

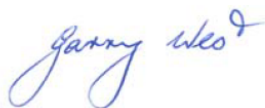
# Project Approval

## Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure, the Planning and Assessment Commission of New South Wales (the Commission) approves the project application referred to in Schedule 1, subject to the Conditions in Schedules 2 to 5.

These conditions are required to:

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



**Garry West**  
A/Chair of the Commission

Sydney

3 May 2013

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### SCHEDULE 1

<b>Application Number:</b>	08_0223
<b>Proponent:</b>	Ivanhoe Coal Pty Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	See Appendix 1
<b>Project:</b>	Lidsdale Siding Upgrade Project

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August 2019 MOD 1 in green type

October 2019 MOD 2 in red type

October 2020 MOD 3 in blue type

November 2022 MOD 4 in pink type

May 2024 MOD 5 in orange type

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## DEFINITIONS

Annual Review	The review required by Condition 4 of Schedule 5
Approval	This Project Approval
BCA	Building Code of Australia
CCC	Community Consultative Committee
Conditions of this approval	Conditions contained in Schedules 2 to 5 inclusive
Day period	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning, Housing and Infrastructure
EA	Environmental Assessment titled 'Lidsdale Siding Upgrade Project - Environmental Assessment' dated August 2012, associated response to submissions titled 'Lidsdale Siding Upgrade Response to EA Submissions', dated November 2012, and 'Lidsdale Siding Upgrade Project Supplementary Report' dated March 2013, as modified by: <ul style="list-style-type: none"> <li>• MOD 1 – Modification Report titled 'Lidsdale Siding: Environmental assessment for modification to development consent 08_0223' dated June 2019, associated Response to Submissions titled 'Lidsdale Siding MOD 1 – Response to Submissions' dated 2 August 2019 and Supplementary Response to Submissions dated 9 August 2019;</li> <li>• MOD 2 – Modification Report titled 'Lidsdale Siding: Modification report for modification to development consent 08_0223' dated 23 September 2019 and Submissions Report dated 14 October 2019;</li> <li>• MOD 3 – Modification Report titled 'Lidsdale Siding: Modification report for the modification to development consent 08_0223' dated 14 April 2020, Submissions Report dated 22 May 2020 and additional information dated 19 June 2020 and 20 July 2020</li> <li>• MOD 4 – Modification Report titled 'Clarence Colliery &amp; Lidsdale Siding Temporary Coal Transport Modification, Modification Report', dated September 2022; and</li> <li>• MOD 5 – Modification Report titled 'Clarence Colliery and Lidsdale Siding Continuation of Product Transport Modification Report', dated 13 November 2023.</li> </ul>
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or to implement
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal object or Aboriginal place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A set of circumstances that: <ul style="list-style-type: none"> <li>• causes or threatens to cause material harm to the environment; and/or</li> <li>• breaches or exceeds the limits or performance measures/criteria in this approval</li> </ul>
Land	As defined in the EP&A Act, except for where the term is used in the noise and air quality Conditions in Schedules 3 and 4 of this approval where it is defined to mean the whole of a lot, or contiguous lots, owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
LCC	Lithgow City Council
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning and Public Spaces, or delegate
Mitigation	Activities associated with reducing the impacts of the project prior to or during those impacts occurring
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NRAR	Natural Resources Access Regulator within the NSW Department of Climate Change, Energy, the Environment and Water
Planning Secretary	Secretary of the Department, or nominee
POEO Act	Protection of the Environment Operations Act 1997
Privately-owned land	Land that is not owned by a public agency, Wallerawang Power Station or a mining company (or its subsidiary)
Project	The project described in the EA

Proponent	Ivanhoe Coal Pty Ltd, a subsidiary of Centennial Coal Company, or any other person or persons who rely on this approval to carry out the project that is subject to this approval
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
Reasonable costs	The costs agreed between the Department and the Proponent for obtaining independent experts to review the adequacy of any aspects of the determination of the Rehabilitation Bond (see Condition 31 of Schedule 3)
Rehabilitation	The treatment or management of land disturbed by the project for the purpose of establishing a safe, stable and non-polluting environment.
Remediation	Activities associated with partially or fully repairing or rehabilitating the impacts of the projects or controlling the environmental consequences of this impact
Residence	A residence and/or a commercial accommodation facility such as Black Gold Cabins and the Royal Hotel
TfNSW	<a href="#">Transport for NSW</a>

## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance criteria established under this approval, the Proponent **must** implement all reasonable and feasible 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 **must** carry out the project:
  - (a) generally in accordance with the EA and Statement of Commitments; and
  - (b) in accordance with the conditions of this approval.

