

Development Consent

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

As delegate of the Minister for Planning and Infrastructure under delegation from the Minister dated 14 September 2011, the Planning Assessment Commission of NSW approves the project application referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

These conditions are required to:

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

Gabrielle Kibble AO
Member of the Commission

Alan Coutts
Member of the Commission

Sydney

4 April 2014

SCHEDULE 1

Application Number:	SSD-5579
Applicant:	Springvale Coal Pty Limited
Consent Authority:	Minister for Planning and Infrastructure
Land:	See Appendix 1
Development:	Western Coal Services Project

19 June 2017 modification (MOD 1) in red type

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DEFINITIONS

Annual review	The review required by condition 4 of Schedule 5
Applicant	Springvale Coal Pty Limited, or any other person or persons who rely on this consent to carry out the development that is subject to this consent
BCA	Building Code of Australia
CCC	Community Consultative Committee
CHPP	Coal Handling and Preparation Plant
Conditions of this consent	Conditions contained in Schedules 2 to 5 inclusive
Consent	This development consent
CPI	Australian Bureau of Statistics Consumer Price Index
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 described in the EIS
DPI Water	Department of Primary Industries Water Division
EIS	Environmental Impact Statement titled <i>Western Coal Services Project Environmental Impact Statement</i> , dated July 2013, and associated response to submissions titled <i>Western Coal Services Project Response to Submissions</i> , dated October 2013 Statement of Environmental Effects titled <i>Western Coal Services Project State Significant Development 5579 – Modification 1</i> (dated November 2016) including the associated Response to Submissions (dated February 2017).
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
ICNG	The EPA's <i>Interim Construction Noise Guideline (2010)</i> , or its latest version
Incident	A set of circumstances that: <ul style="list-style-type: none"> • 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	As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
LCC	Lithgow City Council
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Coal transportation and processing operations	Includes the following, where carried out on the site: <ul style="list-style-type: none"> • processing, handling and storage of coal; • transportation of coal by private haul road or conveyor; and • transportation and emplacement of coal rejects.
Minister	Minister for Planning, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage
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 or power generation company (or its subsidiary)
Product coal	Saleable coal transported from the site, whether processed or unprocessed.
Public infrastructure	Linear and related infrastructure and the like that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc

Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The 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
Residual Waste	Suspended solids liquid waste stream generated from the Springvale Water Treatment Project
RMS	Roads and Maritime Services
ROM coal	Run of Mine coal
Secretary	Secretary of the Department, or nominee
Springvale Water Treatment Project	Springvale Water Treatment Project (SSD 7592)
SCSS	Springvale Coal Services Site
Site	All land within the development area as listed in Appendix 1 and shown in Appendix 2

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

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

Notes:

- The general layout of the development is shown in Appendix 3.
- The Applicant's statement of commitments is shown in Appendix 8.

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

LIMITS ON CONSENT

5. The Applicant may carry out coal transportation and processing operations on the site until 30 June 2039.

*Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of both the **Secretary** and the Director Environmental Sustainability. Consequently, this consent will continue to apply in all other respects other than the right to conduct coal transportation and processing operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.*

Coal Processing

6. The Applicant shall not:
 - (a) receive more than a total of 9.5 million tonnes of ROM coal at the SCSS in any calendar year, including not more than 1.0 million tonnes of ROM coal from sites other than Angus Place and Springvale Collieries; and
 - (b) process more than 7 million tonnes of ROM coal at the SCSS in any calendar year.

Coal Transport

7. The Applicant shall ensure that all product coal is transported from the SCSS by conveyor.
8. The Applicant shall ensure that not more than 6.3 million tonnes of product coal is transported from the SCSS to the Lidsdale Siding Coal Loader in any calendar year.

Residual Waste

- 8A. The Applicant must not receive or emplace more than 0.35 megalitres per day (annual average) or 0.43 megalitres per day (daily maximum) of residual waste from the Springvale Water Treatment Project.

SURRENDER OF EXISTING DEVELOPMENT CONSENTS

9. Prior to the end of December 2015, or as otherwise agreed by the **Secretary**, the Applicant shall surrender all existing development consents or approvals that it holds for the site in accordance with section 104A of the EP&A Act.

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

10. Prior to the surrender of any existing development consent, the conditions of this consent shall prevail to the extent of any inconsistency with the conditions of that consent.

STRUCTURAL ADEQUACY

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

Notes:

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

DEMOLITION

12. The Applicant 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.

PROTECTION OF PUBLIC INFRASTRUCTURE

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

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

OPERATION OF PLANT AND EQUIPMENT

14. The Applicant 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.

STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS

15. With the approval of the **Secretary**, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.

Notes:

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

16. Until they are replaced by an equivalent strategy, plan or program approved under this consent, the Applicant shall implement the existing strategies, plans or programs for the site that have been approved under existing development consents or approvals.

OTHER DEVELOPMENTS ON THE SCSS

17. The Applicant shall consult and engage with the proponents/applicants of other approved developments/projects on the SCSS, with the aim of maximising the outcomes of all developments/projects with respect to:
- operational efficiencies;
 - water, noise and air quality management;
 - biodiversity conservation;
 - rehabilitation; and
 - future land uses.
-

SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

ACQUISITION UPON REQUEST

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

Table 1: Land subject to acquisition upon request

Property ID	
B4 - Blackmans Flat	Mason (east) – Wogan Road

Note: To interpret the locations referred to in Table 1 see the applicable figure in Appendix 4.

ADDITIONAL MITIGATION UPON REQUEST

2. Upon receiving a written request from the owner of any residence on the land listed in Table 1, the Applicant shall implement additional noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the owner. These measures must be reasonable and feasible and directed towards reducing the noise impacts of the development on the residence.

If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the **Secretary** for resolution.

NOISE

Construction Noise

3. The Applicant shall prepare and implement a Construction Noise Management Plan prepared in accordance with the EPA's *Interim Construction Noise Guideline 2009* (or any relevant updated version), to the satisfaction of the **Secretary**. This plan must be prepared in consultation with the EPA, and be approved by the **Secretary** prior to commencing construction.

Construction Hours

4. The Applicant may only undertake construction activities between the hours of 7am to 6pm Monday to Friday, and 8am to 1pm Saturday, with no construction activities on Sundays or public holidays, unless otherwise agreed to by the **Secretary** in accordance with condition 5 of Schedule 3.

Out of Hours Construction Works

5. If the Applicant proposes to undertake any construction works outside the hours specified in condition 4 of Schedule 3, then the Applicant must prepare and implement an Out of Hours Work Protocol for these works to the satisfaction of the **Secretary**. This protocol must be prepared in consultation with the EPA and the residents who would be affected by the noise generated by these works, and be consistent with the requirements of the ICNG. The Applicant shall not carry out any out of hours construction works before this protocol has been approved by the **Secretary**.

Hours of Operation

6. Except for the carrying out of construction, the Applicant shall comply with the operating hours in Table 2.

Table 2: Operating hours

Activity	Operating Hours
Coal transportation operations on the Angus Place to Wallerawang power station haul road	No truck movements to take place during the Night
Coal transportation operations on the Angus Place to Mount Piper power station haul road	No truck movement to occur during adverse meteorological conditions during the Night
Kerosene Vale Coal Stockpile operations	During the Day only
All other operational activities	24 hours a day, 7 days per week

Noise Criteria

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

Table 3: Noise criteria dB(A)

Land	Day L _{Aeq} (15 min)	Evening L _{Aeq} (15 min)	Night L _{Aeq} (15 min)	Night L _{A1} (1 min)
B12	40	35	35	47
B13	41	36	36	50
B14	41	35	35	55
B15	36	35	35	45
B16	35	35	36	45
B17	42	44	45	45
W1	37	37	41	45
W2	35	35	36	45
L1	42	35	35	45
L2	40	39	35	45
WR1	41	38	36	57
WR2	38	37	35	48
S3	36	36	39	45
All other privately-owned residences	35	35	35	45

Note: To interpret the locations referred to in Table 3 see the applicable figure in Appendix 4.

Noise generated by the development is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy*. Appendix 5 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

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

Operating Conditions

8. The Applicant shall:
- implement best management practice to minimise the construction, operational and road noise of the development;
 - operate a comprehensive noise management system that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day-to-day planning of coal transport and processing operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
 - minimise the noise impacts of the development during meteorological conditions under which the noise limits in this consent do not apply (see Appendix 5);
 - co-ordinate noise management on site with the noise management of other approved developments and/or projects on or in the vicinity of the site to minimise cumulative noise impacts; and
 - carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent,
- to the satisfaction of the Secretary.

Noise Management Plan

9. The Applicant shall 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 the EPA, and submitted to the **Secretary** for approval within 4 months of the date of this consent, unless otherwise agreed by the **Secretary**;
- (b) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this consent;
- (c) describe the proposed noise management system in detail; and
- (d) include a monitoring program that:
 - evaluates and reports on:
 - the effectiveness of the on-site noise management system;
 - compliance against the noise criteria in this consent; and
 - compliance with the noise operating conditions;
 - includes a program to calibrate and validate real-time noise monitoring results with attended monitoring results over time (so the real-time noise monitoring program can be used as a better indicator of compliance with the noise criteria and as a trigger for further attended monitoring); and
 - defines what constitutes a noise incident, and includes a protocol for identifying and notifying the **Department** and relevant stakeholders of any noise incidents.

