

# Development Consent

## ***Section 4.36 of the Environmental Planning and Assessment Act 1979***

As delegate of the Minister for Planning and Public Spaces, the Independent Planning Commission of NSW (the Commission) approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, 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

[Name of Commissioner]  
**Member of the Commission**

[Name of Commissioner]  
**Member of the Commission**

Sydney

2020

### **SCHEDULE 1**

**Application Number:**

SSD 8445

**Applicant:**

Tahmoor Coal Pty Ltd

**Consent Authority:**

The Independent Planning Commission of NSW

**Site:**

The land defined in Appendix 1

**Development:**

Tahmoor South Project

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## DEFINITIONS

<b>Aboriginal object</b>	As defined under section 5 of the NP&W Act
<b>Aboriginal place</b>	As defined under section 5 of the NP&W Act
<b>Adaptive Management</b>	Adaptive management includes monitoring subsidence impacts and subsidence effects and, based on the results, modifying the mining plan as mining proceeds to ensure that the effects, impacts and/or associated environmental consequences remain within predicted and designated ranges and in compliance with the conditions of this consent
<b>Annual Review</b>	The review required by condition E13
<b>Applicant</b>	Tahmoor Coal Pty Ltd, or any person carrying out any development under this consent
<b>Approved disturbance areas</b>	The areas identified in Figures 2 and 3 of Appendix 2.
<b>Approved mine plan</b>	The plan in Figure 1 in Appendix 2 showing the area in which underground mining operations may be carried out
<b>ARI</b>	Average Recurrence Interval
<b>ARTC</b>	Australian Rail Track Corporation
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BCA</b>	Building Code of Australia
<b>BCS</b>	Biodiversity, Conservation and Science Directorate within the Department
<b>BCT</b>	Biodiversity Conservation Trust
<b>Built features</b>	Includes any building or work erected or constructed on land, and includes dwellings and infrastructure such as any formed road, street, path, walk, or driveway; any pipeline, water, sewer, telephone, gas or other service main
<b>Calendar year</b>	A period of 12 months from 1 January to 31 December
<b>CCC</b>	Community consultative committee required by condition A24
<b>CEEC</b>	Critically endangered ecological community, as defined under the BC Act
<b>CHPP</b>	Coal Handling and Preparation Plant
<b>Cliff</b>	A continuous rock face, including overhangs, having a minimum length of 20 metres, a minimum height of 10 metres and a minimum slope of 2 to 1 (>63.4°)
<b>Conditions of this consent</b>	Conditions contained in Schedule 2
<b>Construction</b>	The carrying out of all physical works to enable mining operations to be carried out and decommissioning, including erection of buildings, infrastructure and other works and demolition, but not including pre-construction activities or first workings
<b>Council</b>	Wollondilly Shire Council
<b>Date of commencement</b>	The date notified to the Department by the Applicant under condition A18
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays, except in conditions A13 and A16
<b>Decommissioning</b>	The permanent cessation of active use of the mine, including demolition of buildings, infrastructure and other works
<b>Demolition</b>	The deconstruction and removal of buildings, infrastructure and other works on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The Tahmoor South Project as described in the document/s listed in condition A2(c), as modified by the conditions of this consent
<b>Development Layout</b>	The indicative development layout depicted in the figures in Appendix 2

<b>DPIE Crown Lands</b>	Crown Lands Group within the Department
<b>DPIE Water</b>	Water Group within the Department
<b>EEC</b>	Endangered ecological community, as defined under the BC Act
<b>EIS</b>	The Environmental Impact Statement titled: <ul style="list-style-type: none"> <li>• <i>Tahmoor South Project Environmental Impact Statement, Volumes 1 and 7</i>, dated January 2019;</li> <li>• <i>Tahmoor South Project Amendment Report, Appendices A to R</i> (including response to submissions), dated February 2020;</li> <li>• <i>Tahmoor South Project Second Amendment Report, Appendices A to O</i> (including response to submissions), dated August 2020; and</li> <li>• <i>Additional information responses dated 14 September 2020, 23 October 2020 and 30 October 2020</i>.</li> </ul>
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>Environmental consequences</b>	The environmental consequences of subsidence impacts, including: damage to built features; loss of surface water flows to the subsurface; loss of standing pools; slope changes to streams; adverse water quality impacts; development of iron bacterial mats; cliff falls; rock falls; landslides; damage to Aboriginal heritage sites; impacts on aquatic ecology and ponding
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPBC Act</b>	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>First workings</b>	The extraction of coal from main headings, gateroads and cut-throughs and the like, provided that such workings are long-term stable and do not generate more than 20 mm of vertical subsidence at the surface
<b>GDE</b>	Groundwater Dependent Ecosystem
<b>Heritage NSW</b>	Heritage Branch within the Department of Premier and Cabinet
<b>Heritage item</b>	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: <ul style="list-style-type: none"> <li>• the NP&amp;W Act</li> <li>• the State Heritage Register under the <i>Heritage Act 1977</i>;</li> <li>• a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>;</li> <li>• a Local Environmental Plan under the EP&amp;A Act;</li> <li>• the World Heritage List;</li> <li>• the National Heritage List or Commonwealth Heritage List under the EPBC Act; or</li> <li>• anything identified as a heritage item under the conditions of this consent</li> </ul>
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
<b>Laden trains</b>	Trains transporting product coal from the site
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B 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
<b>Material harm</b>	Is harm to the environment that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be</li> </ul>

incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

This definition excludes “harm” that is authorised under either this consent or any other statutory approval

<b>Mine Owned Land</b>	Land owned by a mining, petroleum or extractive industry company (or its subsidiary or related party)
<b>Mine water</b>	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
<b>Minimise</b>	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
<b>Mining operations</b>	The carrying out of mining, including the extraction, processing, stockpiling and transportation of coal on the site, the operation of the vent shaft sites, and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden, tailings and reject material; and includes underground development necessary for mining operations to be carried out (such as installation and use of electricity, water, communications and other services and infrastructure)
<b>Minister</b>	NSW Minister for Planning and Public Spaces, or delegate
<b>Minor</b>	Not very large, important or serious
<b>Minor cliff</b>	A continuous rock face, including overhangs, having a: <ul style="list-style-type: none"><li>• minimum length of 20 metres and a height between 5 metres and 10 metres or maximum length of 20 metres and a minimum height of 20 metres; and</li><li>• a minimum slope of 2 in 1 (&gt;63.4°)</li></ul>
<b>Mitigation</b>	Activities associated with reducing the impacts of the development
<b>Negligible</b>	Small and unimportant, such as to be not worth considering
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>‘Non-road’ mobile diesel equipment</b>	Has the same meaning as in any EPL for the carrying out of the development on the site
<b>NP&amp;W Act</b>	<i>National Parks and Wildlife Act 1974</i>
<b>NRAR</b>	NSW Natural Resources Access Regulator
<b>Over-dimensional</b>	Over-mass, over-size or over-length vehicles
<b>PA</b>	Planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>PCT</b>	Plant Community Type
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>PRP</b>	Pollution Reduction Program required by an EPL under the POEO Act
<b>Pre-construction activities</b>	Pre-construction works and activities required for the development, including surveys, acquisitions, fencing, investigative or geotechnical drilling and/or excavation, minor adjustment and/or relocation of services/ utilities, and works to allow isolation of the site for construction access
<b>Privately-owned land</b>	Land that is not owned by a public agency or mine owned land
<b>Public infrastructure</b>	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.
<b>REA</b>	Reject emplacement area as shown in Figure 2 in Appendix 2
<b>Reasonable</b>	Means applying 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

