

# Development Consent

## Section 89E of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I approve the development application referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

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

Chris Wilson  
**Executive Director**  
**Development Assessment Systems & Approvals**

Sydney

2014

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### **SCHEDULE 1**

<b>Application Number:</b>	SSD-5000
<b>Applicant :</b>	Whitehaven Coal Limited
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	See Appendix 1
<b>Development:</b>	Vickery Coal Project

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## DEFINITIONS

AAO	Australian Astronomical Observatory
Annual review	The review required by condition 4 of schedule 5
Applicant	Whitehaven Coal Limited, or any person who seeks carry out the approved development under this consent
Approved haulage route	The route used to transport coal from the development and the Tarrawonga and Rocglen coal mines to the Whitehaven CHPP, which includes the use of public roads, including Blue Vale Road and the Kamilaroi Highway.
BCA	<i>Building Code of Australia</i>
Biodiversity offset strategy	The biodiversity conservation and enhancement strategy described in the EIS, required by condition 32 of schedule 3 of this consent and depicted conceptually in the figures in Appendix 7
Blast misfire	The failure of one or more holes in a blast pattern to initiate
CCC	Community Consultative Committee
CHPP	Coal Handling and Preparation Plant
Conditions of this consent	Conditions contained in schedules 1 to 5 inclusive
Construction	The construction works for the development as described in the EIS. Construction work does not include acquisitions, fencing, investigative drilling or excavation, minor clearing, minor access roads, minor adjustments to services/utilities, works which allow isolation of the site so that access for construction can be provided (including service relocations) and establishing temporary facilities for construction (including for example an office and amenities compounds, temporary water and communications, construction compounds, materials storage compounds, maintenance workshops, testing laboratory or material stockpile areas)
Cumulative haulage	The total amount of ROM coal transported from the development and the Tarrawonga and Rocglen coal mines
Day	The period from 7am to 6pm Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning & Environment
Development	The development as described in the EIS
DPI	Department of Primary Industries
DRE	Division of Resources and Energy (within the Department of Trade and Investment, Regional Infrastructure and Services)
EEC	Endangered ecological community, as defined under the TSC Act
EIS	Environmental Impact Statement titled <i>Vickery Coal Development Environmental Impact Statement</i> dated February 2013 and associated response to submissions titled <i>Vickery Coal Development Environmental Impact Statement – Response to Submissions (A and B)</i> dated June 2013
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
GSC	Gunnedah Shire Council
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 consent</li> </ul>
Kamilaroi Highway overpass	The section of private haul road to be developed over the Kamilaroi Highway, providing access from Blue Vale Road directly to the Whitehaven CHPP access road
Land	As defined in the EP&A Act, except where the term is used in the noise and air quality conditions in schedules 3 and 4 of this consent, where it is defined as the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
LLS	Local Land Services
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mine water	Water that accumulates within, or drains from, active mining areas,

	emplacements, stockpiles, tailings dams and infrastructure areas, synonymous with dirty water
Mining operations	Includes the removal of overburden and extraction, processing, handling, storage and transportation of coal on site
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the development
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
NOW	NSW Office of Water, within DPI
NSC	Narrabri Shire Council
OEH	Office of Environment and Heritage, within the Department of Planning and Environment
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency or a mining company (or its subsidiary)
Public infrastructure	Infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition and for the purpose of establishing a safe, stable and non-polluting environment
RMS	Roads and Maritime Services
ROM coal	Run-of-mine coal
Secretary	Secretary of the Department, or nominee
Site	The land described in Appendix 1
Statement of commitments	The Applicant's commitments in Appendix 4
TSC Act	<i>Threatened Species Conservation Act 1995</i>
VPA	Voluntary Planning Agreement

## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.

### TERMS OF CONSENT

2. The Applicant shall carry out the development generally in accordance with the:
  - (a) EIS;
  - (b) statement of commitments; and
  - (c) conditions of this consent.

*Notes:*

- *The general layout of the development is shown in Appendix 2; and*
- *The statement of commitments is reproduced in Appendix 4.*

3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
  - (a) any reports, strategies, plans, programs, strategies or correspondence that are submitted in accordance with this consent;
  - (b) any reports, reviews, or audits commissioned by the Department regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in these documents.

### LIMITS ON CONSENT

#### Mining Operations

5. The Applicant may carry out mining operations on the site until the end of December 2044.

*Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of both the Secretary and DRE. Consequently, this consent will continue to apply in all other respects - other than the right to conduct mining operations - until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.*

#### Coal Extraction

6. The Applicant shall not extract more than 4.5 million tonnes of ROM coal from the site in any calendar year.

#### Coal Transport

7. For the period up until the commissioning of the Kamilaroi Highway overpass, the Applicant:
  - (a) may not transport more than 3.5 million tonnes of ROM coal from the site in any calendar year;
  - (b) may transport up to 150,000 tonnes of this ROM coal from the site in any calendar year for direct distribution to domestic markets via the approved haulage route to the Kamilaroi Highway;
  - (c) shall transport all other coal from the site to the Whitehaven CHPP via the approved haulage route; and
  - (d) shall, together with the owners of the Tarrawonga and Rocglen coal mines, ensure that the cumulative haulage of coal along the approved haulage route does not exceed 3.5 million tonnes.
8. For the period following the commissioning of the Kamilaroi Highway overpass, the Applicant:
  - (a) may not transport more than 4.5 million tonnes of ROM coal from the site in any calendar year;
  - (b) may transport up to 150,000 tonnes of this ROM coal from the site in any calendar year for direct distribution to domestic markets via the approved haulage route to the Kamilaroi Highway;
  - (c) shall transport all other coal from the site to the Whitehaven CHPP via Blue Vale Road and the Kamilaroi Highway overpass; and
  - (d) shall, together with the owners of the Tarrawonga and Rocglen coal mines, ensure that the cumulative haulage of coal along the approved haulage route does not exceed 4.5 million tonnes.

9. The Applicant shall only transport coal from the site or receive coal reject from the Whitehaven CHPP between the hours of:
- (a) 6 am to 9.15 pm Monday to Friday;
  - (b) 7 am to 5.15 pm Saturday; and
  - (c) at no time on Sundays or Public Holidays.

#### **Construction of the Kamilaroi Highway Overpass**

10. The Applicant shall only carry out construction of the Kamilaroi Highway overpass between the hours of:
- (a) 7 am to 6 pm Monday to Friday;
  - (b) 8 am to 1 pm on Saturday; and
  - (c) at no time on Sundays or Public Holidays, except with the prior written approval of the Secretary.

#### **Gravel Extraction and Transport**

11. The Applicant shall not extract more than 90,000 m<sup>3</sup> of gravel from the site for off-site distribution in any calendar year.

#### **STRUCTURAL ADEQUACY**

12. The Applicant 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 Applicant 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 development.*

#### **DEMOLITION**

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

#### **PROTECTION OF PUBLIC INFRASTRUCTURE**

14. Unless the Applicant and the applicable authority agree otherwise, the Applicant shall:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage.*

#### **OPERATION OF PLANT AND EQUIPMENT**

15. The Applicant shall ensure that all the plant and equipment used on site, any equipment used for monitoring the performance of the development, and trucks used to transport coal from the site, are:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

#### **UPDATING & STAGING STRATEGIES, PLANS OR PROGRAMS**

16. With the approval of the Secretary, the Applicant may submit any strategies, plans or programs required by this consent on a progressive basis.

To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this consent.

*Notes:*

- *While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

## **COMMUNITY ENHANCEMENT**

17. Within 6 months of commencing construction of the development, unless the Secretary agrees otherwise, the Applicant shall enter into a VPA with GSC and NSC in accordance with:
- a) Division 6 of Part 4 of the EP&A Act; and
  - b) the terms of the Applicant's offer to GSC and NSC in Appendix 3.

If there is any dispute between the Applicant and the relevant Council in regards to this condition, then either party may refer the matter to the Secretary for resolution.

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## SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

### ACQUISITION ON REQUEST

1. Upon receiving a written request for acquisition from an owner of the privately-owned land listed in Table 1, the Applicant shall acquire the land in accordance with the procedures in conditions 5-6 of schedule 4.

*Table 1: Land subject to acquisition upon request*

Property ID
116, 127

*Note: To interpret the locations referred to in Table 1 see the applicable figure(s) in Appendix 5.*

### ADDITIONAL NOISE MITIGATION ON REQUEST

2. Upon receiving a written request from the owner of any residence on the land listed in Table 2, the Applicant shall 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 and directed towards reducing the noise impacts of the development on the residence.

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 Secretary for resolution.

*Table 2: Land subject to additional noise mitigation upon request*

Property ID
127

*Note: To interpret the locations referred to in Table 2 see the applicable figure(s) in Appendix 5.*

### NOISE

#### Noise Criteria

3. Except for the noise-affected land in Table 1, the Applicant shall ensure that noise generated by the development does not exceed the criteria in Table 3 at any residence on privately-owned land.

*Table 3: Noise criteria dB(A)*

Land	Day, Evening & Night $L_{Aeq}(15 \text{ min})$	Night $L_{A1}(1 \text{ min})$
All other privately-owned residences	35	45

*Note: To interpret the locations referred to in Table 3 see the applicable figure(s) in Appendix 5.*

Noise generated by the development is to be measures in accordance with the relevant requirements of the *NSW Industrial Noise Policy*. Appendix 6 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

However, these noise criteria do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

#### Noise Criteria – Kamilaroi Highway Overpass

4. The Applicant shall ensure that the noise generated by the construction of the Kamilaroi Highway overpass does not exceed the criteria in Table 4 at any residence on privately-owned land, unless otherwise agreed by the Secretary.

*Table 4: Kamilaroi Highway overpass construction noise criteria dB(A)*

Location Property/ID	Construction Noise Criteria
	$L_{Aeq}(15 \text{ min})$
223	49
224	56
All other privately-owned residences	43

*Note: To interpret the locations referred to in Table 4, see the applicable figure in Appendix 5.*

5. The Applicant shall ensure that noise generated by transporting coal on the Kamilaroi Highway overpass does not exceed the criteria in Table 5 at any residence on privately-owned land.

Table 5: Kamilaroi Highway overpass noise criteria dB(A)

<b>Land</b>	<b>Day, Evening &amp; Night</b> <i>L<sub>Aeq</sub>(15 min)</i>	<b>Night</b> <i>L<sub>A1</sub> (1 min)</i>
223	44	65
224	46	64
284	36	55
292	36	57
Any other residence within 2.5km of the centreline of the private haul road or Kamilaroi Highway overpass	35	55
All other privately-owned residences	35	45

Note: To interpret the locations referred to in Table 5 see the applicable figure(s) in Appendix 5.

Appendix 6 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, these noise criteria do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

#### Public Road Traffic Noise Criteria

6. The Applicant, together with the owners of the Tarrawonga and Rocglen coal mines, shall ensure that the noise generated on public roads by the development and the other mines does not exceed the criteria in Table 6 at any existing residence on privately-owned land.

