

Development Consent

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

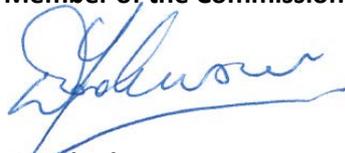
As delegate of the Minister for Planning, the Planning Assessment Commission of NSW approves the development application referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

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



Alan Coutts (Chair)
Member of the Commission



David Johnson
Member of the Commission



Joe Woodward
Member of the Commission



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Member of the Commission

Sydney

24 April 2017

SCHEDULE 1

| | |
|----------------------------|------------------------------|
| Application Number: | SSD-6764 |
| Applicant: | Wilpinjong Coal Pty Limited |
| Consent Authority: | Minister for Planning |
| Land: | See Appendix 1 |
| Development: | Wilpinjong Extension Project |

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DEFINITIONS

| | |
|----------------------------------|---|
| Annual review | The review required by condition 4 of schedule 5. |
| Applicant | Wilpinjong Coal Pty Limited, or any person who seeks to carry out the development approved under this consent. |
| ARI | Average Recurrence Interval |
| ARTC | Australian Rail Track Corporation Ltd |
| BCA | Building Code of Australia |
| Biodiversity offset strategy | The conservation and enhancement strategy described in the EIS and the Wilpinjong Coal Project EIS, summarised in Table 7 and depicted conceptually in the figure in Appendix 8 |
| Blast misfire | The failure of one or more holes in a blast pattern to initiate |
| BVT | Biometric Vegetation Type |
| CCC | Community Consultative Committee |
| CHPP | Coal Handling and Preparation Plant |
| Commencement of Development | The date notified to the Department by the Applicant under condition 8 of schedule 2. |
| Conditions of this consent | Conditions contained in schedules 1 to 5 inclusive |
| Council | Mid-Western Regional 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 described in the EIS and the Wilpinjong Coal Project EIS |
| DoEE | Commonwealth Department of the Environment and Energy administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> |
| DPI | Department of Primary Industries |
| DPI Water | The Division of Water within DPI |
| EIS | The Environmental Impact Statement titled <i>Wilpinjong Extension Project EIS</i> , dated January 2016, associated response to submissions, and the Response to the Planning Assessment Commission Review, 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 <i>Protection of the Environment Operations Act 1997</i> |
| Evening | The period from 6pm to 10pm |
| Feasible | Feasible relates to engineering considerations and what is practical to build or implement |
| Heritage Division | Heritage Division of OEH |
| 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> |
| IESC | Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development |
| 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 |
| Material harm to the environment | Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial |
| Mine water | Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with carbonaceous material |
| Mining operations | Includes the removal and emplacement of overburden and extraction, processing, handling, storage and transport of coal on site |
| Minister | Minister for Planning and Environment, 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 |
| NP&W Act | <i>National Parks and Wildlife Act 1974</i> |

| | |
|-----------------------------|--|
| OEH | Office of Environment and Heritage |
| PMF | Probable Maximum Flood |
| POEO Act | <i>Protection of the Environment Operations Act 1997</i> |
| Privately-owned land | Land that is not owned by a public agency, or a mining company or its subsidiary |
| Public infrastructure | Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc. |
| RAPs | The eight Registered Aboriginal Parties for the development as identified in Table 7 of Appendix G of the EIS |
| Reasonable | Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements |
| Rehabilitation | The restoration of land disturbed by the development to a good condition to ensure it is safe, stable and non-polluting |
| Residence | For the purposes of this instrument, a residence includes existing or approved dwellings or buildings at the date of this consent, including those offering overnight accommodation |
| RFS | Rural Fire Service |
| RMS | Roads and Maritime Services |
| ROM | Run-of-mine |
| Secretary | Secretary of the Department, or nominee |
| Site | The land defined in Appendix 1 |
| TSC Act | <i>NSW Threatened Species Conservation Act 1995</i> |
| Ulan Road Strategy | The strategy prepared by the Arrb Group Limited, dated December 2011 as amended by the Secretary's letter dated 25 May 2013 |
| Wilpinjong Coal Project | Mining operations at the Wilpinjong coal mine undertaken in accordance with the project approval MP 05-0021 |
| Wilpinjong Coal Project EIS | The 2005 Environmental Impact Statement and subsequent environmental assessments for the Wilpinjong Coal Project, as listed in Appendix 3 |

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 must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.

TERMS OF CONSENT

2. The Applicant must carry out the development:
 - (a) generally in accordance with the EIS and the Wilpinjong Coal Project EIS; and
 - (b) in accordance with the conditions of this consent.

Note: The general layout of the development is shown in Appendix 2.
3. If there is any inconsistency between documents listed in condition 2(a) above, 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 must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
 - (a) any strategies, plans, programs, reviews, reports, audits or correspondence that are submitted in accordance with this consent (including any stages of these documents);
 - (b) any reviews, reports or audits 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. The Applicant may carry out mining operations on site until the 31 December 2033.

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

Coal Extraction and Transportation

6. The Applicant must not extract more than 16 million tonnes of ROM coal from the site in a calendar year.
7. The Applicant must ensure that:
 - (a) all product coal is transported from the site by rail;
 - (b) no more than 10 laden trains leave the site on any one day; and
 - (c) not more than 6 laden trains leave the site per day on average when calculated over any calendar year.

NOTIFICATION OF COMMENCEMENT

8. Prior to commencing any development under this consent, the Applicant must notify the Department in writing of the date on which it will commence the development permitted under this consent.

SURRENDER OF EXISTING PROJECT APPROVAL

9. Within 6 months of the commencement of development under this consent, or as otherwise agreed by the Secretary, the Applicant must surrender the existing project approval (MP 05-0021) for the Wilpinjong Coal Project in accordance with Section 8P of the EP&A Regulation.

Following the commencement of development under this consent, and prior to the surrender of the project approval (MP 05-0021), the conditions of this consent shall prevail to the extent of any inconsistency with the conditions of MP 05-0021.

Notes:

- Any existing management and monitoring plans/strategies/programs/protocols/committees under the existing approval for the Wilpinjong Coal Project will continue to apply until the approval of the comparable plan/strategy/program/protocol/committee under this consent.
- 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.

STRUCTURAL ADEQUACY

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

Notes:

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

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.

PROTECTION OF PUBLIC INFRASTRUCTURE

12. 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.

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

OPERATION OF PLANT AND EQUIPMENT

13. The Applicant must ensure that all plant and equipment used on site, or to monitor the performance of the development, is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

PLANNING AGREEMENT

14. Within 6 months of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant shall amend the current planning agreement with Council under Division 6 of Part 4 of the EP&A Act to reflect the terms outlined in Appendix 4.

SUPPLY OF OVERBURDEN

15. With the approval of the Secretary and in consultation with Council, the Applicant may supply small quantities of overburden material to regional infrastructure projects in the vicinity of the site.

Note: The use of this material in the regional infrastructure project must be approved prior to the supply of any material.

**SCHEDULE 3
SPECIFIC ENVIRONMENTAL CONDITIONS**

ACQUISITION UPON REQUEST

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

Table 1: Land subject to acquisition upon request

| Residence |
|-----------------------------|
| 102, 903, 908, 933, and 959 |

Note: To interpret the land referred to in Table 1, see the applicable figures in Appendix 5.

MITIGATION UPON REQUEST

2. Upon receiving a written request from the owner of any residence on the land listed in Table 2, the Applicant must implement additional noise mitigation measures at or in the immediate vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy*. They must also be reasonable and feasible and proportionate with the level of predicted impact.

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

Table 2: Land subject to additional mitigation upon request

| Mitigation Basis | Residence |
|-------------------------|-----------------------|
| Noise | 102, 903, 908 and 933 |

Note: To interpret the land referred to in Table 2, see the applicable figures in Appendix 5.

NOISE

Noise Criteria

3. The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 3 at any residence on privately-owned land or at the other specified locations.

Table 3: Noise criteria dB(A)

| Location | Day | Evening | Night | |
|---|---|-----------------------------------|-----------------------------------|---------------------------------|
| | L_{Aeq}(15 minute) | L_{Aeq}(15 minute) | L_{Aeq}(15 minute) | L_{A1}(1 minute) |
| 102 | 36 | 36 | 38 | 45 |
| Wollar Village – Residential | 36 | 37 | 37 | 45 |
| All other privately owned land | 35 | 35 | 35 | 45 |
| 901 – Wollar School | 35 (internal) 45 (external) When in use | | | - |
| 150A – St Luke’s Anglican Church | 40 (internal) When in use | | | - |
| 900 – St Laurence O’Toole Catholic Church | | | | |

Note: To interpret the locations referred to in Table 3, see the applicable figures in Appendix 5.

