



## Tasman Underground Coal Mine Project

Donaldson Coal Pty Ltd

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**INDEPENDENT ENVIRONMENTAL AUDIT**

**TASMAN UNDERGROUND COAL MINE**

**SEAHAMPTON NSW**

**19 JANUARY 2009**

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## Executive Summary

Newcastle Coal Company Pty Ltd was granted Project Approval to develop the Tasman Underground Mine Project on 16 March 2004. The project is located approximately 18 km south of East Maitland, NSW.

This Independent Environmental Audit of the Tasman Underground Coal Mine Project reviews compliance of the development with the Minister's Conditions of Approval (MCoA). The audit was conducted on site between the 18-19 December 2008, with additional requested information provided to the auditor between 22 December 2008 and 16 January 2009.

The audit was conducted generally in accordance with the Australian/New Zealand Standards AS/NZS ISO 19011:2002 - Guidelines for Quality and/or Environmental Management System Auditing.

The documentation held by Newcastle Coal and interviews/discussions with the site personnel provided the auditor with the required information and documentation for the verification of compliance of the development with the MCoA.

The findings of the independent audit confirmed a high degree of compliance with the project approvals. Non-compliance with the MCoA identified during the audit, for the activities undertaken during the first 2 years of the development, were:

- MCoA Schedule 3 condition 7 – Limits of Approval: road transport of coal from Tasman Mine to the Bloomfield CPP exceeded 4,000 tpd on two occasions. In response to this issue a load cell was fitted to the front-end loader at the mine site to ensure trucks are not 'over' loaded.
- MCoA Schedule 4 condition 8 - Independent Traffic Audit – delay in submission of the Final Independent Traffic Audit Report to Newcastle Coal Pty Ltd at the date of this environmental audit by the traffic consultant (Connell Wagner) has resulted in a non-compliance. The report has not been submitted to the Director-General within the time frame specified in the condition. (It should be noted that Newcastle Coal had implemented recommendations made in the draft report even though the Final Independent Traffic Report had not been completed and submitted by Connell Wagner).

The Environmental Management Strategy addresses the elements of ISO 14001 and provides a sound basis for the management of environmental performance of the Tasman Mine.

All the management plans and monitoring programs required by the MCoA have been prepared by Tasman Mine and approved by DoP. Implementation of the plans and Environmental Monitoring Program appeared to be adequate for the ongoing assessment of the operational performance of the mine in relation to the requirements of the project approvals and indicated that the operational performance predicted in the EIS has been achieved.

The Subsidence Management Plan for the Tasman Mine project is being progressively updated and approval sought from DPI prior to the commencement of the mining operations for each additional pillar extraction panel, as the underground mining proceeds into a new area. (Approvals from DPI had been obtained for Panel 1 in January 2008 and Panel 5 in October 2008, at the date of this audit).

## 1.0 Introduction

### 1.1 Background

Development Consent for the Tasman Underground Coal Mine was granted on the 16 March 2004 for under section 80 of the Environment Planning and Assessment Act 1979.

This Independent Environmental Audit was conducted at the request of Newcastle Coal Company Pty Ltd, to satisfy the Development Consent Minister's Condition of Approval (MCoA), Schedule 5, Condition 7:

- “At the end of year 2 of the development, and every 5 years thereafter, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:*
- (a) be conducted by suitably qualified, experienced and independent person/s whose appointment has been endorsed by the D-G;*
  - (b) be consistent with ISO19011:2002 – Guidelines for Quality and/or Environmental Systems Auditing, or updated versions of this guideline;*
  - (c) assess the environmental performance of the development, and its effects on the surrounding environment;*
  - (d) assess whether the development is complying with the relevant standards, performance measures and statutory requirements;*
  - (e) review the adequacy of any Applicants Environmental Management Strategy and Environmental Monitoring Program; and if necessary*
  - (f) recommend measures or actions to improve the environmental performance of the project, and/or the environmental management or monitoring systems.”*

The Tasman Underground Mine Project development commenced in February 2006.

### 1.2 Scope of Work

The scope of work for the environmental audit addressed the requirements of MCoA Schedule 5 Condition 5:

- assess the various aspects of the environmental performance of the project, and its effects on the surrounding environment;
- assess whether the project is complying with the relevant standards, performance measures and statutory requirements;
- review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
- recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.”

A site visit with mine and infrastructure inspection and review of documentation related to the project approval and subsequent management plan approval and implementation was conducted on the 18-19 December 2008.

Verification of compliance and assessment of the operational performance was conducted in relation to the MCoA, Environment Protection Licence and Mining Lease conditions (including Subsidence Management Plan approval).

### 1.3 Structure of the Audit Report

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

Section 1 – Introduction

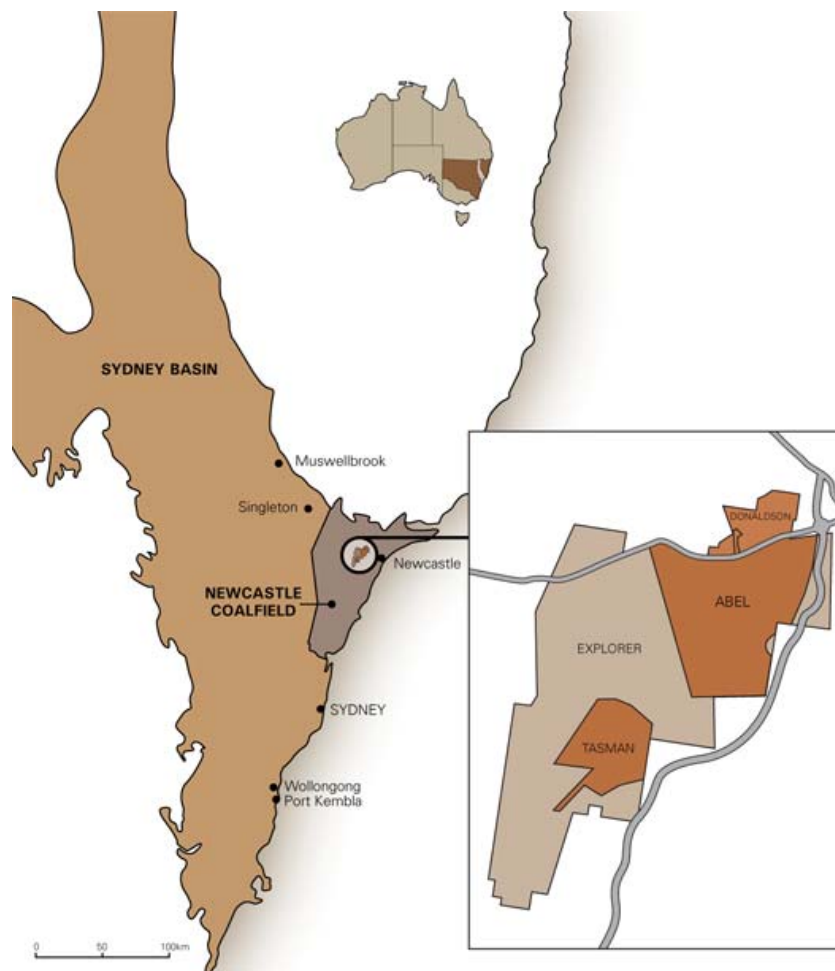
Section 2 – Project Description - Background

Section 3 – Development Consent Minister’s Conditions of Approval

Section 4 – Other Environmental Approvals

Section 5 – Discussion of the Tasman Mine Environmental Audit Findings

Attachment A – Tasman Underground Coal Mine – Minister’s Conditions of Approval



**Figure 1: Tasman Mine Location Map**

## **2.0 Project Description**

### **2.1 Background**

The Tasman Underground Coal Mine Project (Tasman Mine) has been developed and is operated by Newcastle Coal Company Pty Ltd (a fully owned subsidiary of Donaldson Coal Pty Limited [DCPL]), in accordance with the Tasman Underground Coal Mine Environmental Impact Statement ( August 2002) and the Development Consent granted on 16 March 2004. The Tasman Mine is located in the Lower Hunter Valley, approximately 20km west of Newcastle and 18km south of Maitland.

The mine operations are conducted within Mining Lease (ML) No. 1555. The ML lies within the Lake Macquarie and Cessnock Local Government Areas.

The ML 1555 is 952.8ha in size and is located in a forested area comprising the Mount Sugarloaf Reserve, parts of the Heaton State Forest, Crown Land and privately owned land. The ML is bounded by George Booth Drive to the north and the F3 Freeway to the east. Entry to the Tasman Mine site is off George Booth Drive approximately 1.5km west of the township of Seahampton.

The Tasman Mine is approved to extract 975,000 million tonnes per annum (mtpa) of Run-of-Mine (ROM) coal using high productivity continuous miner based bord and pillar methods.

### **2.2 Landform**

The topography in the vicinity of the Tasman Mine is characterised by a steeply sloping north-south trending ridgeline of the Sugarloaf Range. The mine area is overlain by undulating to steep terrain comprising the prominent ridgeline spur and several natural drainage gullies. The project site is situated on a regional divide of the following catchments:

- Ephemeral headwaters of Blue Gum Creek that flow northeast to the Hexham Swamp (a SEPP14 wetland);
- Surveyors Creek to the west that flows toward Wallis Creek system and the Hunter River near Maitland;
- The headwaters of the Slaty Creek and Burkes Creek systems that flow southeast of the Sugarloaf Range into Cockle Creek and then to Lake Macquarie.

### **2.3 Coal Resource**

The Tasman Mine resource is within the Sydney-Gunnedah Basin Newcastle Coalfields. ML 1555 is contained within Exploration Licence (EL) area 5337 that contains the Great Northern, Fassifern and West Borehole coal seams. The Tasman Mine will target extraction of the medium ash coal from the Fassifern Seam.

### **2.4 Mining Operations - Tasman Underground Mine**

The Tasman mine is a bord and pillar mining operation using continuous miners for first workings and secondary extraction. The mine plan and coal extraction is developed for each roadway and panel to control subsidence and protect a range of surface features (including transmission and communication towers on Mount Sugarloaf, power line pylons, steep slopes and cliff lines and road corridors).

The surface infrastructure and mine entry covers approximately 8ha of surface land and is located on the northern side of Mount Sugarloaf off George Booth Drive in the northeast section of ML 1555 and. This surface area includes the access road, administration block, worker amenities and store buildings, workshop compound, fuel tank area and chemical storage area, water storage tanks, transformer, mine entry portal, conveyor to the coal loading bin/stockpile and truck loading area.

Mining commenced near the surface infrastructure area on the northern outcrop of the Fassifern Seam and is progressing to the west and south targeting the Fassifern Seam.

**Plate 1: Tasman Underground Mine Project surface layout plan**



## **2.5 Coal Preparation and Transportation**

Following extraction, the ROM coal is conveyed to the Tasman Mine surface stockpile area where it is loaded onto trucks and transported to the Bloomfield Colliery coal preparation plant (CPP) for washing (16 km to the northeast of the Tasman Mine site).

The processed coal from the CPP is conveyed to the Bloomfield rail loop and spur line off the Great Northern Railway Line, for loading to rail wagons and transport to the Port of Newcastle, 23km to the east.



### 3.0 Minister's Condition of Approval

Development Consent for the Tasman Mine granted on 16 March 2004 by the Minister for Planning and Infrastructure. The Development Consent includes conditions for the construction and operation of the Tasman Underground Coal Mine and associated surface facilities.

This Independent Environmental Audit, required under MCoA Schedule 5 Condition 7, at the end of Year 2 of the development involved:

- the review of documentation available for the Tasman Mine project to assess compliance of the development with relevant standards, performance measures and statutory requirements;
- assessment of environmental performance of the development and its effects on the surrounding environment; and
- review of adequacy of the project Environmental Management Strategy and Environmental Monitoring Program.

#### 3.1 *Environmental Management Strategy (EMS)*

The Environmental Management Strategy prepared for the Abel Underground Mine is part of an Integrated Environmental Management Strategy (IEMS) for all of the DCPL projects. The IEMS was submitted to DoP on 7 December 2007 and approved on 26 February 2008. The IEMS documentation has been developed in accordance with the elements of ISO14000 – Environmental Management Systems.

The components of the IEMS and the commitments in the strategy provide a sound basis for the environmental management of the Tasman Mine project. Any updates or changes to environmental management procedures for the project will be achieved through revision of the Management Plans in accordance with EMS Operating Manual EOM-001 Section 13.5.

#### 3.2 *Environmental Management Plans*

Environmental Management Plans prepared for the Tasman Mine Project were submitted to the Director-General of Planning for approval as required by the MCoA and the Subsidence Management Plan is submitted to the Director-General of NSW Department of Primary Industries for progressive approval of the extraction of pillars (the approvals are provided for each pillar or pillars proposed, in accordance with the Mine Plan).

#### 3.3 *Environmental Monitoring Program*

The monitoring programs identified in the management plans for each of the environmental aspects and have been collated into an Environmental Monitoring Program for the Tasman Mine. The Environmental Monitoring Program was submitted to the DoP on 7 December 2007. The monitoring program will be reviewed regularly and updated as required in accordance with EMS Operating Manual EOM-001 Section 13.5. The monitoring programs include:

Meteorological Monitoring	Noise
Air Quality Monitoring	Aboriginal and Cultural Heritage
Surface Water	Flora and Fauna
Groundwater	Transport

The results of the monitoring program will be presented annually in the Annual Environmental Management Report (AEMR).

### 3.4. Other Environmental Approvals

The status of licences and other approvals required for the Tasman Underground Mine Project operations are presented in Table 2.

**Table 2 Current Licenses, Lease and Approvals for Tasman Underground Mine Project**

Licence/ Consent	No.	Legislative Requirement	Status	Activity
Environment Protection Licence	12856	<i>Protection of the Environment Operations Act 1997</i>	EPL current Granted 8 May 2006	Coal mining (26), coal works and extractive industries
Mining Lease	1555	<i>Mining Act 1992</i>	Granted 7 Sept 2004	Coal mining for 21 years (includes 960.9ha of surface area)
Mining Operations Plan		<i>Mining Lease condition 2</i>	MOP approved 14 Aug 06 for 1 Jun 06 to 31 Dec 08	Mining operations and project area rehabilitation. Amended Mining Operations Plan to period ending March 2012 has been prepared for submission to DPI
Subsidence Management Plan		<i>Coal Mine Regulation Act 1982, ML condition 4</i>	Granted 27 Jan 08 to 1 Jan 09	Pillar Extraction Panel 01 only
Subsidence Management Plan Approval		<i>Coal Mine Regulation Act 1982, ML condition 4</i>	Granted 9 Oct 08 to 1 Nov 2010	Pillar Extraction Panel 05 only
Exploration Licence	5337	<i>Mining Act 1992</i>	Granted Oct 1997	Exploration
Groundwater Bore Licence	20BL171792	<i>Water Act 1912, Part 5</i>	Valid to 16 March 2013	Extraction - Groundwater active mining area

## 4.0 Discussion of Environmental Audit Findings

### 4.1 MCoA Compliance

The audit of the MCoA for the Tasman Mine was undertaken on 18-19 December 2008 with a site inspection, document review and discussions with relevant project personnel. Additional information was provided to the auditor between 19 December 2008 and 16 January 2009.

The documentation for the Tasman Mine project and the operational activities, demonstrated a high degree of compliance with the MCoA attached to the Development Consent.

The status and availability of documentation provided to the auditor was adequate to undertake verification of compliance with the MCoA, in relation to the construction and operation of the project.

All the management plans and monitoring programs required by the MCoA have been approved by DoP, and implementation of the programs appeared to be adequate to provide assessment of the operational performance of the mine in relation to the requirements of the project approvals.

The following table provides a summary of the consent conditions (extracted from the full audit table in Attachment A) where:

- the requirements of the MCoA were not met or have been breached indicating non-compliance (2); or
- the conditions have not been triggered for the current development and/or operations, at date of this audit (5).

