

Notice of Modification

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

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.



David Kitto
Director, Mining & Industry Projects

Sydney

8 SEPTEMBER

2010

SCHEDULE 1

The project approval for the Wilpinjong Coal Project (05_0021), granted by the Minister for Planning on 1 February 2006.

SCHEDULE 2

1. In schedule 1, delete the definition of Major Project.
2. Delete the Table of Contents on page 2 and insert the following:

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3. Delete the "Definitions" section on page 3 and insert the following:

DEFINITIONS

Annual Review	The review required by condition 2 of schedule 5.
ARTC	Australian Rail Track Corporation Ltd
BCA	Building Code of Australia
CCC	Community Consultative Committee
Council	Mid-Western Regional Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
EA	Environmental Impact Statement Assessment titled <i>Wilpinjong Coal Project EIS</i> , volumes 1-5, dated May 2005, and prepared by Resource Strategies Pty Ltd, as amended by the environmental assessment titled <i>Wilpinjong Coal Project Operational Phase Mine Access Route and Blasting Frequency Modification</i> , dated April 2007, and the environmental assessment titled <i>Wilpinjong Coal Mine Mining Rate Modification</i> , dated May 2010.
EEC	Endangered Ecological Community as defined under the NSW <i>Threatened Species Conservation Act 1995</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued by DECCW under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
I&I NSW	Department of Industry and Investment, trading as Industry & Investment NSW
Incident	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 approval
Land	In general, the definition of land is consistent with the definition in the EP&A Act. However, in relation to the noise and air quality conditions in Schedules 3 and 4 it means 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 approval
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial

Mine Water	Water that accumulates within active mining areas, coal rejects emplacement areas, tailings dams and infrastructure areas, synonymous with dirty water
Mining operations	Includes all coal extraction, processing and transportation activities carried out on site
Minister	Minister for Planning, or delegate
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water
Offset Strategy	The enhancement and regeneration program described in the EIS for the Wilpinjong Coal Project, dated May 2005
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency, or a mining company or its subsidiary
Project	The development as described in the EA
Proponent	Wilpinjong Coal Pty Limited, or its successors
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The treatment or management of land disturbed by the project for the purpose of establishing a safe, stable and non-polluting environment
ROM	Run of Mine
RTA	Roads and Traffic Authority
Site	Land to which the Project Application applies
Statement of Commitments	The Proponent's commitments in Appendix 8

4. Delete schedules 2 to 5 and the appendices and insert the following:

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the project.

TERMS OF APPROVAL

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) statement of commitments; and
 - (c) conditions of this approval.

Notes:

- *The general layout of the project is shown in Appendix 2;*
- *The statement of commitments is reproduced in Appendix 8.*

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 approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these documents.

LIMITS ON APPROVAL

5. The Proponent may undertake mining operations on the site until 8 February 2027.

Note:

- *Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Director-General and I&I NSW. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been properly rehabilitated.*

6. The Proponent shall not:
 - (a) extract more than 15 million tonnes of ROM coal from the site in a calendar year;
 - (b) beneficiate more than 8.5 million tonnes of ROM coal at the Coal Handling and Preparation Plant on the site in a calendar year; and

- (c) export more than 12 million tonnes of product coal from the site in a calendar year.
7. The Proponent shall ensure that:
- (a) all product coal is transported from the site by rail;
 - (b) no more than 6 laden trains leave the site each day.

STRUCTURAL ADEQUACY

8. The Proponent shall 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 Proponent is required to obtain construction and occupation certificates for the proposed building works; and
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

DEMOLITION

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

OPERATION OF PLANT AND EQUIPMENT

10. The Proponent shall ensure that all plant and equipment used at the site is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS

11. With the approval of the Director-General, the Proponent may submit any strategy, plan or program required by this approval on a progressive basis.

Note:

- The conditions of this approval require certain strategies, plans, and programs to be prepared for the project. They also require these documents to be reviewed and audited on a regular basis to ensure they remain effective. However, in some instances, it will not be necessary or practicable to prepare these documents for the whole project at any one time; particularly as these documents are intended to be dynamic and improved over time. Consequently, the documents may be prepared and implemented on a progressive basis. In doing this however, the Proponent will need to demonstrate that it has suitable documents in place to manage the existing operations of the project.

PLANNING AGREEMENT

12. By 31 December 2010, unless otherwise agreed by the Director-General, the Proponent shall use its best endeavours to enter into a planning agreement with Council, in accordance with Division 6 of Part 4 of the EP&A Act, that provides for the upgrade of Ulan-Wollar Road as described in Appendix 9.

SUPPLY OF OVERBURDEN

13. With the approval of the Director-General, the Proponent may supply small quantities of overburden material to regional infrastructure projects in the vicinity of the site.

Note:

- The use of this material in the regional infrastructure project must be authorised prior to the supply of any material.
-

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

ACQUISITION UPON REQUEST

- Upon receiving a written request for acquisition from the owner of the land listed in Table 1, the Proponent shall acquire the land in accordance with the procedures in conditions 6 – 7 of schedule 4.

Table 1: Land subject to acquisition upon request

30 – Gaffney	45 – Smith
48 – Evans	50 – Thompson & Hopper
94 – McKenzie	

Note:

- To interpret the locations referred to in Table 1, see the applicable figures in Appendix 7.

NOISE

Noise Impact Assessment Criteria

- Except for the land referred to in Table 1, the Proponent shall ensure that the noise generated by the project does not exceed the criteria in Table 2 at any residence on privately-owned land, or on more than 25 per cent of any privately-owned land.

Table 2: Noise Impact assessment criteria dB(A)

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
58 – Maher	35	39	39	45
52A – Long				
52B – Long				
53 – Reynolds				
23B – Bishop	35	39	37	45
25 – Pettit	35	39	36	45
31A – Conradt	35	37	37	45
31B – Conradt	35	36	36	45
100 – Rheinberger	35	37	35	45
125 – Roberts				
Wollar Village – Residential	36	35	35	45
All other privately owned land	35	35	35	45
901 – Wollar School	35(internal) 45 (external) When in use			-
150A – St Luke's Anglican Church	40 (internal) When in use			-
900 – St Laurence O'Toole Catholic Church				
Goulburn River National Park/Munghorn Gap Nature Reserve	50 When in use			-

However, the criteria in Table 2 do not apply if the Proponent has an agreement with the relevant owner/s to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

Notes:

- To interpret the locations referred to in Table 2, see the applicable figures in Appendix 7.
- Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.
- For the Goulburn River National Park/Munghorn Nature Reserve noise levels are to be assessed at the most affected point at the boundary of the Goulburn River National Park/Munghorn Nature Reserve.

Noise Acquisition Criteria

- If the noise generated by the project exceeds the criteria in Table 3 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 6 – 7 of schedule 4.

Table 3: Land acquisition criteria dB(A)

Day/Evening/Night <i>L_{Aeq}(15 minute)</i>	Land
40	All privately owned land, excluding the land listed in Table 1

Note:

- Noise generated by the project is to be measured in accordance with the notes presented below Table 2. For the condition to apply, the exceedances must be systemic.

Additional Noise Mitigation Measures

- Upon receiving a written request from the owner of any residence:
 - on the land listed in Table 1; or
 - on the land listed 23B, 25, 52A, 52B, 53, or 58 in the applicable figures in Appendix 7; or
 - where subsequent noise monitoring shows that the noise generated by the project is greater than, or equal to, *L_{Aeq}(15 minute)* 38 dB(A),
 the Proponent shall implement reasonable and feasible noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the landowner.

If within 3 months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.

- By 30 November 2010, or within 1 month of obtaining monitoring results showing an exceedance of the relevant criteria listed in condition 4(c) above, the Proponent shall notify all applicable owners that they are entitled to ask for additional noise mitigation measures to be installed at their residence.

Operating Conditions

- The Proponent shall:
 - implement all reasonable and feasible noise mitigation measures;
 - ensure that the real-time noise monitoring and meteorological forecasting data are assessed regularly, and that operations on site are relocated, modified, and/or stopped to ensure compliance with the relevant criteria in conditions 2 to 4 of this schedule; and
 - regularly investigate ways to reduce the operational, low frequency, rail, and road traffic noise generated by the project; and report on these investigations in the annual review (see condition 2 of schedule 5);
 to the satisfaction of the Director-General.

Noise Management Plan

- The Proponent shall prepare and implement a Noise Management Plan for the project, in consultation with DECCW, and to the satisfaction of the Director-General. This plan must:
 - describe the noise mitigation measures that would be implemented to ensure compliance with the relevant noise impact assessment criteria in this approval, including the proposed real-time noise management system and associated meteorological forecasting; and
 - include a noise monitoring program, that uses a combination of real-time and supplementary attended monitoring measures to evaluate the performance of the project, and includes a protocol for determining exceedances with the relevant conditions of this approval.

BLASTING

Blast Impact Assessment Criteria

- The Proponent shall ensure that blasting on the site does not cause exceedances of the criteria in Table 4.

Table 4: Blasting impact assessment criteria

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Residence on privately owned land	115	5	5% of the total number of blasts over a period of 12 months
	120	10	0%

Blasting Hours

9. The Proponent shall only carry out blasting on the site between 9am and 5pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Director-General.

Blasting Frequency

10. The Proponent shall comply with the following blasting restrictions on site:
- (a) a maximum of 2 blasts per day;
 - (b) a maximum of 5 blasts per week, averaged over any 12 month period;
 - (c) a maximum of 2 blasts per week where the maximum instantaneous charge (MIC) is greater than 400kg; and
 - (d) a maximum of 1 blast per week where the MIC is greater than 400kg, when averaged over any 12 month period.
- However the Director-General may approve minor variations to these restrictions for short periods of time.

Property Inspections

11. If the Proponent receives a written request for a property inspection from any landowner within 3 km of the project, the Proponent shall within 2 months of receiving this request:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to:
 - establish the baseline condition of any building or structures on the land;
 - inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and
 - (b) give the landowner a copy of the property inspection report.

Property Investigations

12. If any landowner of privately-owned land claims that buildings and/or structures on his/her land have been damaged as a result of blasting associated with the project, then within 3 months of receiving this request, the Proponent shall:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to investigate the claim; and
 - (b) give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damages to the satisfaction of the Director-General.

If the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.

Operating Conditions

13. During mining operations on the site, the Proponent shall:
- (a) implement best blasting practice to:
 - protect the safety of people and livestock in the area surrounding blasting operations;
 - protect public or private infrastructure/property and Aboriginal cultural heritage sites in the area surrounding blasting operations from blasting damage; and
 - minimise the dust and fume emissions from blasting at the project;
 - (b) limit temporary blasting-related road closures to 1 per day;
 - (c) co-ordinate the timing of blasting on site with the timing of blasting at the adjoining Moolarben and Ulan coal mines to minimise the potential cumulative blasting impacts of the three mines, and
 - (d) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site,
- to the satisfaction of the Director-General.
14. Prior to carrying out any blasting within 500 metres of a public road or railway on the site, the Proponent shall obtain approval from Council (in respect of public roads) and ARTC (in respect of the Gulgong-Sandy Hollow railway).

