ASHTON COAL OPERATIONS - UNDERGROUND AND OPEN CUT

ENVIRONMENTAL REGULATORY COMPLIANCE AUDIT REPORT

Audit period:	August 2004 – August 2007
Audit conducted:	27 & 28 August 2007
Draft report submitted:	24 September 2007
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Pacrim ENVIRONMENTAL

ASHTON COAL OPERATIONS LIMITED

ENVIRONMENTAL REGULATORY COMPLIANCE AUDIT REPORT

Conducted on 27 & 28 August 2007

for the period

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Prepared for:

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ABBREVIATIONS

Acronym	Meaning
ACOL	Ashton Coal Operations Limited
AEMR	Annual Environmental Management Report
ANZECC	Australia and New Zealand Environment and Conservation Council
AR	Annual Return (DECC)
CMRA	Coal Mine Regulation Act
CCC	Community Consultative Committee
CHPP	Coal Handling & Preparation Plant
DEC	Formerly Department of Environment and Conservation (incorporates former EPA and NPWS), now known as Department of Environment and Climate Change (DECC).
DIPNR	Department of Infrastructure Planning and Natural Resources. Formerly Planning NSW and DLWC and Department of Planning and Department of Natural Resources. Now Department of Planning.
DLWC	Department of Land and Water Conservation. Now Department of Water and Energy (DWE).
DMR	Department of Mineral Resources. Now Department of Primary Industries, Mineral Resources Division.
EC	Electrical conductivity (µS/cm)
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EPA	Environment Protection Authority (now part of Department of Environment and Climate Change, formerly Department of Environment and Conservation)
EPL	Environment Protection Licence
HVAS	High volume air sampler
ISO	International Standards Organisation
MOP	Mining Operations Plan
NPWS	National Parks and Wildlife Service (now part of Department of Environment and Climate Change, formerly Department of Environment and Conservation)
OGM	Organic Growth Media
PM_{10}	Particulate matter of less than 10 microns mean diameter (µg/m^3)
ROM	Run of Mine
SMP	Subsidence Management Plan
SSC	Singleton Shire Council
TDS	Total Dissolved Solids (mg/L)
TEOM	Tapered Element Oscillating Microbalances
TSP	Total Suspended Particulates (µg/m^3)
TSS	Total Suspended Solids (mg/L)

EXECUTIVE SUMMARY

This audit report was prepared to satisfy the requirements of Development Consent DA 309-11-2001-i – Conditions 8.8 and 8.9, which require that an independent environmental audit be undertaken one year after commencement of construction and every three years thereafter until five years after completion of mining. The audit was conducted on 27 and 28 August 2007, within the terms of the Development Consent.

This report is based on discussions held with Ashton Coal Operations Limited (ACOL) personnel, a review of documentation, monitoring data, the Development Consent and Environment Protection Licence, and other Licences, as well as observations made during site inspections on 27 and 28 August 2007.

The audit reviewed compliance with conditions of the Development Consent, Water Licences, Section 90 Permit, and Environment Protection Licence. Additional areas assessed were the comparison of site performance against predictions made in the EIS and the Subsidence Management Plan by review of environmental monitoring results, and the standard of environmental management on site.

Development Consent DA 309-11-2001-i contains 244 conditions and sub-conditions. At the time of the audit, there were 11 conditions or sub-conditions for which compliance could not be fully established over the three year audit period. These non-conformances are summarised in *Table 2.1* with details provided in *Appendix 1*. Non-compliance had low significance for four conditions, moderate significance for two conditions and high significance for five conditions The conditions of low-significant were of an administrative nature.

Environment Protection Licence 11879 contains 67 conditions and sub-conditions. At the time of the audit there were three conditions for which full compliance could not be established. These non-conformances are summarised in *Table 2.2* with details provided in *Appendix 2*. The three non-compliances are highly significant but correspond with similar non-conformances against Development Consent DA 309-11-2001-i.

While the Mine is not in full compliance with all clauses of approval instruments audited, non-compliances relating to incidents have been previously reported to government authorities and corrective and preventive actions taken. Overall, operations are conducted with a sound level of environmental management which has been effective in minimising environmental impacts, both on-site and off-site. There was a demonstrable improvement in all areas of environmental management since the last audit was conducted in 2004. ACOL received fines relating to noise exceedences during the 2005-2006 reporting period.

The Mine's performance against the levels of impact predicted in the EIS were assessed for the areas of dust, noise, water quality, visual and lighting. Since commencement of operations, the Mine has mostly performed at better than the levels predicted in the EIS. Though underground mining is not well advanced, monitoring to date suggests that the underground mine's performance is in keeping with the predictions and objectives of the SMP. Monitoring programs are generally effective in satisfying regulatory requirements and providing data, which can be used to improve environmental management. There is opportunity for some improvements in the management of noise, blast and dust.

A number of recommendations have been made as described in *Section 6.2*, to improve environmental performance and to ensure that a higher level of compliance with Statutory Approvals is achieved.

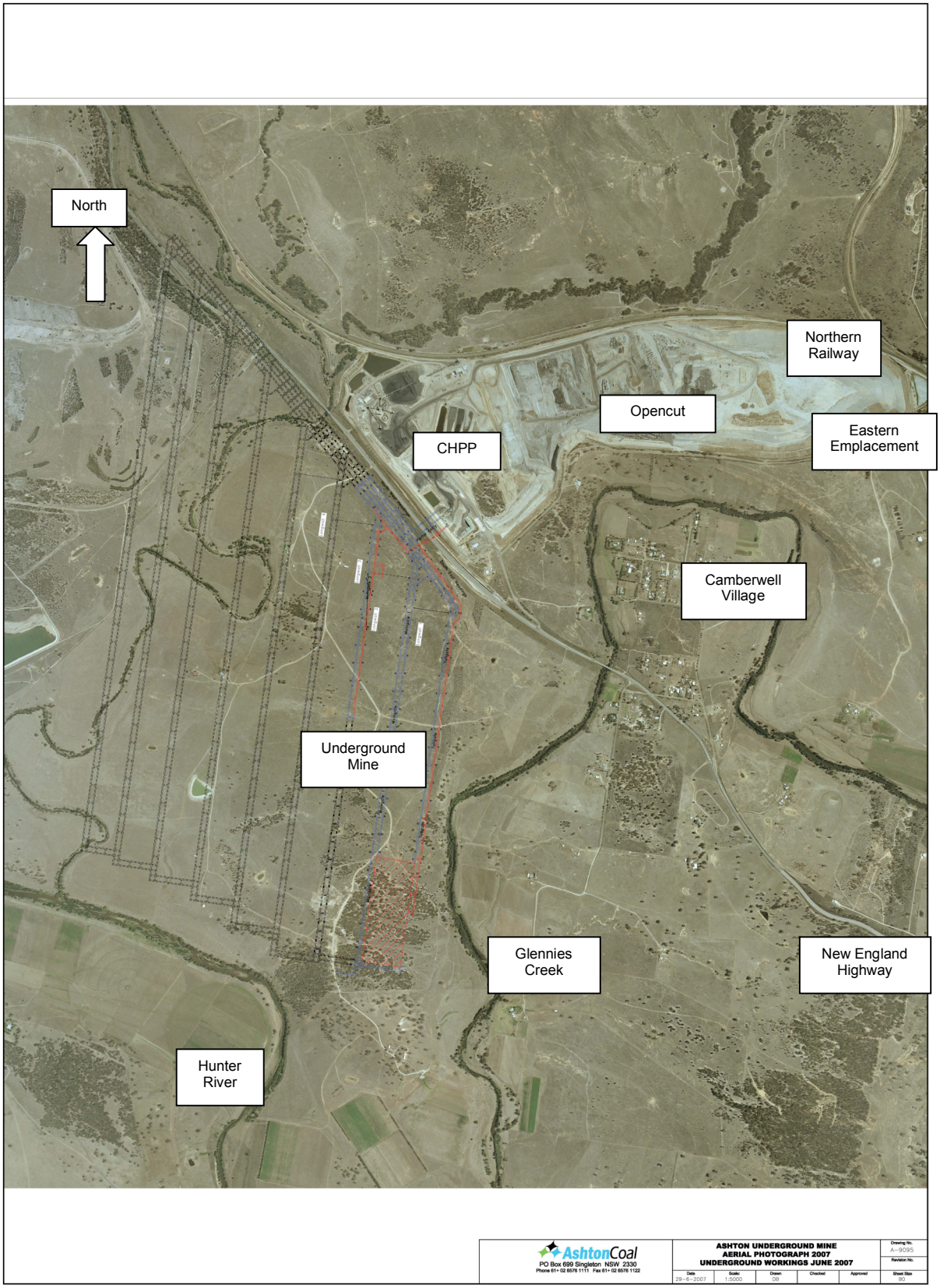

Figure 1: Location of Ashton Coal Mine

1 INTRODUCTION

1.1 BACKGROUND

The Ashton Coal Project is located approximately 14km North West of Singleton and in close proximity to the village of Camberwell. The project consists of an open cut mine, an underground mine and associated coal preparation plant, coal stockpiling, rail loading facilities, administration building, workshops, stores, bathhouse facilities and car parking. Open cut mining commenced in January 2004, the underground mine commenced development in May 2006 and the longwall mining commenced in March 2007. The open cut mine is on the north of the New England Highway and the multi-seam underground longwall mine is located on the south of the New England Highway and accessed from the highwall of the open cut.

The project is owned and operated by Ashton Coal Operations Pty Ltd (ACOL). Ashton Coal is owned by Felix Resources Limited (60%), Itochu Corporation (10%) and International Marine Corporation Group (30%).

Development Consent (DA 309-11-2001-i) for the project was granted on 11 October 2002 and Mining Lease No 1533 was granted on 26 February 2003. The open cut mine operates to a DPI-MR approved MOP most recently modified in May 2005. The underground mine operates to a DPI-MR approved MOP most recently modified in March 2007.

The Environment Protection Licence does not limit coal production but the Development Consent limits total annual production of coal to 5.2 Mtpa of ROM coal.

DoP advised by email (13/08/07) that in addition to satisfying Development Consent Conditions 8.8 and 8.9, the audit should focus on the impacts of the underground mine on surface and groundwater sources and ongoing impacts of the open-cut operations on the Camberwell Village, and in particular the issue of dust from the mine on the Village.

1.2 AUDIT PROTOCOL AND SCOPE

Condition 8.8 of the Development Consent (DA 309-11-2001-i) dated 11 October 2002 requires that:

> *"One year after commencement of construction and every three years thereafter until five years after completion of mining in the DA area, or as otherwise directed by the Director-General, the Applicant shall conduct an environmental audit of the mining and infrastructure areas of the development in accordance with ISO 14010 - Guidelines and General Principles for Environmental Auditing, and ISO 14011 - Procedures for Environmental Auditing (or the current versions), and in accordance with any specifications required by the Director-General. Copies of the report shall be submitted by the Applicant to the Director-General, SSC, DEC, DIPNR, DPI Minerals, NPWS, RTA, DPI - Fisheries, MSB, DPI - Agriculture and the CCC within two weeks of the report's completion for comment."*

The audit team consisted of:

Wayne Perry	Lead Environmental Auditor (RABQSA), Managing Director, Pacrim Environmental Pty Ltd
Lisa Aspinall	Environmental Manager, Pacrim Environmental Pty Ltd

The Mine's representatives during the audit were:

Lisa Richards	Environment and Community Relations Manager
Adam Spargo	Environmental Coordinator

The scope of the audit comprised:

- An assessment of compliance against:
    - Development Consent DA 309-11-2001-I;
    - Environment Protection Licence 11879;
    - Water Act 1912 and Water Management Act 2000 Water Licences;
    - National Parks and Wildlife Act 1974 Section 90
- An assessment of the environmental performance against predictions made in the EIS;
- An assessment of the development against predictions made in the Subsidence Management Plan SMP);
- A review of the effects of the development on the surrounding environment, the effectiveness of the environmental management and the adequacy of strategies, Environmental Management Plans and Programs required by the Consent.

The audit process consisted of:

- pre-audit preparation and review of documentation;
- site inspection of the main aspects of the Underground, Opencut, Workshop/maintenance facilities and CHPP operations;
- review of relevant documents to assess compliance, impact assessment and environmental management;
- interview of relevant Mine personnel; and
- preparation of this Audit Report and supporting tables.

The audit was undertaken in accordance with *ISO 19011:2002* – '*Guidelines for quality and/or environmental management systems auditing',* which supersedes *ISO 14010 – Guidelines and general principles for environmental auditing 1996* and *ISO 14011 – Procedures for environmental auditing 1996.*

1.3 SITE INSPECTION

During the course of the Audit, the following aspects of the Mine were observed:

- Underground Mine – including longwall (not operating), continuous miner (not operating,) shuttle car (not operating,) development area, crib and toilet areas;
- Underground Mine Land Surface – including ventilation bore, dewatering bore (under construction,) above long wall face, Glennies Creek, Voluntary Conservation Area, Access Road to property 130.
- Underground Mine Surface Facilities – including workshop, waste management, hydrocarbon storage and service areas, water treatment system.

- CHPP area - ROM stockpiles and hoppers in use, Breaker stations in use, tailings pipeline, process water dam, and stockpiled product coal;
- Opencut Mine – including excavation of overburden and coal, truck haulage of coal and overburden, drill, water cart and a dozer in operation, Mine water lines;
- Workshop - including hard stand areas, waste management, hydrocarbon management, water treatment system;
- Water management systems including dams and diversion channels;
- monitoring sites (dust deposition gauges, HVAS, TEOMs, noise monitor and blast monitor);
- weather station; and
- rehabilitated areas including environmental bund.

1.4 AUDIT TERMINOLOGY

The intention of this section is to provide an understanding of the interpretation given against the column 'satisfactory compliance at the time of audit'. Many development and licence conditions are not worded so that a definitive 'yes' or 'no' can be stated, therefore a condition may receive non-compliance status even though partial compliance is achieved or is in the process of being achieved.

Yes:	Full compliance with all sections of the condition is evident.
No:	Non-compliance with all sections or a section of the condition.
Not yet triggered:	The condition is not yet applicable to the operations.
No longer applicable:	The condition is not or is no longer applicable.

This interpretation is generally in accordance with the Department of Planning's requirements for audits. In addition to this requirement, The Department of Planning has stated:

> *"Wherever a non-compliance with the conditions of the Minister's consent is identified, the audit report should describe the significance of the non-compliance and its circumstances, including any mitigating factors."*

The significance of each non-compliance is provided in *Tables 2.1 and 2.2*.

2. ASSESSMENT OF COMPLIANCE WITH THE REQUIREMENTS OF THE CONSENT, LICENCES AND APPROVALS FOR THE MINE

2.1 DEVELOPMENT CONSENT

The conditions of Development Consent (DA 309-11-2001-i) granted to Ashton Coal Operations by Department of Planning were reviewed as part of the audit. Of these conditions, 11 conditions were found to be non-compliant. Non-compliance had low significance for four conditions, moderate significance for two conditions and high significance for five conditions. The low-significance conditions were of an administrative nature. These non-compliant conditions are summarised below in *Table 2.1.* A detailed review of all the Development Consent conditions is included in *Appendix 1.*

2.2 ENVIRONMENT PROTECTION LICENCE NO. 11879

Operations at Ashton Coal Operations are covered by Environment Protection Licence (EPL) N^{o} 11879.

The conditions of the EPL were reviewed as part of the audit. Of these conditions, three were found to be non-compliant. These three non-compliances are ranked as highly significant and are summarised in *Table 2.2.* A detailed review of all the conditions of Licence is included in *Appendix 2*.

Table 2.1 Non-compliant Conditions of Development Consent (DA 309-11-2001-i)

Condition No.	Description of Item	Comment / Suggested Action	Significance of Non-Compliance	Recommendation
Mine Management Plan, Operations and Methods				
2.4	A copy of the MOP, excluding commercial in confidence information, shall be forwarded to SSC and the Director-General within 14 days of acceptance by DPI Minerals.	O/C MOP receipt acknowledged by DoP. No evidence of O/C or U/G MOP being sent to SCC or U/G MOP being sent to DoP.	Low	Ensure that SCC and DoP are in receipt of all current MOPs.
Flora and Fauna Management Plan				
3.46 b	The Applicant shall prepare and implement a Flora and Fauna Management Plan (FFMP) for the DA area. The Plan shall include but not be limited to: Details of strategic vegetation management, outlining timeframes for clearing and re-vegetation activities and a map illustrating the Plan. The Plan should aim to maximise scope for new vegetation to establish and restore ecological integrity;	Clearing and revegetation activities, including maps, are included in the MOP.	Low	Include strategic vegetation details in Flora and Fauna Management Plan.
Bushfire and other Fire Controls				
3.57 c	Submit an annual report on fire management activities to the Singleton Fire Control Officer;	Do not currently conduct any special fire management activities.	Low	ACOL do conduct generic fire management activities. Prepare a report detailing these and submit to Singleton Fire Control Officer.
Surface Water				
4.1	Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.	Sediment Dam 5/6 overflowed on 08.06.07 during a severe storm event (1 in 100 ARI) and released an unknown volume of mine water (> 900 us/cm) and stormwater from disturbed areas off site. DECC was notified. Overflows occurred from the majority of Hunter Valley mines during this storm event.	Moderate	No further action. Sediment dams are designed to handle 1 in 20 year storm events in accordance with the Water Management Plan.
4.2	[13]Any release of surplus mine water from the mine must comply with the requirements of the Hunter River Salinity Trading Scheme and any licence issued under the Protection of the Environment Operations Act unless otherwise directed by the DEC.	Water >900 us/cm left the site 08.06.07 (see above). The mine is not a registered participant in the HRSTS. The EPL does not allow the discharge of water.	Moderate	No further action required as this was a catastrophic event.
Groundwater				

4.16	The Applicant shall prepare a statistical assessment to the satisfaction of DIPNR to initially benchmark the pre-mining natural variation in groundwater quality and quantity and to set trigger levels for accepting accountability. The assessment is to be documented in the SWMP (condition 4.24).	Statistical analysis in SWMP is for surface water only. No statistical analysis in Groundwater Management Plan. Standard deviation for groundwater results in AEMR but no trigger levels.	High	Prepare a statistical assessment of pre-mining groundwater quantities, set trigger levels and document in the GMP.
Air Quality				
6.1	Table 1 Long Term Particulate Matter Criteria Pollutant — Standard/Goal — Agency Total Suspended Particulate Matter (TSP) — 90ug/m^3 (annual mean) — NH & MRC Particulate matter < 10um (PM_{10}) — 30ug/m^3 — NSW DEC	No community sites exceeded the annual average PM10 Long term goal of 30ug/m3. The annual average TSP goal was exceeded at Site 3 for the 2005 period, and at Site 1 for the 2006 and 2007 YTD periods.	High	Review dust control procedures and training. Continue to purchase dust affected properties.
	Table 2 Short Term Particulate Matter Goal Pollutant — Standard/Goal — Agency Particulate matter < 10um (PM_{10}) — 50ug/m3 — NSW DEC	The ACOL contribution to PM10 Short term goal of 50 ug/m3 was exceeded at Site 1; twice in 2006 and twice in 2007 reporting periods.	High	
	Table 3 NSW DEC Amenity Based Criteria for Dust Fallout Pollutant — Averaging Period — Maximum Increase in Deposit Dust Level — Maximum Total Deposited Dust Level Deposited dust — Annual — 2 g/m^2/month — 4 g/m^2/month	Depositional dust (annual averages) goal of 4g/m2/mth was exceeded at D7 (Camberwell Village Nth) in 2006 and 2007 YTD periods.	High	
Blast Management				
6.22	The Airblast overpressure level from blasting operations carried out in or on the premises must not exceed: (i) 115 dB (Linear Peak) for more than 5% of the total number of blasts over a period of 12 months; and (ii) Exceed 120dB (linear Peak) at any time, at any residence or other noise sensitive receiver such as the St Clements Church and Camberwell Community Hall.	The 115 dBL criteria was exceeded >5% at Camberwell Village in 2005, 2006 and 2007 Reporting Periods. The St Clements Church monitor has been relocated to adjacent to the Church. There were 3 blasts >120 dBL during the 3 year reporting period.	High	Continue to investigate blast exceedences to identify causes and contributing factors and improve procedures as required.
6.23	The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: (i) 2mm/s for more than 5% of the total number of blasts over a period of 12 months; and (ii) Exceed 10mm/s at any time, at any residence or other noise sensitive receiver such as the St Clements Church and Camberwell Community Hall.	The 2mm/s criteria was exceeded >5% of blasts at Camberwell Village in the 2005 and 2006 Reporting Periods. No blasts have exceeded 10mm/s.	High	

Noise Control				
6.34	Except as may be expressly provided by a DEC licence, noise generated by the development must not exceed the limits specified in Table 5 below	In the 2007 YTD reporting period 1 day and 1 evening exceedance occurred at Site 2 and 1 evening exceedance at Site 3 (now owned by ACOL.) In the 2006 reporting period 1 day and 1 evening exceedance occurred at Site 2 and 1 day and 1 evening exceedance occurred at Site 3. In the 2005 reporting period 1 day and 2 evening exceedences occurred at Site 1, 1 day and 1 evening exceedance occurred at Site 2 and 1 day exceedance occurred at Site 4 (now owned by ACOL.)	High	Continue to investigate noise exceedences to identify causes and contributing factors and improve procedures as required. Continue to purchase noise affected properties.
6.43 e	The Applicant shall prepare and implement a Noise Management Plan (NMP) for the ACP mine. The Plan shall include: Redefine both the acquisition and management zones on a yearly basis in the AEMR, unless otherwise agreed by the Director-General. This review shall draw upon the noise monitoring results obtained during the previous year and incorporate noise modelling to provide a forward plan of predicted noise levels for the year ahead;	The AEMR specifies the criteria in Condition 6.34 but does not outline the acquisition and management zones or provide a forward plan of predicted noise levels.	Low	Since ACOL owns most properties now in the acquisition zone, seek approval from DoP to forego this condition. Otherwise, define acquisition and management zones annually and report in AEMR.

Table 2.2 Non-compliant Conditions of EPL No. 11879

Condition	Description of Item	Comment	Significance of non-compliance	Recommendation
Pollution of Waters				
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.	Sediment Dam 5/6 overflowed on 08.06.07 during a severe storm event (1 in 100 ARI) and released an unknown volume of mine water (> 900 us/cm) and stormwater from disturbed areas off site. DECC was notified. Overflows occurred from the majority of Hunter Valley mines during this storm event.	High	No further action. Sediment dams are designed to handle 1 in 20 year storm events in accordance with the Water Management Plan.
Noise Limits				
L6.1	Noise from the premises must not exceed the limits specified in the table below:	In the 2007 YTD reporting period 1 day and 1 evening exceedance occurred at Site 2 and 1 evening exceedance at Site 3 (now owned by ACOL.) In the 2006 reporting period 1 day and 1 evening exceedance occurred at Site 2 and 1 day and 1 evening exceedance occurred at Site 3. In the 2005 reporting period 1 day and 2 evening exceedences occurred at Site 1, 1 day and 1 evening exceedance occurred at Site 2 and 1 day exceedance occurred at Site 4 (now owned by ACOL.)	High	Continue to investigate noise exceedences to identify causes and contributing factors and improve procedures as required. Continue to purchase noise affected properties.
Blasting Limits				
L7.2	The overpressure level from blasting operations carried out in or on the premises must not: (a) exceed 115 dB(L) for more than 5% of the total number of blasts carried out on the premises within the 12 months annual reporting period; and (b) exceed 120 dB(L) at any time at any residence or noise sensitive location (such as a school or hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative overpressure level.	The 115 dBL criteria was exceeded >5% at Camberwell Village in 2005, 2006 and 2007 Reporting Periods. The St Clements Church monitor has been relocated to adjacent to the Church. There were 3 blasts >120 dBL during the 3 year reporting period.	High	Continue to investigate blast exceedences to identify causes and contributing factors and improve procedures as required.

2.3 WATER LICENCES

A review of a sample of licences and personal communications with Adam Spargo confirmed that the development is compliant with all Licence conditions. *Table 2.3* is a summary of surface and groundwater licences held by Ashton Coal. The mine does not use the Supplementary and Domestic and Stock Licences. They may be used by residents on Ashton owned property for domestic or agistment purposes. All extraction of surface and groundwater is measured.

The Licence BL170596 is a single licence for the many groundwater monitoring bores operated by Ashton. Licence 20BL171364 is for the extraction of groundwater intercepted by underground mining. The allocation of this licence is inclusive of Licence 20BL169937. The mine plans to apply for additional licencing for this point because EIS predictions indicate that mining will intercept increasing volumes of groundwater. They expect that they will need to extract approximately 400 ML/yr. At the time of the audit extraction had not exceeded the 100 ML/yr Licence limit.

Table 2.3: Compliance of Surface and Groundwater Licences

Licence Number	Source/Location	Allocation (ML/yr)	Purpose	Expiry Date	Compliance
Surface Water					
20AL201712	Glennies Creek	3	Domestic & Stock	30/06/17	Yes
20AL201564	Glennies Creek	122	General	11/03/09	Yes
20AL203056	Glennies Creek	4	Supplementary	11/03/09	Yes
20AL201311	Glennies Creek	3	High Security	30/06/17	Yes
20AL201083	Glennies Creek	3	Domestic & Stock	23/05/08	Yes
20AL200508	Glennies Creek	3	Domestic & Stock	30/06/17	Yes
20AL201030	Glennies Creek	12	General	30/06/17	Yes
20AL201031	Glennies Creek	8	Supplementary	30/06/17	Yes
20AL201624	Hunter River	3	High Security	07/04/09	Yes
20AL201625	Hunter River	335	General	07/04/09	Yes
20AL203106	Hunter River	15.5	Supplementary	07/04/09	Yes
20SL044434	Bowmans Creek	366	Irrigation	16/10/09	Yes
20SL042214	Bowmans Creek	14	Irrigation	23/02/12	Yes
Groundwater					
20BL136766	Farmhouse on UG surface		Domestic and Stock	nil	Yes
20BL168848	Opencut area	N.A	Test bore	nil	Yes
20BL168849	Opencut area	N.A	Test Bore	nil	Yes
20BL169508	Opencut area	10	Mining	nil	Yes
20BL169937	Underground		Mining	05/04/08	Yes
20BL171364	Underground	100	Mining	16/05/12	Yes
20BL170596	Network of monitoring bores	N.A	Test bore	nil	Yes

2.4 NATIONAL PARKS AND WILDLIFE SERVICES – SECTION 90 PERMIT

Ashton Coal Operations Limited holds a Section 90 Permit 1691, under the National Parks and Wildlife Act 1974, for sites within the Ashton Mine Open Cut Area (the area north of the New England Highway.) The permit was granted 21/07/03 and covers locations identified in Schedule A of the Permit. The consent does not cover human skeletal remains. ACOL has undertaken the handling of aboriginal artefacts in accordance with the conditions of the Permit Consent. Specifically, 167 relics were collected with the involvement of the local Aboriginal community. The collection was completed in August 2003 and the Wonnarua Local Aboriginal Land Council was granted care and control of the collection. No new artefacts were identified and no artefacts identified in Schedule A were destroyed.

The decision to not construct a Western Emplacement and diversion of Bowman's Creek has reduced the likelihood of impact on aboriginal artefacts on the southern side of the highway. However the mine applied for a Section 90 approximately 9 weeks prior to the audit and awaits a response. In the interim, identified aboriginal sites are being monitored.

3. ASSESSMENT OF THE ENVIRONMENTAL PERFORMANCE AGAINST PREDICTIONS MADE IN THE EIS

This assessment was undertaken by comparing the statements and predictions made in the 2001 EIS, prepared by HLA-Envirosciences Pty Ltd, with the monitoring results as provided in the 2005 and 2006 AEMRs, 2007 YTD monitoring reports, site inspection findings and interview of personnel.

3.1 AIR QUALITY

3.1.1 EIS Predictions

The EIS modelled the potential air quality impacts of Ashton mining operations using various scenarios summarised in *Table 3.1* for Year 4 of operations. Modelling identified Year 4 (2007) as the worst case scenario for dust emissions. Dust emissions are compared against the US EPA annual standard for Particulate Matter less than 10 microns (PM_{10}) of 50µg/m^3, US EPA 24-hour PM_{10} concentrations of 150µg/m^3, NHMRC annual guideline for Total Suspended Particulate (TSP) of 90 µg/m^3 and NSW EPA annual average dust deposition of 4g/m^2/month (maximum increase of 2g/m^2/month above pre-mining background levels).

Figures demonstrating the expected dispersion and dust fallout patterns due to Ashton with operational controls in place and other mines against relevant air quality goals during year 4 of operation were presented in the EIS for the predicted annual average PM_{10} concentrations, TSP concentrations and dust deposition levels.

Table 3.1 - EIS Air Quality Predictions

DUST EMISSION	YEAR 4 (2007) Ashton Coal Project with operational controls and cumulative effects from other sources
Annual Average PM_{10}	All residences at Camberwell will be below 50µg/m^3
Annual Average TSP	All residences at Camberwell will be below 90µg/m^3
Annual Average Dust Deposition	All residences at Camberwell will be below 4g/m^2/month
DUST EMISSION	**YEAR 4 (2007)** Ashton Coal Project contribution with operational controls.
Short Term (24 hr)PM_{10}	All residences at Camberwell will be below 85µg/m^3

3.1.2 Actual Mine Performance

The monitoring results for August 2006 to August 2007 are summarised in the following tables.

Table 3.2 - PM_{10} Monitoring Results- September 2006 to August 2007 v's EIS predicted limits for Year 4

Residence Location	Annual Average PM_{10} (Cumulative Impact) ($\mu g/m^3$)		Short Term 24 hr PM_{10} (Ashton contribution#) ($\mu g/m^3$)	
	EIS Prediction (shall not exceed)	Result	EIS Prediction (shall not exceed)	Maximum Result
1. Camberwell Village	50	29	85	55
2. Camberwell Village (south west)	50	27	85	44
3. Property East of Camberwell Village	50	25	85	46
8. Camberwell Village East ^	50	22 (Feb 07-Aug 07)	85	39 (Feb 07-August 07)

 # Ashton's contribution has been calculated by subtracting the lowest maximum 24 hr value of the on-site locations 4 and 7 from values at community sites 1, 2, 3 and 8. This is only applicable for winds in a predominately W to N wind quadrant as winds from other directions should not allow Ashton generated dust to impact on the three community monitoring sites.

^ Monitoring site only operational since February 2007.

Table 3.3 - TSP Monitoring Results for Year 4

TSP (HVAS)	Annual Average TSP(Cumulative Impact) ($\mu g/m^3$)	
Residence Location	**EIS Prediction (shall not exceed)**	**Rolling Annual Average (to end July 07)**
1. Camberwell Village	90	109.9
2 Camberwell Village (south west)	90	78.9
3. Property East of Camberwell Village	90	83.7
8. Camberwell Village East ^	90	81.3

^ Monitoring site only operational since January 2007.

Table 3.4 – Dust Deposition Monitoring Results at May 2007 (g/m^2/month)

Location	Average Background Levels	Cumulative Results (Ashton and other sources)
		Rolling Annual Average+
D2. Ravensworth	3.5	2.7
D3. Ravensworth	3.9	7.0 *
D4. Hunter River	1.6	2.5
D5. New England Highway	2.0	2.4
D6. St Clements Church	1.5	3.3
D7. Camberwell Village	NA	5.5
D8. Camberwell Village	NA	3.6
D9.	NA	3.6
D10. East Rail (On-Site)	NA	2.9
D11. Camberwell Coal	NA	2.8
D12. Centre Rail (On-Site)	Decommissioned May 2006	
D13. West Rail (On-Site)	NA	4.6
D14. Camberwell Village East	NA	2.8

+ excluding contaminated results

NA - Not Available. Background measured from Jun01 – Sep01 prior to commencement of Ashton Operations

** Ravensworth Operations have since mined through this location. Dust deposition would have been predominantly attributable to Ravensworth Operations Mining.*

3.1.3 Comparison of Actual and Predicted Performance

The actual mine performance in comparison with EIS predictions is summarised in *Table 3.5*.

Table 3.5 Air Quality – Predicted EIS Year 4 versus Actual Year 4

Ashton Coal Project with operational controls and cumulative effects		
	EIS PREDICTION	**MINE PERFORMANCE**
Annual Average Long Term PM_{10}	All residences at Camberwell will be below 50µg/m^3	Annual averaged data for Year 4 indicates that the annual average PM_{10} is below 50 µg/m^3at all locations.
Annual Average TSP	All residences at Camberwell will be below 90µg/m^3	Rolling annual average TSP for Site 1 (Camberwell Village) exceeded the 90 µg/m^3 predicted for this area. This site is located south east of current mining activities and north west of active agricultural and other mining activities. While air quality impacts are evident from Ashton Coal, impacts are also occurring from other mining and agricultural activities.
Annual Average Dust Deposition	All residences at Camberwell will be below 4g/m^2/month	The rolling annual average dust deposition results exceeded EIS predictions and annual average DECC guidelines of 4g/m^2/month at Dust Gauge 7, Site 1 (Camberwell Village.)

Year 4 TSP and Dust Deposition performance parameters do not meet the Year 4 air quality EIS predictions, however long term and short term PM_{10} performance does.

3.2 NOISE IMPACTS

3.2.1 EIS Prediction

The EIS predicted that for certain residences noise levels would exceed criteria for various operational scenarios at different times, different atmospheric conditions and for different development stages of the mine. In 2007, the most suitable set of predicted standards are those in Table 16 of the EIS: Predicted day/evening operational noise levels dB(A) Leq for CPP + train loading + Barrett Pit + dumping on East Dump, although dumping in the Eastern Emplacement has risen to RL135 as approved by DECC.
These criteria are summarised in *Table 3.6.*

Table 3.6: EIS-predicted day/evening operational noise levels dB(A) Leq under different atmospheric conditions for CPP + train loading + Barrett Pit + dumping on East Dump for residences monitored.

