

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure, the Planning Assessment Commission modifies the development consent referred to in Schedule 1, as set out in Schedule 2.



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Member of the Commission



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Sydney

18 January 2013

SCHEDULE 1

The development consent (DA 305-7-2003) granted by the Minister Assisting the Minister for Infrastructure for Planning (Planning Administration) for the Wambo Coal Mine on 4 February 2004.

SCHEDULE 2

1. In the list of definitions in schedule 2, delete the definitions for "DECCW", "Department", "DII", "Director-General", "Minister", "RTA" and "site", and insert in alphabetical order the following:

Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department, or nominee
DRE	Division of Resources and Energy within the Department of Trade and Investment, Regional Infrastructure and Services
EPA	Environment Protection Authority
Executive Director Mineral Resources	Executive Director Mineral Resources within DRE, or equivalent position
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mining operations	Includes the removal of overburden and extraction, processing, handling, storage and transportation of coal at the Wambo Mining Complex
Minister	Minister for Planning and Infrastructure, or delegate
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RMS	Roads and Maritime Services
Site	Land to which the DA applies (see schedule 1 and Appendix 1)
Wambo Mining Complex	The development approved under this consent, together with the development approved under the consent for the Wambo rail and coal loading infrastructure (177-8-2004) considered collectively.

2. Delete all references to "DECCW" and replace with "EPA", except where second and third occurring in condition 22C(h) of schedule 4 and in conditions 51, 52 and 55 of schedule 4.
3. In condition 22C(h) of schedule 4, delete the words "DECCW and DII" and "DECCW, the Department's Heritage Branch" and replace in each case with "OEH".
4. In conditions 51, 52 and 55 of schedule 4 delete references to "DECCW" and replace with "OEH".
5. Delete all remaining references to "DII" and replace with "DRE".
6. Delete all references to "RTA" and replace with "RMS".
7. In condition 2 of schedule 3, delete all words after "letter prepared by Wambo Coal Pty Ltd;" and insert instead:

- (m) the modification application DA 305-7-2003 MOD 11 and accompanying documents titled *Wambo Montrose Water Storage Modification Environmental Assessment* dated June 2012 and *Wambo Montrose Water Storage Modification Response to Submissions* dated 4 September 2012; and
- (n) conditions of this consent.

8. Delete condition 6 of schedule 3 and insert instead:

- 6. The Applicant may carry out mining operations at the Wambo Mining Complex until 1 March 2025.

Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of both the Director-General and the Executive Director Mineral Resources. Consequently, this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and those additional undertakings have been carried out satisfactorily.

9. Delete condition 7A of schedule 3 and its heading, and insert instead:

Staged Submission of any Strategy, Plan or Program

- 7A. With the approval of the Director-General, the Applicant may:
 - (a) submit any strategy, plan or program required by this consent on a progressive basis; and
 - (b) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required under DA 177-8-2004.

Notes:

- *While any strategy, plan or program may be submitted on a progressive basis, the applicant will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

10. Delete conditions 2 - 5 of schedule 4, and insert instead:

Odour

- 2. The Applicant shall ensure that no offensive odours, as defined under the POEO Act, are emitted from the Wambo Mining Complex.

Greenhouse Gas Emissions

- 3. The Applicant shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the Wambo Mining Complex to the satisfaction of the Director-General.

Air Quality Criteria

- 4. Except for the air quality affected land in Table 1, the Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Wambo Mining Complex do not exceed the criteria listed in Tables 2, 3 and 4 at any residence on privately owned land, or on more than 25 percent of any privately owned land.

Table 2: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³

Table 3: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	^d Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³

Table 4: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase² in deposited dust level	Maximum total¹ deposited dust level
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

Notes to Tables 2-4

^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources);

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own);

^c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and

^d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Director-General.

Air Quality Acquisition Criteria

5. If particulate matter emissions generated by the Wambo Mining complex exceed the criteria in Tables 5, 6, and 7 at any residence on privately-owned land, or on more than 25 percent of any privately owned land, then upon written request for acquisition from the landowner, the Applicant shall acquire the land in accordance with the procedures in conditions 9 - 11 of schedule 5.