BLASTING

Restriction on Blasting

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

Operating Conditions

11. The Applicant shall:
 - (a) implement best blasting management practice to:
 - protect the safety of people in the surrounding area;
 - protect public infrastructure and private property in the surrounding area from any damage; and
 - minimise the dust and fume emissions of any blasting;
 - (b) minimise the frequency and duration of any required road closures;
 - (c) consult with, and obtain the approval of, the RMS for any blasts within 500 metres of the Castlereagh Highway; and
 - (d) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site,
 to the satisfaction of the **Secretary**.

AIR QUALITY

Odour

12. The Applicant shall ensure that no offensive odours, as defined under the POEO Act, are emitted by the development.

Air Quality Criteria

13. The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Tables 4, 5 and 6 at any residence on privately-owned land.

Table 4: 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 30 µg/m ³

Table 5: Short-term criteria for particulate matter

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

Table 6: 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 4 - 6:

^a Total impact (ie incremental increase in concentrations due to the development plus background concentrations due to all 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.

^d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the **Secretary**.

^e "Reasonable and feasible avoidance measures" includes, but is not limited to, the operational requirements in condition 17 to develop and implement a real-time air quality management system that ensures operational responses to the risks of exceedance of the criteria.

Mine-owned Land

14. The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Tables 4, 5 and 6 at any occupied residence on mine-owned land unless:
- the tenant and landowner (if the residence is owned by another mining or power generation company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under Schedule 4 of this consent;
 - the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice;
 - air mitigation measures such as air filters, a first flush roof water drainage system and/or air conditioning) are installed at the residence, if requested by the tenant or landowner (if the residence is owned by another mining or power generation company);
 - air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining or power generation company) of the actual particulate emissions at the residence; and
 - data from this monitoring is presented to the tenant or landowner in an appropriate format for a medical practitioner to assist the tenant and/or landowner (if the residence is owned by another mining or power generation company) in making informed decisions on health risks associated with occupying the property, to the satisfaction of the Secretary.

Air Quality Acquisition Criteria

15. If particulate matter emissions generated by the development exceed the criteria, or contribute to an exceedance of the relevant cumulative criteria, in Tables 7, 8 or 9, at any residence on privately-owned land, then upon receiving a written request for acquisition from the landowner the Applicant shall acquire the land in accordance with the procedures in conditions 5-6 of Schedule 4.

Table 7: Long term land 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 30 µg/m ³

Table 8: Short term land 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 9: Long term land 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 7-9:

a Total impact (ie incremental increase in concentrations due to the development plus background concentrations due to all 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;

d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, or any other activity agreed by the **Secretary**.

Operating Conditions

16. The Applicant shall:
- implement best practice management to minimise the off-site odour, fume and dust emissions of the development;
 - implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;
 - minimise the surface disturbance of the site;
 - minimise any visible off-site air pollution generated by the development;
 - operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting, predictive air dispersion modelling and air quality monitoring data to guide the day-to-day planning of coal transportation and processing operations and implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent; and
 - minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d to Tables 7-9 above),
to the satisfaction of the **Secretary**.

Air Quality Management Plan

17. The Applicant shall prepare and implement an Air Quality Management Plan for the development to the satisfaction of the **Secretary**. This plan must:
- be prepared in consultation with the EPA, and submitted to the **Secretary** for approval within 4 months of the date of this consent, unless otherwise agreed by the **Secretary**;
 - describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this consent;
 - describe the proposed air quality management system; and
 - include an air quality monitoring program that:
 - uses a combination of at least one tapered element oscillating microbalance air quality monitor, sited in the vicinity of Blackmans Flat, and supplementary monitors to evaluate the performance of the development against the air quality criteria in this consent;
 - adequately supports the proactive and reactive air quality management system;
 - evaluates and reports on:
 - the effectiveness of the air quality management system; and
 - compliance with the air quality operating conditions; and
 - defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the **Department** and relevant stakeholders of any air quality incidents.

METEOROLOGICAL MONITORING

18. For the life of the development, the Applicant shall ensure that there is a meteorological station in the vicinity of the site that:
- complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
 - is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Industrial Noise Policy*, unless a suitable alternative is approved by the **Secretary** following consultation with the EPA.

SOIL AND WATER

Water Supply

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

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

Water Pollution

20. Unless an EPL authorises otherwise, the Applicant shall comply with Section 120 of the POEO Act.

Remediation of Soil Contamination

21. Within 4 months of the date of this consent, unless otherwise agreed by the **Secretary**, the Applicant shall commence a Phase 2 Contamination Assessment for the SCSS.
22. The Applicant shall manage the remediation of the SCSS and the Kerosene Vale Coal Stockpile Area to the satisfaction of the EPA.
23. The Applicant shall comply with the performance measures in Table 10 to the satisfaction of the **Secretary**.

Table 10: Water Management Performance Measures

Feature	Performance Measure
Potable Water	<ul style="list-style-type: none"> Minimise the use of potable water for purposes where non-potable water is acceptable
Construction and operation	<ul style="list-style-type: none"> Design, install and maintain erosion and sediment controls generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction</i> including Volume 1, Volume 2A – <i>Installation of Services</i> and Volume 2C – <i>Unsealed Roads</i>, or its latest version Design, install and maintain all works within 40 m of watercourses generally in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land</i> (DPI 2012), or its latest version Design, installation and maintenance of creek crossings generally in accordance with the <i>Policy and Guidelines for Fish Friendly Waterway Crossings</i> (NSW Fisheries, 2003) and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings</i> (NSW Fisheries 2003), or their latest versions
Sediment Dams	<ul style="list-style-type: none"> Design, install and maintain dams generally in accordance with <i>Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries</i>, or its latest version
Clean water diversions & storage infrastructure	<ul style="list-style-type: none"> Design, install and maintain the clean water system to capture and convey the 100 year ARI flood, as far as is reasonable and feasible Maximise diversion of clean water around disturbed areas, as far as is reasonable and feasible
Mine-water storages	<ul style="list-style-type: none"> Design, install and maintain the mine-water storage infrastructure to store all runoff from a 95 percentile 5 day rain event Prevent seepage from the DML and Cooks Dams to the surface, as far as is reasonable and feasible
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards
Aquatic and riparian ecosystems, including affected sections of Wangcol and Lamberts Gully Creeks	<ul style="list-style-type: none"> Maintain or improve baseline channel stability Develop site-specific in-stream water quality objectives in accordance with ANZECC 2000 and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> procedures (DECC 2006), or its latest version

Water Management Plan

24. The Applicant shall prepare and implement a Water Management Plan for the development to the satisfaction of the **Secretary**. This plan must:
- (a) be prepared in consultation with the EPA, **WaterNSW**, **DPI Water**, LCC, Forestry Corporation of NSW and Energy Australia by suitably qualified and experienced person/s whose appointment has been approved by the **Secretary**;
 - (b) be submitted to the **Secretary** for approval within 4 months of the date of this consent, unless otherwise agreed by the **Secretary**; and
 - (c) include a:
 - (i) Site Water Balance, that:
 - includes details of:
 - sources and security of water supply, including contingency supply for future reporting periods;
 - water use and management on site;
 - any off-site water discharges; and
 - reporting procedures, including the preparation of a site water balance for each calendar year; and
 - investigates and implements all reasonable and feasible measures to minimise potable water use and to re-use and recycle water;
 - (ii) Surface Water Management Plan, that includes:
 - detailed baseline data on water flows and quality in the watercourses that could potentially be affected by the development;
 - a detailed description of the SCSS water management system, including the:
 - clean water diversion systems;
 - erosion and sediment controls; and
 - mine-water management systems;
 - detailed plans, including design objectives and performance criteria for:
 - design and management for the emplacement of coal reject materials and potential acid-forming or sulphate-generating materials;
 - management of sodic and dispersible soils;
 - reinstatement of appropriate drainage lines on the rehabilitated areas of the site; and
 - control of any potential water pollution from the rehabilitated areas of the site;
 - performance criteria for the following, including trigger levels for investigating any associated potentially adverse impacts:
 - SCSS water management system;
 - downstream surface water quality; and
 - stream and riparian vegetation health for the Wangcol and Lamberts Gully Creeks;
 - a program to monitor and report on:
 - effectiveness of the SCSS water management system; and
 - surface water flows and quality in the watercourses potentially affected by the development; and
 - reporting procedures for the results of the monitoring program; and
 - a plan to respond to any exceedences of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the development;
 - (iii) Groundwater Management Plan that includes:
 - detailed baseline data of groundwater levels, yield and quality on the SCSS and surrounds that could be affected by the development, including any licensed privately-owned groundwater bores;
 - groundwater impact assessment criteria including trigger levels for investigating any potentially adverse groundwater impacts;
 - a program to monitor and report on:
 - groundwater inflows to former open cut pits;
 - the seepage/leachate from water storages, emplacements of power station ash and/or coal rejects, and former open cut voids;
 - background changes in groundwater yield/quality against changes induced by the development; and
 - impacts of the development on:
 - regional and local (including alluvial) aquifers;
 - groundwater supply of any potentially affected private landowners; and
 - any potentially affected groundwater dependent ecosystems and riparian vegetation;
 - a program to validate the groundwater model for the development, including an independent review of the model every 3 years, and comparison of monitoring results with modelled predictions; and
 - a plan to respond to any exceedences of the performance criteria; and

- (iv) protocol that has been prepared in consultation with the owners of nearby power generation or mining developments to:
- minimise cumulative water quality impacts;
 - review opportunities for water sharing/water transfers between these developments;
 - co-ordinate water quality monitoring programs as far as practicable;
 - undertake joint investigations/studies in relation to complaints/exceedences of trigger levels where cumulative impacts are considered likely; and
 - co-ordinate modelling programs for validation, re-calibration and re-running of groundwater and surface water models.

