

Development Consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the Development Application referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the on-going environmental management of the development.

Frank Sartor, MP
Minister for Planning

Sydney, 2005

MODs 2 & 3 (27 May 2014) – red

Mod 4 (August 2019) – Blue

MOD 5 (October 2019) – Green

MOD 6 (August 2021) - Orange

MOD 7 (October 2021) - Purple

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Development Application:	DA 504-00.
Applicant:	Centennial Coal Company Limited.
Consent Authority:	Minister for Planning.
Land:	See Appendix 1.
Proposed Development:	Extension of the Clarence Underground Coal Mine.
State Significant Development:	The proposal is classified as State significant development, under section 76A(7) of the <i>Environmental Planning and Assessment Act 1979</i> , because it involves coal-mining related development that requires a new mining lease under section 63 of the <i>Mining Act 1992</i> .
Integrated Development:	The proposal is classified as integrated development, under section 91 of the <i>Environmental Planning and Assessment Act 1979</i> , because it requires additional approvals under the: • <i>Protection of the Environment Operations Act 1997</i>; and • <i>Water Act 1912</i>.
Designated Development:	The proposal is classified as designated development, under section 77A of the <i>Environmental Planning and Assessment Act 1979</i> , because it is for an underground coal mine, and consequently meets the criteria for designated development in schedule 3 of the <i>Environmental Planning and Assessment Regulation 2000</i> .

Notes:

- To find out when this consent becomes effective, see section 83 of the *Environmental Planning and Assessment Act 1979* (EP&A Act);
 - To find out when this consent is liable to lapse, see section 95 of the EP&A Act; and
 - To find out about appeal rights, see section 97 of the EP&A Act.
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TABLE OF CONTENTS

ADMINISTRATIVE CONDITIONS	6
SPECIFIC ENVIRONMENTAL CONDITIONS	8
Subsidence	8
Surface & Ground Water	8
Biodiversity	10
Air Quality	10
Noise	11
Meteorological Monitoring	12
Traffic & Transport	12
Visual Impact	12
Greenhouse Gas	12
Waste Minimisation	12
Reject Management	12
Hazards Management	13
Bushfire Management	13
Mine Closure Strategy	13
Rehabilitation	13
Heritage	14
ADDITIONAL PROCEDURES	15
Notification of Landowners	15
Independent Review	15
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING & REPORTING	16
Environmental Management Strategy	16
Environmental Monitoring Program	16
Reporting	16
Independent Environmental Audit	17
Community Consultative Committee	17
Access to Information	18
Revision of Strategies, Plans or Programs	18
APPENDIX 1: SCHEDULE OF LAND	19
APPENDIX 2: MINE PLAN AND SUBSIDENCE PROTECTION ZONES	20
APPENDIX 3: STATEMENT OF COMMITMENTS	22
APPENDIX 4: LOCATION OF REJECT EMPLACEMENT AREA VI, NEWNES PLATEAU HANGING SWAMP AND EFFLUENT IRRIGATION AREA	25
APPENDIX 5: COAL TRANSPORT ROUTES	26

DEFINITIONS

Annual Review	The review of operations required under condition 5 of Schedule 5
Applicant	Centennial Coal Company Limited
BCA	Building Code of Australia
BCS	Biodiversity, Conservation and Science Directorate, within the Department
Bore	Any bore or well or excavation or other work connected or proposed to be connected with sources of sub-surface water, and used or proposed to be used or capable of being used to obtain supplies of such water whether the water flows naturally at all times or has to be raised whether wholly or at times by pumping or other artificial means
CCC	Community Consultative Committee
Council	Lithgow City Council
DA	Development Application
Day	Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning, Industry & Environment
Development	The development described in the EIS
DPIE Water	Water Group, within the Department
EIS	Environmental Impact Statement titled <i>Clarence Colliery – Lease Extension Environmental Impact Statement</i> , dated October 2000, as modified by: • Supplementary Report titled <i>Variation to Development Application No.504-00 and Supplementary Information</i>, dated May 2005; • Environmental Assessment – Reject Emplacement Area (REA) VI, November 2013, as modified by the Response to Submissions, dated 27 March 2014; • Environmental Assessment – <i>Road Haulage Modification</i>, November 2013, as modified by the Response to Submissions, dated 18 February 2014; • Environmental Assessment – <i>Clarence Colliery Modification to DA 504-00 Statement of Environmental Effects</i>, April 2019, as modified by the Response to Submissions, dated 27 June 2019 and Response to Request for Information dated 31 July 2019; • <i>Modification Clarence Colliery – Modification to DA 504_00 – Employee Increase</i>, June 2019 as modified by the Response to Submissions dated 28 August 2019 and Response to Request for Information dated 06 September 2019; • <i>Modification 6 – Clarence Colliery and Charbon Colliery Modification report for modifications to DA 504-00 and SSD 08_0211</i>, dated September 2020 as modified by <i>Submissions Report</i> dated January 2021 and additional information dated 1 March 2021, 15 March 2021 and 11 May 2021; and • <i>Modification 7 – Centennial Clarence Colliery Modification Report Modification 7</i>, dated July 2021.
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>

EP&A Regulation

Evening
GTA
Incident

Environmental Planning and Assessment Regulation 2000

Evening is defined as the period from 6pm to 10pm
General Term of Approval

A set of circumstances that:

- causes or threatens to cause material harm to the environment; and/or
- breaches or exceeds the limits or performance measures/criteria in this consent

Land

As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent

Material harm to the environment

Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial

Minister
Night

Minister for Planning and Public spaces, or delegate

Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays

Privately-owned land

Land that is not owned by a public agency or a mining or power generation company (or its subsidiary)

Resources Regulator

NSW Resources Regulator, within the Department of Regional NSW

ROM Coal
Planning Secretary
Second workings

Run-of-mine coal

Secretary of the Department, or nominee

Extraction of coal by partial extraction methods

Site

Land to which the DA applies

Statement of Commitments

The Applicant's commitments in Appendix 4

TfNSW

Transport for NSW

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Applicant **must** implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.

Terms of Approval

2. The Applicant **must** carry out the **development**:
 - generally in accordance with the EIS and Statement of Commitments; and
 - in accordance with the conditions of this consent.
3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency
4. The Applicant **must** comply with any reasonable requirement/s of the **Planning Secretary** arising from the Department's assessment of:
 - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained in these documents.

Limits on Approval

5. This consent shall lapse on 31 December 2026.

Note: Conditions of this consent may require activities to be carried out by the Applicant beyond the period of approval.

