

Conditional Gateway Certificate Bylong Coal Project

Part 4AA, Division 4 of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Pursuant to clause 17H of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, we determine the application made by KEPCO Bylong Australia Pty Limited by issuing this certificate.

We certify that in the opinion of the Mining and Petroleum Gateway Panel, with regards to the relevant criteria in clause 17H(4) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, the proposed development described in Schedule 1:

- meets the following relevant criteria:
 - 17H(4)(a)(iii)

- does not meet the following relevant criteria:
 - 17H(4)(a) (i),
 - 17H(4)(a) (ii),
 - 17H(4)(a) (iv),
 - 17H(4)(a) (v),
 - 17H(4)(a) (vi),
 - 17H(4)(b) (i),
 - 17H(4)(b) (ii),
 - 17H(4)(b) (iii),
 - 17H(4)(b) (iv),
 - 17H(4)(b) (v), and,
 - 17H(4)(b) (vi).

The reasons for forming the opinion on each of the relevant criteria, together with recommendations of the Gateway Panel, are contained in Schedule 2.

Terry Short
Chairperson

George Gates
Member of the Gateway Panel

Ian Lavering
Member of the Gateway Panel

Date certificate issued: 15 April 2014

This certificate will remain current for 5 years from the date of issue.

SCHEDULE 1

The site is located about 55 kilometres (km) northeast of Mudgee within the Midwestern Regional Council Local Government Area. The Project is located on land subject to the Upper Hunter Strategic Regional Land Use Plan (as per information in the accompanying Gateway Panel Report).

Development description:

The Bylong Coal Project proposes to develop an open-cut and underground coal mining complex that plans to recover about 121 million tonnes of Run-of-Mine (ROM) coal over a period of up to 29 years.

Applicant:

KEPCO Bylong Australia Pty Limited (KEPCO).

SCHEDULE 2

Relevant criteria	Consideration	Recommendations
17H4(a)(i), (ii), (v), (vi)	The proposal to remove 194.4 ha of verified BSAL soils from within the planned open-cut mining area and the 're-creation' of this BSAL elsewhere lacks precedence and necessary detail.	<p>With regard to the removal and recreation of verified BSAL soils:</p> <ol style="list-style-type: none"> 1. Undertake a risk assessment that identifies the hazards and proposes controls with respect to the movement of BSAL soils; 2. Identify a final location for the verified BSAL soils <u>within</u> the Project Boundary area; 3. Detail the methods proposed for the handling, storage and treatment of the verified BSAL soils; 4. Propose alternate mitigation measures to be implemented in the event that the methodology selected results in the loss of verified BSAL soils post-implementation.
17H4(a)(iv)	Significant impacts are anticipated on highly productive groundwater and the consequent connection between surface and groundwater in modeling requires more detailed evaluation.	<ol style="list-style-type: none"> 1. Develop a more complex transient 3D numerical model for the EIS stage of the Development Application which includes improved time variant input data, more details on recharge, geological imperfections (dykes, sills & faults), fractures from subsidence, and a sensitivity/uncertainty analysis. 2. Complete baseline studies for the project area to improve knowledge on water levels, and groundwater dependent ecosystems. 3. Provide an assessment of the hydrochemistry of spoil and tailings materials, and potential impact on nearby water sources. 4. Provide a strategy for complying with the rules of the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources. In particular the implication of reduced available water determinations (AWDs) and the cease to pump rule. 5. Supply a plan for monitoring actual water take and how any changes from the predictions will be accounted for with water licences and remediation.
17H4(a)(i)	Mine waste emplacements have been designed with steep slopes to minimize footprint disturbance areas.	<ol style="list-style-type: none"> 1. Conduct an analysis of short and long term geotechnical stability risk of waste emplacement slope gradients. 2. Demonstrate that all final landform slope gradients are geotechnically stable in the long-term and have factors of safety of 1.5 or better. 3. Demonstrate that all final landform slope gradients are erosionally stable.
17H4(b)(i), (ii), (iii), (iv), (v)	NSW Government has verified 1,933 ha of land within the Project Boundary area as Equine CIC land. The potential impacts of the Project on the Equine CIC have not been properly assessed.	Using the Guideline for Gateway Applicants (September 2013) by Department of Planning & Infrastructure, provide a compliant and comprehensive assessment of the Project's potential impacts on the Equine CIC.

Note: Further information on the Gateway Panel's reasoning in relation to the relevant criteria is contained in the Gateway Panel Report available at: www.mpgp.nsw.gov.au