

# Project Approval

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

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

These conditions are required to:

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

### SIGNED

Frank Sartor MP  
Minister for Planning

Sydney

1 February

2006

File No: S04/00699

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#### SCHEDULE 1

<b>Application No:</b>	05-0021.
<b>Proponent:</b>	Wilpinjong Coal Pty Limited.
<b>Approval Authority:</b>	Minister for Planning.
<b>Land:</b>	See Appendix 1.
<b>Project:</b>	Wilpinjong Coal Project.
<b>Major Project:</b>	The proposal is classified as a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is a development of a kind described in clause 5 of schedule 1 to <i>State Environmental Planning Policy (Major Projects) 2005</i> .

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## TABLE OF CONTENTS

1.	ADMINISTRATIVE CONDITIONS	4
2.	SPECIFIC ENVIRONMENTAL CONDITIONS	
	Acquisition Upon Request	6
	Noise	6
	Blasting and Vibration	8
	Air Quality	10
	Meteorological Monitoring	11
	Surface and Ground Water	11
	Rehabilitation and Landscape Management	13
	Aboriginal Cultural Heritage	15
	Heritage	16
	Traffic and Transport	16
	Visual Impact	16
	Greenhouse Gas	16
	Waste Minimisation	17
3.	ADDITIONAL PROCEDURES FOR AIR QUALITY AND NOISE MANAGEMENT	18
4.	ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING	
	Environmental Management Strategy	21
	Environmental Monitoring Program	21
	Incident Reporting	21
	Annual Reporting	21
	Independent Environmental Audit	22
	Environmental Manager	22
	Community Consultative Committee	22
	Access to Information	23
5.	APPENDIX 1: SCHEDULE OF LAND	24
6.	APPENDIX 2: TERMS OF THE PLANNING AGREEMENT	27
7.	APPENDIX 3: OFFSET STRATEGY	28
8.	APPENDIX 4: CONCEPTUAL REHABILITATION PLAN	29
9.	APPENDIX 5: ABORIGINAL SITES	30
10.	APPENDIX 6: HERITAGE SITES	31
11.	APPENDIX 7: INDEPENDENT DISPUTE RESOLUTION PROCESS	32

## DEFINITIONS

AEMR	Annual Environmental Management Report
ARTC	Australian Rail Track Corporation Ltd
Proponent	Wilpinjong Coal Pty Limited, or its successors
BCA	Building Code of Australia
CCC	Community Consultative Committee
Council	Mid-Western Regional Council
Day	Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DEC	Department of Environment and Conservation
DNR	Department of Natural Resources
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
DPI	Department of Primary Industries
EEC	Endangered Ecological Community as defined under the NSW <i>Threatened Species Conservation Act 1995</i>
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	Evening is defined as the period from 6pm to 10pm
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Mine Water	Water that accumulates within active mining areas, coal rejects emplacement areas, tailings dams and infrastructure areas
Minister	Minister for Planning, or delegate
Night	Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Offset Strategy	The enhancement and regeneration program described in the EIS for the Wilpinjong Coal Project, dated May 2005
Privately owned land	Land that is not owned by a public agency, or a mining company or its subsidiary
ROM	Run of Mine
RTA	Roads and Traffic Authority
Site	Land to which the Project Application applies

## **SCHEDULE 2 ADMINISTRATIVE CONDITIONS**

### **Obligation to Minimise Harm to the Environment**

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

### **Terms of Approval**

2. The Proponent shall carry out the project generally in accordance with the:
  - (a) Project Application 05-0021;
  - (b) EIS titled *Wilpinjong Coal Project EIS*, volumes 1-5, dated May 2005, and prepared by Resource Strategies Pty Ltd; and
  - (c) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
  - (a) any reports, plans or correspondence that are submitted in accordance with this approval; and
  - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

### **Limits on Approval**

5. Apart from the conditions relating to the Rehabilitation and Landscape Management Plan, this approval expires 21 years after the grant of a mining lease for the project.

*Note: Under this approval, the Proponent is required to implement the Rehabilitation and Landscape Management Plan for the life of the impact (as determined by the Director-General in consultation with the DPI). This approval will continue to operate during this period.*

6. The Proponent shall not extract more than 13 million tonnes of ROM coal a year from the site.
7. The Proponent shall not beneficiate more than 8.5 million tonnes of ROM coal a year at the Coal Handling and Preparation Plant.
8. The Proponent shall only transport coal from the site by rail.

### **Management Plans/Monitoring Programs**

9. With the approval of the Director-General, the Proponent may prepare and submit any management plan or monitoring program required by this approval on a progressive basis. Where a management plan and monitoring program is required before carrying out any development, or stage of development, the plans/programs may be prepared and submitted in relation to either discrete components of the project or for a specified time period.

### **Structural Adequacy**

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

#### *Notes:*

- *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*

### **Demolition**

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

**Operation of Plant and Equipment**

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

**Planning Agreement**

13. Within 3 months of this approval, the Proponent shall enter into a planning agreement with Council, in accordance with Division 6 of Part 4 of the EP&A Act, and the terms of the offer made to the Council on 15 December 2005 by the Proponent which must include the matters set out in Appendix 2.
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### SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

#### ACQUISITION UPON REQUEST

1. Upon receiving a written request for acquisition from the landowner of the land listed in Table 1, the Proponent shall acquire the land in accordance with the procedures in conditions 10-12 of schedule 4.

*Table 1: Land subject to acquisition upon request*

30 – Gaffney	45 – Smith
5 - Power	

*Note: For more information on the numbering and identification of properties used in this approval, see Figures 1-5 and 1-6 in Volume 1 of the Wilpinjong Coal Project EIS, dated May 2005.*

#### NOISE

##### Noise Impact Assessment Criteria

2. The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 2.

*Table 2: Noise impact assessment criteria dB(A)*

<b>Day</b>	<b>Evening</b>	<b>Night</b>		<b>Land Number</b>
<b>L<sub>Aeq</sub>(15 minute)</b>	<b>L<sub>Aeq</sub>(15 minute)</b>	<b>L<sub>Aeq</sub>(15 minute)</b>	<b>L<sub>A1</sub>(1 minute)</b>	
35	35	40	45	4 - Robinson
35	38	39	45	60A - Reid
35	37	39	45	49 - Harkin
35	35	37	45	29 - Kattau
				59 – Langshaw
35	35	36	45	90 – Pattullo
				51 – Bailey
35	39	39	45	52A – Long
				52B – Long
				53 – Reynolds
				55 – Fox
				56 – Rogers
35	38	38	45	23A - Bloomfield
35	37	37	45	23B - Bloomfield
				31A - Conradt
35	36	36	45	31B - Conradt
36	35	35	45	Wollar - Residential
35	35	35	45	All other privately owned land, excluding the land listed in Table 1
35	35	35	-	901 – Wollar School
40	40	40	-	150A – St Luke’s Anglican Church
				900 – St Laurence O’Toole Catholic Church
50	50	50	-	Goulburn River National Park/Munghorn Gap Nature Reserve

However, if the Proponent has a written negotiated noise agreement with any landowner of the land listed in Table 2, and a copy of this agreement has been forwarded to the Department and the DEC, then the Proponent may exceed the noise limits in Table 2 in accordance with the negotiated noise agreement.

