

March 2015

# Independent Environmental Audit Donaldson Coal Mine



**Trevor Brown & Associates**  
APPLIED ENVIRONMENTAL MANAGEMENT CONSULTANTS



# **Independent Environmental Audit – March 2015**

**Donaldson Open Cut Coal Mine Project**

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**trevor brown & associates**

**applied environmental management consultants**

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by

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14 April 2015

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# Independent Environmental Audit – March 2015

## Donaldson Open Cut Coal Mine Project

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### Abbreviations

AEMR	Annual Environmental Management Report
Annual Return	Annual Return required under the EPL No.11701
Annual Review	Review required under Project Approval 08_0203 Schedule 5 condition 3
CCC	Community Consultative Committee
CHPP	Coal Handling and Preparation Plant
CoI	Commission of Inquiry
DCPL	Donaldson Coal Pty Ltd
DEC	Department of Environment and Conservation
DECC	Department of Environment and Climate Change
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning and Infrastructure (now Department of Planning and Environment)
DII	Department of Industry and Investment
Director-General	Director-General Department of Planning and Infrastructure, or delegate
DoP	Department of Planning
DP&E	Department of Planning and Environment (previously Department of Planning and Infrastructure until April 2014)
DP&I	Department of Planning and Infrastructure
EA	Environmental Assessment
EC	Electrical Conductivity
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environmental Protection Licence No. 11080
ha	Hectare
ML	Mining Lease
NEPM	National Environmental Protection Measure
Minister	Minister for Planning, or delegate
MOP	Mining Operations Plan
NOW	New South Wales Office of Water
ROM	Run-of-Mine
SEE	Statement of Environmental Effects
TSS	Total Suspended Solids
TDS	Total Dissolved Solids

### Executive Summary

Donaldson Coal Pty Ltd submitted Development Applications for the Donaldson Open Cut Coal Mine with Maitland City Council (DA 98/01173), and the Cessnock City Council (DA 118/698/22) in February 1998. The *Environmental Impact Statement (EIS) Donaldson Coal Mine 1998* and a subsequent Commission of Inquiry (Col), resulted in a determination by the Minister for Urban Affairs and Planning on the 14 October 1999 under section 101(8) of the *Environmental Planning and Assessment Act 1979*.

The project is located approximately 23 km from the Port of Newcastle and 4 km south of East Maitland, NSW.

This Independent Environmental Audit of the Donaldson Coal Mine Project was conducted generally in accordance with the Australian/New Zealand Standards AS/NZS ISO 19011:2003 - Guidelines for Quality and/or Environmental Management System Auditing to review compliance with the Development Consent conditions between 16 and 19 March 2015.

The environmental documentation held by Donaldson Coal Pty Ltd and interviews/discussions with the site personnel provided the auditor with the required information for the verification of compliance with the Development Consent.

The Independent Environmental Audit confirmed a high degree of compliance with the approval conditions and did not identify any non-compliance with the Development Consent at the completion of mine operations in April 2013. All mining and associated operations were undertaken in accordance with the Development Consent, Environment Protection Licence and other statutory instruments as issued by the various government agencies

The Independent Environmental Audit has confirmed that the requirements of the majority of Development Consent conditions had been met during the operation of the Donaldson Coal Mine between 2001 and April 2013, and these conditions would not remain active for the Donaldson Coal Mine Project. The Development Consent conditions that were identified as remaining active were beyond the completion of mining were:

Condition No.	Development Consent condition	Comment
63(iv)	<p><b>Biological Monitoring</b></p> <p>The Applicant shall prepare and implement a detailed monitoring program for groundwater and surface water .....for the life of the mine and for a period of at least five years after the completion of mining, or other such period as determined by the Director-General.</p> <p>The monitoring program shall contain:</p> <ul style="list-style-type: none"> <li>(i) .....</li> <li>(ii) .....</li> <li>(iii) .....</li> <li>(iv) monitoring of macro-invertebrates and vegetation in accordance with protocols developed for the Hunter SIGNAL biological assessment criteria, with an assessment of inflows to the wetlands;</li> </ul>	<p>The biological monitoring will continue in accordance with Development Consent condition 63(iv) <i>“for a period of at least five years after the completion of mining, or other such period as determined by the Director-General.”</i></p>



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72(iii)	<p><b>Bushland Conservation Area Management</b></p> <p>Upon approval of the identified bushland area(s) by the Director-General, the Applicant shall:</p> <p>(i) .....;</p> <p>(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</p> <p>(iii) prepare and implement a Management Plan for that area in consultation with <b>OEH</b> 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.....</p>	<p>Donaldson Coal Pty Ltd will retain management and ownership of the bushland conservation area land for a minimum of 36 years from the commencement of construction, unless other arrangements are agreed in accordance with Development Consent condition 73.</p> <p>The Bushland Conservation Area Management Plan is consistent with the Flora and Fauna Management Plan and was approved by DoP.</p>
78 and 78A	<p><b>Rehabilitation</b></p> <p>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.</p>	<p>The Rehabilitation Plan is included in the Mining Operations Plans (MOP) for the Donaldson Coal Mine. The current MOP is for May 2014 to May 2021.</p> <p>As reporting on the Mining Operations Plan is required under the Mining Lease, the rehabilitation progress and monitoring will be reported to the DRE and it is recommended that approval be sought from DP&amp;E to submit this MOP report to DP&amp;E to satisfy this condition.</p>
114	<p><b>Annual Environmental Management Report</b></p> <p>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.....</p>	<p>The preparation of the AEMR for the Donaldson Coal Mine will be required unless an exemption is obtained from the Director-General/Secretary of DP&amp;E.</p> <p>Reporting on the rehabilitation progress, the biological monitoring and bushland conservation area management could be achieved by submitting the expert consultant reports and placing the reports on the Donaldson Coal website.</p>

The rehabilitation of the Donaldson Coal Mine Project at the date of this audit exhibited well established revegetation on the areas of the mine site disturbed by Donaldson Open Cut mining activities, and was well progressed to replicate the original vegetation cover that existed pre-mining. The surface preparation and contouring observed during this audit presented a visual context that was consistent with the pre-mining landscape, with the vegetative cover presenting progressive flora communities that were attracting re-habitation of native fauna species.

In relation to the Development Consent conditions that remain active, the following comments are provided:

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### **Biological Monitoring**

Assessment of in-stream fauna to assess areas of environmental stress through the diversity of the macro-invertebrate population and the presence of pollutant sensitive or pollutant tolerant species, have been undertaken twice annually on the three major tributaries traversing the mine site during the operation of the Donaldson Coal Open Pit Mine. All sites were populated by several pollutant sensitive macroinvertebrates and all systems performed favourably with downstream comparison sites (Tuft and Associates, 2012a).

The biological monitoring will continue in accordance with Development Consent condition 63(iv) *“for a period of at least five years after the completion of mining, or other such period as determined by the Director-General.”*

### **Flora Monitoring**

General flora assessments conducted on the Donaldson Coal Mine site by Ecobiological have determined that plant species numbers have increased since 2001, as have all floristic structural components. This is indicative of a dynamic plant community with high recruitment from the seed pool, normally an indicator of healthy plant community status (Ecobiological, 2013).

The control measures employed at the Donaldson Coal mine site for the conservation for the *Tetratheca juncea* included a conclusion in the 2014 report that - *“The monitoring data continues to show a population that has significantly declined since the start of monitoring. Evidence points to Tetratheca juncea being out-competed by other ground species.”*

### **Bushland Conservation Area**

The Bushland Conservation Area Management Plan submitted to the Director-General on 31 October 2005 was prepared and implemented for an area of 625ha of Donaldson Coal Pty Ltd fully owned land around the Donaldson Coal Mine operations. This compensatory area around the Donaldson Mine is contiguous with the Ironbark-Spotted Gum vegetative corridors in the Maitland area. The Bushland Conservation Area Management Plan is consistent with the Flora and Fauna Management Plan.

Donaldson Coal Pty Ltd will 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 Development Consent condition 73.

### **Rehabilitation**

Assessment of rehabilitation performance at the Donaldson Coal Mine site has been conducted by Global Soil Systems since August 2009. The results of this rehabilitation assessment were compared with the completion criteria for soil quality, vegetative cover, growth rates, species diversity and stem densities, as adopted by Donaldson Coal in the Rehabilitation Plan and Mining Operations Plan. The Global Soil Systems assessment found that several of the rehabilitated areas had met the completion criteria. The remaining rehabilitated areas assessed, were on track to meet the required completion criteria (Donaldson Coal Mine Rehabilitation Monitoring Report, Global Soil Systems 2014).

# 1. Introduction

## 1.1 Background

Donaldson Coal Pty Ltd operated an open cut coal mine on Ming Lease (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 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*, prepared by PPK Environment and Infrastructure Consultants, and the subsequent reports from the Commission of Inquiry (Col), 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 and condition 117 of the Notice of Modification require 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 Open Cut Coal 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:

- a. assess compliance with the requirements of this Consent, licences and approvals;
- b. review the effectiveness of the environmental management of the mine, including any mitigation works;
- c. be carried out at the Applicant’s expense; and
- d. 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 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 – Donaldson Coal Mine Status 2015
- Section 3 –Consents, Approvals and Licences
- Section 4 – Review of Environmental Management
- Section 5 – Conclusion of the Donaldson Mine Audit Findings

Attachment A – Donaldson Mine – Development Consent Conditions Table

Attachment B – Donaldson Mine – Environment Protection Licence Conditions Table

### 1.4 Compliance Table

The Independent Environmental Audit assessed the Donaldson Coal Mine activities for compliance with the intent of the Development Consent conditions with site inspections and verification of relevant documentation related to the conditions.

The status of compliance of the conditions attached to the project approvals are expressed as:

Status	Description
<b>Compliant</b>	Adequacy and appropriateness of implementation against the Development Consent conditions.
<b>Compliant Ongoing</b>	The intent and specific requirements of the condition have been met and the conditional requirements is ongoing for the Donaldson Coal Mine.
<b>Compliant COMPLETE</b>	The requirements of the condition have been complied with and no longer active following completion of mining of the Donaldson Open Cut Mine.
<b>Non-Compliant</b>	The intent or one or more specific requirements of the condition had not been met and is environmentally significant.
<b>Administrative Non-compliance</b>	A technical non-conformance with a condition of the consent that would not result in material harm to the environment
<b>Not triggered / Not applicable</b>	Condition or requirement had an activation or requirement that had not been triggered at the time of the audit, therefore a determination of compliance could not be made.
<b>Noted</b>	Conditions that are statements of requirement but not auditable.

## 2. Donaldson Open Cut Coal Mine Status – March 2015

The Donaldson Coal Mine involved an open cut coal mining operation located north of John Renshaw Drive and approximately 23km from the Port of Newcastle. The mining lease is within the Cessnock and Maitland Local Government Areas.

The Donaldson Coal Open Cut Mine site prior to the mining operations was characterised by native woodland and forest communities. Although previously disturbed by activities such as logging, deliberate bushfires and recreational pursuits (motorbikes, cycling and four wheel driving), careful planning of the mine development occurred to minimise the impact of the proposed mining activities.

The mine commenced operation on 25th January 2001, following approval by the Minister of Urban Affairs and Planning on the 14 October 1999 and mining operations continued until completion in April 2013.

During the first 12 months of the operation, overburden material was placed in an out-of-pit emplacement and after 2002 the majority of the overburden material was placed back in-pit, backfilling the void where the coal had been extracted. Reshaping of the backfill to a landform consistent with the pre-mine topography occurred progressively from September 2002 with the landform finalised and revegetated at the completion of mining. The mining operations were conducted under contract by Cooks Construction Pty Ltd until 2 February, 2009 when Donaldson Coal became the operator until the completion of mining in April 2013.

Progressive rehabilitation of the areas disturbed by the Donaldson Open Cut operations occurred throughout the life of the mine between 2001 and 2013. At the completion of mining the rehabilitation of the Donaldson Coal Mine site involved removal of roads, excavation of contaminated material, decommissioning of the fuel storage area, buildings and other surface infrastructure, reshaping final surfaces to the landform, topsoil spreading, drainage line construction and seeding with local tree and shrub species.

All mining and rehabilitation operations have been completed at Donaldson Coal Mine. Ongoing works will be limited to environmental monitoring, maintenance earthworks and ancillary activities associated with the Abel Underground Coal Mine operations that occur from the highwall in the West Open Cut (mined out by Donaldson Coal Pty Ltd prior to the commencement of the Abel operations. The Abel Underground Mine activities will include storage of water and placement of minor volumes of waste rock within the West and Square Pits.



**Plate 2: Rehabilitation of the Donaldson Coal Open Cut Mine – March 2015 showing established vegetation cover.**

All mining works undertaken on the Donaldson Coal mine site occurred in accordance with the Mining Operations Plan (MOP).

Water management and sediment control structures for the Donaldson Coal Open Cut Mine closure are in place in accordance with the requirements of the Water Management Plan (Perrens Consultants, 2000), Erosion and Sediment Control Plan (Global Soil Systems, 2000) and Mining Operations Plan for the period 16 May 2014 to 16 May 2021.

### 3. Consents, Approvals and Licenses

#### 3.1 Development Consents and Project Approvals

Development Applications for the Donaldson Open Cut Coal Mine were lodged with Maitland City Council (DA 98/01173), and the Cessnock City Council (DA 118/698/22) in February 1998. The *Environmental Impact Statement (EIS) Donaldson Coal Mine 1998* (PPK Environment and Infrastructure Consultants) and a subsequent reports from the Commission of Inquiry (Col), resulted in a determination by the Minister for Urban Affairs and Planning on the 14 October 1999, under section 101(8) of the *Environmental Planning and Assessment Act 1979*.

A Notice of Modification to the Development Consents was granted by the Minister for Planning on 26 August 2005 for an extension to the approved mining pit to recover approximately 650,000 tonnes of Run-of-Mine (ROM) coal from an additional area of 7 hectares adjoining the southeast of the main pit configuration.

A further Notice of Modification to the Development Consents was granted on 24 June 2011 to extend the life of the Donaldson Open Cut Mine by 2 years (to 2013).

Mining ceased in the Donaldson Open Cut Mine pit in April 2013.

#### 3.2 Environment Protection Licence No 11080

Environment Protection Licence 11080 was granted to Donaldson Coal Pty Ltd on 13 September 2000 under the *Protection of the Environment Operations Act 1997* section 55 for Coal mining, coal works and extractive industries. A Notice of Variation to EPL No. 11080 was received on 2 December 2011:

Variation No.	Date	Variation
1502503	2 Dec 2011	This notice amends the EPL to include a Pollution Reduction Program. The computer system used by the EPA to store and process licences has been upgraded. These upgrades are not intended to change the substance of the licence.

#### 3.3 Mining Lease

Mining Lease 1461 was granted to Donaldson Coal Pty Ltd under the *Mining Act 1992* on 22 December 1999. The Mining Lease 1461 expires on 22 Dec 2020

An initial Mining Operations Plan (MOP) to cover the first twelve (12) months of mining activity was submitted to DTI DRE in September 2000 to enable operations to commence in January 2001. An amended MOP and associated plans were later submitted to the DTI DRE for the period January 2002 to June 2006.

A MOP and associated plans were submitted to the DTI DRE for the period June 2006 to May 2011 and a further MOP submitted for June 2011 to January 2014 covering coal mining for the site operations continuing until April 2013.

The current MOP for the period 16 May 2014 to 16 May 2021 was submitted to DTI DRE to cover the final rehabilitation of the Donaldson Open Cut Coal Mine. This MOP was approved on the 16 May 2014.

### 3.4 Water Licences

Water Works Licence 20SL060534 was issued under the *Water Act 1912* for earth works associated with construction of the clean water diversion around the Donaldson Coal Mine open cut area and out of pit emplacement.

Bore Licence 20BL168123 was issued under the *Water Act 1912* for groundwater extraction in the active mining area.

Bore Licence 20BL168124 was issued under the *Water Act 1912* for test bores for groundwater monitoring, and 13 bores established as part of the Environmental Impact Statement groundwater investigation.

### 3.5 Conclusion

All approvals required by Donaldson Coal for the operation of the Donaldson Coal Mine were obtained.

Note all explosives and related materials were brought onto site by the blasting contractors Roche Sasol Blasting, as required. No explosives magazine was located on the Donaldson Coal Mine site.

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

## 4. Review of Environmental Management

### 4.1 Environmental Management Strategy

[Development Consent condition 10]

The initial Environmental Management Strategy was prepared for the Donaldson Coal Project in May 2000. Cooks Construction (the mining contractor between 2001 and 2009) also had an Environmental Management System in place for the project. Integration of the Donaldson Coal and Cooks Construction individual company Environmental Management Systems into a single system for use on the Donaldson Coal Mine site occurred in 2001 for the project.

An Integrated Environmental Management Strategy (IEMS) prepared for all of the Donaldson Coal Pty Ltd mine projects was submitted to DoP on 7 December 2007 and approved on 26 February 2008. The IEMS documentation was developed generally in accordance with the elements of ISO14000 – Environmental Management Systems.

The components of the EMS and the commitments in the strategy provided a sound basis for the environmental management of the Donaldson Coal Mine operations.

### 4.2 Environmental Monitoring Programs

[Development Consent condition 13 and 14]

The monitoring programs for each of the environmental aspects included in each Operational Environmental Management Plan were collated into an Integrated Environmental Monitoring Program (IEMP) dated December 2007. The monitoring programs were reviewed regularly and updated as required in accordance with IEMS Operating Manual EOM-001 Section 13.5. The environmental monitoring programs include:

- Aboriginal and Cultural Heritage Monitoring
- Blasting
- Flora and Fauna - *Tetratheca juncea* Monitoring and Macroinvertebrate Surveys
- Noise Monitoring Program – Noise Management Plan
- Water Management (Groundwater and Surface Water Monitoring)
- Meteorological Monitoring, Dust and Air Quality Monitoring
- Erosion and Sediment Control Management

The monitoring programs conducted by Donaldson Coal were in accordance with the management plans, and provided results in relation to the status mine operations. The results from the monitoring programs were summarised in the Annual Environmental Management Report (AEMR)/Annual Report (AR) text with the data presented in the attached Appendices to the AEMR's.

#### 4.2.1 Conclusion:

The Integrated Environmental Monitoring Program was adequate to provide data for the assessment of the environmental performance of the Donaldson Coal Mine Project operations in relation to compliance with the statutory standards and criteria and for compliance with the intent of the Development Consents, EPL and ML conditions.



### 4.3 Noise

[Development Consent conditions 15 to 23]

#### 4.3.1 Noise Management Plan

[Development Consent conditions 15 to 23]

A Noise Monitoring Program was forwarded to DoP and DEC in Oct 2005. A Noise Management Plan that included the noise monitoring protocol was prepared by Richard Heggie Associates in consultation with authorities and submitted for approval in 2007. The Noise Management Plan was approved by DoP on 22 Jan 2007.

#### 4.3.2 Noise Criteria

[Development Consent conditions 15]

The noise limits for emissions from the Donaldson Coal Mine operations were specified in Development Consent condition 15 for the nearest sensitive receivers.

#### 4.3.3 Noise Monitoring

[Development Consent conditions 15]

The Noise Management Plan that included the Noise Monitoring Program was prepared by Richard Heggie Associates in consultation with authorities and submitted to approval in 2007. The Noise Monitoring Program was approved by DoP on 22 Jan 2007.

SLR Consulting Australia Pty Ltd have conducted routine quarterly noise surveys for Donaldson Coal involving both operator attended and unattended monitoring at the following locations:

- Location A - 98 Weakleys Drive, Beresfield
- Location F - 684 Black Hill Road, Black Hill
- Location G - 156 Buchanan Road, Buchanan
- Location L - 17 Kilshanny Ave, Ashtonfield
- Location D - Black Hill School, Black Hill

#### 4.3.4 Review of Noise Monitoring Results

Based on the results and observations from the SLR quarterly operator attended surveys, the contributed noise levels from Donaldson Coal Mine complied with noise emission goals for all periods monitored between 2001 and 2013(closure of the Donaldson Coal Mine occurred in April 2013)<sup>1</sup>. Attended noise survey results from the Donaldson Open Cut Coal Mine operations generally identified that noise levels contributed by Donaldson Coal Open Pit Mine did not exceed noise limit goals. The mine operations were recorded as inaudible at each of the monitoring locations for the majority of the attended monitoring periods.

#### 4.3.5 Conclusion

Noise management and mitigation measures implemented at the mine in accordance with the Noise Management Plan indicated that noise emissions were compliant with the noise criteria in Development Consent condition15, during the operation of the Donaldson Open Cut Mine between 2001 and 2013.

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<sup>1</sup> SLR Consulting Australia Pty Ltd, 2013

### 4.4 Blasting

[Development Consent conditions 24 to 33]

#### 4.4.1 Blast and Vibration Management Plan

[Development Consent condition 27]

The Blast Management Plan was developed to address the requirements of condition 27 in consultation with the DMR, Maitland City Council, Cessnock City Council, and Newcastle City Council, prior to the commencement of blasting at the Donaldson Coal Open Pit Mine.

#### 4.4.2 Blast Criteria

[Development Consent conditions 24]

[Environment Protection Licence 11080 condition L4]

The airblast overpressure level from blasting at the development does not exceed the criteria at any residence on privately owned land:

Airblast overpressure (db(Lin Peak))	Allowable exceedance
115 db(Lin Peak)	5% of total number of blasts in a 12 month period
120 db(Lin Peak)	0%

The ground vibration level does not exceed the criteria at any residence on privately owned land:

Peal Particle Velocity mm/s	Allowable exceedance
5	5% of total number of blasts in a 12 month period
10	0%

#### 4.4.3 Blast Monitoring

[Development Consent conditions 27(ii)]

Prior to the commencement of blasting in 2001 five permanent blast monitoring stations (measuring peak particle velocity - ppv (mm/s) and Airblast (dB Linear) were installed and commissioned at five locations:

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

On the 5th November, 2010 the blast monitors were relocated (as the mine operations had moved further west along John Renshaw Drive):

1. Fairfax Regional Printing Facility
2. Jennings, 118 Blackhill Road, Blackhill
3. The Hunter Water Pipeline (vibration only)

Blast overpressure and vibration were monitored for each blast between November 2001 and April 2013. A small number of blasts were not monitored during this period due to blast monitor failure to be triggered by the

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blast (i.e. overpressure did not reach the 95dBL trigger or 1mm/s vibration trigger). The failure to monitor these blasts were notified to the EPA and reported in the EPL Annual Returns.

### 4.4.4 Review of Overpressure Results

All overpressure results were compliant with the Development Consent or EPL criteria between 1 November 2011 and 31 October 2014.

Location	Overpressure Readings dBL			
	2010-2011	2011 -2012	2012 – 2013	2013 - 2014
Fairfax Regional Printing Facility	87.9 – 109.1	85.1 – 104.5	No blasting occurred	No blasting as mining was complete
Jennings, 118 Blackhill Road, Blackhill	91.4 – 112.3	87.7 - 120	No blasting occurred	

### 4.5.4 Review of Vibration Results

No vibration results exceeded the Development Consent or EPL criteria of 5mm/sec between 1 November 2011 and 31 October 2014

Location	Vibration ppv mm/sec			
	Nov 2010-Oct 2011	Nov 2011 –Oct 2012	Nov 2012 – Oct 2013	Nov 2013 – Oct 2014
Fairfax Regional Printing Facility	0.06 – 0.105	0.031 – 0.161	No blasting occurred	No blasting as mining was complete
Jennings, 118 Blackhill Road, Blackhill	0.66 – 2.812	0.04 – 2.667	No blasting occurred	
Hunter Water Pipeline	1.84 – 3.849	0.146 – 2.968	No blasting occurred	

### 4.4.5 Conclusion

Blasting was conducted at the Donaldson Coal Open Cut Mine in accordance with the Blast and Vibration Management Plan. All blast results were compliant with the Development Consent and EPL criteria. No further blasting will occur on the Donaldson Coal Miner site as mining was completed in April 2013.

