

Review of Duralie Coal Mine

With reference to PA 08_0203 and related Management Plans



Review period:	July 2012 – November 2013
Onsite review conducted:	4-5 November 2013
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Executive Summary

Department of Planning and Infrastructure (DP&I) commissioned Glade Consulting to undertake a review of operations of Duralie Coal Pty Ltd. The scope of the review was confined to the conditions of the Project Approval (08_0203) and implementation of related environmental Management Plans, for the period July 2012 to November 2013. Active mining areas, offset area management and water management activities were inspected on 4 and 5 November 2013. This report is based on discussions held with Duralie Coal mine personnel, a review of documentation, monitoring data, the Project Approval, as well as observations made during the site inspection.

This report details the findings of this review. Despite sound environmental management, at the time of the review the mine was not able to demonstrate complete compliance in the areas of biodiversity management, blasting, water management and some administrative matters. These non-compliances are detailed within Section 2 of this report and Appendix 1. While the Mine is not in full compliance with all conditions of the Project Approval, operations are conducted with a sound level of environmental management which has been effective in minimising environmental impacts, both on-site and off-site.

The Mine's performance was assessed for the areas of noise, blasting, air quality, water, biodiversity rehabilitation and heritage management. Monitoring programs are generally effective in satisfying regulatory requirements and providing data, which is used to improve environmental management. All project approval required management plans have been approved by the DP&I. A number of recommendations have been made where management plans could be further enhanced to meet the intent of the project approval conditions, as described in *Section 2*. Further, opportunities for improvement are provided where potential improvements to the management plans would result in improved environmental performance and to ensure that a higher level of compliance with Statutory Approvals is achieved.

This report outlines the findings of the audit and recommends actions to improve compliance and the environmental performance against the development consent.

Disclaimer

- Glade Consulting (the Auditor) has prepared the accompanying 'Review of Duralie Coal Mine, with reference to PA 08_0203 and related Management Plans, 6 December 2013 (the Report) from certain information provided by Yancoal Pty Ltd (the Auditee) at the request of and exclusively for the use and benefit of the Department of Planning and Infrastructure (DP&I). A draft report was supplied to the DP&I and the auditee on 2 December 2012.

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- The Audit has examined the Auditee's compliance with Project Approval (from Section 75J of the *Environmental Planning & Assessment Act 1979*) 08_0203 and related management plans for the period from July 2012 to November 2013. The Auditor has relied on information provided by the Auditee. The Auditor expresses no opinion as to the accuracy, truth, sufficiency or legality of the information provided by the Auditee in respect of the Auditee's compliance standards.

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Glossary and Acronyms

AEMR	Annual Environmental Management Report	N/C	Non-compliant
ACHP	Aboriginal Cultural Heritage Plan	NMP	Noise Management Plan
ARL	Action response level	NOW	NSW Officer of Water
ARTC	Australian Rail and Track Corporation	OCE	Open Cut Examiner
AQMP	Air Quality Management Plan	OEH	NSW Office of Environment and Heritage
BMP	Blast Management and Monitoring Plan	PA	Project Approval
C	Compliant	RMS	Roads and Maritime Services
CCC	Community Consultative Committee	ROM	Run of mine
CHPP	Coal Handling and Preparation Plant	SOC	Statement of Commitments
CSIRO	Commonwealth Scientific and Industrial Research Organisation	SWMMP	Surface Water Management and Monitoring Plan
DA	Development Application	TEOM	Tapered Element Oscillating Microbalance
DECCW	NSW Department of Environment, Climate Change and Water	TSP	Total suspended particles
DP&I	NSW Department of Planning & Infrastructure	TSS	Total suspended solids
DTIRIS	NSW Department of Trade & Investment, Regional Infrastructure and Services	WMP	Water Management Plan
EA	Environmental Assessment		
EMS	Environmental Management Strategy		
EPA	New South Wales Environment Protection Authority		
EPL	Environment Protection Licence		
ESCP	Erosion and Sediment Control Plan		
FVMP	Final Void Management Plan		
GMP	Groundwater Monitoring Plan		
HVAS	High volume air samplers		
LGA	Local Government Area		
LMP	Landscape Management Plan		
MCP	Mine Closure Plan		
MIA	Mining Infrastructure Area		
ML	Megalitre		
MOP	Mining Operations Plan		
Mtpa	Million tonnes per annum		
N/A	Not Applicable		

1 Introduction

Department of Planning and Infrastructure (DP&I) commissioned Glade Consulting to undertake a review of operations of Duralie Coal Pty Ltd. DP&I's Ben Harrison, Investigations Lead (Compliance) and Leah Cook, Glade Consulting, reviewed mining activities, offset area management and water management activities through a site inspection on the 4 and 5 November 2013.

The scope of the review was confined to the conditions of the Project Approval (08_0203) and implementation of related environmental Management Plans. The review was undertaken according to AS/NZS ISO 19011:2003 – Guidelines for Quality and/or Environmental Management Systems Reviewing.

1.1 Duralie Coal Mine

The Duralie Coal Mine (DCM) is an existing mine situated approximately 35 kilometres (km) south of Gloucester in the Gloucester Valley, New South Wales (NSW) (Figure 1). Duralie Coal Pty Ltd (DCPL) (a wholly owned subsidiary of Yancoal Australia Limited) owns and operates the DCM.

Leighton Mining operates the mine under contract to Yancoal. The deposit consists of two target seams, the Weismantel Coal Seam and the Clareval Seam. Duralie produces a high fluidity coking coal. To optimise the recovery of coal and improve project economics, Duralie coal is blended with other raw coal and washed to produce low ash coking coal and a higher ash thermal coal. Run of Mine coal is transported to Stratford operation, a Yancoal owned mine located north of Duralie in the Gloucester Basin, for washing by a shuttle train on the existing rail line.

1.2 Project Approval 08_0203

The NSW Minister for Urban Affairs and Planning granted Development Consent for the DCM in August 1997 and coal production commenced in 2003.

The Duralie Extension Project involves the extension and continuation of mine operations at the DCM. DCPL was granted approval for the Duralie Extension Project under section 75J of the NSW *Environmental Planning and Assessment Act*, 1979 (EP&A Act) on 26 November 2010 (NSW Project Approval [08_0203]) and under sections 130 and 133 of the Commonwealth *Environment Protection and Biodiversity Conservation Act*, 1999 (EPBC) on 22 December 2010 (Commonwealth Approval [EPBC 2010/5396]). On 10 November 2011, the NSW Project Approval (08_0203) was amended by Order of The Land and Environment Court of NSW. On 1 November 2012, the NSW Project Approval (08_0203) was modified as a result of the Duralie Rail Hours Modification. A copy of the consolidated NSW Project Approval (08_0203) and the Commonwealth Approval (EPBC 2010/5396) is available on the DCM website (<http://www.duraliecoal.com.au>). The DCM website also provides access to the related environmental management plans required by the Project Approval and monitoring records.

1.3 Review Process Overview

The review period was selected to be from July 2012 to November 2013. The review process involved:

- Interviews with site personnel.
- Detailed reviews of relevant documentation and samples of records provided by DCM for the selected period.
- A detailed site inspection.

The following sections describe these processes in more detail.

1.4 Site interviews and inspections

The on-site component of the review was undertaken on the 4 and 5 November 2013.

1.4.1 Opening/Closing meeting

An opening meeting was held at Duralie Coal office to introduce the review team, discuss the scope of the review and the review process. The methods to be used by the team to conduct the review were explained. It was stated that the review team would be interviewing personnel, evaluating site management plans, examining records and conducting a site inspection in order to address specific compliance requirements.

The participants of these meetings and their role are listed in Table 1

Table 1: Participation at the opening and closing meeting

Name	Organisation	Title
Doug Gordon	Duralie Coal	General Manager – Gloucester Basin
Tony Dwyer	Duralie Coal	Manager Approvals and Environment
Simon Budden	Duralie Coal	Manager Mining
Michael Plain	Duralie Coal	Environment Officer
Ben Harrison	Department of Planning and Infrastructure	Investigations Lead (Compliance)
Leah Cook	Glade Consulting	Director

During the closing meeting, a brief overview of key review findings was given followed by a discussion of any issues raised. The review team also thanked the relevant personnel for their time and cooperation throughout the site component of the review.

1.4.2 Site inspection

A detailed site inspection was undertaken on 4 and 5 November by the review team. The site inspection was restricted to the areas within the boundary of the Project Approval and the Offset Area. Photographs taken during the site inspection are provided in relevant sections of this report.

The weather during the site inspection was overcast with showers on 5 November. Temperatures ranged between approximately 12°C and 23°C, with light winds mainly from the south.

The site inspection focused on operational areas of the site, including:

- Disturbed areas such as haul roads, stockpiles and active pit
- Rehabilitated areas including areas currently being rehabilitated.
- Water storages
- Irrigation lands
- The mine infrastructure area
- Bioremediation area.
- The rail loader and ROM stockpile
- Fuel Storage
- Offset area

1.5 Reporting

Following completion of the site component of the review, the PA 08_0203 and Management Plan compliance checklists were completed (refer to Appendix 1) and review notes were reviewed in order to confirm any compliance matters to be noted in the review report. As a result of completion of the checklist and the reviewers' opinions regarding best practice measures, this report was prepared to provide an overview of any compliance issues and any other observations made by the reviewers during the review. This report has been prepared on an exception basis, highlighting any areas where action or improvements are required or recommended.

1.6 Definitions

The categorisation of results from the review was based on the following definitions:

- **Compliant (C)** – The intent and all specific requirements of the condition have been met.
- **Non-compliant (N/C)** – The intent or one or more specific requirements of the condition have not been met.
- **Not Applicable (N/A)** – A condition or requirement has an activation or timing requirement that had not been sufficiently triggered at the time of the review, therefore a determination of compliance could not be made.
- **Recommendations** – Environment Management Plan does not meet the requirement of the consent or the commitments of the Management Plan have not been adequately implemented.

2 Compliance with PA 08_0203 and Management Plans

This section outlines DCM's compliance with the conditions of the approval. The review found that Duralie Mine is operating generally in accordance with the EA, statement of commitments and conditions of the Project Approval.

A full checklist of compliance with the approval is provided in Appendix 1. This checklist details compliance status, evidence sighted and non-compliance issues/recommendations for each consent condition.

The evaluation of the environmental management plans focused on whether DCM has employed:

- Necessary actions to effectively manage the respective impacts on the plans.
- Industry leading practice and technology.

It is important to note that the content and recommendations provided in this section are advisory and require further investigation and consideration.

The following plans and strategies have been assessed:

- Environmental Management Strategy (EMS).
- Noise Management Plan (NMP).
- Blast Management Plan (BMP).
- Air Quality & Greenhouse Gas Management Plan (AQMP).
- Water Management Plan and its associated sub-plans:
 - Site Water Balance
 - Surface Water Management Plan, including Irrigation Management Plan
 - Groundwater Monitoring Plan
- Biodiversity Management Plan
- Giant Barred Frog Study and Giant Barred Frog Management Plan
- Rehabilitation Management Plan
- Heritage Management Plan
- Waste Management Plan

It was determined during the review that all required strategies, plans and programs were submitted to DP&I within the required timeframes and have been reviewed as required Schedule 5, condition 4 of PA 08_0203.

Specific issues associated with each of the key environmental issues are described in further details in the following sections.

2.1 Administrative Issues

Condition 1, Schedule 5 of the PA requires Duralie Coal to prepare and implement an Environmental Management Strategy (EMS) for the project to the satisfaction of the Director-General. Duralie Coal has developed and implemented an EMS. The EMS has been approved by DP&I. The EMS can be considered a mapping document that provides general instructions and references to key internal procedures. The review of the EMS found that it complies with all requirements provided in the approval and that it is adequate for its intended purpose.

2.1.1 Administrative related compliance

Administrative non-compliances are detailed in Table 2.

Schedule 2, Conditions 7, 8 and 48 relate to transportation of coal by rail and reporting requirements. The site inspection found no evidence of coal being transported on public roads by truck. The Train Performance Summary (05/11/12 - 24/10/13) published on DCMs website confirms no more than 4 trains have left the site with an average of 2.3 trains per day for the period 05/11/12 - 24/10/13.

Table 2: Administrative non-compliance

Condition	Requirement	Finding/Evidence	Recommendation
Condition 48 Schedule 3	The Proponent shall keep accurate records of: (a) the amount of coal transported from the site each month, and make these records publically available on its website at the end of each calendar year; and (b) the: · number of train movements to and from the site each day; · date and time of each train movement to the site between 10pm and midnight; and · instances when the shuttle train is operated on the North Coast railway between midnight and 1am in exceptional circumstances. and make these records publically available on its website on a fortnightly basis.	It is assumed that 'Number of trains' relates to train movements each day. Assumed that only one train received after 10pm and between 12pm and 1am, as received time only available on website. Train summary was accessed online 11/10/13 - Last entry online was 22 August 2013, website accessed again 02/12/13 with last entry 24 October 2013. The website is not updated fortnightly.	Maintain fortnightly upload of train performance data and clarify the number of train movements each day and time provided relates to one shuttle received after 10pm.
Condition 10 Schedule 5	Within 1 month of the date of this approval, the Proponent shall: (a) make copies of the following publicly available on its website: · a complaints register, which is to be updated on a monthly basis; (b) keep this information up-to-date, to the satisfaction of the Director-General.	Complaints Register accessed online 11.10.13 - Period 1 Sept 12 to 31 Aug 13 - Should have included September	Maintain monthly upload of complaints register

2.1.2 Opportunities for improvement

DCM may wish to consider revising the EMS and other relevant documentation to address the following:

- Website published Train Performance Summary should include a complete 12 month period to allow rolling 12 month averages to be calculated.
- It is noted that the amount of coal transported per month is provided in the Annual Reviews, however these reports are prepared for financial year periods and Condition 48 Schedule 3 requires calendar year reporting. Consider alignment with next modification or changes to reporting.
- Most of the Environmental Management Plans (EMP) require consultation with a range of government agencies as conditions of the PA, consider including evidence of consultation for

each plan as an appendix in each Management Plans. A summary table of specific consultation may suffice.