Blast Management Plan

15. The Proponent shall prepare and implement a Blast Management Plan for the project, in consultation with DECCW, and to the satisfaction of the Director-General. This program must:
- describe the blast mitigation measures that would be implemented to ensure compliance with the relevant conditions of this approval; and
 - include a blast monitoring program to evaluate the performance of the project.

AIR QUALITY

Odour

16. The Proponent shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.

Greenhouse Gas Emissions

17. The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Director-General.

Air Quality Impact Assessment Criteria

18. Except for the land referred to in Table 1, the Proponent shall ensure that the dust emissions generated by the project do not cause additional exceedances of the criteria listed in Tables 5, 6, and 7 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.

Table 5: 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	30 µg/m ³

Table 6: 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 7: 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

Note:

- Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

Land Acquisition Criteria

19. If the dust emissions generated by the project exceed the criteria in Tables 8, 9, and 10 at any residence on, or on more than 25 percent of, any privately-owned land, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 6 – 7 of schedule 4.

Table 8: Long term land acquisition 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	30 µg/m ³

Table 9: Short term land acquisition criteria for particulate matter

Pollutant	Averaging period	Criterion	Percentile ¹	Basis
Particulate matter < 10 µm (PM ₁₀)	24 hour	150 µg/m ³	99 ²	Total ³
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³	98.6	Increment ⁴

¹Based on the number of block 24 hour averages in an annual period.

²Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Director-General in consultation with the DECCW.

³Background PM₁₀ concentrations due to all other sources plus the incremental increase in PM₁₀ concentrations due to the mine alone.

⁴Incremental increase in PM₁₀ concentrations due to the mine alone.

Table 10: Long term land acquisition 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

Note:

- Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

Operating Conditions

20. The Proponent shall:
- implement all practicable measures to minimise the off-site odour and fume emissions generated by any spontaneous combustion at the project;
 - ensure any visible air pollution generated by the project is assessed regularly, and that mining operations are relocated, modified, and/or stopped as required to minimise air quality impacts on privately-owned land; and
 - ensure real-time air quality monitoring for 24-hour average PM₁₀ and the meteorological monitoring data are assessed regularly, and that mining operations are relocated, modified and/or stopped as required to ensure compliance with the relevant criteria in this approval, to the satisfaction of the Director-General.

Air Quality & Greenhouse Gas Management Plan

21. The Proponent shall prepare and implement an Air Quality & Greenhouse Gas Management Plan for the project, in consultation with DECCW, and to the satisfaction of the Director-General. This program must:
- describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, including the proposed real-time air quality management system; and
 - include an air quality monitoring program, that uses a combination of real-time monitors, high volume samplers and dust deposition gauges to evaluate the performance of the project, and includes a protocol for determining exceedances with the relevant air quality impact assessment criteria.

Note:

- The air quality monitoring program may incorporate monitoring from any relevant regional monitoring network endorsed by DECCW.

METEOROLOGICAL MONITORING

22. During the life of the project, the Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- complies with the requirements in *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
 - is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Industrial Noise Policy*, to the satisfaction of the Director-General.

Note:

- A system to measure temperature lapse rate at the site must be established in accordance with condition 22(b) by 31 December 2010, or as otherwise agreed by the Director-General.

SOIL AND WATER

Water Supply

23. The Proponent shall ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of mining operations to match its licensed water entitlements, to the satisfaction of the Director-General.

Discharge Limits

24. The Proponent shall not discharge any water from the site or irrigate any waste water on site except as may be expressly provided by an EPL, or in accordance with section 120 of the POEO Act.

Cumby Creek Relocation

25. The Proponent shall design, construct, maintain, and rehabilitate the proposed relocation of Cumby Creek, to the satisfaction of the Director-General.
26. Within one month of completing the construction of the Cumby Creek relocation, the Proponent shall submit an as-executed report, certified by a practising registered engineer, to the Director-General.
27. Prior to destroying the original creek line, the Proponent shall demonstrate that the Cumby Creek Relocation is operating successfully, in consultation with NOW, and to the satisfaction of the Director-General.

Site Water Management Plan

28. The Proponent shall prepare and implement a Site Water Management Plan for the project, to the satisfaction of the Director-General. This plan must:
- be prepared in consultation with DECCW and NOW by suitably qualified expert/s whose appointment/s have been approved by the Director-General; and
 - include:
 - a Cumby Creek Relocation Plan;
 - a Site Water Balance;
 - an Erosion and Sediment Control Plan;
 - a Surface Water Management and Monitoring Plan;
 - a Ground Water Monitoring Program; and
 - a Surface and Ground Water Response Plan.

Note:

- The Department accepts that the initial Site Water Management Plan may not include the detailed plans for the proposed relocation of Cumby Creek. However, if this occurs, the Proponent will be required to seek approval from the Director-General for an alternative timetable for completion and approval of the Cumby Creek Relocation Plan.

Cumby Creek Relocation Plan

29. The Cumby Creek Relocation Plan must include:
- a vision statement for the creek relocation;
 - an assessment of the water quality, ecological, hydrological and geomorphic baseline conditions in Cumby Creek;
 - the detailed design and specifications for the creek relocation;
 - a construction program for the creek relocation, describing how the work would be staged, and integrated with mining operations;
 - a revegetation program for the relocated creek using a range of suitable native species;
 - water quality, ecological, hydrological and geomorphic performance and completion criteria for the creek relocation based on the assessment of baseline conditions; and

- (g) a program to monitor and maintain the water quality, ecological, hydrological and geomorphic integrity of the creek relocation.

Site Water Balance

30. The Site Water Balance must:
- (a) include details of:
 - sources of water;
 - reliability of water supply;
 - water use on site;
 - water management on site;
 - off-site water transfers;
 - reporting procedures; and
 - (b) describe measures to minimise water use by the project.

Erosion and Sediment Control

31. 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.

Surface Water Management and Monitoring

32. The Surface Water Management and Monitoring Plan must include:
- (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the project;
 - (b) surface water and stream health assessment criteria;
 - (c) a program to monitor surface water flows, quality and impacts on water users (upstream and downstream of the project in Wilpinjong and Cumbo Creeks);
 - (d) a program to assess stream health conditions in Wilpinjong and Cumbo Creeks;
 - (e) a program to monitor channel stability in Wilpinjong and Cumbo Creeks;
 - (f) reporting procedures; and
 - (g) a protocol for the investigation, notification, and mitigation of identified exceedances of the surface water and stream health assessment criteria.

Groundwater Monitoring

33. The Groundwater Monitoring Program must include:
- (a) detailed baseline data, based on sound statistical analysis, to benchmark the pre-mining natural variation in groundwater levels, yield and quality (including privately owned groundwater bores within the predicted drawdown impact zone identified in the EA);
 - (b) groundwater impact assessment criteria (including for monitoring bores and privately owned bores);
 - (c) a program for accurately delineating the boundary of the Wilpinjong Creek alluvial aquifer in any areas intersected by mining;
 - (d) a program to monitor:
 - impacts on the groundwater supply of potentially affected landowners;
 - impacts of the water supply borefield;
 - impacts on the Wilpinjong Creek alluvial aquifer;
 - connectivity and groundwater leakage to/from Cumbo Creek following relocation;
 - impacts on groundwater dependent ecosystems and riparian vegetation;
 - the volume of ground water seeping into the open cut mine workings;
 - regional ground water levels and quality in the alluvial, coal seam, and interburden aquifers; and
 - the groundwater pressure response in the surrounding coal measures.
 - (e) procedures for the verification of the groundwater model; and
 - (f) reporting procedures for the results of the monitoring program and model verification.

Surface and Ground Water Response Plan

34. The Surface and Ground Water Response Plan must include:
- (a) a protocol for the investigation, notification and mitigation of any exceedances of the surface water, stream health and groundwater impact assessment criteria;
 - (b) measures to mitigate and/or compensate potentially affected landowners with privately owned groundwater bores within the predicted drawdown impact zone identified in the EA, including provision of alternative long term supply of water to the affected landowner that is equivalent to

- the loss attributed to the project;
 - (c) measures to mitigate and/or compensate potentially affected landowners for the loss of surface water flows in Wilpinjong Creek downstream of the open cut;
 - (d) measures to minimise, prevent or offset groundwater leakage from the Wilpinjong Creek alluvial aquifer if the rate of leakage exceeds EA predictions;
 - (e) measures to mitigate any direct hydraulic connection between the backfilled open cut and the Wilpinjong Creek and Cumbo Creek alluvium if the potential for adverse impacts is detected; and
 - (f) the procedures that would be followed if any unforeseen impacts are detected during the project.
35. Within 6 months of the Independent Environmental Audit (see condition 7 in schedule 5), the Proponent shall update the Site Water Management Plan to the satisfaction of the Director-General.

LANDSCAPE MANAGEMENT

36. The Proponent shall:
- (a) implement the Offset Strategy described in the EA and summarised in Table 11 (shown conceptually in Appendix 3) ; and
 - (b) progressively rehabilitate the site in a manner that is generally consistent with the final landform in the EA (shown conceptually in Appendix 4),
- to the satisfaction of the Director-General.

Table 11: Offset Strategy

Area	Size
Enhancement and Conservation Areas	480 ha
Regeneration Areas	350 ha

37. The Proponent shall make suitable arrangements to provide appropriate long term security for the Enhancement and Conservation Areas, to the satisfaction of the Director-General.
38. The Proponent shall, in consultation with DECCW:
- (a) secure ownership of land beyond the boundary of the site which contains sufficient areas of Yellow Box White Box Blakely's Red Gum Woodland EEC to satisfactorily offset the impacts of the project on the EEC; and
 - (b) make suitable arrangements to secure the long term protection of this land,
- to the satisfaction of the Director-General.

Landscape Management Plan

39. The Proponent must prepare and implement a detailed Landscape Management Plan for the project, in consultation with NOW, DECCW and I&I NSW and to the satisfaction of the Director-General. This plan must be prepared by suitably qualified expert/s whose appointment/s have been approved by the Director-General, and must include a:
- (a) Rehabilitation Management Plan;
 - (b) Final Void Management Plan; and
 - (c) Mine Closure Plan.

