

## ANNEXURE D – SCHEDULE OF DIFFERENCES IN DRAFTING OF PROPOSED AMENDED EA CONDITIONS

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
A2a	OCAA adopts the Statutory Party condition	<a href="#">The environmental authority holder is approved to extract coal at a rate of up to 5.1 million tonnes per annum (Mtpa) of product coal in accordance with this environmental authority.</a>	<p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>Ever since it's amended EIS the Applicant has proposed to mine up to 7.5Mtpa of product coal. The condition is therefore not related to any particular assessment of environmental impacts. It would also not be reasonable to limit the tonnage to 5.1Mtpa. The Applicant's EA is sufficiently responsive to the air quality expert evidence (Dr Taylor's evidence being based on a 7.5mtpa case in any event) in it proposes:</p> <ul style="list-style-type: none"> <li>a) at Condition B3 a review of the Air Emissions Management Plan (AEMP) to be submitted to the Statutory Party prior to production of more than 5.1 Mt of product coal per calendar year; and</li> <li>b) new condition after B6 that the air quality monitoring be revised where recommended by such AEMP review as soon as practicable after approval by the Statutory Party and in any event prior to production of more than 5.1Mt of product coal per calendar year.</li> </ul>
A2:	<p><a href="#">The maximum area authorised to be disturbed on ML50232 is 1,575ha generally as shown on Figure 1 which comprises:</a></p> <p><a href="#">(a) pits, slope batters and out of pit dumps – 1,422ha;</a></p>	Statutory Party's condition A2 is Identical to Applicant EA condition A2. However, as explained below, it proposes amendments to Figure 1.	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant opposes the addition by OCAA, including by amending Figure 1 and including a new Figure 1a, as it is neither reasonable nor necessary to impose a maximum disturbance area:</p> <ul style="list-style-type: none"> <li>a) the Coordinator-General (CG) did not state any maximum disturbance area. The CG stated condition A2 by reference to Figure 1 being “indicative only”. OCAA’s condition is therefore</li> </ul>

<sup>1</sup> Tracking represents changes proposed by OCAA against the Statutory Party EA draft provided on 11 November 2021(Ex 36, DES.0026)

<sup>2</sup> The tracking represents different conditions proposed by the Statutory Party EA on 19 November 2021to the Applicant's draft EA in Annexure A

	OCAEA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><u>(b) the train loadout facility, the material handling facility, the Balloon Loop and the Haul road – 44ha;</u></p> <p><u>(c) surface infrastructure (being bores, roads for light vehicles, levees, culverts, hardstand areas, tracks, water storage dams, buildings and any other structures built for the purpose of mining activity) – 109ha.</u></p> <p><u>The maximum extraction area authorised by this environmental authority located on ML50216 is 21 ha, being the northern part of Willaroo Pit (area 14 shown in <a href="#">Figure 1a New Acland Coal Mine Stage 3 Project – Overall Disturbance Footprint</a>).</u></p> <p><u>The maximum out of pit dump area authorised by this environmental authority located on ML50216 is 103 ha, being the out of pit dump located to the immediate north of Willaroo Pit (area 15 shown in <a href="#">Figure 1a New Acland Coal Mine Stage 3 Project – Overall Disturbance Footprint</a>).</u></p> <p><u>No further extraction or out of pit dumping is authorised on ML50216 or ML50170 other than as specified in this condition.</u></p>		<p>inconsistent with the stated condition. It is also substantially different and confusing by the inclusion of 2 different figures, some disturbance areas being “generally as shown” and others being “maximum”;</p> <p>b) it is submitted that in the Court’s experience it is not usual for environmental authorities for mining leases to identify (whether in the words of a condition or on a plan) the precise locations of mining pits or out of pit dumps or the location of all items of infrastructure nor for the ancillary infrastructure to be utilised over the life of mine;</p> <p>c) mining operations are complex, are affected by resource, underground, economic and other conditions and mine plans need some flexibility to adapt to actual conditions as they are encountered or occur;</p> <p>d) the areas proposed for pits, slope batters, out of pit dumps and train loadout facility, the material handling facility, balloon loop and haul road do not reflect the footprint contained in Figure 1<sup>3</sup>. Figure 1 of the Applicant draft EA was specified by the CG as a stated condition. The disturbance footprint area in Figure 1 on ML50232 is 1455ha<sup>4</sup> for Manning Vale East, Manning Vale West and Willaroo and 127.65 ha for the Rail spur, Balloon loop, Train load out and MHF and internal haul road;<sup>5</sup></p> <p>e) The 109 ha nominated for surface infrastructure was an estimate by the Statutory Party and bears no relationship to the EA amendment application or Figure 1;<sup>6</sup></p>

<sup>3</sup> Affidavit of Peter Scott McGown affirmed 12 November 2021 (Ex 45)

<sup>4</sup> includes 8 ha of overlap between Manning Vale West Pit and Balloon loop

<sup>5</sup> Affidavit of Peter Scott McGown affirmed 12 November 2021 (Ex 45)

<sup>6</sup> Transcript pages T9-28 [10] - T9-30 [45]

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><a href="#">The boundaries of the open-cut pits mined and out-of-pit dumps constructed after the environmental authority takes effect for the Stage 3 New Acland mine project must not exceed the limits of the Manning Vale West Pit (area 4), Manning Vale East Pit (area 1) and Willeroo Pit (areas 7 and 14), and associated out of pit dumps (areas 5, 8 and 15), shown in Figure 1a New Acland Coal Mine Stage 3 Project – Overall Disturbance Footprint.</a></p> <p><a href="#">No underground mining is permitted.</a></p>		<p>f) a limitation on further extraction within the existing mining leases is a condition that is outside the scope of this EA amendment application and further does not account for the need to connect existing mining pits with Manning Vale East;<sup>7</sup></p> <p>g) new Figure 1a is not necessary and unreasonable to include as would unduly restrict the normal operation of the mine and inclusion of this Figure 1a was not supported by the evidence from the experts who typically indicated assessment of impacts was not dependent on the precise locations of pits and out of pit dumps. Given the noise and air quality conditions proposed by the Applicant there is also no direct or sufficient connection between OCAA's proposal and the subject matter of its objection; and</p> <p>h) underground mining is not applied for and therefore the restriction on underground mining is therefore irrelevant.</p>
A3	<p>All plans, reports, <a href="#">peer reviews</a> and programs referred to, or collected under, a condition of this environmental authority must be published on the environmental authority holder's website within one month of completion <a href="#">and maintained for the life of the mine</a>.</p> <p><a href="#">From the commencement of the Stage 3 New Acland mine project, the Proponent shall make copies of the following publicly available on its website:</a></p> <ul style="list-style-type: none"> <li>• <a href="#">the environmental impact assessment;</a></li> <li>• <a href="#">all current statutory approvals for the Stage 3 New Acland mine project;</a></li> <li>• <a href="#">a complaints register, which has been de-identified, and is to be updated on a monthly</a></li> </ul>	Statutory Party's condition A2b is identical to Applicant EA condition A3.	<p><b>Response to OCAA's Proposed EA</b></p> <p>It is not reasonable to have all material on the website (including extensive material outside the scope of OCAA's objection) for life of mine and that is unnecessary. The CG stated condition (A4) provides for things to be kept for "not less than 5 years". At most any relevant material should be held for a period of 5 years. If the Statutory Party wishes to retain this material for longer, then it may do so.</p> <p>It is unnecessary to also make the EIS available on the Applicant's website where it is already publically available on the CG website.</p> <p>A requirement to specify all statutory approvals of the Applicant website extends well beyond approvals that are related to the EA and to those outside the scope of <i>Environmental Protection Act 1994 (EP Act)</i> and the jurisdiction of the proceeding. Furthermore it is unnecessary as information in relation to mining leases are searchable on the Department of Resources website and EAs are available publicly on the Statutory Party</p>

<sup>7</sup> Letter dated 27 May 2021 exhibited at pages 7 to 10 of the Affidavit of K Trainor filed 28 May 2021) (Ex 15)

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<a href="#">basis.</a>		<p>website.</p> <p>The complaints register must be retained by the Applicant and provided to the Statutory Party on request (Condition L1). There is therefore no need for the complaints register to be held on the Applicant's website. This information is not relevant to the community. Privacy issues would also arise which would not necessarily be avoided by de-identifying complainants, where there are other matters that could contain personal information within a complaint or information from which the identity of the complainant can be discerned. If the Court is minded to require some publication of complaints this should be limited to the number of complaints and the topics the subject of the complaints.</p> <p>There is no reason to include the reference to "peer review" as a peer review is not necessarily a document able to be published.</p>
A3a	<a href="#">Monthly reports required under Condition 3 of the imposed conditions of the Coordinator-General must be completed within fourteen (14) days from the end of the reporting month.</a>	Not contained in Statutory Party EA	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>This proposed condition is opposed as it is inconsistent with the CG imposed conditions as it purports to specify a time for completion of the monthly reports which is not prescribed in the CG imposed Condition 3 and is therefore not lawful.</p> <p>The Statutory Party has no jurisdiction for this condition. It is not shown by evidence that such reports can be prepared within 14 days, nor is there evidence that such a time frame is required or of some advantage. The condition also includes reports that are outside the scope of OCAA's objection.</p>
A5	Except where specified otherwise in another condition of this environmental authority, all monitoring data ( <a href="#">including audio recordings from the real-time monitoring system</a> ), records or reports required by this environmental authority must be kept for the life of the mine.	Except where specified otherwise in another condition of this environmental authority, all monitoring data, records or reports required by this environmental authority must be kept for <del>a period of not less than 5 years</del> <a href="#">the life of the mine</a> .	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>It is unnecessary to specifically refer to audio recordings in the condition as these inherently form part of any monitoring data.</p> <p>The CG stated condition (A4) provides for things to be kept for "not less than 5 years". OCAA seek to have all audio recordings and other monitoring data kept for life of mine. This includes material that is outside the scope of OCAA's objection. This is also unreasonable because of the data size and also there is no cogent reason why this data should be</p>

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			<p>retained for more than 5 years. If the Statutory Party wishes to retain material for longer, then it may do so.</p> <p>No records should be required to be held for more than 5 years as this would be outside the period for any reasonable action to be taken by the Statutory Party in respect of historical data and is otherwise unnecessary.</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>As above. No records should be required to be held for more than 5 years as this would be outside the period for any reasonable action to be taken by the Statutory Party in respect of historical data and is otherwise unnecessary. The CG stated condition (A4) provides for things to be kept for “not less than 5 years”.</p>
A6	Addition of words " <a href="#">and in addition to any other requirements under these conditions</a> "	Statutory Party's condition A6 is identical to Applicant EA condition A6.	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>This additional drafting is unnecessary.</p>
A11	<p>The holder of this environmental authority must:</p> <p>a) within 1 year of the commencement of this environmental authority, obtain from an appropriately qualified <a href="#">independent</a> person <a href="#">who has been approved by the administering authority</a>, a report on compliance with the conditions of this environmental authority;</p>	<p>The holder of this environmental authority must:</p> <p>a) within 1 year of the commencement of this environmental authority, obtain from an appropriately qualified person <del>who has been approved by the administering authority</del>, a report on compliance with the conditions of this environmental authority;</p>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>Applicant proposes "independent" be removed as this is not necessary. The subject matter of the condition also goes beyond OCAA's objection. Further, it will often be the case that an expert familiar with the Applicant's operations will be most suited to provide a report. The Statutory Party will receive numerous reports and is an independent investigator of compliance.</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The CG stated condition A14 reflects the amended Statutory Party condition. The Applicant does not object to the Statutory Party amendment to this condition A11. This is a change from the Applicant's proposed EA.</p>
A12	Addition of " <a href="#">or where another period is specified in</a>	Statutory Party's condition A12 is	<p><b><u>Response to OCAA's Proposed EA</u></b></p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<a href="#">this consent</a> "	identical to Applicant EA condition A12.	This drafting is unnecessary as the conditions speak for themselves.
Ba	<p>The holder of this environmental authority must ensure that <del>air-dust and particulate matter</del> emissions generated by the mining activities do not cause <del>or contribute to exceedances of each of the criteria-air quality limits and nuisance limits</del> in <b>Table B1- Air Quality Limits and Monitoring requirements</b> <del>to be exceeded</del>-at a sensitive place or commercial place.</p> <p>Note: the measurement of air emissions for a sensitive place or commercial place is either:</p> <ol style="list-style-type: none"> <li>at that place (if measured there); or</li> <li>at the monitoring location most representative (whether by reason of correlation or otherwise) of the sensitive or commercial place (where there is no measure at the sensitive or commercial place).</li> </ol> <p><a href="#">The air quality limits for PM<sub>10</sub> and PM<sub>2.5</sub> in Table B1 must be reviewed on 1 July each year and updated in accordance with any changes to the Environment Protection (Air) Policy 2019 (including any replacement policy as it exists from time to time), with changes to take effect from 1 January the following year.</a></p> <p><a href="#">For all other air quality indicators listed in Table B1, for the purposes of condition A12, a change in air quality objectives contained in the Environment Protection (Air) Policy 2019 is taken to be a change in a policy or guideline or standard.</a></p>	<p>The holder of this environmental authority must ensure that air <del>dust and particulate matter</del> emissions generated by the mining activities do not cause <del>exceedances of the limits-criteria</del> in <b>Table B1- Air Quality Limits and Monitoring requirements</b> <del>to be exceeded</del> at a sensitive place or commercial place.</p> <p>Note: the measurement of air emissions for a sensitive place or commercial place is either:</p> <ol style="list-style-type: none"> <li>at that place (if measured there); or</li> <li>at the monitoring location <u>most</u> representative <u>(whether by reason of correlation or otherwise)</u> of the sensitive or commercial place (where there is no measure at the sensitive or commercial place)-<del>with any necessary adjustments for differences in location.</del></li> </ol>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>It is not reasonable to include the words "contribute to exceedances" as this would mean that any small emission by the mine which contributes to exceedance of the limits, no matter how small and insignificant, would constitute an offence. It is also not a change suggested by any expert.</p> <p>This is unreasonable where emissions from other sources are outside the control of the Applicant e.g. agricultural activities. Particularly in circumstances in which the limits in Table B1 are 24 hour and annual averages, it would be unfair and inappropriate to hold the Applicant responsible for overall exceedances to which it may have only made a limited contribution. One example would be circumstances in which the Applicant had been managing annual emissions well within the specified limits, but significant bushfires late in the year resulted in an annual limit being exceeded. It would not be fair in that case to hold the Applicant responsible for contravening the terms of the EA on the basis that it had contributed to the annual emissions, which ultimately exceeded the average for reasons well outside the Applicant 's control.</p> <p>Note b): the word "most" should be deleted as this introduces unnecessary uncertainty. For example, how is the suitably qualified person to differentiate whether a site is most representative, rather than a site that provides an appropriate representation of the sensitive place? There may also be more than 1 possible representative site. It is sufficient is a representative site is chosen.</p> <p>The air quality experts' evidence did not recommend a review of PM10 and PM2.5 limits annually. The Applicant's proposed Condition A12 provides an appropriate mechanism to update the air quality limits. The OCAA insertion for an annual review is therefore not required and excessive. The requirement that any changes take effect from 1 January the following year is not supported by evidence that it will always be practicable or feasible to do so. The Applicant should not be subjected to a condition which it may not be able to comply with. If a relevant</p>