Table 6: Road traffic noise criteria dB(A)

<b>Land</b>	<b>Day and Evening</b> <i>L<sub>Aeq</sub> (15 hour)</i>	<b>Night</b> <i>L<sub>Aeq</sub> (9 hour)</i>
All privately-owned residences	60	55

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

Note: Traffic noise generated by the development is to be measured in accordance with the relevant procedures in the NSW Road Noise Policy.

#### Operating Conditions

7. The Applicant shall:
- implement all reasonable and feasible measures to minimise the operational and road noise generated by the development;
  - operate a comprehensive noise management system on site that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this approval;
  - avoid the use of mobile plant on elevated and exposed sections of the Western overburden emplacement and in other sensitive areas at night;
  - minimise the noise impacts of the development during meteorological conditions when the noise limits in this approval do not apply (see Appendix 6);
  - carry out monthly attended monitoring in accordance with Appendix 6 (unless otherwise agreed with the Secretary), to determine whether the development is complying with the relevant conditions of this approval,
- to the satisfaction of the Secretary.

#### Noise Management Plan

8. The Applicant shall prepare and implement a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with the EPA, and be submitted to the Secretary for approval prior to construction;

- (b) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this approval;
- (c) describe the proposed noise management system in detail;
- (d) describe the measures that would be implemented to ensure the noise impacts from the construction and operation of the Kamilaroi Highway overpass are minimised as far as practicable; and
- (e) include a monitoring program that:
  - evaluates and reports on:
    - the effectiveness of the noise management system;
    - compliance against the noise criteria in this approval; and
    - compliance against the noise operating conditions;
  - includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a better indicator of compliance with the noise criteria in this approval and trigger for further attended monitoring); and
  - defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.

## BLASTING

### Blasting Criteria

9. The Applicant shall ensure that blasting does not cause any exceedence of the criteria in Table 7.

*Table 7: Blasting criteria*

<b>Location</b>	<b>Airblast overpressure (dB(Lin Peak))</b>	<b>Ground vibration (mm/s)</b>	<b>Allowable exceedence</b>
Residence on privately-owned land	120	10	0%
	115	5	5% of the total number of blasts over a period of 12 months
All public infrastructure	-	50 <i>(or a limit determined by the structural design methodology in AS 2187.2-2006, or its latest version, to the satisfaction of the Secretary)</i>	0%

However, these criteria do not apply if the Applicant has a written agreement with the relevant owner or infrastructure provider/owner to exceed the limits in Table 7, and the Applicant has advised the Department in writing of the terms of this agreement.

### Blasting Hours

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

### Blasting Frequency

11. The Applicant may carry out a maximum of:
- (a) 1 blast a day; and
  - (b) 5 blasts a week, averaged over a calendar year, at the development.

This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blasts required to ensure the safety of the mine or its workers.

*Note: For the purposes of this condition a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.*

### Property Inspections

12. Following the commencement of construction, if the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut pit on site, for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection report updated, then within 2 months of receiving this request the Applicant shall:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to:

- establish the baseline condition of any buildings and/or structures on the land, or update the previous property inspection report; and
  - identify any measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and/or structures; and
- (b) give the landowner a copy of the new or updated property inspection report.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or landowner disagrees with the findings of the independent property investigation, either party may refer the matter to the Secretary for resolution.

### **Property Investigations**

13. If any owner of privately-owned land within 2 kilometres of the site (or any other land where the Secretary agrees that a property investigation is warranted) claims that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within 2 months of receiving this claim in writing from the landowner, the Applicant shall:

- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to investigate the claim; and
- (b) give the landowner a copy of the property investigation report.

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

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or landowner disagrees with the findings of the independent property investigation, either party may refer the matter to the Secretary for resolution.

### **Operating Conditions**

14. During mining operations on site, the Applicant shall:

- (a) implement best practice to manage potential blasting impacts associated with the development to:
    - protect the safety of people and livestock in the surrounding area;
    - protect public or private infrastructure/property in the surrounding area from any damage; and
    - minimise the dust and fume emissions of any blasting;
  - (b) ensure that blasting on the site does not damage Aboriginal grinding groove site 20-04-009; and
  - (c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site,
- to the satisfaction of the Secretary.

15. The Applicant shall not undertake blasting on-site within 500 metres of any public road or any land outside the site not owned by the Applicant unless the Applicant has:

- (a) demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the infrastructure or land without compromising the safety of the people or livestock or damaging the infrastructure and/or other buildings and structures;
  - (b) include specific measures in the Blast Management Plan that would be implemented while blasting is being carried out within 500 metres of the infrastructure or land; or
  - (c) a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the infrastructure or land, and the Applicant has advised the Department in writing of the terms of this agreement,
- to the satisfaction of the Secretary.

### **Blast Management Plan**

16. The Applicant shall prepare and implement a Blast Management Plan for the development to the satisfaction of the Secretary. This plan must:

- (a) be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to conducting any blasting on site;
- (b) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
- (c) include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with GSC and NSC;
- (d) propose and justify any alternative ground vibration limits for public infrastructure in the vicinity of the site (if relevant); and
- (e) include a monitoring program for evaluating and reporting on compliance with the blasting criteria and operating conditions of this consent.

## AIR QUALITY

### Odour

17. Unless otherwise authorised by an EPL, the Applicant shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.

### Air Quality Criteria

18. The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are implemented so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Tables 8, 9 and 10 at any residence-on privately-owned land.

Table 8: Long term criteria for particulate matter

<b>Pollutant</b>	<b>Averaging Period</b>	<b><sup>d</sup> Criterion</b>
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> 30 µg/m <sup>3</sup>

Table 9: Short-term criteria for particulate matter

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

Table 10: Long term criteria for deposited dust

<b>Pollutant</b>	<b>Averaging Period</b>	<b>Maximum increase in deposited dust level</b>	<b>Maximum total deposited dust level</b>
<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 8-10:

<sup>a</sup> Total impact (ie incremental increase in concentrations due to the development plus background concentrations due to all other sources);

<sup>b</sup> Incremental impact (ie incremental increase in concentrations due to the development 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 or any other activity agreed by the Secretary.

### Mine-owned Land

19. The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Tables 8, 9 and 10 at any occupied residence on mine-owned land (including land owned by another mining company) unless:
- the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under schedule 4 of this consent;
  - the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice;
  - air quality monitoring is regularly undertaken in the area to inform the tenant or landowner (if the residence is owned by another mining company) of the likely concentrations of particulate matter at the residence; and
  - data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property,
- to the satisfaction of the Secretary.

### Operating Conditions

20. The Applicant shall:
- implement best practice management, including all reasonable and feasible measures, to minimise the off-site odour, fume and dust emissions of the development;
  - implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;
  - minimise any visible off-site air pollution;
  - minimise the surface disturbance on the site,

- (e) operate a comprehensive air quality management system on site that uses a combination of predictive meteorological forecasting, predictive and real time air dispersion modelling and real-time air quality monitoring data to guide the day-to-day planning of mining operations and implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent; and
- (f) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d under Table 10), to the satisfaction of the Secretary.

### **Air Quality Management Plan**

21. The Applicant shall prepare and implement an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the EPA and AAO, and submitted to the Secretary for approval prior to the commencement of any construction on site;
  - (b) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this consent;
  - (c) describe the air quality management system in detail;
  - (d) include an air quality monitoring program that:
    - uses a combination of real-time monitors and supplementary monitors, to evaluate the performance of the development against the air quality criteria in this approval;
    - adequately supports the proactive and reactive air quality management system;
    - includes PM<sub>2.5</sub> monitoring;
    - evaluates and reports on the effectiveness of the air quality management system and compliance against the air quality operating conditions, including achieving an 80% reduction in dust emissions from haul roads; and
    - defines what constitutes an air quality incident, and includes a protocol for determining and notifying the Department and relevant stakeholders of any air quality incidents.

### **METEOROLOGICAL MONITORING**

22. For the life of the development, the Applicant shall ensure that there is a meteorological station 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 *NSW Industrial Noise Policy*, unless a suitable alternative is approved by the Secretary following consultation with the EPA.

### **WATER**

#### **Water Supply**

23. The Applicant shall ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of mining operations on site to match its available water supply, to the satisfaction of the Secretary.

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

#### **Compensatory Water Supply**

24. The Applicant shall provide a compensatory water supply to any owner of privately-owned land whose water supply is adversely and directly impacted (other than a negligible impact) as a result of the development, in consultation with NOW, and to the satisfaction of the Secretary.

The compensatory water supply measures must provide an alternative long term supply of water that is equivalent to the loss attributed to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable from the loss being identified, unless otherwise agreed with the landowner.

If the Applicant 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 Secretary for resolution.

If the Applicant is unable to provide an alternative long term supply of water, then the Applicant shall provide alternative compensation to the satisfaction of the Secretary.

## Surface Water Discharges

25. The Applicant shall ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the development in any EPL.

## Flooding

26. The Applicant must obtain an approval under Part 8 of the *Water Act 1912* for all applicable works associated with the Kamilaroi Highway overpass. The Applicant shall ensure that the design and construction of the Kamilaroi Highway overpass is consistent with the *Boggabri to Carroll Flood Plain Management Plan*, to the satisfaction of NOW.

## Mine Water Storages

27. The Applicant shall implement all reasonable and feasible measures to prevent migration of saline water from the Blue Vale Mine Water Storage (MWSS-1), or provide suitable measures to offset the salinity impacts on the Namoi River, to the satisfaction of EPA and the Secretary.

## Namoi River Pipeline

28. Prior to the construction of the Namoi River pipeline and pump station, the Applicant shall:
- consult with DPI - NSW Fisheries regarding the general operation and design of the pump station and screens to avoid and mitigate impacts on native fish;
  - consult with GSC regarding the design and construction of the pipeline in the Braymont Road Reserve; and
  - implement all reasonable and feasible recommendations from DPI - NSW Fisheries and GSC in regard to the design and construction of the pipeline and pump station, to the satisfaction of the Secretary.

