

6th March 2020

Mr. Joel Curran
Senior Compliance Officer
Department of Planning, Industry & Environment
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NEWCASTLE NSW 2300

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By email:

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compliance@planning.nsw.gov.au

Dear Joel,

Re: 2019 Ashton Coal independent environmental audit – response to audit

Ashton Coal Operations Limited (ACOL) is approved to extract coal by longwall method under Development Consent DA 309-11-2001i (MOD 5) (the consent) as part of the Ashton Coal Project (ACP). Conditions 11 and 12, Schedule 5, of the consent require an independent environmental audit (IEA) of ACP to be undertaken one year after commencement of construction and every three years thereafter.

The required three-yearly IEA was conducted on 5th December 2019 by Ken Holmes of Barnett & May. Please find enclosed a copy of the 2019 Audit Report for your review.

Table 1 presents ACOL's response to the audit findings / recommendations, and proposes remedial actions for identified non-compliances where appropriate.

As required in condition 13 (a), Schedule 5, of the consent, a copy of the audit report will be published on the Ashton Coal website at:

<https://www.ashtoncoal.com.au/page/publications/environmental/environmental-audits/>

A copy of the audit report has also been provided to the agencies consulted during IEA scope development, including:

- DPIE Resource Regulator;
- Environment Protection Authority;
- Natural Resource Access Regulator;
- Singleton Council; and
- Ashton Coal Community Consultative Committee.

Please do not hesitate to contact me if you would like further information or have any questions regarding the content of this letter.

Yours sincerely,



Phillip Brown
Environment and Community Relations Superintendent
Ashton Coal Operations Pty Limited.

Enc. Barnett & May Report "Ashton Coal Mine – Independent Environmental Audit"

Table 1: Ashton Coal Response to Audit Findings and Recommendations

No.	Condition	Audit Observation	Auditor Recommendation	ACOL Response / Comment	Proposed Response Action	Proposed Due Date	
ENVIRONMENTAL PROTECTION LICENCE 11879							
1	M2.2	Air Quality Monitoring for PM10 (Continuous Monitoring)	<p>In 2016 PM10 data was not able to be captured for a period of 19 days at Site 2 due to equipment failure.</p> <p>In 2017 PM10 data was not captured on multiple occasions from Points 7, 9 and 10, due to equipment failures and supply delays in replacement of the faulty equipment.</p> <p>Air monitoring stations are inspected regularly.</p>	<p>There is no recommendation related to this non-compliance. Ashton's existing equipment monitoring program is appropriate.</p>	<p>In 2016, the 19 days of non-captured data represents 5% of total annual data. 2017 non-captured data represented 1.8% of total annual data.</p> <p>ACOL has an existing monitoring and maintenance regime for the three onsite AQ monitors (TEOM), including daily checks of TEOM function and data receipt, monthly field audit and servicing, and quarterly calibration.</p>	<p>Introduction of automated alarm that notifies ACOL staff and contracted environmental monitoring database managers upon non-receipt of monitoring data. Incorporate this requirement into the ACOL Air Quality and Greenhouse Gas Management Plan (AQGGMP).</p>	6 th June 2020
2	M2.3	Water Sample Collection (and analysis) for Point 8	<p>In 2017 groundwater samples were not collected from all piezometers associated with Point 8. It is noted that failure to collect water from a dry piezometer does not trigger a non-compliance against this condition. However, if piezometers have been destroyed by the mining operations, then, in consultation</p>	<p>Consult with the EPA regarding the modification of the groundwater monitoring requirements for Point 8.</p>	<p>Selection of replacement EPL groundwater monitoring sites in consultation with EPA has been completed. EPA have incorporated new groundwater</p>	<p>New EPL groundwater monitoring sites to be documented in groundwater monitoring program, as part of Site Water Management Plan (SWMP) review.</p>	6 th June 2020

No.	Condition	Audit Observation	Auditor Recommendation	ACOL Response / Comment	Proposed Response Action	Proposed Due Date	
		with the EPA, those piezometers should be either replaced (relocated) or removed from the groundwater monitoring plan (refer to EPL Condition P1.3).		monitoring sites into latest version of EPL11879 (21 November 2019) as Sites 20 to 31.			
3	M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	Ashton's website provides both email and telephone enquiries and complaints lines. In 2017 the telephone complaints line was found to in active by DPE on 1 February 2017.	Schedule checks of the complaints line (monthly) to ensure that it is operational.	Following the February 2017 incident, complaints handling protocols were revised to ensure notification of ACOL staff following community complaints, and the requirement for a monthly test of the Community Enquiries Line was introduced.	Requirement for monthly test of the Community Enquiries Line to be documented in the <i>Complaints Handling Procedure</i> (Doc No: 4.3.1.1.2).	6 th June 2020
4	R5.1	A noise compliance assessment report must be submitted to the EPA on an annual basis with the Annual Return as set out in Condition R1. The report must be prepared by an accredited acoustical consultant and determine compliance with noise limits at noise monitoring points specified in Condition (s) P1.4 and L4.6.	No evidence was sighted by the Auditor to confirm that annual noise compliance assessment reports were prepared and issued to the EPA.	Prepare annual Noise Compliance Assessment Reports and issue those reports to the EPA.	Annual Noise Compliance Assessment Reports (NCAR) were submitted to NSW EPA subsequent to IEA, with no further action required by EPA. 2019 NCAR submitted to NSW EPA with 2019 EPL Annual Return.	Requirement to check for, and include, supporting reports as part of EPL Annual Return to be documented in the <i>Environmental Management Strategy</i> .	6 th June 2020
MINING LEASE 1533							
5	2.1	Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations	An inspection by DRE inspectors on 29 May 2018 identified several instances where the requirements	Ensure that all commitments in the MOP (and	Non-compliance resulted from (a) lack of clarity regarding	No additional action proposed	N/A

No.	Condition	Audit Observation	Auditor Recommendation	ACOL Response / Comment	Proposed Response Action	Proposed Due Date
	<p>Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:</p> <p>(a) ongoing mining operations and environmental management; and</p> <p>(b) ongoing monitoring of the project.</p>	<p>of the MOP were not being fully implemented. The DRE recommendations were fully implemented.</p>	<p>other management plans) are fully implemented.</p>	<p>topsoil management for minor disturbance projects, and (b) inconsistency between MOP and <i>Fauna and Flora Management Plan</i> commitments regarding handling of cleared vegetation. Both issues were rectified during the drafting of the latest MOP (September 2018).</p>		
MINING LEASE 1623						
6	3(a)	<p>Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General</p>	<p>An inspection by DRE inspectors on 29 May 2018 identified several instances where the requirements of the MOP were not being fully implemented. The DRE recommendations were fully implemented.</p>	<p>Ensure that all Annual Reviews are submitted with the required time frames.</p>	<p>As for non-compliance No. 5</p>	

BARNETT & MAY

Ashton Coal Mine

Independent Environmental Audit

Prepared for
Ashton Coal Operations Pty Ltd.

Client representative
Phillip Brown

Date
5 March 2020

Rev 2



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Prepared by — K. Holmes		Date 5 March 2020
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Revision History

Rev No.	Description	Prepared by	Reviewed by	Authorised by	Date
A	Draft for client Review	K. Holmes	A. Wilkins	K. Holmes	19/1/2020
0	Issued to Client	K. Holmes	A. Wilkins	K. Holmes	4/2/2020
1	Final Issued to Client	K. Holmes	A. Wilkins	K. Holmes	20/2/2020
2	Final with minor edits	K. Holmes	A. Wilkins	K. Holmes	5/3/2020

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1. Introduction

The Ashton Coal Project is located 14 kilometers northwest of Singleton in the Hunter Valley and is operated by Ashton Coal Operations Limited (ACOL).

The purpose of the audit, that was undertaken in accordance with the **Barnett and May's** proposal (dated 9 October 2019), was to determine if the compliance obligations contained in the Project Approval (DA 309-11-2001-i) Schedule 5, Conditions 11 and 12, which states:

C11 - "One year after the commencement of construction of the development, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development.

(b) include consultation with the relevant agencies;

(c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval and any relevant EPL(s) (including any assessment, plan or program required under these approvals);

(d) review the adequacy of strategies, plans or programs required under the abovementioned approval or licences; and

(e) recommend measures or actions to improve the environmental performance of the Development, and/or any strategy, plan or Program required un these consents.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.

C12 – Within six weeks of completion of the audit, or as otherwise agreed by the Secretary, 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.

The Audit was commissioned on 18 October 2019 following approval of the audit team by DPIE. The site inspection was undertaken by Ken Holmes (Accredited Lead Auditor) of Barnett & May on 5 December 2019. The audit covered the period from 20 June 2016 to 30 September 2019 (the Audit Period).

1.1 The Ashton Coal Project.

The Ashton Coal Project is operated by Ashton Coal Operations Limited (ACOL), a wholly owned subsidiary of Yancoal. The operation includes an underground coal mine, a Coal Handling and Preparation Plant, a rail siding and an open cut mine that has now been completed. The Ashton Underground Coal Mine is approved to produce 5.45 Mtpa of coking coal. This coal is predominantly exported through the Port of Newcastle, New South Wales.

The Underground mine workings are located to the south of the New England Highway. Access is from the northern side of the New England Highway via portals in the southern highwall of the Arties Pit. The underground mine is a multi-seam operation mining the Pikes Gully, Upper Liddell, Upper Lower Liddell and the Lower Barrett seams of the Foybrook formation. Coal is mined via longwall extraction methods. The underground operates 24 hours per day, 7 days per week. The underground mine extracts approximately 3.2Mtpa of ROM coal.

Mining has been completed in the Pikes Gully Seam (first seam). Extraction Plan approval has been gained for Longwall panels 101 to 107 in the Upper Liddell Seam (second seam) and for Longwall panels 201 – 204 in the Upper Lower Liddell Seam (ULLD). Extraction in the ULLD seam (third seam) commenced in July 2017.


The Coal Handling and Preparation Plant (CHPP) is located in the north-western corner of the project. It initially comprised a 400 tonnes per hour (tph) dense medium cyclone plant with spirals, together with ROM coal and Product coal stockpiling facilities. The CHPP operates 24 hours per day, seven days per week. The CHPP produces high quality semi-soft coal for use in the steel manufacturing industry and thermal coal for use in power generation. Coal is loaded onto trains at a dedicated rail siding and transported to the Port of Newcastle for export on the international market.

2. Definitions

Acronyms	Description
ACHMP	Aboriginal Cultural Heritage Management Plan
ACOL	Ashton Coal Operations Limited
AER	Annual Environmental Review
AHIP	Aboriginal Heritage Impact Permit
AEMR	Annual Environmental Management Review
AR	Annual Review
AQGMP	Air Quality and Greenhouse Gas Management Plan
BMP	Biodiversity Management Plan
BOS	Biodiversity Off-set Strategy
CC	Construction Certificate
CCC	Community Consultative Committee
CHPP	Coal Handling Process Plant
DPE	Department of Planning and Environment (former planning department name)
DPI	(former) Department of Primary Industries
DPIE	Department of Planning, Industry and Environment.
EMS	Environmental Management Strategy
EPA	NSW Environment Protection Authority
EP&A Act	NSW Environmental Planning and Assessment Act
EPBC	Environmental Protection and Biodiversity Conservation Act
EPL	Environmental Protection License
GMP	Groundwater Management Plan
IEA	Independent Environmental Audit
MOP	Mining Operations Plan
NOW	NSW Office of Water
NMP	Noise Management Plan

Acronyms	Description
OC	Occupation Certificate
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
PA	Project Approval
PIRMP	Pollution Incident Response Management Plan
RAP	Registered Aboriginal Group
REF	Review of Environmental Factors
RMP	Rehabilitation Management Plan
SWB	Site Water Balance
SWMP	Surface Water Management Plan
SWVR	Surface Water Validation Report
TEOM	Tapered Element Oscillating Microbalance (Samplers)
TMP	Traffic Management Plan
TSF	Tailing Storage Facility
WMP	Water Management Plan
WRE	Waste Rock Emplacement

3. Auditor Certification

Independent Audit Certification Form	
Development Name	Ashton Coal Project
Development Consent No.	DA 309-11-2001-i)
Description of Development	Coking Coal Mine
Development Address	Camberwell, New South Wales
Proponent	Ashton Coal Operations Limited
Operator Address	Glennies Creek Road, Camberwell NSW
Title of Audit	Ashton Coal Mine Independent Environmental Audit
<p><i>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</i></p> <ul style="list-style-type: none"> • <i>The audit has been undertaken in accordance with relevant approval condition(s) and in general accordance with the auditing standard AS/NZS ISO 19011:2011 and in general conformance with the DPE's Independent Audit Post Approval Requirements (June 2018).</i> • <i>The findings of the audit are reported truthfully, accurately and completely;</i> • <i>I have exercised due diligence and professional judgement in conducting the audit;</i> • <i>I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</i> • <i>I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;</i> • <i>I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);</i> • <i>Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</i> • <i>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i> <p><i>Note.</i></p> <p><i>a) The Independent Audit is an 'environmental audit' for the purposes of section 122B (2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</i></p> <p><i>b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</i></p>	
Signature	
Name of Lead/Principal Auditor	Ken Holmes
Address	4 Baeckea Place, Frenchs Forest, NSW
Email Address	ken@baeckea.com.au
Auditor Certification (if relevant)	Exemplar Global 14065
Date	5 March 2020

3.1 Auditee Details

Audit Title:	Ashton Coal Mine Independent Environmental Audit
Site:	Ashton Coal Mine, Camberwell New South Wales
Client Contact:	Phillip Brown
Position:	Environmental Manager
Client:	Ashton Coal Operations Limited
Client Address:	Glennies Creek Road, Camberwell NSW
Client Phone Number	0431 422 151
Client Email:	Phillip.brown@yancoal.com.au
Audit Team:	Ken Holmes – Certified Lead Auditor
Auditor's Telephone:	0438 046 261
Auditor's Email:	ken@baeckea.com.au
Date of Site Visit	5 December 2019
Audit Completion Date	4 February 2020
Audit Scope:	The audit was undertaken as per the brief outlined in the Barnett and May proposal (dated 9 October 2019). As such, the audit provides an assessment of the compliance of the project with the conditions Consent DA 309-11-2001-i.

4. Audit process

The audit process and methodology are summarised in this section, and comprised the following key undertakings:

- Preliminary planning activities
- Review of information and preparation of a compliance register (audit protocol / checklist)
- Site inspection and interviews:
 - Opening meeting
 - Site inspection
 - Review of relevant records
 - Review of additional information provided after the site inspection
- Preparation of this audit report.

4.1 Preliminary activities

Off-site planning for the site audit comprised:

- Initial discussions with client representative, to organise the site inspection and access to audit documentation
- Prepare the audit compliance checklist
- Completion of a project specific Risk Assessment
- Review of online information
- Submission of a preliminary document / record request
- Consultation with relevant agencies.

4.1.1 Approval of audit teams

Ashton Coal sought the Secretary's endorsement for the audit team to undertake this Independent Environmental Audit. The Secretary approved the following team on 15 October 2019 (Appendix C):

- Ken Holmes – Certified Lead Auditor

4.1.2 Consultation with Agencies

The Auditor consulted with the following agencies during the audit planning stage:

- Department of Planning, Industry and Environment (DPIE);
- DPIE Resources Regulator (DRE);
- NSW Environment Protection Authority (EPA);
- Singleton Council (SC)
- Community Liaison Committee

Emails were initially sent (via Email) to each of the above agencies advising them of the audit and the scope of the audit and inviting them to provide comments/requirements or specific environmental issues they required the audit to target. Where required (where no response was provided by the nominated stakeholder organisation, a follow up email was sent to repeat the invitation to provide input into the audit.

4.2 Information Review and Compliance Register

Prior to the site inspection the Auditor prepared a detailed audit checklist (spreadsheet) that was used to assess and track compliance. This spreadsheet formed the basis of the compliance register presented in the Appendices of this report.

4.3 Site audit

The site inspection component of the audit was undertaken on 5 December 2019.

4.3.1 Opening Meeting

Following site inductions, the opening meeting was held on-site. It was attended by the following personnel:

- Phillip Brown (Environmental Manager)
- Lachlan Crawford (Environmental Officer)
- Ken Holmes (Lead Auditor) – Barnett and May.

Introductions were made, and the purpose and scope of the audit was outlined. An explanation of the audit process was communicated. That is, a site inspection, site interviews and detailed review of records in order to identify compliance with the approval conditions relevant to the current operations at the site.

4.3.2 Site Inspections

An initial tour of the site was undertaken by the Auditor, accompanied by Mr Brown. Subsequent detailed inspections of specific areas of the operation were subsequently undertaken. The site inspection included observation of:

- Site Access and Security;
- Surface mine infrastructure;
- Processing Plant;
- Tailings Storage;
- Waste storage areas;
- Fuel and dangerous goods storage areas;
- Equipment maintenance area;
- Rehabilitation Areas; and
- Surface water management infrastructure.

4.3.3 Site Interviews

Audit interviews comprised of a series of meetings with:

- Phillip Brown (Environmental Manager)
- Lachlan Crawford (Environmental Officer)
- Barry McKay (Maintenance Manager)

4.3.4 Document review

Compliance related documents that were not available prior to, and during site discussions of, the audit, were requested to be provided following the audit. The Auditee's personnel assisted with the provision of documentation following the audit, through secure file transfer mechanisms. The key documents reviewed during this audit are listed in the Compliance Registers against specific conditions.

4.4 Reporting

The compliance register was completed using notes and observations recorded during the site inspection / interviews and review of appropriate documentation. The completed compliance register is presented in **Appendix B**. A summary of the non-compliances identified during this audit are provided in Table 4. The audit criteria used to determine compliance for this audit is defined in Table 1.

Table 1 - Compliance Assessment Matrix

Assessment	Criteria
Compliance	<p>Compliance</p> <p>The site complies with the requirements of applicable pre-operational Consent Conditions.</p> <p>A judgment made by an auditor that the activities undertaken, and the results achieved fulfil the specified requirements of the audit criteria. While further improvements may still be possible, the minimum requirements are being met.</p>
Non-Compliance	<p>Non-Compliance</p> <p>Clear evidence has been collected to demonstrate the requirement has not been complied with and is within the scope of the audit.</p> <p>Site displays little or no evidence of compliance with the requirements of the regulatory documentation.</p> <p>Note: Where the auditor has not been able to collect enough verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit. In the absence of enough verification, the auditor may in some instances be able to verify by other means (visual inspection, personal communication, etc.) that a requirement has been met. In such a situation, the requirement should still be assessed as not verified. As the condition cannot be verified it is treated as a non-compliance.</p>
Not Triggered	<p>Not Applicable / Not Triggered</p> <p>The respective condition / requirement was not activated within the scope of the audit.</p>
Noted	<p>A statement or fact, where no assessment of compliance is required.</p>

Risk levels for each non-compliance identified have been assessed in accordance with Table 2.

Table 2 - Risk Assessment Matrix

Risk Level	Description
High	Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence.
Medium	Non-compliance with: <ul style="list-style-type: none"> • potential for serious environmental consequences, but is unlikely to occur; or • potential for moderate environmental consequences but is likely to occur.
Low	Non-compliance with: <ul style="list-style-type: none"> • potential for moderate environmental consequences, but is unlikely to occur; or • potential for low environmental consequences but is likely to occur.
Administrative non-compliance	Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions).

5. Stakeholder Consultation

Table 3 - Summary of Stakeholder Inputs provides a summary of the Stakeholder Consultation undertaken by the Auditors.

Table 3 - Summary of Stakeholder Inputs

Department	Contact	Stakeholder Comments	Auditor Response
NSW Department of Planning, Industry and Environment	Joel Curran	We don't have any specific concerns but would like a focus on rehab (consent conditions, management plans, commitments, how the mine is progressing generally with respect to rehab).	The topic raised by DPE have been addressed during the audit
Singleton Council	Mark Ihlein / Mary-Anne Crawford	Council does not have any further requirements in relation to the independent audit of the Ashton Mine.	Noted
NSW EPA	Natasha Ryan	We do not provide input as our role is to set environmental objectives for environmental / conservation performance and manage outcomes.	Notes
DRE / NRAR	Matthew Quin	-	No response was received from DRE
DPI Water	Chris Jones	-	No response was received from DPI Water
CCC	Godfrey Adamthwaite	Complaints are presented to the CCC. There is a good record of addressing complaints. Cannot recall any issues that have been raised at the CCC that have not been properly addressed.	Noted

6. Statutory Compliance and Recommendations

Compliance with the Conditions of Consent and the Environment Protection Licence has been reviewed by assessing compliance against the various documentation related to project approval, as listed in section 2.2 of this report. The Compliance Register presented in Appendix B provides a detailed review of the compliance status of the site, including recommendations to address non-conformances.

6.1 Summary of Compliance Status

A summary of compliance with pre-operations statutory requirements is provided in Table 4 - Summary of Statutory Compliance. The number of conditions include sub-clauses within each approval document.

Table 4 - Summary of Statutory Compliance

Approval/ Licence	No. of Conditions	Compliant	Non- Compliant	Noted	n/a or Not Triggered
DA 319-11- 2001-i	178	132	0	13	33
EPL 11879	82	51	4	15	12
ML 1533	69	37	1	12	19
ML 1623	48	17	1	16	14
EA / SoC	139	63	0	6	70
Total	516	300	6	62	148

6.2 Non-Compliances and other recommendations

Non-compliances identified during the site inspection, interviews and document reviews are recorded in detail in the Compliance Registers in **Appendix B** and are summarised in Table 5. Recommendations have been made to address all identified Non-Compliances.

Table 5 - Statutory Non-Compliances

No.	Condition	Observation	Recommendation	Risk Level
ENVIRONMENTAL PROTECTION LICENCE 11879				
M2.2	Air Quality Monitoring for PM10 (Continuous Monitoring)	In 2016 PM10 data was not able to be captured for a period of 19 days at Site 2 due to equipment failure. In 2017 PM10 data was not captured on multiple occasions from Points 7, 9 and 10, due to equipment failures and supply delays in replacement of the faulty equipment. Air monitoring stations are inspected regularly.	There is no recommendation related to this non-compliance. Ashton's existing equipment monitoring program is appropriate.	Low
M2.3	Water Sample Collection (and analysis) for Point 8	In 2017 groundwater samples were not collected from all piezometers associated with Point 8. It is noted that failure to collect water from a dry piezometer does not trigger a non-compliance against this condition. However, if piezometers have been destroyed by the mining operations, then, in consultation with the EPA, those piezometers should be either replaced (relocated) or removed from the groundwater monitoring plan (refer to EPL Condition P1.3).	Consult with the EPA regarding the modification of the groundwater monitoring requirements for Point 8.	Low
M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	Ashton's website provides both email and telephone enquiries and complaints lines. In 2017 the telephone complaints line was found to in active by DPE on 1 February 2017.	Schedule checks of the complaints line (monthly) to ensure that it is operational.	Administrative non-compliance
R5.1	A noise compliance assessment report must be submitted to the EPA on an annual basis with the Annual Return as set out in Condition R1. The report must be prepared by an accredited acoustical consultant and determine compliance with noise limits at noise monitoring points specified in Condition (s) P1.4 and L4.6.	No evidence was sighted by the Auditor to confirm that annual noise compliance assessment reports were prepared and issued to the EPA.	Prepare annual Noise Compliance Assessment Reports and issue those reports to the EPA.	Administrative non-compliance

No.	Condition	Observation	Recommendation	Risk Level
MINING LEASE 1533				
2.1	<p>Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:</p> <p>(a) ongoing mining operations and environmental management; and</p> <p>(b) ongoing monitoring of the project.</p>	<p>An inspection by DRE inspectors on 29 May 2018 identified several instances where the requirements of the MOP were not being fully implemented. The DRE recommendations were fully implemented.</p>	<p>Ensure that all commitments in the MOP (and other management plans) are fully implemented.</p>	Low
MINING LEASE 1623				
3(a)	<p>Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General</p>	<p>An inspection by DRE inspectors on 29 May 2018 identified several instances where the requirements of the MOP were not being fully implemented. The DRE recommendations were fully implemented.</p>	<p>Ensure that all Annual Reviews are submitted with the required time frames.</p>	Low

7. Independent Audit Post Approval Requirements

This audit focused on the pre-operational compliance requirements established by the Conditions of Approval. While the scope of the audit, as specified in the Conditions of Consent do not refer specifically to the DPIE Independent Audit Post Approval Requirements (DPIE, June 2018), for completeness the Audit has, where possible, made an assessment of the environmental performance of the project.

7.1 Summary of Environmental Incidents

No reportable incidents were recorded for the Audit Period.

7.2 Summary of Complaints

Table 6 provides a summary of complaints received by Ashton over the Audit Period.

Table 6 - Summary of Complaints

Date	Category	Details
11 Sept 16	Noise	A Camberwell resident called the Community response line regarding dozer and engine revving noise between 10.30 – 11.00am on Sunday 11 Sept 2016. The complainant was contacted by the Environment and Community Coordinator to discuss. It was discussed that there were minimal site operations, with no dozers operating, and that noise levels recorded by Ashton were below noise criteria at the time of the complaint. It was unlikely that the noise was generated from Ashton's operations. The complainant indicated they were satisfied with this response.
28 Jan 17	Noise	A Camberwell resident called the Department of Environment and Planning (DPE) regarding 'operational mine noise'. DPE passed this on to Ashton on the 1 February. An investigation was undertaken. Minimal site operations were occurring at the time of the complaint. The investigation forwarded to DPE indicated that Ashton Coal's contribution to noise levels at the time of complaint were minimal. DPE indicated that a copy of Ashton's response was provided to the complainant and no further action was required.
24 June 17	Noise	A complaint was received by a resident of Camberwell about a machinery whining noise that had occurred through the night. An investigation was undertaken including an inspection of the operation during which the noise could not be detected, or a noise source located. A review of the noise monitoring did not identify noise emanating from Ashton Coal who's CHPP was not operating at the time. The complainant was contacted who advised that they could not identify the responsible operation and had also complained to another site. Ashton Coal has logged the complaint and no further action was required.
15 July 18	Annual Review	DPE Singleton received a complaint from a nearby resident regarding the 2017 Annual Review inaccurately reporting community consultation. Ashton reviewed the 2017 Annual Review content and consultation undertaken during reporting period. A response letter was sent to DPE on 17/8/18, with evidence included for at least one example of each type of consultation reported in Annual Review.
18 July 18	Noise	Complaint received from resident of Camberwell via Ashton community Contact Line. Noise monitoring results were reviewed for the 12 hours referred to in the complaint. Monitoring results showed no elevated noise levels attributable to Ashton. The CHPP superintendent was interviewed regarding the complaint. He investigated CHPP operations for the previous 24 hours and found nothing out of the ordinary to support excessive noise coming from site. CHPP had been on maintenance shut down for two

Date	Category	Details
		hours by 8AM on 18/7/18.
9 Sept 18	Noise	Complaint received from resident of Camberwell via Ashton community Contact Line regarding machinery noise. Noise monitoring results for 3 hours covering the time of the complaint were reviewed. Met conditions (SSW-SW @ 1.1 – 1.8 m/s) would not have enhanced noise from Ashton and no inversion was in place. Monitoring results showed no elevated noise levels attributable to Ashton, and audio recordings indicated highway traffic noise and mine truck noise (no mine trucks were operating at Ashton). The CHPP superintendent stated that no excessive noise was audible from CHPP operations, and no out of the ordinary activities would be generating excessive noise.
26 Oct 18	Noise	Complaint received from resident of Camberwell via Ashton community Contact Line. Noise monitoring results for midnight to 7am were reviewed. Met conditions from 02:30 to 07:00 (WNW @ 1.5 – 2.0 m/s) may have enhanced noise from the direction of Ashton at times. No inversion was in place. Monitoring results showed no elevated noise levels attributable to Ashton, and audio recordings indicated highway traffic noise (0500-0700), some dozer noise and mine truck noise (no dozer or mine trucks were operating at Ashton). The CHPP superintendent stated washing operations didn't start until 0615, and no dozers were operating at any time after 9pm. Light trade maintenance tasks at the time would not have been generating excessive noise.
19 Feb 19	Noise	Community noise complaint received from Camberwell resident regarding noise from operating dozer. Investigation found that no dozer activity was being undertaken at Ashton during complaint period (CHPP Coordinator). Wind enhancing noise from NNW (Ashton direction) between 0620 - 0700. Audio recording from 0645-0700 contained highway and dozer track slap noise. Elevated noise levels from 0500 – 0700 associated with daily New England Highway traffic increase. Informed complainant at 0715 that source of noise was not Ashton (no dozers operating at Ashton) and followed up with email at 0935, inviting complainant for site inspection.
7 April 19	Noise	Noise complaint received from Camberwell resident. Investigation found that no dozer activity was being undertaken at Ashton during complaint period (CHPP Coordinator). Wind enhancing noise from W to NW (Ashton direction) between 0500 - 0700. Audio recording from 0645-0700 contained highway noise. Elevated noise level from 0500 – 0700 (peak 61dBA at 0615) mainly New England Highway traffic. Complainant informed that source of noise was not Ashton.
29 June 19	Noise	Noise complaint received from Camberwell resident about very loud truck noise which was occurring at, and started just before, the time of the complaint. Investigation found that Ashton CHPP had a single truck and front-end loader, and dozer, operating from approximately 2am, with a second dozer commencing work at about 8am. Audio recordings from Camberwell continuous noise monitor indicated a mining continuum (consistent with continual operation of a large truck fleet), rail/highway noise and periodic dozer track slap (consistent with unloaded dozers travelling rapidly) was clearly audible before, after, and at time of the complaint. A moderate temperature inversion formed for a short period from 0815 – 0845, based on lapse rated measured at two local weather stations.

7.3 Project Environmental Management System

Ashton Coal operates under a formal site Safety, Health, Environment, and Community (HSEC) Management System. The Environmental Management Strategy that was prepared as a requirement of the Planning Approval describes the environmental management elements of the HSEC System and is generally consistent with the requirements of ISO 14001:2014. While the HSEC System is not certified to ISO 14001, the high level of compliance identified in this and the previous audit indicates the system is implemented and effective.

As part of this audit, the Auditor requested access to a wide range of environmental records and documents. Access to those records and documents was timely and efficient.

It is therefore concluded that the project environmental management system documented and implemented is appropriate for the operation.

7.4 Implementation of the Operational Environmental Management Plan and Sub-plans

The Conditions of Approval required the preparation and implementation of the following management plans:

- Air Quality and Greenhouse Gas Management Plan;
- Biodiversity (Flora and Fauna) Management Plan;
- Biodiversity Off-set Strategy;
- Environment Management Strategy;
- Extraction Plans;
- Heritage Management Plan;
- Mining Operations Plan;
- Noise Management Plan; and
- Water Management Plan.

During the document review phase of the project the contents of each of the plans was reviewed and found to meet the requirements of the Approval. In general, the Plans and Programs adequately identified the relevant project risks and proposed appropriate risk management controls.

7.5 Status of Previous IEA Findings

The previous audit was completed in September 2016. Table 7 lists each non-compliance associated with the Approval, relevant licenses and permits identified during the 2016 Audit and the status of those non-compliance.

Table 7 - Status of 2016 Audit Findings

Condition Number	Detail	2019 Audit Assessment	Status
Planning Approval DA 309-11-2001-i			
Sch. 2 C. 2.4	Copy of the MOP was not forwarded to SSC within 14 days of its approval by DRE	The requirement to send MOPs to SSC has been removed from the Mod 5 consent.	Closed
Sch. 2 C. 3.4 c)	Decommissioning of the mine was not included in the 2006 EMS.	The requirement to include decommissioning in the EMS has been removed from the Mod 5 consent.	Closed
Sch. 2 C. 4.7 a)	There was no evidence of consultation with the DRE or the EPA in the development of the WMP.	The 2017 review of the Water Management Plan included consultation with all required Authorities.	Closed
Sch. 2 C. 6.1	2013 - three off site gauges exceeded the 4g/m2 /month limit, D2, D6, D9	No dust exceedances were measured during the current Audit Period.	Closed
Sch. 2 C. 6.43	There was no evidence that the NMP was distributed to SSC, EPA or DRE.	The requirement to circulate the NMP to these bodies has been removed from the Mod 5 consent.	Closed
Sch. 2 C. 12.8	The Applicant shall seek the approval of the Mine Subsidence Board for the construction of any improvements. The plans for the CHPP modifications were not submitted to the MSB.	The CHPP modification was minor and Ashton's view is that a minor change does not warrant MSB approval.	Open
ML 1529			
1	1)a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted	The notifications were late; however, they were sent.	Closed

Condition Number	Detail	2019 Audit Assessment	Status
EPL 11879			
O1.1	Licensed activities must be carried out in a competent manner. Minor breach identified with drum of hydrocarbon material not fully banded at CHPP, rectified in the presence of the auditor.	Non-compliance rectified during the 2016 audit.	Closed.
O4.1	Stormwater Management Scheme A Stormwater Management Scheme must be prepared for the development and must be implemented. Recommendation - water at this point should be sampled in storm events to show that no pollution of local streams is occurring. ACOL should seek to have the area declared "safe" to return water to natural flow paths.	The recommendation was implemented by Ashton.	Closed.
M2.2	Air Monitoring Requirements. 2013 - TEOM data capture not 100% at all monitoring points. 2015 - Statutory TEOM returned 95% data.	TEOM data was not consistently captured during the current Audit Period.	Open

7.6 Specialist Auditor Reports

No specialist auditor reports were prepared as part of this audit.

7.7 Operational Environmental Impacts

The assessment of actual impacts against those predicted in the EIS is provided in Table 8.

