

Project Approval

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

As delegate of the Minister for Planning and Infrastructure, the Planning Assessment Commission of New South Wales (the Commission) approves the project application referred to in Schedule 1, subject to the conditions in Schedules 2 to 6.

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.

Member of the Commission

SIGNED 2 NOVEMBER 2011
Sydney

Member of the Commission

2011

SCHEDULE 1

Application Number:

09_0161

Applicant:

Wollongong Coal Limited

Consent Authority:

Minister for Planning and Infrastructure

Land:

See Appendix 1

Development:

NRE Wongawilli Colliery – Nebo Area Project

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MP09_0161-Mod-1	27 November 2015	Planning Assessment Commission	Extension of time
MP09_0161-Mod-2	13 April 2022	Executive Director Energy, Resources and Industry Assessments	Modification of North West Mains Development and extension of time

FOR INFORMATION

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DEFINITIONS

Adaptive management	Adaptive management includes monitoring subsidence effects and impacts and, based on the results, modifying the mining plan as mining proceeds to ensure that the effects, impacts and/or associated environmental consequences remain within predicted and/or designated ranges and in compliance with the conditions of this consent
Annual Review	The review required by condition 3 of schedule 6
Applicant	Wollongong Coal Limited (formerly Gujarat NRE FCGL Pty Ltd), or any person carrying out any development under this consent
Approved mine plan	The mine plans depicted in the figures in Appendix 2
BCA	Building Code of Australia
BC Act	Biodiversity Conservation Act 2016
BCS	Biodiversity Conservation and Science Directorate within the Department
Built features	Includes any building or work erected or constructed on land, and includes dwellings and infrastructure such as any formed road, street, path, walk, or driveway; any pipeline, water, sewer, telephone, gas or other service main
CCC	Community Consultative Committee
Cliffs	Continuous rock face, including overhangs, having a minimum height of 10 metres and a minimum slope of 2 to 1, ie having a minimum angle to the horizontal of 63°
Conditions of this consent	Conditions contained in schedules 2 to 6 inclusive
Construction	The demolition of buildings or works, carrying out of works and erection of buildings covered by this consent
Council	Wollongong City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Development	The development as described in the EA
DPE Water	The Water Group within the Department
EA	Environmental assessment titled <i>NRE Wongawilli Colliery Nebo Area Environmental Assessment, Volumes 1-2</i> , dated October 2010, including the associated response to submissions
Environmental consequences	The environmental consequences of subsidence impacts, including: damage to infrastructure, buildings and residential dwellings; loss of surface flows to the subsurface; loss of standing pools; adverse water quality impacts; development of iron bacterial mats; cliff falls; rock falls; damage to Aboriginal heritage sites; impacts on aquatic ecology; and ponding
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or to implement
First workings	Development of main headings, roadways , cut throughs and the like, provided that such workings are long-term stable and do not generate more than 20 mm of vertical subsidence at the surface
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this consent
Land	In general, the definition of land is consistent with the definition in the EP&A Act. However, in relation to the noise and air quality conditions in schedule 4 it means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
MEG	Department of Regional NSW – Mining, Exploration and Geoscience
Mining operations	The carrying out of mining, including first workings, processing, stockpiling and transportation of coal on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden and reject material
Minor	Small in quantity, size and degree given the relative context
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring

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Modification 1	Modification Application 09_0161 MOD 1, accompanying letter report from Wollongong Coal Limited dated 9 June 2015, including the associated response to submissions
Modification 2	Modification Report titled <i>Wongawilli Colliery Modification Report</i> dated December 2020 as modified by the Submissions Report titled <i>Wongawilli Colliery Modification 2 – North West Mains Development Submissions Report</i> dated September 2021 and additional information responses dated September 2021, November 2021, December 2021 and January 2022
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NRAR	NSW Natural Resources Access Regulator
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)
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Reasonable costs	The costs agreed between the Department and the Applicant for obtaining independent experts to review the adequacy of any aspects of the extraction plan, or where such costs cannot be agreed, the costs determined by a dispute resolution process
Rehabilitation	The treatment or management of land disturbed by the development for the purpose of establishing a safe, stable and non-polluting environment
Remediation	Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact
ROM coal	Run-of-mine coal
RR	Department of Regional NSW – Resources Regulator
SA NSW	Subsidence Advisory NSW
Safe, serviceable & repairable	Safe means no danger to users who are present, serviceable means available for its intended use, and repairable means damaged components can be repaired economically
Second workings	Extraction of coal from longwall panels, mini-wall panels or pillar extraction
Secretary	Planning Secretary of the Department, or nominee
Site	The land referred to in schedule 1, and listed in Appendix 1
Statement of commitments	The Applicant's commitments in Appendix 3
Steep slopes	An area of land having a gradient between 1 in 3 (33% or 18.3°) and 2 in 1 (200% or 63.4°)
Subsidence	The totality of subsidence effects, subsidence impacts and environmental consequences of subsidence impacts
Subsidence effects	Deformation of the ground mass due to mining, including all mining-induced ground movements, such as vertical and horizontal displacement, tilt, strain and curvature
Subsidence impacts	Physical changes to the ground and its surface caused by subsidence effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and upsidence and surface depressions or troughs
Surface facilities sites	The Wongawilli and Avondale pit top areas; all ventilation shaft sites; sites used for gas drainage or for other mining purposes infrastructure; and any other site subject to existing or proposed surface disturbance associated with the development
TFNSW	Transport for NSW
WaterNSW	The State Water Corporation of NSW

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SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

2. The Applicant must carry out the development:
 - (a) generally in accordance with the EA, Modification 1 and Modification 2;
 - (b) in accordance with the development layout and the Statement of Commitments; and
 - (c) in accordance with the conditions of this consent.

Notes:

- The development layout is shown in Appendix 2.
- The statement of commitments is reproduced in Appendix 3.
- The Department notes that approval of the Western Driveage component of the development does not indicate or imply any approval of future mining in the Western Area (as defined in the EA), which will be subject to a separate planning process and full merit assessment.

3. If there is any inconsistency between the above documents, the more 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 must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
 - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent;
 - (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.

LIMITS ON CONSENT

Mining Operations

5. Mining operations for the development may take place until 30 June 2027.

Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of either the Secretary or the RR. 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.

- 5A. Underground mining operations may only be carried out within the boundaries of the area covered by the approved mine plan shown in Appendix 2.
- 5B. The Applicant must limit the coal extraction method utilised for the development to first workings only and must not undertake second workings.

Coal Production & Transport

6. The Applicant must:
 - (a) not transport coal from the site by road (except in an emergency situation and with the prior approval of the Secretary in consultation with Council);
 - (b) restrict coal processing and transport from the site to a maximum of 486,000 tonnes of ROM coal over the remaining life of this consent; and
 - (c) restrict train movements to/from the site to a maximum of (except with the prior approval of the Secretary) 4 train movements (maximum weekly rolling average) a day.

Note: For the purposes of this condition each train entering and exiting the site is classified as 2 train movements; a day refers to the 24 hours from midnight to midnight the next day.

Hours of Operation

7. The Applicant must restrict the following activities to between the hours of 7am to 6pm Monday to Friday and 8am to 4pm Saturday, unless the Secretary agrees otherwise:

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- (a) operation of the lower pit top, including the operation of plant or equipment, the conveyance of coal from the upper pit top to lower pit top, loading/unloading to/from the coal stockpile and coal storage bins and train loading;
- (b) train movements on the Wongawilli rail spur; and
- (c) construction and demolition.

Note: Underground mining operations, and other surface facilities operation may be undertaken at any time.

SURRENDER OF CONSENTS AND APPROVALS

8. Within 6 months of this consent, or as otherwise agreed by the Secretary, the Applicant must surrender all existing development consents and project approvals for mining operations relied on by the Applicant for the site (other than this consent) in accordance with Sections 75YA and 104A of the EP&A Act.

