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Rix's Creek Mine Independent Environmental Audit 2016 Action Plan

The independent environmental audit of the Rix's Creek operation was undertaken during November 2016 and report submitted 22nd December 2016 to satisfy condition 26 of the development consent. In response to the audit report the following action plan has been drawn up to address those issues identified during the audit.

Section 4 of the audit report lists non compliances with the approvals in place for the Rix's Creek operation.

In the audit report Table 4.1 contains a summary of the non-compliances with development consent (DA49/94) and a summary of the action plan activates to address these issues has been included. More detail is provided in the information provided in the Rix's Creek Mine Development Consent Checklist following.

The audit also reviewed the Environmental Protection Licence 3391 for Rix's Creek operation and non-compliances reported in Table 4.2 and actions to address this are included below.

The audit also reviewed the Mining Authorities CL 352 and ML 1432 for Rix's Creek operation and non-compliances reported in Table 4.3 and actions to address this are included below.

Section 7 of the audit report contains recommendations from the audit and is summarised in Table 7.1 and actions to address issues identified included below.

Table 4.1 Non Compliances with Development Consent (DA49/94) From Audit Report

Condition	Non-Compliance	Risk Level	Action Plan
Schedule 2, Condition 1A	Not all of the conditions of the Project Approval have been complied with. See risk ratings for each individual condition.	Low	Addressed through the implementation of this Action Plan
Schedule 2, Condition 3	Non-compliances have been recorded during the audit period for legislative acts and agencies as detailed within this condition and these are discussed in Section 4 of the report.	Low	Addressed through the implementation of this Action Plan
Schedule 2, Condition 6(c)	No formal building maintenance program was implemented to specifically review the maintenance of buildings.	Administrative	Addressed through the updating of the Landscaping Plan
Schedule 2, Condition 7	Site lighting has not been confirmed with Singleton Council that it is managed to their satisfaction.	Administrative	Condition updated in MOD 8 and will be included in Annual Review.
Schedule 2, Condition 9	The Traffic Management Plan was not approved by the Secretary prior to the commencement of the tunnel construction activities.	Administrative	No Action Necessary
Schedule 2, Condition 11	Noise monitoring is not undertaken in accordance with the requirements of this condition as noise monitoring is not undertaken on a quarterly basis, monitoring is undertaken on a 6 monthly basis.	Low	Condition updated in MOD 8 and will be addressed with the review of the Noise Management Plan to be submitted by 30 th April 2017.
Schedule 2, Condition 14	<ul style="list-style-type: none"> The area of disturbance onsite reflected the extent of disturbance as approved at the end of the MOP term (2020) and therefore ground disturbance was ahead of the schedule within the MOP; and Not all sprays on site, including the coal stockpile, are automatic. 	Medium	<p>Condition updated in MOD 8 and will be addressed with the review of the Air Quality & Green House Gas Management Plan to be submitted by 30th April 2017.</p> <p>Also under investigation by DRE.</p>

Condition	Non-Compliance	Risk Level	Action Plan
Schedule 2, Condition 14A	No evidence was available to confirmation that the NGRS Report had been undertaken to the satisfaction of the Secretary.	Administrative	Condition updated in MOD 8 and will be addressed with the review of the Air Quality & Green House Gas Management Plan to be submitted by 30 th April 2017.
Schedule 2, Condition 15	<ul style="list-style-type: none"> • Sections of the Water Management Plan did not include the information required below: <ul style="list-style-type: none"> - Describe measures to minimise water use by the development. - detail that visual monitoring of flow volume will be undertaken. - process for monitoring yield into the open cut. - process for monitoring impacts to baseflow and offsetting as required any loss of base flow, impacts to private land owners caused by Rix's Creek Operations. 	Low	Water Management Plans to be updated to address these issues and submitted for approval following MOD 8
Schedule 2, Condition 16A	<ul style="list-style-type: none"> • A copy of the Landscape Management Plan marked 'final' was not forwarded to the Singleton office as requested by the DP&E. • The Final Void Management Plan was not submitted to the DP&E by the due date. • The Mine Closure Plan was not submitted to the DP&E by the due date. 	Administrative	Landscape Management Plan to be updated following MOD 8 and submitted for approval.
Schedule 2, Condition 16B	<ul style="list-style-type: none"> • Sections of the Rehabilitation Management Plan did not include the information required below: <ul style="list-style-type: none"> - procedure to protect vegetation and soil outside the disturbance areas. - procedure to manage impacts on fauna. - procedure to landscape the site to minimise visual impacts. - procedure to conserve and reuse topsoil. - information regarding the salvage and re-use of material. - monitoring program to include all measures in 16B(v) and effectiveness of these measures. - clearly state who is responsible for monitoring and reviewing the plan. 	Low	Rehabilitation Management Plan to be updated following MOD 8 and submitted for approval as component of Landscape Management Plan.

Condition	Non-Compliance	Risk Level	Action Plan
Schedule 2, Condition 16D	<ul style="list-style-type: none"> • Sections of the Mine Closure Plan did not include the information required below: <ul style="list-style-type: none"> - objectives and criteria for mine closure for ML 1432 and completion criteria for each domain. - 	Low	Mine Closure Plan to be updated following MOD 8 and submitted for approval as component of Landscape Management Plan.
Schedule 2, Condition 19	<ul style="list-style-type: none"> • Sections of the Annual Environmental Management Reports/Annual Review did not include the information required below: <ul style="list-style-type: none"> - updated water balance for the reporting year not included each year as required <i>Note it was included in 2015 Annual Review.</i> - not all reports were submitted by the due date. - Specific targets for the next year have not been included in the 2011-2015 reports. 	Low	To be updated in Annual Review for 2015 to be submitted 31 st March 2017
Schedule 2, Condition 28	Not all management plans / programs were revised following the submission of an incident report under Condition 19 or modifications of the Development Consent to the satisfaction of the Secretary.	Low	Procedure to be developed to address this requirement to revise strategies, plans and programs.
Schedule 2, Condition 29	<ul style="list-style-type: none"> • Management plans have not been updated as required by Condition 28 of the Development Consent. • Some management plans have been updated without consultation being undertaken with all parties nominated by the Development Consent. No agreement with the Secretary was sought to revise the management plans without consultation with relevant parties. 	Low	Procedure to be developed to address this requirement to revise strategies, plans and programs.

Table Error! No text of specified style in document..2 Non Compliances with EPL 3391 From Audit Report

Condition	Non-Compliance	Risk Level	Action Plan
M2.1	During the audit period, there have been a number of instances where dust gauges have not been able to be sampled due to the dust gauge being broken. These non-compliances have been reported annually to the EPA in the Annual Return.	Low	EPL has been varied December 2016 to remove deposition gauges monitoring
L1.1	Overflow of sediment dams and mine water dam at clean coal stockpile, rail loading facility and mine water dam (DWD 3) (see Section 6.2.2).	Low	
L2.2	Five deliveries of waste oil were received without analysis undertaken to confirm quality limits as prescribed within the EPL had been met. It is noted that Rix's Creek has ceased utilising waste oil within blasting activities on site.	Administrative	Waste oil exemption expired. No waste oil will be received until exemption renewed.

Table 4.3 Non-Compliances With Mining Authorities From Audit Report

Lease	Non-Compliance	Risk Level	Action Plan
ML 1432 – Condition 2(d) and CL 352 – Condition 3(a) and (b)	Ground disturbance at Rix's Creek has been undertaken at a rate which is in advance of the approved stage plans within the MOP for 2016.	Medium	Under investigation by DRE
CL 352 – Condition 2(b) (i)(A)	During the audit period, five incidents were reported related to the overflow of sediment dams and water release to Rix's Creek due to a pipeline leakage and seepage from old underground workings. This is further detailed in Section 6.2.2 .	Low	

Table 7.1 Consolidated Recommendations From Audit Report

Condition / Issue	Recommendation	Action Plan
Rix's Creek Mine Development Consent (DA49/94)		
Schedule 2, Condition 4	The Annual Review is to include a summary table which details the total BCM of material moved at Rix's Creek to demonstrate compliance with this condition. Note it was confirmed Rix's Creek have complied with this condition during the audit period.	To be included in Annual Review
Schedule 2, Condition 6(c)	Formal building maintenance program to be developed and included in the Landscape Management Plan.	Addressed through the updating of the Landscaping Plan
Schedule 2, Condition 7	Confirmation should be sought from Singleton Council that site lighting is managed to their satisfaction.	Condition up dated Mod 8 - Dec 2016:- To be included in Annual Review to be submitted by 31 st March 2017
Schedule 2, Condition 10	The approach with regard to noise compliance monitoring to meet this condition should be agreed with DPE and EPA and included within the Noise Management Plan for approval.	Condition updated in MOD 8 and will be addressed with the review of the Noise Management Plan to be submitted by 30 th April 2017.
Schedule 2, Condition 11	Noise monitoring is to be undertaken on a quarterly basis in accordance with the requirements of this condition unless approval is received from DPE and EPA to suggest otherwise. Any approved changes to the monitoring requirements under this condition should be included in the noise management plan.	Condition updated in MOD 8 and will be addressed with the review of the Noise Management Plan to be submitted by 30 th April 2017.
Schedule 2, Condition 13	A formal procedure should be prepared to outline the process that is followed onsite to assess and manage operations when the average hourly wind velocity exceeds 10 metres per second.	Formal procedure to be included in updated in the review of the Air Quality & Green House Gas Management Plan to be submitted by 30 th April 2017.

Condition / Issue	Recommendation	Action Plan
Schedule 2, Condition 14	<p>Rix's Creek to work with DRE and seek to amend the MOP to address the extent of current mining disturbance and include in the revised MOP an appropriate rehabilitation schedule.</p> <p>Rix's Creek to consult with DPE regarding the need to install automatic dust sprays at coal stockpiles on site.</p>	Issue being investigated by DRE.
Schedule 2, Condition 14A	Include findings of the NGERs report in the Annual Review for submission to DPE.	To be included in Annual Review to be submitted by 31 st March 2017
Schedule 2, Condition 15	<p>Water Management Plan to be updated to include the following as required by the condition:</p> <ul style="list-style-type: none"> • Inclusion of the water minimisation measures identified and implemented on site within the Water Management Plan. • Detail that visual monitoring of flow volume will be undertaken. • Detail process for monitoring yield into the open cut. • Detail the process for monitoring impacts to baseflow and offsetting as required any loss of base flow and impacts to private land owners caused by Rix's Creek Operations. 	Water Management Plans to be updated to address these issues and submitted for approval following MOD 8
Schedule 2, Condition 16A	A copy of the Landscape Management Plan marked 'final' should be forwarded to the DPE Singleton office.	Landscape Management Plan to be updated following MOD 8 and submitted for approval.

Condition / Issue	Recommendation	Action Plan
Schedule 2, Condition 16B	<p>Rehabilitation Management Plan to be updated to include the following as required by the condition:</p> <ul style="list-style-type: none"> • Procedure to protect vegetation and soil outside the disturbance areas to be included in the monitoring protocol. • Procedure to manage impacts on fauna to be included in the monitoring protocol. • Procedure to landscape the site to minimise visual impacts to be included in the monitoring protocol. • Information regarding the salvage and re-use of material to be included in the RMP as the re-use of material was observed to be leading practice during the field inspection. • Monitoring program to include all measures in 16B (v) and effectiveness of these measures to be reported in the Annual Review. • Clearly state who is responsible for monitoring and reviewing the plan. 	Rehabilitation Management Plan to be updated following MOD 8 and submitted for approval as component of Landscape Management Plan.
Schedule 2, Condition 16D	<p>Mine Closure Plan to be updated to include the following as required by the condition:</p> <ul style="list-style-type: none"> • Include objectives and criteria for mine closure for ML 1432 and completion criteria for each domain in the Mine Closure Plan. 	Mine Closure Plan to be updated following MOD 8 and submitted for approval as component of Landscape Management Plan.
Schedule 2, Condition 19	<p>Ensure each year that the Annual Review includes the following as required by the condition:</p> <ul style="list-style-type: none"> • Provide updated water balance for the reporting year. • Specific targets for improved environmental performance. 	To be included in Annual Review to be submitted by 31 st March 2017
Schedule 2, Condition 27	Report waste volumes in the Annual Review compared to previous years to enable identification of waste management performance over time.	To be included in Annual Review to be submitted by 31 st March 2017

Condition / Issue	Recommendation	Action Plan
Schedule 2, Condition 28 and 29	A process of regular review and revision of management plans should be established to confirm compliance with these conditions.	Procedure to be developed to address this requirement to revise strategies, plans and programs.
Environment Protection Licence		Action Plan
EPL Variation	An EPL variation should be sought to ensure that there are no conflicting criteria between the EPL and DA (example noise criteria).	EPL has been varied December 2016 to remove deposition gauges monitoring
Mining Authorities		
ML 1432 – Condition 2(d) and CL 352 – Condition 3(a) and (b)	Rix’s Creek should work with DRE and seek to amend the MOP to address the extent of current mining disturbance and include in the revised MOP an appropriate rehabilitation schedule.	Investigation being undertaken by DRE.

Environmental Performance Recommendations			
Oily Water Separator System	An investigation should be undertaken to assess the effectiveness of the current oily water separator system. As a minimum the overflow tank (refer Plate 3) should be replaced with a fit for purpose system that is covered and compliant with current Australian Standards. Further corrective actions are required to clean up the hydrocarbon contamination that has resulted from the failures of the existing system (refer Plate 4)	Work undertaken to clean up and improve the water overflow system of the separator.	
Waste Segregation	Documented procedures should be prepared for waste management onsite and appropriate bins should be provided and clearly labelled for all designated waste streams.		
Hydrocarbon Management	Ensure that all relevant personnel are trained in the requirements of the Rix's Creek Hydrocarbon Management Procedure.	Training of staff to be ongoing as per Rix's Creek Hydrocarbon Management Procedure.	