## 4.5 Air Quality

[Development Consent conditions 32 to 47]

### 4.5.1 Air Quality Management Plan

[Development Consent condition 39]

The Donaldson Air Quality Management Plan (Holmes Air Sciences, 2007) detailed the measures employed by Donaldson to control airborne dust. The management and mitigation measures outlined in the Air Quality Management Plan were implemented during the operational phase of the Donaldson Coal Mine.

The two principle sources of air pollution from the Donaldson Coal Mine identified in the Air Quality Management Plan were airborne dust from the mining and rehabilitation activities and the combustion of diesel fuel by the vehicles and other equipment used for the mining activities.

### 4.5.2 Dust Management

[Development Consent conditions 38 to 42]

The dust control management and mitigation measures implemented by Donaldson Coal to control airborne dust included:

- Maintenance of an adequate distance between the mine and neighbouring residents where practicable;
- Minimise disturbance of land to that required by the mining activities;
- Minimise the distance travelled by trucks hauling overburden to the emplacement areas;
- Utilise mine water for dust suppression on roads, stockpiles and work areas; and,
- Monitor real time weather conditions and alter or cease operations when dust became difficult to control.

### 4.5.3 Dust Monitoring

[Development Consent conditions 43 to 45]

Donaldson Coal maintained the following dust monitoring equipment during the active mining operations of the Donaldson Open Cut Mine as part of the Integrated Environmental Monitoring Program (December 2007):

- Meteorological station
- One High Volume Air Sampler (HVAS) measuring TSP;
- Two HVAS measuring PM<sub>10</sub>;
- One continuous DustTrak monitor measuring PM<sub>10</sub>; and,
- Ten Depositional Dust Gauges measuring insoluble solids.

### 4.5.4 Air Quality Criteria

[Development Consent condition 37]

The ambient air quality goals not to be exceeded as a result of the development when monitored at any monitoring location specified in the Air Quality Management Plan, expressed in Development Consent condition 37 were:

- total suspended particles (TSP) of 90ug/m<sup>3</sup> (annual average) and
- dust deposition goal of 4gm/m<sup>2</sup> (annual average).

### 4.5.5 Review of Dust Monitoring Results

[Development Consent conditions 32 to 47]

A review of the dust monitoring data for the Donaldson Open Cut Coal Mine indicated that the dust deposition and PM<sub>10</sub> were compliant with the criteria specified in Development Consent condition 37.

Seasonal variations in dust levels were evident with high dust levels generally related to activities adjacent to the monitoring site or regional effects (other than mining) including, but not limited to, non-mine dirt roads, bushfires, regional dust storms.

#### 4.3.5.1 Dust Deposition Gauges

Results from the ten (10) dust deposition gauges between 2011 and 2015 were below the annual average insoluble solid results criteria of 4g/m<sup>2</sup> /month for each gauge on all monitoring occasions.

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### 4.5.4.2 High Volume ( $PM_{10}$ ) Dust Samplers

The two high volume air samplers (HVAS) for measurement of total suspended particulate matter (TSP) and  $PM_{10}$  were located at Blackhill Primary School and the Beresfield Golf Course.

The annual average  $PM_{10}$  at both monitoring sites was below the annual average maximum criteria of  $30 \mu\text{g}/\text{m}^3$  and no  $PM_{10}$  measurement exceeded the 24-hour NEPM maximum criteria of  $50 \mu\text{g}/\text{m}^3$ .

The annual average TSP result at Blackhill Primary School was less than the annual average criteria of  $90 \mu\text{g}/\text{m}^3$ . While there are no specified criteria for a 24-hr TSP maximum in the Development Consent or Environment Protection License, all TSP results were less than the US EPA short term good air quality criteria of  $260 \mu\text{g}/\text{m}^3$ .

### 4.5.4.3 DustTrak Monitors

Donaldson operated one continuous DustTrak air quality monitor at Blackhill Primary School. The measurement of  $PM_{10}$  by optical methods (such as the DustTrak monitors) is known to be particularly sensitive to rainfall or high humidity events.

Monthly inspections of the DustTrak monitors and regular servicing of the instruments assisted with reducing occasions when the measurements were unstable or exhibited drift. The annual air quality monitoring data from the DustTrak monitor provided to Donaldson by RCA Laboratories, was similar to the results obtained from the  $PM_{10}$  HVAS at the Blackhill Primary School with the annual average less than the maximum NEPM annual average criteria of  $30 \mu\text{g}/\text{m}^3$ .

### 4.5.5 Conclusion

The management of dust generation and application of mitigation measures during the operation of the Donaldson Coal Open Cut Mine minimised the potential for off-site impact on sensitive receivers in the vicinity of the mine.

## 4.6 Site Water Management

[Development Consent conditions 60 to]

### 4.6.1 Water Management Plan

[Development Consent conditions 61]

The Water Management Plan prepared for the Donaldson Coal Mine (Perrens, 2000) detailed the measures implemented for the Donaldson Coal Mine water management system to ensure protection of surface water quality on and around the mine site.

The monitoring requirements for the Donaldson Coal Mine were also included in the Integrated Environmental Monitoring Program section 4.4 (Surface Water) and section 4.5 (Groundwater) in December 2007.

### 4.6.2 Surface Water Management

The control measures implemented in accordance with the Water Management Plan for the Donaldson Coal Mine were to:

- Minimise disturbance of land to that required for the mine operation;
- Separation of clean and dirty water sources on site;
- Collection and containment of mine water for dust suppression; and,
- Grey water and sewerage treated by bio-cycle plant with no discharge to the environment.

### 4.7.3 Site Water Balance

[Development Consent conditions 15]

The Donaldson Environmental Manager maintained a site water balance based on water consumed for the Donaldson Coal Mine operations. The site water balance included recording the amount of water available in various water holding structures around the mine site and all water consumed on site. Water storage on site was adequate for all the mine related activities, with excess water pumped to the Bloomfield CHPP for reuse if required.

An 18 ML dam was initially constructed for the Donaldson Coal Mine and the volume was increased to 40 ML in 2004. An additional 400 ML mine water dam (the Big Kahuna) was constructed in 2004 for collection of run-off water from rehabilitated areas and the water was reused for dust suppression on the mine site.

### 4.7.4 Surface Water

[Development Consent conditions 63]

The surface stream water monitoring sites for the Donaldson Coal Mine were:

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

Monthly sampling and analysis of the six (6) permanent surface water stream monitoring locations were monitored for Electrical Conductivity (EC), pH, Total Dissolved Solids (TDS), Total Suspended Solids (TSS) and Sulfate (SO<sub>4</sub>).

A full suite of analysis was also conducted quarterly for the six routine sampling sites for EC, pH, TDS, TSS, Turbidity, Total Alkalinity (as CaCO<sub>3</sub>), SO<sub>4</sub>, Nitrates and Phosphates (total), Calcium (Ca), Magnesium (Mg), Sodium (Na), Potassium (K), Chloride (Cl), Fluoride (F), Arsenic (As), Aluminium (Al), Barium (Ba), Cadmium (Cd), Cobalt (Co), Copper (Cu), Chromium (Cr), Iron (Fe), Manganese (Mn), Lead (Pb), and Zinc (Zn).

In addition, biological monitoring (macro-invertebrates) was conducted twice annually (Autumn and Spring)

### 4.6.5 Review of Surface Water Monitoring Results

[Development Consent conditions 63]

Chemical and Physical Monitoring for key parameters, required by the Environment Protection Licence No. 11080 condition L2, occurred during the operation of the Donaldson Coal Open Pit Mine between 2001 and 2013.

The average pH of the samples collected from all sites was within the recommended ANZECC Guideline (pH 6.5 – 9.0) for fresh and marine waters for the protection of aquatic ecosystems, except for Scotch Dairy Creek Upstream and Downstream that exhibited pH values slightly below the 6.5 ANZECC guideline. (The pre-mining pH levels for Scotch Dairy Creek Upstream and Downstream reported in the *Environmental Impact Statement 1998* also indicated pH values slightly below the ANZECC Guidelines).

The mean EC values at the Four Mile Creek and Scotch Dairy Creek sites were higher at upstream sites than downstream sites. The Weakleys Flat Creek sampling locations the mean EC was higher at the downstream site than the upstream site.

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The annual mean TSS values at monitoring locations were generally similar to the pre-mining levels and levels were affected by rainfall patterns and flow rates in the streams.

The activities of the Donaldson Coal Mine operations did not affect the pH or TSS of the surrounding stream environments. The EC values although variable in the streams did not indicate effects from the open cut mining.

### 4.6.6 Biological Monitoring

[Development Consent conditions 63(iv)]

Assessment of in-stream fauna to assess areas of environmental stress through the diversity of macroinvertebrate populations and the presence of pollutant sensitive or pollutant tolerant species were undertaken twice annually at six sites on the three major tributaries traversing the mine site during the operation of the Donaldson Coal Open Pit Mine.

At each site a detailed field observation sheet was completed covering riparian (stream bank) vegetation, stream geomorphology, physical and visual characteristics. A Riparian Channel Environmental (RCE) ranking was calculated that evaluated the condition of the:

- Adjacent land,
- Banks,
- Channel & bed (includes in-stream vegetation and algae); and,
- Riparian vegetation.

Monitoring surveys indicated that all sites were populated by several pollutant sensitive macro-invertebrates and all systems performed relatively favourably to downstream comparison sites (Tuft and Associates, 2012a).

The biological monitoring will continue in accordance with Development Consent condition 63(iv) *“for a period of at least five years after the completion of mining, or other such period as determined by the Director-General.”*

### 4.8 Groundwater

[Development Consent conditions 63 and 64]

The Water Management Plan (Perrens, 2000) detailed the management and mitigation measures implemented by Donaldson Coal for the protection of groundwater on and around the mine site. Groundwater monitoring was conducted from June 2000 until closure of the Donaldson Coal Open Cut Mine in April 2013. The groundwater monitoring locations for the Donaldson Mine were reviewed by the EPA during the EPL review. Seven (7) groundwater piezometers were monitored for the Donaldson Coal Mine.

The groundwater piezometers were monitored to determine Standing Water Levels (SWL) and groundwater quality. A regional site was included in the monitoring program located in Avalon Estate approximately 1.2km to the north of the Donaldson Coal Mine.

Samples collected from the seven (7) bores quarterly were analysed for SWL, Electrical Conductivity (EC), pH, Total Dissolved Solids (TDS), Total Suspended Solids (TSS) and Sulfates (SO<sub>4</sub>), on a monthly basis, and a quarterly full suite analysis for EC, pH, TDS, TSS, SO<sub>4</sub>, Calcium (Ca), Magnesium (Mg), Sodium (Na), Potassium (K), Chloride (Cl), Fluoride (Fl), Arsenic (As), Aluminium (Al), Barium (Ba), Cadmium (Cd), Cobalt (Co), Copper (Cu), Chromium (Cr), Iron (Fe), Manganese (Mn), Lead (Pb), Zinc (Zn), Total Alkalinity as CaCO<sub>3</sub> and Turbidity.

The average Standing Water Levels (SWLs) were generally consistent with the baseline monitoring reported in the *Environmental Impact Statement 1998*. The exception was a significant reduction in SWL evident in bore

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DPZ6 located to the south of John Renshaw Drive outside of the Donaldson area which fluctuated throughout the life of the mining operations.

Mean pH values of groundwater was generally similar to pre-mining levels, with the exception of DPZ8 where the mean pH value was lower than the pre-mining levels.

Variability was evident between mean EC values during the mining activities and the pre-mining levels that was probably due to natural fluctuations in groundwater inflow rates.

Overall the Donaldson Coal Open Pit Mine had a limited impact on groundwater quality and levels of the groundwater resource during the mining operations.

## 4.9 Erosion and Sediment Control

[Development Consent conditions 66 and 67]

Erosion and sediment control measures implemented for the Donaldson Coal Mine site were:

- Minimising disturbance of land to that required for the immediate mining operations;
- Diversion of clean water around the disturbed areas to separate clean and sediment laden waters from the mine operations;
- Construction of sediment control ponds;
- Installation of sediment fencing and hay bales to provide interim protection; and,
- Rehabilitation and revegetation of disturbed as soon as is practical.

### 4.9.1 Erosion and Sediment Control Plan

[Development Consent condition 67]

The initial Erosion and Sediment Control Plan for the Donaldson Coal Mine (prepared by Global Soil Systems, 2000) detailed the methods for erosion and sediment control across the site. The works were progressively constructed as required for the advancing mining operations in the Donaldson Open Cut Coal Mine pit.

Additional erosion and sediment control works were undertaken as the mining operations progressed to the completion of extraction from the Donaldson Open Pit in April 2013 including:

- Reshaping surfaces to the final landform, topsoil spreading, drainage line construction and seeding with local tree and shrub species;
- Ongoing minor works, including silt fencing construction and drain maintenance; and,
- Regular inspections of silt fencing undertaken around the site, in particular following significant rainfall events.
- A number of drainage lines were modified or constructed as part of the final rehabilitation at the Donaldson Coal Open Pit Mine. These included modification of drainage lines from the workshop hardstand area and the construction of new drainage lines on reshaped surfaces.

### 4.9.2 Erosion and Sediment Control Monitoring

Routine inspection of erosion and sediment control structures occurred during the operation of the Donaldson Open Cut Coal Mine and water quality monitoring was undertaken at locations upstream and downstream of the mine site to assess the performance of the sediment retention structures.

The erosion and sediment control structures were maintained as required following inspections and the Total Suspended Solids (TSS) is reported in the surface water monitoring program indicated that the effectiveness of erosion and sediment control measures on site was adequate to protect the surrounding water bodies



### 4.10 Flora and Fauna

[Development Consent condition 68 to 80]

The *Environmental Impact Statement Flora and Fauna Studies* (Gunninah 2000) identified one threatened flora species (*Tetralochea juncea* – common name Black-eyed Susan) on the Donaldson Coal site. A *Tetralochea juncea* Management Plan was developed to provide a comprehensive program for the monitoring and management of the *T. juncea* population in the south western portion of the mine site.

Survey and identification reports (Gunninah 2000, 2001 and 2002) located the boundaries of the *T. juncea* population and defined the limit of the conservation precinct to be established on the Donaldson Coal Mine Lease area.

In 2005, the experimental translocation of *T. juncea* from a planned mine disturbance area was designed based on the relocation technique described in the *Tetralochea Juncea* Management Plan.

#### 4.10.1 Flora and Fauna Management Plan

[Development Consent condition 77]

The Flora and Fauna Management Plan was initially prepared in December 2000 and implemented for the Donaldson Coal Mine site. The Flora and Fauna Management Plan was revised and the monitoring programs included in the Integrated Environmental Monitoring Program section 4.7 in December 2007.

The Flora and Fauna Management Plan Section 5 Monitoring and Reporting, described the programs and a detailed survey was conducted during Sept and Oct 2001 by Barker Harle, reporting on the flora and fauna on the Donaldson Coal Mine site. The quadrants used for these surveys by Barker Harle were recorded and the report provides a detailed quantitative description of the flora and fauna species present within the boundaries of the Donaldson property.

These flora and fauna surveys within the boundary of the Donaldson Coal Pty Ltd property were designed specifically to identify potential impacts from the Donaldson Coal Mine activities.

#### 4.10.2 *Tetralochea juncea* Conservation Area Management Plan

[Development Consent condition 69]

The *Tetralochea juncea* Management Plan prepared to satisfy Development Consent condition 69 provides management of the *T. juncea* locations within the boundary of the Donaldson Coal Mine Bushland Conservation Area. The conservation area was fenced along John Renshaw Drive and the *T.juncea* areas pegged.

Implementation of the *Tetralochea juncea* Management Plan included weekly surveillance of the Conservation Area conducted by the Donaldson Coal Environmental Manager and weekly inspection and maintenance of the fence along John Renshaw Drive.

A biologist monitored Quadrats for floristic content, vegetative structure, flora and fauna species) including the *T.juncea* areas quarterly and kept records of the status of growth and flowering of the *T.juncea* populations.

#### 4.10.3 Bushland Conservation Area Management Plan

[Development Consent condition 72(iii)]

The Bushland Conservation Area Management Plan was prepared to satisfy Development Consent condition 72(iii) following response from NPWS to Donaldson Coal on the bushland survey reports and nomination of

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allocated land. The property around the open cut mine area is owned by Donaldson and has been retained as a buffer and compensatory conservation area consisting of 625ha of land within the Mining Lease.

The compensatory area around the Donaldson Mine is contiguous with the Ironbark-Spotted Gum vegetative corridors in the Maitland area. The Bushland Conservation Area Management Plan is consistent with the Flora and Fauna Management Plan and was submitted to the Director-General on 31 October 2005.

The bushland conservation area around the Donaldson Coal Mine operations is on land fully owned by Donaldson Coal Pty Ltd who will 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.

### 4.10.4 Flora and Fauna Management

The control measures employed at the Donaldson Coal mine site provide a high level of conservation for the threatened plant species *Tetratheca Juncea* by:

- The protection of 650ha of bushland around the mine to conserve habitat;
- The reduction of the proposed mining footprint and the establishment of a conservation precinct
- protecting a known population of *Tetratheca Juncea*;
- Ongoing mapping and management protocols; and,
- Pre-clearing surveys by a qualified biologist prior to any clearing activities.

Barker Harle prepared a baseline report in January 2003 describing the implementation of the *Tetratheca juncea* Management Plan. Subsequent monitoring and reporting has been undertaken on an annual basis.

Donaldson Coal also supported both financially and technically, an honours student from the University of Newcastle (a project that commenced in January 2002) to study the ecology and growth of *T. juncea*

### 4.10.5 Flora Monitoring

[Development Consent condition 68]

General flora assessments conducted by Ecobiological have determined that general plant species numbers have increased since 2001, as have all floristic structural components in the conservation area. This was reported as indicative of a dynamic plant community with high recruitment from the seed pool, normally an indicator of healthy plant community status (Ecobiological, 2013).

The summary from the *Tetratheca juncea* Conservation Area Annual Report 2014 (Ecobiological, 2015) stated:

*“The monitoring data continues to show a population that has significantly declined since the start of monitoring.*

*Evidence points to Tetratheca juncea being out-competed by other ground species. Overall, this report builds on previous reports in demonstrating that the TJCA population would benefit from a fire. This would both reduce the current level of competition and provide more nesting areas for tunnelling native bee pollinators.”*

### 4.10.6 Fauna Management

[Development Consent condition 72(ii)]

To ensure conservation for fauna species present on the site and its surrounds Donaldson Coal implemented the following measures:

- The protection of 650ha of bushland around the mine to conserve habitat;

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- Ongoing fauna survey and management protocols;
- Routine annual monitoring;
- Placement of nest boxes where required in the Bushland Conversation Area to replace nesting sites destroyed by clearing;
- Ongoing and progressive management and rehabilitation of disturbed areas.

### 4.10.7 Fauna Monitoring

[Development Consent condition 72(v)]

Monitoring surveys and management activities have occurred annually during summer and winter, as well as a re-colonisation survey of the rehabilitated areas at the Donaldson Coal Open Cut Mine site.

Overall findings of the monitoring concluded that there was no significant impacts on floristic or fauna diversity within the Donaldson Bushland Conservation Area over the 2002 to 2014 period.

The recent fauna monitoring conducted reinforced emergent trends evident in the last twelve (12) years that the total number of fauna species has remained relatively constant. As an example, during the 2012/13 AEMR reporting period the summer survey identified eighty four (84) fauna species and the winter survey identified fifty seven (57) fauna species (Ecobiological, 2013). Evidence of nest box usage was measured at 86.5% in the summer survey and 80.5% in the winter survey (Ecobiological, 2013).

### 4.10.8 Conclusion

Flora and fauna management within the Donaldson Coal Mine Lease has occurred in accordance with the Flora and Fauna Management Plan. The Bushland Conservation Area Management Plan prepared for the Donaldson site is consistent with the Flora and Fauna Management Plan.

General flora assessments conducted annually have determined that general plant species numbers have increased since 2001, as have all floristic structural components in the conservation area. This was reported as indicative of a dynamic plant community with high recruitment from the seed pool, normally an indicator of healthy plant community status.

Overall findings of the monitoring concluded that there was no significant impacts on floristic or fauna diversity within the Donaldson Bushland Conservation Area over the 2002 to 2014 period.

## 4.11 Rehabilitation

[Development Consent conditions 78A]

### 4.11.1 Rehabilitation of Disturbed Land

The rehabilitation of the Donaldson Coal Open Cut Mine site in accordance with the Mining Operations Plan 1 May 2014 to 1 May 2021 has occurred following completion of mining operations in April 2013. The final rehabilitation of the mine, has involved the following works as outlined in the Mine Closure Plan for Donaldson Open Cut:

- Excavation of waste rock and contaminated material to the west pit;
- Reshaping of the land surface to as near as possible to natural topography;
- Spreading of topsoil on reshaped surfaces;
- Spreading of a seed mix of local tree and shrub species, as well as fast growing, sterile groundcovers which grow rapidly to provide erosion control, of the remaining 27.7 ha of rehabilitated area.

(The West Pit and Square Pit will be made safe and left for use by the Abel Underground Mine. Abel Underground Mine will be responsible for its ongoing management of these areas).

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Infrastructure removed from Donaldson Coal Open Cut Pit site as part of the final rehabilitation project during the 2013 and 2014 included fuel storage tanks, traffic control boom gates and a number of bitumen and dirt roads.

### 4.11.2 Contaminated Land

As part of the final rehabilitation, a contamination assessment was conducted in 2013 on the fuel farm and Workshop areas (DLA Environmental, 2013). The report was used to determine the extent of excavations required to remove contamination from these areas and remediation of the site occurred between the November 2013 and October 2014. The excavated material was placed in a land farm area constructed in the West Pit.. Other contamination sources, such as used oil drums, were removed from site by a licensed contractor.

### 4.11.2 Rehabilitation Monitoring

Assessment of rehabilitation performance has been conducted by Global Soil Systems since August 2009 with six (6) monitoring plots in the rehabilitated areas of the Donaldson Coal Open Cut Mine area and one (1) control plot in the Bushland Area. The monitoring of the rehabilitated areas included:

- General assessment of vegetation;
- 2m x 2m quadrat survey of plant numbers, vegetation cover and groundcover;
- 20m x 10m quadrat survey of tree/shrub numbers, canopy cover measurement, tree health and new plant species;
- Analysis of soil samples for pH, EC, nitrogen, potassium, phosphorus, sulphur, major cations, major anions, cation exchange capacity, exchangeable sodium percentage and total organic carbon;
- 50m erosion transect; and,
- Photographic record of plots.

The results of the rehabilitation assessments were compared with the completion criteria for cover soil quality, vegetation, growth rates, species diversity and stem densities, adopted by Donaldson Coal. The rehabilitation completion criteria are outlined in the Rehabilitation Success Criteria and Completion Strategy for Donaldson Mine prepared by Global Soil Systems Pty Ltd and GSS Environmental Pty Ltd

**Table 4.9.2 Completion Criteria (Global Soil Systems Pty Ltd and GSS Environmental Pty Ltd)**

Feature	Completion Criteria
General	Stable landform Effective drainage Resilience to drought episodes in rehabilitated area
Flora	Re-establishment of a dense and diverse mixture of local native understorey and overstorey vegetation species, specifically four over-storey and four understorey species in each monitoring plot Limited presence of weeds Tree/shrub densities of 3000 stems/ha after 5 years and 1000 stems/ha after fifteen years Evidence of natural regeneration in at least four species
Fauna	Reinvasion of rehabilitated area by native fauna
Soil Loss	Minimal erosion and soil movement, specifically soil loss less than 40tonnes/ha/year
Soil Quality	Soil pH to range from 6.0 to 8.0 after five years Conductivity of replaced soil to be below 900 $\mu\text{S}/\text{cm}$ after 5 years Surface layer to be free of any hazardous material to a depth of at least 1 metre Runoff water conductivity to be less than 1000 $\mu\text{S}/\text{cm}$ after 5 years Soil Nitrogen and Phosphorus levels to be within 20% of levels in analogue site after 5 years
Pollution	Site should not be a source of pollutants. Quality of water leaving the site to be in accordance with EPL requirements.