Note: The Department accepts that the initial Rehabilitation and Landscape Management Plan may not include the detailed Final Void Management Plan and Mine Closure Plan. However, if this occurs, the Proponent will be required to seek approval from the Director-General for an alternative timetable for completion and approval of the Final Void Management Plan and Mine Closure Plan.

Rehabilitation Management Plan

40. The Rehabilitation Management Plan must include:
- (a) the rehabilitation objectives for the site;
 - (b) a description of the short, medium, and long term measures that would be implemented to:
 - rehabilitate the site;
 - implement the Offset Strategy; and
 - manage the remnant vegetation and habitat on the site;
 - (c) detailed assessment and completion criteria for the rehabilitation of the site;
 - (d) a detailed description of how the performance of the rehabilitation of the mine would be monitored over time to achieve the stated objectives;
 - (e) a detailed description of what measures would be implemented over the next 3 years to rehabilitate and manage the landscape of the site including the procedures to be implemented for:
 - progressively rehabilitating areas disturbed by mining;
 - implementing revegetation and regeneration within the Offset Strategy;
 - protecting areas outside the disturbance areas;

- rehabilitating creeks on the site (including Wilpinjong Creek);
 - undertaking pre-clearance surveys;
 - managing impacts on fauna;
 - landscaping the site to minimise visual impacts;
 - conserving and reusing topsoil;
 - collecting and propagating seed for rehabilitation works;
 - salvaging and reusing material from the site for habitat enhancement;
 - controlling weeds and feral pests;
 - controlling access;
 - bushfire management;
 - managing any potential conflicts between the rehabilitation of the mine and Aboriginal cultural heritage; and
- (f) details of who is responsible for monitoring, reviewing, and implementing the plan.

Note: Reference to "rehabilitation" in this approval includes all works associated with the rehabilitation and restoration of the site as described in the EA, and applies to all areas within the Mining Lease, Offset Strategy, and the areas proposed to be rehabilitated along Wilpinjong Creek.

Final Void Management

41. The Final Void Management Plan must:
- (a) justify the planned final location and future use of the final void/s;
 - (b) incorporate design criteria and specifications for the final void/s based on verified groundwater modelling predictions and a re-assessment of post-mining groundwater equilibration;
 - (c) assess the potential interactions between creeks on the site and the final void/s; and
 - (d) describe what actions and measures would be implemented to:
 - minimise any potential adverse impacts associated with the final void; and
 - manage and monitor the potential impacts of the final void until the Mining Lease for the project is relinquished.

Mine Closure Plan

42. The Mine Closure Plan must:
- (a) define the objectives and criteria for mine closure;
 - (b) investigate options for the future use of the site, including any final void/s;
 - (c) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and
 - (d) describe how the performance of these measures would be monitored over time.
43. Within 6 months of the Independent Environmental Audit (see condition 7 in schedule 5), the Proponent shall update the Rehabilitation and Landscape Management Plan to the satisfaction of the Director-General.

Conservation Bond

44. Following the Independent Environmental Audit (see condition 7 in schedule 5) at the end of year 12 of the project, the Proponent shall lodge a conservation bond with the Department to ensure that there are sufficient resources available to fully implement the Offset Strategy. The size of the bond will be set by the Director-General, in consultation with the Proponent, at that time, of fully implementing the Offset Strategy in accordance with the completion criteria set out in the approved Rehabilitation and Landscape Management Plan. The bond will be adjusted by the Director-General, in consultation with the Proponent, after each subsequent Independent Environmental Audit.

Notes:

- *If the Offset Strategy is completed to the satisfaction of the Director-General, the Director-General will release the conservation bond.*
- *If the Offset Strategy is not completed to the satisfaction of the Director-General, the Director-General will call in all or part of the conservation bond, and arrange for the satisfactory completion of the relevant works.*
- *The conservation bond does not apply to areas subject to equivalent bonding arrangements under the Mining Act 1992. If amendments to the Mining Act allow the Minister for Mineral Resources to require rehabilitation securities under a Mining Lease which apply to the implementation of rehabilitation works outside the boundary of a Mining Lease, the Proponent may transfer the conservation bond required under this approval to the Minister of Mineral Resources provided the Director-General and I&I NSW agree to the transfer.*

HERITAGE

Archaeological Salvage Program

45. The Proponent shall prepare and implement a salvage program for the project, in consultation with the DECCW and the Aboriginal communities, and to the satisfaction of the Director-General.

46. Before the commencement of salvage operations, the Proponent shall ensure that a keeping place is established to temporarily house objects recovered from the salvage program.
47. The Proponent shall temporarily house the objects recovered during the salvage program in the keeping place established for the purpose, and in consultation with the DECCW and the Aboriginal communities, replace the objects within the rehabilitated landscape.

Aboriginal Cultural Heritage Management Plan

48. The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan, in consultation with DECCW and the Aboriginal communities, and to the satisfaction of the Director-General. The plan must include:
 - (a) a detailed description of the measures that would be implemented to protect Aboriginal sites outside the project disturbance area;
 - (b) a detailed monitoring program for Aboriginal sites 72, 152 and 153 (as shown in Appendix 5);
 - (c) a description of the measures that would be implemented if any new Aboriginal objects or skeletal remains are discovered during the project; and
 - (d) a protocol for the ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site.

Archival Record of Certain Heritage Sites

49. The Proponent shall prepare an archival record of the remaining heritage sites listed in Table 3-20 of the EA (shown in Appendix 6), prior to any activity associated with the project that may disturb these sites, in accordance with the requirements of the NSW Heritage Office, and to the satisfaction of the Director-General.

TRANSPORT

Monitoring of Coal Transport

50. The Proponent shall:
 - (a) keep records of the:
 - amount of coal transported from the site each year; and
 - number of coal haulage train movements generated by the project (on a daily basis); and
 - (b) include these records in the Annual Review.

Ulan Road Strategy

51. By the end of December 2011, unless the Director-General directs otherwise, the Proponent shall prepare a strategy for the upgrade and maintenance of Ulan Road between Mudgee and the entrance to the underground surface facilities at the Ulan mine over the next 21 years, to the satisfaction of the Director-General. This strategy must be prepared in conjunction with the owners of both the Moolarben and Ulan mines, and the cost of preparing the strategy should be shared equally between the Proponent and the owners of the Moolarben and Ulan mines. The strategy must:
 - (a) be prepared by a suitably qualified, experienced and independent person whose appointment has been endorsed by the Director-General;
 - (b) be prepared in consultation with both the RTA and Council;
 - (c) determine the design standard of the relevant section of road (and any associated intersections) to the satisfaction of the RTA (based on the relevant road design guideline(s));
 - (d) identify the works required to upgrade the road to the agreed design standard;
 - (e) estimate the cost of these works and the likely annual costs for maintaining the upgraded road;
 - (f) identify any measures that could be implemented to reduce the amount of mine traffic on the road, such as providing long-term parking in Mudgee to support increased car pooling, and the likely cost of implementing these measures;
 - (g) identify any measures that could be implemented to minimise the traffic noise impacts of mine traffic on Ulan Road on adjoining residences, and the likely cost of implementing these measures
 - (h) include a detailed program for the proposed upgrade and maintenance of the road, implementation of traffic noise mitigation measures, and implementation of any works to support efforts to reduce the amount of mine traffic on the road;
 - (i) calculate what each mine and the Council shall contribute towards the implementation of the detailed program outlined in (h) above, including consideration of:
 - the likely traffic generated by each mine as a proportion of the total traffic on the road;
 - any mine contributions that have been made towards the upgrading of the road in recent years; and
 - any relevant planning agreements that deal with the funding or maintenance of roads in the Mid-Western LGA; and
 - (j) include a detailed contributions plan for the three mines and the Council to support the implementation of the detailed program described in (g) above.

If there is any dispute between the various parties involved in either the preparation or the implementation of the strategy, then any of the parties may refer the matter to the Director-General for resolution.

52. Once the Ulan Road Strategy (referred to in condition 51) has been approved by the Director-General, the Proponent shall either implement, or contribute towards the implementation of the strategy, to the satisfaction of the Director-General.

Road Traffic Management

53. The Proponent shall:
- (a) implement all reasonable and feasible measures to reduce the mine traffic on Ulan Road;
 - (b) schedule shift changes on site to occur outside the school bus hours; and
 - (c) co-ordinate the shift changes on site with the shift changes of the adjoining Moolarben and Wilpinjong coal mines to minimise the potential cumulative traffic impacts of the shift changes of the three mines,
- to the satisfaction of the Director-General.

VISUAL IMPACT

Visual Amenity

54. The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.

Lighting Emissions

55. The Proponent shall:
- (a) take all practicable measures to mitigate off-site lighting impacts from the project; and
 - (b) ensure that all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*,
- to the satisfaction of the Director-General.

WASTE

56. The Proponent shall:
- (a) monitor the amount of waste generated by the project;
 - (b) investigate ways to minimise waste generated by the project;
 - (c) implement reasonable and feasible measures to minimise waste generated by the project;
 - (d) ensure irrigation of treated wastewater is undertaken in accordance with DECCW's *Environmental Guideline for the Utilisation of Treated Effluent*; and
 - (e) report on waste management and minimisation in the Annual Review,
- to the satisfaction of the Director-General.
-

SCHEDULE 4 ADDITIONAL PROCEDURES FOR AIR QUALITY & NOISE MANAGEMENT

NOTIFICATION OF LANDOWNERS

1. By the end of September 2010, the Proponent shall notify the owners of the land listed in Table 1 of schedule 3 in writing that they have the right to require the Proponent to acquire their land at any stage during the project.
2. If the results of the monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, and there is no negotiated agreement in place to allow the impact, then within 2 weeks of obtaining the monitoring results the Proponent shall:
 - (a) notify the Director-General, the affected landowners and tenants (including tenants of mine-owned properties) accordingly, and provide monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 3; and
 - (b) in the case of exceedances of the relevant air quality impact assessment criteria, send the affected landowners and tenants (including tenants of mine-owned properties) a copy of the NSW Health fact sheet entitled "*Mine Dust and You*" (as may be updated from time to time).

INDEPENDENT REVIEW

3. If a landowner of privately-owned land considers the project to be exceeding the relevant air quality or noise impact assessment criteria in schedule 3, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 2 months of the Director-General's decision:

- (a) commission a suitably qualified, experienced and independent expert, whose appointment has been approved by the Director-General, to:
 - consult with the landowner to determine his/her concerns;
 - conduct monitoring to determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and
 - if the project is not complying with these criteria then:
 - determine if more than one mine is responsible for the exceedance, and if so the relative share of each mine towards the impact on the land;
 - identify the measures that could be implemented to ensure compliance with the relevant criteria; and
 - (b) give the Director-General and landowner a copy of the independent review.
4. If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:

- (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until the project complies with the relevant criteria; or
 - (b) secure a written agreement with the landowner to allow exceedances of the relevant impact assessment criteria,
- to the satisfaction of the Director-General.