Table 8 - Predicted vs Actual Impacts

Category	Predicted Impact	Actual Impacts to Date
Subsidence	<p>Subsidence will occur and will impact the surface profile above the mine. The maximum predicted subsidence was between 1.2 and 1.8 metres.</p> <p>Surface cracking can be expected. Dams above the mine workings may experience water loss.</p> <p>The Old Bowman Creek will be subsided by up to 5.4 metres</p> <p>There is unlikely to be any significant impact on the New England Highway.</p>	<p>Surface cracking above the working was clearly visible during the site inspection.</p> <p>The 2018 Annual Review has been reviewed to compare the cumulative subsidence impacts measured against those predicted in the original EIS. In general, the cumulative subsidence measured has exceeded the predictions contained in the EIS. It is noted that the subsidence measured exceeded the predictions developed in the Extraction Plans, triggering additional monitoring.</p>
Air Quality	<p>The results of PM10, TSP and dust deposition modelling indicated that the project could with implementation of the nominated operational controls comply with EPA standards.</p>	<p>The air quality monitoring undertaken during the Audit Period found that PM10, TSP and deposited dust from the operations meet the NSW EPA standards.</p>
Greenhouse Gas	<p>The EIS calculated annual emissions from the proposal for greenhouse gases. The predicted emissions of CO₂ from the Ashton Coal Project during both open cut and underground operations will be:-</p> <ul style="list-style-type: none"> • 37,000tpa attributable to electrical energy; • 27,600tpa due to combustion of diesel in mobile plant; and • 4,455tpa attributable to the use of explosives is a total of 69,055tpa. <p>Estimates of methane emissions from the mine were not made in the EIS.</p>	<p>During the 2017-2018 reporting period. ACOL emissions totaled 259,148 tCo₂-e (tonnes CO₂ equivalent) compared to 339,443 tCo₂-e for the previous reporting period of 2016-2017. ACOL emissions for 2017-2018 were 35,506 tCo₂-e compared to 36,805 for the 2016-2017 reporting period.</p> <p>As estimates of methane emissions from the mine were not made in the EIS., it is not possible to make a reasonable comparison between the predicted and reported figures.</p>
Noise	<p>Noise levels were predicted from day and evening operations of the coal preparation plant, train loading and general coal handling operations. The modelling predicted that noise levels from the mining operations would not exceed 38, 39 or 45 dBA during the daytime at the nominated residential receivers. Exceedances of these levels would occur under adverse meteorological conditions.</p>	<p>All noise monitoring undertaken has found that noise from the facility met both the day and nighttime EPL limits (38dBA daytime and 36dBA nighttime)</p>
Traffic and Transport	<p>The number of vehicle movements is well within the capacity of Glennies Creek Road and its</p>	<p>There are no adverse traffic issues associated with the mining operations. The impact of vehicles accessing the site are consistent with</p>

Category	Predicted Impact	Actual Impacts to Date
	intersection with the New England Highway	the impacts predicted in the EIS.
Visual	Views to the proposed activities occur from the New England Highway in particular, and to a lesser extent from the village of Camberwell. Other rural dwellings in the locality will have views to the development.	Visual impacts of the operations are consistent with those predicted in the EIS. Including the waste rock emplacements, environmental bund, and surface works.
Surface Water	Use of this surface water will have a negligible impact on water reaching the Hunter River or flows in the river.	No water discharges have occurred during the audit period; therefore, no impacts have occurred.
Groundwater	The mining will lower the groundwater or piezometric levels in the surrounding and overlying coal measures. There were seven registered bores in the Bowmans alluvium within 3km upstream of the mine. There is also one well in the Glennies Creek alluvium in Camberwell and one well in the Hunter alluvium south of the mine. The yields of these wells are unlikely to be affected by the Ashton Project.	During the Audit Period groundwater levels have decreased. However, the drought conditions experienced may have exacerbated the impacts from the mining.
Flora	The most significant impacts to the flora of the site will occur where the open cut mine, spoil emplacements, surface facilities and relocation of Bowman Creek will occur. Two thirds of the surface vegetation north of the New England Highway will be modified to a significant extent by these activities. The woodland in this area will be removed as part of the open cut mining operation. The majority of the vegetation communities that are present south of the New England Highway will have only subtle changes as a result of subsidence.	The areas of vegetation impact observed during the audit (and from review of the Annual Reviews) is generally in accordance with those identified in the EIS.
Fauna	The removal of the woodland to the north of the New England Highway is unlikely to have a significant impact on the local fauna. Small bird species will experience some impact as roost and nesting habitat will be lost. A resident population of the regionally significant Grey-crowned Babbler within the southern woodland. The southern woodland will be impacted by subsidence. No significant impact is expected to occur to larger native mammal species, as the present faunal assemblage is typical of grassland in a rural environment	The 2018 fauna surveys found that similar species diversity existed between the control areas and those impacted by mining. Based on this similarity, there is little indication from fauna results that mining is having an adverse impact. Similarly, comparison among faunal groups indicates that species diversity was consistent except for amphibians, which had significantly lower species diversity at the impact sites compared with the control sites. This difference is most likely explained by the current drought conditions and not due to mining activities.
Heritage	Extensive surface disturbance in the area of the new channel for Bowmans Creek, which would most likely destroy any sites present. It would also involve some disturbance to the area where the channel is to be diverted. The dumping of overburden or coal products in the western dump area has the potential to damage any sites located within the dumping area.	The required approvals were obtained for the disturbance of several sites identified in the EIS. On-going archaeological salvage works occurred over the audit period. The Auditor understands, based on the Annual Reviews prepared by Ashton that the heritage impacts of the mine are consistent with those predicted in the EIS.

Category	Predicted Impact	Actual Impacts to Date
	<p>Open cut mine and infrastructure north of the New England Highway including the mine extension area and dump areas to the extreme east of the study area. Eleven sites were recorded which would be impacted by the current plan for these areas.</p> <p>There are no predicted impacts on items of non-indigenous heritage resulting from the Ashton Coal Project</p>	