The assessment found that several of the rehabilitated areas had met the completion criteria and the remaining rehabilitated areas assessed were on track to meet the required completion criteria (Donaldson Coal Mine Rehabilitation Monitoring Report, Global Soil Systems 2014).

### 4.12 Heritage

[Development Consent conditions 81 to 86]

#### 4.12.1 Aboriginal Sites Management Plan

[Development Consent condition 84 to 86]

An Aboriginal Sites Management Plan was prepared in December 2000 for the Donaldson Coal Open Pit Mine impact area and within associated bushland areas surrounding the mine in accordance with of the Development Consent conditions 84, 85 and 86. The Aboriginal Sites Management Plan was revised and updated by Umwelt for each clearance of new areas for the mine development.

During four archaeological studies since 1998 thirty-one (31) sites of Aboriginal Cultural Heritage were identified on property owned by Donaldson Coal.

No European heritage sites have been identified at the mine.

#### 4.12.2 Heritage Management

A 50 metre buffer along Four Mile Creek was established as an Aboriginal Conservation Area (ACA) (the boundary of which is shown in the Aboriginal Sites Management Plan - Figure 2.3). Donaldson Coal prepared 1:1000 maps of the Four Mile Creek Aboriginal Conservation Area and other Conservation Areas associated with the mine. Control measures were employed to ensure that reasonable duty of care was taken with the Mindaribba Local Aboriginal Land Council actively involved in the management of Aboriginal Sites at Donaldson. Representatives of the Mindaribba Local Aboriginal Land Council were invited on site to monitor clearing and topsoil stripping activities associated with the development of the Donaldson Open Cut Mine.

Donaldson Coal and Mindaribba Local Aboriginal Land Council maintained a good working relationship during the operation of the Donaldson Coal Open Pit Mine operations and there were no complaints or incidents recorded in relation to the management of aboriginal cultural heritage items or sites.

### 4.13 Waste

[Development Consent conditions 87 to 89]

All waste was managed in accordance with the Waste Management Plan (prepared by Global Soil Systems, 2000) for the Donaldson Coal Mine.

Sewerage was collected and managed from the Donaldson Coal administration facility and the contractor's lunch room and bathhouse. Individual Bio-cycle units serviced both 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 service schedule recommended by the supplier. The use of the Bio-cycle units was approved by Cessnock Council and operated in accordance with their requirements.

A licensed contractor collected all general rubbish during the operation of the Donaldson Coal Mine operations for disposal at an off- site approved waste facility.

### 4.14 Community Consultation

[Development Consent conditions 107 to 112]

#### 4.14.1 Community Consultative Committee (CCC)

[Development Consent conditions 107 to 110]

The Donaldson Coal Community Consultative Committee (CCC) was established on 30 May 2000 with the first meeting held in May 2000 prior to commencement of construction of the Donaldson Coal Open Pit Mine. The CCC Meetings continued to be held regularly from 2000 to 2014. The CCC Meetings were held at the Hunter Valley Training Centre rooms or Donaldson Coal Mine offices. Donaldson Coal nominated a representative to attend all meetings of the CCC and provided administrative support to prepare the Minutes for each meeting. The CCC was provided with regular information on the progress of the mine development and environmental monitoring results. Donaldson Coal provided such other information as the Chairperson of the CCC requested concerning the environmental performance of the development. Access to the Donaldson Open Cut Coal Mine for site inspection by the CCC was arranged if requested.

#### 4.14.2 Community Newsletters

[Development Consent condition 111]

Donaldson Coal produced Community Newsletters for information prior to commencement of construction of the Donaldson Coal Mine. The Community Newsletters included:

- Issue 1 Welcome, August 2000
- Issue 2 Preparing for operation, January 2001
- Issue 3 Mine Update, June 2001
- Issue 4 First Year of Operation, February 2002
- Issue 5 Rehabilitation Underway

The Donaldson Coal website was launched in August 2000 in accordance with Development Consent condition 112 was maintained to the present with the website upgrade and additional information added in August 2004. A Community Noticeboard was established on the Donaldson Coal website as the preferred avenue for communicating information about the mining operations to the local community and other interested parties. The website contained up to date copies of the CCC meeting minutes, the Community Noticeboard, Donaldson Coal news and Project Approvals and Environmental Impact Assessments, Environmental Management Plans, Environmental Monitoring Report, and general information. It also provided contact details should anyone wish to contact the mine directly either by telephone or e-mail.

#### 4.14.3 Community Complaints

[Development Consent condition 113]

[Environment Protection Licence No. 11080 condition M4]

Community complaints received by Donaldson Coal between 2010 and 2015 were:

Period	No. of Complaints	Comments
Nov 2014 to Mar 2015	0	No complaints received
Nov 2013 to Oct 2014	0	No complaints received
Nov 2012 to Oct 2013	0	No complaints received
Nov 2011 to Oct 2012	0	No complaints received
Nov 2010 to Oct 2011	4	Blast impacts (3) and Dumping in bushland (1) (not a result of Donaldson Coal Mine)

### 5. Conclusions and Recommendations

The Independent Environmental Audit confirmed a high degree of compliance with the Development Consent conditions at the completion of mine operations in April 2013. All mining and associated operations were undertaken in accordance with the Development Consent, Environment Protection Licence and other statutory instruments as issued by the various government agencies

The Independent Environmental Audit has confirmed that the requirements of the majority of Development Consent conditions had been met during the operation of the Donaldson Coal Mine between 2001 and April 2013. The following conditions would remain active for the Donaldson Coal Mine Project following completion of mining in April 2013:

Condition No.	Development Consent condition	Comment
63(iv)	<p><b>Biological Monitoring</b> The Applicant shall prepare and implement a detailed monitoring program for groundwater and surface water (iv) monitoring of macro-invertebrates and vegetation in accordance with protocols developed for the Hunter SIGNAL biological assessment criteria, with an assessment of inflows to the wetlands</p>	<p>The biological monitoring will continue in accordance with Development Consent condition 63(iv) <i>“for a period of at least five years after the completion of mining, or other such period as determined by the Director-General.”</i></p>
69	<p><b><i>Tetratheca juncea</i> Management Plan</b> The Plan shall be consistent with the Flora and Fauna Management Plan and include measures for fire management.</p>	<p>The ongoing control measures employed at the Donaldson Coal Mine site ensure a high level of conservation for the <i>Tetratheca Juncea</i>.</p>
72(ii)	<p><b>Bushland Conservation Area Management</b> (ii) <u>retain management and ownership of the land for a minimum of 36 years</u> from the commencement of construction, unless other arrangements are agreed in accordance with Condition 73; and (iii) prepare and implement a Management Plan for that area in consultation with OEH and to the satisfaction of the Director-General, during the period in which the Applicant is responsible for management. ....</p>	<p>Donaldson Coal Pty Ltd will 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 Development Consent condition 73.</p>
78 and 78A	<p><b>Rehabilitation</b> 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.</p>	<p>The Rehabilitation Plan is included in the Mining Operations Plans (MOP) and amendments for the Donaldson Coal Mine. The current MOP is for May 2014 to May 2021. <b>Recommendation:</b> As the reporting on the Mining Operations Plan is required under the Mining Lease, the rehabilitation progress and monitoring will be reported to the DRE and it is recommended that approval be sought from DP&amp;E to submit this MOP report to DP&amp;E to satisfy this condition.</p>

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## Donaldson Open Cut Coal Mine Project

114	<b>ANNUAL ENVIRONMENTAL MANAGEMENT REPORT</b> 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.....	The preparation of the Annual Environmental Management Report for the Donaldson Coal Mine will be required unless an exemption is obtained from the Director-General/Secretary of DP&E. <b>Recommendation:</b> It should be considered that reporting on the rehabilitation progress, the biological monitoring and bushland conservation area could be achieved by submitting the expert consultant reports and placing the reports on the Donaldson Coal website.
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The rehabilitation of the Donaldson Coal Mine Project at the date of this audit exhibited well established revegetation on the areas of the mine site disturbed by Donaldson Open Cut mining activities, and was well progressed to replicate the original vegetation cover that existed pre-mining. The surface preparation and contouring observed during this audit presented a visual context that was consistent with the pre-mining landscape, with the vegetative cover presenting progressive flora communities that were attracting re-habitation of native fauna species.



# Independent Environmental Audit – March 2015

Donaldson Open Cut Coal Mine Project

**Attachment A      Development Consent Conditions**

**Attachment B      Environment Protection Licence No. 11080 Conditions**

## Attachment A

## Development Consents 98/01173 and 118/698/22

Modification of 28 August 2005 in red type

June 2011 modification in blue type

Condition No.	Project Approval Condition	Verification	Comments	Compliance
1.	<b>OPERATION OF DEVELOPMENT</b>			
1.(1)	<p>The Applicant shall carry out the development generally in accordance with the:</p> <ul style="list-style-type: none"> <li>development application DA 98/01173, dated 13 February 1998, lodged with Maitland City Council and DA 118/698/22, dated 19 February 1998, lodged with Cessnock City Council and the accompanying Environmental Impact Statement (EIS) dated 10 February 1998, and prepared by PPK Environment and Infrastructure, as modified by the reports in Schedule 4;</li> <li>submissions to the Commission of Inquiry by the Applicant;</li> <li>Statement of Environmental Effects titled, <b>Modification to the approved mining area at the Donaldson Open Cut Coal Mine, Beresfield, dated 10 November 2004, and prepared by GSS Environmental;</b></li> <li>modification application DA 98/01173 &amp; DA 118/698/22 MOD 2 and supporting information, prepared by Donaldson Coal Pty Limited and dated 16 December 2010 and 25 March 2011; and</li> <li>conditions of this consent.</li> </ul>	<ul style="list-style-type: none"> <li>Environmental Impact Statement (EIS), PPK Environment and Infrastructure 10 Feb 1998;</li> <li>Statement of Environmental Effects – Modification (MOD 1) to the Approved Mining Area at the Donaldson Open Cut Coal Mine, GSS Environmental 10 Nov 2004;</li> <li>Modification (MOD 2) and supporting information, Donaldson Coal Pty Limited, 25 Mar 2011</li> </ul>	The Donaldson Open Cut Coal Mine was developed generally in accordance with the Environmental Impact Statement (EIS) dated 10 February 1998, Statement of Environmental Effects - Modification (MOD 1), 10 November 2004, and Modification (MOD 2) 25 March 2011.	<b>Compliant</b>
1.(2)	<b>If there is any inconsistency between the above, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency</b>			<b>Noted</b>
1.(3)	Unless otherwise specifically stated, the conditions of this 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 (dated 24 February 1999) is in effect.			<b>Noted</b>
2.	<b>Except as expressly provided by the Statement of Environmental Effects, dated 10 November 2004, the development shall be restricted as follows:</b>			The Donaldson Mine did not disturb any area within the <i>Tetratheca juncea</i> Conservation Area (Condition 68) or clear any land or erect any structures within any Conservation Area

## Independent Environmental Audit – March 2015

### Donaldson Open Cut Coal Mine

	<p>(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 <i>Tetratheca juncea</i> Conservation Area (Condition 68); and</p> <p>(ii) the Applicant shall not clear any land or erect any structures within any Conservation Area without approval from the Director-General.</p>		<p>The Donaldson Mine did not disturb any area within the <i>Tetratheca juncea</i> Conservation Area (Condition 68) or clear any land or erect any structures within any Conservation Area</p>	<p><b>Compliant COMPLETE</b></p>																												
<p><b>3.(1)</b></p>	<p>Subject to (2) the approved hours of operation are as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Works</th> <th style="text-align: left;">Period</th> <th style="text-align: left;">Hours</th> </tr> </thead> <tbody> <tr> <td rowspan="2" style="vertical-align: top;">Construction, including construction of any bunds</td> <td>Monday to Friday</td> <td>7am to 6pm</td> </tr> <tr> <td>Saturday</td> <td>8am to 1pm</td> </tr> <tr> <td rowspan="2" style="vertical-align: top;">Mining operations, including mining, haulage of waste to dumps and coal processing</td> <td>Monday to Friday</td> <td>24 hours/day</td> </tr> <tr> <td>Saturday, Sunday</td> <td>7am to 6pm</td> </tr> <tr> <td>Road transportation and stockpiling of coal</td> <td>7 days per week</td> <td>24 hours/day</td> </tr> <tr> <td>Rail loading of coal</td> <td>7 days per week</td> <td>7am to 10pm</td> </tr> <tr> <td>Maintenance of mobile and fixed plant</td> <td>7 days per week</td> <td>24 hours/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> </tbody> </table> <p style="color: red; margin-top: 10px;"><b>Table 1: Approved Hours of Operation</b></p> <p><i>Notes: Restrictions on Public Holidays are the same as Sundays</i></p>	Works	Period	Hours	Construction, including construction of any bunds	Monday to Friday	7am to 6pm	Saturday	8am to 1pm	Mining operations, including mining, haulage of waste to dumps and coal processing	Monday to Friday	24 hours/day	Saturday, Sunday	7am to 6pm	Road transportation and stockpiling of coal	7 days per week	24 hours/day	Rail loading of coal	7 days per week	7am to 10pm	Maintenance of mobile and fixed plant	7 days per week	24 hours/day	Blasting, not involving closure of John Renshaw Drive	Monday to Saturday	7am to 5pm	Blasting, involving closure of John Renshaw Drive	Monday to Saturday	10am to 2pm		<p>The Donaldson Open Cut Coal Mine Operations were conducted in accordance with the approved hours of operation listed in Condition 3(1).</p> <p>The Donaldson Open Cut Coal Mine operations ceased in April 2013.</p>	<p><b>Compliant COMPLETE</b></p>
Works	Period	Hours																														
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<p><b>3.(2)</b></p>	<p>The Applicant shall submit a report to the Director-General'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 Director-General's satisfaction, then the hours of operation for rail loading of coal shall be restricted to 7am to 6pm.</p>	<ul style="list-style-type: none"> <li>• Noise Report on Rail Loading - Jul 2001, Richard Heggie Associates Rep 30-1117-R1D2</li> </ul>	<p>The Noise Report on rail loading at the Bloomfield Coal Loading Facility concluded that loading until 10 pm could occur without exceeding the noise criteria at the surrounding receptors.</p>	<p><b>Compliant COMPLETE</b></p>																												

## Independent Environmental Audit – March 2015

### Donaldson Open Cut Coal Mine

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 Director-General			<b>Noted</b>
	<b>COMMENCEMENT AND DURATION</b>			
5.(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.		Mining commenced on 25 January 2001 which was within 2 years of granting of the Consent.	<b>Compliant COMPLETE</b>
5.(2)	To minimise potential delays to development on adjoining lands, <a href="#">consent for mining operations shall lapse on 31 December 2013.</a> <i>Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Director-General and DRE. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been properly rehabilitated</i>		Mining operations at the Donaldson Open Cut Coal Mine ceased in April 2013.	<b>Compliant COMPLETE</b>
6.	The Applicant shall notify the Director-General and the Councils in writing of the dates of commencement of: (i) construction works, (ii) (ii) mining, and (iii) (iii) coal processing operations, 14 days prior to the commencement of such works.	<ul style="list-style-type: none"> <li>• Letter to DUAP re Notification of Coal Processing Operations, 8 Jan 2001</li> <li>• Letter to DUAP re Notification of Commencement of Works, 17 Jan 2001</li> <li>• Letter to Newcastle City Council re Notification of Commencement of Works, 31 Jan 2001</li> <li>• Letter to Maitland City Council re Notification of Commencement of Works, 31 Jan 2001</li> <li>• Letter to Cessnock City Council re Notification of Commencement of Works, 31 Jan 2001</li> </ul>	Donaldson Coal Pty Ltd notified the Director-General and Councils of commencement of works in accordance with this condition.	<b>Compliant COMPLETE</b>
7.	No construction or mining shall commence until: (i) the relevant compliance reports in Condition 121 have been completed to the satisfaction of the Director-General; and (ii) (ii) the Applicant provides evidence to the Director-General of an agreement with the adjoining Bloomfield mine for the use of rail loading infrastructure	<ul style="list-style-type: none"> <li>• Letter to DUAP re Compliance Report for Construction, 20 Oct 2000</li> <li>• Letter to DUAP re Compliance Report for Mining, 17 Jan 2001</li> <li>• Agreement with Bloomfield Mine 26 Oct 2000</li> <li>• Letter from DIPNR re Approval for Continued Use of Bloomfield Washery, 22 Jul 2003</li> </ul>	<p>(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.</p> <p>(ii) An initial Agreement between Donaldson Coal and Bloomfield occurred in 2000 for the use of the Bloomfield CHPP for processing Donaldson Coal. Continued use of the Bloomfield CHPP and rail loading infrastructure in accordance with the Oct</p>	<b>Compliant COMPLETE</b>

## Independent Environmental Audit – March 2015

### Donaldson Open Cut Coal Mine

		<ul style="list-style-type: none"> <li>Letter from DIPNR re Approval for Continued Use of Bloomfield Washery, 4 Jan 2006</li> </ul>	2000 Agreement was approved by the Director-General in 2003 and 2006.	
	<b>ENVIRONMENTAL OFFICER</b>			
8.	<p>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:</p> <ul style="list-style-type: none"> <li>(i) be responsible for the preparation of the Environmental Management Strategy (Conditions 10-13) and environmental management plans;</li> <li>(ii) be responsible for considering and advising on matters specified in the Conditions of this Consent and compliance with such matters;</li> <li>(iii) be responsible for receiving and responding to complaints in accordance with Condition 113;</li> <li>(iv) facilitate an induction and training program for all persons involved with construction activities, mining and environmental management activities; and</li> <li>(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.</li> </ul>	<ul style="list-style-type: none"> <li>Letter to Planning NSW re Phillip Brown qualifications and experience, 7 April 2003</li> </ul>	<p>Andrew Hutton of Global Soil Systems was employed on contract as the Environment Officer for the Donaldson Open Cut Coal Mine in April 2000.</p> <p>The Director-General was notified that Phillip Brown was employed as permanent Environmental Officer in 2003 for Donaldson Coal.</p>	<b>Compliant COMPLETE</b>
9.	<p>The Applicant shall notify the Director-General, OEH, NOW, DRE, 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.</p>	<ul style="list-style-type: none"> <li>Letter to Director-General, EPA, DLWC, DMR, NPWS, Newcastle City Council, Maitland City Council, Cessnock City Council, and CCC re Notification of Appointment of Environmental Officer, 30 May 2003</li> </ul>	<p>The Director-General, OEH, NOW, DRE, Councils and the Community Consultative Committee were notified of the appointment of Andrew Hutton in April 2000.</p> <p>The authorities were notified 30 May 2003 by letter of the appointment of Phillip Brown (to replace Andrew Hutton).</p>	<b>Compliant COMPLETE</b>
	<b>ENVIRONMENTAL MANAGEMENT STRATEGY</b>			
10.	<p>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</p>	<ul style="list-style-type: none"> <li>Environmental Management Strategy - Donaldson Mine May 2000</li> <li>Environmental Management System Cooks Construction</li> <li>Environmental Management Strategy - Revision EMS Operating Manual (EOM-1), Nov 2002</li> </ul>	<p>The Environmental Management Strategy was prepared in May 2000 for the Donaldson Mine for construction of the mine and mining operations. Revision of the EMS occurred to integrate the requirements of the Donaldson Mine and Cooks Construction and to provide a single EMS for the project.</p>	<b>Compliant COMPLETE</b>

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### Donaldson Open Cut Coal Mine

			Review and revision of the EMS occurred as required when management plans are revised for MOD 1 and MOD 2.	
11.	<p>The Strategy shall cover the area of mining, the haul road and rail loading facility, and the Conservation Areas. The Strategy shall include:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(ii) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the Environmental Officer;</li> <li>(iii) overall environmental management objectives and performance outcomes, during construction, mining and decommissioning of the mine, for each of the key environmental elements for which management plans are required under this Consent;</li> <li>(iv) overall ecological and community objectives and a strategy for restoration and management, including habitat areas, creek lines and drainage channels, within the context of those objectives;</li> <li>(v) identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;</li> <li>(vi) overall objectives and strategies for minimising the impacts of the development on economic productivity;</li> <li>(vii) steps to be taken to ensure that all approvals, plans, and procedures are being complied with;</li> <li>(viii) processes for conflict resolution in relation to the environmental management of the project; and</li> <li>(ix) documentation of the results of consultations undertaken in the development of the Strategy.</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental Management Strategy - Donaldson Mine, May 2000</li> <li>• Revision EMS Operating Manual (EOM-1) November 2002</li> <li>• Environmental Management System - Cooks Construction</li> <li>• Environmental Management Strategy Oct 2007</li> </ul>	<p>The Environmental Management Strategy prepared for the Donaldson Mine included sections addressing each of the elements of ISO14001.</p> <p>The Environmental Management Strategy provided the system and procedures for environmental management of the project and provides reference to relevant documentation for the implementation and maintenance of the programs by Donaldson Coal and Cooks Construction, and included:</p> <p>Objectives of the EMS          EMS Process          Stakeholders          Conformance with ISO14001          Environmental Policy          Environmental Planning          Operational Plans          Environmental Management Elements          Review and Feedback          Community Consultation          Statutory Obligations (including approvals, consultation, agreements and key legislation)</p>	<b>Compliant COMPLETE</b>
12.	<p>The Applicant shall make copies of the Environmental Management Strategy available to Councils, <a href="#">OEH</a>, <a href="#">NOW</a>, <a href="#">DRE</a> and the Community Consultative Committee within 14 days of approval by the Director-General.</p>	<ul style="list-style-type: none"> <li>• Letters to Director-General, EPA, DLWC, DMR, NPWS, Cessnock City Council, Maitland City Council, and Newcastle City Council re Draft Environmental Management Strategy, 22 Jun 2000;</li> <li>• Letters to Director-General, EPA, DLWC, DMR, NPWS, Cessnock City Council, Maitland City Council, and Newcastle City Council, re Final Environmental</li> </ul>	<p>Copies of the draft and final Environmental Management Strategy prepared for the Donaldson Open Cut Coal Mine were provided to the Councils, EPA, DLWC, NPWS, DMR and CCC.</p>	<b>Compliant COMPLETE</b>