6. The Applicant **must** not extract more than 3 million tonnes of ROM coal per year from the mine.
7. Except for the period referred to in condition 7AA, the Applicant may transport up to 200,000 tonnes of coal by road per calendar year in total, with a maximum of 100,000 tonnes per calendar year transported to the west, via the Darling Causeway and Great Western Highway haulage route shown in Appendix 5.
- 7AA. Until 31st December 2020, the Applicant may transport up to 300,000 tonnes of coal by road per calendar year in total, including 200,000 tonnes of coal by road per calendar year to the Mount Piper Power Station or to locations north of Sydney or Eastern NSW using the haulage routes shown in Figure 1 of Appendix 5.
- 7A. Other than via the haulage route shown in Appendix 5, the Applicant **must** not cause any coal truck movements through the City of Lithgow without the prior approval of the Council.
- 7B. Haulage of coal to the west **must** only take place between the hours of 7 am to 10 pm Monday to Saturday and between 8 am to 10 pm on Sunday and public holidays.
- 7C. The Applicant may transport up to 350,000 tonnes of coarse coal reject material per calendar year to Charbon Colliery by rail.
- 7D. Excavation and stockpiling of coarse coal reject from Reject Emplacement Area 6 **must** only take place between the hours of 7 am to 6 pm Monday to Saturday and 8 am to 6 pm on Sunday and public holidays.

Structural Adequacy

8. The Applicant **must** ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for any building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of development.

Demolition

9. The Applicant **must** ensure that all demolition work is carried out in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version.

Protection of Public Infrastructure

10. The Applicant **must**:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.

Operation of Plant and Equipment

11. The Applicant **must** ensure that all plant and equipment used at the site, or used in connection with the development, are:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

FOR INFORMATION

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

SUBSIDENCE

Note: The development will generally be regulated under the approval process for managing the impacts of coal mining subsidence under the Mining Act 1992.

Subsidence Impact Assessment Criteria

1. The Applicant **must** ensure that surface subsidence generated by the development does not exceed the criteria listed in Table 1.

Table 1: Subsidence Impact Assessment Criteria

Level of Extraction	Subsidence	Tilt	Horizontal Strain (compressive and tensile)
First Workings	20 mm	1.0 mm/m	1.0 mm/m
Partial Extraction	100 mm	3.0 mm/m	2.0 mm/m

Note: The first workings and partial extraction areas refer to those areas shown conceptually on Figure 5.6 (revised) of the Supplementary Report, as reproduced in Appendix 2.

Extraction Plan

2. From 31 October 2021, the Applicant must prepare an Extraction Plan for all second workings on the site of the development that are not covered by an existing approved Subsidence Management Plan, to the satisfaction of the Secretary. Each Extraction Plan must:
 - (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with the Resources Regulator, DPIE Water, BCS, EPA and WaterNSW;
 - (c) include detailed plans of existing and proposed first and second workings and overlying surface features, including any applicable adaptive management measures;
 - (d) include adequate consideration of mine roof and floor conditions, pillar width to height ratio, final pillar design dimensions and the long-term stability of pillars which has been undertaken in consultation with the Resources Regulator;
 - (e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed mining covered by the Extraction Plan, incorporating any relevant information obtained since this consent;
 - (f) describe in detail the performance indicators to be implemented to ensure compliance with the subsidence impact assessment criteria in Table 1 and water resources impact assessment criteria in condition 5 schedule 3, and manage or remediate any impacts and/or environmental consequences;
 - (g) include a:
 - (i) **Subsidence Monitoring Program** which has been prepared in consultation with the Resources Regulator to:
 - describe the ongoing conventional and non-conventional subsidence monitoring program;
 - provide data to assist with the management of risks associated with conventional and non-conventional subsidence;
 - validate the conventional and non-conventional subsidence predictions;
 - analyse the relationship between the predicted and resulting conventional and non-conventional subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and
 - inform the adaptive management process;

- (ii) **Built Features Management Plan** which has been prepared in consultation with the Resources Regulator, to manage the potential subsidence impacts of the proposed underground workings on built features;
- (iii) **Water Management Plan** which has been prepared in consultation with DPIE Water and BCS, which provides for the management of potential impacts and environmental consequences of the proposed underground workings on watercourses and aquifers, including:
- detailed baseline data on:
 - surface water flows, quality and geomorphic conditions of watercourses and/or water bodies that could be affected by subsidence; and
 - groundwater levels, yield and quality in the region, including for privately-owned licensed bores;
 - detailed surface and groundwater impact assessment criteria, including specific trigger levels for:
 - investigating any potentially adverse impacts on water resources or water quality;
 - active remediation of geomorphic and erosional impacts (including supporting justification for the selected triggers); and
 - providing compensatory water supply to affected water users;
 - a surface water monitoring program to monitor and report on:
 - stream flows and quality;
 - stream and riparian vegetation;
 - channel and bank stability; and
 - the effectiveness of remediation measures in controlling geomorphic and erosional impacts;
 - a groundwater monitoring program to monitor and report on:
 - groundwater inflows to the underground mining operations;
 - the height of groundwater depressurisation;
 - height of fracturing above extraction areas following mining;
 - background changes in groundwater yield/quality against mine-induced changes, in particular, on privately-owned groundwater bores in the vicinity of the site;
 - permeability, hydraulic gradient, flow direction and connectivity of the deep and shallow groundwater aquifers; and
 - impacts of the development on groundwater dependent ecosystems;
 - a description of any adaptive management practices implemented to guide future mining activities in the event of greater than predicted impacts on aquatic habitat;
 - a program to validate the surface water and groundwater models for the development, and compare monitoring results with modelled predictions; and
 - a plan to respond to any exceedances of the surface water and groundwater assessment criteria.
- (iv) **Biodiversity Management Plan** which:
- has been prepared in consultation with BCS;
 - establishes baseline data for existing habitat within the subsidence area, including water table depth, vegetation condition, stream morphology, key fish habitat and threatened species habitat; and
 - provides for the adaptive management of potential impacts and environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species, populations and their habitats, EECs/CEECs and water dependent ecosystems;
- (v) **Land Management Plan** which:
- has been prepared in consultation with any affected public authorities;
 - provides for the management of potential impacts and/or environmental consequences of the proposed underground workings on land in general, with a specific focus on cliffs, pagodas, steep slopes and gorges;
- (vi) **Heritage Management Plan** which:
- has been prepared in consultation with Heritage NSW, Council and relevant stakeholders for both Aboriginal heritage and non-Aboriginal heritage items;