- Restructuring of the EMS and EMP to increase referencing of generic information relating to the project and related approvals back to the EMS.
- Ensure complaints register published on website is updated monthly (Condition 10, Schedule 5).

2.2 Noise Management

2.2.1 Noise related compliance

All conditions of the PA relating to noise were found to be compliant. Condition 7, Schedule 3 of the approval requires Duralie Coal to prepare and implement a Noise Management Plan ((NMP-R02-E approved by DP&I 02/07/13, published on website 09/10/2013).

2.2.2 Noise related recommendations

During the life of the project, DCM is required to ensure there is a suitable meteorological station operating in the vicinity of the site that is capable of continuous real-time measurement of temperature lapse rate in accordance with the NSW Industrial Noise Policy (Condition 24b, Schedule 3). Review of Vipac quarterly noise monitoring reports (3 of 4 (July 2013, April 2013, January 2013, October 2012)) indicates poor correlation of directly measured temperature lapse rate data to the weather station sigma-theta Pasquill stability category based predictions. It is recommended that a long term review of temperature lapse rate data and methodologies be completed to determine implications for data use for noise monitoring interpretation and development of predictive noise tools.

The DCM fleet of mobile plant including haul trucks, excavators, dozers, graders and other items are annually assessed for sound power levels. Four mobile plant exceeded the specified target noise emission levels in the static test conditions. Three mobile plant exceeded the specified target noise emission levels in the dynamic test conditions. Ensure equipment that fails sound power testing is maintained and re-tested or operational controls employed to limit operation (Condition 13, Schedule 2).

Rail noise monitoring was conducted at two locations along the train line between Duralie and Stratford Coal Mines as part of the quarterly noise surveys. Noise emissions from the Duralie Shuttle Train complied with the goal level of 85dB(A) L_{Max} pass-by noise and 65dB(A) L_{eq} 15 minute average at the Craven monitoring location but failed to comply with the goal levels set out in the NMP (not specified limits in the Project Approval) at the Wards River location for the October 2012, January 2013 and July 2013 attended surveys.

2.2.3 Noise related opportunities for improvement

DCM may wish to consider revising the NMP and current practices to include the following:

- Regular attended noise monitoring in Wards River village (source of complaint in 2012/13).

- Ensure all commitments in the NMP are measurable and reflect current practices.
- Consider suitability of also including linear scale targets for sound power assessments as a better reflection of the noise that will propagate to receptors. Traditional sound power specifications have specified an A-weighted sound power level as being the primary noise specification for mobile plant. This is a hangover from metropolitan noise modelling scenarios where the receptor is likely to be in the range of hundreds of meters away from the source of the noise. Mines typically have receptors that are at distances of kilometres away from the mine. Over this distance it is technically more accurate to use the linear sound power level in any noise modelling scenarios.
- Review inputs of noise model, including current mine plans to provide more accurate modelling results.
- Provide further training of shuttle train operators regarding horn blast protocols.
- As suggested by Vipac, (July 2013 report, Section 6.8.4) clarify in the NMP if the L_{Aeq} criteria of 65dB(A) is for train pass by period (typically 1-3 minutes) or for a fifteen minute period.

2.3 Blast Management

2.3.1 Blast related compliance

All conditions of the PA relating to blast management were found to be compliant, with the exception of Condition 8, Schedule 3. Details of the noncompliance are provided in Table 3.

Table 3: Blasting relating non-compliance

Condition	Requirement	Finding/Evidence	Recommendation
Condition 8 Schedule 3	The Proponent shall ensure that the blasting on the site does not cause exceedences of the criteria in Table 4	Permanent blast monitors are located on the Schultz Property (Bucketts Way, south west of mine); Mahony Property; Fisher-Webster Property and the former Weismantels Inn. It was stated that monitoring was completed at Mammy Johnson's grave when blasting was undertaken in the southern end of the operation, there has been no monitoring in the recent period. AEMR 2012-13 reported no exceedances of overpressure or vibration at monitoring locations. An exceedance of overpressure was reported to DP&I on from a blast 18 October 2013 recorded 121.2 at Mahony Property. It was stated that a private agreement was agreed at this time and the operation is currently reviewing alternate locations for monitoring.	Relocate AAAB2 (Mahony) blast monitor to better reflect residence on privately owned land.

Condition 16, Schedule 3 of the approval requires DCM to prepare and implement a Blast Management Plan (BLMP-R02-B, approved by DP&I 27/09/13) for the project to the satisfaction of the Director-General. It was determined that the BMP adequately complies with the conditions of approval, defining the environmental requirements and how blasts are managed and potential impacts are measured.

The Blast Management Plan addresses the site specific issues related with blast clearance zones for non-mine owned land within 500m that is typically unattended (Section 3.2.2 of BLMP). The DP&I would like DCM to continue to attempt negotiations with the land owner within the 500m exclusion zone and notify DP&I of any changes in the relationship.

2.3.2 Blast related recommendations

It is recommended that the following controls be included in the Blast Management Plan:

- Advise the DP&I in writing, as soon as practicable, of the terms of agreements with relevant landowners to exceed the blasting criteria (Condition 8 Schedule 3). Until such advice is provided to the DP&I the criteria provided in Table 4 apply.
- Implementing a robust blast fume management strategy which includes the classification and management of fume from all blasts, with reference to the *Australian Explosives Industry and Safety Group Code of Practice, PREVENTION and MANAGEMENT OF BLAST GENERATED NO_x GASES IN SURFACE BLASTING Edition 2, August 2011* (Condition 13a, Schedule 3).
- The combined effect of drilling pattern and sequential initiation sequence can result in substantial increases in airblast overpressure and ground vibration levels in certain directions. A blast vibration wavefront reinforcement model should be utilized for all shots to ensure receivers are not impacted (Condition 13a, Schedule 3).
- Any properties that have been surveyed and investigated could be listed in Blasting Management Plan (Condition 11 and 12, Schedule 3).

2.3.3 Blast related opportunities for improvement

DCM is required to implement best blasting practice on site. Duralie Coal may wish to further consider:

- Publishing the blasting information hotline on the DCM website (Condition 13b, Schedule 3,).

2.4 Air Quality and Greenhouse Gas Management

2.4.1 Air quality and greenhouse gas compliance

All conditions of the PA relating to air quality and greenhouse gas management were found to be compliant. Condition 23, Schedule 3 of the approval requires DCM to prepare and implement an Air Quality and Greenhouse Gas Management Plan (AQMP-R02-E, approved by DP&I 27/09/13, published on website 09/10/2013).

2.4.2 Air quality and greenhouse gas recommendations

There were no recommendations to ensure plans meet the requirement of the consent.

2.4.3 Air quality and greenhouse gas related opportunities for improvement

DCM is required to implement best practices relating to air quality and greenhouse gas management on site. Duralie Coal may wish to further consider:

- Efficiencies to reduce ROM coal rehandle (Savings of GHG emissions (through increased energy efficiency, reduced fuel consumption) are achieved by mine planning decisions which minimise rehandle of ROM coal).
- Including the review of GHG/Energy related projects and effectiveness of mitigation measures in the Annual Review.
- Utilizing excess water for improved dust mitigation within the operation, such as fixed sprinkler road watering or water foggers on active dig faces.

2.5 Water Management

2.5.1 Water related compliance






Water management continues to be a critical issue for DCM. The main principles of the DCM water management system on-site are to:

- Minimise the generation of dirty water;
- Minimise storage requirements by maximising re-use of dirty water;
- Remove potential impacts on downstream water resources by provision of secure containment on site and disposal by irrigation re-use;
- Implement a fail-safe system, whereby under extreme events in excess of design capacity, dirty waters would spill to the mine pit and not to the clean water catchments; and
- Not allow sediment laden water having an elevated suspended solids concentration to be discharged off site.

Site inspection of areas ahead of mining and associated water controls indicated generally good planning and adherence to the above principles of the DCM water management system. However, an exception was observed with the recent works for the clean water diversion ahead of Clareval North area. The sediment fence was considered inadequate to control potentially sediment laden water and the channel had not been stabilized successfully with vegetation. During the closing meeting of this review it was agreed that immediate action was required and email communication on 7 November 2013 confirmed adequate sediment controls works had been completed, as detailed in Table 4.

Table 4: Water related non-compliances

Issue	Recommendation	Photographs 4/5 November 2013	Photographs 7 November 2013
Clareval North diversion (Condition 25, Schedule 3) Section 6.2 of the Site Water Balance	Improve sediment control works associated with diversion	<i>Lower section</i> <i>Note:</i> <i>-Sediment fence not installed correctly at footings</i> <i>- low point of bank at rocks with no silt fencing</i> <i>- inadequate vegetation cover</i>	

Issue	Recommendation	Photographs 4/5 November 2013	Photographs 7 November 2013
		 <p><i>Mid Channel Section</i></p>  <p><i>Upper Channel Section</i></p> 	  

2.5.2 Water related recommendations

Condition 29, Schedule 3 of the PA requires DCM to prepare and implement a Water Management Plan (WAMP-R02-D, approved by DP&I and SEWPAC 27/09/13) which includes Site Water Balance, Surface Water Management Plan, including Irrigation Management Plan and Groundwater Monitoring Plan. The published date on the website should be checked 16/03/2012, despite the current version being published. It was determined that the plans generally comply with the conditions of approval and provide an overview of required monitoring and mitigation controls.




Irrigation of mine water is conducted at the DCM as part of the water management system. Mine water comprises runoff from the open pit, coal handling and fuel storage areas, seepage from non-

rehabilitated waste rock emplacement areas, groundwater inflows to the open pit and rainfall runoff from the Main Water Dam catchment. An assessment of the suitability of mine water for irrigation was undertaken for the Duralie Extension Project by Agricultural Water Management (2010). The key findings of that assessment were “that there was no evidence that irrigation with water from the MWD would significantly affect soil properties and their suitability for future agricultural use. Accordingly water from the MWD is considered suitable for irrigation, under an irrigation system conducted in accordance with the IMP moisture deficit strategy.” The site inspection confirmed that the irrigation system has been well implemented including an automated irrigation and first flush monitoring system. As at 30 June 2013 there was 3362ML of mine water stored, with a maximum storage capacity of 4591 ML.

No additional works associated with the re-establishment of Coal Shaft Creek occurred during the review period.

Water management around the rail siding dam requires review with a number of water related issues observed which are contrary to principles of the Surface Water Management Plan, as detailed in Table 5.

Table 5 Water related recommendations

#	Issue	Recommendation	Photograph
1	Poly pipeline with mine water from rehabilitation dam to Rail Siding (RS) dam crosses Coal Shaft Creek diversion (clean water) and has visible signs of stress. It is not currently part of an inspection regime due to poor access.	Reroute the pipe to avoid/minimise crossing of clean water diversion and protection (e.g. sleeving, flow meter alarms).	
2	Wall stability of RS dam	Engineer and rectify wall	
3	Handling of spilt carbonaceous material near clean water diversion	Utilise an alternate area for temporary stockpiling of spilt ROM coal/ Create a barrier to the Coal Shaft Creek diversion (clean water).	

2.5.3 Water related opportunities for improvement

Duralie Coal should consider the following water related improvements:

- Regularly investigate alternate beneficial uses of contained mine water, such as for other industries and report in each Annual Review. This will ensure continuous improvement and allow assessment of new/changing technology and local uses.
- Vegetation enhancement within the irrigation areas to maximize evapotranspiration, possibly forestry land-use.
- Ensure mine closure planning includes the irrigation areas and water storages.
- Removal of no longer required sediment fencing (or maintenance) at various locations across site.
- Maximise irrigation on Type V areas with the installation of additional irrigation blowers.
- Consider the use of foggers for dust mitigation in active mining areas.
- Review suitability of additional irrigation areas, such as in the Unnamed Tributary catchment, and review and update of the IMP in consultation with the relevant government agencies and stakeholders.

2.6 Biodiversity Management

2.6.1 Biodiversity related compliance

To offset the impacts of mining, Conditions 30 to 45, Schedule 3 relate to biodiversity management. A Biodiversity Management Plan, Version D was approved by the DP&I 27/09/13 with the previous version approved by SEWPaC 28/08/13. It includes specific management measures for biodiversity at the mine site and highlights the procedures to be undertaken in the Offset areas. This Biodiversity Management Plan also addresses the offset requirements outlined in the Bowen's Road North Open Cut Coal Mine (BRNOC) approval conditions (Instrument of Approval, November 2010), since the offset under those conditions is an extension of the DCM Offset areas. A total of 715ha of land will be managed as offset areas.

Areas of the Southern Offset area were inspected during the review. As described in the BMP, the offset area was adequately fenced and cattle were not evident. There was evidence of natural regeneration from remnant stands of eucalypts and these will be an important feature in the enhancement program of the offset area. As detailed in the 2012-13 Annual Review/Annual Biodiversity Review, all of the works proposed for year 1 (2013) have all commenced with a number of programs expected to be completed by December 2013.

One non-compliance was noted during the review relating to biodiversity. Arrangements for the conservation of offset areas for perpetuity have not been finalised (due December 2013) due to lack of agreement with OEHL regarding mechanism to protect offset lands (Condition 44, Schedule 3), see Table 6.

Table 6: Biodiversity relating non-compliance

Condition	Requirement	Finding/Evidence	Recommendation
Condition 44 Schedule 3,	Within 6 months of the approval (September 2012) of the Biodiversity Management Plan, the Proponent shall lodge a conservation bond with the Department to ensure that the offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond shall be determined by: (a) calculating the full cost of implementing the offset strategy; and (b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Director-General	Conservation agreement or similar to protect land for perpetuity has not been completed and consequently a bond has not been lodged.	Lodge a conservation bond. This bond can be adjusted, if required, post offset securing mechanism being agreed.

