

FINAL

Drayton Mine

Independent Environmental Audit



Drayton Mine

Independent Environmental Audit

Prepared for

Anglo Coal (Drayton Management) Pty Ltd

Prepared by

AECOM Australia Pty Ltd

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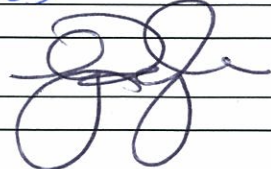
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1.0 Introduction

AECOM Australia Pty Ltd (hereafter referred to as AECOM) was appointed by Anglo Coal (Drayton Management) Pty Ltd (Drayton Coal) to undertake an Independent Environmental Audit (the Audit) of the following developments:

- “Increased coal transport tonnage using the existing Drayton Rail Loop and Antiene Rail Spur” (Drayton Rail Loop and Antiene Rail Spur coal transportation operations), approved by Department of Planning (DoP) with Development Consent DA 106-04-00 on 2 November 2000
- “Drayton Mine Extension” project, approved by DoP with Development Consent DA 06_0202 on 1 February 2008.

Although the listed developments are approved by two separate Development Consents and each requires Independent Environmental Audit to be performed against relevant audit criteria, Drayton Coal agreed with Department of Planning that compliance assessment against relevant audit criteria for both developments could be undertaken in one Audit and presented in one Audit Report.

The Audit was focused on verification of the Site's compliance against key regulatory approvals and Environmental Impact Statements, including a review of the Site's environmental performance.

This report outlines the findings of the audit, and provides recommendations to improve compliance and the environmental performance of the mine against relevant statutory documents and the Drayton Coal environmental management system.

1.1 Audit Scope

The Audit objective for the Drayton Rail Loop and Antiene Rail Spur coal transportation operations is defined by Condition 7.1 of the Development Consent DA 106-04-00, which is provided below:

DA 106-04-00, Condition 7.1:

INDEPENDENT ENVIRONMENTAL AUDIT

a) Every three years from the date of this consent until completion of coal transportation in the DA area, or as otherwise directed by the Director-General, the Applicant shall conduct an environmental audit of the Drayton Rail Loop operation and Antiene Rail Spur operation in accordance with ISO14010 – Guidelines and General Principles for Environmental Auditing, and ISO14011 – Procedures for Environmental Auditing (or the current versions), and in the accordance with any specifications required by the Director-General. The audit shall be co-coordinated as far as possible with the audit for the Bayswater rail loading facility and rail loop as directed by the Director-General. Copies of the report shall be submitted by the Applicant to the Director-General, MSC, EPA, DMR and CCC within two weeks of the report's completion for comment.

b) The audit shall:

(i) assess compliance with the requirements of this consent, licenses and approvals

(ii) assess the development against the predictions made in the EIS

(iii) review the effectiveness of the environmental management of the coal transportation operations, including any mitigation works

(iv) be carried out at the Applicant's expense

(v) be conducted by a duly qualified independent person or team approved by the Director-General in consultation with MSC.

The Audit objective for the Drayton Mine Extension project is defined by the Condition 6 in Schedule 5 of Development Consent DA 06_0202, which is provided below:

DA 06_0202, Schedule 5, Condition 6:

INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 2 years of this approval, and every three years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project.

This audit must:

- a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
- b) assess the environmental performance of the project, and its effects on the surrounding environment;
- c) assess whether the project is complying with the relevant standards, performance measures, and statutory requirements;
- d) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
- e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.

Note: This audit team must be led by a suitably qualified auditor, and include experts in the field of noise and mine rehabilitation and closure.

The Site to be audited includes:

- Drayton Rail Loop and Antiene Rail Spur coal transportation facilities and Drayton Mine Extension and associated facilities.

1.2 Audit Criteria

Following discussions between AECOM and Drayton Coal, the following Audit Criteria was confirmed for the purpose of this Audit:

- Assessment of compliance and environmental performance of the Site against the following documents:
 - Development Consent for the Drayton Rail Loop and Antiene Rail Spur coal transportation operations, including modifications, if any (DA 106-04-00)
 - Development Consent for the Drayton Mine Extension project including modifications, if any (DA 06_0202)
 - Environmental Protection Licence No 1323 for the Site, including variations, if any (EPL).
- Assessment of environmental performance and review of the effectiveness of the Site environmental management, including any mitigation works against following documents:
 - Environmental Impact Statement for the Drayton Rail Loop and Antiene Rail Spur coal transportation operations (EIS)
 - Statement of Commitments for the Drayton Mine Extension project (SoC).

1.3 Audit Team

The audit was undertaken by the following AECOM staff:

- Graham Taylor, Technical Director/National Practice Leader. Graham was responsible for peer review of the audit and provided high-level project support – Quality Assurance.

- Peter Horn, Principal Environmental Scientist. Peter was the Lead Auditor responsible for planning the audit, conducting the site audit, and providing direction and assistance for the preparation of audit materials and the audit report – Lead Auditor.
- Joanne Walters, Senior Professional Scientist. Joanne was part of the audit team responsible for conducting the site audit, preparing audit materials and the audit report - Auditor.
- Dee Murdoch, Principal Environmental Scientist. Dee advised the site audit team on questions related to mine rehabilitation assessment and closure – Technical Quality Assurance.
- Najah Ishac, Director, Environmental Management Group Australia. Najah advised the site audit team on noise assessment related questions and noise mitigating measures assessment – Technical Quality Assurance.

1.4 Audit Timing

The environmental audit was conducted on 20 and 21 October 2009. The audit report was finalised in November 2009.

1.5 Documents Reviewed

The following principal documents were reviewed during the conduct of the audit:

- Development Consent DA 106-04-00
- Development Consent DA 06_0202
- Development Consents Modifications, if any
- EPL No 1323
- EPL Variations, if any
- EIS for the Drayton Rail Loop and Antiene Rail Spur coal transportation operations
- SoC for the Drayton Mine Extension project

Numerous subsidiary documents were obtained and reviewed during the audit as referenced in the Compliance Audit table in **Appendix A**. In addition, numerous correspondence documents were inspected and referred to during specific aspects of the audit. These are referenced in the relevant sections of this report.

1.6 Personnel Interviewed

The following Drayton Coal personnel were interviewed during the course of the audit:

- Pam Simpson, Environmental Co-ordinator
- Dallas Core, Mining Manager
- Dot Cameron, Maintenance Controller
- Ben Noack, CHP Superintendent;
- Geoff Keith. Blasting Co-ordinator; and
- Andrew Lorn, Mining Logistics Co-ordinator.

2.0 Background Information

Drayton Mine is an open cut mine located in the Upper Hunter Valley, NSW approximately 13km south of Muswellbrook and is adjacent to Mt Arthur North mine.

Drayton Mine commenced operation in 1983 and produces approximately 5.0 Mt of thermal coal each year for export and domestic markets.

The mine is currently developing a new life-of-mine plan based on an increase in reserves base to 61 Mt. The mine utilises one dragline, excavators and a significant truck fleet to mine coal.

The mine currently employs approximately 300 employees.

3.0 Compliance with Consents, Licences and Approvals

Condition 7.1(b)(i) of the development consent DA 106 -04 -00 requires the audit to:

- *assess compliance with the requirements of this consent, licences and approvals*

Appendix A includes an assessment of compliance against the conditions of the development consent and the conditions of EPL 1323.

For each consent or licence condition, compliance was defined by the following terms:

- Drayton Coal complies with this condition (compliance);
- Drayton Coal partially complies with this condition (partial compliance);
- Drayton Coal does not comply with this condition (non-compliance); or
- This condition has not been activated (not applicable).

In general a high degree of compliance with the development consent and the EPL conditions has been achieved. During the audit a small number of partial and non-compliance areas were identified along with areas where improvement to environmental management could occur. Details of the partial and non-compliances along with recommendations are included in **Section 6.0** of this report.

4.0 Assessment Against Predictions in the EIS

Condition 7.1(b)(ii) of the development consent DA 106 -04 -00 requires the audit to:

- *assess the development against the predictions made in the EIS*

The environmental management performance of the mine was assessed against the predictions and commitments made in the EIS.

The actual environmental performance of the mine was determined from monitoring results reported in the Annual Environmental Management Report (AEMR) for 2007 and 2008 and was verified by site inspection.

For each prediction or commitment, compliance was defined by the following terms:

- Drayton Coal has met this commitment (compliance);
- Drayton Coal has partially met this commitment (partial compliance);
- Drayton Coal has not met this commitment (non-compliance); or
- This commitment has not been activated (not applicable).

This assessment is included in **Appendix A**. It was generally considered that the development is operating within the predictions made in the EIS. Further details and recommendations are included in **Section 6.0** of this report.

5.0 Effectiveness of Environmental Management

Condition 7.1(b)(iii) of the development consent DA 106 -04 -00 requires the audit to:

- *review the effectiveness of the environmental management of the mine, including any mitigation works*

The assessment of the effectiveness of environmental management at the mine was undertaken by reviewing the Environmental Management Strategy and associated environmental management plans and assessing the effectiveness of their implementation during the audit site inspection and audit interviews.

For each consent or licence condition, the need for improvement was defined by the term:

- Improvement Recommended.

Any recommendations for improvement are included in **Section 6.0** of this report

6.0 Recommendations for Improvement

This section presents the recommendations that arise out of the Independent Environmental Audit undertaken at the Site.

Table 1: Recommendations for Improvement

No.	Approval/ Licence/ Audit Reference	Condition No.	Recommendation
1	DA 06_0202	Schedule 3, 36 (a) and (b)	Partial Compliance A strategy has been developed but has not yet been approved by the DoP. There has been extensive negotiation with respect to this plan which has delayed the implementation of the offset program.
2	DA 06_0202	Schedule 3, 38 (c)	Partial Compliance Landscape Management Plan has not yet been approved by DoP
3	DA 06_0202	Schedule 5, 10 (b)	Non Compliance The AEMR (2008) was not on the website at the time of the audit. Drayton Coal have since submitted the AEMR (2008) to the Anglo Coal Brisbane office to be loaded on the website. The website has since been updated.
4	DA 06_0202	Schedule 5, 11 (b)	Non Compliance Monitoring data not up to date at the time of the audit. Drayton Coal have since submitted the monitoring data to the Anglo Coal Brisbane office to be loaded on the website. The website has since been updated.
5	DA 106-04-00	2.1 (iv)	Non Compliance Non conformance reported in previous audit. Position description does not reflect this requirement.
6	DA 106-04-00	2.3 (iv)	Non Compliance Non conformance for bush fire controls - still does not have inspection sheet. Scope for improvement to develop one.

Compliance comment: Drayton Coal has requested clarification as to validity of this consent, as this was issued as a joint consent with COAL (now Mt Arthur North). Mt Arthur North have obtained a new consent which overrides this pre-existing joint consent and does not restate the requirements for bushfire control on the loop.

Appendix A

Compliance with Development Consent EPL and EIS

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding
Project Approval - Section 75J of the Environmental Planning and Assessment Act 1979 - Application Number 06_0202						
Project Approval	Schedule 2		ADMINISTRATIVE CONDITIONS			
		1	Obligation to Minimise Harm to the Environment 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 project.	An Environmental Management System certified to ISO 14001 is in place.	Auditors sighted	Compliant
		2	Terms of Approval The Proponent shall carry out the project generally in accordance with the: a) EA; b) Statement of commitments; and c) Conditions of this approval.			
		3	If there is any inconsistency between the above document, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.			
		4	The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of: a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.			
		5	Limits on Approval Mining operations may take place on the site until 31 December 2017. <i>Note: Under this approval, the Proponent is required to rehabilitate the site and provide offsets to the satisfaction of the Director-General. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated and the offset provided to a satisfactory standard.</i>			
		6	The Proponent shall not extract or process more than 8 million tonnes of ROM coal a year on site.			
		7	The Proponent shall only transport coal from the site by rail or overland conveyor.			
		8	Surrender of Consents Within 12 months of this approval, the Proponent shall surrender all previous development consents for the Drayton coal mine to the satisfaction of the Director-General.		Auditors viewed letter from Drayton to Council surrendering consent requirement Schedule 2, Condition 8. Council to Drayton letter viewed confirming an extension had been granted. Mine extension approval granted by DoP.	Compliant
		9	Staged Submission of Management Plans / Monitoring Programs With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.	All management plans have been submitted including the Management Strategy, some are still in draft form in consultation with DoP and DECCW	Auditors viewed letters submitted with Management Plans and responses from DoP, DWE and DECC	Compliant
		10	Structural Adequacy The Proponent shall ensure that all new buildings and structures, and any alterations or additions to the existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA. <i>Notes:</i> <i>* Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.</i> <i>* Part 8 of the EP&A Regulation sets out the requirements for the certification of development.</i>	No buildings/structures have been constructed or altered during the audit period.		Not Applicable
		11	Demolition The Proponent shall ensure that all demolition work is carried out in accordance with <i>Australian Standard AS 2601-2001: The Demolition of Structures</i> , or its latest version.	No buildings have been demolished during the audit period.		Not Applicable
		12	Operation of Plant and Equipment 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.	Drayton's 'Ellipse System' tracks maintenance records. Drayton's 'Elipse System' tracks maintenance records. Drayton's 'Elipse System' tracks maintenance records.	Auditors met with Dot Cameron (Maintenance Controller) who explained system. Auditors also took tour of the Maintenance Shed. Auditors met with Dot Cameron (Maintenance Controller) who explained system. Auditors also took tour of the Maintenance Shed. Auditors met with Dot Cameron (Maintenance Controller) who explained system. Auditors also took tour of the Maintenance Shed.	Compliant Compliant Compliant
		13	Planning Agreement Within 12 months of this approval, the Proponent shall enter into a planning agreement with Council and the Minister, in accordance with: a) Division 6 of Part 4 of the EP&A Act; and b) the terms of the Proponent's offer to the Council on 19 January 2007, which includes the matters set out in Appendix 4.	\$200,000 paid to Council in accordance with the agreement \$200,000 paid to Council in accordance with the agreement \$200,000 paid to Council in accordance with the agreement	Verbal - Pam Simpson Verbal - Pam Simpson Verbal - Pam Simpson	Compliant Compliant Compliant