Rix's Creek Mine Development Consent Checklist – Appendix 2 of Audit Report with added action plan and MOD 8 updated conditions of consent which came into force from 20th December 2016.

Development Consent Compliance Table – Rix's Creek Coal Mine – Development Application 49/94

Mod 1 (February 1999) – Red text

Mod 2 (December 2003) – Dark blue text

Mod 3 (June 2004) – Green text

Mod 4 (August 2009) – Orange text

Mod 5 (November 2013) – Light blue text

Mod 6 (November 2014) – Purple text

Mod 7 (February 2016) - Pink text

Mod 8 (December 2016) - Maroon Text – Modification after Environmental Audit conducted.

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
Schedule 2 – Conditions of Consent				
General				
1.	The Development is to be carried out generally in accordance with the:			
	(i) Environmental Impact Statement prepared by Envirosciences Pty Limited, dated November 1994;	Not Verified	During the audit Umwelt were unable to determine whether operations undertaken at Rix's Creek were being undertaken in accordance with the Envirosciences Pty Limited Environmental Assessment. In particular, compliance was not able to be verified with regard to the location of selected emplacement areas and the extent of the mining undertaken within West Pit (refer to Section 6.2.1 of the Independent Audit Report). It was confirmed that the location of existing emplacement areas and extent of mining operations is currently under review by DPE, DRE and Rix's Creek Mine.	
	(ii) Supplementary Document prepared by Envirosciences Pty Limited, dated April 1995;	Not Verified	Refer Schedule 2, Condition 1 (i)	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	(iii) Correspondence from Bloomfield Collieries Pty Limited accompanying the application seeking a modification to the development consent, dated 12 November 1998;	Compliant	Operations at Rix's Creek were undertaken generally in accordance with this document. See Section 1.2.1.1 of the main Audit Report which outlines the key components the MOD and Bloomfield's operations during the audit period.	
	(iv) Information provided by Rix's Creek Mine accompanying the application seeking a modification to the development consent, dated 20 November 2003;	Compliant	Operations at Rix's Creek were undertaken generally in accordance with this document. See Section 1.2.1.1 of the main Audit Report which outlines the key components the MOD and Bloomfield's operations during the audit period.	
	(v) Information prepared by Hunter Development Brokerage Pty Ltd accompanying the application seeking a modification to the development consent, dated 14 April 2004;	Not triggered	Bulk coal samples have not been received or processed from the Bickham project during the audit period.	
	(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;	Compliant	The cut and cover tunnel was completed during the audit period. Construction activities were undertaken generally in accordance with this document. See Section 1.2.1.1 of the main Audit Report which outlines the key components the MOD.	
	(vii) the modification application DA 49/94 MOD 5 and accompanying documents entitled <i>Rix's Creek Rail Loop Section 75W Modification Environmental Assessment</i> dated April 2013, <i>Submissions Report Modification No.5 – Proposed Rail Loop and Loading Facility</i> dated July 2013, and letter from Global Acoustics regarding Rix's Creek Proposed Rail Loop Environmental Noise Assessment dated 10 September 2013;	Not triggered	The rail loop which is referenced within this approval has not been constructed.	
	(viii) the modification application DA 49/94 MOD 6 and accompanying letter from Rix's Creek Pty Limited titled <i>Proposed Modification to Rix's Creek Open Cut Mine Maximum Consented Production Rate</i> and dated 22	Compliant	Operations at Rix's Creek were undertaken generally in accordance with this document. See Section 1.2.1.1 of the main Audit Report which outlines the key components the MOD and Bloomfield's operations during the audit period.	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<p>October 2014; and</p> <p>the modification application DA 49/94 MOD 6 and accompanying letter from Rix's Creek Pty Limited titled Proposed Modification to Rix's Creek Open Cut Mine Maximum Consented Production Rate and dated 22 October 2014; and</p>			
	<p>(ix) the modification application DA 49/94 MOD 7 and accompanying document from Bloomfield Collieries Pty Ltd titled <i>Environmental Assessment for Proposed Modifications to Rix's Creek DA 49/94 N90/00356 (Mod 7) and Integra Open Cut Project 08_0102 (Mod 5)</i> and dated 4 February 2016.</p>	Compliant	Operations at Rix's Creek were undertaken generally in accordance with this document. See Section 1.2.1.1 of the main Audit Report which outlines the key components the MOD and Bloomfield's operations during the audit period.	
1A	The Development is to be carried out in accordance with the conditions of this consent.	Non-compliant	Non-compliances with this Development Consent are included within this table and summarised in the audit report.	See Action Plan – specific actions as outlined in this table under specific conditions
1B	If there is any inconsistency between the documents listed in condition 1, the more recent document shall prevail to the extent of the inconsistency. The conditions of this consent shall prevail over all documents listed in condition 1.	Noted		
Duration				
2	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 wherever is the later.	Compliant	<p>Development Consent (N90/00356) dated 19 October 1995 expires on 19 October 2016. Coal Lease 352 has been renewed until 20 October 2031 (sighted Coal Lease 352).</p> <p>ML 1432 dated 24 June 1998 expires on 24 June 2019 (sighted ML 1432). Mining Lease Application No. 17 was approved as ML 1432 and as such operations in accordance with Development Consent (N90/00356) are approved to be undertaken until 24 June 2019.</p>	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
Statutory Requirements				
3	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 Office of Environment and Heritage (OEH) , Environment Protection Authority (EPA) , Department of Primary Industries Water (DPI Water) , Division of Resources and Energy (DRE) and Roads and Maritime Services (RMS) , are fully met.	Non-compliant	Non-compliances have been recorded during the audit period for legislative acts and agencies as detailed within this condition and these are discussed in Section 4 of the main report.	See Action Plan – specific actions as outlined in this table under specific conditions
Production Level				
4	Mining plans for submission to DRE shall be based on a total movement of materials in mining not exceeding 16.1 million bank cubic metres in any year.	Compliant	Information obtained from Rix's Creek AEMR's / Annual Reviews: 2011 – 10,589,386 BCM of waste rock. 2,212,703 t of ROM coal. 907,558 t of processing waste tailings/chitter. 1,305,145 t of coal. 2012 – 10,341,865 BCM of waste rock. 2,689,935 t of ROM coal. 1,116,680 t of processing waste tailings/chitter 1,573,255 t of coal. 2013 – 11,502,321 BCM of waste rock. 2,747,880 t of ROM coal. 1,222,196 t of processing waste tailing/chitter. 1,525,684 t of coal. 2014 – 13,234,085 BCM of waste rock.	Information has been provided in each Annual Review. Overburden was reported in BCM and coal movement in tonnes. Ongoing will include table with information quantifying total materials moved on site for the reporting year on total bank cubic meters moved.

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			<p>2,760,693 t of ROM coal. 1,279,115 t of processing waste tailings/chitter. 1,481,578 t of coal. 2015 – 13,364,730 BCM of waste rock/overburden. 1,341,958 t of coarse/fine reject. 2,847,899 t of ROM coal. 1,505,941 t of saleable product.</p> <p>Sighted production data for period 1 January 2016 – 30 October 2016 which stated 12,804,279 BCM had been moved to date within the 2016 report period.</p> <p>Recommendation</p> <p>The Annual Review is to include a summary table which details the total BCM of material moved at Rix’s Creek. Within the AEMR’s / Annual Reviews completed until 2015, the material moved has been reported as BCM or tonnes however there has not been a consolidated total of BCM reported to demonstrate compliance with this condition. During the audit, it was confirmed Rix’s Creek have complied with this condition during the audit period.</p>	
Transmission Line Relocation				
5	The Applicant shall relocate any TransGrid transmission lines within the mining lease to the satisfaction of TransGrid and at a mutually agreed time.	Not triggered	John Hindmarsh (JH) (pers comm) confirmed that no transmission lines had been relocated during the audit period.	
	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.	Noted		
Visual Amenity				

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
6	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:	Compliant	Previous Audit confirmed compliance for the preparation of original plan (<i>Environmental Audit of Rix's Creek Mine, May 2007 Pacrim Environmental</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.	Compliant	Previous Audit confirmed compliance for the preparation of original plan (<i>Rix's Creek Mine Regulatory Environmental Compliance Audit Report December 2011 Glade Consulting</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.	Compliant	Buildings have been painted in green colour consistent with surrounding landscape. Sighted workshop and ROM loading infrastructure which had been painted river gum green to blend with surrounding landscape. A visual bund has also been established around the ROM loading area.	
	(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	Administrative non-compliance	JH confirmed that no formal building maintenance program was implemented to specifically review the maintenance of buildings, however, building maintenance is undertaken on an as-needs basis with 2 yearly structural integrity inspections in Rix's 'Pulse' system (sighted the 2015 Annual Review). JD confirmed that the aerial seeding was undertaken in April 2012 of overburden exposed	Landscaping plan to be updated to include formal programs to address this condition.

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	overburden dumps.		batters visible from the New England Highway. Administrative non-compliance as a formal documented system has not been implemented. Recommendation Formal building maintenance program to be developed and included in the Landscape Management Plan.	
	(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 EPA.	Not triggered	JH confirmed that no direction had been provided by the EPA during the report period to apply a surface sealant during the audit period.	
	(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.	Not triggered	Singleton Council did not request any tree planting or visual amenity enhancement works during the audit period.	
	Reasons: To enhance the landscape quality in the vicinity of the mine.	Noted		
Flood Lighting				
7	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.	Administrative non-compliance	During the Audit period, one complaint was received regarding lighting on 13 July 2016 (sighted Complaints Register 2016). JH confirmed that site OCE's have been informed to be vigilant regarding placement of lighting plants. JH noted there had been no specific consultation with Singleton Council during the audit period in regards to the utilisation of lighting plants. The orientation of lighting plants was observed to be included in the site environmental awareness training package which is provided to all site employees and contractors. Administrative non-compliance as satisfaction of Singleton Council could not be confirmed. Recommendation	Visual Lighting to be included in Annual Review.

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			Confirmation should be sought from Singleton Council that site lighting is managed to their satisfaction.	
Condition updated Mod 8 – Dec2016 8	The Applicant must: (i) implement all reasonable and feasible measures to mitigate visual and off-site lighting impacts of the project; (ii) ensure no unshielded outdoor lights shine above the horizontal; and (iii) ensure that all external lighting associated with the project complies with <i>Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting</i> , or its latest version, to the satisfaction of the Secretary.			Visual Lighting to be included in Annual Review.
Fire Protection				
8	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.	Compliant	<p>There were three bushfires during the audit period near Rix's Creek lease area which were contained by the RFS (sighted 2013 - 2014 AEMRs and 2015 Annual Review).</p> <p>Fuel reduction programs are undertaken on an as needed basis in conjunction with the local RFS. Slashing programs, grazing of cattle on lease areas outside of active mining zones and excessive grass and weed spraying around site infrastructure and power line easements were undertaken during the audit period (sighted 2011 -2014 AEMRs and 2015 Annual Review).</p> <p>In 2014 Rix's Creek purchased an existing four-bay shed in Maison Dieu with the shed provided to the RFS – Darlington brigade in sponsorship by the Bloomfield Group (sighted 2014 AEMR).</p> <p>During the site inspection JH confirmed that all site water carts are equipped to fight fires with selected site personnel having completed fire fighting training. Sighted attendance records of selected Rix's Creek personnel at fire fighting training conducted by mines rescue on 1 April 2015.</p>	
Traffic Management				
9	The Applicant shall prepare a Traffic Management Plan for the development, to the satisfaction of	Administrative non-	The Traffic Management Plan relates specifically to the construction of the Rix's Creek Mine 'Cut and	No Action Necessary.

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	the Secretary. The Plan must:	compliance	Cover Tunnel” crossing of the New England Highway. Sighted letter from Rix’s Creek to DP&E (formerly Department of Planning and Infrastructure) on 24 November 2011 which included a copy of the traffic management plan as required by Condition 9. Rix’s Creek noted that all relevant approvals had been obtained from the Roads and Maritime Services (RMS) (formerly Roads and Traffic Authority). It was noted by Rix’s Creek that the documentation was not provided to DP&E prior to the commencement of construction of the tunnel. Sighted letter 16 November 2010 from the RTA which approved the commencement of construction activities.	
	(i) be submitted to the Secretary for approval prior to commencement of construction of the cut and cover tunnel;	Administrative non-compliance	As noted above, the Traffic Management Plan was not submitted to the Secretary for approval prior to the commencement of the tunnel construction activities.	No Action Necessary
	(ii) be prepared in consultation with the RMS and Singleton Shire Council;	Not Triggered	Previous Audit confirmed compliance for the preparation of original plan (<i>Rix’s Creek Mine Regulatory Environmental Compliance Audit Report December 2011 Glade Consulting</i>) in consultation with RTA, now known as RMS and Singleton Shire Council.	
	(iii) include procedures for regular monitoring of compliance with this plan; and	Not Triggered	Previous Audit confirmed compliance for the preparation of original plan (<i>Rix’s Creek Mine Regulatory Environmental Compliance Audit Report December 2011 Glade Consulting</i>).	
	(iv) include a Construction Traffic Management Plan for the construction of the rail loop and rail spur, including:	Not Triggered	Not triggered as rail loop and spur has not been constructed (JH per comms).	
	<ul style="list-style-type: none"> traffic control measures for vehicle movements along the New England 	Not Triggered	Not triggered as rail loop and spur has not been constructed (JH per comms).	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan						
	Highway;									
	<ul style="list-style-type: none"> measures that would be implemented to minimise traffic and road safety impacts, and 	Not Triggered	Not triggered as rail loop and spur has not been constructed (JH per comms).							
	<ul style="list-style-type: none"> management of heavy vehicles, particularly oversize loads to and from the site. 	Not Triggered	Not triggered as rail loop and spur has not been constructed (JH per comms).							
	The Applicant shall implement the management plan as approved from time to time by the Secretary.	Not Triggered	Not triggered as rail loop and spur has not been constructed (JH per comms).							
9A	The Applicant shall obtain all necessary approvals from the RMS prior to commencing construction.	Compliant	<p>Previous Audit confirmed compliance with necessary approvals (<i>Rix's Creek Mine Regulatory Environmental Compliance Audit Report December 2011 Glade Consulting</i>).</p> <p>Work Authorisation Deed (contract number 09-2535-2274) sighted during audit.</p>							
Noise Levels										
10.	<p>The Applicant shall</p> <p>The Applicant shall</p>	Applicant								
	<p>(i) comply with LA 10 daytime noise level design goals set out below:</p> <table border="0"> <tr> <td>The Retreat</td> <td>42dB(A)</td> </tr> <tr> <td>Singleton Heights</td> <td>42dB(A)</td> </tr> <tr> <td>Maison Dieu Road</td> <td>38dB(A)</td> </tr> </table>	The Retreat	42dB(A)	Singleton Heights	42dB(A)	Maison Dieu Road	38dB(A)	Not Verified	<p>As noted by the DPE during their review of the 2013 AEMR, the noise monitoring results presented in the 2011 – 2013 AEMRs include total noise levels rather than only the mine's noise contribution and therefore is difficult to assess compliance (sighted 2014 AEMR).</p> <p>Daytime noise monitoring data has not been presented in the 2014 AEMR, 2015 Annual Review or the Environmental Management Report for the period January – June 2016. Whilst Rix's Creek are monitoring noise from the operations, the noise levels monitored are not consistent with the noise levels as defined within the Development Consent as Rix's Creek are currently managing the operations to noise criteria which have been</p>	<p>Noise Management Plan to be updated in line with the requirements of this condition and submitted by 30 April 2017.</p> <p>Updated NPM will include the requirements of this updated condition.</p>
The Retreat	42dB(A)									
Singleton Heights	42dB(A)									
Maison Dieu Road	38dB(A)									