Of significant note is the initial signs of success of the hollow bearing habitat feature program. The BMP commits to the approximate size and number of hollow bearing trees to be removed for mining will be documented. When such hollows are cleared, boxes of a similar size and function are to be constructed and installed. Eighteen “glider boxes” have been installed within Management Units AG, C, G, J and R. Based on monthly monitoring program results, of 18 boxes installed 12 indicate habitation within 4 months and 3 of 18 are occupied with Squirrel Gliders.

2.6.2 Biodiversity related recommendations

Duralie are recommended to include results of the Giant Barred Frog Monitoring in the Annual Review. Monitoring results were not included within the 2012-13 Annual Review, however CCC minutes from 07/02/13 documents, 'DCPL advised a positive outcome in the January 2013 monitoring of the Giant Barred Frog monitoring program, which currently takes place from September to February each year. 500 individuals of the species were identified in the catchment'.

2.6.3 Biodiversity related opportunities for improvement

The following issues should be reviewed to improve biodiversity management:

- Biodiversity Management plan to consider actions beyond 3years to better reflect expected timeframes for meeting completion criteria. Consider detailed plan for 0-3 years, with broader concepts for management provided for the medium (e.g. 3-6 years) and long term periods (e.g. 6+ years).
- Consider aligning the time frames of the Biodiversity Management Plan Performance Criteria with other reporting periods (i.e. financial years).
- Review the Giant Barred Frog Management Plan (Section 4) to better reflect that the study has been completed and provide a summary of the outcomes of the Giant Barred Frog Study (GBFS-R02-A, approved by OEH, DP&I 06/03/12) as a baseline for future works.

2.7 Rehabilitation and Land Management

2.7.1 Rehabilitation and land management related compliance

The Project Approval requires DCM to progressively rehabilitate disturbed mining areas. Based upon visual inspection, the rehabilitation completed to date (76.5ha reported in the 2012/13 Annual Review) appears to be generally consistent with the proposed rehabilitation strategy described in the EA and complies with the objectives in Table 11 of the PA 08_0203 (Photo 1).



Photo 1: Rehabilitation Note good ground and over-storey species, habitat features with stag trees implanted and topsoil spreading on new area of rehabilitation.

During the review period a feral animal survey was conducted covering the mining lease and offset areas. No controls have been undertaken during the year with plans to commence over summer.

Weed control activities were undertaken during the spring and summer periods of 2012-2013 in accordance with the DCM Biodiversity Management Plan. Weed spraying within the Mining Lease area mainly targeted Giant Parramatta Grass, Blackberry, Lantana, St John's Wort and Wild Tobacco.

2.7.2 Rehabilitation and land management related recommendations

It is recommended that final landform design remains generally consistent within the limitations of the maximum height of the waste rock emplacement (between 110 to 120 m AHD i.e. similar scale to the existing Tombstone Hill) but includes visible relief (+/- 20m RL). This will require consultation with DRE and DP&I (Section 5.3.2 of the Rehabilitation Management Plan).

2.7.3 Rehabilitation and land management related opportunities for improvement

Duralie Coal may wish to further consider:

- Improved bush fire prevention measures around the shuttle train rail load point (Condition 54, Schedule 3)
- Revegetate topsoil stockpiles as soon as possible.

2.8 Heritage Management

2.8.1 Heritage related compliance

Condition 46, Schedule 3 of the approval requires Duralie Coal to prepare and implement a Heritage Management Plan (HMP) for the project to the satisfaction of the Director-General. Duralie Coal has developed and implemented a HMP with the current version being HMP-R02-C, approved by DP&I 18 June 2013 and published on their website 9 October 2013. The development of the HMP included the necessary consultation with key stakeholders.

In accordance with the views provided through consultation with Aboriginal Stakeholders, artefacts DM2, an irregular shaped river cobble and DM5, a mature Yellow Box tree with a scar, have been salvaged and relocated into care of Karuah Local Aboriginal Land Council (KLALC).

2.8.2 Heritage related opportunities for improvement

To align with community expectations and current practices of other mines in the Hunter Valley the following heritage related improvement should be considered:

- Define the maintenance program for the European heritage site, Weismantels Inn, including any special tenancy requirements within the HMP.

2.9 Waste Management

2.9.1 Waste related compliance

The DCM is required to ensure that the waste generated by the project is appropriately stored, handled and disposed and to develop a Waste Management Plan, WMP-R02-A dated February 2012. However the version table of the WMP does not indicate DP&I approval date, published on website 16/03/2012. DP&I records indicate that this plan was approved 06/03/12. Site inspection confirmed wastes were adequately managed with adequate bins for waste segregation and in suitable locations.

It was noted during the site inspection that the scrap tyres in storage potentially exceeded 50t and requires in-pit placement as per WMP-R02-A and Condition 52, Schedule 3. A recent media release by the EPA (<http://www.epa.nsw.gov.au/epamedia/EPAMedia13051401.htm>) indicates that tyre management is a current focus area. The NSW Fire Brigades Guidelines for Bulk Storage of Rubber Tyres has minimum requirements for the storage of rubber tyres, including those in open yard or within buildings and structures. See www.fire.nsw.gov.au/gallery/files/pdf/guidelines/rubber_tyres.pdf.

PAF waste material was observed to be appropriately segregated and selectively handled during the site inspection.

2.9.2 Waste related recommendations

It is recommended that the following controls be included in the Waste Management Plan:

- Signage at the bioremediation area to define operation (Section 5.5 of the WMP).

3 Conclusion

Verification was conducted at the Duralie Mine office where the review team was allowed access to relevant documentation. Some aspects of verification relied on personal communication with the personnel of the DCM.

The review team was taken on an inspection of mine facilities, rehabilitation, infrastructure and surrounding properties. The resources and assistance provided by Duralie team to facilitate document retrieval and site inspection for verification was appreciated by the review team.

It is considered that Duralie Mine is maintaining an acceptable standard of environmental management. Despite sound environmental management, the mine was not able to demonstrate complete compliance in the areas of biodiversity management, monitoring, water management and some administrative matters.

4 References

Agricultural Water Management (2010) *Duralie Extension Project Irrigation Water – Suitability Assessment*. Attachment AB of Appendix A of Duralie Coal Pty Ltd (2010) *Duralie Extension Project Environmental Assessment*.

Department of Planning and Infrastructure (DoPI) (2011). *Land and Environment Court of NSW Order for Duralie Extension Project Approval, Duralie Coal Pty Ltd 10 November 2011*

Duralie Coal. *Air Quality and Greenhouse Gas Management Plan for Duralie Coal Pty Ltd*. (AQMP-R02-E, approved by DP&I 27/09/13)

Duralie Coal. *Noise Management Plan for Duralie Coal Pty Ltd*. (NMP-R02-E, approved by DP&I 02/07/2013)

Duralie Coal. *Rehabilitation Management Plan for Duralie Coal Pty Ltd*. (RMP-H, approved by DTIRIS 31/05/13)

Duralie Coal. *Water Management Plan for Duralie Coal Pty Ltd*. (WAMP-R02-D, approved by DP&I and SEWPAC 27/09/13)

Duralie Coal, *Giant Barred Frog Management Plan for Duralie Coal Pty Ltd*. (GBFMP-R02-C approved by SEWPaC, 15/08/12)

Duralie Coal, *Giant Barred Frog 'Study'* (GBFS-R02-A, approved by OEH, DP&I 06/03/12)

Duralie Coal, *Blast Management Plan for Duralie Coal Pty Ltd*. (BLMP – R02-B, approved by DP&I 06/03/12)

Duralie Coal, *Heritage Management Plan for Duralie Coal Pty Ltd*. (HMP-R02-C, approved by DP&I 18/06/13)

Greening Australia (2012). *Duralie Coal Biodiversity Management Plan*. (Version D, approved by DP&I 27/09/13)

Trevor Brown & Associates -Applied Environmental Management Consultants (2011) *Independent Environmental Review Duralie Coal Mine*, November 2011