Location	Predicted Noise Level dB(A)			Project Specific Goal * dB(A)	Predicted Exceedences of Project Specific Goal dB(A)		
	Neutral	**Inversion**	**Wind**		**Neutral**	**Inversion**	**Wind**
1.	30	38	43	36	0	**2**	**7**
2.	34	37	38	38	0	0	0
3.	33	38	41	38	0	0	**3**
4.	29	39	43	38	0	0	**5**
5.	30	38	41	38	0	0	**3**

* It has been assumed that operational noise levels may occur at any time during the day or evening, so the lower of the day and evening project specific noise goals have been adopted.

3.2.2 Actual Mine Performance

Table 3.7: Actual Noise Exceedences (Nov 2006-April 2007) of EIS predictions and DECC Criteria.

Location	Exceedences of EIS Predicted Noise Levels (neutral conditions)			Exceedences of DECC Criteria		
	Predicted dB(A)	Actual No. exceedences	Av. Exceedance dB(A)	DECC dB(A)	Actual No. exceedences	Av. Exceedance dB(A)
1.	30	0	-	38	0	-
2.	34	3	5	38	2	2.5
3.	33	2	4.5	38	1	1
4.	29	0	-	38	0	-
5.	30	1	5	38	0	-

3.2.3 Comparison of Actual and Predicted Performance

Three quarterly monitoring events, for the period November 2006 to April 2007, resulted in 6 exceedences of EIS predicted levels and 3 exceedences of Development Consent and EPL limits for noise during the period, although the consent and licence conditions restrict the definition of exceedences to those residences not owned by ACOL or which do not have an agreement with ACOL. At the time of monitoring, this applied to Site 2 and Site 3 but ACOL have an agreement with this resident.

3.3 SURFACE WATER

3.3.1 EIS Predictions

The EIS predicted there would be no adverse impact on water quality from mining operations by Ashton.

3.3.2 Actual Mine Performance

During 2002/03, Ashton undertook background monitoring at Bowmans Creek, Glennies Creek and the Hunter River. For the three sites, the background pH was found to range between 7.1 and 8.6. During the audit period, little variation in pH occurred at two of the three sites with the average pH being within the measured background for both Glennies Creek and the Hunter River. However, monitoring results for the four sampling sites within Bowmans Creek showed a slight variation in results with the average pH ranging between 7.5 and 8.4 (background range 7.6 – 8.1). *Table 3.8* shows the annual and auditing period average pH for each monitoring site in Bowmans Creek, Glennies Creek and the Hunter River.

Table 3.8 – Average pH for Bowmans Creek, Glennies Creek and the Hunter River.

	Background Range*	Sept 04 - Aug 05	Sept 05 - Aug 06	Sept 06- July 07	Audit period Average
Bowmans Creek					
Site 3 (Upstream)	7.6 - 8.1	7.5	7.6	7.5	7.5
Site 4 (Downstream)		7.8	8.1	8.4	8.1
Site 5 (Downstream)		7.7	7.8	7.8	7.8
Site 6 (Downstream)		8.0	8.1	8.0	8.0
Average		7.8	7.9	7.9	**7.9**
Glennies Creek					
Site 7	7.1 – 8.1	7.7	7.8	7.8	7.8
Site 8		7.6	7.7	7.8	7.7
Site 11		7.8	8.0	7.9	7.9
Average		7.7	7.8	7.8	**7.8**
Hunter River					
Site 9 (Upstream)	7.9 – 8.6	8.1	8.2	8.1	8.1
Site 10 (Downstream)		8.1	8.3	8.1	8.1
Site 12 (Downstream)		7.9	8.0	7.9	7.9
Site 13 (Downstream)		8.1	8.2	8.1	8.1
Average		8.1	8.2	8.1	**8.1**

*Background range taken from EIS

The background average for electrical conductivity recorded at the Hunter River, Bowmans and Glennies Creeks was under 2500µS/cm. During the audit period Glennies Creek showed consistent results while the Hunter River slightly exceeded the background at two sites during the 2006 – 2007 period. Bowmans Creek fluctuated and showed an increase in EC outside the background range at Site 4. *Table 3.9* shows the annual and auditing period average for EC for each monitoring site in Bowmans Creek, Glennies Creek and the Hunter River.

Table 3.9 – Average EC for Bowmans Creek, Glennies Creek and the Hunter River.

	Background Range	Sept 04-Aug 05	Sept 05-Aug 06	Sept 06-July 07	Audit period Average
Bowmans Creek					
Site 3 (Upstream)	251 - 2330	1423	1493	1536	1484
Site 4 (Downstream)		2769	3911	9757	5479
Site 5 (Downstream)		1488	1526	1766	1593
Site 6 (Downstream)		809	854	1305	989
Average		1622	1946	3591	**2386**
Glennies Creek					
Site 7	242 - 712	365	278	361	335
Site 8		356	288	359	334
Site 11		359	287	361	336
Average		360	284	360	**335**
Hunter River					
Site 9 (Upstream)	343 - 913	620	650	901	724
Site 10 (Downstream)		665	667	942	758
Site 12 (Downstream)		512	387	396	432
Site 13 (Downstream)		649	656	918	741
Site 3 (Upstream)		612	590	789	**664**

*Background range taken from EIS

The total dissolved solid (TDS) results for Hunter River and Glennies Creek remained constant during the audit period, with all results within background ranges. Site 4 at Bowmans Creek exceeded background ranges during both the 2005/6 and 2006/7 reporting periods.. *Table 3.10* shows the annual and auditing period average TDS for each monitoring site in Bowmans Creek, Glennies Creek and the Hunter River.

Table 3.10 – Average TDS for Bowmans Creek, Glennies Creek and the Hunter River.

	Background Range	Sept 04-Aug 05	Sept 05-Aug 06	Sept 06-July 07	Audit period Average
Bowmans Creek					
Site 3 (Upstream)	230 - 1750	821	904	880	868
Site 4 (Downstream)		1592	2606	5787	3328
Site 5 (Downstream)		831	919	1009	920
Site 6 (Downstream)		427	441	712	527
Average		918	1218	2097	**1411**
Glennies Creek					
Site 7	149 - 460	198	179	194	190
Site 8		195	186	193	191
Site 11		193	183	190	189
Average		195	183	192	**190**
Hunter River					
Site 9 (Upstream)	266 - 556	341	305	456	367
Site 10 (Downstream)		353	321	485	386
Site 12 (Downstream)		270	218	209	232
Site 13 (Downstream)		345	299	471	372
Site 3 (Upstream)		327	286	405	**339**

*Background range taken from EIS

Total Suspended Solids were generally low at all sites, and within the TSS background range. *Table 3.11* shows the annual and auditing period average TSS for each monitoring site in Bowmans Creek, Glennies Creek and the Hunter River.

Table 3.11 – Average TSS for Bowmans Creek, Glennies Creek and the Hunter River.

	Background Range	Sept 04-Aug 05	Sept 05-Aug 06	Sept 06-July 07	Audit period Average
Bowmans Creek					
Site 3 (Upstream)	2 - 438	22	16	51	30
Site 4 (Downstream)		29	37	105	57
Site 5 (Downstream)		13	7	8	9
Site 6 (Downstream)		16	9	14	13
Average		20	17	45	**27**
Glennies Creek					
Site 7	2 - 110	12	8	19	13
Site 8		17	25	12	18
Site 11		12	10	13	12
Average		14	14	15	**14**
Hunter River					
Site 9 (Upstream)	2 - 158	21	16	18	18
Site 10 (Downstream)		20	18	27	22
Site 12 (Downstream)		16	18	13	16
Site 13 (Downstream)		21	22	21	21
Site 3 (Upstream)		19	19	20	**19**

*Background range taken from EIS

3.3.3 Comparison of Actual and Predicted Performance

The actual environmental impacts of water management at Ashton are generally within the levels predicted in the EIS except for Site 4 in Bowmans Creek, which has elevated pH, conductivity and Total Dissolved Solid levels for the 2006/07 period. It considered that water quality impacts at Bowmans Creek for this period are a result of the ongoing drought conditions in the Hunter Valley Region, rather than impacts from Ashton mining operations (*pers. comm*. - Environment and Community Relations Manager).

3.4 GROUNDWATER

3.4.1 EIS Predictions - Quality

The EIS stated that groundwater salinities were expected to range between 5,000 and 16,000µS/cm.

3.4.2 Actual Mine Performance

Ashton conducted background groundwater monitoring of 18 groundwater bores during 2002/03. Of these, five were tested for water quality and water levels monthly, and the remaining bores were tested for water level only.

Background pH values for groundwater were between 6.8 and 8.18. During the audit period the pH ranged from 6.77 to 8.10 (*see Table 3.12*).

Table 3.12 – Average pH for Groundwater.

Site No.	Background Range*	2004- 2005	2005- 2006	2006-2007
RM04	6.96 – 8.18	7.48	7.13	6.99
RM07	7.01 – 8.12	7.58	7.27	7.06
RM09	6.90 – 8.18	7.28	7.15	6.93
RM10	7.02 – 8.15	7.25	7.01	6.89
RSGM1	6.80 – 8.13	7.5	6.96	7.03

*Background recorded 2002-2003

Background electrical conductivities for groundwater were between 1,040 and 10,800µS/cm. During the audit period the electrical conductivity ranged between 1,233 and 11,567µS/cm (*see Table 3.13*).

***Table 3.13 – Average EC for Groundwater** (µS/cm)*

Site No.	Background Range*	2004- 2005	2005- 2006	2006-2007
RM04	1040 - 1240	1301	1570	1760
RM07	1210 – 1690[#]	2673	1573	1833
RM09	1080 - 1220	2373	1375	1507
RM10	1070-1320	1995	1480	1613
RSGM1	5830 - 10800	8538	9825	11567

*Background recorded 2002-2003
[#]result excludes a result of 9920 µS/cm which is considered a statistical outlier

3.4.3 Comparison of Actual and Predicted Performance

Groundwater quality is generally as predicted in the EIS.

3.4.4 EIS Predictions - Quantity

Total inflow into the underground mine was predicted in the EIS to be 5L/s. Seepage from the Glennies Creek alluvium into the underground mine (Longwall Panel 1) was predicted in the EIS to be within the range of 2L/s (Year 1) to 3L/s (year 3) (HLA - Appendix H).

The EIS predicted that mining will lower the groundwater levels in the surrounding and overlying coal measures.

3.4.5 Actual Mine Performance

Total inflow into the underground mine was slightly less than 5L/s at January 2007. The current rate of seepage from the Glennies Creek alluvium into the underground mine (Longwall Panel 1) was 1.9L/s (addendum report by Peter Dundon & Associates 31.1.07).

All groundwater levels have remained stable between 2004 and 2007 (*see Table 3.14*).

***Table 3.14 Groundwater level** (water height - meters)*

Site No.	Average Background Level*	2004- 2005	2005- 2006	2006-2007
RM04	7.54	7.17	7.63	7.76
RM07	5.70	5.67	5.88	6.22
RM09	5.12	4.85	5.47	6.13
RM10	6.02	5.95	6.81	6.15
RSGM1	5.53	5.15	5.89	6.62

*Background recorded 2002-2003

3.4.6 Comparison of Actual and Predicted Performance

Total inflow into the underground mine was slightly less than 5L/s at January 2007, which is in accordance with the 5L/s predicted in the EIS.

The current rate of seepage from the Glennies Creek alluvium into the underground mine (Longwall Panel 1) was 1.9L/s, which is slightly less than the range of 2L/s (Year 1) to 3L/s (year 3) predicted in the EIS.

For results to date there is no lowering of the groundwater levels at the sites measured.

3.5 VISUAL IMPACTS

3.5.1 EIS Predictions

Surface infrastructure will have the greatest visual impact upon motorists upon the New England Highway southbound from Bowmans Creek to the ridge before Camberwell Village. It is predicted in the EIS that the infrastructure will be visible from this 1.5km stretch of road for approximately 50 seconds.

The eastern emplacement will be constructed as a visual screen and will be completed to 125m AHD level by Year 3. Residents from Camberwell and New England Highway motorists will have northerly views towards the emplacement bund but existing vegetation along Glennies Creek Road will lessen the views and it is anticipated that the distant Bayswater Power Station will distract motorists' views. There are two privately owned and a number of neighbouring mine owned residences with potential direct views of the emplacement for 2km NE along Glennies Creek Road from the railway crossing.

Open cut operations will predominately take place during daylight hours. Operations are likely to extend to 10pm, which during winter, means that lighting will be required for periods of up to 5 hours. Truck movements at night, with associated headlights, can cause impacts, as the lights may be flashing or moving. It is important that headlights are not directed towards motorists using the New England Highway or Glennies Creek road. There is little likelihood of truck headlights being aimed directly at vehicles using the Highway at night. On site road haulage impacts as seen along Glennies Creek road will be screened by the environmental bund constructed along the road.

3.5.2 Actual Mine Performance

The Glennies Creek Road Environmental Bund has been constructed and is effective in concealing views of mining operations from the road. There is now good growth on the bund since grass re-seeding and re-planting with tubestock has occurred.

The New England Highway Environmental Bund requires better maintenance of tree species and infill planting with native species tubestock and grass seed after the poor performance of previously planted winter pasture species, eucalypts, acacias and casuarinas. The trees will screen views to the infrastructure area from along the Highway. Irrigation sprays have been installed along this bund.

The CHPP infrastructure has been coloured a muted green to blend in with the surrounding pastoral landscape, however views of the CHPP from both north and south bound traffic on the highway are evident.

Low-pressure sodium lights have been used in the CHPP and workshop maintenance areas to reduce glare for passing motorists. Some white lights have been used during night-time operations specifically for safety reasons. Lighting controls implemented at Ashton involve directing lighting to active areas, dumping on less exposed areas, minimising the number of lights and placement of earthen screens. Where complaints are received, the impact of the lighting is assessed and if necessary the light source is redirected.

Ashton has received 37 complaints during the audit period related to lighting effects. This constitutes 6% of total complaints. These complaints have been predominantly from mobile opencut and dump lighting plants shining into houses and Camberwell Village. There have also been complaints received for CHPP lights directed towards the New England Highway and from residents in the Middle Fallbrook area. Lighting complaints have shown a decreasing trend during the 3 year audit period, with 21 complaints in year 1, and 11 complaints in year 2 and 5 complaints in year 3, indicating management of the sites lighting issues is effective.

3.5.3 Comparison of Actual and Predicted Performance

The actual visual impact is generally as predicted in the EIS with the surface facilities being visible from the New England Highway as a result of the poor tree growth on the bund. The vegetated eastern emplacement area provides good screening of the site from Camberwell Village and traffic along Glennies Creek Road.

3.6 BLAST IMPACTS

3.6.1 EIS Predictions

Adopting the blast design restrictions outlined in the EIS Tables 24 and 25 (see below), it is predicted that overpressure and vibration measurements will meet the ANZECC blasting guidelines at all monitoring locations for all years of mining. The designed maximum instantaneous charge (MIC) weights will achieve vibration levels no greater than 2mm/s at the nearest residence and not exceed 18mm/s at sensitive points along the rail line.

Table 3.15 – Predicted Blast Overpressure & Vibration Levels at varying distances (residences in Camberwell Village) from the blast for increasing maximum instantaneous charge (MIC)

MIC (kg)	Distance from blast	Overpressure dB (Lin Peak)	Vibration (mm/s)	Exceedences of 115 dB Lin Peak	Exceedences of 5mm/s
100	520	113	1.3	0	0
250	770	110	1.4	0	0
400	1000	108	1.4	0	0
600	1230	106	1.4	0	0

3.6.2 Actual Mine Performance

Between August 2004 and August 2007 there were 327 blasts performed by Ashton. Three of the blasts exceeded 120dB (L) overpressure at Camberwell Village and St Clements Church. In 2004-2005, Monitor 1, located in Camberwell Village, recorded an overpressure of 123.4dB (L) while Monitor 2 at St Clements Church recorded 120.8dB (L). On 27 April 2007 an exceedance of 120dB (L) occurred and on 4 July 2007 overpressures of 126dB (L) and 132dB (L) were recorded at St Clements Church and Camberwell Village respectively.

The St Clements Church monitor has since been relocated to adjacent to the Church.

Non-compliances for blasting for the period August 2004 to August 2007 are summarised in *Table 3.16*.

Table 3.16 - Summary of Blasting Results.

Criteria	Annual Exceedences											
	2004 - 2005				2005 - 2006				2006 - 2007			
	Church		Village		Church		Village		Church		Village	
	Vib	OP	Vib	OP	Vib	OP	Vib	OP	Vib	OP	Vib	OP
No >2mm/s	1		23		4		12		8		8	
% >2mm/s	0.5		12.6		3.4		9.8		4.3		4.3	
No >5mm/s	0		1		0		0		0		0	
% >5mm/s	0		0.5		0		0		0		0	
No >10mm/s	0		0		0		0		0		0	
No >115dBL		4		10		3		7		9		10
% >115dBL		2.2		5.5		2.5		6		4.9		5.4
No >120dBL		0		1		0		0		2 ^		2 ^

*results up to and including 17 August 2007
^ These 4 exceedences were attributable to 2 blasts.

1. It is noted that the Development Consent condition of 2mm/s is lower than the 5mm/s limit for other coal mines in the Hunter Valley.

3.6.3 Comparison of Actual and Predicted Performance

Blasting results have exceeded the EIS predictions for overpressure and vibration during the audit period. It is considered that the adoption of management practices which have been developed following exceedance events will further reduce the number of exceedences in the future.

4. ASSESSMENT OF THE DEVELOPMENT AGAINST PREDICTIONS MADE IN THE SUBSIDENCE MANAGEMENT PLAN (SMP)

The Subsidence Management Plan (SMP) was first approved by DPI on 8.03.07 and the revised SMP approved on 6.07.07. The approval and the SMP are for Longwall panels 1-4 and the development of associated first workings for Longwalls 1-5.

The SMP outlines the mining methods and mine layout, the predicted subsidence impacts, management and mitigation practices, monitoring and reporting and consultative processes. The SMP is supplemented with Annexures A-M which provide considerable detailed planning for the various aspects to be managed. A SMP Written Report provides very comprehensive background information and baseline monitoring, details about subsidence related risk assessment, consultative process and is supplemented with Annexures A-M.

4.1 SUBSIDENCE MEASUREMENTS

Longwall mining was near Gate Road 11 of Longwall Panel 1 at August 2007. The SMP-predicted subsidence values and actual measurements are provided in *Table 4.1*. Subsidence monitoring has shown that there has been negligible subsidence impact on the steep slopes of Glennies Creek is negligible. Visual inspection has revealed that near complete subsidence occurs immediately after passage of the longwall. Records indicate that subsidence is within the levels predicted in the SMP.

Table 4.1 Monitored subsidence vs. predicted subsidence at main lengths of Longwall 1.

	Max. Vertical Subsidence (m)	Maximum Tensile Strain (mm/m)	Max. Compressive Strain (mm/m)	Max. Tilt (mm/m)
SMP predictions	1.7	42	56	141
Monitored subsidence	1.4*	23*	16*	75*

*(17.08.07) measured at Crossline 5.

4.2 SUBSIDENCE IMPACTS ON STRUCTURES AND LANDFORMS

The SMP predicted that there would be negligible impact on roads, buildings, power lines, fences, dams, and agricultural use of the land. Monitoring and visual inspection to date has shown that these predictions are being met for the areas inspected.

Consultations outlined in the SMP, with RTA, Energy Australia, Telstra, Powertel, DWE, and the owners of Property 130 have been satisfactorily conducted to date. Specific Management Plans relevant to the SMP have been prepared in accordance with the SMP. Subsidence Management Processes have been implemented in accordance with SMP Section 8. Cracked and damaged land and roads have been repaired satisfactorily to date.

4.3 MONITORING AND REPORTING

The SMP refers to a Subsidence Monitoring Program which has been approved by DPI and effectively implemented. Daily subsidence monitoring results are forwarded to DPI and a Subsidence Management Status Report is submitted weekly. Approval from DoP has been received to allow the Reporting for Longwalls 1-3 to form part of the application process for Longwalls 5-8, during extraction of Longwall 4. Reporting in the AEMR and reporting at the end of Longwall Panel 1 are not yet due.

5. EFFECTS OF THE DEVELOPMENT ON THE SURROUNDING ENVIRONMENT AND THE EFFECTIVENESS OF ENVIRONMENTAL MANAGEMENT

Document review, inspections and interview of personnel during this audit demonstrated that generally Ashton Coal Operations Limited is effectively managing many of the environmental impacts of its operations, but needs to get greater control over noise, dust and blast impacts. In most instances, the Mine is managed in a competent manner and in accordance with the approved Mining Operations Plans. For the local community, noise and dust were the most significant issues during the audit period.

5.1 ENVIRONMENTAL IMPACTS AND MANAGEMENT PRACTICES

During the course of the audit inspection, appropriate management practices were in most instances in place and were being maintained.

5.1.1 Surface Water Management

The Mine operates with a closed water management system and is not registered with the Hunter River Salinity Trading Scheme (HRSTS) to discharge. The mine in most years has been a net user of water, drawing water under Licence from Glennies Creek, the Hunter River and Glennies Creek Mine. Water uses include dust suppression, and coal processing with additional water being lost in tailings management. As underground mining proceeds the mine will make more water.

All surface water is well managed. The only clean water runoff is from undisturbed catchments in the underground area. Clean water is caught in stock dams or flows naturally into Glennies Creek, Bowmans Creek or the Hunter River. All rain falling on the open cut is considered dirty water and held in the Process Water Dam. Dirty water is prevented from entering watercourses or leaving the site by a series of catch drains and sumps.

Tailings are disposed of off-site, with approval, into a Tailings Dam in one of the Ravensworth Mine voids owned by Macquarie Generation. An alarm system alerts operators to any flow disturbances in the tailings pipeline. Wastewater treatment is well managed through the use of oil/water separators and a sewage system. Monitoring records for surface water suggest that the Opencut mine is having minimal impact on water quality and quantity in the surrounding creeks and river.

There was an accidental water discharge from the site, on 8 June, 2007 during a severe storm event (1 in 100 ARI). This discharge was from a sediment dam which served rehabilitation areas. Whilst the discharged water is not mine water (from in-pit or processing) it had an EC > 900 µS/cm. The impact of this incident was not huge because the water storage structures had been previously well managed and maintained. Similar overflows occurred at most mines in the upper Hunter Valley.

5.1.2 Groundwater Management

Monitoring records of levels and water quality suggest that open cut mining has not had a significant impact on groundwater.

The effects of underground mining on groundwater are being carefully and rigorously monitored and reported. Investigation of remedial measures to prevent excessive flows from Glennies Creek alluvium into the underground mine were undertaken, with the preferred option of a grout injection curtain being installed between cut throughs 10-14 on LWP1. This installation resulted in an approximate 10-20% reduction in inflows and was not as successful as anticipated (80-90% reduction in inflows predicted), although total inflows of 2.7L/s are not in excess of the predictions made in the EIS (3L/s). In consultation with DWE and DPI, it was agreed that the inflows would be licensed. Currently the baseline rate is approximately 62ML/year, which has been agreed with by DWE (correspondence dated 20.6.07).

The Mine will account for the inflow of water from the Glennies Creek alluvials into the underground workings, based upon an accounting process for the existing water licences.

The Groundwater Management Plan was revised in July 2007. As a consequence, additional piezometers were installed and underground monitoring points with v notch weirs were installed where possible at all cut through points on LWP1 in the vicinity of the Glennies Creek alluvials. A pipe was emplaced along the initial end of LWP1 goaf with a weir at its discharge point, so that quality and quantity of groundwater from LWP1 tailgate can continue to be measured despite access to this area no longer being available.

Water level in a bore located in the Glennies Creek alluvials has remained relatively constant during the progress of LWP1, indicating that water quantities in the alluvials are not being unduly influenced by connectivity to LWP1. It is assumed that the pre-mining groundwater gradient will return in the long term once the goaf is full of water.

Salinity levels in LWP1 in the Pikes Gully seam have decreased from pre-mining levels of 6350uS/cm (14.6.076) to 742uS/cm (16.5.07) as measured at bore WML120A, as a result of the inflow of better quality Glennies Creek water into the Pikes Gully seam (ACOL 'Groundwater Management Plan', July 2007).

There was a concern that if lateral shear occurred within the steep slope zone along Glennies Creek then there could be a large influx of water into the underground workings from Glennies Creek. However, subsidence monitoring confirmed the non-existence of shear and it was assessed to be of low risk.

5.1.3 Surface Subsidence

Surface subsidence levels are within the levels predicted and are not causing any deleterious effects on the surface. Areas inspected were at the initial area where sizeable cracks up to 0.5m deep and 20cm width were observed. These are to be repaired by grading, topsoiling and seeding. Other surface cracks across the access road to residence 130 had been repaired. Elsewhere tension cracks and compression humps were observed at LWP1, cut through11, but were barely perceptible on the undulating, grassed surface.

Helium was released from the underground workings to assess the extent of connection between the underground workings and the surface. Monitoring for helium was undertaken for 4-5 hours during early August 2007, but could not be detected at the surface indicating the absence of any connections to date. It is proposed to undertake further studies at LWP1, 21 cut through.

5.1.4 Noise

The Mine has a Noise Management Plan which outlines noise level targets, noise level predictions and noise reduction procedures. The most significant noise impacts are

experienced at the Village and the source of this noise is generally considered to be the dumping on the Eastern Emplacement Area. Interviews with personnel suggested that the CHPP and underground surface facilities were not a source of significant noise impacts or complaints. The Mine uses structural and operational mitigation measures to manage noise impacts. These include:

- construction of vegetated bunds around most of the Opencut Mine site;
- restricted night time dumping and dump locations;
- limited operational hours;
- consideration of weather conditions;
- minimal surface work at night;
- use of noise attenuating equipment on machinery;
- sound power testing of machinery used on Eastern Emplacement area prior to use;
- enclosed and partly enclosed plant at CHPP;
- consideration of sound power levels in selection of plant and machinery;
- regular maintenance of plant and machinery;
- monitoring of selected pieces of plant and machinery; and
- removal of third gear in dozers.

Attended noise monitoring is conducted and reported quarterly at five sites around the Mine, mostly in Camberwell Village. A review of noise monitoring results indicates non-compliance with Development Consent and EPL criteria under neutral conditions. This finding is supported by the review of complaints received during the audit reporting period. 56% of all complaints during the period were concerning noise. Excessive noise is currently being managed following a complaint. A Mine Officer responding to a complaint drives to the receptor and listens for the noise, trying to identify its source. The Officer reacts by instructing the cessation or modification of the offending operation.

The Mine is attempting to reduce noise impacts by improving its monitoring network. The objective is to get a better understanding of the source, activities and conditions which cause excessive noise levels. The Mine's recent extensive purchase of many neighbouring properties within Camberwell Village is expected to reduce the number of complaints. The use of real time monitoring equipment allowing an Officer to hear real-time noise would enable proactive operational management rather than reactive management.

5.1.5 Blasting

Blasting has exceeded the Consent Conditions, EPL criteria and EIS predictions during the audit period. For each reporting period airblast overpressure received at Camberwell Village has exceeded 115dB (Lin Peak) for more than 5% of the total blasts. Three blasts during the audit reporting period have exceeded 120dB (Lin Peak). Vibration measured at Camberwell Village has exceeded 2mm/s for more than 5% of total blasts in each reporting period. During

the total audit period, approximately 12% of community complaints received were regarding blasting.

Three reportable blast exceedances have occurred. Investigations were conducted into each blast and reported to DECC. These investigations have resulted in improved blast procedures which incorporate preventive actions.

The blast management plan details blast design, monitoring and reporting to achieve compliance and minimise exceedances of blast criteria.

Blast management procedures include:

- posting a blast schedule on the website;
- phone contact with neighbours residing within 2km prior to blasting;
- post blast review, with the Environmental Officer participating in the event of a blast exceedance or complaint;
- liaison with neighbouring mines to ensure blasts do not coincide and cause possible cumulative impacts;
- an excellent pre and post blast checklist has been prepared. Tight controls on digging as per design;
- use of blast design criteria;
- identification and filling of any boreholes; and
- videoing of all blasts to allow ongoing evaluation.

Meteorological data is evaluated prior to blasting to minimise the likelihood of noise, fume and dust impacts off site. Blasting will not proceed if meteorological data or visual inspection indicates that blast exceedances are probable. Many blasts have been postponed due to external conditions.

5.1.6 Dust

Ashton Coal Mine has an extensive and sophisticated dust monitoring program in place, comprising of 12 dust deposition gauges, 4 high volume air samplers which measure Total Suspended Particulates (TSP) and 6 TEOM gauges which measure particulates less than 10 microns in diameter (PM_{10}) in relevant sites in and around the Mine. Samples are collected and analysed by an independent NATA accredited laboratory.

The data indicates that the annual average dust deposition levels during the audit period have exceeded the DECC guideline of 4g/m^2/month at D7 (Site 1) in Camberwell Village during the 2006 and 2007 (YTD) reporting periods. Data for TSP indicate that annual averages exceeded the DECC guideline of 90 µg/m^3 at Site 3 in 2005 and Site 1 in 2006 and 2007 reporting periods. DECC has established an ACOL contribution Short Term 24 hour average PM_{10} criteria of 50 µg/m^3 and a long term annual average PM_{10} criteria of 30 µg/m^3 for cumulative impacts. During the audit period the long term annual average PM_{10} limit was not exceeded, however ACOL's 24 hour average PM_{10} community contribution was exceeded at Site 1 during the 2006 and 2007 reporting periods. It is important to consider that the depositional and TSP dust data are inclusive of dust impacts caused by other mines, agricultural land use and general drought conditions. The methods for identifying dust sources and computing the impact of Ashton mine through the consideration of wind speed and direction carries some unreliability.

The Mine manages dust using the following control measures:

- spraying roads with water carts;
- automatic sprays at the Run-of-Mine (ROM) dump hopper;
- sprays at raw coal stockpiles;

- use of sprays along conveyors;
- enclosed conveyor systems;
- cessation or modification of work during windy conditions;
- limited vehicle speeds;
- dust control systems on drill rigs;
- blast programming to minimise dust; and
- prompt revegetation of bare soil areas.

During the audit inspection dust appeared to be well managed. No unacceptable dust emissions were observed during digging, drilling, hauling and at the ROM dump hopper or crusher. During the audit a dozer operator on the Eastern Emplacement Area demonstrated a very good understanding of dust mitigation procedures and the importance of wind conditions. It is noted that dust is the second highest contributor to community complaints, comprising 22% of the 658 complaints over the 2004-2007 period, suggesting improvements in management practices are desirable. However, dust complaints have reduced from 68 (34%) to 46 (17.5%) to 33 (17%) in the past 3 years. This is likely to be attributable to an improvement in management practices and the acquisition of neighbouring properties.

5.1.7 Visual Amenity and Landscaping

Ashton Coal Mine is extremely close to the New England Highway, Glennies Creek Road and residents of Camberwell Village, and is presented with many visual amenity challenges. The Mine has effectively screened mining operations from the village and Glennies Creek Rd, although the eastern Emplacement dump remains obvious. Vegetated visual and acoustic bunds have been attempted along the New England Highway but their effectiveness at present is unsatisfactory due to poor tree growth.

Revegetation of the outer face of the Eastern Emplacement is quite effective and provides visual screening of mining activities from Glennies Creek Rd and Camberwell Village.

Buildings at the Mine are generally aesthetically acceptable and all areas were maintained in a neat and tidy fashion. There have been no complaints to date from the community regarding visual amenity.

5.1.8 Lighting

Inspection confirmed that lights are positioned either low in the pit or facing away from the New England Highway, Glennies Creek Road and residents.

There have been 37 (6%) complaints from the community regarding lighting during the three year audit period. These were mostly related to mobile lighting plants. The mine has responded to complaints by redirecting lights. Lighting complaints have steadily dropped from 10.5% in 2005 to 3% in 2007, suggesting that lighting is now being well managed.

Lighting around the CHPP is intrusive to users of the New England Highway, although it does not cause direct glare and therefore is not a safety risk. The excessive use of permanent lighting detracts from the countryside night-sky and is wasteful of resources.

5.1.9 Rehabilitation and Flora/Fauna

The progress of rehabilitation is slightly behind schedule. Despite the prevailing drought conditions, rehabilitation at Ashton Coal Mine has been satisfactory. Achievements to date include the revegetation of the eastern emplacement area the southern and northern faces of

the Eastern Emplacement Area, the bunds near the mine entrance on Glennies Creek Road and the New England Highway bund.

Revegetation has comprised of the direct seeding of trees and grass, tube stock, spray-seeding of grasses and trees and laying of turf. The audit inspection identified some banks associated with the tailings pipeline which need vegetating. The site has a serious pest problem with infestations of *Galenia pubescens* (galenia) and *Opuntia spp* (prickly pear) and moderate kangaroo populations. While weed spraying has been undertaken and is planned, it would appear to be behind schedule. These pests, if allowed to continue, will have a detrimental effect on rehabilitation progress.

Positive rehabilitation practices include:

- construction of landforms which resemble the surrounding natural landforms;
- effective soil amelioration, including the use of gypsum, fertilisers, and the trial use of OGM in the topsoil;
- storage of habitat logs for replacement after rehabilitation;
- the construction of effective and stable contour banks and drop structure which reduce erosion and maximise infiltration;
- use of irrigation systems; and
- Kangaroo culling.

The underground mine area contains a large conservation area which is fenced for protection against stock and mining operations. Habitat corridors have been protected or developed to improve the effectiveness of this conservation. Fire trails have been developed to guard against and better manage bushfires.

5.1.10 Waste Management

Underground areas, workshops and facilities were very clean and tidy with no rubbish observed. General waste is well managed and many recycling waste streams are used. The workshop is filtering oil for reuse.

