



RIX'S CREEK MINE  
REGULATORY ENVIRONMENTAL  
COMPLIANCE AUDIT REPORT



Rehabilitation West Pit

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## 1. ABBREVIATIONS

Acronym	Meaning
AEMR	Annual Environmental Management Report
CCC	Community Consultative Committee
CHPP	Coal Handling & Preparation Plant
DPI	NSW Department of Primary Industries - Mineral Resources is a division of Trade and Investment, Regional Infrastructure and Services
DoPI	NSW Department of Planning and Infrastructure, Formerly the Department of Planning
EC	Electrical conductivity ( $\mu\text{S}/\text{cm}$ )
EIS	Environmental Impact Statement
EL	Exploratory Licence
EMP	Environmental Management Plan
EPA	Environment Protection Authority (now part of OEH)
EPL	Environment Protection Licence
HRSTS	Hunter River Salinity Trading Scheme
HVAS	High volume air sampler
ISO	International Standards Organisation
MOP	Mining Operations Plan
NEPC	National Environment Protection Council
NOW	NSW Office of Water Formerly known as Department of Water and Energy (DWE)
NPWS	National Parks and Wildlife Service (now part of OEH) Office of Environment and Heritage Formerly known as the following entities:
OEH	Department of Environment and Conservation (incorporates former EPA and NPWS), and Department of Environment, Climate Change and Water (DECCW).
PM <sub>10</sub>	Particulate matter of less than 10 microns mean diameter ( $\mu\text{g}/\text{m}^3$ )
ROM	Run of Mine
SSC	Singleton Shire Council
TDS	Total Dissolved Solids (mg/L)
TSP	Total Suspended Particulates ( $\mu\text{g}/\text{m}^3$ )
TSS	Total Suspended Solids (mg/L)

## 2. EXECUTIVE SUMMARY

This audit report was prepared to satisfy the requirements of Development Consent (N90/00356) - Condition 26, which requires that an independent environmental audit be undertaken after the first year from the date of consent (being 19 October 1995), then every five years. The audit was conducted on the 17-20 October 2011 for the audit period January 2007 to October 2011

This report is based on discussions held with Rix's Creek mine personnel, a review of documentation, monitoring data, the Development Consent, Environment Protection Licence, and other Licences and Leases, as well as observations made during the site inspection. The audit reviewed compliance with conditions of the Development Consent, Environment Protection Licence, Mining Leases and RTA approvals, as well as an evaluation of the standard of environmental management on site.

At the time of the audit, there were eleven conditions of Development Consent (N90/00356) and three conditions of the Environment Protection Licence (3391) for which compliance could not be fully established over the five year audit period. These non conformances are summarised in *Table 2* and *Table 3* with details provided in *Appendix 1* and *Appendix 2*. Overall, 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 dust, water, waste management, rehabilitation, visual amenity, noise and blasting. Monitoring programs are generally effective in satisfying regulatory requirements and providing data, which is used to improve environmental management. A number of recommendations have been made as described in *Section 5.1*, to improve 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 and/or related licences and approvals.

## 3. INTRODUCTION

### 3.1 BACKGROUND

Rix's Creek Colliery is wholly owned by The Bloomfield Group Ltd., an Australian owned family company. Rix's Creek operates an open cut mine in the Singleton area of the Upper Hunter Valley, approximately six kilometres northwest of Singleton, in New South Wales.

Rix's Creek mine commenced operations in July 1990 following the granting of Development Consent and Coal Lease No. 352 in October 1989. Construction began in late November 1989 establishing access roads, dams, facilities and screening bunds adjacent to the New England Highway. The Development Consent has been modified six times since 1989, such that the current operation is to be carried out generally in accordance with the:

- (i) Environmental Impact Statement prepared by Envirosciences Pty Limited, dated November 1994;
- (ii) Supplementary Document prepared by Envirosciences Pty Limited, dated April 1995;
- (iii) Correspondence from Bloomfield Collieries Pty Limited accompanying the application seeking a modification to the development consent, dated 12 November 1998;
- (iv) Information provided by Rix's Creek Mine accompanying the application seeking a modification to the development consent, dated 20 November 2003;
- (v) Information prepared by Hunter Development Brokerage Pty Ltd accompanying the application seeking a modification to the development consent, dated 14 April 2004;
- (vi) the modification application "Rix's Creek Mine Cut and Cover Tunnel, New England Highway: Statement of Environmental Effects", prepared by Sinclair Knight Merz and dated May 2009; and
- (vii) the conditions of this consent.

Rix's Creek holds Environment Protection Licence No. 003391, for the scheduled activities of Coal Works and Mining for Coal. Rix's Creek is a non-discharging participant in the Hunter River Salinity Trading Scheme currently holding 5 credits.

In 2010, Rix's Creek mine operated 15 shifts a week for 48 weeks employing 113 personnel. Production was 2.367 million tonnes of raw coal, 1.389 million tonnes of saleable coal (coking and steaming coal) and 10.267 million cubic meters of overburden moved using one small dragline, excavator, front end loaders and trucks. The major operation took place in Pit 1, north of New England Highway and operations continued in Pit 3 (West Pit), western side of Rix's Creek adjacent to Pit 2 (South Pit). Rix's Creek is required to use the Camberwell Coal rail loop to transport product coal to the port of Newcastle for export. The

rail loading facility and clean coal stockpile is located off the mining lease adjacent to the northern boundary.

### 3.2 **AUDIT SCOPE**

Glade Consulting Pty Ltd was appointed by Rix's Creek Pty Ltd (Rix's Creek) (and approved by the DoPI, email from J. Pope - Senior Compliance Officer (Mining) 13/09/2011) to undertake a compliance audit of the Rix's Creek Development Consent (N90/00356). Condition 26 of the Development Consent (N90/00356) dated 19 October 1995 requires that:

*'Within 12 months from the date of Consent, the Applicant shall make arrangements for and bear the total cost of an independent comprehensive environmental audit for the development. Further independent audits are to be conducted every fifth year (i.e. From year 6 from the date of Consent) or as directed by the Director.*

*The Applicant shall conduct an environmental audit of the mining and infrastructure areas of the development and submit the report to the Director who shall provide a copy to the Council.*

*The audit shall be conducted by a duly qualified independent person or team approved by the Director in consultation with Council.*

*The Director may, after considering any submission made by Council on the report, notify the Applicant of the Director's reasonable requirements with regard to any measures arising from or recommended by the independent environmental report. The Applicant shall comply with those reasonable requirements within such time as the Director may reasonably require.'*

Pacrim Environmental Pty Ltd. completed the last independent compliance audit for Rix's Creek for the period October 2001 to December 2006.

This audit was conducted in accordance with Development Consent N90/00356, which requires an independent environmental audit of the development be commissioned every five years. This independent compliance audit covers the period of January 2007 to October 2011.

### 3.3 **AUDIT APPROACH**

The audit was completed by Leah Cook, Lead Auditor ((RABQSA International Certified Auditor, 111549) of Glade Consulting Pty Ltd. The audit was undertaken in accordance with *ISO 19011:2003 – 'Guidelines for quality and/or environmental management systems auditing'*, which supersedes *ISO 14010 – Guidelines and general principles for environmental auditing 1996* and *ISO 14011 – Procedures for environmental auditing 1996*.

The audit process consisted of:

- Pre-audit preparation and review of documentation;
- Site inspection of the main aspects of the open-cut mining operations, CHPP, Workshop/ maintenance facilities and rehabilitated and landscaped areas;

- Review of relevant documents to assess compliance, impact assessment and environmental management;
- Interview of relevant Mine personnel to progressively identify and obtain copies of evidence to support compliance; and
- A tabulated report identifying the operation's compliance with the various consent conditions.

The audit comprised an evaluation of the performance and effectiveness of the environmental management at the mine and assessment of compliance against:

- Development Consent (N90/00356)
- Environment Protection Licence 3391;

The Mine's representatives during the audit were:

- John Hindmarsh - Senior Environmental Officer
- Jason Desmond- Environmental Officer

### 3.4 **AUDIT TERMINOLOGY**

The intention of this section is to provide an understanding of the interpretation given when assessing the 'status of compliance at time of audit' in **Appendix 1** and **Appendix 2**. Many development and licence conditions are not worded so that a definitive 'yes' or 'no' can be stated, therefore a condition may receive non compliance status even though partial compliance is achieved or is in the process of being achieved.

*Compliant:* Full compliance with all sections of the condition is evident.

*Not compliant:* Non compliance with all sections or a section of the condition.

*Not yet triggered:* The condition is not yet applicable to the operations.

*Not applicable:* The condition is not applicable.

*No longer applicable:* The condition is no longer applicable

This interpretation is generally in accordance with the Department of Planning and Infrastructure's (DoPI) requirements for audits. In addition to this requirement, DoPI has stated:

*"Wherever a non compliance with the conditions of the Minister's consent is identified, the audit report should describe the significance of the non compliance and its circumstances, including any mitigating factors."*

The DoPI has published a compliance policy and associated guidelines for breach management, prosecutions and penalty notices. The significance of each non compliance identified through this audit is assessed following the DoPI *Compliance Policy (2010)*, which has been replicated in **Table 1**.

**Table 1: Environmental Risk Assessment Matrix\_ examples in determining significance of breaches**

Source: Based on NSW Department of Planning (September 2010), *Compliance Policy*.

<b>Severity/seriousness</b>	<b>Public interest</b>	<b>Aggravating or mitigating factors</b>	<b>Significance of breach</b>
Low to moderate environmental harm	Public interest low due to minimal cost to the community and the "one-off" nature of the breach with minimal need for deterrence against further breaches	No significant aggravating factors; Offender co-operated with investigation	LOW
Moderate, short-term loss of amenity; Low environmental harm	Public interest likely to be moderate due to the need to deter the offender from further breaches of this nature but little public perception of the breach	No significant aggravating factors; Offender rectified breach quickly when notified by Department	LOW
Moderate or high degree of environmental harm	Public interest high due to the breach impacting on the amenity of several residential neighbours and the need to deter against further breaches of this nature	Significant aggravating circumstances due to offender knowingly committing the breach despite likely impacts	HIGH
Large magnitude of exceedance; High level of unjust benefit; Low to moderate risk of environmental harm	Public interest moderate due to the need to deter the offender against further breaches of this nature	Aggravating circumstances due to offender knowingly committing the breach for significant financial gain	HIGH
Low environmental harm	Public interest moderate due the need to deter the offender against further breaches of this nature	Significant aggravating circumstances due to offender submitting false and misleading information about the breach	MEDIUM
High environmental harm	Public interest low due to the low public perception of the breach and unlikelihood of the offender committing further breaches	Significant mitigating circumstances due to offender immediately rectifying the breach and instigating measures to prevent re-occurrence	MEDIUM

### 3.5 **LIMITATIONS TO THE AUDIT**

The Glade Consulting auditor received complete cooperation from Rix's Creek staff during the conduct of the audit. In preparing this regulatory compliance audit report, Glade Consulting has assessed all activities appropriate and necessary to evaluate the environmental status of the site and operations on it. Glade Consulting has addressed all technical matters which might reasonably be considered to be relevant to such an assessment conducted to standards which apply in New South Wales. Based on observations of the site, interviews with appropriate staff and a review of available documentation, it is Glade Consulting's opinion that the potential critical environmental issues associated with the site and operations are those discussed in this report. However, Glade Consulting personnel can only advise on the basis of the information available to them and therefore cannot dismiss absolutely the possibility that parts of the site, or adjacent properties, may give rise to additional issues.

The conclusions presented in this report are professional opinions based solely upon Glade Consulting's visual observations of the site and the immediate site vicinity, and upon Glade Consulting's interpretations of the documentation reviewed, interviews and conversations with personnel knowledgeable about the site and other available information, as referenced in this report. These conclusions are intended exclusively for the purposes stated herein, at the Rix's Creek Colliery.

Opinions presented in this report apply to the site's conditions and features as they existed at the time of Glade Consulting's site visit in October 2011 and those reasonably foreseeable. They necessarily cannot apply to conditions and features which Glade Consulting is unaware of and has not had the opportunity to evaluate.

This report does not, and does not purport to, give legal advice on the actual or potential environmental liabilities of any individual or organisation, or to draw conclusions as to whether any particular circumstances constitute a breach of relevant legislation.

## 4. ASSESSMENT OF COMPLIANCE WITH THE REQUIREMENTS OF THE CONSENT, LICENCES AND APPROVALS FOR THE MINE

### 4.1 DEVELOPMENT CONSENT

The conditions of Development Consent (N90/00356) were reviewed as part of the audit. A detailed review of all the Development Consent conditions is included in **Appendix 1**. Of these conditions, eleven were found to be non compliant. Four non compliances were of medium significance and seven of low significance. These non compliant conditions are summarised in **Table 2**.

### 4.2 ENVIRONMENT PROTECTION LICENCE NO. 3391

Operations at Rix's Creek mine are covered by Environment Protection Licence (EPL) No 3391. The conditions of the EPL were reviewed as part of the audit. A detailed review of all the conditions of Licence 3391 is included in **Appendix 2**. Of these conditions, three were found to be non compliant, all with low significance. These non compliant conditions are summarised in **Table 3**.

### 4.3 MINING AND EXPLORATION LEASES

Coal Lease 352 has a period of renewal until 20 October 2031. The Conditions list 26 conditions and a review of environment related conditions was completed. Rix's Creek are generally operating within the conditions of the Lease. Coal Lease 352 has recently been renewed (lease dated 13/09/2011), requiring compliance with Condition 1

*1(a) Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice'.*

At the time of the audit, notification had not been provided to the relevant landholders.

#### Recommendation

1. Notify relevant landholders of the renewed coal lease.

*John Hindmarsh has confirmed (email 15/12/11) that approval letters have been sent out (13<sup>th</sup> December 2011) to all landholders within the lease area (10 landholders in total).*

Of note, is condition 25, which requires the lease holder to permit free and uninterrupted passage of stock through that part of the lease covered by travelling stock and camping reserve (TSR) No. 2799. During the audit period, Rix's Creek has repaired the boundary fencing of this TSR.

Mining Lease 1432 was granted on 24 June 1998 and is valid for a period of 21 years. The Schedule of Conditions of Authority – 1996 (Coal) lists 50 conditions and a review of environment related conditions confirmed that Rix's Creek are operating within the conditions of the Lease.

**Table 2: Summary of Non Compliances of Development Consent ((N90/00356))**

Condition	Condition Requirement	Audit Evidence / Observations	Significance	Recommendation
3	<p>The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Local Government Act, 1993, Pollution Control Act, 1970, Clean Air Act, 1961, Clean Water Act, 1970, Noise Control Act, 1975, Protection of the Environment Administration Act, 1991 and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements of the Department of Environment, Climate Change and Water (DECCW), Department of Industry and Investment (DII), and Roads and Traffic Authority (RTA), are fully met.</p>	<p>Sighted Bloomfield Group Environmental Management System which includes requirements to manage compliance in a systemic manner.</p> <p>Unable to sight a current 'Approval to Operate' for an On-site Sewage Management Systems (OSMS) as per Local Government (General) Regulation 2005.</p> <p>Unable to sight evidence that all conditions of the Road Occupancy Licence (licence number 773, extension 7, expires 31/12/11), which allows blasting within 500m upon the closure of the New England Highway are implemented, specifically:</p> <ul style="list-style-type: none"> <li>- the licensee undertakes to erect permanent mine blasting road closure signage in accordance with RTA signage standards on both approaches to the road closure points indicating the time and day of the next blast, the anticipated delay and a contact telephone number for public inquiries,</li> <li>- the licensee undertakes to notify local emergency services of a closure on the morning of each subject closure,</li> <li>- the licensee undertakes to provide regular media releases to local newspaper and radio services indicating times/days of anticipated mine blasting road closures,</li> </ul>	Medium	<ol style="list-style-type: none"> <li>1. Obtain an Approval to Operate from SSC.</li> <li>2. Erect mine blast road closure signage on the New England Highway.</li> <li>3. Add local emergency services to road closure/blasting notifications</li> <li>4. Advertise road closures in the Singleton Argus and on the Bloomfield Group website.</li> </ol>

Condition	Condition Requirement	Audit Evidence / Observations	Significance	Recommendation
6 i(c)	A comprehensive plan of landscape management which shall include detailed plans, specifications for the maintenance of all landscape works and plantings, and maintenance of building materials and claddings, proposed screen plantings and mounding along the New England Highway and mine overburden dumps.	<p>Sighted a detailed visual amenity plan - Rix's Creek Landscape Plan (June 1996). Establishment of effective screen plantings and mounding was observed along the New England Highway and Rix's Lane, which is beyond the commitment of the June 1996 Plan.</p> <p>Unable to sight evidence of a formal building maintenance program or inclusion of building maintenance specifications within the Landscape Management Plan (V2 18-3-10 Rix's Final Draft). Site inspection observed a number of sheet metal panels missing on the train load out bin conveyor cladding and the coal bin remains unpainted (see Photo 11 in the audit report)</p> <p>It was stated that building maintenance is undertaken as part of the general maintenance program on site. A major project has been undertaken (2010-2011), where major infrastructure i.e. Washing plant structure, Clean coal bin, workshop located beside the office and store and maintenance shed located on the top pad have been painted to blend with surrounds (site inspection confirmed recent works).</p>	Low	<p>Update the Landscape Management Plan to include building/infrastructure maintenance.</p> <p>Review sheet metal cladding and repair as necessary on the train load out conveyor.</p>