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			<p>authority determines that a change must be implemented by a particular time, condition A12 allows for that.</p> <p><b>Response to Statutory Party's Proposed EA</b></p> <p>As above. Note b): the word "most" should be deleted consistent with the Applicant's proposed EA, as this introduces unnecessary uncertainty. For example, how is the suitably qualified person to differentiate whether a site is most representative, rather than a site that provides an appropriate representation of the sensitive place? There may also be more than 1 possible representative site. It is sufficient is a representative site is chosen. The Applicant does not oppose the balance changes to this condition proposed by the Statutory Party.</p> <p>Note this condition not included in the CG stated conditions.</p>
B1	<p><u>Prior to the commencement of the Stage 3 New Acland mine project, a</u> All air quality indicators listed in <b>Table B1</b>, must be monitored at the locations and at the frequency listed in <b>Table B1</b> in accordance with the following methodologies:</p> <p>a) For <u>Insoluble solids: dust deposition of 120 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with</u> the most recent version of Standards Australia AS/NZS 3580.10.1 Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method;</p> <p>b) For <u>a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM<sub>10</sub>), suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time 1 and 25</u></p>	<p><del>Prior to the commencement of disturbance activities for pits or out of pit dumps for the Stage 3 mining project activities, all</del> All air quality indicators listed in <b>Table B1</b>, must be monitored at the locations and at the frequency listed in <b>Table B1</b> in accordance with the following methodologies:</p> <p>e) For dust deposition of 120 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of Standards Australia AS/NZS 3580.10.1 Methods for sampling and analysis of ambient air –</p>	<p><b>Response to OCAA's Proposed EA</b></p> <p>The addition by OCAA to require monitoring prior to commencement of the Stage 3 Project should be removed or at least reworded, so that monitoring is implemented prior to commencement of disturbance for pits or out of pit dumps for the Stage 3 New Acland Mining Project.</p> <p>At the commencement of the Project, there would be a range of initial mining activities which are required to be undertaken and which do not give rise to a risk of air emission exceedances, e.g. installation of monitoring bores. As the new monitoring locations identified for the project will require a lead time for installation of monitoring, the change in wording proposed in the Applicant EA enables certain activities to proceed without potential for air quality exceedances.</p> <p>Otherwise the balance of the condition should not be amended as proposed by OCAA as the condition reflects the CG stated condition.</p> <p><b>Response to Statutory Party's Proposed EA</b></p> <p>The Applicant does not oppose the Statutory Party's changes other than:</p>

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	<p><del>micrograms per cubic metre over a 1 year averaging time, for no more than 5 exceedances recorded each year<sup>2</sup>, when monitored in accordance with</del> the most recent version of either:</p> <p>(1) Standards Australia AS/NZS 3580.9.6 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM10 high volume sampler with size-selective inlet – Gravimetric method; or</p> <p>(2) Standards Australia AS/NZS 3580.9.9 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM10 low volume sampler – Gravimetric method; or</p> <p>(3) Standards Australia AS 3580.9.8 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM10 continuous direct mass method using a tapered element oscillating microbalance analyser;</p> <p>c) For <u>TSP</u>: <del>a concentration of particulate matter suspended in the atmosphere of 80 micrograms per cubic metre over a 24 hour averaging time and 90 micrograms per cubic metre over a 1 year averaging time, when monitored in accordance with</del> the most recent version of AS/NZS 3580.9.3:2003</p>	<p>Determination of particulate matter – Deposited matter – Gravimetric method;</p> <p>f) For a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM<sub>10</sub>) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time<sup>1</sup> and 25 micrograms per cubic metre over a 1 year averaging time, when monitored in accordance with the most recent version of either:</p> <p>(1) Standards Australia AS/NZS 3580.9.6 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM<sub>10</sub> high volume sampler with size-selective inlet – Gravimetric method; or</p> <p>(2) Standards Australia</p>	<p>a) Sub-paragraph d) (3) should be reinserted to allow for technology changes in measurement to be agreed by the administering authority. Note that PM2.5 levels are not included in the CG stated condition B1. This note therefore does not impact the CG stated condition.</p> <p>Note this condition is different to CG stated condition B1 which requires all reasonable and feasible avoidance and mitigation measures so that dust and particulate matter emissions generated by the mining activities do not cause exceedances of levels specified in the condition when measured at a sensitive or commercial place. Levels for PM10, dust deposition and particulate matter are consistent with Table B1.</p>



	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p>Methods for sampling and analysis of ambient air- Determination of suspended particulate matter – Total suspended particulate matter (TSP) – High volume sampler gravimetric method.</p> <p>d) <del>For a concentration of particulate matter with an aerodynamic diameter of less than 2.5 micrometres (PM<sub>2.5</sub>) suspended in the atmosphere</del> <u>the most recent version of:</u></p> <p>(1) <del>the most recent version of</del> Standards Australia AS/NZS 3580.9.12 Methods for sampling and analysis of ambient air, Determination of suspended particulate matter – PM<sub>2.5</sub> beta attenuation monitors; or</p> <p>(2) <del>the most recent version of</del> Standards Australia AS/NZS 3580.9.13 Methods of sampling and analysis of ambient air, Determination of suspended particulate matter – PM<sub>2.5</sub> continuous direct mass method using a tapered element oscillating microbalance monitor.</p> <p><i><del>†These limits are based upon relevant air quality objectives contained in the Environmental Protection (Air) Policy 2019 and may be automatically amended to reflect any amendment or replacement of the relevant air quality objective in the Environmental Protection (Air) Policy 2019</del></i></p>	<p>AS/NZS 3580.9.9 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM<sub>10</sub> low volume sampler – Gravimetric method; or</p> <p>(3) Standards Australia AS 3580.9.8 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM<sub>10</sub> continuous direct mass method using a tapered element oscillating microbalance analyser;</p> <p><u>g)</u> For a concentration of particulate matter suspended in the atmosphere of 80 micrograms per cubic metre over a 24-hour averaging time and 90 micrograms per cubic metre over a 1 year averaging time, when</p>	

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		<p>monitored in accordance with the most recent version of AS/NZS 3580.9.3:2003 Methods for sampling and analysis of ambient air- Determination of suspended particulate matter – Total suspended particulate matter (TSP) – High volume sampler gravimetric method.</p> <p><a href="#">e)h)</a> For a concentration of particulate matter with an aerodynamic diameter of less than 2.5 micrometres (PM2.5) suspended in the atmosphere of <a href="#">25 micrograms per cubic meter over a 24 hour averaging time and 8 micrograms per cubic metre over a 1 year averaging time</a>, when monitored in accordance with:</p> <p><a href="#">(3)</a> the most recent version of Standards Australia AS/NZS 3580.9.12 Methods for sampling and analysis of ambient air, Determination of suspended</p>	

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		<p>particulate matter – PM<sub>2.5</sub> beta attenuation monitors; or</p> <p><u>(4)</u></p> <p>the most recent version of Standards Australia AS/NZS 3580.9.13 Methods of sampling and analysis of ambient air, Determination of suspended particulate matter – PM<sub>2.5</sub> continuous direct mass method using a tapered element oscillating microbalance monitor; or</p> <p><u>(5)</u></p> <p><del>another method as agreed to in writing by the administering authority.</del></p> <p><i><sup>1</sup> For the purposes of condition A12, a change in <del>These limits are based upon relevant</del> air quality objectives contained in the Environmental Protection (Air) Policy 2019 <del>is taken to</del> and may be a change in a <del>policy</del> automatically amended to reflect any amendment or guideline</i></p>	

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		<del>or standard</del> replacement of the relevant air quality objective in the Environmental Protection (Air) Policy 2019.	
B2	If monitoring indicates the potential for exceedance of the relevant limits in <b>Condition B<del>2</del>1</b> then the environmental authority holder must immediately implement dust abatement measures <u>including modifying or suspending operations</u> , to avoid exceeding the relevant limits.	Statutory Party's condition B2 is identical to Applicant EA condition B2.	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>OCAA's insertion of words "including modifying or suspending operations" is not appropriate. Both air quality experts agreed that the EA should not specify actions that the Applicant should take to comply.<sup>8</sup> This addition to the condition would require a suspension or modification when alternate options to mitigate air emissions would be more appropriate.</p> <p>Applicant and Statutory party EA consistent with CG stated condition B2.</p>
B3	OCAA condition B3 is identical to Statutory Party's condition B3.	<p>An Air Emissions Management Plan must be developed by a suitably qualified and experienced person in relation to air emissions and implemented for all stages of mining. The Air Emissions Management Plan must be submitted to the administering authority for review and comment:</p> <p>a) — within 3 months <del>of</del><u>upon</u> the grant of ML50232 and ML700002, and at intervals not exceeding two (2) years thereafter;</p> <p><del>and</del>  prior to the  environmental authority</p>	<p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant prefers its amendment to condition B3 to require a review of the Air Emissions Management Plan prior to the Applicant increasing production to more than 5.1 million tonnes (Mt) of product coal per calendar year. See comment above on condition A2a)</p> <p>Note timing is not contained in CG stated condition B3. Also not linked to any tonnage of product coal.</p>

<sup>8</sup> Air Quality JER (Ex 24) at paragraphs 146 - 147

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
		<del>holder producing more than 5.1 million tonnes (Mt) of product coal per calendar year.</del>	
B4a)		<del>b)a) monitoring locations acting as and continuing to act as suitable representative sites for sensitive places (if there is no monitor at a particular sensitive receptor place);</del>	<p><b>Response to Statutory Party's Proposed EA</b></p> <p>The Applicant does not oppose this minor editorial amendment.</p> <p>Note this sub-paragraph is additional to CG stated condition B3.</p>
B4b)	<u>b) if there is no monitor at a sensitive place, a protocol for correlating the measured levels at the monitoring site with the likely levels at the sensitive place, including a detailed description of how an exceedance at a sensitive place is to be identified from the measurement taken at the monitoring station;</u>	b) The collection of air quality and meteorological data in accordance with <b>Table B1: Air quality Limits and monitoring requirements;</b>	<p><b>Response to OCAA's Proposed EA</b></p> <p>Addition of the words "<i>including a detailed description of how an exceedance at a sensitive place is to be identified from the measurement taken at the monitoring station</i>" is not required. This is a matter that should be left for the detail of the Air Emissions Management plan (AEMP) and not prescribed in a condition of an EA.</p> <p><b>Response to Statutory Party's Proposed EA</b></p> <p>The Applicant does not oppose this editorial amendment.</p>
B4c)		c) <del>monitoring</del> PM <sub>10</sub> <del>trends at</del> trend monitoring <sup>1</sup> at 3 <del>locations,</del> <del>located to the norther west, north and east of</del> locations around the site, for a minimum period of 3	<p><b>Response to Statutory Party's Proposed EA</b></p> <p>The Applicant prefers its amendment to condition B4c). There should be no requirement of a minimum period of trend monitoring for 3 years given that the AEMP is reviewed every 2 years and the monitoring program can be conditioned to change if recommended by the review of the AEMP and</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
		years;	<p>approved by the Statutory Party. See the Applicant proposed new condition following B6.</p> <p>This condition is additional to the CG stated condition B3.</p>
B4d)	<p>d) PM<sub>10</sub> <a href="#">and TSP</a> trend monitoring<sup>1</sup>, <a href="#">to investigate complaints and to check the correlation of the real time monitors with sensitive receptor locations</a>;</p>		<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>Trend monitoring of TSP is opposed by the Applicant. Mr Welchman did not support TSP trend monitoring, but only PM<sub>10</sub> trend monitoring at receptors 44 and 37.<sup>9</sup> Trend monitoring is also not required to investigate complaints or check correlation with real time monitors and sensitive receptors.</p> <p>It is Mr Welchman's opinion that "additional trend monitoring stations as suggested by John Taylor at paragraph 179 should not be required by the Draft EA. The compliance monitoring requirements under the Draft EA is already extensive. Additional trend monitors are unlikely to provide significant additional value. In any case, the ongoing review of the AEMP that is required under the Draft EA provides an appropriate basis for the need for additional monitoring equipment to be identified and implemented."<sup>10</sup></p> <p>The purpose of trend monitoring does not need to be included in the EA condition and is superfluous. Further or in the alternative, the purpose of the trend monitoring is a matter more appropriately left to the detail of the AEMP rather than being prescribed in a condition.</p> <p>The Applicant also proposes this purpose be deleted as it is not the purpose of trend monitoring to investigate complaints. Mr Welchman opined that "the AEMP (39. Air Emissions Management Plan including TARP.PDF) includes a complaint handling process where community concerns and</p>