Compliance Table

Appendix A

PLANNING APPROVAL DA 309-11-2001-i								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S2.1	Obligation to Minimise Harm to the Environment	In addition to meeting the specific performance criteria established under this consent, Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.					Noted	
S2.2	Terms of Consent	The Applicant shall carry out the development: (a) generally in accordance with the EA, previous EIAs and the Development Layout Plans; and (b) Comply with conditions of this consent and the Statement of Commitments; <i>Notes:</i> • <i>The Development Layout Plans are shown in Appendix 2.</i> • <i>The Statement of Commitments is reproduced in Appendix 3.</i> • <i>Previous EIAs for the development are listed in Appendix 4.</i>					Noted	
S2.3		If there is any inconsistency between the documents covered by 2 (a) above, then the most recent document shall prevail to the extent of the inconsistency.					Noted	
S2.4		The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted by the Applicant in accordance with this consent; and (b) the implementation of any actions or measures contained in these documents.	1. Letter from DPE (L. Cook) to Ashton Coal Operations (P. Brown), titled " <i>Ashton Coal Project DA-309-2001-I Annual Review 2016</i> ", dated 19 June 2017. DPE requested that a summary of Non-compliances, a summary of community engagement activities, biodiversity management activities and timeframes for the implementation of any proposed environmental improvements be included in future Annual Reviews. 2. Letter from DPE (L. Cook) to Ashton Coal Operations (P. Brown), titled " <i>Ashton Coal Project DA-309-2001-I Annual Review 2017</i> ", dated 3 September 2018. DPE stated that the 2017 Annual Review generally satisfied the requirements of the Approval. DPE further requested additional information be included in subsequent Annual Reviews, including Table of Contents inclusions, additional information relating to complaints, additional data related to waste management, greenhouse gases, water management, aboriginal heritage and biodiversity. 3. Letter from DPE (L. Cook) to Ashton Coal Operations (P. Brown), titled " <i>Ashton Coal Project DA-309-2001-I Annual Review 2018</i> ", dated 16 May 2019. DPE stated that the 2018 Annual Review generally satisfied the requirements of the Approval. 4. Letter from DPE (H. Reid) to Ashton Coal Operations (Dr. D Short), titled " <i>Ashton Coal Project DA-309-2001-I Management Plans</i> ", dated 11 October 2016. DPE confirmed that a	Interview (P. Brown 13 January 2020). (Reference to reviewed documents 6, 7 and 8) In response to requests for information regarding groundwater impacts by reviewing Authorities, in a meeting between DPE and Ashton, DPE requested that an Historical Groundwater Review and Assessment be prepared.		During the Audit Period DPE made several requests for the provision of additional information from Ashton in relation Annual Reviews and Management Plans. Albeit that DPE were concerned regarding the timing of the final revision of the Historical Groundwater Review and Assessment (no specific reporting date had been set by DPE), all information requested was provided by Ashton.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
			<p>number of Plans were no longer required (as a consequence of Mod %) and requested that the next management plan review be completed by the end of March 2017. In addition, four Plans submitted prior to the approval of Mod 5 were to be revised to reflect the requirements of Mod 5 Approval by the end of June 2017.</p> <p>5. Letter from DPE (M. Spratt) to Ashton Coal Operations (P. Brown), titled "Ashton Coal Project DA-309-2001-I Review of Management Plans", dated 4 October 2017. DPE acknowledged the submission of revised plans to DPE and approval of those plans.</p> <p>6. Letter from DPE (H. Reed) to Ashton Coal Operations (P. Brown), titled "Outstanding Management Plan Ashton Coal Mine (309-2001-I)", dated 21 March 2018. Following their review of the Groundwater Review and Assessment, DPE requested that specific amendments be made to the report. No date for submission of the revised information was provided.</p> <p>7. Letter from DPE (H. Reid) to Ashton Coal Operations (P. Brown), titled "Outstanding Management Plan Ashton Coal Mine (309-2001-I)", dated 15 August 2019. DPE advised that the Groundwater Report Amendments requested on 21 March 2018 were still outstanding and recommended that the report be revised and submitted to avoid referral to the DPE's compliance section.</p> <p>8. Letter from DPE (H. Reid) to Ashton Coal Operations (P. Brown), titled "Ashton Coal Project DA-309-2001-I Historical Groundwater Review and Assessment", dated 30 August 2019. DPE advised that the Groundwater Review fulfilled its previous requests and approved the document.</p>					
S2.5	Mining Operations	<p>The Applicant may carry out mining operations on the site until 26 February 2024, or a period of 12 years following recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex, whichever is the longer.</p> <p>Notes:</p> <ul style="list-style-type: none"> - Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of both the Secretary and DRE. Consequently, this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily - re-handling/reshaping of previously emplaced overburden is not subject to this condition 				Cessation of Mining has not been triggered.	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S2.6	Coal Production	The Applicant shall not extract more than: (a) 5.45 million tonnes of ROM coal from the development in a calendar year; and (b) 8.6 million tonnes of ROM coal from the Ashton Mine Complex (in total) in a calendar year.	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. The 2016 Annual Review reported that 2,378,739 tonnes of ROM Coal was produced in 2016. 2. <i>Ashton Coal 2017 Annual Review</i> dated 28 March 2018. The 2017 Annual Review reported that 2,790,532 tonnes of ROM Coal was produced in 2017. 3. <i>Ashton Coal 2018 Annual Review</i> dated 27 March 2019. The 2018 Annual Review reported that 1,960,953 tonnes of ROM Coal was produced in 2018.			Data published by Ashton confirmed that annual ROM coal produced over the Audit Period complied with the limits established by the Approval.	Compliance	
S2.7	Coal Transport	The Applicant must: (a) not transport coal from the site by road (except in an emergency situation and with the prior approval of the Secretary);	1. Monthly Production Summary (2017, 2018 and 2019). The production summary sheets (spreadsheets) record the coal; production figures for both the underground and open cut operations (open cut mine produced no coal during the Audit Period); quantity of coal processed through the washing plant, quantity of coal stockpiled and the quantity of coal transported from the mine.	1. Audit notes provided by P. Brown stated that no coal is transported by road from the mine.	1. No evidence of the transport of coal by road was observed by the Auditor.	No coal was transported from the mine by road during the Audit Period.	Compliance	
		The Applicant must: (b) not transport any coal to the Macquarie Generation coal conveyor by internal or public road; and		1. Audit notes provided by P. Brown stated that no coal is transported to the Macquarie Generation by any means.	1. No evidence of the transport of coal by road was observed by the Auditor.	No coal was transported to Macquarie Generation during the Audit Period.	Compliance	
		The Applicant must: (c) restrict coal processing for the Ashton Mine Complex and transport to/from the CHPP to a maximum of: • 8.6 million tonnes of ROM coal per calendar year; and • 5 train movements per day, averaged over a calendar month. Note: For the purposes of this condition, each train entering and exiting the site is classified as 2 train movements; and a day refers to the 24 hours from midnight to midnight the next day.	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. The 2016 Annual Review reported that 2,378,739 tonnes of ROM Coal was produced in 2016. 2. <i>Ashton Coal 2017 Annual Review</i> dated 28 March 2018. The 2017 Annual Review reported that 2,790,532 tonnes of ROM Coal was produced in 2017. 3. <i>Ashton Coal 2018 Annual Review</i> dated 27 March 2019. The 2018 Annual Review reported that 1,960,953 tonnes of ROM Coal was produced in 2018. 4. Monthly Production Summary (2017, 2018 and 2019). The production summary sheets (spreadsheets) record the coal; production figures for both the underground and open cut operations (open cut mine produced no coal during the Audit Period); quantity of coal processed through the washing plant, quantity of coal stockpiled and the quantity of coal transported from the mine. 5. Train Running Sheets (print out provided by the CPP Process Engineer): In general two trains per day entered and left the Mine over the Audit Period, except for the following dates: 26/11/16, 12/12/2016, 24/7/17, 21/8/17, 20/12/17, 8/2/18, 21/8/18, 22/8/18 and 23/8/18 when three trains entered and left the Mine, that is six(6) train movements over each 24 hour period. In addition, 10/5/17 three trains entered the mine and four departed during the 24-hour period (seven train movements).	1. Audit notes provided by P. Brown stated that no coal is transported to the Macquarie Generation by any means.		Data published by Ashton confirmed that annual ROM coal produced over the Audit Period complied with the limits established by the Approval.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S2.8	Hours of Operation	<p>The Applicant shall restrict construction works on the site to:</p> <p>(a) day periods only, in the case of construction of gas wells; and</p> <p>Note: Underground mining operations, ROM coal handling, CHPP operation, conveyor transport to and from the CHPP and train loading may be undertaken at any time.</p>	<p>1. Ground Disturbance Permit (0157), covering the installation of two gas wells. The Condition of the permit specify that works may only occur between 7 am and 6 pm Monday to Friday or 8am to 6pm on weekends or public holidays</p> <p>2. Complaints Register - no complaints relating to out of hours construction works during the Audit Period.</p>			<p>As part of their ground works approval process, Ashton provide construction teams with appropriate information relating to permitted construction hours.</p> <p>No complaints or other evidence of out of hours construction works were identified by the Auditor.</p>	Compliance	
		<p>(b) day and evening periods only, in the case of all other construction activities.</p> <p>The applicant may undertake minor surface construction works outside of these hours in an emergency or where continuous operations are required (for example, raise boring), following the approval of the secretary.</p>	<p>1. Ground Disturbance Permit (0413 and 0151), covering general maintenance related works. The Conditions of the permits specify that works may only occur during daytime hours.</p> <p>2. Complaints Register - no complaints relating to out of hours construction works during the Audit Period.</p>			<p>As part of their ground works approval process, Ashton provide construction teams with appropriate information relating to permitted construction hours.</p> <p>No complaints or other evidence of out of hours construction works were identified by the Auditor.</p>	Compliance	
S2.9	Blasting	<p>Unless the Secretary agrees otherwise, the Applicant shall not carry out any blasting on the site for open cut mining operations.</p>		<p>1. Interview P. Brown (during the site audit). Auditee stated that no blasting has been undertaken during the Audit Period. No open cut mining has been undertaken during the Audit Period.</p>		<p>No blasting has been undertaken during the Audit Period</p>	Not Triggered	
S2.10	Structural Adequacy	<p>The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA and MSB.</p> <p>Notes:</p> <ul style="list-style-type: none"> Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works; Part 8 of the EP&A Regulation sets out the requirements for the certification of the development; The development is located in the Patrick Plains Mine Subsidence District. Under Section 15 of the Mine Subsidence Compensation Act 1961, the Applicant is required to obtain the MSB's approval before constructing any improvements on the site. 	<p>1. AcroCert letter to Ashton (G. Brooks) titled "AcroCert Pty Ltd - Important Documents", dated 14 June 2017. The letter (and attachments) contained the Notice of Determination, Notice of Inspections, Approved Development Certificates for the placement of footings for the demountable building (Technical Service Office) and final Inspection Certificate.</p>	<p>1. Interview P. Brown (during the site audit). One (demountable) building has been installed during the Audit Period. No other construction has been undertaken.</p>	<p>1. No new structures, other than the demountable building used as the Technical services Office (Photo #1) were observed by the Auditor.</p>	<p>Only one structure (demountable building to be used as the Technical Services Office) was installed during the Audit Period. The necessary approvals for the works were sighted by the Auditor.</p>	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S2.11	Demolition	The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	<p>1. AcroCert letter to Ashton (P. Brown) titled "AcroCert Pty Ltd - Important Documents", dated 4 September 2017. The letter (and attachments) contained the Notice of Determination, Notice of Inspections, Approved Development Certificates for the demolition of 94 Glennies Creek Road) and final Inspection Certificate.</p> <p>2. AcroCert letter to Ashton (P. Brown) titled "AcroCert Pty Ltd - Important Documents", dated 4 September 2017. The letter (and attachments) contained the Notice of Determination, Notice of Inspections, Approved Development Certificates for the demolition of 23 Alpha Street) and final Inspection Certificate.</p> <p>3. AcroCert letter to Ashton (P. Brown) titled "AcroCert Pty Ltd - Important Documents", dated 4 September 2017. The letter (and attachments) contained the Notice of Determination, Notice of Inspections, Approved Development Certificates for the demolition of 25 Alpha Street) and final Inspection Certificate.</p>	1. Interview P. Brown (during the site audit). The only demolition works undertaken during the Audit Period were three properties in Camberwell that had been purchased by Ashton.		The three (former residential) buildings demolished in Camberwell were demolished in accordance with the relevant standards (as confirmed by the independent certifier).	Compliance	
S2.12	Protection of Public Infrastructure	<p>Unless the Applicant and the applicable authority agree otherwise, the Applicant shall:</p> <p>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and</p> <p>(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development, except where impacts to such works have otherwise been fully compensated through the compensation provisions of the Mining Act 1992.</p> <p>Note: This condition does not apply to Lemington Road or Brunkers Lane, which has been separately addressed under condition 36 of schedule 3.</p>	<p>1. Built Features Management Plan, Dated November 2016. The plan identifies potentially (subsidence) impacted structures and the ownership of those assets.</p> <p>2. Capital Expenditure Request for power pole replacement (due to subsidence) dated 13 April 2016.</p>			Consulting Engineers, Lyndsay Dyson identified that the 132 kv transmission line that runs across the southern end of Longwalls 1-8 would be impacted by subsidence. Ashton has arranged for the replacement of the power poles with suitably engineered poles designed to take into account the expected subsidence.	Compliance	
S2.13	Operation of Plant and Equipment	The Proponent shall ensure that all plant and equipment used at the site, or to transport extractive materials from the site, is:	<p>1. <i>Mechanical Engineering Management Control Plan</i> (Section 4) - detailing the roles and responsibilities of engineering personnel in relation to operations and plant maintenance.</p> <p>2. <i>"Ashton Coal Operations Introduction to Site Procedure"</i>, Revision 0. The procedure outlines the requirements of the introduction of new plant to the mine site (purchase or hire).</p> <p>3. <i>"Ashton Coal Operations Training and Competency Management System"</i> Revision 5. The TCMS outlines the roles and responsibilities of managers, trainers and assessors and the training and competence requirements of operations personnel at the Mine.</p>	1. Interview B. McKay, Engineering Manager - demonstration of the mine maintenance management system.	1. All plant and equipment observed by the Auditor appeared to be operational and appropriately maintained.	Ashton has an established maintenance management system, documented roles and responsibilities, processes and procedures appropriate for the operation.	Compliance	
S2.14	Relationship Between Approvals	Requirements, responsibilities or permissions under this development consent do not duplicate equivalent requirements, responsibilities or permissions under the project approval for the Ashton South East Open Cut Project (MP 08_0182).				The Open Cut operation has not been commenced.	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.1	Acquisition on Request	<p>Upon receiving a written request for acquisition from an owner of the land containing a residential receiver listed in Table 1, the Applicant shall acquire the land in accordance with the procedures in conditions 7 and 8 of Schedule 4. Table 1: Land Subject to Acquisition upon Request</p> <p>For the purposes of acquisition under this condition, parcels of land that are in close proximity and operated as a single agricultural enterprise should be included as part of the land to be acquired. Where the Applicant and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Secretary for resolution. The Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 7 and 8 of Schedule 4 shall be final.</p> <p>This condition only has effect following recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex. Note: To interpret the locations referred to in Table 1, see the applicable figures in Appendix 5.</p>		1. Interview P. Brown (during the site audit). No requests for acquisition have been received during the Audit Period.		The Open Cut operation has not been commenced.	Not Triggered	
S3.2	Noise Criteria	<p>Except for the noise-affected land in Table 1, the Applicant shall ensure that the noise generated by mining operations at the Ashton Mine Complex does not exceed the criteria in Table 2 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land.</p> <p>Noise generated by the development is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 8 sets out the requirements for evaluating compliance with these criteria.</p> <p>This condition only has effect following recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex. At all other times, condition 2 of Appendix 6 has effect in its place.</p> <p>Note: To interpret the locations referred to in Table 2, see the applicable figure in Appendix 5.</p>	<p>1. Noise Monitoring Results (Presented on the Ashton Website: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/</p>		1. The open cut operations have not commenced.	<p>No noise exceedances have been identified for the Audit Period.</p> <p>The Open Cut operation has not been commenced.</p>	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.3	Noise - Additional Noise Mitigation Measures	<p>Upon receiving a written request from the owner of any residence on the land listed in Table 1 and/or at any residence where subsequent noise monitoring results shows the noise generated by the Ashton Mine Complex exceeds the noise criteria in Table 2 by 3-5 dB(A), the Applicant shall implement additional reasonable and feasible noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the owner.</p> <p>If within 3 months of receiving this request from the landowner, the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p>This condition only has effect following recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex. At all other times, condition 3 of Appendix 6 has effect in its place. <i>Note: For this condition to apply, the exceedance of the criteria must be systemic.</i></p>		1. Interview P. Brown (during the site audit). No requests for acquisition have been received during the Audit Period.		The Open Cut operation has not been commenced.	Not Triggered	
S3.4	Noise - Noise Acquisition Criteria	<p>If the noise generated by the Ashton Mine Complex exceeds the criteria in Table 3 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land (except for the noise-affected residential receivers in Table 1), then upon receiving a written request for acquisition from the owner, the Applicant shall acquire the land in accordance with the procedures in conditions 7 and 8 of Schedule 4.</p> <p>Noise generated by the development is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 8 sets out the requirements for evaluating compliance with these criteria. This condition only has effect following recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex.</p> <p>Notes:</p> <ul style="list-style-type: none"> To interpret the locations referred to in Table 3, see the applicable figure in Appendix 5. For this condition to apply, the exceedance of the criteria must be systemic. 	<p>1. Noise Monitoring Results (Presented on the Ashton Website):</p> <p>https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/</p>		1. The open cut operations have not commenced.	<p>No noise exceedances have been identified for the Audit Period.</p> <p>The Open Cut operation has not been commenced.</p>	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.5	Noise - Cumulative Noise Criteria	<p>The Applicant shall implement all reasonable and feasible measures to ensure that the noise generated by the Ashton Mine Complex combined with the noise generated by other mines in the vicinity does not exceed the criteria in Table 5 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land (except for the noise-affected residential receivers in Table 1). Cumulative noise is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 8 sets out the requirements for evaluating compliance with these criteria.</p> <p>For the purposes of this condition, 'reasonable and feasible avoidance and mitigation measures' includes, but is not limited to, the requirements in conditions 8 and 9 below to develop and implement a real-time noise management system that ensures effective operational responses to the risk of exceedance of the criteria. This condition only has effect following recommencement of open cut mining operations (including overburden removal) of the Ashton Mine Complex.</p> <p>Note: To interpret the locations referred to in Table 4, see the applicable figure in Appendix 5.</p>			1. The open cut operations have not commenced.	<p>No noise exceedances have been identified for the Audit Period.</p> <p>The Open Cut operation has not been commenced.</p>	Not Triggered	
S3.6	Noise - Cumulative Noise Acquisition Criteria	<p>If the cumulative noise generated by the Ashton Mine Complex combined with the noise generated by other coal mines in the vicinity exceeds the criteria in Table 5 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land (except for the noise-affected residential receivers in Table 1), then upon receiving a written request from the landowner, the Applicant must, together with the relevant mines, acquire the land on as equitable basis as possible, in accordance with the procedures in conditions 7 and 8 of Schedule 4. Cumulative noise is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 8 sets out the requirements for evaluating compliance with these criteria.</p> <p>Note: To interpret the locations referred to in Table 5, see the applicable figure in Appendix 5.</p>	<p>1. Noise Monitoring Results (Presented on the Ashton Website):</p> <p>https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/</p>		1. The open cut operations have not commenced.	<p>No noise exceedances have been identified for the Audit Period.</p> <p>The Open Cut operation has not been commenced.</p>	Not Triggered	
S3.7	Noise - Rail Noise	<p>The Applicant must seek to ensure that its rail spur is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with noise limits in RailCorp's EPL (No. 12208) and ARTC's EPL (No. 3142), or otherwise approved by the</p>	<p>1. Letter from Genesee & Wyoming Australia Pty Ltd (Rail Operators for the Moorlaben, Ashton and Mt Thorley / Warkworth mines), to YanCoal (A. Maher) titled "Genesee and Wyoming Locomotives Complying with Environment Protection Licence", dated 18 October 2018. The</p>			<p>Correspondence from the rail operator confirms compliance with the EPL relating to locomotives used for the transport of Coal from Ashton.</p>	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		EPA.	letter confirms that the locomotives used for Ashton's operations meet the requirements of the EPL.					
S3.8	Noise - Operating Conditions	The Applicant shall: (a) 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 Ashton Mine Complex at all times, including during temperature inversions;	1. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). 2.Noise monitoring reports (https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/)		1. The operational areas associated with the mine are located within the former open cut pit and therefore noise from the operational areas is unlikely to directly impact neighbours. 2. At the time of the audit site inspection the mine and process plant were operational. The Auditor visited the neighbouring town of Camberwell and found that no noise from the subject operations was audible at that time.	Ten community complaints were received over the Audit Period. Nine of those complaints related to noise. Investigations undertaken by Ashton found that the noise sources were not associated with their operations. A review of noise monitoring results covering the Audit Period found no non-compliances against the EPL noise limits.	Compliance	
		(b) operate a comprehensive noise management system that uses a combination of predictive 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 consent;	1. "Ashton Coal Noise Management Plan", Version D10, dated 10 October 2017. Appendix A of the Plan provides an overview of the compliance requirements and references where those requirements are covered in the Plan. The requirement for the use of predictive metrological forecasting and real-time monitoring to guide day to day operations and implement proactive mitigation measures is not covered in the Noise Management Plan.			The requirement for the use of predictive metrological forecasting and real-time monitoring to guide day to day operations applies after the recommencement of open cut operations.	Not Triggered	
		(c) minimise the noise impacts of the development during meteorological conditions under which data is to be excluded for the purposes of assessing compliance with these conditions (see Appendix 8); and	1. "Ashton Coal Noise Management Plan", Version D10, dated 10 October 2017. Section 4.4 of the Noise Management Plan of the Plan provides an overview of the noise mitigation strategies to be implemented at the mine. No reference is made to the minimisation of noise impacts during adverse meteorological conditions (that are excluded from compliance assessment.	Response from P Brown regarding absence of specific reference to Schedule 3 Clause 8(c) in the NMP: "Item 6.2C in Table 6 of the Noise Management Plan describes how monitoring of meteorological conditions is incorporated into overall noise management decision making at Ashton. However, due to the frequency with which these exclusory meteorological conditions (as specified in DA Appendix 8) are recorded, the already minimal noise impact resulting from Ashton operations, and resulting limited options to implement additional met-responsive controls, the noise minimisation management controls outlined in Table 6 (particularly 6.2 Planning Controls and 6.3 Engineering and Operational Controls) apply at all times, including during times of noise assessment limit exclusion due to meteorological conditions.		While a specific strategy or actions designed to minimise noise impacts during adverse metrological conditions is not covered in the Noise Management Plan, the noise control actions specified in the Plan are applied under all meteorological conditions.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(d) co-ordinate noise management at the Ashton Mine Complex with noise management at nearby coal mines to minimise the cumulative noise impacts of the mines, to the satisfaction of the Secretary. Note: Condition 8b above only has effect following the recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex.	1. "Ashton Coal Noise Management Plan", Version D10, dated 10 October 2017. Table 6 in Section 4.4 of the Noise Management Plan of the Plan provides an overview of the noise mitigation strategies to be implemented at the mine. Coordination with neighbouring mines is covered in section 6.7 of Table 6.			Coordination of cumulative noise impacts with neighbouring mines is covered in Section 4.4 of the Noise Management Plan.	Compliance	
S3.9	Noise - Noise Management Plan	The Applicant shall prepare and implement a Noise Management Plan for the Ashton Mine Complex to manage potential impacts of the development. This plan must: (a) be prepared in consultation with the EPA, and be submitted to the Secretary for approval;	1. "Ashton Coal Noise Management Plan", Version D10, dated 10 October 2017. 2. Email from the EPA (N. Ryan) to Ashton (P. Brown), titled "Water and Noise Management Plan - Ashton", dated 16 June 2017. The EPA declined to provide comment on the draft Plans. 3. Letter from DPE (M. Spratt) to Ashton Coal Operations (P. Brown), titled "Ashton Coal Project DA-309-2001-I Review of Management Plans", dated 4 October 2017. DPE acknowledged the submission of revised plans (including the Noise Management Plan) to DPE and approval of those plans.			The Noise Management Plan has been prepared and is being implemented. The NSW EPA was consulted during the preparation of the Plan, but declined to provide comment, and the Plan was approved by DPE on 4 October 2017.	Compliance	
		(b) describe the noise mitigation measures that would be implemented to ensure: • best practice noise management is being employed and is regularly: o benchmarked against contemporary industry standards; and o reviewed to ensure continual improvement; and • compliance with the noise criteria and operating conditions of this consent;	1. "Ashton Coal Noise Management Plan", Version D10, dated 10 October 2017. Section 4.4 of the Plan describes the mitigation measures that are being implemented by Ashton. Section 6 of the Plan describes the audit, maintenance and review of the Plan. 2. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). 3.Noise monitoring reports (https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/)			Section 4.4 of the Plan details the noise control measures being implemented and Section 6 details the requirements for audit, review and updating of the Noise Management Plan.	Compliance	
		(c) describe the noise management system in detail;	1. "Ashton Coal Noise Management Plan", Version D10, dated 10 October 2017. Sections 3, 4 and 5 of the Plan describes the noise management system implemented by Ashton.			Sections 3, 4 and 5 of the Plan details the noise management system.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		<p>(d) include a noise monitoring program that:</p> <ul style="list-style-type: none"> • uses a combination of real-time and supplementary attended monitoring measures to evaluate the noise performance of the Ashton Mine Complex; • includes a protocol for determining exceedances of the relevant conditions of this consent; • evaluates and reports on the effectiveness of the noise management system and the best practice noise management measures; • includes sufficient random audit of operational responses to the real-time noise management system to determine the ongoing effectiveness of these responses in maintaining compliance with all relevant noise criteria and the requirements of condition 8 above; and • includes a mechanism for publication of the results of these audits and for an independent annual review of these results, including any recommendations for improvement in performance and 	<p>1. "Ashton Coal Noise Management Plan", Version D10, dated 10 October 2017. Section 4.2 details the noise monitoring implemented (including both attended and unattended monitoring. Section 5.2 details the reporting and communications processes being implemented by Ashton. These processes meet the requirements of the Condition.</p>			<p>Section 4.2 of the Noise Management Plan details the noise monitoring implemented (including both attended and unattended monitoring. Section 5.2 details the reporting and communications processes being implemented by Ashton.</p>	Compliance	
		<p>(e) includes a protocol that has been prepared in consultation with the owners of nearby mines to minimise the cumulative noise impacts of the mines. The applicant must implement the approved management plan as approved from time to time by the Secretary</p>	<p>1. "Ashton Coal Noise Management Plan", Version D10, dated 10 October 2017. Table 6 in Section 4.4 of the Noise Management Plan of the Plan provides an overview of the noise mitigation strategies to be implemented at the mine. Coordination with neighbouring mines is covered in section 6.7 of Table 6.</p>			<p>Coordination of cumulative noise impacts with neighbouring mines is covered in Section 4.4 of the Noise Management Plan.</p>	Compliance	
S3.10	Odour	<p>The Proponent shall ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.</p>	<p>1. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No odour complaints have been received by Ashton over the Audit Period.</p> <p>2. Ashton Coal Spontaneous Combustion Principal Hazard Management Plan, Revision 6. The plan details the (coal seam / mine gas) detection and management system.</p>		<p>1. No offensive odours were detected by the Auditor during the site inspection.</p>	<p>No evidence of the generation or emission of offensive odours were found during the Audit. Ashton have developed and implemented an appropriate plan to management spontaneous combustion (and subsequent odour emissions) risks.</p>	Compliance	
S3.11	Greenhouse Gas Emissions	<p>The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Secretary.</p>	<p>1. Ashton Coal Air Quality and Greenhouse Gas Management Plan, Revision F1, dated 10 October 2017.</p> <p>2. Ashton Coal Spontaneous Combustion Principal Hazard Management Plan, Revision 6. The plan details the (coal seam / mine gas) detection and management system.</p>			<p>Ashton has prepared an Air Quality and Greenhouse Gas Management Plan and the Ashton Coal Spontaneous Combustion Principal Hazard Management Plan that describe the management and minimisation of greenhouse gas emissions. Both Plans have been approved by DPE.</p>	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.12	Air Quality and Greenhouse Gas - Air Quality Criteria	<p>Except for the land listed as air quality impacted in Table 1 (whilst condition 1 has effect), the Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the Ashton Mine Complex does not cause or contribute to exceedance of the criteria listed in Table 6 at any residence on privately-owned land or on more than 25 percent of any privately-owned land</p> <p><i>Notes to Table 6:</i> <i>a: Total impact (i.e. incremental increase in concentrations due to the Ashton Mine Complex plus background concentrations due to all other sources);</i> <i>b) Incremental impact (i.e. incremental increase in concentrations due to the Ashton Mine Complex on its own);</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> <i>d) Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity which has been endorsed by EPA and then agreed to by the Secretary.</i></p> <p>For the purposes of this condition, 'reasonable and feasible avoidance and mitigation measures' include, but are not limited to, the requirements in conditions 16 and 17 to develop and implement a real-time air quality management system that ensures effective operational responses to the risks of exceedance of the criteria.</p>	<p>1. <i>Ashton Coal 2016 Annual Review</i>, dated 30 March 2017. The 2016 Annual Review reported that: - all dust deposition gauges were operational for the 2016 reporting period and no exceedances were recorded - All high volume sampler were operational for the 2016 reporting period and no exceedances were recorded - TEOM (PM10) sampling (in Camberwell Village) detected two exceedances of the 50 ug/m3 PM10 levels occurred. Investigation of that exceedance found that showed that Ashton's contribution to the levels was below 50 ug/m3.</p> <p>2. <i>Ashton Coal 2017 Annual Review</i>, dated 28 March 2018. The 2017 Annual Review reported that: - all dust deposition gauges were operational for the 2017 reporting period and no exceedances were recorded - TEOM (PM10) sampling detected several exceedances of the 50 ug/m3 PM10 levels occurred. Investigation of that exceedance found that showed that Ashton's contribution to the levels was below 50 ug/m3. Note that one exceedance incidence was report to DPE / EPA as preliminary investigations suggested that the mine's contribution exceeded 50 ug/m3. Subsequent investigations revised the mine contribution to less than 50 ug/m3.</p> <p>3. <i>Ashton Coal 2018 Annual Review</i>, dated 27 March 2019. The 2018 Annual Review reported that: - all dust deposition gauges were operational for the 2018 reporting period and no exceedances were recorded - TEOM (PM10) sampling detected several exceedances of the 50 ug/m3 PM10 levels occurred. Investigation of that exceedance found that showed that Ashton's contribution to the levels was below 50 ug/m3.</p> <p>4. <i>Ashton Coal Air Quality and Greenhouse Gas Management Plan</i>, Revision F1, dated 10 October 2017.</p> <p>5. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No air quality complaints have been received by Ashton over the Audit Period.</p>			There have been no exceedances in air quality criteria during the Audit Period.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.13	Air Quality and Greenhouse Gas - Additional Air Quality Mitigation Measures	<p>Upon receiving a written request from the owner of any residences on any privately-owned land where subsequent air quality monitoring shows the dust generated by the Ashton Mine Complex exceeds the air quality limits in Table 6, the Applicant must implement additional reasonable and feasible dust mitigation measures (such as a first-flush roof system, internal or external air filters and/or air conditioning) at the residence in consultation with the owner.</p> <p>If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p><i>Note: For this condition to apply, the exceedance of the criteria must be systemic.</i></p>		1. Interview P. Brown (during the site audit). No requests for acquisition have been received during the Audit Period.		No requests for acquisition have been received during the Audit Period.	Not Triggered	
S3.14	Air Quality and Greenhouse Gas - Exceedances at Occupied Residences on Mine- owned Land	<p>The Applicant shall ensure that particulate matter emissions generated by the Ashton Mine Complex do not exceed the criteria listed in Table 6, at any occupied residence on any mine-owned land (including land owned by adjacent mines) unless:</p> <p>(a) the tenant, and landowner (where owned by a mine other than the Applicant), has been notified of health risks in accordance with the notification requirements under Schedule 4 of this consent;</p> <p>(b) the tenant of land owned by the Applicant can terminate their tenancy agreement without penalty, subject to giving reasonable notice, and the Applicant uses its best endeavours to provide assistance with relocation and sourcing of alternative accommodation;</p> <p>(c) air mitigation measures such as air filters, a first flush roof water drainage system and/or air conditioning) are installed at the residence, if requested by the tenant and landowner (where owned by a mine other than the Applicant);</p> <p>(d) particulate matter air quality monitoring is undertaken to inform the tenant and landowner (where owned by a mine other than the Applicant) of potential health risks; and</p> <p>(e) the monitoring data is provided to the tenant in an appropriate format, for a medical practitioner to assist the tenant in making an informed decision on the health risks associated with occupying the property, to the satisfaction of the Secretary.</p>	<p>1. <i>Ashton Coal 2016 Annual Review</i>, dated 30 March 2017. The 2016 Annual Review reported that:</p> <ul style="list-style-type: none"> - all dust deposition gauges were operational for the 2016 reporting period and no exceedances were recorded - All high volume sampler were operational for the 2016 reporting period and no exceedances were recorded - TEOM (PM10) sampling (in Camberwell Village) detected two exceedances of the 50 ug/m3 PM10 levels occurred. Investigation of that exceedance found that showed that Ashton's contribution to the levels was below 50 ug/m3. <p>2. <i>Ashton Coal 2017 Annual Review</i>, dated 28 March 2018. The 2017 Annual Review reported that:</p> <ul style="list-style-type: none"> - all dust deposition gauges were operational for the 2017 reporting period and no exceedances were recorded - TEOM (PM10) sampling detected several exceedances of the 50 ug/m3 PM10 levels occurred. Investigation of that exceedance found that showed that Ashton's contribution to the levels was below 50 ug/m3. Note that one exceedance incidence was report to DPE / EPA as preliminary investigations suggested that the mine's contribution exceeded 50 ug/m3. Subsequent investigations revised the mine contribution to less than 50 ug/m3. <p>3. <i>Ashton Coal 2018 Annual Review</i>, dated 27 March 2019. The 2018 Annual Review reported that:</p> <ul style="list-style-type: none"> - all dust deposition gauges were operational for the 2018 reporting period and no exceedances were recorded 			There have been no exceedances in air quality criteria during the Audit Period.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
			<p>- TEOM (PM10) sampling detected several exceedances of the 50 ug/m3 PM10 levels occurred. Investigation of that exceedance found that showed that Ashton's contribution to the levels was below 50 ug/m3.</p> <p>4. <i>Ashton Coal Air Quality and Greenhouse Gas Management Plan</i>, Revision F1, dated 10 October 2017.</p> <p>5. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No air quality complaints have been received by Ashton over the Audit Period.</p>					
S3.15	Air Quality and Greenhouse Gas - Air Quality Acquisition Criteria	<p>If particulate matter emissions generated by the Ashton Mine Complex cause or contribute to exceedance of the cumulative criteria, in Table 7 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner, the Applicant shall acquire the land in accordance with the procedures in conditions 7 to 8 of Schedule 4.</p> <p><i>Notes to Table 7:</i></p> <p>a) <i>Total impact (i.e. incremental increase in concentrations due to the Ashton Mine Complex plus background concentrations due to all other sources);</i></p> <p>b) <i>Incremental impact (i.e. incremental increase in concentrations due to the Ashton Mine Complex on its own);</i></p> <p>c) <i>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> <p>d) <i>Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity which has been endorsed by EPA and then agreed to by the Secretary.</i></p>		1. Interview P. Brown (during the site audit). No requests for acquisition have been received during the Audit Period.		No requests for acquisition have been received during the Audit Period.	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.16	Operating Conditions	The Applicant must: (a) implement best practice air quality management, including all reasonable and feasible measures to minimise off-site odour, fume and dust emissions generated by the Ashton Mine Complex, including those generated by any spontaneous combustion.	1. <i>Ashton Coal Air Quality and Greenhouse Gas Management Plan</i> , Revision F1, dated 10 October 2017. 2. <i>Ashton Coal Spontaneous Combustion Principal Hazard Management Plan</i> , Revision 6. The plan details the (coal seam / mine gas) detection and management system. 3. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No odour or air quality complaints have been received by Ashton over the Audit Period.			Ashton has prepared an Air Quality and Greenhouse Gas Management Plan and a Ashton Coal Spontaneous Combustion Principal Hazard Management Plan that describe the management and minimisation air quality impacts. No complaints have been received regarding air quality and no exceedances of air quality criteria have been reported during the Audit Period.	Compliance	
		(b) minimise the surface disturbance of the site;			1. The Auditor inspected all surface areas associated with the mine, processing plant and rehabilitated areas. No areas of excessive clearing were identified and extensive rehabilitation of previously disturbed areas has been implemented.	Clearing of vegetation has been minimised and progressive rehabilitation has commenced.	Compliance	
		(c) minimise any off-site air pollution generated by the Ashton Mine Complex;	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. The 2016 Annual Review reported that no exceedances in air quality criteria were reported. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. The 2017 Annual Review reported that no exceedances in air quality criteria were reported. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019. The 2018 Annual Review reported that no exceedances in air quality criteria were reported. 4. <i>Ashton Coal Air Quality and Greenhouse Gas Management Plan</i> , Revision F1, dated 10 October 2017. 5. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No air quality complaints have been received by Ashton over the Audit Period.			No exceedances of air quality criteria have been identified during the audit. No complaints regarding air quality have been received during the Audit Period.	Compliance	
		(d) ensure that: <ul style="list-style-type: none"> the conveyor is enclosed on at least 3 sides including the side facing Camberwell village, and on all 4 sides where the conveyor crosses Glennies Creek and the New England Highway, prior to the commencement of conveyor operations; the bund along the northern boundary is constructed and revegetated as quickly as is practicable; 				Open Cut Operations have not recommenced.	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(e) ensure that the ROM hopper operates water sprays during all dumping of coal.			1. Operation of the ROM Hopper water spray was observed during the Audit.	Water Sprays have been installed on the ROM Hopper.	Compliance	
		(f) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting, predictive and real-time air dispersion modelling 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 mitigation measures to ensure compliance with the relevant conditions of this consent;				Open Cut Operations have not recommenced.	Not Triggered	
		(g) manage PM2.5 levels in accordance with any requirements of an EPL;				There is no requirement for PM2.5 management in the EPL.	Not Triggered	
		(h) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note under Table 7);	<p>1. Ashton Coal Air Quality and Greenhouse Gas Management Plan, Revision F1, dated 10 October 2017.</p> <p>2. Internal (Ashton) Email from L Crawford (Environment and Community Coordinator) to Operational Managers (various), titled "High Risk Dust Day", dated 20 December 2017. The email notified operational management of forecast hot windy conditions and requested a focus on dust control.</p> <p>3. Internal (Ashton) Email from L Crawford (Environment and Community Coordinator) to Operational Managers (various), titled "Wind Warning for Tomorrow", dated 14 August 2018. The email notified operational management of forecast windy conditions and requested a focus on dust control.</p>			A process for reviewing weather forecasts and providing advisory warnings to operational management has been implemented.	Compliance	
		(i) minimise the air quality impacts of the development during meteorological conditions when winds blow from the southerly direction (160-220 degrees), particularly when PM10 levels are elevated, or likely to be elevated;				Open Cut Operations have not recommenced.	Not Triggered	
		(j) co-ordinate the air quality management on site with the air quality management at nearby mines to minimise the cumulative air quality impacts of the mines, to the satisfaction of the Secretary. Note: Condition 16(d), (f) and (i) above only have effect following the recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex.	1. Email from Glencore (K. Simkin) to Ashton and neighbouring mines, titled "Inter-mine Meeting Minutes 15/11/19" providing a summary of the discussions undertaken at the six monthly coordination meeting.			A six monthly mine coordination meeting program has been established.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.17	Air Quality and Greenhouse Gas Management Plan	The Applicant must prepare and implement an Air Quality and Greenhouse Gas Management Plan for the Ashton Mine Complex to the satisfaction of the Secretary to manage potential impacts of the development. This plan must: (a) be prepared in consultation with the EPA, and be submitted to the Secretary for approval;	<ol style="list-style-type: none"> 1. Ashton Coal Air Quality and Greenhouse Gas Management Plan, Revision F1, dated 10 October 2017. 2. Letter from DPE (M. Spratt) to Ashton Coal Operations (P. Brown), titled "Ashton Coal Project DA-309-2001-I Review of Management Plans", dated 4 October 2017. DPE acknowledged the submission of revised plans (Air Quality and Greenhouse Gas Management Plan) to DPE and approval of those plans. 3. Letter from Ashton (P Brown) to the EPA (N Ryan) titled "Ashton Coal Operations Limited - Air Quality and Greenhouse Gas Management Plan Review", dated 7 June 2017. The letter invites the EPA to comment on the most recent version of the AQMP. 			The EPA was provided the opportunity to comment on the last revision of the AQMP. The plan was reviewed and approved by DPE.	Compliance	
		(b) describe the measures that would be implemented to ensure: <ul style="list-style-type: none"> • best practice air quality management is: <ul style="list-style-type: none"> o being employed; o regularly benchmarked against contemporary industry standards; and o regularly reviewed to ensure continual improvement; and • compliance with the air quality criteria and operating conditions of this consent; 	<ol style="list-style-type: none"> 1. Ashton Coal Air Quality and Greenhouse Gas Management Plan, Revision F1, dated 10 October 2017. Section 4.3 of the Plan describes the mitigation measures that are being implemented by Ashton. Section 6 of the Plan describes the audit, maintenance and review of the Plan. 			Section 4.4 of the Plan details the air quality control measures being implemented and Section 6 details the requirements for audit, review and updating of the AQGMP.	Compliance	
		(c) describe the air quality management system in detail;	<ol style="list-style-type: none"> 1. "Ashton Coal Air Quality and Greenhouse Gas Management Plan", Revision F1, dated 10 October 2017. Sections 3, 4 and 5 of the Plan describes the air quality management system implemented by Ashton. 			Sections 3, 4 and 5 of the Plan details the air quality management system.	Compliance	
		(d) 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 Ashton Mine Complex; • includes a protocol for determining any exceedances of the relevant conditions in this consent; • evaluates and reports on the effectiveness of the air quality management system and the best practice air quality management measures; • includes sufficient random audit of operational responses to the real-time air quality management system to determine the ongoing effectiveness of these responses in maintaining the Ashton Mine Complex within the relevant criteria in this Schedule and the requirements of condition 16 above; • includes a mechanism for publication of the results of these audits and for an independent annual review of these results, including any recommendations for improvement in performance; and 	<ol style="list-style-type: none"> 1. "Ashton Coal Air Quality and Greenhouse Gas Management Plan, Revision F1, dated 10 October 2017. Section 4 details the air quality monitoring implemented. Section 5 and 6 details the reporting and communications processes being implemented by Ashton. These processes meet the requirements of the Condition. 		<ol style="list-style-type: none"> 1. Air quality monitoring stations are located in accordance with the AQGMP (Photo #2). 	Section 4 of the AQGMP details the air quality monitoring implemented. Sections 5 and 6 detail the reporting and communications processes being implemented by Ashton.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(e) include a protocol that has been prepared in consultation with the owners of nearby mines to minimise the cumulative air quality impacts of all mines. The applicant must implement the approved management plan as approved from time to time by the secretary	1. "Ashton Coal Air Quality and Greenhouse Gas Management Plan, Revision F1, dated 10 October 2017. Section 4.3.7 of the Plan provides an overview of the impact mitigation strategies to be implemented at the mine. Coordination with neighbouring mines is covered in section 4.3.7.			Coordination of cumulative noise impacts with neighbouring mines is covered in Section 4.3.7 of the AQGMP.	Compliance	
S3.18	Meteorological Monitoring	For the life of the project, the Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the site that complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline.	1. Letter from Novecom (B Jacobs) to Ashton (L Crawford) titled "TEOM: Letter of Compliance" dated 18 October 2019. The letter confirms that the TEOMs installed are compliant with there requirements of Clause M3.1 (a) of the EPL and the "Approved Methods for the Sampling and Analysis of Pollutants in New South Wales" (Method AM-2). 2. Letter from Novecom (B Jacobs) to Ashton (L Crawford) titled "Met Station 41 M2: Letter of Compliance" dated 14 June 2019. The letter confirms that the Meteorological Station installed is compliant with there requirements of the EPL and the "Approved Methods for the Sampling and Analysis of Pollutants in New South Wales".			The meteorological station and air quality monitoring stations installed for the Ashton Project satisfy the requirements of the EPL and the Project Approval.	Compliance	
S3.19	Soil and Water - Water Licences	The Applicant shall obtain all necessary water licences for the development under the <i>Water Act 1912</i> or the <i>Water Management Act 2000</i> .	1. Water Access Licences: WAL 984, WAL 15583, WAL 997, WAL 8404, WAL 1358, WAL 1121, WAL 6346, WAL 1120, WAL 19510, WAL 23912, WAL 36702, WAL 36703, WAL 29566, WAL 41501, WAL 41552, WAL 41553.			Ashton have obtained the necessary water licences for the current operations.	Compliance	
S3.20	Water Supply	The Applicant shall ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the Secretary.	1. <i>The Ashton Coal Project Environmental Impact Statement</i> , 1 November 2001. Section 4.7.3 Water Supply, states that: " <i>Water for use in the CPP, dust suppression and underground operation will be sourced from water collected on site and stored in the main settlement dams and process water dams</i> ". 2. <i>Ashton Coal Mine Goldsim Water Balance Report 2018 Update</i> , prepared by Hydro Engineering & Consulting Pty Ltd, dated 14 December 2018. 3. <i>Ashton Coal Mine Goldsim Water Balance Report 2019 Update</i> , prepared by Hydro Engineering & Consulting Pty Ltd, dated December 2019.	1. Audit notes provided by P. Brown stated "on-going water usage and supply is tracked via the annual water balance model recalibration and review process".		A water balance model has been developed for the operation (Hydro Engineering and Consulting Reports) and is updated annually. The predictive model allows Ashton to plan water supply into the future (water balance is modelled to 2030).	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.21		<p>The Applicant must provide compensatory water supply to any landowner of privately-owned land whose water entitlements are adversely and directly impacted (other than an impact that is negligible) as a result of the development, in consultation with DPI Water, and to the satisfaction of the Secretary.</p> <p>The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the development. Equivalent water supply should be provided (at least on an interim basis) within 24 hours of the loss being identified.</p> <p>If the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p>If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide alternative compensation to the satisfaction of the Secretary.</p>		1. Audit notes provided by P. Brown stated that no requests for compensatory water supply has been made to Ashton during the Audit Period.		No requests for compensatory water supplies have been received during the audit period.	Not Triggered	
S3.22	Surface Water Discharges	1. The Applicant shall ensure that any surface water discharges from the site comply with the: (a) discharge limits (both volume and quality) set for the development in any EPL; or (b) relevant provisions of the POEO Act or Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002.		1. Audit notes provided by P. Brown stated that no water discharges have been made from the site over the Audit Period.		No water discharges from the site have occurred during the Audit Period.	Not Triggered	
S3.23	Bowmans Creek Setbacks and Diversions	1. The Applicant must: (a) design underground workings to ensure that longwall mining voids are no closer than 40 metres from any point vertically beneath the high bank of Bowmans Creek (except those sections of channel made redundant by the Eastern and Western Diversions);	<ol style="list-style-type: none"> 1. Ashton Coal Water Management Plan Revision 10, dated 10 March 2018. 2. Letter Report from Hyder Consulting (addressed to J Cullen from Ashton Mining, titled "Bowman Creek Diversion - Certified As Executed Construction Report", dated 15 February 2013. 3. Letter from Ashton Coal (M Moore) to DPIE (D Kitto) titled "Ashton Coal Mine - Bowmans Creek Diversion - As Executed Engineers report", dated 5 March 2013. The (transmittal) letter evidences provision of a copy of the report to DPIE. 4. Letter from Ashton Coal (M Moore) to NSW Office of Water (M Moore) titled "Ashton Coal Mine - Bowmans Creek Diversion - As Executed Engineers report", dated 5 March 2013. The (transmittal) letter evidences provision of a copy of the report to NOW. 5. Plan: A-1131_AoM titled "Ashton Underground Mine, 40m Offset to Creek High Bank, All seams mined to date - Longwall Voids" (prepared by Ashton's surveyor), dated 			The 40 metre offset from the high bank of Bowmans Creek has been maintained.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
			21/01/2020. The surveyor's plan indicates that the 40 metre offset has been maintained.					
		(b) construct, manage and maintain the Eastern and Western Diversions to the satisfaction of the Secretary;	1. Letter from DPE (H Reed) to Ashton (P Brown) titled "Ashton Coal Mine (DA 309-11-2001-i) Review of Management Plans", dated 1 March 2018. The letter advises that DPE approves the revised Water Management Plan.			The revised Water Management Plan includes (Section 4) the Bowmans Creek Diversion Management Plan. DPE approved the plan (that was prepared subsequent to the construction of the diversion on 5 March 2013.	Compliance	
		(c) submit an as-executed report to the Secretary and DPI Water, certified by a practising engineer, confirming that the Eastern and Western Diversions are sufficiently hydraulically and geomorphologically stable, within 6 months of completing construction of the diversions;	1. Letter Report from Hyder Consulting (addressed to J Cullen from Ashton Mining, titled "Bowman Creek Diversion - Certified As Executed Construction Report", dated 15 February 2013. 2. Letter from Ashton Coal (M Moore) to DPIE (D Kitto) titled "Ashton Coal Mine - Bowmans Creek Diversion - As Executed Engineers report", dated 5 March 2013. The (transmittal) letter evidences provision of a copy of the report to DPIE. 3. Letter from Ashton Coal (M Moore) to NSW Office of Water (M Moore) titled "Ashton Coal Mine - Bowmans Creek Diversion - As Executed Engineers report", dated 5 March 2013. The (transmittal) letter evidences provision of a copy of the report to NOW.			The required reports have been prepared and submitted.	Compliance	
		(d) prepare and implement a Bowmans Creek Diversion Management Plan for the proposed creek diversions in the underground mining area, which must: <ul style="list-style-type: none"> • be submitted to the Secretary for approval; • be consistent with any related requirements in future Extraction Plan(s); and include: <ul style="list-style-type: none"> o a vision statement for the creek relocations; o an assessment of the surface water and groundwater quality, ecological, hydrological and geomorphic baseline conditions within the creek; o detailed design specifications for the creek relocations; o a construction program for the creek relocations, describing how the work would be staged, and integrated with mining operations; o a revegetation program for the relocated creeks using a range of suitable native species; o water quality, ecological, hydrological and geomorphic performance and completion criteria for the creek relocations based on the assessment of baseline conditions; and o a program to monitor and maintain surface water and groundwater quality, ecological, hydrological and geomorphic stability of the creek diversions. 	1. Ashton Coal Water Management Plan Revision 10, dated 10 March 2018. 2. 1. Letter from DPE (H Reed) to Ashton (P Brown) titled "Ashton Coal Mine (DA 309-11-2001-i) Review of Management Plans, dated 1 March 2018. The letter advises that DPE approves the revised Water Management Plan.			The revised Water Management Plan includes (Section 4) the Bowmans Creek Diversion Management Plan. DPE approved the plan (that was prepared subsequent to the construction of the diversion on 5 March 2013.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		<p>The applicant must implement the approved management plan as approved from time to time by the Secretary.</p> <p>Note: The diversions are shown on the relevant figure in Appendix 2.</p>						
S3.24	Tailings Pipeline	The Applicant must ensure that the alarm system for the tailings and water sharing pipelines is effectively maintained and operational and the emergency response procedures for the pipelines are maintained at all times during operation of the pipelines.	<ol style="list-style-type: none"> 1. <i>Ashton Coal Tailings Emplacement Management Plan</i>, Revision 3, dated 30 January 2014. Section 6 of the plan specifies the process for monitoring the tailings pipeline. 2. Ashton Coal Tailings Dam Weekly Inspection (checklist and report). 3. Ashton Coal CHPP NEOC Void, Course Reject Emplacement Area Operational Inspection Checklist. 	<ol style="list-style-type: none"> 1. Audit notes provided by P. Brown stated that continuous monitoring of the tailings pipeline is undertaken from the CHPP Control Room. 2. Audit notes provided by P. Brown stated that weekly inspection of the pipeline are undertaken and that these inspections are documented. 3. Audit notes provided by P. Brown stated that a simulated pipeline failure was undertaken in 2018 to test emergency response plan. 		The tailings pipeline is monitored continuously from the CHPP Control Room. In addition, routine inspections are undertaken (and records of the inspections maintained).	Compliance	
S3.25	Performance Measures	The Applicant must comply with the performance measures in Table 8 (performance measures listed below) to the satisfaction of the Secretary.					Noted	
		<p>Water Management – General</p> <ul style="list-style-type: none"> • Maximise water sharing with the other mines in the region • Minimise the use of clean water on site 	<ol style="list-style-type: none"> 1. Mine Water Supply Agreement (Integra Coal Operations and Ashton Coal Operations) - formal water sharing agreement is in place. 2. <i>Ashton Coal Mine Goldsim Water Balance Report 2018 Update</i>, prepared by Hydro Engineering & Consulting Pty Ltd, dated 14 December 2018. The water balance report provides a Statement of Operational Efficiency detailing the extent of water reuse and recycling achieved each year. 			<p>A formal water sharing agreement is in place between the Integra Mine and Ashton.</p> <p>Water supply and use is modelled and well managed. Water recycling and reuse is maximised.</p>	Compliance	
		<p>Construction and operation of infrastructure</p> <ul style="list-style-type: none"> • Design, install and maintain erosion and sediment controls generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction</i> including Volume 1, Volume 2A – Installation of Services and Volume 2C – Unsealed Roads • Design, install and maintain all infrastructure within 40 m of watercourses generally in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land (DPI 2007)</i>, or its latest version • Design, install and maintain creek crossings generally in accordance with the <i>Policy and Guidelines for Fish Friendly Waterway Crossings (NSW Fisheries, 2003)</i> and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003)</i>, or their latest versions 	<ol style="list-style-type: none"> 1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018. Section 5 of the WMP details erosion and sediment controls implemented at the site. 		<ol style="list-style-type: none"> 1. During the audit inspection, the Auditor sighted all of the key surface water management infrastructure, including erosion and sediment controls, creek diversions and surface water drainage features associated with the mine and associated infrastructure. 	Surface water management infrastructure and controls installed generally meet the requirements of this Condition.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		<p>Mine Sediment Dams</p> <ul style="list-style-type: none"> Design, install and maintain the dams generally in accordance with the series Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries 	<p>1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018. Section 5 of the WMP details erosion and sediment controls implemented at the site.</p>		<p>1. During the audit inspection, the Auditor sighted all of the key surface water management infrastructure, including erosion and sediment controls, creek diversions and surface water drainage features associated with the mine and associated infrastructure.</p>	<p>Surface water management infrastructure and controls installed generally meet the requirements of this Condition.</p>	Compliance	
		<p>Clean water diversion & storage infrastructure</p> <ul style="list-style-type: none"> Design, install and maintain the clean water system to capture and convey the 100 year ARI flood Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site 	<p>1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018. Section 5 of the WMP details erosion and sediment controls implemented at the site.</p>		<p>1. During the audit inspection, the Auditor sighted all of the key surface water management infrastructure, including erosion and sediment controls, creek diversions and surface water drainage features associated with the mine and associated infrastructure.</p>	<p>Surface water management infrastructure and controls installed generally meet the requirements of this Condition.</p>	Compliance	
		<p>Mine water storages</p> <ul style="list-style-type: none"> Mine water storage infrastructure is designed to store a 100 year ARI 72 hour storm event On-site storages (including tailings dams, mine infrastructure dams, groundwater storage and treatment dams) are suitably lined to comply with a permeability standard of < 1 x 10⁻⁹ m/s 	<p>1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018. Section 5 of the WMP details erosion and sediment controls implemented at the site.</p>		<p>1. During the audit inspection, the Auditor sighted all of the key surface water management infrastructure, including erosion and sediment controls, creek diversions and surface water drainage features associated with the mine and associated infrastructure.</p>	<p>Surface water management infrastructure and controls installed generally meet the requirements of this Condition.</p>	Compliance	
		<p>Tailings, acid forming and potentially acid forming materials</p> <ul style="list-style-type: none"> new In-pit or void emplacement, encapsulation or capping to prevent the migration of pollutants beyond the pit shell Adequate freeboard within the pit void to minimise the risk of discharge to surface waters 	<p>1. <i>Ashton Coal Tailings Emplacement Management Plan</i>, Revision 3, dated 30 January 2014. Section 6 of the plan specifies the process for monitoring the tailings pipeline. Section 5 of the Plan details the environmental controls associated with tailings disposal and Section 9 details the rehabilitation plans relating to Tailings disposal.</p>		<p>1. During the audit inspection the Auditor inspected the tailings pipeline and tailings storage facility.</p>	<p>Based on the Auditor's observations during the site inspection, the requirements of this Condition have been satisfied.</p>	Compliance	
		<p>Chemical and hydrocarbon storage</p> <ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards 	<p>1. <i>Ashton Coal Pollution Incident Response Management Plan</i>, Revision 1c, dated 25 July 2018. Section 3.2 of the plan covers chemical and fuel storage.</p>		<p>1. Auditor inspection of fuel and chemical storage areas. Refer to Photos #3 and #4.</p>	<p>The storage of chemicals and fuels satisfy the requirements of AS1940.</p>	Compliance	
		<p>Bowmans Creek Diversion</p> <ul style="list-style-type: none"> In accordance with the condition 23 above 				<p>Refer to Condition 23 above.</p>	Noted	
		<p>Aquatic and riparian ecosystems, including Bowmans Creek</p> <ul style="list-style-type: none"> Maintain or improve baseline channel stability Develop site-specific in-stream water quality objectives in accordance with ANZECC 2000 and Using the ANZECC Guidelines and Water Quality Objectives in NSW procedures (DECC 2006), or its latest version 	<p>1. Letter Report from Hyder Consulting (addressed to J Cullen from Ashton Mining, titled "<i>Bowman Creek Diversion - Certified As Executed Construction Report</i>", dated 15 February 2013.</p>			<p>The as-built certification by Hyder confirms compliance with all design criteria.</p>	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.26	Water Management Plan	The Applicant shall prepare and implement a Water Management Plan for the Ashton Mine Complex to manage potential impacts of the development. This plan must: (a) be prepared in consultation with OEH, EPA, DRE and Council, and be endorsed by DPI Water and then submitted to the secretary for approval;	<ol style="list-style-type: none"> 1. Ashton Coal Water Management Plan Revision 10, dated 10 March 2018. 2. Letter from DPE (H Reed) to Ashton (P Brown) titled "Ashton Coal Mine (DA 309-11-2001-i) Review of Management Plans", dated 1 March 2018. The letter advises that DPE approves the revised Water Management Plan and confirming that the Department of Water (Dol Water) also reviewed the plan and was satisfied with the Plan. 3. Letter from OEH (M Squires) to Ashton (P Brown) titled "Review of Water Management Plan for the Ashton Coal Project", 7 providing to comment on the Plan. 4. Letter from EPA (N Ryan) to Ashton (P Brown) titled "Environment Protection Licence 11879 Ashton Coal Water Management Plans", dated 18 August 2017 declining to comment on the Plan. 5. Letter from DPE (D Adams) to Ashton (P Brown) titled "Ashton Coal Operations Limited Water Management Plan, Consultation with Department of Planning and Environment - Division of Resources and Geoscience", dated 2 August 2017, providing comments on the Plan. 6. Letter from Ashton (P Brown) to Singleton Council (M Ihlein) titled "Ashton Coal Operations Limited - Water Management Plan Review" dated 25 July 2017 offering Council the opportunity to comment on the Plan. 7. Letter from Ashton (P Brown) to the Department of Primary Industry (H Grogan) titled "Ashton Coal Operations Limited - Water Management Plan Review" dated 25 July 2017 offering DPI the opportunity to comment on the Plan. 			The Water Management Plan has been prepared and implemented. All relevant agencies were consulted during the preparation of the Plan.	Compliance	
		(b) include detailed performance criteria and describe measures to ensure that the Applicant complies with the Water Management Performance Measures (see Table 8);	<ol style="list-style-type: none"> 1. Ashton Coal Water Management Plan Revision 10, dated 10 March 2018. 			Sections 4.5, 6.2 and 7.2 of the WMP detail the performance criteria.	Compliance	
		(c) include a Site Water Balance, which must: <ul style="list-style-type: none"> • include details of: <ul style="list-style-type: none"> o sources and security of water supply; o water use on site; o water management on site; o any off-site water transfers; and • investigate and implement all reasonable and feasible measures to minimise water use by the Ashton Mine Complex; 	<ol style="list-style-type: none"> 1. Ashton Coal Water Management Plan Revision 10, dated 10 March 2018. 			Section 3 of the WMP provides a description of the Site Water Balance.	Compliance	
		(d) include an Erosion and Sediment Control Plan, which must: <ul style="list-style-type: none"> • identify activities that could cause soil erosion, generate sediment or affect flooding; • describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and 	<ol style="list-style-type: none"> 1. Ashton Coal Water Management Plan Revision 10, dated 10 March 2018. 				Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		manage flood risk; <ul style="list-style-type: none"> describe the location, function, and capacity of erosion and sediment control structures and flood management structures; and 						
		(e) include a Surface Water Management Plan, which must include: <ul style="list-style-type: none"> detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the development; surface water and stream health impact assessment criteria including trigger levels for investigating any potentially adverse surface water impacts (for existing creeks and reinstated/rehabilitated creeks); a program to monitor and assess: <ul style="list-style-type: none"> surface water flows and quality; impacts on water users; stream health; and channel stability; 	1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018.			Section 6 of the WMP provides details of the Surface Water Management Plan.	Compliance	
		(f) include a Groundwater Management Plan, which must include: <ul style="list-style-type: none"> detailed baseline data of groundwater levels, yield and quality in the region, particularly for privately-owned groundwater bores that could be affected by the development; groundwater impact assessment criteria including trigger levels for investigating any potentially adverse groundwater impacts, a program to monitor and assess: <ul style="list-style-type: none"> groundwater inflows to the mining operations; impacts on regional aquifers; impacts on the groundwater supply of potentially affected landowners; impacts on the Bowmans Creek, Glennies Creek and Hunter River alluvial aquifers; and impacts on groundwater dependent ecosystems and riparian vegetation; 	1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018.			Section 7 of the WMP provides details of the Groundwater Management Plan.	Compliance	
		(g) include a Surface and Ground Water Response Plan, which must include: <ul style="list-style-type: none"> a response protocol for any exceedances of the surface water and groundwater assessment criteria, including provisions for independent investigation by a suitably qualified hydrogeologist whose appointment has been approved by the Secretary; measures to offset the loss of any baseflow to watercourses caused by the development; measures to compensate landowners of privately-owned land whose water supply is adversely affected by the development; and measures to mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation. <p>The applicant must implement the approved management plan as approved from time to</p>	1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018.			Section 8 of the WMP provides details of the Surface and Groundwater Response Plan.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		time by the Secretary.						
S3.27	Biodiversity - Biodiversity Offsets	The applicant must implement the biodiversity offset strategy as outlined in Table 9 and as generally described in the EA (and shown conceptually in Appendix 7), to the satisfaction of the Secretary.	1. <i>Ashton Coal Project Flora and Fauna Management Plan</i> , Revision H, Dated 10 October 2017. Appendix D of the Plan contains the Biodiversity Offset Management Plan (Strategy).			An appropriate Biodiversity Management Strategy has been prepared by Ashton and approved by DPE.	Compliance	
S3.28	Biodiversity Offset Strategy	The Applicant must prepare a Biodiversity Management Plan for the Ashton Mine Complex to the satisfaction of the Secretary to manage potential impacts of the development.	1. <i>Ashton Coal Project Flora and Fauna Management Plan</i> , Revision H, Dated 10 October 2017. 2. Letter from DPE (M. Sprott) to Ashton Coal Operations (P. Brown), titled " <i>Ashton Coal Project DA-309-2001-I Review of Management Plans</i> ", dated 4 October 2017. DPE acknowledged the submission of revised plans Including the Biodiversity Management Plan) to DPE and approval of those plans.			Ashton has prepared and implemented a Biodiversity Management Plan (titled Flora and Fauna Management Plan). The Plan was approved by DPE on 4 September 2017.	Compliance	
		This plan must: (a) be prepared in consultation with OEH and Council, and be submitted to the Secretary for approval;	1. Letter from Ashton (P Brown) to DPE (M Sprott) titled " <i>Review of Ashton Coal Project Environmental Management Plans</i> ", dated 2 June 2017. The letter requests an extension of time for the submission of revised plan and seeks DOE's agreement that due to the minor nature of the changes made to the Biodiversity Offset Strategy that consultation with stakeholders was not required. 2. Letter from DPE (H Reed) to Ashton Coal Operations (P. Brown), titled " <i>Ashton Coal Project DA-309-2001-I Review of Management Plans</i> ", dated 5 June 2017. DPE acknowledged and agrees to Ashton's request for an extension of time and that consultation to OEH during the preparation of the Plan was not required. 3. Letter from DPE (M. Sprott) to Ashton Coal Operations (P. Brown), titled " <i>Ashton Coal Project DA-309-2001-I Review of Management Plans</i> ", dated 4 October 2017. DPE acknowledged the submission of revised plans Including the Biodiversity Management Plan) to DPE and approval of those plans.			The last revision of the BMP was reviewed and approved by DPE. DPE agreed that no consultation with other stakeholders was required for this revision as the changes to the plan were minor in nature.	Compliance	
		(b) describe how the implementation of the offset strategy would be integrated with the overall rehabilitation of the site (see below);	1. <i>Ashton Coal Project Flora and Fauna Management Plan</i> , Revision H, Dated 10 October 2017.			Section 5.10 of the Biodiversity Offset Management Plan (Appendix D to the FFMP) provides an overview of the revegetation and rehabilitation of the site, and in particular the key management strategies related to biodiversity management as they relate to the rehabilitation of the site.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		<p>(c) include:</p> <p>(i) a description of the short, medium, and long term measures that would be implemented to:</p> <ul style="list-style-type: none"> • implement the offset strategy; and • manage the remnant vegetation and habitat on the site and in the offset areas; <p>(ii) detailed performance and completion criteria for implementation of the offset strategy;</p> <p>(iii) a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:</p> <ul style="list-style-type: none"> • implementing revegetation and regeneration within the disturbance areas and offset areas, including establishment of canopy, sub-canopy (if relevant), understorey and ground strata; • maximising salvage and beneficial use of resources in areas that are to be impacted, including vegetative, soil and cultural heritage resources; • protecting vegetation and soil outside the disturbance areas; • rehabilitating creeks and drainage lines on the site (both inside and outside the disturbance areas), to minimise net loss of stream length and aquatic habitat; • managing salinity; • conserving and reusing topsoil; • undertaking pre-clearance surveys; • managing impacts on fauna; • landscaping the site and along public roads to minimise visual and lighting impacts, particularly along the New England Highway; • collecting and propagating seed; • salvaging and reusing material from the site for habitat enhancement; • salvaging, transplanting and/or propagating threatened flora and native grassland; • controlling weeds and feral pests; • managing grazing and agriculture on site and in the offset areas; • controlling access; and • bushfire management; <p>(iv) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;</p> <p>(v) 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</p> <p>(vi) details of who would be responsible for monitoring, reviewing, and implementing the plan.</p> <p>The Applicant must implement the approved management plan as approved from time to time by the Secretary.</p>	<p>1. <i>Ashton Coal Project Flora and Fauna Management Plan</i>, Revision H, Dated 10 October 2017.</p> <p>2. <i>Ashton Coal Project Biodiversity Management Plan</i>, Revision A8, Dated 5 June 2017.</p>			<p>A detailed review of the Flora and Fauna Management Plan and the Biodiversity Offset Management Plan verified that content requirements listed in this condition have been adequately covered in these plans.</p>	<p>Compliance</p>	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.29	Subsidence Performance Measures	The Applicant shall ensure that underground mining does not cause any exceedance of the performance measures in Table 10 (see below).					Noted	
		Bowmans Creek - No greater impact or environmental consequences than predicted in the EA and the previous EAs.	1. <i>The Ashton Coal Project Environmental Impact Statement</i> , 1 November 2001. The EIS (Section 5.1.5 states that groundwater and surface water will be impacted by mine subsidence. The EIS notes that subsidence cracking of alluvial will occur. The key impact mitigation strategy will be the diversion of Bowmans Creek.		1. The Auditor observed the predicted subsidence cracking (Photo #5) on land above the current workings. 2. The Bowmans Creek diversion has been completed.	The impacts of the underground operations are consistent with those predicted in the EIS. The key mitigation strategy (diversion of Bowmans Creek) has been implemented.	Compliance	
		Bowmans Creek - Eastern . and Western Diversions - Hydraulic and Geomorphologically stable	1. Letter Report from Hyder Consulting (addressed to J Cullen from Ashton Mining, titled " <i>Bowman Creek Diversion - Certified As Executed Construction Report</i> ", dated 15 February 2013. 2. Reassessment of the Geomorphic performance of Bowmans Creek Diversion, prepared by Fluvial Systems, dated May 2017. The report noted that some high flow events had impacted the geomorphic performance of the diversions. Recommendations were made in relation to stabilisations and on-going monitoring. The report concluded that the changes in morphology in the diversions were consistent with the changes monitored in the un-diverted sections of the creek.			The Hyder Report certifies that the Bowmans Creek Diversions are Hydraulically and Geomorphologically stable. The subsequent Alluvial Systems report found that changes observed in the geomorphology of the diversions was consistent with changes in the natural morphology of other areas of the creek (that are not potentially impacted by the Ashton mine operations.	Compliance	
		Bowmans Creek alluvial aquifer - No greater impact or environmental consequences than predicted in the EA and the previous EAs.	1. <i>The Ashton Coal Project Environmental Impact Statement</i> , 1 November 2001. The EIS (Section 5.1.5 states that groundwater and surface water will be impacted by mine subsidence. The EIS notes that groundwater impacts will occur. The key impact mitigation strategy will be the diversion of Bowmans Creek. 2. <i>Ashton Coal Project Groundwater Monitoring Review for January to December 2016</i> , dated February 2017, prepared by Australian Groundwater and Environmental Consultants Pty Ltd). The report concluded that there were no impacts to groundwater related to Bowmans Creek exceeding the predictions in the EIS. 3. <i>Ashton Coal Project Groundwater Monitoring Review for January to December 2017</i> , dated March 2018, prepared by Australian Groundwater and Environmental Consultants Pty Ltd). The report concluded that the decline in groundwater levels detected were in line with the low rainfall occurring during that year. 4. <i>Ashton Coal Project Groundwater Monitoring Review for January to December 2018</i> , dated March 2019, prepared by Australian Groundwater and Environmental Consultants Pty Ltd). The report concluded that the decline in groundwater levels detected were in line with the continued drought conditions experienced during that year.			Annual groundwater reviews did not detect any impacts to groundwater levels associated with Bowmans Creek that were inconsistent with the predictions in the EIS.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		Biodiversity - Threatened Species, habitat and communities - Negligible impact	<p>1. 2016 Fauna Monitoring Program, January 2017, prepared by Umwelt. The report concluded that threatened species and their habitats had not been impacted by mining during that year.</p> <p>1. 2017 Fauna Monitoring Program, January 2018, prepared by Umwelt. The report concluded that threatened species and their habitats had not been impacted by mining during that year.</p> <p>1. 2018 Fauna Monitoring Program, January 2019, prepared by Umwelt. The report concluded that threatened species and their habitats had not been impacted by mining during that year.</p>			Annual biodiversity surveys did not detect any adverse impacts to biodiversity from the mining operations during the Audit Period.	Compliance	
		Aboriginal Heritage - Water Hole Site - Negligible Impact		1. Audit notes provided by P. Brown stated that no impacts to Aboriginal sites had occurred during the Audit Period.	1. During the site inspection no impacts to Aboriginal Heritage Sites was identified.	No impacts to Aboriginal Heritage Sites were found to have occurred during the Audit Period.	Compliance	
		Aboriginal Heritage Sites - No greater impact or environmental consequences than approved under a permit issued under Section 90 of the NPW Act 1974		1. Audit notes provided by P. Brown stated that no impacts to Aboriginal sites had occurred during the Audit Period.	1. During the site inspection no impacts to Aboriginal Heritage Sites was identified.	No impacts to Aboriginal Heritage Sites were found to have been identified during the Audit Period.	Compliance	
		Built Features - New England Highway and bridge over Bowmans Creek - Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repaired.	1. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No complaints related to damage to the New England Highway (or any other built Structures) have been received by Ashton over the Audit Period.		1. Observations made at the time of the Audit did not identify any material impacts to built structures associated with the New England Highway or Bowmans Creek.	No impacts to built structures (resulting from the mining operations) have been identified during the Audit Period.	Compliance	
		Built Features - Lemington Road and Brunkers Lane - In accordance with the recommendations of the report prepared under Condition 36.	1. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No complaints related to damage to any other built Structures have been received by Ashton over the Audit Period.		1. Observations made at the time of the Audit did not identify any material impacts to built structures .	No impacts to built structures (resulting from the mining operations) have been identified during the Audit Period.	Compliance	
		Built Features Other - Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repaired, replaced or compensated	1. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No complaints related to damage to any other built Structures have been received by Ashton over the Audit Period.		1. Observations made at the time of the Audit did not identify any material impacts to built structures .	No impacts to built structures (resulting from the mining operations) have been identified during the Audit Period.	Compliance	
		Public Safety - No additional Risk due to mining	1. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No safety related complaints have been received by Ashton over the Audit Period.		1. The mine operations, including the areas under which mining is occurring (other than the highway) are not accessible by the general public. Some access to area currently being mined is accessed by a small number of landowners. No potential public safety issues were identified during the audit.	No potential public safety issues were identified during the audit.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.30		Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 10 is to be settled by the Secretary, following consultation with the MSB and DRE. Any decision by the Secretary shall be final and not subject to further dispute resolution under this consent.		1. Audit notes provided by P. Brown stated that no disputes regarding subsidence performance occurred during the Audit Period.		No disputes relating to subsidence performance have occurred during the Audit Period.	Compliance	
S3.31	First Workings	The Applicant may carry out first workings within the underground mining area, other than in accordance with an approved Extraction Plan, provided that DRE is satisfied that the first workings are designed to remain long-term stable and non-subsiding in the long-term, except insofar as they may be impacted by approved second workings. <i>Note: The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible resulting direct subsidence impacts.</i>	1. Letter from Ashton (R Davidson) to the Division of Resources and Energy (P Langley) titled "Ashton Coal Mine - Upper Lower Liddell Seam First Workings associated with Longwalls 201 to 204", dated 8 October 2015. The letter requests the approval of DRE to commence first workings extraction. 2. Letter from the Department of Industry Resources and Energy (K Hargraves) to Ashton (R Davidson) titled " Requirements under Condition 3,14, Schedule 2 of Ashtons Coal Mine Development Consent (DA 309-11-2001-i)". The letter grants DRE approval for commencement of first workings extraction.			DRE approved the commencement of first workings extraction in accordance with this Condition.	Compliance	
S3.32	Extraction Plan	The Applicant shall prepare and implement an Extraction Plan for all second workings on site.	1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 204, dated November 2016.			Extraction Plans for LW 105-107 and LW 201 - 204 have been prepared.	Compliance	
		This plan must: (a) be prepared a team of suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;	1. Letter from DPE (H Reed) to Ashton (J Barden) titled "Ashton Coal Project (DA-309-2001-I) Extraction Plan for LW 105 - 108 - Suitably Qualified Team", dated 12 June 2014. The letter endorses the appointment of Chris Jones (SLR Consulting) for the preparation of the Extraction Plan. 2. Letter from DPE (H Reed) to Ashton (J Barden) titled "Ashton Coal Project (DA-309-2001-I) Extraction Plan for LW 201 - 204 - Suitably Qualified Team", dated 26 June 2014. The letter endorses the appointment of the team for the preparation of the Extraction Plan.			DPE endorsed the appointment of the expert for the preparation of the Extraction Plan on 12 June 2014 and 26 June 2014.	Compliance	
		(b) be approved by the Secretary;	1. Letter from DPE (H Reed) to Ashton (D Short) titled "Ashton Coal Project (DA-309-2001-I) Extraction Plan for LW 105 - 107", dated 22 January 2016. The letter provides conditional approval of the Longwall Extraction Plan. 2. Letter from DPE (H Reed) to Ashton (P Brown) titled "Ashton Coal Project (DA-309-2001-I) Extraction Plan for LW 201 - 204", dated 13 May 2017. The letter provides conditional approvals of the Longwall Extraction Plan.			DPE approved both second working extraction plans (in 2016 and 2017).	Compliance	
		(c) include detailed plans of the proposed second workings and any associated surface development;	1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 204, dated November 2016.			Both Extraction Plans include detailed plans of the proposed second workings and any associated surface developments.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(d) include detailed performance indicators for each of the performance measures in Table 10;	<p>1. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107</i>, dated December 2015. Section 5.1 details the subsidence performance measures.</p> <p>2. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014</i>, dated November 2016. Section 2.4.1 details the subsidence performance measures.</p>			Both Extraction Plans include detailed subsidence performance measures and monitoring plans.	Compliance	
		(e) provide revised predictions of the conventional and non-conventional subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this consent, that specifically addresses the incremental and cumulative subsidence effects and impacts of multi-seam mining;	<p>1. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107</i>, dated December 2015. Section 4.3 provides details of revised subsidence impact predications and proposed mitigation measures.</p> <p>2. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014</i>, dated November 2016. Section 2.3 provides details of revised subsidence impact predications and proposed mitigation measures.</p>			Both Extraction Plans provide revised predictions of subsidence effects, subsidence impacts and environmental consequences of the proposed second workings.	Compliance	
		(f) describe the measures that would be implemented to ensure compliance with the performance measures in Table 10, and remediate any predicted subsidence impacts and/or environmental consequences;	<p>1. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107</i>, dated December 2015. Section 5 provides details of proposed management controls and Section 6 describes proposed adaptive management measures.</p> <p>2. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014</i>, dated November 2016. Section 4 provides details of proposed management controls.</p>			Both Extraction Plans describe the measures that would be implemented to ensure compliance with the performance measures and mitigate any predicted subsidence impacts and/or environmental consequences.	Compliance	
		(g) include the following, which have been prepared in consultation with DRE: <ul style="list-style-type: none"> • a coal resource recovery plan that demonstrates effective recovery of the available resource; • a subsidence monitoring program to: provide data to assist in the management of the risks associated with subsidence; validate the subsidence predictions; and analyse the relationship between the subsidence effects and impacts under the Extraction Plan and any ensuing environmental consequences; • a Built Features Management Plan, which has been prepared in consultation with the owners of such features, to manage the potential impacts and consequences of subsidence on any built features; • a Public Safety Management Plan to ensure public safety in the underground mining area; and • a revised Rehabilitation Management Plan 	<p>1. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107</i>, dated December 2015. Section 7 of the extraction plan details the consultation program undertaken during there preparation of the Plan and included consultation with DRE.</p> <p>2. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014</i>, dated November 2016. Section 3.2 of the extraction plan details the consultation program undertaken during there preparation of the Plan and included consultation with DRE.</p>			Both Extraction Plans provide revised predictions of subsidence effects, subsidence impacts and environmental consequences of the proposed second workings	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		<p>(h) include a:</p> <ul style="list-style-type: none"> • Water Management Plan, which has been prepared in consultation with EPA and DPI Water, to manage the potential impacts and consequences of subsidence on surface water and groundwater resources, flooding and existing and proposed creek diversions, and which includes: <ul style="list-style-type: none"> - surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality; - a program to monitor and report groundwater inflows to underground workings; - a program to manage and monitor impacts on groundwater bores on privately-owned land; • Biodiversity Management Plan, which has been prepared in consultation with OEHL, to manage the potential impacts and consequences of subsidence on biodiversity, and which includes: <ul style="list-style-type: none"> - a program of works to ensure that overall terrestrial and aquatic biodiversity values are the same or better than existing in Bowmans Creek prior to longwall mining; - measures to manage potential impacts and/or environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna; • Land Management Plan, which has been prepared in consultation with relevant landowners, to manage the potential impacts and consequences of subsidence on land in general; • Heritage Management Plan, which has been prepared in consultation with OEHL and relevant stakeholders for Aboriginal heritage, to manage the potential impacts and consequences of subsidence on heritage sites or values; 	<p>1. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107</i>, dated December 2015. Section 7 of the extraction plan details the consultation program undertaken during there preparation of the Plan and included consultation with EPA, OEHL and DPI.</p> <p>2. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014</i>, dated November 2016. Section 3.2 of the extraction plan details the consultation program undertaken during there preparation of the Plan and included consultation with EPA, OEHL and DPI.</p>			<p>The extraction plans have been prepared in consultation with the relevant stakeholders and meet the content requirements of this Condition.</p>	Compliance	
		<p>(i) include Trigger Action Response Plans, or equivalent, to address potential subsidence impacts and environmental consequences that may result from mining subsidence;</p>	<p>1. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107</i>, dated December 2015. No specific Target Action Response Plan (TARPs) have been presented in this plan, however a general compliance monitoring and Contingency Response measures are presented.</p> <p>2. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014</i>, dated November 2016. Section 4.2 provides details of Target Action Response Triggers and Plans.</p>			<p>Both extraction plans contain subsidence performance and monitoring programs.</p>	Compliance	
		<p>(j) include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance measures in Table 10, or where any such exceedance appears likely; and</p>	<p>1. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107</i>, dated December 2015. Section 6.1 describes the approach to adaptive management.</p> <p>2. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014</i>, dated November 2016. Section 4 provides details of the monitoring and response (management)</p>			<p>Both extraction plans provide for adaptive management where monitoring indicates that there has been an exceedance.</p>	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
			framework to be implemented.					
		(k) include a program to collect sufficient baseline data for future Extraction Plans. Note: A Subsidence Management Plan approved by DRE or an Extraction Plan approved by the Secretary, prior to the date of approval of MOD 5, is taken to satisfy the requirements of this condition. The Applicant must implement the approved management plans as approved from time to time by the Secretary.	1. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107</i> , dated December 2015. Section 5 describes the monitoring and management programs to be implemented. 2. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014</i> , dated November 2016. Section 4 provides details of the monitoring and response (management) framework to be implemented.			Both extraction plans provide details of proposed impact monitoring programs.	Compliance	
S3.33	Subsidence - Payment of Reasonable Costs	The Applicant shall pay all reasonable costs incurred by the Department to engage suitably qualified, experienced and independent persons (if required) to review the adequacy of any aspect of the Extraction Plan.		1. Audit notes provided by P. Brown stated that no requests have been received from the Department for reimbursement of costs.		No requests for payment of costs incurred by DPE have been received during the Audit Period.	Not Triggered	
S3.34	Heritage	The Applicant shall prepare and implement a Heritage Management Plan for the Ashton Mine Complex to the satisfaction of the Secretary to manage the potential impacts of the development.	1. <i>Ashton Coal Heritage Management Plan</i> , Dated 10 October 2017. 2. Letter from DPE (M. Spratt) to Ashton Coal Operations (P. Brown), titled "Ashton Coal Project DA-309-2001-I Review of Management Plans", dated 4 October 2017. DPE acknowledged the submission of revised plans (including the Heritage Management Plan) to DPE and approval of those plans.			The plan has been prepared and approved by DPE.	Compliance	
		This plan must: (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;	1. Email from Ashton (J Barden) to DPE (H Aiken) titled "RE: Extraction Plan Team Endorsement", dated 25 May 2016. The email requests approval for the proposed team (covering the Heritage Management Plan). 2. Letter from DPE (H Reed) to Ashton Coal Operations (P. Brown), titled " <i>Ashton Coal Project DA-309-2001-I 'Longwalls 201 - 2014 Extraction Plan'</i> ", dated 26 May 2016. DPE acknowledged the receipt of Ashton's letter of 19 April 2016 requesting approval for the proposed team of experts to prepare the Extraction Plan.			Correspondence evidencing endorsement of the specialist preparing the Heritage Management was sighted during the Audit.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(b) be prepared in consultation with OEH, Council, the Aboriginal Community, local historical organisations and relevant landowners;	<p>1. Letter from Ashton (P Brown) to Registered Aboriginal Groups titled "Ashton Coal Limited - Archaeology and Cultural Heritage Management Plan Review", dated 11 May 2017. The letter invited the RAPs to comment on the Heritage Management Plan.</p> <p>2. Letter from Ashton (P Brown) to OEH (R Bath) titled "Ashton Coal Limited - Archaeology and Cultural Heritage Management Plan Review", dated 16 May 2017. The letter invited OEH to comment on the Heritage Management Plan.</p> <p>3. Letter from OEH (R Bath) to Ashton (P Brown) titled "Review of Archaeology and Cultural Heritage Management Plan: Ashton Coal Project", dated 28 June 2017. The letter provides comments from OEH on the Plan.</p> <p>4. Letter from Ashton (P Brown) to the Singleton Historical Society titled "Ashton Coal Limited - Archaeology and Cultural Heritage Management Plan Review", dated 16 May 2017. The letter invited the historical society to comment on the Heritage Management Plan.</p> <p>5. Letter from Ashton (P Brown) to the Macquarie Generation titled "Ashton Coal Limited - Archaeology and Cultural Heritage Management Plan Review", dated 16 May 2017. The letter invited the AGL to comment on the Heritage Management Plan.</p> <p>6. Email from Ashton (P Brown) to the Singleton Museum titled "Ashton Coal Limited - Archaeology and Cultural Heritage Management Plan Review", dated 16 May 2017. The letter invited the museum to comment on the Heritage Management Plan.</p>			Ashton consulted with all relevant groups during the preparation of the Heritage Management Plan.	Compliance	
		(c) include the following for the management of Aboriginal cultural heritage on the site: <ul style="list-style-type: none"> • an archaeological salvage program for the development disturbance area, which includes additional sub-surface testing of the more significant sites and landform units; • a description of the measures that would be implemented for: <ul style="list-style-type: none"> - the protection, monitoring and management of Aboriginal sites outside the development disturbance area and within the Southern Conservation Area; - maintaining and managing access for Aboriginal sites by the Aboriginal community; - managing the discovery of any human remains or previously unidentified Aboriginal objects that have conservation significance during the development; - ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage; and - heritage inductions for construction personnel (including procedures for keeping records of inductions); and 	<p>1. Ashton Coal Heritage Management Plan, Dated 10 October 2017. Appendix B describes management measures and protocols, Section 5 describes the Aboriginal Community Consultation Forum established by Ashton.</p>		1. Heritage Sites are fenced and signposted (Photo #6).	The Heritage Management Plan describes the management controls and related requirements for the protection of heritage sites.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		<p>(d) include the following for the management of historic heritage:</p> <ul style="list-style-type: none"> • a description of the measures that would be implemented for: <ul style="list-style-type: none"> - managing the discovery of human remains or previously unidentified heritage items during the development; and - heritage inductions for construction personnel (including procedures for keeping records of inductions). <p>The applicant must implement the approved management plan as approved from time to time by the secretary.</p>	<ol style="list-style-type: none"> 1. <i>Ashton Coal Heritage Management Plan</i>, Dated 10 October 2017. Section 6 describes contingency plans for unexpected finds and impact exceedances. 2. Site Induction Training Materials that includes a section of Archaeology and Cultural Heritage. 3. Aboriginal heritage on ACOL Land - Brief to Ground Disturbance Operators. The brief describes (with the aid of photographs the location of heritage sites, the requirement to avoid access to those areas and examples of artefacts that may be encountered on the site. 			<p>Appropriate training programs (induction and operator specific training) for site personnel related to the protection of heritage finds and known heritage sites.</p>	Compliance	
S3.35	Transport - Monitoring of Coal Transport	<p>The Applicant must keep accurate records of the:</p> <ol style="list-style-type: none"> (a) amount of coal transported from the site (on a monthly basis); and (b) date and time of each train movement generated by the Ashton Mine Complex. 	<ol style="list-style-type: none"> 1. Ashton Coal 2016 Annual Review, dated 30 March 2017. The 2016 Annual Review reported that 2,378,739 tonnes of ROM Coal was produced in 2016. 2. Ashton Coal 2017 Annual Review, dated 28 March 2018. The 2017 Annual Review reported that 2,790,532 tonnes of ROM Coal was produced in 2017. 3. Ashton Coal 2018 Annual Review, dated 27 March 2019. The 2018 Annual Review reported that 1,960,953 tonnes of ROM Coal was produced in 2018. 4. Monthly Production Summary (2017, 2018 and 2019). The production summary sheets (spreadsheets) record the coal; production figures for both the underground and open cut operations (open cut mine produced no coal during the Audit Period); quantity of coal processed through the washing plant, quantity of coal stockpiled and the quantity of coal transported from the mine. 5. Train Running Sheets (print out provided by the CPP Process Engineer) covering the Audit Period 			<p>Records of the amount of coal transported from the site (on a monthly basis); and date and time of each train movement generated by the Ashton Mine Complex are maintained and were sighted during the Audit.</p>	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.36	Lemington Road Alignment	<p>The Applicant must, together with the owner of the Ravensworth Operations Project, if directed by the Secretary, commission and implement additional reports following extraction of each seam that the Applicant is permitted to extract. Each such additional report shall review the impacts of previous subsidence on Lemington Road/Brunkers Lane, review existing measures to monitor and manage subsidence impacts, and recommend appropriate monitoring and management measures to address subsidence impacts (including any continuing need to realign Lemington Road), to the satisfaction of the Secretary.</p> <p>The applicant must fund 50% of the costs of reports prepared under this condition and must implement the recommendations of such reports, to the satisfaction of the secretary.</p> <p>Any dispute over the interpretation or implementation of reports prepared under this condition shall be determined by the Secretary, whose decision shall be final.</p> <p>Notes:</p> <ul style="list-style-type: none"> Stacked or offset panel alignments for the Upper Liddell, Upper Lower Liddell and Lower Barrett seams are shown in the plans in Appendix 2. The owner of the Ravensworth Operations Project will be expected to fund the other 50% of report costs and to have similar responsibilities regarding implementation. 		1. Audit notes provided by P. Brown stated that no requests have been received from the Department relating to Lemington Road.		No requests have been received from the Department relating to Lemington Road.	Not Triggered	
S3.37	Lemington Road Alignment	<p>The Applicant must be responsible for implementing controls to ensure road traffic safety (including monitoring, maintenance and repairs of subsidence impacts) during any longwall extraction which may cause subsidence impacts to Brunkers Lane/Lemington Road.</p> <p><i>Note: This responsibility for implementing controls exists notwithstanding that funding of these controls may come from other parties, such as the owner of the Ravensworth Operations Project or the MSB.</i></p>		1. Audit notes provided by P. Brown stated that no mining related subsidence has occurred on Lemington Road.		No mining related subsidence has occurred on Lemington Road.	Not Triggered	
S3.38	Visual Amenity	<p>The Applicant shall:</p> <ol style="list-style-type: none"> implement all reasonable and feasible measures to mitigate visual and off-site lighting impacts of the development; ensure no unshielded outdoor lights shine above the horizontal; ensure that all external lighting associated with the development complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting or its latest version; to the satisfaction of the Secretary. 	<p>1. Ashton Coal Project Lighting Management Plan, Revision B dated September 2015. Section 4 of the Plan details the lighting controls implemented on the Mine.</p> <p>1. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No lighting or visual amenity related complaints have been received by Ashton over the Audit Period.</p>		1. The mine operations have located within and former open cut mine area and are generally not visible from neighbouring properties.	The Lighting Management Plan has been prepared and implemented. There is limited visibility of the operations from neighbouring properties. There have no complaints regarding lighting received by Ashton during the Audit Period.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.39	Waste	The Applicant shall: (a) minimise and monitor the waste generated by the development; (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of; (c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and (d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.	1. <i>Ashton Coal Project Waste Management Plan</i> , Revision D dated June 2019. Section 5 of the Plan details the waste management controls implemented on the Mine. Section 7 of the Plan details the waste monitoring and reporting undertaken by Ashton. 2. Environment Protection Licence 11879 - The sewage treatment plant operations and maintenance are licenced via the EPL. Please refer to the EPL section of the Compliance Table for an assessment of compliance against the relevant EPL licence conditions. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019. Section 7 of the Annual Reports covers waste management reporting.		1. The sewage treatment plant (and irrigation areas were inspected during the audit (Photo #7) are were well maintained and operational.	Appropriate waste management processes and procedures have been implemented by Ashton. Appropriate waste generation and disposal records are maintained by Ashton. Waste management (generation and disposal) is reported in the Annual Reports. The sewage treatment plant is licenced under the EPL and is therefore does not fall under the purview of Council. An assessment of compliance against the requirements of the EPLI is provided in the EPL section of this Compliance Table.	Compliance	
S3.40	Bushfire Management	The Applicant shall: (a) ensure that the Ashton Mine Complex is suitably equipped to respond to fires on site; and (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the site.	1. <i>Ashton Coal Project Bushfire Management Plan</i> , no longer required as part of this Approval and has not been updated. Appendix 2 lists the fire fighting assets maintained by Ashton.	1. Audit notes provided by P. Brown stated that assistance was provide to the RFS during the 2018 Glendell fire (supported by photographs provided by Ashton).	1. Fire fighting assets were observed during the audit and were in accordance with the former Bushfire Management Plan.	Ashton maintain fire fighting assets on-site and provided support to the RFS during bush fires.	Compliance	
S3.41	Rehabilitation - Rehabilitation Objectives	The Applicant shall rehabilitate the site in a manner that is generally consistent with the rehabilitation objectives in the EA and Table 11, to the satisfaction of DRE. <i>Notes:</i> 1. <i>These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by mining undertaken following the date of approval of Modification 6 to this consent on 24 December 2010; and to all surface infrastructure that forms part of the development, whether constructed prior to or following the approval of Modification 6.</i> 2. <i>Rehabilitation of subsidence impacts and environmental consequences caused by mining which took place prior to the approval of Modification 6 may be subject to the requirements of other approvals (e.g. under a mining lease or an Subsidence Management Plan approval) or the Applicant's commitments.</i>	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final</i> , dated 30 August 2018. Sections 5, 6, 7 and 8 provide a detailed description of the mine rehabilitation planning and management strategy. 2. Letter from the Resources Regulator (M Meyer) to Ashton (P Brown) titled "ML 15219, ML 1533 ad ML 1623, Mining Act 1992, White Mining (NSW) Pty Limited, Approval of Mining Operations Plan" dated 27 September 2018. The letter provides conditional approval of the MOP. 3. Reassessment of the Geomorphic performance of Bowmans Creek Diversion, prepared by Fluvial Systems, dated May 2017. The report includes the subsidence rehabilitation performance measures.	1. Audit notes provided by P. Brown stated that the final void, surface infrastructure and other land management, information is provided in the (approved) Mining Operations Plan).	1. Progressive Rehabilitation, including surface rehabilitation works associated with subsidence was observed by the Auditor. Photo #8 shows the rehabilitation area above (North) of the former open cut.	The Mining Operation Plan, Built Features Management Plan and the Bowmans Creek Diversion Reassessment Report provide the framework for site rehabilitation works proposed and meets the requirements of this Condition.	Compliance	
S3.42	Rehabilitation - Rehabilitation Objectives	The Applicant shall carry out rehabilitation progressively, that is, as soon as reasonably practicable following disturbance, to the satisfaction of DRE	1. <i>Ashton Coal North East Open Cut Rehabilitation (Eastern Emplacement Area) Report</i> - the report details the rehabilitation works completed in that area.	1. Progressive Rehabilitation, including surface rehabilitation works associated with subsidence was observed by the Auditor. Photo #8 shows the rehabilitation area above (North) of the former open cut.	1. Progressive Rehabilitation, including surface rehabilitation works associated with subsidence was observed by the Auditor during the site inspection. The areas observed included the overburden stockpiled area to the north the former open cut, areas of subsidence to the south of the New England Highway and the Creek Diversion.	Compliance		

