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Baal Bone Colliery Independent Environmental Audit

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Baal Bone Colliery Independent Environmental Audit

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DOCUMENT CONTROL

Reference	Status	Date	Prepared	Checked	Authorised
630.11843.00000	Draft Compliance Spreadsheet	27.01.2017	Nathan Archer and Chris Jones	Chris Jones	Chris Jones
630.11843.00000	Draft Report	16.02.2017	Chris Jones	Chris Jones	Chris Jones
630.11843.00000	Final Report	22.02.2017	Chris Jones	Chris Jones	Chris Jones

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1 INTRODUCTION

1.1 Background to Site

Baal Bone Colliery is located 5 kilometres (km) North East of the township of Cullen Bullen, and approximately 25 km Northwest of Lithgow. The colliery site covers an area of approximately 380 hectares (ha) within the Parish of Ben Bullen, County of Roxburgh.

The original mining operation, the Wallerawang Colliery, commenced in 1910 as an extension of the first mine in the district, which started in approximately 1855. The surface development at Baal Bone Colliery lies within the degraded landscape of the Ben Bullen State Open Cut Mine, which ceased operation in 1952. Baal Bone Colliery has progressively been rehabilitating this abandoned site.

In 1979 with the reserves of the Wallerawang Colliery nearly exhausted, the Wallerawang Collieries Limited was granted an Authorisation to Prospect 15 km north of the Wallerawang Colliery, the area now known as Baal Bone.

Baal Bone Colliery was established in two stages. Stage 1 involved the development of the underground workings and support infrastructure, with works completed in 1983. Stage 2 was completed in 1986 and included the installation and commissioning of longwall retreat equipment, coal preparation plant and rail loading facilities.

Open Cut operations at Baal Bone Colliery were proposed during the mid-1990s with an Environmental Impact Statement (EIS) completed in November 1995. Mining of the most recent Open Cut operation commenced in early 2005 following the approval of a Mining Operations Plan on 1 February 2005. This open cut operation was designed to recover the remaining viable open cut reserves contained within the abandoned Ben Bullen Open Cut and to generate suitable waste material for the rehabilitation of the of the old abandoned Ben Bullen Open Cut site. The Open Cut was operated by contractors with the coal trucked to the Baal Bone Coal Handling and Preparation Plant (CHPP) and the product sold both on the local market for power generation or railed to Port Kembla for sale on the export thermal market. Open cut operations at Baal Bone ceased on 27 July 2007.

In accordance with PA 09_0178, Baal Bone Colliery has approval to mine remnant coal mining areas via a bord and pillar extraction method. However the currently economically recoverable underground reserves within the approved mining areas of the lease have been exhausted.

Underground mining at Baal Bone ceased on 3 September 2011, and underground mining operations have entered into care and maintenance. During 2012 and 2013 Baal Bone Colliery was utilised as a training facility for Glencore Xstrata employees. Underground workers completed a twelve week training course including classroom tutorials, and equipment familiarisation.

The management and administration of Glencore's NSW generic induction program has been carried out from the Baal Bone site since June 2013. In February 2014 Baal Bone also took over the management and administration of the QLD generic induction program.

In February 2015, DP&E approved an amendment to the Project Approval to extend the life of mine for an additional three years until 31 December 2019 to allow the Remnant Areas to be mined. Mining methods would remain the same as that currently approved, namely, through use of continuous miner using bord and pillar/partial extraction mining methods. In December 2015, DP&E approved a second modification to the Project Approval to allow Ben Bullen Creek to remain in its current alignment.

1.2 Audit Scope

Independent Environmental Audit

This audit report has been developed to satisfy the requirement of Schedule 5, Condition 7 of the Project Approval (09_0178). Photographs taken from the site inspection are shown in **Appendix A**. A copy of the full compliance spreadsheet is attached as **Appendix B**. The audit certification form is attached as **Appendix C**. A copy of the endorsement letter from the DP&E for SLR Consulting to complete the audit is included as **Appendix D**.

By 31 December 2016, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission at its own cost an Independent Environmental Audit of the project. This audit must:

- a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;*
- b) include consultation with the relevant agencies;*
- c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*
- d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate;*
- e) recommend measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under these approvals; and*
- f) be completed within 2 months of the approval of the audit team.*

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

1.3 Key Site Contacts

Contact details for key personnel at Baal Bone are provided in **Table 1** below:

Table 1 - Contact Details for Key Mine Personnel

Name	Role	Telephone	Email
Mark Bulkeley	Operations Manager	(02) 6350 6943	Mark.Bulkeley@glencore.com.au
Angela van der Kroft	Environmental Coordinator	(02) 6350 6920	Angela.vanderKroft@glencore.com.au

1.4 Audit Methodology

The audit was undertaken on site by Chris Jones (Lead Auditor), Rod Masters (Rehabilitation and Surface Water Specialist) and Nathan Archer (Assistant Auditor) of SLR on 6 and 7 of December 2016 at the Baal Bone Colliery Office.

Information was provided prior to the audit, during the audit and following the audit.

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

- a. Introductory and close out meetings;
- b. Reviewing key documents provided by Baal Bone Colliery prior to the audit;
- c. Consultation with relevant government agencies;
- d. Site inspections and discussions with key Baal Bone Colliery Mine personnel;
- e. Review of additional relevant documentation obtained while on site during the inspection or provided by Baal Bone Colliery after the site inspection; and
- f. Client review and comment on the draft audit report.

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

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

The audit team assessed the following approval documentation:

- Project Approval – 09_0178;
- Environment Protection Licence (EPL 765);
- Mining Leases (MPL 261, ML 1389, ML1302, ML 1607 and CL 391); and
- EIS Statement of Commitments (Attached to the Project Approval).

1.4.1 Introductory and Close Out Meetings

Introductory and close out meetings were held for the audit. At these meetings the current status of the site was discussed as well as a general discussion about compliance and areas for improvement. **Table 2** lists those present at these meetings.

Table 2 - Meeting Attendees

Name	Role	Comment
Mark Bulkeley	Operations Manager	Present at both meetings.
Angela van der Kroft	Environmental Coordinator	Present at both meetings and site inspection.
Chris Jones	SLR Lead Auditor	Present at both meetings and site inspection.
Rod Masters	SLR Rehabilitation and Surface Water Specialist	Present at Opening meeting and site inspection.
Nathan Archer	SLR Assistant Auditor	Present at both meetings and site inspection.

1.5 Consultation Requirements

Section 4.2 of the *Independent Environmental Audit Guidelines* (DP&E, October 2015) requires the Lead Auditor to consult with relevant agencies and the community.

A summary of consultation for this audit is provided in **Table 3** below.

Table 3 - Stakeholder Consultation for Audit

Regulatory Authority	Contact Details	Details of Consultation from SLR	Response	SLR Comment
Department of Planning and Environment (DP&E)	Paul Freeman Paul.Freeman@planning.nsw.gov.au	Email sent by SLR on 20 January 2017 requesting input into the audit.	No response	
Environment Protection Authority (EPA)	Allan Adams allan.adams@epa.nsw.gov.au	Email sent by SLR on 20 January 2017 requesting input into the audit.	Phone discussion between Allan Adams (EPA) Chris Jones (SLR) on 30 January 2017. Discussed the ongoing discharge of waters from the underground workings offsite through LDP011.	Conditions relating to the discharge of LDP011 have been assessed for this audit. Based on discussions with site and the EPA, there is a plan in place to stop discharging water from the underground workings through LDP011, with this proposed to commence in Quarter 3 2017. Discharges are still permitted through LDP011 as per the EPL requirements.
Division of Resources and Energy (DRE)	Craig Campbell Craig.Campbell@industry.nsw.gov.au	Email sent by SLR on 20 January 2017 requesting input into the audit.	No response	
Department of Primary Industries – Water (DPI Water)	Tim Baker Tim.Baker@dpiwater.nsw.gov.au	Email sent by SLR on 20 January 2017 requesting input into the audit.	No response	
Lithgow City Council	Paul Cashel Paul.Cashel@lithgow.nsw.gov.au Jessica Ramsden Jessica.Ramsden@lithgow.nsw.gov.au	Email sent by SLR on 20 January 2017 requesting input into the audit.	Response email from Jessica Ramsden on 23 January 2017 stating 'no specific requirements that need investigation'.	Covered as part of the audit.

2 DOCUMENTS REVIEWED AND REFERENCED

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

- Project Approval – 09_0178;
- Environment Protection Licence (EPL 765);
- Mining Leases (MPL 261, ML 1389, ML1302, ML 1607 and CL 391); and
- Environmental Assessment – Baal Bone Colliery Environmental Assessment (AECOM, March 2010);
- Environmental Assessment – Baal Bone Colliery Extension – Modification 1 (Umwelt 2014);
- Environmental Assessment – Ben Bullen Creek Rehabilitation – Modification 2 (Umwelt 2015);
- EA Statement of Commitments (Attached to the Project Approval);
- Previous Independent Environmental Audit – SMEC (February 2014);
- Environmental Management Plans, including:
 - Aboriginal Cultural Heritage Management Plan (2014);
 - Air Quality Monitoring Program (2016);
 - Biodiversity and Land Management Plan (2016);
 - Noise Management Plan (2016);
 - Waste Management Plan (2016);
 - Environmental Management Strategy (2016);
 - Water Management Plan and component plans (2016);
- Mining Operations Plan (February 2016 – December 2019);
- Annual Returns – across the audit period;
- Annual Reviews across the audit period;
- Community Consultative Committee Meeting Minutes – across the audit period;
- Key consultation with government – including consultation and approval letters;
- Subsidence Inspection Reports (Shallow Cover Areas) 2015 and 2016; and
- Environmental monitoring reports and data – air, blasting, noise, water.

3 ASSESSMENT OF COMPLIANCE

The terms used in the audit to describe the level of compliance of the site with the relevant approval documentation are outlined in **Table 4** and **Table 5**. These are requirements of the DP&E *Independent Environmental Audit Guidelines* (October 2015).

Table 4 - Compliance Assessment Criteria

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

Table 5 - Risk Levels for Non-Compliances

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

4 APPROVALS AND DOCUMENTATION ASSESSED

4.1 Previous Audit Recommendations

SLR has reviewed the recommendations from the previous audit, with comments provided in **Table 6**.

Table 6 - Previous Audit Recommendations

Recommendation Number	Recommendations from Previous Audit	SLR Comment
1	All compliance documentation to be entered into CMOS (electronic compliance management system) so it is available when required. Where documentation is missing, attempt to replace it.	The CMO database stored the majority of compliance information.
2	Conduct a thorough review of all environmental management documentation when it is finalised but before it is implemented to make sure all actions and documentation required for compliance are identified and addressed.	All management plans have been updated and approved by the DP&E. Management plans require review following this audit.
3	When documentation sits with DP&I for approval, pursue the approval vigorously and document the communications.	All management plans have been updated and approved by the DP&E. Management plans require review following this audit.
4	Conduct an Environment and Community Risk Assessment promptly after the audit and then annually thereafter or review the period between ECRA's as stated in the EMS to align it with actual site practise while the site is in "Suspended Operations".	Evidence of Environment and Community Risk Assessments from 2014 and 2016. Evidence of a draft risk assessment completed for the Final Closure Plan.
5	Review the period for the issue of Community Newsletters, running the HSEC meeting and CCC meetings as stated in the EMS and revise to align it with actual site practise while the site is in "Suspended Operations".	The EMS has been revised and approved.
6	Remove reference to the EPA in the section referring to the community complaints telephone line in the EMS and WMP.	All management plans have been updated and approved by the DP&E.
7	Revise the AQMP regarding the process and periodicity of internal reporting of air quality results to management.	All management plans have been updated and approved by the DP&E.
8	Review the approval documentation to ensure that all requirements for reporting are included in the Annual Reviews. This will help ensure that there are no future non-compliances because of missing information.	There have been recommendations in the Audit Report about ensuring that ongoing Annual Reviews are prepared in accordance with the current guidelines and include a comparison against predictions from the MOP.
9	Review the site inspection regime for the ECO. The review should focus on the actual site environmental risks and making sure that all risk items are covered but ensuring the period between inspections reflects the risk of environmental impact.	Evidence that inspections are completed. There are recommendations in the audit report regarding continuing inspections of subsidence areas.
10	Review the Water Management Plan (SWMP, GWMP and SWGWRP) to include requirements for monitoring channel stability and stream health monitoring and other minor issues noted through the audit. Consult with DP&I, DTIRIS DRE Minerals and NoW to determine the best solution to the deficiency identified in the audit.	All management plans have been updated and approved by the DP&E. Channel stability monitoring is completed.
11	Seek permission to have a staged approval of the WMP so that the Ben Bullen Creek Management Plan can be added when it is finalised but water management at the site can be approved in the interim.	Water Management Plan has been approved. Ben Bullen Creek Rehabilitation Plan has been prepared.

Recommendation Number	Recommendations from Previous Audit	SLR Comment
12	Change the location, management and structure of topsoil stockpiles as detailed in this audit report.	There are still some recommendations from this audit period relating to topsoil stockpiles.
13	Revise weed management at the site as discussed in this report.	Weed management was reviewed in the field inspection. There was evidence of weeds and comments have been provided in the audit report.
14	Review the Waste Management Plan to ensure reporting requirements match the level of risk, legislative/regulatory requirements and current site practise.	All management plans have been updated and approved by the DP&E.
15	Review the requirement for the Emergency Response Trailer and if necessary, amend the MOP to suit.	SLR did not see an Emergency Response Trailer as part of the site inspection.
16	Keep documentation of the Annual EMS review within the Environment Department (CMOS) for compliance and to inform the ECRAs.	No evidence of annual EMS review provided. Revision history in the EMS main document is not annual.
17	Revise rehabilitation seed mixture for pastures to remove Phalaris.	<i>Phalaris aquatic</i> is still included in the seed mix at Baal Bone within the approved Mining Operations Plan.
18	As part of the next Land Management Assessment Report, have a rehabilitation expert assess methods to specifically improve existing rehabilitation at the site and draw up an action plan to suit the findings.	Rehabilitation monitoring is being completed by an independent specialist.
19	Review all surface areas that do not have vegetative cover at the site and develop an action plan to provide temporary cover on erodible surfaces or permanently rehabilitate areas where that won't impede future uses.	A Final Closure Plan is being developed.
20	All approval documents that are revised as a result of this audit to be resubmitted to the relevant department for approval.	All updated documentation should be sent to the DP&E. If there are large changes the other relevant government departments should be notified.

4.2 Environmental Assessment – Statement of Commitments

As part of the audit, SLR reviewed the Environmental Assessment of Commitments. Several of these commitments related to the site being operational, therefore some commitments have not been triggered during the audit period. A summary of non-compliances and additional recommendations are outlined in **Section 5 and 6**.

4.3 Project Approval

The Project Approval has been modified on two occasions with the most recent being December 2015 to allow Baal Bone to leave Ben Bullen Creek in its diverted location rather than reinstate the creek to its original flow path.

All conditions of the Project Approval were assessed; however several conditions were 'Not Triggered' during the audit period with the site being on care and maintenance. A summary of non-compliances and additional recommendations are outlined in **Section 5 and 6**.

4.4 Management Plans and Programs

The adequacy of management plans and programs required under the Project Approval were assessed for this audit.

The following management plans were updated during the audit period:

- Environment Management System (including Environmental Monitoring Register);
- Aboriginal and Cultural Heritage Management Plan;
- Air Quality Monitoring Program;
- Noise Management Plan;
- Waste Management Plan;
- Biodiversity Land Management Plan;
- Water Management Plan
- Rehabilitation Management Plan (MOP)

These management plans, with the exception of the Water Management Plan and the Rehabilitation Management Plan/MOP were approved by the DP&E in the letter dated 1 June 2016. The Water Management Plan was approved by the DP&E on 12 September 2016. The Rehabilitation Management Plan/MOP was approved by the DP&E on 1 June 2016 and the DRE on 9 May 2016.

In general the management plans were of a good standard and generally prepared to meet the conditions of the Project Approval. There have been some specific recommendations relating to management plans with these outlined in **Appendix B and Sections 5 and 6**. SLR recommends that management plans are to be updated with a table cross referencing the requirements in the Project Approval condition/s with the relevant sections of management plans.

4.5 Environment Protection Licence

EPL 765 is administered by the EPA. All conditions of this approval were assessed for the audit.

A summary of non-compliances and additional recommendations are outlined in **Sections 5 and 6**.

4.6 Mining Leases

Mining Leases (MPL 261, ML 1389, ML1302, ML 1607 and CL 391) were reviewed by SLR as part of this audit. There were several 'Not Triggered' conditions, with the site being on care and maintenance during the audit period.

A summary of non-compliances and additional recommendations are outlined in **Sections 5 and 6**.

4.7 Water Licences

Baal Bone provided evidence of the recording and reporting of groundwater extraction from the following bores:

- South Bores Longwall 1 (Licence 80BL236132 and 80BL239077); and
- North Bore Longwall 19 (Licence 80BL239077).

As part of the conditions in Water Licences, the site must record discharge volumes and complete annual chemical analysis. Evidence of discharge volumes and chemical analysis was provided to SLR through the 2016 financial year summary report to DPI Water and dewatering data spreadsheets. Based on the evidence provided Baal Bone is completing recording of data and reporting to meet the requirements of the Water Licences. A summary is provided in the Annual Reviews for Baal Bone.

5 SUMMARY OF NON COMPLIANCES – AUDIT FINDINGS

The following conditions in **Table 7** below have been classified as not compliant. The auditor has made additional comments and recommendations regarding these conditions. It should be noted that with the site being on care and maintenance many of the conditions within statutory approvals were not triggered.

Table 7 - Summary of Non Compliances

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
Project Approval PA 09_0178				
Schedule 3 Condition 12	<p>Air Quality Monitoring Program</p> <p>The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Secretary. This program must:</p> <p>(a) be prepared in consultation with EPA, by a suitably qualified expert whose appointment has been approved by the Secretary;</p> <p>(b) be submitted to the Secretary for approval within 3 months of the date of this approval, or as; otherwise agreed by the Secretary;</p> <p>(c) describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, including the proposed real-time air quality management system; and</p> <p>(d) include an air quality monitoring program, using a combination of real-time monitors, high volume samplers and dust deposition gauges to monitor the performance of the project, and a protocol for determining exceedances with the relevant conditions of this approval.</p> <p>Note: The air quality monitoring program may incorporate monitoring from any relevant regional monitoring network endorsed by EPA.</p>	Administrative Non Compliance	<p>a) The current AQMP approved 1/6/2016. EPA provided letter 29/7/2014 stating they do not comment on MPs</p> <p>b) Evidence of submission in September 2011. No evidence of specialists being endorsed by the DP&E for 2011 document. Administrative non - compliance.</p> <p>c) The current AQMP outlined monitoring and statutory compliance requirements in Section 3 and 4.</p> <p>d) CMO note sighted stating: Baal Bone has applied to DoP to cease real time AQ monitoring in line with the approved AQMP. Baal Bone approved AQMP stated that if the site went to C&M that PM10, TEOM and TSP HVAS and met station will be removed with DDGs to remain. Meteorological station still operates. Letter sighted outlining the removal of the requirement for the real-time air quality monitoring.</p>	Ensure that air quality is assessed for future proposed rehabilitation activities. Implement necessary air quality controls.
Schedule 2	Water Discharges	Non - Compliance	All monitoring results for 2013-2016 (Q3) below EPL limits with the exception of January 2014 where total iron was	No further recommendation relating to this non -

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
Condition 14	The Proponent shall ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the project in any EPL.	(Low Risk)	1.11 mg/L and above the EPL concentration limit of 1 mg/L. EPL has no discharge volumes however volumes calculated using water balance model.	compliance.
Schedule 3 Condition 22	<p>Surface and Groundwater Response Plan</p> <p>The Surface and Ground Water Response Plan must describe what measures and/or procedures would be implemented to:</p> <p>(a) respond to any exceedances of the surface water, stream health, and groundwater assessment criteria;</p> <p>(b) mitigate the loss of any base flows to Jews Creek following the completion of mining; and</p> <p>(c) mitigate and/or offset any adverse impacts on riparian vegetation.</p>	Administrative Non-Compliance	<p>Sub Condition a) Covered in section 2.1, 2.2, 2.3, 2.4, 2.6</p> <p>One groundwater monitoring location is consistently over (outlined in the Annual Review). Unsure of the reason.</p> <p>For the January 2014 sampling the dissolved iron level was above the EPL criteria. It is noted that the EPA and DP&E were not notified, despite the TARP in Section 2.1 of this plan stating "EPA and DPE are notified of the EPL Exceedance".</p> <p>b) Section 2.7.1</p> <p>c) Section 2.7.2</p> <p>Implementation: Only one non-compliance of surface water criteria. This occurred in January 2014 where total iron was 1.11 mg/L and above the EPL concentration limit of 1 mg/L at LDP011. This non-compliance is a minor incident, with there being no evidence of a detailed report being sent to the DP&E or EPA. The issue is outlined a year later in the Annual Review. Section 2.1 of the Surface and Groundwater Response Plan outlines the requirement to notify the DP&E and EPA.</p> <p>There is a difference between the groundwater TARP in Section 2.6 of the Surface and Groundwater Response Plan and Section 3.4 of the 2015 Annual Review. The</p>	<p>Ensure consistency with the TARPSs between the Surface and Groundwater Response Plan and the Annual Review.</p> <p>Management and reporting as per the TARP's.</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
			Annual Review TARP is more qualitative compared to the TARP in the Surface and Groundwater Response Plan.	
Schedule 5 Condition 1	<p>Environmental Management Strategy The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. The strategy must:</p> <ul style="list-style-type: none"> (a) be submitted to the Secretary for approval within 6 months of the date of this approval; (b) provide the strategic framework for environmental management of the project; (c) identify the statutory approvals that apply to the project; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; (e) describe the procedures that would be implemented to: <ul style="list-style-type: none"> i. keep the local community and relevant agencies informed about the operation and environmental performance of the project; ii. receive, handle, respond to, and record complaints; iii. resolve any disputes that may arise during the course of the project; iv. respond to any non-compliance; and v. respond to emergencies; and (f) include: <ul style="list-style-type: none"> i. copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved, and/or demonstrate that suitable strategies, plans and programs are in place to manage operations ; and ii. a clear plan depicting all the monitoring currently 	Administrative Non-Compliance	<ul style="list-style-type: none"> (a) EMS dated Feb 2016 approved by DPE on 1/6/16 (b) Section 3 (c) Section 4.7 (d) Section 9 (e) (i) Section 6.2 (ii) Section 6.3 (iii) Dispute resolution has not been covered apart from a reference to a HSEC policy (Appendix 1). Additional detail is required in the EMS about the process. It should be noted that there has been no recorded disputes with nearby landowners during the audit period. (iv) Section 6.4 (v) Section 6.5 (f)(i) Appendix 1 (ii) Appendix 2 	Additional details regarding dispute resolution for the projects. A cross referencing table should be developed in the EMS outlining where conditions/requirements have been met in the EMS document.

