# INDEPENDENT ENVIRONMENTAL AUDIT

# DONALDSON MINE

# BERESFIELD NSW

**MAY 2010**

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# Executive Summary

Donaldson Coal Pty Ltd operate an open cut coal mine on ML 1461, located 4 km south of East Maitland and 4 km west of Beresfield, and approximately 23 km from the Port of Newcastle, NSW.

The Independent Environmental Audit of the Donaldson Mine was conducted on 27-28 April 2010 to fulfil the requirements of Minister's Conditions of Approval (MCoA) 117. The audit reviewed the compliance of the operations with the MCoA granted on the 14 October 1999, and the conditions attached to the Notice of Modification granted by the Minister for Planning on 26 August 2005.

The compliance audit was conducted generally in accordance with the Australian/New Zealand Standards AS/NZS ISO 19011:2004 - *Guideline for Quality and/or Environmental Systems Auditing*.

The records held by Donaldson Coal at the mine site and interview/discussions with the site personnel provided the auditor with all the required information and documentation for the verification of compliance of the operations with the MCoA and other statutory approvals.

The report summarises the status of compliance with the conditions attached to the approvals and identifies conditions that have not been activated (mainly in relation to property acquisition). The ongoing management of environmental aspects of the operations occurs generally in accordance with Environmental Impact Statement (1998) and Statement of Environmental Effects (2005) and the approved environmental management plans required by the MCoA for the operational activities.

The components of the Environmental Management Strategy for the Donaldson Mine and the commitments in the strategy are considered to have provided a sound basis for the environmental management of the project.

The results of the Environmental Monitoring Program(s) conducted by Donaldson Coal are generally in accordance with the management plans and have provided results in relation to the mine operations impact on the surrounding community and environment that demonstrate the mine operations achieve a high degree of compliance with the regulatory criteria for the parameters monitored.

*Noise Emissions*
Quarterly Attended and Unattended Noise Surveys conducted by Richard Heggie Associates for the Donaldson Mine operations have generally concluded the mine operations were inaudible at each of the monitoring sites for the majority of the attended monitoring periods.

*Blast Management*
The blast overpressure and vibration results from monitoring of blast events at the Donaldson Mine have complied with the criteria specified in the MCoA 24 and EPL condition 7.1 (i.e. <115dBL for 95% of the total number of blasts and vibration <2mm/s).

*Air Quality*
All dust deposition results for 2007 to 2010 are compliant with the EPL annual average criteria of 4g/$m^2$/month at all 11 sites.

The $PM_{10}$ results at the Beresfield Golf Club exceeded the 24-hour NEPM maximum criteria of 50 µg/$m^3$ on six (6) of the on hundred and eighty-two (182) monitoring occasions between 2007 and end of 2009 (i.e. less than 3.3%). All other results were compliant with the criteria.

The TSP and $PM_{10}$ results were consistently below the annual average criteria at the 'Bartter Enterprise' site.

*Surface Water Quality Status*
The activities of Donaldson Mine have not had any measurable long term effect on the water quality of the surrounding stream environments during the 2007 to 2010 period.

*Groundwater Status*
Overall, it appears that Donaldson has had negligible or no impact on the off site groundwater resources during the 2007 to 2010 period.

No groundwater-related complaints were received by Donaldson Mine during the May 2007 and April 2010 period.

*Macroinvertabrate Survey Results*
The reports prepared by Tuft and Associates have concluded that the streams examined support a relatively diverse ecology including species typical of the Hunter Region and the observations do not suggest impact from the Donaldson Mine.

*Flora and Fauna Status*
The monitoring undertaken on the Donaldson Mine site to date suggests that undisturbed areas retain their floristic characteristics and flora is establishing well on rehabilitated areas.

Fauna populations are being placed under pressure in remnant habitats from native habitat loss, but fauna recolinisation of rehabilitated areas is improving as the vegetation structure matures.

In conclusion the audit findings confirm a high degree of compliance with the requirements of the MCoA, Environment Protection Licence and Mining Lease.

# 1.0 Introduction

## *1.1 Background*

Donaldson Coal Pty Ltd operate an open cut coal mine on Ming Lease (ML) 1461, located 4 km south of East Maitland and 4 km west of Beresfield, and approximately 23 km from the Port of Newcastle NSW.

The Determination of Development Application (DA 98/01173 lodged with Maitland City Council on 13 February 1998, and DA 118/698/22 lodged with Cessnock City Council on 19 February 1998) for the Donaldson Mine was made by the Minister for Urban Affairs and Planning on the 14 October 1999, following submission of the Environmental Impact Statement (EIS) Donaldson Coal Mine, PPK Environment and Infrastructure Consultants, 1998 and a subsequent Commission of Inquiry (CoI), held on 14 October 1999 under section 101(8) of the *Environmental Planning and Assessment Act 1979*.

A Notice of Modification to the consent was granted by the Minister for Planning on 26 August 2005 for an extension to the approved mining pit to recover about 650,000 tonnes of ROM coal from an additional area of 7 hectares adjoining the southeast of the main pit configuration.

Condition 117 of the Notice of Modification 26 August 2005 required that:

*At 3 yearly intervals after the commencement of mining and at the completion of mining, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:*

*(i) be conducted by a suitably qualified, experienced and independent person whose appointment has been endorsed by the Director-General;*

*(ii) be consistent with ISO 19011:2002 – Guideline for Quality and/or Environmental Systems Auditing, or equivalent updated versions of these guidelines;*

*(iii) assess the environmental performance of the development, and its effects on the surrounding environment;*

*(iv) assess whether the development is complying with the relevant standards, performance measures and statutory requirements;*

*(v) review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and*

*(vi) if necessary, recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.*

This audit has been conducted to fulfil the requirements for an independent environmental audit for the Donaldson Mine, in accordance with condition 117.

## *1.2 Scope of Work*

The scope of work for the environmental audit was conducted in accordance with Minister's Condition of Approval (MCoA) 118 that states:

*The audit shall:*

*(i) assess compliance with the requirements of this Consent, licences and approvals;*

*(ii) review the effectiveness of the environmental management of the mine, including any mitigation works;*

*(iii) be carried out at the Applicant's expense; and*

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

### *1.3 Structure of the Audit Report*

The audit report has been structured to provide an assessment of all the consent conditions under the following sections:

Section 1 – Introduction
Section 2 – Project Description and Status
Section 3 – Environmental Management and Monitoring
Section 4 – Other Environmental Approvals
Section 5 – Discussion of Environmental Audit Findings
Section 6 – Conclusion

Appendix A – Donaldson Mine – Minister's Conditions of Approval Table
Appendix B – Donaldson Mine – Environment Protection Licence Table

# 2.0 Project Description and Status

Donaldson Coal Pty Ltd operate an open cut coal mine on ML 1461, located approximately 23 km from the Port of Newcastle, 4 km south of East Maitland and 4 km west of Beresfield, NSW.

The Donaldson Mine disturbed area from operations includes the active mining area, mine infrastructure, overburden emplacements, stockpiles, and areas currently undergoing rehabilitation following completion of mining activities. The total area of disturbed land from the mining activities is approximately 301.2ha (made up of 294ha approved in the Development Consent 14th October 1999 and the 7.2ha approved in the Notice of Modification 26th August 2006), with an additional 655 ha of bushland conservation area within land owned by Donaldson adjoining the mining lease.

The Donaldson Mine development has occurred in accordance with the Development Consent (1999) and the Notification of Modification (2005):

- extract approximately 20 million tonnes of Run-of-Mine (ROM) coal using truck and shovel open cut terrace/strip mining operations at a rate of up to 2.5 million tonnes per annum (Mtpa);
- transport of ROM coal from the Donaldson Mine occurs by truck along the private haul road to the nearby Bloomfield Colliery for processing at the Bloomfield Coal Preparation (CHPP) for washing of the Donaldson coal; and
- utilisation of the Bloomfield coal stockpile area and coal loader to the existing rail loop and spur line off the Great Northern Railway Line, and transport of the Donaldson coal from the site to domestic and the Port of Newcastle for export markets.

The coal resource occurs within the Permian Tomago Coal Measures – Four Mile Creek formation that outcrops in the mine lease area and comprises six seams, the upper four of which are extracted and blended to produce premium grade steaming coal.

Mining operations were undertaken under contract by Cooks Construction until 2008, when Donaldson Coal took over management of the mining activities using their own staff for the Donaldson Mine operations.

During the first 12 months of operation the bulk of the overburden material was placed in out of pit emplacements to allow sufficient opening up of the pit to expose the various coal seams. Since March 2002, the majority of the overburden has been backfilled into the open pit, behind the active coal extraction areas of the mine when the coal had been mined out. Reshaping of the backfill to a landform representative of the original topography commenced in September 2002, with direct seeding of local tree and shrub species undertaken to return the rehabilitated areas to bushland.

The current approved coal extraction areas for the Donaldson Mine (as described in the EIS 1998 and the SEE 2005) will be complete in 2011-12.

## Plate 1: Donaldson Coal Mine - April 2010

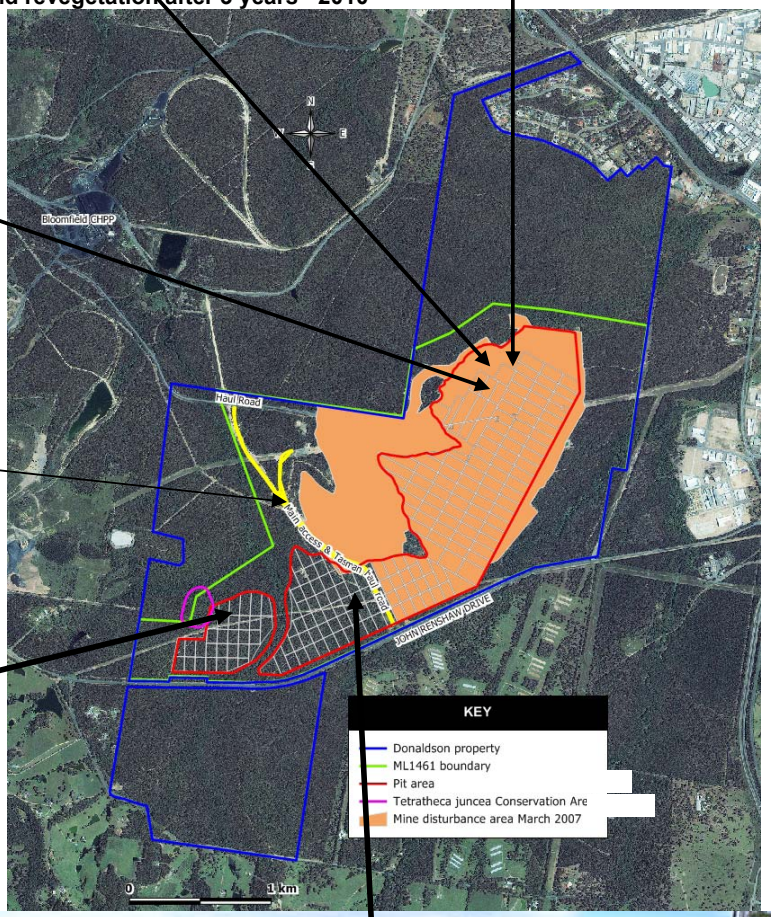
Rehabilitation area contoured with topsoil spread prior to r seeding – April 2007

Same area as above showing rehabilitation and revegetation after 3 years - 2010

Revegetated area showing density of established endemic trees and understorey

'Big Kahuna' water storage pond - 2010

Bushland Conservation Area for *T .juncea* protection




Donaldson Mine active open cut high-wall adjacent to the Abel underground mine portal – April 2010

Floor of the active Donaldson Mine open cut pit showing ROM coal recovery – April 2010

# 3.0 Environmental Management and Monitoring

The Minister's Determination of the Development Application for the Donaldson Mine included Development Consent from the Minister for Urban Affairs and Planning with attached Minister's Conditions of Approval (MCoA.

The MCoA include general requirements in relation to the overall development of the project, and reference to more specific requirements where legislative and/or administrative responsibility lies with other agencies.

This Independent Environmental Audit reviewed the documentation available from Donaldson Coal and assessed compliance of the Donaldson Mine operations with the intent of each consent condition for the 3 year period from 2007 to 2010 (i.e. nine (9) years after commencement of operation 2001 to 2010).

Where an authority other than the Department of Planning had administrative responsibility for the requirements of a condition, the compliance status has been determined by review of correspondence and documentation available from Donaldson Coal.

The content, for example, of the Mining Operations Plan (MOP) developed in accordance with the DMR Guidelines, was assumed to be in compliance with the intent of the consent condition if the MOP had been accepted by the Department of Primary Industries – Minerals and Resources Division (now the Department of Industry and Investment (DII)). Where specific aspects such as rehabilitation were addressed by a consent condition, compliance was assessed by reviewing the reporting of the progress of the rehabilitation program in the Annual Environmental Management Report (AEMR) and site inspection of specific areas of the mine operations.

## *3.1 Environmental Management Strategy (EMS)*

The initial Environmental Management Strategy (EMS) was prepared for the Donaldson Coal Project in May 2000. Documentation was developed in accordance with the elements of ISO14001 and specific requirements expressed in the conditions attached to the Development Consent, to provide the EMS for the project operations.

The components of the EMS and the commitments in the strategy are considered to have provided a sound basis for the environmental management of the project.

The EMS was revised in 2002 after 2 years of operation of the Donaldson Mine and further updated in August 2003. The EMS was then revised to provide and integrated EMS and environmental management processes and procedures for Donaldson Mine, Tasman Mine (EMS revision January 2006), Abel Mine (EMS revision October 2007) and Bloomfield Operations (EMS revision in October 2007 to address conditions in the Abel Mine MCoA 8). The Donaldson Coal EMS represents a sound basis for environmental management of each of the Donaldson Coal operations.

## *3.2 Environmental Management Plans*

The Environmental Management Plans (Operations Management Plans) required under the conditions of consent were prepared and approved by the relevant authorities prior to commencement of the operations ion 2001. Review of the approved plans occurred in November 2004 during the preparation of the Statement of Environmental Effects for the Modification Application, and revisions were made where required for submission to DoP prior to 31 October 2005 under the conditions in the Notice of Modification received for the extension of the mine in August 2005.

| MCoA | Management Plan | Status |
|---|---|---|
| 16 | Mine Noise | Revised Oct 2005, approved by DoP Jan 2007. |
| 26 | Blast | Approved by DUAP 2001. Reviewed and revised in 2007. |
| 38 | Air Quality | Approved by DUAP 2000. Reviewed in 2005. |
| 60 | Water | Approved by DUAP 2000. Reviewed in 2005. |

| MCoA | Management Plan | Status |
|---|---|---|
| 66 | Erosion and Sediment Control | Approved by in May 2000. Reviewed and revised in 2005. |
| 69 | *Tetratheca juncea* | Approved in 2000. Reviewed in 2005 and 2007. |
| 72(ii) | Bushland Conservation Area | Submitted to DoP for approval Oct 2005. |
| 76 | Flora and Fauna | Approved by DUAP Dec 2000. Reviewed 2007. |
| 84 | Aboriginal Sites | Approved by DUAP 2001. Reviewed and revised as required. |
| 87 | Waste Management | Approved by DUAP in 2000. No revision required. |
| 91 | Landscape | Approved by Cessnock City Council in 2000. Reviewed and revised March 2008. |

### 3.2.1 Mine Noise (MCoA 16)

The Mine Noise Management Plan (2000) was prepared to satisfy MCoA 16 and approved by DIPNR. Revisions of the Plan were made in October 2005 and January 2007. Control measures for the Donaldson Mine to ensure that the noise limits in the development consent are not exceeded, include:

- Construction of an 8m high acoustic barrier on the boundary of the mine site and excavation areas to shield sensitive receivers;
- Mining operations only on day and afternoon roster with the full overburden removal and mining fleets;
- Testing of all equipment for noise emissions prior to operational use;
- Planning constructing of roadways and overburden emplacements to best use the natural shielding by the topography;
- Routine noise monitoring and complaint based investigative monitoring to determine compliance with noise limits;
- Monitoring meteorological conditions to detect temperature inversions and modify mine activities to reduce potential impact from the operations.

### 3.2.2 Blasting (MCoA 26)

The Blast Management Plan (2001) was approved by DUAP and the Plan reviewed and revised in 2007. Blasting activities commenced at Donaldson Coal mine on the 15th November 2001. Prior to the commencement of blasting in 2001, structural surveys of all properties within 1.5km of the blast locations at the mine were completed in accordance with the requirements of MCoA 31. Five permanent blast monitoring stations have been installed and commissioned at:

1. Fairfax Regional Printing Facility;
2. Barter Poultry Farm – Farm 6;
3. Weakley's Drive (Chidgey), Beresfield;
4. Avalon Estate, Thornton; and
5. The Hunter Water Pipeline.

The following control measures are employed at the Donaldson Mine to ensure that the limits in the MCoA and EPL are not exceeded:

- Establishment of a site specific requirement using a ten (10) hole trial blasting program and detailed computer modeling;
- Blast design considerations (burden and spacing, stemming, MIC, etc);
- Considerations of explosive loading, initiation hook up and firing;
- Use of experienced blast contractors (Orica from 2008 to present);
- Monitoring of meteorological conditions prior to blasting;
- Avoidance of concurrent blasts with adjoining mines; and
- Notification of landowners and occupiers of blast events.

### 3.2.3 Air Pollution (MCoA 38)

The principle sources of air pollution from the Donaldson Mine are airborne dust from mining activities [measured as depositional dust, $PM_{10}$ and Total Suspended Particulates (TSP)] and from the vehicle emissions from combustion of diesel fuel, which is measured as $PM_{2.5}$ particles. Dust monitoring equipment is installed and operated at the Donaldson Mine:

- one High Volume Air Sampler (HVAS) measuring TSP
- two HVAS measuring PM10;
- two continuous DustTrak monitors measuring PM10;
- eleven (11) Depositional Dust Gauges measuring insoluble solids; and
- one GRIMM monitor measuring PM10 and PM2.5 on two campaign events.

### 3.2.4 Water Management (MCoA 60)

***Water Storage Structures***
A 400ML mine water dam was constructed in 2004 to store mine water from the pit and this water is reused for dust suppression. A dam with 18ML capacity was increased to 40 ML in2004 and this is used for collection of run-off water from rehabilitated areas.

***Sediment Control Structures***
Work was undertaken to refine the drainage of the hard stand area to the industrial dam. This area then drains to the large mine water storage dam. The sediment dams alongside the coal haul road have been upgraded and the capacities increased. Maintenance is undertaken on a regular basis to remove sediment build up. An additional sediment dam was constructed on the eastern boundary of the mine lease during the period.

***Water Consumption/Water Balance.***
A site water balance for the mine is prepared by the Environmental Manager and includes recording the amount of water available in the various water storage structures around the mine site. All water required for dust suppression etc on the mine site has been supplied from the collection ponds on the site.

***Surface Water***
The Water Management Plan (Perrens, 2000) for the Donaldson Mine details the measures employed by Donaldson Coal to ensure protection of surface water on and around the mine site. Surface water monitoring has been ongoing since June 2000. Ecowise Environmental (EE) is engaged by Donaldson to undertake routine sampling and analysis of six (6) permanent surface water stream monitoring locations (as specified in the EPL condition P1.3):

- EM1 - Four Mile Creek Upstream;
- EM2 - Four Mile Creek Downstream;
- EM3 - Scotch Dairy Creek Upstream;
- EM4 - Scotch Dairy Creek Downstream;
- EM5 – Weakley's Flat Creek Downstream; and
- EM6 - Weakley's Flat Creek Upstream.

Grab samples are also taken opportunistically from various other locations around the mine area (sediment dams and mine water storage dams) following rainfall events, as required.

Samples collected from the six existing stream sites are analysed for Electrical Conductivity (EC), pH, Total Dissolved Solids (TDS), Total Suspended Solids (TSS) and Sulfates (SO4), on a monthly basis, with a full suite of analyses (including trace metals and nutrients) carried out on a quarterly basis.

In addition to the physical and chemical water quality, biological monitoring (macroinvertebrates) is conducted six monthly by Tuft and Associates.

No water-related complaints have been received by Donaldson Coal during the 2007 to 2010 period.

***Groundwater***
The Water Management Plan (Perrens, 2000) details the measures employed by Donaldson Coal to assess any changes to the groundwater standing levels and water quality to ensure protection of ground water on and around the mine site.

Groundwater monitoring has been continued since June 2000. The groundwater monitoring locations at Donaldson Coal were reviewed by the DECC (EPA) as part of the EPL review in 2008. There are 10 current groundwater piezometer monitoring sites.

Ecowise Environmental is engaged by Donaldson Coal to undertake the routine monitoring and sampling of groundwater and analysis of the samples in accordance with the Water Management Plan.

The groundwater piezometers are monitored for both Standing Water Levels (SWL) and ground water quality. In some cases there are several piezometers in the one hole (multi-level) measuring several aquifers throughout the strata.

The analytes EC, pH, TDS, TSS and SO4 are routinely taken each month at all of the current piezometer sites. A full suite analysis is taken every six months and includes analysis of EC, pH, TDS, TSS, SO4, Ca, Mg, Na, K, Cl, Fl, As, Al, Ba, Cd, Co, Cu, Cr, Fe, Mn, Pb, Zn and Total Alkalinity as CaCO3.
The standing water level of each of the monitoring wells is routinely measured each month.

### 3.2.5 Erosion and Sediment Control (MCoA 66)

The Erosion and Sediment Control Plan (Global Soil Systems, 2000), details the methods for erosion and sediment control at the Donaldson Mine site. Mitigation measures employed at Donaldson Mine to control erosion and sediment from leaving the site, include:

- Minimising land disturbance to that required for mining activities;
- Diversionary works to separate ‘clean’ and sediment laden ‘dirty’ waters;
- Collection ponds to settle sediment from runoff;
- Routine maintenance of sediment dams A, B and C alongside the coal haul road;
- Installation of silt fencing and hay bales to provide interim protection;
- Regular inspections of silt fencing is undertaking around the site and in particular following significant rainfall events.
- Ongoing minor works including silt fences maintenance, hay bales replacement and seeding using hybrid pasture grass species (e.g. rye-corn, silk sorghum and oats);
- Revegetation of disturbed areas as soon as is practical
- Drainage lines on the rehabilitated areas are regraded and pasture seeded to minimise scouring and assist in sediment removal;
- Graded banks and waterways are used to divert all water from the reshaped and revegetated areas.

### 3.2.6 Threatened Flora (MCoA 69 and MCoA 76)

A *Tetratheca juncea* Management Plan was developed by Gunninah (2000b) to provide a management program for the *T. juncea* (Black-eyed Susan) population in the south western portion of the mine site, the threatened flora identified during the EIS.

Control measures employed at the Donaldson Mine to ensure a high level of conservation for the *T. junce* include:

- Dedication of 650ha of bushland conservation areas around the mine to conserve habitat;
- Reduction of the proposed mining footprint and the establishment of a conservation precinct protecting known populations of *T. juncea*;
- Ongoing mapping and management protocols; and
- Pre-clearance surveys by a qualified biologist prior to any clearing activities.

In addition Donaldson Coal has financially and technically supported studies of the ecology and growth of *T. juncea*, by honours students from the University of Newcastle Environmental Management Faculty.

### 3.2.7 Threatened Fauna (MCoA 76)

A Flora and Fauna Management Plan was prepared to satisfy MCoA 76 in 2000 and approved by DUAP. The Plan was reviewed in 2007.

Threatened fauna identified during the EIS and subsequent reports on the areas proposed for mining and the immediate environs included:

- Powerful Owl;
- Masked Owl;
- Barking Owl;
- Sooty Owl;
- Squirrel Glider
- Yellow-bellied Sheathtail Bat
- Eastern Bent-wing Bat
- Eastern Freetail Bat
- Greater Broad-nose Bat
- Little Bent-winged Bat.
- Large Footed Mytotis

Control measures employed at the Donaldson Mine to ensure conservation of threatened fauna species found on the site include:

- Dedication of 650ha of bush-land conservation area around the mine to conserve habitat;
- Continuation of fauna survey and management protocols;
- Annual monitoring for flora and fauna in defined quadrants;
- Pre-clearance vegetation surveys by a qualified biologist prior to any disturbance of vegetation for mining activities;
- Minimal clearance of vegetation and land to that required for mine activities; and
- Ongoing and progressive restoration of land disturbed by mining and rehabilitation of completed mining areas.

### 3.2.8 Archaeological Sites (MCoA 84)

Donaldson Coal has prepared an Aboriginal Sites Management Plan in accordance with conditions 84, 85 and 86 of the MCoA. Separate plans were produced for the first 5 years of the operation at the mine to address specific issues each year and review and address the management of Aboriginal Sites both within the mine impact area and associated conservation areas surrounding the mine.

Four archaeological studies have been conducted on the Donaldson Coal mine site since 1998. During each study the principle aims were to:

a) Consult and involve the Aboriginal Community at every stage of the investigation and to provide continuous opportunities for the Aboriginal Community (through the Mindaribba Aboriginal Lands Council) to participate in the interpretation and decision making process.
b) Identify and record by field survey the material evidence of Aboriginal cultural heritage or locations of potential evidence with the land owned by Donaldson.
c) Assess the archaeological significance and understand the Aboriginal significance of material evidence of Aboriginal cultural heritage of the study area.
d) Assess the impacts of the mine on Aboriginal Cultural Heritage.

