

Appendix 1

Compliance Review

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Table A1.1
Compliance Review – Project Approval 05_0136

Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
Schedule 3				
Administrative Conditions				
Obligation to Minimise Harm to the Environment				
1.	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.	Yes	Measures to prevent and/or minimise harm to the environment have generally been implemented as outlined within the various approved management plans and Mining Operations Plan.	D, O
Terms of Approval				
2.	The Proponent shall carry out the project generally in accordance with the: <ul style="list-style-type: none"> EA; statement of commitments; and conditions of this approval. <i>Note: The general layout of the project is shown in Figure 1 of Appendix 2.</i>	Yes	The project is being developed generally in accordance with the environmental assessment documents and the requirements in these conditions of approval.	D
3.	If there is any inconsistency between the above documents, the later document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	Noted	There are currently no inconsistencies between the documents.	-
4.	The Proponent shall comply with any reasonable and feasible requirements of the Director-General arising from the Department's assessment of: <ul style="list-style-type: none"> any reports, plans or correspondence that are submitted in accordance with the conditions of this approval; and the implementation of any actions or measures contained in these reports, plans or correspondence. 	Yes	The Company satisfactorily reviewed and resubmitted the Air Quality Management Plan as requested by the Director-General.	A, D
Limits on Approval				
5.	Mining operations may take place until 31 December 2028 on the Abel Site. <i>Note: Under this Approval, the Proponent is required to rehabilitate the site to the satisfaction of the Director-General and DPI. 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 to a satisfactory standard.</i>	Noted	Mining operations will continue during the approval period.	-
Yes# No# - Complied / not complied with. Compliance no longer required to be assessed * = Basis for assessment of compliance. D = Documentation sighted O = Observation during audit A = Advised by Company Employee				

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Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
6.	The Proponent shall not extract more than 4.5 million tonnes of ROM coal a year from the Abel site.	Yes	Approximately 212,954 tonnes of ROM coal was extracted during the reporting period.	D
7.	No more than 6.5 million tonnes of ROM coal may be processed on the Bloomfield site in a year.	Yes	Approximately 2.8 million tonnes of coal was processed on the Bloomfield site during the reporting period.	D
8.	All product coal produced on the Abel site shall be transported by rail via the Bloomfield rail loading facility. However, in emergencies some product coal may be transported from the site by road with the approval of the Director-General.	Yes	All product coal is transported by rail.	A
Structural Adequacy				
9.	The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA. <i>Notes: Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the Project.</i>	No	Construction Certificates have been received but not Occupation Certificates. Certifying body inspected once and requested changes. Changes have been made and the Certifying body requested to reinspect, but inspection not yet undertaken.	A
Demolition				
10.	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.	Yes	No demolition of buildings or other structures has been undertaken. Demountable buildings were removed.	A
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Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
Operation of Plant and Equipment				
11.	The Proponent shall ensure that all plant and equipment used on site is: <ul style="list-style-type: none"> maintained in a proper and efficient condition; and operated in a proper and efficient manner. 	Yes	Plant and equipment appeared to be maintained and operated in a proper and efficient manner. A Maintenance Planner submits a weekly maintenance plan which manages corrective and preventative maintenance.	O, A
Schedule 4 specific environmental conditions				
SUBSIDENCE				
Subsidence Impact Limits				
1.	The Proponent shall implement and comply with commitment 5 of the statement of commitments and the part of the statement of commitments titled "Subsidence Specific Commitments by the Company".	Noted	See Table A1.2 for compliance review.	-
2.	The Proponent shall ensure that there are no subsidence impacts on the Pambalong Nature Reserve or F3 Freeway.	Yes	No subsidence impacts have been identified. There has been no mining near these locations. The mine is not required to commence subsidence monitoring until secondary workings are commenced. Secondary workings have not yet commenced.	D
3.	The definition of "principal residence" in the statement of commitments is to include the following. <ul style="list-style-type: none"> All buildings and structures on, or proposed to be constructed on, the Catholic High School site. all buildings and structures on the Boral Hotmix Plant site. the 4 largest dams on the commercial orchard situated on Properties 52 and 53 while these dams are being used as part of a commercial agricultural enterprise. 	Noted		-
Yes# No# - Complied / not complied with. Compliance no longer required to be assessed * = Basis for assessment of compliance. D = Documentation sighted O = Observation during audit A = Advised by Company Employee				

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Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
4.	The Proponent may only carry out partial extraction under the cliff areas identified in Figure 2 of Appendix 2.	Not Yet Applicable	No extraction under cliff areas has been undertaken.	D, A
5.	Within 6 years of this approval, the Proponent shall ensure that subsidence has been effectively completed on the following: (a) Catholic Diocese of Maitland-Newcastle owned land: (insert Lot & DPs); and (b) Coal & Allied Operations Pty Limited owned land: (insert Lot & DPs).	Not Yet Applicable	Noted	D, A
6.	With the written agreement of the relevant landowner, the Proponent may: <ul style="list-style-type: none"> conduct additional mining operations and/or cause additional subsidence impacts beyond those permitted under conditions 2(a) and 3; and increase the time within which subsidence must be effectively completed under condition 5. 	Not Yet Applicable	Written approval will be sought if required.	-
Subsidence Management Plan				
7.	Prior to carrying out any underground mining operations that could lead to subsidence of the land surface, the Proponent shall prepare a Subsidence Management Plan (SMP) to the satisfaction of the Director-General of DPI. This plan must be prepared in accordance with the: <i>New Approval Process for Management of Coal Mining Subsidence – Policy</i> ; and <i>Guideline for Applications for Subsidence Management Approvals</i> (or the latest versions or replacements of these documents).	Not Applicable	Mining during reporting period has comprised only of first workings. Subsidence Management Plans are not required for first workings. Refer to Section 7.15 of MOP.	D, A
8.	In preparing the Subsidence Management Plan the Proponent shall pay particular attention to the potential surface impacts on all areas of proposed underground mining where: <ul style="list-style-type: none"> cover depths are less than 100metres; or overlying abandoned mine workings occur (e.g. Stockrington Colliery and beneath Blackhill Quarry). 	Not Yet Applicable	Noted	-
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First Workings Hazard Management Plan				
9.	<p>If the proponent intends to carry out first workings under the following surface features, then it shall include a First Workings Hazard Management Plan in the relevant Subsidence Management Plan for these workings, which describes in detail how these workings would be managed and monitored to ensure compliance with this approval and the contingency measures that would be implemented if the impacts on these surface features are greater than predicted:</p> <ul style="list-style-type: none"> • all buildings and structures on the Black Hill Public School, Black Hill Church and cemetery, and Boral Hotmix Plant sites; • all buildings and structures on, or proposed to be constructed on the Catholic High School site; • the 4 largest dams on the commercial orchard situated on Properties 52 and 53 while these dams are being used as part of a commercial agricultural enterprise; and • all Schedule 2 creeks, rainforest areas and the Blue Gum Creek alluvium (see Figure 2 in Appendix 2). 	Not Yet Applicable	These locations have not yet been mined.	D, A
WATER MANAGEMENT				
Discharge				
10.	<p>Except as may be expressly provided for by an EPL, the Proponent shall not discharge any surface waters from the site. However, water may be transferred within the site, and between the site and the adjoining Donaldson, Bloomfield and Tasman mines, in accordance with any approved Water Management Plan (see below).</p>	Yes	Approximately 1.5ML water is transferred to the Big Kahuna weekly, totally approximately 78ML for the reporting period.	A
Water Management Plan				
11	<p>The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <ul style="list-style-type: none"> • be submitted to the Director-General for approval within 6 months of this approval; • be prepared by suitably qualified expert/s whose appointment/s have been approved by the Director-General, • be prepared in consultation with the DECC and DWE; • be integrated, as far as is practicable, with the water management plans of the adjoining Bloomfield, Donaldson and Tasman mines; and 	Yes#	The Water Management Plan (March 2008) was prepared by approved consultants in consultation with the (then) DECC and DWE and approved by the DoP on 5 May 2008. The Abel Water	D
<p>Yes# No# - Complied / not complied with. Compliance no longer required to be assessed * = Basis for assessment of compliance. D = Documentation sighted O = Observation during audit A = Advised by Company Employee</p>				