Table 5: Long term land acquisition criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³

Table 6: Short term land acquisition criteria for particulate matter

Pollutant	Averaging period	^{da} Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 150 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	24 hour	^b 50 µg/m ³

Table 7: Long term land acquisition criteria for deposited dust

Pollutant	Averaging period	Maximum increase² in deposited dust level	Maximum total¹ deposited dust level
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

Notes to Tables 5-7

^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources);

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own);

^c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and

^d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Director-General.

Mine-owned Land

- 5A. The Applicant shall ensure that particulate matter emissions generated by the Wambo Mining Complex do not exceed the criteria listed in Tables 2, 3 and 4 at any occupied residence on any mine-owned land (including land owned by adjacent mines) unless:
- the tenant and landowner have been notified of health risks in accordance with the notification requirements under schedule 5 of this consent;
 - the tenant on land owned by the Applicant can terminate their tenancy agreement without penalty, subject to giving reasonable notice, and the Applicant uses its best endeavours to provide assistance with relocation and sourcing of alternative accommodation;

- (c) air mitigation measures (such as air filters, a first flush roof water drainage system and/or air conditioning) are installed at the residence, if requested by the tenant and landowner (where owned by another mine other than the Applicant);
 - (d) particulate matter air quality monitoring is undertaken to inform the tenant and landowner of potential health risks; and
 - (e) monitoring data is presented to the tenant in an appropriate format, for a medical practitioner to assist the tenant in making an informed decision on the health risks associated with occupying the property,
- to the satisfaction of the Director-General.

Air Quality Operating Conditions

- 5B. The Applicant shall:
- (a) implement best management practice to minimise the off-site odour, fume and dust emissions from the Wambo Mining Complex, including best practice coal loading and profiling and other measures to minimise dust emissions from coal transportation by rail;
 - (b) operate a comprehensive air quality management system at the Wambo Mining Complex that uses a combination of predictive meteorological forecasting, predictive and real time air dispersion modelling and real-time air quality monitoring data to guide the day to day planning of mining operations and implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
 - (c) manage PM_{2.5} levels in accordance with any requirements of any EPL;
 - (d) minimise the air quality impacts of the Wambo Mining Complex during adverse meteorological conditions and extraordinary events (see Note d under Tables 5-7 above);
 - (e) minimise any visible off-site air pollution;
 - (f) minimise the surface disturbance of the site generated by the Wambo Mining Complex; and
 - (g) co-ordinate air quality management at the Wambo Mining Complex with the air quality management at nearby mines (HVO South, HVO North and Mount Thorley Warkworth mines) to minimise the cumulative air quality impacts of these mines and the Wambo Mining Complex,
- to the satisfaction of the Director-General.

Air Quality and Greenhouse Gas Management Plan

- 5C. The Applicant shall prepare and implement a detailed Air Quality & Greenhouse Gas Management Plan for the Wambo Mining Complex to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with the EPA, and submitted to the Director-General for approval by the end of June 2013;
 - (b) describe the measures that would be implemented to ensure:
 - best management practice is being employed;
 - the air quality impacts of the Wambo Mining Complex are minimised during adverse meteorological conditions and extraordinary events; and
 - compliance with the relevant conditions of this consent.
 - (c) describe the proposed air quality management system;
 - (d) include a risk/response matrix to codify mine operational responses to varying levels of risk resulting from weather conditions and specific mining activities;
 - (e) include commitments to provide summary reports and specific briefings at CCC meetings on issues arising from air quality monitoring;
 - (f) include an air quality monitoring program that:
 - uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the development;
 - adequately supports the proactive and reactive air quality management system;
 - includes PM_{2.5} monitoring;
 - includes monitoring of occupied development-related residences and residences on air quality-affected land listed in Table 1, subject to the agreement of the tenant;
 - evaluates and reports on the effectiveness of the air quality management system; and
 - includes a protocol for determining any exceedances of the relevant conditions in this consent; and