Notes:

- The general layout of the project is shown in Appendix 2.

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 **must** comply with any reasonable requirement/s of the **Planning Secretary** arising from the Department's assessment of:
  - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval; and
  - (b) the implementation of any actions or measures contained in these documents.

### LIMITS ON APPROVAL

#### Operations

5. The Proponent may carry out coal handling and train loading/unloading operations on the site until 31 December 2042.

*Note: Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of the **Planning Secretary**. Consequently, this approval will continue to apply in all other respects other than the right to conduct operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.*

#### Coal Transport

6. The Proponent **must** not receive more than 6.3 million tonnes of coal at the site in any calendar year.
7. **Except for the period referred to in condition 7A, the Proponent **must** ensure that:**
  - (a) all coal is transported to **or from** the site by conveyor **or by rail**;
  - (b) no more than 7 trains **arrive at or** leave the site each day **(a maximum of 14 movements per day)**;
  - (c) no more than 5 trains **arrive at or** leave the site each day, when averaged over a calendar year; **and**
  - (d) **coal train loading operations are not undertaken on the same day as coal train unloading operations.**

- 7A. **Until 31<sup>st</sup> December 2026, the Proponent may receive up to 25 laden trucks per day to deliver coal to the site between 7 am to 10 pm Monday to Saturday and 8 am to 10 pm on Sundays and public holidays.**

#### Hours of Operation

8. The Proponent may undertake coal handling and train loading operations on site 24 hours a day, 7 days a week.
- 8A. **The Proponent may receive and unload trains only during the day period.**

#### Surrender of Existing Development Consents

9. Within 12 months of the date of this approval, or as otherwise agreed by the **Planning Secretary**, the Proponent **must** surrender all existing development consents for the site in accordance with Section 104A of the EP&A Act.

*Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 4A of the EP&A Act. Surrender of a consent or approval should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.*

10. Prior to the surrender of these consents, the conditions of this approval shall prevail to the extent of any inconsistency with the conditions of these consents.

### STRUCTURAL ADEQUACY

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

*Notes:*

- Under Part 4A of the EP&A Act, the 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

12. The Proponent **must** 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

13. The Proponent **must** ensure that all the plant and equipment used at the site, or to transport coal **to or** from the site, is:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

### STAGED SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM

14. With the approval of the **Planning Secretary**, the Proponent may submit any strategy, plan or program required by this approval on a progressive basis.

*Note: While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the operations on site are covered by suitable strategies, plans or programs at all times.*

15. The Proponent **must** continue to implement existing strategies, plans or programs that apply to existing activities on the site until they are replaced by an equivalent strategy, plan or program approved under this approval.

## SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

### ACQUISITION ON REQUEST

- Upon receiving a written request for acquisition from the owner of Lot 2, Main Street, Wallerawang, the Proponent **must** acquire the land in accordance with the procedures in Conditions 5 - 6 of Schedule 4.

### NOISE

#### Noise Impact Assessment Criteria

- The Proponent **must** ensure that the noise generated by the project does not exceed the criteria in Table 1.

Table 1: Noise criteria dB(A)

Location	Day	Evening	Night	
	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>A1</sub> (1 min)
1- Lot 2 Main St, Wallerawang	50	50	50	55
2 – Black Gold Cabins, Main St, Wallerawang	48	46	46	49
3 – “Killarney”, Brays Lane, Wallerawang	48	47	47	56
4 – “Fairview”, Brays Lane, Wallerawang	43	43	43	54
5 – Duncan Street, Lidsdale	46	46	46	57
6 – Old Castlereagh Highway, Lidsdale	43	43	43	56
7 – Royal Hotel, Main St, Wallerawang	44	41	41	49
8 – Cnr Heel St & Cripps Ave, Wallerawang	43	40	40	45
9 – Cnr Cripps Ave & Pindari Pl, Wallerawang	40	39	39	45
10 – Brays Lane South, Wallerawang	45	45	45	50
11 – “Tara” Brays Lane, Wallerawang	45	45	45	51
12 – Brays Lane Corner, Wallerawang	43	43	43	51

**Notes:**

- To interpret the locations referred to in Table 1, see the figure in Appendix 3;
- Criteria applicable to a particular residence are those criteria for the nearest specified location in Table 1; and
- After the first review of any EPL granted for this project under Section 78 of the POEO Act, nothing in this approval prevents the EPA from imposing stricter noise limits on the operations on site under the EPL.

Noise generated by the project must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).

However, these criteria do not apply if the Proponent has a written agreement with the relevant landowner to exceed the criteria, and the Proponent has advised the Department in writing of the terms of this agreement.