## Water Management Performance Measures

29. The Applicant shall comply with the performance measures in Table 11 to the satisfaction of the Secretary.

Table 11: Water management performance measures

<b>Feature</b>	<b>Performance Measure</b>
Water management – general	<ul style="list-style-type: none"> <li>Minimise cumulative water impacts with the other mines in the region</li> <li>Maximise water sharing with the other mines in the region</li> <li>Minimise the use of clean water on site</li> </ul>
Construction and operation of linear infrastructure	<ul style="list-style-type: none"> <li>Design, install and maintain erosion and sediment controls generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1, Volume 2A – Installation of Services</i> and <i>Volume 2C – Unsealed Roads</i></li> <li>Design, install and maintain the infrastructure within 40 m of watercourses generally in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land (DPI 2007)</i>, or its latest version</li> <li>Design, installation and maintenance of creek crossings generally in accordance with the <i>Policy and Guidelines for Fish Friendly Waterway Crossings</i> (NSW Fisheries, 2003) and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings</i> (NSW Fisheries 2003), or their latest versions</li> <li>Design the Kamilaroi Highway overpass such that it will not cause significant increased flooding, in particular increased affluxes and velocities at key locations, redistribution in and around the overpass, and flood levels at residences</li> </ul>
Mine sediment dams	<ul style="list-style-type: none"> <li>Design, install and maintain the dams generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries</i></li> </ul>
Clean water diversion & storage infrastructure	<ul style="list-style-type: none"> <li>Design, install and maintain the clean water system to capture and convey the 100 year ARI flood</li> <li>Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site</li> </ul>

<i>Feature</i>	<i>Performance Measure</i>
Flood bunds	<ul style="list-style-type: none"> <li>• Design and construct the flood bunds located at the southern extent of the open cut to a height that provides protection up to and including the probable maximum flood event</li> </ul>
In-pit emplacement of tailings, acid forming and potentially acid forming materials	<ul style="list-style-type: none"> <li>• Emplacement, encapsulation and capping to prevent or minimise the migration of pollutants beyond the pit shell of seepage from out of pit emplacement areas</li> <li>• Adequate freeboard within the pit void to minimise the risk of discharge to surface waters</li> </ul>
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> <li>• Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards</li> </ul>
Aquatic and riparian ecosystem	<ul style="list-style-type: none"> <li>• Develop site-specific in-stream water quality objectives in accordance with ANZECC 2000 and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW procedures</i> (DECC 2006), or its latest version</li> </ul>

### Water Management Plan

30. The Applicant shall prepare and implement a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with NOW and North West LLS, by suitably qualified and experienced person/s whose appointment has been approved by the Secretary,
  - (b) be submitted to the Secretary for approval prior to construction; and
  - (c) in addition to the standard requirements for management plans (see condition 3 of schedule 5), include a:
    - (i) Site Water Balance, that includes:
      - details of:
        - sources and security of water supply, including contingency for future reporting periods;
        - water use and management on site;
        - any off-site water discharges;
        - reporting procedures, including the preparation of a site water balance for each calendar year;
      - a program to validate the surface water model, including monitoring discharge volumes from the site and comparison of monitoring results with modelled predictions;
      - describes the measures that would be implemented to minimise clean water use on site; and
      - describes the measures that would be implemented to ensure that rehabilitation and dust suppression would not be limited in dry years;
    - (ii) Surface Water Management Plan, that includes:
      - detailed baseline data on surface water flows and quality in the water-bodies that could potentially be affected by the development;
      - detailed baseline data on hydrology across the downstream drainage system of the Namoi River floodplain;
      - a detailed description of the water management system on site, including the:
        - clean water diversion systems;
        - erosion and sediment controls (mine water system);
        - mine water management systems including irrigation areas;
        - discharge limits in accordance with EPL requirements; and
        - water storages;
      - detailed plans, including design objectives and performance criteria for:
        - design and management of final voids;
        - design and management for the emplacement of reject materials, sodic and dispersible soils and acid or sulphate generating materials;
        - design and management of the North-West Drainage Line diversion;
        - reinstatement of drainage lines on the rehabilitated areas of the site; and
        - control of any potential water pollution from the rehabilitated areas of the site;
      - performance criteria for the following, including trigger levels for investigating any potentially adverse impacts associated with the development:
        - the water management system;
        - downstream surface water quality;
        - downstream flooding impacts, including flood impacts due to the flood bunds required for the development, and the Kamilaroi Highway overpass; and
        - stream and riparian vegetation health, including the Namoi River and its tributaries including Driggle Draggie Creek and Stratford Creek;
      - a program to monitor and assess:

- the effectiveness of the water management system;
  - surface water flows and quality in the watercourses that could be affected by the development; and
  - downstream flooding impacts, particularly from the Kamilaroi Highway overpass;
  - reporting procedures for the results of the monitoring program; and
  - a plan to respond to any exceedences of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the development;
- (iii) Groundwater Management Plan, that includes:
- detailed baseline data of groundwater levels, yield and quality in the region, and privately-owned groundwater bores including a detailed survey/schedule of groundwater dependent ecosystems that could be affected by the development;
  - detailed plans, including design objectives and performance criteria, for the design and management of:
    - the proposed final voids; and
    - coal reject and potential acid forming material emplacement;
  - groundwater assessment criteria including trigger levels for investigating any potentially adverse groundwater impacts;
  - a program to monitor and assess:
    - groundwater inflows to the open cut mining operations;
    - the seepage/leachate from water storages, emplacements and the final void;
    - interconnectivity between the alluvial and bedrock aquifers;
    - background changes in groundwater yield/quality against mine-induced changes;
    - the impacts of the development on:
      - regional and local (including alluvial) aquifers;
      - groundwater supply of potentially affected landowners;
      - groundwater dependent ecosystems (including potential impacts on stygo-fauna) and riparian vegetation;
  - a program to validate the groundwater model for the development, including an independent review of the model every 3 years, and comparison of monitoring results with modelled predictions; and
  - a plan to respond to any exceedences of the performance criteria.

## BIODIVERSITY

### Endangered Ecological Communities

31. The Applicant shall design the Blue Vale Road diversion to avoid impacts on Weeping Myall Woodland EEC. In the event that avoidance is not possible, the Applicant shall offset any impact at an offset to impact ratio of at least 5:1, to the satisfaction of OEH and the Secretary.

*Note: Weeping Myall Woodland refers to the EEC listed as Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Penneplain, Murray-Darling Depression Riverina and NSW South Western Slopes bioregions under the TSC Act, or similar EEC as may be updated from time to time.*

### Biodiversity Offset Strategy

32. The Applicant shall implement the biodiversity offset strategy described in the EIS, summarised in Table 12 and shown conceptually in Appendix 7, to the satisfaction of the Secretary.

*Table 12: Summary of the biodiversity offset strategy*

<b>Area</b>	<b>Offset Type</b>	<b>Minimum Size (hectares)</b>
Willeroi East Offset Area	Existing vegetation to be enhanced, and additional vegetation to be established with the restoration of at least 156 ha of Box Gum Woodland EEC, as listed under the TSC Act	1,671
Areas 2, 3, 4 & 5	Existing vegetation to be enhanced with the restoration of at least 107 ha of Poplar Box Woodland and 45 ha of Box Gum Woodland EEC, as listed under the TSC Act	391.5
Rehabilitation Area	Re-establishment of native vegetation communities for a biodiversity conservation land use objective.	1,360

*Note: For the purposes of this consent Box Gum Woodland refers to the EEC listed as White Box Yellow Box Blakely's Red Gum Woodland under the TSC Act, or similar EEC as may be updated from time to time.*

### Translocation of Threatened Species

33. The Applicant shall use its best endeavours to successfully translocate the Winged Peppercross located within the disturbance boundary.

### Long Term Security of Offset

34. The Applicant shall make suitable arrangements to provide appropriate long term security for the offset areas:
- (a) by the end of June 2015 unless otherwise agreed by the Secretary, for the Willeroi East Offset Area and Offset Areas 2,3, 4 and 5; and
  - (b) by the end of December 2044 unless otherwise agreed by the Secretary, for the woodland to be established in the Rehabilitation Area, as identified in Table 12, to the satisfaction of the Secretary.

*Note: The Department acknowledges that the Applicant is investigating the potential to transfer part or all of the Willeroi East Offset Area directly to the national park estate, and accepts that interim conservation measures may be implemented prior to this transfer.*

### Biodiversity Management Plan

35. The Applicant shall prepare and implement a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with OEH and North West LLS, and be submitted to the Secretary prior to construction;
  - (b) describe the short, medium, and long term measures that would be implemented to:
    - manage the remnant vegetation and habitat on the site and in the offset area;
    - translocate and protect the population of Winged Peppercross located on site (as required by condition 33), including detailed description of a monitoring and maintenance program; and
    - implement the biodiversity offset strategy, including detailed performance and completion criteria;
  - (c) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary);
  - (d) include a detailed description of the measures that would be implemented for:
    - enhancing the quality of existing vegetation and fauna habitat;
    - restoring native vegetation and fauna habitat on the biodiversity offset area and rehabilitation area through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features;
    - maximising the salvage of resources within the approved disturbance area – including vegetative, top and sub soils and cultural heritage resources – for beneficial reuse in the enhancement of the biodiversity offset area or rehabilitation area;
    - collecting and propagating seed;
    - minimising the impacts on fauna on site, including undertaking pre-clearance surveys;
    - managing any potential conflicts between the proposed restoration works in the biodiversity offset areas and any Aboriginal heritage values (both cultural and archaeological);
    - managing salinity;
    - controlling weeds and feral pests;
    - controlling erosion;
    - managing grazing and agriculture on land owned by the Applicant;
    - controlling access; and
    - managing bushfire risk;
  - (e) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;
  - (f) identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate against these risks; and
  - (g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

*Note: The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated mine-site.*

### Conservation Bond

36. Within 6 months of approval of the Biodiversity Management Plan, the Applicant shall lodge a Conservation Bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan.

The sum of the bond shall be determined by:

- (a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and

- (b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Secretary.

The calculation of the Conservation Bond must be submitted to the Department for approval at least 1 month prior to lodgement of the bond.

If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond.

If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will call in all, or part of, the conservation bond, and arrange for the satisfactory completion of the relevant works.

Notes:

- *Alternative funding arrangements for long term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond.*
- *The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy.*

## HERITAGE

### Aboriginal Heritage Management Plan

37. The Applicant shall prepare and implement an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
  - (b) be prepared in consultation with OEH and Registered Aboriginal Parties (in relation to the management of Aboriginal heritage values);
  - (c) be submitted to the Secretary for approval prior to undertaking any activities that may impact heritage items or sites, unless the Secretary agrees otherwise; and
  - (d) include the following for the management of Aboriginal cultural heritage:
    - a detailed archaeological salvage program for Aboriginal sites/objects within the development disturbance area, including methodology and procedures/protocols for:
      - sub-surface testing;
      - staged salvage, based on anticipated mine planning;
      - pre-disturbance monitoring;
      - site assessment and reporting;
      - research objectives to inform knowledge of Aboriginal occupation;
      - protection, storage and management of salvaged Aboriginal objects;
      - addressing relevant statutory requirements under the *National Parks and Wildlife Act 1974*; and
      - long term protection of salvaged Aboriginal objects;
    - a description of the measures that would be implemented for:
      - protecting, monitoring and managing components of Aboriginal heritage complex 20-4-009, located outside the development disturbance area;
      - maintaining and managing reasonable access for Aboriginal stakeholders to cultural heritage items on site and in the biodiversity offset area;
      - managing the discovery of any human remains or previously unidentified Aboriginal objects on site, including (in the case of human remains) stop work provisions and notification protocols;
      - ongoing consultation with the local Aboriginal stakeholders in the identification, conservation and management of Aboriginal cultural heritage both on-site and in the biodiversity offset area; and
      - ensuring any workers on site receive suitable heritage inductions prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these induction.

## TRANSPORT

### Road Works and Maintenance

*Note: Under the Roads Act 1993, the Applicant may require separate approvals from RMS, and/or the Councils as the appropriate roads authorities prior to construction of, closure of or conducting mining operations within public roads.*

38. The Applicant shall:
- (a) construct the Blue Vale Road, Braymont Road and Hoad Lane re-alignments as described and shown conceptually in the EIS;
  - (b) dedicate the Rocglen Private Haul Road as a public road and seal the unsealed section of Riordan Road between the Rocglen private haul road and Wean Road, following the completion of mining operations at the Rocglen Coal Mine;
  - (c) construct all roads and intersections in accordance with Austroad guidelines; and

- (d) install appropriate lighting and advance warning signs at entry points to the private haul road and mine access road;  
to the satisfaction of the relevant Council.