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
	being carried out within the project area.			
Schedule 5 Condition 2	<p>Management Plan Requirements Proponent shall ensure that the Management Plans required under this approval are prepared in accordance with any relevant guidelines, and prepared by a suitably qualified expert/s whose appointment has been approved by the Secretary. The Plans must include:</p> <ul style="list-style-type: none"> (a) detailed baseline data; (b) a description of: <ul style="list-style-type: none"> i. the relevant statutory requirements (including any relevant approval, licence or lease conditions); ii. any relevant limits or performance measures/criteria; and iii. the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures; (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; (d) a program to monitor and report on the: <ul style="list-style-type: none"> i. impacts and environmental performance of the project; and ii. effectiveness of any management measures (see (c) above); (e) a contingency plan to manage any unpredicted impacts and their consequences; (f) a program to investigate and implement ways to improve the environmental performance of the project over time; (g) a protocol for managing and reporting any: 	Administrative Non-Compliance	<p>Management plans have generally been prepared to meet the sub conditions. TARP's have been completed for key management plans. There is no checklist outlining where the requirements of this condition have been covered within each management plan.</p> <p>SLR notes that for some management plan conditions, there is no requirement to have the document prepared by a suitably qualified expert whose endorsement has been appointed by the Secretary. The Air Quality Monitoring Program and Water Management Plan conditions require endorsement of the specialists. Evidence of endorsement for Water Management Plan, but no evidence for Air Quality Monitoring Program.</p> <p>All management plans should have contingency plans as per sub condition e).</p>	<p>All management plans required under the Project Approval are to have input or be prepared by a qualified expert who has been endorsed by the Secretary of the DP&E. Depending on the management plan the qualified expert could be either a specialist or a qualified Glencore employee.</p> <p>All management plans should have contingency plans as per sub condition e).</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
	<p>i. incidents; ii. complaints; iii. non-compliances with statutory requirements; and iv. exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan.</p> <p>Note: At the discretion of the Secretary, some of these requirements may be waived where they are either not relevant or necessary.</p>			
<p>Schedule 5 Condition 3</p>	<p>Annual Review 3. By 31 March 2012, and annually thereafter, the Proponent shall submit a report to the Secretary reviewing the annual environmental performance of the project to the satisfaction of the Secretary. This review must: (a) describe the works that were carried out in the previous calendar year, and the works that are proposed to be carried out over the current calendar year; (b) include a comprehensive review of the monitoring results and complaints records of the project over the previous calendar year, which includes a comparison of these results against: i. the relevant statutory requirements, limits or performance measures/criteria; ii. the monitoring results of previous years; and iii. the relevant predictions in the EA; (c) identify any non-compliance over the previous calendar year, and describe what actions were (or are being) taken to ensure compliance; (d) identify any trends in the monitoring data over the life of the project; (e) identify any discrepancies between the predicted</p>	<p>Administrative Non-Compliance</p>	<p>Annual Reviews have been completed to the former guidelines. Monitoring results have been prepared against EA predictions. Based on Annual Reviews (including 2015 Annual Review) a) Section 2 and 3. b) Section 3. Includes comparison against EIS predictions. Results compared against previous periods for key aspects such as surface water, groundwater and air. c) Section 3. Note the new Annual Review Guidelines have a specific section for this. d) Section 3. Trends across five years are shown for key aspects. e) Section 3. f) Section 3 and 6.</p>	<p>Next Annual Review is to be prepared in accordance with the DP&E guidelines.</p> <p>Additional detail required to assess compliance against the MOP (see recommendation from Condition 5 - MPL 261). Section 8 of the Annual Review Guidelines outlines the requirement for a comparison of reporting during the Annual Review period, including a summary of performance against the rehabilitation targets in the MOP. Include a comparison against key rehabilitation criteria from the MOP in the Annual Review to meet this condition.</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
	<p>and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and (f) describe what measure will be implemented over the current calendar year to improve the environmental performance of the project.</p>			
<p>Schedule 5 Condition 4</p>	<p>Revision of Strategies, Plans and Programs</p> <p>Within 3 months of: (a) the submission of an audit report under condition 7 of Schedule 5; (b) the submission of an incident report under condition 5 of Schedule 5; and (c) the submission of an annual review under condition 3 of Schedule 5, (d) the approval of any modification to the conditions of this approval; or (e) a direction of the Secretary under condition 4 of Schedule 2; the Proponent shall review and, if necessary, revise the strategies, plans, and programs required under this approval.</p> <p>Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval, unless otherwise agreed with the Secretary.</p> <p><i>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.</i></p>	<p>Administrative Non-Compliance</p>	<p>(a) Evidence of revision of Management plans on 22 May 2014 and submission to the then DP&I. This is within 3 months of previous audit (b) No incident reports during the audit period, with the exception of the minor exceedance of water quality for iron. (c) Not completed. According to this condition Baal Bone must review, and if necessary revise the strategies, plans and programs required under this approval annually. (d) Mod in Jan 2015, last mod in December 2015 - evidence of resubmission in April 2016 > 3 months (e) Not triggered</p>	<p>Assess the condition in the Annual Review every year and show that Management Plans have been reviewed. There may not be a requirement to update the management plans annually, however there should be a process documented to meet this condition and identify potential areas of annual improvement. This could include the development of a Management Review Form (component of the Environmental Management System), which would assess key changes to the Environmental Management System every year.</p>
<p>Schedule 5 Condition 5</p>	<p>The Proponent shall notify the Secretary and any other relevant agencies of any incident associated</p>	<p>Administrative Non-</p>	<p>No major incidents during the audit period. Only one non-compliance of water criteria. This occurred in January</p>	<p>Ensure any incidents or exceedances are outlined to the DP&E and EPA and any other</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation																																				
	with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident.	Compliance	2014 where total iron was 1.11 mg/L and above the EPL concentration limit of 1 mg/L. This non-compliance is a minor incident, with there being no evidence of a detailed report being sent to the DP&E. The issue is outlined a year later in the Annual Review. Section 2.1 of the Surface Water and Groundwater Response Plan outlines the requirement for notification to the EPA and DP&E for an exceedance of EPL pollution concentration limits.	government agency as per this condition.																																				
Environment Protection Licence 765																																								
L2.4	<p>Water and/or Land Concentration Limits</p> <table border="1"> <thead> <tr> <th colspan="6">POINT 11</th> </tr> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Iron (dissolved)</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>1.0</td> </tr> <tr> <td>Oil and Grease</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>10</td> </tr> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>6.5-8.5</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>50</td> </tr> </tbody> </table>	POINT 11						Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Iron (dissolved)	milligrams per litre				1.0	Oil and Grease	milligrams per litre				10	pH	pH				6.5-8.5	Total suspended solids	milligrams per litre				50	Non Compliance (Low Risk)	<p>All monitoring results for 2013-2016 were below EPL limits with the exception of January 2014 where total iron was 1.11 mg/L at LDP011 and above the EPL concentration limit of 1 mg/L.</p> <p>EPL has no discharge volumes, however volumes are calculated using the water balance model.</p>	No further recommendation relating to this non-compliance.
POINT 11																																								
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																																			
Iron (dissolved)	milligrams per litre				1.0																																			
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pH	pH				6.5-8.5																																			
Total suspended solids	milligrams per litre				50																																			
Statement of Commitments																																								
29	The Proponent shall continue to implement ongoing monitoring and management of quadrats in the vicinity of Longwalls 29 and 31 and Coxs River Swamp in accordance with the Environmental Monitoring Program contained within the SMP.	Administrative Non-Compliance	The SMP for LW 29-31 expired on 1 December 2014 and there has been no monitoring from December 2014 until now. There was however no ecological monitoring from the commencement of the audit period (19 December 2013) to the expiry of the SMP Approval 1 December 2014.																																					
Mining Purpose Lease 261																																								
Condition 5	<p>The EMR must:</p> <ul style="list-style-type: none"> a) report against compliance with the MOP; b) report on progress in respect of rehabilitation completion criteria; c) report on the extent of compliance with regulatory requirements; and 	Administrative Non-Compliance	<ul style="list-style-type: none"> a) There is little detail regarding reporting against compliance with the MOP in the Annual Reviews completed during the audit period. b) Rehabilitation report is a component of the Annual Reviews. Annual Review is sent to several government agencies. 	For the next Annual Review the current Annual Review Guidelines should be used. Section 8 of the Annual Review Guidelines outlines the requirement for a comparison of reporting during the Annual Review period, including a summary of performance against the rehabilitation targets in the MOP.																																				

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
	d) have regard to any relevant guidelines adopted by the Director-General;		<p>Although results of rehabilitation monitoring are provided in the Annual Review there is no comparison against criteria from the MOP.</p> <p>c) Compliant</p> <p>d) The 2015 Annual Review has been prepared to the previous guidelines.</p>	Include a comparison against key rehabilitation criteria from the MOP in the Annual Review to meet this condition.
Mining Lease ML (1302) and Coal Lease (CL 391)				
ML1302 (Condition 4f) and CL 391 (Condition 3f)	<p>The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister.</p> <p>The report must:</p> <p>(i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;</p> <p>(ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and</p> <p>(iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment.</p> <p>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</p>	Administrative Non-Compliance	<p>Rehabilitation report is a component of the Annual Review. Sent to several government agencies.</p> <p>Although results of rehabilitation monitoring are provided in the Annual Review there is no comparison against criteria from the MOP (Sub condition i)</p>	Include a comparison against key rehabilitation criteria from the MOP in the Annual Review to meet this condition.
Mining Lease ML (1607)				
Condition 5	<p>The EMR must:</p> <ul style="list-style-type: none"> Report against compliance with the MOP; Report on progress in respect of rehabilitation completion criteria; Report on the extent of compliance with 	Administrative Non-Compliance	<p>Rehabilitation report is a component of the Annual Review. Sent to several government agencies.</p> <p>Although results of rehabilitation monitoring are provided in the Annual Review there is no comparison against</p>	Include a comparison against key rehabilitation criteria from the MOP in the Annual Review to meet this condition.

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
	regulatory requirements; and have regard to any relevant guidelines adopted by the Director-General ;		criteria from the MOP.	

6 ADDITIONAL RECOMMENDED ACTIONS FOR COMPLIANT CONDITIONS

This section outlines the additional recommendations for conditions determined to be complaint as part of the audit. Recommendations relating to non-compliant conditions are outlined in **Table 7**.

6.1 Site Rehabilitation

There is a requirement to continue rehabilitation maintenance in established rehabilitation as well as areas recently rehabilitated. The REA5 area which currently is dominated by weeds will need additional weed management if native species do not start to compete against the exotic species. If weed cover is still very high in April 2017, SLR recommends further weed management work. Where possible, seed for rehabilitation activities should be sourced from site or the local area.

SLR noted during the site inspection that some topsoil stockpiles are very close to the 3 metre height requirement. SLR recommends that these stockpiles are seeded as material appears to have high erodibility and is dispersive. This material should also be tested prior to use in rehabilitation, with other ameliorants possibly required to treat the topsoil stockpiles.

There are numerous other areas at site that remain disturbed however these are generally required during the care and maintenance. SLR has noted that a Final Closure Plan is currently being developed for the site in consultation with the DRE.

6.2 Surface Water Management

Baal Bone has an approved Water Management Plan with this providing detail of water management, monitoring and reporting. Monitoring of Ben Bullen Creek has been completed for several years with the inspection by SLR finding the creek highly disturbed. SLR acknowledges further rehabilitation work will be completed through the implementation of the Ben Bullen Creek Rehabilitation Plan and the Final Closure Plan.

Additional detail should be included in the Water Management Plan (WMP) including a figure of the water management system. A delineation between the dirty water management system and clean water management should be outlined in the figure and further defined within the management plan.

Additional water management could be completed in the area of REA5. Currently water leaves the REA5 area, with most of the water draining into a sediment dam. Eventually this water leaves site via the overshot weir after traversing the length of Ben Bullen creek on site, including passing through the overshot dam. SLR recommends making defined drainage line/bank which is long-term stable (eg. shaped and grassed) which flows into the sediment dam. This would assist in reducing sediment flowing into Ben Bullen Creek. It was noted that the haybales which are used for erosion and sediment control have been installed incorrectly and should be installed as per the requirement of the Blue Book.

6.3 Ben Bullen Creek Stability Monitoring

For future channel stability and stream health monitoring, completion criteria from the Ben Bullen Creek Rehabilitation Plan and the MOP should be used. Review whether these criteria are also relevant for other creeks including monitoring of Cox's River, Baal Bone Creek and Jews Creek. Additional details of monitoring should be included in the Annual Review.

SLR recommends that Baal Bone develop a schedule outlining proposed rehabilitation activities for Ben Bullen Creek and provide these details in the Annual Review. Baal Bone to report against these proposed activities in subsequent Annual Reviews.

6.4 Subsidence Remediation

Subsidence repair has only partially been completed in areas of 'Shallow Cover'. Evidence of subsidence in shallow cover areas was provided to SLR from subsidence inspections dated April 2015 and June 2016. Subsidence impacts noted during these inspections included subsidence cracking (including cracking on rock formations), collapsed cave, cracking along a walking track. Cracks up to 900 mm wide were found in the April 2015 report and one crack was found 2 metre wide due to erosion in May 2016 report. These are large impacts which will provide costly and difficult to remediate.

The "Shallow Cover Areas" are located over the western side of LW19-24 in the North as well as over the entirety of LW 16-18A in the South-West. Mining of LW 24 was completed in 2005. It is acknowledged that there has been detailed consultation with the DRE and NSW Forests regarding subsidence repair in 2016, with a risk assessment for subsidence repair accepted by the DRE on 18 November 2016. A series of email correspondence was provided to the audit team from 2016. There was no information within the 2015 Annual Review regarding the subsidence within LW 19-24, despite there being a subsidence monitoring inspection report from April 2015. SLR has not been provided evidence of subsidence inspections or evidence of the knowledge of the impacts prior to 2015, despite the mining and likely subsidence impacts occurring several years earlier.

Subsidence repair of the shallow cover area is required. Additional detail should be provided for subsidence repair based on the issues outlined in the risk assessment. This should include proposed dimensions of impacts eg. length of cracks, area covered, proposed volume to fill cracks. The Review of Environmental Factors (REF) which is to be submitted in 2017 should outline all proposed subsidence remediation areas as per the agreement with DRE and Forests NSW. Subsidence impacts should be repaired unless repair would cause further damage within the area. The cost of these repairs should be calculated prior to commencing works and the rehabilitation cost estimate updated based on these estimated costs. All repairs should be completed in consultation with DRE and Forests NSW.

SLR recommends the subsidence inspections in the future could be designed to assess against performance measures in the Project Approval table (Schedule 3 Condition 1). Some may not be applicable for the site being in care and maintenance, however a review of results against these conditions would assist in determining any unexpected impacts. Additional detail is required in subsidence inspections such as improved figures differentiating between high, low and medium risk subsidence areas.

Additional detail regarding subsidence impacts and remediation should be outlined within the Annual Review.

6.5 Noise

In future noise reports should identify the source of the meteorological data utilised to confirm the occurrence of temperature inversion conditions.

6.6 Unwanted Material

There is an opportunity to remove some unwanted equipment on site. This should be identified in an equipment register.

6.7 Management Plan Updates

All Management Plans

All management plans should include a table cross referencing the requirements in Schedule 5 Condition 2 of the Project Approval, with the relevant sections of management plans.

Water Management Plan (Schedule 3 Condition 16-22)

SLR recommends that one document should be prepared to cover the overall Water Management Plan, with chapters for each component required under Schedule 3 Condition 16 - 22. This would reduce the repetition for each of the component plans required under the overall Water Management Plan. Ensure consultation with NSW Fisheries for the latest update of Water Management Plan.

Biodiversity Management Plan (Schedule 3 Condition 23)

The copy of the Biodiversity Management Plan should be provided to OEH.

6.8 Administrative

SLR recommends sending off a copy of the MOP to OEH, DPI Water and Council as they may not currently have a copy of the document. This relates to Schedule 3 Condition 25 of the Project Approval.

7 CONCLUSION

The following areas of good performance were noted during the audit:

- The majority of non - compliances were administrative;
- The management plans have been prepared based on the site being in care and maintenance and reflect current operations;
- Environmental monitoring has generally been completed as per the requirements of the Project Approval, EPL and management plans;
- Reporting during the audit period has generally been compliant including the submission of Annual Reviews, Annual Returns and monthly environmental monitoring;
- Established rehabilitation is of a good standard with there being diversity of species and generally a quality ground cover in areas of established rehabilitation. Additional work is required in newly established rehabilitation with comments provided in this report; and
- A Final Closure Plan is being developed for the site. This Final Closure Plan should take into account the recommendations from this audit.

Some of the key areas for improvement during the audit process include:

- There is still a large amount of infrastructure and unwanted material required to be removed from the site;
- There are some minor updates required to management plans;
- Recommendations for work associated with surface water management including the Ben Bullen Creek Restoration Project as per **Section 6.2 and 6.3**;
- Subsidence repair of shallow cover areas is required as per **Section 6.4**;
- Continued weed management required; and
- There are some recommendations relating to updates within future Annual Reviews.

APPENDIX A – SITE PHOTOGRAPHS



Photo 1 – Bare areas at the recently rehabilitated REA 5



Photo 2 – Additional water management work required around REA 5 rehabilitation



Photo 3 – Section of Ben Bullen Creek



Photo 4 – Boxcut Area



Photo 5 – CHPP and Stockpile Area



Photo 6 – Dirty Water Dam



Photo 7 – Established rehabilitation is of good quality



Photo 8 - Groundcover is progressing within established rehabilitation



Photo 9 – Looking up the hill towards established rehabilitation from mid - 2000's



Photo 10 – Drop structure is well designed and functional but is covered by Blackberry



Photo 11 – Soil stockpiles should be seeded to reduce erosion potential.



Photo 12 – There is still a large amount of machinery and potentially unwanted items within laydown areas



Photo 13 – Weeds are dominant on biosolids stockpiles



Photo 14 –Chemical Container not stored within a bund



Photo 15 – Chemical Containers stored outside a bund adjacent to a laydown area



Photo 16 – Underground Entry. There are plans to seal this entry.