Note: The protocol can be developed in stages and will need to be subject to ongoing review, dependent upon the determination of, and commencement of, other mining and/or power generation developments in the area.

BIODIVERSITY

Biodiversity Offset Strategy

25. By the end of December 2016, the Applicant shall, to the satisfaction of the **Secretary**:
- (a) provide an area that is suitable in its vegetation types and extent to satisfactorily offset the impacts of clearing 10.67 hectares of native vegetation (Coxs *Permian Red Stringybark – Brittle Gum Woodland*); and
 - (b) make suitable arrangements to manage, protect and provide long-term security for this area, consistent with the relevant NSW Offsets policy.

Additional Rehabilitation Initiatives

26. The Applicant shall implement the Additional Rehabilitation Initiatives for the Lamberts Gully Creek catchment on the SCSS by the establishment and enhancement of locally endemic native vegetation species and improvement of fauna habitat values in the areas shown in Appendix 7, to the satisfaction of the **Secretary**.

Riparian Habitat and Catchment Improvement Plan

27. The Applicant must prepare and implement a Riparian Habitat and Catchment Improvement Plan for the development to the satisfaction of the **Secretary**. This plan must:
- (a) be prepared in consultation with Local Land Services, OEH, EPA and WaterNSW, and be submitted to the **Secretary** for approval by the end of October 2017;
 - (b) describe the measures that would be implemented to improve and maintain the riparian habitat of Wangcol Creek for at least 100 metres downstream of the proposed Link Haul Road bridge crossing of the creek;
 - (c) detail additional compensatory water quality and catchment improvement measures to the value of at least \$250,000 which must be undertaken prior to the commissioning of the Springvale Water Treatment Project; and
 - (d) make arrangements to manage, protect and provide for the long-term security for the measures proposed to respond to (b) and (c) above.

Habitat for Threatened Fauna Species

28. The Applicant shall ensure that the Biodiversity Offset Strategy and Additional Rehabilitation Initiatives areas, in combination, provide suitable habitat for threatened fauna species recorded on the SCSS, namely the:
- Brown Treecreeper;
 - Gang-gang Cockatoo;
 - Little Eagle;
 - Scarlet Robin;
 - Large-eared Pied Bat;
 - Eastern Falsistrelle;
 - Eastern Bent Wing Bat; and
 - Yellow Bellied Sheath-tail Bat.

Biodiversity Management Plan

29. The Applicant shall prepare and implement a Biodiversity Management Plan for the development to the satisfaction of the **Secretary**. This plan must:
- (a) be prepared in consultation with OEH and Forestry Corporation of NSW, and be submitted to the **Secretary** for approval by the end of December 2016;
 - (b) describe the short, medium, and long-term measures that would be implemented to:
 - manage remnant vegetation and habitat on the site; and

- implement the Biodiversity Offset Strategy;
- (c) include detailed performance and completion criteria for evaluating the performance of the Biodiversity Offset Strategy, and triggering any necessary remedial action;
- (d) include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3-year period following initial preparation of the plan) for:
 - enhancing the quality of existing vegetation and fauna habitat;
 - establishing native vegetation and fauna habitat in the Additional Rehabilitation Initiatives area through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary);
 - enhancing the landscaping of the site and along public roads to minimise visual and lighting impacts, particularly along the Castlereagh Highway;
 - protecting vegetation and soil outside the approved disturbance area;
 - maximising the salvage of resources within the approved disturbance area – including tree hollows and vegetative and soil resources – for beneficial reuse in the biodiversity offset strategy;
 - collecting and propagating seed;
 - minimising the impacts to fauna on site, including undertaking pre-clearance surveys;
 - managing any potential conflicts between the proposed restoration works in the Additional Rehabilitation Initiatives area and any Aboriginal heritage values (both cultural and archaeological);
 - managing salinity;
 - controlling weeds and feral pests;
 - controlling erosion;
 - controlling access; and
 - managing bushfire risk;
- (e) include a program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;
- (f) identify the potential risks to the successful implementation of the Biodiversity Offset Strategy, and include a description of the contingency measures that would be implemented to mitigate against these risks; and
- (g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

Note: The Biodiversity Management Plan and Rehabilitation Management Plan require substantial integration to achieve biodiversity objectives for the undisturbed and rehabilitated areas of the SCSS.

Conservation Bond

30. Within 6 months of the approval of the Biodiversity Management Plan, unless the **Secretary** agrees otherwise, the Applicant shall lodge a Conservation Bond with **the Department** to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan.

The sum of the bond shall be determined by:

- (a) calculating the full cost of implementing the Biodiversity Offset Strategy (other than land acquisition costs); and
- (b) employing a suitably qualified quantity surveyor to verify the calculated costs.

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

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

Notes:

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

HERITAGE

Protection of Aboriginal Sites

31. The Applicant shall ensure that the development does not cause any direct or indirect impact on identified Aboriginal sites located outside the approved disturbance area of the development on the site.

Heritage Management Plan

32. The Applicant shall prepare and implement a Heritage Management Plan for the development to the satisfaction of the **Secretary**. This plan must:
- (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the **Secretary**;
 - (b) be prepared in consultation with OEH and local Aboriginal stakeholders (in relation to the management of Aboriginal heritage values);
 - (c) be submitted to the **Secretary** for approval within 6 months of the date of this consent, unless the **Secretary** agrees otherwise;
 - (d) include a description of the measures that would be implemented for:
 - addressing relevant statutory requirements under the *National Parks and Wildlife Act 1974*;
 - protecting, monitoring and managing Aboriginal sites outside the approved disturbance area (including sites shown on the figure in Appendix 6, with particular attention to site 45-1-0218);
 - maintaining and managing reasonable access for Aboriginal stakeholders to cultural heritage items on site;
 - managing the discovery of any human remains or previously unidentified Aboriginal objects on site, including (in the case of human remains) stop work provisions and notification protocols;
 - ongoing consultation with local Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage both on-site and in the Biodiversity Offset Strategy area; and
 - ensuring any workers on site receive suitable heritage inductions prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these inductions.

TRANSPORT

Intersection Upgrade

33. Within 6 months of the date of this consent, unless the **Secretary** agrees otherwise, the Applicant shall re-paint line markings at the intersection of the Castlereagh Highway and the SCSS Access Road to the satisfaction of RMS.

Castlereagh Highway Overbridge

34. The Applicant shall design, construct and operate the Link Haul Road overbridge of the Castlereagh Highway at no cost to, and to the satisfaction of, RMS.

Construction Traffic Management Plan

35. The Applicant shall prepare and implement a Construction Traffic Management Plan for the development, to the satisfaction of the **Secretary**. This plan shall be prepared in consultation with LCC and RMS, and must be submitted to the **Secretary** for approval prior to the commencement of construction activities on the site. This plan must address:
- (a) management of wide loads;
 - (b) minimising inconvenience to the public, particularly during the construction of the Link Haul Road overbridge of the Castlereagh Highway; and
 - (c) maintaining public safety.

Road Maintenance – Private Haul Roads

36. Within 3 months of the date of consent, until coal transportation ceases on each respective haul road, unless otherwise agreed by the **Secretary**, the Applicant shall maintain the surface of the haul roads from Angus Place to Mount Piper and Wallerawang power stations with a smooth sealed surface, effectively free of potholes, indentations or other unevenness of the surface that would cause noise levels from traffic travelling on the road to exceed the sleep disturbance criteria in Table 3, to the satisfaction of the **Secretary**.
37. Within 3 months of the date of consent, and every 6 months thereafter until coal transportation ceases on each respective haul road, unless otherwise agreed by the **Secretary**, the Applicant shall arrange and pay the cost of independent inspections and condition reports of the surface of the haul roads from Angus Place to Mount Piper and Wallerawang power stations by an independent road maintenance expert, approved by the **Secretary**. Copies of the inspection and condition reports must be forwarded to the **Secretary** at the same time as they are provided to the Applicant.
38. If any haul road condition report, referred to in condition 37, recommends repair or remedial works in order to prevent exceedances of the sleep disturbance criteria in Table 3, then the Applicant must not undertake trucking operations on the affected haul road at Night until the recommended repair and/or remedial works are undertaken to the satisfaction of the independent road maintenance expert.

