

ABEL UNDERGROUND COAL MINE

INDEPENDENT ENVIRONMENTAL AUDIT REPORT

for
Donaldson Coal Ltd
February 2019

ABEL UNDERGROUND COAL MINE

INDEPENDENT ENVIRONMENTAL AUDIT REPORT

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February 2019

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EXECUTIVE SUMMARY

Hansen Bailey was commissioned by Donaldson Coal Ltd to conduct an Independent Environmental Audit (IEA) against Project Approval PA 05_0136 (as modified) for the Abel Underground Coal Mine (Abel). The IEA also assessed compliance with Environment Protection Licence 12856 and Mining Lease 1618. Mining Lease 1653 was not audited as this area was not undermined during the audit period.

The audit period was from 20 March 2015 to 20 December 2018. Abel is currently in care and maintenance status with the only active mining during the audit period being 20 March 2015 to 28 April 2018.

Dianne Munro (Exemplar Global Certified Auditor 107622) and Theresa Folpp from Hansen Bailey completed the IEA with the field inspection component being undertaken on 20 December 2018.

The IEA covered representative activities described in PA 05_0136 MOD3 and its accompanying Environmental Assessment titled '*Abel Upgrade Modification Environmental Assessment*'. The IEA did not include any activities relevant to Donaldson Mine or Bloomfield Collieries (which would be assessed under a separate IEA).

The IEA consisted of a detailed desktop review of documentation, interviews with key Abel staff and a field inspection of relevant activities and processes. The audit is conducted generally consistent with '*ISO 14010 - Guidelines and General Principles for Environmental Auditing*', and '*ISO 14011 - Procedures for Environmental Auditing*' and the '*Independent Audit Guideline, October 2015*' (Audit Guidelines) (DP&E, 2015).

Recommendations from the previous audit conducted in 2015 are described in **Section 4**.

The field inspection revealed that the administration, workshop areas and CHPP were generally satisfactory with some areas for housekeeping identified. The CHPP and rail load out was well maintained, with clean water management systems observed to be functioning well and recently desilted.

The Approved Mine Plan as shown on PA 05_0136 MOD3 and Mining and Rehabilitation – MOP Term (Plan C) was compared to actual mining and to date, with mining occurring generally consistent with it.

As Abel is an underground operation, no rehabilitation other than remediation of surface cracking occurred during the audit period with no outstanding issues identified.

Only five community complaints were received from near neighbours during the audit and were predominantly in relation to noise, subsidence and air quality. All were followed up satisfactorily. There were no reportable environmental incidents recorded on site during the audit period.

The IEA identified six non-compliances against conditions of PA 05_0136 and two minor non-compliances against EPL 12856. There were no non-compliances against ML 1683. Non-compliances requiring further responses are summarised in **Section 5**.

The non-compliances were risk ranked. No high or medium risks were identified. The remainder were low or administrative in nature.

A series of recommendations arising from review of site documentation and identified non-compliances are summarised in **Section 7**.

At the time of the IEA, Abel Underground Coal Mine staff were aware of most of the identified non-compliances against PA 05_0136 conditions, licences and approvals and were actively working to address a number of the issues identified in this report.

In conclusion, a good standard of environmental management is generally being applied at Abel.

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LIMITATIONS OF REPORT

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

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

Opinions presented in this report apply to the site's conditions and features as they existed at the time of Hansen Bailey's site visit on 20 December 2018, and those reasonably foreseeable. They necessarily cannot apply to conditions and features which Hansen Bailey is unaware of and has not had the opportunity to evaluate.

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

**ABEL UNDERGROUND COAL MINE
INDEPENDENT ENVIRONMENTAL AUDIT
for
Donaldson Coal Ltd**

1 INTRODUCTION

1.1 BACKGROUND

Hansen Bailey (HB) was commissioned by Donaldson Coal Ltd (DCL) to conduct an Independent Environmental Audit (IEA) against Project Approval (PA) 05_0136 (as modified) for the Abel Underground Coal Mine (Abel).

The original supporting documentation for PA 05_0136 is the environmental assessment titled *Abel Underground Mine Part 3A Environmental Assessment Application No. 05_0136 – Volumes 1 to 5*, dated June 2005, including the associated response to submissions (dated January 2007) (MOD3 EA). Three modifications have been granted to PA 05_0136 with key components outlined in **Section 2.1**.

The timeframe that this report applies to is from 20 March 2015 to 20 December 2018 (auditing period). The IEA was conducted by Dianne Munro (DM) (Lead Auditor – Exemplar Global Certified Auditor 107622) and Theresa Folpp (TF) (Auditor) from Hansen Bailey.

The auditing team was approved by the Department of Planning and Environment (DPE) on 14 November 2018 (see **Appendix B**).

The IEA consisted of a detailed desktop review of documentation and interviews with key staff including:

- Phillip Brown (PB) –Environment & Community Superintendent;
- James Benson (JB) –. Environment & Community Coordinator;
- William Farnworth (WF) – Manager of Mining Engineering;
- Luke Queenan (LQ) – Site Senior Engineer (EEM); and
- Brad Merchant (BM) – Production Manager.

A field inspection of the mining area and other infrastructure areas was undertaken generally in accordance with '*ISO 14010 - Guidelines and General Principles for Environmental Auditing*', and '*ISO 14011 - Procedures for Environmental Auditing*'. The field inspection was conducted on 20 December 2018. Photos from the field inspection are shown in **Appendix E**.

An Opening and Closing Meeting was held at site with the Senior Management Team and Environmental staff in attendance. The Audit Itinerary is presented in **Appendix C**.

1.2 REPORT STRUCTURE

Section 1 provides an introduction, background, describes the audit timeframes and provides a guide to the structure of the report.

Section 2 describes approved operations detailed in the EIS and modification documents which support PA 05_0136 and provides a site description and layout of Abel Underground Coal Mine. This section also provides an overview of operations compared to actual operations.

Section 3 outlines audit requirements and applicable auditing guidelines.

Section 4 summarises recommendations made during the previous IEA (2015).

Section 5 outlines the identified non-compliances and the status against PA 05_0136 and its supporting documents, modifications and other licences and approvals including a risk assessment in accordance with the '*Independent Audit Guideline, October 2015*' (Audit Guidelines) (DP&E, 2015).

Section 6 lists required management plans, programs and strategies.

Section 7 summarises key recommendations from the IEA.

2 SITE DESCRIPTION

2.1 APPROVED OPERATIONS

Abel is located approximately 23 kilometres (km) from the Port of Newcastle and 4 km south of East Maitland NSW. Abel's Approved Area extends southwards from John Renshaw Drive towards George Booth Drive, and is bounded on the eastern side by the Pacific Motorway and the western side by a geological feature in the vicinity of Buttai Creek.

Abel primarily operates in accordance with PA 05_0136 (as modified) under the *Environmental Planning and Assessment Act 1979* (EP&A Act), ML 1618 and 1653 under the *Mining Act 1992* (Mining Act) and EPL 12856 under the *Protection of the Environment Operations Act 1997* (POEO Act). PA 05-0136 is valid to December 2030.

PA 05_0136 was granted on 7 June 2007 and facilitates the following activities:

- Extraction of up to approximately 4.5 million tonnes of Run-of-Mine (ROM) coal annually using continuous miner bord and pillar extraction underground mining methods;
- Transport of extracted coal by conveyor to the ROM coal stockpile adjacent to the mine entry portal and surface facilities;
- Transport of the ROM coal by truck along a private haul road to the Bloomfield Colliery for beneficiation at the Bloomfield Coal Handling Preparation Plant (CHPP);
- Transport of processed coal via the existing Bloomfield rail loop and spur line off the Great Northern Railway Line to the Port of Newcastle;
- The CHPP and rail loading facility process coal from Abel. The CHPP and rail loading facility also handles coal from Donaldson Open Cut Mine, Bloomfield and Tasman Mines; and
- The use of the Bloomfield CHPP including associated facilities, stockpiles, tailings disposal and rail loop.

PA 05_0136 has been modified on three occasions as described below.

2.1.1 Modification 1 – Downcast Ventilation Shaft

Modification (MOD)1 enabled the construction of a downcast ventilation shaft at the Abel Underground Coal Mine which was constructed in 2010.

2.1.2 Modification 2 – Upcast Ventilation Shaft

MOD2 was granted on 3 May 2011 to facilitate the installation of an upcast ventilation shaft which was constructed in 2011.

2.1.3 Modification 3 – Mine Plan and Coal Production

MOD3 was granted on 4 December 2013 to continue underground mining within the approved area and the approved seams until December 2030.

MOD3 also includes disposal of fine and coarse reject material from the Bloomfield CHPP at the Bloomfield Colliery. Disposal of tailings from the Bloomfield CHPP is approved in the following areas of the Bloomfield Colliery:

- Former underground workings at the Bloomfield Colliery (Big Ben Seam workings) (used for tailings disposal during the period 2003 to 2007);
- U Cut North tailings dam (a former open cut pit in the north of the Bloomfield Colliery site) (currently used for tailings disposal);
- U Cut South void;
- S Cut North void (Creek Cut void); and
- S Cut South void.

2.2 OPERATIONS – PRE - AUDIT

2.2.1 Construction

Primary construction activities commenced in March 2008 with the establishment of the mine personnel and equipment access portals to the underground workings.

During 2009 development included installation of administration facilities (including a safety and training building), bath house and associated sewerage facilities, storage and service sheds, power substation and connection of mains water.

Between 2011 and 2012 principle construction activities related to extension of the bathhouses (completed in June 2012) and construction of the upcast ventilation shaft and relocation of the ventilation fan. Work for the construction of the upcast ventilation fan commenced December 2011 and was completed during May 2012. A colour-bond shelter was also erected above the downcast ventilation shaft during May 2012 to reduce the ingress of water during rainfall events.

Surface infrastructure is located on land owned by Donaldson Coal Pty Ltd to the north of John Renshaw Drive. The land to the south of John Renshaw Drive within the boundaries of ML 1618 is owned by Coal and Allied, the Catholic Diocese of Maitland and Newcastle, and various private land owners.

Surface facilities and ROM stockpiles are located in the void at the base of the high wall excavated as part of the now completed Donaldson West Open Cut Coal Mine (north of John Renshaw Drive) (see **Figure 1**).

Between 2012 to 2014, no major construction was undertaken at Bloomfield Colliery.

2.2.2 Mining

In 2012, mining activities concentrated on the completion of first workings within Panels 6, 7, 8 and 15, first workings within part Panels 20, 21, East Mains, South Mains and West Mains and second workings within Panels 4 to 8 and 15.

In 2013 mining activities concentrated on the completion of first workings within Panels 19A, 20, 21, 22 and South Mains and second workings within Panels 8, 19A, 20, 21, 22, East Mains, Tailgate Headings and East Tailgate Headings.

In 2014, mining activities concentrated on the completion of first workings within Panels 23, 24 and 25, commencement of first workings in Panel 26 and West Mains and second workings within Panel 19, 22, 23, 24, 24A 25 and East Mains Headings.

2.3 OPERATIONS – AUDIT PERIOD

2.3.1 Construction

During the audit period, no construction activities were undertaken at Abel.

2.3.2 Mining

In 2015, mining activities concentrated on commencement of first working within Panels 29 and 31, continuation of first workings within West Mains, continuation of first and second workings within Panels 28 and 30 and completion of second workings within Panels 25, 26 and 27 (all within Areas 3 and 4) (see **Figure 2**).

In 2016, Mining activities occurred via secondary workings within Panels 28, 30 and 31 (all within Area 4) and small sections of first workings within South Mains and South Mains 2 to create drifts from the Upper Donaldson seam to the Lower Donaldson seam. This drift is not in an Area covered by an SMP/EP.

Abel Underground Coal Mine was placed into Care and Maintenance on 28 April 2016.

On 5 December 2016, in accordance with the provision of Section 168(1) of the *Mining Act 1992*, the Minister approved the suspension of mining operations in Mining Lease 1618 until 19 August 2021.

No coal has been extracted during 2017 and 2018.

Since the Abel Underground Coal Mine was placed into Care and Maintenance, no construction, land preparation or mining activities have taken place.

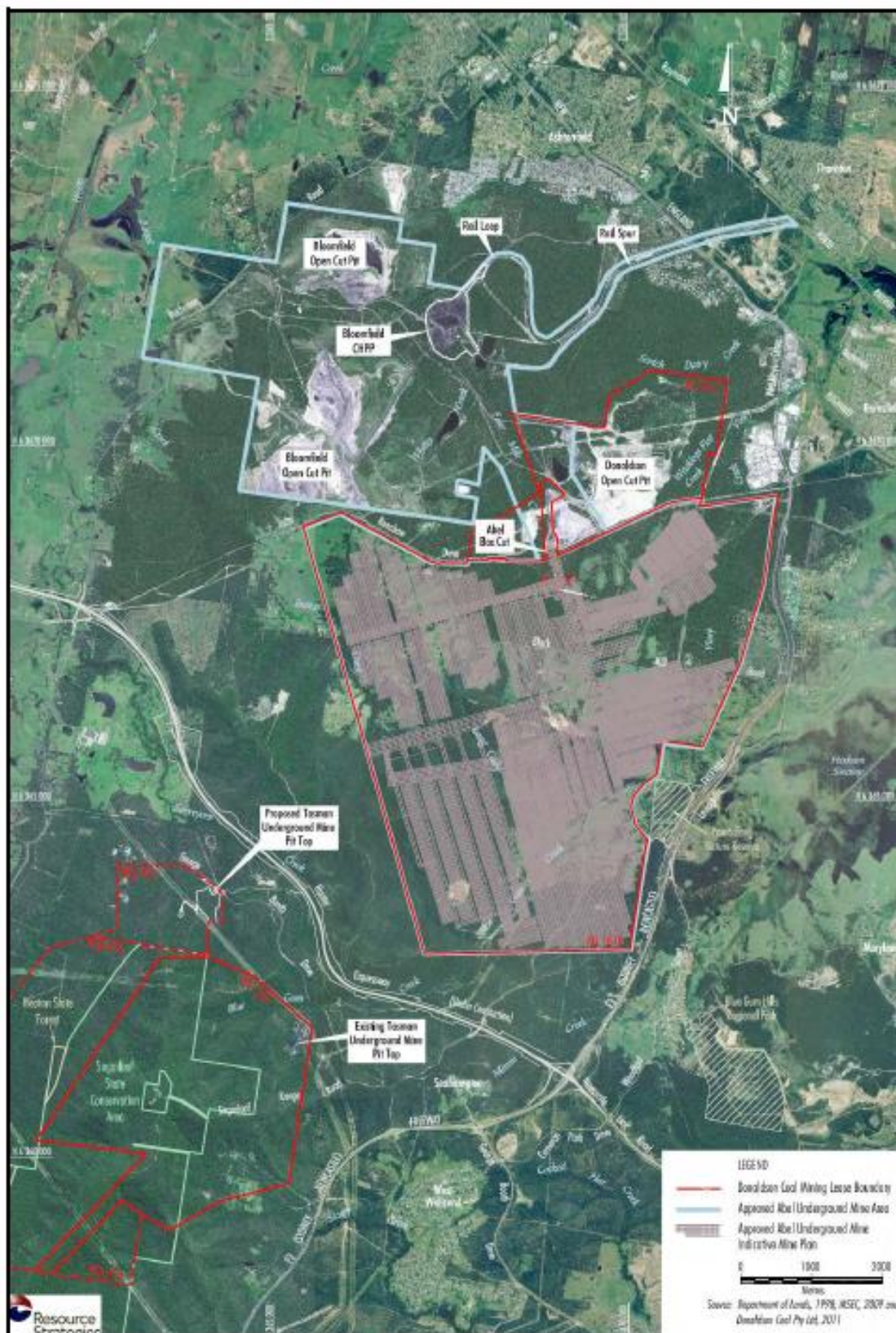


Figure 1
Abel Underground Coal Mine General Layout (source: DA 05_0136 Appendix 2)

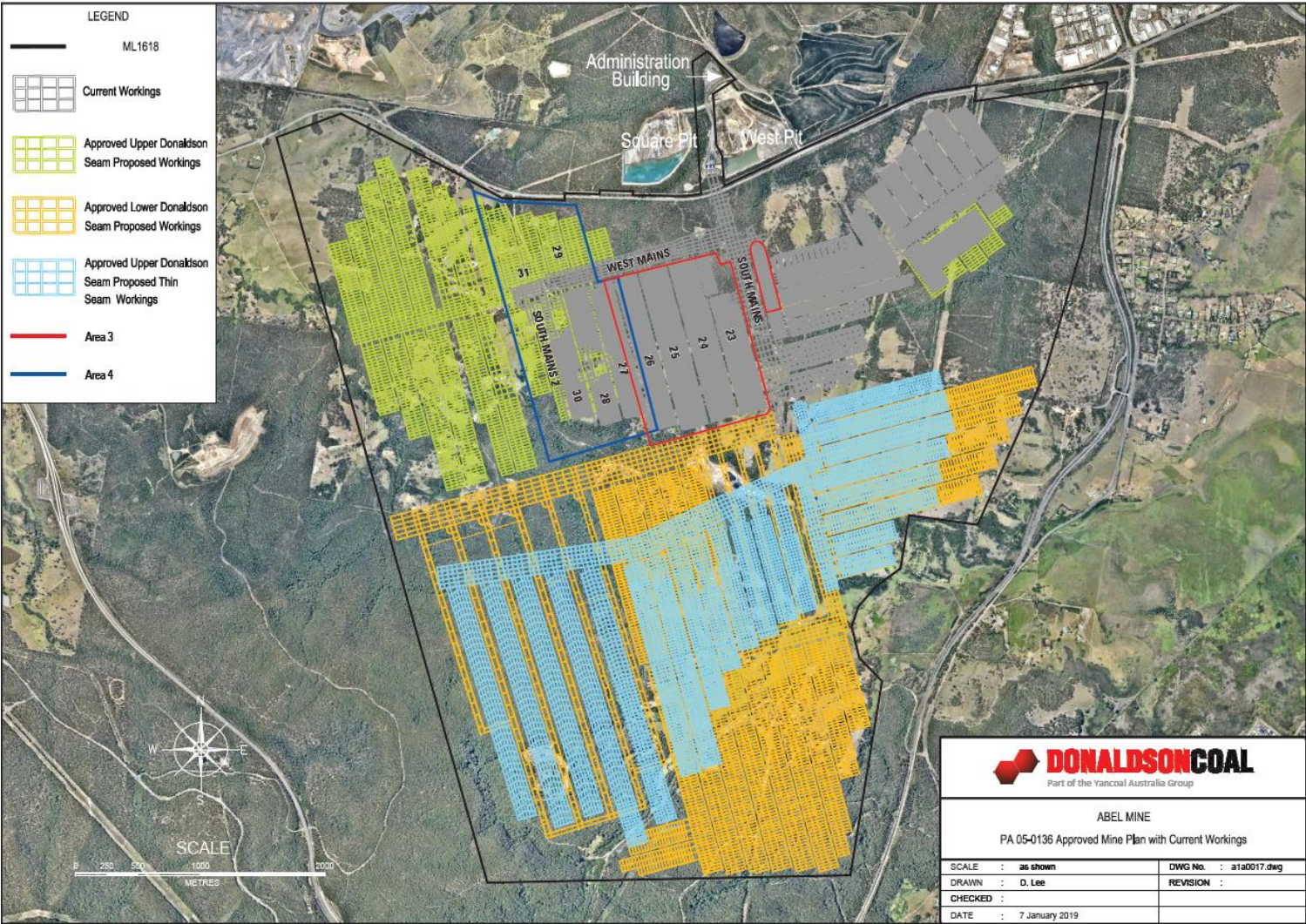


Figure 2
Abel Underground Coal Mine Approved Mine Plan with Current Workings

2.4 APPROVED OPERATIONS COMPARED TO ACTUAL

The Approved Mine Plan as shown on PA 05_0136 MOD3 (Approved Mine Plan) Figure 2 was compared to Actual Mining and can be seen in **Figure 2**. To date, Actual Mining has occurred within the Approved Mine Plan.

Note the Approved Mine Plan differs to the Modification Mine Layout in the MOD3 EA (Figure 6).

Actual Mining was compared to Mining and Rehabilitation – MOP Term (Plan C) and Underground Workings are consistent with those shown in the MOP Plan. The Planned Area of Exploration shown in MOP Plan C is consistent with the Location of Boreholes Drilled within ML1618 as reported in the Annual Mining Lease Group Exploration Report (dated 24 May 2017).

2.4.1 Tailings

Figure 9 of the MOD3 EA shows Tailings Storage Locations. As described in **Section 2.1.3**, Disposal of tailings from the Bloomfield CHPP is approved in the following areas of the Bloomfield Colliery:

- Former underground workings at the Bloomfield Colliery (Big Ben Seam workings) (used for tailings disposal during the period 2003 to 2007);
- U Cut North tailings dam (a former open cut pit in the north of the Bloomfield Colliery site) (currently used for tailings disposal);
- U Cut South void;
- S Cut North void (Creek Cut void); and
- S Cut South void.

A tailings balance was conducted by Evans and Peck (2012) for the MOD3 EA. The Evans and Peck report states that existing tailings disposal from the Bloomfield CHPP is to U-Cut North but there are a number of options for storage of tailings (listed above). Available Tailings Storage at U-Cut North is estimated to be approximately 2,285,000m³ at the end of June 2012.

The Dams Safety Committee (DSC), has designated a Significant Consequence Category rating for the U-Cut North storage facility. For the purpose of competing Annual Surveillance Report – Type 3, Bashi & Associates Pty Ltd, on behalf of The Bloomfield Group Pty Ltd completed a site inspection and report in May 2018.

2.4.2 Rehabilitation

As stated in Section 2.3.9 of the MOP, "... as the mine is an underground operation, the only significant rehabilitation required will be following removal of the surface infrastructure during mine decommissioning (following this MOP term). However, some rehabilitation may be required during the early stages of the MOP term as a result of subsidence (e.g. surface cracking or road deformation)".

Surface Infrastructure is shown in PA 05_0136 MOD3 Figure 3. The location of surface infrastructure is generally consistent with that shown in MOP Plan 3.

During the audit period, rehabilitation in surface infrastructure area included regular inspections and maintenance of previously rehabilitated areas and retained vegetation. Rehabilitation works relating to subsidence impacts were also completed in accordance with approved SMPs. Minor rehabilitation works were completed for surface cracks associated with subsidence. These cracks were within predicted range and were excavated to the limit of the crack, backfilled, compacted, top soiled and seeded. See Table A Schedule 4 Condition 28 for further detail.

During care and maintenance, no rehabilitation areas became available during 2016 and 2018 for Division of Resources to sign off and no final land use objectives (as per Plan 4 of the MOP) were met.

3 AUDIT REQUIREMENTS

3.1 PROJECT APPROVAL

This assessment and subsequent report have been compiled pursuant to Schedule 6 Condition 9 of PA 05_0136 (MOD3). Each requirement is listed in **Table 1**, along with where each is addressed in this report.

Table 1
PA 05_0136 Audit Requirements

Description	Where Addressed
By the end of March 2015 (or other such timing as agreed by the Director-General), 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:	This audit
(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;	Appendix A
(b) include consultation with the relevant agencies;	Section 2.1.3 and Appendix B
(c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);	Section 5
(d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and	Section 6 and 7
(e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.	Section 7
Note: <ul style="list-style-type: none"> <i>This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Director-General.</i> 	Appendix A

3.2 AUDIT GUIDELINES

This audit report has also been prepared in accordance with the 'Independent Audit Guideline, October 2015' (Audit Guidelines) (DP&E, 2015). **Table 2** lists key requirements from the Audit Guidelines, the relevant Section of the Guidelines which references the requirement, and indicates where each is addressed in this report.

Table 3 reproduces the "risk levels" from Section 4.1 of the Audit Guidelines which were attributed to the non-compliances identified during the audit period as described in **Section 5**.

Table 2
Audit Guidelines Requirements

Section	Description	Where Addressed
2	Assess the operator's compliance with the requirements of regulatory approvals, including (as applicable): <ul style="list-style-type: none"> The Development Consent; The Environment Protection Licence; The Mining Lease; and Water licences and approvals. 	Section 5 and Appendix D
2, 3	The scope of the audit and the audit team (including any technical specialists) to be determined by the lead regulator.	Section 3.3 and Appendix B
3.3	The auditor team must be independent of the development being audited and audit findings must be based on verifiable evidence.	Appendix A and Section 5
4.1	The compliance status of each requirement or commitment should be assessed in accordance with the compliance assessment criteria and risk levels in the audit guidelines.	Section 5
4.2	Consultation with key regulatory agencies prior to commencement of the audit site inspection.	Section 3.3 and Appendix B
5.1	The audit outcomes to be documented in a thorough, accessible and accurate audit report that is written in a neutral tone reflecting facts gathered by the audit team.	This IEA Report
5.1	The audit report should include the following sections: <ul style="list-style-type: none"> Introduction, providing a brief overview of the development, audit scope and objectives; Methodology, describing the audit team, methodology applied, document reviews, site inspections and interviews; Audit findings, including documentation of consultation, response to actions from the previous audit, assessment of compliance status against the conditions and commitments in relevant documents and a discussion of environmental incidents and performance; and Recommendations, identifying any opportunities for improvement identified in the audit. 	This IEA Report

Section	Description	Where Addressed
5.2	Audit reports submitted to the lead regulator must be certified by the lead auditor on an attached 'Independent Audit Submission Form'	Appendix A
5.3	Copies of the final audit report to be distributed to regulatory agencies within two weeks of finalisation and placed on the development's website.	DCL Responsibility
6	The operator of the development to respond to the lead regulator responding to the audit findings and recommendations with an action plan within four weeks of receiving the final audit report.	DCL Responsibility

Table 3
Audit Guidelines Risk Levels for Non-Compliances

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

3.3 CONSULTATION WITH RELEVANT AGENCIES

During the preparation for this IEA, input was sought from regulatory agencies to confirm any areas of compliance or environmental management at the Abel Underground Coal Mine that should be a particular focus.

The following agencies were approached directly by HB for input as part of the scoping phase of this IEA:

- DP&E Resources Regulator;
- DP&E Compliance Division;
- Environment and Protection Authority (EPA);
- Water NSW;

- Cessnock City Council;
- Maitland City Council; and
- City of Newcastle Council.

Where issues were raised during consultation, these are listed in **Table 4** with a section on where each has been addressed.

Table 4
Agency Requirements and Where Addressed

Ref	Requirement	Where Addressed
DP&E Resources Regulator		
1	Is there a current Mining Operations Plan (MOP) in place and has it been approved by the Resources Regulator.	Appendix D Sch 4 Cond 27
2	Has the MOP been prepared in consultation with the relevant agencies as outlined in the Project Approval.	Section 1.5 of MOP outlines stakeholder consultation
3	Is the rehabilitation strategy as outlined in the MOP consistent with the Project Approval in terms of progressive rehabilitation schedule and proposed final land use.	Appendix D Sch 4 Cond 27 and 28
4	Has the rehabilitation objectives and completion criteria, as outlined in the MOP, been developed in accordance with the proposed final land as outlined in the Project Approval.	Appendix D Sch 4 Cond 27 and 28
5	Has a rehabilitation monitoring program been developed and implemented to assess performance against the nominated objectives and completion criteria (including subsidence management)? – verified by reviewing monitoring reports and rehabilitation inspection records.	Appendix D Sch 4 Cond 27 and 28
6	Are mining operations being conducted in accordance with the approved MOP (production, mining sequences etc.), including within the designated MOP approval boundary – to be verified by site plans and site inspection.	Section 2.4
7	Is rehabilitation progress, including vegetation community types, consistent with the approved MOP as verified by site plans and a site inspection? This should include an evaluation against rehabilitation targets and whether the final landform is being developed in accordance with the conceptual final landform in the Project Approval.	Appendix D Sch 4 Cond 27 and 28
8	Based on visual inspection, are there any rehabilitation areas that appear to have failed or that have incurred an issue that may result in a delay in achieving the successful rehabilitation.	None identified
9	Are there controls to ensure top soil management is appropriate to achieve nominated final land use? For example, is the source of a top soil stockpile recorded to ensure it is used to achieve a specified final land use outcome.	Appendix D Sch 4 Cond 29

4 PREVIOUS AUDIT RECOMMENDATIONS & STATUS

The previous IEA of the Abel Underground Coal Mine provided only one recommendation which states:

“annual groundwater reporting in the Abel Mine Annual Review should include graphical presentations of water level data to indicate trends”.

In a letter to DP&E dated 12 October 2018, Abel Underground Coal Mine stated *“Abel did not provide a response to the auditor’s recommendations for the 2015 Abel Independent Audit. The audit was provided to the Department outlining it accepted and agreed with recommendations”.*

The Annual Review for 2015, 2016 and 2017 were reviewed and water level monitoring is discussed in Sections 3.5, 7.3 and 7.3 respectively.