5.1.11 Hazardous Materials and Hydrocarbons

The tank farm for bulk diesel and oil storage is bunded. The bunded area is able to be pumped out. All other hazardous substances and hydrocarbons were in bunded storage. Mine vehicles carry spill kits and personnel interviewed had a good understanding of spill risk and the use of spill kits. Material Safety Data Sheets were available for a random selection of materials checked.

The workshop areas are fitted with water/oil separators and waste oil sumps which are inspected and emptied regularly.

5.2 COMMUNITY COMPLAINTS

A summary of the community complaints received by Ashton is presented annually in the AEMR. Complaints over the past 12 months and for the three year audit period were reviewed and are summarised in *Table 5.1.*

A total of 658 complaints were received over the three year audit period. In the 2004/5 a total of 199 complaints were received, 263 in the 2005/2006 period and 196 in the 2006/2007 period.

90% of all complaints received over the three year audit period concerned three main issues, being noise (56%), dust (22%) and blasting (12%).

The large number of environmental complaints received in the 2005/2006 period was predominantly due to an increased number of complaints from a single residence during August and September 2005. Approximately 64 complaints were received from this residence, which was reportedly seeking a compensation agreement with Ashton Coal. Had these complaints not been received the number of complaints would have been consistent over the three year period (199, 199 and 196 respectively). The majority of complaints from this residence related to noise.

Noise complaints, even with the large number of complaints received in 2005/2006 from this one residence removed, show an increasing trend.

Lighting and dust complaints show a decreasing trend over the three year period. Dust mitigation measures - such as the use of a fourth water cart, installation of first flush systems on the roof and guttering of neighbouring residential housing and application of chemical dust suppressant on roads – have all facilitated in lowering the number of complaints received.

Table 5.1: Community Complaints

	2004-2005*	%	2005-2006*	%	2006-2007*	%	Total -3 Year Audit Period	%
Noise	68	34	174	66	124	63	**366**	56
Lighting	21	10.5	11	4	5	3	**37**	6
Dust	68	34	46	17.5	33	17	**147**	22
Operating Time	11	5.5	14	5.5	3	1.5	**28**	4
Blasting	31	16	18	7	28	14	**77**	12
Other	0	0	0	0	3	1.5	**3**	<1
Total	**199**	**100**	**263**	**100**	**196**	**100**	**658**	**100**

* 11 August to 10 August

5.3 Environmental Management Strategy, Plans and Programs

The company is in the early stages of developing an Environmental Management System (EMS) based on ISO14001: 2004 but does not necessarily intend to seek certification. The mine has an Environmental Management Strategy, which is an umbrella-type strategic document which sits over the extensive collection of Environmental Management Plans (EMPs). The preparation of Environmental Management Plans has been timely and the Plans have undergone revision as required. The EMPs satisfactorily address the planning, impact assessment, mitigation measures, consultation requirements, community considerations and monitoring and reporting requirements to best manage environmental impacts. The Subsidence Management Plan is supplemented by EMPs specific to subsidence issues and references other EMPs. Cross referencing between Plans and the MOP is good. All monitoring programs have been prepared in accordance with the requirements of the EMP, Consent and Licence Conditions and Government Authorities. All EMPs are available to the public and Authorities on the Ashton Coal website.

ACOL was able to demonstrate very good Contractor Management. This included selection and screening of contractors based on environmental considerations and approval of their risk assessments, control practices and training.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1 CONCLUSIONS

Verification was conducted at the Ashton Coal Mine Administration Office and the offices of Pacrim Environmental where the audit team was allowed access to relevant documentation. Some aspects of verification relied on personal communication with the Environmental Officers and Mine personnel. The audit team was taken on two above ground site tours which included inspection of underground mine surface facilities, the land surface above the underground mine, Opencut mining, haulage, dumping, coal crushing operations as well as monitoring stations, tailings system, rehabilitation, infrastructure and surrounding properties. The audit also included an inspection of the underground mining operations. The resources and assistance provided by Ashton Coal Mine to facilitate document retrieval and site inspection for verification was appreciated by the auditors.

It is considered that ACOL is maintaining an acceptable standard of environmental management through the implementation of a number of strategic and mitigation measures. These include operational management strategies to reduce dust, blast and noise impacts, and commitment of considerable resources to protect against subsidence and ensure minimal impacts on groundwater, The Mine has purchased a considerable number of neighbouring properties, particularly in Camberwell Village in recent years, and has entered into Agreements in an effort to provide compensation to community members being impacted by the mining operation.

Despite sound environmental management, the mine was not able to demonstrate complete compliance and did not meet all EIS predictions in the areas of dust, noise and blasting.

Long term PM_{10} levels are within criteria established by statutory authorities and within EIS predicted levels but short term PM_{10}, TSP and Depositional Dust exceeded these.

Day and evening noise exceedances of DECC criteria and EIS predictions occurred at Sites 2 and 3.

Blast results have shown exceedances of DECC criteria and EIS predictions also, but recent changes to procedures may rectify this situation.

Surface water quality and groundwater quality and quantity are within EIS predictions and meet statutory requirements.

Visual amenity impacts meet EIS predictions, but there is opportunity for improvement in the number of permanent lights at the CHPP and surface facilities area, which are highly visible from the New England Highway.

Qualitative and quantitative indicators of subsidence meet the predictions made in the Subsidence Management Plan.

6.2 RECOMMENDATIONS

1. Implement all corrective actions and recommendations outlined in *Table 2.1* and *Table 2.2*.

2. Housekeeping at the oil dispensing station at the Underground Facilities workshop could be improved.

3. The Breaker Station wall at the CHPP has a panel missing to allow maintenance. Consider improving the completeness of this wall with a sliding door to further reduce external noise levels.

4. Staff understanding of the Tailings Pipeline Warning Alarm system could be improved.

5. Consider holding a simulated emergency involving the tailings pipeline to the Ravensworth Void Pit as a training exercise for relevant personnel.

6. Commence or give a higher priority to a weed eradication program.

7. Prepare and implement an environmental training schedule, prioritising targeted issues based on complaints and incidents history.

8. Investigate the extent of lighting at the CHPP and surface facilities area from the perspectives of reducing energy use and general night-time glow.

9. The New England Highway Environmental Bund requires better maintenance of tree species and infill planting with native species tubestock and grass seed.

Appendix 1

Compliance Pro-forma for Development Consent
DA 309-11-2001-i

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
1	**GENERAL**			
	Obligation to Minimise harm to the environment			
1.1	There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the project. This requires that all practicable measures are to be taken to prevent and minimise harm that may result from the construction, operation and, where relevant, decommissioning of the development.	Yes	This audit - site inspection, Strategies, Plans and EIS	*The site has all Environmental Management Plans required by this consent. HWE operates under an ISO 14001 Environmental Management System, which comprises detailed Environmental Operating Procedures. Comprehensive dust, blasting, noise, and water management systems have been implemented on site.
	Scope of Development			
1.2	The Applicant shall carry out the development generally in accordance with the:	Yes	This audit - site inspection, Strategies, Plans and EIS	Development generally in accordance with the EIS
a	development application No.309-11-2001-I as amended by the document in sub clause v);			
b	EIS, 3 volumes, dated November 2001, prepared by HLA Enviro-sciences Pty Ltd and certified in accordance with Section 78A(8) of the Act;			
c	Aboriginal Cultural Heritage Assessment dated July 2001, prepared by the Upper Hunter Wonnarua Council and forwarded in a letter from WML received 12 December 2001;			
d	conceptual design for upgrade works to Glennies Creek Road provided to SSC and Planning NSW by WML dated 10 December 2001;			
e	information provided to Planning NSW by WML on 4 February 2002, titled “Ashton Coal Project Meeting – Planning NSW”;			
f	additional information relating to flora and fauna surveys, the diversion of Bowmans Creek, water quality, groundwater, air quality and Aboriginal cultural heritage provided by HLA Enviro-sciences to Planning NSW and other government agencies, dated 28 February 2002;			
g	information relating to groundwater impacts provided by HLA-Envirosciences to Planning NSW dated 14 March 2002;			
h	additional information relating to subsidence impacts, groundwater impacts, agricultural impacts, project justification and blasting impacts provided by HLA Enviro-sciences to Planning NSW dated 28 March 2002;			
i	additional water management information provided to DEC and other NSW Government agencies prepared by HLA Envirosciences Pty Ltd, dated 5 April;			
j	fax from WML to PlanningNSW dated 13 May 2002 relating to a meeting held on 7 May 2002;			
k	letter from HLA Envirosciences to PlanningNSW dated 16 May 2002, relating to flora and fauna surveys and agricultural impacts;			
l	description and proposed diversion option 2 provided by WML to PlanningNSW dated 17 May 2002; and			
m	response to public submissions from HLA Envirosciences to PlanningNSW dated 31 May 2002;			
n	additional information provided by WML regarding Northern Woodland Remnant dated 31 May 2002.			
o	additional information and letter provided by WML to PlanningNSW regarding Salinity and Green Offsets for the Project dated 20 June 2002;			
p	revised Aboriginal cultural heritage survey provided by HLA Enviro-sciences to PlanningNSW dated 24 June 2002;			
q	letter from HLA-Envirosciences to PlanningNSW dated 2 July 2002 relating to Green Offsets report;			
r	letter from HLA-Envirosciences to NPWS dated 3 July 2002 relating to Aboriginal cultural heritage;			
s	additional information relating to Aboriginal cultural heritage from HLA Envirosciences to PlanningNSW dated 15 July 2002;			
t	fax from WML to PlanningNSW dated 25 July 2002 relating to Aboriginal consultation;			
u	letter from WML to PlanningNSW dated 12 August 2002 relating to a conservation area;			
v	amendment to DA from WML to PlanningNSW titled “Description of Alternate Mine Layout for Underground Mine (Option 4) dated 6 September 2002; and			

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
w	fax from WML to PlanningNSW dated 13 September 2002 relating to an internal coal haul road;			
x	Submission Pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, dated August 2004, prepared by Ashton Coal Operations Pty Limited;			
y	Supplementary Air Quality Information, dated 9 November 2004, prepared by Holmes Air Sciences;			
z	Documents titled Ashton Coal Tailings Pipeline – Application to Modify Development Consent and Statement of Environmental Effects, dated 2 November 2006 and prepared by Parsons Brinkerhoff; and			
aa	conditions of this consent.	Yes, except as noted		
1.3	If there is any inconsistency between the above documents, the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any inconsistency.	Noted		
	Provision of Documents			
1.4	Where practicable, the Applicant shall provide all draft documents and reports required to be submitted to the Director-General under this consent in an appropriate electronic format. Approved versions of documents are to be provided as a hard copy. Provision of documents and reports to other parties, as required under this consent, shall be in a format acceptable to those parties and shall aim to minimise resource consumption. Note: at the date of this consent, an appropriate electronic format for submission to the Director-General is the "portable document format" (PDF) or another format that may be readily converted to portable document format.	Yes	Review of site records, documentation and website.	*Documents available as word or PDF formats on website.
1.5	Nothing in this consent prevents the Applicant from combining reporting requirements under this consent with identical or similar reporting requirements for submission to another relevant party. Reporting requirements shall only be combined with the prior agreement of the Director-General of Planning and the Director-General (or equivalent) of the other relevant party, if reporting to that party is to be modified. Note: the purpose of conditions 1.4 and 1.5 is to provide for minimisation of resource utilisation (particularly paper) associated with administration of this consent.	Yes	Environmental Reports	Combined reporting not conducted.
1.6	The Applicant shall make the following documents available to the public upon request at the mine site and SSC, and shall post all documents on the internet, within 14 days of approval of the documents by the Director-General or relevant agency:	Yes	Website	
a	this consent;	Yes	Website	
b	any licenses or approvals for the mine obtained from Government agencies;	Yes	Website	
c	the Mining Operations Plan; and,	Yes	Website	
d	all documents required under this consent, including the environmental management strategy, environmental management plans, AEMRs, SMIARs, and Independent Audits.	Yes	Website	
	Statutory Requirements			
1.7	The Applicant shall ensure that all licenses, permits and approvals for the development are obtained and kept up-to-date as required.	Yes	Review of documentation	All licenses, permits and approvals are up to date
	Dispute Resolution			
1.8	In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act. Note: Section 121 of the Environmental Planning and Assessment Act 1979 provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.	Not yet triggered	Lisa Richards: pers. Comm.	No disputes have arisen.
	Compliance			
1.9	The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.	Yes	Induction Package	Condition found compliant during previous audit
1.10	At least two weeks prior to each of the events listed from a) to b) below, an independent person(s) or organisation(s), approved by the Director-General, shall certify in writing to the satisfaction of the Director-General, that the Applicant has complied with all conditions of this consent applicable prior to that event. Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the Director-General, stage the submission of compliance certification consistent with the staging of activities relating to that event:			
a	commencement of construction; and	No longer applicable		Condition found compliant during previous audit
b	commencement of mining operations.	No longer applicable		Condition found compliant during previous audit

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
1.11	Notwithstanding condition 1.10 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree.	Yes	Audit Report Nov 2005	Independent audit conducted November 2005 prior to DoP audit.
1.12	The Applicant shall meet the reasonable requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition 1.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.	Yes	AEMRs Letter to DoP 02.03.07. Letter from DoP 23.02.07. Letter from DoP 27.04.07.	All actions required by DoP , arising from audits, inspections and correspondence have been implemented.
1.13	Any compliance report or compliance update required under condition 1.10 or 1.11 of this consent shall be made available for public inspection on request.	Yes	Website	On website and made available on request.
1.14	If at any time, the Director-General is made aware of the occurrence of any environmental impacts from the proposal that pose serious environmental and/or amenity concerns, due to the failure of environmental measures required by the Conditions of Consent to ameliorate the impacts, the Director-General may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.	Not yet triggered		
	Period of Approval/Project Commencement			
1.15	This consent provides approval for mining for a period of 21 years from the date of granting of a mining lease pursuant to this consent. Note: Conditions of this consent may require activities to be carried out by the Applicant beyond the period of approval for mining.	Not yet triggered		Consent granted until 2023
1.16	Date of commencement of construction and Mining Operations is to be notified in writing to the Director-General, and SSC, at least two weeks prior to commencement of construction and Mining Operations respectively.	No longer applicable		Condition found compliant during previous audit
	Security Deposits and Bonds			
1.17	Security deposits and bonds will be paid as required by DPI Minerals under mining lease approval conditions.	No longer applicable		Condition found compliant during previous audit
	Prohibition of Works			
1.18	The Applicant shall not construct any diversion of Bowmans Creek as proposed in the EIS.	Not triggered		*Diversion now excluded from project
1.19	The Applicant shall not construct any private haul road from the site to the Macquarie Generation coal conveyor as proposed in the EIS.	Not triggered		*Haul road now excluded from project
2	**MINE MANAGEMENT**			
	Mine Management Plan, Operations and Methods			
2.1	No mining undertaken in accordance with this consent shall occur until the Applicant has submitted and had accepted by the DPI Minerals, a Mining Operations Plan (MOP) in accordance with current guidelines issued by DPI Minerals.	Yes	Current O/C MOP July 2004. DPI Letter of Acceptance 9 December 2004. U/G MOP Version C, 15 March 2006. Letter and revised U/G MOP 1 March 2007 to DPI.	Verbal approval given for U/G MOP variation, awaiting written approval.
2.2	The MOP shall:			
a	be prepared in accordance with DPI Minerals Guidelines for the Preparation of Mining Operations Plans (Document 08060002.GUI or its most recent equivalent);	Yes	DPI stamp of approval on MOPs and/or letters of acceptance.	
b	demonstrate consistency with the conditions of this consent and any other statutory approvals;	Yes	O/C MOP p 3. U/G MOP p 7.	
c	demonstrate consistency with the Environmental Management Strategy and Environmental Management Plans for the project site;	Yes	O/C and U/G MOPs	
d	provide the basis for implementing mining operations, environmental management, and ongoing monitoring;	Yes	O/C and U/G MOPs	
e	include a mine rehabilitation and Land Use Management Plan; and	Yes	O/C MOP Sec. 4	
f	identify a schedule of proposed mine development for the period covered by the plan and include:	Yes	O/C and U/G MOP Plan 4.	
f i	the area proposed to be impacted by mining activity and resource recovery mining methods and remediation measures;	Yes	O/C MOP Plans. U/G MOP Plans.	
f ii	areas of environmental, heritage or archaeological sensitivity and mechanisms for appropriately minimising impact;	Yes	O/C MOP p 9. U/G MOP p 26.	

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
f iii	water management, and	Yes	O/C MOP p 16. U/G MOP p 22, 30.	
f iv	proposals to appropriately minimise surface impacts.	Yes	U/G MOP	
2.3	In preparing the MOP, the Applicant shall consult with affected service authorities and make arrangements satisfactory to those authorities for the protection or relocation of those services.	Yes	O/C MOP p 9. U/G MOP p 10.	
2.4	A copy of the MOP, excluding commercial in confidence information, shall be forwarded to SSC and the Director-General within 14 days of acceptance by DPI Minerals.	**No**	Letter from DoP 27.01.05 re O/C mine	O/C MOP receipt acknowledged by DoP. No evidence of O/C or U/G MOP being sent to SCC or U/G MOP being sent
2.5	At least two years prior to the cessation of mining operations the Applicant shall investigate, determine and report, taking account of the potential community benefits, on a final strategy for the future use of the mine site, weirs, dams and any other infrastructure in consultation with the Department, DIPNR and SSC and for approval of DPI Minerals and the Director-General.	Not yet triggered		
2.5A	The Applicant shall submit a detailed design and management plan to the DPI-Minerals. The Applicant shall not place overburden on the eastern emplacement area above RL 125 metres until the DPI-Minerals has approved the plan.	Yes	Amended MOP May 2005	
2.5B	Prior to placing overburden on the eastern emplacement area above RL 125 metres, the Applicant shall revise the Mine Operations Plan (MOP) for the development to the satisfaction of the DPI-Minerals. The revised MOP shall: a) demonstrate consistency with the commitments made in documents listed in condition 1.2 and compliance with conditions of this consent; and b) include a schedule for the rehabilitation of the eastern emplacement area.	Yes	Amended MOP May 2005	
2.5C	**Tailings Emplacement Operation Plan** Prior to commissioning pipelines for offsite emplacement of tailings the Applicant shall: a) develop a Tailings Emplacement Operation Plan (TEOP) to the satisfaction of DPI. The TEOP shall become an annexure to the Ashton Coal MOP and shall include details of the proposed stabilisation and revegetation of all soil disturbance areas and other detail as described in Ashton Coal Tailings Pipeline - Application to Modify Development Consent and Statement of Environmental Effects, dated 2 November 2006 and prepared by Parsons Brinkerhoff; and b) provide a revised security deposit calculation for rehabilitation to the DPI based on the amended MOP.	Yes	TEOP Letter from DPI 21.05.07 Letter from SCC 25.05.07	
	Spontaneous Combustion			
2.6	The Applicant shall prepare, prior to the commencement of Mining Operations, a Spontaneous Combustion Management Plan to the satisfaction of DPI Minerals.	Yes	Spontaneous Combustion Management Plan January 2004.	Condition found compliant during previous audit
	Limit on Production/Hours of Operation			
2.7	Annual production of coal from the ACP shall not exceed 5.2 Mtpa of ROM coal.	Yes	2005 AEMR p 12 2006 AEMR p 35 2007 YTD daily production tally: Lisa Richards pers.comm.	Total Coal Production 2004/05: 1.023 Mt 2005/06: 1.364 Mt 2006/07: 2.159 Mt
2.8	Hours of operation at the development shall be as follows: OPERATION — OPERATING HOURS Open cut mining — 7am-10pm Monday to Saturday and 8am-10pm Sunday Underground Mining, Train Loading and CHPP operation — 24hrs, 7 days Blasting — 9am-5pm Monday to Saturday	Yes	2006 AEMR p 31. Ashton Environmental Information Handout	Opencut operations 7am to 10 pm Monday to Saturday , 8 am to 10 pm Sundays and public holidays. Water cart. CHPP and maintenance activities 24 hrs per day. Blasting 9 am to 5 pm Monday to Saturday.
3	**LAND AND SITE ENVIRONMENTAL MANAGEMENT**			
	Appointment of Environmental Officer			
3.1	The Applicant shall employ a suitably experienced Environmental Officer(s) for the duration of activities undertaken under this consent whose appointment is to receive prior approval by the Director-General. The Officer(s) shall:	Yes	Email to DoP 24.10.06. Resume and Qualifications for Lisa Richards.	
a	be responsible for the preparation of the environmental management plans;	Yes	Position Description	
b	be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;	Yes	Position Description	
c	be responsible for receiving and responding to complaints in accordance with condition 10.3;	Yes	Position Description	
d	facilitate an environmental induction and training program for all persons involved in any activities undertaken under this consent; and	Yes	Position Description	
e	have the authority to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact	Yes	Position Description	

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
3.2	The Applicant shall notify the Director-General, DPI Minerals, DEC, NPWS, DIPNR, RTA, MSB, DPI - Fisheries, SSC, and the CCC of the name and contact details of the Environmental Officer(s) upon appointment and any	Yes	Letter to CCC 05.12.06. Lisa Richards: pers.	Lisa Richard's appointment known to DPI prior to appointment. Others notified but correspondence not sighted during audit.
	Environmental Management Strategies and Plans			
3.3	The Applicant shall prepare an Environmental Management Strategy providing a strategic context for the environmental management plans (refer condition 3.6). The Environmental Management Strategy shall be prepared following consultation with the NPWS, DIPNR, DPI Minerals, SSC, DPI - Fisheries, RTA, MSB, DPI - Agriculture, and the Department, to the satisfaction of the Director-General. The strategy shall be provided to the Director-General no later than two weeks before the first environmental management plan under condition 3.6 is submitted.	Yes	Environmental Management Strategy revised 28.08.06.	*Consultation as required was undertaken. EMPs submitted 2/6/03. Director General approved the strategy 28/5/03. Copy of plan (prior to approval) sent to agencies. Strategy provided to Planning NSW 2/5/03 (hard copy)
3.4	The Environmental Management Strategy shall include, but not be limited to:			
a	statutory and other obligations which the Applicant is required to fulfill during construction and mining, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislative	Yes	Appendix A - EMS, Section 11 - EMS	*Appendix A details the authorisations, reports and approvals.
b	definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including Environmental Officer(s);	Yes	Section 4 of the EMS (Pages 18 and 19)	Section 4 includes the responsibilities of personnel with Environmental Responsibilities. Within this section the roles, authority, accountability and reporting are demonstrated.
c	overall environmental management objectives and performance outcomes, for construction, mining and decommissioning of the mine, for each of the key environmental elements for which management plans are required under this consent;	Yes	Section 6 of the EMS (Pages 23 to 41)	Section 6 comprises environmental management objectives and performance outcomes for Archaeology and cultural heritage, bushfire, blasting and vibration, air quality (construction and operations), noise (construction and operations), erosion and sediment control, flora and fauna, final void management, groundwater, land management, landscape and revegetation, lighting, soil stripping, water management, subsidence, spontaneous combustion and waste.
d	overall environmental and social objectives for the project, and a strategy for the restoration and management of the environmental and social values affected by mining operations within the context of those objectives;	Yes	Section 5 of the EMS (Pages 21 and 22)	*Section 5 comprises ecological and community objectives. Objectives that improve ecological values are also included.
e	identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;	Yes	Section 8 of the EMS (Page 48)	*Section 8 describes potential cumulative effects of noise and dust. It states that EMPs will include strategies to manage cumulative effects.
f	overall objectives and strategies to promote economic productivity within the area affected by mining;	Yes	Sections 5.2 and 9 of the EMS (Pages 22 and 49)	*Section 5.2 comprises objectives to maximise economic benefits to the local area and Section 9 refers to strategies to promote economic activity.
g	procedures to ensure that all relevant approvals, management plans, and procedures are complied with by all staff and contractors;	Yes	Sections 11, 12, 13 and 7.4 (Pages 52 to 58 and 46)	*Sections 11, 12 and 13 deal with the consultation and approval processes, compliance management reporting and quality control for consultation / approval of EMPs. Section 7.4 refers to environmental training of contractors and employees.
h	processes for conflict resolution in relation to environmental management of the project;	Yes	Section 14 (Pages 59 and 60)	*Section 14 details complaints handling and conflict resolution.
i	a conceptual project schedule indicating when key activities would be undertaken and proposed timeframes and proposed timeframes for submissions and approval of EMPs;	Yes	Section 10 (Pages 50 and 51)	*Section 10 comprises a conceptual schedule for the project.
j	documentation of the results of consultations undertaken in the development of the EMS.	Yes	Letter dated 2 May 2003 and copies of correspondence with government agencies which were submitted with the EMS.	*Documentation of correspondence was not included in the EMS, however the documentation was submitted with the EMS. The dates relating to consultation are included in the EMS QC sheet (Page 4).
3.5	The Applicant shall make copies of the Environmental Management Strategy available to NPWS, DIPNR, DEC, DPI Minerals, SSC, DPI - Fisheries, RTA, MSB, DPI - Agriculture, and the Department, and the CCC within fourteen days of approval by the Director-General.	Yes		*CCC members were nominated and approved by Director General with 1st meeting to occur after construction commenced. EMS Forwarded to agencies electronically 6/6/03, however not within 14 days specified in condition.
3.6	The Applicant shall prepare the following environmental management plans, which may also form part of the Mining Operations Plan:			
a	Subsidence Environmental Management Plan (refer condition 3.18)	Yes	Subsidence Management Plan. Subsidence Management Plan Approval by DPI 6 July 2007.	

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
b	Archaeology and Cultural Heritage Management Plan (refer condition 3.36)	Yes	Archaeology and Cultural Heritage Management Plan - Part 2, 26.04.06	
c	Flora and Fauna Management Plan (refer condition 3.46)	Yes	Flora and Fauna Management Plan Part 2, 28.08.06	
d	Erosion and Sediment Control Plan (refer condition 3.50)	Yes	Erosion and Sediment Control Plan - Part 2, 28.08.06	
e	Soil Stripping Management Plan (refer condition 3.51)	Yes	Soil Stripping Management Plan, 09.12.03	
f	Landscape and Revegetation Management Plan (refer condition 3.55)	Yes	Landscape and Revegetation Management Plan - Part 2, 28.07.06	
g	Final Void Management Plan (refer to condition 3.56)	Not yet triggered		The FVMP is required by the end of Year 5 of the development (2008)
h	Bushfire Management Plan (refer condition 3.57)	Yes	Bushfire Management Plan B, 09.03.05	
i	Land Management Plan (refer condition 3.58)	Yes	Land Management Plan _ Part 2, 26.04.06.	
j	Site Water Management Plan and Groundwater Management Plan (refer condition 4.24)	Yes	Site Water Management Plan Part 2, 28.07.06 and Groundwater Management Plan, 17.07.07.	
k	Waste Management Plan (refer condition 5.3)	Yes	Waste Management Plan 09.09.03	
l	Construction Air Quality Management Plan (refer condition 6.10)	No longer applicable		
m	Operations Air Quality Management Plan (refer condition 6.10)	Yes	Air Quality Management Plan Part 2, 28.08.06	
n	Blasting/Vibration Management Plan (refer condition 6.26)	Yes	Blasting/Vibration Management Plan, 28.08.06.	
o	Road Closure Management Plan (refer to condition 6.27)	Yes	Road and Rail Closure Management Plan, 12.01.04.	
p	Construction Noise Management Plan (refer condition 6.42)	No longer applicable		
q	Noise Management Plan (refer condition 6.43)	Yes	Noise Management Plan Part 2, 28.08.06.	
r	Lighting Management Plan (refer condition 6.56)	Yes	Lighting Management Plan, 12.01.04.	
	Environmental management plans are to be reviewed, and updated as necessary, at least every 5 years or as otherwise directed by the Director-General, in consultation with the relevant government agencies. Plans shall reflect changing environmental circumstances and changes in technology or best-practice management procedures.	Yes	Letter from DPI 28.08.06 approving revised EMPs. Environmental Management Plans	Several Plans already revised, others to be revised in 2008
3.7	The Applicant may, subject to written approval of the Director-General, divide the preparation and submission of any environmental management plans required under this consent, listed in condition 3.6, between open cut and underground mining operations. Any intention to divide environmental management plans shall be declared and approved in the Environmental Management Strategy (condition 3.3).	Yes	Environmental Management Plans	Environmental Management Plans are not divided.

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
3.8	The Applicant shall make copies of the environmental management plans in condition 3.6 above available to the relevant government agencies, SSC and the CCC, within 14 days of approval.	Yes	Letters to agencies and organisations 18.08.06, 08.09.06. Ashton website	Plans sent to DWE (DNR), DoP, DECC, NPWS, SSC, DPI-MR, DPI-Fisheries, Rural Fire Service - Singleton, ARTC, Upper Hunter Wonnarua Council, Wonnarua Local Aboriginal Land Council, RTA. These Environmental Management Plans are also available on the Ashton website.
	Subsidence Management			
	General			
3.9	The Applicant shall design underground mining operations to ensure no direct hydraulic connection between the Bowmans Creek alluvium and the underground workings can occur through subsidence cracking. In order to achieve this criteria the Applicant shall assess levels of uncertainty in all subsidence predictions, and provide adequate contingency in underground mine design to ensure sufficient sound rock is maintained to provide an aquaclude between the Bowmans Creek alluvium, and the underground mine goaf.	Not yet triggered	Pers. comm.-B. Wesley (U/G Mngr)	Mining is not yet beneath Bowmans Creek. Design will be based upon subsidence results for LPs 1 & 2 and is progressing. Drilling program to assess extent of alluvium. Helium was released from underground but was not detected on the surface. The Aquaclude study group meets periodically to assess current progress on studies.
3.10	The Applicant shall make every reasonable effort to ensure that any member of the public entering an area affected by subsidence in the mining area is made aware of any danger caused by the surface subsidence, including impacts on roads.	Yes	Site inspection & Pers. comm.- L. Richards (Env & community Relations Mngr).	Signage provided. When cracking of roads occurs barricades are placed across the roads.
3.11	The Applicant shall monitor and remediate any mine subsidence related impact including cracking, slumping, and erosion and provide stabilising structures in any areas that have significant risk of destabilisation occurring as a result of longwall panel mining, in accordance with DIPNR guidelines, to the satisfaction of DIPNR and in consultation with NPWS and DPI - Fisheries.	Yes	Site inspection & subsidence monitoring result.	Remediation of surface cracking is occurring at the initial end of LP1. Surface cracking on pasture land elsewhere is minimal. Cracks in access road to Property 130 have been repaired. No slumping occurred on the steep slopes adjacent to Glennies Creek.
3.12	The Applicant shall maintain an access road from the New England Highway to property No. 130 (refer EIS Volume 3, Figure 3.13). Any realignment of the existing access road shall be designed and constructed by the Applicant in consultation with the owner of property No. 130, Council, DPI Minerals, the local Aboriginal community, and NPWS, and to the satisfaction of the Director-General. The Applicant shall submit design and plans for any realignment to the Director-General for approval one month prior to commencement of construction of the realignment. The Applicant shall have prepared and registered by the Land Titles Office a right of way over any realignment of the access road in favour of the landowner of property No. 130. The Applicant shall be responsible for rehabilitation and revegetation of any disused sections of the access road after realignment.	Yes	Site inspection & Pers. comm.- L. Richards (Env & community Relations Mngr).	An alternative access route has been provided to Property 130. This comprised the upgrading of an existing track. Consultation was not required as it was within the existing easement.
3.13	At least nine (9) months prior to the extraction of coal from Longwall Panel 1, as defined in the EIS, by longwall mining or other mining methods requiring approval under Section 138 of the Coal Mines Regulation Act 1982, the Applicant shall advise the landowner of property No. 130 of the Applicant's plans for future mining activities and the specific impacts (based on best available information) affecting each property.	Yes	Ashton correspondence.	Letter 1.11.06 advising that mining will commence in Dec 06. Letter 27.12.06 advising that mining will not occur beneath the property.
3.14	At least one month prior to the commencement of the following activities, the Applicant shall notify the owner of property No. 130 (refer EIS Volume 3, Figure 3.13) in writing of the proposed activity and any potential impacts due to that activity:	No longer applicable.	SMP and Pers. comm.- L. Richards (Env & community Relations Mngr)	Background monitoring undertaken as part of SMP preparation. 6 monthly survey completed in July 07. Recommend that ACOL checks with Fisheries that wish to receive the survey results.
a	construction of development headings (first workings) under the property; and,	No longer applicable.		
b	lodgement of an application in accordance with Section 138 of the Coal Mine Regulation Act, 1982 to longwall mine (secondary workings) under the property.	No longer applicable.		
3.15	The Applicant shall monitor the condition of watercourses above longwall panels in the mining area, during mining and continue monitoring until completion of post mining rehabilitation to the satisfaction of DPI - Fisheries, to identify any impacts on aquatic habitats or fish passage, and implement appropriate actions if and when adverse impacts occur.	Yes	Subsidence Monitoring Program and Records. Lisa Richards: pers. Comm.	Ashton have engaged a specialist to monitor impacts on aquatic habitats and fish passage.
3.16	[1]No tunnelling or mining shall occur directly underneath the piers or abutments of Bowmans Creek Bridge. The RTA must approve access tunnel layouts in the vicinity of the Bridge.	Not yet triggered		Bridge is outside the area of mining
3.17	[2]The angle of draw for the mine subsidence after removal of the coal is to be kept outside of the New England Highway Road Reserve.	Not yet triggered		MOP plans allow for this.
	Subsidence Environmental Management Plan			