**Notes:**

- a) Noise from the project is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the  $L_{Aeq(15 \text{ minute})}$  noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- b) Noise from the project is to be measured at 1 metre from the dwelling façade to determine compliance with the  $L_{A1(1 \text{ minute})}$  noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).
- c) For the Goulburn River National Park/Munghorn Nature Reserve noise levels are to be assessed at the most affected point within 50 metres of the Goulburn River National Park/Munghorn Nature Reserve. The limit applies when the area is in use.
- d) The noise emission limits identified in the above table apply under meteorological conditions of:
  - wind speeds of up to 3 m/s at 10 metres above ground level; or
  - temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.

### Land Acquisition Criteria

3. If the noise generated by the project exceeds the criteria in Table 3, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 10-12 of schedule 4.

Table 3: Land acquisition criteria dB(A)

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

Note: Noise generated by the project is to be measured in accordance with the notes presented below Table 2.

### Cumulative Noise Criteria

4. The Proponent shall take all reasonable and feasible measures to ensure that the noise generated by the project combined with the noise generated by other mines does not exceed the following amenity criteria on any privately owned land, excluding the land listed in Table 1, to the satisfaction of the Director-General:
  - $L_{Aeq(11 \text{ hour})}$  50 dB(A) – Day;
  - $L_{Aeq(4 \text{ hour})}$  45 dB(A) – Evening; and
  - $L_{Aeq(9 \text{ hour})}$  40 dB(A) – Night.
5. If the cumulative noise generated by the project combined with the noise generated by other mines exceeds the following amenity criteria on any privately owned land, excluding the land listed in Table 1, then upon receiving a written request from the landowner, the Proponent shall take all reasonable and feasible measures to acquire the land on as equitable basis as possible with the relevant mines, in accordance with the procedures in conditions 10-12 of schedule 4, to the satisfaction of the Director-General:
  - $L_{Aeq(11 \text{ hour})}$  53 dB(A) – Day;
  - $L_{Aeq(4 \text{ hour})}$  48 dB(A) – Evening; and
  - $L_{Aeq(9 \text{ hour})}$  43 dB(A) – Night.

### Additional Noise Mitigation Measures

6. Upon receiving a written request from:
  - a landowner of the land listed in Table 1 (unless the landowner has requested acquisition); or
  - the owner of any residence where subsequent noise monitoring shows the noise generated by the project is greater than, or equal to,  $L_{Aeq(15 \text{ minute})}$  38 dB(A) (except where a negotiated noise agreement is in place),
 the Proponent shall implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner. These additional mitigation measures must be reasonable and feasible. If within 3 months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.

## Continuous Improvement

7. The Proponent shall:
- (a) implement all reasonable and feasible best practice noise mitigation measures;
  - (b) investigate ways to reduce the noise generated by the project, including off-site road and rail noise and maximum noise levels which may result in sleep disturbance; and
  - (c) report on these investigations and the implementation and effectiveness of these measures in the AEMR,
- to the satisfaction of the Director-General.

## Monitoring

8. Prior to carrying out any development, the Proponent shall prepare (and following approval implement) a Noise Monitoring Program for the project, to the satisfaction of the Director-General. The Noise Monitoring Program must include a combination of real-time and supplementary attended monitoring measures, and a noise monitoring protocol for evaluating compliance with the noise impact assessment and land acquisition criteria in this approval.

## BLASTING AND VIBRATION

### Airblast Overpressure Criteria

9. The Proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 4 at any residence on privately owned land.

*Table 4: Airblast overpressure impact assessment criteria*

Airblast overpressure level (dB(Lin Peak))	Allowable exceedance
115	5% of the total number of blasts over a period of 12 months
120	0%

### Ground Vibration Impact Assessment Criteria

10. The Proponent shall ensure that the ground vibration level from blasting at the project does not exceed the criteria in Table 5 at any residence on privately owned land.

*Table 5: Ground vibration impact assessment criteria*

Peak particle velocity (mm/s)	Allowable exceedance
5	5% of the total number of blasts over a period of 12 months
10	0%

### Blasting Hours

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

### Blasting Frequency

12. The Proponent shall not carry out blasting associated with open cut mining more than:
- (a) 1 blast per day; and
  - (b) 1 blast per week on average over any 12 month period,
- at the site without the written approval of the Director-General.



### **Operating Conditions**

13. During the life of the project, the Proponent shall implement best blasting practice to:
  - (a) protect the safety of people, property, public infrastructure, and livestock; and
  - (b) minimise the dust and fume emissions from blasting at the project, particularly during adverse meteorological conditions, to the satisfaction of the Director-General.
14. Prior to carrying out any blasting within 500 metres of a public road or railway, the Proponent must obtain approval from Council (in respect of public roads) and ARTC (in respect of the Gulgong-Sandy Hollow railway).

### **Public Notice**

15. During the life of the project, the Proponent shall:
  - (a) notify the landowner/occupier of any residence within 2 km of the project who registers an interest in being notified about the blasting schedule at the mine;
  - (b) operate a Blasting Hotline, or alternate system agreed to by the Director-General, to enable the public to get up-to-date information on the blasting schedule at the project; and
  - (c) advertise the blasting hotline number in a local newspaper at least 4 times each year, to the satisfaction of the Director-General.

### **Property Inspections**

16. Within 3 months of this approval, the Proponent shall advise all landowners within 2 km of the project that they are entitled to a structural property inspection.
17. If the Proponent receives a written request for a structural property inspection from any landowner within 2 km of the project, the Proponent shall within 3 months of receiving this request:
  - (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and
  - (b) give the landowner a copy of the property inspection report.