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

9. Prior to the surrender of these consents and/or approvals, the conditions of this consent (including any notes) shall prevail to the extent of any inconsistency with the conditions of these consents and/or approvals.

STRUCTURAL ADEQUACY

10. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structure, that are part of the development are constructed in accordance with:
- (a) the relevant requirements of the BCA; and
 - (b) any additional requirements of the SA NSW where the building or structure is located on land within declared Mine Subsidence Districts.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- deleted.
- Under the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain SA NSW's approval before constructing any improvements within a Mine Subsidence District.

DEMOLITION

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

OPERATION OF PLANT AND EQUIPMENT

12. The Applicant must 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.

12A. The Applicant must not operate a crusher, sizer or screen at the surface within the surface facilities sites.

STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS

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

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

PROTECTION OF PUBLIC INFRASTRUCTURE

14. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (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.

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Note: This condition does not apply to any damage to public infrastructure subject to compensation payable under the Coal Mine Subsidence Compensation Act 2017, or to damage to roads caused as a result of general road usage.

RELOCATION OF SURFACE INFRASTRUCTURE

15. Within nine months of the date of approval of Modification 2, or as otherwise agreed by the Secretary, the Applicant must relocate the existing crusher, sizer and screen underground, as described in Modification 2, or remove this infrastructure from the site.
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SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS – UNDERGROUND MINING

SUBSIDENCE

Performance Measures

- The **Applicant must** ensure that the **development** does not cause any exceedances of the performance measures in Table 1, to the satisfaction of the **Secretary**.

Table 1: Subsidence Impact Performance Measures

Water Resources	
Catchment yield to the Upper Cordeaux Reservoirs (No. 1 and No. 2) and Avon Reservoir	Negligible reduction to the quality or quantity of water resources reaching the reservoirs No connective cracking between the surface and the mine
Upper Cordeaux Reservoirs (No. 1 and No. 2) and Avon Reservoir	Negligible leakage from the reservoirs Negligible reduction in the water quality of reservoirs
Watercourses	
Wattle Creek, Little Wattle Tree Creek, Cordeaux River, Gallaghers Creek	Negligible environmental consequences, including: <ul style="list-style-type: none"> • <i>negligible</i> diversion of flows or changes in the natural drainage behaviour of pools; • <i>negligible</i> gas releases and iron staining; and • <i>negligible</i> increase in water cloudiness
Other watercourses	No greater subsidence impact or environmental consequences than predicted in the EA
Upland Swamps (No 22 and No 39)	Negligible environmental consequences including: <ul style="list-style-type: none"> • <i>negligible</i> change in the size of swamps; • <i>negligible</i> change in the functioning of swamps; • <i>negligible</i> change to the composition or distribution of species within swamps; and • <i>negligible</i> drainage of water from swamps, or redistribution of water within swamps
Land	
Illawarra Escarpment State Conservation Area, Metropolitan Special Area	Negligible environmental consequences.
Cliffs	Negligible environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing, that in total do not impact more than 0.5% of the total face area of such cliffs within the longwall mining area)
Biodiversity	
Threatened species, threatened populations, or endangered ecological communities	Negligible environmental consequences
Heritage Features	
Aboriginal heritage sites	Negligible impact or environmental consequence
Non-Aboriginal heritage sites (including 'Historic 1', 'Historic 2' and 'Historic 3')	Negligible loss of heritage value

Notes to Table 1:

- The **Applicant** will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this **consent**.
 - Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the **Secretary** will be the final arbiter.
 - In the case of the Illawarra Escarpment State Conservation Area, the **Secretary's** satisfaction can only be expressed following consultation with **BCS**.
 - In the case of the Metropolitan Special Area, the **Secretary's** satisfaction can only be expressed following consultation with **WaterNSW**.
 - The requirements of this condition only apply to the impacts and consequences of mining operations, construction or demolition undertaken following the date of this **consent**.
- The **Applicant** must assess and manage **development**-related risks to ensure that there are no exceedances of the performance measures in Table 1. Any exceedance of these 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

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Regulation, notwithstanding actions taken pursuant to paragraphs (a)-(c) or condition 3 below. Where any exceedance of these performance measures has occurred, the **Applicant** must, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement remediation measures as directed by the **Secretary**, to the satisfaction of the **Secretary**.

Offsets

3. If the **Applicant** exceeds the performance measures in Table 1 and the **Secretary** determines that:
 - (a) it is not reasonable or feasible to remediate the impact or environmental consequence; or
 - (b) remediation measures implemented by the **Applicant** have failed to satisfactorily remediate the impact or environmental consequence;
 then the **Applicant** must provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the **Secretary**.

Note: Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence.

4. The **Applicant** must ensure that the **development** does not cause any exceedances of the performance measures in Table 2, to the satisfaction of the **Secretary**.

Table 2: Subsidence Impact Performance Measures

Built Features	
Key public infrastructure: including WaterNSW infrastructure (Avon Dam, Upper Cordeaux No.1 and No.2 dams, water supply pipelines), high pressure gas pipelines, electricity transmission lines, fibre optic networks	<p>Always safe and serviceable.</p> <p>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired.</p>
Gas distribution pipelines, electricity distribution lines, roads, fire trails, other public infrastructure, other built features	<p>Always safe.</p> <p>Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated.</p> <p>Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated.</p>
Public Safety	
Public safety	No additional risk

Notes to Table 2:

- The **Applicant** will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this **consent**.
 - Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the **Secretary** will be the final arbiter.
 - The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of this **consent**.
 - Any breach of this condition is taken to be a breach of this **consent**, and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.
 - Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes.
5. Any dispute between the **Applicant** and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 2 is to be settled by the **Secretary**, following consultation with **SA NSW** and the **RR**. Any decision by the **Secretary** shall be final and not subject to further dispute resolution under this **consent**.

First Workings

6. The Applicant may carry out first workings on site, other than in accordance with an approved Extraction Plan or Subsidence Monitoring Program, provided that RR is satisfied that the first workings are designed to remain long-term stable and non-subsiding, except insofar as they may be impacted by approved second workings.

Note: The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with zero resulting subsidence impacts.

Dam Safety Management Plan

- 6A. The Applicant must prepare a Dam Safety Management Plan for the development. The plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
 - (b) be prepared in consultation with Dam Safety NSW, RR and WaterNSW;
 - (c) be submitted to the Secretary prior to mining operations progressing to within 150 metres of Lake Avon;
 - (d) describe the subsidence monitoring program proposed for mining operations within 150 metres of Lake Avon;
 - (e) describe the risk control measures proposed to identify and manage potential zones of elevated hydraulic conductivity and measure to prevent potential inflows from Lake Avon into the first workings;
 - (f) describe the water monitoring program designed to identify potential inflows from Lake Avon into the first workings;
 - (g) include suitable Trigger Action Response Plans, which contain:
 - appropriate triggers to warn of increased risks of mining-related impacts to Lake Avon;
 - specific actions to respond to increasing risk; and
 - adaptive management measures where monitoring indicates the potential for unacceptable mining-related impacts to Lake Avon, and
 - (h) include a contingency plan to prevent or halt inrush.

Subsidence Monitoring Program

- 6B. The Applicant must prepare and implement a Subsidence Monitoring Program. The program must:
- (a) be prepared by a suitably qualified and experienced person whose appointment has been endorsed by the Secretary;
 - (b) be approved by the Secretary prior to the recommencement of mining operations under Modification 2;
 - (c) be prepared in consultation with the Resources Regulator, Dam Safety NSW and Water NSW;
 - (d) describe the ongoing conventional and non-conventional subsidence monitoring program, which must:
 - provide for the collection of sufficient baseline data;
 - provide data to assist with the management of the risks associated with subsidence; and
 - validate the subsidence predictions;
 - (e) ensure that mining does not cause greater than 20mm vertical subsidence at the ground surface;
 - (f) include suitable Trigger Action Response Plans, which contain:
 - all features in Tables 1 and 2 and appropriate triggers to warn of increased risk of exceedance of any performance measure;
 - specific actions to respond to increasing risk; and
 - adaptive management measures where monitoring indicates the potential for unacceptable mining-related impacts;
 - (g) include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Table 1 and Table 2, or where any such exceedance appears likely.