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan						
			<p>developed as part of the “Rix's Creek Mine – Continuation of Mining Project Environmental Impact Statement” (AECOM, 2015) which has identified project specific noise levels which are not consistent with the noise level design goals as detailed within this condition.</p> <p>Recommendation The approach with regard to compliance monitoring to meet this condition should be agreed with DPE and EPA and included within the Noise Management Plan for approval.</p>							
	<p>(ii) comply with LA 10 night time noise level design goals set out below:</p> <table border="0" data-bbox="320 619 656 727"> <tr> <td>The Retreat</td> <td>40dB(A)</td> </tr> <tr> <td>Singleton Heights</td> <td>40dB(A)</td> </tr> <tr> <td>Maison Dieu Road</td> <td>38dB(A)</td> </tr> </table>	The Retreat	40dB(A)	Singleton Heights	40dB(A)	Maison Dieu Road	38dB(A)	Not Verified	<p>As noted by the DPE during their review of the 2013 AEMR, the noise monitoring results presented in the 2011 – 2013 AEMRs include total noise levels rather than only the mine’s noise contribution and therefore is difficult to assess compliance (sighted 2014 AEMR).</p> <p>The 2014 AEMR, 2015 Annual Review and Environmental Management Report for the period January – June 2016 present quarterly noise monitoring results against Project Specific criteria is based on the Rix’s Creek Pollution Reduction Program (PRP) Environmental Noise Assessment report (12323_PRP_R02.pdf).</p> <p>During the third quarter monitoring round on 16/10/14 two exceedences were recorded at the Retreat of 44 LAeq (1 min) above the Project Specific Level (PSL) night (not Winter) criteria of 35 LAeq (15 min) and 46 LAeq (1 min) above the Project Specific Level (PSL) night (not Winter) criteria of 45 LA1 (1 min).</p> <p>Whilst Rix’s Creek are monitoring noise from the operations, the noise levels monitored are not consistent with the noise levels as defined within the Development Consent as Rix’s Creek are currently managing the operations to noise criteria which have been developed as part of the “Rix's Creek Mine – Continuation of Mining Project Environmental Impact Statement” (AECOM, 2015)</p>	<p>Noise Management Plan to be updated in line with the requirements of this condition and submitted by 30 April 2017.</p> <p>Updated NPM will include the requirements of this updated condition.</p>
The Retreat	40dB(A)									
Singleton Heights	40dB(A)									
Maison Dieu Road	38dB(A)									

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			<p>which has identified project specific noise levels which are not consistent with the noise level design goals as detailed within this condition.</p> <p>Recommendation As above.</p>	
	<p>These goals relate to average conditions (neutral atmosphere) and not to inversion conditions.</p>	<p>Noted</p>		
<p>Condition updated Mod 8 – Dec2016 10A</p>	<p>The Applicant must:</p> <ul style="list-style-type: none"> (i) implement best practice noise management, including all reasonable and feasible noise mitigation measures, to minimise the operational, low frequency, and rail noise generated by the project at all times, including during temperature inversions; (ii) operate a comprehensive noise management system that uses a combination of predicted meteorological forecasting and real-time noise monitoring data to guide the day-to-day planning of mining operations and the implementation of both proactive and reactive mitigation measures to ensure compliance with the relevant conditions of this approval; (iii) maintain or improve the effectiveness of noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired; (iv) ensure that noise attenuated plant is deployed preferentially in locations relevant to sensitive receivers; (v) minimise the noise impacts of the project during meteorological conditions under which data is to be excluded for the purposes of assessing compliance with these conditions (see Appendix 4); and (vi) co-ordinate the noise management on site with noise management at nearby mines (including Integra Underground, Ashton, Rix’s Creek North and the Mount Owen Complex) to minimise cumulative noise impacts, to the satisfaction of the Secretary. 			<p>Noise Management Plan to be updated in line with the requirements of this condition and submitted by 30 April 2017.</p> <p>Updated NPM will include the requirements of this updated condition.</p>
<p>Noise and Vibration Monitoring and Management</p>				
<p>11</p>	<p>(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 EPA 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>	<p>Non-compliance</p>	<p>Noise monitoring was undertaken at The Retreat, Singleton Heights, Camberwell and Maison Dieu (sighted the 2011-2014 AEMRs, 2015 Annual Review, Environmental Management Report January – June 2016.</p> <p>A record of wind speed and vertical temperature gradient at the time of monitoring has been recorded during 2014 - 2016 (sighted 2014 AEMR, 2015 Annual Review and remaining 2016 data on-site). Attended field sheets record weather conditions and mining operations at time of noise monitoring sessions. Real-time weather station installed during 2014 to further improve any meteorological changes i.e. temperature inversions</p>	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			<p>(sighted 2015 Annual Review).</p> <p>It is noted that noise monitoring is not undertaken in accordance with the requirements of this condition as noise monitoring is not undertaken on a quarterly basis, monitoring is undertaken on a 6 monthly basis.</p> <p>Recommendation</p> <p>Noise monitoring is to be undertaken on a quarterly basis in accordance with the requirements of this condition.</p> <p>Rix's Creek to confirm with DPE that the existing approach for noise monitoring is appropriate as current noise monitoring is not in accordance with the requirements of this condition.</p> <p>Rix's Creek, following confirmation of proposed monitoring approach with DPE, are undertake a variation to the EPL to ensure consistency between EPL and Development Consent.</p>	
	<p>(ii) submit a management plan for information of the Council and approval by EPA, detailing noise safeguards and procedures for dealing with noise episodes which exceed the above established LA 10 noise levels;</p>	Not Verified	<p>Rix's Creek Mine Noise Management Plan 2016 - 2019 sighted, noise safeguards and procedures for management of noise exceedances covered in Table 4-5 Trigger Action Response Plan. The Rix's Creek Mine Noise Management Plan (2016 – 2019) was approved</p> <p>It was not able to be verified if the management plan was approved by EPA.</p>	
	<p>(iii) establish noise monitoring stations in the vicinity of Maison Dieu Road, as required by EPA;</p>	Compliant	<p>Noise monitoring is undertaken at Lot 2 'Glen Lemon' Maison Dieu Road .</p>	
	<p>(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</p>	Not triggered	<p>No written requests from an owner or occupier of a dwelling on property in the vicinity of Maison Dieu Road (sighted 2011 – 2014 AEMRs, 2015 Annual Review, Environmental Management Report January – June 2016 and confirmation with site personnel).</p>	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<p>approved by the Secretary in consultation with the Council, EPA and the Applicant. The approved person or team will report directly to the Secretary 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.</p>			
	<p>(v) 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 Secretary or his/her nominee, in consultation with the EPA, is satisfied that the relevant consent limits are not being exceeded and are unlikely to be exceeded in the future.</p>	Not triggered	No written requests from an owner or occupier of a dwelling on property in the vicinity of Maison Dieu Road (sighted 2011 – 2014 AEMRs, 2015 Annual Review, Environmental Management Report January – June 2016 and confirmation with site personnel).	
	<p>(vi) 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 Secretary or his/her nominee, in consultation with the EPA whether an investigation is required.</p>	Not triggered	No written requests from an owner or occupier of a dwelling on property in the vicinity of Maison Dieu Road (sighted 2011 – 2014 AEMRs, 2015 Annual Review, Environmental Management Report January – June 2016 and confirmation with site personnel).	
	<p>(vii) survey and investigate noise reduction measures from plant and equipment every</p>	Compliant	Quarterly testing of the sound power level of various plant and equipment at 12 m distance from	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	three (3) years or as otherwise directed by EPA and carry out remedial measures as directed by EPA.		the machine was undertaken yearly during the audit period (sighted within the appendix of 2011 – 2014 AEMRs and 2015 Annual Review and Environmental Management Report January – June 2016 (first and second quarter results) and remaining 2016 data on-site).	
Condition updated Mod 8 – Dec2016 11.	<p>The Applicant must prepare a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (i) be prepared in consultation with the EPA, and then submitted to the Secretary for approval by 30 April 2017; (ii) describe the measures that would be implemented to ensure: <ul style="list-style-type: none"> • compliance with the noise criteria and operating conditions of this approval; and • best management practice is being employed; (iii) describe the noise management system in detail; (iv) include a noise monitoring program that: <ul style="list-style-type: none"> • uses a combination of real-time and supplementary attended monitoring measures to evaluate the performance of the project; • includes a protocol for determining exceedances of the relevant conditions in this approval; • evaluates and reports on the effectiveness of the noise management system and the best practice noise management measures; and (v) includes a protocol that has been prepared in consultation with the owners of nearby mines (including Integra Underground, Ashton, Rix’s Creek North and the Mount Owen Complex) to minimise the cumulative noise impacts of the mines. 			Noise Management Plan to be updated in line with the requirements of this condition and submitted by 30 April 2017.
11A.	Prior to construction of the rail loop and rail spur, the Applicant shall:	Not triggered	Not triggered as the rail lop and rail spur has not been constructed (JH per comm).	
	(i) prepare (and during construction implement) a Construction Noise Management Plan prepared in accordance with the <i>Interim Construction Noise Guideline</i> (DECC, 2009) (or any relevant updated version), to the satisfaction of the Secretary; and	Not triggered	Not triggered as the rail lop and rail spur has not been constructed (JH per comm).	
	(ii) install temporary noise barriers in a suitable location to minimise noise impacts resulting from construction of the southern section of the rail spur, unless otherwise agreed by the Secretary.	Not triggered	Not triggered as the rail lop and rail spur has not been constructed (JH per comm).	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
11B	The Applicant shall ensure that construction activities are restricted to standard construction hours specified in the <i>Interim Construction Noise Guideline</i> (DECC, 2009). If works are required outside standard construction hours, the Applicant shall consult with the community and seek approval from the Secretary prior to commencement of construction.	Not triggered	Not triggered as the rail loop and rail spur has not been constructed (JH per comm).	
Blasting				
12.	The Applicant shall:			
	(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 EPA.	Compliant	Blast monitors calibrated as required. Various calibration records sighted during audit including a record from 12 August 2014. JH confirmed (per comms) that vibration monitors are calibrated annually. Sighted Rix's Creek Coal Mine Environmental Noise Monitoring August 2016 (Global Acoustics, 2016) which included calibration certificates in Appendix B.	
	(ii) not blast within 500m of the New England Highway or any approved deviation of the highway while either are open for traffic.	Compliant	Blasting was undertaken within 500m of the New England Highway in accordance with the following road occupancy licences. The New England Highway was not open whilst blasting was undertaken within 500 m: <ul style="list-style-type: none"> Road Occupancy License 773 – Extension 7 expiring on 31.12.11 (sighted 2011 AEMR). Road Occupancy License 773 – Extension 9 expiring on 31.12.12 (sighted 2012 AEMR). Road Occupancy License 10886 expiring end of July 2014 (sighted 2013 AEMR). Road Occupancy License (currently ROL 511703), approved every 6 months (sighted 2014 and 2015 AEMR). Road occupancy Licence: 623076 for period 8 	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			<p>July 2016 – 31 Dec 2016 sighted</p> <p>JH confirmed that a road occupancy licence was held for 2016 and that the New England Highway is closed on all occasions as required from a blast management perspective.</p> <p>Sighted environmental obligations power point presentation provided to all staff and operators which details the requirements for blast management.</p>	
	<p>(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>	<p>Compliant</p>	<p>Throughout the Audit period a NONEL (non-electric) system was used to monitor blasts at the nearest resident. Instantaneous wind speed and direction information is available to management to be used in scheduling blasting operations to minimise offsite effects of air blast overpressure and dust.</p> <p>In 2013, one blast recorded overpressure above 115 dBLinear however, the wave trace does not match that of the expectant blast vibration wave trace (sighted 2013 AEMR).</p> <p>In 2014, three blasts recorded overpressure above 115 dBLinear, however, these blasts did not exceed 120 dBLinear (sighted 2014 AEMR).</p> <p>In 2015, one blast recorded overpressure above 115 dBLinear at 115.2 dBLinear but not exceeding the EPL limit of 120 dB(Linear) (sighted 2015 Annual Review).</p> <p>In 2016, there has been one blast recorded above 115 dBLinear at 1180.6 on 19 July 2016 dBLinear but not exceeding the EPL limit of 120 dB(Linear).</p> <p>During the audit period, the airblast overpressure did not exceed 115 dBLinear for more than 5% of the total number of blasts during each reporting period or the 120 dB(Linear) limit.</p> <p>The blast management practices implemented on site include utilisation of the Env met system which</p>	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			<p>is utilised to predict over pressure, blast fume and dust dispersion modelling. The results of the Env met modelling are discussed at the morning production meeting where the results of the modelling are used to inform blast management practices to be implemented. The blast predictions from the Env met system are emailed to OCE's and operational personnel.</p>	
	<p>(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.</p>	<p>Compliant</p>	<p>Instantaneous wind speed and direction information is available to management to be used in scheduling blasting operations to minimise offsite effects of air blast overpressure and dust.</p> <p>Rix's Creek is also a member of an Upper Hunter joint venture group which provides access to an atmospheric prediction model providing more accurate weather parameter predictions for the Rix's Creek operation. This group has purchased equipment to measure wind speed, direction and temperature in the atmosphere. This data is then used to better predict the impacts of atmospheric conditions that can result in overpressure enhancement off site.</p> <p>Wind speed and direction data included in blast monitoring results in appendices of 2011 – 2014 AEMRs, 2015 Annual Review, Environmental Management Report January – June 2016 and remaining 2016 data which was reviewed on site during the audit.</p> <p>Dust and fume modelling associated with blasting commenced in March 2012 and continued to 2016 using DustTrak DRX dust monitors and App-Tek OdaStat gas monitors. The monitoring was in conjunction with Rix's Creek daily EnvMet and NOx emissions predictive modelling (sighted 2011 – 2014 AEMRs and 2015 Annual Review and 2016 records).</p>	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	(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 EPA.	Compliant	Sighted examples of a blast being delayed due to weather conditions. Sighted email at 8:56 am on 31 October 2016 from Jason Desmond (Environmental Officer) to Rix's Creek site personnel informing of the intent to undertake blasting activities on 31 October 2016. Sighted further email on 31 October 2016 at 3:18 pm from Jason Desmond to site personnel informing that the blast had been postponed due to weather conditions. Blasts which are cancelled / delayed / rescheduled are recorded in an internal Rix's Creek database. Sighted internal Rix's Creek database which showed blast delays.	
	(vi) monitor all blasts and record the overpressure and peak particle velocity at locations to be agreed by EPA and the DRE and as provided in Condition 11(iv).	Compliant	Blast monitoring records during 2011 - 2016 included date, time, location of blast and monitoring, wind speed (m/sec) and direction, vibration (mm/sec), overpressure (dBL) and complaints (sighted 2011 – 2014 AEMRs, 2015 Annual Review, Environmental Management Report January – June 2016 and remaining 2016 data on-site). Calibration records for blast monitors were sighted. Real time blast monitors are utilised to monitor blast on site.	
	(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	Not triggered	There have been no requests from property owners in accordance with the requirements of this condition during the audit period (JH per comms).	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan																							
	who undertook the inspection, to the relevant property owner within 14 days of receipt of same and if warranted, shall undertake further action;																										
	(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.	Not triggered	There have been no requests from property owners in accordance with the requirements of this condition during the audit period (JH per comms).																								
	Reasons: To protect the acoustic amenity of residents adjacent to the mine and to provide for monitoring of noise and vibration.	Noted																									
Condition updated Mod 8 – Dec2016 12.	<p>The Applicant must ensure that the blasting on site does not cause exceedances of the criteria in Table 1.</p> <p>Table 1: Blasting criteria</p> <table border="1"> <thead> <tr> <th>Receiver</th> <th>Airblast Overpressure (dB/Lin)</th> <th>Ground Vibration (mm/s)</th> <th>Allowable Exceedance</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Residence on privately- owned land</td> <td>115</td> <td>5</td> <td>5% of the total number of blasts over a period of 12 months</td> </tr> <tr> <td>120</td> <td>10</td> <td>0%</td> </tr> <tr> <td>Main Northern Rail</td> <td>-</td> <td>25</td> <td>0%</td> </tr> <tr> <td>Public roads</td> <td>-</td> <td>100</td> <td>0%</td> </tr> <tr> <td>All other public</td> <td>-</td> <td>50</td> <td>0%</td> </tr> </tbody> </table> <p>However, these criteria do not apply if the Applicant has a written agreement with the relevant landowner or infrastructure owner to exceed the criteria, and the Applicant has advised the Department in writing of the terms of this agreement.</p>	Receiver	Airblast Overpressure (dB/Lin)	Ground Vibration (mm/s)	Allowable Exceedance	Residence on privately- owned land	115	5	5% of the total number of blasts over a period of 12 months	120	10	0%	Main Northern Rail	-	25	0%	Public roads	-	100	0%	All other public	-	50	0%			Blast Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
Receiver	Airblast Overpressure (dB/Lin)	Ground Vibration (mm/s)	Allowable Exceedance																								
Residence on privately- owned land	115	5	5% of the total number of blasts over a period of 12 months																								
	120	10	0%																								
Main Northern Rail	-	25	0%																								
Public roads	-	100	0%																								
All other public	-	50	0%																								
12A.	The Applicant must only carry out blasting on site between 9am and 5pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Secretary.			Blast Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.																							
12B.	The Applicant must: (i) implement best blasting management practice on site to:			Blast Management Plan to be updated in line with the																							