#### Additional Noise Mitigation On Request

- Upon receiving a written request from the owner of any residence on land listed as Locations 1-4, 6-7, 10 or 11 in Table 1 (or at an existing residence within 200 m of Location 6 in Table 1) the Proponent **must** implement additional noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the owner. These measures **must** be reasonable and feasible.

If within 3 months of receiving this request from the owner, the Proponent and the owner 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 **Planning Secretary** for resolution.

- 3A. Upon receiving a written request from the owner of any residence within 100 m of Location R8 (see Appendix 3), the Proponent must:
- (a) undertake noise monitoring at the affected residence; and
  - (b) implement noise mitigation measures consistent with the measures outlined in the Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development (NSW Government 2018), if noise generated by the project is measured to meet or exceed 43 dB(A) LAeq(15 min).

If within 3 months of receiving this request from the owner, the Applicant and the owner 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 Planning Secretary for resolution.

#### Operating Conditions

4. The Proponent **must**:
- (a) implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the operational and rail noise generated by the project;
  - (b) regularly assess the results of noise monitoring to ensure compliance with the relevant conditions of this approval, to the satisfaction of the Planning Secretary.

#### Independent Noise Audit

5. The Proponent **must** prepare and implement an Independent Noise Audit for the project to the satisfaction of the Planning Secretary. The audit **must**:
- (a) be prepared by a suitably qualified and experienced expert, whose appointment has been approved by the Planning Secretary;
  - (b) be prepared in consultation with the EPA, and be submitted to the Planning Secretary for approval within 12 months of completion of the upgrade to the coal loader;
  - (c) incorporate monthly attended noise monitoring results for the project (unless otherwise agreed with the Planning Secretary);
  - (d) investigate and evaluate all reasonable and feasible measures to mitigate operational noise (including on-site rail noise) to ensure compliance with the noise criteria in Table 1; and
  - (e) review the feasibility of reducing the number of night-time train movements to/from the site; and
  - (f) include an action plan to implement the audit recommendations and a protocol for monitoring the effectiveness of these measures over time.

#### Construction Noise

6. Prior to the commencement of construction activities on the site, the Proponent **must** prepare (and during construction implement) a Construction Noise Management Plan prepared in accordance with EPA's *Interim Construction Noise Guideline 2009* (or any relevant updated version), to the satisfaction of the Planning Secretary.

#### Noise Management Plan

7. The Proponent **must** prepare and implement a Noise Management Plan for the project to the satisfaction of the Planning Secretary. This plan **must**:
- (a) be prepared in consultation with the EPA, and submitted to the Planning Secretary for approval within 6 months of the date of this approval, unless otherwise agreed by the Planning Secretary;
  - (b) describe the noise mitigation measures that would be implemented to ensure compliance with the noise criteria in Table 1, including the specific measures that would be implemented to minimise train loading/unloading and rail noise generated by the project, including noise associated with:
    - loading coal onto trains;
    - unloading coal from trains;
    - braking and accelerating of trains;
    - train warning horns; and
    - idling locomotives, particularly during the night;
  - (c) outline procedures to manage responses to any complaints or issues raised by the owners of affected residences; and
  - (d) include a noise monitoring program that:
    - incorporates monthly attended noise monitoring to evaluate the performance of the project against the noise criteria in Table 1 (unless otherwise agreed with the Planning Secretary);
    - includes a protocol for determining exceedences of the relevant conditions of this approval; and
    - includes a program to monitor the actual sound power levels of the equipment on site, compare it with the benchmark levels used in the EA, and evaluate the effectiveness of any attenuation.

#### Notes:

- It is expected that monthly attended noise monitoring will be required for at least 12 months following the completion of the construction of the upgraded coal loader. After 12 months, the Planning Secretary may agree to reduce the frequency of attended noise monitoring provided the operational noise performance of the project is acceptable.



- The effectiveness of the Noise Management Plan is to be reviewed and audited in accordance with the requirements in Schedule 5.

## AIR QUALITY & GREENHOUSE GAS

### Air Quality Assessment Criteria

- The Proponent **must** ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not exceed the criteria listed in Tables 3, 4 or 5 at any residence on privately-owned land.

Table 3: Long-term criteria for particulate matter

Pollutant	Averaging Period	<sup>d</sup> Criterion
Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> <b>25 µg/m<sup>3</sup></b>

Table 4: Short-term criterion for particulate matter

Pollutant	Averaging Period	<sup>d</sup> Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>a</sup> 50 µg/m <sup>3</sup>

Table 5: Long-term criteria for deposited dust

Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust level
<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month

Notes to Tables 3 to 5:

- <sup>a</sup> Total impact (ie incremental increase in concentrations due to the project plus background concentrations due to all other sources);
- <sup>b</sup> Incremental impact (ie incremental increase in concentrations due to the project on its own);
- <sup>c</sup> Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.
- <sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the **Planning Secretary** in consultation with EPA.