## Independent Environmental Audit – March 2015

### Donaldson Open Cut Coal Mine

		Management Strategy 17 Jan 2001													
	<b>ENVIRONMENTAL MONITORING AND REPORTING</b>														
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, NOW, OEH, DRE, Councils and the Community Consultative Committee,	<ul style="list-style-type: none"> <li>Six Monthly Environmental Monitoring Reports:                             <ul style="list-style-type: none"> <li>May to Oct 2000</li> <li>Nov 2000 to Apr 2000</li> <li>May to Oct 2001</li> <li>Nov 2001 to Apr 2002</li> <li>May to October 2002</li> <li>Nov 2002 to Apr 2003</li> <li>May to October 2003</li> </ul> </li> <li>Letter from DIPNR re Change to Submission of Environmental Monitoring Reports on an Annual Basis, 1 April 2004</li> </ul>	<p>Six-monthly Monitoring Reports including all noise, blasting, air quality, surface and groundwater, indigenous heritage, flora and fauna, employment statistics, community consultation and complaints, provided to the relevant authorities.</p> <p>DIPNR advised on 1 April 2004 that the Environmental Monitoring Reports could be submitted on an annual basis.</p>	<b>Compliant COMPLETE</b>											
13.(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		Six-monthly Noise Monitoring Reports, were provided to the relevant authorities during the operation of the Donaldson Open Cut Coal Mine.	<b>Compliant COMPLETE</b>											
14.	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	<ul style="list-style-type: none"> <li>Monitoring Data - Donaldson Mine -Quality Assurance/Quality Control Reports (for each 3 monthly monitoring period).</li> </ul>	All sampling and analysis conducted by NATA or AS/NZS ISO 17025 registered laboratories - WTS Environmental Laboratories, and Ecwise Environment with Quality assurance/Quality Control included in all the Monitoring Reports received.	<b>Compliant COMPLETE</b>											
	<b>NOISE AND VIBRATION</b>														
	<b>Noise Limits</b>														
15.	<p>Except as may be expressly provided by a OEH licence under the Protection of the Environment Operations 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 (or within 30 metres of the dwelling, if the boundary is more than 30 metres from the dwelling), shall not exceed the following noise limits:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2" style="text-align: left;">Location</th> <th colspan="2" style="text-align: center;">LA<sub>10(15 minute)</sub> noise limits (dB(A))</th> </tr> <tr> <th style="text-align: center;">Daytime</th> <th style="text-align: center;">Night-time</th> </tr> </thead> <tbody> <tr> <td>Beresfield area (residential)</td> <td style="text-align: center;">45</td> <td style="text-align: center;">35</td> </tr> <tr> <td>Steggles Poultry Farm</td> <td style="text-align: center;">50</td> <td style="text-align: center;">40</td> </tr> </tbody> </table>	Location	LA <sub>10(15 minute)</sub> noise limits (dB(A))		Daytime	Night-time	Beresfield area (residential)	45	35	Steggles Poultry Farm	50	40	<ul style="list-style-type: none"> <li>Quarterly Noise Monitoring Reports - Richard Heggie Associates/ Heggies / SLR, 2001 to 2013</li> </ul>	<p>Quarterly Noise Surveys conducted by Richard Heggie Associates/SLR included both attended and unattended monitoring. Results of the monitoring and data were included in their Six Monthly Monitoring Reports and AEMR's.</p> <p>Attended noise survey results from the Donaldson Open Cut Coal Mine operations generally identified that noise levels contributed by Donaldson Mine did not exceed noise limit goals. The mine operations were recorded as inaudible at each of the monitoring sites for the majority of the attended monitoring periods.</p> <p>Unattended noise surveys were affected by traffic activity on the roads external to the mine, insects</p>	<b>Compliant COMPLETE</b>
Location	LA <sub>10(15 minute)</sub> noise limits (dB(A))														
	Daytime	Night-time													
Beresfield area (residential)	45	35													
Steggles Poultry Farm	50	40													

## Independent Environmental Audit – March 2015

### Donaldson Open Cut Coal Mine

	<table border="1"> <tbody> <tr> <td>Ebenezer Park Area</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 Area</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> </tbody> </table> <p><b>Table 2: Noise Limits</b>  <i>Note: Daytime is 7am to 10pm Monday – Saturday, and 8am to 10pm Sundays and Public Holidays. Night-time is 10pm to 7am Monday – Saturday, and 10pm to 8am Sundays and Public Holidays.</i>                      The noise limits apply for prevailing meteorological conditions (winds up to 3 m/s), except under conditions of temperature inversions.</p>	Ebenezer Park Area	46	41	Black Hill Area	40	38	Buchanan/Louth Pk Area	38	36	Ashtonfield Area	41	35	Thornton Area	48	40		and wind effects with the LA <sub>90</sub> results exceeding the noise goals at the Bartter Farm location.	
Ebenezer Park Area	46	41																	
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Buchanan/Louth Pk Area	38	36																	
Ashtonfield Area	41	35																	
Thornton Area	48	40																	
	<b>Noise Management</b>																		
	<b>Monitoring</b>																		
<b>16.</b>	<b>Prior to 31 October 2005, the Applicant shall prepare a Noise Monitoring Program for the development in consultation with the OEH, and to the satisfaction of the Director-General, which includes a noise monitoring protocol for evaluating compliance with the criteria in condition 15.</b>	<ul style="list-style-type: none"> <li>Noise Management Plan, Oct 2005</li> </ul>	The Noise Monitoring Plan was forwarded to DoP and DEC in Oct 2005. The Noise Management Plan that included a noise monitoring protocol was prepared by Richard Heggie Associates in consultation with authorities and submitted to the Planning independent noise expert (Stuart McLaughlin). The Plan was approved by DoP on 22 Jan 2007.	<b>Compliant COMPLETE</b>															
<b>17-19</b>	<b>Conditions deleted in Notice of Modification 26 August 2005</b>																		
<b>20.</b>	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			<b>Not activated Not applicable (Donaldson Open Cut mining activities ceased in April 2013)</b>															
	<b>Noise Acquisition</b>																		
<b>21.</b>	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			<b>Not activated Not applicable (Donaldson Open Cut mining activities ceased in April 2013)</b>															



# Independent Environmental Audit – March 2015

## Donaldson Open Cut Coal Mine

	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. <i>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.</i>									
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.			<b>Not activated Not applicable (Donaldson Open Cut mining activities ceased in April 2013)</b>						
	<b>Negotiated agreements:</b>									
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: (i) appoint an independent facilitator, approved by the Director-General; (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; (iii) pay all reasonable costs of the process; and (iv) report to the Director-General and the OEHL on the agreement reached.			<b>Not activated Not applicable (Donaldson Open Cut mining activities ceased in April 2013)</b>						
	<b>Blasting</b>									
	<b>Blasting Criteria</b>									
24.	<p>The Applicant shall ensure that the airblast overpressure 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Airblast overpressure (db(Lin Peak))</th> <th style="text-align: center;">Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">115</td> <td style="text-align: center;">5% of total number of blasts in a 12 month period</td> </tr> <tr> <td style="text-align: center;">120</td> <td style="text-align: center;">0%</td> </tr> </tbody> </table> <p><i>Table 3: Airblast Overpressure Impact Assessment Criteria</i></p>	Airblast overpressure (db(Lin Peak))	Allowable exceedance	115	5% of total number of blasts in a 12 month period	120	0%	<ul style="list-style-type: none"> <li>Blast Monitoring Data - Six Monthly Monitoring Reports</li> </ul>	<p>Blast overpressure and peak particle velocity monitoring at the Donaldson Mine did not indicate exceedance of the criteria (5% of total number of blasts in a 12 month period) during the operation of the Donaldson Open Cut Coal Mine.</p> <p>Vibration monitoring indicated that peak particle velocity did not exceed the 5mm/sec criteria at the monitoring sites (i.e. Weakleys Drive, Fairfax Printing and Avalon Estate).</p> <p>No blasting has occurred since April 2013.</p>	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
Airblast overpressure (db(Lin Peak))	Allowable exceedance									
115	5% of total number of blasts in a 12 month period									
120	0%									

	Peal Particle Velocity mm/s	Allowable exceedance		
	5	5% of total number of blasts in a 12 month period		
	10	0%		
<i>Table 4: Ground Vibration Impact Assessment Criteria</i>				
	<b>Blasting Design and Management:</b>			
<b>25.(1)</b>	The Applicant shall not blast within 500 metres of an occupied residence.		No residential properties were within 500 metres of the mining operations	<b>Not applicable</b>
<b>25.(2)</b>	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 which guarantees the safety of persons who might use those lands.		No Written Agreement(s) with land owners were developed in relation to blasting at the Donaldson Open Cut Coal Mine. The only private lands within 500 metres of the blast areas at the mine is bush land on Lot 115 DP240782 to the east of the Donaldson ML boundary.	<b>Not triggered</b>
<b>25.(3)</b>	The Applicant shall not blast within 500 metres of public lands unless public access to those areas is prevented at times of blasting.	<ul style="list-style-type: none"> <li>Letter to DIPNR re Agreement with RTA for the Short Term Closure of John Renshaw Drive, 8 Oct 2004</li> <li>RTA Hunter Road Safety and Traffic Road Occupancy Licence No.34, 28 Dec 2006</li> </ul>	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 with 500 metres the public road.	<b>Compliant COMPLETE</b>
<b>25.(4)</b>	The Applicant shall not blast within 500 metres of a public road unless the road is closed with 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 D-G within 14 days of the agreement.  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.	<ul style="list-style-type: none"> <li>Letter to DIPNR re Agreement with RTA for the Short Term Closure of John Renshaw Drive, 8 Oct 2004</li> <li>RTA Hunter Road Safety and Traffic Road Occupancy Licence No.34, 28 Dec 2006</li> </ul>	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 with 500 metres the public road.	<b>Not triggered Not applicable (Donaldson Open Cut mining activities ceased in April 2013)</b>

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<b>25.(5)</b>	The 500 metre distance may be reduced by the Director-General if a risk analysis provides an appropriate level of safety.			<b>Not triggered (mining activities complete)</b>
<b>26.</b>	The Applicant shall prepare and implement a Blast Management Plan in consultation with DRE 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), OEH, DRE, Councils and the Community Consultative Committee within 14 days of approval by the Director-General.	<ul style="list-style-type: none"> <li>• Blast Management Plan Feb 2001</li> <li>• Letters to DUAP /Independent Noise Expert, EPA, DMR, Cessnock City Council, Maitland City Council, Newcastle City Council and CCC re Blast Management Plan, Feb 2001</li> <li>• Letter from DUAP re Approval of Blast Management Plan, Feb 2001</li> </ul>	Blast Management Plan was developed in consultation with the DMR and Maitland City Council, Cessnock City Council, and Newcastle City Council prior to the commencement of blasting. Copies of the Plan were distributed to the OEH, DRE, Councils and the Community Consultative Committee.	<b>Compliant COMPLETE</b>
<b>27.</b>	<p>The Blast Management Plan shall:</p> <ul style="list-style-type: none"> <li>(i) provide details of any proposed trial blasting;</li> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(vi) specify procedures for ensuring that the occurrence of concurrent blasts with the adjoining coal mine operators is avoided; and</li> <li>(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</li> </ul>	<ul style="list-style-type: none"> <li>• Blast Management Plan Feb 2001</li> </ul>	<p>The Blast management Plan addressed the requirements of this condition:</p> <ul style="list-style-type: none"> <li>(i) Blast Management Plan addresses Trial Blasting in Section 6.2.</li> <li>(ii) Blast Management Plan addresses Monitoring Program in Section 8</li> <li>(iii) Blast Management Plan addresses Monitoring Procedures in Section 8</li> <li>(iv) Blast Management Plan addresses Meteorological Data Collection in Section 7.2 and Table 9.4.1.</li> <li>(v) Blast Management Plan Section 7.3 addresses minimisation of disruptions caused by blasting.</li> <li>(vi) Blast Management Plan Section 7.4 addresses timing of blasts.</li> <li>(vii) Blast Management Plan Section 7.5 addresses Notification of Blasting to land owners in. Blast notification was provided to landowners within 2km of the blast area, and</li> </ul>	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>

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	500m of blasting events (or any reduced area approved by the Director-General under Condition 25(5)) prior to blasting occurring.		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		Meteorological station provides continuous weather data and wind speed. Suitability of conditions were checked prior to each blast.	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
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.	<ul style="list-style-type: none"> <li>• Six-Monthly Monitoring Reports</li> <li>• AEMR 2001 and 2002 - section 5.6, &amp; Appendix 13</li> <li>• AEMR 2003-2013 section 3.2.10</li> </ul>	Blast monitoring data and meteorological conditions were reported in the Six-Monthly Monitoring Reports and AEMR's.	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
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, OEH, DRE, Councils and the Community Consultative Committee.	<ul style="list-style-type: none"> <li>• Blast Management Plan 2000</li> <li>• Blast Management Plan revision, 13 Feb 2007</li> </ul>	The Blast Management Plan was reviewed and revised as necessary and any updates to the Plan were submitted to the agencies after commencement of mining.	<b>Compliant (Donaldson Open Cut mining activities now completed)</b>
	<b>Blasting Impacts</b>			
31.	<p>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 DRE 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:</p> <p>(i) the surveys are carried out by a technically qualified person, as agreed in consultation with the Director-General and relevant landowners; and</p> <p>(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.</p>	<ul style="list-style-type: none"> <li>• Structural Survey Reports December 2000</li> </ul>	<p>Burke Engineering Services and Geoff Craig &amp; Associates were offered to building owners for the structural survey reports.</p> <p>(i) All residences within 1.5 km of the mine operations area (including Avalon and Weakley Drive, and Barter Chicken Farms) had a structural survey conducted.</p> <p>(ii) A copy of the baseline structural survey reports of all buildings for each residence were provided to the property owners.</p>	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
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 DRE, is satisfied that an independent investigation is required, the Applicant shall ensure: (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 (ii) a copy of any		No requests for structural surveys were received after the initial surveys.	<b>Not triggered (Donaldson Open Cut mining activities ceased in April 2013)</b>

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	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.			
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.		One re-assessment conducted on 23 July 2001 following a complaint. Blasting had not occurred prior to the complaint. First blast occurred on 15 November 2001	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
	<b>Newcastle Herald's Printing Facilities at Holmwood Business Park:</b>			
34.	<p>Prior to commencement of mining, the Applicant shall:</p> <p>(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;</p> <p>(ii) provide a detailed report on the monitoring procedures and the monitoring results and findings to the Newcastle Herald upon completion of the survey;</p> <p>(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</p> <p>(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.</p>	<ul style="list-style-type: none"> <li>• Blast Vibration Assessment Report, Richard Heggie Associates Rep.10-1149-R4, Sept 2001</li> <li>• Letter from Newcastle Fairfax re Blast Vibration Assessment Sep 2001</li> <li>• Letter to DUAP re Change in ppv Agreed by Fairfax, 18 Dec 2001</li> </ul>	<p>A Blast Vibration Assessment conducted for Newcastle Fairfax Printing facility in September 2001.</p> <p>The results of the assessment established ambient vibration levels for the Newcastle Fairfax Printing facility. Discussions with Fairfax resulted in an agreement that the 0.3 mm/s ppv could be increased to 3 mm/s ppv. Correspondence in relation to this matter was received by Donaldson and DUAP was advised of the agreement.</p>	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
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.		Fairfax monitoring location was agreed and results were presented in the Six Monthly Monitoring Report and the AEMR's. Vibration results did not exceed the agreed ppv during the operation of the Donaldson Open Cut Coal Mine.	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
	<b>Hunter Water Corporation Pipelines</b>			
36.	The Applicant shall ensure that blasting is undertaken in a manner that protects the Hunter Water Corporation's pipeline to the satisfaction of the Hunter Water Corporation.	<ul style="list-style-type: none"> <li>• Letter from Hunter Water Corporation re Vibration Limit for the Pipeline, 29 Sep 2006</li> <li>• Email to Hunter Water Corporation re Repositioning of Blast Monitors, 23 October 2006</li> </ul>	<p>Consultation with HWC resulted in agreement of a peak particle velocity of 100mm/sec at the pipeline. Vibration monitoring has been conducted for each blast at monitors located along the pipeline corridor.</p> <p>No blasting occurred within 100 metres of the Hunter Water Corporation pipeline.</p>	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>

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		<ul style="list-style-type: none"> <li>Survey of Hunter Water Corporation pipeline, Asquith &amp; De Witt, 7 Feb 2007</li> <li>Six Monthly Vibration Monitoring Reports</li> <li>Letters to Hunter Water Corporation re Schedule of Blasts and Monitoring Results</li> </ul>	<p>The overpressure and vibration monitoring conducted for each blast by a monitor located on the Pipeline. .</p> <p>No overpressure or vibration results exceeded the blast criteria agreed between Donaldson Coal and HWC for the pipeline infrastructure.</p>	
	<b>AIR QUALITY</b>			
	<b>Air Quality Criteria</b>			
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 <sup>3</sup> (annual average) and the dust deposition goal of 4gm/m <sup>2</sup> (annual average) are not exceeded as a result of the development when monitored at any monitoring location specified in the Air Quality Management Plan.	<ul style="list-style-type: none"> <li>Air Quality Management Plan, Nov 2000</li> <li>Six-Monthly Monitoring Reports - Air Quality Monitoring Results, Holmes Air Services</li> </ul>	The Air Quality Management Plan prepared in November 2000 provided strategies and procedures to manage the mine operations to meet ambient air quality goals for total suspended particles (TSP) and the dust deposition.	<b>Compliant (Donaldson Open Cut mining activities now completed)</b>
	<b>Air Quality Management</b>			
38.	The Applicant shall prepare and implement an Air Quality Management Plan, containing strategies to manage the mine's contribution to dust deposition, TSP, PM <sub>10</sub> and PM <sub>2.5</sub> 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), OEHL, Councils and the Community Consultative Committee within 14 days of approval by the Director-General.	<ul style="list-style-type: none"> <li>Air Quality Management Plan, Nov 2000</li> <li>Letter to DUAP re Air Quality Management Plan 14 August 2000</li> <li>Letter from DUAP re Approval of the Air Quality Management Plan 13 Aug 2000</li> <li>Letters to EPA, Cessnock City Council, Maitland City Council, Newcastle City Council re Air Quality Management Plan, Nov 2000</li> <li>Six-Monthly Air Quality Monitoring Reports</li> </ul>	The Air Quality Management Plan was prepared and finalised in November 2000. A copy of the final Air Quality Management Plan was submitted to the agencies and CCC on 13 November 2000	<b>Compliant (Donaldson Open Cut mining activities now completed)</b>
39.	The Air Quality Management Plan shall: (i) identify potential sources of dust deposition, TSP and fine particulates (PM <sub>10</sub> and PM <sub>2.5</sub> ) 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;	<ul style="list-style-type: none"> <li>Letter to DUAP re Air Quality Management Plan 14 Aug 2000</li> <li>Letter from DUAP re Approval of the Air Quality Management Plan 13 Aug 2000</li> <li>Air Quality Management Plan Nov 2000</li> <li>Letters to EPA, Cessnock City Council, Maitland City Council, Newcastle City Council re Air</li> </ul>	<p>The Air Quality Management Plan was finalised in November 2000 and presented to the CCC on 13 November 2000</p> <p>(i) Air Quality Management Plan Section 2 addressed potential dust sources and monitoring for dust deposition, TSP and fine particulates in ambient air around the mine site.</p> <p>(ii) Air Quality Management Plan Section 5 presented the monitoring plan with monitoring intervals, weather condition monitoring, seasonal</p>	<b>Compliant (Donaldson Open Cut mining activities now completed)</b>

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	<ul style="list-style-type: none"> <li>(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;</li> <li>(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;</li> <li>(iv) provide details of dust suppression measures for all sources of dust from the development (including the haul road and the rail loading site);</li> <li>(v) provide details of actions to ameliorate impacts if they exceed the relevant criteria; and</li> <li>(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.</li> </ul>	Quality Management Plan, Nov 2000	<ul style="list-style-type: none"> <li>monitoring locations, frequency of measurements;</li> <li>(iii) Air Quality Management Plan Section 5 also addressed modelling to determine the contribution of dust deposition, TSP and fine particulates from the development;</li> <li>(iv) Air Quality Management Plan Section 6 addressed dust suppression measures;</li> <li>(v) Air Quality Management Plan Section 7 addressed mitigation measures for dust control from the development site;</li> <li>(vi) Air Quality Management Plan Section 7.2, 7.4 and 7.5 addressed dust management procedures to reduce the day-to-day impacts of dust and fine particulates due to the mine's operation.</li> </ul>	
40.	The Applicant shall ensure the prompt and effective rehabilitation of all disturbed areas as soon as practicable to minimise the generation of dust.		Rehabilitation occurred along the road verges and overburden backfill areas with revegetation to the MOP target of 40ha prior to June 2003. Rehabilitation of the overburden emplacements continued progressively with establishment of stable surfaces and vegetative cover achieved on all Donaldson Open Cut disturbed areas.	<b>Compliant COMPLETE</b>
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.	<ul style="list-style-type: none"> <li>• Air Quality Management Plan, section 5, Nov 2000</li> </ul>	Meteorological station installed at the Donaldson Mine site provided continuous wind speed and direction information that was available instantly to the Donaldson and Cooks site offices. Wind speed above 5 m/s triggered a response to stop work at the mine site until conditions returned to below 5 m/sec.	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
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), OEH, Councils and the Community Consultative Committee.	<ul style="list-style-type: none"> <li>• Air Quality Management Plan, Nov 2000</li> </ul>	The Air Quality Management Plan was reviewed during the operation of the Donaldson Open Cut Mine. No significant revision or update was required during the mine operations.	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
	<b>Air Quality Monitoring:</b>			
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 OEH. 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,	<ul style="list-style-type: none"> <li>• Air Quality Management Plan, Nov 2000</li> </ul>	The meteorological station installed at the Donaldson Mine site provided continuous wind speed and direction data. Meteorological data collected was analysed monthly in the air quality reports prepared by Holmes Air Sciences. Use of the meteorological data provided by the	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>

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	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.		station occurred in accordance with the Air Quality Management Plan.	
44.	The Applicant shall install, maintain and operate dust deposition gauges in accordance with the relevant Australian Standards and to the satisfaction of the OEH. 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 <sup>2</sup> /month in each calendar month so that any increases in dust deposition rates can be presented in the AEMR.	<ul style="list-style-type: none"> <li>Air Quality Management Plan, section 2, Nov 2000</li> </ul>	Dust deposition gauges were installed at 11 locations on the Donaldson Mine site in accordance with the Air Quality Management Plan and Australian Standard. Dust deposition is analysed monthly and the data was presented by Holmes Air Services in a monthly report to Donaldson, and the results collated and presented to the relevant agencies in the Six-Monthly Monitoring Reports and the AEMR	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
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 OEH. 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 µg/m <sup>3</sup> (annual average) and fine particulates (PM <sub>10</sub> and PM <sub>2.5</sub> ) in µg/m <sup>3</sup> (24 hour average and annual average) so that the contribution of the mine to regional ambient air quality can be presented in the AEMR.	<ul style="list-style-type: none"> <li>Air Quality Management Plan, section 2, Nov 2000</li> </ul>	Dust deposition gauges were installed on the Donaldson Mine site at 11 locations. Dust deposition was analysed monthly and the data presented by Holmes Air Services in a monthly report. Results were also presented in the Monitoring Reports and the AEMR's. An audit report on the 11 dust deposition gauges and 2 high volume air samplers recommended repositioning of two gauges due to proximity to trees (D9 and D11) and the Golf Course PM <sub>10</sub> unit. High Volume Air Samplers (HVAS) were installed at two locations in accordance with the Air Quality Management Plan for collection of TSP, PM <sub>10</sub> and PM <sub>2.5</sub> particulate data. All air quality data including meteorological data is retained on the air quality database at the Donaldson Mine site and reported in the Six-Monthly Monitoring Reports and the AEMR.	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
45.(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 OEH or the D-G.		Air quality data is provided to the EPA in the six monthly monitoring reports and AEMR.	<b>Compliant COMPLETE</b>
	<b>Air Quality Acquisition:</b>			
46.	If dust monitoring or independent dust investigations indicate that dust from operation of the mine at a dwelling is in excess of the criteria set out in this Consent and if appropriate dust 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			<b>Not triggered</b>
47.	Any such request shall be referred to the Director-General for determination. If the Director-General determines acquisition			<b>Not triggered</b>



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	is necessary, the Applicant shall acquire the property in accordance with Conditions 54-55			
	<b>INDEPENDENT MONITORING OF NOISE, VIBRATION OR DUST</b>			
48.	The Applicant shall bear the reasonable costs of the appointment by the Director-General of an independent noise and air quality expert(s) and/or mediator to assist in the implementation of the Conditions of this Consent. The independent expert(s) shall: (i) receive and advise the Director-General on the Noise, Blast and Air Quality Management Plans; (ii) receive and advise the Director-General on noise and dust monitoring results; (iii) be responsible for, or supervise, the independent investigation of complaints; and (iv) advise the Director-General on the need for acquisition due to noise, vibration or dust. The independent expert(s) shall report directly to the Director-General and provide such advice as agreed by the Director-General to the Applicant and the landowner or occupier.			Not triggered
49.	The Applicant shall bear the reasonable costs of the appointment by the Director-General of an independent noise and air quality expert(s) and/or mediator to assist in the implementation of the Conditions of this Consent. The independent expert(s) shall: (i) receive and advise the Director-General on the Noise, Blast and Air Quality Management Plans; (ii) receive and advise the Director-General on noise and dust monitoring results; (iii) be responsible for, or supervise, the independent investigation of complaints; and (iv) advise the Director-General on the need for acquisition due to noise, vibration or dust. The independent expert(s) shall report directly to the Director-General and provide such advice as agreed by the Director-General to the Applicant and the landowner or occupier.			Not triggered
50.	If exceedances are identified, within six weeks or as otherwise directed by the Director-General, the Applicant shall modify the mining activity which may be causing the impacts and/or enter into a negotiated agreement (Condition 23) with the affected landowner.			Not triggered
51.	The Applicant shall bear the cost of the independent investigations and make available plans, programs and other information necessary for the independent expert(s) to form an appreciation of the past, present and future works and their effects on noise, vibration and/or dust emissions			Not triggered
52.	Investigations shall be carried out in accordance with a documented Plan. The Plan shall be designed and			Not triggered

