



MUSWELLBROOK COAL MINE

REGULATORY COMPLIANCE AUDIT REPORT

for

Muswellbrook Coal Company Limited

September 2012

Hansen Bailey

ENVIRONMENTAL CONSULTANTS

MUSWELLBROOK COAL MINE

REGULATORY COMPLIANCE AUDIT REPORT

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September 2012

For:

MUSWELLBROOK COAL COMPANY LIMITED
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EXECUTIVE SUMMARY

Hansen Bailey was commissioned by Muswellbrook Coal Company Limited to conduct a regulatory compliance audit of the Muswellbrook Coal Mine Development Approval DA 205/2002 and its supporting documentation for the audit period of 1 September 2009 until 31 July 2012.

This audit was conducted by Daniel Sullivan (RABQSA International Certified Auditor 113202) and Chelsea Kavanagh from Hansen Bailey, with the site component completed on 9 August 2012. The audit consisted of a detailed desktop review of documentation, interviews with key Muswellbrook Coal Company Limited staff and a field inspection of the workshop and lay down area, refuelling bay, mining area and rehabilitation areas in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing*, and *ISO 14011 - Procedures for Environmental Auditing*.

The field inspection revealed a good standard of environmental performance particularly in relation to the success of rehabilitation activities. Appropriate hydrocarbon management measures within the refuelling bay and equipment laydown areas were in place however could be improved to minimise the potential for environmental contamination. Sediment and erosion control works established around the workshop and across the site were found to be working effectively.

Two blast exceedances of the 120 dB(L) criteria have been recorded since the last Department of Planning and Infrastructure independent audit (AECOM 2009). The first exceedance occurred on 21 October 2009 at the Queen Street (B1) monitor recording 120.4 dB(L). The second exceedance of 120 dB(L) occurred on 4 March 2011 was monitored at 120.9 dB(L) at Site B4 (Nisbet). Both exceedances were reported to the Office of Environment and Heritage within seven days. **Section 3.3** describes the management measures that Muswellbrook Coal Company Limited have since implemented to mitigate against the potential for future blast exceedances.

During the audit period one blast event occurred outside the hours of 9 am to 5 pm on Thursday 2 June 2011 at 5:09 pm to avoid an unplanned, self-initiating detonation. This was also reported to Muswellbrook Shire Council.

A number of exceedances of the short term (24 hour average) PM₁₀ air quality criteria resulting from an episodic event in the Muswellbrook area were noted for the 2009-2010 reporting period while two exceedances of the noise criteria were also noted during the June 2011 survey period.

A review of the complaints database demonstrated that the number of complaints received by MCC have generally been continuing to decrease significantly.

Completed rehabilitation across the site was viewed to be in excellent condition with other areas where mining operations have been completed noted to be undergoing shaping and preparation for future rehabilitation efforts. Muswellbrook Coal Company Limited contractors noted rehabilitation had been extremely successful particularly hand seeded areas east of the No. 1 Open Cut and further noted that a large amount of work had been completed to achieve the high standard of rehabilitation. It was noted that prior to areas being seeded high application rates of an organic growth medium was also applied to assist with growth.

This audit identified some non-compliances against conditions of Development Approval DA 205/2002 (as modified) and other licences and approvals, including non-compliances to be addressed as described in **Section 2** of this report. Various recommendations have been made and are summarised in **Section 4**.

This audit has concluded that although areas for improvement were identified as part of this audit, in general, a good standard of environmental management is being applied to the operation of Muswellbrook Coal Mine.

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LIMITATIONS OF REPORT

In preparing this regulatory compliance audit report, Hansen Bailey has assessed all activities appropriate and necessary to evaluate the environmental status of the site and operations on it. Hansen Bailey has addressed all technical matters which might reasonably be considered to be relevant to such an assessment conducted to standards which apply in New South Wales. Based on observations of the site, interviews with appropriate staff and a review of available documentation, it is Hansen Bailey's opinion that the potential critical environmental issues associated with the site and operations are those discussed in this report. However, Hansen Bailey can only advise on the basis of the information available to them and therefore cannot dismiss absolutely the possibility that parts of the site, or adjacent properties, may give rise to additional issues.

The conclusions presented in this report are professional opinions based solely upon Hansen Bailey's visual observations of the site and the immediate site vicinity, and upon Hansen Bailey's interpretations of the documentation reviewed, interviews and conversations with personnel knowledgeable about the site and other available information, as referenced in this report. These conclusions are intended exclusively for the purposes stated herein, at the site listed, and for the Project indicated.

Opinions presented in this report apply to the site's conditions and features as they existed at the time of Hansen Bailey's site visit on 9 August 2012, and those reasonably foreseeable. They necessarily cannot apply to conditions and features which Hansen Bailey is unaware of and has not had the opportunity to evaluate.

This report does not, and does not purport to, give legal advice on the actual or potential environmental liabilities of any individual or organisation, or to draw conclusions as to whether any particular circumstances constitute a breach of relevant legislation.

MUSWELLBROOK COAL MINE REGULATORY COMPLIANCE AUDIT REPORT

for
Muswellbrook Coal Company Limited

1 INTRODUCTION

1.1 BACKGROUND

Hansen Bailey was commissioned by Muswellbrook Coal Company Limited (MCC) to conduct an independent environmental compliance audit of Muswellbrook Coal mining activities and all associated surface facilities approved under DA 205/2002, as most recently modified by the No. 1 Open Cut Extension. The specific scope of work is enunciated in Condition 8.1 of DA 205/2002. The focus of the audit was to assess compliance of the operations against DA 205/2002 and other relevant licences and approvals required under it.

The most recent environmental compliance audit at the MCM was conducted in 2009 by AECOM (AECOM 2009). As such the scope of this audit report was to assess the compliance of MCM's operations during the period from the last audit (September 2009) until 31 July 2012. The audit was conducted by Daniel Sullivan (RABQSA International Certified Auditor 113202) and Chelsea Kavanagh from Hansen Bailey.

The audit consisted of a detailed desktop review of documentation, interviews with key MCC staff and a field inspection of the workshop and lay down area, refuelling bay, the No. 1 open cut mining area and rehabilitation areas. The audit was conducted in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing*, and *ISO 14011 - Procedures for Environmental Auditing*.

A field inspection was conducted on 9 August 2012 by Daniel Sullivan and Chelsea Kavanagh. The weather conditions at the time of the inspection as taken from the Jerry Plains Bureau of Meteorology (BoM) station (located approximately 25 km to the south of MCM) consisted of westerly winds at up to 19 km/h and a temperature of 18.9 degrees Celsius (BoM 2012). These conditions were consistent with those experienced during the site inspection at MCM.

An opening meeting was held at site with MCC personnel in attendance which included:

- Chris Knight – Coal and Environment Manager;
- Colin Davies – Carbon Based Environmental Advisor;

- Lori Dennin-King – Carbon Based Environmental Assistant;
- Nicole Glen – Carbon Based Environmental Assistant;
- Daniel Sullivan – Hansen Bailey, Lead Auditor; and
- Chelsea Kavanagh – Hansen Bailey, Auditor.

A brief agenda for this meeting and itinerary for the audit is included in **Appendix A**.

1.2 SITE DESCRIPTION

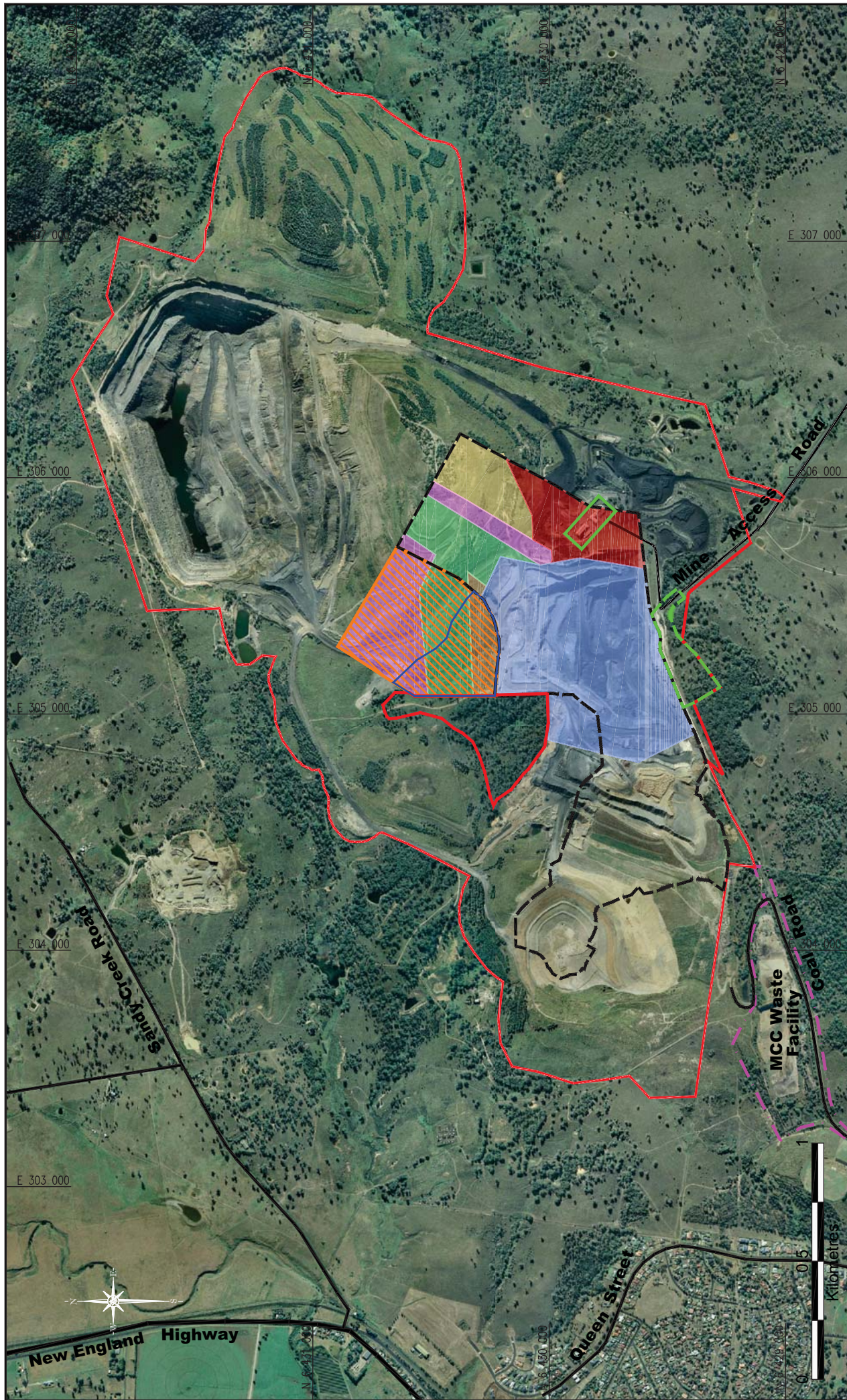
MCM is located approximately 2.5 km to the north-east of the township of Muswellbrook. MCC has a long history of underground and open cut coal mining in the Muswellbrook area, dating back to the opening of the Muswellbrook No. 1 Underground Colliery in 1907. MCC has been an integral part of the Muswellbrook community for over 100 years.

Mining operations at MCM commenced prior to any planning controls and have since occurred in accordance with a number of development consents and other approvals. MCC operates under Development Consent Approval (DA 205/2002) (Development Consent) granted by Muswellbrook Shire Council (MSC) for the “*Extension of MCC’s No. 1 Open Cut Coal Mine*” (September 2003). The supporting document to DA 205/2002 is the “*Muswellbrook Coal Company Limited, No. 1 Open Cut Extension Environmental Impact Statement 2002*” (HLA EnviroSciences 2002) (MCC EIS) which describes the mining operations and associated activities within No. 1 Open Cut Extension Area (No. 1 Extension).

A modification was granted by MSC on 19 December 2005 (DA 205/2002 MOD1) to relocate powerlines to allow the progression of approved mining operations and to carry out minor extensions to the workshop and store facilities. This modification was supported by a Statement of Environmental Effects entitled “*Section 96(1A) Application to Modify Development DA 205/2002*” (Parsons Brinckerhoff 2005).

A further modification was granted by MSC on 13 July 2009 (DA 205/2002 MOD2) to facilitate the relocation of existing surface facilities to enable the approved extraction of the underlying coal resource and seek approval for a revised conceptual final landform at MCM. This modification was supported by the “*Muswellbrook Coal Mine Development Consent Modification Statement of Environmental Effects*” (2009 Modification SEE) (Hansen Bailey 2009). Works under this SEE have not yet been commenced and as such have not been assessed as part of this audit.

A third modification was granted by MSC on 23 December 2010 (DA 205/2002 MOD3) to facilitate an extension to its No 1. open cut area to enable the recovery of an additional 5.2 million tonnes (Mt) of coal within a 28.4 ha area within existing mining leases (see **Figure 1**). This modification was supported by the “*Development Consent Modification Statement of Environmental Effects*” (2010 Modification SEE) (Hansen Bailey 2010).



				MUSWELLBROOK COAL COMPANY	
Layout Plan					
Revised DA Boundary No. 1 Extension Coal Extraction Boundary Existing Roads Modification Area Present Mining and Overburden Emplacement 2011 Mining 2012 Mining 2013 Mining		2014 Mining 2015 Mining Approved Infrastructure Existing Infrastructure Survey Area		Hansen Bailey MUSWELLBROOK COAL COMPANY Source: MCC (2009) Coordinate System: MGA 94 Zone 56	
Cad File: 05605K.dwg		Date: 27.07.10		Drawn: CP	
				Figure 1	

MCM is operated in accordance with DA 205/2002 dated 1 September 2003 and its supporting documentation as described in **Appendix B** and **Appendix C**. MCM has approval to conduct open cut mining operations within the No. 1 Extension with a combined maximum production rate of up to 2 Million tonnes per annum (Mtpa) product coal until 2015.

MCC's workforce as at 30 June 2012 consisted of 101 full time employees, including, administration, technical services, production, maintenance and open cut staff. There is also an average of 28 contractors and casual workers on site who primarily perform production and maintenance orientated duties. In the 2010 – 2011 financial reporting period, MCM produced approximately 1.4 Mt of ROM coal. Both coarse and fine rejects are trucked back to the pit for disposal at a low level in the mining void.

MCC has approval to road transport up to 2 Mtpa product coal from MCM. All product coal is transported by highway trucks up to 38 tonne in capacity which travel via the Mine Access Road to Muscle Creek Road and then on to the New England Highway. Product coal is largely hauled to a rail loading facility at the Ravensworth Coal Terminal (RCT) where it is railed to the Port of Newcastle for sale to the export market. A small amount of product coal may also be sold to regional power utilities for use in domestic power generation.

1.3 REQUIREMENT FOR AUDIT

The specific scope of work is enunciated in Condition 8.1 of DA 205-2002 which is reproduced below:

Third Party Monitoring/Auditing

"INDEPENDENT ENVIRONMENTAL AUDITING

- (a) *Every three years from the date of this consent until completion of mining in the DA area, or as otherwise directed by MSC, the Applicant shall conduct an environmental audit of the mining and infrastructure areas of the development in accordance to 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 MSC. Copies of the report shall be submitted by the Applicant to MSC, EPA, DIPNR, DMR, NPWS and CCC within two weeks of the report's completion for comment.*
- (b) *The audit shall:*
 - (i) *assess compliance with the requirements of this consent, licences and approvals;*
 - (ii) *assess the development against the predictions made in the EIS;*

- (iii) *review the effectiveness of the environmental management of the mine, including any mitigation works;*
 - (iv) *be carried out at the Applicant's expense; and*
 - (v) *be conducted by a duly qualified independent person or team approved by MSC (as acceptable to Minister for Infrastructure and Planning).*
- (c) *MSC may, after considering any submission made by the relevant government agencies, and CCC on the report, notify the Applicant of any requirements with regard to any recommendations."*

Accordingly this audit and assessment addresses environmental regulatory compliance against conditions of:

- Development Consent: DA 205-2002 and any supporting documentation;
- Relevant Mining Authorities;
- Environmental Protection Licence (EPL); and
- Other relevant licences.

As part of the field inspection the audit also assessed and has made relevant comment on the current level of performance with regard to environmental management practices across the site.

1.4 REPORT STRUCTURE

Section 1 provides an introduction, background, site description and layout of MCM and describes the requirement for the audit.

Section 2 provides a discussion on the identified non-compliances and status against the conditions of DA 205/2002, its supporting documents, management plans and other licences and approvals available for review at the time of the audit.

The compliance status of each licence and approval condition is described with the use of criteria that has been developed to aid in determining the performance of each condition as shown in **Table 1**.

Table 1
Compliance Status Categories

Compliance Category	Description
1	Requirements met
2	Requirement is not satisfied and action is needed to meet requirements

Section 3 provides a discussion on general environmental performance across the site including comment on environmental monitoring, complaints and incidents, rehabilitation, hydrocarbon management, waste and water management, general housekeeping and closure.

Section 4 provides a summary of key recommendations from the audit.

Section 5 lists references used during the preparation of the audit.

Appendix A includes the Opening Meeting Agenda and Audit Itinerary.

Appendices B and C present a tabular representation of compliance against each condition of DA205/2002, the EIS commitments and other relevant licences and approvals.

Each compliance table includes details of the specific licence / condition (as appropriate), the current status and relevant comments in relation to compliance status. The compliance status of each licence / condition is ranked as either 1 or 2 in accordance with the prescribed compliance status categories presented in **Table 1**.

Where a 2 has been given, the reasons for this designation are denoted in **bold** text. Where conditions have not yet been activated (due to activities not being commenced or requests not being made for example), the term “*Not Triggered*” has been applied.

Appendix D includes photographs from the site inspection.

2 COMPLIANCE WITH RELEVANT STATUTORY REQUIREMENTS

The completed compliance tables for each of the documents that were available for review as part of the audit are provided in **Appendix B**. This section provides a discussion on each of the non-compliance items (i.e. requirements that have been ranked as Compliance Category 2) that have been identified during the audit.

2.1 DEVELOPMENT CONSENT

The non-compliances in relation to DA 205/2002 (as modified) are summarised below:

- Condition 1.1 and 6.3.1 – Two overpressure exceedances over criteria of 120 dB(L) occurred on 21 October 2009 and 4 March 2011 measuring 120.4 dB(L) and 120.9 dB(L) respectively;
- Condition 1.1 and 2.4 – Blast event occurred outside the hours of 9 am to 5 pm on Thursday 2 June 2011 at 5:09 pm to avoid an unplanned, self-initiating detonation.
- Condition 3.3(g) – A Section 139 Excavation Permit as stipulated under the Heritage Act 1977 was not obtained for the demolition of the Muswellbrook Brick Works site which is listed as being of regional historic significance. A letter from MSC dated 16 December 2009 granting their consent was provided to MCC to proceed with the demolition of the former Muswellbrook Brick Works.
- Condition 1.1 and 6.1.1 – During the 2009 – 2010 reporting period the PM₁₀ 24 hour average criteria was exceeded on 13 occasions at Site 1, 11 occasions at Site 2 and 14 occasions at Site 3. The AEMR states that these episodic events generally occurred on days when there were high west to northwest winds and hazy conditions were observed throughout the entire Muswellbrook Shire. MCC would not significantly impact the particulate levels at these sites under these wind conditions, as the open cut operations are located to the east and southeast of these sites. The National Environment Protection Measures (NEPM) goal within 10 years is a maximum <50 µg/m³ of up to 5 days per year. This indicates an exceedance of the NEPM at all three monitoring locations.
- Condition 1.1 and 6.4.1 – Exceedances of noise criteria during June 2011 survey. The noted exceedances were of the LAeq,15min and LA1,1min criterion (night) at monitoring site R7 from an engine continuum and digger bucket noise and LA1,1min criterion (night) at monitoring site R13 from an engine continuum and dozer engine noise.
- Condition 11.3 – No evidence that MCC entered into a voluntary planning agreement with MSC. A Memorandum of Understanding between MCC and MSC has been entered into regarding the transfer of Void No. 3 for waste collection and access road.

2.2 ENVIRONMENTAL IMPACT STATEMENT

Key commitments from the EIS are presented in **Appendix B**. Commitments arising from the EIS were assessed for compliance as part of this audit. It was determined that MCC were operating generally in accordance with the EIS. A considerable effort has been made to ensure all commitments made in the EIS have been largely incorporated into the existing MCC site management plans, the MOP and the AEMR.

2.3 STATEMENT OF ENVIRONMENTAL EFFECTS

As discussed in **Section 1.1** a modification was granted by MSC on 19 December 2005 (DA 205/2002 MOD1) to relocate powerlines to allow the progression of approved mining operations and to carry out minor extensions to the workshop and store facilities.

Works under this approval were viewed to be completed during the audit. It is understood that these works were completed prior to the period of this audit and as such are not discussed any further in this report.

DA 205/2002 MOD2 facilitated the relocation of existing surface facilities to enable the approved extraction of the underlying coal resource and seek approval for a revised conceptual final landform at MCM. This modification was supported by the “*Muswellbrook Coal Mine Development Consent Modification Statement of Environmental Effects*” (2009 Modification SEE) (Hansen Bailey 2009). Works under this SEE have not yet commenced and as such have not been assessed as part of this audit.

DA 205/2002 MOD3 facilitated an extension to the No 1. open cut area to enable the recovery of an additional 5.2 Mt of coal within a 28.4 ha area within existing mining leases (see **Figure 1**). During the site inspection it was observed that mining was being conducted generally in accordance with the 2010 Modification SEE. Also as required by MOD3 a copy of the Offset Management Plan was issued to MSC on 24 July 2012 for comment and approval.

2.4 OTHER LICENCES AND APPROVALS

The completed compliance tables for each of the other licences and approvals documents that were available for review as part of the audit are provided in **Appendix C**. These tables list the non-compliances identified against the other licences and approvals held by MCC that are relevant to DA205/2002. Identified non-compliances were noted against the EPL and Mining Leases and are outlined below. It is noted that these are consistent with the non-compliances identified under DA 205/2002.

2.4.1 EPL 656

- Condition L6.1 - An exceedance of the LAeq,15min noise criteria occurred during the June 2011 survey at noise monitoring site R7 from an engine continuum and digger bucket noise; and
- Condition L7.1 – Two blast exceedances as described Condition 1.1 and 6.3.1 of DA 205/2002.

2.4.2 Mining Lease 1562

- Two blast exceedances as described Condition 1.1 and 6.3.1 of DA 205/2002.

2.4.3 Consolidated Coal Lease 713

- Two blast exceedances as described Condition 1.1 and 6.3.1 of DA 205/2002.

2.5 MANAGEMENT PLANS AND PROGRAMS

MCM is required to have in place the following management plans and strategies as required under DA 205/2002:

- Environmental Management Strategy;
- Aboriginal and Cultural Management Plan;
- Flora and Fauna Management Plan;
- Erosion and Sediment Control Plan;
- Soil Stripping Management Plan;
- Visual Amenity and Landscape Management Plan;
- Final Void Management Plan;
- Bushfire Management Plan;
- Land Management Plan;
- Spontaneous Combustion Management Plan
- Site Water Management Plan including the Surface and Groundwater Monitoring Plan;
- Waste Management Plan;
- Dust Management Plan;
- Blasting / Vibration Management Plan;
- Noise Management Plan; and
- Lighting Emissions Management Plan.

Condition 3.2 (f) of DA 205/2002 states:

‘The management plans are to be reviewed every five years or at other times as directed by MSC, in consultation with the relevant government agencies...’

All of the above approved management plans were viewed dated December 2010 with the exception of the Site Water Management Plan (incorporating the Surface and Groundwater Monitoring Plan) which was dated June 2010.

It was noted that all management plans have been submitted to the relevant regulators as required.

A copy of the draft Offset Management Plan was also viewed during the audit. This was issued to MSC on 24 July 2012 for comment and approval as required by DA 205/2002 MOD3.

3 SITE ENVIRONMENTAL PERFORMANCE

This section provides a review of management and mitigation effectiveness at site. It provides a discussion on key issues including general environmental management, findings of the site inspection, complaints and incidents summary, environmental monitoring, water management, spontaneous combustion, rehabilitation and mine closure.

3.1 SITE INSPECTION

The site inspection involved an inspection of the workshop and offices, equipment lay down areas, refuelling bay, tour of the No. 1 open cut and an inspection of rehabilitated areas. Overall the site inspection revealed that MCM was being operated in a professional manner that was generally consistent with the relevant licences and approvals as outlined in **Appendix B** and **Appendix C**.

On the day of the audit, site housekeeping was observed to be of a satisfactory standard. During the inspection of the workshop area it was observed that waste streams are being appropriately segregated as is required by the Waste Management Plan. Spill kits were also observed to have been present in the workshop area and all other areas where hydrocarbons are handled or stored. It was observed that the scrap battery cage was locked to restrict access and contained appropriate bunding within the cage. However a number of batteries were stacked outside of the cage and not adequately bundled (see **Plate 1**).

The refuelling bay was observed to be generally well maintained with only minor hydrocarbon spills identified. It should be noted that these spills were fully contained by concrete bunding around the facility (see **Plate 2 & 3**). Other hydrocarbons were being stored adequately within appropriately bunded areas (see **Plate 4**).

Within the heavy vehicle and equipment laydown area several small hydrocarbon spills were observed (see **Plate 5**). At the time of the inspection these were not being actioned for clean-up. It was also unclear if these spills had been reported as a minor incident.

As such, it is recommended that improvements could be made with additional focus on improving spill response and undertaking training to improve hydrocarbon management practices.

Dust suppression measures were visible around the workshop and along the main haul roads with water carts observed to be operating during the inspection (see **Plate 7**). No significant levels of dust were viewed during the site inspection.

Active mining operations were viewed in the No. 1 open cut area. Minor amounts of spontaneous combustion were observed and measures were being implemented to control the occurrence, including use of inert clay sealants / backfill and water sprays.