### **Property Investigations**

18. If any landowner within 2 km of the site claims that buildings and/or structures on his/her land have been damaged as a result of blasting at the project, the Proponent shall within 3 months of receiving this request:
  - (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to investigate the claim; and
  - (b) give the landowner a copy of the property investigation report.

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

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

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 7).

### **Blast Monitoring Program**

19. Prior to carrying out any blasting at the site, the Proponent shall prepare (and following approval implement) a detailed Blast Monitoring Program, to the satisfaction of the Director-General. The Blast Monitoring Program must include a protocol for evaluating blasting impacts on privately owned residences and public infrastructure (including the Gulgong-Sandy Hollow railway), and demonstrating compliance with the blasting criteria in this approval.

## AIR QUALITY

### Impact Assessment Criteria

20. The Proponent shall ensure that the dust emissions generated by the project do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 6, 7, and 8 at any residence on, or on more than 25 percent of, any privately owned land (excluding property 5 – Power).

*Table 6: Long term impact assessment criteria for particulate matter*

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>

*Table 7: Short term impact assessment criterion for particulate matter*

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

*Table 8: Long term impact assessment criteria for deposited dust*

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

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

### Land Acquisition Criteria

21. If the dust emissions generated by the project exceed the criteria in Tables 9, 10, and 11 at any residence on, or on more than 25 percent of, any privately owned land, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 10-12 of schedule 4.

*Table 9: Long term land acquisition criteria for particulate matter*

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>

Table 10: Short term land acquisition criteria for particulate matter

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

<sup>1</sup>Based on the number of block 24 hour averages in an annual period.

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

<sup>3</sup>Background PM<sub>10</sub> concentrations due to all other sources plus the incremental increase in PM<sub>10</sub> concentrations due to the mine alone.

<sup>4</sup>Incremental increase in PM<sub>10</sub> concentrations due to the mine alone.

Table 11: Long term land acquisition criteria for deposited dust

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

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

## Operating Conditions

22. The Proponent shall:
- ensure any visible air pollution generated by the project is assessed regularly, and that mining operations are relocated, modified, and/or stopped as required to minimise air quality impacts on privately owned land;
  - ensure real-time air quality monitoring for 24-hour average PM<sub>10</sub> and the meteorological monitoring data are assessed regularly, and that mining operations are relocated, modified and/or stopped as required to ensure compliance with the relevant air quality criteria; and
  - implement all practicable measures to minimise the off-site odour and fume emissions generated by any spontaneous combustion at the project, to the satisfaction of the Director-General.

## Monitoring

23. Prior to carrying out any development, the Proponent shall prepare (and following approval implement) a detailed Air Quality Monitoring Program to the satisfaction of the Director-General. The Air Quality Monitoring Program shall include a combination of real-time monitors, high volume samplers and dust deposition gauges to monitor the dust emissions of the project; and an air quality monitoring protocol for evaluating compliance with the air quality impact assessment and land acquisition criteria in this approval.

## METEOROLOGICAL MONITORING

24. Prior to carrying out any development, the Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the project in accordance with the requirements in *Approved Methods for Sampling of Air Pollutants in New South Wales*, and to the satisfaction of the DEC and the Director-General.

## SURFACE AND GROUND WATER

### Discharge Limits

25. Except as may be expressly provided by a DEC Environment Protection Licence, the Proponent shall not discharge any Mine Water from the site.

### **Cumbo Creek Relocation**

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

### **Site Water Management Plan**

29. Prior to carrying out any development, the Proponent shall prepare (and following approval implement) a Site Water Management Plan for the mine, in consultation with the DNR, and to the satisfaction of the Director-General. This plan must be prepared by suitably qualified expert/s whose appointment/s have been approved by the Director-General, and must include:
  - (a) a Cumbo Creek Relocation Plan;
  - (b) a Site Water Balance;
  - (c) an Erosion and Sediment Control Plan;
  - (d) a Surface Water Management and Monitoring Plan;
  - (e) a Ground Water Monitoring Program; and
  - (f) a Surface and Ground Water Response Plan.

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

### **Cumbo Creek Relocation Plan**

30. The Cumbo Creek Relocation Plan must include:
  - (a) a vision statement for the creek relocation;
  - (b) an assessment of the water quality, ecological, hydrological and geomorphic baseline conditions in Cumbo Creek;
  - (c) the detailed design and specifications for the creek relocation;
  - (d) a construction program for the creek relocation, describing how the work would be staged, and integrated with mining operations;
  - (e) a revegetation program for the relocated creek using a range of suitable native species;
  - (f) water quality, ecological, hydrological and geomorphic performance and completion criteria for the creek relocation based on the assessment of baseline conditions; and
  - (g) a program to monitor and maintain the water quality, ecological, hydrological and geomorphic integrity of the creek relocation.

### **Site Water Balance**

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

### **Erosion and Sediment Control**

32. The Erosion and Sediment Control Plan must:
  - (a) be consistent with the requirements of the Department of Housing's Managing Urban Stormwater: Soils and Construction manual;
  - (b) identify activities that could cause soil erosion and generate sediment;
  - (c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
  - (d) describe the location, function, and capacity of erosion and sediment control structures; and
  - (e) describe what measures would be implemented to maintain the structures over time.

## **Surface Water Management and Monitoring**

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

## **Groundwater Monitoring**

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

## **Surface and Ground Water Response Plan**

35. The Surface and Ground Water Response Plan must include:
- (a) a protocol for the investigation, notification and mitigation of any exceedances of the surface water, stream health and groundwater impact assessment criteria;
  - (b) measures to mitigate and/or compensate potentially affected landowners with privately owned groundwater bores within the predicted drawdown impact zone identified in the EIS, including provision of alternative long term supply of water to the affected landowner that is equivalent to the loss attributed to the project;
  - (c) measures to mitigate and/or compensate potentially affected landowners for the loss of surface water flows in Wilpinjong Creek downstream of the open cut;
  - (d) measures to minimise, prevent or offset groundwater leakage from the Wilpinjong Creek alluvial aquifer if the rate of leakage exceeds EIS predictions;
  - (e) measures to mitigate any direct hydraulic connection between the backfilled open cut and the Wilpinjong Creek and Cumbo Creek alluvium if the potential for adverse impacts is detected; and
  - (f) the procedures that would be followed if any unforeseen impacts are detected during the project.
36. Within 6 months of the Independent Environmental Audit (see condition 7 in schedule 5), the Proponent shall update the Site Water Management Plan to the satisfaction of the Director-General.