- includes a pre-mining assessment of the condition and structure of heritage items within the subsidence area;
- describes the measures to be implemented to:
 - protect, monitor and manage potential environmental consequences of the proposed second workings on identified heritage items;
 - manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development; and
 - facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage sites within the subsidence area;
- (vii) **Public Safety Management Plan** which has been prepared in consultation with the Resources Regulator, which ensures public safety and manages access on the site;
- (viii) **Trigger Action Response Plan/s**, which contain:
 - appropriate triggers to warn of increased risk of exceedance of any performance measure;
 - specific actions to respond to high risk of exceedance of any performance measure to ensure that the measure is not exceeded;
 - an assessment of remediation measures that may be required if exceedances occur and the capacity to implement the measures; and
 - adaptive management where monitoring indicates that there has been an exceedance of any impact assessment criteria in Table 1 or condition 5, or where any such exceedance appears likely; and
- (ix) **Contingency Plan** that expressly provides for:
 - adaptive management where monitoring indicates that there has been an exceedance of any impact assessment criteria in Table 1 or condition 5, or where any such exceedance appears likely;
 - an assessment of remediation measures that may be required if exceedances occur and the capacity to implement those measures;
- (h) propose appropriate revisions to the Rehabilitation Plan required under condition 29 schedule 3; and
- (i) include a program to collect sufficient baseline data for future Extraction Plans.

Notes:

- *This condition does not apply to second workings which are covered by an approved Subsidence Management Plan.*
- *The preparation and implementation of Extraction Plans may be staged with each plan covering a defined area of underground workings. In addition, these plans are only required to contain management plans that are relevant to the specific underground workings that are being carried out.*

- 2A. The Applicant must not undertake second workings until the relevant Extraction Plan is approved by the Planning Secretary.
- 2B. The Applicant must implement the Extraction Plan as approved by the Planning Secretary.

SURFACE & GROUND WATER

Note: The Applicant is required to obtain licences for the development under the Water Act 1912 and the Protection of the Environment Operations Act 1997.

Pollution of Waters

3. Except as may be expressly provided by an Environment Protection Licence, the Applicant **must** comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the development.

Water Discharge Pollution Limits

4. Except as may be expressly provided by an Environment Protection Licence, the Applicant **must** ensure that the discharges from any licensed discharge points comply with the limits in Table 2:

Table 2: Water Discharge Pollution Limits

Pollutant	Units of Measure	100 percentile concentration limit
pH	pH	$6.5 \leq \text{pH} \leq 9.0$
Non-filterable residue	mg/litre	$\text{NFR} \leq 120$

Note: This condition does not authorise the pollution of waters by any other pollutants.

Water Resources Impact Assessment Criteria

5. The Applicant **must** ensure that the development does not result in any:
 - (a) significant inflows to mine workings;
 - (b) reduction in pumping yield in privately-owned groundwater bores;
 - (c) reduction in surface flows and groundwater baseflow to upland swamps (Newnes Plateau Shrub Swamps) and wetlands; and
 - (d) reduction in surface flows and groundwater baseflow to waterbodies including Marrangaroo Creek, Farmers Creek, Dargans Creek, Wolgan River, Dumbano Creek, Bungleboori Creek, and Wollangambe River (excluding reduction in flows associated with the proposed water transfer scheme),
 to the satisfaction of the [Planning Secretary](#).

Note: Each of these impact assessment criteria must be quantified in the respective sub-plans of the Water Management Plan (see condition 6 below), to the satisfaction of the [Planning Secretary](#).

Water Management Plan

6. Within 12 months of the date of this consent, the Applicant **must** prepare and subsequently implement a revised Water Management Plan for the mine in consultation with Council, [WaterNSW](#), [EPA](#), [DPIE Water](#) and to the satisfaction of the [Planning Secretary](#). This plan must be prepared by a qualified hydrogeologist/hydrologist and include:
 - (a) a Water Balance;
 - (b) an Erosion and Sediment Control Plan;
 - (c) a Surface Water Monitoring Program;
 - (d) a Ground Water Monitoring Program; and
 - (e) a Surface and Ground Water Response Plan, to address any potential adverse impacts associated with the development.

Note: The Water Management Plan may be prepared in a staged manner in accordance with the staging of the development.

- 6A. The Applicant **must** prepare and implement a revised Water Management Plan for the development, taking into account the construction of Reject Emplacement Area VI and protection of the adjacent Newnes Plateau Hanging Swamp (see [Appendix 4](#)), and the relocation of the effluent irrigation area, to the satisfaction of the [Planning Secretary](#). This plan must be prepared in consultation with Council, [EPA](#) and [WaterNSW](#), and be submitted to the [Planning Secretary](#) for approval by 31 October 2014.
- 6B. The Applicant **must** design, construct and operate Reject Emplacement Areas V and VI to ensure that:
 - (a) its commitments in [Appendix 3](#) are implemented;
 - (b) the base of the emplacement is suitably lined to comply with a permeability standard of less than 1×10^{-9} metres per second over a minimum thickness of 0.5 metres, or equivalent performance; and
 - (c) there are no discharges from the emplacement to surface waters.
7. The Water Balance **must**:
 - (a) include details of all water extracted, dewatered, transferred, used and/or discharged by the mine; and
 - (b) provide for the annual re-calculation of the water balance and reporting of the review in the [Annual Review](#).
8. The Erosion and Sediment Control Plan **must**:
 - (a) be consistent with the requirements of the Department of Housing's *Managing Urban Stormwater: Soils and Construction* manual;
 - (b) identify activities that could cause soil erosion and generate sediment;
 - (c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
 - (d) describe the location, function, and capacity of erosion and sediment control structures; and
 - (e) describe what measures would be implemented to maintain the structures over time.

9. The Surface Water Monitoring Program **must** include:
 - (a) detailed baseline data on surface water flows (including ground water baseflows) and quality in waterbodies and wetlands above the mine;
 - (b) surface water impact assessment criteria;
 - (c) a program to monitor surface water flows (including ground water baseflows) and quality; and
 - (d) a protocol for the investigation, notification and mitigation of identified exceedances of the surface water impact assessment criteria; and
 - (e) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.
10. The Ground Water Monitoring Program **must** include:
 - (a) detailed baseline data on ground water levels and quality, based on statistical analysis, to benchmark the pre-mining natural variation in ground water levels and quality;
 - (b) ground water impact assessment criteria;
 - (c) a program to monitor the volume and quality of ground water seeping into the underground mine workings; and
 - (d) a program to monitor regional ground water levels and quality in the following geologic formations:
 - (i) Banks Wall Sandstone;
 - (ii) Burra-Moko Head Sandstone;
 - (iii) Caley Formation; and
 - (iv) Katoomba Coal Seam.
 - (e) a protocol for the investigation, notification and mitigation of identified exceedances of the ground water impact assessment criteria.
11. The Surface and Ground Water Response Plan **must** include:
 - (a) the procedures that would be followed in the event of any exceedance of the surface or ground water impact assessment criteria, or other identified impact on surface or ground water; and
 - (b) measures to mitigate, remediate and/or compensate any identified impacts.