Rehabilitation across the site was observed to be of a high standard (see **Plate 8**). Colin Davies noted during the site inspection that the use of an organic growth medium (OGM) had vastly improved survival rates of tree species and overall improved the establishment of vegetation across the site. Rehabilitation progress in relation to the MOP commitments are discussed in **Section 3.7**.

3.2 COMPLAINTS

A review of the complaints database demonstrated that the number of complaints received by MCC have generally been continuing to decrease significantly. During 2009 a total of 21 complaints were received (nine complaints within the audit period of 2009). This was down from 37 in 2008. During 2010 it was observed that only four complaints were received. Throughout 2011 16 complaints were received while up until August 2012 five complaints have been received.

Each complaint was investigated to ensure impacts did not exceed criteria where relevant. In addition a report was provided to the complainant upon request.

3.3 INCIDENTS

A review of the past Annual Returns for the periods 30 November 2008 – 29 November 2009, 30 November 2009 – 29 November 2010 and 30 November 2010 – 29 November 2011 provided an indication of the previous reportable incidents that had occurred at MCM primarily relating to two blasting exceedances, one noise exceedance and missed data capture as described below.

Two blasts exceedances of the 120 dB criteria have been recorded since the AECOM 2009 audit. The first exceedance occurred on 21 October 2009 at the Queen Street (B1) monitor recording 120.4 dB(L). Section 3.9.4 of the 2009/2010 AEMR reports on the exceedance and notes that both Office of Environment and Heritage (OEH formerly DECCW) and Department of Trade, Investment and Regional Infrastructure and Services (DTIRIS formerly I&I NSW) within 24 hours. A full incident investigation was conducted and a Blast Overpressure Non-Conformance report for the incident was submitted to OEH within seven days.

The second exceedance of 120 db(L) occurred on 4 March 2011 measuring 120.9 dB(L) at Site B4 (Nisbet). OEH were notified of the incident on 11/03/11 and a letter sent on 15/03/11 to OEH along with MSC providing additional details regarding the exceedance. No correspondence received from OEH or MSC at the time of the audit (LDK pers comms). A full description of the blasting exceedance will be included in the 2010/2011 AEMR and the 30 November 2010 – 29 November 2011 Annual Return.

MCC has implemented a number of proactive actions in order to minimise the potential for further overpressure exceedances including a recalibration of 'Shot Plus' software and a more extensive blast design procedure.

An exceedance of the LAeq,15min noise criteria occurred during the June 2011 survey at noise monitoring site R7 from an engine continuum and digger bucket noise.

Minor incidents relating to missed data capture included 24 hour averages from PM₁₀ monitors, six day run samples from a TSP unit, dust deposition monitoring and missed blast event monitoring data. Missed data capture represented only a small percentage of the total data analysed and were deemed to have no adverse effects resulting from the non-compliances.

3.4 ENVIRONMENTAL MONITORING

Discussions with site personnel and a review of the environmental monitoring network confirmed that it is being maintained consistent with the Management Plans listed in **Section 2.5**.

3.5 WATER MANAGEMENT

Water Management onsite was observed to be handled in accordance with the approved Site Water Management Plan (June 2010). Sediment and erosion control works established around the workshop and across the site were found to be working effectively.

3.6 SPONTANEOUS COMBUSTION MANAGEMENT

Spontaneous Combustion is managed in accordance with the approved Spontaneous Combustion Management Plan dated December 2010. During the site inspection small amounts of spontaneous combustion were viewed adjacent to the No. 1 open cut area. Carbonaceous material with spontaneous combustion potential was observed being buried in the open pit consistent with the requirements of the Spontaneous Combustion Management Plan.

All coarse and fine reject material is trucked back into the pit for burial at a low level in the mining void.

3.7 REHABILITATION

High quality and successful completed rehabilitation was viewed during the field inspection. Rehabilitation efforts are continuing with the areas viewed during the audit demonstrating that to date success rates have been high and the objectives of the Flora and Fauna Management Plan and Land Management Plan have been met (see **Plate 8**).

Rehabilitation was viewed to contain an excellent ground cover and high success rate for both hand seeded and tube stock species.

It was noted during discussions with Chris Knight and Colin Davies during the site inspection that MCC are planning to complete 13.1 ha of rehabilitation prior to 31 December 2012 in order to achieve the current MOP commitment of 365.4 Ha of completed rehabilitation. This remaining rehabilitation is planned to be completed over the coming months as part of the 2012 spring growing season.

3.8 MINE CLOSURE

MCC currently has approval to operate under DA 205/2002 until 2015. Although it is noted that further resources are available beyond current mining limits it is a requirement that MCC plan for closure in 2015 as is regulatory required within the Final Void Management Plan.

The approved Final Void Management Plan dated December 2010 includes a description of possible final void uses that will need to be determined at least four years prior to cessation of mining to allow low wall angles, pit floor configuration, and stockpiling of suitable material requirements to take place. Given that the current approval expires in less than 4 years, this mine closure planning work should be undertaken consistent with the requirements of the Final Void Management Plan.

4 RECOMMENDATIONS

The key recommendations from this audit are summarised in **Table 2**.

Table 2
Audit Recommendations

Description
Continue to implement proactive mitigation and management measures to minimise the likelihood of exceeding blast overpressure, noise and air quality criteria. Recent results for 2012 indicate that corrective actions implemented to date have been successful.
Liaise with MSC and OEH with regard to the completed demolition works of the Muswellbrook Brick Works. The NSW Heritage Database should be updated to state that this site has been demolished.
Liaise with MSC in regard to any requirement for an agreement to be formed as stipulated by Condition 11.3 of DA 205/2002. If deemed not required seek confirmation stating this.
It is recommended that once the Offset Management Plan is approved by Council that MCC seek to secure and establish the designated offset area as required by DA 205/2002 MOD3.
Commence mine closure planning consistent with the requirements of the final void management plan.
Refresher training should be undertaken with the workforce regarding hydrocarbon management around the workshop and lay down areas.

* * *

for
HANSEN BAILEY



Chelsea Kavanagh
Environmental Scientist



Daniel Sullivan
Senior Environmental Scientist

5 REFERENCES

- AECOM (2009). Independent Environmental Audit, Muswellbrook Coal No. 1 Open Cut Extension. Prepared by ENSR Australia Pty Ltd (trading as AECOM) on behalf of Muswellbrook Coal Company.
- Bureau of Meteorology (2011), Climate Statistics for Australian Locations, <http://www.bom.gov.au/climate/dwo/IDCJDW2066.latest.shtml>, viewed 14/07/2011.
- Hansen Bailey (2009), *Section 96(2) Development Consent Modification*.
- Hansen Bailey (2010), *Section 96(2) Development Consent Modification*.
- HLA EnviroSciences (2002), *Muswellbrook Coal Company Limited, No. 1 Open Cut Extension Environmental Impact Statement 2002*.
- Parsons Brinckerhoff (2005), *Section 96(1A) Application to Modify Development DA 205/2002*.

APPENDIX A

Opening Meeting Agenda and Audit Itinerary

Muswellbrook Coal Company

ITINERARY

Muswellbrook Shire Council Compliance Audit

To be held on Thursday, 9 August 2012 at MCC Boardroom

Invitees

Name	Company	Role
John Furner (JF)	MCC	General Manager
Chris Knight (CK)	MCC	Environmental Manager
Colin Davies (CD)	Carbon Based	Environmental Advisor
Lori Dennen-King (LDK)	Carbon Based	Environmental Assistant
Daniel Sullivan (DS)	Hansen Bailey	Lead Auditor
Chelsea Kavanagh (CKa)	Hansen Bailey	Auditor

Time	Description	Location	Attendees
8:00 am	Opening Meeting <ul style="list-style-type: none">Confirmation of Purpose of AuditUpdate on Operations (John Furner)	MCC Boardroom	All
8:30 am	Development Consent & EIS Review <ul style="list-style-type: none">Including Environmental Management Plans	MCC Boardroom	CK, CD, LDK, DS, CKa
11:00am	Other Licences & Approvals Review <ul style="list-style-type: none">Environment Protection LicenceMining AuthorisationsMining Operations PlanWater LicencesDangerous Goods	MCC Boardroom	CK, CD, LDK, DS, CKa

Time	Description	Location	Attendees
12:00 pm	Working lunch		
12:30 pm	General Environmental Issues Review <ul style="list-style-type: none"> Water, waste management, dust, noise, training, communications, complaints and incidents, etc. 	MCC Boardroom	CK, CD, LDK, DS, CKa
1:30 pm	Field Inspection <ul style="list-style-type: none"> MCC Site Facilities (Workshops, crusher and stockpiles, truck load out area) Mining Operations and Rehabilitation Areas requiring spon com management Environmental Monitoring Sites 	Field	CK, CD, LDK, DS, CKa
3:00pm	Auditor Revision & Summation	MCC Boardroom	DS, CKa
4:00pm	Closeout Meeting	MCC Boardroom	All
4:30pm	Audit Closed	MCC Boardroom	All

APPENDIX B

Regulatory Compliance Table against conditions of Development Consent and EIS Commitments

REGULATORY COMPLIANCE TABLES

DEVELOPMENT CONSENT

Table 1 presents the conditions of DA 205/2002 dated 1 September 2003 as modified and provides comments in relation to the status of each.

Table 1
Development Consent Compliance

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
1.1 (a)	GENERAL CONDITIONS	<p>The development is to be carried out generally in accordance with:</p> <ul style="list-style-type: none"> The EIS titled "Muswellbrook Coal Company Limited, No. 1 Open Cut Extension Environmental Impact Statement 2002" dated July 2002, prepared by HLA-Envirosciences Pty Limited and certified in accordance with Section 78A (8) of the Act; The document titled "Supplement to Indigenous Heritage Study Muswellbrook Coal Company No. 1 Open Cut Extension" prepared by HLA-Envirosciences Pty Ltd dated February 2003. The document titled "Muswellbrook Coal Company: Additional Information for EPA Regarding Worst-Case 24 Hour PM10 Concentrations" prepared by Holmes Air Sciences Pty Ltd dated December 2002; 	2	<p>This condition was not found to be in full compliance during the audit period due to:</p> <ol style="list-style-type: none"> Overpressure exceedances. Two overpressure exceedances over 120 dB(L) occurred on: - 21 October 2009 120.4 dB(L); and - 4 March 2011 measuring and 120.9 dB(L). Blast event outside the hours of 9am-5pm (weekdays) on Thursday 2 June 2011 at 5:09 pm to avoid an unplanned, self-initiating detonation. Air quality exceedance of the PM10- Short term average of 50 µg/m³ during 2009-2010 reporting period.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<ul style="list-style-type: none"> The document titled "Muswellbrook Coal Company No. 1 Open Cut Extension. Response to Council/EPA request for further information" dated 3rd June 2003 in relation to a review of maximum noise impacts; As may be modified by the conditions set out herein; Accompanying Statement of Environmental Effects by Parson Brinckerhoff Pty Ltd dated October 2005 and submitted on 27 October 2005, as amended by conditions of this consent; Accompanying Statement of Environmental Effects by Hansen Bailey dated April 2009 and submitted on 27 April 2009, as amended by condition of the consent; and Accompanying Statement of Environmental Effects by Hansen Bailey dated August 2010 and submitted 26 August 2010, as amended by conditions of this consent. 		<p>4. Noise exceedances:</p> <ul style="list-style-type: none"> Exceedances of noise criteria during June 2011 survey: <ul style="list-style-type: none"> * LAeq,15min and LA1,1min criterion (night) at R7 from an engine continuum and digger bucket noise; and * LA1,1min criterion (night) at R13 from an engine continuum and dozer engine noise.
1.1 (b)	GENERAL CONDITIONS	<p>EPA – GTA Except as provided by these general terms of approval, the works and activities must be undertaken in accordance with the proposal contained in:</p> <p>a) The Development Application No. 205/2002 submitted to Muswellbrook Shire Council; and</p> <p>b) All additional documents supplied to the EPA in relation to the development prepared by Holmes Air Sciences on air quality issues dated 18 December 2002.</p>	1	

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
1.1 (c)	GENERAL CONDITIONS	If, at any time, MSC is aware of environmental impact from the proposal that pose serious environmental concerns (e.g. an event that has a severe impact with recoverable permanent or widespread harm) due to the failure of environmental management measures in place to ameliorate the impacts, MSC may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of MSC.	1	Not triggered.
1.1 (d)	GENERAL CONDITIONS	If any licence conditions are breached the applicant shall comply with any modification to the work as specified by the relevant agency.	1	No modifications to work specified by the relevant agencies.
1.2 (a)	GENERAL CONDITIONS	This consent is limited to a period 12 years from the date of this consent.	1	Viewed DC 205/2002. Consent valid until 1 September 2015.
1.2 (b)	GENERAL CONDITIONS	At least two weeks prior to commencement of operations the Applicant shall submit for the approval of the Manager Environmental Services a compliance report detailing compliance with all the relevant conditions that apply to the development.	1	Requirements of the condition are outside of the audit period. Compliance demonstrated in previous audit (AECOM 2009)

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
1.2 (c)	GENERAL CONDITIONS	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.	1	Viewed environmental management induction presentation prepared by Pegasus dated 7 July 2011. Presentation includes a high level information regarding the following: incident notification procedure, air quality controls, noise controls, land and water management, spill and waste management flora, fauna and archaeology procedures along with key environmental risks and responsibilities processes and the environmental hotline number 1800 600 205. A brief multiple choice exam is included at the end of the presentation to assess competency.
1.2 (d)	GENERAL CONDITIONS	Date of commencement of operation is to be notified in writing to MSC at least two weeks prior to commencement of operation.	1	Requirements of the condition are outside of the audit period. Compliance demonstrated in previous audit (AECOM 2009)
1.3	GENERAL CONDITIONS	Notwithstanding condition 1.2 of this consent, MSC 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 MSC and be submitted within such period as MSC may agree.	1	Not triggered.
1.4	GENERAL CONDITIONS	In the event that the applicant or Government agency (other than integrated planning bodies) cannot agree on the specification/ requirements applicable under consent, the matter shall be referred by either party to the MSC. If not resolved Minister for Infrastructure and Planning will be involved and his decision will be final and binding on the parties.	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
1.5	GENERAL CONDITIONS	Security deposits and bonds will be paid as required by DMR under mining lease approval conditions.	1	Viewed single security dated 2 August 2011 addressed to the NSW Minister for Resources and Energy, which encompasses ML1562 (pertaining to this audit).
2.1 (a)	MINE MANAGEMENT	No mining undertaken in accordance with this consent shall occur until the Applicant has submitted and had accepted by the DMR, a Mining Operations Plan (MOP) in accordance with current guidelines issued by DMR. The Plan covers Mining Operations for a period of up to twelve years.	1	Viewed letter from NSW Industry and Investment (I&I) (now the Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS), Division of Resources and Energy (DRE)) dated 2 March 2011 approving the revised MCC - Open Cut Operations - Mining Operation Plan (MOP). The letter indicates that MOP is valid for the period 1 January 2011 to 31 December 2012. Mining is to be conducted in accordance with the MOP and conditions of the approval letter.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
2.1 (b)	MINE MANAGEMENT	<p>The MOP shall:</p> <ul style="list-style-type: none"> i) be prepared in accordance with DMR Guidelines for the Preparation of MOPs (Document 08060002.GUI or its most recent equivalent); ii) demonstrate consistency with the conditions of this consent and any other statutory approvals; iii) demonstrate consistency with the Environmental Management Plans for the project site; iv) provide the basis for implementing Mining Operations, environmental management, and ongoing monitoring; v) include a mine rehabilitation and land use management plan; (vi) identify a schedule of proposed mine development for the period covered by the plan and include: <ul style="list-style-type: none"> - the area proposed to be impacted by mining activity and resource recovery mining methods and remediation measures; - areas of environmental, heritage or archaeological sensitivity and mechanisms for appropriately minimising impact; - water management; and - proposals to appropriately minimise surface impacts. 	1	Viewed MOP. Deemed to comply with requirements of the condition. Viewed letter from I&I (now DTIRIS DRE) dated 2 March 2011 approving the revised MCC - Open Cut Operations - MOP. The letter indicates that the MOP is valid for the period 1 January 2011 to 31 December 2012. Mining is to be conducted in accordance with the MOP and conditions of the approval letter.
2.1 (c)	MINE MANAGEMENT	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	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
2.1 (d)	MINE MANAGEMENT	A copy of the MOP, excluding commercial in confidence information, shall be forwarded to MSC within 14 days of acceptance by DMR.	2	Due to a slight oversight the MOP was not provided to MSC within 14 days of approval from I&I NSW (now DTIRIS - DRE). The MOP was approved on the 2 March 2011. On 4 August 2011 once the oversight had been identified MCC submitted the approved MOP to MSC.
2.1 (e)	MINE MANAGEMENT	Within two years of development consent 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 and any general infrastructure components, in consultation with DIPNR, MSC and for approval of DMR.	1	Viewed Final Void Management Plan (final) dated December 2010. The plan provides a description of the potential final void land uses and timing for the strategy to be implemented. See Condition 3.2 (d) for consultation undertaken. Viewed Memorandum of Understanding between MSC and MCC regarding the transfer of Void No. 3 for Waste Collection. This is listed as a potential final void land use in the management plan.
2.2	MINE MANAGEMENT	Prior to commencement of operations the Applicant shall prepare a Spontaneous Combustion Management Plan for the Project to the satisfaction of DMR.	1	Viewed Spontaneous Combustion Management Plan (final) dated December 2010. See Condition 3.2 (d) for consultation undertaken.
2.3	MINE MANAGEMENT	Product coal from the Project shall not exceed 2.0 Mtpa. The Applicant must notify MSC prior to any short term increase in production above these levels.	1	Annual Environmental Management Reports (AEMR) for the audit period note the following Run of Mine (ROM) coal tonnages: 1. 2009-2010 AEMR: 1,231 kt; and 2. 2010-2011 AEMR: 1,441 kt. 3. 2010-2011 AEMR predicts the ROM coal tonnage for 2011-2012 at 1,250 kt. Figures indicate that the product coal tonnage is within the approved 2 Mtpa.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
2.4	MINE MANAGEMENT	Hours of operation at the development shall be as follows: - Open Cut Mining 24 hours, 7 days - Blasting 9 am-5pm Mondays to Fridays	2	<p>Routine blasts occur within the required hours of the condition.</p> <p>Blast event occurred outside the hours of 9 am to 5 pm on Thursday 2 June 2011 at 5:09 pm to avoid an unplanned, self-initiating detonation.</p> <p>The following consultation was undertaken:</p> <ol style="list-style-type: none"> 1. A phone call was made to MSC at 5:04 pm on Thursday 2 June 2011 to notify personnel of the blast event. Call was unanswered. 2. A phone call was made to MSC Environmental & Natural Resources Manager at 5:05 pm on Thursday 2 June 2011 to notify personnel of the blast event. Call was unanswered and message left. 3. Report provided to MSC outlining the events and procedures leading up to the blast. Report outlined phone calls. Report viewed. 4. Blast Overpressure Non-Conformance report for the incident was submitted to the Office of Environment and Heritage (OEH) on 10 March 2011.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
3.1 (a)	ENVIRONMENTAL MANAGEMENT	<p>The Applicant shall ensure that a suitably qualified Environmental Officer is available throughout the life of the mine and shall consult with Muswellbrook Shire Council prior to the appointment of the Environmental Officer for the Project. The Environmental Officer shall:</p> <ul style="list-style-type: none"> i) be responsible for the preparation of the environmental management plan (refer to condition no. 32) ii) be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters; iii) be responsible for receiving and responding to complaints in accordance with Condition 10.2; iv) facilitate an environmental induction and training program for all person involved with mining and remedial activities; and v) take reasonable steps to avoid or minimise adverse environmental impacts. The Environmental Officer shall advise the Mine Manager to issue instructions to stop work if a significant adverse impact on the environment is likely to occur. 	1	Chris Knight is the appointed Environmental Officer at MCC and fulfils the requirements outlined in Condition 3.1. (a). See Condition 3.1 (b) for consultation undertaken.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
3.1 (b)	ENVIRONMENTAL MANAGEMENT	The Applicant shall notify MSC, DMR, MSB, EPA, NPWS, DIPNR and CCC (refer condition 10.1) of the name and contact details of the Environmental Officer and any changes to that appointment.	1	Letter dated 25 May 2010 issued to I&I NSW (now DTIRIS - DRE), Department of Planning (DOP) (now Department of Planning and Infrastructure (DP&I)), NSW Office of Water (NOW) and National Parks and Wildlife Services (NPWS) and letter dated 26 July 2011 issued to Mine Subsidence Board (MSB) providing notification that MSC had approved Chris Knight's appointment as Environmental Officer and relevant contact details. Viewed letters. The CCC was also informed at the next meeting.
3.2 (a)	ENVIRONMENTAL MANAGEMENT	The Applicant shall prepare an Environmental Management Strategy, providing a strategic context for the environmental management plans (refer condition 3.2 (d)). The Environmental Management Strategy shall be prepared following consultation with the NPWS, DIPNR, EPA, DMR and the CCC (refer condition 10.1) and to the satisfaction of MSC. The strategy shall be provided to MSC prior to any work commencing on the site.	1	Viewed Environmental Management Strategy (final) dated December 2010. See Condition 3.2 (d) for consultation undertaken and management plans.
3.2 (b)	ENVIRONMENTAL MANAGEMENT	The Environmental Management Strategy shall include, but not be limited to: i) statutory and other obligations which the Applicant is required to fulfil during mining, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies; ii) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the Environmental Officer;	1	Viewed Environmental Management Strategy (final) dated December 2010. Section 1.2 states where each requirement of the condition is addressed within the document.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>iii) overall environmental management objectives and performance outcomes, during, mining and decommissioning of the mine, for each of the key environmental elements for which management plans are required under this consent;</p> <p>iv) overall ecological and community objectives for the project, and a strategy for the restoration and management of the areas affected by Mining Operations, including elements such as wetlands and other habitat areas, creek lines and drainage channels, within the context of those objectives;</p> <p>v) identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;</p> <p>vi) steps to be taken to ensure that all approvals, plans, and procedures are being complied with;</p> <p>vii) processes for conflict resolution in relation to the environmental management of the project;</p> <p>viii) documentation of the results of consultations undertaken in the development of the Environmental Management Strategy.</p>		
3.2 (c)	ENVIRONMENTAL MANAGEMENT	The Applicant shall make copies of the Environmental Management Strategy available to EPA, DIPNR, NPWS, DMR, MSB and the CCC prior to commencement of operations.	1	See Condition 3.2 (d) for consultation undertaken.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
3.2 (d)	ENVIRONMENTAL MANAGEMENT	<p>The Applicant shall prepare the following environmental management plans, which also form part of the Mining Operations Plan prior to commencement of operations:</p> <p>i) Spontaneous Combustion Management Plan (Condition 2.2)</p> <p>ii) Environmental Management Strategy (Condition 3.2)</p> <p>iii) Archaeology and Cultural Management Plan (Condition 3.3)</p> <p>iv) Flora and Fauna Management Plan (Condition 3.4)</p> <p>v) Erosion and Sediment Control Plan (Condition 3.5)</p> <p>vi) Soil Stripping Management Plan (Condition 3.6)</p> <p>vii) Visual Amenity and Landscaping Management Plan (Condition 3.8)</p> <p>viii) Final Void Management Plan (Condition 3.9)</p> <p>ix) Bushfire Management Plan (Condition 3.10)</p> <p>x) Land Management Plan (condition 3.11)</p> <p>xi) Site Water Management Plan (4.1)</p> <p>xii) Surface and groundwater Monitoring Plan (Condition 4.2)</p>	1	<p>Viewed final Environmental Management Strategy dated December 2010 and management plans, including:</p> <ol style="list-style-type: none"> 1. Blast Vibration Management Plan (December 2010); 2. Bushfire Management Plan (December 2010); 3. Archaeology and Cultural Heritage Management Plan (December 2010); 4. Dust Management Plan (December 2010); 5. Erosion and Sediment Control Plan (December 2010); 6. Final Void Management Plan (December 2010); 7. Flora and Fauna Management Plan (December 2010); 8. Land Management Plan (December 2010); 9. Lighting Management Plan (December 2010); 10. Noise Management Plan (December 2010); 11. Site Water Management Plan and Surface Water and Groundwater Monitoring Plan (June 2011); 12. Soil Stripping Management Plan (December 2010); 13. Spontaneous Combustion Management Plan (December 2010);

