Project Approval

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

I, the Minister for Planning, approve the project referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

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

Frank Sartor MP
Minister for Planning

Signed by Minister Sartor 13 September 2006

Sydney	2006	File No: 9038493

SCHEDULE 1

Project Application:	06_0021
Proponent:	Centennial Angus Place Pty Limited
Approval Authority:	Minister for Planning
Land:	See Appendix 1
Project:	Angus Place Coal Project

DEFINITIONS

AEMR	Annual Environmental Management Report
Proponent	Centennial Angus Place Pty Limited, or its successors in title
BCA	Building Code of Australia
Bore	Any bore or well or excavation or other work connected or proposed to be connected with sources of sub-surface water, and used or proposed to be used or capable of being used to obtain supplies of such water whether the water flows naturally at all times or has to be raised whether wholly or at times by pumping or other artificial means
CCC	Community Consultative Committee
CEF	Community Enhancement Fund
Council	Council of the City of Lithgow
Day	Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and public holidays
DEC	Department of Environment and Conservation
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or delegate
DPI	Department of Primary Industries
EA	Environmental Assessment
SMP	Subsidence Management Plan
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
Evening	Evening is defined as the period from 6pm to 10pm
Land	Land means the whole of a lot in a current plan registered at the Land Titles Office at the date of this approval
Minister	Minister for Planning, or delegate
Night	Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and public holidays
Privately-owned land	Land that is not owned by a public agency, or a mining company or its subsidiary
ROM	Run-of-mine
SCA	Sydney Catchment Authority
Site	Land to which the project application applies, including any land subject to an existing consent for the Angus Place Coal Mine.

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SCHEDULE 2
ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
   (a) Project Application 06_0021;
   (b) EA titled *Angus Place Colliery Proposed Mining and Coal Transport*, dated January 2006, and prepared by International Environmental Consultants Pty Limited; and
   (c) conditions of this approval.

   Note: The Angus Place Coal Project, including the existing workings and extension area, is shown on the plan in Appendix 2.

3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the 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, plans, programs or correspondence that are submitted in accordance with this approval; and
   (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.

Limits on Approval

5. This approval lapses on 18 August 2024.

6. The Proponent shall not extract more than 3.5 million tonnes of ROM coal a year from the project by underground mining methods.

Surrender of Consents

7. Within 6 months of the date of this approval, the Proponent shall surrender all existing consents for the Angus Place Coal Mine to the satisfaction of the Director-General.

   Note: This approval will apply to all components of the Angus Place Coal Mine from the date of approval.

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 any proposed building works.*
   - *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 *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 are:
    (a) maintained in a proper and efficient condition; and
    (b) operated in a proper and efficient manner.

Community Enhancement Contribution

11. Within 6 months of the date of this approval, and for 2 years thereafter, the Proponent shall pay Council $25,000 (ie. a total of $75,000), for improvements to Wolgan Road between the entrance of the mine and the old Castlereagh Highway at Lidsdale. If Council has not carried out these enhancement works within 2 years of final payment, the Proponent may retrieve the funds from Council.

12. Within 6 months of the date of this approval, the Proponent shall establish a Community Enhancement Fund of at least $30,000 to fund projects of benefit to the local community. The Proponent shall consult with Council and the CCC regarding distribution of monies from the fund.

SCHEDULE 3
SPECIFIC ENVIRONMENTAL CONDITIONS

ACQUISITION UPON REQUEST

1. Upon receiving a written request for acquisition from the landowner of the land listed in Table 1, the Proponent shall acquire the land in accordance with the procedures in conditions 7-9 of schedule 4:

Table 1: Land subject to acquisition upon request

Land
Mason (east)

Note: For more information on the references to land used in this condition, see the 'Property Details' figure of the EA.

2. While the land listed in condition 1 is privately-owned, the Proponent shall implement all practicable measures to ensure that the impacts of the project comply with the predictions in the EA, to the satisfaction of the Director-General.

Note: The noise predictions in the EA are 48dB(A) day time, 45dB(A) evening time and 37dB(A) night time, under the meteorological conditions specified in the notes to condition 17.