Extraction Plan

7. The Applicant must prepare and implement an Extraction Plan for any second workings on site, to the satisfaction of the Secretary. The plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - (b) be approved by the Secretary before the Applicant carries out any of the second workings covered by the plan;
 - (c) include detailed plans of existing and proposed first and second workings and any associated surface development;
 - (d) provide revised predictions of the conventional and non-conventional subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this consent;
 - (e) include detailed performance indicators for each of the performance measures in Tables 1 and 2;

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- (f) describe the measures that would be implemented to:
- ensure compliance with the performance measures in Tables 1 and 2; and
 - manage or remediate subsidence impacts and/or environmental consequences;
- (g) include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Tables 1 and 2, or where any such exceedance appears likely;
- (h) include the following to the satisfaction of [RR](#):
- a subsidence monitoring program to:
 - provide data to assist with the management of the risks associated with subsidence;
 - validate the subsidence predictions;
 - monitor the integrity of the overlying strata, particularly the Cordeaux Crinanite; and
 - analyse the relationship between the predicted and resulting subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and
 - inform the contingency plan and adaptive management process;
 - a coal resource recovery plan that demonstrates effective recovery of the available resource;
 - a Built Features Management Plan, which has been prepared in consultation with the owners of such features, to manage the potential impacts and consequences of subsidence on any built features;
 - a Public Safety Management Plan to ensure public safety in the mining area; and
 - appropriate revisions to the Rehabilitation Management Plan required under condition 26 of schedule 4; and
- (i) include a:
- Water Management Plan, which has been prepared in consultation with [EPA](#), [WaterNSW](#) and [DPE Water](#), which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on watercourses and aquifers, including:
 - surface and groundwater impact assessment criteria based on at least 2 years of baseline data, including trigger levels for investigating any potentially adverse impacts on water resources or water quality;
 - a program to monitor and report groundwater inflows to underground workings; and
 - a program to predict, manage and monitor impacts on any groundwater bores on privately-owned land;
 - Biodiversity Management Plan, which has been prepared in consultation with [BCS](#) and [MEG](#), which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species, populations and their habitats; endangered ecological communities, and water dependent ecosystems;
 - Land Management Plan, which has been prepared in consultation with any affected public authorities, to manage the potential impacts and/or environmental consequences of the proposed second workings on land in general, with a specific focus on cliffs and steep slopes; and
 - Heritage Management Plan, to manage the potential environmental consequences of the proposed second workings on both Aboriginal and non-Aboriginal heritage sites or values; and
- (j) include a program to collect sufficient baseline data for future Extraction Plans.

Note: An SMP that is substantially consistent with this condition and which is approved by [MEG](#) prior to 31 December 2011 is taken to satisfy the requirements of this condition.

8. The [Applicant must](#) ensure that the management plans required under condition 7(i) above include:
- (a) an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this [consent](#); and
- (b) a detailed description of the measures that would be implemented to remediate predicted impacts.

Payment of Reasonable Costs

9. The [Applicant must](#) pay all reasonable costs incurred by the Department to engage suitably qualified, experienced and independent experts to review the adequacy of any aspect of an Extraction Plan or [Subsidence Monitoring Program](#).

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SCHEDULE 4 SPECIFIC ENVIRONMENTAL CONDITIONS – GENERAL

NOISE

Noise Criteria

- The **Applicant must** ensure that the noise generated by the **development** (including train loading and shunting within the yard but excluding train movements on the Wongawilli rail spur) does not exceed the criteria in Table 3 and Table 4 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 3: Noise Criteria dB(A) – Intrusive Noise Limits – Existing Residences

Location	Day	Evening	Night
	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)
R2	41	38	38
R9	41	35	35
R20	47	39	39
R55	40	35	35
R57	40	35	35
R58	40	35	35

Table 4: Noise Criteria dB(A) – Amenity Noise Limits – All Residences

Receiver Area	Day	Evening	Night
	L _{Aeq} (11 hour)	L _{Aeq} (4 hour)	L _{Aeq} (9 hour)
All privately-owned land	60	50	45

Notes to Tables 3 and 4:

- To interpret the locations referred to in Table 3, see Appendix 4.
- Noise generated by the **development** is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW **Noise Policy for Industry**.

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

- deleted**

Rail Noise

- The **Applicant must** ensure that the noise generated by railway activities on the Wongawilli rail spur outside of the yard limits (excluding any train shunting or when loading is taking place) does not exceed the criteria in Table 6 at any existing residence on privately-owned land.

Table 6: Noise Criteria dB(A) – Rail Noise Limits – Existing residences

Receiver Area	Day	Evening	Night
	L _{Aeq} (period)	L _{Aeq} (period)	L _{Aeq} (period)
All existing residential receivers	60	50	45

Note: Noise generated by the railway activities is to be measured in accordance with the relevant requirements, and exemptions of the **Rail Infrastructure Noise Guideline (EPA 2013)**.

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

- By the end of July 2013, or other timing as may be agreed by the **Secretary**, the **Applicant must** use its best endeavours to ensure that its rail spur is only accessed by:
 - locomotives that are approved to operate on the NSW rail network in accordance with noise limits L6.1 to L6.4 in RailCorp's EPL (No. 12208); and
 - trains comprising no less than 30 wagons.
- The **Applicant must** restrict train speeds on the Wongawilli rail spur to a maximum of 20 km/h.

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Operating Conditions

6. The Applicant must:
- (a) take all reasonable steps to minimise the construction, operational and rail noise associated with the development, including low frequency noise and other audible characteristics;
 - (b) implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas, and monitors and reports on these measures;
 - (c) monitor and record all major equipment use and make this data readily available at the request of the Department or the EPA;
 - (d) minimise the noise impacts of the development during all meteorological conditions in order to satisfy the noise criteria in Table 3;
 - (e) operate a comprehensive noise management system that uses a combination of meteorological forecasts, predictive noise modelling and real-time monitoring to guide the day to day planning of mining operations and the implementation of adaptive management both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
 - (f) carry out attended noise monitoring (quarterly or as otherwise agreed with the Secretary) to determine whether the development is complying with the relevant conditions of consent; and
 - (g) regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent.

Noise Audit

7. The Applicant must prepare and implement a Noise Audit for the development to the satisfaction of the Secretary. The audit must:
- (a) be prepared by a suitably qualified and experienced expert, whose appointment has been approved by the Secretary;
 - (b) be prepared in consultation with EPA, and be submitted to the Secretary for approval by the end of June 2013;
 - (c) undertake improved background noise monitoring;
 - (d) investigate and evaluate:
 - all reasonable and feasible measures to mitigate operational noise levels to comply with the noise goals in Table 5; and
 - all reasonable and feasible measures to mitigate rail noise associated with the development (eg locomotive use, use of longer trains and 3-pack wagons, track works);
 - (e) review the feasibility of reducing the maximum train movements, particularly at night (see condition 6 of schedule 2), based on the minimum train length required under condition 4 above; and
 - (f) include an action plan to implement the audit recommendations and a protocol for monitoring the effectiveness of these measures.

Noise Mitigation

- 7A. Within nine months of the date of approval of Modification 2, or as otherwise agreed by the Secretary, the Applicant must complete the installation, construction or procurement of all reasonable and feasible noise mitigation measures identified in the EA, including:
- (a) augmentation of rail load-out facilities;
 - (b) noise suppression kits for, or procurement of new, dozer and front-end loader; and
 - (c) extension of the existing rail noise barrier as shown in Appendix 2.