<sup>9</sup> Air Quality JER (Ex 24) at paragraphs 52, 170, 174 and 185

<sup>10</sup> Air Quality JER (Ex 24) at paragraph 185

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response		
			issues raised in relation to air emissions and dust will be managed in accordance with NAC's Stakeholder Management Plan." <sup>11</sup>		
B4e)	<p>A trigger action response plan that requires the environmental authority holder to:</p> <ul style="list-style-type: none"> <li>• <a href="#">avoid exceedances of each of the air quality limits and nuisance limits specified in Table B1 at a sensitive place or commercial place caused or contributed to by mining activities; and</a></li> <li>• <a href="#">investigate, mitigate and manage dust and particulate matter emissions generated by the mining activities so that the limits in Table B1 are met; and</a></li> <li>• <a href="#">investigate, mitigate and manage the following air quality indicators when monitoring indicates exceedance of the following air quality triggers caused or contributed to by mining activities at any sensitive place or commercial place:</a></li> </ul> <table border="1" data-bbox="318 1129 846 1238"> <tr> <td><a href="#">Air Quality Indicator</a></td> <td><a href="#">Air Quality</a></td> <td><a href="#">Frequency</a></td> </tr> </table>	<a href="#">Air Quality Indicator</a>	<a href="#">Air Quality</a>	<a href="#">Frequency</a>	
<a href="#">Air Quality Indicator</a>	<a href="#">Air Quality</a>	<a href="#">Frequency</a>			
			<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The third dot point and inserted table should be removed. The Air EPP does not specify hourly objectives for particulates as TSP, PM10 and PM2.5. At most the hourly indicators may guide the management of air emissions and may be addressed in the AEMP, which is to be approved by the Statutory Party.</p> <p>It is Mr Welchman's opinion that consequently, the hourly guidelines should not be used as limits, which are not themselves compliance limits, in the EA.<sup>12</sup></p> <p>Dr Taylor's proposed inclusion of hourly trigger limits adds an unnecessary additional layer of complexity for air quality monitoring with no clearly discernible health or amenity benefit. The levels proposed are arbitrary and not based on any relevant standard.</p> <p>As noted above reference to "contributed to" in the first and third dot point should be deleted.</p>		

<sup>11</sup> Air Quality JER (Ex 24) at paragraph 133

<sup>12</sup> Air Quality JER (Ex 24) at paragraph 77

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response												
	<table border="1"> <tr> <td></td> <td><u>Trigger</u></td> <td></td> </tr> <tr> <td><u>PM<sub>10</sub></u></td> <td><u>120 µg/m<sup>3</sup></u></td> <td><u>1 hour</u></td> </tr> <tr> <td><u>PM<sub>2.5</sub></u></td> <td><u>60 µg/m<sup>3</sup></u></td> <td><u>1 hour</u></td> </tr> <tr> <td><u>TSP</u></td> <td><u>250 µg/m<sup>3</sup></u></td> <td><u>1 hour</u></td> </tr> </table>		<u>Trigger</u>		<u>PM<sub>10</sub></u>	<u>120 µg/m<sup>3</sup></u>	<u>1 hour</u>	<u>PM<sub>2.5</sub></u>	<u>60 µg/m<sup>3</sup></u>	<u>1 hour</u>	<u>TSP</u>	<u>250 µg/m<sup>3</sup></u>	<u>1 hour</u>		
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<u>TSP</u>	<u>250 µg/m<sup>3</sup></u>	<u>1 hour</u>													
B4f)	<p>f) A forecasting system that provides daily predictions of upcoming meteorological conditions in order to identify adverse meteorological conditions likely to produce elevated levels of dust including PM<sub>10</sub> and <u>PM<sub>2.5</sub></u> at a sensitive place or commercial place due to the mining activities;</p>		<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>OCAA propose inclusion of PM<sub>2.5</sub> in forecasting system. This is not required as forecasting and managing of PM<sub>10</sub> will have the effect of managing PM<sub>2.5</sub>. PM<sub>2.5</sub> references are not contained in the CG stated condition B3(b).</p> <p>It is Mr Welchman's opinion that by continuously monitoring PM<sub>10</sub> and achieving compliance with the PM<sub>10</sub> limits in Table B1 of the EA, the mine will also achieve compliance with the limits for PM<sub>2.5</sub>. In normal operations dust emissions from mining activities cause the objective for PM<sub>10</sub> to be reached before the objective for PM<sub>2.5</sub> is reached.<sup>13</sup></p>												
B4g)	<p>g) <del>A dust control strategy which activates a timely implementation of dust control management actions aimed to avoid or minimise elevated levels of dust including PM<sub>10</sub> at a sensitive place or commercial place due to mining activities</del> <u>The content of the monthly compliance reports required under Condition 3 of the imposed conditions of the Coordinator-General, including:</u></p>		<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The requirements of the monthly report under imposed condition 3 is a matter within the jurisdiction of the CG and it is inappropriate and unlawful to specify the requirements of that report in an EA condition.</p> <p>The deletion is a deletion of the CG stated condition B3(c)</p>												

<sup>13</sup> Air Quality JER (Ex 24) at paragraph 47; Transcript at page T7-106 [20]



	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<ul style="list-style-type: none"> <li>• <a href="#">the frequency and cause of any exceedances of each of the air quality limits and nuisance limits in Table B1;</a></li> <li>• <a href="#">the environmental authority holder's response to any exceedances and complaints;</a></li> <li>• <a href="#">the frequency of any exceedances of the air quality indicators in Condition B4 and the environmental authority holder's response to any exceedances.</a></li> </ul>		
B4h)	<a href="#">A protocol for an audit of data records to check for accuracy;</a>		<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant opposes inclusion of this requirement in an EA condition. Further, this is not necessary given the compliance review required under condition A11.</p> <p>This is not contained in the CG stated condition B3.</p>
B4i)	<p>Annual review of the Air Emissions Management Plan <a href="#">by an independent and suitably qualified and experienced person who has been approved by the administering authority</a> including:</p> <ul style="list-style-type: none"> <li>• <a href="#">a review of the its</a> adequacy and effectiveness <a href="#">of the Air Emissions Management Plan</a> in avoiding and minimising air emissions and dust at a sensitive place or commercial place,</li> </ul>		<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant does not consider that it is necessary to have the suitably qualified and experienced person specified as "independent" nor approved by the Statutory Party. The suitably qualified and experienced person is adequately defined in the EA as "<i>a person who is a Registered Professional Engineer of Queensland (RPEQ) under the provisions of the Professional Engineers Act 2002, and has demonstrated competency and relevant experience in relation to air emissions</i>". This is essentially an internal review, with reviews involving the Statutory Party occurring under conditions B3 and B5.</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<ul style="list-style-type: none"> <li>• <a href="#">a review of any complaints received in the preceding year and the response of the environmental authority holder to those complaints, and</a></li> <li>• <a href="#">a process by which input from sensitive receptors is obtained, responded to and reported on as part of the review.</a></li> </ul>		<p>The third dot point is unreasonable and unnecessary as the review of the AEMP would be a technical review of the monitoring system and not a review of community sentiment and outside the expertise of sensitive receptors. Comment from sensitive receptors would have no or very limited benefit to such a review and be likely to delay the review. The reviewer also has no control over whether sensitive receptors provide input or when they might do so.</p> <p>Annual review is not a requirement of the CG stated conditions.</p>
B41)	<a href="#">A protocol for keeping of records of mining operations on an hourly basis including operational machinery, material type and quantity handled, location, routes driven, mitigation employed and other relevant detail to enable prompt and efficient investigation of adverse events.</a>		<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>This is not relevant to be specified for the AEMP nor reasonable. Given the extent and complexity of mining operations, records of primary equipment location can only be retained short term and in any event mine records would not include all detail proposed in this condition. This condition is entirely impractical. OCCA also adduced no evidence to demonstrate this was reasonable or practicable and did not ask NAC witnesses about it.</p> <p>Not contained in CG stated condition B3.</p>
New condition	<a href="#">Information recorded by the real time air emissions monitoring program, including records of mining operations on an hourly basis, must be made available for investigation by the administering authority upon request.</a>	New condition not contained in Statutory Party EA	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>A requirement for recording and retaining records of mine operations on an hourly basis is unreasonably broad and onerous. Retaining data on hourly operations of all equipment at a mine would be an unreasonably large data retention with limited benefit. The Applicant is of the view that at most such data could be retained for 24 hours. OCCA also adduced no evidence to demonstrate this was reasonable or practicable and did not ask NAC witnesses about it.</p> <p>Not contained in CG stated condition B3.</p>
B5	<a href="#">The administering authority must approve the initial Air Emissions Management Plan prior to the</a>	Within twenty (20) business days of receiving comments from the	<b><u>Response to OCAA's Proposed EA</u></b>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<a href="#">commencement of the Stage 3 New Acland mine project.</a>	administering authority as required by <b>Condition B3</b> , the Air Emissions Management Plan must be updated by a suitably qualified and experienced person in relation to air emissions having regard to the comments, and submitted to the administering authority <del>for approval.</del>	<p>The Statutory Party and Applicant propose that the AEMP is provided to Statutory Party for review and comment within 3 months of grant of ML50232 and ML700002.</p> <p>There is no reason for the AEMP to be approved prior to commencement of the Project as:</p> <ul style="list-style-type: none"> <li>condition B1 proposed by the Applicant requires monitoring to be operational prior to disturbance for pits and out of pit dumps, which are the substantive earthworks activities likely to give rise to dust emissions; and</li> <li>that there will be numerous other mining activities that will be required in advance of any disturbance associated with the pits and out of pit dumps and which would not likely be associated with air emissions e.g. monitoring bores.</li> </ul> <p>Not contained in CG stated condition B3. CG Stated conditions do not require approval or any timing limitation.</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant does not oppose the Statutory Party's alternate formulation of condition B5 as compared to the Applicant's EA. This is consistent with the CG stated condition B3 which does not require approval but rather a copy of the AEMP and any changes provided to the statutory party on request.</p>
B6	The <a href="#">air quality</a> monitoring locations listed in <b>Table B1: Air quality <a href="#">limits and monitoring requirements</a></b> must be reviewed by an <a href="#">independent third party who is a</a> suitably qualified and experienced person(s) in relation to air emissions <a href="#">and who has been approved by the administering authority</a>	The <a href="#">air quality</a> monitoring <del>program</del> <a href="#">requirements</a> listed in <b>Table B1: Air quality <a href="#">monitoring limits and monitoring requirements</a></b> must be reviewed by a suitably qualified and experienced person(s) <del>as part of review of the Air Emissions Management</del>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>It is not necessary to have the suitably qualified and experienced person specified as independent nor approved by the Statutory Party for reasons stated above. The suitably qualified and experienced person is adequately defined in the EA as "<i>a person who is a Registered Professional Engineer of Queensland (RPEQ) under the provisions of the Professional Engineers Act 2002, and has demonstrated competency and relevant experience in relation to air emissions</i>". The Statutory Party is independent and must approved of any changes.</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
		<p><del>Plan in relation to air emissions</del> and a report must be provided to the administering authority:</p> <p><del>a) — within two (2) years and three (3) months of upon the grant of ML50232 and ML700002, and at intervals not exceeding two (2) years thereafter and</del></p> <p><del>b) — prior to the environmental authority holder producing more than 5.1 million tonnes (Mt) of product coal per calendar year.</del></p>	<p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>For the reasons outlined in the Applicant's response to A2a), the Applicant prefers its amendment to condition B6b) to provide for a review of the air quality monitoring program prior to the Applicant increasing production to more than 5.1 million tonnes (Mt) of product coal.</p> <p>This condition is additional to CG stated conditions.</p>
B6a)	<p><u>Whether the monitoring locations act as and will continue to (at least for the following 2 years) act as suitable representative sites for sensitive places (if there be no monitor at a particular sensitive receptor place), as determined by modelling and monitoring;</u></p>	<p>a) The effectiveness of the monitoring network <u>including the appropriateness of the monitoring locations to act as suitable representative sites for sensitive places (if there is no monitor at a particular sensitive place);</u></p>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>Reference to "at least for the following 2 years" was not recommended by either air quality expert. It is an arbitrary time period and not necessary.</p> <p>Furthermore, reference to modelling should be deleted. This places an unreasonable and inflexible limitation on the person undertaking the review to mandate modelling. Whether or not there is a requirement for modelling is a matter that is best deferred to the person undertaking the review.</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant does not oppose this amendment.</p> <p>This condition is additional to CG Stated conditions.</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
B6e)		e) Locations of sensitive <del>receptors</del> <u>places</u> relative to the mining activities; and	<p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant does not oppose this amendment.</p> <p>This condition is additional to CG Stated conditions.</p>
B6 g)	<u>A process for seeking feedback from sensitive receptors on their experiences of any air quality impacts arising from the mining activities.</u>		<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The review is about the effectiveness of the monitoring network and not the experience of the sensitive receptors. This condition is unnecessary and unreasonable. In any event this is a matter that is best deferred to the person undertaking the review.</p> <p>Not required by CG stated conditions.</p>
New condition	<p><u>If the review required by Condition B6 recommends a change to the air quality monitoring locations in Table B1, and that change is approved by the administering authority, then the change must be implemented within 2 months of that approval.</u> <del>where recommended in a revised Air Emissions Management Plan provided pursuant to Condition B3 or as a result of the review in Condition B6 and with the approval of the administering authority. Any additional monitors recommended in a revised Air Emissions Management Plan must be installed and must be operational as soon as practicable after receiving approval and, in the case of an approval following a revised Air Emissions Management Plan pursuant to Conditions B3 b) or B6 b), prior to</del></p>	<p>The Statutory Party EA has deleted the proposed Applicant New Condition.</p> <p><i>The air quality monitoring program in Table B1 may be revised where recommended in a revised Air Emissions Management Plan provided pursuant to Condition B3 or as a result of the review in Condition B6 and with the approval of the administering authority. Any additional monitors recommended in a revised Air Emissions Management Plan must be installed and must be operational as soon as practicable after receiving approval and, in the case of an approval following a revised Air Emissions Management</i></p>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant says that a requirement for implementation of changes to the monitoring network within 2 months is an unreasonable period, given the length of time required to implement a new monitoring network, which may include not only securing access, but also power and given lead times of this highly specialised equipment. Further, the review may relate to mining activities which are some time away. The Applicant's proposed formulation of this new condition which requires new monitoring to be installed as soon as practicable:</p> <p><i>"The air quality monitoring program in Table B1 may be revised where recommended in a revised Air Emissions Management Plan provided pursuant to Condition B3 or as a result of the review in Condition B6 and with the approval of the administering authority. Any additional monitors recommended in a revised Air Emissions Management Plan must be installed and must be operational as soon as practicable after receiving approval and, in the case of an approval following a revised Air Emissions Management Plan pursuant to Conditions B3 b) or B6 b), prior to the environmental authority holder producing more than 5.1 million tonnes</i></p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><del>the environmental authority holder producing more than 5.1 million tonnes (Mt) of product coal per calendar year.</del></p>	<p><del>Plan pursuant to <b>Conditions B3 b) or B6 b)</b>, prior to the environmental authority holder producing more than 5.1 million tonnes (Mt) of product coal per calendar year.</del></p>	<p>(Mt) of product coal per calendar year. "</p> <p><b>Response to Statutory Party's Proposed EA</b></p> <p>The Applicant proposes the new condition outlined above for the reasons set out in response to condition A2a) above and to enable a process for adaption of the monitoring network if required by the AEMP review.</p> <p>This condition proposed by the Applicant would be additional to CG Stated conditions.</p>
B7	<p>All continuously monitored parameters required by <b>Table B1: Air quality limits and monitoring requirements</b> and the forecasting system required by <b>Condition B4</b> must be made publicly available online and in real-time <a href="#">for the life of the mine</a>, presented:</p> <p>a) spatially; and</p> <p>b) <a href="#">in a way that shows whether the limits in <b>Table B1: Air quality limits and monitoring requirements</b> have been exceeded. Within 5 business days of any such exceedance the environmental authority holder must place online a report outlining whether the exceedance is attributable to the mine.</a></p> <p><a href="#">The following components must be included on the public website:</a></p> <p>a) <a href="#">Map of <b>Table B1</b> air quality monitoring locations;</a></p> <p>b) <a href="#">Real-time data from each monitoring</a></p>	<p>All continuously monitored parameters required by <b>Table B1: Air quality limits and monitoring requirements</b> and the forecasting system required by <b>Condition B4</b> must be made publicly available online and in real-time, presented <del>spatially and include links to historical 24 hour data:</del></p> <p>c) <a href="#">spatially; and</a></p> <p>d) <a href="#">real-time rolling one hour average across all sites that can be drilled into for each location to provide:</a></p> <ul style="list-style-type: none"> <li>• <a href="#">real-time short term (5-6min) monitoring data on rolling 3 hour basis;</a></li> <li>• <a href="#">real-time rolling one hour average data on</a></li> </ul>	<p><b>Response to OCAA's Proposed EA</b></p> <p>Reference to "for the life of mine" is not necessary, as the EA applies to the mining activities while mining occurs. Further, a judgment about whether there has been an exceedance typically requires human intervention and cannot be posted in real time.</p> <p>It is unreasonable and unnecessary to require the Applicant to place an online report outlining whether the exceedance is attributable to the mine. It may take longer than five days to determine the cause of a particular exceedance, particularly where some of the limits are determined based on daily averages and yearly averages. No expert supported such an action within 5 business days and the timeframe is arbitrary. A determination as to whether the mine caused any non-compliance with a limit requires human involvement including a detailed investigation that considers multiple data sources.<sup>14</sup></p> <p>The specificity of the real time data proposed in paragraph b) to g) is opposed by the Applicant. The detail of the information to be included online is appropriately a matter left for the AEMP as the requirement may evolve with technology over time.</p> <p><b>Response to Statutory Party's Proposed EA</b></p> <p>As above. The specificity of the real time data proposed in paragraph b) to</p>