If there is any dispute between the Applicant and the relevant Council in implementing these requirements, then any of the parties may refer the matter to the Secretary for resolution.

39. If the Kamilaroi Highway overpass has not been commissioned by December 2018, and every 5 years thereafter, the Applicant shall commission an Independent Traffic Audit of haulage operations on the Kamilaroi Highway and its intersections with Blue Vale Road and the CHPP access road, unless the Secretary agrees otherwise. This audit must:
- (a) be prepared by a suitably qualified person whose appointment has been approved by the Secretary;
  - (b) review haulage records;
  - (c) recommend measures to reduce or mitigate any adverse (or potentially adverse) impacts in the event that the road network is not performing satisfactorily; and
  - (d) be submitted to the Secretary within 2 months of being commissioned.

*Note: The Secretary may agree to alternative timing for the audits if the development has not commenced prior to December 2018.*

40. If the Independent Traffic Audit demonstrates that the intersections and section of haul route on the Kamilaroi Highway are not performing satisfactorily, the Applicant shall:
- (a) implement any reasonable and feasible recommendations from the audit to reduce or mitigate adverse impacts until the overpass is commissioned; or
  - (b) construct and commission the Kamilaroi Highway overpass within 12 months of the date of the audit,
- unless the Secretary agrees otherwise.
41. The Applicant shall design, construct and maintain the Kamilaroi Highway overpass to the satisfaction of RMS and GSC, and shall bear all costs associated with the construction, maintenance and decommissioning of the overpass.
42. The Applicant shall maintain the existing road maintenance agreement with GSC for the maintenance of public roads affected by the development, to the satisfaction of GSC. The Applicant and GSC shall review and renew the agreement once cumulative haulage exceeds 3.5 Mtpa. If there is any dispute in relation to these agreements, then either party may refer the matter to the Secretary for resolution.

### **Braymont Road**

43. No development-related traffic shall use Braymont Road to get to or from the site, except in an emergency to avoid the loss of lives, property and/or environmental harm.

This condition does not apply to any employees that may reside on Braymont Road, or to the infrequent use of the road for consultation, environmental monitoring, and inspection and maintenance of nearby infrastructure.

### **Traffic Management Plan**

44. The Applicant shall prepare and implement a traffic management plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with RMS, GSC and NSC;
  - (b) be submitted to the Secretary for approval prior to the commencement of construction;
  - (c) include:
    - a protocol for operating haul trucks during school bus hours;
    - consideration of measures to minimise dust from unsealed roads that may be used for access to the mine site;
    - a description of measures to minimise impacts on traffic and the safety of road users during the construction of the Kamilaroi Highway overpass;
    - a description of any measures implemented to reduce or mitigate road traffic impacts as required by condition 39;
    - arrangements to comply with cumulative coal haulage limits from the development and the Tarrawonga and Rocglen Coal Mines;
    - a protocol for ensuring that development-related traffic does not use Braymont Road (see condition 43); and
    - a monitoring program to audit vehicle movements, including the origin and destination of employees, against predictions in the EIS.

### **Monitoring of Coal and Gravel Transport**

45. The Applicant shall:
- (a) keep records of the amount of coal and gravel transported from the site (on a monthly basis), and

- (b) make these records available on its website at the end of each calendar year.

## VISUAL

### Operating Conditions

46. The Applicant shall:
- (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development;
  - (b) minimise the lighting impacts of the development on the Siding Springs Observatory;
  - (c) ensure no outdoor lights shine above the horizontal;
  - (d) wherever possible, ensure that mobile equipment is appropriately designed and/or retrofitted to prevent light being directed above the horizontal;
  - (e) ensure that all external lighting associated with the development complies with relevant Australian Standards, including *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting* or its latest version;
  - (f) provide for the establishment of trees and shrubs and/or the construction of mounding or bunding:
    - along the re-aligned Blue Vale Road
    - along the access road to the mine site; and
    - at other areas identified as necessary for the maintenance of satisfactory visual amenity;and
  - (g) ensure that the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape, to the satisfaction of the Secretary.

### Additional Visual Impact Mitigation

47. Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct views of the mining operations and on-site infrastructure during the development, the Applicant shall implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) to reduce the visibility of the mining operations and infrastructure from the residences on the privately-owned land.

These mitigation measures must be reasonable and feasible, and must be implemented within a reasonable timeframe.

If 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 Secretary for resolution.

#### Notes:

- *The additional visual impact mitigation measures must be aimed at reducing the visibility of the mining operations on site from affected residences, and do not require measures to reduce the visibility of the mining operations from other locations on the affected properties.*
- *The additional visual impact mitigation measures do not necessarily have to include the implementation of measures on the affected property itself (ie. the additional measures could involve the implementation of measures outside the affected property boundary that provide an effective reduction in visual impacts).*
- *Except in exceptional circumstances, the Secretary will not require additional visual impact mitigation to be undertaken for residences that are more than 7.5 kilometres from the mining operations.*

## BUSHFIRE MANAGEMENT

48. The Applicant shall:
- (a) ensure that the development is suitably equipped to respond to any fires on site; and
  - (b) assist the Rural Fire Service, Forests NSW, emergency services and National Parks and Wildlife Services as much as possible if there is a fire in the surrounding area.

## WASTE

49. The Applicant shall:
- (a) implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the development;
  - (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of; and
  - (c) monitor and report on the effectiveness of waste minimisation and management measures in the Annual Review.

## REHABILITATION

### Rehabilitation Objectives

50. The Applicant shall rehabilitate the site to the satisfaction of DRE. This rehabilitation must be generally consistent with the proposed Rehabilitation Strategy described in the EIS (and depicted conceptually in Appendix 8) and comply with the objectives in Table 13.

Table 13: Rehabilitation objectives

<b>Feature</b>	<b>Objective</b>
Mine site (as a whole)	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting;</li> <li>• Constructed landforms drain to the natural environment;</li> <li>• Constructed landforms incorporate micro relief patterns consistent with the surrounding topography;</li> <li>• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of local native plant species and habitat for threatened fauna species;</li> <li>• Establish a minimum of 1,360 hectares of woodland vegetation on the site, focusing on establishing a biodiversity corridor from the Namoi River to the Vickery State Forest;</li> <li>• Establish approximately 780 ha of agricultural land including a minimum of 245 hectares of Class 3 suitability land; and</li> <li>• Minimise visual impact of final landforms as far as is reasonable and feasible.</li> </ul>
Final voids	<ul style="list-style-type: none"> <li>• Minimise the size, depth and batters of the final voids as far as is reasonable and feasible, subject to meeting the objectives below;</li> <li>• Minimise the drainage catchment of the final void as far as is reasonable and feasible;</li> <li>• Negligible high wall instability risk;</li> <li>• The size and depth of the final voids must be designed having regard to their function as long term groundwater sinks, to ensure groundwater flows across the back-filled pit towards the final voids;</li> <li>• Minimise risk of flood interaction for all flood events up to and including the Probable Maximum Flood level.</li> </ul>
Surface infrastructure	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless DRE agrees otherwise.</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety; and</li> <li>• Minimise the adverse socio-economic effects associated with mine closure.</li> </ul>

### Progressive Rehabilitation

51. The Applicant shall rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active and which are not ready for final rehabilitation.

*Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to further disturbance in the future.*

### Rehabilitation Management Plan

52. The Applicant shall prepare and implement a Rehabilitation Management Plan to the satisfaction of the DRE. This plan must:
- be prepared in consultation with the Department, NOW, OEH, North West LLS, GSC, NSC and the CCC;
  - be submitted to DRE for approval prior to the commencement of construction, unless the Secretary agrees otherwise;
  - be prepared in accordance with any relevant DRE guideline;
  - describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy;
  - include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);

- (f) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform including final voids, and final land use;
  - (g) include interim rehabilitation where necessary to minimise the area exposed for dust generation;
  - (h) include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and
  - (i) build to the maximum extent practicable on the other management plans required under this consent.
-

## **SCHEDULE 4 ADDITIONAL PROCEDURES**

### **NOTIFICATION OF LANDOWNERS/TENANTS**

1. Within 1 month of the date of this consent, the Applicant shall:
  - (a) notify in writing the owners of:
    - the land listed in Table 1 of schedule 3 that they have the right to require the Applicant to acquire their land in accordance with the procedures in conditions 5-6 below at any stage during the development;
    - any residence on the land listed in Table 2 of schedule 3 that they have the right to request the Applicant to ask for additional noise mitigation measures to be installed at their residence at any stage during the development; and
    - any privately-owned land within 2 kilometres of the approved open cut mining pit/s that they are entitled to ask for a property inspection, to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated;
  - (b) notify the tenants of any mine-owned land of their rights under this consent; and
  - (c) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EIS identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria in schedule 3 at any time during the life of the development.
2. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedences of the recommended dust and/or noise criteria, or for any of the land listed in Table 1 that is subsequently purchased by the Applicant, the Applicant shall:
  - (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and
  - (b) advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Secretary.
3. As soon as practicable after obtaining monitoring results showing:
  - (a) an exceedence of the relevant criteria in schedule 3, the Applicant shall notify the affected landowners in writing of the exceedence, and provide regular monitoring results to the landowner until the development is again complying with the relevant criteria again; and
  - (b) an exceedence of the relevant air quality criteria schedule 3, the Applicant shall send 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 the land (including the tenants of any mine-owned land).

### **INDEPENDENT REVIEW**

4. If an owner of privately-owned land considers the development to be exceeding the criteria in schedule 3 at his/her land, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.

If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Applicant shall:

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

### **LAND ACQUISITION**

5. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall 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 the written request, as if the land was unaffected by the development, 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 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 mitigation measures required under condition 2 of schedule 3;
- (b) the reasonable costs associated with:
- relocating within the Gunnedah or Narrabri local government areas, or to any other local government area determined by the 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 Applicant 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 Secretary for resolution.

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

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

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

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the 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 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 of the party that disputes the independent valuer's determination and any other relevant submissions.

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

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

6. The Applicant shall 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 Applicant shall prepare and implement an Environmental Management Strategy for the development to the satisfaction of the Secretary. The strategy must:
  - (a) be submitted to the Secretary for approval prior to the commencement of construction;
  - (b) provide the strategic framework for environmental management of the development;
  - (c) identify the statutory approvals that apply to the development;
  - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (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 development;
    - receive, record, handle, and respond to complaints;
    - resolve any disputes that may arise during the course of the development;
    - respond to any non-compliance;
    - respond to emergencies; and
  - (f) include:
    - copies of any strategies, plans and programs approved under the conditions of this consent; and
    - a clear plan depicting all the monitoring to be carried out in relation to the development.

#### Adaptive Management

2. The Applicant must assess and manage development-related risks to ensure that there are no exceedences of the criteria and/or performance measures in schedule 3. Any exceedence of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedence of these criteria and/or performance measures has occurred, the Applicant must at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedence ceases and does not reoccur;
- (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 courses of action; and
- (c) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.