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<ul style="list-style-type: none"> • protect the safety of people and livestock in the surrounding area; • protect private or public property in the surrounding area; • minimise the dust and fume emissions of the blasting; and (ii) co-ordinate the blasting on site with the blasting at nearby mines (including Ashton, Rix’s Creek North and the Mount Owen Complex) to minimise cumulative blasting impacts; (iii) co-ordinate the blasting on site with nearby underground mines (including Integra Underground) to minimise operational disturbance and to ensure the safety of underground personnel; and (iv) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site, to the satisfaction of the Secretary.			requirements to update management plans under Condition 28 iv.
12D.	The Applicant must prepare a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must: <ol style="list-style-type: none"> (i) be prepared in consultation with OEH, and then submitted to the Secretary for approval by 30 April 2017; (ii) describe the blast mitigation measures that would be implemented to ensure compliance with the relevant condition of this approval; (iii) describe the measures that would be implemented to ensure that the public can get up-to-date information on the proposed blasting schedule on site; (iv) include a blast monitoring program to evaluate the performance of the project; and (v) include a protocol that has been prepared in consultation with the owners of the nearby mines (including Ashton, Rix’s Creek North and the Mount Owen Complex) for minimising and managing the cumulative blasting impacts of the mines. 			Blast Management Plan to be updated in line with the requirements of this condition and submitted by 30 April 2017.
12E.	The Applicant must not carry out blasting that is within 500 metres of any privately- owned land or land not owned by the Applicant unless: <ol style="list-style-type: none"> (i) the Applicant has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Applicant has advised the Department in writing of the terms of this agreement; or (ii) the Applicant has: <ul style="list-style-type: none"> • demonstrated to the satisfaction of the Secretary that the blasting can be carried out without compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and • updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land. 			Blast Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
13.	The Applicant shall:			
	(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	Compliant	During 2011 – 2014 the site operated a meteorological station on the northern side of the New England Highway, adjacent to the haul road, leading to the operations on the southern side of the Highway. This unit was replaced during April 2014	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<p>Fallbrook Road over each ensuing 12 month period as directed by EPA.</p>		<p>and was relocated on the southern side of the New England Highway, adjacent to the Pit 3 operations near Granbalang trig station. Both stations recorded wind speed and direction, temperature, relative humidity, solar radiation and rainfall during the Audit period (sighted 2011 – 2014 AEMRs, and 2015 Annual Review).</p> <p>Rix's Creek is also a member of an Upper Hunter joint venture group which provides access to an atmospheric prediction model providing more accurate weather parameter predictions for the Rix's Creek operation.</p> <p>Rix's Creek management staff (including environmental officers and production personnel) have real time access to weather conditions from the weather station.</p>	
	<p>(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.</p>	<p>Compliant</p>	<p>Rix's Creek is a member of an Upper Hunter joint venture group which provides access to an atmospheric prediction model providing more accurate weather parameter predictions for the Rix's Creek operation. This information is used by management to access environmental conditions for blast scheduling, and determine when adverse conditions exist to cease dumping to exposed locations. This model also forecasts meteorological data for the following day so operational activities can be scheduled for the predicted conditions (sighted 2011 – 2014 AEMRs, 2015 Annual Review).</p> <p>The Env Met system is utilised to predict weather conditions and potential for dust generation at Rixs Creek. Sighted email from Jason Desmond (Environmental Officer) on 8 November 2016 to operational personnel which noted the potential for dust generation due to the presence of strong winds and the subsequent need for vigilant usage of site water carts.</p>	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<p>(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.</p>	Compliant	<p>Air quality monitoring undertaken at 30 dust deposition gauges located around the mining lease area.</p> <p>Annual dust deposition (gm/m²/month) graphs and dust gauge locations are provided in the AEMRs/Annual Review (sighted 2011 – 2014 AEMRs, 2015 Annual Review, Environmental Management Report). There were a few instances during the audit period as outlined below (refer condition 13 (iv) where dust samples were not able to be taken from some gauges however this did not prevent the plotting of dust deposition on an annual basis as required.</p>	
	<p>(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 EPA.</p>	Complaint	<p>Dust deposition was monitored monthly at 30 dust deposition gauges and total suspended particulates (TSP) and particulates less than 10 micron (PM10) in diameter were sampled by High Volume Air Samplers at three sites on the eastern side of the lease (sighted 2011 – 2014 AEMRs, 2015 Annual Review, Environmental Management Report January – June 2016).</p> <p>Figure 2 showing the dust gauge monitoring network as per the EPL was sighted.</p> <p>In 2013 two dust samples were not undertaken. Two gauges relocated as per the letter to Ms Karen Marler (dated 11 February 2013) (sighted 2012/2013 and 2013/2014 Annual Returns).</p> <p>In 2014 six dust samples were not undertaken due to damage to the dust gauge or access restrictions (sighted 2013/2014 and 2014/2015 Annual Returns).</p> <p>In 2015 one dust sample was not undertaken as the dust gauge was missing (sighted 2015/2016 Annual Return).</p> <p>In 2016 (as end of October) one dust sample was not undertaken as the dust gauge was damaged.</p> <p>Two metrological stations operated during the Audit</p>	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			period, with the previous station replaced in 2014 (sighted 2011 – 2014 AEMRs, 2015 Annual Review and confirmed with site this continued in 2016).	
	(v) have three (3) high volume samplers equipped to sample particles of less than 10 microns located in positions approved by the EPA. 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.	Compliant	Three high volume air samplers are located at Rix's Creek Lane, Singleton Heights – Mines Rescue Station and Off Bridgman Road – Lot 2, The Retreat. Annual and monthly averages of PM10 sighted with 100% of data collected at all samplers (sighted in 2011 – 2014 AEMRs, 2015 Annual Review, Environmental Management Report January – June 2016 and remaining 2016 data). Sighted calibration records and chain of custody documentation for sampling of HVAS during September 2016. HVAS calibration notes calibration undertaken in accordance with Australian Standards and manufacturers specifications.	
	(vi) provide to the Secretary, EPA, DRE, and the Council results and analysis of air quality monitoring on an agreed basis.	Compliant	Air quality monitoring results presented in the 2011 – 2014 AEMRs and 2015 Annual Review which is distributed to DPE, DRE and Council. The air quality data is also available on Rix's Creek website. Air quality monitoring data is also provided to the EPA as part of the EPL Annual Return.	
	(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.	Compliant	Windroses are provided in 2011 – 2014 AEMRs and 2015 Annual Review. Sighted examples of Env Met system being sent to site environmental and operational personnel which notes when operations are to be ceased or modified during periods of excessive wind. JH (per comm) noted that adverse weather conditions and existing management practices monitor dust generation so that dust does not leave the site boundary, it was noted that there is no formal procedure to document this. Recommendation A formal procedure should be prepared to outline the process that is followed onsite to assess and manage operations when the average hourly wind velocity	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan																				
			exceeds 10 metres per second.																					
	(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 RMS.	Compliant	JH (per coms) advised that Open Cut Examiners (OCE's) monitor operations to ensure dust is not leaving the site boundary and that operations are modified when there is the potential for dust generation onto the New England Highway.																					
Condition updated Mod 8 – Dec2016 13.	The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.																							
13A.	The Applicant must implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Secretary.			Air Quality & Green House Gas Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.																				
13B	<p>The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 1A at any residence on privately-owned land.</p> <p><i>Table 1A: Air quality criteria</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th colspan="2">Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM10)</td> <td>Annual</td> <td colspan="2">a,d 30</td> </tr> <tr> <td>Particulate matter < 10 µm (PM10)</td> <td>24 hour</td> <td colspan="2">a 50</td> </tr> <tr> <td>Total suspended particulates (TSP)</td> <td>Annual</td> <td colspan="2">a,d 90</td> </tr> <tr> <td>^c Deposited dust</td> <td>Annual</td> <td>b 2 g/m²/month</td> <td>a 4 g/m²/month</td> </tr> </tbody> </table> <p><i>Notes to Table 1A:</i> <i>a Cumulative impact (ie increase in concentrations due to the development plus background concentrations due to all other sources).</i> <i>b Incremental impact (ie increase in concentrations due to the development alone, with zero allowable exceedances of the criteria over the life of the development).</i> <i>c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.</i></p>			Pollutant	Averaging Period	Criterion		Particulate matter < 10 µm (PM10)	Annual	a,d 30		Particulate matter < 10 µm (PM10)	24 hour	a 50		Total suspended particulates (TSP)	Annual	a,d 90		^c Deposited dust	Annual	b 2 g/m ² /month	a 4 g/m ² /month	
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Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<p><i>d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary.</i></p> <p><i>e "Reasonable and feasible avoidance measures" includes, but is not limited to, the operational requirements in condition 14.</i></p>			
Dust Suppression				
Condition updated Mod 8 – Dec2016 14.	The Applicant shall:			
	(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;	Compliant	During the site inspection a number of water carts were observed to be in operation with water sprays also observed to be utilised in key operational areas such as the ROM loading bin. JH (per comm) also noted that site personnel also monitor water usage by water carts to ensure the appropriate application rates are being adhered to by site personnel.	
	(ii) ensure the prompt rehabilitation of all disturbed areas to minimise the generation of wind erosion dust, in accordance with the requirements of DRE;	Non-compliant	<p>During the site inspection the status of rehabilitation works was reviewed and it was noted that rehabilitation had been generally undertaken in accordance with the requirements of the Mining Operations Plan. However it was noted that the area of disturbance onsite reflected the extent of disturbance as approved at the end of the MOP term (2019) and therefore ground disturbance was ahead of the schedule within the MOP.</p> <p>Recommendation</p> <p>Rix's Creek to work with DRE and seek to amend the MOP to address the extent of current mining disturbance and include in the revised MOP an appropriate rehabilitation schedule.</p>	Issue being investigated by DRE.
	(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;	Non-compliant	Rix's Creek has reinstated automatic stockpile sprays and SafeMine detection system for Loader / Trucks emptying ROM Coal into the ROM Hopper (sighted 2015 Annual Review and also sighted	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			<p>within site inspection). JH (per comm) noted that the site is manned 7 days a week however not all sprays on site, including the coal stockpile, are automatic and as such this has been recorded as a non-compliance.</p> <p>Recommendation Rix's Creek to consult with DPE regarding the need to install automatic dust sprays at coal stockpiles on site.</p>	
	<p>Reasons: To protect the air quality adjacent to the mine and to provide for monitoring of dust deposition and concentration.</p>	Noted		
14.	<p>The Applicant must:</p> <ul style="list-style-type: none"> (i) implement best practice air quality management on site, including all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions generated by the project, including those generated by spontaneous combustion; (ii) minimise any visible air pollution generated by the project; (iii) operate a comprehensive air quality management system on site that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this approval; (iv) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see note d in condition 13B); (v) minimise surface disturbance on the site; and (vi) co-ordinate the air quality management on site with the air quality management of nearby mines (including Integra Underground, Ashton, Rix's Creek North and the Mount Owen Complex) to minimise cumulative air quality impacts, to the satisfaction of the Secretary. 			<p>Air Quality & Green House Gas Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.</p>
14A	<p>The Applicant must prepare an Air Quality & Greenhouse Gas Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (i) be prepared in consultation with EPA, and then submitted to the Secretary for approval by 30 April 2017; (ii) describe the measures that would be implemented to ensure: <ul style="list-style-type: none"> • compliance with the air quality criteria and operating conditions of this approval; and • best practice air quality management is being employed; (iii) describe the air quality management system in detail; (iv) include an air quality monitoring program that: <ul style="list-style-type: none"> • uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the project; • includes a protocol for determining any exceedances of the relevant conditions of this approval; • adequately supports the proactive and reactive air quality management system; • includes PM2.5 monitoring (although this obligation could be satisfied by the regional air quality monitoring network 			<p>Air Quality & Greenhouse Gas Management Plan to be submitted by 30 April 2017</p>