SUMMARY OF INDEPENDENT ENVIRONMENTAL AUDIT FINDINGS		
Non-Compliance with MCoA Conditions		
MCoA	Schedule 3 – Administrative Conditions	
	Limits of Approval	
7.	The Applicant shall not transport more than 4,000 tonnes of ROM coal a day from the site.	Transportation of coal from Tasman Mine to the CPP was <4,000 tpd on all occasions except for: <ul style="list-style-type: none"> <li>• 10 April 2008 – 4,299 tonnes and</li> <li>• 16 April 2008 – 4,033 tonnes.</li> </ul> To ensure that the trucks are not 'over' loaded a load cell has now been fitted to the front-end loader.
	Schedule 4 – Specific Environmental Conditions	
	Independent Traffic Audit	
8.	Within 1 month of commissioning the audit, or as otherwise agreed with the D-G, the Applicant shall submit a copy of the audit report to the D-G, with a response to any of the recommendations contained in the audit report.	Connell Wagner had not finalised the first or second Independent Traffic Audit reports for submission to Newcastle Coal at the date of this audit (18-19 Dec 2008). Newcastle Coal will submit the reports to DoP as soon as they are received from Connell Wagner.
Conditions Not Activated or Ongoing Management Requirement		
	SUBSIDENCE	
	Subsidence Performance Criteria	
9.	The Applicant shall ensure that there is no impact as a result of subsidence from mining associated with this DA on the following infrastructure and landscape features:	<b>Ongoing</b> - management of underground planning and works with DPI approval required for each panel.

	<p>(a) transmission towers and communication towers on Mount Sugarloaf;</p> <p>(b) Power line pylons;</p> <p>(c) Steep slopes, cliff lines and significant rock outcrops on the on the western side of the deposit, as identified in the EIS;</p> <p>(d) The Sydney to Newcastle freeway (F3) and/or the corridor identified for the proposed F3 to Branxton National Highway Link.</p>	
13.	The Applicant shall not commence mining under any watercourse until a stability assessment of the watercourse has been conducted to the satisfaction of the Department.	<b>NA</b> - Stability assessment will be undertaken prior to mining works planned to occur under any water course
	<b>Tributary Impact Statement</b>	
15.	Any application to the DECC for a licence under the <i>Protection of the Environment Operations Act 1997</i> to discharge surplus mine water must be supported by a tributary impact statement. The tributary impact statement must include a geomorphologic evaluation of the watercourse and an assessment of the impact of the proposed discharge on the streams flora and fauna as well as any users and residents down stream.	<b>NA</b> - No discharge of mine water occurs to the environment from the mine works so the Statement is not required.
18.	The Applicant shall monitor regional groundwater levels and quality in the surrounding aquifers during the development and at least 5 years after mining to the satisfaction of the D-G.	<p><b>Ongoing</b> - The Groundwater Monitoring Program (site Water Management Plan section 4.5 and 4.6, and Environmental Monitoring Plan – RF-2, provide for ongoing monitoring and review of data to assess mine water inflow, volume and quality monitoring and status of aquifers in the region around the mine activities.</p> <p>Monitoring results are to be reviewed by an independent hydrogeologist to confirm the mining impacts are within predicted ranges in the EIS, and the results will be reported in the AEMR. Assessment and review of predicted groundwater inflows and quality has been conducted by Peter Dundon and Aquaterra in 2008.</p>
	<b>Notice upon Cessation of Groundwater Extraction</b>	
24.	<p>The Applicant shall provide the D-G with written notification of the permanent cessation of its operations by which groundwater is extracted directly or indirectly from the area. Upon such notification being received by DIPNR;</p> <p>(a) the Applicant must provide evidence that all areas affected by dewatering (and any associated activity) have been rehabilitated/restored to pre-mining levels or otherwise agreed condition; and</p> <p>(b) The Applicant may be required to undertake further rehabilitation work, based on the findings of any investigation into the performance of the applicants' cessation obligations, or as required by the D-G.</p>	<b>NA</b> - This condition will be activated and the reporting provided when the mining operations cease.

#### 4.2 Tasman Mine Environmental Management and Mitigation Measures

An Environmental Management Strategy for the mine prepared in January 2006 and complies with the requirements of MCoA Schedule 5 condition 7 (e), and was approved by the Director-General on 13 April 2006. The Environmental Management Strategy addresses the elements of ISO 14001 and provides a sound basis for the management of environmental performance of the Tasman Mine.

The Environmental Management Strategy includes:

- Environmental policy and objectives, with measurable targets and objectives;

- A description of roles and responsibilities of Tasman Mine personnel for the various aspects of environmental management on the site;
- A description of the operation as approved, with any variations;
- identification of environmental aspects and potential impacts of the mine including construction, operation and post-mining;
- register of legal requirements including licences and permits;
- plans and/or procedures that describe in detail how potential environmental impacts will be minimised or managed, including objectives and targets, actions/procedures, monitoring, reviewing and reporting requirements;
- training and a program to ensure all personnel on the site, including contractors, are aware of their environmental responsibilities;
- communication of environmental management information on the mine site and to the local community, with statutory reports and mine site information and updates provided on a company website;
- emergency preparedness and response procedures;
- monitoring and review of procedures, to ensure plans or procedures are being followed and continue to be relevant and effective;
- procedures for independent auditing of environmental management on the site on a regular basis;
- procedures to be followed for non-conformance, to undertake preventative action or in the event of a complaint; and
- records and reporting requirements internally to management and to the relevant government authorities as required.

A summary of observations made in relation to implementation of measures during the audit conducted on 18-19 December 2008 and actions taken for the Tasman Mine in relation to the environmental management and mitigation measures proposed in the EIS (section 7) is attached in Appendix A. The audit observations indicated that the commitments made in the EIS for the development and operation of the Tasman Mine have generally been implemented. (It should be noted that many of the environmental management and mitigation measures were included into the MCoA. Where this has occurred reference is provided to the MCoA in Appendix A).

## 5.0 Conclusions

The documentation held for the Tasman Underground Mine and interviews /discussions with the site personnel, provided the auditor with the required information for the verification of compliance of the development with the MCoA, Environmental Management Strategy and Environmental Monitoring Program.

The independent audit of the MCoA for the Tasman Underground Mine Project confirmed a high degree of compliance with the MCoA for the activities undertaken during the first 2 years of the development. Non-compliance of two (2) MCoA were noted with action taken on MCoA Schedule 3 condition 7 to eliminate the problem of overloading trucks, and Newcastle Coal are endeavouring to obtain the Final Independent Traffic Audit Reports from the consultant (this delay in submission has resulted in a non-compliance with MCoA Schedule 4 condition 8).

There are five (5) MCoA that have not yet been activated as the requirements of the conditions have not been triggered for the current development and/or operations.

The Environmental Management Strategy addresses the elements of ISO 14001 and provides a sound basis for the management of environmental performance of the Tasman Mine. The audit observations indicated that the Environmental Management Strategy and environmental management and mitigation measure commitments made in the EIS for the development and operation of the Tasman Mine, have generally been implemented.

All the management plans and monitoring programs required by the MCoA have been prepared by Tasman Mine and approved by DoP. Implementation of the plans and Environmental Monitoring Program appeared to be adequate for the ongoing assessment of the operational performance of the mine and indicated that the operational performance predicted in the EIS has been achieved.

**TASMAN UNDERGROUND COAL MINE  
INDEPENDENT ENVIRONMENTAL AUDIT**

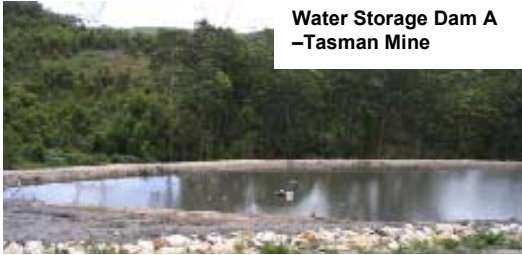
**ATTACHMENTS**

**Appendix A – Environmental Management and  
Mitigation Measures – Tasman Mine EIS**



**Appendix B – Minister’s Conditions of Approval**

**Appendix C – Environment Protection Licence**

**Appendix A Environmental Management and Mitigation Measures – Tasman Mine EIS section 7**

Water Management - Surface and groundwater management and mitigation measures for the project were outlined in the EIS (section 5.9). Also refer to MCoA Schedule 4 conditions 11 to 23)	
EMS Mitigation Measures	Audit Comments
Construction of a sedimentation pond for the collection of surface runoff from the areas disturbed during construction of the surface facilities. This pond will be retained during the operational phase to capture runoff from the surface infrastructure area.	<p>Runoff from the areas disturbed for the establishment of the surface facilities was managed during construction in accordance with the Site Water Management Plan (section 5.3.2).</p> <p>The runoff from the infrastructure area during the operation of the mine is managed through the two pollution control dams on the western side of the surface infrastructure area (Dam A – 6ML) and coal stockpile and access area (Dam B – 4ML) in accordance with the Site Water Management Plan section 5.3.6 and Drawing No. 15.</p>  <p style="text-align: right;"><b>Water Storage Dam A –Tasman Mine</b></p>
Installation of a pollution control sump within the main surface infrastructure compound to collect oils and greases from the workshop area. All runoff from workshop areas will be directed to oil/water separator to separate the waste oil.	A pollution control sump with oil/water separator and sediment capture has been installed to collect all contaminated runoff from the vehicle maintenance and access area, vehicle maintenance and access area general workshop area, and chemical and fuel storage area. Sediment collected from in the sump is returned to the coal stockpile and the treated water is reused on site. There is no discharge of the treated water to the environment.
Diversion of up-slope (clean) runoff via a diversion drain or bunding up-slope of the mine surface infrastructure area.	Diversion drains have been constructed above the mine portals and along the alignment at the top of the batter for the loading loop and stockpile area to divert clean water around the operational surface works areas. A diversion drain along the high side of the unsealed section of the access road to the mine portals also diverts 'clean' water around the disturbed areas and into Dam A for reuse on site. There is no discharge of water from the site.
Use of sedimentation basin water for on site for dust suppression on vehicle access roads, or on the coal stockpile to ensure the basin has sufficient capacity for storm water detention.	Water collected in Dam A and Dam B is reused on site for dust suppression and or disposal within the underground workings. The Type F Dams have a designed capacity for a 90th percentile 20 day storm and the Dams are maintained to handle the design capacity.
Monitoring of surface water quantity and quality downstream at Blue Gum Creek and of groundwater inflow volumes and quality that occur throughout the project.	Monthly monitoring of Blue Gum Creek has been conducted and the results were reported in the AEMR as generally consistent with the water quality trigger values for Upland Rivers outlined in the Guidelines for Fresh and Marine Waters Quality ANZECC 2000. The ephemeral nature of the flows in Blue Gum Creek affects the monitoring program, with collection of samples determined by the presence of water in the Creek at the sampling points at the time of monitoring.
No release of water from the sedimentation basin down stream unless the water contained within the basin matches that of the existing water quality down stream.	There is no discharge from the sediment basins to the environment under the design criteria meteorological conditions. (There was one incident on 8 July 2007 when the design capacity was exceeded).



Sediment and Erosion Control (refer to MCoA Schedule 4 condition 16)		
EMS Mitigation Measures	Audit Comments	
<p>Soil stabilisation of exposed soil surfaces directly down slope of the sedimentation ponds to control erosion, including the use of crushed rock, fibre matting (jute mesh) and/or sterile grass seeding.</p>	<p>Areas disturbed by the construction of the surface infrastructure and access road alignments have been rehabilitated with soil spreading, mulching and grass seeding, with groundcover and tree species planted in selected areas along the access roads to establish vegetative screening of the project elements from George Booth Drive.</p>	<div style="text-align: center;">  <p><b>Disturbed area prior to seeding in March 2008</b></p> </div> <div style="text-align: center;">  <p><b>Revegetated cover after seeding May 2008</b></p> </div>
<p>Stabilisation of all diversion bunds with sterile grass to prevent erosion, and where drains are steep, reduction of flow velocity by the use of small catch basins.</p>	<p>Diversion bunds have been stabilized with grass seeding to prevent erosion and the rainfall experienced during 2008 has resulted in good established cover.</p>	
<p>Stockpiles will not be located within five metres of any identified overland flow path and will be protected from water run-on by locating water diversions directly up-slope. All stockpiles will be located within the proposed surface infrastructure area, where runoff is to be directed to the sedimentation pond.</p>	<p>The coal stockpile is located up slope of the pollution control Dams to ensure collection of all run off from the stockpile and unsealed vehicle access road into the Dams.</p>	
<p>Sealing of the new access road from the site intersection to the turn-off to the administration area, with all other site roads to be of all-weather construction</p>	<p>The access road to the mine administration areas/carpark and the coal loading access road have been sealed and provide all weather access.</p>	
<p>All disturbed areas outside of the operational area will be progressively stabilised using erosion control meshing, sterile grasses, mulch and/or suitable native vegetation</p>	<p>The areas disturbed during construction activities have all been rehabilitated to manage erosion with mulching, grass seeding and selected areas planted with nature tree species for stabilization.</p>	
<p>A drain will be created along all access and internal roads, where flow dissipators will be used to slow flow and collect sediment.</p>	<p>Flow lines within and along the access roads and mine area have flow dissipation installed to reduce flow and retain sediment.</p>	

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All erosion and sediment control measures will be regularly checked and maintained in good working order involving such measures as the re-application of crushed rock at the entrance and exit, repair and replacement of sediment fences, removal of sediment from sediment ponds after storm events, and removal of sediment from the sediment ponds at the completion of site construction and infrastructure area rehabilitation.

Erosion control structures on the mine site and drainage lines are monitored regularly (particularly after heavy rainfall events) to determine if any maintenance is required. Sediment removal and repair of any damaged control structures is conducted and checked by the Environment Manager.



Culvert and dissipator adjacent to the mine access road

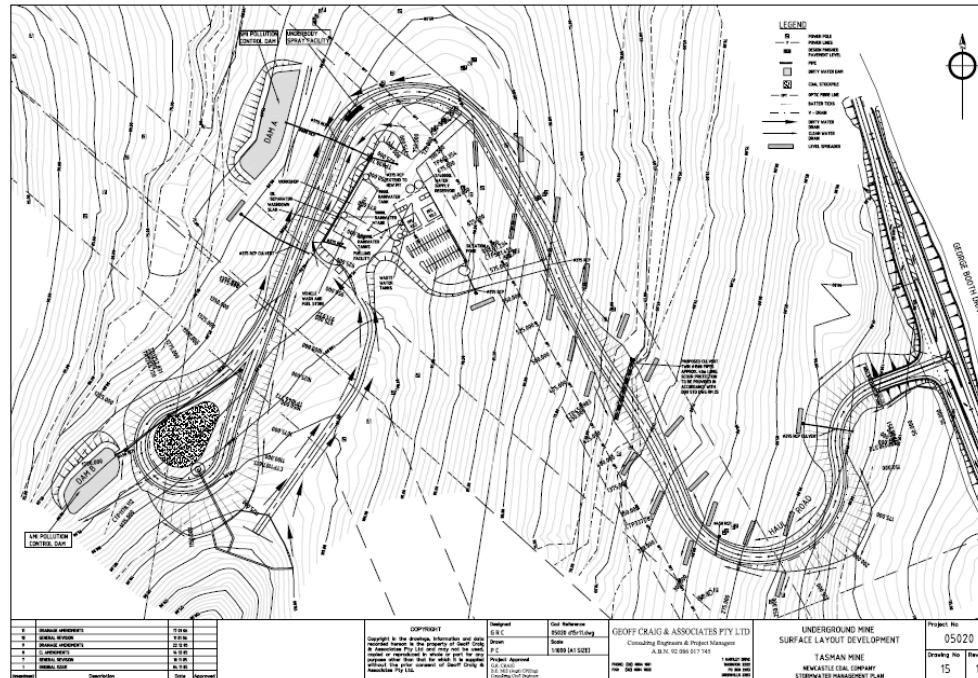


Figure 3: Surface Layout and Drainage Development – Tasman Mine Stormwater Management Plan




Job No. DC/Tasman/12/2008

**trevor brown & associates**  
 applied environmental management consultants

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<b>Groundwater (refer to MCoA Schedule 4 condition 21)</b>	
<b>EMS Mitigation Measures</b>	<b>Audit Comments</b>
Monitoring of groundwater levels, quality, and volume rates of mine water inflow will be established.	Monitoring of regional groundwater levels and quarterly monitoring of groundwater quality has been established in accordance with the Site Water Management Plan section 4.6.
Monitoring results would be reviewed by an independent hydrogeologist annually to confirm the mining impacts are within predicted ranges. The first annual review, to be conducted after the first complete year of mining.	Assessment of groundwater impacts and review of predicted groundwater inflows was conducted by Peter Dundon and Associates.
Additional new piezometers will be installed to the south of the proposed extent of mining to monitor for the extent of groundwater level impacts to the southern part of the Sugarloaf Range.	No new piezometers had been recommended to be installed by Peter Dundon and Associates at the date of this audit.
Groundwater levels will initially be measured monthly in all piezometers, and water samples collected every three months for field measurement of conductivity, pH & TDS.	Monthly monitoring of regional groundwater levels and quarterly monitoring of groundwater quality has been conducted in accordance with the Site Water Management Plan section 4.6, at seven locations (B004, B005, B017A, B017B, TA23, TA24 and TA28).
At six monthly intervals, water samples will be collected from all piezometers for laboratory analysis of the major ions (calcium, magnesium, sodium, potassium, chloride, sulphate and bicarbonate) TDS, pH and dissolved iron. The frequency of monitoring and sampling will be reviewed after the first year of under ground mining.	