Graphical representations are included in 2015 and 2016 Annual Reviews in Appendix 8, however, the 2017 Annual Review does not appear to have any appendices listed or mention an Annual Groundwater Review.

5 NON-COMPLIANCES AGAINST APPROVALS & LICENCES

This section provides a discussion on the identified non-compliances and status against PA 05_0136 (MOD3) and other licences approvals available for review at the time of the IEA.

Table A of **Appendix D** provides a complete tabulated list of conditions of PA 05_0136 (MOD3) with the compliance status and comments against each.

Table B in **Appendix D** provides a list of the other licences and approvals assessed as part of this IEA, with the compliance status and comments against each.

A summary of the non-compliances against each document is summarised below in **Table 5**. Recommendations arising from the non-compliances are shown in **Section 7**.

Table 5
Non-Compliances Identified

Ref	Non-Compliance	Risk
PA 05_0136 (MOD3)		
Sch 3 Cond 1	<p><u>Blue Gum Creek and Long Gully – Water Quality</u></p> <p>The upper bound trigger value for salinity (EC) at Site 10 exceeded for a period of three consecutive months in Oct, Nov and Dec 2016 and a further assessment of the metals (Fe, Al and Mn) to establish whether the change in EC is mining induced was not undertaken as required in Section 3.6.2.2 and Table 5.2 of the WMP.</p> <p><u>Pambalong Nature Reserve – Groundwater Levels</u></p> <p>An assessment of Trigger Level(s) did not occur when “an additional drawdown of 0.5m relative to normal seasonal and climatically influenced fluctuations in the near-surface groundwater levels (Table 5.2 WMP)” at piezometers C081B (as per table 5.2 of WMP).</p> <p>A review of groundwater data shows that groundwater levels at CO82 have not been undertaken since Oct 2015 and groundwater data at CO81A has not been collected monthly, as required under the WMP.</p>	Low
Sch 4 Cond 10b)	Siting requirements at DDG7 and DDG9 are likely not within Australian Standards due to trees obstructing the minimum clear sky angle of 120°.	Administration
Sch 4 Cond 11a)	No AQGGMP approval letter sighted.	Low
Sch 4 Cond 23	No coal transport records for 2015 and May-Dec 2016 on website.	Administrative
Sch 4 Cond 24c)	No evidence that external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting or its latest version.	Administrative
Sch 6 Cond 10	No evidence that the previous audit, together with the Proponent’s response to any recommendations was submitted to the Director-General within six weeks of completion of audit.	Administrative

Ref	Non-Compliance	Risk
EPL 12856		
M2	2017 – Non-compliance due to malfunction of the DustTrak unit, data recorded from 12/7/2016 – 5/02/2017 is considered unreliable. Non-compliance occurred once. EPA to monitor future compliance with this condition.	Low
M2.1 and M2.2	2018 - Non-compliance with monitoring due to loss/interruption of power to the monitoring unit (x17 days) and a malfunction of the Dustrack unit with data considered unreliable (x9 days). Licensee undertook corrective action". Non-compliance occurred four times.	Low

6 MANAGEMENT PLANS, PROGRAMS AND STRATEGIES

PA 05_0136 (MOD3) requires preparation of management plans and strategies. All currently approved management plans developed for the Abel Underground Coal Mine in accordance with the requirements of PA 05_0136 (MOD3) were reviewed during this IEA, including:

- Environmental Management Strategy (EMS) (August, 2018);
- Integrated Environmental Monitoring Program (December, 2007);
- Air Quality and Greenhouse Gas Management Plan (AQGGMP) (August, 2014);
- Noise Management Plan (NMP) (August, 2014);
- Integrated Noise Monitoring Program (INMP) (December, 2007);
- Mine Energy Saving Action Plan (December, 2007);
- Landscape Management Plan (LMP) (March, 2008);
- Tetratheca Juncea Management Plan (TJMP) (November, 2000);
- Water Management Plan (WMP) (2014);
- Erosion and Sediment Control Plan (ESCP) (April, 2000);
- Rehabilitation Management Plan (RMP) (August, 2014);
- Aboriginal Heritage Management Plan (AHMP) (August, 2014);
- Waste Management Plan (July, 2000);
- Subsidence Management Plan – Area 3 (March, 2013);
- Extraction Plan – Area 4 (May, 2014); and
- Service Borehole Management Plan (June, 2014).

The status of each plan and any relevant recommendations in relation to each is provided in **Appendix D** at the relevant condition.

The Environment Protection Licence (EPL) and MOP documents relevant to Abel operations during the audit period were also reviewed. These included the '*Mining Operations Plan for the Care and Maintenance of Abel Underground Coal Mine for the Period Ending 01 May 2019*' (May 2016) approved by DPE on 3 June 2016.

7 AUDIT RECOMMENDATIONS

Table 6 includes a consolidated list of outstanding recommendations from the non-compliances identified in the 2015 IEA and as identified during this IEA are shown in **Table 5**.

Table 6 also includes recommendations that are related to continuous improvement.

Table 6
Audit Recommendations

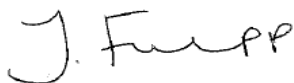
Ref	Description
Previous Audit Recommendations	
Section 4	Annual groundwater reporting in the Abel Mine Annual Review should include graphical presentations of water level data to indicate trends. These should continue to be included in Annual Review's during care and maintenance phase for bores approved in the revised WMP
PA 05_0136 MOD3 Non-Compliance Recommendations	
Various	Work with relevant regulators to resolve where possible all of the non-compliances in Table 5 .
Sch 3 Cond 1	<p><u>Blue Gum Creek and Long Gully – Water Quality</u></p> <p>Recommend for future Trigger Level EC exceedances, assessment of metals (Fe, Al and Mn) are used to assess whether change in EC is mining induced. Trigger values for metals should also be included for Site 10 in Table 3.7 of the WMP.</p> <p>Further consideration of this trigger level in the revised WMP should be undertaken in consultation with a relevant water specialist and relevant regulators in consideration of distance to active mining.</p> <p><u>Pambalong Nature Reserve – Groundwater Levels</u></p> <p>Recommend monthly monitoring at Piezometer C081B or in accordance with approved WMP. Further consideration of this trigger level in the revised WMP should be undertaken in consultation with a relevant groundwater specialist and relevant regulators in consideration of distance to active mining.</p> <p>Recommend the following updates to the WMP:</p> <ul style="list-style-type: none"> • Revision of Piezometer Monitoring Sites for Pambalong Nature Reserve to ensure the piezometer relevant to the feature; and • Clarify Trigger Level 1 and 2 for Groundwater levels for the Pambalong Nature Reserve.
Sch 4 Cond 10b)	Recommend dust gauges re-sited (if not being removed from program).
Sch 4 Cond 23	Coal Transport records are consistently made publicly available on website when production recommences.
Sch 4 Cond 24c)	Audit be undertaken to confirm compliance at lighting components which will operate in next period (e.g. CHPP and rail loadout).
PA 05_0136 MOD3 Continual Improvement Recommendations	
Sch 2 Cond 4	Follow up with WaterNSW to resolve Certificate of Title for WAL 41525 being incorrectly labelled to a water source.

Ref	Description
Sch 2 Cond 9	Include a statement in the relevant Annual Review that discusses transportation of product coal produced on the Bloomfield site via the Bloomfield Rail Loop, and Rail Spur and the Main Northern Railway.
Sch 2 Cond 11	Include a statement in the Annual Review that discusses alterations and additions to building and structures.
Sch 3 Cond 1	<ul style="list-style-type: none"> • “Minor Cliff” definition be clarified on review of EP/management plans. • Whilst mining, AEMR include PA 05_0136 Table 2 and a tabulated summary of impacts and conclusions. • Labelling of Water Quality Monitoring Sites 9 and 10 in AEMR are consistent with that shown in the WMP. • If mining recommences, a clear definition of GDE’s in the Hexham Swamp be documented (impacts and monitoring).
Sch 3 Cond 4p)	Future TARP’s include Trigger Levels for Groundwater Drawdown, especially at bores relevant to Pambalong Nature Reserve (excluded from Area 4 EP).
Sch 3 Cond 6	No written evidence was provided that first working in South Mains were designed to DRG’s satisfaction. Recommend a response is sought for any future first workings in accordance with this condition prior to works being undertaken.
Sch 3 Cond 11	When revising Service Boreholes Management Plan, include mitigation and management measures for visual impacts and compensation for noise, air and visual impacts.
Sch 4 Cond 1	Remove Location K from PA 05_0136 Table 4 and any other strategy, plan or program.
Sch 4 Cond 3	Include statement in AEMR that reports on Cumulative Noise Criteria.
Sch 4 Cond 5c)	Clarify noise mitigation process in NMP under meteorological conditions to which noise limits do not apply.
Sch 4 Cond 11	Energy efficiency opportunities for the Abel Underground Mine to be identified, assessed and reported through a series of five-year assessment cycles in accordance with the Energy Efficiency Opportunities Act 2006 (EEO Act, 2006).
Sch 4 Cond 16	Recommend clearly labelling column on water transfer amounts on site spreadsheet e.g. “Transfer from Big Kahuna to Lake Kennerson (ML)” and including pumped volumes in Annual Review.
Sch 4 Cond 25b)	Recommend that refresher training provided to any personnel on site to ensure that waste management and waste bins handled correctly (see Plates 7, 8, 10, 14, 15 and 18).
Sch 4 Cond 25c)	Investigate redundant tank (see Plate 19) and respond accordingly. Confirm source of which pipe below operating sewage system to confirm it is benign.
Sch 4 Cond 26a)	Bush Fire Response Procedure Section be added to site induction presentation at next review.
Sch 4 Cond 29e)	Complete mine closure plan at least 5 years prior to closure or consent expiry date.
Sch 6 Cond 1f)	Recommend adding links to EMS attached documents or including as appendix to EMS.
Sch 6 Cond 2	Condition list made into a table and included in each revised management plan during C&M and demonstrate where each is addressed.

Ref	Description
SOCs	Recommended that at next project approval modification (if mining recommences), a full review of the SOC's are undertaken and any that commitments which are duplicative of development consent conditions are sought to be removed with a relevant justification.
Management Plans	<p>Most plans required update for care and maintenance status. Detail in table A and B should be considered during this review. The plans would all benefit from clarification of what responsibilities are Bloomfield's (CHPP and rail loadout) and which are care and maintenance activities and as such the responsibility of Abel Mine.</p> <p>Some of the changes will be inconsistent with the SOC's which include significant detail which is more suited to inclusion in the management plans.</p> <p>An appendix should include evidence of consultation with relevant regulators for each plan.</p> <p>Address recommended changes to each plan as listed in Table A of Appendix D.</p> <p>The RMP should include confirmation of where topsoil is stored and confirmation that adequate volumes exist to achieve the nominated final land use.</p>
EPL 12856	
A1	Recommend that consideration be given to a variation to reduce the 'coal works' scale as mine in care and maintenance status. This assumes that CHPP and rail loadout facilities are included in Bloomfield's EPL.
P1	Recommend updating this condition when management plans updated. Consideration should be given to seek reduction or removal of depositional dust gauges from program.
L2	Recommend updating noise monitoring locations and meteorological condition limit wording to make consistent with those shown in PA 05_0136 whilst operational.
O4	Seek removal/amendment to condition O4.2 as no sprays are utilised by the septic system.
U1.3-1.5	Recommend requesting U1 removed at next variation as it has been completed.
ML 1618	
11	Date of when mine entered Care and Maintenance is reported in the Annual Mining Lease Group Exploration report as being 02 May 2016, this date is not consistent with other reports e.g. the 2017 AEMR states mine entered care and maintenance on 28 April 2016. Recommend updated in next report.

* * *

for
HANSEN BAILEY



Theresa Folpp
Environmental Scientist



Dianne Munro
Principal

APPENDIX A
DP&E Certification Form

Independent Environmental Audit Submission Form	
Project	
Consent No.:	DA 05_0136 (as modified)
Description of Project:	Abel Underground Coal Mine
Project Address:	1132 John Renshaw Drive, Black Hill, NSW 2322
Proponent	Donaldson Coal Ltd
Proponent Address:	PO BOX 2275 GREENHILLS NSW 2323
Independent Audit	
Title of Audit:	Abel Underground Coal Mine Independent Environmental Audit
Certificate	<p>I certify that I have prepared the contents of the attached independent audit and to the best of my knowledge:</p> <p>It is in accordance with relevant approval condition(s)</p> <p>I have acted professionally, accurately and in an unbiased manner in conducting the audit</p> <p>I am not related to any owner or operator of the project as a spouse, partner, parent, child, sibling, employer, employee, business partner, in sharing a common employer, or in a contractual arrangement outside the audit</p> <p>I do not have any pecuniary interest in the project, including where there is a reasonable likelihood or expectation of appreciable financial gain or loss to me or to a person to whom I am related</p> <p>Neither I nor my employer have provided consultancy services for the project that were subject to this audit</p> <p>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</p>
Signature:	
Name:	Dianne Munro
Address:	6/127-129 John Street, Singleton NSW 2330
Email Address:	dmunro@hansenbailey.com.au
Auditor Certification (Body, No. Grade):	Auditor for Environmental Management, EMS and Compliance Audits. Exemplar Global No. 107622
Date:	08 February 2019

APPENDIX B
Regulatory Correspondence



Phillip Brown
Environment and Community Manager
Donaldson Coal
PO Box 2275
Greenhills, NSW 2323

Contact: Ann Hagerthy
Phone: (02) 6575 3407
Email: ann.hagerthy@planning.nsw.gov.au
Our ref: MP 05_0136

Dear Phillip

**Abel Underground Coal Mine (MP 05_0136)
Independent Environmental Audit**

Reference is made to correspondence submitted to the Department of Planning and Environment (the Department) on 2 November 2018 by Donaldson Coal Pty Ltd (Donaldson) as required under Schedule 6, Condition 9, of Project Approval MP 07_0087 (the approval), as modified, requesting approval of a proposed Independent Environmental Audit (IEA) team.

The Department has considered the request, and endorses the following team from Hansen Bailey:

- Dianne Munro – Lead Auditor
- Theresa Folpp – Environmental Scientist

The Department requests, under Schedule 2, Condition 4, the following:

- the auditor must only use the compliance status descriptors “compliant”, “non-compliant”, “not triggered”. The terms “partial compliance”, “partial non-compliance”, “not verified” or “administrative non-compliance” or similar must not be used;
- the IEA period shall be from 20 March 2015 to the IEA audit inspection date, which shall be completed by 31 December 2018;
- the IEA report along with a response to any audit recommendations, shall be submitted by **11 February 2019**, or within 6 weeks of the site inspection.

Please contact Ann Hagerthy on the details above, should you need to discuss this matter.

Yours sincerely

14/11/18

Leah Cook

Team Leader - Compliance
As nominee of the Secretary

Theresa Folpp

From: Dianne Munro
Sent: Monday, December 3, 2018 8:18 AM
To: heather.dewson@waternsw.com.au
Cc: Theresa Folpp
Subject: RE: Abel Independent Audit - Consultation with Regulators

Good morning Heather,

Hansen Bailey has been approved to conduct the 2018 Independent Environmental Audit (IEA) for the Abel Coal Mine in accordance with Schedule 6 Condition 9 of Project Approval (PA) 05_0136 which states:

“By the end of March 2015 (or other such timing as agreed by the Director-General), 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:

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

In accordance with condition (9b), as part of consultation with key regulators could you please provide any request you have in relation to any specific environmental areas you require any particular focus on as part of the IEA. James Benson at Yancoal at has kindly provided your email address to facilitate this email.

If you could respond by **10 December**, it would be appreciated. Please do not hesitate to call to discuss.

Kind Regards,
Dianne.

Dianne Munro
Principal Environmental Scientist
MEnvLaw BSc

HANSEN BAILEY
Tel: (02) 6575 2003
Fax: (02) 6575 2001
Mobile: 0428 772 566
Email: dmunro@hansenbailey.com.au

Theresa Folpp

From: Dianne Munro
Sent: Monday, December 3, 2018 1:53 PM
To: Theresa Folpp
Subject: FW: Abel Independent Audit - Consultation with Regulators

From: Robert Cavallaro [mailto:Robert.Cavallaro@waternsw.com.au]
Sent: Monday, December 03, 2018 1:40 PM
To: Estelle Avery <estelle.avery@nrar.nsw.gov.au>
Cc: Dianne Munro <DMunro@hansenbailey.com.au>
Subject: FW: Abel Independent Audit - Consultation with Regulators

Hi Estelle,

Can you please respond to Dianne? I think this is a NRAR customer.

Thanks,

Robert Cavallaro

Water Regulation Officer
Customer Assessments and Approval
Customer and Community

As of Monday 30 April 2018 the new independent Natural Resource Access Regulator (NRAR) is the single and independent agency responsible for compliance and enforcement of water management rules in NSW. NRAR has been established to provide greater independence of water regulation and give the community greater confidence in the regulation of this critical resource. The contact details for NRAR are: Website: www.industry.nsw.gov.au/natural-resources-access-regulator, Email: nrar.enquiries@nrar.nsw.gov.au and Phone: 1800 633 362. All future correspondence in relation to any cases worked on collaboratively should be directed to NRAR.



Level 6, 384 Hunter Street, Newcastle
T: 0447 965 240
Robert.Cavallaro@waternsw.com.au
www.waternsw.com.au

From: Dianne Munro <DMunro@hansenbailey.com.au>
Sent: Monday, 3 December 2018 1:12 PM
To: Robert Cavallaro <Robert.Cavallaro@waternsw.com.au>
Cc: Theresa Folpp <TFolpp@hansenbailey.com.au>
Subject: Abel Independent Audit - Consultation with Regulators

Good morning Robert,

Hansen Bailey has been approved to conduct the 2018 Independent Environmental Audit (IEA) for the Abel Coal Mine in accordance with Schedule 6 Condition 9 of Project Approval (PA) 05_0136 which states:

“By the end of March 2015 (or other such timing as agreed by the Director-General), 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:

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- (b) include consultation with the relevant agencies;*
- (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*
- (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and*
- (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.”*

In accordance with condition (9b), as part of consultation with key regulators could you please provide any request you have in relation to any specific environmental areas you require any particular focus on as part of the IEA. James Benson at Yancoal at has kindly provided your email address to facilitate this email.

If you could respond by **10 December**, it would be appreciated. Please do not hesitate to call to discuss.

Kind Regards,
Dianne.

Dianne Munro
Principal Environmental Scientist
MEnvLaw BSc

HANSEN BAILEY
Tel: (02) 6575 2003
Fax: (02) 6575 2001
Mobile: 0428 772 566
Email: dmunro@hansenbailey.com.au

Theresa Folpp

From: Dianne Munro
Sent: Monday, December 3, 2018 1:12 PM
To: Robert.Cavallaro@waternsw.com.au
Cc: Theresa Folpp
Subject: Abel Independent Audit - Consultation with Regulators

Good morning Robert,

Hansen Bailey has been approved to conduct the 2018 Independent Environmental Audit (IEA) for the Abel Coal Mine in accordance with Schedule 6 Condition 9 of Project Approval (PA) 05_0136 which states:

“By the end of March 2015 (or other such timing as agreed by the Director-General), 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:

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- (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and*
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In accordance with condition (9b), as part of consultation with key regulators could you please provide any request you have in relation to any specific environmental areas you require any particular focus on as part of the IEA. James Benson at Yancoal at has kindly provided your email address to facilitate this email.

If you could respond by **10 December**, it would be appreciated. Please do not hesitate to call to discuss.

Kind Regards,
Dianne.

Dianne Munro
Principal Environmental Scientist
MEnvLaw BSc

HANSEN BAILEY
Tel: (02) 6575 2003
Fax: (02) 6575 2001
Mobile: 0428 772 566
Email: dmunro@hansenbailey.com.au

Theresa Folpp

From: Dianne Munro
Sent: Monday, December 3, 2018 12:06 PM
To: mail@ncc.nsw.gov.au
Cc: Theresa Folpp
Subject: Abel Independent Audit - Consultation with Regulators (Attention: Newcastle Council - The General Manager)

Good morning,

Hansen Bailey has been approved by Department of Planning & Environment to conduct the 2018 Independent Environmental Audit (IEA) for the Abel Coal Mine in accordance with Schedule 6 Condition 9 of Project Approval (PA) 05_0136 which states:

“By the end of March 2015 (or other such timing as agreed by the Director-General), 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:

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

In accordance with condition (9b), as part of consultation with key regulators could you please provide any request you have in relation to any specific environmental areas you require any particular focus on as part of the IEA. James Benson at Yancoal at has kindly provided your email address to facilitate this email.

If you could respond by **10 December**, it would be appreciated. Please do not hesitate to call to discuss.

Kind Regards,
Dianne.

Dianne Munro
Principal Environmental Scientist
MEnvLaw BSc

HANSEN BAILEY
Tel: (02) 6575 2003
Fax: (02) 6575 2001
Mobile: 0428 772 566
Email: dmunro@hansenbailey.com.au

Theresa Folpp

From: Dianne Munro
Sent: Monday, December 3, 2018 12:08 PM
To: info@maitland.nsw.gov.au
Cc: Theresa Folpp
Subject: Abel Independent Audit - Consultation with Regulators (Attention: Maitland Council - The General Manager)

Good morning,

Hansen Bailey has been approved by Department of Planning & Environment to conduct the 2018 Independent Environmental Audit (IEA) for the Abel Coal Mine in accordance with Schedule 6 Condition 9 of Project Approval (PA) 05_0136 which states:

“By the end of March 2015 (or other such timing as agreed by the Director-General), 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:

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- (b) include consultation with the relevant agencies;*
- (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*
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- (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.”*

In accordance with condition (9b), as part of consultation with key regulators could you please provide any request you have in relation to any specific environmental areas you require any particular focus on as part of the IEA. James Benson at Yancoal at has kindly provided your email address to facilitate this email.

If you could respond by **10 December**, it would be appreciated. Please do not hesitate to call to discuss.

Kind Regards,
Dianne.

Dianne Munro
Principal Environmental Scientist
MEnvLaw BSc

HANSEN BAILEY
Tel: (02) 6575 2003
Fax: (02) 6575 2001
Mobile: 0428 772 566
Email: dmunro@hansenbailey.com.au

Theresa Folpp

From: Dianne Munro
Sent: Monday, December 3, 2018 8:14 AM
To: Matt.corradin@epa.nsw.gov.au
Cc: Theresa Folpp
Subject: Abel Independent Audit - Consultation with Regulators

Good morning Matt,

Hansen Bailey has been approved to conduct the 2018 Independent Environmental Audit (IEA) for the Abel Coal Mine in accordance with Schedule 6 Condition 9 of Project Approval (PA) 05_0136 which states:

“By the end of March 2015 (or other such timing as agreed by the Director-General), 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:

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

In accordance with condition (9b), as part of consultation with key regulators could you please provide any request you have in relation to any specific environmental areas you require any particular focus on as part of the IEA. James Benson at Yancoal at has kindly provided your email address to facilitate this email.

If you could respond by **10 December**, it would be appreciated. Please do not hesitate to call to discuss.

Kind Regards,
Dianne.

Dianne Munro
Principal Environmental Scientist
MEnvLaw BSc

HANSEN BAILEY
Tel: (02) 6575 2003
Fax: (02) 6575 2001
Mobile: 0428 772 566
Email: dmunro@hansenbailey.com.au

Theresa Folpp

From: Dianne Munro
Sent: Monday, December 10, 2018 8:27 AM
To: dan.adams@planning.nsw.gov.au
Cc: Theresa Folpp
Subject: Abel Independent Audit - Consultation with Regulators

Good morning Dan,

I had emailed Chris Cooper last week, but have since been advised that you are the best contact for Abel.

Hansen Bailey has been approved to conduct the 2018 Independent Environmental Audit (IEA) for the Abel Coal Mine in accordance with Schedule 6 Condition 9 of Project Approval (PA) 05_0136 which states:

“By the end of March 2015 (or other such timing as agreed by the Director-General), 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:

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

In accordance with condition (9b), as part of consultation with key regulators could you please provide any request you have in relation to any specific environmental areas you require any particular focus on as part of the IEA. James Benson at Yancoal at has kindly provided your email address to facilitate this email.

If you could respond by **12 December**, it would be appreciated. Please do not hesitate to call to discuss.

Kind Regards,
Dianne.

Dianne Munro
Principal Environmental Scientist
MEnvLaw BSc

HANSEN BAILEY
Tel: (02) 6575 2003
Fax: (02) 6575 2001
Mobile: 0428 772 566
Email: dmunro@hansenbailey.com.au

Theresa Folpp

From: Dianne Munro
Sent: Monday, December 3, 2018 8:14 AM
To: chris.cooper@planning.nsw.gov.au
Cc: Theresa Folpp
Subject: Abel Independent Audit - Consultation with Regulators

Good morning Chris,

Hansen Bailey has been approved to conduct the 2018 Independent Environmental Audit (IEA) for the Abel Coal Mine in accordance with Schedule 6 Condition 9 of Project Approval (PA) 05_0136 which states:

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- (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*
- (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and*
- (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.”*

In accordance with condition (9b), as part of consultation with key regulators could you please provide any request you have in relation to any specific environmental areas you require any particular focus on as part of the IEA. James Benson at Yancoal at has kindly provided your email address to facilitate this email.

If you could respond by **10 December**, it would be appreciated. Please do not hesitate to call to discuss.

Kind Regards,
Dianne.

Dianne Munro
Principal Environmental Scientist
MEnvLaw BSc

HANSEN BAILEY
Tel: (02) 6575 2003
Fax: (02) 6575 2001
Mobile: 0428 772 566
Email: dmunro@hansenbailey.com.au

Theresa Folpp

From: Dianne Munro
Sent: Monday, December 3, 2018 12:07 PM
To: council@cessnock.nsw.gov.au
Cc: Theresa Folpp
Subject: Abel Independent Audit - Consultation with Regulators (Attention: Cessnock Council - The General Manager)

Good morning,

Hansen Bailey has been approved by Department of Planning & Environment to conduct the 2018 Independent Environmental Audit (IEA) for the Abel Coal Mine in accordance with Schedule 6 Condition 9 of Project Approval (PA) 05_0136 which states:

“By the end of March 2015 (or other such timing as agreed by the Director-General), 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:

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- (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*
- (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and*
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In accordance with condition (9b), as part of consultation with key regulators could you please provide any request you have in relation to any specific environmental areas you require any particular focus on as part of the IEA. James Benson at Yancoal at has kindly provided your email address to facilitate this email.

If you could respond by **10 December**, it would be appreciated. Please do not hesitate to call to discuss.

Kind Regards,
Dianne.

Dianne Munro
Principal Environmental Scientist
MEnvLaw BSc

HANSEN BAILEY
Tel: (02) 6575 2003
Fax: (02) 6575 2001
Mobile: 0428 772 566
Email: dmunro@hansenbailey.com.au

Theresa Folpp

From: Dianne Munro
Sent: Monday, December 3, 2018 8:13 AM
To: ann.hagerthy@planning.nsw.gov.au
Cc: Theresa Folpp
Subject: Abel Independent Audit - Consultation with Regulators

Good morning Ann,

As you are aware, Hansen Bailey has been approved to conduct the 2018 Independent Environmental Audit (IEA) for the Abel Coal Mine in accordance with Schedule 6 Condition 9 of Project Approval (PA) 05_0136 which states:

“By the end of March 2015 (or other such timing as agreed by the Director-General), 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:

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- (b) include consultation with the relevant agencies;*
- (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*
- (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and*
- (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.”*

In accordance with condition (9b), as part of consultation with key regulators could you please provide any request you have in relation to any specific environmental areas you require any particular focus on as part of the IEA. James Benson at Yancoal at has kindly provided your email address to facilitate this email.

If you could respond by **10 December**, it would be appreciated. Please do not hesitate to call to discuss.

Kind Regards,
Dianne.

Dianne Munro
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MEnvLaw BSc

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Dianne Munro
c/ Donaldson Coal Pty Ltd
PO Box 2216,
GREENHILLS NSW 2323

Our ref: DOC18/955199

By email: DMunro@hansenbailey.com.au

11 December 2018

Dear Dianne,

Abel Coal Mine Independent Environmental Audit – Consultation

We refer to your request for feedback from the Department of Planning and Environment – Resources Regulator (the “Department”) on the scope of the Abel Coal Mine 2018 Independent Environmental Audit, which was received by the NSW Department of Planning and Environment – Resources Regulator on 10 December 2018 (DOC18/955318).

