

Appendix 3

COMPLIANCE REVIEW

PA 05_0102 MOD 1 (Table A3-1)

PA 08_0144 MOD 2 (Table A3-2)

EPL 12789 (Table A3-3)

ML 1609 (Table A3-4)

TABLE A3-1
PROJECT APPROVAL 05_0102 MOD 1

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
Schedule 2: Administrative Conditions			
1.	The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.	Yes	As per condition.
2.	The Applicant shall carry out the development generally in accordance with the: (a) EA; (b) statement of Commitments (see Appendix 3); (c) modification application 05_0102 MOD 1, supporting Environmental Assessment title “Narrabri Coal Mine – Section 75W Modification”, dated October 2009 and Proponent’s Response to Submissions dated 10 February 2010; and (d) conditions of this approval.	Yes	The activities on site were generally being undertaken in accordance with the nominated documents.
3.	If there is any inconsistency between the above documents, that later document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	Yes	As per condition.
4.	The proponent shall comply with any reasonable and feasible requirements of the Director General arising from the Department’s assessment of: (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this approval; and (b) the implementation of any actions or measures contained in these reports, plans, programs strategies or correspondence.	Yes	All requests complied with.
5.	Mining Operations may take place on the site for 21 years from the grant of the mining lease for the project.	Yes	Mining Lease granted in January 2008.
6.	The proponent shall not extract more than 2.5 million tonnes of ROM coal a year from the site.	Yes	2,986,527t coal produced during reporting period, refer to Table A3-2.

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
7.	The proponent shall transport all coal from the site by rail.	Yes	Refer to Table A3-2 in relation to one off transport by road.
8.	With the approval of the Director General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.	Yes	As per condition.
8A.	The proponent shall prepare revisions of any strategies, plans or programs required under this approval if directed to do so by the Director-General. Such revisions shall be prepared to the satisfaction of, and within a timeframe approved by, the Director- General.	Yes	As per condition.
9.	The proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with relevant requirements of the BCA.	Yes	All buildings on site constructed in accordance with Council certification.
10.	The proponent shall ensure that all demolition work is carried out in accordance with <i>Australian Standards AS 2601-2001: The Demolition of Structures</i> , or its latest version.	N/A	No demolition works required.
11.	The proponent shall ensure that all plant and equipment used on site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Yes	All equipment used subject to 'Introduction to Site' inspections and also daily pre-start checks.
12.	Within 12 months of this approval, the Proponent shall enter into a planning agreement with Narrabri Shire Council, Gunnedah Shire Council and the Minister in accordance with: (a) Division 6 of Part 4 of the EP&A Act; and (b) the terms of the Proponents offer to the Minister on 7 September 2007, which includes the matters set out in Appendix 4.	Yes	As per condition.
Schedule 3: Specific Environmental Conditions			

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
1.	Within 5 years of the date of this approval, the proponent shall ensure that any loss of water flow into the Great Artesian Basin aquifers (equal to the maximum predicted impact, or the measured impact of the project, whichever is the greater), is managed, licensed or offset to the satisfaction of the NOW.	N/A	Not yet triggered
2.	Within 12 months of the commencement of mining operations, the Proponent shall undertake a transient calibration of the groundwater model presented in the EA, in consultation with NOW and DECCW, and to the satisfaction of the Director-General.	No	Mining commenced end June 2010. Refer to PA 08_0144 MOD 2, Schedule 4, Condition 9, in relation to calibration required within 24 months of commencement of longwall mining.
3.	Following the completion of the transient calibration of the groundwater model.....	N/A	Calibration not yet required.
4.	The proponent must commence construction of the water conditioning plant identified in condition 10(d) when daily mine dewatering volumes exceed 0.88 megalitres, or an alternative trigger point based on review of the water balance and model and established in consultation with NOW and DECCW, and approved by the Director General.	Yes	Not triggered by dewatering rate, however, Water Conditioning Plant constructed and commissioned as main water supply for operations.
5.	Except as may be expressly provided for by an EPL, the Proponent shall not discharge any surface waters from the site. However, product water from the water conditioning plant may be transferred to water users in accordance with an approved Water Management Plan.	No	Refer to Section 3.3 of AEMR/Annual Review. No transfer of water to date to other water users.
6.	The Proponent shall: (a) construct evaporation/storage ponds incorporating the use of low permeability layers to manage minewater generated by the project. (b) prior to commencement of construction, submit pond designs and a construction QA/QC program to DECCW; and (c) prior to commissioning the ponds, submit an “as constructed” report, produced by an experienced and qualified engineer, to DECCW; to the satisfaction of the Director General.	Yes Yes No	Ponds constructed to design criteria as approved by DECCW. “As Constructed” report provided on 5 th September 2011.

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
7.	The proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director General. This plan must be submitted to the Director General for approval prior to the commencement of construction activities (not including the construction of the Kamilaroi Highway intersection) in consultation with DECCW and NOW by suitably qualified expert/s whose appointments have been approved by the Director General and include a: (a) site water balance; (b) Erosion and Sediment Control Plan (c) Surface Water Monitoring Program; and (d) Surface and Groundwater Response Plan, setting out procedures for:.....	Yes	The Site Water Management Plan (SWMP) for the operational phase was submitted to DECCW, DoP and NOW on the 17 th March 2010 and was approved by DoP on the 13 th July 2010.
8.	The Site Water Balance must....	Yes	As per condition.
9.	The Erosion and Sediment Control Plan must....	Yes	As per condition.
10.	The Surface Water Monitoring Plan must....	Yes	As per condition.
11.	The Groundwater monitoring program must.....	Yes	As per condition.
12.	The proponent shall ensure that the noise generated by the project does not exceed the levels set out in Table 1 at any privately owned residence.	Yes	No noise exceedances recorded during the reporting period.
12A.	If the noise generated by the project exceeds the criteria in Table 1A at any residence on privately-owned land, or on more than 25% of any privately-owned land, then the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 5-7 of schedule 3A.	N/A	No exceedances during reporting period and no requests from landowners.
12B.	If the noise generated by the project is equal to or exceeds the criteria in Table 1B at any residence on privately-owned land, then the Proponent shall, upon receiving a written request from the landowner, implement reasonable and feasible noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the landowner.....	N/A	No exceedances during reporting period and no requests from landowners.