The following control measures have been employed at the Donaldson Coal Mine to ensure that reasonable duty of care is taken to ensure sites of aboriginal cultural significance are not disturbed or destroyed:

a) Representatives of the Mindaribba Aboriginal Lands Council are invited on site to monitor clearing and topsoil stripping activities.
b) The Mindaribba Aboriginal Lands Council is actively involved in the management of Aboriginal Sites at Donaldson;

Donaldson and Mindaribba Aboriginal Lands Council enjoy a good working relationship and to date there have been no complaints or incidents recorded in relation to the management of sites of aboriginal cultural heritage.

### 3.2.9 Waste Management (MCoA 87)

All waste generated from the Donaldson Mine is managed in accordance with the Waste Management Plan (2000). The Plan was reviewed in 2005 and no revision was required.

***Overburden***
All overburden from the mining activities is currently placed within the worked out mine areas, contoured, top soiled and revegetated.

***Management of Potentially Acid Forming Material***
Management of Potentially Acid Forming (PAF) material was provided in a report from URS Australia in 2003. In line with the recommendations, the out of pit dump was limed. During the 2007 to 2010 period all areas of rehabilitation were treated in accordance with the recommendations of the URS report.
Actions undertaken include the continued selective use of the top seven meters of the upper overburden and interburden strata for capping the overburden emplacement areas with ripping of topsoil on rehabilitated areas and seeding.

***Tailings and Rejects***
Bloomfield Colliery, as part of the contract WITH Donaldson Coal, manages all process waste. Tailings and coarse rejects are disposed of at Bloomfield in accordance with their management plans. This is consistent with the current MOP as approved by Mineral Resources.

***Sewerage Treatment/Disposal***
Sewerage is collected and managed from the Open Cut administration and bathhouse and the Donaldson administration building. Individual Bio-cycle units service these areas with the treated water being used to irrigate the gardens and lawn/bushland around the offices. The bio-cycle units are serviced quarterly in accordance with the recommendations of the supplier.

***Oil and Grease waste***
Waste oil and grease is collected during servicing and stored in a 5000L above ground storage tank collection by a waste contractor for recycling. Oily water is treated by way of an oil-water separator or collected and disposed of by a licensed waste disposal contractor. Oil filters are drained and placed in 205L drums for recycling by a licensed waste disposal contractor. Empty drums are stockpiled inside earthen bunds and collected by a licensed drum recycler on a regular basis.

***Rubbish Disposal***
A licensed contractor collects all general rubbish and disposes of it off site at an approved waste facility.

***Minor Waste Streams***
Management of minor waste streams from the Donaldson Mine for disposal and/or treatment includes:

| Waste Type | Method of Disposal or Treatment |
|---|---|
| Green Waste | Trees are removed for posts, poles, rails and woodchip. Those trees not used are windrowed and buried in the pit ahead of backfilling. |
| Redundant Chemicals | Redundant chemicals are taken out of operation, labeled and disposed of by a licensed waste disposal contractor. |
| Batteries | Batteries are stockpiled on pallets and taken by licensed waste disposal contractors for recycling. |
| Tyres | All tyres are used on site as bunds and bollards, or are disposed of in the active dump. The MaxxHire maintenance manager keeps a list of all tyres disposed of in the backfill. |
| Scrap Metal | All scrap metal is collected in designated skips and recycled by a licensed scrap metal recycler. |
| Coolant | Coolant is collected in designated drums and disposed of by a licensed waste disposal contractor |
| Contaminated Soil | All contaminated soil from spills and accidents is taken to a designated area that is bunded. When a sufficient volume of soil is present it is bio-remediated using land-farming techniques. |
| Parts Wash Degreasers | Parts washer units are collected by a licensed waste disposal contractor and recycled and returned to the site for reuse. |

### 3.2.10 Landscape Management (MCoA 91

A Landscape Management Plan was prepared by Donaldson Coal and approved by the Cessnock and Maitland City Councils in 200. The Plan was revised in 2008 following the Project Approval for the Abel Underground Mine in which MCoA 19 required the preparation of a Landscape Management Plan. The integrated Landscape Management Plan has been developed for the Donaldson Coal projects (i.e. Donaldson Mine, Tasman Mine and Abel Mine). The integrated Landscape Management Plan has three components – Rehabilitation Management Plans, Final Void Management Plans and Mine Closure Plans for the projects.

***Bushfire***
Bushfire Management Plan was prepared in 2004 for the areas owned by Donaldson Coal and included the areas to be disturbed by mining activities and the areas set-aside as conservation area. The management plan was submitted to the NSW Rural Fire Service (RFS) for review and part of the review involved a site inspection by the RFS. The Cessnock/Maitland Bushfire Management Committee ratified the Bush Fire Management Plan for the Donaldson Coal site at its meeting in October 2006. The Bushfire Management Plan takes into consideration the requirement for hazard reduction burns, natural fire regime and the need to maintain the ecological value of the site for flora and fauna.

## *3.3 Environmental Monitoring Program*

The monitoring programs for each of the environmental aspects are included in the Operational Management Plans. These Plans are reviewed regularly and have been updated as required to represent the operational activities at the Donaldson Mine site. The following monitoring programs have been reviewed and revised where necessary with copies of any revised plans submitted to the Director-General:

- Groundwater and Surface Water Monitoring – Water Management Plan
- *Tetratheca juncea* Monitoring – Flora and Fauna Management Plan 2007
- Macroinvertabrate Survey Monitoring – Flora and Fauna Management Plan 2007
- Noise Monitoring Program – Noise Management Plan 2007
- Dust and Air Quality Monitoring – Air Quality Management Plan 2005

### 3.3.1 Mine Noise

Noise monitoring has been conducted in accordance with the Noise Management Plan 2007. Quarterly Attended and Unattended Noise Surveys have been conducted by Richard Heggie Associates. Results of the monitoring and data are summarised and reported in the AEMR's.

The noise criteria set for the Donaldson Mine operations in MCoA 15 are:

| Donaldson Mine $LA_{10(15\ minute)}$ Noise Limits (MCoA 15) | | |
|---|---|---|
| **Location** | **Daytime** | **Night-time** |
| Beresfield (residential) | 45 | 35 |
| Steggles Poultry Farm | 50 | 40 |
| Ebenezer Park | 46 | 41 |
| Black Hill Area | 40 | 38 |
| Buchanan/Louth Pk | 38 | 36 |
| Ashtonfield Area | 41 | 35 |
| Thornton Area | 48 | 40 |

Attended noise survey results generally concluded that noise levels contributed by Donaldson Mine operations do not exceed noise emission goals at any of the monitoring locations for any of the periods. The mine operations were recorded as inaudible at each of the monitoring sites for the majority of the attended monitoring periods.

Unattended noise surveys were affected by traffic activity on the roads external to the mine, insects and wind effects with the $LA_{90}$ results exceeding the noise goals at the Bartter Farm location.

**Noise Emissions**
Quarterly Attended and Unattended Noise Surveys conducted by Richard Heggie Associates for the Donaldson Mine operations have generally concluded the mine operations were inaudible at each of the monitoring sites for the majority of the attended monitoring periods.

### 3.3.2 Blasting

Airblast overpressure and ground vibration levels have been monitored for each blast at the five permanent blast monitoring stations during the April 2007 to April 2010 period:

- Fairfax Regional Printing Facility;
- Bartter Poultry Farm – Farm 6;
- Weakleys Drive (Chidgey), Beresfield;
- Avalon Estate, Thornton; and
- Hunter Water Pipeline.

All blast overpressure and vibration measurements during the period April 2007 to April 2010 were conducted in accordance with the requirements of EPL condition M7.1.

Blast and vibration monitoring results between 2007 and 2010 at the Fairfax Regional Printing Facility; Bartter Poultry Farm – Farm 6; Weakleys Drive (Chidgey), Beresfield and Avalon Estate, Thornton exhibited:

| Location | Overpressure | ppv 2007-2010 |
|---|---|---|
| Fairfax | 2009: All overpressure results <115dB(L) | All ppv results <5mm/s for April 2007 to April 2010 |
| Chidgey | All overpressure results complied with <115dBL for April 2007 to April 2010 | All ppv results <5mm/s for April 2007 to April 2010 |
| Avalon Estate | All overpressure results complied with <115dBL for April 2007 to April 2010 | All ppv results <5mm/s for April 2007 to April 2010 |
| Abakk | All overpressure results complied with <115dBL to April 2010 | 2009:<br>All ppv results <5mm/s |

**Blast Management**
The blast overpressure and vibration results from monitoring of blast events at the Donaldson Mine have complied with the criteria specified in the MCoA 24 and EPL condition 7.1.

### 3.3.3 Air Quality

The principle sources of air pollution from the Donaldson Mine are airborne dust from the mining activities (measured as depositional dust, $PM_{10}$ and Total Suspended Particulates (TSP) and from the combustion of diesel fuel, which is measured as $PM_{2.5}$ particles. The following dust monitoring was conducted for the Donaldson Mine between 2007 and 2010:

***Depositional Dust Gauges***
Annual results of dust deposition from the 11 gauges were in compliance with the annual average insoluble solid criteria of 4g/m$^2$/month for all gauges during the 2007 to 2010 period.

***High Volume Air Samplers (HVAS)***
High volume air samplers were located at "Bartter Chicken Farms" site (now owned by the Catholic Diocese of Maitland and Newcastle) and the Beresfield Golf Course for $PM_{10}$ (particulate matter of diameter less than 10 µm) and TSP Total Suspended Particulate (TSP).

***PM10***
The $PM_{10}$ results at the Barrter site were generally below the annual average maximum criteria of 30µg/m$^3$ and the 24-hour NEPM maximum criteria of 50µg/m$^3$ between 2007-2010.

$PM_{10}$ measurements recorded during 2007, 2008 and 2009 at the Beresfield Golf Course location exceeded the NEPM 24hr criteria on the following dates:

| Beresfield Golf Course NEPM 24hr criteria Exceedences | | | |
|---|---|---|---|
| **Year** | **No. of Samples** | **No. of Exceedences** | **Dates of Exceedences** |
| 2007 | 60 | 1 | 2 October 2007 (51 µg/m$^3$) |
| 2008 | 61 | 4 | 20 September 2008 (55 µg/m$^3$)<br>2 October 2008 (51 µg/m$^3$)<br>13 November 2008 (69 µg/m$^3$), 31 December 2008 (59 µg/m$^3$) |
| 2009 | 61 | 1 | 6 January 2009 (51 µg/m$^3$) |

The Beresfield Golf Course is located east to northeast of the mining operations and any dust emissions from the Donaldson Mine would not have resulted in impact under the NW-N wind conditions that predominated on these dates.

***Total Suspended Particulates***
TSP measurements were made at the "Bartter Enterprise" location and the results for 2008 (263µg/m$^3$) and 2009 (33.3µg/m$^3$) were consistently below the annual average criteria of 90 µg/m$^3$ and all TSP results were below the US EPA short term air quality criteria of 260 µg/m$^3$.

***DustTrak Monitors***
Donaldson operates a continuous DustTrak air quality monitor permanently located on a property owned and occupied by "Bartter Enterprise". A second unit is mobile and has been located on Weakleys Drive (east of the mine site) throughout the 2007-2009 period. This location is close to the mine and is located at the residence of a CCC member. The results from DustTrak monitoring are comparable to those obtained from the $PM_{10}$ HVAS and the annual averages were below the maximum NEPM criteria for all results.

**Air Quality**

All dust deposition results for 2007 to 2010 are compliant with the EPL annual average criteria of 4g/m$^2$/month at all 11 sites.

The PM10 results at the Beresfield Golf Club 24-hour NEPM maximum criteria of 50 µg/$m^3$ on six (6) of the on hundred and eighty-two (182) monitoring occasions between 2007 and end if 2009 (i.e. less than 3.3%). All other results were compliant with the criteria.

All TSP and $PM_{10}$ results were consistently below the annual average criteria at the 'Barrter Enterprise' site.

### 3.3.4 Surface Water Quality

The results of monitoring the three key parameters specified in EPL condition L3 (i.e. pH, Electrical Conductivity (EC) and Total Suspended Solids (TSS)] has not indicated any long term impact on the surface water quality of the surrounding environment.

Mean monthly pH values for all stream-monitoring locations surrounding the Donaldson Mine activities are within the recommended ANZECC Guideline (pH 6.5 – 9.0) for the protection of aquatic ecosystems.

Mean EC values during the 2007 to 2010 period were less than the EPL criteria of <2000 µS/cm. Although the results have been generally higher than pre-mining results for the surface water bodies, this can be attributed to the drought conditions predominating until early 2009, and it is also noted that the EC results were higher at the water monitoring sites upstream of the Donaldson Mine activities suggesting that Donaldson Mine was not having any significant impact on EC levels.

The annual mean TSS values at monitoring locations were comparable to the pre-mining levels apart from values at Scotch Dairy Creek Upstream and Weakleys Flat Creek downstream, following rainfall events during the 2009 and 2010.

There were no water-related complaints received during the April m2007 and April2010 reporting period.

**Surface Water Quality Status**

The activities of Donaldson Mine have not had any long term significant effect on the water quality of the surrounding stream environments during the 2007 to 2010 period.

### 3.3.5 Surface Water Biological Monitoring

Assessment of stream fauna to assess areas of environmental stress through the diversity of the macroinvertebrate population has been undertaken approximately six monthly at 6 sites on the three major tributaries traversing the Donaldson Mine site.

The surveys have observed that the streams examined support a relatively diverse ecology including species typical of the Hunter Region. The predominance of mildly impaired invertebrate species is indicative of fair water quality in the streams.
Overall, there is no indication of obvious deterioration in water quality in the downstream sites, which could be directly attributed to mining activities of the Donaldson Mine (Tuft and Associates, 2008).

**Macroinvertabrate Survey Results**

The reports prepared by Tuft and Associates have concluded that the streams examined support a relatively diverse ecology including species typical of the Hunter Region and the observations do not suggest impact from the Donaldson Mine.

### 3.3.6 Groundwater

There are 10 groundwater monitoring locations at the Donaldson Mine. Ecowise Environmental is engaged by Donaldson Coal to undertake the routine sampling and analysis

of the monitoring sites. The groundwater piezometers are monitored monthly to determine impacts on both Standing Water Levels (SWL) and ground water quality (i.e. EC, pH, TDS, TSS and $SO_4$)

Generally the average SWL during the 2008/2010 period have been higher than the baseline period (i.e. pre 2001). Sites in close proximity to mining operations have shown localized groundwater drawdown from mining operations (as predicted in the EIS). SWL in bores more remote from mining operations have generally shown a recovery in groundwater levels during the 2008-2010 period, due to recharge of the aquifers after above average rainfall in 2008/2010.

**Groundwater Status**

Overall, it appears that Donaldson has had negligible or no impact on the off site groundwater resources during the 2007 to 2009 period.

No groundwater-related complaints were received by Donaldson Mine during the May 2007 and April 2010 period.

### 3.3.7 *T. juncea* Monitoring

The *Tetratheca juncea* Management Plan includes a comprehensive monitoring program to provide management of the *Tetratheca juncea* population in the south western portion of the mine site.

A survey and identification report (Gunninah 2000c) was completed, which located the boundaries of the population and defined the limit of the conservation precinct.

In 2005, experimental translocation of *Tetratheca juncea* occurred from the planned Donaldson Mine disturbance area, based on a study conducted in the Gwandalan area (Ecobiological 2005). Each plant and each recipient site have been photographed following translocation each twelve months. The total survival rate for the initial translocation program is 27% after 4 years.

***Tetratheca junecea* in flower – Donaldson Mine Conservation Area**

Monitoring in June 2009 showed an increase in identifiable living plants compared with the inspection in August 2008. Of the surviving plants in the June 2009 monitoring survey, all had significant additional growth and seven of the clumps were showing flower buds and flowers. The daily rainfall data for the 2008/2010 period has indicated higher than average annual rainfall which may have contributed to the increase in living plant parts.

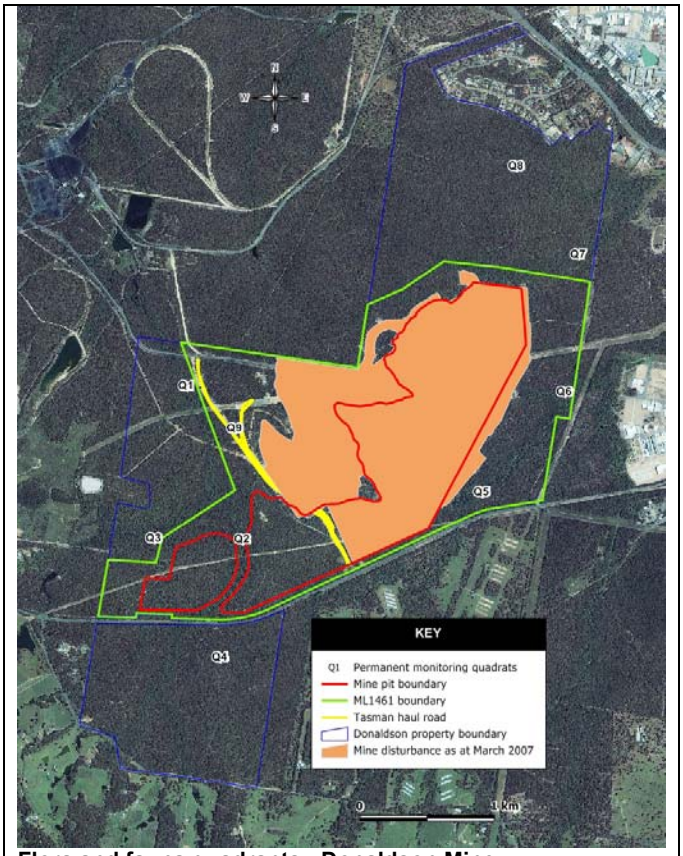
In addition Donaldson Coal has financially and technically supported studies of the ecology and growth of *T.a juncea*, by honours students from the University of Newcastle Environmental Management Faculty.

### 3.3.8 Flora and Fauna

The Flora and Fauna Management Plan has the flora, fauna and rehabilitation monitoring programs outlined with nine quadrants established for survey:

- One control quadrant - northern most arm of Scotch Dairy Creek (within the BCA);
- Two quadrants on southern arm of Scotch Dairy Creek along the creekline;
- One quadrant on the northern arm of Four Mile Creek, in the south western portion of the site (within the BCA);
- One quadrant on Four Mile Creek, between two areas to be mined (within the BCA);
- One quadrant on Four Mile Creek beyond the junction of the northern and southern arms of the creek (within the BCA);

- Two quadrants on a tributary of Weakley's Flat Creek, adjacent to the 'mine disturbance area' (within the BCA);
- One quadrant on Weakley's Flat Creek, in close proximity to the 132kV electricity line;
- One control quadrant on the south western most tributary of Weakley's Flat Creek, within the BCA; and
- One quadrant within the mine lease area to provide data from dry elevated forest.




**Flora and fauna quadrants - Donaldson Mine**
(Flora and Fauna Management Plan 2007)

Reports are produced by the consultants (Global Soil Systems and Ecobiological) compiling the results of the quadrant surveys and annual data interpretation compared with the baseline studies. The surveys included:

- foliage projective cover of each quadrant;
- height and basal area of trees within each quadrant;
- small mammal trapping (coinciding with autumn) within a radius of 300 metres centered on each quadrant;
- insectivorous bat call recording at each quadrant;
- owl call playback in the vicinity of each quadrant;
- spotlighting in the area around each quadrant to observe any nocturnal birds and mammals;
- targeted bi-annual bird surveys;
- general observations around the larger conservation area;
- threatened species assessment.

Results for the annual flora and fauna monitoring surveys conducted in the quadrants during 2007 to 2009 indicate that:

- Plant species numbers and floristic structural components in the monitoring quadrants have increased since 2001 which is indicative of a dynamic plant community with recruitment from the seed pool (an indicator of healthy plant community status).
- There has been an observed decline in mammal species between 2001 and 2009 most notably within the arboreal mammals. This decline is a probable indicator of the pressures from remnant habitat loss.
- The declining species are all common prey items of the Powerful Owl and together with the general loss of foraging range may place significant pressure on the Powerful Owls at the subject site.

The results of the surveys of the rehabilitated areas on the Donaldson Mine site show positive signs of recolonisation by a variety of fauna species. Nine new species (two mammal and seven bird) were recorded during the December 2009 survey period. Studies comparing mature forest and rehabilitated areas have found positive correlations of rock cover and woody debris with small mammal species richness and total reptile and amphibian colonisation. At this stage of re-growth on the rehabilitated areas on the Donaldson Mine site, it was noted that it was difficult to separate the effect of differing floristic variables among the

rehabilitation quadrants (such as canopy cover, ground cover and leaf litter) from the effect of placing woody debris into these areas.

Bird, mammal and herpetofauna species assemblages have changed between the March and December 2008 and the December 2009 survey periods. The changes are considered normal and are likely to continue as the vegetation structure matures addressing different species-specific requirements.

**Flora and Fauna Status**

The monitoring undertaken to date suggests that undisturbed areas retain their floristic characteristics and flora is establishing well after mining on rehabilitated areas.
Fauna populations are being placed under pressure in remnant habitats from native habitat loss, and the fauna recolinisation of rehabilitated areas is improving as the vegetation structure matures.

## 3.4 Monitoring Program Conclusion

All the monitoring programs conducted by Donaldson Coal are generally in accordance with the management plans and have provided results in relation to the mine operations impact on the surrounding community and environment. Monitoring results and compliance with regulatory criteria are presented each year in the AEMR.

Flora and fauna surveys of the remnant bush land quadrants and rehabilitated areas on the mine site suggests that undisturbed areas retain their floristic characteristics and flora is establishing well after mining on rehabilitated areas.

Fauna populations are being placed under pressure in remnant habitats from native habitat loss, and the fauna recolinisation of rehabilitated areas is improving as the vegetation structure matures.

The monitoring results have demonstrated the mine operations achieve a high degree of compliance with the regulatory criteria for all parameters monitored.

## 4.0 Other Environmental Approvals

The following licences and other approvals are current for the Donaldson Coal Mine operations:

**Table 1 Licenses, Lease and Approvals for Donaldson Mine**

| Licence/ Consent | No. | Legislative Requirement | Status | Activity |
|---|---|---|---|---|
| Environment Protection Licence | 11080 | *Protection of the Environment Operations Act 1997* | Review Date 25 Jun 2014 | Coal mining (26), coal works and extractive industries |
| Mining Lease | 1461 | *Mining Act 1992* | Expiry Date 22 Dec 2020 | Coal mining |
| Mining Operations Plan | - | *Mining Lease condition* | Current to 1 Jun 2012 | Mining operations and rehabilitation Jun 2006 to Jun 2012 |
| Water Works Licence | 20SL060534 | *Water Act 1912* | | Earthworks associated with construction of the clean water diversion around the mining area and out of pit emplacement. |
| Bore Licence | 20BL168123 | *Water Act 1912* | Current | Covers groundwater extraction - active mining area |
| Bore Licence | 20BL168124 | *Water Act 1912* | Current | Covers 5 test bores for groundwater monitoring, and 13 bores established as part of the EIS groundwater investigation. |

All approvals required by Donaldson Coal for the operation of the Donaldson Mine are current. A summary of the compliance status of the operations with the Environment Protection Licence is provided in Attachment B. The operations demonstrate a high level of compliance with the conditions attached to the EPL.

Note all explosives and related materials are bought onto site as required by the blasting contractors (i.e. Roche Sasol Blasting to February 2008 and Orica from February 2008 to the present). There is no explosives magazine located on the Donaldson Mine site.

Bulk fuel storage is within the fuel farm facility approved for 100,000L of diesel fuel storage in accordance with Australian Standards. The diesel storage does not require notification to Workcover under the *Occupational Health and Safety Regulation 2005*.

# 5.0 Discussion of Environmental Audit Findings

The audit of the MCoA for the Donaldson Mine was undertaken in April 2007 with a site inspection, document review and discussions with relevant project personnel conducted between the 27 and 29 April 2010.

There was a high degree of compliance of the Donaldson Mine operations with the MCoA and other approvals granted for the operation of the mine.

The preparation of documentation, reporting and operations of the Donaldson Mine demonstrate compliance with the conditions in relation to the activities and operations on the Mining Lease Area.

The status and availability of documentation held by Donaldson that was required to verify actions related to each MCoA, provided the auditor with adequate information to undertake the audit in an efficient manner.

The terms used in the audit for the assessment of compliance of the Donaldson Mine with the MCoA were:

| | |
|---|---|
| Compliance - YES | Implies compliance with the intent and/or requirement of the consent condition. |
| Compliance - **NO** | The specific requirement of the consent condition has not been met. |
| In progress | Consultation or negotiations with authorities or other parties have been initiated to address the requirements of the MCoA and are ongoing. |
| Not Activated | The requirement of the consent condition has not yet been triggered. |
| General condition | No specific auditable requirement applicable to the condition. |

The following table provides a summary of the consent conditions (extracted from the full audit table in Appendix A) where the audit and available documentation indicated that the MCoA had not been activated at the time of this audit.