Transport Monitoring

39. The Applicant shall monitor and report on:
- (a) the amount of coal transported to and from the site; and
 - (b) the date and time of each truck movement of coal or coal rejects to and from the site; to the satisfaction of the **Secretary**.

VISUAL

Operating Conditions

40. The Applicant shall:
- (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development;
 - (b) ensure no fixed outdoor lights or mobile lighting rigs shine above the horizontal;
 - (c) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting* or its latest version;
 - (d) ensure revegetation works associated with the batters of the Link Haul Road overbridge of the Castlereagh Highway are undertaken as soon as practicable and maintained to reduce visual impacts;
 - (e) employ reasonable and feasible landscaping measures to minimise visual impacts of all private haul roads forming part of the development; and
 - (f) ensure that the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape, to the satisfaction of the **Secretary**.

BUSHFIRE MANAGEMENT

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

WASTE

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

REHABILITATION

Rehabilitation Objectives

43. The Applicant shall rehabilitate the site to the satisfaction of the Director Environmental Sustainability. This rehabilitation must be generally consistent with the proposed Rehabilitation Strategy described in the EIS (and shown conceptually in Appendix 7) and comply with the objectives in Table 11.

Table 11: Rehabilitation objectives

Feature	Objective
Site (as a whole)	Safe, stable and non-polluting
	Constructed landforms drain to the natural environment
	Minimise visual impact of final landforms as far as is reasonable and feasible
Lands on which other approved developments exist or are proposed, such as Energy Australia's ash emplacement or LCC's waste management facility	Final land use to be determined in consultation with, and the agreement of the landowner
	The default objective for all land where a final land use is not otherwise agreed is to rehabilitate to the standards required for "Remainder of the SCSS" in this table
Surface infrastructure	To be decommissioned and removed, unless the Director Environmental Sustainability agrees otherwise

Feature	Objective
Castlereagh Highway overbridge	To be decommissioned and removed, unless the Director Environmental Sustainability and RMS agrees otherwise
Portion of Ben Bullen State Forest within the SCSS	To be managed to the satisfaction of the Forestry Corporation of NSW with the implementation of biodiversity enhancement measures, including weed and feral animal control
Remainder of the SCSS	Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprising: <ul style="list-style-type: none"> • a wildlife corridor (shown as Additional Rehabilitation Initiatives in the figure in Appendix 7); • local native plant species; and • a landform consistent with the surrounding environment
Community	Ensure public safety Minimise the adverse socio-economic effects associated with closure of the development

Progressive Rehabilitation

44. The Applicant shall progressively rehabilitate the site, including the Kerosene Vale Stockpile Area, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies must be employed where areas prone to dust generation are not subject to active operations but cannot yet be permanently rehabilitated.

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

Rehabilitation Management Plan

45. The Applicant shall prepare and implement a Rehabilitation Management Plan to the satisfaction of the Director Environmental Sustainability. This plan must:
- be prepared in consultation with the Department, EPA, DPI Water, OEH, WaterNSW, Forestry Corporation of NSW, CCC and LCC;
 - be submitted to the Director Environmental Sustainability for approval within 4 months of the date of this consent; unless the Director Environmental Sustainability agrees otherwise;
 - be prepared in accordance with any relevant Department guideline;
 - describe how the rehabilitation of the site would be integrated with the implementation of the Biodiversity Management Plan;
 - include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);
 - describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including facility closure, final landform and final land use;
 - include interim rehabilitation where necessary to minimise the area exposed for dust generation;
 - include a program to monitor, independently audit and report on the effectiveness of the rehabilitation measures and progress against the detailed performance and completion criteria; and
 - build to the maximum extent practicable on the other management plans required under this consent.

Note: The Biodiversity Management Plan and Rehabilitation Management Plan require substantial integration to achieve biodiversity objectives for the undisturbed and rehabilitated areas of the SCSS.

Pollution Reduction Works

46. Prior to receiving any residual waste from the operation of the Springvale Water Treatment Project, the Applicant must complete the following pollution reduction works to the satisfaction of the EPA:
- Establish a groundwater monitoring network across the Springvale Coal Services site that comprises an adequate number of bores that are located, established and operated in such a manner that will provide an understanding of surface water and groundwater interactions across the site;
 - Design and install run-off diversion works to divert all clean water run-off generated from catchment areas up-gradient of the Springvale Coal Services Site; and
 - Investigate options for long term management and discharge and/or beneficial reuse, of groundwater presently discharging from the site through LDP 006.

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS/TENANTS

1. Within 1 month of the date of this consent, unless the **Secretary** agrees otherwise, the Applicant shall:
 - (a) notify in writing the owners of:
 - the land listed in Table 1 of Schedule 3 that they have the right to require the Applicant to acquire their land at any stage during the development; and
 - any residence listed in condition 2 of Schedule 3, that they have the right to request the Applicant for additional noise mitigation measures to be installed at their residence at any stage during the development;
 - (b) notify the tenants of any mine-owned land of their rights under this consent; and
 - (c) send a copy of the NSW Health fact sheet entitled “Mine Dust and You” (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EIS identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria in Schedule 3 at any time during the life of the development.
2. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, or for any of the land listed in Table 1 that is subsequently purchased by the Applicant, the Applicant shall:
 - (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled “Mine Dust and You” (as may be updated from time to time); and
 - (b) advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the **Secretary**.
3. As soon as practicable after obtaining monitoring results showing:
 - (a) an exceedance of any relevant criteria in Schedule 3, the Applicant shall notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria; and
 - (b) an exceedance of the relevant air quality criteria in Schedule 3, the Applicant shall send a copy of the NSW Health fact sheet entitled “Mine Dust and You” (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).

INDEPENDENT REVIEW

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

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

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

LAND ACQUISITION

5. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall make a binding written offer to the landowner based on:
 - (a) the current market value of the landowner's interest in the land at the date of 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 at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise mitigation measures in condition 2 of Schedule 3;
- (b) the reasonable costs associated with:
- relocating within the Lithgow local government area, or to any other local government area determined by the **Secretary**; and
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
- (c) reasonable compensation for any disturbance caused by the land acquisition process.

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

Upon receiving such a request, the **Secretary** 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 shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the **Secretary** for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the **Secretary** will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.

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

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

6. The Applicant shall pay all reasonable costs associated with the land acquisition process described in condition 5 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.
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SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Applicant shall prepare and implement an Environmental Management Strategy for the development to the satisfaction of the **Secretary**. This strategy must:
 - (a) be submitted to the **Secretary** for approval within 6 months of the date of this approval, unless the **Secretary** agrees otherwise;
 - (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 mining complex;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise;
 - respond to any non-compliance;
 - respond to emergencies; and
 - (f) include:
 - copies of any strategies, plans and programs approved under the conditions of this consent; and
 - a clear plan depicting all the monitoring to be carried out in relation to the development.

Adaptive Management

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

Where any exceedance of these criteria and/or performance measures has occurred, the 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 (where relevant) and submit a report to the **Department** describing those options and any preferred remediation measures or other course of action; and
- (c) implement remediation measures as directed by the **Secretary**, to the satisfaction of the **Secretary**.

Management Plan Requirements

3. The Applicant shall ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant 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;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.

Annual Review

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

Revision of Strategies, Plans and Programs

5. Within 3 months of:
 - (a) the submission of an annual review under Condition 4 above;
 - (b) the submission of an incident report under Condition 7 below;
 - (c) the submission of an audit report under Condition 9 below; or
 - (d) any modification to the conditions of this consent, (unless the conditions require otherwise),the Applicant shall review 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 for the approval of the **Secretary**.

Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the development.

Community Consultative Committee

6. Within 3 months of the date of this consent, the Applicant shall establish and operate a regional 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), and to the satisfaction of the **Secretary**. This CCC is to service this development and any other approved project and/or development operated by the company in the Wallerawang district.

Notes:

- The CCC is an advisory committee. **The Department** and other relevant agencies are responsible for ensuring that the Applicant complies with this consent; and
- The CCC should be comprised of an independent chair and appropriate representation from the Applicant, LCC, recognised environmental groups and the local community to the satisfaction of the **Secretary**.

