	Recommended Action								
1.9.1	<p>Austar Coal Mine will manage operations associated with the operation of the Surface Infrastructure Site so that dust deposition as a result of the development does not exceed levels set out in Table 1.2 at nearest non-project related residences.</p> <table border="1"> <caption>Table 1.2 - Dust Deposition Criteria</caption> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>Maximum Increase in Deposited Dust Level</th> <th>Maximum Total Deposited Dust Level</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m<sup>2</sup>/month</td> <td>4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table> <p>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</p>	Pollutant	Averaging Period	Maximum Increase in Deposited Dust Level	Maximum Total Deposited Dust Level	Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month	Compliant	<p>2014-2015 Annual Review - Within criteria.</p> <p>2015-2016 Annual Review - Within criteria.</p> <p>2016-2017 Annual Review - Within criteria.</p> <p>* All dust records are within criteria up to end of September monitoring data.</p> <p>* <u>Implementation:</u></p> <p>* Limited dust sources at the site.</p> <p>* Biggest dust source is the CHPP.</p> <p>* Based on site communications dust has not been a big issue.</p> <p>* No dust complaints.</p> <p>* Haul roads are watered.</p> <p>* Sprinklers are also used for dust suppression.</p>	
Pollutant	Averaging Period	Maximum Increase in Deposited Dust Level	Maximum Total Deposited Dust Level									
Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month									
1.9.2	<p>Austar Coal Mine will expand the existing dust monitoring network to include dust deposition gauges at locations to the south and north of the proposed Surface Infrastructure Site. Dust monitoring findings relating to the Surface Infrastructure Site will be reported annually in the Annual Review.</p>	Compliant	<p>* Dust monitoring network has been expanded to include the SIS area. Figure 2 in the AQGHGMP shows 3 new monitoring sites set-up at the site. Two are south and one is north of the SIS area.</p> <p>* Dust monitoring findings relating to the Surface Infrastructure Site (D7, D8 &amp; D9) are reported in AEMRs.</p>									
<b>1.10 Energy and Greenhouse Gas</b>												
1.10.1	<p>Austar Coal Mine will develop and maintain an internal energy and GHG management plan for Stage 3 operations in accordance with Austar Coal Mine requirements. This will include reviewing:</p> <ul style="list-style-type: none"> <li>- energy efficiency in plant and equipment procurement, consideration be given to the life cycle costs advantages obtained by using energy efficient components;</li> <li>- the opportunity to install additional sub-metering for offices, workshops and winders;</li> <li>- operational initiatives such as turning off idling plant equipment;</li> <li>- control and temperature settings for air conditioning units in offices and switchrooms;</li> <li>- automatic control of external and internal lighting;</li> <li>- potential energy efficiency opportunities in water pumping and dust suppression systems (for example, variable speed drive pumps);</li> <li>- review changes in power consumption with installation of new equipment and install power factor correction equipment to suit; and</li> <li>- review workshop and bathhouse lighting and office and high bay lighting.</li> </ul>	Compliant	<p>The site is managed under the AQGHGMP. Covered in Section 3.3 of the AQGHGMP.</p> <p><u>Implementation:</u></p> <p>* Austar has purchased energy efficient lighting, including lighting activated by sensors.</p> <p>* Austar has purchased more efficient compressors.</p> <p>* Recording of energy usage and reporting under NGERs.</p>									
<b>1.11 Visual</b>												
1.11.1	<p>Austar Coal Mine will implement the following visual controls to screen or reduce the visual impact from views of the Surface Infrastructure Site from residential areas and public road locations:</p> <ul style="list-style-type: none"> <li>- Maintain a vegetative screen along the edges of the access road to the Surface Infrastructure Site.</li> <li>- Limit clearing on the Surface Infrastructure Site to that required for construction and bushfire protection purposes.</li> <li>- Use appropriate natural tones on the winder building to ensure that it blends into the backdrop of native forest when viewed from Kitchener and sections of Quorrobolong Road.</li> <li>- Direct night-time security lights into the site and ensure that all lighting is located and directed so as to not directly impact on residential or road locations. Lighting will be designed to minimise excessive night glow in a manner consistent with AS 4282 Control of the Obtrusive Effects of Outdoor Lighting.</li> <li>- All buildings potentially visible to the public to be coloured in suitable natural tones.</li> </ul>	Compliant	<p>The Kitchener SIS was reviewed as part of the site inspection. The current site is stable with clearing minimised, vegetative screens and the ventilation facility being of a natural tone. There have been no lighting or visual complaints associated with the Kitchener SIS.</p>									
<b>1.12 Transport</b>												
1.12.1	<p>To mitigate potential traffic impacts associated with the development of the Surface Infrastructure Site, Austar Coal Mine will:</p> <ul style="list-style-type: none"> <li>- Construct an Austroads type AUR intersection treatment with an auxiliary passing lane for through traffic on Quorrobolong Road around right turning traffic at the proposed Surface Infrastructure Site access.</li> <li>- Provide lighting at the proposed pit top facility access intersection on Quorrobolong Road.</li> <li>- Erect a left side road junction (W2-4) warning sign for northbound traffic approaching the proposed Surface Infrastructure Site access intersection to compensate for less than desirable Safe Intersection Site Distance (SISD).</li> <li>- Prepare a traffic management plan for oversize and heavy vehicle movements to and from the Surface Infrastructure Site during construction of the Stage 3 development. This Plan will take into consideration specific measures that may be required in regard to address school bus movements on Quorrobolong Road during the construction phase.</li> </ul>	Compliant	<p>* Intersection upgrade to be completed in stages with agreement from Council, and as described in the SCEMP s9.1, with BAL constructed for shaft construction and ancillary services construction. AUR and lighting will be triggered by construction of the SIS Pit Top.</p>									
<b>1.13 Community</b>												
1.13.1	<p>Austar Coal Mine will work with Cessnock City Council, the Department and Community Consultative Committee to incorporate representatives from the Stage 3 Project area. Austar Coal Mine will provide the Community Consultative Committee with regular information regarding the environmental management performance of the Stage 3 Project and any relevant matters regarding community relations.</p>	Compliant	<p>* Evidence of the Community Consultative Committee (CCC).</p>									
1.13.2	<p>Maintain a 24 hour per day community information and complaint line.</p>	Compliant	<p>* 24 hour round the clock community information and complaint line maintained.</p>									
1.13.3	<p>Provide regular updates of mine development and monitoring on the Austar Coal Mine website.</p>	Compliant	<p>* Regular updates of the mine development and monitoring is provided on the Austar Coal Mine website.</p>									

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1.13.4	Austar Coal Mine will in consultation with Cessnock City Council contribute to the upgrade of the Wollombi Road/West Avenue intersection prior to commissioning of the Surface Infrastructure Site to provide a designated right turn lane into West Avenue to formalise traffic movements in this area and improve existing traffic problems associated with the right turn movement using the through lane and through vehicles passing in the bicycle lane/parking area.	Not Triggered		
1.13.5	Install a type F flashing light control at the Vincent Street railway level crossing	Compliant	* Observed flashing light in the field.	
1.13.6	Provide support to Kitchener Public School through the provision of sporting equipment and contributions to school/community projects.	Compliant	* Evidence provided in the form of a spreadsheet indicating monetary support provided to Kitchener Public School over 2016 and 2017.	
1.13.7	Contribute to the ongoing maintenance of Poppet Head Reserve, Kitchener.	Compliant	* Donations by "Austar Summary pdf" states that in December 2016 education signage at Kitchener Park was installed.	
<b>1.14 Decommissioning and Rehabilitation</b>				
1.14.1	A decommissioning plan will be prepared for the Surface Infrastructure Site as part of the MOP process and submitted to the DRE for approval approximately five years prior to the commencement of decommissioning works.	Not Triggered	* Greater than 5 years to decommissioning the site. * Covered by MOP and Landscape Management Plan.	
<b>1.15 Continuous Improvement of Existing Operations</b>				
1.15.1	Austar Coal Mine will review and extend its current Site Water Management Plan for Austar Mine Complex to include Stage 3 operations and operation of the Surface Infrastructure Site. The water performance of the water management system will be reported in the Annual Review.	Compliant	* SWMP prepared for the entire complex. * Water management is outlined in the AEMRs.	
1.15.2	Activities within Austar Mine complex will be undertaken in accordance with approved Mining Operation Plan that will be reviewed and updated at least every seven years.	Compliant	* General activities appear to be compliant with the MOP.	
1.15.3	Austar Coal Mine will continue to implement the voluntary Noise Pollution Reduction Program for Pelton CHPP in consultation with OEH.	Compliant	* Noise Pollution Reduction Program is being implemented. Will continue to be implemented.	Continue to implement actions to reduce noise. As discussed at the audit, complete additional sound power level testing program around the CHPP.
1.15.4	Austar Coal Mine will commit to a Noise Management Plan that incorporates current noise monitoring, the voluntary Noise Pollution Reduction Program and associated noise management for Austar Mine Complex operations and will investigate reasonable and feasible noise mitigation strategies where appropriate.	Compliant	* Noise Management Plan for the Austar Complex has been prepared. * Currently the Noise Management Plan is being updated.	
1.15.5	Austar Coal Mine will investigate opportunities for reduction in energy use and greenhouse gas emissions from the Austar Mine Complex. This will include: - ongoing review of emissions monitoring and management technology; - review of coal operations and potential for improvement as part of producing clean coal through coal preparation to reduce moisture and ash content, sulphur, nitrogen and other contaminants. This results in reduced emissions of greenhouse gases and other pollutants when the coal is used; and - consider the application of the in-force National Greenhouse and Energy Reporting System (NGERS) and the Carbon Pollution Reduction System (CPRS) on Austar operations.	Compliant	* Austar has purchased energy efficient lighting, including lighting activated by sensors. * Austar has purchased more efficient compressors. * No review into clean coal technology has been undertaken. This is a corporate decision, not a site decision. * Report through NGERs.	
<b>1.16 Environmental Management, Monitoring, Auditing and Reporting</b>				
1.16.1	Austar Coal Mine will incorporate the Stage 3 Project into the Annual Review for Austar Mine Complex.	Compliant	* The Stage 3 project is included in AEMRs.	
1.16.2	Three years after commencement of the Stage 3 Project, and every three years thereafter, Austar Coal Mine will commission and pay the full cost of an Independent Environmental Audit of the project in consultation with the Director-General of the Department. A copy of the audit report will be provided to the Director-General of the Department and DRE, OEH, NOW, Cessnock City Council, and members of the Community Consultative Committee for the Stage 3 Project. This audit may be combined with other independent environmental audits required by the Director-General of the Department.	Compliant	* Prior audit undertaken 10 - 14 November 2014.	

Application No.: **DA 29/95**

Proponent: Newcastle Wallsend Coal Company Pty Limited ("The Applicant")  
 Approval Authority: The Minister for Urban Affairs and Planning ("The Minister")  
 Belbird South Area

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
<b>SCHEDULE 2 ADMINISTRATIVE CONDITIONS</b>				
<b>Obligation to Minimise Harm to the Environment</b>				
1	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.	Compliant	<p>There were PIRMP notifications required during the audit period. These all related to surface water management. Although there were incidents, the site has implemented measures to prevent and/or minimise harm to the environment. These measures included:</p> <ul style="list-style-type: none"> <li>* Water management design.</li> <li>* Inspections.</li> <li>* Monitoring and reporting.</li> </ul> <p>All PIRMP notifications are also outlined in the AEMR's and include:</p> <ul style="list-style-type: none"> <li>* LDP001 discharge event on 21 and 22 April 2017 - above Blue Book design.</li> <li>* Leak of mine water pipelines on 26 March 2015, 24 February 2017 - inspections are completed. There are some recommendations within Schedule 3 Condition 8 of this consent.</li> <li>* Kitchener SIS Sediment Dam discharge 6 January 2015 and 4 May 2015 - above Blue Book design.</li> <li>* Orange staining in clearwater drain - 7 June 2017 - investigation did not find the source of the staining. Material cleaned up. No further actions directed by the EPA.</li> </ul>	Review and if possible reduce the 'leak detection' level for pipelines with the aim of minimising volume that could potentially leak without triggering alarms and the automatic shut down.
<b>Terms of Consent</b>				
2	<p>The Applicant must carry out the development generally in accordance with the:</p> <p>(a) DA 29/95 and accompanying Environmental Impact Statement prepared by HLA Envirosiences Pty Limited, dated August 1995 (August 1995 EIS);            (b) modification application MOD-49-4-2006 and accompanying Statement of Environmental Effects, titled Astar Coal Mine Section 96 Modification, prepared by Environmental Resources Management Australia Pty Ltd (ERM) and dated April 2006 (April 2006 SEE), and information from ERM clarifying the modification application MOD-49-4-2006, dated 13 July 2006;            (c) modification application DA29/95 - Mod 2 and accompanying Statement of Environmental Effects, titled Astar Coal Mine Statement of Environmental Effects Section 96 Modification Stage 2 Longwall Panels A3-A5, prepared by Astar Coal Mine and dated September 2007 (September 2007 SEE);            (d) modification application DA 29/95 - MOD 3 and the accompanying Statement of Environmental Effects prepared by Astar Coal Mine Pty Ltd and dated April 2009;            (e) modification application DA 29/95 - MOD 4 and the accompanying Environmental Assessment prepared by Umwelt (Australia) Pty Ltd and dated July 2010;            (f) modification application DA 29/95 - MOD 5 and EA (MOD 5);            (g) EA (MOD 6); and            (h) EA (MOD 7).</p> <p><b>Note:</b> The underground mining layout for the development is shown in Figure 1 of Appendix 2, which depicts the active mining areas and the completed mining areas.</p>	Compliant	EA's provided on the Astar website. Based on the site inspection and review of documentation, works completed at Astar have generally been in accordance with the EA (MODS) and Conditions of Approval.	
2a	<p>The Applicant must carry out the development in accordance with the conditions of this consent.</p> <p><b>Note:</b> With the approval of the Secretary, longwall panels may be shortened or narrowed, providing that the proposed variations do not result in increased subsidence impacts or environmental consequences.</p>	Compliant	Activities generally completed in accordance with the consent.	
3	<p>The Applicant must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:</p> <p>(a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this consent;            (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this consent; and            (c) the implementation of any actions or measures contained in these documents.</p>	Compliant	<ul style="list-style-type: none"> <li>* Evidence of consultation with the DPE, including management plan consultation dated May 2017.</li> <li>* Management Plans will be resubmitted at the end of the year according to the recent approved Modification, approved August 2017.</li> <li>* AEMRs provide evidence of DRG and DPE inspection and evidence where it has been addressed by site.</li> <li>* Agency consultation as part of incident reporting and management.</li> </ul>	
<b>Operation of Plant and Equipment</b>				
4	<p>The Applicant must ensure that all plant and equipment used at the site is:</p> <p>(a) maintained in a proper and efficient condition; and            (b) operated in a proper and efficient manner.</p>	Compliant	<ul style="list-style-type: none"> <li>* Reversing beepers removed from bulldozers. Bulldozers now only use flashing lights.</li> <li>* Evidence of noise management upgrades at preparation plant and other areas at the site, including double cladding.</li> <li>* Plant and equipment are serviced. There has been a large amount of work completed across many years to reduce noise. Evidence provided for maintenance activities. Evidence of pipeline maintenance Routine Work Order Maintenance from November 2017. Evidence of several maintenance records on plant and equipment from the CHPP and pit top.</li> </ul>	
<b>Limits on Approval</b>				
5	<p>This consent lapses on 14 February 2022.</p> <p><b>Note:</b> This condition does not affect the operation of section 95 of the EP&amp;A Act. Under this consent, the Applicant is required to rehabilitate the site and carry out additional requirements. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations, until the rehabilitation of the site and those requirements and undertakings have been carried out to the required standard.</p>	Compliant	Consent has not lapsed.	
6	Deleted	Note	Noted	
7	Deleted	Note	Noted	
<b>Protection of Public Infrastructure</b>				
8	<p>Unless the Applicant and the applicable authority agree otherwise the Applicant must:</p> <p>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and            (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.</p> <p><b>Note:</b> This condition does not apply to any damage to public infrastructure subject to compensation payable under the Mine Subsidence Compensation Act 1961.</p>	Compliant	<ul style="list-style-type: none"> <li>* Based on site communications Astar have not had these issues.</li> <li>* Minor impacts are repaired by Astar with these identified through inspections and monitoring.</li> </ul>	
<b>Compliance</b>				