Condition	Condition Requirement	Audit Evidence / Observations	Significance	Recommendation
9i	The Applicant shall prepare and implement a Traffic Management Plan for the development, to the satisfaction of the Director-General. The Plan must be submitted to the Director-General for approval prior to commencement of construction of the cut and cover tunnel	<p>Unable to sight evidence that a Traffic Management Plan has been submitted to DoPI for approval prior to construction.</p> <p>Traffic control plan submitted and approved by RTA as a component of the Work Authorisation Deed (contract number 09-2535-2274), sighted.</p>	Low	The Traffic Management Plan was submitted to DoPI (email - Howard Reed, Scott Brooks) on 24 November 2011.
11i	The Applicant shall measure, record and report the LA 10,15 min noise level over a representative 72 hour period at four (4) locations determined by the DECCW from five (5) nominated locations closest to the mining operations. The report shall include a record of the meteorological conditions at the time of monitoring and shall be conducted on a quarterly basis. Monitoring shall commence immediately after the date of this Consent.	<p>Sighted quarterly monitoring data from The Retreat, Singleton Heights, Camberwell and Maison Dieu reported in the AEMRs (2007-2010).</p> <p>Portable met station set up at monitoring sites to record local met data and is reported on graphs. However, unable to determine if monitoring undertaken under neutral conditions, to allow an assessment of monitoring results against the design goal noise levels set in the consent. It is noted, that the Industrial Noise Policy (not applied at present at Rix's Creek) does not relate to neutral atmospheric conditions. Further, a description of the mining activity at the time of monitoring is not presented in the AEMR to assess that average conditions have been measured.</p>	Medium	<p>AEMR to include an assessment of the monitoring results with regard to the design goal noise levels, with respect to meteorological conditions at the time of monitoring.</p> <p>Provide a description of the mining activity at the time of monitoring is not presented in the AEMR</p>

Condition	Condition Requirement	Audit Evidence / Observations	Significance	Recommendation
14 iii	install automatic water sprays on the coal stockpiles such that the stockpiles are sprayed when the wind speed from any direction exceeds 5.6m/s;	<p>ROM coal stockpile sprays are not automated for wind speed greater than 5.6m/s - they are manually operated based on visual assessment of need. However wind speeds may exceed parameters when the operation is unmanned (e.g. weekend). It was stated (pers. comm. J. Hindmarsh) that the moisture content of coal is generally &gt;10%.</p> <p>Dust emissions were not evident at the time of inspection at the rail loader stockpiles.</p> <p>Automatic sprays are installed at the rail loader product stockpiles but are not operated as the coal is damp. Operations are ceased during adverse weather conditions.</p> <p>The ROM Coal bin has automatic sprays that are tripped when a truck tips, but it is not utilised if loader tipping into the bin. If loader feeds bin, then generally pushing into high level bin and minimal dust is generated.</p>	Low	<p>Previous compliance audit finding - issue not adequately resolved with the OEH/DoPI.</p> <p>Ensure that adequate dust mitigation is applied at all times.</p>

Condition	Condition Requirement	Audit Evidence / Observations	Significance	Recommendation
15A v	The Applicant shall prepare and implement an Erosion and Sediment Control Plan. This Plan must: Describe what measures would be implemented to monitor and maintain the structures over time.	<p>Sighted the Water Management Plan (30/03/10) which includes an Erosion and Sediment Control Plan (Part C and Appendix A). The ESCP requires 'All sediment dams will be inspected quarterly to ensure they have at least 75% of their capacity available for sediment retention. Desilting will be undertaken as soon as practicable, with silt being disposed of to an area approved by RXC. Details will be recorded on inspection logs'.</p> <p>Sighted inspection logs for sediment dams on site and appropriate checklists developed. Unable to sight evidence that these inspections are being completed quarterly.</p>	Low	Ensure that inspections are completed quarterly and actions resolved in timely manner.
16 A ii	Rehabilitation Management Plan to be submitted for approval by the Director-General by 31 March 2010;	<p>Sighted Rehabilitation Management Plan (V2 240310 Rix's Final Draft). Unable to sight evidence that this plan has been approved by the D-G.</p> <p>Sighted an email, dated 19/05/2010, from Alison O'Reilly (DoPI) noting that there were a few conditions that have not been addressed; specifically 16B ii - measures for short, medium, long-term, 16B v, 16B vii - potential risks to be addressed, 16B viii - more information required including group documents.</p>	Low	Amend the RMP and gain approval from the D-G. Implement the requirements of the RMP.
19 i (d)	The Applicant shall prepare and submit to DII for approval an Annual Environmental Management Plan Report. The report shall include: a review of performance in terms of the conditions of development consent;	<p>Unable to sight an assessment of performance in terms of the conditions of this consent.</p> <p>Sighted a letter (DoPI to Rix's Creek, 08/06/2011) requesting that in future reports a compliance table be included.</p>	Low	Include in the 2011 AEMR a compliance assessment of the conditions of development consent.

Condition	Condition Requirement	Audit Evidence / Observations	Significance	Recommendation
19 i (h)	The Applicant shall prepare and submit to DII for approval an Annual Environmental Management Plan Report. The report shall include: set out environmental management targets for the next year.	Unable to sight specific targets for the next year within the AEMR	Low	Include in the 2011 AEMR environmental targets for 2012.
27 i	The Applicant shall monitor the amount of waste generated by the project;	Unable to sight adequate records relating to all wastes generated on site for the audit period.	Medium	Maintain records of all wastes generated and disposed (including trackable wastes and tyres)
27 iv	The Applicant shall ensure irrigation of treated wastewater is undertaken in accordance with DECC's Environmental Guideline for the Utilisation of Treated Effluent; and	Unable to sight a current SSC approval to operate a Sewage Management System (last approval 1989).  Environmental Guideline, Section 5.3 describes monitoring requirements, unable to sight evidence of a monitoring program for the management of the onsite sewage treatment and irrigation system.	Medium	Gain a Approval to Operate for the OSMS.  Undertake monitoring (water/soil) of the effluent treatment area.

**Table 3: Summary of Non Compliances of EPL 3391**

Condition	Condition Requirement	Audit Evidence / Observations	Significance	Recommendation
L7.2 b)	120 dB (Lin Peak) at any time. At any residence or noise sensitive location that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative overpressure level.	Two exceedances during the audit period. 1. Sighted incident report OEH reference 10/36084, 19/07/2010 recorded 124.7dBL (Dunn) and 125.4 (Wright), both properties are in Maison Dieu area. 2. Sighted incident report OEH reference 07/20473, 23/05/2007 recorded 132.5dBL (Dunn), 129.0 (Wright) and 122.8 (Dight's crossing Rd).	Low	No further action required.

Condition	Condition Requirement	Audit Evidence / Observations	Significance	Recommendation
M1.3	<p>The following records must be kept in respect of any samples required to be collected for the purposes of this licence:</p> <ol style="list-style-type: none"> <li>the date(s) on which the sample was taken;</li> <li>the time(s) at which the sample was collected;</li> <li>the point at which the sample was taken; and</li> <li>the name of the person who collected the sample.</li> </ol>	<p>Sighted a sample of water monitoring field sheets - the excel sheet with results also records required information as per this condition.</p> <p>Sighted AECOM reports since December 2010 (27/11/2010 commenced). Field sheets are included in the monthly reports - Dust Dep and PM10 and include the required information as per this condition.</p> <p>ACIRL previous monitoring consultant undertaking PM10 monitoring, unable to sight evidence that field sheets with the required information were completed and reported to Rix's Creek.</p> <p>Sighted attended noise monitoring field sheet (completed by Rix's Ck personnel) which includes, date, time and location of sample, however does not record samplers name. It was stated (pers. comm., J. Hindmarsh) that during the audit period, noise monitoring has been completed by the Senior Environment Officer.</p>	Low	<p>The change of independent consultant for the dust monitoring during the audit period demonstrates recognition that the previous provider was not meeting compliance obligations.</p> <p>Amend the noise monitoring field sheet to include sampler's name and weather conditions at the time of monitoring (see Development Consent condition 11i).</p>

Condition	Condition Requirement	Audit Evidence / Observations	Significance	Recommendation
M2.2	<p><u>Air Monitoring Requirements</u> POINT 1</p> <p><b>Pollutant:</b> Particulates - Deposited Matter <b>Units of measure:</b> grams per square metre per month <b>Frequency:</b> Once a month (min. of 4 weeks) <b>Sampling Method:</b> AM-19</p> <p><b>Pollutant:</b> Total suspended particles <b>Units of measure:</b> micrograms per cubic metre <b>Frequency:</b> Every 6 days <b>Sampling Method:</b> AM-15</p>	<p>Sighted AEMR (2007, 2008, 2009, 2010) which reports air quality monitoring data, as per the requirements of this condition.</p> <p>The 2007 Annual Return reports incomplete particulates - deposition data were not available for two gauges (18 and 29) through the year due to a stolen bottle and missing laboratory results.</p> <p>The 2010 Annual Return reports incomplete particulates - deposition data for two gauges; Gauge 16, no sample May 2010 and March 2011 as the house yard was not accessible (due to a dog) and Gauge 14, no sample March 2011 as the gauge was vandalised (despite being in a secure fenced premises).</p>	Low	Review relocating Gauge 16 to a location with better accessibility.

## 5. EVALUATION OF THE PERFORMANCE AND EFFECTIVENESS OF ENVIRONMENTAL MANAGEMENT

Document review, inspections and interview of personnel during this audit demonstrated that Rix's Creek effectively managed most of the environmental impacts of its operations during mining. The Mine is managed in a competent manner and in accordance with the approved Mining Operations Plans. The following section provides an overview of Rix's Creek's management of key environmental issues and provides recommendations for improvement as required. Compliance issues raised in Section 4 are not repeated in this section.

### 5.1 ENVIRONMENTAL MANAGEMENT

#### Air Quality

An air quality monitoring program is in place for the Rix's Creek operation covering the area surrounding the operation. This program involves monitoring air quality for dust particulates, comprising of 30 dust deposition gauges and 3 high volume air samplers which measure particulates less than 10 microns in diameter (PM<sub>10</sub>) and total suspended particulates (TSP) in relevant sites in and around the Mine and CHPP.

Samples are collected and analysed by an independent NATA accredited laboratory. During the audit period the contractor was changed to improve reliability of data collection and maintenance of equipment. The results are reported annually in the AEMR.

The dust monitoring criteria for Rix's Creek comprise of compliance standards for Depositional Dust and reporting goals for PM<sub>10</sub> and TSP established by the Development Consent, Condition 13 and shown in Table 4. During the audit period, Rix's creek maintained compliance against the air quality criteria limits. All the 30 gauges comply with the OEH Insoluble Solids Dust Deposition assessment criteria of an annual average result of less than 4 gm/m<sup>2</sup>/month. Gauge 6 has consistently recorded an annual average result close to 4gm/m<sup>2</sup>/month. This gauge is located adjacent to the New England Highway in close proximity to the active mining area.

**Table 4: Air Quality criteria**

Pollutant	Criteria Limit	Average Period	Standard
Insoluble solids - dust deposition	4 g/m <sup>2</sup> /month	Annual	OEH
Total Suspended Particulates (TSP)	90 ug/m <sup>3</sup>	Annual mean	National Health And Medical Research Council (NHMRC)
Particulate Matter <10 μm	30 ug/m <sup>3</sup> 50 ug/m <sup>3</sup>	Annual mean 24hr average 5 exceedances permitted per year	National Environment Protection Measure for Ambient Air Quality

The 2007 Annual Return reports incomplete data set for particulates monitoring - deposition data were not available for two gauges (18 and 29) through the year due to a stolen bottle and missing laboratory results. The 2010 Annual Return also reports incomplete particulates monitoring - deposition data for two gauges; Gauge 16, no sample May 2010 and March 2011 as the house yard was not accessible (due to a dog) and Gauge 14, no sample March 2011 as the gauge was vandalised (despite being in a secure fenced premises).

During the audit inspection no unacceptable dust emissions were observed and dust appeared to be satisfactorily managed, refer to photos 1, 2 and 3.

At present coal stockpile sprays are manually operated from the control room at the CHPP to dampen the area when required in windy and dusty conditions. This room is only manned during working hours on week days and the risk of windy conditions and dust impacts on weekends and after hours is possible.

During 2007 and 2008 there were some community concerns reported regarding odour from biosolids. This occurred when biosolids were spread on the rehabilitation area on the West Pit overburden dump and the prevailing wind was from the north-west. Rix's Creek trialled the addition of gypsum and/or topsoil prior to spreading the biosolids to overcome odour. There have not been any further odour issues reported since 2008.

Blast related fume is addressed in the review of Blasting.

#### Recommendation

1. Consideration should be given to undertaking further investigations to determine Rix's Creek's dust contribution, particularly with regard to Gauge 6.

### **Surface Water**

The Mine operates with a closed water management system and is a non-discharging member, registered with the Hunter River Salinity Trading Scheme (HRSTS.) Clean water entering the site is diverted in an easterly direction around Pit 1 and all northern operational areas including haul roads, hard stand areas and workshops. This diversion directs water back into Rix's Creek near the New England Highway.

Potentially contaminated waters are kept from entering Rix's Creek with a series of channels and ponds. Tailings are disposed of into a Tailings Dam (formerly Pit 2) and water is returned via a continuously welded polyethylene pipe to the CHPP. A series of catch dams along the route of these pipelines serves to collect any contamination from these sources should a break occur. Wastewater treatment is managed through the use of oil/water separators and a sewage system.

A site inspection by DoPI compliance officers on 6 June 2011 (and subsequent letter dated 08/06/11) raised concerns regarding water retention where the haul road crosses Stone Quarry Gully. In this area, the sediment dams collecting runoff from the haul road had the potential to over top in a large rainfall event. To prevent this from happening, a pump has been installed on the sediment dam to return runoff from the haul road to the mine water dam at the water cart fill station for reuse (refer to photo 6).

The Mine recycles all classes of water on site, including:

- saline mine water – collected and reused for processing of coal and dust suppression; and
- stormwater (non-saline with high sediment load) – collected using drains and bunds, which is stored and used for dust suppression or processing.

The Rix's Creek Site Water Management Plan (Rev. 1, 30.03.10, not yet approved by DoPI) details the results of an OPSIM water balance model, which concludes that the project will:

- Be capable of meeting all water needs for dust suppression from the groundwater inflows and surface runoff into the mine pits; and
- Provide a net surplus of water that will contribute to the water available to supply the Rix's Creek CHPP.

Water quality from mine water dams, and creeks and dams in and around the mine is monitored monthly. The reliability of monitoring data is unclear since sampling is infrequent, due to the ephemeral nature of the creek. The water quality monitoring results for Rix's Creek reflect its ephemeral nature, being affected by rainfall events and resultant flow conditions. The variations in water quality throughout the catchment are dependent on the amount of rainfall and resultant runoff flushing stagnant water through the catchment. During times of nil flow the pH, electrical conductivity and total dissolved solids increase. Conversely total suspended solids are highest following storm events.

Inspection of the water management system suggests that structures and practices are effective in preventing contaminated waters entering the broader surface water system and that the mining operations have had minimal effect on the quality of surface run-off leaving the site.

## **Groundwater**

A ground water monitoring program was initiated during the 2010 reporting period with the installation of 5 piezometers across the site. This was followed by the commencement of routine groundwater monitoring including groundwater levels and quality. Initial results indicate that there is limited hydraulic connectivity between Rix's Creek and the groundwater in the Regolith (shallow aquifer).

The groundwater monitoring network has been established to allow the development of a Groundwater Monitoring and Response Plan for mine operations, whilst also taking into account monitoring requirements of future mine operations such as the planned expansion (Environment Assessment requirements) and void rehabilitation (Final Void Management Plan). Aquaterra (approved groundwater consultant for Water Management Plan) have recommended groundwater quality monitoring should be conducted on a monthly basis for field parameters (pH, EC and T), and on a quarterly basis for major ions, nutrients and dissolved metals. This will enable water quality trends and impact assessment criteria to be established, and will also assist with the assessment of groundwater, mine water and surface water interactions. A meeting was held with NOW (21/10/2011) to review initial ground water monitoring results and review future monitoring frequency

and comments included in the updated WMP which has since the audit been submitted to DoPI (11/11/2011).

#### Recommendation

1. Finalise negotiations of the groundwater monitoring program with NOW and obtain approval from Director General (DoPI) of the Water Management Plan.

### **Non-mineral Waste Management and Housekeeping**

General housekeeping observed at the workshops, CHPP and magazine area was acceptable at the time of audit.

Wastes management at Rix's Creek could be improved through better segregation of wastes, improved waste handling facilities and improved record keeping to comply with the requirements of the *Protection of the Environment Operations (Waste) Regulation 2005*.

#### Recommendation

1. Ensure tyres disposed in pit are recorded, as a minimum survey location and record tyre serial numbers.
2. Delineate waste storage facilities for timber pallets and other recyclable material.

### **Effluent Treatment**

Grey water generated on site consisting of domestic waste water from the bathhouse, associated amenity areas and administration area pass through a septic system previously approved by the local authorities. The septic tank provides a primary and secondary process with solid waste processed by anaerobic bacteria. Effluent then passes to a maturation pond prior to disposal by evaporation and land irrigation. A current Approval to Operate, for the on-site sewage management system (OSMS) was not sighted during the audit.

Council adopted the revised Singleton Council On-site Sewage Management Strategy in 2006. The objective of the Strategy is to ensure that there is a system in place to provide oversight and control of on-site sewage management systems within the Singleton Local Government Area. To achieve that objective, the Strategy attempts to ensure the protection of groundwater, surface water, land and vegetation and the protection of public health and prevention of public health risks. All on-site sewage management systems in the Singleton Local Government Area should be registered with Council and then recorded on the database. Approvals to Operate (AtO) are being issued for a period of five (5) years. Each AtO specifies specific conditions within which the system must be operated and maintained and provides the property owner with a date for renewal. Under section 626 (3) of the *Local Government Act*, Council has the ability to issue Penalty Infringement Notices to property owners who fail to gain an AtO for their OSMS.

#### Recommendation

1. Recommend collecting soil samples from the effluent treatment irrigation area to verify that soil salinity remains within acceptable levels and clarify requirements of the EPL condition P1.3

## Rehabilitation and Land Management

The Rix's Creek Coal Mine EIS (1994) states that the lease area does not contain any significant habitat areas due to the site being extensively disturbed from previous land uses and there is no flora or fauna of ecological significance.