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding																																																																																																																																																																																												
	Schedule 3		SPECIFIC ENVIRONMENTAL CONDITIONS																																																																																																																																																																																															
		1	<p>NOISE</p> <p>Noise Impact Assessment Criteria The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.</p> <p>Table 1</p> <table border="1"> <thead> <tr> <th rowspan="2">Land Number</th> <th colspan="2">Day</th> <th colspan="2">Evening</th> <th colspan="2">Night</th> </tr> <tr> <th>L_{Aeq(15min)}</th> <th>L_{Aeq(15min)}</th> <th>L_{Aeq(15min)}</th> <th>L_{Aeq(15min)}</th> <th>L_{Aeq(15min)}</th> <th>L_{Aeq(15min)}</th> </tr> </thead> <tbody> <tr><td>34</td><td>35</td><td>35</td><td>35</td><td>36</td><td>45</td><td>47</td></tr> <tr><td>29</td><td>35</td><td>35</td><td>35</td><td>36</td><td>47</td><td>47</td></tr> <tr><td>31</td><td>35</td><td>35</td><td>35</td><td>37</td><td>47</td><td>47</td></tr> <tr><td>33, 86</td><td>35</td><td>35</td><td>35</td><td>38</td><td>45</td><td>47</td></tr> <tr><td>32</td><td>35</td><td>35</td><td>35</td><td>40</td><td>47</td><td>47</td></tr> <tr><td>71, 75</td><td>35</td><td>35</td><td>35</td><td>41</td><td>47</td><td>47</td></tr> <tr><td>70</td><td>35</td><td>35</td><td>36</td><td>41</td><td>47</td><td>47</td></tr> <tr><td>76</td><td>35</td><td>35</td><td>36</td><td>42</td><td>47</td><td>47</td></tr> <tr><td>28</td><td>35</td><td>35</td><td>37</td><td>40</td><td>47</td><td>47</td></tr> <tr><td>69</td><td>35</td><td>337</td><td>41</td><td>47</td><td>47</td><td>47</td></tr> <tr><td>13</td><td>36</td><td>36</td><td>36</td><td>35</td><td>45</td><td>47</td></tr> <tr><td>12</td><td>36</td><td>36</td><td>36</td><td>36</td><td>47</td><td>47</td></tr> <tr><td>25</td><td>36</td><td>37</td><td>37</td><td>37</td><td>47</td><td>47</td></tr> <tr><td>26</td><td>36</td><td>37</td><td>37</td><td>38</td><td>47</td><td>47</td></tr> <tr><td>27</td><td>36</td><td>37</td><td>37</td><td>39</td><td>47</td><td>47</td></tr> <tr><td>72</td><td>36</td><td>37</td><td>37</td><td>42</td><td>47</td><td>47</td></tr> <tr><td>17</td><td>37</td><td>38</td><td>38</td><td>36</td><td>47</td><td>47</td></tr> <tr><td>21, 22</td><td>38</td><td>38</td><td>38</td><td>39</td><td>45</td><td>47</td></tr> <tr><td>18</td><td>38</td><td>39</td><td>39</td><td>38</td><td>47</td><td>47</td></tr> <tr><td>20, 61</td><td>39</td><td>40</td><td>39</td><td>39</td><td>45</td><td>47</td></tr> <tr><td>14</td><td>40</td><td>39</td><td>38</td><td>38</td><td>47</td><td>47</td></tr> <tr><td>19</td><td>40</td><td>40</td><td>39</td><td>39</td><td>47</td><td>47</td></tr> <tr><td>16</td><td>41</td><td>41</td><td>39</td><td>39</td><td>47</td><td>47</td></tr> <tr><td>23</td><td>35</td><td>35</td><td>35</td><td>35</td><td>47</td><td>47</td></tr> <tr><td>All other privately-owned land</td><td>35</td><td>35</td><td>35</td><td>35</td><td>45</td><td>47</td></tr> </tbody> </table> <p>However, if the Proponent has a written negotiated noise agreement with any landowner of the land listed in Table 1, and a copy of this agreement has been forwarded to the Department and DECC, then the Proponent may exceed the noise limits in Table 1 in accordance with the negotiated noise agreement.</p> <p>Notes: * For information on the numbering and identification of properties used in this approval, see Appendix 5. * To determine compliance with the L_{Aeq(15min)} noise limits, noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable. * To determine compliance with the LA1(1minute) noise limits, noise from the project is to be measured at 1 metre from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).</p> <p>*The noise emission limits identified in the above table apply under meteorological conditions of: - wind speeds of up to 3 m/s at 10 metres above ground level; or - temperature inversion conditions of up to :⁰ C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level</p>	Land Number	Day		Evening		Night		L _{Aeq(15min)}	L _{Aeq(15min)}	L _{Aeq(15min)}	L _{Aeq(15min)}	L _{Aeq(15min)}	L _{Aeq(15min)}	34	35	35	35	36	45	47	29	35	35	35	36	47	47	31	35	35	35	37	47	47	33, 86	35	35	35	38	45	47	32	35	35	35	40	47	47	71, 75	35	35	35	41	47	47	70	35	35	36	41	47	47	76	35	35	36	42	47	47	28	35	35	37	40	47	47	69	35	337	41	47	47	47	13	36	36	36	35	45	47	12	36	36	36	36	47	47	25	36	37	37	37	47	47	26	36	37	37	38	47	47	27	36	37	37	39	47	47	72	36	37	37	42	47	47	17	37	38	38	36	47	47	21, 22	38	38	38	39	45	47	18	38	39	39	38	47	47	20, 61	39	40	39	39	45	47	14	40	39	38	38	47	47	19	40	40	39	39	47	47	16	41	41	39	39	47	47	23	35	35	35	35	47	47	All other privately-owned land	35	35	35	35	45	47	<p>Attended and independent noise monitoring undertaken in accordance with the Noise Monitoring Program. Pam Simpson demonstrated the 'Barn Owl' system which monitors real time noise levels. Results were shown to indicate that the noise levels were in compliance with Table 1. Auditors were also taken to Barn Owl location to view.</p>	<p>Annual Environmental Management Report (AEMR) (2008) and site records provided. Noise Monitoring Program describes responsibilities and procedures for noise monitoring, sighted by auditors.</p>	<p>Compliant</p>
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All other privately-owned land	35	35	35	35	45	47																																																																																																																																																																																												
		2	<p>Land Acquisition Criteria If the noise generated by the project exceeds the criteria in Table 2 at any residence on privately-owned land or on more than 25 percent of any privately-owned land, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 8-10 of Schedule 4.</p> <p>Table 2: Land acquisition criteria dB(A)</p> <table border="1"> <thead> <tr> <th>Land Number</th> <th>Day/Evening/Night L_{Aeq(15min)}</th> </tr> </thead> <tbody> <tr> <td>12, 14, 16, 17, 18, 19, 23, 25, 26, 27, 28, 29, 31, 32, 69, 70, 71, 72, 75, 76</td> <td>42</td> </tr> <tr> <td>All other private land owners not listed in Table 1, or on more than 25 percent of any privately owned land.</td> <td>40</td> </tr> </tbody> </table> <p>Note: Noise generated by the project is to be measured in accordance with the notes to Table 1.</p>	Land Number	Day/Evening/Night L _{Aeq(15min)}	12, 14, 16, 17, 18, 19, 23, 25, 26, 27, 28, 29, 31, 32, 69, 70, 71, 72, 75, 76	42	All other private land owners not listed in Table 1, or on more than 25 percent of any privately owned land.	40	<p>No agreements regarding noise</p>	<p>Noise Management Programme, Noise Management Procedure - Rail and AEMR (2007 and 2008) viewed by auditors.</p>	<p>Not Applicable</p>																																																																																																																																																																																						
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		3	<p>Cumulative Noise Criteria The Proponent shall take all reasonable and feasible measures to ensure that the noise generated by the project combined with the noise generated by other mines does not exceed the following amenity criteria at any residence on privately-owned land or on more than 25 percent of any privately owned land:</p> <p>* L_{Aeq(11hour)} 50 dB(A) - Day; * L_{Aeq(4hour)} 45 dB(A) - Evening; and * L_{Aeq(9hour)} 40 dB(A) - Night.</p>	<p>No exceedance reported in AEMR. Noise management Plan states compliance with this criteria</p>	<p>Noise Management Programme, Noise Management Procedure - Rail and AEMR (2007 and 2008) viewed by auditors.</p>	<p>Compliant</p>																																																																																																																																																																																												
		4	<p>If the noise generated by the project combined with the noise generated by other mines exceeds the following amenity criteria at any residence on privately owned-land or on more than 25 percent of any privately owned land, then upon receiving a written request form the landowner, the Proponent shall acquire the land on as equitable basis as possible with the relevant mines in accordance with the procedures in conditions 8-10 of Schedule 4.</p> <p>* L_{Aeq(11hour)} 53 dB(A) - Day; * L_{Aeq(4hour)} 48 dB(A) - Evening; and * L_{Aeq(9hour)} 43 dB(A) - Night.</p> <p>Notes: The cumulative noise generated by the project combined with the noise generated by other mines is to be measured in accordance with the relevant procedures in the NSW Industrial Noise Policy.</p>	<p>No exceedance reported in AEMR. Noise Management Plan states compliance with this criteria</p>	<p>Noise Management Programme, Noise Management Procedure - Rail and AEMR (2007 and 2008) viewed by auditors.</p>	<p>Compliant</p>																																																																																																																																																																																												
		5	<p>Noise Mitigation Within 12 months of this approval, unless otherwise agreed by the Director-General, the Proponent shall implement the noise mitigation measures outlined in Section 4.5 of the noise impact assessment, of the EA (see Appendix 6).</p>	<p>Noise mitigation measures are specified in the Noise Management Plan. These are addressed in the EAMR.</p>	<p>Noise Management Programme, Noise Management Procedure - Rail and AEMR (2007 and 2008) viewed by auditors.</p>	<p>Compliant</p>																																																																																																																																																																																												

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding						
		6	<p>Note: Any request to vary the noise mitigation measures must be accompanied by a noise assessment that demonstrates that the proposed variation would not result in any increase of the noise levels as predicted in the EA.</p> <p>Upon receiving a written request from the owner of:</p> <p>* the following land: 14, 16, 19, 20, 21, 22, 28, 32, 33, 61, 69, 70, 71, 72, 75, 76, 86; or</p> <p>* any residence on privately-owned land where subsequent noise monitoring shows the noise generated by the project is greater than or equal to the relevant criteria in Table 3, the Proponent shall implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner.</p> <p>Table 3: Land acquisition criteria dB(A)</p> <table border="1"> <thead> <tr> <th>LAeq(15min)</th> <th>Land Number</th> </tr> </thead> <tbody> <tr> <td>40</td> <td>12, 17, 18, 23, 25, 26, 27, 29, 31</td> </tr> <tr> <td>38</td> <td>All other private land owners</td> </tr> </tbody> </table> <p>These additional mitigation measures must be reasonable and feasible.</p> <p>If within 3 months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.</p> <p>Within 3 months of this approval, the Proponent shall notify all applicable landowners that they are entitled to receive additional noise mitigation measures.</p>	LAeq(15min)	Land Number	40	12, 17, 18, 23, 25, 26, 27, 29, 31	38	All other private land owners	No exceedance reported in AEMR. Noise Management Plan states compliance with this criteria	Noise Management Programme, Noise Management Procedure - Rail and AEMR (2007 and 2008) viewed by auditors.	Not Applicable
LAeq(15min)	Land Number											
40	12, 17, 18, 23, 25, 26, 27, 29, 31											
38	All other private land owners											
		7	<p>Continuous Improvement</p> <p>The Proponent shall:</p> <p>a) implement all reasonable and feasible noise mitigation measures;</p> <p>b) investigate ways to reduce the noise generated by the project, including maximum noise levels which may result in sleep disturbance; and</p> <p>c) report on these investigations and the implementation and effectiveness of these measures in the AEMR.</p>	Pam Simpson confirmed that mufflers on trucks had been changed and a budget of \$500,000 had been allowed to purchase mufflers for trucks and loaders before Christmas. Independent noise monitoring had also been sought from an external consultant.	Auditors viewed the independent noise monitoring report from Spectrum Acoustics (22/9/09).	Compliant						
		8	<p>Monitoring</p> <p>The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must:</p> <p>a) be prepared in consultation with DECC;</p> <p>b) be submitted to the Director-General for approval within 6 months of this approval; and</p> <p>c) include:</p> <ul style="list-style-type: none"> - a combination of real-time and supplementary attended monitoring measures; and - a noise monitoring protocol for evaluating compliance with the noise impact assessment and land acquisition criteria in this approval. <p>Note: This program must expressly monitor the modifying factors referred to in the NSW Industrial Noise Policy (such as intermittency, tonality and low frequency).</p>	<p>Drayton have implemented a Noise Management Plan and Noise Monitoring Program.</p> <p>Noise Management Plan submitted to DECCW. Extension to 6 months sought</p> <p>Noise monitoring has previously been undertaken regularly by a graduate trainee. Currently undertaken by an external consultant and therefore not regular. Auditors recommend that in order to prove Drayton's commitment to continuous improvement that consideration be given to an internal noise monitoring regime being reinstated.</p>	<p>Noise Monitoring Plan and Noise Monitoring Program sighted by auditors.</p> <p>Correspondence with DECC viewed.</p> <p>Auditors viewed letter confirming extension</p>	Compliant						
		9	<p>Blasting and Vibration</p> <p>Air blast Overpressure Criteria</p> <p>The Proponent shall ensure that the air blast overpressure level from blasting at the project does not exceed the criteria in Table 4 at any residence on privately-owned land.</p> <p>Table 4: Air blast overpressure impact assessment criteria</p> <table border="1"> <thead> <tr> <th>Airblast overpressure level (dB(Lin Peak))</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td>115</td> <td>5% of the total number of blasts over a period of 12 months</td> </tr> <tr> <td>120</td> <td>0%</td> </tr> </tbody> </table>	Airblast overpressure level (dB(Lin Peak))	Allowable exceedance	115	5% of the total number of blasts over a period of 12 months	120	0%	No exceedances reported within the AEMR (2007 and 2008). Pam Simpson reported one exceedance in 2009 over 115 dB. No exceedances over 120dB have occurred this year.	AEMR (2007 and 2008) sighted by auditors.	Compliant
Airblast overpressure level (dB(Lin Peak))	Allowable exceedance											
115	5% of the total number of blasts over a period of 12 months											
120	0%											
		10	<p>Ground Vibration Impact Assessment Criteria</p> <p>The Proponent shall ensure that the ground vibration level from blasting at the project does not exceed the criteria in Table 5 at any residence on privately-owned land.</p> <p>Table 5: Ground vibration impact assessment criteria</p> <table border="1"> <thead> <tr> <th>Peak particle velocity (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>5% of the total number of blasts over a period of 12 months</td> </tr> <tr> <td>10</td> <td>0%</td> </tr> </tbody> </table> <p>Blasting Hours</p>	Peak particle velocity (mm/s)	Allowable exceedance	5	5% of the total number of blasts over a period of 12 months	10	0%	No exceedances reported	AEMR (2007 and 2008) sighted by auditors	Compliant
Peak particle velocity (mm/s)	Allowable exceedance											
5	5% of the total number of blasts over a period of 12 months											
10	0%											