Condition Number	Condition	Compliance Status	Evidence	Recommended Action		
9	The Applicant must ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.	Compliant	<ul style="list-style-type: none"> <li>* Induction process.</li> <li>* Evidence provided of several Crew Talks, with these providing an update on Environment and Community.</li> </ul>			
<b>SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS</b>						
<b>ACQUISITIONS UPON REQUEST</b>						
1	<p>Upon receiving a written request for acquisition from the landowner of land listed in Table 1, the Applicant must acquire the land in accordance with the procedures in conditions 3 to 5 of Schedule 4:</p> <p style="text-align: center;"><i>Table 1: Land subject to acquisition upon request</i></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Property A03a - Duff</td> <td style="text-align: center;">Property A04a – Bukanmain Pty Limited</td> </tr> </table> <p>However, the Applicant is not required to acquire the land listed in Table 1 if:</p> <p>(a) the Applicant has a current written negotiated agreement with the landowner in regard to the management of subsidence-related impacts, and a copy of this agreement has been forwarded to the Department by the Applicant; or</p> <p>(b) the landowner has agreed to the SA NSW purchasing the land under the Mine Subsidence Compensation Act 1961; or</p> <p>(c) a request for acquisition has not been made following completion of mining in longwalls A3 to A5, and the SA NSW determines that the residence/s on the land listed in Table 1 remains safe, serviceable and repairable.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>* To avoid any uncertainty in regard to condition 1(c), the Applicant is required to act on any request for acquisition by a landowner listed in Table 1 unless the residence/s on the land has been declared to be safe, serviceable and repairable by the SA NSW after mining has been completed in longwalls A3 to A5.</li> <li>* For more information on the references to land used in this condition see Figure 9 of Appendix C to the September 2007 SEE prepared for longwalls A3 to A5.</li> </ul>	Property A03a - Duff	Property A04a – Bukanmain Pty Limited	Not triggered	Based on site communications this has not been triggered.	
Property A03a - Duff	Property A04a – Bukanmain Pty Limited					
<b>SUBSIDENCE</b>						
<b>Subsidence Impact Assessment Criteria</b>						
2	<p>If the subsidence generated by the development results in damage to any residence on privately-owned land (excluding the land listed in Table 1) that in the opinion of the SA NSW exceeds safe, serviceable and repairable criteria, the Applicant must, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 3 to 5 of Schedule 4.</p> <p>However, the Applicant does not have to act on any such request if:</p> <p>(a) the Applicant has a current written negotiated agreement with the landowner in regard to the management of subsidence-related impacts, and a copy of this agreement has been forwarded to the Department by the Applicant; or</p> <p>(b) the landowner has agreed to the SA NSW purchasing the land under the Mine Subsidence Compensation Act 1961.</p>	Not triggered	Based on site communications this has not been triggered.			
<b>Subsidence Management Plan</b>						
3	<p>The Applicant must revise the approved Subsidence Management Plan for the Stage 2 mining area to include longwall A5a, to the satisfaction of DRG. The revised plan must:</p> <p>(a) include a mine plan for the relevant area;</p> <p>(b) integrate ongoing management of previously mined areas;</p> <p>(c) include management, monitoring and contingency plans for all man-made and natural features which may experience subsidence effects, subsidence impacts or environmental consequences, including:</p> <ul style="list-style-type: none"> <li>* built structures;</li> <li>* farm dams;</li> <li>* watercourses;</li> <li>* groundwater;</li> <li>* terrestrial flora and fauna and ecology (including any threatened species and their habitats); and</li> <li>* Aboriginal cultural heritage;</li> </ul> <p>(d) be approved by the Director-General of DRG prior to the commencement of extraction of longwall A5a; and</p> <p>(e) be implemented, following approval, to the satisfaction of the Executive Director, Mineral Resources.</p>	Not Triggered	<p>A4 and A5 SMP approval was received from the DRG on 24 December 2009. In December 2010 approval was granted for extraction of additional longwall panel A5a in the Stage 2 area, and a modification to lengthen panel A5a was granted on 27 April 2012. The SMP approval for the Stage 2 LW A5a extension was granted on 7 May 2012 by the DRG.</p> <p>Monitoring was completed over these longwalls during the audit period.</p> <ul style="list-style-type: none"> <li>* Subsidence Monitoring Program for A5a approved 27/4/11 in Stage 2 (outside of audit period).</li> <li>* End of Panel Report submitted 18/06/13.</li> </ul>			
<b>Extraction Plan</b>						
3a	<p>The Applicant must prepare an Extraction Plan for all second workings in the active mining areas to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared by a team of suitably qualified and experienced experts whose appointment has been endorsed by the Secretary, and be approved by the Secretary prior to the commencement of any second workings covered by the Extraction Plan;</p> <p>(b) include a detailed plan for the second workings, which has been prepared to the satisfaction of DRG, and provides for adaptive management;</p> <p>(c) include detailed plans of any associated surface construction works;</p> <p>(d) include the following to the satisfaction of DRG:</p> <ul style="list-style-type: none"> <li>* a coal resource recovery plan that demonstrates effective recovery of the available resource;</li> <li>* predictions of the subsidence effects and subsidence impacts of the proposed second workings, incorporating any relevant information that has been obtained since preparation of EA (MOD 6); and</li> <li>* a Subsidence Monitoring Program to: <ul style="list-style-type: none"> <li>o monitor subsidence effects and subsidence impacts on land;</li> <li>o validate the subsidence predictions; and</li> <li>o analyse the relationship between the subsidence effects and subsidence impacts of the proposed second workings and any ensuing environmental consequences.</li> </ul> </li> </ul> <p>(e) include a:</p> <ul style="list-style-type: none"> <li>* Water Management Plan, which has been prepared in consultation with OEH and DPI-Water, to monitor and manage the environmental consequences of second workings on water resources (including drainage, flooding, ponding and alluvial aquifers);</li> <li>* Biodiversity Management Plan, which has been prepared in consultation with OEH, to monitor and manage the potential environmental consequences of second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species and endangered ecological communities;</li> <li>* Land Management Plan, to monitor and manage the potential environmental consequences of second workings on steep slopes and land in general;</li> <li>* Built Features Management Plan, which has been prepared in consultation with the owner of the relevant feature, to monitor and manage the potential environmental consequences of second workings, including flooding related impacts, on any built features or access to any built features;</li> </ul>	Compliant	<p>Relevant aspects of Items a) - e) in regards to subsidence assessments include:</p> <ul style="list-style-type: none"> <li>* Team of experts endorsed by DPE to prepare report.</li> <li>* Extraction Plan for LW B1-B3 approved on 4/7/2016.</li> <li>* Extraction plan for B4-B7 approved by DRG on 20/9/2017.</li> <li>* AEMR validation of subsidence effect predictions against measured values considered to be <b>incomplete</b> for Bellbird South - refer to DgS, 2018.</li> <li>* Previous predictions in EA Report reviewed in EP Report for LW B1-B3 &amp; LWB4 - B4.</li> <li>* Management plans and TARPS for LW B1-B3 &amp; B4 - B7 prepared and approved by DRG/DPE.</li> <li>* Subsidence monitoring program endorsed by DRG.</li> <li>* Note, there is limited information regarding validation of subsidence predictions in the AEMR with no discussion about tilts, strains or curvatures.</li> </ul>	It is suggested that tilt and strain profiles be provided in the Annual Review reports and a sub-section provided in the text that compares the measured v. predicted values and discusses whether the overburden is behaving as expected or otherwise. Curvatures may be then able to be estimated from the strain profiles through a locally derived ratio between maximum strain and peak curvatures (excluding disturbed survey pegs).		

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
	<p>(f) include a Public Safety Management Plan, which has been prepared in consultation with DRG, to ensure public safety in the mining area; and</p> <p>(g) the above plans must include a:</p> <ul style="list-style-type: none"> <li>* detailed description of baseline data;</li> <li>* impact assessment criteria, including trigger levels for investigating any potentially adverse impacts;</li> <li>* program to undertake monitoring prior to, during and after undermining;</li> <li>* program to validate predicted levels of impacts;</li> <li>* detailed description of remediation and rehabilitation measures to be implemented, should adverse impacts occur; and</li> <li>* contingency plan to manage any unpredicted adverse impacts and their environmental consequences and to provide for adaptive management.</li> </ul> <p>The Applicant must implement the approved plan as approved from time to time by the Secretary.</p> <p><i>Note: The Water Management Plan must be integrated with all relevant aspects of the Site Water Management Plan required under condition 6 of Schedule 3.</i></p>	Compliant	<p>f) and g) Public Safety Management Plan in Austar LW B1-B3 Extraction Plan (dated 16/5/16). Covers the requirements of this condition.</p> <p>f) and g) Public Safety Management Plan in Austar LW B4-B7 Extraction Plan (dated 15/9/17)</p>	
<b>Payment of Reasonable Costs</b>				
3b	The Applicant must pay all reasonable costs incurred by the Department to engage independent experts to review the adequacy of any aspect of the Extraction Plan.	Not Triggered	Not Triggered within Audit Period	
<b>First Workings</b>				
3c	<p>Subject to condition 3A above, the Applicant may carry out first workings within the underground mining area, other than in accordance with an approved Extraction Plan, provided that DRG is satisfied that the first working are designed to remain stable and non-subsiding in the long-term, except insofar as they may be impacted by approved second workings.</p> <p><i>Note: The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible resulting direct subsidence impacts.</i></p>	Compliant	* First workings at B5 received approval from DRG on 19 May 2017.	
<b>Provision of Biodiversity Offsets</b>				
3d	<p>If subsidence impacts associated with the active mining areas cause significant adverse impacts to threatened species, populations, habitats and/or endangered ecological communities and the Secretary determines that:</p> <p>(a) it is not reasonable or feasible to remediate the impact or environmental consequences; or</p> <p>(b) remediation measures implemented by the Applicant have failed to satisfactorily remediate the impact or environmental consequence, then the Applicant must provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Secretary.</p> <p><i>Note: An offset required under this condition must be proportionate with the significance of the impact or environmental consequence.</i></p>	Not triggered	<ul style="list-style-type: none"> <li>* Ecological monitoring summary in the AEMR's.</li> <li>* The 2016 AEMR states 'there is no flora species that requires special management in any of the subsidence areas'.</li> <li>* Baseline monitoring has occurred in Stages 2 &amp; 3 and B1-B7, and no significant adverse impacts to threatened species, populations, habitats and/or endangered ecological communities.</li> <li>* Condition Not Triggered.</li> </ul>	
<b>Public Safety Management Plans</b>				
4	<p>The Applicant must:</p> <p>(a) before carrying out any underground mining that will potentially lead to subsidence within the Werakata State Conservation Area, the Applicant must prepare (and following approval implement) a Public Safety Management Plan for the Werakata State Conservation Area;</p> <p>(b) before carrying out any underground mining that will potentially lead to subsidence at Nash Lane, the Applicant must prepare (and following approval implement) a Public Safety Management Plan for Nash Lane; and</p> <p>(c) before carrying out any underground mining that will potentially lead to subsidence impacts to Sandy Creek Road, the Applicant must prepare, in consultation with Council, (and following approval implement) a Public Safety Management Plan for Sandy Creek Road, to the satisfaction of the DRG.</p>	Compliant	* Extraction Plan approval for B1-B3 (dated 4/7/2016) was in place before mining at B1 commenced. The Public Safety Management Plan is included as part of the Extraction Plan.	
<b>WATER QUALITY</b>				
<b>Discharge Limits</b>				
5	Except as may be expressly provided by a EPA Environment Protection Licence, or in accordance with section 120 of the Protection of the Environment Operations Act 1997, the Applicant must not discharge any water from the site.	Non-Compliant (Medium Risk)	<p>Evidence of PIRMP notifications during the audit period. Evidence of consultation with EPA following PIRMP notifications. All PIRMP notifications are also outlined in the AEMR's and include:</p> <ul style="list-style-type: none"> <li>* LDP001 discharge event on 21 and 22 April 2017.</li> <li>* Leak of mine water pipelines on 26 March 2015, 24 February 2017.</li> <li>* Kitchener SIS Sediment Dam discharge 6 January 2015 and 4 May 2015.</li> <li>* Orange staining in cleanwater drain - 7 June 2017.</li> </ul> <p>Evidence of incident reports and investigations.</p> <p>Austar has a comprehensive Environmental Management System to identify and minimise risk of harm to the environment. These are the management plans required by the project approval and development consent.</p>	Review and if possible reduce the 'leak detection' level for pipelines with the aim of minimising volume that could potentially leak without triggering alarms and the automatic shut down.
<b>Water Supply</b>				
5a	<p>The Applicant must ensure that it has sufficient water supply for the development, and if necessary, adjust the scale of the development to match its available water supply.</p> <p><i>Note: Under the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development. If monitoring indicates that existing licence entitlements are likely to be exceeded, the Applicant must adjust the scale of the development to match its existing entitlements until additional licences are procured.</i></p>	Compliant	There is no water shortage at site. Excess water.	
<b>Site Water Management Plan</b>				
6	<p>Prior to mining commencing in panel A3, or other date agreed by the Secretary, the Applicant must revise its Site Water Management Plan for the mine, in consultation with the DPI-Water and the EPA, and to the satisfaction of the Secretary. This plan must be implemented to the satisfaction of the Secretary, and must include:</p> <p>(a) a Site Water Balance;</p> <p>(b) an Erosion and Sediment Control Plan;</p> <p>(c) a Surface Water Monitoring Program;</p> <p>(d) a Ground Water Monitoring Program; and</p> <p>(e) a Surface and Ground Water Response Plan.</p>	Compliant	<ul style="list-style-type: none"> <li>* Mining at LW A3 commenced in February 2009.</li> <li>* The current most applicable version of the Site Water Management Plan (SWMP) is dated April 2013.</li> <li>* Draft Management Plans have been updated and sent to DPE since 2013, and they will be revised by the end of 2017 based on the recent MOD.</li> <li>* The Site Water Management Plan covers all components of the condition.</li> <li>* Evidence provided of consultation in 2015 and 2017 for the SWMP, in consultation with DPE, DPI-Water and EPA.</li> </ul>	
<b>Site Water Balance</b>				
7	<p>The Site Water Balance must:</p> <p>(a) include details of:</p> <ul style="list-style-type: none"> <li>* sources of water and water licences;</li> <li>* water use on site;</li> <li>* water management on site;</li> <li>* off-site water transfers or discharges;</li> <li>* reporting procedures; and</li> </ul> <p>(b) describe measures to minimise water use by the development.</p>	Compliant	<p><u>Preparation:</u></p> <ul style="list-style-type: none"> <li>Water balance includes: <ul style="list-style-type: none"> <li>· Sources of water.</li> <li>· Water licences in Section 3.3.</li> <li>· Water use and management on-site includes dust suppression.</li> <li>· Emergency overflow points and discharge.</li> <li>· Reporting section in the Water Management Plan.</li> </ul> </li> </ul> <p>b) There is no water shortage at site. Excess water, so water is pumped off-site. No need to minimise water usage at site.</p> <p><u>Implementation:</u></p> <ul style="list-style-type: none"> <li>* Water recording records; and</li> <li>* Austar has CITEC system that provides live readings of the water management system.</li> </ul>	
<b>Erosion and Sediment Control</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
8	<p>The Erosion and Sediment Control Plan must:</p> <p>(a) be consistent with the requirements of Landcom's Managing Urban Stormwater: Soils and Construction manual;</p> <p>(b) identify activities that could cause soil erosion and generate sediment;</p> <p>(c) describe measures to minimise soil erosion and the potential for transport of sediment downstream;</p> <p>(d) describe the location, function and capacity of erosion and sediment control structures; and</p> <p>(e) describe what measures would be implemented to maintain the structures over time.</p>	Compliant	<p><u>Preparation:</u></p> <p>(a) Section 6 includes erosion and sediment control per the Bluebook. Dams &amp; drainage channels designed in accordance with the Bluebook.</p> <p>(b) Section 6.2 identifies activities that could cause soil erosion and generate sediment.</p> <p>(c) Section 6.2 &amp; 6.3 describes measures to minimise soil erosion and the potential for transport of sediment downstream.</p> <p>(d) Section 5 &amp; 6 describes the location, function and capacity of erosion and sediment control structures.</p> <p>(e) Section 6.3 describe what measures would be implemented to maintain the structures over time.</p> <p><u>Implementation:</u></p> <p>* From the site inspection erosion and sediment control is generally undertaken per the Bluebook.</p> <p>* Dams and drainage channels constructed in accordance with the Bluebook.</p> <p>* Some improvements noted from the field inspection.</p>	<p>* Remove sediment collected in sediment fence to the north of the Surface Infrastructure Site (SIS).</p> <p>* Perimeter fence along the northern boundary of the SIS is being underscored by a drainage channel. Maintenance required.</p> <p>* Water management in laydown area 1 at the pit top. There was evidence of coal material leaving the disturbance footprint of the site (remains within site boundaries). Clean up this area.</p> <p>* Erosion and sediment control areas around rail spur of the CHPP. Steep sides, highly erodible. Based on site discussions Douglas Partners have been engaged to assist.</p> <p>* Some sections of the dirty water drain at the CHPP (internal through site) have been eroded. Maintenance required.</p>
<b>Surface Water Monitoring</b>				
9	<p>The Surface Water Monitoring Program must include:</p> <p>(a) surface water assessment criteria;</p> <p>(b) a program to monitor surface water flows and quality (particularly in Black, Cony and Quorrobolong Creeks) and stream health;</p> <p>(c) a program to monitor water levels in farm dams within the subsidence zone and impacts on other water users;</p> <p>(d) a program to monitor channel stability in Quorrobolong and Cony Creeks;</p> <p>(e) reporting procedures; and</p> <p>(f) a protocol for the investigation, notification and mitigation of identified exceedances of the surface water criteria that are related to the development (particularly in respect of acid mine drainage and acid leachate).</p>	Compliant	<p><u>Preparation:</u></p> <p>(a) Section 7.1 covers surface water assessment criteria.</p> <p>(b) Section 7.1 &amp; 7.2 includes a program to monitor surface water flows and quality, and stream health. Stream health is also covered by the ecological monitoring program.</p> <p>(c) Section 7.2.5 provides a program to monitor water levels in farm dams within the subsidence zone and impacts on other water users.</p> <p>(d) Section 7.2.6. Annual Ecological Monitoring Program - 2014-2016 (Umwelt). Evidence of Photographic Survey reports, completed monthly for Cony Creek and Quorrobolong Creeks (prepared by Carbon Based Environmental)</p> <p>(e) Section 11 of main document (SWMP) includes reporting procedures.</p> <p>(f) A protocol for the investigation, notification and mitigation of identified exceedances of the surface water criteria is covered by surface &amp; groundwater response plan.</p> <p><u>Implementation:</u></p> <p>* Water recording results outlined in the AEMR.</p> <p>* Astar has the CITEC system that provides live readings of the water management system.</p> <p>* Evidence of laboratory results for water.</p>	<p>There is no discussion within the Photographic Survey Reports prepared by Carbon Based relating to creek stability. A conclusion should be added within these reports outlining if there were any creek stability issues.</p>
<b>Groundwater Monitoring</b>				
10	<p>The Groundwater Monitoring Program must include:</p> <p>(a) ground water impact assessment criteria;</p> <p>(b) a program to monitor the volume and quality of ground water seeping into the underground mine workings;</p> <p>(b1) a program to monitor impacts to groundwater dependent ecosystems and riparian vegetation;</p> <p>(c) a program to monitor ground water levels and quality; and</p> <p>(d) a protocol for the investigation, notification and mitigation of identified exceedances of the ground water impact assessment criteria.</p>	Compliant	<p><u>Preparation:</u></p> <p>(a) Section 7.1 provides ground water impact assessment criteria.</p> <p>(b) Section 8.2.1 &amp; 8.2.2 provides a program to monitor the volume and quality of ground water seeping into the underground mine workings.</p> <p>(b1) Section 8.2.4 &amp; 8.2.6 covers a program to monitor impacts to groundwater dependent ecosystems and riparian vegetation.</p> <p>(c) Section 8.2.1 &amp; 8.2.2 provides a program to monitor ground water levels and quality.</p> <p>(d) A protocol for the investigation, notification and mitigation of identified exceedances of the ground water impact assessment criteria is provided in section 9 (Surface and groundwater response plan) and Section 10 (Contingency plan).</p> <p><u>Implementation:</u></p> <p>SLR's groundwater specialist has reviewed the Ground Water Monitoring program, monitoring reports and the AEMR and provided some additional recommendations.</p>	<p>* Recommend to remove data from when a logger was pulled out, which is evident on the graphs with large 'reverse or downward' spikes from the lines.</p> <p>* In AEMR - comments re: trends are generally limited to the 12 month reporting period only. Suggest longer term discussion is included future reviews.</p> <p>* In AEMR - no comparison to predicted results or discussion comparing model estimates to actual readings.</p>
<b>Surface and Ground Water Response Plan</b>				
11	<p>The Surface and Ground Water Response Plan must include:</p> <p>(a) the procedures that would be followed in the event of any exceedance of the surface or groundwater impact assessment criteria, or other identified impact on surface or groundwater;</p> <p>(b) measures to mitigate, remediate and/or compensate any identified impacts (including measures to mitigate and/or compensate potentially affected land owners for any loss of surface water flows in local creeks or farm dams); and</p> <p>(c) disposal/neutralisation contingencies in the event that acid leachate problems emerge after the mine closes.</p>	Compliant	<p><u>Preparation:</u></p> <p>(a) Section 9.1 provides the procedures that would be followed in the event of any exceedance of the surface or groundwater impact assessment criteria, or other identified impact on surface or groundwater.</p> <p>(b) Table 9.1 &amp; Section 9.3 provides measures to mitigate, remediate and/or compensate any identified impacts (including measures to mitigate and/or compensate potentially affected landowners for any loss of surface water flows in local creeks or farm dams).</p> <p>(c) Section 9.4 covers disposal/neutralisation contingencies in the event that acid leachate problems emerge after the mine closes.</p> <p><u>Implementation:</u></p> <p>* AEMRs report surface water incidents/complaints and actions undertaken to rectify problems.</p>	
<b>Groundwater Study</b>				
12	<p>The Applicant must, in the event it selects the Cessnock No. 1 Shaft at Kalingo as the ventilation shaft site for the mine, submit a report to the Secretary and the DRG which includes a groundwater study and mine water disposal plan prepared in accordance with the requirements of the DRG and EPA.</p>	Compliant	Ventilation fans have been installed in areas other than Cessnock No. 1 Shaft.	
12a	<p>By the end of February 2018, the Applicant must review the groundwater impacts of the development. This review must:</p> <p>(a) validate the impact predictions in EA (MOD 6) and EA (MOD 7) against measured groundwater impacts, including a comparison of:</p> <p>* groundwater levels and quality in both alluvial and non-alluvial aquifers; and</p> <p>* mine water inflow sources and volumes; and</p> <p>(b) evaluate the effectiveness of the existing groundwater model for use in current and future mining operations; and</p> <p>(c) evaluate the continued effectiveness of any approved Extraction Plan or Water Management Plan for the development and provide recommendations for any appropriate amendments to these plans.</p> <p>The review must be undertaken in consultation with DPI-Water and reported and implemented to the satisfaction of the Secretary. If the review identifies a material departure from the predictions in EA (MOD 6) and EA (MOD 7), the Applicant must prepare a revised groundwater assessment for the development, in consultation with DPIWater, to the satisfaction of the Secretary. The assessment must include updated predictions of potential groundwater impacts from the development, based on quantitative surface and groundwater modelling, incorporating all available groundwater data.</p>	Not triggered	Not within audit period.	
<b>NOISE AND VIBRATION</b>				
<b>Impact Assessment Criteria</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action				
13	<p>The Applicant must ensure that the noise generated by the Infrastructure Upgrade Area identified in Figure 1.3 of the April 2006 SEE does not exceed the noise impact assessment criteria in Table 2.</p> <p><b>Table 2: Noise impact assessment criteria dB(A)</b></p> <table border="1"> <thead> <tr> <th>Day/Evening/Night L<sub>Aeq</sub>(15 minute)</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>35</td> <td>All privately owned land</td> </tr> </tbody> </table> <p><b>Notes:</b></p> <p>a) Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the L<sub>Aeq</sub>(15 minute) noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the development is impractical, the Department and the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise levels where applicable.</p> <p>b) The noise emission limits identified in the above table apply under meteorological conditions of:  * wind speeds of up to 3 m/s at 10 metres above ground level; or  * temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.</p> <p>However, if the Applicant has a written negotiated noise agreement with any landowner of the land listed in Table 2, and a copy of this agreement has been forwarded to the Department and the EPA, then the Applicant may exceed the noise limits in Table 2 in accordance with the negotiated noise agreement</p>	Day/Evening/Night L <sub>Aeq</sub> (15 minute)	Land	35	All privately owned land	Non-Compliant (Low Risk)	<p>Noise compliance is reported within the AEMR's. Outlined within AEMR's for;</p> <ul style="list-style-type: none"> <li>* 2014 - 2015 (covers June 2014 - June 2015).</li> <li>* 2015 - 2016 (covers July 2015 - June 2016).</li> <li>* 2016 - 2017 (covers July 2016 - June 2017).</li> </ul> <p>SLR also reviewed noise monitoring reports from the period. Noise monitoring is completed on a quarterly basis. It should be noted that there have been improvements in noise management at site with a reduction in complaints during the audit period, compared to the two previous periods.</p> <p>2014-2015 - Activities from Austar complied with the relevant noise limits during the survey at all monitoring locations, with the exception of C3. On 21 July 2014 (Q3 2014), the LA90 criteria was exceeded by 1 dB at C3 (Bimbadeen Road, Mt View). This is compliant as its not more than 2dB above (EPA Industrial Noise Policy). When the INP low frequency modifying factor correction was applied a further seven exceedances of project specific noise criteria were recorded.</p> <p>2015-2016 - Activities from Austar complied with the relevant noise limits during at all monitoring locations during the 2015-2016 reporting period. There were reduced operations at the CHPP site with only development mining operations producing coal during the reporting period, however, the Kitchener Surface Infrastructure Site and the Kalingo Infrastructure Area were operating normally.</p> <p>2016-17 - All recorded exceedances of noise limits from the CHPP or KIA were due to the addition of the low frequency modifying factor. Noise levels measured from the CHPP and KIA were 1-2dB over the noise limit on a total of six (6) occasions, which do not class as a non-compliances. As per the Industrial Noise Policy (INP), the nature of the measured noise indicated that C2 and C5 in quarter 3 of 2016, and C2, C3, C4, C5 in quarter 2 2017 were classified as low frequency and attracted the 5dB modifying factor. When the modifying factor was applied the resultant noise level exceeded the relevant EPL or the adopted Noise and Vibration Management Plan L A90 noise limit.</p>	Continue program to reduce noise. Complete sound power level testing of equipment is isolation in an attempt to reduce noise levels.
Day/Evening/Night L <sub>Aeq</sub> (15 minute)	Land							
35	All privately owned land							
<b>Continuous Improvement</b>								
14	<p>The Applicant must:</p> <p>(a) implement all reasonable and feasible noise mitigation measures;</p> <p>(b) investigate ways to reduce the noise generated by the development; and</p> <p>(c) report on these investigations and the implementation and effectiveness of these measures in the Annual Review (see condition 5 of Schedule 5), to the satisfaction of the Secretary.</p>	Compliant	<p>(a) Undertakes noise mitigation measures at site; including double cladding, noise walls at ventilation fans and pumps and mufflers on extraction fans.</p> <p>(b) Noise Management Plan includes section on continual improvement.</p> <p>(c) These investigations and the implementation and effectiveness of these measures are reported in the AEMR.</p>					
<b>Noise Monitoring</b>								
15	<p>The Applicant must prepare a Noise Monitoring Program for the development to the satisfaction of the Secretary. This program must include quarterly attended noise monitoring and a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in this consent.</p> <p>The Applicant must implement the approved program as approved from time to time by the Secretary.</p>	Compliant	<p><b>Preparation:</b></p> <ul style="list-style-type: none"> <li>* Noise monitoring program included in the Noise and Vibration Management Plan.</li> <li>* Noise and Vibration Management Plan approved by DPE on 2/8/2013. Also evidence of the submission of a Noise and Vibration Management Plan in April 2017, including consultation with the EPA. All Management Plans are being updated and resubmitted to the DPE in late 2017.</li> <li>* Section 5.1.2 of the Noise and Vibration Management Plan describes quarterly attended noise monitoring.</li> <li>* Section 5 of the Noise Monitoring and Vibration Plan provides a protocol for evaluating compliance with the noise impact assessment criteria.</li> </ul> <p><b>Implementation:</b></p> <ul style="list-style-type: none"> <li>* Noise monitoring undertaken for the site.</li> <li>* Noise monitoring reported in the AEMRs.</li> <li>* Complaints management system implemented.</li> <li>* Evidence of consultation with nearby neighbours relating to vibration during undermining.</li> <li>* Pollution Reduction Programs in place.</li> <li>* Noise walls in place across the site.</li> <li>* Mufflers installed on extraction fans.</li> <li>* Evidence of maintenance of equipment.</li> <li>* Evidence of calibration.</li> </ul>					
<b>Vibration Monitoring</b>								
16	<p>The Applicant must prepare a Vibration Monitoring Program for the development to the satisfaction of the Secretary. This program must be capable of recording ground vibrations on the surface emanating from underground mining activities.</p> <p>The Applicant must implement the approved program as approved from time to time by the Secretary.</p>	Compliant	<p><b>Preparation:</b></p> <ul style="list-style-type: none"> <li>* Vibration monitoring program included in the Noise and Vibration Management Plan.</li> <li>* Noise and Vibration Management Plan approved by DPE on 2/8/2013. Also evidence of the submission of a Noise and Vibration Management Plan in April 2017. All Management Plans are being updated and resubmitted to the DPE in early 2018.</li> <li>* The program records ground vibrations on the surface (Section 5.3 of the Noise and Vibration Management Plan).</li> </ul> <p><b>Implementation:</b></p> <ul style="list-style-type: none"> <li>* Evidence of vibration monitoring in the field.</li> <li>* Consultation with landowners prior to undermining areas.</li> <li>* Vibration results are included in the AEMR.</li> </ul>					
<b>AIR QUALITY</b>								
<b>Impact Assessment Criteria</b>								