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
13.	<p>The Proponent shall:</p> <p>(a) implement all reasonable and feasible best practice noise mitigation measures;</p> <p>(b) investigate ways to reduce the noise generated by the project, including off-site road and rail noise and maximum noise levels which may result in sleep disturbance; and</p> <p>(c) report on these investigations and the implementation and effectiveness of these measures in the AEMR; to the satisfaction of the Director General.</p>	Yes	Access road sealed. Rail loop and loading point cut below surface level to assist noise reduction. Real time noise monitoring and inversion monitoring included in updated Noise Management Plan. See Section 3.10 for noise discussions.
13A.	<p>The Proponent shall prepare and implement a Noise Management Plan for the mine’s activities to the satisfaction of the Director-General. This Plan shall:</p> <p>(a) be prepared in consultation with DECCW by a suitably qualified expert whose appointment has been approved by the DG;</p> <p>(b) be submitted to the DG for approval by 31 May 2010;</p> <p>(c) include a Noise Monitoring Program incorporating real-time noise and temperature inversion monitoring; and</p> <p>(d) include reactive noise control measures to manage noise impacts for sensitive receivers.</p>	Yes	Issued to DoP 28 th May 2010.
14.	<p>The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must:</p> <p>(a) be submitted to the Director-General for approval prior to the commencement of construction activities;</p> <p>(b) be prepared in consultation with the DECCW;</p> <p>(c) use attended noise monitoring measures to monitor the performance of the project;</p> <p>(d) include a protocol to establish whether the project is complying with the noise impact assessment criteria in Table 1.</p>	Yes	Noise monitoring program conducted in accordance with the Noise Monitoring Program approved by DG on 15 th January 2008.
15.	<p>The proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 2 at any residence on privately owned land.</p>	N/A	No surface or near surface blasting during the reporting period.

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
16.	The proponent shall ensure that the ground vibration level from blasting, or any other activity at the project does not exceed the criteria in Table 3 at any residence on privately owned land.	N/A	No surface or near surface blasting during the reporting period.
17.	The proponent shall only carry out blasting associated with construction activities on site between 10am and 4pm Monday to Friday.	N/A	No surface or near surface blasting during the reporting period.
18.	The proponent may carry out: (a) a maximum of 2 blasts a day associated with construction activities; and (b) 5 blasts a week associated with construction activities, average over a 12 month period; on site without the written approval of the Director General.	N/A	No surface or near surface blasting during the reporting period.
19.	Before carrying out any blasting, the Proponent shall advise all landowners within 2km of proposed blasting activities, and any other landowner nominated by the Director-General, that they are entitled to a property inspection.	N/A	No surface or near surface blasting during the reporting period.
20.	If the proponent receives a written request for a property inspection from any landowner with 2km of proposed blasting activities, or any other landowner nominated by the Director General, the proponent shall within 3 months of receiving this request: (a) commission a suitably qualified person, whose appointment has been approved by the Director General, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and (b) give the landowner a copy of this property inspection report.	N/A	No surface or near surface blasting during the reporting period..
21.	If any landowner within 2km of proposed blasting activities or any other landowner as nominated by the Director General claims that his/her property, including vibration sensitive infrastructure.....	N/A	No surface or near surface blasting during the reporting period.
22.	Prior to the commencement of blasting, the proponent shall prepare and implement a detailed Blasting Monitoring Program for the project to the satisfaction of the Director General.	N/A	No surface or near surface blasting during the reporting period.

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
23.	The proponent shall ensure that dust emissions generated by the project does not cause additional exceedances of the criteria listed in Tables 4 to 6 at any residence on privately owned land, or on more than 25% of privately owned land.	Yes	No exceedances during the reporting period, refer to AEMR/Annual Review Section 3.1.3 for details.
24.	The proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director General. This program must: (a) be submitted to the Director-General prior to the commencement of construction activities; (b) be prepared in consultation with the DECCW; and (c) use a combination of high volume air samplers and dust deposition gauges to monitor the performance of the project.	Yes	Air Quality Monitoring program in place and approved by the DG on 15 th January 2008.
25.	During the project, the Proponent shall ensure there is a suitable meteorological station on site that complies with the requirements in <i>Approved Methods for Sampling of Air Pollutants in New South Wales (DECCW, 2007)</i> , or its latest version.	Yes	As per condition.
26.	The proponent shall ensure that the project does not result in subsidence impacts of greater than 20mm vertical subsidence on any land.	Yes	No subsidence impacts to date from first workings.
27.	Six months prior to mining occurring under each privately owned property, the proponent shall notify the relevant landowners of the extent of planned mining operations under their property.	Yes	No mining under privately owned property at this stage.
28.	The Proponent shall rehabilitate the site to the satisfaction of the Director General.	Yes	As per condition.
29.	The proponent shall prepare and implement a detailed Landscape Management Plan for the site to the satisfaction of the Director-General and I&I NSW. This plan must: (a) be submitted to the Director-General for approval within 12 months of this approval; (b) be prepared by suitably qualified expert/s whose appointment have been endorsed by the Director General; (c) be prepared in consultation with NOW, DECCW and NSC; and (d) include a Rehabilitation Management Plan and Mine Closure Plan.	No	Landscape Management Plan approved in March 2010.

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
30.	The Rehabilitation Management Plan must.....	No	See response to 29 above.
31.	The mine closure plan must.....	No	See response to 29 above.
32.	The proponent shall not destroy any known Aboriginal objects (as defined in the NPWA 1974) without the written approval of the Director General.	Yes	No known objects destroyed.
32A.	The proponent shall protect all known Aboriginal sites by fencing or signage prior to commencing surface disturbance activities within 50m.	Yes	As per condition.
33.	The proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan to the satisfaction of the Director General. This plan must: (a) be submitted to the Director General prior to the commencement of construction activities; (b) be prepared in consultation with DECCW and the Narrabri Local Aboriginal Land Council; (c) include a protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage on site; (d) describe the measures that would be implemented to protect Aboriginal sites on site, or if any new Aboriginal objects or skeletal remains are discovered during the project.	Yes	ACHMP prepared and implemented, approved by DG on 4 th February 2008.
34.	The Proponent shall construct the Kamilaroi Highway intersection in consultation with NSC and to the satisfaction of RTA. This intersection must: (a) be completed, other than for items listed in (c) below, prior to the commencement of construction activities on site; (b) be constructed in accordance with a Traffic Management Plan approved by NSC and RTA; (c) include boom gates, flashing lights and warning bells for the Kurrajong Creek Road level crossing, to the satisfaction of ARTC and NSC; (d) include illumination of the Kurrajong Creek Road level crossing during construction of the intersection; (e) provide an information sign on Kurrajong Creek Road to inform road users of likely delays due to train traffic; and (f) maintain permanent access for the “Bow Hills” quarry.	Yes	As per condition.