## Table 2 Consent Conditions Not Activated - Donaldson Mine, April 2010

| MCoA No. | Condition requirement |
|---|---|
| 4 | The Applicant shall comply with any order of the Director-General to cease activities causing serious or irreversible environmental concerns, until those concerns have been addressed to the satisfaction of the D-G. This condition was not activated between April 2007 and April 2010. |
| **Noise Management** | |
| 20 | In the event that a landowner or occupier considers that noise or vibration from the project at their property is in excess of the relevant criteria set out in this Consent, the Applicant shall, upon receipt of a written request and at its own expense immediately undertake direct discussion with the landowners or occupiers affected to determine their concerns. Independent investigations of the noise complaints shall be carried out if the matter is not resolved within six weeks, in accordance with Conditions 48-53. This condition was not activated between April 2007 and April 2010. |
| **Noise Acquisition** | |
| 21 | If noise monitoring or independent noise investigations indicate that noise from construction or operation of the mine at the boundary of a dwelling, or within 30 metres of the dwelling where the boundary is more than 30 metres from the dwelling, is in excess of the noise limits set out in this Consent under adverse weather conditions and if appropriate noise control measures cannot be achieved on the mine site, the landowner may request the Applicant in writing to acquire the whole of the property or such part of the property requested by the landowner where subdivision is approved.<br>Note: Adverse weather conditions means the presence of winds up to 3 metres per second, and/or temperature inversions of up to 4 degrees Celsius per 100 metres.<br>This condition was not activated between April 2007 and April 2010. |
| 22 | Any such request shall be referred to the Director-General for determination in consultation with the independent expert. If the Director-General determines acquisition is necessary, the Applicant shall acquire the property in accordance with Conditions 54-55. This condition was not activated between April 2007 and April 2010. |
| **Negotiated Agreements** | |
| 23 | If monitoring or independent investigations indicate that noise or dust from the mine is in excess of the criteria set out in this Consent and the affected landowner does not wish to be acquired, the Applicant shall, if requested by the affected landowner, enter into a negotiated agreement. Where a negotiated agreement is required, the Applicant shall, within the time period specified by the Director-General:<br>(i) appoint an independent facilitator, approved by the Director-General;<br>(ii) negotiate a package of benefits for the landowner, which may include undertaking noise reduction measures on the property or at the dwelling(s) or compensation;<br>(iii) pay all reasonable costs of the process; and<br>(iv) report to the Director-General and the EPA on the agreement reached. |
| **Blasting Criteria** | |
| 25(5) | The 500 metre distance may be reduced by the Director-General if a risk analysis undertaken by the Applicant to the Director-General's requirements indicates a lesser distance provides an appropriate level of safety. This condition was not activated between April 2007 and April 2010. |
| 32 | In the event that a landowner or occupier considers that blast emissions from the development may have affected the material condition of their property, the landowner may make a written request to the Director-General for an independent dilapidation assessment. If the Director-General, in consultation with the DMR, is satisfied that an independent investigation is required, the Applicant shall ensure:<br>(i) the survey is carried out by a technically qualified person, as agreed in consultation with the Director-General and the relevant landowners or occupiers; and<br>(ii) a copy of any inspection report (including video or photographs, if requested), certified by the person who undertook the inspection, is supplied to the relevant property owner within 14 days of receipt of same.<br>This condition was not activated between April 2007 and April 2010. |
| **Acquisition Conditions** | |
| 46 - 59 | The acquisition conditions have not been activated at the date of this independent environmental audit. These conditions were not activated between April 2007 and April 2010. |
| **Water Supply** | |
| 65 | On request of a landowner whose water supply from licensed bore holes or springs has been determined by DLWC at any time to have been affected by the project, the Applicant shall replace lost water supply with water of an equivalent quality and quantity to meet the landowner's requirements, to the satisfaction of DLWC. This condition was not activated between April 2007 and April 2010. |
| | |
| 94 | The Applicant shall plant screening vegetation on properties at higher elevation and with views across the mine site in the Black Hill area if requested in writing by the landowner, within three months of that request. The species, density and location of the plantings shall be determined in consultation with the landowner. This condition was not activated between April 2007 and April 2010. |
| **Other Issues** | |
| 125 | The Applicant shall provide reasonable funding to Councils for independent counselling services for any landowner within 1.5 kilometres of the mining lease area who may request support on stress-related matters resulting from the development. This condition was not activated between April 2007 and April 2010. |

# 6.0 Conclusions

An Independent Environmental Audit of the Donaldson Mine was conducted between 27and 28 April 2010 to fulfil the requirements of Minister's Conditions of Approval (MCoA) 117. The audit reviewed the compliance of the operations with the MCoA granted on the 14 October 1999, and the conditions attached to the Notice of Modification granted by the Minister for Planning on 26 August 2005.

The audit was conducted generally in accordance with the Australian/New Zealand Standards AS/NZS ISO 19011:2004 - *Guideline for Quality and/or Environmental Systems Auditing*.

The documentation and records held by Donaldson Coal at the Donaldson Mine site and interview/discussions with site personnel, provided the auditor with all the required information and documentation for the verification of compliance of the operations with the MCoA and other approvals.

The components of the Environmental Management Strategy for the Donaldson Mine and the commitments in the strategy are considered to have provided a sound basis for the environmental management of the project.

The Environmental Monitoring Programs as implemented provide a detailed status of the operation of the Donaldson Mine and confirm compliance with the relevant regulatory standards and criteria.

The audit findings confirm a high degree of compliance with the requirements of the MCoA, Environment Protection Licence and Mining Lease.

# APPENDICES

## DONALDSON MINE
## INDEPENDENT ENVIRONMENTAL AUDIT

A - Minister's Conditions of Approval (MCoA)

B - Environment Protection Licence (EPL)

# Appendix A – Minister's Conditions of Approval – Donaldson Coal Mine

## Minister's Conditions of Approval – Donaldson Coal Mine

Modification of 28 August 2005 in red type

| Condition | Minister's Conditions of Consent (MCoA) | Evidence Reviewed | Compliance | | Comments/Notes |
|---|---|---|---|---|---|
| | | | Yes | No | |
| **OPERATION OF DEVELOPMENT** | | | | | |
| **1** | (1) Applicant shall carry out the development of the:<br>• Development application DA98/01173, dated 13 Feb 1998, lodged with Maitland City Council and DA 118/698/22 dated 19 Feb 1998, lodged with Cessnock City Council and the accompanying Environmental Impact Statement (EIS) dated 10 Feb 1998 and prepared by PPK Environment and Infrastructure, as modified by reports in Schedule 4;<br>• submissions to the Commission of Inquiry by the applicant;<br>• Statement of Environmental Effects titled Modification to the approved mining area at the Donaldson Open Cut Cola Mine, Beresfield, dated 10 Nov 2004, and prepared by GSS Environmental;<br>• Conditions of this consent.<br>(2) If there is any inconsistency between the above, either the conditions of this consent or the most recent document shall prevail to the extent of the inconsistency.<br>(3) Unless otherwise specifically stated, the conditions of consent do not apply to lot 131 DP 234203 (owned by Steggles Limited at the date of this consent), provided the Deed of Agreement between Steggles Limited and the Applicant is in effect. | • Environmental Impact Statement - Donaldson Coal Mine, PPK Environment and Infrastructure Consultants, 1998<br>• Statement of Environmental Effects - Modification to the approved mining area at the Donaldson Open Cut Coal Mine, Beresfield, dated 10 November 2004, and prepared by GSS Environmental<br>• Notice of Modification Section 96(2) of the Environmental Planning and Assessment Act 1979, 26 August 2005 | YES | | The Donaldson Coal project has been developed generally in accordance with the EIS (PPK 1998) and the SEE (GSS 2004), with the mine pits and rehabilitation conducted in accordance with the Mining Operations Plan approved by DPI-Mineral Resources. |
| **2** | Except as expressly provided by the Statement of Environmental Effects, dated 10 November 2004, the development shall be restricted as follows:<br>(i) the mine plan in the EIS shall be reduced such that no mining shall be undertaken in any area identified in accordance with these Conditions as a Conservation Area. This includes the Tetratheca juncea Conservation Area (Condition 68); and<br>(ii) the Applicant shall not clear any land or erect any structures within any Conservation Area without obtaining any further development approval from the Director-General. | • Site Layout Plan including Conservation Area - Figure 1 in Flora and Fauna Management Plan December 2000<br>• Letter to DoP re Relocation of 11kV Powerline in a Small Area of the Bushland Conservation Area, 20 Nov 2006<br>• Letter from DoP re Relocation of the 11 kV Power-line, 29 Nov 2006 | YES | | The mining area is delineated on the mine plans with the Conservation Area that surrounds the disturbed area of the mine managed for the protection of the vegetation and habitat value.<br>The relocation of the 11kV power line required clearing a small area of the Bushland Conservation Area on the western end of the site and rehabilitation of the existing power line easement.<br>The clearing and rehabilitation of these areas and the adjustment to the boundaries of the Bushland Conservation Area was approved by DoP in Nov 2006. |
| **3** | (1) Subject to (2) the approved hours of operation are as follows: | | YES | | Overburden removal only occurs at the Donaldson Mine on the day and afternoon shifts. No night-time |

<table>
<tr><th>Condition</th><th>Minister's Conditions of Consent (MCoA)</th><th>Evidence Reviewed</th><th colspan="2">Compliance</th><th>Comments/Notes</th></tr>
<tr><td></td><td></td><td></td><td>Yes</td><td>No</td><td></td></tr>
<tr><td></td><td>
<table>
<tr><th>Works</th><th>Periods</th><th>Hours</th></tr>
<tr><td>Construction, including construction of any bunds</td><td>Monday to Friday</td><td>7am to 6pm</td></tr>
<tr><td></td><td>Saturday</td><td>8 am to 1pm</td></tr>
<tr><td>Mining operations, including mining, haulage of waste to dumps and coal processing</td><td>Monday to Friday</td><td>24 hours per day</td></tr>
<tr><td></td><td>Saturday, Sunday</td><td>7am to 6pm</td></tr>
<tr><td>Road transportation and stockpiling of coal</td><td>7 pays per week</td><td>24 hours per day</td></tr>
<tr><td>Rail loading of coal</td><td>7 pays per week</td><td>7am to 10pm</td></tr>
<tr><td>Maintenance of mobile and fixed plant</td><td>7 pays per week</td><td>24 hours per day</td></tr>
<tr><td>Blasting, not involving closure of John Renshaw Drive</td><td>Monday to Saturday</td><td>7am to 5pm</td></tr>
<tr><td>Blasting, involving closure of John Renshaw Drive</td><td>Monday to Saturday</td><td>10am to 2pm</td></tr>
<tr><td colspan="3">Note: Restrictions on Public Holidays are the same as Sundays</td></tr>
</table>
Table 1: Approved Hours of Operation</td><td></td><td></td><td></td><td>overburden removal works occur..<br><br>Coal extraction and transport to Bloomfield CPP occurs 24 hours per day on an internal haul road.<br><br>Blasting occurs during day shift only. Closure of John Renshaw Drive occurs in accordance with the RTA Road Occupancy Licence. Road closure allowance within the licence for blasting, is restricted to 10 minutes for any blast between 0930 and 1430 Monday to Friday and 0700 to 1600 on Saturdays.<br><br>Blast times are planned to comply with the restrictions in MCoA 3.</td></tr>
<tr><td></td><td>(2) The Applicant shall submit a report to the D-G's satisfaction demonstrating that the noise limits in Condition 15 can be met while rail loading of coal is occurring during the period from 6pm to 10pm. If that report does not demonstrate that the noise limits can be met to the D-G's satisfaction, then the hours of operation for rail loading of coal shall be restricted to 7am to 6pm.</td><td>Noise Report on Rail Loading - July 2001, Richard Heggie Associates Rep 30-1117-R1D2</td><td>YES</td><td></td><td>The Noise Report on rail loading at the Bloomfield Coal Loading Facility concluded that loading until 10 pm could occur without exceedence of the noise criteria at the surrounding receptors.</td></tr>
<tr><td>4</td><td>The Applicant shall comply with any order of the D-G to cease activities causing serious or irreversible environmental concerns, until those concerns have been addressed to the satisfaction of the D-G.</td><td></td><td>-</td><td></td><td>Not activated prior to this environmental audit.</td></tr>
<tr><td colspan="2">COMMENCEMENT AND DURATION</td><td></td><td></td><td></td><td></td></tr>
<tr><td>5</td><td>(1) To ensure the employment benefits of this development are realised without delay, the Applicant shall commence mining within two years of the date of this Consent. This does not remove the obligation of the Applicant to comply with any other requirement listed in the Conditions of this Consent.<br>(2) To minimise potential delays to development on adjoining lands, consent for mining shall lapse 11 years from commencement of mining.</td><td>Exploration Lease No. 5071<br>Mining Lease No. 1461 granted 22 December 1999.</td><td>YES</td><td></td><td>Mining commenced on 25 January 2001 (i.e. within 2 years of granting of the Consent) therefore this condition was complied with.</td></tr>
</table>

| Condition | Minister's Conditions of Consent (MCoA) | Evidence Reviewed | Compliance | | Comments/Notes |
|---|---|---|---|---|---|
| | | | Yes | No | |
| 6 | The Applicant shall notify the Director-General and the Councils in writing of the dates of commencement of:<br>(i) construction works,<br>(ii) mining, and<br>(iii) coal processing operations,<br>14 days prior to the commencement of such works. | • Letter of Notification of commencement of works provided to:<br>Director-General 31 January 2001<br>Newcastle City Council 31 Jan 2001<br>Maitland City Council 31 Jan 2001<br>Cessnock City Council 31 Jan 2001<br>• Letter to DUAP re Notification of Coal Processing Operations, 8 Mar 2001 | YES | | Donaldson Coal provided written Notification to the Director-General and Councils prior to commencement of construction works, mining and coal processing operations. |
| 7 | No construction or mining shall commence until:<br>(i) the relevant compliance reports in Condition 121 have been completed to the satisfaction of the Director-General; and<br>(ii) the Applicant provides evidence to the Director-General of an agreement with the adjoining Bloomfield mine for the use of rail loading infrastructure. | • Compliance Report for Construction submitted to DUAP 20 Oct 2000<br>• Compliance Report for Mining submitted to DUAP 17Jan 2001<br>• Agreement with Bloomfield Mine 26 Oct 2000<br>• Letter from DIPNR re Approval for Continued Use of Bloomfield Washery, 22 July 2003<br>• Letter from DIPNR re Approval for Continued Use of Bloomfield Washery, 4 Jan 2006 | YES | | (i) the Compliance Reports for construction and commencement of mining were prepared and submitted to DUAP prior to commencement of the activities on the site in 2001.<br><br>(ii) An Initial Agreement between Donaldson Coal and Bloomfield occurred in 2000 for the use of the Bloomfield Washery for processing Donaldson Coal. Continued use of the Bloomfield Washery and rail loading infrastructure in accordance with the Oct 2000 Agreement has been approved by the Director-General in 2003 and 2006, and Donaldson Coal have an ongoing Agreement with Bloomfield for the use of the rail loading infrastructure. |
| | |  **Bloomfield rail loading facility – used for Donaldson Mine coal loading and transport from the Bloomfield Coal Washery Plant** | | | |

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| **ENVIRONMENTAL OFFICER** | | | | | |
| **8** | The Applicant shall employ an Environmental Officer, whose qualifications are suitable to the Director-General, throughout the life of the mine. The Environmental Officer shall:<br>(i) be responsible for the preparation of the Environmental Management Strategy and environmental management plans;<br>(ii) be responsible for considering and advising on matters specified in the Conditions of this Consent and compliance with such matters;<br>(iii) be responsible for receiving and responding to complaints;<br>(iv) facilitate an induction and training program for all persons involved with construction activities, mining and environmental management activities; and<br>(v) have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur. | ▪ Letter to Planning NSW re Phillip Brown qualifications and experience, 7 April 2003<br>▪ Letter to Planning NSW re Appointment of Environmental Officer, 30 May 2003<br>▪ Letter to DMR re Appointment of Environmental Officer, 30 May 2003<br>▪ Letter to NPWS re Appointment of Environmental Officer, 30 May 2003<br>▪ Letter to Newcastle City Council re Appointment of Environmental Officer, 30 May 2003<br>▪ Letter to Maitland City Council re Appointment of Environmental Officer, 30 May 2003<br>▪ Letter to Cessnock City Council re Appointment of Environmental Officer, 30 May 2003<br>▪ Letter to Mindaribba Aboriginal Lands Council re Appointment of Environmental Officer, 30 May 2003<br>▪ Letter to EPA re Appointment of Environmental Officer, 30 May 2003<br>▪ Letter to Community Consultation Committee re Appointment of Environmental Officer, 30 May 2003 | YES | | Phillip Brown was employed as permanent Environmental Officer in 2003 and Planning NSW was notified on 7 April 2003 as required by MCoA 8. |
| **9** | The Applicant shall notify the Director-General, EPA, DLWC, DMR, NPWS, Councils and the Community Consultative Committee (Conditions 107-110) of the name and contact details of the Environmental Officer upon appointment and upon any changes to that appointment. | | YES | | The authorities were notified 30 May 2003 by letter of the appointment of Phillip Brown. |
| **ENVIRONMENTAL MANAGEMENT STRATEGY** | | | | | |
| **10** | The Applicant shall prepare an Environmental Management Strategy (the Strategy) for the development, providing a strategic context for environmental management. All environmental management plans required by the Conditions of this Consent shall be consistent with the Strategy. The Strategy shall be prepared in consultation with the relevant authorities and the Community Consultative Committee and to the satisfaction of the Director-General, prior to commencement of construction. | • Environmental Management Strategy - Donaldson Mine May 2000<br>• Environmental Management Strategy - Revision EMS Operating Manual (EOM-1), Nov 2002<br>• Environmental Management Strategy, 2008<br>• Letter from DoP re Revision of Environmental Management Strategy, 26 Feb 2008 | YES | | The Environmental Management Strategy was prepared in May 2000 for the Donaldson Mine for construction of the mine and mining operations.<br>Revision of the EMS occurred to integrate the requirements of the Donaldson Mine and the mining contractor to provide a single EMS for the project occurred in 2002.<br>Review and revision of the EMS has occurred as management plans for the Donaldson Coal operations are revised and an integrated Environmental Management Strategy to include the Tasman and Abel Coal projects was approved by DoP on 26 February 2008. |

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| **11** | The Strategy shall cover the area of mining, the haul road and rail loading facility, and the Conservation Areas. The Strategy shall include:<br>(i) statutory and other obligations which the Applicant is required to fulfil during construction and mining, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;<br>(ii) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management;<br>(iii) overall environmental management objectives and performance outcomes, during construction, mining and decommissioning of the mine;<br>(iv) overall ecological and community objectives and a strategy for restoration and management; | • Environmental Management Strategy - Donaldson Mine, May 2000 and Revision EMS Operating Manual (EOM-1) November 2002<br>• Revised Environmental Management Strategy 2008 | YES | | The Environmental Management Strategy prepared for the Donaldson Mine included sections addressing each of the elements of ISO14001 and the requirements of MCoA 11.<br><br>The Environmental Management Strategy provides the system and procedures for environmental management of the project and reference to relevant documentation for the implementation and maintenance of the programs by Donaldson Coal. |
| **12** | The Applicant shall make copies of the Environmental Management Strategy available to Councils, EPA, DLWC, NPWS, DMR and the Community Consultative Committee within 14 days of approval by the Director-General. | • Letters to authorities with a copy of the EMS to Director-General and CCC, 22 Jun 2000<br>• Letter from DUAP re EMS, 10 Oct 2000<br>• Letters to EPA, DLWC, DMR, NPWS, Cessnock City Council, Maitland City Council, and Newcastle City Council, with a copy of the EMS, 17 January 2001<br>• Letters to DECC, DPI, NPWS, Cessnock City Council, Maitland City Council, and Newcastle City Council, and CCC with revised EMS, March 2008 | YES | | Copies of the Environmental Management Strategy and revisions prepared for Donaldson Coal projects have been made available to the Councils, DECC, DPI and CCC. |
| **ENVIRONMENTAL MONITORING AND REPORTING** | | | | | |
| **13** | (1) Except as provided in (2), the Applicant shall provide six-monthly monitoring reports on all environmental monitoring required under this Consent for the first three years of the project and for any further period as may be determined necessary by the Director-General. The reports shall contain interpretations of the monitoring data, and summarise exceedances and action taken. The Applicant shall make copies of the monitoring reports available to the Director-General, DLWC, EPA, DMR, Councils and the Community Consultative Committee, and to NPWS where relevant.<br>(2) Noise monitoring reports shall be provided six-monthly for the life of the mine, unless the Director-General, on the advice of the independent noise expert (Condition 48) requires more frequent reports. | • Letter from DIPNR re Approval of Submission of Environmental Monitoring Reports on an annual basis, 1 April 2004<br><br>• AEMR - Nov 2006 to Oct 2007<br>• AEMR - Nov 2007 to Oct 2008<br>• AEMR - Nov 2008 to Oct 2009 | YES | | Monitoring Reports including all noise, blasting, air quality, surface and groundwater, indigenous heritage, flora and fauna, employment statistics, community consultation and complaints, were prepared six monthly and provided to the relevant authorities listed in MCoA 13 (1) between 2001 and 2004.<br><br>DIPNR approved the reporting of monitoring an annual basis on 1 April 2004.<br><br>All monitoring data and reporting has occurred in the AEMR's since 2004. |

<table>
<tr><td>14</td><td>All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program. Only accredited laboratories shall be used for laboratory analysis.</td><td>• Monitoring Data - Donaldson Mine -Quality Assurance/Quality Control Quarterly Reports</td><td>YES</td><td></td><td>Quality assurance/Quality Control information and data is included in the laboratory reports with the monitoring data.<br><br>All sampling and analysis has been conducted by Ecowise Environment NATA or AS/NZS ISO 17025 registered laboratories, as from 23 May 2002.</td></tr>
<tr><td colspan="6">NOISE AND VIBRATION</td></tr>
<tr><td colspan="2">Noise Limits:</td><td></td><td></td><td></td><td></td></tr>
<tr><td>15</td><td>Except as may be expressly provided by a DEC licence under the POEO Act 1997, or unless subject to a negotiated agreement in accordance with Condition 23, the Applicant shall ensure that the noise emission from construction or mining operations, when measured or computed at the boundary of any dwelling not owned by the Applicant, shall not exceed the following limits:
<table>
<tr><th>Location $_{LA10(15\ minute)}$ noise limits (dB(A))</th><th>Daytime</th><th>Night-time</th></tr>
<tr><td>Beresfield (residential)</td><td>45</td><td>35</td></tr>
<tr><td>Steggles Poultry Farm</td><td>50</td><td>40</td></tr>
<tr><td>Ebenezer Park</td><td>46</td><td>41</td></tr>
<tr><td>Black Hill Area</td><td>40</td><td>38</td></tr>
<tr><td>Buchanan/Louth Pk</td><td>38</td><td>36</td></tr>
<tr><td>Ashtonfield Area</td><td>41</td><td>35</td></tr>
<tr><td>Thornton Area</td><td>48</td><td>40</td></tr>
</table>
Table 2: Noise Limits</td><td>• Quarterly Noise Monitoring Reports - Richard Heggie Associates<br>○ March, June, September & December 2007<br>○ March, June, September & December 2008<br>○ March, June, September & December 2009</td><td>YES</td><td></td><td>Quarterly Noise Surveys have been conducted by Richard Heggie Associates and include both attended and unattended monitoring. Results of the monitoring and data are summarised and reported in the AEMR's.<br><br>Attended noise survey results generally identified that noise levels contributed by Donaldson Mine operations do not exceed noise emission goals for any of the periods. The mine operations were recorded as inaudible at each of the monitoring sites for the majority of the attended monitoring periods.<br><br>Unattended noise surveys were affected by traffic activity on the roads external to the mine, insects and wind effects with the $LA_{90}$ results exceeding the noise goals at the Bartter Farm location.</td></tr>
<tr><td colspan="2">Noise Management:</td><td></td><td></td><td></td><td></td></tr>
<tr><td>16</td><td>Prior to 31 October 2005, the Applicant shall prepare a Noise Monitoring Program for the development in consultation with the DEC, and to the satisfaction of the Director-General, which includes a noise monitoring protocol for evaluating compliance with the criteria in condition 15.</td><td>• Email to DoP re Mine Noise Monitoring Plan, 31 Oct 2005<br>• Letter from DEC re Noise Monitoring Program, 13 Dec 2005<br>• Letter from DoP re Approval of the Noise Monitoring Program, 22 Jan 2007</td><td>YES</td><td></td><td>The Mine Noise Monitoring Plan was forwarded to DoP and DEC in Oct 2005 and a final revised copy submitted on 27 Dec 2005 for approval. The Plan was approved by DoP on 22 Jan 2007.</td></tr>
<tr><td>17</td><td colspan="5">Condition deleted in Notice of Modification 26 August 2005</td></tr>
<tr><td>18</td><td colspan="5">Condition deleted in Notice of Modification 26 August 2005</td></tr>
<tr><td>19</td><td colspan="5">Condition deleted in Notice of Modification 26 August 2005</td></tr>
<tr><td>20</td><td>In the event that a landowner or occupier considers that noise or vibration from the project at their property is in excess of the relevant criteria set out in this Consent, the Applicant shall, upon receipt of a written request and at its own expense immediately undertake direct</td><td></td><td>Not activated.</td><td></td><td>No request for acquisition by any land owners due to noise or vibration impact had been initiated prior to April 2007.</td></tr>
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| | discussion with the landowners or occupiers affected to determine their concerns. Independent investigations of the noise complaints shall be carried out if the matter is not resolved within six weeks, in accordance with Conditions 48-53 | | | |
| **Noise Acquisition:** | | | | |
| **21** | If noise monitoring or independent noise investigations indicate that noise from construction or operation of the mine at the boundary of a dwelling, or within 30 metres of the dwelling where the boundary is more than 30 metres from the dwelling, is in excess of the noise limits set out in this Consent under adverse weather conditions and if appropriate noise control measures cannot be achieved on the mine site, the landowner may request the Applicant in writing to acquire the whole of the property or such part of the property requested by the landowner where subdivision is approved.<br>*Note: Adverse weather conditions means the presence of winds up to 3 metres per second, and/or temperature inversions of up to 4 degrees Celsius per 100 metres.* | | Not activated. | . |
| **22** | Any such request shall be referred to the Director-General for determination in consultation with the independent expert. If the Director-General determines acquisition is necessary, the Applicant shall acquire the property in accordance with Conditions 54-55. | | Not activated | |
| **Negotiated agreements:** | | | | |
| **23** | If monitoring or independent investigations indicate that noise or dust from the mine is in excess of the criteria set out in this Consent and the affected landowner does not wish to be acquired, the Applicant shall, if requested by the affected landowner, enter into a negotiated agreement. Where a negotiated agreement is required, the Applicant shall, within the time period specified by the Director-General:<br>(i) appoint an independent facilitator, approved by the Director-General;<br>(ii) negotiate a package of benefits for the landowner, which may include undertaking noise reduction measures on the property or at the dwelling(s) or compensation;<br>(iii) pay all reasonable costs of the process; and<br>(iv) report to the Director-General and the EPA on the agreement reached. | | Not activated. | No requirement for a negotiated agreement with any land owners had been initiated prior to April 2010. |
| **Blasting Criteria:** | | | | |