<b>Reasonable costs</b>	The costs agreed between the Department and the Applicant for obtaining independent experts to review the adequacy of any aspects of an Extraction Plan, or where such costs cannot be agreed, the costs determined by a dispute resolution process
<b>Registered Aboriginal Parties</b>	As described in the <i>National Parks and Wildlife Regulation 2009</i>
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Remediation</b>	Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact
<b>Residence</b>	Existing or approved dwelling at the date of grant of this consent
<b>Resources Regulator</b>	NSW Resources Regulator within the Department of Regional NSW
<b>RFS</b>	NSW Rural Fire Service
<b>Rock face feature</b>	A rock face having a: <ul style="list-style-type: none"> <li>• minimum length of 20 metres and heights between 3 metres and 5 metres, or maximum length of 20 metres and a minimum height of 5 metres; and</li> <li>• a minimum slope of 2 to 1 (&gt;63.4°)</li> </ul>
<b>ROM</b>	Run-of-mine
<b>SA NSW</b>	Subsidence Advisory NSW
<b>Safe, serviceable &amp; repairable</b>	Safe means no danger to users who are present; serviceable means available for its intended use; and repairable means damaged components can be repaired economically
<b>Second Workings</b>	Extraction of coal from longwall panels, mini-wall panels or pillar extraction
<b>Sewage Treatment Plant</b>	The sewage treatment plant on the site to be upgraded as per the commitments in the EIS
<b>Site</b>	The land defined in Appendix 1
<b>Steep slope</b>	An area of land having a gradient between 1 in 3 (33% or 18.3°) and 2 in 1 (200% or 63.4°)
<b>Subsidence</b>	The totality of subsidence effects, subsidence impacts and environmental consequences of subsidence impacts
<b>Subsidence Area</b>	The land area within the predicted extent of conventional subsidence, as shown in Figure 1 in Appendix 2
<b>Subsidence effects</b>	Deformation of the ground mass due to mining, including all mining-induced ground movements, such as vertical and horizontal displacement, tilt, strain and curvature
<b>Subsidence impacts</b>	Physical changes to the ground and its surface caused by subsidence effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and upsidence and surface depressions or troughs
<b>Surface Facilities Site</b>	The area shown in Figure 3 of Appendix 2
<b>TfNSW</b>	Transport for New South Wales
<b>Ventilation Shaft Sites</b>	The areas shown in Figure 2 of Appendix 2
<b>WTP</b>	Water Treatment Plant required under Special Condition E1.1 of EPL 1389

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS; and
  - (d) generally in accordance with the Development Layout in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS OF CONSENT

##### Mining operations

- A5. First workings and second workings may only be carried out within the area covered by the approved mine plan.
- A6. Mining operations may be carried out on the site until 31 December 2033.
- Notes:
- Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.
  - Mining operations and rehabilitation are also regulated under the Mining Act 1992.
- A7. Unless the Planning Secretary agrees otherwise, the Applicant must set back the commencement location (ie south eastern end) of Longwall 103B a minimum distance of 400 metres to avoid mining directly under Dog Trap Creek.
- A8. If the Applicant decides to seek the Planning Secretary's approval to vary the commencement location of Longwall 103B set in condition A7 above, then it must include the following information in the relevant Extraction Plan:
- (a) significance assessment of key stream and riparian features including pool volumes and water holding capacity, pool ecological attributes, groundwater dependent ecosystems and Aboriginal heritage sites;
  - (b) updated subsidence effects, impact and consequence assessment comparing the shortened longwall commencement position and the commencement position originally proposed;
  - (c) details of likely remediation required on the predictions for each of the commencement positions, and considering any watercourse damage from previously extracted longwalls; and
  - (d) costs and benefits of the commencement positions, including consideration of costs of any predicted remediation.

to the satisfaction of the Secretary.

##### Coal Extraction and Processing and Transport

- A9. Until the commencement of second workings under this consent, coal processing, transport and any other relevant mining activities are to be undertaken in accordance with existing development consents for the site, including:
- (a) processing a maximum of 3 million tonnes of ROM coal on the site in any calendar year;
  - (b) transporting by road a maximum of:
    - (i) 50,000 tonnes of product coal from the site to locations within the Wollondilly local government area; and

- (ii) 50,000 tonnes of reject material from the site.

A10. Following the commencement of second workings under this consent:

- (a) a maximum of 4 million tonnes of ROM coal may be extracted and processed on the site in any calendar year;
- (b) a maximum of 200,000 tonnes of ROM coal, product coal and coal reject material may be transported to and from the site by road in any calendar year, including a maximum of:
  - (i) 3,000 tonnes per day;
  - (ii) 16 truck movements per hour; and
  - (iii) 158 truck movements per day.

A11. During construction activities at the ventilation shaft sites, truck movements at these sites must not exceed 16 movements per day.

A12. A maximum of 4 laden trains may leave the site in any 24-hour period.

#### **Hours of Operation**

A13. Underground mining operations may be undertaken 24 hours a day, 7 days a week.

A14. Road transportation of coal and/or coal reject material to/from the site must only be undertaken between 7 am to 6 pm Monday to Saturday.

A15. Except for drilling activities at the ventilation shaft sites, construction activities at the surface facilities site and ventilation shaft sites must only be undertaken between the hours of 7 am to 6 pm Monday to Friday, and 8 am to 1 pm Saturday, with no construction activities on Sundays or public holidays, unless the Planning Secretary agrees otherwise.

A16. Drilling activities at the ventilation shaft sites may be undertaken 24 hours a day, 7 days a week.

#### **Identification of Approved Disturbance Area**

A17. Within three months of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must provide to the Department a survey plan (or spatial files in a format agreed by the Planning Secretary) of the boundaries of the approved disturbance areas.