SUBSIDENCE

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

Subsidence Management Plan

3. Before carrying out any underground mining operations that will potentially lead to subsidence of the land surface, the Proponent shall prepare a Subsidence Management Plan for those operations in accordance with the following DPI documents (or the most current and updated versions or replacements of these documents):
   - *New Approval Process for Management of Coal Mining Subsidence - Policy*; and
   - *Guideline for Applications for Subsidence Management Approvals,*

   to the satisfaction of the DPI.

4. Before carrying out any underground mining that will potentially lead to subsidence of the West Wolgan Swamp, the Proponent shall develop a Newnes Plateau Shrub Swamp Management Plan in consultation with the DEC and to the satisfaction of the Director-General and DPI.

SURFACE AND GROUND WATER

Pollution of Waters

5. Except as may be expressly provided by a DEC Environment Protection Licence, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the project.

Discharge Limits

6. Except as may be expressly provided by a DEC Environment Protection Licence, the Proponent shall ensure that the discharges from any licensed discharge points comply with the limits in Table 2:

Table 2: Discharge Limits

Pollutant	Units of measure	100 percentile concentration limit
pH	pH	6.5 ≤ pH ≤ 8.5
Non-filterable residue	mg/litre	NFR ≤ 30
Oil and Grease	mg/litre	10

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

Water Resource Impacts

7. The Proponent shall ensure that the project does not result in any significant:
   (a) reduction in pumping yield in privately-owned groundwater bores;
   (b) reduction in surface flows and groundwater baseflow to upland swamps (Newnes Plateau Shrub Swamps) and wetlands; and
   (c) reduction in surface flows and groundwater baseflow to waterbodies including Kangaroo Creek, Wolgan River, Lambs Creek and Coxs River,

   to the satisfaction of the Director-General.

   Note: The respective sub-plans of the Site Water Management Plan (see condition 8 below) must include quantifiable impact assessment criteria for these water resource impacts, as well as measures to monitor, investigate and mitigate the impacts.

Site Water Management Plan

8. The Proponent shall prepare (and following approval implement) a Site Water Management Plan for the project, to the satisfaction of the Director-General. The Plan shall be prepared in consultation with DEC and SCA, and be submitted to the Director-General within 12 months of the date of this approval. The Plan must include:
   (a) a Water Balance;
   (b) an Erosion and Sediment Control Plan;
   (c) a Surface Water Monitoring Program;
   (d) a Ground Water Monitoring Program;
   (e) a Surface and Ground Water Response Plan; and
   (f) a strategy for decommissioning water management structures on the site.

9. The Water Balance shall:
   (a) include details of all water extracted, dewatered, transferred, used and/or discharged by the mine; and
   (b) provide for the annual re-calculation of the water balance and its reporting in the AEMR.

10. The Erosion and Sediment Control Plan shall:
   (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.

11. The Surface Water Monitoring Program shall include:
   (a) detailed baseline data on surface water flows (including ground water baseflows) and quality in waterbodies and wetlands above the mine;
   (b) surface water impact assessment criteria;
   (c) a program to monitor surface water flows (including ground water baseflows) and quality;
   (d) a protocol for the investigation, notification and mitigation of identified exceedances of the surface water impact assessment criteria; and
   (e) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.

12. The Ground Water Monitoring Program shall include:
   (a) detailed baseline data on ground water levels and quality, based on statistical analysis;
   (b) ground water impact assessment criteria;
   (c) a program to monitor the volume and quality of ground water seeping into the underground mine workings;
   (d) a program to monitor regional ground water levels and quality; and
   (e) a protocol for the investigation, notification and mitigation of identified exceedances of the ground water impact assessment criteria.

13. The Surface and Ground Water Response Plan shall include:
   (a) the procedures that would be followed in the event of any exceedance of the surface or ground water impact assessment criteria, or other identified impact on surface or ground water; and
   (b) measures to mitigate, remediate and/or compensate any identified impacts.

AIR QUALITY

Impact Assessment Criteria

14. The Proponent shall ensure that the dust emissions generated by the project do not cause additional exceedances of the air quality criteria listed in Tables 3, 4, and 5 at any residence on, or more than 25 percent of, privately-owned land.