REPORTING

Incident Reporting

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

Regular Reporting

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

INDEPENDENT ENVIRONMENTAL AUDIT

Independent Environmental Audit

9. By the end of December 2015, and every 3 years thereafter, unless the **Secretary** directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the **Secretary**;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any other relevant approvals, relevant EPL/s and/or Mining Lease/s (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of any approved strategy, plan or program 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 field specified by the **Secretary**.*
10. Within 3 months of commissioning this audit, or as otherwise agreed by the **Secretary**, the Applicant shall submit a copy of the audit report to the **Secretary**, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

11. The Applicant shall:
- (a) make the following information publicly available on its website:
 - the EIS;
 - all current statutory approvals for the development;
 - approved strategies, plans or programs required under the conditions of this consent;
 - a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
 - a complaints register, which is to be updated on a monthly basis;
 - minutes of CCC meetings;
 - the last five annual reviews;
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit;
 - 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**

Land within area subject of the EIS	Centennial Fassifern Pty Ltd
	Lots 2 and 4 DP 260621
	Lot 1 DP 386554
	Lot 3 DP 542432
	Lots 32, 41, 57 and 351 DP 751636
	Lots 43, 51 and 406 DP 751651
	Lots 120, 121 and 124 DP 1188105
	Lots 138, 139, 140, 141, 142, 143, 144 and 145 DP 1185660
	Lots 1, 3 and 4 DP 1139982
	Lot 1 DP 400022
	Lot 1 DP 920999
	Lots 2 and 3 DP 1151441
	Centennial Springvale Pty Ltd and Springvale Kores Pty Ltd
	Lot 1 DP 88503
	Lots 1 and 2 DP 126483
	Lot 13 and 357 DP 751651
	Lot 501 DP 825541
	Lot 2 DP 835651
	Coal Link>Pty Ltd
	Lot 1 DP 825887
	Council of the City of Lithgow
	Lot 42 DP 751636
	Lot 1 DP 1049889
	Lot 1 DP 1127043
	Lot 4 DP 1151441
	Delta Electricity
	Lot 191 DP 629212
	Lots 1 and 2 DP 702619
	Lot 67 DP 751636
	Lot 1 DP 803655
	Lots 9 and 15 DP 804929
	Lot 1 DP 825124
	Lots 140, 146, 147, 148, 149, 151 and 152 DP 1185660
	Lots 3 and 5 DP 829137
	Lot 101 DP 829410

	Lot 16 DP 855844
	Lot 2 DP 1018958
	Lots 1 and 5 DP 1087684
	Lot 228 DP 1131953
	Lots 10 and 11 DP 1139978
	Lots 2 and 3 DP 1139982
	Lot 103 DP 1164619
	Enhance Place Pty Ltd
	Lots 132, 135, 136, 137 138, 139, 140 and 141 DP 1188105
	Lot 10 DP 877753
	Lot 29 DP 1096381
	State of NSW / Ben Bullen State Forest
	Lot 70 DP 751636
	Lot 502 DP 825541
	Lot 7005 DP 1026541
	Lots 290 and 291 DP 751636
	Ivanhoe Coal Pty Ltd
	Lot 2 DP 567915
	Lots 16, 174, 375 and 385 DP 751651
	Lot 101 DP 1137972
	Private Owner (Janette Winifred Hunt)
	Lot 371 DP 751651
	Lidsdale Holdings Pty Ltd
	Lot 128 DP 1188105
	State Rail Authority
	Lots 1 and 8 DP 252472
	Crown Roads
	Lots 4, 5, 9 and 10 DP 1187371
	Lot 70 DP 751636
	Lot 7005 DP 1026541