Reporting

12. Each year, the Applicant **must**:
 - (a) review the Water Management Plan;
 - (b) update each sub-plan; and
 - (c) report the results of this review in the [Annual Review](#), including;
 - (d) the results of monitoring;
 - (e) details of the review for each sub-plan;
 - (f) amendments to the sub-plans; and
 - (g) details of the measures undertaken/proposed to address any identified issues.

BIODIVERSITY

Biodiversity Offset Strategy

- 12A. By the end of December 2016, the Applicant **must**, in consultation with BCS, and to the satisfaction of the [Planning Secretary](#):
 - (a) provide a suitable offset to satisfactorily offset clearing 4.1 hectares of *Newnes Plateau Narrow-leaved Peppermint – Silver-top Ash Layered Open Forest* and the loss of related biodiversity values, including for threatened species; and
 - (b) make suitable arrangements to manage, protect and provide long-term security in perpetuity for this area, consistent with the relevant NSW Offsets policy.

AIR QUALITY

Impact Assessment Criteria

13. The Applicant **must** ensure that the air pollution generated by the development does not exceed the criteria listed in Tables 3, 4, and 5 at any privately-owned land.

Table 3: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	25 µg/m ³

Table 4: Short term impact assessment criterion for particulate matter

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

Table 5: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Notes:

- (a) 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
- (b) The air quality criteria in Tables 3, 4 and 5 do not apply where the Applicant and the affected landowner have reached a negotiated agreement in regard to air quality, and a copy of the agreement has been forwarded to the Planning Secretary and EPA.

Air Quality Monitoring Program

14. Within 6 months of the date of this consent, the Applicant **must** prepare and subsequently implement an Air Quality Monitoring Program for the development, in consultation with EPA, and to the satisfaction of the Planning Secretary. This program must include an air monitoring protocol for evaluating compliance with the air quality criteria in this consent.

NOISE

Noise Impact Assessment Criteria

15. The Applicant **must** ensure that the noise generated by the development, excluding train-loading and rail operations, does not exceed the noise impact assessment criteria presented in Table 6 at any residence on privately owned land.

Table 6: Noise impact assessment criteria dB(A) L_{Aeq} (15 min)

Location	Day	Evening	Night
Residences on privately owned land	38	36	35

Notes:

- (a) The noise criteria do not apply where the Applicant and the affected landowner have reached a negotiated agreement in regard to noise, and a copy of the agreement has been forwarded to the Planning Secretary and EPA.
- (b) Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017).

Noise Management Plan

16. Within 6 months of the date of this consent, the Applicant **must** prepare and subsequently implement a Noise Management Plan for the development, in consultation with EPA, and to the satisfaction of the Planning Secretary. The plan **must** include:
- (a) a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria;
 - (b) a plan for the management and minimisation of noise emissions associated with train-loading and rail operations, including consideration of all feasible and reasonable noise mitigation measures; and
 - (c) a protocol for the investigation, notification, and mitigation of identified exceedances of the noise impact assessment criteria.
- 16A. The Applicant **must** prepare and implement a revised Noise Management Plan for the development, with a particular focus on reducing rail noise, to the satisfaction of the Planning Secretary. This plan must be prepared in consultation with EPA, provide for the implementation of the Applicant's commitments in Appendix 4, and be submitted to the Planning Secretary for approval by 31 October 2014.

METEOROLOGICAL MONITORING

17. Within 6 months of the date of this consent, the Applicant **must** establish and subsequently maintain a suitable meteorological station operating in the vicinity of the development in accordance with the requirements in Approved Methods for Sampling of Air Pollutants in New South Wales, and to the satisfaction of the EPA and the Planning Secretary.

TRAFFIC & TRANSPORT

Road Haulage

18. The Applicant **must** ensure that all vehicles loaded with coal leaving the site are covered and remain covered throughout the duration of their journey.
19. The Applicant **must** ensure all loaded vehicles leaving the site are cleaned of materials that may fall on the road before they are allowed to leave the site.

Use of Wallerawang Power Station Intersection

- 19A. The Applicant **must** not utilise the intersection of the Castlereagh Highway and Wallerawang Power Station Haul Road for haulage of coal until the intersection has been upgraded in accordance with Austroads standards, to the satisfaction of TfNSW.

VISUAL IMPACT

20. The Applicant **must** minimise the visual impacts of the development to the satisfaction of the Planning Secretary.

Lighting Emissions

21. The Applicant **must** take all practicable measures to mitigate off-site lighting impacts from the development to the satisfaction of the Planning Secretary.
22. All external lighting associated with the development **must** comply with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

GREENHOUSE GAS

23. The Applicant **must**:
- (a) monitor the greenhouse gas emissions generated by the development;
 - (b) investigate ways to reduce greenhouse gas emissions on site; and
 - (c) report on these investigations in the *Annual Review*, to the satisfaction of the Planning Secretary.

WASTE MINIMISATION

24. The Applicant **must** minimise the amount of waste generated by the development to the satisfaction of the Planning Secretary.

REJECT MANAGEMENT

- 24A. The Applicant must prepare and implement a long term Reject Management Strategy for the project to the satisfaction of the Planning Secretary. This plan must be:
- (a) prepared in consultation with DPIE Water, EPA and BCS;
 - (b) consider alternatives to reject emplacement, including beneficial re-use and underground disposal; and
 - (c) be submitted to the Planning Secretary for approval by the end of November 2014.
- 24B. Prior to the commencement of coarse coal reject transfers to Charbon Colliery, the Applicant must revise the Reject Management Strategy to the satisfaction of the Planning Secretary. The revised plan must be prepared in consultation with the EPA and Resources Regulator, and include:
- (a) a definition and criteria for determining whether coarse coal reject material is geochemically suitable to be used for rehabilitation activities at Charbon Colliery;
 - (b) a process for assessing the geochemical suitability of coarse coal reject prior to transfer to Charbon Colliery; and
 - (c) a process for managing and/or treating coarse coal reject that does not meet the definition and criteria established in accordance with condition 24B(a).

