

NOISE MANAGEMENT PLAN



Ashton Coal Project

Version D12

Date: September 2020

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1. PURPOSE

This Noise Management Plan (NMP) describes the measures to be implemented by Ashton Coal Operations Ltd (ACOL) to manage and mitigate impacts on privately owned residences and tenants of mine owned properties due to activities at the Ashton Coal Project (ACP).

This document has been prepared to satisfy relevant conditions of the ACP Development Consent (DA 309-11-2001-I June 2016, or, the DA) in consultation with the Environmental Protection Authority (EPA) and to the satisfaction of the Secretary of the NSW Department of Planning, Industry and Environment (DPIE).

2. SCOPE

2.1 Background and Project Overview

ACOL operate the ACP, located approximately 14 kilometres (km) north-west of Singleton in the Camberwell district of the upper Hunter Valley, NSW. The ACP is a wholly owned subsidiary of Yancoal Australia Ltd.

Figure 1 illustrates the location of the ACP.

The key elements of the ACP include:

- An open cut pit (NEOC) that has now been completed and open cut mining ceased, with the final void remaining for the storage of coarse and fine reject;
- A four seam descending underground mine with approval to extract up to 5.45 Mtpa of ROM coal per annum;
- Coal handling and preparation facilities (CHPP) including rail siding and rail loading bin;
- Reject and tailings emplacement; and
- Administration, bathhouse and workshop buildings.

The DA was initially granted for the ACP by the Minister for Planning in October 2002. The approval has been subsequently modified on a number of occasions.

In April 2015, the Land and Environment Court approved a major project application (PA 08_0182) for the South East Open Cut (SEOC) Project. This approved project includes (among other things) extraction of up to 3.6 Mtpa of ROM coal from a new open cut operation (the SEOC). Development of the SEOC Project has not yet commenced and is beyond the scope of this Management Plan.

In June 2016, DA 309-11-2001-i was modified (Modification 5) to allow for integration with the SEOC Project, including (among other things):

- Changes to the ACP Coal Handling and Preparation Plant (CHPP) and associated facilities to allow conveyors and pipelines for coal processing and reject disposal from the SEOC;
- An increase in total production rates to 8.6 Mtpa of ROM coal, to account for production from the SEOC; and
- Fine rejects to be piped from the ACP underground mine to the SEOC for disposal.

In amending DA 309-11-2001-i the consent conditions were updated to be consistent with the project approval conditions for the SEOC Project (PA 08_0182), including contemporising consent conditions as well as administrative and other changes.

Schedule 5, Condition 6 of the DA requires the review (and where necessary the revision) of the Plans within 3 months of the submission of an incident report, Annual Review or Audit (as specified within the DA). This NMP has been reviewed and revised, where required, following the submission of the Annual Review and Independent Environmental Audit.

A further review of the NMP will be undertaken should ACOL commence with the development of the SEOC, as required. In accordance with Schedule 5, Condition 3, all Management Plans required under Schedule 3, will be submitted at least 3 months prior to the recommencement of any open cut mining operations.

2.2 Scope and Objectives

This Management Plan is applicable to all employees, contractors and visitors to ACP.

Environmental management for the ACP is addressed by the Environmental Management Strategy (EMS). This NMP is one of many integrated management plans and monitoring programs that have been developed to support the overarching EMS.

This NMP provides a framework for the management of noise from the ACP approved under DA 309-11-2001-i (as amended). It does not include the South East Open Cut (SEOC) Project.

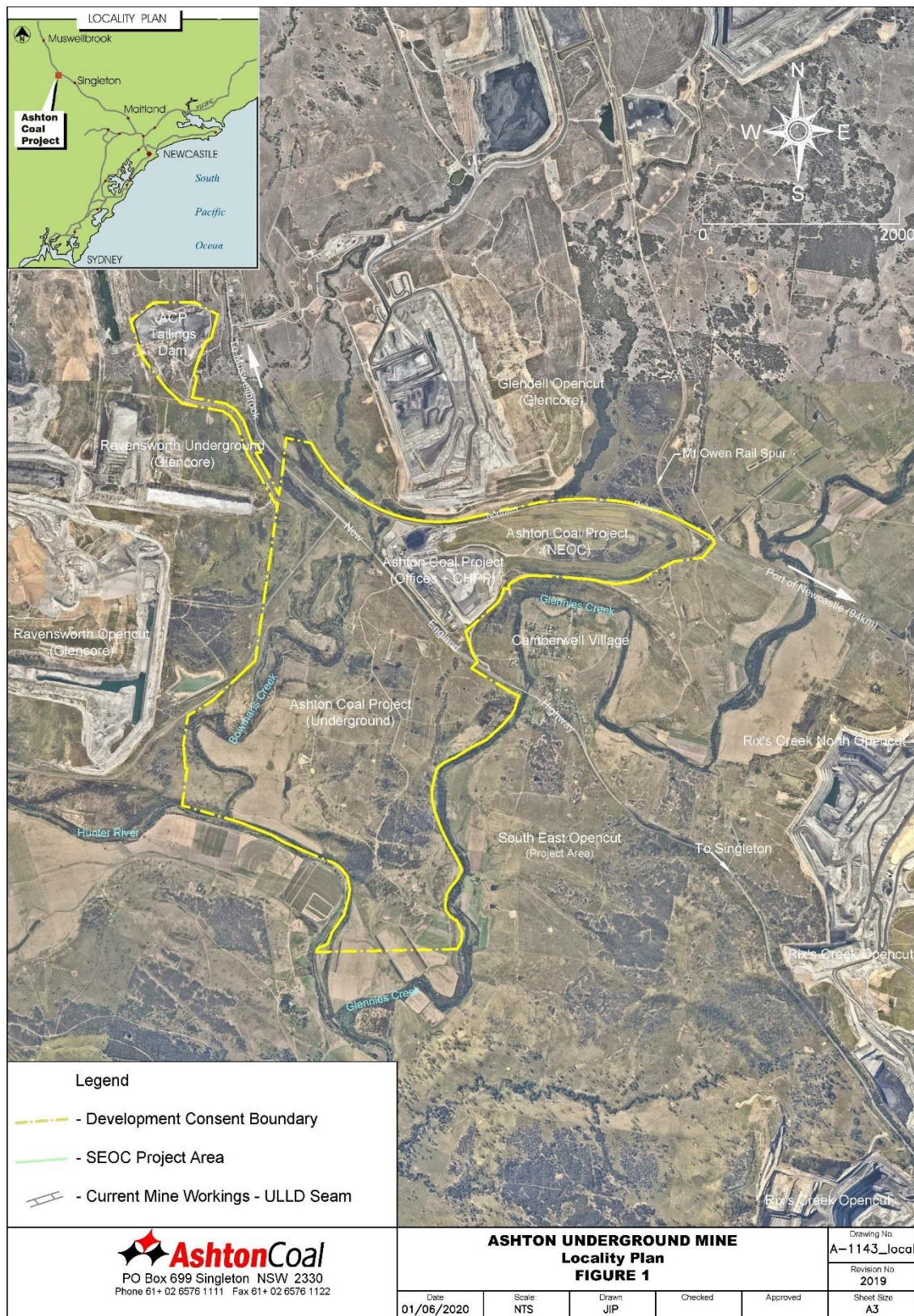
The core objectives for the plan are to:

- Comply with all statutory requirements;
- Adhere to commitments made; and
- Implement relevant audit findings/recommendations.

Performance measures and performance indicators relevant to the management of noise emission are specified in statutory requirements being the Development Consent and Environment Protection License (EPL). These require a noise monitoring program that:

- Uses real-time monitoring for management of noise from the ACP;
- Uses attended monitoring to evaluate the performance of the ACP with regard to compliance;
- Includes a protocol for determining an exceedance of the relevant conditions of this approval;
- Incorporates data from a suitable meteorological station in the vicinity of the site; and
- Includes protocols that have been prepared in consultation with nearby mines to minimise the cumulative noise impacts of the mines.

Further detail is provided in the following sections of this document.