#### **NOTIFICATION OF COMMENCEMENT**

A18. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least two weeks before that date:

- (a) physical commencement of the development;
- (b) construction;
- (c) first workings;
- (d) second workings (including commencement of longwall extraction);
- (e) any period of suspension of mining operations and/or processing (i.e. care and maintenance);
- (f) cessation of mining operations (ie mine closure); and
- (g) decommissioning.

A19. If the phases of the development are to be further staged, the Department must be notified in writing at least two weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

#### **SURRENDER OF EXISTING CONSENTS OR APPROVALS**

A20. In accordance with the EP&A Regulation, the Applicant must:

- (a) surrender the Bargo consent (162/76) dated 1975, prior to the commencement of second workings under this consent, or other timeframe agreed by the Planning Secretary; and
- (b) surrender the Tahmoor consent (7105/47) dated 1975; the Tahmoor consent (76/20188) dated 1979; the Tahmoor Gas Extraction consent (190/85) dated 1985; and the Tahmoor consent (57/93) dated 1994 following the completion of current mining activities and mine closure/rehabilitation associated with those consents.

A21. Upon the commencement of development under this consent, and before the surrender of the consents listed under condition A20, the conditions of this consent prevail to the extent of any inconsistency with the conditions of consents listed under condition A20.

*Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.*



## PLANNING AGREEMENT

- A22. Within six months of the date of commencement of construction as notified under condition A18(b), or other timeframe agreed by the Planning Secretary, the Applicant must enter into a PA with Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
  - (b) the terms of the Applicant's offer to Council in Appendix 7.
- A23. If there is any dispute between the Applicant and Council in regard to condition A22 then either party may refer the matter to the Planning Secretary for resolution.

## COMMUNITY CONSULTATIVE COMMITTEE

- A24. Within six months of the commencement of the development, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019). The CCC must continue to operate during the life of the development, or other timeframe agreed by the Planning Secretary.
- A25. The CCC may be combined with the CCC for the existing Tahmoor Mine with the approval of the Planning Secretary.

### Notes:

- *The CCC is an advisory committee only.*
- *In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council, affected stakeholder groups and the local community.*

## EVIDENCE OF CONSULTATION

- A26. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document; and
  - (b) provide details of the consultation undertaken to the Department, including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## APPLICATION OF EXISTING MANAGEMENT PLANS

- A27. Prior to the approval of management plans under this consent, the Applicant must continue to implement any equivalent or similar management plan/s required under existing consents listed under condition A20, to the satisfaction of the Planning Secretary.

## STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A28. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
  - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);
  - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and
  - (d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by an adjoining mining consent or approval, in common ownership or management.
- A29. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A30. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

## PROTECTION OF PUBLIC INFRASTRUCTURE AND FACILITIES

- A31. 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<sup>a</sup> that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure<sup>a</sup> that needs to be relocated as a result of the development.

<sup>a</sup> *This condition does not apply to any damage to roads caused as a result of general road usage, damage that has been compensated under the Mining Act 1992.*

## DEMOLITION

- A32. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

## STRUCTURAL ADEQUACY

- A33. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with:
- (a) the relevant requirements of the BCA; and
  - (b) any additional requirements of the SA NSW where the building or structure is located on land within a declared Mine Subsidence District.

### Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.
- Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SA NSW's approval before carrying out certain development in a Mine Subsidence District.

## OPERATION OF PLANT AND EQUIPMENT

- A34. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## COMPLIANCE

- A35. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## APPLICABILITY OF GUIDELINES

- A36. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) in the condition.
- A37. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## CROWN LAND

- A38. The Applicant must consult with DPIE – Crown Lands prior to undertaking any development on Crown Land or Crown Roads.

### Notes:

- Under section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with DPIE – Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease.
- Under section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with DPIE – Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### NOISE AND BLASTING

#### Noise Criteria

- B1. The Applicant must ensure that noise generated during construction activities at the ventilation shaft sites does not exceed the criteria in Table 1 at any residence on privately-owned land <sup>a</sup>.

**Table 1: Ventilation Shaft construction noise criteria dB(A)**

Noise Assessment Location	Day Leq <sub>(15 min)</sub> dB(A)	Evening Leq <sub>(15 min)</sub> dB(A)	Night Leq <sub>(15 min)</sub> dB(A)	L <sub>Max</sub> dB(A)
971, 1003, 1409, 1416, 981, 1013, 1413, 972, 980, 1009	40	36	36	52 (all locations)
546, 1419, 960	42	38	38	
993, 1412, 2735	40	37	37	
999, 1399	43	39	39	
1061, 2739	43	40	40	
970	42	36	36	
975 <sup>b</sup>	49	37	37	
1028 <sup>b</sup>	48	36	36	
1430 <sup>b</sup>	44	36	36	

<sup>a</sup> The Noise Assessment Locations referred to in Table 1 are shown in Appendix 3

<sup>b</sup> Identified receivers are eligible for noise mitigation under condition D2

- B2. Within two years of the commencement of development, the Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 2 at any residence on privately-owned land <sup>a</sup>. However, the noise criteria in Table 1 apply for any receiver identified in that table during construction activities at the ventilation shaft sites.