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
35.	Within 12 months of commencement of mining operations, the proponent shall bitumen seal Kurrajong Creek Road for a distance of 7km south of the Kamilaroi Highway intersection, to the satisfaction of the NSC.	Yes	Kurrajong Creek Road sealed.
36.	The proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.	Yes	Disturbed areas managed to reduce visual impact with completed areas rehabilitated to extent practicable.
37.	The proponent shall ensure that: (a)no outdoor lights shine above the horizontal; and (b)all external lighting associated with the project complies with <i>Australian Standard AS4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting</i> .	Yes	Lighting maintained in accordance with these provisions.
38.	The proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Director General. This plan must: (a)be prepared in consultation with DECCW; (b)be prepared in accordance with the <i>Guidelines for Energy Savings Action Plans (DEUS, 2005)</i> , or its latest version; (c)be submitted to the Director-General for approval within 3 months of this approval; and (d)include a program to monitor the effectiveness of measures to reduce energy on site.	No	Energy Savings Action Plan developed and approved by DG on 13 th October 2008.
39.	The proponent shall implement all reasonable and feasible measures to minimise the greenhouse gas emissions from the underground mining operations to the satisfaction of the Director General.	Yes	Gas drainage measures being thoroughly investigated to determine most feasible method to reduce impact. Composition of gas significantly minimises options.

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
40.	<p>Prior to carrying out underground coal mining operations, the Proponent shall submit a Greenhouse Gas Minimisation Plan to the Director General. This plan must:</p> <p>(a) identify options for minimizing greenhouse gas emissions from underground mining operations, with a particular focus on capturing and/or using these emissions;</p> <p>(b) investigate the feasibility of implementing each option;</p> <p>(c) propose the measures that would be implemented in the short to medium term on site; and</p> <p>(d) include a research program to inform the continuous improvement of the greenhouse gas minimization measures on site.</p>	No	<p>A draft Greenhouse Gas Minimisation Plan was prepared by Heggies Pty Ltd and submitted to DoP on 24/11/09. Subsequent verbal discussions with the DoP identified that the supplied plan was inadequate in meeting the requirements of the condition. It was agreed that a revised plan would issue in conjunction with the Stage 2 Project Approval requirements.</p>
41.	<p>The proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <p>(a) be submitted to the Director General for approval prior to commencing construction;</p> <p>(b) identify the various waste streams for the project;</p> <p>(c) describe what measures would be implemented to reuse, recycle or minimize the waste generated by the project;</p> <p>(d) ensure irrigation of treated wastewater is undertaken in accordance with <i>Environmental Guidelines: Use of Effluent by Irrigation (DEC, 2004)</i>, or its latest version; and</p> <p>(e) include a program to monitor the effectiveness of these measures,</p>	Yes	<p>Waste Management Plan approved by DG on 15th January 2008.</p>
Schedule 3A: Additional Procedures			
1.	<p>If the results of the monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, except where a negotiated agreement has been entered into in relation to that impact then the Proponent shall, within 2 weeks of obtaining the monitoring results, notify the DG, the affected landowners and tenants (including tenants in mine-owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 3.</p>	Yes	<p>No exceedances occurred during the reporting period, refer to Section 3.1.3 of the 2012/2013 AEMR/Annual Review.</p>

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
2.	If the results of monitoring required in Schedule 3 identify that the impacts generated by the project are greater than the relevant air quality impact assessment criteria in schedule 3, then the Proponent shall send the relevant landowners and tenants (including tenants of mine-owned properties) a copy of the NSW Health fact sheet “Mine Dust and You” (and associated updates) in conjunction with the notification required in condition 1.	Yes	No exceedances occurred during the reporting period, refer to Section 3.1.3 of the 2012/2013 AEMR/Annual Review.
3.	If a landowner considers the project to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the DG in writing for an independent review of the impacts of the project on his/her land. (see consent for independent review process).	N/A	No requests during reporting period.
4.	If the independent review determines that the project is complying..... then the Proponent may discontinue the independent review with the approval of the DG. If the independent review determines that the project is not complying.... (see consent for further details).	N/A	No requests during reporting period.
5.	Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:.....	N/A	No requests during reporting period.
6.	The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 5 above.	N/A	No requests during reporting period.
7.	If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall also pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.	N/A	No requests during reporting period.
Schedule 4: Environmental Management, Monitoring, Auditing and Reporting			
1.	The proponent shall prepare and implement and Environmental Management Strategy for the project to the satisfaction of the Director General. This strategy must be submitted to the Director General prior to the commencement of construction activities and.....	Yes	Environmental Management Strategy approved by DG on 15 th January 2008.

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
2.	The proponent shall prepare and implement an Environmental Monitoring Program for the project to the satisfaction of the Director General. This program must be submitted to the Director General within 6 months of this approval and consolidate the various monitoring requirements in Schedule 3 of this approval into a single document.	No	To be submitted as part of Stage 2 consent requirements.
3.	As soon as practicable, and in any event within 24 hours of detecting an exceedance of the limits/performance criteria in the approval, or the occurrence of an incident that causes (or may cause) material harm to the environment, the proponent shall notify the Department and other relevant agencies of the exceedance/incident.	Yes	As per condition.
4.	Within 6 days of notifying the Department and other relevant agencies....	Yes	As per condition.
5.	<p>Within 12 months of this approval, and annually thereafter, the proponent shall submit an AEMR to the Director General and to all relevant agencies. This report must:</p> <ul style="list-style-type: none"> (a) identify the standards and performance measures that apply to the project; (b) describe works carried out in last 12 months; (c) describe the works that would be carried out in the next 12 months; (d) include a summary of complaints received during the past year, and compare this to complaints from previous years; (e) include a summary of the monitoring results for the project during the past year; (f) include an analysis of these monitoring results against the relevant: <ul style="list-style-type: none"> - impact assessment criteria/limits; - monitoring results from previous years; and - predictions in the EA; (g) identify any trends in the monitoring results over the life of the project; (h) identify any non-compliance during the previous year; and (i) describe what actions were, or are being taken to ensure compliance. 	Yes	As per condition.

Condition	PA 05_0102 MOD 1 – Conditional Requirement	Compliance	Comments
6.	Within 2 years of this approval, and every 3 years thereafter, unless the Director General directs otherwise, the proponent shall commission and pay the full cost of an Independent Environmental Audit of the project	Yes	Narrabri Mine requested in early February 2010 that the independent audit be postponed until 12 months after the commencement of mining (i.e. audit due in June 2011). Audit undertaken by Umwelt Australia and reported during April 2011. Next Audit planned for 2013 in accordance with original timeframes.
7.	Within 6 weeks of completing this audit....	Yes	As per condition.
8.	Within 3 months of submitting the audit....	Yes	As per condition.
9.	Within 3 months of this approval, the Proponent shall establish a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General, in general accordance with the <i>Guideline for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007)</i> or its latest version.	Yes	CCC established and operating as per guidelines.
10.	Within 3 months of the approval of any strategy/plan/program required under this approval, or the completion of audits or AEMR's required under this approval, the Proponent shall: (a)provide a copy of the relevant documents to the relevant agencies and CCC; and (b)put a copy of the relevant documents on its website.	Yes	As per condition.
11.	During the project, the proponent shall: (a)make a summary of monitoring results required under this approval publicly available at the mine and on its website; and (b)update these results on a regular basis (at least every three months)	Yes	As per condition.