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	implemented to measure and/or compute (with appropriate calibration by measurement) the relevant noise, vibration and/or dust levels at the complainant's residence/property boundary emitted by the development.			
53.	Further independent investigations shall cease if the Director-General, in consultation with the independent expert, is satisfied that the relevant approval levels are not being exceeded and are unlikely to be exceeded in the future.			<b>Not triggered</b>
	<b>ACQUISITION PROCEDURE</b>			
54.	Upon determination of the Director-General in relation to the purchase of a property in accordance with any Conditions of this Consent, the Applicant shall negotiate and purchase the whole of the property (unless the request specifically requests acquisition of only part of the property and subdivision has already been approved) within six months of receipt of notification from the Director-General. The Applicant shall pay the landowners an acquisition price resulting from proper consideration of: (i) a sum not less than the current market value of the owner's interest in the land, whosoever is the occupier, having regard to: (a) the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; (b) the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of the request is completed subsequent to that date; and (c) as if the land was unaffected by the development proposal. (ii) the owner's reasonable compensation for disturbance allowance and relocation within the Lower Hunter Region; (iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price for the land and the terms upon which it is to be acquired; and (iv) the purchase price determined by reference to points (i), (ii) and (iii) shall be reduced by the amount of any compensation awarded to a landowner pursuant to the Mining Act, 1992 or other legislation providing for compensation in relation to coal mining but limited to compensation for dwellings, structures and other fixed improvements on the land, unless otherwise determined by the Director-General in consultation with the DRE			<b>Not triggered</b>
55.	Notwithstanding any other Condition of this Consent, the Applicant may, upon request of the landowner, acquire any property affected by the project during the course of this			<b>Not triggered</b>

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	Consent on terms agreed to between the Applicant and the landowner.			
	<b>INDEPENDENT VALUATION</b>			
56	In the event that the Applicant and the landowner cannot agree within three months upon the acquisition price of the land and/or the terms upon which it is to be acquired under the terms of this Consent, then either party may refer the matter to the Director-General who shall request an independent valuation to determine the acquisition price. The independent valuer shall consider any submissions from the landowner and the Applicant in determining the acquisition price			<b>Not triggered</b>
57	If the independent valuer requires guidance on any contentious legal, planning or other issues, the independent valuer shall refer the matter to the Director-General, who, if satisfied that there is a need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of: (i) the appointed independent valuer; (ii) the Director-General; and/or (iii) the President of the Law Society of NSW or nominee. The qualified panel shall, on the advice of the valuer, determine the issue referred to it and advise the valuer.			<b>Not triggered</b>
58	The Applicant shall bear the costs of any independent valuation or survey assessment requested by the Director-General.			<b>Not triggered</b>
59	The Applicant shall, within 14 days of receipt of a valuation by the independent valuer, offer in writing to acquire the relevant land at a price not less than the said valuation			<b>Not triggered</b>
	<b>WATER</b>			
	<b>Water Management</b>			
60.	The Applicant shall prepare and implement a Water Management Plan in consultation with NOW, Councils, OEH 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 OEH, NOW, DRE, Councils, the Hunter Catchment Management Trust and the Community Consultative Committee within 14 days of approval by the Director-General.	<ul style="list-style-type: none"> <li>• Water Management Plan Nov 2000</li> <li>• Letter from DUAP re Approval of Water Management Plan 2 Nov 2000</li> <li>• Letters to EPA, DLWC, DMR, Cessnock City Council, Maitland City Council, Newcastle City Council, Hunter Catchment Management Trust, CCC re</li> </ul>	The Water Management Plan was developed in consultation with the EPA, DLWC, Councils, Hunter Catchment Management Trust and submitted to the Director-General prior to the commencement of construction of the Donaldson Open Cut Coal Mine.	<b>Compliant COMPLETE</b>

		Water Management Plan, 13 Nov 2000		
61.	<p>The Water Management Plan shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(ii) stormwater and general surface runoff diversion to ensure separate effective management of clean and dirty water;</li> <li>(iii) stormwater management facilities designed to at least a 1:10 year storm design criteria;</li> <li>(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;</li> <li>(v) identification of the fresh quality groundwater zones within the DA area and appropriate protection strategies;</li> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(ix) procedures for the maintenance of drainage systems and water management structures; and</li> <li>(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.</li> </ul>		<p>The Water Management Plan was prepared to satisfy the requirements of condition 61:</p> <ul style="list-style-type: none"> <li>(i) Water Management Plan Section 3 addressed the management of impacts of the development on the quality and quantity of surface and ground water;</li> <li>(ii) Water Management Plan Section 3.3 and 3.4 addressed the management of impacts of the development on the quality and quantity of surface and ground water;</li> <li>(iii) Water Management Plan Section 3.3 addressed the stormwater management issues;</li> <li>(iv) Water Management Plan Section 5 addressed possible adverse effects of the development on water supply sources;</li> <li>(v) Water Management Plan Section 6 addressed the quality of groundwater zones within the DA area;</li> <li>(vi) Water Management Plan Sections 3 and 6 addressed the management of impacts on the quality and quantity of groundwater within 2km of the DA area;</li> <li>(vii) Water Management Plan Section 5 addressed the management of impacts on the quality and quantity of surface water discharged to Woodberry Swamp.</li> </ul>	<p><b>Compliant COMPLETE</b></p>
62.	<p>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, <a href="#">OEH</a>, <a href="#">NOW</a>, <a href="#">DRE</a>, Councils, the Hunter Catchment Management Trust and the Community Consultative Committee</p>	<ul style="list-style-type: none"> <li>• Water Management Plan Nov 2000</li> </ul>	<p>The Water Management Plan was reviewed in 2005 but no revision of the management strategies and procedures were required.</p>	<p><b>Compliant COMPLETE</b></p>

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	Water monitoring			
63.	<p>The Applicant shall prepare and implement a detailed monitoring program for groundwater and surface water in consultation with DP&amp;I, OEH, DRE and the Hunter-Central Rivers Catchment Management Authority, throughout the life of the mine and for a period of at least five years after the completion of mining, or other such period as determined by the Director-General. The results of the monitoring information shall be included in the AEMR (Conditions 114-116).</p> <p>The monitoring program shall contain:</p> <ul style="list-style-type: none"> <li>(i) details of proposed monitoring sites, frequency and parameters to be tested;</li> <li>(ii) pre-mining baseline data;</li> <li>(iii) monitoring of surface water quality to detect any changes in ambient water quality between the mine site and the wetlands;</li> <li>(iv) monitoring of macroinvertebrates and vegetation in accordance with protocols developed for the Hunter SIGNAL biological assessment criteria, with an assessment of inflows to the wetlands;</li> <li>(v) monitoring of stream stability, stream bank and bed stability;</li> <li>(vi) monitoring of the volume and quality of water transfer between the Donaldson and Bloomfield operations; and</li> <li>(vii) a program for replacement of any monitoring bores destroyed by the development.</li> </ul>	<ul style="list-style-type: none"> <li>• Water Management Plan Nov 2000</li> <li>• Water Management Plan, Dec 2007</li> <li>• Integrated Environmental Monitoring Program, Dec 2007</li> <li>• Water Management Plan Mar 2008</li> <li>• Water Management Plan Aug 2014</li> </ul>	<p>The Water Monitoring Program in sections 5.9, 6.7 and 7 of the Water Management Plan November 2000, addressed groundwater monitoring requirements.</p> <p>In December 2007, an Integrated Environmental Monitoring Program was developed that included the requirements of condition 63.</p> <ul style="list-style-type: none"> <li>(xi) Water Quality Management Plan section 5.9;</li> <li>(xii) Water Quality Management Plan section 3 and the EIS;</li> <li>(xiii) Water Quality Management Plan section 5.9 and 7;</li> <li>(xiv) monitoring location located upstream and downstream in the three creeks, using SIGNAL and OZRIVER assessment criteria;</li> <li>(xv) Macro-invertebrate surveys include bank stability and bed stability;</li> <li>(xvi) Continuous metering of water transfer volumes between the Donaldson and Bloomfield operations occurs;</li> <li>(xvii) Four (4) monitoring bores destroyed as part of the mining operations were replaced when the backfilling of the disturbed area was completed.</li> </ul>	<p><b>Compliant Ongoing</b></p>
64.	<p>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.</p>	<ul style="list-style-type: none"> <li>• Water Management Plan Nov 2000</li> <li>• Water Management Plan, Dec 2007</li> <li>• Integrate Environmental Monitoring Program, Dec 2007</li> <li>• Water Management Plan Mar 2008</li> </ul>	<p>The Water Monitoring Program within the Water Management Plan November 2000 was reviewed in 2005. In December 2007, an Integrated Environmental Monitoring Program to “assist with the development of a sub-regional model of environmental data collection from a wide area. The integrated monitoring system will reduce duplication of monitoring on individual sites and identify sensitive areas that may be between mine sites that require monitoring to enable more effective sub-regional data sets” was prepared and implemented.</p>	<p><b>Compliant</b></p>
	<b>Water Supply</b>			
65.	<p>On request of a landowner whose water supply from licensed bore holes or springs has been determined by <b>NOW</b> at any time to have been affected by the project, the Applicant shall replace lost water supply with water of an equivalent quality</p>			<p><b>Not triggered</b></p>

	and quantity to meet the landowner's requirements, to the satisfaction of <b>NOW</b>			
	<b>EROSION AND SEDIMENT CONTROL</b>			
66.	The Applicant shall prepare and implement an Erosion and Sediment Control Plan(s) for the development (including the haul road and the relocation of utilities and services) to the satisfaction of <b>NOW</b> and submit these Plans to the OEH as part of applications for a licence under the Protection of the Environment Operations Act. The Plan(s) shall be prepared prior to the commencement of work in the relevant areas. The Applicant shall make copies of all Erosion and Sediment Control Plan(s) available to the Director-General, Councils and the Community Consultative Committee within 14 days of approval	<ul style="list-style-type: none"> <li>Erosion and Sediment Control Plan, Global Soil Systems, May 2000</li> <li>Letter from DLWC re Erosion and Sediment Control Plan, 20 Apr 2000</li> <li>Letter to DIPNR, Councils and CCC re Erosion and Sediment Control Plan, May 2000</li> </ul>	<p>The 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.</p> <p>The DLWC accepted that the Erosion and Sediment Control Plan met the requirements of condition 66, on 20 April 2000.</p> <p>The Erosion and Sediment Control Plan(s) was submitted to DIPNR, Councils and the Community Consultative Committee in May 2000.</p>	<b>Compliant COMPLETE</b>
67.	The Erosion and Sediment Control Plan(s) shall include consideration and management of erosion and sedimentation of watercourses and waterbodies, including Woodberry Swamp.		The Erosion and Sediment Control Plan Section 4 addressed the management of erosion and sediment control in watercourses and waterbodies on the mine site and to the boundaries of the Donaldson property, to manage potential impact on downstream habitats (e.g. Woodberry Swamp). Monitoring of water quality at the Donaldson property boundary included assessment of bank and bed stability.	<b>Compliant COMPLETE</b>
	<b>FLORA AND FAUNA</b>			
	<b><i>Tetratheca juncea</i> Conservation Area</b>			
68.	<p>Prior to the commencement of construction, the Applicant shall:</p> <p>(i) undertake a survey of potential <i>Tetratheca juncea</i> habitat in the southwest portion of the site. The survey shall:</p> <p>(a) be undertaken by a suitably qualified botanist, with the assistance of a suitably qualified surveyor, both approved by the Director-General;</p> <p>(b) re-examine the outcomes of previous surveys;</p> <p>(c) be undertaken between the months of August and December (inclusive);</p> <p>(d) record the location of <i>Tetratheca juncea</i> clumps on the ground using suitable tags and by using either theodolite and electronic measuring equipment or differential GPS;</p> <p>(e) investigate the occurrence of any native sonicating bee habitat within 500 metres of the <i>Tetratheca juncea</i> population; and</p>	<ul style="list-style-type: none"> <li><i>Tetratheca juncea</i> Management Plan, Nov 2000, Gunninah Environmental Consultants</li> </ul>	<p>(i) Figures 1 and 2 of the <i>Tetratheca juncea</i> Management Plan show the Southwest Conservation Area;</p> <p>(a) Survey of the Conservation Area was undertaken by Gunninah Environmental Consultants and the ground survey was conducted by a qualified surveyor.</p> <p>(b) The results of previous surveys were assessed and collated with the current data for the preparation of the maps and the <i>Tetratheca juncea</i> Management Plan;</p> <p>(c) <i>Tetratheca juncea</i> survey monitoring was conducted annually between August and December.</p> <p>(d) <i>Tetratheca juncea</i> clumps have been located using GPS and surveyed onto the site maps in the <i>Tetratheca juncea</i> Management Plan;</p> <p>(e) Bee habitat is discussed in Section 5.2.2 of the <i>Tetratheca juncea</i> Management Plan.</p>	<b>Compliant COMPLETED</b>

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	(ii) establish a Conservation Area for the <i>Tetratheca juncea</i> 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.		(ii) The southwest Conservation Area was established with a 50 metre buffer to the closest boundary that may become part of the Donaldson Open Cut mine operations (Figures 1 and 2 in the <i>Tetratheca juncea</i> Management Plan). The area is pegged but not fenced.	
69.	The Applicant shall prepare a Management Plan for the <i>Tetratheca juncea</i> Conservation Area in consultation with OEH 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 <i>Tetratheca juncea</i> Management Plan available to OEH, Councils and the Community Consultative Committee within 14 days of approval by the Director-General.	<ul style="list-style-type: none"> <li>• <i>Tetratheca juncea</i> Management Plan, Nov 2000, Gunninah Environmental Consultants</li> <li>• T.juncea Management Plan, Gunninah Environmental Consultants, Nov 2000</li> <li>• Letter re Comment and Review of T.juncea Management, Robert Payne, 21 Sept 2000</li> <li>• Letter from DUAP re Approval of T.juncea Management Plan, 9 Oct 2000</li> <li>• Letter from NPWS re Approval - of <i>T. juncea</i> Management Plan, 20 Nov 2000</li> <li>• Conservation Area Identification Report, Gunninah Environmental Consultants, Oct 2000</li> <li>• T. juncea Area Management Plan Implementation, Barker and Harle, Nov 2000</li> </ul>	NPWS provided correspondence advising they were satisfied that the <i>Tetratheca juncea</i> Management Plan adequately provides management of the <i>T. juncea</i> locations. The property boundary of the Conservation Area is fenced along John Renshaw Drive and the <i>T.juncea</i> areas are pegged but not fenced. (It was considered that the presence of a fence or signage around the specific areas of <i>T.juncea</i> would highlight their location and result in unwanted attention and possibly vandalism to the area). The status of the Conservation Area indicated that there was no intrusion of work areas or other disturbance to the <i>T.juncea</i> locations. Weekly surveillance of the Conservation Area has been conducted by the Donaldson Coal Environmental Manager and weekly inspection and maintenance of the fence has occurred along John Renshaw Drive. A biologist monitors the <i>T.juncea</i> areas to keep records of the status of growth and flowering.	<b>Compliant Ongoing</b>
	<b>BUSHLAND AREA</b>			
70.	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 OEH and Councils and be to the satisfaction of the Director-General. Identification of the bushland area(s) shall include:  (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;	<ul style="list-style-type: none"> <li>• Flora and Fauna Management Plan, Gunninah Environmental Consultants, Dec 2000</li> <li>• Bushland Area Identification Report</li> <li>• Letter from DUAP re Proposed Bushland Conservation Area, 17 Jul 2000</li> <li>• Quadrant Monitoring Program Baseline Report, Barker Harle Pty Ltd, Sept-Oct 2001</li> </ul>	A bushland area identification survey was conducted by Barker Harle to address the requirements of condition 70: (i) A detailed assessment of the current flora and fauna and habitat values of the mine site has been conducted by Barker Harle. (ii) A Bushland Area Management Plan was prepared following receipt of comments from NPWS. (iii) NPWS provided Donaldson Mine with a number of compensatory bushland areas to consider in 2001. Donaldson Mine assessed the suggested areas and found that none were of a suitable standard for acceptance. (Several of the suggested areas were cleared farmland or rural developments, and most have multiple ownership). Donaldson	<b>Compliant</b>

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	<ul style="list-style-type: none"> <li>(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;</li> <li>(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);</li> <li>(iv) a detailed assessment of appropriate boundaries, size and shape of the bushland area(s), in relation to the characteristics, values and objectives;</li> <li>(v) consideration of appropriate management options necessary to protect the conservation values; and</li> <li>(vi) consideration of opportunities to incorporate cultural heritage conservation into the bushland area(s).</li> </ul>		<p>assessed the possibilities for the inclusion of land around the mining lease, and established the Conservation Area for bushland protection around the mine lease area.</p>	
<b>71.</b>	<p>In identifying the bushland area(s), the following broad criteria shall be applied:</p> <ul style="list-style-type: none"> <li>(i) a ratio of 2:1 in terms of compensatory area to the area to be directly impacted by mining and associated infrastructure;</li> <li>(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;</li> <li>(iii) the location of the bushland area(s) will aim to consolidate existing reserves in the lower Hunter Area; and</li> <li>(iv) reserve design criteria, including edge-to-area ratio, size and connectivity shall be taken into account.</li> </ul>	<ul style="list-style-type: none"> <li>• Flora and Fauna Management Plan, Gunningah Environmental Consultants, Dec 2000</li> <li>• Bushland Area Identification Report</li> <li>• Letter from DUAP re Proposed Bushland Conservation Area, 17 Jul 2000</li> <li>• Quadrant Monitoring Program Baseline Report, Barker Harle Pty Ltd, Sept-Oct 2001</li> <li>• Flora and Faunal Management Plan, Ecobiological Oct 2005</li> </ul>	<ul style="list-style-type: none"> <li>(i) The Donaldson owned property around the open cut mine area has been retained as a buffer and compensatory conservation area consists of 625ha of land within the disturbed area of mining.</li> <li>(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 mine disturbed areas.</li> <li>(iii) The compensatory area around the Donaldson Mine is contiguous with the Ironbark-Spotted Gum vegetative corridors in the Maitland area.</li> </ul>	<b>Compliant COMPLETED</b>
<b>72.</b>	<p>Upon approval of the identified bushland area(s) by the Director-General, the Applicant shall:</p> <ul style="list-style-type: none"> <li>(i) secure care, control and management of the bushland area(s) prior to the commencement of mining;</li> <li>(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</li> <li>(iii) prepare and implement a Management Plan for that area in consultation with <a href="#">OEH</a> 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 <a href="#">OEH</a> and</li> </ul>	<ul style="list-style-type: none"> <li>• Bushland Conservation Area Management Plan, Oct 2005</li> <li>• Letter to Director-General re Bushland Conservation Area Management Plan, 31 Oct 2005</li> <li>• Bushland Area Management Plan, Sep 2011</li> <li>• Letter from OEH re Bushland Conservation Area Rehabilitation Area Management Plan, 4 Oct 2011</li> </ul>	<ul style="list-style-type: none"> <li>(i) and (ii) The bushland area around the mine operations is owned by Donaldson Mine.</li> <li>(iii) The development of the Bushland Conservation Area Management Plan occurred following response from NPWS to Donaldson Coal on the allocated land. The Bushland Area Management Plan is consistent with the Flora and Fauna Management Plan. The Bushland Conservation Area Management Plan was submitted to the Director-General on 31 October 2005.</li> </ul>	<b>Compliant Ongoing</b>



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	<p>the Community Consultative Committee within 14 days of approval by the Director-General.</p> <p>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</p>			
<b>73.</b>	<p>The Applicant shall undertake negotiations with the OEH 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.</p>	<ul style="list-style-type: none"> <li>• Letter to NPWS re Bushland Conservation Area, 1 May 2001</li> <li>• Letters to NPWS, Cessnock City Council, Maitland City Council re negotiations on Bushland Conservation Area, 1 May 2001</li> <li>• Letter to DUAP re Condition 73 Negotiations on Bushland Conservation Area 1 May 2001</li> </ul>	<p>Donaldson Coal Ltd provided NWPS and the Councils with information on management of the proposed bushland conservation area land.</p> <p>The bushland conservation area around the mine operations is fully owned by Donaldson Mine.</p>	<b>Compliant COMPLETE</b>
<b>74.</b>	<p>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 Weakley's Flat Creek, to the satisfaction of the Director-General, and provide an updated Plan to the OEH, Councils and the Community Consultative Committee</p>	<ul style="list-style-type: none"> <li>• Bushland Conservation Area Management Plan, Feb 2005</li> <li>• Bushland Area Management Plan, Sep 2011</li> <li>• Rehabilitation Area Management Plan, 4 Oct 2011</li> </ul>	<p>The Bushland Conservation Area Management Plan was prepared and revised following consultation with the NPWS/OEH.</p> <p>The Bushland Conservation Area Management Plan is reviewed each five years as required.</p>	<b>Compliant</b>
<b>74A.</b>	<p>By 30 September 2011, the Applicant shall revise the Bushland Conservation Area Management Plan to the satisfaction of the Director-General. The revised plan must:</p> <p>(i) be prepared in consultation with OEH; and</p> <p>(ii) include the 3 hectares of land removed from the approved mining area, as detailed in the letter from Donaldson Coal Pty Limited to the Minister for Planning dated 25 March 2011.</p>	<ul style="list-style-type: none"> <li>• Draft Bushland Conservation Area Management Plan Summary (OP-8), Revised Oct 2005</li> <li>• Lower Hunter Regional Strategy, DoP, Nov 2005</li> <li>• Email to OEH re Bushland Area Management Plan, 22 Sep 2011</li> <li>• Letter from OEH re Bushland Conservation Area Rehabilitation Area Management Plan, 4 Oct 2011</li> </ul>	<p>The Bushland Conservation Area Management Plan was prepared and revised following consultation with the NPWS/OEH.</p> <p>The map of the bushland conservation area was updated to compensate for the extension of the disturbance area in the vicinity of Weakley's Flat Creek.</p> <p>The Bushland Conservation Area Management Plan is reviewed each five years as required.</p>	<b>Compliant</b>
	<b>Flora and Fauna Management</b>			
<b>75.</b>	<p>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</p>		<p>Independent flora and fauna expert (Robert Payne) was commissioned by Director-General to assess and advise on the flora and fauna management for the DA area.</p>	<b>Planning NSW - condition of approval</b>