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>xiii) Waste Management Plan (Condition 5.1) xiv) Dust Management Plan (Condition 6.1.3) xv) Blasting/Vibration Management Plan (Condition 6.3.2) xvi) Noise Management Plan (Condition 6.4.5) xvii) Lighting Emissions Management Plan (Condition 6.5)</p> <p>These environmental management components may also form part of the overall Site Environmental Management Plan and/or Mining Operations Plan.</p>		<p>14. Visual Amenity and Landscape Management Plan (December 2010); 15. Waste Management Plan (December 2010); and 16. Offset Management Plan (July 2012). The following consultation was undertaken: 1. A copy of the Environmental Management Strategy and management plans (1-15) were issued to MSC on 29 December 2010 for comment and approval. No response received from MSC. 2. Response received from NOW with comments regarding Site Water Management Plan and Surface Water and Groundwater Monitoring Plan. 3. A copy of the Site Water Management Plan and Surface Water and Groundwater Monitoring Plan issued to MSC dated 23 June 2011 by email. 4. A letter was issued to MSC on 17 November 2011 advising that MCC had not received acknowledgement regarding the strategy and management plans. No response received from MSC. 5. A letter was issued to MSC on 19 January 2012 advising that MCC had not received acknowledgement regarding the strategy and management plans. The letter stipulated that if no response was received by 31 January 2012, MCC will adopt the strategy and management plans as final. No response received from MSC. 6. A copy of the final Environmental Management Strategy and management plans were issued to DTIRIS, NOW, DP&I, OEH, NPWS, MSB, MSC and MCC Community Consultative Committee (MCCCCC) on 16 April 2012. No response received from regulatory agencies.</p> <p>Viewed all letters.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
3.2 (e)	ENVIRONMENTAL MANAGEMENT	The Applicant shall make copies of the Environmental Management Strategy components in subclause (d) above available to the relevant government agencies and CCC, and ensure that the plans are made publicly available within 14 days of commencement of operations.	1	See Condition 3.2 (d). Environmental Management Strategy and management plans viewed and are publicly available on the Idemitsu - MCC website (http://www.idemitsu.com.au/content/cms/Management+Plans/502/)
3.2 (f)	ENVIRONMENTAL MANAGEMENT	The management plans are to be reviewed, and updated every five years or at other times as directed by MSC, in consultation with the relevant government agencies. The review should consider changing environmental requirement or changes in technology/operational practices. Any changes which are made shall be made and approved in the same manner as the initial Environmental Management Strategy. The Management Strategies shall be made publicly available within two weeks of approval by MSC.	1	See Condition 3.2 (d) and (e).
3.3 (a)	ENVIRONMENTAL MANAGEMENT	The applicant shall prepare an Archaeology and Cultural Management plan for the DA area to consider Aboriginal cultural and European heritage issues. The plan shall be prepared in consultation with the relevant Aboriginal community group(s), DMR, NPWS and NSW Heritage, and to the satisfaction of the MSC. The Plan is to be completed prior to commencement of operations. The Plan shall include but not be limited to: i) provision of management strategies for all parts of the DA area not affected by mining or activities associated	1	Viewed Archaeology and Cultural Heritage Management Plan (final) dated December 2010. Section 3 states where each requirement of the condition is addressed within the document. See Condition 3.2 (d) and 3.3 (d) for consultation undertaken.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		with this development; ii) management of parts of the project area where known Aboriginal sites are not expected to be directly impacted by mining operations or activities associated with this development; iii) management of parts of the project area where known European heritage sites are not expected to be directly impacted by mining operations or activities associated with this development; iv) induction procedures and guidance to mining personnel about the management of cultural heritage/archaeological values within the mining area, both for known sites and sites that may be encountered during the course of Mining Operations. v) development of a salvage strategy for the sites at which salvage is proposed to be undertaken; vi) general land management issues to protect cultural heritage values		
3.3 (b)	ENVIRONMENTAL MANAGEMENT	NPWS - GTA S 90 consent will be issued by NPWS for the Aboriginal artefact find locations MR-1, MR-2, MR-3, MR-4.	1	Viewed Section 90 Heritage Impact Permit #2132 dated 28 February 2005 and issued by NSW Department of Environment and Climate (DEC) (now OEH).
3.3 (c)	ENVIRONMENTAL MANAGEMENT	NPWS - GTA Salvage work is to be undertaken in two locations: 1. one of the deposit in the vicinity of sites MR-2 to MR-3; and	1	Requirements of the condition are outside of the audit period. Compliance demonstrated in previous audit. Information regarding salvage is outlined in the Archaeology and

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		2. one in the location of MR-1. The initial investigations are to be confined to test excavations which establish the nature of distribution of objects. Should insitu archaeological evidence be revealed larger retrieval excavations need to be considered.		Cultural Heritage Management Plan (final) dated December 2010.
3.3 (d)	ENVIRONMENTAL MANAGEMENT	The Applicant is to consult regularly, at no greater than twelve month intervals, with the relevant Aboriginal community group(s) as identified by NPWS using consultation principles and strategies consistent with those outlined in the "Guidelines for best practice community consultation in the NSW Mining and extractive Industries". The results of these consultations shall be documented in the AEMR.	1	Letters issued to Aboriginal groups on 21 April 2009, 29 April 2010 and 17 November 2011 providing an update on the archaeological activities conducted in the last 12 months and a summary of current mining operations. Viewed letters. Consultation with Aboriginal groups is outlined in the AEMRs for the audit period.
3.3 (e)	ENVIRONMENTAL MANAGEMENT	NPWS - GTA The Aboriginal community is to be provided with the opportunity to collect artefacts from all locations for which a Section 90 consent is to be obtained, excluding those areas set aside for scientific investigation.	1	Requirements of the condition are outside of the audit period. Compliance demonstrated in previous audit. Viewed Section 90 Heritage Impact Permit #2132 dated 28 February 2005 and issued by NSW DEC (now OEH). Information regarding salvage is outlined in the Archaeology and Cultural Heritage Management Plan (final) dated December 2010.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
3.3 (f)	ENVIRONMENTAL MANAGEMENT	If, during the course of construction of any future surface facilities and mining activities the Applicant becomes aware of any significant heritage or archaeological material not previously identified or covered by the above mentioned Consents to Destroy, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include NPWS, the NSW Heritage Office, and the relevant local Aboriginal community. Any necessary permits or consents shall be obtained and compiled with prior to commencement of work.	1	Not triggered.
3.3 (g)	ENVIRONMENTAL MANAGEMENT	Any proposed works that will affect non-indigenous heritage items will require an approval under section 139 of the Heritage Act 1977 and an application for an excavation permit to disturb the relics. This will require the Applicant to carry out an investigation and report to MSC if the items are listed on the Heritage Schedule of the Local Environmental Plan.	2	A Section 139 Excavation Permit as stipulated under the Heritage Act 1977 was not obtained for the demolition of the Muswellbrook Brick Works site which is listed as being of regional historic significance. A letter from MSC dated 16 December 2009 granting their consent was provided to MCC to proceed with the demolition of the former Muswellbrook Brick Works.
3.4.1 (a)	ENVIRONMENTAL MANAGEMENT	The Applicant shall prepare and implement a Flora and Fauna Management Plan for the DA area to address and manage the flora and fauna issues associated with the Project.	1	Viewed Flora and Fauna Management Plan (final) dated December 2010 prepared in conjunction with Carbon Based Environmental Pty Limited. Section 2 states where each requirement of the condition is addressed within the document. See Condition 3.2 (d) for consultation undertaken.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>The Plan shall be prepared prior to the commencement of operation. The Plan shall be prepared by an appropriately qualified and/or experienced ecologist to the satisfaction of MSC. The ecologists 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 mine areas.</p> <p>The Plan is specifically required to outline the following, but not be limited to:</p> <ol style="list-style-type: none"> 1. Measures required prior to vegetation clearance i) details of strategic vegetation management, including procedures for cleaning or disturbing vegetation and other habitat types; ii) timeframes for clearing and re-vegetation activities (including a map illustrating the Plan); iii) 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; and iv) details of pre-clearance inspections, including the identification and inspection of trees containing tree hollows, including stags, prior to clearing of any vegetation. 		

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
3.4.1 (a) cont.	ENVIRONMENTAL MANAGEMENT	<p>2. Clearing of vegetation</p> <p>i) details of how micro habitats including dead trees, stages, stumps and hollow branches will, where practical be salvaged and relocated to areas lacking in tree hollow habitat and in the recreation of habitat areas;</p> <p>ii) details of the establishment of roost and nesting boxes appropriate for bat and avifauna species and methods for the regular maintenance;</p> <p>iii) details of the methods for strategically placing felled trees between cleared and remnant bushland to provide runways of ground cover for dispersion of animal; and</p> <p>iv) details of the measures to care for any animals injured or found during clearing activities, including the use of WIRES/WARP to attend to fauna as necessary, and the methods</p> <p>for their relocation if appropriate. This shall include measures for harbouring the releasing nocturnal animals at night.</p> <p>3. Reconstruction of indigenous bushland - Post mining Fauna Habitat</p> <p>i) strategies for the establishment of long-term post-mining land use objectives over the site;</p> <p>ii) measures to re-instate vegetation communities and to use local indigenous species for revegetation as soon as possible;</p>	1	Viewed Flora and Fauna Management Plan (final) dated December 2010 prepared in conjunction with Carbon Based Environmental Pty Limited. Section 2 states where each requirement of the condition is addressed within the document.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>iii) methods to actively manage existing areas of remnant vegetation through fencing (using animal friendly materials) to exclude grazing animals, where appropriate, and control of feral animals where practical, revegetate where appropriate, and maintain weed and fire controls;</p> <p>iv) details of the strategies for the exclusion of grazing cattle on areas of native bushland reconstruction;</p> <p>v) measures to monitor the success of revegetated areas and plant additional species where necessary.</p> <p>vi) methods of revegetation; and</p> <p>vii) development of a protocol for managing significant impacts on any threatened flora and fauna species not identified in the EIS, during construction or operation of the Project.</p>		
3.4.1 (b)	ENVIRONMENTAL MANAGEMENT	The Applicant shall establish habitat corridors as part of the final rehabilitated landform to replace areas of forest and woodland vegetation that are to be removed under the proposed mine plan. The design and extent of the habitat corridors shall be generally in accordance with the DMR Synoptic Plan of Integrated Landscapes (1999).	1	Viewed Flora and Fauna Management Plan (final) dated December 2010. The plan notes the establishment of habitat corridors will be conducted in accordance with the DMR Synoptic Plan, Integrated Landscapes for Coal Mine Rehabilitation in the Hunter Valley of NSW. MCC are adopting the principles that are stated in the Synoptic Plan to establish a habitat corridor to link remnant vegetation from Bells Mountain to Skellatar Ridge.
3.4.2	ENVIRONMENTAL MANAGEMENT	The Applicant shall, to the satisfaction of MSC and in consultation with DIPNR, NPWS and DMR: <p>i) ensure that any vegetated areas cleared for any future construction purposes and not utilised in the Mining</p>	1	Viewed Flora and Fauna Management Plan (final) dated December 2010 prepared in conjunction with Carbon Based Environmental Pty Limited. Section 2 states where each requirement of the condition is addressed within the document.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>Operations are restored at least to the condition as agreed to by consultation with relevant stakeholders:</p> <ul style="list-style-type: none"> ii) develop a program for vegetation rehabilitation involving re-establishment of native species, especially groundcover species, in order to prevent erosion and future degeneration of the communities; and iii) ensure that all rehabilitated slopes are effectively and appropriately stabilised. iv) A minimum of 23ha shall be re-forested utilising the following species that shall be sourced from local seed provinces; Grey-box, Bulloak, Narrowed-leaved Iron Bark and Grey Gum or an equivalent area of 23ha comprising of similar flora structural and floristic characteristics in green-offsets to be placed under a conservation order; v) increasing the artificial drainage controls form the 'bridge' between the two open cut pits; vi) The thin apron of topsoil material which is available for removal and use on the northern area of the site must be managed with care to improve the useability of topsoil, and allow available must be beneficated in order to maximise the rehabilitation quality of the site. <p>The Topsoil Management Plan must explain how topsoil management will be conducted in such a way as to improve the rehabilitation quality of the site; and</p>		<p>Related management plans include: Land Management Plan (December 2010), Erosion and Sediment Control Management Plan (December 2010) and Soil Stripping Management Plan (December 2010).</p> <p>See Condition 3.2 (d) for consultation undertaken.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		vii) the timeframe of rehabilitation must be clearly explained, both in terms of topsoil remediation and for the lifespan of erosion and sediment control structures on the site.		
3.4.3 (a)	ENVIRONMENTAL MANAGEMENT	<p>The applicant shall during the life of the mine and until the revegetated areas are established to the satisfaction of DIPNR and DMR, maintain revegetated areas. Maintenance shall include, where necessary, but not be limited to:</p> <ul style="list-style-type: none"> i) replanting failed or unsatisfactory areas; ii) repairing erosion problems; iii) fire management - fire suppression or fire encouragement; iv) pest and weed control; v) maintenance and repair of fencing; vi) fertiliser application; vii) application of lime or gypsum to control pH and improve soil structure; and viii) appropriate and effective stabilisation of all rehabilitated slope. 	1	<p>Viewed Flora and Fauna Management Plan (final) dated December 2010 prepared in conjunction with Carbon Based Environmental Pty Limited. Section 2 states where each requirement of the condition is addressed within the document.</p> <p>The AEMRs for the audit period report the progress and maintenance techniques associated with the rehabilitation program (see Section 5 for key information).</p> <p>Successful rehabilitation viewed during site inspection on 9 August 2012.</p>
3.4.3 (b)	ENVIRONMENTAL MANAGEMENT	The efforts and progress of the Flora and Fauna Management Plan shall be documented in 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.	1	The AEMRs for the audit period report flora and fauna management undertaken on site (see Section 3.6 and 3.7) in accordance with the Flora and Fauna Management Plan (final) dated December 2010.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
3.4.4 (a)	ENVIRONMENTAL MANAGEMENT	The restoration works shall be monitored by the environmental officer. The results of the monitoring and the effectiveness of the restoration shall be reported as part of the Annual Environmental Management Report.	1	See Condition 3.1 (a) for appointed environmental officer. The AEMRs for the audit period report restoration undertaken on site and associated monitoring (see Section 5).
3.4.4 (b)	ENVIRONMENTAL MANAGEMENT	The information obtained from the monitoring shall be used to guide future revegetation efforts on the mine site.	1	Key learning's from monitoring guides future rehabilitation as outlined in the AEMRs for the audit period.
3.5 (a)	ENVIRONMENTAL MANAGEMENT	General 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: i) so that the maximum flow velocity through the dams meets DIPNR guidelines; ii) to prevent short circuiting; iii) 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 iv) so as to avoid impacts on Aboriginal heritage values.	1	Viewed Erosion and Sediment Control Management Plan dated December 2010.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
3.5 (b)	ENVIRONMENTAL MANAGEMENT	<p>EPA - General Terms of Approval</p> <p>i) Stormwater/sediment control - Construction Phase Soil and water management controls must be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities in accordance with the requirements outlined in Managing Urban Stormwater: Soils and Construction (Department of Housing).</p> <p>ii) Stormwater/sediment control - Operation Phase Stormwater management measures must be implemented to mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities in a manner that is consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the measures should be consistent with the guidance contained in Managing Urban Stormwater. Council Handbook (available from the EPA).</p>	1	<p>Requirements of the condition are outside of the audit period.</p> <p>Compliance demonstrated in previous audit (AECOM 2009).</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
3.5 (b) cont.	ENVIRONMENTAL MANAGEMENT	<p>The Applicant shall prepare and implement an Erosion and Sediment Control Plan for the DA area prior to commencement of construction of any on-site Water Management Dams, in accordance with the requirements of DMR and DIPNR. The Erosion and Sediment Control Plan shall include but not be limited to:</p> <ul style="list-style-type: none"> i) clear identification of areas required to be disturbed and ensuring that disturbance is limited to those areas; ii) details of temporary and permanent erosion and sediment control systems to be used during the operation, including earthworks associated with landscaping; iii) details of soil salinity management where relevant; iv) measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction. <p>The Plan should be prepared in accordance with the requirements of DMR;</p> <ul style="list-style-type: none"> v) the consideration of the location and purpose of structures in the erosion and sediment control plan to maximise similarities between pre-development and post-development characteristics; vi) consideration and management of erosion and sedimentation of affected surface watercourses/water bodies, including creek lines within or adjacent to the DA areas; 	1	Viewed Erosion and Sediment Control Management Plan dated December 2010. Section 2 states where each requirement of the condition is addressed within the document.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>vii) measures to construct banks, channels and similar works to convey clean run-off away from disturbed areas and to divert surface and road runoff away from fill batters and drainage lines;</p> <p>viii) procedures to ensure that all diversion banks, channels and points of discharge are constructed or stabilised so as to minimise erosion and scouring;</p> <p>ix) a program for reporting on the effectiveness of the erosion and sediment control systems and performance against objectives contained in the approved Erosion and Sediment Control Plan, and EIS.</p> <p>x) procedures for ensuring that adequate monitoring is maintained for the water quality parameters and the criteria for establishing the release of runoff water.</p>		

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
3.6	ENVIRONMENTAL MANAGEMENT	<p>The Applicant shall prepare and implement a Soil Stripping Management Plan to the requirements of DMR that shall include, but not be limited to:</p> <ul style="list-style-type: none"> a) demonstration of consistency with the commitments made in documents listed in condition 1.1 and compliance with the conditions of this consent; b) details of the management of soil stockpiles, soil stripping techniques and scheduling; and c) a program for reporting on the effectiveness of the soils stripping methods and performance against objectives contained in the Soil Stripping Management Plan, and EIS. <p>The Soil Stripping Management Plan shall be submitted for approval of DMR and DIPNR, no later than one month prior to the commencement of operation of the development, as appropriate, or within such period as otherwise agreed by the DMR. Operations shall not commence until written approval has been received from DMR that the Mining Operations Plan (MOP) has been determined. Upon receipt of approval, the Applicant shall supply a copy of the Soils Strippings Management Plan to MSC, within 14 days.</p> <p>The applicant shall make the Soil Stripping Management Plan available for public inspection on request.</p>	1	Viewed Soil Stripping Management Plan dated December 2010. Section 2 states where each requirement of the condition is addressed within the document.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
3.7	ENVIRONMENTAL MANAGEMENT	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 that progressive rehabilitation of the area is also to the satisfaction of DIPNR. The rehabilitation shall also have regard to the Synoptic Plan - Integrated Landscapes for Minesite Rehabilitation (1999), for the Upper Hunter, or its latest version.	1	See Condition 3.4.1 (a) and (b), 3.4.3 (a)
3.8	ENVIRONMENTAL MANAGEMENT	<p>The applicant shall address visual amenity and landscaping issues for the DA area to address all visual and landscaping associated with throughout the Project life when undertaking landscaping works. This shall include but not be limited to, the following:</p> <ul style="list-style-type: none"> i) an on site landscaping strategy detailing design and proposed planting of trees and shrubs and landscaping of areas around surface facilities, and at any other areas identified as necessary by MSC for the maintenance of satisfactory visual amenity, and as agreed by MSC; ii) appropriate erosion control and sediment control practices for earthworks associated with the landscaping; iii) details of visual appearance of any buildings, structures, facilities or works (including paint colours and specifications) that are proposed to be constructed or relocated/renovated. Buildings and structures shall be designed and constructed /renovated so as to present 	1	<p>Viewed Visual Amenity and Landscape Management Plan dated December 2010. Section 2 states where each requirement of the condition is addressed within the document.</p> <p>See Condition 3.2 (d) for consultation undertaken.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		a neat and orderly appearance, to blend as far as practicable with the surrounding landscape and to minimise visual impact; v) details, specifications and staged work programs to be undertaken, maintenance of all landscape works and maintenance of building materials and cladding; and v) use of indigenous species for rehabilitation.		
3.9	ENVIRONMENTAL MANAGEMENT	<p>Within two years of consent the Applicant shall prepare a Final Void Management Plan to the satisfaction of MSC, in consultation with MSC, DMR and DIPNR. The Plan shall be reviewed at least twelve months prior to the completion of mining operations, or as otherwise agreed by MSC. This shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> i) an investigation of options for future use of the final voids; ii) a re-examination and validation of groundwater modelling of the potential effects on the local and regional groundwater; iii) details of a strategy for the long term management of the final voids; iv) implement strategies to minimise any adverse impacts where the assessment indicates the potential for degradation to surrounding water resources; and 	1	<p>Viewed Final Void Management Plan dated December 2010. Section 2 states where each requirement of the condition is addressed within the document.</p> <p>See Condition 3.2 (d) for consultation undertaken.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		v) 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.		
3.10	ENVIRONMENTAL MANAGEMENT	<p>The applicant shall:</p> <p>i) make available to the Rural Fire Services and emergency services when required, personnel, water carts and trucks in cases of bushfire incidents on the mine site; and</p> <p>ii) prior to commencement of operations prepare a Bushfire Management Plan for the DA area to the satisfaction of MSC and the Rural Fire Services.</p>	1	<p>Viewed Bushfire Management Plan (final) dated December 2010. See Condition 3.2 (d) for consultation undertaken.</p> <p>AEMRs for the audit period state that arrangements are in place to liaise with and support the Rural Fire Service should an outbreak of fire occur. MCC has not been required to assist in a bushfire/fire incident within the audit period.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
3.11	ENVIRONMENTAL MANAGEMENT	<p>The Applicant shall prior to commencement of operations prepare a Land Management Plan for the DA area to provide for proper land management in consultation with DIPNR and DMR, and to the satisfaction of MSC. The plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> i) management proposals for pastures and remnant vegetation; ii) clear illustration of the design of rehabilitated landforms and the final landform; iii) prevention and rehabilitation of land degradation; iv) mechanisms to ensure that the diminution of higher and capability classes on the site does not occur, including specific strategies for the rehabilitation of the areas of cropping land of capability classes of I-IV. <p>Details must be provided to explain how land capability classes are to be maintained, and how integration of woodland/forest cover with pastureland is to be provided for fauna corridors and linkages to densely forested areas, microclimate and agricultural land use.</p> <ul style="list-style-type: none"> v) progressive reshaping of slopes to less than 10 degrees, unless otherwise indicated in an accepted Mining Operations Plan for the DA area; vi) progressive rehabilitation of disturbed areas; vii) feral animal control; viii) proposals for weed and vermin control, including development and implementation of an eradication plan; regular inspections to identify areas of weed infestation; 	1	<p>Viewed Land Management Plan dated December 2010. Section 2 states where each requirement of the condition is addressed within the document.</p> <p>See Condition 3.2 (d) for consultation undertaken.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>ix) maintenance procedures to ensure that all suitable topsoil is recovered during Mining Operations and properly managed to maintain its quality prior to respreading over areas of rehabilitation.</p> <p>x) consideration of any adverse characteristics in the overburden material on the land rehabilitation program;</p> <p>xi) a quantification of the requirements for topsoiling of all rehabilitated lands and a calculation of any deficit in the available topsoil.</p> <p>xii) Assessment of the potential for recycling of standing timber removed from the site; and</p> <p>xiii) 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.</p>		

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
4.1 (a)	WATER MANAGEMENT	<p>The applicant shall prepare and implement a Site Water Management Plan for the DA area prior to the commencement of operations, in consultation with DIPNR, MSC and DMR, and to the satisfaction of MSC and DIPNR. The Plan shall include, but not be limited to the following matters:</p> <ul style="list-style-type: none"> i) a review of the issues that need to be managed in relation to identified impacts that the Project may have on any aquifer, groundwater dependant ecosystems and any water resources in the DA area; ii) management of the quality and quantity of surface and groundwater within the areas covered by the water management strategy; iii) development of a Stormwater Management Scheme to mitigate the impacts of storm water runoff from and within the premises. This must include management of stormwater and general surface run-off diversion to ensure separate effective management of clean and dirty water, a consideration of the separation of heavily contaminated waters including those containing oil, grease or other pollutants, and the containment of sediment laden run-off from around the surface facilities; iv) an outline of measures for the installation and maintenance of erosion and sedimentation control structures to ensure water quality is unaffected; v) outline of a methodology and rationale demonstrating how mining operations do/will not cause the quality of the 	1	<p>Viewed Site Water Management Plan and Surface Water and Groundwater Monitoring Program dated June 2011. Section 2 states where each requirement of the condition is addressed within the document.</p> <p>See Condition 3.2 (d) for consultation undertaken.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>groundwater to deteriorate below unacceptable water quality limits in the medium to long term.</p> <p>Acceptable water quality limits for these purposes means:</p> <ul style="list-style-type: none"> * that the beneficial value of groundwater remains unchanged, and * that water quality changes attributable to mining activity will not lead to an irreversible or significant impact on the environment. vi) measures to ensure that poorer quality class waters are effectively reused on the site, where practicable, including consideration of segregation of waters based on salinity classes and other levels of contamination; vii) details of design and maintenance of all storages, diversion bank, transmission channels and sedimentation basins for the site, to minimise sedimentation of watercourses. <p>Particular reference must be given to the clean water diversion around the active mining area, and the areas to which such water will be diverted;</p>		