Rehabilitation progress is greater than that predicted in the MOP (Table 4 - 2010 cumulative area to be rehabilitated = 198Ha and 2011 = 231Ha). As reported in the 2010 AEMR, Rix's Creek had rehabilitated a total of 271 Ha as at 31 December 2010, of which 65% has been planted to grasses and pasture (**Photo 7** and **Photo 8**). Site inspection indicates that the rehabilitation areas are healthy and areas treated with biosolids appear to have great vegetation cover and species diversity than other areas.

The current Rehabilitation Management Plan (Ver. 2, 24/03/2010, submitted to DoPI but not yet approved) describes an assessment program designed to collect sufficient data to compare the results of rehabilitation against the agreed completion criteria. The assessment program should consist of three components:

- Annual maintenance inspections,
- Scheduled rehabilitation monitoring (Sites should be monitored within the first 12 months after establishment then every 2 years. This should provide 3 sets of monitoring data in the first 5 years following rehabilitation); and
- Review of inspection/measurement data over time to assess rehabilitation performance.

At the time of the audit, the three components of this assessment program have not been adequately implemented to provide a comparison of the results of rehabilitation against the agreed completion criteria.

Rix's Creek has a weed management program, which has been in operation since mining commenced. While some weeds were evident in the rehabilitation and along roadsides it was evident that a targeted weed control program has been implemented.

Feral animal control programs are not stipulated as a condition of Rix's Creek current approvals. However, during the site inspection, a herd of goats (approximately 20) were sighted on the mine's rehabilitation and surrounding lands.

### Recommendation

1. Undertake rehabilitation monitoring as per the schedule.
2. Consider implementing a feral animal control program.
3. A revamped RMP was submitted 21/11/2011. Continue negotiations to obtain approval of the Rehabilitation Management Plan in a timely manner (relates to Development Consent condition 16 A ii).
4. Ensure that the Final Void Management Plan is submitted to DoPI as required by 31 December 2011. Continue negotiations to obtain approval in a timely manner (relates to Development Consent condition 16 A ii).

5. Ensure that the Mine Closure Plan is submitted to DoPI as required by 31 December 2011. Continue negotiations to obtain approval in a timely manner (relates to Development Consent condition 16 A ii).

## **Visual Amenity and Landscaping**

Rix's Creek have effectively used environmental bunds and tree screens to landscape the mine and reduce visual and lighting impacts along the New England Highway. These screens are quite effective and provide both screening of the facilities and visual amenity (**Photo 10, Photo 11 and Photo 12**).

A major project has been undertaken (2010-2011), where major infrastructure such as the CHPP, workshop beside office, store and maintenance shed on top pad have been painted to blend with surrounds (site inspection confirmed recent works). Buildings and structures are generally painted a muted green colour to blend with the surroundings (**Photo 11**). Further maintenance works are required to paint all structures (coal bin) and maintain metal sheeting (product coal conveyor) (relates to Development Consent condition 6 i (c)).

## **Noise**

Rix's Creek manages noise impacts in accordance with its approved Noise Management Plan, which was last revised November 1996. The primary focus of mitigation strategies is the reduction of vehicle movements and activities, particularly at night. Attended and unattended noise monitoring is conducted.

The attended noise monitoring results are used to determine performance in terms of consent compliance. The Development Consent establishes Intrusive Noise Criteria and Noise Acquisition Criteria. The noise goals relate to average conditions (neutral atmosphere) and not to inversion conditions. A portable meteorological station is used to assess local weather (wind speed, wind direction and temperature) during noise monitoring periods. However, from the monitoring data presented in the AEMR, it is not possible to determine inversion conditions at the time of monitoring (as required by Condition 10 and 11).

Further, a description of the mining activity at the time of noise monitoring is not presented in the AEMR.

No landholders have formerly requested purchase due to noise during the audit period.

### Recommendation

1. Consider reviewing the Noise Management Plan, dated November 1996.

## **Blasting**

Blasting activities have generally been undertaken as per the requirements of the Development Consent and EPL. During the audit period, there were two exceedances of the overpressure limit of 120dB<sub>L</sub> (refer to **Section 4.1**).

During the audit period, blasting in Pit 1 has taken place within 500m of the New England Highway, under an approved procedure to close the Highway to traffic during blasting. The Company has a current Road Occupancy Licence (ROL) (number 773) from the Roads and Traffic Authority (RTA). The conditions of this approval were reviewed. The following conditions have not been fully met:

- The licensee undertakes to erect permanent mine blasting road closure signage in accordance with RTA signage standards on both approaches to the road closure points indicating the time and day of the next blast, the anticipated delay and a contact telephone number for public inquiries.
- The licensee undertakes to notify local emergency services of a closure on the morning of each subject closure.
- The licensee undertakes to provide regular media releases to local newspaper and radio services indicating times/days of anticipated mine blasting road closures.

## 5.2 COMMUNITY COMPLAINTS

A summary of the community complaints received by Rix's Creek Mine is presented annually in the AEMR. There were 49 complaints received over the five year audit period, with the majority of concerns relating to blasting and air quality. All complaints appeared to be adequately managed.

Jan2007 - Sep2011	Issue						Actual number of complaints <sup>1</sup>
	Blast	Noise	Dust	Water	Lights	Odour	
2011	5	3	6	0	0	0	14
2010	2	3	4	2	2	1	11
2009	2	0	7	0	0	0	7
2008	4	0	0	0	0	1	4
2007	7	4	5	0	1	2	13
<b>TOTAL</b>	<b>20</b>	<b>10</b>	<b>22</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>49</b>

<sup>1</sup>The number of complaints may not match the number of concerns regarding a particular issue as some complaints related to multiple issues.

## 5.3 ENVIRONMENTAL MANAGEMENT STRATEGY, PLANS AND PROGRAMS

Rix's Creek operates with an Environmental Management System (EMS) based on ISO14001, however it is not certified.

The Rix's Creek Development Consent requires a number of environmental management plans to be prepared, as summarised in **Table 5**. The consent does not specify a standard review period for the required environmental management plans. However, it is recommended that Rix's Creek review the Noise and Landscaping Plans as these plans are more than 5years old. Further, Rix's Creek needs to amend the Water and Rehabilitation Plans to incorporate regulators feedback and gain approval from the DoPI.

**Table 5: Environmental Management Plans**

<b>Consent Condition</b>	<b>Environmental Management Plan</b>	<b>Requirement</b>	<b>Current Status</b>
6	Landscaping	Within six (6) months of the date of this consent or within such further period as the SSC, submit for Council's approval	Version 2, 18/03/2010, Draft. Council has not approved.
9	Traffic Management	Be submitted to the Director-General for approval prior to commencement of construction of the cut and cover tunnel;	Submitted to DoPI (email - Howard Reed, Scott Brooks) on 24 November 2011, post construction.  RTA approved the Plan.
11 ii	Noise	Submit a management plan for information of the SSC and approval by OEH	November 1996
15	Water Management	be submitted to the Director-General by 31 March 2010;	Submitted 30/03/2010. The plan has not been approved, amendments required by NOW.  Since the audit, a revamped WMP has been resubmitted to DoPI & NOW (11/11/2011).
15A	Erosion and Sediment Control	No requirements regarding approval	Incorporated in the Water Management Plan.
16A and 16B	Rehabilitation Management	be submitted for approval by the D-G by 31 March 2010	Version 2, 24/03/2010, Draft.  Not yet approved by the DoPI, last communication 19/05/2010 requiring amendments prior to approval.  Since the audit, a revamped RMP has been submitted to DoPI and DTIRIS 21/11/2011.
16A and 16C	Final Void Management	be submitted for approval by the D-G by 31 December 2011	Not yet submitted
16A and 16D	Mine Closure	be submitted for approval by the D-G by 31 December 2011	Not yet submitted

## 6. CONCLUSIONS

Verification was conducted at the Rix's Creek Mine office where the audit team was allowed access to relevant documentation, and also at the offices of Glade Consulting. Some aspects of verification relied on personal communication with the Senior Environmental Officer.

The auditor was taken on an inspection of mine facilities, rehabilitation, infrastructure and surrounding properties. The resources and assistance provided by Rix's Creek Mine to facilitate document retrieval and site inspection for verification was appreciated by the auditor.

It is considered that Rix's Creek is maintaining an acceptable standard of environmental management with recommendations for improvement provided in **Section 5**. Despite sound environmental management, the mine was not able to demonstrate complete compliance in the areas of reporting, waste management and compliance management with other licences such as the ROL and OSMS AtO (Refer to **Appendix 1: Assessment of Compliance with Development Consent Conditions** (N90/00356, dated 19 October 1995) for the Rix's Creek Mine, incorporating modifications and **Appendix 2: Assessment of Compliance with Environment Protection Licence 3391** for details).

## 7. PHOTOGRAPHS



**Photo 1: Water cart in active North Pit operations**



**Photo 2: North Pit - drilling operations**



**Photo 3 Excavator Pit 1 (North Pit)**



**Photo 4 - Tunnel under New England Highway. Note that batters have recently been hydro-mulched.**



**Photo 5 Water cart Fill Point and overflow dam**



**Photo 6 Sediment Dam from collecting runoff from haul road with pump.**



**Photo 7 Rix's Creek**



**Photo 8 Rehabilitation of West Pit (seeded within previous month)**



**Photo 9 Tailing emplacement (Pit 2 –South Pit)**



**Photo 10 Visual bunding and planting along the New England Highway (south)**



**Photo 11 Visual bunding and planting along the New England Highway (north)**



**Photo 12 View of Rix's Creek (West Pit) from Maison Dieu Road**



**Photo 13 Diesel storage facility**

8. Appendix 1: Assessment of Compliance with Development Consent Conditions (N90/00356, dated 19 October 1995) for the Rix's Creek Mine, incorporating modifications.

Within the column 'SUMMARY OF CONTENT/REQUIREMENT OF CONDITION' the colour of the text represents modifications, as follows:

**Red type represents February 1999 modification**

**Blue type represents December 2003 modification**

**Green type represents June 2004 modification**

**Orange type represents August 2009 modification**

**Development Consent Conditions**  
 Application made by: Bloomfield Collieries Pty Ltd (“the Applicant”).  
 To: The Minister for Urban Affairs and Planning (“the Minister”).  
 In respect of: Coal Lease 352 and land subject to Coal Lease Application No. 17 Singleton.  
 For the following: Construction and operation of surface coal mine extensions (“the development”).

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
<b>1</b>	<b>General</b>			
	<b>Adherence to terms of DA, EIS, etc.</b>			
	1. The Development is to be carried out generally in accordance with the:		Compliant	
	(i) Environmental Impact Statement prepared by Envirosciences Pty Limited, dated November 1994;	Site Inspection, AEMRs 2007-2010, correspondence, monitoring results, meeting minutes, Environmental Management Plans.	Compliant	
	(ii) Supplementary Document prepared by Envirosciences Pty Limited, dated April 1995		Compliant	
	(iii) Correspondence from Bloomfield Collieries Pty Limited accompanying the application seeking a modification to the development consent, dated 12 November 1998		Compliant	
	(iv) Information provided by Rix's Creek Mine accompanying the application seeking a modification to the development consent, dated 20 November 2003;		Compliant	
	(v) Information prepared by Hunter Development Brokerage Pty Ltd accompanying the application seeking a modification to the development consent, dated 14 April 2004		Compliant	
	(vi) the modification application “Rix's Creek Mine Cut and Cover Tunnel, New England Highway: Statement of Environmental Effects”, prepared by Sinclair Knight Merz and dated May 2009; and		Compliant	
	(vii) the conditions of this consent.		Compliant	
	If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.	noted	Compliant	
<b>2</b>	<b>Duration</b>			
	Approval in respect of coal extraction is limited to a period of 21 years from the date of this consent or from the date of issue of a mining lease in satisfaction of Mining Lease Application No. 17 Singleton whichever is the later.	Development Consent (N90/00356) dated 19 October 1995, expires 2016 Coal Lease 352, renewed until 20 October 2031	Compliant	

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
<b>3</b>	<b>Statutory Requirements</b>			
	The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Local Government Act, 1993, Pollution Control Act, 1970, Clean Air Act, 1961, Clean Water Act, 1970, Noise Control Act, 1975, Protection of the Environment Administration Act, 1991 and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements of the Department of Environment, Climate Change and Water (DECCW), Department of Industry and Investment (DII), and Roads and Traffic Authority (RTA), are fully met.	Sighted Bloomfield Group Environmental Management System which includes requirements to manage compliance in a systemic manner.  Unable to sight a current 'Approval to operate' for an On-site Sewage Management Systems (OSMS) as per Local Government (General) Regulation 2005. Under the LG Act all systems are required to be classified according to their type, location (in relation to water courses), size, and age. The classifications include High, Medium and Low, and these classifications form the basis of the Council inspection program and an 'Approval to Operate' is required. Approvals to Operate are being issued for a period of five (5) years. Each Approval to Operate specifies specific conditions within which the system must be operated and maintained and provides the property owner with a date for renewal. Under section 626 (3) of the Local Government Act, Council has the ability to issue Penalty Infringement Notices to property owners who fail to gain an Approval to Operate for their On-site Sewage Management System.	Non compliant,	
<b>4</b>	<b>Production Level</b>		<b>Compliant</b>	
	Mining plans for submission to DII shall be based on a total movement of materials in mining not exceeding fifteen (15) million bank cubic metres in any year.	Sighted MOP commencing 15/09/2005, Section 1.2 (TMM made up of 1.5 million tonnes of saleable coal and 13.3 million tonnes of overburden movement). Sighted letter (dated 30/10/2006) from DPI_MR approving this MOP. Sighted 2010 AEMR, which reports 1.389 million tonnes of saleable coal and 10.27 million cubic meters of overburden moved in 2010. Sighted 2009 AEMR, which reports 1.305 million tonnes of saleable coal and 10.70 million cubic meters of overburden moved in 2009. Sighted 2008 AEMR, which reports 1.249 million tonnes of saleable coal and 11.02 million cubic meters of overburden moved in 2008. Sighted 2007 AEMR, which reports 1.160 million tonnes of saleable coal and 11.15 million cubic meters of overburden moved in 2007.	Compliant	
<b>5</b>	<b>Transmission Line Relocation</b>			
	The Applicant shall relocate any TransGrid transmission lines within the mining lease to the satisfaction of TransGrid and at a mutually agreed time. Reasons: To ensure that the development is constructed and operated in the manner set out in the application and in accordance with the relevant statutory requirements.	Pers. Comm. (J. Hindmarsh, 17/10/11) no transmission lines have been relocated during the audit period, further the approved MOP (15/09/2006) does not identify the need to relocate any transGrid transmission lines.	Condition not activated during audit period	
<b>6</b>	<b>Visual Amenity</b>			
6 i	The Applicant shall: (i) within six (6) months of the date of this consent or within such further period as the Singleton Council ("the Council") may permit, submit for Council's approval:	Compliance regarding the submission of the Landscape Plan established at previous compliance audit ( <i>Environmental Audit of Rix's Creek Mine, May 2007 Pacrim Environmental</i> ).	Compliant	
6 i (a)	An updated detailed landscaping plan covering all portions within the proposed mining area and associated lands owned by the Applicant. The Applicant shall engage a suitably qualified person to assist in preparing the landscaping plan. The plan shall provide for the establishment of trees and shrubs and the construction of mounding. The plan shall incorporate appropriate erosion control and sediment control practices for earthworks associated with the development.	Sighted Rix's Creek Landscape Plan (June 1996) Figure 4 -21 year landscape plan, which provides for the establishment of trees and shrubs and construction of mounding. <b>This plan has not been reviewed to reflect current approvals, particularly the New England Highway tunnel and associated landscaping.</b> Site inspection of the site from public access roads, indicates that the visual bunding and planting exceeds those detailed in Figure 4 of the Landscape Plan.	Compliant	
6 i (b)	Details of the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications). Buildings and structures shall be designed and constructed/renovated so as to present a neat and orderly appearance and to blend as far as possible with the surrounding landscape.	Compliance regarding design and construction established at previous compliance audit ( <i>Environmental Audit of Rix's Creek Mine, May 2007 Pacrim Environmental</i> ). Since previous audit, modification have been made to the CHPP and construction of a new mechanical workshop. Site Inspection of the CHPP and rail load out indicated general compliance with the intent of this condition as new/repared structures are currently being painted to blend with existing infrastructure (sighted AEMR 2010 section 3.11.4 and site inspection).	Compliant	