APPENDIX 2 DEVELOPMENT AREA

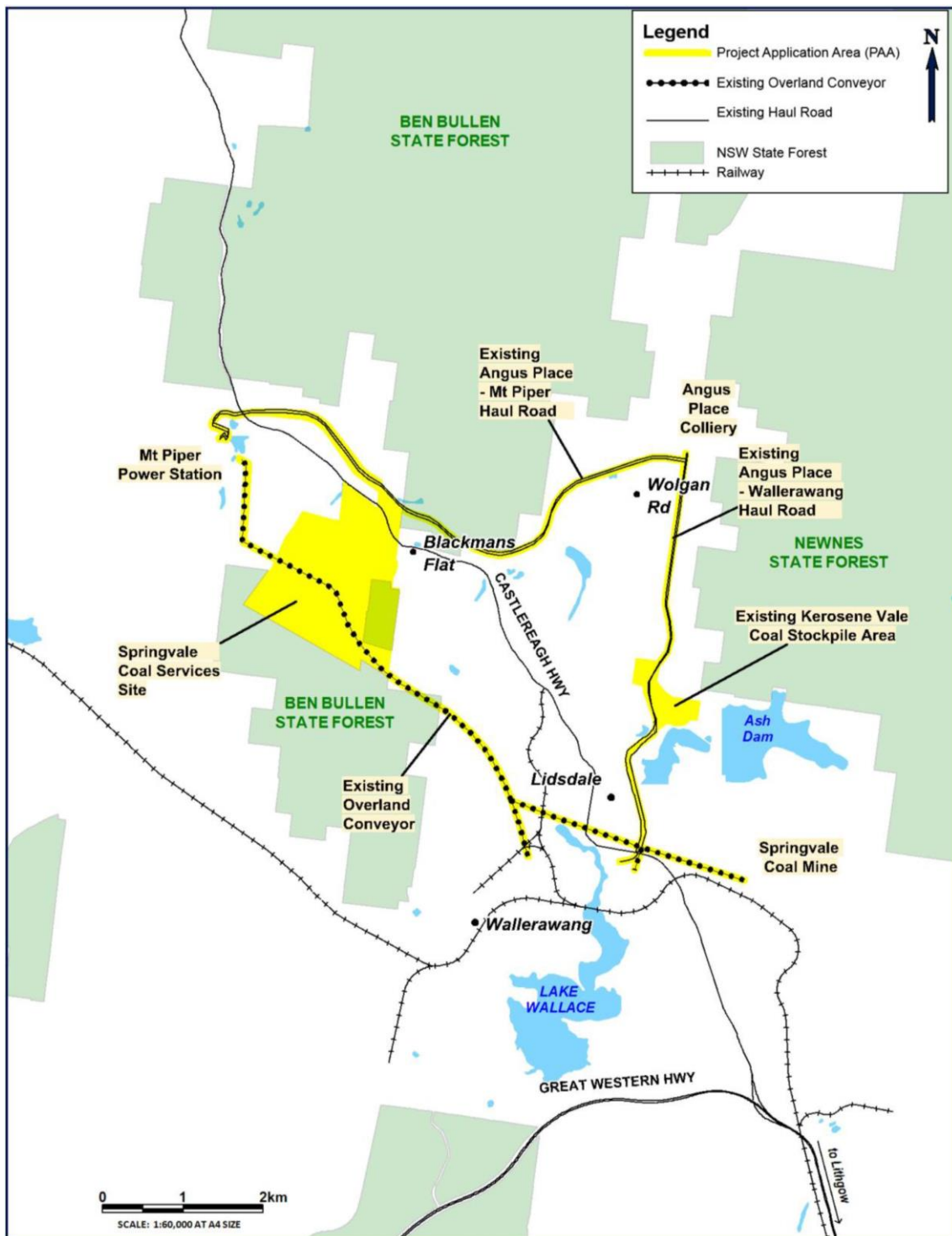


Figure 1: Western Coal Services Project – Development Area

APPENDIX 3 DEVELOPMENT LAYOUT

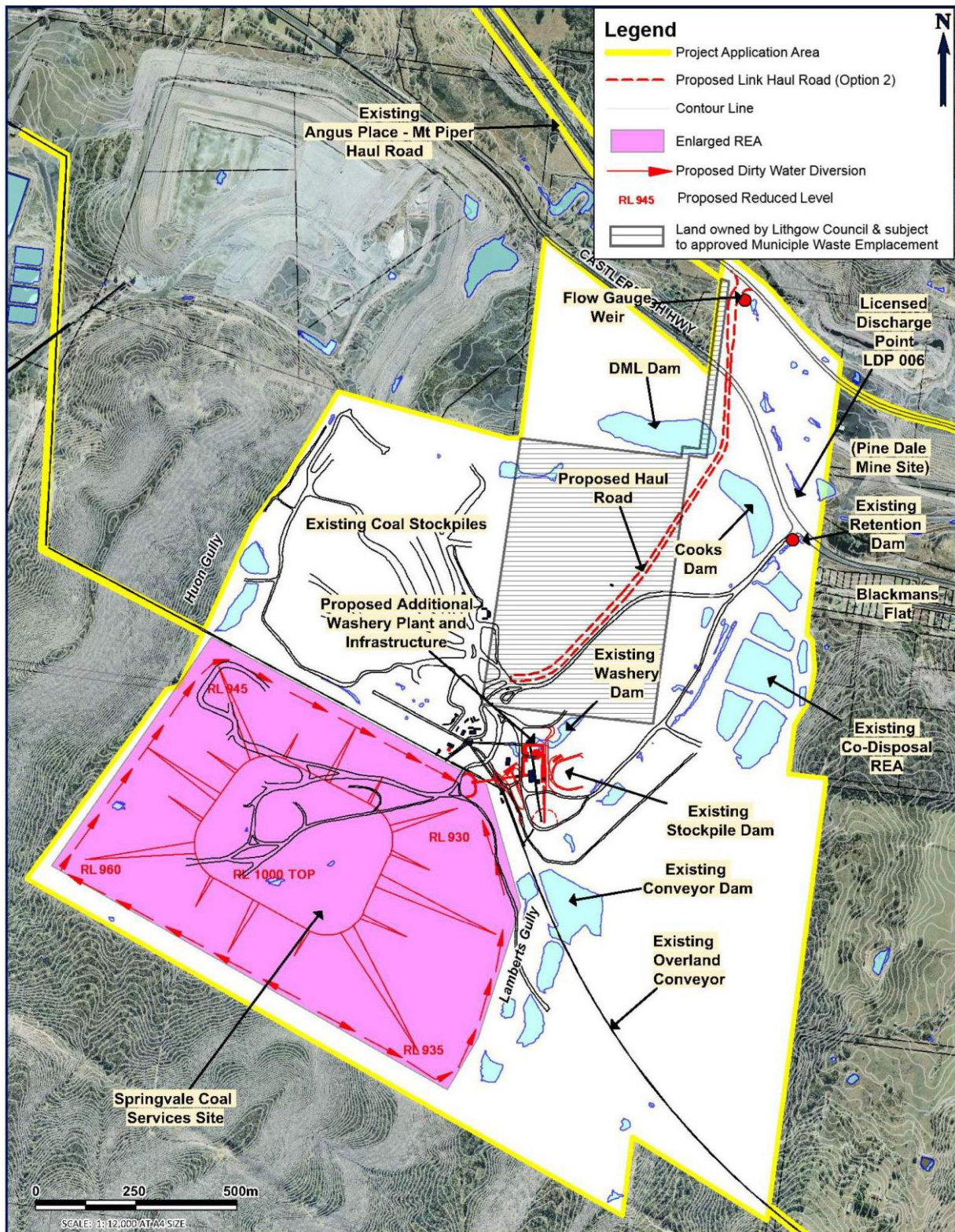


Figure 1: General layout of proposed infrastructure on the SCSS

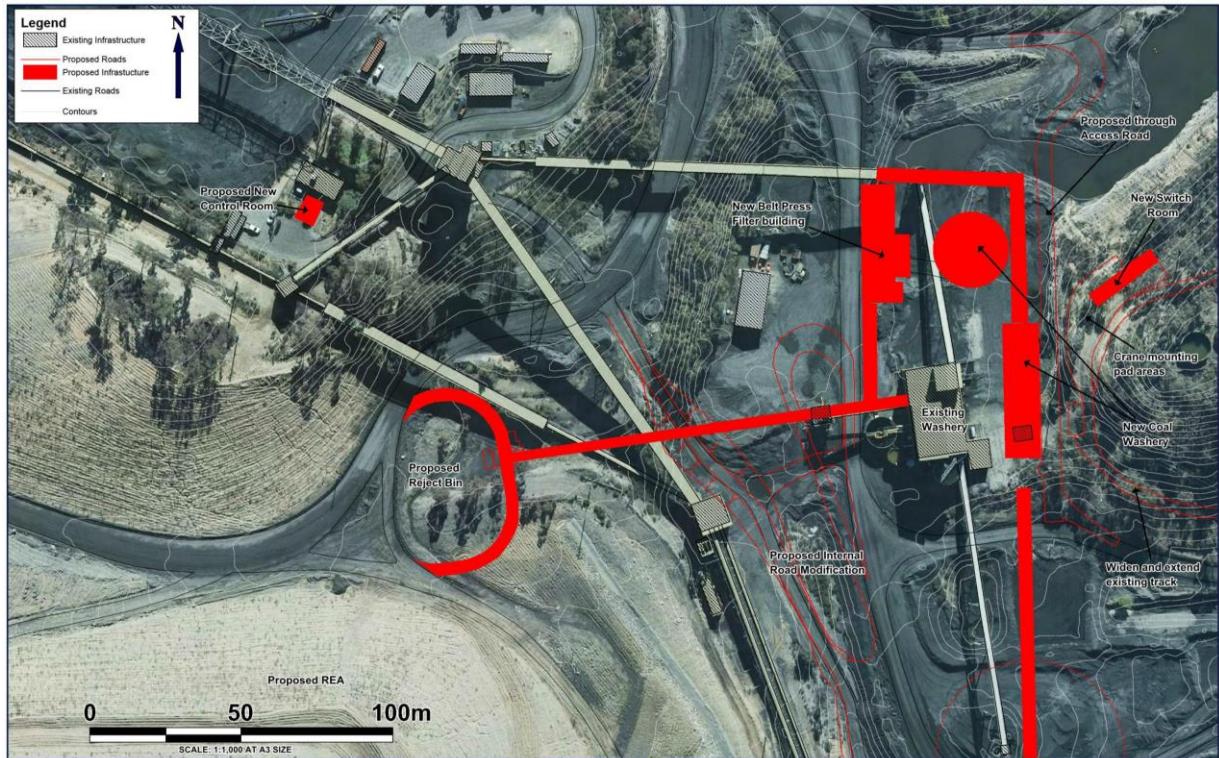


Figure 2: General layout of proposed upgrade to the CHPP on the SCSS

APPENDIX 4 RECEIVER LOCATIONS

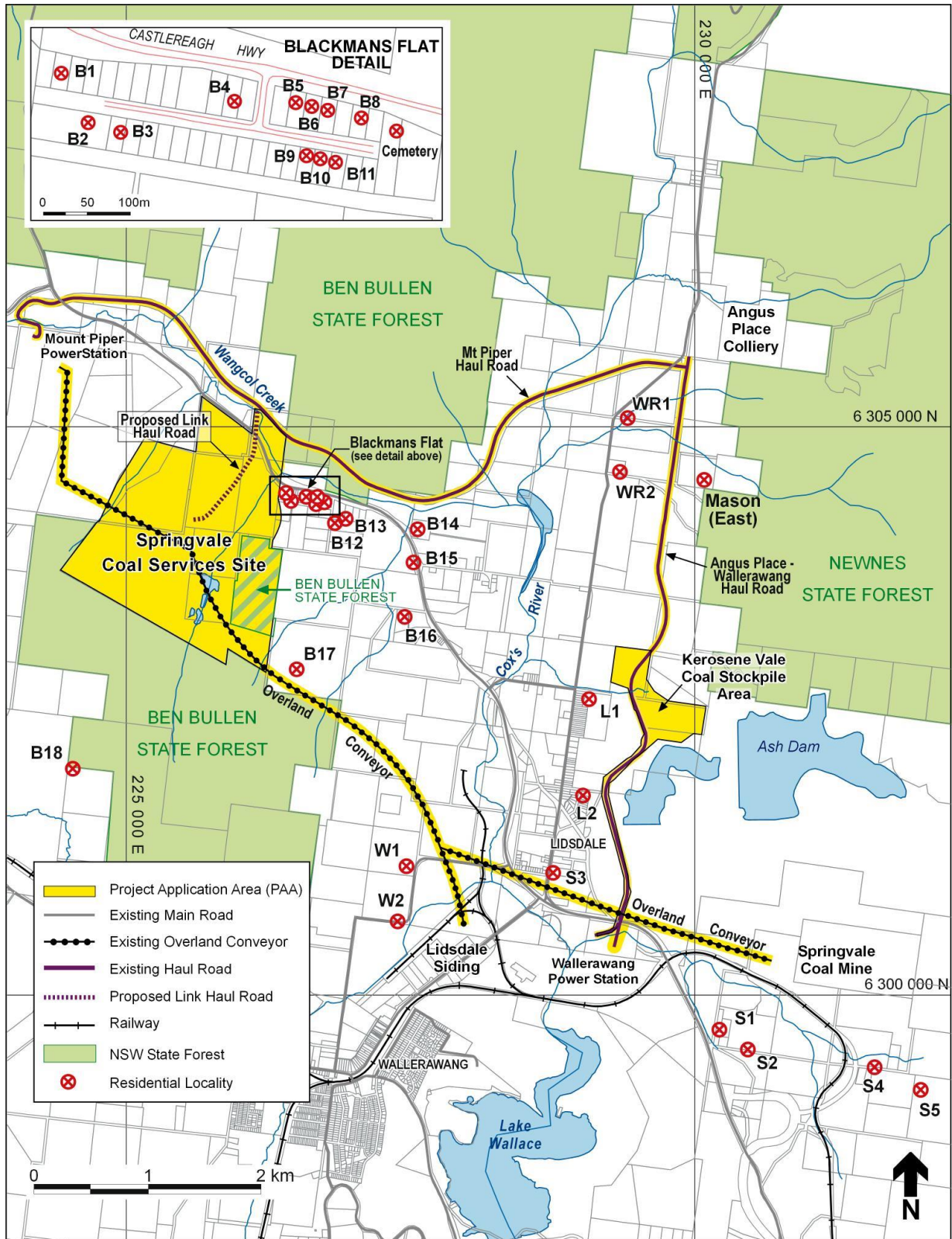


Figure 1: Residential locations used for noise and air quality predictions

APPENDIX 5 NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

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

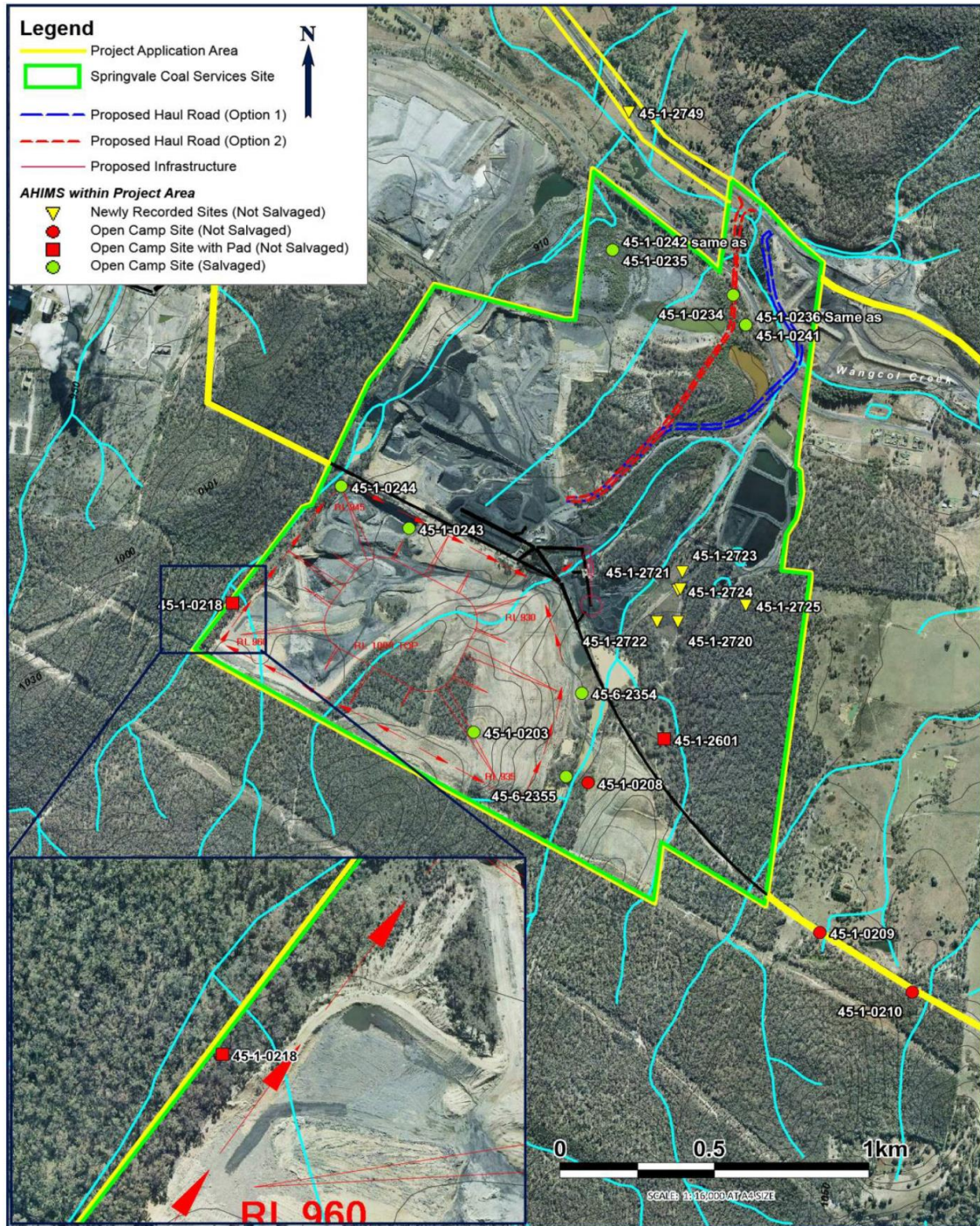
Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station required under condition 18 of Schedule 3.

Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.
4. This monitoring must be carried out at least 12 times in each calendar year (ie at least once in every calendar month), unless the **Secretary** directs otherwise.
5. Unless the **Secretary** agrees otherwise, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (as amended from time to time), in particular the requirements relating to:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) meteorological conditions during which collection of noise data is not appropriate;
 - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
 - (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.

APPENDIX 6 ABORIGINAL CULTURAL HERITAGE SITES



APPENDIX 7 ADDITIONAL REHABILITATION INITIATIVES

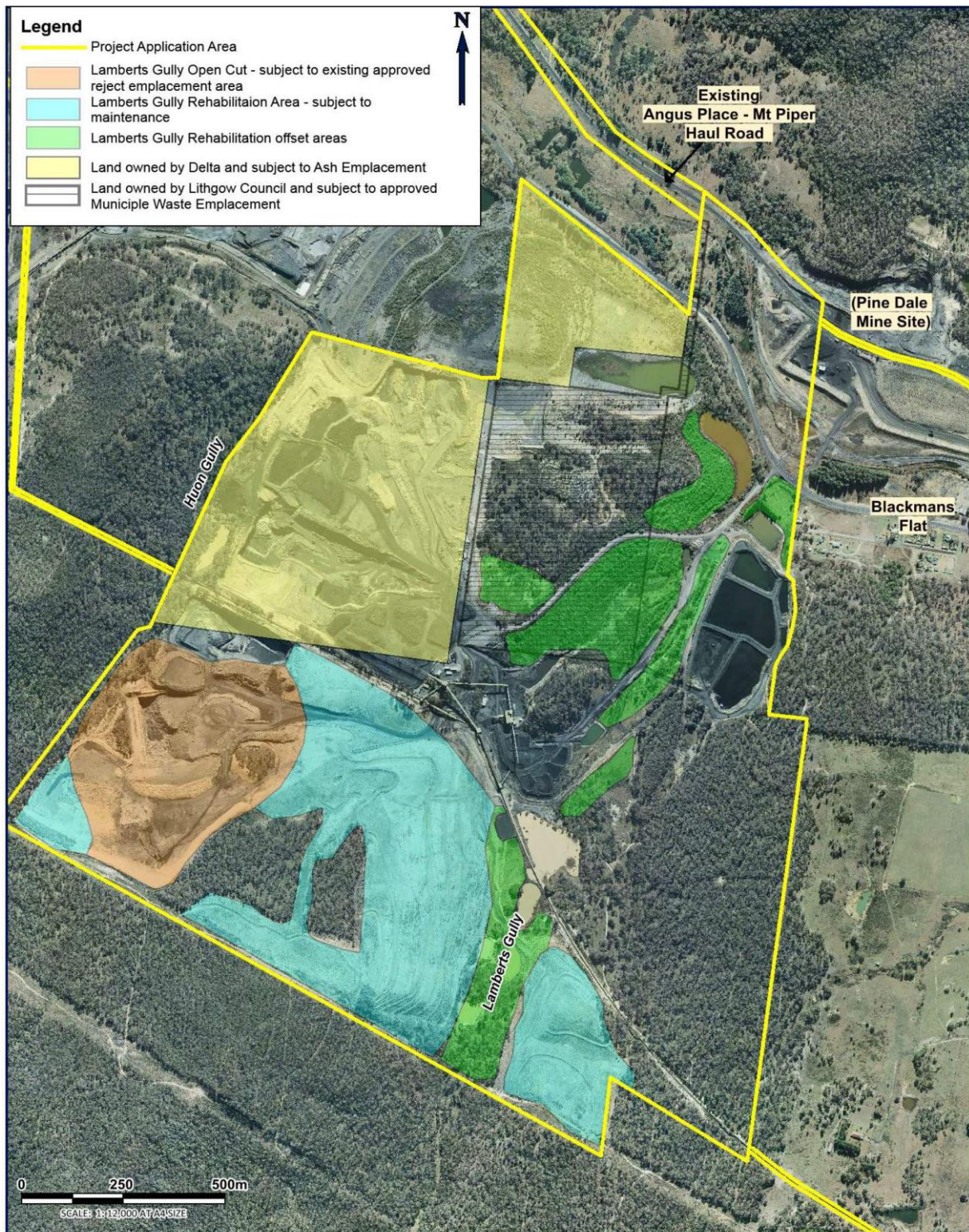


Figure 1: Location of Additional Rehabilitation Initiatives at SCSS (in green)