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Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
	<ul style="list-style-type: none"> • include a: • Site Water Balance; • Erosion and Sediment Control Plan; • Surface Water Monitoring Plan; • Groundwater Monitoring Program; and • Surface and Groundwater Response Plan, setting out the procedures for: <ul style="list-style-type: none"> - <i>investigating, and if necessary mitigating, any exceedances of the surface or groundwater assessment criteria (see below); and</i> - responding to any unforeseen impacts of the project. 		Management Plan has been integrated with the water management plans for the Donaldson Coal and Bloomfield Collieries. The Water Management Plan includes all the required sections.	
Site Water Balance				
12.	The Site Water Balance must: <ul style="list-style-type: none"> (a) include details of: <ul style="list-style-type: none"> • sources of water; • reliability of water supply; • water use on site; • water management on site; • off-site water transfers; • reporting procedures; and (b) describe measures to minimise water use by the project. 	Yes#	The details of the site water balance are contained in the Water Management Plan: The Site Water Balance includes all listed requirements.	D
Erosion and Sediment Control				
13.	The Erosion and Sediment Control Plan must: <ul style="list-style-type: none"> (a) be consistent with the requirements of the Department of Housing's <i>Managing Urban Stormwater: Soils and Construction</i> manual; (b) identify activities that could cause soil erosion and generate sediment; (c) describe measures to minimise soil erosion and the potential for 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 monitor and maintain the structures over time. 	Yes#	The Erosion and Sediment Control Plan is generally consistent with the requirements of the Department of Housing's <i>Managing Urban Stormwater: Soils and Construction</i> manual and includes all listed requirements.	D
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Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
Surface Water Monitoring Program				
14.	The Surface Water Management and Monitoring Plan must include: <ul style="list-style-type: none"> detailed baseline data on surface water flows and quality in creeks and other water bodies that could be affected by the project; surface water impact assessment criteria; a program to monitor the impact of the project on surface water flows and quality; procedures for reporting the results of this monitoring. 	Yes#	The Surface Water Management and Monitoring Plan is included in the Water Management Plan and includes all listed requirements.	D
Groundwater Monitoring Program				
15.	The Groundwater Monitoring Program must include: <ul style="list-style-type: none"> further development of the regional and local groundwater model; detailed baseline data to benchmark the natural variation in groundwater levels, yield and quality (including at any privately-owned bores in the vicinity of the mine); groundwater impact assessment criteria; monitoring of the Pambalong Nature Reserve and rainforest areas; a program to monitor the impact of the project on groundwater levels, yield and quality; and procedures for reporting the results of this monitoring. 	Yes#	The Groundwater Monitoring Program is included in the Water Management Plan (March 2008) and includes all the listed requirements.	D
LANDSCAPE MANAGEMENT Rehabilitation				
16	The Proponent shall rehabilitate the site to the satisfaction of the Director-General and DPI (Minerals).	Not Yet Applicable	The site will be rehabilitated to the satisfaction of the Director-General at completion of mining.	A
Vegetation Offset				
17.	The Proponent shall provide a suitable offset of at least 20ha for the 12.3 hectares of native vegetation that would be disturbed by the project, in consultation with DECC, and to the satisfaction of the Director-General. This offset must include the establishment of at least 10 hectares of Lower Hunter Spotted Gum Ironbark Forest to ensure that there is no net loss of this vegetation on site in the medium to long term. The offset must be contiguous with existing native vegetation and be capable of enhancing local and regional wildlife corridors.	Not Yet Applicable	The offset relates to the land clearing which will be undertaken for construction of the overland conveyor. The identification of a suitable vegetation offset area of 20ha is being sought by Donaldson Coal to meet the requirements of this condition.	A, D
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Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
Flora and Fauna Management in Farm Dams				
18	As part of its proposed Dam Monitoring and Management Strategy the Proponent shall prepare a flora and fauna assessment of farm dams which may be impacted by subsidence (with particular reference to potential impacts on threatened species). The Dam Monitoring and Management Strategy shall include measures to minimise impacts on threatened species to the satisfaction of the Director-General.	Yes#	Section 5.2.1 of the Flora and Fauna Management Plan provides a Dam Monitoring and Management Plan. This plan outlines the species, habitats and monitoring proposed for the dams identified in the Environmental Assessment, above the underground mining areas.	D
Landscape Management Plan				
19.	The Proponent shall prepare and implement a detailed Landscape Management Plan for the site to the satisfaction of the Director-General and DPI. This plan must: <ul style="list-style-type: none"> • be submitted to the Director-General for approval within 6 months of this approval; • be prepared by suitably qualified expert/s whose appointment/s have been endorsed by the Director-General; • be prepared in consultation with DWE, DECC and affected Councils; and • include a: <ul style="list-style-type: none"> - Rehabilitation Management Plan; - Final Void Management Plan; and - Mine Closure Plan. 	Yes#	The Landscape Management Plan (November 2007) was prepared by approved consultants in consultation with the (then) DECC and DWE and affected Councils. The Landscape Management Plan includes all the required sections and was approved by DoP on 11 February 2008.	D
Rehabilitation Management Plan				
20.	The Rehabilitation Management Plan must include: <ul style="list-style-type: none"> (a) the rehabilitation objectives for the site; (b) a strategic description of how the rehabilitation of the site would be integrated with the 4,400 hectares of land owned by the Proponent surrounding the site, with a view to improving or enhancing the regional landscape and flora and fauna habitat values; (c) a general description of the short, medium and long term measures that would be implemented to rehabilitate the site; 	Yes#	The Rehabilitation Management Plan is included in the Landscape Management Plan (November 2007) and includes all the listed requirements.	D
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	<p>(d) a detailed description of the measures that would be implemented over the next three years to rehabilitate the site, including the measures to be implemented for:</p> <ul style="list-style-type: none"> • progressively rehabilitating areas disturbed by mining operations on the site; • managing the remnant vegetation and habitat on site; • revegetating, monitoring and maintaining the offset area; • undertaking additional pre-subsidence fauna surveys; • minimising impacts on threatened fauna; • minimising visual impacts; • conserving and reusing topsoil; • collecting and propagating seeds for rehabilitation works; • salvaging and reusing material from the site for habitat enhancement; • controlling weeds, feral pests, and access; • managing bushfires; and • managing any potential conflicts between the rehabilitation works and Aboriginal cultural heritage. <p>(e) detailed performance and completion criteria for the rehabilitation of the site;</p> <p>(f) a detailed description of how the performance of the rehabilitation works would be monitored over time to achieve the stated objectives and against the relevant performance and completion criteria; and</p> <p>(g) details of who is responsible for monitoring, reviewing and implementing the plan.</p>			
Final Void Management				
21	<p>The Final Void Management Plan must describe what actions and measures would be implemented to:</p> <p>(a) minimise any potential adverse impacts associated with the modified final void of the Donaldson mine on the Abel site; and</p> <p>(b) manage and monitor the potential impacts of this final void over time.</p>	Yes#	The Final Void Management Plan meets the listed requirements.	A
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Mine Closure Plan																																																																										
22.	The Mine Closure Plan must: <ul style="list-style-type: none"> (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 and regional employment levels; (d) describe the measures that would be implemented to minimise or manage the on-going environmental effects of the project; and (e) describe how the performance of these measures would be monitored over time. 	Yes#	The Mine Closure Plan includes the listed requirements.	A																																																																						
NOISE																																																																										
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23.	The Proponent shall ensure that the noise generated by the project does not exceed the noise limits in Table 1 on any residence on privately-owned land. <i>Table 1: Noise limits dB(A)</i>	Yes	Noise monitoring was conducted by Heggies at the nearest potentially affected receivers during December 2008 and March 2009. Abel mine operations were audible at location F during March monitoring but did not exceed the project goal with DECCW allowance for field measurements. The mine was not audible at all other locations.	D																																																																						
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24.	The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must: <ul style="list-style-type: none"> (a) be submitted to the Director-General for approval within 6 months of this approval; (b) be prepared in consultation with the DECC; and (c) use a combination of attended and unattended monitoring measures to monitor the performance of the project. 	Yes#	The Noise Management was approved by DoP on 2 June 2008.	A																																																																						
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AIR QUALITY																											
Impact Assessment Criteria																											
25.	<p>The Proponent shall ensure that dust generated by the project does not cause additional exceedances of the criteria listed in Tables 2 to 4 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.</p> <p><i>Table 2: Long term impact assessment criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>30 µg/m³</td> </tr> </tbody> </table> <p><i>Table 3: Short term impact assessment criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>50 µg/m³</td> </tr> </tbody> </table> <p><i>Table 4: Long term impact assessment criteria for deposited dust</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m²/month</td> <td>4 g/m²/month</td> </tr> </tbody> </table>	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	Maximum total deposited dust level	Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month	Yes	Monitoring indicates there were no exceedances of the criteria for deposited dust or suspended particulate matter.	D
Pollutant	Averaging period	Criterion																									
Total suspended particulate (TSP) matter	Annual	90 µg/m ³																									
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26.	<p>The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. This program must:</p> <ul style="list-style-type: none"> • be submitted to the Director-General for approval within 6 months of this approval; • be prepared in consultation with the DEC; and • use a combination of high volume samplers and dust deposition gauges to monitor the performance of the project. 	Yes#	The Air Quality Monitoring Plan was prepared in consultation with the (then) DECC and submitted to the Director-General within 6 months of the Project Approval. A revised plan was approved by DoP on 26.02.08.	A																							
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Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
METEOROLOGICAL MONITORING				
27.	During the project, the Proponent shall maintain a suitable meteorological station on site to the satisfaction of the DECC and Director-General. This station must satisfy the requirements in the <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> publication.	Yes	The meteorological station established at the Donaldson mine satisfies the requirements of this condition and has been approved by the DoP.	D
HERITAGE				
Aboriginal Heritage Management Plan				
28.	The Proponent shall not destroy any known Aboriginal objects (as defined in the <i>National Parks and Wildlife Act 1974</i>) without the written approval of the Director-General.	Yes	No Aboriginal objects have been destroyed.	A
29.	The Proponent shall prepare and implement an Aboriginal Heritage Management Plan for the project to the satisfaction of the Director-General. This plan must: <ul style="list-style-type: none"> be submitted the Director-General within 6 months of this approval; be prepared in consultation with the DEC and the Mindaribba and Awakabal Local Aboriginal Land Councils; and include a: <ul style="list-style-type: none"> comprehensive Aboriginal heritage survey across both the Abel Site and the Bloomfield site, staged so as to be complete prior to any disturbance; salvage program for temporarily storing and then replacing retrieved material; protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage; describe the measures that would be implemented to protect Aboriginal sites on site, or if any new Aboriginal objects or skeletal remains are discovered. 	Yes#	A revised Aboriginal Heritage Management Plan was approved by DoP on 11.02.08 and endorsed by both Local Aboriginal Land Councils. It addresses all listed requirements.	D
Yes# No# - Complied / not complied with. Compliance no longer required to be assessed * = Basis for assessment of compliance. D = Documentation sighted O = Observation during audit A = Advised by Company Employee				

Table A1.1 (Cont'd)
Compliance Review – Project Approval 05_0136

Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
VISUAL IMPACT				
Visual Amenity				
30.	The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.	Yes	The Final Void Management Plan and Mine Closure Plan outline a proposal to have shrub and tree plantings along the outside edge of the bund walls to lessen the visual impact and rehabilitation in accordance with the post-mining rehabilitation criteria and land use.	D
Lighting Emissions				
31.	The Proponent shall ensure that no outdoor lights on the site shine above the horizontal.	Yes	Lighting is shielded at the CHPP and the standard lights used on the mine site are maintained to reduce light scatter above the horizontal. One complaint in relation to lights was received.	O, A
GREENHOUSE GASES				
Energy Savings Action Plan				
32.	The Proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Director-General. This plan must be prepared in accordance with any requirements or relevant guidelines of DWE, and submitted to the Director-General for approval within 6 months of this approval.	Yes#	The revised ESAP (December 2007) was approved by DoP on 13.02.08.	D
Recording and Reporting				
33.	The Proponent shall: <ul style="list-style-type: none"> record the greenhouse gas emissions generated by the project, and the effectiveness of the measures implemented under the Energy Savings Action Plan; and report on this monitoring in the AEMR. 	Yes	The mine has commenced NGER reporting but outside of this reporting period. Reports will be included in subsequent AEMRs.	A
Yes# No# - Complied / not complied with. Compliance no longer required to be assessed * = Basis for assessment of compliance. D = Documentation sighted O = Observation during audit A = Advised by Company Employee				

Table A1.1 (Cont'd)
Compliance Review – Project Approval 05_0136

Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
WASTE				
Disposal of Tailings and Coarse Reject				
34.	The Proponent shall ensure that the: <ul style="list-style-type: none"> fine tailings generated by the project are disposed of within existing underground workings or open cut pits on the Bloomfield site; and coarse rejects generated by the project are disposed of within existing open cut pits on the Bloomfield site, to the satisfaction of the Director-General.	Yes	All tailings and coarse reject are disposed of by Bloomfield CHPP in accordance with the contract between Donaldson Coal and Bloomfield. Bloomfield report on the disposal in their AEMR.	A
Waste Minimisation				
35.	The Proponent shall: <ul style="list-style-type: none"> monitor the amount of waste generated by the project; investigate ways to minimise waste generated by the project; implement reasonable and feasible measures to minimise waste generated by the project; ensure irrigation of treated wastewater is undertaken in accordance with DEC's <i>Environmental Guideline for the Utilisation of Treated Effluent</i>; and report on waste management and minimisation in the AEMR, to the satisfaction of the Director-General. 	Yes	Waste management and minimisation is reported in this AEMR and is implemented in accordance with the waste hierarchy adopted by Donaldson Coal (i.e. avoidance, reuse, recycle/reprocessing, and disposal. It is understood that waste water is not currently irrigated.	A, O
SCHEDULE 5				
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING				
ENVIRONMENTAL MANAGEMENT STRATEGY				
1.	The Proponent shall prepare and implement an Environmental Management Strategy for that project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General within 6 months of this approval, and: <ul style="list-style-type: none"> provide the strategic context for environmental management of the project; identify the statutory requirements that apply to the project; describe in general how the environmental performance of the project would be monitored and managed; describe the procedures that would be implemented to: 	Yes#	The EMS was submitted within the required timeframe and a revised EMS was approved by DoP on 26.02.08 and includes all listed requirements.	D
Yes# No# - Complied / not complied with. Compliance no longer required to be assessed				
* = Basis for assessment of compliance.				
D = Documentation sighted O = Observation during audit A = Advised by Company Employee				