<sup>14</sup> Air Quality JER (Ex 24) at paragraph 47

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><u>location as follows:</u></p> <ul style="list-style-type: none"> <li>• real-time rolling one hour average across all sites <del>that can be drilled into for each location to provide;</del></li> <li>• real-time short term (5-6min) monitoring data on rolling 3 hour basis;</li> <li>• real-time rolling one hour average data on 24 hour basis;</li> <li>• links to historical data on one hour basis; and</li> <li>• links to historical 24 hour data.</li> </ul> <p>c) <u>Timeseries graph for each monitoring location showing the most recent monthly dust deposition rate;</u></p> <p>d) <u>Summary of meteorological conditions at the Acland site weather station, including:</u></p> <ul style="list-style-type: none"> <li>• <u>Wind speed;</u></li> <li>• <u>Wind direction;</u></li> <li>• <u>Frequency of winds in the past 24 hours in the form of a wind rose;</u></li> <li>• <u>Most recently available site relevant weather forecast;</u></li> <li>• <u>Estimate of the contribution of different wind directions to the ambient concentration in the form of a dust rose at each monitoring site;</u></li> </ul> <p>e) <u>Historical download page to allow user to download monthly reports containing validated measurements of dust and</u></p>	<p><u>24 hour basis;</u></p> <ul style="list-style-type: none"> <li>• <u>links to historical data on one hour basis; and</u></li> <li>• <u>links to historical 24 hour data.</u></li> </ul>	<p>g) is opposed by the Applicant. The detail of the information to be included online is appropriately a matter left for the AEMP as the requirement may evolve with technology over time.</p> <p>This condition is additional to CG Stated conditions.</p>

	OCAA EA Condition <sup>1</sup>						Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><a href="#">meteorological conditions recorded by the monitoring system assessed against the air quality limits contained within Table B1. Valid dust measurements will be reported as 24-hour averages.</a></p> <p>f) <a href="#">Downloadable, unverified dust data for the monitoring locations for the period from the end of the most recent monthly report to the latest available dust information.</a></p> <p>g) <a href="#">Information page (or fact sheets) that includes instructions on how to read a wind rose, how to read a dust rose, definitions of TSP, PM10 and PM2.5 and other dust metrics.</a></p>							
Table B1	<a href="#">TSP#^</a>	<a href="#">Mofidied TEOM#</a>	<a href="#">Continuous</a>	<a href="#">90µg/m³ (annual)</a>	<a href="#">80µg/m³ (24 hr avg)</a>	<a href="#">Modified TEOM</a>	As per Table B1 in OCAA EA except for the deletion of "at 10m" in relation to Wind speed and direction	<p><b><u>Response to OCAA's Proposed EA / Statutory Party's Proposed EA</u></b></p> <p>Mr Welchman did not support TSP trend monitoring only PM10.<sup>15</sup> Given the purpose of trend monitoring to provide additional information to determine whether the impacts of dust emissions sensitive receptors can be appropriately assessed, it is sufficient to limit trend monitors to PM10.</p> <p>Evaporation is calculated and therefore not a parameter that should be measured.</p> <p>PM2.5 monitoring was also not supported by Mr Welchman for Receptor 16 or 38/39. PM2.5 monitoring is not contained in CG conditions.</p> <p>Mr Welchman did not support TSP monitoring at receptor 16. TSP monitoring at receptor 16 in CG stated conditions is only by Hi Vol sampler and not continuous.</p> <p>Mr Welchman did not propose Metrological monitoring at receptor 38/39 or at receptor 16. There is no requirement for additional meteorological</p>
	<a href="#">Evaporation</a>					<a href="#">Measured or calculated</a>		
	<a href="#">16 (Est) (Ac)</a>	<a href="#">PM2.5</a>	<a href="#">TEOM or BA</a>	<a href="#">Continuous</a>	<a href="#">25µg/m³ (24 hr)</a>			

<sup>15</sup> Air Quality JER (Ex 24) at paragraphs 170, 174 and 185



OCAEA EA Condition <sup>1</sup>						Statutory Party EA Condition <sup>2</sup>	Applicant's Response
<a href="#">lan</a> <a href="#">d-</a> <a href="#">Sil</a> <a href="#">verl</a> <a href="#">eig</a> <a href="#">h</a> <a href="#">Ro</a> <a href="#">ad</a>		M		avg ) 8µg /m <sup>3</sup> (an nual )			<p>monitoring in CG stated conditions.</p> <p>Mr Welchman supported trend monitoring only at receptor 37 and 44 and therefore this should be noted in table and limits removed as is proposed for trend monitoring.</p> <p>Furthermore the Applicant's EA notes that monitoring locations 44 and 37 are trend monitoring. Note there is no requirement for monitoring at 44 and 37 in CG stated conditions.</p>
<a href="#">P</a> <a href="#">M</a> <a href="#">10</a>	<a href="#">TE</a> <a href="#">O</a> <a href="#">M</a>	<a href="#">Con</a> <a href="#">tinu</a> <a href="#">ous</a>	<a href="#">50µg/m<sup>3</sup></a> <a href="#">(24 hr</a> <a href="#">avg)</a>  <a href="#">25µg/m<sup>3</sup></a> <a href="#">(annual)</a>		<a href="#">AS</a> <a href="#">3580.9.8-</a> <a href="#">2008</a>		
<a href="#">TS</a> <a href="#">P</a>	<a href="#">Hi-</a> <a href="#">Vo</a> <a href="#">l</a> <a href="#">Sa</a> <a href="#">mp</a> <a href="#">ler</a> <a href="#">^</a> <a href="#">=</a>	<a href="#">24h</a> <a href="#">r</a> <a href="#">l</a> <a href="#">day</a> <a href="#">in 6</a>	<a href="#">90µg/m<sup>3</sup></a> <a href="#">(annual)</a>	<a href="#">80µ</a> <a href="#">g/m</a> <a href="#"><sup>3</sup></a> <a href="#">=</a> <a href="#">(24</a> <a href="#">hr</a> <a href="#">avg</a> <a href="#">)</a> <a href="#">)</a>	<a href="#">AS/NZS</a> <a href="#">3580.9.3:</a> <a href="#">2003</a>		
<a href="#">TS</a> <a href="#">P#</a> <a href="#">^</a> <a href="#">=</a>	<a href="#">M</a> <a href="#">odi</a> <a href="#">fie</a> <a href="#">d</a> <a href="#">TE</a> <a href="#">O</a> <a href="#">M#</a> <a href="#">^</a> <a href="#">=</a>	<a href="#">Con</a> <a href="#">tinu</a> <a href="#">ous</a>	<a href="#">90µg/m<sup>3</sup></a> <a href="#">(annual)</a>	<a href="#">80µ</a> <a href="#">g/m</a> <a href="#"><sup>3</sup></a> <a href="#">=</a> <a href="#">(24</a> <a href="#">hr</a> <a href="#">avg</a> <a href="#">)</a> <a href="#">)</a>	<a href="#">Modified</a> <a href="#">TEOM</a>		
<a href="#">Ins</a> <a href="#">olu</a>	<a href="#">Du</a> <a href="#">st</a>	<a href="#">Mo</a> <a href="#">nthl</a>	<a href="#">120mg/</a>	<a href="#">120</a> <a href="#">mg/</a>	<a href="#">AS/NZS</a> <a href="#">3850.10.</a>		

	OCAEA EA Condition <sup>1</sup>						Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<a href="#">ble sol ids</a>	<a href="#">ga ug e</a>	<a href="#">y</a>	<a href="#">m<sup>2</sup>/day</a>	<a href="#">m<sup>2</sup>/ day</a>	<a href="#">1:2003</a>		
	<a href="#">Wi nd sp ee d an d dir ect ion at 10 m</a>		<a href="#">Con tinu ous</a>			<a href="#">AS 3580:14- 2011</a>		
	<a href="#">Temp eratur e 2m and 10m Te mp era tur e gra die</a>		<a href="#">Con tinu ous</a>			<a href="#">AS 3580:14- 2014</a>		

	OCAA EA Condition <sup>1</sup>						Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<a href="#">nt</a>							
	<a href="#">Pr eci pit ati on</a>		<a href="#">Con tinu ous</a>			<a href="#">AS 3580:14- 2014</a>		
	<a href="#">Re lati ve Hu mi dit y</a>		<a href="#">Con tinu ous</a>			<a href="#">AS 3580:14- 2014</a>		
	<a href="#">(Monitoring Location 1, 2 (Acland))</a>							
Table B1	OCAA Amendment is identical to Statutory Party						<a href="#">Measurement of TSP by use of a modified TEOM at Monitoring Location 1, 2 (Acland) and Monitoring Location 16 (East).</a>	<p><b>Response to OCAA's Proposed EA / Statutory Party's Proposed EA</b></p> <p>As above. Mr Welchman did not support continuous TSP monitoring only PM10.<sup>16</sup> Given the purpose of trend monitoring to provide additional information to determine whether the impacts of dust emissions sensitive receptors can be appropriately assessed, it is sufficient to limit trend monitors to PM10.</p> <p>Note use of modified TEOM for TSP monitoring is contemplated by CG stated conditions.</p>