### Operating Conditions

- The Proponent **must**:
  - implement best practice air quality management on site, including all reasonable and feasible measures to minimise the off-site odour and dust emissions generated by the project;
  - minimise any visible air pollution generated by the project;
  - install and operate equipment capable of applying water to the surface of coal loaded onto trains prior to leaving the site;
  - regularly assess the air quality monitoring results to ensure compliance with the relevant conditions of this approval, to the satisfaction of the **Planning Secretary**.

### Air Quality & Greenhouse Gas Management Plan

- The Proponent **must** prepare and implement an Air Quality & Greenhouse Gas Management Plan for the project to the satisfaction of the **Planning Secretary**. This plan **must**:
  - be prepared in consultation with EPA, and submitted to the **Planning Secretary** for approval within 6 months of the date of this approval;
  - describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval;
  - include an air quality monitoring program, that:
    - uses a combination of volumetric sampling and dust deposition gauges to evaluate the performance of the project;
    - monitors greenhouse gas emissions, and
    - includes a protocol for determining exceedances with the relevant conditions of this approval;
  - describe the measures that would be implemented to minimise the release of greenhouse gas emissions from the site.

## METEOROLOGICAL MONITORING

11. During the life of the project, the Proponent **must** ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- (a) complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
  - (b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the *INP*.

## TRANSPORT

### Monitoring of Coal Transport

12. The Proponent **must**:
- (a) keep accurate records of the amount of coal transported **to and from** the site (on a monthly basis);
  - (b) make these records publicly available in the annual review and on its website at the end of each calendar year.

### Construction Traffic Management Plan

13. The Proponent **must** prepare and implement a Construction Traffic Management Plan for the project, to the satisfaction of the **Planning Secretary**. This plan **must** be prepared in consultation with LCC and **TfNSW**, and **must** be submitted to the **Planning Secretary** for approval prior to the commencement of construction activities on the site. The plan **must** address:
- (a) interactions of construction traffic with rail level crossings;
  - (b) management of wide loads;
  - (c) minimising inconvenience to the public, particularly due to traffic noise and volumes; and
  - (d) maintaining public safety.

### Level Crossings, Main Street and Brays Lane, Wallerawang

14. Within 6 months of the date of this approval, the Proponent **must** upgrade the rail level crossings of Main Street and Brays Lane, Wallerawang, unless the **Planning Secretary** directs otherwise, by:
- (a) installing additional signage and line marking on Main Street Wallerawang;
  - (b) installing upgraded safety measures at the Brays Lane level crossing in accordance with the relevant Australian standard.

The design and construction of these works **must** be undertaken in consultation with, and to the satisfaction of LCC and the relevant rail authority and/or its agent.

## SOIL AND WATER

*Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Proponent is required to obtain all necessary water licences for the project.*

### Water Supply

15. The Proponent **must** ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of its operations to match its available water supply, to the satisfaction of the **Planning Secretary**.
16. The Proponent **must** preferentially use excess mine water from the Springvale Coal Mine for dust suppression at the site rather than potable town water supply.

### Surface Water Discharges

17. The Proponent **must** ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the project in any EPL.

### Remediation of Soil Contamination

18. Within 6 months of the date of this approval, unless otherwise agreed by the **Planning Secretary**, the Proponent **must** undertake a Phase 2 Contamination Assessment for the site and implement any necessary remediation within 18 months of this approval in accordance with the requirements of the *Contaminated Land Management Act 1997*, to the satisfaction of the EPA.

### Construction Erosion and Sediment Control Plan

19. The Proponent **must** prepare and implement an Erosion and Sediment Control Plan for construction on the site to the satisfaction of the **Planning Secretary**. This plan **must**:

- (a) be prepared by suitably qualified and experienced person(s) whose appointment has been approved by the **Planning Secretary**;
- (b) be submitted to the **Planning Secretary** for approval prior to the commencement of construction activities on the site;
- (c) be consistent with the requirements of the *Managing Urban Stormwater – Soils and Construction, Volume 2E: Mines and Quarries* (DECC 2008), or its latest version;
- (d) identify activities that could cause soil erosion and generate sediment, particularly in relation to activities near waterways;
- (e) describe the location, function, and capacity of erosion and sediment control structures;
- (f) describe what measures would be implemented to maintain the structures over time; and
- (g) describe the sediment and erosion control measures to be implemented for all activities undertaken at the site, particularly during the construction phase of the project.