Appendix 1 Compliance Table

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
2	1	Administration	The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation or rehabilitation of the project.	Noted, see findings related to specific conditions	C	
2	5	Administration	The Proponent may carry out mining operations on site until 31 December 2021.	This condition is not triggered	N/A	
2	6	Production	The Proponent shall not extract more than 3 million tonnes of coal from the site in a calendar year	AEMRs reported; 2011-2012 - 2.46mt ROM, 2012-2013- 2.24mt ROM production was within approval limits. DCM currently operating on a reduced roster of 6 days per week	C	
2	9	Administration	By the end of December 2011, or as otherwise agreed by the Director-General, the Proponent shall surrender all existing development consents for the site in accordance with Section 104A of the EP&A Act.	DA 168/99 surrendered 9.2.13	C	
2	11	Other Approvals	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. Notes: · Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works; and · Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.	It was stated that there had been no recent building works. Previous compliance audit (Nov 2011) reported a bath house and sanitary facilities for the Leighton Contractor area constructed July 2011.	C	
2	12	Other Approvals	The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	It was stated that there had been no demolition works since the Project Approval	C	
2	16	Financial	16 (a,b,c,d) These contributions must be indexed according to the CPI at the time of each payment	Sighted financial payments for 2013.	C	
2	17	Financial	17 (a,b,c) These contributions must be indexed according to the CPI at the time of each payment.	Sighted financial payments for 2013.	C	
2	13 (a)	Production	The Proponent shall ensure that all the plant and equipment used on site, or to transport coal from the site, is maintained in a proper and efficient condition	The mining activities are conducted at the Duralie Mine site by Leighton Contractors and all equipment and plant is managed and maintained to operate in an efficient manner. Site inspection confirmed onsite maintenance activity.	C	
2	13 (b)	Production	The Proponent shall ensure that all the plant and equipment used on site, or to transport coal from the site operated in a proper and efficient manner	The mining activities are conducted at the Duralie Mine site by Leighton Contractors and all equipment and plant is managed and maintained to operate in an efficient manner. Site inspection confirmed adequate operation controls.	C	
2	16 (a)	Financial	For the period from the end of December 2010 until the completion of mining operations on site, the Proponent shall pay GLC the following contributions each year \$59,688.09 for the maintenance of The Bucketts Way	Sighted financial payments for 2013.	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
2	16(b)	Financial	For the period from the end of December 2010 until the completion of mining operations on site, the Proponent shall pay GLC the following contributions each year 11,022.58 for a structural inspection of the bridges on The Bucketts Way (between its intersection with Clarence Town Road and the mine access road);	Sighted financial payments for 2013.	C	
2	16(c)	Financial	For the period from the end of December 2010 until the completion of mining operations on site, the Proponent shall pay GLC the following contributions each year \$120,000 for the Karuah Catchment Management Program	Sighted financial payments for 2013.	C	
2	16(d)	Financial	For the period from the end of December 2010 until the completion of mining operations on site, the Proponent shall pay GLC the following contributions each year \$100,000 for the provision of community infrastructure	Sighted financial payments for 2013.	C	
2	17(a)	Financial	For the period from the end of December 2010 until the completion of mining operations on site, the Proponent shall pay GSC the following contributions each year \$15,000 for specified community works that have been agreed to between GSC and the Proponent	Sighted financial payments for 2013.	C	
2	17(b)	Financial	For the period from the end of December 2010 until the completion of mining operations on site, the Proponent shall pay GSC the following contributions each year \$15,000 for the GSC Community Education Fund for an annual trade apprenticeship, traineeship, scholarship or equivalent	Sighted financial payments for 2013.	C	
2	17(c)	Financial	For the period from the end of December 2010 until the completion of mining operations on site, the Proponent shall pay GSC the following contributions each year \$10,000 for the provision of community infrastructure	Sighted financial payments for 2013.	C	
2	2 (a)	Administration	The Proponent shall carry out the project generally in accordance with the EA;	AEMR 2012-2013 confirms the project is undertaken generally in accordance with the EA and the predictions of the EA.	C	
2	2 (b)	Administration	The Proponent shall carry out the project generally in accordance with the statement of commitments	noted		
2	2(c)	Administration	The Proponent shall carry out the project generally in accordance with the conditions of this approval	noted		
2	4(a)	Administration	The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this approval.	There have no specific directives of the Director General.	C	
2	4(b)	Administration	The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of the implementation of any actions or measures contained in these documents	Not triggered	N/A	
2	7 (a)	Transport	The Proponent shall ensure that all coal is transported from the site by rail	The site inspection found no evidence of coal being transported on public roads by truck.	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
2	7(b)	Transport	The Proponent shall ensure that no more than 5 laden trains leave the site each day	Train performance summary (05/11/12 - 24/10/13) states no more than 4 trains have left the site	C	
2	7(c)	Transport	The Proponent shall ensure that no more than 4 laden trains leave the site each day, when averaged over a 12 month period.	Average of 2.3 trains per day for the period 05/11/12 - 24/10/13. Note that the online performance summary does not include a full 12 month period.	C	Provide 12 month rolling data
2	8 (8A)	Transport	If yes above: Within 12 hours of operating shuttle trains on the North Coast railway between midnight and 1am in exceptional circumstances, the Proponent shall provide a detailed explanation of the exceptional circumstances on its website.	Not triggered	C	
2	8(a)	Transport	The Proponent shall only dispatch shuttle trains from the site between 6am and 10pm	It was stated that shuttle trains are only dispatched between 6am and 10pm	C	include the dispatch time in the Train Performance Summary on website
2	8(b)	Transport	The Proponent shall only receive shuttle trains on site between 6am and midnight	Train performance summary (05/11/12 - 24/10/13) states all trains were received prior to midnight, with 10% of trains between 10pm and midnight.	C	
2	8(c)	Transport	The Proponent shall only operate shuttle trains on the North Coast railway between midnight and 1am in exceptional circumstances.	Nil operated	C	
3	1	Acquisition	Upon receiving a written request for acquisition from an owner of the land listed in Table 1, the Proponent shall acquire the land in accordance with the procedures in Conditions 5 - 6 of Schedule 4	A number of the properties have been acquired by Duralie Coal following consultation and negotiation, but no written requests for acquisition had been received by Duralie Coal during the period 2011-2013.	C	
3	2	Noise	Except for the land referred to in Table 1, the Proponent shall ensure that the noise generated by the project does not exceed the criteria in Table 2 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.	Noise monitoring is undertaken quarterly by Vipac at five locations and a reference site around DCM. AEMR 2012-2013 confirms noise generated by the project did not exceed the criteria of this condition.	C	
3	3	Noise	If the noise generated by the project exceeds the criteria in Table 3 at any residence on privately owned land or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner, the Proponent shall acquire the land in accordance with the procedures in Conditions 5 - 6 of Schedule 4	AEMR 2012-2013 confirms the noise generated by DCM did not exceed the criteria in Table 3 and there have been requests for acquisition.	C	
3	4	Noise	Upon receiving a written request from the owner of any residence: (a) on the land listed in Table 1; (b) on the land listed as 123, 126, and 172 on the figure in Appendix 3; (c) on the land listed as R2, R4-12 on the figure in Appendix 3; (d) on privately-owned land where subsequent noise monitoring shows that the noise generated by the project is greater than or equal to LAeq(15 minute) 38 dB(A); or (e) on privately owned land between the Stratford and Duralie mines where the maximum passby rail traffic noise from the Project exceeds 85dBA, the Proponent shall implement additional noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the owner. These measures must be reasonable and feasible	It was stated that there have been no requests for noise mitigation	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	5	Transport	By the end of December 2011, or as otherwise agreed by the Director-General, the Proponent shall only use locomotives that are approved to operate on the NSW rail network in accordance with the noise limits in the ARTC's EPL (No. 3142).	DCPL required that the locomotives provided by Aurizon be GL Class (or equivalent noise performance), and that Aurizon only uses locomotives on the shuttle that are approved to operate on the NSW rail network in accordance with the noise limits in the ARTC's EPL (No. 3142).	C	
3	7	Noise	The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Director-General.	Sighted Noise Management Plan (NMP-R02-E, approved DP&I 02/07/2013) published on website 09/10/2013	C	
3	8	Blast	The Proponent shall ensure that the blasting on the site does not cause exceedances of the criteria in Table 4	Permanent blast monitors are located on the Schultz Property (Buckets Way, south west of mine); Mahony Property; Fisher-Webster Property and the former Weismantels Inn. It was stated that monitoring was completed at Mammy Johnson's grave when blasting was undertaken in the southern end of the operation, there has been no monitoring in the recent period. AEMR 2012-13 reported no exceedances of overpressure or vibration at monitoring locations. An exceedance of overpressure was reported to DP&I on from a blast 18 October 2013 recorded 121.2 at Mahony Property (The blast was fired at 12:39pm with the Department notified by phone and email at 4:19pm on that day). It was stated that a private agreement was agreed at this time and the operation is currently reviewing alternate locations for monitoring.	NC	Relocate AAAB2 (Mahony) blast monitor to better reflect residence on privately owned land
3	9	Blast	The Proponent shall only carry out blasting on site between 9am and 5pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Director-General.	Blasting only occurs on site between 9am and 5pm Monday to Saturday.	C	
3	11	Blast	If the Proponent receives a written request for the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection report updated, then within 2 months of receiving this request the Proponent shall: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to: · establish the baseline condition of the buildings and/or structures on the land, or update the previous property inspection report; · identify any measures that should be implemented to minimise the potential blasting impacts of the project on these buildings and/or structures; and (b) give the landowner a copy of the new or updated property inspection report	All properties within 2km of the operation were notified of the opportunity for inspections. A recent request has been received from receptor 94 (Howards) for a property inspection	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	12	Blast	If the owner of any privately-owned land claims that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within 2 months of receiving this claim the Proponent shall: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to investigate the claim;	There have been no claims	N/A	
3	16	Blast	The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Director-General be prepared in consultation with EPA, and submitted to the Director-General for approval within 3 months of the date of this approval, unless otherwise agreed by the Director-General	A Blast Management Plan was prepared within 3months of Project approval (BLMP – R02-B, approved by DP&I 06/03/12) and has since been reviewed (BLMP – R02-B) and approved by DP&I 27/09/13 and published on DPCL website 09/10/2013	C	
3	17	Air Quality	The Proponent shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.	Site inspection confirmed that there were no odours. AEMR 2013 reported one odour related complaint (31/05/13), however operational review suggests the mine was not the cause.	C	
3	18	GHG	The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Director-General	Air Quality Management Plan (AQMP-R02-E, 27/09/13), Section 6.2. It commits to monitoring the effectiveness of measures to reduce DCPL's GHG emissions (and energy consumption), however there is no information pertaining to GHG management included in the Annual Review 2012-2013 (Condition 3 of Schedule 5). 2012 EEO Public Report available on website, reports 3 projects implemented or commenced implementation, with a commitment for new opportunities to be assessed 2012/13. It was noted that due to constrained stockpile capacity at the ROM loading bin that ROM coal is generally rehandled a number of times.	C	Consider efficiencies to reduce ROM coal rehandle (Savings of GHG emissions (through increased energy efficiency, reduced fuel consumption) are achieved by mine planning decisions which minimise rehandle of ROM coal). Include review of GHG/Energy related projects and effectiveness of mitigation measures in the Annual Review.
3	19	Air Quality	The Proponent shall ensure that particulate matter emissions generated by the project do not exceed the criteria listed in Tables 5, 6 or 7 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.	AEMRs reported; 2011-2012 , 2012-2013- air quality results were within approval limits.	C	
3	20	Air Quality	If particulate matter emissions generated by the project exceed the criteria in Tables 8, 9 or 10 at any residence on privately-owned land or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner the Proponent shall acquire the land in accordance with the procedures in Conditions 5-6 of Schedule 4	Not triggered, no requests for acquisition were received by DCM.	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	21	Air Quality	Upon receiving a written request from the owner of any residence: (a) on the land listed as 125(1) and 125(2) in the figure in Appendix 3; or(b) on privately-owned land where subsequent air quality monitoring shows that the dust generated by the project is greater than or equal to the applicable criteria in Tables 5, 6 or 7 on a systemic basis, the Proponent shall implement additional dust mitigation measures (such as a first flush roof system, internal or external air filters, and/or air conditioning) at the residence in consultation with the owner. These measures must be reasonable and feasible.	No requests for mitigation or acquisition were received by DCM in relation to particulate matter emissions	C	
3	26	water	The Proponent shall offset the loss of any base flow to Mammy Johnsons River. This condition does not apply if the Director-General determines this loss to be negligible	Monitoring of surrounding water courses and streams, and groundwater have not indicated loss of base flow	N/A	
3	27	water	The Proponent shall provide compensatory water supply to any landowner of privately-owned land whose water licence entitlements are impacted (other than an impact that is negligible) as a result of the project, in consultation with NOW, and to the satisfaction of the Director-General. The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the project. Equivalent water supply must be provided (at least on an interim basis) within 24 hours of the loss being identified. If the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution. If the Proponent is unable to provide an alternative long-term supply of water, then the Proponent shall provide alternative compensation to the satisfaction of the Director-General	DCM has not been advised of any water licence entitlement impacts by private landowners	N/A	
3	29	water	The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must be prepared in consultation with EPA and NOW by suitably qualified and experienced persons whose appointment has been approved by the Director-General, and submitted to the Director-General within 3 months of the date of this approval	DP&I approved the appointment of Mr Lindsay Gilbert (Gilbert &associates Pty Limited) and Dr Noel Merrick (Heritage Computing) as suitably qualified and experienced persons for the preparation of the WAMP on 18 February 2011.	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	30	Biodiversity	The Proponent shall ensure that the project has no more than a negligible impact on the local Giant Barred Frog population.	Baseline study completed March 2012 to establish extent of population distribution. Monitoring to commence ensure that the project has no more than a negligible impact on the local Giant Barred Frog population, as per Section 6 of <i>Giant Barred Frog Management Plan</i> (GBFMP-R02-C approved by SEWPaC, 15/08/12). 2012-2013 AEMR reports, 'Annual Giant Barred Frog monitoring has been undertaken since 2010 and was continued during the reporting period. Monitoring results will be reported in the 2014 AR.' Monitoring results not included within the 2012-13 Annual Review, however CCC minutes from 07/02/13 document 'DCPL advised a positive outcome in the January monitoring of the Giant Barred Frog monitoring program, which currently takes place from September to February each year. 500 individuals of the species were identified in the catchment'.	C	Monitoring results must be reported in the 2014 AR.
3	31	Biodiversity	The Proponent shall prepare a Giant Barred Frog Study to the satisfaction of the Director General. This study must: (a) be prepared, in consultation with OEH, by a suitably qualified and experienced person, whose appointment has been endorsed by the Director-General; (b) be submitted to the Director-General for approval within 2 months of this approval;(c) investigate the extent of the Giant Barred Frog population in the Mammy Johnsons River Catchment; (d) assess the condition of the Giant Barred Frog habitat where it is recorded within the Catchment, including the presence of any Chytrid fungus; (e) analyse the age structure of the frog population and the health of tadpoles; and (f) document the relevant hydrological conditions both prior to and during the study, including rainfall, water flows and quality in Mammy Johnsons River, both upstream and downstream of the confluence of Mammy Johnsons River and Coal Shaft Creek, and in Coal Shaft Creek.	During the recent Giant Barred Frog Survey, the consultants presented information to the community in Stroud about their work, and provided schools with posters of the local frog species. This effort expanded upon the company's community liaison work.	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	32	Biodiversity	<p>The Proponent shall prepare and implement a Giant Barred Frog Management Plan to the satisfaction of the Director-General. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with OEH by a suitably qualified and experienced person, whose appointment has been endorsed by the Director-General; (b) be submitted to the Director-General for approval within 3 months of the date of this approval; (c) include a summary of the Giant Barred Frog Study; (d) establish performance measures for evaluating the impact of the project on the local Giant Barred Frog population; (e) describe the measures that would be implemented to minimise the potential spread of Chytrid fungus, including training of staff in site hygiene management in accordance with the NPWS Hygiene Protocol for the Control of Disease in Frogs 2001; (f) include a program to monitor the potential impact of the project on the local frog population, which includes: <ul style="list-style-type: none"> · detailed performance indicators for the project, with reference to the performance measures established in (d) above; · annual monitoring of the frog population and its habitat during the breeding season along Mammy Johnson River both upstream and downstream of the confluence of Mammy Johnsons River and Coal Shaft Creek; · trigger levels for further investigation; and (g) a contingency plan that would be implemented if monitoring suggests the frog population downstream of the confluence of Mammy Johnsons River and Coal Shaft Creek is declining due to the project, which may include a revision of the first flush salinity trigger or the implementation of additional water quality controls. 	<p>Giant Barred Frog Management Plan (GBFMP-R02-C approved by SEWPaC, 15/08/12)</p> <ul style="list-style-type: none"> a) GBFMP has been prepared by Dr. Arthur White (Biosphere Environmental Consultants) and DCPL, in consultation with the NSW Office of Environment and Heritage (OEH). b) Initial approval by OEH and DP&I 06/03/12. c) <i>Giant Barred Frog 'Study'</i> (GBFS-R02-A, approved by OEH, DP&I 06/03/12), with the key purpose being to obtain important habitat and biological information about the Giant Barred Frog in the Mammy Johnsons River (MJR) catchment. <p>This <i>Study</i>, GBFS-R02-A, was to inform the content of the <i>Giant Barred Frog Management Plan</i> (GBFMP-R02-C approved by SEWPaC, 15/08/12), however Section 4 references Study work yet to be completed.</p> <ul style="list-style-type: none"> d) GBFMP-R02-C, Section 10 e) GBFMP-R02-C, Section 8.6 and 8.7 f) GBFMP-R02-C, Section 6 g) GBFMP-R02-C, Section 9 	C	Rewrite Section 4 of the Giant Barred Frog Management Plan (GBFMP-R02-C) to better reflect the past tense status of the Study (March 2012) and summarise key findings.
3	33	Offset	The Proponent shall implement the offset strategy and achieve the broad completion criteria in Table 12 to the satisfaction of the Director-General.	Implementation of the Offset Strategy has commenced, with land adjacent to Mammy Johnson River with remanent vegetation being managed as offset, which appropriately links vegetation areas of the offset area with the Rehabilitation area.	C	
3	39	Offset	Hollow bearing habitat features must be introduced into the areas of habitat resources and the revegetation areas identified in approval condition 38.	Hollows for Squirrel Gliders are being introduced into offset areas. Based on monthly monitoring program results, of 18 boxes installed 12 indicate habitation within 4 months and 3 of 18 are occupied with Squirrel Gliders.	C	
3	40	Offset	<p>The Proponent shall ensure that the offset area contains at least:</p> <ul style="list-style-type: none"> · 2 ha of Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions. · 10 ha of River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions (Cabbage Gum Floodplain Forest). · 19 ha of Lowland Forest on Floodplain in the NSW North Coast Bioregion 	<i>Biodiversity Management Plan</i> (Version D DP&I 2709/13), Figure 5 and Appendix C defines the offset area vegetation types with all communities required to be offset present in equal or greater area.	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	42	Offset	<p>Within 12 months of the date of this approval, unless otherwise agreed by the Director-General, the Proponent shall either:</p> <p>(a) enter into a conservation agreement pursuant to s 69B of the National Parks and Wildlife Act 1974 relating to the offset area, recording the obligations assumed by the Proponent under the conditions of this approval in relation to the offset area, and register that agreement pursuant to s 69F of the National Parks and Wildlife Act 1974; or</p> <p>(b) cause to be registered against the titles of the offset area a public positive covenant and/or restriction on the use of the land, in favour of the Director-General, requiring the proponent to implement and observe the conditions of this approval in relation to the offset area.</p> <p>The conservation agreement or the public positive covenant and/or restriction on the use of the land, in relation to the offset area, shall remain in force in perpetuity.</p>	As provided in correspondence from the DOPI (dated 18 April 2013), long-term security of the biodiversity offset area is required by 31 December 2013. A mechanism for securing the biodiversity offset area in the long-term (as required by Condition 42 of Schedule 3 of Project Approval (08_0203) is currently the subject of consultation between DCPL and the DOPI.	C	
3	44		<p>Within 6 months of the approval of the Biodiversity Management Plan, the Proponent shall lodge a conservation bond with the Department to ensure that the offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond shall be determined by:</p> <p>(a) calculating the full cost of implementing the offset strategy; and</p> <p>(b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Director-General.</p> <p>If the offset strategy is completed to the satisfaction of the Director-General, the Director-General will release the conservation bond.</p> <p>If the offset strategy is not completed to the satisfaction of the Director-General, the Director-General will call in all or part of the conservation bond, and arrange for the satisfactory implementation of the offset strategy</p>	Arrangements for the conservation of offset areas for perpetuity have not been finalised due to lack of agreement with OEH regarding mechanism to protect offset lands.	NC	Duralie should lodge the bond costings as soon as possible for review by DoPI
3	45	Administration	After each Independent Environmental Audit (see Condition 8 of Schedule 5), the Proponent shall review and adjust the sum of the bond to the satisfaction of the Director-General.	DP&I confirmed adequacy	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	46	Heritage	<p>The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with OEH, the Aboriginal community, Heritage Branch, Council, and any local historical organisations;</p> <p>(b) be submitted to the Director-General for approval within 3 months of the date of this approval, unless otherwise agreed by the Director-General;</p> <p>(c) describe the program/procedures that would be implemented for:</p> <ul style="list-style-type: none"> · recording, salvaging and/or managing the Aboriginal sites and potential archaeological deposits within the project disturbance area; · conserving, managing and monitoring Aboriginal sites DM2, DM4, DM6, DM 9, DM 10 and 38-1-0033; · minimising the potential impacts of the project on Aboriginal site 38-1-0034, DM7 and DM8; · responding to the discovery of any new Aboriginal objects or skeletal remains during the project; · enabling the Aboriginal community to access the archaeological sites on site; and · involving the Aboriginal community in the conservation and management of Aboriginal cultural heritage on the site. <p>(d) include the following for the Weismantel Inn:</p> <ul style="list-style-type: none"> · a baseline dilapidation survey; · photographic and archival recording; · a program to monitor the effects of the project on the inn; and · a contingency plan that would be implemented if the monitoring indicates that the project is adversely affecting the condition of the inn. <p>Notes:</p> <ul style="list-style-type: none"> · To identify the heritage sites referred to in this condition, see the figure in Appendix 6. · The effectiveness of the Heritage Management Plan is to be reviewed and audited in accordance with the requirements in Schedule 5. 	<p>Heritage Management Plan (HMP-R02-C, approved DP&I 18/06/13),</p> <p>a) Section 4 of the HMP outlines groups to consult, records of consultation are not included in the HMP.</p> <p>b) initial version post Approval was approved by DP&I 29 March 2012.</p> <p>c) Section 6.1</p> <p>d) Appendix A, Michael Pearson, Heritage management consultants Pty Ltd. 3 June 2011</p> <p>photographic and archival recording of the former Weismantels Inn. The former Inn is owned by DCPL and is currently tenanted, thereby ensuring building and grounds maintenance.</p>	C	Include records of consultation as an appendix in the Management Plan
3	47	Roads	<p>Prior to the closure of Cheerup Road and the portion of Duralie Road within the project area, the Proponent shall construct a suitable access road to property No. 143 (Madden) to the satisfaction of the Director-General. However, this condition does not apply if the Proponent purchases the property</p>	<p>Duralie have purchased an area of Property No. 143 (Madden) to the west of the ML boundary that was affected by Cheerup Road and Duralie Road. Consequently the requirement to construct a suitable access road to this property has been eliminated.</p>	N/A	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	49	Visual	The Proponent shall: (a) minimise visual impacts, and particularly the off-site lighting impacts, of the project; and (b) ensure that all external lighting associated on site complies with Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the Director-General	a) Mitigation measures to reduce potential light impacts on the surrounding area have included: - Progressive rehabilitation of disturbed areas - Lighting of operational areas occurs with directional lighting only; - Lighting screened (shielded) where necessary to limit spillage to adjacent residences and eliminate driver glare along Johnson Creek Road; - Haul trucks will operate with dipped headlights; - Limited use of fixed lighting within the train load out bin area during night time due to the restriction on trains leaving the site; (b) External lighting on the Duralie site complies with AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting.	C	
3	50	Visual	Upon receiving a written request from the owner of: (a) the land listed as 125(1), 125(2), and 116 on the figure in Appendix 3; or (b) any residence on privately-owned land which has, or would have, significant direct views of the mining operations on site, the Proponent shall implement visual mitigation measures (such as landscaping treatments or perimeter bunding) on the land in consultation with the owner. These measures must be reasonable and feasible, and directed toward minimising the visibility of the mining operations from the residence on the land. If within 3 months of receiving this request from the owner, the Proponent and the owner can not agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.	a) Duralie Coal now owns the residence (125) that had significant views of the mine operations. B)DCM has not had any written requests for visual mitigation measures.	C	
3	51	Visual	Unless the Director-General agrees otherwise, the Proponent shall: (a) screen the views of the project as far as is practicable from the section of Bucketts Way marked in red on the figure in Appendix 7 within 6 months of the date of this approval, in consultation with the RTA, Council and any relevant landowners; and (b) maintain the screen during the life of the project, to the satisfaction of the Director-General	Commitment of the Environmental Management Strategy (Version H 18/06/13) for planting of a vegetation/boarded screen (to be established with advanced locally occurring native tree species) to screen views from the portion of The Bucketts Way where the DCM will be visible to traffic travelling along the road. A screen has been erected that shields the operation from view of the road with a commitment to plant suitable vegetation to shield the screen structure	C	
3	53	Waste	The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must be submitted to the Director-General within 3 months of the date of this approval, unless otherwise agreed by the Director-General	Waste Management Plan, WMP-R02-A dated FEBRUARY 2012, table does not indicate DP&I approval date, published on website 16/03/2012. Sighted letter from Howard Reed (DP&I) dated 06/03/12 approving the WMP.	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	54	Fire	The Proponent shall: (a) ensure that the project 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 in the surrounding area.	AEMR 2012-2013 reports, improved access to sections of the DPCL landholdings has been created on the mining lease and within the offset areas and Leighton Mining can make available an off road water cart for bushfire fighting purposes where suitable access for this machinery is available. Predominant winds in Summer are from ENE direction indicating the rail line to be at risk, coupled with the high fire risk activity of raiing, fire controls in this area could be improved with larger fire breaks. Maintenance of fire controls around the loading and ROM area is also important given close proximity to Mammy Johnsons River and the offset area.	C	Consider bushfire risk around rail line/ROM area
3	55	Rehabilitation	The Proponent shall rehabilitate the site to the satisfaction of the Director-General of DTIRIS. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EA (and depicted conceptually in the figures in Appendix 7), and comply with the objectives in Table 11	Rehabilitation has been completed in areas such as the shoulders of the site access road, clean water diversion drain (e.g. MWD, AD1, AD2), rail siding embankments, dam embankments and the Coal Shaft Creek diversion. Rehabilitation is now focusing on progressing the waste rock emplacements. This is consistent with the EA (Year 2).	C	
3	56	Rehabilitation	The Proponent shall carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance	AEMR 2012-2013 reports that DCPL has reduced its total disturbance footprint (216.5ha, compared to 231ha 2011/12)., with 37.5 ha of rehabilitation completed in the 2012/13 reporting period.	C	
3	57	Rehabilitation	The Proponent shall prepare and implement a Rehabilitation Management Plan for the project to the satisfaction of the Director-General of DTIRIS. This plan must: (a) be prepared in consultation with the Department, OEH, NOW, Council and the CCC; (b) be prepared in accordance with any relevant DRE guideline; (c) build, to the maximum extent practicable, on the other management plans required under this approval; (d) provide for scientific knowledge gained during the rehabilitation, to be made publicly available; and (e) be submitted to the Director-General of DTIRIS for approval within 3 months of the date of this approval, unless otherwise agreed by the Director-General	Rehabilitation Management Plan (RMP-H, approved by DTIRIS 31/05/13). a) An earlier version RMP-E (00430451) (undated) was issued DP&I, DTIRIS, CCC, GLC, NOW, OEH as part of consultation process. Version RMP-G (00456778) was approved 28/02/13 with distribution to SEWPaC, DP&I, DTIRIS b) Approved by DTRIS, therefore acceptance to DRE guideline c) Integrated plan, references other Management Plans d) Rehabilitation Monitoring results along with monitoring site locations, parameters and frequencies will be reviewed annually through the Annual Review process e) First approved version, Version RMP-G (00456778) was approved 28/02/13 with distribution to SEWPaC, DP&I, DTIRIS however the plan was submitted prior to this date.	C	
3	10(a)	Blast	The Proponent shall not carry out more than 1 blast a day on site, unless an additional blast is required following a blast misfire;	AEMR 2012-2013 reports no more than one blasts per day	C	
3	10(b)	Blast	The Proponent shall not carry out more than 3 blasts a week on site, averaged over any 12 month period	2012-2013 reports 95 blasts over the year, i.e. 1.8 blasts per week	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	13 (a)	Blast	The Proponent shall implement best blasting practice on site to: · protect the safety of people and livestock in the surrounding area; · protect public or private property in the surrounding area; and · minimise the dust and fume emissions from blasting on site; and	The Blast Management Plan (BMP) addresses each of the condition requirements. Blasting activity is undertaken by contractor(Downer) to DCPL. All holes have load plan and tie up plan (none used) and longer timings typically used (25ms along control row) in tie up of shots. Operations try to limit time between drilling and firing to limit fume risk (aim for less than 7days with approval required to extend sleep time to 10days). The BMP describes the risk assessment process to mitigate blast fume but does not address a fume assessment process for each blast and continuous improvement cycle. Currently working to develop a site specific product for the reactive ground of DCM with the benefit of lower % urea product. Wavefront simulations are not currently undertaken for all shots to predict reinforcement. This may be required if electronic detonation techniques are introduced.	C	Duralie should prepare and submit a blast fume management strategy Consider wavefront reinforcement simulations
3	13(b)	Blast	The Proponent shall operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site.	A "Blasting Hotline" (6538 4213) has been established (confirmed updates by calling 29/10/13 and 25/11/13) providing the blasting schedule and road closures at the mine. The existence of the "Hotline" is promoted by advertising within the Dungog Chronicle and the Gloucester Advocate on two occasions each year. The "Hotline" is also featured within the "Pink Pages" local telephone directory issued by each local newspaper as well as in the Sensis White Pages Directory (Newcastle and Kempsey Directory areas).	C	Website should be clear on the blasting information hotline
3	14(a)	Blast	The Proponent shall not carry out any blasting within 500 metres of a public road without the approval of Council	Duralie Road is the only public road that may be subject to road closure under blasting.	C	
3	14(b)	Blast	The Proponent shall not carry out any blasting within 500 metres of the North Coast Railway without the approval of ARTC.	No blasting within 500m of ARTC line	C	
3	15(a)	Blast	The Proponent shall not carry out blasting within 500 metres of any privately-owned land or land not owned by the Proponent unless: (a) the Proponent has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Proponent has advised the Department in writing of the terms of this agreement, or (15b)	Condition 15a is not triggered, refer to condition 15b.	C	
3	15(b)	Blast	The Proponent shall not carry out blasting within 500 metres of any privately-owned land or land not owned by the Proponent unless the Proponent has: · demonstrated to the satisfaction of the Director-General that the blasting can be carried out without compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and · updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land	Blast Management Plan (BLMP – R02-B) approved by DP&I 27/09/13 addresses blasting within 50m of private property (section 3.2.2). There is a privately owned property (receptor 122 White) within 500m of blasting operations. Access is limited to clear this property prior to blasting but a perimeter check is completed as described in section 3.2.2 of the BMP. Efforts to negotiate with the land owner have to date been unsuccessful.	C	Continue to attempt negotiations with land owner and notify DP&I of strategy