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<p>if sufficient justification is provided);</p> <ul style="list-style-type: none"> evaluates and reports on the effectiveness of the air quality management system and the best practice air quality management measures; and <p>(v) include a protocol that has been prepared in consultation with the owners of nearby mines (including Integra Underground Ashton, Rix's Creek North and the Mount Owen Complex) to minimise the cumulative air quality impacts of the mines.</p>			
Condition updated Mod 8 – Dec2016 14B.	<p>For the life of the project, the Applicant must ensure that there is a meteorological station in the vicinity of the site that:</p> <ul style="list-style-type: none"> (i) complies with the requirements in the <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> guideline; and (ii) is capable of continuous real-time measurement of temperature lapse rate in accordance with the <i>NSW Industrial Noise Policy</i> or as otherwise approved by the EPA. 			
Condition updated Mod 8 – Dec2016 14C.	The Applicant must obtain all necessary water licences for the project under the <i>Water Act 1912</i> or the <i>Water Management Act 2000</i> .			
Condition updated Mod 8 – Dec2016 14D.	The Applicant must ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the Secretary.			
Condition updated Mod 8 – Dec2016 14E.	<p>The Applicant must ensure that all surface water discharges from the site comply with the:</p> <ul style="list-style-type: none"> (i) discharge limits (both volume and quality) set for the project in any EPL; or (ii) relevant provisions of the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i>. 			
Greenhouse Gas Emissions				
Condition updated Mod 8 – Dec2016 14A.	The Applicant shall implement all reasonable and feasible measures to minimise:			
	(i) energy use associated with the development; and	Compliant	JH (per comm) noted that Rix's Creek have assessed a number of energy efficiency measures for utilisation on site and these measures include variable speed pumps, power factor correction with measures implemented as considered feasible. Examples of energy efficiency measures	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			implemented include the installation of LED lighting in the New England Highway tunnel and the reduction of haul distances where ever possible. Also sighted draft report titled "Rix's Creek Energy Audit Report – June 2016" which had been undertaken by an external consultant to review energy efficiency opportunities at Rix's Creek Coal Mine.	
	(ii) greenhouse gas emissions produced by the development,	Administrative non-compliance	The 2015 – 2016 Rix's Creek NGERs Report was sighted. There was however no evidence available to confirm this had been undertaken to the satisfaction of the Secretary. Recommendation Suggest inclusion of additional information in the Annual Review for submission to DPE.	Air Quality & Greenhouse Gas Management Plan to be submitted by 30 April 2017 and included in Annual Review.
	to the satisfaction of the Secretary			
Water Management Plan				
15.	The Applicant shall prepare a Water Management Plan for the development to the satisfaction of the Secretary. This Plan must:			Water Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
	(i) be prepared in consultation with DPI Water by a suitably qualified expert whose appointment has been approved by the Secretary;	Compliant	Previous Audit confirmed compliance for the preparation of original plan (<i>Rix's Creek Mine Regulatory Environmental Compliance Audit Report December 2011 Glade Consulting</i>). The Water Management Plan (WMP) has been revised three times during the Audit period in 2011, 2013 and 2014. The WMP was approved by the DPE on 22.01.14. JH (pers comm) advised that the updates were changes requested by DP&E to surface water components of the plan and these updates were undertaken with the assistance of JP Environmental.	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	(ii) be submitted to the Secretary by 31 March 2010; and	Compliant	Previous Audit confirmed compliance for the preparation of original plan (<i>Rix's Creek Mine Regulatory Environmental Compliance Audit Report December 2011 Glade Consulting</i>).	
	(iii) include:			
	<ul style="list-style-type: none"> 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. 	Non-Compliant	<p>The site water balance is covered in Part B and Appendix A (Section 5) of the WMP (sighted 2014 WMP). The plan does not investigate and describe measures to minimise water use by the development.</p> <p>JH (per comm) noted that no water has been imported to the site since 2007 with Rixs Creek using internal process water. The site minimise clean water captured and import potable water and water for equipment wash down.</p> <p>Recommendation Suggest inclusion of the water use and minimisation measures implemented on site within the Water Management Plan.</p>	Water Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
	<ul style="list-style-type: none"> details on the diversion of Rix's Creek, including updates on monitoring and rehabilitation; 	Not triggered	JH (per comm) confirmed that no diversion of Rixs Creek had been undertaken in accordance with MOD 4.	
	<ul style="list-style-type: none"> a surface water monitoring program with: 	Compliant		
	<ul style="list-style-type: none"> detailed baseline data of surface water flows and quality in the watercourses that could be affected by the development; 	Compliant	Baseline data of pH, TSS, TDS and EC for the period of 1999-2009 for surface water and mine water storages and water course monitoring is covered in Baseline data is covered in Part D and Appendix B within Appendix A of the WMP (sighted 2014 WMP). JH (per comm) confirmed that water quality sampling is undertaken on a monthly basis. Visual inspections of water flow are also recorded as part of the monthly inspection.	
	<ul style="list-style-type: none"> surface water impact assessment 	Compliant	Trigger levels and response covered in Part D and	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<p>criteria, including trigger levels for investigating potentially adverse surface water impacts of the development;</p>		<p>Appendix B within Appendix A of the WMP (sighted 2014 WMP).</p>	
	<ul style="list-style-type: none"> ○ a program to monitor surface water flows and quality in the watercourse that could be affected by the development. 	<p>Non-Compliant</p>	<p>The water quality monitoring program includes pH, EC, TSS, TDS and major ions monthly and annual monitoring within water courses and mine storage dams. The surface water monitoring program is covered in Part D and Appendix B within Appendix A of the WMP (sighted 2014 WMP).</p> <p>The WMP does not cover monitoring of surface water flows. JH (per comm) confirmed that visual inspections of water flow are recorded as part of the monthly inspection however this is not documented in the Water Management Plan.</p> <p>Recommendation Update Water Management Plan to detail that visual monitoring of flow volume will be undertaken.</p>	<p>Water Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.</p>
	<ul style="list-style-type: none"> ● a groundwater monitoring program with: 			
	<ul style="list-style-type: none"> ○ detailed baseline data of groundwater levels, yield and quality in the region, and privately owned groundwater bores, which could be affected by the development; 	<p>Compliant</p>	<p>There are six monitoring bores within the baseline monitoring network including five installed standpipe piezometers and one existing production bore. The baseline groundwater monitoring program commenced in May 2010 until October 2011 which included the monitoring of monthly groundwater levels, water quality monitoring for EC, TDS and pH and quarterly collection of water samples for EC, TDS, pH, major cations and anion, nutrients and dissolved metals. The baseline groundwater monitoring program is covered in Part E and Appendix D within Appendix A of the WMP (sighted 2014 WMP).</p> <p>JH (per comm) noted that piezometers have been installed for the collection of baseline data. Groundwater was not monitored prior to the inclusion of his condition with no monitoring</p>	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			<p>conducted prior to 2010. No monitoring of yield into the open cut has been undertaken.</p> <p>Recommendation Update Water Management Plan to detail process for monitoring yield into the open cut.</p>	
	<ul style="list-style-type: none"> ○ groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts of the development; and 	Compliant	<p>Trigger levels to be set after baseline conditions are established as outlined in Section 6 (Appendix D) within Appendix A of WMP (sighted 2014 WMP).</p> <p>Sighted email from John Hindmarsh to Scott Brooks on 20 January 214 which identified that TARPS had been developed for water monitoring results.</p>	
	<ul style="list-style-type: none"> ○ a program to monitor: 			
	<ul style="list-style-type: none"> – groundwater inflows to the open cut mining operations; and 	Compliant	<p>Pump time from the pit to estimate the volume of mine water pumped from the open cut mine is included in the groundwater monitoring program covered in Part E of the WMP (sighted 2014 WMP). JH (per comm) noted that there has been limited groundwater inflow to the operation due to the pit geology.</p>	
	<ul style="list-style-type: none"> – 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 	Compliant	<p>Groundwater monitoring includes monitoring at five piezometers and one existing bore for water levels and water quality including EC, TDS and pH quarterly and the collection of major cations and anions, nutrients and dissolved metals annually which is covered in Part E of the WMP (sighted 2014 WMP).</p>	
	<ul style="list-style-type: none"> ● a surface and groundwater response plan which describes the measures and/or procedures that would be implemented to: 	Compliant		
	<ul style="list-style-type: none"> ○ respond to any exceedances of the surface water and groundwater assessment criteria; 	Compliant	<p>Response action plan covered in Part F of WMP (sighted 2014 WMP). JH (per comm) stated that there are no GDE's impacted by mining and that baseflow of streams surrounding Rixs Creek have not been impacted.</p>	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<ul style="list-style-type: none"> ○ offset the loss of any baseflow to the surrounding watercourse and/or associated creeks caused by the development; 	Non-compliance	<p>The process for offsetting loss of baseflow is not covered in the Water Management Plan. JH (per comm) stated that baseflow of streams surrounding Rixs Creek have not been impacted.</p> <p>Recommendation Update Water Management Plan to detail the process for monitoring impacts to baseflow and offsetting as required any loss of base flow, impacts to private land owners and adverse impacts on GDE's caused by Rix's Creek Operations.</p>	Water Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
	<ul style="list-style-type: none"> ○ compensate landowners of privately-owned land whose water supply is adversely affected by the development; and 	Non-compliance	<p>The process for compensating land owners is not clearly discussed in the Water Management Plan.</p> <p>Recommendation As above.</p>	Water Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
	<ul style="list-style-type: none"> ○ mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation. 	Compliant	Section 4.2.1 of the WMP states that there are no GDE's identified within the mining lease.	
	The Applicant shall implement the management plan as approved from time to time by the Secretary.			
Erosion and Sediment Control Plan				
15A	The Applicant shall prepare an Erosion and Sediment Control Plan. This Plan must:			Erosion & Sediment Control Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
	<ul style="list-style-type: none"> (i) be consistent with the requirements of the <i>Managing Urban Stormwater: Soils and Construction Manual</i> (Landcom 2004, or its latest version); 	Compliant	Section 3 of Appendix E within Appendix A of the WMP states all erosion and sediment control devices will be designed and constructed according to the guidelines <i>Managing Urban Stormwater: Soils and Construction – Volume 2E Mines and</i>	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			Quarries (DECC NSW 2008).	
	(ii) identify activities that could cause soil erosion and generate sediment	Compliant	Covered in Section 4.1 within Appendix E of Appendix A of WMP (sighted 2014 WMP).	
	(iii) describe measures to minimise soil erosion and the potential for transport of sediment to downstream waters;	Compliant	Covered in Section 4.2 within Appendix E of Appendix A of WMP (sighted 2014 WMP).	
	(iv) describe the location, function, and capacity of erosion and sediment control structures; and	Compliant	Covered in Table 4.1 within Appendix E of Appendix A of WMP (sighted 2014 WMP).	
	(v) describe what measures would be implemented to monitor and maintain the structures over time.	Compliant	Covered in Section 5 (Attachment E) within Appendix E of Appendix A of WMP (sighted 2014 WMP). This includes monitoring of weather conditions, water quality, quarterly sediment dam inspections and visual inspections of erosion and sediment controls. Inspection records for erosion control items on site were sighted during the audit.	
	The Applicant shall implement the plan as approved from time to time by the Secretary.			
Rix Creek Diversion				
16.	The Applicant shall:			
	(i) liaise with DPI Water and meet their requirements for the design, construction and maintenance of any diversion of Rixs Creek;	Compliant	Previous Audit confirmed compliance for the preparation of original plan (Environmental Audit of Rix's Creek Mine, May 2007 Pacrim Environmental). JH (per comm) confirmed that there had been no diversion works undertaken within Rix's Creek during the audit period.	
	(ii) not divert Rixs Creek in the southern mining area	Not triggered	JH (per comm) confirmed that there had been no diversion works undertaken within Rixs Creek during the audit period.	
	(iii) not mine within 20m of the bank of Rixs Creek in Pit 2 and Pit 3.	Compliant	JH (per comm) confirmed that a 20 m exclusion had been maintained on both sides of Rixs Creek for	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			mining undertaken within Pit 2 and Pit 3.	
	Reasons: To protect water quality in Rixs Creek and to provide for water management measures at the site.			
Landscape Management				
16A.	The Applicant shall prepare a detailed Landscape Management Plan for the development to the satisfaction of the DRE and the Secretary. This plan must:	Administrative non-compliance	The Landscape Management Plan (LMP) was submitted to the DPE on 25.03.10 (sighted letter from JH to Howard Reed (DPE)). The latest copies of the LMP, RMP, FVMP and MCP were approved by the DPE on 22.01.14. The DPE requested that a copy of the Plan marked 'final' to be forwarded to the Singleton office by the end of January 2014 for their records (sighted DPE approval letter). There was no evidence available to show that this had occurred. Recommendation A copy of the Plan marked 'final' should be forwarded to the Singleton office.	Landscape Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
	(i) be prepared in consultation with OEHL, DPI Water and Singleton Shire Council by suitably qualified expert/s whose appointment/s have been approved by the Secretary;	Administrative non-compliance	Consultation with OEHL, DPE Water and Singleton Shire Council was not sighted.	Landscape Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
	(ii) include a:			
	<ul style="list-style-type: none"> Rehabilitation Management Plan to be submitted for approval by the Secretary by 31 March 2010; 	Compliant	The Rehabilitation Management Plan (RMP) was submitted to the DPE on 25.03.10 (sighted letter from JH to Howard Reed). Revised Rehabilitation Management Plan (RMP) addressing previous comments resubmitted in November 2011 to Planning with approval granted in 2012 (sighted 2015 Annual Review).	
	<ul style="list-style-type: none"> Final Void Management Plan to be submitted for approval by the Secretary by 31 December 2011; and 	Administrative non-compliance	Sighted submission of the Final Void Management Plan (FVMP) to the DPE dated 10 February 2012 which was after the required date.	No action required