Table A1.1 (Cont'd)
Compliance Review – Project Approval 05_0136

Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
SCHEDULE 5 CONT'D				
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING				
ENVIRONMENTAL MANAGEMENT STRATEGY				
	<ul style="list-style-type: none"> 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 project activities; respond to any non-compliance; manage cumulative impacts; and respond to emergencies; and describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project. 			
ENVIRONMENTAL MONITORING PROGRAM				
2.	The Proponent shall prepare and implement an Environmental Monitoring Program for the project to the satisfaction of the Director-General. This program must consolidate the various monitoring requirements in schedule 4 of this approval into a single document, and be integrated as far as is practicable with the monitoring programs of the adjoining Bloomfield, Donaldson and Tasman mines.	Yes#	The Integrated Environmental Monitoring Program includes noise, blasting, air quality, surface water, groundwater, Aboriginal and cultural heritage, flora and fauna and meteorological monitoring for the Donaldson, Tasman, Abel and Bloomfield mines. It was approved by DoP on 07.12.07. The program will be reviewed in the next reporting period now to incorporate changes to monitoring for the Bloomfield Colliery.	D, A
Yes# No# - Complied / not complied with. Compliance no longer required to be assessed * = Basis for assessment of compliance. D = Documentation sighted O = Observation during audit A = Advised by Company Employee				

Table A1.1 (Cont'd)
Compliance Review – Project Approval 05_0136

Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
INCIDENT REPORTING				
3.	Within 7 days of detecting an exceedance of the limits/performance criteria in this approval, or an incident causing (or threatening to cause) material harm to the environment, the Proponent shall report the exceedance/incident to the Department and any other relevant agency. This report must: <ul style="list-style-type: none"> • describe the date, time and nature of the exceedance/incident; • identify the cause (or likely cause) of the exceedance/incident; • describe what action has been taken to date; and • describe the proposed measures to address the exceedance/incident. 	Yes	No such incidents occurred. A specific Emergency Response Plan has been developed by the Abel Coal Project team to provide procedures and processes for response to any incident related to the project.	A
ANNUAL REPORTING				
4.	Within 12 months of this approval, and annually thereafter, the Proponent shall submit an AEMR to the Director-General and to all relevant agencies. This report must: <ul style="list-style-type: none"> • identify the standards and performance measures that apply to the project; • describe the works carried out in the last 12 months; • describe the works that will be carried out in the next 12 months; • include a summary of the complaints received during the past year, and compare this to the complaints received in previous years; • include a summary of the monitoring results for the project during the past year; • include an analysis of these monitoring results against the relevant: <ul style="list-style-type: none"> • impact assessment criteria/limits; • monitoring results from previous years; and • predictions in the EA; • identify any trends in the monitoring results over the life of the project; • identify any non-compliance during the previous year; and • describe what actions were, or are being, taken to ensure compliance. 	Yes	The first AEMR for the Abel mine was prepared in June 2008 and submitted to DoP and all relevant agencies. No feedback from DoP or other agencies was received.	D
Yes# No# - Complied / not complied with. Compliance no longer required to be assessed * = Basis for assessment of compliance. D = Documentation sighted O = Observation during audit A = Advised by Company Employee				

Table A1.1 (Cont'd)
Compliance Review – Project Approval 05_0136

Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
INDEPENDENT ENVIRONMENTAL AUDIT				
5.	<p>Within 1 year of this approval, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <ul style="list-style-type: none"> • be conducted by suitably qualified, experienced and independent expert/s whose appointment has been endorsed by the Director-General; • include consultation with the relevant agencies; • assess the various aspects of the environmental performance of the project, and its effects on the surrounding environment; • assess whether the project is complying with the relevant standards, performance measures and statutory requirements; • review the adequacy of any strategy/plan/program required under this approval; and, if necessary, recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval. 	Yes	<p>The Director-General endorsed Trevor Brown of Trevor Brown & Associates to conduct the Independent Environmental Audit of the Abel mine in March 2007.</p> <p>This Independent Environmental Audit was conducted on 26 to 29 May 2008, ie. within 1 year of the approval.</p>	D
6.	<p>Within 3 months of completing this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, with its response to any recommendations contained in the audit report.</p>	Yes	<p>The Audit Report and responses were submitted to DoP on 04.07.08. A letter from DoP dated 04.08.08 accepts the audit and notes that the weather station at Donaldson mine needs approval by 31 Aug 2008. Approval of the Donaldson weather station was given in September 2008.</p>	D
7.	<p>Within 3 months of completing the audit, the Proponent shall review, and if necessary revise, the various strategies/plans/programs required under this approval to the satisfaction of the Director-General.</p>	Yes	<p>No revisions required.</p>	A
<p>Yes# No# - Complied / not complied with. Compliance no longer required to be assessed * = Basis for assessment of compliance. D = Documentation sighted O = Observation during audit A = Advised by Company Employee</p>				

Table A1.1 (Cont'd)
Compliance Review – Project Approval 05_0136

Cond. No.	Conditional Requirement	Compliance	Comments	Basis*
COMMUNITY CONSULTATIVE COMMITTEE				
8.	<p>Within 3 months of this approval, the Proponent shall establish a Community Consultative Committee for the project. This committee must:</p> <p>(a) be comprised of:</p> <ul style="list-style-type: none"> • 2 representatives from the Proponent, including the person responsible for environmental management at the mine; • at least 1 representative from Council (if available); and • at least 3 representatives from the local community, <p>whose appointment has been approved by the Director-General;</p> <p>(b) be chaired by an independent chairperson, whose appointment has been approved by the Director-General;</p> <p>(c) meet at least twice a year;</p> <p>(d) review the Proponent's performance with respect to environmental management and community relations;</p> <p>(e) undertake regular inspections of the mining operations;</p> <p>(f) review community concerns or complaints about the mine operations, and the Proponent's complaints handling procedures; and</p> <p>(g) provide advice to:</p> <ul style="list-style-type: none"> • the Proponent on improved environmental management and community relations, including the provision of information to the community and the identification of community initiatives to which the Proponent could contribute; • the Department regarding the conditions of this approval; and • the general community on the performance of the mine with respect to environmental management and community relations; and <p>(h) be operated generally in accordance with any guidelines the Department may publish in regard to the operation of Community Consultative Committees for mining projects.</p>	Yes#	It is advised that the committee was formed within the required timeframe with the first meeting held on 5 December 2007. The committee consists of the required representatives and is considered to have met the requirements of this condition.	A, D
<p>Yes# No# - Complied / not complied with. Compliance no longer required to be assessed * = Basis for assessment of compliance. D = Documentation sighted O = Observation during audit A = Advised by Company Employee</p>				

Table A1.2
Compliance Review – Statement of Commitments

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Comm No.	Commitment	Compliance	Comments	Basis*
0. General	The Applicant shall carry out the development generally in accordance with the: (a) Abel Underground Mine Part 3A Environmental Assessment. If there is any inconsistency between the conditions of this Statement of Commitments and a document listed above the conditions of this Statement of Commitments shall prevail to the extent of the inconsistency.	Yes	The project is being developed generally in accordance with the environmental assessment documents and the requirements in these conditions of approval.	D, O, A
1. Production	1.1 No more than 4.5 million tonnes of ROM coal a year will be mined from the Abel Underground Mine. 1.2 No more than 6.5 million tonnes of ROM coal a year will be processed at the Bloomfield CHPP. 1.3 No more than 5.0 million tonnes per annum of product coal will be transported on the Bloomfield Rail Loop.	Yes	During the reporting period 213 000t ROM coal was mined from Abel Mine. 2 811 174t ROM coal was processed through Bloomfield CHPP and Product coal transported on the Bloomfield rail does not exceed criteria.	A
2. Hours of Operation	2.1 The Abel Underground Mine will operate 24 hours per day, seven days per week. 2.2 <i>The Bloomfield CHPP will operate 24 hours per day, seven days per week.</i> 2.3 The Bloomfield Rail Loop will operate 24 hours per day, seven days per week.	Noted	Abel mine and the Bloomfield facilities operate 24 hours per day.	-
3. Noise	3.1 Construction Activities The following noise control measures will be implemented prior to commencement of construction of the Abel Underground Mine or the upgrade of the Bloomfield CHPP; (a) Maintain all machinery and equipment in working order; (b) No construction activities at the Abel pit top will take place on Sundays or Public Holidays; (c) Where possible locate noisy site equipment behind structures that act as barriers or at the greatest distance from noise sensitive areas; (d) Orient equipment so that noise emissions are directed away from noise sensitive areas.	Yes	It is advised that the construction activities during the reporting period were undertaken in compliance with these requirements.	A

**Table A1.2
Compliance Review – Statement of Commitments (Cont/d)**

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Comm No.	Commitment	Compliance	Comments	Basis*
	<p>3.2 Noise Control Measures</p> <p>(a) The following noise control measures will be implemented prior to the mining of coal from the Abel Underground Mine:</p> <ul style="list-style-type: none"> • orientation of the ventilation fan towards the north-west, away from residential receivers and angle the output parallel to the ground. • the sound power level of the front end loader to be used near the portal should not exceed 113 dBA and will be fitted with a noise sensitive reversing alarm. <p>(b) The following noise control measures will be implemented prior to the Bloomfield CHPP receiving any ROM coal from the Abel Underground Mine:</p> <ul style="list-style-type: none"> • Noise mitigation works including partial enclosure and noise screening of drives and conveyors of the Bloomfield CHPP to screen residences to the north of the site. 	Yes#	<p>(a) The ventilation fan has been installed in the prescribed manner and orientation. The equipment used near the portal to the underground mine are fitted with 'quackers' rather than beepers to reduce noise nuisance.</p> <p>(b) The Bloomfield CHPP has had noise screening enclosures fitted to the drives and conveyors to reduce noise emission received at residences to the north.</p> <p>Noise monitoring was conducted for the ventilation shafts.</p>	A, D
	<p>3.3 Monitoring</p> <p>Within 6 months of this approval being granted a Noise Monitoring Program shall be prepared and implemented for the Abel Underground Mine and the Bloomfield CHPP, to the satisfaction of the Director-General. The Noise Monitoring Program shall include a combination of real-time and supplementary attended monitoring measures, and a noise monitoring protocol for evaluating compliance with the noise environmental assessment. This plan will be integrated with the monitoring plans for the Tasman, Donaldson and Bloomfield Mines to provide a single integrated Noise Monitoring Program for all 4 mines</p>	Yes#	<p>The Noise Monitoring Program was prepared by Heggies in consultation with the DECC and is incorporated into the Integrated Environmental Monitoring Plan. The program meets the requirements, was first submitted to the DoP on 02.12.07 and an amended program was approved on 02.06.08.</p>	D

