ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

INTEGRATED STATE SIGNIFICANT DEVELOPMENT

DETERMINATION OF DEVELOPMENT APPLICATION PURSUANT TO SECTIONS 76(A)9 & 80

I, the Minister for Urban Affairs and Planning, pursuant to Sections 76(A)9 & 80 of the Environmental Planning and Assessment Act, 1979 ("the Act") determine the development application ("the application") referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule 2.

The reasons for the imposition of the conditions are to:

(i) minimise the adverse impact the development may cause through water and air pollution, noise and visual disturbance;

(ii) provide for environmental monitoring and reporting; and

(iii) set requirements for mine infrastructure provision.

Andrew Refshauge MP
Minister for Urban Affairs and Planning

Sydney, 10 August 2000 File No. S99/00878

Schedule 1

Application made by:	Whitehaven Coal Mining Pty Ltd (ACN 086 426 253) ("the Applicant").
To:	The Minister for Urban Affairs and Planning (DA 72-03-2000)
In respect of:	Land described in Appendix "1".
For the following:	Development of an open cut coal mine, including highwall mining, on site processing and transportation of coal ("the Development").
BCA Classification:	Class 5 - Office Buildings Class 7 - Store Building Class 8 - Workshop Class 9b - Crib / First Aid Room Class 10a - Bath house Class 10b - Weighbridge

NOTE: 1) To ascertain the date upon which the consent becomes effective, refer to section 83 of the Act.

2) To ascertain the date upon which the consent is liable to lapse, refer to section 95 of the Act.

3) Section 97 of the Act confers on an Applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of notice.

SCHEDULE 2

Development Consent Conditions For Whitehaven Open Cut Coal Mine

INDEX

DEFINITIONS:

AEMR **-** *Annual Environmental Management Report*
CCC – *Community Consultative Committee*
Construction – *Construction of road works and surface facilities*
DA - *Development Application*
DA area - *Development Application area which includes all works described in the DA.*
Director-General - *Director-General of the Department of Urban Affairs and Planning or delegate.*
EIS - *Environmental Impact Statement*
Mining Operations – *Includes vegetation removal and soil stripping, overburden removal and coal extraction*
Surface facilities – *Office Buildings, Bath House, Work Shop, Crib Room, First Aid Room, Store Building, and Weighbridge.*

Government Authorities

NSC - *Narrabri Shire Council*
GSC – *Gunnedah Shire Council*
DLWC - *Department of Land and Water Conservation*
DMR - *Department of Mineral Resources*
EPA - *Environment Protection Authority*
NPWS - *National Parks and Wildlife Service*
NSW Agriculture - *New South Wales Agriculture*
RTA - *Roads and Traffic Authority*

1. General

There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the project. This requires that all practicable measures are to be taken to prevent and minimise harm that may result from the construction, operation and, where relevant, decommissioning of the development.

1.1 Adherence to terms of DA, EIS, SIS, etc.

(a) The development is to be carried out generally in accordance with development application No. 72-03-2000, and the EIS dated March 2000, prepared by RW Corkery & Co. Pty Limited and certified in accordance with Section 78A(8) of the Act, and all other relevant documentation provided to DUAP, including:

(i) additional information provided to the Department in response to the issues raised during the exhibition period dated 17 May 2000;
(ii) additional information on the threatened species assessment provided to the Department in a letter dated 5 May 2000;
(iii) [1]all additional documents supplied to the EPA in relation to the development, including The Noise and Blasting Impact Assessment prepared by Richard Heggie Associates dated 9 March 2000 and the Soil Survey & Land Capability report prepared by Geoff Cunningham Natural resource Consultants P/L dated February 2000.

as may be modified by the conditions set out herein.

(b) If, at any time, the Director-General is aware of environmental impacts from the proposal that pose serious environmental concerns due to the failure of environmental management measures in place to ameliorate the impacts, the Director-General may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.

(c) If any licence conditions are breached the Applicant shall comply with any modification to the work as specified by the relevant agency.

1.2 Period of Approval/Project Commencement

(i) The approval for mining is for a period of 15 years from the date of granting of a mining lease pursuant to this consent.

(ii) At least two weeks prior to the commencement of construction and mining operations respectively or within such period as agreed by the Director-General, the Applicant shall submit for the approval of the Director-General a compliance report detailing compliance with all the relevant conditions that apply prior to the commencement of construction and Mining operations.

---
[1] EPA General Terms of Approval

(iii) The date of commencement of construction and mining operations is to be notified in writing to the Director-General, NSC, and GSC, at least two weeks prior to commencement of construction and Mining operations respectively.

(iv) No construction activities shall commence until the completion of the trial mine phase.

(v) The Applicant shall notify of each six week highwall mining campaign in writing to the Director-General, NSC, and GSC at least two weeks prior to the commencement of each.

(vi) The Applicant shall notify of the commencement of road haulage of coal from the mine in writing to the Director-General, NSC, and GSC at least two weeks prior.

1.3 Dispute Resolution

In the event that the Applicant, NSC, GSC or a Government agency, other than the Department of Urban Affairs and Planning, cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the Director-General, whose determination of the disagreement shall be final and binding on the parties.

1.4 Security Deposits and Bonds

Security deposits and bonds will be paid as required by DMR under mining lease approval conditions.

2. Mine Management

2.1 Mine Management Plan, Operations and Methods

(a) No mining shall occur until the Applicant has submitted and had accepted by the DMR, a Mining Operations Plan (MOP) in accordance with current guidelines issued by DMR. The Plan covers mining operations for a period of up to seven years.

(b) The MOP shall:
- (i) be prepared in accordance with DMR Guidelines for the Preparation of Mining Operations Plans (Document 08060002.GUI or its most recent equivalent);
- (ii) demonstrate consistency with the conditions of this consent and any other statutory approvals;
- (iii) demonstrate consistency with the Environmental Management Plans for the project site;
- (iv) provide the basis for implementing mining operations, environmental management, and ongoing monitoring; and
- (v) identify a schedule of proposed mine development for the period covered by the plan and include:
  - the area proposed to be impacted by mining activity and resource recovery mining methods and remediation measures
  - areas of environmental, heritage or archaeological sensitivity and mechanisms for appropriately minimising impact
  - water management, and
  - proposals to appropriately minimise surface impacts.

(c) In preparing the Mine Operations Plan, the Applicant shall consult with affected service authorities and make arrangements satisfactory to those authorities for the protection or relocation of those services.

(d) A copy of the MOP, excluding commercial in confidence information, shall be forwarded to NSC, GSC and the Director-General within 14 days of acceptance by DMR.

2.2 Limits on Production

Note	The Applicant will be required to submit an application in accordance with the requirements of the *Environmental Planning and Assessment Act,1979* for the approval of a Coal Preparation Plant once the quantity of coal from the mine to be washed reaches a threshold of 200,000 tpa.

3. Land and Site Environmental Management

3.1 Appointment of Environmental Officer

(a) The Applicant shall engage an Environmental Officer for the life of the mine whose appointment is to receive prior approval by the Director-General. The Officer(s) will:
- (i) be responsible for the preparation of the environmental management plans (refer Condition 3.2);
- (ii) be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;
- (iii) be responsible for receiving and responding to complaints in accordance with Condition 10.2(a);
- (iv) facilitate an induction and training program for all persons involved with construction activities, mining and remedial activities; and
- (v) have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.

(b) The Applicant shall notify the Director-General, DMR, EPA, NPWS, DLWC, NSC, GSC, and CCC (refer condition 10.1) of the name and contact details of the Environmental Officer(s) upon appointment and any changes to that appointment.

3.2 Environmental Management Strategies and Plans

(a) The Applicant shall prepare an Environmental Management Strategy providing a strategic context for the environmental management plans [refer condition 3.2(d)]. The Environmental Management Strategy shall be prepared in consultation with the relevant authorities and the Community Consultative Committee (refer condition 10.1) and to the satisfaction of the Director-General, prior to commencement of construction. The Strategy shall be provided to the Director-General no later than the time the first Environmental Management Plan under sub clause (d) below is submitted.