If the independent review determines that the project is not complying with the relevant land acquisition criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the Proponent shall acquire all or part of the landowner's land in accordance with the procedures in conditions 6-7 below.

5. If the independent review determines that the relevant impact assessment criteria in schedule 3 are being exceeded, but that more than one mine is responsible for this non-compliance, then the Proponent shall, together with the relevant mine/s:
 - (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until there is compliance with the relevant criteria; or
 - (b) secure a written agreement with the landowner and other relevant mines to allow exceedances of the relevant impact assessment criteria in schedule 3,to the satisfaction of the Director-General.

If the independent review determines that the project is not complying with the relevant land acquisition criteria in schedule 3, but that more than one mine is responsible for this non-compliance, then upon receiving a written request from the landowner, the Proponent shall acquire all or part of the landowner's land on as equitable a basis as possible with the relevant mine/s, in accordance with the procedures in conditions 6-7 below.

LAND ACQUISITION

6. Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:
- (a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the project, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the 'additional noise mitigation measures' in condition 7 of schedule 3;
 - (b) the reasonable costs associated with:
 - relocating within the Mid-Western Regional local government area, or to any other local government area determined by the Director-General; and
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
 - (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Director-General for resolution.

Upon receiving such a request, the Director-General shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

- consider submissions from both parties;
- determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;
- prepare a detailed report setting out the reasons for any determination; and
- provide a copy of the report to both parties.

Within 14 days of receiving the independent valuer's report, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Director-General for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Director-General shall determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above and the independent valuer's report, and the detailed report of the party that disputes the independent valuer's determination.

Within 14 days of this determination, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the Director-General's determination.

If the landowner refuses to accept the Proponent's binding written offer under this condition within 6 months of the offer being made, then the Proponent's obligations to acquire the land shall cease, unless the Director-General determines otherwise.

7. The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 6 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. The strategy must:
 - (a) be submitted to the Director-General for approval within 6 months of the date of this approval;
 - (b) provide the strategic framework for environmental management of the project;
 - (c) identify the statutory approvals that apply to the project;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance;
 - respond to emergencies; and
 - (f) include:
 - copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and
 - a clear plan depicting all the monitoring to be carried out in relation to the project.

Management Plan Requirements

2. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria;
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
 - (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the project;
 - effectiveness of any management measures (see c above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (f) a program to investigate and implement ways to improve the environmental performance of the project over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.

Annual Review

3. By the end of December 2011, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:
 - (a) describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous years; and
 - relevant predictions in the EA;
 - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the project;

- (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
- (f) describe what measures will be implemented over the next year to improve the environmental performance of the project.

Revision of Strategies, Plans and Programs

- 4. Within 3 months of the submission of an:
 - (a) annual review under condition 3 above;
 - (b) incident report under condition 7 below;
 - (c) audit under condition 9 below; or
 - (d) any modification to the conditions of this approval;
 the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.

Community Consultative Committee

- 5. The Proponent shall establish and operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General. This CCC must be established and operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version).

Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval.*
- *In accordance with the Guideline, the Committee should comprise an independent chair and appropriate representation from the Proponent, affected councils and the general community.*

Management of Cumulative Impacts

- 6. In conjunction with the owners of the nearby Moolarben and Ulan mines, the Proponent shall use its best endeavours to minimise the cumulative impacts of the project on the surrounding area, to the satisfaction of the Director-General.

REPORTING

Incident Reporting

- 7. The Proponent shall notify the Director-General and any other relevant agencies of any incident associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.

Regular Reporting

- 8. The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval, and to the satisfaction of the Director-General.

INDEPENDENT ENVIRONMENTAL AUDIT

- 9. By the end of December 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
 - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
 - (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.

Note: This audit team must be led by a suitably qualified auditor and include experts in surface water, groundwater and any other fields specified by the Director-General.

10. Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

11. From the end of October 2010, the Proponent shall:
 - (a) make the following information publicly available on its website:
 - a copy of all current statutory approvals for the project;
 - a copy of the current environmental management strategy and associated plans and programs;
 - a summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;
 - a complaints register, which is to be updated on a monthly basis;
 - a copy of the minutes of CCC meetings;
 - a copy of any Annual Reviews (over the last 5 years);
 - a copy of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit;
 - any other matter required by the Director-General; and
 - (b) keep this information up to date,
to the satisfaction of the Director-General.
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**APPENDIX 1
SCHEDULE OF LAND**

Freehold Land

Property	Owner	Property	Owner
Lot 10 DP 703223	Cumbo Coal Pty. Ltd.	Lot 1 DP 727117	Cumbo Land Pty. Ltd.
Lot 123 DP 755425	Cumbo Coal Pty. Ltd.	Lot 100 DP 755454	Cumbo Land Pty. Ltd.
Lot 124 DP 755425	Cumbo Coal Pty. Ltd.	Lot 109 DP 755454	Cumbo Land Pty. Ltd.
Lot 2 DP 720305	Cumbo Coal Pty. Ltd.	Lot 110 DP 755454	Cumbo Land Pty. Ltd.
Lot 3 DP 583254	Cumbo Coal Pty. Ltd.	Lot 116 DP 755425	Cumbo Land Pty. Ltd.
Lot 3 DP 755425	Cumbo Coal Pty. Ltd.	Lot 12 DP 755425	Cumbo Land Pty. Ltd.
Lot 5 DP 703225	Cumbo Coal Pty. Ltd.	Lot 128 DP 755425	Cumbo Land Pty. Ltd.
Lot 90 DP 755425	Cumbo Coal Pty. Ltd.	Lot 13 DP 755425	Cumbo Land Pty. Ltd.
Lot 93 DP 755425	Cumbo Coal Pty. Ltd.	Lot 14 DP 755425	Cumbo Land Pty. Ltd.
Pt. Lot 237 DP 724588	Cumbo Coal Pty. Ltd.	Lot 142 DP 755425	Cumbo Land Pty. Ltd.
Lot 1 DP 724617	Cumbo Creek Pastoral	Lot 143 DP 755425	Cumbo Land Pty. Ltd.
Lot 1 DP 728756	Cumbo Creek Pastoral	Lot 144 DP 755425	Cumbo Land Pty. Ltd.
Lot 105 DP 755425	Cumbo Creek Pastoral	Lot 145 DP 755425	Cumbo Land Pty. Ltd.
Lot 11 DP 703223	Cumbo Creek Pastoral	Lot 146 DP 755425	Cumbo Land Pty. Ltd.
Lot 122 DP 755425	Cumbo Creek Pastoral	Lot 148 DP 755425	Cumbo Land Pty. Ltd.
Lot 125 DP 755425	Cumbo Creek Pastoral	Lot 149 DP 755425	Cumbo Land Pty. Ltd.
Lot 133 DP 755425	Cumbo Creek Pastoral	Lot 150 DP 755425	Cumbo Land Pty. Ltd.
Lot 134 DP 755425	Cumbo Creek Pastoral	Lot 151 DP 755425	Cumbo Land Pty. Ltd.
Lot 135 DP 755425	Cumbo Creek Pastoral	Lot 152 DP 755425	Cumbo Land Pty. Ltd.
Lot 136 DP 755425	Cumbo Creek Pastoral	Lot 153 DP 755425	Cumbo Land Pty. Ltd.
Lot 137 DP 755425	Cumbo Creek Pastoral	Lot 156 DP 755425	Cumbo Land Pty. Ltd.
Lot 138 DP 755425	Cumbo Creek Pastoral	Lot 157 DP 755425	Cumbo Land Pty. Ltd.
Lot 139 DP 755425	Cumbo Creek Pastoral	Lot 158 DP 755425	Cumbo Land Pty. Ltd.
Lot 140 DP 755425	Cumbo Creek Pastoral	Lot 160 DP 755425	Cumbo Land Pty. Ltd.
Lot 141 DP 755425	Cumbo Creek Pastoral	Lot 183 DP 755425	Cumbo Land Pty. Ltd.
Lot 161 DP 755425	Cumbo Creek Pastoral	Lot 184 DP 755425	Cumbo Land Pty. Ltd.
Lot 18 DP 755425	Cumbo Creek Pastoral	Lot 186 DP 755425	Cumbo Land Pty. Ltd.
Lot 25 DP 755425	Cumbo Creek Pastoral	Lot 187 DP 755425	Cumbo Land Pty. Ltd.
Lot 27 DP 755425	Cumbo Creek Pastoral	Lot 188 DP 755425	Cumbo Land Pty. Ltd.
Lot 35 DP 755425	Cumbo Creek Pastoral	Lot 194 DP 755425	Cumbo Land Pty. Ltd.
Lot 40 DP 755425	Cumbo Creek Pastoral	Lot 195 DP 755425	Cumbo Land Pty. Ltd.
Lot 50 DP 755425	Cumbo Creek Pastoral	Lot 196 DP 755425	Cumbo Land Pty. Ltd.
Lot 53 DP 755425	Cumbo Creek Pastoral	Lot 26 DP 755425	Cumbo Land Pty. Ltd.
Lot 54 DP 755425	Cumbo Creek Pastoral	Lot 31 DP 755454	Cumbo Land Pty. Ltd.
Lot 66 DP 654143	Cumbo Creek Pastoral	Lot 34 DP 755425	Cumbo Land Pty. Ltd.
Lot 71 DP 755425	Cumbo Creek Pastoral	Lot 35 DP 755454	Cumbo Land Pty. Ltd.
Lot 75 DP 755425	Cumbo Creek Pastoral	Lot 37 DP 755425	Cumbo Land Pty. Ltd.
Lot 76 DP 755425	Cumbo Creek Pastoral	Lot 41 DP 583255	Cumbo Land Pty. Ltd.
Lot 79 DP 755425	Cumbo Creek Pastoral	Lot 42 DP 583255	Cumbo Land Pty. Ltd.
Lot 9 DP 755425	Cumbo Creek Pastoral	Lot 43 DP 583255	Cumbo Land Pty. Ltd.
Lot 94 DP 755425	Cumbo Creek Pastoral	Lot 44 DP 583255	Cumbo Land Pty. Ltd.
Lot 95 DP 755425	Cumbo Creek Pastoral	Lot 44 DP 755425	Cumbo Land Pty. Ltd.
Pt. Lot 132 DP 755425	Cumbo Creek Pastoral	Lot 45 DP 755425	Cumbo Land Pty. Ltd.
Lot 1 DP 112124	Cumbo Land Pty. Ltd.	Lot 45 DP 755454	Cumbo Land Pty. Ltd.
Lot 1 DP 583254	Cumbo Land Pty. Ltd.	Lot 46 DP 755454	Cumbo Land Pty. Ltd.
Lot 49 DP 755425	Cumbo Land Pty. Ltd.	Lot 48 DP 755454	Cumbo Land Pty. Ltd.