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	<p>3.4 Continuous Improvement The Company shall:</p> <ul style="list-style-type: none"> (a) report on these investigations and the implementation of any new noise mitigation measures on site in the AEMR, to the satisfaction of the Director-General. (b) The operator of the Bloomfield CHPP shall: (c) investigate ways to reduce the noise generated by the Bloomfield CHPP, including maximum noise levels which may result in sleep disturbance; (d) implement all reasonable and feasible best practice noise mitigation measures on the site; and (e) report on these investigations and the implementation of any new noise mitigation measures on site in the AEMR, to the satisfaction of the Director-General. 	<p>Yes</p> <p>Not Assessed</p>	<p>Annual Noise Reports reported in AEMR. No additional noise measures are considered warranted at this time.</p> <p>It is understood that Bloomfield has undertaken shielding at the CHPP to reduce noise impacts. An inspection of the Bloomfield CHPP was not undertaken as part of this report. Any investigations would be reported within the AEMR for the Bloomfields operation.</p>	<p>D, A</p>
<p>4. Air Quality</p>	<p>4.1 Construction The following actions shall be adopted in relation to dust control on the site during construction of the proposed Abel Underground Mine and the modifications to the Bloomfield CHPP:</p> <ul style="list-style-type: none"> • Minimise the area to be disturbed; • Progressively rehabilitate disturbed areas as soon as practicable; • Restrict vehicle movements to specified routes; • Provide speed limited signage around the mine site; • Dust suppression using water sprays; • Commence landscaping as soon as practicable; • Install dust gauges to monitor dust deposition levels at sensitive receptors. A minimum of 11 locations are proposed. 	<p>Yes</p>	<p>Construction during the reporting period included installation of surface infrastructure facilities. All disturbance was contained within previously disturbed areas and disturbed areas around buildings have been landscaped where practicable. Vehicle movements and speed limits are restricted. A water truck was available for dust suppression. Dust was monitored in accordance with the Air Quality Monitoring Program at 4 locations.</p>	<p>A, O</p>

**Table A1.2
Compliance Review – Statement of Commitments (Cont/d)**

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Comm No.	Commitment	Compliance	Comments	Basis*
	<p>4.2 Air Quality Control Measures</p> <p>(a) The following actions would be adopted in relation to dust control on the site during operation of the proposed Abel Underground Mine and the operation of the Bloomfield CHPP:</p> <ul style="list-style-type: none"> • All mobile equipment will be maintained in good working order to limit exhaust fumes. • Regular watering of all roads; • Use water sprays periodically on open stockpile areas and regular visual inspection will be undertaken and water sprays activated as required. <p>(b) Dust emissions generated by the Abel Underground Mine and the Bloomfield CHPP will not exceed any statutory limits.</p> <p>(c) Dust control on site is to be aimed at prevention of air pollution and prevention of the degradation of local amenity.</p> <p>(d) Dust controls on the site will comply with all relevant NSW DEC guidelines and any applicable Environment Protection Licence issued under the POEO Act 1997.</p> <p>(e) Regular inspections for excessive visible dust generation will be undertaken and appropriate controls will be implemented when such events occur. This will include ceasing operations during high wind conditions if necessary to ensure effective dust control.</p>	Yes	<p>Mobile equipment is regularly serviced in accordance with manufacturers' requirements. Access roads and hard stand areas are surfaced. A dedicated water truck is in use on unsealed areas. Water sprays on stockpiles are used as required in dry dusty conditions. Dust monitoring results indicate no exceedances of criteria. Daily site inspections address dust issues.</p>	D, A, O
	<p>4.4 Monitoring</p> <p>Within 6 months of the grant of this approval an Air Quality Monitoring Program shall be prepared and implemented for the Abel Underground Mine and the Bloomfield CHPP, to the satisfaction of the Director-General.</p>	Yes#	<p>The Air Quality Monitoring Program was submitted to the Director-General within 6 months of the Project Approval and approved for use on 26.02.08.</p>	D

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	<p>4.4 Monitoring Cont'd</p> <p>(a) The Air Quality Monitoring Program shall include a combination of real-time and supplementary attended monitoring measures (including real-time air quality monitoring for 24-hour average PM10 and the recording of required meteorological monitoring data) and an air quality monitoring protocol for evaluating compliance with the air quality environmental assessment. This plan will be integrated with the existing monitoring plans for the Tasman, Donaldson and Bloomfield Mines to provide a single integrated Air Monitoring Program for all 4 mines.</p> <p>(b) Within 6 months of this approval, the Company shall ensure that there is a suitable meteorological station operating in the vicinity of the development in accordance with the requirements in Approved Methods for Sampling of Air Pollutants in New South Wales.</p>		<p>The program addresses all of the listed requirements. The program includes the use of the Donaldson open-cut mine meteorological station. The program was incorporated into the Integrated Environmental Monitoring Program.</p>	
<p>5.Surface Water Management - Abel Underground Mine</p>	<p>5.1 Schedule 1 streams</p> <p>(a) Schedule 1 streams (as defined in the DIPNR 2005 guideline, "Management of stream/aquifer systems in coal mining developments") will be managed via the implementation of mitigation and remediation works where needed to ensure that:</p> <ul style="list-style-type: none"> • stream stability is maintained where subsidence occurs • stream fractures are minimised • stream channels are maintained with minimal incision from bed grade change; and • stream bed grade change is minimised to provide stable stream length. <p>(b) Where any stream stability controls are required they will be designed in accordance with the Rehabilitation Manual for Australian Streams (Land and Water Resources Research and Development Corporation, 2000) and will be provided primarily by vegetation.</p>	<p>Not Yet Applicable</p>	<p>There has been no mining with potential to result in subsidence under surface water courses or structures.</p>	<p>A, D</p>

Table A1.2
Compliance Review – Statement of Commitments (Cont/d)

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Comm No.	Commitment	Compliance	Comments	Basis*
	<p>5.2 Schedule 2 streams</p> <p>(a) Schedule 2 streams (as defined by DIPNR, 2005) will be managed so as to ensure that:</p> <ul style="list-style-type: none"> • they maintain pre-mining course, and maintain bed channel gradients which do not initiate erosion; • they maintain pool riffle sequences where they pre-existed, or have pool riffle sequences installed where appropriate; • they maintain connectivity to underground workings, and flow loss to fracture zones in similar levels to pre-mining; • they maintain geomorphic integrity of the stream; • the ecosystem habitat values of the stream are protected; • no significant alteration of the water quality occurs in the stream. 	Not Yet Applicable	As Above	A, D
	<p>The above commitments for Schedule 2 streams will be achieved by:</p> <ul style="list-style-type: none"> • the provision of a minimum barrier of 40m between the 20 millimetre line of subsidence and the bank of any Schedule 2 streams; or • the carrying out of further detailed studies and the development of a Surface Water Management Plan for the Abel Underground Mine which clearly demonstrates that the above commitments can be met prior to any mining occurring which will impact on any Schedule 2 streams. 	Not Yet Applicable	The Surface Water Management Plan would be upgraded as necessary prior to this time.	A
	<p>Blue Gum Creek Alluvium</p> <p>For the lower reach of Blue Gum Creek (from the confluence of Long Gully and Blue Gum Creek downstream), a buffer will be provided which provides for no more than 20mm of subsidence at 40m from the edge of the alluvium will be adopted, and within the buffer zone no significant subsidence will occur.</p>	Not Yet Applicable	The required buffer will be maintained when mining causing subsidence reaches these areas.	A
	<p>Rainforest Communities</p> <p>Subsidence in the rain forest protection zones identified on Figure 2.2 will be limited to 20mm of subsidence at the edge of the zone identified unless further studies can demonstrate that there will be no significant impact on the rainforest communities within the buffer zone with greater subsidence impacts.</p>	Not Yet Applicable	The required buffer will be maintained when mining causing subsidence reaches these areas.	A

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	<p>Surface Water Management Plan Prior to mining occurring that will impact on any Schedule 1 streams the Surface Water Management Plan for the Abel Underground Mine will be developed so as to address the following in relation to schedule 1 streams:</p> <ul style="list-style-type: none"> • detailed identification of risk factors on a case-by-case basis; • setting up of permanent monitoring locations along watercourses as well as regular inspection regimes; • continuation of baseline data collection on water flow conditions and health indicators (such as macro-invertebrates); • establishment of trigger levels that will be used to assess whether any changes observed through monitoring warrant responsive action; and • details of responsive and remedial action to be undertaken if required. • require the identification of any existing degradation in the streams prior to mining to allow differentiation of that degradation induced by the mining. • provide for a post-mining assessment of any streams within the area of mine subsidence within six (6) months of the initial subsidence. • provide for a subsequent assessment within eighteen (18) months of the initial subsidence to confirm that post-mining degradation resulting from the mining is successfully remediated. • require any remediation works to be implemented to a standard approved by DNR, where the assessment has indicated degradation of the streams in the area of mining induced subsidence, and thereafter on an annual basis until any mining induced stream instability is addressed to the standard approved. 	<p>Not Yet Applicable</p>	<p>The Surface Water Management Plan would be upgraded as required prior to such mining occurring.</p>	<p>A</p>

**Table A1.2
Compliance Review – Statement of Commitments (Cont/d)**

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Comm No.	Commitment	Compliance	Comments	Basis*
	<p>Surface Water Management Plan Cont'd</p> <ul style="list-style-type: none"> • require a photographic record of stream stability for areas where either fracturing is detected (at maximum strain points), or at maximum tilts within the subsidence envelope. • Where it is proposed not to leave a barrier around a Schedule 2 stream a detailed assessment will be undertaken for the stream and provided to DNR addressing the proposed impacts on it. The detailed assessment will include as a minimum: <ul style="list-style-type: none"> • assessment of the geomorphic and vegetation condition and aquatic habitat for the stream; • selective measurements of channel boundary sediment size; • predications of subsidence and cracks/fractures throughout the stream; • a detailed photographic record of the existing stream condition; • a map of the spatial distribution of alluvium and colluvial aprons throughout the stream; • collection of background data for the main areas of alluvium for the shallow alluvial aquifer by the installation and regular monitoring of a network of piezometers and/or wells in the main areas of alluvium for the shallow alluvial aquifer; • assessment of the location and activity of springs, pipes/tunnels and/or salt seepages/efflorescences; • measurement of current bed slope and any pool-riffle sequences on each channel and periodic assessments of changes over time; • an assessment of likely erosion points, fracturing or seepage zones from the mining area to the stream, along the stream channel occurring as a result of mining activities. • an assessment of any required remedial works on the affected stream, including: 			