The Department suggests the audit address the following questions:

Audit Component - Desktop

1. Is there a current Mining Operations Plan (MOP) in place and has it been approved by The Resources Regulator?
2. Has the MOP been prepared in consultation with the relevant agencies as outlined in the Project Approval?
3. Is the rehabilitation strategy as outlined in the MOP consistent with the Project Approval in terms of progressive rehabilitation schedule; and proposed final land use(s)?
4. Has the rehabilitation objectives and completion criteria, as outlined in the MOP, been developed in accordance with the proposed final land(s) as outlined in the Project Approval?
5. Has a rehabilitation monitoring program been developed and implemented to assess performance against the nominated objectives and completion criteria (including subsidence management)? – verified by reviewing monitoring reports and rehabilitation inspection records.

Audit Component - Site Inspection

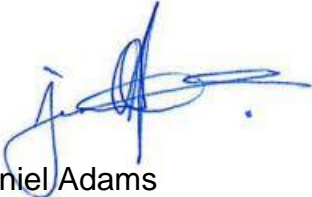
1. Are mining operations being conducted in accordance with the approved MOP (production, mining sequence etc.), including within the designated MOP approval boundary? – to be verified by site plans and site inspection.
2. Is rehabilitation progress, including vegetation community types, consistent with the approved MOP as verified by site plans and a site inspection? This should include an evaluation against rehabilitation targets and whether the final landform is being developed in accordance with conceptual final landform in Project Approval.
3. Based on a visual inspection, are there any rehabilitation areas that appear to have failed or that have incurred an issue that may result in a delay in achieving the successful rehabilitation?
4. Are there controls to ensure top soil management is appropriate to achieve nominated final land uses? For example, is the source of a top soil stockpile recorded to ensure it is used to achieve a specified final land use outcome?

In addition to the above, the audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.

Note further that this listing is not intended to be exhaustive and that the auditor should consider all matters he or she considers appropriate.

If you require additional information on this matter please contact the undersigned at the Resources Regulator's Maitland office on (02) 4063 6628.

Yours sincerely,



Daniel Adams
Inspector Environment
Compliance Operations
Resources Regulator
NSW Department of Planning and Environment

Theresa Folpp

From: Matthew Corradin <Matt.Corradin@epa.nsw.gov.au>
Sent: Wednesday, December 5, 2018 11:59 AM
To: Dianne Munro
Cc: Theresa Folpp; Mark Hartwell
Subject: RE: Abel Independent Audit - Consultation with Regulators

Hi Dianne

Thank you for your email below.

No specific area of concern from the EPA.

Regards

Matthew Corradin

Senior Operations Officer – Hunter South

NSW Environment Protection Authority – North Branch

Landline (02) 4908 6830 – Mobile Telephone 0428 663 146

matt.corradin@epa.nsw.gov.au www.epa.nsw.gov.au [@EPA_NSW](#) [EPA YouTube](#)

Report pollution and environmental incidents 131 555 (NSW only)



Please send official electronic correspondence to hunter.region@epa.nsw.gov.au



From: Dianne Munro <DMunro@hansenbailey.com.au>
Sent: Monday, 3 December 2018 8:14 AM
To: Matthew Corradin <Matt.Corradin@epa.nsw.gov.au>
Cc: Theresa Folpp <TFolpp@hansenbailey.com.au>
Subject: Abel Independent Audit - Consultation with Regulators

Good morning Matt,

Hansen Bailey has been approved to conduct the 2018 Independent Environmental Audit (IEA) for the Abel Coal Mine in accordance with Schedule 6 Condition 9 of Project Approval (PA) 05_0136 which states:

“By the end of March 2015 (or other such timing as agreed by the Director-General), 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:

(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;

- (b) include consultation with the relevant agencies;*
- (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*
- (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and*
- (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals."*

In accordance with condition (9b), as part of consultation with key regulators could you please provide any request you have in relation to any specific environmental areas you require any particular focus on as part of the IEA. James Benson at Yancoal at has kindly provided your email address to facilitate this email.

If you could respond by **10 December**, it would be appreciated. Please do not hesitate to call to discuss.

Kind Regards,
Dianne.

Dianne Munro
Principal Environmental Scientist
MEnvLaw BSc

HANSEN BAILEY
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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

Theresa Folpp

From: Ann Hagerthy <Ann.Hagerthy@planning.nsw.gov.au>
Sent: Wednesday, December 5, 2018 8:00 AM
To: Dianne Munro
Cc: Theresa Folpp
Subject: RE: Abel Independent Audit - Consultation with Regulators

Hi Dianne,

Thanks for your email. I do not have any specific focus areas that I would like you to focus on for this audit.

Regards,

Ann Hagerthy, PMP
Senior Compliance Officer (W, Th, F)
Compliance
Department of Planning & Environment | [PO Box 3145 | Singleton NSW 2330](#)
T [02 6575 3407](#) M [0428 976 540](#)
E ann.hagerthy@planning.nsw.gov.au
compliance@planning.nsw.gov.au



From: Dianne Munro <DMunro@hansenbailey.com.au>
Sent: Monday, 3 December 2018 8:13 AM
To: Ann Hagerthy <Ann.Hagerthy@planning.nsw.gov.au>
Cc: Theresa Folpp <TFolpp@hansenbailey.com.au>
Subject: Abel Independent Audit - Consultation with Regulators

Good morning Ann,

As you are aware, Hansen Bailey has been approved to conduct the 2018 Independent Environmental Audit (IEA) for the Abel Coal Mine in accordance with Schedule 6 Condition 9 of Project Approval (PA) 05_0136 which states:

“By the end of March 2015 (or other such timing as agreed by the Director-General), 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:

- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;*
- (b) include consultation with the relevant agencies;*
- (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*

- (d) *review the adequacy of strategies, plans or programs required under the abovementioned approvals; and*
- (e) *recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.”*

In accordance with condition (9b), as part of consultation with key regulators could you please provide any request you have in relation to any specific environmental areas you require any particular focus on as part of the IEA. James Benson at Yancoal at has kindly provided your email address to facilitate this email.

If you could respond by **10 December**, it would be appreciated. Please do not hesitate to call to discuss.

Kind Regards,
Dianne.

Dianne Munro

Principal Environmental Scientist

MEnvLaw BSc

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APPENDIX C
Site Itinerary

**Department of Planning & Environment – Independent Environmental Audit
Abel Underground Coal Mine**

ITINERARY

Site Component to be held Thursday, 20 December 2018

INVITEES

Phillip Brown (PB)	Yancoal	E&C Superintendent
James Benson (JB)	Donaldson Coal	E&C Coordinator
William Farnworth (WF)	Donaldson Coal	Manager of Mining Engineer
Luke Queenan (LQ)	Donaldson Coal	Site Senior Engineer – EEM
Brad Merchant (BM)	Donaldson Coal	Production Manager
Dianne Munro (DM)	Hansen Bailey	Lead Auditor
Theresa Folpp (TF)	Hansen Bailey	Assistant Auditor

Time	Description	Location	Attendees
8:00 am – 8:15 am	Opening Meeting <ul style="list-style-type: none"> • Introductions • Scope and purpose of Audit (DM) • Confidentiality Arrangements (DM) • Audit Process and Timing (DM) • Confirmation of Planned Meetings (All) 	Boardroom	All
8:15 am – 8:45 am	Operations Overview Presentation (PB) <ul style="list-style-type: none"> • Presentation on mining operations, infrastructure, CHPP, rail, rejects and water management systems, rehabilitation, neighbours, monitoring 	Boardroom	DM, TF, PB, JB
8:45 am – 12:00 pm (working lunch)	Development Consent Condition Review <ul style="list-style-type: none"> • Abel Underground Coal Mine DA 05_0136 • EIS/EA key parameters and commitments • Management Plan Commitments • MOP Review against EIS 	Boardroom	DM, TF, PB, JB
12:15 pm – 1:15 pm	Field Inspection <ul style="list-style-type: none"> • Abel Underground Coal Mine • Key Infrastructure Areas including water management • CHPP and train loadout • Heritage sites • Rehabilitation • Monitoring 	Field	DM, TF, PB, JB

Time	Description	Location	Attendees
1:00 pm – 3:00 pm	Other Environment Documentation <ul style="list-style-type: none">• EPL and ML• Complaints and Incidents• Mining Authorities• Water Licences• Regulator Issues / outstanding issues	Boardroom	DM, TF, PB, JB
3:00 pm – 3:30 pm	Auditors Revision	Boardroom	DM, TF
3:30pm – 4.00pm	Close Out Meeting <ul style="list-style-type: none">• Overview of findings (DM)• Confirm outstanding items or documents• Confirm Audit Completion Process• Discussion	Boardroom	All

APPENDIX D
Compliance Tables

Table A
Project Approval 05_0136 Conditions

Cond	05_0136 Condition	Status	Evidence
SCHEDULE 2 ADMINISTRATIVE CONDITIONS			
Obligation to Minimise Harm to the Environment			
1.	In addition to meeting the specific performance criteria established under this approval, 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.	Compliant	Works and activities carried out generally in accordance with PA 05_0136, EPL 12856, and ML to prevent and/or minimise any harm to the environment that may result from construction, operation, or rehabilitation of the project. No reportable incidents, regulatory notices or prosecutions occurred during the audit period.
Terms of Approval			
2.	<p>The Proponent shall carry out the project generally in accordance with the:</p> <ul style="list-style-type: none"> a) EA; b) EA (MOD 1); c) EA (MOD 2) d) EA (MOD 3) e) statement of commitments; f) conditions of this approval. <p>Note: The general layout of the project is shown on figures in Appendix 2. The Statement of Commitments is reproduced in Appendix 4.</p>	Compliant	<p>During the audit period the following mining activities occurred (see Figure 2):</p> <ul style="list-style-type: none"> • 2015 AEMR (Section 2.4) – Commencement of first working within Panels 29 and 31, continuation of first workings within West Mains, continuation of first and second workings within Panels 28 and 30 and completion of second workings within Panels 25, 26 and 27 (all within areas 3 and 4). • 2016 AEMR Section 4.1– Mining activities concentrated on secondary workings within Panels 28, 30 and 31 (all within Area 4) and small sections of first workings within South Mains and South Mains 2 to create drifts from the Upper Donaldson seam to the Lower Donaldson seam. This drift is not in an Area covered by an SMP/EP. • 2017 – no coal extraction occurred. • 2018 – no coal extraction occurred (PB pers comms) and site visit confirmation.

Cond	05_0136 Condition	Status	Evidence
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.	Compliant	No inconsistencies were identified during the audit period (PB pers comms). No regulatory correspondence sighted describing any inconsistencies.
4.	<p>The Proponent shall comply with any reasonable and feasible requirements of the Director-General arising from the Department's assessment of:</p> <p>a) any reports, plans or correspondence that are submitted in accordance with the conditions of this approval; and</p> <p>b) the implementation of any actions or measures contained in these reports, plans or correspondence.</p>	Compliant	<p>2017 AR response letter from DPE dated 09 Oct 2018 requests that future AR's include</p> <ul style="list-style-type: none"> • Intro – include biodiversity offset areas (as required by Sch 3 Cond 18) on locality plan. • Noise – include approval criteria limits in monitoring results tables to readily identify compliance. • Waste – include prev. years waste volume data in table to readily compare reporting to year data to previous years data (refer Sch 4 Cond 25d). <p>In the letter from DPE, DPE requests that each of the above are tabulated in next AR with reference to where each has been addressed. Abel responded in a letter dated 12/10/18 and stated that <i>"inclusions in the next Annual Review have been noted and will be included in the 2018 Annual Review.</i></p> <p>The letter from DPE dated 09 Oct 18 also stated that the following could not be located on website and must be put onto website by 31 October 2018.</p> <p>1. Gas Drainage MP (discussed in Sch 3 Cond 9). PED Comm MP (discussed in Sch 3 Cond 12). BOS (discussed in Sch 3 Cond 18). BMP (discussed in Sch 3 Cond 20). CCC minutes (discussed in Sch 6 Cond 6). Coal Transportation Amounts (discussed in Sch 3 Cond 23). Proponents response to auditor recommendations for the 2015 IEA report.</p>

Cond	05_0136 Condition	Status	Evidence
			<p>For Point 7, Viewed letter to DP&E dated 12 Oct 2018 which states that "Abel did not provide a response to the auditor's recommendations for the 2015 Abel IEA. The Audit was provided to the Department outlining it accepted and agreed with recommendations.</p> <p>Email from WaterNSW dated 19/04/18 requests original Certificate of Title for WAL 41525 be sent to WaterNSW to correct the water source recorded on title. Abel sent the Water Licence to WaterNSW and requested the licence be re-issued (03/12/18). WaterNSW replied on 03/12/18 that the "correction has not taken place and WaterNSW will contact Abel once it has". Recommend this is followed up directly with DPE to resolution.</p>
Limits on Approval			
5	<p>The Proponent may carry out mining operations on site until the end of December 2030.</p> <p>Note:</p> <p><i>Under this Approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Director-General or the Executive Director, Mineral Resources. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.</i></p>	Compliant	Mining operations can continue until 2029.
Coal Extraction			
6	The Proponent shall not extract more than 6.1 million tonnes of ROM coal from the site per calendar year.	Compliant	<p>2018 Site in Care and Maintenance</p> <p>2017 AEMR (Section 4.1) 0.00 Mt</p> <p>2016 AEMR (Section 4.1) 0.27Mt</p> <p>2015 AEMR (Section 2.4) 1.81Mt</p>

Cond	05_0136 Condition	Status	Evidence
Coal Processing			
7	The Proponent shall not process more than 8.5 million tonnes of ROM coal at the Bloomfield site per calendar year.	Compliant	2018 – Viewed internal email from Bloomfield Environmental Advisor dated 01/02/19 that states CHPP ROM coal output for 2018 was 1,083,101 tonnes 2017 Bloomfield AEMR Table 3 – 978,000t ROM 2016 Bloomfield AEMR Table 3 – 275, 000t ROM 2015 Bloomfield AEMR Table 3 - 1,831,000t (ROM)
8	The Proponent shall transport all ROM coal from the Abel pit-top area to the Bloomfield site via the private haul road, or by coal conveyor, or by a combination of both methods.	Compliant	2018 – no coal produced as per condition 7, therefore no transport (PB pers comm). 2017 AEMR Section 4.2 – no coal transportation 2016 – ROM coal transported to Bloomfield CHPP by private haul road (PB pers comm). 2015 AEMR Section 2.7 - ROM coal transported to Bloomfield CHPP by private haul road.
9	The Proponent shall transport all product coal produced on the Bloomfield site via the Bloomfield Rail Loop, and Rail Spur and the Main Northern Railway, except in an emergency. In an emergency, product coal may be transported from the Bloomfield site by road, with the prior written approval of the Director-General, and subject to any restrictions that the Director-General may impose.	Compliant	Viewed email dated 17/12/2018 that states all coal processed at Bloomfield CHPP was transported by rail. No complaints received or notifications from regulators has occurred during audit period. No emergency situation has been requested (PB pers comms). Recommend adding comment to Annual Review confirming this statement.
Hours of Operation			
10	The Proponent shall comply with the operating hours in Table 1.	Compliant	Mining Operations and Maintenance activities complied with operating hours in Table 1 during audit period (PB pers comm). See condition Sch 4 Cond 1 regarding noise results at residences. During Care and Maintenance, site is locked at 6pm Mon-Fri and closed on weekends (PB pers comm).

Cond	05_0136 Condition	Status	Evidence								
	<p>Table 1: Operating hours</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Operating Hours</th> </tr> </thead> <tbody> <tr> <td>Mining Operations</td> <td>24 hours a day, 7 days per week</td> </tr> <tr> <td>Construction activities</td> <td>7.00 am to 6.00 pm, Monday to Friday; and 8.00 am to 1.00 pm, Saturdays, unless noise from these activities does not exceed 35dB(A)_{L_{Aeq}(15 min)} at any privately-owned residence</td> </tr> <tr> <td>Maintenance activities</td> <td>24 hours a day, 7 days per week, providing maintenance activities are inaudible at any privately-owned residence</td> </tr> </tbody> </table>	Activity	Operating Hours	Mining Operations	24 hours a day, 7 days per week	Construction activities	7.00 am to 6.00 pm, Monday to Friday; and 8.00 am to 1.00 pm, Saturdays, unless noise from these activities does not exceed 35dB(A) _{L_{Aeq}(15 min)} at any privately-owned residence	Maintenance activities	24 hours a day, 7 days per week, providing maintenance activities are inaudible at any privately-owned residence		<p>No Construction activities at Abel occurred during the reporting period (2016 & 2017 AEMR Section 4.2, 2015 AEMR Section 2.3).</p> <p>Viewed 2015 AEMR Executive Summary, 2016 and 2017 AEMR Section 11 - No reportable incidences or exceedances, official cautions, warning letters, penalty notices or prosecution proceedings.</p>
Activity	Operating Hours										
Mining Operations	24 hours a day, 7 days per week										
Construction activities	7.00 am to 6.00 pm, Monday to Friday; and 8.00 am to 1.00 pm, Saturdays, unless noise from these activities does not exceed 35dB(A) _{L_{Aeq}(15 min)} at any privately-owned residence										
Maintenance activities	24 hours a day, 7 days per week, providing maintenance activities are inaudible at any privately-owned residence										
11	<p>Structural Adequacy</p> <p>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:</p>	Compliant	<p>Viewed Section 5.1 2015 AEMR – No permanent buildings renovated or removed.</p> <p>Viewed Section 8 of 2016 & 2017 AEMR – No permanent buildings renovated or removed.</p> <p>2015, 2016, 2017 – No written evidence that structures were not altered or added to (JB pers comms).</p> <p>Site visit did not reveal any obvious additions.</p> <p>Recommend adding a statement in AEMR that includes alterations and additions to structures.</p>								
	a) the relevant requirements of the BCA; and	Compliant	See Sch 2 Con 11.								
	b) any additional requirements of the MSB where the building or structure is located on land within declared Mine Subsidence Districts.	Compliant	See Sch 2 Con 11.								

Cond	05_0136 Condition	Status	Evidence
	<p>Note:</p> <ul style="list-style-type: none"> 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. Under Section 15 of the Mine Subsidence Compensation Act 1961, the Proponent is required to obtain the MSB's approval before constructing any improvements within a Mine Subsidence District. 		
Demolition			
12	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.	Compliant	Viewed 2016 and 2017 AEMR Section 8.1, 2015 AEMR Section 5.1 which stated that no permanent buildings removed. No demolition work conducted (JB pers comms)..
Operation of Plant and Equipment			
13	The Proponent shall ensure that all plant and equipment used on site is: <ul style="list-style-type: none"> a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner. 	Compliant	Viewed 2015 AEMR Executive Summary, 2016 and 2017 AEMR Section 11. No reportable incidences or exceedances, official cautions, warning letters, penalty notices or prosecution proceedings. There were two EPA non-compliances during the reporting period due to a malfunction of the DustTrack unit (see Table B). One malfunction occurred in 2018 due to interruption of power supply and one in 2017 due to rain ingress. Viewed EPL Annual Returns and there was no environmental harm from loss of data.

Cond	05_0136 Condition	Status	Evidence
			<p>Viewed the following mobile equipment maintenance service forms:</p> <ul style="list-style-type: none"> • 4/6/0364 MT12 service on 07/12/18. • W/O 41634634 MT14 service on 06/12/18. • W/O 41632871 service on 17/12/18. <p>The site visit did not show unacceptable dust from the site operations (see Plate 1) although minimal activities were occurring at the time.</p>
STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS			
14	<p>With the approval of the Director-General, the Proponent may submit any strategies, plans or programs required by this approval on a progressive basis. Strategies, plans or programs approved before 31 October 2013 continue to apply to the project, until revised strategies, plans or programs required under the terms of this modified approval are approved by the Director-General.</p> <p>Note:</p> <ul style="list-style-type: none"> • <i>While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.</i> • <i>If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.</i> 	Compliant	<p>No request was made during the audit period (PB pers comms).</p> <p>Viewed Letter from DP&E dated 31/08/18 that states the EMS (August 2018) satisfies this condition.</p>

Cond	05_0136 Condition	Status	Evidence						
SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS UNDERGROUND MINING									
SUBSIDENCE									
Performance Measures – Natural and Heritage Features etc									
1	The Proponent shall ensure that the project does not result in any exceedances of the performance measures in Table 2, to the satisfaction of the Director-General.	Compliant	Viewed 2015 AEMR Executive Summary – All subsidence monitoring during the reporting period was within predicted ranges. Subsidence impacts were managed in accordance with the approved subsidence monitoring program. Viewed 2016 and 2017 AEMR Section 6.1 – All subsidence remained within predicted levels and no notifiable events occurred.						
	<p><i>Table 2: Subsidence Impact Performance Measures</i></p> <table border="1"> <thead> <tr> <th colspan="2">Water Resources</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> Hexham Swamp; Blue Gum Creek and Alluvium; and Long Gully. </td> <td> <ul style="list-style-type: none"> Negligible environmental consequences, including: <ul style="list-style-type: none"> negligible reduction in the quantity of water entering the swamp or the creeks (ie baseflow or environmental flows); negligible reduction in the quality of water entering the swamp or the creeks; and negligible reduction in creek bed or bank stability. No connective cracking between the surface and the mine. </td> </tr> <tr> <td> <ul style="list-style-type: none"> All other watercourses in the mining area. </td> <td> <ul style="list-style-type: none"> No greater environmental consequences than predicted in the EA and EA (MOD 3). </td> </tr> </tbody> </table>	Water Resources		<ul style="list-style-type: none"> Hexham Swamp; Blue Gum Creek and Alluvium; and Long Gully. 	<ul style="list-style-type: none"> Negligible environmental consequences, including: <ul style="list-style-type: none"> negligible reduction in the quantity of water entering the swamp or the creeks (ie baseflow or environmental flows); negligible reduction in the quality of water entering the swamp or the creeks; and negligible reduction in creek bed or bank stability. No connective cracking between the surface and the mine. 	<ul style="list-style-type: none"> All other watercourses in the mining area. 	<ul style="list-style-type: none"> No greater environmental consequences than predicted in the EA and EA (MOD 3). 	<u>Not Compliant</u>	<p>Within Area 3 the following water resources occur:</p> <ul style="list-style-type: none"> Schedule 1 streams only for Four Mile Creek plus tributaries to Weakleys Flat and Viney Creek. Aquifers, and a Spring on private property located to the west of SML Area 3. <p>Within Area 4 the following resources occur:</p> <ul style="list-style-type: none"> Four Mile Creek and its tributaries. <p><u>Hexham Swamp</u></p> <p>Hexham Swamp is located 2km SE of the area mined during the audit period and is separated from the mining area by a topographical ridgeline.</p> <p>Reviewed 'Groundwater Review' by Dundon Consulting which assessed mining and other impacts against predicted impacts reported in the project approval and SMP/EP approvals. Page 6 of the 2016 Dundon report states "the hydrographs from other shallow alluvium and regolith bores is consistent with there having been no impact on the Hexham Swamp".</p> <p>As outlined in Table 5.2 of the WMP, performance objectives for Hexham Swamp is draw down of groundwater levels and "Trigger Levels are an</p>
Water Resources									
<ul style="list-style-type: none"> Hexham Swamp; Blue Gum Creek and Alluvium; and Long Gully. 	<ul style="list-style-type: none"> Negligible environmental consequences, including: <ul style="list-style-type: none"> negligible reduction in the quantity of water entering the swamp or the creeks (ie baseflow or environmental flows); negligible reduction in the quality of water entering the swamp or the creeks; and negligible reduction in creek bed or bank stability. No connective cracking between the surface and the mine. 								
<ul style="list-style-type: none"> All other watercourses in the mining area. 	<ul style="list-style-type: none"> No greater environmental consequences than predicted in the EA and EA (MOD 3). 								

Cond	05_0136 Condition	Status	Evidence
			<p><i>additional drawdown of 0.5m relative to normal seasonal and climatically influenced fluctuation in the near-surface groundwater levels”.</i></p> <p>Piezometers C063A and CO63B are located near Hexham Swamp (2017 AEMR Section 7.3). Piezometer C063B has failed or bore collapsed (2017 AEMR Section 7.3). Viewed Groundwater Data on 16/01/19 and Groundwater Level (Abel, 2018a) of Piezometer CO63A has remained constant throughout audit period.</p> <p>Section 8.3 of the MOD3 GW Report states “<i>monitoring of potential impacts of the Modification on Groundwater Dependant Ecosystems in the vicinity of the Abel Underground Mine area (including Hexham Swamp) would still be conducted as part of the Biodiversity Management Plan for the Abel Underground Mine</i>”. The BMP has not been developed (refer Sch 4 Cond 20) therefore there is no evidence to suggest that monitoring Hexham Swamp GDE’s is in compliance to this condition. Recommend that if mining recommences, clear definition of GDEs be made and monitoring of Hexham Swamp documented.</p> <p><u>Blue Gum Creek & Long Gully – Water Quality</u></p> <p>Blue Gum Creek and its tributary Long Gully drain towards Hexham Swamp and is located approximately 3km south of the audit period mining area. PB also indicated that a significant ridgeline exists between active mining and this area.</p> <p>As per Table 5 of the WMP, Performance Objectives for Blue Gum Creek and Long Gully are “<i>negligible reduction to the quality of water resource</i>”.</p> <p>Viewed EPL monitoring results on website for Blue Gum Creek/Long Gully (Site 10). Monitoring was undertaken each month. As per Table 3.7 of the WMP, the salinity (EC) Water Quality “Trigger” Values for Blue Gum Creek (Site 10) is between 798 - 1,496 µS/cm. “An Exceedance of the upper bound (80th percentile of baseline data) EC for a period of three consecutive months is a trigger to undertake further assessment of the</p>

Cond	05_0136 Condition	Status	Evidence
			<p>metals (Fe, Al and Mn) to establish whether the change in EC is mining induced (p.21 WMP)."</p> <p>As per Table 3.6 in the WMP, the 80th percentile of baseline data for Site 10 EC is 1,496 µS/cm.</p> <p><u>The upper bound trigger value for salinity (EC) in WMP at Site 10 were exceeded for a period of three consecutive months in Oct, Nov and Dec 2016 EPL monthly reporting as follows:</u></p> <ul style="list-style-type: none"> • <u>Oct 2016 – 1,653 µS/cm</u> • <u>Nov 2016 – 1,893 µS/cm</u> • <u>Dec 2016 – 1,946 µS/cm</u> <p><u>The mine entered into care and maintenance in April 2016, however there is no evidence in the 2016 AEMR that additional assessment was undertaken to determine whether these exceedances were mining induced.</u></p> <p><u>Recommend for future Trigger Level EC exceedance, assessment of metals (Fe, Al and Mn) used to assess whether change in EC is mining induced. Trigger values for metals should also be included for Site 10 in Table 3.7 of the WMP. Further consideration of this trigger level in the revised WMP should be undertaken in consultation with a relevant water specialist and relevant regulators in consideration of distance to active mining.</u></p> <p><u>Blue Gum Creek – Health of Watercourse</u></p> <p>As per Table 5 of the WMP, Performance Objectives for Blue Gum Creek are "no reduction in health of the watercourse". Assessment of Trigger Levels are identified using the SIGNAL Index.</p> <p>Macroinvertebrate sampling was undertaken by Niche Environment and Heritage and is included in Appendix 5 of the 2015 AR, Appendix 6 of the 2016 AR and is summarised in Section 6.6.1 of the 2017 AR.</p>