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
4.1 (a) cont.	WATER MANAGEMENT	<p>viii) contingency plans for managing adverse impacts of the development on surface and groundwater quality;</p> <p>ix) details of a strategy for the decommissioning of water management structures;</p> <p>x) details of any licensing requirements for any extractions, storages, or other constructions on the site;</p> <p>xi) projection of potential groundwater changes during mining (short term) and post-mining (long term) with particular attention given to the effect of changes to groundwater quality and mobilisation of salts;</p> <p>xii) an assessment of water make and usage, particularly to facilitate planning for new water storages as required; and</p> <p>xiii) 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.</p>	1	<p>Viewed Site Water Management Plan and Surface Water and Groundwater Monitoring Program dated June 2011. Section 2 states where each requirement of the condition is addressed within the document.</p> <p>See Condition 3.2 (d) for consultation undertaken.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
4.1 (b)	WATER MANAGEMENT	The applicant shall ensure, to the satisfaction of DIPNR, that the works associated with the proposal shall not damage or interfere in any way with: i) vegetation on protected land outside the area of the works; ii) the stability of adjacent or nearby watercourse bank or bed; and iii) the quality of water in the watercourse.	1	Viewed draft Offset Management Plan dated July 2012, which addresses Condition 4.1 (b)(i). Viewed Erosion and Sediment Management Plan dated December 2010, which addresses Condition 4.1 (b)(ii). See Section 5.2.11 of plan for details. Viewed Site Water Management Plan and Surface Water and Groundwater Monitoring Program dated June 2011, which addresses Condition 4.1. (b)(iii). See Section 7 of plan for details.
4.1 (c)	WATER MANAGEMENT	The Applicant shall be responsible for the stabilisation and progressive rehabilitation of the works and all areas affected by those works, to the satisfaction of DIPNR.	1	Viewed Land Management Plan, and Erosion and Sediment Control Management Plan dated December 2010, which addresses the condition. Section 5 of the AEMRs for the audit period describes the status of rehabilitation across the site.
4.1 (d)	WATER MANAGEMENT	The applicant shall be responsible for any excavation or removal of material undertaken by any person or company within the DA Area with respect to any activities associated with this DA and/or consent.	1	Viewed MOP (expires December 2012) and Environmental Management Strategy dated December 2010. Outlines mining activities and personnel responsibilities associated with the operations under the consent.
4.1 (e)	WATER MANAGEMENT	The Applicant shall ensure that any displaced materials are stabilised or relocated and made secure so that these materials will not detrimentally affect any watercourse or riparian area.	1	Viewed Erosion and Sediment Control Management Plan dated December 2010, which addresses the condition.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
4.1 (f)	WATER MANAGEMENT	If in the opinion of an authorised DIPNR officer any work is being carried out in such a manner as it may damage or detrimentally affect any watercourse or riparian area, the works considered to be causing or contributing to the problem shall cease upon the oral or written direction of the officer.	1	Not triggered.
4.1 (g)	WATER MANAGEMENT	Discharge of saline mine water is authorised at 1 mega litre per day during flood flows in accordance with the Hunter River Salinity Trading Scheme and Section 4.5.1 of the EIS.	1	Not triggered.
4.1 (h)	WATER MANAGEMENT	Provision of fencing, The applicant is required to provide fencing where possible to: i) Manage stock access to the watercourse(s) to minimise bank erosion; and ii) Establish/maintain riparian (riverine) corridor vegetation to reduce soil erosion and to encourage habitat regrowth and integrity.	1	Viewed Land Management Plan, and Erosion and Sediment Control Management Plan dated December 2010, which addresses the condition.
4.2 (a)	WATER MANAGEMENT	Any work to which these general terms of approval relate is not to be commenced until a formal licence has been issued by the Department as required under Section 112 of the water Act 1912.	1	All bore licences obtained from NOW prior to commencement of works during audit period. Viewed bore licences and Form A particulars.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
4.2 (b)	WATER MANAGEMENT	The licence holder shall allow the Department or any person authorised by it, full and free access to the works either during or after construction, for the purpose of carrying out any inspection or test of the works for protection of the quality and prevention from pollution or contamination of sub surface water. Any inspections of the site by the DIPNR will be carried out in consultation with the mine operator.	1	Licensed bore driller approved to conduct operations on site is Peter Shore (Licence No: DL 1797).
4.2 (c)	WATER MANAGEMENT	An application must be lodged for a licence to sink a bore under Part 5 of the Act, in accordance with the Water (Part 5) General Regulation, 1995, including details of: i) The number of proposed excavations and bores; ii) The type of bore/excavation sought to be constructed (for water supply and monitoring bores); iii) The size of proposed bore; iv) The materials proposed to be used for the construction; and v) The location and type of screens, if any, proposed to be installed as part of the works.	1	Viewed previous bore licence applications under Part 5 of the Act.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
4.2 (d)	WATER MANAGEMENT	As part of the overall Environmental Management Plan (EMP) for the proposal, the applicant shall develop a Groundwater Management Plan (GMP), based on DIPNR requirements, which details the monitoring, contingency and remediation measures, and release criteria. The Groundwater Management Plan component of the EMP is to be endorsed by DIPNR prior to commencement of mining operations.	1	Viewed Site Water Management Plan and Surface Water and Groundwater Monitoring Program dated June 2011. See Condition 3.2 (d) for consultation undertaken.
4.2 (e)	WATER MANAGEMENT	Any bore driller engaged to construct any work must be licensed pursuant to section 118A of the Water Act 1912;	1	Licensed bore driller approved to conduct operations on site is Peter Shore (Licence No: DL1797).
4.2 (f)	WATER MANAGEMENT	Any water extracted from the works shall not be discharged into any watercourse or source of groundwater unless it meets the requirements of POEO Act 1997 or Hunter River Salinity Trading Scheme;	1	AEMRs for the audit period confirm no discharges occurred from site.
4.2 (g)	WATER MANAGEMENT	Works used for the purpose of conveying, distributing or storing water from the work authorised by the licence shall not be constructed or installed so as to obstruct the free passage of floodwaters flowing in, to or from a river or lake;	1	Not triggered.
4.2 (h)	WATER MANAGEMENT	The Applicant shall install to the satisfaction of the department in respect of location, type and construction an appliance (s) to measure the quantity of water extracted from the works. The appliance (s) to consist of either a measuring weir or weirs with automatic recorder, or meter or mean of measurement as may be approved	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		by the department. The appliance(s) is to be maintained in good working order and condition. Detailed records of all water extracted from the works shall be kept and supplied to the department upon request. The applicant when requested must provide a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person or authority duly qualified;		
4.2 (i)	WATER MANAGEMENT	All operations shall be conducted to minimise potential impacts on groundwater flow and quality of the groundwater resource and to minimise off-site effects;	1	Operations conducted in accordance with Site Water Management Plan and Surface Water and Groundwater Monitoring Program dated June 2011.
4.2 (j)	WATER MANAGEMENT	The applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the operation and where relevant, the related processes;	1	Operations are conducted in accordance with the management plans as identified in Condition 3.2 (d), which outlines preventative and corrective measures to minimise environmental harm.
4.2 (k)	WATER MANAGEMENT	The applicant shall submit the Groundwater Management Plan to DIPNR on an annual basis in relation to the operations.	1	The Groundwater Management Plan as contained and approved in the Site Water Management Plan and Surface Water and Groundwater Monitoring Program dated June 2011 continues to be implemented on site. As such it has not been re-submitted to DIPNR during 2012. MCC notes this in the 2010-11 AEMR and plan to do the same in the 2011-12 AEMR.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
4.2 (l)	WATER MANAGEMENT	<p>The applicant must give DIPNR prompt written notification of the permanent cessation of its operations by which groundwater is abstracted directly or indirectly from the area.</p> <p>Upon such notification being received by DIPNR:</p> <p>a) The applicant must provide evidence that all areas affected by dewatering (and any associated activity) have been rehabilitated/restored to pre-mining or otherwise agreed condition;</p> <p>b) The Applicant may be required to undertaken further rehabilitation work, based on the findings of any investigation into the performance of the applicants cessation obligations, or as required by DIPNR;</p>	1	Not triggered.
4.2 (m)	WATER MANAGEMENT	A copy of the licence, once issued to the Applicant, must be kept at the premises to which the licence applies.	1	Water licences viewed for the audit period (electronically and hardcopy on site).
4.2 (n)	WATER MANAGEMENT	The licence must be produced to any authorised officer of the DIPNR who asks to see it.	1	See Condition 4.2 (m).
4.2 (o)	WATER MANAGEMENT	The licence must be available for inspection by any employee or agent of the Applicant working at the premises;	1	See Condition 4.2 (m).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
4.2 (p)	WATER MANAGEMENT	The applicant by reason of this Permit, is not relieved of the obligation to obtain or comply with other authorities or permission that may apply to the Extraction Operations. The Applicant must obtain and observe all statutory provisions and lawful orders made by any other government authority of competent jurisdiction in relation to the Extraction Operations that are in force from time to time.	1	See Condition 4.2 (m).
4.3 (a)	WATER MANAGEMENT	<p>The applicant shall prepare and implement a Surface and Groundwater Monitoring Plan for the DA area prior to the commencement of operations, in consultation with DIPNR and MSC. The monitoring program shall satisfy the requirements of DIPNR and shall be reviewed after five years of mining operations to ensure its adequacy. This monitoring program shall include, but not limited to the following matters:</p> <ul style="list-style-type: none"> * the establishment of a groundwater monitoring program to establish background water quality and assess short and long term environmental impact associated with the Mining Operations and other associated groundwater works. * prepare a detailed monitoring program in respect of surface water quality and quantity, including water in and around the DA area during mining works and post mine operations. The program shall be developed in consultation with DIPNR, and to the satisfaction of the MSC and DIPNR. 	1	<p>Viewed Site Water Management Plan and Surface Water and Groundwater Monitoring Program dated June 2011.</p> <p>See Condition 3.2 (d) for consultation undertaken.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
4.3 (b)	WATER MANAGEMENT	<p>The Monitoring Program shall have the capacity to collect sufficient data to adequately assess:</p> <ul style="list-style-type: none"> (i) the impact of any licensed groundwater extraction on groundwater levels on neighbouring properties and in the locality, and to identify any water quality impact; (ii) cumulative impacts of mining on the local and regional groundwater regime, including the contribution from the Project. (iii) monitor changes in surface water quality which may result from the impact of the mining operations on groundwater's, and describe any remedial action which may be required to minimise these changes. (iv) DIPNR - GTA All monitoring data shall be submitted to the department in a report and in digital format acceptable to DIPNR, which includes data, interpretation of results, and a discussion of monitoring results compared to groundwater and salinity impact and predictions stated in the EIS. After reviewing the annual report, DIPNR may require the Applicant to take particular measures or perform particular work within a specified time frame. 	1	<p>Viewed Site Water Management Plan and Surface Water and Groundwater Monitoring Program dated June 2011.</p> <p>AEMRs for the audit period provide surface water and groundwater monitoring data. Each AEMR was submitted to NOW (also see Condition 9.2):</p> <ol style="list-style-type: none"> 1. 2009-2010 AEMR issued on 23 October 2010; 2. 2010-2011 AEMR issued on 4 January 2012. <p>2011-2012 AEMR currently being prepared for submission.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
4.3 (c) (i)	WATER MANAGEMENT	<p>The Applicant shall incorporate into the Site Water Management Plan details of the monitoring program for both surface water and groundwater. The Site Water Management Plan shall include:</p> <ul style="list-style-type: none"> * the duration of the monitoring program (pre, during and post mining); * sites to be sampled; * frequency of sampling; * the parameters to be measured; * the depth of bore construction (if required); * the need for any contingency plans; * the analysis of data and the reporting procedure, including a mechanisms to transfer monitoring data from the mine to DIPNR data base and to produce annual reports with interpreted results; and * determination of appropriate criteria for monitoring purposes determined in consultation with DIPNR. <p>The results of the monitoring program shall be reported in the AEMR. The post-mining monitoring program shall be prepared no later than one year prior to the cessation of Mining Operations.</p>	1	See Condition 4.3 (b).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
4.3 (c) (ii)	WATER MANAGEMENT	<p>The Applicant shall report on the monitoring results and raw data in the AEMR on the following matters:</p> <ul style="list-style-type: none"> * 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; * 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); * an interpretation and review of the results in relation to cut-off criteria and predictions made in the EIS; and * an interpretation of the water balance identifying the volume and make up of mine pit inflows as compared to Part V licence (required under part V of the Water Act 1912), and predictions made in the EIS on previous AEMR. 	1	See Condition 4.3 (b).
4.4	WATER MANAGEMENT	Contaminated water and wastewater shall continue to be treated as per existing treatment process outlined in section 4.6.3 of the EIS.	1	Viewed Site Water Management Plan and Surface and Groundwater Monitoring Plan dated June 2011. See Section 6.4.3 which outlines the process for handling contaminated water onsite will continue.
5.1 (a)	WASTE	The Applicant shall construct and manage the overburden emplacements to the approval of the DMR.	1	Viewed MOP. See Condition 2.1. (a).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
5.1 (b)	WASTE	The Applicant shall undertake measures, as far as practical, to prevent spontaneous combustion from occurring on the site, in accordance with the Spontaneous Combustion Management Plan required under Condition 2.2.	1	Viewed Spontaneous Combustion Management Plan dated December 2010. See Condition 2.2. During site inspection, small areas of spontaneous combustion were present. Measures were seen to be implemented to control the occurrence, including use of inert clay sealants/backfill and water sprays.
5.1 (c)	WASTE	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 of any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence 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 those activities require an environment protection licence under the Protection of the Environment Operations Act 1997.	1	Viewed Waste Management Plan dated December 2010. MCC do not accept any waste generated from outside activities for disposal at the mine site. Previous closed mining voids left by MCC operations have been utilised for waste disposal purposes. These facilities, however, are subject to separate development applications and approvals. See Condition 2.1 (e) and 11.3.
5.1 (d)	WASTE	(i) The Applicant shall reuse, recycle or dispose of all waste (including but not limited to solid waste, liquid waste and putrescible matter) from the site to the satisfaction of MSC or EPA, as relevant. (ii) The Applicant shall dispose of all solid waste and putrescible matter from the sites to the satisfaction of MSC or EPA, as relevant.	1	Viewed Waste Management Plan dated December 2010. Plan identifies waste and management measures for each, including reuse, recycle or disposal methods. AEMRs for the audit period confirm waste management streams and quantities (See Section 2.6).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
5.1 (e)	WASTE	<p>(iii) The Applicant shall dispose of all treated sewage to the satisfaction of MSC and in accordance with the EPA Licence.</p> <p>Prior to the commencement of operations the Applicant shall prepare a Waste Management Plan for the DA area to the satisfaction of the MSC. The Plan shall include but not be limited to:</p> <ul style="list-style-type: none"> (i) details of measures to facilitate waste management on site; (ii) details of compliance with the Applicant's obligations under the Protection of the Environment Operations Act (1997); (iii) identification of all types and quantities of waste materials produced at the mine site during construction, commissioning and operation of the Project; (iv) programs aimed at minimising production of waste at the mine site through the implementation of operational and management measures; (v) details of the potential reuse and recycling avenues for waste materials produced at the mine site, including collection and handling procedure; (vi) details of appropriate disposal routes in the event that reuse and recycling avenues are not available or are not practicable; and (vii) programs for involving and encouraging employees and contractors to minimise waste production at the mine site and reuse / recycling where appropriate. 	1	<p>Viewed Waste Management Plan dated December 2010. Section 2 states where each requirement of the condition is addressed within the document.</p> <p>See Condition 3.2 (d) for consultation undertaken.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.1.1	AIR QUALITY	<p>The Applicant shall manage the Project so as to satisfy the relevant EPA air quality criteria for dust deposition and dust concentration in accordance with condition 6.1.3. The relevant criteria are given below:</p> <ul style="list-style-type: none"> •TSP- Annual mean; 90 $\mu\text{g}/\text{m}^3$, NH& MRC • PM₁₀- Annual mean; 30 $\mu\text{g}/\text{m}^3$, NSW EPA • PM10- Short term average; 50 $\mu\text{g}/\text{m}^3$, NSW EPA •Deposited Dust-Max. increase in levels; 2 $\text{g}/\text{m}^2/\text{month}$. Max total levels; 4 $\text{g}/\text{m}^2/\text{month}$ 	2	<p>AEMRs for the audit period outline air quality monitoring, including:</p> <ol style="list-style-type: none"> 1. 2009-2010 AEMR <ul style="list-style-type: none"> - Dust deposition within criteria (average 2.2 g/m^2); - TSP within criteria (average 43$\mu\text{g}/\text{m}^3$) - PM10 annual average within criteria (average 26.6$\mu\text{g}/\text{m}^3$). Higher average due to dust storm. - PM10 24 hour criteria exceeded on 13 occasions at Site 1, 11 at Site 2 and 14 at Site 3. The AEMR states that these episodic events generally occurred on days when there were high west to northwest winds and hazy conditions were observed throughout the entire Muswellbrook Shire. MCC would not significantly impact the particulate levels at these sites under these wind conditions, as the open cut operations are located to the east and southeast of these sites. The National Environment Protection Measures (NEPM) goal within 10 years is a maximum >50 $\mu\text{g}/\text{m}^3$ of up to 5 days per year. This indicates an exceedance of the NEPM at all three monitoring locations. 2. 2010-2011 <ul style="list-style-type: none"> - Dust deposition within criteria (average 1.6 g/m^2); - TSP within criteria (average 30.8$\mu\text{g}/\text{m}^3$) - PM10 annual average within criteria (average 14.1$\mu\text{g}/\text{m}^3$) - PM10 24 hour within criteria for the majority of the AEMR period with exception to an exceedance at Site 3 on 25 and 27 January 2011. These episodic events occurred on days when there were moderate east south east winds and hazy conditions were

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.1.2 (a)	AIR QUALITY	For each monitoring point specified below the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified. The applicant must use the sampling method, unit of measure and sample at the frequency shown: <ul style="list-style-type: none"> • TSP- $\mu\text{g}/\text{m}^3$, continuous, AS 3580.9.8-2001 • PM10 - $\mu\text{g}/\text{m}^3$, every 6 days, 24 hour composite sample • Deposited Dust- $\text{g}/\text{m}^2/\text{month}$, continuous, AM-19 	1	<p>observed throughout the entire Muswellbrook Shire. Site 3 monitoring location is in close proximity to the Daracon Quarry on Sandy Creek Road which had crushing operations occurring during these days. The NEPM goal within 10 years is a maximum $>50 \mu\text{g}/\text{m}^3$ of up to 5 days per year. This indicates compliance of the NEPM at all three monitoring locations, due to only two days of exceedance at Site 3.</p> <p>No exceedances for 2011-2012 period. The 2011-2012 AEMR is currently being prepared.</p> <p>AEMRs for the audit period provide details of the sampling method, unit of measure and sample at the frequency required by the condition for each pollutant consistent with the required frequencies (See Section 3.1).</p> <p>Viewed air quality monitoring results (electronically and hardcopy on site).</p>
6.1.2 (b)	AIR QUALITY	The licensee must monitor (by sampling and obtaining results by analysis) each weather parameter specified using the sampling method, unit of measure and frequency given: <ul style="list-style-type: none"> • Wind speed; m/s, continuous, instrumental • Wind direction; continuous, instrumental • Inversion: $^{\circ}\text{C}$, continuous, instrumental 	1	<p>AEMRs for the audit period provide details of meteorology required by the condition from MCC meteorological monitoring station (See Section 3.1).</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.1.2 (c)	AIR QUALITY	<p>The Applicant must submit to the EPA, with an application to vary licence 656, a draft program for monitoring of dust deposition and long term PM10. The objective of the program is to:</p> <ol style="list-style-type: none"> 1. Gather information to form the basis of real time reactive management strategies; and 2. To monitor whether ambient PM10 levels (at sites predicted to be impacted by the expansion) are within predicted levels and/or 50 µg/m3. <p>The program must continuously monitor PM10 levels such that a representative picture of PM10 levels at all monitoring points can be established. The draft program must identify sufficient monitoring sites to represent the wider area around the mine and account for possible weather effects (eg seasonal wind direction) and operational effects. Based on information presented in the draft program the EPA will attach licence conditions detailing required monitoring. The following points referred to below are identified for the purposes of monitoring and/or the setting of limits for the emission of pollutants from the point.</p> <ul style="list-style-type: none"> • Deposited matter, TSP, PM10- All points to be determined when a licence variation application is submitted to the EPA. 	1	<p>Requirements of the condition are outside of the audit period. Compliance demonstrated in previous audit (AECOM 2012)</p> <p>Viewed Dust Management Plan dated December 2010, which provides details of the air quality monitoring program.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.1.3	AIR QUALITY	<p>The Applicant shall, prior to the commencement of operations, prepare and implement a Dust Management Plan for the DA area to deal with and manage the dust impacts generated by, or associated with, the Project. This Plan shall detail air quality safeguards and procedures for dealing with dust emissions from the construction and operation of the Project to the satisfaction of MSC and EPA and updated as directed. The Plan shall be prepared in consultation with and be updated as required by MSC. This shall include, but not be limited to, details of:</p> <ul style="list-style-type: none"> (i) the identification of properties which will be affected by dust generated by the mine in accordance with the criteria detailed in condition 6.1.1; (ii) specifications of the procedures for the dust monitoring program for the purpose of undertaking independent dust investigations; (iii) outline the procedure to notify property owners and occupiers as identified by monitoring as likely to be affected by dust generated by the mine in excess of criteria detailed in condition 6.1.1; (iv) mitigation measures to be employed to minimise dust emissions during the operation phase. This should include proactive/predictive and reactive mitigation measures to be employed; 	1	<p>Requirements of the condition are outside of the audit period. Compliance demonstrated in previous audit.</p> <p>Viewed Dust Management Plan dated December 2010. Section 2 states where each requirement of the condition is addressed within the document.</p> <p>See Condition 3.2 (d) for consultation undertaken.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>(v) The Applicant shall ensure the prompt and effective rehabilitation of all disturbed areas of the DA area following the completion of mining an associated activities in that area to minimise the generation of windblown dust.</p> <p>(vi) the use of the existing protocol for handling dust complaints that include recording, reporting and acting on complaints;</p> <p>(vii) outline of response and/or management measures to be undertaken in the event of complaints from a landowner where dust levels are demonstrated, in accordance with Condition 6.1.4, to be below the dust criteria in condition 6.1.1;</p> <p>(viii) appropriate mechanisms for community consultation;</p> <p>(ix) equipment to be available and used to control dust generation;</p> <p>(x) methods to determine when and how the mine operation is to be modified to minimise the potential for dust emissions, particularly from surface activities;</p> <p>(xi) details of locations and frequency of existing dust monitoring and deposition gauges at the residential areas as agreed by the EPA, as part of a licence variation;</p> <p>(xii) measures to manage and mitigate short term episodic events including investigations into the relationships between short-term variations in dust levels</p>		

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		(particularly TSP and dust deposition) and levels of complaints and annoyance, with a view to reviewing the monitoring approaches; and (xiii) as far as practicable details of the interrelationships of this plan with the dust management plans with other mining operations in the vicinity. (xiv) mobile tankers equipped with a pump and sprays must be provided to suppress dust from unsealed roads when in use. (xv) the measures currently employed at MCC for the reduction of windblown dust as outlined in Section 7.8 of the EIS.		
6.1.4 (a)	AIR QUALITY	The Applicant shall: (i) monitor dust deposition and the concentration of total suspended particulate matter and of PM10 particulate matter in accordance with a Dust Monitoring Plan submitted to the EPA. The Environment Protection Licence will include conditions specifying the location, frequencies and methods used to monitor air emissions; (ii) monitor and report against the NSW EPA goals of 50µg/m3 (24-hour average) and 30µg/m3 (annual mean). The results of this monitoring and reporting are to be incorporated into the AEMR; (iii) establish in consultation with the EPA, dust deposition and TSP monitoring sites as approved by the EPA. The sampling method, units of measure, interval and frequency of monitoring will be as set out in the	1	See Condition 6.1.1 to 6.1.3.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		Approved Methods for sampling and analysis of Air Pollutants in NSW; (iv) include sites for monitoring impacts of dust at the nearest non-mine owned residences and locations as may be determined to be necessary by MSC and in accordance with the Dust Management Plan referred to in Condition 6.1.3; (v) provide reporting once every 12 months on the performance of the control measures and of the monitoring system detailed in the EIS and conditions of this consent, unless otherwise agreed by MSC. The reports shall be included in the AEMR and provided to MSC within fourteen days of completion of the report; and (vi) provide all results and analysis of air quality monitoring in the AEMR including a determination of the dust deposition rate in g/m ² /month, which shall be plotted in the AEMR.		
6.1.4 (b)	AIR QUALITY	In the event that a landowner or occupier considers that dust from the Project at his/her dwelling is in excess of the criteria detailed in condition 6.1.1, and MSC is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request from MSC: (i) consult with the landowner or occupant affected to determine his/her concerns; (ii) modify the mining activity or take other steps in accordance with the Dust Management Plan if	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>exceedences are demonstrated by the independent investigations to result in part from the Project related activity. This may include:</p> <ol style="list-style-type: none"> 1. introduction of additional controls, either of dust generation from individual sources on the site or on site operations, or modify operations to attempt to ensure that the dust criteria are achieved; and/or 2. negotiate, as far as reasonably practicable, 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. (iii) conduct follow up investigation(s) to the satisfaction of the MSC, where necessary. <p>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.</p>		

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.1.4 (c)	AIR QUALITY	If the independent dust investigations in sub-clause (b) above confirm that dust levels from the Project alone are in excess of the relevant criteria detailed in condition 6.1.1, and if the measures in sub-clause (b)(ii)(1) above do not reduce the dust levels, from the Project alone, below the criteria in condition 6.1.1, or if agreement in accordance with sub-clause (b)(ii)(2) 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 Condition 11.1.	1	Not triggered.
6.1.4 (d)	AIR QUALITY	Further independent investigation(s) shall cease if MSC is satisfied that the relevant criteria in Table 1, Table 2 and Table 3 in condition 6.1.1 are not being exceeded and are unlikely to be exceeded in the future.	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.1.4 (e)	AIR QUALITY	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by 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 Protection of the Environment Operations Act 1997 to be used for the testing of the concentration of the pollutant; * if no such requirement is imposed by or under the Protection of the Environment Operations Act 1997, any methodology which the 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 Protection of the Environment Operations Act 1997 or by a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.	1	Not triggered.
6.2 (a)	AIR QUALITY	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 windblown dust.	1	Viewed Land Management Plan dated December 2010 and MOP (expires December 2012), which addresses the condition. Section 5 of the AEMRs for the audit period describes the status of rehabilitation across the site.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.2 (b)	AIR QUALITY	b) Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.	1	Operations conducted in accordance with Dust Management Plan dated December 2010. Active water carts were viewed during the site inspection on the 9 August 2012 maintaining a moist condition on haul roads.
6.3.1 (a)	BLASTING	Time of blasting Blasting operations on the premises may only take place between 9.00am and 5.00pm Monday to Friday inclusive, unless permission is granted by MSC where special circumstances related to the safety of the mine requires a blast to be initiated outside these hours.	1	Section 2 of the Blast and Vibration Management Plan dated December 2010 states this condition. See Condition 2.4.
6.3.1 (b)	BLASTING	Overpressure The overpressure level from blasting operations on the premises must not: (i) Exceed 115dB (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, when measured 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.	2	Section 2 of the Blast and Vibration Management Plan dated December 2010 states this condition and where each of the requirements is included in the report. Two blasts exceeding the 120 dB criteria have been recorded during the audit period. 1. Exceedance occurred on 21 October 2009 at the Queen Street (B1) monitor recording 120.4 dB(L). Section 3.9.4 of the 2009-2010 AEMR reports on the exceedance and notes that both DECCW (now OEH) and I&I (DTIRIS DRE) within 24 hours. A full incident investigation was conducted and a Blast Overpressure Non-Conformance report for the incident was submitted to OEH within 7 days (27 October 2009). Viewed letter response from OEH dated 24 November 2009 requesting additional information be provided. Viewed letter