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	<p>Surface Water Management Plan Cont'd</p> <ul style="list-style-type: none"> - options considered for the remediation program - anticipated lifetime of the remedial works - details of the engineering design or process for engineering - design of the remediation works - long term remediation requirements, including revegetation. • details of the proposed monitoring regime. It will provide for: <ul style="list-style-type: none"> - post-mining assessment, to a standard approved by DNR, within six (6) months of the initial subsidence. - provide for a subsequent assessment within eighteen (18) months of the initial subsidence to confirm that post-mining degradation resulting from the mining is successfully remediated. <p>Following consultation with DNR on the above assessment for each schedule 2 stream the Surface Water Management Plan for the Abel Underground Mine will be developed to implement the findings of the above assessment.</p>			
<p>6. Surface Water Management – Bloomfield CHPP and the Abel Underground Pit Top Facilities</p>	<p>6.1 Separate surface water management systems will be designed for the Bloomfield CHPP and the Abel Underground Pit Top Facilities which provide for:</p> <ul style="list-style-type: none"> • Separation of clean and dirty water; • Management and control of stormwater flows; • Minimisation of sediment generation, soil erosion and transport off site; • Recycling of water where to minimise demand for potable water; and • Provision of water for fire fighting. • Maintain water supply for the coal handling and preparation plant and for dust suppression at all times; 	<p>Yes</p>	<p>The surface water management system allows for all listed requirements. Zero discharge from Big Kahuna has been achieved during the reporting period. There have been no discharges from any water structures.</p>	<p>A</p>

**Table A1.2
Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	<p>Separate Surface Water Management Cont'd</p> <ul style="list-style-type: none"> • Achieve zero discharge to the environment from Big Kahuna; • Minimise discharge from the Stockpile Dam; • Minimise discharge from Lake Foster and Lake Kennerson; • Where controlled discharge is necessary, preference is given to Lake Kennerson. 			
	<p>6.2 The surface water management systems shall be based on the following principles:</p> <ul style="list-style-type: none"> • Minimise demand for fresh water supply by recycling water collected on the site; • Store recycled water on site to reduce water consumption during operation of the proposed development; • The majority of works in the vicinity of the stockpile area for the Bloomfield CHPP will be undertaken within an area that reports to the existing Stockpile Dam and Dam F. These facilities provide adequate erosion and sediment control for those areas. For minor bunding works to be undertaken on the southern boundary of the enlarged stockpile area, standard erosion control practices such as silt fences will be used. 		<p>The water management system allows water to be recycled for dust suppression and process water. Measures associated with the Bloomfield CHPP were not assessed as part of this report.</p>	<p>A</p>
	<ul style="list-style-type: none"> • For any earthworks associated with increasing the capacity of the bypass channel around Lake Foster, standard erosion control practices such as silt fences will be used. • If a conveyor is eventually constructed between the Abel box cut and the Bloomfield CHPP, a separate Erosion and Sediment Control Plan will be prepared that takes account of the details of the conveyor, particularly the crossing of Four Mile Creek. Design drainage and sediment control for the operation in accordance with the Landcom (2004) guidelines; 	<p>Not Yet Applicable</p> <p>Not Yet Applicable</p>	<p>A separate Erosion and Sediment Control Plan would be prepared and implemented.</p>	<p>A</p>

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	<ul style="list-style-type: none"> Provide a water supply for fire fighting and provision for containment of firewater; Use of a first flush system to ensure "dirty" water is captured in accordance with DEC guidelines. 	Yes		A
	6.3 The surface water management systems will include an Erosion and Sediment Control Plan (ESCP). The ESCP will outline the measures that will be implemented to ensure that no undue pollution of receiving waters occurs during any earthworks construction or during the operation of the facilities.	Yes	The approved Water Management Plan includes as ESCP.	D
	6.4 The following erosion and sediment control works will be implemented as part of the project: <ul style="list-style-type: none"> All works for the Abel box cut and subsequent construction of surface facilities will be undertaken within the boundaries of the existing Donaldson Mine lease area. These activities will be undertaken in accordance with the approved procedures for erosion protection and sediment control for the Donaldson Mine. 	Yes	It is advised that the construction activities were undertaken in accordance with procedures for the Donaldson mine. No significant erosion or sedimentation issues were noted during the inspection.	A, O
7. Surface Water Monitoring Program	7.1 An integrated surface monitoring program will be undertaken for the Abel Mine, Donaldson Mine and the Bloomfield CHPP covering all potentially affected catchments including Four Mile Creek, Blue Gum Creek and other creeks on the land overlying the Abel underground lease area.	Yes	The Water Management Plan includes an integrated surface monitoring program for the Abel and Donaldson mines and the Bloomfield CHPP covering all listed catchments.	D
	7.2 Monitoring of surface water in the creeks that overlie the Abel Underground Mine will commence just prior to mining and continue until one year after mining has passed the contributing catchment and will be undertaken at the following locations:	Yes	Monitoring at DoP approved locations has commenced.	A

**Table A1.2
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Comm No.	Commitment	Compliance	Comments	Basis*
	<ul style="list-style-type: none"> • Four Mile Creek at John Renshaw Drive (same as existing Donaldson site); • Weakleys Flat Ck at John Renshaw Drive (same as existing Donaldson site); • Buttai Creek at Lings Road; • Blue Gum Creek at Stockrington Road; and • Long Gully (downstream). <p>7.3. The following monitoring regime is proposed:</p> <ul style="list-style-type: none"> • Routine monthly baseline sampling; • Daily water samples collected from the discharge point on any occasion when there is controlled discharge from Lake Kennerson. • Daily water samples will be collected from any overflow from the Stockpile Dam. Water samples will also be collected at the flow gauging station behind the Four Mile Workshops. These samples will be analysed for: total suspended solids, conductivity, pH and filterable Iron. • Collection of extensive baseline data prior to mining, including the ability to collect at least 15 years of baseline data for Blue Gum Creek and Pambalong Nature Reserve; • (Australian River Assessment System) to assess biological health. • Monthly monitoring during any substantial subsidence period for each monitoring site, and annual monitoring for all sites; • Water quality sampling from each of the sampling locations shown in Figure 8.2 in the EA with analytes measured including pH, Electrical Conductivity, Total Dissolved Solids, Total Suspended Solids, Chloride, Sulfates, Alkalinity (Bicarbonate), Alkalinity (Carbonate), Calcium, Magnesium, Sodium and Potassium; • Flow gauging stations established on Blue Gum Creek to monitor water flow and level; and • Macro-invertebrate monitoring within Blue Gum Creek and Pambalong Nature Reserve, including the use of AUSRIVAS 	<p>Yes#</p>	<p>The following monitoring regime is followed: Monthly baseline sampling (records for Donaldson(2006) and Bloomfield (1996) mines were also used to establish baseline records). Daily water samples from listed discharge and other points. Baseline data for Blue Gum Creek and Pambalong Nature Reserve are in use.</p> <p>Water sampling conducted. Specified analytes and factors analysed or determined.</p> <p>Flow gauges installed.</p> <p>Biological and geomorphological monitoring conducted.</p>	<p>-</p> <p>D, A</p>

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
<p>8. Groundwater Management Plan and Ground Water Monitoring Program</p>	<p>8.1 Within 6 months of the granting of approval an Groundwater Management Plan will be prepared. The Plan will comply with all relevant guidelines and will address:</p> <ul style="list-style-type: none"> • Groundwater management within the Abel Underground Mine area, including protection, management, mitigation and remediation of groundwaters as required; • Groundwater management within the area of proposed tailings disposal within Bloomfield Colliery; • Proposed groundwater monitoring program; • Proposed groundwater reporting schedule; and • Feedback mechanisms to alter mining methods if documented groundwater monitoring values are triggered. 	<p>Yes#</p>	<p>The Water Management Plan was prepared within the required timeframe and addresses the required matters.</p>	<p>D, A</p>
	<p>8.2 The following response plan will be implemented in the event of significant unforeseen variances from the predicted inflow rates and/or groundwater level impacts:</p> <ul style="list-style-type: none"> • Additional sampling and/or water level measurements to confirm the variance from expected behaviour. • Immediate referral to a competent hydrogeologist for assessment of the significance of the variance from expected behaviour. The review hydrogeologist would be requested to recommend an appropriate remedial action plan or amendment to the mining or water management approach. If appropriate, this recommended action plan would be discussed with DNR and other agencies for endorsement. 	<p>Yes</p>	<p>Any required response actions for mitigation and remediation will be by a TARP action sheet. The Water Management Plan does not specify details of response plans.</p>	<p>D, A</p>

Table A1.2
Compliance Review – Statement of Commitments (Cont/d)

Comm No.	Commitment	Compliance	Comments	Basis*
	<p>8.3 The groundwater monitoring program will be an integrated monitoring program for the Abel Mine, Tasman Mine, Donaldson Mine and the Bloomfield CHPP (including the tailings disposal area) and will include:</p>	Yes	<p>The Water Management Plan includes an approved integrated (Tasman, Abel, Bloomfield mines and Bloomfield CHPP) Groundwater Monitoring Plan which addresses all listed requirements.</p>	D
	<ul style="list-style-type: none"> • Monthly measurement of water levels in a representative network of piezometers. Initially, all piezometers currently available would be monitored, however it is recommended that the • representativeness of the piezometers be reviewed after the first two years of the project, and an appropriate suite of piezometers be selected on the basis of this review for ongoing monitoring. All piezometers located around Pambalong Nature Reserve would continue to be monitored through the life of the project • Quarterly sampling of all standpipe piezometers, for laboratory analysis of electrical conductivity (EC), total dissolved solids (TDS) and pH. • Annual collection of water samples from all piezometers for laboratory analysis of a broader suite of parameters: <ul style="list-style-type: none"> • - Physical properties (EC, TDS and pH) • - Major cations and anions • - Nutrients • - Dissolved metals • Additional sampling and/or water level measurements to confirm any variance from expected behaviour. • Additional regional monitoring piezometers will be installed in the following areas: 	Not Assessed	The locations of piezometers was not reviewed.	

**Table A1.2
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Comm No.	Commitment	Compliance	Comments	Basis*
	<ul style="list-style-type: none"> • Multi-level piezometers to the north and west of Pambalong Nature Reserve, to provide additional data on groundwater pressures in the intervening strata between the Donaldson seams and the alluvium (supplementing the existing data from piezometers C081A and B and C082). • Multi-level piezometers along the eastern side of the Abel project area, located at nominally 3 sites between the F3 Freeway and the lease boundary, to resolve the apparent anomalous water levels below sea level at C063A and B, and to provide additional data on groundwater pressures in the intervening strata between the Donaldson seams and the Hexham Swamp alluvium. 			
	<ul style="list-style-type: none"> • Multi-level piezometers near the western and southern boundaries of the Abel project area to provide information on groundwater pressures at various depths, as this area currently lacks monitoring points. These piezometers would also aim to provide information on the current status of groundwater in the West Borehole seam near the former workings, prior to mining of the Donaldson seams approaching that area. • The additional Pambalong and Hexham Swamp monitoring bores will be installed prior to commencement of coal extraction. The western piezometers will be installed at least five years prior to mining reaching that part of the lease. 			