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding
		11	The Proponent shall only carry out blasting on the site between 9am and 5pm Monday to Saturday (EST), and 9am to 6pm Monday to Saturday (DST) inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of DECC.	Blasting Management and Monitoring Plan specifies compliance with this requirement	Blasting Management and Monitoring Plan sighted by auditors	Compliant
		12	<p>Blasting Frequency The Proponent may carry out a maximum of:</p> <p>a) 2 blasts a day; and b) 8 blasts a week, averaged over a 12 month period.</p>	Blasting Management and Monitoring Plan specifies compliance with this requirement, also discussed with Geoff Keith	Blasting Management and Monitoring Plan sighted by auditors	Compliant
		13	<p>Operating Conditions During mining operations, the Proponent shall:</p> <p>a) implement best blasting practice to: - protect the safety of people and livestock in the area surrounding blasting operations; - protect public or private infrastructure/property in the area surrounding blasting operations from blasting damage; and - minimise the dust and fume emissions from blasting at the project.</p> <p>b) co-ordinate blasting on site with the blasting at the adjoining Mt Arthur coal mine to minimise the potential cumulative blasting impacts of the two mines, to the satisfaction of the Director-General.</p>		Email to Mount Arthur confirming blasting time sighted by auditors	Compliant
		14	<p>The Proponent shall not undertake blasting within 500 metres of:</p> <p>a) Thomas Mitchell Drive without the approval of Council; and</p> <p>b) any privately-owned land or land not owned by the Proponent, unless suitable arrangements have been made with the landowner and any tenants to minimise the risk of flyrock-related impact to the property, to the satisfaction of the Director-General.</p>	Blasting Management and Monitoring Plan specifies compliance with this requirement	Blasting Management and Monitoring Plan sighted by auditors	Not applicable
		15	<p>Road Closure Prior to blasting within 500 metres of Thomas Mitchell Drive, the Proponent shall prepare a Road Closure Management Plan for the project to the satisfaction of Council; and following approval, implement this plan to the satisfaction of Council.</p>	No blasting is currently being carried out within 500m of Thomas Mitchell Drive		Not Applicable
		16	<p>Public Notice During mining operations, the Proponent shall:</p> <p>a) notify the landowner/occupier of any residence within 2 kilometres of the site who registers an interest in being notified about the blasting schedule at the mine;</p> <p>b) operated a Blasting Hotline, or alternate system agreed to by the Director-General, to enable the public to get up-to-date information on the blasting schedule at the mine;</p> <p>c) advertise the blasting hotline number in a local newspaper at least 4 times each year; and</p> <p>d) publicise an updated blasting schedule on its website, to the satisfaction of the Director-General.</p>	Blasting Management and Monitoring Plan specifies compliance with this requirement. Five residences are notified by telephone prior to shots fired in the northern part of the site (area closest to residents). Pam Simpson reported that all local residents had been asked if they would like notification. Blasting hotline has been established - 02 420628 Blasting hotline is advertised in the local press every month.	Blasting Management and Monitoring Plan sighted by auditors Hotline demonstrated to auditors. Bill for advertisements of \$116.00 was sighted by the auditors Blasting schedule viewed by auditors on website	Compliant Compliant Compliant
		17	<p>Property Inspections Within 6 months of this approval, the Proponent shall advise all landowners of privately-owned land within 2 kilometres of the project that they are entitled to a structural property inspection.</p>	7 residences have had inspections conducted	Letters dated 13 July 2009 sighted by auditors	Compliant
		18	<p>If the Proponent receives a written request for a structural property inspection from any of these land owners, the Proponent shall within 3 months of receiving this request:</p> <p>a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and</p> <p>b) give the landowner a copy of the property inspection report.</p>		Letter to DoP requesting approval to engage Terrock Consulting Engineers to undertake independent property surveys was sighted by the auditors. Letters dated 13 July 2009 sighted by auditors confirm that consultants report will be sent to residents. Pam Simpson verbally confirmed this had occurred.	Compliant Compliant
		19	<p>Property Investigations If any landowner of privately owned land within 2 kilometres of the site claims that the buildings and/or structures on his/her land have been damaged as a result of blasting at the project, the Proponent shall within 3 months of receiving this claim:</p> <p>a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to investigate the claim; and</p> <p>b) give the landowner a copy of the property investigation report.</p> <p>If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damages to the satisfaction of the Director-General. If the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution. If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 10).</p>	One complaint had been received from a local resident. Terrock Consulting Engineers engaged to conduct inspection. Not yet completed, copy of report submitted to DoP for review.		Compliant Not Applicable

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding																																
		20	<p>Blast Monitoring Program The Proponent shall prepare and implement a Blast Monitoring Program for the project to the satisfaction of the Director-General. This program must:</p> <p>a) be prepared in consultation with the DECC;</p> <p>b) be submitted to the Director-General for approval within 3 months of this approval; and</p> <p>c) include a protocol for demonstrating compliance with the blasting criteria in this approval.</p>	<p>Blasting Monitoring Program incorporated into Blasting Management and Monitoring Plan Submitted and approved</p> <p>Blasting protocol is included in the Blasting Management Plan</p>	<p>Blasting Management and Monitoring Plan sighted by auditors, letter from DoP commenting that they don't comment on EMP's Letters confirming approval sighted by auditors</p> <p>Blasting Management and Monitoring Plan sighted by auditors</p>	<p>Compliant</p> <p>Compliant</p> <p>Compliant</p>																																
		5.6.3	<p>Blast Management Plan Compliance Criteria</p>	<p>Does not refer to what limits of blasting at the Ash Dam Levee in regard to conditions on the requirements for its management. Geoff Keith reported that environmental blast records are being filled out but Pam Simpson is not necessarily receiving them all</p>	<p>Blast Management plan sighted by Auditors</p> <p>Blast Management plan sighted by Auditors</p>	<p>Compliant</p> <p>Compliant</p>																																
		21	<p>AIR QUALITY Impact Assessment Criteria The Proponent shall ensure that the dust emissions generated by the project do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 6, 7 and 8 at any residence, on privately-owned land, or on more than 25 percent of any privately-owned land.</p> <p>Table 6: Long term impact assessment criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>30 µg/m³</td> </tr> </tbody> </table> <p>Table 7: Short term impact assessment criterion for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>50 µg/m³</td> </tr> </tbody> </table> <p>Table 8: Long term impact assessment criteria for deposited dust</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m²/month</td> <td>4 g/m²/month</td> </tr> </tbody> </table> <p><i>Note: Deposited dust is 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.</i></p>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³	Pollutant	Averaging period	Maximum increase in deposited dust level	Criterion	Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month	<p>AEMR (2007 and 2008) specifies dust emissions were</p>	<p>AEMR (2007 and 2008) sighted by auditors</p>	<p>Compliant</p>									
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		22	<p>Land Acquisition Criteria If the dust emissions generated by the project exceed the criteria in Tables 8, 9 and 10 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 8-10 of Schedule 4.</p> <p>Table 8: Long term land acquisition criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10µm (PM₁₀)</td> <td>Annual</td> <td>30 µg/m³</td> </tr> </tbody> </table> <p>Table 9: Short term land acquisition criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> <th>Percentile¹</th> <th>Basis</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10µm (PM₁₀)</td> <td>24 hour</td> <td>150 µg/m³</td> <td>99²</td> <td>Total³</td> </tr> <tr> <td>Particulate matter < 10µm (PM₁₀)</td> <td>24 hour</td> <td>50 µg/m³</td> <td>98.6</td> <td>Increment⁴</td> </tr> </tbody> </table> <p><i>Notes:</i> ¹ Based on the number of block 24 hour averages in an annual period ² Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Director-General in consultation with the DECC. ³ Background PM₁₀ concentrations due to all other sources plus the incremental increase in PM₁₀ concentrations due to the mine alone. ⁴ Incremental increase in PM₁₀ concentrations due to the mine alone.</p> <p>Table 10: Long term land acquisition criteria for deposited dust</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m²/month</td> <td>4 g/m²/month</td> </tr> </tbody> </table> <p><i>Note: Deposited dust is 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.</i></p>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m ³	Particulate matter < 10µm (PM ₁₀)	Annual	30 µg/m ³	Pollutant	Averaging period	Criterion	Percentile ¹	Basis	Particulate matter < 10µm (PM ₁₀)	24 hour	150 µg/m ³	99 ²	Total ³	Particulate matter < 10µm (PM ₁₀)	24 hour	50 µg/m ³	98.6	Increment ⁴	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month	<p>No exceedances requiring land acquisition</p>	<p>AEMR (2007 and 2008) sighted by auditors</p>	<p>Not Applicable</p>
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		23	<p>Operating Conditions The Proponent shall:</p> <p>a) ensure any visible air pollution generated by the project is assessed regularly, and that mining operations are relocated, modified, and / or stopped as required to minimise air quality impacts on privately-owned land;</p>	<p>Air Quality Management and Monitoring Programme document specifies compliance with this requirement. Discussed with Mining Manager Ben Noack. AEMR listed equipment shutdown for environmental reasons</p>	<p>Auditors sighted document.</p>	<p>Compliant</p>																																

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding
			b) ensure that the real-time air quality monitoring and meteorological monitoring data are assessed regularly, and that mining operations are relocated, modified and/or stopped as required to ensure compliance with the relevant air quality criteria; and	Air Quality Management and Monitoring Programme document specifies compliance with this requirement.	Auditors sighted document.	Compliant
			c) implement all practicable measures to minimise the off-site odour and fume emissions generated by any spontaneous combustion on site, to the satisfaction of the Director-General.	Air Quality Management and Monitoring Programme document refers to Spontaneous Combustion Management Plan which specifies compliance with this requirement.	Auditors sighted document.	Compliant
		24	Spontaneous Combustion The Proponent shall prepare and implement a Spontaneous Combustion Management Plan for the project to the satisfaction of the Director-General. This plan must: a) be prepared in consultation with DECC and DPI by suitably qualified expert/s whose appointment/s have been approved by the Director-General; and b) submitted to the Director-General for approval within 6 months of this approval.	Spontaneous Combustion Management Plan prepared by Drayton. Submitted and approved	Auditors sighted document Letter stating approval by DoP viewed by Auditors	Compliant Compliant
		25	Monitoring The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the director-General. This program must be: a) prepared in consultation with DECC; b) submitted to the Director-General for approval within 6 months of this approval; and c) include:	Air Quality Management and Monitoring Plan prepared by Drayton. Submitted and approved	Auditors sighted document Letter stating approval viewed by Auditors	Compliant Compliant
			- a combination of real-time monitors, high volume samplers and dust deposition gauges to monitor the dust emissions of the project; and - an air quality monitoring protocol for evaluating compliance with the air quality impact assessment and land acquisition criteria in this approval.	Air Quality Management and Monitoring Programme document specifies compliance with this requirement.	Auditors sighted document.	Compliant
		26	METEOROLOGICAL MONITORING During the life of the project, the Proponent shall ensure that there is a suitable meteorological station in the vicinity of the site that complies with the requirements in the <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> guideline.	Environmental Monitoring Program specifies compliance with this requirement, results of monitoring shown in the AEMR	Both Environmental Monitoring Program and AEMR (2007 and 2008) sighted by Auditors.	Compliant
		27	SURFACE AND GROUND WATER Surface Water Discharges The Proponent shall only discharge water from the site in accordance with the provisions of an EPL or the <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i> .	Pam Simpson reported no discharges from site had occurred		Not Applicable
		28	Water Management Plan The Proponent shall prepare and implement a Site Water Management Plan for the project to the satisfaction of the Director-General. This plan must: a) be prepared in consultation with DECC and DWE by suitably qualified expert/s whose appointment/s have been approved by the Director-General; b) be submitted to the Director-General for approval within 6 months of this approval; and c) include: - a Site Water Balance; - an Erosion and Sediment Control Plan; - a Surface Water Monitoring Program; - a Ground Water Monitoring Program; and - a Surface and Ground Water Response Plan.	Water Management Plan prepared by Drayton Submitted to DWE. Pam Simpson reported that some queries had been raised and the document is to be re-submitted.	Sighted by Auditors Submission letter sighted by Auditors	Compliant Compliant
		29	Site Water Balance The Site Water Balance must: a) include details of: - sources and security of water supply; - water use on site; - water management on site; and - off-site water transfers. b) investigate and describe measures to minimise water use by the project.	Water Management Plan specifies compliance with these requirements.	Sighted by Auditors	Compliant
		30	Erosion and Sediment Control The Erosion and Sediment Control Plan must: a) be consistent with the requirements of the <i>Managing Urban Stormwater: Soils and Construction Manual</i> (Landcom 2004, 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.			
		31	Surface Water Monitoring The Surface Water Management and Monitoring Plan must include: a) detailed baseline data on surface water flows and quality in creeks and other water bodies that could be affected by the project;			