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
6 i (c)	A comprehensive plan of landscape management which shall include detailed plans, specifications for the maintenance of all landscape works and plantings, and maintenance of building materials and claddings, proposed screen plantings and mounding along the New England Highway and mine overburden dumps.	Sighted a detailed visual amenity plan - Rix's Creek Landscape Plan (June 1996). Establishment of effective screen plantings and mounding was observed along the New England Highway and Rix's Lane, which is beyond the commitment of the June 1996 Plan. Unable to sight evidence of a formal building maintenance program or inclusion of building maintenance specifications within the Landscape Management Plan (V2 18-3-10 Rix's Final Draft). Site inspection observed a number of sheet metal panels missing on the train load out bin conveyor cladding and the coal bin remains unpainted (see Photo 11 in the audit report). It was stated that building maintenance is undertaken as part of the general maintenance program on site, with 2yr structural integrity inspections scheduled in Pulse. A major project has been undertaken (2010-2011), where major infrastructure i.e. washing plant structure, clean coal bin, workshop beside office and store and maintenance shed on top pad have been painted to blend with surrounds (site inspection confirmed recent works).	Non compliant	No formal building maintenance program. However building maintenance undertaken on as needs basis.  The Landscape Plan (1996) relates to visual amenity and has not been superseded by the Landscape Management Plan (18/03/2010) which relates to rehabilitation, final voids and mine closure.
6 ii	apply a surface sealant such as bitumen emulsion, straw or seed within 30 days of its construction to any mounding or bunding as directed by DECCW.	Pers. Comm. (J. Hindmarsh 17/10/11) confirmed that there has been no direction from OEH (formerly DECCW) regarding requirement to apply a surface sealant. Sighted hydro mulching of the new tunnel under the New England Highway entry batters (refer to <b>Photo 4</b> in the Report).	Compliant	
6 iii	comply with the requirements of Council in respect to any supplementary tree planting and visual amenity enhancement works within or immediately outside the mining lease area which may be identified by the Council in consultation with relevant land holders as necessary for the maintenance of satisfactory visual amenity in the local area.	Pers. Comm. (J. Hindmarsh 17/10/11) confirmed that there has been no direction from SSC regarding requirement for supplementary tree planting. Sighted CCC minutes (2007 -2011) confirming no such request. During the audit period additional tree screening planting has been completed along the eastern and western sides of the New England Highway.	Compliant	
	Reasons: To enhance the landscape quality in the vicinity of the mine.	noted	Compliant	
<b>7</b>	<b>Flood Lighting</b>			
	The Applicant shall screen or direct all on-site flood lighting and vehicular lights away from residences and roads, to the satisfaction of the Council.	During the audit period three complaints were been received regarding lighting (17/02/2010, 3/08/2010, 17/04/2007) from the Singleton Heights/Retreat area (AEMRs). There is a standard operational procedure for lights not to be directed towards the New England Highway or towards local residences. It is standard operational procedure for the night shift OCE to ensure portable flood lighting is directed away from NEH. No written procedure this is part of site supervisor training. During the audit period three complaints were been received regarding lighting (17/02/2010, 3/08/2010, 17/04/2007) from the Singleton Heights/Retreat area (AEMRs). The 2010 light complaints were from residents up to 4 km from the operation as a result of capping operations on tailings emplacement. An inspection of lighting setup was undertaken on the nights of 20th and 26th October from Maison Dieu Road, NEH and Bridgeman Road, lights were adequately screened from residence and roads.	Compliant	
<b>8</b>	<b>Fire Protection</b>			
	The Applicant shall provide adequate fire protection works on site. This shall include one (1) fully equipped fire fighting unit on standby and annual hazard reduction works with particular attention to boundaries of adjoining land holdings.	Fire Protection works include slashing and grazing of buffer lands, no fuel reduction burns have been undertaken. Sighted an adequately equipped fire fighting unit. No bushfires have occurred onsite during the audit period (AEMRs)	Compliant	

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
<b>9</b>	<b>Traffic Management</b>			
	The Applicant shall prepare and implement a Traffic Management Plan for the development, to the satisfaction of the Director-General. The Plan must:	Unable to sight evidence that a Traffic Management Plan has been submitted to Planning for approval prior to construction. The Traffic Management Plan was submitted to DoPI (email - Howard Reed, Scott Brooks) on 24 November 2011, post construction.  Traffic control plan submitted and approved by RTA as a component of the Work Authorisation Deed (contract number 09-2535-2274), sighted.	Non compliant	NSW DoPI is not the consent authority for road work undertaken within the New England Highway road reserve, it is the RTA. However, this condition specifically requires DoPI to be notified and the D-G provided the opportunity to comment on the Plan and its implementation.
9 i	(i) be submitted to the Director-General for approval prior to commencement of construction of the cut and cover tunnel;		Non compliant	
9 ii	(ii) be prepared in consultation with the RTA and Singleton Shire Council;	Sighted the Work Authorisation Deed (contract number 09-2535-2274) which has been approved by the RTA and references the Traffic Management Plan. It was stated (J. Hindmarsh) that SSCouncil were consulted at the conception of the project and had no concerns as the New England Highway is under the jurisdiction of the RTA and not Council.	Compliant	
9 iii	(iii) include procedures for regular monitoring of compliance with this plan; and	Sighted the Work Authorisation Deed (contract number 09-2535-2274) which has been approved by the RTA and requires regular monitoring and reporting of progress during construction.	Compliant	
9 iv	include a Construction Traffic Management Plan for the construction of the cut and cover tunnel, including: - traffic control measures for vehicle movements along the New England Highway; - measures that would be implemented to minimise traffic and road safety impacts during the period when traffic is diverted onto a side track, and - vehicle speed limits, particularly through the diversion.	Traffic control plan submitted and approved by RTA as a component of the Work Authorisation Deed (contract number 09-2535-2274)	Compliant	
9A	The Applicant shall obtain all necessary approvals from the Roads and Traffic Authority prior to commencing construction.	Sighted the Work Authorisation Deed (contract number 09-2535-2274) which has been approved by the RTA	Compliant	
<b>10</b>	<b>Noise Levels</b>			
10 i	The Applicant shall: comply with LA 10 daytime noise level design goals set out below: - The Retreat 42dB(A) - Singleton Heights 42dB(A) - Maison Dieu Road 38dB(A)	Sighted AEMRs (2007-2010) which present the quarterly noise monitoring data	Compliant	Total of ten noise complaints have been received during the audit period (4 in 2007, 3 in 2010, 3 in 2011). Majority from Dight's Crossing Road - Camberwell or Maison Dieu area
10 ii	comply with LA 10 night time noise level design goals set out below: - The Retreat 40dB(A) - Singleton Heights 40dB(A) - Maison Dieu Road 38dB(A)		Compliant	

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
	These goals relate to average conditions (neutral atmosphere) and not to inversion conditions.	Noted	Compliant	
<b>11</b>	<b>Noise and Vibration Monitoring and Management</b>		<b>Compliant</b>	
	The Applicant shall:		Compliant	
11 i	measure, record and report the LA 10,15 min noise level over a representative 72 hour period at four (4) locations determined by the DECCW from five (5) nominated locations closest to the mining operations. The report shall include a record of the meteorological conditions at the time of monitoring and shall be conducted on a quarterly basis. Monitoring shall commence immediately after the date of this Consent.	Sighted quarterly monitoring data from The Retreat, Singleton Heights, Camberwell and Maison Dieu reported in the AEMRs (2007-2010).  Monitoring is undertaken at atmospheric conditions present at the time of the monitoring and compared to the noise level design goals. This is a more stringent condition to assess the operation against than those listed in the consent. However, the monitoring does not allow an assessment of inversion conditions. <b>A description of the mining activity at the time of monitoring is not presented in the AEMR to assess that average conditions have been measured.</b> The operational activity at the time of monitoring is not recorded in the AEMR however it was stated that attended monitoring is not undertaken when the operation is not working.	Compliant	Sighted calibration certificate for No 5152-0610 Bruel & Kjaer 28/06/10 and certificates for the three monitors Noise logger, Filter Card and Sound level meter.  Operational activity will be recorded on the noise monitoring record sheets in the future and has been implemented for the December 2011 monitoring.
11 ii	submit a management plan for information of the Council and approval by DECCW, detailing noise safeguards and procedures for dealing with noise episodes which exceed the above established LA 10 noise levels;	Compliance regarding the Noise Management Plan established at previous compliance audit (Environmental Audit of Rix's Creek Mine, May 2007 Pacrim Environmental). Sighted Noise Management Plan Rix's Creek Mine Site November 1996. There has been no subsequent reviews of this Management Plan.	Compliant	
11 iii	establish noise monitoring stations in the vicinity of Maison Dieu Road, as required by DECCW	Sighted quarterly noise monitoring from Wright property on Maison Dieu area in the 2007-2010 AEMRs.	Compliant	
11 iv	upon receipt of a written request from an owner or occupier of a dwelling on property in the vicinity of Maison Dieu Road, make arrangements for and bear the cost of independent noise monitoring at that residence. The monitoring is to be carried out by a qualified independent person or team approved by the Director in consultation with the Council, DECCW and the Applicant. The approved person or team will report directly to the Director and Applicant on a quarterly basis. Monitoring shall commence within one (1) month from receipt of the written request to determine the contribution of noise emanating from the mine to the surrounding acoustical environment over at least two (2) consecutive 15 minute periods, twice by day and twice by night over a 72 hour period. For the first six (6) months following this Consent the interval between two (2) consecutive monitoring periods shall not exceed four (4) weeks. Thereafter, the interval between two (2) consecutive monitoring periods shall not exceed three (3) months.	Pers. Comm. (J. Hindmarsh 19/10/11) confirmed that there has been no written requests for noise monitoring from an owner or occupier of a dwelling on property in the vicinity of Maison Dieu Road. Note, Rix's Creek have completed property acquisition of 5 properties and have signed an agreement with another resident in the Maison Dieu area during the audit period (CCC minutes).	Condition not activated during audit period	
11 v	<b>if a request for independent noise monitoring is made by an owner or occupier of a dwelling on property in the vicinity of Maison Dieu Road who has previously been monitored and received two (2) consecutive negative tests under sub-clause (iv), further independent investigations shall cease if the Director-General or his/her nominee, in consultation with the DECCW, is satisfied that the relevant consent limits are not being exceeded and are unlikely to be exceeded in the future.</b>	Pers. Comm. (J. Hindmarsh 19/10/11) confirmed that there has been no written requests for noise monitoring from an owner or occupier of a dwelling on property in the vicinity of Maison Dieu Road.	Condition not activated during audit period	
11 vi	<b>upon the receipt of a written request from an owner or occupier that has received two (2) consecutive negative results under sub-clause (iv), the Applicant shall also justify to the Director-General or his/her nominee, in consultation with the DECCW whether an investigation is required.</b>	Pers. Comm. (J. Hindmarsh 19/10/11) confirmed that there has been no written requests for noise monitoring from an owner or occupier of a dwelling on property in the vicinity of Maison Dieu Road.	Condition not activated during audit period	

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
11 vii	survey and investigate noise reduction measures from plant and equipment every three (3) years or as otherwise directed by DECCW and carry out remedial measures as directed by DECCW.	<p>Unable to sight a scheduled program for the survey and investigation of noise reduction measures from plant and equipment to ensure completion 3-yearly.</p> <p>It was stated (J. Hindmarsh, Pers. comm.) that the DECCW had not directed Rix's Creek regarding this condition.</p> <p>Sighted quarterly sound power level testing (stationary measurement at 12m) undertaken on mobile mining equipment and reported in the AEMR (2010, Appendix 3). There is limited reporting on investigation of noise reduction measures as a result of this testing.</p> <p>It was stated (J. Hindmarsh, Pers. comm.) that there had not been sound power level testing completed or noise reduction measures investigated for the CHPP in the previous 3years.</p> <p>Sighted noise modelling (John Cotterill ,SLR global env solutions, dated 11/07/2011) completed for an investigative rail and coal loading facility study, which indicates that the existing environment would potentially exceed Industrial Noise Policy (INP) levels of 36dB under evening and night-time prevailing winds and temperature inversion (sound power level of 111dBa for CPP). Note this study did not include the existing stacker/reclaim clean coal stockpile and current train load out facility.</p> <p>Sighted a noise modelling (at 427 Bridgeman Rd and 22 Retreat Rd) study (by Tony Welbourne, Global Acoustics, dated 04/04/2011) of CHPP and ROM stockpile area, which indicated that the trucks/equipment dumping into the ROM bin is the primary noise generator and would potentially exceed INP levels. Investigation of noise suppression options concluded shielding of the ROM stockpile and course reject as the more cost effective control.</p>	Compliant	
<b>12</b>	<b>Blasting</b>			
	The Applicant shall:			
12 i	ensure that noise and vibration monitoring and control is generally carried out in accordance with the recommendations of Australian Standard AS-2187-1993 and in terms of ANZECC Guidelines and to satisfaction of the DECCW.	<p>Sighted blast monitoring results (Appendix 2) in the AEMRs (2007, 2008, 2009 and 2010). Mobile Texcel monitors utilised to monitor blast vibration and overpressure, with locations for monitoring determined by blast location (Pit 1 - generally monitor Camberwell, Singleton Heights and Retreat; Pit 3 - generally monitor in Maison Dieu area).</p> <p>Sighted calibration records for monitors. It was stated (pers. comm., J. Hindmarsh) that the monitor settings have recently been refined to improve monitor capture of information</p> <p>CJ6 monitor writes a 1minute - located at mines rescue station (high capture rate)</p>	Compliant	

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
12 ii	not blast within 500m of the New England Highway or any approved deviation of the highway while either are open for traffic.	<p>Sighted Road Occupancy Licence (licence number 773, extension 7, expires 31/12/11), which allows blasting within 500m upon the closure of the New England Highway.</p> <p>Unable to sight evidence that all conditions of the ROL are implemented, specifically:</p> <ul style="list-style-type: none"> <li>- the licensee undertakes to erect permanent mine blasting road closure signage in accordance with RTA signage standards on both approaches to the road closure points indicating the time and day of the next blast, the anticipated delay and a contact telephone number for public inquiries,</li> <li>- the licensee undertakes to notify local emergency services of a closure on the morning of each subject closure,</li> <li>- the licensee undertakes to provide regular media releases to local newspaper and radio services indicating times/days of anticipated mine blasting road closures,</li> </ul> <p>Sighted statements of completion of the OHS Work Activity training for Traffic Controller - Non-construction Grey Card, completed 31/07/09 and expiring 31/07/2012 - Garry Bailey, Luke Murray , John Hindmarsh , David McManua, Gregory Bain, Tim Gentle .</p> <p>Sighted Weekly Schedule Notifications, of the number of road closures planned for the following week. It was stated (J. Hindmarsh) that the notifications are completed by Mine Manager. Noted that weekly notification for the week end 10/11/07, planned 2 blasts (Monday and Wednesday) - actual shot fired Thursday 11:20 and 11:45 (split for better control large blast). The schedule notification is not updated if the blast timing is changed (e.g. for weather).</p> <p>Sighted post road closure reports submitted to RTA detailing; commencement of closure , time of blast, time of re-open , No. of vehicle delay, flyrock Y/N, material cleared Y/N. Delayed fail shot Y/N, RTA procedure followed y/n. Sighted reports dated 29/09/11 for 28/9/11, 15/9/11 for 14/9/11, 22/8/11 for 19/8/11, indicating that the report is generally provided within 24hrs of the actual road closure.</p> <p>It was stated (J. Hindmarsh) that the RTA have not required these variations to be reported. RTA interested in number of closures that will occur during the week.</p>	Non compliant	<p>Since the audit, it has been stated that permanent signs have been ordered and will be erected.</p> <p>Local emergency services will in future be notified the morning prior to closure of the NEH.</p> <p>Notifications will be placed in local newspapers and on the web site.</p>

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
12 iii	design all blasts based on the results of monitored blasts designed to minimise air blast overpressure and ground vibration using the Nonel or equivalent system such that anyone (1) blast has less than a five per cent (5%) probability of exceeding an air blast overpressure of 115dBA and vibration with a peak particle velocity of 5mm/sec at the closest residence not owned by the applicant outside the mining lease.	<p>Sighted AEMRs (2007-2010) reported blast monitoring data ,indicating that for the audit period there were no blasts recording more than 5mm/s and 3.8% of blasts exceeded 115dBA.It was stated (pers. comm. J. Hindmarsh) that a site law has been developed (by Terrock). Single holes in West are required to confirm the West Pit Site Law. Blocks left in North Pit, cracks developing and monitoring that area to ensure stability as there is the potential to sterilise up to 80000t of coal. The Site Law is only used if planning an unusual blast - sufficient history and experience of engineer to predict. Site law currently being used for prediction related to 1500kg MIC in model, if close to limit then will adjust to actual blast design.</p> <p><b>2010:</b> Vibration and air blast monitoring was undertaken of 55 production blasts on overburden in Pits 1, 30 blasts and Pit 3, 25 blasts. No blasts recorded vibration over 5 mm/sec and of the 45 blasts only 1 blasts or 1.8% recorded overpressure above 115 dBLinear.<b>2009:</b> Vibration and airblast monitoring was undertaken of 45 production blasts on overburden in Pits 1, 38 blasts and Pit 3, 7 blasts. No blasts recorded vibration over 5 mm/sec and of the 45 blasts only 2 blasts or 4.4% recorded overpressure above 115 dBLinear.. During 2009 two (2) complaints were received by the Companyrelating to 2 blasts <b>2008:</b> Vibration and airblast monitoring was undertaken of 45 production blasts on overburden in Pits 1, 33 blasts and Pit 3, 12 blasts. No blasts recorded vibration over 5 mm/sec and of the 45 blasts only 2 blasts or 4.4% recorded overpressure above 115 dBLinear.. Four complaints were received in relation to blasting during the reporting period. <b>2007:</b> Vibration and airblast monitoring was undertaken of 65 production blasts on overburden in Pits 1, 26 blasts and Pit 3, 39 blasts. No blasts recorded vibration over 5 mm/sec and of the 82 blasts only 3 blasts or 4.6% recorded overpressure above 115 dBLinear.. As mentioned above one blast exceeded 120 dBLinear.. One complaint was received in relation to this blast</p>	Compliant	
12 iv	determine appropriate weather data by taking measurements immediately prior to blasting and from the data shall predict whether noise levels outside the project area are likely to be increased above the levels expected under neutral meteorological conditions. The data shall be recorded by the Applicant as part of its monitoring data.	Sighted Met. Station data presented for each blast (AEMRs 2007-2010, Appendix2 ). Rix's Creek is a member of the Meteorological Sounding Group Joint Venture project which has been established tp provides access to improved localised meteorologic data. This information is used in a model to predict the potential for meteorological reinforcement of overpressure.	Compliant	Overpressure - b lasts are checked - no record of what is postponed. SODAR lemington also utilised to predict weather parameters - current practice (not procedural). Production meeting daily to decide (11 and 2pm blast).
12 v	not blast if the predictions in sub-clause (iv) herein indicate that noise level design goals given in Condition 10 are likely to be exceeded or as otherwise advised by DECCW.	It was stated (pers. comm. J. Hindmarsh) that weather conditions are checked the morning of a planned blast - if a highway closure is required and the weather conditions are marginal then the blast/road closure is cancelled.	Compliant	
12 vi	monitor all blasts and record the overpressure and peak particle velocity at locations to be agreed by DECCW and the DII and as provided in Condition 11(iv).	Sighted blast monitoring data reported in AEMRs, Appendix 2 (2007 -2010). Sighted calibration certificate for the Texcel monitor 23/08/11 serial number 3103 and 3104.	Compliant	Consider recording the monitoring equipment serial number against the result recorded in the blast monitoring database.
12 vii	upon written request of the owner of any property located within two (2) kilometres of the boundaries of the proposed pits, and made within 6 months of issue of this Consent or after a large vibration event (likely to have exceeded 120 dB(L) overpressure and/or 10mm/sec ground vibration) at the residence, arrange at its own cost, for the inspection by a technically qualified person agreed to by both parties, to record the material condition of any structure on such property. The Applicant shall supply a copy of any inspection report, certified by the person who undertook the inspection, to the relevant property owner within 14 days of receipt of same and if warranted, shall undertake further action;	It was stated (pers. Comm. J. Hindmarsh) that there have been no property inspections requested during the audit period.	Compliant	