<sup>16</sup> Air Quality JER (Ex 24) at paragraphs 170, 174 and 185

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
Table B1	OCAA Amendment is identical to Statutory Party	<a href="#">Measurement of Evaporation at Monitoring Location 1, 2 (Acland)</a>	<p><b>Response to OCAA's Proposed EA / Statutory Party's Proposed EA</b></p> <p>The Applicant opposes the inclusion of an evaporation measurement. It is Mr Welchman's opinion that an evaporation parameter is unnecessary.<sup>17</sup></p> <p>This is not contained in CG stated conditions.</p>
Table B1	OCAA Amendment is identical to Statutory Party	<a href="#">Measurement of PM2.5 at Monitoring Location 16 (East), Monitoring Location 38, 39 (or an alternative location to the north-west of the Stage 3 New Acland mine identified in the Air Emissions Management Plan developed pursuant to condition B3)</a>	<p><b>Response to OCAA's Proposed EA / Statutory Party's Proposed EA</b></p> <p>Continuous monitoring of PM2.5 is not required as forecasting and managing of PM10 will have the effect of managing PM2.5.</p> <p>It is Mr Welchman's opinion that by continuously monitoring PM10 and achieving compliance with the PM10 limits in Table B1 of the EA, the mine will also achieve compliance with the limits for PM2.5. In normal operations dust emissions from mining activities cause the objective for PM10 to be reached before the objective for PM2.5 is reached.<sup>18</sup></p> <p>Not contained in CG stated condition.</p>
Table B1	OCAA Amendment is identical to Statutory Party	<a href="#">Measurement of Wind speed and direction, Temperature 2m and 10m Temperature gradient, Precipitation and Relative Humidity at Monitoring Location 16 (East), Monitoring Location</a>	<p><b>Response to OCAA's Proposed EA / Statutory Party's Proposed EA</b></p> <p>It is Mr Welchman's opinion that there is not a need for the additional parameters at multiple sites.<sup>19</sup> The mine site meteorological monitoring station and Acland monitoring station are already equipped with rainfall and humidity sensors.<sup>20</sup></p>

<sup>17</sup> Transcript T7-100 [25] and T7-101 [25]

<sup>18</sup> Air Quality JER (Ex 24) at paragraph 47; Transcript at page T7-106 [20]

<sup>19</sup> Transcript T7-100[10] and T7-101[25]

<sup>20</sup> Transcript T7-100[10]

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
		<a href="#">38, 39 (or an alternative location to the north-west of the Stage 3 New Acland mine identified in the Air Emissions Management Plan developed pursuant to condition B3)</a>	Not contained in CG stated condition.
Table B1	OCAA Amendment is identical to Statutory Party	<a href="#">TEOM to measure PM10 at Monitoring Location 37 (West)</a>	<p><b><u>Response to OCAA's Proposed EA / Statutory Party's Proposed EA</u></b></p> <p>The Applicant prefers its amendment to the monitoring instrument for 37 (West), being a trend monitoring capable of measuring PM10. It is Mr Welchman's opinion that a trend monitor will be sufficient to understand elevated levels at receptor 37 and provide a robust indication of whether the level was compliant or not.<sup>21</sup></p> <p>Not contained in CG stated condition.</p>
B9	<p><b>Odour Nuisance</b></p> <p>The release of noxious or offensive odour(s) or any other noxious or offensive airborne contaminant(s) resulting from the mining activity must not cause <a href="#">or contribute to</a> an environmental nuisance at any sensitive place or commercial place.</p>		<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The change to include where the Applicant contributes to an odour is not necessary or reasonable. There was no evidence that any odour from mining would contribute to other odours.</p> <p>Not contained in CG Stated conditions.</p>
B10	When requested by the administering authority, odour monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint ( <del>which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the</del>		<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>It is not practicable for the Applicant to provide results of monitoring to the complainant as proposed by OCAA, where complaints are directed to the Statutory Party and not the Applicant and the complainants details are not provided to the Applicant.</p>

<sup>21</sup> Transcript T7-92 [25], T7-94 [15] and T7-95 [20]

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response								
	<del>authorised officer</del> ) of environmental nuisance at any sensitive place or commercial place, and the results must be notified within <b>fourteen (14) days</b> to the administering authority <a href="#">and the complainant</a> following completion of monitoring.		The Applicant rejects the proposed deletion by OCAA as it would not be reasonable for the Applicant to investigate frivolous or vexatious complaints as determined by an authorised officer.  Not contained in CG Stated conditions.								
B11	If monitoring indicates condition <b>B9</b> is not being met then the environmental authority holder must:  a) address the complaint including the use of appropriate dispute resolution if required; <del>or</del> <a href="#">and</a>  <del>b) —</del> <del>e) b)</del> immediately implement odour abatement measures so that emissions of odour from the activity do not result in further environmental nuisance.	If monitoring indicates condition <b>B9</b> is not being met then the environmental authority holder must:  a) address the complaint including the use of appropriate dispute resolution if required; <a href="#">and</a> <del>or</del>  b) immediately implement odour abatement measures so that emissions of odour from the activity do not result in further environmental nuisance.	<b><u>Response to OCAA's Proposed EA</u></b>  OCAA's proposed change to the condition would mandate dispute resolution, when this is not often possible where the complainant fails to engage. <sup>22</sup> The Applicant should not be subjected to a condition with which it may be unable to comply.  <b><u>Response to Statutory Party's Proposed EA</u></b>  Applicant maintains that "and" be replace by "or".  Not contained in CG Stated conditions.								
B12	<a href="#">For any blast within 1.5km of a sensitive receptor, a monitoring program must be designed and implemented by a suitably qualified and experienced person in relation to air emissions to determine whether air quality complies with the following standards at the sensitive receptor:</a> <table border="1" data-bbox="315 1114 813 1169"> <thead> <tr> <th>Pollutant</th> <th>Air Quality</th> <th>Averaging</th> <th>Source</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Pollutant	Air Quality	Averaging	Source					New condition B12 not contained in Statutory Party EA	<b><u>Response to OCAA's Proposed EA</u></b>  This condition is not reasonable or necessary. Welchman opined there is no evidence to suggest that there are significant emissions from blasting or impacts due to sulphur bearing compounds <sup>23</sup> and that monitoring of blast related air pollutants is not necessary for the management of blasting activities <sup>24</sup> . In particular he noted that:  <ul style="list-style-type: none"> <li>The NPI handbook for explosives does not identify SO<sub>2</sub> as a</li> </ul>
Pollutant	Air Quality	Averaging	Source								

<sup>22</sup> Affidavit of David O'Dwyer affirmed 7 September 2021 (Ex 16), page 36

<sup>23</sup> Air Quality JER (Ex 24) at paragraph 84

<sup>24</sup> Air Quality JER (Ex 24) at paragraph 85

	OCAA EA Condition <sup>1</sup>				Statutory Party EA Condition <sup>2</sup>	Applicant's Response
		<u>Objective</u>	<u>Period</u>			
	<u>H2S</u>	<u>0.11 ppm</u>	<u>24 hours</u>	<u>EPP (Air)<sup>1</sup></u>		<p>pollutant emitted from the types of explosives used by the Applicant.</p> <ul style="list-style-type: none"> <li>The Safety Data Sheet for Orica's Flexigel products does not identify sulphur bearing compounds as an associated hazard.</li> <li>The SLR blasting study found that concentrations of all pollutants, including the sulphur bearing compounds SO<sub>2</sub> and H<sub>2</sub>S, were well within the range of background concentrations in the 15 minutes following the blast.</li> <li>The affidavits of David O'Dwyer (42. Affidavit of Dave O'Dwyer affirmed 5 August 2021) and Patrick Wells (47. Affidavit of Patrick Joseph Wells sworn 5 August 2021.PDF) demonstrate that NAC and Orica have completed significant work to improve the management of fume associated with blasting.</li> </ul> <p>In contrast Dr Taylor's opinion on monitoring related to sulphur bearing products associated with blasting is based on speculation that sulphur content could be larger than that of the ANFO used in the Attalla et. al.(2007) study, with potential for very extensive impacts from sulphur bearing compounds<sup>25</sup>, notwithstanding that Dr Taylor accepts there is no evidence that the emission of sulphur bearing compounds from the use of these products is at such a level, even on a bad blast.<sup>26</sup></p> <p>The Statutory Party has the ability in any event under condition B10 to require odour monitoring to investigate any complaint and Condition B11 requires the Applicant to immediately implement odour abatement measures or dispute resolution if monitoring indicates an environmental nuisance.</p> <p>OCAA proposed condition is not contained in CG stated conditions.</p>
		<u>0.0049 ppm</u>	<u>30 minute</u>	<u>EPP (Air)</u>		
	<u>SO2</u>	<u>0.12 ppm</u>	<u>1 hour</u>	<u>EPP (Air)</u>		
		<u>0.24 ppm</u>	<u>3 minute</u>	<u>Odour detection</u>		
	<u>CO</u>	<u>9 ppm</u>	<u>8 hour</u>	<u>EPP (Air)</u>		
	<p><u><a href="#">EPP (Air) refers to the Environmental Protection (Air) Policy 2019. For the purposes of condition A12, a change in air quality objectives contained in the Environmental Protection (Air) Policy 2019 is taken to be a change in a policy or guideline or standard.</a></u></p>					
<u><b>B13</b></u>	<u><a href="#">If monitoring indicates the standards in Condition</a></u>				New condition B13 not contained	<u><b>Response to OCAA's Proposed EA</b></u>

<sup>25</sup> Air Quality JER (Ex 24) at paragraph 79

<sup>26</sup> Air Quality JER (Ex 24) at paragraph 80

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><u>B12 are not being met then the environmental authority holder must:</u></p> <p>a) <u>immediately implement odour abatement measures so that emissions of odour from the activity do not result in further environmental nuisance; and</u></p> <p><u>within 24 hours of the blast, notify the administering authority and the sensitive receptor of any exceedance of the standards and the odour abatement measures implemented.</u></p>	in Statutory Party EA	<p>This condition is not required and is an unnecessary duplication of other EA obligations including condition B11.</p> <p>Condition L3 of the EA requires the Applicant to notify the administering authority within 24 hours of becoming aware of any emergency or incident which results in release of contaminants not in accordance with the EA.</p> <p>OCAA proposed condition is not contained in CG stated conditions.</p>
<b>B14</b>	<p><u>If the Annual Review required by Condition B4 demonstrates the environmental authority holder is failing to comply with the limits specified in Table B1, then the administering authority is able to request data and details on which the Annual Review was based and conduct or commission its own independent review by suitably qualified and experienced person approved by the administering authority. This review would be funded by the environmental authority holder. The reviewer may request additional data and information relating to the review through the administering authority as considered necessary.</u></p>	New condition B14 not contained in Statutory Party EA	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>There is no basis in the evidence for such condition. Further it is unnecessary. The EA already provides under condition L2 that the holder undertake monitoring when requested by the administering authority to investigate a complaint.</p> <p>This is also not a proper condition in that it is purporting to confer power on the Statutory Party outside the scope of the EP Act and/or is otherwise not warranted given the provisions of the EP Act which confer investigative powers on the Statutory Party in the event of non-compliance, including to request information and documents.<sup>27</sup></p> <p>OCAA proposed condition is not contained in CG stated conditions.</p>
Table D2: Groundwater quality triggers and limits		<p><b>Table D2: Groundwater quality triggers and limits</b></p> <p><del>“TBAs” in table D2 to be revised as per Condition D5</del></p> <p><u>“TBAs” in table D2 to be revised once adequate sampling has been</u></p>	<p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant prefers its proposed title for Table D2. The amendment has not been the subject of expert evidence. This is for clarification only.</p>

<sup>27</sup> Refer EP Act, sections 326-326D, 452-461, 466



	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
		<p><u>undertaken by the holder which must be completed within 2 years of commencement of this environmental authority to add groundwater bores that measure groundwater quality and the triggers and limits relevant to each bore</u></p>	
F1	<p><b>Noise limits</b></p> <p>The holder of this environmental authority must ensure that noise generated by the mining activities does not cause <u>or contribute to</u> the criteria in <b>Table F1- Noise limits</b> to be exceeded at a noise sensitive place or commercial place.</p> <p>Note: the measurement of noise for a <u>noise</u> sensitive place or commercial place is either:</p> <p style="padding-left: 40px;">a) <u>at that place</u> (if measured there); or</p> <p style="padding-left: 40px;">b) <u>at the monitoring location</u> to which the sensitive or commercial place is correlated (where there is no measure at the sensitive or commercial place).</p> <p><u>The measurement of noise to determine compliance with this condition is not limited to compliance monitoring required by Conditions F4 or F4a.</u></p> <p><u>All noise arising from loading and unloading of trains and from trains idling on ML50232 or ML700002 will be considered mining noise and must meet the limits in rows 1 and 2 of Table F1.</u></p> <p><u>Noise which is distinguishable as train noise arising from a train in transit on ML50232 or ML700002 is</u></p>	<p><b>Noise limits</b></p> <p>The holder of this environmental authority must ensure that noise generated by the mining activities does not cause the criteria in <b>Table F1- Noise limits</b> to be exceeded at a noise sensitive place or commercial place.</p> <p><u>Note: the measurement of noise for a noise sensitive place or commercial place is either:</u></p> <p style="padding-left: 40px;">a) <u>at that place</u> (if measured there); or</p> <p style="padding-left: 40px;">a)b) <u>at the monitoring location</u> to which the noise sensitive or commercial place is correlated (where there is no measure at the noise sensitive or commercial place).</p>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p><u>Addition of "or contribute to"</u></p> <p>This amendment would mean that any mine noise that contributes to other noise sources, such as birds, helicopters, traffic and which when combined are above the noise limits would be a breach of the EA. This is nonsensical and unreasonable.</p> <p>This amendment is not consistent with the CG stated condition, D1.</p> <p><u>Note</u></p> <p>The Applicant opposes this note as it potentially confuses the question of the extent to which performance monitoring data is used to assess compliance. The use of performance monitoring data for investigating compliance is properly dealt with in condition F6. Specifying that the measurement of noise for the purposes of condition F1 (which concerns compliance) includes monitoring at a location correlated to a noise sensitive place suggests any correlated performance noise monitoring equipment must be used directly to assess compliance, which was not the effect of either experts' evidence. If the note is to be retained, subparagraph (b) should read "<i>at the compliance monitoring location to which</i>"</p> <p><u>Use of performance monitoring for noise compliance monitoring</u></p> <p>The addition to the note is opposed by the Applicant. It effectively entrenches correlated performance monitoring data as the measure of</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><a href="#">considered rail spur noise and must meet the limits in row 3 and 4 of Table F1.</a></p>		<p>compliance when no expert advocated that.</p> <p>The Applicant's noise expert, Mr Elkin, expresses the view that there are a number of reasons why performance monitoring is not utilised as part of compliance monitoring. These include:</p> <ul style="list-style-type: none"> <li>• It is not standard industry practice for performance monitoring to be used for compliance monitoring. If this were to occur, it may be a disincentive for facilities to utilise performance monitoring generally;</li> <li>• Performance monitoring lacks the ability to accurately identify the noise source which is essential as part of a compliance assessment to ensure that the noise that is causing any exceedance is in fact mine noise. The centre microphone at New Acland lacks directionality and the benefit of an acoustic professional assessing the noise on the ground;</li> <li>• The Noise Measurement Manual (NMM) requires background noise monitoring to be undertaken at the same time as compliance measurements to ensure that background noise is not having an influence on measured noise levels. This would not be possible if performance monitoring was only used. The NMM also requires that noise measurements for compliance monitoring be undertaken at a noise sensitive location, which would not be possible with the use of performance monitoring. The centre microphone also does not have the ability to measure low frequency range which is required by condition F5(g), which needs to be measured internally and so a different instrument would need to be used.<sup>28</sup></li> </ul> <p>Mr Tardio did not advocate that correlated performance monitoring data be entrenched as the measure of compliance. He advocated only that it be able to be used by the Statutory Party in some cases and even then a sensible discretion would have to be applied.</p>