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Figure 1: Location Plan and Context with Surrounding Mines

2.3 Consultation and Plan Development

For this NMP iteration no consultation was undertaken with the EPA, in accordance with Condition 9 (a) of Schedule 3 of the DA as the changes were administrative. Discussions on Ashton's Environment Protection Licence was undertaken with the EPA over the past twelve months. Results of those discussions are included in this NMP including the use of Noise Assessment Groups and their locations (refer to Section 4.5) Record of consultation are included in Appendix C.

A history of consultation for other iterations is contained in previous versions of this document.

3. ACCOUNTABILITIES AND RESPONSIBILITIES

Table 1: Roles and Responsibilities

Role	Accountabilities / Responsibilities
Mine Operators Site Representative (Operations Manager)	Organise resources to ensure the requirements of the Management Plan can be effectively implemented.
Owner of the Procedure (Environmental and Community Relations Superintendent)	- Review, amend and update the Management Plan as required. - Audit the effectiveness of implementation of the Management Plan (at least 3 yearly). - Approve the Management Plan, any revisions and associated plans and procedures.
Responsible Person for the Procedure (Environment and Community Coordinator)	- Implement and review the requirements of this Management Plan. - Participate in any review of the Management Plan. - Participate in the underpinning risk assessment associated with the Management Plan.
Supervisors (All levels)	- Become fully familiar and comply with the requirements of this Management Plan as it relates to their role. - Maintain a safe work environment for all employees in accordance with the requirements outlined in this Management Plan. - Supervise all work undertaken within their area of responsibility and ensure it is conducted in accordance with the requirements of this Management Plan and any associated Plans, Procedures or instructions. - Organise for training and assessment of employees who will be affected by the requirements of this Management Plan including instruction on how the Management Plan is to be applied. - Administer resources to facilitate effective compliance with this Management Plan. - Deal with any non-compliance or reported hazard in an efficient and timely manner.
Workers	- Comply with the requirements of this Management Plan as it relates to their role. - Act promptly to rectify or report hazards once identified. - Report any hazardous situations / occurrences, including near-misses immediately to the Supervisor. - Report any issues that will impact ability to comply with the requirements of this Management Plan immediately to the Supervisor. - Bring to the attention of the Supervisor any matter which requires attention in relation to this Management Plan.

4. REQUIREMENTS (CONTROLS)

4.1 Statutory Requirements and Compliance Criteria

4.1.1 Statutory Requirements

Table 2 details the statutory approvals and licences relevant to noise emissions from the Ashton Coal Project. Details of the relevant conditions are included within **Appendix A** of this document.

Table 2: Statutory Approvals for the Ashton Mine Complex

Project Number	Description	Date Approved	Legislation	Authority
Environmental Protection Licence				
EPL 11879	Environmental Protection Licence. Allowing for the Environment Protection Authority (EPA) to specify noise criteria.	Variation approved 21/11/2019	<i>Protection of Environment Operations Act 1997</i> (POEO Act, 1997).	EPA
Development Consent				
DA 309-11-2001-I	The original approval provided for an open cut, multi-seam descending longwall underground mine, workshops and coal processing and rail loading facilities. Subsequent modifications were approved for minor changes. The most recent modification was approved in June 2016, Modification 5, to allow for integration with the SEOC Project. Approval includes: - Changes to the CHPP, conveyors and pipelines for coal processing and reject disposal from the SEOC; - An increase in total production rates to 8.6 Mtpa of ROM coal, to account for production from the SEOC; and - Fine rejects to be piped from the ACP underground mine to the SEOC for disposal.	Originally approved in 2002, and last modified 20 June 2016 (Modification 5)	Originally approved under Part 4 of EP&A Act 1979 Subsequent modifications under S96 and later S75W of the EP&A Act 1979	DP&E

In addition to the conditions of the various approvals ACOL made a series of commitments in relation to noise. Specific noise management commitments are included within **Appendix A**, with resulting actions incorporated within the management procedures detailed within **Section 4.4**.

Relevant parts of the DA have been reproduced in Appendix A along with reference to where they have been addressed in this document.

4.2 Applicable Criteria

Noise criteria for the ACP are divided into three categories:

- Impact assessment criteria;
- Additional noise mitigation criteria; and
- Cumulative noise acquisition criteria.

4.2.1 Impact Assessment Criteria

In accordance with Condition 2, Appendix 6 of the Development Consent and Condition L4.1 of EPL 11879, noise generated by the development must not exceed the limits specified in **Table 3**.

Table 3: Noise Impact Criteria dB(A)

Location	Day	Evening	Night	
	LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)	LA1 (1 minute)
Any residence not owned by the Applicant or not subject to an agreement between the Applicant and the residence owner as to an alternate noise limit.	38	38	36	46

4.2.2 Additional Noise Mitigation Criteria

If noise emissions generated by the ACP exceed the criteria in **Table 4** at any residence on privately owned land, then, upon receiving a written request from the landowner, ACOL will 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.

Table 4: Additional Noise Mitigation Criteria dB(A)*

Location	Day	Evening	Night
	LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)
Any residence not owned by the Applicant or not subject to an agreement between the Applicant and the residence owner as to an alternate noise limit.	38	38	38

* Exceedance of the criteria must be systemic.

4.2.3 Cumulative Noise Acquisition Criteria

If noise emissions generated by the ACP and other mines 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 noise affected residential receivers in Condition 1, Schedule 3 of the Development Consent), then, upon receiving a written request for acquisition from the landowner, ACOL together with the relevant mines, will acquire the land in accordance with the Acquisition Process (as defined in Conditions 7 and 8, Schedule 4 of the Development Consent).

Table 5: Cumulative Noise Acquisition Criteria dB(A)

Location	Day	Evening	Night
	L _{Aeq} (period)	L _{Aeq} (period)	L _{Aeq} (period)
Camberwell Village	60	50	45
All other privately-owned land	55	50	45

4.3 Existing Environment

The ACP is located in the Hunter Valley region of New South Wales and is bound by the Main Northern Railway to the north, Hunter River to the south and Glennies Creek to the east with the New England Highway dividing the open cut from the underground mining areas.

Other mining operations in the area include the Ravensworth Complex, the Mount Owen Complex, Rix's Creek Open Cut, Integra Underground and Hunter Valley Operations. The approved Ashton SEOC project is located to the south east of the site (see Figure 1 for the Project location in relation to surrounding mining operations).

The closest sensitive receivers are located in Camberwell. There are currently 13 private landholdings in the local area, 11 of these have an occupied residence.

Ambient noise levels within the village of Camberwell are influenced by the New England Highway to the south, the railway line to the northeast and surrounding mining operations. Attended noise monitoring has confirmed that the major contributing noise source is usually the New England Highway. Noise from ACP has been noted at times in Camberwell Village, historical reports show this has been infrequent and at relatively low levels.

Based on the historical meteorological data collected by ACOL's M2 (repeater) weather station the most common winds in winter are from the west-northwest and the east-southeast in summer. Prevailing winds act to enhance noise from surrounding noise sources (road, rail and mining).

4.4 Management Procedures

The development of noise management measures has taken into consideration the current status of the ACP. Open cut mining in the NEOC has been completed, current operations in the ACP primarily include production from the underground mine and associated CHPP, deposition of reject material to the final void and intermittent rehabilitation maintenance works in the open cut emplacement areas. This has resulted in a decrease in the generation of noise from the ACP.

Notwithstanding the decreased activity in the ACP, the potential for impacts from noise emissions from the ACP remains. The management measures utilised by ACOL for the control of noise emissions are outlined in **Table 6**.