Condition Number	Condition	Compliance Status	Evidence	Recommended Action																							
17	<p>The Applicant must ensure that the dust emissions generated by the Infrastructure Upgrade Area identified in Figure 1.3 of the April 2006 SEE do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 3, 4 and 5 at any residence on, or on more than 25 percent of, any privately-owned land.</p> <p><i>Table 3: Long term impact assessment criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>90 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td>30 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 4: Short term impact assessment criterion for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td>50 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 5: Long term impact assessment criteria for deposited dust</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m<sup>2</sup>/month</td> <td>4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table> <p><b>Note:</b> Deposited dust is assessed as insoluble solids as defined by Standards Australia, 2003, AS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</p>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month	Compliant	<p>2014-2015 AEMR - Within criteria. 2015-2016 AEMR - Within criteria. 2016-2017 AEMR - Within criteria.</p> <p>* All dust records are within criteria up to the end of September 2017 monitoring data.</p> <p><b>Implementation:</b> * Limited dust sources at site. * the biggest dust source is the CHPP. * Based on site communications dust has not been a big issue. * No dust complaints. * Haul roads are watered. * Sprinklers are also used for dust suppression.</p>	
Pollutant	Averaging period	Criterion																									
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>																									
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>																									
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Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																								
Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month																								
<b>Operating Conditions</b>																											
18	<p>The Applicant must:</p> <p>(a) ensure any visible air pollution generated by the development is assessed regularly, and measures taken to minimise air quality impacts on privately-owned land; and (b) implement all reasonable measures to minimise the off-site odour, greenhouse gas and fume emissions generated by the mine's ventilation system or any spontaneous combustion at the development, to the satisfaction of the Secretary.</p>	Compliant	<p>* No visible air pollution during the field inspection. * Regular inspection and dust monitoring completed. * Evidence of mitigation measures undertaken. * Spontaneous combustion Management Plan. * Evidence of spontaneous Combustion through complaints and inspections. * During October 2016 - 3 odour complaints were received. Evidence of mitigation measures undertaken following complaints. * During October 2015 - 8 complaints were received. * Since the odour complaints have occurred there have been changes to the way the reject stockpiles are managed. They are now pushed every month which has resulted in no odour complaints.</p>	Update Spontaneous Combustion Management Plan with details regarding monthly pushing of material to reduce spontaneous combustion risks.																							
<b>Monitoring</b>																											
19	<p>The Applicant must prepare an Air Quality Monitoring Program for the development to the satisfaction of the Secretary. This program must include an air quality monitoring protocol for evaluating compliance with the air quality impact assessment criteria in this consent.</p> <p>The Applicant must implement the approved program as approved from time to time by the Secretary.</p>	Compliant	<p><b>Preparation:</b> * Most current approved Air Quality and Greenhouse Gas management Plan (AQGHGMP) is dated June 2013. The Management Plan was approved on 26/6/2013. Evidence of resubmission of AQGHGMP with document dated April 2017. Evidence of consultation with the EPA for April 2017 update. All management plans will again be updated in late 2017 based on a recent EA modification. * Section 2.3 of AQGHGMP includes the air quality monitoring protocol.</p> <p><b>Implementation:</b> * Evidence of implementation in monthly dust reports and AEMRs. * Evidence of plan implementation through mitigation measures and monitoring.</p>																								
<b>METEOROLOGICAL MONITORING</b>																											
20	<p>The Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the development in accordance with the requirements in Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales and to the satisfaction of the Secretary.</p>	Non-Compliant (Low Risk)	<p>* Meteorological data outlined in Section 3.2 of the 2016-2017 AEMR. The summary includes temperature, wind and rain.</p> <p><b>2016-2017 AEMR states:</b> During the end of month download of February 2017, an issue was identified with the data storage which included rainfall and temperature. The meteorological station had stored data up to the 17/02/2017 then ceased storing data for a period of 11 days. The meteorological station commenced downloading data as of the 1 March 2017 after the Environment and Community Coordinator routinely checked the station and it was found to be operating normally after that time during the 2016- 2017 reporting. Since this issue data is now downloaded on a fortnightly basis.</p> <p>Letter approving extension to meteorological station time from the DPE dated 2/2/2009. Since this issue data is now downloaded on a fortnightly basis.</p>	Continue to download data on a fortnightly basis.																							
<b>REJECT EMPLACEMENT</b>																											
21	<p>The Applicant must undertake reject emplacement in accordance with the current Mining Operations Plan as updated and approved by DRG from time to time. If reject emplacement in Areas 1, 3 and 4 as described in the August 1995 EIS is proposed, the Applicant must:</p> <p>(a) investigate and report to the DRG on the possibility of disposing all reject into one emplacement area, at least 12 months before reject emplacement into the disturbed mining areas is complete; (b) provide a report on the geotechnical investigations and engineering specifications for emplacement areas 1, 3 and 4 to the DRG, and the Secretary at least 6 months prior to commencement of reject emplacement in these areas; and (c) commence use of emplacement areas 1, 3 and 4 only after consultation with the Council and approval by the DRG.</p>	Compliant	<p>* All reject emplacement is completed in West Pit or Aberdare in accordance with the MOP. * Spontaneous combustion is a management issue, with this improving at site based on the regular pushing of reject material. * Three Reject Emplacement Areas (REAs) have been active for many years.</p>																								
<b>FLORA AND FAUNA</b>																											
22	<p>The Applicant must:</p> <p>(a) take all reasonable measures to protect native vegetation from damage during construction except where trees, shrubs and other vegetation are removed for approved works; and (b) salvage all useable soil and vegetative materials for reuse in controlling erosion and/or site rehabilitation.</p>	Compliant	<p>* Minimal clearing undertaken during the audit period. * Not required however seed bank and mulch was used in rehabilitation at SIS and rehabilitation is in good health. * MOP was approved. (b) Invoices provided regarding clearing of vegetation in areas near powerlines and conveyors as part of maintenance. Evidence of wood chipping vegetation.</p>																								