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
12 viii	immediately upon receipt of a written request from a resident within one (1) km of any blast site, record that resident's request for notification of blasts and henceforth notify that resident of any blasts from which they are potentially affected.	It was stated (pers. Comm. J. Hindmarsh) that there has been an informal request (verbal) that the Wright property are notified prior to blasting in the West Pit. This is undertaken with a phone call on the day of a planned blast in West Pit.	Compliant	
	Reasons: To protect the acoustic amenity of residents adjacent to the mine and to provide for monitoring of noise and vibration.	Noted		
<b>13</b>	<b>Air Quality</b>			
	The Applicant shall:			
13 i	install and utilise wind direction, velocity monitoring and recording station(s) at a non protected location immediately adjacent to the area to be mined in the vicinity of Maison Dieu Road and Middle Fallbrook Road over each ensuing 12 month period as directed by DECCW.	Site inspection observed the main weather station, near magazine Main haul Rd (to West Pit). the following parameters are measured: wind speed and direction, temperature, relative humidity, solar radiation and rainfall. These parameters are recorded at 10-minute intervals and down loaded on a monthly basis. Sighted AEMRs (2007-2010) which reports monitoring data collected from the met. station. The Company is one of the joint venture partners in the Meteorological Sounding Group. This group has purchased equipment to measure wind speed, direction and temperature in the atmosphere.	Compliant	
13 ii	use the data collected by the wind monitoring and recording station referred to in subclause (i) above to determine when and how the mine operation is to be modified to minimise the potential for dust emissions.	It was stated (pers. comm. J. Hindmarsh)that MM5 and Lemington SODAR is utilised to modify operations (e.g. blasting) as required and visual assessment by site personnel (OCE) as they see necessary to maintain air quality. Unable to sight records of downtime due to environmental parameters.	Compliant	Consider recording production interruption as result of weather conditions to improve mine planning.
13 iii	install 30 dust deposition gauges and in each calendar month shall determine the dust deposition rate in gm/m2/month such that the 4gm/m2/month isopleth for dust deposition is able to be plotted on an annual basis.	Sighted AEMR (2007-2010) which reports dust deposition monitoring results. Monthly analysis is undertaken from 30 gauges surrounding the active mine. Annual (Figure 7) and long term (figure 8) isopleths are reported in the AEMRs.	Compliant	The following is an extract from the PAE Holmes report (who produce the isopleth) 'It is assumed by the plotting software that there is smooth variation in dust from one data point to the next. In reality these values can vary significantly over very short distances and the plots may therefore not reflect the real detail in dust deposition.'
13 iv	continue meteorological monitoring as well as the monitoring of dust deposition rates and concentrations of total suspended particulates for the life of the mine subject to sub-clause (i). The extent and location of dust monitoring network to be specified by the DECCW.	Sighted AEMR (2007-2010) reporting depositional dust and TSP data. Sighted letter to OEH dated 8/09/2011 notifying change of location of dust deposition gauge (28) - EPL reissued 28/09/11.	Compliant	

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
13 v	have three (3) high volume samplers equipped to sample particles of less than 10 microns located in positions approved by the DECCW. Sampling is to be undertaken on a 24hr 6 days per week cycle with averaging periods (annual means) as well as monitoring equipment/procedures to follow AS2724.3 and AS3508.9.6.	Sighted AEMR (2007-2010) which reports PM10 data collected (including annual means) at the following locations: Retreat, Mines rescue and Rix's Ck Lane. Data capture rates during the reporting period have generally been above 98% in 2007, 2008, 2010 and 2011 (2009 capture rates Retreat=75%, Mines rescue = 39% and Rix's Ck Lane=46%). The significant improvement in data capture since 2009 is the result of a change in the independent contractor. Sighted a sample of calibration records for these monitors to confirm schedule maintained.	Compliant	Check reference (AS3508.9.6.) provided in the consent. Unable to determine relevance to environmental management, suggest it should be: AS 3580.9.8-2008 <i>Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM10 continuous direct mass method using a tapered element oscillating microbalance analyser.</i>
13 vi	provide to the Director of Urban Affairs and Planning ("the Director"), DECCW, DII, and the Council results and analysis of air quality monitoring on an agreed basis.	Sighted AEMR (2007-2010) reporting depositional dust and TSP data. See condition 19iii findings regarding distribution of the AEMR.	Compliant	
13 vii	cease those mining operations located within 1000m of the limit of mining at such times when the average hourly wind velocity exceeds 10 metres per second and the operations are resulting in visible dust emissions blowing in a direction of the mining lease boundary so as to cross onto lands in non-company ownership.	Unable to sight records of operational stoppage due to wind speeds in excess of 10m/s. Review of the windroses (AEMR 2007-2010) indicates that it a very small percentage of time that the wind speed consistently exceeds 10m/s. During summer the winds predominate from the south east and winter the northwest. Autumn and spring are transitional seasons with winds distributed between both northwest and south-easterly directions. It was stated (pers. Comm. J. Hindmarsh) that the 10m/s criteria is not the trigger for action but rather operational personnel discretion based on observation in the field triggers modification of operations. It is believed that this delivers a better outcome. Observations during the audit noted good operational controls and minimal dust emissions.	Compliant	Consider maintaining records of modified operations due to weather conditions to demonstrate compliance with this condition.
13 viii	cease mining operations at any time when the driver visibility or traffic safety on the New England Highway is adversely affected, in accordance with the requirements of the RTA.	Unable to sight records of operational stoppage due to poor driver visibility or safety concerns on the NEH. It was stated (pers. Comm. J. Hindmarsh) that the 10m/s criteria is not the trigger for action but rather operational personnel discretion based on observation in the field triggers modification of operations. It is believed that this delivers a better outcome. Observations during the audit noted good operational controls and minimal dust emissions.	Compliant	
<b>14</b>	<b>Dust Suppression</b>		Compliant	
	The Applicant shall:			
14 i	maintain sufficient equipment with the capacity to apply water to all unsealed trafficked areas at the rate of at least one (1) litre per square metre per hour or apply an equally effective dust suppressant;	Site inspection confirmed that dust control of unsealed trafficable areas was well managed with minimal dust emissions observed. 3 water carts (1 x CAT 785(100,000L), 2x CAT 777 (75,000L capacity) are available for dust suppression. Current capacity has been calculated by the environment team as 12.09km/hr and the haul roads trafficked at any one time is 9.77km, using long haul for coal. It was stated that, 'Drive to conditions' is a standard operating condition for any activity on the site, the site has a 60km speed limit. It was stated (J. Hindmarsh) that the spray systems on the water carts have recently been upgraded from 3 to 5 sprays with greater control over application rate. Expect increase in area. Calculation based on capacity and trafficable areas at any one time. Capacity is 12.09 km per hr. Haul roads trafficked at any one time is 9.77 using long haul for coal. Spray systems on water carts have been upgraded from 3 to 5 sprays with greater control over application rate. Will recalculate after measure output from new system. Expect increase in area.	Compliant	Recalculate application rate after measure output from new system of sprays on the water carts. it is acknowledged that a 777-watercart is being replaced with another 785 machine in November/December 2011, resulting in 2x785- 105,000l & 1x777-75,000l machines in readiness for Summer.

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14 ii	ensure the prompt rehabilitation of all disturbed areas to minimise the generation of wind erosion dust, in accordance with the requirements of DII;	Site inspection confirmed rehabilitation of past mining areas. The 2010 AEMR reports that of the mining lease area (1823ha), a total of 508ha remains disturbed and a total of 271ha has been rehabilitated.	Compliant	
14 iii	install automatic water sprays on the coal stockpiles such that the stockpiles are sprayed when the wind speed from any direction exceeds 5.6m/s;	<p>ROM coal stockpile sprays are not automated for wind speed greater than 5.6m/s - they are manually operated based on visual assessment of need. However wind speeds may exceed parameters when the operation is unmanned (e.g. weekend). It was stated (pers. comm. J. Hindmarsh) that the moisture content of coal is generally &gt;10%.</p> <p>Dust emissions were not evident at the time of inspection at the rail loader stockpiles. Automatic sprays are installed at the rail loader product stockpiles but are not operated as the coal is damp. Operations are ceased during adverse weather conditions.</p> <p>The ROM Coal bin has automatic sprays that are tripped when a truck tips, but it is not utilised if loader tipping into the bin. If FEL feeds bin then generally pushing into high level bin and minimal dust is generated.</p>	Non compliant	Input from the anemometer at the rail loading facility will be programmed into the CHPP Cytec computer management to automatically activate stockpile sprays when the site is unattended.
	Reasons: To protect the air quality adjacent to the mine and to provide for monitoring of dust deposition and concentration.	noted		
<b>14A</b>	<b>Greenhouse Gas Emissions</b>			
14A	The Applicant shall implement all reasonable and feasible measures to minimise:		Compliant	
14 A i	(i) energy use associated with the development; and	<p>The Bloomfield Group is a participant of EEO, energy usage reporting (no ESAP). Rix's Creek reports as part of the Bloomfield group.</p> <p>Sighted the 2010 EEO report (signed, not dated). Energy projects summary for Rix's Creek: 2 implemented commenced, 4 implemented, 1 not yet implemented, total energy savings 757Gj /2352GJ potential for the previous 5 years. A new report is required for the next 5yr period.</p> <p>Sighted minutes of the Energy Committee meeting (attended by electrical engineer, R&amp;D engineer, deputy mine manager, Tech services Mgr - Bloomfield), which reviews progress of energy projects. It was stated (pers. comm. J. Hindmarsh) that identification of energy saving projects are an integrated part of business process.</p> <p>Sighted the 2010 EEO Verification audit report, moderate level risk assigned.</p>	Compliant	
14 A ii	(ii) greenhouse gas emissions produced by the development, to the satisfaction of the Director-General.	Sighted the NGER Report receipt for the 2009/10 report signed 22/12/10(summary: 113862 tonnes CO2-e (NGER data) - 2010 calculation. (2039937t entered in OSCAR). Rix's Creek Scope 1 145255 t CO2-e, Scope 2 10651, Energy Consume 504236 energy produced 39638511GJ).	Compliant	Consider including Greenhouse and energy within the AEMR ,as this is the current primary reporting method to the DoPI to provide an opportunity for the Director -General to review and determine satisfaction with measures.
15	<b>Water Management Plan</b>			
	The Applicant shall prepare and implement a Water Management Plan for the development to the satisfaction of the Director-General. This Plan must:	Sighted the Water Management Plan (30/03/10) . See 15ii findings.	Compliant	
15 i	(i) be prepared in consultation with the Office of Water by a suitably qualified expert whose appointment has been approved by the Director-General;	Sighted email 27/10/09 from Alison O'Reilly (DoPI) re approval of John Pola - Surface water balance and Sed. Control Plan and Andrew Fulton- Aquaterra to complete groundwater component.	Compliant	

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15 ii	(ii) be submitted to the Director-General by 31 March 2010; and	Sighted letter (30/03/10) submitting WMP to DoPI (Howard Reed). The WMP has not yet been approved. Sighted a responding letter from DoPI (19/5/2010 ) regarding requirements by NOW; requested monthly and quarterly monitoring to be completed for 12months , water model (updated and changed Inputs/outputs corrected - Inputs 18667, Output 1867) groundwater monitoring program and Response Plan to be amended 6mths after approval of the SWMP. Sighted Aquaterra Monitoring Report included are BH3 BH4 (installed Nov2010), records water level 6hr - groundwater levels remained below the floor of Rix's Ck. Concluded that there is limited hydraulic connectivity between Rix's Ck and the groundwater in the Regolith (shallow). Some results outside of Freshwater Ecosystem Guidelines (there is not baseline data to compare). Aquaterra recommended 6monthly full analysis and quarterly field analysis. Rix's Ck to negotiate with NOW regarding monitoring requirements. It was stated (pers. comm. J. Hindmarsh)that the bore has not been installed on land ahead of West mining activity (due to lack of access), however this is for long-term mine closure check. Downstream monitor not installed as current program shows no impact.	Compliant	Effort needs to be made to finalise the WMP and gain approval from regulators.
15 iii	(iii) include:			
15 iii a	- a site water balance for the development, which includes details of sources and security of water supply, on site water use and management and off site water transfers and investigates and describes measures to minimise water use by the development.			
15 iii b	- details on the diversion of Rix's Creek, including updates on monitoring and rehabilitation;			
15 iii c	- a surface water monitoring program with:			
	▪ detailed baseline data of surface water flows and quality in the watercourses that could be affected by the development;			
	▪ surface water impact assessment criteria, including trigger levels f for investigating potentially adverse surface water impacts of the development;			
	▪ a program to monitor surface water flows and quality in the watercourse that could be affected by the development.			
15 iii d	- a groundwater monitoring program with:			
	▪ detailed baseline data of groundwater levels, yield and quality in the region, and privately owned groundwater bores, which could be affected by the development;			
	▪ groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts of the development; and			
	▪ a program to monitor:			
	o groundwater inflows to the open cut mining operations; and			
	o impacts of the development on the regions aquifers, any groundwater bores, and surrounding watercourses, including monitoring to the western boundary of the mine lease ; and			
15 iii e	- a surface and groundwater response plan which describes the measures and/or procedures that would be implemented to:			
	▪ respond to any exceedances of the surface water and groundwater assessment criteria;			
	▪ offset the loss of any baseflow to the surrounding watercourse and/or associated creeks caused by the development;			
	▪ compensate landowners of privately-owned land whose water supply is adversely affected by the development; and			
	▪ mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.			
<b>15 A</b>	<b>Erosion and Sediment Control Plan</b>		Compliant	
	The Applicant shall prepare and implement an Erosion and Sediment Control Plan. This Plan must	Sighted the Water Management Plan (30/03/10) which includes an Erosion and Sediment Control Plan (Part C and Appendix A).	Compliant	

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
	(i) be consistent with the requirements of the Managing Urban Stormwater: Soils and Construction Manual (Landcom 2004, or its latest version);	Section 3 of the ESCP	Compliant	
	(ii) identify activities that could cause soil erosion and generate sediment;	Section 4.1 of the ESCP	Compliant	
	(iii) describe measures to minimise soil erosion and the potential for transport of sediment to downstream waters;	Section 4.2 of the ESCP	Compliant	
	(iv) describe the location, function, and capacity of erosion and sediment control structures; and	Table 4-1	Compliant	
	(v) describe what measures would be implemented to monitor and maintain the structures over time.	The ESCP requires ' All sediment dams will be inspected quarterly to ensure they have at least 75% of their capacity available for sediment retention. Desilting will be undertaken as soon as practicable, with silt being disposed of to an area approved by RXC. Details will be recorded on inspection logs'. Sighted inspection logs for all sediment dams identified and checklists developed. <b>Unable to sight evidence that these inspections are being completed quarterly.</b> Sighted completed checklists as follows: Clean coal stockpile 9/2/11 Workshop and Contractors Pad 9/2/11 - identified requirement to clean outwash down pad 29/10/010 Fuel Farm and 19/2/11 - competed by the same person, previous issues resolved. 25/3/2010 - rehab area inspection last completed 15/2/10, 9/2/11, 21/10/11 - operational area roadside silt traps. Site inspection confirmed that dams were generally within tolerable capacity levels.	Non compliant	Sediment structures desilted as necessary and or annually.
<b>16</b>	<b>Rix's Creek Diversion</b>			
	The Applicant shall:	Compliance regarding the Rix's Creek diversion established at previous compliance audit (Environmental Audit of Rix's Creek Mine, May 2007 Pacrim Environmental). No further diversions have been undertaken during this audit period and no maintenance works required (pers. comm. - J. Hindmarsh).	Compliant	
16 i	(i) liaise with Office of Water DECCW and meet their requirements for the design, construction and maintenance of any diversion of Rix's Creek;	Site Inspection confirmed that a minimum 20m buffer of Rix's Creek has been maintained in the southern mining area (Pit 2 and Pit 3), (see <b>Photo 7</b> in the report).		
16 ii	(ii) not divert Rix's Creek in the southern mining area;			
16 iii	(iii) not mine within 20m of the bank of Rix's Creek in Pit 2 and Pit 3.			
	Reasons: To protect water quality in Rix's Creek and to provide for water management measures at the site.			
<b>16A</b>	<b>Landscape Management</b>			
	The Applicant shall prepare and implement a detailed Landscape Management Plan for the development to the satisfaction of the DII and the Director-General. This plan must:	Sighted <i>Rix's Creek Mine Landscape Management Plan</i> (V2 18-3-10 Rix's Final Draft), unable to sight evidence of this plan having been finalised with regulator comments incorporated and approved by DII and DoPI.	Compliant	
16 A i	be prepared in consultation with DECCW, the Office of Water and Singleton Shire Council by suitably qualified expert/s whose appointment/s have been approved by the Director-General;	Sighted Rix's Creek Mine Landscape Management Plan (V2 18-3-10 Rix's Final Draft), Appendix 1 - Letter from DoPI, dated 02/11/2009, approving John Hindmarsh and Lachlan Crawford as suitably qualified to amend the Land Rehabilitation Management System.	Compliant	
16 A ii	include a:			