<sup>28</sup> Transcript pages T5-35 [10] to T5-36 [20]

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
			<p>There are no performance monitoring conditions in the CG stated conditions.</p> <p><u>Train noise</u></p> <p>The amendment seeks to differentiate different types of train noise but it is not needed in light of the Applicants EA and Statutory Party's EA Table F1. In addition, the Applicant's noise expert, Mr Elkin expresses the view that limits in Table F1 should be applied to train noise when distinguishable from noise caused from mining activities.<sup>29</sup> Noise which is distinguishable as train noise is subject to the identified limits in Table F1, which should be retained in the Applicant's view. It is not necessary to specify that noise from loading and unloading and trains idling is mine noise. The train may be idling some distance from the mine. The Applicant does not agree to OCAA's paragraphs on train noise.</p> <p>Applicant's formulation for train noise mirrors the CG stated condition, with the notes inserted for clarification only and which notes are consistent with the CG's intention.<sup>30</sup></p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant opposes the note proposed by Statutory Party for the reasons set out above.</p>
F2	If <u>performance or compliance</u> monitoring indicates the potential for exceedance of the relevant limits in <b>Table F1 — Noise Limits</b> then the environmental authority holder must immediately implement noise abatement measures to avoid exceeding the relevant	If <del>performance or compliance</del> monitoring indicates the potential for exceedance of the relevant limits in <b>Table F1 — Noise Limits</b> then the environmental authority holder must immediately	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant agrees to OCAA's amendment to condition F4a to add the words "performance or compliance".</p> <p>The addition of the note is unnecessary and irrelevant given the existing content in condition F2. It is also not included in the CG stated condition</p>

<sup>29</sup> Transcript pages T5-51 [10] to T5-52 [30]

<sup>30</sup> CG Evaluation Report page 21 (EHP.0016)

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	limits. <u>Note: the real time monitoring will indicate the potential for exceedances of the relevant limits if the noise level measured at the monitoring locations (as corrected and correlated in accordance with the Noise and Vibration Management Plan) approaches the relevant limits in Table F1 — Noise Limits.</u>	implement noise abatement measures to avoid exceeding the relevant limits.	D3. <b><u>Response to Statutory Party's Proposed EA</u></b> The Applicant prefers the inclusion of the words "performance or compliance" for clarification. This is an additional clarification to the CG stated condition D3.
F3	Notwithstanding any other condition of this environmental authority, noise from the activity must not cause or <u>contribute to</u> an environmental nuisance, at any noise sensitive place. <u>The measurement of noise to determine compliance with this condition is not limited to compliance monitoring required by Conditions F4 or F4a.</u>		<b><u>Response to OCAA's Proposed EA</u></b> OCAA's insertions are opposed. The Applicant repeats its response contained under the headings <u>Addition of "or contribute to"</u> and <u>Use of performance monitoring for noise compliance monitoring</u> as set out in condition F1 above.  OCAA condition is not contemplated by a CG condition. The Applicant notes this condition F3 is in addition to CG stated conditions.
F4	<b><u>Compliance Monitoring and reporting</u></b> A <u>Compliance</u> Noise Monitoring Program must be developed by a suitably qualified and experienced person in relation to noise and implemented for all stages of mining to monitor compliance with <b>Table F1 - Noise limits</b> at the frequency and locations in <b>Table F2- Compliance noise monitoring locations and frequency</b> . <del>The Noise Monitoring Program must be submitted to the administering authority for approval within 3 months upon grant of ML50232 and/or ML700002. The Noise Monitoring Program must be implemented within 3 months of the administering authority approving the program. The Stage 3 New</del>	<b><u>Compliance Monitoring and reporting</u></b> A Noise Monitoring Program must be developed by a suitably qualified and experienced person in relation to noise and implemented for all stages of mining to monitor compliance with <b>Table F1 - Noise limits</b> at the frequency and locations in <b>Table F2- Compliance noise monitoring locations and frequency</b> . The Noise Monitoring Program must be submitted to the administering authority for approval <b>within 3 months of upon</b>	<b><u>Response to OCAA's Proposed EA</u></b> <u>Proposal for a "Compliance Noise Monitoring Program"</u> The Applicant has retained its preferred drafting of F4 but does not in principle have an issue with F4 being described as compliance monitoring and reporting, as has always been the case. <u>Approval of the Compliance Noise Monitoring Program before commencement of Stage 3</u> There is no basis for the Compliance Noise Monitoring Program to be approved prior to commencement of mining activities, which might be minor in nature. The Applicant and Statutory Party propose that the Noise Monitoring Program be submitted to the administering authority for approval <b>within 3 months of or upon grant of ML50232 and/or ML700002</b> . The Noise

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><a href="#">Acland mine project may not commence until the administering authority has approved the Compliance Noise Monitoring Program and the Compliance Noise Monitoring Program has been made publicly available.</a></p> <p><a href="#">Compliance monitoring must not be conducted on the same days each month. The person conducting the compliance monitoring must not provide notice to the environmental authority holder of the times or days when the compliance monitoring is to be conducted.</a></p> <p><a href="#">Any monitoring data collected by the environmental authority holder on private property must be provided to the owner of that private property within 10 days of receiving any request for such data from the property owner.</a></p>	<p><b>grant of ML50232 and/or ML700002.</b> The Noise Monitoring Program must be implemented <b>within 3 months</b> of the administering authority approving the program.</p>	<p>Monitoring Program must be implemented <b>within 3 months</b> of the administering authority approving the program.</p> <p>It is also unusual for there to be a requirement for the Compliance Noise Monitoring Program to be published and there is no advantage or benefit in such publication.</p> <p>It will be a matter for the acoustician conducting the compliance monitoring what days of the month to undertake the monitoring and limiting the days which can be considered may be unduly restrictive where worst case weather conditions are sought to be targeted for monitoring. There may be safety reasons for the monitoring to be notified to the holder, e.g. to access the mine for correlation. This addition to the condition was not supported by any of the noise experts and is opposed.</p> <p><u>Performance of compliance monitoring and provision of monitoring data to an owner of private property</u></p> <p>Conditions which seek to detail the specific requirements of compliance monitoring and the requirement to provide data to owners of private property are in the Applicant's view unnecessary in light of the extensive work the Applicant will undertake in relation to regular compliance monitoring.</p> <p>Such conditions are in the Applicant's view without precedent for the regulation of mining activities under the EP Act in Queensland and were not recommended by the noise experts.</p> <p>Neither the OCAA or statutory party form of this condition is contained within the CG stated conditions.</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant does not object to the Statutory Party's proposed condition F4.</p>
F4a	When requested by the administering authority, noise monitoring and recording must be undertaken within a reasonable and practicable timeframe to investigate any complaint of environmental noise nuisance at any	When requested by the administering authority, noise monitoring and recording must be undertaken within a reasonable and	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant does not agree to the deletion of "compliance" as contained in the Applicant's draft EA as this amendment would have the effect of</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><u>noise</u> sensitive place. <u>In response to any such request,</u> <del>The</del> holder of this environmental authority must undertake continuous monitoring of not less than <b>7 days</b> to capture weather-related variations and variety in different operational conditions on site in noise levels and provide the results to the administering authority within 14 days following completion of monitoring.</p>	<p>practicable timeframe to investigate any complaint of environmental noise nuisance at any noise sensitive place. <del>In response to any such request, the</del> holder of this environmental authority must undertake continuous monitoring of not less than <b>7 days</b> to capture weather-related variations and variety in different operational conditions on site in noise levels and provide the results to the administering authority within 14 days following completion of monitoring.</p>	<p>requiring noise monitoring and not "compliance noise monitoring".</p> <p>The Applicant otherwise agrees to OCAA's amendment to condition F4a.</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant repeats its response above in relation to the Statutory Party's deletion of "compliance" as contained in the Applicant's draft EA.</p> <p>Neither the Statutory Party, or OCAA EA is contained within the CG stated conditions.</p>
F5	<p>Noise monitoring and recording <u>required by Conditions F4 and F4a</u> must be conducted in accordance with the administering authority's Noise Measurement Manual and must include the following:</p> <ul style="list-style-type: none"> <li>a) <del>L<sub>A010</sub>, adj, 15 min - day, evening &amp; night; L<sub>A10</sub>, adj, 15 min - day, evening &amp; night; L<sub>Aeq</sub>, adj, 15 min - day, evening &amp; night; and L<sub>A90</sub>, adj, 15 min - day, evening &amp; night;</del></li> <li>b) background noise LA90;</li> <li>c) the level and frequency of occurrence of impulsive or tonal noise and any adjustment and penalties to statistical levels <del>with a safety factor of 4dB applied;</del></li> <li>d) atmospheric conditions including</li> </ul>	<p><del>Compliance noise</del> Noise monitoring and recording <u>required by Conditions F4 and F4a</u> must be conducted in accordance with the administering authority's Noise Measurement Manual and must include the following:</p> <ul style="list-style-type: none"> <li>a) <del>L<sub>A10</sub>, adj, 15 min - day, evening &amp; night; L<sub>A10</sub>, adj, 15 min - day, evening &amp; night; L<sub>Aeq</sub>, adj, 15 min - day, evening &amp; night; and L<sub>A90</sub>, adj, 15 min - day, evening &amp; night;</del></li> <li>b) background noise LA90;</li> <li>c) the level and frequency of occurrence of impulsive or</li> </ul>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant does not object to the inclusion of L<sub>A01</sub>, adj, 15 min - day, evening &amp; night as proposed.</p> <p><u>Safety factor</u></p> <p>The Applicant agrees with the deletion of the safety factor of 4dB. The noise experts did not agree that a permanent safety factor is required but they did agree that one might need be required for an interim period<sup>31</sup>. The Applicant therefore opposes the prescription of a safety factor in the EA condition. This is a matter that can be addressed in the compliance noise monitoring program.</p> <p>Neither noise expert has recommended that a condition be imposed requiring a permanent safety factor. The appropriate safety factor will depend on mining conditions and is dependent on further work to be undertaken by the Applicant.</p>

<sup>31</sup> Transcript pages T5-19 [15]-[30], T5-20 [30]-[45], T5-21 [5]-[10], T5-25 [20]-[45] and T5-26.