Noise Management Plan

8. The Applicant must prepare and implement a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with EPA and Council, and submitted to the Secretary for approval within 6 months of this consent;
 - (b) describe the noise mitigation measures that would be implemented to ensure compliance with the relevant conditions of this consent;
 - (c) include a protocol for continual improvement of noise performance, and reporting progress in meeting the noise goals in Table 5;
 - (d) include a protocol for notifying residents of advertised campaigns (see condition 6 of schedule 2); and
 - (e) include a noise monitoring program that:
 - uses a combination of attended and unattended monitoring to evaluate the performance of the development; and
 - includes a protocol for determining exceedances of the relevant conditions of this consent.

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AIR QUALITY & GREENHOUSE GAS

Odour

9. The **Applicant must** ensure that no offensive odours are emitted from the site, as defined under the POEO Act, unless otherwise authorised by an EPL.

Greenhouse Gas Emissions

10. The **Applicant must** implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the **Secretary**.

Note: This condition does not extend to Scope 3 emissions, as defined in the National Greenhouse Energy Reporting Guidelines.

Air Quality Criteria

11. The **Applicant must** implement all reasonable and feasible mitigation measures to ensure that the particulate emissions generated by the **development** do not exceed the criteria listed in Tables 7, 8 and 9 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 7: Long term criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 25 µg/m ³

Table 8: Short term criterion for particulate matter

Pollutant	Averaging period	^d Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³

Table 9: Long term criteria for deposited dust

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

Notes to Tables 7-9:

^a Total impact (ie incremental increase in concentrations due to the **development** plus background concentrations due to other sources);

^b Incremental impact (ie incremental increase in concentrations due to the **development** on its own);

^c 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; and

^d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agree to by the **Secretary** in consultation with **EPA**.

Air Quality Acquisition Criteria

12. If the particulate matter emissions generated by the **development** exceed the criteria in Tables 10, 11, and 12 on a systematic basis at any residence on privately-owned land, or on more than 25 percent of any privately owned land, then upon receiving a written request for acquisition from the landowner the **Applicant must** acquire the land in accordance with the procedures in conditions 4-5 of schedule 5.

Table 10: Long term acquisition criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 25 µg/m ³

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Table 11: Short term acquisition criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 150 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	24 hour	^b 50 µg/m ³

Table 12: Long term acquisition criteria for deposited dust

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

Notes to Tables 10-12:

^a Total impact (ie incremental increase in concentrations due to the [development](#) plus background concentrations due to other sources);

^b Incremental impact (ie incremental increase in concentrations due to the [development](#) on its own);

^c 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; and

^d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agree to by the [Secretary](#) in consultation with [EPA](#).

Operating Conditions

13. The [Applicant must](#):
 - (a) implement best practice air quality management, including all reasonable and feasible measures to minimise off-site odour, fume and dust emissions generated by the [development](#), including from any spontaneous combustion on site,
 - (b) minimise any visible air pollution generated by the [development](#); and
 - (c) regularly assess the real-time air quality monitoring and meteorological forecasting data, and relocate, modify and/or suspend operations to ensure compliance with the relevant conditions of this [consent](#); to the satisfaction of the [Secretary](#).

Air Quality & Greenhouse Gas Management Plan

14. The [Applicant must](#) prepare and implement a detailed Air Quality & Greenhouse Gas Management Plan for the [development](#) to the satisfaction of the [Secretary](#). This plan must:
 - (a) be prepared in consultation with [BCS](#) and [EPA](#), and submitted to the [Secretary](#) for approval within 6 months of this [consent](#);
 - (b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this [consent](#), including a real-time air quality management system that employs both reactive and proactive mitigation measures;
 - (c) describe the measures that would be implemented to:
 - ensure best practice management of greenhouse gas emissions is being employed at the site in respect of minimising greenhouse gas emissions and improve energy efficiency;
 - reduce or offset greenhouse gas emissions by four per cent per year from 2022 to 2027; and
 - monitor and report on the development's Scope 1 and Scope 2 greenhouse gas emissions.
 - (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](#); and
 - includes a protocol for determining exceedances with the relevant conditions of this [consent](#).

METEOROLOGICAL MONITORING

15. During the life of the [development](#), the [Applicant must](#) ensure that there is a suitable meteorological station operating in the vicinity of the site that:
 - (a) complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
 - (b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Noise Policy for Industry*, or as otherwise approved by [EPA](#).

SOIL & WATER

Water Licences

16. The [Applicant must](#) ensure that it has sufficient water for all stages of the [development](#), and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the [Secretary](#).

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Note: The Applicant is required to obtain all necessary water licences and approvals for the development under the Water Act 1912 and/or Water Management Act 2000.

Baseflow Offsets

17. The Applicant must offset the loss of any baseflow to watercourses caused by the development to the satisfaction of the Secretary. This condition does not apply if the Secretary subsequently determines that the loss of baseflow is negligible.

Note: Offsets for long-term losses should be provided via the retirement of adequate water entitlements to account for the loss attributable to the development.

Compensatory Water Supply

18. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose water entitlements are adversely impacted (other than an impact that is negligible) as a result of the development, in consultation with DPE Water, 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 must be provided (at least on an interim basis) within 24 hours of the loss being identified.

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 must provide alternative compensation to the satisfaction of the Secretary.

Surface Water Discharges

19. The Applicant must 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.

Water Management Plan

20. The Applicant must prepare and implement a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
 - (b) be prepared in consultation with DPE Water, EPA, WaterNSW, Dams Safety NSW and Council;
 - (c) be approved by the Secretary prior to the recommencement of mining operations following approval of Modification 2;
 - (d) describe the measures to be implemented to ensure compliance with the water resources and watercourses performance measures in Table 1;
 - (e) include a:
 - i. **Site Water Balance** that includes details of:
 - predicted annual inflows to and outflows from the site;
 - sources and security of water supply for the life of the development;
 - water storage capacity;
 - water use and management on the site, including any water transfers or sharing with other industries;
 - licensed discharge points and limits; and
 - reporting procedures, including the annual preparation of an updated site water balance;
 - ii. **Salt Balance** that includes details of:
 - sources of saline material on the site;
 - saline material and saline water management on the site;
 - measures to minimise discharge of saline water from the site; and
 - reporting procedures, including the annual preparation of an updated salt balance;
 - iii. **Erosion and Sediment Control Plan** that:
 - is consistent with the requirements of *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) and *Volume 2E: Mines and Quarries* (DECC, 2008);
 - identifies activities that could cause soil erosion, generate sediment or affect flooding;
 - includes a program to review the adequacy of flood protection works, and ensure they comply with the relevant performance measures listed in Table 1;
 - describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk;

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- describes the location, function, and capacity of erosion and sediment control structures and flood management structures; and
 - describes what measures would be implemented to maintain (and if necessary decommission) the structures over time;
- iv. **Surface Water Management Plan** that:
- is consistent with the *Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018);
 - includes detailed baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development, including:
 - stream and riparian vegetation health;
 - channel stability (geomorphology); and
 - water supply for other surface water users;
 - includes a detailed description of the surface water management system;
 - includes detailed plans, design objectives and performance criteria for water management infrastructure, including:
 - water run-off diversions and catch drains;
 - water storages and sediment dams; and
 - reinstated drainage networks on rehabilitated areas of the site;
 - includes detailed performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development, for:
 - downstream surface water flows and quality;
 - channel stability;
 - downstream flooding impacts;
 - stream and riparian vegetation health;
 - water supply for other water users; and
 - post-mining water pollution from rehabilitated areas of the site;
 - includes a program to monitor and evaluate:
 - compliance with the relevant performance measures listed in Table 1 and the performance criteria in this plan;
 - controlled and uncontrolled discharges and seepage/leachate from the site;
 - surface water inflows, outflows and storage volumes, to inform the Site Water Balance; and
 - the effectiveness of the surface water management system and the measures in the Erosion and Sediment Control Plan;
 - includes reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results; and
 - includes a trigger action response plan to respond to any exceedances of the performance measures or performance criteria, and repair, mitigate and/or offset any adverse surface water impacts of the development;
- v. **Groundwater Management Plan** that includes:
- detailed baseline data of groundwater levels, yield and quality for groundwater resources potentially impacted by the development;
 - a detailed description of the groundwater management system;
 - groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts associated with the development, on:
 - regional and local aquifers (alluvial and hardrock);
 - groundwater supply for other water users such as licensed privately-owned groundwater bores; and
 - groundwater dependent ecosystems and swamps;
 - a program for confirming zones of elevated hydraulic conductivity and preventing potential inflows from Lake Avon into the first workings;
 - a program designed to satisfy Before After Control Impact (BACI) principles to monitor and evaluate:
 - compliance with the relevant performance measures listed in Table 1 and the performance criteria in this plan;
 - the hydrology of swamps in the vicinity of the approved mine plan, and include a minimum of 12 months of baseline monitoring prior to undermining any swamp;
 - water loss/seepage from water storages into the groundwater system;
 - groundwater inflows, outflows and storage volumes, to inform the Site Water Balance;
 - the hydrogeological setting of any nearby alluvial aquifers and the likelihood of any indirect impacts from the development;
 - the effectiveness of the groundwater management system;