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
				<p>response from MCC dated 1 December 2009 supplying additional information. No further correspondence was received regarding the incident. Overpressure results presented in Section 3.9.4 of the 2009-2010 AEMR indicate results over 115 dB(L) totalled 1.6% of blasting events.</p> <p>2. Exceedance of 120 dB(L) occurred on 4 March 2011 measuring 120.9 dB(L) at Site B4 (Nisbet). OEH were notified of the incident on 11 March 2011. A letter was sent on 15 March 2011 to OEH along with MSC providing additional details regarding the exceedance. No correspondence received from OEH or MSC.</p> <p>MCC have implemented a number of proactive actions in order to minimise the potential for further exceedances including a recalibration of Shot Plus software and a more extensive blast design procedure. Viewed internal blast procedure and management documents.</p> <p>No exceedances for 2011-2012 period. The 2011-2012 AEMR is currently being prepared.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.3.1 (c)	BLASTING	<p>Ground Vibration (ppv)</p> <p>Ground vibration peak particle velocity from the blasting operations at the premises must not:</p> <p>(i) Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and</p> <p>(ii) Exceed 10mm/s at any time, when measured 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.</p>	1	<p>AEMRs for the audit period indicate that MCC aim to design blast patterns as not to exceed 2mm/s. AEMRs provide maximum ground vibration experienced for the reporting period.</p> <p>1. 2009-2010 AEMR within condition requirements (1.6 mm/s at B3); and</p> <p>2. 2010-2011 AEMR within condition requirements (2.08 mm/s at B4).</p> <p>No exceedances for 2011-2012 period. The 2011-2012 AEMR is currently being prepared.</p>
6.3.1 (d)	BLASTING	<p>Residences</p> <p>The Applicant shall investigate any vibration problem(s) associated with residential buildings which occur as a result of blasting at the mine in relation to the standards in Condition 6.3.1(b) and 6.3.1(c). Should such an investigation be necessary the Applicant shall advise MSC the result of such investigation and any proposed preventive/remedial measures.</p>	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.3.2 (a)	BLASTING	<p>The Applicant shall prepare and implement a Blasting/Vibration Management Plan to the satisfaction of MSC, in consultation with EPA and DMR. This must include, but not be limited to, the following matters:</p> <ul style="list-style-type: none"> (i) demonstration of consistency in compliance with blasting criteria at the existing mining operation (ii) compliance blasting criteria; (iii) mitigation measures, such as, adverse weather conditions; (iv) monitoring methods and program in accordance with blast monitoring and inspection conditions; (v) measures to be undertaken to demonstrate that the Project is achieving best practice in minimising air blast overpressure, ground vibration levels, fumes and odours from blasting activities; (vi) measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables, irrigation lines) and livestock on non-mine owned land; (vii) measures to protect surface infrastructure where relevant, such as dams, rail infrastructure and power poles; (viii) 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 	1	<p>Viewed Blast Management Plan dated December 2010. Section 2 states where each requirement of the condition is addressed within the document.</p> <p>See Condition 3.2 (d) for consultation undertaken.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		consultation with the other mines to co-ordinate blasting activities; (ix) procedures for the investigation of blast related complaints from the Project, in consultation with other mines in the event of cumulative related impacts; (x) procedures for the notification of occupiers of buildings and residences prior to detonation of each blast; and (xi) measures to ensure no damage by fly rock to people, property, livestock and power lines.		
6.3.2 (b)	BLASTING	The applicant shall, as a minimum, advise occupiers of buildings and residences, unless otherwise requested by the occupier, in the North Muswellbrook, Sandy Creek Road and other areas to the satisfaction of Council of future blasting events through a community information telephone hotline and the advertisement and promotion of the hotline. The hotline shall be at no cost to the caller.	1	AEMRs for the audit period note that MCC implements the free call Blast Information Service Line phone number 1800 772 799 and is advertised in the local paper and is updated at approximately 9am Monday through Friday (see Section 3.9).
6.3.2 (c)	BLASTING	The applicant shall design blasts so as not to exceed 20% of the EPA maximum ground vibration limit of 10mm/s at the nearest residence or equivalent location as approved by the EPA. The maximum charge weight and predicted vibration levels shall be made available on the above mentioned hotline service on the day of the blast. Blast design records shall be retained by the applicant and made available for inspection at his premises upon reasonable request.	1	See Condition 6.3.1 (c).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.3.2 (d)	BLASTING	The applicant shall respond to complaints on blasting in a timely fashion and in accordance with the Muswellbrook Shire Council Protocol.	1	Viewed complaints register for May 2005 - July 2012. Total of 13 complaints received during audit period regarding blasting. All but four complaints related to blast events under the criteria outlined in Condition 6.3.1 (b) and (c). The remaining four complaints related to the overpressure exceedance on 21 October 2009. Database includes actions taken and any follow up measures required.
6.3.3 (a)	BLASTING	The applicant must monitor ground vibration and airblast overpressure of all blasts at locations in accordance with the Blast Management Plan;	1	See Condition 6.3.2 (a). See Section 4.9 of Blast Management Plan dated December 2010 for monitoring details.
6.3.3 (b)	BLASTING	Ground vibration or the overpressure must be measured at noise sensitive sites (eg. Residences, hospitals, schools etc), selected in consultation with the EPA.	1	See Condition 6.3.2 (a). See Section 4.9 of Blast Management Plan dated December 2010 for monitoring details.
6.3.3 (c)	BLASTING	The Applicant must document the date, wind speed and direction, weather conditions, atmospheric conditions including cloud cover, location of blast and the quantity of explosive used for each blast.	1	Viewed data for each blast event as per condition (documented electronically and in hardcopy on site).
6.3.3 (d)	BLASTING	The results of the blast monitoring must be submitted to EPA at the end of each reporting period and be summarised and interpreted in the AEMR.	1	Viewed Annual Return for the audit period. Annual Return includes all blast monitoring results and a summary of blast results for the same period. AEMRs for the audit period presents a summary of blast monitoring results (see Section 3.9).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.4.1	NOISE	<p>EPA - GTA Noise generated at the premises must not exceed the noise limits presented below:</p> <ul style="list-style-type: none"> • LAeq (15 min) of 36 dB(A) at residence 7 (Watts); • LAeq (15 min) of 40 dB(A) at residence 13 (McMaster); • LAeq (15 min) of 38 dB(A) at residence 20 (Gordon); • LAeq (15 min) of 35 dB(A) residences 15, 16 and 17 (Collins, Tuckey and Colvin respectively); 	2	<p>AEMRs for the audit period provide noise monitoring results for key receivers.</p> <p>2009-2010 AEMR: Attended noise monitoring was conducted by Global Acoustics during 9-10 December 2009 and 15-16 June 2010.</p> <ol style="list-style-type: none"> 1. Compliance with noise criteria during December 2009 survey. 2. Compliance with noise criteria during June 2010 survey. <p>2010-2011 AEMR: Attended noise monitoring was conducted by Global Acoustics during 22-23 December 2010, 29-30 June 2011 and 24-25 August 2011.</p> <ol style="list-style-type: none"> 1. Compliance with noise criteria during December 2010 survey. 2. Exceedances of noise criteria during June 2011 survey. <ul style="list-style-type: none"> - LAeq,15min and LA1,1min criterion (night) at R7 from an engine continuum and digger bucket noise; and - LA1,1min criterion (night) at R13 from an engine continuum and dozer engine noise. 3. Compliance with noise criteria during August 2011 survey. <p>No noise exceedance occurred during 2011-2012 period. AEMR for this reporting period is currently being prepared for submission.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.4.1 cont.	NOISE	Noise from the premises must not exceed the night time LA1 (1 min) noise limits presented below: <ul style="list-style-type: none"> • R7 (Watts) LA1 (1 min) 44 dB(A) • Residences 15, 16 & 17 (Collins, Tuckey and Colvin respectively) LA1 (1 min) 46 dB(A) • R13 (McMaster) LA1 (1 min) 51 dB(A) • R20 (Gordon) LA1 (1 min) 48 dB(A) 	2	See Condition 6.4.1.
6.4.2	NOISE	The acquisition zone for noise is defined by predicted or demonstrated exceedance of the noise levels shown in below: <ul style="list-style-type: none"> • R7 (Watts) LA1eq (15 min) 41 dB(A) • Residences 15, 16 & 17 (Collins, Tuckey and Colvin respectively) LAeq (15 min) 40 dB(A) • R13 (McMaster) LAeq (15 min) 45dB(A) • R20 (Gordon) LAeq (15 min) 43 dB(A) 	1	Not triggered.
6.4.3 (a)	NOISE	For the purposes of condition 6.4.1 and 6.4.2: <ul style="list-style-type: none"> - 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; and - Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays. 	1	Viewed Noise Management Plan dated December 2010, which defines day, night and evening periods as per the condition.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.4.3 (b)	NOISE	Noise from the project is to be measured within the residential boundary, or within 30m of the dwelling (rural stations) where the dwelling is more than 30m from the boundary to determine compliance with the LAeq(15 minutes) noise limit in condition 6.4.1. Where it can be demonstrated that direct measurement of noise from the project 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 level where practical.	1	Viewed <i>Environmental Noise Monitoring, December 2011</i> prepared by Global Acoustics for MCC. Report method outlines that monitoring is conducted within 30 m of dwellings.
6.4.3 (c)	NOISE	Noise from the project is to be measured at 1m (unless otherwise agreed with the property owner) from the dwelling façade, to determine compliance with the LA1(1 minute) noise limits in Condition 6.4.1.	1	Section 4 of the Noise Management Plan dated December 2010 states that all noise monitoring and investigations conducted by independent consultants will be carried out in accordance with the NSW Industrial Noise Policy (INP) and applicable Australian Standards.
6.4.3 (d)	NOISE	The noise emission limits identified in Condition 6.4.1 apply under meteorological conditions of: - wind speed up to 3 m/s at 10 metres above ground level - Temperature inversion conditions of up to 30C/100m.	1	AEMRs for the audit period indicate that noise limits apply to the wind speed up to 3 m/s at 10 metres above ground level and to temperature inversion conditions of up to 3 degrees/100m.
6.4.3 (e)	NOISE	The loading of large rocks onto mine trucks is to be undertaken outside the night time period.	1	Viewed Noise Management Plan dated December 2010, which confirms that the loading of large rocks, if they occur, onto mine trucks will be undertaken outside the night time period

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.4.4 (a)	NOISE	<p>Monitoring and Management</p> <p>In the event that a landowner or occupier of a non-mine owned property considers that noise from the Project is in excess of the noise level criteria as set out in Condition 6.4.2 and MSC is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request from MSC:</p> <ul style="list-style-type: none"> (i) consult with the landowner or occupants affected to determine their concerns; (ii) make arrangements for, and bear the costs of, following consultation as far as reasonably practicable with other mine operations in the vicinity where necessary, appropriate independent noise investigations in accordance with the Noise Management Plan to the satisfaction of MSC, to quantify the impact and determine the source of the effect and the contribution of the Project to the effect; (iii) modify the mining activity in accordance with a noise reduction plan prepared as part of the Noise Management Plan, if exceedance are demonstrated by the investigation to result in part from the mine related activity. This shall include: <ul style="list-style-type: none"> - 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 noise criteria in Condition 6.4.1 is achieved as far as possible, or; 	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>- seek agreement of the landowner, and in the case of the cumulative impacts the other relevant mines / industrial operations, to undertake noise mitigation measures at the dwelling to achieve a level which is at least 10dB(A) below the relevant external noise criterion; and</p> <p>- seek agreement of the landowner, and in the case of cumulative impacts with the other relevant mines / industrial 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.</p> <p>(iv) conduct follow up investigations to the satisfaction of MSC, where necessary. If necessary, the follow up investigation should be conducted 3 months after the initial investigation to give MCC time to implement the recommended noise control.</p>		

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.4.4. (b)	NOISE	<p>Acquisition</p> <p>(i) If the independent noise investigation(s) in sub clause (a) above confirm that the noise acquisition criteria of condition 6.4.2 is being exceeded by the Project alone, and the measures in Condition 6.4.5 do not reduce the levels below this criteria, 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 condition 11.1.</p> <p>(ii) if the independent noise investigations in Condition 6.4.2 confirm that noise acquisition criteria is being exceeded as a result of cumulative impacts, including a contribution from the Project, the Applicant shall enter into consultation with the neighbouring mines for the purchase of the affected property in accordance with the Condition 11.1.</p> <p>Should the Applicant not be able to formulate a joint acquisition agreement with neighbouring mines in accordance with Condition 11.1 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 Condition 11.1.</p>	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.4.4 (c)	NOISE	If continued complaints and noise investigation confirm that the noise criteria is being exceeded as a result of the contribution from the Project, but are less than the noise acquisition criteria, the Applicant shall negotiate with the landowner until a resolution to the satisfaction of MSC is reached.	1	Viewed complaints register for May 2005 - July 2012. Total of 11 complaints received during audit period regarding noise, none of which were significant continued complaints. Database includes actions taken and any follow up measures required, including noise surveys, real time noise monitoring to control operations, cessation of certain operations.
6.4.4 (d)	NOISE	If a landowner disputes any noise mitigation or other measures proposed by the Applicant in accordance with sub-clause (a) above, the matter shall be referred by either the Applicant or landowner to MSC. If the matter cannot be resolved within 21 days, the matter shall be referred to the Independent Dispute Resolution Process.	1	Not triggered.
6.4.4 (e)	NOISE	Further independent investigations shall cease if MSC is satisfied that the relevant criterion in Condition 6.4.2 (a) is not being exceeded and are unlikely to be exceeded in the future.	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
6.4.5	NOISE	<p>The Applicant shall prior to the commencement of operations prepare and implement a Noise Management Plan for the Project (incorporating construction and operational noise), in consultation with EPA and to the satisfaction of MSC. The plan shall:</p> <ul style="list-style-type: none"> (i) Demonstrate consistency in complying with noise criteria limits at the existing MCC operation (ii) include details of the conduct of noise investigations at six monthly intervals (unless otherwise agreed by MSC) to evaluate, assess and report the LAeq (15 minute) noise emission levels due to the normal operations of the Project; (iii) provide details regarding operating configuration, determining survey intervals, weather conditions and seasonal variations, selecting variations, locations, periods and times of measurements; (iv) detail management measures where the target noise level criteria of this consent are predicted to be exceeded, or are exceeded during Mining Operations. These measures should include but not be limited to: <ul style="list-style-type: none"> - The selection of representative monitoring locations within the community must be carried out in consultation with MSC; - prompt response to any community issues of concern; - refinement of on site noise mitigation measures and mine operating procedures where practical; 	1	<p>Viewed Noise Management Plan dated December 2010. Section 2 states where each requirement of the condition is addressed within the document.</p> <p>See Condition 3.2 (d) for consultation undertaken.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<ul style="list-style-type: none"> - discussions with relevant property holders to assess concerns; - consideration of acoustical mitigation at receivers; and - consideration of negotiated agreements with property owners. 		
		(v) outline proactive/predictive and reactive mitigation measures to be employed on the site to limit noise emissions.		
		(vi) outline measures to reduce the impact of intermittent, low frequency and tonal noise (including truck reversing alarms);		
6.4.5 (cont.)	NOISE	<p>(vii) 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 Mining Operations and set targets for noise reduction taking into consideration valid noise complaints in the previous year; and</p> <p>(viii) specify the procedures for a noise monitoring program for the purpose of undertaking independent noise investigations;</p> <p>(ix) outline the procedure to notify property owners and occupiers likely to be affected by noise from the operations;</p> <p>(x) maintain a protocol for handling noise complaints that include recording, reporting and acting on complaints, particularly where complaints are received and it is</p>	1	<p>Viewed Noise Management Plan dated December 2010. Section 2 states where each requirement of the condition is addressed within the document.</p> <p>See Condition 3.2 (d) for consultation undertaken.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		demonstrated noise levels are in excess of the criteria contained in this consent; (xi) record appropriate mechanisms for community consultation; (xii) as far as practicable, details of the interrelationship of this plan with the noise management plan for other mines in the vicinity.		
6.5 (a)	LIGHTING	The Applicant shall screen or direct all on-site lighting away from residences and roadways to the satisfaction of MSC during mining operations	1	Viewed Lighting Management Plan dated December 2010. Section 2 states where each requirement of the condition is addressed within the document. Measures to minimise or shield lighting impacts include visual screening and design, placement and direction control in accordance with AS4282.
6.5 (b)	LIGHTING	The Applicant shall prepare and implement a Lighting Management Plan prior to commencement of operations. The lighting component is to be formulated to the satisfaction of MSC, outlining details of the proposed process and measures to address light spillage issues to residents or road users impacted by lighting from the mine site and details of measures to minimise light emissions.	1	Requirements of the condition are outside of the audit period. Compliance demonstrated in previous audit. Viewed Lighting Management Plan dated December 2010. Section 2 states where each requirement of the condition is addressed within the document. Measures to minimise or shield lighting impacts include visual screening and design, placement and direction control in accordance with AS4282.
7.1	TRANSPORT	All coal haulage access to the mining lease area is restricted to the Coal Road, Private Coal Haul Road, Muscle Creek Road and New England Highway.	1	Transport route, as per condition, confirmed during site inspection on 9 August 2012.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
7.2	TRANSPORT	In preparing the Mining Operations Plan (refer to Condition 2.1), the Applicant shall consult with affected service authorities, including Energy Australia, Telecommunication Infrastructure Provider and the Land Information Centre. Following this consultation, the Applicant shall make arrangements satisfactory to those authorities for the protection or relocation of services. Particular reference should be given to transmission lines, optical fibre cables and copper network cables and State Trigonometric Points.	1	Not triggered.
8 (a)	MONITORING	In addition to the requirements contained elsewhere in this consent, MSC may, at any time in consultation with the relevant government authorities and the Applicant, require the monitoring programs in Conditions 3, 4 and 6 to be revised/ updated to reflect changing environmental requirements 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 within two weeks of approval of the relevant government authority.	1	Not triggered.
8 (b)	MONITORING	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.	1	Relevant Management plans and strategies developed in accordance with ISO 19011:2003 Guidelines for Quality and/ Environmental Management Systems Auditing. Confirmed ALS and NATA (as per AEMRs for audit period) is the accredited laboratory for results analysis.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
8.1 (a)	AUDITING	Every three years from the date of this consent until completion of mining in the DA area, or as otherwise directed by MSC, 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 MSC. Copies of the report shall be submitted by the Applicant to MSC, EPA, DIPNR (comprises 2 departments; Department of Natural Resources and Department of Planning), DMR, NPWS and CCC within two weeks of the reports completion for comment.	1	Last audit prepared by AECOM (2009) was submitted on 6 October 2009 to NOW, DOP (now DP&I), NPWS, MSC, DECCW (now OEH), I&I (now DTIRIS DRE) and MCCCCC.
8.1 (b)	AUDITING	The audit shall: i. assess compliances with the requirements of this consent, licenses and approvals; ii. assess the development against the predictions made in the EIS; iii. review the effectiveness of the environmental management of the mine, including any mitigation works; iv. be carried out at the Applicants expense; and v. be conducted by a duly qualified independent person or team approved by MSC (as acceptable to Minister of Infrastructure and Planning).	1	This audit undertaken by Hansen Bailey meets the requirements of the condition. Daniel Sullivan was the lead auditor and is certified in accordance with RABQSA International (Certified Auditor 113202)

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
8.1 (c)	AUDITING	<p>MSC may, after considering any submission made by the relevant government agencies, and CCC on the report, notify the Applicant of any requirements with regard to any recommendation in the report. The Applicant shall comply with those reasonable requirements within such time as MSC may require.</p> <p>Note: MSC may agree to a request from the Applicant that the Independent Environmental Audit requirement under this condition be integrated with similar audits required in accordance with other development consents applicable to MCC.</p>	1	No response received from MSC. See Condition 8.1 (a) for submission.
9.1	REPORTING	The Applicant shall report on mine operations in accordance with the Mining Operations Plan (refer to Condition 2.1)	1	See Condition 2.1 (a) and (b).
9.2 (a)	REPORTING	The Applicant shall, throughout the life of the mine and for five years after the completion of mining in the DA area, prepare and submit an Annual Environmental Management Report (AEMR) to the satisfaction of MSC and DMR. 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 licences 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:	1	<p>The AEMRs for the reporting period does largely contain the information required in the condition.</p> <p>See 9.2 (b) for consultation.</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>(i) an annual compliance audit of the performance of the project against conditions of this consent and statutory approvals;</p> <p>(ii) assess the extension against predictions made in the EIS and the terms and commitments in the documents listed in condition 1.1;</p> <p>(iii) a review of the effectiveness of the environmental management of the mine in terms of EPA, DIPNR, DMR, MSC requirements;</p> <p>(iv) results of all environmental monitoring required under this consent or other approvals, including interpretations and discussion by a suitably qualified person;</p> <p>(v) identification of trends in monitoring results over the life of the mine;</p> <p>(vi) an assessment of any changes to agricultural land suitability resulting from the Mining Operations, including cumulative changes;</p> <p>(vii) a listing of any variations obtained to approvals applicable to the DA area during the previous year;</p> <p>(viii) the outcome of the water budget for the year, the quantity of water used from water storages and details of exchange of any water from the site;</p> <p>(ix) status of rehabilitation and revegetation works; and</p> <p>(x) environmental management targets and strategies for the next year, taking into account identified trends in monitoring results.</p>		

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
9.2 (b)	REPORTING	In preparing the AEMR, the Applicant shall: (i) consult with MSC during preparation of each report for any additional requirements; (ii) comply with any reasonable requirements of MSC or other relevant government agency; and (iii) ensure that the first report is completed and submitted within twelve months of this consent, or at a date determined by MSC in consultation with the DMR and the EPA.	1	Viewed email dated 12 June 2012 to MSC requesting comments on AEMR 2011-2012. No response received from MSC. MCC confirmed no additional requirements for the AEMR have been requested from MSC during the audit period.
9.2 (c)	REPORTING	The Applicant shall ensure the copies of each AEMR are submitted to MSC, DMR, EPA, DIPNR, NPWS and CCC, and made available for public information at MSC within fourteen days of submission to these authorities.	1	The following consultation was undertaken: 1. 2009-2010 AEMR submitted on 23 October 2010 to I&I (now DTIRIS DRE), OEH, DP&I, NPWS, NOW, MSC, MCCCCC and private residents; and 2. 2010-2011 AEMR submitted on 4 January 2012 to MSC, MCCCCC, OEH, DP&I, NPWS, DTIRIS, NOW and private residences. 2011-2012 AEMR being prepared for submission.
9.3 (a)	REPORTING	The results of any monitoring required to be conducted by 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 any load calculation protocol must be recorded and retained as set out in subclauses b) and c)	1	All monitoring data recorded is retained electronically and in hard copy on site. Viewed samples of data retained.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
9.3 (b)	REPORTING	All records required to be kept by the licence must be: (i) in a legible form, or in a form that can readily be reduced to a legible form; (ii) kept for at least 4 years after the monitoring or event to which they relate took place; and (iii) produced in a legible form to any authorised officer of the EPA who asks to see them.	1	Viewed monitoring data for last four years (documented electronically and in hard copy on site). Data in legible form.
9.3 (c)	REPORTING	The following records must be kept in respect of any samples required to be collected: (i) the date(s) on which the sample was taken; (ii) the time(s) at which the sample was collected; (iii) the point at which the sample was undertaken; and (iv) the name of the person who collected the sample.	1	Viewed monitoring data (documented electronically and in hard copy on site), which meets the requirements of the condition.
9.3 (d)	REPORTING	The Applicant must provide an annual return to the EPA in relation to the development as required by any licence 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 licence conditions and provide a calculation of licence 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.	1	Viewed Annual Return for the period: 1. 30 November 2009 to 29 November 2010; and 2. 30 November 2010 to 29 November 2011. Annual Return to be prepared for the period 30 November 2001 to 29 November 2012.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
10.1 (a)	COMMUNITY	<p>The Applicant shall:</p> <p>i) Maintain the current CCC to incorporate all issues specific to the Project. Selection of community representatives shall be in accordance with MSC's Community Consultative Committee Guidelines. The Committee shall be chaired by a representative of MSC.</p> <p>ii) Representatives from relevant government agencies or other individuals may be invited to attend meetings as required by the Chairperson. The Committee may make comments and recommendations about the preparation and implementation of environmental management plans, monitor compliance with conditions of this consent and other matters relevant to the operation of the mine during the term of the consent. The Applicant shall ensure that the Committee has reasonable access to the necessary plans for such purposes. The Applicant shall consider the recommendations and comments of the Committee and provide a response to the Committee and MSC.</p>	1	<p>MCCCCC includes:</p> <p>1. Community Representatives: Mrs Glenda Watts Mr Noel Downs (Wanaruah Local Aboriginal Lands Council)</p> <p>2. Council Representatives: Cr Malcom Ogg (Chairman) Cr Christine Phelps (Deputy Chairman) Mr Craig Flemming</p> <p>3. MCC Representatives: Mr John Furner Mr Chris Knight Mr Colin Davies (Carbon Based Environmental Pty Ltd)</p> <p>Viewed minutes from MCCCCC meeting on 5 June 2012 discussing compliance with conditions of current consents and other matters relevant to the operation of the mine during the term of the consent. All previous meeting minutes available on the Idemitsu - MCC website (http://www.idemitsu.com.au/content/cms/more/506/).</p>