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p>temperature, relative humidity and wind speed and directions;</p> <p>e) effects due to any extraneous factors such as traffic noise and natural sources (e.g. insects, birds and wind);</p> <p>f) location, date and time of monitoring;</p> <p><del>g) Emission of any low frequency noise must not exceed the following:</del></p> <ul style="list-style-type: none"> <li><del>• 60dB (C) (L<sub>eq,1 hour</sub>) measured outside the sensitive receptor; and</del></li> <li><del>• The difference between the interval A weighted and C weighted noise levels is no greater than 20dB or;</del></li> <li><del>• 50dB (z) (L<sub>eq,1 hour</sub>) measured inside the receptor; and</del></li> </ul> <p><del>The difference between the internal A weighted and Z weighted noise levels is no greater than 15dB;</del></p> <p><del>h)g) maximum (L<sub>Amax</sub>) noise levels – night (for a minimum of 30 minutes); and</del></p> <p><del>i)h) 1/3 octave band spectrums.</del></p>	<p>tonal noise and any adjustment and penalties to statistical levels – <u>with a safety factor of 4dB applied;</u></p> <p>d) atmospheric conditions including temperature, relative humidity and wind speed and directions;</p> <p>e) effects due to any extraneous factors such as traffic noise and natural sources (e.g. insects, birds and wind);</p> <p><u>f) location, date and time of monitoring;</u></p> <p><del>f)g) if a complaint concerns low frequency noise and where permitted by the owner or occupier of the noise sensitive place, -</del>  L<sub>LINeq</sub> 10 mins (internal), L<sub>Aeq</sub> 10 mins (internal) and one third octave band measurements in L<sub>LINeq</sub> 10 mins (internal) for centre frequencies in the 10 – 200 Hz range;</p> <p><del>g)h) maximum (L<sub>Amax</sub>) noise levels – night (for a minimum of 30 minutes); and</del></p> <p><del>h)i) 1/3 octave band spectrums.</del></p>	<p><u>Low frequency noise</u></p> <p>The Applicant agrees with OCAA on the deletion of g) and has retained the original low frequency specification in the original Statutory Party EA but with an amendment to provide that this monitoring occur where permitted by the owner or occupier of the noise sensitive place. This is to address that the Applicant cannot monitor internally without permission.</p> <p>The noise experts did not propose any amendments to condition F5(g).</p> <p>Further, condition 5 is concerned with monitoring rather than noise limits. The Applicant agrees with the new paragraph g) (in relation to the monitoring of (L<sub>Amax</sub>) noise levels at night for a minimum of 30 minutes).</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant takes no issue with the Statutory Party's deletion of L<sub>A01, adj.</sub> 15 min - day, evening &amp; night.</p> <p>The Applicant opposes the Statutory Party's inclusion of a safety factor of 4dB for the reasons set out above under the heading <u>Safety factor</u>.</p> <p>The Applicant prefers its amendment to condition F5(g) which provides that in relation to low frequency noise, that the monitoring occur where permitted by the owner or occupier of the noise sensitive place.</p> <p>The Applicant opposes the Statutory Party's deletion of a minimum time period of 30 minutes for the monitoring of (L<sub>Amax</sub>) noise levels at night. The noise experts did not propose any amendments to this condition in their Joint Expert Report.</p> <p>Note the CG stated conditions do not contain any safety factors and require monitoring of different parameters to the Statutory Party EA.</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
F6	<p><del>The</del> <u>A real-time Performance Noise Monitoring Program must be developed by a suitably qualified and experienced person and implemented for all stages of mining to monitor and adaptively manage activities to avoid exceedances of the noise limits in Table F1 - Noise limits at a noise sensitive place or commercial place.</u></p> <p><u>The Performance Noise Monitoring Program must include the use of the Type 1 calibrated microphone and audio recordings and must include noise monitoring at the following locations also include a system of real time performance monitoring against the criteria in Table F1 - Noise limits at:</u></p> <p>a) <u>a</u> location in Acland to be identified in the Noise Monitoring Program;</p> <p>b) <u>a</u> location to the east of the New Acland mine to be identified in the Noise Monitoring Program;</p> <p>c) <u>a</u> location to the north of the New Acland mine to be identified in the Noise Monitoring Program; and</p> <p>d) <u>a</u> location to the west of the New Acland mine to be identified in the Noise Monitoring Program.</p> <p><u>The Stage 3 New Acland mine project may not commence until the administering authority has approved the Performance Noise Monitoring Program.</u></p> <p><u>NOTE: The performance monitoring required under this condition is to be used for performance management rather than monitoring for compliance with</u></p>	<p><del>A real-time Performance</del> <u>The</u> Noise Monitoring Program must <del>be developed by</del> also include a <del>suitably qualified and experienced person and implemented for all stages</del> <u>system of mining to monitor activities to avoid exceedances of real time performance monitoring against the noise limits</u> <del>criteria</del> in <b>Table F1 - Noise limits</b> at:</p> <p>a) location in Acland to be identified in the Noise Monitoring Program;</p> <p>b) location to the east of the New Acland mine to be identified in the Noise Monitoring Program;</p> <p>c) location to the north of the New Acland mine to be identified in the Noise Monitoring Program; and</p> <p>d) location to the west of the New Acland mine to be identified in the Noise Monitoring Program.</p> <p><del>The Performance Noise Monitoring Program must be submitted to the administering authority for</del></p>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant agrees that:</p> <ul style="list-style-type: none"> <li>• a real-time Performance Noise Monitoring Program must be developed by a suitably qualified and experienced person and implemented for all stages of mining;</li> <li>• the Performance NMP be used to monitor mining. In the Applicant's view there is no need for the words "adaptively manage" as this is a "monitoring program", not a management program;</li> <li>• the locations proposed for monitoring; and</li> <li>• the administering authority may consider data collected by the performance monitoring system to investigate compliance with conditions F1 and F3. The Applicant does not see any particular need for the further drafting proposed by OCAA.</li> </ul> <p>The Applicant does not agree that specific equipment required to conduct the Performance Noise Monitoring and associated program be specified in a condition when it should be a matter dealt with in the Performance NMP. Restricting the program to a particular technology such as a type 1 monitor is inappropriate in the EA.</p> <p>The Applicant opposes the restriction on the mine commencing until approval of the Performance noise monitoring program. The Applicant proposes that the Performance NMP must be submitted to the Statutory Party within 3 months of grant of ML50232 and/or ML700002 for approval and be implemented within 3 months of the administering authority approving the program.</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant does not oppose the Statutory Party's alternate formulation of condition F6.</p>



	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><del>Table F1 – Noise limits. An exceedance of the noise limits in Table F1 - Noise limits identified by the performance monitoring does not necessarily translate to a breach of Conditions F1 or F3. However, the administering authority may use the data collected by the performance monitoring equipment, including the data collected from the Type I microphone and the audio data, to assess compliance with Conditions F1 and F3 of this environmental authority at its discretion.</del></p>	<p><del>approval within 3 months of grant of ML50232 and/or ML70002. The Performance Noise Monitoring Program must be implemented within 3 months of the administering authority approving the program.</del>NOTE: The performance monitoring required under this condition is to be used for performance management. However, the administering authority may consider data collected by the performance noise rather than monitoring system to investigate for compliance with Conditions Table F1 and F3.</p>	<p>Performance monitoring conditions are not contained within the CG stated conditions.</p>
F6a	<p>An annual noise monitoring program report must be provided to the administering authority that details:</p> <p><del>a) the correlation measurements between the real-time monitoring system and the noise sensitive receptors; and</del></p> <p><del>b) how the real-time monitoring system adjusted the real-time measurement data in accordance with the correlation assessment at each monitoring location; and</del></p> <p><del>c) details any non-compliances determined at any noise sensitive receptors attributable to mining activities.</del></p> <p><u>a) the areas in which extraction and overburden dumping occurred each month for the preceding 12 months and the areas in which extraction and overburden dumping are predicted to occur each month for the next</u></p>	<p>An annual noise monitoring program report must be provided to the administering authority that details:</p> <p>a) the correlation measurements between the real-time monitoring system and the noise sensitive receptors; and</p> <p><u>b) how the real-time monitoring system adjusted the real-time measurement data in accordance with the correlation assessment at each monitoring location; and</u></p> <p><del>b)c) details any exceedances of</del></p>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant does not agree to the inclusion of the matters set out in condition F6a in a condition of an EA as it is considered unreasonable and overly prescriptive. Such matters, can, if needed be set out in the NVMP if considered necessary based on advice by a suitably qualified acoustician.</p> <p>None of the matters were canvassed by the noise experts in their JER.</p> <p>The proposed addition of "a report on the extent and frequency of noise measured by the Performance Monitoring Program as attributable to mining exceeding the noise limits in Table F1- Noise limits" could give members of the public an incorrect assumption that the mine is in non-compliant with the noise limits, when non-compliance cannot be established on performance monitoring alone.</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant prefers its proposed condition F6a which is identical to the Statutory Party's formulation except for the deletion of paragraph c). The</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><u>12 months;</u></p> <p>b) <u>modelling that predicts whether any of the noise limits in Table F1 - Noise limits are likely to be exceeded without adaptive management for the next 12 months;</u></p> <p>c) <u>the Areas of Interest (AOI) used in the preceding 12 months and proposed to be used for the next 12 months and the corresponding correction factor applied or proposed to be applied to each AOI including a break down of each correction factor to account for:</u></p> <p>a. <u>exclusion of any frequency bands used in the real time performance monitoring system;</u></p> <p>b. <u>the use of directional microphones and AOI;</u></p> <p>c. <u>any difference between the noise measured at the monitor and the noise likely to be experienced at the noise sensitive place; and</u></p> <p>d. <u>situations in which a single monitor may have more than one AOI</u></p> <p>d) <u>a comparison between the monthly compliance monitoring and the real time monitoring data, and a report on how the correction factors were adjusted to account for any material discrepancies during the reporting period;</u></p> <p>e) <u>a report on the extent and frequency of noise measured by the Performance Monitoring Program as attributable to mining exceeding</u></p>	<p><u>the noise limits in Table F1- Noise limits determined at any noise sensitive receptors attributable to mining activities.</u></p>	<p>inclusion of paragraph c) would involve the use of the Applicant's real-time performance monitoring system in assessing compliance, which as explained above in relation to condition F1 is fraught with issues from a technical perspective. It could also give members of the public an incorrect assumption that the mine is in non-compliant with the noise limits. At the very least this should be limited to details of any exceedances from compliance monitoring.</p> <p>Annual noise monitoring program is not a requirement of the CG stated conditions.</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><a href="#">the noise limits in Table F1- Noise limits;</a></p> <p><del>⊕f)</del> details of any exceedances of the noise limits in <a href="#">Table F1- Noise limits</a> at a noise sensitive place or commercial place identified by the monitoring required by <a href="#">Conditions F4 and F4a</a> <del>non-compliances determined at any noise sensitive receptors</del> attributable to mining activities <a href="#">and the mitigation steps taken in response.</a></p>		
F7	<p>All real-time performance monitoring parameters required by <b>Condition F6</b> must be made publicly available for <del>a period of one month</del> <a href="#">the life of the mine</a>, online and in real-time in a format that includes:</p> <ul style="list-style-type: none"> <li>a) the noise limits;</li> <li>b) LAeq, adj 15 min interval levels;</li> <li>c) LAmax, 15 min interval levels; and</li> <li>d) exclusion times and comments explaining the reason/s for the exclusion.</li> </ul> <p><a href="#">The audio recording collected by the real time monitoring system must be retained by the environmental authority holder.</a></p> <p><a href="#">Upon request from the administering authority, copies of any audio recording of monitoring events must be made available and provided to the administering authority's nominated office within 10 business days or an alternative timeframe agreed between the administering authority and the holder.</a></p> <p><a href="#">Data must be retained by the environmental authority holder for the life of the mine.</a></p>	<p>All real-time performance monitoring parameters required by <b>Condition F6</b> must be made publicly available for a period of one month, online and in real-time in a format that includes:</p> <ul style="list-style-type: none"> <li>a) the noise limits;</li> <li>b) LAeq, adj 15 min interval levels;</li> <li>c) LAmax, 15 min interval levels; and</li> <li>d) exclusion times and <del>comments explaining the reason/s for the exclusion</del> <a href="#">a brief statement for the reason for the exclusion.</a></li> </ul>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>It is unreasonable and unnecessary for all performance data to be made publicly available for the life of mine. The Applicant opposes this change.</p> <p>This condition was not recommended by the noise experts. It is unduly onerous and of no benefit to retain data including audio recordings for the life of mine. It is sufficient that 5 years of data be retained. The condition is not required given conditions A6 and A5 as proposed in the Applicant's EA.</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant agrees with the Statutory Party's proposed condition F7 which is identical to the Applicant's condition F7.</p> <p>Performance monitoring conditions are not contained within the CG stated conditions.</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
F8	<p><b>Noise management</b></p> <p>A Noise and Vibration Management Plan must be developed by a suitably qualified and experienced person (<a href="#">who has been approved by the administering authority</a>) and <a href="#">must be approved by the administering authority prior to the commencement of the Stage 3 New Acland mine project.</a></p> <p><a href="#">The Noise and Vibration Management Plan must be implemented for all stages of mining</a> <del>within 3 months upon the grant of ML50232 and/or ML700002.</del></p>	<p><b>Noise management</b></p> <p>A Noise and Vibration Management Plan must be developed by a suitably qualified and experienced person and <del>must be submitted to the administering authority implemented</del> for approval <a href="#">all stages of mining within 3 months of grant of ML50232 and/or ML700002.</a></p>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>It is not necessary for the suitably qualified and experienced person to be approved by the administering authority. A "suitably qualified and experienced person in relation to noise" is defined in the EA as "<i>a person who is a Registered Professional Engineer of Queensland (RPEQ) under the provisions of the Professional Engineers Act 2002 and has demonstrated competency and relevant experience as an acoustician.</i>"</p> <p>The Applicant opposes the requirement for the administering authority to approve the NVMP prior to commencement of the project. There would be initial actions for the mining activities that would have limited impact as regards to noise, that would be required. The Applicant proposes instead that "<i>A Noise and Vibration Management Plan must be developed by a suitably qualified and experienced person and must be submitted to the administering authority for approval within 3 months of grant of ML50232 and/or ML700002.</i>"</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant does not oppose the Statutory Party's alternate formulation of condition F8.</p> <p>A requirement for a noise and vibration management plan is not contained within the CG stated conditions.</p>
F9	<p>The Noise and Vibration Management Plan must incorporate a program for continuous improvements for the management of noise emissions caused by mining operations and must include, but is not limited to:</p> <p>a) a detailed description of the noise management system;</p> <p>b) a description of the noise mitigation measures</p>	<p>c) the Noise Monitoring <del>Programs</del> <a href="#">Program</a> described in <b>Conditions F4, F5, F6 and Table F2 - Compliance noise monitoring locations and frequency;</b></p>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant opposes OCAA's additions to F9 as these a matters of detail that are best left to be determined within the NVMP and should not be prescribed in the EA and neither expert proposed these.</p> <p>In respect of g) neither noise expert has recommended that a condition be imposed requiring a permanent safety factor. The appropriate safety factor will depend on mining conditions and is dependent on further work to be</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p>that would be implemented to ensure best practice noise management is being employed, is regularly benchmarked against contemporary industry standards and is regularly reviewed to ensure continual improvement;</p> <p>c) the <a href="#">Compliance and Performance Noise Monitoring Programs</a> described in <b>Conditions F4 and, <del>F5, F6 and Table F2 - Compliance noise monitoring locations and frequency;</del></b></p> <p>d) 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 these conditions, improved understanding of noise data at the monitoring locations in <b>Table F2 - Compliance noise monitoring locations and frequency</b> and its correlation with the noise data collected from the locations specified in <b>Condition F6</b>;</p> <p>e) <a href="#">a protocol for ensuring the real time noise monitoring system remains corrected and correlated to account for:</a></p> <p style="padding-left: 40px;">a. <a href="#">exclusion of any frequency bands</a></p>		<p>undertaken by the Applicant. This is a matter that can be addressed in the compliance noise monitoring program.<sup>32</sup></p> <p>In respect of i), the monthly report required by the CG under imposed condition 3 is a matter within the jurisdiction of the CG and not properly the subject of this EA condition. The Applicant opposes any prescription in this EA for additional or different content of the CG monthly report.</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant does not oppose the Statutory Party's minor amendment to condition F9.</p>