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

Noise Assessment Location	Day Leq <sub>(15 min)</sub> dB(A)	Evening Leq <sub>(15 min)</sub> dB(A)	Night Leq <sub>(15 min)</sub> dB(A)	L <sub>Max</sub> dB(A)
975, 999, 1423 <sup>b</sup> , 1549, 1553, 1556, 1557, 1563, 1565, 1566, 1583 <sup>b</sup> , 1589, 1592 <sup>b</sup> , 1594 <sup>b</sup> , 1613, 1621, 2021 <sup>b</sup> , 2025 <sup>b</sup> , 2551, 2570	40	38	35	52 (all locations)
546, 960, 986, 990, 1022, 1028, 1545, 1559, 1575, 1577, 1578, 1579, 1580, 1581, 1584, 1586, 1591, 1602, 1603, 1610, 1616, 1624, 1632, 1717, 2037, 2046, 2585	40	37	35	
968, 970, 971, 972, 981, 993, 1409, 1009, 1412, 1413, 1430, 1570, 1576, 1582, 1595, 1596, 1598, 1600, 1601, 1605, 1606, 1607, 1609, 1614, 1615, 1617, 1618, 1625, 1626, 1628, 1634, 1729, 2042, 2043, 2579, 2599, 2539, 2540, 2544, 2546, 2557, 2565, 2566, 2580, 2735, 966 <sup>b</sup> , 989 <sup>b</sup> , 1007 <sup>b</sup> , 1020 <sup>b</sup> , 1026 <sup>b</sup> , 1405 <sup>b</sup> , 1417 <sup>b</sup>	40	36	35	
988 <sup>b</sup> , 1419	41	41	39	
987 <sup>b</sup> , 992, 1008, 1058, 1060, 1404, 2736, 2739	40	38	36	
1024 <sup>b</sup> , 1339, 1411 <sup>b</sup>	40	39	37	
1543, 1555, 1560, 1572 <sup>b</sup> , 1587, 1588, 1622, 1623, 2022 <sup>b</sup> , 2047	40	39	36	
1547, 1593, 1996	40	39	35	
1554, 1558, 1562, 1573, 1994, 2002, 2003 <sup>b</sup> , 2549, 2746 <sup>b</sup>	43	43	37	
982 <sup>b</sup> , 984 <sup>b</sup> , 1061 <sup>b</sup> , 1408 <sup>b</sup> , 1538 <sup>b</sup> ,	41	41	35	
973 <sup>b</sup> , 991 <sup>b</sup> , 1025 <sup>b</sup> ,	40	40	38	
1023 <sup>b</sup> , 1062 <sup>b</sup> , 1406 <sup>b</sup> , 1424 <sup>b</sup>	42	42	40	
1992 <sup>b</sup> , 1997 <sup>b</sup> , 1998 <sup>b</sup> , 2000 <sup>b</sup> , 2014 <sup>b</sup>	40	40	37	
1542, 1544, 1546, 1550, 1561, 1620, 1993, 2017, 2550, 2586	44	44	36	
1999 <sup>b</sup> , 2015 <sup>b</sup>	40	40	35	
2005, 2011	40	40	35	
1004 <sup>b</sup> , 1017 <sup>b</sup>	45	45	38	
979 <sup>b</sup>	44	44	40	
1421	43	43	41	
1425	42	42	39	
	47	47	45	
	47	49	45	

Noise Assessment Location	Day	Evening	Night	
	Leq <sub>(15 min)</sub> dB(A)	Leq <sub>(15 min)</sub> dB(A)	Leq <sub>(15 min)</sub> dB(A)	L <sub>Max</sub> dB(A)
1427 <sup>b</sup>	48	50	47	
1429 <sup>b</sup>	47	49	46	
1420	40	39	39	
1428 <sup>b</sup>	44	46	44	
2006	46	46	43	
All Other Receivers	40	35	35	52

<sup>a</sup> The Noise Assessment Locations referred to in Table 2 are shown in Appendix 3

<sup>b</sup> Identified receivers are eligible for noise mitigation under condition D2

- B3. Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of *the NSW Noise Policy for Industry (EPA, 2017)*. The noise enhancing meteorological conditions determined by monitoring at the meteorological station required under condition B20 and as defined in Part D of the *Noise Policy for Industry (EPA, 2017)* apply to the noise criteria in Tables 1 and 2.
- B4. The noise criteria in Table 2 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

### Noise Operating Conditions

- B5. The Applicant must:
- take all reasonable steps to minimise noise from the construction and operational activities, including low frequency noise and other audible characteristics, as well as road and rail noise associated with the development;
  - operate a comprehensive noise management system using 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;
  - take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions;
  - continue to investigate ways to reduce the noise generated by the development;
  - only use locomotives and rolling stock that are approved to operate on the NSW rail network in accordance with EPL's issued for railway activities – rolling stock operations and use reasonable endeavours to ensure that rolling stock is selected to minimise noise;
  - carry out regular attended noise monitoring (at least quarterly, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent; and
  - regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

### Reject Emplacement

- B6. Prior to the implementation of noise mitigation measures, the Applicant must ensure that:
- reject emplacement in the REA does not occur at heights above RL 300m, except in areas identified as Stages 1 and 5 (see Figure 2 in Appendix 2) where reject material may be emplaced up to a height of RL 310 m; and
  - the emplacement of rejects above RL 300 m in the areas specified in (a) above does not occur concurrently with ventilation shaft construction activities.

### Noise Management Plan

- B7. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
  - be prepared in consultation with the EPA;
  - describe the measures to be implemented to ensure:
    - compliance with the noise criteria and operating conditions in this consent;
    - best practice noise management is being employed;

- (iii) noise impacts of the development are minimised during noise-enhancing meteorological conditions;
- (d) describe the noise management system in detail;
- (e) include a noise monitoring program that:
  - (i) uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;
  - (ii) monitors noise at the nearest and/or most affected residences;
  - (iii) includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;
  - (iv) adequately supports the noise management system;
  - (v) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.

B8. The Applicant must not commence construction until the Noise Management Plan is approved by the Planning Secretary.

B9. The Applicant must implement the Noise Management Plan as approved by the Planning Secretary.

## AIR QUALITY AND GREENHOUSE GAS

### Odour

B10. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

### Air Quality Criteria

B11. 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 3 at any residence on privately-owned land.

**Table 3:** Air quality criteria

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a, c</sup> 25 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a, c</sup> 8 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>

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

<sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

<sup>c</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.

B12. The air quality criteria in Table 3 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

### Mine-owned Land

B13. Particulate matter emissions generated by the development must not exceed the criteria listed in Table 3 at any occupied residence on mine-owned land (including land owned by another mining company) unless:

- (a) 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 PART D of this consent;
- (b) the tenant of any such land that is owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving 14 days' notice;
- (c) air quality monitoring is regularly undertaken to inform the tenant and landowner (if the residence is owned by another mining company) of the likely particulate matter emissions at the residence; and
- (d) 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.

## **Air Quality Operating Conditions**

B14. The Applicant must:

- (a) take all reasonable and feasible steps to:
  - (i) minimise odour, fume, and particulate matter (including PM<sub>10</sub> and PM<sub>2.5</sub>) emissions of the development, paying particular attention to minimising odour from ventilation shafts, wheel-generated haul road emissions, and emissions from the REA and stockpiles;
  - (ii) eliminate or minimise the risk of spontaneous combustion;
  - (iii) improve energy efficiency and reduce fugitive greenhouse gas emissions of the development;
  - (iv) implement greenhouse gas abatement measures (including beneficial reuse and/or flaring) with respect to methane produced by underground coal mining;
  - (v) minimise visible off-site air pollution generated by the development; and
  - (vi) minimise to the greatest extent practicable, the extent of potential dust generating surfaces exposed on the site at any given point in time;
- (b) 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;
- (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 3 above);
- (d) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and
- (e) regularly assess the air quality monitoring data and modify operations on the site to ensure compliance with the relevant conditions of this consent.

## **Spontaneous Combustion Management Plan**

B15. The Applicant must prepare a Spontaneous Combustion Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with the Resources Regulator; and
- (c) describe the measures to be implemented to minimise the risk of spontaneous combustion on the site.