<b>Subsidence (Refer to MCoA Schedule 4 condition 9 and 10)</b>	
<b>EMS Mitigation Measures</b>	<b>Audit Comments</b>
To protect the transmission and communication towers on Mount Sugarloaf, zones have been created where there will be no mining except for only a small amount of carefully designed first workings for specific functions such as ventilation or access.	The surface works layout and mining plan have been developed to protect the existing transmission and communication towers in the easements that traverse the Mining Lease Area. The surface works for the mine access roads are the only developments that cross the established alignments of towers within the easements.
Where power-line pylons are located in the north west of the mining area, similar design criteria to slopes and cliff will be applied underneath the footprint of each pylon.	The mine plan ensures that first working pillars are retained in areas below any power pylons as the mine workings progress. Approval of the mine plan and pillar extraction panels, are progressively applied for to the DPI to ensure management of subsidence during underground works.
For the areas of steep slopes, cliff lines and significant rock outcrops on the western side of the deposit, where cliffs are greater than 15 metres high, large first workings pillars are to be retained to support high cliffs. In addition first workings design and planning will retain pillars to protect areas of solid rock slopes, low cliffs and ledges.	The mine plan ensures that first working pillars are retained in areas below any high cliffs and other protected areas as the mine workings progress. Approval of the mine plan and pillar extraction panels are progressively applied for to the DPI as underground works progress under sensitive areas.
Subsidence will be monitored as required and reviewed annually to assess any changes to predictions.	Subsidence monitoring with surveys of surface monuments conducted as part of the Subsidence Management Plan Approval conditions granted by the Director-General, DPI.

Hazardous Materials Management (Refer to MCoA Schedule 4 condition 16, 50 and 51)	
EMS Mitigation Measures	Audit Comments
All fuel and chemical storage will be within the surface infrastructure area in bunds with a capacity to store 110 % of the stored fuel. Bunded areas will contain sumps, and will be constructed within or adjacent to the amenity, workshop and wash own areas.	<p>All chemical storage adjacent to the general workshop is a covered area with the concrete floor draining to a central sump that flows to the oil/water separator. All chemicals in drums are placed on potable spill collection trays. The sloped floor area is adequate to meet the 110% capacity of the drummed products. The fuel storage in a double skinned above ground storage tank and would satisfy the requirements of AS1940.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p><b>Aboveground double-skinned storage tank for fuel, adjacent to the chemical storage area. Spill kit in the red bin.</b></p> </div> <div style="text-align: center;">  <p><b>Covered chemical &amp; lubricant storage area, with concrete floor and sump for collection of all runoff.</b></p> </div> </div>
Collection sumps will discharge to an oil/water separator and runoff from the separator will be directed to the water management system.	<p>All drainage from the general workshop, chemical storage area and fuel storage is directed to the oil/water separator. Treated water from the separator is directed to the water storage dams for reuse on site.</p> <div style="display: flex; justify-content: center; align-items: center;">  <div style="margin-left: 20px;"> <p><b>Oil/Water separator and sediment pit adjacent to the workshop area</b></p> </div> </div>
Explosives are not expected to be stored on site or used in the project.	No explosives are stored or used at the Tasman Mine.

Air Quality - levels, including PM10, TSP and dust deposition, predicted not to exceed acceptable criteria. (Refer to MCoA32 and 33)	
EMS Mitigation Measures	Audit Comments
Stockpile watering will be undertaken if stockpiles generate visible dust.	Dust suppression at coal stockpile and loading area is achieved using the water tanker and sprays if necessary.
Loaded coal trucks will be covered prior to leaving the site to reduce dust.	Trucks were observed to have their loads covered before leaving the coal loading area.
Air quality will continue to be monitored throughout the operation at the three existing gauges on the site boundaries and near Seahampton to ensure compliance with predicted air quality levels.	Dust deposition is monitored monthly at three (3) locations and PM <sub>10</sub> is monitored at Seahampton (RFS center). Results have been consistent with the air quality levels predicted within EIS prepared for the mine.
Sedimentation basin water will be used for on site for	Dust suppression occurs using a water tanker and water reused from the pollution control dams.


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dust suppression on vehicle access roads.	
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**Noise** - Noise levels are predicted to be within acceptable criteria during construction and operation of the Tasman project. This includes transport noise and sleep disturbance criteria. (Refer to MCoA Schedule 37 and 38)

EMS Mitigation Measures	Audit Comments
Mufflers will be fitted to all vehicles and generators, with compressors and other equipment regularly maintained	All equipment is fitted with adequate mufflers. Noise emissions from the operations are low and inaudible at the nearest residences.
Hours of operation will be restricted to those outlined in the EIS Section 5.7;	Underground works – 5-6 days/wk, 24hrs/day Transport – Monday to Friday - 7.00am to 10.30pm
An on-going monitoring program will survey noise emissions at the previously identified nearest receptor sites at Seahampton and West Wallsend	Heggies have conducted quarterly attended noise surveys in accordance with the Environmental, Monitoring Program. The mine activities been reported as inaudible at Seahampton and West Wallsend.

**Transport** (Refer to MCoA Schedule 4 conditions 6, 7, and 30)

EMS Mitigation Measures	Audit Comments
Hours of operation for haulage will be restricted to those outlined in Section 5.7	Transport only occurs on Monday to Friday between 7.00am to 10.30pm
A new intersection between the mine access road and George Booth Drive will be constructed as shown in the EIS Figure 5.10	New access road has been constructed and approved by RTA.
The intersection between George Booth Drive and John Renshaw Drive will be improved in consultation with the RTA to accommodate Tasman Mine traffic.	The intersection between George Booth Drive and John Renshaw Drive have been improved in accordance with RTA standards.
Regular consultation with residents along George Booth Drive and John Renshaw Drive will be undertaken to determine any concerns they may have with coal trucks.	Consultation with residents has occurred and is reported in the CCC Minutes January and July 2006, July and November 2007.
A driving protocol will be developed that will be required to be adhered to by the coal haulage contractors.	Tasman Mine Road Transport Protocol, March 2008 developed in consultation with the RTA: Section 1 - Defines haulage route, the maximum number of road movements and the haulage hours, and Traffic Management Plan Section 2 - Code of Conduct for Drivers, and Driver Training
A requirement for coal haul trucks to be clearly distinguishable as Tasman Mine coal haulers, so that local residents may identify their trucks.	 <p>Coal transport truck signage with contact number</p>
Traffic noise will be regularly monitored by throughout	Heggies have conducted quarterly noise monitoring of the Tasman Mine activities including transport noise. Results and a summary are

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the life of the project.	presented to the DECC and in the AEMR.
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Waste Management (Refer to MCoA Schedule 4 condition 43).	
EMS Mitigation Measures	Audit Comments
All waste greases, oils, filters, batteries etc from maintenance of vehicles and equipment will be stored separately to maximise recycling opportunities until collected by licenced contractor(s).	All wastes are segregated for reuse, recycling or disposal off-site.
Tyres will be stored in a designated, fenced area away from buildings and surrounding vegetation and will be removed from site by a contractor on a regular basis.	
Paper, cardboard, steel, aluminium will be stored separately and collected by a contractor for recycling.	
General waste material will be collected and removed to a licenced landfill facility	
All wastewater generated on the site from washroom facilities will be removed from the site by a licenced wastewater collection contractor.	All wastewater generated from the onsite ablutions blocks is collected by a licensed contractor for treatment and disposal off-site.

Flora and Fauna (Refer to MCoA Schedule 4 conditions 25-30)	
EMS Mitigation Measures	Audit Comments
Avoidance of known populations of <i>Tetratheca juncea</i> in the siting of areas requiring surface disturbance.	Areas of potential <i>T. juncea</i> populations have been protected in the Compensatory Habitat area defined in the Revised Flora and Fauna Management Plan.
Minimal vegetation clearing for the surface infrastructure area.	Pre-clearance surveys were conducted to minimize vegetation clearance and protect fauna in vegetation with hollows. EcoBiological supervised tree felling activities to ensure protection of potential habitats.
Retention of large hollow-bearing trees where possible during construction of the surface infrastructure area.	Large trees and trees with hollows were retained where practicable in the surface works area.
Fencing of vegetation to be retained, prior to clearing or construction activities, to avoid damage from uncontrolled or accidental access.	Vegetation to be retained was clearly identified in the Pre-clearance survey conducted by EcoBiological.
Consider directional lighting and shields to concentrate light onto the mine operations area and to diffuse light spill onto surrounding vegetation and fauna habitats.	Mine lighting is shielded and light spill minimized to protect habitats and direct light away from off site receivers.
Use of a tree clearing protocol to protect any native fauna present at the time of clearing.	Vegetation Pre-clearance protocol developed in the Flora and Fauna Management Plan and implemented for any surface disturbance works.
On site speed limits to reduce the potential for dust, noise and fauna road deaths.	On site speed limits are signposted and all access roads into the site have been sealed to reduce dust generation.
Noxious weed control during the life of the mine.	Regular inspections are undertaken (particularly in areas under rehabilitation and maintenance).

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Any additional clearing would be preceded by a survey for <i>T. juncea</i> .	EcoBiological were contracted to conduct pre-clearance surveys and supervise tree felling and clearance of areas for development during construction of the surface facilities.
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**Bushfire Prevention and Management (Refer to MCoA Schedule 4 conditions 53 and 54)**

EMS Mitigation Measures	Audit Comments
A clean water diversion drain above the portals will provide a cleared area between the portals and the steeper upslope area to provide a degree protection against bushfire from this direction.	<p>A diversion drain has been constructed above the mine portals area and provides a fire break above the steep cut of the underground entry, ventilation shaft and conveyor portals.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p><b>Mine portal below the undisturbed natural vegetated slopes</b></p> </div> <div style="text-align: center;">  <p><b>Diversion drain above the mine portal showing revegetation</b></p> </div> </div>
All proposed internal roads will be constructed to provide two-wheel drive all weather access. The proposed development will also follow directives and consult with the NSW Rural Fire Service on an ongoing basis regarding maintenance programs to ensure accessibility of constructed fire trails within land owned by the proponent and general site layout and safety or fire prevention issues.	A Bushfire Management Plan for the site and has been developed and approved by the RFS. The Plan will be reviewed if required due to changes to the general site layout.
The fuel and hazardous materials storage areas will be located within the cleared surface infrastructure site and separated from surrounding bushland. Specifications for the construction of these storage facilities will consider the need to be fire resistant and require consideration of AS 3959 Construction of Buildings in Bush Fire Prone Areas. All hazardous materials storage facilities on the site will include firefighting equipment adjacent to the store. The bathhouse will be designed so that fire fighting equipment can be connected to the water supply.	<p>The storage of fuel and dangerous goods has been established near the general workshop area, which is separated from surrounding bushland.</p> <p>Fire fighting equipment could be connected to the water supply to the bathhouse and administration area if required.</p>
An Evacuation Plan, prepared as part of the Safety Management Plan required by the Department of Mineral Resources, will be prepared for the proposed development and implemented prior to commencement of mining. This will include the evacuation of underground and surface infrastructure personnel in the event of bush fire. Training will be provided throughout the life of the mining operation in these procedures.	Safety Management Plan developed for the Tasman Mine in accordance with the requirements of DMR.
Fire fighting equipment will be provided throughout the	The Bushfire Management Plan for the site approved by the RFS provides the strategies and actions for protection of the Tasman Mine in the

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surface infrastructure area and training provided in its use. The proposed dirty water dam will be provided with a pump to enable water to be drawn for fire fighting purposes.	event of fire.
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**Visual Aspects** - The visual impact of the proposed development will be minimal as it is generally screened from public viewing areas and surface disturbance is within an already disturbed lower valley of Mount Sugarloaf Range.

EMS Mitigation Measures	Audit Comments
Non-reflective building materials in green or beige will further minimise viewing impact and directional lighting will be installed so that lights are directed away from George Booth Drive.	The colour of the onsite buildings present minimal visual impact from George Booth Drive. Lighting on the site is directional and has been placed to minimize any light spill to George Booth Drive to the surrounding environment.
	

Rehabilitation	
EMS Mitigation Measures	Audit Comments
As the Tasman Mine is an underground mine, significant rehabilitation will occur after decommissioning of the mine surface infrastructure areas. Some rehabilitation will also be undertaken after the construction period, or if the location of buildings or other surface infrastructure changes during the life of the mine.	Rehabilitation of the areas disturbed during construction has occurred and it was observed that the grass species and tree species that had been planted had established well probably due to then regular rainfall experienced in the area during 2008.
A Decommissioning and Rehabilitation Plan would be prepared closer to the time of mine closure, using techniques recommended at the time of preparation of the Plan.	The Decommissioning and Rehabilitation Plan for the Tasman Mine will be prepared prior to mine closure and in accordance with the requirements of the DPI. It is proposed that the Decommissioning and Rehabilitation Plan will in principle consist of removing any surface structures, ripping any sealed roads, and reshaping the ground to form a stable surface. Topsoil will be spread and the area direct seeded with a cover crop to minimise erosion while tubestock or direct seeded trees develop.

Archaeology	
EMS Mitigation Measures	Audit Comments
As recommended by the Awabakal Local Aboriginal Land Council, when construction work begins on the Tasman site a representative of that LALC will be invited to be on site to observe clearing activities.	Representatives of the Awabakal Local Aboriginal Land Council (Robert Smith and Barry Randall) attended the pre-clearance survey for the Tasman Mine site surface works 9 December 2005). No evidence of Aboriginal constraints to the development was identified.



**Attachment B     Minister’s Conditions of Approval**

## Attachment B – Minister’s Conditions of Approval – Tasman Mine




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



Compliance - Yes	Implies compliance with the intent and/or requirement of the consent condition.
<b>Compliance – NO</b>	Indicates non-compliance with the specific requirement of the condition.
NA – Not Activated	The requirement of the consent condition has not yet been triggered by the project activities at this time.
Noted	No specific auditable requirement applicable to the condition.