HAZARDS MANAGEMENT

Spontaneous Combustion

25. The Applicant **must** take the necessary measures to prevent, as far as is practical, spontaneous combustion on the site.

Dangerous Goods

26. The Applicant **must** ensure that the storage, handling, and transport of dangerous goods is done in accordance with the relevant *Australian Standards*, particularly AS1940 and AS1596, and the *Dangerous Goods Code*.

BUSHFIRE MANAGEMENT

27. The Applicant **must**:
- (a) ensure that the development is suitably equipped to respond to any fires on-site; and
 - (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire on-site during the development.

MINE CLOSURE STRATEGY

28. At least 3 years prior to the cessation of mining, the Applicant **must** prepare a Mine Closure Strategy for the development, in consultation with Council, **Resources Regulator**, **DPIE Water** and **EPA**, and to the satisfaction of the **Planning Secretary**. The plan must:
- (a) define the objectives and criteria for mine closure;
 - (b) investigate options for the future use of the site, including the pit top and surface facilities area;
 - (c) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;
 - (d) define a strategy for the ongoing management of water inflow to the mine;
 - (e) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the development; and
 - (f) describe how the performance of these measures would be monitored over time.

REHABILITATION

29. The Proponent shall prepare and implement a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*.

HERITAGE

Heritage Management Plan

30. The Applicant **must** prepare and implement a Heritage Management Plan for the development to the satisfaction of the **Planning Secretary**. This Plan must:
- (a) be prepared in consultation with relevant Aboriginal stakeholders;
 - (b) be submitted to the **Planning Secretary** for approval prior to 31 October 2014;
 - (c) include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;
 - (d) detail the responsibilities of all stakeholders; and
 - (e) include programs/procedures and management measures for appropriate identification, management, conservation and protection of both Aboriginal and non-Aboriginal heritage items identified on the site.

FOR INFORMATION

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. If the results of monitoring required in schedule 3 identify that impacts generated by the development are greater than the relevant impact assessment criteria in schedule 3, then the Applicant **must** notify the **Planning Secretary** and the affected landowners and/or existing or future tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the development is complying with the criteria in schedule 3.

INDEPENDENT REVIEW

2. If a landowner considers the development to be exceeding any air quality or noise relevant criterion in Schedule 2 of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.
3. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.
4. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:
 - (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
 - (i) consult with the landowner to determine their concerns;
 - (ii) conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 2; and
 - (iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; and
 - (b) give the Planning Secretary and landowner a copy of the independent review; and
 - (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.

SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING & REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. Within 12 months of the date of this consent, the Applicant **must** prepare and implement an Environmental Management Strategy for the development to the satisfaction of the **Planning Secretary**. This strategy must:
 - (a) provide the strategic context for environmental management of the development;
 - (b) identify the statutory requirements that apply to the development;
 - (c) describe in general how the environmental performance of the development would be monitored and managed during the development;
 - (d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the development;
 - respond to any non-compliance;
 - manage cumulative impacts; and
 - respond to emergencies; and
 - (e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development; and
 - (f) be updated within 3 months of the completion of each Independent Environmental Audit.
2. Within 14 days of the **Planning Secretary's** approval for the strategy, the Applicant **must**:
 - (a) send copies of the approved strategy to the relevant agencies, Council, and the CCC; and
 - (b) ensure the approved strategy is publicly available during the development.

ENVIRONMENTAL MONITORING PROGRAM

3. Within 12 months of the date of this consent, the Applicant **must** prepare an Environmental Monitoring Program for the development in consultation with the relevant agencies, and to the satisfaction of the **Planning Secretary**. This program must consolidate the various monitoring requirements in schedule 3 of this consent into a single document.
4. Within 3 months of the completion of each Independent Environmental Audit, the Applicant **must** review, and if necessary update, the Environmental Monitoring Program to the satisfaction of the **Planning Secretary**.

REPORTING

Annual Reporting

5. The Applicant **must** prepare and submit an **Annual Review** to the **Planning Secretary** and the relevant agencies. This report must:
 - (a) identify the standards and performance measures that apply to the development;
 - (b) describe the works carried out in the last 12 months;
 - (c) describe the works that will be carried out in the next 12 months;
 - (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
 - (e) include a summary of the monitoring results for the development during the past year;
 - (f) include an analysis of these monitoring results against the relevant:
 - impact assessment criteria;
 - monitoring results from previous years; and
 - predictions in the EIS;
 - (g) identify any trends in the monitoring results over the life of the development;
 - (h) identify any non-compliance during the previous year; and
 - (i) describe what actions were, or are being taken to ensure compliance.

Incident Notification

- 5A. The Applicant **must** immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Department's Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

- 5B. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Department's Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

6. By the end of October 2023, and every three years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (2020, or as amended from time to time);
 - (b) be led and conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Planning Secretary;
 - (c) be carried out in consultation with the relevant agencies and the CCC;
 - (d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);
 - (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
 - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
 - (g) be conducted and reported to the satisfaction of the Planning Secretary.
7. The Independent Environmental Audit **must** include a detailed audit of the subsidence, surface water, and ground water impacts of the development. The audit **must**:
- (a) review the monitoring data for the development;
 - (b) identify any trends in the monitoring data;
 - (c) examine the subsidence, surface water, and ground water impacts of the development;
 - (d) compare these impacts against the relevant impact assessment criteria; and, if necessary,
 - (e) recommend measures to reduce, mitigate, or remediate these impacts

If the independent audit determines that the subsidence, surface water, and/or ground water impacts resulting from the underground mining operations are greater than those predicted in the EIS/Supplementary Report or the relevant impact assessment criteria, the Applicant **must**:

- (a) assess the significance of these impacts;
 - (b) investigate measures to minimise these impacts, including modifying subsequent mine plans; and
 - (c) describe what measures would be implemented to reduce, minimise, mitigate or remediate these impacts in the future;
- to the satisfaction of the [Planning Secretary](#).
8. Within 3 months of commissioning the Independent Environmental Audit, the Applicant **must** submit a copy of the audit report to the [Planning Secretary](#), with a response to the recommendations contained in the audit report.