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding
		32	<p>b) surface water impact assessment criteria; c) a program to monitor the impact of the project on surface water flows and quality and downstream water users; and d) reporting procedures for the results of this monitoring.</p> <p>Groundwater Monitoring The Groundwater Monitoring Plan must include: a) detailed baseline data of groundwater levels, yield and quality in the region (including privately owned groundwater bores within the predicted drawdown impact zone identified in the EA); b) a program to augment the baseline data over the life of the project; c) groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; d) a program to monitor: - regional groundwater levels and quality in the surrounding aquifers; - impacts on the groundwater supply of potentially affected landowners; - the volume of groundwater seeping into the open cut mine workings; - the groundwater pressure response in the surrounding coal measures; and - the seepage/leachate from any tailings dams, water storages or backfilled voids on site. e) procedures for the verification of the groundwater model; and f) reporting procedures for the results of the monitoring program and model verification.</p>			
		33	<p>Surface and Ground Water Response Plan The Surface and Ground Water Response Plan must include: a) a protocol for the investigation, notification and mitigation of any exceedances of the surface water and groundwater impact assessment criteria; b) measures to mitigate and/or compensate potentially affected landowners with privately owned groundwater bores within the predicted drawdown impact zone identified in the EA, including provision of alternative supply of water to the affected landowner that is equivalent to the loss attributed to the project; c) the procedures that would be followed if any unforeseen impacts are detected during the project.</p>			
		34	<p>REHABILITATION AND LANDSCAPE MANAGEMENT Rehabilitation The Proponent shall progressively rehabilitate the site in a manner that is generally consistent with the final landform and proposed rehabilitation strategy in the EA (shown conceptually in Appendix 7) to the satisfaction of the DPI.</p>	?		
		35	<p>Offset Strategy The Proponent shall: a) offset the following vegetation clearing of the project at a ratio of at least 2:1 to ensure there is a net improvement in the biodiversity value of the local area in the medium to long term: - 36 ha of Narrow-leaved Ironbark woodland; - 1 ha of Spotted Gum-Grey Box open forest woodland; - 1.3 ha of Forest Red Gum open forest and woodland (Hunter Lowland Redgum Forest EEC); and - 6 ha of revegetated Yellow Box and Grey Gum woodland. b) ensure that this offset is located in close proximity to the Natural Zone of the Drayton Wildlife Refuge (see Appendix 8); and c) make suitable arrangements to protect this offset from development in the long term, to the satisfaction of the Director-General. <i>Note: This offset may include land that is currently part of the existing Grazing Zone of the Drayton Wildlife Refuge (see Appendix 8).</i></p>	?	Nil	Compliant
		36	<p>Within 6 months of this approval, the Proponent shall prepare an Offset Strategy for the project to the satisfaction of the Director-General. This strategy must: a) be prepared in consultation with the DECC; b) describe the measures that would be: - offset the specified vegetation clearing of the project; - ensure that adequate resources are dedicated towards the implementation of this offset; - demonstrate that the proposed offset is generally consistent with the principles in Appendix 9, and would result in a net improvement in the biodiversity value of the local area in the medium to long term; and - provide appropriate long term security for this offset.</p>	A strategy has been developed and sent to the DoP, but has not yet been approved by the DoP. There has been extensive negotiation with respect to this plan which has delayed the implementation of the offset program.	Not provided yet	Partially Compliant
		37	<p>Thomas Mitchell Drive Tree Screens Within 2 years of this approval, the Proponent shall plant additional trees along the Thomas Mitchell Drive corridor to provide a mature tree screen for the project. These trees must be planted in consultation with Council, and subsequently monitored to the satisfaction of the Director-General.</p>	Visually verified during site tour by Auditors.		Compliant
		38	<p>Landscape Management Plan The Proponent shall prepare and implement a detailed Landscape Management Plan for the project to the satisfaction of the DPI and the Director-General. This plan must: a) be prepared in consultation with DECC, DWE and Council by suitably qualified expert/s whose appointment/s have been approved by the Director-General; b) be submitted to the Director-General for approval within 12 months of this approval; and c) include a: - Rehabilitation and Offset Management Plan; - Final Void Management Plan; and - Mine Closure Plan.</p>	<p>A draft plan has been developed and submitted to the DoP. The Final Void Management Plan and Mine Closure Plan have been approved by the DoP, but there has been no correspondence from the DoP approving the Rehabilitation & Offset Management Plan.</p> <p>Draft Plan has been submitted to DoP but not yet approved by DoP Drayton have developed a Final Void Management Plan - Approved by DoP Drayton have developed a Mine Closure Plan - Approved by DoP for 2017 Mine Closure.</p>	sighted by Auditors	<p>Partially Compliant</p> <p>Compliant</p> <p>Compliant</p>

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding
		39	<p>Note: The Department accepts that the initial Landscape Management Plan may not include the detailed Final Void Management Plan and Mine Closure Plan. However, if this occurs, the Proponent will be required to seek approval from the Director-General for an alternative timetable for the completion and approval of the Final Void Management Plan and Mine Closure Plan.</p> <p>Rehabilitation and Offset Management Plan The Rehabilitation and Offset Management Plan must include:</p> <p>a) the objectives for the rehabilitation of the site and provisions of the offset; b) a detailed description of how the rehabilitation of the site and implementation of the Offset Strategy would be integrated with the rehabilitation and Offset Strategy for the Mt Arthur North mine and remnant vegetation on Macquarie Generation's land, to ensure there is a comprehensive integrated strategy for the restoration and enhancement of the local landscape over time; c) a description of the short, medium and long term measures that would be implemented to: - rehabilitate the site; - implement the Offset Strategy; - implement the Thomas Mitchell Drive Tree Screens; and - manage the remnant vegetation and habitat on the site. d) a detailed description of what measures would be implemented over the next 3 years to rehabilitate the site and implement the Offset Strategy and Thomas Mitchell Drive tree screens, including the procedures to be implemented for: - progressively rehabilitating areas disturbed by mining; - implementing revegetation and regeneration within the disturbance areas and offset areas, including establishment of canopy, sub-canopy (if relevant), understorey and ground strata; - managing the remnant vegetation and habitat on site; - managing impacts on fauna; - reducing the visual impacts of the project; - landscaping the site to minimise visual impacts; - protecting areas outside the disturbance areas conserving and reusing topsoil; - collecting and propagating seeds for rehabilitation works; - salvaging and reusing material from the site for habitat enhancement; - controlling weeds and feral pests; - controlling access; - bushfire management; and - managing any potential conflicts between the rehabilitation of the mine and Aboriginal cultural heritage. e) detailed performance and completion criteria for the rehabilitation of the site and implementation of the Offset Strategy and Thomas Mitchell Drive tree screens; f) a detailed description of how the performance of the rehabilitation of the site and implementation of the Offset Strategy and Thomas Mitchell Drive tree screens would be monitored over time to achieve the relevant objectives and completion criteria; g) a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and h) details of who is responsible for monitoring, reviewing and implementing the plan. Note: Reference to "rehabilitation" in this approval includes all works associated with the rehabilitation and restoration of the site as described in the EA, and applies to all areas within the Mining Lease and Offsets Strategy.</p>	Draft Rehabilitation and Offset Management Plan has been developed by Cumberland Ecology. At draft report stage (October 2009)	Draft document provided to Auditors, draft document is compliant with requirements but not yet approved by DoP	Compliant
		40	<p>Final Void Management The Final Void Management Plan must:</p> <p>a) justify the planned final location and future use of the final voids; b) incorporate design criteria and specifications for the final voids based on verified groundwater modelling predictions and a re-assessment of post-mining groundwater equilibration; c) assess the potential interactions between creeks on the site and the final voids; and d) describe what actions and measures would be implemented to: - minimise any potential adverse impacts associated with the final voids; and - manage and monitor the potential impacts of the final voids over time.</p>	Final Void Management Plan approved by DoP.	Document sighted by Auditors	Compliant
		41	<p>Mine Closure Plan The Mine Closure Plan must:</p> <p>a) define the objectives and criteria for mine closure; b) investigate options for the future use of the site, including the final voids; c) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels; d) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and e) describe how the performance of these measures would be monitored over time.</p>	Mine Closure Plan approved by DoP.	Document sighted by Auditors	Compliant
		42	<p>Conservation and Biodiversity Bond Within 3 months of the approval of the Landscape Management Plan, the Applicant shall lodge a conservation and biodiversity bond with either DPI or the Department to ensure that the Offset Strategy is implemented in accordance with the performance and completion criteria of the Landscape Management Plan. The sum of the bond shall be determined by:</p> <p>a) calculating the full cost of implementing the Offset Strategy; and b) employing a suitably qualified quantity surveyor to verify the calculated costs. Notes: * If the Offset Strategy is completed to the satisfaction of the Director-General, the DPI or the Department will release the conservation bond. * If the Offset Strategy is not completed to the satisfaction of the Director-General, all or part of the conservation bond will be used to ensure the satisfactory completion of the relevant works. * The conservation bond may be incorporated into rehabilitation bonding arrangements under the Mining Act 1993.</p>	This has not been triggered yet. The Landscape Management Plan is still in draft form.		Not applicable
		43	<p>ABORIGINAL CULTURAL HERITAGE Aboriginal Heritage Plan The Proponent shall prepare and implement an Aboriginal Heritage Plan to the satisfaction of the Director-General. This plan must:</p> <p>a) be prepared in consultation with DECC and relevant Aboriginal communities; b) be submitted to the Director-General for approval within 6 months of this approval or prior to the disturbance of any Aboriginal object or site, whichever is the soonest; and</p>	Aboriginal Cultural Heritage Management Plan has been developed by Drayton. 10 Aboriginal community stakeholder groups were consulted in the development of the plan.	Auditors sighted document. Documented on Page 6 of Aboriginal Cultural Heritage Management Plan	Compliant Compliant

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding
			<p>c) include a:</p> <ul style="list-style-type: none"> - detailed salvage program and management plan for all Aboriginal sites within the project disturbance area; - detailed description of the measures that would be implemented to protect Aboriginal sites outside the project disturbance area; - description of the measures that would be implemented if any new Aboriginal objects or skeletal remains are discovered during the project; and <p>- protocol for the ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site.</p>	<p>Program included in Management Plan</p>	Auditors sighted document.	Compliant
				<p>Procedure to be followed is documented in Management Plan</p>	Auditors sighted document.	Compliant
				<p>Aboriginal Consultation Protocol included in the Management Plan - specifies consultation history which is also included as Appendix 3.</p>	Auditors sighted document.	Compliant
		44	<p>TRANSPORT Monitoring of Coal Transport The Proponent shall:</p> <p>a) keep records of the:</p> <ul style="list-style-type: none"> - amount of coal transported from the site each year; - number of coal haulage train movements generated by the project (on a daily basis); and - date and time of each train movement generated by the project. <p>b) include these records in the AEMR.</p>		<p>Documented in the AEMR (2007 and 2008)</p> <p>Documented in the AEMR (2007 and 2008)</p> <p>Documented in the AEMR (2007 and 2008)</p> <p>Documented in the AEMR (2007 and 2008)</p> <p>Documented in the AEMR (2007 and 2008)</p>	<p>Compliant</p> <p>Compliant</p> <p>Compliant</p> <p>Compliant</p> <p>Compliant</p>
		45	<p>VISUAL IMPACT The Proponent shall:</p> <p>a) ensure that all external lighting associated with the development complies with <i>Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting</i>;</p> <p>b) take all practicable measures to mitigate off-site lighting impacts from the development; and</p> <p>c) minimise the visual impacts of the development to the satisfaction of the Director-General, to the satisfaction of the Director-General.</p>	<p>Unable to verify, Pam Simpson verbally confirmed that they have never had any lighting complaints in life of mine. Recommendation for improvement - conduct external lighting audit</p>		Compliant
		46	<p>GREENHOUSE & ENERGY EFFICIENCY The Proponent shall prepare and implement a Greenhouse and Energy Efficiency Plan for the project to the satisfaction of the Director-General. This plan must:</p> <p>a) be prepared generally in accordance with the <i>Guidelines for Energy Savings Action Plans</i> (DEUS 2005, or its latest version);</p> <p>b) be submitted to the Director-General for approval within 6 months of the date of this approval;</p> <p>c) include a program to monitor greenhouse gas emissions and energy use generated by the project;</p> <p>d) include a framework for investigating and implementing measures to reduce greenhouse gas emissions and energy use associated with the project; and</p> <p>e) describe how the performance of these measures would be monitored over time.</p>	<p>Greenhouse and Energy Efficiency Plan specifies compliance with this requirement. Mine is expanding and therefore reduction in greenhouse gas emissions cannot be achieved.</p>	<p>Auditors sighted document.</p> <p>Auditors sighted document.</p>	<p>Compliant</p> <p>Compliant</p>
		47	<p>WASTE MINIMISATION The Proponent shall:</p> <p>a) monitor the amount of waste generated by the project;</p> <p>b) investigate ways to minimise waste generated by the project;</p> <p>c) implement reasonable and feasible measures to minimise waste generated by the project;</p> <p>d) ensure irrigation of treated wastewater is undertaken in accordance with DECC's <i>Environmental Guideline for the Utilisation of Treated Effluent</i> and</p> <p>e) report on waste management and minimisation in the AEMR, to the satisfaction of the Director-General.</p>	<p>Draft Waste Management Plan has been prepared by Drayton.</p> <p>Pam Simpson reported that waste is monitored at the site. Pam Simpson reported that a program of education with regard to waste minimisation had been implemented at the site.</p> <p>Pam Simpson reported that a program of education with regard to waste minimisation had been implemented at the site.</p> <p>Not Verified</p> <p>Not Verified</p>	<p>Auditors viewed draft</p> <p>AEMR (2007 and 2008) details generated waste amounts.</p> <p>AEMR (2007 and 2008) viewed</p>	<p>Compliant</p> <p>Compliant</p> <p>Compliant</p> <p>Not Verified</p> <p>Not Verified</p>
	Schedule 4		ADDITIONAL PROCEDURES			
		1	<p>Notification of Landowners Within 3 months of this approval, the Proponent shall notify the landowners of the land listed in Table 1 that they have the right to request an independent review of the impact of the project in accordance with condition 3 of Schedule 4 if they believe the project is exceeding the relevant impact assessment criteria in this approval.</p>	<p>Letters have been sent to local residents offering independent Property Structural Inspections.</p>	<p>Auditors viewed letters dated 13 July 2009.</p>	Compliant
		2	<p>If the results of the monitoring required in Schedule 3 identify that the impacts of the project are greater than the relevant impact assessment criteria in Schedule 3, except where a negotiated agreement has been entered into in relation to that impact, then the Proponent shall notify the Director-General and the affected landowners and/or existing or future tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in Schedule 3.</p>	<p>Pam Simpson verbally confirmed no exceedances had occurred</p>	<p>AEMR (2007 and 2008) viewed by Auditors.</p>	Compliant