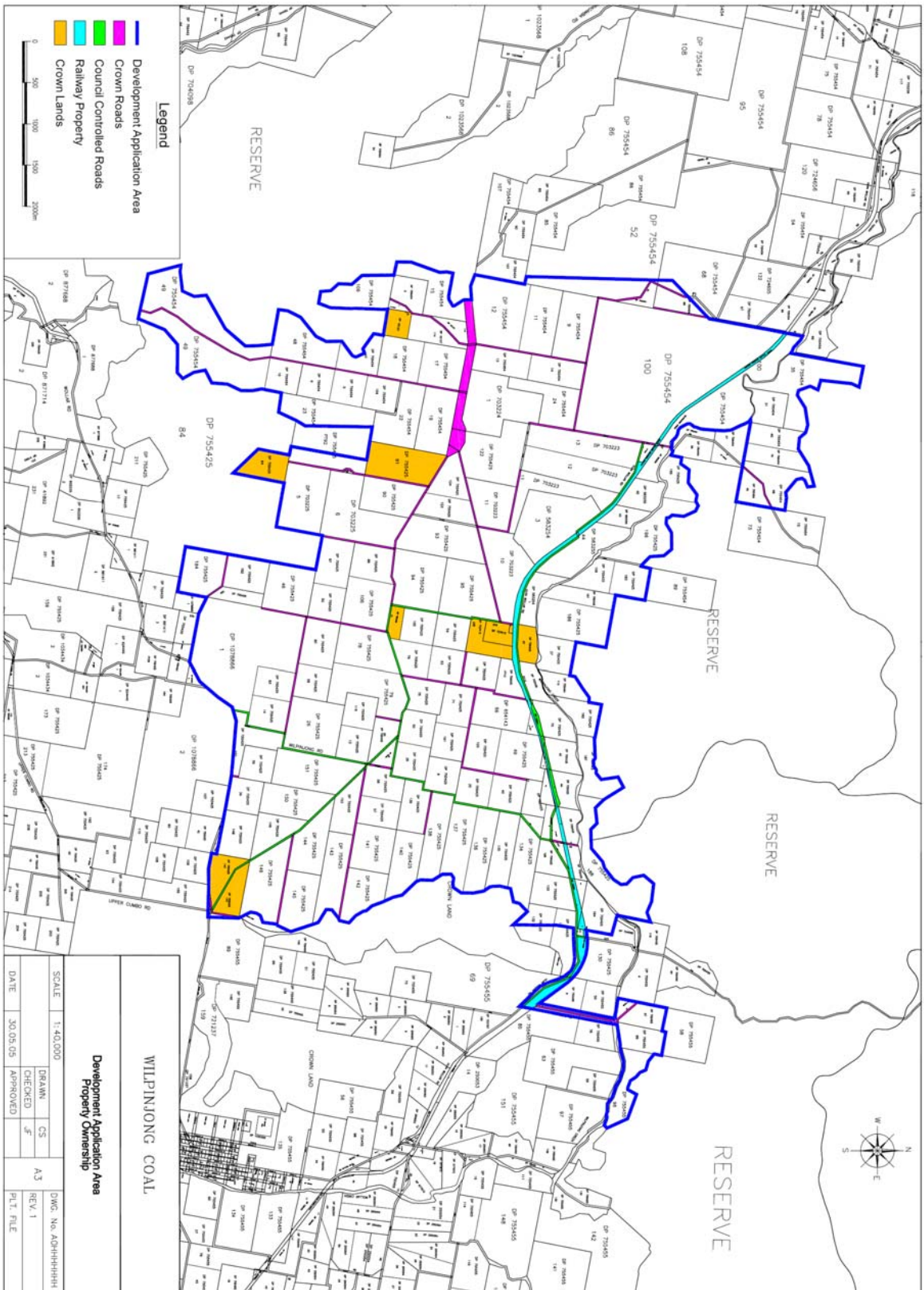
Property	Owner	Property	Owner
Lot 49 DP 755454	Cumbo Land Pty. Ltd.	Lot 14 DP 755454	Cumbo Land Pty. Ltd.
Lot 55 DP 755425	Cumbo Land Pty. Ltd.	Lot 15 DP 755454	Cumbo Land Pty. Ltd.
Lot 56 DP 755425	Cumbo Land Pty. Ltd.	Lot 17 DP 755454	Cumbo Land Pty. Ltd.
Lot 57 DP 755425	Cumbo Land Pty. Ltd.	Lot 18 DP 755454	Cumbo Land Pty. Ltd.
Lot 57 DP 755455	Cumbo Land Pty. Ltd.	Lot 182 DP 755425	Cumbo Land Pty. Ltd.
Lot 59 DP 755425	Cumbo Land Pty. Ltd.	Lot 19 DP 755454	Cumbo Land Pty. Ltd.
Lot 70 DP 755425	Cumbo Land Pty. Ltd.	Lot 22 DP 755454	Cumbo Land Pty. Ltd.
Lot 72 DP 755454	Cumbo Land Pty. Ltd.	Lot 23 DP 755454	Cumbo Land Pty. Ltd.
Lot 83 DP 755425	Cumbo Land Pty. Ltd.	Lot 24 DP 755454	Cumbo Land Pty. Ltd.
Lot 95 DP 755455	Cumbo Land Pty. Ltd.	Lot 3 DP 755454	Cumbo Land Pty. Ltd.
Lot 96 DP 755455	Cumbo Land Pty. Ltd.	Lot 46 DP 755425	Cumbo Land Pty. Ltd.
Pt. Lot 1 DP 1078866	Cumbo Land Pty. Ltd.	Lot 47 DP 755454	Cumbo Land Pty. Ltd.
Pt. Lot 131 DP 755425	Cumbo Land Pty. Ltd.	Lot 5 DP 755454	Cumbo Land Pty. Ltd.
Pt. Lot 69 DP 755455	Cumbo Land Pty. Ltd.	Lot 52 DP 755425	Cumbo Land Pty. Ltd.
Pt. Lot 89 DP 755455	Cumbo Land Pty. Ltd.	Lot 58 DP 755425	Cumbo Land Pty. Ltd.
Pt. Lot 92 DP 755425	Cumbo Land Pty. Ltd.	Lot 6 DP 703225	Cumbo Land Pty. Ltd.
Lot 1 DP 703224	Cumbo Land Pty. Ltd.	Lot 6 DP 755454	Cumbo Land Pty. Ltd.
Lot 10 DP 755454	Cumbo Land Pty. Ltd.	Lot 78 DP 755425	Cumbo Land Pty. Ltd.
Lot 104 DP 755454	Cumbo Land Pty. Ltd.	Lot 80 DP 755425	Cumbo Land Pty. Ltd.
Lot 106 DP 755425	Cumbo Land Pty. Ltd.	Lot 87 DP 755425	Cumbo Land Pty. Ltd.
Lot 11 DP 755454	Cumbo Land Pty. Ltd.	Lot 88 DP 755425	Cumbo Land Pty. Ltd.
Lot 114 DP 42127	Cumbo Land Pty. Ltd.	Lot 9 DP 755454	Cumbo Land Pty. Ltd.
Lot 12 DP 703223	Cumbo Land Pty. Ltd.	Lot 1 DP 653565	M Bloom & R Beheit
Lot 12 DP 755454	Cumbo Land Pty. Ltd.	Pt. Lot 1 DP 755455	RWB & NJ & DB Reid
Lot 13 DP 703223	Cumbo Land Pty. Ltd.	Pt. Lot 52 DP 755454	Ulan Coal Mines Limited
Lot 13 DP 755454	Cumbo Land Pty. Ltd.	Pt. Lot 68 DP 755454	Ulan Coal Mines Limited

Crown Lands

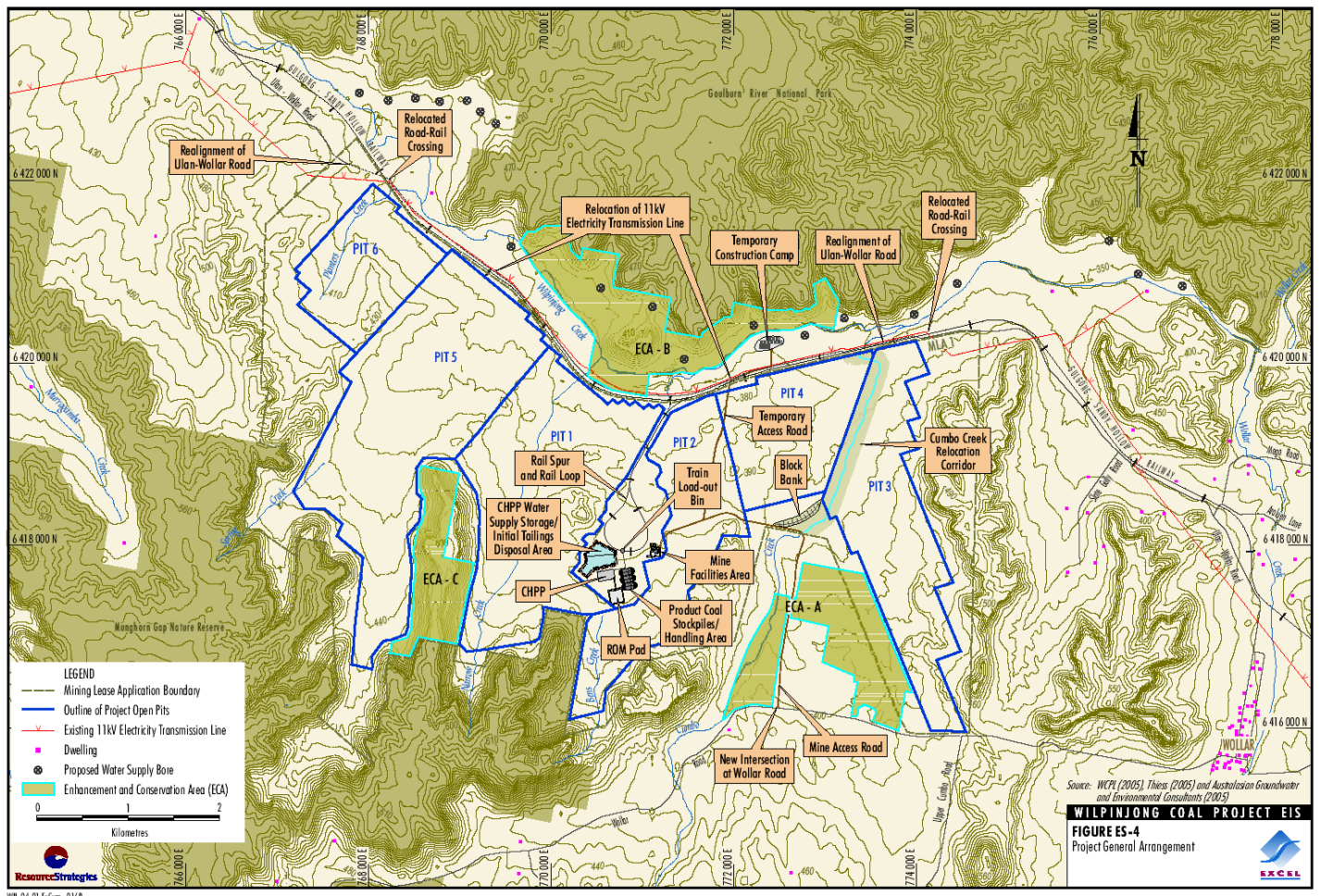
Property	Owner
Lot 115 DP 42127	Crown Land
Lot 147 DP 755425	Crown Land
Lot 233 DP 723412	Crown Land
Lot 234 DP 723412	Crown Land
Lot 235 DP 723412	Crown Land
Lot 77 DP 755425	Crown Land
Lot 84 DP 755425	Crown Land
Lot 91 DP 755425	Crown Land
Lot 97 DP 755425	Crown Land