Cond	05_0136 Condition	Status	Evidence								
			<p>In 2017, macroinvertebrate surveys were undertaken within Blue Gum Creek using the aquatic ecology diversity (SIGNAL index). "The SIGNAL scores since 2015 have been <4 which is considered poor and potentially the results of pollution from erosion, siltation, weeds and elevated salinity. <i>Despite the SIGNAL scores, sensitive mayfly taxa were recorded (2017 AEMR Section 6.6.1)</i>". Section 6.6.1 of the AEMR states that "<i>This poor stream health is unrelated to the Abel mining operations and is more likely related to disturbance factors such as roadways, agriculture, and past high flow events. Given these other disturbance sources and consideration that Abel Mine is in a 'Care and Maintenance' phase, the ongoing monitoring program will be reviewed to determine whether the current monitoring sites remain appropriate locations</i>".</p> <p><u>Blue Gum Alluvium</u></p> <p>The Blue Gum alluvium is located adjacent to the Pambalong Nature Reserve approximately 3km SE of the audit period mining area. There was no mining in the Blue Gum Alluvium during the audit period.</p>								
	<table border="1"> <thead> <tr> <th colspan="2" data-bbox="327 919 976 943">Land</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 943 629 1031"> <ul style="list-style-type: none"> Cliffs. </td> <td data-bbox="629 943 976 1031"> <ul style="list-style-type: none"> Minor environmental consequences (that is, occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing, that in total do not impact more than 3% of the total face area of cliffs within the mining area). </td> </tr> <tr> <td data-bbox="327 1031 629 1118"> <ul style="list-style-type: none"> Minor cliffs Rock face features; and Steep slopes. </td> <td data-bbox="629 1031 976 1118"> <ul style="list-style-type: none"> Minor environmental consequences (that is, occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing, that in total do not impact more than 5% of the total face area of each such type of feature within the mining area). </td> </tr> <tr> <td data-bbox="327 1118 629 1142"> <ul style="list-style-type: none"> Pambalong Nature Reserve. </td> <td data-bbox="629 1118 976 1142"> <ul style="list-style-type: none"> Negligible environmental consequences. </td> </tr> </tbody> </table>	Land		<ul style="list-style-type: none"> Cliffs. 	<ul style="list-style-type: none"> Minor environmental consequences (that is, occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing, that in total do not impact more than 3% of the total face area of cliffs within the mining area). 	<ul style="list-style-type: none"> Minor cliffs Rock face features; and Steep slopes. 	<ul style="list-style-type: none"> Minor environmental consequences (that is, occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing, that in total do not impact more than 5% of the total face area of each such type of feature within the mining area). 	<ul style="list-style-type: none"> Pambalong Nature Reserve. 	<ul style="list-style-type: none"> Negligible environmental consequences. 	<p><u>Not Compliant</u></p>	<p><u>Cliffs</u></p> <p>Section 4.2.4 of the MOD3 EA states that "<i>the existing subsidence management commitment for cliffs requires limiting mining operations such that not more than 60% of coal is extracted beneath identified cliff areas</i>". Cliffs (as per the definition in Section 4.2.4 and shown in Figure 11 of the MOD3 EA) are located approximately 1km south west of Areas 3 and 4 and were not undermined during the audit period.</p> <p><u>Minor Cliffs</u></p> <p>The term "Minor Cliff" is not defined in any Environmental Assessments for Abel Coal Project. There are no minor cliffs in proximity to the area mined during the audit period (PB pers comms). Recommend "Minor Cliff" definition be clarified on review of management plans when mining recommences.</p>
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Cond	05_0136 Condition	Status	Evidence
			<p><u>Rock face features</u> Rock face features has been defined as Cliffs in the Area 4 EP. Cliffs have not been undermined during the audit period (PB pers comms).</p> <p><u>Steep Slopes</u> Steep Slopes are located in Area 4 above panel 27, 28, 30, 32 and 34 (Table 4, Area 4 Land Management Plan). As per Table 1.1 of the Area 4 EP, proposed management measures are “visual inspection and remediation of impacts (if required) through Land and Public Safety Management Plan). Viewed End of Panel Reports for the audit period and visual inspections were undertaken at Panels 27, 28 and 30. Visual inspections were not undertaken at Panels 32 and 34 however, mining did not occur under panels 32 and 34.</p> <p><u>Pambalong Nature Reserve – Groundwater Levels</u> The Pambalong Nature Reserve is located approximately 3km south east of the audited mining area and is separated from the mining area by a topographical ridgeline. An annual Groundwater Review is undertaken by Dundon Consulting Pty Limited to assess mining and other impacts against predicted impacts as reported in the project approval and SMP/EP approvals. Page 6 of the 2016 Dundon report states that “the lack of response in the shallow regolith bore indicates that there has been no mining impact on the wetland located in Pambalong Nature Reserve”. Bores C081A and B had only limited monitoring in 2014 and 2015, and were not monitored at all in 2016. It is recommended that monitoring resume on a more regular basis, as they are key bores for demonstrating that the Pambalong wetland is not being impacted”.</p>

Cond	05_0136 Condition	Status	Evidence
			<p>For this IEA, a review of management commitments was undertaken and are discussed as follows. As per the Table 5.2 of the WMP, performance objective/indicators for the Pambalong Nature are Groundwater Levels monitored monthly at piezometers CO81A, C081B and C082. Assessment of Trigger Level(s) occur when “an additional drawdown of 0.5m relative to normal seasonal and climatically influenced fluctuations in the near-surface groundwater levels (Table 5.2 WMP)”.</p> <p><u>Review of groundwater data shows that groundwater levels at CO82 have not been undertaken since Oct 2015 and groundwater data at CO81A has not been collected monthly.</u></p> <p>Viewed 2015 AEMR Section 3.5, and 2016/2017 AEMR Section 7.3 that states “Monitoring results from 81A (single vibrating wire transducer placed within the Lower Donaldson Seam) showed a drawdown response to mining the Donaldson Seam within the Abel Mine. However, Piezometer 81B is screened within overlying shallow Permian strata with water levels remaining stable. The lack of response in the shallow piezometer indicates there has been no mining impact on the Pambalong Nature Reserve.”</p> <p>From this information it is understood that Piezometer C081B is being used to determine impact to Pambalong Nature Reserve.</p> <p><u>A detailed review of Groundwater Level Data (Abel, 2018a) for CO81B shows fluctuation of groundwater level and drawdown greater than 0.5m during audit period. Further, data was not collected at CO81B between October 2015 and May 2017 and as per the WMP is required monthly.</u></p> <p>Recommend whilst mining AEMR include PA 05_0136 Table 2 and a tabulated summary of impacts and conclusions.</p> <p>Recommend monthly monitoring at Piezometer C081B in accordance with approved WMP.</p>

Cond	05_0136 Condition	Status	Evidence
			<p>Further consideration of this trigger level in the revised WMP should be undertaken in consultation with a relevant groundwater specialist and relevant regulators in consideration of distance to active mining</p> <p>Recommend the following updates to the WMP:</p> <ul style="list-style-type: none"> • Revision of Piezometer Monitoring Sites for Pambalong Nature Reserve to include the Piezometer relevant to the feature. • Clarify Trigger Level 1 and 2 for Groundwater levels for the Pambalong Nature Reserve. <p><u>Pambalong Nature Reserve – Water Quality</u></p> <p>As per Table 5.2 of the WMP, the health of the Pambalong Nature Reserve is monitored at following sites via biannual biological monitoring:</p> <ul style="list-style-type: none"> • Pambalong Nature Reserve. • Blue Gum Creek (Dog Hole Road). <p>The WMP does not show a Monitoring Site for the “Pambalong Nature Reserve”.</p> <p>Monitoring of Blue Gum Creek (Dog Hole Road) is discussed above under the heading in Blue Gum Creek and Long Gully.</p> <p>Recommend that labelling of Water Quality Monitoring Sites 9 and 10 in AEMR are consistent with that shown in the WMP.</p>
	<p>Biodiversity</p> <ul style="list-style-type: none"> • Threatened species; and • Endangered ecological communities (including unspecified Lowland Rainforest EEC). 	Compliant	<p>Area 3 – “<i>No threatened species were identified within the SMP Area, however threatened flora and fauna are recorded within a 5km radius of the SMP area (Section 11.2.6, Area 3 SMP)</i>”.</p> <p>There are no threatened species in Area 4 (Area 4, BMP)</p> <p>Area 4 Endangered Ecological Communities (EEC) include:</p> <ul style="list-style-type: none"> • Lower Hunter Spotted Gum – Ironbark Forest; and • Subtropical Rainforest. <p><u>Lower Hunter Spotted Gum – Ironbark Forest</u></p>

Cond	05_0136 Condition	Status	Evidence						
			<p>Section 6.1 and Section 7 of the Area 4 BMP states “<i>Lower Hunter Spotted Gum – Iron Bark Forest would be monitored annually for subsidence impacts by placing a 20x20m quadrat in the maximum subsidence area in Panel 27 with a similar quadrat placed in a nearby location where no subsidence would occur. Photographic records should be kept and quantitative comparisons over time should be made using Shannon Diversity Index, Pielou’s Evenness Index and Margaleff Richness Index. Reporting would be an annual standalone biodiversity report for Abel Mine Panels 27-35.</i></p> <p>Viewed Kleinfelder 2017 Annual Flora and Fauna Monitoring report that states “<i>regular monitoring activities are conducted at nine permanently established 20 x 20m quadrats positioned across the property. Similarity indices were calculated for all pairs of quadrats to determine changes in floristic composition over time</i>”. The Spotted Gum – Ironbark forest is monitored in Quadrats 4 and 5. In the 2017 report “<i>the vegetation was identified as being in good condition. No weed species were identified in Quadrat 4 and only a small amount of Lantana camara was present within Quadrat 5</i>”.</p> <p><u>Subtropical Rainforest</u></p> <p>Section 2 of the Area 4 BMP states that “<i>monitoring of Subtropical Rainforest involves the use of transects to monitor the rainforest</i>”. As per Table 6 of the Area 4 BMP, the Assessment Trigger is “<i>a consistent increase in dry forest species over rainforest species documented in the Long Gully rainforest monitoring transects</i>”. Section 6.6.3 of the 2017 AEMR states “<i>Along both Transect 1 and Transect 2, particularly at the end of the transects, there has been an increase in the number of moist species recorded and a decline in the number of dry species within each 5m segment</i>”.</p>						
	<table border="1"> <thead> <tr> <th colspan="2" data-bbox="338 1273 958 1294">Heritage Sites</th> </tr> </thead> <tbody> <tr> <td data-bbox="338 1294 622 1337"> <ul style="list-style-type: none"> Aboriginal heritage sites. </td> <td data-bbox="622 1294 958 1337"> <ul style="list-style-type: none"> No greater subsidence impacts or environmental consequences than predicted in the EA and EA (MOD 3). </td> </tr> <tr> <td data-bbox="338 1337 622 1380"> <ul style="list-style-type: none"> Historic heritage. </td> <td data-bbox="622 1337 958 1380"> <ul style="list-style-type: none"> No greater subsidence impacts or environmental consequences than predicted in the EA and EA (MOD 3). </td> </tr> </tbody> </table>	Heritage Sites		<ul style="list-style-type: none"> Aboriginal heritage sites. 	<ul style="list-style-type: none"> No greater subsidence impacts or environmental consequences than predicted in the EA and EA (MOD 3). 	<ul style="list-style-type: none"> Historic heritage. 	<ul style="list-style-type: none"> No greater subsidence impacts or environmental consequences than predicted in the EA and EA (MOD 3). 	Compliant	<p>Within Area 3, there are six archaeological sites (artefact scatters) and two cultural places (areas of cultural sensitivity), the Black Hill Locality and the Black Hill Pathway, located within Area 3 (Area 3 SMP).</p>
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Cond	05_0136 Condition	Status	Evidence						
			<p>Within Area 4, there are four archaeological sites. Three artefact scatters and one scarred tree located over or adjacent to proposed panels. One cultural place (the Black Hill Pathway) partially located within Area 4 above the southern end of proposed Panel 32.</p> <p>No impacts upon Aboriginal or historical heritage have been recorded in 2016 and 2017 AEMR (Section 6.7) and 2015 AEMR Executive Summary.</p> <p>Within Area 4, 38-4-0670, a previously identified scarred tree, could not be found to re-survey (2015 AEMR Section 3.11).</p>						
	<table border="1"> <thead> <tr> <th data-bbox="327 643 629 659">Mine workings</th> <th data-bbox="629 643 976 659"></th> </tr> </thead> <tbody> <tr> <td data-bbox="327 659 629 738"> <ul style="list-style-type: none"> First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible subsidence impacts, negligible environmental consequences. </td> <td data-bbox="629 659 976 738"> <ul style="list-style-type: none"> To remain long-term stable and non-subsiding. </td> </tr> <tr> <td data-bbox="327 738 629 754"> <ul style="list-style-type: none"> Second workings. </td> <td data-bbox="629 738 976 754"> <ul style="list-style-type: none"> To be carried out only in accordance with an approved Extraction Plan. </td> </tr> </tbody> </table>	Mine workings		<ul style="list-style-type: none"> First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible subsidence impacts, negligible environmental consequences. 	<ul style="list-style-type: none"> To remain long-term stable and non-subsiding. 	<ul style="list-style-type: none"> Second workings. 	<ul style="list-style-type: none"> To be carried out only in accordance with an approved Extraction Plan. 	Compliant	<p>Second Workings</p> <p>In 2015, second workings occurred within Panels 25, 26, 27, 28 and 30.</p> <p>In 2016, second workings occurred within Panels 28, 30, and 31.</p> <p>Maximum predicted Subsidence resulting from the extraction of Panel 25 and 26 are shown in Table 26 of the Area 3 SMP. These predictions were compared to the 2016 EOP report for each panel.</p> <ul style="list-style-type: none"> Panel 25 – Predicted 1.35m. Final Measured 1.087m Panel 26 – Predicted 1.45m. Final Measured 0.803m <p>Maximum predicted Subsidence resulting from the extraction of Panel 27, 28 and 30 are shown in Table 3.6 of the Area 4 EP. These predictions were compared to the 2016 EOP report for each panel:</p> <ul style="list-style-type: none"> Panel 27 – Predicted 1.40m. Final Measured 1.005m Panel 28 – Predicted 1.35m. Final Measured 1.29m Panel 30 – Predicted 1.40m. Final Measured 1.131m <p>Panel 31 – Predicted 1.20m. Final Measured 0.307m</p>
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<ul style="list-style-type: none"> Second workings. 	<ul style="list-style-type: none"> To be carried out only in accordance with an approved Extraction Plan. 								
	<p>Note:</p> <ul style="list-style-type: none"> The Proponent will be required to define more detailed performance indicators (including impact assessment 		<p>Note:</p> <ul style="list-style-type: none"> Refer Sch 6 Cond 2. Refer Sch 6 Cond 2. 						

Cond	05_0136 Condition	Status	Evidence
	<p><i>criteria) for each of these performance measures in the various management plans that are required under this approval.</i></p> <ul style="list-style-type: none"> • <i>Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Director-General will be the final arbiter.</i> • <i>The requirements of this condition only apply to the impacts and consequences of mining operations, construction or demolition undertaken following the date of approval of MOD 3.</i> 		<ul style="list-style-type: none"> • MOD3 approved 04 Dec 2013 so condition applies to impacts and consequences of mining operations, construction or demolition.
Offsets			
2	<p>If the Proponent exceeds the performance measures in Table 2 and the Director-General determines that:</p> <ol style="list-style-type: none"> a) it is not reasonable or feasible to remediate the impact or environmental consequence; or b) remediation measures implemented by the Proponent have failed to satisfactorily remediate the impact or environmental consequence, <p>the Proponent shall provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Director-General.</p> <p>Note:</p>	Compliant	Refer Sch 3 Cond 1.

Cond	05_0136 Condition	Status	Evidence						
	<ul style="list-style-type: none"> Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence. 								
Performance Measures – Built Features									
3	<p>The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 3, to the satisfaction of the Director-General. Any dispute between the Proponent and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 3 is to be settled by the Director-General, following consultation with the MSB and the Executive Director Mineral Resources. Any decision by the Director-General shall be final and not subject to further dispute resolution under this approval.</p>	Compliant	<p>Viewed 2015 AEMR Executive Summary states that all subsidence monitoring during the reporting period were within predicted ranges. Subsidence impacts were managed in accordance with the approved subsidence monitoring program.</p> <p>Viewed 2016 and 2017 AEMR Section 6.1 – All subsidence remained within predicted levels and no notifiable events occurred.</p> <p>Viewed End of Year Panel Reports for 2015, 2016 and 2017 Section 5 which states “visual inspection and photographic monitoring of various surface features were conducted throughout the audit period. Survey results for subsidence, title and strain during the year were generally in accordance with predicted levels. Remedial works were carried out in consultation and agreement with landholders and infrastructure owners”.</p>						
	<p>Table 3: Subsidence Impact Performance Measures</p> <table border="1" data-bbox="344 970 976 1114"> <thead> <tr> <th colspan="2" data-bbox="344 970 976 994">Built Features</th> </tr> </thead> <tbody> <tr> <td data-bbox="344 994 633 1018">Key Public Infrastructure:</td> <td data-bbox="633 994 976 1018"> <ul style="list-style-type: none"> Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired. </td> </tr> <tr> <td data-bbox="344 1018 633 1114"> <ul style="list-style-type: none"> F3 Freeway; Hunter Expressway; 330kV transmission line and transmission towers; and 132kV and 66kV powerlines. </td> <td></td> </tr> </tbody> </table>	Built Features		Key Public Infrastructure:	<ul style="list-style-type: none"> Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired. 	<ul style="list-style-type: none"> F3 Freeway; Hunter Expressway; 330kV transmission line and transmission towers; and 132kV and 66kV powerlines. 		Compliant	<p><u>F3 Freeway</u></p> <p>The F3 Freeway is located approximately more than 2km east of the Panel 23 (Area 3) at its closest point. Section 11.2.18 of the Area 3 SMP states “At these distances, the F3 Freeway are not predicted to experience any measurable conventional subsidence movements. It is unlikely, therefore, that the pavements, bridges, or other associated infrastructure would be adversely impacted. It is not considered necessary to monitor far-field movements along these roads as any movements that occur will probably be less than survey accuracy limits for horizontal displacement (i.e. <10 to 20 mm).”</p> <p><u>Hunter Expressway</u></p>
Built Features									
Key Public Infrastructure:	<ul style="list-style-type: none"> Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired. 								
<ul style="list-style-type: none"> F3 Freeway; Hunter Expressway; 330kV transmission line and transmission towers; and 132kV and 66kV powerlines. 									

Cond	05_0136 Condition	Status	Evidence
			<p>According to Section 6.3 of MOD3 App A Subsidence Assessment “The expressway is located around 1.2 kilometres south of the longwalls in the Lower Donaldson Seam, at its closest point to the proposed mining. At this distance, the expressway is not predicted to experience any significant conventional subsidence movements.</p> <p>The Hunter Expressway is being constructed above the historic workings in the Borehole Seam. It is unlikely that the proposed mining would reactivate the historic workings beneath the expressway due to the distance from the proposed mining. The potential for pillar run is also limited due to the discontinuous nature of the historic workings between the expressway and the proposed mining.”</p> <p><u>330kV Transmission Line and Transmission Tower</u></p> <p>330kV transmission line and transmission towers within Area 1. Area 1 was not mined during the audit period.</p> <p>Viewed End of Year Panel Reports for 2015, 2016 and 2017 Section 5 which states “Impacts on Hunter Water Corporation Waterline, Ausgrid Powerlines, TransGrid Transmission Towers were within predictions and infrastructure remained in a safe and serviceable condition”.</p> <p><u>132kV and 66kV powerlines</u></p> <p>Viewed email from Yancoal Regional Registered Surveyor dated 31/12/18 that states impacts to powerlines within predictions and infrastructure remained in a safe and serviceable condition.</p>
	<p><i>Other Public Infrastructure:</i></p> <ul style="list-style-type: none"> • Timber power poles; • Roads; • Fibre-optic cables; and • Telecommunication cables. 	Compliant	<p>The following Public Infrastructure occurred within areas 3 and 4:</p> <ul style="list-style-type: none"> • Timer Power Poles. • Black Hill Road, Meredith Road, Browns Road and drainage culverts. • Telstra fibre optic and copper cables. <p><u>Timber Power Poles</u></p>

Cond	05_0136 Condition	Status	Evidence
			<p>Viewed email from Yancoal Regional Registered Surveyor dated 31/12/18 that states impacts to powerlines within predictions and infrastructure remained in a safe and serviceable condition</p> <p><u>Roads</u></p> <p>Viewed End of Year Panel Reports for 2015, 2016 and 2017 Section 5 which states <i>“Impacts on Black Hill Road were within predictions and infrastructure remained in a safe and serviceable condition. Surface cracking occurred generally as predicted on roads, remedial works were carried out in consultation and agreement with landholders and infrastructure owners”</i>.</p> <p>A community complaint was made in Oct 2015 about subsidence on Meredith Road. This issue was discussed during the site visit. A hump formed in the road reducing line of sight for road users. A reduction in line of sight was predicted in the Area 4 Public Safety Management Plan. The issue was addressed by reducing the speed limit of the road and contacting the MSB who repaired the road level (see Plate 9).</p> <p>Viewed 2015, 2016 and 2017 End of Panel Reports and could not see where the Meredith Road Issue was addressed.</p> <p><u>Fibre-Optic Cables and Telecommunications Cables</u></p> <p>Telstra fibre optic is located above panels 23, 24, 25 and 25 (Area 3 SMP). Panels 25 and 26 were undermined during the audit period. Table 34 of the Area 3 SMP outlines Maximum Predicted Total Subsidence for Optical Fibre Cables. These predictions were compared to actual subsidence results from the End of Panel Reports. Subsidence was within predicted ranges.</p> <p><u>Copper Cables - Area 3</u></p> <p><i>“The main copper telecommunications cable follows the alignment of Black Hill Road. The predicted profiles of conventional subsidence, tilt and curvature for this cable, therefore, are similar to those along the road (Section 11.2.9.91 Area 3 SMP)”</i>. <i>“Impacts on Black Hill Road were within</i></p>

Cond	05_0136 Condition	Status	Evidence
			<p><i>predictions and infrastructure remained in a safe and serviceable condition (Section 5 2015, 2016 and 2017 End of Panel Reports).</i></p> <p><u>Copper Cables - Area 4</u></p> <p>Table 1.2 of the Area 4 EP states that the “<i>Current Built Features Management Plan (Telstra Management Plan) for Area 2 and 3 to be reviewed and updated in consultation with Telstra.</i>” Table 3 of Area 4 EP states that “<i>Timing for development of a management plan is prior to Panel 27 impacting</i>”. Viewed Area 4 Panel 30 – Built Features (Telstra Telecommunication) Management Plan Approval Letter from DP&E dated 31/03/16.</p>
	<p><i>Key Privately-Owned Built Features</i></p> <ul style="list-style-type: none"> • Principal residences; • All buildings and structures on, or built in the future on: <ul style="list-style-type: none"> - the Black Hill Public School; - Catholic High School site (Lot 131 DP1057179); - Black Hill Church and Cemetery; - Coal & Allied Operations Pty Limited site (Lot 30 DP870411); and • The 4 largest dams at the commercial orchard on Lots 11 and 12 DP877937 and Lots 610 and 611 DP1035588, while this land is used for this purpose. 	Compliant	<p><u>Principal Residences</u></p> <p>There are four Principal residences in Area 3 and 16 Principal residences in Area 4. Each landholder has a built features management plan. These are not available on website for privacy reasons.</p> <p>Property Subsidence process was explained during site visit.</p> <p>Viewed 2015 AEMR Executive Summary – All subsidence monitoring during the reporting period was within predicted ranges. Subsidence impacts were managed in accordance with the approved subsidence monitoring program.</p> <p>Viewed 2016 and 2017 AEMR Section 6.1 – All subsidence remained within predicted levels and no notifiable events occurred.</p> <p>Viewed End of Year Panel Report Section 5. Visual inspection and photographic monitoring of various surface features were conducted throughout the audit period. Survey results for subsidence, title and strain during the year were generally in accordance with predicted levels.</p> <p><u>Buildings and Structures</u></p> <p>Black Hill Public Scholl, Catholic High Scholl, black Hill Church and Cemetery were not undermined during the audit period.</p>

Cond	05_0136 Condition	Status	Evidence		
			<p><u>Dams</u></p> <p>The dam at the commercial orchard on Lot 611 DP 1035588 was impacted by Subsidence. An email from a Regional Registered Surveyor to Abel dated 11/01/19 states that “a pipeline was set up between the Harding property (owned by Donaldson) to the property so the dam could be refilled in case of water loss. The crack in the dam did result in water loss and the crack was fixed by the Mines Subsidence Board under the Mine Subsidence Compensation Act. The dam was refilled naturally after a significant rain event that occurred in the weeks after repairs. The landowner did not need water supplied to his property during the fixing of the dam as he had significant water in his other dams at the time and was happy to use the water from these dams for his orchards”.</p> <p>For the remaining three dams, viewed current legal agreement with landholders. A PSMP has also been prepared for this property.</p> <p>Dams were undermined during the audit period with some damage occurring on the lowest dam (PB pers comms). Abel provided repairs and provided water for the dam (PB pers comms). No further complaints were received. Any further repairs to these dams will be undertaken by the Subsidence Advisory NSW (PB pers comms).</p>		
	<table border="1"> <tr> <td data-bbox="338 1031 633 1155"> <p><i>Other Privately-Owned Built Features</i></p> <ul style="list-style-type: none"> • Rural buildings; • Farm dams; • Tracks and fences; • Black Hill Quarry; and • Stockrington Quarry. </td> <td data-bbox="633 1031 981 1155"> <ul style="list-style-type: none"> • Always safe. • Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. • Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated. </td> </tr> </table>	<p><i>Other Privately-Owned Built Features</i></p> <ul style="list-style-type: none"> • Rural buildings; • Farm dams; • Tracks and fences; • Black Hill Quarry; and • Stockrington Quarry. 	<ul style="list-style-type: none"> • Always safe. • Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. • Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated. 	Compliant	<p>Viewed End of Year Panel Report Section 5. “Visual inspection and photographic monitoring of various surface features were conducted throughout the audit period. Survey results for subsidence, title and strain during the year were generally in accordance with predicted levels”.</p> <p>Examples of subsidence remediation were provided during site visit.</p> <p><u>Rural Buildings and Farm Dams</u></p> <p>There are 15 dams in Area 3, eleven are directly above panels and one partially above. In Area 4, there are 32 dams located fully or partially above proposed panels.</p>
<p><i>Other Privately-Owned Built Features</i></p> <ul style="list-style-type: none"> • Rural buildings; • Farm dams; • Tracks and fences; • Black Hill Quarry; and • Stockrington Quarry. 	<ul style="list-style-type: none"> • Always safe. • Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. • Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated. 				

Cond	05_0136 Condition	Status	Evidence				
			<p>During the audit period, there was some damage to fences in the vicinity of rural buildings and farm dams and these were repaired as required. Viewed invoice for fence repairs at Blackhill dated 18/05/16. No further complaints have been received.</p> <p><u>Tracks and Fences</u></p> <p><i>“Surface cracking occurred generally as predicted on tracks, remedial works were carried out in consultation and agreement with landholders and infrastructure owners (Section 5.4 2015, 2016 and 2017 End of Panel Report)”.</i></p> <p>During the audit period, there was some damage to fences and these were repaired as required. Viewed invoice for fence repairs at Blackhill dated 18/05/16. No further complaints have been received.</p> <p><u>Black Hill Quarry</u></p> <p>At its closest point, Black Hill Quarry is located at least 300m from the audit period undermined area. There were no complaints or instructions from regulators or complaints from Quarry Operator.</p> <p><u>Stockrington Quarry</u></p> <p>At its closest point, Stockrington Quarry is located at least 3km from the audit period undermined area. There were no instructions from regulators or complaints from Quarry Operator.</p>				
	<table border="1"> <thead> <tr> <th colspan="2" data-bbox="338 1098 981 1118">Public Safety</th> </tr> </thead> <tbody> <tr> <td data-bbox="338 1118 629 1139">• Public safety.</td> <td data-bbox="629 1118 981 1139">• Negligible additional risk.</td> </tr> </tbody> </table>	Public Safety		• Public safety.	• Negligible additional risk.	Compliant	<p>There were no public complaints relating to Public Safety during the audit period.</p> <p>Viewed 2015 AEMR Executive Summary, 2016 and 2017 AEMR Section 11 - No reportable incidences or exceedances, official cautions, warning letters, penalty notices or prosecution proceedings.</p>
Public Safety							
• Public safety.	• Negligible additional risk.						
	Note:						

Cond	05_0136 Condition	Status	Evidence
	<ul style="list-style-type: none"> • <i>The Proponent will be required to define more detailed performance indicators for each of these performance measures in Built Features Management Plans or a Public Safety Management Plan (see condition 4 below).</i> • <i>Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Director-General will be the final arbiter.</i> • <i>The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of this approval.</i> • <i>Requirements under this condition may be met by measures undertaken in accordance with the Mine Subsidence Compensation Act 1961.</i> <p>Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes.</p>		
4	<p>The Proponent shall prepare and implement an Extraction Plan for all second workings on site to the satisfaction of the Director-General. Each extraction plan must:</p>	Compliant	<p>During the audit period, second workings undertaken within Areas 3 and 4. An Extraction Plan (EP) was prepared for Area 4.</p> <ul style="list-style-type: none"> • Viewed letter approving EP from DP&E dated 19/09/14.