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
10.1 (b)	COMMUNITY	<p>The Applicant shall, at its own expense:</p> <ul style="list-style-type: none"> (i) nominate two (2) representatives to attend all meetings of the Committee; (ii) provide to the Committee regular information on the progress of work and monitoring results; (iii) promptly provide to the Committee such other information as the Chair of the Committee may reasonable request concerning the environmental performance of the development may reasonably request concerning the environmental performance of the development; (iv) provide access for site inspections by the Committee; and (v) provide meeting facilities for the Committee, and take minutes of Committee meetings. <p>These minutes shall be available for public inspection at MSC within 14 days of the meeting, or as agreed by the Committee.</p>	1	See Condition 10.1(a).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
10.2 (a)	COMPLAINTS	<p>The Environmental Officer employed by the mine (refer condition 3.1) shall be responsible for:</p> <p>(i) establishing and maintaining a system for recording complaints with respect to 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 date base, and ensuring that an initial response is provided to the complainant within 24 hours;</p> <p>(ii) providing a report of complaints received with respect to the operation of the mine, every 12 months throughout the life of the project to MSC, EPA, DMR and CCC or as otherwise agreed by MSC. A summary of this report shall be included in the AEMR.</p> <p>(iii) 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 MCC and other mines.</p>	1	<p>See Condition 3.1(a).</p> <p>Section 4.1 of the AEMRs for the audit period outlines the procedures undertaken when complaints are received. Viewed complaints register for May 2005 - July 2012. Database includes actions taken and any follow up measures required.</p>
10.2 (b)	COMPLAINTS	The Applicant must nominate one person (and their telephone number) who will be available to the EPA 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 EPA.	1	See Condition 3.1 (a) and (b).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
11.1 (a)	ACQUISITION	The Applicant shall seek to conclude an agreement to purchase a property, or part of a property, as identified by 6.1.4 (c) or 6.4.4 (b) within six (6) months of a written request from the affected land owner. The owner of any dwelling, or vacant land (as described in 6.1.4 (c)) located in areas that exceed noise and/or air quality criteria established in accordance with conditions 6.1.1 and 6.4.2 and of this consent, and at any time after the granting of development consent, may request the Applicant in writing to purchase the whole or part of that property.	1	Not triggered.
11.1 (b)	ACQUISITION	In respect of a request to purchase land arising under this condition, the Applicant shall pay the owner the acquisition price which shall take into account and provide payment for: (i) 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 Project the subject of this DA, having regard to: * the existing use and existing permissible use of the land in accordance with the planning instruments in force at the date of this consent; and * the presence of permissible or approved improvements on the land and/or any Council approved building or structure which is substantially commenced at the date of request is completed subsequent to that date.	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		(ii) the owner's reasonable compensation for disturbance allowance and relocation costs within Muswellbrook Local Government Area, or within such other location as may be determined by MSC in exceptional circumstances; and (iii) 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.		
11.1 (c)	ACQUISITION	In the event that either the owner or the Applicant is not satisfied 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: (i) either party may refer the matter to MSC, who shall request the President of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, who shall determine, after consideration of any submissions from the owners and the Applicant, a fair and reasonable acquisition price for the land as described in sub-clause (b) and/or terms upon which it is to be acquired; (ii) in the event that either the owner or the Applicant is not satisfied with the determination of the independent valuer, the independent valuer shall refer the matter to MSC, recommending the appointment of a qualified	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		<p>panel. MSC, if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:</p> <ul style="list-style-type: none"> * the appointed independent valuer; * Manager Environmental Services or nominee; and * The President of the Law Society of NSW or nominee. <p>The qualified panel shall determine a fair and reasonable acquisition price as described in subclause (b) above and/or the terms upon which the property is to be acquired.</p>		
11.1 (d)	ACQUISITION	The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or MSC and the costs determination referred to in sub clauses (b) and (c).	1	Not triggered.
11.1 (e)	ACQUISITION	Upon receipt of a determination pursuant to sub-clauses (b) and (c), 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 in writing 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 MSC.	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
11.1 (f)	ACQUISITION	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 applying for Council approval to any plan of subdivision and registration of the plan at the Office of the Registrar-General.	1	Not triggered.
11.1 (g)	ACQUISITION	The provisions of this condition do not apply to a land owner who is the holder of an authority under the Mining Act, 1992.	1	Not triggered.
11.1 (h)	ACQUISITION	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	1	Not triggered.
11.2 (a)	CUMULATIVE IMPACT	In the event that the cumulative impact of noise or dust contributed by the operation of the Project and any future mining activities/industrial operations, at dwellings, or vacant land (as described in Condition 6.1), in the vicinity of the operation, is in excess of the noise or dust acquisition criteria contained in these conditions of consent, the Applicant shall endeavour, as far as reasonably practicable, to negotiate with the other companies and landowner to determine appropriate arrangements to reasonably contribute to the management of the identified cumulative impacts to the satisfaction of MSC in proportion to their contributions to the impact.	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
11.2 (b)	CUMULATIVE IMPACT	If agreement cannot be reached from negotiations undertaken in accordance with subclause (a), then, with the agreement of the other contributing mines and future mining or industrial operations, the matter is to be referred to MSC 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 MSC, and resolved as determined by MSC. The Independent Dispute Resolution Process as determined by MSC, and resolved as determined by MSC. The Independent Dispute Resolution Process shall determine the responsibilities of each of the mining and/ or present or future companies in accordance with subclause (a) above and actions to be undertaken. The recommendation of the Independent Dispute Resolution Process shall be determined by MSC.	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
11.2 (c)	CUMULATIVE IMPACT	<p>Prior to referral to the Independent Dispute Resolution process, the Applicant shall provide 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 the Project activities are not the sole cause of the exceedence.</p> <p>Note: 1. The Applicant shall endeavour to enter into an agreement with other nearby mines/ industrial operations to address any potential cumulative management and joint acquisition requirements of this development consent;</p> <p>2. the intent of this condition is to encourage mining companies to form a voluntary agreement regarding the management and acquisition of properties subject to cumulative impacts;</p> <p>3. MSC will be requiring joint acquisition requirements in all development consents where cumulative impacts are known to occur, and may potentially occur, as a result of mine or industrial related activities.</p>	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
11.3	COMMUNITY	<ul style="list-style-type: none"> Prior to mining of the extension area, the Applicant shall enter into a legally binding agreement with MSC for financial and/or in kind contribution to MSC for the purpose of community enhancement to address the social, amenity and associated community infrastructure requirements arising from the operation of the extension. The financial and/or in kind contribution shall be generally in accordance with the MSC Community Enhancement Plan and as agreed between the Applicant and MSC. Further, the Applicant shall enter into a legally binding agreement with Council to provide an agreed area of land to incorporate void number 3, and a suitable access road to the void from the exiting waste disposal area which are appropriately fenced and landscaped and that such void is provided to Council in a condition suitable to the requirements of Council and any relevant regulatory authorities. 	2	<p>Voluntary Planning Agreement not available or not entered into.</p> <p>Viewed Memorandum of Understanding between MCC and MSC regarding the transfer of Void No. 3 for waste collection and access road.</p>
12.1	APPROVALS	The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Environmental Planning and Assessment Act 1979, the Local Government Act 1993, Protection of the Environment Administration Act 1991, Protection of the Environment Operations Act 1997, River and Foreshores Improvement Act 1948, Water Act 1912, National Parks and Wildlife Act 1974 and all other relevant legislation,	1	

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by MSC, EPA, DMR, NPWS, DIPNR, RTA, and NSW Agriculture, are fully met.		
13	SEC 96 MODIFICATION CONDITION - 2005	The application, plans and specifications complying with the relevant sections of the Environmental Planning and Assessment Act, 1997, Local Government Act, 1993 and Regulations and the Building Code of Australia.	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed).
14	SEC 96 MODIFICATION CONDITION - 2005	All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent being completed prior to occupation of the premises.	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed).
15	SEC 96 MODIFICATION CONDITION - 2005	The building is not to be used for habitable purposes.	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed).
16	SEC 96 MODIFICATION CONDITION - 2005	The proposed addition is to be designed and constructed in an architectural style, using extern materials and finishes that are consistent with the character and appearance of the existing development, to present an overall integrated appearance.	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
17	SEC 96 MODIFICATION CONDITION - 2005	<p>All erosion and sediment control measures/works, other pollution control and rehabilitation measures undertaken on the site shall conform to or exceed the specifications and standards contained in the current versions of:</p> <ul style="list-style-type: none"> • "Soils and Construction: Managing Urban Stormwater" (Landcom) • "Pollution Control Manual for Urban Stormwater" (EPA) • "Soil and Water Management for Urban Development" (D of H) • Development Control Plan 9 "Erosion and Sediment Control Regional Policy and Code of Practice" (Muswellbrook Shire Council) 	1	Operations conducted in accordance with the Erosion and Sediment Control Plan (December 2010) and Site Water Management Plan and Groundwater and Surface Water Monitoring Plan (June 2011), which conform with the requirements of the condition.
18	SEC 96 MODIFICATION CONDITION - 2005	<p>INSPECTIONS: At the following stages of construction, inspections are required:</p> <ul style="list-style-type: none"> (a) Trenches (with reinforcement steel in position) and pier holes; (b) Slabs (with reinforcement steel in position); (c) Completion of the building prior to occupation or use. <p>Should Council be nominated as the Principal Certifying Authority, 48 hours notice is required to enable inspection to be carried out.</p> <p>NB: All inspection enquiries and times should be directed to Council's Customer Service Officers on (02) 6549 3700.</p> <p>Inspections in bold are critical stage inspections under the provisions of the Environmental Planning and</p>	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		Assessment Act. Failure to ensure that these inspections are carried out and the work passed may result in refusal to issue an Occupation Certificate.		
19	SEC 96 MODIFICATION CONDITION - 2005	The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed).
20	SEC 96 MODIFICATION CONDITION - 2005	This consent is for the development only. Prior to the commencement of any construction work a Construction Certificate application must be submitted to and approved by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent and are to show compliance with the Building Code of Australia.	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed).
21	SEC 96 MODIFICATION CONDITION - 2005	Erosion and sedimentation controls are to be in place prior to the commencement of site works and are to be maintained throughout the construction activities until the site is stabilised. All works are to be in accordance with Council's Development Control Plan 9 "Erosion and Sediment Control Regional Policy and Code of Practice". Additional controls may be required as directed by Council officers. Infringement notices will be served for non-compliance.	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed). Operations continue to be conducted in accordance with the Erosion and Sediment Control Management Plan (December 2010).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
22	SEC 96 MODIFICATION CONDITION - 2005	Stormwater is to be disposed of to an approved disposal area.	1	Operations conducted in accordance with the Erosion and Sediment Control Management Plan (December 2010) and Site Water Management Plan and Groundwater and Surface Water Monitoring Plan (June 2011). Stormwater is diverted or collected in stormwater detention ponds or sediment control dams and treated for reuse in the mine water management system.
23	SEC 96 MODIFICATION CONDITION - 2005	A sign is to be erected in a prominent position at the front of the property stating the following information: (a) The name, address and telephone number of the Principal Certifying Authority. (b) The name of the Principal Contractor and contact telephone numbers including after hours telephone numbers (This would be the builders name or the owners name in the case of an owner builder). (c) That unauthorised entry to the worksite is prohibited. The sign is to be maintained to the completion of the project.	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed).
24	SEC 96 MODIFICATION CONDITION - 2005	The path of travel to an exit is to be physically marked and kept clear at all times.	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
25	SEC 96 MODIFICATION CONDITION - 2005	<p>The nominated exits must not be blocked at the point of discharge and where necessary, suitable barriers must be provided to prevent vehicles from blocking the exit or access to it.</p> <p>(a) The owner of the building must cause the Certifying Authority to be given a certificate in relation to each essential service installed in the building prior to the building being occupied.</p> <p>(b) The owner of the building shall cause the Council to be given a certification in relation to each essential service installed in the building at least once in each period of twelve (12) months after the first certificate.</p> <p>(c) The certificate is to state for each essential service that:</p> <p>(i) The service has been inspected and tested by a person who is competent to carry out such inspections and tests;</p> <p>(ii) The service was or was not (at the date on which it was inspected and tested) found to have been designed, installed and to be capable of operating, to a standard not less than that required by or under the Regulations.</p> <p>(d) This requirement shall be drawn to the attention of any subsequent owner of the building.</p>	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
26	SEC 96 MODIFICATION CONDITION - 2005	A door in a required exit must be readily openable without a key from the side that faces a person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2 metres from the floor.	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed).
27	SEC 96 MODIFICATION CONDITION - 2005	A schedule of existing and proposed fire safety measures is to be submitted with the Construction Certificate application.	1	Requirements of the condition are outside of the audit period (relates to construction phase which has been completed).
28	SEC 96 MODIFICATION CONDITION - 2009	A certificate and detailed drawings issued by an appropriately qualified structural engineer are to be submitted to the Certifying Authority with the Construction Certificate application for the relocated infrastructure facilities, which certifies that the design and construction of the structural element will be structurally adequate for its intended purpose.	1	Not triggered.
29	SEC 96 MODIFICATION CONDITION - 2009	A total of 2 car parking spaces for use by persons with a disability shall be provided as part of the total car-parking requirements for the infrastructure facilities. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.		
30	SEC 96 MODIFICATION CONDITION - 2009	Ramps and access for people with disabilities are to be provided to and within all buildings. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the provision of the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1424.4.	1	Not triggered.
31	SEC 96 MODIFICATION CONDITION - 2009	The area where the buildings are to be erected has been determined to be in a high wind area. The buildings shall be constructed so as to be capable of withstanding an ultimate limit state of 50 metres per second (N3). Detailed plans and specification of work showing that these design requirements have been met shall be submitted to, and approve by, the Certifying Authority prior to the issue of a Construction Certificate.	1	Not triggered.
32	SEC 96 MODIFICATION CONDITION - 2009	Detailed floor plans and elevations of the proposed buildings are to be submitted to the PCA with the Construction Certificate application.	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
33	SEC 96 MODIFICATION CONDITION - 2009	The approved Water Management Plan is to be revised and submitted to Council prior to the issue of a Construction Certificate for the infrastructure facilities and shall include: • detailed delineation of stormwater catchments, • provision of sufficient rainwater tanks to supply water to bath house and administration building as appropriate.	1	Not triggered.
34 (a)	SEC 96 MODIFICATION CONDITION - 2009	If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hording) before work commences.	1	Not triggered.
35	SEC 96 MODIFICATION CONDITION - 2009	Subject to this clause, construction activities are to be carried out during the following hours: (a) between Monday to Friday (inclusive) - 7.00am to 5.00pm, (b) on a Saturday - 8.00am to 1.00pm.	1	Not triggered.
36	SEC 96 MODIFICATION CONDITION - 2009	Hot water installations shall be in accordance with AS 3500 and shall deliver hot water to all sanitary fixtures used primarily for personal hygiene purposes, at a temperature not exceeding 50°C in all other buildings;	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
37	SEC 96 MODIFICATION CONDITION - 2009	Demolition must be carried out in accordance with AS 2601 - 1991, <i>Demolition of Structures</i> . 1) Demolition materials must not be burnt or buried on the work site. 2) A person having the benefit of this certificate must ensure that all vehicles leaving the work site carrying demolition materials, have their loads covered and do not track soil or waste material onto the road. 3) If demolition work obstruct or inconvenience pedestrians or vehicular traffic on an adjoining public road or reserve, a separate application must be made to council to enclose the public place with a hoarding or fence. 4) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site and must be maintained in the functional condition through the construction activities until the see is stabilised. 5) The work site must be left free of waste and debris when work has been completed.	1	Not triggered.
38	SEC 96 MODIFICATION CONDITION - 2009	Provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Part 1 prior to the use on any Occupation Certificate.	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
39	SEC 96 MODIFICATION CONDITION - 2009	To ensure hazardous and toxic materials are not a threat to the environment they must be stored in accordance with WorkCover Authority requirements. All tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be a sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area. Certification of compliance with this requirement shall be obtained prior to the issuing of any Occupation Certificate.	1	Not triggered.
40	SEC 96 MODIFICATION CONDITION - 2009	Upon completion of works and prior to occupation, the person entitled to act on this consent shall provide to Council the following information; (a) the total tonnage of all waste and excavated material disposed of from the site; (b) the disposal points and methods used; and (c) a copy of all disposal receipts are to be provided	1	Not triggered.
41	SEC 96 MODIFICATION CONDITION - 2009	Prior to issuing any Occupation Certificate for building works where asbestos based products and other hazardous materials have been removed tipping receipts, which detail that all waste has been disposed of at an approved waste disposal depot shall be provided to the Principal Certifying Authority. (Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.dec.nsw.gov.au)	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
42	SEC 96 MODIFICATION CONDITION - 2009	All stormwater from the development including all hard standing and overflows from rainwater tanks is to be collected and disposed of to a distance of 3m clear of the proposed and any adjoining buildings. Car park stormwater is to be directed north to the mine.	1	Not triggered.
43	SEC 96 MODIFICATION CONDITION - 2009	The final drawings are to be submitted to the Mine Subsidence Board prior to commencement of construction, are to contain a certification by a qualified structural engineer, to the affects that any improvements, constructed to meet the specification of such final drawings, will be safe, serviceable and repairable, taking into account future coal resource within the subject area.	1	Not triggered.
44	SEC 96 MODIFICATION CONDITION - 2009	The premises shall be connected to the wastewater treatment system in accordance with Council's permit to install and operate the wastewater treatment system. A satisfactory final inspection by Council of the installation must be conducted prior to any Occupation Certificate being issued.	1	Not triggered.
45	SEC 96 MODIFICATION CONDITION - 2009	Effluent for the on-site wastewater treatment system shall be segregated from the site water recycling system and used solely for the irrigation of rehabilitation. Appropriate guidelines for the irrigation of the effluent shall be observed. Other liquid waste not suitable for treatment in the on-site wastewater treatment systems shall be disposed of by a licensed wastewater contractor.	1	Not triggered.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
46	SEC 96 MODIFICATION CONDITION - 2009	During construction works, a water cart is to be used for dust suppression.	1	Not triggered.
47	SEC 96 MODIFICATION CONDITION - 2009	The colour and texture of external materials of the building are to be chosen to ensure they blend in to the natural surroundings. In this regard, neutral non-reflective material shall be used in all external finishes. Details shall be submitted with the Construction Certificate application for written approval.	1	Not triggered.
48	SEC 96 MODIFICATION CONDITION - 2010	A restriction as to user shall be registered on the title of affected land for the purpose of creating a Vegetation Offset Area as indicated on Figure 1 'Proposed Offset Area' prepared by Hansen Bailey dated 12/10/10 Cad file: 06836A.dwg. Muswellbrook Council shall be nominated as the sole authority empowered to vary or modify the restriction. The terms of the restriction shall include the following matters: a) Restriction against clearing. b) Restriction against use of land in any way inconsistent with the maintenance of the EEC on the land. c) Restrictions on livestock grazing on the land. d) Obligation to fence the land. e) Obligation to control noxious weeds and pests on the land.	1	The offset area presented on Cad File 06836A is to be a dedicated biodiversity offset preserved and managed by MCC. The Offset Management Plan dated July 2012 outlines the terms of restriction. Further action is progressing regarding the implementation of the plan and establishment/maintenance of the offset area. A copy of the Offset Management Plan was issued to MSC on 24 July 2012 for comment and approval.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
		A caveat acceptable to Muswellbrook Council, shall be prepared and registered on the title of affected land, by Muswellbrook Coal Company at no cost to Council.		
49	SEC 96 MODIFICATION CONDITION - 2010	RECOMMENDED CONDITIONS OF NOW An updated Water Management Plan incorporating the requirements NSW Office of Water (NOW) for installation of additional monitoring bores and additional monitoring is to be prepared in consultation with NSW Office of Water (NOW) and submitted for review within six (6) months of project approval.	1	Response received from NOW dated 13 May 2011 regarding Site Water Management Plan and Surface Water and Groundwater Monitoring Plan. Comments adopted in the revision of plan. See Condition 3.2 (d) for further submission details to MSC and NOW.
50	SEC 96 MODIFICATION CONDITION - 2010	RECOMMENDED CONDITIONS OF DECCW ENVIRONMENT PROTECTION LICENCE CONDITIONS ADMINISTRATIVE CONDITIONS A1 Works to be undertaken in accordance with information supplied to DECCW A1.1 Except as provided by these conditions of approval, the works and activities must be undertaken in accordance with the proposal contained in: a) The document "Muswellbrook Coal Company Limited Development Consent Modification -- Statement of Environmental Effects" prepared by Hansen Bailey and dated August 2010 unless otherwise specified in these conditions of approval.	1	See audit of EPL 656 conditions.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
51	SEC 96 MODIFICATION CONDITION - 2010	The applicant will consult with local Aboriginal Communities regarding this project in accordance with DECCW "Aboriginal cultural heritage consultation requirement for proponents 2010". Any archaeological investigations as part of this project are to ensure full compliance with Part 6 of the National Parks & Wildlife Act 1976 (NPW Act), as amended in October 2010 for the land subject of the development application.	1	The Statement of Environmental Effects prepared by Hansen Bailey (2010) was conducted in accordance with DECCW <i>Aboriginal cultural heritage consultation requirement for proponents 2010</i> . No artefacts were identified during the field assessment and no further Aboriginal surveys were required.
52	SEC 96 MODIFICATION CONDITION - 2010	An application for a Care and Control Permit must be lodged along with any application for any Aboriginal objects that are located and moved in accordance with the NPW Act. The applicant is to consult with all of the registered Aboriginal stakeholders identified in the consultation process, and is to provide evidence of the support with any application for a care and control agreement.	1	Not triggered.
53	SEC 96 MODIFICATION CONDITION - 2010	All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures and permitting requirements are to be approved by the Aboriginal community and DECCW.	1	Viewed Aboriginal Cultural Heritage Management Plan dated December 2010.

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
54	SEC 96 MODIFICATION CONDITION - 2010	In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the object(s). The site is to be registered in the AHIMS (managed by DECCW) and the management outcome of the site included in the information provided to the AHIMS. The proponent will consult with the Aboriginal community representatives the archaeologist and to develop management strategies for all objects/sites, which will require DECCW approval prior to recommencing works.	1	Not triggered.
55	SEC 96 MODIFICATION CONDITION - 2010	The applicant must continue to consult with, and involve, all Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage matters associated with this project.	1	See Condition 3.3 (d).

Condition	Category	Requirement	Compliance Category	Comments
Development Consent 205/2002				
56	SEC 96 MODIFICATION CONDITION - 2010	If human remains are located in the event that surface disturbance occurs, all must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until police provide written notification to the proponent.	1	Not triggered.
57	SEC 96 MODIFICATION CONDITION - 2010	An Aboriginal Cultural Education program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with the Aboriginal community.	1	MCC is in the process of developing an Aboriginal Cultural Education Program. A letter and presentation dated 16 July 2012 was issued to Aboriginal stakeholders informing them of the program and seeking input into the final document.

ENVIRONMENTAL IMPACT STATEMENT SUMMARY

Table 2 provides a summary from the EIS and provides a statement of status against each.

Table 2
EIS Key Commitments Compliance

Section	Requirement	Category	Comments
EIS 2002			
6.2 (a)	The scope of vegetation clearing will have a short to medium term impact on the population of the Grey-crowned Babbler present within the proposed No. 1 Open Cut Extension. This impact will be minimised by medium to long-term migratory measures targeting the rehabilitation and re-instatement of habitat for this species.	1	<p>Section 4.3 of the Flora and Fauna Management Plan dated December 2010 and Section 3.6 of the AEMRs for the audit period states this impact will be minimised by medium to long-term migratory measures targeting the rehabilitation and reinstatement of habitat for this species. To further reduce impacts to the species, vegetation clearing throughout areas to the north of Bimbadeen homestead will be restricted to periods outside the breeding cycle.</p> <p>The above measures have also been adopted for the Eastern False Pipistrelle.</p>
6.2 (b)	The scope of vegetation clearing will have a short to medium term impact on local species vulnerable to the clearance of native vegetation. This impact will be minimised by medium to long-term migratory measures targeting the rehabilitation and re-instatement of vegetation and habitat, particularly focusing on the improvement of local vegetation connectivity.	1	<p>Section 4.3 of the Flora and Fauna Management Plan dated December 2010 states this impact will be minimised by medium to long-term migratory measures targeting the rehabilitation and reinstatement of vegetation and habitat, particularly focussing on the improvement of local vegetation connectivity.</p> <p>Section 5.2.3 of the AEMRs note that MCC intends to link existing remnant vegetation in Bells Mountain and Skelletar Ridge areas north and south of the lease area by planting corridors of native</p>

Section	Requirement	Category	Comments
EIS 2002			
			vegetation across the lease area, creating a viable wildlife corridor. This strategy was developed in the Land Management Plan and is based on the Department of Primary Industries Synoptic Plan. Sections of the corridor are currently in place across the No.2 Open Cut and infill tree plantings will be conducted to complete a continuous corridor.
6.2 (c)	The proposed No. 1 Open Cut Extension is unlikely to result in a significant impact on threatened species or their habitats such that a viable local population will be placed at risk of extinction, provided that appropriate migratory measures are developed and implemented.	1	Impacts to threatened species is minimised by mitigation measures outlined in the Section 4.4 of the Flora and Fauna Management Plan dated December 2010.
6.2 (d)	The proposed No. 1 Open Cut Extension will not aid in the promotion of the key threatening process referred to as 'Clearing of Native Vegetation' in the medium to long-term, provided an appropriate management plan targeting the re-instatement of local flora and fauna habitat values and wildlife connectivity is implemented.	1	See Condition 6.2 (a) to (c).
7.1 & Appendix F	Minimise vegetation clearing throughout areas to the north of the Bimbadeen homestead to reduce the time period between vegetation removal and rehabilitation / habitat re-instatement activities;	1	See Condition 6.2 (a).
7.1 & Appendix F	Restrict vegetation clearing throughout areas to the north of the Bimbadeen homestead to periods outside the breeding cycle of the Grey-crowned Babbler and Eastern False Pipistrelle;	1	See Condition 6.2 (a).