Noise generated by the development is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time to time). Appendix 6 sets out the meteorological conditions under which these criteria apply along with any modifications to the *NSW Industrial Noise Policy* 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 of land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

Operating Conditions

4. The Applicant must:
 - (a) implement all reasonable and feasible measures to minimise the construction, operational, low frequency, road and rail noise of the development;
 - (b) 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 mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
 - (c) minimise the noise impacts of the development during meteorological conditions when the noise limits in this consent do not apply (see Appendix 6);
 - (d) only use locomotives and rolling stock that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL;
 - (e) co-ordinate noise management at the site with the noise management at Moolarben and Ulan mines to minimise cumulative noise impacts; and
 - (f) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent.

Noise Management Plan

5. Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - (a) be prepared in consultation with the EPA;
 - (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 noise management system;
 - compliance against the noise criteria in this consent; and
 - compliance against the noise operating conditions;
 - includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a better indicator of compliance with the noise criteria in this consent and trigger for further attended monitoring); and
 - defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.
6. The Applicant must implement the approved Noise Management Plan for the development.

BLASTING

Blast Criteria

7. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 4.

Table 4: Blasting criteria

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

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

Blasting Hours

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

Blasting Frequency

9. The Applicant may carry out a maximum of:
 - (a) 2 blasts a day; and
 - (b) 5 blasts a week, averaged over a calendar year, at the site.

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

Notes:

- For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.
- For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast.
- In circumstances of recurring unfavourable weather conditions (following planned but not completed blast events), to avoid excess explosive sleep times and minimise any potential environmental impacts, the Applicant may seek agreement from the Secretary for additional blasts to be fired on a given day.

Property Inspections

10. If the Applicant receives a written request from the owner of any privately-owned land within 3 kilometres of any approved open cut mining pit/s on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant must:
 - (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:
 - establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and
 - identify reasonable and feasible measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and/or structures; and
 - (b) give the landowner a copy of the new or updated property inspection report.

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

Property Investigations

11. If any owner of privately-owned land within 3 kilometres of any approved open cut mining pit/s on site, or any other landowner where the Secretary is satisfied an investigation is warranted, claims that buildings and/or structures on his/her land have been damaged as a result of blasting associated with the development, then within 2 months of receiving this request, the Applicant must:
 - (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and
 - (b) give the landowner a copy of the property investigation report.

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

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

Operating Conditions

12. During mining operations on the site, the Applicant must:
 - (a) implement reasonable and feasible measures to:
 - protect the safety of people and livestock in the area surrounding blasting operations;
 - protect public or private infrastructure/property and heritage items in the area surrounding blasting operations from blasting damage;
 - minimise blasting impacts on the Shale Oil Mine Adit containing the Eastern Bentwing-bat roost site located adjacent to Pit 8; and
 - minimise the dust and fume emissions from blasting at the development;
 - (b) ensure that blasting at the site does not:

- i. damage any identified rock shelters with moderate to high Aboriginal cultural heritage significance located within the Munghorn Gap Nature Reserve; and
 - ii. cause more than negligible damage to any identified rock shelters with low Aboriginal cultural heritage significance located within the Munghorn Gap Nature Reserve;
- (c) limit temporary blasting-related road closures to 1 per day;
 - (d) co-ordinate the timing of blasting on site with the timing of blasting at the adjoining Moolarben and Ulan coal mines to minimise the potential cumulative blasting impacts of the three mines;
 - (e) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site; and
 - (f) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent.
13. The Applicant must not undertake blasting on site within 500 metres of any public road or railway, or any land outside the site not owned by the Applicant, unless the Applicant has:
- (a) a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the infrastructure or land, and the Applicant has advised the Department in writing of the terms of this agreement; or
 - (b) demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the infrastructure or land without compromising the safety of people or livestock or damaging the infrastructure and/or other buildings and structures, and updated the Blast Management Plan to include the specific mitigation measures that would be implemented while blasting is being carried out within 500 metres of the infrastructure or land.

Blast Management Plan

14. Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the EPA and OEH;
 - (b) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
 - (c) include a Eastern Bentwing-bat Management Plan that:
 - establishes preliminary blasting ground vibration thresholds of no more than 80mm/s to protect the Shale Oil Mine Adit and minimise disturbance to the Eastern Bentwing-bat roosting site;
 - evaluates and reports on blast vibration and overpressure at the Shale Oil Mine Adit and monitors disturbance of the Eastern Bentwing-bat roosting site;
 - includes an annual program for reviewing and revising blasting thresholds; and
 - describes other measures to minimise impacts consistent with the Biodiversity Management Plan (see condition 42 of this schedule).
 - (d) propose and justify any alternative ground vibration limits for public infrastructure in the vicinity of the site (if relevant); and
 - (e) include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with Council;
 - (f) include a monitoring program located on or representative of privately-owned land for evaluating and reporting on compliance with the blasting criteria and operating conditions of this consent.
15. The Applicant must implement the approved Blast Management Plan for the development.

AIR QUALITY

Odour

16. The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.

Air Quality Criteria

17. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Table 5 at any residence on privately-owned land.

Table 5: Air quality criteria

| Pollutant | Averaging period | ^aCriterion |
|--|-------------------------|-----------------------------------|
| Particulate matter < 10 µm (PM ₁₀) | Annual | ^a 30 µg/m ³ |
| | 24 hour | ^a 50 µg/m ³ |
| Total suspended particulate (TSP) matter | Annual | ^a 90 µg/m ³ |

| | | | |
|-----------------------------|--------|--|--|
| ^c Deposited dust | Annual | ^b 2 g/m ² /month | ^a 4 g/m ² /month |
|-----------------------------|--------|--|--|

Notes:

^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).

^b Incremental impact (i.e. 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, fire incidents or any other activity agreed by the Secretary.

Mine-owned Land

18. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Table 5 at any occupied residence on mine-owned land (including land owned by another mining company) unless:
- the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under schedule 4 of this consent;
 - the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice;
 - air 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 company);
 - air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining company) of particulate emissions in the vicinity of the residence; and
 - data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property.

Operating Conditions

19. The Applicant shall:
- implement all reasonable and feasible measures to minimise the off-site odour, fume, spontaneous combustion and dust emissions of the development;
 - implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;
 - minimise any visible air pollution generated by the development;
 - operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
 - minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note d to Table 5);
 - co-ordinate the air quality management on site with the air quality management at the Moolarben and Ulan mines to minimise cumulative air quality impacts; and
 - carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent.

Air Quality Management Plan

20. Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with the EPA;
 - describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this consent;
 - describe the air quality management system in detail;
 - include a protocol for notifying NSW Health and any affected residents of any exceedance of the air quality criteria;
 - include a review of all air quality management measures against best practice guidelines;
 - include an air quality monitoring program that:
 - adequately supports the air quality management system;
 - includes PM_{2.5} monitoring in Wollar Village;
 - evaluates and reports on the:
 - the effectiveness of the air quality management system;
 - compliance with the air quality criteria;
 - 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; and
- (g) include a Spontaneous Combustion Management Plan that:
- identifies all areas (including stockpiles, waste emplacements, piles, seams and interburden) at risk of spontaneous combustion events;
 - includes a protocol for ongoing monitoring and management of areas at risk of spontaneous combustion events; and
 - includes a protocol for the management of on-site heating and spontaneous combustion events.

Note: The air quality monitoring program may incorporate monitoring from any relevant regional monitoring network endorsed by EPA.

21. The Applicant must implement the approved Air Quality Management Plan for the development.

METEOROLOGICAL MONITORING

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

WATER

Water Supply

23. The Applicant 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.

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

Compensatory Water Supply

24. The Applicant must provide a compensatory water supply to any landowner of privately-owned land (including the owner of the Wollar Public School land) whose surface water and/or groundwater supply is adversely and directly impacted as a result of the development (other than an impact that is minor or negligible), in consultation with DPI 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 attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable from the loss being identified, unless otherwise agreed with the landowner.

If the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

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

Note: The Water Management Plan (see condition 30) is required to include trigger levels for investigating potentially adverse impacts on water supplies.

Discharge Limits

25. The Applicant must not discharge any water from the site or irrigate any waste water on site except as may be expressly provided by an EPL, or in accordance with Section 120 of the POEO Act.

Cumbo Creek Relocation

26. The Applicant must design, construct, maintain, and rehabilitate the proposed relocation of Cumbo Creek, to the satisfaction of the Secretary.
27. Within one month of completing the construction of the Cumbo Creek relocation, the Applicant must submit an as-executed report, certified by a practising registered engineer, to the Secretary.

28. Prior to destroying the original creek line, the Applicant must demonstrate that the Cumbo Creek relocation is operating successfully, in consultation with DPI Water, and to the satisfaction of the Secretary.