<table>
<tr>
<td>24</td>
<td>The Applicant shall ensure that the airblast over pressure level from blasting at the development does not exceed the criteria in Table 3, and the ground vibration level does not exceed the criteria in Table 4, at any residence on privately owned land or noise sensitive location as defined in the EPA's Industrial Noise Policy.
<table>
<tr><th>Airblast overpressure (db(Lin Peak)</th><th>Allowable exceedance</th></tr>
<tr><td>115</td><td>5% of total number of blasts in a 12 month period</td></tr>
<tr><td>120</td><td>0%</td></tr>
</table>
Table 3: Airblast Overpressure Impact Assessment Criteria
<table>
<tr><th>Peak Particle Velocity mm/s</th><th>Allowable exceedance</th></tr>
<tr><td>5</td><td>5% of total number of blasts in a 12 month period</td></tr>
<tr><td>10</td><td>0%</td></tr>
</table>
Table 4: Ground Vibration Impact Assessment Criteria</td>
<td>• Blast Monitoring Data - Six Monthly Monitoring Reports<br>• Blast Monitoring and Assessment Reports, Hunter Acoustics<br>• AEMR Nov 2006 to Oct 2007<br>• AEMR Nov 2007 to Oct 2008<br>• AEMR Nov 2008 to Oct 2009</td>
<td>YES</td>
<td></td>
<td>Monthly monitoring reports are prepared by Hunter Acoustics for the Donaldson Mine blast events.<br><br>Blast overpressure monitoring results for the Donaldson Mine operations did not indicated exceedance of the 115dBL 5% criteria between April 2007 and March 2010.<br><br>Vibration monitoring has indicated that peak particle velocity (ppv) criteria were not exceeded at any of the monitoring sites (i.e. Weakleys Drive, Fairfax Printing and Avalon Estate) during the 2007 to 2010 period.</td>
</tr>
<tr>
<td rowspan="2">25</td>
<td>(1) The Applicant shall not blast within 500 metres of an occupied residence.</td>
<td></td>
<td>YES</td>
<td></td>
<td>(1) There are no residential properties within 500 metres of the mining operations.</td>
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<tr>
<td>(2) The Applicant shall not blast within 500 metres of private lands unless there is a written agreement between the Applicant and the landowner/occupier(s) to the satisfaction of the Director-General that guarantees the safety of persons who might use those lands.</td>
<td>• MOP Donaldson Mine Open Cut<br>• Email re Notification of Blasting within 500m of land owned by Graham Burns, 28 July 2003<br>• Letter from Diocese Financial Secretariat re Buffer Zone Agreement with Donaldson, 1 June 2004</td>
<td>YES</td>
<td></td>
<td>(2) Notification occurred to Graham Burns, on bushland (Lot 115 DP240782) to the east of the Donaldson Mine property boundary, re blasting that may occur within 500 metres of the blast areas at the mine.<br><br>The Financial Secretariat of the Diocese advised that they did not see any benefit in the erection of a fence along the boundary of the 500m buffer zone delineated in the Donaldson Agreement, in relation to the safety of persons who might use the land, as the survey line was visibly pegged.<br>Catholic Diocese advised it wished to demolish 2 buildings within the Donaldson Mine 500m buffer zone.- this action required approval under MCoA 25.<br>Notification was provided by the Catholic Diocese on 10 Jun 2004. No other notifications in relation to the 500m buffer zone have been required.</td>
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| | (3) The Applicant shall not blast within 500 metres of public lands unless public access to those areas is prevented at times of blasting. | • Letter to DIPNR re Agreement with RTA for the Short Term Closure of John Renshaw Drive, 8 Oct 2004<br>• RTA Hunter Road Safety and Traffic Road Occupancy Licence No.34, 28 Dec 2006<br>• RTA Road Occupancy Licence, 16 Mar 2010 | YES | | (3) An Agreement between Donaldson Coal and the RTA was signed in 2004 and a Road Occupancy Licence obtained in 2006 in relation to any short-term closure of John Renshaw Drive during blasting operations within 500 metres the public road. The Road Occupancy Licence with the RTA has been extended each six months since 2006, to allow Donaldson Coal to effect short-term road closures (of no greater than 10 minutes) when blasting was to occur at the mine within 500m of the pubic road. |
| | (4) The Applicant shall not blast within 500 metres of a public road unless the road is closed with the prior written agreement of the Regional Traffic Committee (or in the absence of the Regional Traffic Committee, the Director-General). A copy of any such agreement shall be supplied to the Director-General within 14 days of the agreement.<br>If determined necessary by the Regional Traffic Committee, the Applicant shall prepare a Traffic Study to identify upgrading of the surrounding road system commensurate with the additional traffic volumes. The Study shall be prepared in consultation with Councils and the RTA, and to the satisfaction of the Regional Traffic Committee. All recommended traffic management measures and road infrastructure upgrading are to be undertaken at the Applicant's expense prior to any closure of John Renshaw Drive. If the study identifies the need for acquisition to enable the works to be undertaken, acquisition shall occur in accordance with the acquisition procedures established under this Consent. | • Traffic Management Plan, July 2004 (Traffic Management & Safety Consultants)<br>• Letter to DIPNR re Agreement with RTA for the Short Term Closure of John Renshaw Drive, 8 Oct 2004<br>• RTA Hunter Road Safety and Traffic Road Occupancy Licence No.34, 28 Dec 2006<br>• RTA Hunter Road Occupancy Licence, Application 930, Extension 16 Mar 2010 | YES | | An Agreement between Donaldson Coal and the RTA was signed in 2004 and a Road Occupancy Licence obtained in 2006 in relation to any short term closure of John Renshaw Drive during blasting operations that are within 500 metres the public road. Donaldson Coal have applied for and received an Extension from RTA for closure of John Renshaw Drive (Main Road 588) during blasting events at the Donaldson Mine. |
| | (5) The 500 metre distance may be reduced by the Director-General if a risk analysis undertaken by the Applicant to the Director-General's requirements indicates a lesser distance provides an appropriate level of safety. | | Not activated at the time of this audit. | | |
| **26** | The Applicant shall prepare and implement a Blast Management Plan in consultation with DMR and Councils, prior to the commencement of blasting (including trial blasting). The Applicant shall make copies of the Blast Management Plan available to the independent noise expert (Condition 48), EPA, DMR, Councils and the Community Consultative Committee within 14 days of approval by the Director-General. | • Blast Management Plan February 2001<br>• Letters and a copy of the Blast Management Plan forwarded to DUAP /Independent Noise Expert, EPA, DMR, Cessnock City Council, Maitland City Council, Newcastle City Council and CCC, February 2001<br>• Revised Blast Management Plan, 2007<br>• Letter from DoP re Revised Blast Management Plan, 17 Jul 2007 | YES | | Blast Management Plan was developed for the Donaldson Mine in consultation with the DMR and Maitland City Council, Cessnock City Council, and Newcastle City Council, prior to the commencement of blasting at the Donaldson Mine and copies of the Plan were distributed to the relevant authorities and the CCC.<br><br>The Blast Management Plan was revised in 2007 and approved by DoP. |

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| | The Blast Management Plan shall:<br>(i) provide details of any proposed trial blasting; | | | | (i) The Blast Management Plan 2001 addresses Trial Blasting in Section 6.2. |
| | (ii) identify a monitoring program, including locations and justification for selection of locations such as the Steggles Black Hill poultry operations and areas of old underground mine workings; | | YES | | (ii) The Blast Management Plan 2001 Section 8 addressed the Monitoring Program for the specified areas. The blast monitoring program has been actioned for each blast event at the Donaldson Mine between 2007 and 2010. |
| | (iii) detail measures to ensure that air blast overpressure and vibration monitoring and control is generally carried out in accordance with the recommendations of Australian Standard AS-2187-1993 (or its latest version) and in terms of ANZECC Guidelines; | • Blast Monitoring and Assessment Reports, Hunter Acoustics, October 2009 and March 2010 | YES | | The Blast Management Plan 2001 addresses Monitoring Procedures, in Section 8.<br><br>The monthly Blast Monitoring and Assessment Reports by Hunter Acoustics address the quality control and monitor the data collection and recording. |
| **27** | (iv) detail methods to measure weather data as soon as practicable prior to blasting and from that data predict whether noise levels are likely to be increased above the levels expected under prevailing meteorological conditions; | • Blast Management Plan Feb 2001<br>• Letter from DoP re Revised Blast Management Plan, 17 Jul 2007 | YES | | The Blast Management Plan 2001 addresses Meteorological Data Collection in Section 7.2 and Table 9.4.1.<br><br>The meteorological station located at the Donaldson Mine provides continuous records of the prevailing weather conditions and this data is available immediately prior to blasting. |
| | (v) detail measures to be taken to minimise disruptions from blasting, including any road closures agreed in accordance with Condition 25, and management of impacts on local traffic and pedestrian movements; | RTA Hunter Road Occupancy Licence, Application 930 | YES | | (iii) The Blast Management Plan 2001 addresses minimisation of disruptions caused by blasting in Section 7.3.<br>John Renshaw Drive road closure only occurs for a maximum of 10 minutes at the time of any blast in accordance with the RTA Road Occupancy Licence, |
| | (vi) specify procedures for ensuring that the occurrence of concurrent blasts with the adjoining coal mine operators is avoided; and | • Blast Management Plan 2007, section 7.4 | YES | | The Blast Management Plan 2001 addresses timing of blasts in Section 7.4. |
| | (vii) identify procedures for notifying landowners/occupiers within 2 km of the site of the general blasting program and for notifying landowners or occupiers within 500m of blasting events (or any reduced area approved by the Director-General under Condition 25(5)) prior to blasting occurring. | • Blast Management Plan, 2007 section 7.5 | YES | | The Blast Management Plan addresses Notification of blasting events to land owners in Section 7.5. Blast notification is provided to landowners within 2km of the blast area. Newcastle Fairfax and the chicken farms are advised prior to each blast. |
| **28** | The Applicant shall not blast if weather conditions indicate that air blast overpressure levels are likely to be exceeded at residences not owned by the Applicant. | | YES | | The meteorological station located at the administration building at the Donaldson Mine provides continuous weather data and wind speed. Suitability of meteorological conditions is checked prior to each blast. |

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| **29** | The Applicant shall report on blasting practices (including any trial blasting), weather data and the results of blast emissions monitoring in the six-monthly environmental monitoring reports and in the AEMR. | • AEMR Nov 2006 to Oct 2007<br>• AEMR Nov 2007 to Oct 2008<br>• AEMR Nov 2008 to Oct 2009<br>• Blast Monitoring and Assessment Reports, Hunter Acoustics, October 2009 and March 2010 | YES | | Blast monitoring data and meteorological conditions were reported in the Monthly Monitoring Reports prepared by Hunter Acoustics and the blast monitoring results are reported in the AEMR's. |
| **30** | The Applicant shall revise the Blast Management Plan as necessary and provide an updated Plan five years after commencement of mining to the Director-General, the independent noise expert, EPA, DMR, Councils and the Community Consultative Committee. | • Blast Management Plan 2000<br>• Email to Heggies re Blast Management Plan review and revision, 13 Feb 2007<br>• Letter from DoP re Revised Blast Management Plan, 17 Jul 2007 | YES | | The Blast Management Plan was revised and submitted to the DoP on 16 July 2007. Approval from DoP was received on 17 July 2007. |
| **31** | Prior to the commencement of blasting, the Applicant shall undertake baseline structural surveys of all buildings and structures within 1.5 kilometres of blasting locations, unless it can be demonstrated to the satisfaction of the Director-General in consultation with DMR that surveys of certain properties are unnecessary because blasting damage is unlikely to occur to those properties. In conducting these structural surveys, the Applicant shall ensure that:<br>(i) the surveys are carried out by a technically qualified person, as agreed in consultation with the Director-General and relevant landowners; and<br>(ii) a copy of any inspection report (including video or photographs, if requested), certified by the person who undertook the inspection, is supplied to the relevant property owner within 14 days of receipt of same. | • Structural Survey Reports December 2000<br>• Letter to ABAKK Pty Ltd re Structural Inspections, January 2007 | YES | | Two consultants - Burke Engineering Services and Geoff Craig & Associates, were offered to building owners for the structural survey reports in 2000.<br><br>All the required surveys of residences that were in existence when blasting commenced were conducted prior to blasting at the mine site, except for buildings on the Steggles property (as per a commercial agreement with Steggles). The survey of ABAKK House at the western end of the property was carried out later when the Donaldson Mine operations progressed to the west.<br><br>Donaldson Coal corresponded with ABAKK Pty Ltd in 2007 in relation to three dwellings and infrastructure that would be within 1500m of the area of blasting at the Donaldson Mine and arranged for structural inspections.<br><br>A copy of the structural survey reports were provided to the property owners for each residence/structure. |
| **32** | In the event that a landowner or occupier considers that blast emissions from the development may have affected the material condition of their property, the landowner may make a written request to the Director-General for an independent dilapidation assessment. If the Director-General, in consultation with the DMR, is satisfied that an independent investigation is required, the Applicant shall ensure:<br>(i) the survey is carried out by a technically qualified person, as agreed in consultation with the Director-General and the relevant landowners or occupiers; and<br>(ii) a copy of any inspection report (including video or photographs, if requested), certified by the person who undertook the inspection, is supplied to the relevant property owner within 14 days of receipt of same. | | Not activated at the time of the environmental audit. | | No requests for structural surveys have been received between April 2007 and April 2010. |

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| **33** | Where a dilapidation assessment concludes that structural damage has occurred as a result of blast emissions, the Applicant shall undertake immediate preventative and/or remedial measures at its expense. | | YES | | One re-assessment was conducted on 23 July 2001 following a complaint. Blasting had not occurred prior to the complaint. First blast occurred on 15 November 2001.<br>No further dilapidation assessments have been requested or undertaken since 2001. |
| **Newcastle Herald's Printing Facilities at Holmwood Business Park** | | | | | |
| **34** | Prior to commencement of mining, the Applicant shall:<br>(i) conduct ambient vibration monitoring adjacent to (on the floor) and if required, on the most vibration-sensitive component of the printing facilities in order to establish both the levels of ambient vibration generated by the operation of the Printing Facility itself and that of any other nearby vibration sources;<br>(ii) provide a detailed report on the monitoring procedures and the monitoring results and findings to the Newcastle Herald upon completion of the survey;<br>(iii) meet with Herald representatives to discuss the results of the survey and determine whether the initially agreed limit of 0.3 mm/s is appropriate; and<br>(iv) design initial blasting for compliance with a peak particle velocity vibration criterion of 0.3 mm/s adjacent to or on the Printing Facility, unless a more appropriate limit is mutually agreed. | • Blast Vibration Assessment Report Sept 2001, Richard Heggie Associates Rep.10-1149-R4<br>• Letter from Newcastle Fairfax re Blast Vibration Assessment Sept 2001<br>• Letter to DUAP re Change in ppv Agreed by Fairfax, 18 December 2001 | YES | | Blast Vibration Assessment was conducted for the Newcastle Fairfax Printing facility in 2001. The report results established the ambient vibration levels at the site.<br><br>Discussions with Fairfax in 2001 resulted in an agreement that the vibration criteria be increased to 3 mm/s ppv. Correspondence in relation to the 3mm/s ppv was received by Donaldson and DUAP advised of the change on 18 December 2001. |
| **35** | The Applicant shall monitor the impacts of blasting on the Printing Facility throughout the life of the mine, at a mutually agreed location in or adjacent to the Printing Facility during every blast. The Applicant shall provide results of the monitoring to the Newcastle Herald and provide a summary in the AEMR. | • Letter from Fairfax Regional Printers re Blast Vibration Assessment, 19 Nov 2001<br>• Letter to Newcastle Herald Printing Facility re Vibration Criteria, 18 Dec 2001<br>• Email to Fairfax Regional Printers re Blast Monitor Results, 8 March 2007<br>• Blast Monitoring Results – Fairfax Regional Printers 15 Nov 2001 to 1 March 2010<br>• Blast Monitoring Results 2008-09 Fairfax Regional Printers, 31 Mar 2010<br>• AEMR's Table 19 Section 3.2.10 | YES | | The Fairfax monitoring location was agreed with Donaldson Coal and vibration criteria of 3mm/sec agreed between Donaldson and Fairfax for blast vibration assessment. The blast results have been presented in the monthly Monitoring Reports and the AEMR.<br>All Blast Monitoring Results for peak particle velocity results between 15 Nov 2001-1 Mar 2007 have been <1.0mm/sec.<br><br>**Year** / **No. of Blasts** / **No. of Results** / **Vibration at Fairfax >3mm/sec**<br>2006 / 42 / 40 / -<br>2007 / 13 / 13 / -<br>2008 / 32 / 31 / -<br>2009 / 38 / 37 / - |

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| **Hunter Water Corporation Pipelines** | | | | | |
| **36** | The Applicant shall ensure that blasting is undertaken in a manner that protects the Hunter Water Corporation pipeline, to the satisfaction of the Hunter Water Corporation. | • Letter from Hunter Water Corporation re Vibration Limit for the Pipeline, 29 Sep 2006<br>• Email to Hunter Water Corporation re Repositioning of Blast Monitors, 23 Oct 2006<br>• Survey of Hunter Water Corporation pipeline, Asquith & De Witt, 7 Feb 2007<br>• Blast Monitoring and Assessment Reports, Hunter Acoustics, Oct 2009 and Mar 2010 | YES | | Consultation with HWC resulted in agreement of a peak particle velocity of 100mm/sec at the pipeline.<br><br>Vibration monitoring has been conducted for each blast at monitors located along the pipeline corridor.<br><br>No results have exceeded the blast criteria agreed between Donaldson Coal and HWC for the pipeline infrastructure. |
| **AIR QUALITY** | | | | | |
| **Air Quality Criteria:** | | | | | |
| **37** | The Applicant shall take all practical steps to manage the mine's operations so that the ambient air quality goals for total suspended particles (TSP) of 90ug/$m^3$ (annual average) and the dust deposition goal of 4gm/$m^2$ (annual average) are not exceeded as a result of the development when monitored at any monitoring location specified in the Air Quality Management Plan. | • AEMR Nov 2006 to Oct 2007<br>• AEMR Nov 2007 to Oct 2008<br>• AEMR Nov 2008 to Oct 2009<br>• Air Quality Monitoring Results Monitoring Reports, Holmes Air Sciences | YES | | The air quality results reported for the Donaldson Mine are compliant with the criteria in MCoA 37. |
| **Air Quality Management:** | | | | | |
| **38** | The Applicant shall prepare and implement an Air Quality Management Plan, containing strategies to manage the mine's contribution to dust deposition, TSP, PM10 and PM2.5 to the satisfaction of the Director-General, prior to the commencement of construction. The Applicant shall make copies of the Air Quality Management Plan available to the independent expert (Condition 48), EPA, Councils and the Community Consultative Committee within 14 days of approval by the Director-General. | • Letter to DUAP re Air Quality Management Plan 13 Aug 2000<br>• Letter from DUAP re Approval of Air Quality Management Plan 14 Aug 2000<br>• Air Quality Management Plan Nov 2000<br>• Letters to EPA, Cessnock City Council, Maitland City Council, Newcastle City Council re Air Quality Management Plan, Nov 2000 Blast Monitoring and Assessment Reports, Hunter Acoustics, October 2009 and March 2010<br>• | YES | | The Air Quality Management Plan for the Donaldson Mine was finalised in November 2000 and presented to the CCC on 13 November 2000.<br><br>The Air Quality Management Plan was reviewed in 2005 and a revision prepared in 2007. |

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| **39** | The Air Quality Management Plan shall:<br>(i) identify potential sources of dust deposition, TSP and fine particulates (PM10 and PM2.5) and specify appropriate monitoring intervals and locations. The purpose of the monitoring is to evaluate, assess and report on these emissions and the ambient impacts with the objective of understanding the mine's contribution to levels of dust deposition, TSP and fine particulates in ambient air around the mine site; | ▪ Air Quality Management Plan, Section 2 | YES | | (i) Air Quality Management Plan addresses potential sources of dust emissions and presents an appropriate monitoring program in Section 2.<br>The monitoring program was implemented and the results of the dust deposition, TSP, PM10 and Duistrak recording are presented in the AEMR's section 3.2. |
| | (ii) provide the mine's monitoring plan having regard to local meteorology and the relevant Australian Standards, identifying the methodologies to be used, including justification for monitoring intervals, weather conditions, seasonal variations, selecting locations, periods and times of measurements; | • Air Quality Management Plan November 2000, Holmes Air Sciences Pty Ltd<br>• Air Quality Management Plan Section 5 | YES | | (ii) Air Quality Management Plan addresses the monitoring plan in Section 5. |
| | (iii) provide the design of any modelling or other studies, including the means for determining the contribution to dust deposition, TSP and fine particulates from the development; | Air Quality Management Plan Section 5 | YES | | (iii) Air Quality Management Plan addresses modelling and other studies in Section 5. |
| | (iv) provide details of dust suppression measures for all sources of dust from the development (including the haul road and the rail loading site); | Air Quality Management Plan Section 6 | YES | | (iv) Air Quality Management Plan addresses dust suppression measures in Section 6. |
| | (v) provide details of actions to ameliorate impacts if they exceed the relevant criteria; and | Air Quality Management Plan Section 7 | YES | | Air Quality Management Plan addresses amelioration and mitigation measures for dust control in Section 7. |
| | (vi) provide the design of the reactive management system intended to reduce the day-to-day impacts of dust and fine particulates due to the mine's operation. | Air Quality Management Plan Section 7.2, 7.4 and 7.5 | YES | | Air Quality Management Plan addresses dust management procedures in Section 7.2, 7.4 and 7.5. |
| **40** | The Applicant shall ensure the prompt and effective rehabilitation of all disturbed areas as soon as practicable to minimise the generation of dust. | | YES | | Rehabilitation has progressively occurred on disturbed land at the Donaldson Mine overburden and backfill areas to minimise generation of wind blown dust, with revegetation established using local indigenous species. |
| **41** | The Applicant shall cease offending work at such times when the hourly average wind speed exceeds 5 metres per second and the operations are resulting in visible dust emissions blowing in a direction so as to cross onto public roads or lands not owned by the Applicant. | | YES | | The meteorological station installed at the Donaldson Mine site provides continuous reading of wind speed. Results are available instantly on computer at the Donaldson site offices. Wind speed above 5 m/s triggers a response to stop work at the mine site until conditions return to below 5 metres/sec. |

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| **42** | The Applicant shall revise the Air Quality Management Plan as necessary and provide an updated Plan five years after commencement of mining and to the Director-General, independent air quality expert (Condition 48), EPA, Councils and the Community Consultative Committee. | • Air Quality Management Plan Nov 2000<br>• Email from Holmes Air Services re Air Quality Management Plan revision, 2 March 2007<br>• Letter from DoP re Revised Air Quality Management Plan, 25 Oct 2007 | YES | | The Air Quality Management Plan and monitoring program was reviewed by Holmes Air Services in 2007 and it was concluded that the plan was adequate anddid not require to be updated. The DoP accepted that the Air Quality Management Plan did not require revision following the review by Holmes Air Services. |
| **Air Quality Monitoring** | | | | | |
| **43** | The Applicant shall install, maintain and continuously operate a meteorological station in accordance with the relevant Australian Standards and to the satisfaction of the EPA. The meteorological station shall be installed within six weeks of the date of this consent and remain for the life of the mine. The Applicant shall analyse and report the meteorological data on a monthly basis to adequately characterise the site, and shall use the data collected by the wind monitoring and recording station to determine when and how the mine operation is to be modified in accordance with the Air Quality Management Plan and the Conditions of this Consent. | Fax to EPA re Meteorological Station location, 8 January 2001. | YES | |  <br>**Meteorological station installed at the Donaldson Mine site office**.<br><br>Meteorological data is collected continuously and analysed monthly in the air quality reports prepared by Holmes Air Sciences. |
| **44** | The Applicant shall install, maintain and operate dust deposition gauges in accordance with the relevant Australian Standards and to the satisfaction of the EPA. The dust deposition gauges shall be installed and operational within six weeks of the date of this consent and the Applicant shall determine the dust deposition rate in grams/$m^2$/month in each calendar month so that any increases in dust deposition rates can be presented in the AEMR. | • Depositional Dust Gauge Audit Report, Metford Laboratories, 1 September 2006<br><br>• Air Quality Management Plan 2007 | YES | | Eleven dust deposition gauges have been installed on the Donaldson Mine site, in accordance with Australian Standard..<br>Dust deposition is analysed monthly and the data is presented by Holmes Air Services in a monthly report to Donaldson, and a summary of results presented in the AEMR's section 3.2.2, table 10. |