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	21 (b)	Air Quality	Within 3 months of the date of this approval, the Proponent shall submit a study of the dust emissions from the laden trains associated with the Project to the Director-General. This study must: (b) include consultation with the EPA, the Department and the residents in close proximity to the railway line;	Study accepted 22.3.12 - DG req a further study by end April 2012Spoke to Colin Phillips who advised that further report was submitted in accordance with timeframe	C	
3	21(c)	Air Quality	Within 3 months of the date of this approval, the Proponent shall submit a study of the dust emissions from the laden trains associated with the Project to the Director-General. This study must: (c) assess the scale, nature and significance of the dust emissions of the laden trains	Study accepted 22.3.12 - DG req a further study by end April 2012Spoke to Colin Phillips who advised that further report was submitted in accordance with timeframe	C	
3	21(d)	Air Quality	Within 3 months of the date of this approval, the Proponent shall submit a study of the dust emissions from the laden trains associated with the Project to the Director-General. This study must: (d) identify any reasonable and feasible mitigation measures that could be implemented to reduce the dust emissions from these trains	Study accepted 22.3.12 - DG req a further study by end April 2012Spoke to Colin Phillips who advised that further report was submitted in accordance with timeframe	C	
3	21(e)	Air Quality	Within 3 months of the date of this approval, the Proponent shall submit a study of the dust emissions from the laden trains associated with the Project to the Director-General. This study must: (e) recommend the implementation of any specific measures	Study accepted 22.3.12 - DG req a further study by end April 2012Spoke to Colin Phillips who advised that further report was submitted in accordance with timeframe	C	
3	21(f)	Air Quality	Within 3 months of the date of this approval, the Proponent shall submit a study of the dust emissions from the laden trains associated with the Project to the Director-General. This study must: (f) be accompanied by the Proponent's response to any recommendations in the study	Study accepted 22.3.12 - DG req a further study by end April 2012Spoke to Colin Phillips who advised that further report was submitted in accordance with timeframe	C	
3	21A	Air Quality	If, following review of the study, the Director-General directs the Proponent to implement additional mitigation measures to reduce the dust emissions of the laden trains associated with the Project, then the Proponent shall implement these measures to the satisfaction of the Director-General and, within one month of such direction, update the Air Quality & Greenhouse Gas Management Plan for the Project to include a detailed program for the implementation of these measures and monitoring of compliance.	No further measures required	C	
3	21A (a)	Air Quality	Within 3 months of the date of this approval, the Proponent shall submit a study of the dust emissions from the laden trains associated with the Project to the Director-General. This study must: (a) be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the Director-General	Study accepted 22.3.12 - DG req a further study by end April 2012 - Spoke to Colin Phillips who advised that further report was submitted in accordance with timeframe	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	22 (a)	Air Quality	The Proponent shall: (a) implement best practice air quality management on site, including all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions generated by the project, including any emissions from spontaneous combustion;	Air Quality Management Plan (AQMP-R02-E, 27/09/13) : (a) section 6- Management Measures During the site inspection dust generation was well mitigated with one water cart operating, rainfall managed dust on the second day of inspection. Spontaneous combustion has not been observed to be a problem at DCM with some occurrences of minor heating within the exposed faces of the waste dump.	C	
3	22(b)	Air Quality	The Proponent shall: (b) minimise any visible air pollution generated by the project	Air Quality Management Plan (AQMP-R02-E, 27/09/13), Section 6.1.3 Reactive Measures and 6.1.4 Additional Mitigation Measures	C	
3	22(c)	Air Quality	The Proponent shall: (c) regularly assess the real-time air quality monitoring and meteorological forecasting data and relocate, modify and/or stop operations on site to ensure compliance with the relevant conditions of this approval,	Air Quality Management Plan (AQMP-R02-E, 27/09/13), Section 5.2. Real-time meteorological station and forecasts checked daily for blast scheduling and review of operations.	C	
3	23(a)	Air Quality	The Proponent shall prepare and implement an Air Quality & Greenhouse Gas Management Plan for the project to the satisfaction of the Director-General. This plan must: (a) be prepared in consultation with EPA, and submitted to the Director-General for approval within 3 months of the date of this approval, unless otherwise agreed by the Director-General	Current Air Quality Management Plan (AQMP-R02-E, 27/09/13 and published on website 09/10/2013), the DP&I initially approved 29/03/12. Unable to verify EPA consultation as communication not included within the Management Plan	C	Include records of consultation as an appendix in the Management Plan
3	23(b)	Air Quality	The Proponent shall prepare and implement an Air Quality & Greenhouse Gas Management Plan for the project to the satisfaction of the Director-General. This plan must describe the measures that would be implemented to ensure compliance with conditions 17–22 of Schedule 3 of this approval, including the proposed real-time air quality management system	Air Quality Management Plan (AQMP-R02-E, 27/09/13), Section 6.1 and 7.5	C	
3	23(c)	Air Quality	The Proponent shall prepare and implement an Air Quality & Greenhouse Gas Management Plan for the project to the satisfaction of the Director-General. This plan must include an air quality monitoring program that: · uses a combination of real-time monitors, high volume samplers and dust deposition gauges to evaluate the performance of the project; and · includes a protocol for determining exceedences with the relevant conditions of this approval	Air Quality Management Plan (AQMP-R02-E, 27/09/13) Section 7.1, 7.2, 7.3 7.6	C	
3	24(a)	meteorological	During the life of the project, the Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the site that: (a) complies with the requirements in Approved Methods for Sampling of Air Pollutants in New South Wales guideline	The on-site AWS continuously monitors the following meteorological parameters: rainfall, temperature, relative humidity, evapotranspiration, net solar radiation; wind direction; and wind speed. Wind speed and wind direction data is used in conjunction with all dust monitoring data, to minimise the potential for dust and noise emissions.	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	24(b)	meteorological	During the life of the project, the Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the site that is capable of continuous real-time measurement of temperature lapse rate in accordance with the NSW Industrial Noise Policy	DCPL has installed two 10 m towers located in positions with an elevation differential greater than 50 m, to continuously measure temperature lapse rates. Review of Vipac quarterly noise monitoring reports (3 of 4 (July 2013, April 2013, January 2013, October 2012) indicates poor correlation of directly measured temperature data to the weather station sigma-theta Pasquil stability category based predictions Vipac indicate a range of reasons for poor correlation.	C	Consider review of temperature lapse rate methodologies and use for noise monitoring interpretation.
3	25(a)	water	The Proponent shall ensure that mine water or runoff from the irrigation area is not discharged directly into Mammy Johnsons River	Water Management Plan (WAMP-R02-D, approved DP&I, SEWPAC 27/09/13) Site inspection verified that mine water and runoff from irrigation areas is controlled and there was no evidence of discharges directly to Mammy Johnsons River.	C	
3	25(a)	water	The Proponent shall ensure that all surface water discharges from the site comply with section 120 of the POEO Act or, if an EPL has been issued regulating water discharges from the site, the discharge limits (both volume and quality) set for the project in the EPL	Site inspection found a newly constructed sediment control structure in Clareval Nth area that would not adequately control sediment leaving site as the fence was not embedded and drainage line not vegetated. ROM bin load area had a small stockpile of spilt ROM from under the bin that was located in very close proximity to Coal Shaft Creek diversion (clean water) without barriers. A number of older sediment control fences were observed across site that would not effectively control sediment (and some are no longer required).	NC	Clareval North sediment structure fixed promptly and communicated to DP&I (email 07/11/13) Sediment control fences maintained or removed.
3	28(a)	water	The Applicant shall carry out irrigation only in the irrigation area	Site inspection confirmed that irrigation is undertaken only in the defined irrigation areas. AEMR 2012-2013 reports irrigation in Type I (MWD catchment) – PPD10, 10 fixed sprays, spray radius 30m, total area 2.8 ha; Type II (Upslope MWD) – PPD8 & 10, 245 fixed sprays, spray radius 30m, total area 69.3 ha; Type III – NOT IN USE, 68 fixed sprays, spray radius 30m, total area 19.2 ha (not operational); Type IV (Rehabilitated waste emplacement) – PPD 9, 52 fixed sprays, spray radius 15 m, total area 3.7ha; Type V (Waste emplacement) – PPD7, 2 evaporative sprays and 1 travelling irrigator, total area 2 ha (estimated) No irrigation currently occurs within Type III irrigation areas located in the catchment of Coal Shaft Creek above Dam 3. During 2012 a total of 946ML of mine water was irrigated within Type II, IV & V areas (compared with 303 ML the previous reporting period).	C	
3	28(b)	water	The Applicant shall carry out irrigation in accordance with the irrigation system, including the irrigation management plan, in the approved Surface Water Management Plan under Condition 29 of Schedule 3	Site inspection confirmed that irrigation is undertaken as per IMP-R02-D, approved by DP&I 27/09/13. Irrigation soil moisture testing determines irrigation rates, automated system that polls all irrigation sprinklers	C	Consider vegetation enhancement of irrigation area to promote evapotranspiration, i.e. more trees.