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	<p>Conditions of this Consent. The independent expert(s) shall:</p> <p>(i) be selected in consultation with the applicant;</p> <p>(ii) assess and advise the Director-General on the Applicant's proposed Conservation Areas and Management Plans for those areas;</p> <p>(iii) assess and advise the Director-General on the Applicant's proposed bushland area(s);</p> <p>(iv) assess and advise the Director-General on the Applicant's proposed Flora and Fauna Management Plan and the Rehabilitation Plan; and</p> <p>(v) assess and advise the Director-General on the Applicant's monitoring of flora and fauna management and rehabilitation.</p>			
76.	<p>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 <a href="#">NOW</a>, <a href="#">OEH</a> 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 <a href="#">NOW</a>, <a href="#">OEH</a>, Councils and the Community Consultative Committee within 14 days of approval by the Director-General.</p>	<ul style="list-style-type: none"> <li>• Flora and Fauna Management Plan, Gunninah Environmental Consultants, Dec 2000</li> <li>• Letter from DLWC re Comments on Flora and Fauna Management Plan, 24 Aug 2000</li> <li>• Letter from NPWS re Comments on Flora and Fauna Management Plan, 29 Aug 2000</li> <li>• Letter from NWPS re Flora and Fauna Management Plan Comments, 8 Nov 2000</li> <li>• Letters to DLWC, NPWS, CCC, Cessnock City Council, Maitland City Council, and Newcastle City Council re Flora and Fauna Management Plan on 17 Jan 2001:</li> <li>• DUAP Letter from DLWC re - Flora and Fauna Management Plan, 22 Dec 2000</li> </ul>	<p>The Flora and Fauna Management Plan was prepared for the Donaldson mine site (in addition to the management plans for specific Conservation Areas), in consultation with NWPS and Councils, and to the satisfaction of the Director-General.</p> <p>The Flora and Fauna Management Plan was implemented prior to the commencement of construction of the Donaldson Open Cut Mine.</p>	<p><b>Compliant COMPLETE</b></p>
77.	<p>The Flora and Fauna Management Plan shall include but not be limited to:</p> <p>(i) additional surveys to more precisely identify the distribution of known and potential nest and roost trees for owl species. The surveys shall:</p> <p>(a) be undertaken by a person experienced in the identification of owl nest and roost trees, approved by the Director-General; and</p> <p>(b) record the location of known and potential nest and roost trees on the ground by marking the tree and by</p>	<ul style="list-style-type: none"> <li>• Flora and Fauna Management Plan, Gunninah Environmental Consultants, Dec 2000</li> <li>• Flora and Fauna Management Plan, Gunninah Environmental Consultants, Dec 2000</li> <li>• Rehabilitation Plan Dec 2000</li> <li>• Draft Mine Rehabilitation Plan Dec 2002</li> <li>• Mining Operations Plan (MOP) Jan 2002 to June 2006,</li> </ul>	<p>The Flora and Fauna Management Plan and Rehabilitation Plan included:</p> <p>(i)(a) An additional survey of owl habitat was conducted by Rod Kavanagh on the Donaldson Mine site during September – October 2000. The report was included in Appendix F and G of the Flora and Fauna Management Plan.</p> <p>(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.</p>	<p><b>Compliant COMPLETE</b></p>

	<p>using either theodolite and electronic measuring equipment or differential GPS;</p> <p>(c) 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;</p> <p>(ii) details of measures to manage the impacts of the development, including:</p> <p>(a) restoration of degraded areas;</p> <p>(b) management of invasive weed species and feral animals;</p> <p>(c) establishment of an appropriate hazard reduction regime which is in keeping with the ecological values of the area;</p> <p>(d) revegetation and the provision of compensatory areas of equivalent ecological and habitat value where necessary; and</p> <p>(e) strategies to provide increased security for existing habitats and communities;</p> <p>(iii) 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;</p> <p>(iv) priorities for action and a timetable for all works outlined in the Plan; and</p> <p>(v) 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 D-G, and include:</p> <p>(a) justification for monitoring intervals and locations;</p> <p>(b) monitoring of the presence and persistence of native flora and fauna species over time, particularly threatened species; and</p> <p>(c) monitoring the effectiveness of management measures.</p>	<p>Ellembey Management Pty Ltd Flora and Fauna Management Plan Dec 2000</p> <ul style="list-style-type: none"> <li>• Flora and Fauna Management Plan Dec 2000</li> <li>• Flora and Fauna Management Plan Dec 2000</li> <li>• Flora and Fauna Management Plan Dec 2000 Gunninah Environmental Consultants</li> <li>• Quadrant Monitoring Program Baseline Report, Barker Harle Pty Ltd, Sept-Oct 2001</li> </ul>	<p>(ii)(a) Degraded area restoration procedures were presented in the Rehabilitation Plan December 2000 section 4.3.7.</p> <p>(ii)(b) Weed management and feral animal control presented in the Rehabilitation Plan sections 4.2.3 and 4.3.2.</p> <p>(ii)(c) Hazard reduction addressed in the Rehabilitation Plan, with a hazard burn conducted in 2001/2002 season.</p> <p>(ii)(d) See comments on conditions 71 to 74.</p> <p>(ii)(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.</p> <p>(iv) The priorities for action in relation to protection of flora and fauna is 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.</p> <p>(v) The priorities for action in relation to protection of flora and fauna is outlined in section 4.5 of the Flora and Fauna Management Plan.</p> <p>(vi) Flora and Fauna Management Plan Section 5 described the Monitoring and Reporting programs. 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 provided 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 had the potential to affect the environment of the swamp, so the surveys to the boundary of the Donaldson property specifically identified potential for impacts from the mine activities.</p>	
<p>78.</p>	<p>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</p>	<ul style="list-style-type: none"> <li>• Mine Rehabilitation Plan, Gunninah Environmental Consultants, Dec 2000</li> <li>• Draft Mine Rehabilitation Plan, Donaldson Mine Dec 2002</li> <li>• MOP Sept 2000 to Dec 2001</li> <li>• MOP Jan 2002 to June 2006</li> </ul>	<p>The Rehabilitation Plan is included in the Mining Operations Plans (MOP) for the Donaldson Coal Mine for the June 2000 to June 2006 and June 2006 to May 2011 with amendments to 2013.</p> <p>The current MOP is for May 2014 to May 2021.</p>	<p><b>Compliant Ongoing</b></p>

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	rehabilitated mine site until such time as the Director-General agrees that restoration has been successful.	<ul style="list-style-type: none"> <li>• MOP June 2006 to May 2011</li> <li>• MOP Aug 2010 to Dec 2012</li> <li>• MOP Amendment 2013</li> <li>• MOP May 2014 to May 2021</li> </ul>		
<b>78A.</b>	<p>By 31 October 2011, the Applicant shall revise the Rehabilitation Plan to the satisfaction of the Director-General. The revised plan must:</p> <p>(i) be prepared in consultation with DRE;</p> <p>(ii) include:</p> <ul style="list-style-type: none"> <li>• the rehabilitation objectives for the site;</li> <li>• a strategic description of how the rehabilitation of the site would be integrated with surrounding land uses;</li> <li>• a general description of the short and long term measures that would be implemented to rehabilitate the site, including; - managing remnant vegetation and habitat on site; - minimising impacts on fauna; - minimising visual impacts; - conserving and reusing topsoil; - controlling weeds, feral pests, and access; and - managing bushfires;</li> <li>• detailed performance and completion criteria for the rehabilitation of the site;</li> <li>• a detailed description of how the performance of the rehabilitation works would be monitored over time to achieve the stated objectives and against the relevant performance and completion criteria; and</li> <li>• details of who is responsible for monitoring, reviewing and implementing the plan.</li> </ul>	<ul style="list-style-type: none"> <li>• MOP June 2006 to May 2011</li> <li>• MOP Aug 2010 to Dec 2012</li> <li>• MOP Amendment 2013</li> <li>• MOP May 2013 to May 2021</li> </ul>	<p>The Rehabilitation Plan is included in the Mining Operations Plans (MOP) for the Donaldson Mine was:</p> <ul style="list-style-type: none"> <li>• prepared in consultation with the DRE; and includes:</li> <li>• section 5.2 Domain Rehabilitation Objectives for the site;</li> <li>• section 5 Rehabilitation Planning and Management provides a strategic description of integration of the rehabilitation of the site with surrounding land uses;</li> <li>• section 7 Rehabilitation Implementation describes the short and long term measures to be implemented to rehabilitate the site;</li> <li>• performance and completion criteria for rehabilitation;</li> <li>• section 8 Rehabilitation Monitoring addresses monitoring performance of the rehabilitation works over time to achieve stated objectives and against performance and completion criteria; and</li> <li>• responsibilities for monitoring, reviewing and implementing the plan.</li> </ul>	<b>Compliant Ongoing</b>
<b>79.</b>	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, OEH, Councils and the Community Consultative Committee		The Flora and Fauna Management Plan was reviewed in 2007 by EcoBiological and submitted to the agencies as required.	<b>Compliant COMPLETE</b>
<b>80.</b>	The Applicant shall participate in (and if appropriate, contribute such reasonable funds as determined by the Director-General in consultation with OEH) research into the Powerful Owl and Masked Owl habitat requirements in the region, and the habitat requirements and lifecycle of <i>Tetratheca juncea</i> .	<ul style="list-style-type: none"> <li>• Defining the Niche of <i>T. juncea</i> - D Landenberger Oct 2003;</li> <li>• Powerful Owl in Disturbed Environments, A Blundell, 2002-03</li> </ul>	Donaldson Mine supported projects by the University of Newcastle with financial and technical help for "Defining the Niche of <i>T. juncea</i> " - Deborah Ladenberger (2 year Honours project), and "Comparing Ecology of Powerful Owl in Disturbed and Undisturbed Environments" Adam Blundell with Rod Kavanagh.	<b>Compliant COMPLETE</b>
	<b>HERITAGE</b>			
	<b>Heritage Statutory Requirements</b>			

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<b>81.</b>	<p>Prior to commencement of construction, the Applicant shall:</p> <p>(i) comply with the statutory requirements of OEH in relation to works affecting Aboriginal sites; and</p> <p>(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</p>	<ul style="list-style-type: none"> <li>• Donaldson Coal Slope Survey Report, 16 Oct 2000</li> <li>• Supplementary Archaeological Study Report of the Mine Impact Area - Donaldson Open Cut Mine, Umwelt, Jan 2003</li> <li>• Letter from Mindaribba Local Aboriginal Land Council re Approval to Commence Work on the Project 10 Jan 2001</li> </ul>	<p>(ii) Aboriginal sites within the Donaldson Mine lease area were recorded and described in the Archaeological Study Report of the Mine Impact Area - Donaldson Open Cut Mine, Umwelt. The archaeological surveys were conducted prior to mine start-up and prior to clearance of any new areas.</p> <p>A Supplementary Archaeological Study Report of the Mine Impact Area was prepared by Umwelt in January 2003.</p>	<p><b>Compliant</b> <b>(Donaldson Open Cut mining activities ceased in April 2013)</b></p>
<b>82.</b>	<p>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 OEH, 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.</p>		<p>Section 90 Consents to Destroy were obtained for Aboriginal artefact areas DMS1 on 22 April 2000 and ISF1 and ISF2 on 3 May 2000.</p> <p>No further Section 90 Consents to Destroy were required and no heritage or archaeological material was encountered during the Donaldson Open Cut mining.</p>	<p><b>Compliant</b> <b>(Donaldson Open Cut mining activities ceased in April 2013)</b></p>
	<b>Aboriginal Heritage Management:</b>			
<b>83.</b>	<p>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:</p> <p>(i) identification of an appropriate boundary and the basis on which the boundary has been selected;</p> <p>(ii) a map at a scale of 1:1000 or larger which clearly delineates the Conservation Area boundary and specific features; and</p> <p>(iii) documentation of consultations with OEH and Aboriginal community groups in relation to the definition of the Conservation Area.</p>	<ul style="list-style-type: none"> <li>• Aboriginal Sites Management Plan Dec 2000</li> <li>• Aboriginal Sites Management Plan, Year 2: Donaldson Open Cut Coal Mine, Umwelt, March 2002</li> <li>• Letter from DUAP re Aboriginal Conservation Area Condition 83 , 17 Jan 2001</li> <li>• Letter from NPWS re Acceptance of the Aboriginal Sites Management Plan, 12 Feb 2001</li> <li>• Letter from Mindaribba Aboriginal Local Land Council re Aboriginal Sites Management Plan, 20 Dec 2000</li> </ul>	<p>(i) A 50 metre buffer along Four Mile Creek was established as an Aboriginal Conservation Area (ACA). The ACA boundary is shown in Figure 2.3 of the Aboriginal Sites Management Plan.</p> <p>(ii) 1:1000 maps of the Four Mile Creek Aboriginal Conservation Area and other Conservation Areas prepared by Donaldson Mine.</p> <p>(iii) Aboriginal Sites Management Plan was prepared in consultation with the Mindaribba Local Aboriginal Land Council and NPWS. .</p>	<p><b>Compliant</b> <b>(Donaldson Open Cut mining activities ceased in April 2013)</b></p>
<b>84.</b>	<p>The Applicant shall prepare and implement an Aboriginal Sites Management Plan in consultation with the Aboriginal community, Councils and OEH, 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-</p>	<ul style="list-style-type: none"> <li>• Aboriginal Sites Management Plan, Year 1, Dec 2000</li> <li>• Letter to DUAP re Aboriginal Sites Management Plan, 9 Jan 2001</li> <li>• Letter to DUAP re ACA Condition 83 , 17 Jan 2001</li> </ul>	<p>Aboriginal Sites Management Plan was prepared prior to commencement of mining operations in 2000, with a Supplementary Plan prepared in March 2002 for Year 2 of the operations.</p> <p>The Aboriginal Sites Management Plan was submitted to the relevant authorities on 27 February 2001 within 14 days of approval by the NPWS.</p>	<p><b>Compliant</b> <b>(Donaldson Open Cut mining activities ceased in April 2013)</b></p>

	General, Aboriginal community, Councils and the Community Consultative Committee within 14 days of approval by OEH	<ul style="list-style-type: none"> <li>Letter to NPWS re Acceptance of the Aboriginal Sites Management Plan, 12 Feb 2001</li> <li>Letter to Mindaribba Aboriginal Local Land Council re Aboriginal Sites Management Plan, 20 Dec 2000</li> <li>Letters to Cessnock City Council, Maitland City Council, Newcastle City Council, Mindaribba Aboriginal Land Council, and CCC re Aboriginal Sites Management Plan sent on 27 Feb 2001</li> <li>Aboriginal Sites Management Plan, Year 2: Donaldson Open Cut Coal Mine, Umwelt, March 2002</li> </ul>		
85.	<p>The Management Plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(ii) identification of conservation objectives for the site as a whole and for the Conservation Area specifically;</li> <li>(iii) a program to monitor the impacts of the development on the Conservation Area, including justification for monitoring locations and intervals;</li> <li>(iv) strategies to achieve conservation objectives, including an access policy;</li> <li>(v) the provision of fencing to permit faunal movement and the removal of fencing within six months of completion of mining;</li> <li>(vi) further investigations; and</li> <li>(vii) long term management requirements upon completion of mining.</li> </ul>		<p>The Aboriginal Sites Management Plan addressed the requirements of condition 85:</p> <ul style="list-style-type: none"> <li>(i) Consultation occurred with the Mindaribba Aboriginal Local Land Council as addressed in the Aboriginal Sites Management Plan and appended correspondence.</li> <li>(ii) Aboriginal Sites Management Plan section 1.3 addressed Conservation Objectives;</li> <li>(iii) Aboriginal Sites Management Plan section 2.1 and 3 addressed Monitoring of the Conservation Area. The location of the monitoring datum points were illustrated in Figure 2.4 of the Plan.</li> <li>(iv) Aboriginal Sites Management Plan section 2 addressed Strategies to achieve the conservation objectives.</li> <li>(v) The boundary of the mining lease area and Donaldson owned land is fenced.</li> <li>(vi) The mining lease area was re-surveyed for Year 2 of the operations. Ongoing monitoring and surveys occurred prior to disturbance of new areas for mining.</li> </ul>	<p><b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b></p>
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, OEH, Councils and the Community Consultative Committee.		The Aboriginal Sites Management Plan was reviewed annually and amendments made as required to update the Plan.	<p><b>Compliant (Donaldson Open Cut mining activities now completed)</b></p>
	<b>WASTE</b>			
87.	The Applicant shall prepare and implement a Waste Management Plan in consultation with OEH, DRE 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	<ul style="list-style-type: none"> <li>Waste Management Plan, July 2000</li> <li>Letter from Hunter Waste Planning and Management Board re Waste Management Plan, 21 Jul 2000</li> <li>Letter from DMR re Waste Management Plan, 9 Aug 2000</li> </ul>	<p>The Waste Management Plan was prepared to satisfy condition 87 and 88 prior to commencement of construction of the mine.</p> <p>The Hunter Waste Planning and Management Board Letter advised on 21 July 2000 that the Waste Management Plan met the principles of waste management.</p> <p>DMR advised 9 August 2000 that the Waste Management Plan was consistent with the Mining Operations Plan.</p> <p>Copies of the Waste Management Plan were distributed to the Councils and the CCC within 14 days of approval by the Director-General.</p>	<p><b>Compliant (Donaldson Open Cut mining activities now completed)</b></p>
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	<ul style="list-style-type: none"> <li>Letter from DUAP re Waste Management Plan, 10 Oct 2000</li> <li>Letter to Cessnock City Council, Maitland City Council, Newcastle City Council and</li> </ul>		

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		CCC re Waste Management Plan to, 19 Oct 2000		
89.	The Applicant shall meet the requirements of Councils, OEH and Hunter Water Corporation with respect to water and sewer.	<ul style="list-style-type: none"> <li>Hunter Water Corporation Letters re Water Supply to Donaldson Mine on 1 Nov and 15 Nov 2001</li> <li>Maitland City Council Letter re Septic Tank Approval, 14 Nov 2001</li> </ul>	Potable water for use on the mine site is supplied by Hunter Water Corporation. There is no discharge to sewer from the Donaldson Open Cut Mine site operations. All ablutions are connected to onsite septic systems.	<b>Compliant (Donaldson Open Cut mining activities now completed)</b>
	<b>VISUAL AMENITY</b>			
	<b>Landscaping</b>			
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.	<ul style="list-style-type: none"> <li>MOP Mining Sequence Plan, January 2002 to June 2006</li> <li>MOP June 2006 to May 2011</li> <li>MOP March 2013 to March 2014</li> </ul>	The mine operations areas did not approach within 50 metres of John Renshaw Drive until 2006. The Landscaping Management Plan was implemented with revegetation of the 50m strip along the power-line easement between John Renshaw Drive and the earthen bund on the edge of the high-wall of the West Pit open cut.	<b>Compliant COMPLETE</b>
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.	<ul style="list-style-type: none"> <li>Landscaping Management Plan, GSS, Feb 2000</li> <li>Erosion and Sediment Control Plan, GSS, May 2000</li> <li>Letter from Council re Landscape Management Plan, 9 Mar 2000</li> <li>Letter from CCC re Landscape Management Plan, 6 April 2000</li> </ul>	A Landscaping Management Plan was prepared by Global Soil Systems in February 2000 covering all land within the Donaldson Coal mining area (including the haul road and transmission line easements) and road reserve along the frontage to John Renshaw Drive.	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
92.	The Landscaping Plan shall be consistent with the Environmental Management Strategy and include: <ol style="list-style-type: none"> <li>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;</li> <li>appropriate erosion control and sediment control practices for earthworks associated with the landscaping;</li> </ol>	<ul style="list-style-type: none"> <li>Landscaping Management Plan, GSS, Feb 2000</li> <li>Erosion and Sediment Control Plan, GSS, May 2000</li> </ul>	The Landscaping Management Plan was prepared to be consistent with the Environmental Management Strategy and included: <ol style="list-style-type: none"> <li>Section 4.3 addressed the establishment of trees and shrubs for visual amenity and re-establishment of flora and fauna corridors.</li> <li>Section 4.3 addressed erosion and sediment control and referenced the Erosion and Sediment Management Plan.</li> <li>Section 4.0 addressed the visual appearance of buildings, structures, facilities and works.</li> </ol>	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>

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	(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 (iv) details, specifications and staged work programs to be undertaken, including a maintenance program of all landscape works, building materials and cladding.		(iv) Section 4.2 addressed the staged work programs for maintenance of all landscape works, building materials and cladding.	
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	<ul style="list-style-type: none"> <li>Landscaping Management Plan, GSS, Feb 2000</li> <li>Letter from Council re Approval of Landscape Management Plan, 9 Mar 2000</li> <li>Letter from CCC re Receipt of Landscape Management Plan, 6 April 2000</li> </ul>	Copies of the Landscaping Management Plan were provided to the CCC following approval by the Councils 9 March 2000.	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
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			<b>Not triggered</b>
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.		Consultation in relation to the landscaping with the Cessnock Council occurred. Council yet to respond to Donaldson in relation to the requirement for lodgement of the bond for landscaping. Landscaping bond of \$10,000 was lodged with the Cessnock City Council on 19 April 2007.	<b>Compliant</b>
	<b>Lighting</b>			
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		Lighting from the mine activities did not rise to complaints during the operation of the Donaldson Open Cut Coal Mine. No lighting used at night on high points of the Donaldson Mine overburden emplacement areas, caused light scatter to roadways or residential areas	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
	<b>HAZARDS, RISKS AND SAFETY</b>			
97.	The Applicant shall: (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;	<ul style="list-style-type: none"> <li>Bushfire Management Plan 2005</li> <li>Email to RFS re Fire Management Activities, Oct 2005</li> <li>Letter from Cessnock/Maitland Bush Fire Management Committee re Bushfire Management Plan, 18 Oct 2006</li> </ul>	<p>(i) Fire-fighting equipment on site was provided by Cooks Construction including a water cart with capability for firefighting.</p> <p>(ii) Meetings have been held between Donaldson Mine, Cessnock City Council and the Thornton Fire Brigade in relation to access to the mine site in case of fire. Current access was</p>	<b>Compliant</b>



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	(ii) submit an annual report on fire management activities to the local Bush Fire Management Committee; and (iii) ensure that all dangerous goods and materials stored on site are stored in accordance with the relevant Australian standards.	<ul style="list-style-type: none"> <li>Minutes of Cessnock RFS re Endorsement of Bushfire Management Plan, 10 Oct 2006</li> <li>AEMR's 2003 to 2014</li> </ul>	<p>maintained and additional access to reach the seat of any fire on Donaldson property would have been provided if required.</p> <p>(iii) Dangerous goods were stored on site by Cook Construction who held a Dangerous Goods Licence No. 35/035199 for T1 Above ground tank - diesel 60,000L; and T2 Above ground tank - diesel 40,000L (exempt).</p>	
	<b>UTILITIES AND SERVICES</b>			
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).	<ul style="list-style-type: none"> <li>Energy Australia - Pole and Line Inspection of 132 kV feeder 96F within mine site - Donaldson Mine, 18 Apr 2002</li> <li>Email from Wayne Griffith Network Planning Negotiations Lower Hunter re Telstra Connection Black Hill, 1 Feb 2006</li> </ul>	<p>The Donaldson Open Cut mining operations were planned to avoid transmission pylons and thus avoid the need to move the transmission lines across the site.</p> <p>Telstra lines parallel the Hunter Water Pipeline and were not require to be moved until 2006. Any protection or relocation of utilities and services was conducted in accordance with the relevant Donaldson Environmental Management Plans</p>	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
	<b>TRANSPORT AND ACCESS</b>			
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	<ul style="list-style-type: none"> <li>Flora and Fauna Management Plan, Dec 2000, section 4.4 - Haul Road Protocol</li> </ul>	<p>An internal haul road was constructed from Donaldson Mine to Bloomfield Coal Preparation Plant and Coal Loader. Council advised it did not require to approve the road construction as it was an internal road.</p> <p>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 (e.g. road kills).</p>	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
100.	No coal shall be hauled on public roads		All coal from the Donaldson Mine was transported to the Bloomfield CPP by internal roads, then by rail to the Port of Newcastle. No coal was transported on public roads.	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
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	<ul style="list-style-type: none"> <li>Cessnock City Council - DA lodged for intersection onto John Renshaw Drive, 8 Nov 2001</li> <li>Regional Traffic Committee Meeting Minutes 29 Nov 2000 - re intersection upgrade for Donaldson Mine.</li> <li>Notice of Determination of Application No. 8/2001/1048/1 for</li> </ul>	A Development Application for the John Renshaw Drive intersection was submitted to the Cessnock City Council and considered by the Regional Traffic Committee. The intersection improvements were constructed by Donaldson following approval of the Development Application.	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>

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### Donaldson Open Cut Coal Mine