- (g) include a protocol that has been prepared in consultation with the owners of nearby mines (HVO South, HVO North and Mount Thorley Warkworth mines) to minimise the cumulative air quality impacts of these mines and the Wambo Mining Complex.
11. In condition 6 of schedule 4, delete the notes to Table 9 and insert instead:
- Notes:*
- *Noise generated by the Wambo Mining Complex is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy*
12. In conditions 6, 7, 11 - 14 of schedule 4, delete the word “development” wherever occurring and insert instead “Wambo Mining Complex”.
13. Delete conditions 8 and 9 of schedule 4 and insert instead:

Operating Conditions

8. The Applicant shall:
- (a) implement best management practice to minimise the operational, low frequency and traffic noise of the Wambo Mining Complex;
 - (b) operate a comprehensive noise management system for the Wambo Mining Complex 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 noise mitigation measures to ensure compliance with the relevant conditions of this consent;
 - (c) maintain the effectiveness of noise suppression equipment (if fitted) on plant at all times and ensure defective plant is not used operationally until fully repaired;
 - (d) ensure that noise attenuated plant (if used) is deployed preferentially in locations relevant to sensitive receivers;
 - (e) minimise the noise impacts of the Wambo Mining Complex during meteorological conditions when the noise limits in this consent do not apply;
 - (f) co-ordinate the noise management for the Wambo Mining Complex with the noise management at nearby mines (including HVO South, HVO North and Mt Thorley Warkworth mines) to minimise the cumulative noise impacts of these mines and the Wambo Mining Complex,
- to the satisfaction of the Director-General.

Noise Management Plan

9. The Applicant shall prepare and implement a Noise Management Plan for the Wambo Mining Complex to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with the EPA, and submitted to the Director-General for approval by the end of June 2013;
 - (b) describe the measures that would be implemented to ensure:
 - best management practice is being employed;
 - the noise impacts of the Wambo Mining Complex are minimised during meteorological conditions when the noise limits in this consent do not apply; and
 - compliance with the relevant conditions of this consent;
 - (c) describe the proposed noise management system in detail;
 - (d) include a monitoring program that:
 - uses a combination of real-time and supplementary attended monitoring measures to evaluate the performance of the Wambo Mining Complex;
 - adequately supports the proactive and reactive noise management system for the Wambo Mining Complex;
 - includes a protocol for determining exceedances of the relevant conditions in this consent;
 - evaluates and reports on the effectiveness of the noise management system for the Wambo Mining Complex;
 - provides for the annual validation of the noise model for the Wambo Mining Complex; and
 - (e) include a protocol that has been prepared in consultation with the owners of nearby mines (including HVO South, HVO North and Mount Thorley Warkworth mines) to minimise the cumulative noise impacts of these mines and the Wambo Mining Complex.

14. Insert the following conditions immediately after condition 13 of schedule 4:

Blasting Frequency

- 13A. The Applicant may carry out a maximum of:
- (a) 3 blasts a day, unless an additional blast is required following a blast misfire; and
 - (b) 15 blasts a week,
- for all operations at the Wambo Mining Complex.

This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or blasts required to ensure the safety of the mine or its workers.

Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.

15. In condition 17 of schedule 4, delete the word “development” and insert instead “Wambo Mining Complex”.
16. Delete conditions 18 – 20 of schedule 4 and insert instead:

Operating Conditions

18. During mining operations at the Wambo Mining Complex, the Applicant shall:
- (a) implement best management practice to:
 - protect the safety of people and livestock in the surrounding area;
 - protect public or private infrastructure/property in the surrounding area from any damage; and
 - minimise the dust and fume emissions of any blasting;
 - (b) minimise the frequency and duration of any road closures, and avoid road closures during peak traffic periods;
 - (c) co-ordinate the timing of blasting at the Wambo Mining Complex with the timing of blasting at nearby mines (including HVO South, HVO North and Mt Thorley Warkworth mines) to minimise the cumulative blasting impacts of these mines and the Wambo Mining Complex; and
 - (d) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule at the Wambo Mining Complex, to the satisfaction of the Director-General.
19. The Applicant shall not undertake blasting within 500 metres of:
- (a) any public road without the approval of the appropriate road authority; or
 - (b) any land outside the site that is not owned by the Applicant, unless:
 - the Applicant has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Applicant has advised the Department in writing of the terms of this agreement, or
 - the Applicant has:
 - demonstrated to the satisfaction of the Director-General that the blasting can be carried out closer to the land without compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and
 - updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land.