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- reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results;
 - a trigger action response plan to respond to any exceedances of the groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development; and
 - a program to periodically validate the groundwater model for the development, including an independent review of the model every 3 years, and a comparison of monitoring results with modelled predictions; and
- vi. a protocol to report on the measures, monitoring results and performance criteria identified above in the Annual Review referred to in Schedule 6 condition 3.

20A. The Applicant must implement the Water Management Plan as approved by the Secretary.

HERITAGE

Historic Heritage Management Plan

21. The Applicant must prepare and implement a Historic Heritage Management Plan, in respect of all non-Aboriginal cultural heritage items, for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with Heritage NSW and Council and be submitted to the Secretary for approval within 6 months of the date of approval of Modification 2, or as otherwise agreed with the Secretary;
 - (b) ~~deleted~~
 - (c) include the following for managing historic heritage on site:
 - a conservation management plan for the Wongawilli Colliery, that balances heritage management with the operational, safety, and rehabilitation requirements of the mine; and
 - a program/procedures for:
 - photographic and archival recording of potentially affected heritage items;
 - protection and monitoring of heritage items outside the development disturbance area; and
 - additional archaeological excavation and/or recording of any significant heritage items requiring demolition.

21A. The Applicant must implement the Historic Heritage Management plan as approved by the Secretary.

Aboriginal Cultural Heritage Management Plan

- 21B. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:
- (a) be prepared by suitably qualified and experienced persons;
 - (b) be prepared in consultation with Heritage NSW and Registered Aboriginal Parties;
 - (c) be submitted to the Secretary for approval within six months of the date of approval of Modification 2;
 - (d) include the outcome of Aboriginal community consultation that meets the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010);
 - (e) describe the measures to be implemented on the site to:
 - (i) comply with the heritage-related operating conditions of this consent;
 - (ii) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;
 - (iii) monitor identified Aboriginal objects and Aboriginal places within the development disturbance area;
 - (iv) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;
 - (v) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places; and
 - (vi) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.

21C. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Secretary.

TRANSPORT

Monitoring of Coal Transport

22. The Applicant must:

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- (a) keep accurate records of the:
 - amount of coal transported from the site (on a monthly basis);
 - date and time of each train movement to and from the site; and
- (b) make these records publicly available on its website at the end of each calendar year.

VISUAL

Visual Amenity and Lighting

23. The Applicant must:
 - (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development;
 - (b) ensure no unshielded outdoor lights shine above the horizontal; and
 - (c) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the Secretary.

WASTE

24. The Applicant must:
 - (a) minimise and monitor the waste generated by the development;
 - (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of;
 - (c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and
 - (d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.

BUSHFIRE

25. The Applicant must:
 - (a) ensure that the development is suitably equipped to respond to fires on site; and
 - (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the site.

REHABILITATION

Rehabilitation Objectives

26. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the documents listed in condition 2(a) of Schedule 2, and comply with the objectives in Table 13.

Table 13: Rehabilitation Objectives

Feature	Objective
Mine site (as a whole)	Safe, stable & non-polluting.
	Final land use compatible with surrounding land uses.
Surface infrastructure	To be decommissioned and removed, unless the RR agrees otherwise
Portals and vent shafts	To be decommissioned and made safe and stable.
	Retain habitat for threatened species (eg bats), where practicable
Watercourses of 2 nd order or above subject to subsidence impacts	Hydraulically and geomorphologically stable
Cliffs	No additional risk to public safety compared to prior to mining
Other land affected by the development	Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: <ul style="list-style-type: none"> • local native plant species (unless the RR agrees otherwise); and • a landform consistent with the surrounding environment
Built features damaged by mining operations	Repair to pre-mining condition or equivalent unless: <ul style="list-style-type: none"> • the owner agrees otherwise; or • the damage is fully restored, repaired or compensated under the <i>Mine Subsidence Compensation Act 1961</i>.

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Feature	Objective
Community	Ensure public safety.
	Minimise the adverse socio-economic effects associated with mine closure

Notes to Table 13:

- These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by mining taking place after the date of this [consent](#); and to all [development](#) surface infrastructure part of the [development](#), whether constructed prior to or following the date of this [consent](#).
- Rehabilitation of subsidence impacts and environmental consequences caused by mining which took place prior to the date of this [consent](#) may be subject to the requirements of other approvals (eg under a mining lease or an Subsidence Management Plan approval) or the [Applicant's](#) commitments.

Progressive Rehabilitation

27. The [Applicant must](#) carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance.

Rehabilitation Management Plan

28. The [Applicant must](#) prepare and implement a Rehabilitation Management Plan for the [development in accordance with the conditions imposed on the mining lease\(s\) associated with the development under the Mining Act 1992](#). This plan must:
- be prepared in consultation with the Department, [BCS](#), [MEG](#), [DPE Water](#), [WaterNSW](#), Council and the CCC;
 - be prepared in accordance with any relevant [RR](#) guideline, and be consistent with the rehabilitation objectives in the [documents listed in condition 2\(a\) of Schedule 2](#) and in Table 13;
 - build, to the maximum extent practicable, on the other management plans required under this [consent](#); and
 - address all aspects of rehabilitation and mine closure, including final land use assessment, rehabilitation objectives, domain objectives, completion criteria and rehabilitation monitoring.

Notes:

- The Rehabilitation Management Plan should address all land impacted by the [development](#), whether prior to or following the date of this [consent](#).
- The Rehabilitation Management Plan may be combined with a Mining Operations Plan, or similar plan, required under the mining lease granted for the development.

BIODIVERSITY

Biodiversity Credit Requirements

29. Unless otherwise agreed by the Secretary, the Applicant must retire the biodiversity credits specified in Table 14 below, prior to commencing vegetation clearing. The retirement of credits must be carried out in consultation with BCS and in accordance with the Biodiversity Offsets Scheme of the BC Act.

Table 14: Biodiversity credit requirements

Credit Type	Area (ha)	Offset Liability
Ecosystem Credits		
PCT 906 - Lilly Pilly - Sassafras - Stinging Tree subtropical/warm temperate rainforest on moist fertile lowlands, southern Sydney Basin Bioregion - moderate	0.01	1
PCT 1245 - Sydney Blue Gum x Bangalay - Lilly Pilly moist forest in gullies and on sheltered slopes, southern Sydney Basin Bioregion - low	0.02	1
Species Credits		
Large Bent-winged Bat	0.02	1
Little Bent-winged Bat	0.02	1

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Credit Type	Area (ha)	Offset Liability
Large-eared Pied Bat	0.02	1

Notes:

- The credits in Table 14 were calculated in accordance with Biodiversity Assessment Methodology (BAM) (DPIE, 2020).
- The available credit retirement options for the development include purchase and retirement of open market available biodiversity credits, payment into the Biodiversity Conservation Fund or establishment of a Biodiversity Stewardship Site.