#### Management Plan Requirements

3. The Applicant shall ensure that the management plans required under this consent 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 consent, 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 development 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 development;
    - effectiveness of any management measures (see c above);
  - (e) a contingency plan to manage any unpredicted impacts and their consequences;
  - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (g) a protocol for managing and reporting any:
    - incidents;
    - complaints;
    - non-compliances with statutory requirements; and
    - exceedences of the impact assessment criteria and/or performance criteria; and
  - (h) a protocol for periodic review of the plan.

## Annual Review

4. By the end of June each year (or as otherwise agreed by the Secretary), the Applicant shall review the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. This review must:
  - (a) 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 current calendar year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the development over the past year, which includes a comparison of these results against the:
    - relevant statutory requirements, limits or performance measures/criteria;
    - monitoring results of previous years; and
    - relevant predictions in the EIS;
  - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
  - (d) identify any trends in the monitoring data over the life of the development;
  - (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

## Revision of Strategies, Plans and Programs

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

## Community Consultative Committee

6. The Applicant shall establish and operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Developments* (Department of Planning, 2007, or its latest version), and be operating by the end of December 2014.

The CCC must seek to include joint membership with the CCC for the Rocglen Coal Mine, unless otherwise agreed by the Secretary.

### Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.*
- *In accordance with the Department's guideline, the CCC should be comprised on an independent chair and appropriate representation from the Applicant, Council and the local community.*

## REPORTING

### Incident Reporting

7. The Applicant shall immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

### Regular Reporting

8. The Applicant shall provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

## AUDITING

### Independent Environmental Audit

9. Within 2 years from the commencement of construction and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:

- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
- (b) include consultation with the relevant agencies;
- (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any other relevant consents, relevant EPL/s and/or Mining Lease/s (including any assessment, plan or program required under these consents);
- (d) review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
- (e) recommend measures or actions to improve the environmental performance of the development and/or any strategy, plan or program required under these consents.

*Note: This audit team must be led by a suitably qualified auditor, and include experts in noise, air quality, water, ecology, and any other fields specified by the Secretary.*

10. Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

## **ACCESS TO INFORMATION**

11. The Applicant shall:
  - (a) within 3 months of the date of this consent, make the following information publicly available on its website:
    - the EIS;
    - all current statutory consents for the development;
    - approved strategies, plans and programs required under the conditions of this consent;
    - a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
    - a complaints register, which is to be updated on a monthly basis;
    - minutes of CCC meetings;
    - the last five annual reviews;
    - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
    - any other matter required by the Secretary;
  - (b) keep this information up to date; and
  - (c) investigate and report on reasonable and feasible measures to make predictive meteorological data and real-time monitoring data publically available on its website, to the satisfaction of the Secretary.

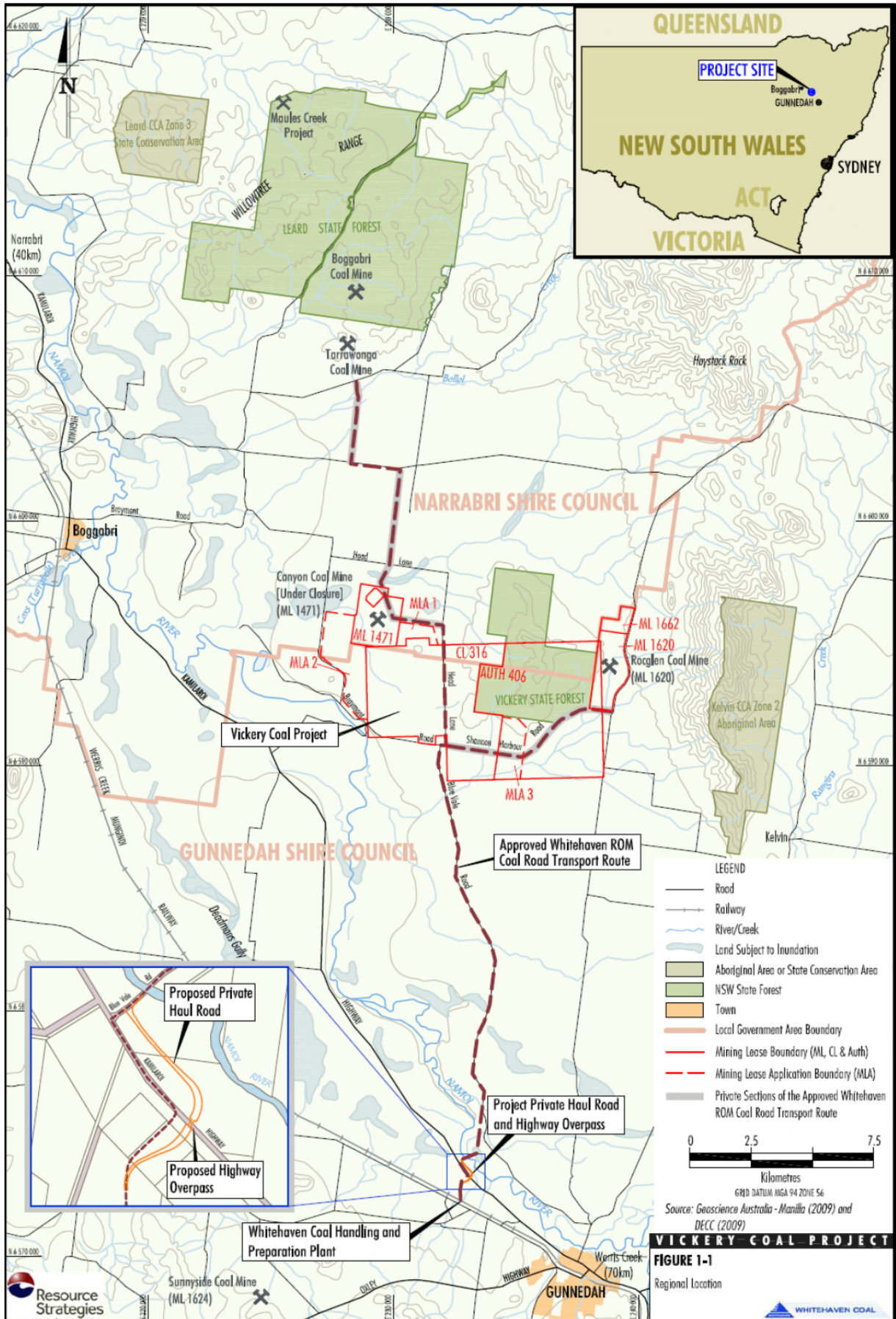
**APPENDIX 1  
SCHEDULE OF LAND**

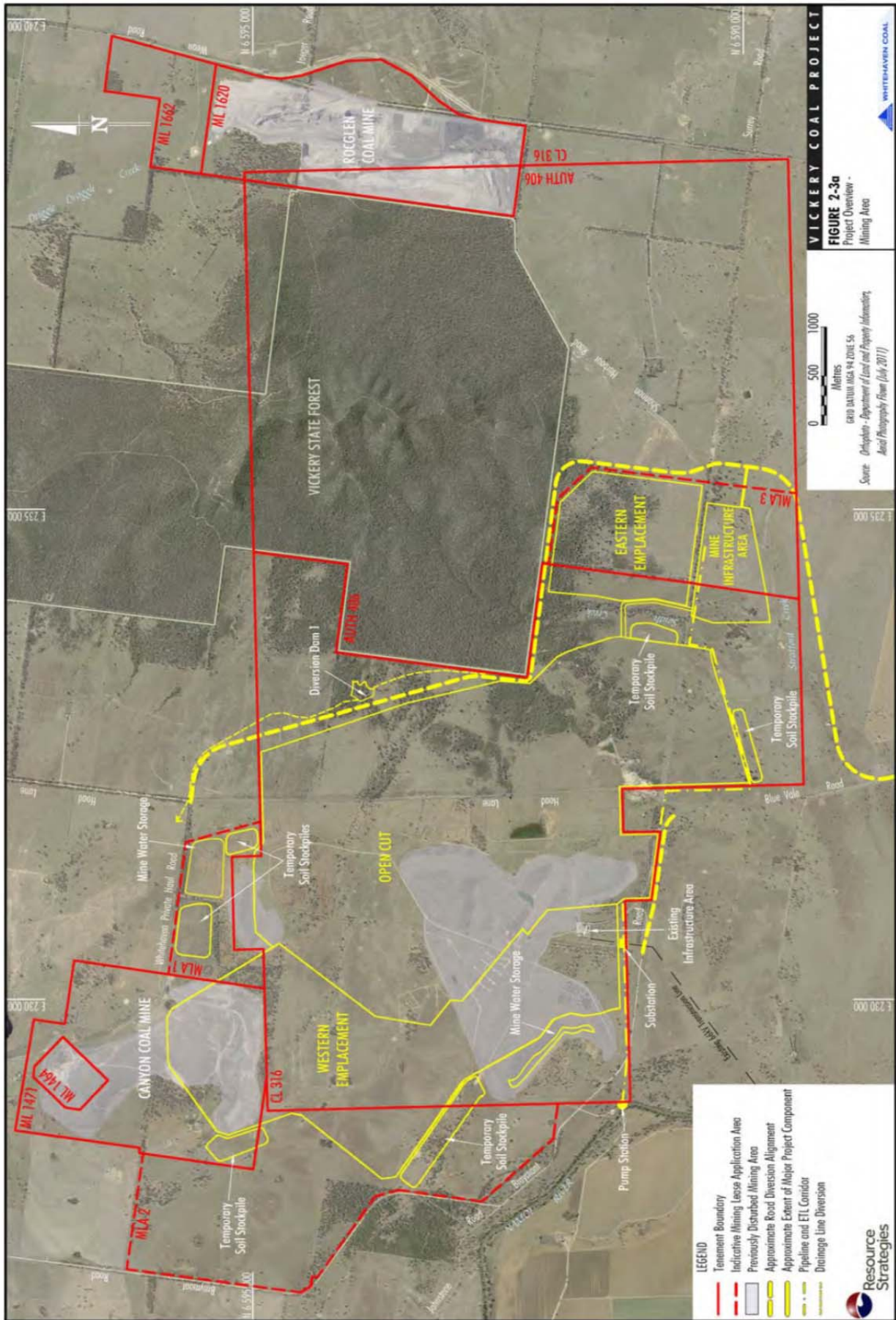
<b>Tenure Type</b>	<b>Lot Number</b>	<b>Deposited Plan Number</b>
Whitehaven Coal Mining Pty Limited	1	219923
Whitehaven Coal Mining Pty Limited	2	219923
Whitehaven Coal Mining Pty Limited	33	553903
Whitehaven Coal Mining Limited	2	570414
Whitehaven Coal Mining Limited	1	570414
Estate: Perpetual Lease Whitehaven Coal Mining Limited	36	754929
Whitehaven Coal Mining Limited	39	754929
Whitehaven Coal Mining Limited	37	754929
Whitehaven Coal Mining Pty Limited	21	754929
Whitehaven Coal Mining Pty Limited	23	754929
Whitehaven Coal Mining Pty Limited	25	754929
Whitehaven Coal Mining Limited	2	1015797
Whitehaven Coal Mining Pty Limited	1	1015797
Whitehaven Coal Mining Limited	1	1018347
Whitehaven Coal Mining Limited	2	1018347
Whitehaven Coal Mining Limited	3	1018347
Whitehaven Coal Mining Limited	5	1018347
Whitehaven Coal Mining Pty Limited	7	1018347
Whitehaven Coal Mining Limited	1	1038308
Whitehaven Coal Mining Limited	3	1038308
Whitehaven Coal Mining Pty Limited	2	1038308
Whitehaven Coal Mining Limited	2	1102940
Gunnedah Shire Council	1	1102940
Whitehaven Coal Mining Pty Limited	4	1145592