## **Flooding**

20. The Proponent **must** undertake a flood study for the site to the satisfaction of the **Planning Secretary**. This study **must**:
- (a) be prepared in consultation with EPA and **WaterNSW** by suitably qualified and experienced persons whose appointment has been approved by the **Planning Secretary**;
  - (b) be submitted to the **Planning Secretary** for approval within 12 months of the date of this approval; and
  - (c) include:
    - an assessment of the risk of flooding at the site;
    - an assessment of the implications of flooding on operations at the site (including the functioning of the surface water management system) and the risks associated with off-site contamination;
    - modelling of the effects of proposed flood mitigation and control measures, (such as Willow removal from the channel of Pipers Flat Creek), by the use of a calibrated hydrological model;
    - investigation of any other measures to reduce the impacts of flooding at the site;
    - identify any additional reasonable and feasible flood mitigation and control measures; and
    - a commitment and timetable for the implementation of these measures.

## **Water Management Plan**

21. The Proponent **must** prepare and implement a Water Management Plan for the project to the satisfaction of the **Planning Secretary**. This plan **must** be prepared in consultation with the EPA, **NRAR** and **WaterNSW** by suitably qualified and experienced persons, and be submitted to the **Planning Secretary** for approval within 6 months of the date of this approval. The plan **must** include
- (a) a Site Water Balance that includes details of:
    - sources and security of water supply;
    - water use on site;
    - water management on site; and
    - any water transfers to/from the site;
  - (b) a Surface Water Management Plan that includes:
    - a description of the surface water management system for the project including clean water diversions, erosion and sediment controls, and water storages;
    - baseline data on surface water flows and quality of Pipers Flat Creek which receives the water from the licensed discharge point identified in the site's EPL;
    - surface water quality and stream health assessment criteria, including trigger levels for investigating any potentially adverse surface water impacts;
    - a surface water monitoring program for surface water discharges, surface water flows and quality, and stream health and channel stability of Pipers Flat Creek; and
    - measures to reuse and recycle water, and to minimise potable water use from the town water supply;
  - (c) a Groundwater Monitoring Program that includes:
    - detailed baseline data of all groundwater levels, yield and quality in the area, and any privately-owned groundwater bores that may be affected by the project;
    - groundwater assessment criteria based upon analysis of baseline data for groundwater, including trigger levels for investigating any potentially adverse groundwater impacts; and
    - a program to monitor and/or validate the impacts of the project on any privately-owned groundwater bores that may be affected by the project;
  - (d) a Surface and Ground Water Response Plan that describes the measures and/or procedures that would be implemented to:
    - respond to any exceedances of the surface water, stream health, and groundwater assessment criteria; and
    - mitigate and/or offset any adverse impacts on surface water and groundwater resources located within and adjacent to the site.

## BIODIVERSITY

### Biodiversity Management Plan

22. The Proponent **must** prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the **Planning Secretary**. This plan **must**:
- (a) be submitted to the **Planning Secretary** for approval within 6 months of the date of this approval;
  - (b) be prepared by a suitably qualified ecologist;
  - (c) include a detailed description of measures that would be implemented over the life of the project to protect and conserve biodiversity, including:
    - management and enhancement of retained native vegetation, (particularly *Eucalyptus aggregata*) and habitat on site;
    - a detailed program (both proposed works and timetable) for the removal of Willow trees from Pipers Flat Creek; and
    - measures to manage and control weeds, feral animals and fire (including asset protection and management zones).

## HERITAGE

### Heritage Management Plan

23. The Proponent **must** prepare and implement a Heritage Management Plan for the project to the satisfaction of the **Planning Secretary**. This Plan **must**:
- (a) be prepared in consultation with any relevant Aboriginal stakeholders;
  - (b) be submitted to the **Planning Secretary** for approval within 6 months of the date of this approval;
  - (c) include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;
  - (d) detail the responsibilities of all stakeholders; and
  - (e) include programs/procedures and management measures for appropriate identification, management, conservation and protection of both Aboriginal and non-Aboriginal heritage items identified on the site.

### St John Evangelist Church

24. Within 12 months of the date of this approval, the Proponent **must**, in consultation with the owners of the St John Evangelist Church, Main Street, Wallerawang, investigate and report on the likely visual and vibration impacts of the project on the Church building and its setting. These investigations **must**:
- (a) be prepared by suitably qualified and experienced persons approved by the **Planning Secretary**;
  - (b) provide recommendations to mitigate any impacts, other than those considered to be negligible;
  - (c) summarise in a report provided to the **Planning Secretary** along with the Proponent's response to the recommendations in (b) above, including a commitment and a timetable for their implementation.