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| **45** | (1) The Applicant shall install, maintain and operate an air quality monitoring network in accordance with the relevant Australian Standards and to the satisfaction of the EPA. The network shall be installed and operational within six weeks of the date of this consent and in each calendar year the Applicant shall determine the concentrations of TSP in g/m3 (annual average) and fine particulates (PM10 and PM2.5) in g/m3 (24 hour average and annual average) so that the contribution of the mine to regional ambient air quality can be presented in the AEMR.<br>(2) The Applicant shall also participate in (and if appropriate contribute reasonable funds to) regional air quality studies conducted by or on behalf of the EPA or the Director-General. | • AEMR Nov 2006 to Oct 2007<br>• AEMR Nov 2007 to Oct 2008<br>• AEMR Nov 2008 to Oct 2009<br>• Air Quality Monitoring Results Monitoring Reports, Holmes Air Sciences | YES | | (1) See MCoA 44 above.<br>All air quality meteorological data is stored on the air quality database at the Donaldson Mine site.<br><br>High Volume Air Samplers (HVAS) have been installed at Bartter Enterprise site and Beresford Golf Course for collection of TSP, $PM_{10}$ and $PM_{2.5}$ particulate.<br>Data collected is reported in the AEMR's section 3.2.2, tables 11, 12 and 14.<br><br>(2) Air quality data provide to the EPA in EPL Annual Report and summarised in the AEMR's. No approach has been made to Donaldson Mine in relation to regional air quality studies. |
| **Air Quality Acquisition:** | | | | | |
| **46 - 47** | | | Not activated. | | |
| **INDEPENDENT MONITORING OF NOISE, VIBRATION OR DUST** | | | | | |
| **48-53** | | | Not activated | | |
| **ACQUISITION PROCEDURE** | | | | | |
| **54-55** | | | Not activated. | | |
| **INDEPENDENT VALUATION** | | | | | |
| **56-59** | | | Not activated. | | |
| **WATER** | | | | | |
| **Water Management:** | | | | | |
| **60** | The Applicant shall prepare and implement a Water Management Plan in consultation with DLWC, Councils, EPA and the Hunter Catchment Management Trust, and to the satisfaction of the Director-General, prior to the commencement of construction. The Applicant shall make copies of the Water Management Plan available to the EPA, DLWC, DMR, Councils, the Hunter Catchment Management Trust and the Community Consultative Committee within 14 days of approval by the Director-General. | • Water Management Plan Nov 2000<br>• Letter from DUAP re Approval of Water Management Plan, 2 Nov 2000<br>• Letters to EPA, DLWC, DMR, Cessnock City Council, Maitland City Council, Newcastle City Council, Hunter Catchment Management Trust, CCC re the Water Management Plan , 13 Nov 2000<br>• Water Management Plan, 2008 | YES | | The Water Management Plan 2000 was developed in consultation with the EPA, DLWC, Councils, Hunter Catchment Management Trust and to the satisfaction of the Director-General, prior to the commencement of construction.<br><br>The Water Management Plan was reviewed in 2005 and a revision of the Plan occurred in 2008. |

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| **61** | The Water Management Plan shall include but not be limited to:<br>(i) management of the impacts of the development on the quality and quantity of surface and groundwater, including water in dirty water dams and clean water diversion dams; | • Water Management Plan Nov 2000, Perrens Consultants Pty Ltd<br>• Water Management Plan, 14 Mar 2008 | YES | | (i) The Water Management Plan addresses the management of impacts of the development on the quality and quantity of surface and ground water in Section 3. |
| | (ii) stormwater and general surface runoff diversion to ensure separate effective management of clean and dirty water; | | | | (ii) The Water Management Plan addresses the management of impacts of the development on the quality and quantity of surface and ground water, in Section 3.3 and 3.4. |
| | (iii) stormwater management facilities designed to at least a 1:10 year storm design criteria; | | | | (iii) The Water Management Plan addresses the stormwater management issues, in Section 3.3. |
| | (iv) identification of any possible adverse effects on water supply sources (both surface and groundwater) of landowners or occupiers from the development, and implementation of mitigation measures as necessary; | | | | (iv) The Water Management Plan addresses possible adverse effects of the development on water supply sources, in Section 5. |
| | (v) identification of the fresh quality groundwater zones within the DA area and appropriate protection strategies; | | | | (v) The Water Management Plan addresses the quality of groundwater zones within the DA area, in Section 6. |
| | (vi) management of the impacts of the development on the quality and quantity of groundwater within 2 kilometres of the boundary of the DA area, with particular attention to mobilisation of salts and contingency plans for managing any adverse impacts; | | | | (vi) The Water Management Plan addresses the management of impacts on the quality and quantity of groundwater within 2km of the DA area, in Section 3 and 6. |
| | (vii) management of the impacts of the development on the quality and quantity of surface water discharged, including scheduling of mining operations to minimise the area excised from the catchment draining to Woodberry Swamp at any one time; | | | | (vii) The Water Management Plan addresses the management of impacts on the quality and quantity of surface water discharged from the Donaldson Mine site, in Section 5. |
| | (viii) identification of a defined buffer zone between the mine pit and Four Mile Creek and measures to minimise the risk of blast-induced fractures in the buffer zone to prevent saline seepage from the rehabilitated landform toward Four Mile Creek in the post-mining period; | | | | (viii) The Water Management Plan addresses the buffer zone and protection Four Mile Creek in Section 5.2.2 |
| | (ix) procedures for the maintenance of drainage systems and water management structures; and | | | | (ix) The Water Management Plan addresses the procedures for maintenance of drainage systems and water management structures in Section 4.2. |
| | (x) development of a strategy for the decommissioning of water management structures, including dirty water dams and clean water diversion dams, and long term management of the final void. | | | | (x) The Water Management Plan addresses the strategy for decommissioning of the water management structures in Section 4.3. |

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| **62** | The Applicant shall revise the Water Management Plan as necessary and provide an updated Plan five years after commencement of mining to the Director-General, EPA, DLWC, DMR, Councils, the Hunter Catchment Management Trust and the Community Consultative Committee. | • Water Management Plan Nov 2000,<br>• Water Management Plan, 14 Mar 2008 | YES | | The Water Management Plan was reviewed in 2005 and Tasman Mine requirements included. The Planwas further revised in 2008 to include the Abel Mine water management. |
| **Water monitoring** | | | | | |
| **63** | The Applicant shall prepare and implement a detailed monitoring program for groundwater and surface water in consultation with the Department, DPI, and the Hunter-Central Rivers Catchment Management Authority, throughout the life of the mine and for a period of at least 5 years after the completion of mining, or other such period as determined by the D_G. The results of the monitoring shall be included in the AEMR (Conditions 114-116).<br>The monitoring program shall contain:<br>(i) details of proposed monitoring sites, frequency and parameters to be tested;<br>(ii) pre-mining baseline data;<br>(iii) monitoring of surface water quality to detect any changes in ambient water quality between the mine site and the wetlands;<br>(iv) monitoring of macroinvertabrates and vegetation in accordance with the protocols developed by the Hunter SIGNAL biological assessment criteria, with an assessment of inflows to the wetlands;<br>(v) monitoring of stream bank and bed stability;<br>(vi) monitoring of the volume and quality of water transfer between the Donaldson and Bloomfield operations; and<br>(vii) a program for replacement of any monitoring bores destroyed by the development. | • Water Monitoring Program in Water Management Plan November 2000<br>• Water Management Plan, 14 Mar 2008<br>• Monthly Water Quality Monitoring Reports, Ecowise Environmental, Mar 2007 to Sep 2009<br>• Six monthly Macroinvertabrate Survey Reports, Robyn Tuft & Associates, 2006 - 2009 | YES | | (i) Water Quality Management Plan section 5.9<br>(ii) Water Quality Management Plan section 3 and the EIS<br>(iii) Water Quality Management Plan section 5.9 and 7<br>(iv) monitoring location located upstream and downstream in the three creeks, using SIGNAL and OZRIVER assessment criteria.<br>(v) Macroinvertabrate surveys include bank and bed stability.<br>(vi) Continuous metering of water transfer volumes between the Donaldson and Bloomfield operations occurs.<br>(vii) Four (4) monitoring bores destroyed as part of the mining operations. These will be replaced when the backfilling of the area is completed. |
| **64** | Prior to 31 October 2005, the Applicant shall revise, and then implement any necessary changes in the monitoring program for groundwater and surface water to the satisfaction of the Director-General. | • Water Management Plan 2005<br>• Email to DoP re Water Management Plan, 31 Oct 2005<br>• Email from DoP re Water Management Plan revision, 22 Dec 2005 | YES | | The Water Management Plan was revised in 2005 under the Notification of Modification condition with comments received from DLWC and DoP and response from Peter Dundon & Associates. |
| **Water Supply:** | | | | | |
| **65** | On request of a landowner whose water supply from licensed bore holes or springs has been determined by DLWC at any time to have been affected by the project, the Applicant shall replace lost water supply with water of an equivalent quality and quantity to meet the landowner's requirements, to the satisfaction of DLWC. | | Not activated at the time of this environmental audit. | | |

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| **EROSION AND SEDIMENT CONTROL** | | | | | |
| **66** | The Applicant shall prepare and implement an Erosion & Sediment Control Plan for the development (including the haul road and the relocation of utilities and services) to the satisfaction of DLWC and submit the Plan to the EPA as part of applications for a licence under the Protection of the Environment Operations Act. The Plan shall be prepared prior to the commencement of work in the relevant areas. The Applicant shall make copies of all Erosion & Sediment Control Plan available to D-G, Councils and the CCC within 14 days of approval. | • Erosion and Sediment Control Plan, Global Soil Systems, May 2000<br>• Letter from DLWC - Plan meets requirements of the conditions, 20 Apr 2000<br>• Erosion and Sediment Control Plan, May 2005 | YES | | Erosion and Sediment Control Plan was submitted to the EPA on 4 May 2000 as part of the application for Environment Protection Licence No. 11080.<br><br>A review of the Erosion and Sediment Control Management Plan was conducted in 2005 following the DPI-MR inspection in May 2005, and the Plan revised. |
| **67** | The Erosion and Sediment Control Plan(s) shall include consideration and management of erosion and sedimentation of watercourses and water bodies, including Woodberry Swamp. | • Erosion and Sediment Control Plan, section 4, May 2005<br>• Six monthly Macroinvertabrate Survey Reports, Robyn Tuft & Associates, 2006 - 2009 | YES | | The Erosion and Sediment Control Plan addresses the management of erosion and sedimentation of watercourses and water-bodies on the Donaldson Mine site, in Sections 4.<br>Control of erosion and monitoring of water quality of watercourses and water bodies on the mine site and to the boundaries of the Donaldson property, results in management of impact from the mine on downstream habitats (e.g. Woodberry Swamp). Monitoring also includes assessment of bank and bed stability as part of the macroinvertabrate survey reports. |
| **FLORA AND FAUNA** | | | | | |
| ***Tetratheca juncea* Conservation Area:** | | | | | |
| **68** | Prior to the commencement of construction, the Applicant shall:<br>(i) undertake a survey of potential T. juncea habitat in the southwest portion of the site. The survey shall:<br>(a) be undertaken by a suitably qualified botanist, with the assistance of a suitably qualified surveyor, both approved by the Director-General;<br>(b) re-examine the outcomes of previous surveys;<br>(c) be undertaken between the months of August and December (inclusive);<br>(d) record the location of Tetratheca juncea clumps on the ground using suitable tags and by using either theodolite and electronic measuring equipment or differential GPS;<br>(e) investigate the occurrence of any native sonicating bee habitat within 500 metres of the Tetratheca juncea population; and | • *Tetratheca juncea* Management Plan, November 2000, Gunninah Environmental Consultants<br>• *Tetratheca juncea* Conservation Area Annual Reports, Ecobiological Survey ands Assessment, 2000-2005<br>• *Tetratheca juncea* Management Plan, November 2005<br>• Flora & Fauna Management Plan Mar 2007 | YES | | (i) Figures 1 and 2 of the *Tetratheca junecea* Management Plan show the Southwest Conservation Area.<br>(a) a *T. juncea* survey of the Conservation Area was undertaken by Gunninah Environmental Consultants and the areal survey of the area was conducted by a qualified surveyor.<br>(b) The results of previous *T. juncea* surveys were assessed and collated with the current data for the preparation of the maps and *Tetratheca junecea* Management Plan.<br>(d) *T. juncea* clumps have been located using GPS and surveyed onto the site maps in the *Tetratheca junecea* Management Plan.<br>(e) Bee habitat is discussed in Section 5.2.2 of the *Tetratheca junecea* Management Plan. |

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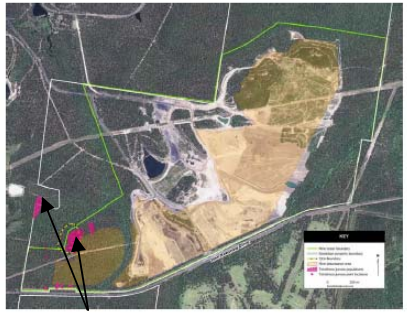
| | (ii) establish a Conservation Area for the Tetratheca juncea based on the findings of the survey. The Conservation Area shall include a 50 metre buffer. The boundaries of the Conservation Area shall be surveyed and marked by a suitably qualified surveyor, with the assistance of a botanist, using either a theodolite and electronic measuring equipment or differential GPS. No clearing, construction or mining shall commence until the boundary of the Conservation Area has been approved by the Director-General. |  Figure 1: Conservation Areas of *T. juncea* on the Donaldson Coal lands (Flora and Fauna Management Plan 2007) | | | (ii) The southwest Conservation Area has been established with a 50 metre buffer to the closest area that may become part of the mine operations (see Figure 1 from the Flora and Fauna Management Plan). The area is pegged but not fenced. |
| **69** | The Applicant shall prepare a Management Plan for the Tetratheca juncea Conservation Area in consultation with NPWS and to the satisfaction of the Director-General, prior to commencement of construction. The Plan shall be consistent with the Flora and Fauna Management Plan (Conditions 76-79); and include measures for fire management. The Applicant shall clearly mark the boundary of the Conservation Area and make provision for signage which specify that no dumping, clearing or other works are permitted in the Conservation Area. Such signage shall be replaced as required. The Applicant shall make copies of the T. juncea Management Plan available to NPWS, Councils and the Community Consultative Committee within 14 days of approval by the Director-General. | • *T.juncea* Management Plan, Gunninah Environmental Consultants, Nov 2000<br>• Letter re Comment and Review of *T.juncea* Management, Robert Payne, 21 Sept 2000<br>• DUAP Letter - satisfied with the *T.juncea* Management Plan, 9 Oct 2000<br>• NPWS Letter - satisfied with the *T. juncea* Management Plan, 20 Nov 2000<br>• Conservation Area Identification Report, Gunninah Environmental Consultants, Oct 2000<br>• *T. juncea* Area Management Plan Implementation, Barker and Harle, Nov 2000<br>• Flora & Fauna Management Plan, section 6 – Monitoring and Reporting, Mar 2007 | YES | | NPWS provided correspondence advising they were satisfied that the *T juncea* Management Plan in November 2000.<br>The property boundary of the Conservation Area is fenced along John Renshaw Drive and the *T..juncea* areas are pegged but not fenced or signed. (The presence of a fence or signage around the specific areas of *T.juncea* would highlight their location and result in unwanted attention and possibly vandalism to the area). The current status of the Conservation Area indicates that there is no intrusion of work areas or other disturbance to the *T.juncea* locations.<br>Weekly surveillance of the Conservation Area is conducted. A biologist monitors the *T.juncea* areas at least twice a month to keep records of the status of growth and flowering. |
| **BUSHLAND AREA** | | | | | |
| | Within six months of this Consent, or as otherwise agreed by the Director-General, the Applicant shall identify a bushland area(s) in the region that will adequately compensate for the impact of the mine on biodiversity, provide compensatory habitat and be managed for the primary purposes of conservation. The area shall be identified in consultation with NPWS and Councils and be to the satisfaction of the Director-General. Identification of the bushland area(s) shall include: | • Flora and Fauna Management Plan, Gunninah Environmental Consultants, Dec 2000<br>• Bushland Area Identification Report<br>• DUAP re Proposed Bushland Conservation Area, 17 Jul 2000<br>• Quadrant Monitoring Program Baseline Report, Barker Harle Pty Ltd, Sept-Oct 2001<br>• Natural Vegetation of the Donaldson Coal Property Beresfield, Ecobiological, Aug 2004 | YES | | See below |

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| **70** | (i) a detailed assessment of the current characteristics and ecological values of existing ecosystems affected by the mine, including the habitat of threatened species identified in the EIS as possibly occurring in the area and the Spotted Gum Ironbark community;<br>(ii) identification of conservation objectives to be achieved by the establishment of the bushland area(s), with reference to the Regional Biodiversity Strategy and the principles of Ecologically Sustainable Development; | • Flora and Fauna Management Plan, Gunninah Environmental Consultants, Dec 2000<br>• Bushland Area Identification Report, 2001<br>• DUAP re Proposed Bushland Conservation Area, 17 Jul 2000<br>• Quadrant Monitoring Program Baseline Report, Barker Harle Pty Ltd, Sept-Oct 2001<br>• Natural Vegetation of the Donaldson Coal Property Beresfield, Ecobiological, Aug 2004<br>• Bushland Conservation Area Management Plan, Oct 2005 | YES | | (i) A detailed assessment of the current flora and fauna and habitat values of the mine site was conducted by Barker Harle in 2001.<br><br>(ii) The Bushland Area Management Plan has been prepared and was submitted to the Director-General in 2005 for approval. The Plan included identification of conservation objectives.<br><br>(iii) NPWS provided Donaldson Mine with a number of compensatory bushland areas to consider in 2001. Donaldson assessed inclusion of land around the mining lease, and have established the Conservation Area for bushland protection, within the mine lease area. |
| | (iii) consideration of alternative locations within the region, including, but not limited to, the land proposed as compensatory area in the EIS (i.e. land adjoining the mine site);<br>(iv) a detailed assessment of appropriate boundaries, size and shape of the bushland area(s), in relation to the characteristics, values and objectives;<br>(v) consideration of appropriate management options necessary to protect the conservation values; and<br>(vi) consideration of opportunities to incorporate cultural heritage conservation into the bushland area(s). | | | | |
| **71** | In identifying the bushland area(s), the following broad criteria shall be applied:<br>(i) a ratio of 2:1 in terms of compensatory area to the area to be directly impacted by mining and associated infrastructure;<br>(ii) the vegetation communities and habitat values of the bushland area(s) are to be broadly representative of the area which will be subject to mining and contain a similar suite of fauna species;<br>(iii) the location of the bushland area(s) will aim to consolidate existing reserves in the lower Hunter Area; and<br>(iv) reserve design criteria, including edge-to-area ratio, size and connectivity shall be taken into account. | | YES | | (i) The Donaldson owned property around the mine area has been retained as a buffer and compensatory conservation area. The compensatory area consists of 649.7ha of land with the disturbed area of mining to be 324.8ha during the life of the mine (I.e. until 2012).<br><br>(ii) The compensatory area of bushland is adjacent to and surrounds the mining area and is representative of the vegetation communities and habitat present on the disturbed areas.<br><br>(iii) The compensatory area around the Donaldson Mine is contiguous with the Ironbark-Spotted Gum vegetative corridors in the Maitland area. |
| **72** | Upon approval of the identified bushland area(s) by the Director-General, the Applicant shall:<br>(i) secure care, control and management of the bushland area(s) prior to the commencement of mining;<br>(ii) retain management and ownership of the land for a minimum of 36 years from the commencement of construction, unless other arrangements are agreed in accordance with Condition 73; and | Bushland Conservation Area Management Plan, Oct 2005 | YES | | (i) The bushland area around the mine operations is owned by Donaldson Mine and managed as part of the overall land management strategies.<br><br>(ii) See above. |

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| | (iii) prepare and implement a Management Plan for that area in consultation with NPWS and to the satisfaction of the Director-General, during the period in which the Applicant is responsible for management. The Management Plan shall be consistent with the Flora and Fauna Management Plan (Conditions 76-79) and consider the integration of cultural conservation objectives and management. The Applicant shall make copies of the Management Plan available to NPWS and the Community Consultative Committee within 14 days of approval by the Director-General.<br>For the purposes of the Conditions of this Consent, the bushland area(s) approved by the Director-General shall be known as the Bushland Conservation Area until the completion of the period referred to in Condition 72(ii) and any Conditions relating to Conservation Areas shall apply to that area during that period. The Management Plan referred to in Condition 72(iii) shall be referred to as the Bushland Conservation Area Management Plan. | • Email to DIPNR re Bushland Conservation Management Plan, 31 October 2005<br>• Bushland Conservation Area Management Plan Summary (OP-8), Revised Oct 2005 | YES | | (iii) The Bushland Conservation Area Management Plan was developed in consultation with the NWPS and the Plan submitted to the Director-General on 31 October 2005. (Refer to MCoA 74). |
| **73** | The Applicant shall undertake negotiations with the NPWS and Councils to reach agreement on the long term tenure and management status of the Bushland Conservation Area. These negotiations must commence within six months of commencement of construction. | • Letter to NPWS re Bushland Conservation Area, 1 May 2001<br>• Letters re negotiations on Bushland Conservation Area to NPWS, Cessnock City Council, Maitland City Council, 1 May 2001<br>• Draft Plan of Management for the Bushland Conservation Area, February 2005 | YES | | Donaldson Coal provided information on the management of the proposed bushland conservation area to NPWS in May 2001 and undertook consultation and negotiations with the authorities. A Draft Plan of Management for the Bushland Conservation Area was presented to the D-G in February 2005 and the Plan revised and submitted to the D-G in October 2005. |
| **74** | Prior to 31 October 2005, the Applicant shall revise the Bushland Conservation Area Management Plan to compensate for the extension of the disturbance area in the vicinity of Weakleys Flat Creek, to the satisfaction of the Director-General, and provide an updated Plan to the DEC, Councils, and the Consultative Committee. | • Bushland Conservation Area Management Plan Summary (OP-8), Revised Oct 2005<br>• Lower Hunter Regional Strategy, DoP, Nov 2005 | YES | | The Draft Bushland Conservation Area Management Plan was revised in October 2005 and submitted to DIPNR by 31 October 2005.<br>In November 2005 the DoP released the Draft Lower Hunter Regional Strategy (LHRS) which identified some of the Donaldson land and adjoining lands as inter-modal freight facility, and vegetation corridors for future conservation, the most significant of which was the Stockton to Watagan Range corridor that encompasses part of the Donaldson land.<br>Studies by DEC during 2006 in preparation for the Draft Lower Hunter Conservation Plan (LHCP), which was to be released together with the final LHRS, identified parts of the Donaldson land for conservation reserve and bio-banking investment (NAPS Map).<br>The identified conservation land does not align exactly with the Donaldson Bushland Conservation Area. Donaldson, along with other Lower Hunter major landowners, was formally requested by DEC to consider |

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| | | | | | dedication of lands for conservation in the reserve system prior to announcement of the final LHRS and Draft LHCP.<br>Donaldson presented a formal proposal to DEC in late 2006, and discussions with DEC are continuing for a major portion of the Donaldson land to be dedicated as conservation reserve or nominated as Bio-banking investment area. .<br>The likely outcome of the intensive investigations described above is that some 400-500 hectares of the Donaldson land may be placed in permanent conservation (via either the reserve system or bio-banking) and the remainder of the land will be zoned consistent with the final LHRS (yet to be finalised). |
| **Flora and Fauna Management:** | | | | | |
| **75** | The Applicant shall bear the reasonable costs of the appointment by the Director-General of an independent flora and fauna expert(s) to assist in the implementation of the Conditions of this Consent. The independent expert(s) shall:<br>(i) be selected in consultation with the applicant;<br>(ii) assess and advise the D-G on the proposed Conservation Areas and Management Plans;<br>(iii) assess and advise the D-G on the proposed bushland area(s);<br>(iv) assess and advise the D-G on the proposed Flora and Fauna Management and the Rehabilitation Plan;<br>(v) assess and advise the Director-General on the monitoring of flora and fauna management and rehabilitation. | | Planning NSW - condition of approval | | Robert Payne was commissioned as an independent flora and fauna expert by Director-General to assess and advise on the flora and fauna management for the Donaldson Mine proposed conservation areas and flora and fauna management plans. |
| **76** | The Applicant shall prepare and implement a Flora and Fauna Management Plan for the mine site (in addition to the management plans for specific Conservation Areas), in consultation with DLWC, NPWS and Councils, and to the satisfaction of the Director-General, prior to the commencement of construction. The Applicant shall make copies of the Flora and Fauna Management Plan available to DLWC, NPWS, Councils and the Community Consultative Committee within 14 days of approval by the Director-General. | • Flora and Fauna Management Plan, Gunninah Environmental Consultants, Dec 2000<br>• DLWC Letter re Comments on Flora and Fauna Management Plan, 24 Aug 2000<br>• NPWS Letter re Comments on Flora and Fauna Management Plan, 29 Aug 2000<br>• NPWS Letter re Comments on Flora and Fauna Management Plan, 8 Nov 2000<br>• Letters to DLWC, NPWS, CCC, Cessnock City Council, Maitland City Council, Newcastle City Council re Flora and Fauna Management Plan, 17 Jan 2001<br>• Letter from DUAP re Satisfied with Flora and Fauna Management Plan, 22 Dec 2000 | YES | | The Flora and Fauna Management Plan prepared and approved by DUAP in December 2000. The Flora and Fauna Management Plan was implemented for the Donaldson Mine site and the Plan reviewed in 2007.<br><br>The flora and fauna monitoring programs have been conducted and results summarised in the AEMR's 2007 to 2009. |