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	29 (a)	water	<p>plan must include:</p> <p>(a) a Site Water Balance that includes details of:</p> <ul style="list-style-type: none"> - sources of water supply; - water use on site; - water management on site; and - reporting procedures; and - describes what measures would be implemented to minimise potable water use on site. 	<p>Site Water Balance SWB-R02-C approved DP&I 27/09/13 includes all elements as defined in table 1 of SWB.</p> <p>It is noted the main consequence of exceeding the design capacity of the water management system will be the transfer of water to the open pits with consequential disruption to mining operations (Section 8). The risk of disruption to mining operations is an operational risk and would have no environmental consequences.</p>	C	
3	29(b)	water	<p>a Surface Water Management Plan, that includes:</p> <ul style="list-style-type: none"> - a detailed description of the water management system on site, including the: <ul style="list-style-type: none"> - clean water diversion systems; - erosion and sediment controls; - water storages; and - irrigation system; - an irrigation management plan for the irrigation system under the water management system, which includes: <ul style="list-style-type: none"> - salinity trigger levels for controlling discharges from the irrigation areas to Coal Shaft Creek and the unnamed tributary, representing the 80 the percentile value of the relevant data set for the creek/unnamed tributary and Mammy Johnsons River in accordance with the methodology in ANZECC/ARMCANZ (2000), Australian Water Quality Guidelines for Fresh and Marine Water Quality, National Water Quality Management Strategy; and - provision of an automated first flush system for the additional irrigation areas (Northern Areas) shown in the figure in Appendix 4; - a plan for identifying, extracting, handling, and the long-term storage of potentially acid forming material on site; - detailed plans, including design objectives and performance criteria, for: <ul style="list-style-type: none"> - the reconstruction of Coal Shaft Creek; - design and management of the final voids; - reinstatement of drainage lines on the rehabilitated areas of the site; and - control of any potential water pollution from the rehabilitated areas of the site; - performance criteria, including trigger levels for investigating any potentially adverse impacts, for the following: <ul style="list-style-type: none"> - the water management system; - surface water quality of the Unnamed Tributary, Coal Shaft Creek and Mammy Johnsons River; - the stream and vegetation health of the Unnamed Tributary, Coal Shaft Creek and Mammy Johnsons River; and - channel stability of the reconstructed Coal Shaft Creek; - performance criteria for surface water quality attributes relevant to water quality impacts on biological diversity and aquatic ecological integrity, including salinity, heavy metals, sediment load, pH, hardness and biological oxygen demand; - trigger levels representing the 80th percentile value of the relevant reference data set in accordance with the methodology in ANZECC/ARMCANZ (2000), Australian Water Quality 	<p>Surface Water Management Plan SWMP-R02-D approved DP&I 27/09/13 with Sections of SWMP that meet requirements of condition detailed in Table 2.</p>	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
			<p>Guidelines for Fresh and Marine Water Quality, National Water Quality Management Strategy, to determine the levels for investigating any potentially adverse impacts;</p> <ul style="list-style-type: none"> - a program to monitor: - the effectiveness of the water management system; - surface water flows and quality in the Unnamed Tributary, Coal Shaft Creek and Mammy Johnsons River, including utilization of existing monitoring sites together with an additional monitoring site in Mammy Johnsons River immediately downstream of the mixing zone of the confluence of Coal Shaft Creek and Mammy Johnsons River; - the stream and riparian vegetation health of the unnamed Tributary, Coal Shaft Creek and Mammy Johnsons River; and - channel stability of the reconstructed Coal Shaft Creek; - a program of Eco toxicity testing of water in water storages on-site and at selected water monitoring sites in Mammy Johnsons River and macroinvertebrate sampling at selected monitoring sites in Mammy Johnsons River; - a plan to respond to any exceedences of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the project 			
3	29(c)	water	<p>a Groundwater Management Plan, which includes:</p> <ul style="list-style-type: none"> - groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; - a program to monitor: - groundwater inflows to the open cut mining operations; - the impacts of the project on: <ul style="list-style-type: none"> o the alluvial aquifers; o base flows to Mammy Johnsons River; o any groundwater bores on privately-owned land; and - the seepage/leachate from water storages or backfilled voids on site; and - a program to validate the groundwater model for the project, and calibrate it to site specific conditions; and - a plan to respond to any exceedences of the performance criteria, and offset the loss of any base flow to Mammy Johnsons River caused by the project. 	Groundwater Management Plan GWMP-R02-C approved DP&I 27/09/13 with Sections of GWMP that meet requirements of this condition detailed in Table 1.	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	31A		<p>The Proponent shall review and expand the Giant Barred Frog Study approved under Condition 31 into a longitudinal study of the life cycle of the 'population' of the Giant Barred Frog over the lifetime of the mine and for a 5 year period after the mine ceases to operate (the Giant Barred Frog Long-term Study). The Giant Barred Frog Long-term Study must include to include:</p> <p>(a) clarification as to what exactly constitutes 'the population' of the Giant Barred Frog for the purposes of monitoring, and that this is the population at the location most susceptible to impacts from the mine;</p> <p>(b) baseline data collected for sites (transects) below and above the site to be used for comparison with data collected in the future;</p> <p>(c) testing to determine if any changes to Giant Barred Frog populations identified downstream of the site on the monitoring transects are a result of impacts from the mining operation;</p> <p>(d) a requirement for detailed capture/recapture studies using 'Pollocks robust design' at sites above and below the confluence of Coal Shaft Creek and Mammy Johnsons River, and at a series of control sites in the upper reaches of the catchment;</p> <p>(e) a requirement that individual frogs encountered during the study should be tagged (or scanned);</p> <p>(f) a requirement that transects be of a fixed length (at least 200m), and that the area searched on each occasion be the same;</p> <p>(g) a requirement that transects are to be randomly selected;</p> <p>(h) a requirement that testing be conducted on a minimum of three nights, on four occasions per season (12 visits to each transect in each season) over the life of the mine, and for a 5 year period after the mine ceases to operate;</p> <p>(i) a requirement that individual frogs encountered during the study be swabbed for the presence of the Chytrid fungus;</p> <p>(j) a requirement that weather conditions and search effort should be recorded during each census at the transect site.</p>	Giant Barred Frog Management Plan (GBFMP-R02-C approved by SEWPaC, 15/08/12) includes a monitoring program that will be utilised for operational period of the mine and reported in Annual Reviews.	N/A	
3	34(a)	Offset	The Proponent shall ensure that the offset area provides suitable habitat for all the threatened fauna species recorded in the surface development area, namely the Swift Parrot, Brown Treecreeper (eastern subspecies), Speckled Warbler, Grey-crowned Babbler (eastern subspecies), Varied Sittella and Squirrel Glider	Biodiversity Management Plan (Version D DP&I 2709/13), describes the management of offset areas to ensure suitable habitat for identified species. Specifically Section 6.4 defines the nest box programme with boxes designed to maximise the likelihood that local hollow-dwelling fauna, in particular threatened species, will use them for shelter and breeding. The first nest boxes were installed in February 2013 followed by monthly monitoring beginning in March 2013. AEMR2012-13 reports that monthly monitoring will continue for the first year followed by twice annual monitoring in autumn and spring.	C	
3	34(b)	Offset	<p>The Proponent shall ensure that the offset area includes the following habitat types:</p> <ul style="list-style-type: none"> · Woodland/open woodland; · Forest; and · Riparian forest 	<i>Biodiversity Management Plan</i> (Version D DP&I 2709/13), Figure 5 and Appendix C defines the offset area vegetation types with all communities required to be offset present in equal or greater area.	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	35(a)	Offset	The Proponent shall ensure that the offset area: (a) provides appropriate habitat resources for the Swift Parrot, Brown Treecreeper and Grey crowned Babbler	<i>Biodiversity Management Plan</i> (Version D DP&I 2709/13), Figure 5 and Appendix C defines the offset area habitat types and sightings of Swift Parrot, Brown Treecreeper and Grey crowned Babbler	C	
3	35(b)	Offset	The Proponent shall ensure that the offset area contains a total of 174ha of the following vegetation types1: · Spotted Gum - Grey Ironbark forest dry open forest of the lower foothills of the Barrington Tops, North Coast; · Grey Box - Forest Red Gum - Grey Ironbark open forest of the hinterland ranges of the North Coast; and · Sydney Peppermint - Smooth-barked Apple shrubby open forest on coastal hills and plains of the southern North Coast and northern Sydney Basin	<i>Biodiversity Management Plan</i> (Version D DP&I 2709/13), Figure 5 and Appendix C defines the offset area vegetation types with all communities required to be offset present in equal or greater area. 406.3ha of Spotted Gum community ,179.6 ha of Grey Box community , 11.4 ha Sydney Peppermint community, ; totalling 597.3ha	C	
3	35(c)	Offset	The Proponent shall ensure that the offset area the revegetation areas within the offset area contains: · Winter flowering eucalypts (such as Spotted Gum [<i>Corymbia maculata</i>], Narrow-leaved Ironbark [<i>Eucalyptus crebra</i>], White Stringybark [<i>Eucalyptus globoidea</i>]) as habitat resources for the Swift Parrot. · Species typical of eucalypt woodlands and dry open forest with a grassy understorey, including stringybarks or other rough-barked eucalypts as habitat resources for the Brown Treecreeper. · Species typical of open eucalypt woodlands (such as Spotted Gum [<i>Corymbia maculata</i>], Red Ironbark [<i>Eucalyptus fibrosa</i>], Grey Ironbark [<i>Eucalyptus siderophloia</i>]) as habitat resources for the Grey-crowned Babbler; and · Appropriate understorey species (such as tussock grasses)	<i>Biodiversity Management Plan</i> (Version D DP&I 2709/13), Figure 5 and Appendix C defines the offset area vegetation types with all communities required to be offset present in equal or greater area.	C	
3	36(a)	Offset	The Proponent shall ensure that the offset area provides appropriate habitat resources for the Speckled Warbler:	<i>Biodiversity Management Plan</i> (Version D DP&I 2709/13), the Offset areas provide suitable habitat for the Speckled Warbler. The Offset areas includes the following habitat types: • Woodland/open woodland (approximately 354 ha); • Forest (approximately 305 ha); and • Riparian forest (approximately 20 ha). The proportion of these habitat types are likely to change over time as the Offset areas are vegetated.	C	
3	36(b)	Offset	The Proponent shall ensure that the offset area contains a total of 126ha of Spotted Gum - Grey Ironbark forest dry open forest of the lower foothills of the Barrington Tops, North Coast	<i>Biodiversity Management Plan</i> (Version D DP&I 2709/13), Figure 5 and Appendix C defines the offset area vegetation types with all communities required to be offset present in equal or greater area. 406.3ha of Spotted Gum community	C	
3	36(c)	Offset	The Proponent shall ensure that the offset area the revegetation areas within the offset area includes Eucalyptus species, tussock grasses and shrub species as habitat resources for the Speckled Warbler.	<i>Biodiversity Management Plan</i> (Version D DP&I 2709/13, The Offset areas provide appropriate habitat resources for the Speckled Warbler. It contains approximately 127.6 ha (remnant) and an additional 275.6 ha (revegetation) of the vegetation types listed in the conditions. Site Inspection of the offset area confirmed specified vegetation types	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	37(a)	Offset	<p>a)The Proponent shall ensure that the offset area provides appropriate habitat resources for the Varied Sittella</p> <p>b) The Proponent shall ensure that contains a total of 172ha of the following vegetation types: Grey Box - Forest Red Gum - Grey Ironbark open forest of the hinterland ranges of the North Coast; and</p> <ul style="list-style-type: none"> · Spotted Gum - Grey Ironbark forest dry open forest of the lower foothills of the Barrington Tops, North Coast; <p>c) The Proponent shall ensure that the offset area the revegetation areas within the offset area includes species typical of eucalypt forests and woodlands, especially rough-barked species, smooth-barked gums and Acacia species as habitat resources for the Varied Sittella</p>	<p>Biodiversity Management Plan (Version D DP&I 2709/13, The Offset areas provide appropriate habitat resources for the Varied Sittella. It contains approximately 282 ha (remnant) and 303 ha (revegetation) of the vegetation types listed in the conditions.</p> <p>Site Inspection of the offset area confirmed specified vegetation types</p>	C	
3	38 (b)	Offset	<p>a)The Proponent shall ensure that the offset area provides appropriate habitat resources for the Squirrel Glider</p> <p>b)The Proponent shall ensure that the offset area contains a total of 128ha of the following vegetation types1:</p> <ul style="list-style-type: none"> · Spotted Gum - Grey Ironbark forest dry open forest of the lower foothills of the Barrington Tops, North Coast; and · Sydney Peppermint - Smooth-barked Apple shrubby open forest on coastal hills and plains of the southern North Coast and northern Sydney Basin <p>c)The Proponent shall ensure that the offset area the revegetation areas within the offset area includes species typical of woodland/forest (such as Spotted Gum [Corymbia maculata], Red Ironbark [Eucalyptus fibrosa], Grey Ironbark [Eucalyptus siderophloia]) as habitat resources for the Squirrel Glider. Note: For clarity, the total areas included in approval conditions 35 to 38 are not cumulative, whereby the area of habitat resources provided for one of the fauna species identified in approval condition 35 may be the same for all species mentioned in approval conditions 35 to 38</p>	<p>Biodiversity Management Plan (Version D DP&I 2709/13, The Offset areas provide appropriate habitat resources for the Squirrel Glider. It contains approximately 282 ha (remnant) and 300 ha (revegetation) of the vegetation types listed in the conditions. Section 6, Appendix D and Appendix F, the revegetation areas within the Offset areas will contain: Spotted Gum (Corymbia maculata); and Grey Ironbark (Eucalyptus siderophloia).</p> <p>Site Inspection of the offset area confirmed specified vegetation types</p>	C	
3	41(a)	Offset	The Proponent must not destroy, damage, remove or harm any native flora or fauna in the offset area	<p>Biodiversity Management Plan (Version D DP&I 2709/13), Section 6.12 While damage to native shrubby/grassy vegetation is unavoidable during mechanised activities such as revegetation site preparation, DCPL staff and contractors are to avoid damage to native vegetation and fauna wherever possible.</p>	C	
3	41(b)	Offset	The Proponent must: not carry out in the offset area or the vicinity of the offset area any activity that may cause, or is likely to result in, or will or might threaten the viability of, native flora or fauna in the offset area, or threaten the success of the offset strategy	Biodiversity Management Plan (Version D DP&I 2709/13), Section 6 defines management strategies to protect offset areas	C	
3	41(c)	Offset	The Proponent must ensure that its agents, contractors, licensees and invitees (and use best endeavours to ensure that any other persons) also comply with condition 41(a) and (b).	Managed through contracts and work permit process	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	43 abc		The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Director-General. This plan must: (a) be prepared in consultation with OEH by suitably qualified and experienced persons whose appointment has been approved by the Director-General; (b) be submitted to the Director-General for approval within 3 months of the date of this approval; (c) describe how the offset strategy and its implementation will be integrated with other strategies, plans and programs required under this approval, including the Giant Barred Frog Management Plan, Water Management Plan and Rehabilitation Management Plan, and their implementation;	Biodiversity Management Plan (Version D DP&I 2709/13), Table 1	C	The Management plan only states that the general independent review will cover the offset requirement. The company will need to make sure that they include an offset auditor each time to comply with this condition (SoC 1.2 (i))
3	43d	(d) include: · a description, based on field surveys, and in consultation with OEH, of the biodiversity values of the vegetation communities in the offset area, including remnant vegetation and derived grasslands, including as habitat for the threatened species that are recorded in the surface development area; · a description of the biodiversity values to be lost through clearing of vegetation communities in the surface development area, including remnant vegetation and derived grasslands, including as habitat for the threatened species that are recorded in the surface development area; · a description of the short, medium and long term measures that would be implemented to: - implement the Offset Strategy; - maintain and enhance biodiversity values in the offset area to offset the loss of biodiversity values in the surface development area; - provide and enhance suitable habitat in the offset area for the threatened species that are recorded in the surface development area; - manage the remnant vegetation and habitat on the site (including in the offset area); · detailed completion criteria, as well as performance criteria for the measuring the short, medium and long term success of the Offset Strategy; · the measures described in the EA and in the expert report of Dr Goldney dated 7 April 2011 in Land and Environment Court proceedings No 10090 of 2011 to avoid or mitigate impacts on biological diversity, native flora and fauna and threatened species;	Biodiversity Management Plan (Version D DP&I 2709/13), Table 1	C	Consider extending the timeframe of the 'longer term' Works programme beyond 3 years (Table 14) to reflect the long term nature of offset management