Table 3: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m^3
Particulate matter < 10 µm (PM_{10})	Annual	30 µg/m^3

Table 4: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM_{10})	24 hour	50 µg/m^3

Table 5: Long term impact assessment criteria for deposited dust

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

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 2003, AS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

Odour

15. Except as may be expressly provided by a DEC Environmental Protection Licence, the Proponent shall not cause or permit the emission of offensive odour beyond the site.

Air Quality Monitoring Program

16. The Proponent shall prepare (and following approval implement) an Air Quality Monitoring Program for the project, to the satisfaction of the Director-General. The program must include an air monitoring protocol for evaluating compliance with the air quality criteria in this approval. The program shall be prepared in consultation with DEC, and be submitted to the Director-General within 6 months of the date of this approval.

NOISE

Impact Assessment Criteria

17. From no later than 28 February 2007, the Proponent shall ensure that the noise generated by the project, including the Proponent's operation of the haul road to the Wallerawang power station, does not exceed the noise impact assessment criteria presented in Table 6 at any residence on privately-owned land.

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

Land	Day	Evening	Night
Sharpe	42	38	36
Mason (West) and other Wolgan Road rural properties	41	37	35

Lidsdale village residents	44	40	35

Notes:

a) For more information on the references to land in this condition, see 'Property Details' figure of the EA.

b) The noise criteria do not apply where the Proponent and the affected landowner have reached a negotiated agreement in regard to noise, and a copy of the agreement has been forwarded to the Director-General and DEC.

c) Noise from the project is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the $L_{Aeq(15\ minute)}$ noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

d) The noise emission limits identified in the above table apply under meteorological conditions of:
- *Wind speeds of up to 3 m/s at 10 metres above ground level; or*
- *Temperature inversion conditions of up to 3ºC/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.*

Land Acquisition Criteria

18. If, after 31 August 2007, the noise generated by the project, including the operation of the haul road to the Wallerawang power station, exceeds the criteria in Table 7, the Proponent shall, upon receiving a written request for acquisition from the landowner (excluding the landowners listed in Table 1), acquire the land in accordance with the procedures in conditions 7-9 of schedule 4.

Table 7: Land acquisition criteria dB(A) $L_{Aeq(15\ minute)}$

Land	Day	Evening	Night
Sharpe, Mason (West) and other Wolgan Road rural properties	44	40	40
Lidsdale village residents	47	43	43

Note: The notes under Table 6 also apply to Table 7.

Operating Hours – Wallerawang Power Station Haul Road

19. The Proponent shall not use the Wallerawang power station haul road at night.

Note: Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and public holidays.

Additional Noise Mitigation Measures

20. Upon receiving a written request from a landowner in Table 8 (unless that landowner has acquisition rights and has requested acquisition), the Proponent shall implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner. These additional mitigation measures must be reasonable and feasible. 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.

Table 8: Land subject to additional noise mitigation

Property
Mason (east)
Sharpe

Continuous Improvement

21. The Proponent shall:
    (a) implement all reasonable and feasible best practice noise mitigation measures;
    (b) investigate ways to reduce the noise generated by the project, including noise generated from use of the Wallerawang power station haul road; and
    (c) report on these investigations and the implementation and effectiveness of these measures in the AEMR,

to the satisfaction of the Director-General.

Noise Monitoring Program

22. The Proponent shall prepare (and following approval implement) a Noise Monitoring Program for the project, to the satisfaction of the Director-General. This program must include a combination of attended and unattended noise monitoring, and a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in this approval. The program shall be prepared in consultation with DEC, and be submitted to the Director-General within 6 months of the date of this approval.

METEOROLOGICAL MONITORING

23. Within 6 months of the date of this approval, the Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the project in accordance with the requirements in *Approved Methods for Sampling of Air Pollutants in New South Wales*, and to the satisfaction of the DEC and the Director-General.