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
23	The Applicant must: (a) undertake fauna surveys for bat species at undisturbed sites proposed for reject emplacement as required by the OEH; (b) report results of any fauna surveys to the OEH; (c) undertake a monitoring program of riparian vegetation along Quorrobolong and Con Creeks in the area of longwalls A3 to A5a with particular reference to River Flat Eucalypt Forest EEC; and (d) carry out any necessary ameliorative measures requested by the OEH in relation to the findings of the fauna surveys and riparian vegetation monitoring program, to the satisfaction of the OEH.	Compliant	a) Evidence of bat surveys (ecological due diligence) for proposed pipeline. Completed by Umwelt on 16/6/2017. b) OEH receives AEMR. Evidence of submission letters. c) Evidence provided in AEMR Section 3.8 as well as Ecological Monitoring Reports. 7 years of monitoring results. d) OEH wasn't provided Ecological Monitoring report.	* Outline fauna work in 2017-2018 AEMR. * Send Ecological Monitoring report to OEH. * Based on site communications Austar are planning to cease ecological monitoring in Stage 2 as it's been 5 years since monitoring. Undertake consultation with OEH to obtain approval to cease this monitoring.
<b>HERITAGE</b>				
<b>Aboriginal Heritage</b>				
24	Six months prior to commencing activities in undisturbed reject emplacement areas to use Cessnock No. 1 Colliery surface facilities, the Applicant must undertake additional Aboriginal heritage surveys to the satisfaction of the OEH.	Not triggered	* Heritage due diligence for the proposed tailings boreholes. Proposed works included clearance activities for track construction as well as tailings borehole locations.	
24a	The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. The plan must: (a) be prepared by a suitably qualified archaeologist in consultation with OEH and Registered Aboriginal Parties, and be submitted to the Secretary for approval prior to the commencement of extraction of longwall A5a; and (b) include a program/procedures for: * salvage and management of Aboriginal sites within the active mining areas; * monitoring and management of Aboriginal sites within the active mining areas; * managing the discovery of any new Aboriginal objects or skeletal remains discovered during the project; * undertaking additional archaeological surveys on any areas subject to extensive remediation activities; * ongoing consultation with and involvement of the Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; * training personnel on Aboriginal cultural heritage awareness; and * undertaking recording of Aboriginal site impacts.  The Applicant must implement the approved plan as approved from time to time by the Secretary.	Compliant	<u>Preparation:</u> a) Current approved version of the ACHMP is dated May 2013. Sited approval letter dated 19/2/2014. Appendix 1 of the ACHMP outlines the consultation. Table 1.5 outlines evidence of consultation in 2011 and 2012. 2nd workings commenced in Stage 3 in 14 June 2013. b) Key aspects of this sub-condition are outlined within Section 2 and 3 of the ACHMP.  * Heritage due diligence undertaken for proposed boreholes.  <u>Implementation:</u> * Evidence of Aboriginal Heritage Assessment completed for B4-B7 modification in 2017. As the modification does not involve surface development, the Aboriginal Cultural Heritage Assessment indicated that the potential impacts of the LWB4-B7 modification is limited to indirect impacts associated with subsidence. * No evidence of salvage in AEMRs.	Recommend continued liaison with the DPE regarding the approval of the revised Management Plans.
<b>European Heritage</b>				
25	The Applicant must: (a) undertake a Heritage Impact Assessment of the site and prepare a Heritage Management Plan, in consultation with the Council, for the approval of the Heritage Council of NSW prior to re-commencing any mining activities at the Cessnock No 1 Colliery surface facilities at Kalingo; (b) make application under section 132 of the Heritage Act 1977 for any works proposed to be undertaken on or under Lot 1, DP 87087 and Part Lot 1, DP 69968 County Northumberland, Parish Heddon; and (c) take all reasonable measures to protect the ring-barked tree referenced in the April 2006 SEE, to the satisfaction of the Secretary.  <b>Note:</b> The land referred to in condition 25(b) is currently subject to a section 130 order under the Heritage Act 1977 to prevent harm to buildings, works, relics etc of the South Maitland Railway, gazetted 16 September, 1983.	Not triggered	Historic Heritage Management Plan has been prepared for the Austar Complex. Approved and meets the requirements of this condition.  The last 3 AEMRs state that there will be progress assessments for the demolition of existing structures and foundations at Belbird, Pelton & Cessnock No 1 shaft. This has not been completed.	Complete the 'Progress Assessments for demolition of existing structures and foundations' at Belbird, Pelton & Cessnock No 1 shaft. This should include a review of historical heritage significance as well as hazardous substances.
<b>TRAFFIC AND TRANSPORT</b>				
26	The Applicant must: (a) prior to the commencement of operations in reject emplacement areas 3 and 4 (as described in the August 1995 EIS), provide to the satisfaction of the Council and the RMS and at its own cost, a crossing over Wollombi Road (Main Road 218) in the vicinity of these coal waste emplacement areas with respect to type and sight distance in accordance with AS2890-1. Such crossing must consist of pavement and bitumen seal extending at least 30 metres either side of Main Road 218; and (b) provide a Type BA intersection at the nominated entry to the Cessnock No 1 Colliery site. The intersection type and location must be determined in conjunction with Council and constructed prior to commencement of operations at the Cessnock No 1 Colliery site.	Not triggered		
27	The Applicant must: (a) prior to 31 December 2008, or as otherwise agreed with the Secretary, undertake upgrade works to the road level crossing at Vincent Street, Kitchener, as recommended in Austar Coal Mine Pty Limited Report on Four Rail Level Crossings in Cessnock LGA Stage 5 Road Safety Audit (GHD March 2007); and (b) prior to 30 June 2009, use its best endeavours to undertake upgrade works at the following road level crossings as recommended in Austar Coal Mine Pty Limited Report on Four Rail Level Crossings in Cessnock LGA Stage 5 Road Safety Audit C106(GHD March 2007):  * Cessnock Road, Kearsley; * Neath Road, Neath; and * Mitchell Avenue, Weston,  in consultation with the South Maitland Railway, and to the satisfaction of the Council and the RMS.	Compliant	a) Vincent street works have been completed. * Evidence of release of bond for upgrade works. * Evidence sighted in the field of completed works.  b) Kitchener level crossing was upgraded by federal government. Media release in 2009 stated that flashing lights and bells had been installed at the crossing.	
<b>REHABILITATION</b>				
<b>Rehabilitation Objectives</b>				
	The Applicant must rehabilitate the site to the satisfaction of DRG. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the documents listed in condition 2 of Schedule 2, and comply with the objectives in Table 6.			



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28	<p><i>Table 6: Rehabilitation Objectives</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>All areas affected by the development</td> <td> <ul style="list-style-type: none"> <li>• Safe</li> <li>• Hydraulically and geotechnically stable</li> <li>• Non-polluting</li> <li>• Fit for the intended post-mining land use(s)</li> </ul> </td> </tr> <tr> <td>Areas proposed for native ecosystem re-establishment</td> <td> <ul style="list-style-type: none"> <li>• Establish self-sustaining ecosystems comprising flora species selected to re-establish and complement local and regional biodiversity</li> </ul> </td> </tr> <tr> <td>Areas proposed for agricultural or pastoral use</td> <td> <ul style="list-style-type: none"> <li>• Nominated land capability classification is achieved and is self-sustaining</li> </ul> </td> </tr> <tr> <td>Other areas affected by the development</td> <td> <ul style="list-style-type: none"> <li>• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of local native plant species appropriate for the intended post mining land use(s) (unless DRG agrees otherwise)</li> </ul> </td> </tr> <tr> <td>Surface infrastructure of the development</td> <td> <ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless DRG agree otherwise or development consent is obtained from the relevant consent authority for their retention and post-mining use</li> </ul> </td> </tr> <tr> <td>Portals and vent shafts of the development</td> <td> <ul style="list-style-type: none"> <li>• To be decommissioned and made safe and stable</li> </ul> </td> </tr> <tr> <td>Built features damaged by mining operations</td> <td> <ul style="list-style-type: none"> <li>• Repair/restore/replace to pre-mining condition or equivalent unless the: <ul style="list-style-type: none"> <li>o owner agrees otherwise; or</li> <li>o damage is fully restored, repaired or compensated for under the <i>Mine Subsidence Compensation Act 1961</i></li> </ul> </li> </ul> </td> </tr> </tbody> </table>	Feature	Objective	All areas affected by the development	<ul style="list-style-type: none"> <li>• Safe</li> <li>• Hydraulically and geotechnically stable</li> <li>• Non-polluting</li> <li>• Fit for the intended post-mining land use(s)</li> </ul>	Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> <li>• Establish self-sustaining ecosystems comprising flora species selected to re-establish and complement local and regional biodiversity</li> </ul>	Areas proposed for agricultural or pastoral use	<ul style="list-style-type: none"> <li>• Nominated land capability classification is achieved and is self-sustaining</li> </ul>	Other areas affected by the development	<ul style="list-style-type: none"> <li>• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of local native plant species appropriate for the intended post mining land use(s) (unless DRG agrees otherwise)</li> </ul>	Surface infrastructure of the development	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless DRG agree otherwise or development consent is obtained from the relevant consent authority for their retention and post-mining use</li> </ul>	Portals and vent shafts of the development	<ul style="list-style-type: none"> <li>• To be decommissioned and made safe and stable</li> </ul>	Built features damaged by mining operations	<ul style="list-style-type: none"> <li>• Repair/restore/replace to pre-mining condition or equivalent unless the: <ul style="list-style-type: none"> <li>o owner agrees otherwise; or</li> <li>o damage is fully restored, repaired or compensated for under the <i>Mine Subsidence Compensation Act 1961</i></li> </ul> </li> </ul>	Compliant	<p>Most of these objectives relate to final rehabilitation.</p> <p>Rehabilitation and closure criteria have been developed for the MOP.</p> <p>The AEMR outlines proposed future rehabilitation, however there is little detail provided on the status of the 44 Ha under 'active rehabilitation'.</p> <p>Evidence of current rehabilitation at Aberdere REA. Area looked to be stable and rehabilitation inspections were completed for the area.</p>	<p>Recommend formal trials for capping the REA are undertaken. Justify capping depth and obtain approval from the DRG .</p>
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<b>Progressive Rehabilitation</b>																				
29	<p>The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance, to the satisfaction of DRG. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.</p> <p><i>Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development</i></p>	Compliant	<p>The site inspection viewed areas of current rehabilitation. The inspection confirmed that there is progressive rehabilitation that is stable. Rehabilitation inspections have been completed.</p>																	
<b>SCHEDULE 4 ADDITIONAL PROCEDURES FOR SUBSIDENCE MANAGEMENT</b>																				
<b>NOTIFICATION OF LANDOWNERS</b>																				
1	<p>Prior to 31 June 2008, the Applicant must notify the landowners of land listed in Table 1 in writing that they have the right to require the Applicant to acquire their land in accordance with condition 1 of Schedule 3 and conditions 3 to 5 below.</p>	Not triggered	<p>Outside of audit period.</p>																	
2	<p>The Applicant must notify all landowners whose land may be subject to subsidence as a result of the development about the procedures for rectification and compensation for subsidence effects on residences, farm buildings, agricultural land and other infrastructure under the Mining Act 1992 and the Mine Subsidence Compensation Act 1961.</p>	Compliant	<p>Evidence of consultation with landowners provided; consultation letters dated 22/9/2017, 22/6/2016 and 28/9/2017.</p>																	
<b>LAND ACQUISITION</b>																				
3	<p>Within 3 months of receiving a written request from a landowner with acquisition rights as specified in Condition 1 or Condition 2 of Schedule 3, the Applicant must make a binding written offer to the landowner based on:</p> <p>(a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the development the subject of the development application, having regard to the:  *existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and  * presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of measures implemented by the SA NSW;</p> <p>(b) the reasonable costs associated with:  * relocating within the Cessnock local government area, or to any other local government area determined by the Secretary;  * obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and</p> <p>(c) reasonable compensation for any disturbance caused by the land acquisition process.</p>	Not triggered	<p>Land not acquired during the audit period.</p>																	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
	<p>However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.</p> <p>Upon receiving such a request, the Secretary must request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.</p> <p>Within 14 days of receiving the independent valuer's determination, the Applicant must make a written offer to purchase the land at a price not less than the independent valuer's determination.</p> <p>If the landowner refuses to accept this offer within 6 months of the date of the Applicant's offer, the Applicant's obligations to acquire the land must cease, unless otherwise agreed by the Secretary.</p>	Not triggered	Land not acquired during the audit period.	
4	The Applicant must bear the costs of any valuation or survey assessment requested by the independent valuer, or the Secretary and the costs of determination referred above.	Not triggered	Land not acquired during the audit period.	
5	If the Applicant and landowner agree that only part of the land must be acquired, then the Applicant must pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.	Not triggered	Land not acquired during the audit period.	
<b>SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING</b>				
<b>Environmental Management Strategy</b>				
1	<p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This Strategy must:</p> <p>(a) provide the strategic context for environmental management of the development;</p> <p>(b) identify the statutory requirements that apply to the development;</p> <p>(c) describe in general how the environmental performance of the development would be monitored and managed during the development;</p> <p>(d) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> <li>* keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>* receive, handle, respond to, and record complaints;</li> <li>* resolve any disputes that may arise during the course of the development;</li> <li>* respond to any non-compliance;</li> <li>* manage any cumulative impacts;</li> <li>* respond to emergencies;</li> </ul> <p>(e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development; and</p> <p>(f) include:</p> <ul style="list-style-type: none"> <li>* references to any strategies, plans and programs approved under the conditions of this consent; and</li> <li>* a clear plan depicting all the monitoring to be carried out under the conditions of this consent.</li> </ul> <p>The Applicant must implement the approved strategy as approved from time to time by the Secretary.</p>	Compliant	<p><u>Preparation:</u> Currently approved EMS is dated May 2013. This is a robust document which meets the requirements of this condition.</p> <p>a) Original EMS documentation dates back to 2010. Approval by DPE on 2/10/2013. Draft documents have been updated and sent to the Department since 2013 and will be revised by the end of the year based on the recent MOD. b) Covered in several sections. c) Covered in Section 6 and Appendix B. d) Section 7. e) Section 10 - 12. f) Copies are mentioned in the document. Other management plans are provided on the Austar website.</p> <p>All management plans are being updated and sent to the DPE in early 2018 based on the recent modification.</p> <p><u>Implementation:</u> Evidence of recording of complaints and incidents in the AEMR. Incident reporting as per the PIRMP.</p>	
<b>Environmental Monitoring Program</b>				
2	The Applicant may consolidate the various monitoring requirements of this consent into a single Environmental Monitoring Program for the development.	Compliant	<ul style="list-style-type: none"> <li>* Active monitoring program.</li> <li>* Consolidated monitoring program. Most recent program was updated May 2013.</li> <li>* Draft documents have been updated and sent to the DPE since 2013 and will be revised by end of year based on the recent EA Modification.</li> </ul> <p><u>Implementation:</u></p> <ul style="list-style-type: none"> <li>* Evidence and complaints and incidence in AEMR.</li> <li>* Evidence of inspections.</li> </ul>	
3	Deleted	Note	Noted	
<b>Incident Reporting</b>				
4	<p>Within 7 days of detecting an exceedance of the limits/performance criteria in this consent, the Applicant must report the exceedance/incident to the Department (and any relevant agency). The report must:</p> <p>(a) describe the date, time, and nature of the exceedance/incident;</p> <p>(b) identify the cause (or likely cause) of the exceedance/incident;</p> <p>(c) describe what action has been taken to date; and</p> <p>(d) describe the proposed measures to address the exceedance/incident.</p>	Compliant	<ul style="list-style-type: none"> <li>* Incident summaries are provided in the AEMRs.</li> <li>* Incident reports dated 21/4/2015 and 13/5/2015.</li> <li>* Evidence of consultation from incident reports, including the incident report dated 28/4/2015.</li> <li>* Letter from EPA dated 10/9/2015 stating no regulatory action required.</li> </ul>	
<b>Regular Reporting</b>				
4a	The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.	Compliant	* Regular reporting provided by website.	
<b>Annual Review</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
5	<p>By the end of September each year, unless the Secretary agrees otherwise, the Applicant must submit a review to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the previous year to 30 June, and the development that is proposed to be carried out over the current year to 30 June;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous year to 30 June, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> <li>* relevant statutory requirements, limits or performance measures/criteria;</li> <li>* requirements of any plan or program required under this consent;</li> <li>* monitoring results of previous years; and</li> <li>* relevant predictions in the documents listed in condition 2 of Schedule 2;</li> </ul> <p>(c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the development;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the development.</p>	Administrative Non-Compliance	<p>a) Works undertaken at Austar are outlined in Section 2 of the AEMRs.</p> <p>b) Monitoring results are reviewed within Section 3 of the AEMRs. Monitoring results compare against statutory requirements. Results for key aspects such as surface water and air. Some minor comparison against groundwater results.</p> <p><u>Admin NC</u> - there is a lack of a comparison of predictions for key aspects against the EA and Extraction Plans.</p> <p>c) Non compliances have been identified. In the 2016/17 Annual Review these are outlined in Appendix H.</p> <p>d) <u>Admin NC</u> - There is little information relating to trends in key aspects over a number of years. Key aspects such as surface water and air are graphically displayed but little detail for trends over a five year period.</p> <p>e) There is a lack of discussion for a comparison of predicted impacts for aspects such as surface water and air. There is some comparison of predicted impacts for groundwater, noise and subsidence.</p> <p>f) Proposed improvements are outlined in the AEMRs.</p>	<ul style="list-style-type: none"> <li>* SLR recommends renaming the document an Annual Review and completing it in accordance with the Annual Review Guidelines.</li> <li>* Future Annual Reviews should compare results against EA predictions and assess trends in data (eg. over a five year period).</li> <li>* It is suggested that tilt and strain profiles be provided in the Annual Review reports and a sub-section provided in the text that compares the measured v. predicted values and discusses whether the overburden is behaving as expected or otherwise. Curvatures may be then able to be estimated from the strain profiles through a locally derived ratio between maximum strain and peak curvatures (excluding disturbed survey pegs).</li> <li>The main purpose of this exercise would be to provide technical information to stakeholders that do not have access to the DRG portal.</li> <li>* The amount of rehabilitation and disturbance undertaken during the reporting period vs that included in the MOP should be included in future Annual Reviews.</li> <li>* Future Annual Reviews should report compliance with the MOP.</li> <li>* Future Annual Reviews should report progress in respect of rehabilitation completion criteria.</li> </ul>
<b>Independent Environmental Audit</b>				
6	<p>Prior to 31 December 2008, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <p>(a) be conducted by suitably qualified, experienced, and independent expert/s whose appointment has been endorsed by the Secretary;</p> <p>(b) include consultation with the relevant agencies and the CCC;</p> <p>(c) assess, in respect of the requirements of this consent and any relevant mining lease or environment protection licence, the environmental performance of the development and its effects on the surrounding environment;</p> <p>(d) assess whether the development is complying with relevant standards and performance measures specified in these approvals (including under any strategy, plan or program required under this consent) and with other statutory requirements;</p> <p>(e) review the adequacy of strategies, plans or programs required under this consent; and, if necessary,</p> <p>(f) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under this consent; and</p> <p>(g) be conducted and reported to the satisfaction of the Secretary.</p> <p><b>Note:</b> This audit team must be led by a suitably qualified auditor and include experts in the fields of subsidence, surface water, groundwater, noise and air quality.</p>	Compliant	<p>Audits from 2008, 2011 and 2014 were provided on the website.</p> <p>a) The 2014 Independent Environmental Audit was completed by Trevor Brown and Associates. Trevor Brown and Associates were endorsed by the DPE on 20 October 2014. Suitably qualified and experienced. 2017 Audit team was endorsed by the DPE.</p> <p>b) Evidence of consultation with DPE, DRE, EPA, DPI Water in letters dated 20 November 2014. There was no evidence of the outcomes of consultation in the 2014 audit report. SLR completed consultation for 2017 Audit.</p> <p>c) The key consents, Statement of Commitments, EPL and consolidated leases were assessed in the 2014 audit.</p> <p>d) Previous audits assessed performance measures within statutory requirements.</p> <p>e) The adequacy of key strategies, plans and programs from the consents was assessed as part of the audit.</p> <p>f) Appropriate mitigation measures have been provided in the 2014 audit report. SLR have provided recommendations as part of the 2017 audit.</p> <p>g) 2014 Audit was submitted to the DPE. 2017 Audit to be submitted to the DPE by Austar.</p>	
7	<p>Within 6 weeks of completing this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary with a response to any recommendations contained in the audit report.</p>	Compliant	<p>The audit inspection was completed between 10 to 14 November 2014. The final report from Trevor Brown and Associates was dated 3/7/2015. The Action Plan letter from Austar is dated 28/7/2015 which is within 6 weeks of completion of the audit.</p>	
<b>Revision of Strategies, Plans and Programs</b>				
8	<p>Within 3 months of:</p> <p>(a) the submission of an incident report under condition 4 above;</p> <p>(b) the submission of an Annual Review under condition 5 above;</p> <p>(c) the submission of an audit report under condition 6 above; and</p> <p>(d) the approval of a modification to the conditions of this consent, the Applicant must review the strategies, plans and programs required under this consent, to the satisfaction of the Secretary. The applicant must notify the Department in writing of any such review being undertaken. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the Secretary.</p> <p><b>Note:</b> The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the development.</p>	Administrative Non-Compliance	<p>(a) <u>Admin NC:</u> Historic Heritage Management Plan doesn't include mechanism for reviewing the management plan after an Annual Review/AEMR has been submitted. The Site Water Management Plan, AHCMP, Landscape Management Plan, AQGHGMP, EMS and NMP are reviewed after an AEMR is submitted.</p> <p>(b) There have been several PIRMP water management incidents. It would not be practical for the site to update the Site Water Management Plan following each PIRMP incident.</p> <p>(c) <u>Admin NC:</u> The Management Plans weren't updated within 3 months of the submission of the prior audit report.</p> <p>(d) Currently updating plans in accordance with the latest MOD, that was approved August 2017.</p>	<ul style="list-style-type: none"> <li>* All Management Plans are to be updated to meet this timing, including updating the Plans with any recommendations from this audit.</li> </ul>
<b>Updating and Staging of Strategies, Plans or Programs</b>				
8a	<p>To ensure that strategies, plans or programs required under this consent are updated on a regular basis, and that they incorporate any appropriate additional measures to improve the environmental performance of the development, the Applicant may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.</p> <p>With the agreement of the Secretary, the Applicant may prepare a revision of or a stage of a strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this consent.</p> <p>While any strategy, plan or program may be submitted on a staged basis, the Applicant will need to ensure that the operations associated with the development are covered by suitable strategies, plans or programs at all times.</p> <p>If the submission of any strategy, plan or program is to be staged; then the relevant strategy, plan or program must clearly describe the specific stage/s of the development to which the strategy, plan or program applies; the relationship of this stage/s to any future stages; and the trigger for updating the strategy, plan or program.</p>	Compliant	<p>Management Plans for the site cover the entire Auster Complex. Plans were updated in April 2017 and submitted to the DPE (in consultation with the EPA). Plans are again being resubmitted in early 2018 for a new modification.</p>	<ul style="list-style-type: none"> <li>* All Management Plans are to be updated to meet this timing, including updating with any recommendations from this audit.</li> </ul>
<b>Relationship with other consents</b>				
8b	<p>With the agreement of the Secretary, the Applicant may combine any strategy, plan, program, review, audit or committee required by this consent with any similar requirement under another development consent or approval relating to the Auster Mine Complex, including Project Approval 08_0111 for the Stage 3 mining area.</p>	Compliant	<p>* Management plans have been for the complex and these have been approved by the DPE.</p>	
<b>Evidence of Consultation</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
8c	<p>Where consultation with any public authority is required by the conditions of this consent, the Applicant must:</p> <p>(a) consult with the relevant public authority prior to submitting the required document to the Secretary for approval;  (b) submit evidence of this consultation as part of the relevant document;  (c) describe how matters raised by the authority have been addressed and any matters not resolved; and  (d) include details of any outstanding issues raised by the authority and an explanation of disagreement between any public authority and the Applicant.</p>	Compliant	<p>a) * Evidence of consultation with DPE and the EPA, including Management Plan consultation dated May 2017.</p> <p>b) * Consultation with landowners prior to undermining areas.</p> <p>* Appendix 1 of the ACHMP outlines consultation. Table 1.5 outlines evidence of consultation for this management plan in 2011 and 2012.</p> <p>* Evidence of consultation from incident report dated 28/4/2015.</p> <p>c) Incident reports outline consultation. Some brief consultation outlined in management plans.</p> <p>d) Details of consultation relating to incident reports and AEMR's have been provided.</p>	Although it has been noted that consultation has been completed, some plans provide little detail regarding consultation dates and outcomes. Include additional detail including dates for consultation, outcomes and where it has been covered within the management plans.
<b>Community Consultative Committee</b>				
9	<p>The Applicant must operate a CCC for the development to the satisfaction of the Secretary. This CCC must be operated in accordance with the Department's Community Consultative Committee Guidelines, November 2016 (or later version).</p> <p><b>Notes:</b></p> <p>* The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent; and  * In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council and the local community.</p>	Compliant	<p>* CCC minutes on the Austar website.</p> <p>* Evidence of CCC advertisements to join it.</p> <p>* CCC made up of a number of people to meet the DPE guidelines.</p>	
10	Deleted	Compliant	Noted.	
11	Deleted	Compliant	Noted.	
<b>Access to Information</b>				
12	<p>The Applicant must:</p> <p>(a) make copies of the following publicly available on its website:  * the documents listed in condition 2 of Schedule 2;  * all current statutory approvals for the development;  * approved strategies, plans and programs required under the conditions of this consent;  * a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;  * a summary of the progress of the development;  * contact details to enquire about the development or to make a complaint;  * a complaints register, which is to be updated on a monthly basis;  * minutes of CCC meetings;  * the last five annual reviews;  * any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit;  * any other matter required by the Secretary; and</p> <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>	Compliant	<p>The website contains:</p> <p>* A copy of all current statutory approvals for the mine complex.  * A copy of the current environmental management strategy and associated plans and programs.  * A summary of the monitoring results of the mine complex.  * Site contact details.  * A complaints register, which is updated on a monthly basis.  * A copy of the minutes of CCC meetings.  * A copy of any AEMR's (over the last 5 years).  * A copy of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit.</p>	