APPENDIX B – COMPLIANCE SPREADSHEET

Project Approval 09_0178 (Original Consent Granted 6 January 2011)

Audit period 19 December 2013 to 7 December 2016

Condition Number	Condition	Evidence	Compliance Status	Recommendation
SCHEDULE 2 ADMINISTRATIVE CONDITIONS				
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT				
1	The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project	No evidence from the site inspection or review of documentation to indicate 'harm to the environment' under the PEO Act definition. There are some subsidence impacts remaining from previous mining, however Baal Bone has been liaising with the DRE and Forests NSW regarding remediation.	Compliant	
TERMS OF APPROVAL				
2	The Proponent shall carry out the project: (a) generally in accordance with the EA; (b) generally in accordance with the general layout of the project and the Statement of Commitments; and (c) in accordance with the conditions of this approval. Notes: · The general layout of the project is shown in Appendix 2; · The statement of commitments is reproduced in Appendix 3.	The most recent Environmental Assessment covers LW 29-31. The site has been on care and maintenance during the audit period. Generally the site has operated as per the 2010 EA. There have been 2 modifications to the EA, with the most recent MOD 2 outlining Ben Bullen Creek Rehabilitation (dated July 2015). Further studies have been completed regarding Ben Bullen Creek Rehabilitation. A Final Rehabilitation Plan is currently being completed for the site, with this to be finalised in the next audit period.	Compliant	
3	If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	The most recent Environmental Assessment covers LW 29-31. The site has been on care and maintenance during the audit period. Generally the site has operated as per the 2010 EA. There have been 2 modifications to the EA, with the most recent MOD 2 outlining Ben Bullen Creek Rehabilitation (dated July 2015). Further studies have been completed regarding Ben Bullen Creek Rehabilitation. A Final Rehabilitation Plan is currently being completed for the site, with this to be finalised in the next audit period.	Compliant	
4	The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this approval; and (b) the implementation of any actions or measures contained in these documents.	Consultation details has been provided in Annual Reviews. Evidence of consultation during the preparation of site management plans.	Compliant	
LIMITS ON APPROVAL				
5	The Proponent may undertake mining operations on the site until 31 December 2019. <i>Note: Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Secretary and DRE. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been properly rehabilitated.</i>	Operations with this period.	Compliant	
6	The Proponent shall not extract more than 2.8 million tonnes of ROM coal from the site per calendar year.	Not triggered during the audit period. No mining.	Not Triggered	
7	The Proponent shall not transport more than 900,000 tonnes of coal per calendar year by road.	Not triggered during the audit period. Baal bone introduction presentation stated last coal railed in April 2012. No evidence of transport of coal by road during audit period	Not Triggered	
8	The Proponent shall not transport any coal reject from the site.	No coal reject generated during the audit period.	Compliant	
SURRENDER OF CONSENTS				
9	Within 12 months of the date of this approval, or as otherwise agreed by the Secretary, the Proponent shall surrender all existing development consents for the operation of the Baal Bone Colliery, in accordance with sections 75YA and 104A of the EP&A Act, to the satisfaction of the Secretary.	Covered in the last audit period. Request to surrender was made within the 12 month period however the Director Generals reply did not occur until 26 March 2012. Despite this there was an obvious effort on behalf of the site to submit the request to surrender the consent.	Compliant	
STRUCTURAL ADEQUACY				
10	The Proponent shall ensure that any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA. Notes: · Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works; and · Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.	No new buildings constructed in the audit period	Compliant	
DEMOLITION				
11	The Proponent shall ensure that all demolition work is carried out in accordance with AS 2601-2001: The Demolition of Structures, or its latest version.	It was clarified that a fuel tank was removed from site during the audit period on 19 March 2014. Safe work procedure and activity risk assessment sighted by the audit team, with the activity being the removal of the tank, not demolition. Photos sighted by the audit team.	Compliant	
OPERATION OF PLANT AND EQUIPMENT				
12	The Proponent shall ensure that all plant and equipment used at the site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Minimal equipment on site as under care and maintenance. Maintenance records sighted for truck maintenance.	Compliant	There is an opportunity to remove some unwanted equipment on site. This should be identified in an equipment register.
STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS				

Condition Number	Condition	Evidence	Compliance Status	Recommendation
13	<p>With the approval of the Secretary, the Proponent may submit any strategies, plans or programs required by this approval on a progressive basis. Existing strategies, plans or programs at the date of this approval may continue to be implemented for mining operations, until the strategies, plans or programs required under this approval are approved by the Secretary, in accordance with the EA, Statement of Commitments and the conditions of this approval.</p> <p>Note: The conditions of this approval require certain strategies, plans, and programs to be prepared for the project. They also require these documents to be reviewed and audited on a regular basis to ensure they remain effective. However, in some instances, it will not be necessary or practicable to prepare these documents for the whole project at any one time; particularly as these documents are intended to be dynamic and improved over time. Consequently, the documents may be prepared and implemented on a progressive basis. In doing this however, the Proponent will need to demonstrate that it has suitable documents in place to manage the existing operations of the project</p>	<p>Records of dates when plans approved sighted: - EMS, ACHMP, AQMP, NMP, Waste MP, BMP, Rehabilitation MP (MOP) approved by the DP&E on 1/6/2016. - MOP approved by DRE on 9 May 2016. - Water MP including sub plans was approved by the DP&E on 12/9/16.</p>	Compliant	

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

SUBSIDENCE

Performance Measures

1	The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 1.																															
	<p><i>Table 1: Subsidence Impact Performance Measures</i></p> <table border="1"> <thead> <tr> <th colspan="2">Water</th> </tr> </thead> <tbody> <tr> <td>Coxs River, Coxs River Swamp, Wolgan River, Jews Creek, Baal Bone Creek and Ben Bullen Creek</td> <td>No greater subsidence impact or environmental consequences than predicted in the EA.</td> </tr> <tr> <th colspan="2">Biodiversity</th> </tr> <tr> <td>Threatened species or populations, endangered ecological communities</td> <td>Negligible impact.</td> </tr> <tr> <th colspan="2">Land</th> </tr> <tr> <td>Cliffs</td> <td>No cliff falls from the Wolgan Escarpment</td> </tr> <tr> <td>Rock pagodas</td> <td>Negligible impact</td> </tr> <tr> <td>Other rock formations</td> <td>No greater subsidence impact or environmental consequences than predicted in the EA.</td> </tr> <tr> <th colspan="2">Heritage</th> </tr> <tr> <td>Aboriginal cultural heritage sites</td> <td>No greater subsidence impact or environmental consequences than predicted in the EA.</td> </tr> <tr> <th colspan="2">Built Features</th> </tr> <tr> <td>Wolgan Gap Trig Station</td> <td>Safe, serviceable and repairable.</td> </tr> <tr> <th colspan="2">Public Safety</th> </tr> <tr> <td>Public Safety</td> <td>No additional risk due to mining.</td> </tr> </tbody> </table> <p>Note: The Proponent may be required to define more detailed performance indicators for each of these performance measures in the various management plans that are required under this approval.</p>	Water		Coxs River, Coxs River Swamp, Wolgan River, Jews Creek, Baal Bone Creek and Ben Bullen Creek	No greater subsidence impact or environmental consequences than predicted in the EA.	Biodiversity		Threatened species or populations, endangered ecological communities	Negligible impact.	Land		Cliffs	No cliff falls from the Wolgan Escarpment	Rock pagodas	Negligible impact	Other rock formations	No greater subsidence impact or environmental consequences than predicted in the EA.	Heritage		Aboriginal cultural heritage sites	No greater subsidence impact or environmental consequences than predicted in the EA.	Built Features		Wolgan Gap Trig Station	Safe, serviceable and repairable.	Public Safety		Public Safety	No additional risk due to mining.	<p>LW29-31 Subsidence Repair Subsidence Management Plan (SMP) for development and extraction of LWs 29-31 expired on 1/12/14, with mining operations in the longwall completed on 3/9/11. As the SMP is now expired subsidence management needs to be undertaken in accordance with the MOP. Last subsidence monitoring (post mining survey) on 8 May 2012. Section 8 of the EA (Aecom 2010) outlines the remediation of subsidence based on different trigger levels. Evidence from Annual Review and end of panel report for subsidence remediation.</p> <p>Subsidence Repair from Earlier Mining Subsidence repair has only partially been completed in areas of 'Shallow Cover'. Evidence from subsidence inspections dated April 2015 and June 2016. Subsidence impacts noted during these inspections included subsidence cracking (including cracking on rock formations), collapsed cave, cracking along a walking track. Cracks up to 900mm wide were found in the April 2015 report and one crack was found 2 metre wide due to erosion in May 2016 report. These are large impacts which will provide costly and difficult to remediate.</p> <p>The "Shallow Cover Areas" area is located over the western side of LW19-24 in the North as well as over the entirety of LW 16-18A in the South-West. Mining of LW 24 was completed in 2005. It is acknowledged that there has been detailed consultation with the DRE and NSW Forests regarding subsidence repair in 2016, with a risk assessment for subsidence repair accepted by the DRE on 18 November 2016. A series of email correspondence was provided to the audit team from 2016. There was no information within the 2015 Annual Review regarding the subsidence within LW 19-24, despite there being a subsidence monitoring inspection report from April 2015. SLR has not been provided evidence of subsidence inspections or evidence of the knowledge of the impacts prior to 2015, despite the mining and likely subsidence impacts occurring several years earlier.</p>	Compliant	<p>Subsidence repairs of the shallow cover area needs to be undertaken. Additional detail should be provided for subsidence repair based on the issues outlined in the risk assessment. This should include proposed dimensions of impacts eg. length of cracks, area covered, proposed volume to fill cracks. The Review of Environmental Factors (REF) which is to be submitted in 2017 should outline all proposed subsidence remediation areas as per the agreement with DRE and Forests NSW. Subsidence impacts should be repaired unless repair would cause further damage within the area. The cost of these repairs should be calculated prior to commencing works and the rehabilitation cost estimate updated based on these estimated costs. All repairs should be completed in consultation with DRE and Forests NSW.</p> <p>SLR recommends the subsidence inspections in the future could be designed to assess against performance measures in this table. Some may not be applicable for the site being in care and maintenance, however a review of results against these conditions would assist in determining any unexpected impacts. Additional detail is required in subsidence inspections such as improved figures differentiating between high, low and medium risk subsidence areas.</p> <p>Additional detail regarding subsidence impacts and remediation should be outlined within the Annual Review.</p>
Water																																
Coxs River, Coxs River Swamp, Wolgan River, Jews Creek, Baal Bone Creek and Ben Bullen Creek	No greater subsidence impact or environmental consequences than predicted in the EA.																															
Biodiversity																																
Threatened species or populations, endangered ecological communities	Negligible impact.																															
Land																																
Cliffs	No cliff falls from the Wolgan Escarpment																															
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Public Safety																																
Public Safety	No additional risk due to mining.																															

First Workings

2	<p>The Proponent may carry out first workings on site provided that DRE is satisfied that the first workings are designed to remain long-term stable and non-subsiding, except insofar as they may be impacted by approved second workings.</p> <p>Notes: · The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long-term stability, in accordance with the subsidence criteria in Table 1 above. · First workings are defined as comprising the development of main headings, bord and pillar workings, roads, cut throughs and the like. · Second workings are defined as comprising the extraction of coal through pillar extraction, including pillar splitting and pillar quartering.</p>	No mining during the audit period,	Not Triggered	
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Extraction Plan

Condition Number	Condition	Evidence	Compliance Status	Recommendation
3	The Proponent shall prepare and implement an Extraction Plan for second workings on site to the satisfaction of the Secretary. Each Extraction Plan must: (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary; (b) be approved by the Secretary before the Applicant carries out any of the second workings covered by the plan; (c) integrate ongoing management of previously mined areas; (d) include detailed plans of existing and proposed first and second workings and overlying surface features; (e) include adequate consideration of mine roof and floor conditions, pillar width to height ratios, final pillar dimensions and long-term stability of pillars, which has been prepared in consultation with DRE; (f) include detailed performance indicators for each of the performance criteria in Table 1; (g) describe the measures that would be implemented to ensure compliance with the performance criteria in Table 1, and manage or remediate any impacts and/or environmental consequences; (h) include a Public Safety Management Plan, which has been prepared in consultation with DRE, to ensure public safety in the mining area; (i) incorporate measures to conserve and protect: · clifflines, rock pagodas and other rock formations · watercourses; · groundwater; · terrestrial flora and fauna and ecology (including any threatened species and their habitats); and · Aboriginal cultural heritage. (j) include a subsidence monitoring program, which has been prepared in consultation with DRE; and (k) include a program to collect sufficient baseline data for future Extraction Plans.	No Extraction Plan prepared during audit period as no second workings.	Not Triggered	

NOISE
Noise Impact Assessment Criteria

4	By 31 December 2011, the Proponent shall ensure that the noise generated by the project does not exceed the long term noise impact assessment criteria in Table 2 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.		Note																		
	<p><i>Table 2: Long Term Noise Impact Assessment Criteria</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>All periods</th> <th>Night</th> </tr> <tr> <th>dB(A) $L_{Aeq}(15 min)$</th> <th>dB(A) $L_{A1}(1 min)$</th> </tr> </thead> <tbody> <tr> <td>R1</td> <td>46</td> <td>47</td> </tr> <tr> <td>R2</td> <td>41</td> <td>48</td> </tr> <tr> <td>R3</td> <td>41</td> <td>48</td> </tr> <tr> <td>All other privately-owned land</td> <td>35</td> <td>45</td> </tr> </tbody> </table>	Location	All periods	Night	dB(A) $L_{Aeq}(15 min)$	dB(A) $L_{A1}(1 min)$	R1	46	47	R2	41	48	R3	41	48	All other privately-owned land	35	45	Annual noise audit reports conducted by Atkins Acoustics annually. All noise audits sighted for audit period (2014, 2015 and 2016 monitoring) and compliant with PA and EPL limits. Minimal noise sources due to sight on care and maintenance.	Compliant	
Location	All periods		Night																		
	dB(A) $L_{Aeq}(15 min)$	dB(A) $L_{A1}(1 min)$																			
R1	46	47																			
R2	41	48																			
R3	41	48																			
All other privately-owned land	35	45																			
5	Until 31 December 2011, the Proponent shall ensure that the noise generated by the project does not exceed the interim noise impact assessment criteria in Table 3 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land.		Note																		
	<p><i>Table 3: Interim Noise Impact Assessment Criteria</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>All periods</th> <th>Night</th> </tr> <tr> <th>dB(A) $L_{Aeq}(15 min)$</th> <th>dB(A) $L_{A1}(1 min)$</th> </tr> </thead> <tbody> <tr> <td>R1</td> <td>48</td> <td>47</td> </tr> <tr> <td>R2</td> <td>43</td> <td>48</td> </tr> <tr> <td>R3</td> <td>43</td> <td>48</td> </tr> <tr> <td>All other privately-owned land</td> <td>35</td> <td>45</td> </tr> </tbody> </table>	Location	All periods	Night	dB(A) $L_{Aeq}(15 min)$	dB(A) $L_{A1}(1 min)$	R1	48	47	R2	43	48	R3	43	48	All other privately-owned land	35	45	Not relevant to this audit period.	Not Triggered	
Location	All periods		Night																		
	dB(A) $L_{Aeq}(15 min)$	dB(A) $L_{A1}(1 min)$																			
R1	48	47																			
R2	43	48																			
R3	43	48																			
All other privately-owned land	35	45																			
	Notes to Tables 2 and 3: · To interpret the locations referred to in Table 2, see the applicable figure in Appendix 2; · Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy; and · These noise impact assessment criteria do not apply if the Proponent has an agreement with the relevant owner/s to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.		Note																		

Noise Management Plan				
6	The Proponent shall prepare a Noise Management Plan for the project, to the satisfaction of the Secretary. The plan must: (a) be prepared in consultation with EPA, and submitted to the Secretary for approval within 6 months of the date of this approval; and (b) include a Noise Monitoring Program, that uses a combination of real-time and supplementary attended monitoring measures, and includes a protocol for determining exceedances with the relevant conditions of this approval.	Noise Management Plan approved on 1/6/2016. Letter sighted from EPA dated 29 July 2014 stating that they do not review Management Plans. Noise Management Plan sighted and contains information on noise monitoring program including all relevant information. Approval letter from DP&E approved cessation of RTNM attached as Appendix 1. With the site being on care and maintenance there are minimal sources of noise. No noise complaints during the audit period.	Compliant	

Operating Conditions

Condition Number	Condition	Evidence	Compliance Status	Recommendation																							
7	The Proponent shall: (a) implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the operational, low frequency, rail, and road traffic noise generated by the project; (b) regularly assess the real-time noise monitoring and meteorological forecasting data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this approval, to the satisfaction of the Secretary.	a) Noise is a minor issue as the site is in care and maintenance. Minimal controls required and no noise complaints during audit period. b) Approval letter from DP&E approved cessation of RTNM attached as Appendix 1	Compliant																								
Road Haulage Management Plan																											
8	The Proponent shall prepare and implement a Road Haulage Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be submitted to the Secretary for approval 3 months prior to any proposal to truck more than 5,000 tonnes of coal per month from the mine; (b) detail the procedures for the ongoing assessment of noise impacts on residences as a result of road haulage of coal from the project; and (c) detail the procedures for the ongoing identification and implementation of reasonable and feasible noise mitigation works at residences adversely impacted by road haulage noise directly attributable to the project.	No coal haulage during the audit period	Not Triggered																								
AIR QUALITY & GREENHOUSE GAS																											
Greenhouse Gas Emissions																											
9	The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Secretary.	Minimal activities and therefore minimal greenhouse gas emissions. Baal Bone reports through NPI and NGERs .	Compliant																								
Air Quality Impact Assessment Criteria																											
10	The Proponent shall ensure that the dust emissions generated by the project do not cause additional exceedances of the criteria listed in Tables 3, 4 and 5 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.		Note																								
	<p><i>Table 3: Long term criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>^a90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>^a30 µg/m³</td> </tr> </tbody> </table> <p><i>Table 4: Short term criterion for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>^a50 µg/m³</td> </tr> </tbody> </table> <p><i>Table 5: Long term criteria for deposited dust</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase^e in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>^cDeposited dust</td> <td>Annual</td> <td>^a2 g/m²/month</td> <td>^a4 g/m²/month</td> </tr> </tbody> </table>	Pollutant	Averaging period	^d Criterion	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³	Pollutant	Averaging period	^d Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³	Pollutant	Averaging period	Maximum increase ^e in deposited dust level	Maximum total deposited dust level	^c Deposited dust	Annual	^a 2 g/m ² /month	^a 4 g/m ² /month	2011-2016 - all dust annual averages for depositional dust were compliant. Page 7 of the approved AQMP states that: <i>Please note that while Baal Bone Colliery is in Care and Maintenance, monitoring for PM10 and TSP is not required as per the approved Air Quality Monitoring Program.</i>	Compliant	
Pollutant	Averaging period	^d Criterion																									
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³																									
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³																									
Pollutant	Averaging period	^d Criterion																									
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Pollutant	Averaging period	Maximum increase ^e in deposited dust level	Maximum total deposited dust level																								
^c Deposited dust	Annual	^a 2 g/m ² /month	^a 4 g/m ² /month																								
	<p><i>Notes for Tables 3-5:</i></p> <ul style="list-style-type: none"> a Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to other sources); b Incremental impact (i.e. incremental increase in concentrations due to the project on its own); c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agree to by the Secretary in consultation with EPA. 	Noted	Note																								
Operating Conditions																											
11	The Proponent shall: (a) ensure any that any air pollution generated by the project which is visible from privately owned land or public roads is assessed regularly, and that operations are modified and/or stopped as far as is reasonable and feasible to minimise air quality impacts on privately-owned land; (b) ensure that the real-time air quality monitoring and meteorological forecasting data are assessed regularly, and that operations are modified and/or stopped as required to ensure compliance with the relevant air quality criteria; and (c) implement all reasonable and feasible measures to minimise off-site odour, fume and dust emissions generated by the project, to the satisfaction of the Secretary.	(a) Very minor issue based on current operations. If operations are considered to be particularly dusty roads watered by water cart. (b) Not triggered. CMO note sighted stating: Baal Bone has applied to DoP to cease real time AQ monitoring in line with the approved AQMP. Baal Bone approved AQMP stated that if the site went to C&M that PM10, TEOM and TSP HVAS and met station will be removed with DDGs to remain. Met station still operates. c) Not triggered.	Compliant																								
Air Quality Monitoring Program																											
12	The Proponent shall prepare and implement a Air Quality Monitoring Program for the project to the satisfaction of the Secretary. This program must: (a) be prepared in consultation with EPA, by a suitably qualified expert whose appointment has been approved by the Secretary; (b) be submitted to the Secretary for approval within 3 months of the date of this approval, or as; otherwise agreed by the Secretary; (c) describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, including the proposed real-time air quality management system; and (d) include an air quality monitoring program, using a combination of real-time monitors, high volume samplers and dust deposition gauges to monitor the performance of the project, and a protocol for determining exceedances with the relevant conditions of this approval. Note: The air quality monitoring program may incorporate monitoring from any relevant regional monitoring network endorsed by EPA.	a) The current AQMP approved 1/6/2016. EPA provided letter 29/7/2014 stating they do not comment on MPs b) Evidence of submission in September 2011. No evidence of specialists being endorsed by the DP&E for 2011 document. Administrative non compliance. c) The current AQMP outlined monitoring and statutory compliance requirements in Section 3 and 4. d) CMO note sighted stating: Baal Bone has applied to DoP to cease real time AQ monitoring in line with the approved AQMP. Baal Bone approved AQMP stated that if the site went to C&M that PM10, TEOM and TSP HVAS and met station will be removed with DDGs to remain. Meteorological station still operates. Letter sighted outlining the removal of the requirement for the real-time air quality monitoring.	Administrative Non-Compliance	Ensure that air quality is assessed for future proposed rehabilitation activities. Implement necessary air quality controls.																							
METEOROLOGICAL MONITORING																											
13	The Proponent shall ensure that there is a suitable meteorological station in the vicinity of the site that complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline.	The meteorological station is on site. Technically based on the letter provided to the audit team meteorological data is not required to be recorded, however Baal Bone still operate the meteorological station.	Compliant																								
SOIL & WATER																											

Condition Number	Condition	Evidence	Compliance Status	Recommendation
Water Discharges				
14	The Proponent shall ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the project in any EPL.	All monitoring results for 2013-2016 (Q3) below EPL limits with the exception of January 2014 where total iron was 1.11 mg/L and above the EPL concentration limit of 1 mg/L. EPL has no discharge volumes however volumes calculated using water balance model.	Non-Compliant (Low Risk)	
15	Deleted.			
Water Management Plan				
16	The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with EPA, DRE, NSW Fisheries, and DPI Water by suitably qualified expert/s whose appointment/s have been approved by the Secretary; (b) be submitted to the Secretary for approval prior to carrying out any construction on site; and (c) include: · a detailed Site Water Balance; · an Erosion and Sediment Control Plan; · a Surface Water Monitoring Plan; · a Groundwater Monitoring Plan; and · a Surface and Ground Water Response Plan.	(a) Letter from DPI on 27/10/16 approving Umwelt to prepare Site WMP. Evidence of consultation from DPI Water on 15/7/14, evidence of EPA consultation from 29/7/14. Letter to DRE sent on 13/6/14 requesting feedback. All consultation in accordance with previous consent, however modification dated December 2015 added NSW Fisheries as additional consultation. No evidence sighted of consultation with fisheries at this stage. (b) WMP approved by DP&E on 12/9/16. No construction completed during audit period. (c) WMP sighted and includes relevant sections.	Compliant	SLR recommends that one document should be prepared to cover the overall Water Management Plan, with chapters for each component required under Schedule 3 Condition 16 - 22. This would reduce the repetition for each of the component plans required under the overall Water Management Plan. Ensure consultation with NSW Fisheries for the latest update of WMP.
17	The Site Water Balance must include details of: (a) sources of water supply; (b) water use on site; (c) water management on site; (d) off-site water transfers; and (e) reporting procedures.	Site water balance included in WMP and outlines a-e. Provides details of water use, management, inputs, discharges and reporting procedures. Site water balance sighted in spreadsheet, prepared in Goldsim model including inputs outputs etc. Annual site water balance reported in Annual Review	Compliant	
18	Deleted.			
19	The Erosion and Sediment Control Plan must: (a) be consistent with the requirements of the Managing Urban Stormwater, Soils and Construction Volume 2E Mines and Quarries (DECCW, 2008), or its latest version; (b) identify activities that could cause soil erosion and generate sediment; (c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters; (d) describe the location, function, and capacity of erosion and sediment control structures; and (e) describe what measures would be implemented to maintain the structures over time.	(a) ESCP sighted and approved as part of WMP approval on 12/9/16. Appendix A.3 outlines Blue Book drawings. (b) Sources of erosion sighted in section 3.3. of ESCP. (c) Covered in Section 4 of ESCP. (d) Figure describing location of ESC structures in appendix A.2 of ESCP - recommended additional detail. Detail included in section 4.3 and 4.4 of ESCP. (e) Covered in Section 4 and 5.1 of ESCP. Sediment dam sizes for Baal Bone Colliery are determined in accordance with the Blue Book (Volumes 2A, 2C, 2D and 2E) for fine soils (i.e. type D or F) for construction and operational sediment dams (refer to Appendix A).	Compliant	Additional detail should be included in the WMP including a figure of the water management system. A delineation between the dirty water management system and clean water management should be outlined in the figure and further defined within the management plan. Additional water management could be completed in the area of REA5. Currently water leaves the REA5 area, with most of the water draining into a sediment dam. This sediment dam then overflows into Ben Bullen Creek which flows offsite through LDP001. Recommend making defined drainage line/bank which is long-term stable (eg. shaped and grassed) which flows into the sediment dam. This would assist in reducing sediment flowing into Ben Bullen Creek. It was noted that the haybales which are used for erosion and sediment control have been installed incorrectly and should be installed as per the requirement of the Blue Book.
20	The Surface Water Monitoring Plan must include: (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be impacted by the project (including the Coxs River, Ben Bullen Creek, Baal Bone Creek and Jews Creek); (b) surface water quality and stream health assessment criteria, including trigger levels for investigating any potentially adverse surface water impacts; and (c) a program to monitor: i. surface water flows, quality, and impacts on water users; ii. stream health; and iii. channel stability iv the Coxs River, Ben Bullen Creek, Baal Bone Creek and Jews Creek.	a) Baseline data is outlined in Section 3.2. b) Section 3.3 outlines the Impact Assessment criteria. c) Sub condition c is not covered in Section 2.1 of the Site Water Monitoring Plan (checklist section). The overall monitoring program is outlined in Section 4. Channel stability monitoring is outlined in Section 5.1. Implementation of monitoring program is outlined in the Annual Reviews. In terms of channel stability monitoring the 2015 Annual Review states: In December 2014, Baal Bone engaged Umwelt Australia to conduct Channel Stability & Stream Health Monitoring across the site. Reports were also completed in 2015 and 2016. A key recommendation of this monitoring was that the areas of active erosion are closely monitored and remedial actions undertaken to ensure further erosion does not occur, particularly within Ben Bullen Creek and Coxs River.	Compliant	In the update ensure the consent condition checklist covers the relevant conditions (ie. Add sub condition c).