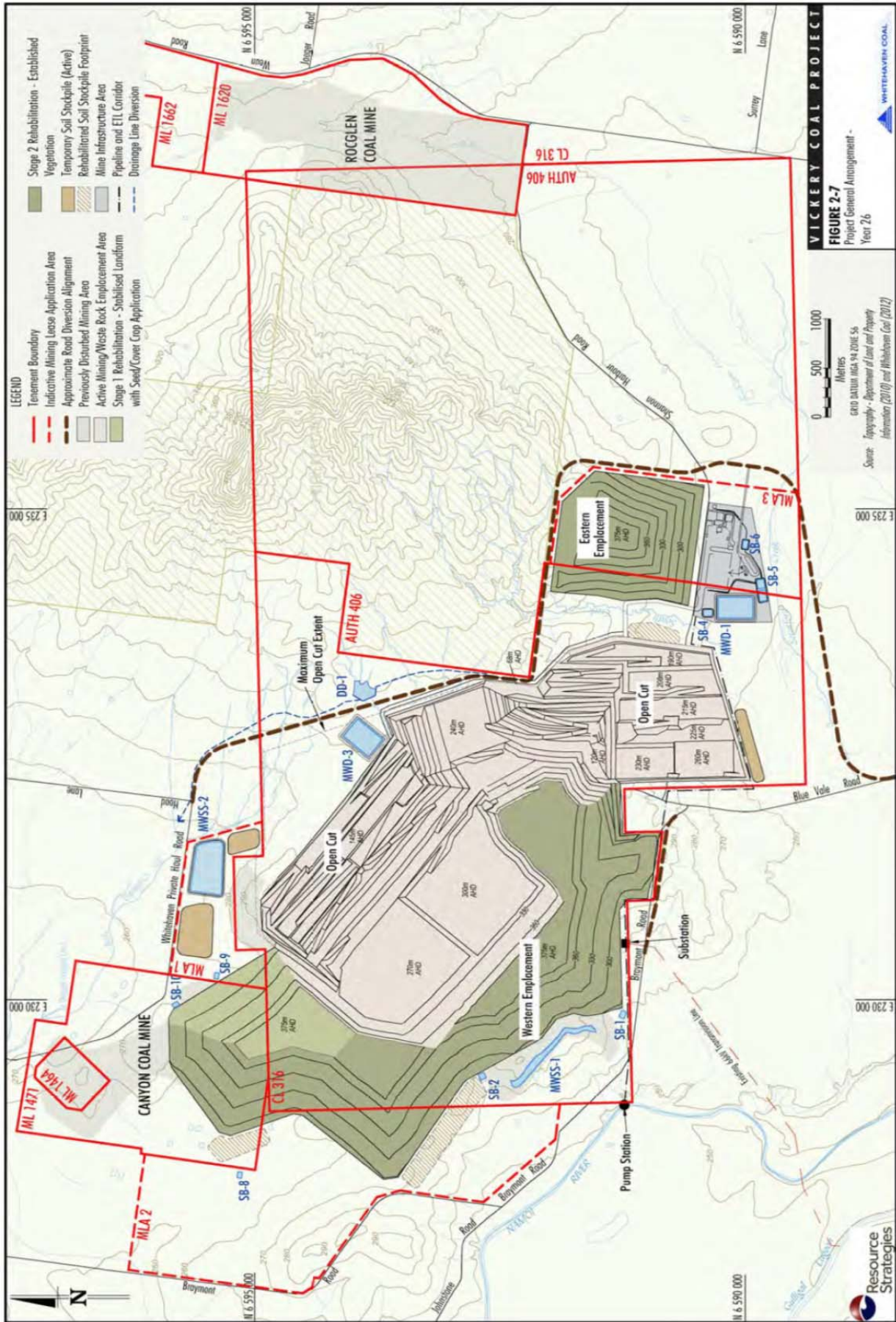
**Table A2-2  
Project Private Haul Road and Highway Overpass Schedule of Lands**

<b>Tenure Type</b>	<b>Lot Number</b>	<b>Deposited Plan Number</b>
GUNNEDAH SHIRE COUNCIL	2	1034511
STATE OF NEW SOUTH WALES	7052	1119794
FREEHOLD	1	1034511
STATE OF NEW SOUTH WALES	7010	1074926
FREEHOLD	678	705086
FREEHOLD	111	755503

APPENDIX 2  
DEVELOPMENT LAYOUT PLANS







**APPENDIX 3  
GENERAL TERMS OF PLANNING AGREEMENT**

**Gunnedah Shire Council**

**Amount**

Whitehaven to provide Gunnedah Shire Council a one off payment of \$5,250,000.

**Administration**

This funding is to be placed in an interest bearing Trust Account. Funding for community initiatives will be drawn from this account for projects that are associated with the indirect consequences of the Vickery Mine.

The Trust Account will be set up and administered by Gunnedah Shire Council specific for this task, spending against this account will be under the direction of Council, and at their ultimate discretion, with projects the subject of the list below following consultation with Whitehaven.

There will be no CPI adjustment, interest on the account will be just compensation for future CPI movement.

Council to propose projects from the following list that would be funded from the Trust Account:

- i. Gunnedah Memorial Pool Upgrade
- ii. Urban Road maintenance
- iii. Rural Road maintenance
- iv. Cycleway and Recreational Facilities
- v. Support of the Gunnedah Mens Shed
- vi. Support of the Doreathea McKellar Society

**Timing**

Payment to be made to the Trust Account to be on the commencement of construction of the Project. The term 'Construction' will be the same as the definition of 'Construction' within this Development Consent.

**Narrabri Shire Council**

**Amount**

Whitehaven to provide Narrabri Shire Council a one off payment of \$2,250,000.

**Administration**

This funding is to be placed in an interest bearing Trust Account. Funding for community initiatives will be drawn from this account for projects that are associated with the indirect consequences of the Vickery Mine.

The Trust Account will be set up and administered by Narrabri Shire Council specific for this task, spending against this account will be under the direction of Council, and at their ultimate discretion, with projects the subject of the list below following consultation with Whitehaven.

There will be no CPI adjustment, interest on the account will be just compensation for future CPI movement.

Council would propose projects from the following list that would be funded from the Trust Account:

- i. Boggabri Community Hall
- ii. Boggabri Swimming Pool
- iii. Bus Shelter on Kamilaroi Highway, Boggabri
- iv. Boggabri Sewage capacity upgrade
- v. Boggabri Preschool
- vi. Boggabri Child Care
- vii. Narrabri Airport Upgrade

**Timing**

Payment to be made to the Trust Account to be on the commencement of construction of the Project. The term 'Construction' will be the same as the definition of 'Construction' within this Development Consent.

## APPENDIX 4 STATEMENT OF COMMITMENTS

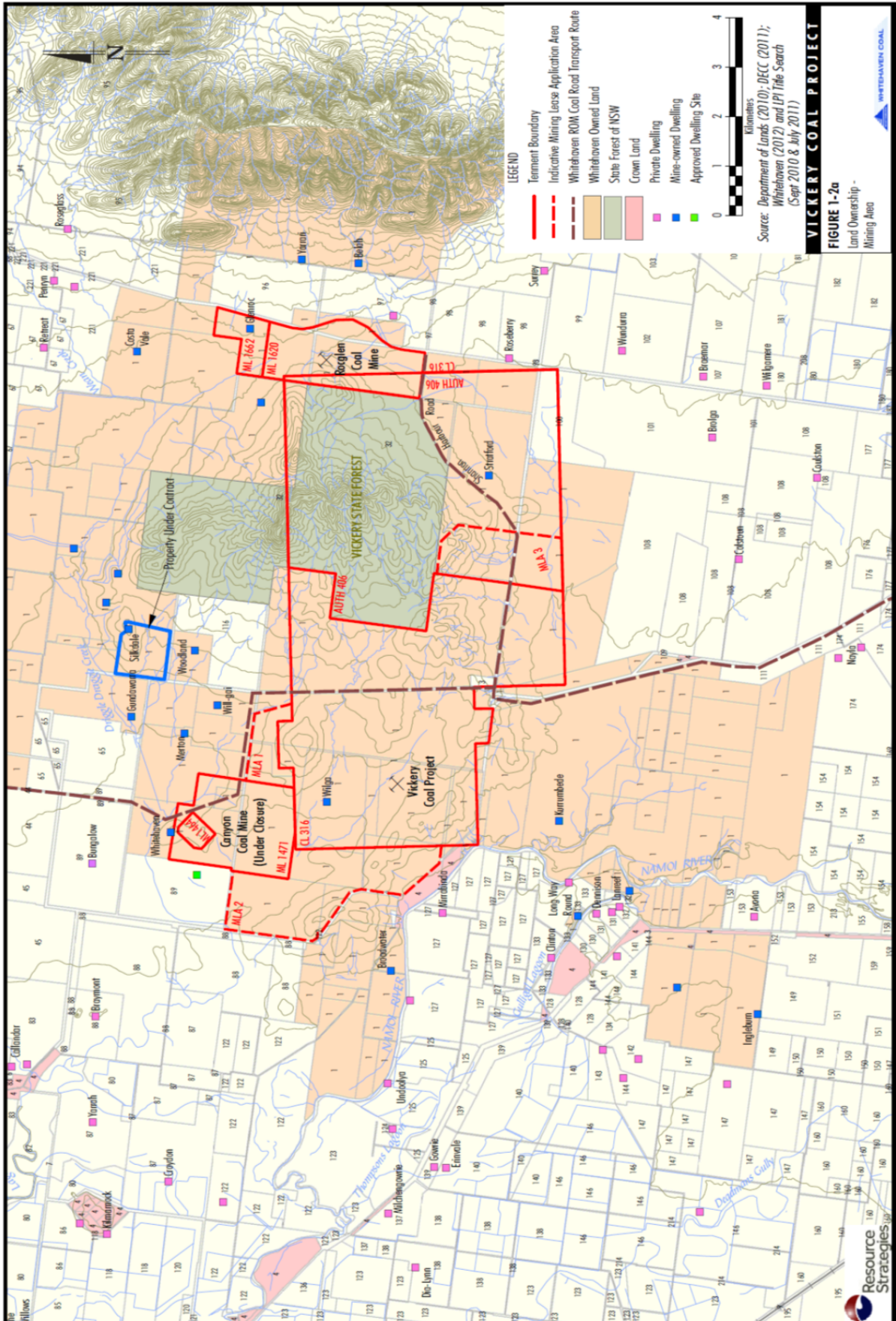
<b><i>Mining Operations</i></b>
Whitehaven will operate the Project for up to 30 years, extracting up to 4.5 Mtpa of ROM coal, generally in accordance with the EIS.
The private haul road and Kamilaroi Highway overpass will be constructed prior to the cumulative road haulage of ROM coal along the Whitehaven ROM coal road transport route (from all Whitehaven mines) exceeding the currently approved rate of 3.5 Mtpa, pending grant of the necessary land access requirements and other approvals.
No mining activities will be conducted on the western face or on the top of the Western Emplacement between 6.00 pm and 7.00 am.
<b><i>Agricultural Land</i></b>
A Farm Management Plan will be developed and implemented to facilitate the management of agricultural land in the Project area and surrounding Whitehaven-owned land.
Approximately 780 ha of agricultural land suitable for grazing and some rotation cropping in parts will be included in the rehabilitated mine landform.
<b><i>Water Resources</i></b>
Whitehaven will obtain and hold appropriate WALs for the Project at all stages of the mine life and following mine closure.
Surface water and groundwater monitoring networks will be developed for the Project to detect changes in surface water and groundwater quality and groundwater levels as a result of mining. The surface water and groundwater monitoring networks are summarised in Table 7-3.
A Water Management Plan will be developed and implemented and will incorporate the site water balance, erosion and sediment controls, surface water and groundwater monitoring and surface water and groundwater response protocols.
A permanent flood bund will be constructed around the southern extent of the open cut to prevent inundation during operations and following mine closure.
Whitehaven will provide mitigation/compensation/offset measures commensurate with the level of impact for any privately-owned bore which is determined to be impacted by the Project.
The site water balance will be periodically reviewed and revised over the life of the Project.
<b><i>Noise</i></b>
A real-time noise and meteorological monitoring network and a meteorological forecasting system will be developed and implemented. The real-time noise and meteorological monitoring network is summarised in Table 7-3.
The pro-active noise management system (as described in Section 4.6.2) will be implemented so that predicted noise levels at sensitive receivers are not exceeded.
Sound attenuated plant (as described in Table 4-15) will be used during the life of the Project.
The outer batters of the Western Emplacement will be developed during daytime only.
A Noise Management Plan, including a Construction Noise Management Plan will be developed and implemented.
<b><i>Blasting</i></b>
Blast controls to achieve compliance with relevant criteria at receiver locations will be implemented.
Blast monitoring will be conducted at nearby private receivers. Blast monitoring is summarised in Table 7-3.
Roads will be closed when blasting within 500 m.
Landholders on a blast notification list will be notified prior to blasts.
<b><i>Air Quality</i></b>
A meteorological monitoring network, a real-time air quality monitoring network and a meteorological forecasting system will be developed and implemented. The meteorological monitoring network, real-time air quality monitoring network and meteorological forecasting system is summarised in Table 7-3.
A real-time pro-active air quality management system will be developed and implemented such that predicted air quality impacts at sensitive receivers are not exceeded.
An Air Quality and Greenhouse Gas Management Plan will be developed and implemented.