TABLE A3-2

Compliance Review – Project Approval 08_0144 MOD 2

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
Schedule 2: Administrative Conditions			
1	The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.	Yes	As per condition.
2	The Proponent shall carry out the project generally in accordance with the: (a) EA; (b) statement of commitments (see Appendix 3); (c) the modification application 08_0144 MOD 1 and accompanying letter prepared by Narrabri Coal Operations Pty Ltd; (d) the modification application 08_01 44 MOD 2 and accompanying letter dated 12 December 2011, prepared by Whitehaven Coal Mining Limited; and (e) conditions of this approval.	Yes	As per condition.
3	If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	Yes	As per condition.
4	The Proponent shall comply with any reasonable and feasible requirements of the Director-General arising from the Department's assessment of: (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this approval; and (b) the implementation of any actions or measures outlined in these reports, plans, programs, strategies or correspondence.	Yes	As per condition.
5	The Proponent may undertake mining operations on the site for 21 years from the date of this approval.	Yes	As per condition.
6	The Proponent shall not extract more than 8.0 million tonnes of ROM coal from the site per calendar year.	Yes	Coal extracted for the reporting period was 2,986,527t.
7	The Proponent shall transport all coal from the site by rail.	No	On December 11 and 12 2012 Narrabri Mine undertook a trial of transporting coal to Whitehaven's CHPP in Gunnedah. This

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
			was done in response to a train derailment during late November 2012 and while awaiting the determination on a modification to the Project Approval to allow emergency trucking during service interruptions. The trial was stopped after 1½ days due to safety concerns and as directed by the Department of Planning and Infrastructure. A letter, dated 17 January 2013, was issued by the Department outlining the exceptional circumstances leading to the trial but highlighted the trucking was in breach of the Project Approval. No further action was taken by the Department. Narrabri Mine withdrew the modification application on 12 February 2013.
7A	The Proponent may undertake a one off transport of coal by road of an approximate 600 tonne bulk sample of coal in accordance with the procedures, vehicle traffic route and transport operating hours as specified in the modification application 08_0144 MOD 2 and accompanying letter dated 12 December 2011 from Whitehaven Coal Mining Limited.	Yes	As per condition.
8	The Proponent shall not transport any coal reject from the site.	Yes	As per condition.
9	Within 6 months of this approval, the Proponent shall enter into planning agreements with Narrabri Shire Council (NSC), Gunnedah Shire Council (GSC) and the Minister in accordance with....	Yes	As per condition.
10	Within 12 months of the date of this approval, the Proponent shall surrender its previous project approval for the Narrabri Coal Mine to the satisfaction of the Director-General, in accordance with section 75YA of the EP&A Act. Prior to the surrender of the Stage 1 approval, if there is any inconsistency between the Stage 1 and Stage 2 approvals, the conditions of the Stage 2 approval shall prevail to the extent of any inconsistency.	Yes	Narrabri Mine submitted a letter requesting the surrender of the Stage 1 consent within the required timeframe, however no response was received from the Department of Planning and Infrastructure during the reporting period.
11	With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.	Yes	As per condition.
12	Stage 1 strategies, plans or programs continue to have effect until replaced by an equivalent approved strategy, plan or program prepared and approved under this approval.	Yes	As per condition.

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
13	The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.	Yes	As per condition.
14	The Proponent shall ensure that all demolition work is carried out in accordance with <i>Australian Standard AS 2601-2001: The Demolition of Structures</i> , or its latest version.	N/A	No demolition works required.
15	The Proponent shall ensure that all plant and equipment used on site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Yes	As per condition.
Schedule 3: Specific Environmental Conditions - Mining Area			
1	The Proponent shall ensure that mine subsidence does not cause any exceedances of the performance measures in Table 1, in relation to the Great Artesian Basin and Flora and Fauna.	Yes	As per condition.
2	The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 2, to the satisfaction of the Director-General of I&I NSW.	Yes	As per condition.
3	Any dispute between the Proponent and the owner of any built feature over the interpretation, application or implementation of the performance measures is to be settled by the Director-General of I&I NSW.	Yes	As per condition.
4	The Proponent shall prepare and implement Extraction Plans for any second workings to the satisfaction of the Director-General. Each Extraction Plan must....	Yes	As per condition. Extraction Plan for longwall panels 101 to 105 approved by DP&I on 27 March 2012 and DRE on 5 June 2012.
5	The Proponent shall ensure the management plans required by condition 4(h) include....	Yes	As per condition.
6	The Proponent may carry out first workings within the underground mining area, other than in accordance with an approved extraction plan, provided that I&I NSW is satisfied that the workings are designed to remain stable and non-subsiding in the long-term	Yes	As per condition.
7	The Proponent shall pay all reasonable cost incurred by the Department to engage independent experts to review the adequacy of any aspect of the Extraction Plan.	Yes	As per condition.
Schedule 4: Specific Environmental Conditions - Surface Facilities Area and General			

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
1	The Proponent shall ensure that the noise generated by the project does not exceed the levels set out in Table 1 at any privately-owned residence.	Yes	As per condition.
2	If the noise generated by the project exceeds the criteria in Table 2 at any residence on privately-owned land, or on more than 25% of any privately-owned land, then the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 5-7 of schedule 7.	N/A	No written requests received.
3	If the noise generated by the project is equal to or exceeds the criteria in Table 3 at any residence on privately-owned land, then the Proponent shall, upon receiving a written request from the landowner, implement reasonable and feasible noise mitigation measures (such as double-glazing, insulation, and/or air conditioning) at the residence in consultation with the landowner.....	Yes	No written requests received.
4	<p>The Proponent shall revise the Noise Management Plan for the Stage 1 project to encompass all proposed mine activities and potential impacts associated with noise management (Stages 1 and 2) and subsequently implement this revised version of the Noise Management Plan to the satisfaction of the Director-General. This Plan shall:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with DECCW by a suitably qualified expert whose appointment has been approved by the Director-General; (b) be submitted to the Director-General for approval by 30 June 2011; (c) include a Noise Monitoring Program incorporating: <ul style="list-style-type: none"> - real-time noise and temperature inversion monitoring; and - attended noise monitoring to monitor the performance of the project; (d) include reactive noise control measures to manage noise impacts for sensitive receivers; and (e) include a protocol to establish whether the project is complying with the noise impact assessment criteria in Table 1. 	Yes	The revised Noise Management Plan was submitted to the Department on 24 June 2011 and approved on 6 December 2011.