Blast Management Plan

20. The Applicant shall prepare and implement a Blast Management Plan for the Wambo Mining Complex to the satisfaction of the Director-General. This plan must:
- (a) be submitted to the Director-General for approval by the end of June 2013;
 - (b) propose and justify any alternative ground vibration limits for any public infrastructure in the vicinity of the Wambo Mining Complex;
 - (c) describe the measures that would be implemented to ensure:
 - best management practice is being employed;
 - compliance with the relevant conditions of this consent;
 - (d) include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with the RMS and Council;

- (e) include measures to minimise, mitigate, and if necessary remediate the blasting impacts on property 13C (Skinner);
- (f) address the requirements of conditions 63 – 68 of schedule 4;
- (g) include a monitoring program for evaluating the performance of the Wambo Mining Complex, including:
 - compliance with the applicable criteria; and
 - minimising the fume emissions from the Wambo Mining Complex; and
- (h) include a protocol that has been prepared in consultation with the owners of nearby mines (including HVO South, HVO North and Mt Thorley Warkworth mines) to minimise the cumulative blasting impacts of these mines and the Wambo Mining Complex.

20A. The Applicant shall not carry out more than 1 blast a day within 500 metres of Wallaby Scrub Road or the Golden Highway.

17. In Table 15 in condition 24 of schedule 4:
- delete the words “6.5 ≤ pH ≤ 9” and insert instead “6.5 to 9.5”;
 - delete the words “Non-filterable residue” and insert instead “Total suspended solids”; and
 - delete the words “NFR ≤ 120” and insert instead “120”.

18. In condition 34(e) of schedule 4, after the words “South Wambo Dam”, insert the words “and Montrose East Dam”.

19. In Table 16 in condition 40 of schedule 4:

- delete the words “202 ha” and insert instead “211 ha”;
 - after the words “1,570 ha”, insert the following rows:
- | | |
|---|------------------------|
| Remnant Woodland Enhancement Area D | 46 ha |
| Remnant Woodland Enhancement Area D Extension | 2 ha |
| Remnant Woodland Enhancement Area for the Wambo Coal Terminal | As shown in Appendix 4 |
- delete the words “(e.g. Community 15 and the Southern Area)”;
 - delete the words “Where practicable” and insert instead “As identified under Condition 47(b)”.

20. In condition 40 of schedule 4, insert the following note in alphabetical order:

(a) *The areas specified in Table 16 are shown in Appendix 4.*

21. Delete conditions 41 and 41A of schedule 4 and insert instead:

Conservation Agreement

41. By the end of November 2013, unless otherwise agreed by the Director-General, the Applicant shall:

- (a) enter into a conservation agreement/s pursuant to section 69B of the *National Parks and Wildlife Act 1974* covering all offset areas listed in Table 16 (see condition 40) and which records the Applicant’s obligations under the conditions of this consent in relation to the management of these areas, and register the agreement/s pursuant to section 69F of the *National Parks and Wildlife Act 1974*; or
- (b) where OEH has advised in writing that it is of the view that any such offset area or part of such an area should not be subject to a conservation agreement for a period of time, then the Applicant shall by the same date cause to be registered against the land title(s) of the area/s a public positive covenant and/or restriction on the use of the land, in favour of the Director-General, requiring the Applicant to implement and observe all obligations under the conditions of this consent in relation to the management of these areas.