(b) The Environmental Management Strategy shall include, but not be limited to:
- (i) statutory and other obligations which the Applicant is required to fulfil during construction and mining, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- (ii) definition of the role, responsibility, authority, accountability and reporting of each of the personnel relevant to environmental management, including the Environmental Officer;
- (iii) overall environmental management objectives and performance outcomes, during construction, mining and decommissioning of the mine, for each of the key environmental elements for which management plans are required under this consent;
- (iv) overall ecological and community objectives for the project, and a strategy for the restoration and management of the areas affected by mining operations, including elements such as habitat areas, creek lines and drainage channels, within the context of those objectives;
- (v) identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;

(vi) steps to be taken to ensure that all approvals, plans, and procedures are being complied with;

(vii) processes for conflict resolution in relation to the environmental management of the project; and

(viii) documentation of the results of consultations undertaken in the development of the Environmental Management Strategy.

(c) The Applicant shall make copies of the Environmental Management Strategy available to NSC, GSC, EPA, DLWC, NPWS, DMR, and the CCC within fourteen days of approval by the Director-General.

(d) The Applicant shall prepare the following environmental management plans:

- Archaeology and cultural management plan (refer condition 3.3 (a))
- Flora and fauna management plan (refer condition 3.4 (a))
- Erosion and sediment control plan (refer condition 3.5(a))
- Soil stripping management plan (refer condition 3.5(c))
- Landscape management plan (refer condition 3.7)
- Bushfire management plan (refer condition 3.8)
- Land management plan (refer condition 3.9(a))
- Site water management plan (refer condition 4.1)
- Dust management plan (refer condition 6.1(a))
- Blast / vibration management plan (refer condition 6.3(e))
- Noise management plan (refer condition 6.4.3(a))
- Construction noise management plan (refer condition 6.4.3(b))
- Road noise management plan (refer condition 6.4.3(c))
- Heavy Vehicle Rail Crossing Risk Assessment Management Plan (refer condition 7.5(a))

(e) The management plans are to be revised, and updated as necessary, at least every 5 years or as otherwise directed by the Director-General in consultation with the relevant government agencies. They will reflect changing environmental requirements or changes in technology/operational practices. Changes shall be made and approved in the same manner as the initial environmental management plan. The plans shall also be made publicly available at NSC and GSC within two weeks of approval of the relevant government authority.

3.3 Heritage Assessment, Management and Monitoring

<u>Assessment and Management</u>

The Applicant shall prior to the commencement of Mining operations;

(a) prepare an Archaeology and Cultural Management Plan to address Aboriginal cultural heritage issues. The Plan shall be prepared in consultation with the Red Chief Local Aboriginal Land Council and NPWS, and to the satisfaction of the Director-General. The Plan shall include but not be limited to:

(i) identification and management of all areas of conservation within the DA area, particularly the consideration of mitigation measures for the sites 'Whitehaven 1' and 'Whitehaven 2' as described in the EIS;

(ii) provision of management strategies for all parts of the DA area not affected by mining;

(iii) identification of any future salvage, excavation and monitoring of any heritage/archaeological sites within the DA area, prior to and during development;

(iv) details of consultation undertaken with NPWS and Red Chief Local Aboriginal Land Council in the preparation of this Plan.

(b) If, during the course of construction of any surface facilities or mining activities, the Applicant becomes aware of any heritage or archaeological material not previously identified, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include NPWS, the NSW Heritage Office, and the relevant the local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

(c) The Applicant is to consult regularly with the Red Chief Local Aboriginal Land Council using consultation principles and strategies consistent with those outlined in the *"Guidelines for best practice community consultation in the NSW Mining and Extractive Industries"*. The results of these consultations shall be documented in the AEMR.

Notes	No Aboriginal archaeological sites, that have been identified, shall be destroyed without the approval of the Director-General of NPWS, under section 90 of the *National Parks and Wildlife Act 1974*, prior to any disturbance of the identified sites by Mining operations.

Monitoring

(d) The Applicant shall monitor the effectiveness of the measures outlined in the Archaeology and Cultural Management Plan [Condition 3.3(a)]. A summary of monitoring results shall be included in the AEMR.

3.4 Flora and Fauna Assessment, Management and Monitoring

Assessment and Management

(a) The Applicant shall prior to commencement of mining operations prepare and implement a Flora and Fauna Management Plan for the management of flora and fauna issues for the DA area. The Plan shall be prepared in consultation with NPWS, and to the satisfaction of the Director-General. The Plan shall be prepared by an appropriately qualified and experienced ecologist to the satisfaction of the Director-General. The ecologist shall be responsible for providing advice to minimise potential impacts upon threatened and protected fauna species that may utilise the site and to provide expert advice on the regeneration and reconstruction of flora and fauna habitat on mined areas. The Plan shall include but not be limited to:

a) Clearing of vegetation

(i) details of pre-clearance inspections, including the identification and inspection of trees containing tree hollows, including stags, prior to clearing of any vegetation. This shall be undertaken by an appropriately qualified and experienced ecologist for the presence of any threatened fauna utilising those hollows;
(ii) the description of appropriate methods for the removal / translocation of any threatened species to suitable areas at the discretion of the ecologist, should any threatened fauna be detected during any clearing;
(iii) the development of a protocol for the relocation and post release monitoring of any Koalas that are required to be transferred;
(iv) provide any further details on the Western Brown Snake (*Pseudonaja nuchalis*) that has been identified on the site, including any details confirming the location of the specie;
(v) development of a protocol for identifying and managing significant impacts on any threatened flora and fauna species not identified in the EIS, during development through construction or operation of the coal mine; and
(vi) details of the methods for salvaging and relocating hollow bearing limbs/stags, that have been identified, to areas regenerated with native vegetation or existing areas of native vegetation, to augment and reconstruct faunal habitat. The limbs and trunks are not to be burnt.

b) Reconstruction of native bushland – Post mining fauna habitat

(i) the establishment of long-term post-mining land use objectives for the site;
(ii) details of the principal goal to replace each native community type that currently exists on site that will be removed or reduced in area, with communities of same or similar dominant species composition, notably White Box, Silver-leaf Ironbark, Narrow-leaf Ironbark, Bimble Box, Yellow Box, and Wilga, and Pilliga Grey Box;
(iii) strategies for the preparation of the site for habitat rehabilitation, as part of the revegetation, including the exclusion of stock feeding on bushland reconstruction areas;
(iv) methods of revegetation; and
(v) details of the habitat monitoring program (refer to subclause (h) below).

(b) The Applicant shall revegetate a minimum of 2 ha for every 1 ha of native vegetation cleared by the mine. The revegetated area shall be protected from grazing by native fauna and domestic stock. The revegetation program shall also aim to extend and re-establish existing native vegetation on and adjacent to the site.

(c) All natural drainage patterns shall be re-established as far as practical.

(d) The Applicant shall implement strategies to manage the impact of surface water management, erosion and sediment control measures, on flora and fauna, including the impact of heavy machinery.

(e) The Applicant shall minimise the clearing of existing native vegetation by adopting the alternative southern dump option as identified following the review of the post Year 4 out-of-pit overburden disposal requirements and outlined in the additional information supplied by RW Corkery and Co. in a letter to DUAP of 5 May 2000. The details of any proposed changes to the water management structures, subsoil stock pile areas and final landform as a result of the alternative arrangements for the southern dump, including its precise layout, shall be provided to the Director-General prior to the commencement of Mining operations.

(f) As well as the requirements under subclause (g), the efforts and progress of the Flora and Fauna Management Plan shall be documented in the Annual Environmental Management Report in accordance with the Department of Mineral Resource's Guidelines to the Mining, Rehabilitation and Environmental Management Process (March 1998) or its latest version.

Monitoring

(g) The regeneration works shall be monitored by an appropriately qualified and experienced ecologist approved by the Director-General. The results of the monitoring and the effectiveness of the reafforestation shall be publicly reported annually as part of the Annual Environmental Management Report.