FAUNA AND FLORA

Flora and Fauna Management Plan

24. The Proponent shall prepare (and following approval implement) a Flora and Fauna Management Plan for the project, to the satisfaction of the Director-General. The Plan shall be submitted to the Director-General within 12 months of the date of this approval. The Plan must include:
    (a) baseline data of the existing habitat on site;
    (b) detailed procedures to:
        - clear vegetation on site;
        - control weeds;
        - control access to environmentally sensitive areas on site;
        - manage any potential conflicts between flora and fauna and Aboriginal heritage;
    (c) a flora and fauna monitoring program; and
    (d) procedures for monitoring, reviewing, and implementing the plan.

TRAFFIC AND TRANSPORT

Transport of Coal

25. The Proponent shall not cause any coal truck movements on public roads, except in the event of emergencies with the prior approval of the Director-General, Council or DEC.

26. The Proponent shall maintain the surface of the haul road to Wallerawang power station to minimise the generation of noise and dust impacts, to the satisfaction of the Director-General.

Coal Conveyor

27. Within 18 months of the date of this approval, the Proponent shall provide the Director-General with a report on the feasibility of installing the previously approved conveyor from the coal mine to the Wallerawang power station. The report shall include:
    (a) cost-benefit analyses for both the conveyor and continued road haulage options, including analysis of economic, social and environmental considerations; and
    (b) a long term strategy for continued coal haulage, including detailed justification for the proposed coal haulage method/s.

Parking

28. The Proponent shall provide sufficient parking on-site for all project related traffic and visitors, in accordance with Council's parking codes, and to the satisfaction of the Director-General.

VISUAL IMPACT

Haul Road Landscaping

29. The Proponent shall prepare (and following approval implement) a Landscape Plan for the Wallerawang power station haul road, to the satisfaction of the Director-General. The Plan shall provide for the establishment and maintenance of reasonable and feasible landscaping measures to minimise the visual impacts of the haul road. The Plan shall be prepared in consultation with Council, and be submitted to the Director-General within 12 months of the date of this approval.

Note: The Landscaping Plan should focus on those areas of the haul road that are visible from residential and other public areas.

Lighting Emissions

30. 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.

GREENHOUSE GAS

31. The Proponent shall:
    (a) monitor the greenhouse gas emissions generated by the project;
    (b) investigate ways to reduce greenhouse gas emissions generated by the project; and
    (c) report on these investigations in the AEMR,

    to the satisfaction of the Director-General.

WASTE MINIMISATION

32. The Proponent shall minimise the amount of waste generated by the project to the satisfaction of the Director-General.

HAZARDS MANAGEMENT

Spontaneous Combustion

33. The Proponent shall take the necessary measures to prevent, as far as is practical, spontaneous combustion on the site.

Dangerous Goods

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

BUSHFIRE MANAGEMENT

35. The Proponent shall:
    (a) ensure that the project is suitably equipped to respond to any fires on-site; and
    (b) assist the Rural Fire Service, Forests NSW, and emergency services as much as possible if there is a fire on-site during the project.

MINE CLOSURE STRATEGY

36. The Proponent shall prepare a Mine Closure Strategy for the project, to the satisfaction of the Director-General. The Strategy shall be prepared in consultation with Council, DPI, SCA and DEC, and be submitted to the Director-General at least 3 years prior to the cessation of mining. The Plan must:
    (a) define the objectives and criteria for mine closure;
    (b) investigate options for the future use of the site, including the pit top and surface facilities area;
    (c) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;
    (d) define a strategy for the ongoing management of water flow into the underground mine workings;
    (e) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and
    (f) describe how the performance of these measures would be monitored over time.

SCHEDULE 4
ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. If the results of monitoring required in schedule 3 identify that impacts generated by the project are greater than the impact assessment criteria in schedule 3, except where this is predicted in the EA, then the Proponent shall notify the Director-General and the affected landowners and/or existing or future tenants (including tenants of mine-owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 3.

INDEPENDENT REVIEW

2. If a landowner (excluding mine owned properties) considers the project to be exceeding the impact assessment criteria in schedule 3, except where this is predicted in the EA, then he/she may ask the Proponent 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 3 months of the Director-General advising that an independent review is warranted:
   (a) consult with the landowner to determine his/her concerns;
   (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to determine whether the project is complying with the relevant criteria in schedule 3, and identify the source(s) and scale of any impact on the land, and the project's contribution to this impact;
   (c) give the Director-General and landowner a copy of the independent review.