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
3.18	The Applicant shall prepare and implement a Subsidence Environmental Management Plan (SEMP) to detail an environmental management framework, practices and procedures to be followed during longwall mining activity at the mine. This Plan shall include, but not necessarily be limited to:	Yes	SMP October 2006. Letter from DoP 13.03.07 approving the integration of the Subsidence Environmental Management Plan (SEMP) and the Subsidence Management Plan (SMP). DPI approved SMP 08.03.07.	
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	SMP October 2006	
b	detailed description of the proposed underground mining operations, the existing surface and underground environment, and predicted subsidence impacts on the following:	Yes	Resource Description, p 6 Written Report	
b i	surface topography;	Yes	SMP Annex B	Land Subsidence Management Plan, p 8
b ii	geological integrity;	Yes	Written Report	p 14
b iii	surface water hydrology and erosion;	Yes	SMP Annex A	Site Water Management Plan, p 9
b iv	groundwater systems;	Yes	SMP Annex C	Ground Water Management Plan, p 13
b v	Aboriginal cultural heritage;	Yes	SMP Annex L	Cultural Heritage Plan, p 9
b vi	terrestrial and aquatic ecosystems;	Yes	SMP Annex D	Flora & Fauna Management Plan, p 8
b vii	land capability and agricultural suitability; and,	Yes	SMP Annex G, H, J	
b viii	any surface improvements, including roads, dams, transmission lines, pipelines, cables, fences, water gauging stations, and buildings;	Yes	SMP Annex B	Section 6 - Management Safeguards
c	a detailed remediation strategy to remediate potential impacts identified in subclause b);	Yes	SMP	p 30
d	consideration of the cumulative impacts of subsidence due to multiple seam extraction;	Yes	SMP Written Report Volume 1, p 82	
e	identification of all statutory and other obligations that the Applicant is required to fulfil in relation to management of subsidence, including all consents, licenses, approvals and consultations;	Yes	SMP Written Report Volume 1, p 61 Annexure K.	
f	a description of the roles and responsibilities for all relevant employees involved in the management of subsidence;	Yes	SMP p 30-31	
g	environmental policies and principles to be applied to the management of subsidence;	Yes	SMP and annexures	
h	standards and performance measures to be applied to subsidence management, and a means by which environmental performance can be periodically reviewed and improved;	Yes	SMP Subsidence Monitoring Program Rev 4.	
i	management practices and procedures to ensure that environmental performance goals are met and to comply with the conditions of this consent;	Yes	SMP and annexures	
j	detail actions to be taken in the event of an emergency leading to adverse environmental impacts;	Yes	SMP and annexures	Specific SMPs (Roads and Electricity Transmission Lines) include actions to be taken in the event of a subsidence related emergency.
k	a remediation strategy to address any identified damage to Bowmans Creek occurring through mining-induced subsidence. Any remediation strategy would involve works that would require approvals to be granted by DIPNR for implementation, and therefore must be submitted to DIPNR for approval. The remediation strategy is to include the following provisions:	Not yet triggered	SMP Written Report Annex c, Pre-mining assessment	This condition does not apply to longwall panels 1-4 but will apply to future workings
k i	Identification of approval requirements for implementation of any works required;	Not yet triggered		
k ii	Reporting of options to address degradation or obstruction to fish passage through the affected reach;	Not yet triggered		
k iii	Vegetation re-establishment in affected areas of the creek banks, breakout points and submerged areas of the creek;	Not yet triggered		
k iv	Locations for installation of any artificial bed controls which may be required to arrest actual or potential erosion along the affected reach;	Not yet triggered		
k v	Timeframes to achieve remediation of each zone of degradation in the channel and sign off point for the entire affected corridor of creek affected by mining-induced subsidence;	Not yet triggered		

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k vi	Identification of Aboriginal heritage values an measures to minimise impacts on these values;	Not yet triggered		
k vii	rehabilitation works, particularly re-snagging in consultation with DPI - Fisheries and the Upper Hunter River Rehabilitation Initiative (managed by Macquarie University and DIPNR);	Not yet triggered		
k viii	provision of compensatory habitat for subsidence impacts;	Not yet triggered		
l	provision for forwarding the position of weekly workings to the RTA when underground mining occurs within 200 metres of the New England Highway road reserve;	Not yet triggered		Road Subsidence Management Plan
m	specific consideration of measures to address any requirements of DEC, DIPNR, NPWS, DPI - Fisheries, DPI Minerals, MSB, DPI - Agriculture, RTA, and the Council;	Yes	SMP Written Report Volume 1, p 61 Annexure K.	
n	results of consultation with the CCC, the local Aboriginal community, and affected landholders;	Yes	SMP Written Report Volume 1, Section 8	
o	the environmental monitoring requirements outlined under conditions 3.19-3.22 of this consent;	Yes	SMP Written Report Volume 1, Section 6	
	The Applicant shall submit the SEMP for the approval of the Director- General at least one month prior to the submission of an application for secondary workings (longwall mining) under section 138 of the Coal Mines Regulation Act 1982, or in such period otherwise agreed by the Director-General. An application for secondary workings (longwall mining) under section 138 of the Coal Mines Regulation Act 1982 shall not be made until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the SEMP to Council, DEC, RTA, NPWS, DPI - Fisheries, and DIPNR within 7 days. The Applicant shall make the SEMP available for public inspection on request.	Yes	Correspondence. Letter from DoP 13.03.07	SMP approved by DPI and DoP SMP is on website
	Subsidence Monitoring			
3.19	The Applicant shall undertake a detailed and ongoing monitoring program of subsidence resulting from mining to the satisfaction of the Director-General and the DPI Minerals and in consultation with DIPNR, DEC, DPI - Fisheries, NPWS, and according to the recommendations of any independent expert review [refer to Conditions 8.3- 8.7]. The monitoring program shall extend from commencement of construction throughout the life of the mine and for a period of at least five years after the completion of mining, or other such period as determined by the Director-General in consultation with DIPNR, DEC, DPI - Fisheries, NPWS, and DPI Minerals. Monitoring shall be supported by visual as well as technical records. Monitoring shall include, but not be limited to, the following:	Yes	Weekly reports emailed to DPI-MR, contains position of face plus any specific comments.	Consistent with Condition 20 of Subsidence Management Plan Approval - Ashton Coal Longwall Panels 1-4 (6.7.07).
a	monitoring of all relevant subsidence parameters including vertical subsidence and ground strain;	Yes	Subsidence Monitoring Records	
b	results of detailed inspections of underground workings and coal seams noting any changes in roof or floor conditions, or any water inflows which may indicate the presence of geological features such as faults, dykes or joints;	Yes	Subsidence Monitoring Program and Records	
c	records of surface geological mapping or subsurface investigation which may indicate the presence of geological structures, and assessment of any possible correlation between surface features and features in underground	Yes	Subsidence Monitoring Program and Records	
d	monitoring of the propagation and extent of subsidence-induced cracking including:	Yes	Subsidence Monitoring Program and Records	
d i	plotting exact location, depth, and characteristics of surface cracks; and,	Yes	Subsidence Monitoring Program and Records	
d ii	monitoring the extent of cracking connecting surface cracks to the collapsed goaf area;	Yes	Site Inspection & Pers. comm.- L. Richards (Env & community Relations	
e	regular monitoring of all water inflows to the underground mine including location and flowrate of inflows. Water quality analysis should be conducted if a significant change in water flow or discolouration is observed at any time to identify the possible source of the water;	Yes	Subsidence Monitoring Program and Records	
f	monitoring of groundwater levels and quality;	Yes	2005 AEMR p 63 2006 AEMR p 88 2007 YTD groundwater monitoring records.	

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g	a survey of affected stream channel systems, including monitoring of rainfall, surface water flows, water ponding, and water quality;	Yes	2005 AEMR p 48 2006 AEMR pp 72-87 2007 YTD surface water monitoring records.	
h	monitoring of Bowmans Creek as required by condition 3.20;	Yes	2006 AEMR pp 72-87 2007 YTD surface water monitoring records.	
i	monitoring of changes to surface water run-off and erosion;	Yes	2006 AEMR p 71-72	
j	monitoring of cultural heritage sites;	Yes	SMP p 16 and Annex L	
k	monitoring of impacts to agricultural land;	Yes	Site inspection & Pers. comm.- L. Richards (Env & community Relations Mngr).	No agricultural land within first 4 LPs - only unimproved pastures used for grazing. No significant impacts predicted for agricultural land as a result of subsidence.(Subsidence Management Plan p 15, see Section 10.5.1 of SMP Application.) No specific monitoring is conducted.
l	monitoring of impact of subsidence on existing vegetation and terrestrial and aquatic ecosystems;	Yes	Lisa Richards: Pers. Comm.	Baseline monitoring has been conducted. Ashton is in the process of engaging a ecology specialist to conduct on-going monitoring
m	monitoring and evaluation of subsidence management and remediation techniques identified in the SEMP; and	Yes	SMP and annexures	Each Plan associated with the SMP outlinest he monitoring and evaluation process for that aspect.
n	a comparison of predicted subsidence impacts with actual impacts, and updating of predicted impacts for future longwalls and long-term impacts, particularly on groundwater systems and salinity.	Not yet triggered		
3.20	The Applicant is to conduct a detailed Stream Monitoring Program on Bowmans Creek developed in consultation with DIPNR and DPI - Fisheries. This monitoring is to commence at commencement of construction, or as otherwise directed by the Director-General, and is to be supported with visual records as well as technical records. The River monitoring program shall include, but not be limited to:	Yes	SMP Written Report p 38, 68 and Annex C	Baseline assessment conducted. "Monitoring during mining: will not commence until mining area of influence passes under Bowman's Creek which will be during longwalls 5-8 stage.
a	a detailed benchmark survey of the affected length of Bowmans Creek, and the reaches from the nearest upstream bedrock control point from the effective zero point of subsidence to the nearest downstream control point from the effective zero point of subsidence (usually measured by the 20 mm limit of subsidence). This survey is to be completed at least one year prior to mining affecting the stream channel system, or as otherwise directed;	Yes	SMP Written Report and Annex C	
b	pre-mining assessment including:	Yes	SMP Written Report and Annex C	
b i	identification of stable bedrock control points along the affected reach, and the nature and extent of bedrock control points.	Yes	SMP Written Report and Annex C, p 10	
b ii	identification of stable cross sectional survey control points along the affected reach.	Yes	SMP Written Report and Annex C	
b iii	identification of chain pillar survey control points to establish the change in vertical reduced levels and bed gradient change.	Yes	SMP Written Report and Annex C	
b iv	identification of stable control monitoring points to establish bedload transport through the affected reach.	Yes	SMP Written Report and Annex C	
b v	assessment of the extent of existing pool-riffle sequences, rock bar and cobble chute pools and bed gradient steepening through riffle sequences.	Yes	SMP Written Report and Annex C	
b vi	assessment of bank stability provision by existing vegetation galleries along the affected reach of Bowmans Creek.	Yes	SMP Written Report and Annex C	
b vii	the extent, floristics and structure of any existing wetlands or standing pools along the length of the affected reach of Bowmans Creek.	Yes	SMP Written Report and Annex C	
b viii	existing water quality and exchange/discharge rates of local groundwaters (both alluvial and underlying bedrock) to Bowmans Creek; and,	Yes	SMP Written Report and Annex C	
b ix	monitoring to benchmark fish, macroinvertebrates and aquatic habitat; water velocities and flow rates; and current geomorphological design and stability of the creek.	Yes	SMP Written Report Annex C p 39Lisa Richards: Pers. Comm.	Baseline monitoring has been conducted. Ashton is in the process of engaging a ecology specialist to conduct on-going monitoring
c	immediate post-mining monitoring (at least twice in the period within one year of each longwall pass under Bowmans Creek), including:	Yes	SMP Written Report and Annex C	
c i	extent of change in level and gradient from each control point identified in the pre-mining survey.	Yes	SMP Written Report and Annex C	
c ii	extent of change in cross section between each survey control point identified in the pre-mining survey.	Yes	SMP Written Report and Annex C	

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
c iii	change in pool-riffle sequence, depth and width of pools, location of breakout points for flood waters from the subsided troughs overlying each extracted longwall panel.	Yes	SMP Written Report and Annex C	
c iv	change in stream power relations through each chain pillar and chute/riffle sequence along the extent of the affected stream.	Yes	SMP Written Report and Annex C	
c v	obstruction to fish passage through reverse gradient slopes on the downstream face of each subsidence trough.	Yes	SMP Written Report and Annex C	
c vi	cumulative changes in stream power and tractive stress along the affected reach.	Yes	SMP Written Report and Annex C	
c vii	impacts on existing vegetation communities along Bowmans Creek from subsidence or other impacts, and potential impacted areas from potential breakout points along the channel (such as the southern length of subsidence overlying longwall panels 5, 6 and 7 beyond the incised meander of Bowmans Creek); and	Yes	SMP Written Report and Annex C	
c viii	monitoring to assess impacts to fish, fish passage, macroinvertebrates and aquatic habitat; water velocities and flow rates; and geomorphological design and stability of the creek.	Yes	SMP Written Report and Annex C	
d	long term monitoring on a bi-annual basis extending for at least five years after longwall mining has been completed under Bowmans Creek;	Yes	SMP Written Report and Annex C	
d i	changes in bed gradients, control point locations, pool/riffle locations and chute depths and energies along the affected reach of the creek.	Yes	SMP Written Report and Annex C	
d ii	changes in bedload transport rates, bed material sorting/imbrication, bedrock control exposure and energy relations in the affected reach of the creek.	Yes	SMP Written Report and Annex C	
d iii	drainage of local groundwaters into and water quality changes in each pool of Bowmans Creek, including an assessment of pool maintenance periods during dry periods resulting from discharge of local groundwaters into	Yes	SMP Written Report and Annex C	
d iv	vegetation community changes along the length of the affected channel.	Yes	SMP Written Report and Annex C	
d v	long term changes in biological communities within the affected reach of the creek; and	Yes	SMP Written Report and Annex C	
d vi	monitoring to assess impacts to fish, fish passage, macroinvertebrates and aquatic habitat; water velocities and flow rates; and geomorphological design and stability of the creek.	Yes	SMP Written Report and Annex C	
3.21	A detailed survey of the New England Highway road corridor is to be undertaken. Permanent monitoring stations must be installed as part of the initial survey. The initial survey is to be undertaken jointly with the RTA.	Yes	SMP Annex E Subsidence Monitoring Program Rev 4 Section C	
3.22	Subsidence monitoring on the New England Highway is to be undertaken on a 3 monthly basis until the cessation of the mining process and pending ground movement.	Yes	SMP Annex E Subsidence Monitoring Program Rev 4 Section C	currently being monitored monthly.
3.23	The Applicant shall report on monitoring conducted and provide a full interpretation results in the SMIAR (condition 3.24) and the AEMR.	Not yet triggered		The first monitoring shall be reported in the 2006/2007 AEMR and the SMIAR(as part of the next workings application), following mining of longwall 3, as scheduled in the SMP.
	Subsidence Monitoring and Impact Assessment Report			
3.24	The Applicant shall prepare and implement a Subsidence Monitoring and Impact Assessment Report (SMIAR) for each longwall panel or group of panels for which an application for secondary workings approval under s.138 of the Coal Mines Regulation Act 1982 will be sought. The report is to be submitted for approval to the Director-General, in consultation with and taking into account requirements of the Director-General of the DPI Minerals, the DEC, DIPNR, NPWS, and DPI - Fisheries, at least one month prior to the submission of the s.138 application to the DPI Minerals. The Director-General may require Independent Expert Review (conditions 8.3-8.7) of a SMIAR prior to approval. No application for secondary workings approval under s.138 of the Coal Mines Regulation Act 1982 longwall panels proposed in the SMIAR shall be made until written approval is received from the Director-General.	Not yet triggered		SMIAR not due until completion of LP3 (2009) Ashton received approval to integrate SMIAR with next workings (longwall panels 5-8) application.
	A protocol is currently being developed by DPI Minerals for interagency consultation on Subsidence Management Plans which would require approval prior to s138 applications being lodged. This protocol may, if implemented, overlap with the requirements of this consent such as submission and approval of Subsidence Monitoring and Impact Assessment Reports. The Applicant may apply for combination of these reporting requirements under condition 1.5 if the DPI Minerals protocol is established and implemented.	noted		
3.25	Subsidence Monitoring and Impact Assessment Reports shall be consistent with the conditions of this consent, the Environmental Management Strategy and relevant environmental management plans.	Not yet triggered		

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
3.26	The Applicant shall not apply, under section 138 of the Coal Mines Regulation Act 1982, for any longwall panels involving mining that may impact the Bowmans Creek alluvium until at least three longwall panels in the Pikes Gully Seam have been completed (panels 1, 2, and 3 as described in document referenced in 1.2v)) and the first SMIAR has been approved by the Director-General.	Not yet triggered		LP1 not yet completed
3.27	SMIARs and s138 applications are to be prepared and submitted in the following sequence (Refer to Table 3.27) .	Not yet triggered		
	Note: PGS - Pikes Gully Seam, ULS - Upper Lidell Seam, ULLS - Upper Lower Lidell Seam, LBS - Lower Barrett Seam. Panel numbers as described in document referenced in 1.2v	Noted		
	Prior to the commencement of longwall mining on the first group of panels, the Applicant is required to submit a Subsidence Environmental Management Plan under condition 3.18 and report on baseline monitoring in the AEMR.	Yes	SMP	AEMR in preparation - due 31/10/07
3.28	Subsidence Monitoring and Impact Assessment Reports shall include, but not be limited to:	Not yet triggered		
a	detailed description of the proposed group of longwall panels and workings to be applied for in the section 138 application;	Not yet triggered		
b	comparison of subsidence impacts predicted for completed sections of the underground mine with actual impacts recorded through subsidence monitoring;	Not yet triggered		
c	update information describing the existing environment in the area to be mined including geology, groundwater, surface water, surface topography, aboriginal heritage, land capability, and aquatic and terrestrial ecosystems based on monitoring results from programs under conditions 3.19-3.23 and 4.26, current knowledge and incorporating cumulative impacts from any mining completed on other seams in the area;	Not yet triggered		
d	revise subsidence impact predictions for the area to be mined taking into account the results of the above review;	Not yet triggered		
e	Groundwater Management Report prepared by an independent expert to the satisfaction of DIPNR, addressing:	Not yet triggered		
e i	work done under and the level of compliance with, the groundwater management measures defined in the Groundwater Management Plan; and	Not yet triggered		
e ii	identification of trends in groundwater monitoring data and comparison with predictions, in documents referred to in condition 1.2 and any previous SMIARs, over the life of mining operations.	Not yet triggered		
f	For SMIAR No. 1, an independent audit of groundwater conditions in panels 1, 2, and 3, and any current monitoring on panel 4, conducted by an independent expert. The audit brief and independent expert are to be approved by DIPNR prior to audit commencement.	Not yet triggered		
g	revise the assessment of the impacts of subsidence on geology, groundwater, surface water, surface topography, aboriginal heritage, agricultural suitability, and aquatic and terrestrial ecosystems in the area proposed to be mined;	Not yet triggered		
h	detailed assessment of assumptions and uncertainty in predictions and demonstration that sufficient contingency has been built into in the proposal to address this uncertainty;	Not yet triggered		
i	demonstrate compliance of the proposal with the conditions of this consent, particularly condition 3.9, and relevant licenses, approvals, standards and policies;	Not yet triggered		
j	8a review of the Mine Plan should excessive subsidence occur on the New England Highway so as to ensure that the Highway is maintained in a safe, serviceable and repairable condition;	Not yet triggered		
k	details of feasible options to appropriately avoid, minimise and remediate impacts from subsidence	Not yet triggered		
l	specific consideration of any requirements of DEC, DIPNR, NPWS, DPI - Fisheries, DPI Minerals, MSB, RTA, and the Council,	Not yet triggered		
m	results of consultation with CCC, the local Aboriginal community, and affected landholders;	Not yet triggered		
n	justification of the proposed longwall extraction plan;	Not yet triggered		
o	review the implementation of the SEMP (condition 3.18) and identify any parts of the plan that require modification. If the SEMP requires modification a copy of the revised SEMP shall be submitted with the SMIAR.	Not yet triggered		
	Adverse longwall mining subsidence impacts			

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
3.29	The Applicant shall investigate and undertake to the satisfaction of the Director- General, and in consultation with DEC, DIPNR, NPWS and DPI - Fisheries, alternative mine plans if subsidence impacts, such as impacts on groundwater systems, and potential long-term salinity impacts, as a result of the mine are demonstrated to be greater than those predicted in the EIS or SMIARs. This may include altering mining methods or restricting longwall mining in certain areas.	Not yet triggered		
	Heritage Assessment, Management and Monitoring - General			
	General			
3.30	The Applicant shall provide for permanent conservation of the land shown on the indicative plan in Schedule 3 (the "conservation area") through establishment of a Conservation Agreement with the Minister for the Environment under Part 4, Division 7 of the National Parks and Wildlife Act 1974. The purpose of the Conservation Agreement shall be to protect and conserve Aboriginal cultural heritage, and biodiversity, within the conservation area and any other purpose agreed to by the Applicant and the Minister for the Environment. The agreement shall include provision for the developing of a Plan of Management for the conservation area, developed in consultation with the local Aboriginal community, which reflects the purpose of the Conservation Agreement. The content of the Plan of Management shall be as agreed by the relevant parties and generally in accordance with the following principles:	Yes		Ashton and NPWS are well advanced in their discussions and arrangements for the establishment of the "conservation area," although the process has not yet been completed. The land designated for "conservation area" is currently being managed in accordance with conditions 3.30 a - h.
a	the area shall be conserved in perpetuity;	Not yet triggered		
b	agriculture and grazing shall be allowed in areas where such activities would not compromise or conflict with:	Not yet triggered		
b i	conservation of Aboriginal cultural heritage sites;	Not yet triggered		
b ii	conservation of biodiversity; or,	Not yet triggered		
b iii	commitments regarding revegetation and management of native habitat areas, particularly the southern woodland remnant, made in documents referred to in condition 1.2;	Not yet triggered		
c	weed control and bushfire protection measures shall be permitted as necessary;	Not yet triggered		
d	underground mining of the conservation area shall be permitted, in accordance with this consent;	Not yet triggered		
e	specific measures shall be developed to ensure conservation of Aboriginal heritage and threatened species;	Not yet triggered		
f	rehabilitation and revegetation works shall be permitted where they do not conflict with conservation of Aboriginal cultural heritage;	Not yet triggered		
g	a permanent access road across the area shall be permitted; and	Not yet triggered		
h	access to the area by the local Aboriginal community shall be permitted.	Not yet triggered		
	The Applicant shall commence negotiations with the Minister for the Environment within six months of the granting of the mining lease. The Applicant shall provide a copy of the agreement to the Director General and SSC within 14 days of the agreement being signed.	Not yet triggered		
3.31	The Applicant shall report on results of cultural heritage surveys and monitoring of the site before, during, and after mining operations annually in the AEMR. The purpose of the reporting shall be to identify new areas or increases to the area identified in condition 3.30 for the establishment of Conservation Agreements as defined in condition 3.30. The Applicant shall submit AEMRs to NPWS and the Director-General for consideration. Following evaluation of the reporting in the AEMRs, the Director-General may, in consultation with NPWS, request the Applicant to establish a Conservation Agreement following the procedure in condition 3.30.	Yes	2005 AEMR pp 84-85 2006 AEMR pp 115-116	Aboriginal and natural heritage aspects are reported in the AEMRs. New areas relevant to these aspects have not been identified.
3.32	Within six months of the commencement of mining operations, the Applicant shall make a contribution of $50,000 towards a trust fund set up by the Department and the Public Trustee for the purposes of a regional study into Aboriginal cultural heritage as defined by the Trust Deed.	Yes	2005 AEMR p 84	$50 000 grant given for the purposes of a regional study into Aboriginal cultural heritage.
3.33	The Applicant shall provide the local Aboriginal community with the opportunity to recover artifacts as approved by the s90 permits, and arrange access to Aboriginal heritage on the site upon receipt of a request.	Yes	S90 Permit 1691 Open cut area 04.07.03 Deed of Agreement between Wonnaurua people, Wonnarua Nation and Ashton Coal, February 2003	

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
3.34	If, during the course of any activities conducted under this consent, the Applicant becomes aware of any heritage or archaeological sites not previously identified, all work likely to affect the site shall cease immediately. The Applicant shall then consult with relevant authorities and decide on an appropriate course of action prior to recommencement of work. The relevant authorities may include NPWS, the NSW Heritage Office, and the relevant local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.	Not yet triggered	2005 AEMR p 84 2006 AEMR p 115	No items or sites have been identified.
3.35	The Applicant shall consult regularly with the local Aboriginal community using consultation principles and strategies consistent with those outlined in the "Guidelines for best practice community consultation in the NSW Mining and Extractive Industries" or relevant NPWS guidelines when available. The results of these consultations shall be documented in the AEMR.	Yes	Deed of Agreement between Wonnaurua people, Wonnarua Nation and Ashton Coal, February 2003 2005 AEMR p 84 2006 AEMR p 115	Ashton has continued to employ persons from the local indigenous community through Yunaga Mining Services. Consultation has occurred via the Upper Hunter Wonnarura Council, Wonnarus Nation, The Wonnarua Elders Council and the Native Title Claimant.
	Archaeology and Cultural Heritage Management Plan			
3.36	The Applicant shall prepare an Archaeology and Cultural Heritage Management Plan (ACHMP) to address Aboriginal and European cultural heritage issues. The Plan shall be prepared in consultation with the local Aboriginal community, and NPWS, and to the satisfaction of the Director-General. The Plan shall include but not be limited to:	Yes	Archaeology and Cultural Heritage Management Plan - Part 2, 26.04.06. Letter from DoP 28.08.06 approving the plan.	Part 2 is a revision of the 2003 Document, carried out primarily to address the additional requirements of underground mining. Previous auditing has confirmed that all sub-conditions listed have been met.
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	Archaeology and Cultural Heritage Management Plan - Part 2, 26.04.06.	
b	identification of all areas of conservation within the DA area;	Yes	Sections 4 and 6 of the ACHMP (Pages 10, 11 and 13)	
c	provision of management strategies including procedures and protocols for conservation and protection of Aboriginal heritage sites for all parts of the DA area;	Yes	Sections 4 and 6 of the ACHMP	
d	identification of any salvage, excavation and monitoring programs for any cultural heritage/archaeological sites within the DA area;	Yes	Sections 4 and 6 of the ACHMP	
e	details of any Section 90 applications to be lodged, or consents obtained from NPWS;	Yes	Section 6.3 of the ACHMP pp 13-14.	
f	details of consultation undertaken with the local Aboriginal community in the preparation of this Plan;	Yes	Section 6.4 of the ACHMPpp18-19 and Appendix.	Details of consultation with various Aboriginal community groups and NPWS are included in Section 6.4.
g	details of procedures and programs to implement monitoring requirements in condition 3.37.	Yes	ACHMP Table 2	
h	details of the measures to fully document, in accordance with the NSW Heritage Office guidelines, any non-indigenous heritage sites that will be required to be removed as a result of the development; and	Yes	Section 6.5 of the ACHMP	No non-indigenous heritage sites required to be removed.
i	details of proposed monitoring that will be undertaken in the areas adjacent to the non-indigenous heritage sites identified within the EIS .	Yes	Section 6.5 of the ACHMP	Section 6.5 states that engineering inspections will be undertaken of the Camberwell Community Hall and St Clements Anglican Church prior to blasting and that blast monitoring will be undertaken at the Church.
3.36	The ACHMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of construction of the development, or within such period otherwise agreed by the Director-General. Construction shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the ACHMP to Council, NPWS, and local Aboriginal community groups within 14 days. The Applicant shall make the ACHMP available for public inspection on request.	Yes	website	Draft plan submitted to Director General 2/6/03. Plan approved by Director General 4 September 2003. ACHMP on website
	Monitoring			
3.37	The Applicant shall monitor the effectiveness of the measures outlined in the Archaeology and Cultural Management Plan (Condition 3.36). A summary of monitoring results shall be included in the AEMR.	Yes	2005 AEMR p 84 2006 AEMR p 115	

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
	No Aboriginal archaeological sites shall be disturbed in any way without the prior approval of the Director-General of NPWS, under section 90 of the National Parks and Wildlife Act 1974.	Yes	2005 AEMR p 84 2006 AEMR p 115	
	Flora and Fauna Assessment, Management and Monitoring			
	General			
3.38	The revegetation of the DA area shall include, as a minimum, vegetation as shown on the Conceptual Final Landform and Vegetation Patterns plan attached as Figure A to information submitted to the Department on 28 March 2002 where this activity does not impact on Aboriginal heritage values.	Yes	Site Inspection	The progressive revegeation of the eastern emplacement area and the environmental bunds alongside New England Highway and Glennies Creek Rd is satisfactory.
3.39	Domestic stock and, where necessary, native fauna shall be excluded from all bushland revegetation areas.	Yes	Site Inspection	Fences intact. Control measures to exclude native fauna from revegetation areas are questionable.
3.40	Revegetation of areas not to be disturbed by open-cut mining, surface infrastructure, or overburden emplacement shall be completed within 6 years of the granting of a mining lease.	Not yet triggered		Mine not yet operational 6 years
3.41	The Applicant shall use, to the greatest extent possible, indigenous seed and propagation materials in revegetation of the site. This shall be based on an environmentally sensitive program of seed collection on the site and from surrounding vegetation remnants, subject to landholders consent.	Yes	AEMR & Pers comm	
3.42	If threatened species are identified on the site during construction or operation of the coal mine, the Applicant shall cease any work immediately which could adversely impact on the species pending investigation and consultation with relevant government agencies. The Applicant shall engage a suitably qualified ecologist to investigate, and identify appropriate amelioration measures.	Yes	Flora & Fauna Management Plan, p 20	
3.43	Those areas proposed to be mined and those areas proposed to be revegetated both by natural means and by direct seeding/planting shall be mapped so that the spatial and temporal relationship between the sequence of vegetation clearing, mining and habitat rehabilitation is clearly demonstrated.	Yes	MOP 2005 and 2006 AEMR	Areas are identified on Plans accompanying the MOP and AEMRs
3.44	Natural drainage patterns shall be re-established as far as practical.	Yes	Site Inspection	Bowman's Creek will not be diverted as per the EIS.
3.45	During the life of the mine and until the revegetated areas are established to the satisfaction of the DPI Minerals, the Applicant shall maintain the revegetated areas. Maintenance shall include, where necessary, but not be limited to:	Yes	Site Inspection	Revegated bunds and other areas are displaying good growth.
a	replanting failed or unsatisfactory areas	Yes	Site Inspection	
b	repairing erosion problems	Yes	Site Inspection	
c	fire management, fire suppression or fire encouragement	Yes	Site Inspection	
d	pest and weed control	Yes	Site Inspection	
e	control of feral animal populations	Yes	Site Inspection	
f	maintain and repair fencing	Yes	Site Inspection	
g	fertiliser application	Yes	Site Inspection	
h	application of lime or gypsum to control pH and improve soil structure.	Yes	Site Inspection	
	Flora and Fauna Management Plan			
3.46	The Applicant shall prepare and implement a Flora and Fauna Management Plan (FFMP) for the DA area. The Plan is specifically required to outline procedures for clearing or disturbing vegetation and other habitat types, along with measures for habitat reinstatement and management. The Plan shall be prepared in consultation with NPWS and SSC, and to the satisfaction of the Director-General. The Plan shall be prepared by an appropriately qualified and experienced ecologist. The ecologist shall be responsible for providing advice to minimise potential impacts upon threatened and protected fauna species that may utilise the site and to provide expert advice on the regeneration and reconstruction of flora and fauna habitat on mined areas. The Plan shall include but not be limited to:	Yes	Flora & Fauna Management Plan Part 2	Part 2 of this plan was prepared and approved 28.08.06. FFMP prepared by Naomi Buckhorn of EMR, a qualified and experienced ecologist. Draft plan submitted to Director General 2/6/03. Plan approved by Director General 15 July 2003.
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	Site Inspection	Operations carried out in accordance with 1.2 conditions, specifically the FFMP.
b	details of strategic vegetation management, outlining timeframes for clearing and re-vegetation activities and a map illustrating the Plan. The Plan should aim to maximise scope for new vegetation to establish and restore ecological integrity;	**No**	Flora & Fauna Management Plan Part 2 O/C MOP	Clearing and revegetation activities, including maps, are included in the MOP.
c	details of the creation, landscaping and management of on-site vegetation to provide habitat for the Grey-crowned Babbler and other threatened species likely to occur on the site;	Yes	FFMP Section 6	details the criteria and guidelines used to measure the success of the FFMP, including reference to the grey-crowned babbler. Section 6 includes details of management of riparian habitat and habitat creation. Details of habitat monitoring are included in Section 7.