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| **77** | The Flora and Fauna Management Plan shall include but not be limited to:<br>(i) additional surveys to more precisely identify the distribution of known and potential nest and roost trees for owl species. The surveys shall:<br>(a) be undertaken by a person experienced in the identification of owl nest and roost trees, approved by the Director-General; and<br>(b) record the location of known and potential nest and roost trees on the ground by marking the tree and by using either theodolite and electronic measuring equipment or differential GPS; | • Flora and Fauna Management Plan, Gunninah Environmental Consultants, Dec 2000<br>• Owl Habitat Survey Report of Donaldson Mine Site, Sep/Oct Dr Rod Kavanagh, 2000<br>• Letter from DIPNR re Flora and Fauna Management Plan satisfies Consent Conditions, 22 Dec 2000<br>• Flora and Fauna Management Plan, Dec 2007 | YES | | (i)(a) Additional surveys of owl habitat were conducted by Rod Kavanagh on the Donaldson Mine site during Sept - Oct 2000. The Kavanagh Report is included in Appendix F and G of the Flora and Fauna Management Plan. |
| | (ii) a vegetation map delineating major vegetation communities, topographic features and the location of threatened species habitats, including potential and known owl nest and roost trees; | • Flora and Fauna Management Plan, Figures 3 and 4, Dec 2007 | | | (ii) Figures 3 and 4 in the Flora and Fauna Management Plan present vegetation communities and locations of threatened species habitats on the Donaldson Mine site. |
| | (iii) details of measures to manage the impacts of the development, including:<br>(a) restoration of degraded areas;<br>(b) management of invasive weeds and feral animals;<br>(c) establish an appropriate hazard reduction regime in keeping with the ecological values of the area;<br>(d) revegetation and provision of compensatory areas of equivalent ecological and habitat value where necessary; and<br>(e) strategies to provide increased security for existing habitats and communities; | • MOP June 2006 to May 2012<br>Flora and Fauna Management Plan Dec 2007<br>• Bushfire Management Plan 2005<br>• Rehabilitation Management Plan Mar 2008 | | | (iii)(a) Degraded area restoration procedures are presented in the Rehabilitation Plan Dec 2000 section 4.3.7.<br>(iii)(b) Weed management and feral animal control are presented in the Rehabilitation Plan sections 5.2 and 5.3.<br>(iii)(c) Hazard reduction addressed in the Rehabilitation Plan section 5.4, and the Bushfire Management Plan.<br>(iii)(d) See comments on MCoA 71 to 74.<br>(iii)(e) Protection strategies for existing habitats and communities include pre-clearing surveys of all areas to be disturbed, fenced perimeter of the mine lease area, and the Flora and Fauna Management Plan section 4.1 and 4.2. |
| | (iv) details of measures to manage the impacts of environmental management on flora and fauna, including the impact of erosion and sediment control measures and hazard reduction burning; | • Flora and Fauna Management Plan Section 4.3, Dec 2007 | | | (iv) The priorities for action in relation to protection of flora and fauna are outlined in section 4.3.1 (Erosion and Sediment Control) and section 4.3.6 (Bushfire Management Regime) of the Flora and Fauna Management Plan. |
| | (v) priorities for action and a timetable for all works outlined in the Plan; and | • Flora and Fauna Management Plan Section 4.4 Dec 2007 | | | (v) The priorities for action in relation to protection of flora and fauna are outlined in section 4.4 of the Flora and Fauna Management Plan. |

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| | (vi) a program to monitor flora and fauna impacts on undisturbed portions of the mining lease area and downstream environments (such as the Woodberry Swamp). The program shall extend for the life of the mine and for a period thereafter as approved by the Director-General, and include:<br>(a) justification for monitoring intervals and locations;<br>(b) monitoring of the presence and persistence of native flora and fauna species over time, particularly threatened species; and<br>(c) monitoring the effectiveness of management measures. | • Quadrant Monitoring Program Baseline Report, Barker Harle Pty Ltd, Sept-Oct 2001<br>• Flora and Fauna Management Plan Section 5, Dec 2007 | | | (vi) Section 5 (Monitoring and Reporting) of the Flora and Fauna Management Plan describes the proposed monitoring programs.<br><br>A detailed survey and reporting of the flora and fauna on the Donaldson Mine site was conducted during Sept and Oct 2001 by Barker Harle. The quadrants used for the surveys were recorded and the report provides a detailed quantitative description of the flora and fauna species present within the boundaries of the Donaldson property. As the Donaldson property has no boundary with the Woodberry Swamp the surveys did not extend to the Woodberry Swamp. There are a large number of developments downstream of Donaldson that have the potential to affect the environment of the swamp. The surveys to the boundary of the Donaldson property will specifically identify potential impacts from the mine activities. |
| **78** | The Flora and Fauna Management Plan shall also include a Rehabilitation Plan that details the measures to be undertaken to progressively rehabilitate disturbed areas of the mine to replicate the original vegetation cover that existed before mining occurred. The Applicant shall be responsible for the management and monitoring of the rehabilitated mine site until such time as the Director-General agrees that restoration has been successful. | • Mine Rehabilitation Plan, Gunninah Environmental Consultants, Dec 2000<br>• Landscape Management Plan, Mar 2008<br>• Rehabilitation Management Plan, Donaldson Mine Mar 2008<br>• MOP June 2006 to May 2011 | YES | | The Rehabilitation Plan was included in the Mining Operations Plan (MOP) for the June 2006 to May 2012 period for the Donaldson Mine.<br><br>The Rehabilitation Management Plan is now Appendix 3 of the Landscape Management Plan |
| **79** | The Applicant shall revise the Flora and Fauna Management Plan as necessary and provide an updated Plan five years after commencement of mining to the Director-General, NPWS, Councils and the Community Consultative Committee. | • Flora and Fauna Management Plan 2007<br>• Email from Ecobiological re revision of Flora and Fauna Management Plan, 28 Mar 2007<br>• Letter from DoP re Revised Flora and Fauna Management Plan, 25 Jul 2007 | YES | | The Flora and Fauna Management Plan was reviewed by Ecobiological in March 2007 and a Revised Flora and Fauna Management Plan submitted to DoP on 17 July 2007, DoP approved the revised Plan on 25 July 2007. |
| **80** | The Applicant shall participate in (and if appropriate, contribute such reasonable funds as determined by the Director-General in consultation with NPWS) research into the Powerful Owl and Masked Owl habitat requirements in the region, and the habitat requirements and lifecycle of Tetratheca juncea. | • Defining the Niche of *T. juncea*' - D Landenberger, Oct 2003;<br>• Powerful Owl in Disturbed Environments, A Blundell, 2002-03 | YES | | Donaldson Mine supported projects by the University of Newcastle with financial and technical help for:<br><br>Deborah Landenberger - 2 year Honours project 'Defining the Niche of *T. juncea*'; and<br>Adam Blundell with Rod Kavanagh during 2002-2003 for 'Comparing Ecology of Powerful Owl in Disturbed and Undisturbed Environments'. Both these projects have been completed. |

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| **HERITAGE** | | | | | |
| **Heritage Statutory Requirements:** | | | | | |
| **81** | Prior to commencement of construction, the Applicant shall:<br>(i) comply with the statutory requirements of NPWS in relation to works affecting Aboriginal sites; and<br>(ii) undertake a targeted archaeological survey of the slopes component within the mining impact area in cooperation with the Aboriginal community. Any Aboriginal sites located will be recorded, the significance of the sites assessed, and management strategies for the sites identified. | • Slope Survey Report 16 Oct 2000<br>• Mindaribba Local Aboriginal Land Council Letter - Approval to commence work on the project 10 Jan 2001<br>• Report of Supplementary Archaeological Study of the Mine Impact Area - Donaldson Open Cut Mine, Umwelt (Australia) Pty Ltd, Jan 2003 | YES | | (ii) Aboriginal sites within the Donaldson Mine lease area are recorded and described. Surveys were conducted prior to mine start-up and clearance of any new areas. Supplementary archaeological surveys were conducted by Umwelt Australia over the Donaldson Mine lease area in January 2003.<br><br>Management of the aboriginal heritage sites occurs in accordance with the Aboriginal Sites Management Plan and the status of management is reported in the AEMR. |
| **82** | If, during the course of construction, the Applicant becomes aware of any heritage or archaeological material, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include NPWS, the Heritage Office, and the Local Aboriginal Land Councils. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work. | | YES | | Section 90 Consents to Destroy under the *National Parks and Wildlife Act* were obtained for Aboriginal artefact areas DMS1 on 22 April 2000 and ISF1 and ISF2 on 3 May 2000. No further Section 90 Consents have been required since that time.<br><br>There are thirty-one sites of Aboriginal cultural heritage identified on the Donaldson owned property and none of these sites have been impacted by the mining activities between 2007 and 2010. |
| **Aboriginal Heritage Management** | | | | | |
| **83** | Prior to commencement of construction, the Applicant shall establish an Aboriginal Conservation Area along Four Mile Creek and tributaries in accordance with a plan approved by the Director-General. The plan shall include:<br>(i) identification of an appropriate boundary and the basis on which the boundary has been selected;<br>(ii) a map at a scale of 1:1000 or larger which clearly delineates the Conservation Area boundary and specific features; and<br>(iii) documentation of consultations with NPWS and Aboriginal community groups in relation to the definition of the Conservation Area. | • Aboriginal Sites Management Plan Dec 2000<br>• Mindaribba Aboriginal Local Land Council Letter re Aboriginal Sites Management Plan, 20 Dec 2000<br>• DUAP Letter re ACA Condition 83, 17 Jan 2001<br>• NPWS Letter re Acceptance of the Aboriginal Sites Management Plan, 12 Feb 2001<br>• Aboriginal Sites Management Plan, Year 2: Donaldson Open Cut Coal Mine Beresfield Near Newcastle, Umwelt (Australia) Pty Ltd, Mar 2002 | YES | | (i) A 50 metre buffer along Four Mile Creek as an Aboriginal Conservation Area (ACA) has been established by Donaldson Coal. The ACA boundary is shown in Figure 2.3 of the Aboriginal Sites Management Plan.<br><br>(ii) Maps of the Four Mile Creek Conservation Area and other Conservation Areas (1:1000 scale) have been prepared by Donaldson Coal for the Donaldson Mine area.<br><br>(iii) Consultation with the Mindaribba Aboriginal Local Land Council was held during the preparation of the Aboriginal Sites Management Plan. NPWS consultation and correspondence was available on file. |

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| **84** | The Applicant shall prepare and implement an Aboriginal Sites Management Plan in consultation with the Aboriginal community, Councils and NPWS, and to the satisfaction of the Director-General, prior to the commencement of construction. The Applicant shall make copies of the Aboriginal Sites Management Plan available to the Director-General, Aboriginal community, Councils and the Community Consultative Committee within 14 days of approval by NPWS. | • Mindaribba Aboriginal Local Land Council Letter re Aboriginal Sites Management Plan, 20 Dec 2000<br>• DUAP Letter re Aboriginal Sites Management Plan satisfactory, 9 Jan 2001<br>• DUAP Letter re ACA Condition 83 , 17 Jan 2001<br>• NPWS Letter re Acceptance of the Aboriginal Sites Management Plan, 12 Feb 2001<br>• Letters with a copy of the Aboriginal Sites Management Plan to Cessnock City Council, Maitland City Council, Newcastle City Council, Mindaribba Aboriginal Land Council, and CCC, 27 Feb 2001<br>• Aboriginal Sites Management Plan, Year 1-5, 2000-2006 | YES | | An Aboriginal Sites Management Plan was prepared prior to commencement of mining operations in 2000, with Supplementary Plans prepared for Years 2 to 5 of the operations.<br><br>The Aboriginal Sites Management Plan has been submitted to the relevant authorities within 14 days of approval by the NPWS.<br><br>The Aboriginal Sites Management Plan has not required revision since 2005. |
| **85** | The Management Plan shall include, but not be limited to:<br>(i) documentation of consultation with the relevant Aboriginal community groups to identify any outstanding concerns they may have with the project and a clear statement about how these concerns will be addressed, including any action to be taken;<br>(ii) identification of conservation objectives for the site as a whole and for the Conservation Area specifically;<br>(iii) a program to monitor the impacts of the development on the Conservation Area, including justification for monitoring locations and intervals;<br>(iv) strategies to achieve conservation objectives, including an access policy;<br>(v) the provision of fencing to permit faunal movement and the removal of fencing within six months of completion of mining;<br>(vi) further investigations; and<br>(vii) long term management requirements upon completion of mining. | • Aboriginal Sites Management Plan, Year 1, Dec 2000<br><br>• Aboriginal Sites Management Plan, Year 2: Donaldson Open Cut Coal Mine Beresfield Near Newcastle, Umwelt (Australia) Pty Ltd, March 2002<br><br>• Aboriginal Sites Management Plan, Year 3, Umwelt (Australia) Pty Ltd, February 2003<br><br>• Aboriginal Sites Management Plan, Year 4, Umwelt (Australia) Pty Ltd, February 2004<br><br>• Aboriginal Sites Management Plan, Year 5, Umwelt (Australia) Pty Ltd, February 2005 | YES | | (i) Consultation with the Mindaribba Aboriginal Local Land Council is addressed in the Plan with relevant correspondence attached in Appendix 1 of the Plan.<br><br>(ii) Conservation objectives are addressed in section 1.3 of the Aboriginal Sites Management Plan.<br><br>(iii) Monitoring of the Conservation Area is outlined in section 2.1 and 3 of the Aboriginal Sites Management Plan. The location of the monitoring datum points are illustrated in Figure 2.4 of the Plan.<br><br>(iv) Strategies to achieve the conservation objectives are outlined in section 2 of the Aboriginal Sites Management Plan.<br><br>(v) The boundary of the Mining lease area and the Donaldson owned land is fenced.<br><br>(vi) The mining lease area has been re-surveyed for Year 2 to 5 of the mining operations. Ongoing monitoring and surveys will occur prior to disturbance of any new areas required for mining. |

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| **86** | The Applicant shall revise the Aboriginal Sites Management Plan as necessary and provide an updated Plan five years after commencement of mining to the Director-General, NPWS, Councils and the Community Consultative Committee. | • Aboriginal Sites Management Plan, Year 1, Dec 2000<br>• Aboriginal Sites Management Plan, Year 2:, Umwelt (Australia) Pty Ltd, Mar 2002<br>• Aboriginal Sites Management Plan, Year 3, Umwelt (Australia) Pty Ltd, Feb 2003<br>• Aboriginal Sites Management Plan, Year 4, Umwelt (Australia) Pty Ltd, Feb 2004<br>• Aboriginal Sites Management Plan, Year 4, Umwelt (Australia) Pty Ltd, February 2004<br>• Aboriginal Sites Management Plan, Year 5, Umwelt (Australia) Pty Ltd, February 2005 | YES | | The Aboriginal Sites Management Plan was subjected to annual review until 2005 and amendments made by Umwelt as required to update the Plan.<br><br>The Plan has not required revision since 2005. |
| **WASTE** | | | | | |
| **87** | The Applicant shall prepare and implement a Waste Management Plan in consultation with EPA, DMR and the Hunter Waste Planning and Management Board, and to the satisfaction of the Director-General, prior to commencement of construction. The Applicant shall make copies of the Waste Management Plan available to Councils and the Community Consultative Committee within 14 days of approval by the Director-General. | • Waste Management Plan, July 2000<br>• Letter from Hunter Waste Planning and Management Board re Waste Management Plan, 21 Jul 2000<br>• Letter from DUAP re Waste Management Plan satisfies MCoA, 10 Oct 2000<br>• Letter and copy of the Waste Management Plan to DMR Cessnock City Council, Maitland City Council, Newcastle City Council and CCC, 19 Oct 2000 | YES | | The Waste Management Plan was prepared prior to commencement of construction of the mine. The Plan was submitted to DUAP and approved on 10 October 2000.<br><br>Copies of the Waste Management Plan were distributed to the Councils and the CCC, within 14 days of approval by the Director-General. |
| **88** | The Waste Management Plan shall include, but not be limited to the management of the mine site to prevent dumping of waste; and the management and treatment of Potentially Acid Forming waste. | • Waste Management Plan, July 2000<br>• Geotechnical Assessment Report of Coal and Waste Products - Donaldson Mine Stage 1, URS 18 Nov 2002 | YES | | Management of waste streams including overburden, coarse rejects material and fine reject material is included in section 7 of the Waste Management Plan.<br><br>The management and treatment of potential acid forming (PAF) material is addressed in the geotechnical report and there is ongoing assessment of PAF material to ensure application of best practice management options. |
| **89** | The Applicant shall meet the requirements of Councils, EPA and Hunter Water Corporation with respect to water and sewer. | • Hunter Water Corporation Letters re Water Supply to Donaldson Mine on 1 Nov and 15 Nov 2001<br>• Maitland City Council Letter re Septic Tank Approval, 14 Nov 2001 | YES | | Potable water for use on the mine site is supplied from the Hunter Water Corporation.<br><br>There is no discharge to sewer from the site operations. All ablutions are connected to onsite biocycle systems. |

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| **VISUAL AMENITY** | | | | | |
| **Landscaping:** | | | | | |
| **90** | The Applicant shall provide a minimum of 50 metres of landscaping between the outer edge of the bund wall and the edge of John Renshaw Drive. The 50 metres may include landscaping within the road verge if agreed by Cessnock Council. | • Proposed Landscaping Works, Global Soil Systems, 9 Feb 2000<br>• Letter from Cessnock City Council re Landscape Plan, 6 April 2000<br>• Proposed Mining Sequence Plan 04, MOP January 2002 to June 2006<br>• Landscape Management Plan Mar 2008 | YES | | The Landscape Management Plan has been implemented with revegetation of the 50m strip along the power-line easement between John Renshaw Drive and the earthern bund on the edge of the high-wall of the open cut.<br><br>The Landscape Management Plan was reviewed and revised in March 2008.<br><br>The 2008 Landscape Management Plan is an integrated plan for all the Donaldson Coal projects (i.e. the Donaldson Mine, Tasman Mine and Abel Mine). The 2008 Plan has the Rehabilitation Management Plan, Final Void Management Plan and Integrated Mine Closure Plan appended to provide an overall strategy for the mines. |
| **91** | The Applicant shall, within three months of the date of this Consent, or within such further period as Councils may require, submit for the Councils' approval a detailed Landscaping Plan covering all land within the proposed mining area (including the haul road and transmission line easements) and road reserve along the frontage to John Renshaw Drive. The Applicant shall engage a suitably qualified person to assist in the landscaping plan. | • Landscaping Management Plan, Global Soil Systems, Feb 2000<br>• Letter from Cessnock City Council re Landscape Management Plan meets MCoA 90 to 95, 9 March 2000<br>• CCC - Landscape Management Plan meets MCoA requirements, 6 April 2000<br>• Landscape Management Plan, Mar 2008 | YES | | |
| **92** | The Landscaping Plan shall be consistent with the Environmental Management Strategy and include:<br>(i) provision for the establishment of trees and shrubs and the construction of mounding or bunding along the planned highwall and any other areas identified as necessary by the Councils for the maintenance of satisfactory visual amenity and the re-establishment of flora and fauna habitats and corridors; | • Landscaping Management Plan, Global Soil Systems, Feb 2000<br>• Erosion and Sediment Control Plan, Global Soil Systems, May 2000<br>• Landscape Management Plan, Mar 2008 | YES | | The Landscaping Management Plan 2000 addresses the establishment of trees and shrubs for visual amenity and re-establishment of flora and fauna corridors in Section 4.3. |
| | (ii) appropriate erosion control and sediment control practices for earthworks associated with the landscaping; | | | | The Landscaping Management Plan 2000 addresses erosion and sediment control in Section 4.3 and refers to the Erosion and Sediment Management Plan. |
| | (iii) details of the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications). Buildings and structures shall be designed and constructed so as to present a neat and orderly appearance and to blend as far as possible with the surrounding landscape; and | | | | The Landscaping Management Plan 2000 addresses the visual appearance of buildings, structures, facilities and works in Section 4.0. |
| | (iv) details, specifications and staged work programs to be undertaken, including a maintenance program of all landscape works, building materials and cladding. | | | | The Landscaping Management Plan 2000 addresses the staged work programs for maintenance program of all landscape works, building materials and cladding in Section 4.2 |

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| **93** | The Applicant shall implement the approved Plan in accordance with Councils' requirements and make copies available to the Community Consultative Committee within 14 days of approval by Councils. | • Landscaping Management Plan, Global Soil Systems, Feb 2000<br>•<br>• Landscape Management Plan, Mar 2008 | YES | | Copies of the Landscaping Management Plan 2000 were provided to the CCC following approval by the Councils 9 March 2000.<br><br>The revised Landscape Management Plan was submitted to the CCC in 2008. |
| **94** | The Applicant shall plant screening vegetation on properties at higher elevation and with views across the mine site in the Black Hill area if requested in writing by the landowner, within three months of that request. The species, density and location of the plantings shall be determined in consultation with the landowner. | | Condition not activated at the time of the audit. | | |
| **95** | The Applicant shall lodge a landscaping bond with Cessnock Council, to a maximum of $10,000 at any one time, for landscaping during the life of mine. This bond does not affect rehabilitation works covered by the Mining Act. | • Fax to Cessnock City Council re landscaping bond, 20 Feb 2001<br>• Letter to Cessnock City Council re Condition 95 Landscaping Bond, 19 April 2007 | YES | | Landscaping bond of $10,000 lodged with the Cessnock City Council on 19 April 2007. |
| **Lighting:** | | | | | |
| **96** | The Applicant shall screen or direct all onsite lighting and vehicle lights away from residences and roadways to the satisfaction of Councils. All screening to be completed prior to commissioning of the coal preparation plant and associated facilities. | • | YES | | Lighting from the mine activities has not given rise to complaints. No lighting is used on high points of the overburden emplacement areas at night and no light scatter occurs to roadways or residential areas from the Donaldson Mine operations. |
| **HAZARDS, RISKS AND SAFETY** | | | | | |
| **97** | The Applicant shall:<br>(i) provide adequate fire protection works on site. This shall include one fully equipped fire fighting unit on standby and hazard reduction works at a time determined by the relevant Council, with particular attention to boundaries of adjoining land holdings; | | YES | | (i) Fire fighting equipment on includes a 38,000L water cart with capability for fire fighting.<br>Meetings have been held between Donaldson Mine and the Cessnock City Council / Thornton Fire Brigade in relation to access to the mine site in case of fire. Donaldson Coal will make equipment available if required at short notice to construct fire-breaks or access to reach the seat of any fire on Donaldson property. |

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| | (ii) submit an annual report on fire management activities to the local Bush Fire Management Committee; and | • Bushfire Management Plan 2005<br>• Letter from Cessnock/Maitland Bush Fire Management Committee re Bushfire Management Plan, 18 Oct 2007<br>• Minutes of Cessnock RFS re Endorsement of Bushfire Management Plan, 10 Oct 2007<br>• AEMR - Nov 2006 to Oct 2007<br>• AEMR - Nov 2007 to Oct 2008<br>• AEMR - Nov 2008 to Oct 2009 | YES | | (ii) A Bushfire Management Plan for the areas owned by Donaldson Coal was prepared in 2004 and submitted to the Rural Fire Service for review. Following a site inspection the RFS provided comments and the Plan was updated and finalised.<br><br>Hazard burning is conducted on the Donaldson Mine site and reported to the Bushfire Management Committee by the RFS. Mechanical works along the southern and eastern sections of the Avalon Estate at Thornton is also carried out annually and the local RFS reports on the bushfire management activities to the Bush Fire Management Committee..<br><br>A report on bushfire management is included in the AEMR section 3.2.15. |
| | (iii) ensure that all dangerous goods and materials stored on site are stored in accordance with the relevant Australian standards. | | YES | | (iii) The bulk storage for dangerous goods includes: T1 Above ground tank – approx. diesel 60,000L at the maintenance workshop area and T2 Above ground tank - diesel 40,000L in an earthern bunded above the MAX workshop compound. The fuel farm facility is approved as a bulk storage facility for hazardous materials under Workcover requirements.<br><br>Storage of lubricants and waste oil is in drums and small above ground tanks that are less than the volume required to be notified under the Occupational Health and Safety (Dangerous Goods) Regulation 2005. |
| **UTILITIES AND SERVICES** | | | | | |
| **98** | The Applicant shall consult with affected service authorities and make arrangements satisfactory to those authorities for the protection or relocation of utilities and services (such as transmission lines and pipelines) at the Applicant's expense, prior to any existing utilities or services being affected by mining activity. Relocation of utilities and services shall be conducted in accordance with the relevant Management Plans and the Erosion and Sediment Control Plan(s). | • Energy Australia - Pole and Line Inspection of 132 kV feeder 96F within mine site - Donaldson Mine, 18 April 2002<br>• Email from Wayne Griffith Network Planning and Negotiations Lower Hunter re Telstra Connection Black Hill, 1 Feb 2006 | YES | | The Energy Australia 11kV power-line was relocated along an easement adjacent to the John Renshaw Drive boundary of the mine lease, in 2002.<br><br>Part of the Hunter Water Corporation water pipeline has been relocated for the progression of the Donaldson Mine, in accordance with the MOP.<br><br>Telstra lines off new intersection on John Renshaw Drive were relocated in 2006. |