3. If the independent review determines that the project is complying with the relevant criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

4. If the independent review determines that the project is not complying with the criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:
   (a) take all practicable measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and
   (b) conduct further monitoring to determine whether these measures ensure compliance; or
   (c) secure a written agreement with the landowner to allow exceedances of the relevant criteria in schedule 3,

   to the satisfaction of the Director-General.

   If the additional monitoring referred to above subsequently determines that the project is complying with the relevant criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

   If the Proponent is unable to finalise an agreement with the landowner, then the Proponent or landowner may refer the matter to the Director-General for resolution.

   If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 3).

   If the measures referred to in (a) do not achieve compliance with the noise land acquisition criteria in schedule 3, and the Proponent cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then the Proponent shall, upon receiving a written request from the landowner, acquire the landowner's land in accordance with the procedures in conditions 7-9 below.

5. If the independent review determines that the relevant criteria in schedule 3 are being exceeded, but that the project and another project/mine are responsible for this exceedance, then the Proponent shall, together with the relevant project/mine:
   (a) take all practicable measures, in consultation with the landowner, to ensure that the relevant criteria are complied with; and
   (b) conduct further monitoring to determine whether these measures ensure compliance; or
   (c) secure a written agreement with the landowner to allow exceedances of the relevant criteria in schedule 3,

   to the satisfaction of the Director-General.

   If the Proponent is unable to finalise an agreement with the landowner and/or other project/s, then the Proponent or landowner may refer the matter to the Director-General for resolution.

   If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 3).

6. If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the Director-General for resolution.

   If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process.

LAND ACQUISITION

7. 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 the subject of the project application, 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 20 of schedule 3;
   (b) the reasonable costs associated with:
      - relocating within the Lithgow local government area, or to any other local government area determined by the Director-General;
      - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; 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 or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.

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

   If the landowner refuses to accept this offer within 6 months of the date of the Proponent's offer, the Proponent's obligations to acquire the land shall cease, unless otherwise agreed by the Director-General.

8. The Proponent shall bear the costs of any valuation or survey assessment requested by the independent valuer, or the Director-General and the costs of determination referred above.

9. If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING & REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Proponent shall prepare (and following approval implement) an Environmental Management Strategy for the project, to the satisfaction of the Director-General. The Strategy shall be submitted to the Director-General within 12 months of the date of this approval, and must:
   (a) provide the strategic context for environmental management of the project;
   (b) identify the statutory requirements that apply to the project;
   (c) describe in general how the environmental performance of the project would be monitored and managed during the project;
   (d) describe the procedures that would be implemented to:
   - keep the local community and relevant agencies informed about the operation and environmental performance of the 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;
   - manage cumulative impacts; and
   - respond to emergencies;

   (e) describe the role, responsibility, authority, and accountability of all the key personnel, involved in environmental management of the project;
   (f) be updated within 3 months of the completion of each Independent Environmental Audit.

ENVIRONMENTAL MONITORING PROGRAM

2. The Proponent shall prepare (and following approval implement) an Environmental Monitoring Program for the project, to the satisfaction of the Director-General. The Program must consolidate the various monitoring requirements in schedule 3 of this approval into a single document. The Program shall be prepared in consultation with the relevant agencies, and be submitted to the Director-General within 12 months of the date of this approval.

INCIDENT REPORTING

3. Within 7 days of detecting an exceedance of the limits/performance criteria in this approval, the Proponent shall report the exceedance to the Department, and any relevant agency. The report must:
   (a) describe the date, time, and nature of the exceedance;
   (b) identify the cause or likely cause of the exceedance;
   (c) describe what action has been taken to date; and
   (d) describe the proposed measures to address the exceedance.

   Note: The SCA shall be notified in the event of any spill or pollution incident with the potential to impact the Sydney drinking water catchment.