Condition Number	Condition	Evidence	Compliance Status	Recommendation
21	<p>The Groundwater Monitoring Plan must include:</p> <p>(a) baseline data of groundwater levels, yield and quality in the region that may be affected by mining operations on site;</p> <p>(b) a program to augment the baseline data over the life of the project;</p> <p>(c) groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;</p> <p>(d) a program to monitor:</p> <ul style="list-style-type: none"> · groundwater inflows to the underground mining operations; · the impacts of the project on: <ul style="list-style-type: none"> - the alluvial, Triassic, and coal seam aquifers; - base flows to the Cocks River Swamp; - any groundwater bores on privately-owned land; - riparian vegetation; and · seepage/leachate from any tailings dams, water storages or backfilled voids on site; and <p>(e) a program to validate the groundwater model for the project, and calibrate it to site specific conditions.</p>	<p>Groundwater monitoring plan sighted and approved as part of WMP approval on 12/9/16.</p> <p>(a) base line data included in Section 3.2 of GWMP including levels and quality. Section 3.1.2 states that due to lack of data there is insufficient data to provide baseline groundwater yield data.</p> <p>(b) Section 3.3.3 outlines how monitoring data will be used to correct background data</p> <p>(c) groundwater trigger levels detailed in Section 3.3</p> <p>(d) Groundwater monitoring detailed in Section 4 of the GWMP and reported in the Annual Review.</p> <p>(e) Section 4.2.1 details model validation</p> <p>Implementation based on 2015 Annual Review:</p> <p>Groundwater Levels: Most groundwater levels appear to be approximately at or above pre-mining levels. The only exception is at piezometer BBPB1, where groundwater level has stabilised at RL 956 m (approximately 5 m below pre-mining level).</p> <p>Groundwater Chemistry: There have been some exceedances of groundwater chemistry for dissolved iron, dissolved zinc and dissolved copper at piezometers during the audit period. Evidence of TARP enacted.</p> <p>Groundwater Extraction: In 2015, 1.22 GL of groundwater was extracted via the north and south dewatering bores – hence within the expected range of groundwater extraction predicted in the EA.</p>	Compliant	
22	<p>The Surface and Ground Water Response Plan must describe what measures and/or procedures would be implemented to:</p> <p>(a) respond to any exceedances of the surface water, stream health, and groundwater assessment criteria;</p> <p>(b) mitigate the loss of any base flows to Jews Creek following the completion of mining; and</p> <p>(c) mitigate and/or offset any adverse impacts on riparian vegetation.</p>	<p>Sub Condition a) Covered in section 2.1, 2.2, 2.3, 2.4, 2.6</p> <p>One groundwater monitoring location is consistently over (outlined in the Annual Review). Unsure of reason.</p> <p>For the January 2014 sampling the dissolved iron level was above the EPL criteria. It is noted that the EPA and DP&E were not notified, despite the TARP in Section 2.1 of this plan stating "EPA and DP&E are notified of the EPL Exceedance".</p> <p>b) Section 2.7.1</p> <p>c) Section 2.7.2</p> <p>Implementation: Only one non-compliance of surface water criteria. This occurred in January 2014 where total iron was 1.11 mg/L and above the EPL concentration limit of 1 mg/L at LDP011. This non compliance is a minor incident, with there being no evidence of a detailed report being sent to the DP&E or EPA. The issue is outlined a year later in the Annual Review. Section 2.1 of the Surface and Groundwater Response Plan outlines the requirement to notify the DP&E and EPA.</p> <p>There is a difference between the groundwater TARP in Section 2.6 of the Surface and Groundwater Response Plan and Section 3.4 of the 2015 Annual Review. The Annual Review TARP is more qualitative compared to the TARP in the Surface and Groundwater Response Plan.</p>	Administrative Non-Compliance	<p>Ensure consistency with the TARPSs between the Surface and Groundwater Response Plan and the Annual Review.</p> <p>Management and reporting as per the TARP's.</p>
<p>LANDSCAPE MANAGEMENT Biodiversity Management Plan</p>				

Condition Number	Condition	Evidence	Compliance Status	Recommendation																
23	<p>The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with OEH, and submitted to the Secretary for approval within 6 months of the date of this approval, or as otherwise agreed by the Secretary;</p> <p>(b) include:</p> <p>i. a description of the short, medium, and long term measures that would be implemented to manage the remnant vegetation and habitat on site;</p> <p>ii. a detailed description of the measures that would be implemented over the next 2 years, including the procedures to be implemented for:</p> <ul style="list-style-type: none"> - managing salinity; - conserving and reusing topsoil; - managing impacts on fauna; - landscaping the site to minimise visual impacts; - collecting and propagating seed; - salvaging and reusing material from the site for habitat enhancement; - controlling weeds and feral pests, including terrestrial and aquatic species; - managing grazing and agriculture on site and in the biodiversity offset areas; - controlling access; - bushfire management; and - managing potential conflicts between the offset areas and Aboriginal cultural heritage values; <p>iii. a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria; and</p> <p>iv. details of who would be responsible for monitoring, reviewing, and implementing the plan.</p>	<p>(a) Biodiversity and Land Management Plan approved by DP&E on 1/6/16. Evidence of consultation with OEH in 2011 sighted but no evidence of OEH consultation in this revision of the BMP. Minimal changes noted between the 2011 and approved 2016 version.</p> <p>(b) i) Table 2 details short medium and long term actions ii) Salinity section 3.2.5</p> <p>Implementation: Seed has not been collected or propagated. In section 3.2.6 of the approved plan it is considered an option only. Previous rehabilitation has used local seed, however not from the site.</p> <p>Section 3.1 of the Biodiversity Management Plan outlines that <i>Stockpiles must be no greater than 3m in height. If necessary, topsoil stockpiles should be covered and/or sprayed for weeds.</i> An inspection indicates that some topsoil stockpiles are very close to the 3m height requirement, with a small area possibly above 3m. Soil stockpile has no grass cover and appears to be dispersive (evidence of erosion).</p> <p>The last biodiversity monitoring completed within previous underground mining areas was in 2011 in the LW 29-31 area.</p>	Compliant	<p>The copy of the Biodiversity Management Plan should be provided to OEH.</p> <p>Some topsoil stockpiles are very close to the 3m height requirement. SLR recommends that these stockpiles are seeded as material appears to have high erodibility and is dispersive. This material should also be tested prior to use in rehabilitation, with other ameliorants are possibly required to treat the topsoil stockpiles.</p> <p>Where possible source seed from site or the local area.</p>																
Rehabilitation Objectives																				
24	<p>The Proponent shall rehabilitate the site to the satisfaction of the DRE. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EA (and depicted conceptually in Figure 1 in Appendix 4), and achieve the objectives in Table 6.</p>	<p>Rehabilitation at the site is ongoing with large areas of rehabilitation still required within the Project Approval area. Additional remediation of subsidence impacts is planned in 2017, with detailed consultation completed with Forests NSW and the DRE in 2016.</p>	Not verified																	
	<p><i>Table 6: Rehabilitation Objectives</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Mine site (as a whole)</td> <td>Safe, stable and non-polluting.</td> </tr> <tr> <td>Surface infrastructure</td> <td>To be decommissioned and removed.</td> </tr> <tr> <td>Ben Bullen Creek</td> <td> <input type="checkbox"/> Hydraulically and geomorphologically stable, <input type="checkbox"/> with established native riparian and aquatic vegetation which complements local and regional biodiversity. <input type="checkbox"/> Rehabilitated areas contribute to achieving self-sustaining biodiversity habitats. </td> </tr> <tr> <td>Other watercourses</td> <td>Hydraulically and geomorphologically stable.</td> </tr> <tr> <td>Cliffs</td> <td>No additional risk to public safety compared to pre-mining conditions.</td> </tr> <tr> <td>Other land affected by the project</td> <td> Restored ecosystem function, including maintaining or establishing self-sustaining eco-systems: <ul style="list-style-type: none"> <input type="checkbox"/> comprised of local native plant species; with <input type="checkbox"/> a <u>landform</u> consistent with the surrounding environment. </td> </tr> <tr> <td>Community</td> <td>Minimise the adverse socio-economic effects associated with mine closure.</td> </tr> </tbody> </table>	Feature	Objective	Mine site (as a whole)	Safe, stable and non-polluting.	Surface infrastructure	To be decommissioned and removed.	Ben Bullen Creek	<input type="checkbox"/> Hydraulically and geomorphologically stable, <input type="checkbox"/> with established native riparian and aquatic vegetation which complements local and regional biodiversity. <input type="checkbox"/> Rehabilitated areas contribute to achieving self-sustaining biodiversity habitats.	Other watercourses	Hydraulically and geomorphologically stable.	Cliffs	No additional risk to public safety compared to pre-mining conditions.	Other land affected by the project	Restored ecosystem function, including maintaining or establishing self-sustaining eco-systems: <ul style="list-style-type: none"> <input type="checkbox"/> comprised of local native plant species; with <input type="checkbox"/> a <u>landform</u> consistent with the surrounding environment. 	Community	Minimise the adverse socio-economic effects associated with mine closure.	<p>Rehabilitation monitoring is ongoing. Evidence provided of Rehabilitation Inspections from DNA in 2014 and 2015.</p> <p>Rehabilitation inspections don't specifically address these objectives however.</p> <p>Rehabilitation monitoring by DNA has been completed to review the rehabilitation quality against the completion criteria from the MOP. Rehabilitation that the audit team inspected was generally of high quality with small areas of established being bare. It is likely with continued maintenance these small bare areas will establish.</p> <p>REA 5 The REA5 area was rehabilitated in September 2016, with shaping, application of biosolids and seeding completed. There is a high weed cover at the moment, however with the establishment of woodland species, the weed cover will likely reduce. Numerous tree and shrub germinates observed, with most being acacia species and some eucalypts.</p> <p>Northern Rehabilitation Area Area is stable with satisfactory groundcover. Sifton bush is common and this will need to be controlled in the future. Many of the acacias have reached senescence and there is a good growth of eucalypts.</p>	Not verified	<p>Rehabilitation monitoring should compare against these objectives. Some may not be applicable at this point in time, but all should be addressed as the site is moving closer to final closure.</p> <p>Continued rehabilitation maintenance - including weed maintenance. Continue to inspect the REA5 area to determine if weed percentage reduces. If weed cover is still very high in April 2017, SLR recommends further weed management work.</p>
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Rehabilitation Management Plan																				
25	<p>The Proponent shall prepare and implement a Rehabilitation Management Plan for the project to the satisfaction of the DRE and the Secretary. The Rehabilitation Management Plan must:</p> <p>(a) be prepared in consultation with DRE, OEH, DPI Water and Council, and submitted for approval within 6 months of the date of this approval;</p> <p>(b) be prepared in accordance with the relevant DRE guideline;</p> <p>(c) define the objectives and criteria for site rehabilitation;</p> <p>(d) investigate options for the future use of the site in a manner consistent with any regional planning strategies;</p> <p>(e) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and</p> <p>(f) describe how the performance of these measures would be monitored over time.</p>	<p>(a) Rehabilitation Management Plan/MOP sighted and approved by DP&E on 1/6/16. DRE approved on 9/5/16. Evidence of consultation for 2011 document, however no evidence sighted of consultation with other agencies for 2016 MOP.</p> <p>(b) prepared in accordance with ESG3</p> <p>(c) objectives and criteria outlined in 4.3</p> <p>(d) refer Section 4.2. No regional planning strategies for Baal Bone area.</p> <p>(e) Section 3</p> <p>(f) Rehabilitation monitoring outlined in Section 8. Monitoring is completed by DNA Environmental and has assessed against some of the key rehabilitation criteria from the MOP.</p> <p>Implementation</p> <p>REA 5 The REA5 area was rehabilitated in September 2016, with shaping, application of biosolids and seeding completed. There is a high weed cover at the moment, however with the establishment of woodland species, the weed cover will likely reduce. Numerous tree and shrub germinates observed, with most being acacia species and some eucalypts.</p> <p>Northern Rehabilitation Area Area is stable with satisfactory groundcover. Sifton bush is common and this will need to be controlled in the future. Many of the acacias have reached senescence and there is a good growth of eucalypts.</p>	Compliant	<p>SLR recommends sending off a copy of the MOP to OEH, DPI Water and Council as they may not currently have a copy of the document.</p>																
Ben Bullen Creek Rehabilitation																				

Condition Number	Condition	Evidence	Compliance Status	Recommendation
25A	The Proponent shall prepare and implement a Ben Bullen Creek Rehabilitation Plan to the satisfaction of the DRE. The plan must: (a) be prepared in consultation with the Department, OEH, DPI Water, DRE and NSW Fisheries, and in accordance with the relevant DRE guideline; (b) be submitted for approval by 31 May 2016, unless otherwise agreed with the Secretary; (c) include hydrologic, hydraulic, geomorphic and geotechnical assessments of Ben Bullen Creek and the effect of any proposed bank slope regrading and highwall stabilisation works; (d) include a flood hydraulic assessment, including how the design of final landforms would manage high flow events; (e) describe the staging and timing of rehabilitation works, and how these works would be integrated into the overall rehabilitation of the site; (f) detail the proposed native riparian and aquatic species to be used in rehabilitation works, and how these species would complement local and regional biodiversity and contribute to self-sustaining biodiversity habitats; and (g) include completion criteria and a monitoring program to assess and report on the efficacy of the rehabilitation works.	Baal Bone were given an Extension to submit the Management Plan until 22 December 2016 by the DP&E. The document has been prepared by GHD and submitted to the DP&E on 16 December 2016. a) Meeting was conducted with DP&E, DPI Water, DRE and OEH on 26th May 2016. NSW Fisheries did not attend the meeting. b) Extension granted until 22 December 2016. c) Water Modelling Report completed (GHD 2016). Covered within Sections 2.4.6, 3.5 and 3.6. d) Water Modelling Report completed (GHD 2016). Covered within Section 3.5. e) Section 6. Works outlined in four different stages. f) Section 4.8. Vegetation for shrubs, sedges, forbs and grasses outlined in this section. g) Section 3.8. Completion criteria are from the MOP. Implementation: Monitoring of Ben Bullen Creek has been completed for several years. The inspection of the auditors did find the creek highly disturbed, however SLR acknowledges further rehabilitation work will be completed through the implementation of the management plan.	Compliant	For future channel stability health monitoring completion criteria from the Ben Bullen Creek Rehabilitation Plan and the MOP should be used. Baal Bone to develop a schedule outlining proposed rehabilitation activities for Ben Bullen Creek and provide these details in the Annual Review. Report against these proposed activities in subsequent Annual Reviews.
HERITAGE				
Aboriginal Cultural Heritage Management Plan				
26	The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) incorporate the existing Aboriginal Cultural Heritage Management Plan for Longwalls 29-31; (b) be prepared in consultation with OEH, relevant Aboriginal community groups and Council; (c) be submitted to the Secretary for approval within 6 months of the date of this approval; (d) include programs and/or procedures for: i. salvage, excavation and/or management of Aboriginal sites and potential archaeological deposits which are at risk of significant impact within the project disturbance area; ii. managing the discovery of any new Aboriginal objects or skeletal remains found during the project; iii. maintaining and managing access to archaeological sites by the Aboriginal community; and iv. ongoing consultation with, and involvement of, relevant Aboriginal community groups in the conservation and management of Aboriginal cultural heritage at the project site.	No disturbance during the audit period with the site on care and maintenance. (a) ACHMP updated in 2014 and resubmitted, references Longwall 29 and 30. (b) Consultation completed in 2008, 2011 and 2012. No significant changes so did not trigger additional consultation. (c) ACHMP dated November 2014, approved on 1/6/16 by DP&E. (d) Section 7 outlines management and mitigation measures. The plan details consultation from 2008 to 2012. Implementation: Heritage is outlined in Section 3.12 of the Annual Review. With there being no disturbance for several years, there has been minimal mitigation measures required.	Compliant	
TRANSPORT				
Hours of Operation				
27	The Proponent shall undertake road transport of coal only between 7.00am and 7.00pm, Mondays to Saturdays (excepting Public Holidays). No road transport of coal shall take place on Sundays or Public Holidays.	No road haulage during the audit period	Not Triggered	
Monitoring of Coal Transport				
28	The Proponent shall keep records of the: (a) amount of coal transported by both rail and road from the site (on a daily basis); and (b) number of coal haulage train movements generated by the project (on a daily basis); and (c) make these records publicly available on its website in accordance with condition 6 of schedule 5.	No road haulage during the audit period	Not Triggered	
VISUAL				
Visual Amenity and Lighting				
29	29. The Proponent shall: (a) minimise the visual impacts, and particularly the off-site lighting impacts, of the surface infrastructure area and the Southern ventilation shaft site; (b) take all reasonable and feasible measures to further mitigate off-site lighting impacts from the project; and (c) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the Secretary.	a) Southern ventilation shaft has been decommissioned, sealed, capped and rehabilitated. Photo provided by Baal Bone to SLR illustrating rehabilitation. b) Geographically the pit top area is below the road with plenty of tree cover. c) All lighting associated with the CHPP and the UC1 conveyor/ROM stockpile has been designed and constructed so as to minimise glare and stray light to sensitive receivers. During 2012, a review of lighting requirements during care and maintenance was conducted, and where appropriate lighting was minimised.	Compliant	
WASTE				
30	The Proponent shall: (a) minimise the waste (including coal reject) generated by the project; (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of, to the satisfaction of the Secretary.	(a) Baal Bone are not generating any coal reject during audit period. Minimal waste produced. (b) Minimal waste during audit period, one skip bin on site collected quarterly.	Compliant	
31	The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Secretary. This plan must be submitted to the Secretary within 3 months of the date of this approval.	Waste management plan approved by DP&E on 1/6/16. Site inspection indicated some mine equipment unusable and should be classified as waste and removed from site	Compliant	There is an opportunity to remove some unwanted equipment on site. This should be identified in a register.
SCHEDULE 4 ADDITIONAL PROCEDURES				
NOTIFICATION OF LANDOWNERS				
1	If the results of monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, except where a negotiated agreement has been entered into in relation to that impact, then the Proponent shall, within 2 weeks of obtaining the monitoring results, notify the Secretary, the affected landowners and tenants accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 3.	No exceedances of noise or air impact assessment criteria.	Not Triggered	
INDEPENDENT REVIEW				