(h) The Applicant shall prepare a detailed monitoring program of habitat areas on land owned by Whitehaven Coal Mining, during the development and for a period after the completion of the development to be determined by the Director-General in consultation with NPWS. The monitoring program shall be included in the Flora and Fauna Management Plan (Condition 3.4(a)) and a summary of the results shall be provided in the AEMR. The program shall:
   - (i) monitor impacts attributable to the development and include monitoring of the success of any restoration or reconstruction works. The Applicant shall carry out any further works required by the Director-General as a result of the monitoring;
   - (ii) establish an ongoing monitoring program of the existing and proposed revegetated areas to assess their floristics and structure and to propose contingency measures for improvements to revegetation if required; and
   - (iii) establish an ongoing monitoring program of fauna species diversity and abundance and the effectiveness of reconstructed ecosystems in providing fauna habitat and contingency measures should impacts be identified as occurring.

Note: The information obtained from the monitoring shall be used to guide future revegetation efforts on the mine site.

3.5 Prevention of Soil Erosion

(a) The Applicant shall prepare an Erosion and Sediment Control Plan for the surface facilities and mining operations in consultation with the DLWC, taking account of the DLWC "*Draft Guideline for Establishment of Stable Drainage Areas on Rehabilitated Minesites*" or its latest version, and to the satisfaction of DLWC and the Director-General. The Plan shall be prepared and implemented prior to the commencement of construction of surface facilities or mining operations.

(b) The Erosion and Sediment Control Plan shall include but not be limited to:

(i) details of temporary and permanent sediment and erosion control systems to be used during both mine construction and operation, including for earthworks associated with landscaping;

(ii) details of salinity management;

(iii) details of the proposed measures to maximise the retrieval of topsoil for subsequent use in the rehabilitation program;

(iv) consideration and management of erosion and sedimentation of surface watercourses/waterbodies, including all creeklines within the DA areas;

(v) [2]measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be consistent with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

(vi) a program for reporting on the effectiveness of the sediment and erosion control systems and performance against objectives contained in the approved Erosion and Sediment Control Management Plan, and EIS.

(c) The Applicant shall also prepare a Soil Stripping Management Plan to the requirements of DMR and DLWC that shall include, but not be limited to:

(i) details of the management of soil stockpiles, soil stripping techniques and scheduling; and

(ii) a program for reporting on the effectiveness of the soil stripping methods and performance against objectives contained in the soil stripping management plan, and EIS.

3.6 Site Rehabilitation Management

(a) The Applicant shall carry out rehabilitation of all mine areas in accordance with the requirements of any Mining Lease granted by the Minister for Mineral Resources and ensure the progressive rehabilitation of the area is also to the satisfaction of DLWC.

(b) [3]Immediately upon mining finishing on any disturbed area on the premises, the site must be restored to an environmentally stable, safe and revegetated condition with minimal visual impacts.

3.7 Visual Amenity and Landscaping

a) The Applicant shall, prior to the commencement of Mining operations submit for the approval of the Director-General, in consultation with NSC, a detailed Landscape and Revegetation Management Plan prepared by a suitably qualified person. The plan shall include, but not be limited to:

---

[2] EPA General Terms of Approval
[3] EPA General Terms of Approval

(i) details of the establishment of vegetation and the construction of mounding or bunding, for the purposes of maintaining satisfactory visual amenity, ecological functioning and habitat provision;

(ii) use of indigenous species;

(iii) details of the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications). Buildings and structures shall be designed and constructed so as to blend as far as possible with the surrounding landscape; and

(iv) details, specifications and staged work programs to be undertaken, including a maintenance program of all landscape works, building materials and cladding.

3.8 Bushfire and other Fire Controls

The Applicant shall:

(a) prior to commencement of mining operations prepare a bushfire management plan for all its holdings contained in the DA, to the satisfaction of NSC and GSC; and,

(b) provide adequate fire protection works on site, including at least one emergency fire fighting unit on the site.

3.9 Land Management

(a) The Applicant shall, prior to commencement of Mining operations prepare a Land Management Plan for the areas of the proposed surface facilities, and its holdings in the DA area, to provide for proper land management in consultation with DLWC, NSC and GSC, and to the satisfaction of the Director-General. The plan shall include, but not be limited to:

(i) pastures and remnant vegetation management;

(ii) prevention and rehabilitation of land degradation;

(iii) eradication of vermin and noxious weeds as required by the Rural Lands Protection Authority, the Prickly Pear Authority and other relevant authorities; and,

(iv) feral animal control.

(b) The Applicant shall minimise the removal of trees and other vegetation from the construction of the proposed surface facilities, and restrict any clearance to the areas occupied by mine activity, buildings and paved surfaces, and those areas necessary for fire control (in accordance with NSC requirements).

4. Water Management and Monitoring

4.1 Surface & Ground Water Management Plans

The Applicant shall:

(a) prior to the commencement of mining, prepare a Site Water Management Plan for the DA area, to the satisfaction of the Director-General and DLWC, which shall include, but not be limited to, the following matters:

(i) management of the quality and quantity of surface and ground water within the areas covered by the water management plans;

(ii) management of stormwater and general surface runoff diversion to ensure separate effective management of clean and dirty water;

(iii) details and results of consultation with local landholders;

(iv) measures to be implemented to prevent the quality of any surface waters being degraded below the relevant ANZECC water quality criteria;

(v) contingency plans for managing adverse impacts of the development on surface and groundwater quality;

(vi) [4]measures to ensure all works subject to an approval from DLWC will be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property;

(vii) [5]identification of measures to ensure all works involving soil or vegetation disturbance will be undertaken to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system;

(viii) [6]measures to develop and implement a Stormwater Management Scheme to mitigate the impacts of stormwater runoff from the site following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA);

(ix) measures to ensure that poorer quality class waters are effectively reused on the site including consideration of segregation of waters based on salinity classes and other levels of contamination;

(x) measures to isolate heavily contaminated waters, including waters containing oil and grease, or other pollutants, to avoid mixing with reuse or discharge waters;

---

[4] DLWC General Terms of Approval
[5] DLWC General Terms of Approval
[6] EPA General Terms of Approval

(xi) details of design and maintenance of all storages, transmission channels and sedimentation basins for the site, to ensure that no sedimentation of watercourses occurs as a result of mining operations;

(xii) details of any licensing requirements for any extractions, storages, or other constructions on the site;

(xiii) measures for assessing chemical water quality impacts of the mining operation below the mine site;

(xiv) projection of potential groundwater changes during mining (short term) and post-mining (long term) with particular attention given to the affect of changes to groundwater quality and mobilisation of salts; and

(xv) a program for reporting on the effectiveness of the water management systems and performance against objectives contained in the approved site water management plans, and EIS.

(b) In the event that the development adversely affects groundwater users the Applicant shall, to the satisfaction of the DLWC, liaise with the users to provide a replacement water supply of similar quality and quantity to that affected, until such time as the development ceases to impact on the users' water supply. The cut-off levels for depressurization of the alluvial aquifer and water quality parameters shall be determined in consultation with the DLWC.

Pollution of Waters

(c) [7]Except as may be expressly provided in the licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.

Point Source Discharges – Concentration Limits

(d) [8]The concentration of any pollutant discharged from a point specified in the table below must not exceed the concentration limit as specified in the table.

All Discharges from Sediment Dams on the Premises					
Pollutant	**Units of Measure**	**50% concentration limit**	**90% concentration limit**	**3DGM concentration limit**	**100% concentration limit**
Total Suspended Solids	mg/L	20	35	-	50
Grease & Oil	mg/L	-	-	-	10
pH	-	-	-	-	6.5-8.5

[7] EPA General Terms of Approval
[8] EPA General Terms of Approval

Water Use

(e) [9]The Applicant shall install suitable devices as required by DLWC to accurately measure the quantity of water extracted or diverted by the works.