## **REHABILITATION AND LANDSCAPE MANAGEMENT**

37. The Proponent shall:
- (a) implement the Offset Strategy described in the EIS and summarised in Table 12 (shown conceptually in Appendix 3) ; and
  - (b) progressively rehabilitate the site in a manner that is generally consistent with the final landform in the EIS (shown conceptually in Appendix 4),
- to the satisfaction of the Director-General.

Table 12: Offset Strategy

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

38. Within 3 years of this approval, the Proponent shall make suitable arrangements to provide appropriate long term security for the Enhancement and Conservation Areas, to the satisfaction of the Director-General.
39. Within 12 months of this approval, in consultation with DEC:
  - (a) secure ownership of land beyond the boundary of the site which contains sufficient areas of Yellow Box White Box Blakely's Red Gum Woodland EEC to satisfactorily offset the impacts of the project on the EEC; and
  - (b) make suitable arrangements to secure the long term protection of this land, to the satisfaction of the Director-General.

#### Rehabilitation and Landscape Management Plan

40. Within 6 months of this approval, the Proponent must prepare (and following approval implement) a detailed Rehabilitation and Landscape Management Plan for the project, in consultation with DNR, DEC, DPI, and to the satisfaction of the Director-General. This plan must be prepared by suitably qualified expert/s whose appointment/s have been approved by the Director-General, and must include a:
  - (a) Rehabilitation Management Plan;
  - (b) Final Void Management Plan; and
  - (c) Mine Closure Plan.

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

#### Rehabilitation Management Plan

41. The Rehabilitation Management Plan must include:
  - (a) the rehabilitation objectives for the site;
  - (b) a description of the short, medium, and long term measures that would be implemented to:
    - rehabilitate the site;
    - implement the Offset Strategy; and
    - manage the remnant vegetation and habitat on the site;
  - (c) detailed assessment and completion criteria for the rehabilitation of the site;
  - (d) a detailed description of how the performance of the rehabilitation of the mine would be monitored over time to achieve the stated objectives;
  - (e) a detailed description of what measures would be implemented over the next 3 years to rehabilitate and manage the landscape of the site including the procedures to be implemented for:
    - progressively rehabilitating areas disturbed by mining;
    - implementing revegetation and regeneration within the Offset Strategy;
    - protecting areas outside the disturbance areas;
    - rehabilitating creeks on the site (including Wilpinjong Creek);
    - undertaking pre-clearance surveys;
    - managing impacts on fauna;
    - landscaping the site to minimise visual impacts;
    - conserving and reusing topsoil;
    - collecting and propagating seed for rehabilitation works;
    - salvaging and reusing material from the site for habitat enhancement;
    - controlling weeds and feral pests;
    - controlling access;
    - bushfire management;
    - managing any potential conflicts between the rehabilitation of the mine and Aboriginal cultural heritage; and
  - (f) details of who is responsible for monitoring, reviewing, and implementing the plan.

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

## **Final Void Management**

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

## **Mine Closure Plan**

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

## **Conservation Bond**

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

### *Notes:*

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

## **ABORIGINAL CULTURAL HERITAGE**

### **Archaeological Salvage Program**

46. Prior to carrying out any development, the Proponent shall prepare and implement a salvage program for the project, in consultation with the DEC and the Aboriginal communities, and to the satisfaction of the Director-General.
47. Before the commencement of salvage operations, the Proponent shall ensure that a keeping place is established to temporarily house objects recovered from the salvage program.
48. The Proponent shall temporarily house the objects recovered during the salvage program in the keeping place established for the purpose, and in consultation with the DEC and the Aboriginal communities, replace the objects within the rehabilitated landscape.

## **Aboriginal Cultural Heritage Management Plan**

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

## **HERITAGE**

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

## **TRAFFIC AND TRANSPORT**

### **Monitoring of Coal Transport**

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

### **Traffic Management**

52. The Proponent shall design and construct:
- (a) the mine access road - Wollar Road intersection to the satisfaction of the RTA and Council;
  - (b) the realignment of the Ulan-Wollar Road to the satisfaction of the Council; and
  - (c) the road-rail crossings of the Gulgong - Sandy Hollow railway to the satisfaction of the ARTC and Council.
53. Heavy vehicles must not access the site via Wollar Road until a suitably qualified structural engineer has certified that Wollar Road is suitable for use by heavy vehicles, and a copy of the engineer's report has been provided to the Department.

## **VISUAL IMPACT**

### **Visual Amenity**

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

### **Lighting Emissions**

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

## **GREENHOUSE GAS**

56. The Proponent shall:
- (a) monitor the greenhouse gas emissions generated by the project;
  - (b) investigate ways to reduce greenhouse gas emissions generated by the project; and
  - (c) report on greenhouse gas monitoring and abatement measures in the AEMR, to the satisfaction of the Director-General.



## WASTE MINIMISATION

57. The Proponent shall:
- (a) monitor the amount of waste generated by the project;
  - (b) investigate ways to minimise waste generated by the project;
  - (c) implement reasonable and feasible measures to minimise waste generated by the project;
  - (d) ensure irrigation of treated wastewater is undertaken in accordance with DEC's *Environmental Guideline for the Utilisation of Treated Effluent*; and
  - (e) report on waste management and minimisation in the AEMR, to the satisfaction of the Director-General.
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**SCHEDULE 4**  
**ADDITIONAL PROCEDURES FOR AIR QUALITY AND NOISE MANAGEMENT**

**Notification of Landowners**

1. The Proponent shall notify the landowners of the land listed in Table 1 in writing that they have the right to require the Proponent to acquire their land at any stage during the project.
2. If the results of the air quality and/or noise monitoring required in schedule 3 identify that the air pollution and/or noise generated by the project is greater than any of the air quality and/or noise criteria in schedule 3, except where this is predicted in the EIS and except where a negotiated air quality or noise agreement has been entered into, then the Proponent shall notify the Director-General and the affected landowners and/or existing or future tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the air quality and/or noise criteria in schedule 3.
3. Within 6 months of this approval, the Proponent shall develop a brochure to advise landowners and/or existing or future tenants (including tenants of mine owned properties) of the possible health and amenity impacts associated with exposure to particulate matter, in consultation with NSW Health, and to the satisfaction of the Director-General.