Condition Number	Condition	Evidence	Compliance Status	Recommendation
2	<p>If a landowner of privately-owned land considers the project to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the project on his/her land.</p> <p>If the Secretary is satisfied that an independent review is warranted, the Proponent shall within 3 months of the Secretary's decision:</p> <p>(a) consult with the landowner to determine his/her concerns;</p> <p>(b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to conduct monitoring on the land, to:</p> <p>i. determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and</p> <p>ii. identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and</p> <p>(c) give the Secretary and landowner a copy of the independent review.</p>	NT	Not Triggered	
3	<p>If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Secretary.</p> <p>If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 3, then the Proponent shall:</p> <p>(a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria, and conduct further monitoring to determine whether these measures ensure compliance; or</p> <p>(b) secure a written agreement with the landowner to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the Secretary.</p> <p>If the further monitoring referred to under paragraph (a) above determines that the project is complying with the relevant impact assessment criteria, then the Proponent may discontinue the independent review with the approval of the Secretary.</p>	NT	Not Triggered	
SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
ENVIRONMENTAL MANAGEMENT				
Environmental Management Strategy				
1	<p>The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. The strategy must:</p> <p>(a) be submitted to the Secretary for approval within 6 months of the date of this approval;</p> <p>(b) provide the strategic framework for environmental management of the project;</p> <p>(c) identify the statutory approvals that apply to the project;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;</p> <p>(e) describe the procedures that would be implemented to:</p> <p>i. keep the local community and relevant agencies informed about the operation and environmental performance of the project;</p> <p>ii. receive, handle, respond to, and record complaints;</p> <p>iii. resolve any disputes that may arise during the course of the project;</p> <p>iv. respond to any non-compliance; and</p> <p>v. respond to emergencies; and</p> <p>(f) include:</p> <p>i. copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved, and/or demonstrate that suitable strategies, plans and programs are in place to manage operations ; and</p> <p>ii. a clear plan depicting all the monitoring currently being carried out within the project area.</p>	<p>(a) EMS dated Feb 2016 approved by DP&E on 1/6/16</p> <p>(b) Section 3</p> <p>(c) Section 4.7</p> <p>(d) Section 9</p> <p>(e) (i) Section 6.2</p> <p>(ii) Section 6.3</p> <p>(iii) Dispute resolution has not been covered apart from a reference to a HSEC policy (Appendix 1). Additional detail is required in the EMS about the process. It should be noted that there has been no recorded disputes with nearby landowners during the audit period.</p> <p>(iv) Section 6.4</p> <p>(v) Section 6.5</p> <p>(f)(i) Appendix 1</p> <p>(ii) Appendix 2</p>	Administrative Non-Compliance	Additional details regarding dispute resolution for the projects. A cross referencing table should be developed in the EMS outlining where conditions/requirements have been met in the EMS document.
Management Plan Requirements				
2	<p>Proponent shall ensure that the Management Plans required under this approval are prepared in accordance with any relevant guidelines, and prepared by a suitably qualified expert/s whose appointment has been approved by the Secretary. The Plans must include:</p> <p>(a) detailed baseline data;</p> <p>(b) a description of:</p> <p>i. the relevant statutory requirements (including any relevant approval, licence or lease conditions);</p> <p>ii. any relevant limits or performance measures/criteria; and</p> <p>iii. the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;</p> <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the:</p> <p>i. impacts and environmental performance of the project; and</p> <p>ii. effectiveness of any management measures (see (c) above);</p> <p>(e) a contingency plan to manage any unpredicted impacts and their consequences;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the project over time;</p> <p>(g) a protocol for managing and reporting any:</p> <p>i. incidents;</p> <p>ii. complaints;</p> <p>iii. non-compliances with statutory requirements; and</p> <p>iv. exceedances of the impact assessment criteria and/or performance criteria; and</p> <p>(h) a protocol for periodic review of the plan.</p> <p>Note: At the discretion of the Secretary, some of these requirements may be waived where they are either not relevant or necessary.</p>	<p>Management plans have generally been prepared to meet the sub conditions. Trigger Action response Plans have been completed for key management plans. There is no checklist outlining where the requirements of this condition have been covered within each management plan.</p> <p>SLR notes that for some management plan conditions, there is no requirement to have the document prepared by a suitably qualified expert whose endorsement has been appointed by the Secretary. The Air Quality Monitoring Program and Water Management Plan conditions require endorsement of the specialists. Evidence of endorsement for Water Management Plan, but no evidence for Air Quality Monitoring Program.</p> <p>All management plans should have contingency plans as per sub condition e).</p>	Administrative Non-Compliance	<p>All management plans required under the Project Approval are to have input or be prepared by a qualified expert who has been endorsed by the Secretary of the DP&E. Depending on the management plan the qualified expert could be either a specialist or a qualified Glencore employee.</p> <p>All management plans should have contingency plans as per sub condition e).</p>
Annual Review				

Condition Number	Condition	Evidence	Compliance Status	Recommendation
3	<p>3. By 31 March 2012, and annually thereafter, the Proponent shall submit a report to the Secretary reviewing the annual environmental performance of the project to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the works that were carried out in the previous calendar year, and the works that are proposed to be carried out over the current calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the previous calendar year, which includes a comparison of these results against:</p> <p>i. the relevant statutory requirements, limits or performance measures/criteria;</p> <p>ii. the monitoring results of previous years; and</p> <p>iii. the relevant predictions in the EA;</p> <p>(c) identify any non-compliance over the previous calendar year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measure will be implemented over the current calendar year to improve the environmental performance of the project.</p>	<p>Annual Reviews have been completed to the former guidelines. Monitoring results have been prepared against EA predictions. Based on Annual Reviews (including 2015 Annual Review)</p> <p>a) Section 2 and 3. b) Section 3. Includes comparison against EIS predictions. Results compared against previous periods for key aspects such as surface water, groundwater and air. c) Section 3. Note the new Annual Review Guidelines have a specific section for this. d) Section 3. Trends across five years are shown for key aspects. e) Section 3. f) Section 3 and 6.</p>	Administrative Non-Compliance	<p>Next Annual Review is to be prepared in accordance with the DP&E guidelines.</p> <p>Additional detail required to assess compliance against the MOP (see recommendation from Condition 5 - MPL 261). Section 8 of the Annual Review Guidelines outlines the requirement for a comparison of reporting during the Annual Review period, including a summary of performance against the rehabilitation targets in the MOP. Include a comparison against key rehabilitation criteria from the MOP in the Annual Review to meet this condition.</p>
Revision of Strategies, Plans and Programs				
4	<p>Within 3 months of:</p> <p>(a) the submission of an audit report under condition 7 of Schedule 5;</p> <p>(b) the submission of an incident report under condition 5 of Schedule 5; and</p> <p>(c) the submission of an annual review under condition 3 of Schedule 5,</p> <p>(d) the approval of any modification to the conditions of this approval; or</p> <p>(e) a direction of the Secretary under condition 4 of Schedule 2;</p> <p>the Proponent shall review and, if necessary, revise the strategies, plans, and programs required under this approval.</p> <p>Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval, unless otherwise agreed with the Secretary.</p> <p>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.</p>	<p>(a) Evidence of revision of Management plans on 22 May 2014 and submission to then DP&E. This is within 3 months of previous audit</p> <p>(b) No incident reports during the audit period, with the exception of the minor exceedance of water quality for iron.</p> <p>(c) Not completed. According to this condition Baal Bone must review, and if necessary revise the strategies, plans and programs required under this approval annually.</p> <p>(d) Mod in Jan 2015, last mod in December 2015 - evidence of resubmission in April 2016 > 3 months</p> <p>(e) Not triggered</p>	Administrative Non-Compliance	<p>Assess the condition in the Annual Review every year and show that Management Plans have been reviewed. There may not be a requirement to update the management plans annually, however there should be a process documented to meet this condition and identify potential areas of annual improvement. This could include the development of a Management Review Form (component of the Environmental Management System), which would assess key changes to the Environmental Management System every year.</p>
REPORTING				
Incident Reporting				
5	<p>The Proponent shall notify the Secretary and any other relevant agencies of any incident associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident.</p>	<p>No major incidents during the audit period. Only one non-compliance of water criteria. This occurred in January 2014 where total iron was 1.11 mg/L and above the EPL concentration limit of 1 mg/L. This non compliance is a minor incident, with there being no evidence of a detailed report being sent to the DP&E. The issue is outlined a year later in the Annual Review. Section 2.1 of the Surface Water and Groundwater Response Plan outlines the requirement for notification to the EPA and DP&E for an exceedance of EPL pollution concentration limits.</p>	Administrative Non-Compliance	<p>Ensure any incidents or exceedances are outlined to the DP&E and EPA and any other government agency as per this condition.</p>
Regular Reporting				
6	<p>The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs under this approval, and to the satisfaction of the Secretary.</p>	<p>Website sighted. Monthly and quarterly reports on website. Annual Reviews.</p>	Compliant	
INDEPENDENT ENVIRONMENTAL AUDIT				
7	<p>By 31 December 2016, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission at its own cost an Independent Environmental Audit of the project. This audit must:</p> <p>(a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</p> <p>(b) include consultation with the relevant agencies;</p> <p>(c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);</p> <p>(d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate;</p> <p>(e) recommend measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under these approvals; and</p> <p>(f) be completed within 2 months of the approval of the audit team.</p> <p>Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.</p>	<p>DPI, DRE and EPA were consulted by previous auditors in September and December 2013. SMEC approved on 4 November 2013 for previous audit. The previous audit assessed the Development Consent, EPL, mining leases and management plans.</p> <p>Consultation for this audit was completed with the DP&E, EPA and DRE.</p> <p>In terms of timing for the previous audit an extension was sort and granted for that audit.</p>	Compliant	
8	<p>Within 6 weeks of the completing of this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.</p>		Not triggered	
ACCESS TO INFORMATION				
9	<p>From 31 March 2011, the Proponent shall:</p> <p>(a) make the following information publicly available on its website to the satisfaction of the Secretary:</p> <p>i. a copy of all approved strategies, plans and programs;</p> <p>ii. a comprehensive summary of all monitoring results of the project, which have been reported in accordance with the various plans and program under this approval;</p> <p>iii. a complaints register, updated on a quarterly basis;</p> <p>iv. copies of any Annual Reviews (over the last 5 years);</p> <p>v. copies of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit;</p> <p>vi. any other matter required by the Secretary; and</p> <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>	<p>(a) (i) sighted on website ii) quarterly and monthly and Annual Reviews sighted on website (ii) complaints register sighted and updated on 30/9/2016 (iv) 10 years of annual reviews on website (v) audit reports and action plan on website (vi) no further information requested. (b) updated monthly</p>	Compliant	

EPL 765

Condition Number	Condition	Compliance Status (C/O/NC/NA/Not Triggered)	Evidence	Recommendation																						
1. Administrative Conditions																										
A1	What the licence authorises and regulates																									
A1.1	This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.																									
	<table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal Works</td> <td>Coal works</td> <td>0 - 2000000 T handled</td> </tr> <tr> <td>Mining for Coal</td> <td>Mining for coal</td> <td>0 - 500000 T produced</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Coal Works	Coal works	0 - 2000000 T handled	Mining for Coal	Mining for coal	0 - 500000 T produced	Compliant	No coal works during the audit period. Site remains on care and maintenance.														
Scheduled Activity	Fee Based Activity	Scale																								
Coal Works	Coal works	0 - 2000000 T handled																								
Mining for Coal	Mining for coal	0 - 500000 T produced																								
A2	Premises or plant to which this licence applies																									
A2.1	The licence applies to the following premises:																									
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Premises Details																										
BAAL BONE COLLIERY CASTLEREAGH HIGHWAY LITHGOW NSW 2790																										
BAAL BONE COLLIERY HOLDING. MINING LEASES IDENTIFIED AS CCL 749, CL 391, ML 1302, ML 1389, ML1607 AND MPL 261																										
A3	Information supplied to the EPA																									
A3.1	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; 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.	Compliant	Generally works appear to have been carried out in accordance with this condition. Minimal issues with the site remaining on care and maintenance.																							
2. Discharges to Air and Water and Applications to Land																										
P1	Location of monitoring/discharge points and areas																									
P1.1	The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.																									
	<table border="1"> <thead> <tr> <th rowspan="2">EPA identification no.</th> <th rowspan="2">Type of Monitoring Point</th> <th colspan="2">Air</th> </tr> <tr> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>7</td> <td>Dust Monitoring</td> <td></td> <td>Monitoring site labelled as AQ1 in the figure "Baal Bone Colliery - 2011 Licenced Monitoring Sites" dated 17 January 2012.</td> </tr> <tr> <td>13</td> <td>Dust Monitoring and Weather Monitoring</td> <td></td> <td>Monitoring site labelled as AQ2 in the figure "Baal Bone Colliery - 2011 Licenced Monitoring Sites" dated 17 January 2012.</td> </tr> <tr> <td>14</td> <td>Dust Monitoring</td> <td></td> <td>Monitoring site labelled as AQ3 in the figure "Baal Bone Colliery - 2011 Licenced Monitoring Sites" dated 17 January 2012.</td> </tr> <tr> <td>15</td> <td>Dust Monitoring</td> <td></td> <td>Monitoring site labelled as AQ4 in the figure "Baal Bone Colliery - 2011 Licenced Monitoring Sites" dated 17 January 2012.</td> </tr> </tbody> </table>	EPA identification no.	Type of Monitoring Point	Air		Type of Discharge Point	Location Description	7	Dust Monitoring		Monitoring site labelled as AQ1 in the figure "Baal Bone Colliery - 2011 Licenced Monitoring Sites" dated 17 January 2012.	13	Dust Monitoring and Weather Monitoring		Monitoring site labelled as AQ2 in the figure "Baal Bone Colliery - 2011 Licenced Monitoring Sites" dated 17 January 2012.	14	Dust Monitoring		Monitoring site labelled as AQ3 in the figure "Baal Bone Colliery - 2011 Licenced Monitoring Sites" dated 17 January 2012.	15	Dust Monitoring		Monitoring site labelled as AQ4 in the figure "Baal Bone Colliery - 2011 Licenced Monitoring Sites" dated 17 January 2012.	Compliant	The depositional dust monitoring network is outlined in the approved Air Quality Monitoring Program. Evidence of implementation of monitoring program in the Annual Reviews. Results have generally been low during the audit period.	
EPA identification no.	Type of Monitoring Point			Air																						
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P1.2	The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.																									
P1.3	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.																									

	<p style="text-align: center;">Water and land</p> <table border="1"> <thead> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>Discharge quality monitoring</td> <td></td> <td>Discharge to utilisation area known as Sewage Transpiration Bed labelled as 'LD2' on plan titled Baal Bone Colliery '2008 Licensed Monitoring Sites' dated 10/01/2008.</td> </tr> <tr> <td>11</td> <td>Discharge to waters.</td> <td>Discharge to waters.</td> <td>Ben Bullen Creek downstream of active (surface) mining area labelled as LDP1 on plan titled Baal Bone Colliery '2008 Licensed Monitoring Sites' dated 10/01/2008.</td> </tr> <tr> <td>12</td> <td>Upstream quality monitoring</td> <td></td> <td>Ben Bullen Creek upstream of active (surface) mining area labelled WMP1 on plan titled Baal Bone Colliery '2008 Licensed Monitoring Sites' dated 12/01/2008.</td> </tr> </tbody> </table>	EPA Identification no.	Type of Monitoring	Type of Discharge Point	Location Description	2	Discharge quality monitoring		Discharge to utilisation area known as Sewage Transpiration Bed labelled as 'LD2' on plan titled Baal Bone Colliery '2008 Licensed Monitoring Sites' dated 10/01/2008.	11	Discharge to waters.	Discharge to waters.	Ben Bullen Creek downstream of active (surface) mining area labelled as LDP1 on plan titled Baal Bone Colliery '2008 Licensed Monitoring Sites' dated 10/01/2008.	12	Upstream quality monitoring		Ben Bullen Creek upstream of active (surface) mining area labelled WMP1 on plan titled Baal Bone Colliery '2008 Licensed Monitoring Sites' dated 12/01/2008.	Compliant	Licensed discharge points are outlined within the Water Management Plan and the Surface Water Monitoring Program. LDP002 and 12 are usually dry, with LDP11 is always discharging. There are also a series of internal monitoring locations.																
EPA Identification no.	Type of Monitoring	Type of Discharge Point	Location Description																																
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3. Limit Conditions																																			
L1	Pollution of waters																																		
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.		Compliant	No evidence of material harm,. Water quality has generally been of good quality through monitoring events. There was only one occasion during the reporting period where a parameter (iron) was slightly above the criteria.																															
L2	Concentration limits																																		
L2.1	For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.		Noted																																
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.		Noted																																
L2.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.		Noted																																
L2.4	Water and/or Land Concentration Limits																																		
	<p>POINT 11</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Iron (dissolved)</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>1.0</td> </tr> <tr> <td>Oil and Grease</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>10</td> </tr> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>6.5-8.5</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>50</td> </tr> </tbody> </table>		Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Iron (dissolved)	milligrams per litre				1.0	Oil and Grease	milligrams per litre				10	pH	pH				6.5-8.5	Total suspended solids	milligrams per litre				50	Non-Compliant (Low Risk)	All monitoring results for 2013-2016 were below EPL limits with the exception of January 2014 where total iron was 1.11 mg/L at LDP011 and above the EPL concentration limit of 1 mg/L. EPL has no discharge volumes, however volumes are calculated using the water balance model.	
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																														
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Total suspended solids	milligrams per litre				50																														
L3	Waste																																		
L3.1	The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below. Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below. This condition does not limit any other conditions in this licence.		Compliant	No evidence of waste being received at site. Waste is recorded in Annual Reviews.																															

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Code	Waste	Description	Activity	Other Limits																	
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L4	Noise limits																				
L4.1	Noise generated from the premises must not exceed the noise limits in the table below. The locations referred to in the table below are indicated on Project Approval 09_0178, Baal Bone Coal Project, Appendix 2, Figure 2 - Noise Receivers.	Noted																			
	<table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>All Periods</th> <th>Night</th> </tr> <tr> <th>dB(A) LAeq (15 min)</th> <th>dB(A) LA1 (1 min)</th> </tr> </thead> <tbody> <tr> <td>R1 (Muldoon residence Lot95 DP755759 Ben Bullen)</td> <td>46</td> <td>47</td> </tr> <tr> <td>R2 (Speirs residence Lot4 DP734531 Ben Bullen)</td> <td>41</td> <td>48</td> </tr> <tr> <td>R3 (Desch residence Lot3 DP734531 Ben Bullen)</td> <td>41</td> <td>48</td> </tr> <tr> <td>All other privately-owned land</td> <td>35</td> <td>45</td> </tr> </tbody> </table>	Location	All Periods	Night	dB(A) LAeq (15 min)	dB(A) LA1 (1 min)	R1 (Muldoon residence Lot95 DP755759 Ben Bullen)	46	47	R2 (Speirs residence Lot4 DP734531 Ben Bullen)	41	48	R3 (Desch residence Lot3 DP734531 Ben Bullen)	41	48	All other privately-owned land	35	45	Compliant	Annual noise audit reports conducted by Atkins Acoustics each year. All noise audits sighted for audit period and results are compliant with PA and EPL limits. Minimal noise sources due to site on care and maintenance.	
Location	All Periods		Night																		
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All other privately-owned land	35	45																			
	Note: The above noise limits do not apply at properties where the licensee has a written agreement with the landowner regarding the applicable noise limit.	Noted																			
L4.2	For the purposes of condition L4.1: a) All Periods refers to day, evening and night time; and b) Night is defined as the period between 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.	Compliant	Annual noise audit reports conducted by Atkins Acoustics each year. All noise audits sighted for audit period undertook monitoring during the appropriate daytime, evening and night-time periods																		
L4.3	Noise limits set out in condition L4.1 apply under all meteorological conditions except for the following: a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or c) Stability category G temperature inversion conditions.	Compliant	Annual noise audit reports conducted by Atkins Acoustics each year. All noise audits sighted for audit period include appropriate consideration of meteorological conditions.																		
L4.4	For the purposes of condition L4.3: a) Data recorded by the meteorological station identified as EPA Licence Point 13 must be used to determine meteorological conditions; and b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.	Not Verified	Annual noise audit reports conducted by Atkins Acoustics each year (a) Whilst the noise audits include appropriate consideration of the meteorological conditions there is no information provided to identify the source of the meteorological data used and to confirm that the onsite weather station was used. (b) The noise audit reports state that analysis of sigma theta data has been undertaken to determine the presence of temperature inversion conditions.	In future noise reports should identify the source of the meteorological data utilised to confirm the occurrence of temperature inversion conditions.																	
L4.5	To determine compliance: a) with the Leq(15 minute) noise limits in condition L4.1, the noise measurement equipment must be located: (i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or (ii) within 30 metres of a dwelling facade, but not closer than 3 metres where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable (iii) within approximately 50 metres of the boundary of a National Park or Nature Reserve. b) with the noise limits in condition L4.1, the noise measurement equipment must be located: (i) at the most affected point at a location where there is no dwelling at the location; or the property boundary closest to the premises; or (ii) at the most affected point within an area at a location prescribed by condition L4.5(a).	Compliant	Annual noise audit reports conducted by Atkins Acoustics each year. Section 4.2 details that the measurements were undertaken within approximately 30m of the residences.																		
L4.6	A non-compliance of condition L4.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured: a) at a location other than an area prescribed by condition L4.5(a); and/or b) at a point other than the most affected point at a location.	Compliant	Annual noise audit reports conducted by Atkins Acoustics each year. All noise audits sighted for audit period and results are compliant with PA and EPL limits. Minimal noise sources due to site on care and maintenance.																		
L4.7	For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.	Compliant	Annual noise audit reports conducted by Atkins Acoustics each year. Noise audit reports include appropriate consideration of INP modifying factors.																		
L5	Blasting																				
L5.1	The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Not Triggered	No blasting during audit period																		
L5.2	The overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Not Triggered	No blasting during audit period																		
L5.3	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Not Triggered	No blasting during audit period																		