MCoA	Minister’s Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
<b>SCHEDULE 3 - ADMINISTRATIVE CONDITIONS</b>					
<b>Obligation to Minimise Harm to the Environment</b>					
1	The Applicant shall implement all practicable measures to prevent and/or minimise harm to the environment that may result from the construction, operation or rehabilitation of the development.				Noted
<b>Terms of Approval</b>					
2	The Applicant shall carry out the development generally in accordance with the: <ul style="list-style-type: none"> <li>(a) DA 274-9-2002</li> <li>(b) EIS titled Tasman Underground Coal Mine – Environmental Impact Statement, prepared on behalf of Newcastle Coal Company and dated August 2002;</li> <li>(c) Supplementary Traffic Report prepared for Newcastle Coal Company and dated September 2002;</li> <li>(d) Response to the DEC’s request for additional information including:                             <ul style="list-style-type: none"> <li>• The report entitled “Response to Road Traffic Noise Issued for the Proposed Tasman Coal Mine” Richard Heggie Associates Pty Ltd dated 30 Oct 2002;</li> <li>• Report titled “Response to EPA’s request for additional information regarding the Air Quality Assessment”, Holmes Air Sciences dated 21 Oct 2002;</li> <li>• Report titles “Proposed Tasman Underground Mine – Water Management Studies, Supplementary Report, Response to Issues raised by EPA, Peter Dundon and Associates Pty Ltd, dated July 2003; and</li> </ul> </li> <li>(e) Applicants response to the issues raised in the submissions, in correspondence dated 13 October 2003.</li> </ul>		Yes		The Tasman Project has been developed generally in accordance with the EIS and Supplementary documentation submitted with DA 274-9-2002.

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MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
3.	If there is any inconsistency between the above. Either the conditions of this consent or the most recent document shall prevail to the extent of the inconsistency.				Noted
4.	The Applicant shall comply with any reasonable requirements of the Director-Genera; arising from the Department's assessment of: (a) any reports, plans or correspondence that are submitted in accordance with this consent; and (b) the implementation of any actions or measures contained in these reports, plans or correspondence.				Noted
<b>Limits of Approval</b>					
5.	This consent lapses in 21 years after the grant of the Mining Lease for the development.				The Consent will lapse on 16 March 2025.
6.	The Applicant shall not extract more than 975,000 tonnes of run-of-mine (ROM) coal a year from the development.		Yes		Between Dec 2006 and December 2007, 351,766 tonnes of ROM coal were extracted.
7.	The Applicant shall not transport more than 4,000 tonnes of ROM coal a day from the site.	Daily road haulage records 2008		No	Transportation of coal from Tasman Mine to the CPP was <4,000 tpd on all occasions except for: <ul style="list-style-type: none"> <li>10 April 208 – 4,299 tonnes and</li> <li>16 April 2008 – 4,033 tonnes.</li> </ul> To ensure trucks are not 'over' loaded a load cell has now been fitted to the front-end loader.
8.	The Applicant shall ensure that no haulage vehicles enter or leave the site between 10pm and 7am Monday to Friday, and on public holidays.		Yes		Coal transport from Tasman Mine to Donaldson Mine only occurs between 7am and 10 pm. No coal transport occurs on public holidays.
<b>Structural Adequacy</b>					
9.	The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings or structures. Are constructed in accordance with the relevant requirements of the BCA.	Construction Certificate, Notice of Determination CC 07-228, AcroCert, 25 June 2007	Yes		All the new buildings established on the Tasman Mine site surface infrastructure (i.e. Training Room, Toilet Block, Bath House Extensions and associated walkways) were constructed in accordance with the BCA.
<b>Demolition</b>					
10.	The Applicant shall ensure that all demolition work is carried out in accordance with AS 2601-2001: Demolition of Structures, or its latest version.		N/A		No demolition was required for the development of the Tasman Mine surface infrastructure works.
<b>Operation of Plant and Equipment</b>					
11.	The Applicant shall ensure that all plant and equipment at the site, or used in connection with the development are: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.		Yes		Noted - All maintenance on the equipment and vehicles used for the underground mining operation is conducted on site at the Tasman Mine workshops to ensure that all equipment is in a safe condition and emissions are controlled to protect

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
					the workforce and the environment.
<b>SCHEDULE 4 - SPECIFIC ENVIRONMENTAL CONDITONS</b>					
<b>TRAFFIC AND TRANSPORT</b>					
<b>George Booth Drive/Tasman Mine Road Intersection</b>					
1.	Prior to carrying out any development on the site, the Applicant shall construct an RTA seagull type intersection with raised islands at the George Booth Drive/Tasman Mine Access Road intersection to the satisfaction of the RTA.....	 <p>Letter to RTA re Tasman Mine Development – Associated Roadworks on George Booth Drive and John Renshaw Drive – Completion, 4 Dec 2006</p>	Yes		The Tasman Mine intersection with George Booth Drive was completed to the satisfaction of RTA, prior to commencement of construction at the site. The works included: <ul style="list-style-type: none"> <li>➢ Acquisition of land for road widening;</li> <li>➢ Construction of a 'Seagull' type intersection;</li> <li>➢ Provision of left turn in deceleration and left turn out acceleration lane for heavy vehicles;</li> <li>➢ Protected right turn deceleration lane;</li> <li>➢ Protected right turn acceleration lane ;</li> <li>➢ Street lighting to RTA standards;</li> <li>➢ Construction of drainage works, road signage, line marking, and safety barriers as required.</li> </ul>
<b>George Booth Drive/John Renshaw Drive Intersection</b>					
2.	Prior to commencement of coal haulage from the site, the Applicant shall upgrade the George Booth Drive/John Renshaw Drive intersection to an RTA seagull type intersection with raised islands to the satisfaction of the RTA.		Yes		The George Booth Drive/John Renshaw Drive intersection was completed to the satisfaction of RTA, prior to commencement of coal haulage from the site. The works included: <ul style="list-style-type: none"> <li>➢ Construction of a roundabout intersection;</li> <li>➢ [provision of street lighting to RTA standards;</li> <li>➢ Provision of auxiliary climbing lane on the eastbound carriageway of JRD for 1200m;</li> <li>➢ Construction of drainage works, road signage, line marking, and safety barriers as required</li> </ul>
<b>George Booth Drive – Climbing Lanes</b>					
3.	Prior to the commencement of coal haulage from the site, the Applicant shall provide: <ol style="list-style-type: none"> <li>(a) an auxiliary climbing land on the westbound carriage way on George Booth Drive from Blue Gum Creek to the west for a distance of 1200metres; and</li> <li>(b) an auxiliary climbing lane on the eastbound carriage way of George Booth Drive using an existing widened pavement area by a minor additional widening and marking of lines over a distance of 1200 metres to 2800 metres from the proposed mine access to the satisfaction of the RTA.</li> </ol>		Yes		The climbing lane on George Booth Drive (Blue Gum Creek Passing Lane) was completed to the satisfaction of RTA, prior to commencement of coal haulage from the site. The works included: <ul style="list-style-type: none"> <li>➢ Acquisition of land for road widening;</li> <li>➢ Construction of the westbound climbing lane on GBD for 1200m;</li> <li>➢ Construction of drainage works, road signage, line marking, and safety barriers as required.</li> </ul>

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
<b>John Renshaw Drive – Climbing Lane</b>					
4.	Prior to the commencement of road haulage from the site, the Applicant shall provide an auxiliary climbing lane on the eastbound carriageway of John Renshaw Drive, to the east from George Booth Drive for a distance of 1200 metres, to the satisfaction of the RTA.		Yes		The climbing lane on John Renshaw Drive was completed on the eastbound carriageway to the east of GBD intersection for 1200m to the satisfaction of RTA, prior to commencement of coal haulage from the site. The works included: <ul style="list-style-type: none"> <li>&gt; Acquisition of land for road widening;</li> <li>&gt; Construction of the eastbound climbing lane on JRD with shoulder widening for 1200m;</li> <li>&gt; Construction of drainage works, road signage, line marking, and safety barriers as required.</li> </ul>
<b>George Booth Drive – Passing Lanes at Property Access and Shoulder Widening</b>					
5.	Prior to commencement of road haulage from the site, the Applicant shall: <ul style="list-style-type: none"> <li>(a) provide sealed passing lanes at each property access between Richmond Vale Road John Renshaw Drive.....</li> <li>(b) Widen road shoulders between the Tasman Mine Access and John Renshaw Drive, to the satisfaction of the RTA.</li> </ul>		Yes		Driveway passing facilities on George Booth Drive between Richmond Vale Road and John Renshaw Drive was completed to the satisfaction of RTA, prior to commencement of coal haulage from the site. The works included: <ul style="list-style-type: none"> <li>&gt; Construction of RTA type basic Right Turn Facilities at each property access with sealed shoulders</li> <li>&gt; Adjust affected driveways to tie into the new road works;</li> <li>&gt; Construction of drainage works, road signage, line marking, and safety barriers as required.</li> </ul>
<b>Road Transport Protocol</b>					
6.	Prior to commencement of coal haulage from the site, the Applicant shall develop a Road Transport Protocol, in consultation with the RTA, LMCC, CeCC. This Protocol shall include: <ul style="list-style-type: none"> <li>(a) Define the haulage routes to be used, maximum number of road movements and the haulage hours.</li> <li>(b) Include a Traffic Management Plan</li> <li>(c) Include a Code of Conduct for drivers.</li> </ul>	Road Transport Protocol for Haulage of Coal from the Tasman Mine to the Bloomfield Coal Reveal, December 2006  Road Transport Protocol for Haulage of Coal from the Tasman Mine to the Bloomfield Coal Reveal, Revision 18 March 2008	Yes		The Road Transport Protocol was developed in December 2006 in consultation with the RTA, LMCC and CeCC. The Protocol was updated in March 2008.
<b>Independent Traffic Audit</b>					

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
7.	<p>Within 6 months of commencement of coal haulage, and every 6 months thereafter, unless the D-G directs otherwise, the Applicant shall commission a suitably qualified person, whose appointment has been approved by the D-G, to conduct an Independent Traffic Audit of the development. The audit must:</p> <p>(a) be undertaken without prior notice to the Applicant, and in consultation with the RTA, LMCC and CeCC;</p> <p>(b) Review haulage records;</p> <p>(c) Assess the impact of the development on the performance of road network;</p> <p>(d) Investigate the accident records on the haulage routes and any incidents involving haulage vehicles from the development; assess effectiveness of the Drivers Code of Conduct; and recommend measures to reduce or mitigate any adverse or potentially adverse impacts.</p>	<ul style="list-style-type: none"> <li>Letter to DoP Requesting Approval of Auditor for Independent Traffic Audit, 15 June 2007</li> <li>Letter from DoP Approval of Auditor for Independent Traffic Audit, 10 July 2007</li> <li>Haulage Audit and Safety Review, Connell Wagner, dated 25 January 2008</li> <li>Letter to RTA re Independent Traffic Audit, 18 February 2008</li> <li>Letter to LMCC re Independent Traffic Audit, 18 February 2008</li> <li>Letter to CeCC re Independent Traffic Audit, 18 February 2008</li> <li>Second Independent Traffic Audit No. 2 Tasman Underground Mine, Connell Wagner, March 2008</li> </ul>	Yes		<p>Mr Nial O'Brien of Connell Wagner was approved by the DoP to conduct the Independent Traffic Audit required by MCoA 7.</p> <p>The first independent traffic audit was conducted on 2 August 2007 and the report was submitted to Newcastle Coal on 25 January 2008. Copies of the report were provided to the RTA, LMCC and CeCC for comment. Comments on the First audit were provided to Connell Wagner. The final report had not been submitted to Tasman Mine at the date of this audit.</p> <p>The second Independent Traffic Audit was conducted on 2 May 2008. The draft report was submitted to Newcastle Coal and comments were provided to Connell Wagner on 15 May 2008.</p> <p>Newcastle Coal implemented recommendations made in the first and second draft reports in relation to road signage, traffic etc.</p>
8.	<p>Within 1 month of commissioning the audit, or as otherwise agreed with the D-G, the Applicant shall submit a copy of the audit report to the D-G, with a response to any of the recommendations contained in the audit report.</p>			No	<p>Connell Wagner had not finalised the first or second Independent Traffic Audit audit reports for submission to Newcastle Coal at the date of this audit (18-19 Dec 2008). The reports will be submitted to the DoP as soon as they are received from Connell Wagner.</p>
<b>SUBSIDENCE</b>					
<b>Subsidence Performance Criteria</b>					
9.	<p>The Applicant shall ensure that there is no impact as a result of subsidence from mining associated with this DA on the following infrastructure and landscape features:</p> <p>(e) transmission towers and communication towers on Mount Sugarloaf;</p> <p>(f) Power line pylons;</p> <p>(g) Steep slopes, cliff lines and significant rock outcrops on the on the western side of the deposit, as identified in the EIS;</p> <p>(h) The Sydney to Newcastle freeway (F3) and/or the corridor identified for the proposed F3 to Branxton National Highway Link.</p>				<p>Noted – the underground mining work are designed to manage surface subsidence for protection of the aboveground infrastructure and landscape features. The underground works are progressively approved by DPI for each pillar extraction panel.</p>

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
10.	Before carrying out any underground mining operations that will potentially lead to subsidence of the land surface, the Applicant shall prepare a Subsidence Management Plan for those operations in accordance with the following DMR documents: (a) New Approval Process for Management of Coal Mining Subsidence – Policy; and (b) Guideline for Applications for Subsidence Management Approvals, to the satisfaction of the Director-General of DMR.	Tasman Underground Mine Subsidence Management Plan, November 2007  Subsidence Management Plan Approval, Pillar Extraction Panel 01, 27 January 2008  Subsidence Management Plan Approval, Pillar Extraction Panel 5, 9 October 2008	Yes		A Subsidence Management Plan has been prepared for the Tasman Mine with approvals sought from DPI for each Pillar Extraction Panel (or Panels) prior to commencement of extraction.  Approvals have been obtained for Pillars 1 and 5.  Additional approvals will be applied for prior to commencement of works into the new areas, as the mine progresses.
<b>SURFACE AND GROUND WATER</b>					
<b>Pollution of Waters</b>					
11.	Except as expressly provided by an Environment Protection Licence, the Applicant shall comply with Section 120 of the <i>Protection of the Environment Operations Act 1997</i> during the carrying out of the development.				Noted
<b>Minimise Impacts</b>					
12.	The Applicant shall carry out the development in a way that prevents and/or minimises the potential surface or ground water impacts of the development.				Noted
<b>Stability Assessment</b>					
13.	The Applicant shall not commence mining under any watercourse until a stability assessment of the watercourse has been conducted to the satisfaction of the Department.		NA		Stability assessment being undertaken prior to mining works occurring under any water course.
<b>Obstruction of Flood Waters</b>					
14.	Works used for the conveying, distributing or storing water from the work authorised by this consent shall not be constructed or installed so as to obstruct the free passage of floodwaters to or from a river or lake.		Yes		All surface works have been constructed away from any water course and no structures have interfered with the flows of water in the local waterways on the site.
<b>Tributary Impact Statement</b>					
15.	Any application to the DECC for a licence under the <i>Protection of the Environment Operations Act 1997</i> to discharge surplus mine water must be supported by a tributary impact statement. The tributary impact statement must include a geomorphologic evaluation of the watercourse and an assessment of the impact of the proposed discharge on the streams flora and fauna as well as any users and residents down stream.		NA		No discharge occurs to the environment from the mine works so the Statement is not required.
<b>Surface Water Management System</b>					


MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
16.	The Applicant shall: (a) Construct and utilise a water management system to manage the collection, storage, treatment and use of wastewater;	Site Water Management Plan 12 April 2006, section 3.	Yes		(a) The surface water management on site provide for the separate conveyance of all 'clean' runoff from undisturbed and sealed areas of the development (including the car park) around the operational areas, with collection of 'dirty' runoff from areas likely to contain pollutants (such as coal dust, oil and grease). Collected water is treated as necessary through the oil/water separator and sediment traps and is directed to the pollution control dams for reuse on site.
	(b) install bunds around areas in which fuels, oils, and chemicals are stored. Bunds must: <ul style="list-style-type: none"> <li>• Have walls and floors constructed of impervious materials;</li> <li>• Be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);</li> <li>• Have walls not less than 250mm high;</li> <li>• Have floors graded to a collection sump; and</li> <li>• Not have a drain valve incorporated in the bund structure;</li> </ul>	 <p>Concrete floor sloped to drain all runoff into a central sump.</p>	Yes		(b) All fuel, oils and chemicals are stored in an area with controlled runoff to a sump from the sealed surfaces, prior to direction to the oil/water separator and sediment trap. The covered storage area has a concrete floor and is designed so that all drainage from the floor is directed to the central drain and sump. This ensures capture of any spillage and all runoff from the chemical and oil storage shed floor for treatment.
	(c) install a wastewater treatment facility with oil water separator and sediment trap to treat drainage from the hardstand, vehicle servicing and general workshop areas;	 <p><b>Oil/Water separator and sediment settlement</b></p>	Yes		(c) All runoff, drainage and spillage from the general workshop, hardstand, vehicle servicing area and chemical storage areas is directed to the oil/water separator and sediment trap for treatment.
	(d) ensure that proposed dirty water and clean water dams are located outside any natural water course and be designed and constructed in accordance with the publication titles "Managing Urban Stormwater: Soils and Construction (Department of Housing; and	Site Water Management Plan, 12 April 2006 sections 2.2 –2.4	Yes		(d) The water storage dams on the Tasman Mine site are designed as Type F basins. Two dams are located within the Tributary 3 catchment to the north of the mine facilities and collect all runoff before it reaches the water course. The dams are constructed outside the natural water course with capacities of 6000m <sup>3</sup> and 4000m <sup>3</sup> .



MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes																		
			Yes	No																			
	(e) construct banks, channels and similar works to divert stormwater away from disturbed and contaminated land surfaces such as mine workings, haul roads, overburden disposal areas, coal handling areas and wastewater treatment facilities. All diversion banks, channels and points of discharge should be constructed and stabilised so as to minimise erosion and scouring.	Site Water Management Plan, 12 April 2006 section 5	Yes		(e) The surface runoff from the areas disturbed or affected by the mine activities is diverted to channels with banks constructed as necessary to prevent the loss of water to the natural water courses. The design of the banks and channels control water flows and reduce the potential for erosion or scouring.																		
<b>Monitoring</b>																							
17	The Applicant shall monitor (by sampling and obtaining results by analysis) the pollutants in Table 1 using the specified sampling method, units and frequency:		Yes																				
	<table border="1"> <thead> <tr> <th>Pollutant</th> <th>Frequency</th> <th>Sample</th> </tr> </thead> <tbody> <tr> <td colspan="3"><b>Point 1 – Water discharge point from dirty water dam (Figure 5.7 of the EIS)</b></td> </tr> <tr> <td>EC µS/cm</td> <td rowspan="3">During wet weather discharge</td> <td rowspan="3">Grab</td> </tr> <tr> <td>pH units</td> </tr> <tr> <td>TSS mg/L</td> </tr> <tr> <td colspan="3"><b>Point 2 – Blue Gum Creek d/s of confluence with Tributary 3</b></td> </tr> <tr> <td>EC µS/cm</td> <td rowspan="3">Before and during discharge from Point 1</td> <td rowspan="3">Grab</td> </tr> <tr> <td>pH units</td> </tr> <tr> <td>TSS mg/L</td> </tr> </tbody> </table>	Pollutant	Frequency	Sample	<b>Point 1 – Water discharge point from dirty water dam (Figure 5.7 of the EIS)</b>			EC µS/cm	During wet weather discharge	Grab	pH units	TSS mg/L	<b>Point 2 – Blue Gum Creek d/s of confluence with Tributary 3</b>			EC µS/cm	Before and during discharge from Point 1	Grab	pH units	TSS mg/L	Letter from DoP re Approval of the Environmental Monitoring Program, 18 Jan 2007	Yes	Sampling of water discharges has been carried out at the designated points if discharge was necessary.
	Pollutant	Frequency	Sample																				
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pH units																							
TSS mg/L																							
18.	The Applicant shall monitor regional groundwater levels and quality in the surrounding aquifers during the development and at least 5 years after mining to the satisfaction of the D-G.		Yes		The groundwater monitoring program provides for ongoing monitoring, and review of data to assess the status of aquifers in the region round the mine activities. Monitoring results are reviewed by an independent hydrogeologist annually to confirm the mining impacts are within predicted ranges in the EIS. Assessment and review of predicted groundwater inflows has been conducted by Peter Dundon and Aquaterra.																		
<b>Site Water Management Plan</b>																							
19.	Prior to carrying out any development on the site the Applicant shall prepare a Site Water Management Plan, in consultation with CeCC, LMCC and NSW Fisheries, and to the satisfaction of the D-G. This plan shall include: (a) Surface Water Monitoring Plan (b) Groundwater Monitoring Program (c) Erosion and Sediment Control Plan (d) Surface and Ground Water Response Plan (e) Strategy for decommissioning water management structures on the site.	Site Water Management Plan (SWMP), April 2006  Letter to DoP re Site Water Management Plan, 24 January 2006  Letter from DoP re Site Water Management Plan, 13 April 2006	Yes		The Site Water Management Plan for Tasman Mine includes sections for each of the MCoA 19 requirements: (a) SWMP section 3.4 (b) SWMP section 4.6 (c) SWMP section 5 (d) SWMP section 3.5																		

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
20.	<p>The Surface Water Monitoring Plan shall include:</p> <ul style="list-style-type: none"> <li>(a) Detailed baseline data on surface water flows and quality in Blue Gum Creek upstream and downstream of the development;</li> <li>(b) Surface water impact assessment criteria;</li> <li>(c) Program to monitor surface water flows and quality in Blue Gum Creek; and</li> <li>(d) Program to monitor the effectiveness of the Erosion and Sediment Control Plan.</li> </ul>	<p>Water Management Studies, Tasman Underground Mine, Peter Dundon &amp; Associates, August 2002 EIS section 6.7, August 2002 Site Water Management Plan, April 2006 Letter to DoP re Site Water Management Plan, 24 January 2006 Letter from DoP re Site Water Management Plan, 13 April 2006</p>	Yes		<ul style="list-style-type: none"> <li>(a) EIS section 6.7 Table 6.9 Blue Gum Creek surface water quality</li> <li>(b) Impact assessment criteria are described in Table 6.8 of the EIS and are based on ANZECC trigger values for upland rivers.</li> <li>(c) Monthly surface water quality monitoring commenced in November 2006 in accordance with the site water monitoring program at two locations within Blue Gum Creek, one within Tributary 3 west of George Booth Drive (downstream of site) – BG1 and the other within Tributary 3 west of Dam B (upstream of site) – BG2.</li> <li>(d) Erosion and sediment control structures are inspected regularly and after rainfall events to ensure the integrity of the structures is maintained.</li> </ul>
21.	<p>Groundwater Monitoring Program shall include:</p> <ul style="list-style-type: none"> <li>(a) detailed baseline data of groundwater levels and quality, based on statistical analysis to benchmark the pre-mining natural variation in groundwater levels and quality;</li> <li>(b) groundwater impact assessment criteria;</li> <li>(c) program to monitor the volume of groundwater seeping into the underground mine workings;</li> <li>(d) program to monitor regional groundwater levels and quality in the aquifers.</li> </ul>	<p>Water Management Studies, Tasman Underground Mine, Peter Dundon &amp; Associates, August 2002 EIS section 6.8 August 2002 Site Water Management Plan, April 2006 Letter to DoP re Site Water Management Plan, 24 January 2006 Letter from DoP re Site Water Management Plan, 13 April 2006</p>	Yes		<ul style="list-style-type: none"> <li>(a) Groundwater baseline data was described in the EIS section 6.8 Table 6.10.</li> <li>(b) Groundwater baseline data was described in the EIS section 6.8.2.</li> <li>(c) Groundwater inflows are monitored utilising flow meters measuring the volume of water pumped from various sections of the mine. A series of groundwater monitoring bores have also been installed to monitor groundwater levels.</li> <li>(d) A monitoring program for assessment of the regional groundwater levels and quality of the aquifers has been installed to monitor groundwater levels.</li> </ul>
22.	<p>Erosion and Sediment Control Plan shall:</p> <ul style="list-style-type: none"> <li>(a) comply with the requirements of the Department of Housing "Managing Urban Stormwater: Soils and Construction" manual;</li> <li>(b) identify activities that could cause erosion or discharge sediment or water pollutants from the site;</li> <li>(c) describe the location, function and capacity of all erosion and sediment control structures; and</li> <li>(d) describe measures to minimise soil erosion and the potential migration of sediments to downstream waters.</li> </ul>	<p>Water Management Studies, Tasman Underground Mine, Peter Dundon &amp; Associates, August 2002 Site Water Management Plan, April 2006 Surface Layout Development, Drawing 15, Geoff Craig &amp; Associates 2006 Letter to DoP re Site Water Management Plan, 24 January 2006 Letter from DoP re Site Water Management Plan, 13 April 2006</p>	Yes		<ul style="list-style-type: none"> <li>(a) Design of the dams on site is to type F specifications according to the Landcom Blue Book.</li> <li>(b) Disturbed areas have been rehabilitated and runoff from active areas of the surface facilities is diverted to Dams A and B.</li> <li>(c) Erosion and sediment control structures have been designed to conform with the Landcom Blue Book and are described in the Site Water Management Plan and in Plan 15 Site Layout Development.</li> <li>(d) The erosion and sediment control plans provide for collection of surface runoff from the mine site to Dam A and Dam B for settlement. No discharge occurs to the environment from these</li> </ul>

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
					dams. The water is reused on site.
23.	Surface and Ground Water Response Plan shall include: (a) measures to mitigate any adverse impacts on water flows in Blue Gum Creek; (b) measures to mitigate any adverse impacts on the water quality in Blue Gum Creek; and (c) procedures to be followed if any unforeseen surface or groundwater impacts are detected.	EIS section 6.7, August 2002 Site Water Management Plan, section 6, April 2006 Letter to DoP re Site Water Management Plan, 24 January 2006 Letter from DoP re Site Water Management Plan, 13 April 2006	Yes		(a) water flow mitigation measures related to Blue Gum Creek are outlined in section 6.1 (b) water quality mitigation measures related to Blue Gum Creek are outlined in section 6.2 (c) procedures to be followed if any unforeseen surface or groundwater impacts are outlined in section 6.3
<b>Notice upon Cessation of Groundwater Extraction</b>					
24.	The Applicant shall provide the D-G with written notification of the permanent cessation of its operations by which groundwater is extracted directly or indirectly from the area. Upon such notification being received by DIPNR; (c) the Applicant must provide evidence that all areas affected by dewatering (and any associated activity) have been rehabilitated/restored to pre-mining levels or otherwise agreed condition; and (d) The Applicant may be required to undertake further rehabilitation work, based on the findings of any investigation into the performance of the applicants cessation obligations, or as required by the D-G.		NA		Noted - This condition will be activated and the reporting provided when the mining operations cease.
<b>FLORA AND FAUNA</b>					
<b>Compensatory Habitat</b>					
25.	The Applicant shall establish at least 10 hectares of compensatory habitat on the surface colliery holdings to the satisfaction of the D-G, to offset the vegetation removed by the development.	Letter to DoP Seeking Approval of Revised Compensatory Habitat Area, 28 March 2007  Letter from DoP re Approval of Revised Compensatory Habitat Area, 12 April 2007	Yes		
<b>General</b>					
26.	The Applicant shall: (a) take all practicable measures to minimise the potential flora and fauna impacts of the development; (b) salvage and use as much material as possible from the land that will be disturbed, such as soil, seeds, tree hollows, rocks and logs; (c) ensure that only minimal vegetation clearance is undertaken for the surface infrastructure area; (d) avoid populations of <i>Tetratheca juncea</i> by appropriate positioning of areas requiring surface disturbance; (e) undertake a pre-clearance survey for <i>T. juncea</i> prior to any additional surface disturbance which has not been previously identified in the DA;		Yes		(a) development of the mine surface infrastructure and access to the site has been completed with rehabilitation of disturbed areas undertaken, including revegetation of some areas associated with previous transmission line alignments, that had occurred prior to the development and establishment of the Tasman Mine. Disturbance of the natural flora and fauna habitats during the mine development were minimised by careful planning of access and mine infrastructure [placement]. (b) material disturbed during the mine site

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
	<p>(f) ensure the large hollow bearing trees are retained where ever possible during construction of the surface infrastructure area and that this material is used to provide shelter in undisturbed areas;</p> <p>(g) fence vegetation to be retained prior to clearing or construction activities, to avoid damage from uncontrolled or accidental access; and</p> <p>(h) implement on-site speed limits to reduce the potential for vehicle strike;</p> <p>to the satisfaction of the D-G.</p>				<p>development has been reused on site for rehabilitation and habitat establishment.</p> <p>(c) vegetation disturbance during mine site establishment was limited to the immediate area required for infrastructure establishment.</p> <p>(d) Areas of <i>T. juncea</i> were identified and protected where practicable during mine site establishment.</p> <p>(e) pre-clearance surveys were conducted prior to any vegetation clearance at the mine site.</p> <p>(f) tree hollows were retained and placed in undisturbed area above the mine portals and around the infrastructure areas.</p> <p>(g) vegetation to be retained was protected with barriers during the construction activities.</p> <p>(h) speed limits are in force on site.</p>
<b>Flora and Fauna Management Plan</b>					
27.	<p>Prior to carrying out any development on site, the Applicant shall prepare a Flora and Fauna Management Plan for the development to the satisfaction of the D-G. The Plan must include:</p> <p>(a) Compensatory Habitat Plan;</p> <p>(b) Vegetation Clearance Plan; and</p> <p>(c) Flora and Fauna Monitoring Plan.</p>	<p>Flora and Fauna Management Plan</p> <p>Letter to DoP re Revised Flora and Fauna Management Plan, 30 May 2007</p> <p>Letter from DoP re Approval of Revised Flora and Fauna Management Plan, 27 June 2007</p>	Yes		<p>A Revised Flora and Fauna Management Plan that included a Compensatory Habitat Plan and Vegetation Clearance Plan was submitted to the DoP and approved by the Director-General in June 2007.</p>
28.	<p>Compensatory Habitat Plan must:</p> <p>(a) describe the compensatory habitat proposal;</p> <p>(b) establish baseline data for the existing habitat in the compensatory habitat areas;</p> <p>(c) describe how the compensatory habitat proposal would be implemented;</p> <p>(d) set completion criteria for the compensatory habitat proposal;</p> <p>(e) describe how the performance of the compensatory habitat management proposal would be monitored over time.</p>	<p>Letter to DoP Seeking Approval of Revised Compensatory Habitat Area, 28 March 2007</p> <p>Letter from DoP re Approval of Revised Compensatory Habitat Area, 12 April 2007</p>	Yes		<p>A 10ha area of compensatory habitat has been established and approval for the area was obtained from DoP in 2007.</p> 
29.	<p>Vegetation Clearance Protocol shall include:</p> <p>(a) delineation of areas of remnant vegetation to be cleared;</p> <p>(b) progressive clearing;</p> <p>(c) pre-clearance surveys;</p> <p>(d) identification of fauna management strategies;</p>	<p>Letter from EcoBiological re Pre-clearing Survey of Tasman Mine Surface Disturbance Area, dated 11 September 2006.</p>	Yes		<p>A pre-clearing survey of the area to be disturbed by the Tasman Mine surface operations, was conducted by EcoBiological between June and September 2006. The pre-clearing site activities include supervision of tree felling and survey of</p>

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
	(e) collection of seed from the local area; and (f) salvage and reuse of material from the site; and (g) control of weeds during clearing activities.				habitat hollows and recommendations for the training of contractors in the protocol requirements.
30.	The Flora and Fauna Monitoring Program shall include: (a) a program to monitor the effectiveness of the Compensatory Habitat Plan; and (b) a program to monitor the effectiveness of the conservation measures proposed in the EIS.	Letter from DoP re Flora and Fauna Management Plan Approval, 8 Nov 2005 Letter to DoP re Revised Flora and Fauna Management Plan, 30 May 2007 Letter from DoP re Approval of Revised Flora and Fauna Management Plan, 27 June 2007	Yes		The AEMR reported that there were no significant differences in the faunal community species richness or composition, or apparent broad changes to the extent or condition of the vegetation community at the surface operations areas.
<b>Annual Review</b>					
31.	The Applicant shall review the performance of the Flora and Fauna Management Plan annually, and report the results of this review in the AEMR.		Yes		No revision of the Flora and Fauna Management Plan was required during the June 2007 to November 2008 period.