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	43d		<p>.....(d) include:</p> <ul style="list-style-type: none"> · a detailed description of the measures that would be implemented in the short, medium and long term to implement the Offset Strategy, including the procedures to be implemented for: <ul style="list-style-type: none"> – implementing revegetation and regeneration within the offset area, including establishment of canopy, understorey and ground strategy; – the introduction of hollow bearing habitat features; – controlling weeds and feral pests, including the engagement of appropriately qualified contractors; – managing grazing and agriculture, including provision to exclude livestock grazing from existing treed areas and Endangered Ecological Communities within the offset area; – controlling vehicular access to minimise the potential for vehicle strike of native fauna; and – bushfire management; · a description of the measures that would be implemented in the short, medium and long term to manage the remnant vegetation and habitat on site, including the procedures to be implemented for: <ul style="list-style-type: none"> – protecting vegetation and soil outside the disturbance areas; – rehabilitating creeks and drainage lines on the site (both inside and outside the disturbance areas), to ensure no net loss of stream length and aquatic habitat; – managing salinity; – undertaking pre-clearance surveys including for threatened species; – if pre-clearance surveys identify any breeding pair of threatened species, including the Varied Sittella, deferral of clearing of their habitat until the breeding site is vacated; – managing impacts on fauna; – landscaping the site, and particularly the land adjoining public roads, to minimise visual and lighting impacts; – collecting and propagating seed; – salvaging and reusing material from the site for habitat enhancement; – controlling weeds and feral pests, including the engagement of appropriately qualified contractors; – controlling vehicular access to minimise the potential for vehicle strike of native fauna; and– bushfire management; · a Vegetation Clearing Plan (VCP) that must include the following: <ul style="list-style-type: none"> – clear delineation of disturbance areas and restriction of clearing to the minimum area necessary to undertake the approved activities. A methodology for recording the approximate size and number of hollow bearing trees to be removed and their replacement with the same number of nesting boxes of appropriate sizing within similar vegetation within the Project site or offset lands. – a methodology for the management of hollow bearing trees during vegetation clearing to minimize impacts on hollow dependent fauna which may be present. – provision for a suitably trained or qualified person to the 	<p>Biodiversity Management Plan (Version D DP&I 2709/13), Table 1</p> <p>DCPL is managing noxious weeds (particularly Giant Parramatta Grass) on its landholdings. DCPL advised that broadly, Webb Bros is undertaking an audit of company-owned land to quantify various management requirements, including weeds. Webb Bros will be providing a report to the company including recommendations for management of the land.</p>	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
			<p>satisfaction of the Director- General to be present during the felling of identified hollow bearing trees to provide assistance with the care of any injured fauna.</p> <p>– provision for the checking of any animals found and recording of the species, number and condition (age class, pregnant or lactating females etc.) and for details to be provided to the National Parks and Wildlife Service and Department within 3 months of the clearing event.</p> <p>– provision for the annual inspection of the nesting boxes for the life of the mine. An inspection report shall be prepared and include a review of the condition and use of the nesting boxes.</p> <p>– provision for the checking of vegetation to be cleared for threatened species and recording of the species, number and condition and for details to be provided to the National Parks and Wildlife Service and the Department within 3 months of the clearing event.</p> <p>· a description of the contingency measures that would be implemented to improve the performance of the offset strategy and the detailed performance criteria that are not being met in any given year; and</p> <p>· details of who would be responsible for monitoring, reviewing, and implementing the plan;</p> <p>· a program to monitor and report on the effectiveness of the measures in the Biodiversity Management Plan and conditions 33–43 of this approval, and the performance of the Offset Strategy, with summary reporting to be carried out annually and comprehensive reporting every three years following the independent environmental audit (see condition 8 of Schedule 5</p>			
3	48(a)	Transport	The Proponent shall keep accurate records of: (a) the amount of coal transported from the site each month, and make these records publically available on its website at the end of each calendar year	2013 Annual Review provides monthly totals	C	
3	48(b)	Transport	The Proponent shall keep accurate records of the: · number of train movements to and from the site each day; · date and time of each train movement to the site between 10pm and midnight; and · instances when the shuttle train is operated on the North Coast railway between midnight and 1am in exceptional circumstances. and make these records publically available on its website on a fortnightly basis.	Assumed that only one train received after 10pm and between 12pm and 1am, as received time available on website. Train summary was accessed online 11/10/13 - Last entry online was 22 August 2013, website accessed again 02/12/13 with last entry 24 October 2013. The website is not updated fortnightly.	NC	Maintain fortnightly upload of train performance data and clarify the number of train movements each day and time provided relates to one shuttle received after 10pm.
3	52(a)	Waste	The Proponent shall minimise the waste generated by the project;	Site inspection confirmed waste were adequately managed with suitable bins for waste segregation and in suitable locations.	C	
3	52(b)	Waste	The Proponent shall ensure that the waste generated by the project is appropriately stored, handled and disposed of	During site inspection it was noted that scrap tyre storage exceeded 50t and requires in-pit placement as per WMP-R02-A, see recent media release by EPA (http://www.epa.nsw.gov.au/epamedia/EPAmedia13051401.htm)	NC	Dispose of scrap tyre within the pit and maintain register of disposal location and tyre serial numbers.