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S3.43	Rehabilitation - Rehabilitation Management Plan	The Applicant must prepare and implement a Rehabilitation Management Plan for the Ashton Mine Complex to the satisfaction of DRE to manage potential impacts of the development.	<p>1. Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, dated 30 August 2018. Sections 5, 6, 7 and 8 provide a detailed description of the mine rehabilitation planning and management strategy.</p> <p>2. Letter from the Resources Regulator (M Meyer) to Ashton (P Brown) titled "ML 15219, ML 1533 ad ML 1623, Mining Act 1992, White Mining (NSW) Pty Limited, Approval of Mining Operations Plan" dated 27 September 2018. The letter provides conditional approval of the MOP.</p>			The rehabilitation management plan is contained in the DRE approved Mining Operations Plan.	Compliance	
		This plan must: (a) be prepared in consultation with the Department, OEH, EPA, DPI Water, Council and the CCC;	<p>1. Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, dated 30 August 2018. Sections 5, 6, 7 and 8 provide a detailed description of the mine rehabilitation planning and management strategy.</p> <p>2. Letter from Ashton (P Brown) to DPE (M Frankcombe) titled " Ashton Coal Operations Pty Ltd - Mining Operations Plan 2018 - 2024", dated 12 April 2018. The letter invites DPE to review the MOP (that includes the Rehabilitation Management Plan) and provide comments on the report.</p> <p>3. Letter from Ashton (P Brown) to DPI (Water) (H De Silva) titled " Ashton Coal Operations Pty Ltd - Mining Operations Plan 2018 - 2024", dated 12 April 2018. The letter invites DPI to review the MOP (that includes the Rehabilitation Management Plan) and provide comments on the report.</p> <p>4. Letter from Ashton (P Brown) to DRE (K Walsh) titled " Ashton Coal Operations Pty Ltd - Mining Operations Plan 2018 - 2024", dated 12 April 2018. The letter invites DRE to review the MOP (that includes the Rehabilitation Management Plan) and provide comments on the report.</p> <p>5. Letter from Ashton (P Brown) to EPA (M Howat) titled " Ashton Coal Operations Pty Ltd - Mining Operations Plan 2018 - 2024", dated 12 April 2018. The letter invites the EPA to review the MOP (that includes the Rehabilitation Management Plan) and provide comments on the report.</p> <p>6. Letter from Ashton (P Brown) to OEH (R Bath) titled " Ashton Coal Operations Pty Ltd - Mining Operations Plan 2018 - 2024", dated 12 April 2018. The letter invites OEH to review the MOP (that includes the Rehabilitation Management Plan) and provide comments on the report.</p> <p>7. Letter from Ashton (P Brown) to Singleton Council (M Crawford) titled " Ashton Coal Operations Pty Ltd - Mining Operations Plan 2018 - 2024", dated 12 April 2018. The letter invites Council to review the MOP (that includes the Rehabilitation Management Plan) and provide comments on the report.</p> <p>8. June 2018 CCC Minutes and presentation. Slide 7 of the presentation invites members of the CCC to comment of the draft plan.</p>			Correspondence evidencing the review of the Rehabilitation Management (element of the MOP) was sighted during the Audit.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(b) be prepared in accordance with any relevant DRE guideline, and be consistent with the rehabilitation objectives in Table 11 and in the EA and the previous EIAs;	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final</i> , dated 30 August 2018. Sections 5, 6, 7 and 8 provide a detailed description of the mine rehabilitation planning and management strategy.			The rehabilitation management plan is contained in the DRE approved Mining Operations Plan is generally consistent with the rehabilitation objectives in Table 11 and in the EA.	Compliance	
		(c) build, to the maximum extent practicable, on the other management plans required under this consent; and					Noted	
		(d) address all aspects of rehabilitation and mine closure, including final land use assessment, rehabilitation objectives, domain objectives, completion criteria and rehabilitation monitoring, and include: <ul style="list-style-type: none"> • an evaluation of end land use options for the final void; and • a life of mine tailings management strategy, including an environmental risk assessment demonstrating that the emplacements can be designed, managed and rehabilitated appropriately. The applicant must implement the approved management plan as approved from time to time by DRE. Note: The plan should build on the conceptual final land use and offset strategy depicted in Appendix 7.	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final</i> , dated 30 August 2018. Sections 5, 6, 7 and 8 provide a detailed description of the mine rehabilitation planning and management strategy. <ul style="list-style-type: none"> - Rehabilitation Objectives are presented in Section 5.2 - Post mining landuse is discussed in Section 4 - Life of mine tailings management is presented in Section 2.3.8. 			The rehabilitation management plan contained in the DRE approved Mining Operations Plan covers the information required by this Condition.	Compliance	
S4.1	Notification of Landowners	Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the noise criteria in condition 2 of Schedule 3 or the dust criteria in condition 12 of Schedule 3, the Applicant shall: <ul style="list-style-type: none"> (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and (b) advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Secretary. 	1. Letter from Ashton (P Brown) to Tenant (generic letter) titled " <i>Ashton Coal Operations Pty Ltd - Notification of Potential Noise and Dust Impacts</i> ", dated 30 May 2017. The letter advises the tenant of the potential for noise and dust impacts and sets out the rights of the tenant and options available to them should they experience noise or dust impacts. The letter included the "Mine Dust and You" fact sheet.			Mine (residential) tenants have been provided with a letter describing the potential health and amenity impacts associated with living on the land and provided them a copy of the NSW Health fact sheet entitled "Mine Dust and You"	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S4.2		<p>Within 2 weeks of obtaining monitoring results showing:</p> <p>(a) an exceedance of any relevant criterion in Schedule 3, the Applicant shall notify the affected landowner and/or tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the development is again complying with the relevant criterion; and</p> <p>(b) an exceedance of any relevant criterion in condition 12 of Schedule 3, the Applicant shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of mine-owned land).</p>	<p>1. Ashton Coal 2016 Annual Review, dated 30 March 2017. The 2016 Annual Review reported that no exceedances in noise or air quality criteria were reported.</p> <p>2. Ashton Coal 2017 Annual Review, dated 28 March 2018. The 2017 Annual Review reported that no exceedances in noise or air quality criteria were reported.</p> <p>3. Ashton Coal 2018 Annual Review, dated 27 March 2019. The 2018 Annual Review reported that no exceedances in noise or air quality criteria were reported.</p> <p>4. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No air quality complaints have been received by Ashton over the Audit Period. Noise complaints have been received and investigated by Ashton.</p>			No exceedances in dust or noise levels associated with the Ashton Coal Operations have been measured during the Audit Period.	Not Triggered	
S4.3		<p>Independent Review</p> <p>If an owner of privately-owned land considers the development to be exceeding any relevant criteria in Schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.</p>		<p>1. Audit notes provided by P. Brown stated that no requests for independent reviews have been received by Ashton over the Audit Period.</p>		No requests for independent reviews have been received by Ashton over the Audit Period.	Not Triggered	
S4.4	Independent Review	<p>If the Secretary is not satisfied that an independent review is warranted, the Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 60 days of the request for a review.</p> <p>If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Applicant shall:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:</p> <ul style="list-style-type: none"> (i) consult with the landowner to determine his/her concerns; (ii) conduct monitoring to determine whether the development is complying with the relevant criteria; and (iii) if the development is not complying with these criteria then: <ul style="list-style-type: none"> • determine if the more than one mine is responsible for the exceedance, and if so the relative share of each mine towards the impact on the land; • identify the measures that could be implemented to ensure compliance with the relevant criteria; and 		<p>1. Audit notes provided by P. Brown stated that no requests for independent reviews have been received by Ashton over the Audit Period.</p>		No requests for independent reviews have been received by Ashton over the Audit Period.	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(b) give the Secretary and landowner a copy of the independent review.						
S4.5		<p>If the independent review determines that the development is complying with the relevant criteria, then the Applicant may discontinue the independent review with the approval of the Secretary.</p> <p>If the independent review determines that the development is not complying with the relevant criteria, and that the development is primarily responsible for this non-compliance, then the Applicant shall:</p> <p>(a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until the development complies with the relevant criteria; or</p> <p>(b) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Secretary.</p> <p>If the independent review determines that the development is not complying with the relevant acquisition criteria, and that the development is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the Applicant shall acquire all or part of the landowner's land in accordance with the procedures in conditions 7 to 8 below.</p>		1. Audit notes provided by P. Brown stated that no requests for independent reviews have been received by Ashton over the Audit Period.		No requests for independent reviews have been received by Ashton over the Audit Period.	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S4.6		<p>If the independent review determines that the relevant criteria are being exceeded, but that more than one mine is responsible for this non-compliance, then together with the relevant mine/s, the Applicant shall:</p> <p>(a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until there is compliance with the relevant criteria; or</p> <p>(b) secure a written agreement with the landowner and other relevant mines to allow exceedances of the relevant criteria, to the satisfaction of the Secretary.</p> <p>If the independent review determines that the development is not complying with the relevant acquisition criteria, but that more than one mine is responsible for this non-compliance, then upon receiving a written request from the landowner, the Applicant must acquire all or part of the landowner's land on as equitable basis as possible with the relevant mine/s, in accordance with the procedures in conditions 7 to 8 below.</p>		1. Audit notes provided by P. Brown stated that no requests for independent reviews have been received by Ashton over the Audit Period.		No requests for independent reviews have been received by Ashton over the Audit Period.	Not Triggered	
S4.7	Land Acquisition	<p>7. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall make a binding written offer to the landowner based on:</p> <p>(a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, or the current market value of properties that are of an equivalent standard to the landowner's existing dwelling (including associated facilities such as a pool) in the Singleton or Muswellbrook local government areas (whichever is greater), having regard to the:</p> <ul style="list-style-type: none"> existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional mitigation measures required under conditions 3 and/or 13 of Schedule 3; <p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> relocating within the Singleton or Muswellbrook local government areas, or to any other local government area determined by the Secretary; and obtaining legal advice and expert advice for determining the acquisition price of the land, 		1. Audit notes provided by P. Brown stated that no requests for acquisition have been received by Ashton over the Audit Period.		No requests for acquisition have been received by Ashton over the Audit Period.	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		<p>and the terms upon which it is to be acquired; and (c) reasonable compensation for any loss attributable to disturbance and severance, if any, caused by the land acquisition process, if any; (d) reasonable compensation for any special value of the land to the person on the date of acquisition, if any; and (e) solatium, if any.</p>						
		<p>For the purposes of this consent, the terms 'market value', 'disturbance', 'severance', 'special value' and 'solatium' are to be construed in the same way as those terms are defined in the Land Acquisition (Just Terms Compensation) Act 1991, and as interpreted by the judiciary with the same limitations applied.</p> <p>For the purposes of this consent the term 'landowner' is to be construed in the same way as the term 'owner' as defined in the Land Acquisition (Just Terms Compensation) Act 1991, and as interpreted by the judiciary.</p> <p>However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.</p> <p>Upon receiving such a request, the Secretary shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <ul style="list-style-type: none"> (a) consider submissions from both parties; (b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in 		<p>1. Audit notes provided by P. Brown stated that no requests for acquisition have been received by Ashton over the Audit Period.</p>		<p>No requests for acquisition have been received by Ashton over the Audit Period.</p>	<p>Not Triggered</p>	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		<p>paragraphs (a)-(c) above; (c) prepare a detailed report setting out the reasons for any determination; and (d) provide a copy of the report to both parties.</p>						
		<p>Upon receiving such a request, the Secretary shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to: (a) consider submissions from both parties; (b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above; (c) prepare a detailed report setting out the reasons for any determination; and (d) provide a copy of the report to both parties.</p>		<p>1. Audit notes provided by P. Brown stated that no requests for acquisition have been received by Ashton over the Audit Period.</p>		<p>No requests for acquisition have been received by Ashton over the Audit Period.</p>	<p>Not Triggered</p>	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		<p>Within 14 days of receiving the independent valuer's report, the Applicant shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.</p> <p>However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to an independent arbiter agreed to by the parties. If the parties cannot agree on an independent arbiter, the matter must be referred to the Secretary to appoint an independent arbiter from the NSW Bar Association approved list or arbitrators.</p> <p>The independent arbitrator's costs must be borne by the Applicant, and the Applicant must compensate the landowner for any reasonable costs incurred by the landowner as a result of the matter being referred to arbitration, including any reasonable costs incurred by the landowner in obtaining legal and expert advice or representation for the purposes of arbitration.</p> <p>Within 14 days of receiving the independent arbiter's determination, the Applicant shall make a binding written offer to the landowner to purchase the land at a price not less than the independent arbiter's determination.</p> <p>If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Secretary determines otherwise.</p>		<p>1. Audit notes provided by P. Brown stated that no requests for acquisition have been received by Ashton over the Audit Period.</p>		<p>No requests for acquisition have been received by Ashton over the Audit Period.</p>	<p>Not Triggered</p>	
S5.1	Environmental Management Strategy	<p>1. The Applicant shall prepare an Environmental Management Strategy for the Ashton Mine Complex to the satisfaction of the Secretary.</p>	<p>1. <i>Ashton Coal Project Environmental Management Strategy, Revision D dated 2 June 2017.</i></p>			<p>Ashton has prepared and implemented an Environmental Management Strategy.</p>	<p>Compliance</p>	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		The strategy must: (a) be prepared in consultation with Community Consultative Committee (CCC);	<p>1. Letter from Ashton (P Brown) to the member of the CCC (M Bestic) titled "Ashton Coal Operations - Environmental Management Strategy Review", dated 2 June 2017. The email invites the CCC member to review and comment on the draft EMS.</p> <p>2. Letter from Ashton (P Brown) to the member of the CCC (D Richards) titled "Ashton Coal Operations - Environmental Management Strategy Review", dated 2 June 2017. The email invites the CCC member to review and comment on the draft EMS.</p> <p>3. Letter from Ashton (P Brown) to the member of the CCC (J McInerney) titled "Ashton Coal Operations - Environmental Management Strategy Review", dated 2 June 2017. The email invites the CCC member to review and comment on the draft EMS.</p> <p>4. Letter from Ashton (P Brown) to the member of the CCC (G Adamthwaite) titled "Ashton Coal Operations - Environmental Management Strategy Review", dated 2 June 2017. The email invites the CCC member to review and comment on the draft EMS.</p>			Ashton has prepared the Environmental Management Strategy in consultation with the CCC.	Compliance	
		(b) be submitted to the Secretary for approval;	<p>1. Letter from DPE (M Sprott) to Ashton (P Brown) titled "Ashton Coal Mine (DA 309-11-2001-i) Review of Management Plans", dated 4 October 2017. The letter advises that DPE approves the revised EMS.</p>			DPE approved the initial EMS on 11 October 2016 and the most recent revision of the Plan on 5 October 2017.	Compliance	
		(c) provide the strategic framework for environmental management of the development;	<p>1. Ashton Coal Project Environmental Management Strategy, Revision D dated 2 June 2017. The strategic context and scope of the EMS is discussed in Section 2.2 of the Strategy.</p>			The EMS describes the strategic framework for environmental management of the development.	Compliance	
		(d) identify the statutory approvals that apply to the development;	<p>1. Ashton Coal Project Environmental Management Strategy, Revision D dated 2 June 2017. The Approvals related to the development are presented in Section 3.3.4.</p>			The EMS describes the statutory approvals that apply to the development.	Compliance	
		(e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;	<p>1. Ashton Coal Project Environmental Management Strategy, Revision D dated 2 June 2017. Roles and responsibilities are described in Section 3.4.1.</p>			The EMS describes the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development.	Compliance	
		(f) 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 development; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the development; • respond to any non-compliance; • respond to emergencies; and 	<p>1. Ashton Coal Project Environmental Management Strategy, Revision D dated 2 June 2017. Management controls (procedures) are presented in Section Appendix C.</p>			The EMS describes the procedures that would be implemented to ensure compliance with this Approval.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(g) include: <ul style="list-style-type: none"> • copies of any strategies, plans and programs approved under the conditions of this consent; and • a clear plan depicting all the monitoring to be carried out in relation to the development. 	1. <i>Ashton Coal Project Environmental Management Strategy</i> , Revision D dated 2 June 2017. Management controls (procedures) are presented in Section Appendix C.			The EMS includes copies of all relevant strategies, plans and programs approved under the conditions of this consent and a clear plan depicting all the monitoring to be carried out in relation to the development.	Compliance	
S5.2	Management Plan Requirements	The Proponent shall ensure that the Management Plans required under this approval are prepared in accordance with any relevant guidelines, and include: <ul style="list-style-type: none"> (a) detailed baseline data; (b) a description of: <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; (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; (d) a program to monitor and report on the: <ul style="list-style-type: none"> · impacts and environmental performance of the project; and · effectiveness of any management measures (see (c) above); (e) a contingency plan to manage any unpredicted impacts and their consequences; (f) a program to investigate and implement ways to improve the environmental performance of the project over time; (g) a protocol for managing and reporting any: <ul style="list-style-type: none"> · incidents; · complaints; · non-compliances with statutory requirements; and · exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan. Note: At the discretion of the Director-General, some of these requirements may be waived where they are either not relevant or necessary.	1. Refer to Management Plans reviewed above.			All management plans reviewed as part of the review of this Approval were prepared in accordance with the Condition.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S5.3	Preparation of Management Plans etc.	<p>The Applicant must submit all management plans required under Schedule 3 (with the exception of Extraction Plans required under condition 32 of Schedule 3) for approval by the Secretary at least 3 months prior to recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex.</p> <p>Prior to approval of management plans required under Schedule 3 (with the exception of Extraction Plans required under condition 32 of Schedule 3), all existing management plans, monitoring programs, strategies, programs, protocols, etc. in effect as at the date of approval of Modification 5 shall continue to have full force and effect, and may be revised under condition 6 below, or otherwise with the approval of the Secretary.</p>			1. Open cut operations have not commenced.	Open cut operations have not commenced.	Not Triggered	
S5.4	Relationship Between Management Plans	The Water, Biodiversity and Heritage Management Plans required by conditions 26, 28 and 34 of Schedule 3, respectively, are to be prepared in respect of all parts of the development that are not covered by an Extraction Plan, whether approved under condition 32 of Schedule 3 or otherwise approved as at the date of approval of MOD 5. In particular, the Water, Biodiversity and Heritage Management Plans should address all areas subject to existing or proposed surface disturbance associated with the development.	<ol style="list-style-type: none"> 1. Ashton Coal Heritage Management Plan, Dated 10 October 2017. 2. Ashton Coal Project Flora and Fauna Management Plan, Revision H, Dated 10 October 2017. 3 Ashton Coal Project Biodiversity Management Plan, Revision A8, Dated 5 June 2017. 4. Ashton Coal Water Management Plan, Revision 10, dated 10 March 2018. 			The WMP, BMP, F&FMP and HMP cover all of the operations (that is their application has not been limited. The intent of this Condition has been satisfied.	Compliance	
S5.5	Updating and Staging Submissions of Strategies, Plans and Programs	<p>The applicant must regularly review the strategies, plans and programs required under this consent and ensure that these documents are updated to incorporate measures to improve the environmental performance of the development and reflect current best practice in the mining industry. To facilitate these updates, the Applicant may at any time submit revised strategies, plans or programs for the approval of the secretary. With the agreement of the secretary, the applicant may also submit any strategy, plan or program required by this consent on a staged basis.</p> <p>With the agreement of the Secretary, the applicant may prepare a revision or stage of any strategy, plan or program required under this consent, without undertaking consultation with all parties nominated under the applicable condition in this consent.</p> <p><i>Notes: while any strategy, plan or program may be submitted on a staged basis, the Applicant must ensure that the existing operations on site are covered by suitable</i></p>	<ol style="list-style-type: none"> 1. Refer to Plan reviewed in the preceding Conditions. 2. Letter from DPE (M. Sprott) to Ashton Coal Operations (P. Brown), titled "Ashton Coal Project DA-309-2001-I Review of Management Plans", dated 4 October 2017. DPE acknowledged the submission of revised plans following revision of the Plans as a result of recommendations made in previous audits and Annual Reviews. 3. Scope of Work (memorandum) prepared Ashton (J McNauthon) to Flora and Fauna Consultants, dated 22 March 2017, specifying the scope of the revision of the Flora and Fauna Management Plan as a result of the grating of a modification to the Approval. 3. Scope of Work (memorandum) prepared Ashton (J McNauthon) to Noise Consultants, dated 22 March 2017, specifying the scope of the revision of the Noise Management Plan as a result of the grating of a modification to the Approval. 			Management plans have been reviewed and revised as a result of the findings of previous audits, requests for update from DPE and other review Authorities and from recommendations contained in Annual Reviews.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		<i>strategies, plans or programs at all times. 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>						
S5.6	Revision of Strategies, Plans and Programs	<p>Within 3 months of:</p> <p>(a) submission of an incident report under condition 8 below;</p> <p>(b) submission of an annual review under condition 10 below;</p> <p>(c) submission of an audit under condition 11 below; and</p> <p>(d) any modification to the conditions of this consent (with the exception of MOD 5);</p> <p>The Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.</p> <p>The Applicant shall publish on its website any revised document resulting from these reviews within 30 days of the Secretary's approval of the document.</p> <p><i>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.</i></p>	<p>1. Refer to Plan reviewed in the preceding Conditions.</p> <p>2. Letter from DPE (M. Spratt) to Ashton Coal Operations (P. Brown), titled "Ashton Coal Project DA-309-2001-I Review of Management Plans", dated 4 October 2017. DPE acknowledged the submission of revised plans following revision of the Plans as a result of recommendations made in previous audits and Annual Reviews.</p> <p>3. Scope of Work (memorandum) prepared Ashton (J McNauthon) to Flora and Fauna Consultants, dated 22 March 2017, specifying the scope of the revision of the Flora and Fauna Management Plan as a result of the grating of a modification to the Approval.</p> <p>3. Scope of Work (memorandum) prepared Ashton (J McNauthon) to Noise Consultants, dated 22 March 2017, specifying the scope of the revision of the Noise Management Plan as a result of the grating of a modification to the Approval.</p>			<p>Management plans have been reviewed and revised as a result of the findings of previous audits, requests for update from DPE and other review Authorities and from recommendations contained in Annual Reviews.</p>	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
S5.7	Community Consultative Committee	<p>The Applicant must establish a CCC for the development to the satisfaction of the Secretary. This CCC must:</p> <p>(a) be operated in general accordance with the Guidelines for Establishing and operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version), and</p> <p>(b) include the following provisions in its terms of reference:</p> <p>(i) the CCC must be provided with all strategies, plans, reviews and incident reports generated during the life of the development;</p> <p>(ii) the CCC may not be bound by confidentiality provisions in relation to these documents;</p> <p>(iii) the CCC can, from time to time, make recommendations to the Secretary, Minister and all relevant agencies; and</p> <p>(iv) the CCC can, from time to time, request representatives from government agencies to attend meetings as required.</p> <p>The members of the CCC must be paid if they so request by the Applicant at the rate for sitting fees set out in the NSW Premier and Cabinet document, Guidelines for NSW Board and Committee Members: Appointments and Remuneration.</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 must include an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community. In establishing the CCC, the Department will accept the continued representation from existing CCC members. The CCC may be combined with any similar CCC for the Ashton Mine Complex. 	<p>1. Minutes of the Ashton Coal Project Community Liaison Committee:</p> <ul style="list-style-type: none"> - 6 July 2016 - 29 November 2016 - 28 March 2017 - 27 July 2017 - 5 October 2017 - 22 February 2018 - 28 June 2018 - 18 October 2018 - 14 February 2019 - 13 June 2019 - 17 October 2019 	<p>1. Telephone interview with the Chair of the CCC (G Adamthwaite).</p>		<p>The Community Consultative Committee has been established and has met regularly throughout the Audit Period.</p> <p>The CCC established meets the requirements of this Condition.</p>	Compliance	
S5.8	Reporting	<p>Incident Reporting</p> <p>The Applicant must notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the Ashton Mine Complex, the Applicant shall notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the</p>	<p>1. Email from Ashton (L Crawford) to DPE (Compliance Section) titled "Elevated PM10 Level at Ashton for 25/9/2017", dated 26 September 2017.</p> <p>2. Letter from Ashton (P Brown) to DPE (M Frankcombe) titled "Ashton Coal Elevated PM10 results - 25 September 2017", dated 3 October 2017.</p> <p>3. Email from Ashton (L Crawford) to EPA (L Cook) titled "Elevated PM10 Level at Ashton for 25/9/2017", dated 27 September 2017.</p> <p>4. Email from Ashton (L Crawford) to DPE (J Curran) titled "Ashton Coal Mine elevated PM10 results on 17 October 25/9/2019", dated 1</p>			<p>Ashton notified DPE and EPA of suspected PM10 exceedances and provided further requested information within the timeframes specified in this Condition.</p>	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		incident, and any such further reports as may be requested.	November 2019. The email provided further information to DPE in relation to the suspected PM10 exceedance.					
S5.9		Regular Reporting The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any approved plans of the conditions of this consent.	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019. 4. Website (www.ashtoncoal.com.au) - Ashton upload all Annual Reviews, environmental monitoring data (required by the EPL) and Environmental Audit Reports to the mine Website. 5. Community Consultative Committee meeting minutes (2016 - 2019). Ashton made presentations at each CCC meeting that included a summary of environmental performance.			Ashton publish all Annual Reviews, Independent Audits and Environmental Monitoring Data to their website.	Compliance	
S5.10	Annual Review	By the end of March each year (or other such timing as agreed by the Secretary), the Applicant shall review the environmental performance of the development to the satisfaction of the Secretary. This review must: (a) describe the works (including any rehabilitation) that were carried during the previous calendar year, and the works that are proposed to be carried out over the current calendar year;	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019.			Section 4 of the Annual Review presents a summary of the Operations for the reporting period. Section presents a description of the rehabilitation works completed during the reporting period.	Compliance	
		(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against the: • relevant statutory requirements, limits or performance measures/criteria; • monitoring results of previous years; and • relevant predictions in the EA and the previous EIAs;	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019.			Section 6 of the Annual presents a summary of the environmental monitoring undertaken over the reporting period. Section 3 describes the statutory licences and approvals that apply to the operation.	Compliance	
		(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019.			Section 12 of the Annual Review provides a summary of non-compliances and reported incidents.	Compliance	
		(d) identify any trends in the monitoring data over the life of the development;	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019.			Trend in monitoring data are discussed in each section of the Annual Review.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019.			Non-compliances with regulatory criteria are discussed in Annual Review; however, no discrepancies between monitoring results and EIS predicted impacts were identified.	Not Triggered	
		(f) describe what measures will be implemented over the next year to improve the environmental performance of the development.	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019.			Section 13 of the Annual Review describes the activities to be completed over the coming year.	Compliance	
S5.11	Independent Environmental Audit	One year after the commencement of construction of the development, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development.	1. <i>Ashton Coal Operations Limited 2016 Independent Environmental Audit</i> , dated 19 December 2016.			The 2016 IER was completed in accordance with the Approval.	Compliance	
		This audit must: (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;	1. Letter from DPE (W Jones) to Ashton (D Short) titled " <i>Ashton Coal 2016 Independent Environmental Audit</i> " dated 19 September 2016. The letter approves the appointment of P Horn for the 2016 IER.			DPE endorsed the appointment of the Auditor 19 September 2016.	Compliance	
		(b) include consultation with the relevant agencies;	1. Email from the EPA (M Howat) to Ashton (D Short) titled " <i>Ashton Coal Independent Environmental Audit, 2016</i> ", dated 11 May 2016. The email from EPA provides the EPA's response to scope of the audit. 2. Email from OEH (R Gibson) to Ashton (J McNaughton) titled " <i>Ashton Coal Independent Environmental Audit 2016</i> ", dated 17 January 2017. The email confirmed that OEH's comments had been covered in the 2016 Audit. 3. Letter from Ashton (D Short) to DPI Water (H De Silva) titled " <i>Ashton Coal Independent Environmental Audit, 2016</i> ", dated 29 April 2016. The letter sort input from the agency into the audit scope. 4. Letter from Ashton (D Short) to OEH (R Bath) titled " <i>Ashton Coal Independent Environmental Audit, 2016</i> ", dated 29 April 2016. The letter sort input for the agency into the audit scope. 5. Letter from Ashton (D Short) to Singleton Council titled " <i>Ashton Coal Independent Environmental Audit, 2016</i> ", dated 29 April 2016. The letter sort input from the Council into the audit scope. 6. Letter from Ashton (D Short) to DPE (C Knight) titled " <i>Ashton Coal Independent Environmental Audit, 2016</i> ", dated 29 April 2016. The letter sort input from the agency into the audit scope. 7. Letter from Ashton (D Short) to DRE (K Walsh) titled " <i>Ashton Coal Independent Environmental Audit, 2016</i> ", dated 29 April 2016. The letter sort input from the agency into the audit scope.			Ashton contacted the relevant regulatory stakeholders to seek input into the scope of the Audit.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);	1. <i>Ashton Coal Operations Limited 2016 Independent Environmental Audit</i> , dated 19 December 2016.			The 2016 IER was completed in accordance with the Approval.	Compliance	
		(d) review the adequacy of any approved strategies, plans or programs required under these approvals; and, if appropriate	1. <i>Ashton Coal Operations Limited 2016 Independent Environmental Audit</i> , dated 19 December 2016.			The 2016 IER was completed in accordance with the Approval.	Compliance	
		(e) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals.	1. <i>Ashton Coal Operations Limited 2016 Independent Environmental Audit</i> , dated 19 December 2016.			The 2016 IER was completed in accordance with the Approval.	Compliance	
S5.12		Within 6 weeks of the completing of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.	1. Letter from Ashton (D Short) to DPE (C Knight) titled " <i>Ashton Coal 2016 Independent Environmental Audit</i> ", dated 20 December 2016. The (transmittal) letter was provided with a copy of the IER and noted that the audit was completed on 19 December 2016.			The 2016 IER report was submitted to DPE within the required timeframe.	Compliance	
S5.11	Access to Information	The Applicant must: (a) make copies of the following publicly available on its website: <ul style="list-style-type: none"> the documents listed in condition 2(a) the current statutory approvals for the development approved strategies, plans and programs required under the conditions of this consent; a comprehensive summary of the monitoring results of the development, including model performance results which have been reported in accordance with the various plans and programs approved under the conditions of this consent; a complaints register, which is to be updated on a monthly basis; minutes of CCC meetings; the annual reviews over the life of the development; any independent environmental audit, and the Applicant's response to the recommendations in any audit; any other matter required by the Secretary; and keep this information up to date by ensuring that all management plans, monitoring results and reports are available on the Applicant's website within 30 days of their completion.	1. Ashton Coal Website: https://www.ashtoncoal.com.au/			The Ashton Coal Website contains copies of all documents specified in this Condition.	Compliance	
Appendix 8 C1	Application	Conditions 2 and 3 below have effect during times when open cut mining operations are not being undertaken at the Ashton Mine Complex, in the opinion of the Secretary.					Noted	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
Appendix 8 C2	Noise Criteria	Except for the noise-affected land in Table 1, the Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 1 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land. Noise generated by the development is to be measured in accordance with the relevant requirements of the <i>NSW Industrial Noise Policy</i> . Appendix 8 sets out the requirements for evaluating compliance with these criteria. However, these noise criteria do not apply if the Applicant has an agreement with the relevant owner/s of the residence/ land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.	1. Noise Monitoring Results (Presented on the Ashton Website): https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/		1. The open cut operations have not commenced.	No noise exceedances have been identified for the Audit Period.	Compliance	
Appendix 8 C3	Additional Noise Mitigation Measures	Upon receiving a written request from the owner of any residence on any privately-owned land where subsequent operational noise monitoring shows the noise generated by the development exceeds the noise limits in Table 2, the Applicant must implement additional reasonable and feasible noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the owner. If within 3 months of receiving this request from the landowner, the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution. Notes: - Noise generated by the development is to be measured in accordance with the relevant requirements for evaluating compliance with these criteria. - For this condition to apply, the exceedance of the criteria must be systemic.				No requests for noise mitigation measures was received by Ashton during the Audit Period.	Not Triggered	
Appendix 8 C4		Attended monitoring is to be used to evaluate compliance with the relevant conditions of this approvals.					Noted	
Appendix 8 C5	Compliance Monitoring	Data collected for the purposes of determining compliance with the relevant conditions of this approval is to be excluded under the following meteorological conditions: a) during periods of rain or hail; b) average wind speed at microphone height exceeds 5 m/s; c) wind speeds greater than 3 m/s measures at 10 m above ground level; and d) temperature inversion conditions greater than 3 °C/ 100m.					Noted	