The conservation agreement or the public positive covenant and/or restriction on the use of land, as the case may be, shall remain in force in perpetuity in relation to the area.

Offset Conservation

- 41A. The Applicant shall not undertake any mining operations (except approved underground mining operations) or other activities within the offset areas listed in Table 16, other than:
- (a) activities under an approved Biodiversity Management Plan, Flora & Fauna Management Plan or Heritage Management Plan;

- (b) environmental management, environmental monitoring or other monitoring required under this consent or under an approved management plan or monitoring program; and
 - (c) rehabilitation activities under an approved Extraction Plan.
22. In condition 44 of schedule 4 delete all the words after “strategies to manage any subsidence impacts in the Remnant Woodland Enhancement Areas;” and insert:
- (f) strategies to avoid clearing of Warkworth Sands Endangered Ecological Community and minimise the extent of clearing in other ecological communities for gas drainage infrastructure above the Bowfield and Arrowfield mines, to the satisfaction of the Director General;
 - (g) strategies for the minimisation of impacts of exploration activity in the Remnant Woodland Enhancement Areas; and
 - (h) a description of who would be responsible for monitoring, reviewing, and implementing the plan.
- By the end of March 2013, the applicant shall revise the Flora and Fauna Management Plan for the development to the satisfaction of the Director-General.
23. In condition 47(a) of schedule 4, delete the words “Remnant Woodland Enhancement Areas A, B, C and the offset area described in the 2009 SEE” and insert instead “all areas listed in Table 16”.
24. Insert the following conditions immediately after condition 56 of schedule 4:

Aboriginal Cultural Heritage Management

- 56A. The Applicant shall continue to consult with and involve all the registered local Aboriginal representatives in the ongoing management of the Aboriginal Cultural Heritage values at the Wambo Mining Complex. Evidence of this consultation must be collated and provided to the Director-General on request.
 - 56B. In the event that surface disturbance reveals a new Aboriginal object(s) at the Wambo Mining Complex, all work shall halt in the immediate area to prevent any further impacts to the object(s). The Applicant shall contact a suitably qualified archaeologist and the registered Aboriginal representatives to determine the significance of the object(s) and to develop an appropriate management strategy. The management strategy shall be developed in accordance with the National Parks and Wildlife Act 1974. Management may include avoiding impact, additional investigations and/or submission of an Aboriginal Heritage Impact Permit application. The Applicant shall register the site in the Aboriginal Heritage Information Management System (AHIMS) (managed by the OEH). The management outcome for the site shall be included in the information provided to the AHIMS.
 - 56C. In the event that surface disturbance reveals human remains at the Wambo Mining Complex, all works shall halt in the immediate area to prevent any further impacts to the remains. The Applicant shall immediately notify Police. No further work shall be undertaken until Police provide written authorisation. If the remains are Aboriginal, the Applicant shall also notify the OEH and the registered Aboriginal representatives. In the case of Aboriginal remains, no further work shall be undertaken until Police and the OEH provide written authorisation.
 - 56D. The Applicant must prepare and implement an Aboriginal Cultural Education Program in consultation with the registered Aboriginal representatives for the induction of all personnel and contractors involved in construction at the Wambo Mining Complex. The Applicant shall keep a register of personnel and contractors that have been inducted according to the program.
25. Delete conditions 94 and 94A of schedule 4 and insert instead:

Rehabilitation Objectives

- 94. The Applicant shall rehabilitate the Wambo Mining Complex to the satisfaction of the Executive Director Mineral Resources. The rehabilitation must be generally in accordance with the proposed rehabilitation strategy described by the documents listed in Condition 2 of schedule 3 and the objectives in Table 18.