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
16 A ii	<ul style="list-style-type: none"> <li>Rehabilitation Management Plan to be submitted for approval by the Director-General by 31 March 2010;</li> </ul>	<p>Sighted <i>Rehabilitation Management Plan (V2 240310 Rix's Final Draft)</i>. <i>Unable to sight an approved Rehabilitation Management Plan.</i></p> <p>Sighted a letter, dated 10/2/2010, from Rix's Creek submitting the Draft Landscape Plan for review to NOW, SSC and OEH (consultation letters).</p> <p>Sighted a letter, dated 18/2/2010, from NOW, with amendments required to the Landscape Plan - identification of groundwater dependent ecosystem which exist n the site or may be included in rehabilitation of the post-mining landscape, justification for final voids in terms of groundwater, objectives for mine closure related landscape design.</p> <p>Sighted cover letter for submission to DoPI 25/3/10 of the RMP.</p> <p>Sighted an email, dated 19/5/2010, from Alison O'Reilly (DoPI) noting that there were a few conditions that have not been addressed; specifically 16B ii-measures for short, medium, long-term, 16B v, 16Bvii-potential risks to be addressed, 16B viii- more information required including group documents.</p>	Non compliant	<p>Comments from NOW and DoPI are to be incorporated in the RMP or further consultation documented to finalise the RMP and gain approval of the RMP by the Director-General.</p> <p>RMP updated and resubmitted 21/11/2011</p>
	<ul style="list-style-type: none"> <li>Final Void Management Plan to be submitted for approval by the Director-General by 31 December 2011; and</li> </ul>	Unable to sight evidence of an approved or draft Final Void Management Plan.	Not yet triggered	This condition is due 31 December 2011 and a draft Plan was not sighted.
	<ul style="list-style-type: none"> <li>Mine Closure Plan to be submitted for approval by the Director-General by 31 December 2011.</li> </ul>	Unable to sight evidence of an approved or draft Mine Closure Plan.	Not yet triggered	This condition is due 31 December 2011 and a draft Plan was not sighted.
<b>16B</b>	<b>Rehabilitation Management Plan</b>			
	The Rehabilitation Management Plan must include:	Unable to sight an approved Rehabilitation Management Plan, see compliance findings for condition 16Aii.		
16 B i	(i) the objectives for rehabilitation of the site of the development;	Sighted <i>Rehabilitation Management Plan (V2 240310 Rix's Final Draft)</i> , page 9 details rehabilitation objectives.	Compliant	Consider numbering sections of the RMP and providing a cross-map table of the conditions of consent (16B) with sections of the RMP.
16 B ii	(ii) a description of the short, medium, and long term measures that would be implemented to rehabilitate the development and the remnant vegetation and habitat on the site;	Sighted an email, dated 19/5/2010, from Alison O'Reilly (DoPI) noting that there were a few conditions that have not been addressed; specifically 16B ii-measures for short, medium, long-term.	Non compliant	Included in updated RMP submitted 21/11/2011
16 B iii	(iii) detailed performance and completion criteria for the rehabilitation of the site;	Sighted <i>Rehabilitation Management Plan (V2 240310 Rix's Final Draft)</i> , Table 2 details progress indicators and completion criteria against specific rehabilitation objectives.	Compliant	
16 B iv	(iv) a detailed description of how the performance of the rehabilitation of the mine would be monitored over time to achieve the stated objectives;	Sighted <i>Rehabilitation Management Plan (V2 240310 Rix's Final Draft)</i> , Page 13 details the monitoring protocol and page 14 the Assessment Program.	Compliant	
16 B v	(v) a detailed description of what measures would be implemented over the next 3 years, including the procedures to be implemented for:	<p>Sighted an email, dated 19/5/2010, from Alison O'Reilly (DoPI) noting that there were a few conditions that have not been addressed.</p> <p>Sighted Rehabilitation Management Plan (V2 240310 Rix's Final Draft), Appendix A - Rehabilitation Methodology:</p> <ul style="list-style-type: none"> <li>minimising and rehabilitating disturbed areas; not addressed</li> <li>protecting vegetation and soil outside the disturbance areas; not addressed</li> <li>undertaking pre-clearance surveys; page B5 ' Pre-clearance surveys will be conducted as per the Land Disturbance Management Procedure'</li> <li>managing impacts on fauna; not addressed</li> <li>landscaping the site to minimise visual impacts;; not addressed</li> <li>conserving and reusing topsoil; page B5 Resource Planning identifies topsoil as an important resource for collection and reuse.</li> <li>collecting and propagating seed for rehabilitation works; page B5 ' Tree and grass seed – provenance seed from on-site/district/regional vegetation communities is preferable, but seed is more likely to be bought as a seed mix from seed vendors.'</li> </ul>	Non compliant	Included in updated RMP submitted 21/11/2011
	<ul style="list-style-type: none"> <li>minimising and rehabilitating disturbed areas;</li> </ul>			
	<ul style="list-style-type: none"> <li>protecting vegetation and soil outside the disturbance areas;</li> </ul>			
	<ul style="list-style-type: none"> <li>undertaking pre-clearance surveys;</li> </ul>			
	<ul style="list-style-type: none"> <li>managing impacts on fauna;</li> </ul>			
	<ul style="list-style-type: none"> <li>landscaping the site to minimise visual impacts;</li> </ul>			
	<ul style="list-style-type: none"> <li>conserving and reusing topsoil;</li> </ul>			

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
	<ul style="list-style-type: none"> <li>collecting and propagating seed for rehabilitation works;</li> </ul>	<ul style="list-style-type: none"> <li>salvaging and reusing material from the site for habitat enhancement; not addressed</li> <li>controlling weeds and feral pests; Assessment Program (page 14) considers weeds and pests</li> <li>controlling access; page B6 ' Fencing and signage – may be required to isolate or protect established rehabilitation from interference or vehicle access',</li> <li>bushfire management; page B9.</li> </ul>		
	<ul style="list-style-type: none"> <li>salvaging and reusing material from the site for habitat enhancement;</li> </ul>			
	<ul style="list-style-type: none"> <li>controlling weeds and feral pests;</li> </ul>			
	<ul style="list-style-type: none"> <li>controlling access; and</li> </ul>			
	<ul style="list-style-type: none"> <li>bushfire management;</li> </ul>			
16 B vi	(vi) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;	Sighted <i>Rehabilitation Management Plan (V2 240310 Rix's Final Draft)</i> , Page 13 details the monitoring protocol and page 14 the Assessment Program.	Compliant	
16 B vii	(vii) a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and	Sighted an email, dated 19/5/2010, from Alison O'Reilly (DoPI) noting that there were a few conditions that have not been addressed; specifically 16Bvii-potential risks to be addressed.	Non compliant	Included in updated RMP submitted 21/11/2011
16 B viii	(viii) details of who is responsible for monitoring, reviewing, and implementing the plan.	Sighted an email, dated 19/5/2010, from Alison O'Reilly (DoPI) noting that there were a few conditions that have not been addressed; specifically 16B viii- more information required including group documents.	Non compliant	Note, RMP Page 7 Roles and Responsibilities 'The company directors are responsible for the overall rehabilitation and environmental performance of Bloomfield Colliery.', should relate to Rix's Creek Mine.  Included in updated RMP submitted 21/11/2011
<b>16C</b>	<b>Final Void Management</b>			
	The Final Void Management Plan must:	<p>Unable to sight an approved or draft Final Void Management Plan, see compliance findings for condition 16Aii.</p> <p>Pers. Comm. (J. Hindmarsh) stated that an external consultant, Aquaterra, have been engaged to undertake the water model for final void plan. It is known that Rix's Creek has a localised groundwater table.</p> <p>It was stated that the Final Void Plan shall be written for void management as at 2016 (current Development Consent expiry, condition 2), however the Bloomfield Group intends to apply for further consent approval to mine the remaining coal reserves of CL352.</p>	Not yet triggered	This condition is due 31 December 2011 and a draft Plan was not sighted.
16 C i	(i) incorporate design criteria and specifications for the final void based on verified groundwater modelling predictions and a re-assessment of post-mining groundwater equilibration;			
16 C ii	(ii) assess the potential interactions between creeks on the site and the final void; and			
16 C iii	(iii) describe what actions and measures would be implemented to:			
	<ul style="list-style-type: none"> <li>minimise any potential adverse impacts associated with the final void; and</li> <li>manage and monitor the potential impacts of the final void.</li> </ul>			
<b>16 D</b>	<b>Mine Closure Plan</b>			
	16D. The Mine Closure Plan must:	<p>Unable to sight an approved or draft Mine Closure Plan, see compliance findings for condition 16Aii.</p> <p>Sighted a letter from DoPI, dated 02/11/2009, approving John Hindmarsh and Lachlan Crawford as suitably qualified to amend the Land Rehabilitation Management System, which includes the mine closure plan. It was stated (J. Hindmarsh) that the mine closure plan would be prepared by Rix's Creek Mine personnel.</p> <p>Sighted the DII approved MOP (15/09/2005 to 15/09/2012) which states 'The operation will extend beyond the term of this MOP, therefore final rehabilitation and mine closure have not been addressed in this document. A mine closure plan will be formulated at a future date.'</p>	Not yet triggered	This condition is due 31 December 2011 and a draft Plan was not sighted.
16 D i	(i) define the objectives and criteria for mine closure;			
16 D ii	(ii) investigate options for the future use of the site, including the final void/s;			
16 D iii	(iii) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;			
16 D iv	(iv) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the development; and			
16 D v	(v) describe how the performance of these measures would be monitored over time.			
<b>17</b>	<b>Acquisition of Affected Lands</b>			
<b>17 A</b>	<b>Affected Lands defined in the Development Consent of 19 October, 1989.</b>			

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
	The Applicant shall forthwith upon receipt of a request to purchase land identified as being within the area of affectation defined in the development consent for Rix's Creek Coal Mine of 19 October 1989 and owned by any of: - R J Eveleigh - Wendy Bowman & G R Elder - Estate I H. Bowman - Elizabeth S. Bowman - Durian Holdings purchase such land.	Pers. Comm. (J. Hindmarsh) it was stated that there had been no request to purchase properties from any of the owners of properties listed in Condition 17A during the audit period. Eveleigh property remains privately owned. Reg Everleigh is a member of the Rix's Creek Community Consultative Committee. - Wendy Bowman & G R Elder - Now owned by Rix's Creek – purchased <i>Granbalang</i> - Estate I H. Bowman - This was part of <i>Granbalang</i> now own - Elizabeth S. Bowman - Rix's Creek have purchased part land affected by current mining activities. - Durain holdings block purchased pre-audit period.	Compliant	Information regarding land ownership and records regarding timing of purchase were not easily obtained during the audit. To satisfy the conditions of this Consent and for improved community engagement consider improving records relating to land tenure.
	In the event of failure to complete the purchase within six (6) months, clause 17C(iv) below, applies.		Condition not activated during audit period	
<b>17 B</b>	<b>Affected Lands other than those defined in the Development Consent of 19 October, 1989</b>			
17 B i	(i) The Applicant shall within six (6) months of receipt of a written request from any of the owners of the properties listed in <b>Attachment 1 of this Consent</b> , purchase the whole of the properties. In the event of failure to complete the purchase within six (6) months, clause 17C(iv) below, applies.	Pers. Comm. (J. Hindmarsh) it was stated that there had been no request to purchase properties from any of the owners of properties listed in Attachment 1 of this Consent. Note, Rix's Creek have completed property acquisition of 5 properties and have signed an agreement with another resident in the Maison Dieu area during the audit period (CCC minutes, 10/05/2007).	Compliant	
17 B ii	(ii) Where acquisition has not been sought of a property subject to sub-clause 17B(i) an owner or occupier of a dwelling on the property may request the Applicant to carry out measures at the dwelling to mitigate the impact upon the residence of dust fallout/concentration, noise, and vibration, emanating from the mine in excess of the criteria set out in this Consent. The Applicant shall forthwith carry out such measures at its own expense.		Condition not activated during audit period	
17 B iii	(iii) In the event that within one (1) month of a request instigated under sub-clause 17B(ii), the Applicant and the owner or occupier cannot agree upon the measures to be carried out, either party may refer the matter to the Community Consultative Committee. The Applicant shall forthwith carry out the measures which may be required by the said Committee.			
	<b>17C. Potentially Affected Lands</b>		Compliant	
17 C i	(i) In the event that the DECCW determines that noise from the mining operations at any residence (built or with building approval at the date of this Consent) or more than 25% of any property in the vicinity of Maison Dieu Road is in excess of the relevant noise level design goals set out in clause 10 of this Consent for two (2) consecutive monitoring periods, the Applicant shall purchase such property within six (6) months of receipt of a written request from the owner of the affected property	Pers. Comm. (J. Hindmarsh) it was stated that there had been no request to purchase properties near Maison Dieu Road due to noise exceedances. Note, Rix's Creek have completed property acquisition of 5 properties and have signed an agreement with another resident in the Maison Dieu area during the audit period (CCC minutes, 10/05/2007).	Condition not activated during audit period	
17 C ii	(ii) In the event that the DECCW determines that dust from the mining operations increases the dust deposition rate by more than 2 gm/m <sup>2</sup> /month averaged over any six (6) month period, at any residence (built or with building approval at the date of this Consent) or over more than 25% of any property in the vicinity of Maison Dieu Road is the Applicant shall purchase such property within six (6) months of receipt of a written request from the owner of the affected property.	Pers. Comm. (J. Hindmarsh) it was stated that there had been no request to purchase properties near Maison Dieu Road due to dust exceedances. Note, Rix's Creek have completed property acquisition of 5 properties and have signed an agreement with another resident in the Maison Dieu area during the audit period (CCC minutes, 10/05/2007).	Condition not activated during audit period	
17 c iii	(iii) In respect of a request to purchase land arising under subclause 17A, 17B, 17C(i) or 17C(ii), the Applicant shall pay the owners the acquisition price which shall take into account and provide payment for:	Pers. Comm. (J. Hindmarsh) it was stated that there had been no request to purchase properties near Maison Dieu Road. Note, Rix's Creek have completed property acquisition of 5 properties and have signed an agreement with another resident in the Maison Dieu area during the audit period (CCC minutes, 10/05/2007).	Condition not activated during audit period	

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
17 c iii (a)	a) a sum not less than the current market value of the owner's interest in the land or part thereof (as the case may be) having regard to the existing use of the land whosoever is the occupier and all improvements thereon immediately prior to the granting of this consent as if the land was unaffected by the development proposal. The provisions of this subclause do not apply to the holder of an authority under the Mining Act, 1992.		Condition not activated during audit period	
17 c iii (b)	b) the owners reasonable compensation for disturbance allowance and relocation costs within the Local Government Areas of Singleton or Muswellbrook.		Condition not activated during audit period	
17 c iii (c)	c) the owners reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price of the land and the terms upon which it is to be acquired.		Condition not activated during audit period	
17 c iv	(iv) In the event that the Applicant and any owner referred to in subclause 17(A) and 17(B)(i) and 17(C) cannot agree within the time limit upon the acquisition price of the land and/or the terms upon which it is to be acquired, then:		Condition not activated during audit period	
17 c iv (a)	a) either party may refer the matter to the Director who shall request the President for the time being of the Australian Institute of Valuers and Land Economists to appoint a qualified independent valuer, suitably experienced in compensation issues, who shall determine, after consideration of any submissions from the owners and the Applicant, the acquisition price as described and referred to in subclause (iii) herein.		Condition not activated during audit period	
17 c iv (b)	b) in the event that the independent valuer requires guidance on any contentious legal, planning or other issues, the independent valuer shall refer the matter to the Director, recommending the appointment of a qualified panel. The Director, if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of: 1) the appointed independent valuer, 2) the Director, or her nominee, and/or 3) the President of the Law Society of NSW or his nominee. The qualified panel shall on the advice of the valuer determine the issue referred to it and advise the valuer. The panel may recommend to the Director to request the Institution of Surveyors (NSW) to appoint an independent surveyor to determine the part of the land to be acquired in relation to the area of affectation which may reasonably be subdivided and acquired having regard to topography, provisions of planning instruments and other associated matters;		Condition not activated during audit period	
17 c iv (c)	c) The Applicant shall bear the costs of any valuation or survey assessment requested by the Director in accordance with subclauses (a) and (b) herein.		Condition not activated during audit period	
17 c iv (d)	d) Upon receipt of a valuation arising pursuant to subclauses (a) and (b), the Applicant shall offer to acquire the relevant land at a price not less than the said valuation. Should the Applicant's offer to acquire not be accepted by an owner within six (6) months of the date of such offer, the Applicant's obligations to such owner pursuant to this Clause shall cease.		Condition not activated during audit period	
17 c iv (e)	e) Upon settlement of the acquisition referred to in this Clause the Applicant shall also pay to the owner the costs and compensation assessed pursuant to subclause (iii) herein including the owner's reasonable costs in the event of a subdivision.		Condition not activated during audit period	
	Reasons: To provide for acquisition of affected land.	Noted		
<b>18</b>	<b>Environmental Officer</b>			