Table 6: Noise Management Measures

Item	Action	Trigger/Timing	Responsibility	Reporting
6.1 Inductions				
6.1A	As part of site inductions, employees, contractors and visitors to the site are reminded of their responsibility to undertake work activities in an environmentally sensitive manner, including minimising noise while on site, or entering and leaving the site.	Ongoing during site inductions	Environment and Community Relations Superintendent	NA
6.2 Planning Controls				
6.2A	<u>Day to Day Planning</u> - The use of significant noise generating equipment or activities simultaneously is avoided. - The noisiest activities are scheduled to the least sensitive times of the day. - The Ground Disturbance Permit considers noise management for relevant ground disturbance activities.	Where possible	Environment and Community Relations Superintendent	Nil
6.2B	<u>Mine Planning</u> Mine planning will include consideration of: - Seasonal variations and their effect on noise. - Location of infrastructure to sensitive receivers. - Sound power levels of mobile equipment in procurement and scheduling. - Noise monitoring results from the previous year (see below).	As required	Underground Manager	Nil
6.2C	Continuous monitoring and regular review of meteorological data, specifically wind speed, direction and temperature gradient strength, to guide decisions on how mining activities will be modified or suspended to achieve noise goals. It should be noted that as the ACP is currently undertaking underground mining only,	As required, with consideration to the intensity of activities	Environment and Community	AEMR/Annual Review

Item	Action	Trigger/Timing	Responsibility	Reporting
	there are minimal activities undertaken on the surface that generate excessive noise and hence this reduces the ability or requirement to modify operations.	onsite and the prevailing weather conditions	Relations Superintendent	
6.2D	Review of noise monitoring results obtained during the previous year to ensure the accuracy of both ACOL acquisition and management zones, and to provide a forward plan of predicted noise levels for the year ahead. Any changes in assumed equipment, mine method or climatic conditions since the noise and vibration assessment was completed for the EIS will be evaluated. This will allow ACOL to better understand noise issues on a yearly basis and modify methods, where required, to reduce impacts on likely affected receivers in the area.	Annually where monitoring shows an exceedance of criteria	Environment and Community Relations Superintendent	AEMR/Annual Review, only where attended noise monitoring shows exceedance of criteria
6.3 Engineering and Operational Controls				
6.3A	<u>Equipment and Machinery</u> - Where possible equipment will be selected to have the minimal level of sound emission while maintaining productivity. - All machinery, infrastructure and plant used on site will be maintained regularly to minimise noise generation. Maintenance will include sound power testing of relevant equipment. - Where appropriate, all machinery and equipment will be shut off when not in use. - Where possible broadband reversing alarms will be used in preference to conventional reversing alarms. Reversing alarms on mobile equipment are regularly maintained to ensure that they are correctly operating. - Two-way radio will be used to control the movement and speed of trains in the coal loading rail loop. Train horns are not permitted as a means of communication between coal loading activities and the drivers of the trains or vice versa. - ACOL's rail spur is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with noise limits in Sydney Trains EPL (No. 12208) and ARTC's EPL (No. 3142), or otherwise approved by the EPA.	Continuous	ACOL & Individual Contractors	Nil
6.3B	<u>Eastern Bund</u> Construction of the eastern overburden dump has now been completed, with only intermittent activities associated with rehabilitation maintenance occurring in this area. Notwithstanding, the following controls apply to equipment operating specifically in this area:	When working on the exposed face of the Eastern Environmental Bund	Environment and Community Coordinator	Nil

Item	Action	Trigger/Timing	Responsibility	Reporting
	- Mobile plant with a sound power level of greater than L_{Aeq} 114 dB is not to be used at low level (<RL 120) on the eastern end of the Eastern Environmental Bund when the wind speed is in the range 1 – 3m/s and the direction of wind origin lies between West and North. - Use of mobile plant with a sound power level of greater than L_{Aeq} 114 dB should not occur at high levels (>RL 120) on the eastern bund when the wind speed is in the range 0.5 – 3m/s and the direction of wind origin lies between West and Northeast, or during inversions where the vertical temperature gradient is greater than +3 /100m. - If the sound power level of mobile plant is less than or equal to L_{Aeq} 114 dB(A), only the above restriction on wind speed and direction applies (0.5 – 3m/s and the direction of wind origin lies between West and Northeast).			
6.3C	<u>Engineering</u> - Engineering controls including the use of noise barriers, use of equipment in enclosed areas and attenuation will be utilised where an activity or use of equipment has the potential to cause an exceedance of noise criteria. - A temporary noise barrier may be used to minimise drill noise while ever gas bore construction activities are in close proximity to Property 130.	As required Where drilling in proximity to Property 130 boundary	Environment and Community Relations Superintendent	Nil
6.3D	<u>Low Frequency and Tonal Noise Reduction</u> - The mobile equipment fleet is regularly serviced to maintain the efficiency of the equipment and help prevent increases in the emission of low frequency and tonal noise. - Regular maintenance of underground ventilation fans, conveyor belt drives and rollers is conducted to minimise noise. - The use of conventional reversing beepers is not permitted (outlined in Item 6.3A).	Continuous	Relevant Area Manager	Maintenance records
6.4 Response Actions				

Item	Action	Trigger/Timing	Responsibility	Reporting
6.4A	Response Actions With the closure of the NEOC there is not expected to be any exceedance at private residences. However, if required, Response Actions will vary depending on the level and source of the noise emission. Response Actions refer to actions that can readily be undertaken on-site, and exclude activities that may be detailed in a Noise Reduction Plan (6.6C). Potential Response Actions are likely to include: - Review of existing operations and location of equipment operating. - Review of Continuous Noise monitoring data to assist in the identification of noise source. - Modify operations where safe to do so through changing the location of works or equipment used to complete works. - If modifications to operations do not result in noise emissions falling to acceptable levels, suspend the relevant noise generating activity until conditions change and task is able to be completed while maintaining compliance.	Attended monitoring indicates exceedance OR Noise Complaint Received OR Adverse weather conditions present such as strong inversions present Response Actions will be triggered within two hours of trigger where reasonable and feasible.	Environment and Community Relations Superintendent	Internal Records
6.5 Monitoring Protocol				
6.5A	Monitoring Network ACOL operates and maintains a monitoring network in accordance with relevant standards and guidelines. The monitoring network includes: - Continuous Noise Monitor (real-time) – This provides the opportunity for ACOL to review its activities and respond to potential impacts proactively. The monitor is not used for regulatory reporting purposes as it is unable to separate ACOL noise levels from background noise within the village. - Three (3) attended noise monitoring locations – used for monthly attended noise monitoring. - One (1) real-time weather station. Monitoring is further discussed in Section 4.5.	Ongoing for continuous noise monitor and weather stations On a monthly basis for attended noise monitoring	Environment and Community Relations Superintendent	Website for attended noise monitoring AEMR/Annual Review
6.5B	Additional Attended Monitoring In the event that Compliance Evaluation (Section 4.5) of the attended monitoring results determines an exceedance of criteria is caused by the ACP, follow up monitoring will be undertaken at those locations identified to be in exceedance of criteria.	Follow up monitoring until compliance with criteria is met	Environment and Community Relations Superintendent	AEMR/Annual Review
6.5C	Property 130 Attended Monitoring Noise monitoring will be conducted at the boundary of Property 130 during gas bore construction in proximity to the property boundary.	Gas bore construction in proximity of boundary to Property 130	Environment and Community Relations Superintendent	AEMR/Annual Review

Item	Action	Trigger/Timing	Responsibility	Reporting
6.5D	<u>Equipment Calibration</u> All monitoring equipment must be calibrated as specified by the respective equipment manufacturer.	Reviewed annually for compliance	Environment and Community Relations Superintendent	Internal Records
6.6 Non-Compliance Investigation and Reporting				
6.6A	Where the Compliance Evaluation (Section 4.5.2) indicates non-compliance with any criterion, a Non-Compliance investigation will be conducted, and will involve the following: • Date, time, location and nature of the exceedance. • Identify the cause (or likely cause) of the exceedance and responsible parties. • Identify the activities that were occurring at the time of the non-compliance. • Determine the activities that were most likely contributing to the non-compliance. • Describe what action has been taken to date. • Describe the proposed measures to address the exceedance.	Non-compliance with criteria	Environment and Community Relations Superintendent	AEMR/Annual Review Notification of Non-compliance
6.6B	Upon determining the specific event that caused the exceedance further investigation of the event will be undertaken to determine if the appropriate management measures were implemented: • Where relevant measures were implemented at the time of the exceedance, these measures will be reviewed to ensure that they are adequate and sufficient. Where it is found that the measures implemented are insufficient, the measures will be modified and this will be documented to prevent similar potential exceedances. This will be communicated at daily/weekly meetings and in the AEMR/Annual Review. • Where relevant measures were not implemented at the time of the incident, the non-compliance will be discussed with the personnel involved and if necessary implement environmental training to relevant employees and contractors to ensure that appropriate measures are implemented in the future. Corrective actions will involve supplementary monitoring to identify the source of the non-conformance, or will involve modification of activities or programmes to avoid any recurrence or minimise its adverse effects.	Upon determination of cause of Non-Compliance	Environment and Community Relations Superintendent	AEMR/Annual Review Notification of Non-compliance