(f) [10]The Applicant shall:
  - (i) adequately maintain all water measuring equipment. The water monitoring equipment must be tested when required by DLWC to ensure its accuracy;
  - (ii) report and record the extraction and use of water if required by DLWC; and,
  - (iii) ensure that the use of water extracted under the approval from DLWC is used for the purpose of industrial water supply and for no other purpose. A proposed change in purpose will require a replacement licence to be issued; and
  - (iv) ensure that no tailwater drainage is discharged into or onto:
    - any adjoining public or Crown road;
    - any other person's land;
    - any Crown land;
    - any river, creek or watercourse;
    - any groundwater aquifer;
    - any area of native vegetation; or
    - any wetlands.

    Note that the use of water is conditional on this requirement (subclause iv).

Bores and Wells

(g) [11]All works for construction of bores must be completed within such period as specified by DLWC.

(h) [12]The Applicant shall notify DLWC should a supply of useable water be obtained. Should this occur, the bores shall then be suitably lined and capped to the standard required by DLWC.

(i) [13]Within two months of the completion of works, the Applicant shall provide DLWC with an accurate plan of the location of the works and of the results of any pumping tests, water analysis and other details as are specified in the licence from DLWC.

(j) [14]The Applicant shall:
  - (i) provide full and free access for officers of DLWC or other authorised persons for the purpose of inspection and testing;
  - (ii) construct and maintain all works to properly control the water extracted to prevent wastage or any reduction in quality of the sub-surface water and undertake any necessary repairs or alterations to maintain the works in good working order as may be directed by DLWC;
  - (iii) notify DLWC should a bore cease to be productively used and seal the aquifer in accordance with the requirements of DLWC;

---

[9] DLWC General Terms of Approval
[10] DLWC General Terms of Approval
[11] DLWC General Terms of Approval
[12] DLWC General Terms of Approval
[13] DLWC General Terms of Approval
[14] DLWC General Terms of Approval

(iv) not discharge any water extracted by the works into any watercourse or groundwater if it would pollute that water;

(v) not extract in excess of the volume of groundwater determined by DLWC in any 12 month period commencing 1 July. This volume shall be determined after review by DLWC of the particulars of the bore construction and test pumping results. The allocation will be reviewed if there is any change in the ownership of the land;

(k) [15]The volumetric allocation or the rate at which the allocation is taken shall be varied at any time in order to prevent the overuse of an aquifer.

(l) [16]Both the pumping and non-pumping water levels must be recorded and reported at intervals requested by DLWC.

(m) [17]Prior to the commencement of any works or using any existing works for the purpose of obtaining a water supply from groundwater, the Applicant shall obtain an approval under Part 5 of the *Water Act 1912* from DLWC. The application for the approval must contain sufficient information to show that the groundwater system is capable of sustainably delivering the volumes of water required by the development.

(n) [18]In the event that significant adverse impacts on neighbouring landholders are identified, satisfactory arrangements shall be made in consultation with such landholders and DLWC to address the impacts or resolve resulting problems.

> **Note** In the DLWC General Terms of Approval, the following definitions relate to an approval under the *Water Act 1912*:
> "approval" means a licence, permit, authority or approval under that Act;
> "work" means any structure, earthwork, plant or equipment authorised under the approval to be granted, as defined in section 5 and 105 of the *Water Act 1912*;
>
> An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the *Water Act 1912*.

4.2 Surface and Groundwater Monitoring

(a) The Applicant shall:

(i) construct and/or locate surface and groundwater monitoring positions, as identified in the Site Water Management Plan (Condition 4.1(a)) in consultation with DLWC, and to the satisfaction of the Director-General, at least three months prior to the commencement of mining works;

(ii) [19]prepare a monitoring program in respect of ground and surface water quality and quantity, including water in and around the DA area during mining works and post

[15] DLWC General Terms of Approval
[16] DLWC General Terms of Approval
[17] DLWC General Terms of Approval
[18] DLWC General Terms of Approval
[19] DLWC General Terms of Approval

mine operations to the satisfaction of DLWC and the Director-General. The monitoring program shall:

- include the duration (pre, during, and post mining), sites to be sampled, frequency of sampling, the parameters to be measured, and the need for any contingency plans determined in consultation with DLWC;
- assess the impact of any licensed groundwater extraction on groundwater levels on neighbouring properties and in the locality, and to identify any water quality impacts;
- establish a register of any concerns or complaints from surrounding landholders on groundwater matters, and any ensuing actions, which shall be maintained and be available to DLWC; and
- include the consideration of issues raised by the local landholders who were consulted during the preparation of the Site Water Management Plan in condition 4.1(a) above.

The monitoring program shall be prepared prior to commencement of mining operation. The results of the monitoring program shall be reported to DLWC and be made available to affected landholders determined in consultation with DLWC. The monitoring program for post-mining shall be prepared two years prior to the cessation of Mining operations.

(b) The results and interpretation of surface and groundwater monitoring are to be reported and interpreted in the AEMR.

(c) [20]The EPA will require the monitoring of discharges to water as described in the table below. The type of monitoring, nature of discharge and number of points at which monitoring is required must be as set out in the table.

Point	**Pollutant**	**Type of Monitoring**
All discharged from sediment dams on the premises	Total Suspended Solids, Grease & Oil, pH	Quantity and quality of discharge from sediment dams

[20] EPA General Terms of Approval

5. Hazardous Materials and Overburden Management

5.1 Overburden Emplacement and Management

The Applicant shall construct and manage the overburden emplacements as set out in the EIS and in the additional information supplied to the Department by RW Corkery and Co Pty Ltd in a document dated 17 May 2000, and to the approval of the DMR.

5.2 Waste

Receiving or Disposing of Waste

(a) [21]Except as expressly permitted in a licence, waste must not be:

(i) received at the premises for storage, treatment, processing, reprocessing or disposal; or
(ii) disposed of at the premises.

Hazardous and industrial waste

(b) [22]Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the EPA.

[21] EPA General Terms of Approval
[22] EPA General Terms of Approval

6. Air Quality, Blast, Noise and Light Management and Monitoring

6.1 Air Quality Management and Monitoring

Dust Management Plan

(a) The Applicant shall, prior to the commencement of Mining operations, prepare a Dust Management Plan detailing air quality safeguards and procedures for dealing with dust emissions to the satisfaction of the Director-General. The Plan shall be updated as required by the Director-General. The Plan shall include, but not be limited to, details of:

- the identification of dust affected properties and the relevant dust limits consistent with the EIS and any subsequent submissions to the Department;
- specifications of the procedures for the dust monitoring program for the purpose of undertaking independent dust investigations;
- outline the procedure to notify property owners and occupiers likely to be affected by dust from the mine;
- the establishment of a protocol for handling dust complaints that include recording, reporting and acting on complaints;
- appropriate mechanisms for community consultation;
- outlining mitigation measures to be employed to minimise dust emissions;
- equipment to be available and used to control dust generation;
- methods to determine when and how the mine operation is to be modified to minimise the potential for dust emissions, particularly from surface activities if the relevant criteria are exceeded;
- identification of longer term strategies directed towards mitigating dust levels that exceed the relevant EPA dust amenity criteria;
- details of locations for dust monitoring and deposition gauges at the residential areas and frequency of monitoring, as agreed with the EPA [refer also to sub-clause (d)]; and,
- a program to continue baseline monitoring undertaken prior to development consent.

Air Quality and Dust Monitoring

(b) The Applicant shall undertake monitoring at locations described in the Dust Management Plan (Condition 6.1(a));

Point Source Monitoring Requirements

(c) [23]Monitoring of air pollutants shall be required during both the commissioning and the operation of the plant as described in the table below. The sampling method, units of measure, interval and frequency of monitoring will be as set out in the *(Draft) Approved Methods for Sampling and Analysis of Air Pollutants in NSW.*

[23] EPA General Terms of Approval

Point	Pollutant	Type of Monitoring
Representative Points on each Boundary of the Premises	Dust	Continuous dust deposition monitoring

Ambient Monitoring

(d) [24]Monitoring of the concentration of dust in ambient air will be required at the locations specified by the EPA. The sampling method, units of measure, interval and frequency of monitoring will be as set out in the *(Draft) Approved Methods for the sampling and Analysis of Air Pollutants in NSW.*

(e) The Applicant shall provide all results and analysis of air quality monitoring in the AEMR including a determination of the dust deposition rate in gm/m^2/month, which shall be plotted in the AEMR.