B16. The Applicant must not commence second workings under this consent until the Spontaneous Combustion Management Plan is approved by the Planning Secretary.

B17. The Applicant must implement the Spontaneous Combustion Management Plan as approved by the Planning Secretary.

## **Air Quality and Greenhouse Gas Management Plan**

B18. The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with the EPA;
- (c) describe the measures to be implemented to ensure:
  - (i) compliance with the air quality criteria and operating conditions in this consent;
  - (ii) best practice management is being employed (including in respect to energy efficiency and the minimisation of greenhouse gas emissions from the site); and
  - (iii) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
- (d) describe the air quality management system in detail;
- (e) describes the measures to be implemented to:
  - (i) maximise the beneficial use of methane produced by underground coal mining; and
  - (ii) ensure that air quality impacts on nearby residences associated with the flaring or venting of gases produced by underground coal mining are minimised to the greatest extent practicable; and
- (f) include an air quality monitoring program, undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2016) or its latest version, that:

- (i) uses monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of operations, including two continuous particulate monitors located near the closest receivers:
  - west of the main surface facilities; and
  - north-east of the REA;
- (ii) adequately supports the air quality management system; and
- (iii) includes a protocol for identifying an air quality incident and notifying the Department and relevant stakeholders of any such incident.

**Note:** “Methane produced by underground coal mining” does not include methane within mine ventilation air.

B19. The Applicant must not commence construction until the Air Quality and Greenhouse Gas Management Plan is approved by the Planning Secretary.

B20. The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Planning Secretary.

## METEOROLOGICAL MONITORING

B21. Prior to the commencement of construction and for the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that:

- (a) complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2016); and
- (b) is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017), unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

## WATER

### Water Supply

B22. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

B23. The Applicant must report on water captured, intercepted or extracted from the site each year (direct and indirect) in the Annual Review. This is to include water take where a water licence is required and where an exemption applies. Where a water licence is required the water take needs to be reviewed against existing water licences.

**Note:** Under the *Water Act 1912* and/or the *Water Management Act 2000*, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and following mine closure.

### Compensatory Water Supply

B24. Prior to the commencement of second workings under this consent, the Applicant must complete a bore census for all licensed privately-owned groundwater bores that are predicted to have a drawdown of greater than 2 metres as a result of the development providing:

- (a) notification of bore owners, including an indication of the level of risk of impact to their water supply;
  - (b) ongoing engagement and consultation with bore owners in accordance with the Make Good Strategy contained in the EIS;
  - (c) detailed baseline data regarding groundwater levels, yield and quality for privately-owned groundwater bores; and
  - (d) a condition assessment of existing groundwater bores and monitoring equipment;
- to the satisfaction of the Planning Secretary.

B25. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of the development, in consultation with NRAR and DPIE Water, and to the satisfaction of the Planning Secretary.

B26. The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner. The burden of proof that any loss of water supply is not due to mining impacts rests with the Applicant.

B27. If the Applicant and the landowner cannot agree on whether the loss of water is to be attributed to the development or 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 Planning Secretary for resolution.

B28. If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide compensation to the affected land owner, to the satisfaction of the Planning Secretary.

Note:

- The Water Management Plan (see condition B33) is required to include trigger levels for investigating potentially adverse impacts on water supplies.

## Water Treatment

B29. Prior to the commencement of second workings under this consent, the Applicant must commission the WTP required under Special Condition E1.1 of EPL 1389.

## Off-site Water Discharges and Transfers

B30. The Applicant must ensure that all surface discharges from the site comply with all relevant provisions of the POEO Act, including any discharge limits (both volume and quality) set for the development in any EPL.

## Off-site Mine Water Transfer

B31. This consent permits the transfer of water to and from the underground workings and goaf areas of the Tahmoor North Mine.

## Water Management Performance Measures

B32. The Applicant must comply with the performance measures in Table 4.

**Table 4:** Water management performance measures

Feature	Performance Measure
Water management – General	<ul style="list-style-type: none"> <li>• Maintain separation between clean and dirty (including both sediment-laden water and mine water) water management systems</li> <li>• Minimise the use of clean and potable water on the site</li> <li>• Maximise water recycling, reuse and sharing opportunities to the extent that is reasonable and feasible</li> <li>• Maximise the capture and reuse of mine water and dirty water to meet operational demands for water to the extent that is reasonable and feasible</li> <li>• Minimise the use of make-up water from external sources</li> <li>• Design, install, operate and maintain water management systems in a proper and efficient manner</li> <li>• Minimise risks to the receiving environment and downstream water users</li> </ul>
Aquatic and riparian ecosystems	<ul style="list-style-type: none"> <li>• Maintain or improve baseline channel stability</li> <li>• Develop site-specific in-stream water quality objectives in accordance with the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (ANZECC &amp; ARMCANZ, 2000) and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> (DEC, 2006)</li> </ul>
Erosion and sediment control works	<ul style="list-style-type: none"> <li>• Design, install and maintain erosion and sediment controls in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1: Blue Book</i> (Landcom, 2004), <i>Volume 2A: Installation of Services</i> (DECC, 2008), <i>Volume 2C: Unsealed Roads</i> (DECC, 2008), <i>Volume 2D: Main Road Construction</i> (DECC, 2008) and <i>Volume 2E: Mines and Quarries</i> (DECC, 2008)</li> <li>• Design, install and maintain any new infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012)</li> <li>• Design, install and maintain any new creek crossings generally in accordance with the <i>Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management</i> (DPI, 2013) and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings</i> (NSW Fisheries 2003).</li> <li>• Ensure all works on waterfront land are consistent with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012)</li> </ul>
Clean water diversions and storage infrastructure	<ul style="list-style-type: none"> <li>• Design, install and maintain any new components of the clean water system to capture and convey the 100 year ARI flood</li> <li>• Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on the site, except where clean water is captured for use on the site</li> </ul>
Sediment dams	<ul style="list-style-type: none"> <li>• Design, install and/or maintain sediment dams to avoid off-site discharges to surface waters, except as may be permitted under condition B30</li> <li>• Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landcom, 2004) and <i>2E Mines and Quarries</i> (DECC, 2008) and the requirements under the POEO Act</li> </ul>



Feature	Performance Measure
Above ground mine water storages	<ul style="list-style-type: none"> <li>Design, install and maintain mine water storage infrastructure to avoid unlicensed or uncontrolled discharge of mine water</li> <li>Ensure adequate freeboards within all mine water storage dams at all times to minimise the risk of discharge to surface waters</li> <li>New on-site storages (including mine infrastructure dams, groundwater storage and treatment dams) are suitably designed, installed and maintained, including being lined to comply with a permeability standard of <math>&lt; 1 \times 10^{-9}</math> m/s</li> </ul>
Reject management	<ul style="list-style-type: none"> <li>Restrict emplacement of any reject material to the REA in a manner that is consistent with the EIS</li> <li>Design and maintain tailings storage areas to prevent the movement of tailings seepage/leachate outside the REA</li> </ul>
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> <li>Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard</li> </ul>