L5.4	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Not Triggered																																		
Note	1. The airblast overpressure and ground vibration levels in conditions L5.1 to L5.4 do not apply at noise sensitive locations that are owned by the licensee or that are subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and the land owner. 2. "Noise sensitive locations" include buildings used as a residence, hospital, school, child care centre, place of public worship and nursing home. A noise sensitive location includes the land within 30 metres of the building.	Not Triggered																																		
4. Operating Conditions																																				
O1	Activities must be carried out in a competent manner	Compliant	No evidence to show that activities not being carried out in competent manner																																	
O1.1	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Compliant	Baal Bone has generally been operating in accordance with this condition. There was evidence of material at site that could be removed. This includes old rubber, old machinery ect. There was evidence of some old 44 gallon drums being stored in a laydown area. There was still some liquid in these drums (possibly hydrocarbons). These should be removed as soon as possible.	There is an opportunity to remove some unwanted equipment on site. This should be identified in a register.																																
O2	Maintenance of plant and equipment																																			
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.	Compliant	Evidence of maintenance records provided including borehole pumps, ventilation fan, pit top compressor, surface plant and machinery.																																	
O3	Dust																																			
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Compliant	Minimal activities and therefore minimal dust emissions. Baal Bone waters the haul roads during times of high dust generating potential.																																	
5. Monitoring and Recording Conditions																																				
M1	Monitoring records																																			
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Compliant	Results of monitoring is outlined within the Annual Review, monthly monitoring reports. Baal Bone provided raw data for air, groundwater and surface water.																																	
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Compliant	Monitoring records on the system back to 2004. Results of monitoring is outlined within the Annual Review, monthly monitoring reports. Baal Bone provided raw data for air, groundwater and surface water.																																	
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	Compliant	Monitoring records on the system back to 2004. Results of monitoring is outlined within the Annual Review, monthly monitoring reports. Baal Bone provided raw data for air, groundwater and surface water. Raw data from ALS meets these requirements.																																	
M2	Requirement to monitor concentration of pollutants discharged																																			
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Noted																																		
M2.2	Air Monitoring Requirements																																			
	POINT 7,13,14,15																																			
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Pollutant	Units of measure	Frequency	Sampling Method																																	
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	<p>POINT 11</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Conductivity</td> <td>microsiemens per centimetre</td> <td>Monthly during discharge</td> <td>Grab sample</td> </tr> <tr> <td>Iron (dissolved)</td> <td>milligrams per litre</td> <td>Monthly during discharge</td> <td>Grab sample</td> </tr> <tr> <td>Oil and Grease</td> <td>milligrams per litre</td> <td>Monthly during discharge</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Monthly during discharge</td> <td>Grab sample</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	Monthly during discharge	Grab sample	Iron (dissolved)	milligrams per litre	Monthly during discharge	Grab sample	Oil and Grease	milligrams per litre	Monthly during discharge	Grab sample	pH	pH	Monthly during discharge	Grab sample	Compliant	Total iron was generally sampled instead of dissolved iron. Licence dated 11/2/14 changed from total iron to dissolved iron, previous EPL did not specify. Samples are been collected for these parameters at the required frequency.									
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M3	Testing methods - concentration limits																															
M3.1	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.	Compliant	Dust monitoring results are outlined in the Annual Review and monthly monitoring reports. Raw data for air quality has been provided with Australian Standards listed in the ALS reports. ALS are qualified and have a NATA registered laboratory.																													
Note	The Protection of the Environment Operations (Clean Air) Regulation 2010 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".	Note																														
M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	Compliant	Monitoring completed by ALS and appears to be completed in accordance with the approved methods.																													
M4	Recording of pollution complaints																															
M4.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	Compliant																														
M4.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	Compliant	Complaints register kept on website. No complaints received during the audit period.																													
M4.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Compliant																														
M4.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Compliant																														
M5	Telephone complaints line																															
M5.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	Compliant	Complaints telephone number available on website. Members of the CCC have been notified in person about the complaint process.																													
M5.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Compliant																														
M5.3	The preceding two conditions 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.	Noted																														
M6	Blasting																															

M6.1	To determine compliance with conditions L5.1 to L5.4: a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest or most affected residence or sensitive noise location such as a school or hospital that is most likely to be affected by the blast - 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	Not Triggered	No blasting during the audit period.	
6. Reporting Conditions				
R1	Annual return documents			
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: a) a Statement of Compliance; and b) a Monitoring and Complaints Summary. At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	Compliant	Annual returns sighted for 2013 to 2015.	
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.	Compliant	Annual returns sighted for 2013 to 2015.	
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.	Note		
R1.3	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.	Not Triggered		
Note	An application to transfer a licence must be made in the approved form for this purpose.	Note		
R1.4	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	Not Triggered		
R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Compliant	Annual returns sighted for 2013 to 2015. All annual returns signed and dated within the required 60 day periods	
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Compliant	Annual returns sighted for 2013 to 2015 and retained.	
R1.7	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.	Compliant	Annual returns sighted for 2013 and 2015 signed by Kylie An Wong, 2014 signed by Mark Bulkely.	
R1.8	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.	Noted		
R2	Notification of environmental harm			
Note	The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	Not Triggered	The minor exceedance of iron in January 2014 at LDP011 does not constitute material harm.	
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Not Triggered		
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	Not Triggered		
R3	Written report			
R3.1	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.	Not Triggered		
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Not Triggered		
R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.	Not Triggered	No requests received from EPA according to Baal Bone. No evidence of specific requests provided to SLR.	
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	Not Triggered		
7. General Conditions				
G1	Copy of licence kept at the premises or plant	Compliant	Hard copy of the EPL sighted on site.	
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Compliant	Copy of licence on intranet	
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Not triggered	Baal Bone stated that this has not been requested during the audit period.	
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Compliant	Link available on website.	
8. Special Conditions				
E1	Recommendation of Mining			
Note	The EPA understands that the licensee has ceased coal mining activities at the premises. It is the EPA's intention to include a Pollution Reduction Program that requires the licensee to conduct a site specific determination of best management practices to reduce particulate emissions from coal mining activities, if coal mining recommences.	Not Triggered		

E1.1	The licensee must notify the EPA's Manager, Central West Region in writing prior to the recommencement of mining for coal or handling of coal on the premises.	Not Triggered		
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Statement of Commitments

Issue	Commitment	Compliance Status (C/O/NC/NA/Not Triggered)	Evidence	Recommendation
APPENDIX 3 STATEMENT OF COMMITMENTS				
General				
1	The Proponent shall carry out the project generally in accordance with the EA and the Statement of Commitments.			
2	Within 12 months of Project Approval, subject to confirmation that Project Approval conditions provide for feasible implementation of the project and ongoing operations at the Colliery, the Proponent shall surrender all redundant development consents that relate to activities in the Project Area, other than Project approval MP 07_0035 granted by the Minister for Planning on 24 October 2007 relating to the construction and operation of the ventilation shaft and power line corridor associated with Longwalls 29 to 31.	Compliant	Consents were surrendered with this completed outside the audit period.	
3	The Project will be in operation for up to 24 hours a day, seven days per week. The Proponent may load coal for road haulage between the hours of 7:30am and 2:45pm and 3:30pm to 5:30pm Monday to Saturday in accordance with the current Truck Management Plan. The hours of road haulage of coal, including initial and final laden journeys of the haulage vehicles to the Colliery and from the power stations, are to be limited to the hours of 7.00am to 7.00pm, Mondays to Saturdays. No road haulage is to take place on Sundays or Public Holidays.	Not Triggered	No coal haulage.	
4	The Proponent shall not: (a) extract more than 2.8 million tonnes of ROM coal from the Project area in a calendar year; or (b) transport more than 2.0 million tonnes of product coal from the Project area in a calendar year.	Not Triggered	No coal haulage.	
Environmental Management and Monitoring				
5	The Proponent shall adhere to the environmental management, monitoring and reporting requirements contained in Baal Bone's existing and revised monitoring programs contained within the EMS and in the SMP approval for Longwalls 29 to 31 dated 7 December 2007 which includes the following plans: • Subsidence Management Plan; • Public Safety Management Plan • Community Consultation Process; • Environmental Monitoring Program • Land Management Plan; • Underground Water Make Monitoring Program; • Subsidence Monitoring Program; • Worgan Escarpment Management Plan; and • Aboriginal Heritage Management Plan (BBC-RS1).	Compliant	Management plans have been developed. Some plans have a different name to this condition but cover the requirements of the Project Approval.	
6	Within 12 months of project approval, the Proponent will review and update Baal Bone's Environmental Management System to incorporate relevant aspects of the environmental management of the Project including a review of the following environmental management plans: • Biodiversity and Land Management Plan; • Cultural Heritage Management Procedure; • Social Involvements Plan; • Community Complaints Management Procedure; • Conflict Resolution Procedure; • Hydrocarbon Management; • Mine Closure Plan; • Product Stewardship Management Plan; • Subsidence Management Plan; • Public Safety Management Plan; • Land Management Plan; • Aboriginal Heritage Management Plan; • Truck Management Plan; • Waste Management Plan; • Water Quality Management Plan; and • Training and Competency Management Plan • Following a review of these plans, the Proponent will implement the revised plans in carrying out the Project.	Compliant	Management plans have been developed. Some plans have a different name to this condition but cover the requirements of the Project Approval.	
7	The Proponent shall prepare and lodge with the Director-General an Annual Environmental Management Report (AEMR) for the Project containing all Report monitoring data including an analysis of that data, and providing an assessment of the effectiveness or otherwise of all environmental control measures. The first of such reports for the Project shall be completed within 12 months of the date of the Project approval	Compliant	AEMR/Annual Reviews have been prepared throughout the audit period.	
Subsidence – Performance Measures				
8	In carrying out its mining operations within the Project area, the Proponent shall implement appropriate mining methods that seek to achieve the objectives contained in Table 8-2 of the Environmental Assessment for the Project.	Not Triggered	There was no mining during the audit period. End of panel reports for LW 29-31 suggest mining was generally consistent with the predicted impacts. There is a large amount of subsidence still remaining at the site, but it is not relating to the LW 29-31 area.	
Subsidence - Remnant Areas				

9	<p>Prior to commencing second workings in the Remnant Areas, the Proponent shall prepare and implement an Extraction Plan for all second workings in the Remnant Areas to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared by a team of suitably qualified and experienced experts whose appointment has been endorsed by the Director-General;</p> <p>(b) include a detailed plan for the second workings, which has been prepared to the satisfaction of DII, and provides for adaptive management (for the identified Remnant Areas);</p> <p>(c) include detailed plans of associated surface construction works;</p> <p>(d) include the following to the satisfaction of DII:</p> <ul style="list-style-type: none"> • a coal resource recovery plan that demonstrates effective recovery of the available resource; • revised predictions of the conventional and non-conventional subsidence effects and subsidence impacts of the extraction plan, incorporating relevant information that has been obtained since this approval; and • a Subsidence Monitoring Program to: <ul style="list-style-type: none"> - validate the subsidence predictions; and - analyse the relationship between the subsidence effects and subsidence impacts of the Extraction Plan and ensuing environmental consequences. 	Not Triggered	There was no mining during the audit period.	
10	<p>The Proponent must:</p> <ul style="list-style-type: none"> • protect the three cliff formations and Ben Bullen Creek from being directly mined under by an angle of draw of 26.5 degrees of greater as shown in Figure 8.2; and • develop a management strategy in consultation with independent archaeologists to manage the subsidence impacts of the archaeological site (Site ID 45-1-0125). 	Not Triggered	There was no mining during the audit period. End of panel reports for LW 29-31 suggest mining was generally consistent with the predicted impacts. Cliff formations avoided in the mine design. There is a large amount of subsidence still remaining at the site, but it is not relating to the LW 29-31 area.	
Subsidence – Longwalls 29 to 31				
11	<p>The Proponent shall implement the Subsidence Management Plan and associated monitoring programs for Longwalls 29 to 31. The monitoring program will include detailed survey and scientific monitoring which must be undertaken prior to, during and following the mining of Longwalls 29 to 31. Survey and monitoring will include the following:</p> <ul style="list-style-type: none"> • Three-dimensional subsidence monitoring; • Horizontal stress changes in the cliff forming sandstones of the Wolgan Escarpment using stress change monitoring instruments; • Temperature changes in the rock formation at the northern pinch point as a basis for understanding thermal stress changes experienced on the Wolgan Escarpment; and • Implementation of the Land Management Plan which addresses management of surface impacts in the vicinity of the Wolgan Escarpment and pagoda formations and surface cracking in other general surface areas. Visual inspections, plus photographic and video monitoring would be conducted over the surface area at regular intervals during mining of the longwall panels. 	Not Triggered	There was no mining during the audit period. End of panel report for LW 29-31 (dated December 2012) suggest mining was generally consistent with the predicted impacts. There is a large amount of subsidence still remaining at the site ('Shallow Cover Areas'), but it is not relating to the LW 29-31 area.	
Noise				
12	<p>Within twelve months of receiving Project Approval, the Proponent shall prepare a Site Noise Reduction Program (SNRP), which would include a Strategy for the reduction of noise generated from the Project area. The SNRP will include investigation of the following items to seek to reduce noise generated from the Project area where feasible:</p> <ul style="list-style-type: none"> • Replacement of damaged insulation installed in Washery Building; • Closure of façade openings in the Washery to Stockpile Transfer and/or Washery buildings; • Options to assess the feasibility and possibility of reducing noise emissions from the Bradford breaker; • Options to reduce noise emissions from the tracked dozer during night hours; and • A program for regular inspections of site plant including the dozer to ensure that the installed noise suppression controls are functioning and require no maintenance. The SNRP will review and/or develop procedures to manage noise complaints from residents: • Procedures for residents to contact the site environmental manager in regard to noise complaints or requests for information; • Procedures to inform residents of actions implemented following receipt of noise complaints; and • Procedures for the recording, investigation and follow up of noise complaints, and if required, site attended noise audits to identify additional procedures to minimise noise emissions from the Project area. 	Compliant	Completed during the previous audit period. Noise is a minor issue at Baal Bane with the site remaining on care and maintenance.	
Groundwater				
13	<p>The Proponent shall monitor groundwater in the vicinity of Longwalls 29 to 31 in accordance with the Surface and Groundwater Response Strategy and Underground Mine Water Make Monitoring Program to provide an ongoing assessment of the impact of mining works on the groundwater regime, enable early detection of potential adverse impacts, and to monitor the recovery of the groundwater system following completion of mining.</p>	Compliant	Currently the site operates under the overall Water Management Plan. Evidence of groundwater monitoring and analysis during the audit period.	
14	<p>In the event that the monitoring of ground or surface water indicates an exceedance of trigger levels, procedures contained within the Surface and Groundwater Response Strategy would be implemented.</p>	Compliant	Currently the site operates under the overall Water Management Plan. TARP's are outlined in the Surface and Groundwater Response Plan.	
15	<p>Prior to mining of the Remnant Areas, the Proponent shall review and update the Surface and Groundwater Response Strategy and Underground Mine Water Make Monitoring Program for implementation upon commencement of mining in these areas.</p>	Not Triggered	No mining during the audit period.	
Mine Closure and Rehabilitation				

16	The Proponent shall progressively rehabilitate the site over the life of the mine, rehabilitate all disturbed lands within the Project Area in accordance with the reasonable requirements of DII prior to relinquishment of mining leases.	Compliant	<p>SLR views this condition as relating to subsidence for the full Project Approval Area. Rehabilitation of disturbed lands has been completed for some sections of the site with additional rehabilitation still required post closure. Rehabilitation has generally been completed as per the areas outlined in the MOP and a Final Closure Plan is currently being developed. There has been no lease relinquishment, with a large amount of rehabilitation and subsidence repair required prior to lease relinquishment.</p> <p><u>LW29-31 Subsidence Repair</u> Subsidence Management Plan (SMP) for development and extraction of LWs 29-31 expired on 1/12/14, with mining operations in the longwall completed on 3/9/11. As the SMP is now expired subsidence management needs to be undertaken in accordance with the MOP. Last subsidence monitoring (post mining survey) on 8 May 2012. Section 8 of the EA (Aecom 2010) outlines the remediation of subsidence based on different trigger levels. Evidence from Annual Review and end of panel report for subsidence remediation.</p> <p><u>Subsidence Repair from Earlier Mining</u> Subsidence repair has only partially been completed in areas of 'Shallow Cover'. Evidence from subsidence inspections dated April 2015 and June 2016. Subsidence impacts noted during these inspections included subsidence cracking (including cracking on rock formations), collapsed cave, cracking along a walking track., Cracks up to 900mm wide were found in the April 2015 report and one crack was found 2 metre wide due to erosion in May 2016 report. These are large impacts which will provide costly and difficult to remediate.</p> <p>The "Shallow Cover Areas" area is the part of the site over the western side of LW19-24 in the North as well as over the entirety of LW 16-18A in the South-West. Mining of LW 24 was completed in 2005. It is acknowledged that there has been detailed consultation with the DRE and NSW Forests regarding subsidence repair in 2016, with a risk assessment for subsidence repair accepted by the DRE on 18 November 2016. A series of email correspondence was provided to the audit team from 2016. There was no information within the 2015 Annual Review regarding the subsidence within LW 19-24, despite there being a subsidence monitoring inspection report from April 2015. SLR has not been provided evidence of subsidence inspections or evidence of the knowledge of the impacts prior to 2015, despite the mining and likely subsidence impacts occurring several years earlier.</p>	<p>Subsidence repair of the shallow cover area needs to be undertaken. Additional detail should be provided for subsidence repair based on the issues outlined in the risk assessment. This should include proposed dimensions of impacts eg. length of cracks, area covered, proposed volume to fill cracks. The Review of Environmental Factors (REF) which is to be submitted in 2017 should outline all proposed subsidence remediation areas as per the agreement with DRE and Forests NSW. Subsidence impacts should be repaired unless repair would cause further damage within the area. The cost of these repairs should be calculated prior to commencing works and the rehabilitation cost estimate updated based on these estimated costs. All repairs should be completed in consultation with DRE and Forests NSW.</p> <p>SLR recommends the subsidence inspections in the future could be designed to assess against performance measures in this table. Some may not be applicable for the site being in care and maintenance, however a review of results against these conditions would assist in determining any unexpected impacts. Additional detail is required in subsidence inspections such as improved figures differentiating between high, low and medium risk subsidence areas.</p> <p>Additional detail regarding subsidence impacts and remediation should be outlined within the Annual Review.</p>
17	The Proponent shall prepare and implement a Rehabilitation Monitoring Methodology and Program for the Project within 12 months of project approval.	Compliant	Prepared during previous audit period.	
	<ul style="list-style-type: none"> Investigation of ways to minimise the adverse socio-economic effects associated with the conclusion of Baal Bone, including reduction in local and regional employment levels; and Description of measures that would be implemented to minimise or manage the on-going environmental effects of Baal Bone. 	Not Triggered	This is currently being completed as part of the Baal Bone Mine Closure Plan (to be submitted in 2017).	
Tailing and Reject Management				
18	The Proponent will implement the following operational controls to mitigate potential impacts associated with the Reject Emplacement Area: <ul style="list-style-type: none"> Regular visual inspections of the emplacement area including specific attention to the structural integrity of the embankment and the flow of leachate; All dams and associated pipelines at Baal Bone will be inspected on a daily, weekly and monthly basis as required; and Operation of transport in the vicinity according to regulations. 	Compliant	Evidence of inspection reports provided by SLR. Rehabilitation works completed at REA5 during the audit period.	
19	Prior to constructing any future dams with a catastrophic or high risk ranking, the Proponent will ensure that the following actions have been undertaken in relation to the dam: <ul style="list-style-type: none"> the dam has undergone an appropriate engineering design (e.g. relevant dam safety committee concurrence); or the dam has a specific management plan including operational requirements and monitoring program. The monitoring program may be incorporated into the regular inspection checklists, however, the person who is to inspect the catastrophic or high risk dams must be competent to do so. 	Not Triggered	No large dams constructed during audit period.	
Traffic - Coal Road Haulage				
20	Haulage of coal from Baal Bone by public road will not exceed 900,000 tonnes per annum (tpa) with a maximum daily rate of 6,000 tonnes.	Not Triggered		
21	Prior to resumption of haulage of coal by road to the power stations from the Colliery, the Proponent shall undertake a review of the existing Road Haulage Management Plan and update the plan as required, for implementation. Once implemented the Road Haulage Management Plan is to be reviewed annually and updated as required.	Not Triggered		
22	Prior to resumption of haulage of coal by road to the power stations from the Colliery, the Proponent shall undertake a review of the existing Truck Management Plan, and update the plan as required, for implementation. Once implemented, the Truck Management Plan is to be reviewed annually and updated as required.	Not Triggered		
	Following the installation of road signage, the Proponent shall undertake an annual review of road accident statistics along the Castlereagh Highway between Baal Bone Colliery and Mount Piper and Wallerawang Power Stations to monitor the effectiveness of road signage and review the implementation of other mitigation measures as appropriate.	Not Triggered	No coal haulage during audit period.	
23	The Proponent shall finalise all outstanding noise insulation works to the remaining four residences in Cullen Bullen identified in the Road Haulage Management Plan, being 2541 Castlereagh Highway, 42 Castlereagh Highway, 46 Castlereagh Highway, 2508 Castlereagh Highway, prior to resuming road haulage of coal to the power stations. The Proponent shall meet all reasonable costs required to implement these works.	Not Triggered		
Air Quality				