Other Lands

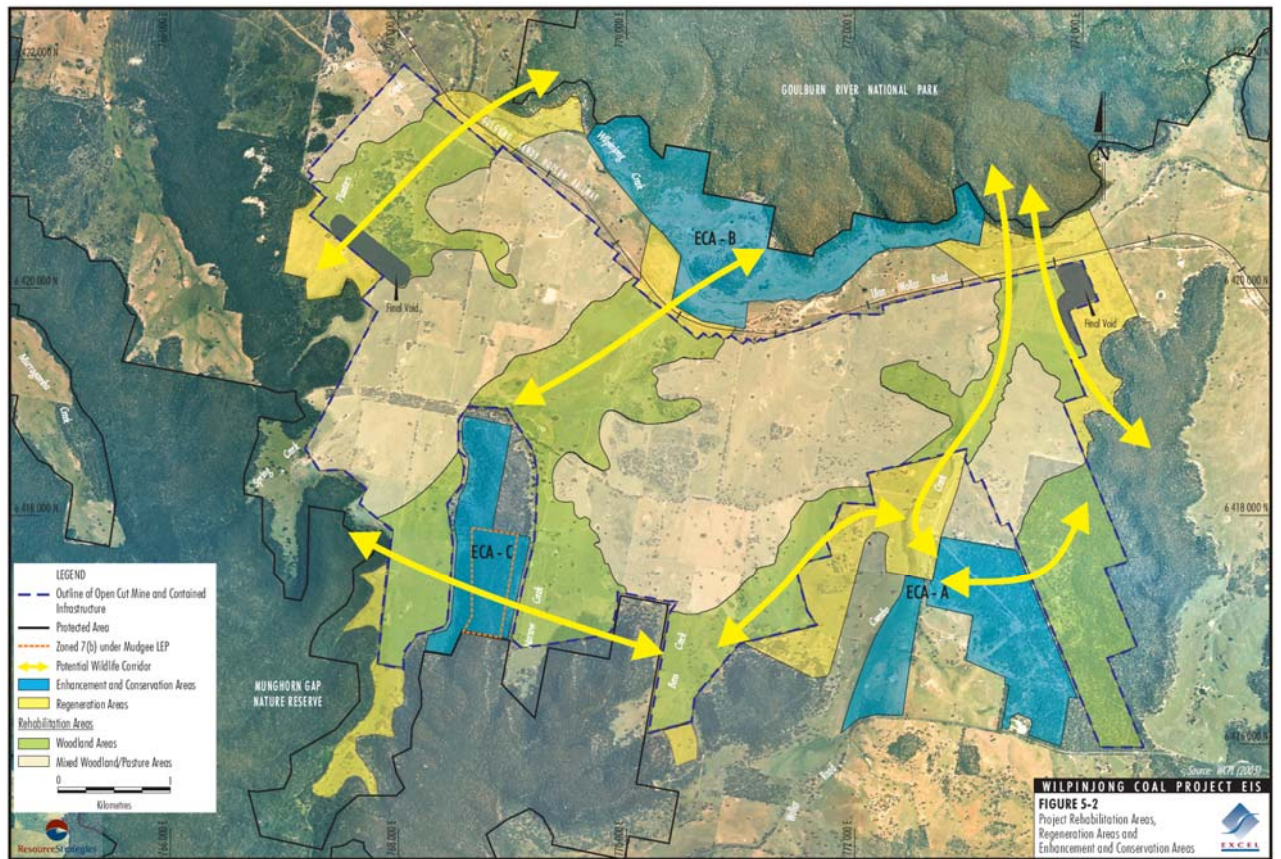
Crown Roads, Council Roads and property under the control of the State Rail Authority have been identified and are shown on the attached plan (00567A).



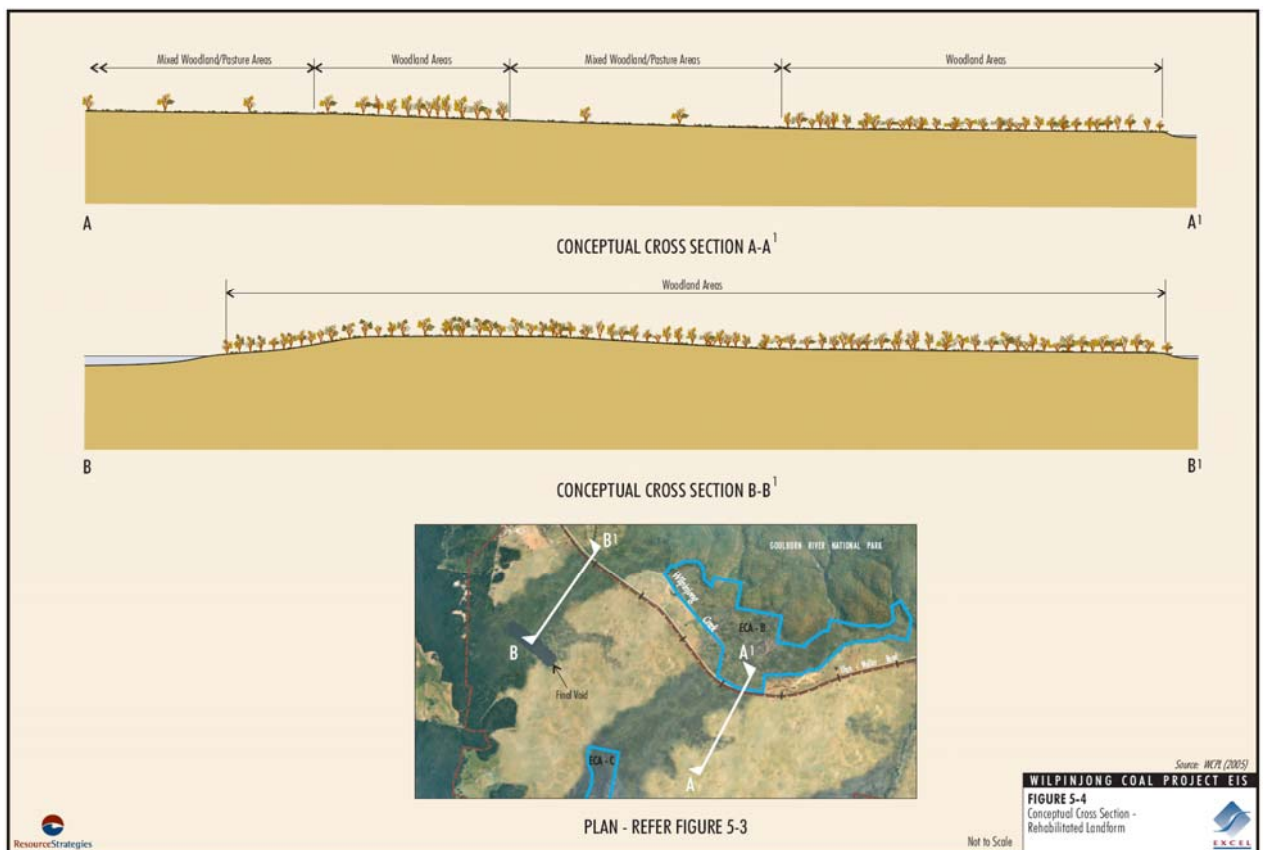
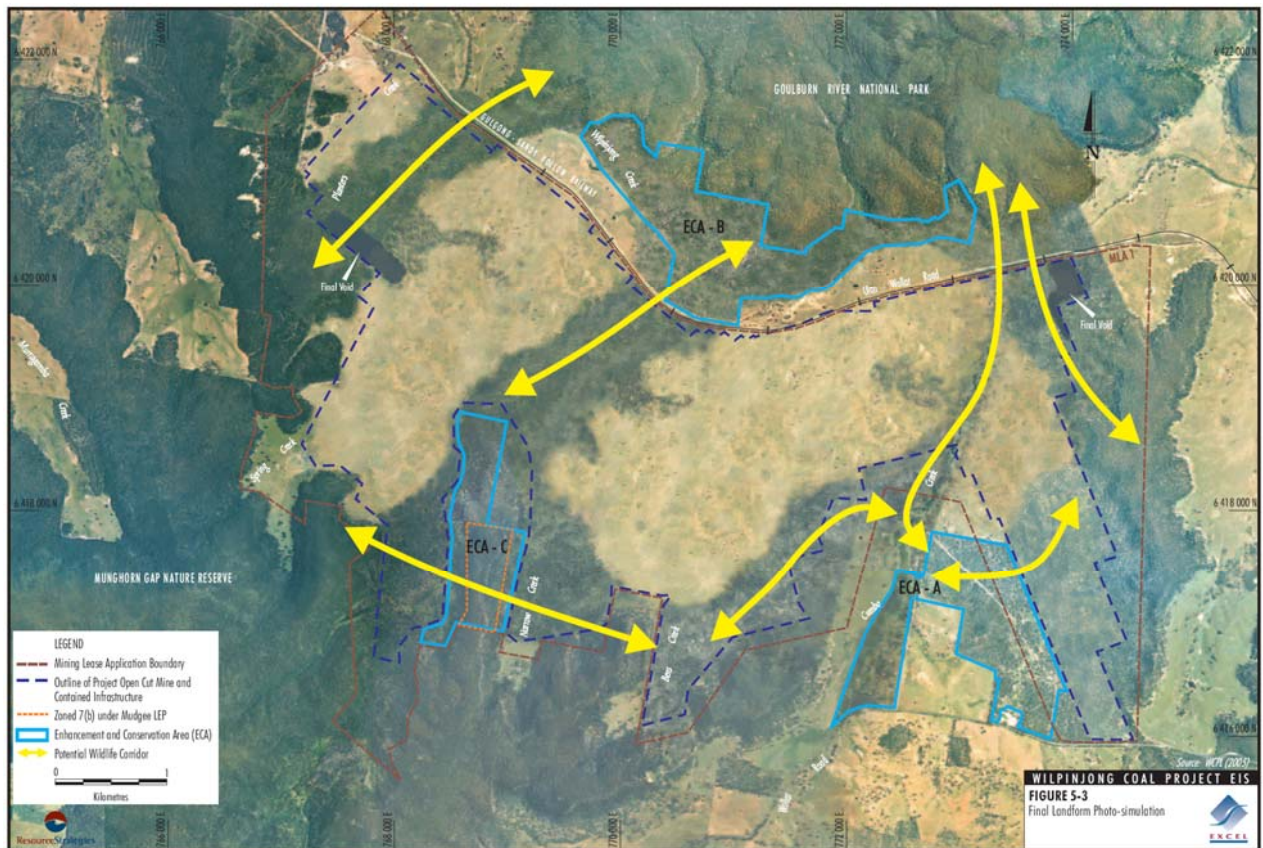
APPENDIX 2 PROJECT LAYOUT PLANS