Item	Action	Trigger/Timing	Responsibility	Reporting
6.6C	Noise Reduction Plan If Compliance Evaluation or Independent Investigations confirm that noise impact assessment criteria are exceeded in a systemic way by the ACP, ACOL will prepare and implement a Noise Reduction Plan. The Noise Reduction Plan will include, the following actions: • Introduction of additional controls, either on noise emission from individual sources or changes to operations, to ensure that compliance with criteria is achieved where possible. • Negotiate with the affected landowner to reach a resolution to the satisfaction of the landowner and DPIE (if involved). The affected landowner may agree to negotiated compensation and/or ameliorative actions. If requested and successfully negotiated with the landowner, ACOL will undertake ameliorative works at the dwelling to achieve internal noise levels at least 10dBA below the relevant external noise criterion. Ameliorative works may include, but are not limited to: ○ Improved window glazing. ○ Insulation. ○ Air Conditioning. • Conduct a follow up investigation, where necessary.	Upon exceedance of the noise impact assessment criteria	Environment and Community Relations Superintendent	Independent Noise Investigation Report Noise Reduction Plan
6.7 Cumulative Noise Reduction Protocol				
6.7A	When attended noise monitoring determines that ACOL operations are not the primary cause of elevated noise levels, ACOL will inform neighbouring mining operations of its investigation and what it considers will be the likely source of elevated noise levels. This will enable neighbouring mines to instigate controls as required. The Protocol sequence can be outlined as follows: 1. Attended monitoring results indicate a breach of compliance where a neighbouring mine is the primary contributor, notify that mining operation of the potential issue. 2. Where no single party is identified as potentially the primary contributor, contact appropriate neighbouring mines and advise of the ACOL investigation results.	Where ACOL determine from attended noise monitoring that exceedances of the impact assessment criteria are occurring due to sources other than ACOL operations	Environment and Community Relations Superintendent	Internal Records
6.8 Impacted Residence Protocol				

Item	Action	Trigger/Timing	Responsibility	Reporting
6.8A	<u>Advice to Existing Tenants / Landholders</u> Notification will be given to existing tenants where operations are anticipated to result in noise levels above criteria stated in Table 3 – although as the NEOC has now been completed there are no anticipated impacts. Within 2 weeks of obtaining monitoring results showing an exceedance of the criteria stated Table 3, ACOL will notify the affected landowner and/or tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the ACP is again complying with the relevant criterion.	As required, where noise monitoring or modelling of existing or future development shows an increase in noise levels above the impact criteria (Table 3)	Environment and Community Relations Superintendent	Internal Records
6.8B	<u>Advice to Potential Tenants</u> In the circumstances where a mine-owned property is to be leased to a potential tenant and noise monitoring data or modelling indicates the potential for an exceedance of the impact assessment criteria, the potential tenant is to be advised of the likely change in noise levels. The tenant will be provided with information relating to access of the ACOL website. Where the property is not mine-owned, but is subject to an agreement in respect to exceedances of noise criteria, the agreement is to include a requirement for the landowner to include a letter from ACOL detailing the same information to any prospective tenant.	As required, where noise monitoring or modelling of development shows an increase in noise levels above the impact criteria (Table 3)	Environment and Community Relations Superintendent	Internal Records
6.8C	<u>Advice to Existing and Future Tenants</u> Existing and future tenants are to be provided with the following: • Direction to access the online ACOL noise monitoring data and Development Consent. • The Environmental Hotline number (1800 657 639). •	New tenants OR Following approval of significant updates to the NMP, or changes to other listed details OR Where noise monitoring or modelling of existing or future development shows an increase in noise levels above the noise impact criteria (Table 3)	Environment and Community Relations Superintendent	Internal Records
6.9	Independent Review/Noise Investigation			

Item	Action	Trigger/Timing	Responsibility	Reporting
6.9A	In accordance with Condition 3, Schedule 4 of the Development Consent, where a landowner believe they are being impacted by noise above impact criteria, then he/she may ask the Secretary of DPIE in writing for an independent review of the impacts of the ACP on his/her land. In accordance with Conditions 4-6, Schedule 4 of the Development Consent, if the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, ACOL will: - Consult with affected landowner or occupant. - Undertake an independent noise investigation - consult, make arrangements for, and bear the cost of an independent noise investigation to quantify impact and determine the potential sources and the level of contribution from the ACP. - Take steps in accordance with a noise reduction plan (outlined in Section 4.5.2) including introduction of additional controls, provision of benefits or amelioration of impacts if required. - Conduct a follow up investigation, if necessary to the satisfaction of the Secretary.	As required	Environmental and Community Relations Superintendent	Independent Noise Investigation Report
6.9B	While specification of procedures for independent investigation is ultimately at the discretion of the independent investigator, the procedure would be generally expected to be consistent with the Attended Noise Monitoring Protocol, further discussed in Section 4.5.2			
6.9C	Where a land owner disputes any noise mitigation or other measure proposed in the independent noise investigation, the matter will be referred by either party to the Secretary of DPIE. If the matter is not resolved within 3 months the matter will be referred to the Secretary for resolution.	Land owner dispute of mitigation measures	Environment and Community Relations Superintendent	Internal Records
6.9D	Further Independent Investigations will cease upon determination of the Secretary.	Secretary is satisfied that that the impact criteria (Table 3) are not being exceeded and it is unlikely they will be exceeded in the future	Secretary Environment and Community Relations Superintendent	Nil
6.10	Property Acquisition			

Item	Action	Trigger/Timing	Responsibility	Reporting
6.10A	In accordance with Condition 5, Schedule 4 of the Development Consent, where independent noise investigations confirm an exceedance of the cumulative noise acquisition criteria, and impact assessment criteria cannot be met, or agreement reached, ACOL will, at the written request of the landowner, acquire the relevant property. Acquisitions will be in accordance with Condition 7 and 8 (Schedule 4) of the consent.	When the acquisition criterion is exceeded (Table 5) and operational changes cannot reduce levels below the impact criterion (Table 3), or, no other agreement can be reached between the relevant parties	Environment and Community Relations Superintendent	Internal Records
6.10B	For continued complaints and noise investigations, ACOL will continue negotiations with land owners and other nearby mines where relevant until a resolution to the satisfaction of the land owners or the Secretary of DPIE is reached.	Where noise investigations show that the impact criterion is exceeded (Table 3), but the acquisition criterion (Table 4) is complied with	Environment and Community Relations Superintendent	Internal Records
6.11 Community Notification and Liaison				
6.11A	<u>Environment and Community Response Line</u> - Maintain the Environment and Community Response Line 1800 657 639 for the recording of complaints. All comments and complaints are logged into a database. - An initial response is provided to the complainant within 24 hours on a normal business day or the first business day following the complaint.	At all times	Environment and Community Relations Superintendent	Internal Reporting
6.11B	<u>Website</u> Maintain website (www.ashtoncoal.com.au) with as a minimum the following information related to noise management: - This management plan. - Noise monitoring data. - Complaints Register. - AEMR/Annual Reviews (over the life of the development). - Independent Environmental Audits (and ACOL's response to any recommendations). - Minutes of the Community Consultation Committee meetings.	Complaints Register updated monthly. NMP to be uploaded within 30 days of approval All other reports, results and minutes to be uploaded within 30 days of completion	Environment and Community Relations Superintendent	Website