The Proponent shall review relevant human health studies and update this brochure every 3 years, to the satisfaction of the Director-General.

The Proponent shall provide this brochure (and associated updates) to:

- (a) all landowners and/or existing or future tenants (including tenants of mine owned properties) in areas where the air dispersion model predictions in the EIS identify that the dust emissions generated by the project are likely to be greater than the air quality land acquisition criteria in condition 22 of schedule 3; and
- (b) all landowners and/or existing or future tenants (including tenants of mine owned properties) of properties where the monitoring results identify that the mine is exceeding the air quality land acquisition criteria in condition 22 of schedule 3.

**Independent Review**

4. If a landowner considers the project to be exceeding the air quality and/or noise criteria in schedule 3, except where this is predicted in the EIS, then he/she may ask the Director-General in writing for an independent review of the air pollution and/or noise impacts of the project on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 3 months of the Director-General advising that an independent review is warranted:

- (a) consult with the landowner to determine his/her concerns;
  - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct air quality and/or noise monitoring on the land, to determine whether the project is complying with the relevant air quality and/or noise criteria in schedule 3, and identify the source(s) and scale of any air quality and/or noise impact on the land, and the project's contribution to this impact;
  - (c) give the Director-General and landowner a copy of the independent review.
5. If the independent review determines that the project is complying with the relevant air quality and/or noise criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.
  6. If the independent review determines that the project is not complying with the relevant air quality and/or noise criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:
    - (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant air quality and/or noise criteria; and
    - (b) conduct further air quality and/or noise monitoring to determine whether these measures ensure compliance; or
    - (c) secure a written agreement with the landowner to allow exceedances of the air quality and/or noise criteria in schedule 3,to the satisfaction of the Director-General.

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

If the measures referred to in (a) do not achieve compliance with the air quality and/or noise land acquisition criteria in schedule 3, and the Proponent cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then the Proponent shall, upon receiving a written request from the landowner, acquire the landowner's land in accordance with the procedures in conditions 10-12 below.

7. If the independent review determines that the relevant air quality and/or noise criteria in schedule 3 are being exceeded, but that more than one mine is responsible for this non-compliance, then the Proponent shall:
  - (a) take all reasonable and feasible measures with the relevant mine/s, in consultation with the landowner, to ensure that the relevant air quality and/or noise criteria are complied with; and
  - (b) conduct further air quality and/or noise monitoring to determine whether these measures ensure compliance; or
  - (c) secure a written agreement with the landowner and other relevant mines to allow exceedances of the air quality and/or noise criteria in schedule 3,to the satisfaction of the Director-General.
8. If the independent review determines that the relevant air quality and/or noise land acquisition criteria in schedule 3 are being exceeded at the residence and/or on the landowner's land, and that more than one mine is responsible for this non-compliance, and the Proponent cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then upon receiving a written request from the landowner, the Proponent shall acquire all or part of the landowner's land on as equitable a basis as possible with the relevant mine/s in accordance with the procedures in conditions 10-12 below.

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

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

If, following the Independent Dispute Resolution Process, the Director-General decides that the Proponent shall acquire all or part of the landowner's land, then the Proponent shall acquire this land in accordance with the procedures in conditions 10-12 below.

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

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

### **Land Acquisition**

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

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

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

to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.

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

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

11. The Proponent shall bear the costs of any valuation or survey assessment requested by the independent valuer, or the Director-General and the costs of determination referred above.
  12. If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision, and registration of the plan at the Office of the Registrar-General.
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**SCHEDULE 5**  
**ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING**

**ENVIRONMENTAL MANAGEMENT STRATEGY**

1. Prior to carrying out any development, the Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:
  - (a) provide the strategic context for environmental management of the project;
  - (b) identify the statutory requirements that apply to the project;
  - (c) describe in general how the environmental performance of the project would be monitored and managed during the project;
  - (d) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the project;
    - respond to any non-compliance;
    - manage cumulative impacts; and
    - respond to emergencies;
  - (e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project; and
  - (f) be updated following each Independent Environmental Audit required by condition 7 below.
2. Within 6 months of the completion of the Independent Environmental Audit (see condition 7 below), the Proponent shall review, and if necessary revise, the Environmental Management Strategy to the satisfaction of the Director-General.

**ENVIRONMENTAL MONITORING PROGRAM**

3. Within 6 months of this approval, the Proponent shall prepare an Environmental Monitoring Program for the project in consultation with relevant agencies, and to the satisfaction of the Director-General. This program must consolidate the various monitoring requirements in schedule 3 of this approval into a single document.
4. Within 6 months of the completion of the Independent Environmental Audit (see condition 6 below), the Proponent shall review, and if necessary revise, the Environmental Monitoring Program to the satisfaction of the Director-General.

**INCIDENT REPORTING**

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

**ANNUAL REPORTING**

6. Within 12 months of this approval, and annually thereafter, the Proponent shall submit an Annual Environmental Management Report (AEMR) to the Director-General and the relevant agencies. This report must:
  - (a) identify the standards and performance measures that apply to the project;
  - (b) describe the works carried out in the last 12 months;
  - (c) describe the works that will be carried out in the next 12 months;
  - (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
  - (e) include a summary of the monitoring results for the project during the past year;
  - (f) include an analysis of these monitoring results against the relevant:
    - impact assessment criteria/limits;
    - monitoring results from previous years; and
    - predictions in the EIS;
  - (g) identify any trends in the monitoring results over the life of the project;
  - (h) identify any non-compliance during the previous year; and
  - (i) describe what actions were, or are being, taken to ensure compliance.

## **INDEPENDENT ENVIRONMENTAL AUDIT**

7. At the end of year 2 of the project, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
  - (a) be conducted by suitably qualified, experienced, and independent expert/s whose appointment has been endorsed by the Director-General;
  - (b) assess the various aspects of the environmental performance of the project, and its effects on the surrounding environment;
  - (c) assess whether the project is complying with the relevant standards, performance measures, and statutory requirements;
  - (d) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
  - (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.
8. Within 3 months of commissioning this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, with a response to any recommendations contained in the audit report.