COMMUNITY CONSULTATIVE COMMITTEE

9. Within 3 months of the date of this consent, the Applicant **must** establish a Community Consultative Committee to oversee the environmental performance of the mine. The CCC **must**:
- (a) be comprised of:
 - 2 representatives from the Applicant, including the person responsible for environmental management at the mine;
 - at least 1 representative from Council (if available); and
 - at least 3 representatives from the local community, whose appointment has been approved by the [Planning Secretary](#) in consultation with the Council;
 - (b) be chaired by an independent chairperson, whose appointment has been approved by the [Planning Secretary](#);
 - (c) meet at least twice a year; and

- (d) review and provide comment on the environmental performance of the development, including any environmental management plans, monitoring results, audit reports, or complaints.
10. The Applicant **must**, at its own expense:
- (a) ensure that 2 of its representatives attend the Committee's meetings;
 - (b) provide the Committee with regular information on the environmental performance and management of the development;
 - (c) provide meeting facilities for the Committee;
 - (d) arrange site inspections for the Committee, if necessary;
 - (e) take minutes of the Committee's meetings;
 - (f) make these minutes available to the public;
 - (g) respond to any comments or recommendations the Committee may have in relation to the environmental management or performance of the development;
 - (h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the **Planning Secretary** within a month of acceptance of the minutes by the Committee.

ACCESS TO INFORMATION

11. Within 1 month of the approval of any management plan/strategy required under this consent (or any subsequent revision of these management plans/strategies), the completion of the independent audits required under this consent, or the completion of the **Annual Review**, the Applicant **must**:
- (a) provide a copy of the relevant document/s to the Council, relevant agencies and the CCC;
 - (b) ensure that a copy of the relevant documents is made publicly available at the mine; and
 - (c) put a copy of the relevant document/s on the Applicant's website, to the satisfaction of the **Planning Secretary**.
12. During the life of the development, the Applicant **must**:
- (a) make a summary of the results of all monitoring required under this consent publicly available both at the mine and on the Applicant's website; and
 - (b) update these results on a regular basis (at least every 3 months), to the satisfaction of the **Planning Secretary**.

Note: The Applicant's environmental management plans/protocols should specify the reporting provisions for each environmental aspect.

REVISION OF STRATEGIES, PLANS OR PROGRAMS

13. Within 3 months of:
- (a) the submission of an incident report under condition 5A of Schedule 5;
 - (b) the submission of an annual review under condition 5 of Schedule 5;
 - (c) the submission of an audit report under condition 6 of Schedule 5; or
 - (d) any modification to the conditions of this consent (unless the conditions require otherwise),

the Applicant **must** review the strategies, plans, and programs required under this consent, to the satisfaction of the **Secretary**. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the **Secretary**.

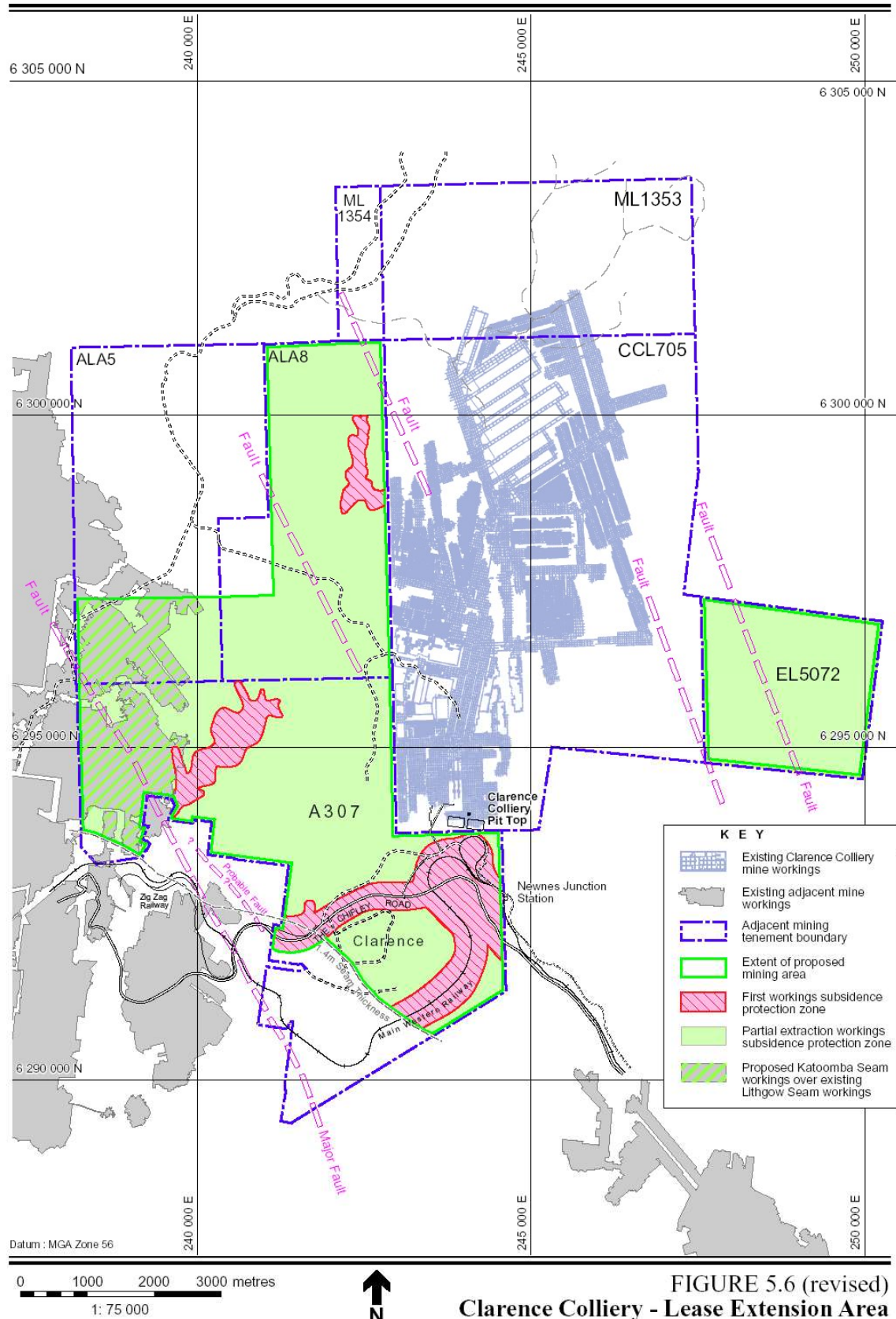
Note: This is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve the environmental performance of the development.

APPENDIX 1 SCHEDULE OF LAND

This Appendix to be completed by an officer of the local office of the Department of Land and Water Conservation, a Registered Surveyor, Survey Drafting Officer or Property Officer.