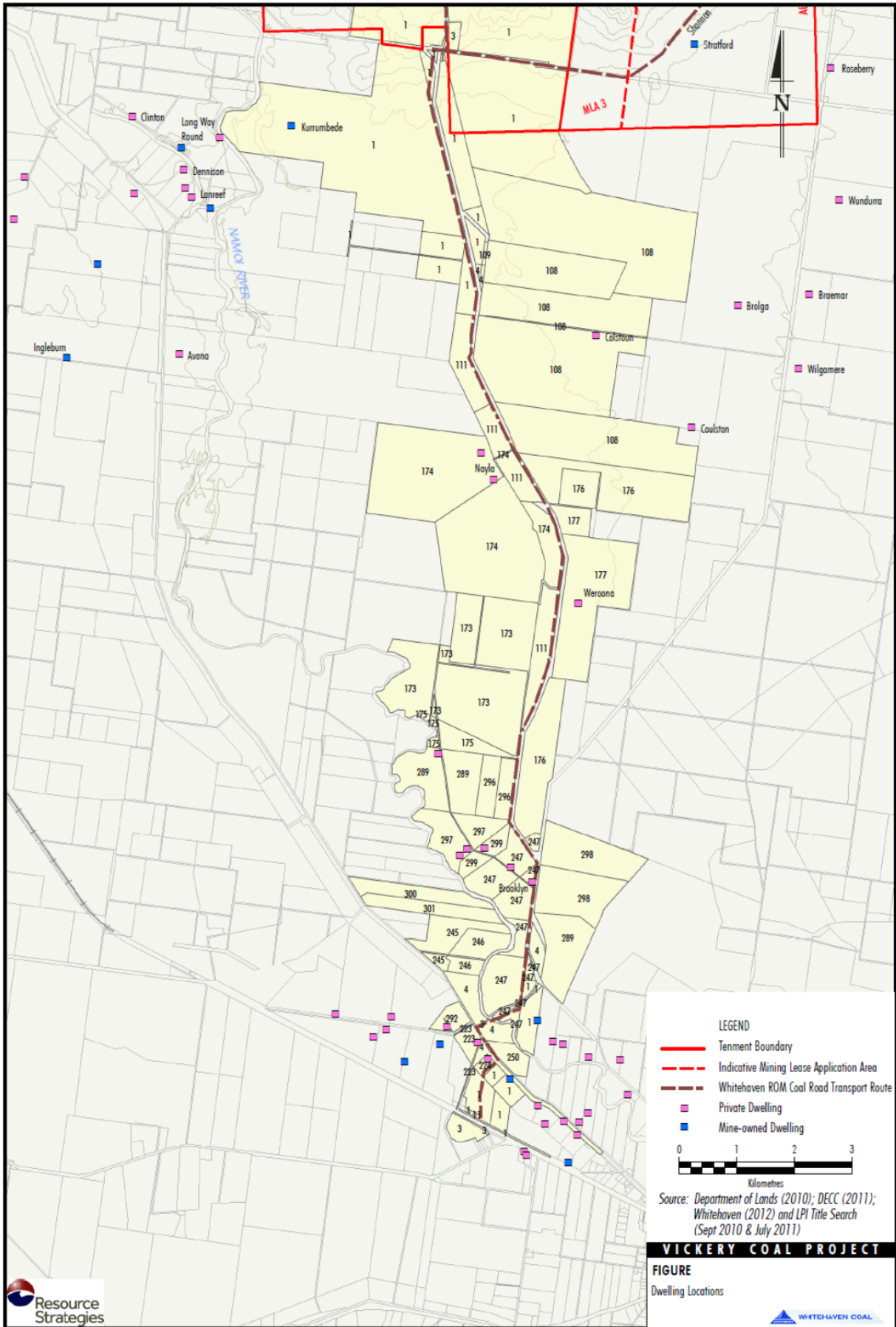
Note: Any cross-references in this table refer to the Vickery Coal Project Environmental Impact Statement.

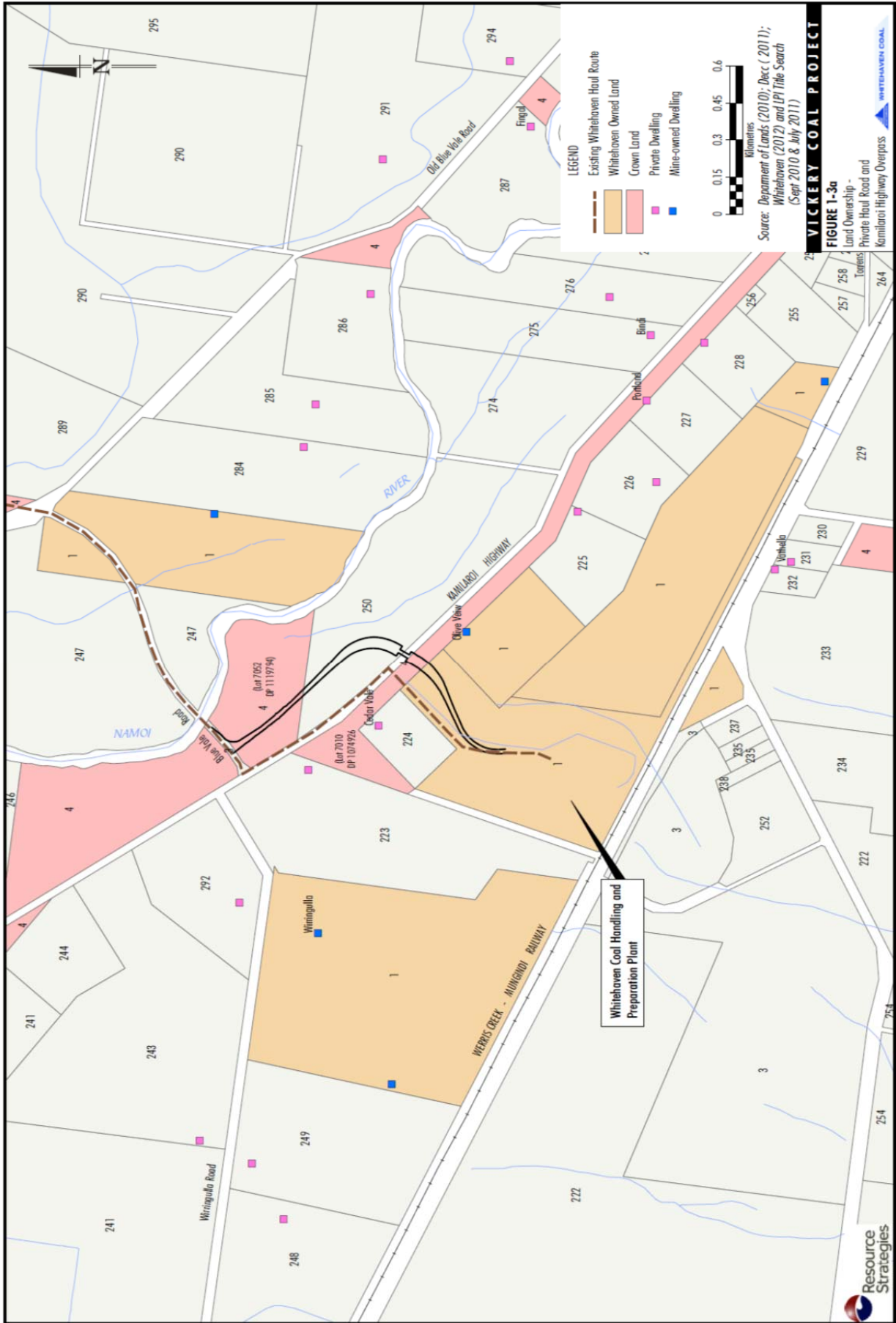
<b>Biodiversity</b>
The Winged Peppercross population will be managed in accordance with the EPBC Act Notification of Referral Decision (EPBC 2012/6263).
The mine design will avoid the high quality remnant patch of Box-Gum Woodland EEC located along South Creek (between the open cut and the Eastern Emplacement).
The residual impacts of the Project on flora and fauna will be offset to maintain or improve the biodiversity values of the region in the medium to long-term.
Revegetated areas and other parts of the mining tenements will be monitored to identify and demarcate areas of any noxious and environmental weeds and pests. Weed and pest monitoring is summarised in Table 7-3.
A biodiversity offset strategy and a Biodiversity Management Plan will be developed and implemented.
<b>Aboriginal Heritage</b>
A record of known Aboriginal heritage sites will be maintained.
Known Aboriginal heritage sites will be avoided during construction and operational works where practicable. Where avoidance of known Aboriginal heritage sites is not practicable, site(s) will be subject to baseline recording in consultation with the registered Aboriginal stakeholders prior to disturbance and artefacts will be salvaged for safekeeping in accordance with the stakeholders' wishes.
A Heritage Management Plan will be developed and implemented.
<b>Visual Character</b>
The Western Emplacement, Eastern Emplacement and open cut will be progressively rehabilitated to reduce the contrast between the Project and surrounding landforms.
Night-lighting will be restricted to the minimum required to for operations and safety requirements.
Visual screening such as vegetative screens will be used to reduce potential visual impacts from sensitive viewpoints.
Upon receiving a written request from an owner of any privately-owned dwelling with significant direct views of the Project, Whitehaven will implement reasonable and feasible visual mitigation measures (e.g. vegetation screening) in consultation with the owner to minimise visibility of the Project.
<b>Population and Community Infrastructure</b>
Local residents will be employed preferentially (where they have the required skills and experience and demonstrate a cultural fit with the organisation).
Local non-labour inputs to production will be purchased preferentially where local producers can be cost and quality competitive.
A code of conduct for construction workers with regard to behaviour in the contractor induction program will be developed and implemented.
Whitehaven's current donations which support education, health and community causes will continue.
Whitehaven will enter into planning agreements with the Gunnedah Shire Council and the Narrabri Shire Council.
<b>Rehabilitation and Mine Closure</b>
Disturbance areas will be progressively rehabilitated and revegetated.
The cover and connectivity of native woodland across the Project mining area will be enhanced, while retaining areas of agricultural land capable of supporting cattle grazing and cropping in rotation.
The Project final landform will provide for a combination of approximately 1,360 ha of native woodland/forest and some 780 ha of agricultural land (i.e. native grassland).
Monitoring of rehabilitated areas will be conducted to track the progress of revegetation and determine the requirement for intervention measures. Rehabilitation monitoring is summarised in Table 7-3.
A Rehabilitation Management Plan and a Final Void and Mine Closure Plan will be developed and implemented.