## **ENVIRONMENTAL MANAGER**

9. Prior to carrying out any development, the Proponent shall employ a suitably qualified and experienced Environmental Manager, whose appointment has been endorsed by the Director-General, for the duration of the project to oversee the environmental performance of the project and compliance with the conditions of this approval.

## **COMMUNITY CONSULTATIVE COMMITTEE**

10. Within 3 months of this approval, the Proponent shall establish a Community Consultative Committee (CCC) to oversee the environmental performance of the project. The CCC shall:
  - (a) be comprised of:
    - 2 representatives from the Proponent, including the person responsible for environmental management at the mine;
    - at least 1 representative from Council (if available); and
    - at least 2 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council. The local community representative positions will be re-appointed every two years unless otherwise agreed by the Director-General;
  - (b) be chaired by an independent chairperson, whose appointment has been approved by the Director-General;
  - (c) meet at least twice a year;
  - (d) review the Proponent's performance with respect to environmental management and community relations;
  - (e) undertake regular inspections of the mine operations;
  - (f) review community concerns or complaints about the mine operations, and the Proponent's complaints handling procedures; and
  - (g) provide advice to:
    - the Proponent on improved environmental management and community relations, including the provision of information to the community and the identification of community initiatives to which the Proponent could contribute;
    - the Department regarding the conditions of this approval; and
    - the general community on the performance of the mine with respect to environmental management and community relations; and
  - (h) be operated generally in accordance with any guidelines the Department may publish in regard to the operation of Community Consultative Committees for mining projects.

*Note: The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval.*

11. The Proponent shall, at its own expense:
  - (a) ensure that 2 of its representatives attend CCC meetings;
  - (b) provide the CCC with regular information on the environmental performance and management of the project;
  - (c) provide meeting facilities for the CCC;
  - (d) arrange site inspections for the CCC, if necessary;
  - (e) take minutes of the CCC meetings;
  - (f) make these minutes available to the public;

- (g) respond to any advice or recommendations the CCC may have in relation to the environmental management or community relations; and
- (h) forward a copy of the minutes of each CCC meeting, including a response to any recommendations from the CCC, to the Director-General within a month of the CCC meeting.

#### **ACCESS TO INFORMATION**

- 9. Within 3 months of the approval of any plan/strategy/program required under this approval (or any subsequent revision of these plans/strategies/programs), the completion of the Independent Environmental Audits required under this approval, or the completion of the AEMR, the Proponent shall:
    - (a) provide a copy of the relevant document/s to the Council, relevant agencies and the CCC;
    - (b) ensure that a copy of the relevant document/s is made publicly available at the mine; and;
    - (c) put a copy of the relevant document/s on the Proponent's website;to the satisfaction of the Director-General.
  - 10. During the life of the project, the Proponent shall:
    - (a) make a summary of monitoring results required under this approval publicly available at the mine and on its website; and
    - (b) update these results on a regular basis (at least every 3 months),to the satisfaction of the Director-General.
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**APPENDIX 1  
SCHEDULE OF LAND**

**Freehold Land**

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



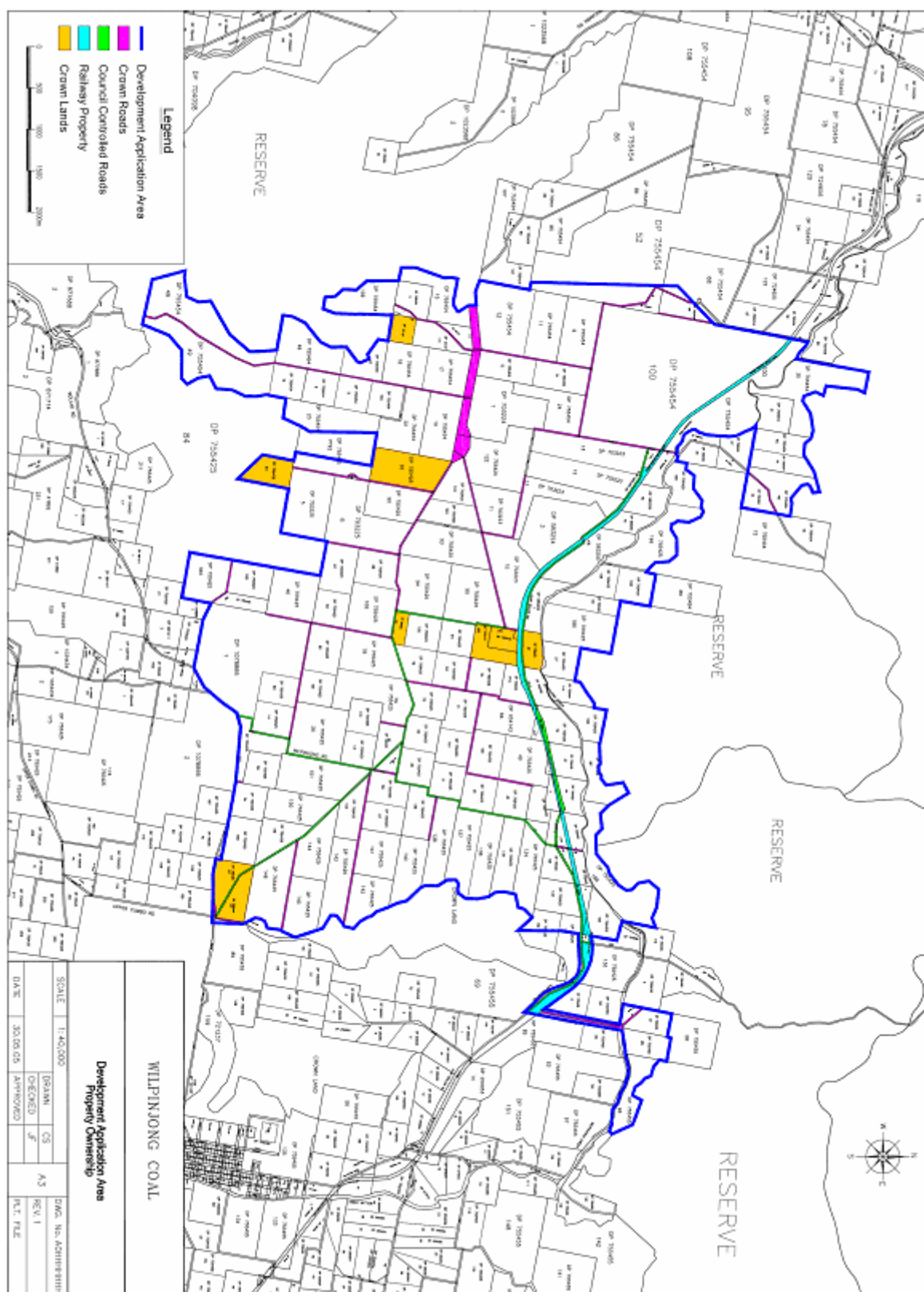
Property	Owner	Property	Owner
Lot 49 DP 755454	Cumbo Land Pty. Ltd.	Lot 14 DP 755454	Cumbo Land Pty. Ltd.
Lot 55 DP 755425	Cumbo Land Pty. Ltd.	Lot 15 DP 755454	Cumbo Land Pty. Ltd.
Lot 56 DP 755425	Cumbo Land Pty. Ltd.	Lot 17 DP 755454	Cumbo Land Pty. Ltd.
Lot 57 DP 755425	Cumbo Land Pty. Ltd.	Lot 18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