Water Management Performance Measures

29. The Applicant must comply with the performance measures in Table 6 to the satisfaction of the Secretary.

Table 6: Water management performance measures

| Feature | Performance Measure |
|--|---|
| General | Maintain separation between clean, dirty and mine water management systems Minimise the use of clean water on site Design, install, operate and maintain water management systems in a proper and efficient manner |
| Clean water diversion & storage infrastructure | Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site |
| Sediment dams | Design, install and/or maintain sediment dams to ensure no discharges to surface waters, except in accordance with an EPL or in accordance with Section 120 of the POEO Act. |
| Mine water storages | Design, install and/or maintain mine water storage infrastructure to ensure no discharge of untreated mine water off-site. Discharge treated mine water in accordance with an EPL or in accordance with Section 120 of the POEO Act. |
| Wilpinjong, Cumbo and Wollar Creeks | No greater impact than predicted for the development for water flow and quality |
| Aquatic, riparian and groundwater dependent ecosystems | Negligible environmental consequences beyond those predicted for the development |
| Flood mitigation measures | Ensure all open cut pits, CHPP, coal stockpiles and main mine facilities areas exclude flows for all flood events up to and including the 1 in 100 year ARI. All final voids designed to exclude all flood events up to including the PMF event. |
| Overburden, CHPP Reject and Tailings | Design, install and maintain emplacements to prevent or minimise the migration of pollutants due to seepage |
| Chemical and hydrocarbon storage | Chemical and hydrocarbon products to be stored in bunded areas or structures in accordance with relevant Australian Standards |

Water Management Plan

30. Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with DPI Water and EPA, by suitably qualified and experienced persons whose appointment has been approved by the Secretary;
 - include detailed performance criteria and describe measures to ensure that the Applicant complies with the water management performance measures (see Table 6);
 - consider the recommendations of the IESC advice (IESC 2016-078), dated 2 September 2016 and the recommendations for management of potentially acid forming (PAF) and sodic materials as identified in the Geochemistry Assessment (Appendix K) completed for the EIS; and
 - in addition to the standard requirements for management plans (see condition 3 of schedule 5), this plan must include a:
 - Cumbo Creek Relocation Plan that includes:
 - a vision statement for the creek relocation;
 - an assessment of the water quality, ecological, hydrological and geomorphic baseline conditions in Cumbo Creek;
 - the detailed design and specifications for the creek relocation;
 - a construction program for the creek relocation, describing how the work would be staged, and integrated with mining operations;
 - a revegetation program for the relocated creek using a range of suitable native species;
 - water quality, ecological, hydrological and geomorphic performance and completion criteria for the creek relocation based on the assessment of baseline conditions; and

- a program to monitor and maintain the water quality, ecological, hydrological and geomorphic integrity of the creek relocation;
- (ii) Site Water Balance that:
- includes details of:
 - sources and security of water supply, including contingency planning for future reporting periods;
 - water use and management on site, including details of water sharing between neighbouring mining operations (if applicable);
 - any off-site water transfers and discharges;
 - 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 water use on site;
- (iii) Surface Water Management Plan that includes:
- detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the development;
 - a program to augment the baseline data over the life of the project;
 - a detailed description of the water management system on site, including the
 - clean water diversions;
 - sediment dams and associated infrastructure;
 - mine water management system;
 - final voids; and
 - reinstatement of drainage lines on the rehabilitated areas of the site;
 - detailed objectives and performance criteria, including trigger levels for investigating any potential or actual adverse impacts associated with the development, for:
 - downstream surface water quality;
 - stream and riparian vegetation health in Wilpinjong, Cumbo and Wollar Creeks;
 - channel stability;
 - design and management for the emplacement of coal reject, tailings materials and saline, sodic and PAF materials;
 - reinstatement of drainage lines on the rehabilitated areas of the site; and
 - control of any potential water pollution from the rehabilitated areas of the site;
 - a program to monitor and report on:
 - the effectiveness of the mine water management system;
 - surface flows and water quality, channel stability, stream and riparian vegetation health of Wilpinjong, Cumbo and Wollar creeks, including statistical trend analysis of salinity and other parameters;
 - the performance measures listed in Table 6;
 - impacts on water users;
 - reporting procedures for the results of the monitoring program; and
 - a plan to respond to any exceedances of the trigger levels/ and or performance criteria, and mitigate and/or offset any adverse surface water impacts of the development, including measures to provide compensatory water supply to any affected downstream water use under condition 24 of this schedule;
- (iv) Ground Water Management Plan that includes:
- detailed baseline data of groundwater levels, yield and quality in the region that could be affected by the development, including privately-owned groundwater bores and groundwater dependent ecosystems;
 - groundwater assessment criteria including trigger levels for investigating any potentially adverse groundwater impacts;
 - a program for accurately delineating the boundary of the Wilpinjong Creek alluvial aquifer in any areas intersected by mining;
 - a program to monitor and report on:
 - impacts of the development on:
 - groundwater supply of potentially affected landowners;
 - regional and local (including alluvial) aquifers;
 - groundwater dependent ecosystems and riparian vegetation;
 - connectivity and groundwater leakage to/from Cumbo Creek following relocation;
 - the seepage/ leachate from water storages and emplacements;
 - groundwater inflows into open cut/ voids and transfers to the water management system;
 - ground water levels and/or pressure and quality in the alluvial, coal seam, and inter-burden aquifers; and
 - a program to review and validate the groundwater model for the development, including independent expert review; and
 - a plan to respond to any exceedances of the trigger levels and/or performance criteria, and mitigate and/or offset any adverse groundwater impacts of the development, including measures to provide compensatory water supply to any affected groundwater users under condition 24 of this schedule;

31. The Applicant must implement the approved Water Management Plan for the development.

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

BIODIVERSITY

Land Based Offsets

32. The Applicant must implement the biodiversity offset strategy as summarised in Table 7 and shown conceptually in Appendix 7, to the satisfaction of the Secretary.

Table 7: Biodiversity Offset Strategy

| Area | Offset | Minimum Size (hectares) |
|----------------------|------------------------------------|-------------------------|
| Existing Offsets | Enhancement and Conservation Areas | 480 |
| | Biodiversity Offset Areas D and E | 211 |
| Additional Offsets | Offset Area 1 | 199 |
| | Offset Area 2 | 416.5 |
| | Offset Area 3 | 124.5 |
| | Offset Area 4 | 38 |
| | Offset Area 5 | 218 |
| Regeneration areas | | 148 |
| Rehabilitation Areas | | 2,906 |
| | TOTAL | 4,741 |

33. Within one year of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant must amend the Conservation Agreement for the Enhancement and Conservation Areas to remove the areas proposed to be incorporated into the re-alignment of the Transmission Line and include an additional area to ensure that the total area of the Enhancement and Conservation Area remains at 480 hectares.

Long Term Security

34. Within one year of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant must make suitable arrangements to protect the Enhancement and Conservation Areas and Offset Areas D and E in Table 7 in perpetuity to the satisfaction of the Secretary.

In relation to protecting Biodiversity Offset Areas D and E, the Applicant must use its best endeavours to add the relevant land to the adjoining National Park, in consultation with OEH.

35. Within 3 years of the commencement of the development under this consent, unless the Secretary agrees otherwise, the Applicant must secure Offset Areas 1 to 5 by:
- transferring the land to National Park estate; or
 - entering into a Biobanking Agreement; or
 - a combination of (a) and (b).

The Applicant must use its best endeavours to secure Offset Areas 1 to 5 by transferring the land to adjoining National Park estate, in consultation with OEH.

Rehabilitation Offsets

36. Within 10 years of the completion of mining operations under this consent, unless otherwise agreed by the Secretary, the Applicant must demonstrate that there are sufficient biodiversity credits of a number and class specified in Tables 8 and 9 below.