## VISUAL

### Visual Amenity and Lighting

25. The Proponent **must**:
- (a) minimise visual impacts, and particularly the off-site lighting impacts;
  - (b) take all practicable measures to further mitigate off-site lighting impacts from the project; and
  - (c) ensure that all external lighting associated on site complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the **Planning Secretary**.

## WASTE

26. The Proponent **must**:
- (a) minimise the waste generated by the project; and
  - (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of, to the satisfaction of the **Planning Secretary**.

## BUSHFIRE MANAGEMENT

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

## REHABILITATION

### Rehabilitation Objectives

28. The Proponent **must** rehabilitate the site to the satisfaction of the **Planning Secretary**. This rehabilitation **must** be generally consistent with the proposed rehabilitation strategy described in the EA, and comply with the objectives in Table 6.

Table 6: Rehabilitation Objectives

Feature	Objective
Project Area	Safe, stable & non-polluting Final land use compatible with surrounding land uses
Surface Infrastructure	To be decommissioned and removed, unless the <b>Planning Secretary</b> agrees otherwise
Community	Ensure public safety Minimise the adverse socio-economic effects associated with the closure of the project

*Note: These rehabilitation objectives apply to all impacts and environmental consequences caused by coal handling and train loading operations taking place after the date of this approval; and to all project infrastructure, whether constructed prior to or following the date of this approval.*

### Rehabilitation Management Plan

29. The Proponent **must** prepare and implement a Rehabilitation Management Plan for the project to the satisfaction of the **Planning Secretary**. This plan **must**:
- (a) be prepared in consultation with **WaterNSW, EPA, LCC** and the **CCC**;
  - (b) be submitted to the **Planning Secretary** for approval within 12 months of the date of this approval;
  - (c) describe how the performance of the rehabilitation would be assessed against the rehabilitation objectives in Table 6; and
  - (d) provide for detailed closure planning, including measures to minimise socio-economic effects due to facility closure, to be conducted at least 3 years prior to the site being closed or placed on care and maintenance, unless otherwise approved by the **Planning Secretary** in the circumstances of unexpected closure.

### Rehabilitation Bond

30. Within 12 months of the date of this approval, the Proponent **must** lodge a rehabilitation bond for the project with the **Planning Secretary**. The sum of the bond **must** be calculated in accordance with the current publicly-available version of methodology and calculation spreadsheets utilised by the **Resources Regulator** for the purpose of determining rehabilitation liabilities for mine sites, to the satisfaction of the **Planning Secretary**. The Proponent **must** pay the Department's reasonable costs in engaging experts to review the adequacy of the calculated sum of the bond.

If the rehabilitation and revegetation works are completed to the satisfaction of the **Planning Secretary**, the **Planning Secretary** will release the rehabilitation bond.

If the rehabilitation and revegetation works are not completed to the satisfaction of the **Planning Secretary**, the **Planning Secretary** will call in all or part of the rehabilitation bond, and arrange for the satisfactory completion of the relevant works.

31. Within 3 months of each Independent Environmental Audit (see Condition 9 of Schedule 5), the Proponent **must** review, and if necessary revise, the sum of the rehabilitation bond to the satisfaction of the **Planning Secretary**. This review **must** consider:
- (a) the effects of inflation; and
  - (b) the performance of the rehabilitation to date.

## SCHEDULE 4 ADDITIONAL PROCEDURES

### NOTIFICATION OF LANDOWNERS

1. By the end of September 2013, the Proponent **must** notify in writing the owners of:
  - (a) the land listed in Condition 1 of Schedule 3 that they have the right to require the Proponent to acquire their land at any stage during the project; and
  - (b) any residence on the land listed in Condition 3 of Schedule 3 that they are entitled to ask for additional noise mitigation measures to be implemented at their residence at any stage during the project.
2. As soon as practicable after obtaining monitoring results showing an exceedance of any relevant criteria in Schedule 3, the Proponent **must**:
  - (a) quantify the nature and extent of the exceedances of the criteria in Schedule 3;
  - (b) notify all affected landowners in writing of the exceedance;
  - (c) provide regular monitoring results to each affected landowner until the project is again complying with the relevant criteria; and
  - (d) provide a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of residences where there is an exceedance of any relevant air quality criteria in Schedule 3.

### INDEPENDENT REVIEW

3. If an owner of privately-owned land considers the project to be exceeding the relevant criteria in Schedule 3, then he/she may ask the **Planning Secretary** in writing for an independent review of the impacts of the project on his/her land.