ANNUAL REPORTING

4. The Proponent shall prepare and submit an AEMR to the Director-General and the relevant agencies. This report must:
   (a) identify the standards and performance measures that apply to the project;
   (b) describe the works carried out in the last 12 months;
   (c) describe the works that will be carried out in the next 12 months;
   (d) include a summary of the complaints received during the past year, and compare this to the complaints received in the previous 5 years;
   (e) include a summary of the monitoring results on the project during the past year,
   (f) include an analysis of these monitoring results against the relevant:
   - impact assessment criteria;
   - monitoring results from previous years; and
   - predictions in the EA;

   (g) identify any trends in the monitoring over the life of the project;
   (h) identify any non-compliance during the previous year; and
   (i) describe what actions were, or are being, taken to ensure compliance.

   Note: The AEMR may also be prepared in accordance with any requirements of the DPI for an AEMR for the Mining Lease(s) associated with the project.

INDEPENDENT ENVIRONMENTAL AUDIT

5. Prior to 31 December 2007, 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 person whose appointment has been endorsed by the Director-General;
   (b) assess the environmental performance of the project, and its effects on the surrounding environment;
   (c) assess whether the project is complying with the relevant standards, performance measures, and statutory requirements;
   (d) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
   (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.

6. Within 3 months of commissioning each Independent Environmental Audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, with a response to any of the recommendations contained in the audit report.

7. Following each Independent Environmental Audit, the Proponent shall review and if necessary revise each of the environmental management and monitoring strategies/plans/programs in schedules 3 and 5, to the satisfaction of the Director-General. The revised strategies/plans/programs shall be submitted to the Director-General within 6 months of commissioning the audit.

COMMUNITY CONSULTATIVE COMMITTEE

8. Within 3 months of this approval, the Proponent shall establish a Community Consultative Committee to provide a forum for open discussion between the Proponent, the community, the Council and other stakeholders on issues directly relating to the mine's operations and environmental performance, and to keep the community informed on these matters. The CCC shall:
   (a) be comprised of:
      - 2 representatives from the Proponent, including the person responsible for environmental management at the mine;
      - at least 1 representative from Council (if available); and
      - at least 1 representative from Forests NSW (if available); and
      - at least 3 representatives from the local community,

      whose appointment has been approved by the Director-General in consultation with the Council;
   (b) be chaired by an independent chairperson, or Council representative, whose appointment has been approved by the Director-General;
   (c) meet at least twice a year;
   (d) review the Proponent's performance with respect to environmental management and community relations;
   (e) undertake regular inspections of the mine operations;
   (f) review community concerns or complaints about the mine operations, and the Proponent's complaints handling procedures; and
   (g) provide feedback to:
      - the Proponent on improved environmental management and community relations, including the provision of information to the community and the identification of community initiatives to which the Proponent could contribute;
      - the Department regarding the conditions of this approval; and
      - the general community on the performance of the mine with respect to environmental management and community relations; and
   (h) be operated generally in accordance with any guidelines the Department may publish in regard to the operation of Community Consultative Committees for mining projects.

   Notes:
   a) The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval.
   b) The CCC may combine its function with other CCCs for mines operated by the Proponent in the Lidsdale / Blackmans Flat area.

9. The Proponent shall, at its own expense:
   (a) ensure that 2 of its representatives attend the Committee's meetings;
   (b) provide the Committee with regular information on the environmental performance and management of the project;
   (c) provide meeting facilities for the Committee;
   (d) arrange site inspections for the Committee, if necessary;
   (e) take minutes of the Committee's meetings;

(f) make these minutes available to the public;
(g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the project;
(h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of acceptance of the minutes by the Committee.

ACCESS TO INFORMATION

10. Within 3 months of the approval of any management plan/strategy or monitoring program required under this approval (or any subsequent revision of these management plans/strategies or monitoring programs), the completion of the Independent Environmental Audit required under this approval, or the completion of the AEMR, the Proponent shall:
    (a) provide a copy of the relevant document/s to the Council, relevant agencies and the CCC; and
    (b) put a copy of the relevant documents on the Proponent's website;
    to the satisfaction of the Director-General.