#### Crown Lands

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

#### Other Lands

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



## **APPENDIX 2 GENERAL TERMS FOR THE PLANNING AGREEMENT**

### **Lump Sum Payment**

1. The Proponent must pay Council \$450,000.00 prior to the first shipment of coal from the site.

### **Community Infrastructure Contribution**

2. The Proponent must pay Council a Community Infrastructure Contribution of \$40,000 each year commencing on the first anniversary of the first shipment of coal from the site for a period of 20 years.

*Note: The Community Infrastructure Contribution must be reviewed and adjusted to take into account any increase in the CPI over time, in accordance with the Planning Agreement between the Proponent and Council required under this approval.*

### **Road Maintenance Contribution**

3. The Proponent must pay Council a Road Maintenance Contribution of \$30,000 each year commencing on the first anniversary of the first shipment of coal from the site for each year until the Proponent ceases mining coal on the site.

*Note: The Road Maintenance Contribution must be reviewed and adjusted to take into account any increase in the CPI over time, in accordance with the Planning Agreement between the Proponent and Council required under this approval.*

### **Route Assessment Study**

4. The Proponent must carry out a Route Assessment Study (incorporating a Road Safety Audit and a Road Conditions Audit) which identifies:
  - (a) the standard of compliance of the Roads with the applicable [AUSROAD Standard];
  - (b) traffic flows at the date of the Route Assessment Study which are not attributable to the Project;
  - (c) predicted traffic flows over the life of the Project excluding traffic flows attributable to the Project;
  - (d) predicted traffic flows and timing of traffic flows attributable to the Project;
  - (e) whether the traffic flows identified in clause 4(b) or 4 (c) require the upgrade of any part of the Roads to comply with the relevant [AUSROAD Standard]; and
  - (f) whether the predicted traffic flows attributable to the Project require the upgrade of any part of the Roads in order to comply with the relevant [AUSROAD Standard] where that upgrade would not be required, either at that time or at all, having regard to the traffic flows in clauses 4(b) and 4(c) only.

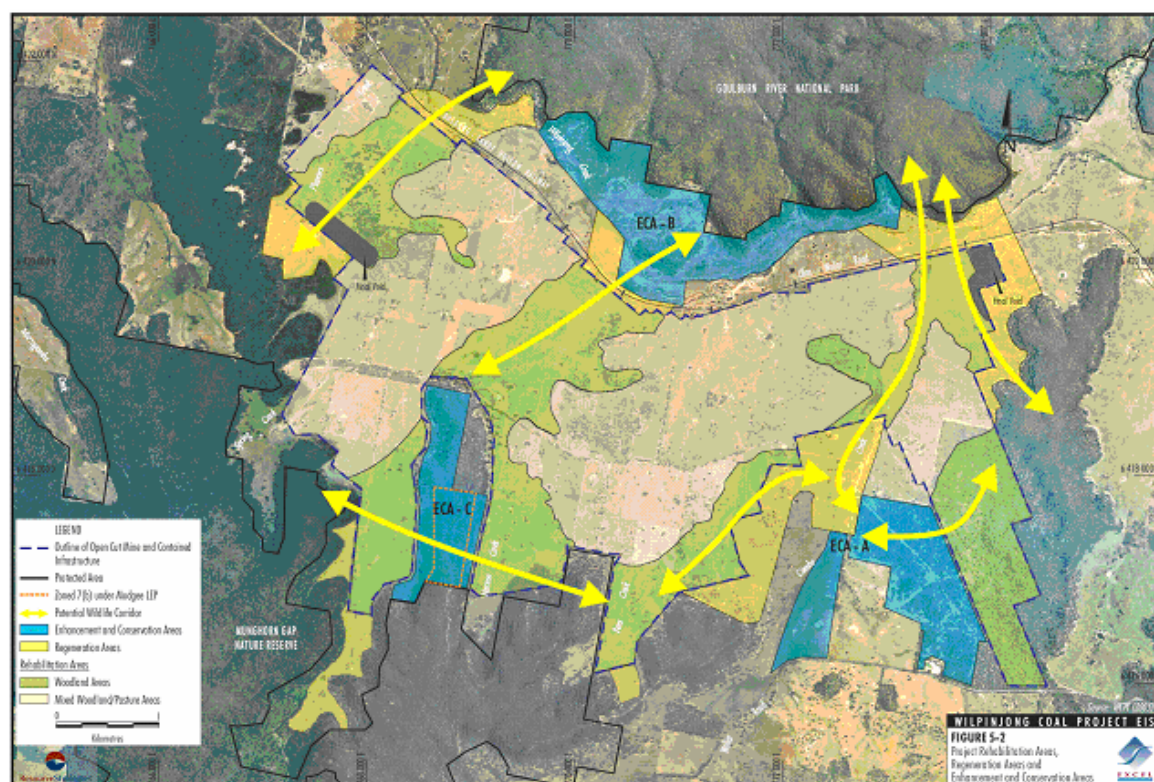
*Note: "Roads" means:*

- Ulan Road between Mudgee and the intersection with the Ulan-Wollar Road;
- Ulan-Wollar Road between the Project and the intersection with the Ulan Road; and
- Wollar Road between the Project and the intersection with Ulan Road.