Cond	05_0136 Condition	Status	Evidence
			<ul style="list-style-type: none"> Viewed Area 4 EP Variation 2 Approval Letter from DP&E dated 20/05/16. Viewed Area 4 EP Variation 3 Approval Letter from DP&E dated 13/08/15. Viewed Area 4 EP Variation 1 DP&E Approval Letter dated 05/11/14
	a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;	Compliant	The team that prepared the Area 4 Extraction Plan is in Table 4.1 of the Area 4 EP. Viewed letter of endorsement by the Director General of DP&E dated 13 March 2014 (Area 4 EP p.50).
	b) be approved by the Director-General before the Proponent carries out any of the second workings covered by the plan;	Compliant	<p>Refer to Sch 2 Cond 4.</p> <p>Variation 2 approved however DP&E letter dated 20/05/16 states <i>“the NSW Department of Primary Industries Water (DPI-Water) reviewed the Water Management Plan submitted with the Variation 2 Extraction Plan and identified a number of concerns over its content.</i></p> <p><i>The Secretary granted interim approval of the Variation 2 Extraction Plan subject to Abel Mine addressing these concerns in a revised Water Management Plan to be submitted to the Department for approval.</i></p> <p><i>The Department understands that DPI-Water has recently reviewed a revised Water Management Plan prepared by Abel Mine and requires further information to demonstrate that the mining activity in Area 4 is compliant with NSW water legislation and policy. The Department notes your correspondence of 5 May 2016 stating concerns that the information requested by DPI-Water’s request is unrelated to the Variation 2 Extraction Plan and notes Abel Mine’s commitment to address these matters prior to recommencement of secondary extraction at Abel Mine following the current period of care and maintenance. DPI-Water has advised the Department that it is satisfied with this commitment. The Department therefore requests that these matters be finalised prior to recommencement of secondary</i></p>

Cond	05_0136 Condition	Status	Evidence
			<i>extraction at Abel Mine. Should finalisation of these matters lead to any revision of the Water Management"</i>
	c) include detailed plans of existing and proposed first and second workings and any associated surface development;	Compliant	Viewed EP Plans numbered 0 to 7 attached as Appendices to Area 4 EP found here: http://www.doncoal.com.au/page/abel/publications/extraction-plans/area-4/
	d) include detailed performance indicators for each of the performance measures in Tables 2 and 3;	Compliant	Section 3.5 of the Area 4 EP identifies performance indicators for each of the performance measures in Tables 2 and 3.
	e) give particular consideration to any proposed multi-seam mining;	Compliant	Area 4 EP Section 3.3 and Appendix C considers proposed multi-seam mining: <i>"There are historic workings in the Borehole Seam located partially above the southern end of the proposed Panel 32 (i.e. multi-seam mining conditions). Elsewhere, above the majority of the proposed mining area, there are no historic workings above the proposed panels (i.e. single-seam mining conditions) (Section 3.3.2 Area 4 EP)"</i> . Panel 32 was not undermined during the audit period.
	f) include a detailed investigation of any overlying or adjacent West Borehole Seam workings, in consultation with DRE, which: <ul style="list-style-type: none"> - assesses the stability of remnant coal pillars in the former West Borehole Seam workings; - includes revised multi-seam subsidence predictions for the second workings areas; - gives particular consideration to the risks of irregular subsidence and for pillar run leading to subsidence outside of the predicted angle of draw; and 	Compliant	Viewed letter from DP&E dated 19/09/14 that states "detailed investigation of the former West Borehole Seam workings, including the stability of remnant pillars and revision of multi-seam subsidence predictions (as is required under condition 4(f) was not included in the Area 4 Extraction Plan. Regarding the former West Borehole Seam workings, the Department is satisfied that no further assessment under condition 4(f) is warranted for Area 4, given that: <ul style="list-style-type: none"> • Only a small section of the former West Borehole Seam workings intersects Area 4, and as this section was fully extracted, no remnant pillars remain in this area; • multi-seam mining is not proposed in Area 4; and

Cond	05_0136 Condition	Status	Evidence
	<ul style="list-style-type: none"> - recommends final design of the second workings panels and any necessary adaptive management measures. 		<ul style="list-style-type: none"> • advice received from DRE, which gives its opinion that adequate investigation of the former workings in relation to the proposed mining in Area 4 has already been undertaken”.
	g) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this approval;	Compliant	Viewed Area 4 EP Section 3.4 and Appendix C which provides predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since approval.
	h) describe the measures that would be implemented to ensure compliance with the performance measures in Tables 2 and 3, and manage or remediate any impacts and/or environmental consequences;	Compliant	Viewed Area 4 EP Section 3.5. This section describes the measures that would be implemented to ensure compliance with the performance measures in Tables 2 and 3, and manage or remediate any impacts and/or environmental consequences.
	i) include a Built Features Management Plan, which has been prepared in consultation with DRE and the owners of affected built features, to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings, and which: <ul style="list-style-type: none"> - addresses in appropriate detail all items of key public infrastructure (with particular consideration of angle towers on transmission lines and powerlines), other public infrastructure and all other built features; - has been prepared following appropriate consultation with the owner/s of potentially affected feature/s; - recommends appropriate remedial measures and includes commitments to mitigate, repair, replace 	Compliant	Viewed Area 4 EP Appendix H - Built Features Management Plan Section 4.2 which outlines consultation undertaken during development of the document. Built Features Management Plans were prepared for Public Roads – Blackhill Road and Taylors Road (Cessnock City Council), Fibre-optic cables and Telecommunication (Telstra); Power-line assets (Ausgrid), Electricity Towers (Transgrid), and Water Pipeline (Hunter Water). Appropriate remedial measures, commitments to mitigate impacts and reporting methods are detailed in these documents. Viewed Area 4 EP Appendix H Built Features Management Plan Approval Letter from DP&E dated 19/09/14. In this letter the department notes that “ <i>individual Built Features Management Plans for key features, including for Black Hill Road, will be prepared in consultation with the respective owners on a progressive basis</i> ”. Table 3 of the Built Features Management Plan outlines-built features associated with the extraction plan area and timing for preparation of individual plans.

Cond	05_0136 Condition	Status	Evidence
	<p>or compensate all predicted impacts on potentially affected built features in a timely manner; and in the case of all key public infrastructure, and other public infrastructure except roads, trails and associated structures, reports external auditing for compliance with ISO 31000 (or alternative standard agreed with the infrastructure owner), and provides for annual auditing of compliance and effectiveness during extraction which may impact the infrastructure;</p>		<p><u>Consultation</u> Section 4.2 of the Area 4 EP describes consultation with the following agencies;</p> <ul style="list-style-type: none"> • NSW Planning and Environment (now DP&E); • Division of Resources and Energy; • Office of Environment and Heritage; and • Mine Subsidence Board. <p>Previous IEA confirmed compliance.</p> <p>Recommend that if management plans updated, included consultation with relevant agencies within EP Appendices.</p>
	<p>j) include a Water Management Plan, which has been prepared in consultation with EPA and NOW, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on watercourses and aquifers, including:</p> <ul style="list-style-type: none"> - surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality; - a program to monitor and report stream flows, assess any changes resulting from subsidence impacts and remediate and improve stream stability; - a program to monitor and report groundwater inflows to underground workings; 	Compliant	<p>Viewed Area 4 EP Appendix E - Water Management Plan which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on watercourses and aquifers. Section 3 addresses surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality. Section 5 and Section 6 provide a program to monitor and report stream flows, assess any changes resulting from subsidence impacts and remediate and improve stream stability. The Area 4 Groundwater Management Plan provides a program to monitor and report groundwater inflows to underground workings and a program to predict, manage and monitor impacts to groundwater bores on privately-owned land.</p> <p>Viewed Area 4 EP Appendix E Water Management Plan Approval Letter from DP&E dated 19/09/14.</p> <p><u>Consultation</u> – refer to Sch 3 Cond 4 i) Consultation comment.</p>

Cond	05_0136 Condition	Status	Evidence
	- a program to predict, manage and monitor impacts to groundwater bores on privately-owned land; and		
	k) include a Biodiversity Management Plan, which has been prepared in consultation with OEH, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species, populations and their habitats; endangered ecological communities; and water dependent ecosystems;	Compliant	Viewed Area 4 EP Appendix K -Biodiversity Management Plan that provides for the management of the potential impacts (Section 8) and/or environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna (Section 5), with a specific focus on threatened species, populations and their habitats; endangered ecological communities; and water dependent ecosystems (Section 3). Viewed Area 4 EP Appendix K Biodiversity Management Plan Approval Letter from DP&E dated 19/09/14. <u>Consultation</u> – refer to Sch 3 Cond 4 i) Consultation comment.
	l) include a Land Management Plan, which has been prepared in consultation with any affected public authorities, to manage the potential impacts and/or environmental consequences of the proposed second workings on land in general, with a specific focus on cliffs, rock face features and steep slopes;	Compliant	Viewed Area 4 EP Appendix F - Land Management Plan which manages the potential impacts and/or environmental consequences (Section 4) of the proposed second workings on land in general, with a specific focus on cliffs, rock face features and steep slopes (Sections 3 to 6). Viewed Area 4 EP Appendix F - Land Management Plan Approval Letter from DP&E dated 19/09/14. <u>Consultation</u> Refer to Sch 3 Cond 4 i) Consultation comment; and Appendix B of the LMP outlines Area 4 Stakeholders.
	m) include a Heritage Management Plan, which has been prepared in consultation with OEH and relevant stakeholders for both Aboriginal and historic heritage, to manage the potential environmental consequences of the proposed second workings on both Aboriginal and non-Aboriginal heritage items, and reflects the requirements of condition 21 of schedule 4;	Compliant	Viewed Area 4 EP Appendix I – Heritage Management Plan which manages the potential environmental consequences of the proposed second workings on both Aboriginal and non-Aboriginal heritage items, and reflects the requirements of condition 21 of schedule 4. The Heritage Management Plan uses information from the Aboriginal Heritage Management Plan.

Cond	05_0136 Condition	Status	Evidence
			<p>OEH was consulted for development of the Aboriginal Heritage Management Plan, but not the Heritage Management Plan.</p> <p>Viewed Area 4 EP Appendix I – Heritage Management Plan Approval Letter from DP&E dated 19/09/14.</p> <p>No evidence that either the Heritage Management Plan or Aboriginal Heritage management plan was developed in consultation with relevant stakeholders for both Aboriginal and Historic Heritage. Recommend this should be included as an appendix at next review.</p>
	n) include a Public Safety Management Plan, which has been prepared in consultation with DRE, to ensure public safety in the mining area;	Compliant	<p>Viewed Area 4 EP Appendix J – Public Safety Management Plan which has been prepared to ensure public safety in the mining area.</p> <p>Viewed Area 4 EP Appendix J – Public Safety Management Plan Approval Letter from DP&E dated 19/09/14.</p> <p><u>Consultation</u> – refer to Sch 3 Cond 4 i) Consultation comment</p>
	o) include a Subsidence Monitoring Program, which has been prepared in consultation with DRE; to: <ul style="list-style-type: none"> - provide data to assist with the management of the risks associated with subsidence; - validate the subsidence predictions; - analyse the relationship between the predicted and resulting subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and - inform the contingency plan and adaptive management process; 	Compliant	<p>Viewed Area 4 EP Appendix K – Subsidence Monitoring Program.</p> <p>Viewed Area 4 EP Appendix K – Subsidence Monitoring Program Approval Letter from DP&E dated 19/09/14.</p> <p><u>Consultation</u> – refer to Sch 3 Cond 4 i) Consultation comment.</p>
	p) include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance	Compliant	Viewed Area 4 EP Section 5.2 which outlines the Extraction Plan Trigger Action Response Plan (TARP). Appendix B of the Area 4 EP shows the extraction plan flowchart and TARP. The TARP includes both adaptive and

Cond	05_0136 Condition	Status	Evidence
	measure in Tables 1 and 2, or where any such exceedance appears likely;		<p>contingency management based on results of the Subsidence Monitoring Program and specific management plans.</p> <p>The TARP has been identified to have been triggered on at least three occasions:</p> <ul style="list-style-type: none"> • Dam Cracking identified in Sch 3 Cond 3. TARP successfully implemented. • Surface impacts that resulted in public safety issues identified at Meredith Road and described in Sch 3 Cond 3. TARP successfully implemented. • Watercourse Management (Water Quality) Trigger identified in Sch 3 Cond 1.(Blue Gum Creek and Long Gully) TARP not successfully implemented. However, the watercourse referred to is not within Area 4. <p>Recommend that future TARP's include Trigger Levels values for Groundwater Drawdown, especially at bores relevant to Pambalong Nature Reserve and Hexham Swamp.</p>
	q) proposes appropriate revisions to the Rehabilitation Management Plan required under condition 28 of Schedule 4; and	Compliant	Viewed Rehabilitation Management Plan dated August 2014 prepared by GSS Environmental. The Rehabilitation Management Plan required under Sch 4 Cond 28 has not been developed therefore the Area 4 EP does not propose revisions to it.
	r) include a program to collect sufficient baseline data for future Extraction Plans.	Compliant	Collection of baseline data for future Extraction Plans included in Extraction Plan Section 5.
	<p>Note:</p> <ul style="list-style-type: none"> • To identify the second workings mining domains referred to in this condition, see Appendix 2. 		

Cond	05_0136 Condition	Status	Evidence
	<ul style="list-style-type: none"> <i>In accordance with Condition 14 of Schedule 2, the preparation and implementation of Extraction Plans may be staged, with each plan covering a defined area of underground workings. In addition, these plans are only required to contain management plans that are relevant to the specific underground workings that are being carried out.</i> <i>An SMP that is substantially consistent with this condition and which is approved by DRE prior to 31 October 2013 is taken to satisfy the requirements of this condition.</i> 		
5	<p>The Proponent shall ensure that the management plans required under conditions 4(h)-(m) above include:</p> <p>a) an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this approval; and</p>	Compliant	Viewed Area 4 EP Section 3.3 which outlines potential environmental consequences using the Incremental Profile Method, Calibration of the Incremental Profile Method and Reliability of the Predicted Conventional Subsidence Parameters.
	<p>b) a detailed description of the measures that would be implemented to remediate predicted impacts.</p>	Compliant	Viewed Area 4 EP Section 5 which outlines subsidence monitoring and management measures to remediate predicted impacts.
First Workings			
6	<p>The Proponent may carry out first workings on site, other than in accordance with an approved Extraction Plan, provided that DRE is satisfied that the first workings are designed to remain long-term stable and non-subsiding, except insofar as they may be impacted by approved second workings.</p> <p>Note:</p>	Compliant	<p>Viewed 2016 End of Panel Report, first workings were undertaken in the South Mains and West Mains outside of an approved Extraction Plan.</p> <p>First workings undertaken are classified as a High-Risk Activity under the WHS (Mines) Regulation 2014.</p> <p>Viewed High Risk Activity Application (HRA App) and Letter to the Mines Safety Branch of the Department of Trade and Investment, Regional Infrastructure and Services dated 05/12/14 for the first workings in the West</p>

Cond	05_0136 Condition	Status	Evidence
	<ul style="list-style-type: none"> The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with zero resulting subsidence impacts. 		<p>Mains only. As per the note to this condition "to ensure that first workings are built to geotechnical and engineering standards" and not "require approval", the HRA App confirms that first workings for the West Mains were designed to sufficient geotechnical and engineering standards. The HRA App contains a schematic / architectural drawing of the area, risk assessment and controls. No correspondence from DRG in response was available to review at the time of the audit.</p> <p>For South Mains First Workings, viewed email from A Mcguigan dated 07/02/19 which states that discussions with the Abel Mines Inspector confirmed that because Lower Donaldson had already been drifted too, the South Mains Drift did not require an application.</p> <p><u>No written evidence was provided that first working in South Mains were designed to DRG's satisfaction. Recommend a response is sought for any future first workings in accordance with this condition prior to works being undertaken.</u></p>
Alternative Mining Methods			
7	The Proponent may carry out bord and pillar mining and pillar extraction in the longwall mining and shortwall mining areas shown in Figure 2 of Appendix 2, subject to any necessary Extraction Plan.	Not Triggered	Refer to Figure 2 in the main report. Extraction of coal by pillar extraction was undertaken in Areas 3 and 4 (Area 3 SMP and Area 4 EP).
Payment of Reasonable Costs			
8	The Proponent shall pay all reasonable costs incurred by the Department to engage suitably qualified, experienced and independent experts to review the adequacy of any aspect of an Extraction Plan.	Not Triggered	Proponent has not incurred costs to engage a suitably qualified, experienced and independent expert to review the adequacy of any aspect of an Extraction Plan (PB pers comm).
SURFACE INFRASTRUCTURE MANAGEMENT			
Gas Drainage			

Cond	05_0136 Condition	Status	Evidence
9	The Proponent shall ensure that all gas drainage pipelines (other than connection points, monitoring points, dewatering facilities, regulation or isolation points) between gas drainage plants are buried, unless otherwise agreed with the relevant landowner or unless burial is inappropriate for safety or other reasons, to the satisfaction of the Director-General.	Not Triggered	Gas is not present in the Upper Donaldson Seam (PB pers comm). Mining has occurred only in the Upper Donaldson Seam (PB pers comm). The Lower Donaldson Seam contains gas (PB pers comm). Abel drifted to Lower Donaldson Seam in 2016 (2016 End of Year Panel Report).
10	The Proponent shall prepare and implement a Gas Drainage Management Plan in respect of construction and use of future gas drainage infrastructure (i.e. for any gas drainage not subject to approval at the date of approval of MOD 3), to the satisfaction of the Director-General. This plan must be submitted to the Director-General for approval prior to the construction of any future gas drainage infrastructure and must include details of the Proponent's commitments regarding: <ul style="list-style-type: none"> a) Community consultation; b) Landholder agreements; c) assessment of noise, air quality, traffic, biodiversity, heritage, public safety and other impacts in accordance with approved methods; d) avoidance of significant impacts and minimisation of impacts generally; e) beneficial re-use or flaring of drained hydrocarbon gases, wherever practicable; f) achievement of applicable standards and goals; g) mitigation and/or compensation for significant noise, air quality and visual impacts; and 	Not Triggered	In a letter dated 09/10/18, DP&E requested Gas Drainage Management Plan (GDMP) be put on website. Donaldson replied to DP&E with a letter dated 12/10/18 stating that ' <i>the GDMP has not been developed as there is currently no gas drainage infrastructure for the Abel Underground Mine. Therefore, the requirement to develop a Gas Drainage Management Plan has not been triggered</i> '. DP&E acknowledged receipt of this letter on 17/10/18.

Cond	05_0136 Condition	Status	Evidence
	h) rehabilitation of disturbed sites.		
	Service Boreholes		
11	The Proponent shall prepare and implement a Service Boreholes Management Plan in respect of construction and use of future service boreholes (i.e. any service boreholes not subject to approval at the date of approval of MOD 3) to the satisfaction of the Director-General. This plan must be submitted to the Director-General for approval prior to the construction of any future service borehole and must include details of the Proponent's commitments regarding:		Viewed Service Boreholes Management Plan, June 2014. Viewed Service Boreholes Management Plan Approval Letter from DP&E dated 17/06/14. The SBMP meets the general requirements of this condition. DP&E notes that the SBMP "should be updated prior to the development of each service borehole, with an appropriate assessment of impacts, and re-submitted to the Secretary for approval". There were no service bore holes constructed during the audit period (pers comm).
	a) community consultation;	Compliant	Viewed SBMP Section 6 which outlines community consultation.
	b) landholder agreements;	Compliant	Viewed SBMP Section 6.1 which outlines process for landholder agreements.
	c) assessment of noise, air quality, traffic, biodiversity, heritage, public safety and other impacts in accordance with approved methods;	Compliant	Viewed SBMP Section 5.2 and 7 which outlines proposed environmental performance standards and environmental assessment for noise, air quality, traffic, biodiversity, heritage, public safety and other impacts in accordance with approved methods.
	d) avoidance of significant impacts and minimisation of impacts generally;	Compliant	Viewed SBMP Section 7.1 which outlines general management measures to avoid significant impacts and minimisation of impacts generally.
	e) achievement of applicable standards and goals;	Compliant	Viewed SBMP Section 5.2 which outlines environmental performance standards.
	f) mitigation and/or compensation for significant noise, air quality and visual impacts; and	Compliant	Viewed SBMP, mitigation and management measures for air quality are addressed in Sections 5.2.2 and 7.1. Mitigation measures for noise are addressed in Sections 5.2.1 and 7.1. No mitigation or management measures in SBMP for these parameters.

Cond	05_0136 Condition	Status	Evidence
			Recommended including mitigation and management measures for visual impacts and compensation for noise, air and visual impacts.
	g) rehabilitation of disturbed sites.	Compliant	Viewed SBMP Section 8 which outlines Rehabilitation of disturbed sites.
	Personal Emergency Device (PED) Communications		
12	<p>The Proponent shall prepare and implement a Personal Emergency Device (PED) Communications Management Plan in respect of construction and use of future PED communications infrastructure (i.e. for any PED communications infrastructure not subject to approval at the date of approval of MOD 3) to the satisfaction of the Director-General. This plan must be submitted to the Director-General for approval prior to the construction of any future PED communications infrastructure and must include details of the Proponent's commitments regarding:</p> <ul style="list-style-type: none"> a) community consultation; b) landholder agreements; c) assessment of noise, air quality, traffic, biodiversity, heritage, public safety and other impacts in accordance with approved methods; d) avoidance of significant impacts and minimisation of impacts generally; e) achievement of applicable standards and goals; f) mitigation and/or compensation for significant noise, air quality and visual impacts; and g) rehabilitation of disturbed sites. 	Not triggered	<p>In a letter dated 09/10/18, DP&E requested Personal Emergency Device (PED) Communications Management Plan be put on website.</p> <p>Donaldson replied to DP&E with a letter dated 12/10/18 stating that '<i>the PED Communications Management Plan has not been developed as there is no PED System installed since the approval of Mod 3 at Abel. Therefore, the requirement for a PED Communications Management Plan has not been triggered.</i>'</p> <p>DP&E acknowledged receipt of this letter on 17/10/18.</p>
SCHEDULE 4 SPECIFIC ENVIRONMENTAL CONDITIONS			

Cond	05_0136 Condition	Status	Evidence																																		
	Noise																																				
	Operational Noise Criteria																																				
1	<p>The Proponent shall ensure that the noise generated by the project does not exceed the criteria in Table 4 at any residence on privately-owned land.</p> <p><i>Table 4: Operational noise criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th rowspan="2">Receiver Area</th> <th>Day</th> <th>Evening</th> <th colspan="2">Night</th> </tr> <tr> <th>L_{Aeq} (15 min)</th> <th>L_{Aeq} (15 min)</th> <th>L_{Aeq} (15 min)</th> <th>LA1 (1 min)</th> </tr> </thead> <tbody> <tr> <td>Location I</td> <td>Lord Howe Drive, Ashtonfield</td> <td>36</td> <td>36</td> <td>36</td> <td>45</td> </tr> <tr> <td>Location K</td> <td>Catholic Diocese Land</td> <td>37</td> <td>37</td> <td>37</td> <td>45</td> </tr> <tr> <td>Location L</td> <td>Kilshanny Avenue, Ashtonfield</td> <td>40</td> <td>40</td> <td>40</td> <td>47</td> </tr> <tr> <td>All other locations</td> <td>All other privately-owned residences</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> </tbody> </table> <p>Note:</p> <ul style="list-style-type: none"> To interpret the locations referred to Table 4, see the plan in Appendix 3. Noise generated by the project is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy. Appendix 4 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria. <p>However, these noise criteria do not apply if the Proponent has an agreement with the relevant landowner to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Location	Receiver Area	Day	Evening	Night		L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	LA1 (1 min)	Location I	Lord Howe Drive, Ashtonfield	36	36	36	45	Location K	Catholic Diocese Land	37	37	37	45	Location L	Kilshanny Avenue, Ashtonfield	40	40	40	47	All other locations	All other privately-owned residences	35	35	35	45	Compliant	<p>Noise generated from the Abel Coal Project includes noise from the CHPP and rail load out facility located at the Bloomfield Coal Mine.</p> <p>Noise Receivers relevant to the Bloomfield Coal Mine, Receivers M and N, are shown in Table 3 in the NMP. Results for these receivers and all other relevant receivers are included in the Abel AEMR and discussed below. Noise monitoring is also undertaken at the Bloomfield for the same receivers.</p> <p>Viewed Section 4.1 of the 2018 quarterly noise reports for March, June and September which states “mine noise at all monitoring locations was inaudible over the existing ambient noise level”.</p> <p>Viewed Quarterly Noise monitoring as reported in the 2015 AEMR (Section 3.9) and 2016/2017 AEMR (Section 6.3). Attended noise monitoring is undertaken at Locations D, F, G, I, J and L.</p> <p>In 2016 and 2017 the findings of the monitoring surveys show Abel Mine operations to be inaudible at the monitoring locations with noise attributable to non-mine related traffic, birds, cricket, insect and frog noise, wind and other extraneous sources. Night time sleep disturbance criteria (LA1(1min)) was also in compliance during all monitoring events at all locations.</p> <p>In 2015, Abel Mine operations were generally inaudible at the monitoring locations with noise attributable to non-mine related traffic, birds, cricket, insect and frog noise, wind and other extraneous sources. During some monitoring events operations were audible at Location I and L. The estimated contribution from Abel operations was assessed as being below the criteria. Night time sleep disturbance criteria (LA1(1min)) was also in compliance during all monitoring events at all locations.</p>
Location	Receiver Area			Day	Evening	Night																															
		L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	LA1 (1 min)																																
Location I	Lord Howe Drive, Ashtonfield	36	36	36	45																																
Location K	Catholic Diocese Land	37	37	37	45																																
Location L	Kilshanny Avenue, Ashtonfield	40	40	40	47																																
All other locations	All other privately-owned residences	35	35	35	45																																

Cond	05_0136 Condition	Status	Evidence										
			Location K is a former residence on Catholic Diocese land which is now not inhabited (NMP, p.10), therefore results at this location are not taken. Recommend removing Location K from Table 4 and any other strategy, plan or program. Reconsider program in consideration of C&M status.										
	Construction Noise Criteria												
2	<p>The Proponent shall ensure that the noise generated during the construction of the downcast ventilation shaft as described in EA (MOD 3) does not exceed the criteria in Table 5.</p> <p><i>Table 5: Construction noise criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th rowspan="2">Receiver</th> <th>Day</th> </tr> <tr> <th>L_{Aeq} (15 min)</th> </tr> </thead> <tbody> <tr> <td>Location R</td> <td>281 Lings Road, Buttai</td> <td>50</td> </tr> <tr> <td>Location S</td> <td>189 Lings Road Buttai</td> <td>43</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> The criteria in Table 5 apply only whilst the downcast ventilation shaft is being constructed, and for a maximum of 12 weeks from the commencement of construction. To interpret the locations referred to Table 5, see the plan in Appendix 3. Noise generated by the project is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy <p>However, these noise criteria do not apply if the Proponent has an agreement with the relevant landowner to generate higher construction noise levels, and the Proponent has</p>	Location	Receiver	Day	L _{Aeq} (15 min)	Location R	281 Lings Road, Buttai	50	Location S	189 Lings Road Buttai	43	Not Triggered	Downcast Ventilation shaft has not been constructed (PB pers comm). No construction activities at Abel occurred during the reporting period (2016 & 2017 AEMR Section 4.2, 2015 AEMR Section 2.3).
Location	Receiver			Day									
		L _{Aeq} (15 min)											
Location R	281 Lings Road, Buttai	50											
Location S	189 Lings Road Buttai	43											

Cond	05_0136 Condition	Status	Evidence											
	advised the Department in writing of the terms of this agreement.													
	Rail Noise Criteria													
3	<p>The Proponent shall ensure that the noise from rail movements on the Bloomfield Rail Spur does not exceed the limits in Table 6 at any residence on privately-owned land.</p> <p><i>Table 6: Rail Spur noise criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>Day</th> <th>Evening</th> <th>Night</th> </tr> <tr> <th colspan="3">L_{Aeq} (period)</th> </tr> </thead> <tbody> <tr> <td>All privately-owned land</td> <td>55</td> <td>45</td> <td>40</td> </tr> </tbody> </table>	Location	Day	Evening	Night	L _{Aeq} (period)			All privately-owned land	55	45	40	Compliant	Refer to Sch 4 Cond 1.
Location	Day		Evening	Night										
	L _{Aeq} (period)													
All privately-owned land	55	45	40											
	Cumulative Noise Criteria													
4	<p>The Proponent shall implement all reasonable and feasible measures to ensure that the noise generated by the project combined with the noise generated by other mines in the area does not exceed the criteria in Table 7 at any residence on privately-owned land.</p> <p><i>Table 7: Cumulative noise criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>Day</th> <th>Evening</th> <th>Night</th> </tr> <tr> <th colspan="3">L_{Aeq} (period)</th> </tr> </thead> <tbody> <tr> <td>All privately-owned land</td> <td>55</td> <td>45</td> <td>40</td> </tr> </tbody> </table> <p>Note:</p>	Location	Day	Evening	Night	L _{Aeq} (period)			All privately-owned land	55	45	40	Compliant	<p>Viewed 2015, 2016 and 2017 AEMRs for Abel and Bloomfield which do not discuss cumulative noise criteria. This condition was developed whilst Tasman, Abel, Donaldson and Bloomfield were all in operation. Tasman and Donaldson are no longer in operation and Abel ceased during audit period.</p> <p>The highest (L_{Aeq}15min) noise level recorded from Abel (& CHPP) in the audit period is 34dB. On most occasions it is audible. There were three exceedances since start of 2015 across both sites, all recorded at Bloomfield due to trucks. There is no discussion in noise monitoring reports in relation to cumulative noise criteria, although as condition 1 is compliance, it is assumed that cumulative noise is also.</p> <p>It is noted that Cumulative Noise Criteria time period differs from Operation Noise Criteria time period. As such, recommend a future statement included in quarterly reporting against cumulative criteria and AEMR by noise specialist.</p>
Location	Day		Evening	Night										
	L _{Aeq} (period)													
All privately-owned land	55	45	40											

Cond	05_0136 Condition	Status	Evidence
	<ul style="list-style-type: none"> Cumulative noise is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy. Appendix 4 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria. 		
	Operating Conditions		
5	<p>The Proponent shall:</p> <p>a) implement best management practice to minimise the construction, operational, road and rail noise of the project;</p>	Compliant	<p>Viewed Section 7 of NMP which outlines best practise noise mitigation measures to minimise construction, operational, road and rail noise at the Abel Coal Project and Bloomfield CHPP/rail load out.</p> <p>Noise mitigation measures confirmed during site visit include:</p> <ul style="list-style-type: none"> Surface vehicles and equipment used near portal to the underground mine fitted with reverse 'quackers' rather than beepers (there are currently no surface vehicles operating whilst mine in care and maintenance; Surface vehicles are operated below the Donaldson Open Cut Mine high wall to mitigate potential noise impacts. CHPP has noise screening enclosures fitted (source: CHPP before and after photos taken May 2008) <p>Surface vehicles were not in operation at time of audit.</p>
	<p>b) operate an on-site noise management system to ensure compliance with the relevant conditions of this approval;</p>	Compliant	<p>The noise management system is outlined in the NMP.</p> <p>Key monitoring locations representative of noise sensitive receivers shown in NMP Section 8.2.</p> <p>Noise mitigation measures are shown in NMP Section 7.</p> <p>Noise monitoring program is outlined in NMP Section 8.</p>

Cond	05_0136 Condition	Status	Evidence
			Reporting is outlined in NMP Section 11. Protocol for managing and reporting incidents, complaints, non-compliances, exceedances and reviews shown in Sections 12 and 13.
	c) minimise the noise impacts of the project during meteorological conditions under which the noise limits in this consent do not apply (see Appendix 4);	Compliant	Viewed Section 9.2 NMP which outlines the meteorological parameters under which noise limits apply. No evidence to demonstrate how noise impacts are minimised during these meteorological conditions. Recommend clarifying process to satisfy this condition in revised NMP.
	d) only receive and/or dispatch locomotives and rolling stock either on or from the site that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL (No. 3142);	Compliant	Viewed email from ARTC Environmental Manager dated 04/02/19 that states ARTC have processes in place to ensure locomotives which operate on the network comply with Section L2 of EPL 3142.
	e) carry out regular monitoring to determine whether the project is complying with the noise criteria and other relevant conditions of approval, to the satisfaction of the Director General.	Compliant	Viewed NMP Section 8 which outlines the general requirements of the noise monitoring program, key monitoring locations, noise surveys, logging and audits to determine whether the project is complying with the noise criteria and other relevant conditions of this approval. See Sch 4 Cond 1. 2015, 2016 and 2017 AEMRs include noise monitoring in Sections 3.9, 6.3 and 6.3 respectively. Viewed 2018 quarterly noise monitoring reports. Quarterly Noise Monitoring is not carried out at Monitoring Locations identified in the NMP however Section 3.2 of the Quarterly Noise reports state "With the experience of these previous surveys, it was decided to concentrate noise monitoring at six focus locations that represent the potentially most noise affected areas from Donaldson Mine and Abel Coal Mine". The unattended continuous noise logging undertaken for the Quarterly reports is consistent to that described in the NMP.