(f) In the event that a landowner or occupier considers that dust from the project at their dwelling or over more than 25% of their vacant land is in excess of the relevant EPA dust amenity criteria, and the Director-General is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:

(i) consult with the landowner or occupants affected to determine their concerns;
(ii) make arrangements for appropriate independent dust investigations in accordance with the Dust Management Plan, and to the satisfaction of the Director-General, to quantify the impact and determine the source of the effect;
(iii) modify the mining activity in accordance with a Dust Management Plan if exceedences are demonstrated to result from the mine related activity. This shall include:

- introduction of additional controls, either of dust generation from individual sources on the site or on site operations or modify operations, to ensure that the dust criteria are achieved; and / or,
- enter into an agreement with the landowner or provide such forms of benefit or amelioration as may be agreed between the parties as providing acceptable compensation for the dust levels experienced.

(iv) conduct follow up investigations to the satisfaction of the Director-General, where necessary.

Note: Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot.

(g) If the independent dust investigations in sub-clause (f) above confirm that dust limits are in excess of the relevant EPA dust amenity criteria, the Applicant shall at the written request of the owner acquire the relevant property. Acquisition shall be in accordance with the procedures set out in Condition 11.1.

[24] EPA General Terms of Approval

(h) Further independent investigations shall cease if the Director-General is satisfied that the relevant consent limits or relevant EPA dust amenity criteria are not being exceeded and are unlikely to be exceeded in the future.

6.2 Dust Suppression and Control

(a) The Applicant shall ensure the prompt and effective rehabilitation of all disturbed areas of the mine site to minimise the generation of wind erosion dust.

(b) The Applicant shall keep the surface of the open cut and highwall stockpile and any unsealed roads sufficiently damp to minimise the emission of wind blown or traffic generated dust.

(c) [25]All trucks entering and leaving the premises site that are carrying loads of potentially dust generating material must be adequately covered at all times, except during loading and unloading.

(d) [26]The premises must be maintained in a condition that minimises or prevents the emission of dust from the premises.

(e) [27]There must be no incineration or open burning of any materials on the premises, except as specifically authorised by the EPA.

6.3 Blast Management and Monitoring

Blast Management

Overpressure

(a) [28]The overpressure level from blasting operations on the premises must not:

(i) Exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
(ii) Exceed 120dB (Lin Peak) at any time,

when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

Ground vibration (ppv)

(b) [29]Ground vibration peak particle velocity from the blasting operations on the premises must not:

(i) Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and

---
[25] EPA General Terms of Approval
[26] EPA General Terms of Approval
[27] EPA General Terms of Approval
[28] EPA General Terms of Approval
[29] EPA General Terms of Approval

(ii) Exceed 10mm/s at any time,

when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

Time of blasting

(c) [30]Blasting operations on the premises may only take place between 9am and 5pm Monday to Saturday inclusive.

(d) [31]The approved hours for blasting operations may be varied with the written consent of the EPA. The EPA will grant consent usually only where it is satisfied that the amenity of the residents in the locality will not be adversely affected.

Blast Management Plan

(e) [32]The Applicant shall prepare and implement a Blasting/Vibration Management Plan to the satisfaction of the Director-General prior to the commencement of any blasting. The Plan must include, but not be limited to, the following matters:
- compliance standards;
- mitigation measures;
- remedial action;
- monitoring methods and program;
- monitoring program for flyrock distribution;
- measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables) and livestock nearby;
- procedures for the notification of neighbours prior to detonation of each blast; and
- measures to ensure no damage by flyrock to people, property, livestock and powerlines.

(f) The Applicant shall give at least two (2) weeks notice of the time and date of each proposed blast and a verbal confirmation on the day of the blast to residents within four (4) kilometres of the active mining area.

(g) Upon written request of the owner of any dwellings located within two (2) kilometres of the active mining area, the Applicant shall arrange at its own costs, for the inspection by a technically qualified person agreed to by both parties, to record the material condition of any structure on such property within 14 days of receipt of the request. The Applicant shall supply a copy of any inspection report, certified by the person who undertook the inspection, to the relevant property owner within fourteen (14) days of receipt of the report;

(h) No blasting associated with the mine shall occur within 500 metres of any public road.

Blast Monitoring

[30] EPA General Terms of Approval
[31] EPA General Terms of Approval
[32] EPA General Terms of Approval

(i) The Applicant must monitor ground vibration and overpressure of all blasts at locations agreed to in consultation with the EPA.

(j) For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at noise sensitive sites (eg. residences, hospitals, schools etc), selected in consultation with the EPA.

6.4 Noise Control

6.4.1 Noise Level Criteria

(a) [33]The Applicant shall ensure that the noise emission from the operation of the mine and associated activities shall not exceed the noise limits in Table 1 below at all non-project related residences:

Table 1: Noise Levels (Day and Night)

Night time Noise Limit L_{Aeq} dB(A) (10pm to 7am)	**Day time Noise Limit L_{Aeq} dB(A) (7am to 10pm)**
35	35

The noise emission limits above apply for adverse weather conditions.

Note: "Adverse" weather conditions means the presence of winds up to 3 metres per second, and/or temperature inversions of up to 3 degrees C per 100 metres.

(b) The area of noise affectation during mining operations is defined by demonstrated exceedence of noise levels (at non-mine owned dwellings) shown in Table 2 below.

Table 2: Noise Affectation Criteria

Time	**Adverse**
Night	40 dB(A)$_{LAeq}$
Day	40 dB(A)$_{LAeq}$

(c) In the event that a landowner or occupier considers that noise from the project at their dwelling is in excess of the noise levels depicted in Table 1, or that a landowner considers that the noise levels depicted in Table 2 is being exceeded over more than 25% of their vacant land and the Director-General is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:

(i) consult with the landowner or occupants affected to determine their concerns;
(ii) make arrangements for appropriate independent noise investigations in accordance with the noise management plan, and to the satisfaction of the Director-General, to quantify the impact and determine the source of the effect;

[33] EPA General Terms of Approval

(iii) modify the mining activity in accordance with a noise reduction plan prepared as part of the noise management plan, if exceedences are demonstrated to result from the mine related activity. This shall include:
- introduction of additional controls, either on noise emission from individual sources on the site or on site operations or modify operations, to ensure that the criteria in the Table 1 above are achieved;
- with the agreement of the landowner, undertaking of noise control at the dwelling to achieve acceptable internal noise levels;
- entrance into an agreement with the landowner or provide such other forms of benefit or amelioration as may be agreed between the parties as providing acceptable compensation for the noise levels experienced;

(iv) conduct follow up investigations to the satisfaction of the Director-General, where necessary.

Note: Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot.

(d) If the independent noise investigations in sub-clause (c) above confirm that noise limits in Table 2 are being exceeded, the Applicant shall at the written request of the owner acquire the relevant property. Acquisition shall be in accordance with the procedures set out in Condition 11.1.

(e) If continued complaints and noise investigations confirm that noise limits in Table 1 are being exceeded, but are less than the noise levels in Table 2, the Applicant shall continue to negotiate with the landowner until an acceptable resolution is reached.

(f) Further independent investigations shall cease if the Director-General is satisfied that the relevant consent limits or EPA amenity criteria are not being exceeded and are unlikely to be exceeded in the future.

6.4.2 Hours of Operation

(a) [34]All construction work at the premises must only be conducted between 7 am to 10 pm Monday to Saturday inclusive, and not at any time on Sundays.

(b) [35]Once construction work is completed, activities at the premises except highwall mining may only be carried on between 7 am to 10 pm Monday to Saturday inclusive and not at any time on Sundays.

(c) [36]Highwall mining at the premises is permitted at any time subject to the licensee complying with all other conditions of the EPA licence under the Protection of the Environment Operations Act 1997.