Item	Action	Trigger/Timing	Responsibility	Reporting
6.11C	<u>Community Consultative Committee</u> - A Community Consultation Committee (CCC) has been established to address any concerns raised by local members of the community. The CCC is chaired by a Councillor of SC and is attended by at least two ACOL representatives. - The CCC meeting is to include an update on noise levels during the preceding period, and if any changes to noise levels are anticipated during the coming period.	Every 4 months	Environment and Community Relations Superintendent	Minutes of the CCC Website
6.11D	<u>Complaints</u> Complaints will be handled in accordance with the EMS. All complaints are recorded into a complaints log. Valid complaints will be investigated in accordance with the compliance evaluation procedures (Section 4.5.2) and, where exceedances are determined to be caused by ACP operations, the Response Actions will be implemented and a Non-compliance investigation conducted. For complaints that are received, but are proven to be unfounded, ACOL will discuss noise levels with the complainant where possible.	Upon receiving complaint	Environment and Community Relations Superintendent	Complaints Register EPL Annual Return AEMR/Annual Review
6.11E	<u>Properties with Agreement</u> ACOL will establish agreements with residents in accordance with Conditions 5 and 6 (Schedule 4) of the Development Consent. These residents will be provided the opportunity to provide comments and feedback on the mine operations, which are recorded in a separate log but investigated in the same way as complaints from residents without agreements.	Upon receiving enquiry	Environment and Community Relations Superintendent	Internal Records
6.11F	<u>Neighbouring Operations</u> ACOL communicates regularly with operations, including scheduled coordination meetings, to cooperatively address noise impacts and coordinate noise control efforts.	Every 3 months As triggered by specific incidents	Environment and Community Relations Superintendent	Internal Records
6.12	Continuous Improvement			

Item	Action	Trigger/Timing	Responsibility	Reporting
6.12A	ACOL maintains a commitment to the maintenance of best practice through an awareness of best practice noise mitigation technologies and alternate operating methodologies. When technologies are found to be feasible, reasonable and effective in the context of a safe and economic mining operation and where there is a clear public benefit in its application, ACOL will implement the technology commensurate with ACOL's low noise risk profile This NMP incorporates best practice techniques for identifying potential noise related impacts and utilising appropriate management systems. The NMP also includes a community liaison programme, complaints register, response protocols and regular monitoring methods which are all best practice procedures in the mining industry. This NMP is regularly reviewed and updated to ensure best practice noise management techniques appropriate to the current operational status of the ACP.	Continuous	Environment and Community Relations Superintendent	Annual Review

4.5 Monitoring

There are two types of noise monitoring, real-time and attended.

Real-time monitoring is where unattended noise monitoring units continuously collect data. Extracted from this data is information that allows an estimate to be made of site noise levels at each monitor location. This is used to send alarms to site personnel when various parameters are met, as detailed in this document. The purpose of monitoring is management of site noise; this data is not used to evaluate compliance with regulatory limits.

Attended monitoring is when a suitably experienced person uses a sound level meter/noise analyser to measure noise and, where possible, determine site noise levels at specified locations around site. Locations and measurement specifics are detailed in this document. The purpose of this monitoring is to check if site noise is compliant with regulatory limits at privately owned residences within adjacent Noise Assessment Groups (NAG).

Table 7 lists the noise monitoring locations and details the purpose of the monitoring infrastructure.

The ACOL monitoring network is reviewed regularly to determine if the purpose and objective of the monitoring site remains relevant. Where a location is no longer relevant, the monitor will be relocated or decommissioned.

The locations of noise monitoring sites, NAGs and potentially noise-generating ACP surface features are shown in **Figure 2**.

Table 7: Monitoring Locations

Site	Location	Objective
Continuous (Real Time) Noise Monitor		
SX40	Camberwell Village (north)	Used as a management tool only, to understand noise levels within Camberwell Village.
Attended Noise Monitoring Locations		
N2	Camberwell village (west)	Understand noise levels within NAG 1, consisting of private residences 18, 24, 83 and 121.
N3	Camberwell village (north-east)	Understand noise levels within NAG 2, consisting of private residences in the north-east of Camberwell village (e.g. Properties 35, 34, 23, 111 and 117).
N4	South of New England Highway	Understand noise levels within NAG 3, consisting of residences south of New England Highway (e.g. residences 129 and 130).
Weather Station		
Repeater Station	Ashton Overburden Emplacement	Understand weather conditions in elevated areas.

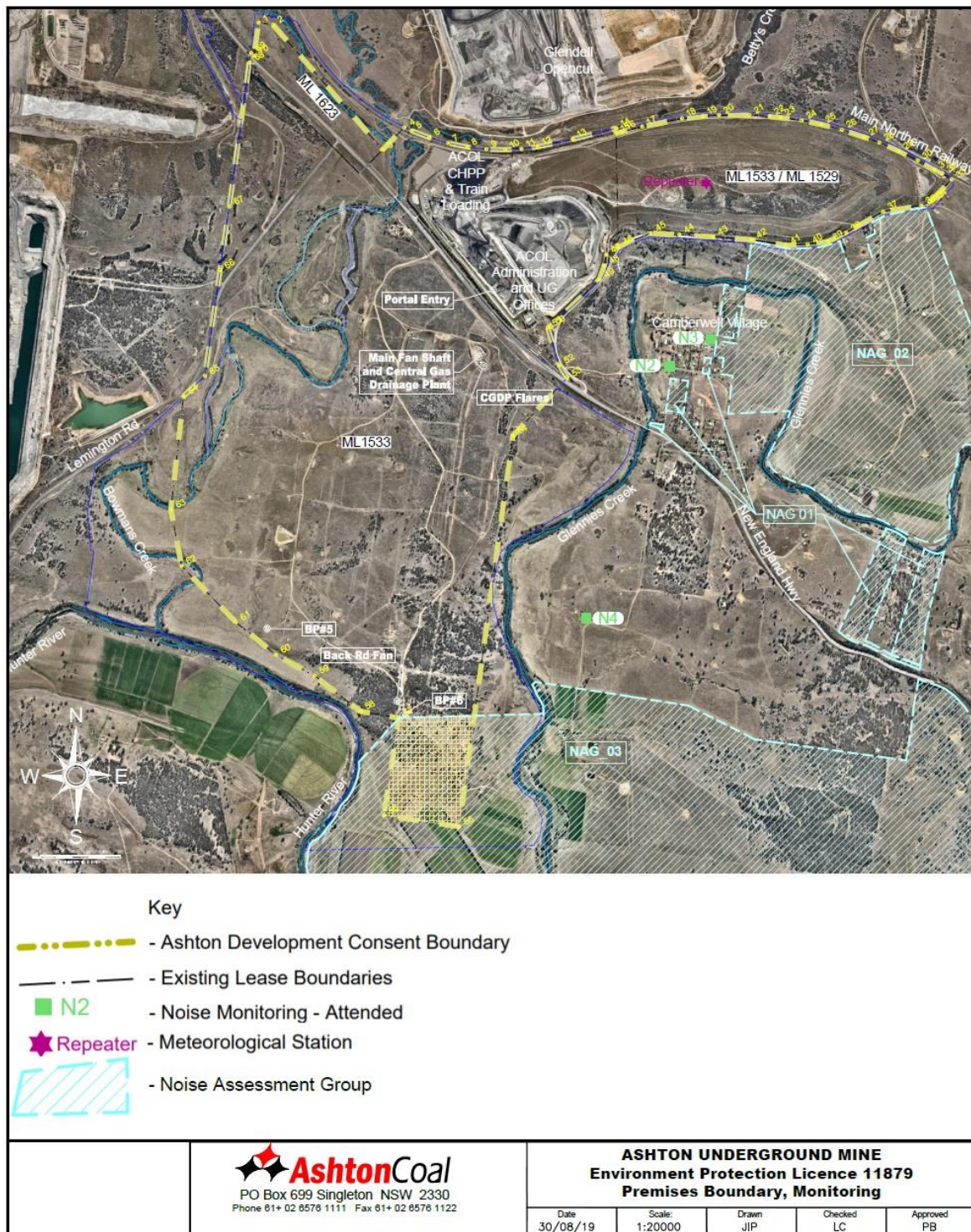


Figure 2: Noise Monitoring Locations Plan

4.5.1 Real-time Monitoring

ACOL has an established continuous noise monitor within Camberwell village (SX40). A telemetry system allows ACOL to continuously review the noise levels within the village in real time. This monitor is not used for

regulatory reporting purposes as the monitor does not separate ACOL noise levels from background noise within the village.