		Road works – John Renshaw Drive, 16 Jul 2003		
102.	If closure of John Renshaw Drive is agreed by the Regional Traffic Committee under Condition 25(4), the Applicant shall: (i) pay \$20,000 to Cessnock City Council to upgrade the alignment and surface of the unsealed western end of Black Hill Road; (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 (iii) prepare a Traffic Management Plan for the approval of the RTA in relating to the closure of John Renshaw Drive during blasting	<ul style="list-style-type: none"> <li>• Tax Invoice /Receipt for \$20,000 from Cessnock City Council, 22 Nov 2004</li> <li>• RTA Road Occupancy Licence No. 40/04, 12 Sep 2004</li> <li>• RTA Road Occupancy Licence No. 34/06, 28 Dec 2006</li> </ul>	<p>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 have been completed by Cessnock City Council.</p> <p>Donaldson received a Road Occupancy Licence No. 40/04 for the closure of John Renshaw Drive during blasting and this Licence was renewed on 28 Dec 2006.</p>	<b>Compliant COMPLETE</b>
103.	The Applicant shall provide for signalling of the Bloomfield rail loop to the satisfaction of Freight Corp prior to the commencement of mining.		Freight Corp provided options for implementation of safe working procedures for the rail loop and rail system alarm signals on the Entry road to the mines was upgraded by Bloomfield.	<b>Compliant COMPLETE</b>
	<b>INITIAL COAL WASHING</b>			
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: (i) trial the washing of Donaldson coal to assist in the determination of its washing characteristics; and (ii) commence the earliest possible coal extraction at Donaldson, and hence hasten project completion.	<ul style="list-style-type: none"> <li>• Agreement with Bloomfield Mine 26 Oct 2000</li> <li>• Minutes of Meeting with DUAP and Donaldson Mine, 21 Nov 2001</li> <li>• Agreement with Bloomfield Collieries Pty Limited re Extension to Coal Handling Services, 26 Oct 2001.</li> <li>• Letter from DIPNR re Approval for Continued Use of Bloomfield Washery, 22 July 2003</li> <li>• Letter from DIPNR re Approval for Continued Use of Bloomfield Washery, 4 Jan 2006</li> </ul>	<p>An initial Agreement between Donaldson Coal and Bloomfield occurred in 2000 for the use of the Bloomfield CHPP for processing Donaldson Coal following trials at the plant.</p> <p>Continued use of the Bloomfield CHPP and rail loading infrastructure in accordance with the Oct 2000 Agreement was approved by the Director-General in 2003 and 2006.</p> <p>All Donaldson coal is processed through the Bloomfield CPP.</p>	<b>Compliant (Donaldson Open Cut mining activities ceased in April 2013)</b>
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		Donaldson constructed an internal road to the Bloomfield CHPP, the alignment crossing Four Mile Creek. A Part 3A Permit from DLWC was obtained for the crossing of Four Mile Creek and the structure established to meet the requirements of the DLWC approval.	<b>Compliant COMPLETE</b>

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### Donaldson Open Cut Coal Mine

<b>106.</b>	The Applicant shall notify the Director-General within eighteen months of the commencement of mining as to the results of the Bloomfield washery trials.	<ul style="list-style-type: none"> <li>• Agreement with Bloomfield Mine 26 Oct 2000</li> <li>• Letter from DIPNR re Approval for Continued Use of Bloomfield Washery, 22 July 2003</li> <li>• Letter from DIPNR re Approval for Continued Use of Bloomfield Washery, 4 Jan 2006</li> </ul>	Written notification of the extension to the use of the Bloomfield CPP for Donaldson Open Cut coal was provided to the Director-General as noted in the Minutes of the meeting held with DUAP on 21 Nov 2001.	<b>Compliant COMPLETE</b>
	<b>COMMUNITY INVOLVEMENT</b>			
	<b>Community Consultative Committee:</b>			
<b>107.</b>	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.		The Donaldson Coal Community Consultative Committee (CCC) was established on 30 May 2000. Members of the CCC have included: <i>Independent Chairperson (Mr Milton Morris), Donaldson Mine representatives (Phil Brown Environment and Community Manager) Community Representatives, Local Government Representatives, a Local Aboriginal Community Representative (Mr Rick Griffiths) and on occasion government agency representatives (including DMR, DUAP/DoP, EPA).</i> The CCC Meetings have continued 2000 to 2014.	<b>Compliant</b>
<b>108.</b>	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.		The Environmental Management Plans were provided to the CCC for comment and information. Discussion of management plans and implementation occurred at the CCC meetings.	<b>Compliant</b>
<b>109.</b>	The Applicant shall, at its own expense: <ol style="list-style-type: none"> <li>(i) provide appropriate facilities for meetings of the Committee;</li> <li>(ii) nominate a representative to attend all meetings of the Committee;</li> <li>(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;</li> <li>(iv) provide to the Committee regular information on the progress of the work and monitoring results;</li> <li>(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</li> </ol>		The CCC Meetings: <ol style="list-style-type: none"> <li>(i) were held at the Hunter Valley Training Centre rooms, or Donaldson Mine offices or a CCC member's residence;</li> <li>(ii) Donaldson Coal nominated a representative to attend all meetings of the CCC;</li> <li>(iii) the first meeting was held in May 2000 prior to commencement of construction;</li> <li>(iv) the CCC was provided regular information on the progress of the work and monitoring results;</li> <li>(v) Donaldson Coal provided such other information as the Chairperson of the CCC requested concerning the environmental performance of the development; and</li> </ol>	<b>Compliant</b>

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### Donaldson Open Cut Coal Mine

	(vi) provide reasonable access for site inspections by the Committee		(vi) access to the Donaldson Open Cut Coal Mine for site inspection by the CCC was arranged if requested.	
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		A trust fund for the functioning of the CCC was established by Donaldson Coal Ltd in May 2000 and was 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.	<b>Compliant</b>
	<b>Community Information</b>			
111.	The Applicant shall, in consultation with Councils, ensure that the local community is kept informed (by way of local newsletters, leaflets, newspaper advertisements and community notice boards as appropriate) of the progress of the project, including prior notice of: (i) the nature of works proposed for the forthcoming period; (ii) hours of construction; (iii) a 24 hour contact telephone number; (iv) any traffic disruptions and controls; (v) proposed blasting program, and any changes to the program; (vi) work required outside the normal working hours; and (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	<ul style="list-style-type: none"> <li>• Donaldson Community News:                             <ul style="list-style-type: none"> <li>Issue 1 Welcome, August 2000</li> <li>Issue 2 Preparing for operation, January 2001</li> <li>Issue 3 Mine Update, June 2001</li> <li>Issue 4 First Year of Operation, February 2002</li> <li>Issue 5 Rehabilitation Underway</li> </ul> </li> </ul>	The Donaldson Community News newsletters related to the Donaldson Mine works and activities have been prepared and distributed to the CCC and on the company website.	<b>Compliant COMPLETE</b>
112.	<p>By 30 September 2011, the Applicant shall:</p> <p>(i) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> <li>• all relevant statutory approvals for the development;</li> <li>• all approved strategies, plans and programs required under the conditions of this consent; • monitoring results, reported in accordance with the specifications in any approved plans or programs required under the conditions of this consent or any other approval;</li> <li>• a complaints register, which is to be updated on a monthly basis;</li> <li>• minutes of CCC meetings;</li> <li>• the Annual Environmental Management Reports required under condition 114;</li> <li>• any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit;</li> </ul>	<ul style="list-style-type: none"> <li>• Donaldson website - <a href="http://www.doncoal.com.au/donaldson">www.doncoal.com.au/donaldson</a></li> </ul>	<p>Donaldson Coal website was established and information on the CCC, monitoring and company status and activities is available on the site:</p> <ul style="list-style-type: none"> <li>• Environmental Management Plans</li> <li>• Environmental Reports</li> <li>• Rehabilitation</li> <li>• Community Consultative Committee</li> <li>• Complaints Register</li> </ul>	<b>Compliant COMPLETE</b>

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### Donaldson Open Cut Coal Mine

	<ul style="list-style-type: none"> <li>• any other matter required by the D-G; and</li> <li>(ii) keep this information up-to-date, to the satisfaction of the Director-General</li> </ul>			
	<b>Complaints:</b>			
<b>113.</b>	<p>(1) The Applicant shall record details of all complaints received in an up to date log book, and ensure that a response is provided to the complainant within 24 hours.</p> <p>(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.</p> <p>(3) The Applicant shall make available a report on complaints received every three months to the Community Consultative Committee and to relevant government agencies and the Councils upon request; and include a summary in the AEMRs. The report shall include the number of complaints that have been resolved with or without mediation.</p>	<ul style="list-style-type: none"> <li>• Donaldson Coal Complaints Register - computer data base.</li> <li>• Six-Monthly Monitoring Reports</li> <li>• AEMR's 2001 to 2014</li> </ul>	<p>(1) The Complaints Register is on a data base held at the Donaldson Mine office and maintained by the Environment Officer.</p> <p>(2) This requirement of the condition had not been activated at the time of the audit.</p> <p>(3) A Complaints Report is prepared and presented to the CCC at each meeting and provided to the Councils if requested.</p> <p>A summary of complaints/actions/status is provided in the Six-Monthly Monitoring Reports and the AEMR's.</p>	<b>Compliant</b>
	<b>ANNUAL ENVIRONMENTAL MANAGEMENT REPORT</b>			
<b>114.</b>	<p>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:</p> <p>(i) an annual compliance audit of the performance of the project against Conditions of this Consent and statutory approvals;</p> <p>(ii) a review of the effectiveness of the environmental management of the mine in terms of OEH, NOW, DRE, and the Councils' requirements and provide an explanation of any variance;</p> <p>(iii) results of all environmental monitoring required under this Consent or other approvals, including interpretations and discussion by a suitably qualified person;</p> <p>(iv) identification of trends in monitoring results over the life of the mine;</p>	<ul style="list-style-type: none"> <li>• AEMR 1 Feb 2001 to 31 Jan 2002</li> <li>• AEMR 1 Feb 2002 to 31 Oct 2002</li> <li>• AEMR 1 Nov 2002 to 31 Oct 2003</li> <li>• AEMR 1 Feb 2001 to 31 Jan 2002</li> <li>• AEMR 1 Feb 2003 to 31 Oct 2004</li> <li>• AEMR 1 Nov 2004 to 31 Oct 2005</li> <li>• AEMR 1 Feb 2005 to 31 Jan 2006</li> <li>• AEMR 1 Feb 2002 to 31 Oct 2007</li> <li>• AEMR 1 Nov 2006 to 31 Oct 2003</li> <li>• AEMR 1 Nov 2007 to 31 Oct 2008</li> <li>• AEMR 1 Nov 2008 to 31 Oct 2009</li> </ul>	<p>The AEMR preparation dates have been changed to align with the Six-Monthly Monitoring Reports and provide a common time base for the various reporting requirements. The AEMR is prepared in accordance with the DMR Guidelines.</p> <p>(i) Compliance Audit conducted by Donaldson Mine in August 2001.</p> <p>(ii) Commented on throughout the AEMR.</p> <p>(iii) Environmental monitoring data included in section 5 of the AEMR with 'raw' data included in Appendices 8 - 13.</p> <p>(iv) Trends in monitoring data are presented in each specific heading in section 5.</p> <p>(v) Comparison with the EIS predictions will be provided in each AEMR where impacts occur.</p> <p>(vi) No acquisition required to the time of the audit. Mitigation measures are part of the normal mine operation.</p> <p>(vii) Approval status is summarised in section 2 of the AEMR.</p> <p>(viii) No discharge has occurred from the mine site. Water management is reported in section 5.2 of the</p>	<b>Compliant</b>

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### Donaldson Open Cut Coal Mine

	<ul style="list-style-type: none"> <li>(v) a comparison of the actual impacts with predictions made in the EIS and supporting documents;</li> <li>(vi) a review of the social impact of the mine, including mitigation works and acquisition;</li> <li>(vii) a listing of any variations obtained to approvals applicable to the subject area during the previous year;</li> <li>(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</li> <li>(ix) rehabilitation report; and</li> <li>(x) environmental management targets and strategies for the next year, taking into account identified trends in monitoring results.</li> </ul>	<ul style="list-style-type: none"> <li>• AEMR 1 Feb 2009 to 31 Jan 2010</li> <li>• AEMR 1 Feb 2010 to 31 Oct 2011</li> <li>• AEMR 1 Nov 2011 to 31 Oct 2012</li> <li>• AEMR 1 Nov 2012 to 31 Oct 2013</li> </ul>	<p>AEMR.</p> <p>(ix) Reported in section 6 of the AEMR.</p> <p>(x) Reported in Section 7 of the AEMR.</p>	
<b>115.</b>	<p>In preparing the AEMR, the Applicant shall:</p> <ul style="list-style-type: none"> <li>(i) Consult with the Director-General during preparation of each report for any additional requirements;</li> <li>(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</li> <li>(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 <b>DRE</b> and the <b>OEH</b></li> </ul>			<b>Noted</b>
<b>116.</b>	<p>The Applicant shall ensure that copies of each AEMR are submitted at the same time to <b>DP&amp;I</b>, <b>OEH</b>, <b>NOW</b>, Councils and the Community Consultative Committee, and made available for public information at Councils within 14 days of submission to these authorities.</p> <p><i>Note: The AEMR should be the same document submitted to the DRE as part of its mining lease requirements, and as such should also be prepared in accordance with DRE guidelines.</i></p>	<ul style="list-style-type: none"> <li>• AEMR's 2002 to 2014</li> </ul>	<p>Copies of the first AEMR prepared for the Donaldson Mine were submitted to the authorities and Councils on the 2 June 2002. .</p> <p>The AEMR has been prepared annually in accordance with the DMR Guidelines and submitted to the DP&amp;I, OEH, NOW, DMR, Councils and the Community Consultative Committee in accordance with this condition 116 and the mining lease agreement.</p>	<b>Compliant</b>
<b>INDEPENDENT ENVIRONMENTAL AUDIT</b>				
<b>117.</b>	<p>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:</p> <ul style="list-style-type: none"> <li>(i) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;</li> <li>(ii) be consistent with ISO 19011:2002 – Guidelines for Quality and/or Environmental Systems Auditing, or equivalent updated versions of these guidelines;</li> </ul>	<ul style="list-style-type: none"> <li>• ISO 14010:2004 – Guidelines and General Principles for Environmental Auditing</li> <li>• ISO 14011:2004 – Procedures for Environmental Auditing</li> <li>• ISO 19011:2002 – Guidelines for Quality and/or Environmental Systems Auditing</li> <li>• Independent Environmental Audit, Feb 2003</li> </ul>	<p>Independent Environmental Audits of the Donaldson Open Cut Mine development have been conducted in accordance with the requirements of condition 117:</p> <ul style="list-style-type: none"> <li>(i) The independent auditor was endorsed by the Director-General prior to the conduct of the Independent Environmental Audits in 2003, 2007, 2011 and 2015;</li> <li>(ii) the Independent Environmental Audits were conducted generally in accordance with ISO</li> </ul>	<b>Compliant</b>

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### Donaldson Open Cut Coal Mine

	<ul style="list-style-type: none"> <li>(iii) assess the environmental performance of the development, and its effects on the surrounding environment;</li> <li>(iv) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;</li> <li>(v) review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and</li> <li>(vi) if necessary, recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems</li> </ul>	<ul style="list-style-type: none"> <li>• Email from DoP Endorsing the Independent Environmental Auditor, 23 April 2007</li> <li>• Independent Environmental Audit, Apr 2007</li> <li>• Independent Environmental Audit, Feb 2011</li> <li>• Letter from DP&amp;E re Endorsement of the Independent Environmental Auditor, 11 Mar 2015</li> </ul>	<ul style="list-style-type: none"> <li>(iii) 19011:2002 – Guidelines for Quality and/or Environmental Systems Auditing; the Independent Environmental Audits assessed the environmental performance of the development, and its effects on the surrounding environment;</li> <li>(iv) the Independent Environmental Audits assessed if the development was complying with the relevant standards, performance measures, and statutory requirements;</li> <li>(v) the Independent Environmental Audits reviewed the adequacy of the Environmental Management Strategy and Environmental Monitoring Program; and</li> <li>(vi) measures or actions to improve the environmental performance of the development, were provided in the Independent Environmental Audit Reports</li> </ul>	<b>Compliant</b>
<b>118.</b>	<p>The audit shall:</p> <ul style="list-style-type: none"> <li>a. assess compliance with the requirements of this Consent, licences and approvals;</li> <li>b. review the effectiveness of the environmental management of the mine, including any mitigation works;</li> <li>c. be carried out at the Applicant's expense; and</li> <li>d. be conducted by a duly qualified independent person or team approved by the Director--General in consultation with the Councils.</li> </ul>			<b>Compliant</b>
<b>119.</b>	<p>The Director-General may, after assessing compliance in accordance with this Consent and after considering any submission made by the <a href="#">OEH</a>, <a href="#">NOW</a>, DRE, 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</p>			<b>Noted</b>
	<b>COMPLIANCE</b>			
<b>120.</b>	<p>The Applicant shall comply or ensure compliance with all requirements of the Director-General in respect of the implementation of any measures arising from the Conditions of this Consent. The Applicant shall bring to the attention of the Director-General any matter that may require further investigation and the issuing of instructions from the Director-General. The Applicant shall ensure that these instructions are implemented to the satisfaction of the Director-General within such time that the Director-General may specify. If necessary, the Director-General may order the Applicant to cease work until non-compliance has been addressed.</p>			<b>Noted</b>

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### Donaldson Open Cut Coal Mine

121.	The Applicant shall submit for the approval of the Director-General compliance reports concerning the implementation of Conditions of this Consent as applicable: (i) before the commencement of construction works; and (ii) (ii) before the commencement of mining.	<ul style="list-style-type: none"> <li>• Letter to DUAP with Compliance Report, 20 Oct 2000</li> <li>• Letter to DUAP advising Commencement of Construction, 17 Jan 2001</li> </ul>	A Compliance Report prepared prior to commencement of construction and mining on 20 October 2000. DUAP was advised of commencement of construction works on 25 January 2001.	<b>Compliant</b>
<b>Y2K COMPLIANCE</b>				
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 Director-General 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		The Donaldson Mine commenced after the 1 January 2000. Systems installed and operated for the Donaldson Mine are Y2K compliant.	<b>Not applicable</b>
<b>DISPUTE RESOLUTION</b>				
123.	In the event that the Applicant and an individual, the Councils or a Government agency, other than DP&I, 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 Planning and Infrastructure, whose determination of the disagreement shall be final and binding on the parties			<b>Not triggered</b>
<b>OTHER ISSUES</b>				
	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		The Thornton-Beresford Area was incorporated into the Lower Hunter Area and a Planning Strategy as an employment generating area and a transport inter-nodal hub for the area was developed. Donaldson participated in the Thornton-Killingworth study, Lower Hunter Regional Strategy and Lower Hunter Conservation Plan. Donaldson made some financial contributions including analysis and participation in the planning of a Newcastle rail by-pass line through the Stony Pinch site.	<b>Compliant</b>
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.			<b>Not triggered</b>
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		Mine employment numbers are reported in the Six Monthly Monitoring Report and annually in the AEMR.	<b>Compliant</b>



	in construction, mining and environmental management during that reporting period. The report shall compare the employment figures with those predicted in the EIS.			
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## Attachment B

### Environment Protection Licence No. 11080

EPL 11080	Environment Protection Licence Condition	Verification	Comments	Compliance									
<b>1</b>	<b>Administrative Conditions</b>												
<b>A1</b>	<b>What the licence authorises and regulates</b>												
<b>A1.1</b>	<p>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.</p> <p>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.</p> <table border="1"> <thead> <tr> <th>Schedule Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal works</td> <td>Coal works</td> <td>0-2000000 T handled</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>&gt;500000-2000000 T produced</td> </tr> </tbody> </table>	Schedule Activity	Fee Based Activity	Scale	Coal works	Coal works	0-2000000 T handled	Mining for coal	Mining for coal	>500000-2000000 T produced		The Donaldson Coal Mine development occurred in accordance with the scale of schedule activities specified in Condition A1.1 between 2001 and April 2013.	<b>Compliant</b>
Schedule Activity	Fee Based Activity	Scale											
Coal works	Coal works	0-2000000 T handled											
Mining for coal	Mining for coal	>500000-2000000 T produced											
<b>A2</b>	<b>Premises or plant to which this licence applies</b>												
<b>A2.1</b>	A2.1 The licence applies to the following premises: DONALDSON COAL PTY LTD JOHN RENSHAW DRIVE MAITLAND NSW 2320 PART LOT 11 DP 11875, LOT 4 DP 11988, LOT 81 DP 627799, LOT 41 DP 755237, LOT 42 DP 755237, PART LOT 13 DP 755260, PART LOT 92 DP 755260, LOT 1 DP 838310, LOT 1221 DP 1098397, PART LOT 131 DP 1098413, PART LOT 109 DP 1100314, PART LOT 110 DP 1100314 EXCLUDING THE AREA SHOWN AS ABEL ML ON THE MAP ATTACHED TO LICENCE VARIATION APPLICATION DATED 18/6/08		The Donaldson Coal Mine development occurred on the specified premises in Condition A2.1.	<b>Compliant</b>									
<b>A3</b>	<b>Other activities</b>												
<b>A3.1</b>	This licence applies to all other activities carried on at the premises, including: Ancillary Activity - Extractive Industries			<b>Noted</b>									
<b>A4</b>	<b>Information supplied to the EPA</b>												
<b>A4.1</b>	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.			<b>Noted</b>									

# Independent Environmental Audit – March 2015

## Donaldson Open Cut Coal Mine

EPL 11080	Environment Protection Licence Condition	Verification	Comments	Compliance												
	In this condition the reference to "the licence application" includes a reference to: a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.															
<b>2</b>	<b>Discharges to Air and Water and Applications to Land</b>															
<b>P1</b>	<b>Discharges to Air and Water and Applications to Land</b>															
<b>P1.1</b>	<p>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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">EPA ID No.</th> <th style="text-align: center;">Type of Monitoring Point</th> <th style="text-align: center;">Location Description</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">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 style="text-align: center;">2</td> <td>Total Suspended Particles Network</td> <td>At locations where the level of particulate matter being sampled is representative of emissions from the operation of the mine taking into account prevailing wind direction and the location of residential properties or other sensitive receivers</td> </tr> <tr> <td style="text-align: center;">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)</td> </tr> </tbody> </table>	EPA ID No.	Type of Monitoring Point	Location Description	1	Dust Deposition Network	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	2	Total Suspended Particles Network	At locations where the level of particulate matter being sampled is representative of emissions from the operation of the mine taking into account prevailing wind direction and the location of residential properties or other sensitive receivers	3	Air quality monitoring. Two continuous Dustrak particulate monitors	(1) Steggles hatchery and (2) Beresfield as indicated in appendix 5 of supporting information titled 'Environmental Protection Licence Application for Donaldson Mine' (May 2000)	<ul style="list-style-type: none"> <li>Air Quality Management Plan, 2007</li> <li>Integrated Environmental Monitoring Program, Dec 2007</li> </ul>	<p>The air quality (dust) monitoring program for the Donaldson Coal Mine development occurred in accordance with the Air Quality Management Plan (Holmes Air Sciences, 2007) and the Integrated Environmental Monitoring Program, December 2007 to satisfy the requirements of Condition P1.1.</p>	<b>Compliant</b>
EPA ID No.	Type of Monitoring Point	Location Description														
1	Dust Deposition Network	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														
2	Total Suspended Particles Network	At locations where the level of particulate matter being sampled is representative of emissions from the operation of the mine taking into account prevailing wind direction and the location of residential properties or other sensitive receivers														
3	Air quality monitoring. Two continuous Dustrak particulate monitors	(1) Steggles hatchery and (2) Beresfield as indicated in appendix 5 of supporting information titled 'Environmental Protection Licence Application for Donaldson Mine' (May 2000)														

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## Donaldson Open Cut Coal Mine