(d) [37]Work may be conducted outside approved hours where

---

[34] EPA General Terms of Approval
[35] EPA General Terms of Approval
[36] EPA General Terms of Approval
[37] EPA General Terms of Approval

(i) the delivery of material is required outside the specified hours by police or other authorities for safety reasons; and/or
(ii) the operation or personnel or equipment are endangered

and prior notification is provided to the EPA and affected residents where possible or within a reasonable period in the case of emergency.

(e) [38]The approved hours may be varied with the written consent of the EPA only where it is satisfied that the amenity of the residents in the locality will not be adversely affected.

(f) Road haulage of coal is only permitted between 7:00am and 9:30pm Monday to Saturday. There is to be no haulage on Sundays or Public Holidays.

6.4.3 Noise Management Plan

(a) [39]The Applicant shall, prior to commencement of construction, develop a Noise Management Plan for the operation of the mine to the satisfaction of the Director-General. The Plan shall:

- Identify all residences likely to be impacted by noise from the premises,
- Assess and predict likely impacts on those residences and propose operational and physical noise controls (including earthen barriers) to prevent any impact at those residences beyond the limits set by the EPA licence,
- Incorporate a routine noise monitoring program that assesses noise impacts at all impacted residences, and
- Set out actions to be undertaken by the EPA to address any complaints relating to noise from the premises.
- include details of the conduct of noise investigations at six monthly intervals (unless otherwise agreed by the Director-General) to evaluate, assess and report the L_{Aeq} noise emission levels due to normal operations of the mine under adverse weather conditions;
- details of the proposed methodologies including establishing the mine's operating configuration; determining survey intervals; weather conditions and seasonal variations; selecting variations, locations, periods and times of measurements;
- outline the design of any noise modelling or other studies including the means for determining the noise levels emitted by the mining activities;
- particularly focus on the management of evening noise (7.00pm – 10.00pm) and night time noise (10.00pm – 7.00am) for each year of operation;
- identify noise affected properties and the relevant noise limits consistent with the EIS;
- specify the procedures for a noise monitoring program for the purpose of undertaking independent noise investigations;
- outline the procedure to notify property owners and occupiers likely to be affected by noise from the mine;
- establish a protocol for handling noise complaints that include recording, reporting and acting on complaints;
- record appropriate mechanisms for community consultation;
- outline mitigation measures to be employed on the site to limit noise emissions;
- identify longer term strategies directed towards mitigating noise levels that exceed

---

[38] EPA General Terms of Approval
[39] EPA General Terms of Approval

the EPA target noise criteria [35 dB(A) L_{Aeq} day time and 35 dB(A) L_{Aeq} night time] under adverse meteorological conditions;

- outline measures to be used to reduce the impact of intermittent, low frequency and tonal noise (including truck reversing alarms);
- specify measures to be taken to document any higher level of impacts or patterns of temperature inversions, and detail actions to quantify and ameliorate enhanced impacts if they lead to exceedence of the relevant noise criteria; and,
- survey and investigate noise reduction measures from plant and equipment annually and report in the AEMR at the conclusion of the first 12 months of coal mining operations and set targets for noise reduction taking into consideration valid noise complaints in the previous year. The Report shall also include remedial measures to achieve compliance with the specified noise goals.

(b) Prior to construction activity commencing on the site, the Applicant must prepare, and subsequently implement, a Construction Noise Management Plan. The Plan must include, but need not be limited to, the following matters:

- compliance standards;
- community consultation;
- complaints handling monitoring/system;
- site contact person to follow up complaints;
- mitigation measures;
- the design/orientation of the proposed mitigation methods demonstrating best practice;
- construction times;
- contingency measures where noise complaints are received;
- monitoring methods and program.

(c) The Applicant shall, prior to commencement of road haulage, prepare a Road Noise Management Plan in consultation with NSC and GSC to the satisfaction of the Director-General for traffic associated with the proposal. The Plan shall:

- primarily focus on reducing the road noise impacts on private residences on Hoads Lane, Blue Vale Road, Quia Road, Kamilaroi Highway and Black Jack Road particularly between 7.00pm – 10.00pm;
- outline mitigation measures to be employed to reduce noise emissions and meet the relevant EPA criteria as outlined in the EPA's publication 'Environmental Criteria for Traffic Noise', or its latest version;
- identify strategies for mitigating noise emissions that exceed the relevant EPA criteria and describe appropriate actions to be undertaken to reduce noise impacts in the event of complaints being received from private residences;
- utilise 'quiet' technology trucks as part of the transportation;
- outline procedures for the ongoing assessment of road noise impacts on private dwellings and identify procedures for the implementation of reasonable mitigation works on private dwellings adversely impacted by road noise from the operation of the mine;
- details of monitoring that will be undertaken; and,
- methods for educating drivers in the reduction of road noise impacts.

(d) The Applicant shall also:

(i) make copies of the Plans available to the EPA, NSC, GSC and CCC within fourteen days of approval, or as otherwise agreed to be the Director-General; and

(ii) include a summary of noise monitoring results in the AEMR.

6.5 Light Emissions

The Applicant shall screen or direct all on-site lighting away from residences and roadways to the satisfaction of NSC and GSC.

7. Transport and Utilities

7.1 Road Transport

(a) There shall be no movement of heavy vehicles associated with the mine on Hoads Lane during the period the school bus is using Hoads Lane until the road is sealed [refer Condition 7.3 (a and c)]. The Applicant shall liaise with NSC, GSC, relevant bus company(s) and the relevant schools in determining the period the school bus will be operating on Hoads Lane. Once Hoads Lane is sealed, trucks shall be limited to 40 kph during the period the school bus is using Hoads Lane.

(b) The maximum annual rate of coal haulage shall be calculated from the date of commencement of road haulage. The Applicant shall submit a statement every six (6) months regarding the quantities and destination of product hauled on public roads in that period to the Director-General, commencing from the date of commencement of road haulage.

(c) Within three (3) months of the date of this consent, and at three monthly intervals thereafter (for the life of this consent), the Applicant shall provide a written report to the Director-General detailing measures undertaken during that period to pursue other coal haulage options to minimise the movements of heavy vehicles on Quia Road and Black Jack Road. The Applicant shall provide any reasonable additional information relevant to these reports and any other reasonable requirements for the reports, if requested to do so by the Director-General (or delegate).

(d) The Applicant shall ensure that appropriate warning signs are placed advising of the turning movements of heavy vehicles at the intersection of the mine access road and Hoads Lane, and also at the intersection of Hoads Lane with Blue Vale Road. The Applicant shall consult NSC, GSC and RTA in the selection and placement of the warning signs.

7.2 Submission of Engineering Plans for Roadworks

(a) [40]The submission of appropriate design plans (including pavement investigation) and specifications to NSC for approval. NSC will also require executed construction plans when the design plans are approved.

(b) [41]The Applicant shall make application under s138 of the *Roads Act 1993* to GSC for approval of all roadworks associated with the development and submit appropriate design plans (including pavement investigation) and specifications. The Applicant shall also be required to provide construction plans when the design plans are approved.

7.3 Road Construction

(a) [42]Within 12 months of the date of the commencement of this consent, the Applicant shall seal the portion of Hoads Lane in NSC to a 10 metre pavement with 8 metre bitumen seal, in accordance with a staged program approved by NSC.

---

[40] Narrabri Council General Terms of Approval
[41] Gunnedah Council General Terms of Approval
[42] Narrabri Council General Terms of Approval

(b) [43]Prior to the commencement of coal haulage from the mine site, the Applicant shall upgrade the intersection of the Kamilaroi Highway and Quia Road in accordance with the Austroads "Guide to Traffic Engineering Practices – Part 5 – Intersection at Grade Type 'C' Treatment".

(c) [44]Within 12 months of the date of the commencement of this consent, the Applicant shall complete the widening of Hoads Lane within GSC to a 10 metre pavement with 8 metre bitumen seal, in accordance with a staged program approved by GSC.

(d) [45]The Applicant shall obtain the consent of DLWC prior to the disturbance of any Crown Roads.

(e) The turnout to the mine access road from Hoads Lane shall be constructed in accordance with intersection type "BAL" (refer to figure 4.8.26 of the Road Design Guide 1991). The Applicant shall ensure that the curve return radius is increased to ensure that the sweep path of all vehicles expected to access the site will be accommodated on the paved area.