PLANNING APPROVAL DA 309-11-2001-i								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
Appendix 8 C6		Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements relating for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time), in particular the requirements relating to: a) monitoring locations for the collection of representative noise data; b) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; c) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.					Noted	
Appendix 8 C7		To the extent that there is any inconsistency between the <i>Industrial Noise Policy</i> and the requirements set out in this Appendix, the Appendix prevails to the extent of the inconsistency.					Noted	
Appendix 8 C8	Determination of Meteorological Conditions	Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station located in the vicinity of the site (as required by condition 18 of schedule 3).	1. Specifications for Met Station				Noted	

ENVIRONMENT PROTECTION LICENCE 11879								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
A1.1		This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2: Coal Works Mining for Coal					Noted	
A2.1	Administrative Conditions	This licence applies to the following premises: Ashton Coal Mine Glennies Creek Road and New England Highway Camberwell NSW 2330 ML1533					Noted	

ENVIRONMENT PROTECTION LICENCE 11879								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
A3.1		<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <p>a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and</p> <p>b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</p>					Noted	
P1.1	Location of monitoring / discharge points	<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of emission of pollutants from the point.</p> <p>Point 9 Particulate Matter Monitoring at coordinates 318060, 6407586 (Easting Northing) identified as Site 7 on Figure 1</p> <p>Point 10 Particulate Matter Monitoring Monitor at coordinates 320853, 6407223 (Easting Northing) identified as Point 9 on Figure 1.</p> <p>Point 11 Particulate Matter Monitoring Monitor at coordinates 320030, 6405703 (Easting Northing) identified as Point 10 on Figure 1.</p> <p>Point 16 Gas Flares at coordinates 319135, 6405675 (Easting, Northing) identified as CGDP Flares on Figure 1.</p>					Noted	
P1.2		<p>The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids of liquids to the utilisation area.</p>					Noted	
P1.3		<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</p> <p>Points 2, 3, 4, .5, 6, 7, 8., 7, 18 and 19.</p>					Noted	

ENVIRONMENT PROTECTION LICENCE 11879								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
P1.4		The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises. Points 12, 13, 14 and 15.					Noted	
P1.5		For the purposes of condition P1.1, P1.3 and P1.4 Figure 1 refers to the plan titled "Ashton Underground Mine Environment Protection Licence 11879 Premises Boundary, Monitoring & Infrastructure" dated 1/6/17 EPA Ref DOC17/375653-02.	1. "Ashton Underground Mine Environment Protection Licence 11879 Premises Boundary, Monitoring & Infrastructure" dated 1/6/17 EPA Ref DOC17/375653-02.				Noted	
L1.1	Pollution of Waters	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.		1. Audit notes provided by P. Brown stated that no water discharges have been made from the site over the Audit Period.		No water discharges from the site have occurred during the Audit Period.	Compliance	
L2.1	Concentration Limits	Flares must be operated by the licensee such that there is no visible emission other than for a total period of no more than 5 minutes in any 2 hours, except for heat haze.			1. During the site inspection the Auditor observed the operational flares. No emissions were visible from the flares. (Photo # 9).	No complaints or incidents relating to flare operation were reported over the Audit Period.	Compliance	
L3.1	Waste	The licensee must not cause permit or allow any waste generated outside the premises to be received at the premises except as permitted by this Licence.	1. Ashton Coal Project Waste Management Plan, Revision D dated June 2019. Section 5 of the Plan details the waste management controls implemented on the Mine. Section 7 of the Plan details the waste monitoring and reporting undertaken by Ashton.		1. No evidence of off-site waste receipt was observed during the site audit.	No wastes generated off-site were observed during the site inspection.	Compliance	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation	
L4.1	Noise Limits	Noise generated at the premises must not exceed the noise limits presented in the table below. Locations Any Residence not owned by the Licensee and not subject to a agreement between the licensee and the residence owner as to an alternative noise limit: Day LAeq(15 min) 38 Evening LAeq(15 min) 38 Night LAeq(15 min) 36 Night LAeq(1 min) 46	<p>1. <i>Ashton Coal 2016 Annual Review</i>, dated 30 March 2017. The 2016 Annual Review reported that noise from the Ashton operations did not exceed the relevant criteria at any location at any time. One noise complaint was received during the reporting period, however an investigation concluded that the noise source was unlikely to have been the Ashton operations.</p> <p>2. <i>Ashton Coal 2017 Annual Review</i>, dated 28 March 2018. The 2017 Annual Review reported that noise from the Ashton operations did not exceed the relevant criteria at any location at any time. Two noise complaints were received during the reporting period, however an investigation concluded that the noise source was unlikely to have been the Ashton operations.</p> <p>3. <i>Ashton Coal 2018 Annual Review</i>, dated 27 March 2019. The 2018 Annual Review reported that noise from the Ashton operations did not exceed the relevant criteria at any location at any time. Three noise complaints were received during the reporting period, however an investigation concluded that the noise source was unlikely to have been the Ashton operations.</p> <p>4. <i>Ashton Coal Environmental Noise Monitoring Reports</i> prepared by Global Acoustics (each of the monthly reports from January to October were reviewed).</p>			<p>A review of the summary of noise monitoring provided in the 2016, 2017 and 2018 Annual reviews (note that the Auditor also undertook a random review of noise reports across those years for verification purposes) confirmed that the noise monitoring undertaken by independent consultants did not detect any noise criteria exceedances.</p> <p>A review of the monthly noise monitoring reports (undertaken by EMM Consultants or Global Acoustics) confirmed that the noise monitoring undertaken by independent consultants did not detect any noise criteria exceedances.</p> <p>Noise related complaints received during the Audit Period were investigated. The results of the investigations indicated that the noise sources were unlikely to have been the Ashton operations.</p>	Compliance		
L4.2		For the purpose of Condition L2.1: a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays, b) Evening is defined as the period from 6pm to 10pm, and c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays						Noted	
L4.3		Noise from the premises must be measured at the most affected point on or within the residential boundary or at the most affected point within 30m of the dwelling where the dwelling is more than 30m from boundary to determine compliance with the LAeq(15 minute) noise limits in condition L2.1. Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy. The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.	1. <i>Ashton Coal Environmental Noise Monitoring Reports</i> prepared by Global Acoustics (each of the monthly reports from January to October were reviewed).				A review of the monthly noise monitoring reports from 2019 undertaken by independent consultants confirmed that noise monitoring undertaken to assess compliance with the EPL was undertaken in accordance with the requirements of this Condition.	Compliance	

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Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
L4.4		Noise from the premises is to be measured or computed at 1m from the dwelling facade to determine compliance with condition L2.1 (LA1 (1 minute) noise limit).	1. <i>Ashton Coal Environmental Noise Monitoring Reports</i> prepared by Global Acoustics (each of the monthly reports from January to October were reviewed).			A review of the monthly noise monitoring reports from 2019 undertaken by independent consultants confirmed that noise monitoring undertaken to assess compliance with the EPL was undertaken in accordance with the requirements of this Condition.	Compliance	
L4.5		The noise emission limits identified in condition L2.1 apply under the following meteorological conditions: a) wind speeds up to 3m/s at 10m above ground level; and b) temperature inversion conditions up to 3 degrees C/100m.	1. <i>Ashton Coal Environmental Noise Monitoring Reports</i> prepared by Global Acoustics (each of the monthly reports from January to October were reviewed).			A review of the monthly noise monitoring reports from 2019 undertaken by independent consultants confirmed that noise monitoring undertaken to assess compliance with the EPL was undertaken in accordance with the requirements of this Condition.	Compliance	
L4.6		Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2. Point 13, 14 and 15 Day LAeq(15 min) 38 Evening LAeq(15 min) 38 Night LAeq(15 min) 36 Night LAeq(1 min) 46	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. The 2016 Annual Review reported that noise from the Ashton operations did not exceed the relevant criteria at any location at any time. One noise complaint was received during the reporting period, however an investigation concluded that the noise source was unlikely to have been the Ashton operations. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. The 2017 Annual Review reported that noise from the Ashton operations did not exceed the relevant criteria at any location at any time. Two noise complaints were received during the reporting period, however an investigation concluded that the noise source was unlikely to have been the Ashton operations. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019. The 2018 Annual Review reported that noise from the Ashton operations did not exceed the relevant criteria at any location at any time. Three noise complaints were received during the reporting period, however an investigation concluded that the noise source was unlikely to have been the Ashton operations. 4. <i>Ashton Coal Environmental Noise Monitoring Reports</i> prepared by Global Acoustics (each of the monthly reports from January to October were reviewed).			A review of the summary of noise monitoring provided in the 2016, 2017 and 2018 Annual reviews (note that the Auditor also undertook a random review of noise reports across those years for verification purposes) confirmed that the noise monitoring undertaken by independent consultants did not detect any noise criteria exceedances. A review of the monthly noise monitoring reports (undertaken by EMM Consultants or Global Acoustics) confirmed that the noise monitoring undertaken by independent consultants did not detect any noise criteria exceedances. Noise related complaints received during the Audit Period were investigated. The results of the investigations indicated that the noise sources were unlikely to have been the Ashton operations.	Compliance	