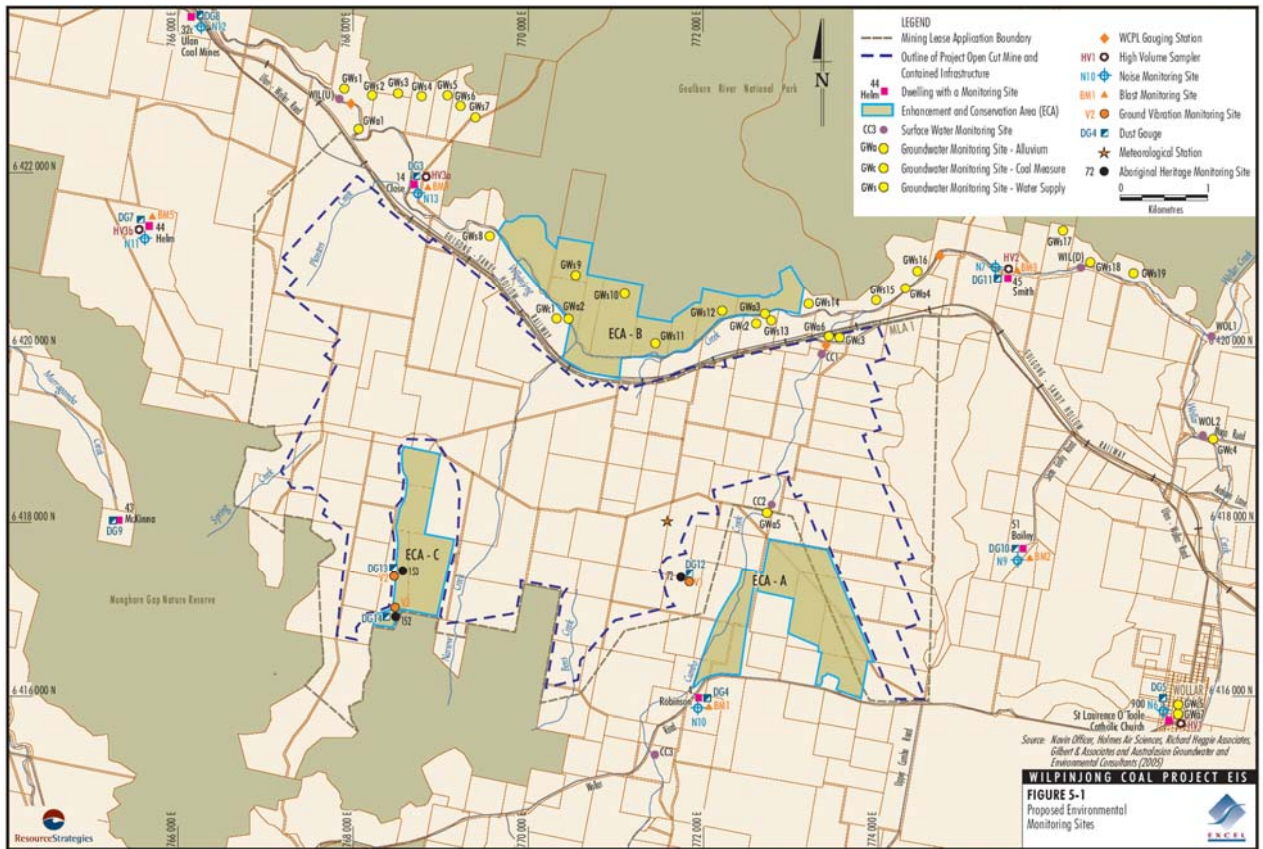
APPENDIX 3 OFFSET STRATEGY



APPENDIX 4 CONCEPTUAL REHABILITATION PLAN



APPENDIX 5 ABORIGINAL SITES

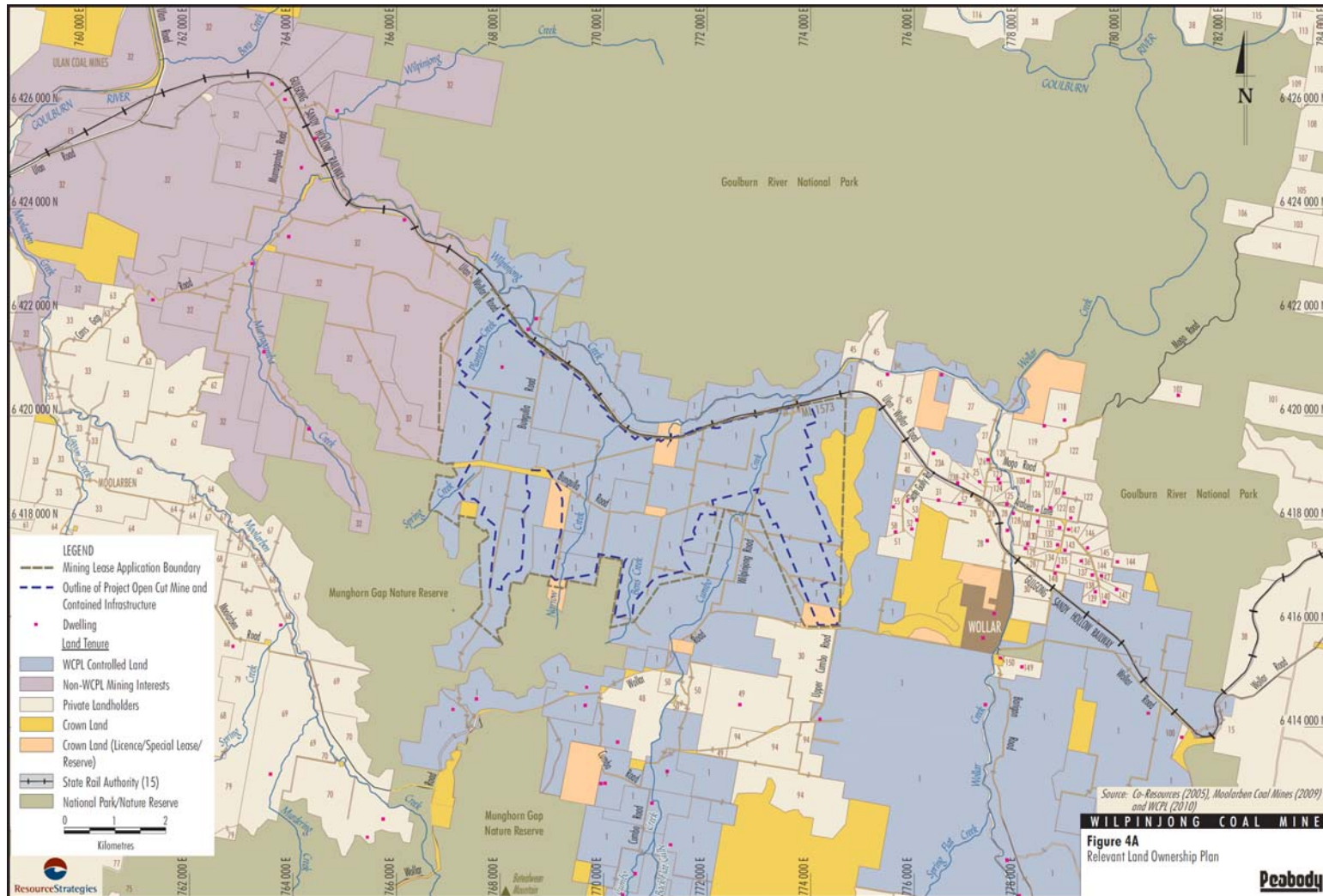


APPENDIX 6 HERITAGE SITES

Table 3-20
Sites of Local Heritage Significance Identified in the Project Survey

Site No.	Place Name	History and Description
1.	<i>Cumbo Creek</i>	Built 1912, stone cottage with later additions, now in poor condition.
2.	<i>Hillside</i>	First building possibly built 1866, and added to over time. Key early slab buildings intact, but in poor condition.
3.	<i>Keylah</i>	Slab building built 1896, stone section 1922. Intact and in good condition.
4.	<i>Warrawong</i>	Slab cottage, originally built near the junction of Wilpinjong and Cumbo Creek, moved to present site 1912.
5.	Atcheson's cottage, Wyangle Portion 19 Wilpinjong	Concrete structure, probably built 1930s now in poor condition.
6.	Loy's cottage	Slab cottage, built circa 1894, and possibly used for a time as a school room. Now in ruin.
7.	<i>Pine Park</i> woolshed	Slab woolshed built in 1930s. In good condition.
8.	Post and rail fence, Portion 106 Cumbo	Long section of post and rail fence, unknown date and in poor condition.
9.	Wilpinjong Road stone embankment, Portion 26 Cumbo	43 m long stone road embankment, possibly from 19 th century. Intact.