If the **Planning Secretary** is satisfied that an independent review is warranted, then within 2 months of the **Planning Secretary's** decision the Proponent **must**:

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the **Planning Secretary**, to:
  - consult with the landowner to determine his/her concerns;
  - conduct monitoring to determine whether the project is complying with the relevant criteria in Schedule 3; and
  - if the project is not complying with these criteria, then identify the measures that could be implemented to ensure compliance with the relevant criteria; and
- (b) give the **Planning Secretary** and landowner a copy of the independent review.

### LAND ACQUISITION

4. Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent **must** make a binding written offer to the landowner based on:
  - (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land 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 land and/or any approved building or structure which has been physically commenced on the land 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 any additional mitigation measures under 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 **Planning Secretary**; 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 **Planning Secretary** for resolution.

Upon receiving such a request, the **Planning Secretary** will 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 **must** 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 **Planning Secretary** 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 **Planning Secretary** will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report disputing the independent valuer's determination, and any other relevant submissions.

Within 14 days of this determination, the Proponent **must** make a binding written offer to the landowner to purchase the land at a price not less than the **Planning Secretary'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 **Planning Secretary** determines otherwise.

5. The Proponent **must** pay all reasonable costs associated with the land acquisition process described in Condition 5 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 **must** prepare and implement an Environmental Management Strategy for the project to the satisfaction of the **Planning Secretary**. This strategy **must**:
  - (a) be submitted for approval to the **Planning Secretary** within 9 months of the date of this approval;
  - (b) provide the strategic framework for the 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 any strategies, plans and programs approved under the conditions of this approval; and
    - a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.

#### Management Plan Requirements

2. The Proponent **must** 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 in (c) above;
  - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (f) 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
  - (g) a protocol for periodic review of the plan.

*Note: The **Planning Secretary** may waive some of these requirements if they are unnecessary for particular management plans.*

#### Adaptive Management

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

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

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



- (c) implement remediation measures as directed by the **Planning Secretary**, to the satisfaction of the **Planning Secretary**.

#### Annual Review

4. By the end of February 2014, and annually thereafter, the Proponent **must** review the environmental performance of the project to the satisfaction of the **Planning Secretary**. This review **must**:
- describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the next year;
  - include a comprehensive review of the monitoring results and complaints records of the project over the past calendar year, which includes a comparison of these results against the:
    - the relevant statutory requirements, limits or performance measures/criteria;
    - requirements of any plan or program required under this approval;
    - the monitoring results of previous years; and
    - the relevant predictions in the EA;
  - identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;
  - identify any trends in the monitoring data over the life of the project;
  - identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
  - describe what measures will be implemented over the next year to improve the environmental performance of the project.

#### Revision of Strategies, Plans and Programs

5. Within 3 months of:
- the submission of an annual review under Condition 4 above;
  - the submission of an incident report under Condition 7 below;
  - the submission of an audit under Condition 9 below; and
  - any modification to the conditions of this approval (unless the conditions require otherwise),
- the Proponent **must** review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the **Planning Secretary**.

*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

6. Within 12 months of the date of this approval, the Proponent **must** establish and operate a regional Community Consultative Committee (CCC) in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version), and to the satisfaction of the **Planning Secretary**. This CCC is to service this project and any other approved project and/or development operated by the company in the Western Coalfield.

*Notes:*

- The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval; and*
- In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, LCC, recognised environmental groups and the local community.*

#### REPORTING

##### Incident Reporting

7. The Proponent **must** notify the **Planning Secretary** and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incidents associated with the project, the Proponent **must** notify the **Planning Secretary** and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent **must** provide the **Planning Secretary** and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

##### Regular Reporting

8. The Proponent **must** 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.

## INDEPENDENT ENVIRONMENTAL AUDIT

9. Within 12 months of completion of the upgrade to the coal loader, and every 3 years thereafter, unless the **Planning Secretary** directs otherwise, the Proponent **must** 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 (including a noise and air quality expert) whose appointment has been endorsed by the **Planning Secretary**;
  - (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 (including any assessment, plan or program required under these approvals);
  - (d) review the rail haulage and coal loading/unloading operations and determine whether all reasonable and feasible measures are being implemented to minimise the noise and dust impacts of the project; and
  - (e) recommend appropriate measures or actions to improve the environmental performance and rehabilitation of the project while on care and maintenance or following mine closure.