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
d	details of the creation, landscaping and management of ponds along Bowmans Creek, where practical, to provide for Green and Golden Bell Frog habitat; the creation of new habitat must be based on current findings related to nearby populations and must be integrated with existing habitat for this species on the site at Bowmans Creek and Bettys Creek, and with habitat which is proposed to be created on Bettys Creek by Glendell Mine;	Yes	FFMP Section 6	*The Riparian Habitat sub-section details management methods for potential green and golden bell frog habitats.
e	details of the schedule for clearing activities incorporating seasonal habitat requirements for species such as bats and other mammals, with the objective of avoiding incidents during sensitive hibernation and breeding periods.	Yes	FFMP Section 6	details strategies implemented including seasonal clearing requirements and clearing procedures.
f	details of pre-clearance inspections, including the identification and inspection of trees containing tree hollows, including stags, prior to clearing of any vegetation;	Yes	FFMP Section 6	includes the requirements of pre-clearing inspections.
g	details of how micro habitats including dead trees, stags, stumps and hollow branches will, where practical, be salvaged and relocated to areas depauperate of tree hollow habitat and in the recreation of habitat areas;	Yes	FFMP Section 6	*The sub-section Clearing Procedures details salvage and relocation of hollow logs and branches.
h	details of the establishment of roost and denning boxes appropriate for bat and avifauna species and methods for their regular maintenance. The details on the specific height, aspect, design, location and timing for the placement of the roosts and nest boxes shall consider any publicly available results and recommendations following the ongoing fauna habitat monitoring program occurring at the Mt Owen mine;	Yes	FFMP Section 6	Section 6 includes a section on habitat creation which comprises roost and den box design, an inspection program and a research monitoring program.
i	details of the methods for strategically placing felled trees between cleared and remnant bushland to provide runways of ground cover for dispersion of animals;	Yes	FFMP Section 6	Clearing procedures included in Section 6 comprise details of felled tree placement.
j	details of measures to care for any animals injured or found during clearing activities, including the use of WIRES to attend to fauna as necessary, and the methods for their relocation if appropriate. This shall include measures for harbouring and releasing nocturnal animals at night;	Yes	FFMP Section 6	*Details of methods used when injured fauna is encountered, including contact numbers for carers are included in Section 7.
k	strategies for the establishment of long-term post-mining land use objectives over the site;	Yes	FFMP Section 6	*Long term post mining management is detailed
l	measures to re-instate vegetation communities and to use local endemic species for revegetation as soon as possible;	Yes	FFMP Section 6	*Section 6 comprises some information on revegetation, including some species which will be used and refers to the Landscape and Revegetation Management Plan for further details. Table 2 of the LSRMP lists plant species to be used in revegetation. However the re-instatement of vegetation communities is included in the Land Management Plan which has been approved by DIPNR.
m	methods to actively manage existing areas of remnant vegetation (habitat management zones) through fencing (using animal friendly materials) to exclude grazing animals and control of feral animals where practical, revegetate where appropriate, and maintain weed and fire controls;	Yes	FFMP Section 6	*Section 6 refers to existing habitat management and riparian habitat. The plan does not refer specifically to 'habitat management zones".
n	strategies for the establishment of wildlife corridor links to adjoining habitat areas and integration of rehabilitation works with nearby mines;	Yes	FFMP Section 6	*Habitat creation and corridors The management plan area contains vegetation corridors around the existing creek lines and details these under the sub-section riparian habitat.
o	details of strategies for the exclusion of grazing stock on areas of native bushland reconstruction;	Yes	FFMP Section 6	*Section 6 states that trees will be fenced and restricted cattle access will be permitted to graze the area. It also states that limited stock access will be allowed in riparian habitats and that fences will be retained to allow rotational grazing within the woodlands.
p	measures to monitor the success of revegetated areas and plant additional species where necessary;	Yes	FFMP Section 6	*Section 6 includes a section on terrestrial habitat monitoring which states that annual vegetation surveys after 3 years and that significant losses of plants will be replanted. This section also refers to the LSRMP, however this plan includes very little on monitoring.
q	methods of revegetation;	Yes	FFMP Section 6	
r	consideration of Aboriginal heritage management to ensure that activities under the Plan do not impact on Aboriginal heritage values;	Yes	FFMP Section 6	*Considerations of Aboriginal Heritage are included in Section 6.
s	development of a protocol for identifying and managing significant impacts on any threatened flora and fauna species not identified in the EIS, during construction or operation of the mine; and	Yes	FFMP Section 6	*The management of unknown threatened species is included in Section 6. It states that a booklet identifying threatened species will be supplied to construction workers and that is species are observed work will ceased immediately.
t	details of habitat monitoring required under this consent.	Yes	FFMP Section 7	

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
3.46	The FFMP shall be submitted for the approval of the Director-General, in consultation with NPWS, no later than one month prior to the commencement of construction of the development, or within such period otherwise agreed by the Director-General. Construction shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the FFMP to Council, DIPNR, DPI - Fisheries, and NPWS, within 14 days. The Applicant shall make the FFMP available for public inspection on request.	Yes	Letter from DoP 28.08.07. website	Part 2 of this plan was prepared and approved 28.08.06 and is available on the website. Draft Plan submitted to Director General of Planning NW 2/6/03. Plan approved by Director General 15 July 2003. Submitted to relevant government agencies electronically 3 September 2003, however not within 14 days.
	Monitoring			
3.47	The regeneration works shall be monitored by an appropriately qualified and experienced ecologist. The results of the monitoring and the effectiveness of the revegetation and the FFMP shall be reported annually as part of the Annual Environmental Management Report in accordance with the Department of Mineral Resource's Guidelines to the Mining, Rehabilitation and Environmental Management Process (March 1998) or its latest version.	Yes	AEMR 2005/6 (page 98)	
3.48	The Applicant shall prepare a detailed monitoring program of habitat areas on the site, including any wetlands and aquatic habitats, during the development and for a period after the completion of the development to be determined by the Director- General in consultation with NPWS. The monitoring program shall be included in the FFMP and a summary of the results shall be provided in the AEMR. The program shall:	Yes	FFMP Section 7	*Monitoring program included in FFMP
a	monitor impacts attributable to the development and include monitoring of the success of any restoration or reconstruction works. The Applicant shall carry out any further works required by the Director-General and DPI Minerals as a result of the monitoring;	Yes	FFMP Section 7	
b	establish an ongoing monitoring program of the existing and proposed revegetated areas to assess their floristics and structure and to propose contingency measures for improvements to revegetation if required; and	Yes	FFMP Section 7	
c	establish an ongoing monitoring program of fauna species diversity and abundance and the effectiveness of reconstructed ecosystems in providing fauna habitat and contingency measures should impacts be identified as occurring.	Yes	FFMP Section 7	
Note:	Emphasis should be given to the need for monitoring of the effectiveness of rehabilitation to learn from the process. It should be noted that both positive and negative outcomes need to be reported, to maximise the opportunity to incorporate best practice principles into future mining proposals. The information obtained from the monitoring shall be used to guide future revegetation efforts on the mine site.	Noted		
	Erosion and Sediment Control			
	General			
3.49	Sedimentation dams must be constructed to contain or treat surface water runoff from all mining areas and areas disturbed by mining including overburden dumps, topsoil stockpiles, unsealed roads and areas cleared of vegetation. Sedimentation dams must be designed:	Yes	Site Inspection & MOP	
a	so that the maximum flow velocity through the dams meets DIPNR guidelines;	Yes	ESCP section 6 & AEMR part 3.2	
b	to prevent short circuiting;	Yes	ESCP section 6 & AEMR part 3.2	
c	if inflow is likely to contain oil or other deleterious floating matter a baffle must be installed at the outlet to prevent discharge of that matter; and,	Yes	Pers. Comm - A. Spargo, L. Richards.	Inflow is not likely to contain oil or deleterious floating matter due to the series of settling dams which preceed flow into the Process Water Dam and it is considered that a baffle is not required. Also there is a oil - water separation system for waste water.
d	so as to avoid impacts on Aboriginal heritage values.	Yes	Site Inspection & Sec 90 Approvals	
	Erosion and Sediment Control Plan			
3.50	The Applicant shall prepare an Erosion and Sediment Control Plan (ESCP) for the surface facilities and mining operations in consultation with DIPNR and SSC, taking account of the DIPNR “Draft Guideline for Establishment of Stable Drainage Areas on Rehabilitated Mine sites” or its latest version, and to the satisfaction of DIPNR, and the Director-General. The Erosion and Sediment Control Plan shall include but not be limited to:	Yes	Erosion and Sediment Control Plan - Part 2, 28.08.06 Letter from DoP 28.08.06.	Revised Plan Part 2 approved by DoP 28.08.06. Draft plan submitted to Director General 2/6/03. refer to Appendix 3 Pacrim Independent Certification Report - re: Consultation. Plan approved by Director General 15 July 2003.
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	ESCMP pg 8	*Draft plan submitted to Director General 2/6/03. refer to Appendix 3 Pacrim Independent Certification report - re: Consultation.
b	details of temporary and permanent sediment and erosion control systems to be used during both mine construction and operation, including for earthworks associated with landscaping;	Yes	Section 6 of the ESCMP	*Section 6 details the management safeguard for construction and operations

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
c	details of soil salinity management where relevant;	Yes	Section 6.2.3 of the ESCMP	*Section 6.2.3 refers to the Land Management Plan for details of management of soil salinity. Compliant if Land Management Report includes Soil Salinity.
d	measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction and operation activities.	Yes	Sections 6 and 7 of the ESCMP (Pages 10 to 12)	*Section 6 details the management safeguard for construction and operations. Section 7 details inspection and monitoring and refers to the Site Water Management Plan for further details.
e	demonstration that the Plan is in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction (available from the Department of Housing) or its latest version for construction, or Managing Urban Stormwater: Council Handbook (available from the DEC) or its latest version, for operation;	Yes	Section 6.1, Appendix A and B of the ESCMP	*Section 6.1, Appendix A and B states that systems will be designed and constructed in accordance with the requirements outlined in Managing Urban Stormwater: Soils and Construction.
f	details of the proposed measures to maximise the retrieval of topsoil for subsequent use in the rehabilitation program;	Yes	Section 6.2.5 of the ESCMP (Page 11)	*Section 6.2.5 refers to the Soil Stripping Management Plan for details.
g	consideration and management of erosion and sedimentation of surface watercourses/waterbodies, including all creeklines within the DA areas;	Yes	Section 6.2 of the ESCMP (Page 10)	*Section 6.2 refers to the protection of natural drainage lines and watercourses by construction of erosion control devices.
h	consideration of Aboriginal heritage management to ensure that activities under the Plan do not impact on Aboriginal heritage values;	Yes	Site Inspection & Sec 90 approvals	*Aboriginal Heritage is not referred to in the ESCMP. There is an Archaeology and Cultural Heritage Management Plan for the site. Sites have been identified and are taken into consideration when locating sediment control works.
i	measures to construct banks, channels and similar works to divert stormwater away from disturbed and contaminated land surfaces such as mine workings, haul roads, overburden disposal areas, coal handling areas and wastewater treatment facilities. All diversion banks, channels and points of discharge must be constructed or stabilised so as to minimise erosion and scouring; and	Yes	Section 6.2.1 of the ESCMP (Page 11)	*Section 6.2.1 refers to clean water diversion.
j	a program for reporting on the effectiveness of the sediment and erosion control systems and performance against objectives contained in the approved Erosion and Sediment Control Management Plan, and EIS.	Yes	Section 7.2 of the ESCMP (Page 13)	*Section 7.2 states that review of the monitoring program and effectiveness of erosion and sediment control structures will be included in the AEMR.
3.50	The Applicant may submit ESCPs for construction and mine operation separately. The ESCP(s) shall be submitted for the approval of the Director-General, and DIPNR, no later than one month prior to the commencement of construction or operation of the development, as appropriate, or within such period otherwise agreed by the Director-General. Construction or operation, as appropriate, shall not commence until written approval has been received from the Director-General and DIPNR. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the ESCP to Council and DPI Minerals within 14 days. The Applicant shall make the ESCP available for public inspection on request.	No Longer Applicable	Review of Documentation	*Draft plan submitted to Director General 2/6/03. refer to Appendix 3 Pacrim Independent Certification report - re: Consultation and approval. Plan approved by Director General 15 July 2003. Submitted to relevant government agencies electronically 3 September 2003, however not within 14 days.
3.51	The Applicant shall prepare a Soil Stripping Management Plan (SSMP) to the requirements of DPI Minerals and DIPNR that shall include, but not be limited to:	Yes		*Plan submitted to DMR and DLWC 30/5/03
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	Review of SSMP	
b	details of the management of soil stockpiles, soil stripping techniques and scheduling; and	Yes	Section 6, Figure 1,2 and 3 and Appendix 2 of the SSMP (Pages 9 to 11 and 19)	*Section 6 details measures and also refers to Appendix 2 which details stripping and stockpiling of suitable top-dressing materials. Figures 1, 2 and 3 provide a layout and schedule of stripping and replacement. The schedule of soil stripping is also included in Section 6 and includes volumes, time and area of respread.
c	a program for reporting on the effectiveness of the soil stripping methods and performance against objectives contained in the Soil Stripping Management Plan, and EIS.	Yes	Section 7 of the SSMP (Page 12)	*Section 7 details performance outcomes and states that the AEMR will be used to report soil stripping data.
3.51	The SSMP shall be submitted for the approval of DPI Minerals and DIPNR, no later than one month prior to the commencement of construction of the development, as appropriate, or within such period otherwise agreed by the DPI Minerals and DIPNR. Construction shall not commence until written approval has been received from DPI Minerals and DIPNR. Upon receipt of approval, the Applicant shall supply a copy of the SSMP to Council, and the Department within 14 days. The Applicant shall make the SSMP available for public inspection on request.	No Longer Applicable	Review of Documentation	Draft plan issued to DMR and DLWC 30/5/03, Plan approved by DMR 15 January 2003 and DSNR(DLWC) 23 May 2003. Submitted to relevant government agencies electronically 3 September 2003, however not within 14 days.
	Site Rehabilitation Management			
3.52	The Applicant shall carry out rehabilitation of all mine areas in accordance with the requirements of any Mining Lease granted by the Minister for Mineral Resources and ensure the progressive rehabilitation of the area is also to the satisfaction of DIPNR. The rehabilitation shall also have regard to DPI Minerals's Synoptic Plan – Integrated Landscapes for Minesite Rehabilitation (1999) for the Upper Hunter, or its latest version.	Yes	Site inspection. AEMR 2006 Review 05.03.07	A Site Inspection by DPI on 20.02.07 identified satisfactory progress with rehabilitation but raised concerns about the performance of rehabilitated areas, albeit, acknowledging the difficult growing conditions in the prevailing drought. Recent revegetetion of the outer face of the eastern emplacement area was well executed.

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
	Visual Amenity and Landscaping			
	General			
3.53	The Applicant shall design buildings and structures associated with the development with a colour scheme which aims to minimise the visual impact of the development on surrounding land uses and maximise the ability of the development to "blend into" local vegetation and other visual components.	Yes	Site inspection	
3.54	The Applicant shall ensure that visual bunding is installed at strategic locations around the site, generally in accordance with the EIS, to minimise impacts on visual amenity.	Yes	Site inspection	Visual bunding along New England Highway and Glennies Creek Rd.
	Landscape and Revegetation Management Plan			
3.55	The Applicant shall prepare a Landscape and Revegetation Management Plan (LRMP) for approval by the Director-General. The Plan shall be prepared in consultation with the SSC and DPI Minerals. The plan shall have regard to DPI Minerals's Synoptic Plan – Integrated Landscapes for Minesite Rehabilitation (1999) for the Upper Hunter, or its latest version. The Plan shall include, but not be limited to, the following:	Yes	Landscape and Revegetation Management Plan Part 2	LRMP received DoP approval 28.07.06.
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	Review of EIS and documents	*General consistency is demonstrated.
b	an on-site landscaping strategy detailing design and proposed planting of trees and shrubs and the construction of mounding or bunding along Glennies Creek Road and the New England Highway;	Yes	Figure 1 LRMP	
c	appropriate erosion control and sediment control practices for earthworks associated with the landscaping;	Yes	LRMP	Partially covered but not specifically addressed and Erosion and Sediment Control Plan not referenced.
d	details of visual appearance of all buildings, structures, facilities or works (including paint colours and specifications);	Yes	Section 6 p.11 LRMP	*Requirements should be included in Plant Construction Specifications
e	details, specifications, and staged work programs to be undertaken, maintenance of all landscape works and maintenance of building materials and cladding;	Yes	Section 6 p.11 LRMP	
f	details of how vegetation screening and fauna protection corridors will be incorporated into the proposed visual and landscaping works; and	Yes	Section 6 p.11 LRMP	
g	use of indigenous species and fauna habitat reconstruction in revegetation areas ;	Yes	Table 1 p.13 LRMP	
3.55	The LRMP shall be submitted for the approval of the Director General, no later than one month prior to the commencement of construction of the development, or within such period otherwise agreed by the Director General. Construction shall not commence until written approval has been received from the Director General. Upon receipt of approval, the Applicant shall supply a copy of the LRMP to Council, and DPI Minerals within 14 days. The Applicant shall make the LRMP available for public inspection on request.	No Longer Applicable	Review of Documentation	*Plan Submitted to Director General 2/6/03. Plan approved by Director General 15 July 2003. Submitted to relevant government agencies electronically 3 September 2003, however not within 14 days.
3.55A	Within 1 month of placing overburden on the eastern emplacement area above RL 125 metres, the Applicant shall:			
a	commence implementation of an on-site and off-site landscaping strategy to minimise the visual impacts of the eastern emplacement area which includes tree planting along Glennies Creek Road, the slopes of the ridge south of Glennies Creek Road and adjacent to the New England Highway; and	Yes	Site Inspection. 2006 AEMR	Tree planting along Glennies creek Rd and New England Highway. Recent revegetetion of the outer face of the eastern emplacement area was well executed.
b	revise the Landscape and Revegetation Management Plan for the development to demonstrate consistency with the commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent, to the satisfaction of the Director-General.	Yes	Landscape and Revegetation Management Plan Part 2	LRMP has been revised since dumping above RL 125 in eastern emplacement area.
	Final Void Management			
3.56	The Applicant shall prepare a Final Void Management Plan (FVMP) to the satisfaction of the Director-General, in consultation with DPI Minerals, DIPNR, and SSC. The Plan shall include, but not be limited to, the following:	Not yet triggered		The FVMP is required by the end of Year 5 of the development (2008)
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Not yet triggered		
b	an investigation of options for future use of the final void;	Not yet triggered		
c	a re-examination and validation of groundwater modeling of the potential effects on the local and regional groundwater;	Not yet triggered		
d	details of a strategy for the long term management of the final void;	Not yet triggered		
e	details of strategies to minimise any adverse impacts where the assessment indicates the potential for degradation to surrounding water resources; and	Not yet triggered		
f	details of programs for catchment management, including the types of fertilisers used in the rehabilitation programs to ensure that there is little residual risk of nutrient enrichment of final void water.	Not yet triggered		

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
	The FVMP shall be submitted for the approval of the Director General, no later than the end of year 5 of the development or within such period otherwise agreed by the Director General. Upon receipt of approval, the Applicant shall supply a copy of the FVMP to Council, DIPNR, and DPI Minerals within 14 days. The Applicant shall make the FVMP available for public inspection on request. The FVMP shall be reviewed and updated every five	Not yet triggered		The FVMP is required by the end of Year 5 of the development (2008)
	Bushfire and other Fire Controls			
3.57	The Applicant shall:			
a	provide adequate fire protection works on site, including the availability of trained personnel, water tankers and fire fighting equipment and annual hazard reduction measures with particular attention to boundaries of adjoining landholdings;	Yes	Site Inspection	
b	make available to the Rural Fire Service and emergency services when required, water carts and trucks in cases of bushfire incidents on the mine site;	Yes	Bushfire Management Plan Version B, p 13 Lisa Richards: pers. Comm.	
c	submit an annual report on fire management activities to the Singleton Fire Control Officer; and	**No**	Adam Spargo:Pers. Comm.	Do not currently conduct any special fire management activities.
d	prior to commencement of mining operations prepare a Bushfire Management Plan for all its holdings contained in the DA area, to the satisfaction of SSC and the Rural Fire Service.	Yes	Bushfire Management Plan, version B	*Bushfire Management Plan approved by SSC and RFS on 9 March 2005.
	Land Management			
3.58	The Applicant shall, prepare a Land Management Plan (LMP) for the areas of the proposed surface facilities, and its holdings in the DA area, to provide for proper land management in consultation with DIPNR, DPI - Agriculture, NPWS, and SSC, and to the satisfaction of the Director-General. The plan shall include, but not be limited to:	Yes	Land Management Plan Part 2, 26.04.06. Letter from DoP 26.04.06	
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	Land Management Plan Part 2, 26.04.06.	
b	a strategy for sustainable land management, including rehabilitation, revegetation, and habitat reconstruction works, for the land proposed to be swapped for the existing Camberwell Common and Travelling Stock Reserve. The strategy is to be funded and implemented by the Applicant and developed in consultation with the Camberwell Common Trust, the Rural Lands Protection Board, DIPNR, Singleton Landcare, and the Hunter Catchment Management Trust. The strategy must have the approval of the Camberwell Common Trust and the Rural Lands Protection Board before submission to the Director-General. In the event that the land swap is not finalised when the LRMP is submitted, the Applicant shall provide an indicative timetable for implementation of the strategy and completion of the land swap;	Yes	Ashton Coal "Compensation Agreement".	previously audited in 2004.
c	a strategy for sustainable land management and enhancement of agricultural values and production across the entire site, taking into account biodiversity and Aboriginal heritage values as appropriate;	Yes	Section 6 of the LMP	
d	pastures and vegetation management;	Yes	Section 6 of the LMP	
e	prevention and rehabilitation of land degradation;	Yes	Section 6 of the LMP	
f	control of weed infestation on topsoil stockpile material;	Yes	Section 6 of the LMP	
g	assessment of the potential for recycling of standing timber removed from the site;	Yes	Section 6 of the LMP, p16	
h	eradication of vermin and noxious weeds as required by the Rural Lands Protection Board, the Upper Hunter Weeds Authority, the Prickly Pear Authority and other relevant authorities; and,	Yes	Section 6 of the LMP	
i	feral animal control.	Yes	Section 6 of the LMP	
	The LMP shall be submitted for the approval of the Director General, no later than one month prior to the commencement of mining operations, or within such period otherwise agreed by the Director General. Mining operations shall not commence until written approval has been received from the Director General. Upon receipt of approval, the Applicant shall supply a copy of the LMP to Council, DIPNR, DPI - Agriculture, NPWS, and DPI Minerals within 14 days. The Applicant shall make the LMP available for public inspection on request.	Yes	Letter from DoP 26.04.06 website.	No evidence sighted that LMP submitted to agencies but is available on website.
3.59	The Applicant shall minimise the removal of trees and other vegetation from the proposed surface facilities area, and restrict any clearance to the areas occupied by mine activity, buildings and paved surfaces, and those areas necessary for fire control in accordance with SSC requirements.	Yes	Site Inspection	No undue clearing of trees observed.

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
3.60	**Pipelines for offsite tailings emplacement and water sharing** The Applicant shall ensure that all pipelines for offsite tailings emplacement and water sharing are designed to remain safe, serviceable and repairable taking into account proposed and future mining by Newpac Underground Mine. The Applicant shall submit final working drawings for construction of pipelines in areas overlying the Newpac Underground Mine workings to the MSB for approval prior to commencement of works.	Yes	Site Inspection Letter from SSC 25.05.07 Letter from DPI 21.05.07 Letter from Parsons Brinkerhoff Australia to MSB 18.05.07	Pipeline infrastructure observed to be sound and well managed. Tailings Emplacement Operations Plan and addenda approved by DPI Tailings Emplacement Operations Plan and addenda approved by SSC. Evidence of submission of construction drawings to MSB.
3.61	The Applicant shall ensure that design and construction of the pipeline crossing under the New England Highway shall be undertaken in accordance with paragraphs (a) – (k) or otherwise to the satisfaction of the RTA:	Not assessed		Work has been completed and tailings have been deposited since may 2007.
a	the design shall be in accordance with information provided by Parsons Brinkerhoff (Drawing reference 2118508A-CIV-Figure 4) in the letter to the RTA dated 19 September 2006;	Not assessed		
b	a detailed survey with reference to bridge deck levels, the adjacent bridge piers and the proposed excavation levels shall be provided to the RTA's satisfaction;	Not assessed		
c	the difference between the bed level of the pipeline and the ground level at any pier shall not exceed 1.5m. If the level difference exceeds 1.5m a structural engineering report assessing the impact on the bridge structure shall be provided to the RTA;	Not assessed		
d	the proposed works shall not impact on the existing bridge structure, approaches or road pavements. All works shall be clear of the bridge including any proposed widening of the bridge structure;	Not assessed		
e	permanent markers are to be provided at the entry and exit points of the pipelines to the road reserve and the pipelines are to cross the road reserve in a straight line and as close to perpendicular as possible;	Not assessed		
f	any access points and valves shall be located outside of the highway reserve;	Not assessed		
g	all construction access shall be via existing access points, such as Brunkers Lane and the existing Ashton Coal access road. No new access to the New England Highway is permitted;	Not assessed		
h	the Applicant shall identify and avoid damaging any existing services, subsurface structures or above ground structures during construction works;	Not assessed		
i	any damage or impacts to the existing bridge structure or services within the road reserve caused during construction shall be repaired or remediated to the satisfaction of the RTA;	Not assessed		
j	all areas within the road reserve that are disturbed shall be restored to their original condition upon completion of the works and all restoration work shall be carried out to the satisfaction of the RTA; and	Not assessed		
k	works-as-executed drawings shall be provided to the RTA following completion of works within the road reserve.	Not assessed		
3.62	Prior to commissioning pipelines for offsite emplacement of tailings and water sharing the Applicant shall:			
a	ensure that an activated alarm system and emergency response procedures are established, as described in Ashton Coal Tailings Pipeline - Application to Modify Development Consent and Statement of Environmental Effects, dated 2 November 2006 and prepared by Parsons Brinkerhoff; and	Yes	Site Inspection	
b	amend the Ashton Coal Emergency Management Plan to incorporate the pipelines and emergency response procedures, to the satisfaction of the DPI.	Yes	Letter from DPI 21.05.07	Ashton Coal Emergency Management Plan endorsed for TEOP.
3.63	The Applicant shall ensure that the alarm system and emergency response procedures established under condition 3.62 are effectively maintained and operational at all times during the operation of the pipelines.	Yes	Site Inspection	
4	**WATER MANAGEMENT AND MONITORING - General**			
	General			
	Surface Water			
4.1	Except as may be expressly provided by a license under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.	**No**	Ashton response to DPI request for information 20.06.07. Site Inspection	Sediment Dam 5/6 overflowed on 08.06.07 during a severe storm event (1 in 100 ARI) and released an unknown volume of mine water (> 900 us/cm) and stormwater from disturbed areas off site. DECC was notified. Sediment dams are designed to handle 1 in 20 year storm events in accordance with the Water Management Plan, Overflows occurred from the majority of Hunter Valley mines during this storm event.

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
4.2	[13]Any release of surplus minewater from the mine must comply with the requirements of the Hunter River Salinity Trading Scheme and any license issued under the Protection of the Environment Operations Act unless otherwise directed by the DEC.	**No**	Ashton response to DPI request for information 20.06.07.	Water >900 us/cm left the site 08.06.07 (see above). The mine is not a registered participant in the HRSTS. The EPL does not allow the discharge of water.
4.3	[14]The concentration of a pollutant in wastes discharged under the Hunter River Salinity Trading Scheme must not:			
a	cause salinity in the Hunter River to exceed 900 micro Siemens/cm (uS/cm) measured at Singleton.	Not yet triggered		Ashton not licensed under HRSTS.
b	contain more than 120 milligrams per litre (mg/l) of non-filterable residue;	Not yet triggered		Ashton not licensed under HRSTS.
c	be of a pH less than 6.5 or greater than 9.5.	Not yet triggered		Ashton not licensed under HRSTS.
4.4	Any application to the DEC for a license under the Protection of the Environment Operations Act to discharge surplus minewater must be supported by a tributary impact statement. The tributary impact statement must include a geomorphologic evaluation of the watercourse and an assessment of the impact of the proposed discharge on the streams flora and fauna as well as any users and residents, downstream.	Not yet triggered		
4.5	The Applicant shall develop contingency arrangements to dispose of excess saline water in a planned and managed manner to ensure that the mine water management system is not exceeded with a subsequent unmanaged discharge occurring.	Yes	Site Water Management Plan Part 2, 28.07.06 Site Inspection	Site Inspection revealed that structures and procedures to manage mine water and prevent it from discharging from site are generally satisfactory, despite the accidental discharge in the June severe storm. Pumps and reserve holding capacity were available and used to best manage the excessive volumes of water.
4.6	[15]Banks, channels and similar works must be constructed to divert stormwater away from disturbed and contaminated land surfaces such as mine workings, haul roads, overburden disposal areas, coal handling areas and wastewater treatment facilities. All diversion banks, channels and points of discharge must be constructed or stabilised so as to minimise erosion and scouring.	Yes	Site Inspection	
4.7	The works associated with the proposal shall not damage or interfere in any way with:		Site Inspection	
a	vegetation outside the area of operation;	Yes	Site Inspection	
b	the stability of adjacent or nearby streams; or	Yes	Site Inspection	
c	the quality of water in the stream or watercourse below its ANZECC beneficial water use classification prior to the commencement of mining operations;	Yes	Site Inspection Monitoring Results	
4.8	The Applicant shall, in consultation with DIPNR, ensure that all soil and / or vegetation material to be removed from the area of operation is disposed of on an appropriate site where it will not be swept back into watercourses.	Yes	Site Inspection	No soil or vegetation material removed from the site.
	Licenses			
4.10	The Applicant shall obtain a license from DIPNR under Part 5 of the Water Act 1912 for the bores and wells which intersect the groundwater table, including monitoring bores , dewatering bores, longwalls, and other excavations which intersect the groundwater table; and	Yes	Bore Water Licenses 20BL168848 and 20BL168849 and 20BL136766.	
4.11	The Applicant shall obtain a permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 or the Water Management Act 2000, as appropriate, for works within forty metres of a river as defined under the Act, prior to commencing any works for which the Approval is required.	Yes	Letter from Dept Infrastructure, Planning and Natural Resources 08.09.03	License to do approved works 20CW802609.
	Site Water Balance			
4.12	The Applicant shall recalculate the mine water balance on a six-monthly basis to assess:	Yes	2006 AEMR p 42	Water balances at Feb 06 and Sept 06 provided.
a	whether climatic conditions and inflows to the mine are having a significant impact on mine water make and storage requirements; and,	Not yet triggered		drought conditions well accepted and understood.
b	address issues of additional storage which may be necessary to cope with the increased water make into the water circuit of the mine.	Not yet triggered		these issues have been examined recently in audit period.
	The recalculated water balances shall be reported in the AEMR.	Yes	2006 AEMR p 42	Water balances at Feb 06 and Sept 06 provided.
	Groundwater			
4.13	[16]All surface and underground operations including long wall mining shall be conducted to minimise potential impacts on groundwater flow and quality of the alluvial groundwater resource, integrity of the alluvial aquifer and to minimise off-site effects.	Yes	Site Inspection. Groundwater monitoring records	Mining operations are conducted in a manner which minimises the impacts on groundwater. Records indicate that opencut and underground mining operations are not having significant effects on groundwater flows and quality.