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| **99** | Prior to commencement of construction, or as otherwise agreed by the Councils, the Applicant shall design, construct and seal the private haul road and access road to the satisfaction of the Councils, and with consideration of the impact on the fragmentation of fauna habitat and fauna movement. | • Flora and Fauna Management Plan December 2000, section 4.4 - Haul Road Protocol<br>• Letter from Cessnock City Council re DA for Roadworks (being and Intersection) John Renshaw Drive, 29 Jul 2003<br>• Letter and Report from Ecobiological re Pre-Clearing for proposed road from John Renshaw Drive to the Haul Road, 9 Nov 2005 | YES | | The internal haul road was constructed from Donaldson Mine to Bloomfield Coal Preparation Plant and Coal Loader in 2001. Cessnock City Council advised that approval of the road construction was not required as it was an internal haul road.<br><br>The Flora and Fauna Management Plan included pre-clearing protocol, road design and general measures covering erosion and sediment control, removal of weeds and rubbish, and incident reporting that were applied to the construction of the road. |
| **100** | No coal shall be hauled on public roads. | | YES | | All coal from the Donaldson Mine is transported to the Bloomfield Coal Preparation Plant by the internal road and the product coal is transported by rail from the Bloomfield Coal Loader to Newcastle.<br>No coal is transported on public roads. |
| **101** | The Applicant shall carry out intersection improvements as determined necessary by the Regional Traffic Committee as a result of the development and by such times as directed by the Regional Traffic Committee. | • Cessnock City Council - DA lodged for intersection onto John Renshaw Drive, 8 Nov 2001<br>• Regional Traffic Committee Meeting Minutes 29 Nov 2000 - re intersection upgrade for Donaldson Mine.<br>• Notice of Determination of Application No. 8/2001/1048/1 for Roadworks (being an intersection) – John Renshaw Drive, 16 July 2003 | YES | | A Development Application was submitted to the Cessnock City Council for the John Renshaw Drive intersection in Nov 2001.<br><br>The Hunter Regional Traffic Committee considered the DA and recommended a number of changes, and the plan was amended and re-submitted to the Council. The Council re-exhibited the DA and granted consent in July 2003.<br><br>The intersection from John Renshaw Drive to the Donaldson Mine access road was completed in accordance with the consent. |
| **102** | If closure of John Renshaw Drive is agreed by the Regional Traffic Committee under Condition 25(4), the Applicant shall:<br>(i) pay $20,000 to Cessnock City Council to upgrade the alignment and surface of the unsealed western end of Black Hill Road;<br>(ii) provide a water cart and apply water to the unsealed western end of Black Hill Road to the requirements of Cessnock City Council prior to each closure of John Renshaw Drive for blasting; and<br>(iii) prepare a Traffic Management Plan for the approval of the RTA in relating to the closure of John Renshaw Drive during blasting. | • Tax Invoice /Receipt for $20,000 from Cessnock City Council, 22 Nov 2004<br>• RTA Road Occupancy Licence No. 40/04, 12 September 2004<br>• RTA Road Occupancy Licence No. 34/06, 28 December 2006<br>• RTA Road Occupancy Licence, 16 Mar 2010 | YES | | The $20,000 contribution was provided to the Cessnock City Council in November 2004 for the upgrade of the western end of Black Hill Road. The improvements to Black Hill Road were completed by Cessnock City Council.<br><br>The improvement of the Black Hill Road intersection with John Renshaw Drive with a turning lane, was under construction at the time of this audit (i.e. April 2010).<br><br>Donaldson has a current Road Occupancy Licence for the closure of John Renshaw Drive during blasting. |

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| **103** | The Applicant shall provide for signalling of the Bloomfield rail loop to the satisfaction of Freight Corp prior to the commencement of mining. | • Letter from Freight Corp re signalling options for the rail loop, 9 March 2000. | YES | | Freightcorp correspondence provided options for implementation of safe working procedures for the rail loop to satisfy MCoA 103.<br><br>Bloomfield upgraded the rail system alarm signals on the Entry road to the mines, from the old key system. The management of trains on the loop has been upgraded with implementation of safe work practices. |
| **INITIAL COAL WASHING** | | | | | |
| **104** | Upon commencement of coal extraction, the Applicant shall initially make use of the coal preparation plant (CPP) at the adjoining Bloomfield coal mine for up to two years from commencement of mining or such other period as approved by the Director-General. This will allow the Applicant to:<br>(i) trial the washing of Donaldson coal to assist in the determination of its washing characteristics; and<br>(ii) commence the earliest possible coal extraction at Donaldson, and hence hasten project completion. | • Agreement with Bloomfield Mine 26 Oct 2000<br>• Minutes of Meeting with DUAP and Donaldson Mine, 21 Nov 2001 Agreement with Bloomfield Collieries Pty Limited re extension to coal handling services, 26 Oct 2001.<br>• Letter from DIPNR re Approval for Continued Use of Bloomfield Washery, 22 July 2003<br>• Letter from DIPNR re Approval for Continued Use of Bloomfield Washery, 4 Jan 2006 | YES | | An initial Agreement between Donaldson Coal and Bloomfield occurred in 2000 for the use of the Bloomfield Washery for processing Donaldson Coal, following trials at the plant.<br><br>Continued use of the Bloomfield Washery and rail loading infrastructure in accordance with the Oct 2000 Agreement was approved by the Director-General in 2003 and 2006.<br><br>Approval for the ongoing use of the Bloomfield CPP is now in place under the Abel Mine consent with an extended agreement between Bloomfield Coal and Donaldson Coal. |
| **105** | The haulage route for raw coal from the Donaldson pit to the Bloomfield CPP shall be the same as that proposed for haulage of product coal from the proposed Donaldson CPP to the existing Bloomfield rail loading facility up to the point of intersection with the Bloomfield Mine access road, and thence westward along the Bloomfield Mine access road to the CPP, unless otherwise agreed to with the owners of Bloomfield. However, any variation to the route shall be considered to determine whether a modification to this Consent is required to enable the variation. | | YES | | Donaldson constructed an internal road to transport ROM coal to the Bloomfield Coal Preparation Plant, the alignment crossing Four Mile Creek. |
| **106** | The Applicant shall notify the Director-General within eighteen months of the commencement of mining as to the results of the Bloomfield washery trials. | • Agreement with Bloomfield Mine 26 Oct 2000<br>• Letter from DIPNR re Approval for Continued Use of Bloomfield Washery, 22 July 2003<br>• Letter from DIPNR re Approval for Continued Use of Bloomfield Washery, 4 Jan 2006 | YES | | See comment on MCoA 104. |

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| **COMMUNITY INVOLVEMENT** | | | | | |
| **Community Consultative Committee:** | | | | | |
| **107** | The Applicant shall establish a Community Consultative Committee which shall be chaired by an independent chairperson approved by the Director-General. Selection of representatives shall be agreed by the Director-General and include (unless otherwise agreed by the Director-General) two representatives from the Applicant (including the Environmental Officer), four community representatives (including a representative of the local Aboriginal Community) and representatives of the local Councils. Representatives from relevant government agencies (including DUAP) may be invited to attend meetings of the Committee as required. | • CCC Meetings held 2000-2007<br>Minutes of CCC Meetings held:<br><br>2 Mar 2006<br>26 March 2007<br>24 Sep 2008<br>24 Jun 2009 | YES | | The CCC was established on 30 May 2000 and meetings have been held regularly since that time. One meeting has been held each year between 2007 and 2009.<br><br>Members of the CCC are:<br>***Independent Chairperson*** – Hon Milton Morris<br>***Donaldson Mine representatives -*** Alick Osborne - Director Donaldson Coal and Phillip Brown Environmental Manager<br>***Community Representatives -***<br>Mr Fred Bishkov<br>Mr Stephen Wright<br>Dr Greg Steele<br>***Local Government Representative -*** Maitland City Council<br>***Local Aboriginal Community -*** Mr Rick Griffiths |
| **108** | The Committee may make comments and recommendations about the implementation of the development. The Applicant shall ensure that the Committee has access to the necessary plans and/or studies for such purposes. The Applicant shall consider the recommendations and comments of the Committee and provide a response to the Committee and the Director-General. | | YES | | Management Plans have been provided to the CCC for comment and information. Discussion of management plans has occurred at the CCC meetings. |
| **109** | The Applicant shall, at its own expense:<br>(i) provide appropriate facilities for meetings of the Committee; | | YES | | CCC Meetings have been held at the Hunter Valley Training Centre rooms and Donaldson Mine offices. Donaldson have arranged and provided the required material and administrative backup for the meetings. |
| | (ii) nominate a representative to attend all meetings of the Committee; | | YES | | Donaldson Coal nominated representative to attend all meetings is the Environmental Manager- Phillip Brown. |
| | (iii) ensure that the first meeting is held prior to commencement of construction, that meetings are held at least every six months for the first 24 months from the date of the mining lease and at least annually thereafter; | See MCoA 107 | YES | | The first meeting of the CCC was held on 30 May 2000 prior to commencement of construction and subsequent meetings have been held on a regular basis. The meetings have been arranged by the Independent Chairperson as required.<br><br>The CCC Meetings are currently being held annually with no requests for additional meetings made by members of the CCC. |

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| | (iv) provide to the Committee regular information on the progress of the work and monitoring results; | Donaldson website - www.doncoal.com.au | YES | | Reports on project status, monitoring results and AEMR's and complaints are provided to the CCC and Minutes of the CCC Meetings are placed on the Donaldson Internet site. |
| | (v) promptly provide to the Committee such other information as the Chairperson of the Committee may reasonably request concerning the environmental performance of the development; and | | YES | | Material is provided to the CCC as and when requested as detailed in the CCC Minutes. |
| | (vi) provide reasonable access for site inspections by the Committee. | | YES | | Site inspections by members of the CCC to view the mine and rehabilitation areas, following CCC Meetings. |
| **110** | The Applicant shall establish a trust fund to be managed by the Chairperson of the Committee to facilitate functioning of the Committee, and pay $2000 per annum to the fund for the duration of mining operations. The payment shall be indexed according to the Consumer Price Index (CPI) at the time of payment. The first payment shall be made by the date of the first Committee meeting. | | YES | | A trust fund for the CCC was established in May 2000 and has been managed by the Independent Chairperson. Donaldson Coal provides all the requirements for the CCC Meetings with any additional funding reported to be provided upon request by the Chairperson.<br>The Chairman (Milton Morris) reported that the functioning of the CCC was satisfactory with Donaldson Coal providing full co-operation in relation to meetings and site visits etc. |
| **Community Information** | | | | | |
| **111** | The Applicant shall, in consultation with Councils, ensure that the local community is kept informed of the progress of the project, including prior notice of:<br>(i) the nature of works proposed for the forthcoming period;<br>(ii) hours of construction;<br>(iii) a 24 hour contact telephone number;<br>(iv) any traffic disruptions and controls;<br>(v) proposed blasting program, and any changes to the program;<br>(vi) work required outside the normal working hours; and<br>(vii) individuals' rights under the Conditions of this Consent (such as the rights for acquisition or independent monitoring) and mechanisms proposed to be used to safeguard the community and individual properties against adverse impacts from the development. | • Donaldson Community News:<br><br>Issue 1 Welcome, Aug 2000<br>Issue 2 Preparing for operation, Jan 2001<br>Issue 3 Mine Update, Jun 2001<br>Issue 4 First Year of Operation, Feb 2002<br>Issue 5 Rehabilitation Underway, Oct 2002<br>Issue 6 Mine Update, Jun 2003 | YES | | The Donaldson Community News newsletters related to the Donaldson Mine works and activities were prepared and distributed up to 2003. Since June 2003, community information has been made available on the Donaldson website. |
| **112** | The Applicant shall ensure that the AEMR, minutes from Community Consultative Committee meetings and results and interpretation of monitoring required by this Consent are placed on the Internet for public information within 14 days after they are available. The Internet address is to be made publicly available. | Donaldson website - www.doncoal.com.au | YES | | Donaldson website has been established and information on the CCC, monitoring and company status and activities is available on the site, including Minutes of the CCC Meetings, AEMR's and any project Newsletters. |

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| **Complaints** | | | | | |
| **113** | (1) The Applicant shall record details of all complaints received and ensure that a response is provided to the complainant within 24 hours.<br>(2) If the Applicant's response does not address the complaint to the satisfaction of the complainant within six weeks, the Applicant shall refer the matter to an independent mediator (approved by the Director-General) and bear the costs of such mediation. The Applicant shall immediately carry out such works as agreed through the mediation process.<br>(3) The Applicant shall make available a 3 monthly report on complaints to the Community Consultative Committee and to relevant government agencies and the Councils upon request; and include a summary in the AEMR. The report shall include the complaints that have been resolved with or without mediation. | • Complaints Register - computer database<br>•<br>• AEMR - Nov 2006 to Oct 2007<br>• AEMR - Nov 2007 to Oct 2008<br>• AEMR - Nov 2008 to Oct 2009 | YES | | (1) The Complaints Register is on a database held at the Donaldson Mine office and maintained by the Environment Officer.<br><br>(2) This requirement of the condition had not been activated at the time of the audit.<br><br>(3) A Complaints Report is prepared and presented to the CCC at each meeting and provided to the Councils if requested.<br><br>A summary of complaints/actions/status is presented in the AEMR's:<br><br>**Year** / **Number** / **Complaint issue**<br>2007 / 1 complaint / 1 Blast related<br>2008 / 11 complaints / 3 blast related; 8 noise related (horns)<br>2009 / 27 complaints / 26 blast related; 1 noise related<br><br>The blast related complaints during 2009 are all from the Black Hill area from 3 residences on the corner of John Renshaw Drive and Black Hill Road, within 1500m of the Donaldson Mine. DECCW has been notified by Donaldson Coal of the complaints and 13 of the complaints in 2009 were notified directly to the DECCW. |
| **ANNUAL ENVIRONMENTAL MANAGEMENT REPORT** | | | | | |
| **114** | The Applicant shall prepare and submit an Annual Environmental Management Report (AEMR) throughout the life of the mine to the satisfaction of the Director-General. The AEMR shall review the performance of the mine against the Environmental Management Strategy and the Conditions of this Consent, and other licences and approvals relating to the mine. To enable ready comparison with the EIS's predictions, diagrams and tables, the report shall include, but not be limited to, the following matters: | • AEMR - Nov 2006 to Oct 2007<br>• AEMR - Nov 2007 to Oct 2008<br>• AEMR - Nov 2008 to Oct 2009<br><br>• Letter from DoP re Acceptance of 2005 AEMR Submission, 4 August 2006<br><br>• Letter from DoP re 2007-2008 AEMR, 4 Dec 2009<br><br>• Letter from DoP re 2008-200 AEMR, 25 Feb 2010 | YES | | The AEMR preparation dates were initially arranged to align with the initial Six-Monthly Monitoring Reports to provide a common time base for the various reporting requirements.<br><br>The AEMR's have been prepared in accordance with the Guidelines and submitted to the DPI/DMR in the mining lease agreement.<br><br>The 2007 to 2009 AEMR's have been submitted to DoP by February each year. |

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| | (i) an annual compliance audit of the performance of the project against Conditions of this Consent and statutory approvals;<br>(ii) a review of the effectiveness of the environmental management of the mine in terms of EPA, DLWC, DMR, and the Councils' requirements and provide an explanation of any variance;<br>(iii) results of all environmental monitoring required under this Consent or other approvals, including interpretations and discussion by a suitably qualified person;<br>(iv) identification of trends in monitoring results over the life of the mine;<br>(v) a comparison of the actual impacts with predictions made in the EIS and supporting documents;<br>(vi) a review of the social impact of the mine, including mitigation works and acquisition;<br>(vii) a listing of any variations obtained to approvals applicable to the subject area during the previous year;<br>(viii) the outcome of the water budget for the year, the quantity of water used from water storages and details of discharge of any water from the site;<br>(ix) rehabilitation report; and<br>(x) environmental management targets and strategies for the next year, taking into a account identified trends in monitoring results. | | YES | | (i) Compliance Audit conducted by Donaldson Mine in August 2001. Compliance with the conditions of consent is commented on in each AEMR.<br>(ii) Commented on throughout the AEMR.<br>(iii) Environmental monitoring data included in the AEMR in the relevant sections.<br>(iv) Trends in monitoring data are presented under each specific heading in section 3 of the AEMR.<br>(v) Comparison with the EIS predictions for the development are provided in each AEMR taking account of the approved MOP.<br>(vi) No acquisition requests have been made to the time of this audit. Mitigation measures are part of the normal mine operation.<br>(vii) Approval status is summarised in section 1.2 of the AEMR.<br>(viii) No discharge has occurred from the mine site during the 2007 to 2010 period. Water management is reported in section 2.8 of the AEMR.<br>(ix) Rehabilitation progress is reported in section 5 of the AEMR.<br>(x) Targes and strategies for the next 12 months are reported in Section 6 of the AEMR. |
| **115** | In preparing the AEMR, the Applicant shall:<br>(i) consult with the Director-General during preparation of each report for any additional requirements;<br>(ii) comply with any requirements of the Director-General or other relevant government agency and with any guidelines current at the time of reporting; and<br>(iii) ensure that the first report is completed and submitted within 12 months of this Consent, or at a date determined by the Director-General in consultation with the DMR and the EPA. | • AEMR - Nov 2006 to Oct 2007<br>• AEMR - Nov 2007 to Oct 2008<br>• AEMR - Nov 2008 to Oct 2009 | YES | | (i) No additional requirements for the AEMR's have been advised from the Director-General in relation to preparation of the 2007 to 2009 AEMR's.<br><br>(ii) see above<br><br>(iii) The first AEMR was prepared for the period February 2001 to January 2002 . The timing of the first AEMR was determined in consultation with the DMR and Director-General as no mine works had started in the first 12 months after granting of the consent. |

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| **116** | The Applicant shall ensure that copies of each AEMR are submitted at the same time to DUAP, EPA, DLWC, NPWS, Councils and the Community Consultative Committee, and made available for public information at Councils within 14 days of submission to these authorities. | • AEMR - Nov 2006 to Oct 2007<br>• AEMR - Nov 2007 to Oct 2008<br>• AEMR - Nov 2008 to Oct 2009 | YES | | Copies of the AEMR's prepared for the Donaldson Mine were submitted to the authorities and following receipt of acceptance of the document by the DMR (or DPI-MR) and the Director-General.<br><br>The AEMR's have been prepared in accordance with the DMR Guidelines and submitted to the DPI/DMR in accordance with the mining lease agreement. |
| **INDEPENDENT ENVIRONMENTAL AUDIT** | | | | | |
| **117** | At 3 yearly intervals after the commencement of mining and at the completion of mining, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must: | • ISO 19011:2002 – Guidelines for Quality and/or Environmental Systems Auditing<br>• Independent Environmental Audit, Trevor Brown & Associates, April 2007 | YES | | An Independent Environmental Audit was conducted in February 2003 by Trevor Brown & Associates to fulfil the requirements of MCoA 117.<br>A Modification to the original was granted by DIPNR in August 2005. This Notification amended MCoA 117 to require 3 yearly Independent Environmental Audits after the commencement of mining.<br><br>An audit was conducted in April 2007 to satisfy the requirements of MCoA 117-118 in the Notice of Modification granted on 26 August 2005 for the period 6 years after the commencement of mining.<br><br>This current audit has been conducted for the period April 2007 to April 2010 for the period 9 years after the commencement of mining. |
| | i. be conducted by a suitably qualified, experienced and independent person whose appointment has been endorsed by the Director-General;<br>ii. be consistent with ISO 19011:2002 – *Guideline for Quality and/or Environmental Systems Auditing*, or equivalent updated versions of these guidelines;<br>iii. assess the environmental performance of the development, and its effects on the surrounding environment;<br>iv. assess whether the development is complying with the relevant standards, performance measures and statutory requirements;<br>v. review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and (vi) if necessary, recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems. | • Email from DoP Endorsing the Independent Environmental Auditor, 23 April 2007<br>• Letter from DoP re AEMR, 25 Feb 2010 | YES | | (i) The April 2007 audit was conducted by Trevor Brown of Trevor Brown & Associates Applied Environmental Management Consultants. Endorsement of the auditor had not been received by Donaldson at the time of the audit. Approval of Trevor Brown for the 2010 audit was provided in the letter from the DoP on 25 February 2010.<br>(ii) The conduct of the 2010 audit was consistent with the requirements of ISO19011.<br>(iii) The environmental performance of the development was reviewed and comments are provided in Section 4 of this audit report.<br>(iv) The development demonstrated a high degree of compliance with the standards, performance measures and statutory requirements relevant to the development<br>(v) Comment on the Environmental Management Strategy and Environmental Monitoring Program are provide in Section 3 of this report. |

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| **118** | The audit shall:<br>(i) assess compliance with the requirements of this Consent, licences and approvals;<br>(ii) review the effectiveness of the environmental management of the mine, and any mitigation works;<br>(iii) be carried out at the Applicant's expense; and<br>(iv) be conducted by a duly qualified independent person or team approved by the Director-General in consultation with the Councils. | • Independent Environmental Audit - Donaldson Mine April 2003, conducted by Trevor Brown & Associates for Donaldson Coal Pty Ltd<br>• Email from DoP Endorsing the Independent Environmental Auditor, 23 April 2007<br>• Letter from DoP re AEMR, 25 Feb 2010 | YES | | An Independent Environmental Audit was conducted in February 2003 by Trevor Brown & Associates to fulfil the requirements of MCoA 117 and 118 in place in 2003.<br><br>A further audit was conducted in April 2007 to satisfy the requirements of the 2005 Modification MCoA 117-118. The current audit was conducted in April 2010 by the auditor approved by the Director-General in correspondence to Donaldson Coal in February 2010. |
| **119** | The Director-General may, after assessing compliance in accordance with this Consent and after considering any submission made by the EPA, DLWC, DMR, the Councils or the Community Consultative Committee on the report, notify the Applicant of any reasonable requirements for compliance with this Consent. The Applicant shall comply with those requirements within such time as the Director-General may require. | | Noted | | |
| **COMPLIANCE** | | | | | |
| **120** | The Applicant shall comply with all requirements of the D-G in respect of the implementation of any measures arising from the Conditions of this Consent. The Applicant shall bring to the attention of the D-G any matter that may require further investigation and the issuing of instructions from the D-G. The Applicant shall ensure that these instructions are implemented to the satisfaction of the D-G within such time that the D-G may specify. If necessary, the D-G may order the Applicant to cease work until non-compliance has been addressed to the satisfaction of the D-G. | | Noted | | |
| **121** | The Applicant shall submit for the approval of the D-G compliance reports concerning the implementation of Conditions of this Consent as applicable:<br>(i) before the commencement of construction works; and<br>(ii) before the commencement of mining. | • Letter to DUAP with Compliance Report for Construction, 20 Oct 2000<br>• Letter to DUAP re Compliance Report for Mining and advising commencement of mining, 17 Jan 2001 | YES | | Compliance Reports were prepared and submitted to DUAP for construction of the Donaldson Mine on 20 October 2000, and a Compliance Report was submitted to DUAP prior to commencement of mining works on 17 January 2001. |
| **Y2K COMPLIANCE** | | | | | |
| **122** | One month prior to the commencement of operation of any automated system, included embedded systems used for operation, pollution control, monitoring and safety (including fire safety), the Applicant shall provide the D-G with a report confirming that the system(s) has been tested in accordance with the most recent edition of BSI/DISC PD2000-1 to confirm continuous time and date functionality of that system. | | YES | | The Donaldson Mine commenced after the 1 January 2000. Systems installed and operated for the Donaldson Mine are Y2K compliant. |

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| **DISPUTE RESOLUTION** | | | | | |
| **123** | In the event that the Applicant and an individual, the Councils or a Government agency, other than DUAP, cannot agree on the specification or requirements applicable under this Consent, the matter shall be referred by either party to the Director-General or if not resolved within six months, to the Minister for Urban Affairs and Planning, whose determination of the disagreement shall be final and binding on the parties. | | Noted | | The development consent was accepted by the parties and construction and commencement of mining occurred after 1 January 2000. |
| **OTHER ISSUES** | | | | | |
| **124** | The Applicant shall participate in (including a financial contribution if appropriate, to a maximum of $10,000) the preparation of a revised Planning Strategy for the Thornton-Beresfield area. Any such financial contribution shall be paid as directed by the Director-General and any amounts not expended in the review upon completion of mining shall be refunded to the Applicant. | | Requirements of this condition not specifically activated at the time of the audit due to changes to the planning proposals. | | The Thornton-Beresford Area has been incorporated into the Lower Hunter Area and a Planning Strategy as an employment generating area with a transport internodal hub proposed for the area.<br><br>Donaldson has participated in meetings associated with the Thornton-Killingworth study, Lower Hunter Regional Strategy and Lower Hunter Conservation Plan.<br><br>Donaldson also made some financial contributions including analysis and participation in the planning of a Newcastle rail by-pass line through the Stony Pinch site.<br><br>The Lower Hunter Regional Strategy and Conservation Plan is not yet finalised, but Donaldson Coal continues to be involved in discussions with the authroties on the Strategy and Plan. |
| **125** | The Applicant shall provide reasonable funding to Councils for independent counselling services for any landowner within 1.5 kilometres of the mining lease area who may request support on stress-related matters resulting from the development. | | Not activated at the time of the audit | | No requests have been made for the activation of this condition. |
| **126** | Within six months of the date of this Consent and in each AEMR thereafter, the Applicant shall report to the Director-General on the number of personnel employed by the mine in construction, mining and environmental management during that reporting period. The report shall compare the employment figures with those predicted in the EIS. | • AEMR - Nov 2006 to Oct 2007<br>• AEMR - Nov 2007 to Oct 2008<br>• AEMR - Nov 2008 to Oct 2009 | YES | | Mine employment numbers are reported annually in the AEMR section 4.3.1. |

| Year | Full-time Employes | |
|---|---|---|
| | Donaldson Mine | Contractors |
| 2007 | 10 | Cooks Construction 69 |
| 2008 | 10 | Cooks Construction 69 |
| 2009 | 59 | Plus Subcontractors to Donaldson Coal |