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<ul style="list-style-type: none"> Mine Closure Plan to be submitted for approval by the Secretary by 31 December 2011. 	Administrative non-compliance	The Mine Closure Plan (MCP) was submitted to the DPE on 13.04.12 (sighted email from JH to Howard Reed) which was after the required date. Not extension was sighted. The approval following the submission was not sighted.	No action required
	The Applicant shall implement the management plan as approved from time to time by the Secretary.	Noted		
Rehabilitation Management Plan				
16B.	The Rehabilitation Management Plan must include:	Non-compliance	The site has a Rehabilitation Management Plan (RMP). Although not all conditions of the Development Consent are addressed within the RMP as required. It was noted during the audit observations that rehabilitation practices on-site represents leading practice and this should be documented in the RMP.	Rehabilitation Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
	(i) the objectives for rehabilitation of the site of the development;	Compliant	Objectivities for rehabilitation covered on pg. 8-9 of RMP.	
	(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;	Compliant	Short, medium and long term measures covered on pg. 9 on RMP.	
	(iii) detailed performance and completion criteria for the rehabilitation of the site;	Compliant	Performance and completion criteria covered in Table 2 of RMP.	
	(iv) a detailed description of how the performance of the rehabilitation of the mine would be monitored over time to achieve the stated objectives;	Compliant	Monitoring protocol covered on pg. 13-14 of the RMP.	
	(v) a detailed description of what measures would be implemented over the next 3 years, including the procedures to be implemented for:			
	<ul style="list-style-type: none"> minimising and rehabilitating disturbed 	Compliant	Minimising and rehabilitating disturbed areas is	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	areas;		covered under Resource Planning (Appendix A, pg. A5 – A6).	
	<ul style="list-style-type: none"> protecting vegetation and soil outside the disturbance areas; 	Non-compliance	<p>Procedure for protecting vegetation and soil outside the disturbance areas not adequately covered in RMP.</p> <p>Recommendation</p> <p>Procedure to protect vegetation and soil outside the disturbance areas to be included in the monitoring protocol.</p>	Rehabilitation Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
	<ul style="list-style-type: none"> undertaking pre-clearance surveys; 	Compliant	“Pre-clearance surveys will be conducted as per the Land Disturbance Management Procedure” (Appendix A, pg. A.5).	
	<ul style="list-style-type: none"> managing impacts on fauna; 	Non-compliance	<p>Monitoring protocol covered on page 13 of the RMP includes fauna monitoring however procedure to manage impacts on fauna has not be addressed.</p> <p>Recommendation</p> <p>Procedure to manage impacts on fauna to be included in the monitoring protocol.</p>	Rehabilitation Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
	<ul style="list-style-type: none"> landscaping the site to minimise visual impacts; 	Non-compliance	<p>Procedure for landscaping the site to minimise visual impacts not adequately covered in RMP.</p> <p>Recommendation</p> <p>Procedure to landscape the site to minimise visual impacts to be included in the monitoring protocol.</p>	Rehabilitation Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
	<ul style="list-style-type: none"> conserving and reusing topsoil; 	Non-compliance	<p>Procedure to conserve and reuse topsoil not adequately covered in RMP.</p> <p>Recommendation</p> <p>Procedure to conserve and reuse topsoil to be included in the monitoring protocol.</p>	Rehabilitation Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
	<ul style="list-style-type: none"> collecting and propagating seed for rehabilitation works; 	Compliant	“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.” (Appendix A, pg. A.5).	
	<ul style="list-style-type: none"> salvaging and reusing material from the site for habitat enhancement; 	Non-compliance	Measures to be implemented over the next three years not adequately covered in RMP.	Rehabilitation Management Plan to be updated in line with the

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			Recommendation Information regarding the salvage and re-use of material to be included in the RMP as the re-use of material was observed to be leading practice during the field inspection.	requirements to update management plans under Condition 28 iv.
	<ul style="list-style-type: none"> controlling weeds and feral pests; 	Compliant	Monitoring protocol covered on page 13 of the RMP includes weed monitoring. Scheduling on pg. A.7 includes maintenance activities such a weed treatment to be undertaken.	
	<ul style="list-style-type: none"> controlling access; and 	Compliant	“Fencing and signage – may be required to isolate or protect established rehabilitation from interference or vehicle access.” (Appendix A, pg. A6).	
	<ul style="list-style-type: none"> bushfire management; 	Compliant	Revegetation – Bushfire Management on pg. A.9 covers this condition.	
	(vi) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;	Non-compliance	<p>Monitoring protocol on pg. 13 includes site establishment, general condition of rehabilitation, weeds, fauna, vegetation, nutrient recycling, soils/surface condition and erosion and stability. Pre-clearance surveys will be conducted as per the Land Disturbance Management Procedure.</p> <p>This monitoring protocol does not include all the measures listed in condition 16B (v) including the effectiveness of landscaping the site to minimise visual impacts, conserving and reusing topsoil, collecting and propagating seed for rehabilitation works, salvaging and reusing material from the site for habitat enhancement, controlling access and bushfire management.</p> <p>Recommendation Monitoring program to include all measures in 16B (v) and effectiveness of these measures to be reported in the Annual Review.</p>	Rehabilitation Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv. And included in the Annual Review
	(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	Compliant	Risks to rehabilitation and contingency measures to mitigate these risks are covered on pg. 15 of the RMP.	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	mitigate these risks; and			
	(viii) details of who is responsible for monitoring, reviewing, and implementing the plan.	Non-compliance	Roles and responsibilities are detailed on pg. 6 of the RMP. 'The company directors are responsible for the overall rehabilitation and environmental performance of Bloomfield Colliery.', This should be changed to relevant personnel at Rix's Creek Mine. Recommendation Clearly state who is responsible for monitoring and reviewing the plan.	Rehabilitation Management Plan to be updated in line with the requirements to update management plans under Condition 28 iv.
Final Void Management				
16C.	The Final Void Management Plan must:			
	(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;	Compliant	This condition is covered in Section 2.6 and 3.3.1 of the FVMP.	
	(ii) assess the potential interactions between creeks on the site and the final void; and	Compliant	This condition is covered in Section 3.2, 3.4.1 and 3.5 of the FVMP.	
	(iii) describe what actions and measures would be implemented to			
	<ul style="list-style-type: none"> minimise any potential adverse impacts associated with the final void; and 	Compliant	This condition is covered in Section 4 of the FVMP.	
	<ul style="list-style-type: none"> manage and monitor the potential impacts of the final void. 	Compliant	This condition is covered in Section 4 of the FVMP.	
Mine Closure Plan				
16D.	The Mine Closure Plan must:			
			The Mine Closure Plan was prepared in 2012 to cover the decommissioning and rehabilitation of the Rix's Creek mining operation as it has progressed until the expiry of CL 352 on 19 October 2016.	
	(i) define the objectives and criteria for mine	Non-	Post Mining Rehabilitation Objectives of land within	Mine Closure Plan to be updated in

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	closure;	compliance	<p>CL 352 including landform, infrastructure and roads is covered on pg. 11-12 of the MCP however ML 1432 has not been included.</p> <p>Completion criteria for Sub Domain A (Pasture) and Sub Domain B (Tree Areas) is referenced to be outlined in the RMP. However completion criteria for each domain have not been covered in the RMP. No completion criteria for Sub Domain C (Plantation Forest Areas) and Sub Domain D (Undisturbed Native Grassland) has been included within the MCP or RMP.</p> <p>Recommendation Include objectives and criteria for mine closure for ML 1432 and completion criteria for each domain in the Mine Closure Plan.</p>	line with the requirements to update management plans under Condition 28 iv.
	(ii) investigate options for the future use of the site, including the final void/s;	Compliant	Primary and Secondary Domains are listed on pg. 10-11 of the MCP and options for the future use of the site are listed on Page 9.	
	(iii) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;	Compliant	Post Closure Socio-Economic Impact is included on pg. 20 of the MCP.	
	(iv) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the development; and	Not Verified	Environmental Management is covered on pg. 19 of the MCP and states environmental management must comply with the <i>MinOp Environment Management System (EMS)</i> .	
	(v) describe how the performance of these measures would be monitored over time.	Not Verified	Environmental Management is covered on pg. 19 of the MCP and states environmental management must comply with the <i>MinOp Environment Management System (EMS)</i> .	
Biodiversity				
16E.	The Applicant shall implement the biodiversity offset strategy as outlined in Table 2 and as generally described in the documents listed in	Not triggered	Rail loop and rail spur not constructed.	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan																																																														
	condition 1 (vii) of schedule 2 (and shown conceptually in Appendix 2), to the satisfaction of the Secretary .																																																																	
	TABLE 2 – Biodiversity Offset Strategy																																																																	
	<p>Table 2: Biodiversity Offset Strategy</p> <table border="1"> <thead> <tr> <th rowspan="2">Offset Type</th> <th colspan="8">Offset Area (hectares)</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> <th>7</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Central Hunter Ironbark-Spotted Grey-Gum Box Forest EEC</td> <td>6.89</td> <td>1.47</td> <td>0.51</td> <td>3.14</td> <td>6.70</td> <td>3.07</td> <td>1.49</td> <td>23.27</td> </tr> <tr> <td>Central Hunter Grey Box-Ironbark Woodland EEC</td> <td>1.07</td> <td>1.55</td> <td>0.86</td> <td>0.06</td> <td>0</td> <td>0.21</td> <td>0</td> <td>3.75</td> </tr> <tr> <td>Hunter Lowlands Redgum Forest EEC</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0.69</td> <td>0.69</td> </tr> <tr> <td>Derived Grassland</td> <td>44.02</td> <td>13.53</td> <td>4.96</td> <td>8.36</td> <td>5.91</td> <td>3.74</td> <td>10.09</td> <td>90.61</td> </tr> <tr> <td>Total</td> <td>51.98</td> <td>16.55</td> <td>6.33</td> <td>11.56</td> <td>12.61</td> <td>7.02</td> <td>12.27</td> <td>118.32</td> </tr> </tbody> </table>	Offset Type	Offset Area (hectares)								1	2	3	4	5	6	7	Total	Central Hunter Ironbark-Spotted Grey-Gum Box Forest EEC	6.89	1.47	0.51	3.14	6.70	3.07	1.49	23.27	Central Hunter Grey Box-Ironbark Woodland EEC	1.07	1.55	0.86	0.06	0	0.21	0	3.75	Hunter Lowlands Redgum Forest EEC	0	0	0	0	0	0	0.69	0.69	Derived Grassland	44.02	13.53	4.96	8.36	5.91	3.74	10.09	90.61	Total	51.98	16.55	6.33	11.56	12.61	7.02	12.27	118.32			
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16F.	The Applicant shall prepare a Biodiversity Management Plan for the rail loop and rail spur as generally described in the documents listed in condition 1 (vii) of schedule 2, to the satisfaction of the Secretary . This plan must:	Not triggered	Rail loop and rail spur not constructed.																																																															
	(i) be prepared in consultation with OEH, and be submitted to the Secretary for approval prior to construction of the rail loop and rail spur;	Not triggered	Rail loop and rail spur not constructed.																																																															
	(ii) describe how the implementation of the offset strategy would be integrated with the overall rehabilitation of the mine site;	Not triggered	Rail loop and rail spur not constructed.																																																															
	(iii) include:	Not triggered	Rail loop and rail spur not constructed.																																																															
	<ul style="list-style-type: none"> a description of the short, medium, and long term measures that would be implemented to manage: 	Not triggered	Rail loop and rail spur not constructed.																																																															