**AIR QUALITY**

**Impact Assessment Criteria**

34	The Applicant shall ensure that the air pollution generated by the development does not cause additional exceedances of the criteria listed in Tables 2, 3 and 4 at any privately owned land.			Yes	Results reported for 2007 and 2008 show that deposited was below the accepted criteria and is consistent with the air quality levels predicted in the EIS. Suspended particulates (PM <sub>10</sub> and total suspended particulates) were generally below the annual average criteria (50µg/m <sup>3</sup> and 90µg/m <sup>3</sup> respectively). However, on 5 May 2007 there was an exceedance of the 24hr PM <sub>10</sub> criteria (30µg/m <sup>3</sup> ). (It is noted that a fire was recorded on that day approximately 900m from the Seahaven RFS centre and is the likely reason for the elevated reading on this occasion).
	<b>Table 2 - Long Term Impact Assessment Criteria for Particulate Matter</b>				
	<b>Pollutant</b>	<b>Averaging Period</b>	<b>Criterion</b>		
	Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>		
	Particulate matter <10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>		
	<b>Table 3 - Short Term Impact Assessment Criteria for Particulate Matter</b>				
	<b>Pollutant</b>	<b>Averaging Period</b>	<b>Criterion</b>		
	Particulate matter <10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>		
	<b>Table 4 - Long Term Impact Assessment Criteria for Deposited Dust</b>				
	<b>Pollutant</b>	<b>Averaging Period</b>	<b>Max. Increase</b>		
Deposited Dust	Annual	2g/m <sup>2</sup> /mth	4g/m <sup>2</sup> /mth		

Letter from DoP re Approval of the Environmental Monitoring Program, 18 Jan 07

Tasman Coal Mine Air Quality Monitoring Results, Carbon Based Environmental, July 2007

Tasman Coal Mine Air Quality Monitoring Results, Carbon Based Environmental, January 2008


Tasman Coal Mine Air Quality Monitoring Results, Carbon Based Environmental, March 2008

Tasman Coal Mine Air Quality Monitoring Results, Carbon Based Environmental, June 2008


**Operating Conditions**

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes																																		
			Yes	No																																			
33.	The Applicant shall ensure that: (a) Vehicle access roads are watered to ensure appropriate dust suppression; and (b) Loaded trucks are covered prior to leaving the site.		Yes		Vehicle access roads are watered as necessary to reduce dust generation and all loads leaving the Tasman Mine site were observed to be covered.																																		
<b>Ventilation Shaft Post Commissioning Air Emissions Report</b>																																							
34.	Within 3 months of commissioning a ventilation shaft discharge vent, the Applicant shall: (a) carry out ventilation shaft monitoring (by sampling and obtaining results by analysis) of the concentration of each parameter in Table 5, using specified sampling method; (b) submit the results to DEC.	Letter from DoP re Approval of the Environmental Monitoring Program, 18 Jan 07  Ventilation Shaft Monitoring, HLA-Envirosciences, 10 May 2007	Yes		The ventilation shaft monitoring was conducted by HLA-Envirosciences within 3 months of commissioning of the ventilation shaft discharge.																																		
	<table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Solid particles</td> <td>mg/m<sup>3</sup></td> <td rowspan="10">Post commissioning</td> <td>TM-15</td> </tr> <tr> <td>Odour</td> <td>OU</td> <td>OM-7</td> </tr> <tr> <td>Velocity</td> <td>m/s</td> <td>TM-2</td> </tr> <tr> <td>Volumetric Flow Rate</td> <td>m<sup>3</sup>/s</td> <td>TM-2</td> </tr> <tr> <td>Temperature</td> <td>OC</td> <td>TM-2</td> </tr> <tr> <td>Moisture</td> <td>%</td> <td>TM-22</td> </tr> <tr> <td>Dry Gas Density</td> <td>kg/m<sup>3</sup></td> <td>TM-23</td> </tr> <tr> <td>MW of stack gases</td> <td>g/g.mol</td> <td>TM-23</td> </tr> <tr> <td>Carbon dioxide</td> <td>%</td> <td>TM-24</td> </tr> <tr> <td>Sampling positions</td> <td>-</td> <td>TM-1</td> </tr> </tbody> </table>	Pollutant	Units	Frequency	Sampling Method	Solid particles	mg/m <sup>3</sup>	Post commissioning	TM-15	Odour	OU	OM-7	Velocity	m/s	TM-2	Volumetric Flow Rate	m <sup>3</sup> /s	TM-2	Temperature	OC	TM-2	Moisture	%	TM-22	Dry Gas Density	kg/m <sup>3</sup>	TM-23	MW of stack gases	g/g.mol	TM-23	Carbon dioxide	%	TM-24	Sampling positions	-	TM-1	Ventilation Shaft Monitoring, HLA-Envirosciences, 10 May 2007  Ventilation Shaft Discharge Review, Holmes Air Services, June 2007  Letter to DECC re Ventilation Shaft Discharge Review, 2 July 2007.	Yes	<p>Monitoring of the air flow from the ventilation fan was undertaken by HLA-Envirosciences on 10 May 2007 for Total particulates, odour, carbon dioxide (CO<sub>2</sub>). Analysis of samples was conducted at NATA accredited facilities (Australian Laboratory Services and The Odour Unit).</p> <p>Holmes Air Sciences Pty Ltd conducted a study to assess the air quality impacts due to the operation of the ventilation system for the Tasman underground mine. Modeling results indicated that <i>"both odour and particulate emissions from the ventilation fan will have no significant impacts upon any sensitive receivers"</i>.</p> <p>The report concluded that the <i>"emissions from the system were too small to give rise to either impacts from particle emissions or from odours"</i>.</p>
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<b>Meteorological Monitoring</b>																																							
36.	The Applicant shall monitor (by sampling and obtaining results by analysis) the parameters in Table 6 using the specified methods, units of measure and frequency.	Tasman Coal Mine Air Quality Monitoring Results, Carbon Based Environmental, July 2007 to June 2008  AEMR 2006/2007 section 3.1	Yes		An automated weather station was installed on site in November 2006. The station records rainfall, wind sped and direction and temperature. Data recovery from the meteorological station was reported as between 97% and 100% between June 2007 and June 2008 in the reports prepared by Carbon Base Environmental.																																		
	<i>Table 6 – Requirements for Meteorological Monitoring</i>																																						
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MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes																				
			Yes	No																					
<b>NOISE</b>																									
<b>Noise Impact Assessment</b>																									
37.	<p>The Applicant shall ensure that the noise generated by the development does not exceed the criteria in Table 7.</p> <p>Table 7 Project Specific Noise Limits</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Day</th> <th>Evening</th> <th colspan="2">Night</th> </tr> </thead> <tbody> <tr> <td></td> <td colspan="2">L<sub>Aeq(15 minute)</sub> dB(A)</td> <td colspan="2">L<sub>A1(1 minute)</sub> dB(A)</td> </tr> <tr> <td>West Wallsend</td> <td>38</td> <td>38</td> <td>38</td> <td>38</td> </tr> <tr> <td>All other residences</td> <td colspan="2">Background + 5</td> <td colspan="2">B/g + 15</td> </tr> </tbody> </table>	Location	Day	Evening	Night			L <sub>Aeq(15 minute)</sub> dB(A)		L <sub>A1(1 minute)</sub> dB(A)		West Wallsend	38	38	38	38	All other residences	Background + 5		B/g + 15		<p>Letter from DoP re Approval of the Environmental Monitoring Program, 18 Jan 07 Tasman Coal Mine Noise Monitoring Report, Heggies 5 April 2007</p> <p>Letter to DECC re Noise Compliance Report, 3 May 2007</p>	Yes		<p>Quarterly attended noise monitoring conducted by Heggies identified that the Tasman Mine noise operational noise was inaudible at the nearest residential receivers in West Wallsend and Seahampton.</p> <p>The measured noise levels at the monitoring locations were below the consent criteria listed in Table 7 MCoA 37, on each of the quarterly monitoring occasions between February 2007 and February 2008.</p>
Location	Day	Evening	Night																						
	L <sub>Aeq(15 minute)</sub> dB(A)		L <sub>A1(1 minute)</sub> dB(A)																						
West Wallsend	38	38	38	38																					
All other residences	Background + 5		B/g + 15																						
38.	<p>Within 3 months of commencement of normal operations at the premises, and on an annual basis thereafter, the Applicant shall submit a noise compliance assessment report to the DEC. The report must be prepared by an accredited acoustical consultant and must determine compliance with the noise limits in Table 7.</p>	<p>Tasman Coal Mine Noise Monitoring Annual Report 2007/2008, Heggies 30 April 2008.</p> <p>Tasman Coal Mine Noise Monitoring Report, Heggies 5 April 2007</p> <p>Letter to DECC re Noise Compliance Report, 3 May 2007</p> <p>Tasman Coal Mine Noise Monitoring Annual Report 2007/2008, Heggies 30 April 2008.</p>	Yes		<p>The Tasman Coal Mine Annual Monitoring Report prepared by Heggies has been submitted to the DECC in accordance with the requirement of this condition.</p>																				
<b>BLASTING</b>																									
39.	No blasting shall be undertaken at the site.		Yes		No blasting has been undertaken at the site.																				
<b>OFFENSIVE ODOUR</b>																									
40.	The Applicant must not cause or permit the emission of offensive odour beyond the boundary of the premises.	Letter to DECC re Ventilation Shaft Discharge Review, 2 July 2007.	Yes		No odour complaints have been received. The ventilation shaft review conducted by Holes Air Sciences also indicated that there was no impact from odour (refer to comment in MCoA 34)																				
<b>ABORIGINAL &amp; EUROPEAN HERITAGE</b>																									
41	The Applicant shall ensure that a representative of the Awabical Local Aboriginal Land Council, or other relevant Local Aboriginal Land Council is present, or provided with the opportunity to participate, to assist in monitoring the area for artefacts during clearing and/or excavation, when there is maximum visibility of the ground and sub-surface.	Letter from Robert Smith re Proposed Extension Area to Tasman Mine, 9 Dec 2005	Yes		Robert Smith and Barry Randall of the Awabical Local Aboriginal Land Council participated in the survey of the proposed extension to the Tasman Mine area did not identify any archaeological constraints to the development of the subject land.																				

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
42	All personnel on site including contractors and sub-contractors, involved in clearing and/or excavating in the study area must be appropriately briefed on the requirements of the relics provision in the Heritage Act 1977 and national Parks and Wildlife Act 1974, particularly relating to the statutory obligations that apply to the discovery of relics.		Yes		Contractors were inducted before commencing work on the site.
<b>Waste Management</b>					
43.	The Applicant shall not cause, permit or allow any waste generation outside the mine to be received at the mine for storage, treatment, processing, reprocessing or disposal, or any waste generated at the mine to be disposed of at the mine. Except as expressly permitted by a DEC Licence.		Yes		No waste from any source outside of the Tasman Mine site has been received onto the mine site.
44.	The Applicant shall install a suitable sewage disposal system at the site, to the satisfaction of the LMCC.	Construction Certificate No. CC 07-228, AcroCert, 25 June 2007	Yes		All ablutions waste and bathhouse wastewater is collected by licensed contractor for removal from the site and disposal to an approved sewerage treatment plant.
<b>VISUAL IMPACT</b>					
<b>Visual Amenity</b>					
45.	The Applicant shall carry out the development in a way that prevents or minimises the visual impacts of the development.		Yes		The Tasman Mine site surface development has been established to minimise the visual impact of the development. There is no visual impact from George Booth Drive as the mine development has been sensitively established by retaining a vegetative buffer between the road and the surface structures.
46.	Buildings, structures and road works shall be designed and constructed so as to present a neat and orderly appearance, to blend as far as practicable with the surrounding landscape and to minimise visual impact.	 <p>Tasman Mine surface infrastructure looking north from the mine portals. (The structures are not visible from George Booth Drive).</p>			The low profile of the buildings and colour scheme minimises the visual impact of the surface development at the Tasman Mine.



MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
47.	The Applicant shall: (a) landscape the proposed George Booth Drive /Tasman Mine Access Road Intersection within 3 months of completion of the construction works; and (b) maintain and augment the landscaping of the intersection throughout the life of the development to the satisfaction of the D-G.		Yes		All disturbed areas of the development near the Tasman Mine access from George Booth Drive have been revegetated and the weather conditions over the past 12 months have provided good growing conditions on the rehabilitated areas.
<b>Lighting Emissions</b>					
48	The Applicant shall take all, practicable measures to prevent and/or minimise any off-site lighting impacts from the development, particularly in directing light away from George Booth Drive.	Letter from West Wallsend Branch of Australian Labor Party re Flood Light at the Tasman Mine, 2 July 2007 Email response to ALP re lighting issue, 23 July 2007	Yes		The flood lights that were the subject of the complaint were redirected to ensure that there was no light spill to George Booth Drive intersection. No light complaints have been received since July 2007.
49	All external lighting associated with the development shall comply with the Australian Standard AS4282:1995 – Control of Obtrusive Effects of Outdoor lighting.		Yes		Noted
<b>HAZARDS MANAGEMENT</b>					
<b>Spontaneous Combustion</b>					
50.	The Applicant shall take all necessary measures to prevent as far as is practicable, spontaneous combustion on the site and manage any spontaneous combustion on-site to the satisfaction of the DMR.		Yes		No spontaneous combustion incidents have occurred at the Tasman Mine site.
<b>Dangerous Goods</b>					
51.	The Applicant shall ensure that the storage, handling, and transport of dangerous goods is done on accordance with the relevant Australian Standards, particularly AS1940 and AS 1596, and the Dangerous Goods Code.		Yes		Management of any dangerous goods that are stored or handled at the Tasman Mine site occurs in accordance with the relevant Australian Standards. Fuel is stored in a double walled aboveground storage tank. All lubricants, oils and other maintenance chemicals in drums are stored under cover on spill collection trays in an area where any spillage would drain to the oil/water separator. No release occurs to the environment. Spill kits were located in the workshop/chemical storage area, as noted during the site inspection associated with the audit.