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Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
O1.1	Operating Conditions	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.			1. During the site inspection the Auditor inspected all operational areas (with the exception of underground operations). At the time of the audit all plant and equipment appeared to be well maintained and operated. 2. Photo #10 shows the mine plant maintenance area with waste skips and fuel storage.	All operations witnessed during the site audit were being undertaken in a competent manner.	Compliance	
O2.1	Maintenance of plant and equipment	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.		1. Audit interview: B McKay, Engineering Manager demonstrated the operation of the mine Maintenance Management System. The system provides a framework for the management of routine maintenance and the identification and rectification of plant and equipment issues.	1. During the site inspection the Auditor inspected all operational areas (with the exception of underground operations). At the time of the audit all plant and equipment appeared to be well maintained and operated. 2. Photo #10 shows the mine plant maintenance area with waste skips and fuel storage.	Ashton utilises an appropriate plant and equipment maintenance system. All operations witnessed during the site audit were being undertaken in a competent manner.	Compliance	
O2.2	Sewage Treatment System	The licensee is responsible for the correct operation of the sewage treatment system on the premises.					Noted	
O2.3		Correct operation involves regular supervision and system maintenance. The licensee must be aware of the system management requirements and must ensure that the necessary service contracts are in place.	1. Garden Master Waste Water Treatment System Owners Manual. 2. Econ Cycle Aerated Wastewater Treatment Systems Owners Manual. 3. Taylex Wastewater Treatment System Owners Manual. 4. Earthsafe Wastewater Treatment System Manual. 5. Maintenance Management (work Order) System report - Monthly STP service work orders (2019) 6. All Septic Services Aerated Wastewater System Quarterly Maintenance Reports - monthly for 2019. 7. Periodic Septic Service Report (All Septic Services) 19/2/2019. Certificate of Acceptance, Septic Tank Action Group : All Septic Services on behalf of Singleton Council. 8. Certificate, dated 4/8/2019, provided by All Septic Services stating that the sewage treatment plant (Council approval ST43/2-13-2 (20/2/2014) operated at the Ashton Mine meets Councils requirements and the requirements of EPL 11879.		1. an inspection of the sewage treatment plant (adjacent to the Ashton site office) and effluent irrigation fields by the Auditor confirmed that the plant was operating and well maintained.	Ashton has access to all relevant operational manuals, but utilises the services of a register wastewater treatment system engineer to inspect and maintain the site sewage treatment systems. Appropriate records of plant maintenance were sighted.	Compliance	

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Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
O2.4		The sewage treatment system must be serviced by a suitably qualified and experienced wastewater technician at least once in each quarterly period and a minimum of four times per year.	<ol style="list-style-type: none"> 1. Garden Master Waste Water Treatment System Owners Manual. 2. Econ Cycle Aerated Wastewater Treatment Systems Owners Manual. 3. Taylex Wastewater Treatment System Owners Manual. 4. Earthsafe Wastewater Treatment System Manual. 5. Maintenance Management (work Order) System report - Monthly STP service work orders (2019) 6. All Septic Services Aerated Wastewater System Quarterly Maintenance Reports - monthly for 2019. 7. Periodic Septic Service Report (All Septic Services) 19/2/2019. <p>Certificate of Acceptance, Septic Tank Action Group : All Septic Services on behalf of Singleton Council.</p> <ol style="list-style-type: none"> 8. Certificate, dated 4/8/2019, provided by All Septic Services stating that the sewage treatment plant (Council approval ST43/2-13-2 (20/2/2014) operated at the Ashton Mine meets Councils requirements and the requirements of EPL 11879. 		<ol style="list-style-type: none"> 1. an inspection of the sewage treatment plant (adjacent to the Ashton site office) and effluent irrigation fields by the Auditor confirmed that the plant was operating and well maintained. 	<p>Ashton has access to all relevant operational manuals, but utilises the services of a register wastewater treatment system engineer to inspect and maintain the site sewage treatment systems.</p> <p>Appropriate records of plant maintenance were sighted.</p>	Compliance	
O2.5		The licensee must record each inspection and any actions required or recommended by the technician including all results of tests performed on the sewage treatment system by the technician as required in Condition O2.4.	<ol style="list-style-type: none"> 1. Maintenance Management (work Order) System report - Monthly STP service work orders (2019) 2. All Septic Services Aerated Wastewater System Quarterly Maintenance Reports - monthly for 2019. 3. Periodic Septic Service Report (All Septic Services) 19/2/2019. <p>Certificate of Acceptance, Septic Tank Action Group : All Septic Services on behalf of Singleton Council.</p> <ol style="list-style-type: none"> 4. Certificate, dated 4/8/2019, provided by All Septic Services stating that the sewage treatment plant (Council approval ST43/2-13-2 (20/2/2014) operated at the Ashton Mine meets Councils requirements and the requirements of EPL 11879. 			<p>Ashton has access to all relevant operational manuals, but utilises the services of a register wastewater treatment system engineer to inspect and maintain the site sewage treatment systems.</p> <p>Appropriate records of plant maintenance were sighted.</p>	Compliance	
O2.6		The licensee must prepare a sewage treatment system maintenance program. The program must include: a) Certification from the system provider that the sewage treatment system is operating within its capacity; b) Date, time and results of all routine maintenance procedures undertaken to the sewage treatment system; and c) Provide written records of each quarterly inspection.	<ol style="list-style-type: none"> 1. Maintenance Management (work Order) System report - Monthly STP service work orders (2019) 2. All Septic Services Aerated Wastewater System Quarterly Maintenance Reports - monthly for 2019. 3. Periodic Septic Service Report (All Septic Services) 19/2/2019. <p>Certificate of Acceptance, Septic Tank Action Group : All Septic Services on behalf of Singleton Council.</p> <ol style="list-style-type: none"> 4. Certificate, dated 4/8/2019, provided by All Septic Services stating that the sewage treatment plant (Council approval ST43/2-13-2 (20/2/2014) operated at the Ashton Mine meets Councils requirements and the requirements of EPL 11879. 			<p>Ashton has access to all relevant operational manuals, but utilises the services of a register wastewater treatment system engineer to inspect and maintain the site sewage treatment systems.</p> <p>Appropriate records of plant maintenance were sighted.</p>	Compliance	

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Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
03.1	Dust	All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.	1. <i>Ashton Coal Air Quality and Greenhouse Gas Management Plan</i> , Revision F1, dated 10 October 2017.			All operations at the site are undertaken in accordance with the AQGMP. No dust exceedances were recorded over the Audit Period.	Compliance	
03.2		All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	5. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No air quality complaints have been received by Ashton over the Audit Period.		1. During the audit site inspection water carts and fixed dust suppression sprays were in operation. No significant dust generation was observed.	All operations at the site are undertaken in accordance with the AQGMP. No dust exceedances were recorded over the Audit Period. No dust complaints were received by Ashton over the Audit Period.	Compliance	
04.1	Effluent Application to Land	The licensee must ensure that the effluent discharge utilisation area perimeter is fenced and signposted "Effluent Re-Use Area Keep Out" and controlled in a manner to ensure exclusion of persons from that area.			1. The effluent discharge area is appropriately signposted. The effluent discharge area is located with the mine site (fenced) boundaries.	The effluent discharge area is appropriately signposted and fenced off from public access.	Compliance	
04.2		The licensee must ensure that sprays or mists from irrigation do not drift beyond the boundary of the effluent discharge utilisation area and that no ponding occurs.			1. No ponding or overspray of effluent were observed during the site inspection.	No ponding or effluent overspray was observed during the audit.	Compliance	
04.3		Application of wastewaters must only be applied at a rate that can be assimilated by the effluent discharge utilisation area and its evapotranspiration capacity.			1. No ponding or overspray of effluent were observed during the site inspection.	No ponding or effluent overspray was observed during the audit.	Compliance	
05.1	Emergency Response	The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The licensee must develop a Pollution Incident Response Management Plan in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations.	1. <i>Ashton Coal Pollution Incident Response Management Plan</i> , Revision 1C, dated 25 July 2018.	1. Audit notes provided by P. Brown stated that a simulated pipeline failure was undertaken in 2018 to test emergency response plan.		The PIRMP has been prepared and maintained.	Compliance	
06.1	Processes and Management	Banks, channels and similar works must be constructed and maintained to divert stormwater away from disturbed or contaminated land surfaces such as mine workings, haul roads, overburden disposal areas, coal handling areas and wastewater treatment facilities. All diversion banks, channels and points of discharge must be constructed or stabilised so as to minimise erosion and scouring.	1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018. Section 5 of the WMP details erosion and sediment controls implemented at the site.		1. During the audit inspection, the Auditor sighted all of the key surface water management infrastructure, including erosion and sediment controls, creek diversions and surface water drainage features associated with the mine and associated infrastructure.	Surface water management infrastructure and controls installed generally meet the requirements of this Condition.	Compliance	

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Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
O7.1	Waste Management	A water management system must be constructed and utilised to manage the collection, storage, treatment, use and disposal of mine water, sewage effluent and other wastewater.	1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018.		1. During the audit inspection, the Auditor sighted all of the key surface water management infrastructure, including erosion and sediment controls, creek diversions and surface water drainage features associated with the mine and associated infrastructure.	A water management system has been constructed and utilised, includes the collection, storage, treatment, use and disposal of mine water, sewage effluent and other wastewater.	Compliance	
O7.2		Bund(s) must be installed around areas in which fuels, oils and chemicals are stored. Bunds must: a) have walls and floors constructed of impervious materials; b) be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed); c) have walls not be less than 250 millimetres high; d) have floors graded to a collection sump; and e) not have a drain valve incorporated in the bund structure.			1. During the site inspection the Audit inspected all chemical and fuel storage areas. Refer to Photos #3, #4 and #11.	All chemicals and fuels sighted during the audit were stored in appropriately banded areas. Bund designs were constructed in accordance to the requirements of ISO1940 and met the requirements of this Condition.	Compliance	
O7.3		A wastewater treatment facility with oil separator and sediment trap must be installed to treat drainage from the hardstand, vehicle servicing and general workshop areas.	3. Ashton Coal Workshop Weekly Inspection (proforma)		1. Water draining from plant areas where surface water may be impacted by hydrocarbons drain to oil / water separators and sediment traps. Refer to Photos #12 and #13.	Hardstand areas drain to appropriate oil / water / sediment traps.	Compliance	
O8.1	Other Conditions	There must be no incineration or open burning of any material(s) on the premises, except as specifically authorised by the EPA.	1. <i>Ashton Coal Project Waste Management Plan</i> , Revision D dated June 2019. Section 5 of the Plan details the waste management controls implemented on the Mine. Section 7 of the Plan details the waste monitoring and reporting undertaken by Ashton.		1. No evidence of on-site incineration or waste burning was identified during the site audit.	Ashton's waste management plan prohibits waste burning. No evidence was waste incineration or burning was identified during the site audit.	Compliance	
M1.1	Monitoring Records	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	1. Ashton environmental monitoring data spreadsheets. 2. https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ - the Ashton Website includes spreadsheets that collate all of the monitoring data required by the EPL.			In addition to the annual Reports and specific (consultant) environmental monitoring reports, the Auditor was provided with spreadsheets that collate all of the monitoring data required by the EPL. The records maintained meet the requirements of the Condition.	Compliance	
M1.2		All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see	1. Ashton environmental monitoring data spreadsheets. 2. https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ - the Ashton Website includes spreadsheets that collate all of the monitoring data required by the EPL.			In addition to the annual Reports and specific (consultant) environmental monitoring reports, the Auditor was provided with spreadsheets that collate all of the monitoring data required by the EPL. The records maintained meet the	Compliance	

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Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		them.				requirements of the Condition.		
M1.3		The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	1. Ashton environmental monitoring data spreadsheets. 2. https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ - the Ashton Website includes spreadsheets that collate all of the monitoring data required by the EPL. 3. <i>Ashton Coal Mine, Environmental Monitoring, Dust Deposition Gauges, Surface and Potable waters, Chain of Custody, Field Sheets and Calibration Forms October 2019</i> - CBased Environmental Limited, dated 14.11.19.			Sampling records provided to the Auditor did not included all of the details required by this Condition.	Compliance	
M2.1	Monitoring Requirements	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns: (table on page 10).	1. Refer to sampling and analysis assessment below.			All sampling and analysis required by the EPL was undertaken.	Compliance	
M2.2	Air Monitoring Requirements	Points 9, 10, 11 PM 10 Continuous AM-22	1. Ashton Coal 2016 Annual Review, dated 30 March 2017. 2. Ashton Coal 2017 Annual Review, dated 28 March 2018. 3. Ashton Coal 2018 Annual Review, dated 27 March 2019. 4. 2016 EPA Annual Return 5. 2017 EPA Annual Return 6. 2018 EPA Annual Return.	P Brown (explanation regarding monitoring gaps): 1. 2017 - 1.8% of PM data was not captured over the entire year from Points 9 and 10 due to an equipment failures, as reported in 2017 EPL (3 days at Site 9 and 14 days at Site 10). Reported in 2017 EPL Annual Return. 2. Correct function of air monitoring stations is checked each weekday. Longer periods of no results (14 days and 19 days) were due to delays in sourcing and installing replacements for failed monitoring equipment components, not delay in failure detection.		In 2016 PM10 data was not able to be captured for a period of 19 days at Site 2 due to equipment failure. In 2017 PM10 data was not captured over the entire year from Points 7, 9 and 10 due to equipment failures and delays in the supply of replacement equipment.. Air monitoring stations are inspected regularly.	Non-Compliance	There is no recommendation related to this non-compliance. Ashton's existing equipment monitoring program is appropriate.

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Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
M2.3	Water Monitoring Requirements	<p>Point 2, 3, 4, 5, 6 and 7: Conductivity uS/cm Monthly Probe pH Monthly Grab Sample TSS m/l Monthly Grab Sample</p> <p>Point 8 Conductivity Six Monthly Grab Sample Standing Water Level 6 monthly inline instrument</p> <p>Point 17,18 and 19 Faecal Coliforms Quarterly Grab Sample</p>	<ol style="list-style-type: none"> 1. Ashton Coal 2016 Annual Review, dated 30 March 2017. 2. Ashton Coal 2017 Annual Review, dated 28 March 2018. 3. Ashton Coal 2018 Annual Review, dated 27 March 2019. 4. 2016 EPA Annual Return 5. 2017 EPA Annual Return 6. 2018 EPA Annual Return. 	<p>P Brown (explanation regarding sampling gaps):</p> <ol style="list-style-type: none"> 1. Condition M2.3 of 2017 EPL required 6 monthly testing of EC and water level at EPL Monitoring Point 8, which consisted of 15 groundwater monitoring piezometers. This 6 monthly sampling was completed, but 10 of these piezometers were previously destroyed during mining, or were dry, resulting in only 9 of 30 samples being sampled during the reporting period. Reported in 2017 EPL Annual Return. 		<p>In 2017 groundwater samples were not collected from all piezometers associated with Point 8. It is noted that failure to collect water from a dry piezometer does not trigger a non-compliance against this condition. However if piezometers have been destroyed by the mining operations, then, in consultation with the EPA, those piezometers should be either replaced (relocated) or removed from the groundwater monitoring plan (refer to EPL Condition P1.3).</p>	Non-Compliance	Consult with the EPA regarding the modification of the groundwater monitoring requirements for Point 8.
M3.1	Testing Methods	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <ol style="list-style-type: none"> a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place. 	<ol style="list-style-type: none"> 1. Ashton Coal Air Quality and Greenhouse Gas Management Plan, Revision F1, dated 10 October 2017. Section 4.1.4 specifies the air quality monitoring standards and guidelines that are used to monitor compliance. 			<p>The air quality monitoring methods used to monitor compliance meet the requirements of this Condition.</p>	Compliance	
M3.2		<p>Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.</p>	<ol style="list-style-type: none"> 1. Steel River Testing Water Analysis Report (Report Number 19951-0) dated 14 October 2019. pH and Conductivity testing. Steel River Testing is NATA Registered and therefore utilise the currently approved standard methods. 2. ALS Environmental Certificates of Analysis for E-Coli and Total Coliforms (Ashton potable water analysis). ALS are NATA Registered for this testing and therefore utilise the currently approved standard methods. 			<p>All water and sampling test reports sighted by the Auditor were provided by NATA Registered Laboratories. NATA Registration applies to the testing methods reported and meet the requirements of this Condition.</p>	Compliance	
M4.1	Weather Monitoring	<p>The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in the table below.</p> <p>Atmospheric inversion oC/100m Continuous Temperature C Continuous 1 hr average AM-4 Rainfall mm 24hours AM-1 and AM-4 Wind Direction @ 10m Continuous 10 Minutes AM-2 and AM-4 Wind Speed @ 10m Continuous 10 Minutes AM-2 and AM-4</p>	<ol style="list-style-type: none"> 1. Ashton Met station monitoring report detailing all met monitoring for the Audit Period. 2. Letter from Novecom (B Jacobs) to Ashton titled " Met Station 41 M2: letter of Compliance, dated 14 June 2019. The letter certifies that the Met Station meets the requirements of the EPL. 			<p>The Auditor sighted weather monitoring records covering the parameters required by this Condition for the entire Audit Period.</p>	Compliance	

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Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
M4.2		For monitoring point 43 the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.	1. Ashton Met station monitoring report detailing all met monitoring for the Audit Period.			The Auditor sighted weather monitoring records covering the parameters required by this Condition for the entire Audit Period.	Compliance	
M5.1	Complaints	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	1. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/complaints-register/). 2. Ashton Coal Complaint / Enquiry Notification Forms - completed complaints records were provided for each of the complaints listed on the website complaints register.			A public complaints register to maintained on the public website (that complaints register does not identify complainants). Detailed records are maintained by Ashton (Complaint / Enquiry Notification Forms) for all complaints received.	Compliance	
M5.2		The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	1. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/complaints-register/). 2. Ashton Coal Complaint / Enquiry Notification Forms - completed complaints records were provided for each of the complaints listed on the website complaints register.			Detailed records are maintained by Ashton (Complaint / Enquiry Notification Forms) for all complaints received. The Complaint / Enquiry notification forms contain all of the information required by this Condition.	Compliance	
M5.3		The record of a complaint must be kept for at least 4 years after the complaint was made.	1. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/complaints-register/). 2. Ashton Coal Complaint / Enquiry Notification Forms - completed complaints records were provided for each of the complaints listed on the website complaints register.			Records of complaints for at least 4 years.	Compliance	
M5.4		The record must be produced to any authorised officer of the EPA who asks to see them.					Noted	
M6.1	Telephone Complaints Line	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	1. https://www.ashtoncoal.com.au/page/contact/ 2. EPA Public Register - 2017 Annual Return: https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?id=11879&periodid=54570&searchrange=licence&option=noncompliance&range=POEO%20licence			Ashton's website provides both email and telephone enquiries and complaints lines. In 2017 the telephone complaints line was found to be inactive by DPE on 1 February 2017.	Non-Compliance	Schedule checks of the complaints line (monthly) to ensure that it is operational.

ENVIRONMENT PROTECTION LICENCE 11879								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
M6.2		The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	1. https://www.ashtoncoal.com.au/page/contact/		1. Signpost at the site entrance provides details of the complaints telephone line. Refer to Photo # 14)	Ashton's website provides both email and telephone enquiries and complaints lines. The complaints telephone line number is displayed at the site entrance.	Compliance	
M6.3		The preceding two conditions do not apply until 3 months after the date of the issue of this licence					Noted	
M7.1	Other Conditions	The Licensee must record the average PM10 concentration at monitoring points 9,10 and 11 at intervals of 10 minutes. This data must be made available upon request by any Authorised Officer of the EPA who asks to see them.					Noted	
M*.1	Noise Monitoring	To assess compliance with the noise limits specified within this licence, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below. Points 13, 14 and 15 Assessment Period Night, Monthly, 15 min duration, 1 operational day	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. The 2016 Annual Review reported that noise from the Ashton operations did not exceed the relevant criteria at any location at any time. One noise complaint was received during the reporting period, however an investigation concluded that the noise source was unlikely to have been the Ashton operations. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. The 2017 Annual Review reported that noise from the Ashton operations did not exceed the relevant criteria at any location at any time. Two noise complaints were received during the reporting period, however an investigation concluded that the noise source was unlikely to have been the Ashton operations. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019. The 2018 Annual Review reported that noise from the Ashton operations did not exceed the relevant criteria at any location at any time. Three noise complaints were received during the reporting period, however an investigation concluded that the noise source was unlikely to have been the Ashton operations. 4. <i>Ashton Coal Environmental Noise Monitoring Reports</i> prepared by Global Acoustics (each of the monthly reports from January to October were reviewed).			A review of the summary of noise monitoring provided in the 2016, 2017 and 2018 Annual reviews (note that the Auditor also undertook a random review of noise reports across those years for verification purposes) confirmed that the noise monitoring undertaken by independent consultants did not detect any noise criteria exceedances. A review of the monthly noise monitoring reports (undertaken by EMM Consultants or Global Acoustics) confirmed that the noise monitoring undertaken by independent consultants did not detect any noise criteria exceedances. Noise related complaints received during the Audit Period were investigated. The results of the investigations indicated that the noise sources were unlikely to have been the Ashton operations.	Compliance	

ENVIRONMENT PROTECTION LICENCE 11879								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
R1.1	Annual Returns	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices.	1. EPA Public Register (EPL 11879)			Ashton have submitted all Annual Returns for the Audit Period. Note that the 2019 Annual report had not been completed at the time this audit report was finalised.	Compliance	
R1.2		An Annual Return must be prepared in respect of each reporting period, except as provided in the below conditions.	1. EPA Public Register (EPL 11879)			Ashton have submitted all Annual Returns for the Audit Period.	Compliance	
R1.3		Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.				No transfer of licence occurred during the Audit Period.	Not Triggered	
R1.4		Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.					Not Triggered	
R1.5		The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	1. EPA Public Register (EPL 11879): - 2016 Annual Return received by EPA 28 February 2017 - 2017 Annual Return received by EPA 16 February 2018 - 2018 Annual Return received by EPA 19 February 2019			The Annual returns for 2016, 2017 and 2018 were submitted to the EPA within the 60 day timeframe.	Compliance	

ENVIRONMENT PROTECTION LICENCE 11879								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
R1.6		The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	1. EPA Public Register (EPL 11879)			Ashton have access to copies of all Annual Returns.	Compliance	
R1.7		Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	1. EPA Public Register (EPL 11879)			All annual returns are executed in accordance with this Condition.	Compliance	
R2.1	Notification of Environmental Harm	Notifications of Environmental Harm must be made by telephoning the Environment Line service on 131 555.		1. Interview P. Brown (during the site audit). No reportable incidents (incidents related to potential or actual environmental harm) occurred during the Audit Period.		No reportable incidents occurred during the Audit Period.	Not Triggered	
R2.2		The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred. Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.		1. Interview P. Brown (during the site audit). No reportable incidents (incidents related to potential or actual environmental harm) occurred during the Audit Period.		No reportable incidents occurred during the Audit Period.	Not Triggered	
R3.1	Written Report	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.		1. Interview P. Brown (during the site audit). No reportable incidents (incidents related to potential or actual environmental harm) occurred during the Audit Period.		No reportable incidents occurred during the Audit Period.	Not Triggered	
R3.2		The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.		1. Interview P. Brown (during the site audit). No reportable incidents (incidents related to potential or actual environmental harm) occurred during the Audit Period.		No reportable incidents occurred during the Audit Period.	Not Triggered	

ENVIRONMENT PROTECTION LICENCE 11879

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
R3.3		The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters		1. Interview P. Brown (during the site audit). No reportable incidents (incidents related to potential or actual environmental harm) occurred during the Audit Period.		No reportable incidents occurred during the Audit Period.	Not Triggered	
R3.4		The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified.	1. Copies of any requests from the EPA for reports relating to incidents	1. Interview P. Brown (during the site audit). No reportable incidents (incidents related to potential or actual environmental harm) occurred during the Audit Period.		No reportable incidents occurred during the Audit Period.	Not Triggered	

ENVIRONMENT PROTECTION LICENCE 11879

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
R4.1	Noise exceedance notifications	The licensee must report any exceedance of licence noise limits to the EPA Hunter at hunter.region@epa.nsw.gov.au as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents	<p>1. Ashton Coal 2016 Annual Review, dated 30 March 2017. The 2016 Annual Review reported that noise from the Ashton operations did not exceed the relevant criteria at any location at any time. One noise complaint was received during the reporting period, however an investigation concluded that the noise source was unlikely to have been the Ashton operations.</p> <p>2. Ashton Coal 2017 Annual Review, dated 28 March 2018. The 2017 Annual Review reported that noise from the Ashton operations did not exceed the relevant criteria at any location at any time. Two noise complaints were received during the reporting period, however an investigation concluded that the noise source was unlikely to have been the Ashton operations.</p> <p>3. Ashton Coal 2018 Annual Review, dated 27 March 2019. The 2018 Annual Review reported that noise from the Ashton operations did not exceed the relevant criteria at any location at any time. Three noise complaints were received during the reporting period, however an investigation concluded that the noise source was unlikely to have been the Ashton operations.</p> <p>4. Ashton Coal Environmental Noise Monitoring Reports prepared by Global Acoustics (each of the monthly reports from January to October were reviewed).</p>			No exceedances of noise limits occurred during the Audit Period.	Not Triggered	
R5.1	Noise Assessment Report	A noise compliance assessment report must be submitted to the EPA on an annual basis with the Annual Return as set out in Condition R1. The report must be prepared by an accredited acoustical consultant and determine compliance with noise limits at noise monitoring points specified in Condition (s) P1.4 and L4.6.				No evidence was sighted by the Auditor to confirm that annual noise compliance assessment reports were prepared and issued to the EPA.	Non-Compliance	Prepare annual Noise Compliance Assessment Reports and issue those reports to the EPA.

ENVIRONMENT PROTECTION LICENCE 11879

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
R5.2	Water Quality Monitoring Report	The licensee must provide the EPA with its Annual Return an annual water quality monitoring report prepared by an appropriately qualified and experienced person that includes the following: a) for the monitoring required by the licence during the reporting period to which the Annual Return relates: (i) a summary of results for all ambient water quality monitoring required by the licence in table form and graphical form; (ii) total daily rainfall records from the premises meteorological monitoring required by the licence on the day that the sampling was undertaken in table form; (iii) total daily continuous rainfall records in graphical form; and (iv) a plan with the monitoring locations. b) A graphical presentation of the trends of monitoring results required by the licence for the reporting period to which the Annual Return relates and the preceding data for the period of record the licensee has monitoring results for the licensed location. c) A graphical representation of total daily continuous rainfall records required by the licence for the record that matches the ambient water quality results, if available.		P Brown: This requirement on Ashton's EPL 12856 was only required as part of the Licence Variation dated 27 March 2019. As such the required Water Quality Monitoring Report will be submitted for the period 1 January 2019 to 31 December 2019.		Not triggered during the Audit Period.	Not Triggered	
R5.3	Sewage Treatment Report	The sewage treatment system maintenance program required by Condition O2.6 must be submitted annually to the EPA with the Annual Return.		P Brown: This requirement on Ashton's EPL 12856 was only required as part of the Licence Variation dated 27 March 2019. As such the required Water Quality Monitoring Report will be submitted for the period 1 January 2019 to 31 December 2019.		Not triggered during the Audit Period.	Not Triggered	
R5.4	General	The licensee must retain a copy of each report required by Condition O2.5 for 3 years from the date each record is made.		P Brown: This requirement on Ashton's EPL 12856 was only required as part of the Licence Variation dated 27 March 2019. As such the required Water Quality Monitoring Report will be submitted for the period 1 January 2019 to 31 December 2019.		Not triggered during the Audit Period.	Not Triggered	
G1.1	Copy of Licence	A copy of this licence must be kept at the premises to which the licence applies.				A copy of the EPL was provided to the Auditor.	Compliance	
G1.2		The licence must be produced to any authorised officer of the EPA who asks to see it.					Noted	
G1.3		The licence must be available for inspection by any employee or agent of the licensee working at the premises.					Noted	

ENVIRONMENT PROTECTION LICENCE 11879								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
G2.1	Telephone Contact Line	The licensee must operate one 24-hour telephone contact line for the purpose of enabling the EPA: a) to contact the licensee or a representative of the licensee who can respond at all times to incidents relating to individual premises, and b) to contact the licensee's senior employees or agents authorised at all times to: i) speak on behalf of the licensee, and ii) provide any information or document required under licence.	1. https://www.ashtoncoal.com.au/page/contact/			Ashton's website provides both email and telephone enquiries and complaints lines.	Compliance	
E1.1	Noise Assessment Groups	The Licensee must provide the EPA Director Hunter at hunter.region@epa.nsw.gov.au a report prepared by an appropriately qualified and experienced acoustic consultant by 24 May 2019. The report must include: a) a plan of the premises that includes an outline of the noise assessment groups (NAG) and an attended noise monitoring point (NMP) within each noise assessment group that represents the most noise affected location in the NAG, including its easting and northing; b) the noise limits applied to the NAG and the NMP; c) justification of the noise limits within the NAG and the location of the NMP with reference to the approved Development Consent; and d) an additional plan of the land ownership to compare to the NAGs.	1. Letter Report prepared by EMM Consultants titled "EPL 11879 - Special Condition E1 Noise Assessment Groups" dated 24 May 2019.			The Noise Monitoring Assessment Group Report was provided to the EPA in accordance with this Condition.	Compliance	
E1.2		The noise assessment groups (NAG) in condition E1.1 must include all private land and public land, not owned by the mine where noise limits apply, as assessed in the noise impact assessment in the approved Development Consent.	1. Letter Report prepared by EMM Consultants titled "EPL 11879 - Special Condition E1 Noise Assessment Groups" dated 24 May 2019.			The Noise Monitoring Assessment Group Report was provided to the EPA and provided the information required by this Condition.	Compliance	
E1.3		The licensee must also provide to the EPA at hunter.region@epa.nsw.gov.au by 24 May 2019: a) georeferenced polygon shapefiles of the NAGs compatible with the ESRI shapefile format, labelled with the NAG referenced in the licence; and b) georeferenced point shape files of the NMP compatible with the ESRI shapefile format, labelled with the NMP referenced in the licence.	1. Letter Report prepared by EMM Consultants titled "EPL 11879 - Special Condition E1 Noise Assessment Groups" dated 24 May 2019.			The Noise Monitoring Assessment Group Report was provided to the EPA and provided the information required by this Condition.	Compliance	

ENVIRONMENT PROTECTION LICENCE 11879

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
E2.1	Groundwater Monitoring	The Licensee must provide the EPA Director Hunter at hunter.region@epa.nsw.gov.au a list of groundwater monitoring points consistent with the Development Consent and its Plans for the premises by 24 May 2019. The points must include sentinel monitoring points to detect any seepage from tailings facilities and sentinel monitoring points to represent upgradient and downgradient from longwalls, in order to provide early indication of impacts on groundwater. The points must be provided as: a) a table that includes: (i) the easting and northing for each point; (ii) the naming convention for the point; (iii) a georeferenced shape file compatible with ESRI Format; and b) a plan of the premises that includes the groundwater monitoring points and a legend that includes the easting and northing for each point.	1. Email (and receipt reports) from Ashton (p Brown) to EPA (T Favell) titled "Notice of Variation EPL 11879 dated 27 march 2019", dated 24 May 2019. The email referred to the requirement of EPL 11879 Condition E2.1 and provided via attachments the required groundwater monitoring information.			The information required by Condition E 2.1 was emailed to the EPA on 24 May 2019.	Compliance	
E3.1	Plan of Premises	The licensee must provide the EPA's Manager Hunter an updated plan of the premises prepared and signed by a registered surveyor by 24 May 2019. The plan (s) must include: a) clear delineation of the premises boundary including points of reference on the boundary in eastings and northings on major corners; b) be restricted to the footprint that the scheduled activity is being carried on or intended to be carried on, which may include areas of gas drainage; c) the location of air, water, weather, and noise monitoring points; d) the location of flares and gas plant; e) the location of major plant and facilities that are fixed; f) the location of any groundwater sentinel monitoring bores; g) the location of sewage treatment plant (s) and a monitoring point at the completion of treatment from the plant and/or discharge to a utilisation area; and h) a legend with the easting and northings of all these monitoring points and/or discharge points and flares related to the EPA identification number in the Licence, or another numbering system.	1. Email (and receipt reports) from Ashton (p Brown) to EPA (T Favell) titled "Notice of Variation EPL 11879 dated 27 march 2019", dated 24 May 2019. The email referred to the requirement of EPL 11879 Condition E3.1 and provided via attachments the required air quality and water monitoring information.			The information required by Condition E 3.1 was emailed to the EPA on 24 May 2019.	Compliance	

ENVIRONMENT PROTECTION LICENCE 11879

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		<p>The Licensee must ensure that:</p> <ul style="list-style-type: none"> i) connectivity is maintained between surface operations on the premises and exclude any public roads from the premises. Connectivity between surface operations can be via overland conveyor, private haul road or pipe infrastructure, but is not limited to this; j) the boundary of the premises is within the lawful mining lease and valid development consent; and k) a separate plan of the premises is provided for underground workings that defines mining for coal in the respective seams, and identifies any bores where water is pumped to underground storages. <p>The Licensee may provide up to three plans for the premises in legible form to the EPA. The plans must be provided in digital format to enable printing at A3, A1 and A0 sizes. Georeferenced shape polygon and point files in the ESRI format must be provided for the premises boundary and monitoring points. The plan (s) and files must be provided to the EPA at hunter.region@epa.nsw.gov.au</p>	<p>1. Email (and attachments including site survey plans, boundary plans), from Ashton (P Brown) to the EPA (Hunter.region@epa.nsw.gov.au) titled "Notice of Licence No 11879 dated 27 March 2019", dated 24 May 2019. The Email provides the site connectivity and boundary locations required by this Condition.</p>			<p>The documentation required by this Condition was emailed to the NSW EPA on 24 May 2019.</p>	<p>Compliance</p>	

MINING LEASE 1533								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
1		The lease holder shall extract as large a percentage of the coal in the subject area as is practicable consistent with the provisions of the Coal Mines Regulations Act 1982 and the Regulations thereunder and shall comply with any direction given or which may be given in this regard by the Minister.					Noted	
2.1		Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:- (a) ongoing mining operations and environmental management; and (b) ongoing monitoring of the project.	1. Notice of inspection outcomes by DRE Inspectors, Reference: DOC 18/359637. The DRE inspection identified a number of instances where the requirements of the MOP were not implemented.			An inspection by DRE inspectors on 29 May 2018 identified a number of instances where the requirements of the MOP were not being fully implemented.	Non-Compliance	Ensure that all commitments in the MOP (and other management plans) are fully implemented.
2.2		The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgment.	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final</i> , dated 30 August 2018. 2. Letter from the Resources Regulator (M Meyer) to Ashton (P Brown) titled "ML 15219, ML 1533 ad ML 1623, Mining Act 1992, White Mining (NSW) Pty Limited, Approval of Mining Operations Plan" dated 27 September 2018. The letter provides conditional approval of the MOP.			The Resources Regulator approved the current plan on 13 September 2019. While the Regulator noted that the Plan meet the requirements of ESG3 Mining Operations Plan, September 2013 Guideline, gaps in the plan were identified.	Compliance	
2.3	Mining Operations Plan	A Plan must be lodged with the Director-General:- (a) prior to the commencement of operations;				The operations commenced prior to this Audit Period. Compliance with this Condition was assessed in previous independent audits.	Not Triggered	
		(b) subsequently as appropriate prior to the expiry of any current Plan; and	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final Amendment 1</i> , dated 13 September 2019.			The 2019 version of the MOP (dated 13 September 2019) is a revision of the original plan.	Compliance	
		(c) in accordance with any direction issued by the Director-General.	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019. 2. Letter from the Resources Regulator (M Meyer) to Ashton (P Brown) titled "ML 15219, ML 1533 ad ML 1623, Mining Act 1992, White Mining (NSW) Pty Limited, Approval of Mining Operations Plan" dated 27 September 2018. The letter provides conditional approval of the MOP. 3. Letter from the Resources Regulator (G Kininmonth) to Ashton (P Brown) titled "ML 15219, ML 1533 ad ML 1623, Mining Act 1992, White Mining (NSW) Pty Limited, Approval of Mining Operations Plan" dated 23 September 2019. The letter provides approval of the current revision (Amendment 1) of the MOP.			Ashton revised and reissued the MOP in September 2019 in response to the conditional 2018 approval of the Plan.	Compliance	