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<ul style="list-style-type: none"> ○ the offset strategy; and 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ vegetation and habitat on the site and in the offset areas; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ● detailed performance and completion criteria for implementation of the offset strategy; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ● a detailed description of the measures that would be implemented for: 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ revegetation and regeneration within the disturbance areas and offset areas, including establishment of canopy, sub-canopy (if relevant), understorey and ground strata; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ maximising salvage and beneficial use of resources in areas that are to be impacted, including vegetation, fauna habitat and soil; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ protecting vegetation and soil outside the disturbance areas; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ conserving and reusing topsoil; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ undertaking pre-clearance surveys; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ managing impacts on fauna; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ collecting and propagating seed; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ salvaging, transplanting and/or propagating threatened flora and native grassland; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ controlling weeds and feral pests; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ managing grazing; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ controlling access; and 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ bushfire management; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ● a program to monitor the effectiveness of these measures, and progress against 	Not triggered	Rail loop and rail spur not constructed.	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	the performance and completion criteria;			
	<ul style="list-style-type: none"> a description of the potential risks to successful revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> details of who would be responsible for monitoring, reviewing, and implementing the plan. 	Not triggered	Rail loop and rail spur not constructed.	
	The Applicant shall implement the management plan as approved from time to time by the Secretary.	Not triggered	Rail loop and rail spur not constructed.	
Heritage				
16G.	The Applicant shall prepare a Heritage Management Plan for the rail loop and rail spur as generally described in the documents listed in condition 1 (vii) of schedule 2, to the satisfaction of the Secretary. This plan must:	Not triggered	Rail loop and rail spur not constructed.	
	(i) be prepared in consultation with OEH, registered Aboriginal parties and the Heritage Council NSW, and be submitted to the Secretary for approval prior to construction of the rail loop and rail spur;	Not triggered	Rail loop and rail spur not constructed.	
	(ii) include the following for the management of Aboriginal heritage on site:	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> a plan of management for the disturbance of land associated with the rail loop, rail spur and visual bund; and 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> a program/procedures for: <ul style="list-style-type: none"> salvage, test excavation and/or management of Aboriginal sites and potential archaeological deposits within the project disturbance area; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> protection and monitoring of Aboriginal 	Not triggered	Rail loop and rail spur not constructed.	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	sites outside the project disturbance area;			
	<ul style="list-style-type: none"> ○ managing the discovery of any new Aboriginal objects or skeletal remains during the project; and 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ ongoing consultation and involvement with all registered Aboriginal parties in the conservation and management of Aboriginal cultural heritage on the site, including prior to any salvage works; and 	Not triggered	Rail loop and rail spur not constructed.	
	(iii) include the following for the management of historic heritage on site:	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ● a plan of management for the disturbance of land associated with the rail loop and rail spur; and 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ● a program/procedures for: 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ avoiding and preserving culturally significant sites where possible; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ monitoring, salvage and/or management of historic heritage sites within the project disturbance area; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ taking full archival records of historic heritage sites that would be disturbed by the project; 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ protection and monitoring of heritage items outside the project disturbance area; and 	Not triggered	Rail loop and rail spur not constructed.	
	<ul style="list-style-type: none"> ○ managing the discovery of any new heritage items identified during the project. 	Not triggered	Rail loop and rail spur not constructed.	
	The Applicant shall implement the management plan as approved from time to time by the Secretary.	Not triggered	Rail loop and rail spur not constructed.	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
17	Acquisition of Affected Lands			
17A	Affected Lands defined in the Development Consent of 19 October 1989	Not triggered		
	<p>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 Rixs Creek Coal Mine of 19 October 1989 and owned by any of:</p> <p>R J Eveleigh Wendy Bowman & G R Elder Estate I H. Bowman Elizabeth S. Bowman Durian Holdings</p> <p>purchase such land.</p> <p>In the event of failure to complete the purchase within six (6) months, clause 17C(iv) below, applies.</p>	Not triggered	R J Eveleigh have not exercised their right to acquisition (JH per comms).	
17B.	Affected Lands other than those defined in the Development Consent of 19 October, 1989			
	(i) The Applicant shall within six (6) months of receipt of a written request from any of the owners of the properties listed in Attachment 1 of this Consent, purchase the whole of the properties. In the event of failure to complete the purchase within six (6) months, clause 17C(iv) below, applies.	Not triggered	There have been no requests for acquisition from any of the properties listed in attachment 1 of the consent (JH per comms).	
	(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	Not triggered	There have been no requests for acquisition from any of the properties listed in attachment 1 of the consent (JH per comms).	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	out such measures at its own expense.			
	(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.	Not triggered	There have been no requests for acquisition from any of the properties listed in attachment 1 of the consent (JH per comms).	
17C.	Potentially Affected Lands			
	(i) In the event that the EPA 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.	Not triggered	This condition has not been triggered during the audit period (JH per comms).	
	(ii) In the event that the EPA determines that dust from the mining operations increases the dust deposition rate by more than 2 gm/m ² /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.	Not triggered	This condition has not been triggered during the audit period (JH per comms).	
	(iii) In respect of a request to purchase land	Not triggered	This condition has not been triggered during the	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	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:		audit period (JH per comms).	
	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.	Not triggered	This condition has not been triggered during the audit period (JH per comms).	
	b) the owners reasonable compensation for disturbance allowance and relocation costs within the Local Government Areas of Singleton or Muswellbrook.	Not triggered	This condition has not been triggered during the audit period (JH per comms).	
	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.	Not triggered	This condition has not been triggered during the audit period (JH per comms).	
	(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:	Not triggered	This condition has not been triggered during the audit period (JH per comms).	
	a) either party may refer the matter to the Secretary who shall request the President for the time being of the Australian Institute of Valuers and Land Economists to appoint a	Not triggered	This condition has not been triggered during the audit period (JH per comms).	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<p>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.</p>			
	<p>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 Secretary, recommending the appointment of a qualified panel. The Secretary, if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:</p> <ol style="list-style-type: none"> 1) the appointed independent valuer, 2) the Secretary, or her nominee, and/or 3) the President of the Law Society of NSW or his nominee. <p>The qualified panel shall on the advice of the valuer determine the issue referred to it and advise the valuer.</p> <p>The panel may recommend to the Secretary 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;</p>	Not triggered	This condition has not been triggered during the audit period (JH per comms).	
	<p>c) The Applicant shall bear the costs of any valuation or survey assessment requested by the Secretary in accordance with subclauses (a) and (b) herein.</p>	Not triggered	This condition has not been triggered during the audit period (JH per comms).	
	<p>d) Upon receipt of a valuation arising pursuant</p>	Not triggered	This condition has not been triggered during the	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	to subclauses (a) and (b), the Applicant shall offer to acquire the relevant land at a price not less than the said valuation. Should be 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.		audit period (JH per comms).	
	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.	Not triggered	This condition has not been triggered during the audit period (JH per comms).	
	All acquisitions of land under this condition shall be reported in the Annual Report. Once sub-clauses 17A, 17B and 17C have been complied with they shall not be reapplied for the duration of the development consent. This applies to lands already purchased under the development consent of 19 October, 1989.	Not triggered	This condition has not been triggered during the audit period (JH per comms).	
	Reasons: To provide for acquisition of affected land.	Noted		
Environmental officer				
18.	<i>Deleted</i>	Noted		
Condition updated Mod 8 – Dec2016 18.	<p>If the Secretary requires, the Applicant must prepare an Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy must:</p> <ul style="list-style-type: none"> (i) be submitted to the Secretary for approval; (ii) provide the strategic framework for the environmental management of the project; (iii) identify the statutory approvals that apply to the project; (iv) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; (v) describe the procedures that would be implemented to: <ul style="list-style-type: none"> • keep the local community and relevant agencies informed about the operation and environmental performance of the project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the project; 			Environmental Management Strategy to be prepared.

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<ul style="list-style-type: none"> • respond to any non-compliance; and • respond to emergencies; and (vi) include: <ul style="list-style-type: none"> • copies of any strategies, plans and programs approved under the conditions of this approval; and • a clear plan depicting all the monitoring required to be carried out under the conditions of this approval. 			
18A.	<p>The Applicant must ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <p>(i) detailed baseline data; (ii) a description of:</p> <ul style="list-style-type: none"> • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures/criteria; and • the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures; <p>(iii) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(iv) a program to monitor and report on the:</p> <ul style="list-style-type: none"> • impacts and environmental performance of the project; and • effectiveness of any management measures (see (c) above); <p>(v) a contingency plan to manage any unpredicted impacts and their consequences; (vi) a program to investigate and implement ways to improve the environmental performance of the project over time;</p> <p>(vii) a program to regularly review management practices to align with contemporary best practice industry standards;</p> <p>(viii) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> • incidents; • complaints; • non-compliances with the conditions of this approval and statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and <p>(ix) a protocol for periodic review of the plan.</p> <p>Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</p>			
18B.	Prior to approval of management plans required under Schedule 2, all existing management plans, monitoring programs, strategies, programs, protocols, etc approved as at the date of approval of Modification 8 shall continue to have full force and effect.			
18C.	With the agreement of the Secretary, the Applicant may combine any strategy, plan or program required by this approval with any similar strategy, plan or program required for Rix’s Creek North.			
18D.	The Applicant must notify the Secretary and any other relevant agencies of any incident associated with the project as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident.			
18E.	The Applicant must provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any approved plans or programs of the conditions of this approval.			

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
Annual Review				
Condition updated Mod 8 – Dec2016 19.	The Applicant shall:			
	(i) prepare and submit to the Secretary for approval an Annual Review. The report shall include:	Compliant	Approval of the 2011 – 2014 AEMRs and 2015 Annual Review by the DPE were sighted.	
	(a) short, medium and long-term mining plans;	Compliant	Section 2 of the 2011 – 2014 AEMRs and Section 4 of the 2015 Annual Review generally describe the mining plans.	
	(b) rehabilitation report in respect of open cut operations;	Compliant	Section 5 of the 2011 – 2014 AEMRs and Section 8 of the 2015 Annual Review covers rehabilitation and monitoring of open cut operations.	
	(c) a review of effectiveness of environmental management of the subject area in terms of EPA, OEH and DRE requirements;	Compliant	Section 3 of the 2011 – 2014 AEMRs and Section 6 of the 2015 Annual Review provides environmental management and performance including reportable incidents and further improvements. Actions required at the previous AEMR review by the DPE and/or DRE are also addressed in Section 1 of the 2011 – 2014 AEMRs and Section 5 of the 2015 Annual Review.	
	(d) a review of performance in terms of the conditions of development consent;	Non-Compliant	Previous Audit confirmed a letter sighted from DoPI to Rix's Creek (08.06.11) requesting that in future reports a compliance table be included (Rix's Creek Mine Regulatory Environmental Compliance Audit Report December 2011 Glade Consulting). However compliance tables were not included as required in the 2011 - 2014 AEMRs. Section 11 of the 2015 Annual Review covers non-compliances with the Development Consent during the reporting period (sighted 2015 Annual Review).	. Condition updated Mod 8 – Dec2016
	(e) results of environmental monitoring in respect of air, water and noise pollution;	Compliant	Section 3 of the 2011 – 2014 AEMRs and Section 6 of the 2015 Annual Review provides environmental management and monitoring of water, noise and air quality results. Monitoring results for air quality, blast and noise are provided	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			in the appendices.	
	(f) a listing of any variations obtained to approvals applicable to the subject area during the previous year;	Compliant	Section 1 and Table 1 within the 2011 – 2014 AEMRs and Section 2.1 and Table 2 of the 2015 Annual Review provides a summary of current approvals and any variations.	
	(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;	Non-Compliant	<p>Section 2.8 of the 2011 AEMR provides a water balance calculated in 2009 which required updating.</p> <p>Section 2.8 of the 2012 AEMR provides a water balance calculated for 2012.</p> <p>Section 2.8 of the 2013 AEMR provides a water balance calculated for 2012 which required updating.</p> <p>Section 2.8 of the 2014 AEMR provides a water balance calculated for 2012 which required updating.</p> <p>Section 7.2 of the 2015 Annual Review provides a water balance calculated for 2015.</p> <p>An action from the DPE and DRE covered in the 2015 Annual Review was to provide an appropriate water balance in the 2015 Annual Review to contain site water for the period 1 Jan – 31 Dec 2015 which is covered in Table 19 (sighted 2015 Annual Review).</p> <p>Recommendation Continue to provide updated water balance for the reporting year.</p>	Condition updated Mod 8 – Dec2016
	(h) set out environmental management targets for the next year.	Non-Compliant	<p>Included in 2012 AEMR.</p> <p>Specific targets for the next year have not been included in the 2011 – 2014 AEMRs or 2015 Annual Review.</p> <p>The activities proposed for the next period are based on the production schedule and rehabilitation planned with each report stating <i>'Environmental management is an ongoing process at Rix's Creek with continual improvement</i></p>	To be included in Annual Review..