Condition Number	Condition	Compliance Status (C/O//NC/NA)	Evidence	Recommended Action																												
<b>1 Administration Conditions</b>																																
<b>A1 What is the licence authorises and regulates</b>																																
A1.1	<p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal works</td> <td>Coal works</td> <td>0 - 2000000 T annual handling capacity</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>&gt; 500000 - 2000000 T annual production capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	0 - 2000000 T annual handling capacity	Mining for coal	Mining for coal	> 500000 - 2000000 T annual production capacity	Compliant	Production limits are measured as per the EPL Annual Return period. Within the criteria for this audit period.																				
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<b>A2 Premises or plant to which this licence applies</b>																																
A2.1	<p>The licence applies to the following premises:</p> <table border="1"> <thead> <tr> <th>Premises Details</th> </tr> </thead> <tbody> <tr> <td>AUSTAR COAL MINE</td> </tr> <tr> <td>WOLLOMBI ROAD</td> </tr> <tr> <td>PELTON</td> </tr> <tr> <td>NSW 2325</td> </tr> <tr> <td>SOUTHLAND COLLIERY HOLDING, REFER TO LOCALITY PLAN FIGURE 1.1 FORWARDED TO THE EPA ON 21/8/01.</td> </tr> </tbody> </table>	Premises Details	AUSTAR COAL MINE	WOLLOMBI ROAD	PELTON	NSW 2325	SOUTHLAND COLLIERY HOLDING, REFER TO LOCALITY PLAN FIGURE 1.1 FORWARDED TO THE EPA ON 21/8/01.	Compliant	The EPL covers the entire Austar Complex.																							
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<b>A3 Information supplied to the EPA</b>																																
A3.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <p>a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and</p> <p>b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</p>	Compliant	Works generally carried out in accordance with this condition,																													
<b>2 Discharges to Air and Water Applications to Land</b>																																
<b>P1 Location of monitoring/discharge points and areas</b>																																
P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p> <table border="1"> <thead> <tr> <th colspan="4">Air</th> </tr> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>7</td> <td>Weather monitoring</td> <td></td> <td>Eastings 341198, Northings 6361368 (MGA 56)</td> </tr> </tbody> </table>	Air				EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	7	Weather monitoring		Eastings 341198, Northings 6361368 (MGA 56)	Compliant	There is a meteorological station sighted at the CHPP. Meets the approved methods.																	
Air																																
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																													
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P1.2	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.	Noted																														
P1.3	<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</p> <table border="1"> <thead> <tr> <th colspan="4">Water and land</th> </tr> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Wet weather discharge; Discharge quality monitoring; Volume monitoring</td> <td>Wet weather discharge; Discharge quality monitoring; Volume monitoring</td> <td>Spillway of the emergency dam at the Pelton Coal Preparation Plant site, labelled as 1 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.</td> </tr> <tr> <td>2</td> <td>Ambient water quality monitoring</td> <td></td> <td>Belbird Creek labelled as 2 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.</td> </tr> <tr> <td>4</td> <td>Ambient water quality monitoring</td> <td></td> <td>Belbird Creek labelled as 4 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.</td> </tr> <tr> <td>5</td> <td>Ambient water quality monitoring</td> <td></td> <td>The unnamed creek labelled as 5 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01 at the Western Boundary of the Pelton Mine landholding.</td> </tr> <tr> <td>6</td> <td>Discharge to waters, discharge quality monitoring, volume monitoring</td> <td>Discharge to waters, discharge quality monitoring, volume monitoring</td> <td>Discharge from 1M permeate tank as shown on Drawing No Proposed Relocation of EPL 416 Discharge Point 6, dated 8/12/09.</td> </tr> </tbody> </table>	Water and land				EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	1	Wet weather discharge; Discharge quality monitoring; Volume monitoring	Wet weather discharge; Discharge quality monitoring; Volume monitoring	Spillway of the emergency dam at the Pelton Coal Preparation Plant site, labelled as 1 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.	2	Ambient water quality monitoring		Belbird Creek labelled as 2 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.	4	Ambient water quality monitoring		Belbird Creek labelled as 4 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.	5	Ambient water quality monitoring		The unnamed creek labelled as 5 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01 at the Western Boundary of the Pelton Mine landholding.	6	Discharge to waters, discharge quality monitoring, volume monitoring	Discharge to waters, discharge quality monitoring, volume monitoring	Discharge from 1M permeate tank as shown on Drawing No Proposed Relocation of EPL 416 Discharge Point 6, dated 8/12/09.	Compliant	Locations are noted within the Environmental Monitoring Program, with locations recorded as 'SW'. Also outlined in the Water Management Plan.	
Water and land																																
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Condition Number	Condition	Compliance Status (C/OI/NC/NA)	Evidence	Recommended Action																														
<b>3 Limit Conditions</b>																																		
<b>L1 Pollution of waters</b>																																		
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Non-Compliant (Medium Risk)	Evidence of PIRMP notifications during the audit period. Evidence of consultation with EPA following PIRMP notifications. All PIRMP notifications are also outlined in the AEMR's and include: * LDP001 discharge event on 21 and 22 April 2017. * Leak of mine water pipelines on 26 March 2015, 24 February 2017. * Kitchener SIS Sediment Dam discharge 6 January 2015 and 4 May 2015. * Orange staining in cleanwater drain - 7 June 2017.  Evidence of incident reports and investigations.  Auster has a comprehensive Environmental Management System to identify and minimise risk of harm to the environment. These are the management plans required by the project approval and development consent.	Review and if possible reduce the 'leak detection' level for pipelines with the aim of minimising volume that could potentially leak without triggering alarms and the automatic shut down.																														
L1.2	Discharge from Point 1 is permitted only when the discharge occurs solely as a result of rainfall at the premises exceeding: a) a total of 168 millimetres over any consecutive five day period; or b) 48 millimetres in less than any consecutive 12 hour period.	Compliant	No discharges occurred at Licenced Discharge Point No. 1 (LDP1) during 2016-17 and 2015-16 AEMR's.  A discharge occurred from LDP1 on 21 to 22 April 2015 at Auster's CHPP, during the intense east coast low storm event occurring which occurred in the Hunter Region during April 2015. Details are outlined in the 2014-15 AEMR.  The discharge occurred from 5:30pm 21 April 2015 to 2:30pm 22 April 2015. The discharge was the result of the high volume of rainfall received at the CHPP from a significant east coast low storm event. A total of 178mm was received over 5 days between 19 April and 23 April 2015. In addition, during one consecutive 12 hour period on 21 April 2015 between 4:30am and 4:30pm, 77.8mm rainfall was received. <b>Both the 5 day rainfall and the 12 hour rainfall figures are greater than the minimum rainfall required before discharge is permitted from LDP1 by the EPL.</b> 1981kL of water was discharged from LDP1 to Bellbird Creek on 21-22 April 2015, which is less than the LDP1 volume limit of 2000kL per day.																															
<b>L2 Concentration limits</b>																																		
L2.1	For each monitoring/discharge point or utilisation area specified in the table(s) below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Note	Noted. Compliance status relating to monitoring parameters is outlined in Condition L2.4.																															
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Non-Compliant (Medium Risk)	Discharge occurred on 21 and 22 April 2015 (see Condition L1.2 for details).  pH outside the range. pH value of 3.55 recorded on 22 April 2015 from LDP001.  EPA provided a letter response to this incident dated 10/9/15 indicating the EPA does not intend to take regulatory action regarding this matter.	No further action recommended.																														
L2.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table(s).	Observation	For discharges the only testing is for iron, pH, TDS and TSS is completed. Sampling of 'pollutants' as per Condition L2.4.	Recommend testing a greater suite of analytes when sampling discharge events from LDP001.  This will allow the site to determine compliance with this condition.																														
L2.4	Water and/or Land Concentration Limits																																	
	<b>POINT 1</b> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Iron</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>1</td> </tr> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>6.5-8.5</td> </tr> <tr> <td>Total dissolved solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>6000</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>50</td> </tr> </tbody> </table>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Iron	milligrams per litre				1	pH	pH				6.5-8.5	Total dissolved solids	milligrams per litre				6000	Total suspended solids	milligrams per litre				50	Non-Compliant (Medium Risk)	Discharge from LDP001 outlined in incident report, AEMR and Annual Return.  Discharge occurred on 21 and 22 April 2015.  pH outside the range. pH value of 3.55 recorded on 22 April 2015 from LDP001.  Iron recorded well above criteria at 10.7 mg/L.  EPA provided a letter response to this incident dated 10/9/15 indicating the EPA does not intend to take regulatory action regarding this matter. It should be noted that this was a regional flooding event, above design criteria. Evidence of maintenance of dam levels during the audit. No further recommendations.	No further action recommended.
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																													
Iron	milligrams per litre				1																													
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	<b>POINT 6</b> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Conductivity</td> <td>microsiemens per centimetre</td> <td></td> <td></td> <td></td> <td>600</td> </tr> <tr> <td>Iron</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>1</td> </tr> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>6.5 - 8.5</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>50</td> </tr> </tbody> </table>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Conductivity	microsiemens per centimetre				600	Iron	milligrams per litre				1	pH	pH				6.5 - 8.5	Total suspended solids	milligrams per litre				50	Compliant	LDP006 is the 1ML tank.  Evidence of monitoring spreadsheets provided. Discharges from LDP006 was within the criteria based on the data provided. This is a controlled discharge system.	
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																													
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<b>L3 Volume and Mass limits</b>																																		
L3.1	For each discharge point or utilisation area specified below (by a point number), the volume/mass of: a) liquids discharged to water; or b) solids or liquids applied to the area;  must not exceed the volume/mass limit specified for that discharge point or area.	Compliant	For April 2015 discharge event - 1981kL of water was discharged from LDP1 to Bellbird Creek on 21-22 April 2015, which is less than the LDP1 volume limit of 2000kL per day. All other results were within criteria. Note this condition refers to an annual average, with Auster well below that number.																															
	<table border="1"> <thead> <tr> <th>Point</th> <th>Unit of Measure</th> <th>Volume/Mass Limit</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>kilolitres per day</td> <td>2000</td> </tr> <tr> <td>6</td> <td>Measure 1</td> <td>5000</td> </tr> </tbody> </table> Note: For the purpose of this condition 'Measure 1' means KL/day measured as an annual average.	Point	Unit of Measure	Volume/Mass Limit	1	kilolitres per day	2000	6	Measure 1	5000																								
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<b>4 Operating Conditions</b>																																		
<b>G1 Activities must be carried out in a competent manner</b>																																		