### Water Management Plan

B33. Prior to the commencement of construction activities, the Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with DPIE Water and EPA;
- (c) describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see Table 4);
- (d) utilise existing data from nearby mines and build on existing monitoring programs, where practicable;
- (e) include a:
  - (i) **Site Water Balance** that includes details of:
    - predicted annual inflows to and outflows from the site;
    - sources and security of water supply for the life of the development (including authorised entitlements and licences);
    - water storage capacity;
    - water use and management on the site, including any water stored underground in goaf areas of Tahmoor North Mine;
    - licensed discharge points and limits; and
    - reporting procedures, including the annual preparation of a site water balance;
  - (ii) **Salt Balance** that includes details of
    - sources of saline material on the site;
    - saline material and saline water management on the site;
    - measures to minimise discharge of saline water from the site; and
    - reporting procedures, including the annual preparation of an updated salt balance;
  - (iii) **Erosion and Sediment Control Plan** that:
    - is consistent with the requirements of *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) and *Volume 2E: Mines and Quarries* (DECC, 2008);
    - identifies activities that could cause soil erosion or generate sediment;
    - describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
    - describes the location, function and capacity of erosion and sediment control structures; and
    - describes what measures would be implemented to maintain (and if necessary, decommission) the structures over time;
  - (iv) **Surface Water Management Plan** that includes:
    - detailed baseline data on channel stability, water flows and water quality in the sections or parts of watercourses and/or water bodies potentially impacted by the development (including Tea Tree Hollow, Dog Trap Creek, Bargo River and all associated tributaries);
    - a detailed description of the surface water management system;
    - detailed plans, design objectives and performance criteria for water management infrastructure including:
      - any approved creek restoration works associated with the development;

- water run-off diversions and catch drains;
  - erosion and sediment controls, including sediment dams;
  - any water storages, including mine water management systems;
  - water treatment plant required under the EPL;
  - the sewage treatment plant; and
  - reinstated drainage networks on rehabilitated areas of the site;
  - surface water performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development for;
    - water supply for other water users;
    - downstream surface water flows and quality;
    - stream and riparian vegetation health; and
    - post-mining water pollution from rehabilitated areas of the site;
  - a program to monitor and evaluate:
    - compliance with the relevant performance measures listed in Table 4 and the performance criteria in this plan;
    - controlled and uncontrolled discharges and seepage/leachate from the site;
    - impacts on water supply for other water users;
    - surface water inflows, outflows and storage volumes, to inform the Site Water Balance;
    - the effectiveness of the surface water management system, and the measures in the Erosion and Sediment Control Plan;
    - reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results;
    - a trigger action response plan to respond to any exceedances of the performance measures in Table 4, and to repair, mitigate and/or offset any adverse surface water impacts of the development, including measures to provide compensatory water supply to affected water users under condition B25; and
  - a program to periodically update and validate the stream flow water balance model; and
- (v) **Groundwater Management Plan** that includes:
- detailed baseline data regarding groundwater levels, yield and quality for privately-owned groundwater bores (as required under condition B24(a)) and the condition of GDEs (including Thirlmere Lakes) potentially impacted by the development;
  - a program to periodically review and update data regarding groundwater levels, yield and quality at privately-owned groundwater bores in the vicinity of the development, including any bores potentially impacted by cumulative groundwater drawdown;
  - a detailed description of the groundwater management system, including commitments to:
    - install an additional bore in the footprint of Tahmoor North to monitor post-mining groundwater level and quality;
    - install additional bores at or near the Thirlmere Lakes;
    - install bores above the initial longwalls to define profile fracturing and depressurisation in the Hawkesbury Sandstone and Bulgo Sandstone;
    - monitor shallow groundwater within the Hawkesbury Sandstone;
    - monitor volumetric take (mine inflow), including inflows to the underground mine; and
    - regularly review the monitoring program to ensure robust and reliable monitoring is undertaken, including reviewing the performance of vibrating wire piezometers;
  - groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts (or trends) associated with the development, on:
    - regional and local aquifers (alluvial and hard rock); and
    - groundwater supply for other users such as licensed privately-owned groundwater bores;
  - a program to monitor and evaluate:
    - compliance with the relevant performance measures listed in Table 4 and the performance criteria of this plan;
    - water loss/seepage from water storages into the groundwater system;
    - groundwater inflows, outflows and storage volumes, to inform the Site Water Balance;
    - impacts on water supply for other water users;

- impacts on GDEs (including Thirlmere Lakes);
  - the hydrogeological setting of any nearby alluvial aquifers and the likelihood of any indirect impacts from the development; and
  - the effectiveness of the groundwater management system;
  - reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results;
  - a trigger action response plan to respond to any exceedances of the relevant performance measures and groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development;
  - a Groundwater Modelling Plan that:
    - provides details for the future groundwater model re-build and recalibration within 2 years of the commencement of development under this consent;
    - is independently third-party reviewed;
    - provides for the incorporation of the outcomes of research on the Thirlmere Lakes;
    - considers field data and the outcomes of subsidence monitoring;
    - provides for periodic validation of the groundwater model for the development, including an independent review of the model every 3 years, and comparison of monitoring results with modelled predictions; and
  - a plan to respond to any exceedances of the performance measures.
- (vi) **Long-term Water Management Strategy** for the whole Tahmoor mining complex that:
- Includes detailed modelling of the potential water impacts of the mining complex as water levels recover following the cessation of mining operations within the complex and rehabilitation of these operations;
  - identifies the measures that would be implemented at each of these mining operations to minimise any adverse water impacts;
  - includes a water licencing strategy for the ongoing take of any water over time; and
  - includes a program to monitor and review the water impacts of the mining complex over time

B34. The Applicant must not commence construction until the Water Management Plan is approved by the Planning Secretary.

B35. The Applicant must implement the Water Management Plan as approved by the Planning Secretary.

*Note: Some components of the Water Management Plan, such as the Long-term Water Management Strategy can be staged in accordance with Conditions A28 to A30.*

## BIODIVERSITY

### Biodiversity Credit Requirements

B36. Within 2 years of the date of commencement of development under this consent, unless otherwise agreed by the Planning Secretary, the Applicant must retire the biodiversity credits specified in Table 5 below. The retirement of credits must be carried out in consultation with BCS and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.