24	The Proponent shall implement the following existing operational practices in the Surface Infrastructure Area to minimise air quality impacts to the surrounding environment as contained in the Mine Operations Plan: <ul style="list-style-type: none"> • Conveyors and transfer points are either fully or partially enclosed on the side of the prevailing winds; • Spraying of stockpiles to minimise dust; • Watering of haul road to minimise dust; • Regular cleaning of areas that may generate dust; and • Appropriate ventilation of operational mine shafts. 	Not Triggered	The site remained on care and maintenance during the audit period.	
25	The Proponent will monitor potential impacts to air quality resulting from dust in accordance with the Environment Protection Licence (EPL) applying to the Project area and report any potential impacts according to the requirements of the EPL.	Compliant	Dust monitoring has been completed in accordance with the EPL and the approved Air Quality Monitoring Program. As the site is on care and maintenance only depositional dust is monitored.	
26	The Proponent shall operate the premises to seek to avoid exceedances of air quality impact assessment criteria identified in Section 15.3 the EA.	Compliant	Dust monitoring has been completed in accordance with the EPL and the approved Air Quality Monitoring Program. As the site is on care and maintenance only depositional dust is monitored.	
Greenhouse Gas				
27	The Proponent will continue to seek to provide maximum resource extraction with maximum efficiency and will assess and consider implementation, where feasible, of GHG and energy management and mitigation initiatives during the design, operation and decommissioning of the mine.	Not Triggered	No mining during the audit period.	
Geology and Soils				
28	The Proponent shall continue to undertake regular inspections of the surface features in accordance with the Land Management Plan for Longwalls 29 to 31 to address potential impacts on soils and geology.	Compliant	Inspections were completed in the vicinity of LW 29 to 31. Outlined in subsidence reporting and Annual Review.	
Flora and Fauna				
29	The Proponent shall continue to implement ongoing monitoring and management of quadrats in the vicinity of Longwalls 29 and 31 and Cocks River Swamp in accordance with the Environmental Monitoring Program contained within the SMP.	Administrative Non-Compliance	The SMP for LW 29-31 expired on 1 December 2014 and there has been no monitoring from December 2014 until now. There was however no ecological monitoring from the commencement of the audit period (19 December 2013) to the expiry of the SMP Approval 1 December 2014.	No additional recommendations relating to monitoring within LW 29-31 area.
30	Prior to and during mining of the Remnant Areas, the Proponent shall implement ongoing monitoring of fauna populations and wildlife habitats within and in the vicinity of the Remnant Areas. The details of the monitoring requirements are to be developed in accordance with the SMP for the Remnant Areas.	Not Triggered	No mining during the audit period.	
31	The Proponent shall use best endeavours to incorporate Capertee Stringybark in its future rehabilitation works.			
Indigenous Heritage				
32	The Proponent shall continue to manage the Aboriginal rock shelter (45-1-2665) in the vicinity of Longwalls 29 to 31 in accordance with the current Aboriginal Heritage Management Plan. If further sites are identified during the heritage surveys of the Remnant Areas, the Proponent will update the Aboriginal Heritage Management Plan to include any additional Indigenous sites requiring management.	Not Triggered	No mining during the audit period.	
33	Prior to the mining of the Remnant Areas, the Proponent shall undertake a further full heritage survey to: <ul style="list-style-type: none"> • ascertain the present condition of the site known as Ben Bullen Creek 1 (Site ID 45-1-0240); • properly assess this region for its heritage significance; and • develop a management strategy in consultation with the stakeholders to manage the subsidence impacts of the mining of the Remnant Areas on any cultural heritage items identified in the heritage survey. 	Not Triggered	No mining during the audit period.	
34	During the course of mining, if any 'relics' or other Aboriginal sites are identified, work in that area will cease and the DECC and respective Aboriginal community organisations or Local Aboriginal Land Council will be contacted to discuss how to proceed.	Not Triggered	Not triggered during audit period.	
Land Use				
35	The Proponent shall continue to implement the current Land Management Plan and Public Safety Management Plan which form part of the SMP for Longwalls 29 to 31.	Compliant	Inspections and monitoring completed in vicinity of LW 29-31	

MPL 261

Condition Number	Condition	Compliance Status	Evidence	Recommendation
1. Notice to Landholders				
	<p>Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.</p> <p>If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.</p>	Compliant	Outside audit period. Previous audit stated that - Letter to Forests NSW informing of lease renewal on 21 August 2011.	
2. Environmental Harm				
	The leaseholder shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	Compliant	No evidence to suggest otherwise	
3. Mining Operations Plan				
(a)	Mining operations must not be carried out otherwise than in accordance with: a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries.	Compliant	MOP sighted. Approved during the audit period.	
(b)	The MOP must: i) identify areas that will be disturbed by mining operations;	Compliant	MOP sighted. Approved during the audit period.	
(c)	The leaseholder may apply to the Director-General to amend an approved MOP at any time.	Noted		
(d)	It is not a breach of this condition if: i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 or the Occupational Health and Safety Act 2000; and ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.	Noted		
4. Environment Management Reporting				
	The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.			
5. The EMR must:				
(a)	report against compliance with the MOP;	Administrative Non-Compliance	There is little detail regarding reporting against compliance with the MOP in the Annual Reviews completed during the audit period.	For the next Annual Review the current Annual Review guidelines should be used. Section 8 of the Annual Review Guidelines outlines the requirement for a comparison of reporting during the Annual Review period, including a summary of performance against the rehabilitation targets in the MOP.

(b)	report on progress in respect of rehabilitation completion criteria;	Administrative Non-Compliance	Rehabilitation report is a component of the Annual Reviews. Annual Review is sent to several government agencies. Although results of rehabilitation monitoring are provided in the Annual Review there is no comparison against criteria from the MOP.	
(c)	report on the extent of compliance with regulatory requirements; and	Compliant	Some details regarding liaison with authorities including a review of previous actions from government.	
(d)	have regard to any relevant guidelines adopted by the Director-General;	Administrative Non-Compliance	The 2015 Annual Review has been prepared to the previous guidelines.	
6	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.	Not Triggered	No additional surface disturbance during the audit period. There has been additional reports and government liaison regarding subsidence impacts which occurred prior to the audit period.	

7. Rehabilitation

	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	Compliant	Although it has been noted that there is still a large amount of subsidence remediation still required the mining lease is still current and rehabilitation is still ongoing.	Additional rehabilitation is required for subsidence remediation. See Schedule 3 Condition 1 of the Project Approval for recommendations
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10. Control of Operations

(a)	If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:- (i) cease working the lease; or (ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified.	Not Triggered	Based on the information provided and discussions with Baal Bone, this has not been triggered.	
(b)	The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction.	Not Triggered		
(c)	A direction referred to in this condition may be served on the Mine Manager.	Not Triggered		

15. Blasting

(a)	Ground Vibration The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Climate Change.	Not Triggered	Nil blasting	
(b)	Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Climate Change.	Not Triggered		

16. Safety

	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Noted	This is not a safety audit. Outside of scope.	
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18. Prevention of Soil Erosion and Pollution				
	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	Compliant	There are some areas of minor improvement noted from the audit team in terms of water management, however generally compliant with this condition.	
19. Transmission lines, Communication lines and Pipelines				
	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.	Compliant	Care and maintenance. No evidence of interference.	
20. Fences, Gates				
(a)	Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate.	Compliant	Care and maintenance. No evidence of interference.	
(b)	Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.	Compliant	Care and maintenance. No evidence of interference.	
21. Roads and Tracks				
(a)	Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate.	Compliant	Care and maintenance. No evidence of interference.	
(b)	The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.	Compliant	Care and maintenance. No evidence of interference.	
22	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Environment and Climate Change.	Compliant	Minimal access tracks.	
23. Trees and Timber				
(a)	The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden.	Not Triggered	No additional clearing.	
(b)	The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the Native Vegetation Act 2003.	Not Triggered		
(c)	The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.	Not Triggered		
26. Indemnity				

	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.	Noted		
28 Security				
(a)	The single security in the sum of \$9,723,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Consolidated Coal Lease 749 (Act 1973), Coal Lease 391 (Act 1973), Mining Purposes Lease 261 (Act 1973), Mining Lease 1302 (Act 1992), Mining Lease 1389 (Act 1992) and Mining Lease 1607 (Act 1992). If the lease holder fails to fulfil any one or more of the obligations under this lease, then the security held may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of the lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.	Compliant	A Security calculation has been prepared for the overall site with evidence of review.	
(b)	The lease holder must provide the security required by sub-clause (a) in one of the following forms: (i) cash, (ii) a security certificate in a form approved by the Minister and issued by an authorised deposit-taking institution	Compliant		
31. Cooperation Agreement				
	The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping petroleum title(s). The cooperation agreement should address but not be limited to issues such as: access arrangements operational interaction procedures dispute resolution information exchange well location timing of drilling potential resource extraction conflicts and rehabilitation issues.	Noted		

ML 1389

Condition Number	Condition	Compliance Status	Evidence	Recommendation
Methods of Operation				
1	The lease holder shall extract as large a percentage of the coal in the subject area as is possible consistent with the provisions of the Coal Mines Regulation Act 1982 and the Regulations thereunder and shall comply with any direction given or which may be given in this regard by the Minister.	Not Triggered		
2				
(a)	The holder shall not commence or carry out any underground mining operations within the subject area unless with the consent of the Minister first had and obtained and subject to such conditions as the Minister may impose	Not Triggered		
(b)	Where the lease holder intends to carry out underground mining operations within the subject area the lease holder shall furnish to the Minister a plan showing the proposed workings in the section of land to be so mined together with such other details as the Minister may enquire.	Not Triggered		
3				
(a)	The lease holder shall not carry out open cut or surface mining operations; or the removal of overburden or high wall mining, within the subject area or associated colliery holding unless with consent of the Minister and subject to such conditions as the Minister may impose.	Not Triggered		
(b)	Where the lease holder intends to carry out open cut workings, surface mining operations or the removal of overburden or high wall mining within the subject area or associated colliery holding the lease holder shall apply for approval to carry out such operations in accordance with Instructions for Open Cut Application or Instructions for High wall Mining Applications provided by the Director-General.	Not Triggered		
4				
(a)	The lease holder shall not commence box cutting, underground bulk sampling operations or surface bulk sampling operations except with the written consent of the Minister and subject to such conditions as the Minister may impose including any conditions requiring the lodgement of a bond or other security for rehabilitation of the area the subject of or affected by such operations.	Not Triggered		
(b)	Where the lease holder desires to commence box cutting, underground bulk sampling operations or surface bulk sampling operations or Inspections for Surface Bulk Sampling Operations.	Not Triggered		
(c)	If required by the Inspector and within such time as may be stipulated by the Inspector the lease holder shall erect and maintain to the satisfaction of the Inspector a fence around the area subject of or affected by operations.	Not Triggered		
(d)	When required by the Minister and within such time as may be stipulated by the Minister the lease holder shall rehabilitate each and every section of the area the subject of or affected by the operations to the satisfaction of the Minister and in accordance with such conditions as may be imposed by the Minister.	Not Triggered		
(e)	The Minister may vary or revoke such consent.	Not Triggered		
Shafts, Drifts, Audits				
5	Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the lease holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the lease holder.	Compliant		
Dumps and Coal Preparation Plant				

6	The lease holder shall comply with any direction, given or which may be given by the Inspector regarding the dumping, deposition or removal of material extracted as well as the stabilisation and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situation on the subject area or the associated colliery holding.	Not Triggered	Although there has been regular liaison, there has been no specific directions regarding the dumps and CHPP area. A Detailed Mine Closure Plan is currently being developed, with this area to be covered.	
7	The lease holder shall comply with any direction given or which may be given by the Minister regarding the spraying of coal dumps on the subject area.	Not Triggered		
DUST AND CONVEYOR SYSTEMS				
8	The lease holder shall take such precautions as are necessary to abate any dust nuisance.	Not Triggered		
Management and Rehabilitation of lands (general)				
9	The lease holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or the Minister and subject to such conditions as the Minister may stipulate.	Compliant	Care and maintenance. No evidence of interference.	
10	The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.	Compliant	Site is fenced and secure. No specific direction.	
11	If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.	Not Triggered		
12				
(a)	The lease holder shall each year once operations have commenced, submit for the Minister's approval an "Annual Environmental Management Report" relating to the operations of the lease holder on the subject area.	Compliant	Prepared annually.	
(b)	The date by which the Report must be submitted will be determined by the Minister after consulting with the lease holder.	Compliant	Submission date noted in Annual Reviews.	
(c)	The Report shall comprise: (i) a plan showing short, medium and long term mining plans; (ii) a rehabilitation report (in respect of open cut operations) and/or a surface environmental management report (in respect of underground operations); (iii) a review of performance in terms of Environmental Protection Authority and Department of Water Resources licence and approval conditions (related to the Clean Air Act 1961, the Clean Waters Act 1970, the Noise Control Act 1975, the Environmentally Hazardous Chemical Act 1985, the Pollution Control Act 1970 and the Water Act 1912) applicable to the subject areas; (iv) a review of performance in terms of Development Consent conditions for the subject area; (v) a listing of any variations obtained to approvals applicable to the subject area during the previous year.	Compliant	These sections have been covered.	For the next Annual Review the current Annual Review guidelines should be used.
(d)	The Minister may, by notice in writing, direct the lease holder to undertake any operations or remedial actions in such manner and within such period as may be specified in that notice so as to ensure that operations on the subject area conform to the requirements of relevant statutory approvals or licences.	Compliant	Evidence of consultation with DRE in Annual Reviews and through proposed subsidence remediation. Strategy is being developed for subsidence remediation.	
(e)	The lease holder shall conduct operations on the subject area in accordance with an "open cut application" approved by the Minister and any conditions contained in the Minister's approval of that application. Where the lease holder is of the opinion that the approved operations should be amended the lease holder shall submit an amendment for the Minister's approval.	Not Triggered		
13	If so direct by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister any lands within the subject area which may have been disturbed by the lease holder.	Not Triggered	Final Closure Plan is being developed. Strategy is being developed for subsidence remediation.	

14	Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.	Not Triggered	Final Closure Plan is being developed. Strategy is being developed for subsidence remediation. Site remains on care and maintenance.	
15	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by B47the lease holder.	Compliant	Area to remain disturbed until final closure.	
16	The lease holder shall take all precautions against causing outbreak of fire on the subject area.			
17				
(a)	Ground Vibration The lease holder shall ensure that the ground vibration peak particle velocity generated by any blasting within the subject area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be.	Not Triggered		
(b)	Blast Overpressure The lease holder shall ensure that the blast overpressure noise level generated by any blasting within the subject area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be.	Not Triggered		
(c)	(c) Blasting will not be carried out outside the hours of 9 am and 5-pm except with the prior notification and approval of the Inspector	Not Triggered		
18	The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area, or any undue interference to fish or their environment.	Compliant	Although there are minor recommendations, works at site are generally completed in accordance with this condition.	

TREES (PLANTING AND PROTECTION OF FLORA AND FAUNA AND ARBOREAL SCREENS)

19	If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna, within the subject area.	Not Triggered	No disturbance in this lease area during audit period.	
20	The lease holder shall not fell trees, strip bark or cut timber on any land within the subject area except with the approval of the owner/occupier and subject to the payment to the owner of the trees, bark or timber of compensation as agreed or as assessed by the Warden.	Not Triggered	No disturbance in this lease area during audit period.	
21	The lease holder shall maintain an arboreal screen to the satisfaction of the Minister within such parts of the subject area as may be specified by the Minister and shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.	Compliant	The site is well screened from public roads.	

SOIL EROSION

22	The lease holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the lease holder shall observe and perform any instructions given or which may be given by the Minister with a view to minimising or preventing soil erosion.	Compliant	No issues identified in this area.	
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ROADS

23	The lease holder shall pay to the Council of the City of Greater Lithgow, Department of Land & Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area. PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council, the Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.	Not Triggered	Not triggered during audit period.	
24	In the event of operations being conducted on the surface of any road, track or firetrail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or firetrail the lease holder, at his own expense, shall if directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and, if required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or firetrail to a condition satisfactory to the Minister.	Not Triggered	Not triggered during audit period.	
25				
(a)	Operations shall be carried out in such a way as not to cause any pollution of the Burrendong or Macquarie River Catchment Areas.	Compliant	No issues identified.	
(b)	If the lease holder is using or about to use any process which in the opinion of the Minister is likely to cause contamination of the waters of the said Catchment Areas the lease holder shall refrain from using or cease using as the case may require such process within twenty-four (24) hours of the receipt by the lease holder of a notice in writing under the hand of the Minister requiring the lease holder to do so.	Compliant	No issues identified.	
(c)				
TRANSMISSION LINES, COMMUNICATION LINES AND PIPELINES				
26	The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard	Compliant	No issues identified. No mining during audit period.	
27	Unless with the consent of the Department of Land & Water Conservation, the lease holder shall not carry out any operations in the vicinity of, or which are likely to affect, the Fish River Water Supply pipeline.	Compliant	No issues identified.	
ABORIGINAL PLACE OR RELIC				
28	The lease holder shall not knowingly destroy, deface or damage any aboriginal place or relic within the subject area except in accordance with an authority issued under the National Parks and Wildlife Act, 1974 and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.	Compliant	No issues identified.	
Labour/Expenditure				
29	The lease holder shall during each year of the term of the authority	Noted	Site remains in care and maintenance. Conditions are not applicable.	
(a)	ensure that at least 17 workers are efficiently employed on the subject area or	Noted		
(b)	expend on operations carried out in the course of prospecting or mining the subject area, an amount of not less than \$297,500.	Noted		

	The Minister may, at any time after a period of two (2) years from the date on which this authority has effect increase or decrease the amount of expenditure or labour required.	Noted		
Additional Information				
30	The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister;	Noted	Site remains in care and maintenance. Conditions are not applicable.	
(a)	information regarding the ownership of the land within the subject area;	Noted		
(b)	information regarding the ownership of the coal within the subject area prior to 1st January, 1982;	Noted		
(c)	an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished;	Noted		
(d)	information regarding the financial viability of the lease holder and operations within and associated with the subject area; and	Noted		
(e)	information regarding shareholdings in the lease holder.	Noted		
Service of Notices				
31	<p>Within a period of three months from the date of this authority, or within such further time as the Director-General may allow the lease holder shall serve on each owner and occupier of the private land and on each occupier of the Crown land held under a pastoral lease within the subject area a notice in writing indicating that this authority has been granted and whether the authority include the surface. The notice shall be accompanied by an adequate plan and description of the subject area.</p> <p>If there are ten or more owners or occupiers affected the lease holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this authority has being granted, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.</p>	Noted	Site remains in care and maintenance. Conditions are not applicable.	
Inspectors				
32	Where the inspector is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder the inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder.	Not Triggered	Not triggered during audit period.	
(a)	Where the inspector is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder the inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder.	Not Triggered	Not triggered during audit period.	
(i)	to cease operations within the subject area in contravention of that condition or Act; and	Not Triggered	Not triggered during audit period.	
(ii)	to carry out within the specified time works necessary to rectify or remedy the situation	Not Triggered	Not triggered during audit period.	
(b)	The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director-General may confirm, vary or revoke any such direction.	Not Triggered	Not triggered during audit period.	
(c)	A notice referred to in this condition may be served by the Colliery Manager.	Not Triggered	Not triggered during audit period.	
Indemnities				

33	The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do hereunder.	Not Triggered	Not triggered during audit period.	
34	The lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.	Not Triggered	Not triggered during audit period.	
Prospecting (General)				
35				
(a)	Where the lease holder desires to commence prospecting operations in the subject area the lease holder shall notify the Director-General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond or other form of security for rehabilitation of the area affected by such operations.	Not Triggered	Not triggered during audit period.	
(b)	Where the lease holder notifies the Director-General pursuant to sub paragraph (a) of this condition the lease holder shall furnish with that notification details of the type of prospecting methods that would be adopted and the extent and location of the area that would be affected by them.	Not Triggered	Not triggered during audit period.	
Security Deposit				
36				
(a)	The lease holder shall, within two (2) months of being requested by the Director- General, lodge with the Minister the sum of \$150,000.00 in accordance with Instructions for Manner of Lodgement of Security Deposits as security for the fulfilment of the obligations of the lease holder under this authority. In the event that the lease holder fails to fulfil any of its obligations under this authority the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purposes of this clause a lease holder shall be deemed to have failed to fulfil its obligations under this authority, if it fails to comply with any condition or provision of this authority, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision of this authority or of any provision of the Act or regulations made thereunder.	Compliant	A Security calculation has been prepared for the overall site with evidence of review.	
(b)	The Minister may at any time after the commencement of this authority or any renewal thereof, vary the amount of security required in accordance with this condition.	Compliant		
(c)	Where the amount of security has been increased pursuant to clause (b) hereof the lease holder shall, within two (2) months of being requested by the Minister, lodge a security for the amount of security required, in which case the Minister shall refund or release to the lease holder the security previously lodged.	Compliant		
Royalty at Additional Rate				
37	The lease holder shall during the term of this authority pay to the Minister royalty at the additional rate as prescribed by the Regulations for coal recovered by open cut mining methods from the area.	Not Triggered	Not triggered during audit period.	

ML 1302

Condition Number	Condition	Compliance Status	Evidence	Recommendation
1. Notice to Landholders				
(a)	Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice.	Compliant	Letter to Forests NSW informing of lease renewal on 21 August 2011	
(b)	If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.	Not Triggered	Less than 10 landowners.	
2. Rehabilitation				
	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Compliant	Although it has been noted that there is still a large amount of subsidence remediation still required the mining lease is still current and rehabilitation is still ongoing.	Additional rehabilitation is required for subsidence remediation. See Schedule 3 Condition 1 of the Project Approval for recommendations
3. Mining Operations Plan and Annual Rehabilitation Report				
(a)	The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.	Compliant	MOP sighted. Approved during the audit period.	
(b)	The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which: (i) identifies areas that will be disturbed; (ii) details the staging of specific mining operations, mining purposes and prospecting; (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and (v) reflects the conditions of approval under: <ul style="list-style-type: none">• the Environmental Planning and Assessment Act 1979;• the Protection of the Environment Operations Act 1997; and• any other approvals relevant to the development including the conditions of this mining lease.	Compliant	MOP sighted. Approved during the audit period.	
(c)	(c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at www.resources.nsw.gov.au/environment	Compliant	MOP sighted. Approved during the audit period.	
(d)	The lease holder may apply to the Minister to amend an approved MOP at any time.	Noted		

(e)	<p>It is not a breach of this condition if:</p> <p>(i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and</p> <p>(ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</p>	Not Triggered		
(f)	<p>The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister.</p> <p>The report must:</p> <p>(i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;</p> <p>(ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and</p> <p>(iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment.</p> <p>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</p>	Administrative Non-Compliance	<p>Rehabilitation report is a component of the Annual Review. Sent to several government agencies.</p> <p>Although results of rehabilitation monitoring are provided in the Annual Review there is no comparison against criteria from the MOP.</p>	Include a comparison against key rehabilitation criteria from the MOP in the Annual Review to meet this condition.