7.4 Road Maintenance

(a) [46]The Applicant shall submit an appropriate maintenance schedule to NSC's satisfaction in respect of those roads within NSC that forms part of the proposed haulage route.

(b) [47]A road maintenance agreement to be entered into with NSC incorporating sub-clause (a) above, and including a requirement for a joint inspection every four months to determine and assess as to whether further maintenance is required, and to stipulate that should maintenance be required and not be carried out within one month of the inspection, the NSC will be entitled to carry out such maintenance work at the developers cost.

(c) [48]Prior to the commencement of open cut coal mine operations, the Applicant shall enter into a Road Maintenance Agreement with GSC for those roads within Gunnedah Shire forming part of the proposed haulage route.

(d) [49]The Applicant shall:
   (i) ensure that following the completion of any work or intrusion which disturbs or impacts on a Crown road, satisfactory measures are undertaken to the satisfaction of DLWC to restore the road or ameliorate such disturbances or impacts;
   (ii) lodge a security deposit with DLWC to encourage satisfactory rehabilitation of any Crown road disturbed by the mine or to cover any outstanding costs incurred by DLWC in restoring any Crown road to a satisfactory condition. The security deposit required shall be determined by DLWC; and
   (iii) erect secure fencing along any Crown road, if necessary, upon direction by DLWC, to prevent any unauthorised access from the road to adjacent lands or to

[43] Gunnedah Council General Terms of Approval
[44] Gunnedah Council General Terms of Approval
[45] DLWC General Terms of Approval
[46] Narrabri Council General Terms of Approval
[47] Narrabri Council General Terms of Approval
[48] Gunnedah Council General Terms of Approval
[49] DLWC General Terms of Approval

minimise encroachment of non permissible activities from the adjacent land onto the Crown road.

7.5 Heavy Vehicle Rail Crossing Risk Assessment Management Plan

(a) Prior to the commencement of coal haulage from the mine site, the Applicant shall implement the recommendations of a Heavy Vehicle Rail Crossing Risk Assessment Management Plan for the crossing of the North Western rail line. The Plan shall be prepared in consultation with RAC, RTA, GSC and to the satisfaction of the Director-General.

As part of the preparation of the Plan, the Applicant shall convene a meeting between RAC, RTA, and GSC to discuss the proposal and management measures to ensure the safe crossing of the rail line. The Plan shall include, but not be limited to, the following matters:

(i) details of the number of crossings that will be made by heavy vehicles. This shall include details of the estimated total number of crossings, average daily, and peak numbers during the life of the mine;
(ii) a description of the management measures proposed to be implemented to ensure a safe crossing of the line;
(iii) a discussion of any proposed alternative heavy vehicle transport routes; and
(iv) details of consultation with RAC, RTA, and GSC during the preparation of plan.

(b) The Applicant shall incur all costs associated with any required upgradings, such as active signalling protection, identified by the Plan to the satisfaction of RAC, RTA and GSC, unless otherwise agreed by the Director-General.

7.6 Development Supervision Fee

[50]The payment of a 2.5% (of roadworks cost) supervision fee payable to NSC at the time of lodgement of the design plans and specifications with NSC required by Condition 7.2 (a).

[50] Narrabri Council General Terms of Approval

8. Monitoring/Auditing

(a) In addition to the requirements contained elsewhere in this consent, the Director-General may, at any time in consultation with the relevant government authorities and Applicant, require the monitoring programs in Conditions 3, 4 and 6 to be revised/updated to reflect changing environmental requirements or changes in technology/operational practices. Changes shall be made and approved in the same manner as the initial monitoring programs. All monitoring programs shall also be made publicly available at NSC and GSC within two weeks of approval of the relevant government authority.

(b) All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program. Only accredited laboratories shall be used for laboratory analysis.

8.1 Third Party Monitoring/Auditing

<u>Independent Environmental Audit</u>

(a) Every three years until completion of mining in the DA area, or as otherwise directed by the Director-General, the Applicant shall conduct an environmental audit of the mining and infrastructure areas of the development in accordance with ISO 14010 - Guidelines and General Principles for Environmental Auditing, and ISO 14011 - Procedures for Environmental Auditing (or the current versions), and in accordance with any specifications required by the Director-General. Copies of the report shall be submitted by the Applicant to the Director-General, NSC, GSC, EPA, DLWC, DMR, NPWS and CCC within two weeks of the report’s completion for comment.

(b) The audit shall:

- (i) assess compliance with the requirements of this consent, licences and approvals;
- (ii) review the effectiveness of the environmental management of the mine, including any mitigation works;
- (iii) be carried out at the Applicant’s expense; and
- (iv) be conducted by a duly qualified independent person or team approved by the Director-General in consultation with NSC and GSC.

(c) The Director-General may, after considering any submission made by the relevant government agencies, NSC, GSC and CCC on the report, notify the Applicant of any requirements with regard to any recommendations in the report. The Applicant shall comply with those reasonable requirements within such time as the Director-General may require.

8.2 Meteorological

The proponent must install a meteorological station in accordance with the requirements of AS 2922 1987 "Ambient Air Guide for Siting of Sampling Units". The Meteorological station must be capable of recording wind direction and speed, temperature and sigma theta and be operated in accordance with the requirements of AS 2923-1987 "Ambient Air Guide Horizontal Wind for Air Quality Application".

9. Reporting

9.1 Reports on Operations

The Applicant shall report on mine operations in accordance with the Mine Operations Plan (Condition 2.1).

9.2 Environmental Reporting

<u>Annual Environmental Management Report (AEMR)</u>

(a) The Applicant shall, throughout the life of the mine and for a period of at least three years after the completion of mining in the DA area, prepare and submit an Annual Environmental Management Report (AEMR) to the satisfaction of the Director-General. The AEMR shall review the performance of the mine against the Environmental Management Strategy and the relevant Mining Operations Plans, the conditions of this consent, and other licences and approvals relating to the mine. To enable ready comparison with the predictions, diagrams and tables in the EIS, the report shall include, but not be limited to, the following matters:
- (i) an annual compliance audit of the performance of the project against conditions of this consent and statutory approvals;
- (ii) a review of the effectiveness of the environmental management of the mine in terms of EPA, DLWC, DMR, NSC, and GSC requirements;
- (iii) results of all environmental monitoring required under this consent or other approvals, including interpretations and discussion by a suitably qualified person;
- (iv) identify trends in monitoring results over the life of the mine;
- (v) an assessment of any changes to agricultural land suitability resulting from the mining operations, including cumulative changes;
- (vi) a listing of any variations obtained to approvals applicable to the subject area during the previous year;
- (vii) the outcome of the water budget for the year; the quantity of water used from water storages; and details of discharge of any water from the site;
- (viii) details of the rehabilitation of the site to date; and
- (ix) environmental management targets and strategies for the next year, taking into account identified trends in monitoring results.

(b) In preparing the AEMR, the Applicant shall:
- (i) respond to any requirements by the Director-General;
- (ii) comply with any requirements of the Director-General or other relevant government agencies; and
- (iii) ensure that the first report is completed and submitted within twelve months of this consent, or at a date determined by the Director-General in consultation with the DMR and the EPA.

(c) The Applicant shall ensure that copies of each AEMR are submitted at the same time to the Director-General, DMR, EPA, DLWC, NPWS, NSC, GSC and CCC, and made available for public information at NSC and GSC within fourteen days of submission to these authorities.

9.3 Recording and Reporting Requirements

Recording of Monitoring

(a) [51]The results of any monitoring required must be recorded and retained as set out in the EPA licence.

Reporting Requirements

(b) [52]The EPA will require reporting on the environmental performance of the proposal as set out in the EPA licence.