Cond	05_0136 Condition	Status	Evidence
			Operator-Attended Noise Surveys undertaken in the quarterly noise monitoring is generally consistent to that described in the NMP. Viewed Acoustic Survey Report dated 18/08/15 that confirms evidence that Site Noise Level Audits, as described in Section 8.5 of the NMP are being undertaken.
	Noise Management Plan		
6	The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Director-General. This plan must:		
	a) be prepared in consultation with EPA, and submitted to the Director-General for approval within 6 months of the date of approval of MOD 3;	Compliant	NMP prepared in consultation with EPA (NMP, p.6), however no evidence was provided. Viewed letter from DP&E dated 03/08/18 that states NMP satisfies this condition. Recommend consultation letters for all management plans are included in Appendix.
	b) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this approval;	Compliant	Viewed NMP Sections 7-12 which describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this approval.
	c) describe the proposed noise management system in detail; and	Compliant	Refer to Sch 4 Cond 1b) As per Section 8.2 of the NMP "Donaldson have given a commitment to integrate this NMP with the monitoring plans for the Tasman, Donaldson and Bloomfield Mines to provide a single integrated noise monitoring program for all four (4) mines. Since the formulation of this commitment, Donaldson Open Cut Mine and Tasman Mine have ceased production and all major earthworks on the site have been finalised. Therefore, it is proposed that compliance noise monitoring for the Donaldson Open Cut Mine and Tasman Mine are no

Cond	05_0136 Condition	Status	Evidence
			<p><i>longer required. This NMP considers only Bloomfield Colliery and the Project in the integrated noise monitoring program.</i></p> <p>Recommend NMP to be updated for care and maintenance status and reduced activities at Abel.</p>
	<p>d) include a monitoring program that:</p> <ul style="list-style-type: none"> - uses attended monitoring to evaluate the compliance of the project against the noise criteria in this approval; - evaluates and reports on: <ul style="list-style-type: none"> o the effectiveness of the on-site noise management system; and o compliance against the noise operating conditions; and - defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents. 	Compliant	<p>Viewed NMP.</p> <p>Section 8 outlines the Noise Monitoring Program.</p> <p>Section 10 outlines operator attended noise survey results to determine compliance. Section 11 outlines evaluation and reporting methods and Section 12 details the protocol for managing complaints and/or exceedances.</p> <p>Viewed NMP key commitments (shown in italics) and actions summarised below:</p> <ul style="list-style-type: none"> • <i>Noise monitoring will be conducted on a quarterly basis and consist of continuous unattended and operator attended noise monitoring.</i> Recommend updating for C&M status. • <i>All acoustic instrumentation employed throughout the monitoring programme will be designed to comply with the requirements of AS IEC 61672.1 – 2004 Electroacoustics—Sound level meters - Specifications and carry current NATA or manufacturer calibration certificates.</i> Viewed a sample of Sound Level Meter Calibration Certificates. Acoustic Instrumentation complies with AS 1259.1 – 1990 which has been superseded by AS IEC 61672.1 – 2004 • <i>Unattended continuous noise monitoring will be conducted at Locations F, G, and J and variable locations L, M and N depending upon mining operations, for a period of 7 days per quarter, to quantify overall ambient noise amenity levels resulting from mining, and processing operations and other environmental noise sources.</i> Viewed quarterly monitoring reports prepared by SLR consulting from June 2015 (Q58) to June 2018 (Q70). Unattended continuous monitoring was undertaken at locations D,

Cond	05_0136 Condition	Status	Evidence
			<p>F, G, I, L and J during the audit period for a period of 7 days. Recommend if updating for C&M to ensure consistency with monitoring locations.</p> <ul style="list-style-type: none"> • <i>The noise monitoring program will include regular (annual) noise surveillance measurements of acoustically significant plant and equipment, to ensure the sound power levels of such equipment does not vary significantly (+/-2dBA) from that assumed in the NIA.</i> Recommend if updating for C&M, stipulate which equipment this applies. • <i>Noise loggers will be programmed to continuously record statistical noise level indices in 15 minute intervals which may include the LAmax, LA1, LA5, LA10, LA90, LA99, LAmin and the LAeq.</i> Recommend if updating for C&M, check all parameters required. • <i>In the event of a measured exceedance of the relevant noise criteria, the Abel Coal Mine Environmental and Community Manager will be promptly informed of the location, the margin of exceedance and the source of emission, if it has been identified.</i> Recommend process that Abel personnel is formally notified asap by Bloomfield in relation to any potential exceedances due to operations at CHPP or rail loadout – put next to Annual Review exceedances. • Viewed quarterly monitoring reports prepared by SLR consulting from June 2015 (Q58) to June 2018 (Q70) and confirmed information was included. Details of complaints received on 22/06/15 and 17/07/15 were not reported in the Q58 report. Recommend including complaints in quarterly complaints or remove requirement from NMP.

Cond	05_0136 Condition	Status	Evidence
	AIR QUALITY AND GREENHOUSE GAS		
	Odour		
7.	The Proponent shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.	Compliant	2015 AEMR Section 4.1– One environmental complaint for odour. Viewed 2015 AEMR Executive Summary, 2016 and 2017 AEMR Section 11 - No reportable incidences or exceedances, official cautions, warning letters, penalty notices or prosecution proceedings. Viewed AQMP Section 5.1 that detail air quality control measures for odour.
	Greenhouse Gas Emissions		
8.	The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Director-General.	Compliant	Viewed Section 7 of the AQGHGMP which outlines measures to minimise the release of greenhouse gas emissions from the site. The mine produces minimal gas, does not conduct flaring and operates no mobile equipment while in care and maintenance (PB pers comm).
	Air Quality Criteria		

Cond	05_0136 Condition	Status	Evidence																							
9.	<p>The Proponent shall implement all reasonable and feasible mitigation measures to ensure that the particulate emissions generated by the project do not exceed the criteria listed in Tables 8, 9 and 10 at any residence on privately-owned land.</p> <p><i>Table 8: Long-term criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>^a 90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>^a 30 µg/m³</td> </tr> </tbody> </table> <p><i>Table 9: Short-term criterion for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>^a 50 µg/m³</td> </tr> </tbody> </table> <p><i>Table 10: Long-term 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>^c Deposited dust</td> <td>Annual</td> <td>^b 2 g/m²/month</td> <td>^a 4 g/m²/month</td> </tr> </tbody> </table> <p>Notes to Tables 8-10:</p> <p>a) Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to other sources);</p> <p>b) Incremental impact (i.e. incremental increase in concentrations due to the project on its own);</p>	Pollutant	Averaging period	^d Criterion	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³	Pollutant	Averaging period	^d Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month	Compliant	<p>The AQGGMP does not clearly identify which monitoring locations relate to Abel and which relate to Bloomfield CHPP and rail load out.</p> <p>A review of management plans for both Abel and Bloomfield shows air quality monitoring locations are similar between the Abel Coal Project and Bloomfield sites. Therefore, this condition uses data reported on the Abel Annual Reviews only.</p> <p>Viewed 2015 AEMR Section 3.2, 2016 and 2017 AEMR Section 6.5 and 2018 AQ Monitoring Data provided by Donaldson.</p> <p>No exceedances were identified.</p> <p>Recommend that if AQGHGMP to be updated for care and maintenance status and reduced activities at Abel. AQGHGMP to clarify which activities Bloomfield is responsible for and which Abel is responsible for to ensure compliant with this consent (e.g. monitoring and reporting).</p>
Pollutant	Averaging period	^d Criterion																								
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³																								
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³																								
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Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³																								
Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																							
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month																							

Cond	05_0136 Condition	Status	Evidence
	<p>c) Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and</p> <p>Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed to by the Director-General.</p>		
	Operating Conditions		
10.	The Proponent shall:		
	<p>a) implement best practice air quality management at the site, including all reasonable and feasible measures to minimise off-site odour and dust emissions generated by the project, including from any spontaneous combustion on site;</p>	Compliant	<p>Viewed AQGHGMP Section 5.2 which outlines air quality control measures for odour, dust. Table 5.1 details control measures and actions for handling of material, roads, exposed areas, dozers, rail operations and spontaneous combustion.</p> <p>Site visit confirmed air quality management measures and actions undertaken by the Abel Coal Project to minimise site odour and dust emissions generated by the project are generally in accordance with Section 5.2 of the AQGHGMP. Best practise air quality management at the site include but are not limited to:</p> <ul style="list-style-type: none"> • Dust sprays and water carts on haul roads and areas surrounding the CHPP (see Plate 1); • Water sprays in forecourt; • Site Induction which includes air quality training; • Restriction of vehicle speed on all roads to 40 km/h or less; • Paved areas around offices, car parks, maintenance and storage areas; and

Cond	05_0136 Condition	Status	Evidence
			<ul style="list-style-type: none"> Shaping and orientation of coal stockpiles to minimise dust emissions (see Plate 2).
	<p>b) operate an air quality management system on site to ensure compliance with the relevant conditions of this approval;</p>	<p><u>Not Compliant</u></p>	<p>During care and maintenance, there are minimal dust generating activities onsite (PB pers comm).</p> <p>Air Monitoring undertaken via HVAS units at Blackhill School and Golf Course. Viewed email from RCA Australia dated 07/01/19 that confirms monitoring is in accordance with AM 15 (methodology, sampling and calibration), AM 18 (sampling and calibration) and AM 19 (sampling) within the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i>.</p> <p>Viewed ALS Compliance Assessment to Assist with Quality Review dated 28/12/18 that confirms sample analysis for AM 18 as per the Australian Standard referenced in AM18.</p> <p>Email from RCA Australia dated 07/01/19 also states "<u>Siting requirements at DDG7 and DDG9 are likely not within Australian Standards due to trees obstructing the minimum clear sky angle of 120°. Recommend dust gauges re-sited (if not being removed from program).</u>"</p> <p>Viewed Calibration Certificates for HVAS (PM₁₀ and TSP) unit at the Blackhill School and HVAS PM₁₀ unit at Golf Course dated 24/12/18. Both PM₁₀ units calibrated to Australian Standard (AS) 3580.9.6. TSP unit calibrated to AS 3580.9.3.</p> <p>Viewed High Volume TSP Sampler Calibration Report undertaken by Thomson Environmental Systems dated 13/07/18. Recalibration was required on Venturi Tube Gas Temperature and Ambient Temperature. All other Audit Test Data did not require calibration.</p> <p>Viewed Calibration Certificate for DustTrack 8530 unit at Blackhill School dated 30/05/18. "All performance and acceptance tests required were successfully conducted according to required specifications. All test and</p>

Cond	05_0136 Condition	Status	Evidence
			<i>calibration data supplied by Kenelec Scientific has been obtained using emery oil and has nominally adjusted to respirable mass standard ISO 12103-1 AI Test Dust (Arizona Dust)."</i>
	c) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see note d to Tables 8-10 above); and	Compliant	Viewed AQGHGMP Section 5.2 which outlines air quality control measures and actions for adverse conditions. Control measures and actions include: <ul style="list-style-type: none"> ○ Increasing water application and/or application of chemical suppressants to stockpiles; ○ Suspension of mining operations; and ○ Covering of exposed areas. <p>No evidence was provided confirming above undertaken in audit period. However limited activities on site demonstrated adequate and relevant dust suppression (see Plate 1).</p>
	d) co-ordinate the air quality management on site with the air quality management of the Bloomfield Colliery, to minimise cumulative air quality impacts to the satisfaction of the Director-General.,	Compliant	Air Quality management control measures and actions outlined in Table 5-1 of the AQGHGMP include: <ul style="list-style-type: none"> • Temporary cessation of work when Bloomfield operations are likely to emit high dust levels to prevent non-compliance of cumulative dust criteria. • Coordinating with the Bloomfield Mine when it is likely that the Project will emit high dust levels or when adverse weather conditions are likely to occur to prevent non-compliance of cumulative dust criteria.
	Air Quality and Greenhouse Gas Management Plan		
11.	The Proponent shall prepare and implement a detailed Air Quality & Greenhouse Gas Management Plan for the project to the satisfaction of the Director-General. This plan must:		

Cond	05_0136 Condition	Status	Evidence
	a) be prepared in consultation with EPA, and submitted to the Director-General for approval within 6 months of the date of approval of MOD 3;	Not Compliant	Viewed AQGGMP which was prepared in consultation with EPA (AQGHGMP, p. A-1). Viewed AQGGMP submission email to DP&E dated 04/08/14. No approval letter sighted.
	b) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this approval;	Compliant	Viewed AQGHGMP Section 5 Table 5.1 which provides management and control measures for air quality that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this approval. Baseline data for the AQGHGMP was collected in 2010-2013. At this time, Abel Coal Project and the nearby Donaldson Open Cut were still operating. Since the AQGHGMP was written, Abel Coal Mine has been placed into care and maintenance and Donaldson Open Cut has ceased operation. These changes could potentially impact on various aspects of Abel's Approved Air Criteria due to emission source variations.
	c) describe the measures that would be implemented to minimise the greenhouse gas emissions from the site;	Compliant	Viewed AQGHGMP Section 7 that outlines measures to minimise the release of greenhouse gas emissions from the site.
	d) describe the proposed on-site air quality management system; and	Compliant	Viewed AQGHGMP Section 5 which outlines air emission and control including emission sources and air quality control measures for odour and dust.
	e) include an air quality monitoring program that: <ul style="list-style-type: none"> - is capable of evaluating the operating conditions of this approval; - evaluates and reports on: <ul style="list-style-type: none"> o the effectiveness of the air quality management system; and o compliance against the air quality operating conditions; and 	Compliant	Viewed AQGHGMP Section 6 which outlines the air quality monitoring program capable of evaluating operating conditions of this approval. Section 6 provides methods for evaluation and reporting on the air quality monitoring network. Section 8 of the AQGHGMP outlines compliance protocol including the definition of an incident and protocol for incident notification to relevant stakeholders. Viewed AQGGMP key commitments (shown in italics) and actions summarised below:

Cond	05_0136 Condition	Status	Evidence
	<ul style="list-style-type: none"> - defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents. 		<ul style="list-style-type: none"> • <i>Abel Underground Mine will implement all reasonable and feasible measures to minimise the release of GHG emissions from site, these include:</i> <ul style="list-style-type: none"> ○ <i>monitoring the fuel efficiency and regularly maintaining the diesel equipment</i> ○ <i>optimising conditions for fleet operations;</i> ○ <i>use of high efficiency electric motors;</i> ○ <i>investigating efficiency of transformers;</i> ○ <i>maximising production during off-peak hours and reducing during peak hours;</i> ○ <i>conducting energy awareness programs for staff;</i> ○ <i>efficient lighting systems with photo-sensors and timers; and</i> ○ <i>a review of alternative renewable energy sources.</i> • Recommend updating GHG management and mitigation measures for C&M status. Recommend statement on the above GHG management measures included in Annual Review. • <i>Energy efficiency opportunities for the Abel Underground Mine are to be identified, assessed and reported through a series of five year assessment cycles in accordance with the Energy Efficiency Opportunities Act 2006 (EEO Act, 2006). These have not been identified in the Annual Reviews for the audit period. Recommend these opportunities be identified, assessed and reported within the next two years.</i> • <i>The performance of the AQMP will be reviewed annually, along with the environmental performance of the Abel Underground Mine. Recommend removing requirement for C&M.</i>

Cond	05_0136 Condition	Status	Evidence
METEOROLOGICAL MONITORING			
12.	<p>During the life of the project, the Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the site that:</p> <p>a) complies with the requirements in the <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> guideline; and</p> <p>b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the <i>NSW Industrial Noise Policy</i>, unless a suitable alternative is approved by the Director-General following consultation with the EPA.</p>	Compliant	<p>Viewed AQGHGMP Section 6 that states the air quality monitoring network includes “one meteorological station to record information on wind speed, wind direction, sigma-theta and temperature at 10-minute intervals, equipped and operated in accordance with AS 2922-1987”.</p> <p>Viewed Annual Physical Screening Weather Station Field Check undertaken by Cbased Environmental Pty Limited on 18/01/18. Weather Station Instrument cleaned and tested and is operating normally. Logger firmware upgraded to current version.</p> <p>a) Viewed Field Check of the Abel Portable Met Station undertaken by Cbased Environmental Pty Limited on 18 Jan 2018. It was noted that “the weather station was in conformance with the reference instruments at the monitored levels. Wind direction reference is true north. The meteorological station meets the requirements of the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (2007)</i>.”</p> <p>b) Viewed email from CBased environmental dated 22/12/18 that states the weather station continuously calculates wind speed and sigma theta so it is able to provide continuous data for estimated temperature lapse rate in accordance with the Noise Policy for Industry (2017).</p>
SOIL AND WATER			
	<p><i>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Proponent is required to obtain the necessary water licences for the project.</i></p>		<p>Refer to Sch 2 Cond 4.</p> <p>AEMR 2017 Section 11 states “Water Licence 20BL171935 requires an annual compliance report, which reports on the results of the groundwater monitoring and contingency plan, to be supplied to the NSW Office of Water (now DPI Water) within 3 months of the end of the water year being reported on (i.e by end of September). The Annual Review is prepared following the calendar year and therefore has not been submitted within 3 months of the current water year (i.e. by 30 September 2017). The Company will consult</p>

Cond	05_0136 Condition	Status	Evidence
			<i>with DPI Water in relation to the acceptance of the Annual Review reporting at this time interval and / or adjustment of the condition wording during the transfer of conditions from the current Water Licence to a Water Access Licence under the new Water Sharing Plan for the North Coast Fractured and Porous Rock Groundwater Sources 2016".</i>
13.	The Proponent shall ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the Director-General.	Not Triggered	This has not occurred in the audit period (PB pers comms).
Compensatory Water Supply			
14.	<p>The Proponent shall provide a compensatory water supply to any landowner of privately-owned land whose water entitlements are adversely impacted (other than an impact that is negligible) as a result of the project, in consultation with NOW, and to the satisfaction of the Director-General.</p> <p>The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the project. Equivalent water supply must be provided (at least on an interim basis) within 24 hours of the loss being identified.</p> <p>If the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.</p> <p>If the Proponent is unable to provide an alternative long-term supply of water, then the Proponent shall provide alternative compensation to the satisfaction of the Director-General.</p>	Not Triggered	<p>No compensatory water has been required to be supplied throughout the life of the mine (2017 AEMR Section 7.1).</p> <p>This has not occurred during 2018 (PB pers comms).</p>

Cond	05_0136 Condition	Status	Evidence
Surface Water Discharges			
15.	The Proponent shall not discharge any water from the site or cause any pollution of waters except as expressly provided for in an EPL.	Compliant	Abel Coal Project has not discharged any water from site during the audit period, all water is transferred to the Bloomfield site (pers comm). Water is discharged under EPL 11080 for Donaldson Open Cut Mine. There has been no pollution of waterways during the audit period (PB pers comm)
Surface Water Transfer			
16.	The Proponent may transfer water between the site, the Donaldson Open-Cut Coal Mine and the Bloomfield Colliery, in accordance with the Water Management Plans for these operations.	Compliant	Viewed WMP Section 3.1 which states “the water management system for Abel is integrated with the water management system on the adjacent Bloomfield Colliery... Water is transferred to Bloomfield for use as part of the coal processing operation... Formal agreements are in place between Donaldson Coal Bloomfield including protocols relating to the transfer of water from Abel to Bloomfield”. Water is periodically transferred from the Big Kahuna dam to Lake Kennerson (Bloomfield) via a pipeline (capacity 8 ML/day)” (Section 3.3 WMP). 87.5ML was shown as transferred from the “Big Kahuna” on 1 Feb 2018. 56.57ML was shown as transferred on 12 October 2018. PB advised that both were over several days to weeks, not a single day. Recommend clearly labelling column on water transfer amounts on site spreadsheet e.g. “Transfer from Big Kahuna to Lake Kennerson (ML)” and including pumped volumes.

Cond	05_0136 Condition	Status	Evidence
Water Management Plan			
17.	<p>The Proponent shall prepare and implement a Water Management Plan for the project, for all areas that are not, or will not, be subject to condition 4 of schedule 3, to the satisfaction of the Director-General.</p> <p>This plan must be prepared in consultation with NOW and EPA, by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General, and submitted to the Director-General for approval within 6 months of the date of approval of MOD 3. This plan must include:</p>	Compliant	<p>Viewed WMP Section 1.1 that states “the 2014 WMP has been prepared by a team of suitably qualified and experienced persons, whose appointment has been approved by the Director- General, comprising of Donaldson Coal Pty Ltd (agency consultation) Evans & Peck (surface water), and Andrew Fulton (groundwater)”.</p> <p>Viewed Environmental Management Plan approval letter from DP&E dated 3/8/18 that states the WMP satisfies this condition.</p> <p>No evidence of consultation with NOW and EPA, recommend this is conducted and included in Appendix in revised version.</p>
	<p>a) a comprehensive water balance for the project that includes details of:</p> <ul style="list-style-type: none"> – sources and security of water supply; – water make in the underground workings; – water use; and – any water discharges; and 	Compliant	<p>Viewed WMP.</p> <p>Section 3.4 details the Site Water Balance for the Project including sources and security of water supply (Section 3.4.2), water make in the underground workings (Section 3.4.3), water use (section 3.4.4) and water discharge (Section 3.4.5).</p>
	<p>b) management plans for the Surface facilities sites, that include:</p> <ul style="list-style-type: none"> – a detailed description of water management systems for each site, including: <ul style="list-style-type: none"> o clean water diversion systems; o erosion and sediment controls; and o any water storages; – measures to minimise potable water use and to reuse and recycle water; and 	Compliant	<p>Viewed Section 3.3 of the WMP which details the Surface Water Management System for the Mine Facilities area, West Pit (containing ROM stockpiles) and Square Pit). Section 3.3 also shows locations of current water storage dams, tailings dam, and mine pits. Surface water management principles are described in Section 3.2.</p> <p>Site visit showed CHPP area had appropriate bunding in place along Four Mile Creek to prevent surface-water run-off (refer Plate 3 and Plate 4). CHPP sediment dam had recently desilted (Plate 5).</p> <p>Viewed Section 3.5 of the WMP which outlines erosion and sediment controls for surface facilities and proposed overland conveyor.</p>

Cond	05_0136 Condition	Status	Evidence
	<p>– monitoring and reporting procedures.</p> <p>Note: <i>This plan can be integrated with the Water Management Plans prepared for the Donaldson Open-Cut Mine and the Bloomfield Colliery.</i></p>		<p>Water reuse is described in Section 3.4.4 of the WMP. Water reuse is used to minimise potable water.</p> <p>The Surface Water Monitoring Program is detailed in Section 3.6 and Reporting Procedures detailed in Section 7.</p> <p>The monitoring program allows for Schedule 1 streams. Baseline data and monitoring requirements are detailed in Section 3.6, Section 4.2, Appendix B and Appendix C.</p> <p>The WMP does not clearly identify Schedule 2 streams (as defined by DIPNR, 2005) and committed to in SoC 5.</p> <p>Viewed WMP key commitments (shown in italics) and actions summarised below:</p> <ul style="list-style-type: none"> • Undertake surface water monitoring program in accordance with Table 3.5 and Figure 3-5. Undertake macroinvertebrate monitoring program as described in Section 3.6.3. Recommend update WMP for DOI Water with consideration to reduce program commensurate with C&M status, except where additional baseline is required for future approved mining areas. • Biological monitoring will continue for 12 months following completion of mining in the catchment. Recommend review of this commitment whilst in C&M. • Undertake flow monitoring in Blue Gum Creek and water level monitoring in Pambalong Reserve in accordance with undertakings in the EA (2006) and the Pambalong Reserve Plan of Management (NPWS, 2006). Recommend review of this commitment whilst in C&M. • The groundwater model will be required to be updated on a periodical basis to reflect the changing operational developments. Recommend seeking relief from this during C&M.