# Appendix B Environment Protection Licence

## Attachment B Environment Protection Licence – Donaldson Coal Mine

| Environmental Protection Licence No. 11080 | | | | | |
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| **Condition No.** | **Condition** | **Evidence Reviewed** | **Compliance** | | **Comments/Notes** |
| **1** | **Administrative conditions** | | | | |
| **A1.2** | This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.<br>**Scheduled Activity**<br>Mining for coal<br>Coal Works<br>**Fee Based Activity Scale**<br>Mining for coal > 500,000 – 2,000,000 T produced<br>Coal works 0-2,000,000 t loaded | Environment Protection Licence No. 11080<br><br>AEMR 2007<br>AEMR 2008<br>AEMR 2009 | YES | | The coal production from the Donaldson Mine has been <2,000,000 tpa in accordance with the Fee Based Activity Scale.<br><br>**Year** / **Coal Production**<br>2007 – 1,350,742 tonnes<br>2008 – 1,940,813 tonnes<br>2009 – 929,248 tonnes |
| **A2** | **Premises to which this licence applies** | | | | |
| **A2.1** | The licence applies to the following premises:<br>Donaldson Coal Pty Ltd<br>John Renshaw Drive MAITLAND NSW 2320<br><br>Part Lots 13 AND 92 - DP 755260; Part Lots 9,10,11,13 - DP 11875; Lot 121 - DP 567150; Lot 81 - DP 627799; Lot 1 - DP 838310; Lot 4 - DP 11988; Lot 41, 42 - DP 755237. | Environment Protection Licence No. 11080<br><br>DA 98/01173, dated 13 Feb 1998, lodged with Maitland City Council and<br><br>DA 118/698/22, dated 19 Feb 1998, lodged with Cessnock City Council<br><br>Development Consent, 14 Oct 1999 | YES | | Noted |
| **A3** | **Other activities** | | | | |
| **A3.1** | This licence applies to all other activities carried on at the premises, including:<br><br>Extractive Industries | Environment Protection Licence No. 11080 | | | Noted |

<table>
<tr><td>2</td><td colspan="2">Discharges to air and water and applications to land</td><td></td><td></td><td></td></tr>
<tr><td>P1.1</td><td colspan="2">Location of monitoring/discharge points and areas<br>P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</td><td>YES</td><td></td><td>The monitoring/discharge points established at the Donaldson Mine are in accordance with EPL condition P1.1.</td></tr>
<tr><td></td><td colspan="2">Air
<table>
<tr><th>EPA no.</th><th>Type of Monitoring Point</th><th>Point Description of Location</th></tr>
<tr><td>1</td><td>Dust deposition Network</td><td>At locations where dust deposition levels are representative of the levels experienced at residential properties or other sensitive receivers resulting from the operation of the mine.</td></tr>
<tr><td>2</td><td>Total suspended particles Network</td><td>At locations where the level of particulate matter being sampled is representative of emissions fromn the operation of the mine taking into account prevailing winfd direction and the location of residentoial properties or other senstitive receivers.</td></tr>
<tr><td>3</td><td>Air quality monitoring – two continuous DUSTRAK particulate monitors</td><td>(1) Steggles hatchery and (2) Beresfield as indicated in appendix 5 of supporting information titled 'Environmental Protection Licence Application for Donaldson Mine' (May 2000) or otherwise as agreed to by the EPA</td></tr>
</table></td><td>YES</td><td></td><td>The Air Quality Management Plan was prepared for Donaldson Mine in 2000 and reviewed in 2005. The monitoring locations were reviewed by Holmes Air Services and it was concluded that no changes were necessary to the air quality monitoring program implemented by Donaldson Coal.<br><br>Two continuous DustTrak monitors have been operated by Donaldson Mine – one at Bartter Enetrprise site and one as a mobile unit that has been located on Weakleys Drive east of the Donaldson Mine site.</td></tr>
<tr><td>P1.2</td><td colspan="2">The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</td><td>YES</td><td></td><td>The monitoring/discharge points established at the Donaldson Mine are in accordance with EPL condition P1.1.</td></tr>
<tr><td>P1.3</td><td colspan="2">The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.</td><td></td><td></td><td>Noted</td></tr>
<tr><td></td><td colspan="2">Water and land
<table>
<tr><th>EPA No.</th><th>Type of monitoring point</th><th>Description of location</th></tr>
<tr><td>4</td><td>Surface water quality</td><td>Site EM1 - Upstream of Four Mile Creek</td></tr>
<tr><td>5</td><td>Surface water quality</td><td>Site EM2 - Downstream of Four Mile Creek</td></tr>
<tr><td>6</td><td>Surface water quality</td><td>Site EM3 - Upstream of Weakleys Flat Creek</td></tr>
<tr><td>7</td><td>Surface water quality</td><td>Site EM4 - Downstream of Weakleys Flat Creek</td></tr>
<tr><td>8</td><td>Surface water quality</td><td>Site EM5 - Upstream of Scotch Dairy Creek</td></tr>
<tr><td>9</td><td>Surface water quality</td><td>Site EM6 - Downstream of Scotch Dairy Creek</td></tr>
<tr><td>10</td><td>Groundwater quality</td><td>At locations appropriate for the detection of any potential impacts of the mine on ground water quality.</td></tr>
<tr><td>11</td><td>Discharge waters under wet weather conditions; volume monitoring; discharge water quality monitoring</td><td>Pipe outlet located adjacent to the bridge crossing Four Mile Creek.</td></tr>
</table></td><td>YES</td><td></td><td>Monitoring locations EM1 to EM6 are sampled monthly and results reported in the AEMR and EPA Annual Return.<br><br>Groundwater monitoring has occurred at 10 monitoring sites since June 2000.<br><br>No discharge occurred from, EPA Monitoring Point 11 between May 2007 and April 2010 so no monitoring was conducted.</td></tr>
</table>

<table>
<tr><td>L1</td><td>L1 Pollution of waters</td><td></td><td></td><td></td><td></td></tr>
<tr><td>L1.1</td><td>Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.</td><td></td><td></td><td></td><td>Noted</td></tr>
<tr><td>L2</td><td>Load Limits</td><td></td><td></td><td></td><td></td></tr>
<tr><td>L2.1</td><td>Not applicable</td><td></td><td></td><td></td><td></td></tr>
<tr><td>L3</td><td>Concentration Limits</td><td></td><td></td><td></td><td></td></tr>
<tr><td>L3.1</td><td>For each monitoring discharge point or utilization area specified in the table below (by appoint number) the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for the pollutant in the table.</td><td></td><td></td><td></td><td>Noted</td></tr>
<tr><td>L3.2</td><td>Where pH quality limit is specified in the table, the specified percentage of samples must be within the specified range.</td><td></td><td></td><td></td><td>Noted</td></tr>
<tr><td>L3.3</td><td>To avoid any doubt, this condition does not authorize the pollution of waters by any pollutant other than those specified in the table.
<table>
<tr><th>Pollutant</th><th>Units of Measure</th><th>100 percentile Conc. Limit</th></tr>
<tr><td>Conductivity</td><td>µS/cm</td><td>2000</td></tr>
<tr><td>pH</td><td>pH</td><td>6.0-8.0</td></tr>
<tr><td>Total suspended Solids (TSS)</td><td>Mg/l</td><td>50</td></tr>
</table></td><td></td><td></td><td></td><td>Noted</td></tr>
<tr><td>L4</td><td>Volume and Mass limits</td><td></td><td></td><td></td><td></td></tr>
<tr><td>L4.1</td><td>For each discharge point or utilisation area specified below (by a point number) the volume/mass of:<br>(a) liquids discharged to water; or<br>(b) solids or liquids applied to the area<br>must not exceed the volume/mass limit specified for the discharge point or area.
<table>
<tr><th>Point</th><th>Units of measure</th><th>Volume/Mass Limit</th></tr>
<tr><td>11</td><td>Kilolitrers per day</td><td>40,000</td></tr>
</table></td><td></td><td></td><td></td><td>Noted. No discharge has occurred from Point 11 during the April 2007 to April 2010 period</td></tr>
<tr><td>L4.2</td><td>The volume of wastewater referred in L4.1 may only discharged in accordance with the following:<br>40,000kl each day for the 5 days (9:00 to 9:00) following rainfall of at least 10mm as measured at Donaldson meteorological station in 24 hours.</td><td></td><td></td><td></td><td>Noted. No discharge from the site has occurred in the period 2007 to 2010.</td></tr>
</table>

| | | | | | |
|---|---|---|---|---|---|
| **L5** | **Waste** | | | | |
| **L5.1** | Not applicable | | | | |
| **L6** | **Noise Limits** | | | | |
| **L6.1** | **Not applicable** | | | | |
| **L7** | **Blasting Limits** | | | | |
| **L7.1** | The airblast overpressure level from blasting operations in or on the premises must not exceed:<br>(a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and<br>(b) 120 dB (Lin Peak) at any time.<br>At any residence or noise sensitive location (such as a school or hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternate limit . | Blast Management Plan, 2007<br><br>Blast Monitoring and Assessment Report, Oct 2009, Hunter Acoustics<br><br>Blast Monitoring and Assessment Report, March 2010, Hunter Acoustics | YES | | Less than 5% of airblast overpressure monitoring results exceeded the 115 dB (Lin peak) criteria during the 2007 to 2010 period.<br><br>No overpressure blasts >120dB(Lin Peak) occurred between 2007 and 2010. |
| **L7.2** | The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed:<br>(a) 5mm/s or 2 mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and<br>(b) 10 mm/s at any time.<br>At any residence or noise sensitive location (such as a school or hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternate limit . | Blast Monitoring and Assessment Report, Oct 2009, Hunter Acoustics<br><br>Blast Monitoring and Assessment Report, March 2010, Hunter Acoustics | YES | | No ppv measurements exceeded the 2 mm/s during the 2007 to 2010 period.<br><br>No ground vibration results exceeded the 10mm/sec criteria during the April 2007 to April 2010 period. |
| **L7.3** | Blasting in or on the premises must only be carried out between 0700 hours and 1700 hours, Monday to Saturday.<br>Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA. | | YES | | All blasting only occurred between 0700 to 1700 hours during the April 2007 to April 2010 period. |
| **4** | **Operating conditions** | | | | |
| **O1.1** | Licensed activities must be carried out in a competent manner. This includes:<br>(a) the processing, handling, movement and storage of materials and substances used to carry out the activity;<br>(b) treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity. | | | | Noted. |

| | | | | | |
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| **O2** | **Maintenance of plant and equipment** | | | | |
| **O2.1** | All plant and equipment installed at the premises or used in connection with the licensed activity:<br>(a) must be maintained in a proper and efficient condition; and<br>(b) must be operated in a proper and efficient manner. | | | | Noted |
| **O3** | **Dust** | | | | |
| **O3.1** | The premises must be maintained in a condition which minimizes or prevents the emission of dust from the premises. | | YES | | Dust generation from the mine activities is controlled using water trucks on road areas and works are managed or stopped when wind speed reaches 5m/s. |
| **O3.2** | All trafficable areas, coal storage areas and vehicles maneuvering areas in or on the premises must be maintained at all times in a condition that will minimjse the generation or emission from the premises of wind-blown or traffic generated dust. | | YES | | Use of water trucks on trafficable areas occurs at the Donaldson Mine site. |
| **5** | **Monitoring and recording conditions** | | | | |
| **M1** | **Monitoring records** | | | | |
| **M1.1** | The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition. | | | | Noted |
| **M1.2** | All records required to be kept by this licence must be:<br>(a) in a legible form, or in a form that can readily be reduced to a legible form;<br>(b) kept for at least 4 years after the monitoring or event to which they relate took place; and<br>(c ) produced in a legible form to any authorized officer of the EPA who asks to see them. | • Monthly Water Monitoring Results April 2007 to March 2007, Ecowise Environmental<br>• Monthly Blast Monitoring and Assessment Reports April 2007 to March 2010, Hunter Acoustics<br>• Quarterly Noise Surveys, Heggies, April 2007-March 2010 | YES | | All monitoring records have been retained in the Donaldson Mine Environmental files since 2001. The monitoring reports are in a legible form and retained for at least 4 years. |
| **M1.3** | The following records must be kept in respect of any samples required to be collected for the purposes of this licence:<br>(a) the date(s) on which the sample was taken;<br>(b) the time(s) at which the sample was collected;<br>(c ) the point at which the sample was taken; and<br>(d) the name of the person who collected the sample. | | YES | | All monitoring records have been retained in the Donaldson Coal Environmental files since 2001, with date of sampling, time of sampling, sampling point number and name of the person collecting the sample recorded on and Chain of Custody forms. |

<table>
<tr><td>M2</td><td colspan="2">Requirement to monitor concentration of pollutants discharged</td><td></td><td></td><td></td></tr>
<tr><td>M2.1</td><td>For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.</td><td>• Monthly Water Monitoring Results April 2007 to March 2007, Ecowise Environmental<br>• AEMR - Nov 2006 to Oct 2007<br>• AEMR - Nov 2007 to Oct 2008<br>• AEMR - Nov 2008 to Oct 2009</td><td>YES</td><td></td><td><table><tr><th>Point</th><th>Parameter</th><th>Frequency</th></tr><tr><td>1</td><td>Dust deposition</td><td>Monthly</td></tr><tr><td>2</td><td>$PM_{10}$ & TSP</td><td>Every 6 days</td></tr><tr><td>3</td><td>$PM_{10}$</td><td>Continuous</td></tr><tr><td>4-10 (EM1-EM6)</td><td>pH, TSS & EC</td><td>Monthly</td></tr><tr><td>11</td><td>pH, TSS & EC</td><td>Daily during discharge</td></tr></table>Monitoring and testing methods used by Donaldson Coal or its contract consultants are in accordance with EPL condition M2.1 requirements.</td></tr>
<tr><td>M3</td><td colspan="2">Testing methods - concentration limits</td><td></td><td></td><td></td></tr>
<tr><td>M3.1</td><td>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:<br>(a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or<br>(b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or<br>(c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.</td><td>• Monthly Water Monitoring Results April 2007 to March 2007, Ecowise Environmental</td><td>YES</td><td></td><td>Testing methods used by Donaldson Coal or its contract consultants are in accordance with EPA approved methods and the methods are referenced in the monitoring data reports.</td></tr>
<tr><td>M3.2</td><td>Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.</td><td>• Monthly Water Monitoring Results April 2007 to March 2007, Ecowise Environmental</td><td>YES</td><td></td><td>Testing methods used by Donaldson Coal or its contract consultants are in accordance with EPA approved methods. Analysis has all been conducted by NATA registered laboratories.</td></tr>
<tr><td>M4</td><td colspan="2">Recording of pollution complaints</td><td></td><td></td><td></td></tr>
<tr><td>M4.1</td><td>The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.</td><td></td><td>YES</td><td></td><td>Complaints received are recorded in accordance with EPL condition M4.1, and reported in the AEMR's.</td></tr>
</table>

| | | | | | |
|---|---|---|---|---|---|
| **M4.2** | The record must include details of the following:<br>(a) the date and time of the complaint;<br>(b) the method by which the complaint was made;<br>(c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;<br>(d) the nature of the complaint;<br>(e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and<br>(f) if no action was taken by the licensee, the reasons why no action was taken. | • Complaints Register Donaldson Mine, 22 Mar 2001 to 18 Mar 2010<br>• AEMR - Nov 2006 to Oct 2007<br>• AEMR - Nov 2007 to Oct 2008<br>• AEMR - Nov 2008 to Oct 2009<br>• EPL Annual Return, submitted 7 Nov 2007<br>• EPL Annual Return, submitted 7 Nov 2008<br>• EPL Annual Return, submitted 30 Oct 2009 | YES | | Complaints received are recorded in accordance with EPL condition M4.2. |
| **M4.3** | The record of a complaint must be kept for at least 4 years after the complaint was made. | • Complaints Register Donaldson Mine, 22 Mar 2001 to 18 Mar 2010 | YES | | Complaints records have been retained in the Donaldson Coal Environmental files since 2001. |
| **M4.4** | The record must be produced to any authorised officer of the EPA who asks to see them. | | | | Noted |
| **M5** | **Telephone complaints line** | | | | |
| **M5.1** | The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence. | | YES | | An established telephone complaints line for the public (1800 111 271) has been operated by Donaldson Coal during the April 2007 to April 2010 period. |
| **M5.2** | The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint. | | YES | | The community hotline (1800 111 271) is listed on the Donaldson Coal website. |
| **M5.3** | Conditions M5.1 and M5.2 do not apply until 3 months after:<br>(a) the date of the issue of this licence; or<br>(b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation. | | | | Noted. The mine started operation in January 2001 and the community hotline and complaints process has been in operation since that time. |
| **M6** | **Requirement to monitor volume or mass** | | | | |
| **M6.1** | For each discharge point or utilization area specified below, the licensee must monitor:<br>(a) the volume of liquids discharged to water;<br>(b) the mass solids applied to the area;<br>(c) the mass of pollutants emitted to the air.<br>At the frequency and using the method and units of measure specified below. | | YES | | Noted.<br><br>No discharge has occurred from Point 11 during the period April 2007 to April 2010. |

| **Frequency Point 11** | **Unit of Measure** | **Sampling Method** |
|---|---|---|
| Daily during discharge | Kilolitres per day | In line instrumentation |

| | | | | | |
|---|---|---|---|---|---|
| **M7** | **Blasting monitoring** | | | | |
| **M7.1** | To determine compliance with condition(s) L6.1 and L6.2:<br>(a) Airblast overpressure and ground vibration levels must be measured at any residence or noise sensitive location (such as a school or hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternate limit - for all blasts carried out in or on the premises; and<br>(b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of AS 2187.2 of 1993. | • Blast Monitoring and Assessment Report, Oct 2009 Hunter Acoustics<br>• Blast Monitoring and Assessment Report, Mar 2010, Hunter Acoustics | YES | | Airblast overpressure and ground vibration levels have been monitored for each blast at the five permanent blast monitoring stations during the April 2007 to April 2010 period:<br>• Fairfax Regional Printing Facility;<br>• Bartter Poultry Farm – Farm 6;<br>• Weakleys Drive (Chidgey), Beresfield;<br>• Avalon Estate, Thornton; and<br>• Hunter Water Pipeline.<br>All blast overpressure and vibration measurements during the period April 2007 to April 2010 were conducted in accordance with the requirements of EPL condition M7.1. |
| **6** | **Reporting conditions** | | | | |
| **R1** | **Annual return documents** | | | | |
| **R1.1** | **What documents must an Annual Return contain?**<br>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:<br>(a) a Statement of Compliance; and<br>(b) a Monitoring and Complaints Summary.<br>A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA. | • EPL Annual Return, submitted 7 Nov 2007<br>• EPL Annual Return, submitted 7 Nov 2008<br>• EPL Annual Return, submitted 30 Oct 2009 | YES | | The Annual Returns have been submitted to the EPA with a Statement of Compliance and Monitoring and Complaints Summary, on the forms provided by the EPA. |
| **R1.2** | **Period covered by Annual Return**<br>An Annual Return must be prepared in respect of each reporting period, except as provided below.<br>Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period. | • EPL Annual Return, submitted 7 Nov 2007<br>• EPL Annual Return, submitted 7 Nov 2008<br>• EPL Annual Return, submitted 30 Oct 2009 | YES | | The Annual Returns for the Donaldson Mine have been submitted to the EPA for the reporting period 13 September to 12 September each 12 months. |
| **R1.3** | Where this licence is transferred from the licensee to a new licensee,<br>(a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and<br>(b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day | | N/A | | |

| | | | | | |
|---|---|---|---|---|---|
| | of the reporting period. | | | | |
| **R1.5** | **Deadline for Annual Return**<br>The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date'). | • EPL Annual Return, submitted 7 Nov 2007<br>• EPL Annual Return, submitted 7 Nov 2008<br>• EPL Annual Return, submitted 30 Oct 2009 | YES | | The Anniversary Date for the EPL is 13 September and the Annual Returns have been supplied to the EPA within the 60 day period of the end of the reporting periods. |
| **R1.7** | **Licensee must retain copy of Annual Return**<br>The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA. | • EPL Annual Return, 7 Nov 2007<br>• EPL Annual Return, 7 Nov 2008<br>• EPL Annual Return, 30 Oct 2009 | YES | | Annual Returns have been retained in the Donaldson Mine Environmental files. Copies of the 2007 to 2009 Annual Returns were sighted during the audit. |
| **Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary** | | | | | |
| **R1.8** | Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:<br>(a) the licence holder; or<br>(b) by a person approved in writing by the EPA to sign on behalf of the licence holder. | • EPL Annual Return, 7 Nov 2007<br>• EPL Annual Return, 7 Nov 2008<br>• EPL Annual Return, 30 Oct 2009 | YES | | The Annual Returns have been signed by Directors of Donaldson Coal. |
| **R1.9** | A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence. | | | | Not applicable |
| **R2** | **Notification of environmental harm** | | | | |
| | Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act. | | YES | | No reportable incidents causing or threatening material harm to the environment occurred during 2007 to 2010. Environmental incidents (i.e. incidents that did not result in potential for material harm) were recorded during 2007 to 2010 in accordance the Donaldson EMS and a summary reported in the AEMR. |

| | | | | | |
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| **R2.1** | Notifications must be made by telephoning the EPA's Pollution Line service on 131 555. | | | | Noted |
| **R2.2** | The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred. | | | | Noted |
| **R3** | **Written report** | | | | |
| **R3.1** | Where an authorised officer of the EPA suspects on reasonable grounds that:<br>(a) where this licence applies to premises, an event has occurred at the premises; or<br>(b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event. | | | | Noted |
| **R3.2** | The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request. | | | | Noted |
| **R3.3** | The request may require a report which includes any or all of the following information:<br>(a) the cause, time and duration of the event;<br>(b) the type, volume and concentration of every pollutant discharged as a result of the event;<br>(c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and<br>(d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;<br>(e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;<br>(f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;<br>(g) any other relevant matters. | | | | Noted |

<table>
<tr><td>R3.4</td><td>The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.</td><td></td><td></td><td></td><td>Noted</td></tr>
<tr><td>R4</td><td>Reporting of blasting monitoring</td><td></td><td></td><td></td><td></td></tr>
<tr><td>R4.1</td><td>The licensee must report any exceedence of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee’s employees or agents.</td><td>• Blast Monitoring and Assessment Report, Oct 2009 Hunter Acoustics<br>• Blast Monitoring and Assessment Report, Mar 2010, Hunter Acoustics<br>• AEMR - Nov 2006 to Oct 2007<br>• AEMR - Nov 2007 to Oct 2008<br>• AEMR - Nov 2008 to Oct 2009</td><td>YES</td><td></td><td>Blast monitoring results between 2007 and 2010 at the Fairfax Regional Printing Facility; Bartter Poultry Farm – Farm 6; Weakleys Drive (Chidgey), Beresfield and Avalon Estate, Thornton exhibited:
<table>
<tr><th>Location</th><th>Overpressure</th><th>ppv 2007-2010</th></tr>
<tr><td>Fairfax</td><td>2009: All <115dB(L)</td><td>All <5mm/s</td></tr>
<tr><td>Chidgey</td><td>All results have complied with EPL condition L7.1 2007-2010</td><td>All results All results <5mm/s</td></tr>
<tr><td>Avalon Estate</td><td>All results have complied with EPL condition L7.1 2007-2010</td><td>All results <5mm/s</td></tr>
<tr><td>Abakk</td><td>All results have complied with EPL condition L7.1 2007-2010</td><td>2009: All results <5mm/s</td></tr>
</table></td></tr>
<tr><td>R4.2</td><td>The licensee must supply, with each Annual Return, a Blast Monitoring Report which must include the following information relating to each blast carried out within the premises during the reporting<br>period covered by the Annual Return:<br>(a) the date and time of the blast;<br>(b) the location of the blast on the premises;<br>(c) the blast monitoring results at each blast monitoring station; and<br>(d) an explanation for any missing blast monitoring results.</td><td>• EPL Annual Return, submitted 7 Nov 2007<br>• EPL Annual Return, submitted 7 Nov 2008<br>• EPL Annual Return, submitted 30 Oct 2009<br>• Blast Monitoring and Assessment Report, Oct 2009 Hunter Acoustics<br>• Blast Monitoring and Assessment Report, Mar 2010, Hunter Acoustics</td><td></td><td></td><td>A Blast Monitoring Report has been provided with the Annual Return in accordance with EPL condition R4.2</td></tr>
</table>