4.5.2 Attended Monitoring

Attended noise monitoring is undertaken monthly by a qualified consultant. Attended noise monitoring is undertaken at the locations outlined in **Section 4.5** and **Figure 2**.

In addition to monthly noise monitoring, at the written request of a landowner, and the agreement of DPIE, independent noise monitoring will be undertaken for the landowner to confirm the impacts of noise from ACOL operations. Independent monitoring will be undertaken consistently with the attended noise monitoring protocol, which is that:

- Measurements are to be made with a Type 1 instrument as defined in *AS 1259-1982 "Sound Level Meters"*. This instrument will have current calibration as per manufacturer's instructions and calibration will also be confirmed prior to and at the completion of measurements with a Sound Level Calibrator;
- A hand-held weather meter and compass are used to measure wind direction, wind speed, air temperature and relative humidity;
- Monitoring at each location will be undertaken once per month at night;
- Data will be collected in 15 minute periods and the ACP only L_{Aeq} result recorded;
- Low pass filtering will be used to remove extraneous noise such as insects when applicable. Other extraneous noise may be paused from the data set or excluded by other means;
- The ACP only L_{Ceq} result should be collected simultaneously;
- Statistical data must be one-third octave; and
- Assessment of impact is to include consideration of mining activity and atmospheric conditions during each measurement.

The following information must be recorded during attended noise monitoring:

- Time and date;
- Location;
- Name of person carrying out the monitoring;
- Serial number of equipment used;
- Noted sources and noise levels, direction and frequency from source of interest;
- Duration of monitoring;
- Measured noise levels including L_{Aeq} , L_{Amax} , L_{Amin} , L_{A1} , L_{A10} , L_{A50} and L_{A90} ; and
- Weather conditions including temperature, relative humidity, wind speed average, wind speed maximum, wind direction and estimated cloud cover.

It should be noted that noise criteria are only applicable during standard weather conditions which are:

- Wind speeds up to 3m/s at 10m above ground level; and/or
- Temperature inversion of up to 3 degrees/100m.

Application of a modifying factor to correct for low frequency noise emissions is undertaken according to Fact sheet C of the NPfI (EPA 2017). Where a difference of 15 dB or more between site 'C-weighted' and site 'A-weighted' noise emission levels is identified, the one-third octave noise levels recorded should be compared to the values in Table C2 of the NPfI, and:

- where any of the one-third octave noise levels in Table 3.2 are exceeded by up to and including 5 dB and cannot be mitigated, a 2 dB positive adjustment to measured/predicted A-weighted levels applies for the evening/night period; or
- where any of the one-third octave noise levels in Table 3.2 are exceeded by more than 5 dB and cannot be mitigated, a 5 dB positive adjustment to measured/predicted A-weighted levels applies for the evening/night period.

A 15 minute measurement will be taken and assessed against the applicable criterion. If the Mine only LAeq result is below the criterion, then the consultant will record it, note the site has passed and move on to the next monitoring location.

If the ACP only LAeq or LA1,1minute result exceeds the relevant criterion and is taken in valid meteorological conditions, then the following steps are to be followed:

1. Consultant will record the reading, advise ACP of the criterion exceedance and proceed to Step 2. ACP will implement remedial action as required.
2. Within 75 minutes after the first measurement (and no earlier than 10pm) a second 15 minute measurement is to be made. If this second result exceeds the criterion then proceed to Step 3, otherwise proceed to Step 4.
3. If the result is attributable to ACP and taken in valid meteorological conditions then proceed to Step 5.
4. The consultant will record the result, note the site has passed, schedule an additional monitoring test to be undertaken at the location within 1 week, and move on to the next monitoring location.
5. The consultant will record the result, note the site has failed and is deemed a 'noise affected night' at that location. An additional monitoring test should be scheduled to be undertaken at the same location within 1 week, and move on to the next monitoring location.

If the ACP only LAeq or LA1,1minute result exceeds the relevant criterion but is taken in invalid meteorological conditions, the consultant will record it, advise ACP a measurement has exceeded a criterion, and move on to the next monitoring location.

ACP is to be advised of any potential noise exceedance detected during attended monitoring. The flow chart in **Figure 3** details the attended monitoring exceedance procedure.

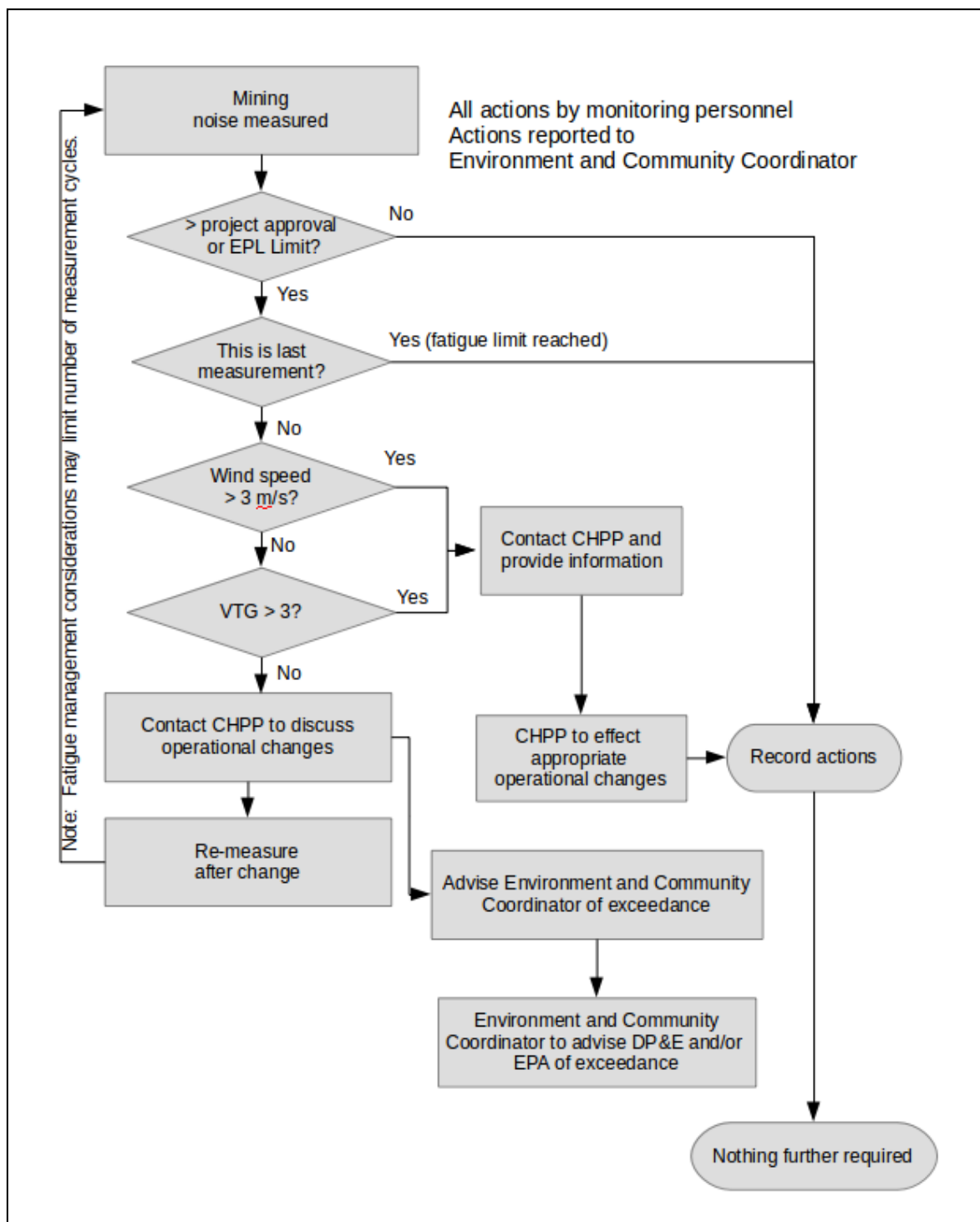


Figure 3: Attended Noise Monitoring Protocol Flowchart

5. INFORMATION, TRAINING AND COMMUNICATION

5.1 Training and Competency

All personnel required to have a competency to perform work or roles outlined in this Management Plan will be trained and authorised/appointed as per the requirements outlined in the **Training and Competency Management System**.