[51] EPA General Terms of Approval
[52] EPA General Terms of Approval

10. Community Consultation/Obligations

10.1 Community Consultative Committee

The Applicant shall:

(i) establish a Community Consultative Committee and ensure that the first meeting is held prior to submission of the Environmental Management Strategy (Condition 3.2). Selection of representatives shall be to the satisfaction of the Director-General in consultation with the NSC and GSC. The Committee shall comprise two representatives of the Applicant (including the Environmental Officer), one representative each of the NSC and GSC, and four community representatives. The Committee shall be chaired by either NSC or GSC as agreed by the Councils.

Representatives from relevant government agencies or other individuals may be invited to attend meetings as required by the Chairperson. The Committee may make comments and recommendations about the implementation of the development and environmental management plans, monitor compliance with conditions of this consent and other matters relevant to the operation of the mine during the term of the consent. The Applicant shall ensure that the Committee has access to the necessary plans for such purposes. The Applicant shall consider the recommendations and comments of the Committee and provide a response to the Committee and Director-General.

(ii) The Applicant shall, at its own expense:

(a) nominate two (2) representatives to attend all meetings of the Committee;

(b) provide to the Committee regular information on the progress of work and monitoring results;

(c) promptly provide to the Committee such other information as the Chair of the Committee may reasonably request concerning the environmental performance of the development;

(d) provide access for site inspections by the Committee; and

(e) provide meeting facilities for the Committee, and take minutes of Committee meetings. These minutes shall be available for public inspection at NSC and GSC within 14 days of the meeting.

(iii) The Applicant shall establish a trust fund to be managed by the Chair of the Committee to facilitate the functioning of the Committee, and pay $2000 per annum to the fund for the duration of mining in the DA area, or as otherwise directed by the Director-General. The monies are to be used only if required for the engagement of consultants to interpret technical information and the like. The annual payment shall be indexed according to the Consumer Price Index (CPI) at the time of payment. The first payment shall be made by the date of the first Committee meeting. A record of the finances of the trust fund during each year shall be provided to the Director-General and Applicant by the Chair on each anniversary of the first payment. Any unspent monies shall be returned to the Applicant each year.

10.2 Community Consultation

Complaints

The Environmental Officer (refer condition 3.1) shall be responsible:

(i) for recording complaints with respect to construction works and mine operations on a dedicated and publicly advertised telephone line, 24 hours per day 7 days per week, entering complaints or comments in an up to date log book, or other suitable data base, and ensuring that a response is provided to the complainant within 24 hours;

(ii) providing a report of complaints received every six months throughout the life of the project to the Director-General, NSC, GSC, EPA, DMR, and CCC, or as otherwise agreed by the Director-General. A summary of this report shall be included in the AEMR (condition 9.2(a)).

11. Proponents Obligations

11.1 Area of Affectation – Land Acquisition

Note:	In Condition 11.1 (a)-(h) "land" means the whole of a lot in a current plan registered at the Land Titles Office as at the date of this consent.

(a) The owner of any dwelling, or vacant land (as described in Condition 6.4.1(c)), located in areas that exceed noise and/or air quality criteria established in accordance with this consent, and at any time after the granting of development consent, may request the Applicant in writing to purchase the whole of that property.

(b) The Applicant shall negotiate and purchase a property, as identified in sub-clause (a) above, within six (6) months of a written request from the affected land owner.

(c) In respect of a request to purchase land arising under this condition, the Applicant shall pay the owner the acquisition price which shall take into account and provide payment for:

(i) a sum not less than the current market value of the owner's interest in the land at the date of this consent, as if the land was unaffected by the Whitehaven mine, having regard to:
- the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; and
- the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of request is completed subsequent to that date.

(ii) the owner's reasonable compensation for disturbance allowance and relocation costs within the Narrabri or Gunnedah Local Government Area, or within such other location as may be determined by the Director-General in exceptional circumstances;

(iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price of the land and the terms upon which it is to be acquired.

Notwithstanding any other condition of this consent, the Applicant may, upon request of the landowner, acquire any property affected by the project during the course of this consent on terms agreed to between the Applicant and the landowner.

(d) In the event that the Applicant and any owner referred to in this condition cannot agree within the time limit upon the acquisition price of the land and/or the terms upon which it is to be acquired, then:

(i) either party may refer the matter to the Director-General, who shall request the President of the Australian Institute of Valuers and Land Economists to appoint a qualified independent valuer or Fellow of the Institute, who shall determine, after consideration of any submissions from the owners, a fair and reasonable acquisition price for the land as described in sub-clause (c) and/or terms upon which it is to be acquired;

(ii) in the event of a dispute regarding outstanding matters that cannot be resolved, the independent valuer shall refer the matter to the Director-General, recommending the appointment of a qualified panel. The Director-General, if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:

1) the appointed independent valuer,
2) the Director-General or nominee, and
3) the President of the Law Society of NSW or nominee.

The qualified panel shall determine a fair and reasonable acquisition price as described in sub-clause (c) above and/or the terms upon which the property is to be acquired.

(e) The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Director-General and the costs of determination referred to in sub clauses (c) and (d).

(f) Upon receipt of a determination pursuant to sub-clauses (c) and (d), the Applicant shall, within 14 days, offer in writing to acquire the relevant land at a price not less than the determination. Should the Applicant's offer to acquire not be accepted by the owner within six (6) months of the date of such offer, the Applicant's obligations to purchase the property shall cease, unless otherwise agreed by the Director-General.

(g) In the event that only part of the land is to be transferred to the Applicant, the Applicant shall pay all reasonable costs associated with obtaining either NSC's or GSC's approval to any plan of subdivision and registration of the plan at the Office of the Registrar-General

(h) The provisions of this condition do not apply to a land owner who is the holder of an authority under the Mining Act, 1992.

11.2 Cumulative Impact Assessment

In the event that the cumulative impact of dust or noise contributed by the operation of the Whitehaven Mine development and other nearby coal mining activities or other activities at dwellings, or vacant land (as described in Condition 6.4.1(c)), in the vicinity of the mine, is in excess of the noise or dust criteria contained in these conditions of consent, the Applicant shall negotiate with the other contributors appropriate arrangements to reasonably contribute to the management of the identified cumulative impacts to the satisfaction of the Director-General.

11.3 Contributions to Council

The Applicant shall pay the following contributions to GSC in accordance with the provisions of its Section 94 Contributions Plan:

(i) Open Space - $26 per employee
(ii) Community amenities - $192 per employee

with such contribution to be made prior to the commencement of the development based on the maximum employment level proposed for the development.

12. Further Approvals and Agreements

12.1 Statutory Requirements

(a) The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Local Government Act 1993, Protection of the Environment Administration Act 1991, Protection of the Environment Operations Act 1997, Rivers and Foreshores Improvement Act 1948, Water Act 1912, National Parks and Wildlife Act 1974, and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by the NSC, GSC, EPA, DMR, NPWS, DLWC, RTA, NSW Agriculture, and RAC, are fully met.

(b) [53]The proposal will become a Scheduled Activity under the POEO Act and the proponent will be required to obtain an Environmental Protection Licence (EPL) before carrying out any constructional work in or on the premises.

Note: A licence fee calculated in accordance with the *Water Act 1912* must be paid before a licence can be granted.

(c) Structural Adequacy

Detailed plans and specifications relating to the design and construction of all structural elements associated with the proposed development are to be submitted to the Principal Certifying Authority prior to the commencement of the relevant construction works. Such plans and specifications must be accompanied by certification provided by a practicing professional structural engineer or an accredited certifier certifying the structural adequacy of the proposed building design and compliance with the Building Code of Australia.

(d) Verification of Construction

Upon completion of building works and prior to the issue of an occupation certificate, a certificate/s prepared by a suitably qualified person or a compliance certificate/s issued by an accredited certifier, is to be submitted to the Principal Certifying Authority certifying that the following building components, where relevant, have been completed in accordance with approved plans and specifications:

(i) footings;
(ii) concrete structures, including ground floor and any subsequent floors, retaining walls and columns;
(iii) framing and roof structure;
(iv) fire protection coverings to building elements required to comply with the Building Code of Australia; and
(v) mechanical ventilation.

The certificate/s shall demonstrate at what stage of construction inspections were undertaken.

[53] EPA General Terms of Approval