Biodiversity Management Plan

30. The Applicant must prepare a Biodiversity Management Plan for the development, to the satisfaction of the Secretary. This plan must:
 - (a) be prepared by a suitably qualified and experienced person/s;
 - (b) be prepared in consultation with BCS;
 - (c) be approved by the Secretary prior to the recommencement of mining operations following approval of Modification 2;
 - (d) establish baseline data for the existing habitat on site, including water table depth, vegetation condition, stream morphology and threatened species habitat;
 - (e) describe the short, medium, and long-term measures to be undertaken to manage the remnant vegetation and habitat on the site;
 - (f) include detailed performance indicators for the biodiversity related performance measures in Table 1
 - (g) describe the measures that would be implemented to:
 - ensure compliance with the biodiversity related performance measures in Table 1;
 - minimise impacts to biodiversity on the site, including any species and communities listed under the BC Act and EPBC Act;
 - protect vegetation and fauna habitat outside of the approved disturbance areas;
 - control weeds, including measures to avoid and mitigate the spread of noxious weeds;
 - control feral pests;
 - control erosion;
 - control access to vegetated or revegetated areas; and
 - manage bushfire hazards;
 - (h) include a program to monitor and report on the effectiveness of the above measures and identify measures that could be implemented to improve biodiversity outcomes; and
 - (i) include details of who would be responsible for monitoring, reviewing, and implementing the plan.
31. The Applicant must implement the Biodiversity Management Plan as approved by the Secretary.

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SCHEDULE 5 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. As soon as practicable following obtaining monitoring results showing:
 - (a) an exceedance of the relevant criteria in schedule 4, the **Applicant must** notify the affected landowner and/or tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the **development** is complying with the relevant criteria again; or
 - (b) an exceedance of the relevant criteria in conditions 11 or 12 of schedule 4, the **Applicant must** 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

2. If an owner of privately-owned land considers the **development** to be exceeding the relevant criteria in schedule 4, 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 must**:

- (a) commission a suitably qualified, experienced and independent person, 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 criteria in schedule 4; and
 - if the **development** is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and
 - (b) give the **Secretary** and landowner a copy of the independent review.
3. If the independent review determines that the **development** is complying with the relevant criteria in schedule 4, then the **Applicant** may discontinue the independent review with the approval of the **Secretary**.

If the independent review determines that the **development** is not complying with the relevant impact assessment criteria in schedule 4, and that the **development** is primarily responsible for this non-compliance, then the **Applicant must**:

- (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until the **development** complies with the relevant criteria; or
- (b) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the **Secretary**.

If the independent review determines that any relevant acquisition criteria in schedule 4 are being exceeded and that the **development** is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the **Applicant must** acquire all or part of the landowner's land in accordance with the procedures in conditions 4-5 below.

LAND ACQUISITION

4. Within 3 months of receiving a written request from a landowner with acquisition rights, the **Applicant must** make a binding written offer to the landowner based on:
 - (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the **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 on the land at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of any additional mitigation measures undertaken by the **Applicant** on the land;
 - (b) the reasonable costs associated with:
 - relocating within the Wollongong local government area, 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.

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If 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 within 28 days after the **Applicant** makes its written offer, then either party may refer the matter to the **Secretary** for resolution.

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

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

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

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

Within 14 days of this determination, the **Applicant must** 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.

5. The **Applicant must** pay all reasonable costs associated with the land acquisition process described in condition 4 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.
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SCHEDULE 6 ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The **Applicant must** prepare and implement an Environmental Management Strategy for the **development** to the satisfaction of the **Secretary**. This strategy must:
 - (a) be submitted to the **Secretary** for approval within 6 months of this **consent**;
 - (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, handle, respond to, and record 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 required to be carried out under the conditions of this **consent**.

Management Plan Requirements

2. The **Applicant must** 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 approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria;
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the **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 and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (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 conditions of this **consent** and statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.

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

Annual Review

3. By the end of **September** each year (or other such timing as agreed by the **Secretary**), the **Applicant must** review the environmental performance of the **development** to the satisfaction of the **Secretary**. This review must:
 - (a) describe the works (including any rehabilitation) carried out in the past year, and the works proposed to be carried out over the next 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 **documents listed in condition 2(a) of Schedule 2**;

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- (c) identify any non-compliance over the past 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

- 4. Within 3 months of:
 - (a) the submission of an annual review under condition 3 above;
 - (b) the submission of an incident report under condition 6 below;
 - (c) the submission of an audit report under condition 8 below; and
 - (d) any modification to the conditions of this [consent](#) (unless the conditions require otherwise),the [Applicant must](#) review, and if necessary revise, the strategies, plans, and programs required under this [consent](#) to the satisfaction of the [Secretary](#).

Where this review leads to revisions in any such document, then within 4 weeks of the review, the revised document must be submitted to the [Secretary](#) for approval.

Note: This condition ensures that 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

- 5. The [Applicant must](#) establish and operate a Community Consultative Committee (CCC) for the [development](#) in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version), or alternative consultative framework as may be agreed by the [Secretary](#), to the satisfaction of the [Secretary](#). This CCC or alternative framework must be operating within 6 months of this [consent](#).

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 guideline, the Committee should be comprised of an independent chair and appropriate representation from the [Applicant](#), Council, recognised environmental groups and the local community.
- In establishing the CCC, the Department will accept the continued representation from existing CCC members.

REPORTING

Incident Reporting

- 6. The [Applicant must](#) immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.

Regular Reporting

- 7. Within seven days of becoming aware of a non-compliance, the [Applicant must](#) notify the Department of the noncompliance. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is noncompliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance

INDEPENDENT ENVIRONMENTAL AUDIT

- 8. By the end of June 2013 (or other such timing as agreed by the [Secretary](#)), and every 3 years thereafter, unless the [Secretary](#) directs otherwise, the [Applicant must](#) 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 relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);

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- (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
- (e) recommend measures or actions to improve the environmental performance of the [development](#), and/or any strategy, plan or program required under these approvals.

Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the [Secretary](#).

- 9. Within 6 weeks of the completion of this audit, or as otherwise agreed by the [Secretary](#), the [Applicant](#) must 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