Table 8: Ecosystem Credit Requirements

| Vegetation Community | Code (BVT) | Biometric Vegetation Type | Area (hectares) | Credits Required | BVTs that can be used to meet credits |
|----------------------|------------|---|-----------------|------------------|---------------------------------------|
| Fuzzy Box Woodland | HU547 | Fuzzy Box Woodland on alluvial brown loam soils mainly in the NSW South | 9 | 37 | HU547 |

| | | | | | |
|-----------------------------|-------|---|-----|-------|----------------|
| | | Western Slopes Bioregion. | | | |
| Rough Barked Apple Woodland | HU981 | Rough-barked Apple grassy tall woodlands of the Brigalow Belt South | 880 | 3,716 | HU981 HU732 |
| Whitebox Woodland Shrubby | HU824 | White Box-Black Cypress Pine shrubby woodland of the Western Slopes | 575 | 2,417 | HU824 |

Table 9: Species Credit Requirements

| Species | Code (BVT) ¹ | Biometric Vegetation Type | Area (ha) | Credits Required ² |
|-------------------|--|--|-----------|-------------------------------|
| Regent Honeyeater | HU697, HU732, HU824 or additional BVT's as otherwise agreed by the Secretary in consultation with OEH | Mugga Ironbark-Black Cypress Pine shrub/ grass open forest of the upper Hunter Valley Yellow Box grassy woodland on lower hillslopes and valley flats in the southern NSW Brigalow Belt South Bioregion. White Box-Black Cypress Pine shrubby woodland of the Western Slopes | 2,897 | 8,650 |

Notes:

1. The BVT's are required to be planted as Regent Honeyeater habitat
 2. The following rehabilitation types may generate up to 3.55 Regent Honeyeater credits / hectare:
 - Wilpinjong Extension Project open cut and ancillary areas rehabilitated to woodland
 - Wilpinjong Coal Project approved agricultural areas rehabilitated to woodland
- The following rehabilitation types may generate up to 1.775 Regent Honeyeater credits / hectare:
- Wilpinjong Coal Project approved area woodland rehabilitated to BVT woodland

37. Within 6 months of the commencement of development under this consent, or as otherwise agreed by the Secretary, the Applicant must, in consultation with OEH, the Department and DoEE and to the satisfaction of the Secretary, develop suitable rehabilitation performance and completion criteria for:
- (a) the BVTs in Tables 8 and 9; and
 - (b) Regent Honeyeater habitat.

The performance and completion criteria must include consideration of the effect of climatic conditions, such as drought, and the *NSW Biodiversity Offsets Policy for Major Projects 2014* and the associated *Fact sheet: Mine Site Rehabilitation (OEH, 2014)*.

Note: The rehabilitation offset performance and completion criteria form a component of the Rehabilitation Management Plan required under condition 64 of this schedule.

38. If at the end of 10 years after landform establishment the rehabilitation does not meet the performance criteria to the satisfaction of the Secretary or 10 years after completion of mining operations the rehabilitation does not meet the completion criteria to the satisfaction of the Secretary, the Applicant must retire the relevant number of credits in accordance with the *NSW Biodiversity Offsets Policy for Major Project 2014* to the satisfaction of OEH and can be achieved by:
- (a) acquiring or retiring credits under the Biobanking Scheme;
 - (b) making payments into an offset fund that has been established by the NSW Government; or
 - (c) providing supplementary measures.

Notes:

- Landform establishment is a recognised stage of rehabilitation when the final land shape has been developed prior to growth medium development and ecosystem development.
- Landform establishment stage will progressively occur across the mine site, the performance criteria for new areas progressing into landform establishment stage will need to be assessed by the Secretary on a regular basis, for example every 3 years, to determine whether the requirements of the condition are met.
- The rehabilitation offset performance and completion criteria form a component of the Rehabilitation Management Plan required under condition 64 of this schedule.

- In accordance with the NSW Biodiversity Offsets Policy for Major Projects, additional biodiversity credits can be generated for the ongoing management of the rehabilitation area to ensure its biodiversity values are continually improved. Any additional credits could be secured through a Biobanking Agreement and used to offset future developments.

Additional Regent Honeyeater Measures

39. The Applicant must contribute funds to OEH towards the Regent Honeyeater Recovery Plan captive breeding and release programs, or alternative Regent Honeyeater recovery initiative agreed by OEH, in accordance with the payment schedule in Table 10.

Table 10: Contributions to the Regent Honeyeater Recovery Plan - Payment Schedule

| Timeframe | Funds Allocated |
|---|-------------------|
| Within 1 year from the commencement of development under this consent | \$120,000 |
| Annually thereafter for 9 years | \$60,000 per year |

Munghorn Gap Nature Reserve

40. The Applicant must ensure that the edge of all open cut pits for the development are setback at least 20 metres from the boundary of the Munghorn Gap Nature Reserve.

Note: It is accepted that some ancillary infrastructure would need to be retained for access and water management.

41. Prior to carrying out any development under this consent, the Applicant must:
- undertake a survey of the boundary of the Munghorn Gap Nature Reserve where it adjoins operational mining areas;
 - ensure that the boundary is clearly delineated in the field and in Geographic Information Systems(GIS); and
 - provide relevant Geographic Information System data to the Department and OEH.

Biodiversity Management Plan

42. Prior to carrying out any development under this consent, the Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with OEH and DoEE;
 - describe the short, medium, and long term measures that would be implemented to:
 - manage the remnant vegetation and fauna habitat on the site; and
 - implement the biodiversity offset strategy;
 - include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary);
 - include a detailed description of the measures that would be implemented to:
 - minimise the impacts on fauna, including undertaking pre-clearance surveys;
 - maximise the salvage of resources within the disturbance area;
 - collect and propagate seed to be used for site rehabilitation, including the threatened species *Ozothamnus tessellatus*;
 - undertake germination and propagation trials for *Ozothamnus tessellatus* for potential planting in rehabilitation and regeneration areas;
 - protect vegetation and fauna habitat outside the approved disturbance area on-site including targeted measures to minimise impacts on the Eastern Bentwing-bat roost site, including detailed information on proposed engineering works at the adit entry;
 - minimise lighting impacts on the Eastern Bentwing-bat roost site, including measures to prioritise the use of non-ultra violet lighting;
 - ensure that open cut setback distances to the Munghorn Gap Nature Reserve are met;
 - enhance the quality of existing vegetation and fauna habitat in the biodiversity offset areas;
 - manage any potential conflicts between the proposed enhancement works in the biodiversity offset strategy areas and any Aboriginal heritage values (both cultural and archaeological) in these areas, as informed by the Aboriginal cultural heritage survey required under condition 46 of this schedule;
 - manage salinity;
 - avoid and mitigate the spread of *Phytophthora cinnamomi* (*P. cinnamomi*) with consideration of actions identified in relevant threat abatement plans;
 - control weeds and feral pests;
 - control erosion;
 - control access; and
 - manage 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 including:
 - a monitoring program for the implementation of the biodiversity offset strategy;
 - monitoring programs for the Eastern Bentwing-bat roost site to assess impacts from blasting and lighting;
 - targeted monitoring of cave dwelling bats within offset areas to inform potential for roost/ maternity sites; and
- (f) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

Notes:

- *The Biodiversity Management Plan would not apply to offset areas if they are transferred into National Park Estate, in accordance with conditions 34 and 35 of this schedule.*
- *A bond for the rehabilitation offsets within the Mining Lease will be required under the Mining Act 1992.*
- *With the approval of the Secretary, the Biodiversity Management Plan may exclude offset areas secured under a Biobanking Agreement.*
- *The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated mine site.*

43. The Applicant must implement the approved Biodiversity Management Plan for the development.

Conservation Bond

44. Within two years of commencing development under this consent, unless otherwise agreed by the Secretary, the Applicant must lodge a revised Conservation Bond with the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria in 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) for the land in Table 7 identified as “Existing offsets” and “Additional offsets”; and
 - (b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Secretary.

If the offset strategy is completed in accordance with the completion criteria in the Biodiversity Management Plan the Secretary will release the bond.

If the offset strategy is not completed 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 completion of the relevant works.

Notes:

- *Existing bonds which have been paid for the existing Enhancement and Conservation Areas remain current and are satisfactory to fulfill the requirements of this condition for those areas.*
- *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 National Park Estate can be used to reduce the liability of the conservation and biodiversity bond.*
- *The sum of the bond may be reviewed in conjunction with any revision to the Biodiversity Offset Strategy and/or the Biodiversity Management Plan.*

HERITAGE

Protection of Aboriginal Heritage Items

45. Unless otherwise authorised under the NP&W Act, the Applicant must ensure that the development does not cause any direct or indirect impact on the identified Aboriginal heritage items located outside the approved disturbance area of the development.

Additional Cultural Heritage Survey – Offset Areas

46. Within 12 months of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant shall carry out an investigation into the Aboriginal cultural heritage values in Offset Areas 1 to 5 to the satisfaction of the Secretary. This investigation must:
- (a) be undertaken by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - (b) be undertaken in consultation with OEH and RAPs;
 - (c) focus the survey effort to identifying areas of moderate to high significance, such as rock shelter/ art sites;
 - (d) include a detailed report on the findings; and
 - (e) describe how the outcomes would be incorporated into the Biodiversity Management Plan and Aboriginal Cultural Heritage Plan required under this consent.