**Table 5:** Biodiversity credit requirements

Credit Type	Total Credits Required
Ecosystem Credits	
PCT1395 Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest	455
PCT1081 Red Bloodwood - Grey Gum woodland on the edges of the Cumberland Plain, Sydney Basin	399
Species Credits	
Small-flower grevillea ( <i>Grevillea parviflora</i> subsp. <i>parviflora</i> )	770
Bargo geebung ( <i>Persoonia Bargoensis</i> )	77
Koala ( <i>Phascolarctos cinereus</i> )	107
Large-eared pied bat ( <i>Chalinolobus dwyeri</i> )	54

Credit Type	Total Credits Required
Large-footed myotis ( <i>Myotis Macropus</i> )	91
Eastern cave bat ( <i>Vespadelus troughtoni</i> )	54
Eastern pygmy-possum ( <i>Cercartetus nanus</i> )	82

Notes:

- The credits in Table 5 were calculated in accordance with Framework for Biodiversity Assessment of the NSW Biodiversity Offset Policy for Major Projects (OEH, 2014) and need to be converted to reasonably equivalent 'biodiversity credits', within the meaning of the BC Act.
- The available credit retirement options for the development include purchase and retirement of open market available biodiversity credits, payment into the Biodiversity Conservation Fund or establishment of a Biodiversity Stewardship Site.

### Biodiversity Management Plan

B37. The Applicant must prepare a Biodiversity Management Plan for all areas of the development, to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with BCS;
- (c) describe the short, medium, and long term measures to be undertaken to retain and manage the remnant vegetation and fauna habitat on the site;
- (d) describe how biodiversity management would be integrated with similar measures within other management plans, including the Rehabilitation Management Plan referred to in condition B59;
- (e) describe the measures to be implemented within the approved disturbance areas to:
  - (i) minimise the amount of vegetation clearing, in particular, by micro-siting surface infrastructure to avoid impacts to minimise clearing of CEECs;
  - (ii) minimise impacts on fauna, including undertaking pre-clearance surveys;
  - (iii) provide for the salvage, transplanting and/or propagation of threatened flora found during pre-clearance surveys, in accordance with the *Guidelines for the Translocation of Threatened Plants in Australia* (Commander et al., 2018), where feasible; and
  - (iv) maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;
- (f) describe the measures to be implemented on the site to:
  - (i) minimise impacts to threatened ecological communities listed under the BC Act and EPBC Act, and contribute to conservation strategies for these communities;
  - (ii) minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber and hollow-bearing trees;
  - (iii) enhance the quality of vegetation, vegetation connectivity and wildlife corridors including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata;
  - (iv) introduce naturally scarce fauna habitat features such as nest boxes and salvaged tree hollows, and promote the use of these introduced habitat features by threatened fauna species;
  - (v) manage any potential conflicts with Aboriginal heritage values;
  - (vi) protect vegetation and fauna habitat outside of the approved disturbance areas;
  - (vii) manage the collection and propagation of seed from the local area;
  - (viii) control weeds, including measures to avoid and mitigate the spread of weeds;
  - (ix) control feral pests with consideration of actions identified in relevant threat abatement plans;
  - (x) control erosion;
  - (xi) control access to vegetated or revegetated areas; and
  - (xii) manage bushfire hazards;
- (g) include a seasonally-based program to monitor and report on the effectiveness of the above measures, progress against the detailed performance indicators and completion criteria, and identify improvements that could be implemented to improve biodiversity outcomes;
- (h) identify the potential risks to the successful implementation of the Biodiversity Management Plan, and include a description of the contingency measures to be implemented to mitigate against these risks; and
- (i) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

- B38. The Applicant must not commence construction until the Biodiversity Management Plan is approved by the Planning Secretary.
- B39. The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.
- Note:** *The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated to ensure biodiversity objectives are achieved through rehabilitation of the site.*

## HERITAGE

### Protection of Aboriginal Heritage

- B40. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item, beyond those predicted in the EIS.
- B41. The Applicant must implement all reasonable and feasible measures to avoid direct disturbance of site 52-2-4487, to the satisfaction of the Secretary. If avoidance cannot be reasonably and feasibly undertaken, the Applicant must implement partial avoidance or salvage procedures in consultation with RAPs.
- Note:** *Identified heritage items are listed in Appendix 4.*
- B42. If any previously unknown Aboriginal object is discovered on the site, or suspected to be on the site:
- (a) all work in the immediate vicinity of the object or place must cease immediately;
  - (b) a 10m buffer area around the object or place must be cordoned off; and
  - (c) Heritage NSW must be contacted immediately.
- B43. Work in the immediate vicinity may only recommence if:
- (a) the potential Aboriginal object is confirmed by Heritage NSW, in consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal place; or
  - (b) the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object and makes a written direction in that regard.
- B44. If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and Heritage NSW, and work must not recommence in the area until authorised by NSW Police Force and Heritage NSW.
- B45. The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.

## VISUAL

### Visual Amenity and Lighting

- B46. The Applicant must:
- (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;
  - (b) take all reasonable steps to shield views of mining operations and associated equipment from users of public roads and privately-owned residences;
  - (c) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;
  - (d) ensure mobile lighting rigs do not shine directly above the horizontal (except where required for emergency safety purposes);
  - (e) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of *Australian Standard AS4282 (INT) 2019 – Control of Obtrusive Effects of Outdoor Lighting*; and
  - (f) ensure that the visual appearance of any new buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.

## WASTE

- B47. The Applicant must:
- (a) take all reasonable steps to minimise the waste (including coal rejects and tailings) generated by the development;
  - (b) classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);
  - (c) dispose of all waste at appropriately licensed waste facilities or as permitted in an applicable EPL;
  - (d) manage on-site sewage treatment and disposal in accordance with the requirements of EPA and Council; and

- (e) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition E13.

B48. Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

#### **Sewage Treatment**

B49. Prior to the commencement of second workings under this consent, the Applicant must commission the Sewage Treatment Plant.

#### **DANGEROUS GOODS**

- B50. The Applicant must ensure that the storage, handling and transport of:
- (a) dangerous goods is carried out in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the *Dangerous Goods Code*; and
  - (b) explosives are managed in accordance with the requirements of the Resources Regulator.