### **Contribution to Road Upgrades**

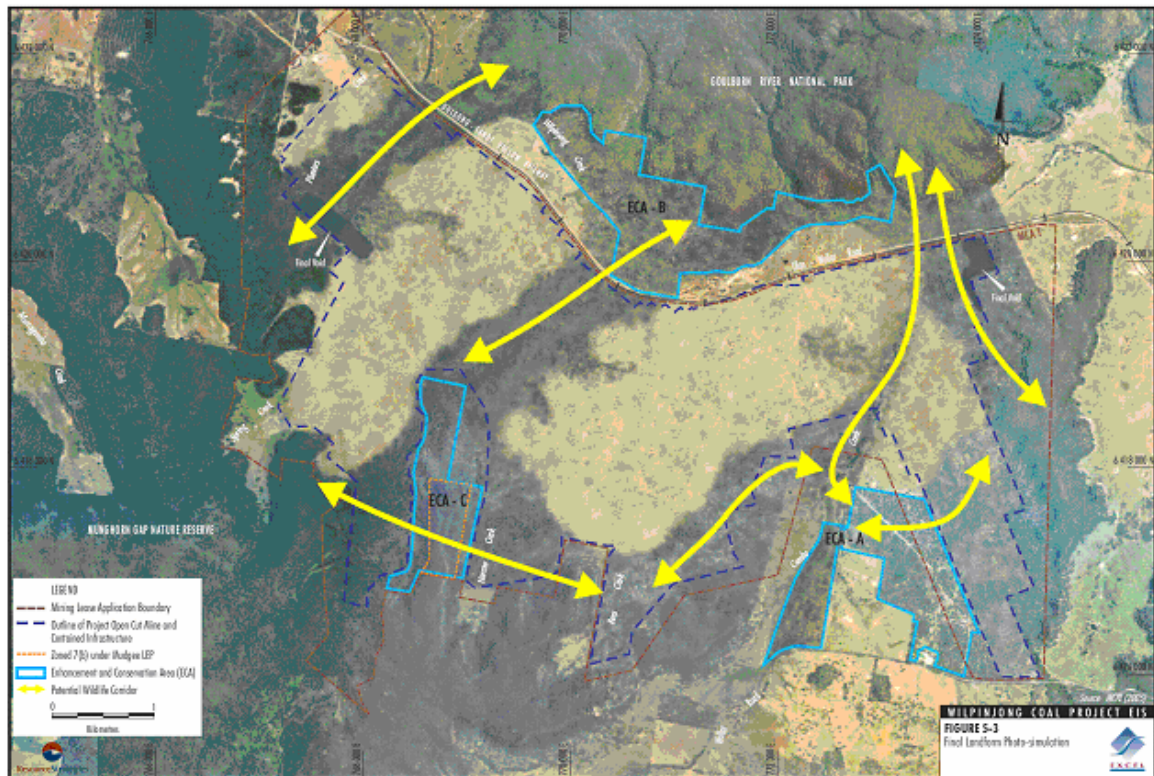
5. The Proponent must, at its option, either carry out or pay the costs of each upgrade to the Roads identified as required in the Route Assessment Study if:
  - (a) the incremental increase in traffic flow attributable to the Project require that upgrade of any part of the Roads in order to comply with the relevant [AUSROAD Standard]; and
  - (b) that upgrade would not be required at that time by the current or predicted traffic flows which are not attributable to the Project.

# APPENDIX 3 OFFSET STRATEGY

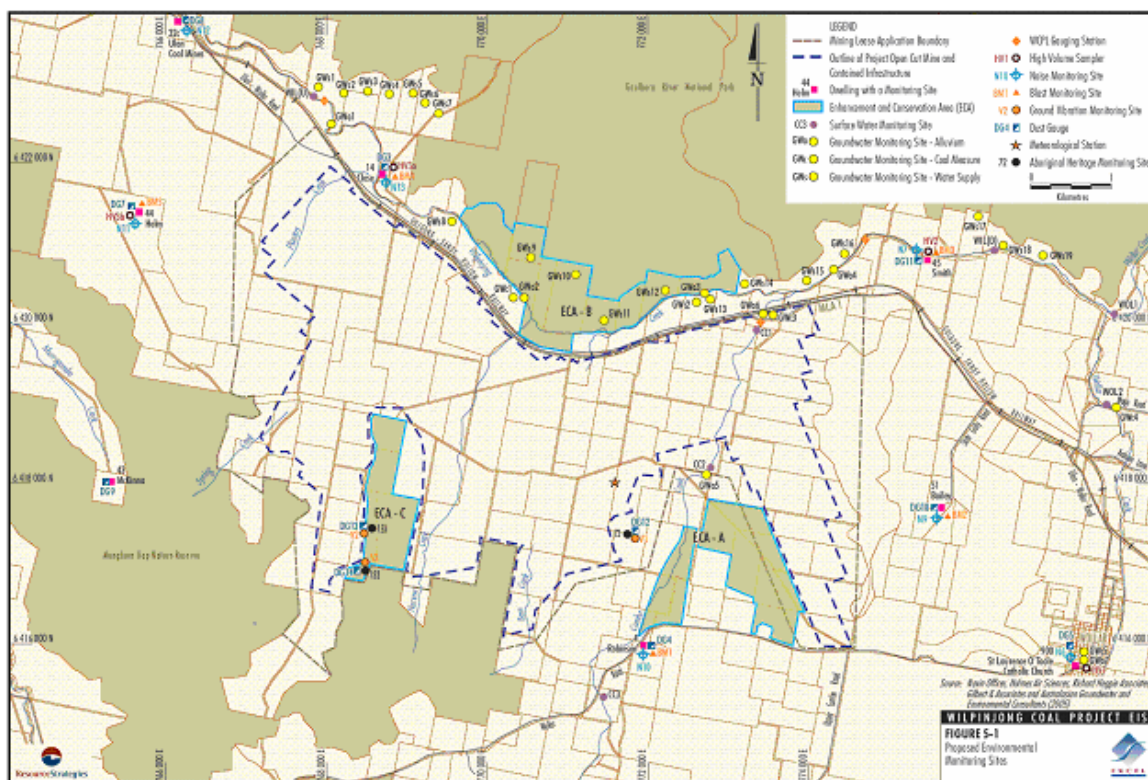




## APPENDIX 4 CONCEPTUAL REHABILITATION PLAN



## APPENDIX 5 ABORIGINAL SITES



## APPENDIX 6 HERITAGE SITES

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

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



**APPENDIX 7  
INDEPENDENT DISPUTE RESOLUTION PROCESS**