Aboriginal Cultural Heritage Management Plan

47. Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with OEH and the RAPs;
 - (c) include the following for the management of Aboriginal heritage:
 - ensure any workers on site receive suitable heritage inductions prior to carrying out any project on site, and that suitable records are kept of these inductions;
 - a program and description of the measures/procedures that would be implemented for:
 - where reasonable and feasible, designing, constructing and operating ancillary infrastructure to avoid direct impacts on the Aboriginal sites identified in the EIS as being potentially impacted, with particular consideration for the 15 sites classified as moderate, low-moderate or low-possibly moderate significance;
 - protecting, monitoring and/or managing (including any proposed archaeological investigations and/or salvage measures) Aboriginal cultural heritage on site, including monitoring of ground vibration and dust deposition at sites WCP72, WCP152 and WCP153;
 - protecting, monitoring and/or managing the impacts of blasting on potentially affected Aboriginal cultural heritage sites located outside of the disturbance area including rock shelters in the Munghorn Gap Nature Reserve in accordance with condition 12 of this schedule;
 - undertaking test and salvage excavation at sites within the disturbance boundary as having high scientific significance and representative sites identified as potential archaeological deposits (PADs) and undertaking detailed recording of the ochre quarry evidence and rock art associated with WCP578 and WCP579, to inform the archaeological research program described in the Aboriginal Cultural Heritage Assessment in Appendix G of the EIS;
 - managing the discovery of any new Aboriginal objects or skeletal remains during the development;
 - maintaining and managing reasonable access for relevant Aboriginal stakeholders to heritage items on site and within offset areas;
 - ongoing consultation and involvement of RAPs in the conservation and/or management of Aboriginal cultural heritage on the site; and
 - a strategy for the storage of heritage items salvaged on site, both during the development and in the long term.
48. The Applicant must implement the approved Aboriginal Cultural Heritage Management Plan for the development.

Historic Heritage Management Plan

49. Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare an Historic Heritage Management Plan for the development 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 prepared in consultation with the Heritage Division, Council and relevant landowners; and
 - (c) include the following for the management of historic heritage:
 - ensure any workers on site receive suitable heritage inductions prior to carrying out any project on site, and that suitable records are kept of these inductions;
 - a program and description of the measures/procedures that would be implemented for:
 - photographic and archival recording of any impacted heritage items;
 - where reasonable and feasible, designing, constructing and operating ancillary infrastructure to avoid direct impacts on historic heritage items;
 - undertaking test and salvage excavation at the Potential Caretakers Cottage Site (Site 1G);
 - monitoring and managing the effects of blasting on potentially affected heritage items;
 - managing the discovery of any new historic heritage items during the development; and;
 - additional archaeological excavation and/or recording of any significant heritage items requiring demolition; and
 - a strategy for the storage of heritage items salvaged on site, both during the development and in the long term.
50. The Applicant must implement the approved Historic Heritage Management Plan for the development.

TRANSPORT

Monitoring of Coal Transport

51. The Applicant must:
- (a) keep accurate records of the:
 - amount of coal transported from the development in each calendar year (on a monthly basis);
 - number of coal haulage train movements generated by the development (on a daily basis);
 - and
 - (b) include these records in the Annual Review.

Operating Conditions

52. The Applicant must:
- (a) schedule shift changes on site to occur outside of school bus hours; and
 - (b) co-ordinate the shift changes on site with the shift changes of the adjoining Moolarben and Ulan mines to minimise the potential cumulative traffic impacts of shift changes of the three mines.

Road Works

53. The Applicant must prepare a detailed schedule for the re-alignment and upgrade of Ulan-Wollar Road to the satisfaction of Council. This schedule must be submitted to the Secretary for approval within 6 months of the commencement of development or prior to carrying out any roadworks under this consent, whichever comes first.

Note: The initial approved schedule can be amended following further consultation with Council and subsequent approval by the Secretary.

54. The Applicant shall construct the Ulan-Wollar Road re-alignment and upgrades as described and shown conceptually in the EIS and in accordance with the schedule in condition 53 of this schedule, to the satisfaction of Council.

Note: These road works must be constructed in accordance with the relevant RMS or Austroads standards, and signposted and lit in accordance AS 1742 – Manual of Uniform Traffic Control Devices and AS/NZS 1158: 2005 – Lighting for Roads and Public Spaces.

Ulan Road Strategy

55. The Applicant must make contributions towards the implementation of the Ulan Road Strategy (ARRB Group, December 2011). If there is any dispute about the implementation of the strategy, then any of the parties involved may refer the matter to the Secretary for resolution.
56. Prior to carrying out any development under this consent, the Applicant shall write to the owners of the residences that are entitled to additional road noise mitigation works under the Ulan Road Strategy (ARRB Group, December 2011) who have not sought these mitigation measures yet, and remind them that they are entitled to additional road noise mitigation works under the strategy.

VISUAL

Operating Conditions

57. The Applicant must:
- (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development, including establishing and maintain a vegetation screen between Ulan-Wollar Road and the Pit 3 to Pit 8 haul road cutting;
 - (b) ensure no fixed outdoor lights shine above the horizontal;
 - (c) ensure no in-pit mobile lighting rigs shine directly above the pit wall and other mobile lighting rigs do not shine above the horizontal;
 - (d) ensure no lighting shines directly on the Shale Oil Mine Adit; and
 - (e) 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.

WASTE

58. The Applicant must:
- (a) implement all reasonable and feasible measures to minimise waste (including coal rejects and tailings) 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;

- (d) ensure irrigation of treated wastewater is undertaken in accordance with OEH's *Environmental Guideline for the Utilisation of Treated Effluent*;
- (e) only dispose of building and demolition wastes and tyres on-site in accordance with an EPL; and
- (f) monitor and report on effectiveness of the waste minimisation and management measures in the Annual Review.

BUSHFIRE MANAGEMENT

59. The Applicant must:
- (a) ensure that the development is suitably equipped to respond to any fires on site; and
 - (b) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site.

REHABILITATION

Rehabilitation Objectives

60. The Applicant must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must be consistent with the proposed rehabilitation strategy described in the EIS (and shown conceptually in Appendix 8), and comply with the objectives in Table 11.

Table 11: Rehabilitation Objectives

| Feature | Objective |
|---------------------------------|---|
| Mine site (as a whole) | <ul style="list-style-type: none"> • Safe, stable and non-polluting • Final landforms designed to incorporate micro-relief and integrate with surrounding natural landforms and adjacent mine rehabilitation • Final landforms maximise geotechnical performance, stability and hydrological function • Constructed landforms maximise surface water drainage to the natural environment (excluding final void catchments) • Minimise long term groundwater seepage from the site to ensure negligible environmental consequences beyond those predicted for the development • Minimise visual impact of final landforms as far as is reasonable and feasible |
| Final Voids | <ul style="list-style-type: none"> • Minimise to the greatest extent practicable: <ul style="list-style-type: none"> ○ the size and depth of final voids ○ the drainage catchment of final voids ○ any high wall and low wall instability risk ○ risk of flood interaction for all flood events up to and including the PMF |
| Surface infrastructure | <ul style="list-style-type: none"> • To be decommissioned and removed, unless the Secretary agrees otherwise |
| Rehabilitation | <ul style="list-style-type: none"> • Rehabilitate at least 2,906 hectares of self-sustaining woodland ecosystem to the BVTs specified in Tables 8 and 9; • Establish self-sustaining ecosystem function in areas of: <ul style="list-style-type: none"> ○ aquatic habitat, within diverted and/or re-established drainage lines and retained water features, with consideration of hydro-geomorphological constraints; ○ habitat for threatened flora and fauna species; and ○ habitat for flora and fauna species known to occur in the region. |
| Cumbo Creek relocation | <ul style="list-style-type: none"> • Restored in accordance with conditions 26 to 28 of this Schedule. |
| Other reinstated drainage lines | <ul style="list-style-type: none"> • Drainage lines are restored in accordance with the principles, concepts and techniques described in <i>"A rehabilitation manual for Australian streams (Rutherford, I.; Jerie, K; Marsh, N 2000)</i> |
| Community | <ul style="list-style-type: none"> • Ensure public safety • Minimise the adverse socio-economic effects associated with mine closure |

Note: To avoid any doubt, the final landform in Pit 8 must not include a final void and must be consistent with the landform proposed in the Applicant's Response to the Planning Assessment Commission Review, dated February 2017, and shown conceptually in Appendix 8.

Rehabilitation Strategy

61. Within 6 months of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare a Rehabilitation Strategy to the satisfaction of the Secretary. This strategy must:
- in consultation with the proponent of the Moolarben Coal Mine, investigate options to integrate the final landform with the Moolarben Coal Mine, including options to integrate final voids and minimise the sterilisation of land post-mining;
 - include an assessment of partially backfilling voids 2 and 6 above the groundwater equilibrium level having regard to the final void rehabilitation objectives in Table 11, including consideration of downstream water quality and the objectives in Table 6;
 - include a revised final landform plan which builds on the rehabilitation objectives in Table 11, including incorporation of micro-relief, landform stability, hydrological and ecological function; and
 - include detailed justification for proposed changes to the final landform, having regard to the approved post-mining land use.

Note: The strategy should build on the proposed rehabilitation strategy shown in Appendix 8.

Progressive Rehabilitation

62. The Applicant must rehabilitate the site progressively 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 when areas prone to dust generation cannot be permanently rehabilitated.

Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development. It is also accepted that delays in rehabilitation due to extended wet or dry conditions may occur.

63. The Applicant must commence the ecosystem and land use establishment phase of rehabilitation for areas within 50 metres of the Munghorn Gap Nature Reserve, within 2 years of ceasing mining operations in those areas.

Note: It is accepted that some ancillary infrastructure would need to be retained for access and water management.

Rehabilitation Management Plan

64. Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with DPI Water, OEH, Council and the CCC;
 - be prepared in accordance with any relevant NSW Government mining rehabilitation guidelines;
 - describe how the rehabilitation of the site be integrated with the biodiversity offset strategy;
 - include a conceptual life of mine rehabilitation schedule, a detailed rehabilitation schedule covering a period of up to 3 years, and an annual program for reviewing and revising the schedule;
 - include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site and triggering remedial action (if necessary);
 - clearly identify the rehabilitation offset areas required under condition 36 of this Schedule including: areas required for the ecosystem and Regent Honeyeater species credits; areas generating different credits per hectare for Regent Honeyeater species credits; and BVT's proposed to generate the offset credits;
 - describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform (including final voids), biodiversity values and final land use;
 - describe the rehabilitation methodologies that will be implemented to achieve the rehabilitation performance measures;
 - describe a process for managing minor delays or changes to progressive rehabilitation forecasts;
 - 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 rehabilitation methodologies and progress against the detailed performance measures, trends and completion criteria; and
 - build to the maximum extent practicable on the other management plans required under this consent.

Notes:

- The Mine Operations Plan (MOP) may be used to address the requirements of the Rehabilitation Management Plan required under this condition. However, the MOP must clearly document how the requirements of this condition have been met.*
- It is accepted that the Rehabilitation Management Plan initially submitted in accordance with this condition would not include the agreed rehabilitation offsets performance and completion criteria required under condition 37 of this schedule or any rehabilitation changes resulting from the Rehabilitation Strategy required under condition 61 of this schedule.*

65. Within 3 months of approval of the performance and completion criteria for rehabilitation offsets required under condition 37 of this schedule, the Applicant must revise the Rehabilitation Management Plan to include the approved performance and completion criteria, including a protocol for assessing and reporting on rehabilitation offsets against the performance criteria, as the mine is progressively rehabilitated.
66. Within 3 months of approval of the Rehabilitation Strategy required under condition 61 of this schedule, the Applicant must revise the Rehabilitation Management Plan accordingly.
67. The Applicant must implement the approved Rehabilitation Management Plan for the development.

SOCIAL

Social Impact Management Plan

68. Within 12 months of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare a Social Impact Management Plan to the satisfaction of the Secretary. This plan must
 - (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with Council, the CCC and the local community of Wollar;
 - (c) identify negative social impacts resulting from the project during operations and following closure in both a local and regional context;
 - (d) include an adaptive management and mitigation program to minimise and/or mitigate negative social impacts during operations and following closure;
 - (e) include a detailed description of the measures that would be implemented to:
 - maintain and manage land and assets owned by the Applicant in Wollar Village;
 - assist in maintaining services for the local community, including postal services, public ablution facilities, and the Rural Fire Service; and
 - minimise the adverse social impacts associated with mine closure;
 - (f) include a program to monitor, review and report on the effectiveness of these measures, including updating the plan 3 years prior to mine closure.
69. The Applicant must implement the approved Social Impact Management Plan for the development.

**SCHEDULE 4
ADDITIONAL PROCEDURES**

NOTIFICATION OF LANDOWNERS/TENANTS

1. Within 1 month of the date of this consent, the Applicant must:
 - (a) notify in writing the owners of:
 - the residences 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;
 - any residence on the land listed in Table 2 of schedule 3 that they have the right to request the Applicant to ask for additional noise mitigation measures to be installed at their residence at any stage during the development; and
 - any privately-owned land within 2 kilometres of the approved open cut mining pit/s that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated;
 - (b) notify the tenants of any mine-owned land of their rights under this consent; and
 - (c) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EIS identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria in schedule 3 at any time during the life of the development.

2. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, the Applicant must:
 - (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 must 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 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

4. If an owner of privately-owned land considers the development to be exceeding the relevant 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 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 3; 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.

Note: Where the independent review finds that the development is not complying with applicable criteria, the Department may take enforcement action under the EP&A Act to ensure compliance with the consent.

LAND ACQUISITION

5. 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 at the date of the landowner's written request, and is due to be completed subsequent to that date;
- (b) the reasonable costs associated with:
- relocating within the Mid-Western Regional Council 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 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 of the party that disputes 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, unless the Secretary determines otherwise, then the Applicant's obligations to acquire the land shall cease.

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

**SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary, and carry out the development in accordance with this strategy. The strategy must:
 - (a) be submitted to the Secretary for approval prior to carrying out any development under 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.

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 reasonable remediation measures as directed by the Secretary.

Management Plan Requirements

3. 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;
 - (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 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, the Applicant must submit a review of the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. This review must:
- (a) describe the development (including any rehabilitation) that was carried out in the past year, and the development that is 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 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.

Note: The "Post Approval Requirements for State Significant Developments - Annual Review Guideline 2015, NSW Government, October 2015" (or its latest version) provides a reporting framework to integrate the reporting requirements of the Annual Review required by the Department under the development consent and the Annual Environment Management Report (AEMR) required under the Mining Lease.

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 8 below;
 - (c) the submission of an audit under condition 10 below; and
 - (d) the approval of any modification to the conditions of this consent; or
 - (e) a direction of the Secretary under condition 4 of schedule 2;
- 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, unless otherwise agreed with the Secretary.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.

Updating and Staging Strategies, Plans or Programs

6. To ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development, the Applicant may submit revised strategies, plans or programs required under this consent at any time. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

The Secretary may approve a revised strategy, plan or program required under this consent, or the staged submission of any of these documents, at any time. With the agreement of the Secretary, the Applicant may prepare the revised or staged strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this consent.

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.
- For the avoidance of doubt, existing approved management plans, strategies or monitoring programs for the Wilpinjong Coal Project will continue to apply until the approval of a similar plan, strategy or program under this consent (see condition 9 of schedule 2).

Community Consultative Committee

7. The Applicant must operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be operated in accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version).

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.

REPORTING

Incident Reporting

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

Regular Reporting

9. The Applicant must 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

10. Within a year of commencing development under this consent, 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 lead auditor and suitably qualified, experienced and independent team of experts in any field specified by the Secretary, 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);
 - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals;
 - (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under the abovementioned approvals; and
 - (f) be conducted and reported to the satisfaction of the Secretary.

Note: The "Post Approval Requirements for State Significant Developments - Independent Audit Guideline, NSW Government, October 2015" (or its latest version) provides an audit and reporting framework for the independent audit that will guide compliance with this condition.

11. Within 3 months of commissioning 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, and a timetable for the implementation of these recommendations as required. The Applicant must implement these recommendations, to the satisfaction of the Secretary.

ACCESS TO INFORMATION

12. From the commencement of development under this consent, the Applicant shall:
 - (a) Make copies of the following information publicly available on its website:
 - the EIS;
 - 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, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - a complaints register, which is to be updated monthly;
 - 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.

**APPENDIX 1
SCHEDULE OF LAND**

| Tenure Type | Lot Number | Deposited Plan Number |
|-------------|------------|-----------------------|
| Freehold | 49 | DP755454 |
| Freehold | 9 | DP755454 |
| Freehold | 5 | DP755454 |
| Freehold | 109 | DP755454 |
| Freehold | 72 | DP755454 |
| Freehold | 48 | DP755454 |
| Freehold | 184 | DP755425 |
| Freehold | 68 | DP755454 |
| Freehold | 5 | DP703225 |
| Freehold | 6 | DP755454 |
| Freehold | 2 | DP720305 |
| Freehold | 17 | DP755454 |
| Freehold | 1 | DP653565 |
| Freehold | 114 | DP42127 |
| Freehold | 11 | DP703223 |
| Freehold | 31 | DP755454 |
| Freehold | 26 | DP755454 |
| Freehold | 123 | DP755425 |
| Freehold | 10 | DP755454 |
| Freehold | 6 | DP703225 |
| Freehold | 47 | DP755454 |
| Freehold | 19 | DP755454 |
| Freehold | 37 | DP755454 |
| Freehold | 1 | DP703224 |
| Freehold | 183 | DP755425 |
| Freehold | 12 | DP703223 |
| Freehold | 182 | DP755425 |
| Freehold | 23 | DP755454 |
| Freehold | 18 | DP755454 |
| Freehold | 45 | DP755454 |
| Freehold | 87 | DP755425 |
| Freehold | 27 | DP755454 |
| Freehold | 13 | DP703223 |
| Freehold | 15 | DP755454 |
| Freehold | 196 | DP755425 |
| Freehold | 13 | DP755454 |
| Freehold | 95 | DP755425 |
| Freehold | 46 | DP755454 |
| Freehold | 12 | DP755454 |
| Freehold | 88 | DP755425 |
| Crown | 91 | DP755425 |
| Freehold | 1 | DP112124 |
| Freehold | 90 | DP755425 |
| Freehold | 122 | DP755425 |
| Freehold | 24 | DP755454 |
| Freehold | 124 | DP755425 |
| Freehold | 3 | DP755454 |