Note: Any cross-references in this table refer to the Vickery Coal Project Environmental Impact Statement.

## APPENDIX 5 LAND OWNERSHIP PLANS







## APPENDIX 6 NOISE COMPLIANCE ASSESSMENT

### Applicable Meteorological Conditions

1. The noise criteria in Tables 3 and 5 of the conditions are to apply under all meteorological conditions except the following:
  - a) during periods of rain or hail;
  - b) average wind speed at microphone height exceeds 5 m/s;
  - c) wind speeds greater than 3 m/s measured at 10 m above ground level; or
  - d) temperature inversion conditions greater than 3°C/100 m.

### Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station located on the site.

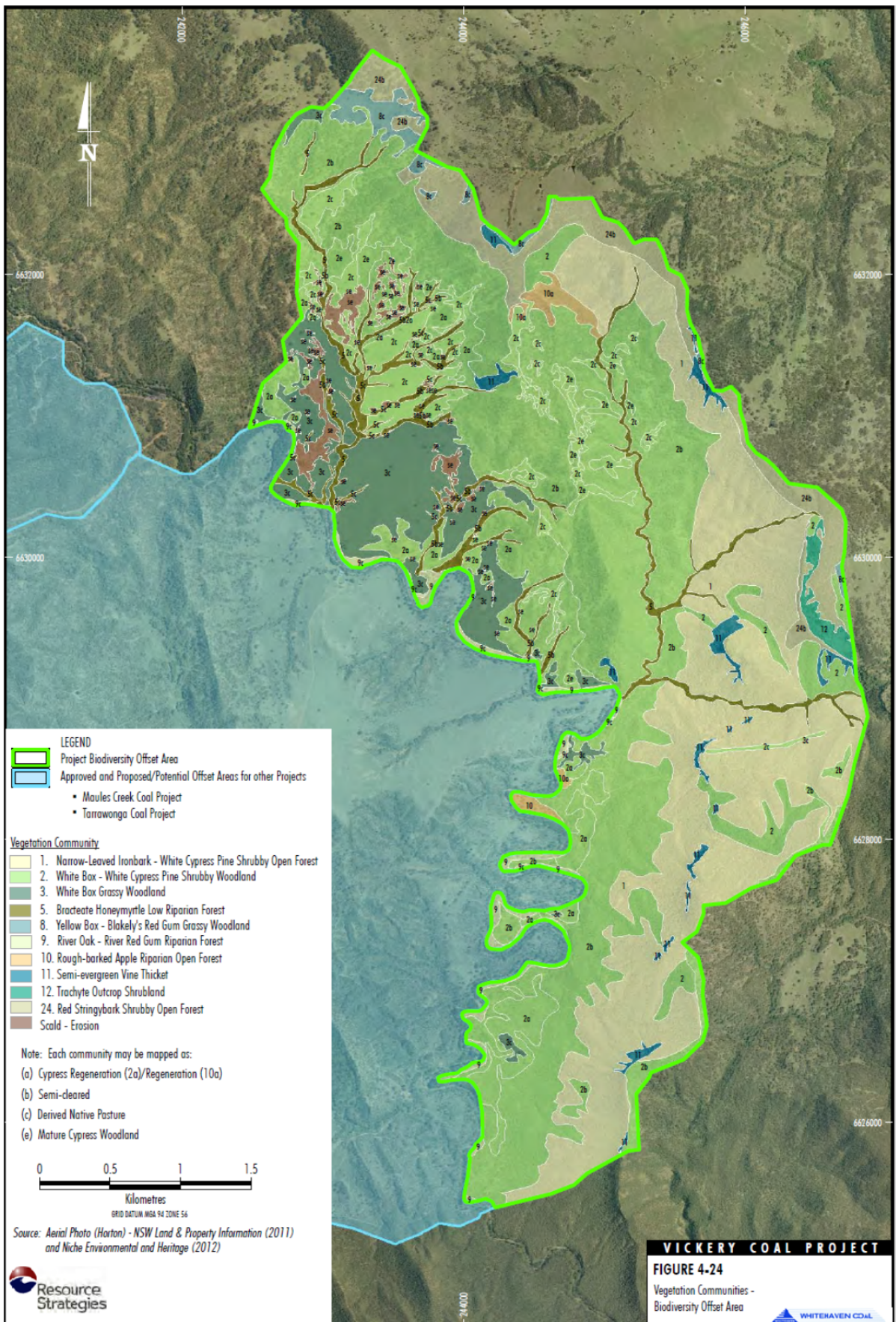
### Compliance Monitoring

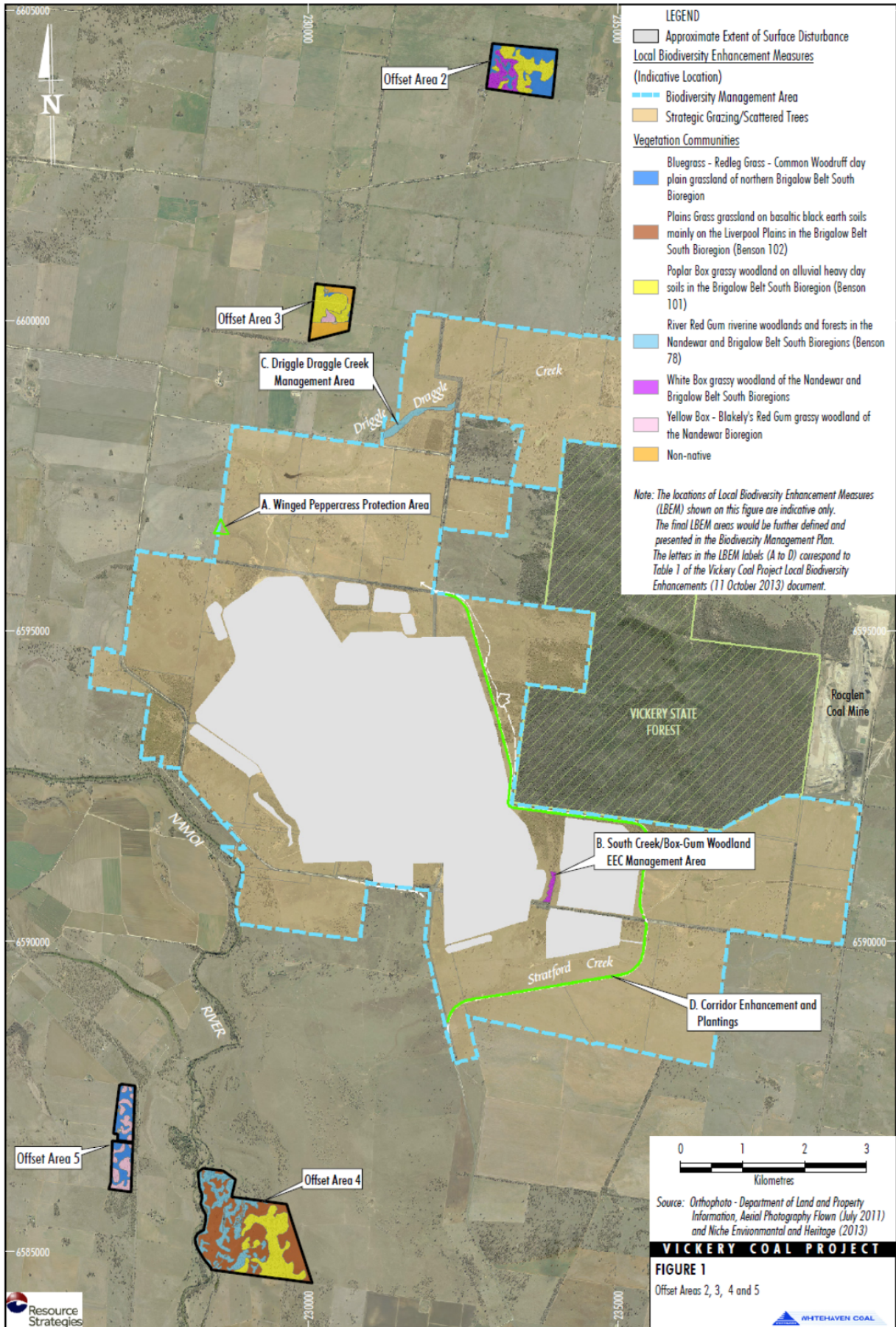
3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.
4. This monitoring must be carried out at least once a month (but at least two weeks apart), unless the Secretary directs otherwise.

*Note: The Secretary may direct that the frequency of attended monitoring increase or decrease at any time during the life of the development.*

5. Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time), in particular the requirements relating to:
  - a) monitoring locations for the collection of representative noise data;
  - b) meteorological conditions during which collection of noise data is not appropriate;
  - c) equipment used to collect noise data, and conformation with Australian Standards relevant to such equipment; and
  - d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.

## APPENDIX 7 BIODIVERSITY OFFSET STRATEGY





APPENDIX 8  
CONCEPTUAL FINAL LANDFORM