Table A1.2
Compliance Review – Statement of Commitments (Cont/d)

Comm No.	Commitment	Compliance	Comments	Basis*
	<ul style="list-style-type: none"> • The subsidence/fracturing monitoring piezometer network should comprise the following: <ul style="list-style-type: none"> – Multi-level piezometers situated centrally within the extraction panels (at least 2 locations per panel) with vibrating wire piezometers set at nominally 30m intervals from the surface down to 30m above the Upper Donaldson roof level. – Shallow standpipe piezometers adjacent to each of the above multi-level piezometers, set to the base of the colluvium/weathered bedrock zone, to monitor any impact on the surficial unconfined aquifer. Standpipe piezometers will allow repeat hydraulic testing and water quality sampling, as well as water level monitoring. • The above monitoring network will be implemented prior to commencement of each extraction panel, and would be monitored closely before, during and after extraction. Based on the monitoring results during extraction of the first 4 or 5 panels, an appropriate ongoing monitoring program would be developed for the subsequent deeper panels as the mining progresses downdip. 			
	<p>8.4 At the end of the second year of underground mining, a comprehensive review will be undertaken of the performance of the groundwater system. This would include re-running the groundwater model in transient calibration mode, to verify that the actual inflow rates and groundwater level impacts are in accordance with the model predictions described in this report. If necessary, further adjustment would be made to the model at that time, and new forward predictions of mine inflows and water level impacts be undertaken.</p>	<p>Not Yet Applicable</p>	<p>Underground mining commenced in July 2008. A review will be required in July 2010.</p>	<p>A</p>

**Table A1.2
Compliance Review – Statement of Commitments (Cont/d)**

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Comm No.	Commitment	Compliance	Comments	Basis*
	8.5 The current groundwater model will be expanded to include deeper layers and a larger area that will incorporate the Bloomfield operations and areas of possible groundwater impact around Bloomfield. It is proposed to calibrate this expanded model with ongoing monitoring data from Bloomfield, and more detailed simulation of the Donaldson mining and backfilling. Details of this model and scheduling for completion will be included in the Groundwater Management Plan.	Yes	Details provide within the Water Management Plan and collected monitoring data is being used by the groundwater consultant to expand and calibrate the groundwater model.	D, A
9. Visual Amenity	Visual impacts of the Abel Underground Mine portal and the Bloomfield CHPP will be ameliorated by the following strategies: (a) The access portals for the Abel underground Mine will be located in the high wall of the existing Donaldson Open Cut Pit. (b) If the overland conveyor to the Bloomfield CHPP to the Abel Underground Mine portal is constructed its maximum height will not exceed 15 metres so to ensure that it is concealed from view by the surrounding tree cover. Where possible the route will follow the existing haul roads and tree clearing will be minimised where possible to reduce the visual impact of the conveyor. (c) New buildings and structures, as well as existing buildings and structures at the Bloomfield CHPP, visible from the surrounding areas will be painted a dark charcoal colour. (d) All reasonable measures will be taken to design the stockpiles at the Bloomfield CHPP so as to minimise their visual impact on the surrounding East Maitland and Ashtonfield Areas. (e) Existing lighting will be redesigned and new lighting be designed, so as to minimise, via the use of directional lighting, light spill affecting residents in the East Mainland, Ashtonfield Areas and Black Hill areas.	Yes	Visual impacts are effectively ameliorated. Portals are located in Donaldson high wall. Overland conveyor is not yet constructed. Buildings are painted a dark grey/green colour. Advised that stockpiles will be designed to minimise visual impact. Lighting equipment modified to direct light down.	O O A O A D

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Comm No.	Commitment	Compliance	Comments	Basis*
<p>10. Flora and Fauna</p>	<p>A Flora and Fauna Management Plan for the proposed conveyor corridor and stockpile expansion areas will be developed and implemented prior to any clearing occurring for the conveyor corridor and stockpile expansion: This plan will include:</p> <ul style="list-style-type: none"> • a vegetation clearance protocol that describes the measures to be taken in order to minimise and ameliorate any impact on flora and fauna in general, and threatened species in particular, during the clearing process. • a commitment to conduct pre-clearance surveys of areas to be cleared of vegetation by a suitably qualified biologist. Searches will be conducted for threatened species of flora or fauna, trees having potential habitat hollows and any habitat assets such as large hollow logs or rocks which could be used in later rehabilitation. If any threatened species of flora are found in the planned clearing areas the Flora and Fauna Management will provide for the consideration of the following options to minimise any impact to the threatened species of flora: <ul style="list-style-type: none"> - modification of the area to be cleared in order to leave the flora in place. - translocation of the flora to an area of similar habitat within the Donaldson or Bloomfield properties, applying the best available knowledge about the ecology and translocation of the species. • the pre-clearing survey will be conducted about 7 days prior to commencement and involve the following: <ul style="list-style-type: none"> - Trees having potential habitat hollows should be clearly marked with a band of survey paint around the stem; - Habitat trees watched at dusk to determine what if any fauna are using the hollows; 	<p>Not Yet Applicable</p>	<p>The Flora and Fauna Management Plan includes a Vegetation Clearance Protocol which address land clearing for the installation surface infrastructure, including the conveyor to Bloomfield CHPP and all listed requirements. No clearing for the proposed conveyor corridor or expanded stockpile area has yet been undertaken.</p>	<p>D</p>

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	<p>At a minimum all marked trees will be left standing for at least 2 nights following the clearing to allow any mammals to vacate the trees. However as most of the areas to be cleared are narrow or in close proximity to standing forest, it cannot be guaranteed that the mammals will leave and a person experienced in capturing and handling native fauna should be in attendance when these trees are pushed over;</p> <p>- Any trees found to contain bats should be left standing and soft-felled at dusk after the bats have left the hollows. This should be conducted under the supervision of a suitably experienced fauna ecologist.</p> <p>An Ecological Monitoring Plan will be drafted and implemented prior to any mining that will impact on the areas of sub-tropical rainforest above Abel Underground Mining, and for Pambalong Nature Reserve, outside of the mining area to the south-east. These two areas will be monitored as follows:</p> <p>Sub-tropical Rainforest Monitoring plan The collection of the following data:</p> <ul style="list-style-type: none"> • At suitable locations, record the outer boundary between the rainforest and the surrounding dry forest in order to monitor the stability of the community; • Establish groundwater piezometers at suitable locations and record water depth; • Establish permanent transects along which floristic content is recorded; and • Monitor the stability of selected major rock formations that occur in or near the rainforest. <p>Pambalong Nature Reserve Monitoring The data to be collected would be as follows:</p> <ul style="list-style-type: none"> • Rainfall in the catchments supplying water to Pambalong Nature Reserve (PNR); • Water levels in PNR; • Annual fauna monitoring with emphasis on birds and amphibians; and • Broad vegetation communities and their boundaries. 		<p>Sub-tropical Rainforest Monitoring Plan 2008 is included in the Flora and Fauna Management Plan.</p> <p>Pambalong Nature Reserve Monitoring Plan 2008 is included in the Flora and Fauna Management Plan.</p>	<p>D</p> <p>D</p>

Table A1.2
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Comm No.	Commitment	Compliance	Comments	Basis*
11. Aboriginal Heritage	11.1 During any construction phase if any Aboriginal sites or relics are uncovered the NSW DEC will be informed. In the event that a site or relic is found then work in the area of the find will cease until it is assessed for significance and an appropriate management strategy is devised if necessary.	Not Yet Applicable	It is advised that no Aboriginal sites or relics have been uncovered to date.	A
	11.2 An Aboriginal Heritage Management Plan will be implemented in consultation with the relevant Aboriginal stakeholders to specify the policies and actions required to mitigate and manage the potential impacts of the proposal on Aboriginal heritage.	Yes	An Aboriginal Heritage Management Plan (Nov 2007) has been approved. Refer to MCoA Schedule 4 Condition 30 - Aboriginal Heritage Management Plan.	D
	11.3 The plan will provide procedures for: <ul style="list-style-type: none"> • ongoing Aboriginal consultation and involvement, • maintenance of an Aboriginal site database, • management of recorded sites within the investigation area, • further archaeological investigation prior to undermining, The plan will be regularly verified to establish that it is functioning as designed (ie. policies adhered to and actions implemented) to the standard required.	Yes	The plan provides for the required procedures and for annual review.	D
	11.4 Continued use of surface infrastructure and construction of new surface infrastructure will be assessed against the location of identified Aboriginal heritage evidence and where impacts may occur, mitigation measures will be implemented as specified in the Aboriginal Heritage Management Plan.	Yes	The plan provides for the management of the known sites. It is advised these measures have been implemented as required.	D

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	11.5 The Company will seek to minimise impacts to identified and potential Aboriginal heritage evidence within the northern investigation area and to conserve identified evidence where impacts are not required to occur for operational reasons.	Yes	The plan provides for the management of the known sites. It is advised these measures have been implemented as required.	D
	11.6 The Company will seek to mitigate impacts to identified and potential Aboriginal heritage evidence within the northern investigation area where impacts must occur for operational reasons. Staged systematic archaeological survey of each section proposed to be undermined in the southern investigation area will occur with the participation of the Aboriginal stakeholders prior to any underground mining in that section. The survey will sample the geographic extent of each section. The nature, level of integrity, potential impacts and scientific and cultural significance of any evidence identified will be assessed in consultation with the Aboriginal stakeholders and mitigation measures implemented as per the Aboriginal Heritage Management Plan.	Yes	The management plan provides for both known and potential sites. A systematic survey will be completed prior to mining that may lead to subsidence. Consultation will remain ongoing.	D, A
	11.7 Where site types susceptible to subsidence impacts (grinding grooves and rock shelters) are identified within the southern investigation area, an assessment of the potential impacts of subsidence will be undertaken by an appropriately qualified expert. Where it is determined that subsidence may impact a grinding groove or rock shelter site (including shelters with 'Potential Archaeological Deposits'), mitigation measures will be implemented to ensure that any impact is acceptable.	Not Yet Applicable	No underground mining potentially leading to subsidence has yet occurred.	A