Section	Requirement	Category	Comments
EIS 2002			
7.1 & Appendix F	The appropriate collection and stockpiling of vegetation, soil and ground / arboreal habitat features for use in the creation of compensatory habitat, land rehabilitation and habitat re-instatement activities;	1	<p>Section 4.4 of the Flora and Fauna Management Plan and Section 3.6 of the AEMRs for the audit period states that vegetation, soil, ground and arboreal habitat features will be collected and stockpiled for use in creation of compensatory habitat and rehabilitation activities.</p> <p>Viewed stockpiled vegetation, soil, ground and arboreal habitat features during site inspection on 9 August 2012.</p>
7.1 & Appendix F	Establish ecologically functional compensatory habitat for threatened and migratory species prior to clearing events within areas adjacent to the study area to promote the retention and preservation of local flora and fauna populations;	1	<p>Section 5.2 of the Flora and Fauna Management Plan dated December 2010 states prior to the commencement of any clearing activities, MCC is to identify areas of remnant vegetation that are to be protected. These areas should preferably be in close proximity to the areas proposed for clearing, or have some form of connectivity that will provide a migration path for fauna that needs to be relocated. This area has been identified in the Offset Management Plan dated July 2012.</p>
7.1 & Appendix F	The implementation of appropriate rehabilitation activities, in accordance with the approved mine sequence, that minimises the medium and long-term impact on species vulnerable to the vegetation clearing;	1	<p>Rehabilitation is conducted in accordance with the MOP, Flora and Fauna Management Plan (December 2010) and Land Management Plan (December 2010).</p> <p>Section 5 of the AEMRs for the audit period reports on the rehabilitation progress. Successful rehabilitation was viewed throughout the site during the site inspection on 9 August 2012.</p>

Section	Requirement	Category	Comments
EIS 2002			
7.1 & Appendix F	The collection of local seed providence from the majority of flora species identified within the area to be cleared, thus maximising the value of vegetation rehabilitation and habitat re-instatement;	1	<p>Section 5.5 of the Flora and Fauna Management Plan dated December 2010 states MCC is to arrange for the collection of seeds from areas identified for clearing activities, in order that those local seed provenances can be utilised in the reconstruction of indigenous bushland. It is unlikely that sufficient seed will be available from on site or local provenances but every endeavour will be made to collect seed when it is available. Supplemental seed will be obtained from commercial seed merchants and this will be sourced where possible from similar provinces.</p>
7.1 & Appendix F	The implementation of exotic flora and fauna control programs targeting in particular the predatory pressures associated with the European Fox and feral cat, grazing pressures exerted by the European rabbit and feral goat and ecological competitiveness exerted by invasive exotic plants;	1	<p>Section 5.13 of the Flora and Fauna Management Plan dated December 2010 states that weed and feral animal inspections and control will be undertaken on an annual and as required basis depending upon the severity of infestations or populations.</p> <p>2010-2011 AEMR reported a total of approximately 10 hectares treated to control noxious weed species around the mine site, including areas near and beside Coal Road, buffer lands and rehabilitated areas. No feral animal control was required to be conducted during the reporting period.</p> <p>2009-2010 AEMR states that there was a total of approximately 39 hectares treated to control noxious weed species around the mine site during the reporting period. No feral animal control was required to be conducted during the reporting period.</p>

Section	Requirement	Category	Comments
EIS 2002			
7.1 & Appendix F	Minimise the edge to area ratio and improve alternative short-term vegetation connectivity by undertaking supplementary planting and rehabilitation activities throughout lands adjacent to the affected area prior to and during the mine operations plan;	1	Section 4.4 of the Flora and Fauna Management Plan dated December 2010 states a strategic measure will be implemented to improve the edge to area ratio and alternative short term vegetation connectivity by undertaking supplementary planting and rehabilitation activities throughout land adjacent to the study area prior to and during mining.
7.1 & Appendix F	Undertake ongoing monitoring programs to measure progression of site rehabilitation;	1	Section 5 of the AEMRs for the audit period reports on the rehabilitation progress. Section 5.3 provides rehabilitation monitoring conducted on site, which assists in demonstrating some of the key indicators/criteria for mine closure.
7.1 & Appendix F	Undertake a status review of the Eastern Grey Kangaroo within the study area, with the view to assessing and potentially ameliorating any deleterious grazing pressures exerted on native vegetation by excessively large populations of this species.	1	Section 3.7 of the AEMRs for the audit period reports that Eastern Grey Kangaroos were culled as approved by NPWS. The 2010-2011 AEMR reports that 300 of the species were culled between July and December 2010. The 2009-2010 AEMR reports that 250 of the species were culled between September and November 2009.
6.3 & 7.2	Transfer of suitable topsoil will ideally be undertaken as a single operation to maximise the preservation of soil structure. The topsoil will be respread on rehabilitation sites with low erosion potential. Care will be taken to avoid mixing topsoil with the A2 horizon below. Current rehabilitation practices will continue.	1	Topsoil is managed in accordance with the Soil Stripping Management Plan dated December 2010. Rehabilitation is conducted in accordance with the MOP, Flora and Fauna Management Plan and Land Management Plan dated December 2010. Section 3 of the Soil Section Stripping Management Plan notes the condition as an objective. Section 5 of the plan states that stripping operations will be conducted in accordance with in situ conditions. The stripping of topsoil will be undertaken in two stages to reduce

Section	Requirement	Category	Comments
EIS 2002			
			the inadvertent cross contamination of the A-1 and A-2 horizons. This will ensure that the removal and salvage of topsoil is maximised and reduces the possibility of contamination with the A-2 horizon subsoil.
7.2	In the absence of a clear alternative, the voids will be made safe for abandonment according to the DMR requirements and guidelines.	1	<p>Mine closure will be conducted in accordance with the Final Void Management Plan dated December 2010. The report includes a description of possible final void uses that will need to be determined at least 4 years prior to cessation of mining to allow low wall angles, pit floor configuration, and stockpiling of suitable material requirements to take place.</p> <p>Viewed Memorandum of Understanding between MSC and MCC regarding the transfer of Void No. 3 for Waste Collection. This is listed as a potential final void land use in the management plan.</p>
7.4	A revised Spontaneous Combustion Management Plan is currently being developed to cover all mine closure issues. When completed, this plan will be submitted to relevant Government departments such as the DMR and EPA. The plan is expected to be completed by the end of 2012.	1	<p>Viewed Spontaneous Combustion Management Plan dated December 2010.</p> <p>The following consultation was undertaken:</p> <ol style="list-style-type: none"> 1. A copy of the Spontaneous Combustion Management Plan was issued to MSC on 29 December 2010 for comment and approval. No response received from MSC. 2. A letter was issued to MSC on 17 November 2011 advising that MCC had not received acknowledgement regarding the management plan. No response received from MSC. 3. A letter was issued to MSC on 19 January 2012 advising that MCC had not received acknowledgement regarding the management plan. The letter stipulated that if no response was

Section	Requirement	Category	Comments
EIS 2002			
			received by 31 January 2012, MCC will adopt the management plan as final. No response received from MSC. 4. A copy of the final management plan was issued to DTIRIS, NOW, DP&I, OEH, NPWS, MSB, MSC and MCC Community Consultative Committee (MCCCCC) on 16 April 2012. No response received from regulatory agencies.
6.5.2	The EIS predicted that there may be minor noise level exceedances may occur in certain locations under adverse weather conditions. These were considered to be 'worst case scenarios'.	2	<p>AEMRs for the audit period provide noise monitoring results for key receivers.</p> <p>2009-2010 AEMR: Attended noise monitoring was conducted by Global Acoustics during 9-10 December 2009 and 15-16 June 2010.</p> <ol style="list-style-type: none"> 1. Compliance with noise criteria during December 2009 survey. 2. Compliance with noise criteria during June 2010 survey. <p>2010-2011 AEMR: Attended noise monitoring was conducted by Global Acoustics during 22-23 December 2010, 29-30 June 2011 and 24-25 August 2011.</p> <ol style="list-style-type: none"> 1. Compliance with noise criteria during December 2010 survey. 2. Exceedances of noise criteria during June 2011 survey. <ul style="list-style-type: none"> - LAeq,15min and LA1,1min criterion (night) at R7 from an engine continuum and digger bucket noise; and - LA1,1min criterion (night) at R13 from an engine continuum and dozer engine noise. 3. Compliance with noise criteria during August 2011 survey. <p>No noise exceedance occurred during 2011-2012 period. AEMR for this reporting period is currently being prepared for submission.</p>

Section	Requirement	Category	Comments
EIS 2002			
7.4	It is recommended that a noise monitoring program be carried out at the commencement of operations in the extension area to determine the degree of noise impact. If the measured noise levels are above the noise goals and are also unacceptable to residents, excavation works at ground level should be limited to daytime hours only while the relevant noise-enhancing atmospheric conditions persist, or an engineering solution to reduce noise levels should be sought. It is recommended that residences 10, 13, 14, 15, 17 and 20 should be included in the monitoring program. The above recommendation also holds for Year 5, when residences to the south on Muscle Creek Road may experience a similar degree of impact	1	Noise monitoring is conducted in accordance with the Noise Management Plan. Residences 10, 13, 14, 15, 17 and 20 are included in the monitoring program. No change of works to daytime hours only required as a result of an exceedance/complaint. In response the following actions have been implemented: noise surveys, real time noise monitoring to control operations, cessation of certain operations. See Condition 6.5.2 for monitoring results.
7.4	Sleep arousal: Excavator/shovel operators should take particular care when loading large rocks onto the back of dump trucks. The noise monitoring program should include measurement of Lmax levels, as well as the Leq levels required to determine compliance with operational noise goals.	1	Viewed Noise Management Plan dated December 2010, which confirms that the loading of large rocks, if they occur, onto mine trucks will be undertaken outside the night time period
7.4.1	MCC will not use a dragline. MCC undertakes to develop procedures and train vehicle operators in working methods which minimise noise impacts.	1	Not triggered.
7.4.1	MCC will undertake economically feasible measures to reduce noise from its mining equipment. To this end acoustical testing of its fleet of 11 Komatsu 730E (190 t capacity) dump trucks has been undertaken by Komatsu. MCC are waiting on the recommendations from Komatsu in respect of potential modifications to the mufflers and are prepared to implement those recommendations.	1	Section 4 of the Noise Management Plan outlines mitigation and management measures to reduce noise emissions, including retrofitting of mobile equipment with sound attenuation equipment such as the Komatsu 730E dump trucks.

Section	Requirement	Category	Comments
EIS 2002			
7.4.1	In respect of noise impacts on North Muswellbrook in the early years of the proposal, the following operational procedures shall be undertaken: - Working only during daytime hours for the first two years; - Always conducting mining operations below a 10 m working face in the north western "tongue" of the No. 1 Open Cut Extension; - No blasting operations in the north-western tongue; and - All overburden dumping to be in-pit, behind and to the east of the existing spoil pile of the current No. 1 Open Cut void.	1	Requirements of the condition are outside of the audit period.
6.5.2	The values utilised in the EIS represent a 'worst case' assessment of blasting impacts. In practice, maximum instantaneous charge weights in the order of 600kg will be rare with values more likely to be in the order of 200-400kg. The relevant blasting criteria for overpressure and ground vibration are predicted to be achieved at all residential receivers under "worst case" conditions.	1	This condition is no longer applicable as explained in Section 4.1 of the Blast-Vibration Management Plan dated December 2010 which states that due to changes in technology and progression of mining operations away from the township of Muswellbrook, MIC weights were re-evaluated in 2010 by Enviro Strata Consulting. Based on current areas of blasting and "worst case scenario" assessment of blasting impacts, the report details the results of modelling for predicted ground vibration. In accordance with this report and current best practice and EIS requirements, MCC will aim to design blast patterns as not to exceed 2mm/s. AEMRs provide maximum ground vibration experienced for the reporting period. 1. 2009-2010 AEMR within condition requirements (1.6 mm/s at B3); and 2. 2010-2011 AEMR within condition requirements (2.08 mm/s at B4).
7.4	Blasting: Charge weights should not exceed 600 kg to ensure compliance with the overpressure limit of 115 dB(A) at the closest residence (Collins).	1	See Condition 6.5.2.

Section	Requirement	Category	Comments
EIS 2002			
7.4.1	<p>Reduce noise generated due to blasting by:</p> <ul style="list-style-type: none"> - Careful calculation of maximum instantaneous charge to reduce blasting effect; - Ensuring sufficient stemming and good stemming material in blast holes; - Having sufficient blanket of softer material over the top of the blast to reduce noise and other environmental problems; - Blasting during certain times of the day when most people are not at home; and - Being able to have sufficient blasted material for ongoing production within the pit so that blasting is not required during periods of adverse weather conditions such as wind direction toward sensitive receivers, low cloud cover or inversion layers. 	1	See Condition 6.5.2. Requirements of the condition are incorporated in the best practice drill and blast techniques provided in the Blast-Vibration Management Plan dated December 2010.
7.4.1	There will be no out-of-pit overburden emplacements constructed. Bunding will also be used, if required, to further reduce the effects of mine noise, by providing a physical barrier to the passage of noise.	1	Section 2.7 of the AEMRs for the audit period confirms that there was no out of pit emplacement of overburden material during the reporting period. Section 4 of the Noise Management Plan outlines that noise bunding will be implemented, where required, to further reduce noise.
6.6	As there will be no increase in truck movements on the road network all roads will remain at a high level of service. The proposed No 1 Open Cut Extension would be expected to have an acceptable traffic impact.	1	Traffic on mine access road out to the New England Highway intersection noted to be free flowing on day of the audit with no delays experienced.
7.5	Existing arrangements for road inspection and maintenance should continue and driver education of coal truck drivers in terms of specific road safety and courtesy should also continue.	1	Muscle Creek Road was viewed to be maintained at the time of the audit. All coal trucks were viewed to have tarps covering load and abiding by road rules.

Section	Requirement	Category	Comments
EIS 2002			
6.7.1	There will be no new service infrastructure as a result of the proposed No 1 Open Cut Extension therefore there will not be any additional visual impact. All overburden emplacement will be emplaced in pit, therefore the visual impact will not be substantially different to the current visual impact.	1	See Condition 7.4.1. Mining is conducted in accordance with the MOP, with overburden placed in pit. No new service infrastructure required for the operation.
7.6	Overburden emplacement will be contained within the void of the No. 1 Open Cut Extension, with the exception of the transport of inert capping material transported to the No. 2 Open Cut for use in the control of spontaneous combustion. Most mining operations will be conducted away from the view of residential locations or the travelling public.	1	See Condition 7.4.1. Mining is conducted in accordance with the MOP, with overburden placed in pit. Most mining operations area generally away from the view of residential locations or the travelling public.
6.7.2	There will be minimal impact from the proposal in terms of effects on the night time lighting environment.	1	Lighting is managed in accordance with the Lighting Management Plan dated December 2010. Section 3.1.1 of the AEMRs state that during the reporting period there was minimal impact on the community at night time from light as a result of the operations. MCC's operations are screened from direct view of residents or the travelling public by existing overburden emplacement areas, and the natural topography of the surrounding area. No complaints were received in relating to lighting during the audit period.
7.6	Most overburden will be transported within the pit and will therefore be below natural ground level. This will shield the headlights of dump trucks from direct impact upon surrounding lands. Care should be exercised in the location of lighting plant, especially if located on the edge of highwalls, so that direction of the illumination is away from residences or residential areas	1	See Condition 6.7.2. As the majority of mining operations will be conducted in-pit, it is unlikely that mining equipment will result in the spillage of light. The haul road linking the No. 1 Open Cut Extension with the Coal Handling Plant has been designed and located, as much as practicable, along gullies and lower elevations. This will assist in reducing the potential of headlights from haul trucks and vehicles to impact upon surrounding lands and residents.

Section	Requirement	Category	Comments
EIS 2002			
6.8	A number of small catchments will be modified by open cut mining. These catchments mostly contain 1st order ephemeral streams that are dry for most of the year. A portion of a second order stream is affected in the northeast. These impacts are considered negligible. Water quality in Sandy Creek and Muscle Creeks will not be affected by the proposed Extension.	1	<p>As outlined in the Site Water Management Plan and Surface Water and Groundwater Monitoring Plan dated June 2011, due to the lateral distance of the Sandy Creek and Muscle Creek alluvial system from the No.1 Open Cut Extension, the No.1 Open Cut Extension is not expected to impact on these ground water systems.</p> <p>The No.1 Open Cut Extension will occur on high ground and will be limited in extent compared to the area covered by all mining operations. A number of small catchments will be modified by open cut mining, however, these catchments mostly contain 1st order ephemeral streams that are dry for most of the year. The predicted impacts are considered to be negligible.</p> <p>Clean water will be diverted into adjacent catchments wherever possible away from the active mine areas. Diversion banks will be created around active working areas to prevent the loading of additional water to the system and ensure clean water passage into the surrounding catchment areas. Storm water runoff from newly rehabilitated areas will pass through a series of sediment setting dams and natural causeways to filter excess sediment. This storm water will be staged discharged into surrounding catchments. All mine or dirty water will be diverted into the mine water management system where it will be utilised in dust suppression, mine use or pumped underground to assist in cooling areas subject to spontaneous combustion. This will assist in maintaining water quality of local watercourses.</p>

Section	Requirement	Category	Comments
EIS 2002			
7.7.1	The mine will operate essentially as a zero discharge operation (discharge limited by the current EPL which is capped at 1 ML/day during Flood Flow in the Hunter River in accordance with the HRSTS) and therefore will not impact surrounding streams.	1	AEMRs for the audit period report no discharges.
7.7.1	The mine design will include provisions to ensure that any accidental discharge of saline and dirty water is contained by strategically located bunds and pits, and by installation of pressure-loss-activated switches on pumps.	1	Not triggered.
7.7.1	Overburden emplacements will be rehabilitated progressively to minimise the volumes of dirty water runoff and restore the water flow and quality of these catchments. It is anticipated that approximately 80% of the disturbed catchments can be restored, with the rest of the catchments remaining as open cut base or hardstand areas. On completion of mining all disturbed areas will be revegetated to restore the runoff and water quality characteristics of the area.	1	Rehabilitation is conducted in accordance with the MOP, Flora and Fauna Management Plan and Land Management Plan dated December 2010. These plans are complimented by the Erosion and Sediment Control Plan dated December 2010, which describes that bank stability will be achieved through the planting of grass, small shrubs and riparian tree species. A diversion channel will connect to a retention dam to control velocities and to collect sediment, especially during the early stages of rehabilitation.
7.7.4	Monitoring should be carried out to confirm that the water management system is effective and that the impacts of mining are consistent with the predictions made in this study and the various licence conditions.	1	Monitoring of the water is conducted in accordance with the Site Water Management Plan and Surface Water and Groundwater Monitoring Plan dated June 2011. Section 3.3 and 3.4 of the AEMRs for the audit period provide the results of the monitoring program for the reporting period.
7.7.4	In Year 1, water pumping volumes should be reviewed on a weekly basis to track the change in storage at the mine and to determine the appropriate mitigation measure or measures which may be required for mine water storage, if wet conditions occur.	1	Requirements of the condition are outside of the audit period.

Section	Requirement	Category	Comments
EIS 2002			
7.7.4	Monitoring data will be reviewed annually and it is recommended that more thorough reviews be carried out at the beginning of Year 2, when the lower levels of Lewis Seam underground workings are intersected in the highwalls, and when the development of the alternative entry to the Sandy Creek Colliery may be commenced.	1	Requirements of the condition are outside of the audit period.
7.7.5	It is recommended that flow meters be installed at key points in the water management system to monitor water flows (if they are not already installed). Recommended locations include: - Pipelines to the No. 2 Underground storage; - Pipelines to the Workshop Dam; - Pipelines to and from the No. 2 Open Cut Pit; - Pipelines to and from the No. 1 Open Cut Pit; and - Pipelines to any offsite discharge points.	1	Section 7.1 of the Site Water Management Plan and Surface Water and Groundwater Monitoring Plan dated June 2011 confirms the location where flow meters have been installed: - Pipeline from No. 2 Open Cut to Dam No. 1; - Pipeline from Borehole Pump 1 and Borehole Pump 2 (No. 2 Underground) to Dam No. 2; - Pipeline from Dam No. 2 to Workshop Dam; - Pipeline that supplies water for dust suppression; and - Pipeline from Final Settling Pond to Workshop Dam.
7.7.5	Water levels in the main water management dams should also be monitored regularly to assist with water balance calculations and to ensure sufficient freeboard is always available to contain the run-off from design storms specified in consent conditions, or by statutory authorities. Water quality monitoring at the current monitoring locations should be continued.	1	Section 7 of the Site Water Management Plan and Surface Water and Groundwater Monitoring Plan dated June 2011 outlines monitoring procedures on site, including water quality parameters and levels. Section 3.3 and 3.4 of the AEMRs for the audit period provide the results of the monitoring program for the reporting period.
6.9	The proposed mining should improve the groundwater regime in the area because a large portion of mined workings will have been removed and replaced with spoil, creating a better environment for groundwater recovery and improvement in groundwater quality.	1	Section 3.4.2 of the AEMRs for the audit period describes ground water levels in the Lewis seam in the reporting period similar to those measured in 2002. Groundwater quality has slightly improved compared to the data presented in the 2002 EIS. Water levels, on average, are about the same as the 2002 historical level.

Section	Requirement	Category	Comments
EIS 2002			
7.7.6	A groundwater monitoring program will be put in place. Data from the monitoring program will then be used as a control on the mine water management system.	1	Section 7 of the Site Water Management Plan and Surface Water and Groundwater Monitoring Plan dated June 2011 outlines monitoring procedures for groundwater. Section 3.4 of the AEMRs for the audit period provide the results of the monitoring program for the reporting period.
7.7.6	It is recommended that water quality in the workings be analysed on an annual basis throughout the life of the project.	1	Section 7 of the Site Water Management Plan and Surface Water and Groundwater Monitoring Plan dated June 2011 outlines monitoring procedures on site. Section 3.3 and 3.4 of the AEMRs for the audit period provide the results of the monitoring program for the reporting period.
7.7.7	Water levels in the tracts of spoil-filled open cut pits (the old southwest extensions of the No. 2 Open Cut) that will be intersected by the proposed extension in Years 4 to 9 should be determined prior to mining. It is recommended that at least one borehole be drilled into the deepest part of these filled areas (with drilling conducted to the base of the spoil), and water levels obtained. If water is present, the volume of stored water can be estimated, and appropriate mitigation measures formulated.	1	Requirements of the condition are outside of the audit period. Compliance confirmed in previous audit.
7.7.8	Licences will be required under Section 10 of the Water Act 1912 including for the following activities: - Construction of drains and settling dams in, and taking water from, ephemeral water courses associated with the works area; - Construction of an open cut mine (No. 1 Open Cut Extensions A and B) and taking and using surface water and groundwater entering the mine; and - Construction of dams with a total storage capacity in excess of the (MHRDC).	1	All licences obtained from NOW prior to commencement of works during audit period.

Section	Requirement	Category	Comments
EIS 2002			
7.7.8	Licences would also be required under Section 116 of the Water Act 1912 to commence, enlarge, deepen or alter a bore for dewatering purposes.	1	All licences obtained from NOW prior to commencement of works during audit period.
7.7.8	When the Water Management Act 2000 becomes operative, licences will be required under the following sections: - Section 90: Water management work approvals to construct and use water supply works, drainage works, and flood works; and - Section 91: Activity approvals to carry out a controlled activity (that is, removal or deposition of material that affects the quantity or flow of water in a water source) or to carry out an aquifer interference activity.	1	All licences obtained from NOW prior to commencement of works during audit period.
7.7.8	A Farm Dams Property Assessment should be conducted, in the context of the proposed development, for any new dams that are to be built. Existing mine water system dams should be included. MCC has made application to the DLWC for existing mine water system dams to be registered.	1	Not triggered.
6.10	Annual average PM10 concentration at the most affected residential receiver is predicted to be less than approximately 3 µg/m ³ in Years 4 and 9 (21.6 µg/m ³ including background levels), due to emissions from the proposed No. 1 Open cut Extension.	1	Requirements of the condition are outside of the audit period. Previous audit confirmed compliance.
6.10	Annual average TSP concentration at the most affected residential receiver is predicted to be less than approximately 5 µg/m ³ in Years 4 and 9 (51.6 µg/m ³ including background levels), due to emissions from the proposed No. 1 Open Cut Extension.	1	Requirements of the condition are outside of the audit period. Previous audit confirmed compliance.
6.10	The predicted increase in annual average dust deposition at the most affected residential receiver is approximately 0.8 g/m ² month above the background for Year 1, and 0.5 g/m ² month in Years 4 and 9.	1	Requirements of the condition are outside of the audit period. Previous audit confirmed compliance.

Section	Requirement	Category	Comments
EIS 2002			
7.8	<p>The following measures will be taken by MCC to minimise the generation of dust:</p> <ul style="list-style-type: none"> - MCC will not use draglines in its operations. The equipment selected for the removal of coal and overburden addresses potential safety issues and environmental factors. Materials can be very selectively mined and placed with the minimum dust generation. - MCC have a blasting protocol in place that is designed to minimise overpressure, ground vibration and dust impacts. - In areas with high propensity for dust generation the use of water infusion will be used. This involves pumping water from underground storage areas and then allowing water to gravity feed through blast holes that have intersected underground workings or areas of high heat. The water percolates through the affected strata and back to the same underground storage area. - Overburden which has a high fines component and therefore, higher levels of dust generation will be placed at lower levels within the in pit dump. Materials that are still hot will also be placed low down in the pit area and capped with inert material. - Water carts equipped will be used to reduce dust during loading and unloading of trucks and to damp down haul roads to reduce dust generated by trucks hauling coal or overburden - When areas are identified as having a high dust potential mining can be suspended until more suitable conditions exist. Suitable conditions can consist of meteorological conditions - The use of wetting agents developed specifically developed for coal will be trialled in the suppression of dust. - Water sprays will be fitted to the ROM hopper, crusher and stack out facilities and will run while coal is being crushed or conveyed. 	1	<p>Dust is managed in accordance with the Dust Management Plan dated December 2010. Section 3.1 of the AEMRs for the audit period describes the dust mitigation measures implemented across the site. Measures listed in condition largely incorporated in the management plan and AEMR. During the site inspection on 9 August 2012 dust mitigation measures were being actively implemented including active water trucks on primary haul roads and around the workshop area, no dragline was operating and all transport trucks were covered.</p>

Section	Requirement	Category	Comments
EIS 2002			
	<ul style="list-style-type: none"> - Stockpiles storage time will be monitored. - All trucks transporting coal from MCC have covers placed over the load to prevent coal dust being generated during transport of coal to local power stations or the RCT. 		
6.11	<p>The proposal will require the total removal of the entire soil deposit throughout the impacted area. The complete removal of this soil profile will therefore result in the destruction of any archaeological material within these areas.</p> <p>There will be no additional impacts of the proposal on the surrounding areas through movement of the mined materials and the entry and exit of workers and materials because the existing infrastructure will be utilised.</p>	1	<p>Operations are conducted in accordance with the MOP. Operations deemed to be within approved disturbance limits via aerial imagery and site inspection.</p> <p>Topsoil will be removed in accordance with the Soil Stripping Management Plan dated December 2010. During excavation of topsoil, operations will also be consistent with the Archaeology and Cultural Heritage Management Plan dated December 2010.</p>
7.9.1	An Archaeological Management Plan (AMP) has been recommended for the proposed MCC development. The EIS provided a number of management recommendations aimed at mitigating adverse development impact on the archaeological resources uncovered during construction, which could be utilised as the basis for the AMP policies.	1	Viewed Archaeology and Cultural Management Plan dated December 2010.
7.9.1	<p>If any additional archaeological materials are uncovered during construction, the following management procedure is recommended:</p> <ol style="list-style-type: none"> 1) Work must cease immediately to enable archaeological assessment. 2) The NSW National Parks and Wildlife Service should be notified, as a "Consent to Destroy" permit can only be obtained through this agency. 3) An archaeological and cultural assessment will need to be undertaken as part of this permit application process. Typically, this will require an archaeologist and representative of the relevant Local Aboriginal Land Councils to attend the site, make an assessment and lodge the appropriate documents. 	1	Not triggered.