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
5	The Proponent shall: (a) implement all reasonable and feasible best practice noise mitigation measures; (b) investigate ways to reduce the noise generated by the project, including off-site road and rail noise and maximum noise levels which may result in sleep disturbance. (c) report on these investigations and the implementation and effectiveness of these measures in the Annual Review; to the satisfaction of the Director-General.	Yes	As per condition.
6	The Proponent shall ensure that dust emissions generated by the project do not cause additional exceedances of the criteria listed in Tables 4 to 6 at any residence on privately owned land, or on more than 25 percent of any privately-owned land.	Yes	As per condition. Refer to Section 3.1.3 of the 2012/2013 AEMR/Annual Review.
7	The Proponent shall revise the Air Quality Monitoring Program for the Stage 1 project to encompass all proposed mine activities and potential impacts associated with air quality (Stages 1 and 2) and subsequently implement this revised version of the Air Quality Monitoring Program to the satisfaction of the Director-General. This program must: (a) be submitted to the Director-General for approval prior to 30 June 2011; (b) be prepared in consultation with DECCW; and (c) use a combination of high volume samplers and dust deposition gauges to monitor the performance of the project.	Yes	The revised Air Quality Monitoring Program was submitted to the Department on 30 June 2011 and approved on 6 December 2011.
8	During the project, the Proponent shall ensure there is a suitable meteorological station on site that complies with the requirements in <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> (DECC, 2007), or its latest version.	Yes	As per condition.
9	Within 2 years of the commencement of longwall coal extraction, and every 5 years thereafter, the Proponent shall undertake a transient calibration of the groundwater model presented in the EA, in consultation with NOW, and to the satisfaction of the Director-General.....	N/A	Not triggered
10	Except as may be expressly provided for by an EPL, the Proponent shall not discharge any waters from the disturbed areas of the site. However, raffinate from the water conditioning plant may be transferred to water users in accordance with an approved Water Management Plan (see below).	Yes	As per condition.

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
11	Any raffinate from the water conditioning plant discharged to the Namoi River must be discharged in accordance with the conditions of an EPL and meet the following criteria: (a) 50 percentile of all samples (volume based) are below 250mg/l of Total Dissolved Solids; (b) 100 percentile of all samples (volume based) are below 350mg/l of Total Dissolved Solids; and (c) pH values of all sampled water to be between 6.5 and 8.5.	N/A	Not triggered.
12	Within 3 years of the date of this approval, or otherwise agreed by the Director-General, the Proponent must commission the water conditioning plant identified in the EA, to the satisfaction of the Director-General.	Yes	Water Treatment Plant commissioned during the reporting period.
13	Prior to 30 June 2011, the Proponent shall revise the Water Management Plan for the Stage 1 project to encompass all proposed mine activities and potential impacts associated with water management (Stages 1 and 2) and subsequently implement this revised version of the Water Management Plan to the satisfaction of the Director-General. This revised plan must be produced in consultation with DECCW and NOW by suitably qualified expert/s whose appointments have been approved by the Director-General and include a: (a) Site Water Balance; (b) Erosion and Sediment Control Plan; (c) Surface Water Monitoring Plan; (d) Raffinate Discharge and Transfer Control and Monitoring Plan; (e) Groundwater Monitoring Program; and (f) Surface and Groundwater Response Plan, setting out the procedures for: - investigating, and if necessary mitigating, any exceedances of the surface or groundwater assessment criteria (see conditions 16(b) and 18(c) ; and - responding to any unforeseen impacts of the project.	Yes	The revised Water Management Plan was submitted to the Department on 30 June 2011. NOW approved the plan on 24 April 2012 and DP&I approved the plan on 5 April 2013.
14	The Site Water Balance must.....	Yes	As per condition.
15	The Erosion and Sediment Control Plan must....	Yes	As per condition.
16	The Surface Water Monitoring Plan must include....	Yes	As per condition.
17	The Raffinate Discharge Control and Monitoring Plan must....	Yes	As per condition.
18	The Groundwater Monitoring Program must include....	Yes	As per condition.

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
19	The Proponent shall ensure that the integrity of the low permeability layers lining the evaporation/storage ponds is maintained and achieves a permeability of less than 1×10^{-14} m/s whenever these ponds are in use for the storage of saline waters and less than 1×10^{-9} m/s when being used to store raffinate or captured surface waters.	Yes	As per condition.
20	The Proponent shall ensure that the integrity of the low permeability layers lining the brine storage ponds is maintained and achieves a permeability of less than 1×10^{-14} m/s whenever these storage ponds are in use.	N/A	Brine storage ponds not constructed.
21	Within 2 years of commissioning the water conditioning plant, and every 5 years thereafter, unless otherwise directed by the Director-General, the Proponent shall engage suitably qualified experts approved by the Director-General to review brine management and beneficial use options for raffinate, brine and minewater produced by the project....	N/A	Not triggered.
22	The Proponent shall not destroy damage or deface any known Aboriginal objects (as defined in the <i>National Parks and Wildlife Act 1974</i>) without the written approval of the Director-General.	Yes	As per condition.
23	The Proponent shall revise the Aboriginal Cultural Heritage Management Plan for the Stage 1 project to encompass all proposed mine activities and potential impacts associated with Aboriginal cultural heritage management for the site (Stages 1 and 2) and subsequently implement this revised version of the Aboriginal Cultural Heritage Management Plan to the satisfaction of the Director-General. This plan must: (a) be submitted to the Director-General by 30 June 2011; (b) be prepared in consultation with the DECCW, the Narrabri Local Aboriginal Land Council and the Narrabri Goomerai Aboriginal Corporation; (c) include a protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage on site; and (d) describe the measures that would be implemented to protect Aboriginal sites on the mine site, (in particular all known Aboriginal sites on lands overlying Longwalls 1-3 and sites 10b, 38, 39 and 106-112, or any new Aboriginal objects or skeletal remains that are identified during the project.	Yes	The revised Aboriginal Cultural Heritage Management Plan was submitted to the Department on 27 June 2011 and approved on 6 December 2011.

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
24	Prior to undertaking any activities involving surface disturbance or vegetation removal for the lands overlying Longwalls 8-26, the Proponent shall undertake a detailed Aboriginal cultural heritage survey in consultation with the local Aboriginal community and DECCW, and to the satisfaction of the Director-General. The Director-General may approve this survey being undertaken in several stages, as mining progresses.	Yes	As per condition.
25	The Proponent shall maintain the Mine Access Road Intersection with Kurrajong Creek Road and the Kamilaroi Highway in consultation with NSC and to the satisfaction of RTA.	Yes	As per condition.
26	Prior to using Greylands and Scratch Roads to construct mine-related infrastructure, the Proponent shall enter into an agreement with NSC to: (a) construct watercourse crossings (either culverts or concrete causeways) on those sections of these roads that it uses in a manner that does not restrict fish passage, in consultation with I&I NSW (Fisheries) and to the satisfaction of NSC; and (b) fund the maintenance of those sections of these roads that it uses to an all-weather unsealed road standard.	Yes	Narrabri Mine is in negotiations with NSC to purchase a portion of Greylands Road to control access and safety. A management plan was developed to manage the subsidence impacts to Greylands Road in consultation with NSC. Scratch Road has not been utilised to date except for environmental monitoring purposes.
27	The Proponent shall contribute, on an equitable basis with other coal project rail users, to the costs of an independent Traffic Management Study analysing the impacts of increased rail traffic on road safety and congestion due to increased closure of rail level crossings within Gunnedah, prepared to the satisfaction of GSC.	Yes	As per condition.
28	The Proponent shall minimise visual impacts of the project to the satisfaction of the Director-General.	Yes	As per condition.
29	The Proponent shall ensure that:(a) no outdoor lights shine above the horizontal; and(b) all external lighting associated with the project complies with <i>Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting</i> .	Yes	As per condition.