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Comm No.	Commitment	Compliance	Comments	Basis*
	<p>11.8 A regional monitoring network for Aboriginal heritage across the Abel, Tasman, Donaldson and Bloomfield sites will be established, including continuation of the existing programme of monitoring in the Donaldson Bushland Conservation Areas, monitoring before and after undermining for a sample of Aboriginal sites within the southern investigation area for which it is not anticipated that subsidence related impacts will occur, monitoring before and after undermining for all Aboriginal sites for which it is inferred that undermining may result in impacts in order to ensure the adequacy of conservation measures around those sites, and documentation of the results of all monitoring in an annual report.</p>	Yes	<p>A Regional monitoring network has been established to monitor sites before and after undermining.</p>	A
	<p>11.9 The Company will continue to consult with and involve the registered Aboriginal stakeholders, particularly the Local Aboriginal Land Councils, in the ongoing management of the heritage resources within the investigation area as per the Aboriginal Heritage Management Plan. Should any previously unrecorded Aboriginal heritage evidence be identified within the lease area during the course of operations, Donaldson will ensure that this evidence is subject to temporary conservation and is recorded and appropriate management strategies are implemented in consultation with the Aboriginal community as per the Aboriginal Heritage Management Plan. Donaldson will maintain a current database providing details of all identified Aboriginal heritage evidence within the lease area so that the Aboriginal Heritage Management Plan can be effectively implemented and records for any Aboriginal sites identified and copies of all reports prepared in relation to ongoing monitoring and archaeological studies associated with the project will be lodged in a timely manner with DEC.</p>	Yes	<p>It is advised that consultation remains ongoing, a database has been established and That no additional sites have been identified to date.</p>	A

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	<p>11.10 In order to form an integrated monitoring network for Aboriginal heritage across the Abel, Tasman, Donaldson and Bloomfield sites, it is proposed for the duration of the mining leases to:</p> <ul style="list-style-type: none"> Continue the existing programme of monitoring in the Donaldson Bushland Conservation Areas to ensure that the condition of a sample of Aboriginal heritage sites that occur within the northern investigation area is regularly assessed. This will involve monitoring on an annual basis the seven existing datum points within the Conservation Area by a qualified archaeologist and representatives of the Mindaribba LALC 	No	It is advised that monitoring has not been undertaken during the reporting period but will recommence in the next reporting period.	A
	<p>A sample of Aboriginal heritage sites within the southern investigation area, comprising site types for which it is not anticipated that subsidence related impacts will occur, will be monitored before and after undermining in their vicinity to confirm the accuracy of these predictions. This will involve inspections prior to undermining then at set periods after undermining by a qualified archaeologist and representatives of the relevant LALC;</p> <ul style="list-style-type: none"> All Aboriginal heritage sites for which it is inferred that undermining may result in impacts (ie. rock shelter and grinding groove sites) will be monitored before and after undermining in their vicinity to ensure the adequacy of conservation measures around those sites. This will involve inspections prior to undermining then at set periods after undermining by a qualified archaeologist and representatives of the relevant LALC; <p>An annual report documenting the results of monitoring will be prepared and provided to the relevant LALC and DEC detailing the methodology of the inspections, conditions of the environment and Aboriginal heritage evidence at the relevant sites, comparisons with previously reported descriptions of each site, identification of any natural and/or human impacts during the intervening period, and identification of any implications for ongoing management and protection of the Aboriginal heritage evidence throughout the lease areas.</p>			

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Comm No.	Commitment	Compliance	Comments	Basis*
<p>12. Environmental Management System</p>	<p>The Environmental Management Plan outlined in Chapter 8 of the Environmental Assessment will be prepared within 6 months of this approval being granted, to the satisfaction of the Department of Planning.</p> <p>The EMP will address, separately for the Abel Underground Mine and the Bloomfield CHPP (unless otherwise specified), the following specific issues for both construction and operation of the proposed mine:</p> <ul style="list-style-type: none"> • Construction Management Plan; • Community Involvement Plan; • Noise Management Plan; • Water Management Plan; • Waste Management Plan; • Air Quality Management Plan; • Erosion and Sediment Control Plan; • Flora and Fauna Management Plan; • Heritage and Archaeology Area Management Plans; • Landscape Management Plan; • Rehabilitation Management Plan; • Groundwater Management Plan; • Subsidence Management Plan; • Watercourse Subsidence Management Plan; Dam Subsidence and Repair Management Plan; • Gas Management Plan • Bloomfield CHPP and RLF Environmental Management Plan • Where appropriate the above plans will be integrated plans which will apply across the following mining operation areas: <ul style="list-style-type: none"> • Proposed Abel Underground Mine; • Tasman Underground Mine; • Donaldson Open Cut Mine; and • Bloomfield Coal Handling and Preparation Plant (CHPP) and Rail Loading Facility (RLF). 	<p>Yes</p>	<p>The EMS Operating Manual (EOM-1) provides an integrated environmental management strategy (or System) for all the Donaldson Coal operations (i.e Donaldson Mine, Tasman Mine, and Abel Underground Mine and the associated Bloomfield Operations comprising coal handling and preparation plant and rail loading facility). The EMS covers all listed plans (some of which are covered in the respective monitoring program) with the exception of Gas Management which will be developed in the unlikely event that gas is suspected to occur.</p>	<p>D</p>

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	<p>The Environmental Management Plan will include:</p> <ul style="list-style-type: none"> • The Company Environmental Policy that guides the direction of environmental management and provides Company commitment to environmental protection, mitigation and management. • Objectives, including legislative requirements to be met and relevant guidelines and Standards; • Work procedures, which detail in practical terms what will be undertaken, when and by whom; • Monitoring, including what will be monitored, when and where this will occur, and reporting of results; • Review procedures, being when the management plan and contents will be reviewed; • Feedback mechanisms, to ensure that any required changes to the Plan, due to a review or other mechanism such as other risk assessment, are made and the plan updated; • Training, describing how employees and contractors are trained in the documented procedures and updated on an ongoing basis when changes are made; and • Emergency response procedures. • The Company will prepare and implement an Environmental Due Diligence Training Program which will focus on the following matters: <ul style="list-style-type: none"> • The EMS; • Environment Protection legislation; • Understanding Due Diligence; • Specific Environmental Impacts of construction and operation of the mine; • The Company Safety Health Environmental Policy; • Reporting and recording environmental incidents; • Site environmental management. • The mine Site Manager or his/her nominee shall be responsible for implementing the EMS. 	Yes#	The EMP includes all of the required elements.	D

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Comm No.	Commitment	Compliance	Comments	Basis*
13. Rehabilitation	The Company commits to rehabilitating the Abel Underground Mine area and Abel pit top in accordance with DOP and DPI guidelines. This includes ongoing rehabilitation in response to mine subsidence as well as rehabilitation of pit top areas after completion of mining. The Company will provide a Mine Closure Plan as part of the MOP required under the relevant condition of the mining lease for the Abel Underground Mine. This Mine Closure Plan will be produced in consultation with DOP, DPI and other stakeholders as required.	Yes	The Mining Operations Plan for June 2008 to December 2009 was prepared and submitted to DPI on 28 May 2008. The MOP contains an outline of the proposed rehabilitation activities for the Abel Mine. The Donaldson Open-cut and Abel Underground Coal Mine Landscape Management Plan includes a Mine Closure Plan	D
14. Site Security	Unauthorised entry of people into the Abel Underground Mine Portal Surface works and the Bloomfield CHPP is to be prevented to ensure site security and to prevent damage to components of the mine particularly damage which may result in harm to the environment.	Yes	The mine site has a security fence around the mining lease area and a boom gate at the entrance to the mine site on the main access road.	O, A
15. Community Consultation	A Community Liaison Committee will be created which will meet on a regular basis to review environmental performance of the Abel Underground Mine and the Bloomfield CHPP. Membership of the Committee is to be determined by the Company and the Committee is to be chaired by an Independent Facilitator and will include representatives of the local community and adjoining property holders, DOP, the DEC and local councils. The Environment Protection Licence for the mine will require the Company to keep a record of all complaints made in relation to pollution arising from any activity to which this Licence applies and will also specify the details to be provided in the record and a complaints handling procedure. The Environment Protection Licence for the mine will require that a telephone complaints line operates during the operating hours of the premises for the purpose of receiving any complaints from members of the public and that the telephone number of this line be notified to the community.	Yes Yes Yes Yes	Refer to comments for Schedule 5 Condition 8 and 9.	D, A

**Table A1.2
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Comm No.	Commitment	Compliance	Comments	Basis*
	<p>A 24 hour telephone complaints line will be established and the local community will be notified of the phone number. Complaints received would be recorded. All information from the complainant, including the nature of the complaint would also be recorded.</p> <p>The appropriate site manager or his/her nominee will undertake an immediate investigation into the cause of any complaint relating to operations of the site and in particular environmental issues and will ensure that corrective action is taken as required.</p> <p>The appropriate site manager or his/her nominee will provide the complainant with an explanation of the cause of any environmental incident and details of any actions taken to mitigate its effect.</p> <p>If necessary, the appropriate site manager would initiate further corrective action, such as introducing changes in operational procedures, work instructions or modifications to equipment etc as may be required to reduce the possibility of further environmental incidents.</p> <p>A record of all complaints received will be kept on site for 4 years.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>		
<p>16. Environmental Incidents</p>	<p>16.1 Prior to commencement of construction an Emergency Response Plan (ERP) will be prepared for the site which will describe the general policy and approach to be adopted by The Company when managing and responding to an emergency or incident at the site. The ERP will contain a specific definition of 'incident' and 'environmental incident' that is to be consistent with the definition of 'incident' in the POEO Act.</p> <p>16.2 In accordance with Part 5.7 of the POEO Act , the appropriate site manager must notify the NSW DEC of 'incidents' which occur in the course of operations of the AUP where material harm to the environment is caused or threatened, as soon as practicable after they become aware of the incident or threatened material harm.</p>	<p>Yes</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>A specific Emergency Response Plan has been developed by the Abel Coal Project team to provide procedures and processes for response to any incident related to the project.</p>	<p>D</p>

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Comm No.	Commitment	Compliance	Comments	Basis*
	<p>16.3 Initial notification of an 'incident' (as defined) is to be made by telephoning the NSW DEC's Pollution Line.</p> <p>16.4 The following information will be required by Donaldson:</p> <ul style="list-style-type: none"> • The time, date, nature, duration and location of the incident; • The location of the place where pollution is occurring or is likely to occur; • The nature, the estimated quantity or volume and the concentration of any pollutants involved; • The circumstances in which the incident occurred (including the cause of the incident, if known); • The action taken or proposed to be taken to deal with the incident and any resulting pollution or threatened pollution; and • Other relevant information. <p>16.5 The appropriate site manager will assess specific incidents taking into consideration the impact(s) on the environment, to determine whether what resources are required to determine what response is required, or to assist in responding to the impacts. The appropriate site manager would contact an outside agency if required.</p> <p>16.6 All employees working on the site will be responsible for ensuring that the appropriate site manager is informed of any environmental incidents. All environmental incidents would be recorded on an Environmental Incident Report form. As required by Part 5.7 of the POEO Act and the EPL, the Site Manager must notify the NSW DEC of incidents, or the threat of material harm to the environment, as soon as practicable after they become aware of the incident or threat of material harm.</p> <p>16.7 The management strategies for responding to and controlling incidents/emergencies will include the following:</p> <p><u>General Procedures</u></p> <ul style="list-style-type: none"> • Provide adequate resources including staffing and fire fighting equipment; 	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>Donaldson Coal also have Emergency Response and Preparedness Plans as part of the EMS to address any significant environmental emergency and ensure that effective response is initiated to minimise any potential environmental impact should an incident occur.</p> <p>No reportable incidents</p>	