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding
		3	<p>Independent Review If a landowner considers the project to be exceeding the impact assessment criteria in Schedule 3 then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land. If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 3 months of the Director-General's decision:</p> <p>a) consult with the landowner to determine his/her concerns; b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land to:</p> <p>- determine whether the project is complying with the relevant impact assessment criteria in Schedule 3; and - identify the source(s) and scale of any impact on the land, and the project's contribution to this impact. c) give the Director-General and landowner a copy of the independent review.</p> <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 Director-General.</p>	Not Triggered Not Triggered Not Triggered Not Triggered		Not Applicable Not Applicable Not Applicable Not Applicable
		4	<p>If the independent review determines that the project is not complying with the relevant impact assessment criteria in Schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:</p> <p>a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and b) conduct further monitoring to determine whether these measures ensure compliance.</p> <p>If the additional monitoring referred to above subsequently determines that the project is complying with the relevant criteria in Schedule 3, or the Proponent and landowner enter into a negotiated agreement to allow these exceedances, then the Proponent may discontinue the independent review with the approval of the Director-General.</p>	Not Triggered Not Triggered Not Triggered		Not Applicable Not Applicable Not Applicable
		5	<p>If the independent review determines that the project is not complying with the relevant impact assessment criteria in Schedule 3, and that more than one mine is responsible for this non-compliance, then the Proponent shall:</p> <p>a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the relevant criteria are complied with; and b) conduct further monitoring to determine whether these measures ensure compliance; or c) secure a written agreement with the landowner and other relevant mines to allow exceedances of the criteria in Schedule 3.</p> <p>If the additional monitoring referred to above subsequently determines that the noise generated by the project combined with the noise generated by other mines is complying with the relevant criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.</p>	Not Triggered Not Triggered Not Triggered		Not Applicable Not Applicable Not Applicable
		6	<p>If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the Director-General for resolution. If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 10).</p>	Not Triggered Not Triggered		Not Applicable Not Applicable
		7	<p>LAND ACQUISITION Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:</p> <p>a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the project the subject of the project application, having regard to the: - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and - presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise mitigation measures in conditions 5 and 6 of Schedule 3. b) the reasonable costs associated with: - relocating within the Muswellbrook local government area, or to any other local government area determined by the Director-General; - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required. c) reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Director-General for resolution. Upon receiving such a request, the Director-General shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired. Within 14 days of receiving the independent valuer's determination, the Proponent shall make a written offer to purchase the land at a price not less than the independent valuer's determination. If the landowner refuses to accept this offer within 6 months of the Proponent's offer, the Proponent's obligations to acquire the land shall cease, unless otherwise agreed by the Director-General. The Proponent shall bear the costs of any valuation or survey assessment requested by the independent valuer, or the Director-General, and the costs of determination referred above.</p>	Pam Simpson verbally reported that only 2 properties sit within the acquisition zone neither resident intends to request acquisition.		Not Applicable
		8	<p>If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.</p>			
	Schedule 5		<p>ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING & REPORTING</p>			
		1	<p>ENVIRONMENTAL MANAGEMENT STRATEGY The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General within 6 months of this approval, and:</p> <p>a) provide the strategic framework for environmental management of the project; b) identify the statutory requirements that apply to the project; c) describe in general how the environmental performance of the project would be monitored and managed; d) describe the procedures that would be implemented to: - keep the local community and relevant agencies informed about the operation and environmental performance of the project; - receive, handle, respond to, and record complaints; - resolve any disputes that may arise during the course of the project; - respond to any non-compliance; - manage cumulative impacts; and - respond to emergencies. e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project.</p>	Drayton have developed an Environmental management Strategy, latest version is not yet approved.	Auditors viewed draft	Compliant
		2	<p>ENVIRONMENTAL MONITORING PROGRAM The Proponent shall prepare and implement an Environmental Monitoring Program for the project to the satisfaction of the Director-General. This program must be submitted to the Director-General within 6 months of this approval, and consolidate the various monitoring requirements in Schedule 3 of this approval into a single document, and be submitted to the Director-General concurrently with the submission of the relevant monitoring programs/plans.</p>			

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EPL	Administration conditions	A1	What the licence authorises and regulates																			
		A1.2	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. Scheduled Activity Mining for coal Fee Based Activity Scale Mining for coal > 3500000 - 5000000 T produced																			
		A3	Other activities																			
		A3.1	This licence applies to all other activities carried on at the premises, including: Extractive Industries - small gravel quarry Sewage Treatment System with a capacity <300 EP.																			
		A4	Information supplied to the EPA																			
		A4.1	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to: (a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; 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.																			
	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.																			
		Air table	<table border="1"> <thead> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Description of Location</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Particulate monitoring (dust deposition network)</td> <td></td> <td>At location where dust deposition levels are representative of the levels experienced at residential properties, or other sensitive receivers, resulting from the operation of the mine.</td> </tr> <tr> <td>2</td> <td>Total suspended particles (TSP) matter network</td> <td></td> <td>At locations where the level of particulate matter being sampled is representative of emissions from the operation of the mine taking into account prevailing wind direction and the location of residential properties or other sensitive receivers.</td> </tr> <tr> <td>4</td> <td>Particulate monitoring Particulate matter (PM10)</td> <td></td> <td>At locations where the level of particulate matter being sampled is representative of emissions from the operation of the mine taking into account prevailing wind direction and the location of residential properties of other sensitive receivers</td> </tr> </tbody> </table>	EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location	1	Particulate monitoring (dust deposition network)		At location where dust deposition levels are representative of the levels experienced at residential properties, or other sensitive receivers, resulting from the operation of the mine.	2	Total suspended particles (TSP) matter network		At locations where the level of particulate matter being sampled is representative of emissions from the operation of the mine taking into account prevailing wind direction and the location of residential properties or other sensitive receivers.	4	Particulate monitoring Particulate matter (PM10)		At locations where the level of particulate matter being sampled is representative of emissions from the operation of the mine taking into account prevailing wind direction and the location of residential properties of other sensitive receivers			
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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.																			
			<table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of monitoring point</th> <th>Type of discharge point</th> <th>Description of location</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>Discharge to utilisation area. Effluent volume monitoring.</td> <td>Discharge to utilisation area. Effluent volume monitoring.</td> <td>Utilisation area as shown on Drayton Coal Pty Ltd's Map No. ENV-0005, dated 12-MAR-2009.</td> </tr> </tbody> </table>	EPA identification no.	Type of monitoring point	Type of discharge point	Description of location	3	Discharge to utilisation area. Effluent volume monitoring.	Discharge to utilisation area. Effluent volume monitoring.	Utilisation area as shown on Drayton Coal Pty Ltd's Map No. ENV-0005, dated 12-MAR-2009.											
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		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. EPA identification																			
	3. Limit conditions	Water and land table L.1	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.																			

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding																																																																																																																																																																																																																																										
		L4	Volume and mass limits																																																																																																																																																																																																																																													
		L4.1	For each discharge point or utilisation area specified below (by a point number), the volume/mass of: (a) liquids discharged to water; or; (b) solids or liquids applied to the area; must not exceed the volume/mass limit specified for that discharge point or area.	Not Verified Not Verified																																																																																																																																																																																																																																												
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		L5.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	Verbally confirmed by Pam Simpson	Nil	Compliant																																																																																																																																																																																																																																										
		L5.2	This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.	Verbally confirmed by Pam Simpson	Nil	Compliant																																																																																																																																																																																																																																										
		L6	Noise Limits																																																																																																																																																																																																																																													
		L6.1	Noise generated at the premises must not exceed the noise limits presented in the table below. The noise limits in the table below represent the noise contribution from the premises	Results of noise monitoring presented in the AEMR, no exceedances were noted in the audit period.	2007 and 2008 AEMR's	Compliant																																																																																																																																																																																																																																										
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			Number LAeq(15 minute) LAeq(15 minute) LAeq(15 minute) LA1(1 minute) LAeq means the equivalent continuous noise level – the level equivalent to the energy average of noise levels occurring over a measurement period.																																																																																																																																																																																																																																													
			Notes: - Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays. - Evening is defined as the period of 6pm to 10pm. - Night is defined as the period from 10 pm to 7am Monday to Saturday and 10pm to 8am on Sundays and Public Holidays - Land identification numbers refer to the document titled "Drayton Mine Extension Environmental Assessment, Volumes 1 & 2", prepared by Hansen Bailey for Anglo Coal (Drayton Management) Pty Limited and dated August 2007.																																																																																																																																																																																																																																													
		L6.2	To determine compliance with the LAeq(15 minutes) conditions L6.1 noise from the premises must be measured at, or computed for, the most affected point on or within the residential boundary, or at the most affected point within 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary. Where it can be demonstrated that direct measurement of noise from the premises is impractical, DECC may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy. The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall be applied to the measured noise levels where applicable	Results of noise monitoring presented in the AEMR, no exceedances were noted in the audit period.	2007 and 2008 AEMRs	Compliant																																																																																																																																																																																																																																										
		L6.3	To determine compliance with LA1(1 minute) conditions L6.1 noise from the premises is to be measured at 1m from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the premises is impractical, DECC may accept alternative means of determining compliance. See Chapter 11 of the NSW industrial Noise Policy.	Results of noise monitoring presented in the AEMR, no exceedances were noted in the audit period. The noise monitoring was altered to move away from the building façade at one residence as noted in the INP.	2008 and 2008 AEMRs	Compliant																																																																																																																																																																																																																																										
		L6.4	The noise emission limits identified in conditions L6.1 apply under meteorological conditions of: - Wind speed up to 3m/s at 10 metres above ground level; or Temperature inversion conditions of up to 3°C/100m and wind speed up to 2m/s at 10 metres above the ground.C345	Results of noise monitoring presented in the AEMR, no exceedances were noted in the audit period.	2007 and 2008 AEMRs	Compliant																																																																																																																																																																																																																																										

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding
		L7	Blasting limits			
		L7.1	Blasting in or on the premises must only be carried out between 900 hours and 1700 hours, Monday to Saturday (EST) and 900 hours and 1800 hours Monday to Saturday (DST). Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.	Blasting Monitoring Program incorporated into Blasting Management and Monitoring Plan addresses these issues. Interview with Geoff Keith confirmed implementation of the plan.	Blasting Management and Monitoring Plan sighted by auditors, letter from DoP commenting that they don't comment on EMP's	Compliant
		L7.2	The air blast overpressure level from blasting operations in or on the premises must not exceed: (a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and (b) 120 dB (Lin Peak) at any time. At any residence or noise sensitive location that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative overpressure level .	Blasting Monitoring Program incorporated into Blasting Management and Monitoring Plan addresses these issues. Interview with Geoff Keith confirmed implementation of the plan.	Blasting Management and Monitoring Plan sighted by auditors, letter from DoP commenting that they don't comment on EMP's	Compliant
		L7.3	The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: (a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and (b) 10 mm/s at any time. At any residence or noise sensitive location that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative ground vibration level .	Blasting Monitoring Program incorporated into Blasting Management and Monitoring Plan addresses these issues. Interview with Geoff Keith confirmed implementation of the plan.	Blasting Management and Monitoring Plan sighted by auditors, letter from DoP commenting that they don't comment on EMP's	Compliant
	4 Operating conditions	1	Activities must be carried out in a competent manner 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.	Trucks have digital display which shows how much is being loaded. Also have an alarm which sounds if overweight. In one area of the pit, spill from loading trucks was observed. A tight turn after in the in-pit ROM caused the spill not poor loading practises. Not Verified		Compliant
		2	Maintenance of plant and equipment			
		2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: (a) must be maintained in a proper and efficient condition; and (b) must be operated in a proper and efficient manner.	Maintenance Controller - Dot Cameron interviewed. Viewed the maintenance scheduling system		Compliant
		3	Dust			
		3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	All areas visited in the site visit had adequate dust suppression, where dust was lifting, water carts were observed in operating indicating that the Pit operation control of dust was adequate.		Compliant
		3.2	All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	All areas visited in the site visit had adequate dust suppression, where dust was lifting, water carts were observed in operating indicating that the Pit operation control of dust was adequate.		Compliant
		4	Management of utilisation area			
		4.1	Effluent application must not occur in a manner which causes surface runoff.	Not Verified		
		4.2	Spray from effluent application must not drift beyond the boundary of the premises.	Not Verified		
		4.3	The quantity of effluent/solids applied to the utilisation area must not exceed the capacity of the area to effectively utilise the effluent/solids. For the purpose of this condition, 'effectively utilise' include the use of the effluent/solids for pasture or crop production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.	Not Verified		
		5	Incineration			
		5.1	There must be no incineration or open burning of any material(s) on the premises, except as specifically authorised by the EPA.	Not conducted on site		Compliant
	5. Monitoring and recording conditions	M1	Monitoring records			