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
30	<p>The Proponent shall revise the Energy Savings Action Plan for the Stage 1 project to encompass all proposed mine activities and potential impacts associated with energy management for the site (Stages 1 and 2) and subsequently implement this revised version of the Energy Savings Action Plan to the satisfaction of the Director-General. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with DECCW; (b) be prepared in accordance with the Guidelines for Energy Savings Action Plans (DEUS, 2005), or its latest version; (c) be submitted to the Director-General for approval prior to 30 June 2011; and (d) include a program to monitor the effectiveness of measures to reduce energy use on site. 	No	The revised Energy Savings Action Plan was submitted late to the Department on 11 August 2011 but was subsequently approved on 6 December 2011.
31	<p>The Proponent shall implement all reasonable and feasible measures to minimise the greenhouse gas emissions from the underground mining operations to the satisfaction of the Director-General.</p>	Yes	As per condition.
32	<p>Prior to carrying out longwall coal mining operations, the Proponent shall submit a Greenhouse Gas Minimisation Plan for the approval of the Director-General. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with DECCW; (b) identify options for minimising greenhouse gas emissions from underground mining operations, with a particular focus on capturing and/or using these emissions; (c) investigate the feasibility of implementing each option; (d) propose the measures that would be implemented in the short to medium term on site; and (e) include a research program to inform the continuous improvement of the greenhouse gas minimisation measures on site. 	Yes	As per condition. Approved by DP&I on 12 June 2012.

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
33	<p>The Proponent shall revise the Waste Management Plan for the Stage 1 project to encompass all proposed mine activities and potential impacts associated with waste management for the site (Stages 1 and 2) and subsequently implement this revised version of the Waste Management Plan to the satisfaction of the Director-General. This plan must be:</p> <ul style="list-style-type: none"> (a) be submitted to the Director-General for approval prior to 30 June 2011; (b) identify the various waste streams of the project; (c) describe what measures would be implemented to reuse, recycle, or minimise the waste generated by the project; (d) ensure irrigation of treated wastewater is undertaken in accordance with Environmental Guidelines: Use of Effluent by Irrigation (DEC, 2004), or its latest version; and (e) include a program to monitor the effectiveness of these measures. 	Yes	The revised Waste Management Plan was submitted to the Department on 27 June 2011 and was approved on 6 December 2011.
Schedule 5: Rehabilitation and Offsets			
1	The Proponent shall rehabilitate the site to the satisfaction of the Director-General and I&I NSW.	Yes	As per condition.
2	To the extent that mining operations permit, the Proponent shall carry out rehabilitation progressively, that is, as soon as reasonably practicable following the disturbance.	Yes	As per condition.
3	<p>The Proponent shall revise the Landscape Management Plan for the Stage 1 project to encompass all proposed mine activities and potential impacts associated with landscape management for the site (Stages 1 and 2) and subsequently implement this revised version of the Landscape Management Plan to the satisfaction of the Director-General and I&I NSW. This plan must:</p> <ul style="list-style-type: none"> (a) be submitted to the Director-General for approval by 30 June 2011; (b) be prepared by suitably qualified expert/s whose appointment/s have been endorsed by the Director-General; (c) be prepared in consultation with NOW, DECCW and NSC and (d) include a:- Rehabilitation Management Plan; and- Mine Closure Plan. 	Yes	The revised Landscape Management Plan, including the Rehabilitation Management Plan and Mine Closure Plan, was submitted to the Department on 27 June 2011 and was subsequently approved on 6 December 2011. A revision to the Landscape Management Plan, required by the Extraction Plan, this submitted to the Department during November 2012, re-submitted during February 2013 and was subsequently approved on 27 March 2013.
4	The Rehabilitation Management Plan must include....	Yes	Refer to 3 above.
5	The Mine Closure Plan must....	Yes	Refer to 3 above.

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
6	<p>The Proponent shall provide a suitable biodiversity offset strategy to compensate for the impacts of Stages 1 and 2 of the project. This offset strategy must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with DECCW; (b) be submitted to the Director-General for approval by 31 December 2010, or as otherwise agreed by the Director-General; (c) provide a detailed assessment of offset proposal/s involving the property/ies (agreed to by DECCW) adjoining Mt Kaputar National Park to confirm the ability of either of these property/ies to meet "like for like or better" and "maintain or improve" conservation outcomes; (d) include and assess proposals to offset impacts to the Inland Grey Box EEC, <i>Bertya opposens</i>, and foraging habitat for the Superb Parrot; (e) include proposals on offsetting both direct and indirect impacts (ie. edge effects) of the project; and (f) determine the best overall combination of lands to provide a suitable offset. 	No	Biodiversity Offset Strategy submitted 12 th June 2012 after the Department authorised an extension.
7	<p>The Proponent shall make suitable arrangements to provide appropriate long-term security for the offset areas by 31 December 2011, or other date agreed by the Director-General, to the satisfaction of the Director-General.</p>	No	Once strategy has been finalised and approved arrangements will be made for long term security of the offset areas. Narrabri Mine currently has an approved extension to 31 December 2013 to finalise the security arrangements.
<p>Schedule 6: Environmental Management, Monitoring, Auditing and Reporting</p>			

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
1	<p>The Proponent shall revise the Environmental Management Strategy for the Stage 1 project to encompass all proposed mine activities and potential impacts associated with environmental management for the site (Stages 1 and 2) and subsequently implement this revised version of the Environmental Management Strategy to the satisfaction of the Director-General. This strategy must:</p> <ul style="list-style-type: none"> (a) be submitted to the Director-General for approval prior to 30 June 2011; (b) provide the strategic context for environmental management of the project; (c) identify the statutory requirements that apply to the project; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project (e) describe the procedures that would be implemented to: <ul style="list-style-type: none"> - keep the local community and relevant agencies informed about the operation and environmental performance of the project; - receive, handle, respond to, and record complaints; - resolve any disputes that may arise during the course of the project; - respond to any non-compliance; and - respond to emergencies; and (f) include a clear plan depicting all the monitoring currently being carried out in the project area. 	Yes	The revised Environmental Management Strategy was submitted to the Department on 30 June 2011 and was approved on 6 December 2011.
2	The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include.....	Yes	As per condition.
3	Within 3 months of the submission of an audit, incident report, annual review or any modification to the approval the proponent shall review, and if necessary, revise the strategies, plans, and programs required under this condition...	Yes	As per condition.
4	The Proponent shall notify the Director-General and any other relevant agencies of any incident associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.	Yes	As per condition.