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	<ul style="list-style-type: none"> • Training of staff so that a high level of preparedness is maintained by all people who could be involved in an emergency; • Provide a first aid station which would be fully equipped and maintained at the site; and Periodic review and update of emergency procedures for the site. <u>Fire</u> <ul style="list-style-type: none"> • Consultation has been initiated with the NSW Rural Fire Service and this would be ongoing; • Consult with adjoining landholders; • Undertake hazard reduction as required; • Provide fire fighting equipment at site buildings; • Provide clear signposting and access for all fire fighting equipment; • Make available water for fire fighting from water holding tanks or mains; and • Regularly inspect and maintain fire fighting equipment. 1.1.1Chemicals <ul style="list-style-type: none"> • Store all chemicals in appropriately banded areas in accordance with their Material Safety Data Sheets (MSDS) and the relevant Australian Standards; and • Store all fuels or flammable solvents in adequately ventilated areas. 			
	16.8 All environmental incidents are to be recorded on an Environmental Incident Report form. 16.9 An Environmental Incident Folder is to be maintained and shall contain the following: <ul style="list-style-type: none"> • Copies of work instructions on how to deal with particular situations; • Incident contact names/numbers; and • Environmental Incident Report form containing all the details required in the "Notification of Environmental Harm" procedure. 	Yes Yes		A A

**Table A1.2
Compliance Review – Statement of Commitments (Cont/d)**

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Comm No.	Commitment	Compliance	Comments	Basis*
A. Principal Residences	<p><u>Subsidence Specific Commitments by the Company</u></p> <p>The Company commits to producing and implementing a plan of management for each Principal Residence existing at the date of approval of this project. A Principal Residence is defined as an existing building capable of being occupied as a separate domicile and used for such purpose. The plan of management will be produced and implemented as follows:</p> <p>A1. Each Principal Residence will be individually assessed by the Mines Subsidence Board /structural engineer who will determine tolerable levels for individual subsidence parameters. Tolerable limits are those limits which will result in no mitigation works being required to the Principal Residence due to subsidence impacts from the Abel Underground Mine.</p> <p>A2. Each Principal Residence will have a pre-mining survey to identify and record pre-existing imperfections that will not be covered by the Mines Subsidence Board.</p> <p>A3. Such assessments will be done as and when the progression of the mining process dictates – i.e. mining may have commenced in other areas prior to the individual Principal Residence assessment being undertaken.</p> <p>A4. Tolerable levels will be set according to such factors as dwelling construction (e.g. brick veneer, clad), type (single, double storey), size (length and width), footings (slab, strip footings, piers), surface conditions (sand, rock, clay, steep slope) etc, with reference to the MSB Graduated Guidelines (compatible with AS 2870 and the Building Code of Australia).</p> <p>A5. The mine plan in proximity to each Principal Residence will be modified by the Company to maintain subsidence parameters within the tolerable levels determined above for each Principal Residence.</p> <p>A6. The mine plan will be reviewed by the MSB and the DPI prior to any Subsidence Management Plan being approved under the relevant lease.</p>	Not yet applicable	No secondary extraction during reporting period.	

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	<p>A7. Each Principal Residence will have a specific subsidence monitoring plan to monitor subsidence impacts before and after mining at the Principal Residence and to ensure that tolerable limits are achieved in practice.</p> <p>A8. The Mines Subsidence Board has the responsibility to rectify any impacts to structures that may occur as a result of mining.</p> <p>In cases where the owner of the Principal Residence and the Company can agree to terms which permit second workings under the Principal Residence greater than those permitted above, the Company agrees to negotiate a plan of management similar to that proposed in the section of this Statement of Commitments titled "All Other Surface Structures"..</p>			
B. Future Principal Residence	<p>If there is no existing residence on a landholding and a residence is planned to be built, the site for this Future Principal Residence will be protected in the same way as that proposed above for Principal Residences. This commitment applies to a maximum of one Future Principal Residence per landholding.</p> <p><i>NOTE: Once the Mine Subsidence District is declared for the area all Future Principal Residences will require approval from the Mine Subsidence Board and must comply with the Mine Subsidence Compensation Act 1961.</i></p>	Noted		
C. Black Hill School	<p>All buildings and structures located at Black Hill School will be managed as if they were a Principal Residence.</p>	Noted		
D. Black Hill Church and Cemetery	<p>The Black Hill Church and cemetery will be managed as if they were a Principal Residence.</p>	Noted		
E. All Other Surface Structures	<p>"All Other Surface Structures" is defined as any building or structure impacted by mining-induced subsidence from the Abel Underground Mine Project which is not categorised as a Principal Residence, Future Principal Residence, Black Hill Church and Cemetery or Black Hill School. The Company shall prepare and implement plans of management for the mitigation and remediation of any damage to All Other Surface Structures prior to any mining occurring that would impact on them.</p>	Noted		

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Comm No.	Commitment	Compliance	Comments	Basis*
	<p>The plan of management will include:</p> <ul style="list-style-type: none"> (a) pre-mining audit of the structure; (b) the provision of a plan of management as part of the SMP approval process which requires the Company to mitigate/remediate any damage to improvements associated with the structure in conjunction with the Mines Subsidence Board; (c) post-mining monitoring of the improvements associated with the Structure. <p>The mitigation/remediation measures to be undertaken will be related to the extent of damage experienced – see Schedule 1 for details.</p>			
F. Dams	<p>A Dam Monitoring and Management Strategy (DMMS) will be formulated for all dams prior to any mining occurring which will impact on the dams. The DMMS will provide for:</p> <p>F1. The individual inspection of each dam by a qualified engineer for:</p> <ul style="list-style-type: none"> • current water storage level; • current water quality (EC and pH); • wall orientation relative to the potential cracking; • wall size (length, width and thickness); • construction method and soil / fill materials; • wall status (presence of rilling / piping / erosion / vegetation cover); • potential for safety risk to people or animals; • downstream receptors, such as minor or major streams, roads, tracks or other farm infrastructure; and • potential outwash effects. <p>F2. Photographs of each dam will be taken prior to and after undermining, when the majority of predicted subsidence has occurred.</p> <p>F3. Dam water levels, pH and EC will be monitored prior to and after undermining to assess the baseline and post mining dam water level and water quality in order to determine whether rehabilitation is required.</p>	Noted	<p>The ecological aspects of the monitoring and management of dams is outlined in the Flora and Fauna Management Plan. A baseline set of data for the farm dams identified in the Environmental Assessment (2007) focussing on the threatened flora and fauna is proposed with target species and appropriate methods and monitoring provided.</p>	

**Table A1.2
 Compliance Review – Statement of Commitments (Cont/d)**

Comm No.	Commitment	Compliance	Comments	Basis*
	<p>F4. In the event that subsidence / crack development monitoring indicates a significant potential for dam wall failure, dam water will be managed in one of the following manners:</p> <ul style="list-style-type: none"> • pumped to an adjacent dam to lower the water level to a manageable height that reduces the risk of dam wall failure, • discharged to a lower dam via existing channels if the water can not be transferred, or • not transferred if the dam water level is sufficiently low to pose a minor risk. 			
	<p>An alternate water supply will be provided to the dam owner until the dam can be reinstated.</p> <p>F5. In the event of subsidence damage to any dams the Company shall remediate the damage and reinstate the dam in conjunction with the Mine Subsidence Board.</p>			
G. Public Roads	The Company shall prepare and implement a plan of management as part of the SMP process implemented under the mining lease for the Abel Underground Mine. This plan of management will ensure the safety and serviceability of public roads and 4WD tracks and existing fire fighting access tracks.		SoC's G to O will be implemented when SMPs are developed prior to 2 nd workings.	
H. Powerlines	The Company shall prepare and implement a plan of management as part of the SMP process which will ensure the safety and serviceability of powerlines.			
I. Gas Pipeline	The Company shall prepare and implement a plan of management as part of the SMP process which will ensure the safety and serviceability of the gas pipeline.			
J. Survey Marks	At the completion of subsidence or otherwise as required by Government Authorities, the functionalities of any survey marks affected by subsidence will be fully restored to the satisfaction of the Government Authorities.			

Table A1.2
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Comm No.	Commitment	Compliance	Comments	Basis*
K. Cliffs	<p>Trigger-action response plans (TARPs) will be developed by the Company based on consultation with DEC and Local Councils to ensure the general public and employees working in the vicinity of the cliffs are not exposed to rock falls caused by mine subsidence damage.</p> <p>Appropriate rock fall hazard controls may include such items as rock fall catch ditches, barrier fencing, earth mounds and warning signs installed at appropriate locations to promote awareness that a rock fall hazard could exist along the top and bottom of cliff lines that will be undermined.</p>			
L. Water Supply	<p>In the event of interruptions to water supplies due to subsidence impacts on farm dams, water tank pipelines, water mains and irrigation systems within the application area, the Company commits to providing water supplies of equivalent quality and quantity to locations convenient to those affected until such time that the affected farm dams, water tanks, pipelines, water mains and irrigation systems are restored.</p>			
M. General Surface Water Flow	<p>The Company shall prepare and implement a plan of management to maintain the surface drainage of areas surrounding any dwellings and other structures or infrastructure, where required. This plan shall include but not be limited to monitoring, mitigation or remediation of mining-induced ponding, drainage pattern changes and any resulting serviceability difficulties and/or hazards to the public.</p> <p>NOTE: Also see Water Supply.</p>			
N. Public Safety	<p>The Company shall prepare and implement a surface safety management program to ensure public safety in any surface areas that may be affected by subsidence arising from the proposed underground mining.</p> <p>This program shall include, but not be limited to, regular monitoring of areas posing safety risks, erection of warning signs, entry restrictions, backfilling of dangerous surface cracks and securing of unstable man-made structures or rockmass, where required and appropriate, and the provision of timely notification of mining progress to the community and any other relevant Stakeholders where management of public safety is required.</p>			

Table A1.2
Compliance Review – Statement of Commitments (Cont/d)

Comm No.	Commitment	Compliance	Comments	Basis*
O. Landowner Agreements	The Company will enter into separate arrangements with Coal and Allied for its Black Hill land and with the Catholic Diocese of Maitland and Newcastle with regard to an agreed mining schedule underneath these respective lands. These arrangements will set timeframes for the completion of mining beneath these areas.			
Yes# No# - Complied / not complied with. Compliance no longer required to be assessed				
* = Basis for assessment of compliance.				
D = Documentation sighted O = Observation during audit A = Advised by Company Employee				
Auditor: Lisa Aspinall				Date: 01/12/09