ITEM	PARTICULARS REPORTED
Nature of the land (i.e, Freehold, occupied or vacant Crown land).	Freehold : Parish: Marrangaroo : County: Cook Lots Pt 20, 47, 50 139, Pt 94, Pt 19, 200 & 17 DP 751655 Lot 1 DP 576152 Lot 1 DP 113040 Lot 1 DP 574704 Lot 2 DP 787403 Lot 1 DP 911661 Lot Pt 1 DP 4330 Lot 19 DP 661122 Lots A & B DP 377435 Lots Pt A & Pt B DP 400049 Lots A & B DP 410209 Lots Pt 2, Pt 3, Pt 4, Pt 5 & Pt 6 DP 834082 Lots Pt 1 & Pt 2 DP 514250 Lots 1-14, 17 & 18 DP 7199 Shown by Orange Edge Freehold : Parish: Lett : County: Cook Lots Pt81, Pt 274, Pt 275, 16, 218, 4 & 134 DP 751650 Lots 1-35, 37-95, 97 & 98 DP 237413 Lots 14, 15, 16 & 17 Section 4 DP 2018 Lots 3, 4, 5, 7, 8, 9 & 10 Section 2 DP 2018 Lots 2-6 & 11 Section 1 DP 2018 Lots A & B DP 350637 Lots A & B 440786 Lot 369 DP 726995 Pt 1 & Pt 20 DP 5083 Lots 8,9 & 9A DP 981609 Lots 10-13 DP 852373 Lots A & B DP 440786 Lots 1 & 2 DP 575422 Lot 1 DP 871022 Lots 8 & 5 DP 788554 Lot 1 DP 105037 Lot 1 DP 982496 Lots 191 & 192 DP 875912 Lot 4 DP 251935 Lots 1 & 2 DP 719201 Lots 1 & 2 DP 823423 Lots 1 & 2 DP 823390 Lot 1 DP 47648 Lot 3 DP 601456 Lot 3 DP 778317 Lots A & B 345465 Shown by Orange Edge Freehold : Parish: Clywdd : County: Cook Lots 45, Pt23, 37, 38, 39, 40, 54 & 59 DP 751631 Lot 167 DP 821851 Lot Pt 165 DP 751631 Lots 1 & 2 DP 606571 Lot 1002 DP 843871 Lots 361 & 363 DP 209982 Lot 1 DP 579474 Lot Pt 1 DP 741138 Shown by Orange Edge Leasehold Land : Parish: Lett : County: Cook Lot 339 DP 720625 Special Lease 1963/32 Lithgow (73420) Shown by Brown