4. Compliance Report

(a)	<p>The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting.</p>	Compliant		
(b)	<p>The Compliance Report must include:</p> <p>(i) the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with;</p> <p>(ii) particulars of any non-compliance with any such conditions or provisions,</p> <p>(iii) the reasons for any such non-compliance;</p> <p>(iv) any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance.</p>	Compliant	A letter was received from the DP&E (dated 9 September 2016) stating that the Compliance Report is covered by the Annual Review report.	
(c)	<p>The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.</p>	Compliant		
(d)	<p>In addition to annual lodgement under condition 4(c) above, a Compliance Report:</p> <p>(i) must accompany any application to renew this mining lease under the Act;</p> <p>(ii) must accompany any application to transfer this mining lease under the Act; and</p> <p>(iii) must accompany any application to cancel, or to partially cancel, this mining lease under the Act.</p>	Compliant		

(e)	Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister.	Compliant	
(f)	A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease.	Compliant	

5. Environmental Incident Report

(a)	<p>The lease holder must notify the Department of all:</p> <p>(i) breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and</p> <p>(ii) breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the Protection of the Environment Administration Act 1991), arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach.</p> <p>Note. Refer to www.resources.nsw.qov.au/environment for notification contact details.</p>	Not Triggered	<p>There has been a minor exceedances of criteria for water, but this condition has not been triggered. No material harm.</p> <p>In terms of historical subsidence from the 'shallow cover areas', Ball Bone has been liaising with DRE and Forests NSW regarding proposed subsidence remediation.</p>
(b)	<p>The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include:</p> <p>(i) the details of the mining lease;</p> <p>(ii) contact details for the lease holder;</p> <p>(iii) a map identifying the location of the incident and where material harm to the environment has or is likely to occur;</p> <p>(iv) a description of the nature of the incident or breach, likely causes and consequences;</p> <p>(v) a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a).</p> <p>(vi) a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease.</p> <p>Note. The lease holder should have regard to any relevant Director General's guidelines in the preparation of an Environmental Incident Report. Refer to www.resources.nsw.qov.au/environment for further details.</p>	Not Triggered	
(c)	<p>In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the Protection of the Environment Operations Act 1997 arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease.</p>	Not Triggered	

6. Extraction Plan

(a)	<p>In this condition:</p> <p>(i) approved Extraction Plan means a plan, being:</p> <p>A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or</p> <p>B. a subsidence management plan relating to the mining operations subject to this lease:</p> <p>I. submitted to the Secretary on or before 31 December 2014; and</p> <p>II. approved by the Secretary.</p> <p>(ii) relevant development consent means a development consent or project approval issued under the Environmental Planning & Assessment Act 1979 relating to the mining operations subject to this lease.</p>	Not Triggered		
(b)	The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.	Not Triggered		
(c)	The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease	Not Triggered		
(d)	<p>The lease holder must notify the Secretary within 48 hours of any:</p> <p>(i) incident caused by subsidence which has a potential to expose any person to health and safety risks;</p> <p>(ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or</p> <p>(iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing:</p> <p>A. built features;</p> <p>B. public safety; or</p> <p>c. subsidence monitoring.</p>	Not Triggered		

7. Resource Recovery

	The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.	Not Triggered	Care and maintenance	
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8. Group Security

	<p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$13,022,000.</p> <p>The leases covered by the group security include: Consolidated Coal Lease No.749, Coal Lease No.391 & Mining Purposes Lease No.261 (Act 1973) and Mining Lease No's 1302, 1389 & 1607 (Act 1992)</p>	Compliant	A Security calculation has been prepared for the overall site with evidence of review.	
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9. Cooperation Agreement

	<p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. 	Not Triggered		
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Exploration Reporting

	<p>Note: Exploration Reports (Geological and Geophysical)</p> <p>The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.</p> <p>Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Department of Trade and Investment; Regional Infrastructure and Services 2010).</p>	Not Triggered		
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SPECIAL CONDITIONS

	<p>Note: The standard conditions apply to all mining /eases. The Division of Resources & Energy (DRE) reserves the right to impose special conditions, based on individual circumstances, where appropriate.</p>	Not Triggered		
10	<p>The lease holder shall adopt such practices and techniques to the satisfaction of the Minister to prevent disturbance to the escarpments of the Wolgan and Capertee Valleys and any other escarpments or surface features as required by the Minister and the lease holder shall comply with any further direction given or which may be given by the Minister in this regard.</p>	Not Triggered		
11	<p>The Minister shall not approve second workings in the subject area unless:-</p> <p>(a) the lease holder demonstrates to the Chief Inspector of Coal Mines, Department of Trade and Investment Mineral Resources Branch, that there is no potential adverse impact on lands above the subject area, and</p> <p>(b) the Minister responsible for Planning consents to any such proposed second workings approval.</p>	Not Triggered		

ML 1607

Condition Number	Condition	Compliance Status	Evidence	Recommendation
Notice to Landholders				
1	<p>Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface . An adequate plan and description of the lease area must accompany the notice.</p> <p>If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated . The notice must indicate that this lease has been granted/renewed ; state whether the lease includes the surface and must contain an adequate plan and description of the lease area .</p>	Compliant	Letter to Forests NSW informing of lease renewal on 21 August 2011	
Environmental Harm				
2	The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	Compliant	This lease covers a very small area and no evidence of environmental harm provided for this area.	
Mining Operations Plan				
3				
(a)	Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries - Mineral Resources .	Compliant	MOP sighted. Approved during the audit period.	
(b)	<p>The MOP must:</p> <ul style="list-style-type: none"> • identify areas that will be disturbed by mining operations ; • detail the staging of specific mining operations ; • identify how the mine will be managed to allow mine closure; • identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment ; • reflect the conditions of approval under : <ul style="list-style-type: none"> - the Environmental Planning and Assessment Act 1979 - the Protection of the Environment Operations Act 1997 - and any other approvals relevant to the development including the conditions of this lease; and • have regard to any relevant guidelines adopted by the Director- General. 	Compliant	MOP sighted. Approved during the audit period. Covers these requirements and prepared to meet the guidelines.	
(c)	The titleholder may apply to the Director-General to amend an approved MOP at any time .	Compliant	MOP sighted. Approved during the audit period.	

(d)	It is not a breach of this condition if: i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 or the Occupational Health and Safety Act 2000; and ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.	Noted		
(e)	A MOP ceases to have effect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purpose of this paragraph unless otherwise identified by the Director-General.	Not Triggered		

Environment Management Reporting

4	The lease holder must lodge Environmental Management Reports (EMR) with The Director-General annually or at dates otherwise directed by the Director-General.			
5	The EMR must: report against compliance with the MOP; report on progress in respect of rehabilitation completion criteria; report on the extent of compliance with regulatory requirements; and have regard to any relevant guidelines adopted by the Director-General ;	Administrative Non-Compliance	Rehabilitation report is a component of the Annual Review. Sent to several government agencies. Although results of rehabilitation monitoring are provided in the Annual Review there is no comparison against criteria from the MOP.	Include a comparison against key rehabilitation criteria from the MOP in the Annual Review to meet this condition.
6	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.	Not Triggered		

Rehabilitation

7	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General and Forests NSW.	Compliant	Area remains disturbed until final closure.	
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Control of Operations

10				
(a)	If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:- (i) cease working the lease; or (ii) cease that part of the operation not complying with the Act or conditions ; until in the opinion of the Environmental Officer the situation is rectified .	Not Triggered	No evidence from the audit.	
(b)	The lease holder must comply with any direction given . The Director-General may confirm, vary or revoke any such direction.	Not Triggered		
(c)	A direction referred to in this condition may be served on the Mine Manager.	Not Triggered		

Blasting

15				
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(a)	Ground Vibration The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Climate Change and Environment.	Not Triggered		
(b)	Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Climate Change and Environment.	Not Triggered		
Safety				
16	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Noted	This is not a safety audit	
Prevention of Soil Erosion and Pollution				
18	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	Compliant	There are some areas of minor improvement noted from the audit team in terms of water management/erosion and sediment control, however generally compliant with this condition.	See recommendations from Schedule 3 Condition 19 of the Project Approval regarding erosion and sediment control.
Transmission lines, Communication lines and Pipelines				
19	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.	Compliant	Care and maintenance. No evidence of interference.	
Fences, Gates				
20				
(a)	Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate.	Compliant	Care and maintenance. No evidence of interference.	
(b)	Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.	Compliant	Care and maintenance. No evidence of interference.	
Roads and Tracks				
21				
(a)	Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate.	Compliant	Care and maintenance. No evidence of interference.	
(b)	Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.	Compliant	Care and maintenance. No evidence of interference.	
Roads and Tracks				
21				
(a)	Operations must not affect any road or fire trail unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate.	Compliant	Care and maintenance. No evidence of interference.	
(b)	The lease holder must pay to the designated authority in control of the road or fire trail (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.	Compliant	Care and maintenance. No evidence of interference.	

22	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations . The design and construction of access tracks must be in accordance with specifications fixed by the Department of Climate Change and Environment.	Compliant	Care and maintenance. No evidence of interference.	
Trees and Timber				
23				
(a)	The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden.	Not Triggered	No additional clearing.	
(b)	The leaseholder must ensure that removal of vegetation is minimised and that hollow bearing trees are avoided. Any clearing must comply with the provisions of the Threatened Species Conservation Act 1995 No 101'	Not Triggered		
(c)	The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area .	Not Triggered		
Indemnity				
26	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.	Noted		
Single Security (extended)				
28				
(a)	The single security given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Coal Lease No. 391, Consolidated Coal Lease No. 749 and Mining Purposes Lease No. 261 (Act 1973) and Mining Leases No's. 1302 and 1389 (Act 1992) is extended to apply to this lease.	Compliant		
(b)	If the lease holder fails to fulfil any one or more of the obligations under this lease, then the security held may be applied at the discretion of the Minister towards the cost of fulfilling such obligations . For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of the lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.	Compliant	A Security calculation has been prepared for the overall site with evidence of review.	
Catchment Area				
30				
(a)	The lease holder shall carry out operations in such a way as to conform strictly to all provisions of the Sydney Water Catchment Management Act 1998 and the regulations thereunder applying to the prevention of pollution of the Warragamba Outer Catchment Area or the preservation of the purity of the water supply provided thereby or derived therefrom or for the protection of the property of Sydney Catchment Authority [hereinafter referred to as the 'the Authority'] on the Outer Catchment Area and also to all requirements of the Authority from time to time under the said Act or any of the regulations for the time being in force.	Compliant	No evidence to determine any non - compliance.	

(b)	If the lease holder shall at any time be using or about to use any process which in the opinion of the Authority is likely to pollute the Outer Catchment Area or the water supply or to endanger any property of the Authority on the Outer Catchment Area the lease holder upon service of a notice in writing under the hand of the Minister to do so shall : (i) discontinue the use of such process immediately , or (ii) thereafter refrain from adopting such process at any time, as the case may require.	Compliant		
(c)	The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent the contamination, pollution, erosion or siltation of any stream or watercourse or Outer Catchment Area and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution or siltation of any stream watercourse or Outer Catchment Area.	Compliant		
(d)	The lease holder hereby covenants with Us Ours Heirs and Successors and as a separate covenant the lease holder hereby covenants with the Authority and its Successors that the lease holder shall at all times hereafter save harmless and keep Us and the said Authority and Our Heirs and Successors and the Successors of the said Authority indemnified from payment of compensation and from and against all actions proceedings claims and demands in respect of any injury loss of damage arising out of or in any way connected with any interference with or deprivation or loss of access to the land and premises of this authority which may occur by reason of any works or operations undertaken or carried out by the said Authority or arising out of or in any way connected with any discontinuance or alteration of any process consequent upon the service of a notice in pursuance of the provisions of Condition 31(b) or arising out of or in any way connected with the operation of any regulations relating to Outer Catchment Areas in force at the date hereof or made by the said Authority at any time hereafter and the lease holder hereby agrees that for the purpose of this condition the said Authority shall be deemed to be a party to this authority.	Compliant		
31	The lease holder shall:			
(a)	Make such provisions for sanitation as may be directed by the Authority and shall at all times observe and perform any requirements of the said Authority respecting sanitation.	Compliant	No additional clearance during care and maintenance.	
(b)	not establish any camps or habitations within any area under the control of the Authority unless with the consent of the Authority.	Compliant		
(c)	Not sink any drillhole within the stored waters on the subject area nor within 40 metres of the top water level thereof unless with the consent of the Authority.	Compliant		
(d)	Not sink any drillhole within any watercourse on the Warragamba Outer Catchment Area nor within 100 metres thereof unless with the consent of the Authority.	Compliant		
(e)	Not interfere with or impede the use of the Authority tracks of endanger their stability in any way by reason of the operations.	Compliant		
(f)	Not construct any road to the sites of any drillholes unless with the consent of the Authority to the proposed route and type of road construction.	Compliant		
(g)	Not interfere in any way with any fences on or adjacent to the Warragamba Outer Catchment Area unless with the consent in writing of the owner thereof or the Authority.	Compliant		
(h)	Give twenty eight days notice to the General Manager, Catchment Operations and Major Projects, Sydney Catchment Authority, Penrith, of its intention to commence drilling operations	Compliant		
(i)	Not cut or remove any timber except such as directly obstructs or prevents the carrying on of operations and the lease holder shall obtain the consent in writing of the Authority before making use of the timber so cut for other than in connection with operations.	Compliant		
(j)	Complete work in relation to rehabilitation within the Warragamba Outer Catchment Area before termination of the authority to the satisfaction of the Authority.	Compliant		

CL 391

Condition Number	Condition	Compliance Status	Evidence	Recommendation
1. Notice to Landholders				
(a)	Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice.	Compliant	Agreement sighted with Forests NSW from previous audit.	
(b)	If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.	Not Triggered	Less than 10 landowners.	
2. Rehabilitation				
	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Compliant	Although it has been noted that there is still a large amount of subsidence remediation still required ("Shallow Cover Areas"), the mining lease is still current and rehabilitation is still ongoing.	Additional rehabilitation is required for subsidence remediation. See Schedule 3 Condition 1 of the Project Approval for recommendations.
3. Mining Operations Plan and Annual Rehabilitation Report				
(a)	The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.	Compliant	MOP sighted. Approved during the audit period.	
(b)	The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which: (i) identifies areas that will be disturbed; (ii) details the staging of specific mining operations, mining purposes and prospecting; (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and (v) reflects the conditions of approval under: • the Environmental Planning and Assessment Act 1979; • the Protection of the Environment Operations Act 1997; and • any other approvals relevant to the development including the conditions of this mining lease.	Compliant	MOP sighted. Approved during the audit period. Covers these requirements and prepared as per the MOP Guidelines.	
(c)	The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at www.resources.nsw.gov.au/environment	Compliant	MOP sighted. Approved during the audit period.	
(d)	The lease holder may apply to the Minister to amend an approved MOP at any time.	Noted		

(e)	<p>It is not a breach of this condition if:</p> <p>(i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and</p> <p>(ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</p>	Not Triggered		
(f)	<p>The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister.</p> <p>The report must:</p> <p>(i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;</p> <p>(ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and</p> <p>(iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment.</p> <p><i>Note: The Rehabilitation Report replaces the Annual Environmental Management Report</i></p>	Administrative Non-Compliance	<p>Rehabilitation report is a component of the Annual Review. Sent to several government agencies.</p> <p>Although results of rehabilitation monitoring are provided in the Annual Review there is no comparison against criteria from the MOP.</p>	<p>Include a comparison against key rehabilitation criteria from the MOP in the Annual Review to meet this condition.</p>
4. Compliance Report				
(a)	<p>The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting.</p>	Compliant		
(b)	<p>The Compliance Report must include:</p> <p>(i) the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with;</p> <p>(ii) particulars of any non-compliance with any such conditions or provisions,</p> <p>(iii) the reasons for any such non-compliance;</p> <p>(iv) any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance.</p>	Compliant	<p>A letter was received from the DP&E (dated 9 September 2016) stating that the Compliance Report is covered by the Annual Review report.</p>	
(c)	<p>The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.</p>	Compliant		
(d)	<p>In addition to annual lodgement under condition 4(c) above, a Compliance Report:</p> <p>(i) must accompany any application to renew this mining lease under the Act;</p>	Compliant		
(e)	<p>Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister.</p>	Compliant		
(f)	<p>A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease.</p>	Compliant		
5. Environmental Incident Report				

(a)	<p>The lease holder must notify the Department of all:</p> <p>(i) breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and</p> <p>(ii) breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the Protection of the Environment Administration Act 1991), arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach.</p> <p>Note. Refer to www.resources.nsw.gov.au/environment for notification contact details.</p>	Not Triggered	There has been a minor exceedances of criteria for water, but this condition has not been triggered.	
(b)	<p>(b) The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include:</p> <p>(i) the details of the mining lease;</p> <p>(ii) contact details for the lease holder;</p> <p>(iii) a map identifying the location of the incident and where material harm to the environment has or is likely to occur;</p> <p>(iv) a description of the nature of the incident or breach, likely causes and consequences;</p> <p>(v) a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a).</p> <p>(vi) a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease.</p> <p>Note. The lease holder should have regard to any relevant Director General's guidelines in the preparation of an Environmental Incident Report. Refer to www.resources.nsw.gov.au/environment for further details.</p>	Not Triggered		
(c)	<p>In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the Protection of the Environment Operations Act 1997 arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease.</p>	Not Triggered		

6. Extraction Plan

(a)	<p>In this condition:</p> <p>(i) approved Extraction Plan means a plan, being:</p> <p>A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or</p> <p>(a) a subsidence management plan relating to the mining operations subject to this lease:</p> <p>I. submitted to the Secretary on or before 31 December 2014; and</p> <p>II. approved by the Secretary.</p> <p>(ii) relevant development consent means a development consent or project approval issued under the Environmental Planning & Assessment Act 1979 relating to the mining operations subject to this lease.</p>	Not Triggered		
(b)	The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.	Not Triggered		
(c)	The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.	Not Triggered		
(d)	<p>The lease holder must notify the Secretary within 48 hours of any:</p> <p>(i) incident caused by subsidence which has a potential to expose any person to health and safety risks;</p> <p>(ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or</p> <p>(iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing:</p> <p>A. built features;</p> <p>B. public safety; or</p> <p>C. subsidence monitoring.</p>	Not Triggered		

7. Resource Recovery

	The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.	Not Triggered	Care and maintenance	
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8. Group Security

	<p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$13,022,000.</p> <p>The leases covered by the group security include: Consolidated Coal Lease No.749, Coal Lease No.391, Mining Purposes Lease No.261 (Act 1973) and Mining Lease No's 1302, 1389 & 1607 (Act 1992).</p>	Compliant	A Security calculation has been prepared for the overall site with evidence of review.	The security bond is to be reviewed for the entire site. To be updated once costs are determined for subsidence remediation of the 'Shallow Cover Area'
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9. Cooperation Agreement

	<p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. 	<p>Not Triggered</p>		
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Exploration Reporting

	<p>Note: Exploration Reports (Geological and Geophysical)</p> <p>The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.</p> <p>Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Department of Trade and Investment; Regional Infrastructure and Services 2010).</p>	<p>Not Triggered</p>		
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10. SPECIAL CONDITIONS

	<p>Note: The standard conditions apply to all mining leases. The Division of Resources & Energy (ORE) reserves the right to impose special conditions, based on individual circumstances, where appropriate.</p>	<p>Not Triggered</p>		
	<p>The lease holder shall adopt such practices and techniques to the satisfaction of the Minister to prevent disturbance to the escarpments of the Wolgan and Capertee Valleys and any other escarpments or surface features as required by the Minister and the lease holder shall comply with any further direction given or which may be given by the Minister in this regard.</p>	<p>Not Triggered</p>		
<p>11</p>	<p>The Minister shall not approve second workings in the subject area unless:-</p> <p>(a) the lease holder demonstrates to the Chief Inspector of Coal Mines, Department of Trade and Investment Mineral Resources Branch, that there is no potential adverse impact on lands above the subject area, and</p> <p>(b) the Minister responsible for Planning consents to any such proposed second workings approval.</p>	<p>Not Triggered</p>		

APPENDIX C – AUDIT CERTIFICATION FORM

Independent Audit Certification Form	
Development Name	Baal Bone Colliery
Development Consent No.	PA – 09_0178
Description of Development	Underground Mine Currently on Care and Maintenance
Development Address	Castlereagh Hwy, Cullen Bullen NSW 2790
Operator	Wallerawang Collieries Limited
Operator Address	Castlereagh Hwy, Cullen Bullen NSW 2790
Independent Audit	
Title of Audit	Baal Bone Colliery 2016 Independent Environmental Audit
<p><i>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</i></p> <p><i>The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2014 and Post Approval Guidelines – Independent Audits</i></p> <p><i>The findings of the audit are reported truthfully, accurately and completely;</i></p> <p><i>I have exercised due diligence and professional judgement in conducting the audit;</i></p> <p><i>I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</i></p> <p><i>I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;</i></p> <p><i>I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);</i></p> <p><i>Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</i></p> <p><i>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i></p> <p><i>Note.</i></p> <p><i>The Independent Audit is an 'environmental audit' for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</i></p> <p><i>The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</i></p>	
Signature	
Name of Lead / Principal Auditor	Chris Jones
Address	10 Kings Road, New Lambton NSW 2305, Australia
Email Address	cjones@slrconsulting.com
Auditor Certification (if relevant)	Principal Environmental Auditor
Date:	22 February 2017

APPENDIX D – ENDORSEMENT OF SLR



Mr Mark Bulkeley
Operations Manager
Baal Bone Colliery
Glencore
Castlereagh Highway
Cullen Bullen NSW 2790

Dear Mr Bulkeley

**Baal Bone Coal Project
Independent Environmental Audit**

I refer to your letter dated 23 November 2016, requesting endorsement of experts to prepare the Independent Environmental Audit at the Baal Bone Project, in accordance with condition 7 of Schedule 5 of Project Approval 09_0178.

The Department has reviewed the information you provided, and is satisfied that the nominated experts are suitable experienced and qualified to independently assess the environmental performance of the project.

Accordingly, the Secretary has endorsed the following experts to undertake the audit:

- Mr Christopher Jones – Lead Auditor;
- Mr Nathan Archer – Assistant Auditor;
- Mr Rod Masters – Rehabilitation and Surface Water Specialist; and
- Mr Andrew Hutton – Project Director.

If you wish to discuss the matter further, please contact Anthony Ko.

Yours sincerely

23/12/16

Clay Preshaw
A/Director
Resource Assessments
as nominee of the Secretary