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
3	6 (a)	Noise	The Proponent shall implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the operational, low frequency and rail noise generated by the project to the satisfaction of the Director-General.	Noise Management Plan (NMP-R02-E approved DP&I 02/07/13)Section 6.1.	C	
3	6(b)	Noise	The Proponent shall regularly assess the real-time noise monitoring and meteorological forecasting data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this approval to the satisfaction of the Director-General.	A Sentinex real-time noise monitor which continuously measures the noise emissions generated by mining operations has been operating since June 2012. Noise alarms are established and currently improving proactive measures, for example orientation of dig units and benches. Ensure all commitments are measurable and accurate, note that 6.2.1, there are no trucks on site with tray body exhausts.	C	Ensure all commitments are measurable and accurate
3	7(a)	Noise	This plan must be prepared in consultation with EPA, and submitted to the Director-General for approval within 3 months of the date of this approval, unless otherwise agreed by the Director-General	Current Noise Management Plan (NMP-R02-E approved DP&I 02/07/13) published on website 09/10/2013. Version NMP-R02-D approved DP&I 29/03/12.	C	
3	7(b)	Noise	This plan must conditions 2–6 of Schedule 3 of this approval, including: · a real-time noise management system that employs both reactive and proactive mitigation measures; · a detailed program for the replacement or attenuation of existing plant on site; and · the specific measures that would be implemented to minimise the rail noise impacts of the project, and in particular: - the braking and train horn impacts of the project; and - the use of the shuttle train during the approved night-time hours	Noise Management Plan (NMP-R02-E approved DP&I 02/07/13) Table A-1	C	
3	7(c)	Noise	include a noise monitoring program that: · uses a combination of real-time and supplementary attended monitoring measures to evaluate the performance of the project; · includes a program to evaluate the effectiveness of the noise mitigation measures referred to in 7(b) above; · includes a protocol for determining exceedences of the relevant conditions of this approval; and · includes a program to monitor the actual sound power levels of the plant on site, compare it with the benchmark levels used in the EA, and evaluate the effectiveness of any attenuation	Noise Management Plan (NMP-R02-E approved DP&I 02/07/13), Section 7 and Table A-1 Vipac completed Mobile Plant Assessment 2013 with sound power assessed using A-weight scale.	C	Consider suitability of linear scale targets for sound power assessment as a better reflection of the noise that will propagate to receptors.

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
4	1	Acquisition	<p>Within 1 month of the date of this approval, the Proponent shall notify in writing the owners of:</p> <p>(a) the land listed in Table 1 in Condition 1 of Schedule 3 that they have the right (under Condition 1 of Schedule 3) to require the Proponent to acquire their land at any stage during the project;</p> <p>(b) any residence on the land listed in Table 1 in Condition 1 or in Condition 4(b) or (c) of Schedule 3 that they are entitled (under Condition 4 of Schedule 3) to ask for additional noise mitigation measures to be implemented at their residence at any stage during the project;</p> <p>(c) any privately-owned land within 2 kilometres of the approved open cut mining pit on site that they are entitled (under Condition 11 of Schedule 3) to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous inspection report updated;</p> <p>(d) any residence on the land listed as 125(1) and 125(2) on the figure in Appendix 3 that they are entitled (under Condition 21 of Schedule 3) to ask for additional dust mitigation measures to be implemented at their residence at any stage during the project;</p> <p>(e) the owner the land listed as 125(1), 125(2), and 116 on the figure in Appendix 3 or any residence on privately-owned land which has (or would have) significant direct views of the mining operations on site, that they are entitled (under Condition 50 of Schedule 3) to ask for additional visual mitigation measures to be implemented on their land at any stage during the project.</p>	It was stated that the all relevant property owners have been notified of their rights relating to this condition.	C	
4	2	Noise Air Quality	<p>Within 2 weeks of obtaining monitoring results showing:</p> <p>(a) an exceedence of the relevant criteria in any condition in Schedule 3, the Proponent shall notify the affected landowner and tenants in writing of the exceedence, and provide monitoring results to each of these parties until the project is complying with the relevant criteria again;</p> <p>(b) an exceedence of the relevant noise acquisition criteria in Condition 3 of Schedule 3, the Proponent shall notify the relevant owner in writing that they have the right (under Condition 3 of Schedule 3) to require the proponent to acquire their land;</p> <p>(c) an exceedence of the relevant noise mitigation criteria in Condition 4(d) or (e) of Schedule 3, the Proponent shall notify the relevant owner in writing that they are entitled (under Condition 4 of Schedule 3) to ask for additional noise mitigation measures to be installed at their residence;</p> <p>(d) an exceedence of the relevant air quality criteria in Schedule 3, the Proponent shall send the affected landowners and tenants (including the tenants of any mine-owned land) a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and</p> <p>(e) an exceedence of the relevant air quality criteria in Condition 20 of Schedule 3, the Proponent shall notify the relevant owner in writing that they have the right (under Condition 20 of Schedule 3) to require the Proponent to acquire their land; and</p> <p>(f) an exceedence of the relevant dust mitigation criteria in Condition 21 of Schedule 3, the Proponent shall notify the relevant owner in writing that they are entitled (under Condition 21 of Schedule 3) to ask for additional dust mitigation measures to be implemented at their residence</p>	AEMR 2012-13 reports that quarterly attended monitoring met criteria on all occasions	N/A	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
4	3	Administration	If an owner of privately-owned land considers the project to be exceeding the relevant criteria in Schedule 3, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land.	There have been no requests	N/A	
4	5	Acquisition	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	DCPL have acquired properties 125 and part of 128 (+ Private Agreement) since the Project Approval	C	
4	1A	Acquisition	<p>Within 1 month of the approval of the first modification to the conditions of this approval, the Proponent shall prepare a Consultation Plan for the implementation of additional noise mitigation measures at the residences listed in Condition 4(c) of Schedule 3. This plan must provide for:</p> <p>(a) notifying the land owners of these residences that they are entitled to ask for additional noise mitigation measures to be implemented at their residence at any stage during the project;</p> <p>(b) explaining the sorts of mitigation measures that could be implemented to these residences;</p> <p>(c) following up the initial notification of these owners with detailed discussions about the potential implementation of suitable mitigation measures; and</p> <p>(d) explaining to these land owners that they have the rights to refer the matter to the Director-General for resolution if there is a dispute about what measures should be implemented or the implementation of any agreed measures.</p> <p>The Plan is to be made publically available on the Proponent's website and the plan shall be implemented to the satisfaction of the Director-General</p>	Consultation plan on website and dated 30.11.13	C	
5	1	Reporting	<p>The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:</p> <p>(a) be submitted to the Director-General for approval within 3 months of the date of this approval, unless otherwise agreed by the Director-General;</p> <p>(b) provide the strategic framework for the environmental management of the project;</p> <p>(c) identify the statutory approvals that apply to the project;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;</p> <p>(e) describe the procedures that would be implemented to:</p> <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; respond to emergencies; and <p>(f) include:</p> <ul style="list-style-type: none"> copies of any strategies, plans and programs approved under the conditions of this approval; and a clear plan depicting all the monitoring required to be carried out under the conditions of this approval 	<p>Environmental Management Strategy (EMS) Version H approved by DP&I 18/06/13 and published 09/10/13</p> <p>a) Version G addressing this Approval, approved by DP&I 06/03/12.</p> <p>b) Section 6 and Section 7 of EMS</p> <p>c) Section 3</p> <p>d) Section 4</p> <p>e) Section 9, Section 6.1</p> <p>f) Section 7 provides framework of strategies, plans and programs with reference to these documents for monitoring requirements.</p>	C	Consider referencing the statutory requirements, Section 3 of this plan within the other Management Plans to limit repetition.

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
5	2	Reporting	<p>The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p> <p>(b) a description of:</p> <ul style="list-style-type: none"> the relevant statutory requirements (including any relevant approval, licence or lease conditions); any relevant limits or performance measures/criteria; the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures; <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the:</p> <ul style="list-style-type: none"> impacts and environmental performance of the project; effectiveness of any management measures (see (c) above); <p>(e) a contingency plan to manage any unpredicted impacts and their consequences;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the project over time;</p> <p>(g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> incidents; complaints; non-compliances with statutory requirements; and exceedences of the impact assessment criteria and/or performance criteria; and <p>(h) a protocol for periodic review of the plan.</p>	<p>Reviewed management Plans as published on website, http://www.duraliecoal.com.au/environment/management-plans-strategies-and-programs.php</p> <p>Management Plans generally included a table to define sections of report that met these general conditions.</p>	C	
5	3	Reporting	<p>By the end of December 2011, 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 development (including any rehabilitation) that was carried out in the past year, and the development that is 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 the</p> <ul style="list-style-type: none"> the relevant statutory requirements, limits or performance measures/criteria; the monitoring results of previous years; and the relevant predictions in the EA; <p>(c) identify any non-compliance over the past 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 measures will be implemented over the next year to improve the environmental performance of the project</p>	<p>Annual Review has historically been September to September. 2011-2012 Duralie went to Financial Year reporting. Sighted 2012-2013 Annual Review</p> <p>a) Section 2</p> <p>b) Complaints Section 4.2, Monitoring Section 3, with adequate comparison against statutory requirements, previous data and EA predictions for surface and ground waters, air quality and noise.</p> <p>c)</p>	C	<p>Clarifying with Department as to which reporting year the consent refers to.</p>

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
5	4	Reporting	Within 3 months of: (a) the submission of an annual review under Condition 3 above; (b) the submission of an incident report under Condition 6 below; (c) the submission of an audit under Condition 8 below; or (d) any modification to the conditions of this approval (unless the conditions require otherwise), the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General. Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.	Management Plans have been reviewed post Annual Review, IEA (November 2011) and condition modifications of critical approvals.	C	
5	5	CCC	The Proponent shall establish and operate a new Community Consultative Committee (CCC) for the project in general accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version), and to the satisfaction of the Director-General. This CCC must be operating within 3 months of the date of this approval	CCC meetings held 01/08/13, 02/05/13, 07/02/13, 10/10/12, 20/06/13, 29/02/13 (note the CCC was to be operating by 11/2/13). The CCC is Chaired by an independent, Margaret MacDonald-Hill.	C	
5	6	Reporting	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.	Environmental Management Strategy (EMS) Version H approved by DP&I 18/06/13 defines reporting requirements. Blast incident 18 October 2013 notified to DP&I within appropriate timeframes	C	
5	7	Reporting	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.	Website reviewed and all required management plans, monitoring data and public reports were easily accessible and up-to-date.	C	
5	8	Reporting	By the end of December 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must: (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals); (d) review the adequacy of strategies, plans or programs required under the approvals in (c) above; and (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the approvals in (c) above.	IEA submitted Nov 2011	C	
5	9	Reporting	Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.	All management plans indicate that findings of IEA November 2011 have been incorporated.	C	

Schedule	Condition	Topic	Requirement	Finding/Evidence	Rating	Suggested Corrective Action
5	10	Reporting	<p>Within 1 month of the date of this approval, the Proponent shall:</p> <ul style="list-style-type: none"> · the documents referred to in Condition 2 of Schedule 2; · all relevant statutory approvals for the project; · all approved strategies, plans, programs and studies required under the conditions of this approval; · the monitoring results of the project, reported in accordance with the specifications in any approved strategies, plans, programs or studies required under the conditions of this or any other approval; · a complaints register, which is to be updated on a monthly basis; · the agenda papers and minutes of CCC meetings; · the annual reviews required under this approval; · any audit of the project required under this approval, and the Proponent's response to the recommendations in any audit report; · any other matter required by the Director-General; and <p>(b) keep this information up-to-date, to the satisfaction of the Director-General</p>	Complaints Register accessed online 11.10.13 - Period 1 Sept 12 to 31 Aug 13 - Should have included September	NC	Maintain monthly upload of complaints register
5	9A	Reporting	<p>By the end of December 2013, and with every Independent Environmental Audit thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of a Rail Haulage Audit of the project. This audit must:</p> <p>(a) be conducted by a suitably qualified, experienced and independent experts whose appointment has been endorsed by the Director-General;</p> <p>(b) review the existing rail haulage operations and determine whether all reasonable and feasible measures are being implemented to minimise the:</p> <ul style="list-style-type: none"> · noise and dust impacts of these operations; · use of the shuttle train during the approved night-time hours; · dispatch of trains from the site between 9.25pm and 1am the following day; and <p>(c) recommend appropriate measures or actions to improve the efficiency of these rail haulage operations and minimise their associated impacts; and</p> <p>(d) evaluate the use of the exceptional circumstances provision in condition 8 of schedule 2, and the associated reporting on any use of this provision on the Proponent's website (see condition 8A in schedule 2)</p>	Rail haulage audit to be completed shortly.	N/A	