**APPENDIX 8
STATEMENT OF COMMITMENTS**

EIS Table 66 - Project Development Phase – Statement of Commitments

Desired Outcome	Action
Development Phase	
All construction operations are appropriately undertaken to minimise potential impacts to the environment.	<p>1.1 Appropriate erosion and sediment control measures will be implemented for construction of the upgrading of the Washery and associated infrastructure (additional conveyors and transfer points on the Springvale Coal Services Site, refer to Figure 8 of the EIS), extension and enlargement of the existing REA, and construction of the Link Haul Road and overpass of the Castlereagh Highway and will be installed prior to commencement of disturbance activities, generally in accordance with the guidelines '<i>Managing Urban Stormwater – Soils and Construction, Volume 2E: Mines and Quarries</i>' (DECC 2008).</p> <p>1.2 A Works Authorisation Deed with RMS will be obtained for the overpass of the Castlereagh Highway prior to construction works within the highway easement.</p> <p>1.3 Prior to construction a CEMP will be prepared for the Springvale Coal Services Site that will be implemented during the construction phase and will include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Noise Management Plan; <input type="checkbox"/> Air Quality Management Plan; <input type="checkbox"/> Site Water Management Plan; <input type="checkbox"/> Groundwater Management Plan; <input type="checkbox"/> Cultural Heritage Management Plan; <input type="checkbox"/> Weed Management Plan; and <input type="checkbox"/> Construction Traffic Management Plan.