Cond	05_0136 Condition	Status	Evidence
			<ul style="list-style-type: none"> • Undertake groundwater monitoring program as shown on Figure 4-2. Recommend review and reduce frequency if required whilst in C&M. • Groundwater monitoring program includes: <ul style="list-style-type: none"> ○ <i>Annual collection of water samples from all standpipe piezometers for laboratory analysis of a broader suite of parameters:</i> <ul style="list-style-type: none"> - <i>Physical properties (EC, TDS and pH);</i> - <i>Major cations and anions (Ca, Mg, Na, K, Cl, SO4, HCO3 and CO3);</i> - <i>Nutrients; and</i> - <i>Dissolved metals.</i> <p>Viewed groundwater monitoring data including monthly samples for sites DPZ-6, DPZ-13, JRD1, DPZ-7A and DPZ-12. Measurements included depth, pH, conductivity and TSS.</p> <p>Recommend to either update program or seek to justify and remove at WMP review.</p> <ul style="list-style-type: none"> • <i>Groundwater monitoring program includes:</i> <i>Weekly measurements of the volume of mine water pumped from the underground workings. Recommend that Bloomfield responsibilities clearly stipulated in a single section, separate form C&M status of rest of Abel or undertake review to ensure Bloomfield WMP includes those responsibilities before removing.</i> <p>Viewed Erosion and Sediment Control plan key commitments (shown in italics) and actions summarised below:</p> <ul style="list-style-type: none"> • <i>Undertake erosion and sediment control works as shown in Figure 1.</i> Recommend updating for C&M. • <i>Native seed collection and propagation will be undertaken to enhance the regeneration of indigenous vegetation within the areas of</i>

Cond	05_0136 Condition	Status	Evidence								
			<p><i>disturbance.</i> Viewed photos of contractor collecting seed during latest clearing event to occur at Donaldson. Seeds are propagated and reused across site</p> <ul style="list-style-type: none"> • <i>A weed control programme will be developed as part of the Plan of Management for bushland areas.</i> Viewed Enright Land Management Weed and Ground Maintenance Works invoice dated 28/12/2018. • <i>Works will be inspected regularly by a site representative to ensure that control measures operate effectively.</i> Viewed a sample of Environment Inspection Reports dated 01/11/16 and 26/09/17. Inspections are undertaken at the Upcast Shaft, West Pit, Square Pit, Big Kahuna, Rehab Areas, Pit Top, Portal Area and Downcast Shaft. Observations included identification of issues such as weeds, water colour and safety. 								
BIODIVERSITY											
Biodiversity Offset Strategy											
18.	<p>The Proponent shall develop and implement a Biodiversity Offset Strategy as summarised in Table 11, prior to the commencement of construction of the coal conveyor or the vegetation clearing described in the EA, whichever is sooner, in consultation with OEH, and to the satisfaction of the Director-General.</p> <p><i>Table 11: Biodiversity Offset Strategy</i></p> <table border="1"> <thead> <tr> <th>Area</th> <th>Offset Type</th> <th>Minimum S</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Biodiversity Offset Area</td> <td>Lower Hunter Spotted Gum-Ironbark Forest EEC</td> <td>10</td> </tr> <tr> <td>Remnant native woodland vegetation</td> <td>10</td> </tr> </tbody> </table>	Area	Offset Type	Minimum S	Biodiversity Offset Area	Lower Hunter Spotted Gum-Ironbark Forest EEC	10	Remnant native woodland vegetation	10	Not Triggered	<p>In a letter dated 09/10/18, DP&E requested Biodiversity Offset Strategy (BOS) be put on website.</p> <p>Donaldson replied to DP&E with a letter dated 12/10/18 stating that '<i>the BOS has not been developed as it is required prior to the commencement of construction of the coal conveyor described in MOD 3 which has not been scheduled for construction. Therefore, the requirement for the BOS has not been triggered.</i></p> <p>DP&E acknowledged receipt of this letter on 17/10/18 with no response.</p> <p>The downcast ventilation and overland conveyor have not been built (PB pers comm).</p> <p>This approach is consistent with previous audits.</p>
Area	Offset Type	Minimum S									
Biodiversity Offset Area	Lower Hunter Spotted Gum-Ironbark Forest EEC	10									
	Remnant native woodland vegetation	10									

Cond	05_0136 Condition	Status	Evidence
Long Term Security of Offset			
19.	<p>Within 12 months of the commencement of construction of the coal conveyor, or the vegetation clearing described in the EA, whichever is sooner, unless the Director-General agrees otherwise, the Proponent shall make suitable arrangements to provide appropriate long term security for the biodiversity offset area identified in Table 11, to the satisfaction of the Director-General.</p> <p>Note: In order of preference, mechanisms to provide appropriate long term security to the land within the Biodiversity Offset Strategy include incorporation into the nearby State Conservation Areas, Biobanking Agreement, Voluntary Conservation Agreement, or restrictive covenant on land titles</p>	Not Triggered	See response to Sch 4 Cond 18.
Biodiversity Management Plan			
20.	The Proponent shall prepare and implement a Biodiversity Management Plan for the project, for all areas that are not, or will not, be subject to condition 4 of schedule 3, to the satisfaction of the Director-General. This plan must:		
	a) be prepared in consultation with OEH, and be approved by the Director-General prior to the commencement of construction of the coal conveyor;	Not Triggered	Refer to response to Sch 4 Cond 20.
	b) establish baseline data for the existing habitat in the biodiversity offset area and on the site;	Not Triggered	Refer to response to Sch 4 Cond 20.
	c) describe the short, medium, and long term measures that would be implemented to:	Not Triggered	Refer to response to Sch 4 Cond 20.

Cond	05_0136 Condition	Status	Evidence
	<ul style="list-style-type: none"> - manage vegetation clearing; - manage the remnant vegetation and habitat in the biodiversity offset area and on the site; and - implement the biodiversity offset strategy, including detailed performance and completion criteria; 		
	d) include a program to monitor and report on the effectiveness of these measures, and progress against detailed performance and completion criteria;	Not Triggered	Refer to response to Sch 4 Cond 20.
	e) identify the potential risks to the successful implementation of the Biodiversity Offset Strategy, and the contingency measures that would be implemented to mitigate these risks; and	Not Triggered	Refer to response to Sch 4 Cond 20.
	f) include details of who would be responsible for monitoring, reviewing, and implementing the plan.	Not Triggered	Refer to response to Sch 4 Cond 20.
Conservation Bond			
21.	Within 6 months of the commencement of construction of the coal conveyor, or the vegetation clearing described in the EA, whichever is sooner, the Proponent shall lodge a conservation bond with the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria described in the Biodiversity Management Plan. The sum of the bond shall be determined by:		
	a) calculating the full cost of implementing the offset strategy (other than land acquisition costs); and	Not triggered	See response to Sch 4 Cond 18.

Cond	05_0136 Condition	Status	Evidence
	b) employing a suitably qualified quantity surveyor to verify the calculated costs.	Not triggered	See response to Sch 4 Cond 18.
	If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Director-General, the Director-General will release the bond.		
	If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Director-General will call in all or part of the conservation bond, and arrange for the satisfactory completion of the relevant works.		
HERITAGE			
Aboriginal Heritage Management Plan			
22.	The Proponent shall prepare and implement an Aboriginal Heritage Management Plan for the project, for all areas that are not, or will not, be subject to condition 4 of Schedule 3, to the satisfaction of the Director-General. This plan must:		Viewed AHMP. Viewed Environmental Management Plan approval letter from DP&E dated 3/8/18 that states the ACHMP satisfies this condition.
	a) be prepared in consultation with OEH and the Aboriginal community;	Compliant	Viewed AHMP Section 2 which states "the approximation of names and location of Aboriginal heritage evidence within the project area is based on information about previous recordings contained in archaeological reports, the Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS)". No evidence of consultation with the Aboriginal community in preparing the AHMP.
	b) be submitted to the Director-General for approval within 6 months of the date of approval of MOD 3;	Compliant	MOD3 approved 04 Dec 2013. The 2015 IEA audited this condition as compliant. The ACHMP has been approved (See Sch 4 Cond 22). However,

Cond	05_0136 Condition	Status	Evidence
			No letter of submission available within 6 months of MOD3 date.
	c) identify any actions required to ensure that the performance measures in Table 1 are met;	Compliant	Section 4.4. addresses matters related to management of recorded Aboriginal sites in surface impact areas. The table referred to in this Condition is incorrect, assume it should refer to table 2.
	d) include the following program/procedures for Aboriginal cultural heritage management: <ul style="list-style-type: none"> - managing Aboriginal cultural heritage sites, and the discovery of any new Aboriginal cultural heritage sites, objects or skeletal remains; - maintaining consultation with, and the involvement of, the Aboriginal community in the conservation and management of Aboriginal heritage sites, and managing access for the Aboriginal community to Aboriginal heritage sites and culturally significant areas; and - a trigger action response plan to manage unexpected subsidence impacts. 	Compliant	Viewed AHMP. <ul style="list-style-type: none"> • <i>Section 4.4. addresses management of Aboriginal cultural heritage sites, and section 4.7 and 4.8 discuss the discovery of any new Aboriginal cultural heritage sites, objects or skeletal remains;</i> • <i>Section 4.2 describes maintaining consultation with, and the involvement of, the Aboriginal community in the conservation and management of Aboriginal heritage sites, and managing access for the Aboriginal community to Aboriginal heritage sites and culturally significant areas;</i> • <i>Section 4.3 outlines Aboriginal Site Database; and</i> • <i>Section 4.5 provides a trigger action response plan to manage unexpected subsidence impacts.</i> <p>Table 6 of the EMP outlines Aboriginal and Cultural Heritage Monitoring required to be undertaken for the Abel Mine as follows “<i>Visual Inspection of Site Condition is required before and after mining</i>”.</p> <p>According to Table 6, the monitoring site is “<i>not yet determined (to be within the Southern investigation area)</i>”. Recommend that before mining recommences, monitoring sites be determined within the EMP.</p> <p>Viewed ACHMP key commitments (shown in italics) and actions summarised below:</p> <ul style="list-style-type: none"> • <i>Provide the relevant LALC with details of the proposed methodology of any archaeological survey (excluding monitoring) or excavation planned within the project area and allow the LALC a minimum of 15 working</i>

Cond	05_0136 Condition	Status	Evidence
			<p>days to provide comment. Document and take into account all comment provided by the LALC and identify in the final report how these comments were considered in finalising the methodology. Recommend seeking to have this requirement removed if all proposed survey work has been completed.</p> <ul style="list-style-type: none"> • Engage representatives of the relevant LALC to participate in any archaeological survey, excavation or monitoring required. Recommend seeking to have this requirement removed if all proposed survey work has been completed. • Arrange and host a meeting on an annual basis with the nominated executives of the LALCs to discuss the operation and effectiveness of this plan, any heritage reports or work conducted, and any other heritage issues that are deemed relevant. Maintain and distribute minutes of such meetings to the LALCs. Viewed minutes for consultation meeting with MLALC held on 1/02/16 and 14/03/16. Recommend seeking to have this requirement removed for C&M. • Permit LALC representatives' access to inspect recorded Aboriginal heritage evidence on Donaldson controlled land subject to the receipt of 3 working days written notice. No requests received in audit period in relation to this (pers comms). • Site #38-4-0665 will be subject to conservation works and will be fenced and/or marked as deemed necessary. PB advised that this site is in a low trafficked area and as such it is not yet necessary to fence site. • No bord and pillar mining shall be undertaken that will cause any impacts to the identified grinding groove sites or rock shelter sites. An assessment of the potential impacts of subsidence will be undertaken at each site by an appropriately qualified expert. There are no identified grinding grooves or rock shelters within the mining areas of the audit period.

Cond	05_0136 Condition	Status	Evidence
			<ul style="list-style-type: none"> Monitoring of the seven existing datum points within the Donaldson Conservation Area (refer to Table 2) will continue on an annual basis, involving inspection by a qualified archaeologist and a representative of the Mindaribba LALC. Donaldson Conservation Area sites are on Yancoal owned land in low traffic areas. Recommend inspections may be reduced and ACMP updated to reflect change. An annual report documenting the results of monitoring within the Abel Underground Area and Tasman Underground Area will be prepared and provided to the relevant LALC, DP&I and the OEH within 25 working days of finalisation of the report. Recommend to seek exemption from this in revised C&M report along with much of the above – suggest this is discussed in AR if acceptable to the RAPs. Review the ACHMP on an annual basis. Recommend seeking to have this requirement amended for C&M.
TRANSPORT			
Monitoring of Coal Transport			
23.	<p>The Proponent shall:</p> <ol style="list-style-type: none"> keep accurate records of the amount of coal transported from the site (on a monthly basis); and make these records publicly available on its website at the end of each calendar year. 	Not Compliant	<p>DPE letter dated 09 Oct 18 stated that “the amount of coal transported from the site (on a monthly basis) could not be found on website and must be put there 31 October 2018”.</p> <p>Viewed letter to DP&E dated 12 Oct 2018 which states that “The amount of coal transported on a monthly basis has been updated and now included on the updated Abel Website”.</p> <ol style="list-style-type: none"> 19/12/18 Viewed coal transport records. Coal Transport records are recorded in tonnes. 2017 Coal Transport records available for each month. Since the audit, viewed website on 06/02/19 viewed coal transport records on website for 2015 and 2016.

Cond	05_0136 Condition	Status	Evidence
			<p>b) 19/12/18 Viewed website. 2017 Coal Transport records available. Since the audit, viewed website on 06/02/19 Viewed coal transport records on website for 2015 and 2016.</p> <p>Recommend Coal Transport records are consistently made publicly available on website when production recommences.</p>
VISUAL IMPACT			
Visual Amenity and Lighting			
24.	The Proponent shall:	Compliant	<p>Viewed Complaints Register, no complaints on visual or lighting in audit period.</p> <p>Section 3.2.14 C&M Mop states <i>“Buildings have been painted in a sympathetic colour to the existing environment to reduce their visual prominence in the landscape” and “lighting has been positioned and directed to minimise emissions and used only when required”</i>.</p> <p>The previous audit noted that access portals were located in the highwall of the Donaldson West Open Cut Pit and Bloomfield CHPP stockpiles were designed to ameliorate visual impacts.</p> <p>Viewed internal site email dated 04/12/18 that states “lighting around the CHPP was tilted down and/or had shields and shrouding so that lighting not visible from above the horizontal”</p>
	b) ensure no unshielded outdoor lights on the site shine above the horizontal; and	Compliant	<p>Section 3.2.14 C&M Mop states that <i>“lighting has been positioned and directed to minimise emissions and used only when required”</i>.</p> <p>Site inspection confirmed that unshielded outdoor lights did not shine above the horizontal.</p>
	c) ensure that all external lighting associated with the project complies with <i>Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting</i> or its latest version,	Not Compliant	<p>PB advised that lights at the administration buildings are turned off at night. The only source of light emission is from the portal entry. As discussed in a) access portals located in highwall to ameliorate visual impacts.</p>

Cond	05_0136 Condition	Status	Evidence
	to the satisfaction of the Director-General.		<p>No evidence that external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting or its latest version.</p> <p>Recommend audit be undertaken to confirm compliance at components which will operate in next period (e.g. CHPP and rail loadout).</p>
WASTE			
25	<p>The Proponent shall:</p> <p>a) minimise and monitor the waste generated by the project;</p>	Compliant	<p>Viewed Waste Management Plan. Section 4.2 outlines the Waste Minimisation and Management hierarchy.</p> <p>Waste monitored in AEMR (Section 2.6 2015 AEMR and Section 6.9 2016 & 2017 AEMR).</p> <p>Monthly report generated by contractor (pers comm).</p>
	<p>b) ensure that the waste generated by the project is appropriately stored, handled and disposed of;</p>	Compliant	<p>Viewed 2015, 2016 and 2017 AEMR, no reportable incidents or complaints on waste.</p> <p>Waste is removed from site by contractor. JR Richards and Sons (Section 2.6 2015 AEMR and Section 6.9 2016 & 2017 AEMR).</p> <p>Onsite storage includes hydro carbon storage and lay down areas. Hydrocarbon storage area is well managed (Plate 16)</p> <p>One fitter employed therefore only minimal generation of waste.</p> <p>Waste bins and spill stations situated on site.</p> <p>Viewed site induction presentation that covers Waste Management principles, how staff should manage waste, and actions to take in response to a spill, leak or accident.</p> <p>Site Inspection revealed</p> <ul style="list-style-type: none"> Some waste bins were not being used for appropriate waste disposal. An Oily Rags Only Bin was used to dispose of other items (Plate 17).

Cond	05_0136 Condition	Status	Evidence
			<ul style="list-style-type: none"> Housekeeping around the CHPP Loadout (Plate 6), Abel Mine Portal (Plate 11) and Workshop Areas (Plate 12 and 13) are in good condition. CHPP surrounding areas required waste collection and cubes not banded (Plate 7 and 8), and West Pit Entry requires continued clean up (Plate 10). <p>Recommend that refresher training provided to any personnel on site to ensure that waste management and waste bins handled correctly (see Plates 7, 8, 10, 14, 15 and 18).</p> <p>Viewed Waste MP key commitments (shown in italics) and actions summarised below:</p> <ul style="list-style-type: none"> <i>Donaldson will establish internal waste management targets as part of the EMS. These will be reviewed annually. Recommend updating review period for C&M status.</i> <i>Weekly inspections by site management will ensure that all waste management requirements are being met.</i> Viewed a sample of Waste Inspection Certificates taken on 08/01/16, 13/03/18, 28/03/18. Certificates list Area, Type of Receptacle, Hydrocarbon spills, Number and Location of Spill Kits, and make general comments and recommendations.
	c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and	Complaint	<p>Viewed Cessnock City Council Renewal of Approval to Operate a System of Sewage (OSSM) dated 1/08/18.</p> <p>Effluent Disposal Area is a large 3 tank Onsite System of Sewage Management (Plate 18).</p> <p><i>“All waste water and sewage generated within on-site bathhouse treated using the sewage treatment system with treated water being transferred to the Big Kahuna Dam (MOP, 2016 and 2017 AEMR, Section 6.9, 2015 AEMR Section 2.6)”.</i></p> <p>OSSM tank serviced every month (pers comm).</p>

Cond	05_0136 Condition	Status	Evidence
			<p>Viewed Cessnock City Council Sewage Management Inspection Report dated 29/03/18. Inspection result was Satisfactory. Report noted that 'Effluent Disposal Area is to a dam. The tank system is designed for 300+ people however site is in maintenance only'.</p> <p>Site visit confirmed no effluent application and therefore no spray from effluent application.</p> <p>Site inspection revealed small green tank that could potentially be a sewage system adjacent to the 3 tank OSSM.</p> <p>Recommend investigate redundant tank (see Plate 19) and respond accordingly. Confirm source of which pipe below operating sewage system to confirm it is benign.</p>
	<p>d) report on waste management and minimisation in the Annual Review, to the satisfaction of Director-General.</p>	Complaint	<p>AEMR reports on waste management (2016 and 2017 AEMR, Section 6.9, 2015 AEMR Section 2.6).</p> <p>AEMR discusses minimising by showing waste volumes for one year. (Section 6.9 of 2016 and 2017 AEMR ,2015 AEMR Section 2.6).</p> <p>Letter from DPE dated 09/10/18 requests comparison of previous year's waste data to be included in Annual Review.</p> <p>Letter to DP&E dated 12/10/18 states "the request for inclusions in the next Annual Review has been noted and will be included in the 2018 Annual Review".</p>
BUSH FIRE			
26.	<p>The Proponent shall: a) ensure that the project is suitably equipped to respond to fires on site; and</p>	Compliant	<p>Site Visit confirmed hydrants and hoses at pit top and workshop which includes lay flat hoses.</p> <p>Bushfire Risk Management is addressed in the C&M MOP (Section 3.2.10) and in Section 5.4 of the RMP.</p> <p>No information on responding to bushfire in Site Induction Presentation.</p>

Cond	05_0136 Condition	Status	Evidence																		
			Viewed site induction presentation and no training given to staff on how to respond to bushfire. Recommend Bush Fire Response Procedure Section be added to site induction presentation at next review.																		
	b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the site.	Compliant	This has not been requested in the audit period (PB pers comms).																		
REHABILITATION																					
Rehabilitation Objectives																					
27.	<p>The Proponent shall rehabilitate the site to the satisfaction of the Executive Director Mineral Resources. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EA, and comply with the objectives in Table 12.</p> <p><i>Table 12: Rehabilitation Objectives</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>• Mine site (as a whole).</td> <td>• Safe, stable & non-polluting; and • Final land use compatible with surrounding land uses.</td> </tr> <tr> <td>• Surface infrastructure.</td> <td>• To be decommissioned and removed, unless the Executive Director Mineral Resources agrees otherwise.</td> </tr> <tr> <td>• Portals and ventilation shafts.</td> <td>• To be decommissioned and made safe and stable; and • Retain habitat for threatened species (eg bats), where practicable.</td> </tr> <tr> <td>• Watercourses within project area.</td> <td>• Hydraulically and geomorphologically stable.</td> </tr> <tr> <td>• Cliffs.</td> <td>• No additional risk to public safety compared to prior to mining.</td> </tr> <tr> <td>• Other land affected by the project.</td> <td>• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: - local native plant species (unless the Executive Director Mineral Resources agrees otherwise); and - a landform consistent with the surrounding environment.</td> </tr> <tr> <td>• Built features damaged by mining operations.</td> <td>• Repair to pre-mining condition or equivalent unless: - the owner agrees otherwise; or - the damage is fully restored, repaired or compensated under the <i>Mine Subsidence Compensation Act 1961</i></td> </tr> <tr> <td>• Community.</td> <td>• Ensure public safety; and • Minimise the adverse socio-economic effects associated with mine closure</td> </tr> </tbody> </table> <p>Note:</p>	Feature	Objective	• Mine site (as a whole).	• Safe, stable & non-polluting; and • Final land use compatible with surrounding land uses.	• Surface infrastructure.	• To be decommissioned and removed, unless the Executive Director Mineral Resources agrees otherwise.	• Portals and ventilation shafts.	• To be decommissioned and made safe and stable; and • Retain habitat for threatened species (eg bats), where practicable.	• Watercourses within project area.	• Hydraulically and geomorphologically stable.	• Cliffs.	• No additional risk to public safety compared to prior to mining.	• Other land affected by the project.	• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: - local native plant species (unless the Executive Director Mineral Resources agrees otherwise); and - a landform consistent with the surrounding environment.	• Built features damaged by mining operations.	• Repair to pre-mining condition or equivalent unless: - the owner agrees otherwise; or - the damage is fully restored, repaired or compensated under the <i>Mine Subsidence Compensation Act 1961</i>	• Community.	• Ensure public safety; and • Minimise the adverse socio-economic effects associated with mine closure	Compliant	<p>No new rehabilitation or maintenance has been conducted in audit period (PB pers comms). None visible on site visit.</p> <p>Viewed Care and Maintenance MOP.</p> <p>Table 8 in Section 4.1 outlines Rehabilitation Requirements from EA.</p> <p>Table 9 in Section 4.3 outlines Rehabilitation Objectives and Targets.</p> <p>Section 6 describes performance indicators and completion/relinquishment criteria.</p> <p>Section 7 describes how rehabilitation will be implemented.</p> <p>Section 8 describes how rehabilitation will be monitored. An annual rehabilitation review will be undertaken in rehabilitation area to assess the progress of rehabilitation and need for remedial measures. This will include assessment of:</p> <ul style="list-style-type: none"> • Adequacy of vegetation cover / need for re-sowing of base areas or modification of seed mix; • Presence of weeds; • Presence of unacceptable erosion; • Need for addition of fertiliser; and • Need for additional topsoiling, addition of timber debris etc.
Feature	Objective																				
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Cond	05_0136 Condition	Status	Evidence
	<ul style="list-style-type: none"> <i>These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by mining taking place after the date of this approval; and to all surface infrastructure sites and other disturbance which forms part of the project, whether constructed prior to or following the date of this approval.</i> <p>Rehabilitation of subsidence impacts and environmental consequences caused by mining which took place prior to the date of this approval may be subject to the requirements of other approvals (e.g. under a mining lease or a Subsidence Management Plan approval).</p>		<p>Rehabilitation monitoring plots will be established within the different rehabilitation domains to assess the above and record progress towards the completion criteria. These plots will be established following the establishment of areas of final rehabilitation.</p> <p>PB advised that no final rehabilitation is planned to occur during the MOP term and as such, this program is not being undertaken at site.</p> <p>Table 7.3 summarises Rehabilitation Areas during the MOP term. It is noted that, excepting small areas of subsidence impacts that may require repairs / rehabilitation, no final rehabilitation will be completed during the MOP term.</p> <p>In stated in Section 8.1 of the 2017 AEMR, <i>“above the underground mining area, minor rehabilitation works were completed for surface cracks associated with subsidence. These cracks were within predicted range and were excavated to the limit of the crack, backfilled, compacted, topsoiled and seeded. Road repair works were also completed for Blackhill Road in accordance with the Black Hill Road Management Plan. All road cracking was within predicted levels.”</i></p> <p>It should be clarified in C&M MOP/RMP what areas the above ‘rehabilitation review’ and ‘monitoring plots’ refers to.</p> <p>Section 4.2 of the MOP and Section 3 of the Rehabilitation Management Plan describe the post mining land use goal.</p> <p>Viewed MOP Notice of Approval Letter from Division of Resources and Energy dated 03/06/16. MOP approved for the period 18 May 2016 until 01 May 2019.</p> <p>Viewed MOP. Key commitments (shown in italics) and actions summarised below:</p> <ul style="list-style-type: none"> <i>General waste collected and removed by J.R Richards and Sons.</i> Viewed a sample of Waste Inspection Certificates taken on 08/01/16, 13/03/18, 28/03/18. Certificates lists Area, Type of Receptacle, Hydrocarbon spills, Number and Location of Spill Kits, and make general

Cond	05_0136 Condition	Status	Evidence
			<p>comments and recommendations. Viewed JR Richards and Sons Waste Management Report. Report includes amounts of Mixed Solid Waste Amounts, Recyclables, Regulated Waste and includes a summary report, monthly graphs and disposal locations.</p> <ul style="list-style-type: none"> • <i>Equipment regularly serviced to ensure sound power levels remain at or below nominated levels. Viewed Acoustic Survey Report dated 18/08/15 that confirms evidence that Site Noise Level Audits are being undertaken.</i> • <i>Fences installed around southern and western boundary of the Abel Box Cut inspected on a weekly basis and repairs undertaken as required. Viewed weekly inspections undertaken by the Environmental and Community Coordinator. Weekly inspections include the Square Pit, Donaldson Rehab and Surface Facilities, Southern, North Eastern Boundaries and behind Avalon Estate.</i> • <i>Annual rehabilitation review for rehabilitation areas to assess rehabilitation progress and need for remedial measures.</i> <p>Recommend at next review of MOP, remove any requirements above that are not required for care and maintenance status.</p>

Cond	05_0136 Condition	Status	Evidence
Progressive Rehabilitation			
28.	The Proponent shall carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance.	Compliant	<p>Section 2.3.9 of the MOP 2018 describes Progressive Rehabilitation and Completion. <i>“As the mine is an underground operation, the only significant rehabilitation required will be following removal of the surface infrastructure during mine decommissioning (following this MOP term). However, some rehabilitation may be required during the early stages of the MOP term as a result of subsidence (e.g surface cracking or road deformation). Further detail with respect to rehabilitation of subsidence impacts is provided in Section 7.2.4 (page 9 MOP 2018)”</i>. Section 5 of the 2015 AEMR, and Section 8 of the 2016 and 2017 AEMR describes rehabilitation undertaken for the year. <i>Minor rehabilitation works were completed for surface cracks associated with subsidence. These cracks were within predicted range and were excavated to the limit of the crack, backfilled, compacted, top soiled and seeded. Road repair works were also completed for Blackhill Road in accordance with the Blackhill Road Management Plan. All Road cracking was within predicted levels.</i></p> <p>The MOP states that <i>“Rehabilitation of drill hole sites and associated access tracks which are no longer required, will be undertaken”</i>. There were ten holes drilled in ML1618 during the audit period (Section 4.2, 2016 AEMR). Viewed letter from Coal and Allied’s Geoff Rock, satisfied with rehab of holes.</p> <p>In 2015 1,500mm culvert for Blackhill Road was also repaired.</p> <p>The Area 4 Extraction Plan Appendix J describes that rehabilitation at Abel will be undertaken progressively over the life of the project as an integral component of mining operations. All rehabilitation works will be scheduled to commence as soon as practicable after disturbance associated with mining (Section 4.1 RMP)</p>

Cond	05_0136 Condition	Status	Evidence
Rehabilitation Management Plan			
29.	The Proponent shall prepare and implement a Rehabilitation Management Plan for the project, in consultation with OEH, NOW, Cessnock City Council, Maitland City Council and Newcastle City Council, and the CCC, and to the satisfaction of the Director-General and the Executive Director Mineral Resources. This plan must:	Compliant	Viewed draft RMP dated 2014 assumed Appendix 5 of MOP (see Sch 4 Cond 27). No letters of consultation with any regulators provided. Recommended added to Appendix in future. No letter of approval sighted however Previous audit stated compliance with this condition.
	a) be submitted to the Director-General and the Executive Director Mineral Resources for approval within 9 months of the date of approval of MOD 3;	Compliant	Verified for MO3 at last audit. In relation to future RMP, see condition Sch 4 Cond 29.
	b) be prepared in accordance with any relevant DRE guideline and be consistent with the rehabilitation objectives in the EA, EA (MOD 3) and in Table 11;	Compliant	Section 2.2 of the RMP describe guidelines referred to in the preparation of the RMP. <i>"The RMP was prepared consistent with the rehabilitation objectives in the EA, EA (MOD 3) and in Table 11"</i> (Table 1, RMP).
	c) describe how the performance of the rehabilitation would be monitored and assessed against the objectives in Table 11;	Compliant	RMP Aug 2014, Section 7. Viewed RMP key commitments (shown in italics) and actions summarised below: <ul style="list-style-type: none"> <i>A native seed collection program will be initiated in the project area to ensure propagation of local provenance species.</i> Viewed photos of contractor collecting seed during latest clearing event to occur at Donaldson. PB advises that seeds are propagated however not used at Abel as no rehabilitation is occurring. <i>All reshaped areas will be sown with exotic pasture species and inorganic fertiliser at luxurious rates.</i> Recommend wording of this reconsidered at next review to define luxurious rate. <i>An annual walk-through of the rehabilitating void area will be undertaken</i>

Cond	05_0136 Condition	Status	Evidence
			<p><i>to assess the need for remedial action.</i> At the date of the audit, there was no rehabilitation available in Abel Void, therefore this management commitment is not triggered.</p> <p>The RMP should include confirmation of where topsoil is stored and confirmation that adequate volumes exist to achieve the nominated final land use.</p>
	d) describe the process whereby additional measures would be identified and implemented to ensure the rehabilitation objectives are achieved;	Compliant	RMP, Aug 2014, Section 4.1.
	e) provide for detailed mine closure planning, including measures to minimise socio-economic effects due to mine closure, to be conducted prior to the site being placed on care and maintenance; and	Compliant	RMP, Aug 2014, Section 4.4 and Section 7. No detailed mine closure plan available at time of audit. Recommend completed at least 5 years prior to closure or consent expiry date.
	f) be integrated with the other management plans required under this approval. Note: <ul style="list-style-type: none"> <i>The Rehabilitation Management Plan should address all land impacted by the project, and should be suitably integrated with the approved Rehabilitation Management Plans for the Donaldson Open-Cut Mine and the Bloomfield Colliery.</i> 	Compliant	RMP, Aug 2014, Section 4.2 and Section 7. Recommend integration Landscape Management Plan into RMP if updated ensuring Landscape Management Plan is main document with RMP separate.