Relevant requirements of this Management Plan will be incorporated into the **ACOL Induction Program**.

5.2 Reporting

The reports and documentation required by this management plan are detailed in **Table 8**.

Table 8: Summary of Reporting Requirements, Distribution and Timing

Report	Requirements	Distribution	Trigger/Timing
Annual Review	In accordance with Condition 9 of Schedule 5, noise monitoring results will be publicly available on ACOs website with summaries reported as part of the Annual Review. In accordance with Condition 10 of Schedule 5, the Annual Review will include the following information relevant to noise: • Description of the works (including any rehabilitation) that were carried out during the previous year; • A comprehensive review of monitoring results and complaints received, including a comparison of the results against: ○ Relevant statutory requirements, limits or performance measures/ criteria; ○ Monitoring results of previous years; and; ○ Relevant predictions in the EA and previous EIS's. • Identification of any non-compliances over the last year, and describe what actions were (or are being) taken to ensure compliance; • Identification of any trends in the monitoring data over the life of the ACP; • Identification and analysis of any discrepancies between the predicted and actual impacts of the ACP; and • Description of the measures to be implemented over the next year to improve	DPIE CCC Website within 30 days of approval	Annually by 31 March

Report	Requirements	Distribution	Trigger/Timing
	the environmental performance of ACP.		
Complaints Register	Records key details of all complaints received by the Environment and Community Response Line and publish on ACOL website.	ACOL Website	Upon receipt of complaint Published on website within 30 days
Complaint/ Enquiry notification form	To provide a standard format for the investigation and response to received complaints.	Internal	Upon receipt of complaint
EPL Annual Return	The EPL requires the submission of an Annual Return detailing complaints received and details of monitoring that has been undertaken.	EPA	Annually
EPL Monitoring Data	In accordance with Section 66(6) of the POEO Act 1997 all monitoring data collected pursuant to EPL 11879 will be available on the ACOL website.	Public	Updated monthly (note continuous data is available following monthly checks and verification)
Incident Report	Incidents causing or threatening material harm to the environment must be reported to the Secretary of DPIE, EPA and any other relevant agencies, at the earliest opportunity. Any other incident (breach or exceedance of the limits or performance measures/ criteria in the DA), associated with the ACP, must be reported to DPIE and any other relevant agencies as soon as practicable after becoming aware of the incident. A detailed report is to be provided to the Secretary of DPIE and any other relevant agencies, within 7 days of the date of the incident, and any such further reports as may be requested.	DPIE Other relevant agencies Annual Return	Immediately after becoming aware of material harm incident. As soon as practicable after becoming aware of other incident.
Non-Compliance Investigation	When non-compliance with the impact criteria occurs an investigation will be prepared. The investigation will: - Describe the date, time, location and nature of the exceedance; - Identify the cause (or likely cause) of the exceedance; - Identify the activities that were occurring at the time of the non-compliance; - Determine the activities that were most likely contributing to the non-compliance; - Describe what action has been taken to date; and - Describe the proposed measures to address the exceedance.	A summary is provided in the Annual Review	When Compliance evaluation determines Non-Compliance with Impact Criteria

Report	Requirements	Distribution	Trigger/Timing
ACOL website (www.ashtoncoal.com.au)	Among other purposes, the ACOL website is used to provide updates on the environmental management and monitoring results for the ACP. Revised versions of AQMP will be updated on the ACOL website within 30 days of approval as required.	Public	Updated monthly
NMP revisions	The current revised version of this Management Plan is required to be distributed and placed on the website within 30 days of approval.	Relevant government agencies, CCC and website	Within 30 days of approval

6. AUDIT, MAINTENANCE AND REVIEW

6.1 Review

This Management Plan will be reviewed and maintained to ensure that it remains effective in accordance with the requirements outlined below.

A review of this Management Plan will be triggered by the following:

- A frequency-based review period (minimum 3-Yearly);
- Changes to legislation or other requirements (e.g. associated Codes of Practice, Australian Standards or MDG's);
- Changes to any design principles, engineering standards and technical standards relied on for control measures;
- Significant changes in operations that may affect health and safety, environment or community;
- Directives (in writing) from regulatory bodies (e.g. Chief Inspector or the Secretary of DPIE);
- Alerts or Notices from regulatory bodies, OEM's or other relevant external stakeholders;
- Significant incidents or accidents (including Notifiable Incidents);
- Audit findings indicating deficiencies or weaknesses;
- Recommendations from external equipment manufacturers or suppliers; or
- Adverse site or regional environmental trends.

In addition to the above, the Management Plan will be reviewed, in accordance with Schedule 5, Condition 6 of DA 309-11-2001-i, within 3 months of:

- a) Submission of an incident causing or threatening to cause material harm to the environment in relation to noise;
- b) Submission of an Annual Review;
- c) Submission of an Independent Environmental Audit; and
- d) Any modification to the conditions of the Development Consent which has the potential to alter impacts.

In order to assess the performance of the management plan the following aspects will be considered during the review:

- What was the nature, frequency and extent of non-compliance (if any)?
- Does the management plan and actions still fulfil the objectives?
- Were the management actions and reporting completed as specified within the plan?

- Are aspects of the plan now obsolete, inefficient or ineffective?

The response to these aspects will inform the update of the NMP. If required, the plan will be updated in consultation with relevant regulatory agencies and to the satisfaction of the Secretary of DP&E. Any revised documents will be published on the ACOL website within 30 days of approval of the document from the Secretary.

7. RELATED DOCUMENTS AND REFERENCE INFORMATION

7.1 Internal Documents

- ACOL Environmental Management Strategy

7.2 External Documents

- *NSW EPA Industrial Noise Policy (INP);*
- *AS 1259-1982 "Sound Level Meters";*
- *NSW EPA Noise Policy for Industry (2017).*

8. REVISION HISTORY

Version	Section Amended / Detail	Date
A		17/07/2015
B		30/11/2005
C		19/8/2006
D8		02/4/2014
D9	Minor administrative changes including review and distribution sections and updated to address Mod 5 consent and EPL (including revised Appendix A)	6/6/2016
D10	Minor review following submission of Annual Return and Independent Environmental Audit.	26/6/2017 Approved by DPE 10/10/2017
D11	Minor review following submission of Annual Return and Independent Environmental Audit.	05/06/2020
D12	Minor edits following review by DPIE	23/09/2020