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
4.14	The Applicant shall undertake regular assessments of the accuracy of the groundwater model against the predictions outlined in the EIS, to the satisfaction of DIPNR. The scope of the assessment shall be determined in consultation with DIPNR and shall include the consideration of the establishment of trigger levels via sensitivity testing, drawdown, pit seepage and river leakage. Should an assessment identify significant differences between the model and EIS predictions, the Applicant shall revise the assessment of the potential impacts on groundwater systems to the satisfaction of DIPNR and implement any further mitigation measures to the satisfaction of DIPNR. The trigger levels for re-assessment of groundwater impacts shall be included in the Groundwater Management Plan required in condition 4.24.	Yes	Groundwater Management Plan17.07.07. Groundwater Monitoring Records 2006 AEMR p 88	On-going discussions have been held with DWE. Groundwater updates provided by Dundon & Associates are sent monthly to DWE & DPI. A review of the modelling carried out for the EIS was undertaken in 2006.
4.15	The Applicant shall develop contingency measures to manage any impacts identified by monitoring that the management strategies have failed to predict or control, particularly relating to groundwaters associated with the alluvial aquifers of Bowmans Creek, Glennies Creek and the Hunter River, to the satisfaction of DIPNR.	Yes	pers. Comm. - L. Richards (Env & Community Relations Mngr).	A range of measures were prepared and grouting was applied re: inflow of water from Glennies Ck gravels.
Note:	The implementation of contingency measures shall be linked to performance and cut-off criteria as determined in consultation with DIPNR and specified in the Site Water Management Plan, and shall include both water quality and aquifer pressure levels, should agreed standards or performance indicator levels not be achieved.	Noted		
4.16	The Applicant shall prepare a statistical assessment to the satisfaction of DIPNR to initially benchmark the pre-mining natural variation in groundwater quality and quantity and to set trigger levels for accepting accountability. The assessment is to be documented in the SWMP (condition 4.24).	**No**	SWMP p 14 AEMR GWMP	Statistical analysis in SWMP is for surface water only. No statistical analysis in Groundwater Management Plan. Standard deviation for groundwater results in AEMR but no trigger levels.
4.17	In the event that the development adversely affects groundwater users the Applicant shall, to the satisfaction of the DIPNR, liaise with the users to provide a replacement water supply of similar quality and quantity to that affected, until such time as the development ceases to impact on the users' water supply. The cut-off levels for depressurization of the alluvial aquifer and water quality parameters shall be determined in consultation with the DIPNR.	Not applicable		No groundwater users
	Wastewater management			
4.18	Water management system must be constructed and utilised to manage the collection, storage, treatment, use and disposal of minewater, sewage effluent and other wastewater.	Yes	Documentation and Site Inspection	*Water management system has been constructed to collect, treat and store dirty water streams as part of mine operations. Sewerage system has been completed. SSC has approved the installation of on site sewerage management system to deal with all effluent wastes from office, bath house and crib room at Ashton Coal for maximum of 75 people, letter dated 29th April 2004.
4.19	[18]Bund(s) must be installed around areas in which fuels, oils and chemicals are stored. Bunds must:	Yes	Site Inspection	
a	have walls and floors constructed of impervious materials;	Yes	Site Inspection	
b	be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);	Yes	Site Inspection	
c	have walls not be less than 250 millimetres high;	Yes	Site Inspection	
d	have floors graded to a collection sump; and	Yes	Site Inspection	
e	not have a drain valve incorporated in the bund structure.	Yes	Site Inspection	Main workshop bunded fuel & oil farm has a locked valve located at the NW corner.
4.20	[19]A wastewater treatment facility with oil separator and sediment trap must be installed to treat drainage from the hardstand, vehicle servicing and general workshop areas.	Yes	Site Inspection	Waste water treatment facilities with oil separators are at all workshop areas.
4.21	[20]An area must be provided for the use of effluent from the sewage treatment plant. The design of the system must be in accordance with the DEC's draft guideline "Utilisation of Treated Effluent by Irrigation".	Yes	Documentation and Site Inspection	*Installation of on site sewerage management system to deal with all effluent wastes from office, bath house and crib room at Ashton Coal for maximum of 75 people, letter dated 29th April 2004.
4.22	[21]Wastewater utilisation areas must effectively utilise the wastewater applied to those areas. This includes the use for pasture or crop production, as well as ensuring the soil is able to absorb the nutrients, salts, hydraulic load and organic materials in the solids or liquids. Monitoring of land and receiving waters to determine the impact of wastewater application may be required by the DEC.	Yes	Site Inspection	*Area has been provided for irrigation of treated effluent. Re-used effectively on selected revegetated areas.
	Stream Gauging Infrastructure			
4.23	The Applicant is to negotiate relocation of the stream gauging station located on Bowmans Creek (formally known as stream gauge 210130, Foybrook downstream of Bowmans Bridge) with DIPNR, prior to commencement of underground mining. The relocation of the gauging station will be at the Applicant's cost and will include all aspects of design, replacement, installation, commissioning, any any costs associated with correlation of data between the existing gauge and the new gauge. In line with NSW Government policy, the relocated gauging station is to accommodate fish passage. Any unforeseen cost associated with relocation of the gauging station will also be at the Applicant's cost.	Not yet triggered	Adam Spargo:Pers. Comm.	This will be addressed in the SMP process for Longwalls 5-8 when mining under Bowmans Creek will be conducted.
	Site Water Management Plan			

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
4.24	The Applicant shall prepare a Site Water Management Plan (SWMP) for the DA area, in consultation with DIPNR, DPI - Fisheries, and Council, to the satisfaction of the Director-General, which shall include, but not be limited to, the following matters:	Yes	Site Water Management Plan Part 2, 28.07.06	Revised Plan - Part B approved by DoP 28.07.06. *Draft plan submitted to Director General 2/6/03, Plan approved by Director General 15 July 2003.
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	Review of SWMP	
b	management of the quality and quantity of surface and ground water within the DA area;	Yes	Documentation and Site Inspection	See following conditions
c	management of stormwater and general surface runoff diversion to ensure separate effective management of clean and dirty water;	Yes	SWMP (section 7- pg 18-26) & site inspection	*Clean water diversion drains have been installed and are being managed appropriately. Ie. Haybales have been incorporated until vegetative cover is established. Dirty water catch drains have been constructed to collect and transmit dirty run –off from disturbed areas to sediment ponds.
d	measures to prevent the degradation of downstream surface water quality below the pre-mining ANZECC beneficial water use classification due to mining operations;	Yes	Section 7 of the SWMP (Pages 18 to 26)	*Section 7 details methods to prevent degradation of surface water quality by management of dirty and saline water.
e	contingency plans for managing adverse impacts of the development on surface and groundwater quality, beyond trigger levels set in condition 4.14 and the Groundwater Management Plan;	Yes	Section 7.5 of the SWMP (Pages 25 and 26)	*Section 7.5 refers to the contingency measures for stromwater flows exceeding design criteria, adverse impact on groundwater users and groundwater dependant ecosystems (refers to Groundwater Management Plan which will be prepared prior to Underground Mining operations).
f	details of any proposed water extraction or supply of water from other mines or off-site sources;	Yes	Sections 7.1.2 and 7.2.4 of the SWP (Pages 18, 19 and 22)	*Sections 7.1.2 and 7.2.4 detail the water supplies used on site, including off-site sources.
g	details of any reuse of contaminated water or circulation / distribution between ACP and other mines or operations. The volume of any such water transfers is to be documented in the AEMR;	Yes	2005 AEMR p 18 2006 AEMR p 42	Volumes of water sourced from Glennies Creek Mine are measured and reported in the Water Balance in the AEMR.
h	measures to develop and implement a Stormwater Management Scheme to mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme shall be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook or its latest version (available from the DEC);	Yes	Section 7 of the SWMP and Section ESCMP Pers. Comm, Peter Barton	*Measures to mitigate the impacts of stormwater runoff are included in the SWMP and the ESCMP. Discussions with DLWC with Peter Barton indicated that the Stormwater Management Plan for the Catchment is for primary streams and the creeks in the site are secondary.
i	measures to ensure that poorer quality class waters are effectively reused on the site including consideration of segregation of waters based on salinity classes and other levels of contamination;	Yes	Section 7.2 of the SWMP (Pages 19 to 23)	*Section 7.2 details different sources of runoff water on site and potential reuses for each of those sources.
j	details of a strategy for the decommissioning of water management structures, including dirty water dams and clean water diversion dams;	Yes	MOP	*The Mine Operations Plan (MOP)addresses plans for the decommissioning of erosion and sediment control dams as part of the final rehabilitation.
k	measures to isolate contaminated waters, including waters containing oil and grease, or other pollutants, operation chemical residues or other criteria, to avoid mixing with reuse or discharge waters;	Yes	Site Inspection SWMP p 15	An additional water/oil separator has been installed at the main workshop area. The U/G facilities workshop has a water/oil separator with its waste water treatment plant.
l	details of design and maintenance of all storages, diversions, transmission channels and sedimentation basins for the site, to minimise sedimentation of watercourses;	Yes	Water Management Strategy, version B, 01.09.06 Appendix 1	
m	measures to ensure adequate consultation with DIPNR, NPWS, and the local Aboriginal community regarding design and location of surface water management structures;	Yes	SWMP section 8.4.2	*No specific reference made to aboriginal heritage, however reference to the ACOL Community Consultation Program,
n	details of any licensing requirements for any extractions, storages, or other constructions on the site;	Yes	SWMP Section 6.1 Website	Requirements are briefly outlined in Section 6.1 of SWMP. The website provides copies of all water related licenses and conditions under the Water Act 1912 and the Water Management Act 2000.
o	measures for assessing chemical water quality impacts of the mining operation above and below the mine site	Yes	SWMP Section 8 Groundwater Management Plan	Surface water quantity and quality monitoring details are provided. Groundwater quantity and quality monitoring details are provide in the GMP.
p	projection of potential groundwater changes during mining (short term) and post-mining (long term) with particular attention given to the affect of changes to groundwater quality and mobilisation of salts;	Yes	Groundwater Management Plan 17.07.07.	
q	a Groundwater Management Plan (GMP) to the satisfaction of DIPNR, which details monitoring, contingency and remediation measures, and release criteria. The GMP component of the SWMP is to be endorsed by DIPNR prior to commencement of mining operations;	Yes	Groundwater Management Plan17.07.07.	

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r	measures to implement the surface and groundwater monitoring requirements in this consent; and,	Yes	Groundwater Management Plan17.07.07. Section 9	
s	a program for reporting on the effectiveness of the water management systems and performance against objectives contained in the approved Site Water Management Plans, and EIS.	Yes	Site Water Management Plan 17.07.07 Section 8.4 Groundwater Management Plan Section 10	*Section 8.5 states the issues which will be reported in the AEMR associated with water management.
4.24	The SWMP shall be submitted for the approval of the Director-General, no later than one month prior to the commencement of construction of the development, or within such period otherwise agreed by the Director-General. Construction shall not commence until written approval has been received from the Director-General and DIPNR. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the SWMP to Council, DEC, DPI Minerals, DIPNR, DPI - Fisheries, and NPWS, within 14 days. The Applicant shall make the SWMP available for public inspection on request.	Yes	Letter from DoP 28.07.06	Part 2 Revision approved 28.07.06. *Letters from government departments referred to in the SWMP Quality Control sheet were sighted. Original plan approved by Director General 15 July 2003. Submitted to relevant government agencies electronically 3 September 2003, however not within 14 days.
4.24A	Within 1 month of placing overburden on the eastern emplacement area above RL 125 metres, the Applicant shall revise the Site Water Management Plan to demonstrate consistency with the commitments made in the documents listed in condition 1.2 and compliance with the conditions of this consent, to the satisfaction of the Director-General.	Yes	Site Water Management Plan Quality Control Sheet	SWMP version B was issued 30.08.05.
	Surface and Groundwater Monitoring			
4.25	**The Applicant shall:**			
a	construct and locate surface and groundwater monitoring positions, as identified in the Site Water Management Plan in consultation with DIPNR and DEC, and to the satisfaction of the Director-General, prior to the commencement of construction;	No Longer Applicable	Review of SWMP and site inspections. Letter to EPA – re: Amended figures for Draft Environmental Protection License 11879, dated 13 August 2003	
b	prepare a detailed monitoring program in respect of ground and surface water quality and quantity, including water in and around the DA area before, during and after mine operations in consultation with DIPNR, DEC, and DPI - Fisheries, and to the satisfaction of the Director-General. The monitoring program shall have the capacity to collect sufficient data to adequately assess:	Yes	SWMP Section 8 GMP Section 9	
b i	the impact of any licensed groundwater extraction on groundwater levels on neighbouring properties and in the locality, and to identify any water quality impacts;	Yes	SWMP Section 8 GMP Section 9	
b ii	the impact of the development on groundwaters and groundwater dependent ecosystems associated with the alluvial aquifer(s) of Bowmans Creek, Glennies Creek, and the Hunter River;	Yes	SWMP Section 8 GMP Section 9	
b iii	any licensing requirements associated with the monitoring works;	Yes	SWMP Section 8 GMP Section 9	
b iv	develop a contingency program, with identified stages of implementation, to address potential adverse impacts or degradation of the groundwater systems beyond predictions, particularly relating to the groundwater associated with the alluvial aquifer(s) of Bowmans Creek, Glennies Creek, and the Hunter River and to the groundwaters in the vicinity of any rejects. Degradation occurs where the quality classification of the groundwater system is reduced to a lower class; and	Yes	GMP Section 8	
b v	any concerns or complaints from surrounding landholders on groundwater matters, and any ensuing actions these records, which shall be maintained and be available to DIPNR.	Yes	Section 8.3 of the SWMP (pages 31 & 32)	Community Consultation is addresses in Section 10.8, although there is no specific reference to concerns and complaints or reporting these to DoP. However reference is made to the Community Consultation Program and complaints regarding groundwater matters would be handled as per all other complaints and enquiries.
Note:	The monitoring program shall be incorporated in the Site Water Management Plan and shall include the duration (pre, during and post mining), sites to be sampled, frequency of sampling, the parameters to be measured, the need for any contingency plans, the reporting procedure and determination of appropriate cut-off criteria for monitoring purposes determined in consultation with DIPNR. The results of the monitoring program shall be reported in the AEMR. The monitoring program for post-mining shall be prepared by year 20 of mine operations and extend at least 5 years after mine closure or as determined by DIPNR.	Noted		
c	report on the monitoring results and raw data in the AEMR on the following matters:			

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c i	a basic statistical analysis (mean, range, variance, standard deviation) of the results for the parameters measured in individual bores / wells and as a subset of the aquifer;	Yes	2005 AEMR Section 3.5 2006 AEMR Section 3.4.2	2006 AEMR provides results (minimum, maximum, average and standard deviation) for depth, pH, EC, TSS, TDS, CaCO3 and Oil and Grease for a selection of wells with no explanation of the aquifer or the grouping of the analysis. The 2005 AEMR gives just averages with no explanation of results. The next AEMR should include much more extensive data with the introduction of many more bores in the monitoring program. Improvements in the presentation and interpretation of these data in the AEMR is recommended.
c ii	an interpretation of the water quality results and changes in time for water quality and water levels (supported with graphs, contour plots showing changes in aquifer pressure levels);		2005 AEMR Section 3.3, 3.4 and 3.5. 2006 AEMR Section 3.4.2	
c iii	an interpretation and review of the results in relation to cut-off criteria and predictions made in the EIS;		Section 8.5 of the SWMP (Page 32)	Section 8.5 states that these issues will be reported in the AEMR
c iv	an interpretation of the water balance identifying the volume and make up of mine pit inflows as compared to Part V license (required under Part V of the Water Act 1912), and predictions made in the EIS or previous AEMR; and		2005 AEMR p 18 2006 AEMR p 42	
c v	provide an electronic copy of the data forwarded to DIPNR.		Section 8.5 of the SWMP (Page 32)	Section 8.5 states that these issues will be reported in the AEMR
	Underground Mining Groundwater Monitoring			
4.26	Prior to the commencement of underground mining and subject to DIPNR approval, the license holder shall develop and implement a surface and subsurface investigation and monitoring program to assess the likely fracturing of geological strata and hydraulic property changes above each longwall panel. The monitoring program shall provide an interpreted comparison of the results from all longwall panels against pre-mining baseline geological conditions, in order to assess the level of variability of fracture, changes in hydraulic properties between panels, and the impact on groundwater resources and surface expression from underground mining at varying depths. This investigation shall be repeated for each seam as it is mined from the site. The monitoring plan shall:	Yes	GMP Section 5 and 9	
a	measure the level of surface water flows, groundwater elevations and water quality prior to mining;	Yes	GMP Section 9	
b	assess the influence of mine-induced fracturing on aquifers and groundwater quantity;	Yes	GMP Section 9	
c	assess the influence of mine-induced fracturing and cross aquifer connection on groundwater quality;	Yes	GMP Section 9	
d	identify sampling locations, monitoring wells/bores along the mine path, to assess the impact of mining in mid goaf and at the predicted points of tension fracturing, at the edge of each long wall panel	Yes	GMP Section 9	
e	prescribe sampling and observation depths, monitoring frequency and parameters for monitoring; and	Yes	GMP Section 9	
f	specify the compilation, interpretation and reporting of groundwater data and analyses.	Yes	GMP Section 10	
4.27	All monitoring data shall be submitted to DIPNR in a report which, includes data, interpretation of results, and a discussion of monitoring results compared to groundwater and salinity impact predictions stated in the EIS.	Yes	2006 AEMR Section 3.5	
4.28	The license holder shall develop a reporting mechanism, for inclusion in the EMP, in order to:			
a	verify the predictions of the groundwater modelling used in the Environmental Impact Statement; and	Yes	GMP Section 10.3	Currently reported in the AEMR, however more comprehensive reporting should be expected in future. GMR incorporated into AEM will be prepared by an independent expert.
b	assess the potential long term changes in groundwater flow and quality which may occur as a result of mining operations and changes to hydraulic properties, as a result of subsidence of the hard rock strata underlying the	Yes	GMP Section 10.3	GMR to be included in AEMR.
5	**HAZARDOUS MATERIALS AND OVERBURDEN MANAGEMENT**			
	Overburden Emplacement and Management			
5.1	The Applicant shall construct and manage the overburden emplacements as set out in the EIS, and to the satisfaction of the DPI Minerals; and	Yes	Site Inspection	Overburden emplacements have been constructed according to EIS but approved development modification (January 2005) have allowed eastern emplacement to go to RL135 and withdrawn the western emplacement area.
5.2	The Applicant shall undertake measures, as far as practical, to prevent spontaneous combustion from occurring on the site.	Yes	Site Inspection Spontaneous Combustion Plan	
	Waste			

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
5.3	One month prior to the commencement of construction works, the Applicant shall prepare and implement a Waste Management Plan (WMP) for the DA area in consultation with SSC and DEC and to the satisfaction of the Director-General. The Plan shall include, but not be limited to:			
a	details of measures to facilitate waste management on site;	Yes	Waste Management Plan 09.09.03	
b	details of compliance with the Applicant's obligations under the Protection of the Environment Operations Act (1997);	Yes	WMP p 10	
c	identification of all types and quantities of waste materials produced at the mine site during construction, commissioning and operation;	Yes	Appendix 1 of the WMP (Page 13)	*A schedule of waste including the type, source, management / disposal method and estimated quantity per year. Monthly reports are prepared for materials disposed of off-site including paper/oil filters/oily rags/batteries/tyres. It is planned to develop a chemical register in the near future.
d	programs aimed at minimising the production of waste at the mine site through the implementation of operational and management measures;	Yes	Section 6 of the WMP (Pages 9 and 10)	*Section 6 details methods to minimise waste production.
e	details of the potential reuse and recycling avenues for waste materials produced at the mine site, including collection and handling procedures;	Yes	Section 6 of the WMP (Pages 9 and 10)	*Section 6 details potential wastes for recycling and reuse.
f	details of appropriate disposal routes in the event that reuse and recycling avenues are not available or are not practicable; and	Yes	Section 6 of the WMP (Pages 9 and 10)	*Section 6 details waste disposal options.
g	programs for involving and encouraging employees and contractors to minimise waste production at the mine site and reuse / recycling where appropriate.	Yes	Section 6 of the WMP (Pages 9 and 10)	*Section 6 details waste management practices, training and written instructions which will be used on site. Refer to Induction Program.
5.4	The Applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a license under the Protection of the Environment Operations Act 1997. This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection license under the Protection of the Environment Operations Act 1997.	Yes	HWE Induction Package	*Reference to this contained in contract documents, procedures and induction material. Contractors coming to site are inducted with a competency assessment. Induction includes waste procedures. Audits ensure compliance.
5.5	The Applicant shall dispose of all solid waste and putrescible matter from the site to the satisfaction of SSC or DEC, as relevant.	Yes	Site Inspection	
6	**AIR QUALITY, BLAST, NOISE AND LIGHT MANAGEMENT**			
	Air Quality Management and Monitoring			
	Air Quality Standards/Goals and Performance Criteria			
6.1	**The Applicant shall comply with the following ambient air quality standards/goals:**			
	Table 1 Long Term Particulate Matter Criteria			
	Pollutant / Standard/Goal / Agency Total Suspended Particulate Matter (TSP) / 90ug/m^3 (annual mean) / NH & MRC Particulate matter < 10um (PM_{10}) / 30ug/m^3 / NSW DEC	**No**	2005 AEMR p 89 2006 AEMR p 50 Dust Monitoring Records to July 2007	No community sites exceeded the annual average PM10 Long term goal of 30ug/m3. The annual average TSP goal was exceeded at Site 3 for the 2005 period, and at Site 1for the 2006 and 2007 YTD periods.
	Table 2 Short Term Particulate Matter Goal			
	Pollutant / Standard/Goal / Agency Particulate matter < 10um (PM_{10}) / 50ug/m3 / NSW DEC	**No**	2005 AEMR p 89 2006 AEMR p 50 Dust Monitoring Records to July 2007	The ACOL contribution to PM10 Short term goal of 50 ug/m3 was exceeded at Site 1; twice in 2006 and twice in 2007 reporting periods.
	Table 3 NSW DEC Amenity Based Criteria for Dust Fallout			
	Pollutant / Averaging Period / Maximum Increase in Deposit Dust Level / Maximum Total Deposited Dust Level / . Deposited dust / Annual / 2 g/m^2/month / 4 g/m^2/month /	**No**	2005 AEMR p 89 2006 AEMR p 50 Dust Monitoring Records to July 2007	Depositional dust (annual averages) goal of 4g/m2/mth was exceeded at D7 (Camberwell Village Nth) in 2006 and 2007 YTD periods.
	Note: dust is assessed as insoluble solids as defined by AS 3580.10.1-1991 (AM-19)			
6.2	The Applicant shall ensure the prompt and effective rehabilitation of all disturbed areas of the DA area following the completion of mining and associated activities in that area to minimise the generation of wind blown dust.	Yes	Site Inspection Land management Plan	
6.3	Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.	Yes	Site Inspection	
6.4	Raw coal dump hoppers must be fitted with:			
a	an automatically activated dust suppression water spray system; and	Yes	Site Inspection	

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b	windshields. The windshields must be full walls on three sides with a height of not less than two metres above the dump grate.	Yes	Site Inspection	
6.5	Belt conveyors, other than those whose functions preclude it, must be enclosed on the top and at least one side. Belt scrapers must be installed to effectively remove material from the underside of each belt.	Yes	Site Inspection	
6.6	Air pollution control equipment must be fitted to all drilling rigs to prevent fines generated during drilling being discharged to the atmosphere.	Yes	Site Inspection	curtains around, no dust observed during drilling
6.7	An effective water spray system must be installed at open coal stockpiles and operated at sufficient frequency to maintain the entire surface of the stockpile and related coal handling areas in a condition that will minimise the emission of wind blown or traffic generated dust.	Yes	Site Inspection	
6,8	Mobile tankers equipped with a pump and sprays must be provided to suppress dust from unsealed roads when in use.	Yes	Site Inspection	water trucks observed wetting the roads.
6.9	Roads for coal or overburden haulage must be surfaced in selected hard, nonfriable material. Soft mudstone, clay stone and shale must not be used.	Yes	Site Inspection	Most bare areas sealed. Area around CHPP would benefit from sealing.
	Air Quality Management Plans			
6.10	The Applicant shall prepare a Construction Air Quality Management Plan (CAQMP), and an Operations Air Quality Management Plan (OAQMP), detailing air quality safeguards and procedures for dealing with dust and other air emissions from the ACP mine to the satisfaction of the Director-General. The CAQMP shall be prepared in consultation with SSC. The OAQMP shall be prepared following consultation with SSC and other nearby mines with the aim of achieving a consistent approach in the preparation of the ACP OAQMP. The Plans shall include, but not be limited to:	Yes	Letter from DoP 28.08.07. website	Revise Air Quality Plan Part 2.
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	AQMP	
b	the identification of adversely impacted properties in accordance with the criteria detailed in Tables 1, 2, and 3 of condition 6.1;	Yes	Section 4 p.15 of AQMP	*Properties identified as being in the northwest area of Camberwell if controls not implemented.
c	specifications of procedures that will be used for monitoring dust deposition, PM10, and TSP for the purpose of undertaking independent investigations, including any joint investigations with nearby mines;	Yes	Section 7 p.20 of AQMP	
d	a mine operating plan that will allow dust emissions from the mine to be progressively reduced should real-time ambient measurements of PM10 concentrations and/or meteorological observations or forecasts indicate that emissions from ACP are likely to exceed the 24-hour average PM10 standards in Table 2 of condition 6.1. The plan is to be updated as the mine develops and at least on an annual basis and should indicate specific measures that will be used to reduce dust emissions and the threshold conditions under which each control measure will be triggered;	Yes	AQMP Section 6	
e	an outline of the procedure used to notify property owners and occupiers as identified in the EIS or by monitoring that are likely to be adversely impacted by emissions from the mine in excess of criteria detailed in Tables 1, 2, and 3 of condition 6.1;	Yes	Section 6 p 20 of AQMP	*Residents in Camberwell were notified 4 weeks prior to commencement of mining operations via "Ashton Coal Project Newsletter 9 - November 2003"
f	a procedure to address potential dust impacts on residential tenants at mine-owned residences and at residences where an agreement has been made between a mining company and the landholder relating to exceedences of dust criteria, which is to be prepared in consultation with DEC, NSW Health, landowners of any residences potentially affected by dust levels exceeding the criteria in condition 6.1 as a result of the development, and the operators of other mining/industrial operations contributing to the impacts. This procedure shall:	Yes	Appendix 2 of AQMP	
f i	ensure that all existing tenants of identified properties are advised in writing of the increase to fine particulate levels likely to occur at those locations during the operational life of the mine and that these increases are likely to result in exceedences of the criteria in condition 6.1. Information shall also be provided to the residents on the available research relating to the health effects of fine particulate matter;	Yes	Appendix 2 of AQMP	
f ii	ensure that all potential tenants are advised in writing of the increase to the fine particulate matter likely to occur at that location during the operational life of the mine prior to signing a residential tenancy agreement to occupy the residence. This advice must ensure that such tenants are aware that increases in emissions are likely to result in exceedences of the criteria in condition 6.1. Information shall also be provided to the residents on the available research relating to the health effects of fine particulate matter;	Yes	Appendix 2 of AQMP	
f iii	ensure that the advice provided to current and future tenants is based on current knowledge of ambient air quality monitoring, dispersion modelling results and air quality criteria; and,	Yes	Appendix 2 of AQMP	
f iv	provide a mechanism for providing current ambient air quality monitoring data, dispersion modelling results and air quality criteria to the residents of these affected residences.	Yes	Website	Air quality results provided monthly on internet
g	measures to reduce the potential for wind erosion from exposed surfaces, particularly the use of techniques that increase the surface roughness and reduce the potential for dust entrainment;	Yes	Section 6 p. 17 AQMP	*States that roads would be regularly graded

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h	methods and frequency of making dust monitoring data publicly available, such as the placement of monitoring details and results on the internet;	Yes	AQMP p 24 Website	Air quality results provided monthly on internet
i	details of an investigation program aimed at improving short-term modeling techniques, by better characterising dust source variations and focusing on the feasibility of developing shorter–term amenity indicators;	Yes	Section 7 and Appendix 1 of AQMP Site Inspection	*ACP has an extensive realtime monitoring system in place to measure PM10 around the site. This modelling includes cumulative and ACP dust measurements. Section 7 of the operations air quality management plan details modelling of real time dust monitoring. Investigation programs for improving modelling of dust control strategies are included in Appendix 1. Hi-Vol air samplers are used to measure TSP and TEOMs (PM10). The TEOM record data every 10 minutes. Operations can be modified almost immediately using the real time monitoring system.
j	details of an investigation program aimed at improving modelling of realtime dust control strategies such as that employed at ACP;	Yes	Section 7 and Appendix 1 of AQMP	*ACP has an extensive realtime monitoring system in place to measure PM10 around the site. This modelling includes cumulative and ACP dust measurements. Section 7 of the operations air quality management plan details modelling of real time dust monitoring. Investigation programs for improving modelling of dust control strategies are included in Appendix 1.
k	the establishment of a protocol for handling dust complaints that include recording, reporting and acting on complaints;	Yes	Complaints Handling Procedure - Section 6 p.19 OAQMP	
l	appropriate mechanisms for community consultation;	Yes	Section 6 p. 18 OAQMP	Consultation through CCC.
m	outline of response and/or management measures to be undertaken in the event of complaints from a landowner where dust levels are demonstrated to be below the criteria in condition 6.1;	Yes	Section 6 of AQMP	
n	outlining proactive/predictive and reactive mitigation measures to be employed to minimize dust emissions including visible dust emanating from the site;	Yes	Section 6 p. 17 AQMP	Real time monitoring, Engineering Controls, Planning Controls, Operational Controls.
o	equipment to be available and used to control dust generation;	Yes	Section 6 p. 17 AQMP	Engineering controls are detailed. Construction - yes
p	methods to determine when and how the mine operation is to be modified to minimise the potential for dust emissions, particularly from surface activities;	Yes	Section 7 p.22 AQMP	
q	identification of longer term strategies directed towards mitigating dust levels;	Yes	Section 6 of the AQMP	*Long term strategies such as arboreal screen planting and early rehabilitation at sensitive locations are detailed in operations air quality management plan.
r	details of locations and frequency of ambient TSP and PM10 monitors and dust deposition gauges at the residential areas as agreed by the Director-General; and	Yes	Figure 1 OAQMP	Also included in EPL Figure.
s	a program to continue baseline monitoring undertaken prior to development consent.	Yes	Section 7 p.20 of OAQMP	
6.10	The CAQMP and OAQMP shall be submitted for the approval of the Director-General, no later than one month prior to the commencement of construction and operation of the development, respectively, or within such period otherwise agreed by the Director-General. Construction or operation, as appropriate, shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply copies of the CAQMP and OAQMP to Council, DEC, and DPI Minerals, within 14 days. The Applicant shall make the CAQMP and OAQMP available for public inspection on request.	No Longer Applicable	Letter from DIPNR dated 23 December 2003. Letters from DG, DIPNR, EPA, DMR.	*Operations - Plan submitted to DIPNR 20 November 20003. Approval received 23 December 2003 14 days to submit to relevant government agencies not triggered as yet. Construction - Plan submitted 2/6/03 to Director General. Plan approved by Director General 4 September 2003.
	Air Quality and Dust Monitoring			
6.11	The Applicant shall submit to the DEC with a licence application a draft air monitoring program for long term PM10, TSP and deposited matter emissions. The program must specify the data to be collected at regular intervals, continuously and during episodic periods relevant to specific operational and/or ambient conditions such that a representative picture of PM10 TSP and deposited matter impacts at all receivers can be established. The monitoring must be conducted at a sufficient number of points to represent the wider area and account for possible weather (such as seasonal wind direction) and operational effects. The DEC will use the submitted draft monitoring program to include detailed licence conditions covering air monitoring locations, frequencies and methods. Monitoring locations for the mine operations, including sites for monitoring impacts of dust at the nearest non-mine owned residences and locations as may be determined to be necessary by the Director-General are to be decided in consultation with DEC.	Yes	Ashton EPL	Environmental Protection License No.11879 granted to Ashton Coal Mine on 2nd September 2003. License conditions cover air monitoring locations, frequencies and methods.
	The sampling method, units of measure, interval and frequency of monitoring will be as set out in the Approved Methods for Sampling and Analysis of Air Pollutants in NSW			
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.			
6.12	The Applicant shall:			
a	establish real-time ambient monitoring stations to provide continuous measurements of PM10 concentrations at the closest residences for which no agreements have been negotiated.	Yes	Monitoring Records Site Inspection	

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b	provide quarterly reporting during operation and rehabilitation of the open cut mine on the performance of the control measures and results of the ambient air quality monitoring system, unless otherwise agreed by the Director-General. The reports shall be provided to the Director-General, CCC and SSC within seven days of completion of the report; and	Yes	Letter to DoP 22.06.07	Quarterly Air Quality Reports
c	provide all results and analysis of air quality monitoring in the AEMR.	Yes	2005 AEMR Section 3.1.2 2006 AEMR Section 3.1.3	
6.13	[31]The following points (to be each of or representative of a defined group of all potentially affected properties) referred to in the table below are identified for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.	Yes	EPL & Monitoring Results	
	Refer to Table - Air Monitoring in 6.13			
6.14	[32]For each monitoring point determined by the DEC at the license application stage the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1 of the following table. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Yes	EPL & Monitoring Results	
	Refer to Table - Air Monitoring in 6.14			
6.15	Monitoring for the concentration of a pollutant emitted to the air required to be conducted under this consent, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with: • any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or • if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or • if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the DEC for the purposes of that testing prior to the testing taking place.	Yes	Monitoring Reports and Dust Monitor Calibration Records	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.
	Exceedence of Dust Criteria/Goals			
6.16	In the event that: a) a landowner or occupier considers that dust from the project at his/her dwelling is in excess of the criteria detailed in Tables 1, 2, and 3 of condition 6.1 above; or, b)a landowner, having selected a suitable site for a dwelling on his/her vacant land, considers that dust from the project at his/her future dwelling would be in excess of the criteria detailed in Tables 1, 2, and 3 of condition 6.1 above,	Yes	Adam Spargo:pers. Comm.	A Camberwell Village property owner lodged a complaint and request for this condition to be triggered. The property is situated approximately 300m south of Stapleton monitoring site where dust exceedances had been experienced.
	and the Director-General is satisfied that an investigation is required, the Applicant shall, upon the receipt of a written request:	Yes	Adam Spargo:pers. Comm.	Discussions with DoP were initiated
a	consult with the landowner or occupant affected to determine his/her concerns;	Yes	Adam Spargo:pers. Comm.	The landowner was consulted
b	make arrangements for, and bear the costs of, following consultation with other nearby mines, appropriate independent dust investigations in accordance with the OAQMP, and to the satisfaction of the Director-General, to quantify the impact and determine the source of the effect and contribution of the ACP mine;	Not yet triggered	Adam Spargo:pers. Comm.	An independent investigation did not proceed. All parties, with approval of DoP were happy to proceed with land acquisition without further triggering these consent conditions.
c	modify the mining activity or take other steps in accordance with the OAQMP if exceedences are demonstrated to result from ACP related activity. This shall include:	Not yet triggered		
c i	introduction of additional dust controls, on individual sources or on all sources on the site, or modify operations to ensure that the dust criteria are achieved; and/or;	Not yet triggered		
c ii	enter into an agreement with the landowner or provide such forms of benefit or amelioration of the impact of dust as may be agreed between the parties as providing acceptable compensation for the dust levels experienced. The agreement may also be made following consultation with other nearby mines.	Not yet triggered		
d	conduct follow up investigation(s) to the satisfaction of the Director-General, where necessary.	Not yet triggered		
	Note: Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot.	Noted		

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6.17	If the independent dust investigations in condition 6.16 above confirm that ambient dust levels at the residence or proposed residence are in excess of the relevant criteria detailed in Tables 1 and 3 of condition 6.1 above, and if the measures in condition 6.16 c) (i) above do not reduce the dust levels below the criteria in Tables 1 and 3 of condition 6.1, or if agreement in accordance with condition 6.16 (c)(ii) above cannot be reached, the Applicant shall, at the written request of the owner, acquire the relevant property. Acquisition shall be in accordance with the procedures set out in conditions 11.5-11.11. In the case of cumulative dust levels in excess of the criteria in Table 1 and 3 of condition 6.1, should the Applicant form an agreement with the relevant contributing parties under a Joint Acquisition Management Plan pursuant to Condition 11.12, the Applicant shall purchase an affected property in accordance with this Plan. Should a Joint Acquisition Management Plan not be prepared between the relevant contributing parties, the Applicant shall acquire the property in accordance with conditions 11.5-11.11.	Not yet triggered		
6.18	If the independent dust investigations in condition 6.16 above confirm that ambient dust levels at the residence or proposed residence are in excess of the relevant criteria detailed in Table 2 of condition 6.1 above, and if the measures in condition 6.16 c) (i) above do not reduce the dust levels below the criteria in Table 2 of condition 6.1, or if agreement in accordance with condition 6.16 (c)(ii) above cannot be reached, the Applicant shall, assess ambient dust levels and the incremental contribution of ACP to ambient dust levels as set out in Table 4 below:	Not yet triggered		
	Refer to Table 4 Short Term Particulate Matter Acquisition Criteria			
6.19	If continued complaints and dust investigations confirm that ambient air quality criteria in Table 2 of condition 6.1 are being exceeded, but are less than the ambient dust levels in Table 4 of condition 6.18, the Applicant shall continue to negotiate with the landowner, and other nearby mines where relevant, until a resolution to the satisfaction of the Director-General is agreed.	Not yet triggered		
6.20	If a landowner disputes any dust mitigation or other measures proposed by the Applicant in accordance with condition 6.16 above, the matter shall be referred by either the Applicant or landowner to the Director-General in consultation with SSC. If the matter cannot be resolved within 21 days, the matter shall be referred to the Independent Dispute Resolution Process.	Not yet triggered		
6.21	Further independent investigation(s) shall cease if the Director-General is satisfied that the relevant criteria in Tables 1, 2, and 3 of condition 6.1 are not being exceeded and are unlikely to be exceeded in the future.	Not yet triggered		
	Blast Management and Monitoring			
	Airblast Overpressure Criteria			
6.22	The Airblast overpressure level from blasting operations carried out in or on the premises must not exceed: (i) 115 dB (Linear Peak) for more than 5% of the total number of blasts over a period of 12 months; and (ii) Exceed 120dB (linear Peak) at any time, at any residence or other noise sensitive receiver such as the St Clements Church and Camberwell Community Hall.	**No**	2005 AEMR 2006 AEMR 2007 YTD Blast Monitoring Records Site inspection & Pers. comm.- L. Richards (Env & Community Relations Mngr).	The 115 dBL criteria was exceeded >5% at Camberwell Village in 2005, 2006 and 2007 Reporting Periods. The St Clements Church monitor has been relocated to adjacent to the Church. There were 3 blasts >120 dBL during the 3 year reporting period.
	Ground vibration (ppv) Criteria			
6.23	The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: (i) 2mm/s for more than 5% of the total number of blasts over a period of 12 months; and (ii) Exceed 10mm/s at any time, at any residence or other noise sensitive receiver such as the St Clements Church and Camberwell Community Hall.	**No**	2005 AEMR 2006 AEMR 2007 YTD Blast Monitoring Records	The 2mm/s criteria was exceeded >5% of blasts at Camberwell Village in the 2005 and 2006 Reporting Periods. No blasts have exceeded 10mm/s.
	Time of blasting			
6.24	Blasting operations on the premises may only take place between 9.00am and 5.00pm Monday to Saturday inclusive.	Yes	Blast Monitoring Records	
6.25	The Applicant shall, as a minimum, advise residents of Camberwell village and occupiers of buildings within two (2) kilometres of blasting locations of future blasting events on at least a monthly basis, and of any changes to the proposed blast schedules. Such program shall also be available on the internet.	Yes	Website and Newsletters	*List of nearby residences phoned on day of blast. Road closure and blast signs updated every day at road closure points. Schedule updated monthly on internet. If blast is delayed by 2 or more hours the phone contact lis is re-contacted with new details.
	Blasting/Vibration Management Plans			
6.26	The Applicant shall prepare and implement a Blasting/Vibration Management Plan (BVMP) in consultation with SSC, and to the satisfaction of the Director-General. The Plan shall include, but not be limited to, the following matters:	Yes	Letter from DoP 28.08.07. website	BVMO Part 2 approved 28.08.06 Original Plan approved by DIPNR on 23 December 2003
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	Cross referencing contained in the BVMP	
b	demonstration of compliance blasting criteria;	Yes	Section 4 of BVMP	*Lists nearby residences and predicted impacts from blasting.
c	proposed mitigation measures;	Yes	Section 6 of BVMP	*Includes details of mitigation measures and control measures.