MINING LEASE 1533

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.4		The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			The current version of the MOP covers the period from 2018 to 2024.	Compliance	
		(a) area(s) proposed to be disturbed under the Plan;	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			The Auditor understands that under the DA 309-11-2002-I, that no material increase in land disturbance will occur. 2018 MOP Table 32 presents proposed annual area of disturbance over life of MOP.	Compliance	
		(b) mining and rehabilitation method(s) to be used and their sequence;	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			Sections 2 and 7 of the MOP addresses mining and rehabilitation method(s) to be used and their sequence;	Compliance	
		(c) areas to be used for disposal of tailings/waste;	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			Section 2.3.8 describes the areas to be used for disposal of tailings/waste;	Compliance	
		(d) existing and proposed surface infrastructure;	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			2018 MOP Table 13 lists existing surface infrastructure , and MOP Plan 1C shows location of key infrastructure, at commencement of MOP.	Compliance	
		(e) progressive rehabilitation schedules;	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			Section 7 of the MOP describes the proposed rehabilitation works to be completed during the term of the MOP.	Compliance	
		(f) areas of particular environmental sensitivity;	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			Section 3 of the MOP describes the environmental issues relevant to the operations and how those issues will be addressed.	Compliance	
		(g) water management systems (including erosion and sediment controls);	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			Sections 3.9 and 3.10 describe surface and ground water monitoring and management.	Compliance	
		(h) proposed resource recovery; and	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			Section 2.3.12 describes the proposed material production schedule for the mine.	Compliance	
		(i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining land use/vegetation	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			Section 4 of the MOP describes post mining landuse and rehabilitation.	Compliance	
2.5		The Plan when lodged will be reviewed by the Department of Mineral Resources.	2. Letter from the Resources Regulator (M Meyer) to Ashton (P Brown) titled "ML 15219, ML 1533 ad ML 1623, Mining Act 1992, White Mining (NSW) Pty Limited, Approval of Mining Operations Plan" dated 27 September 2018. The letter provides conditional approval of the MOP.			The MOP has been lodged with the Resource Regulator.	Compliance	

MINING LEASE 1533

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.6		The Director-General may within two (2) months of the lodgement of a Plan, require modification and lodgement.				A formal request for modification of the current MOP has not been received by Ashton.	Not Triggered	
2.7		If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan, lease holder may proceed with implementation of the Plan submitted subject to the lodgement of the required security deposit within the specified time.					Noted	
2.8		During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in clauses (5) - (7) above.					Noted	
3.1		Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General.	<ol style="list-style-type: none"> 1. Ashton Coal 2016 Annual Review, dated 30 March 2017. 2. Ashton Coal 2017 Annual Review, dated 28 March 2018. 3. Ashton Coal 2018 Annual Review, dated 27 March 2019. 4. Letter from DRE (K Steel) to White Mining (NSW) Pty Ltd, titled "Warning Letter", dated 23 May 2017. The warning letter related to the failure to submit the AEMR (Annual Review) by the due date of 31 March 2017. 5. Notice of Investigation Outcome from the Resources Regulator reference ACES 0383-2017. The investigation related to the warning letter referenced above and found that no AMER was required to be submitted. 			Annual Reviews have been prepared and for each year covered by the Audit Period.	Compliance	
	Environmental Management Report	The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:	<ol style="list-style-type: none"> 1. Ashton Coal 2016 Annual Review, dated 30 March 2017. 2. Ashton Coal 2017 Annual Review, dated 28 March 2018. 3. Ashton Coal 2018 Annual Review, dated 27 March 2019. 			The Annual Reviews have been prepared in accordance with the requirements of this Mining Lease and the Project Approval.	Compliance	
		(a) the accepted Mining Operations Plan;	1. Ashton Coal 2018 Annual Review, dated 27 March 2019.			The Annual Reviews satisfy the content requirements of this Condition.	Compliance	
		(b) development consent requirements and conditions;	1. Ashton Coal 2018 Annual Review, dated 27 March 2019.			The Annual Reviews satisfy the content requirements of this Condition.	Compliance	
		(c) Environment Protection Authority and Department of Land and Water Conservation licenses and approvals;	1. Ashton Coal 2018 Annual Review, dated 27 March 2019.			The Annual Reviews satisfy the content requirements of this Condition.	Compliance	
		(d) any other statutory environmental requirements;	1. Ashton Coal 2018 Annual Review, dated 27 March 2019.			The Annual Reviews satisfy the content requirements of this Condition.	Compliance	
		(e) details of any variations to environmental approvals applicable to the lease area.	1. Ashton Coal 2018 Annual Review, dated 27 March 2019.			The Annual Reviews satisfy the content requirements of this Condition.	Compliance	
3.2								

MINING LEASE 1533

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(f) where relevant, progress towards final rehabilitation objectives.	1. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019.			The Annual Reviews satisfy the content requirements of this Condition.	Compliance	
3.3		After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.				A formal request to undertake operations, remedial actions or supplementary studies has not been received by Ashton.	Not Triggered	
3.4		The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.				A formal request to undertake operations, remedial actions or supplementary studies has not been received by Ashton.	Not Triggered	
Conditions 4 to 10 not used								
11		The lease holder unless with the consent of the Minister and subject to such conditions as the Minister may impose shall not work or cause to be worked any seam of coal by underground methods within the subject area within the barrier defined as follows: The land within the zone beneath and adjacent to the Great Northern Railway enclosed by an angle of draw of 35 degrees from the vertical plane of the boundary parallel to a thirty (30) metres horizontally distant from either side of the railway lands, such angle of draw being measured outwards from the point on the vertical plane of the said boundary at the surface or at the level of the horizontal plane of the railway track, whichever may be the higher, to the floor of the coal seam in which mining operations are being carried out.	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019.			All mining activities have been undertaken with the approved mining lease boundaries.	Compliance	
Conditions 12 and 13 Not used								
14	Shafts and Drifts	Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the lease holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the lease holder.				1. The mine access portals are located within the former open cut void. No public access to these areas is permitted.	Compliance	
14	Environmental Incident Report	The lease holder must report any environmental incidents. The report must: (i) be prepared according to any relevant Departmental guidelines; (ii) be submitted within 24 hours of the environmental incident occurring		1. Interview P. Brown (during the site audit). No reportable incidents (incidents related to potential or actual environmental harm) occurred during the Audit Period.		No reportable incidents occurred during the Audit Period.	Not Triggered	

MINING LEASE 1533

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
15	Dumps	The lease holder shall comply with any direction, given or which may be given by the Inspector regarding the dumping, depositing or removal of material extracted as well as the stabilisation and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situated on the subject area or the associated colliery holding.				A formal request to regarding the dumping, depositing or removal of material extracted as well as the stabilisation and revegetation of any area has not been received by Ashton.	Not Triggered	
16		The lease holder shall comply with any direction given or which may be given by the Minister regarding the spraying of coal dumps on the subject area.				A formal request to undertake the spraying of coal dumps has not been received by Ashton.	Not Triggered	
17	Dust	The lease holder shall take such precautions as are necessary to abate any dust nuisance.				Refer to DA and EPL compliance assessments.	Compliance	
18	Rehabilitation	The lease holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or the Minister and subject to such conditions as the Minister may stipulate.				All mining activities have been undertaken with the approved mining lease boundaries.	Compliance	
19		The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.				No instruction from the Minister relating to the minimisation or prevention of public inconvenience or damage to public or private property has been received by Ashton.	Not Triggered	
20		If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.				No instruction from the Minister relating to the survey of structures, buildings and pipelines on adjacent landholdings has been received by Ashton.	Not Triggered	
21		If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister any lands within the subject area which may have been disturbed by the lease holder.				No instruction from the Minister relating to rehabilitate lands has been received by Ashton.	Not Triggered	
22		Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.				The mining operations have not been completed.	Not Triggered	

MINING LEASE 1533

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
23		If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.	1. Directions issued by the Minister during the audit period			The mining operations have not been completed.	Not Triggered	
24		The lease holder shall take all precautions against causing outbreak of fire on the subject area.					Noted	
25		The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment.				Refer to DA and EPL compliance assessments.	Compliance	
26	Blasting	The lease holder shall monitor noise and vibration and institute controls, generally in accordance with the recommendations of Australian Standard AS-2187-1993 and ANZEC Guidelines.				Refer to DA and EPL compliance assessments.	Compliance	
27	Trees	If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.				No instruction from the Minister relating to the disturbance of flora and fauna has been received by Ashton.	Not Triggered	
Condition 28 not used								
29	Trees	The lease holder shall maintain an arboreal screen to the satisfaction of the Minister within such parts of the subject area as may be specified by the Minister and shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.					Noted	
30	Soil Erosion	The lease holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the lease holder shall observe and perform any instructions given or which may be given by the Minister with a view to minimising or preventing soil erosion.	1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018.			The Water Management Plan has been prepared and implemented.	Compliance	

MINING LEASE 1533

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
31	Roads	<p>The lease holder shall pay to Singleton Council, Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area.</p> <p>PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.</p>		P Brown: No applications for funding were received from Singleton Council, Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority.		No applications for funding have been received by Ashton.	Not Triggered	
		<p>In the event of operations being conducted on the surface of any road, track or fire trail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or fire trail the lease holder, at his own expense, shall if directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or fire trail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or fire trail and, if required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or fire trail to a condition satisfactory to the Minister.</p>	refer to PA and EPL assessment					Noted
Condition 32 not used								
33	Catchment Areas	<p>(a) Operations shall be carried out in such a way as not to cause any pollution of the Hunter Catchment Area.</p>		1. Audit notes provided by P. Brown stated that no water discharges have been made from the site over the Audit Period.		No water discharges from the site have occurred during the Audit Period.	Compliance	
		<p>(b) If the lease holder is using or about to use any process which in the opinion of the Minister is likely to cause contamination of the waters of the said Catchment Area the lease holder shall refrain from using or cease using as the case may require such process within twenty four (24) hours of the receipt by the lease holder of a notice in writing under the hand of the Minister</p>				No instruction from the Minister relating to contamination has been received by Ashton.	Not Triggered	

MINING LEASE 1533

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		requiring the lease holder to do so.						
		(c) The lease holder shall comply with any regulations now in force or hereafter to be in force for the protection from pollution of the said Catchment Area.					Noted	
Conditions 34 - 37 not used								
38		The lease holder shall permit the free and uninterrupted passage of stock through the subject area and shall conduct operations in such a manner as not to cause any danger to travelling stock.					Noted	
39	Reserves	The lease holder shall permit the free and uninterrupted passage of stock through that part or those parts, as the case may be, of the subject area covered by Travelling Stock Reserve No 66768, and shall conduct operations as not to cause any danger to persons and travelling stock.					Noted	
40		The lease holder shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of any reserve.					Noted	
41	Transmission Lines	The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.	1. Built Features Management Plan, Dated November 2016. The plan identifies potentially (subsidence) impacted structures and the ownership of those assets. 2. Capital Expenditure Request for power pole replacement (due to subsidence) dated 13 April 2016.			Consulting Engineers, Lyndsay Dyson identified that the 132 kv transmission line that runs across the southern end of Longwalls 1-8 would be impacted by subsidence. Ashton has arranged for the replacement of the power poles with suitably engineered poles designed to take into account the expected subsidence.	Compliance	
42		Unless with the consent of Energy Australia, the lease holder shall not carry out any operations within any easement for power transmission line traversing the subject area.	1. Longwalls 201 -2014 Ausgrid 132v- Built Features Management Plan, dated December 2016, signed by the Ausgrid Upper Hunter Distribution Manager.			Works have been signed off by the relevant Ausgrid Manager.	Compliance	
43	Aboriginal Place or Relic	The lease holder shall not knowingly destroy, deface or damage any aboriginal place or relic within the subject area except in accordance with an authority issued under the National Parks and Wildlife Act, 1974, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.	1. Ashton Coal Heritage Management Plan, Dated 10 October 2017. Appendices F and G of the HMP contain copies of the AHIPs issued for the project.			All works have been undertaken in accordance with the approved heritage management plan and in accordance with the relevant AHIPs.	Compliance	

MINING LEASE 1533

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
44	Labour/ Expenditure	<p>The lease holder shall during each year of the term of the authority:</p> <p>(a) ensure that at least 35 workers are efficiently employed on the subject area; or</p> <p>(b) expend on operations carried out in the course of prospecting or mining the subject area, an amount of not less than \$612,500.00.</p> <p>The Minister may, at any time after a period of two (2) years from the date on which this authority has effect or from the date on which the renewal of this authority has effect, increase or decrease the amount of expenditure or labour required.</p>	<p>1. <i>Ashton Coal 2016 Annual Review</i>, dated 30 March 2017.</p> <p>2. <i>Ashton Coal 2017 Annual Review</i>, dated 28 March 2018.</p> <p>3. <i>Ashton Coal 2018 Annual Review</i>, dated 27 March 2019.</p>			The number of employees exceeded 35 and expenditure on the operations exceeded \$612,500 annually during the Audit Period.	Compliance	
45	Additional Information	<p>The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister:</p> <p>(a) information regarding the ownership of the land within the subject area;</p> <p>(b) information regarding the ownership of the coal within the subject area prior to 1st January, 1982;</p> <p>(c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished by the lease holder;</p> <p>(d) information regarding the financial viability of the lease holder and operations within and associated with the subject area; and</p> <p>(e) information regarding shareholdings in the lease holder.</p>		P Brown: No requests have been made during the Audit Period.		No requests relating to this Condition have been made by the Department over the Audit Period	Not Triggered	
46	Service of Notices	<p>Within a period of three (3) months from the date of this authority or a period of three (3) months from the date of service of the notice of renewal, or within such further time as the Director General may allow, the lease holder shall serve on each landholder within the subject area a notice in writing indicating that this authority has been granted or renewed and whether the authority includes the surface. The notice shall be accompanied by an adequate plan and description of the subject area.</p> <p>If there are ten (10) or more landholders affected the lease holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this authority has been granted or renewed, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.</p>		P Brown: No requests have been made during the Audit Period.		No requests relating to this Condition have been made by the Department over the Audit Period	Not Triggered	

MINING LEASE 1533

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
47	Inspectors	<p>(a) Where an Inspector under the Mining Act 1992 is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder:</p> <p>(i) to cease operations within the subject area in contravention of that condition or Act; and</p> <p>(ii) to carry out within the specified time works necessary to rectify or remedy the situation.</p> <p>(b) The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director General may confirm, vary or revoke any such direction.</p> <p>(c) A notice referred to in his condition may be served on the Colliery Manager.</p>	<p>1. Notice Under Section 240(1)(C) of the Mining Act 1992 - issued to White Mining (NSW Pty Ltd) Reference: NTCE0001176, dated 19 December 2018. The notice requires Ashton to update the rehabilitation objectives and completion criteria in the MOP by 30 April 2019.</p> <p>2. Notice of inspection outcomes by DRE Inspectors, Reference: DOC 18/359637, dated 2 June 2018. The DRE inspection identified a number of instances where the requirements of the MOP were not implemented.</p> <p>3. Letter from Ashton (P Brown) to DRE (S Adams) titled "240(1)(C) Notice", dated 30 April 2019. The letter details the actions taken to address the requirements of DRE's notice dated 19 December 2018 and included the amended MOP for review and approval.</p> <p>4. Topsoil and cleared vegetation management strategy, Version A, dated 30 October 2018. The plan was prepared to address the requirements of the notice issues by DRE on 2 June 2018.</p>			Two notices were issued by DRE to Ashton in 2018. Ashton have addressed all actions required by DRE.	Compliance	
48	Indemnities	The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expense which may be brought against the lease holder or which the lease holder may incur respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease which the lease holder may be licensed or compelled to do hereunder.					Noted	
49		The lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.					Noted	

MINING LEASE 1533								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
50	Prospecting	<p>(a) Where the lease holder desires to commence prospecting operations in the subject area the lease holder shall notify the Director General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond or other form of security for rehabilitation of the area affected by such operations.</p> <p>(b) Where the lease holder notifies the Director General pursuant to sub paragraph of this condition the lease holder shall furnish with that notification details of the type of prospecting methods that would be adopted and the extent and location of the area that would be affected by them.</p>				No prospecting activities were commenced within the Audit Period.	Not Triggered	
51	Security Deposit	<p>The lease holder shall, upon request by the Director General, lodge with the Minister the sum of \$50,000 (Fifty thousand dollars), as security for the fulfillment of the obligations of the lease holder under this authority. In the event that the lease holder fails to fulfill any of the lease holder's obligations under this authority the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purposes of the clause a lease holder shall be deemed to have failed to fulfill the lease holder's obligations under this authority, if the lease holder fails to comply with any condition or provision of this authority, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision of this authority or of any provision of the Act or regulations made thereunder.</p> <p>(b) The lease holder must provide the security required by sub-clause (a) hereof in one of the following forms</p> <p>(i) cash, or</p> <p>(ii) a security certificate in such form and given by such surety as may from time to time be approved by the Minister.</p> <p>(a) The Minister may at any time after the commencement of this authority or any renewal thereof, vary the amount of security required in accordance with this condition.</p>	<p>1. Letter from DPE (M Meyer) to White Mining (NSW) Pty Ltd (P Brown) titled " <i>ML1529, ML1533, ML1623 and ML1696 (Mining Act 1992), White Mining (NSW) Pty Limited – Notice of assessment for security (Assessed Deposit)</i> ", dated 4 December 2018. The letter provides an update from DPE on the required Security Deposit.</p> <p>2. 1. Letter from DPE (K Leller) to White Mining (NSW) Pty Ltd (P Brown) titled " <i>Confirmation of receipt of security certificate (Certificate Number. G620546) Titles ML1529, ML1533, ML1623 and ML1696 (1992)</i>", dated 20 February 2019. The letter the receipt of the required Security Deposit by DRE.</p>	P Brown: The RCE was increased to \$23,852,000 which required a bond for additional \$14,060,000 to be submitted to DRE.		Ashton has provided the required security deposit to DRE.	Compliance	
Conditions 52 - 53 not used								
54	Royalty at additional rate	The lease holder shall during the term of this authority pay to the Minister royalty at the additional rate as prescribed by the Regulations for coal recovered by open cut mining methods from the area.				No open cut mining was undertaken during the Audit Period.	Not Triggered	

MINING LEASE 1533								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
55	Additional Information	The leaseholder shall supply the Department of Mineral Resources all reports, plans, and approvals as required by the Development Consent approval granted 11 October 2002, (plus any subsequent approvals/modifications relating to this lease,) within the timeframe documented in that approval.				Refer to previous conditions requiring submission of plans.	Compliance	

MINING LEASE 1623

Cond.	Short Title	Condition	Documents Requested	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
1 (a)	Notice to Landholders	Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.				This Mining Lease was issued prior to this Audit Period.	Not Triggered	
1 (b)		If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.	1. Copy of newspaper advertisement notifying landowners of the grant of this mining lease			This Mining Lease was issued prior to this Audit Period.	Not Triggered	
2	Environmental Harm	The lease holder must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of any activities under this lease.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
3(a)	Mining Operations Plan	Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General	1. Notice of inspection outcomes by DRE Inspectors, Reference: DOC 18/359637. The DRE inspection identified a number of instances where the requirements of the MOP were not implemented.			An inspection by DRE inspectors on 29 May 2018 identified a number of instances where the requirements of the MOP were not being fully implemented.	Non-Compliance	Ensure that all commitments in the MOP (and other management plans) are fully implemented.
3(b)		The MOP must: (i) identify areas that will be disturbed by mining operations;	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			The Auditor understands that under the DA 309-11-2002-1, that no material increase in land disturbance will occur. 2018 MOP Table 32 presents proposed annual area of disturbance over life of MOP.	Compliance	
		(ii) detail the staging of specific mining operations;	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			Section 12 details the proposed mining activities and staging.	Compliance	
		(iii) identify how the mine will be managed to allow mine closure;	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			Section 4 of the MOP describes post mining landuse and rehabilitation.	Compliance	
	(iv) identify how mining operations will be carried out in order to prevent and or minimise harm to the environment;	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			Section 3 of the MOP describes the environmental issues relevant to the operations and how those issues will be addressed.	Compliance		

MINING LEASE 1623

Cond.	Short Title	Condition	Documents Requested	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(v) reflect the conditions of approval under: <ul style="list-style-type: none"> the Environmental Planning and Assessment Act 1979 the Protection of the Environment Operations Act 1997 and any other approvals relevant to the development including the conditions of this lease; and have regard to any relevant guidelines adopted by the Director-General. 	1. <i>Ashton Coal Operations Pty Ltd Mine Operations Plan 2018 - 2024 Final, Amendment 1</i> , dated 13 September 2019.			Section 1.3 presents a summary of the licences and approvals under which the mine operates.	Compliance	
3(c)		The leaseholder may apply to the Director-General to amend an approved MOP at anytime					Noted	
3(d)		It is not a breach of this condition if: <ul style="list-style-type: none"> (i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997, Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Occupational Health and Safety Act 2000; and (ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. 					Noted	
3(e)		A MOP ceases to have effect 7 years after date of approval or other such period as identified by the Director-General					Noted	
4(a)	Environmental Management Report	The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019. 4. Letter from DRE (K Steel) to White Mining (NSW) Pty Ltd, titled "Warning Letter", dated 23 May 2017. The warning letter related to the failure to submit the AEMR (Annual Review) by the due date of 31 March 2017. 5. Notice of Investigation Outcome from the Resources Regulator reference ACES 0383-2017. The investigation related to the warning letter referenced above and found that no AMER was required to be submitted.			Annual Reviews have been prepared and for each year covered by the Audit Period.	Compliance	
4(b)		The EMR must: <ul style="list-style-type: none"> (i) report against compliance with the MOP; (ii) report on progress in respect of rehabilitation completion criteria; (iii) report on the extent of compliance with regulatory requirements; and (iv) have regard to any relevant guidelines adopted by the Director-General 	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019.			The Annual Reviews report on the progress of rehabilitation and regulatory compliance performance as required by this Section.	Compliance	

MINING LEASE 1623

Cond.	Short Title	Condition	Documents Requested	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
5(a)	Environmental Incident Report	The lease holder must report any environmental incidents. The report must: (i) be prepared according to any relevant Departmental guidelines; (ii) be submitted within 24 hours of the environmental incident occurring		1. Interview P. Brown (during the site audit). No reportable incidents (incidents related to potential or actual environmental harm) occurred during the Audit Period.		No reportable incidents occurred during the Audit Period.	Not Triggered	
5(b)		For the purposes of this condition, environmental incident includes: (i) any incident causing or threatening material harm to the environment (ii) any breach of Conditions 1 to 9 and 11 to 24; (iii) any breach of environment protection legislation; or, (iv) a serious complaint from landholders or the public.					Noted	
5(c)		For the purposes of this condition, harm to the environment is material if: (i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, where loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.					Noted	
6	Additional Environmental Reports	Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed.				No additional environmental reports were requested during the Audit Period.	Not Triggered	
7	Rehabilitation	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.					Noted	
8	Subsidence Management	(a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.	1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014, dated November 2016.			Extraction Plans for LW 105-107 and LW 201 - 204 have been prepared. The Extraction Plans include subsidence management and are intended by Ashton to satisfy the Subsidence Plan conditions of this mining lease.	Compliance	
		(b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gate roads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Applications for Subsidence Management Approvals guidelines (EDP09)					Noted	

MINING LEASE 1623

Cond.	Short Title	Condition	Documents Requested	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the Mine Health & Safety Act 2004, or the document New Subsidence Management Plan Approval Process - Transitional Provisions (EDP09).	1. Letter from DPE (H Reed) to Ashton (D Short) titled "Ashton Coal Project (DA-309-2001-I) Extraction Plan for LW 105 - 107", dated 22 January 2016. The letter provides conditional approval of the Longwall Extraction Plan. 2. Letter from DPE (H Reed) to Ashton (P Brown) titled "Ashton Coal Project (DA-309-2001-I) Extraction Plan for LW 201 - 204", dated 13 May 2017. The letter provides conditional approvals of the Longwall Extraction Plan.			The extraction plans cover the subsidence management requirements. These plans were approved by DRE in January 2016 and May 2017.	Compliance	
		(d) Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals_	1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014, dated November 2016.			The approved extraction plans cover the subsidence management and meet the requirements of this condition	Compliance	
		(e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 3 and will be subject to the Annual Environmental Management Report process as set out under Condition 4_ The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence - Policy.				These requirements are covered in each Annual Review.	Noted	
9	Working Requirement	The lease holder must: (a) ensure that at least 2 competent people are efficiently employed in relation to the mining process or mining operations on the lease area OR (b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$35,000.00 per annum whilst the lease is in force. The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed	1. Ashton Coal 2016 Annual Review, dated 30 March 2017. 2. Ashton Coal 2017 Annual Review, dated 28 March 2018. 3. Ashton Coal 2018 Annual Review, dated 27 March 2019.			The number of employees exceeded 2 and expenditure on the operations exceeded \$35,000 annually during the Audit Period.	Compliance	
10	Control of Operations	(a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:- (i) cease working the lease; or (ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified. (b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction.	1. Notice Under Section 240(1)(C) of the Mining Act 1992 - issued to White Mining (NSW Pty Ltd) Reference: NTCE0001176, dated 19 December 2018. The notice requires Ashton to update the rehabilitation objectives and completion criteria in the MOP by 30 April 2019. 2. Notice of inspection outcomes by DRE Inspectors, Reference: DOC 18/359637. The DRE inspection identified a number of instances where the requirements of the MOP were not implemented.	P Brown: no direction to cease works have been issued by DRE to Ashton during the Audit Period.		No notices have been served on Ashton to cease works on any of the mining lease areas during the Audit Period.	Not Triggered	

MINING LEASE 1623								
Cond.	Short Title	Condition	Documents Requested	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		(c) A direction referred to in this condition may be served on the Mine Manager.						
11		The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following: (a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period; (b) Details of expenditure incurred in conducting that exploration; (c) A summary of all geological findings acquired through mining or development evaluation activities; (d) Particulars of exploration proposed to be conducted in the next twelve months period; (e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.	1. Report: <i>Mining Lease Nos. ML1529, ML1533, ML 1623 and ML 1696 (1992) Indexed Group Exploration Annual Report</i> , dated 19 September 2018. 2. Report: <i>Mining Lease Nos. ML1529, ML1533, ML 1623 and ML 1696 (1992) Indexed Group Exploration Annual Report</i> , dated 10 October 2017. 3. Report: <i>Mining Lease Nos. ML1529, ML1533, ML 1623 and ML 1696 (1992) Indexed Group Exploration Annual Report</i> , dated 4 October 2019.			Annual explorations reports have been prepared for each year covered by the Audit Period.	Compliance	
12	Reports	(a) The lease holder grants to the Minister by way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright. (b) The non-exclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.	Noted				Noted	
13		(a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential while the lease is in force, except in cases where: (i) the lease holder has agreed that specified reports may be made non-confidential. (ii) reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease. (b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-	Noted				Noted	

MINING LEASE 1623

Cond.	Short Title	Condition	Documents Requested	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		on title or any subsequent flow-on title, has terminated. (c) The Director-General may extend the period of confidentiality.						
14		The terms of the non-exclusive copyright licence granted under condition 12 are: (a) the Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports. (b) the Minister and any sub-licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database. (c) the lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright. (d) there is no royalty payable by the Minister for the licence. (e) if the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder, that licence is revocable on the giving of a period of not less than three months notice.	Noted				Noted	
Condition 15 Not Used								
16	Safety	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be notified in writing to the Department and filled in or otherwise rendered safe to a standard acceptable to the Director-General.			1. The mine access portals are located within the former open cut void. No public access to these areas is permitted.	There is no public (or stock) access to the mine portals.	Compliance	

MINING LEASE 1623

Cond.	Short Title	Condition	Documents Requested	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
17	Exploratory Drilling	<p>(a) At least twenty eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Water and Energy Regional Hydrologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes.</p> <p>(b) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:-</p> <p>(i) all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;</p> <p>(ii) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;</p> <p>(iii) all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters;</p> <p>(iv) if any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;</p> <p>(v) if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers.</p> <p>(vi) once any drill hole ceases to be used the hole must be sealed in accordance with Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director -General.</p> <p>(vii) once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p>	<p>1. Report: <i>Mining Lease Nos. ML1529, ML1533, ML 1623 and ML 1696 (1992) Indexed Group Exploration Annual Report</i>, dated 19 September 2018.</p> <p>2. Report: <i>Mining Lease Nos. ML1529, ML1533, ML 1623 and ML 1696 (1992) Indexed Group Exploration Annual Report</i>, dated 10 October 2017.</p> <p>3. Report: <i>Mining Lease Nos. ML1529, ML1533, ML 1623 and ML 1696 (1992) Indexed Group Exploration Annual Report</i>, dated 4 October 2019.</p>			The annual exploration reports details the proposed exploration and expenditure during the subsequently reporting periods.	Compliance	
18	Prevention of soil erosion and pollution	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
19	Transmission Lines (etc)	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions stipulated	<p>1. Built Features Management Plan, Dated November 2016. The plan identifies potentially (subsidence) impacted structures and the ownership of those assets.</p> <p>2. Capital Expenditure Request for power pole replacement (due to subsidence) dated 13 April 2016.</p>			Consulting Engineers, Lyndsay Dyson identified that the 132 kv transmission line that runs across the southern end of Longwalls 1-8 would be impacted by subsidence. Ashton has arranged for the replacement of the power poles with suitably engineered poles designed to take into account the expected subsidence.	Compliance	

MINING LEASE 1623								
Cond.	Short Title	Condition	Documents Requested	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
Condition 20 Not Used								
21	Roads and Tracks	(a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate. (b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.		P Brown: No request for payment received nor monies paid.		No request for payment received nor monies paid.	Not Triggered	
Conditions 22 to 24 Not Used								
25 (a)	Resource Recovery	Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, notice in writing to the lease holder may be given requiring the holder to recover such minerals.	1. Notices from DPI relating to any aspect of the mining operations				Noted	
25(b)		The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery				No notices have been received by Ashton related to resource recovery during the Audit Period.	Not Triggered	
25(c)		The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area				No notices have been received by Ashton related to resource recovery during the Audit Period.	Not Triggered	
25(d)		The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director-General has incorporated the views of the lease holder.				No notices have been received by Ashton related to resource recovery during the Audit Period.	Not Triggered	
25(e)		The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act, 1992.				No notices have been received by Ashton related to resource recovery during the Audit Period.	Not Triggered	

MINING LEASE 1623

Cond.	Short Title	Condition	Documents Requested	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
25(f)		After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.				No notices have been received by Ashton related to resource recovery during the Audit Period.	Not Triggered	
26	Indemnity	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do					Noted	
Condition 27 Not Used								
28	Security	(a) The single security given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under ML 1529 and ML 1533 is extended to apply to this lease. (b) If the lease holder fails to fulfil any one or more of the obligations under this lease, then the security held may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of the lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.					Noted	
29 (a)	Prescribed Dam	Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification area of the Ravensworth Mine Inpit Storage and Ravensworth Void 5 Ash Dam without the prior written approval of the Minister and subject to any conditions he may stipulate.		P Brown: no mining is being undertaken in the Ravensworth Inpit storage or Void Ashdam.		No mining is being undertaken in the Ravensworth Inpit storage or Void Ashdam.	Not Triggered	

MINING LEASE 1623

Cond.	Short Title	Condition	Documents Requested	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
29(b)		Where the lease holder desires to mine within the notification area he or she must: (i) at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and (ii) provide such information as the Minister may direct					Not Triggered	
29(c)		The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. This sub-paragraph is complied with if: (i) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b). (ii) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined. (iii) the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal. (iv) the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and (v) where the Dams Safety Committee has made recommendations the approval is in terms that are in accordance with those recommendations; or where the Minister does not accept those recommendations or any of them - in accordance with a determination under subparagraph (ii) of this paragraph. (vi) Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or in the event of failure to reach such agreement - as determined by the Premier.	Noted				Noted	