<sup>32</sup> Transcript pages T5-19[15], T5-21, T5-25[45] and T5-26

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><u>used in the real time performance monitoring system;</u></p> <p>b. <u>the use of directional microphones and AOI;</u></p> <p>c. <u>any difference between the noise measured at the monitor and the noise likely to be experienced at the noise sensitive place</u></p> <p><u>including a protocol to ensure that a re-correction or correlation assessment is undertaken each time there is a change in an AOI or a change (more than 300m) in the distance between mining activities and the monitoring location.</u></p> <p>f) <u>a protocol for ensuring avoidance of exceedances of the LA max noise limits;</u></p> <p>g) <u>a requirement for an automatic addition of +4 dB to monitoring data recorded in the real time monitoring system when sound with a tonal and impulsive character has been identified. This system will remain in place until a quantitative way of applying tonal and impulsive character adjustments to the monitored noise level has been submitted to and approved by the administering authority;</u></p> <p>e)h) <u>a protocol for recording and responding to complaints;</u></p> <p>f)i) <u>the content of the monthly compliance report required under <b>Condition 3</b> of the imposed conditions of the Coordinator-General, including:</u></p> <ul style="list-style-type: none"> <li>• <u>the data that must be provided in that</u></li> </ul>		

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p>report, <a href="#">including blast monitoring results</a>; and</p> <ul style="list-style-type: none"> <li><a href="#">that the data must be analysed against the noise limits detailed in Table F1 – Noise limits and any exceedances of the noise limits in Table F1- Noise limits at a noise sensitive place or commercial place attributable to mining activities must be identified and the mitigation steps taken in response described</a>; and</li> </ul> <p><a href="#">that the report must be produced to present information from noise monitoring in a manner that is clear, open and unambiguous</a></p>		
F10	<p>The environmental authority holder must, at their own cost, appoint an independent acoustic consultant to review the monthly noise reports <a href="#">required under Condition 3 of the imposed conditions of the Coordinator-General format</a> for a <b>twelve (12) month period</b> following the commencement of reporting. The <a href="#">peer review</a> monthly reports must be submitted to the administering authority <a href="#">within 14 days of submission of the monthly reports and be made publicly available within 7 days of being provided to the administering authority</a>. The <a href="#">peer review reports must assess the content and the formatting of the monthly reports</a>. <del>A report must be produced to present information from noise monitoring in a manner that is clear, open and unambiguous.</del></p>	Statutory Party condition F10 is identical to F10 in Applicant's EA	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant opposes these changes. The timing and content of the monthly report required by the CG under imposed condition 3 is a matter within the jurisdiction of the CG and not properly the subject of this EA condition. The Applicant opposes any prescription in this EA in respect of the timing and content of the CG monthly report. It is also not shown that the suggested timing will always be feasible.</p> <p>Not contained in stated conditions of CG.</p>
F11	<p><b>Mitigation</b></p> <p>Upon receiving a written request from the owner of a noise sensitive place shown in <b>Figure 5 — Location of sensitive receptors</b> the environmental authority holder must implement</p>	Statutory Party condition F11 is identical to F11 in Applicant's EA	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The addition by OCAA is unnecessary and not required. The owner of the noise sensitive place can decide whether or not to make the request in the knowledge that if noise mitigation measures are installed that may take them outside the definition of noise sensitive place. They have freedom of</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p>additional reasonable and feasible noise mitigation measures at the noise sensitive place in consultation with the owner.</p> <p>If within <b>3 months</b> of receiving this request, the environmental authority holder 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 a suitably qualified and experienced person in relation to noise appointed by the Chief Executive of the administering authority or the President for the time being of the Institute of Engineers for resolution. The suitably qualified and experienced person's decision as to the mitigation measures to be implemented must be final.</p> <p>The environmental authority holder is responsible for payment of costs of the suitably qualified and experienced person in relation to noise.</p> <p><a href="#">The implementation of mitigation measures does not remove the requirement for the environmental authority holder to achieve compliance with the noise limits in Table F1 unless there is a private agreement to the contrary between the environmental authority holder and the owner from time to time.</a></p>		<p>decision. Conversely, it is unreasonable for the Applicant to have to install noise mitigation measures without affecting compliance parameters.</p> <p>Not contained in CG stated conditions.</p>
Table F2	<p>Unattended monitoring, 7-days</p> <p>Monthly for first 12 months</p>	<p>Seven (7) days unattended monitoring at the above noise sensitive places or alternate locations identified in the Noise Monitoring Program developed pursuant to condition F4</p> <p>Monthly for first 12 months after approval of the Noise Monitoring</p>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant's EA formulation is to clarify but does not change substance.</p> <p><i>Monthly for first 12 months at the above noise sensitive places after approval of the noise monitoring program.</i></p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Statutory Party's amendment to Table F2 is identical to the Applicant's</p>



	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
		Program	EA formulation. Not required by CG stated conditions.
L1	<p><b>Complaints</b></p> <p>The holder of this environmental authority must record all environmental complaints received about the mining activities including:</p> <p>a) name, address and contact number for of the complainant;</p> <p>b) time and date of complaint;</p> <p>c) reasons for the complaint;</p> <p>d) investigations undertaken;</p> <p>e) conclusions formed;</p> <p>f) actions taken to resolve the complaint;</p> <p>g) any abatement measures implemented;</p> <p><del>and</del></p> <p>h) person responsible for resolving the complaint; and</p> <p>i) records of any referrals to an independent counselling service.</p> <p>The information as outlined in <b>Condition L1 (a) to (i)</b> with the consent of the complainant must be sent to the administering authority (and the complainant) within 28 days of <u>the complaint being received and updated every further 28 days until the action has been</u> taken to resolve the complaint.</p>	Statutory Party condition L1 is identical to L1 in Applicant's EA	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>Inclusion of the OCAA addition is unnecessary and impractical.</p> <p>Requirement to submit complaint to administering authority and update is not contained in CG Stated conditions.</p>
<u>H11</u>	<p><u>Rehabilitation of disturbed areas must achieve the following:</u></p> <p>a) <u>For mining areas other than Stage 3</u></p>	As per previous column	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant opposes new conditions H11 and New Table Ha. Stage 2 post mine land use and areas are incorrect and have been incorrectly</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
	<p><a href="#">disturbance areas, and in locations shown in Figure X1:</a></p> <p>i. <a href="#">553ha of Grazing Land Suitability Class 2;</a></p> <p>ii. <a href="#">29ha of Grazing Land Suitability Class 3;</a></p> <p>iii. <a href="#">824ha of Grazing Land Suitability Class 4; and</a></p> <p>iv. <a href="#">63ha of Grazing Land Suitability Class 5.</a></p> <p>b) <a href="#">For Stage 3 disturbance areas and in locations shown in Figure X2:</a></p> <p>i. <a href="#">541ha of Cropping Land Suitability Class 3; and</a></p> <p>ii. <a href="#">471ha of Grazing Land Suitability Class 4.</a></p> <p><a href="#">For the 3 mined voids as part of stage 3, as per the requirements of Table X1.</a></p>		<p>transcribed by the Statutory Party in this condition.<sup>33</sup></p> <p>Stage 3 post mine land use and areas are incorrect as they appear to have been adopted by the Statutory Party from the FLURP which is incorrect.<sup>34</sup></p> <p>If it is to be included the correct numbers are as follows:</p> <p>a) For mining areas other than Stage 3 disturbance areas:</p> <p>i. 553ha of Grazing Land Suitability Class 2;</p> <p>ii. 37ha of Grazing Land Suitability Class 3;</p> <p>iii. 1598ha of Grazing Land Suitability Class 4; and</p> <p>iv. 70ha of Grazing Land Suitability Class 5.</p> <p>The deleted tables H5 and H6 from the original Statutory Party EA should be reinserted.</p> <p>In any event issues of rehabilitation are outside OCAA grounds of objection.</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant repeats its comments above under the heading <u>Response to OCAA's Proposed EA</u>.</p> <p>No such condition contained in CG stated conditions. Table H5 and H6 as per Applicant EA are contained in the CG stated conditions as table H2 and H3.</p>
<b>New Table Ha</b>		As per previous column	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant opposes new conditions H11 and New Table Ha.</p>

<sup>33</sup> See Affidavit of David O'Dwyer affirmed 1 November 2021 [Ex 18], page 2 [5]

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	OCAA EA Condition <sup>1</sup>			Statutory Party EA Condition <sup>2</sup>	Applicant's Response																							
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<b>Table H5 and Table H6</b>			Replacement of Table H5: Rehabilitation Acceptance Criteria Stage 3 New Acland Mine Project — Grazing Lands and Table H6: Rehabilitation Acceptance Criteria	<p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The amendments are opposed by the Applicant. The amendments have not been the subject of expert evidence.</p> <p>See comment above. H5 and H6 are contained in the CG stated</p>																								

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	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
		Stage 3 New Acland Mine Project — Treed Areas	conditions.
H11		<del>H11 All areas significantly disturbed by mining activities must be rehabilitated to a post-mining land use in accordance with the Final Land Use and Rehabilitation Plan.</del>	<p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant prefers the retention of condition H11 as set out in the Applicant's EA. The Applicant repeats its comments above in relation to why the Statutory Party's proposed condition H11 and new Table Ha are opposed.</p>
<u>Areas of Interest</u>	<u>The area of noise monitoring coverage captured by the noise compass in five degree increments when adjusted to reflect current mining activity</u>	Not included in Statutory Party EA	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>This definition to be deleted as it should not be referenced in the EA but left to the NVMP to determine.</p> <p>Amendment not in CG stated conditions.</p>
Commercial place	a workplace used as an office or for business or commercial purposes, <u>including agricultural purposes</u> , which is not part of the mining activity and does not include employee accommodation or public roads.	Not included in Statutory Party EA	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>The Applicant strongly opposes the inclusion of agricultural purposes. None of the noise experts proposed this and there is no evidence or rationale for this. It would mean that each and every area of a farm, including each and every area of each paddock of a farm, would need to be assessed for compliance.</p> <p>This change is inconsistent with CG stated conditions.</p>
Monitoring records	<u>includes, but is not limited to, all performance monitoring and compliance monitoring data</u>	Not included in Statutory Party EA	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>This change is not required as monitoring records as a term speaks for itself.</p> <p>Not in CG stated conditions.</p>
Figure 1 and Figure 1a	N/A	Insertion of the following above Figure 1: <u>The maximum area authorised to be</u>	<p><b><u>Response to OCAA's Proposed EA</u></b></p> <p>Figure 1a should be deleted.</p> <p>The revisions to Figure 1 to remove the words indicative only are opposed.</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
		<p><u>disturbed on ML50232 is 1,575ha generally as shown on Figure 1 (and in which context the word 'indicative' on Figure 1 is to be understood) which comprises:</u></p> <p><u>a. pits, slope batters and out of pit dumps – 1,422ha;</u></p> <p><u>b. the train loadout facility, the material handling facility, the Balloon Loop and the Haul road – 44ha;</u></p> <p><u>c. surface infrastructure (being bores, roads for light vehicles, levees, culverts, hardstand areas, tracks, water storage dams, buildings and any other structures built for the purpose of mining activity) – 109ha.</u></p>	<p>Refer to the Applicant's reasons above in response to OCAA's proposed condition A2.</p> <p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The revisions to Figure 1 to remove the words indicative only are opposed. Refer to the Applicant's reasons above in response to OCAA's proposed condition A2.</p> <p>CG stated conditions contained Figure 1 as proposed by Applicant EA and no limitations on maximum disturbance areas.</p>
Figure 5 - Location of noise sensitive receptors	N/A	<p>Insertion of a note as follows:</p> <p><b><u>Note- Figure to be amended to include the locations of noise monitoring</u></b></p>	<p><b><u>Response to Statutory Party's Proposed EA</u></b></p> <p>The Applicant's EA does not propose an amendment to Figure 5. The Applicant opposes the Statutory Party's proposed amendment of Figure 5 as this will be included in the noise monitoring program.</p>

	OCAA EA Condition <sup>1</sup>	Statutory Party EA Condition <sup>2</sup>	Applicant's Response
Figure 6 - Air quality monitoring locations for the revised project (Stage 3)	N/A	Insertion of a note as follows: <a href="#">Note- Figure to be amended to show all sensitive receptors.</a>	<b><u>Response to Statutory Party's Proposed EA</u></b> The Applicant's EA proposes that Figure 6 be updated in accordance with final recommended monitoring locations and on that basis does not oppose the proposed amendment of Figure 6. Figure 6 is a CG stated condition.
Figure 7 - Noise Sensitive Places (Mitigation)		Deletion of Figure 7	<b><u>Response to Statutory Party's Proposed EA</u></b> The Applicant does not oppose the deletion of Figure 7, which is contained in the Applicant's EA. This is also not contained in CG stated condition.
		Insertion of new FigureX1 and Figure X2	<b><u>Response to Statutory Party's Proposed EA</u></b> The Applicant opposes the insertion of new FigureX1 and Figure X2 as not the subject of expert evidence and otherwise addressed in the FLURP.