EIS Table 67 - Project Operation - Statement of Commitments

Desired Outcome	Action
1. General	
All operations are undertaken in a manner that will minimise the environmental impacts associated with the Project.	1.1 Operations will be undertaken generally in accordance with the description provided in this EIS dated April 2013.
2. Hours of Operation	
All operations are undertaken within the approved operating hours.	2.1 Operations may be undertaken 24 hours a day 7 days a week.
3. Noise and Vibration	
All noise impacts are minimised to the greatest extent possible.	<p>3.1 Removal of the northern two thirds of the existing Co-Disposal REA at the Springvale Coal Services Site within five years of Project Approval.</p> <p>3.2 The construction of the Link Haul Road in the location as depicted in Figure 1 of the EIS.</p> <p>3.3 Material haulage will be managed to maintain compliance with the approved noise criteria on the private Haul Roads.</p> <p>3.4 Reduction of truck movements along Mt Piper Haul Road during prevailing noise enhancing weather conditions in order to meet the nominated Project Specific Noise Criteria. The default level will be zero trucking during these conditions until such time as noise monitoring confirms the truck movements required to meet the Project Specific Noise Criteria during these conditions.</p> <p>3.5 Within 6 months of the date of the Project Approval, A Noise Management Plan will be prepared for the entire PAA. The plan will be prepared in consultation with the EPA. The Noise Management Plan will include the existing monitoring and mitigation strategies contained in the current approved Angus Place Noise Monitoring program, specifically,</p>

Desired Outcome	Action
	<p>quarterly inspections of road surfaces, quarterly attended and unattended monitoring to assess compliance and additional noise monitoring in response to noise complaints. The Noise Management Plan will include a protocol for determining the prevailing noise enhancing weather conditions which would trigger reduced transport on the Mt Piper Haul Road.</p> <p>3.6 The following dust mitigation measures will be implemented and will be completed prior to operating the new infrastructure:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Enclosure of the existing and proposed Washery; <input type="checkbox"/> Enclosure of conveyor transfer points; <input type="checkbox"/> Loading of coal rejects from an enclosed bin; <input type="checkbox"/> Majority of coal reclaimed from stockpiles via underground reclaim tunnel; <input type="checkbox"/> Three quarter enclosed conveyors; and <input type="checkbox"/> New Link Haul Road will be fully sealed. <p>3.7 Location of infrastructure as per Figure 8 of the EIS.</p>
4. Air Quality	
All air quality impacts are minimised to the greatest extent possible.	<p>4.1 The following dust mitigation measures will be implemented and will be completed prior to operating the new infrastructure:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Enclosure of the existing and proposed Washery; <input type="checkbox"/> Enclosure of conveyor transfer points; <input type="checkbox"/> Loading of coal rejects from an enclosed bin; <input type="checkbox"/> Majority of coal reclaimed from stockpiles via underground reclaim tunnel; <input type="checkbox"/> Three quarter enclosed conveyors; <input type="checkbox"/> Stockpile water sprays which are wind activated; <input type="checkbox"/> New Link Haul Road will be fully sealed; <input type="checkbox"/> Regular use of water carts on unsealed roads trafficked by heavy vehicles. This will include the surface of the proposed REA; and <input type="checkbox"/> Installation of a TEOM continuous atmospheric dust monitoring unit within the Blackmans Flat residential area. <p>4.2 Within 6 months of the date of the Project Approval, an updated Air Quality Management Plan will be prepared for the entire PAA. The plan will be prepared in consultation with the EPA.</p>
5. Surface Water, Groundwater, Geomorphology and Aquatic	
All surface water groundwater and aquatic impacts are minimised to the greatest extent possible.	<p>5.1 Within 6 months of Project Approval a single Water Management Plan will be prepared for the entire PAA and will include operation of the new infrastructure, water recycling system, surface and groundwater monitoring including Wangcol Creek mixing zone and a staged implementation of the separation of the Lamberts Gully drainage line as it passes through the Springvale Coal Services Site as well as the localised changes associated with approved Mt Piper Power Station Ash Emplacement Project.</p> <p>5.2 Within 6 months of the date of the Project Approval apply for any necessary water licenses covering the Springvale Coal Services Site.</p> <p>5.3 Within 5 years of the date of the Project Approval, complete the separation of clean and dirty water at the Springvale Coal Services Site. The design will include the diversion of upstream catchments of Huon Gully around the new REA. The sub-catchment containing the existing A Pit REA (previously the Lambert Gully upstream of the Springvale Coal Services Site Open Cut) as well as the new REA will be diverted into the New Sediment Dam. This sub-catchment currently discharges to Huon Gully without treatment and the staged bypass and therefore the proposed change will lead to improved water quality in Huon Gully. Following remediation of the new REA, this sub-catchment of Huon Gully</p>

Desired Outcome	Action
	<p>will be restored.</p> <p>5.4 Construct a staged bypass of the Conveyor Dam and Retention Pond on the Springvale Coal Services Site within 3 years of the date of the consent.</p> <p>5.5 Construct a pollution control pond control runoff from the new REA. This structure will have a capacity of approximately 15 ML and will be located on the north-eastern corner of the REA. The dam will have a pipe connection to the existing Washery Dam, which is connected to Cooks Dam via a pipeline. This will enable treated stormwater from the new REA to be recycled back to the Washery via Cooks Dam. This dam is to be constructed once the current A Pit REA is completed but prior to the base of the new REA being completed.</p> <p>5.6 Provision of a belt press filter system (or equivalent) to recover water from the tailings produced from the new Washery. This water recovery system will cover tailings produced from the existing Washery but will be installed as part of the construction of the new Washery.</p> <p>5.7 Apply for a separate EPL covering the entire PAA that includes LDP 003 (Kerosene Vale Stockpile Area) and LDP 006 and LDP 007 (conveyor at Duncan Street, Lidsdale).</p> <p>5.8 Within 3 months of completion of the clean and dirty water separation system consent apply to relocate the current LDP006 to the spillway of Cooks Dam and replace the existing LDP006 with a license monitoring point.</p> <p>5.9 Within 6 months of completion of the Link Haul Road, complete the additional riparian planting for a 100 m section of Wangcol Creek downstream of the Link Haul Road crossing. The species selection and density is to be determined in consultation with the WaterNSW and DPI Water.</p> <p>5.10 Within 12 months of Project Approval, site specific trigger values based on ANZECC 2000 Guidelines will be developed for Wangcol Creek.</p> <p>5.11 To better understand the groundwater linkages, within 12 months of Project Approval, a baseline groundwater monitoring program will be established for the Springvale Coal Services Site. The baseline groundwater monitoring program will include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Quarterly monitoring of water levels from a network of monitoring bores following the completion of construction; <input type="checkbox"/> Six monthly sampling of monitoring bores for field analysis of pH, EC and temperature and laboratory analysis on major ions, pH, EC, TDS, dissolved arsenic, cadmium, chromium, copper, iron, lead, manganese, nickel and zinc; and <input type="checkbox"/> An annual review so that its capacity as an accurate predictive tool can be assessed and maintained.
6. Visual	
All visual impacts are minimised to the greatest extent possible.	<p>6.1 Prior to its completion, the battered slopes of the Link Haul Road overpass bridge will be planted with low maintenance hardy groundcover flowering species.</p> <p>6.2 Staged rehabilitation of the REA will be in accordance with the timeframes provided within the EIS.</p>
7. Aboriginal Heritage Management	
Ensure that identified and unidentified Aboriginal Sites are appropriately managed.	7.1 Within six months of Project Approval, a CHMP will be prepared as part of the ongoing management of the Springvale Coal Services Site. The CHMP which will be developed in consultation with the Aboriginal Stakeholders.
8. Traffic Management	

Desired Outcome	Action
Project-related impacts on the road network are limited.	<p>8.1 The Link Haul Road will be constructed in accordance with AUSROADS Guidelines in consultation with RMS.</p> <p>8.2 All construction sites associated with the infrastructure upgrade prepare and implement a Construction Traffic Management Plan.</p> <p>8.3 Upgrade Springvale Coal Services intersection line-marking to RMS standards.</p>
9. Contamination	
Potential contamination impacts are minimised to the greatest extent possible.	<p>9.1 A Phase 2 Assessment of the entire Springvale Coal Services Site will be conducted before February 2015, in accordance with Springvale Coal's stated commitments to the NSW EPA (letter dated 2 February 2012).</p>
10. Rehabilitation	
Rehabilitation of the Springvale Coal Services Site is conducted in accordance with Industry Standards.	<p>10.1 Within six months of Project Approval a single Rehabilitation Plan will be prepared for the entire PAA in consultation with the Department and DPI and will include the timeframes provided within this EIS, details of the rehabilitation methods, monitoring and reporting framework. Results arising from the implementation of the program will be reported each year in the Annual Review (currently referred to as the AEMR).</p> <p>10.2 The rehabilitation program will include previous commitments from the Lamberts Gully Project Approval (06-0017) including <i>Eucalyptus cannonii</i>.</p>