Condition Number	Condition	Compliance Status (C/OI/NC/NA)	Evidence	Recommended Action																																																												
O1.1	Licensed activities must be carried out in a competent manner.  This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Compliant	a) Generally the site was in a clean and tidy condition. Activities completed in a competent manner. b) Waste is generally being managed effectively. Waste is recorded.	* Waste bins at the pit top need to be labelled, to ensure waste is sorted into the right containers.  * Compare waste volumes in the AEMR across the previous AEMR periods.  * Provide additional detail in the AEMRs regarding waste minimisation and management.																																																												
<b>O2 Maintenance of plant and equipment</b>																																																																
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.	Compliant	* Reversing beepers removed from bulldozers. Bulldozers just now use flashing lights.  * Evidence of noise management upgrades at CHPP and other areas at the site, including double cladding.  * Plant and equipment are serviced. There has been a large amount of work completed across many years to reduce noise. Evidence provided for maintenance activities. Evidence of pipeline maintenance Routine Work Order Maintenance from November 2017. Evidence of several maintenance records on plant and equipment from the CHPP and pit top.																																																													
<b>O3 Dust</b>																																																																
O3.1	The premise must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Compliant	* All air quality results are within criteria. * Evidence of watering of roads. * Small amount of rehabilitation. * Minimal disturbance footprint. * One dust complaint during audit period.																																																													
<b>5 Monitoring and Recording Conditions</b>																																																																
<b>M1 Monitoring Records</b>																																																																
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Compliant	Monitoring completed by specialists.  Trained personnel completing monitoring.																																																													
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Compliant	Records of monitoring provided by Austar through excel summary sheets, monthly reports. Also monitoring results are outlined in the EPL Monitoring Reports on the website and the AEMR and Annual Returns.																																																													
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	Compliant	Evidence of sampling sheets and laboratory reports with these records outlined. Evidence of environmental reports provided to the audit team. Evidence for air, noise, water.																																																													
<b>M2 Requirement monitor concentration of pollutants discharged</b>																																																																
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Non-Compliant (Low Risk)	In the 2016 Annual Return it was reported by Austar that monthly grab samples to comply with this condition were not obtained at monitoring point 2 and 5 due to dry conditions in the creek at the time of sampling. This also occurred during the 2015 and 2014 Annual Return periods.  The discharge from LDP001 in April 2015 was monitored.	No further action recommended.																																																												
M2.2	Water and/or Land Monitoring Requirements  POINT 1 <table border="1"><thead><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr></thead><tbody><tr><td>Conductivity</td><td>microsiemens per centimetre</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>Iron</td><td>milligrams per litre</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>pH</td><td>pH</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>Total dissolved solids</td><td>milligrams per litre</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>Total suspended solids</td><td>milligrams per litre</td><td>Special Frequency 1</td><td>Grab sample</td></tr></tbody></table>	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	Special Frequency 1	Grab sample	Iron	milligrams per litre	Special Frequency 1	Grab sample	pH	pH	Special Frequency 1	Grab sample	Total dissolved solids	milligrams per litre	Special Frequency 1	Grab sample	Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample	Note	Covered under Condition M2.1																																					
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	<p>Note: Special Frequency 1 means daily collected at a minimum of twelve hourly intervals when a discharge is occurring</p> <p>Special Frequency 2 means three times per week during any period of discharge from Point 1 at a minimum of 48 hour intervals commencing as soon as practical after discharge has commenced. Once per month during any period of discharge from Point 6 at a minimum of 4 weekly intervals.</p>	Note																																
<b>M3 Testing methods - concentration limits</b>																																		
M3.1	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	Compliant	Monitoring is completed by Carbon Based Environmental. Trained staff, with results analysed in a NATA accredited laboratory. Austar has trained environmental staff who can take a sample during discharge events for analysis at a NATA accredited laboratory.																															
<b>M4 Weather monitoring</b>																																		
M4.1	The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.2.	Non-Compliant (Low Risk)	During the end of month download of February 2017, an issue was identified with the data storage which included rainfall and temperature. The meteorological station had stored data up to the 17/02/2017 then ceased storing data for a period of 11 days. The meteorological station commenced downloading data as of the 1 March 2017 after the Environment and Community Coordinator routinely checked the station and it was found to be operating normally after that time during the 2016-2017 reporting. Since this issue data is now downloaded on a fortnightly basis. Letter approving extension to metrological station time from the DPE dated 2/2/2009. Since this issue data is now downloaded on a fortnightly basis.	Continue regular downloading to prevent loss of data.																														
M4.2	<p>For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.</p> <p>Point 7</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Units of Measure</th> <th>Frequency</th> <th>Averaging Period</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Air Temperature</td> <td>Degrees Celsius</td> <td>Continuous</td> <td>1 hour</td> <td>AM-4</td> </tr> <tr> <td>Wind direction</td> <td>Degrees</td> <td>Continuous</td> <td>15 minute</td> <td>AM2 &amp; AM-4</td> </tr> <tr> <td>Wind speed</td> <td>m/s</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 &amp; AM-4</td> </tr> <tr> <td>Sigma theta</td> <td>Degrees</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 &amp; AM-4</td> </tr> <tr> <td>Rainfall</td> <td>mm</td> <td></td> <td>24 hours</td> <td>Standard rain gauge</td> </tr> </tbody> </table>	Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method	Air Temperature	Degrees Celsius	Continuous	1 hour	AM-4	Wind direction	Degrees	Continuous	15 minute	AM2 & AM-4	Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4	Sigma theta	Degrees	Continuous	15 minute	AM-2 & AM-4	Rainfall	mm		24 hours	Standard rain gauge	Compliant	Evidence of meteorological data. Meets the requirements of this condition for testing of parameters. Some data also summarised in the AEMR.	
Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method																														
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M4.3	<p>Rainfall at the premises must be measured and recorded in millimetres per 24 hour period, at the same time each day.</p> <p>Note: The rainfall monitoring data collected in compliance with Condition M4.2. can be used to determine compliance with L1.2.</p>	Compliant	Meteorological data outlined in the Annual Review. Meteorological station serviced and maintained. Met station can provide continuous rainfall data.																															
<b>M5 Recording of pollution complaints</b>																																		
M5.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	Compliant	Evidence of complaints register with this published on the Austar website. Evidence of internal register. Register dates back to 2006.																															
M5.2	<p>The record must include details of the following:</p> <p>a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.</p>	Administrative Non-Compliance	Evidence of complaints register with this published on the Austar website. Evidence of internal register. Contains a) to e) with the exception of time of the complaint. Its noted that some complaints logged have the time, however many complaints do not register the time.	Add an additional column to record the time of the complaint. Sometimes the time of the complaint is not known. Where this is the case, this should be recorded.																														
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Compliant	Complaints records provided data back to 2008.																															
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Compliant	Monitoring results provided on the website. Also in site database.																															
<b>M6 Telephone complaints Line</b>																																		
M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	Compliant	Complaints line link on the website.																															
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Compliant	Link on the website.																															
M6.3	The preceding two conditions do not apply until 3 months after the date of the issue of this licence.	Noted																																
<b>M7 Requirement to monitor volume or mass</b>																																		

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action																		
M7.1	<p>For each discharge point or utilisation area specified below, the licensee must monitor:</p> <p>a) the volume of liquids discharged to water or applied to the area;  b) the mass of solids applied to the area;  c) the mass of pollutants emitted to the air;</p> <p>at the frequency and using the method and units of measure, specified below.</p> <table border="1"> <thead> <tr> <th colspan="3">POINT 1</th> </tr> <tr> <th>Frequency</th> <th>Unit of Measure</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Special Frequency 1</td> <td>kilolitres per day</td> <td>In line instrumentation</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="3">POINT 6</th> </tr> <tr> <th>Frequency</th> <th>Unit of Measure</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Monthly</td> <td>kilolitres per day</td> <td>In line instrumentation</td> </tr> </tbody> </table> <p>Note: Special Frequency 1 means daily collected at a minimum of twelve hourly intervals when a discharge is occurring.</p>	POINT 1			Frequency	Unit of Measure	Sampling Method	Special Frequency 1	kilolitres per day	In line instrumentation	POINT 6			Frequency	Unit of Measure	Sampling Method	Monthly	kilolitres per day	In line instrumentation	Compliant	<p>Evidence sighted in the field of discharge points and V Notch Weirs which meet the monitoring/sampling method requirements for this condition. Work orders are completed for maintenance of the overall water management system.</p> <p>The volume of liquid is recorded with evidence provided in the EPL Monitoring Reports as well as the AEMR.</p> <p>Sighted evidence of the 'Site Water Monthly Data' Spreadsheet. Noted that LDP001 is not a line item in that spreadsheet.</p>	Austar to liaise with CITEC to ensure LDP001 is added as a line item in the 'Site Water Monthly Data' spreadsheet. Discharges rarely occur from this location, however it should be recorded in this spreadsheet.
POINT 1																						
Frequency	Unit of Measure	Sampling Method																				
Special Frequency 1	kilolitres per day	In line instrumentation																				
POINT 6																						
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<b>6 Reporting Conditions</b>																						
<b>R1 Annual Return Documents</b>																						
R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> <li>a Statement of Compliance,</li> <li>a Monitoring and Complaints Summary,</li> <li>a Statement of Compliance - Licence Conditions,</li> <li>a Statement of Compliance - Load based Fee,</li> <li>a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,</li> <li>a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and</li> <li>a Statement of Compliance - Environmental Management Systems and Practices.</li> </ol> <p>At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.</p>	Compliant	Annual Returns sighted for 2014, 2015 and 2016. Completed as per EPA forms.																			
R1.2	<p>An Annual Return must be prepared in respect of each reporting period, except as provided below.</p> <p>Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.</p>	Compliant	Annual Returns sighted for 2014, 2015 and 2016. Completed as per EPA forms.																			
R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <p>a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and  b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.</p> <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p>	Not Triggered	Not triggered.																			
R1.4	<p>Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:</p> <p>a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or  b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.</p>	Not Triggered	Not triggered.																			
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Compliant	Evidence of signed Annual Returns within 60 days for 2014, 2015 and 2016 Annual Returns.																			
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Compliant	Copy of Annual Return at site.																			
R1.7	<p>Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:</p> <p>a) the licence holder; or  b) by a person approved in writing by the EPA to sign on behalf of the licence holder.</p>	Compliant	Signed Annual Returns provided.																			
<b>R2 Notification of environmental harm</b>																						
Note	The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	Compliant	<p>Evidence of PIRMP notifications during the audit period. Evidence of consultation with EPA following PIRMP notifications. All PIRMP notifications are also outlined in the AEMR's and include:</p> <ul style="list-style-type: none"> <li>* LDP001 discharge event on 21 and 22 April 2017.</li> <li>* Leak of mine water pipelines on 26 March 2015, 24 February 2017.</li> <li>* Kitchener SIS Sediment Dam discharge 6 January 2015 and 4 May 2015.</li> <li>* Orange staining in clearwater drain - 7 June 2017.</li> </ul> <p>Austar has a comprehensive Environmental Management System to identify and minimise risk of harm to the environment. These are the management plans required by the project approval and development consent.</p>																			
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555	Compliant	Evidence of PIRMP notification forms and reporting.																			
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	Compliant	Evidence of notifications in writing. For some incidents there was correspondence over a one month period. However initial written notification within 7 days.																			
<b>R3 Written Report</b>																						
R3.1	<p>Where an authorised officer of the EPA suspects on reasonable grounds that:</p> <p>a) where this licence applies to premises, an event has occurred at the premises; or  b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.</p>	Not Triggered	Based on the site communications this has not been triggered.																			
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Not Triggered	Based on the site communications this has not been triggered.																			

Condition Number	Condition	Compliance Status (C/OI/NC/NA)	Evidence	Recommended Action								
R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.	Not Triggered	Based on the site communications this has not been triggered,									
<b>7 General Conditions</b>												
<b>G1 Copy of licence kept at the premises or plant</b>												
G1.1	A copy of this licence must be kept at the premises to which the licence applies	Compliant	Copy at site was seen by the audit team.									
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see	Noted										
G1.	The licence must be available for inspection by any employee or agent of the licence working at the premises	Noted										
<b>8 Pollution Studies and Reduction Program</b>												
<b>U1 Premises Noise Assessment</b>												
U1.1	The licensee must conduct a noise assessment in accordance with the document, 'NSW Industrial Noise Policy', (EPA, 2000) (INP) for the operations and activities carried out at the licensed premises and submit a report to the Manager, Hunter Region, by no later than 31 AUGUST 2014.	Not Triggered	Outside of the audit period.									
U1.2	The report referred to in condition U1.1 must include, but is not limited to the following: 1. Project Specific Noise Levels for the nearest noise sensitive receiver location(s). The project specific noise levels may be sourced from recent documentation submitted in support of a project approval application, or determined specifically in response to this condition, provided that: (a) The source of the project specific noise levels are stated; (b) The project specific noise levels have been derived in accordance with the INP; (c) Details are provided of how the project specific noise levels have been derived; and (d) The nearest noise sensitive receiver locations chosen are representative of those potentially most affected by noise from the premises. 2. Predicted or measured noise level contributions for the noise sensitive receiver locations identified in U1.2.1 above as a result of all activities and operations carried out at the premises. These may be sourced from recent documentation submitted in support of a project approval or determined specifically in response to this condition, provided that: (a) The source of the predicted or measured noise level(s) are stated; (b) Noise levels have been predicted or measured in accordance with the INP; and (c) Details of how the noise levels have been predicted are provided. 3. Noise Limits proposed for the location(s) identified in U1.2.1 above, derived with regard to the project specific noise levels and predicted noise level contributions from U1.2.1 and U1.2.2 above, that can be placed on the licence, for all activities and operations carried out at the premises. 4. Details of methods to be used to determine compliance with the limits in U1.2.3 above. Note: (a) A reference to the INP includes a reference to the INP Application Notes; and (b) Noise sensitive receiver locations do not include any locations owned by the licensee or another coal mine or where a negotiated agreement (as outlined in the INP) is in place between the landowner and any licence holder.	Not Triggered	Outside of the audit period.									
<b>U2 Premises Noise Limits</b>												
U2.1	Noise generated at the premises must not exceed the noise limits below: <table border="1" data-bbox="341 1018 1015 1108"> <thead> <tr> <th>Receiver</th> <th>Noise Limit dB(A)L90</th> </tr> </thead> <tbody> <tr> <td>Pelton Village</td> <td>43</td> </tr> <tr> <td>Pyne Residence</td> <td>40</td> </tr> <tr> <td>O'Hearn Residence</td> <td>37</td> </tr> </tbody> </table> Note: These noise limits apply until new noise limits, determined through the "Premises Noise Assessment" pollution reduction program, condition U1 of this licence, are applied to the licence.	Receiver	Noise Limit dB(A)L90	Pelton Village	43	Pyne Residence	40	O'Hearn Residence	37	Non-Compliant (Low Risk)	2016-17 Annual Return - As per the Industrial Noise Policy (INP), the nature of the measured noise indicated that C2 and C5 in quarter 3 of 2016, and C2, C3, C4, C5 in quarter 2 2017 were classified as low frequency and attracted the 5dB modifying factor. When the modifying factor was applied the resultant noise level exceeded the relevant EPL or the adopted Noise and Vibration Management Plan L A90 noise limit. 2016 Annual Return - exceedance of noise from Pelton Village in July and August 2016 based on the low frequency modifying factor. 2015 Annual Return - exceedance of noise from residence in January 2015 based on the low frequency modifying factor. 2014 Annual Return - all exceedances relating to the 2014 Annual Return dated prior to this audit period (this audit period commenced 15 November 2014)	Continue to investigate noise mitigation measures, including additional sound power level testing.
Receiver	Noise Limit dB(A)L90											
Pelton Village	43											
Pyne Residence	40											
O'Hearn Residence	37											
U2.2	The noise limits apply at all times under wind speeds up to 3 metres per second (measured at 10 metres above ground level) and Pasquill stability class from A to F.	Noted	All noise monitoring is completed by a specialist.									
U2.3	Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise limits in Condition U2.1 unless otherwise stated. Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy. The modification factors presented in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise level where applicable.	Compliant	All noise monitoring is completed by a specialist - Global Acoustics. General assessment methodology outlined in the Noise reports.									
U2.4	A noise compliance assessment report must be submitted to the EPA's Regional Manager, Hunter on a quarterly basis. The report must contain the results of noise compliance monitoring specified in U2.3.	Administrative Non-Compliance	Evidence of quarterly reporting since October 2016 to November 2017. In the letter dated 6 October 2016 there was an oversight in providing the quarterly reports to the EPA between Quarter 3 2014 and Quarter 2 2016. No further recommendations as this is now being completed. Based on site communications, Austar has scheduled provision of compliance monitoring reports to EPA on a quarterly basis on compliance action tool program to minimise risk of further administrative non-compliance.	No further action recommended.								
<b>9 Special Conditions</b>												
<b>E1 Advice to Black Creek Water Users</b>												
E1.1	The licensee must maintain a system acceptable to water users on Black Creek for advising those water users registered with the company of the discharge of waters from discharge point 1. Where possible, water users will be advised within the 24 hour period immediately prior to the commencement of any discharge. Where prior advice is not possible, advice will be given as soon as practicable after discharge commences. The licensee will advise water users of the conductivity of water being discharged. The conductivity of the waters of Bellbird Creek at the intersection of Black Creek with Lomas Lane will be advised to water users on request.	Compliant	Evidence of Government Information (Public Access) records provided from Industry and Investment dated 8 August 2012. SLR sighted the licenced users. Evidence of consultation during April 2015 discharge from LDP001. No other times this was triggered. Residents contacted via express post.									

# Consolidated Mining Lease No 2 (Act 1992)

Lease: Consolidated Mining Lease No 2 (Act 1992)  
 Holder: Austar coal Mine Pty Limited  
 CAN 111 910 822  
 Date of Lease: Mar-93  
 Expiry Date of: 15-May-25