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding																								
		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.		Auditors viewed field monitoring sheets.	Compliant																								
		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;		Auditors viewed field monitoring sheets. Auditors viewed field monitoring sheets.	Compliant Compliant																								
		M1.3	(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. 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.		Auditors viewed field monitoring sheets. Auditors viewed field monitoring sheets. Auditors viewed field monitoring sheets. Auditors viewed field monitoring sheets. Auditors viewed field monitoring sheets. Auditors viewed field monitoring sheets.	Compliant Compliant Compliant Compliant Compliant Compliant																								
		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: <p style="text-align: center;"><i>Air</i></p> POINT 1 <table border="1"><thead><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr></thead><tbody><tr><td>Particulates - Deposited Matter</td><td>grams per square metre per month</td><td>Monthly</td><td>AM-19</td></tr></tbody></table> POINT 2 <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>Total suspended particles</td><td>micrograms per cubic metre</td><td>Every 6 days</td><td>AM-15</td></tr></tbody></table> POINT 4 <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>PM10</td><td>micrograms per cubic metre</td><td>Continuous</td><td>AM-22</td></tr></tbody></table>	Pollutant	Units of measure	Frequency	Sampling Method	Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19	Pollutant	Units of measure	Frequency	Sampling Method	Total suspended particles	micrograms per cubic metre	Every 6 days	AM-15	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	AM-22		Reported in AEMR (2007, 2008)	Compliant
Pollutant	Units of measure	Frequency	Sampling Method																											
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PM10	micrograms per cubic metre	Continuous	AM-22																											
		M3	Testing methods - concentration limits																											
		M3.1	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. Note: The Protection of the Environment Operations (Clean Air) Regulation 2002 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.	Not Verified Not Verified Not Verified																										
		M4	Recording of pollution complaints																											
		M4.1	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.																											
		M4.2	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.		Records shown to Auditors Records shown to Auditors Records shown to Auditors Records shown to Auditors Records shown to Auditors Records shown to Auditors	Compliant Compliant Compliant Compliant Compliant Compliant																								
		M4.3	M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.			Compliant																								
		M4.4	M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.	Pam Simpson indicated that no requests had been received from the EPA		Not Applicable																								
		M5	M5 Telephone complaints line																											
		M5.1	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.	Demonstrated to the auditors		Compliant																								
		M5.2	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.	Demonstrated to the auditors		Compliant																								
		M5.3	Conditions M5.1 and M5.2 do not apply until 3 months after: (a) the date of the issue of this licence or (b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.	Not verified Not verified																										
		M7	Blasting monitoring																											
		M7.1	To determine compliance with condition(s) L7.2 and L7.3: (a) Air blast overpressure and ground vibration levels must be measured at most affected residence or noise sensitive location that is not owned by the licensee or subject to a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative blasting level - for all blasts carried out in or on the premises; and (b) Instrumentation used to measure the air blast overpressure and ground vibration levels must meet the requirements of Australian Standard 2187.2 of 1993.	Verified in site visit and in AEMRs Not Verified		Compliant																								
		M8	Requirement to monitor meteorological data																											
		M8.1	The Licensee must collect and analyse meteorological data for the parameters specified for each monitoring point at the frequency, and using the method, specified for each parameter.	Weather station sighted and the results presented in the AEMRs	AEMRs	Compliant																								

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding																																			
			<p>Meteorological Monitoring POINT: Site meteorological station.</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Units of measure</th> <th>Averaging Period</th> <th>Method (see note 1)</th> <th>Frequency</th> </tr> </thead> <tbody> <tr> <td>Siting</td> <td>NA</td> <td>NA</td> <td>AM-1 & AM-4</td> <td></td> </tr> <tr> <td>Measurement</td> <td>NA</td> <td>NA</td> <td>AM-2 & AM-4</td> <td></td> </tr> <tr> <td>Wind Speed @ 10 m</td> <td>m/s</td> <td>10 minutes</td> <td>AM2 & AM-4</td> <td>Continuous</td> </tr> <tr> <td>Wind Direction @ 10 m</td> <td></td> <td>10 minutes</td> <td>AM-2 & AM-4</td> <td>Continuous</td> </tr> <tr> <td>Temperature @ 1.2 m</td> <td>Degrees C</td> <td>1 hour</td> <td>AM-4</td> <td>Continuous</td> </tr> <tr> <td>Rainfall</td> <td>mm</td> <td>24 hours</td> <td>Standard rain gauge</td> <td>Continuous</td> </tr> </tbody> </table> <p>Parameter Units of Note: (1) All methods are specified in the Approved Methods for the sampling and Analysis of Air pollutants in New South Wales and all monitoring must be conducted strictly in accordance with the requirements outlined in this document.</p>	Parameter	Units of measure	Averaging Period	Method (see note 1)	Frequency	Siting	NA	NA	AM-1 & AM-4		Measurement	NA	NA	AM-2 & AM-4		Wind Speed @ 10 m	m/s	10 minutes	AM2 & AM-4	Continuous	Wind Direction @ 10 m		10 minutes	AM-2 & AM-4	Continuous	Temperature @ 1.2 m	Degrees C	1 hour	AM-4	Continuous	Rainfall	mm	24 hours	Standard rain gauge	Continuous			
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	6. Reporting conditions	M9	Requirement to monitor noise																																						
		M9.1	Every six months the Licensee must monitor noise from the premises in accordance with Conditions L6.2 and L6.3 to determine compliance with the limits specified in Condition L6.1.	AEMRs	AEMRs	Compliant																																			
		R1	Annual return documents																																						
		R1.1	What documents must an Annual Return contain? The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: (a) a Statement of Compliance; and (b) a Monitoring and Complaints Summary. A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	Included in Annual Return Included in Annual Return Included in Annual Return	Annual Returns provided to Auditors-reporting periods 05/07 - 04/08 and 05/08 - 04/11 Annual Returns provided to Auditors-reporting periods 05/07 - 04/08 and 05/08 - 04/12 Annual Returns provided to Auditors-reporting periods 05/07 - 04/08 and 05/08 - 04/13	Compliant Compliant Compliant																																			
		R1.2	Period covered by Annual Return An Annual Return must be prepared in respect of each reporting period, except as provided below. Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.																																						
		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. Note: An application to transfer a licence must be made in the approved form for this purpose.	Not Applicable Not Applicable Not Applicable		Not Applicable Not Applicable Not Applicable																																			
		R1.4	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 Applicable Not Applicable Not Applicable		Not Applicable Not Applicable Not Applicable																																			
		R1.5	Deadline for Annual Return R1.5 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Documentation sighted by Auditors		Compliant																																			
		R1.7	Licensee must retain copy of Annual Return 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.	Documentation sighted by Auditors Documentation sighted by Auditors		Compliant Compliant																																			
		R1.8	Certifying of Statement of Compliance and signing of Monitoring and Complaints Summary 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.	Documentation sighted by Auditors Documentation sighted by Auditors		Compliant Compliant																																			
		R1.9	A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.	Documentation sighted by Auditors		Compliant																																			
		R2	Notification of environmental harm Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.																																						
		R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Not Verified																																					
		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 Verified																																					
		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 required in the audit period Not required in the audit period		Not applicable Not applicable																																			
		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 required in the audit period		Not applicable																																			
		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;	Not required in the audit period Not required in the audit period Not required in the audit period Not required in the audit period Not required in the audit period		Not applicable Not applicable Not applicable Not applicable Not applicable																																			

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding	
	General Conditions	R3.4	(e) action taken by the licensee in relation to the event, including any follow-up contact with any complaints; (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. 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 required in the audit period Not required in the audit period Not required in the audit period Not required in the audit period		Not applicable Not applicable Not applicable Not applicable	
		R4	Reporting of exceedances of blasting limits				
		R4.1	The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.	Not required in the audit period			Not applicable
		R5	Spontaneous Combustion Control Program Reporting				
		R5.1	The monthly summaries, assessments and maps prepared under the spontaneous combustion control program must be submitted to the EPA in the form of a half yearly report. The licensee must forward a copy of each report to the regional office of the EPA no later than two (2) months after the half yearly period being reported.		Quarterly report was shown to Auditors.		Compliant
		R5.2	The monthly summaries, assessments and maps must be retained by the licensee for not less than three (3) years following the period under review. The records must be kept in a legible form and must be made available to any authorised officer of the EPA on request.		Quarterly report was shown to Auditors.		Compliant
		R6	Noise Monitoring Report				
		R6.1	A noise compliance assessment report must be submitted to DECC on an annual basis with the Annual Return as set out in Condition R1. The report must be prepared by an accredited acoustical consultant and determine compliance with the noise limits in Condition L6.1.	Documentation sighted by Auditors			Compliant
		G1	Copy of licence kept at the premises				
		G1.1A	A copy of this licence must be kept at the premises to which the licence applies.	Documentation sighted by Auditors			Compliant
		G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Not requested in the audit period			Not Applicable
		G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Documentation sighted by Auditors			Compliant
		U1.1	Pollution studies and reduction programs Not applicable.				
		E1	Special conditions Spontaneous combustion control program				
		E1.1	Carbonaceous material that is prone to self heating and which is not extracted as run of mine coal must be selectively removed and purposely disposed of in such a manner that will prevent the development of spontaneous combustion at the disposal site.	The spontaneous combustion program was sighted along with reports detailing improvements in spon com outbreaks, demonstrating effective management			Compliant
	E1.2	The licensee must implement a Spontaneous Combustion Control Program which must include, but may not be limited to, the following:- (a) A monthly summary of actions and procedures undertaken to prevent the development or to control the spread of spontaneous combustion at the premises. (b) An assessment of the effectiveness of the actions and procedures undertaken every month in preventing the development and control of the spread of spontaneous combustion at the premises. (c) Monthly mapping of the approximate location of the areas subject of spontaneous combustion at the premises. The map must show the respective areas in square metres of each area affected and must include a key to show the relative intensity of the heatings.					
Antiene Joint User Rail Facility Environmental Impact Statement (Umwelt March 2000)							
		4.3.1.1-P4-L6	New access road, once constructed	Not verified this audit			
		4.3.1.1-P4-L9	NAASRA type B intersection will be constructed.	Not verified this audit			
		4.3.1.1-P5-L4	Co-ordinated with Muswellbrook Shire Council	Not verified this audit			
		4.3.1.1-P7-L1	Qualified traffic controllers will be employed	Not verified this audit			
		4.3.1.2-P1-L1	two rail-over-road bridges will be constructed at the locations where the rail line intersects Thomas Mitchell Drive.	Not verified this audit			
		4.3.1.2-P2-L2	The horizontal clearance to the bridge abutments will be a minimum of 40 metres.	Not verified this audit			
		4.3.1.2-P4-L1	The proposed intersection of the new Bayswater access road and Thomas Mitchell Drive will be located approximately 500 metres east of the existing intersection.	Not verified this audit			
		4.3.1.2-P5-L1	Once the Bayswater Rail Loading Facility is established, coal will no longer be hauled by road between Bayswater mine and Ravensworth Coal Terminal.	Verified, no road transport of coal in the audit period (Pan Simpson)		Compliant	
		4.4.2.3-P2-L8	All truck loads that exit the Drayton site are also covered by tarps to avoid coal spillage and potential for dust impacts along the haul route.	Verified, no road transport of coal in the audit period (Pan Simpson)		Compliant	
		4.5.3.2-P2-L1	The impact mitigation measures that have been included in the noise modelling are shown in figure 4.11	Not verified this audit			
		4.5.3.2-P3-L2	Construction of sheet steel enclosures around the train load out bins.	Not verified this audit			
		4.5.3.2-P3-L3	Construction of an acoustic screen along a portion of the northern section of Bayswater Rail Loop.	Sighted by auditors		Compliant	
		4.5.3.2-P3-L3	Use of concrete in construction of rail-over-road bridges.	Sighted by auditors		Compliant	
		4.5.3.2-P3-L4	Enclosure of the conveyors to both load out bins.	Not verified this audit			
		4.7.3.2-P1-L4	a new dam will be constructed approximately 40 metres east. This dam will have a 23,000m3 operating capacity at a depth of 4 metres (RL 209).	Not verified this audit			
		4.7.3.2-P6-L1	Effluent from the amenities will be piped to an on-site package sewage treatment plant or similar.	Not verified this audit			
		4.7.3.2-P7-L1	The package treatment plant will include a balance tank that will allow daily peak hydraulic loadings to be uniformly discharged to the treatment plant over a 24hr period.	Not verified this audit			
		4.7.3.3-P6-L2	Identifying those areas required to be disturbed and ensuring that disturbance is limited to those areas.	Not verified this audit			
		4.7.3.3-P6-L3	Construction of diversion drains upslope of areas to be disturbed to convey clean runoff away from disturbed to convey clean runoff away from disturbed areas.	Not verified this audit			