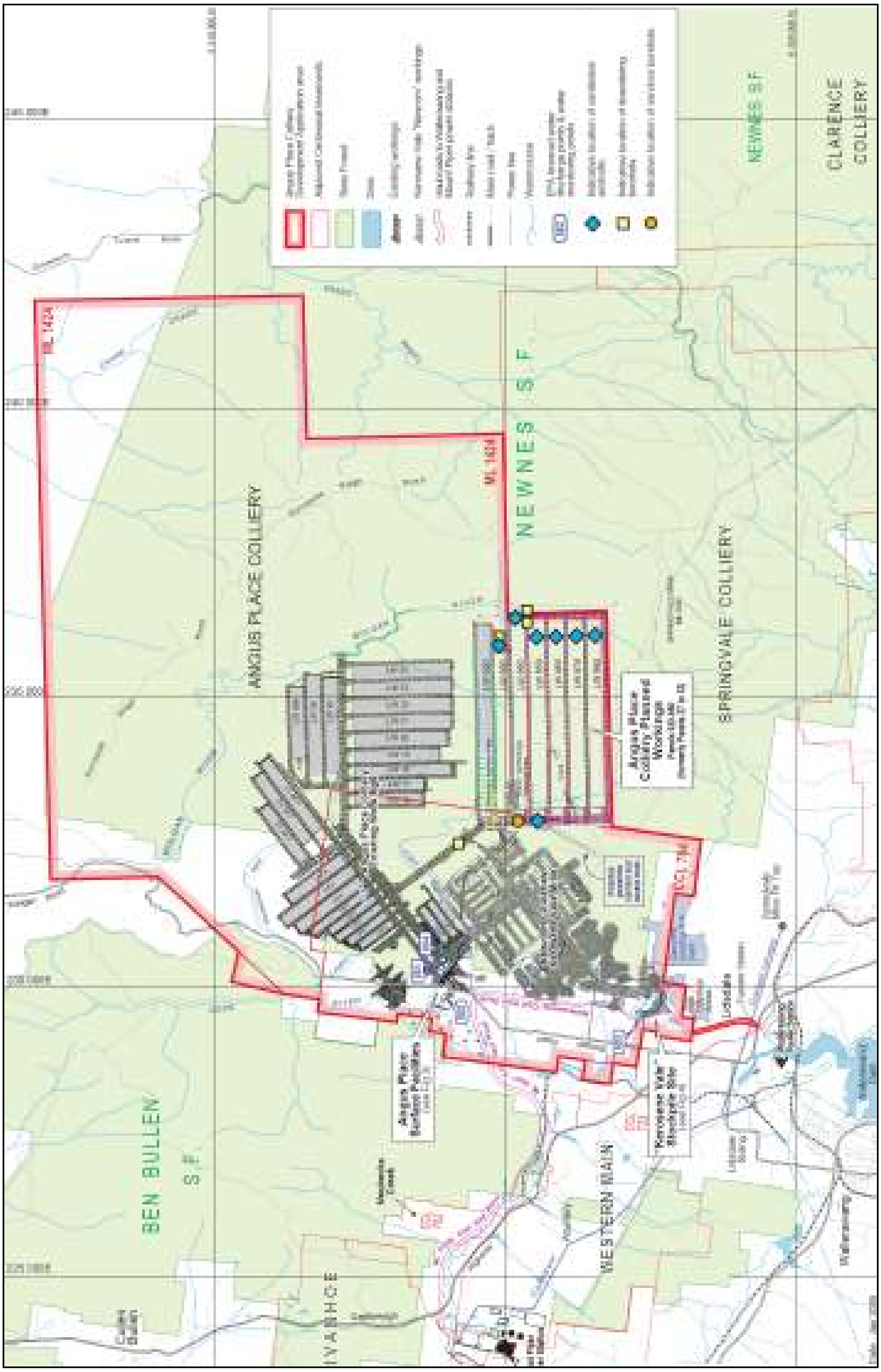
11. During the life of the project, the Proponent shall:
    (a) make a summary of monitoring results required under this approval publicly available on its website; and
    (b) update these results on a regular basis (at least every 6 months),
    to the satisfaction of the Director-General.