MINING LEASE 1623								
Cond.	Short Title	Condition	Documents Requested	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
29(d)		The Minister, on notice from the Dams Safety Committee, may at any time or times: (i) cancel any approval given where a notice pursuant to Section 18 of the Dams Safety Act 1978 is given. (ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed					Noted	
Condition 30 Not Used								
31	Cooperation Agreement	The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts and • rehabilitation issues.		P Brown: there are no overlapping titles associated with the Ashton Mine.		There are no overlapping titles	Not Triggered	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
MODIFICATION 6							
1.1	All mining will be undertaken within the approved mining lease.	Refer to EPL Condition E3.1			All operations are being undertaken within the current mining lease boundaries	Compliance	
1.2	The final extraction design of each subsequent seam below the Pikes Gully seam, including whether longwall panels are stacked or offset, will be subject to the results of impact monitoring and subsidence from the preceding seam and would be detailed in an Extraction Plan.	1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014, dated November 2016.			Mining is being undertaken in accordance with the approved Extraction Plans.	Compliance	
2.1	Subsidence troughs will be reshaped and fill will be used where practicable to create a free draining landform. This approach is expected to reduce the potential for surface pooling and inflow into the mine.	1. Ashton Coal Operations Pty Ltd Mining Operations Plan 2018 - 2024 Final, dated 30 August 2018.			Rehabilitation planning is covered in the MOP. Subsidence cracking is repaired on a continual basis and work is undertaken where required to ensure public safety.	Compliance	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.2	The diversion channels will be constructed in accordance with detailed civil and landscape design plans generally consistent with EA Plan Sets 2 and 3.	1. <i>Ashton Coal Water Management Plan Revision 10</i> , dated 10 March 2018. Section 5 of the WMP details erosion and sediment controls implemented at the site.		1. During the audit inspection, the Auditor sighted all of the key surface water management infrastructure, including erosion and sediment controls, creek diversions and surface water drainage features associated with the mine and associated infrastructure.	Surface water management infrastructure and controls installed meet the requirements of this Condition.	Compliance	
2.3	A geosynthetic clay liner will be placed under the low flow section of the diversion channels to minimise loss of baseflow from the constructed channels and to preserve surface flows in the diverted creek.	1. <i>Ashton Coal Water Management Plan Revision 10</i> , dated 10 March 2018. Section 5 of the WMP details erosion and sediment controls implemented at the site.		1. During the audit inspection, the Auditor sighted all of the key surface water management infrastructure, including erosion and sediment controls, creek diversions and surface water drainage features associated with the mine and associated infrastructure.	Surface water management infrastructure and controls installed meet the requirements of this Condition.	Compliance	
2.4	All workers involved in the construction of the diversion channels and block banks will receive site specific induction that includes requirements for good environmental management, including management of noise and dust; erosion and sediment; Aboriginal heritage; hazardous materials; and waste.	1. Site Induction Training Materials that includes a section of Archaeology and Cultural Heritage. 2. Aboriginal heritage on ACOL Land - Brief to Ground Disturbance Operators. The brief describes (with the aid of photographs the location of heritage sites, the requirement to avoid access to those areas and examples of artefacts that may be encountered on the site.			Appropriate training programs (induction and operator specific training) for site personnel including the protection of heritage finds and known heritage sites.	Compliance	
3.1	Mine plans will be reviewed in response to actual subsidence and geotechnical behaviour associated with mining in the deeper seams based on monitoring experience, expert interpretation, and other advice.	1. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107</i> , dated December 2015. Section 5 describes the monitoring and management programs to be implemented. 2. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014</i> , dated November 2016. Section 4 provides details of the monitoring and response (management) framework to be implemented.			Extraction plans provide details of proposed impact monitoring programs that would be considered during future mine planning.	Compliance	
3.2	The Southern limits of LW5, LW6 and LW7 will be offset at least 200m from the Hunter River alluvium.	1. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107</i> , dated December 2015.			The works have been undertaken in accordance with extraction plans.	Compliance	
3.3	Subsidence will be monitored and managed in accordance with approved Extraction Plans (or equivalent), the development of which will be informed by: <ul style="list-style-type: none"> Subsidence monitoring over LW1-4 in the lower seams, as each seam is mined, to allow more accurate predictions of subsidence parameters above LW5-8. An End of Panel Report for each longwall panel with a focus on subsidence. Consultation with the owner(s)/operator(s) of the Ravensworth Underground Mine on a seam by seam basis. 	1. <i>Ashton Coal Operations Pty Ltd Mining Operations Plan 2018 - 2024 Final</i> , dated 30 August 2018.			The MOP details rehabilitation plans for the operation. The works in this area of the mine occurred prior to the current Audit Period.	Not Triggered	
3.4	Subsidence and groundwater experts will be used to assess the western longwall (LW8) to ensure concurrent operation of the RUM and ACOL underground mines can be undertaken safely.				The MOP details rehabilitation plans for the operation. The works in this area of the mine occurred prior to the current Audit Period.	Not Triggered	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
3.5	With the exception of Brunkers Lane as a public road: <ul style="list-style-type: none"> Existing surface infrastructure will be maintained to be safe, serviceable and repairable manner unless the owner agrees otherwise in writing. Damage to existing third party-owned infrastructure due to the ACOL induced subsidence will be mitigated or remediated. 	1. Complaints Register (https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/). No complaints related to damage to any other built Structures have been received by Ashton over the Audit Period.		1. Observations made at the time of the Audit did not identify any material impacts to built structures .	No impacts to built structures (resulting from the mining operations) have been identified during the Audit Period.	Compliance	
4.1	The current ACP groundwater monitoring network will be maintained and expanded to enable monitoring of water extracted from the mine workings as the lower seams are developed and mined.	1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018.			The approved WMP provides details of the surface and groundwater management and monitoring.	Compliance	
4.2	Additional (nested) groundwater monitoring bores will be installed in the alluvium and Pikes Gully overburden at the following locations: <ul style="list-style-type: none"> Southwest of LW6A. On the eastern side of LW6B near the downstream end of the Eastern Diversion. On the eastern side of LW6B near the upstream end of the Eastern Diversion. These monitoring points will be monitored monthly as part of the routine monitoring and weekly at the time that mining occurs in the Pikes Gully seam immediately below in order to monitor groundwater drainage from the alluvium. 	1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018.			The approved WMP provides details of the surface and groundwater management and monitoring.	Compliance	
4.3	The volume of water extracted from the mine workings will be monitored for the life of mine.	1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018.			Water extraction from the mine is monitored and reported annually as part of the annual review of the site water balance.	Compliance	
4.4	The volume and quality of individual sources of groundwater inflows, will be monitored where separation of sources is possible.	1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018.			Water inflow to the mine is monitored and reported annually as part of the annual review of the site water balance.	Compliance	
4.5	The existing ACP Groundwater Trigger Action Response Plan will be reviewed and extended to include monitoring of the lower seam inflows as they are mined.	1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018.			The most recent version of the Water Management Plan was prepared (and) approved in 2018. All monitoring is undertaken in accordance with the approved plan.	Compliance	
5.1	Water level monitoring will be undertaken in two pools immediately above LW6B as part of the routine monthly monitoring program and used to guide construction of block banks to their final level. While mining is occurring in LW6B, water levels will be monitored weekly.				The works in this area of the mine occurred prior to the current Audit Period.	Not Triggered	
5.2	The existing ACP surface water quality monitoring program will be reviewed and updated where required.	1. <i>Ashton Coal Water Management Plan</i> Revision 10, dated 10 March 2018.			The most recent version of the Water Management Plan was prepared (and) approved in 2018. All monitoring is undertaken in accordance with the approved plan.	Compliance	
5.3	Setting back all secondary workings by at least 40m (in a horizontal direction) to the high bank of Bowmans Creek in its diverted function form.	1. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107</i> , dated December 2015. 2. <i>Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 2014</i> , dated November 2016.			Mining is being undertaken in accordance with the approved Extraction Plans.	Compliance	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
6.1	Hold appropriate and adequate water entitlements to account for water from all sources impacted by underground operations on an annual basis.	1. Water Access Licences: WAL 984, WAL 15583, WAL 997, WAL 8404, WAL 1358, WAL 1121, WAL 6346, WAL 1120, WAL 19510, WAL 23912, WAL 36702, WAL 36703, WAL 29566, WAL 41501, WAL 41552, WAL 41553.			Ashton have obtained the necessary water licences for the current operations.	Compliance	
6.2	Returning flows to Bowmans Creek whenever the rules of the Water Sharing Plan for Jerrys Management Zone prohibit the taking of water, including provisions for returning flows post-mine closure. Returned flows will be of an equal or better quality than the receiving waters.		1. Audit notes provided by P. Brown stated that no water discharges have been made from the site over the Audit Period.		No water discharges occurred from the operations during the Audit Period.	Not Triggered	
6.3	Retaining or retiring an equivalent licensed entitlement to account for the long-term annual water based impacts, post-mine closure.					Noted	
6.4	The provision of an ongoing financial contribution to cover the cost associated with returning flows to Bowmans Creek, post-mine closure, when baseflow impacts to Bowmans Creek are not permitted under the rules of the relevant water sharing plan (from 2015 onwards).					Noted	
7.1	The bed and bank of the diverted creek will be surveyed: <ul style="list-style-type: none"> • Six months, one year and two years after completing construction of the diversion channels. • At five yearly intervals, or immediately after a flood with a peak flow greater than 150m³/s (about 5 years ARI), at existing cross sections in the retained sections of the existing creek. For purposes of this commitment, flow will be determined from the Office of Water gauging station. • At five yearly intervals, or immediately after a flood event with a peak flow greater than 150m³/s (about 5 years ARI), at ten new cross section locations and along the thalweg of each diversion channel. The cross section locations will be established to be representative of the various geomorphic forms within the diverted channels. 	1. Letter Report from Hyder Consulting (addressed to J Cullen from Ashton Mining, titled "Bowman Creek Diversion - Certified As Executed Construction Report", dated 15 February 2013. 2. Reassessment of the Geomorphic performance of Bowmans Creek Diversion, prepared by Fluvial Systems, dated May 2017. The report noted that some high flow events had impacted the geomorphic performance of the diversions. Recommendations were made in relation to stabilisations and on-going monitoring. The report concluded that the changes in morphology in the diversions were consistent with the changes monitored in the un-diverted sections of the creek.			A review of the geomorphology of the diversion was undertaken in 2017.	Compliance	
7.2	At the same time as cross sectional and longitudinal (thalweg) surveys, bed samples will be collected from four locations in each diversion channel (two pools and two riffles). Samples will also be collected from eight comparable representative sites in the remaining functional sections of the creek for statistical comparison. If there is a variation of more than 20% in the statistics of the data from the diversions compared to the existing channel, ACOL will commission an appropriately qualified geomorphologist to investigate the causes and recommend any remedial actions.					Noted	
8.1	The diversion channels will be constructed during daylight hours: <ul style="list-style-type: none"> • 7am-6pm Monday to Saturday. • 8am-6pm Sundays and Public Holidays. 				These works occurred prior to this Audit Period	Not Triggered	
8.2	Erosion and sediment controls for the construction works will generally be consistent with: <ul style="list-style-type: none"> • The existing ACP Erosion and Sediment Control Management Plan. • Detailed diversion engineering design drawings (C045 – C047). • Managing Urban Stormwater: Soils and Construction – Volume 2E Mines and Quarries (DECC 2008, or its latest 				These works occurred prior to this Audit Period	Not Triggered	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
	version).						
8.3	Topsoil will be separately stockpiled within designated stockpile areas and used for rehabilitating disturbed areas, post construction, where required.				These works occurred prior to this Audit Period	Not Triggered	
8.4	During and immediately after mining of the Pikes Gully seam, groundwater monitoring together with visual monitoring of stream flows and pools within Bowmans Creek (as diverted) will be undertaken. If there is any indication that significant drainage of the alluvium is occurring, or there is loss of stream flow, due to cracking, the full height block banks will be constructed immediately.				These works occurred prior to this Audit Period	Not Triggered	
8.5	Noise and dust associated with construction activities will be minimised and managed consistent with existing ACP Noise and Dust Management Plans, including: <ul style="list-style-type: none"> Monitoring against existing noise and dust impact assessment criteria at nearby sensitive receivers. Minimising areas to be disturbed. Using water trucks to suppress dust on all active haul roads and stockpile areas, where required. Revegetating disturbed areas following completion of earthworks. 				These works occurred prior to this Audit Period	Not Triggered	
8.6	Appropriate signage will be installed on the New England Highway and at relevant public access points for the duration of construction activities.				These works occurred prior to this Audit Period	Not Triggered	
8.7	A construction traffic management plan will be prepared and implemented to manage construction traffic interaction with the New England Highway, to the satisfaction of the RTA.	1. Construction Traffic Management Plan			These works occurred prior to this Audit Period.	Not Triggered	
8.8	Detailed channel construction works will be carried out in consultation with appropriately qualified and experienced technical specialists.				These works occurred prior to this Audit Period.	Not Triggered	
9.1	Subsidence troughs will be rehabilitated to provide a free draining surface.	1. Ashton Coal Operations Pty Ltd Mining Operations Plan 2018 - 2024 Final, dated 30 August 2018.			The MOP details rehabilitation plans for the operation. The works in this area of the mine occurred prior to the current Audit Period.	Compliance	
9.2	Landscape restoration will generally be consistent with the: <ul style="list-style-type: none"> The Rehabilitation Strategy described in the Response to Submissions Report. Conceptual landscape design drawings presented in the EA. Existing ACP Landscape and Revegetation Management Plan. Existing ACP weed management protocols. 	1. Ashton Coal Operations Pty Ltd Mining Operations Plan 2018 - 2024 Final, dated 30 August 2018.			The MOP details rehabilitation plans for the operation. The works in this area of the mine occurred prior to the current Audit Period.	Compliance	
9.3	Flood damage to the constructed channels will be remediated to restore hydraulic and geomorphic function.				No floods occurred during the Audit Period.	Not Triggered	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
9.4	Stock proof fencing (at least 5 m from the alignment of any riparian trees) will be installed along both sides of the functioning diverted creek for its full length between the New England Highway and the Hunter River.			1. Fencing is in place along the entire boundary of the mine and the New England Highway.	Appropriate fencing is in place along the entire boundary of the mine and the New England Highway.	Compliance	
9.5	Stock watering troughs will be installed at strategic locations on pasture areas adjacent to the creek in the post-mine landscape, where required.				Post mining condition	Not Triggered	
10.1	The existing ACP Flora and Fauna Management Plan will be updated where necessary to be consistent with the vegetation and habitat management objectives for the diverted and rehabilitated creek.	1. <i>Ashton Coal Project Flora and Fauna Management Plan, Revision H, Dated 10 October 2017. Appendix D of the Plan contains the Biodiversity Offset Management Plan (Strategy).</i>			An appropriate Biodiversity Management Strategy has been prepared by Ashton and approved by DPE.	Compliance	
10.2	Habitat trees in close proximity to construction activities will be clearly marked and protected.				These works occurred prior to this Audit Period.	Not Triggered	
10.3	Fish passage will be maintained in the diverted creek sections under at least moderate flow conditions.				No water flows occurred during the Audit Period.	Not Triggered	
10.4	Resting pools will be included within the diverted creek sections.				No water flows occurred during the Audit Period.	Not Triggered	
10.5	Large woody debris will be used to restore aquatic habitat.			1. Woody debris has been retained.	Woody debris has been retained.	Compliance	
10.6	The loss of up to 1.8ha of riparian and aquatic habitat will be replaced with 15.7ha of combined aquatic and riparian habitat. An additional 58.7ha of mixed riparian woodland and grassy floodplain woodland will be established on the adjacent floodplain to further improve terrestrial habitat.	1. <i>Ashton Coal Operations Pty Ltd Mining Operations Plan 2018 - 2024 Final, dated 30 August 2018.</i>			The MOP details rehabilitation plans for the operation.	Compliance	
10.7	The collection of River Red Gum seeds will be conducted under the appropriate licence or certificate, as required under the Threatened Species Conservation Act 1995.					Noted	
11.1	All workers involved in construction will be given a site induction that includes awareness of the location of aboriginal heritage sites in the area, prohibition on entering identified sites and procedures to be followed in the event of any Aboriginal artefacts be detected during construction work.				These works occurred prior to this Audit Period.	Not Triggered	
11.2	Should any Aboriginal artefacts be detected during construction, work in that location will cease immediately and the finds will be reported to the Environmental Manager, at which time the existing ACP Archaeology and Cultural Heritage Management Plan protocols will be implemented. Work will not recommence in the area until instructed to do so by the Environmental Manager.				These works occurred prior to this Audit Period.	Not Triggered	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
11.3	There will be no construction within 70m of the Waterhole Site grinding grooves and appropriate controls will be implemented to protect this site from inadvertent construction activity impacts, including: <ul style="list-style-type: none"> • Clear fencing of the site to form a boundary between contractors and the outer perimeter of the site. • Inclusion of a work method statement (WMS) that outlines the responsibilities of contractors in order to ensure that the site is not impacted and which outlines the repercussions of not adhering to the WMS (e.g. fines administered by OEH). • Inclusion of a cultural awareness component in the general induction of contractors working on the project. 				These works occurred prior to this Audit Period.	Not Triggered	
11.4	The management for sites and areas of potential Aboriginal heritage impacted by the proposed diversions will be developed in consultation with the registered Aboriginal Stakeholders, and approved through the Extraction Plan process.				These works occurred prior to this Audit Period.	Not Triggered	
11.5	The oral history of the area will be recorded through consultation with relevant Aboriginal stakeholders, local landowners and other sources as appropriate to inform mitigation measures during construction.				These works occurred prior to this Audit Period.	Not Triggered	
11.6	The existing ACP Archaeology and Cultural Heritage Management Plan will be reviewed and updated where required, in consultation with Aboriginal stakeholders, to include management of Aboriginal heritage within the Bowmans Creek diversion disturbance area.	1. <i>Ashton Coal Heritage Management Plan</i> , Dated 10 October 2017. 2. Letter from DPE (M. Sprott) to Ashton Coal Operations (P. Brown), titled "Ashton Coal Project DA-309-2001-I Review of Management Plans", dated 4 October 2017. DPE acknowledged the submission of revised plans including the Heritage Management Plan) to DPE and approval of those plans.			The plan has been prepared and approved by DPE.	Compliance	
12.1	The existing ACP Environmental Management Strategy: Phase 2 Underground Mining Operations will be reviewed and updated where required to include management, mitigation and monitoring objectives for the creek diversion.	1. <i>Ashton Coal Project Environmental Management Strategy</i> , Revision D dated 2 June 2017.			Ashton has prepared and implemented an Environmental Management Strategy.	Compliance	
13.1	Environmental monitoring will be carried out generally as described in the EA for the creek diversion.	1. <i>Ashton Coal Project Environmental Management Strategy</i> , Revision D dated 2 June 2017.			Environmental Monitoring is undertaken in accordance with the EMS and related plans.	Compliance	
13.2	An Annual Environmental Management Report (AEMR) will be prepared and forwarded to relevant government departments, including DoP. The AEMR will include a summary of all monitoring undertaken during the year, including a discussion of any exceedances and responses taken to ameliorate these exceedances.	1. <i>Ashton Coal 2016 Annual Review</i> , dated 30 March 2017. 2. <i>Ashton Coal 2017 Annual Review</i> , dated 28 March 2018. 3. <i>Ashton Coal 2018 Annual Review</i> , dated 27 March 2019.			Annual Reviews have been prepared and issued each year covered by the Audit Period.	Compliance	
13.3	Completion criteria for the creek diversion, including a monitoring regime and reference sites will be formalised in a Rehabilitation Management Plan prepared in consultation with relevant government authorities.	1. <i>Ashton Coal Operations Pty Ltd Mining Operations Plan 2018 - 2024 Final</i> , dated 30 August 2018.			The MOP details rehabilitation plans and monitoring program for the entire operation.	Compliance	
MODIFICATION 7							
1a	Monitoring of the open cut pit highwall will continue to be carried out to ensure the continued safe operation of Glennies Creek Road adjacent to the pit highwall.				These works occurred prior to this Audit Period.	Not Triggered	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
1b	Open cut recovery of the Hebden Seam and backfilling of the extracted area will be carried out in strips as described in the EA to ensure the integrity and stability of the pit highwall is maintained.				These works occurred prior to this Audit Period.	Not Triggered	
1c	The management measures described in existing approved ACOL environmental management plans will continue to be implemented.	Refer to EMS and other management plans referenced in the compliance review of DA 309-11-2001-i.			Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
2a	Site disturbance will be minimised as far as practicable.	Refer to EMS and other management plans referenced in the compliance review of DA 309-11-2001-i.			Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
2b	Vehicle access will be restricted to designated site access routes.	Refer to EMS and other management plans referenced in the compliance review of DA 309-11-2001-i.			Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
2c	A water cart will be used to suppress dust on access tracks and on well pad disturbance areas, where required.	Refer to EMS and other management plans referenced in the compliance review of DA 309-11-2001-i.			Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
2d	Disturbed areas not required for ongoing operations will be promptly rehabilitated.	Refer to EMS and other management plans referenced in the compliance review of DA 309-11-2001-i.			Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
2e	Mine related dust emissions will be monitored and managed to within acceptable criteria using real-time monitoring.	Refer to EMS and other management plans referenced in the compliance review of DA 309-11-2001-i.			Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
2f	Gas drainage infrastructure will be developed to capture gas from the underground mine prior to requiring gas drainage from the ULD Seam.	Refer to EMS and other management plans referenced in the compliance review of DA 309-11-2001-i.			Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
3a	Mine related noise emissions will be monitored and managed to within acceptable criteria using real-time noise monitors.	Refer to EMS and other management plans referenced in the compliance review of DA 309-11-2001-i.			Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
3b	Blasting in the open cut pit will be designed and managed to ensure blast overpressure and vibration levels at surrounding sensitive receiver locations are within acceptable criteria.				These works occurred prior to this Audit Period.	Not Triggered	
4a	Locations of gas drainage well pads and access tracks will be developed to avoid known Aboriginal heritage sites, wherever practicable.				Verified in the 2016 IEA: "As per GDP Process - sighted GDP for survey lines and the process complies, sighted evidence that the same process for Gas wells 5A and 5B was followed."	Compliance	
4b	Locations of gas drainage well pads and access tracks will be surveyed in conjunction with Aboriginal community stakeholders for Aboriginal artefacts prior to disturbance and: <ul style="list-style-type: none"> Where additional significant Aboriginal artefact sites are identified the well pad or access track will be relocated to avoid impacting the Aboriginal site. Where impact to Aboriginal artefacts cannot be avoided these will either be salvaged or relocated in conjunction with Aboriginal community stakeholders in accordance the conditions of an Aboriginal Heritage Impact Permit. 				These works occurred prior to this Audit Period.	Not Triggered	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
4c	Site inductions will include identification of Aboriginal heritage exclusion areas and actions to be undertaken where additional Aboriginal artefacts are identified, in accordance with ACOL's existing Aboriginal heritage management protocols.	1. Site Induction Training Materials that includes a section of Archaeology and Cultural Heritage. 2. Aboriginal heritage on ACOL Land - Brief to Ground Disturbance Operators. The brief describes (with the aid of photographs the location of heritage sites, the requirement to avoid access to those areas and examples of artefacts that may be encountered on the site.			Appropriate training programs (induction and operator specific training) for site personnel including the protection of heritage finds and known heritage sites.	Compliance	
5a	Prior to developing any of the gas drainage wells proposed to be located on Macquarie Generation-owned land ACOL will finalise these access arrangements with Macquarie Generation.				These works occurred prior to this Audit Period.	Not Triggered	
5b	Each of the gas drainage wells will be adequately secured to prevent any adverse interaction between the development and use of the gas drainage wells with any other proposed use of the land.				These works occurred prior to this Audit Period.	Not Triggered	
6a	Locations of gas drainage well pads and access tracks will be developed to avoid clearing native vegetation.				These works occurred prior to this Audit Period.	Not Triggered	
6b	Ground disturbance will be minimised as far as practicable.				These works occurred prior to this Audit Period.	Not Triggered	
6c	Site inductions will include identification of native vegetation exclusion areas and designated site access routes.				These works occurred prior to this Audit Period.	Not Triggered	
7a	Gas drainage well pads will be located to avoid impacts to surface drainage lines, wherever practicable.				These works occurred prior to this Audit Period.	Not Triggered	
7b	Self bunded fuel tanks and chemical spill kits will be implemented at active gas drainage well pads.				These works occurred prior to this Audit Period.	Not Triggered	
7c	The frequency of monitoring groundwater levels in monitoring bores surrounding the open cut pit will be increased to monthly for the duration of the extraction of coal from the Hebden Seam.				These works occurred prior to this Audit Period.	Not Triggered	
8a	Industry standard sediment control measures will be implemented prior to ground disturbance, including use of clean water diversions, where required.				These works occurred prior to this Audit Period.	Not Triggered	
8b	Long-term stockpiles will be stabilised with jute mesh or grass cover.				These works occurred prior to this Audit Period.	Not Triggered	
8c	Clean water diversions will be implemented around gas drainage well pads.				These works occurred prior to this Audit Period.	Not Triggered	
9a	The potential for visual screening of gas drainage wells on Macquarie Generation-owned land will be investigated to minimise the visual intrusion of the wells.			1. Mature screen plantings were sighted by the Auditor in the vicinity of the gas related infrastructure.	Screen plantings were sighted by the Auditor.	Compliance	
9b	The use of low profile well head covers to secure well heads following the active use of the gas drainage wells on Macquarie Generation-owned land will be investigated to minimise the visual intrusion of the wells.				These works occurred prior to this Audit Period.	Not Triggered	
10a	Construction waste will be recycled or disposed of in accordance with the existing ACOL approved Waste Management Plan.				These works occurred prior to this Audit Period.	Not Triggered	
MODIFICATION 9							
1a	Locations of the infrastructure, access track and sediment dam have been designed to avoid known					Noted	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
	Aboriginal heritage sites, wherever practicable.						
1b	Infrastructure locations have been surveyed for Aboriginal artefacts prior to disturbance. Where Aboriginal artefacts are identified these will either be salvaged or relocated in accordance with the conditions of AHIP 1131017.					Noted	
1c	A perimeter barricade will be placed around known objects located in proximity to the proposed works to avoid unintentional impacts during construction and operation.				These works occurred prior to this Audit Period.	Not Triggered	
1d	Site Inductions will include identification of Aboriginal heritage exclusion areas and actions to be undertaken where additional Aboriginal artefacts are identified, in accordance with ACOL's existing Aboriginal heritage management protocols.	1. Site Induction Training Materials that includes a section of Archaeology and Cultural Heritage. 2. Aboriginal heritage on ACOL Land - Brief to Ground Disturbance Operators. The brief describes (with the aid of photographs the location of heritage sites, the requirement to avoid access to those areas and examples of artefacts that may be encountered on the site.			Appropriate training programs (induction and operator specific training) for site personnel including the protection of heritage finds and known heritage sites.	Compliance	
2a	A temporary noise barrier (e.g. site sheds or shipping container) will be installed east of the site during pilot hole and drop hole drilling.				These works occurred prior to this Audit Period.	Not Triggered	
2b	Noise monitoring will be undertaken during construction to ensure compliance with the relevant criteria.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
3a	A water cart will be used to suppress dust on access tracks and on disturbed areas, where required.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
3b	Disturbed areas not required for ongoing operations will be promptly rehabilitated.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
4a	Ground disturbance will be minimised as far as practicable.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
4b	Site access will be restricted to existing and proposed access tracks.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
4c	Site Inductions will include identification of designated site access routes and correct driving behaviour.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
5a	Industry standard sediment control measures will be implemented prior to ground disturbance.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
5b	Clean water diversions will be implemented around the site.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
5c	An appropriately sized sediment dam will be constructed to capture surface water runoff from disturbed areas.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
5d	Disturbed areas will be revegetated as soon as possible.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
6a	Vehicle access, for construction and operation of this project, will be restricted to designated site access routes. ACOL and construction employee access to "Dairy Lane" will be restricted to left in and left out, where required.				These works occurred prior to this Audit Period.	Not Triggered	
6b	Temporary "trucks turning" signs will be installed on the New England Highway in both directions, 200 to 300m in advance of the intersection, during construction.				These works occurred prior to this Audit Period.	Not Triggered	
7a	Screening vegetation will be used to limit visual exposure to the northwest and south.				These works occurred prior to this Audit Period.	Not Triggered	
7b	The colour of the ventilation fan infrastructure will be selected so as to be visually recessive with the surrounding landscape.				These works occurred prior to this Audit Period.	Not Triggered	
8a	Construction waste will be recycled or disposed of in accordance with the existing ACOL approved Waste Management Plan.				These works occurred prior to this Audit Period.	Not Triggered	
MODIFICATION 10							
1a	A temporary noise barrier will be used to minimise drill noise while ever gas bore construction activities are in close proximity to Property 130.				These works occurred prior to this Audit Period.	Not Triggered	
1b	Noise monitoring will be conducted at the boundary of Property 130 during gas bore construction in proximity to the property boundary.				These works occurred prior to this Audit Period.	Not Triggered	
2a	Site disturbance will be minimised as far as practicably possible, including limiting vegetation clearing and soil disturbance and minimising the number and size of soil stockpiles.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
2b	A water cart will be used to suppress dust on access tracks and on disturbance areas, particularly during dry and windy conditions.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
2c	Disturbed areas not required for ongoing operations will be promptly rehabilitated.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
2d	Vehicle speeds on unsealed tracks will be restricted to a level that minimises dust generation. Vehicle movements (such as delivery and movement of materials) will be coordinated to avoid unnecessary trips on unsealed access tracks.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
2e	When a mobile gas plant is used on Macquarie Generation owned land or within 100 m of Property 130, Air sampling near non-ACOL owned land work areas will be implemented to measure methane levels.				These works occurred prior to this Audit Period.	Not Triggered	
3a	Drained gas will be flared wherever practicably possible.			1. Gas flares have been installed.	Gas flares have been installed.	Compliance	
3b	Use of mobile flares in conjunction with use of the mobile gas plant will be investigated.				These works occurred prior to this Audit Period.	Not Triggered	
3c	Economically viable alternative uses of drained gas will be investigated.				These works occurred prior to this Audit Period.	Not Triggered	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
4a	Aboriginal heritage sites will be avoided as far as practicably possible. Where Aboriginal heritage sites can not be avoided, potentially impacted objects will either be salvaged or relocated in accordance with an approved AHIP, ACOL's ACHMP and in consultation with Aboriginal community stakeholders.				These works occurred prior to this Audit Period.	Not Triggered	
4b	A perimeter barricade will be placed around known objects located in proximity to the proposed works to avoid unintentional impacts during construction and operation.				These works occurred prior to this Audit Period.	Not Triggered	
	Site inductions will include identification of Aboriginal heritage exclusion areas and actions to be undertaken where additional Aboriginal objects are identified, in accordance with ACOL's existing Aboriginal heritage management protocols.	1. Site Induction Training Materials that includes a section of Archaeology and Cultural Heritage. 2. Aboriginal heritage on ACOL Land - Brief to Ground Disturbance Operators. The brief describes (with the aid of photographs the location of heritage sites, the requirement to avoid access to those areas and examples of artefacts that may be encountered on the site.			Appropriate training programs (induction and operator specific training) for site personnel including the protection of heritage finds and known heritage sites.	Compliance	
5a	Ecologically sensitive areas will be avoided as far as practicably possible.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
5b	Ground disturbance will be minimised as far as practicably possible.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
5c	The location of pipe laying and excavation will be assisted by a qualified ecologist including walking over of suitable habitat areas for target species immediately preceding construction.				These works occurred prior to this Audit Period.	Not Triggered	
5d	Areas containing EEC species will be avoided as far as practicably possible, provided the safety of underground mine workers is not compromised. Where avoidance is not possible, areas to be disturbed will be selected to avoid clearing trees as far as practically possible.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
6a	The "Dairy Lane" property access intersection will be used as a 'right in' intersection for south bound vehicles accessing the site when other approved ACP development is occurring with approved traffic controls. In the event these traffic controls do not exist, the 'dairy lane' intersection will be operated as a 'left in left out' only.				These works occurred prior to this Audit Period.	Not Triggered	
6b	Temporary "trucks turning" signs will be installed on the New England Highway in advance of site access intersections during construction.				These works occurred prior to this Audit Period.	Not Triggered	
6c	Heavy vehicle use of the "Dairy Lane" intersection during school bus pick-up / drop-off and milk tanker access times will be minimised as far as practically possible.				These works occurred prior to this Audit Period.	Not Triggered	
7a	Visual screening will be used to reduce the visibility of gas bores on Macquarie Generation owned land to the Brunkers Lane / realigned Lemington Road and New England Highway as far as practically possible.				These works occurred prior to this Audit Period.	Not Triggered	
7b	Gas flares will be finished with visually recessive colours where possible.				These works occurred prior to this Audit Period.	Not Triggered	

STATEMENTS OF COMMITMENT							
Cond.	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
8a	Industry standard sediment control measures will be implemented prior to ground disturbance.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
8b	Clean water diversions will be implemented around the gas drainage plant site.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
8c	Disturbed areas will be revegetated as soon as possible.				Environmental management controls in accordance with the EMS and associated plans continue to be implemented.	Compliance	
8d	Gas bores will be drilled by a licenced driller and in accordance with bore construction guidelines, where relevant, including sealing off alluvial aquifer zones.				These works occurred prior to this Audit Period.	Not Triggered	
9a	Construction waste will be recycled or disposed of in accordance with the existing ACOL approved Waste Management Plan.				These works occurred prior to this Audit Period.	Not Triggered	
10a	Visual screening will be used to reduce the visibility of gas bores on Macquarie Generation owned land to the Brunkers Lane / realigned Lemington Road and New England Highway as far as practically possible.				These works occurred prior to this Audit Period.	Not Triggered	
10b	Monitoring for methane will be undertaken during free-venting in close proximity to Macquarie Generation work areas (including the Void 5 ash dam).				These works occurred prior to this Audit Period.	Not Triggered	
10c	Continue regular Ashton / Macquarie Generation interaction meetings as appropriate.				These works occurred prior to this Audit Period.	Not Triggered	
10d	Continue to consult about future gas supply / use options				These works occurred prior to this Audit Period.	Not Triggered	
11a	Access to property 130 will be maintained through all stages of the project through the ROW access track or the alternative access track.				These works occurred prior to this Audit Period.	Not Triggered	
11b	Gas bores will be set-back a minimum of 12 m (from the edge of the pad) from the centre of the ROW access tracks.				These works occurred prior to this Audit Period.	Not Triggered	
11c	Gas bores will be set-back a minimum of 50 m from the Property 130 boundary.				These works occurred prior to this Audit Period.	Not Triggered	
11d	Monitoring of methane and odours will be undertaken during free-venting within 100 m of the Property 130 boundary.				These works occurred prior to this Audit Period.	Not Triggered	
11e	Heavy vehicle use of the "Dairy Lane" intersection during school bus pick-up / drop-off and milk tanker access times will be minimised as far as practically possible.				These works occurred prior to this Audit Period.	Not Triggered	

Audit Photos



Appendix B



Photo # 2 - Technical Services Office



Photo # 1 - Air Quality Monitoring Station



Photo # 3 - Fuel Storage (Heavy Plant Maintenance Area)



Photo # 4 - Lubricant Storage (Mine Services Workshop)



Photo # 6 - Subsidence Cracking



Photo # 5 - Heritage Site



Photo # 8 - Sewage Treatment Plant



Photo # 7 - Rehabilitated Landform



Photo # 10 - Operational Flares



Photo # 9 - Mine Plant Maintenance Area



Photo # 12 Oil storage within the Heavy Plant Workshop



Photo # 11 - Plant wash down with oil water separator



Photo # 14 - Sediment Pond with oil / water separator



Photo # 13 - Site entrance signs

DPIE Auditor Approval

Appendix C



Phillip Brown
Environment & Community Relations Superintendent
Ashton Coal Operations Pty Ltd
Donaldson Coal Pty Limited
PO Box 699
Singleton NSW 2330

Contact: Joel Curran
Phone: 02 4904 2702
Email: joel.curran@planning.nsw.gov.au
compliance@planning.nsw.gov.au
Our ref: DA 309-11-2001-i, as modified

**Ashton Coal Mine
2019 Independent Environmental Audit Scope and Team Endorsement**

Dear Mr Brown,

Reference is made to your emails dated 14 & 15 October 2019 requesting endorsement of Mr Ken Holmes as Lead Auditor for the Ashton Coal 2019 Independent Environmental Audit, in accordance with Schedule 5, Condition 11 of DA 309-11-2001-i, as modified.

The Department has reviewed the information provided and endorses the proposed audit team with the following personnel:

- Ken Holmes (Barnett and May) – Lead Auditor;

The Department expects that the audit will be conducted in accordance with the Independent Audit Guideline, October 2015. A copy of this guideline is available at:

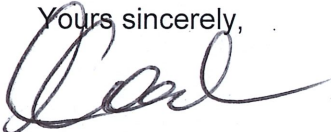
<http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/independent-audit-guideline-2015-10-23.ashx>

Please ensure that your audit team consults with relevant agencies and the Community Consultative Committee to ascertain any aspects that they wish the audit to address. Evidence of consultation and clear referencing to audit findings in relation to any request is to be provided in the audit report.

Please note that the timeframe for delivery of the audit report and response to audit recommendations (RAR) is 6 weeks from audit completion (site inspection), unless otherwise agreed. Please ensure that the RAR includes responses to all non-compliances and auditor recommendations with clear timeframes (dd-mm-yyyy) for implementation of the proposed corrective action.

Please contact me if you require any further clarification.

Yours sincerely,



15/10/19

Leah Cook
Team Leader - Compliance
As Nominee of the Secretary