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
5	The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval, and to the satisfaction of the Director-General.	Yes	As per condition.
6	<p>Within 12 months of this approval, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:</p> <p>(a) describe the works that were carried out in the past year, and the works that are proposed to be carried out over the next year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against:</p> <p>the relevant statutory requirements, limits or performance measures/criteria;</p> <p>the monitoring results of previous years; and</p> <p>the relevant predictions in the EA and Extraction Plan;</p> <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measure will be implemented over the next year to improve the environmental performance of the project.</p>	Yes	As per condition.
7	Prior to 13 September 2010, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project (Stages 1 and 2).	Yes	Independent Audit reported during April 2011.
8	Within 6 weeks of the completing of this audit....	No	Submitted late during July 2011.

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
9	The Proponent shall maintain a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General, in general accordance with the <i>Guideline for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007)</i> , or its latest version.	Yes	CCC established and operating as per guidelines.
10	The Proponent shall make the following information publicly available on its website:.....	Yes	As per condition.
Schedule 7: Additional Procedures for Air Quality and Noise Management			
1	If the results of the monitoring required in schedule 4 identify that impacts generated by the project are greater than the relevant impact assessment criteria, except where a negotiated agreement has been entered into in relation to that impact, then the Proponent shall, within 2 weeks of obtaining the monitoring results, notify the Director-General, the affected landowners and tenants (including tenants of mine-owned properties) accordingly, and provide quarterly monitoring results to each of those parties until the results show that the project is complying with the criteria in schedule 4.	Yes	Dust impacted properties, all mined owned, have negotiated agreements in place.
2	If the results of monitoring required in schedule 4 identify that impacts generated by the project are greater than the relevant air quality impact assessment criteria in schedule 4, then the Proponent shall send the relevant landowners and tenants (including tenants of mine-owned properties) a copy of the NSW Health fact sheet entitled "Mine Dust and You" (and associated updates) in conjunction with the notification required in condition 1.	Yes	As per condition.
3	If a landowner considers the project to be exceeding the impact assessment criteria in schedule 4, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land. If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 2 months of the Director-General's decision...	N/A	No reviews requested.

Condition	PA 08_0144 MOD 2 – Conditional Requirement	Compliance	Comments
4	<p>If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 4, then the Proponent may discontinue the independent review with the approval of the Director-General.</p> <p>If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 4, and that the project is primarily responsible for this non-compliance, then the Proponent shall...</p>	N/A	No reviews requested.
5	Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on...	N/A	No written requests received.
6	The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 5 above.	N/A	No written requests received.
7	If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.	N/A	No written requests received.

TABLE A3-3

Compliance Review – Environment Protection License (EPL) 12789

Condition	EPL 12789 – Conditional Requirement	Compliance	Comments
A1.1	Carry out Coal Mining > 5,000,000t (handled and produced)	Yes	Coal production during the reporting period – 2,986,527 t, in ramp up phase.
A3.1	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.	Yes	As per condition.
P1.3-P1.4	Comply with monitoring/discharge points and areas. Setting of limits for the emission of pollutants.	Yes	As per condition. Refer to Section 3.3 of the 2012/2013 AEMR/Annual Review.
L1.1	Comply with Section 120 of the POEO Act 1997 (re water quality)	Yes	As per condition.
L2.1-L2.5	Discharge water quality must not exceed the parameters specified.	Yes	As per condition. Refer to Section 3.3 of the 2012/2013 AEMR/Annual Review.
L3.1	Ensure noise compliance: 35 dB(A) LA _{eq} (15 minute) during the day (7am to 6pm), evening (6pm to 10pm) and night (10pm to 7am).	Yes	As per condition. Refer to Section 3.1 of the 2012/2013 AEMR/Annual Review.
L3.3	To determine compliance, measure noise within 30m of noise sensitive residences or receptors.	Yes	As per condition.
O1.1	Carry out licensed activities in a competent manner, i.e. (a) Processing, handling, movement and storage of materials and substances; & (b) Treatment, storage, processing, reprocessing, transport and disposal of generated waste.	Yes	As per condition.
O2.1	Maintain and operate all plant and equipment at premises in proper and efficient condition.	Yes	As per condition.
O3.1	Minimise or prevent emission of dust	Yes	As per condition.
M1.1	Record and retain monitoring results required as per this licence.	Yes	As per condition.
M1.2	Keep all monitoring records associated with this licence: (a) In a legible form; (b) For at least 4 years; and (c) for production to any EPA authorised officer.	Yes	As per condition.

Condition	EPL 12789 – Conditional Requirement	Compliance	Comments
M1.3	The following records must be kept in respect of any samples collected as required by this licence: (a) sampling date; (b) Sampling time; (c) Sampling location; and (d) Sample collectors name.	Yes	As per condition.
M2.1	Monitor each monitoring point for pollutants as specified in licence	Yes	As per condition.
M3.1	Monitor air pollutants in accordance with the Approved Methods publication or as approved by EPA.	Yes	As per condition.
M3.4	Monitor specified noise parameters at nominated properties	Yes	As per condition.
M4.1	Monitor weather parameters specified	Yes	As per condition.
M5.1	Keep a legible record of all complaints re pollution arising from licenced activity.	Yes	As per condition.
M5.2	Keep the following records of complaint. (a) Date and time of complaint; (b) Method complaint made; (c) Any personal details of complaint; (d) Nature of complaint; (e) Licensee's action in response, any follow up contact; and (f) If no action-reason why.	Yes	As per condition. Refer to Section 4.1 of the 2012/2013 AEMR/Annual Review.
M5.3	Keep records of complaints for 4 years	Yes	As per condition.
M5.4	Present records to EPA on request	Yes	As per condition.
M6.1	Operate telephone complaints line for receipt of complaints from the public	Yes	As per condition.
M6.2	Notify the public of the complaints telephone line	Yes	As per condition.
M7.1	To determine compliance with Noise Limits table, monitoring must be undertaken as follows:	Yes	As per condition.