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
	18. The Applicant shall employ an Environmental Officer whose qualifications are acceptable to the DII who shall report to the Mine Manager and be responsible for ensuring that all environmental safeguards proposed for the development and as required by this consent and other statutory approvals, are enforced and monitored from the commencement of construction of the extensions to the mine.	There has been no change of senior environment personnel during the audit period, DII acceptable of appointment established at previous compliance audit (Environmental Audit of Rix's Creek Mine, completed May 2007 by Pacrim Environmental). Sighted organisation chart indicating that, John Hindmarsh ( Senior Environment Officer) reports to the Mining Manager. <b>Organisation chart to be updated to reflect the recent appointment of a Rix's Creek Environment Officer reporting to the Senior Environment Officer.</b> Sighted Occupational Health, Safety and Injury Management Responsibilities procedure, although environment not specifically articulated within the procedure.	Compliant	Document maintenance required
<b>19</b>	<b>Environmental Management Plan Report</b>			
	19. The Applicant shall:		Compliant	
	(i) prepare and submit to DII for approval an Annual Environmental Management Plan Report. The report shall include:	Sighted Annual Environment Management Reports (AEMRS) prepared for calendar periods 2007, 2008, 2009 and 2010. Each of these AEMRs have been submitted to the DII. Sighted a letter (DoPI to Rix's Creek, 08/06/2011) stating that 'The Department considers that the AEMR generally satisfies the requirements of Condition 19...'. However a number of recommendations were provided for inclusion in subsequent AEMRs.	Compliant	
	(a) short, medium and long-term mining plans;	Section 2 of the AEMRs (2007, 2008, 2009 and 2010) generally describes the mining plans during the reporting period.	Compliant	
	(b) rehabilitation report in respect of open cut operations;	Section 5 of the AEMRs (2007, 2008, 2009 and 2010) generally describes rehabilitation during the reporting period.	Compliant	
	(c) a review of effectiveness of environmental management of the subject area in terms of DECCW and DII requirements;	Section 3 of the AEMRs (2007, 2008, 2009 and 2010) generally describes environmental performance including an assessment of effectiveness during the reporting period.	Compliant	
	(d) a review of performance in terms of the conditions of development consent;	<b>Unable to sight an assessment of performance in terms of the conditions of this consent.</b> <b>Sighted a letter (DoPI to Rix's Creek, 08/06/2011) requesting that in future reports a compliance table be included.</b>	<b>Non compliant</b>	This will be included as a component of the 2011 AEMR
	(e) results of environmental monitoring in respect of air, water and noise pollution	Section 3 of the AEMRs (2007, 2008, 2009 and 2010) generally describes environmental performance during the reporting period, including Appendix 1 Air Quality Monitoring Data, Appendix 2 Blast Results, Appendix 3 Quarterly Noise Monitoring Results for Items of Equipment, Appendix 4 Noise Monitoring	Compliant	
	(f) a listing of any variations obtained to approvals applicable to the subject area during the previous year;	Table 1 of the AEMR provides the approvals and a summary of variations	Compliant	
	(g) the outcome of the water budget for the year, the quantity of clean water used from water storages. Details of the disposal of any contaminated water on site or into water courses;	Table of Stored Water (Table 5/6) provides a summary of water stored on site. As reported in this table, there were no discharges of water during the audit period.	Compliant	
	(h) set out environmental management targets for the next year.	<b>Unable to sight specific environmental management targets for the next year within the AEMR.</b>	<b>Non compliant</b>	
	(ii) consult with the Director during report preparation concerning any additional requirements	Sighted the cover letters submitting the AEMRS and all include a statement 'If you require any further information regarding this report, or have any comments on the report that needs to be addressed in the next report please do not hesitate to contact the Environment Officer'.	Compliant	
19 iii	(iii) ensure that copies of the annual Environmental Management Plan Report are submitted to the Director, DECCW, Office of Water, DII, and the Council.	Sighted letters as follows: 27/03/2008 - sent with CCC agenda (DII, SSC, DoPI, NPWS) of the 2007 AEMR 13/03/2009 -of the 2008 AEMR (DII, SSC, DoPI, NPWS+ CCC member) 28/04/2010 - of the 2009 AEMR (DII, SSC, DoPI, NPWS, CCC) 14/04/2011 - OEH (Scott Brooks and Howard Reed), DISSC, DoPI and DECC-NPWS. Sighted an email (27/10/11) to Fergus Hancock, NOW providing a copy of the 2010 AEMR.	Compliant	
	(iv) ensure that the first report is completed and submitted within twelve (12) months of this consent, at a date to be determined in consultation with DII, and thereafter.	Compliance established at previous audit (Environmental Audit of Rix's Creek Mine, completed May 2007 by Pacrim Environmental).	Compliant	

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
<b>20</b>	<b>Complaints</b>			
	20. The Applicant shall observe all requirements of the DII complaints protocol and refer to complaints received in the Annual Report (Condition 19).	Sighted Rix's Creek Mine complaints register and complaints management form, which meets the requirements of DII. Sighted complaints reported in the AEMRs (2007, 2008, 2009, 2010 - Section 4.1). 2011 YTD -11 complaints; 2010 - 11 complaints, 2009 - 7 complaints, 2008 -4 complaints, 2007 - 13 complaints.	Compliant	
	Reasons: To provide for environmental monitoring and performance reporting.	Noted		
<b>21</b>	<b>Community Consultative Committee</b>			
	21. The Applicant shall:			
	(i) participate and co-operate in the establishment by the Council of a Community Consultative Committee including four (4) community representatives to monitor compliance with conditions of this consent during the term of the development. The Committee, initially chaired by the Council, shall be convened every four (4) months or as required at the request of any representative to discuss compliance matters.	Sighted CCC minutes for the audit period confirming regular meetings held 6monthly (meetings held 10/05/07; 25/10/07; 24/04/08; 25/09/08; 02/04/09; 22/10/09; 18/05/10; 23/09/10; 17/05/11; 20/09/11) for audit period. The CCC has 4 positions available but only 3 positions are filled. The CCC had 3 community members regularly attend for the period 2007-2010, however since 2010 has included only 2 community representatives. It was stated that SSC had advertised for further community representatives. A 3rd community representative attended the last CCC meeting (20/09/11) as a visitor until approved by SSC. It was stated that the CCC has been meeting 6-monthly for at least 15years (pers. comm., J. Hindmarsh).	Compliant	It is difficult to maintain four (4) community representatives on a CCC.
	(ii) The Applicant shall at its own expense:	noted	Compliant	
	(a) nominate two (2) representatives to attend all meetings of the Committee;	Sighted CCC minutes for the audit period confirming that the Environment Officer and General Manager of Mining have attended all meetings during the audit period.	Compliant	
	(b) provide to the Committee copies of the latest Environmental Management Plan Report, referred to in Condition 19;	It was stated that the CCC are provided with a 6-monthly report prior to the (nominally) September meeting and the AEMR for the (nominally) May meeting. Sighted a letters sent to CCC members with the AEMR dated 27/03/2008 (2007 AEMR), 13/03/2009 (2008 AEMR), 28/04/2010 (2009 AEMR) and 14/04/2011 (2010 AEMR).	Compliant	
	(c) promptly provide to the Committee such other information as the Chairman of the Committee may reasonably request concerning the environmental performance of the development;	Reviewed CCC minutes for the audit period confirming regular closure of information requests.	Compliant	
	(d) provide access for site inspections by the Committee;	Reviewed CCC minutes for the audit period confirming an annual site inspection (20/09/2011, 23/09/2010,22/10/09, 25/09/08).	Compliant	
	(e) take and distribute minutes of Committee Meetings and provide meeting facilities for the Committee.	Sighted CCC minutes for the audit period confirming regular meetings held 6monthly (meetings held 10/05/07; 25/10/07; 24/04/08; 25/09/08; 02/04/09; 22/10/09; 18/05/10; 23/09/10; 17/05/11; 20/09/11) for audit period, with minutes taken by a Rix's Creek employee and minutes of previous meetings accepted each meeting.	Compliant	
	Reasons: To provide community access to environmental monitoring and performance	Noted	Compliant	
<b>22</b>	<b>Financial Contributions</b>		Compliant	
	22. The Applicant shall pay to the Council a financial contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 in the amount of \$900.00 per additional employee (as identified within the EIS and Supplementary Document) according to the requirements of the Council's Section 94 Contributions Plan No. 1. The Applicant shall pay the contribution to Council within six (6) months of acting upon this consent;	Compliance established at previous audit (Environmental Audit of Rix's Creek Mine, completed May 2007 by Pacrim Environmental).	Compliant	
	Reasons: To meet the requirements of the Act in relation to community infrastructure contributions.	Noted	Compliant	
<b>23</b>	<b>Closure of the New England Highway for blasting</b>			
	The Applicant shall:			

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
	(a) The Applicant shall provide road deviations adjacent to the highway in accordance with Figure 34 of the EIS to the satisfaction of the RTA and the Council unless a valid Management Plan is in operation. These deviations shall be constructed at the Applicant's cost and be constructed to allow two-way traffic movement and to an all weather gravel standard for a design speed of forty (40) kilometres per hour.	Sighted Road Occupancy Licence (licence number 773, extension 7, expires 31/12/11).	Condition not activated during audit period	Note that the current ROL expires in two months. See Condition 3 findings regarding implementation of the ROL.
	(b) The Applicant shall conduct all closures of the New England Highway for blasting in accordance with the Management Plan included in Appendix 2 of the EIS Supplementary Document to the satisfaction of the RTA and the Council.		Condition not activated during audit period	
	(c) In the event that the RT A, after consultation with the Applicant and the Council deems that the requirements of the Management Plan are not being met, the Applicant shall cease blasting within 500 metres of the highway.		Condition not activated during audit period	
<b>24</b>	<b>Closure/Relocation of Middle Falbrook Road</b>		Compliant	
	24. The Applicant shall liaise with the Council in regard to the future closure/relocation of Middle Falbrook Road in order to provide an alternative road link and proceed to construct such alternative road link as required, in conjunction with potential alternative road link to be provided by other mines to the north of the development. Any relocation shall be designed and constructed to the Council's bitumen sealed rural roads standard.	Compliance established at previous audit (Environmental Audit of Rix's Creek Mine, completed May 2007 by Pacrim Environmental).	Compliant	
	Reasons: To provide for road relocations in the event of road closures.	Noted	Compliant	
<b>25</b>	<b>Dispute Resolution</b>			
	25. In the event that the Applicant and the Council or a Government body other than the Department, cannot agree on the specification or requirements applicable under this consent, other than in subclause 17C(iv), the matter shall be referred by either party to the Director or if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.	Pers. Comm. (J. Hindmarsh) it was stated that no matter had been referred to the Director during the audit period.	Compliant	
	Reasons: To provide for dispute resolution in respect to conditions of consent.	noted	Compliant	
<b>26</b>	<b>Independent Environmental Audit</b>			
	26. Within 12 months from the date of Consent, the Applicant shall make arrangements for and bear the total cost of an independent comprehensive environmental audit for the development. Further independent audits are to be conducted every fifth year (i.e.. from year 6 from the date of Consent) or as directed by the Director. The Applicant shall conduct an environmental audit of the mining and infrastructure areas of the development and submit the report to the Director who shall provide a copy to the Council.	Previous compliance audit (Environmental Audit of Rix's Creek Mine) completed May 2007 by Pacrim Environmental for audit period October 2001 – December 2006.	Compliant	
	The audit shall be conducted by a duly qualified independent person or team approved by the Director in consultation with Council.	Sighted email from Julia Pope (DoPI, Senior Compliance Officer (Mining)), sent 13/09/11 1:32 PM confirming the approval of Glade Consulting to undertake the independent compliance audit due 2011.	Compliant	
	The Director may, after considering any submission made by Council on the report, notify the Applicant of the Director's reasonable requirements with regard to any measures arising from or recommended by the independent environmental report. The Applicant shall comply with those reasonable requirements within such time as the Director may reasonably require.	Sighted letter from DoPI (Howard Reed A/Manager Mining and Extractive Industries, dated 19/06/07) requiring Rix's Creek to rectify calibration issues immediately and provide an action plan for other findings and recommendations by the 31/07/07. Sighted responding letter (Howard Reed A/Manager Mining and Extractive Industries, dated 17/10/07) accepting Action Plan provided by Rix's Creek (07/08/07). Sighted Action Plan (refer to separate table for closure of these action items).	Compliant	
	Reason: To provide for periodic independent environmental audits.	noted		
<b>27</b>	<b>Waste</b>			
	27. The Applicant shall:			

CONDITION	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
27 i	(i) monitor the amount of waste generated by the project;	Unable to sight records relating to all wastes generated on site for the audit period. Sighted Consignment note/tracking forms for Waste oil (Waste code J120) collected by Australian Waste Oil - approximately 7000L waste oil/week. Unable to sight evidence of completed tracking process, the Waste Consignee sections of the Data Forms have not been completed to confirm that the waste has been received at a licensed premises. Pers. Comm. (J. Hindmarsh) confirmed that scrap earthmoving tyres are buried in the pit in single stack small groups. Unable to sight evidence of survey information recording exact burial locations and tyre details for tracking. Unable to sight data regarding the amount of other wastes (e.g. recyclable paper/cardboard, scrap metals, general waste) generated.	Non compliant	New waste contractor engaged in September 2011, who are required to provide quarterly reports quantifying waste volumes.
27 ii	(ii) investigate ways to minimise waste generated by the project;	Sighted waste minimisation through implementation of recycling programs for scrap metal and cardboard. Waste oil is re-processed (offsite) and returned for use in blasting.	Compliant	
27iii	(iii) implement reasonable and feasible measures to minimise waste generated by the project;	Pers. Comm. (J. Hindmarsh) stated that tyre operating hours were very high (average XX hours) therefore reducing the number of scrap tyres generated onsite. However, tyre tracking information was not sighted during the audit.	Compliant	
27 iv	(iv) ensure irrigation of treated wastewater is undertaken in accordance with DECC's Environmental Guideline for the Utilisation of Treated Effluent; and	Unable to sight a current SSC approval to operate a Sewage Management System (last approval 1989). Environmental Guideline, Section 5.3 describes monitoring requirements, unable to sight evidence of a monitoring program for the management of the onsite sewage treatment and irrigation system.	Non compliant	
27 v	(v) report on waste management and minimisation in the Annual Environmental Management Plan Report, to the satisfaction of the Director-General.	Section 2.6 of the AEMR (2007, 2008, 2009 and 2010) generally describes non-mineral waste management practices (waste water, waste oil, waste metal, waste tyres and general waste). Due to limited monitoring information, the AEMR does not report on waste minimisation. It was stated through the audit that recently there has been a change in the primary waste contractor and improved reporting is expected.	Compliant	
	Note: This approval does not relieve the Applicant of the obligation to obtain any other approval under the Local Government Act, 1993 as amended, the Ordinance made thereunder including approval of building plans, or any other Act.	Noted		

9. Appendix 2: Assessment of Compliance with Environment Protection Licence 3391

COND	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
<b>1</b>	<b>Administrative conditions</b>			
<b>A1</b>	<b>What the licence authorises and regulates</b>			
A1.1	Not applicable.	noted	Compliant	
A1.2	<p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <p>Coal Works                    0 -2,000,000T Loaded  Mining for coal                &gt; 500,000-2,000,000 T produced</p>	<p>Sighted MOP commencing 15/09/2005, Section 1.2 (TMM made up of 1.5 million tonnes of saleable coal and 13.3 million tonnes of overburden movement).</p> <p>Sighted 2010 AEMR, which reports 1.389 million tonnes of saleable coal in 2010.</p> <p>Sighted 2009 AEMR, which reports 1.305 million tonnes of saleable coal in 2009.</p> <p>Sighted 2008 AEMR, which reports 1.249 million tonnes of saleable coal in 2008.</p> <p>Sighted 2007 AEMR, which reports 1.160 million tonnes of saleable coal in 2007.</p>	Compliant	<p>Reject Disposal Sewerage Works (check definitions)</p> <p>Licence variations during audit period:</p> <ul style="list-style-type: none"> <li>- Licence varied by notice 1105339, issued on 27-Nov-2009, which came into effect on 27-Nov-2009.</li> <li>- Licence varied by notice 1122201, issued on 03-Mar-2011, which came into effect on 03-Mar-2011.</li> </ul>
A 1.3	Not applicable.	noted	Compliant	
<b>A2</b>	<b>Premises to which this licence applies</b>			
<b>A.1</b>	<p>The licence applies to the following premises:</p> <p>RIX'S CREEK COLLIERY  RIX'S CREEK LANE  SINGLETON NSW</p> <p>Premises Details as shown on the drawing titled "PLAN OF PREMISES FOR RIX'S CREEK FOR EPA LICENSING REF: EPA001120" dated 20/11/2000</p>	noted	Compliant	
<b>A3</b>	<b>Other activities</b>			
A3.1	Not applicable.	noted	Compliant	
<b>A4</b>	<b>Information supplied to the EPA</b>			
A4.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to:</p>	<p>Sighted MOP commencing 15/09/2005, which describes works and activities proposed through to 2012. Sighted AEMRs for audit period confirming activities as per this licence.</p>	Compliant	
A4.1 a)	<p>the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and</p>			

COND	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
A4.1 b)	the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.			
<b>2</b>	<b>Discharges to air and water and applications to land</b>			
<b>P1</b>	<b>Location of monitoring/discharge points and areas</b>			
P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p> <p><i>Air</i></p> <p><b>EPA Identification no.: 1</b>  <b>Type of Monitoring Point: Dust monitoring network</b>  <b>Description of Location:</b> Dust gauge monitoring network as shown on Figure 2 Environmental Monitoring Sites located from GPS co-ordinates on a Google earth map, provided to EPA on 8 September 2011 on file LIC06/228-02 with DOC11/42444.</p> <p><b>EPA Identification no.: 3</b>  <b>Type of Monitoring Point:</b> Dust monitoring network  <b>Description of Location:</b> High Volume Air Sampler monitoring network as shown on Figure 2 Environmental Monitoring Sites located from GPS co-ordinates on a Google earth map provided to the EPA on 8 September 2011 on file LIC06/228-02 with DOC11/42444.</p>	The monitoring locations have been modified within the audit period in response to the findings of the last compliance audit (Environmental Audit of Rix's Creek Mine, completed May 2007 by Pacrim Environmental). Sighted letter to OEH dated 8/09/2011 notifying change of dust deposition gauge (28) - EPL reissued 28/09/11. Sighted air quality monitoring information reported in the Annual Returns for the audit period as per the locations shown on Figure 2.	Compliant	
P1.2	The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.	noted	Compliant	There is only one table below conditions P1.2 and P1.3, with only one EPA identification point which refers to ambient water quality monitoring. The reference to utilisation area and application of solids or liquids is not applicable to the table below. Consider seeking clarification from OEH regarding these conditions.
P1.3	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.	noted	Compliant	