9. APPENDICES

Appendix A Approval Conditions

Condition number	Condition requirement	Where Addressed																
Noise Criteria																		
Condition 2 (Appendix 6)	Except for the noise-affected land in Table 1 of Schedule 3, 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. Table 1: Noise Criteria dB(A) <table><tr><th rowspan="2">Receiver No.</th><th rowspan="2">Receiver</th><th>Day</th><th>Evening</th><th colspan="2">Night</th></tr><tr><th>L_{Aeq}(15 min)</th><th>L_{Aeq}(15 min)</th><th>L_{Aeq}(15 min)</th><th>L_{A1}(1 min)</th></tr><tr><td>-</td><td>All privately-owned land</td><td>38</td><td>38</td><td>36</td><td>46</td></tr></table> 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. 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.	Receiver No.	Receiver	Day	Evening	Night		L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{A1} (1 min)	-	All privately-owned land	38	38	36	46	Section 4.5
Receiver No.	Receiver			Day	Evening	Night												
		L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{A1} (1 min)													
-	All privately-owned land	38	38	36	46													
Condition 3 (Appendix 6)	Upon receiving a written request from the owner of any residence on 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. Table 2: Additional Noise Mitigation Criteria dB(A) L_{Aeq} <table><tr><th rowspan="2">Receiver No.</th><th rowspan="2">Receiver</th><th>Day</th><th>Evening</th><th>Night</th></tr><tr><th>L_{Aeq}(15 min)</th><th>L_{Aeq}(15 min)</th><th>L_{Aeq}(15 min)</th></tr><tr><td>-</td><td>All privately-owned land</td><td>38</td><td>38</td><td>38</td></tr></table> Notes: - 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. - For this condition to apply, the exceedance of the criteria must be systemic.	Receiver No.	Receiver	Day	Evening	Night	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	-	All privately-owned land	38	38	38	Section 4.5			
Receiver No.	Receiver			Day	Evening	Night												
		L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)														
-	All privately-owned land	38	38	38														
Cumulative Noise Acquisition Criteria																		

Condition number	Condition requirement	Where Addressed												
Condition 6 (Schedule 3)	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 for 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.	Section 4.5												
	Table 5: Cumulative Noise Acquisition Criteria dB(A) LAeq													
	<table><tr><th>Location</th><th>Day</th><th>Evening</th><th>Night</th></tr><tr><td>Camberwell Village</td><td>60</td><td>50</td><td>45</td></tr><tr><td>All other privately-owned land</td><td>55</td><td>50</td><td>45</td></tr></table>		Location	Day	Evening	Night	Camberwell Village	60	50	45	All other privately-owned land	55	50	45
	Location		Day	Evening	Night									
	Camberwell Village		60	50	45									
All other privately-owned land	55	50	45											
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														
Note: To interpret the locations referred to in Table 5, see the applicable figure in Appendix 5.														
Rail Noise														
Condition 7 (Schedule 3)	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 EPA.	Section 4.4												
Operating Conditions														
Condition 8 (Schedule 3)	The Applicant must: • 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; • 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 • 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.	Section 4.4												
Noise Management Plan														
Condition 9 (Schedule 3)	The Applicant must prepare 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; b) Describe the noise mitigation measures that would be implemented to ensure: • Best practice noise management is being employed and is regularly:	This Noise Management Plan 2.3 4.4												

Condition number	Condition requirement	Where Addressed
	○ Benchmarked against contemporary industry standards; and ○ Reviewed to ensure continual improvement; and • Compliance with the noise criteria and operating conditions of this consent;	4.2
	c) Describe the noise management system in detail	
	d) Include a noise monitoring program that:	
	• 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	4.5
	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.	6.0
	The Applicant must implement the approved management plan as approved from time to time by the Secretary.	5.2
		6.11F

Condition number	Condition requirement	Where Addressed
Meteorological Monitoring		
Condition 18 (Schedule 3)	For the life of the development, the Applicant must ensure that there is a meteorological station in the vicinity of the site that: (a) complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and (b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the NSW Industrial Noise Policy, or as otherwise approved by the EPA.	Section 4.5
Notification of Landowners		
Condition 1 (Schedule 4)	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: (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.	Section 4.4
Condition 2 (Schedule 4)	Within 2 weeks of obtaining monitoring results showing: (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;...	
Independent Review		
Condition 3 (Schedule 4)	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.	Section 4.4
Condition 4 (Schedule 4)	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. If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Applicant shall: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to: (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	Section 4.4

Condition number	Condition requirement	Where Addressed
	(iii) if the development is not complying with these criteria then: • 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 (b) give the Secretary and landowner a copy of the independent review.	
Condition 5 (Schedule 4)	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. 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: (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 (b) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Secretary. 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 & 8 (of Schedule 4).	Section 4.4
Condition 6 (Schedule 4)	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: (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 (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.	Section 4.4
Management Plan Requirements		
Condition 2 (Schedule 5)	The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include: (a) detailed baseline data; (b) a description of: • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures/criteria; • the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development 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;	This document

Condition number	Condition requirement	Where Addressed
	(d) a program to monitor and report on the: • impacts and environmental performance of the development; • 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 development over time; (g) a protocol for managing and reporting any: • incidents; • complaints; • non-compliances with the conditions of this consent and statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan. Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.	
Preparation of Management Plans etc		
Condition 3 (Schedule 5)	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. 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.	Noted.
Updating and Staging Submissions of Strategies, Plans and Programs		
Condition 5 (Schedule 5)	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. 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.	Section 6.1

Condition number	Condition requirement	Where Addressed
	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 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.	
Revision of Strategies, Plans and Programs		
Condition 6 (Schedule 5)	Within 3 months of: (a) submission of an incident report under condition 8 below; (b) submission of an annual review under condition 10 below; (c) submission of an audit under condition 11 below; and (d) any modification to the conditions of this consent (with the exception of MOD 5); the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary. 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. 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.	Section 6.1
Incident Reporting		
Condition 8 (Schedule 5)	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 incident, and any such further reports as may be requested.	Sections 5.2
Regular Reporting		
Condition 9 (Schedule 5)	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.	Section 5.2
Annual Review		
Condition 10 (Schedule 5)	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; (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;	Section 5.2

Condition number	Condition requirement	Where Addressed
	(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance; (d) identify any trends in the monitoring data over the life of the development; (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.	
Independent Environmental Audit		
Condition 11 (Schedule 5)	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. This audit must: (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (b) include consultation with the relevant agencies; (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); (d) review the adequacy of any approved strategies, plans or programs required under these approvals; and, if appropriate (e) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals.	Section 6.1
Condition 12 (Schedule 5)	Within 6 weeks of the completion of this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.	Section 6.1
Access to Information		
Condition 13 (Schedule 5)	The Applicant must: (a) make copies of the following publicly available on its website: • 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	Sections 5.2

Condition number	Condition requirement	Where Addressed
	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.	
Noise management commitments		
Appendix Statement Commitments 3, of	Mod 6 2. General 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. Mod 7 Noise 3a. Mine related noise emissions will be monitored and managed to within acceptable criteria using real-time noise monitors. Mod 9 2. Noise 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. 2b. Noise monitoring will be undertaken during construction to ensure compliance with the relevant criteria. Mod 10 1. Noise 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. 1b. Noise monitoring will be conducted at the boundary of Property 130 during gas bore construction in proximity to the property boundary.	Section 4.4

Appendix B Licence Conditions

L4 Noise limits

L4.1 Noise from the premises must not exceed the noise limits specified in the table below.

Residences referenced in this table are from the consent DA 309-11-2001-i and summarised in the EPA reference DOC19/761196.

Location	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)	Night LAeq(1 minute)
EPA Point 13	38	38	36	46
EPA Point 14	38	38	36	46
EPA Point 15	38	38	36	46
All other privately owned residences	38	38	36	46

L4.2 For the purpose of Condition L4.1:

- 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

L4.3 The noise emission limits identified in condition L4.1 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.

L4.4 For the purposes of condition L4.1:

- a) Data recorded by the closest and most representative meteorological station installed on the premises at EPA Identification Point 12 must be used to determine meteorological conditions; and
- b) Temperature inversion conditions (stability category) are to be determined by the methods referred to in Fact Sheet D of the Noise Policy for Industry (2017) using EPA Identification Points 32 and 33.

Appendix C Consultation Records

Organistaion	Date	Fomat	Topic
Ashton Community Consultative Committee (ACCC)	9.07.2020	ACCC meeting https://www.ashtoncoal.com.au/page/sustainability/community/community-consultative-committee/ccc-meeting-minutes/2020-july-ccc-minutes/	Noise Management Plan
EPA	3.09.2019	Correspondence	EPL variation including Noise Assessment Groups