Condition	EPL 12789 – Conditional Requirement	Compliance	Comments
	(a) At each one of the locations listed in the Noise Limits table; (b) Occur quarterly in a reporting period; (c) Occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of: <ul style="list-style-type: none"> i) 1.5 hours during the day; ii) 30 minutes during the evening; and iii) 1 hour during the night. (d) Occur for three consecutive operating days.		
R1.1	Complete and supply Annual Return to EPA comprising: <ul style="list-style-type: none"> (a) Statement of Compliance; and (b) Monitoring & Complaints Summary. 	Yes	As per condition.
R1.5	Provide EPA with Annual Return no later than 60 days after end each reporting period.	Yes	As per condition.
R1.6	Retain copy of Annual Return for 4 years.	Yes	As per condition.
R1.7	Certify the Statement of Compliance within the Annual Return and sign the Monitoring and Complaints Summary by: <ul style="list-style-type: none"> (a) Licence holder; or (b) Approved person. 	Yes	As per condition.
R2.1	Notify EPA of threatening or harmful incidents as soon as practicable by phoning EPA's Pollution Line Service	Yes	As per condition.
R2.2	Provide written details of the incident to EPA within 7 days of incident	Yes	As per condition.
R3.1	Upon an EPA officer suspecting that an event is causing or likely to cause environmental harm: <ul style="list-style-type: none"> (a) At the premises; or (b) In connection with vehicles or plant associated with the licenced activities. A request may be made for a written report of the event.	Yes	As per condition.
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within the time specified	Yes	As per condition.

Condition	EPL 12789 – Conditional Requirement	Compliance	Comments
R3.3	The report may be required to include: (a) Event cause, time and duration; (b) Type, volume and concentration of every pollutant discharged; (c) Contact details of employees or agents of licensee who witnessed event; (d) Contact details of any other persons witnessing the event; (e) The action taken and follow-up action with complainants in relation to event; (f) Mitigation measures proposed to prevent recurrence; and (g) Any other relevant matters.	Yes	As per condition.
R3.4	EPA may request further details-must be supplied within specified time	Yes	As per condition.
R4.1	Noise compliance assessment report to be submitted within 30 days of the completion of quarterly noise monitoring. The assessment must be prepared by a suitably qualified noise consultant and include: (a) An assessment of compliance with noise limits; and (b) An outline of any management actions taken within the monitoring period to address any exceedances.	Yes	As per condition.
G1.1	Retain a copy of this licence at premises to which the licence applies	Yes	As per condition.
G1.2	Produce licence to EPA officer on request	Yes	As per condition.
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Yes	As per condition.
U1.1	Licensee must conduct a site specific Best Management Practice (BMP) determination to identify practical means to reduce particle emissions	Yes	As per condition.
U1.2	The Licensee must prepare a report which includes, but is not necessarily limited to, the following: - identification, quantification and justification of existing measures that are being used to minimise particle emissions; - identification, quantification and justification of best practice measures that could be used to minimise particle emissions; - evaluation of the practicability of implementing these best practice measures; and - a proposed timeframe for implementing all practicable best practice	Yes	As per condition.

Condition	EPL 12789 – Conditional Requirement	Compliance	Comments
	measures. In preparing the report, the Licensee must utilise the document entitled Coal Mine Particulate Matter Control Best Practice – Site Specific Determination Guideline - November 2011.		
U1.4	Must be submitted to the EPA by 29 June 2012	Yes	As per condition.
U1.5	Must be made available on the Licensee’s website by 6 July 2012	Yes	As per condition.
E1.1	Prior to the commissioning of the evaporation and storage ponds, the licensee must provide the EPA Armidale office with an “as constructed” report	No	Report supplied but not prior to commissioning.
E2.1	Noise impacts where wind speed exceeds 3 meters per second at 10 meters above the ground must be addressed by: (a) Documenting noise complaints received to identify any higher level of impacts or wind patterns where levels of noise complaints indicated a higher level of impact then actions to quantify and ameliorate any enhanced impacts where wind speed exceeds 3 meters per second at 10 meters above the ground should be developed and implemented.	Yes	As per condition.

TABLE A3-4

Compliance Review – Mining Lease (ML) 1609

Condition	ML 1609 – Conditional Requirement	Compliance	Comments
1	Within a period of three months from the date of grant/renewal of the lease a notice in writing must be served on each landholder.	Yes	As per condition.
2	All practicable measures to prevent and/or minimise any harm to the environment.	Yes	As per condition.
3	Conduct mining operations in accordance with a MOP.	Yes	As per condition.
4	EMR to be lodged with the DG annually.	Yes	EMR supplied annually.
7	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the DG.	Yes	Areas disturbed have been rehabilitated to the extent practicable.
8(a)	Prepare a Subsidence Management Plan prior to commencing any underground mining operations.	Yes	Subsidence Management Plan approval received from the Department on 5 June 2012. Submitted as part of the Extraction Plan for longwall panels 101 to 105.
9(a)	Ensure that at least 212 competent people are efficiently employed on the lease area on each week day except Sunday or Public Holiday; or	Yes	As per condition.
9(b)	Expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$3,710,000 per annum whilst the lease is in force.	Yes	As per condition.
11	Exploration Report to be submitted to the DG each year within 28 days of the anniversary.	Yes	Submitted annually.
15(a)	Monitor ground vibration generated by any blasting that it does not exceed 10mm/second in more than 5% of the total blasts over a period of 12 months.	N/A	No blasting undertaken during reporting period
15(b)	Overpressure noise level generated by any blast is not to exceed 120 dB (linear) and 115 dB (linear) in more than 5% of the total blasts over a period of 12 months.	N/A	No blasting undertaken during reporting period
16	Ensure the safety of persons or stock.	Yes	Safety measures a priority onsite.

Condition	ML 1609 – Conditional Requirement	Compliance	Comments
17(2)	Exploratory drill holes must satisfy the DG: (a) Cored holes surveyed; (b) Cored Holes sealed to prevent collapse; (c) Drill holes permanently sealed with cement plugs; (d) If drill hole meets natural or noxious gases it is plugged or sealed; (e) If drill hole meets an artesian or sub-artesian flow it is effectively sealed. (f) Unused drill holes are to be sealed in accordance with Department guidelines. (g) Once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.	Yes	As per condition.
18	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution or soil contamination or erosion.	Yes	As per condition.
19	Transmission line, communication line, pipeline or any other utility must not be interfered with without permission from DG.	Yes	As per condition.
20	Fences must not be damaged or interfered with. Gates must be closed or left open in accordance with the requirements of the landholder.	Yes	As per condition.
21(a)	Operations must not affect any road.	Yes	No roads affected, unless in consultation with NSC.
21(b)	The cost incurred in fixing any damage to roads must be paid to the designated authority.	Yes	As per condition.
22	Access tracks must be kept to a minimum.	Yes	As per condition.
23(a)	The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder.	Yes	As per condition.
23(b)	The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations.	Yes	As per condition.
23(c)	The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.	N/A	No timber removed from Crown land.

Condition	ML 1609 – Conditional Requirement	Compliance	Comments
27(a)	A security of \$100,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfillment by the lease holder of obligations under this lease.	Yes	Security paid.
27(b)	Security: Cash or Security Certificate	Yes	Security Certificate in place.
28	A person must not remove, damage, destroy, displace, obliterate or deface any marks in connection with any trigonometrical station, permanent mark or survey mark.	Yes	As per condition.