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
<b>BUSHFIRE MANAGEMENT</b>					
52	The Applicant shall: (a) ensure that the development is suitably equipped to respond to any fires on site; and (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire on-site during the development.	Bush Fire Management Plan, April 2006  Letter from RFS re Bush Fire Management Plan, 15 May 2006	Yes		Consultation on the Bush Fire Management Plan for the Tasman Mine site occurred with the LMCC and RFS. The LMCC advised that approval of the Plan by the RFS would satisfy the Council.  RFS advised it was satisfied that the Bush Fire Management Plan identified the potential risks associated with bush fire risk to the site and included strategies to mitigate the risks.
53	Before carrying out any development, the Applicant shall prepare a Bushfire Management Plan for the site, to the satisfaction of the LMCC and the Rural Fire Service.				
<b>SCHEDULE 5 - ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING</b>					
<b>ENVIRONMENTAL MANAGEMENT STRATEGY</b>					
1.	The Applicant shall prepare and implement an Environmental Management Strategy for the development. The strategy must: (a) provide the strategic context for environmental management of the development; (b) identify the statutory requirements that apply to the development; (c) describe in general how the environmental performance of the development would be monitored and managed during the development; (d) describe the detailed procedures that would be implemented to: <ul style="list-style-type: none"> <li>• keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>• receive, handle, respond to and record complaints;</li> <li>• resolve any disputes that may arise during the course of the development;</li> <li>• respond to any non-compliance;</li> <li>• manage cumulative impacts; and</li> <li>• respond to emergencies.</li> </ul> (e) describe the role, responsibility, authority and accountability of all the key personnel involved in environmental management of the development.	Environmental Management Strategy for the Tasman Mine – EMS Operating Manual (EOM-01), January 2006 – Requirements Manual (EM-2) - Environmental Management Programs (Operational Plans) Manual (EM-3) – Objectives and Targets Manual (EM-4) – Training and Awareness Element (EME-1) – Communications and Public Relations (EME-2) – Standard Operating Procedures Element (EME-4) – Roles and Responsibilities Element (EME-5) – Document Control Element (EME-6) – Audits and Inspections Element (RF-1) – Monitoring and Measurement Element (RF-2) – Non-Conformance and Corrective action Element (RF-3) – Management Review (RF-4)  Minutes of the CCC Meeting 17 January 2006 – EMS tabled	Yes		(a) Sections 1 to 14 of the EMS (b) Section 1.2 Project Approvals and 10 Environmental Planning; Requirements Manual EM-2 Table 1 (c) Sections: 10.0 Environmental Planning 10.1 Environmental Aspects Manual (EM-1) 10.2 Requirements Manual (EM-2) 10.3 Environmental Management Programs /Plans (EM-3) 10.4 Objectives & Targets (EM-4) 11.0 Operational Plans 13.0 Review and Feedback 13.1 Environmental Audits and Inspections 13.2 Monitoring and Measurement (RF-2) (d) Section 12.0 Environmental Management Elements <ul style="list-style-type: none"> <li>• 12.2 Communications and Public Relations (EME-2)</li> <li>• 13.3 Nonconformance and Corrective Action (RF-3)</li> <li>• 12.3 Emergency Response &amp; Preparedness Plans (EME -3)</li> <li>• 14 Community Consultation and Dispute Resolution</li> </ul> (e) Section 12.5 Roles & Responsibilities (EME-5)
2.	The Applicant shall not carry out any development on the site before the D-G has approved the strategy.	Letter from DoP re Approval of Environment Management Strategy, 13 April 2006	Yes		The Environmental Management Strategy was approved by the D-G on 13 April 2006.

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
3.	Within 14 days of the D-G's approval, the Applicant shall: (a) send copies of the approved strategy to the relevant agencies, CeCC, LMCC, NCC and CCC; and (b) ensure the approved strategy is publicly available during the development.	Letters to LMCC, CeCC, DNR, DPI, CCC, MCC, NCC, DECC/EPA, DMR, NPWS, re Approved Environmental Management Strategy, 8 May 2006	Yes		Stakeholders and interested parties are identified in Section 5 of the EMS. A copy of the approved EMS was provided to each stakeholder on 8 May 2006.
<b>ENVIRONMENTAL MONITORING PROGRAM</b>					
4.	Before carrying out any development on the site, the Applicant shall prepare a detailed Environmental Monitoring Program for the development, in consultation with the relevant agencies and to the satisfaction of the D_G. This program must consolidate the various monitoring requirements in Schedule 4 of this consent into a single document.	Environmental Monitoring Program  Letter to DoP re Environmental Monitoring program, 27 November 2006  Letter from DoP re Approval of Environmental Monitoring Program, 18 January 2007	Yes		The Environmental Monitoring Program was developed for the Tasman Mine and was approved by the DoP in January 2007.
5.	The Applicant shall regularly review, and if necessary update this program in consultation with the D-G, and notify the relevant agencies, CeCC, LMCC, CCC and the general public of any changes to the Strategy.		Yes		The data from the program has been reviewed and the results reported in the AEMR.  There have been no updates to the Environmental Monitoring Program during 2007 and 2008.
<b>ANNUAL REPORTING</b>					
6.	<i>The Applicant shall submit an Annual Environmental Management Report to the D-G and relevant agencies. The report must:</i> (a) identify the standards and performance measures that apply to the development; (b) include a detailed summary of the complaints received during the past year, and compare this to the complaints received in previous 5 years; (c) include a detailed summary of the monitoring results for the development during the past year; (d) include a detailed analysis of these monitoring results against the relevant: <ul style="list-style-type: none"> <li>• impact assessment criteria/limits;</li> <li>• monitoring results from previous years; and</li> <li>• predictions in the EA;</li> </ul> (e) identify any trends in the monitoring results over the life of the development; (f) identify any non-compliance during the previous year; (g) describe what actions were, or are being taken to ensure compliance.	Annual Environmental Management Report (AEMR) 2006/2007  Letter from DoP re AEMR, 12 March 2008  Letter from DPI re AEMR, 23 April 2008	Yes		(a) Section 1.1 – Consents, Leases and Licenses  (b) Section 4.1 – Environmental Complaints  (c) Section 3 – Environmental Management and Performance  (d) Section 3 – Environmental Management and Performance  (e) Section 3 – Environmental Management and Performance  (f) Section 3 – Environmental Management and Performance  (g) Section 3 – Environmental Management and Performance – any action reported under each aspect.

Independent Environmental Audit – December 2008  
Tasman Underground Mine Project

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
<b>INDEPENDENT AUDIT REPORT</b>					
	At the end of year 2 of the development, and every 5 years thereafter, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must: (a) be conducted by suitably qualified, experienced and independent person/s whose appointment has been endorsed by the D-G; (b) be consistent with ISO19011:2002 – Guidelines for Quality and/or Environmental Systems Auditing, or updated versions of this guideline; (c) assess the environmental performance of the development, and its effects on the surrounding environment; (d) assess whether the development is complying with the relevant standards, performance measures and statutory requirements;	ISO19011:2002 – Guidelines for Quality and/or Environmental Systems Auditing  Letter from DoP re Endorsement of Auditor by Director-General, 15 October 2008	Yes		The first Independent Environmental Audit at the end of year 2 of the development was conducted on 18-19 December 2008 by Trevor Brown & Associates. Underground mining commenced in October 2007.  The environmental performance of the mine operations against the MCoA and other approvals was conducted. Assessment of the operations in relation to the effects on the surrounding environment was undertaken using the available data from the monitoring programs and predictions in the EIS.
7.	(e) review the adequacy of any Applicants Environmental Management Strategy and Environmental Monitoring Program; and if necessary (f) recommend measures or actions to improve the environmental performance of the project, and/or the environmental management or monitoring systems.		Yes		The Environmental management Strategy and Environmental Monitoring Program were reviewed for adequacy in relation to the constructed facilities and operations of the mine for protection of the surrounding environment and community.
8.	Within 3 months of the commissioning of this audit, the Applicant shall submit a copy of the audit report to the D-G, with a detailed response to any recommendations contained in the audit report.				Noted
<b>COMMUNITY CONSULTATIVE COMMITTEE</b>					
9.	The Applicant shall ensure that there is a Community Consultative Committee to oversee the environmental performance of the development. This committee shall: (a) be comprised of: <ul style="list-style-type: none"> <li>• 2 representatives from the Applicant, including the person responsible for environmental management at the mine;</li> <li>• 1 representative each from the LMCC and CeCC; and</li> <li>• 3 representatives from the local community whose appointment has been approved by the D-G;</li> </ul> (b) be chaired by an independent chairperson, whose appointment has been approved by the D-G				The Tasman Mine Community Consultative Committee was established in 2005. The CCC members are: The Hon Milton Morris AO - Chairman Cr Jeff Maybury - Cessnock City Council Cr Barry Johnson - Lake Macquarie City Council Mr Chris Parker – Community member Mr Adrian Roach – Community member Mr Jeff Stevenson – Community member Mr Alick Osborne - Donaldson Coal Mr Mark McPherson - Newcastle Coal Company Mr Phillip Brown - Donaldson Coal

Independent Environmental Audit – December 2008  
Tasman Underground Mine Project

MCoA	Minister's Conditions of Consent (MCoA)	Evidence Reviewed	Compliance		Comments/Notes
			Yes	No	
	(c) meet at least twice a year; (d) review and provide advice on the environmental performance of the development including any construction or environmental management plans, monitoring results, audit reports or complaints.		Yes		Meetings are held regularly and the Minutes produced are provided to the members and community (via the Donaldson Coal website)
10.	The Applicant shall, at its own expense: (a) ensure that 2 of its representatives attend Committee's meetings; (b) provide the Committee with regular information on the environmental performance and management of the development; (c) provide meeting facilities for the CCC; (d) arrange site inspections for the CCC, if necessary; (e) take minutes of the Committee meetings; (f) make these Minutes available to the public for inspection within 14 days of the Committee meeting, or as agreed to by the Committee; (g) forward a copy of these minutes to the Director-General; (h) respond to any advice or recommendations the Committee may have in relation to environmental management or performance of the development; (i) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the D-G within a month of the Committee meeting.	Community Consultative Committee Meeting Minutes 17 Jan 2006 Community Consultative Committee Meeting Minutes 2 May 2006  Community Consultative Committee Meeting Minutes 4 July 2006  Community Consultative Committee Meeting Minutes 14 Nov 2006  Community Consultative Committee Meeting Minutes 20 Dec 2006  Community Consultative Committee Meeting Minutes 3 July 2007  Community Consultative Committee Meeting Minutes 15 Nov 2007  Tasman Mine, Update December 2007	Yes		(a) Two representatives have attended the CC Meetings held (b) Information on environmental performance is provide to the CC at the Meetings and through the Tasman Mine Updates (c) Tasman Mine have arranged the venues for the CC Meetings (d) Site inspections for the CC members have occurred (refer to CCC Minutes May 06. (e) Minutes of the CC Meetings have been prepared by Tasman Mine representatives (f) Minutes have been made available to the public on the Donaldson Coal website <a href="http://www.doncoal.com.au">www.doncoal.com.au</a> (g) Copies of the Minutes have been submitted to the D-G (h) Responses to the CCC in relation to environmental management and performance of the development has occurred and is recorded in the Minutes.
11.	The Applicant shall ensure that the Committee has its first meeting before the Environmental Management Strategy is submitted to the D-G for approval.		Yes		The first CCC Meeting was held on 17 January 2007 and an overview of the Environmental Management Strategy was presented and tabled for discussion as recorded in the CCC Minutes on 17 January 2007.

**Attachment C                      Environment Protection Licence No. 12483**

**Attachment C Environment Protection Licence No. 12483 - Tasman Mine**


Environmental Protection Licence No. 12483				
Condition No.	Condition	Evidence Reviewed	Compliance	Comments/Notes
1	<b>Administrative conditions</b>			
A1.1	This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2. Construction of works to support underground mining operation.			Noted
A1.2	This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification,, fee based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition. <b>Scheduled Activity</b> Mining for coal Coal works <b>Fee Based Activity Scale</b> Coal Mining (26) > 500000 - 2000000 T produced		Yes	The coal production has been <2,000,000 tpa in accordance with the Fee Based Activity Scale.
A1.3	The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this licence.			Noted
A2	<b>Premises to which this licence applies</b>			
A2.1	The EPL applies to the following premises: <b>Licencee:</b> Newcastle Coal Company Pty Ltd <b>Premises Details:</b> Tasman Coal Mine George Booth Drive Seahampton NSW 2286 Mining Lease No.186		Yes	Mining activities have been conducted within the premises identified in EPL condition A2.1
A3	<b>Other activities</b>			N/A
A4	<b>Information supplied to the EPA</b>			Noted
2	<b>Discharges to air and water and applications to land</b>			
P1	<b>Location of monitoring/discharge points and areas</b>			

Environmental Protection Licence No. 12483													
Condition No.	Condition	Evidence Reviewed	Compliance	Compliance	Comments/Notes								
P1.2	P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.				Noted								
P1.3	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.				Noted								
	<table border="1"> <thead> <tr> <th>EPA no.</th> <th>Type of Monitoring Point</th> <th>Point Description of Location</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Wet weather discharge Discharge quality monitoring</td> <td>Discharge from the 'dirty water dam' as shown in Figure 5.7 of the EIS Tasman Underground Mine, August 2002</td> </tr> <tr> <td>2</td> <td>Ambient Water monitoring</td> <td>Bluue Gum Creek immediately downstream of its confluence with Tributary 3 as shown in Figure 6.6 of the EIS Tasman Underground Mine, August 2002</td> </tr> </tbody> </table>	EPA no.	Type of Monitoring Point	Point Description of Location	1	Wet weather discharge Discharge quality monitoring	Discharge from the 'dirty water dam' as shown in Figure 5.7 of the EIS Tasman Underground Mine, August 2002	2	Ambient Water monitoring	Bluue Gum Creek immediately downstream of its confluence with Tributary 3 as shown in Figure 6.6 of the EIS Tasman Underground Mine, August 2002		Yes	Monitoring of the discharge from the Tasman Mine has occurred in accordance with condition P1.3. Results are reported in the Annual Return to the DECC and the AEMR required in MCoA Schedule 5 condition 6.
EPA no.	Type of Monitoring Point	Point Description of Location											
1	Wet weather discharge Discharge quality monitoring	Discharge from the 'dirty water dam' as shown in Figure 5.7 of the EIS Tasman Underground Mine, August 2002											
2	Ambient Water monitoring	Bluue Gum Creek immediately downstream of its confluence with Tributary 3 as shown in Figure 6.6 of the EIS Tasman Underground Mine, August 2002											
L1	<b>Limit Conditions</b>												
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.				Noted								
L5	<b>Waste</b>												
L5.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.			Yes	No waste generated outside the Tasman Mine premises has been received to the site between 2006 and 2008.								
L5.2	This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.			Yes	No waste generated outside the Tasman Mine premises has been received to the site between 2006 and 2008								
L6	<b>Noise Limits</b>												
L6.1	Noise generated at the premises must not exceed the limits specified in the table below.												