Cond	05_0136 Condition	Status	Evidence
SCHEDULE 5 ADDITIONAL PROCEDURES			
NOTIFICATION OF LANDOWNERS			
1.	As soon as practicable after obtaining monitoring results which show:		
	a) an exceedance of any relevant criteria in Schedule 4, the Proponent shall notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the Proponent is again complying with the relevant criteria; and	Not triggered	There were no exceedances of relevant criteria in Schedule 4.
	b) an exceedance of any relevant air quality criteria in Schedule 4, the Proponent shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).	Not triggered	See condition 1a.
INDEPENDENT REVIEW			
2.	<p>If an owner of privately-owned land considers that the Proponent is exceeding the relevant criteria in Schedule 4, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land.</p> <p>If the Director-General is satisfied that an independent review is warranted, then within 2 months of the Director-General's decision the Proponent shall:</p>		

Cond	05_0136 Condition	Status	Evidence
	<p>a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to:</p> <p>i) consult with the landowner to determine his/her concerns;</p> <p>ii) conduct monitoring to determine whether the Proponent is complying with the relevant criteria in Schedule 4; and</p> <p>iii) if the Proponent is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and</p>	Not triggered	
	b) give the Director-General and landowner a copy of the independent review.	Not triggered	
SCHEDULE 6 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING			
ENVIRONMENTAL MANAGEMENT			
Environmental Management Strategy			
1.	The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:		
	a) be submitted to the Director-General for approval within 6 months of the date of approval of MOD 3;	Compliant	EMS updated Aug 2018. Viewed Letter from DP&E dated 31/08/18 that states the EMS (August 2018) satisfies this condition.
	b) provide the strategic framework for environmental management of the project;	Compliant	Viewed Section 3 of 2018 EMS which outlines the environmental strategy. Section 4 outlines the Environmental Policy.

Cond	05_0136 Condition	Status	Evidence
	c) identify the statutory approvals that apply to the project;	Compliant	Viewed Section 6 of 2018 EMS that outlines statutory obligations including key legislation, consents, leases and licences.
	d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;	Compliant	Viewed Section 7 of 2018 EMS which outlines implementation and operation of the EMS including roles and responsibilities of the Operations Manager, Environment and Community Relations Superintendent, Staff, Employees and Contractors.
	e) describe the procedures that would be implemented to: <ul style="list-style-type: none"> i) keep the local community and relevant agencies informed about the operation and environmental performance of the project; ii) receive, handle, respond to, and record complaints; iii) resolve any disputes that may arise during the course of the project; iv) respond to any non-compliance; v) respond to emergencies; and 	Compliant	<p>Viewed Section 10, 11 and 12 of 2018 EMS which outlines the following commitments:</p> <ul style="list-style-type: none"> i) keeping the local community informed of operations via newsletters, 24 hour complaints line, informal discussion, CCC meetings and publishing relevant documents on website (Section 10.1) ii) receive, handle and respond to and record complaints (Section 10.2). iii) EMS does not describe procedure for resolving disputes that may arise during the course of the project. However, the EMS has been approved. <p>Viewed register of complaints maintained by the Environment Manager. The Complaints Register is available on the Company website. http://www.doncoal.com.au/icms_docs/287099_donaldson-and-abel-community-complaints-register.pdf</p> <p>Complaints register does not stipulate method by which complaint is made, however the EMS has been approved</p> <ul style="list-style-type: none"> iv) respond to non-compliances (Section 12.3) v) Section 7.2 of the EMS states “The EMS requires all employees, regardless of role or organization level, receive an appropriate level of environmental awareness training. Training covers environmental legislation, due diligence, performance criteria, reporting requirements and emergency response procedures. All employees are made aware of the Yancoal Environmental Policy and the need to meet its

Cond	05_0136 Condition	Status	Evidence
			obligations." Viewed Environmental Awareness Training Induction PowerPoint presentation
	<p>f) include:</p> <p>i) copies of any strategies, plans and programs approved under the conditions of this approval; and</p> <p>ii) a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.</p>	Compliant	<p>i) Viewed Section 3 of 2018 EMS which outlines the Environmental Management Strategy and its relationship with other plans. These plans are not added as an appendix to the EMS document nor are there links to each document. Recommend link added.</p> <p>ii) Viewed Section 12 of EMS 2018 which shows monitoring, reporting, procedure for exceedance and implementation of corrective actions. Section 12 identifies feedback mechanisms to ensure any required changes to the plan, due to a review or other mechanism such as risk assessment, are made and the plan updated.</p> <p>The management plans listed in the 2018 EMS are not consistent with the management plans listed in SoC 12. Recommend updating for consistency.</p> <p>Viewed EMS key commitments and actions summarised below:</p> <ul style="list-style-type: none"> • Employees and contractors provided environmental awareness training. Viewed training package titled "<i>Corporate Induction PowerPoint Presentation</i>" that includes topics on Noise Control, Air Quality & Waste Management, Flora & Fauna Management and Community Consultation. • Undertake Environmental Monitoring Program. Viewed EMP attached as App D to EMS. Recommend to review and update EMP consistent with other plans updated for C&M status. There were some inconsistencies noted between Figure 6 of the EMP and the current monitoring program based on the monitoring data provided and AQMP. These include:

Cond	05_0136 Condition	Status	Evidence
			<ul style="list-style-type: none"> ○ Site “D1A” in the EMP does not appear to be part of the current monitoring program as it is not listed in the AQMP or contained in the monitoring data provided but is shown on Figure 6 and listed in Table 3 of the EMP; ○ Site “D3A” listed in Table 3 of the EMP is now called “D12” in the AQMP and the monitoring data provided; ○ Site “D5” listed in Table 3 of the EMP does not appear to be part of the current monitoring program as it is not listed in the AQMP or contained in the monitoring data provided. The monitoring data contained results for a site “D5A” which appears to generally correspond with site D5 however neither site D5 or D5A are mentioned in the AQMP; and ○ Site D5 appears twice on Figure 6. ● EMP commits to “<i>monitoring equipment will be installed, operated and maintained as the case may be by a joint arrangement between Abel, Donaldson, Tasman or Bloomfield</i>” and “<i>The Environmental Monitoring Program, will be reviewed prior to the commencement of Abel mining operations and annually by the Abel, Donaldson, Tasman and Bloomfield Environmental Managers</i>”. Recommend updating this statement due to C&M status.
Management Plan Requirements			
2.	The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:		See below.
	a) detailed baseline data;	Compliant	NMP – Section 5. AQGHG – Section 4.1. WMP - Section 3.6, Section 4.1, Appendix B and Appendix D.

Cond	05_0136 Condition	Status	Evidence
			ACHMP – Section 4. Area 4 EP - Area 3 SMP - Section 7 and Section 9.
	b) a description of: i) the relevant statutory requirements (including any relevant approval, licence or lease conditions); ii) any relevant limits or performance measures/criteria; iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;	Compliant	NMP – i) Section 2, ii) Section 6 and iii) Section 10. AQGHG – i) Section 1.1, ii) Section 3 and iii) Section 10. WMP 2014 – i) Section 2, ii)- Section 3 and 4, iii) Table 5.1. ACHMP – i) Section 3, ii) Section 4, iii) Section 4. Area 4 Extraction Plan. Area 3 SMP – i) Section 3.1 and Section 15, ii) Section 10, iii) Sections 10 and 11.
	c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;		NMP- Section 7. AQGHGMP – Section 5. WMP - Section 3 and Section 4, and Table 5.1. ACHMP - Section 4. Area 3 SMP – Section 11.
	d) a program to monitor and report on the: i) impacts and environmental performance of the project; ii) effectiveness of any management measures (see c above);	Compliant	NMP – Section 8, 11 and 13. AQGHGMP – Section 11. WMP – Surface Water - Sections 3.6, Section 3.6.4.3.and Section 5. Groundwater - Section 4.2 and Section 5. ACHMP – Section 4.9. Area 3 SMP – Sections 10 and 11.

Cond	05_0136 Condition	Status	Evidence
	e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;	Compliant	NMP – Section 12. AQGHGMP – Section 8. WMP - Section 5. ACHMP – Section 4.7. Area 3 SMP – Section 10.
	f) a program to investigate and implement ways to improve the environmental performance of the project over time;	Compliant	NMP – Section 14.2. AQGHGMP – Section 10. WMP -Section 5. ACHMP – Section 4.10 . Area 3 SMP – Section 10.
	g) a protocol for managing and reporting any: <ul style="list-style-type: none"> i) incidents; ii) complaints; iii) non-compliances with statutory requirements; and iv) exceedances of the impact assessment criteria and/or performance criteria; and 	Compliant	NMP Section 11 and 12. AQGHGMP – Section 8 and Section 11. WMP - Section 7.
	h) a protocol for periodic review of the plan.		NMP Section 13. AQGHGMP – Section 10. WMP - Section 6. ACHMP -Section 4.10.
	Note: <i>The Director-General may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i>		Recommend that this list is made into a table and included in each revised management plan during C&M and demonstrate where each is addressed.

Cond	05_0136 Condition	Status	Evidence
Adaptive Management			
3.	The Proponent must assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedules 3 and 4. Any exceedance of these criteria and/or performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.	Compliant	See above.
	Where any exceedance of these criteria and/or performance measures has occurred, the Proponent must, at the earliest opportunity:		
	a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;		
	b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and		
	c) implement remediation measures as directed by the Director-General, to the satisfaction of the Director-General.		
Annual Review			
4.	By the end of March each year, or other timing as may be agreed by the Director-General, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:	Compliant	Viewed 2015 AEMR, 2016 AEMR and 2017 AEMR. Viewed letters dated 19/07/2016 and 22/05/17 from DPE stating that 2015 and 2016 AR satisfies approval.

Cond	05_0136 Condition	Status	Evidence
			Viewed AR Approval Letter from D P&E dated 09/10/18 stating that 2017 AR generally satisfies requirements of approval and the Department's Annual Review Guideline. This letter also makes requests as outlined in Sch 2 Cond 4.
	a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year;	Compliant	DP&E approved 2015, 2016 and 2017 AEMR. Viewed 2015 AEMR Section 5 and 2016 and 2017 AEMR Section 8. These sections describe the development (including rehabilitation) that was carried out in the past calendar year and that is proposed to be carried out over the current calendar year.
	b) include a comprehensive review of the monitoring results and complaints records of the project over the past calendar year, which includes a comparison of these results against the: <ul style="list-style-type: none"> i) relevant statutory requirements, limits or performance measures/criteria; ii) requirements of any plan or program required under this approval; iii) monitoring results of previous years; and iv) relevant predictions in the EA and EA (MOD 3); 	Compliant	DP&E approved 2015, 2016 and 2017 AEMR. Refer to previous conditions where these are discussed.
	c) identify any non-compliance over the past calendar year, and describe what actions were (or are being) taken to ensure compliance;	Compliant	DP&E approved 2015, 2016 and 2017 AEMR. Viewed 2015 AEMR Executive summary, 2016, 2017 AEMR Section 11 which identifies non-compliance over past calendar year, and describes action taken to ensure compliance.
	d) identify any trends in the monitoring data over the life of the project;	Compliant	Reviewed 2017 AEMR, trends in monitoring data over the life of the project include: <ul style="list-style-type: none"> • Air Quality

Cond	05_0136 Condition	Status	Evidence
			<ul style="list-style-type: none"> Water Quality
	e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and	Compliant	None identified.
	f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the project.	Compliant	<p>The following sections describe activities for the next calendar years:</p> <ul style="list-style-type: none"> 2015 AEMR Executive summary; and 2016, 2017 AEMR Section 12.
Revision of Strategies, Plans and Programs			
5.	<p>Within 3 months of:</p> <p>a) the submission of an annual review under Condition 4 above;</p> <p>b) the submission of an incident report under Condition 7 below;</p> <p>c) the submission of an audit report under Condition 9 below; or</p> <p>d) any modification to the conditions of this approval, (unless the conditions require otherwise),</p> <p>the Proponent shall review the strategies, plans, and programs required under this approval, to the satisfaction of the Director-General.</p> <p>Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Director-General.</p> <p>Note:</p>	Compliant	<p>a) 3 x annual reviews submitted. Management Plans considered and it was decided they did not require revision (PB pers comms)</p> <p>b) No reportable incidents.</p> <p>c) 2015 submitted in this audit period. No action plan provided as there was only one action and is included in our Table 6. Strategies, plans and programs viewed but not updated since last IEA (PB pers comm).</p> <p>d) No modifications occurred in the audit period.</p> <p>PF noted that Abel has a documentation system called 'Intelex' which prompts a review of strategies, plans and programs for this condition.</p>

Cond	05_0136 Condition	Status	Evidence
	<ul style="list-style-type: none"> The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the project. 		
COMMUNITY CONSULTATIVE COMMITTEE			
6.	<p>The Proponent shall continue to operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General.</p> <p>This CCC must be operated in general accordance with the <i>Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects</i> (Department of Planning, 2007, or its latest version).</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval. In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Council/s, recognised environmental groups and the local community. <p>In operating the CCC, the Department will accept the continued representation from existing CCC members</p>	Compliant	<p>DPE have requested (letter dated 09/10/18) meeting minutes be put on website by 31 October 2018.</p> <p>20/12/18 Viewed CCC Minutes on website.</p> <p>Viewed website which states that CCC holds meetings twice per year (while on C&M).</p> <p><i>Committee Members</i></p> <p>Margaret McDonald-Hill (Chair)</p> <p><i>Community Members:</i></p> <p>Mr Alan Brown, Mr Allan Jennings, Mr Terry Lewin, Mr Brad Ure, <i>Abel Coal Mine</i></p> <p>Mr Greg Lamb, Mr Bill Farnworth, Mr Phillip Brown</p> <p>2015 AEMR describes CCC meetings in Section 4.</p> <p>2016 and 2017 AEMR describes CCC meetings in Section 9.</p>

Cond	05_0136 Condition	Status	Evidence
REPORTING			
Incident Reporting			
7.	<p>The Proponent shall notify, at the earliest opportunity, the Director-General and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment.</p> <p>For any other incident associated with the project, the Proponent shall notify the Director-General and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident.</p> <p>Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.</p>	Not Triggered	No incidents were reported during the reporting period (2015 AEMR Section 3, 2016 and 2017 AEMR Section 11).
Regular Reporting			
8.	The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.	Compliant	19/12/18 - Viewed spreadsheet titled "Abel Mine – Monitoring Data" provided on the Company's website (updated till Sept 2018) and summarises monitoring results for air quality, surface water, groundwater and noise. Copies of each Annual Review are also provided as per Sch Cond 4.
INDEPENDENT ENVIRONMENTAL AUDIT			
9.	By the end of March 2015 (or other such timing as agreed by the Director-General), 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:		Viewed 2015 IIEA conducted by Trevor Brown and Associates. Site component completed between 16 and 19 March 2015. 2018 IEA site component conducted on 20 December 2018.

Cond	05_0136 Condition	Status	Evidence
	a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;	Compliant	Viewed Lead Auditor (DM) Exemplar Global Certification which satisfies requirements for Environmental Management Systems Auditor. Letter from DPE re Endorsement of the Independent Environmental Auditor dated 14 November 2018
	b) include consultation with the relevant agencies;	Compliant	Consultation with relevant agencies shown in Section 2.1.2.
	c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);	Compliant	This audit.
	d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and	Compliant	This audit.
	e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals. Note: <ul style="list-style-type: none"> This audit team must be led by a suitably qualified auditor and include experts in any field specified by the director general. 	Compliant	This audit. See Table 6 of Main Report.
10.	Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.	<u>Not Compliant</u>	Viewed publicly available copy of previous audit on website. <u>No evidence that the previous audit, together with the Proponent's response to any recommendations was submitted to the Director-General within six weeks of completion of audit.</u>

Cond	05_0136 Condition	Status	Evidence
ACCESS TO INFORMATION			
11.	From the end of December 2013, the Proponent shall:		
	<p>a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> - the EA, EA (MOD 1), EA (MOD 2) and EA (MOD 3); - all current relevant statutory approvals for the project; - approved strategies, plans and programs required under the conditions of this approval; - a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval; - a complaint register (updated monthly); - minutes of CCC meetings; - the Annual Reviews of the project; - any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit; - any other matter required by the Director-General; and 	Compliant	<p>Website checked 19/12/18.</p> <p>A copy of the environmental assessments prepared for the three modifications are available.</p> <p>A copy of the current consolidated Project Approval, EPL and Mining Lease is available on the Company's website.</p> <p>Copies of approved strategies, plans and programs required under this condition.</p> <p>A spread sheet summarising the monitoring results air quality, surface water, groundwater and Noise is provided on the Company's website.</p> <p>Copies of each AEMR from 2007 are provided.</p> <p>CCC minutes provided.</p> <p>Complaints register available.</p> <p>Independent Audit from 2008, 2011 and 2015 available on website. No response to 2015 audit is available. Viewed letter to DP&E dated 12/10/18 that states "Abel did not provide a response to the auditor's recommendations for the 2015 Abel IEA report. The audit was provided to the Department outlining it accepted and agreed with recommendations."</p> <p>See Schedule 2 condition 4 regarding other matters.</p>
	b) keep this information up-to-date, to the satisfaction of the Director-General.	Compliant	Refer Sch 6 Cond 8

Cond	05_0136 Condition	Status	Evidence
	APPENDIX 4 NOISE COMPLIANCE ASSESSMENT		
	Applicable Meteorological Conditions		
1	The noise criteria in Tables 4 and 7 are to apply under all meteorological conditions except the following: (a) during periods of rain or hail; (b) average wind speed at microphone height exceeds 5 m/s; (c) wind speeds greater than 3 m/s measured at 10 m above ground level; or (d) temperature inversion conditions greater than 3°C/100 m.	Compliant	NMP Section 6.
	Determination of Meteorological Conditions		
2	Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station located on the site.	Compliant	NMP Section 9.
	Compliance Monitoring		
3	Attended monitoring is to be used to evaluate compliance with the relevant conditions of this approval.	Compliant	NMP Section 8.
4	Unless otherwise agreed with the Director-General, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time), in particular the requirements relating to: (a) monitoring locations for the collection of representative noise data;	Compliant	NMP Section 8.

Cond	05_0136 Condition	Status	Evidence
	<p>(b) meteorological conditions during which collection of noise data is not appropriate;</p> <p>(c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and</p> <p>(d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.</p>		

Table B
Other Licences & Approvals

Approval	Status	Comments
EPL 12856	Not Compliant	<p>A1) See response to Sch 2 Cond 6 of PA 05_0136. Recommended that consideration be given to a variation to reduce the 'coal works' scale as mine in care and maintenance status. This assumes that CHPP and rail loadout facilities are included in Bloomfield's EPL.</p> <p>A2) Premises is as described in Appendix 1 PA 05_0136. At the time of audit, an EPL variation was submitted to combine the Bloomfield and Abel EPL which altered the premises map defined in this condition. It was noted that the premises map as required in this condition would need to exclude CHPP and rail loadout facilities and associated infrastructure to clarify responsibilities.</p> <p>A3) See response to Sch 2 Cond 1 and 2 of PA 05_0136.</p> <p>P1) See response to Sch 4 Cond 10, Sch 4 Cond 15 of PA 05_0136. Recommend updating this condition when management plans updated. Consideration should be given to seek removal or reduction of depositional dust gauges from program.</p> <p>L1) See response to Sch 4 Cond 15 of PA 05_0136.</p> <p>L2) See response to Sch 4 Cond 1 and Schedule 4 Cond 5. Recommend updating noise monitoring locations and meteorological condition limit wording to make consistent with those shown in PA 05_0136 whilst operational.</p> <p>O1) See response to Sch 4 Cond 25 of PA 05_0136.</p> <p>O2) See response to Sch 2 Cond 13 of PA 05_0136.</p> <p>O3) See response to Sch 4 Cond 10 of PA 05_0136.</p> <p>O4) See response to Sch 4 Cond 25 c) of PA 05_0136. Seek removal of condition O4.2 as no sprays are utilised by the current septic system. All waste water and seepage go to the sewage treatment system and to the Big Kahuna Dam.</p> <p>O5.1) Not Triggered. No construction has taken place during the audit period.</p> <p>O5.2) See response to Sch 4 Cond 17 of PA 05_0136.</p> <p>O5.3) Compliant. See Plate 16.</p>

Approval	Status	Comments
		M1) Viewed field sheets 29/8/18 and 26.09.18 which included all parameters.
		M2) Two HVAS and real time dust monitoring – one unit at Black Hill School. RCA do dust monitoring and calibration. 2017 EPL Annual Review Non-Compliance “Due to malfunction of the DustTrak unit, data recorded from 12/7/2016 - 5/02/2017 is considered unreliable. Non-compliance occurred once. EPA to monitor future compliance with this condition”.
		M2.1) 2018 EPL Annual Review Non-Compliance “Non-compliance with monitoring due to loss/interruption of power to the monitoring unit (x17 days) and a malfunction of the Dustrack unit with data considered unreliable (x9 days). Licensee undertook corrective action”. Non-compliance occurred four times.
		M2.2) 2018 EPL Annual Review Non-Compliance “Non-compliance with monitoring due to loss/interruption of power to the monitoring unit (x17 days) and a malfunction of the Dustrack unit with data considered unreliable (x9 days). Licensee undertook corrective action”. Non-compliance occurred four times.
		M2.3) Viewed surface water data spreadsheet, each pollutant and frequency / sampling method measured.
		M3.1) Refer Sch 4 Cond 10b) of PA 05_0136.
		M3.2) Viewed email from CBased Environmental dated 31/01/19 that confirms surface water or utilisations area testing undertaken in accordance with the ‘Approved Methods Publication’..
		M4.1) Refer to Sch 6 Cond 1 e) of PA 05_0136
		M4.2-4.4 Viewed four years’ worth of complaints spreadsheet – lists date/time, method, personal details, nature of complaint, action.
		M5) Donaldson have a Community Response Hotline 1800 111 271 that is advertised on road signage and retrieved from http://www.doncoal.com.au/page/community/ . Community is notified of any complaints on website and newsletters. Viewed company newsletter on website dated Aug 2016.
		R1) Viewed annual returns for reporting period. EPL has not been transferred, surrendered or revoked. Viewed EPA website and confirmed annual return lodged online no later than 60 days after the end of each exporting period on 07-09-18, 06-09-17, and 08-09-16. Annual Review Submissions can be seen here: https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=12856&id=12856&option=licence&searchrange=licence&range=POEO+licence&prp=no&status=Issued . Confirmed Annual Return retained for at least four years after due date. Annual return certified and signed by either Director or Secretary.

Approval	Status	Comments
		<p>R2 & R3) Not Triggered (PB pers comm). Annual Reviews do not discuss any reportable incidents (see PA 05_0136 Sch 2 Cond 10 and Sch 6 Cond 4).</p> <p>G1) Licence was available at premises.</p> <p>U1.2) Refer to Schedule 4 Condition 9, 10 & 11. When updating, AQMP ensure it refers to Coal Mine Particulate Matter Control Best Practice – Site Specific Determination Guideline – November 2011. Previous audit states that a Particulate Matter Best Management Practice Pollution Reduction Program was developed for submission on 28 September 2012 and is on Abel website. Viewed website 18/12/18 and Particulate Matter Best Management Practice Pollution Reduction absent.</p> <p>U1.3-1.5) Recommend requesting U1 removed at next variation as it has been completed.</p>
ML1618	Compliant	<p>1) Lease has not been renewed in audit period (PB pers comms).</p> <p>2) See response to Sch 2 Cond 1 of PA 05_0136.</p> <p>3) See response to Sch 4 Cond 27 and 28 of PA 05_0136.</p> <p>4) See response to Sch 6 Con 4 of PA 05_0136.</p> <p>5) See response to Sch 6 Con 4 of PA 05_0136.</p> <p>6) See response to Sch 6 Con 4 of PA 05_0136.</p> <p>7) See response to Sch 4 Cond 27 and 28 of PA 05_0136.</p> <p>8) See response to Sch 3 Cond 4.</p> <p>9(a) During Care and Maintenance 11 employees are onsite (PB pers comms). Viewed DRG Letter dated 12/12/16 that suspends Condition 9 from 12 December 2016 until 19 August 2021.</p> <p>10) Not Triggered (PB pers comm).</p> <p>11) Viewed Annual Mining Lease Group Exploration Report dated 24 May 2017. All particulars specified in this condition present in report. Date of when mine entered Care and Maintenance is reported as being 2 May 2016, this date is not consistent with other reports e.g. the 2017 AEMR states mine entered care and maintenance on 28 April 2016. Recommend updated in next report.</p> <p>12 -15) Not Triggered (PB Pers comm)</p> <p>13) Not Triggered (PB pers comm).</p>

Approval	Status	Comments
		<p>16) Viewed Annual Mining Lease Group Exploration Report dated 24 May 2017. There were no complaints of public safety however the Exploration report does not stipulate whether drill hole shafts were fenced.</p> <p>17) For Exploration Holes in ML 1618 (ten holes) Viewed ESF4 form dated 13/05/16 for Exploration Activities within ML 1618. Exploration Activities were considered "Non-Common Exploration Activity" and therefore, the ESF4 form was used to provide a Targeted Review of Environmental Factors.</p> <p>Viewed Letter of Submission from NSW Department of Primary Industries dated 04/04/16 that states REF, DRE Approval Letter and completed DPI Water Drilling Notification form was submitted on 11/03/16. The documentation submitted satisfies DPI Water requirements. There are no objections with the exploration program proceeding as outlined. Drilling started at C318 on 26/05/16.</p> <p>18) See response to Sch 4 Cond 9 and Cond 15</p> <p>19) See response to Sch 3 Cond 3</p> <p>20) See response to Sch 3 Cond 3</p> <p>21) Subsidence damage to Meredith Road. However, full remediation completed (see detail at Sch 3 Cond 3).</p> <p>22) See response to Sch 3 Cond 3</p> <p>23) Not Triggered (PB pers comm)</p> <p>25) Not Triggered (PB pers comm)</p> <p>26) Not Triggered (PB pers comm)</p> <p>27(a) Viewed Deed of Security Deposit Bond dated 10 Oct 2016 for the maximum aggregate sum of \$2,768,000.</p>
ML 1653	Not Triggered	ML 1653 was not undermined during the audit period and therefore has not been audited.

APPENDIX E
Plates from Site Inspection



Plate 1
CHPP water cart in operation



Plate 2
CHPP dozer operating Competently



Plate 3
CHPP Bunding in place along Four Mile Creek



Plate 4
CHPP Bunding in place along Four Mile creek



Plate 5
CHPP Sediment Dam recently desilted



Plate 6
CHPP Loadout



Plate 7
CHPP Areas requiring waste collection and cubes not banded



Plate 8
CHPP Areas requiring waste collection and cubes not banded



Plate 9
Meredith Road where remediation conducted after subsidence



Plate 10
West Pit entry requiring continued cleanup



Plate 11
Abel Underground Mine Portal



Plate 12
Well managed Abel Surface Facility Workshop Area 1



Plate 13
Well managed Abel Surface Facility Workshop Area 2



Plate 14
General waste with potential hydrocarbon contamination



Plate 15
Scrap metal bin with electrical cabling



Plate 16
Well managed hydrocarbons storage area



Plate 17
Contaminated oily rag bins at Plant Workshop



Plate 18
Well managed wastewater treatment area



Plate 19
Redundant wastewater treatment tank