APPENDIX 7 RECEIVER LOCATION PLANS



1 Wilpinjong Coal Controlled Land	15 State Rail Authority	23A ID Bloomfield
23B B Bishop	24 JA & TS Peach	25 SE & JE Pettit
26 K & VC Christiansen	27 BC McDermott	28 BP & FV & MJ & JM Power
30 WF Gaffney	31 DE & AM Conradt	32 Ulan Coal Mines/Moolarben Coal Mine Owned/Controlled Land
33 MJ & PM Swords	38 State Of N.S.W.	40 G & J Maher
45 JAW Smith	48 JR & BM Evans	49 RSM & LD Harkin
50 LD Thompson & RJ Hopper	51 P Bailey	52 CR Long
53 RW & JL Reynolds	55 SC & M Fox	57 F Nagy
58 FN Maher	61 J Szymkarczuk	62 MJ Swords
63 MJ & H Swords	64 DJ & Y Rayner	67 K & RE Mayberry
68 EC Mayberry	69 DJ & JG Stokes	70 JW & JG O'Sullivan
79 C Mayberry	80 RB Cox	82 RJ Jackson
83 G & DJ Hayes	94 GM & KL McKenzie	100 TJ & VE Rheinberger
101 NAB Pierce	102 W Filipczyk	103 MR Molloy
104 WB & PA Deane	105 ELM Toombs	106 JA Sales
107 RJ Lee	108 R Campbell	109 MO Vaisey
110 GS & JR Smiles	113 AJ Brett & S & D Hilt	114 BJ Hughes & CA Beinssen & K Aslett
115 E & T Schoenfelder	116 PD & JE Griffiths	118 DS & D Ponton
119 TJ & JA Peach	120 JT & JW & D Fitzpatrick	122 PN Hardiman
123 A & M Zivkovic	124 A Zivkovic	125 E & K Roberts
126 A & P Davies	127 A & D Wentzel	128 WG Pongratz
129 R & K Roser	130 L Batty & D Hirons	131 MR Field
132 SL Cook	133 P & J Harty	134 CL Ammann
135 R & K Roser	136 M & R Bryson	137 A & C Chetcuti
138 B Covell	139 P & M Woolford	140 W Stafford & M McCullough
141 C Hull	142 D & S Williams	143 R Bale & K Lawes
144 J Hibberd	145 C Bremner & M O'Neill	146 D & B Spearpoint
147 D Currington	148 O Lee	149 JD Zagarella
150 E Tindale & A McDonald & W Wilson	151 T & V Rheinberger	

**APPENDIX 8
STATEMENT OF COMMITMENTS**



WILPINJONG COAL



10 August 2007

The Director-General
c/- David Kitto
Department of Planning
Level 4
23-33 Bridge Street
SYDNEY NSW 2000

Dear Sir

**RE: WILPINJONG COAL PROJECT OPERATIONAL PHASE MINE ACCESS ROUTE AND
BLASTING FREQUENCY MODIFICATION – CONSOLIDATED STATEMENT OF
COMMITMENTS**

As requested, please find below a consolidated statement of commitments¹ incorporating the commitments made by Wilpinjong Coal Pty Limited (WCPL) in the:

- *Operational Phase Mine Access Route and Blasting Frequency Modification – Environmental Assessment* (WCPL, April 2007); and
- *Operational Phase Mine Access Route and Blasting Frequency Modification – Responses to Submissions* (WCPL, July 2007).

Blasting, Vibration and Public Safety

WCPL will:

- Undertake all additional blasting activities in accordance with the Blast Management Plan and Monitoring Programme, including:
 - Operating a free-call Blasting Hotline that provides information on the daily and proposed weekly blasting schedule. Advertisement of the contact number in local newspapers at least quarterly, via the Wilpinjong Community Newsletter.
 - Maintenance of road closure notification boards on Ulan-Wollar Road. Provision of at least three days warning of impending road closures subject to blasting demands.
 - Traffic control signs set up in accordance with the Roads and Traffic Authority (RTA)/Mid-Western Regional Council (MWRC) guidelines for all temporary road closures.
 - Modification of blast design to meet vibration and airblast limits and avoid damage to life or property from flyrock, including consideration of wind speed, direction and other meteorological factors prior to blasting to minimise impacts on neighbours.
 - Assessment of wind speed and direction immediately prior to each blast to minimise the potential for dust emissions from blasting to adversely impact on neighbouring private residences.
 - Monitoring of blasts to determine whether airblast and ground vibration limits are met. Review of monitoring results and management practices to evaluate performance and identify responsive action, if required.

¹ This document is not provided as a Preferred Project Report.

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WILPINJONG COAL

- Establishment of a meteorological assessment protocol so that blasts are postponed during adverse weather conditions.
- Restriction of blasting activities to Monday to Saturday inclusive between 9.00 am and 5.00 pm EST, with no blasting on Sundays, public holidays, or at any other time without the written approval of the Department of Environment and Climate Change (DECC).
- Notification of private landholders within 2 km of the Project who have registered an interest in being informed of the blasting frequency via telephone, e-mail or as otherwise agreed.
- Repairing of any damage to buildings and/or structures on private residences confirmed to have been incurred as a result of blasting activities at the Project (via structural assessment process).
- Gaining approval from the MWRC (in respect of public roads) and Australian Rail Track Corporation (ARTC) (in respect of the Gulgong-Sandy Hollow railway) prior to blasting within 500 m of a public road or railway.
- Operating the complaints line and register and managing all blast related complaints in accordance with the existing complaints protocol.
- Limit the maximum Instantaneous charge of additional blasts for coal and interburden to a maximum of 400 kg.
- Update the Blast Management Plan and Monitoring Programme and the Aboriginal Cultural Heritage Management Plan to include notification of the Department of Planning and DECC (within 24 hours) following the identification of an exceedance of ground vibration levels (specified in the Blast Management Plan and Monitoring Programme i.e. 80 mm/s) at Aboriginal Rock Art Sites 72, 152 or 153 or identification of actual damage.
- Consult with Moolarben Coal Mines Pty Limited regarding management of potential cumulative blasting amenity impacts associated with road closures (should the Moolarben Coal Project be approved).
- Continue to consult with the MWRC and the ARTC (in accordance with the current legal agreement between WCPL and the ARTC) in regard to managing blasting amenity impacts.

Traffic and Public Safety

WCPL will:

- Contribute an additional \$20,000 per annum to the MWRC over the next three years for the development of school bus lay-by areas along Ulan Road.
- Finance the sealing of the un-sealed section of Ulan-Wollar Road between Ulan Road and the internal mine access road.
- Continue to water the unsealed section of Ulan-Wollar Road until the section of Ulan-Wollar Road between Ulan Road and the internal mine access road is sealed.
- Finance the installation appropriate line-marking and signage along the section of Ulan-Wollar Road between Ulan Road and the internal mine access road.

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- Contribute (in consultation with the MWRC and Moolarben Coal Mines Pty Limited) to the upgrading of the Ulan Road/Ulan-Wollar Road intersection and the Ulan-Wollar Road/internal mine access road intersection.
- Continue to minimise the number of light and heavy vehicles using the local road network by promoting car pooling and/or utilising employee bus services and by limiting the number of heavy vehicle deliveries to site, where practicable.
- Assist MWRC to direct existing financial contributions made by WCPL to MWRC (in accordance with the Wilpinjong Coal Project Planning Agreement and Project Approval 05_0021) towards the following recommended improvements:
 - Upgrading of the Ulan-Wollar Road/internal mine access road intersection to include:
 - geometry and linemarking as per RTA type 'AUR Right Turn Treatment for vehicles traveling west on Ulan-Wollar Road and turning right into the Project access road; and
 - appropriate lighting at the intersection in accordance with AS 1158:2005 *Lighting for Roads and Public Spaces* (AS 1158) to Country Energy and RTA requirements.
 - Upgrading of the Ulan Road/Ulan-Wollar Road intersection to include:
 - geometry and linemarking as per RTA type 'AUR Right Turn Treatment for vehicles traveling north on the Ulan Road and turning right into Ulan-Wollar Road;
 - a separate left turn deceleration lane (for vehicles traveling southbound on Ulan Road) to improve safety and capacity for left turn traffic from Ulan Road; and
 - appropriate lighting at the intersection in accordance with AS 1158 to Country Energy and RTA requirements.
- Continue to provide MWRC with annual payments for community infrastructure and road maintenance via the Wilpinjong Coal Project Planning Agreement and Project Approval 05-0021.

A Traffic Management Plan would be prepared for any works required on Ulan-Wollar Road and works associated with the Ulan Road/Ulan-Wollar Road intersection in accordance with AS 1742.3: 2002 *Manual of Uniform Traffic Control Devices – Traffic Control Devices for Works on Roads* (AS 1742.3) and the RTA publication *Traffic Control at Work Sites*.

Road Safety and Road Surface Performance Strategy

WCPL will:

- Implement a Road Performance Strategy during the Project life to maintain an appropriate level of road safety and road surface performance on Ulan-Wollar Road and Ulan Road. The Road Performance Strategy would: be implemented in consultation with the MWRC, RTA and other local mining operators; and include the following key measures:
 - Encourage the MWRC to allocate a proportion of WCPL's (and other local mine operator's) annual financial contributions towards the cost of annual traffic count surveys to determine the relative contribution of each local mining operation to total traffic flows on the road network and for road dilapidation/safety surveys to identify any required works to maintain road safety and the road pavement surface on Ulan Road and Ulan-Wollar Road.

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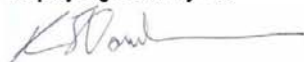
- Encourage employee traffic minimisation throughout the life of the Project by advocating car pooling through site inductions and regular tool box meetings and/or utilising employee bus services.
- Continue to actively promote safe driving on public roads.
- Consult with other local mining operators to identify whether the staggering of shift times could be undertaken to reduce cumulative peak hour traffic on Ulan Road and Ulan-Wollar Road if peak hour movements are identified as being excessive.
- Consult with the MWRC and other local mining operators to encourage the focussing of annual financial contributions from mining operations on road safety, road pavement improvements and general maintenance on Ulan Road and Ulan-Wollar Road.

Traffic Noise

WCPL will continue to minimise the number of light and heavy vehicles using the local road network by promoting car pooling and/or utilising employee bus services and by limiting the number of heavy vehicle deliveries to site, where practicable.

Please do not hesitate to contact me on (02) 6370 2500 should you have any queries.

Yours faithfully
Wilpinjong Coal Pty Ltd



KEITH DOWNHAM
Wilpinjong General Manager

APPENDIX 9
TERMS OF PLANNING AGREEMENT

Contribution to Road Upgrades

- (a) \$600,000 plus GST for the widening and sealing of the section of Ulan-Wollar Road west of the Marragamba Bridge and extending for 2800 m to the point where Moolarben Coal Mines has upgraded the road from the west, with any surplus money to be spent on the Ulan Road upgrade works required under condition 50 of schedule 3; and
- (b) \$50,000 plus GST or equivalent value in gravel for the upgrading for the Ulan-Wollar Road.

APPENDIX 10
INDEPENDENT DISPUTE RESOLUTION PROCESS

**Independent Dispute Resolution Process
(Indicative only)**