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d	remedial action;	Yes	Section 6 of BVMP	*Includes details on remedial action.
e	monitoring methods and program in accordance with blast monitoring and inspection conditions;	Yes	Section 7 of BVMP	*Includes details of monitoring for vibration and overpressure.
f	monitoring program for fly rock distribution;	Yes	Section 7 of BVMP	*Includes details on fly rock monitoring
g	measures to be undertaken to demonstrate that ACP is achieving best practice in minimising air blast overpressure, ground vibration levels, fumes and odours from blasting activities;	Yes	Section 7 of BVMP	*Includes details of review process.
h	measures to protect underground utilities (e.g.: subsurface telecommunication and electric cables, irrigation lines) and livestock on non-mine owned land;	Yes	Section 6 of BVMP	*Includes details of procedures to protect underground utilities.
i	measures to consider the blasting activities from other neighbouring mines. This shall include details of the proposed measures to ensure that cumulative blast related impacts are managed, such as through consultation with the other mines to coordinate blasting activities;	Yes	Section 6 of BVMP	*Section 6 includes details on neighbouring mines and procedures to minimise cumulative effects.
j	measures to monitor and mitigate impacts of blasting on rail and road infrastructure;	Yes	Section 6 of BVMP	*Includes details of measures to minimise impacts to road and rail
k	measures to manage and mitigate dust generation from blasting;	Yes	Section 6 of BVMP	*Section 6 includes details of mitigation procedures to minimise dust generation. No blasting when wind speed reaches >10m/s
l	procedures for the investigation of blast related complaints from ACP, in consultation with other mines in the event of cumulative related impacts	Yes	Section 6 of BVMP	*Includes details of complaints handling and blast notification procedure.
m	procedures for the notification of occupiers of buildings and residents prior to detonation of each blast; and	Yes	Section 6 and 11 of BVMP	*Includes details of complaints handling and notification procedure. A preblast telephone contact list is included in Section 11. (see 6.25)
n	measures to ensure no damage by fly rock to people, property, livestock and powerlines.	Yes	Section 6 of the BVMP	*Includes a section on fly rock management.
	The BVMP shall be submitted for the approval of the Director-General, no later than one month prior to the commencement of blasting, or within such period otherwise agreed by the Director-General. Blasting shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the BVMP to Council, DEC, and DPI Minerals within 14 days. The Applicant shall make the BVMP available for public inspection on request.	No Longer Applicable	Letter to DIPNR dated 19 November 03	
6.27	The Applicant shall, in consultation with SSC, RTA and RIC, prepare and implement a Road and Rail Closure Management Plan (RRCMP) to the satisfaction of the Director-General. The Plan shall include, but not be limited	Yes	Letter from DIPNR dated 23 December 2003	*Plan approved by DIPNR on 23 December 2003
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	Cross referencing contained in the RRCMP	
b	details of the proposed safety management measures during the period of the road closure and blast;	Yes	Section 6 of RRCMP	*Also refers to a Traffic Control Plan which will be submitted to the RTA for approval prior to closure.
c	details of the procedures for closing Glennies Creek Road the railway and the New England Highway, and the period which they will be closed during blasting activities;	Yes	Section 6 of RRCMP	
d	methods for ensuring the safety of road and rail users and the general public during the blast period;	Yes	Section 6 of RRCMP	
e	strategies for informing road and rail users and the local community of the proposed closures;	Yes	Section 6 of RRCMP	
f	details of the procedures for permitting the passage of emergency vehicles during the road closure. This shall also include details of the proposed methods for sufficiently notifying emergency service providers of the proposed times and period of the road closures;	Yes	Section 6 of RRCMP	
g	methods for clearing any debris resulting from a blast; and	Yes	Section 6 of RRCMP	
h	details of the disruptions that are likely to occur during the closure period.	Yes	Section 6 of RRCMP	
	The RRCMP shall be submitted for the approval of the Director-General, no later than one month prior to the commencement of blasting, or within such period otherwise agreed by the Director-General. Blasting shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the RRCMP to Council, RIC, RTA, DEC, and DPI Minerals within 14 days. The Applicant shall make the RRCMP available for public inspection on request.	No Longer Applicable	Letter to DIPNR dated 9 December 03. Letters to DG, DIPNR, SSC, EPA, DMR re: EMP/MPs for open cut mining	RRCMP approved 23 December 2003. RRC Management Plan submitted to government agencies 14th January 2004.
	Blast Monitoring and Inspection			
6.28	To determine compliance with airblast overpressure and ground vibration criteria:			
a	Airblast overpressure and ground vibration levels must be measured at the most potentially affected residence or other noise sensitive receiver for all blasts carried out at the development;	Yes	2005 AEMR Section 3.9 2006 AEMR Section 3.8 2007 YTD Blast Monitoring Records	A blast monitoring location is approximately 100m closer to the mine than the Stapleton residence, with the approval of DECC and DoP.
b	Instrumentation used to monitor compliance must meet the requirements of Australian Standard 2187.2 of 1993.	Yes	Blast Reports and Calibration Records	instruments serviced and calibrated by Texcel

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	The results of the blast monitoring must be submitted to DEC at the end of each reporting period and be summarised and interpreted in the AEMR.	Yes	2005 AEMR 2006 AEMR	
6.29	The Applicant shall investigate any vibration problem(s) associated with above ground floor level of residential buildings which occur as a result of blasting at the mine in relation to the criteria in Conditions 6.22 and 6.23 above. Should such an investigation be necessary the Applicant shall advise the Director-General the result of such investigation and any proposed preventive/remedial measures.	Yes	Lisa Richards: Pers. Comm.	Investigations into vibration impact on St Clements church have been conducted at the request of the church.
6.30	Upon written request of the owner of any dwellings located in Camberwell Village or within two (2) kilometres of the blasting locations, the Applicant shall arrange at its own costs, for the inspection by a technically qualified person agreed to by both parties, to record the material condition of any structure on such property within 14 days of receipt of the request. The Applicant shall supply a copy of any inspection report, certified by the person who undertook the inspection, to the relevant property owner within fourteen (14) days of receipt of the report.	Yes		see above
6.31	The Applicant shall arrange at its own costs, for the inspection by a technically qualified person agreed to by the Director-General, to record the material condition of the St Clements Anglican Church and Camberwell Community Hall prior to the commencement of blasting. The Applicant shall supply a copy of any inspection report, certified by the person who undertook the inspection, to the relevant property owner and the Director-General within fourteen (14) days of receipt of the report.	Yes		previously audited in 2004.
6.32	Upon receipt of a written request from the relevant property owner or manager, the Applicant shall investigate any blasting impacts or exceedences of blast criteria associated with the development at the St Clements Anglican Church or Camberwell Community Hall. Should such an investigation be necessary the Applicant shall advise the Director-General the result of such investigation and any proposed preventive/remedial measures.	Yes		The investigation revealed that damage to St Clements Church is attributable to drought conditions and not blasting.
6.33	The Applicant shall incur the costs for any damage to Glennies Creek Road, the Railway, and the New England Highway resulting from any blast related activities. The repairs shall be undertaken to a standard acceptable to	Not yet triggered		
	Noise Control			
	Noise Criteria			
6.34	Except as may be expressly provided by a DEC license, noise generated by the development must not exceed the limits specified in Table 5 below	**No**	2005 AEMR p 2006 AEMR p 109 Noise Monitoring Records to April 2007	In the 2007 YTD reporting period 1 day and 1 evening exceedance occurred at Site 2 and 1evening exceedance at Site 3 (now owned by ACOL.) In the 2006 reporting period 1 day and 1 evening exceedance occurred at Site 2 and 1 day and 1 evening exceedance occurred at Site 3. In the 2005 reporting period 1 day and 2 evening exceedances occurred at Site 2, 1 day and 1 evening exceedance occurred at Site 3 and 1 day exceedance occurred at Site 4 (now owned by ACOL.)
	Refer to Table 5 in condition 6.34			
6.35	The Applicant shall ensure that the design, construction and operation of the ACP shall not create amenity problem(s) associated with low frequency vibration. In the event of a problem arising the Applicant shall, in consultation with the DEC, investigate the cause of any low frequency vibration associated with the ACP and report to the Director-General the result of any such investigation and practical mitigation measures that can be adopted to eliminate such problem.	Yes	Site Inspection	
	Noise Acquisition Criteria			
6.36	The acquisition zone for noise is defined by predicted or demonstrated exceedence of the noise levels shown in Table 6 below:	Yes	Noise Management Plan p 15	Acquisition and management zones cleraly defined by Table 6 criteria.
	Refer to Table 6 Acquisition Noise Limits (dB(A)).			
	Interpretation of Noise Levels			
6.37	For the purpose of Conditions 6.34 and 6.36: • Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays, • Evening is defined as the period from 6pm to 10pm	Noted		
6.38	Noise from the premises is to be measured at the most affected point on or within the residential boundary or at the most affected point within 30m of the dwelling where the dwelling is more than 30m from boundary to determine compliance with the LAeq(15 minute) noise limits in condition 6.34. Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DEC 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 shall also be applied to the measured noise level where applicable.	Yes	Noise Monitoring Records Noise Management Plan	Noise monitoring is located at the most affected points within the residential boundary. Monitoring for the Stapleton residence is approximately 150 m closer to the mine than the residence, for practical purposes ,with the approval od DoP and DECC. Monitoring is conducted by Spectrum Acoustics in accordance with the NSW Industrial Noise Policy.
6.39	Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the LA1(1 minute) noise limits in condition 6.34.	Yes	Noise Monitoring Records Noise Management Plan	see above

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6.40	The noise emission limits identified in condition 6.34 apply under the following meteorological conditions;	Noted		
a	wind speeds up to 3m/s at 10 metres above ground level; and	Noted		
b	temperature inversion conditions of up to 3oC/100m.	Noted		
	Hours of Operation			
6.41	Open cut mining activities must only be conducted between 7am to 10pm Monday to Saturday and 8am to 10pm Sundays and Public Holidays.	Yes	Site Inspection Environmental Information Sheet website	
	Noise Management Plans			
6.42	The Applicant shall prepare and implement, a Construction Noise Management Plan (CNMP) in consultation with SSC, to the satisfaction of the Director-General. The Plan shall include, but not be limited to the following matters:	Yes	Noise Management Plan Part 2, 28.08.06.	Revision 2 approved by DoP 28.08.06. Previous Plan approved as per previous audit.
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes		
b	compliance standards;	Yes		
c	community consultation;	Yes		
d	complaints handling monitoring/system;	Yes		
e	site contact person to follow up complaints;	Yes		
f	methods for the management of construction related traffic noise impacts;	Yes		
g	mitigation measures;	Yes		
h	the design/orientation of the proposed mitigation methods demonstrating best practice;	Yes		
i	construction times;	Yes		
j	contingency measures where noise complaints are received; and	Yes		
k	monitoring methods and program to comply with requirements of conditions 6.44-6.48.	Yes		
6.42	The CNMP shall be submitted for the approval of the Director-General, no later than one month prior to the commencement of construction, or within such period otherwise agreed by the Director-General. Construction shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the CNMP to Council, DEC, and DPI Minerals within 14 days. The Applicant shall make the CNMP available for public inspection on request.	Yes		previously audited in 2004.
6.43	The Applicant shall prepare and implement a Noise Management Plan (NMP) for the ACP mine, to the satisfaction of the Director-General. The DEC SSC, and nearby mines shall be consulted prior to the finalisation of the Noise Management Plan. The Plan shall include:	Yes	Letter from DoP 28.08.06 Emails to EPA, SSC and nearby mines dated 17 November 2003. Letter from DIPNR dated 23 December 2003	Revised Plan 28.08.06 Plan approved by DIPNR on 23 December 2003
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	Review of EIS	
b	details of the methods to comply with requirements of conditions 6.44-6.48;	Yes	Section 7 of the NMP, p18	
c	details regarding operating configuration; determining survey intervals; weather conditions and seasonal variations; selecting variations, locations, periods and times of measurements;	Yes	Section 7 of the NMP, p18	
d	detail management measures where the target criteria in condition 6.34 of this consent are predicted to be exceeded, or are exceeded during mining operations;	Yes	Section 7 of the NMP, p14	
e	redefine both the acquisition and management zones on a yearly basis in the AEMR, unless otherwise agreed by the Director-General. This review shall draw upon the noise monitoring results obtained during the previous year and incorporate noise modelling to provide a forward plan of predicted noise levels for the year ahead;	**No**	2005 AEMR 2006 AEMR	The AEMR specifies the criteria in Condition 6.34 but does not outline the acquisition and management zones or provide a forward plan of predicted noise levels.
f	specify the procedures for a noise monitoring program for the purpose of undertaking independent noise investigations;	Yes	Section 6 of the NMP, p14,15, & Section 7, p18.	

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g	outline the procedure to notify property owners and occupiers likely to be affected by noise from the operations;	Yes	Section 7 of the NMP, p20.	
h	establish a protocol for handling noise complaints that include recording, reporting and acting on complaints, particularly where complaints are received and it is demonstrated noise levels are in excess of the criteria contained in this consent;	Yes	Section 7 of the NMP, p19.	
i	record appropriate mechanisms for community consultation;	Yes	Section 7 of the NMP, p18	
j	outline proactive/predictive and reactive mitigation measures to be employed on the site to limit noise emissions;	Yes	Section 6 of the NMP, pp15, 16.	
k	identify longer term strategies directed towards mitigating noise levels that exceed the noise target levels in condition 6.34;	Yes	Section 6 of the NMP, p16	
l	outline measures to reduce the impact of intermittent, low frequency and tonal noise (including truck reversing alarms);	Yes	Section 6 of the NMP, p16,17.	
m	survey and investigate noise reduction measures from plant and equipment annually, subject to noise monitoring results and/or complaints received, and report in the AEMR at the conclusion of the first 12 months of operations and set targets for noise reduction taking into consideration valid noise complaints in the previous year; and	Yes	2005 AEMR p 83. 2006 AEMR p 109.	
n	include details of the inter-relationship of this plan with Noise Management Plans of other mines in the area.	Yes	Section 6 of the NMP, p17.	
	The NMP shall be submitted for the approval of the Director-General, no later than one month prior to the commencement of mining operations, or within such period otherwise agreed by the Director-General. Mining operations shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the NMP to Council, DEC, and DPI Minerals within 14 days. The Applicant shall make the NMP available for public inspection on request.	No Longer Applicable	Letters to DG, DIPNR, SSC, EPA DMR re: EMPs/MPs	
6.43A	Within 1 month of placing overburden on the eastern emplacement area above RL 125 metres, the Applicant shall revise the Noise Management Plan to include a dumping strategy for the eastern emplacement area to minimise noise impacts and ensure compliance with the noise criteria in the consent, to the satisfaction of the Director-General.	Yes	NMP	The NMP was revised in November 2005 and again in August 2006.
	Noise Monitoring			
6.44	The Applicant shall conduct detailed noise monitoring surveys at potentially affected residences (including potentially affected residences to the east of the mine prior to the cessation of overburden emplacement activities on the eastern emplacement area),on a 3-monthly basis	Yes	Noise Monitoring Records Noise Management Plan	
6.45	A noise compliance assessment report shall be submitted to DEC and the Director-General within three months of commencement of normal operations at the premises and on an annual basis thereafter. The report shall be prepared by an accredited acoustical consultant and shall determine compliance with the noise limits in condition 6.34. Annual noise compliance reports may be incorporated into the AEMR.	Yes	Noise Report	Noise Compliance Assessment Report, dated 7th May 2004. (In accordance with condition 6.45 of development consent, the noise compliance assessment report for Ashton project prepared by Spectrum Acoustics is attached).
6.46	Noise from the premises is to be measured at the most affected point on or within the residential boundary or at the most affected point within 30m of the dwelling where the dwelling is more than 30m from boundary to determine compliance with the LAeq(15 minute) noise limits in condition 6.34. Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DEC 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 shall also be applied to the measured noise level where applicable.	Yes	Site Inspection	Noise monitoring is located at the most affected points within the residential boundary. Monitoring for the Stapleton residence is approximately 150 m closer to the mine than the residence, for practical purposes ,with the approval od DoP and DECC. Monitoring is conducted by Spectrum Acoustics in accordance with the NSW Industrial Noise Policy.
6.47	Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the LA1(1 minute) noise limits in condition 6.34.	Yes	Noise Monitoring Records Noise Management Plan	see above
6.48	Noise monitoring results shall be of sufficient detail to assess whether ACP noise contains low-frequency, tonal or impulsive components as defined in Section 4 of the INP.	Yes	Spectrum Acoustics Reports	
	Exceedence of Noise Criteria			
6.49	In the event that:			

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a	a landowner or occupier considers that noise from the project at his/her dwelling is in excess of the criteria detailed in Table 5 of condition 6.34 above; or,	Yes	Adam Spargo:pers. Comm.	A Camberwell Village property owner lodged a complaint and request for this condition to be triggered. The property is situated approximately 300m south of Stapleton monitoring site where noise exceedances had been experienced. The main basis of the complaint and trigger of consent conditions was dust exceedances (see Condition 6.16)
6.49	a landowner, having selected a suitable site for a dwelling on his/her vacant land, considers that noise from the project at his/her future dwelling would be excess of the criteria detailed in Table 5 of condition 6.34 above,	Yes	Adam Spargo:pers. Comm.	Discussions with DoP were initiated
	and the Director-General is satisfied that an investigation is required, the Applicant shall, upon the receipt of a written request:	Yes		
a	consult with the landowner or occupant affected to determine his/her concerns;	Yes	Adam Spargo:pers. Comm.	The landowner was consulted
b	make arrangements for, and bear the costs of, following consultation with other mine operations in the vicinity where necessary, appropriate independent noise investigations in accordance with the Noise Management Plan, and to the satisfaction of the Director-General, to quantify the impact and determine the source of the effect and the contribution of ACP to the effect;	Not yet triggered	Adam Spargo:pers. Comm.	An independent investigation did not proceed. All parties, with approval of DoP, were happy to proceed with land acquisition without further triggering these consent conditions.
c	take steps in accordance with a noise reduction plan prepared as part of the Noise Management Plan, if exceedances are demonstrated to result from ACP. This shall include:	Not yet triggered		
c i	introduction of additional controls, either on noise emission from individual sources on the site or on site operations or modify operations, to ensure that the criteria in the Table 5 of condition 6.34 above are achieved, as far as	Not yet triggered		
c ii	with the agreement of the landowner, and in the case of cumulative impacts the other relevant mining operations, undertaking of noise control at the dwelling to achieve internal noise levels due to ACP alone or due to all mining activities, as relevant, which are at least 10dBA below the relevant external noise criterion in Table 5 of condition 6.34. Internal noise levels should be measured at the centre of any habitable room; or	Not yet triggered		
c iii	entering into an agreement with the landowner, and in the case of cumulative impacts the other relevant mining operations in the area and the landowner, to provide such other forms of benefit or amelioration of the impacts of noise as may be agreed between the parties, as providing acceptable compensation for the noise levels experienced;	Not yet triggered		
d	conduct follow up investigation(s) to the satisfaction of the Director-General, where necessary.	Not yet triggered		
	Note: Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling			
6.50	If the independent noise investigation(s) in condition 6.49 above confirms that noise criteria in condition 6.36 are being exceeded, and the measures in condition 6.49(c) do not reduce the noise levels below the criteria in Table 5 of condition 6.34, or establish an agreement acceptable to the relevant parties, the Applicant shall, at the written request of the landowner, acquire the relevant property. Acquisition shall be in accordance with the procedures set out in conditions 11.5-11.11.	Not yet triggered		
	In the case of cumulative levels in excess of the criteria in Table 6 of condition 6.36, should the Applicant form an agreement with the relevant contributing parties under a Joint Acquisition Management Plan pursuant to Condition 11.12, the Applicant shall purchase an affected property in accordance with this Plan. Should a Joint Acquisition Management Plan not be prepared between the relevant contributing parties, the Applicant shall acquire the property in accordance with conditions 11.5-11.11.	Not yet triggered		
6.51	If continued complaints and noise investigations confirm that noise criteria in Table 5 of condition 6.34 are being exceeded, but are less than the noise levels in condition 6.36, the Applicant shall continue to negotiate with the landowner, and other mines in the vicinity where relevant, until a resolution to the satisfaction of the Director General is reached.	Not yet triggered		
6.52	If a landowner disputes any noise mitigation or other measures proposed by the Applicant in accordance with condition 6.49 above, the matter shall be referred by either the Applicant or landowner to the Director-General in consultation with SSC. If the matter cannot be resolved within 21 days, the matter shall be referred to the Independent Dispute Resolution Process.	Not yet triggered		
6.53	Further independent investigations shall cease if the Director-General is satisfied that the relevant criteria in Table 5 of condition 6.34 are not being exceeded and are unlikely to be exceeded in the future.	Not yet triggered		
	Lighting Emissions			
6.54	All external lighting associated with the development shall comply with Australian Standard AS4282(INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting. Prior to the commencement of mining operations, the Applicant shall certify in writing, to the satisfaction of the Director-General, that all relevant lighting associated with the development will meet the requirements of this condition, and has generally been designed and installed to minimise lighting impacts outside the site.	No Longer Applicable	Letter to DIPNR dated 20 November 2003	Emailed 7 Nov 03 Richard Troupe Roberts & Schafer and Quentin Lawrence Henry Walker Alton. Letter to DIPNR 20 November 2003 certifying that all lighting will comply with AS.

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6.55	The Applicant shall design and construct all roads and areas where mobile equipment and vehicles move on the site to minimise off-site lighting impacts from equipment lighting and headlights. Lighting from equipment and vehicles shall not shine directly on residences or vehicles moving along public roads at any time.	Yes	Site Inspection	Lighting (excessive number of luminaries) from the CHPP, whilst not directly shining on vehicles or residences has an intrusive impact.
6.56	The Applicant shall prepare a Lighting Management Plan (LMP) in consultation with SSC, and to the satisfaction of the Director-General. The Plan shall include, but not be limited to:	Yes	Letter from SSC dated 19 November 2003. Letter from DIPNR dated 23 December 2003	Plan approved by DIPNR on 23 December 2003
a	demonstration of consistency with commitments made in documents listed in condition 1.2 and compliance with the conditions of this consent;	Yes	Review of documentation	
b	details of the implementation of visual controls to screen, direct or manage all on-site lighting from mine related activities in respect of residences and roadways;	Yes	Section 6 of LMP	
c	details of the planting of vegetation screens along the mine boundary and around surface facilities and infrastructure;	Yes	Section 6 of LMP	
d	details of technical measures and work practices necessary to minimise the spillage of light from areas to be illuminated, and to minimise the total night time glow from the mine;	Yes	Section 6 of LMP	
e	details of the construction of mine facilities roads, and work areas, or placement of visual screens and/or overburden emplacements to screen lighting impacts;	Yes	Section 6 of LMP	
f	details of the proposed process and measures to address complaints that may be received from residents or road users impacted by lighting from the mine site; and,	Yes	Section 7 of LMP	
g	details of any other effective operating practices to manage potential lighting impacts.	Yes	Section 6 of LMP	
	The LMP shall be submitted for the approval of the Director-General, no later than one month prior to the commencement of mining operations, or within such period otherwise agreed by the Director-General. Mining operations shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the LMP to Council, DEC, and DPI Minerals within 14 days. The Applicant shall make the LMP available for public inspection on request.	Yes	Letter to DIPNR dated 20 November 2003	Plan submitted 20 November 2003.
6.57	The Applicant shall report on the effectiveness of the lighting emission controls in the AEMR.	Yes	2005 AEMR p 83-84 2006 AEMR p 115	
7	**TRANSPORT AND UTILITIES**			
	Road Construction			
	Road Transport			
7.1	No coal shall be hauled from the mine site on public roads, except under emergency circumstances and with the prior written approval of the Director-General and SSC.	Yes	Adam Spargo:pers. Comm.	
7.2	The Applicant shall ensure that all employees and contractors travelling to and from the mine site utilise the designated mine access road off Glennies Creek Road.	Yes	Adam Spargo:pers. Comm.	
7.3	Any damage caused to the New England Highway pavement and shoulder caused by the movement of heavy vehicles for oversize equipment deliveries to the site shall be repaired at the Applicant's expense.	Not yet triggered		
7.4	No coal shall be transported via any internal haul road to the Macquarie Generation conveyor as indicated in the EIS.	Yes	Adam Spargo:pers. Comm.	
	Note: Condition 1.19 prohibits the construction of the private coal haul road.	Noted		
	Local Roads			
7.5	The Applicant shall design and construct the following works in accordance with Council's Development Design and Construction Specifications:	Yes	Site Inspection	Glennies Creek Rd upgrade completed early in 2007. Plans approved by Singleton Shire Council and RTA.
a	widen the radius of Glennies Creek Road at the New England Highway intersection to overcome the acute intersection angle;	not audited		
b	reseal the Glennies Creek Road surface from the New England Highway to the proposed mine entry road;	Yes	Site Inspection	
c	construct an AUSTROADS type B intersection incorporating a left turn speed reducing lane to the new entry, and widen the eastern side of Glennies Creek Road to allow a right turn ingress lane from the intersection and an external slip lane for Glennies Creek Road; and,	Yes	Site Inspection	
d	build a new realigned section of road to accommodate the new open cut mine.	Yes	Site Inspection	
	Plans for all works shall be submitted and approved by Council prior to commencement of works.	Yes	2006 AEMR	
7.6	The Applicant will construct upgrade works on Glennies Creek Road in accordance with the conceptual design provided in supplementary information referred to in condition 1.2, with the exception that the design standard is to be upgraded to 80kph. All works to be to the satisfaction of SSC.	not audited		
	State Roads			

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
7.7	The Applicant shall obtain approval from the RTA for the upgrade of the intersection at Glennies Creek Road and the New England Highway, which shall be generally in accordance with the conceptual design provided in supplementary information referred to in condition 1.2.	Yes	2006 AEMR	Glennies Creek upgrade completed early in 2007. Plans approved by Singleton Shire Council and RTA.
7.8	The Applicant shall obtain RTA approval under Section 138 of the Roads Act for all works within the New England Highway road reserve.	not audited		
7.9	[48]The Applicant shall execute a Works Authorisation Deed with the RTA for the proposed road works on State Highway No. 9 New England Highway and proposed activities relating to the construction, operation and maintenance of a private haul road crossing of the Highway. The Works Authorisation Deed must be executed prior to commencement of any activity within the Highway road reserve.	not audited		
7.1	The Applicant shall bear all costs associated with the design, survey, approval, construction, maintenance, monitoring, rehabilitation and removal of all mine related infrastructure and works affecting the New England Highway road reserve.	not audited		
7.11	[50]The Applicant shall pay to the RTA the cost incurred by the RTA of making good any damage to the New England Highway, and its associated structures, caused by activities associated with this consent. Provided however that the amount to be paid by the Applicant as aforesaid shall be reduced by such sum of money, if any, as may be paid to the RTA from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in the form of a claim for compensation for the same damage.	not audited		
7.12	[51]Activities associated with this consent shall not restrict in any way the ability of the RTA and its contractors to access and/or undertake works to Bowmans Creek Bridge and its underside.	not audited		
7.13	[52]Any adjustments or alterations to activities associated with this consent resulting from improvements/upgrade of the New England Highway shall be the responsibility of the Applicant and at no cost to the RTA.	not audited		
	Road Closures			
7.22	The Applicant shall maintain signs on Glennies Creek Road and in Camberwell Village to provide at least 24 hours notice of temporary road closures. The location and wording of the signs are to be approved by SSC. Timetables for road closures are also to be available on the internet. A protocol is to be established in consultation with the emergency services during road closures. Notification shall also be provided to relevant emergency services via fax or other written means seven (7) days prior to the road closure.	Yes	Pre-blast telephone contact list	Neighbours are phoned informing of blasts and road closures. *Two signs are located on Glennies Creek Rd. Advertisements are placed in the local papers. Sign at Camberwell Village concerning closure of the NE Hwy will not be required for another 2 years.
	Relocation of Electrical Transmission Lines			
7.23	The Applicant shall, to the satisfaction of Energy Australia and at its own cost, undertake the relocation and/or construction of any electrical transmission lines which may be required as a result of the development. The Applicant shall also bear any costs associated with relocation of Registered Easements for relocated or new transmission lines required as a result of the development. Such work shall be completed prior to any existing line being affected by mining activity from ACP.	Yes	Enerserve file viewed.	
	Utility Services			
7.24	The Applicant shall, to the satisfaction of telecommunications providers and at its own cost, or by agreement with relevant parties, undertake the relocation of any telecommunications cables which may be required as a result of	Yes	Telstra file viewed.	
	Rail Construction			
7.25	The Applicant shall construct the proposed railway siding to the satisfaction of RIC and at its own costs.	Yes	RIC file viewed.	
8	**MONITORING / AUDITING**			
8.1	In addition to the requirements contained elsewhere in this consent, the Director-General may, at any time in consultation with the relevant government authorities and Applicant, require the monitoring programs under this consent to be revised or updated to reflect changing environmental circumstances or changes in technology/operational practices. Changes shall be made and approved in the same manner as the initial monitoring programs. All monitoring programs shall also be made publicly available at SSC and on the internet within two weeks of approval by the relevant government authority.	Yes	website	Monitoring programs are available in the Environmental Management Plans on the ACOL website. Blast, weather and air quality monitoring records are available on the website. Government authorities have not requested revised monitoring programs.
8.2	All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall be included in the relevant environmental management plan. Only accredited laboratories shall be used for laboratory analysis.	Yes	Monitoring Records and Reports	
	Third Party Monitoring / Auditing			
	Independent Expert Review			
8.3	The Director-General may, in consultation with DEC, DIPNR, DPI - Fisheries, SSC, and other relevant agencies, direct the Applicant to, at the Applicant's own costs, provide ongoing funding for Independent Expert Review of documents, plans, and monitoring programs required by this consent. Independent expert(s) may be required provide independent advice to the Director-General, and through the Director-General to other regulatory authorities. The payments shall be paid according to a schedule specified by the Director-General, should Independent Expert Review be required.	Not yet triggered		