| Tenure Type | Lot Number | Deposited Plan Number |
|-------------|------------|-----------------------|
| Freehold | 14 | DP755454 |
| Freehold | 156 | DP755425 |
| Freehold | 22 | DP755454 |
| Freehold | 104 | DP755454 |
| Freehold | 1 | DP727117 |
| Freehold | 10 | DP703223 |
| Freehold | 94 | DP755425 |
| Freehold | 1 | DP728756 |
| Freehold | 195 | DP755425 |
| Freehold | 1 | DP724617 |
| Freehold | 93 | DP755425 |
| Freehold | 11 | DP755454 |
| Freehold | 69 | DP755454 |
| Freehold | 43 | DP583255 |
| Freehold | 35 | DP755454 |
| Freehold | 122 | DP724655 |
| Freehold | 44 | DP583255 |
| Freehold | 42 | DP583255 |
| Freehold | 59 | DP755454 |
| Freehold | 100 | DP755454 |
| Freehold | 50 | DP755454 |
| Freehold | 30 | DP755454 |
| Freehold | 41 | DP583255 |
| Crown | 123 | DP724655 |
| Freehold | 92 | DP755425 |
| Crown | 7302 | DP1138926 |
| Crown | 115 | DP42127 |
| Freehold | 3 | DP583254 |
| Freehold | 71 | DP755425 |
| Freehold | 55 | DP755425 |
| Freehold | 56 | DP755425 |
| Freehold | 4 | DP122991 |
| Freehold | 6 | DP250053 |
| Freehold | 58 | DP755425 |
| Freehold | 125 | DP755425 |
| Freehold | 139 | DP755425 |
| Freehold | 34 | DP755425 |
| Freehold | 187 | DP755425 |
| Freehold | 57 | DP755425 |
| Freehold | 146 | DP755455 |
| Freehold | 141 | DP755425 |
| Freehold | 7 | DP122991 |
| Freehold | 116 | DP755425 |
| Freehold | 54 | DP755425 |
| Freehold | 11 | DP122991 |
| Freehold | 5 | DP122991 |
| Freehold | 149 | DP755425 |

| Tenure Type | Lot Number | Deposited Plan Number |
|-------------|------------|-----------------------|
| Freehold | 83 | DP755425 |
| Freehold | 188 | DP755425 |
| Freehold | 161 | DP755425 |
| Freehold | 78 | DP755425 |
| Freehold | 107 | DP755425 |
| Freehold | 105 | DP755425 |
| Freehold | 18 | DP755425 |
| Freehold | 5 | DP250053 |
| Freehold | 2 | DP122991 |
| Freehold | 85 | DP755455 |
| Freehold | 26 | DP755425 |
| Freehold | 6 | DP122991 |
| Freehold | 152 | DP755425 |
| Freehold | 9 | DP122991 |
| Freehold | 132 | DP755425 |
| Crown | 233 | DP723412 |
| Freehold | 79 | DP755425 |
| Freehold | 138 | DP755455 |
| Freehold | 160 | DP723767 |
| Freehold | 14 | DP755425 |
| Freehold | 3 | DP122991 |
| Freehold | 53 | DP755425 |
| Freehold | 7 | DP250053 |
| Freehold | 40 | DP755425 |
| Freehold | 151 | DP755425 |
| Freehold | 8 | DP122991 |
| Freehold | 153 | DP755425 |
| Freehold | 4 | DP250053 |
| Freehold | 1 | DP431744 |
| Freehold | 150 | DP755425 |
| Freehold | 106 | DP755425 |
| Freehold | 13 | DP755425 |
| Freehold | 3 | DP250053 |
| Freehold | 49 | DP755425 |
| Freehold | 157 | DP755425 |
| Freehold | 80 | DP755425 |
| Freehold | 148 | DP755425 |
| Freehold | 25 | DP755425 |
| Freehold | 52 | DP755425 |
| Freehold | 76 | DP755425 |
| Freehold | 27 | DP755425 |
| Freehold | 10 | DP122991 |
| Freehold | 2 | DP250053 |
| Freehold | 46 | DP755425 |
| Freehold | 50 | DP755425 |
| Freehold | 75 | DP755425 |
| Freehold | 9 | DP755425 |

| Tenure Type | Lot Number | Deposited Plan Number |
|-------------|------------|-----------------------|
| Freehold | 59 | DP755425 |
| Freehold | 144 | DP755425 |
| Freehold | 73 | DP755455 |
| Freehold | 35 | DP755425 |
| Freehold | 1 | DP250053 |
| Freehold | 136 | DP755425 |
| Freehold | 134 | DP755425 |
| Freehold | 135 | DP755425 |
| Freehold | 142 | DP755425 |
| Freehold | 145 | DP755425 |
| Freehold | 140 | DP755425 |
| Freehold | 137 | DP755425 |
| Freehold | 86 | DP755455 |
| Freehold | 51 | DP755455 |
| Freehold | 160 | DP755425 |
| Freehold | 186 | DP755425 |
| Freehold | 44 | DP755425 |
| Freehold | 110 | DP755454 |
| Freehold | 1 | DP583254 |
| Freehold | 37 | DP755425 |
| Freehold | 3 | DP755425 |
| Freehold | 128 | DP755425 |
| Freehold | 45 | DP755425 |
| Freehold | 1 | DP1078866 |
| Crown | 161 | DP723767 |
| Crown | 147 | DP755425 |
| Crown | 77 | DP755425 |
| Freehold | 12 | DP755425 |
| Crown | 234 | DP723412 |
| Crown | 97 | DP755425 |
| Freehold | 66 | DP654143 |
| Freehold | 1 | DP122991 |
| Crown | 235 | DP723412 |
| Freehold | 70 | DP755425 |
| Crown | 1 | DP1139913 |
| Freehold | 140 | DP755455 |
| Crown | 7318 | DP1141391 |
| Freehold | 146 | DP755425 |
| Crown | 7008 | DP1095457 |
| Freehold | 143 | DP755425 |
| Freehold | 69 | DP755455 |
| Freehold | 89 | DP755455 |
| Freehold | 138 | DP755425 |
| Freehold | 52 | DP755455 |
| Crown | 159 | DP721237 |
| Freehold | 96 | DP755455 |
| Freehold | 11 | DP250053 |

| Tenure Type | Lot Number | Deposited Plan Number |
|-------------|------------|-----------------------|
| Freehold | 94 | DP755455 |
| Freehold | 12 | DP250053 |
| Crown | 151 | DP755455 |
| Freehold | 97 | DP755455 |
| Freehold | 12 | DP122991 |
| Freehold | 95 | DP755455 |
| Freehold | 3 | DP430668 |
| Freehold | 13 | DP122991 |
| Freehold | 78 | DP755455 |
| Freehold | 1 | DP430668 |
| Freehold | 50 | DP755455 |
| Freehold | 2 | DP1071177 |
| Freehold | 4 | DP755455 |
| Freehold | 116 | DP755455 |
| Freehold | 10 | DP250053 |
| Freehold | 57 | DP755455 |
| Freehold | 2 | DP430668 |
| Freehold | 59 | DP755455 |
| Freehold | 133 | DP755425 |
| Freehold | 194 | DP755425 |
| Freehold | 237 | DP724588 |
| Freehold | 130 | DP755425 |
| Freehold | 158 | DP755425 |
| Freehold | 8 | DP755455 |
| Crown | 236 | DP724588 |

| Tenure Type | Lot Number | Deposited Plan Number |
|---|--|-----------------------|
| Crown | 63 | DP755455 |
| Freehold | 99 | DP755455 |
| Freehold | 9 | DP250053 |
| Freehold | 131 | DP755425 |
| Freehold | 8 | DP250053 |
| Freehold | 1 | DP755455 |
| Freehold | 155 | DP755425 |
| Crown | 158 | DP721237 |
| Crown | 7304 | DP1141384 |
| Freehold | 108 | DP755425 |
| Freehold | 42 | DP755425 |
| Freehold | 109 | DP755425 |
| Freehold | 60 | DP755425 |
| Freehold | 67 | DP755454 |
| Crown | 52 | DP755454 |
| State Rail Authority (Crown) | Railway lands located between or adjacent to the above parcels of land | |
| Mid-Western Regional Council or Department of Lands (Crown) | Other roads located between or adjacent to the above parcels of land | |
| Crown | Creeks or streams located between or adjacent to the above parcels of land | |