COND	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
	<p><i>Water and land</i>  <b>EPA identification no.:</b> 2  <b>Type of monitoring point:</b> Ambient water quality monitoring  <b>Type of discharge point:</b> (blank)  <b>Description of location:</b> Locations shown in Figure 2 Environmental Monitoring Sites located from GPS co-ordinates on a Google earth map provided to the EPA on 8 September 2011 on file LIC06/228-02 with DOC11/42444.</p>	<p>The monitoring locations have been modified within the audit period in response to the findings of the last compliance audit (Environmental Audit of Rix's Creek Mine, completed May 2007 by Pacrim Environmental).  Sighted water quality monitoring information reported in the Annual Returns for the audit period as per the locations shown on Figure 2.</p>	Compliant	
<b>3</b>	<b>Limit conditions</b>			
<b>L1</b>	<b>Pollution of waters</b>			
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Annual Returns, site inspection confirmed that there has not been pollution of waters.	Compliant	
<b>L2</b>	<b>Load Limits</b>			
L2.1	Not applicable.	noted	Compliant	
L2.2	Not applicable.	noted		
<b>L3</b>	<b>Concentration limits</b>			
L3.1	Not applicable.	noted	Compliant	
L3.2	Not applicable.			
L3.3	Not applicable.			
<b>L4</b>	<b>Volume and mass limits</b>			
L4.1	Not applicable.	noted	Compliant	
<b>L5</b>	<b>Waste</b>			
L5.1	Not applicable.	noted	Compliant	
<b>L6</b>	<b>Noise Limits</b>			
L6.1	Not applicable.	noted	Compliant	
<b>L7</b>	<b>Blasting Limits</b>			
L7.1	Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.	Sighted blast monitoring results (Appendix 2) in the AEMRs (2007, 2008, 2009 and 2010). No blasting was undertaken outside of approved times during the audit period.	Compliant	
L7.2	The airblast overpressure level from blasting operations in or on the premises must not exceed:	Sighted annual returns and blast monitoring results (Appendix 2) in the AEMRs (2007, 2008, 2009 and 2010) for the audit period.	Compliant	
L7.2 a)	115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and			
L7.2 b)	120 dB (Lin Peak) at any time. At any residence or noise sensitive location that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative overpressure level.			
L7.3	The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed:	Sighted annual returns and blast monitoring results (Appendix 2) in the AEMRs (2007, 2008, 2009 and 2010) for the audit period.	Compliant	
L7.3 a)	5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and			

COND	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
L7.3 b)	10 mm/s at any time. At any residence or noise sensitive location that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative ground vibration level.	Sighted annual returns and blast monitoring results (Appendix 2) in the AEMRs (2007, 2008, 2009 and 2010) for the audit period.	Compliant	
<b>4</b>	<b>Operating conditions</b>			
<b>O1</b>	<b>Activities must be carried out in a competent manner</b>			
O1.1	Licensed activities must be carried out in a competent manner. This includes:	noted	Compliant	
O1.1 a)	the processing, handling, movement and storage of materials and substances used to carry out the activity; and	Site Inspection, AEMR and Annual Returns demonstrate general compliance	Compliant	
O1.1 b)	the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Site Inspection, AEMR and Annual Returns demonstrate general compliance	Compliant	
<b>O2</b>	<b>Maintenance of plant and equipment</b>			
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity:	noted	Compliant	
O2.1 a)	must be maintained in a proper and efficient condition; and	Site Inspection confirms general compliance	Compliant	
O2.1 b)	must be operated in a proper and efficient manner.	Site Inspection confirms general compliance	Compliant	
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Site Inspection confirms general compliance, including operation of dust controls on drills, watercarts and excavation operations.	Compliant	
O3.2	All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	Site inspection confirmed operation of watercarts and sprays at the time of the audit.	Compliant	
<b>5</b>	<b>Monitoring and recording conditions</b>			
<b>M1</b>	<b>Monitoring records</b>			
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.			
M1.2	All records required to be kept by this licence must be:			
a)	in a legible form, or in a form that can readily be reduced to a legible form;	It was stated (pers. comm., J. Hindmarsh) that 2010/11 data is maintained in office and older information is archived. Sighted monitoring reports and incident reports in legible form and easily retrievable.	Compliant	
b)	kept for at least 4 years after the monitoring or event to which they relate took place; and			
c)	produced in a legible form to any authorised officer of the EPA who asks to see them.			
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence:			
M1.3 a)	the date(s) on which the sample was taken;	Sighted a sample of water monitoring field sheets - the excel sheet with results also records required information as per this condition. Sighted AECOM reports since December 2010 (27/11/2010 commenced). Field sheets are included in the monthly reports - Dust Dep and PM10 and include the required information as per this condition. <b>ACIRL previous monitoring consultant undertaking PM10 monitoring, unable to sight evidence that field sheets with the required information were completed and reported to Rix's Creek.</b> Sighted attended noise monitoring field sheet (completed by Rix's Ck personnel) which includes, date, time and location of sample, <b>however does not record samplers name.</b> It was stated (pers. comm., J. Hindmarsh) that during the audit period, noise monitoring has been completed by the Senior Environment Officer.	non-compliant	The change of independent consultant for the dust monitoring during the audit period demonstrates a recognition that the previous provider was not meeting compliance obligations.
M1.3 b)	the time(s) at which the sample was collected;			
M1.3 c)	the point at which the sample was taken; and			
M1.3 d)	the name of the person who collected the sample.			
<b>M2</b>	<b>Requirement to monitor concentration of pollutants discharged</b>			

COND	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	noted	Compliant	
M2.2	<b>Air Monitoring Requirements</b> POINT 1 Pollutant: <b>Particulates - Deposited Matter</b> Units of measure: grams per square metre per month Frequency: Once a month (min. of 4 weeks) Sampling Method: AM-19 Pollutant: <b>Total suspended particles</b> Units of measure: micrograms per cubic metre Frequency: Every 6 days Sampling Method: AM-15	Sighted AEMR (2007, 2008, 2009, 2010) which reports air quality monitoring data, as per the requirements of this condition. Sighted Annual Returns for the audit period. <b>The 2007 Annual Return reports incomplete data set for particulates monitoring - deposition data were not available for two gauges (18 and 29) through the year due to a stolen bottle and missing laboratory results. The 2010 Annual Return reports incomplete particulates - deposition data for two gauges; Gauge 16, no sample May 2010 and March 2011 as the house yard was not accessible (due to a dog) and Gauge 14, no sample March 2011 as the gauge was vandalised (despite being in a secure fenced premises).</b>	non-compliant	Note that the summary table of Particulates - Deposited Matter provided in the 2008 and 2009 Annual Returns has the incorrect information regarding number of samples collected for gauges 18 and 29 (a carry-over mistake from the previous Annual Return - 2007 period).
M2.3	<b>Water and/ or Land Monitoring Requirements</b> POINT 2 Pollutant: <b>Conductivity</b> Units of measure: microsiemens per centimetre Frequency: Once a month (min. of 4 weeks) Sampling Method: Grab sample Pollutant: <b>Total suspended solids</b> Units of measure: milligrams per litre Once a month (min. of 4 weeks) Sampling Method: Grab sample Pollutant: <b>pH</b> Units of measure: pH Frequency: Once a month (min. of 4 weeks) Sampling Method: Grab sample	Sighted AEMR (2007, 2008, 2009, 2010) which reports water quality monitoring data as per the requirements of this condition	Compliant	
<b>M3</b>	<b>Testing methods - concentration limits</b>			
M3.1	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: (a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or (b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or (c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place. Note: The Protection of the Environment Operations (Clean Air) Regulation 2002 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".	Sighted monitoring reports from AECOM (since November 2010) and ACIRL results (excel sheet) of monitoring from air quality network during the audit period. Monitoring appears to be undertaken in accordance with this condition.	Compliant	

COND	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	Sighted monitoring data for waters which has been undertaken as per the approved methods publication and analysed by NATA accredited laboratories.	Compliant	
<b>M4</b>	<b>Recording of pollution complaints</b>			
M4.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	Sighted the complaint form records for complaints during the audit period. Form includes the date and time of the complaint; the method by which the complaint was made; any personal details of the complainant which were provided by the complainant; the nature of the complaint; the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the licensee, the reasons why no action was taken.	Compliant	
M4.2	The record must include details of the following:			
M4.2 a)	the date and time of the complaint;			
M4.2 b)	the method by which the complaint was made;			
M4.2 c)	any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;			
M4.2 d)	the nature of the complaint;			
M4.2 e)	the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and			
M4.2 f)	if no action was taken by the licensee, the reasons why no action was taken.			
M4.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Sighted complaint records for audit period (3years) and it was stated (pers. comm. J. Hindmarsh) that environment files are archived and stored onsite and could be retrieved if required.		
M4.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Records were easily obtained during the audit		
<b>M5</b>	<b>Telephone complaints line</b>			
M5.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	Sighted the hotline number on the Bloomfield group website (Rix's Creek Community & Blasting Hotline Tel: 02 4930 2665 (24hr)). Sighted AEMR 2010 which reports (section 1.2) the Environmental Hotline: 02 65788800 and After hours 0408 498332.	Compliant	Hotline number has been updated since the 2010 AEMR was submitted and will be updated in the 2011 report.
M5.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.			
M5.3	Conditions M5.1 and M5.2 do not apply until 3 months after:	noted	Compliant	
M5.3 a)	the date of the issue of this licence or			
M5.3 b)	if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.			
<b>M6</b>	<b>Requirement to monitor volume or mass</b>			
M6.1	Not applicable.	noted	Compliant	
<b>M7</b>	<b>Noise monitoring</b>			
M7.1	The licensee must carry out a noise monitoring program to measure and record the level of noise (LA10,15 minute) over a 72 hour continuous period at least twice per year, (December and July) at the following locations: 1 Singleton Heights 2 off Bridgeman Road 3 off Maison Dieu Road 4 off the New England Highway, north of the premises boundary.	Sighted quarterly monitoring data completed over a 72hr period and with 15minute attended monitoring sessions from the following locations: The Retreat, Singleton Heights, Camberwell and Maison Dieu reported in the AEMRs (2007-2010)	Compliant	
<b>M8</b>	<b>Blast monitoring</b>			
M8.1	To determine compliance with condition(s) L7.1 and L7.2:	Sighted blast monitoring results (Appendix 2) in the AEMRs (2007, 2008, 2009	Compliant	Given that mobile monitors are

COND	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
M8.1 a)	Airblast overpressure and ground vibration levels must be measured at the nearest residence or noise sensitive location that is most likely to be most affected by the blast and that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee - for all blasts carried out in or on the premises; and	and 2010). Blast monitoring locations are varied dependent on the type and location of the blast.		utilised, consider maintaining records of which monitor (a serial number or the like) recorded specific results, for data quality control purposes.
M8.1 b)	Instrumentation used to measure the air blast overpressure and ground vibration levels must meet the requirements of Australian Standard 2187.2 of 1993.	Sighted blast monitoring results (Appendix 2) in the AEMRs (2007, 2008, 2009 and 2010) which have been recorded utilising texcel monitors and Terrock blast monitors. Monitors comply with AS2187.2.	Compliant	
<b>6</b>	<b>Reporting Conditions</b>			
<b>R1</b>	<b>Annual return documents</b> <b>What documents must an Annual Return contain?</b>			
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:	Sighted annual returns for EPL reporting period 03 April - 02 April for the audit period (2007-2011).	Compliant	
R1.1 a)	a Statement of Compliance; and			
R1.1 b)	a Monitoring and Complaints Summary.			
	A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	noted		
	<b>Period covered by Annual Return</b>			
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below. Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.	Sighted annual returns for EPL reporting period 03 April - 02 April, for the audit period (2007-2011).	Compliant	
R1.3	Where this licence is transferred from the licensee to a new licensee,	Noted	not triggered	
R1.3 a)	the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and			
R1.3 b)	the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period. Note: An application to transfer a licence must be made in the approved form for this purpose.			
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on	Noted	not triggered	
R1.4 a)	in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or			
R1.4 b)	in relation to the revocation of the licence - the date from which notice revoking the licence operates.			
	<b>Deadline for Annual Return</b>			
R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Sighted signed annual returns for EPL reporting period 03 April - 02 April, for the audit period (2007-2011), all returns completed within the 60day period.	Compliant	
	<b>Notification where actual load cannot be calculated</b>			
R1.6	Not applicable.		Compliant	
	<b>Licensee must retain copy of Annual Return</b>			

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R1.7	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Sighted signed annual returns for EPL reporting period 03 April - 02 April, for the audit period (2007-2011). Sighted the Bloomfield Mining Operations EMS document (Version 4 05/03/2007), that requires 4 years for maintaining documents .	Compliant	
<b>Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary</b>				
R1.8	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:			
R1.8 a)	the licence holder; or			
R1.8 b)	by a person approved in writing by the EPA to sign on behalf of the licence holder.			
R1.9	A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.	Sighted signed annual returns for EPL reporting period 03 April - 02 April, for the audit period (2007-2011) which have been signed by the Managing Director and Director of Rix's Creek.	Compliant	
<b>R2</b>	<b>Notification of environmental harm</b>			
	Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	Sighted <i>Incident Notification procedure</i> (Version 5, 1/12/08), written primarily from an OH&S perspective however the EMS procedure references this procedure and requires a standardise approach to HSE incidents.  Sighted incident report OEH reference 07/20473, (Self report ref:99938) 23/05/2007 for a blast exceedance, recorded 132.5dBL, 0.52mm/s. (Dunn), 129.0dBL, 0.75mm/s (Wright) and 122.8dBL, 0.59mm/s (Dight's crossing Rd). One complaint received. Overburden blast occurred 2:15pm 23/5/0 reported 23/5/07 approx 4pm. Sighted a letter (dated 05/7/2007) from DECC, official caution 'warning letter' .  Sighted incident report OEH reference 10/36084, 19/07/2010 recorded 124.7dBL (Dunn) and 125.4 (Wright), both properties are in Maison Dieu area. (note: Incident report states 19/5/10, verified by the blast waveform, for a 2:14pm blast, self-report 19/7/10 at 3:45pm (self report ref: 122467). Sighted email 22/7/10 10:32am, to Steve Clair re: incident investigation report 122467. Sighted letter 17/08/10 (letter references the incorrect date as per the error in the incident report) with an official caution.	Compliant	
R2.1	Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.			
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.			
<b>R3</b>	<b>Written report</b>			
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that:			
R3.1 a)	where this licence applies to premises, an event has occurred at the premises; or			
R3.1 b)	where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Noted It was stated (pers. Comm. J. Hindmarsh) that no requests have been made by the EPA, during the audit period	Compliant	

COND	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
R3.3	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request. The request may require a report which includes any or all of the following information:			
R3.3 a)	the cause, time and duration of the event;			
R3.3 b)	the type, volume and concentration of every pollutant discharged as a result of the event;			
R3.3 c)	the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and			
R3.3 d)	the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;			
R3.3 e)	action taken by the licensee in relation to the event, including any follow-up contact with any complainants;			
R3.3 f)	details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;			
R3.3 g)	any other relevant matters.			
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.			
<b>R4</b>	<b>Blasting Exceedences Reporting</b>			
R4.1	The licensee must report any exceedence of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.	Sighted EPL annual returns for the audit period, indicating two blast exceedence incidents. Sighted incident report OEH reference 07/20473, (Self report ref:99938) 23/05/2007 for a blast exceedence, recorded 132.5dBL, 0.52mm/s. (Dunn), 129.0dBL, 0.75mm/s (Wright) and 122.8dBL,0.59mm/s (Dight's crossing Rd). One complaint received. Overburden blast occurred 2:15pm 23/5/0 reported 23/5/07 approx 4pm. Sighted a letter (dated 05/7/2007) from DECC, official caution 'warning letter' . Sighted incident report OEH reference 10/36084, 19/07/2010 recorded 124.7dBL (Dunn) and 125.4 (Wright), both properties are in Maison Dieu area. (note: Incident report states 19/5/10, verified by the blast waveform, for a 2:14pm blast, self-report 19/7/10 at 3:45pm (self report ref: 122467). Sighted email 22/7/10 10:32am, to Steve Clair re: incident investigation report 122467. Sighted letter 17/08/10 (letter references the incorrect date as per the error in the incident report) with an official caution.	Compliant	
<b>R5</b>	<b>Reporting of Blast monitoring</b>			

COND	SUMMARY OF CONTENT/REQUIREMENT OF CONDITION	COMPLIANCE STATUS EVIDENCE	STATUS OF COMPLIANCE AT TIME OF AUDIT	COMMENTS
	The licensee must supply, with each Annual Return, a Blast Monitoring Report which must include the following information relating to each blast carried out within the premises during the reporting period covered by the Annual Return: (a) the date and time of the blast; (b) the location of the blast on the premises; (c) the blast monitoring results at each blast monitoring station; and (d) an explanation for any missing blast monitoring results.	Sighted annual returns for EPL reporting period 03 April - 02 April for the audit period (2007-2011), which include blast monitoring results including date/time of blast, blast identification details (location), results from relevant monitoring stations. Data was available for all blasts during the audit period. On numerous occasions the blast did not trigger the monitors, i.e. the result was below the trigger threshold (e.g. <0.3mm/s and 113dBL).	Compliant	
	<b>General Conditions</b>			
<b>G1</b>	<b>Copy of licence kept at the premises</b>			
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Sighted hardcopy of EPL 3391 on site. EPL also available from OEH website and Bloomfield Group website.	Compliant	
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	noted	Compliant	
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Sighted hardcopy of EPL 3391 on site. EPL also available from OEH website and Bloomfield Group website.	Compliant	
	<b>Pollution studies and reduction programs</b>			
U1	The licensee must complete a review of the current design capacity, integrity and operation of the spill containment bunding around all diesel fuel, lube oil storage tanks and the bunding surrounding the 15,000L tank containing the floatation reagent "Nafflote" with respect to the requirements of the relevant current Australian Standards and DECCW's Bunding and Spill Management Guidelines. A copy of DECCW's guidelines can be found at the following web link: <a href="http://www.environment.nsw.gov.au/water/bundingspill.htm">http://www.environment.nsw.gov.au/water/bundingspill.htm</a>	Sighted a completed review report by – Sam Khoury Consulting Engineer Pty Ltd.	Compliant	
	The licensee must prepare a report detailing the outcomes of the review above, and outline an improvement works program to address any identified deficiencies with respect to the capacity, integrity and operation of the existing fuel, oil and chemical storage containment structures at the mine site. The report must also propose implementation timeframes for any improvement or corrective works required. The report must be submitted to the Regional Manager – Hunter, PO Box 488G, Newcastle NSW 2300 by 31 March 2011.			
	<b>Special conditions</b>			
E1	Not applicable.	noted	Compliant	