EPL 11080	Environment Protection Licence Condition			Verification	Comments	Compliance
			or otherwise as agreed to by the EPA			
<b>P1.2</b>	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					
<b>P1.3</b>	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.			<ul style="list-style-type: none"> <li>• Water Management Plan, 2007</li> <li>• Integrated Environmental Monitoring Program, Dec 2007</li> </ul>	The surface water and groundwater monitoring program for the Donaldson Coal Mine occurred in accordance with the Water Management Plan (Perrens, 2000) and the Integrated Environmental Monitoring Program, December 2007 to satisfy the requirements of Condition P1.3.	<b>Compliant</b>
	<b>EPA ID No.</b>	<b>Type of Monitoring Point</b>	<b>Location Description</b>			
	4	Surface water quality	Site EM1 - Upstream of Four Mile Creek as indicated in Appendix 1 of the Water Monitoring Scope submitted to the EPA on 16 June 2000			
	5		Site EM2 - Downstream of Four Mile Creek as indicated in App 1 of the Water Monitoring Scope submitted to the EPA on 16 June 2000			
	6		Site EM3 - Upstream of Weakleys Flat Creek as indicated in Appendix 1 of the Water Monitoring Scope submitted to the EPA on 16 June 2000			
	7		Site EM4 - Downstream of Weakleys Flat Creek as indicated in Appendix 1 of the Water Monitoring Scope submitted to the EPA on 16 June 2000			
	8		Site EM5 - Upstream of Scotch Dairy Creek as indicated in Appendix 1 of the Water Monitoring Scope submitted to the EPA on 16 June 2000			
	9		Site EM6 - Downstream of Scotch Dairy Creek as indicated in Appendix 1 of the			

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EPL 11080	Environment Protection Licence Condition			Verification	Comments	Compliance
			Water Monitoring Scope submitted to the EPA on 16 June 2000			
	<b>10</b>	Groundwater	At locations appropriate for the detection of any potential impacts of the mine on ground water quality.			
	<b>11</b>	Discharge to waters under wet weather conditions; Volume monitoring; Discharge quality monitoring	Pipe outlet located adjacent to the bridge crossing Four Mile Creek			
<b>3</b>	<b>Limit Conditions</b>					
<b>L1</b>	<b>Pollution of waters</b>					
<b>L1.1</b>	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.			<ul style="list-style-type: none"> <li><i>Protection of the Environment Operations Act 1997, section 120</i></li> </ul>		<b>Noted</b>
<b>L2</b>	<b>Concentration limits</b>					
<b>L2.1</b>	For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.					<b>Noted</b>
<b>L2.2</b>	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.					<b>Noted</b>
<b>L2.3</b>	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.					<b>Noted</b>
<b>L2.4</b>	<b>Water and/or Land Concentration Limits</b>			<ul style="list-style-type: none"> <li>Water Management Plan, 2007</li> <li>Integrated Environmental Monitoring Program, Dec 2007</li> </ul>	Chemical and Physical Monitoring for key parameters, required by the Environment Protection Licence No. 11080 condition L2, occurred during the operation of the Donaldson Coal Open Pit Mine between 2001 and 2013.	<b>Compliant</b>
	<b>Pollutant</b>	<b>Units of Measure</b>	<b>100 percentile concentration limit</b>			
	Conductivity	µS/cm	2000			

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EPL 11080	Environment Protection Licence Condition			Verification	Comments	Compliance
	pH	pH units	6.0 – 8.0		The average pH of the samples collected from all sites was compliant with the specified limits between 2001 and 2013. The mean EC values for the Four Mile Creek and Scotch Dairy Creek sites were compliant with the specified limit between 2001 and 2013. The annual mean TSS values at monitoring locations were generally similar to the pre-mining levels. The activities of the Donaldson Coal Mine operations have not affected the pH of the surrounding stream environments.	
	Total Suspended Solids	mg/L	50			
<b>L3</b>	<b>Volume and mass limits</b>					
<b>L3.1</b>	For each discharge point or utilisation area specified below (by a point number), the volume/mass of: a) liquids discharged to water; or; b) solids or liquids applied to the area; must not exceed the volume/mass limit specified for that discharge point or area.			<ul style="list-style-type: none"> <li>Water Management Plan, 2007</li> <li>Integrated Environmental Monitoring Program, Dec 2007</li> </ul>		<b>Noted</b>
	<b>Point</b>	<b>Unit of Measure</b>	<b>Volume/Mass Limit</b>			
	11	Kilolitres/day	40000			
<b>L3.2</b>	The volume of wastewater referred to in condition L3.1 may only be discharged in accordance with the following: 40 000kL each day for the 5 days (09:00 to 09:00) following rainfall of at least 10mm as measured at Donaldson meteorological station in 24 hours (09:00 to 09:00).				No discharge of 40 000kL each day for the 5 days following rainfall of at least 10mm (as measured at Donaldson meteorological station) occurred from Point 11 between 2001 and 2013.	<b>Compliant</b>
<b>L4</b>	<b>Blasting</b>					
<b>L4.1</b>	The airblast overpressure level from blasting operations in or on the premises must not exceed: a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and b) 120 dB (Lin Peak) at any time.  At any residence or noise sensitive location (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 .			<ul style="list-style-type: none"> <li>Blast and Vibration Management Plan</li> </ul>	Blasting was conducted at the Donaldson Coal Open Cut Mine in accordance with the Blast and Vibration Management Plan. All blast results were compliant with the Development Consent and EPL criteria. Less than 5% of total blasts were greater than 115dB between 2001 and 2013. No overpressure result greater than 120dB was recorded. No further blasting will occur on the Donaldson Coal Miner site as mining was completed in April 2013.	<b>Compliant</b>
<b>L4.2</b>	The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: a) 5 mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and					

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EPL 11080	Environment Protection Licence Condition	Verification	Comments	Compliance
	b) b) 10 mm/s at any time. 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 .		No further blasting will occur on the Donaldson Coal Miner site as mining was completed in April 2013.	
<b>L4.3</b>	Blasting in or on the premises must only be carried out between 0700 hours and 1700 hours, Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.		Blasting only occurred between 0700 hours and 1700 hours, Monday to Saturday. No blasting occurred on 0700 hours and 1700 hours, Monday to Saturday. No further blasting will occur at the Donaldson Coal Open Pit Mine site as the mining was completed in April 2013	<b>Compliant</b>
<b>4</b>	<b>Operating Conditions</b>			
<b>O1</b>	<b>Activities must be carried out in a competent manner</b>			
<b>O1.1</b>	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.			<b>Noted</b>
<b>O2</b>	Maintenance of plant and equipment			
<b>O2.1</b>	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.			<b>Noted</b>
<b>O3</b>	<b>Dust</b>			
<b>O3.1</b>	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	<ul style="list-style-type: none"> <li>• Air Quality Management Plan, 2007</li> <li>• Integrated Environmental Monitoring Program, Dec 2007</li> </ul>	The Donaldson Coal Mine site activities were managed to minimise dust generation.	<b>Compliant</b>
<b>O3.2</b>	All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	<ul style="list-style-type: none"> <li>• Air Quality Management Plan, 2007</li> <li>• Integrated Environmental Monitoring Program, Dec 2007</li> </ul>	The Donaldson Coal Mine site activities were managed to minimise dust generation. Dust monitoring results verified that dust deposition rates at the monitored locations were compliant with the criteria specified in Development Consent condition 37.	<b>Compliant</b>
<b>5</b>	<b>Monitoring and Recording Conditions</b>			
<b>M1</b>	<b>Monitoring records</b>			

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### Donaldson Open Cut Coal Mine

EPL 11080	Environment Protection Licence Condition	Verification	Comments	Compliance																
<b>M1.1</b>	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.			<b>Noted</b>																
<b>M1.2</b>	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.		All monitoring records for the Donaldson Coal Mine were kept in a legible form, for at least 4 years after the monitoring or event to which they relate between 2001 and 2013.	<b>Compliant</b>																
<b>M1.3</b>	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.		The Chain-of-Custody records of samples collected for the monitoring programs for the Donaldson Coal Mine included the date and time on which the sample was taken; the point at which the sample was taken; and the name of the person who collected the sample.	<b>Compliant</b>																
<b>M2</b>	<b>Requirement to monitor concentration of pollutants discharged</b>																			
<b>M2.1</b>	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:			<b>Noted</b>																
<b>M2.2</b>	Air Monitoring Requirements <b>Point 1</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Pollutant</th> <th style="text-align: left;">Units of Measure</th> <th style="text-align: left;">Frequency</th> <th style="text-align: left;">Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Particulates deposited matter</td> <td>g/m<sup>2</sup>/month</td> <td>Once a month (min. of 4 weeks)</td> <td>AM-19</td> </tr> </tbody> </table> <b>Point 2</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Pollutant</th> <th style="text-align: left;">Units of Measure</th> <th style="text-align: left;">Frequency</th> <th style="text-align: left;">Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM<sub>10</sub></td> <td>µg/m<sup>3</sup></td> <td>Every 6 days</td> <td>AM-18</td> </tr> </tbody> </table>	Pollutant	Units of Measure	Frequency	Sampling Method	Particulates deposited matter	g/m <sup>2</sup> /month	Once a month (min. of 4 weeks)	AM-19	Pollutant	Units of Measure	Frequency	Sampling Method	PM <sub>10</sub>	µg/m <sup>3</sup>	Every 6 days	AM-18	<ul style="list-style-type: none"> <li>• Air Quality Management Plan, 2007</li> <li>• Integrated Environmental Monitoring Program, Dec 2007</li> </ul>	The Integrated Environmental Monitoring Program included the monitoring/discharge point number for collection of samples and analysis, frequency and methodology where relevant for each pollutant specified in Column 1.	<b>Compliant</b>
Pollutant	Units of Measure	Frequency	Sampling Method																	
Particulates deposited matter	g/m <sup>2</sup> /month	Once a month (min. of 4 weeks)	AM-19																	
Pollutant	Units of Measure	Frequency	Sampling Method																	
PM <sub>10</sub>	µg/m <sup>3</sup>	Every 6 days	AM-18																	



EPL 11080	Environment Protection Licence Condition				Verification	Comments	Compliance
	Total Suspended Particulates	µg/m <sup>3</sup>	Every 6 days	AM-15			
<b>M2.3</b>	Water and/ or Land Monitoring Requirements				<ul style="list-style-type: none"> <li>• Water Management Plan, 2007</li> <li>• Integrated Environmental Monitoring Program, Dec 2007</li> </ul>	The Integrated Environmental Monitoring Program included the monitoring/discharge point number for collection of samples and analysis, frequency and methodology where relevant for each pollutant specified in Column 1	<b>Compliant</b>
	<b>Point 3</b>						
	Pollutant	Units of Measure	Frequency	Sampling Method			
	PM <sub>10</sub>	µg/m <sup>3</sup>	Continuous	In situ			
	EC	µS/cm	Once a month	Grab sample			
	pH	pH units					
TSS	mg/L						
<b>Point 5, 6, 7, 8, 9, 10</b>							
Pollutant	Units of Measure	Frequency	Sampling Method				
EC	µS/cm	Once a month	Grab sample				
pH	pH units						
TSS	mg/L						
<b>M3</b>	<b>Testing methods - concentration limits</b>						
<b>M3.1</b>	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <p>a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or</p> <p>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</p> <p>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.</p> <p><i>Note: The Protection of the Environment Operations (Clean Air) Regulation 2010 requires testing for certain purposes to be conducted in accordance with test methods contained in</i></p>				<ul style="list-style-type: none"> <li>• Air Quality Management Plan, 2007</li> <li>• Integrated Environmental Monitoring Program, Dec 2007</li> <li>• AS-2923-1987</li> <li>• AS-2724.3-1984</li> <li>• AS-3580.10.1-1991</li> <li>• AS-350.9.6-1990</li> </ul>	Monitoring for the concentration of air pollutants were conducted in accordance with Australian Standards and the Air Quality Management Plan section 7.	<b>Compliant</b>

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	<i>the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".</i>			
<b>M3.1</b>	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.	<ul style="list-style-type: none"> <li>Water Management Plan, 2007</li> <li>Integrated Environmental Monitoring Program, Dec 2007</li> </ul>	Monitoring for the concentration of water pollutants was conducted in accordance with Australian Standards and the EPA Approved Methods Publication	<b>Compliant</b>
<b>M4</b>	<b>Recording of pollution complaints</b>			
<b>M4.1</b>	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	<ul style="list-style-type: none"> <li>Donaldson Coal Community Complaint Register</li> </ul>	A record of all community complaints has been retained for the Donaldson Coal Mine project since 2001.	<b>Compliant</b>
<b>M4.2</b>	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	<ul style="list-style-type: none"> <li>Donaldson Coal Community Complaint Register</li> </ul>	The community complaint records include details of the date and time of the complaint; the method by which the complaint was made; personal details of the complainant; nature of the complaint; action taken and any follow-up contact with the complainant.	<b>Compliant</b>
<b>M4.3</b>	The record of a complaint must be kept for at least 4 years after the complaint was made.	<ul style="list-style-type: none"> <li>Donaldson Coal Community Complaint Register</li> </ul>	A record of all community complaints has been retained for the Donaldson Coal Mine project since 2001.	<b>Compliant</b>
<b>M5</b>	<b>Telephone complaints line</b>			
<b>M5.1</b>	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.		An established telephone complaints line for the public (1800 111 271) has been operated by Donaldson Coal for the 2001-2014.	<b>Compliant</b>
<b>M5.2</b>	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.		The community hotline (1800 111 271) was listed on the Donaldson Coal website.	<b>Compliant</b>
<b>M5.3</b>	The preceding two conditions do not apply until 3 months after: a) the date of the issue of this licence or b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of		The mine started operation in January 2001 and the community hotline and complaints process has been in operation since that time	<b>Noted</b>

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EPL 11080	Environment Protection Licence Condition	Verification	Comments	Compliance						
	the licence was served on the licensee under clause 10 of that regulation.									
<b>M6</b>	<b>Requirement to monitor volume or mass</b>									
<b>M6.1</b>	<p>For each discharge point or utilisation area specified below, the licensee must monitor: a) the volume of liquids discharged to water or applied to the area; b) the mass of solids applied to the area; c) the mass of pollutants emitted to the air; at the frequency and using the method and units of measure, specified below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Frequency</th> <th style="text-align: left;">Units of Measure</th> <th style="text-align: left;">Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Daily during any discharge</td> <td>Kilolitres/day</td> <td>In-line instrumentation</td> </tr> </tbody> </table>	Frequency	Units of Measure	Sampling Method	Daily during any discharge	Kilolitres/day	In-line instrumentation			<b>Noted</b>
Frequency	Units of Measure	Sampling Method								
Daily during any discharge	Kilolitres/day	In-line instrumentation								
<b>M7</b>	Blasting									
<b>M7.1</b>	<p>To determine compliance with condition(s) L4.1 and L4.2</p> <p>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</p> <p>b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.</p>	<ul style="list-style-type: none"> <li>• Integrated Environmental Monitoring Program, Dec 2007</li> </ul>	<p>Airblast overpressure and ground vibration levels have been monitored for most blasts between 2001 and 2013.</p> <p>Blast events where monitoring did not occur were reported to the EPA and recorded in the Annual Returns as non-compliances..</p>	<b>Compliant</b>						
<b>6</b>	<b>Reporting Conditions</b>									
<b>R1</b>	<b>Annual return documents</b>									
<b>R1.1</b>	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <p>a) a Statement of Compliance; and</p> <p>b) a Monitoring and Complaints Summary. At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.</p>	<ul style="list-style-type: none"> <li>• Annual Return 13 Sep 2013 to 12 Sep 2014</li> <li>• Annual Return 13 Sep 2012 to 12 Sep 2013</li> <li>• Annual Return 13 Sep 2011 to 12 Sep 2012</li> <li>• Annual Return 13 Sep 2010 to 12 Sep 2011</li> </ul>	<p>Annual Returns for EPL 11080 have been submitted to the EPA with a Statement of Compliance and Monitoring and Complaints Summary, on the forms provided by the EPA.</p>	<b>Compliant</b>						
<b>R1.2</b>	An Annual Return must be prepared in respect of each reporting period, except as provided below.	<ul style="list-style-type: none"> <li>• Annual Return 13 Sep 2013 to 12 Sep 2014</li> <li>• Annual Return 13 Sep 2012 to 12 Sep 2013</li> </ul>	<p>The Annual Returns for the Donaldson Coal Mine have been submitted to the EPA for the reporting period each year since 2002.</p>	<b>Compliant</b>						

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EPL 11080	Environment Protection Licence Condition	Verification	Comments	Compliance
	<i>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.</i>	<ul style="list-style-type: none"> <li>Annual Return 13 Sep 2011 to 12 Sep 2012</li> <li>Annual Return 13 Sep 2010 to 12 Sep 2011</li> </ul>		
<b>R1.3</b>	<p>Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.</p> <p><i>Note: An application to transfer a licence must be made in the approved form for this purpose.</i></p>			<b>Not applicable</b>
<b>R1.4</b>	<p>Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:</p> <p>a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.</p>			<b>Not applicable</b>
<b>R1.5</b>	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').	<ul style="list-style-type: none"> <li>Annual Return 13 Sep 2013 to 12 Sep 2014</li> </ul>	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 since 2002	<b>Compliant</b>
<b>R1.6</b>	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.	<ul style="list-style-type: none"> <li>Annual Return 13 Sep 2012 to 12 Sep 2013</li> <li>Annual Return 13 Sep 2011 to 12 Sep 2012</li> </ul>	Annual Returns to the EPA have been retained in the Donaldson Coal Mine Environmental files from 2002 to 2014.	<b>Compliant</b>
<b>R1.7</b>	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	<ul style="list-style-type: none"> <li>Annual Return 13 Sep 2010 to 12 Sep 2011</li> </ul>	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.	<b>Compliant</b>
<b>R1.8</b>	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.			<b>Noted</b>

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### Donaldson Open Cut Coal Mine

EPL 11080	Environment Protection Licence Condition	Verification	Comments	Compliance
<b>R2</b>	<b>Notification of environmental harm</b>			
<b>R2.1</b>	Notifications must be made by telephoning the Environment Line service on 131 555.			<b>Noted</b>
<b>R.2</b>	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred. <i>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.</i>			<b>Noted</b>
<b>R3</b>	<b>Written report</b>			
<b>R3.1</b>	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.			<b>Noted</b>
<b>R3.2</b>	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			<b>Noted</b>
<b>R3.3</b>	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.			<b>Noted</b>

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### Donaldson Open Cut Coal Mine

EPL 11080	Environment Protection Licence Condition	Verification	Comments	Compliance
<b>R3.4</b>	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.			<b>Noted</b>
<b>R4</b>	<b>Other reporting conditions</b>			
<b>R4.1</b>	<b>Reporting of blasting limit exceedance</b> The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.		One blast overpressure result exceeded 120 dB(Lin Peak) on 28 April 2004 and was reported to the EPA. The blast monitoring results are included in the Annual Report and AEMR. No other blast results have exceeded the 120dB (Lin Peak) between 2004 and 2013..	<b>Compliant</b>
<b>R4.2</b>	<b>Reporting of Blast Monitoring</b> 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 period covered by the Annual Return: (a) the date and time of the blast; (b) the location of the blast on the premises; (c) the blast monitoring results at each blast monitoring station; and (d) an explanation for any missing blast monitoring results.		A Blast Monitoring Report has been provided with each Annual Return in accordance with EPL condition R4.2	<b>Compliant</b>
<b>7</b>	<b>General Conditions</b>			
<b>G1</b>	<b>Copy of licence kept at the premises or plant</b>			
<b>G1.1</b>	A copy of this licence must be kept at the premises to which the licence applies.		A copy of EPL 11080 is kept at the Donaldson Coal premises.	<b>Compliant</b>
<b>G1.2</b>	The licence must be produced to any authorised officer of the EPA who asks to see it.			<b>Noted</b>
<b>G1.3</b>	The licence must be available for inspection by any employee or agent of the licensee working at the premises			<b>Noted</b>
<b>8</b>	<b>Pollution Studies and Reduction Programs</b>			
<b>U1</b>	<b>Coal Mine Particulate Matter Control Best Practice</b>			
<b>U1.1</b>	The Licensee must conduct a site specific Best Management Practice (BMP) determination to identify the most practicable means to reduce particle emissions.			<b>Noted</b>

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### Donaldson Open Cut Coal Mine

EPL 11080	Environment Protection Licence Condition	Verification	Comments	Compliance
<b>U1.2</b>	<p>The Licensee must prepare a report which includes, but is not necessarily limited to, the following:</p> <ul style="list-style-type: none"> <li>• identification, quantification and justification of existing measures that are being used to minimise particle emissions;</li> <li>• identification, quantification and justification of best practice measures that could be used to minimise particle emissions;</li> <li>• evaluation of the practicability of implementing these best practice measures; and</li> <li>• a proposed timeframe for implementing these best practice measures. In preparing the report, the Licensee must utilise the document entitled Coal Mine Particulate Matter Control Best Practice – Site Specific Determination Guideline – November 2011.</li> </ul>	<ul style="list-style-type: none"> <li>• Particulate Matter Control Best Practice, Pollution Reduction Program, Todoroski Air Sciences, Feb 2012</li> </ul>	<p>Todoroski Air Sciences (TAS) completed a review of the particulate emissions from operations at Donaldson Coal Pty Ltd Tasman Coal Mine.</p> <p>The review focused on estimating annual particulate emissions from the mine operations, as required to prepare a response to the Pollution Reduction Program (PRP) placed on EPL No. 12483</p> <p>The report was structured generally in accordance with the Coal Mine Particulate Matter Control Best Practice - Site Specific Determination Guideline referred to by OEH.</p>	<b>Compliant</b>
<b>U1.3</b>	All cost related information is to be included as Appendix 1 of the Report required by condition U1.2 above.			<b>Noted</b>
<b>U1.4</b>	The Report required by condition U1.2 must be submitted by the Licensee to the Office of Environment and Heritage's Regional Manager Hunter, at PO Box 488G, NEWCASTLE WEST 2302 by 29 June 2012.	<ul style="list-style-type: none"> <li>• Particulate Matter Control Best Practice, Pollution Reduction Program, Todoroski Air Sciences, Feb 2012</li> </ul>		<b>Compliant</b>
<b>U1.5</b>	The report required by condition U1.2 above, except for cost related information contained in Appendix 1 of the Report, must be made publicly available by the Licensee on the Licensee's website by 6 July 2012.	<ul style="list-style-type: none"> <li>• Particulate Matter Control Best Practice, Pollution Reduction Program, Todoroski Air Sciences, Feb 2012</li> </ul>		<b>Compliant</b>

## Attachment C

### Mining Lease 1461

Mining of the Donaldson Coal Open Pit Mine ceased in April 2013. The approved Mining Operations Plan (dated 1 May 2014 to 1 May 2021) addresses the requirements for rehabilitation of the mine site and identified Mining Lease conditions relevant to the completed mine lease area:

ML 1461	Condition	Verification	Comments	Compliance
	<b>Rehabilitation</b>			
21	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister any lands within the subject area which may have been disturbed by the lease holder.	<ul style="list-style-type: none"> <li>• Mining Operations Plan Sep 200 to Jan 2001</li> <li>• Mining Operations Plan Jan 2002 to Jun 2006</li> <li>• Mining Operations Plan Jun 2006 to May 2011</li> <li>• Mining Operations Plan 2011 to 2014</li> <li>• Mining Operations Plan 16 May 2014 to 16 May 2021</li> </ul>	Donaldson Coal have rehabilitated the coal mine area, overburden emplacements and other disturbed areas of the Donaldson Coal Mine site in accordance with the approved Mining Operations Plans.	Ongoing
22	Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.		At the completion of mining in April 2013 the rehabilitation of the Donaldson Coal Mine site involved removal of roads, excavation of contaminated material, decommissioning of the fuel storage area, buildings and other surface infrastructure, reshaping final surfaces to the landform, topsoil spreading, drainage line construction and seeding with local tree and shrub species.	Compliant
23	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.			Noted