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			<p><i>being made to the existing systems already in place</i>'. This section should be updated with specific environmental management targets.</p> <p>Recommendation Specific targets are required to be included in the Annual Return</p>	
	(ii) consult with the Secretary during report preparation concerning any additional requirements.	Compliant	Actions required at the previous AEMR review by the DPE and/or DRE are addressed in Section 1 of the 2011 – 2014 AEMRs and Section 5 of the 2015 Annual Review.	
	(iii) ensure that copies of the Annual Review are submitted to the Secretary, EPA, OEH, NOW, DRE, and the Council.	Compliant	Submission letters for the 2011 – 2014 AEMRs and 2015 Annual Review were sighted	
	(iv) ensure that the report for each calendar year is submitted by 31 March of the following year.	Administrative non-compliance	<p>Submission letters for the 2011 – 2014 were sighted It is noted that the 2011 – 2014 were submitted prior to this condition being added to the consent (it was added in MOD 7 in February 2016). The 2015 Annual Review was submitted on 19 April 2016 which is after 31 March as required by this condition. 2011 AEMR 23 April 2012 2012 AEMR – 27 March 2013 2013 AEMR – dated 20 May 2014 2014 AEMR – dated 25 February 2015 2015 Annual Review –19 April 2016</p>	Condition updated Mod 8 – Dec2016
Condition updated Mod 8 – Dec2016 19.	<p>By the end of March each year, or other timing as may be agreed by the Secretary, the Applicant must submit a report to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:</p> <p>(i) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year;</p> <p>(ii) include a comprehensive review of the monitoring results and complaints records of the development over the past calendar year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> • relevant statutory requirements, limits or performance measures/criteria; • requirements of any plan or program required under this consent; • monitoring results of previous years; and • relevant predictions in the documents listed in condition 1 of Schedule 2; <p>(iii) identify any non-compliance over the past calendar year, and describe what actions were (or are being) taken to ensure compliance;</p>			To be included in Annual Review.

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<p>(iv) identify any trends in the monitoring data over the life of the development;</p> <p>(v) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(vi) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development.</p>			
Complaints				
20.	The Applicant shall observe all requirements of the DRE complaints protocol and refer to complaints received in the Annual Report (Condition 19).	Compliant	Section 2 of the 2011 – 2014 AEMRs and Section 4 of the 2015 Annual Review generally describe the mining plans.	
	Reasons: To provide for environmental monitoring and performance reporting.	Noted		
Community Consultative Committee				
21.	The Applicants 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.	Compliant	<p>Sighted CCC meeting minutes from 20 September 2016.</p> <p>JH per comms noted that the Development Consent requires four community members however Rix's Creek currently had three community members on the CCC due to Rix's Creek not being able to obtain a 4th community member to participate on the CCC.</p> <p>The CCC is chaired by a representative from Singleton Council and meets at frequencies requested by the CCC. The Development Consent requires the CCC to meet every 4 months or as agreed by the CCC, with the CCC currently meeting every 6 months as agreed during CCC meetings.</p>	
	(ii) The Applicant shall at its own expense:			
	(a) nominate two (2) representatives to attend all meetings of the Committee;	Compliant	CCC members from Rix's Creek as at November 2016 are Luke Murray, John Hindmarsh, Jason Desmond and Chris Quinn.	
	(b) provide to the Committee copies of the	Compliant	JH per comms advised that a meeting is nominally	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	latest Annual Review , referred to in Condition 19;		held annually during April to provide a copy of the Annual Review to CCC members and discuss the environmental performance of the operation over the previous 12 months. JH advised that environmental monitoring data and a copy of the Annual Review is provided to CCC members.	
	(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;	Compliant	JH per comms advised that information is provided to the CCC as required.	
	(d) provide access for site inspections by the Committee;	Compliant	JH per comms advised that a site inspection is offered to members of the CCC as part of the CCC meetings. During the audit it was sighted that a site inspection is a standard item on the CCC agenda.	
	(e) take and distribute minutes of Committee Meetings and provide meeting facilities for the Committee.	Compliant	JH per comms advised that minutes are taken by Rixs Creek personnel for distribution to CCC members with the acceptance of the previous CCC meeting minutes an agenda at each CCC meeting.	
	Reasons: To provide community access to environmental monitoring and performance.	Noted		
Condition updated Mod 8 – Dec2016 21.	<p>The Applicant must operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be operated in general accordance with the Community Consultative Committee (CCC) Guidelines for State Significant Projects (Department of Planning, 2016, or its latest version).</p> <p>Notes:</p> <ul style="list-style-type: none"> The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent. In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community. The Applicant may, with the approval of the Secretary, combine the function of this CCC with the function of other CCCs in the area. 			
Financial Contributions				
22.	The Applicant shall pay to the Council a financial contribution pursuant to Section 94 of the	Compliant	Previous Audit confirmed compliance with this condition (<i>Environmental Audit of Rix's Creek Mine,</i>	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	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;		<i>May 2007 Pacrim Environmental).</i>	
	Reasons: To meet the requirements of the Act in relation to community infrastructure contributions.	Noted		
Closures of the New England Highway for blasting				
23.	The Application shall:			
	(a) The Applicant shall provide road deviations adjacent to the highway in accordance with Figure 34 of the EIS to the satisfaction of the RMS 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.	Not Triggered	JH (pers comm) no road deviations required for the New England Highway due to blasting.	
	(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 RMS and the Council.	Compliant		
	(c) In the event that the RTA, 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.	Not triggered		
Closure/Relocation of Middle Falbrook Road				
24.	The Applicant shall liaise with the Council in	Compliant	Previous Audit confirmed compliance with this	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	regard to the future closure/relocation of Middle Fallbrook 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.		condition (<i>Environmental Audit of Rix's Creek Mine, May 2007 Pacrim Environmental</i>). There has been no works undertaken in this audit period in relation to this condition.	
	Reasons: To provide for road relocations in the event of road closures.	Noted		
Dispute Resolution				
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 Secretary or if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.	Not triggered	JH per comms confirmed this was not triggered during the audit period.	
	Reasons: To provide for dispute resolution in respect to conditions of consent.	Noted		
Independent Environmental Audit				
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 (ie. from year 6 from the date of Consent) or as directed by the Secretary . The Applicant shall conduct an environmental audit of the mining and infrastructure areas of the development and submit the report to the Secretary who shall provide a copy to the Council.	Compliant	Previous Audit confirmed compliance with this condition (<i>Environmental Audit of Rix's Creek Mine, May 2007 Pacrim Environmental</i>). The last Audit was undertaken by Glade Consulting for the period Jan 2007 – Oct 2011.	
	The audit shall be conducted by a duly qualified	Compliant	Daniel Sullivan and Luke Bettridge from Umwelt	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	independent person or team approved by the Secretary in consultation with Council.		approved by DPE in consultation with Council in a letter dated 22.08.16.	
	The Secretary may, after considering any submission made by Council on the report, notify the Applicant of the Secretary'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 Secretary may reasonably require.	Not triggered	Rix's Creek confirmed that no requests had been made in accordance with this condition.	
	Reason: To provide for periodic independent environmental audits.	Noted		
Condition updated Mod 8 – Dec2016 26.	By the end of December 2016, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission, commence and pay the full cost of an Independent Environmental Audit of the development. This audit must: (i) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (ii) include consultation with the relevant agencies; (iii) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals); (iv) review the adequacy of strategies, plans or programs required under the abovementioned approvals; (v) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, strategy, plan or program required under the abovementioned approvals; and (vi) be conducted and reported to the satisfaction of the Secretary. <i>Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Secretary.</i>			
26A	Within 12 weeks of commencing each audit, unless the Secretary agrees otherwise, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of any measures proposed to address the recommendations.			
Waste				
27.	The Applicant shall:			
	(i) monitor the amount of waste generated by the project;	Compliant	Table showing quarterly waste volumes generated by the Project including waste oil, waste metal,	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			general waste, paper/cardboard recycling and oil filters covered in Section 2.6 of 2011 - 2014 AEMRs and Section 4.6 of the 2015 Annual Review.	
	(ii) investigate ways to minimise waste generated by the project;	Compliant	Two additional solid-bowl centrifuge tailing's drying units commissioned during November 2014 to minimise the need for tailings dams and maximise in-pit dumping of washing plant waste product. During 2015 all three solid-bowl units used for the majority of the year with the successful trial of disposing the solid-bowl waste in-pit (co-disposal) and minimising fine reject deposited into the tailing's dam on-site (sighted 2015 Annual Review).	
	(iii) implement reasonable and feasible measures to minimise waste generated by the project;	Compliant	New waste contractor commenced Sep 2011 which included the introduction of several large general and paper/cardboard recycling bins placed on site as well as a waste oil filter bin near the heavy vehicle workshop (sighted 2011 AEMR). Waste segregation observed to occur during site inspection.	
	(iv) ensure irrigation of treated wastewater is undertaken in accordance with DECC's <i>Environmental Guideline for the Utilisation of Treated Effluent</i> ; and	Compliant	Approval received by Rix's Creek 19/12/2011 from Singleton Council. Water monitoring downstream of site conducted monthly (Sighted 2015 Annual Review). Grey water generated on site consisting of domestic waste water from the bathhouse, associated amenity areas and administration area pass through a septic system approved by Singleton Council (OSSM Approval No: 2820/2002 expiry 1/3/2017). The Septic system is cleaned out 6-monthly by a suitably qualified waste contractor and the resulting waste is removed from site (sighted 2015 Annual Review).	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	(v) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.	Compliant	Waste management and general minimisation of waste through recycling and operational processes covered in Section 2.6 of 2011 - 2014 AEMRs and Section 4.6 of the 2015 Annual Review. Recommendation Report waste volumes in the Annual Review compared to previous years to enable identification of waste management performance over time.	
Condition updated Mod 8 – Dec2016 27.	The Applicant must: (i) minimise and monitor the waste generated by the project; and (ii) ensure that the waste generated by the project is appropriately stored, handled, and disposed of; (iii) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and (iv) report on waste management and minimisation in the annual review, to the satisfaction of the Secretary.			
Revision of Strategies, Plans and Programs				
28.	Within 3 months of:			
	(i) the submission of an incident report under condition 19 above;	Non-compliance	Non-compliance reported to DPE in April 2015 for the off-site water release during a storm event (sighted 2015 Annual Review). No evidence of an update of the Water Management Plan within 3 months of this incident. Non-compliance reported to DPE in January 2016 for the overflow of five sediment containment dams (sighted Environmental Management Report January – June 2016). No evidence of an update of the Water Management Plan within 3 months of this incident. Recommendation A process of regular review and revision of management plans should be established to confirm compliance with this condition.	Procedure to be developed to address this requirement to revise strategies, plans and programs.
	(ii) the submission of an audit under condition 26 above; and	Noted	Relevant management plans to be updated within 3 months following the finalisation and	

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
			recommendations of this Audit Report.	
	(iii) any modification to the conditions of this approval, the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary.	Non-compliance	<p>Water Management Plan (including Erosion and Sediment Control Plan) updated within 3 months of the Nov 2013 modification on 22.01.14. No further revisions within 3 months of the Nov 2014 and Feb 2016 modifications undertaken.</p> <p>The following management plans were not revised within 3 months of the approval of the Nov 2013, Nov 2014 and Feb 2016 modifications:</p> <p>The Landscape Management Plan has not been revised since 18.03.10.</p> <p>The Rehabilitation Management Plan has not been revised since 09.11.11.</p> <p>The Final Void Management Plan has not been revised since 19.01.12.</p> <p>The Mine Closure Plan has not been revised since 22.02.12.</p> <p>The Traffic Management Plan, Water Management Plan, Landscape Management Plan, Rehabilitation Management Plan, Final Void Management Plan and Mine Closure Plan were approved by the DPE on 22.01.14 (sighted DPE approval letter).</p> <p>Management plans were not reviewed following Development Consent modifications.</p> <p>Recommendation As above</p>	Procedure to be developed to address this requirement to revise strategies, plans and programs.
	<p>Note:</p> <ul style="list-style-type: none"> This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project. Revisions related to the rail loop modification must be submitted prior 	Noted		

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	<i>to commencing construction.</i>			
Updating & Staging Submission of Strategies, Plans or Programs				
29.	To ensure the strategies, plans or programs under this consent are updated on a regular basis, and that they incorporate any appropriate mitigation measures to improve the environmental performance of the development, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.	Non-compliance	Management plans have not been updated as required by Condition 28 of the Development Consent. Recommendation As above	Procedure to be developed to address this requirement to revise strategies, plans and programs.
	With the agreement of the Secretary, the Applicant may revise any strategy, plan or program approved under this consent without consulting with all the parties nominated under the applicable conditions of consent.	Non-compliance	As noted within this table, management plans have been updated without consultation being undertaken with all parties nominated by the Development Consent. No agreement with the Secretary was sought to revise the management plans without consultation with relevant parties.	Procedure to be developed to address this requirement to revise strategies, plans and programs.
	<p><i>Notes:</i></p> <ul style="list-style-type: none"> • <i>While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and</i> • <i>If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.</i> 	Noted		
	Note: This approval does not relieve the Applicant of the obligation to obtain any other approval under the Local Government Act, 1993	Noted		

Condition Number	Condition	Compliance	Evidence and Comments	Action Plan
	as amended, the Ordinance made there under including approval of building plans, or any other Act.			
Condition updated Mod 8 – Dec2016 30.	<p>The Applicant must:</p> <p>(i) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> • the documents referred to in condition 1 of Schedule 2; • all current statutory approvals for the project; • all approved strategies, plans and programs required under the conditions of this approval; • the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans or programs; • a complaints register, which is to be updated on a monthly basis; • minutes of CCC meetings; • the annual reviews over the life of the project; • any independent environmental audit, and the Applicant’s response to the recommendations in any audit; and • any other matter required by the Secretary; <p>(ii) Keep this information up-to-date, to the satisfaction of the Secretary.</p>			

If you require any further information or wish to discuss any aspect of this action plan please contact me.

Yours faithfully,



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