Table 18: Rehabilitation Objectives

Area/Doman	Rehabilitation Objectives
Mine site (as a whole), including the final void	Safe, stable & non-polluting
Surface infrastructure	To be decommissioned and removed, unless the Executive Director Mineral Resources agrees otherwise
Community	Ensure public safety Minimise the adverse socio-economic effects associated with mine closure

Operating Conditions

94A. The Applicant shall:

- (a) develop a detailed soil management protocol that identifies procedures for:
 - comprehensive soil surveys prior to soil stripping;
 - assessment of top-soil and sub-soil suitability for mine rehabilitation; and
 - annual soil balances to manage soil handling including direct respreading and stockpiling;
- (b) maximise the salvage of suitable top-soils and sub-soils and biodiversity habitat components such as bush rocks, tree hollows and fallen timber for rehabilitation of disturbed areas within Wambo Mining Complex and for enhancement of biodiversity offset areas;
- (c) ensure that coal reject or any potentially acid forming interburden materials must not be emplaced at elevations within the pit shell or out of pit emplacement areas where they may promote acid or sulphate species generation and migration beyond the pit shell or out of pit emplacement areas; and
- (d) ensure that no dirty water can drain from an out of pit emplacement area to any offsite watercourse or to any land beyond the lease boundary.

Progressive Rehabilitation

94B. The Applicant shall rehabilitate the Wambo Mining Complex progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies shall be employed when areas prone to dust generation cannot yet be permanently rehabilitated.

Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the project.

Rehabilitation Management Plan

94C. The Applicant shall prepare and implement a Rehabilitation Management Plan for the Wambo Mining Complex to the satisfaction of the Executive Director Mineral Resources. This plan must:

- (a) be prepared in consultation with the Department, NOW, OEH, Council and the CCC;
- (b) be submitted to the Executive Director Mineral Resources by the end of June 2013;
- (c) be prepared in accordance with any relevant DRE guideline;
- (d) describe how the rehabilitation of the site would be integrated with the implementation the biodiversity offset strategy;
- (e) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);
- (f) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform, and final land use;
- (g) include interim rehabilitation where necessary to minimise the area exposed for dust generation;
- (h) include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and
- (i) build to the maximum extent practicable on the other management plans required under this consent.

26. In condition 95 of schedule 4, delete the word “development” and insert instead “Wambo Mining Complex”.
27. In condition 2 of schedule 5, delete the words “at the end of each quarter” and insert instead “as soon as practicable after identifying the exceedance”.
28. Delete conditions 3 and 4 of schedule 6 and insert instead:

Adaptive Management

3. The Applicant must assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 4. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement remediation measures as directed by the Director-General, to the satisfaction of the Director-General.

Management Plan Requirements

4. The Applicant shall ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant consent, licence or lease conditions);
 - any relevant limits or performance measures/criteria;
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
 - (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the Wambo Mining Complex;
 - effectiveness of any management measures (see c above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (f) a program to investigate and implement ways to improve the environmental performance of the Wambo Mining Complex over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.
29. In condition 5 of schedule 6:
 - (a) delete the word “The”, where first occurring, and insert instead “By the end of March each year,”;
 - (b) delete the word “past”, wherever occurring, and insert instead “previous calendar”; and
 - (c) delete the word “next” and insert instead “current calendar”.
30. In condition 6(c) of schedule 6, delete the word ‘and’ and insert instead ‘or’.
31. Delete condition 10 of schedule 6 and insert instead:
 10. The Applicant shall notify at the earliest opportunity, the Director-General and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the project, the Applicant shall

notify the Director-General and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

32. Insert the following condition immediately after condition 12 of schedule 6:

Online Communication of Operational Responses and Noise and Air Quality Monitoring

13. The Applicant shall, by the end of June 2013:
- (a) make the following information for the Wambo Mining Complex publicly available on its website, on a daily basis and in a clearly understandable form:
 - daily weather forecasts for the coming week;
 - proposed operational responses to these weather forecasts;
 - real-time noise and air quality monitoring data (subject to any necessary caveats); and
 - any operational responses that were taken in response to the noise and air quality monitoring data, and
 - (b) make provision on its website for the provision of on-line and/or email comments by members of the community regarding this information, to the satisfaction of the Director-General.
33. Following Appendix 3, insert the following:

APPENDIX 4
 BIODIVERSITY OFFSET AREAS
 (See Condition 40)