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
<b>Notice to Landholders</b>				
1	<p>Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.</p> <p>If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.</p>	Not Triggered	Not triggered in reporting period.	
<b>Environmental Harm</b>				
2	The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	Compliant	<p>There were PIRMP notifications required during the audit period. These all related to surface water management. Although there were incidents, the site has implemented measures to prevent and/or minimise harm to the environment. These measures included:</p> <ul style="list-style-type: none"> <li>* Water management design.</li> <li>* Inspections.</li> <li>* Monitoring and reporting.</li> </ul> <p>All PIRMP notifications are also outlined in the AEMR's and include:</p> <ul style="list-style-type: none"> <li>* LDP001 discharge event on 21 and 22 April 2017 - above Blue Book design.</li> <li>* Leak of mine water pipelines on 26 March 2015, 24 February 2017 - inspections are completed.</li> <li>* Kitchener SIS Sediment Dam discharge 6 January 2015 and 4 May 2015 - above Blue Book design.</li> <li>* Orange staining in cleanwater drain - 7 June 2017 - investigation did not find the source of the staining. Material cleaned up. No further actions directed by the EPA.</li> </ul> <p>The current leak detection is approximately 10% change over a 30 second period. Austar has a comprehensive Environmental Management System to identify and minimise risk of harm to the environment. These are the management plans required by the project approval and development consent.</p>	Review and if possible reduce the 'leak detection' level for pipelines with the aim of minimising volume that could potentially leak without triggering alarms and the automatic shut down.
<b>Mining Operations Plan</b>				
3	<p>(a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries.</p> <p>(b) The MOP must:</p> <ol style="list-style-type: none"> <li>identify areas that will be disturbed by mining operations;</li> <li>detail the staging of specific mining operations;</li> <li>identify how the mine will be managed to allow mine closure;</li> <li>identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment;</li> <li>reflect the conditions of approval under:           <ul style="list-style-type: none"> <li>- the Environmental Planning and Assessment Act 1979</li> <li>- the Protection of the Environment Operations Act 1997</li> <li>- and any other approvals relevant to the development including the conditions of this lease; and</li> </ul> </li> <li>have regard to any relevant guidelines adopted by the Director-General.</li> </ol> <p>(c) The titleholder may apply to the Director-General to amend an approved MOP at any time.</p> <p>(d) It is not a breach of this condition if:</p> <ol style="list-style-type: none"> <li>the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 or the Occupational Health and Safety Act 2000; and</li> <li>the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</li> </ol> <p>(e) A MOP ceases to have affect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purpose of this paragraph unless otherwise identified by the Director-General.</p>	Compliant	<ul style="list-style-type: none"> <li>* Mining Operations Plan (MOP) prepared and approved.</li> </ul> <p>(b)</p> <ol style="list-style-type: none"> <li>MOP plans developed that include the 3 series.</li> <li>MOP plans developed that include the 3 series.</li> </ol> <p>Table 7.3 has incorrect breakdown of current total rehabilitation. The rehabilitation is noted as ecosystem and landuse sustainability however this is the incorrect phase with rehabilitation at the start and end of the MOP being ecosystem and landuse establishment.</p> <ol style="list-style-type: none"> <li>Section 5-9 identifies how the mine will be managed to allow mine closure.</li> <li>Section 3 identifies how mining operations will be carried out on site in order to prevent and or minimise harm to the environment (environmental issues management). Section 9 includes the TARP.</li> <li>Section 1.2 reflects the conditions of approval under:           <ul style="list-style-type: none"> <li>- the Environmental Planning and Assessment Act 1979.</li> <li>- the Protection of the Environment Operations Act 1997.</li> </ul> </li> <li>The MOP has been prepared in accordance with 2013 guidelines.</li> </ol> <p>(c) Noted. There have been MOP amendments during the audit period.</p> <p>(d) Noted.</p> <p>(e) Current MOP goes over 7 years.</p>	Update with the correct rehabilitation phasing in MOP Plans in the next MOP.
<b>Environmental Management Reporting</b>				
4	The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.	Compliant	Evidence of submission to DRG, DPE, EPA and DPI-Water	
<b>The EMR must:</b>				
5	<ol style="list-style-type: none"> <li>report against compliance with the MOP;</li> <li>report on progress in respect of rehabilitation completion criteria;</li> <li>report on the extent of compliance with regulatory requirements; and</li> <li>have regard to any relevant guidelines adopted by the Director-General;</li> </ol>	Administrative Non-Compliance	<ol style="list-style-type: none"> <li><u>Admin NC</u>: The AEMRs do not report compliance with the MOP.</li> <li><u>Admin NC</u>: The AEMRs do not report on progress in respect of rehabilitation completion criteria.</li> <li>The AEMRs report on the extent of compliance with regulatory requirements.</li> <li><u>Admin NC</u>: The AEMRs have been prepared in accordance with the former AEMR Guideline. That has been replaced with an Annual Review Guideline. There is a different document structure required.</li> </ol> <p>* SLR recommends renaming the document an Annual Review and completing it in accordance with the Annual Review Guidelines.</p> <p>* Future Annual Reviews should compare results against EA predictions and assess trends in data (eg. over a five year period).</p> <p>* It is suggested that tilt and strain profiles be provided in the Annual Review reports and a sub-section provided in the text that compares the measured v. predicted values and discusses whether the overburden is behaving as expected or otherwise. Curvatures may be then able to be estimated from the strain profiles through a locally derived ratio between maximum strain and peak curvatures (excluding disturbed survey pegs).</p> <p>The main purpose of this exercise would be to provide technical information to stakeholders that do not have access to the DRG portal.</p> <p>* The amount of rehabilitation and disturbance undertaken during the reporting period vs that included in the MOP should be included in future Annual Reviews.</p> <p>* Future Annual Reviews should report compliance with the MOP.</p> <p>* Future Annual Reviews should report progress in respect of rehabilitation completion criteria.</p>	
6	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.	Not Triggered	Noted. Austar report incidents to relevant government agencies through incident reports and AEMRs.	
<b>Rehabilitation</b>				
7	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	Not Triggered	<ul style="list-style-type: none"> <li>* Ongoing rehabilitation.</li> <li>* Landuse discussed in the MOP.</li> </ul>	
<b>Subsidence Management</b>				

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
8	<p>a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.</p> <p>(b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Applications for Subsidence Management Approvals guidelines (EOG17)</p> <p>(c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the Mine Health &amp; Safety Act 2004, or the document New Subsidence Management Plan Approval Process - Transitional Provisions (EDP09).</p> <p>(d) Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals.</p> <p>(e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 3 and will be subject to the Annual Environmental Management Report process as set out under Condition 4. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence - Policy.</p>	Compliant	* LW A8 is applicable to the audit period. Longwalls A7-A10 SMP/EP were completed prior to the audit period. The Project Approval was modified (Mod 3) and approved by DPE in 17/12/13. The associated SMP/EPs were submitted and approved by DRG (19/2/14) and DPE (6/1/14) prior to Stage 3 mining.	
<b>Working Requirement</b>				
9	<p>The lease holder must:</p> <p>(a) ensure that at least 137 competent people are efficiently employed on the lease area on each week day except Sunday or any week day that is a public holiday, OR</p> <p>(b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$2,397,500 per annum whilst the lease is in force.</p> <p>The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed.</p>	Compliant	* According to site communications 235 people employed at site.	
<b>Control of Operations</b>				
10	<p>(a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:-</p> <p>(i) cease working the lease; or</p> <p>(ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified.</p> <p>(b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction.</p> <p>(c) A direction referred to in this condition may be served on the Mine Manager.</p>	Not Triggered		
<b>Reports</b>				
11	<p>The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <p>(a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;</p> <p>(b) Details of expenditure incurred in conducting that exploration;</p> <p>(c) A summary of all geological findings acquired through mining or development evaluation activities;</p> <p>(d) Particulars of exploration proposed to be conducted in the next twelve months period;</p> <p>(e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>	Administrative Non-Compliance	<p>Evidence of 'Indexing Title DSL89 Group Report's. Anniversary period is April 4 to April 4. Reports covering:</p> <p>- April 4th, 2016 - April 4th 2017 (submitted May 4th 2017).</p> <p>- April 4th, 2015- April 4th 2016 (submitted May 4th 2016).</p> <p>- April 4th, 2014- April 4th 2015 (submitted May 4th 2015).</p> <p>Reports cover these requirements. There is a minor non - compliance as the reports are dated 30 days after the anniversary date, not 28 days.</p>	Ensure Exploration Reports are dated and sent to the DRG within 28 days of the anniversary date.
<b>Licence to Use Reports</b>				
12	<p>(a) The lease holder grants to the Minister, by way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright.</p> <p>(b) The non-exclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.</p>	Note	Noted.	
<b>Confidentiality</b>				
13	<p>(a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential while the lease is in force, except in cases where:</p> <p>(i) the lease holder has agreed that specified reports may be made non-confidential.</p> <p>(ii) reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease.</p> <p>(b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated.</p> <p>(c) The Director-General may extend the period of confidentiality.</p>	Note	Noted.	
<b>Terms of the non-exclusive licence</b>				
14	<p>The terms of the non-exclusive copyright licence granted under condition 12 are:</p> <p>(a) the Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports.</p> <p>(b) the Minister and any sub- licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database.</p> <p>(c) the lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright.</p> <p>(d) there is no royalty payable by the Minister for the licence.</p> <p>(e) if the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder, that licence is revocable on the giving of a period of not less than three months notice.</p>	Note	Noted.	
<b>Blasting</b>				
15	<p><b>(a) Ground Vibration</b> The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Climate Change.</p> <p><b>(b) Blast Overpressure</b> The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Climate Change.</p>	Not Triggered	No blasting	
<b>Safety</b>				
16	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Compliant	* As observed in the field all shafts were fenced and secure.	
<b>Exploratory Drilling</b>				



Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
17	<p>(a) At least twenty eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Water and Energy Regional Hydrologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes.</p> <p>(b) If the lease holder drills exploratory drill holes he must satisfy the Director-General that-</p> <p>(i) all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;</p> <p>(ii) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;</p> <p>(iii) all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters;</p> <p>(iv) if any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;</p> <p>(v) if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers.</p> <p>(vi) once any drill hole ceases to be used the hole must be sealed in accordance with Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director-General.</p> <p>(vii) once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p>	Compliant	Groundwater Modelling and Monitoring Plan outlines proposed exploration drilling locations.	
<b>Prevention of Soil Erosion and Pollution</b>				
18	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	Compliant	* Evidence provided of sediment control fences installed at drilling sites.	
<b>Transmission lines, Communication lines and Pipelines</b>				
19	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.	Compliant	According to site communications operations have not interfered or impaired the stability or efficiency of any transmission line, communication line and pipeline.	
<b>Fences, Gates</b>				
20	<p>(a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate.</p> <p>(b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.</p>	Compliant	<p>(a) Fences have been temporary affected by pipeline maintenance works but they have been re-instated.</p> <p>(b) General agreement that if a fence is open then it stays open. If a fence is closed it stays closed.</p>	
<b>Roads and Tracks</b>				
21	<p>(a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate.</p> <p>(b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.</p>	Compliant	<p>a) Based on site communications only minor road damage.</p> <p>b) Subsidence Advisory pays for repair of damage</p>	
22	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Environment and Climate Change.	Not Triggered	No tracks constructed during the audit period.	
<b>Trees and Timber</b>				
23	<p>(a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden.</p> <p>(b) The lease holder must not cut, destroy, ring bark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the Native Vegetation Act 2003.</p> <p>(c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.</p>	Not Triggered	No clearing undertaken during the audit period.	
<b>Resource Recovery</b>				
25	<p>(a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to recover such minerals.</p> <p>(b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.</p> <p>(c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.</p> <p>(d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director-General has incorporated the views of the lease holder.</p> <p>(e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act, 1992.</p> <p>(f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.</p>	Not Triggered	Not triggered in reporting period.	
<b>Indemnity</b>				
26	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in 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 lease area or in connection with any of the operations notwithstanding that all other conditions of this lease 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.	Not Triggered	Not triggered in reporting period.	
<b>Security</b>				
28	<p>(a) The single security in the sum of \$14,420,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Dam Site Lease (Mining Purposes) 89 (Act 1901), Mineral Lease 1157 &amp; 1283 (Act 1906), Mining Purposes Lease 23, 204, 217, 233, 269, 1364 (Act 1906), Private Lands Lease 150 (Act 1906), Consolidated Coal Lease 728 &amp; 752 (Act 1973), Mining Purposes Lease 324 (Act 1973), Mining Lease 1345, 1347, 1388, 1550 (Act 1992) and Consolidated Mining Lease 2 (Act 1992). If the lease holder fails to fulfil any one or more of the obligations under this lease, then the security held may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of the lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.</p> <p>(b) The lease holder must provide the security required by sub-clause (a) in one of the following forms:</p> <p>(i) cash,</p> <p>(ii) a security certificate in a form approved by the Minister and issued by an authorised deposit-taking institution</p>	Compliant	* Evidence provided in the form of a letter to DRG dated 19 April 2016 stating security of \$16,585,000 provided to the department.	
<b>Prescribed Dam</b>				

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
29	<p>(a) Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification area of the Kalingo Dam without the prior written approval of the Minister and subject to any conditions he may stipulate.</p> <p>(b) Where the lease holder desires to mine within the notification area he must:  (i) at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and  (ii) provide such information as the Minister may direct.</p> <p>(c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. This sub-paragraph is complied with if:  (i) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).  (ii) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.  (iii) 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.  (iv) 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  (v) where the Dams Safety Committee has made recommendations the approval is in terms that are: in accordance with those recommendations; or where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph.  (vi) Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or in the event of failure to reach such agreement- as determined by the Premier.</p> <p>(d) The Minister, on notice from the Dams Safety Committee, may at any time or times:  (i) cancel any approval given 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 approval given or conditions imposed</p>	Not Triggered	No mining within this area during the audit period. No current plans for mining within this area.	
<b>Suspension of Mining Operations</b>				
30	The holder of a consolidated mining lease may not suspend mining operations in the mining area other than in accordance with the consent of the Minister.	Not Triggered	* Operations ongoing	
<b>Cooperation Agreement</b>				
31	<p>The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping petroleum title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> <li>* access arrangements</li> <li>* operational interaction procedures</li> <li>* dispute resolution</li> <li>* information exchange</li> <li>* well location</li> <li>* timing of drilling</li> <li>* potential resource extraction conflicts and</li> <li>* rehabilitation issues.</li> </ul>	Not Triggered	* No overlapping leases.	
<b>Trigonometrical Stations and Survey Marks</b>				
32	<p>(a) A person must not remove, damage, destroy, displace, obliterate or deface any marks in connection with any trigonometrical station, permanent mark or survey mark unless authorised to do so by the Surveyor-General.</p> <p>(b) A person must not insert in any land any mark resembling a permanent survey mark unless authorised to do so by the Surveying Regulations 2001.</p> <p>(c) At all times while exercising the powers of entry, a person must carry, and produce on demand, a certificate of authority in the form prescribed by the Surveying Regulations 2001.</p>	Compliant	* Survey marks only installed in accordance with Extraction Plan.	
<b>SPECIAL CONDITIONS</b>				
33	<p>Unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not work or cause to be worked any seam of coal by underground methods within the subject area within the barrier defined as follows:  The land within the zone beneath and adjacent to the Pelton Railway enclosed by an angle of draw of 35 degrees from the vertical plane of the boundary parallel to and thirty metres horizontally distant from the outermost rails of the railway track(s), such angle of draw being measured outwards from the point on the vertical plane of the said boundary at the surface or at the level of the horizontal plane of the railway track, whichever may be the higher, to the floor of the coal seam in which mining operations are to be carried out.</p>	Not Triggered	Not triggered in reporting period.	
34	Any approval or consent given by the Minister including any approval or consent given pursuant to any condition or term contained in a lease consolidated into this lease to the effect that the registered holder may conduct mining operations in those parts of the subject area within the zone defined in Condition 33 shall be deemed to be a consent for the purposes of the said Condition 33 subject to the same conditions of that approval or consent.	Not Triggered	Not triggered in reporting period.	
35	The registered holder shall not work or cause to be worked any seam of coal within the subject area without leaving, if the Minister by order given in writing to the registered holder so directs, a barrier of such width or a protective pillar or pillars of such size or sizes as is specified in the order, against any surface improvements or any feature whether natural or artificial.	Not Triggered	Not triggered in reporting period.	

# APPENDIX C – DGS SPECIALIST REPORT

Ditton Geotechnical Services Pty Ltd  
82 Roslyn Avenue Charlestown NSW 2290  
PO Box 5100 Kahibah NSW 2290



26 February 2018

Christopher Jones  
Associate - Env Man Permitting & Compliance  
SLR Consulting Australia Pty Ltd  
10 Kings Road, New Lambton, NSW, 2305

## **Report No. AUS-003/1**

Dear Christopher,

### **Subject: Subsidence Impact Management Compliance Assessment for the Fourth Triennial Independent Environmental Audit of the Austar Coal Mine, Ellalong**

#### **1.0 Introduction**

This report presents the outcomes of the Fourth Triennial Independent Review on the performance of the Subsidence Management Plans and Extractions Plans prepared by the Austar Coal Mine, Ellalong.

The audit covers the period between November 2014 and November 2017. Mining activities during this period included the completion of longwall A8 (Stage 3 Area) in June 2015 and longwalls B2 and B3 in the Bellbird South Area.<sup>1</sup> The mine commenced longwall B4 on 4/10/17. All mining activities occurred in the Greta Seam of the Greta Coal Measures.

This report forms part of the “Independent Environmental Audit” required by the NSW Planning & Environment’s (DPE) as specified in the following modified project approval or development consent conditions granted for Longwalls A8 (Stage 3 Area) and B1 to B7 (Bellbird South) respectively:

- Schedule 7, Condition 7 Modified Project Approval for Stage 3 (Mod 3, PA No. 08\_0111 dated 17/12/13); and
- Schedule 5, Condition 6 Modified Development Consents (Mod 6 and 7, DA No. 29/1995 dated 29/1/16 (Mod 6, B1-3) and 25/8/17 (Mod 7, B4-7)).

The report has been prepared in accordance with NSW Independent Audit Guidelines 2015 for submission with the Independent Environmental Audit Report as requested by SLR Pty Ltd.

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<sup>1</sup> Longwall B1 has not been extracted yet due to the decision by the mine to commence with B2 in July 2016.

## 2.0 Scope of Work

The scope of the audit has included the following items of work:

(i) A desktop review of the following documents:

### Approvals

- Modified Project Approval (Mod 3 PA No. 08\_0111) for Stage 3 Longwalls A7 to A10 (dated 17/12/13);
- Modified Development Consents (Mod 6 and 7, DA No. 29/95) for Bellbird South Longwalls B1-B3 (Mod 6, dated 29/1/16) and Longwalls B4-B7 (Mod 7, dated 25/8/17);
- Modified Subsidence Management Plan / Extraction Plan Approval for Stage 3 Longwalls A7 to A10 (DPE, dated 06/01/14 and DRG, dated 19/02/14); and
- Extraction Plan Approvals for Longwalls B1-B3 (DPE, dated 04/07/16) and B4-B7 (DPE, dated 20/09/17).

### Subsidence Management / Extraction Plans and Appendices (TARPS & Specific Management Plans)

- Austar LW A7-A10 Extraction Plan (dated 19/12/13);
- Austar LW B1-B3 Extraction Plan (dated 16/5/16);
- Austar LW B4-B7 Extraction Plan (dated 15/9/17);
- Austar LW A7-A10 Subsidence Monitoring Program (dated 4/12/13);
- Austar LW B1-B3 Subsidence Monitoring Program (dated 9/5/16); and
- Austar LW B4-B7 Subsidence Monitoring Program (dated 21/9/17).

### Annual Environmental Management Reports / End of Panel Reports

- Annual Environmental Monitoring Reports for 1 July 2014- 30 June 2015, 1 July 2015 -30 June 16 and 1 July 2016 - 30 June 17 that were submitted to DPE; and
- End of Panel Report for LW A8 dated 29/9/15 that was submitted to DRG (Department of Resources and Geosciences).

- (ii) A brief walk over / drive by inspection of the surface above the extracted South Bellbird longwalls B2 and B3.<sup>2</sup>
- (iii) Provide an assessment of the effectiveness of the Extraction Plans / Subsidence Management Plans in place and possible avoidance of remediation measures or strategies; and
- (iv) Provide recommendations on any changes to the overall reporting process such that it may improve the effectiveness, transparency and performance of the management plans.

### **3.0 Surface Conditions and Mining Geometry**

#### **3.1 Stage 3**

The Stage 3 area (LW A7 - A10) includes undeveloped woodland of the Werakata State Conservation Area (previously known as the Aberdare State Forest), rural residential properties and several creeks with alluvium (Coney and Sandy Creeks).