- 10. From the end of December 2011, the [Applicant](#) must:
 - (a) make copies of the following publicly available on its website:
 - the [documents listed in condition 2\(a\) of Schedule 2](#);
 - all current statutory approvals 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 annual reviews of the [development](#);
 - any independent environmental audit, and the [Applicant](#)'s response to the recommendations in any audit;
 - any other matter required by the [Secretary](#); and
 - (b) keep this information up-to-date, to the satisfaction of the [Secretary](#).
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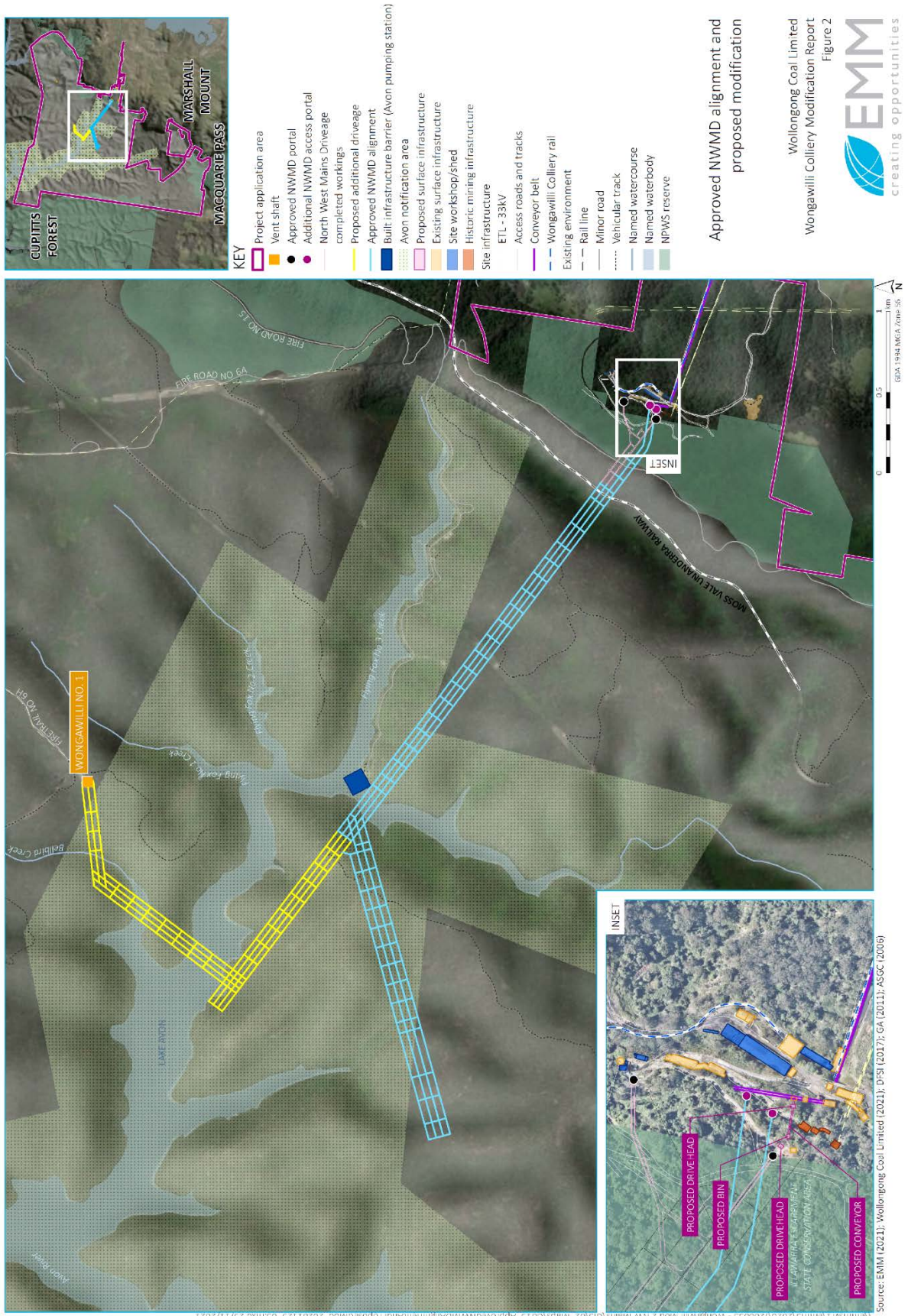
APPENDIX 1: SCHEDULE OF LAND

Property ID / Lot Number	DP Number	Owner
<i>Wongawilli - ML1596</i>		
Lot 1	321054	Gujarat NRE FCGL Pty Ltd
Lot 1	44325	Gujarat NRE FCGL Pty Ltd
Lot 1	212322	Gujarat NRE FCGL Pty Ltd
Lot 1	216373	Sydney Water
Lot 2	216373	Sydney Water
Lot 3	216373	Lexosu Pty Ltd
Lot 1	255284	Gujarat NRE FCGL Pty Ltd
Lot 2	255284	Gujarat NRE FCGL Pty Ltd
Lot 3	255284	Gujarat NRE FCGL Pty Ltd
Lot 4	255284	Gujarat NRE FCGL Pty Ltd
Lot 5	255284	Gujarat NRE FCGL Pty Ltd
Lot 6	255284	Gujarat NRE FCGL Pty Ltd
Lot 7	255284	Gujarat NRE FCGL Pty Ltd
Lot 14	255284	Gujarat NRE FCGL Pty Ltd
Lot 8	255585	Krishnaswamy & Uma Ramasamy
Lot 12	255285	Endeavour Coal Pty Ltd
Lot 1	383829	Gujarat NRE FCGL Pty Ltd
Lot 14	751278	DECCW (National park)
Lot 16	751278	DECCW (National park)
Lot 171	751278	DECCW (National park)
Lot 196	751278	Sydney Catchment Authority
Part Lot 217	751278	Sydney Catchment Authority
Lot 219	751278	Sydney Catchment Authority
Lot 220	751278	Sydney Catchment Authority
Lot 221	751278	Sydney Catchment Authority
Part Lot 275	751278	Dendrobium Coal Pty Ltd
Lot 295	751278	Springhill Farm Company Pty Ltd
Lot 281	751278	Sydney Catchment Authority
Lot 282	751278	DECCW (National park)
Lot 298	751278	DECCW (National park)
Lot 303	751278	Sydney Catchment Authority
Lot 304	751278	Sydney Catchment Authority
Lot 2	986776	Barbara Elaine Marshall, Katrina Jane Marshall, Kim Michele Marshall
Part Lot 1	986776	Barbara Elaine Marshall, Katrina Jane Marshall, Kim Michele Marshall
Part Lot 1	1001210	Sydney Catchment Authority
Lot 1	1001212	Sydney Catchment Authority