APPENDIX 1
SCHEDULE OF LAND

Lot	DP	County	Parish
7	751634	Cook	Cook
13a	751666	Cook	Wolgan
173	751666	Cook	Wolgan
40	751666	Cook	Wolgan
3	722335	Cook	Wolgan
34	751666	Cook	Wolgan
39	751666	Cook	Wolgan
33	751666	Cook	Wolgan
10d	751666	Cook	Wolgan
11c	751666	Cook	Wolgan
40	751636	Cook	Cox
7002	1026540	Cook	Cox
51	751636	Cook	Cox
56	751636	Cook	Cox
63	751636	Cook	Cox
62	751636	Cook	Cox
71	751636	Cook	Cox
72	751636	Cook	Cox
73	751636	Cook	Cox
74	751636	Cook	Cox
75	751636	Cook	Cox
76	751636	Cook	Cox
77	751636	Cook	Cox
78	751636	Cook	Cox
79	751636	Cook	Cox
60	751636	Cook	Cox
358	44086	Cook	Cox
24	751636	Cook	Cox
248	751636	Cook	Cox
1	751636	Cook	Cox
A	418163	Cook	Cox
B	418163	Cook	Cox
C	418163	Cook	Cox
26	751636	Cook	Cox
54	751636	Cook	Cox
55	751636	Cook	Cox
350	751636	Cook	Cox
340	751636	Cook	Cox
1	542432	Cook	Cox
2	542432	Cook	Cox
3	542432	Cook	Cox
25	751636	Cook	Cox
2	751636	Cook	Cox
6	751636	Cook	Cox
15	751636	Cook	Cox
1	825887	Cook	Cox
2	825887	Cook	Cox
41	751636	Cook	Cox
20	827626	Cook	Cox
21	827626	Cook	Cox
22	827626	Cook	Cox
23	827626	Cook	Cox
24	827626	Cook	Cox
25	827626	Cook	Cox
26	827626	Cook	Cox
27	827626	Cook	Cox
4	751636	Cook	Cox
43	751636	Cook	Cox
34	751636	Cook	Cox
5	751636	Cook	Cox
354	751636	Cook	Cox
1	260621	Cook	Cox
2	260621	Cook	Cox
3	260621	Cook	Cox
4	260621	Cook	Cox

Lot	DP	County	Parish
5	260621	Cook	Cox
31	751636	Cook	Cox
33	751636	Cook	Cox
28	751636	Cook	Cox
1	552422	Cook	Cox
2	552422	Cook	Cox
1	732119	Cook	Cox
2	732119	Cook	Cox
57	751636	Cook	Cox
32	751636	Cook	Cox
351	751636	Cook	Cox
1	65810	Cook	Lidsdale
1	860363	Cook	Cox
101	1033592	Cook	Cox
100	1033592	Cook	Cox
2	860363	Cook	Lidsdale
1	568265	Cook	Lidsdale
11	864305	Cook	Lidsdale
16	855844	Cook	Lidsdale
5	115922	Cook	Wolgan
1	523671	Cook	Lidsdale
2	523671	Cook	Lidsdale
1	652799	Cook	Lidsdale
406	751651	Cook	Lidsdale
51	751651	Cook	Lidsdale
15	751651	Cook	Lidsdale
418	751651	Cook	Lidsdale
419	751651	Cook	Lidsdale
2	609683	Cook	Lidsdale
403	751651	Cook	Lidsdale
404	751651	Cook	Lidsdale
405	751651	Cook	Lidsdale
176	751651	Cook	Lidsdale
5	829137	Cook	Lidsdale
16	855844	Cook	Lidsdale
17	855844	Cook	Lidsdale
12	864305	Cook	Lidsdale
30	751651	Cook	Lidsdale
173	666814	Cook	Lidsdale
1	386554	Cook	Lidsdale
2	386554	Cook	Lidsdale
40	751651	Cook	Lidsdale
43	751651	Cook	Lidsdale
1	52865	Cook	Lidsdale
2541-3090		Cook	Cox
1	651723	Cook	Cox
359	44086	Cook	Cox
2	722335	Cook	Wolgan
7003	1026540	Cook	Cox
Newnes State Forest		Cook	Cook

APPENDIX 2
ANGUS PLACE COAL PROJECT PLAN



APPENDIX 3
INDEPENDENT DISPUTE RESOLUTION PROCESS

Independent Dispute Resolution Process (Indicative only)