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding
		4.7.3.3-P6-L4	Constructing road and earthworks cut and fill batters at slopes of 1V:3H or less to maximise long term stability, with the exception of the railway embankments which will be 1V:1.75H.	Not verified this audit		
		4.7.3.3-P6-L5	Stripping and stockpiling the top 100mm to 200mm of topsoil for later use in rehabilitation.	Not verified this audit		
		4.7.3.3-P6-L6	Reshaping, topsoiling and vegetating road and cut and fill batters as soon as practical.	Not verified this audit		
		4.7.3.3-P6-L7	Construction and regular maintenance of silt fences and catch drains downslope of disturbed areas, particularly near creek and gully crossings to contain sediment.	Not verified this audit		
		4.7.3.3-P6-L8	Diversion of surface and road runoff away from fill batters and drainage lines.	Sighted in site visit		Compliant
		4.7.3.3-P6-L9	construction of a series of sedimentation dams and associated catch drains downslope of disturbed areas to collect, convey and contain sediment laden runoff.	Sighted in site visit		Compliant
		4.7.3.3-P6-L10	Regular maintenance of all erosion control works and rehabilitated areas.	Sighted in site visit		Compliant
		4.7.3.3-P7-L2	A detailed Soil and water Management Plan will be prepared.	Not verified this audit		
		4.7.3.3-P8-L7	The sedimentation dam will be regularly maintained with excess sediment build-up being removed to ensure that the design capacity is maintained.	Not verified this audit		
		4.7.3.3-P10-L15	This system will be regularly inspected and sediment removed by shovel when capacity is reduced by 30 per cent.	Not verified this audit		
		4.11.2-P5-L2	Obtaining excavation permits from the Heritage Council of New South Wales prior to the excavation and removal of the items located within the study area.			
			Recording the relics within the study area in greater detail prior to their removal.	Not verified this audit		
			Monitoring areas adjacent to the relics identified within the study area during their excavation and removal in order to identify any further cultural material that may exist in sub-surface context.	Not verified this audit		
			Disposing of excavated items in manner approved by the Heritage Council of New South Wales and following consultation with the Muswellbrook and Upper Hunter Historical Society and Muswellbrook Shire Council.	Not verified this audit		
		4.12.4-P1-L2	Plant vegetation corridors between the rail line and Thomas Mitchell Drive, and construct visual screens along the top of the railway embankment.	Sighted by Auditors		Compliant
		4.16.1-P7-L1	A detailed Soil and water Management Plan will be prepared.	Not verified this audit		
		4.16.1-P7-L4	Works within the creek bed will be restricted to a length of approximately 60 metres at the location where the proposed rail embankment crosses Ramrod Creek. Works at this location will be subject to a part 3A Permit from the Department of Land and Water Conservation, which will need to be obtained prior to such works being implemented.	Not verified this audit		
		4.16.5-P2-L6	To minimise the potential cumulative impacts of minor losses of forested vegetation, it is proposed to establish a habitat compensation area and vegetation corridor in the vicinity of the proposed Bayswater Rail Loop, which will be 7.1 times larger than the area proposed to be disturbed. this area will be fenced to exclude stock.	Sighted by auditors		Compliant
DA 106-04-00 Increases coal transport tonnage using the existing Drayton Rail Loop and Antiene Rail Spur ("the Development")						
		1	General			
		1.1	There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the project. This requires that all practicable measures are to be taken to prevent and minimise harm that may result from the construction, operation and, where relevant, decommissioning of the development.	Verified in previous Audit		
			Adherence to terms of DA, EIS, etc			
			a - The development is to be carried out generally in accordance with development application No. 106-04-00, and the EIS dated March 2000, prepared by Umwelt (Australia) Pty Limited and certified in accordance with Section 78A(8) of the Act, and all other relevant documentation provided to DUAP, including:	Verified in previous Audit		
			(i) additional information requested by the EPA and supplied by Umwelt (Australia Pty Limited) in a letter dated 15 June 2000; with results of extended noise monitoring, in a letter dated 20 July 2000 and accompanying report titled "Response to EPA Submission of 5 July 2000".	Verified in previous Audit		
			(ii) Drayton Coal Pty Ltd Response to Summary of Submissions received from DUAP on 2 June 2000, prepared by Umwelt (Australia) Pty Ltd, August 2000.	Verified in previous Audit		
			as may be modified by the conditions set out herein.	Verified in previous Audit		
			b - If, at any time, the Director-General is aware of environmental impacts from the proposal that pose serious environmental concerns due to the failure of environmental management measures in place to ameliorate the impacts, the Director-General may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.	Verified in previous Audit		
			c - If any licence conditions are breached the applicant shall comply with any modifications to the work as specified by the relevant agency.	Verified in previous Audit		
			Note - This consent should be read in conjunction with the existing Muswellbrook Shire Council Drayton Mine Project consent issued on 25 September 1980.	Verified in previous Audit		
		1.2	Period of Approval / Project Commencement			
			(i) The approval for coal transport operations is for a period of 25 years from the date of this consent.	Verified in previous Audit		
			(ii) At least two weeks prior to the commencement of operation or within such period as agreed by the Director-General, the Applicant shall submit for the approval of the Director-General a compliance report detailing compliance with all the relevant conditions that apply prior to the commencement of operation.	Verified in previous Audit		
			(iii) Date of commencement of operation is to be notified in writing to the Director-General, and MSC, at least two weeks prior to commencement operation.			
		1.3	Dispute Resolution			
			In the event that the Applicant, MSC or a Government agency, other than the Department of Urban Affairs and Planning, cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the Director-General or if not resolved, whose determination of the disagreement shall be final and binding on the parties.			
		2	Land and Site Environmental Management			
		2.1	Environmental Coordinator			
			a - The Environmental Coordinator(s) employed by Drayton mine:			
			(i) shall be responsible for the preparation of the environmental management plans required by this consent (refer Condition 2.2);	Position description sighted	Position Description provided to Auditors	Compliant
			(ii) shall be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;	Position description sighted	Position Description provided to Auditors	Compliant
			(iii) shall be responsible for receiving and responding to complaints in accordance with Condition 9.2(a); and	Position description sighted	Position Description provided to Auditors	Compliant
			(iv) shall have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.	Non conformance reported in previous audit. Position description does not reflect this requirements.	Position Description provided to Auditors	Non-compliant
			b - The Applicant shall notify the Director-General, DMR, EPA, DLWC, MSC, and the CCC (refer Condition 9.1) of any changes to the name and/or contact details of the Environmental Co-ordinator(s). Any new appointment of an Environmental Co-ordinator(s) is to receive prior approval of the Director-General			
		2.2	Environmental Management Strategies and Plans			
			(a) The Applicant shall prepare an Environmental Management Strategy providing a strategic context for the environmental management plans (refer Condition 2.2(d)). The Environmental Management Strategy shall be prepared in consultation with the relevant authorities and the Community Consultative Committee (refer Condition 9.1) and to the satisfaction of the Director-General, prior to commencement of operations. The Strategy shall be provided to the Director-General no later than the time the first Environmental Management Plan under sub clause (d) below is submitted.	Verified in previous Audit		
			(b) The Environmental Management Strategy shall include, but not be limited to:	Verified in previous Audit		
			(i) statutory and other obligations which the Applicant is required to fulfil during operation, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;	Verified in previous Audit		
			(ii) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the Environmental Officer;	Verified in previous Audit		
			(iii) overall environmental management objectives and performance outcomes, during, operation and decommissioning of the rail loop and Antiene rail spur, for each of the key environmental elements for which management plans are required under this consent;	Verified in previous Audit		

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding
			and/or temperature inversions for up to 4 degrees C per 100 metres.	Not activated		
			2. Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot.	Not activated		
			5.3.2 Noise Management Plan	Not activated		
			(a) The Applicant shall within three months of the date of this consent, prepare a Noise Management Plan for the Drayton rail loading facility and Antiene rail spur, to the satisfaction of the Director-General. The Plan shall be prepared in consultation with the owner of Bayswater rail loading facility with the aim of achieving a consistent approach in the preparation of the Drayton rail loading facility noise management plan.	Not activated		
			The Plan shall:			
			• include details of the conduct of noise investigations at three monthly intervals (unless otherwise agreed by the Director-General) to evaluate, assess and report the both the L eq(15 minute) (project alone) and Leq(9 hour/4 hour/11 hour) (cumulative) noise emission levels due to normal coal transport operations under adverse weather conditions;	Not activated		
			• details of the proposed methodologies including establishing the Drayton rail loop and Antiene rail spur operating configuration; determining survey intervals; weather conditions and seasonal variations; selecting variations, locations, periods and times of measurements;	Not activated		
			• outline the design of any noise monitoring and noise modelling or other studies including the means for determining the noise levels emitted by the operations;	Not activated		
			• particularly focus on the management of night time noise (10.00pm – 7.00am) for each year of operation;	Not activated		
			• identify noise affected properties and the relevant noise limits consistent with the EIS, the additional noise information requested by the EPA and supplied by Umwelt (Australia Pty Limited) in a letter dated 15 June 2000; with results of extended noise monitoring and in a letter dated 20 July 2000 and accompanying report titled "Response to EPA Submission of 3 July 2000; and the Drayton Coal Pty Ltd Response to Summary of Submissions received from DUAP on 2 June 2000, prepared by Umwelt (Australia) Pty Ltd, August 2000;	Not activated		
			• specify the procedures for a noise monitoring program for the purpose of undertaking independent noise investigations, in consultation with the owners of Bayswater mine, as necessary;	Not activated		
			• outline the procedure to notify property owners and occupiers likely to be affected by noise from the operations;	Not activated		
			• establish a protocol for handling noise complaints that include recording, reporting and acting on complaints;	Not activated		
			• record appropriate mechanisms for community consultation;	Not activated		
			• outline mitigation measures to be employed on the site to limit noise emissions;	Not activated		
			• identify longer term strategies directed towards mitigating noise levels that exceed the noise criteria in Table 2 under adverse meteorological conditions;	Not activated		
			• outline measures to be used to reduce the impact of intermittent, low frequency and tonal noise (including any truck reversing alarms);	Not activated		
			• specify measures to be taken to document any higher level of impacts or patterns of temperature inversions, and detail actions to quantify and ameliorate enhanced impacts if they lead to exceedance of the relevant noise criteria;	Not activated		
			• survey and investigate noise reduction measures, if required, from plant and equipment annually, subject to noise monitoring results and/or complaints received, and report in the AEMR at the conclusion of the first 12 months of operations and set targets for noise reduction taking into consideration valid noise complaints in the previous year. The Report shall also include remedial measures to achieve compliance with the specified noise goals; and	Not activated		
			• include details of the integration of this plan with the existing Drayton mine Noise Management Plan, and its inter-relationship with the Bayswater rail facility noise management plan.	Not activated		
			(b) Prior to the commencement of operations the applicant shall ensure cladding is added to the northern side of the Drayton Coal Handling Facility, extending from ground level to the top of the conical section of both loading bins, with an internal facing of absorbing material and vibration isolated from the existing structure as described in the EIS.	Not activated		
			(c) The Applicant shall also:			
			(i) make copies of the Plans available to the EPA, MSC and CCC within fourteen days of approval, or as otherwise agreed to be the Director-General; and	Not activated		
			(ii) include a summary of noise monitoring results in the AEMR .	Not activated		
		5.3.3	Noise Monitoring			
			(a) The levels of noise emitted from the premises must be monitored for 72 hrs every 3 months unless otherwise agreed by the Director-General at locations agreed to in consultation with the EPA. The monitoring must determine the LAeq,9hour, LAeq,15min, LA10,15min, LA90, 15min, and LA1,1min and include an assessment of the impact of operational noise on adjoining residents.	AEMRs	2007 and 2008 AEMRS	Complaint
		5.4	(b) Noise monitoring at the specified locations must be undertaken during daytime (7.00am- 6.00pm), evening (6.00pm-10.00pm) and night time (10.00pm-7.00am).	AEMRs	2008 and 2008 AEMRS	Complaint
		6	The Applicant shall screen or direct all on-site lighting away from residences and roadways, or manage such lighting to the satisfaction of MSC	AEMRs	2009 and 2008 AEMRS	Complaint
		6.1	Transport			
			Limits on Transportation of Coal			
			(a) Coal transported along the Drayton Rail Loop is limited to seven (7) million tonnes per annum.	Information about how much coal can be carried on the line was coordinated by Ben Noack CHPP		Compliant
			(b) Coal transported along the Antiene Rail Spur is limited to twenty (20) million tonnes per annum.	Information about how much coal can be carried on the line was coordinated by Ben Noack CHPP		Compliant
			(c) The peak number of train movements along the Drayton Rail Loop are limited to 12 per day.	Information about how much coal can be carried on the line was coordinated by Ben Noack CHPP		Compliant
			(d) The peak number of train movements along the Antiene Rail Spur are limited to 30 per day.	Information about how much coal can be carried on the line was coordinated by Ben Noack CHPP		Compliant
			(e) The maximum annual rate of coal haulage shall be calculated from the date of commencement of this consent. The Applicant shall submit a statement every six (6) months regarding the number of daily train movements, quantities and destination of product hauled on the Drayton rail loop and Antiene rail spur in that period to the Director- General unless otherwise agreed by the Director-General, commencing from the date of commencement of this consent.	Information about how much coal can be carried on the line was coordinated by Ben Noack CHPP	reports for last 2 months to be provided	
			(f) To ensure residents access on the northern side of Antiene Road is not restricted, the Applicant shall consult with RAC to ensure amendment of the RAC signal procedures manual is undertaken so that the signal located to the west of the level crossing near the junction of the Antiene rail spur and the Main Northern Railway (signal 60) is the priority signal for access to the Main Northern Railway as discussed in section 4.3.2.2 of the EIS.	Verified in previous Audit		
			Note: Condition 6.1 shall be read in conjunction with condition 6.1 Limits on Transportation of Coal of the consent issued by the Minister for Urban Affairs and Planning to Coal Operations Australia Limited (COAL) for the construction and operation of the Bayswater Rail Loading Facility and Rail Loop. Condition 6.1 of the COAL consent is as follows:			
			(a) Coal transported along the Bayswater Rail Loop is limited to 13 million tonnes per annum during the simultaneous operation of the Drayton Rail Loop at 7 million tonnes per annum	Verified in previous Audit		
			(b) Coal transported along the Bayswater Rail Loop can only exceed 13 million tonnes per annum where the combined annual tonnage of operations along the Bayswater Rail Loop and Drayton Rail Loop do not exceed 20 million tonnes per annum.	Verified in previous Audit		
			(c) The peak number of train movements along the Bayswater Rail Loop are limited to 18 per day, except in the event that Drayton mine does not utilise all of its 7 million tonnes per annum, the applicant may take up the spare capacity, with a total limit of 30 train movements per day along the Bayswater rail loop and Antiene rail spur.	Not verified		
			(d) The maximum annual rate of coal haulage shall be calculated from the date of commencement of rail haulage. The Applicant shall submit a statement every six (6) months regarding the quantities, number of daily train movements and destination of product hauled on Bayswater rail loop in that period to the Director-General unless otherwise agreed by the Director-General, commencing from the date of commencement of rail haulage.	Not Verified		
		6.2	Road Transport			
			No coal shall be hauled on public roads except under emergency or special situations and only with the prior written permission of the Director-General, RTA and MSC.	Verified by interview, Pam Simpson		Compliant