Note: The Development Application Area is shown in Appendix 2

**APPENDIX 3
WILPINJONG COAL PROJECT EIS**

Wilpinjong Coal Project EIS

Assessment titled *Wilpinjong Coal Project EIS*, dated May 2005, and associated response to submissions as subsequently modified by the following:

- the modification application (Mod 1) and accompanying Environmental Assessment titled *Wilpinjong Coal Project Operational Phase Mine Access Route and Blasting Frequency Modification*, dated April 2007, and the associated response to submissions;
- the modification application (Mod 3) and accompanying Environmental Assessment titled *Wilpinjong Coal Mine Mining Rate Modification*, dated May 2010, and the associated response to submissions;
- the modification application (Mod 4) and accompanying Environmental Assessment titled *Wilpinjong Coal Mine 2011 Modification*, dated September 2011, and the associated response to submissions;
- the modification application (Mod 5) and accompanying Environmental Assessment titled *Wilpinjong Coal Mine Modification Environmental Assessment*, dated July 2013, and the associated response to submissions;
- the modification application (Mod 6) and accompanying Environmental Assessment titled *Wilpinjong Coal Mine Modification Environmental Assessment Modification 6 to the Development Approval 05-0021*, dated June 2014, and the associated response to submissions; and
- the modification application (Mod 7) and accompanying letter from Peabody Energy Australia Pty Ltd, dated 29 July 2016, titled "Wilpinjong Coal Mine (PA 05-0021) – Modification of Product Rail Limit of Approval".

**APPENDIX 4
GENERAL TERMS OF REVISED PLANNING AGREEMENT**

1. The annual payment for each payment year will be determined by the following formulas:

(i) for payment years up to and including 2027:

$$\text{Annual Payment (4)} = (W-100) \times (\$12,000/20)$$

(ii) for payment years on and from 2028

$$\text{Annual Payment (\$)} = W \times (\$12,000/20)$$

Where 'W' is the total number of permanent employees and permanent contractors at the Wilpinjong Coal Project as determined by Wilpinjong (acting reasonably) on 28 February in any given year.

2. In addition to financial contributions, Wilpinjong must:

- (i) Provide access to the ablution facilities at the Wollar General Store for public use during and beyond the store opening hours;
- (ii) Provide cleaning services to the Wollar General Store ablution facilities; and
- (iii) Provide continued ground keeping of the vacant and public land within Wollar Village, including church grounds, park and town entrances.

Council agrees to provide Wilpinjong with access to the maintenance equipment as required by Wilpinjong to carry out its obligations under clause (iii).

Council will be responsible for repairs and upgrades to the maintenance equipment as and when required to enable Wilpinjong to fulfil its obligations under clause (iii).

APPENDIX 5
REGIONAL RECEIVER LOCATION PLANS - FIGURE 1

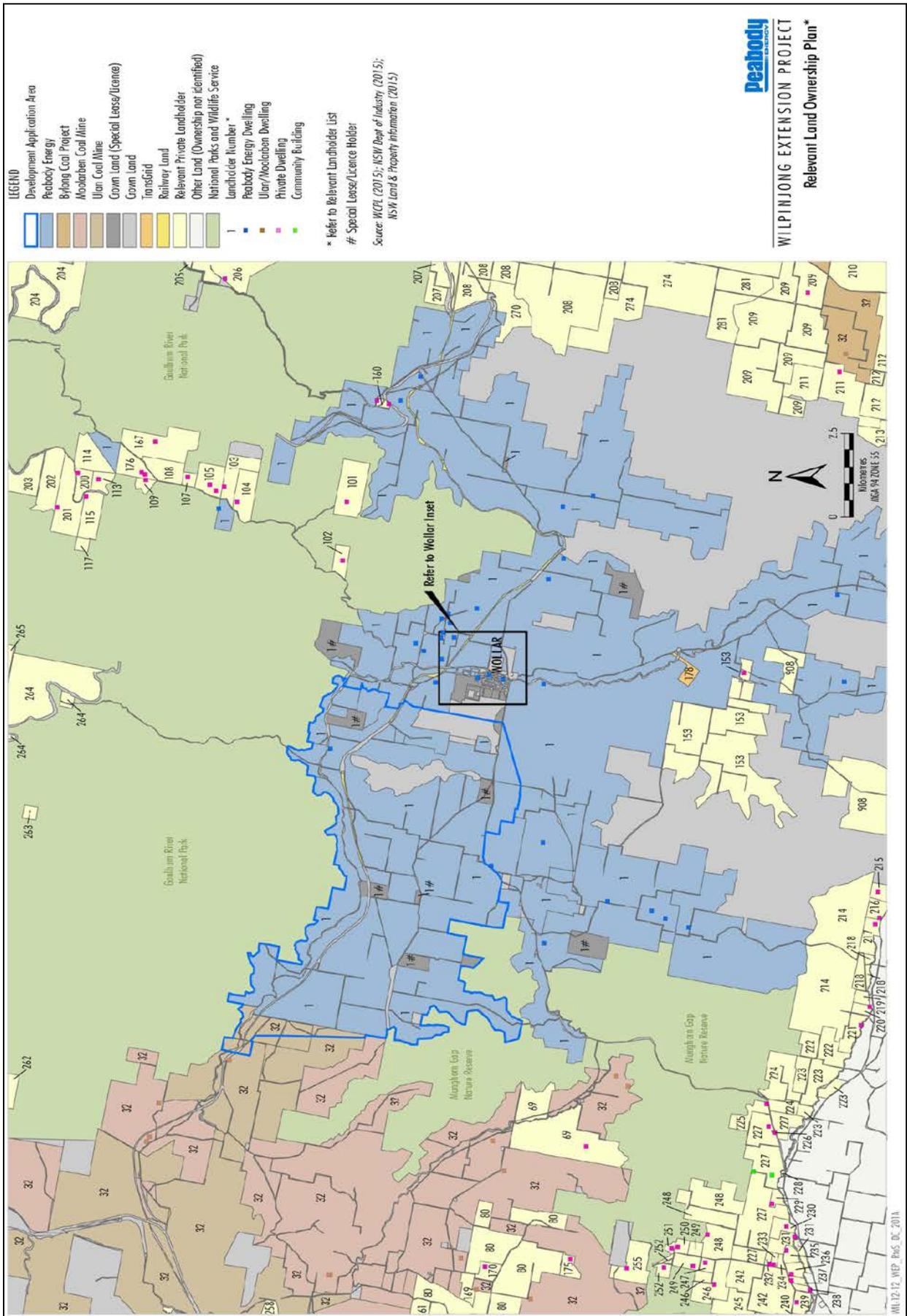


FIGURE 2 – WOLLAR VILLAGE RECEIVER LOCATION PLANS



**APPENDIX 6
NOISE COMPLIANCE ASSESSMENT**

Applicable Meteorological Conditions

1. The noise criteria in Table 3 of schedule 3 are to apply under all meteorological conditions except the following:
 - (a) wind speeds greater than 3 m/s at 10 m above ground level; or
 - (b) stability category F temperature inversions and wind speeds greater than 2 m/s at 10 m above ground level; or
 - (c) stability category G temperature inversion conditions.

Determination of Meteorological Conditions

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

Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.
4. This monitoring must be carried out at least 12 times a year, unless the Secretary directs otherwise.
5. Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (as amended from time to time), in particular the requirements relating to:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) meteorological conditions during which collection of noise data is not appropriate;
 - (c) equipment used to collect noise data, and 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.
6. The assessment of excessive levels of low frequency noise generated by the mine shall be as follows: Measure/assess C- and A-weighted Leq,T levels over same time period. Where the C minus A level is 15dB or more and:
 - where any of the 1/3 octave noise levels in Table 6-1 are exceeded by up to 5dB and cannot be mitigated, a 2 dB(A) positive adjustment to measured/predicted A weighted levels applies for the evening/night period.
 - where any of the 1/3 octave noise levels in Table 6-1 are exceeded by more than 5dB and cannot be mitigated, a 5 dB(A) positive adjustment to measured/predicted A weighted levels applies for the evening/night period and a 2dB positive adjustment applies for the daytime period.

Table 6-1: One-third octave low frequency noise thresholds

| Hz/dB(Z) | One-third octave $L_{Zeq,15minute}$ threshold level | | | | | | | | | | | | |
|-----------------|---|------|----|----|----|------|----|----|----|----|-----|-----|-----|
| Frequency (Hz) | 10 | 12.5 | 16 | 20 | 25 | 31.5 | 40 | 50 | 63 | 80 | 100 | 125 | 160 |
| dB(Z) | 92 | 89 | 86 | 77 | 69 | 61 | 54 | 50 | 50 | 48 | 48 | 46 | 44 |

APPENDIX 8 CONCEPTUAL REHABILITATION STRATEGY