APPENDIX 2 MINE PLAN AND SUBSIDENCE PROTECTION ZONES



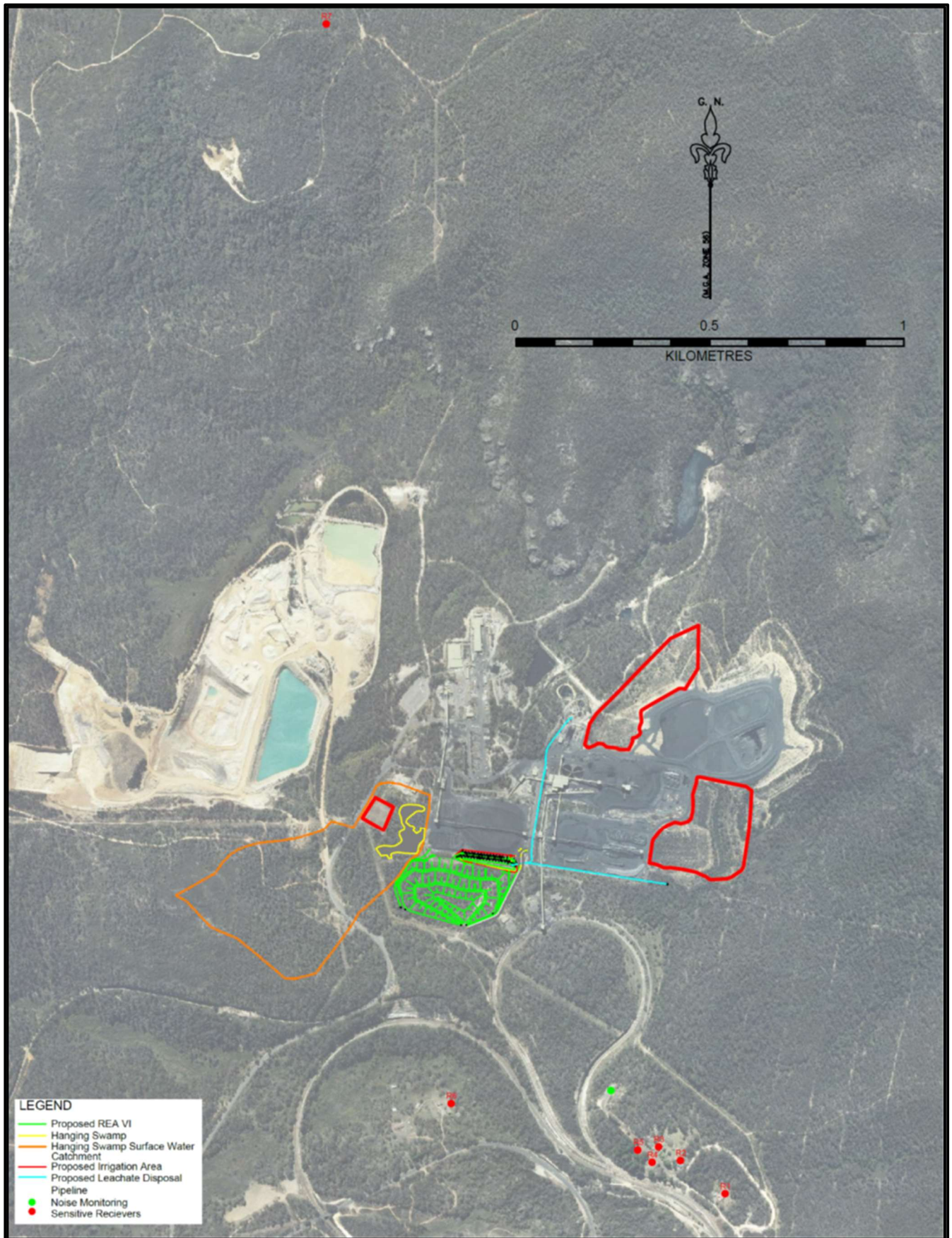
APPENDIX 3
STATEMENT OF COMMITMENTS

Issue	Commitment
<i>Construction Phase</i>	
General REA VI Construction Management	Prior to construction, develop a Construction Environmental Management Plan incorporating: • Construction of REA VI generally in accordance with the design plans contained within Attachment 2 of the Response to Submissions. • Capacity of the REA VI will not exceed 390,000m³. • Construction of water management infrastructure as described in Section 7. • REA VI will remain outside of the modelled surface water catchment associated with the Hanging Swamp (as per Figure 1 within this Response to Submissions). • A Construction Groundwater Monitoring Program including the installation of an additional monitoring well used to determine the existing groundwater level. • Excavation for the preparation of the proposed REA VI will not occur within 2 metres of the perched water table. • Clay lining and compacting the base of REA VI to prevent migration of any leachate seepage into groundwater aquifers. • A Construction Noise Management Plan.
<i>Operational Phase</i>	
Soil and water management	Manage and treat all leachate from REA VI in accordance with the existing Water Management Plan and additional water management infrastructure included as part of the proposal.
Effluent Irrigation	Undertake irrigation in accordance with the Effluent Irrigation Operational Environmental Management Plan.
Water Monitoring	Update the Water Management Plan to include monitoring of the additional monitoring well. Undertake surface water and groundwater monitoring in accordance with the updated Water Management Plan.
TPHSS Monitoring	Annually undertake, in summer months, a rapid assessment on established cross-sections within the TPHSS community to monitor the integrity of the swamp.
Heritage	Development of a Cultural Heritage Management Plan for Clarence Colliery.

Issue	Commitment
Traffic and transport	Undertake line marking to delineate the required parking spaces.
Rail noise and vibration	Development of a Noise Management Plan (within 6 months of approval) which will include the following with regard to train loading operations: • Within 3 months of approval, and in consultation with Pacific National and Sydney Trains, review operational and rail loading practices to reduce noise, including review of the location of relief points and signals on the departure side of the rail loop to minimise idling noise near residential receivers to the satisfaction of the Director General. • Implementation of acoustical mitigation at receivers as agreed to with relevant property owner for residential receivers labelled R1 to R6. • Where acoustical mitigation at receivers is insufficient to meet compliance with relevant noise criteria, negotiated agreements will be pursued with residential receivers labelled R1 to R6 following the process outlined Section 7 and Section 8 of the Industrial Noise Policy.
Visual amenity	Undertake rehabilitation of REA VI in accordance with the Conceptual Rehabilitation and Closure Plan (2012).
Socio-economic	Undertake community consultation in accordance with Section 16.4 .

APPENDIX 4
LOCATION OF REJECT EMPLACEMENT AREA VI,
NEWNES PLATEAU HANGING SWAMP AND
EFFLUENT IRRIGATION AREA

FOR INFORMATION



APPENDIX 5: COAL TRANSPORT ROUTES

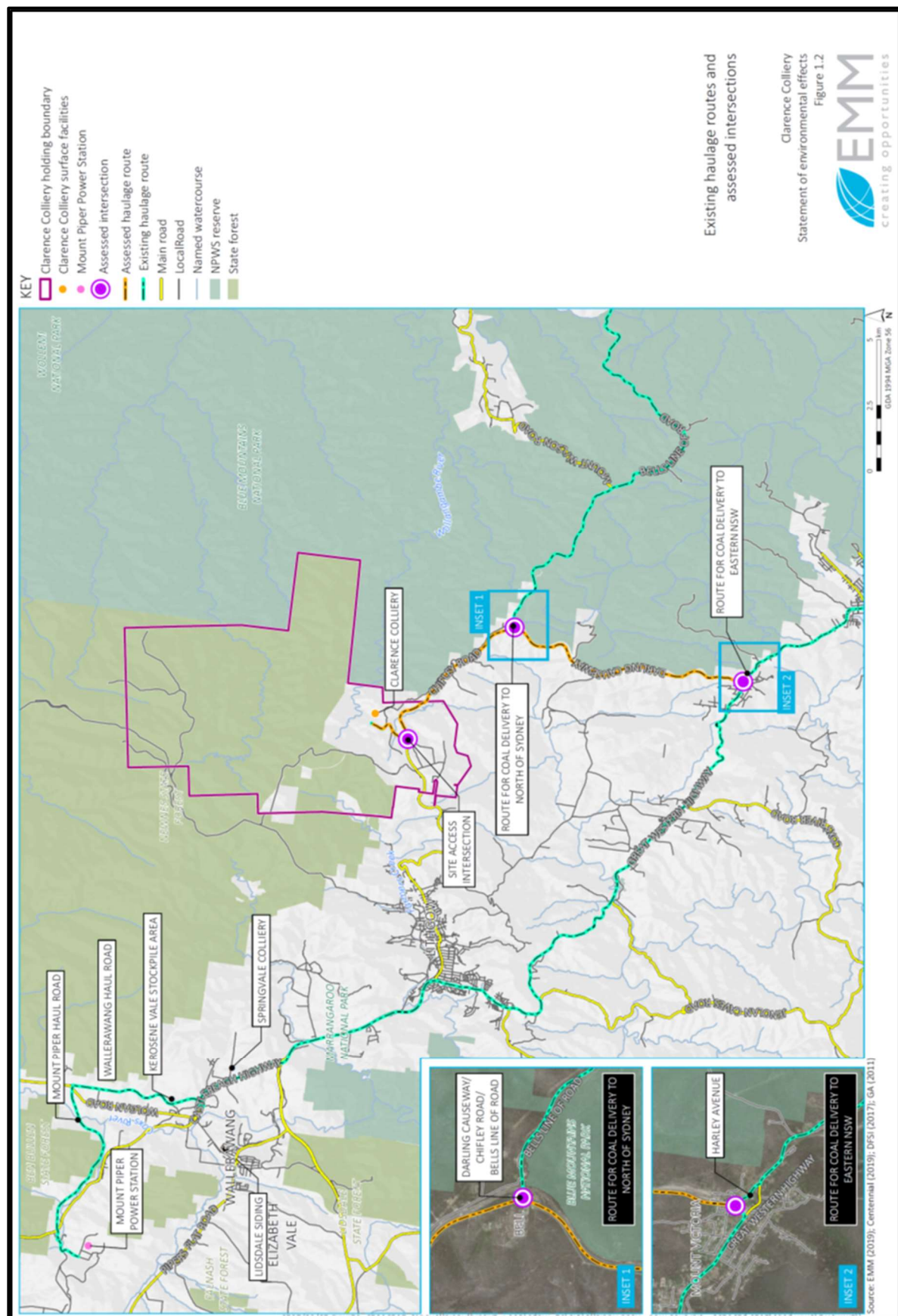


Figure 1: Coal Transport Routes