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding
		6.3	Rail scheduling Note: A commercial agreement is in place between the owners of the Bayswater and Drayton rail facility proposals respectively which requires the applicant to advise the owners of the Bayswater rail facility, no less than sixty (60) business days before the commencement of each year, of its proposed Estimated Annual Tonnage and its planned shipping schedule for coal haulage on the Antiene Spur. On the first business day of each month, the applicant will advise the owners of Bayswater mine of its planned shipping schedule for coal haulage for each of the then ensuing three months.	Coordinated by Ben Noack, confirmed in interview		Compliant
		7	Monitoring/Auditing (a) In addition to the requirements contained elsewhere in this consent, the Director-General may, at any time in consultation with the relevant government authorities and Applicant, require the monitoring programs in Conditions 3 and 5 to be revised/updated to reflect changing environmental requirements or changes in technology/operational practices. Changes shall be made and approved in the same manner as the initial monitoring programs. All monitoring programs shall also be made publicly available at MSC within two weeks of approval of the relevant government authority. (b) All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program. Only laboratories with a nationally recognised relevant accreditation shall be used for laboratory analysis.	Not activated Not activated Sighted in monitoring reports and in laboratory results.		Compliant
		7.1	Third Party Monitoring/Auditing Independent Environmental Audit (a) Every three years from the date of this consent until completion of coal transportation in the DA area, or as otherwise directed by the Director-General, the Applicant shall conduct an environmental audit of the Drayton Rail loop operation and Antiene rail spur operation in accordance with ISO 14010 - Guidelines and General Principles for Environmental Auditing, and ISO 14011 - Procedures for Environmental Auditing (or the current versions), and in accordance with any specifications required by the Director-General. The audit shall be co-ordinated as far as possible with the audit for the Bayswater rail loading facility and rail loop as directed by the Director-General. Copies of the report shall be submitted by the Applicant to the Director-General, MSC, EPA, DMR, and CCC within two weeks of the report's completion for comment. (b) The audit shall: (i) assess compliance with the requirements of this consent, licences and approvals; (ii) assess the development against the predictions made in the EIS; (iii) review the effectiveness of the environmental management of the coal transportation operations, including any mitigation works; (iv) be carried out at the Applicant's expense; and (v) be conducted by a duly qualified independent person or team approved by the Director-General in consultation with MSC. (c) The Director-General may, after considering any submission made by the relevant government agencies, MSC and CCC on the report, notify the Applicant of any requirements with regard to any recommendations in the report. The Applicant shall comply with those reasonable requirements within such time as the Director-General may require.	SEE previous SKM audit and this audit SEE previous SKM audit and this audit SEE previous SKM audit and this audit SEE previous SKM audit and this audit SEE previous SKM audit and this audit SEE previous SKM audit and this audit SEE previous SKM audit and this audit		Compliant Compliant Compliant Compliant Compliant Compliant
		7.2	Meteorological The applicant shall utilise the existing meteorological station at Drayton mine or establish an alternative meteorological station at a relevant location, in accordance with the requirements of AS 2922 1987 "Ambient Air Guide for Siting of Sampling Units" or updated version. The meteorological station must be capable of recording wind direction and speed, temperature and sigma theta and be operated in accordance with the requirements of AS 2923-1987 Ambient Air Guide Horizontal Wind for Air Quality Application, or subsequent relevant standards.	Sighted weather station and AEMRs	AEMRs	Compliant
		8	Reporting			
		8.1	Environmental Reporting Annual Environmental Management Report (AEMR) (a) The Applicant shall, throughout the life of the rail loading facility and rail loop and for a period of at least three years after the completion of operations in the DA area, prepare and submit an Annual Environmental Management Report (AEMR), which may be incorporated into the existing Drayton AEMR to the satisfaction of the Director-General. The AEMR shall include a review of the performance of coal transportation against the Environmental Management Strategy, the conditions of this consent, and other licences and approvals relating to the coal transport operations. To enable ready comparison with the predictions of the EIS, diagrams and tables, the report shall include, but not be limited to, the following matters: (i) an annual compliance review of the performance of the project against conditions of this consent and statutory approvals; (ii) a review of the effectiveness of the environmental management of the coal transport operations in terms of EPA, DMR, and MSC requirements; (iii) results of all environmental monitoring required under this consent or other approvals, including interpretations and discussion by a suitably qualified person; (iv) identify trends in monitoring results over the life of coal transport operations; (v) a listing of any variations obtained to approvals applicable to the subject area during the previous year; and (vi) environmental management targets and strategies for the next year, taking into account identified trends in monitoring results. (b) In preparing the AEMR, the Applicant shall: (i) respond to any request made by the Director-General for any additional requirements; and (ii) comply with any requirements of the Director-General or other relevant government agencies. (iii) ensure that the first report is completed and submitted within twelve months of this consent; or at a date determined by the Director-General in consultation with the DMR and the EPA; or in the next Drayton mine AEMR after the date of this consent.	2007 and 2008 AEMRs sighted and reviewed 2008 and 2008 AEMRs sighted and reviewed 2009 and 2008 AEMRs sighted and reviewed 2010 and 2008 AEMRs sighted and reviewed 2011 and 2008 AEMRs sighted and reviewed 2012 and 2008 AEMRs sighted and reviewed 2013 and 2008 AEMRs sighted and reviewed 2014 and 2008 AEMRs sighted and reviewed 2015 and 2008 AEMRs sighted and reviewed 2016 and 2008 AEMRs sighted and reviewed 2017 and 2008 AEMRs sighted and reviewed		Compliant Compliant Compliant Compliant Compliant Compliant Compliant Compliant
		9	Community Consultation/Obligations			
		9.1	Community Consultative Committee (i) The Applicant shall, at its own expense: (a) provide to the existing Drayton Community Consultative Committee (CCC), or its equivalent, regular information on the progress of coal transport operations and monitoring results; (b) promptly provide to the Committee such other information as the Chair of the Committee may reasonably request concerning the environmental performance of the coal transport operations; and (c) provide access for site inspections by the Committee. (ii) The Applicant shall co-ordinate with Bayswater mine joint meetings of the Drayton and Bayswater CCCs, or their equivalents, on a basis to be agreed by the two CCCs, to discuss the management of the joint user rail facility.	Sighted minutes and documentation on site Sighted minutes and documentation on site Sighted minutes and documentation on site Sighted minutes and documentation on site Sighted minutes and documentation on site	CCC minutes (4 copies provided) CCC minutes (4 copies provided) CCC minutes (4 copies provided) CCC minutes (4 copies provided) CCC minutes (4 copies provided)	Compliant Compliant Compliant Compliant
		9.2	Complaints (a) The environmental coordinator employed by Drayton mine (refer condition 2.1) shall be responsible:	Sighted complaints register, followed a complaint through the system to sign-off		Compliant

Document	Aspect	Point #	Requirement	Verification/Comment	Documentary Evidence #	Audit Finding
			(i) for recording complaints with respect to coal transport operations along the Drayton rail loop and Antiene rail spur in accordance with the existing Drayton mine complaints handling procedures, or its equivalent, including use of the dedicated and publicly advertised telephone line, 24 hours per day 7 days per week, entering complaints or comments in an up to date log book, or other suitable data base, and ensuring that a response is provided to the complainant within 24 hours;	Sighted complaints register, followed a complaint through the system to sign-off		Compliant
			(ii) for providing a report of complaints received with respect to the Drayton coal transportation operations every six months throughout the life of the project to the Director-General, MSC, EPA, DMR, and CCC, or as otherwise agreed by the Director-General. A summary of this report shall be included in the AEMR (condition 8.1(a)).	Sighted complaints register, followed a complaint through the system to sign-off		Compliant
			(iii) consult with the environmental officer employed by the Bayswater mine to coordinate a response to any complaints received regarding the operation of the joint user rail facility .	Sighted complaints register, followed a complaint through the system to sign-off		Compliant
		10	Proponents Obligations			
		10.1	Cumulative Impact Assessment (a) In the event that the cumulative impact of noise or dust contributed by the operation of the Drayton rail loading facility, rail loop and Antiene rail spur and other nearby mining/industrial activities, including the Bayswater rail loop, Bayswater mine, Drayton mine, and Mount Arthur North Project if approved, at dwellings, or vacant land (as described in Condition 6.3.1(e)), in the vicinity of the operation, is in excess of the noise or dust criteria contained in these conditions of consent, the Applicant shall negotiate with the other mining companies appropriate arrangements to reasonably contribute to the management of the identified cumulative impacts to the satisfaction of the Director-General.	Not activated		
			(b) If it is identified from subclause (a) above that an industrial operator, other than a mining company, is the cause of an exceedance, the applicant shall provide a report to the Director-General the reasons for the cumulative criteria exceedances with demonstration that the applicant's activities are not the sole cause of the exceedances.	Not activated		
			(c) If agreement on appropriate contributions towards mitigation measures/ acquisition cannot be reached from negotiations undertaken in accordance with subclause (a), then the Director-General may appoint an independent panel to resolve the matter. The membership of the independent panel shall be as determined by the Director-General. The independent panel shall determine the responsibilities of each of the mining companies. The decision of the independent panel shall be final and binding on all parties. The responsibilities of the mining companies and the landowner as described in Condition 10.2 and 10.3 will apply	Not activated		
			(d) Prior to the appointment of the independent panel, the applicant shall provide the Director-General a report detailing the applicant's reasons for being unable to get agreement with the other parties, and the reasons for the cumulative criteria exceedances with demonstration that the applicant's activities are not the sole cause of the exceedances.	Not activated		
		10.2	Area of Affectation – Land Acquisition Note: In Condition 10.2 (a)-(h) "land" means the whole of a lot in a current plan registered at the Land Titles Office as at the date of this consent.			
			(a) The Applicant shall negotiate and purchase a property, as identified in conditions 5.1, 5.3 and/or 10.1, within six (6) months of a written request from the affected land owner.	Not activated		
			(b) In respect of a request to purchase land arising under this condition, the Applicant shall pay the owner the acquisition price which shall take into account and provide payment for:	Not activated		
			(i) a sum not less than the current market value of the owner's interest in the land at the date of this consent, as if the land was unaffected by coal transport operations along the Drayton rail loop and Antiene rail spur the subject of this DA, having regard to:	Not activated		
			• the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; and	Not activated		
			• the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of request is completed subsequent to that date.	Not activated		
			(ii) the owner's reasonable compensation for disturbance allowance and relocation costs within the Muswellbrook or Singleton Local Government Area, or within such other location as may be determined by the Director-General in exceptional circumstances;	Not activated		
			(iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price of the land and the terms upon which it is to be acquired.	Not activated		
			Notwithstanding any other condition of this consent, the landowner and the Applicant may, upon request of the landowner, acquire any property affected by the project during the course of this consent on terms agreed to between the Applicant and the landowner.	Not activated		
			(d) In the event that the Applicant and any owner referred to in this condition cannot agree within the time limit upon the acquisition price of the land and/or the terms upon which it is to be acquired, then:	Not activated		
			(i) either party may refer the matter to the Director-General, who shall request the President of the Australian Institute of Valuers and Land Economists to appoint a qualified independent valuer or Fellow of the Institute, who shall determine, after consideration of any submissions from the owners, a fair and reasonable acquisition price for the land as described in sub-clause (c) and/or terms upon which it is to be acquired;	Not activated		
			(ii) in the event of a dispute regarding outstanding matters that cannot be resolved, the independent valuer shall refer the matter to the Director-General, recommending the appointment of a qualified panel. The Director-General, if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:	Not activated		
			1) the appointed independent valuer,	Not activated		
			2) the Director-General or nominee, and	Not activated		
			3) the President of the Law Society of NSW or nominee.	Not activated		
			The qualified panel shall determine a fair and reasonable acquisition price as described in sub-clause (c) above and/or the terms upon which the property is to be acquired.	Not activated		
			(e) The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Director-General and the costs of determination referred to in sub clauses (c) and (d).	Not activated		
			(f) Upon receipt of a determination pursuant to sub-clauses (c) and (d), the Applicant shall, within 14 days, offer in writing to acquire the relevant land at a price not less than the determination. Should the Applicant's offer to acquire not be accepted by the owner within six (6) months of the date of such offer, the Applicant's obligations to purchase the property shall cease, unless otherwise agreed by the Director-General.	Not activated		
			(g) In the event that only part of the land is to be transferred to the Applicant, the Applicant shall pay all reasonable costs associated with obtaining Council approval to any plan of subdivision and registration of the plan at the Office of the Registrar-General	Not activated		
			(h) The provisions of this condition do not apply to a land owner who is the holder of an authority under the Mining Act, 1992.	Not activated		
		10.3	Joint Acquisition Management Plan The Applicant shall prior to commencement of the increased operations of the Drayton rail loop and Antiene rail spur, prepare a Joint Acquisition Management Plan with the owner of Bayswater rail loading facility and rail loop, to the satisfaction of the Director-General. The plan shall:	Document sighted	Joint Acquisition Management Plan	Compliant
			• Provide details of a joint approach to be adopted by the Applicant and the owner of the Bayswater rail loading facility and rail loop in regard to meeting the acquisition procedure requirements outlined in condition 10.2 of this consent relating to the cumulative impacts of the Drayton rail loop and Antiene rail spur, Drayton coal mine Bayswater rail loading facility and rail loop, Bayswater mine and the Mount Arthur North project if approved, should acquisition be required.	Document sighted	Joint Acquisition Management Plan	Compliant
		11	Further Approvals and Agreements			
		11.1	Statutory Requirements (a) The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Local Government Act 1993, Protection of the Environment Administration Act 1991, Protection of the Environment Operations Act 1997, and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by the MSC, EPA, DLWC, DMR, and RAC, are fully met.			

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