Section	Requirement	Category	Comments
EIS 2002			
7.9.1	<p>An important feature of the development of the AMP will be consultation between all of the following groups:</p> <ul style="list-style-type: none"> - NSW National Parks and Wildlife Service, - Upper Hunter Wonnarua Council, - Wonnarua Local Aboriginal Land Council; - Wonnarua Tribal Council, - Wonnarua Nation Aboriginal Corporation, - Lower Hunter Wonnarua Council, - Muswellbrook Coal Company, and - A qualified archaeologist. <p>This should be maintained throughout the development process and copies of all heritage assessments and recommendations should be made available to each community group.</p>	1	<p>The following consultation was undertaken:</p> <ol style="list-style-type: none"> 1. A copy of the Archaeology and Cultural Management Plan was issued to MSC on 29 December 2010 for comment and approval. No response received from MSC. 2. A letter was issued to MSC on 17 November 2011 advising that MCC had not received acknowledgement regarding the management plan. No response received from MSC. 3. A letter was issued to MSC on 19 January 2012 advising that MCC had not received acknowledgement regarding the management plan. The letter stipulated that if no response was received by 31 January 2012, MCC will adopt the management plan as final. No response received from MSC. 4. A copy of the final management plan was issued to DTIRIS, NOW, DP&I, OEH, NPWS, MSB, MSC and MCC Community Consultative Committee (MCCCCC) on 16 April 2012. No response received from regulatory agencies.
7.9.2	<p>The Muswellbrook Brickworks have been identified as an item of local heritage significance on the Hunter Valley Regional Environmental Heritage Schedule and on the Muswellbrook Shire Heritage Register. It cannot therefore be disturbed in any way without the consent of the Muswellbrook Shire Council. If any alterations are made to the existing development plans, the development impact on the Muswellbrook Brickworks will require reassessment.</p>	1	<p>A letter from MSC dated 16 December 2009 provided permission for MCC to proceed with the demolition of the former Muswellbrook Brick Works.</p>

Section	Requirement	Category	Comments
EIS 2002			
7.9.2	<p>The following management recommendations are made in the event of the discovery of additional non-Indigenous heritage items:</p> <ol style="list-style-type: none"> 1) Upon discovery of the relic, work must cease immediately while the proper authority is contacted (the NSW Heritage Office) and a permit determination is made. 2) Relics can only be disturbed with an approved Excavation Permit (Section 140) as issued from the NSW Heritage Office. 3) Archaeological assessments are essential in obtaining such permits, and will require an archaeologist to make an on-site assessment and lodge the appropriate documents. 	1	Not triggered.
7.10	The No. 1 Open Cut Extension will mine through the area of potholing and remove this potential hazard. The rehabilitated landform that will be constructed following mining will be stable and in a form that is safe to the public and wildlife.	1	The shaping of the final landform and rehabilitation will be undertaken in accordance with the MOP and the Land Management Plan dated December 2010.
7.12	An environmental officer is employed by the mine whose role includes the receipt and response to environmental complaints and the provision of information to the community and regulatory agencies. An environmental officer will continue to be employed by MCC.	1	Chris Knight is the appointed Environmental Officer at MCC. Viewed letter dated 25 May 2010 issued to relevant government agencies. See DC205-2002 Condition 3.1 (b) for consultation undertaken.
7.12	A Complaints Register is currently used by MCC to record information in respect to any incident hazard or risk related to health, safety or the environment. This facility will be extended to include the operations of the proposed No. 1 Open Cut Extension.	1	Viewed complaints register for May 2005 - July 2012. Database includes actions taken and any follow up measures required.

Section	Requirement	Category	Comments
EIS 2002			
7.12	The MCC CCC will continue and be extended to cover the operations of the proposed No. 1 Open Cut Extension. This Committee will provide a direct line of communication for representatives of the local community. It is anticipated that this Committee will provide an effective means of feedback to MCC on measures undertaken to mitigate adverse effects on the environment and suggestions in terms of potential improvements in environmental performance and community relations.	1	<p>MCCCCC includes:</p> <p>1. Community Representatives: Mrs Glenda Watts Mr Noel Downs (Wanaruah Local Aboriginal Lands Council)</p> <p>2. Council Representatives: Cr Malcom Ogg (Chairman) Cr Christine Phelps (Deputy Chairman) Mr Craig Flemming</p> <p>3. MCC Representatives: Mr John Furner Mr Chris Knight Mr Colin Davies (Carbon Based Environmental Pty Ltd)</p> <p>Viewed minutes from MCCCCC meeting on 5 June 2012 discussing compliance with conditions of current consents and other matters relevant to the operation of the mine during the term of the consent. All previous meeting minutes available on the Idemitsu - MCC website (http://www.idemitsu.com.au/content/cms/more/506/).</p>

APPENDIX C

Regulatory Compliance Table against conditions of other Licences and Approvals

OTHER LICENCES AND APPROVALS

Table 1 lists all of the other licences and approvals that MCC holds and provides comments in relation to the status of each.

Table 1
Other Licences and Approvals Compliance

Ref	Name	Detail	Expiry	Compliance Category	Comments
1.	Mining Lease 1304	For the purpose of prospecting and mining coal over approximately 108 ha.	12/01/2014	1	Mining is conducted generally in accordance with the conditions outlined in this approval.
2.	Mining Lease 1513	For the purpose of prospecting and mining coal over approximately 561.5 ha.	20/03/2023	1	Mining is conducted generally in accordance with the conditions outlined in this approval. Condition 44 – The 2010/2011 AEMR notes that MCC employ 101 full time employees.
3.	Mining Lease 1562	For the purpose of prospecting and mining for coal over approximately 316.6 ha.	16/02/2026	2	Condition 2 (1) – Mining operations are conducted in accordance with the revised MOP. Condition 3 - Mining progression and rehabilitation activities are included in the AEMR. Condition 4 (a) – No underground mining currently conducted. Condition 5 (a) - The 2010/2011 AEMR notes that MCC employ 101 full time employees. Condition 11 (b) - Two blast exceedances above 120 dbA.

Ref	Name	Detail	Expiry	Compliance Category	Comments
4.	Consolidated Coal Lease 713	For the purpose of prospecting and mining coal over approximately 1,645 ha to a depth of 900 m.	24/11/2025	2	Condition 4 – Mining progression and rehabilitation activities are included in the AEMR. Condition 9 (a) – The 2010/2011 AEMR notes that MCC employ 101 full time employees. Condition 15 (b) – Two blast exceedances above 120 dbA.
5.	Dangerous Goods Licence 10-100002-006	For the storage of dangerous goods.	28/12/15	1	Viewed Notification of Dangerous Goods on Premises 10-100002-006 from WorkCover for Coal Road Muswellbrook relating to the storage and handling of dangerous goods at the address mentioned with expiry date 28/12/15. Dangerous goods were generally observed to be handled with care and safety during the field survey.
6.	Mining Operations Plan		31/12/2012	1	Condition 2 - Viewed letter from NSW I&I dated 12 July 2011, stating that the required security is \$6,910,000. . . Confirmed payment (Banker's Irrevocable Undertaking signed and dated 2 August 2011. Replacement security certificate for \$6,910,000 received by MCC on 15 August 2011. In comparison to the MOP commitment there remains 13.1 ha of rehab required to be undertaken prior to 31 December 2012. MCC confirmed that this is proposed to be undertaken by the end of the year (during the 2012 spring growth period).
7.	Radiation Licence RL27951	Sell and or possess radiation licence. Sell and/or possess radioactive substances or items containing radioactive substances	19/02/2014	1	Confirmed valid and being maintained onsite.

Ref	Name	Detail	Expiry	Compliance Category	Comments
8.	Radiation Gauge RR1028	Fixed Radiation Gauge located at the Number 2 Open Cut Conveyor	08/04/2013	1	Confirmed valid and being maintained onsite.
9.	Radiation Gauge RR10739	Fixed Radiation Gauge located the Washery – Washed Coal Product Conveyor	07/04/2013	1	Confirmed valid and being maintained onsite.

ENVIRONMENTAL PROTECTION LICENCE

Table 2 lists conditions specific to EPL 656 and provides comments in relation to the status of each.

Table 2
EPL 656

Condition	Requirement	Category	Comments
EPL 656			
A1.2	Licence authorises the carrying out of the scheduled activities listed below at the premises specified in the A2. The activities listed according to their scheduled activity classification. Unless otherwise further restricted by a condition of this licence, the scale at which this activity must not exceed is >500, 000 - 2, 000, 000 T produced and 0-2 000 000 T loaded.	1	Annual Environmental Management Reports (AEMR) for the audit period note the following Run of Mine (ROM) coal tonnages: 1. 2009-2010 AEMR: 1,231 kt; and 2. 2010-2011 AEMR: 1,441 kt. 3. 2010-2011 AEMR predicts the ROM coal tonnage for 2011-2012 at 1,250 kt. Figures indicate that the product coal tonnage is within the approved 2 Mtpa.
A3.1	This licence applies to all other activities carried on at the premises, including Chemical Storage Facilities	1	Compliant
A4.1	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to: (a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998;	1	Mining is conducted in accordance with the relevant licences and approvals (LDK pers comms).

Condition	Requirement	Category	Comments																												
EPL 656																															
	and (b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.																														
P 1.1	Purposes of monitoring and/ or the setting of limits for this licence are as follows: (a) TSP- At locations where the level of particulate matter being sampled is representative of emissions from the operation of the mine taking into account prevailing wind direction and the location of residential properties or other sensitive receivers. (b) Dust Deposition- At locations where dust deposition levels are representative of the levels experienced at residential properties, or other sensitive receivers, resulting from the operation of the mine.	1	Section 3 of the 2009/2010 AEMR identifies the air quality monitoring locations and reports on the results during the reporting period.																												
L 1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the PEOA (1997).	1	This audit.																												
L 6.1	Noise limits from the premises must to exceed the following at neighbouring residences at all times of day/ evening/ night for LAeq (15 min): <table border="1"> <thead> <tr> <th>Location *</th><th>Day L_{Aeq,15min}(dBA)</th><th>Evening L_{Aeq,15min}(dBA)</th><th>Night L_{Aeq,15min}(dBA)</th></tr> </thead> <tbody> <tr> <td>R7 (RG&GA V/alts)</td><td>36</td><td>36</td><td>36</td></tr> <tr> <td>R13 (McMaster)</td><td>40</td><td>40</td><td>44</td></tr> <tr> <td>R15 (Collins)</td><td>35</td><td>35</td><td>35</td></tr> <tr> <td>R16 (Tuckey)</td><td>35</td><td>35</td><td>35</td></tr> <tr> <td>R17 (Cclvin)</td><td>35</td><td>35</td><td>35</td></tr> <tr> <td>R20 (Gordon)</td><td>38</td><td>38</td><td>38</td></tr> </tbody> </table> * The locations of the land identification numbers above are established in the document *Muswellbrook Coal Company Ltd- No. 1 Open Cut Extension EIS 2003 prepared by HLA Envirosciences Pty Ltd	Location *	Day L _{Aeq,15min} (dBA)	Evening L _{Aeq,15min} (dBA)	Night L _{Aeq,15min} (dBA)	R7 (RG&GA V/alts)	36	36	36	R13 (McMaster)	40	40	44	R15 (Collins)	35	35	35	R16 (Tuckey)	35	35	35	R17 (Cclvin)	35	35	35	R20 (Gordon)	38	38	38	2	AEMRs for the audit period provide noise monitoring results for key receivers. 2009-2010 AEMR: Attended noise monitoring was conducted by Global Acoustics during 9-10 December 2009 and 15-16 June 2010. Section 3.10.3 of the AEMR indicates that noise levels from both surveys complied with the day, evening and night conditions at all monitoring locations during the reporting period. 2010-2011 AEMR: Attended noise monitoring was conducted by Global Acoustics during 22-23 December 2010, 29-30 June 2011 and 24-25 August 2011. Section 3.10.3 of the AEMR indicates that noise levels
Location *	Day L _{Aeq,15min} (dBA)	Evening L _{Aeq,15min} (dBA)	Night L _{Aeq,15min} (dBA)																												
R7 (RG&GA V/alts)	36	36	36																												
R13 (McMaster)	40	40	44																												
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R16 (Tuckey)	35	35	35																												
R17 (Cclvin)	35	35	35																												
R20 (Gordon)	38	38	38																												

Condition	Requirement	Category	Comments
EPL 656			
			from surveys in December 2010 and August 2011 complied with the day, evening and night conditions at all monitoring locations during the reporting period. An exceedance of the LAeq,15min noise criteria occurred during June 2011 survey at R7 from an engine continuum and digger bucket noise. No noise exceedance occurred during 2011-2012 period. AEMR for this reporting period is currently being prepared for submission.
L 6.2	For the purposes of condition L6.1: <ul style="list-style-type: none"> 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 6pm to 10pm; and Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays 	1	Section 6.4.3 of Noise Management Plan dated December 2010 contains the definitions of day, evening and night periods.
L 6.3	Noise from the premises is to be measured within the residential boundary, or within 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary to determine compliance with the LAeq(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.	1	Viewed <i>Environmental Noise Monitoring, December 2011</i> prepared by Global Acoustics for MCC. Report method outlines that monitoring is conducted within 30 m of dwellings.

Condition	Requirement	Category	Comments
EPL 656			
L 6.4	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 L6.1.	1	Section 4 of the Noise Management Plan dated December 2010 states that all noise monitoring and investigations conducted by independent consultants will be carried out in accordance with the NSW Industrial Noise Policy (INP) and applicable Australian Standards.
L 7.1	The airblast overpressure level from blasting operations in or on the premises must not exceed: (a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and (b) 120 dB (Lin Peak) at any time. At any affected residence or noise sensitive location 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.	2	<p>Section 2 of the Blast and Vibration Management Plan dated December 2010 states this condition and where each of the requirements is included in the report.</p> <p>Two blasts exceeding the 120 dB criteria have been recorded during the audit period.</p> <p>1. Exceedance occurred on 21 October 2009 at the Queen Street (B1) monitor recording 120.4 dB(L). Section 3.9.4 of the 2009-2010 AEMR reports on the exceedance and notes that both DECCW (now OEH) and I&I (DTIRIS DRE) within 24 hours. A full incident investigation was conducted and a Blast Overpressure Non-Conformance report for the incident was submitted to OEH within 7 days (27 October 2009). Viewed letter response from OEH dated 24 November 2009 requesting additional information be provided. Viewed letter response from MCC dated 1 December 2009 supplying additional information. No further correspondence was received regarding the incident. Overpressure results presented in Section 3.9.4 of the 2009-2010 AEMR indicate results over 115 dB(L) totalled 1.6% of blasting events.</p> <p>2. Exceedance of 120 dB(L) occurred on 4 March 2011 measuring 120.9 dB(L) at Site B4 (Nisbet). OEH were notified of the incident on 11 March 2011. A letter was sent on 15 March 2011 to OEH along with MSC providing additional details regarding the exceedance. No correspondence received from OEH or MSC.</p>

Condition	Requirement	Category	Comments
EPL 656			
L 7.2	The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: (a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and (b) 10 mm/s at any time. At any affected residence or noise sensitive location 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.	1	MCC have implemented a number of proactive actions in order to minimise the potential for further exceedances including a recalibration of Shot Plus software and a more extensive blast design procedure. Viewed internal blast procedure and management documents. AEMRs for the audit period indicate that MCC aim to design blast patterns as not to exceed 2mm/s. AEMRs provide maximum ground vibration experienced for the reporting period. 1. 2009-2010 AEMR within condition requirements (1.6 mm/s at B3); and 2. 2010-2011 AEMR within condition requirements (2.08 mm/s at B4).
O 1.1	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	1	Site inspection on 9 August 2012 confirmed MCC activities were generally occurring in a competent way that minimises environmental impacts.
O 2.1	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.	1	Site inspection on 9 August 2012 confirmed MCC equipment was being maintained and operated in a proper and efficient condition.

Condition	Requirement	Category	Comments
EPL 656			
O 3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	1	Operations are conducted in accordance with the Dust Management Plan (December 2010). Site inspection on 9 August 2012 confirmed the MCC premises are maintained in a condition which minimises or prevents the emission of dust from the premises. Active water carts viewed around the workshop area and haul roads maintaining a moist condition.
M 1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	1	All monitoring data recorded is retained electronically and in hard copy on site. Viewed samples of data retained.
M 1.2	All records required to be kept by this licence must be: (a) in a legible form, or in a form that can readily be reduced to a legible form; (b) kept for at least 4 years after the monitoring or event to which they relate took place; and (c) produced in a legible form to any authorised officer of the EPA who asks to see them.	1	Viewed monitoring data for last four years (documented electronically and in hard copy on site). Data in legible form.
M 1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: (a) the date(s) on which the sample was taken; (b) the time(s) at which the sample was collected; (c) the point at which the sample was taken; and (d) the name of the person who collected the sample	1	Viewed monitoring data for last four years (documented electronically and in hard copy on site). Data in legible form.

Condition	Requirement	Category	Comments																				
EPL 656																							
M 2.1	<p>For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of, measure and sample at the frequency, specified opposite in the other columns:</p> <p>POINT 1</p> <table> <tr> <th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr> <tr> <td>PM10</td><td>micrograms per cubic metre</td><td>Continuous</td><td>AJM-22</td></tr> <tr> <td>Total suspended particles</td><td>micrograms per cubic metre</td><td>Every 6 days</td><td>AJM-15</td></tr> </table> <p>POINT 2</p> <table> <tr> <th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr> <tr> <td>Particulates - Deposited Matter</td><td>grams per square metre per month</td><td>Continuous</td><td>AJM-19</td></tr> </table>	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	AJM-22	Total suspended particles	micrograms per cubic metre	Every 6 days	AJM-15	Pollutant	Units of measure	Frequency	Sampling Method	Particulates - Deposited Matter	grams per square metre per month	Continuous	AJM-19	1	<p>AEMRs for the audit period provide details of the sampling method, unit of measure and sample at the frequency required by the condition for each pollutant consistent with the required frequencies (See Section 3.1).</p> <p>Viewed air quality monitoring results (electronically and hardcopy on site).</p>
Pollutant	Units of measure	Frequency	Sampling Method																				
PM10	micrograms per cubic metre	Continuous	AJM-22																				
Total suspended particles	micrograms per cubic metre	Every 6 days	AJM-15																				
Pollutant	Units of measure	Frequency	Sampling Method																				
Particulates - Deposited Matter	grams per square metre per month	Continuous	AJM-19																				
M 3.1	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <p>(a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or</p> <p>(b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or</p> <p>(c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place</p> <p>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.</p>	1	<p>Air quality monitoring is conducted in accordance with the Dust Management Plan (December 2010) which outlines the Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.</p> <p>See Condition M.2.1 for other requirements for air quality monitoring.</p>																				

Condition	Requirement	Category	Comments
EPL 656			
M 4.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	1	Viewed complaints register for May 2005 - July 2012. Register in a legible format.
M 4.2	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.	1	Viewed complaints register for May 2005 - July 2012. Register includes all the requirements noted in this condition
M 4.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	1	Viewed complaints register for May 2005 - July 2012.
M 4.4	The record must be produced to any authorised officer of the EPA who asks to see them.	1	Viewed EPL656 in hardcopy on site. Available upon request.
M 5.1	EPL 656 Complaints 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 specified in the licence.	1	Section 4 of the AEMRs for the audit period provides a free call environmental contact line (1800 600 205).
M 5.2	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.	1	The environmental contact line is advertised bi-weekly in the Hunter Valley News and Muswellbrook Chronicle

Condition	Requirement	Category	Comments
EPL 656			
M 5.3	Conditions M5.1 and M5.2 do not apply until 3 months after: (a) the date of the issue of this licence or (b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.	1	
M 7.1	To determine compliance with condition(s) L7.1 and L7.2: a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at any affected residence or noise sensitive location 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/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 must meet the requirements of Australian Standard AS 2187.2-2006.	1	Blast overpressure and vibration monitoring is conducted in accordance with conditions of DA 205/2002, the Blast-Vibration Management Plan (December 2010) and requirements of Australian Standard AS 2187.2-2006. Blast monitoring locations are shown in Section 3.9.3 of AEMRs for the audit period.
M 8.1	For each monitoring point specified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters mentioned. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency as specified: (a) Atmospheric Pressure- continuous, 1 hour, AM-4 (b) Wind Direction- °, continuous, 15 mins, AM-2 & AM-4 (b) Wind Speed- m/s, continuous, 15 mins, AM-2 & AM-4	1	Section 3.1.3 of the AEMRs for the audit period and Section 2.2 of the Dust Management Plan describes the meteorological monitoring network and the requirements of the condition.

Condition	Requirement	Category	Comments
EPL 656			
M 9.1	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 acoustic consultant and determine compliance with the noise limits in Condition L6.1.	1	Viewed Annual Return for the period: 1. 30 November 2009 to 29 November 2010; and 2. 30 November 2010 to 29 November 2011. Annual Returns include Annual Attended Noise Monitoring Report prepared by Global Acoustics.
R 1.1	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 licence. 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.	1	Viewed Annual Return for the period: 1. 30 November 2009 to 29 November 2010; and 2. 30 November 2010 to 29 November 2011. Annual Return to the EPA (now OEH) meets requirements of the condition.
R 1.2	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 licence. Do not complete the Annual Return until after the end of the reporting period.	1	Viewed Annual Return for the period: 1. 30 November 2009 to 29 November 2010; and 2. 30 November 2010 to 29 November 2011.

Condition	Requirement	Category	Comments
EPL 656			
R 1.3	Where this licence 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 licence to the new licensee is granted; and (b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period. Note: An application to transfer a licence must be made in the approved form for this purpose.	1	Not Triggered
R 1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: (a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or (b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	1	Not Triggered
R 1.5	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 licence not later than 60 days after the date the transfer was granted (the 'due date').	1	Viewed Annual Return for the period: 1. 30 November 2009 to 29 November 2010 signed 18 January 2011; and 2. 30 November 2010 to 29 November 2011 signed 17 January 2012.
R 1.7	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.	1	View copy of Annual Returns from 30 November 2006 to 29 November 2007 to 30 November 2010 to 29 November 2011.

Condition	Requirement	Category	Comments
EPL 656			
R 1.8	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: (a) the licence holder; or (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	1	See Condition R.1.5. Signed by Director of Idemitsu.
R 1.9	A person who has been given written approval to certify a certificate of compliance under a licence 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 licence.	1	
R 2.1	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. Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.	1	The AEMRs for the audit period note that OEH will be notified of incidents causing or threatening material harm to the environment as soon as practicable. Example provided in Condition L.7.1.
R 2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	1	See Condition L7.1.
R 3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: (a) where this licence applies to premises, an event has occurred at the premises; or (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	1	Not Triggered

Condition	Requirement	Category	Comments
EPL 656			
R 3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	1	Not Triggered
R 3.3	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.	1	Not Triggered
R 3.4	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.	1	Not Triggered

Condition	Requirement	Category	Comments
EPL 656			
R 4.1	The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.	1	See Condition L7.1.
R 6	The results of the blast monitoring required by condition M7.1 must be submitted to the EPA at the end of each reporting period.	1	Viewed Annual Returns and AEMRs for the audit period, which includes blast monitoring results. Each of these documents are provided to OEH on an annual basis. See Condition R.1.5 and DC205/2002 Condition 9.2 (c).
R 7.1	<p>The licensee must prepare and submit quarterly spontaneous combustion management reports to EPA. A copy of each quarterly report must be forwarded to the regional office of EPA no later than two (2) months after the quarterly period being reported.</p> <p>The quarterly report must include but not be limited to the following:</p> <ul style="list-style-type: none"> a) A monthly summary of actions and procedures undertaken to prevent or control spontaneous combustion at the site b) An assessment of the effectiveness of the actions and procedures undertaken c) Spontaneous combustion areas capped in square meters d) Spontaneous combustion areas mined out in square meters e) Areas under water infusion f) Map of the approximate location of the areas subject to spontaneous combustion, areas capped, areas mined out and areas under water infusion. g) Number of complaints received in relation to spontaneous combustion 	1	Viewed correspondence submitting all quarterly Spontaneous Combustion Management Reports to OEH for the audit period.

Condition	Requirement	Category	Comments
EPL 656			
G 1.1	A copy of this licence must be kept at the premises to which the licence applies.	1	Viewed EPL 656 in hardcopy on site.
G 1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	1	Not Triggered
G 1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	1	Viewed EPL 656 in hardcopy on site.

APPENDIX D

Photos from Site Inspection



Plate 1
Battery Disposal and Storage Area



Plate 2
Refuelling Bay



Plate 3
Behind Refuelling Bay



Plate 4
Fuel Containment Bund



Plate 5
Heavy Vehicle and Equipment Laydown Area



Plate 6
Diesel Storage



Plate 7
Active Use of Water Cart for Dust Suppression



Plate 8
Successful Rehabilitation