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
8.4	Independent Expert Review shall be carried out by one or more independent experts in relevant disciplines and may include experts in subsidence, water quality / quantity, ecology, groundwater, air quality, noise, or cultural heritage. The Director- General shall select the relevant discipline(s) and appoint the expert(s) in consultation with relevant Government agencies and the Applicant.	Not yet triggered		
8.5	The functions of any Independent Expert Review may include, but not be limited to, assessing and evaluating the following documents required under this consent:	Not yet triggered		
a	Environmental Management Plans;	Not yet triggered		
b	Monitoring programs and compliance reports;	Not yet triggered		
c	Subsidence Monitoring and Impact Assessment Reports; and,	Not yet triggered		
d	Annual Environmental Management Reports.	Not yet triggered		
8.6	The results of any review, including any specific recommendations, shall be submitted to the Director-General, DIPNR, DEC, DPI - Fisheries, DPI Minerals, and other relevant agencies to be determined by the Director-General. Reports produced by a review shall be made public.	Not yet triggered		
8.7	The Director-General may, after considering any submission made as a result of an Independent Expert Review, notify the Applicant of any requirements with regard to any recommendations made in the submission. The Applicant shall comply with those requirements within such time as the Director-General may require.	Not yet triggered		
	Independent Environmental Auditing			
8.8	One year after commencement of construction and every three years thereafter until five years after completion of mining in the DA area, or as otherwise directed by the Director-General, the Applicant shall conduct an environmental audit of the mining and infrastructure areas of the development in accordance with ISO 14010 - Guidelines and General Principles for Environmental Auditing, and ISO 14011 - Procedures for Environmental Auditing (or the current versions), and in accordance with any specifications required by the Director-General. Copies of the report shall be submitted by the Applicant to the Director-General, SSC, DEC, DIPNR, DPI Minerals, NPWS, RTA, DPI - Fisheries, MSB, DPI - Agriculture and the CCC within two weeks of the report's completion for comment.	Yes	This and prior audits	
8.9	The independent environmental audit shall:			
a	assess compliance with the requirements of this consent, licenses, and approvals;	Yes	This and prior audits	
b	assess the development against the predictions made in the EIS and the predictions and commitments made in the documents listed in condition 1.2;	Yes	This and prior audits	
c	assess the development against predictions made in SMIARs required under conditions 3.24-3.28.	Yes	This audit	
d	review the effectiveness of the environmental management of the mine, including any mitigation works;	Yes	This and prior audits	
e	be carried out at the Applicant's expense; and	Yes		
f	be conducted by a duly qualified independent person or team approved by the Director-General in consultation with SSC and other relevant agencies.	Yes	email from DoP13.08.07	Pacrim Environmental audit team approved.
8.10	The Director-General may, after considering any submission made by the relevant government agencies, SSC and the CCC on the report, notify the Applicant of any requirements with regard to any recommendations in the report. The Applicant shall comply with those reasonable requirements within such time as the Director- General may require.	Not yet triggered		
	Meteorological Station(s)			
8.11	The Applicant shall establish a meteorological station(s) at a relevant location(s) in accordance with the requirements of AS 2922 1987 "Ambient Air Guide for Siting of Sampling Units" or its updated version or as directed by the DEC. The Meteorological station(s) must be capable of recording wind direction and speed, temperature and sigma theta and be operated in accordance with the requirements of AS 2923-1987 "Ambient Air Guide Horizontal Wind for Air Quality Application", or subsequent relevant standards.	Yes	Site Inspection and pers.comm - P. Barton	previously audited. Two permanent weather stations have been installed and were in operation in December 2003. Peter Rodeck of Environdata (the supplier) has confirmed by Facsimile on 23 December 2003 that the stations satisfy the requirements.
8.12	The Applicant must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The applicant must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns:	Yes	2005 AEMR p 20 2006 AEMR p 47 Viewex data	
	Refer to table in condition 8.12			
9	**REPORTING**			
	Reports on Operations			
9.1	The Applicant shall report on mine operations in accordance with the mine operations plan (refer to Condition 2.1).	Yes	2005 AEMR p 1, 10 2006 AEMR 0 7, 30	
	Annual Environmental Management Report (AEMR)			

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
9.2	The Applicant shall, throughout the life of the mine and for five years after completion of mining in the DA area, prepare and submit an Annual Environmental Management Report (AEMR) to the satisfaction of the Director-General and DPI Minerals. The AEMR shall review the performance of the mine against the Environmental Management Strategy and the relevant Mining Operations Plans, the conditions of this consent, and other licenses and approvals relating to the mine. To enable ready comparison with the predictions made in the EIS, diagrams and tables, the report shall include, but not be limited to, the following matters:	Yes	2005 AEMR 2006 AEMR	
9.3	In preparing the AEMR, the Applicant shall:			
9.4	The Applicant shall ensure that copies of each AEMR are submitted at the same time to the Director-General, DPI Minerals, DEC, DIPNR, DPI - Fisheries, NPWS, SSC and the CCC, and made available for public information at SSC within fourteen days of submission to these authorities.	not audited		
	Recording and Reporting Requirements			
	Monitoring Records			
9.5	The results of any monitoring required to be conducted by the DEC's general terms of approval, or a license under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with any load calculation protocol must be recorded and retained as set out in conditions 9.6 and 9.7	Yes	Monitoring results	
9.6	62All records required to be kept by the license must be: .in a legible form, or in a form that can readily be produced to a legible form; .kept for at least 4 years after the monitoring or event to which they relate took place; and .produced in a legible form to any authorised officer of the DEC who asks to see them.	Yes	Monitoring results & AEMR	
9.7	The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken; the time(s) at which the sample was collected; the point at which the sample was taken; and the name of the person who collected the sample.	Yes	Monitoring Records - raw sample sheets	
9.8	The Applicant must provide an annual return to the DEC in relation to the development as required by any license under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the Applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with license conditions and provide a calculation of license fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return. This may form part of the AEMR.	Yes	Annual EPL returns	
10	**COMMUNITY CONSULTATION / OBLIGATIONS**			
	Community Consultative Committee			
10.1	The Applicant shall:			
a	establish a Community Consultative Committee (CCC) and aim to hold the first meeting prior to submission of the Environmental Management Strategy. Should the CCC not be formed at the preparation of the Environmental Management Strategy or environmental management plans, the Applicant shall consult the CCC, once formed, on the Strategy and any management plans. The Applicant shall provide a report to the Director-General on the issues raised as a result of these consultations and the Director-General may require the Environmental Management Strategy or environmental management plans be revised in light of this report. Selection of representatives shall be to the satisfaction of the Director-General in consultation with the Applicant and SSC. The CCC shall comprise two (2) representatives of the Applicant (including the Environmental Officer), one (1) representative of SSC, and four (4) community representatives. The CCC shall be chaired by SSC.	Yes	CCC Minutes	
b	representatives from relevant government agencies, the local community, the local Aboriginal community, or other individuals may be invited to attend meetings as required by the Chairperson. The CCC may make comments and recommendations about the preparation and implementation of environmental management plans, monitor compliance with conditions of this consent relevant to the operation of the mine during the term of the consent. The Applicant shall ensure that the CCC has reasonable access to the necessary plans for such purposes. The Applicant shall consider the recommendations and comments of the CCC and provide a response to the CCC and Director-General.	Yes	CCC Minutes	
10.2	The Applicant shall, at its own expense:			
i	nominate two (2) representatives (including the Environmental Officer) to attend all meetings of the CCC;	Yes	CCC Minutes Letter to CCC 05.12.06	Peter Barton and Lisa Richards
ii	provide to the CCC regular information on the progress of work and monitoring results;	Yes	CCC Minutes	

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
iii	promptly provide to the CCC such other information as the Chair of the CCC may reasonably request concerning the environmental performance of the development;	Yes	CCC Minutes	
iv	provide access for site inspections by the CCC; and	Yes	CCC Minutes	
v	provide meeting facilities for the CCC, and take minutes of CCC meetings. These minutes shall be available for public inspection at SSC within 14 days of the meeting, or as agreed by the CCC.	Yes	CCC Minutes	
	Complaint Handling Procedures			
10.3	The Environmental Officer(s) employed by the mine (refer condition 3.1) shall be responsible for:			
a	establishing and maintaining a system for recording complaints with respect to construction works and mine operations on a dedicated and publicly advertised telephone line, 24 hours per day 7 days per week, entering complaints or comments in an up to date log book, or other suitable data base, and ensuring that an initial response is provided to the complainant within 24 hours;	Yes	Complaint Database	
b	for providing a report of complaints received with respect to the construction and operation of the mine, every six months throughout the life of the project to the Director-General, SSC, DEC, DPI Minerals, and the CCC, or as otherwise agreed by the Director-General. A summary of this report shall be included in the AEMR (conditions 9.2-9.4);	Yes	Letters to DoP, DPI, SCC, DECC. Complaints Reports (6 monthly) Sept 06 - Feb 07, Sept 05 - Feb 06. AEMRs	
c	maintaining access to documents on the ACP internet site, as required by this consent, and publicizing the address to the site to the public and regulatory authorities;	Yes	Website	
d	consult with the environmental officer(s) employed by other mines in the vicinity to seek to co-ordinate a response to any complaints received regarding the operations of ACP and other mines.	Yes	emails between Ashton and Integracoal 26.03.07, 02.04.07.	Community/Complaints Meetings between mine representatives.
10.4	The Applicant must nominate at least two persons (and their telephone numbers) who will be available to the DEC on a 24 hours basis, and who have authority to provide information and to implement such measures as may be necessary from time to time to address a pollution incident or to prevent pollution from continuing as directed by an authorised officer of the DEC.	Yes	Lisa Richards: Pers. Comm.	Lisa Richards, Adam Spargo
11	**PROPONENTS OBLIGATIONS**			
	Cumulative Impact Management			
11.1	In the event that the cumulative impact of noise or dust contributed to by the operation of the ACP mine and other nearby mining activities and any future mining/industrial operations, at dwellings, or proposed dwellings on vacant land (as described in Condition 6), in the vicinity of the operation, exceeds the noise or dust criteria contained in condition 6, the Applicant shall negotiate with the other mines and landowner(s) to determine appropriate arrangements to reasonably contribute to the management of the identified cumulative impacts or acquisition of the property to the satisfaction of the Director-General in proportion to their contributions to the impact.	Not yet triggered		
11.2	If it is identified that total industrial noise levels at any point exceed the criteria set out in Condition 6.34, and that an industrial source from within the mine contributes significantly to this total, the Applicant shall prepare a report to the Director-General outlining the contribution from sources within the mine to the total measured noise level.	Not yet triggered		
11.3	If agreement on appropriate contributions towards mitigation measures/acquisition cannot be reached from negotiations undertaken in accordance with condition 11.1, then the matter shall be referred to the Director-General in consultation with SSC by either the Applicant or landowner. If the matter is not resolved within 21 days of the referral, the matter will be referred to an Independent Dispute Resolution Process as determined by the Director-General, and resolved as agreed by the Director-General. The Independent Dispute Resolution Process shall determine the responsibilities of each of the mining companies in accordance with condition 11.1 above and actions to be undertaken. The decision of the Independent Dispute Resolution Process shall be final and binding on all parties, as agreed by the Director-General.	Not yet triggered		
11.4	Prior to referral to the Independent Dispute Resolution Process, the Applicant shall provide the Director-General a report detailing the Applicant's reasons for being unable to reach agreement with the other parties, and the reasons for the criteria exceedences with demonstration that ACP's activities are not the sole cause of the exceedences.	Not yet triggered		
	Area of Affectation – Land Acquisition			
	Note: In Conditions 11.5-11.11 "land" means the whole of a lot in a current plan registered at the Land Titles Office as at the date of this consent.	Noted		

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
11.5	The Applicant shall negotiate and purchase property No. 115 as identified within the EIS (Volume 3 Figure 3.13), within six (6) months of a written request from the affected land owner. The owner of any dwelling, or vacant land where a dwelling is proposed (as described in Condition 6), located in areas that exceed noise and/or air quality criteria established in accordance with conditions 6.17, 6.18, and 6.50 of this consent, and at any time after the granting of development consent, may request the Applicant in writing to purchase the whole of that property.	Yes	Letter 04.03.03 from Sparke Helmore.	property already purchased
11.6	In respect of a request to purchase land arising under condition 11.5, the Applicant shall pay the owner the acquisition price which shall take into account and provide payment for:	Not applicable		
a	a sum not less than the current market value of the owner's interest in the land at the date of this consent, as if the land was unaffected by the ACP the subject of this DA, having regard to:	Not applicable		
a i	the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; and	Not applicable		
a ii	the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of request is completed subsequent to that date.	Not applicable		
b	the owner's reasonable compensation for disturbance allowance and relocation costs within the Singleton or Muswellbrook Local Government Area, or within such other location as may be determined by the Director-General in exceptional circumstances; and	Not applicable		
c	the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price of the land and the terms upon which it is to be acquired.	Not applicable		
	Notwithstanding any other condition of this consent, the Applicant may, upon request of the landowner, acquire any property affected by the project during the course of this consent on terms agreed to between the Applicant and the landowner.	Not applicable		
11.7	In the event that the Applicant and any owner referred to in this condition cannot agree within the time limit upon the acquisition price of the land and/or the terms upon which it is to be acquired, then:	Not applicable		
a	either party may refer the matter to the Director-General, who shall request the President of the Australian Institute of Valuers and Land Economists to appoint a qualified independent valuer or Fellow of the Institute, who shall determine, after consideration of any submissions from the owners, a fair and reasonable acquisition price for the land as described in condition 11.6 and/or terms upon which it is to be acquired;	Not applicable		
b	In the event of a dispute regarding outstanding matters that cannot be resolved, the independent valuer shall refer the matter to the Director-General, recommending the appointment of a qualified panel. The Director-General, if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:	Not applicable		
b i	the appointed independent valuer,	Not applicable		
b ii	the Director-General or nominee, and	Not applicable		
b iii	the President of the Law Society of NSW or nominee.	Not applicable		
	The qualified panel shall determine a fair and reasonable acquisition price as described in condition 11.6 above and/or the terms upon which the property is to be acquired.	Not applicable		
11.8	The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Director-General and the costs of determination referred to in conditions 11.6 and 11.7.	Not applicable		
11.9	Upon receipt of a determination pursuant to conditions 11.6 and 11.7, the Applicant shall, within 14 days, offer in writing to acquire the relevant land at a price not less than the determination. Should the Applicant's offer to acquire not be accepted by the owner within six (6) months of the date of such offer, the Applicant's obligations to purchase the property shall cease, unless otherwise agreed by the Director-General.	Not applicable		
11.10	In the event that the Applicant and the land owner agree that only part of the land is to be transferred to the Applicant, the Applicant shall pay all reasonable costs associated with obtaining Council approval to any plan of subdivision and registration of the plan at the Office of the Registrar-General.	Not applicable		
11.11	The provisions of conditions 11.5-11.10 do not apply to a land owner who is the holder of an authority under the Mining Act, 1992.	Not applicable		
	Joint Acquisition Management Plan			
11.12	The Applicant shall, prior to commencement of mining operations of the ACP or as agreed in writing by the Director General, prepare a Joint Acquisition Management Plan as far as practical, with the agreement of surrounding existing and approved mines, to the satisfaction of the Director-General. The plan shall:	Yes	Letter from DIPNR dated 23 December 2003	Plan approved by DIPNR on 23 December 2003
a	provide details of a joint approach to be adopted by the Applicant, and surrounding existing and approved mines in regard to meeting the acquisition procedure requirements outlined in conditions 11.5-11.11 of this consent relating to the cumulative impacts of the ACP mine, and the surrounding existing and approved mines, should acquisition be required.	Yes	JAMP p.6.	

COND	SUMMARY OF CONDITION of DEVELOPMENT APPLICATION No. 309-11-2001-i	Compliance	Evidence	COMMENTS
	Contributions to Council			
11.13	Prior to the commencement of construction, the Applicant shall enter into a legally binding agreement with SSC for financial and/or in kind contribution to SSC for the purpose of community enhancement to address the social, amenity and associated community infrastructure requirements arising from the operation of the development. The financial and/or in kind contribution shall be generally in accordance with the SSC Section 94 Contribution Plan No 1 (1993) and as agreed between the applicant and SSC. A copy of the agreement is to be forwarded to the Director General.	Yes		Agreement has been reached with SSC. Refer to correspondence from SSC dated 25 July 2003.
	Responsibility for the Costs of Remediation			
11.14	The Applicant shall be responsible for the cost of all remedial works required including reasonable costs of Government agencies, arising from impacts of the mine not recoverable through the Mine Subsidence Compensation Act 1961 including, but not limited to, remediation of natural features, rehabilitation of ecological systems, and the provision of supplementary water flows, as determined by the Director-General.	Not yet triggered		
12	**FURTHER APPROVALS AND AGREEMENTS**			
	Statutory Requirements			
12.1	The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Environmental Planning and Assessment Act 1979, Local Government Act 1993, Protection of the Environment Administration Act 1991, Protection of the Environment Operations Act 1997, Rivers and Foreshores Improvement Act 1948, Water Act 1912, National Parks and Wildlife Act 1974, and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by the SSC, DEC, DPI Minerals, NPWS, DIPNR, RTA, DPI - Agriculture, DPI - Fisheries and other Government agencies, are fully met.	Yes	Site Inspection Legal instruments	

Appendix 2

Compliance Pro-forma for Environment Protection Licence 11879

Ashton Coal Mine - Conditions of EPL No 11879

Condition Number	Condition	Compliant/ Non-Compliant	Documentation Reviewed	Audit Findings/ Recommendations
1	**Administrative conditions**			
A1	**What the license authorises and regulates**			
A1.1	This license authorises the carrying out of the scheduled development work listed below at the premises listed in A2. Coal mine and coal washery			
A1.2	This license 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. Unless otherwise further restricted by a condition of this license, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition. Coal Mining (26) Scale > 5000000 - T produced	Compliant	AEMR 2005, 2006	Total Coal Production 2004/05: 1.023 Mt 2005/06: 1.364 Mt 2006/07: 2.159 Mt
	The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this license.	Compliant		
A2	**Premises to which this license applies**			
A2.1	The license applies to the following premises:			
	Premises Details ASHTON COAL MINE GLENNIES CREEK ROAD AND NEW ENGLAND HIGHWAY CAMBERWELL NSW 2330			
A4	**Information supplied to the EPA**			
A4.1	Works and activities must be carried out in accordance with the proposal contained in the license application, except as expressly provided by a condition of this license. In this condition the reference to "the license application" includes a reference to: (a) the applications for any licenses (including former pollution control approvals) which this license replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and (b) the license information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this license.			
2	**Discharges to air and water and applications to land**			
P1	**Location of monitoring/discharge points and areas**			
P1.1	The following points referred to in the table below are identified in this license for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.	Compliant	AEMR 2005, 2006	Figure 1Air Quality Monitoring Locations for EPL was revised 19.10.06.
P1.2	The following points referred to in the table are identified in this license for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.	Compliant	Site Water Management Plan, Groundwater Management Plan	Required monitoring sites are identified on Figure 2 Site Water Management Plan 10/08/05 and Groundwater Monitoring Holes 16/07/07
P1.3	The following utilisation areas referred to in the table below are identified in this license for the purposes of the monitoring and/or th setting of limits for any application of solids or liquids to the utilisation area.	Compliant	Site Water Management Plan, Groundwater Management Plan	Required monitoring sites are identified on Figure 2 Site Water Management Plan 10/08/05 and Groundwater Monitoring Holes 16/07/07
	See Table on page 7 for details			
3	**Limit conditions**			
L1	**Pollution of waters**			
L1.1	Except as may be expressly provided in any other condition of this license, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	**Not compliant**	EPL Returns 2005, 2006, AEMR 2005, 2006	Sediment Dam 5/6 overflowed on 08.06.07 during a severe storm event (1 in 100 ARI) and released an unknown volume of mine water (> 900 us/cm) and stormwater from disturbed areas off site. Sediment dams are designed to handle 1 in 20 year storm events in accordance with the Water Management Plan. DECC was notified. Overflows occurred from the majority of Hunter Valley mines during this storm event.

Condition Number	Condition	Compliant/ Non-Compliant	Documentation Reviewed	Audit Findings/ Recommendations
L5	**Waste**			
L5.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the license	Compliant	Inspection Adam Spargo: Personal Communication	
L5.2	This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection license.	Not applicable		
L6	**Noise Limits**			
L6.1	Noise from the premises must not exceed the limits specified in the table below:	**Not compliant**	AEMR 2005, 2006, Noise Monitoring Reports Nov 2006 and March and April 2007 - Spectrum Acoustics.	In the 2007 YTD reporting period 1 day and 1 evening exceedance occurred at Site 2 and 1evening exceedance at Site 3 (now owned by ACOL.) In the 2006 reporting period 1 day and 1 evening exceedance occurred at Site 2 and 1 day and 1 evening exceedance occurred at Site 3. In the 2005 reporting period 1 day and 2 evening exceedances occurred at Site 2, 1 day and 1 evening exceedance occurred at Site 3 and 1 day exceedance occurred at Site 4 (now owned by ACOL.)
	See Table on page 9 for details			
L6.2	For the purpose of Condition 6.1: •Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays, •Evening is defined as the period from 6pm to 10pm •Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.			
L6.3	Noise from the premises is to be measured at the most affected point on or within the residential boundary or at the most affected point within 30m of the dwelling where the dwelling is more than 30m from boundary to determine compliance with the L Aeq(15 minute) noise limits in condition L6.1. 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 shall also be applied to the measured noise leve where applicable.	Compliant	AEMR 2005, 2006, Noise Monitoring Reports Nov 2006 and March and April 2007 - Spectrum Acoustics. Noise Management Plan	Noise monitoring for the purposes of Condition 6.1 is measured at several locations, including at two EPA approved sites in Camberwell Village
L6.4	Noise from the premises is to be measured or computed at 1m from the dwelling facade to determine compliance with condition 6.1 (LA1 (1 minute) noise limit).	Compliant	AEMR 2005, 2006, Noise Monitoring Reports Nov 2006 and March and April 2007 - Spectrum Acoustics. Noise Management Plan	Noise monitoring for the purposes of Condition 6.1 is measured at several locations, including at two EPA approved sites in Camberwell Village
L6.5	The noise emission limits identified in condition L6.1 apply under the following meteorological conditions: (a) wind speeds up to 3m/s at 10m above ground level; and (b) temperature inversion conditions up to 3° C/100m.			
L6.6	Open cut mining activities must only be carried out between the hours of 0700 and 2200 Monday to Saturday, and 0800 and 2200 on Sundays and Public Holidays.	Compliant	Lisa Richards: Personal Communication	
L7	**Blasting limits**			
L7.1	Blasting in or on the premises must only be carried out between 0900 hours and 1700 hours, Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.	Compliant	AEMR 2005, 2006 and Blast Monitoring Reports September 2006 - August 2007	
L7.2	The overpressure level from blasting operations carried out in or on the premises must not: (a) exceed 115 dB(L) for more than 5% of the total number of blasts carried out on the premises within the 12 months annual reporting period; and (b) exceed 120 dB(L) at any time at any residence or noise sensitive location (such as a school or hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative overpressure level.	**Not compliant**	AEMR 2005, 2006 and Blast Monitoring Reports September 2006 - August 2007	The 115 dBL criteria was exceeded >5% at Camberwell Village in 2005, 2006 and 2007 Reporting Periods. The St Clements Church monitor has been relocated to adjacent to the Church. There were 3 blasts >120 dBL during the 3 year reporting period.
L7.3	The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not: (a) exceed 5mm/second for more than 5% of the total number of blasts carried out on the premises within the 12 months annual reporting period; and (b) exceed 10mm/second at any time at any residence or noise sensitive location (such as a school or hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative ground vibration level.	Compliant	AEMR 2005, 2006 and Blast Monitoring Reports September 2006 - August 2007	No exceedances of 10mm/s. In 2005 Reporting Period, 0.5% of blasts received at Camberwell Village exceeded 5mm/s.

Condition Number	Condition	Compliant/ Non-Compliant	Documentation Reviewed	Audit Findings/ Recommendations
4	**Operating conditions**			
O1	**Activities must be carried out in a competent manner**			
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	Site Inspection	Materials are well managed. Waste is well managed.
O2	**Maintenance of plant and equipment**			
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	Site Inspection	Plant and equipment are well maintained and managed.
O3	**Dust Control**			
O3.1	All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.	Compliant	Site Inspection	
O3.2	All trafficable areas, coal storage areas and vehicle maneuvering areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	Compliant	Site Inspection	
O4	**Stormwater Management**			
O4.1	A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater runoff from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. If a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook (available from the EPA).	Compliant	Site Water Management Plan, Water Management Strategy, Site Inspection	Erosion control and sediment dams
O4.2	Banks, channels and similar works must be constructed to divert stormwater away from disturbed or contaminated land surfaces such as mine workings, haul roads, overburden disposal areas, coal handling areas and wastewater treatment facilities. All diversion banks, channels and points of discharge must be constructed or stabilised so as to minimise erosion and scouring.	Compliant	Site Inspection, Site Water Management Plan	Diversion channels.
O5	**Wastewater management**			
O5.1	A water management system must be constructed and utilised to manage the collection, storage, treatment, use and disposal of minewater, sewage effluent and other wastewater.	Compliant	Site Water Management Plan, Site Inspection	
O5.2	Bund(s) must be installed around areas in which fuels, oils and chemicals are stored. Bunds must: • have walls and floors constructed of impervious materials; • be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed); • have walls not be less than 250 millimetres high; • have floors graded to a collection sump; and • not have a drain valve incorporated in the bund structure.	Compliant	Site Inspection	Locked drain valve within the bunded fuel & oil farm at the Workshop.
O5.3	A wastewater treatment facility with oil separator and sediment trap must be installed to treat drainage from the hardstand, vehicle servicing and general workshop areas.	Compliant	Site Inspection	
O5.4	An area must be provided for the use of effluent from the sewage treatment plant. The design of the system must be in accordance with the EPA's draft guideline "Utilisation of Treated Effluent by Irrigation".	Compliant	Site Inspection	
O5.6	Wastewater utilisation areas must effectively utilise the wastewater applied to those areas. This includes the use for pasture or crop production, as well as ensuring the soil is able to absorb the nutrients, salts, hydraulic load and organic materials in the solids or liquids. Monitoring of land and receiving waters to determine the impact of wastewater application may be required by the EPA.	Compliant	Site Water Management Plan, Lisa Richards: Personal Communication	
O6	**Incineration or open burning**			
O6.1	There must be no incineration or open burning of any material(s) on the premises, except as specifically authorised by the EPA.	Compliant	Adam Spargo: Personal Communication, Site Inspection	
5	**Monitoring and recording conditions**			
M1	**Monitoring records**			
M1.1	The results of any monitoring required to be conducted by this license or a load calculation protocol must be recorded and retained as set out in this condition.			
M1.2	All records required to be kept by this license 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	Monitoring Records, AEMR 2005, 2006	

Condition Number	Condition	Compliant/ Non-Compliant	Documentation Reviewed	Audit Findings/ Recommendations
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this license: (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	Sample of Monitoring Records,	
M2	**Requirement to monitor concentration of pollutants discharged**			
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:	Compliant	Dust and Water Monitoring Records, AEMR 2005, 2006, Site Water Management Plan, Groundwater Management Plan, Air Quality Management Plan.	
	See Table on page 13 for details			
M3	**Testing methods - concentration limits**			
M3.1	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this license must be done in accordance with: (a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or (b) if no such requirement is imposed by or under the Act, any methodology which a condition of this license requires to be used for that testing; or (c) if no such requirement is imposed by or under the Act or by a condition of this license, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place. Note: The Protection of the Environment Operations (Clean Air) Regulation 2002 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".	Compliant	Air Quality Reports and Calibration Certificates	Calibrated equipment "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW". used
M3.2	Subject to any express provision to the contrary in this license, 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	Water Quality Monitoring Reports	Approved Methods
M4	**Recording of pollution complaints**			
M4.1	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 license applies.	Compliant	Complaints Register	
M4.2	The record must include details of the following: (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.	Compliant	Complaints Register	
M4.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Compliant	Complaints Register	
M4.5	The record must be produced to any authorised officer of the EPA who asks to see them.	Compliant		
M5	**Telephone complaints line**			
M5.1	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 specifie in the license.	Compliant		
M5.2	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	Newsletter	Newsletter (hand delivered to neighbours, posted to neighbouring mines and authorities,) newspaper
M5.3	Conditions M5.1 and M5.2 do not apply until 3 months after: (a) the date of the issue of this license or (b) if this license is a replacement license within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the license was served on the licensee under clause 10 of that regulation.			
M7	**Requirement to monitor weather**			
M7.1	The licensee must collect and analyse meteorological data at an on-site monitoring station for the parameters, at a frequency, averaging period and using a method as specified in the table below. Note: All methods are specified in the Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales and all monitoring must be conducted strictly in accordance with the requirements outlined in this document.	Compliant	AEMR 2005, 2006. Site Inspection.	

Condition Number	Condition	Compliant/ Non-Compliant	Documentation Reviewed	Audit Findings/ Recommendations
	See Table on page 15 for details			
M8	**Requirement to monitor blasts**			
M8.1	In order to determine compliance with condition L7: (a) Airblast overpressure and ground vibration levels must be measured at, or near, the nearest residence, or noise sensitive location, that is likely to be most affected by the blast and that is not owned by the licensee, or is the subject of a private agreement between the owner of the residence, or noise sensitive location, and the licensee, as to an alternative overpressure or ground vibration level for all blasts carried out in, or on, the premises; and (b) Instrumentation used to measure the airblast overpressure and ground vibration levels meet the requirements of Australian Standard 2187.2 of 1993.	Compliant	AEMR 2005, 2006 and Blast Monitoring Reports September 2006 - August 2007	Blasts monitored at several locations, including St Clements Church nearest noise sensitive location) and Stapleton's property (nearest resident of non mine owned or subject to private agreement)
M9	**Requirement to monitor noise**			
M9.1	A noise compliance assessment report must be submitted to EPA on an annual basis with the Annual Return as set out in Condition R1. The report must be prepared by an accredited acoustical consultant and determine compliance with the noise limits in Condition L6.1.	Compliant	Noise Reports, EPL Annual Returns and accompanying correspondence.	Noise Reports prepared by Spectrum Acoustics
6	**Reporting conditions**			
R1	**Annual return documents**			
	What documents must an Annual Return contain?			
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: (a) a Statement of Compliance; and (b) a Monitoring and Complaints Summary. A copy of the form in which the Annual Return must be supplied to the EPA accompanies this license. Before 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.	Compliant	EPL Returns	
	Period covered by Annual Return			
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below. Note: The term "reporting period" is defined in the dictionary at the end of this license. Do not complete the Annual Return until after the end of the reporting period.	Compliant	EPL Returns	
R1.3	Where this license is transferred from the licensee to a new licensee: (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 license 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 license is granted and ending on the last day of the reporting period. Note: An application to transfer a license must be made in the approved form for this purpose.	Not applicable		
R1.4	Where this license 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: (a) in relation to the surrender of a license - the date when notice in writing of approval of the surrender is given; or (b) in relation to the revocation of the license - the date from which notice revoking the license operates.	Not applicable		
	Deadline for Annual Return			
R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring license not later than 60 days after the date the transfer was granted (the 'due date').	Compliant	EPL Returns	
	Licensee must retain copy of Annual Return	Compliant	EPL Returns	
R1.7	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	EPL Returns	
	Certifying of Statement of Compliance and signing of Monitoring and Complaints Summary			
R1.8	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: (a) the license holder; or (b) by a person approved in writing by the EPA to sign on behalf of the license holder.	Compliant	EPL Returns	
R1.9	A person who has been given written approval to certify a certificate of compliance under a license issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this license.			Noted
R2	**Notification of environmental harm**			
	Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	Compliant	Lisa Richards: Personal Communication	No incidents causing or threatening material harm

Condition Number	Condition	Compliant/ Non-Compliant	Documentation Reviewed	Audit Findings/ Recommendations
R2.1	Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.	Not applicable for Audit Period		No incidents causing or threatening material harm
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.	Not applicable for Audit Period		No incidents causing or threatening material harm
R3	**Written report**			
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: (a) where this license applies to premises, an event has occurred at the premises; or (b) where this license applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this license, 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 license applies), the authorised officer may request a written report of the event.	Not applicable for Audit Period		
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 b specified in the request.	Not applicable for Audit Period		
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 applicable for Audit Period		
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	Not applicable for Audit Period		
R4	Reporting of exceedance of blasting limits			
R4.1	The licensee must report any exceedence of the license blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.	Compliant	Email 04/07/07 and telephone call 26/04/07, Correspondence to EPA 10/07/07, 02/05/07and 07/11/06,	Air pressure Exceedances > 120dB 15/10/04, 27/10/06, 26/04/07, 04/07/07 reported. Comprehensive report submitted to EPA.
R5	Blast monitoring reporting			
R5.1	The licensee must supply annually a Blast Monitoring Report with the Annual Return, which must include the following information relating to each blast carried out within the premises during the respective reporting period: (a) the date and time of the blast; (b) the location of the blast; (c) the blast monitoring results at each blast monitoring station; and (d) an explanation for any missing blast monitoring readings.	Compliant	Blast Reports, EPL Annual Returns and accompanying correspondence.	
	General conditions			
G1	**Copy of license kept at the premises**			
G1.1	A copy of this license must be kept at the premises to which the license applies.	Compliant	Lisa Richards: Personal Communication	
G1.2	The license must be produced to any authorised officer of the EPA who asks to see it.	Compliant	Lisa Richards: Personal Communication	
G1.3	The license must be available for inspection by any employee or agent of the licensee working at the premises.	Compliant	Lisa Richards: Personal Communication	
G2	**Contact number for incidents and responsible employees**			
G2.1	The licensee must operate one 24-hour telephone contact line for the purpose of enabling the EPA: (a) to contact the licensee or a representative of the licensee who can respond at all times to incidents relating to individual premises, and (b) to contact the licensee's senior employees or agents authorised at all times to: (i) speak on behalf of the licensee, and (ii) provide any information or document required under license.	Compliant	Lisa Richards: Personal Communication	