Infrastructure, cultural heritage and utilities above include:

- Public roads and tracks (Quorrobolong Road, Coney Creek Lane, Pelton Road, Crown and NPWS tracks);
- Communications infrastructure (buried optic fibre and local copper cables);
- Ausgrid above ground powerlines;
- A poultry farm including poultry sheds;
- Rural property infrastructure (Private dwellings, private access tracks, sheds, farm dams, fences);
- Austar Coal Mine infrastructure and access road;
- Aboriginal Heritage Sites; and
- Survey marks.

The longwalls are located at a depth of 500 m to 560 m with void widths of 237 m and chain pillar widths of 55 m. Longwall Top Coal Caving (LTCC) technology was used to extract 3.3 m to 6.0 m height of the Greta Seam.

#### **3.2 Bellbird South**

The Bellbird South mining area (LW B1-B7) includes predominately rural-residential properties, with ephemeral drainage gullies associated with Quorrobolong Creek.

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<sup>2</sup> The Stage 3 area was not inspected as this was done during the previous audit period and only one additional panel (A8) had been extracted during this audit period.



Natural and Built features and cultural heritage sites within the Extraction Plan Area include:

- Ephemeral drainage gullies;
- Dry land and riparian vegetation;
- Public roads, bridge, culverts (Sandy Creek Road, and Barraba Lane);
- Communications infrastructure (local copper cables);
- Ausgrid above ground powerlines;
- Private groundwater bores;
- Rural property infrastructure (Private dwellings, private access tracks, sheds, farm dams, fences);
- Aboriginal Archaeological Site; and
- Permanent Marks and State Survey marks (PM's and SSM's).

Similar mining geometries to Stage 3 are being applied, except that conventional longwall mining techniques are being used with a mining height of 3.4 m.

The mining sequence for LWB1-B3 was changed for operational reasons after the approval was granted. The revised schedule requires B2 and B3 to be extracted before B1 and is outlined in the B1-B3 Extraction Plan, which is approved by DPE.

## **4.0 Document Review**

### **4.1 Environmental Management Strategy and Extraction Plans**

Austar operates in accordance with the approved Environmental Management Strategy (EMS). The EMS is a requirement of Condition 1, Schedule 7 of PA08\_0111 and Condition 1, Schedule 5 of DA No. 29/95. The objectives of the EMS include:

- provide an overall framework for environmental management;
- identify key environmental aspects to be addressed in the strategy and supporting plans and procedures;
- establish procedures for reviewing progress and implementing corrective actions; and
- provide a framework for review and continual improvement.

The documentation prepared for subsidence impact management also follows the above strategy.

The consolidated Mod 7 DA 29/95 requires an Extraction Plan to be developed prior to secondary extraction. Conditions of development consent and Mining Leases no longer

require a Subsidence Management Plan approval. End of Panel Reports were often a condition of Subsidence Management Plan approvals. These are no longer required by the Extraction Plan process, and subsidence performance is reported through the AEMR/Annual Review Report process. In addition, subsidence monitoring data is required to be submitted on the DRG Subsidence Monitoring Data Portal.

#### **4.2 Annual Environmental Management Reports (AEMRs)**

Three AEMR's have been submitted to the DPE as required during the Audit period.

The content of the AEMRs are described in the DA and PA Conditions for Stage 3 and Bellbird South mining areas and must include the following information:

- descriptions of mining activities completed during the previous 12 months;
- descriptions of mining activities proposed for the next 12 months;
- descriptions of any modifications to the original mining layout to which consent or mining approval was granted;
- present and summarize monitoring data and compare against predictions (Subsidence and Environmental Monitoring Programs)<sup>3</sup>.
- community complaints and the responses to them by the mine;
- identify any non-compliances and determine if any actions are required to improve the effectiveness of the management plans and/or environmental performance;
- The subsidence effect and impact predictions for the approved longwalls;
- The results of the monitoring conducted and comparison with predictions and the relevant Trigger Action Response Plan (TARP); and
- Identification of any predicted subsidence effect and impact exceedance and the necessary responses and/or corrective management and reporting actions.

Based on the AEMRs, no abnormal subsidence events or impacts to the environment have been detected during the audit period. Subsidence monitoring did not exceed any of the predictions in the two mining areas either.

It is noted however, that the AEMRs only provide subsidence profiles for the survey lines above LW B2 and B3. There are no End of Panel reports now for these longwalls to provide further details on predicted v. measured tilt, curvature and strain (i.e. only the Stage 3 longwall approvals require end of panel reports).

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<sup>3</sup> The data required to be collected and reviewed is defined in *the following individual sub-plans: Subsidence Monitoring Program, Land, Built Features, Public Safety, Biodiversity and Heritage Management Plans.*

In regard to curvature, the 2014-15 AEMR responds to the previous Independent audit period request to review the need for curvature measurement and predictions since as it is not practical to measure curvatures that are within survey accuracy limits. It is understood that the mine is currently considering indirect estimates of curvature from strain measurements for approval condition reporting requirements.

There has been no surface cracking, erosion or subsurface re-routing of flows along creeks and watercourses during the audit period.

Impacts to houses are required to be within Safe, Serviceable and Repairable limits (SSR) unless landholders agree to greater impact. The SSR limits for buildings are determined by Subsidence Advisory recommendations and guidelines. No confirmed impacts to houses have occurred during the current audit period.

The Noise and Vibration Monitoring Plan recorded 4 vibration events that exceeded the British Standard vibration threshold of 15 mm/s for cosmetic damage to structures. The vibrations are caused by the fracturing of strata behind the retreating longwall faces and are associated with subsidence development.

The vibration events occurred after the commencement of longwall B2 and ranged between 17.4 and 25.2 mm/s. There was one community complaint regarding vibration in the Bellbird South area. This was reported in the 2016-2017 AEMR complaints section in Appendix F. In response, the landowner was visited and cracking to plaster was observed. Vibration data was provided along with claim process and forms and contact details for an officer at the Mine Subsidence Board (now Subsidence Advisory NSW). The SA NSW was also contacted by Austar who also advised that the landholder should lodge a claim. It is understood that a claim was made, however, the outcome of the claim process is not known.

Aboriginal Heritage monitoring did not detect any impacts to artefact sites or grinding groove sites during the audit period.

The DA/PA Conditions of Consent, project modifications, Extraction Plans / Subsidence Management Plans, AEMRs and EoPRs are provided on the Austar website ([austarcoalmine.com.au](http://austarcoalmine.com.au))

Details of the subsidence data review are provided in the EoP Reports and summarised in **Section 5.3**.

#### **4.3 End of Panel Reports (EOPRs)**

More specific information was presented in the End of Panel Reports for LW A8 to DRG, which is a requirement of the approval conditions for LWA7 to LWA10. The reports also provide the relevant subsidence and environmental monitoring data presented in the AEMR summarised in **Section 5.2**.

Details of measured subsidence data v. predicted values is summarised below:

### Stage 3 - LW A8

- Measured surface subsidence was 0.61 to 0.77 m above LW A8 centreline and cross line. The predicted maximum subsidence was 0.75 m to 1.15 m and therefore greater than the measured values;
- Measured maximum tilt was 2 mm/m with predicted values from 5 mm/m to 5.5 mm/m. The predicted values were higher than the measured values;
- Measured maximum tensile strain ranged from 0.7 mm/m to 0.9 mm/m and predicted values ranged from 0.6 to 0.8 mm/m;
- Measured maximum compressive strain ranged from 0.8 mm/m to 1.4 mm/m and predicted values were 0.9 to 1.4 mm/m;
- A maximum compressive strain of 8.3 mm/m and 6.7 mm/m were measured along Quarrobo long Road and likely to be due to peg disturbance due to lack of any surface impact and low subsidence magnitude of 0.196 m; and
- No surface impacts were detected due to the above movements.

### Bellbird South

There are no requirements for end of panel reports due to the following changes in the reporting system:

- Subsidence predictions are reviewed in the AEMRs, and
- The mine is required to lodge its survey monitoring results in accordance with the Subsidence Monitoring Plans to the “Subsidence Data Portal” administered by the DRG.<sup>4</sup>

## **5.0 Site Inspection**

Rural residential land between Sandy Creek Road and Barraba Lane was inspected by a Principal Engineer on the 22/11/17 (see photos attached).

There were no perceptible impacts from mine subsidence of up to 320 mm after LW B2 and B3 had been completed.

A subsidence warning sign to motorists on Sandy Creek Road (as specified in the Public Safety Management Plan) had been removed by a member of the public prior to the inspection. The sign was re-erected on 18/12/17 by Austar.

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<sup>4</sup> The survey data for Bellbird South is not shown on the Austar website.

## **6.0 Compliance and Effectiveness of the Subsidence Management Plans**

### **6.1 Reporting Issues**

It is considered that the AEMR Reports prepared during the audit period have generally met the requirements of the Stage 3 PA Conditions of Consent and Bellbird South DA Conditions.

However, it is noted that there is now a reduced level of subsidence monitoring detail for Bellbird South that was previously provided in End of Panel Reports. End of Panel Reports are not required by the DA 29/95 Conditions of Consent.

The need for tilt, strain and curvature data to manage the council and private buildings and infrastructure is not required by the management plans (other than the subsidence measurements to confirm subsidence has occurred. All features are required to be visually inspected and recorded before during and after subsidence occurs. Any repairs or mitigation works are attended to in accordance with the management plan. If further subsidence effects are required, then the subsidence data can be referred to on request.

### **6.2 Compliance with Consent Conditions**

Based on a review of the AEMRs and EoP Reports for the 2015-2017 Audit Period and surface inspection, it is assessed that the Austar Mine has complied with the DA Conditions of Consent for mine subsidence impact management.

It is noted that the requirements of the approvals in Bell Bird South no-longer require a review of predicted tilt, strain and curvatures due to the very low magnitudes of each parameter that occur. Visual inspections and subsidence measurements are all that is required to manage any impact and is in compliance with the Extraction Plans. However, it is recommended that improved reporting of subsidence parameters is presented in Annual Review / AEMR reports to more easily compare to the predictions in the relevant EA

### **6.3 Adequacy of the Strategies**

The information being collected is considered adequate for meeting the objectives of current SMP/EP standards and allows for the assessment / mitigation strategies if any environmental damage occurs.

Actual subsidence and impact predictions at surface features within the area of influence of mining have generally been less than or consistent with the EA predictions. Actual impacts have been assessed as 'imperceptible' with no surface cracking or environmental impact observed after subsidence of up to 0.75 m.

The consequence of vibrations exceeding the threshold limits for cosmetic damage to structures is considered unlikely to cause SSR limits to be exceeded. Any impact to houses should be repaired in accordance with the existing processes for repairing subsidence damage through Subsidence Advisory NSW. It therefore concluded that the vibration issue is being managed adequately by Austar.

Overall, the current strategies, plans and programs for managing mine subsidence impacts to the environment, man-made developments and public safety are considered to be performing adequately.

## **7.0 Recommended Actions to Improve Subsidence Impact Management System Performance**

It is suggested that tilt and strain profiles be provided in the AEMR reports and a sub-section provided in the text that compares the measured v. predicted values and discusses whether the overburden is behaving as expected or otherwise. Curvatures may be then able to be estimated from the strain profiles through a locally derived ratio between maximum strain and peak curvatures (excluding disturbed survey pegs).

The main purpose of this exercise would be to provide technical information to stakeholders that do not have access to the DRG portal.



For and on behalf of  
**Ditton Geotechnical Services Pty Ltd**

A handwritten signature in black ink, appearing to read 'Steven Ditton'. The signature is fluid and cursive, with the first name 'Steven' and the last name 'Ditton' clearly distinguishable.

Steven Ditton  
Principal Engineer and Director  
BE(Civil/Hons) C.P.Eng(Civil), M.I.E.(Aust)  
NPER 342140  
MAusIMM  
M/N 318977

**Attachments:**

Photos 1 to 3

**Photo 1 - Rural Residential Property Land above Longwall B2 and B3 in the Bell Bird South Mining Area (Photo taken from Barraba Lane)**




**Photo 2 - Sandy Creek Road Condition in Bellbird South Mining Area (near Vandalised Subsidence Warning Sign posts)**



**Photo 3 - Coney Creek and Riparian vegetation above Stage 3 (previous audit period)**



## APPENDIX D – SLR AUDIT CERTIFICATION

Independent Audit Certification Form	
Development Name	Austar Coal Mine
Development Consent No.	PA 08_01111 and DA 29/95
Description of Development	Underground Operation
Development Address	Middle Road, Paxton NSW 2325
Operator	Austar Coal Mine Pty Ltd
Operator Address	Middle Road, Paxton NSW 2325
Independent Audit	
Title of Audit	Austar 2017 Independent Environmental Audit
<p><i>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</i></p> <p><i>The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2014 and Post Approval Guidelines – Independent Audits</i></p> <p><i>The findings of the audit are reported truthfully, accurately and completely.</i></p> <p><i>I have exercised due diligence and professional judgement in conducting the audit.</i></p> <p><i>I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit.</i></p> <p><i>I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child.</i></p> <p><i>I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family).</i></p> <p><i>Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit. and</i></p> <p><i>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i></p> <p><i>Note.</i></p> <p><i>The Independent Audit is an ‘environmental audit’ for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</i></p> <p><i>The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment). sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</i></p>	
Signature	
Name of Lead / Principal Auditor	Chris Jones
Address	10 Kings Road, New Lambton NSW 2305, Australia
Email Address	cjones@slrconsulting.com
Auditor Certification (if relevant)	Principal Environmental Auditor
Date:	27 February 2018

# APPENDIX E – ENDORSEMENT OF SLR





Contact: Ann Hagerthy  
Phone: (02) 6575 3407  
Email: [ann.hagerthy@planning.nsw.gov.au](mailto:ann.hagerthy@planning.nsw.gov.au)  
[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)  
Our Ref: MP 08\_0111  
DA 29/95

Austar Coal Mine Pty Ltd  
Locked Bag 806  
CESSNOCK NSW 2325

Att: Mr Gary Mulhearn, Environment and Community Manager

**Austar Coal Mine MP 08\_0111 and DA 29/95  
2017 Independent Environmental Audit Team**

Thank you for your correspondence on 24 October 2017 proposing an audit team to undertake the Independent Environmental Audit (IEA) of Austar Coal Mine Pty Ltd's (Austar's) Austar Coal Mine Project (the site) in accordance with Schedule 7, Condition 7 of Project Approval MP 08\_0111 and Schedule 5, Condition 6 of development consent DA 29/95 (the approvals), as modified.

The Department has reviewed the information provided and endorses the proposed audit team with the following personnel:

- Chris Jones – Lead Environmental Auditor
- Tracey Ball – Assistant Environmental Auditor
- Steven Ditton – Subsidence Specialist
- Nathan Archer – Noise Specialist
- Tim Wilkinson – Groundwater Specialist
- Paul Delaney – Surface Water Specialist
- Ali Naghizadeh – Air Quality Specialist
- Andrew Hutton – Project Director

In accordance with Schedule 7, Conditions 7 and 8 of MP 08\_0111 and Schedule 5, Conditions 6 and 7 of DA 29/95, the Department expects that the audit is commissioned and the full cost paid by 31 December 2017, and the audit report and a response to any recommendations contained within this report is submitted to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within six weeks of completing the audit (the audit inspection date).

Please contact Ann Hagerthy on (02) 6575 3407 or [ann.hagerthy@planning.nsw.gov.au](mailto:ann.hagerthy@planning.nsw.gov.au) should you have any queries on this matter.

Yours sincerely

Leah Cook  
**Team Leader - Compliance**  
*As Nominee of the Secretary*



Hi Gary

Given the below justified request, the Department will accept the IEA report and response to recommendations by 27 Feb18.

Any further concerns please don't hesitate to contact us

Regards

Leah

On 23 Nov 2017, at 4:16 pm, Gary Mulhearn <[Gary.Mulhearn@yancoal.com.au](mailto:Gary.Mulhearn@yancoal.com.au)> wrote:

Dear Ann & Leah,

As discussed on the phone last week with Ann, I have discussed the timing for submission of the audit report with our Lead Auditor Chris Jones. The DPE letter requested the report and a response to any recommendations in the report is submitted to DPE within six weeks of the audit inspection date. Our lead auditor does not consider this timing is possible and has cited several reasons.

- SLR and Austar Key staff Xmas shutdown from 22nd December 2017 to 8th January 2018;
- Our Subsidence Specialist has some existing deadlines. He will not be able to provide a report to SLR and site until Mid – January 2018;
- The SLR noise specialist has an overseas trip for much of December and into January and will not be able to provide the final inputs relating to noise until the new year;
- The site contains two state significant consents. The consent breakdown at the site is very complex and it will take SLR some time to fully understand the breakdown as well as assess compliance and develop recommendations for the site.

In light of the above considerations, our Lead Auditor has proposed a work program which would see a draft auditors report prepared by mid February, and final audit report completed and submitted to DPE by 27 February 2017. They consider this will permit a suitably thorough auditing process to be completed. I would like to request that DPE consider a requested submission date of the audit report of 27 February 2017.

Regards,

**Gary Mulhearn** | ENVIRONMENT & COMMUNITY MANAGER

**Austar Coal Mine Pty Ltd**

SITE: Middle Road, Paxton NSW 2325  
POSTAL: Locked Bag 806, Cessnock NSW 2325 Australia  
PHONE: +61 2 4993 7334  
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EMAIL: [Gary.Mulhearn@yancoal.com.au](mailto:Gary.Mulhearn@yancoal.com.au)  
WEBSITE: [www.austarcoalmine.com.au](http://www.austarcoalmine.com.au)

<image001.jpg>

**From:** Ann Hagerthy [<mailto:Ann.Hagerthy@planning.nsw.gov.au>]

**Sent:** Friday, 27 October 2017 2:18 PM

**To:** Gary Mulhearn <[Gary.Mulhearn@yancoal.com.au](mailto:Gary.Mulhearn@yancoal.com.au)>

**Cc:** Leah Cook <[Leah.Cook@planning.nsw.gov.au](mailto:Leah.Cook@planning.nsw.gov.au)>

**Subject:** 171027 DPE to Austar Coal Mine - 2017 IEA team approval

Hi Gary,

Please find attached an approval letter for your proposed IEA team.

Regards,

Ann Hagerthy, PMP

Senior Compliance Officer (Mon, Tue, Thu)

Compliance

Department of Planning & Environment | [PO Box 3145 | Singleton NSW 2330](#)

T [02 6575 3407](#) M [0428 976 540](#)

E [ann.hagerthy@planning.nsw.gov.au](mailto:ann.hagerthy@planning.nsw.gov.au)