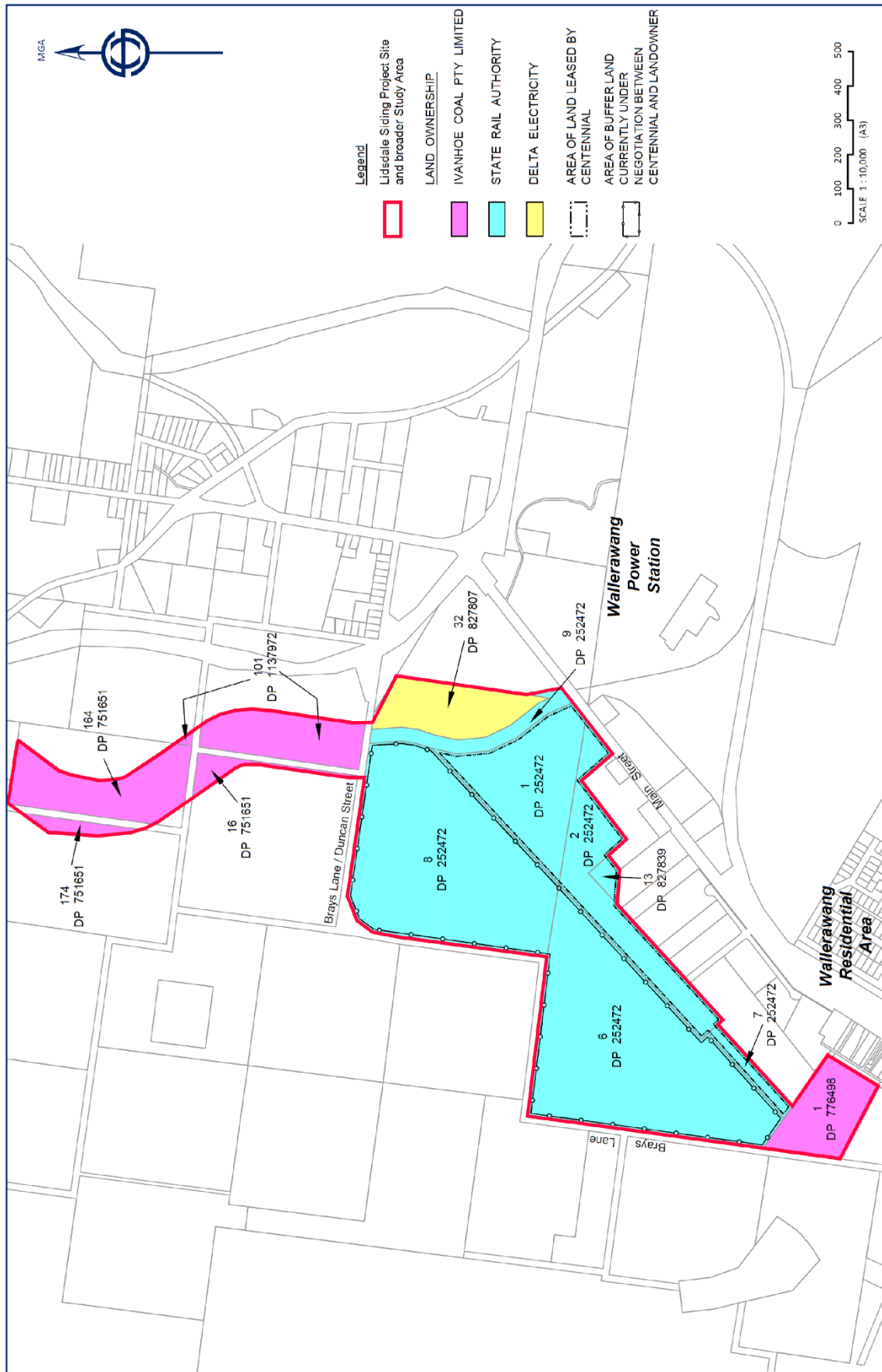
*Note: This audit team **must** be led by a suitably qualified auditor and include experts in any fields specified by the **Planning Secretary**.*

10. Within 6 weeks of the completion of this audit, or as otherwise agreed by the **Planning Secretary**, the Proponent **must** submit a copy of the audit report to the **Planning Secretary**, together with its response to any recommendations contained in the audit report.

## ACCESS TO INFORMATION

11. From the end of October 2013, the Proponent **must**:
- (a) make copies of the following publicly available on its website:
    - the documents referred to in Condition 2 of Schedule 2;
    - all relevant statutory approvals for the project;
    - all approved strategies, plans and programs required under the conditions of this approval;
    - a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval;
    - a complaints register, which is to be updated on a monthly basis;
    - minutes of CCC meetings;
    - the annual reviews required under this approval;
    - any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit;
    - any other matter required by the **Planning Secretary**; and
  - (b) keep this information up-to-date, to the satisfaction of the **Planning Secretary**.

# **APPENDIX 1 LIDSDALE SIDING PROJECT LANDS**





## APPENDIX 2 PROJECT LAYOUT PLAN





## APPENDIX 3 NOISE RECEIVER LOCATIONS