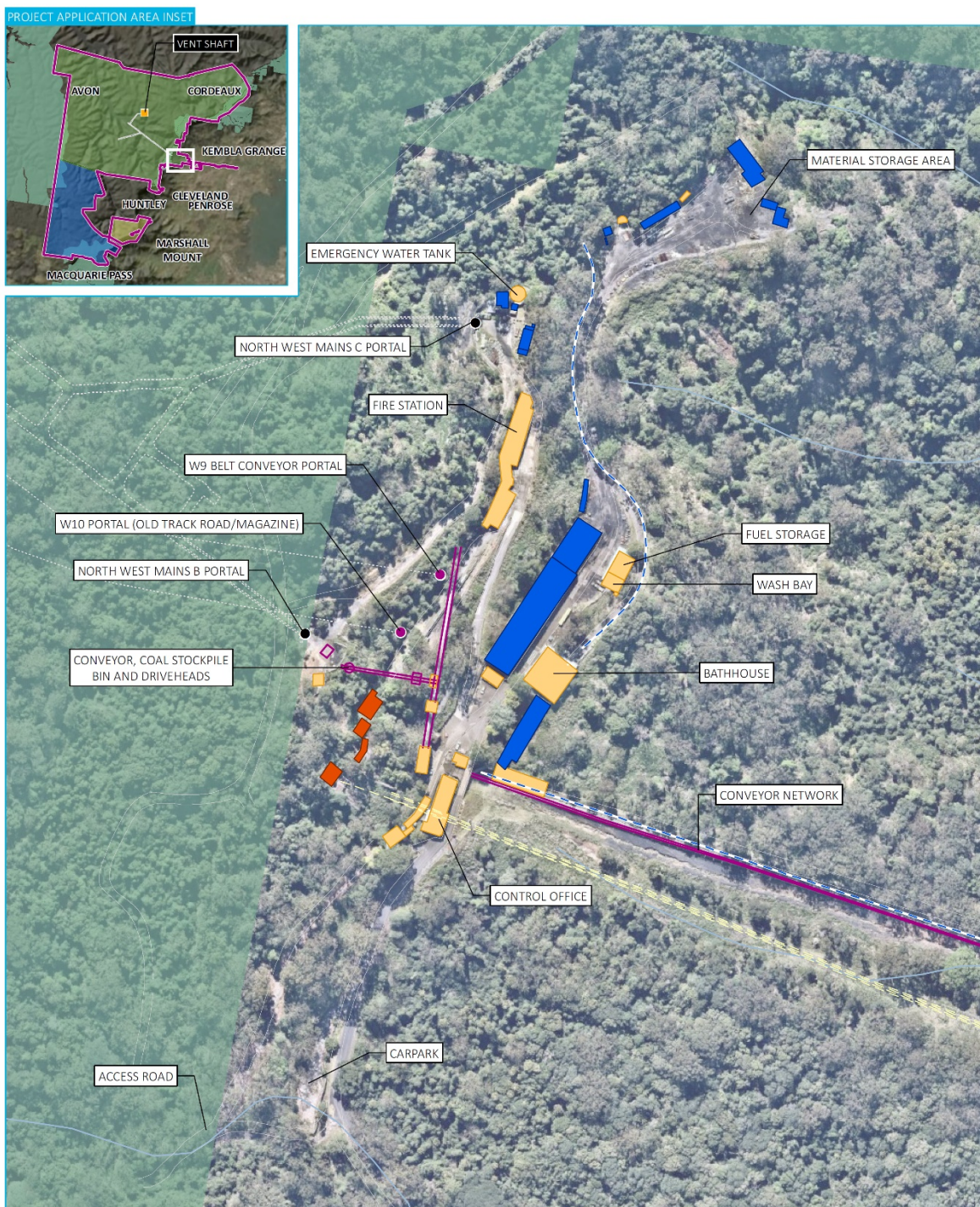
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Property ID / Lot Number	DP Number	Owner
Lot 1	1001213	Sydney Catchment Authority
Lot 1	1006994	Sydney Catchment Authority
Lot 301	1087464	Sydney Catchment Authority
		Lawrence John Lawson & Dawn Mary
Lot 1	1033422	Lawson
Part Lot 1	1103666	Dendrobium Coal Pty Ltd
Part Lot 3	1103666	Dendrobium Coal Pty Ltd
Part Lot 1	1103781	Dendrobium Coal Pty Ltd
Lot 2	1103781	Dendrobium Coal Pty Ltd
Lot 3	1103781	Dendrobium Coal Pty Ltd
Part Lot 18	1111734	Dendrobium Coal Pty Ltd
Lot 422	1123956	Gujarat NRE FCGL Pty Ltd
Lot 423	1123956	Gujarat NRE FCGL Pty Ltd
Lot 424	1123956	Gujarat NRE FCGL Pty Ltd
Lot 425	1123956	Gujarat NRE FCGL Pty Ltd
Lot 19	1131362	Sydney Catchment Authority
Lot 1	1132869	The Minister for Public Works
<i>Avondale - ML1565</i>		
Lot 41	751263	Sherwood Hannington
Lot 42	751263	Gerard Kevin McCue
Part Lot 43	751263	Edward Roy Vergan & Kim Pamela Vergan
		Jason Bernard Voorwinden & Esther Olive
Lot 111	751263	Voorwinden
Part Lot 140	751277	Sydney Catchment Authority
Part Lot 181	751277	Sydney Catchment Authority
<i>CCL 766</i>		
Par Lot 27	3083	HTT Huntley Heritage Pty Ltd
Part Lot 111	585959	Craig Duren
Lot 2	751263	The Council of the City of Wollongong
		Angelo Vincenzo Di Martino & Sally
Part Lot 40	751263	Elizabeth Di Martino
Lot 49	751263	HTT Huntley Heritage Pty Ltd
Part Lot 55	751263	HTT Huntley Heritage Pty Ltd
Part Lot 3	852180	Caroline Joan Forbes
Lot 10	867347	HTT Huntley Heritage Pty Ltd
<i>Across all leases</i>		
Lot 32	1138149	Sydney Catchment Authority

APPENDIX 2: DEVELOPMENT LAYOUT PLANS



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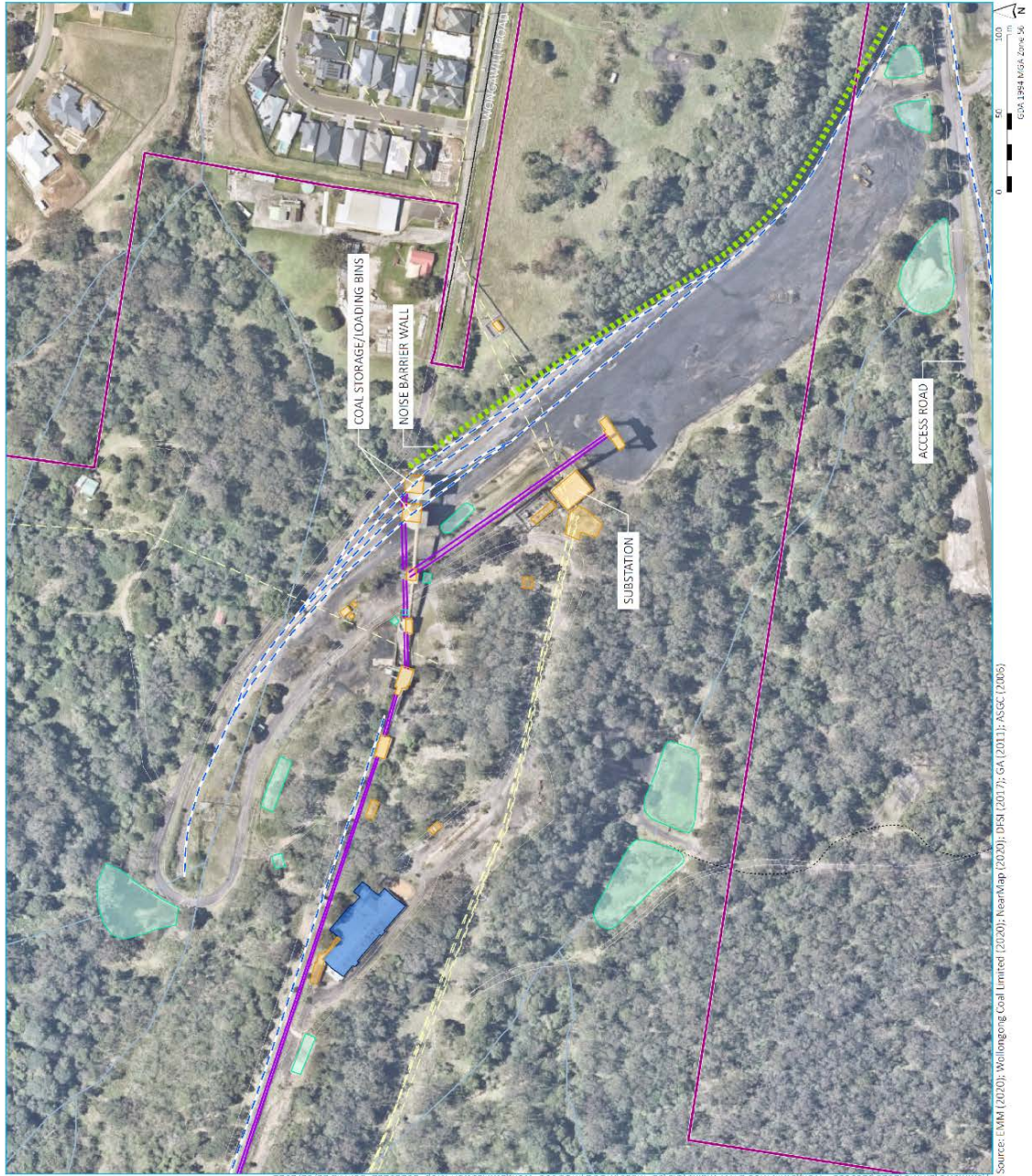
Wongawilli upper pit top

Wollongong Coal Limited





- KEY**
- Project application area
 - Site infrastructure
 - ETL - 33kV
 - Access roads and tracks
 - Conveyor belt
 - Wongawilli Colliery rail
 - Noise barrier (6 m height)
 - Existing surface infrastructure
 - Site workshop/shed
 - Grey water ponds
 - Existing environment
 - Minor road
 - Venicular track
 - Watercourse/drainage line
- INSET KEY**
- Vent shaft
 - Underground workings
 - NPWS reserve
 - Mining title
 - ML 1565
 - ML 1596
 - CCL 766



Wongawilli lower pit top

Wollongong Coal Limited



APPENDIX 3:

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FOR INFORMATION

APPENDIX 4: RECEIVER LOCATION PLAN