Environmental Protection Licence No. 12483						
Condition No.	Condition			Evidence Reviewed	Compliance	Comments/Notes
	<b>Location</b>	<b>Day</b>	<b>Evening</b>	<b>Night</b>		
		<b>L<sub>Aeq(15 minutes)</sub> dB(A)</b>		<b>L<sub>A1(1 minute)</sub> dB(A)</b>		
	West Wallsend Residential Area	38	38	38	38	Yes
	All other residences	Background + 5 dB(A)		Background + 15 dB(A)		
<b>L6.2</b>	To determine compliance with condition(s) L6.1 noise must be measured at, or computed for, the most affected point on or within the residential boundary, or at the most affected point within 30m of the dwelling where the dwelling is more than 30m from boundary, to determine compliance with the LAeq(15 minute) noise limits. A modifying factor correction must be applied for tonal, impulsive or intermittent noise in accordance with the "Environmental Noise Management - NSW Industrial Noise Policy (January 2000)".					Noted – Noise monitoring conducted by Heggies has been undertaken in accordance with L6.2 and reported in the quarterly Heggie Reports.
<b>L6.3</b>	Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the LA1(1 minute) noise limits in condition L6.1.					Noted – Noise monitoring conducted by Heggies has been undertaken in accordance with L6.2 and reported in the quarterly Heggie reports.
<b>L6.4</b>	The noise emission limits identified in this licence apply under all meteorological conditions except: (a) during rain and wind speeds (at 10m height) greater than 3m/s; and (b) under "non-significant weather conditions".					Noted – Noise monitoring conducted by Heggies has been undertaken in accordance with L6.2 and reported in the Heggie Reports.
<b>L6.5</b>	Open cut mining activities must only be conducted between 7am to 10pm Monday to Saturday and 8am to 10pm Sundays and Public Holidays.				N/A	
<b>L7</b>	<b>Potentially Offensive Odour</b>					
<b>L7.1</b>	The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.				Yes	No odour has been generated or emitted from the Tasman Mine operations.
<b>L7.2</b>	No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.					Noted
<b>4</b>	<b>Operating conditions</b>					
<b>O1</b>	<b>Activities must be carried out in a competent manner</b>					

Environmental Protection Licence No. 12483					
Condition No.	Condition	Evidence Reviewed	Compliance		Comments/Notes
O1.1	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.				Noted
O2	<b>Maintenance of plant and equipment</b>				
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: (a) must be maintained in a proper and efficient condition; (b) must be operated in a proper and efficient manner.				Noted
O3	<b>Dust</b>				
O3.1	All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.				Noted
O4	<b>Stormwater Management</b>				
O4.1	A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater runoff from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. If a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in the publication "Managing Urban Stormwater: Soils and Construction" (Landcom, 2004), or as revised.	Site Water Management Plan 12 April 2006  Surface Layout Development, Drawing 15, Geoff Craig & Associates 2006			A Stormwater Management Plan has been developed for the site and the drains and erosion control structures established to management surface runoff from the site works areas (refer to Surface Layout and Drainage Development – Tasman Mine Stormwater Management Plan section 4 of this report).
O4.2	The proposed "Dirty Water" and "Clean Water" dams must be located outside any natural watercourse and be designed and constructed in accordance with the publication titled "Managing Urban Stormwater: Soils and Construction" (Landcom, 2004), or as revised.	Site Water Management Plan April 2006 section 2.2 to 2.4	Yes		The water storage dams on the Tasman Mine site are designed as Type F sediment basins. The two dams are located within Tributary 3 catchment to the north of the mine facilities and collect all runoff before it reaches the water course. The dams are constructed outside the natural water course with capacities of 6000m <sup>3</sup> and 4000m <sup>3</sup> .

Environmental Protection Licence No. 12483					
Condition No.	Condition	Evidence Reviewed	Compliance		Comments/Notes
O4.3	Banks, channels and similar works must be constructed to divert stormwater away from disturbed and contaminated land surfaces such as mine workings, haul roads, coal handling areas and wastewater treatment facilities. All diversion banks, channels and points of discharge must be constructed or stabilised so as to minimise erosion and scouring.	Site Water Management Plan April 2006 section 2.2 to 2.4	Yes		The surface runoff from the areas disturbed or affected by the mine activities is diverted to channels with banks constructed as necessary to prevent the loss of water to the natural water courses. The design of the banks and channels control water flows and reduce the potential for erosion or scouring.
O5	<b>Wastewater Management</b>				
O5.1	A water management system must be constructed and utilised to manage the collection, storage, treatment, use and disposal of mine water, sewage effluent and other wastewater.		Yes		The water management system for the Tasman Mine site surface works has been designed to control surface runoff and collect water and wastewater for storage and treatment prior to reuse on site (refer to section 4).
O5.2	Bund(s) must be installed around areas in which fuels, oils and chemicals are stored. Bunds must: <ul style="list-style-type: none"> <li>➢ have walls and floors constructed of impervious materials;</li> <li>➢ be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);</li> <li>➢ have walls not be less than 250 millimetres high;</li> <li>➢ have floors graded to a collection sump; and</li> <li>➢ not have a drain valve incorporated in the bund structure.</li> </ul>		Yes		All fuel, oils and chemicals are stored in an area with controlled runoff to a sump from the sealed surfaces, prior to direction to the oil/water separator and sediment trap. The covered storage area has a concrete floor and is designed so that all drainage from the floor is directed to the central drain and sump. This ensures capture of any spillage and all runoff from the chemical and oil storage shed floor for treatment
O5.3	A wastewater treatment facility with oil separator and sediment trap must be installed to treat drainage from the hardstand, vehicle servicing and general workshop areas.		Yes		 <p>Oil/Water separator and sediment settlement pit.</p>
O5.4	An area must be provided for the use of effluent from the sewage treatment plant. The design of the system must be in accordance with the DEC's "Environmental Guideline: Use Of Effluent By Irrigation".		N/A		Ablution waste and wastewater from the bath house is collected by licensed contractor and removed from site for disposal at an approved sewerage treatment plant.

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O5.5	The quantity of wastewater applied to the utilisation area(s) must not exceed the capacity of the utilisation area(s) to effectively utilise the effluent. For the purpose of this condition, "effectively utilise" includes the ability of the soil to absorb the nutrient, salt and hydraulic loads and the applied organic material without causing harm to the environment		N/A	Ablution waste and wastewater from the bath house is collected by licensed contractor and removed from site for disposal at an approved sewerage treatment plant. No effluent is applied on site.
5	<b>Monitoring and recording conditions</b>			
M1	<b>Monitoring records</b>			
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.			Noted
M1.2	All records required to be kept by this licence must be: (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 authorized officer of the EPA who asks to see them.		Yes	All monitoring records have been retained in the Donaldson Coal Environmental Managers' files since commencement of the Tasman Mine project in 2006.
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: (a) the date(s) on which the sample was taken; (b) the time(s) at which the sample was collected; (c) the point at which the sample was taken; and (d) the name of the person who collected the sample.		Yes	All monitoring records have been retained in the Donaldson Coal Environmental files since 2006, with date of sampling, time of sampling, sampling point number and name of the person collecting the sample recorded on and Chain of Custody forms.
M2	<b>Requirement to monitor concentration of pollutants discharged</b>			
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns. For the purposes of the table(s) Special Frequency 1 means the collection of samples immediately prior to, and during, any discharge from Point 2.	Laboratory Reports: ALS	Yes	Testing methods used by contract consultants are in accordance with EPL condition M2.1 requirements.

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Condition No.	Condition				Evidence Reviewed	Compliance	Comments/Notes																												
	Water and Land <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units</th> <th>Frequency</th> <th>Sample Method</th> </tr> </thead> <tbody> <tr> <td colspan="4"><b>Point 1</b></td> </tr> <tr> <td>Conductivity</td> <td>µS/ cm</td> <td rowspan="3">Each overflow event</td> <td rowspan="3">Grab sample</td> </tr> <tr> <td>TSS</td> <td>mg/L</td> </tr> <tr> <td>pH</td> <td>pH units</td> </tr> <tr> <td colspan="4"><b>Point 2</b></td> </tr> <tr> <td>Conductivity</td> <td>µS/ cm</td> <td rowspan="3">Special frequency 1</td> <td rowspan="3">Grab sample</td> </tr> <tr> <td>TSS</td> <td>mg/L</td> </tr> <tr> <td>pH</td> <td>pH units</td> </tr> </tbody> </table>				Pollutant	Units	Frequency	Sample Method	<b>Point 1</b>				Conductivity	µS/ cm	Each overflow event	Grab sample	TSS	mg/L	pH	pH units	<b>Point 2</b>				Conductivity	µS/ cm	Special frequency 1	Grab sample	TSS	mg/L	pH	pH units		Yes	Monitoring has occurred in accordance with this condition (when there was water available at the sampling point). Results are reported in the Annual Return to the DECC and in the AEMR required in MCoA Schedule 5 condition 6.
Pollutant	Units	Frequency	Sample Method																																
<b>Point 1</b>																																			
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<b>M3</b>	<b>Testing methods - concentration limits</b>																																		
<b>M3.1</b>	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: (a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or (b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or (c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.					Yes	Testing methods used are in accordance with EPA approved methods.																												
<b>M3.2</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.					Yes	Testing methods used by the contract consultants are in accordance with EPA approved methods. Laboratory analysis are conducted by ACIRL (dust deposition and PM10 analysis), Heggies (noise), and ALS a NATA registered laboratory for water quality analysis.																												
<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.					Yes	Complaints received are recorded in accordance with EPL condition M4.1, and reported to the CCC and in the AEMR.																												

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Condition No.	Condition	Evidence Reviewed	Compliance		Comments/Notes
M4.2	The record must include details of the following: (a) the date and time of the complaint; (b) the method by which the complaint was made; (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; (d) the nature of the complaint; (e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and (f) if no action was taken by the licensee, the reasons why no action was taken.		Yes		Any complaints received would be recorded in accordance with EPL condition M4.2.
M4.3	The record of a complaint must be kept for at least 4 years after the complaint was made.		Yes		Complaints records have been retained in the Donaldson Coal Environmental files since 2006.
M4.4	The record must be produced to any authorised officer of the EPA who asks to see them.				Noted
M5	<b>Telephone complaints line</b>				
M5.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.		Yes		An established telephone complaints line for the public (1800 111 271) has been operated by Donaldson Coal from 2001-2008.
M5.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.		Yes		The community hotline (1800 111 271) is listed on the Donaldson Coal website.
M5.3	Conditions M5.1 and M5.2 do not apply until 3 months after: (a) the date of the issue of this licence; or (b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.		Yes		Noted - The mine commenced operation in February 2007 and the community hotline and complaints process has been in operation since that time.
M7	<b>Noise monitoring</b>				

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Condition No.	Condition	Evidence Reviewed	Compliance		Comments/Notes
M7.1	A noise compliance assessment report shall be submitted to the EPA within three months of commencement of normal operations at the premises and on an annual basis with the Annual Return as set out in condition R1 thereafter. The report must be prepared by an accredited acoustical consultant and must determine compliance with the noise limits in condition L6.1.	Tasman Coal Mine Noise Monitoring Report, Heggies 5 April 2007  Letter to DECC re Noise Compliance Report, 3 May 2007  Tasman Coal Mine Noise Monitoring Annual Report 2007/2008, Heggies 30 April 2008.	Yes		Quarterly attended noise monitoring conducted by Heggies identified that the Tasman Mine noise operational noise was inaudible at the nearest residential receivers in West Wallsend and Seahampton.  The measured noise levels at the monitoring locations were below the consent criteria listed in Table 7 MCoA 37, on each of the quarterly monitoring occasions between February 2007 and February 2008.
6	<b>Reporting conditions</b>				
R1	<b>Annual return documents</b>				
R1.1	<b>What documents must an Annual Return contain?</b> The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: (a) a Statement of Compliance; and (b) a Monitoring and Complaints Summary. A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.		Yes		The Annual Returns for the Tasman Mine have been submitted to the DECC with a Statement of Compliance, Monitoring and Complaints Summary on the forms provided by the EPA.
R1.2	<b>Period covered by Annual Return</b> An Annual Return must be prepared in respect of each reporting period, except as provided below. Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.	Annual Return 8 May 2006 to 7 May 2007 Annual Return 8 May 2007 to 7 May 2008	Yes		The Annual Returns for the Tasman Mine have been submitted to the DECC for the periods of 8 May to 7 May each year.
R1.3	Where this licence is transferred from the licensee to a new licensee, (a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and (b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.		N/A		

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Condition No.	Condition	Evidence Reviewed	Compliance		Comments/Notes
R1.5	<b>Deadline for Annual Return</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').	Annual Return 8 May 2006 to 7 May 2007 Annual Return 8 May 2007 to 7 May 2008	Yes		The Anniversary Date for the EPL is 8 May and the Annual Returns have been supplied to the DECC within the 60 days period of the end of the reporting periods. The Annual Returns were received by the DECC on 6 July 2007 and 4 July 2008 respectively.
R1.7	<b>Licensee must retain copy of Annual Return</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.		Yes		Copies of the Annual Returns are retained by the in the Donaldson Coal Environmental Manager.
R1.8	<b>Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary</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.	Annual Return 8 May 2006 to 7 May 2007, submitted to DECC  Annual Return 8 May 2007 to 7 May 2008, submitted to DECC, 30 June 2008	YES		The Annual Return was signed by Directors of the Company holding the Environment Protection Licence.
R1.9	A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.				Noted
R2	<b>Notification of environmental harm</b> 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.	Annual Return 8 May 2006 to 7 May 2007, submitted to DECC  Annual Return 8 May 2007 to 7 May 2008, submitted to DECC, 30 June 2008	Yes		EPL condition M2.1 – non-compliance occurred of an unmonitored discharge from the site during a heavy rainfall event on 8 July 2007 that resulted in widespread flooding in the region. It was not considered that the rainfall runoff would have caused environmental harm due to the flooding in the local area and the minimal impact of the discharge volume on the receiving waters.
R2.1	Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.				Noted
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.				Noted
R3.1	<b>Written report</b>				Noted



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	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.			
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.			Noted
R3.3	The request may require a report which includes any or all of the following information: (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; and (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; (g) any other relevant matters.			Noted
R3.4	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.			Noted
G1	<b>General Conditions</b>			

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Condition No.	Condition	Evidence Reviewed	Compliance		Comments/Notes
G1.1	A copy of this licence must be kept at the premises to which the licence applies.		Yes		A copy of the Environment Protect Licence No. 12548 is kept by the Environment Manager.
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.				Noted
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.				Noted
<b>G2 Contact number for incidents and responsible employees</b>					
G2.1	The licensee must operate 24-hour telephone contact lines for the purpose of enabling the EPA to directly contact one or more representatives of the licensee who can: (a) respond at all times to incidents relating to the premises; and (b) contact the licensee's senior employees or agents authorised at all times to: (i) speak on behalf of the licensee; and (ii) provide any information or document required under this licence.		Yes		
G2.2	Condition G2.1 does not apply until 3 months after: (a) the date of the issue of this licence; or (b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.				Noted
G2.3	The licensee is to inform the EPA in writing of the appointment of any subsequent contact persons, or changes to the person's contact details as soon as practicable and in any event within fourteen days of the appointment or change.				Noted
<b>Pollution studies and reduction programs</b>					
U1	<b>Ventilation Shaft Post Commissioning Air Emissions Report</b>				
U1.1	Within 90 days of commissioning the ventilation air discharge vent the licensee must submit a post commissioning air emissions report to the EPA's Regional Manager - Hunter that includes:	Letter to DECC re Ventilation Shaft Discharge Review, 2 July 2007.	Yes		Holmes Air Sciences Pty Ltd conducted a study to assess the air quality impacts due to the operation of the ventilation system for the Tasman underground mine. The report

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Condition No.	Condition	Evidence Reviewed		Compliance	Comments/Notes
	a) Ventilation shaft monitoring (by sampling and obtaining results by analysis) of the concentration of each pollutant specified in the Table below. The licensee must use the sampling method, units of measure, and sample at the frequency specified opposite in the other columns.				concluded that the 'emissions from the system were too small to give rise to either impacts from particle emissions or from odours.'
	<b>Pollutant</b>	<b>Units if Measure</b>	<b>Frequency</b>	<b>Sampling Method</b>	
	Solid particles	Mg/m3	Post Commissioning	TM-15	
	Odour	OU		OM-7	
	Velocity	M/s		TM-2	
	Volumetric flow rate	M3/s		TM-2	
	Temperature	OC		TM-2	
	Moisture	%		TM-22	
	Dry gas density	Kg/m3		TM-23	
	Molecular weight of stack gases	G/g.mol		TM-23	
	Carbon dioxide	%		TM-24	
	Selection of sampling positions			TM-1	
	b) If the results of the ventilation shaft monitoring are outside the range used in the dispersion modeling study in the EIS, the licensee must reassess the odour and dust impacts from the operation of the Tasman Mine and submit the results to the EPA's Regional Manager - Hunter.	Letter to DECC re Ventilation Shaft Discharge Review, 2 July 2007.		Yes	Holmes Air Sciences Pty Ltd conducted a study to assess the air quality impacts due to the operation of the ventilation system for the Tasman underground mine. The report concluded that the 'emissions from the system were too small to give rise to either impacts from particle emissions or from odours.'