#### **BUSHFIRE MANAGEMENT**

- B51. The Applicant must:
- (a) ensure that the development:
    - (i) provides for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2019) guideline; and
    - (ii) ensure that there is suitable equipment to respond to any fires on the site; and
  - (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.
- B52. Prior to commencing construction under this consent, the Applicant must prepare a Bushfire Management Plan for the development in consultation with RFS. This plan must include a:
- (a) contact person and 24 hour contact phone number;
  - (b) schedule and description of proposed bushfire mitigation works, including:
    - (i) location of managed and unmanaged vegetation within the site;
    - (ii) location of water supply; and
    - (iii) internal access roads;
  - (c) plan identifying the location and storage of bulk flammable liquids and materials;
  - (d) 'hot works' management plan, including:
    - (i) circumstances when 'hot works' are limited or prohibited; and
    - (ii) safety measures to be implemented when 'hot works' are being conducted; and
  - (e) emergency/evacuation plan in accordance with the *Guidelines for the Preparation of Emergency/Evacuation Plans* (RFS) and Australian Standard AS3745 *Planning for Emergencies in Facilities*.
- B53. The Applicant must implement the Bushfire Management Plan in consultation with RFS.

#### **MINOR SURFACE INFRASTRUCTURE**

##### **Gas Drainage**

B54. The Applicant must ensure that all gas drainage pipelines (other than connection points, monitoring points, dewatering facilities, regulation or isolation points) between gas drainage plants are buried, unless otherwise agreed with the relevant landowner or unless burial is inappropriate for safety or other reasons, to the satisfaction of the Planning Secretary.

#### **REHABILITATION**

##### **Rehabilitation Objectives**

B55. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the EIS (and shown conceptually in the Rehabilitation Plan in Appendix 5), and must comply with the objectives in Table 6.

**Table 6:** Rehabilitation objectives

Feature	Objective <sup>a</sup>
All areas of the site affected by the development	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Fit for the intended post-mining land use/s</li> </ul>

Feature	Objective <sup>a</sup>
	<ul style="list-style-type: none"> <li>• Achieve the final landform and post-mining land use/s as soon as practicable after cessation of mining operations</li> <li>• Minimise post-mining environmental impacts</li> </ul>
Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> <li>• Establish/restore self-sustaining native woodland ecosystems, with a focus on establishing local plant community types, as described in the EIS and in Table 5</li> <li>• Establish: <ul style="list-style-type: none"> <li>– habitat, feed and foraging resources for threatened fauna species;</li> <li>– local vegetation connectivity and wildlife corridors, as far as is reasonable and feasible</li> </ul> </li> </ul>
Final Landform	<ul style="list-style-type: none"> <li>• Stable and sustainable for the intended post-mining land use/s</li> <li>• Consistent with surrounding topography to minimise visual impacts</li> <li>• Incorporate relief patterns and design principles consistent with natural drainage that mimic natural topography and mitigate erosion to the greatest extent practicable</li> </ul>
Surface infrastructure of the development	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless the Resource Regulator agrees otherwise</li> <li>• All surface infrastructure sites are to be revegetated with suitable local native plant species to a landform consistent with the surrounding environment</li> </ul>
Portals and vent shafts of the development	<ul style="list-style-type: none"> <li>• To be decommissioned and made safe and stable</li> </ul>
Watercourses subject to mine water discharges	<ul style="list-style-type: none"> <li>• Hydraulically and geomorphologically stable</li> <li>• Aquatic ecology and riparian vegetation that is the same or better than prior to grant of this consent</li> </ul>
Watercourses damaged by subsidence impacts	<ul style="list-style-type: none"> <li>• Restore pre-mining surface flow and pool holding capacity as soon as reasonably practicable</li> <li>• Hydraulically and geomorphologically stable, with riparian vegetation and aquatic ecology that is the same or better than prior to secondary extraction</li> </ul>
Water quality	<ul style="list-style-type: none"> <li>• Water retained on the site is fit for the intended post-mining land use/s</li> <li>• Water discharges are consistent with the regional catchment management water quality objectives</li> </ul>
Built features damaged by mining operations	<ul style="list-style-type: none"> <li>• Repair to pre-mining condition or equivalent unless the: <ul style="list-style-type: none"> <li>– owner agrees otherwise; or</li> <li>– damage is fully restored, repaired or compensated for under the <i>Coal Mine Subsidence Compensation Act 2017</i></li> </ul> </li> </ul>
Cliffs, minor cliffs, rock face features and steep slopes	<ul style="list-style-type: none"> <li>• No additional risk to public safety compared to prior to mining</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety</li> <li>• Minimise adverse socio-economic effects associated with mine closure</li> </ul>

**Note:** These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by all underground mining of the development and to all surface infrastructure components of the development.

### Progressive Rehabilitation

B56. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion 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.

### Rehabilitation Strategy

B57. The Applicant must prepare a Rehabilitation Strategy for the site to the satisfaction of the Planning Secretary. This strategy must:

- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- be prepared in consultation with the Resources Regulator, DPIE Water, BCS and Council;

- (c) be submitted to the Planning Secretary for approval within six months of the date of commencement of development under this consent;
- (d) build upon the Rehabilitation Objectives in Table 6, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform, post-mining land use/s and water management;
- (e) align with strategic rehabilitation and mine closure objectives and address the principles of the *Strategic Framework for Mine Closure* (ANZMEC and MCA, 2000);
- (f) describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition B37;
- (g) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure;
- (h) include details of:
  - (i) target vegetation communities and species to be established within the proposed revegetation areas, including habitat for threatened fauna eg. Koala;
  - (ii) the design of the surface water drainage network on the final landform; and
  - (iii) the capping design of the REA as well as the quantity and source of capping material;
- (i) investigate opportunities to refine and improve the final landform over time, including the configuration of the REA;
- (j) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site, that:
  - (i) align with regional and local strategic land use planning objectives and outcomes;
  - (ii) support a sustainable future for the local community;
  - (iii) utilise existing mining infrastructure, where practicable; and
  - (iv) avoid disturbing self-sustaining native ecosystems, where practicable;
- (k) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes;
- (l) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and
- (m) include a program to report on the outcomes of the investigations required under this condition and review and update this strategy at least every five years.

B58. The Applicant must implement the Rehabilitation Strategy approved by the Planning Secretary.

#### **Rehabilitation Management Plan**

- B59. The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. This plan must:
- (a) include a life of mine rehabilitation and mining schedule which outlines the key progressive rehabilitation milestones from the commencement of operations through to decommissioning and mine closure;
  - (b) include Rehabilitation Objectives, Rehabilitation Completion Criteria and a Final Landform and Rehabilitation Plan;
  - (c) include detailed performance indicators and completion criteria for each rehabilitation domain, and triggers for remedial actions, including actions to be undertaken in the event that vegetation establishment is impacted by spontaneous combustion;
  - (d) include an overview of the identified risks to achieving successful rehabilitation;
  - (e) describe the measures to be implemented on the site to achieve the Rehabilitation Objectives in Table 6 and to address the identified risks;
  - (f) include a program to monitor, independently audit and report on progress against the criteria in paragraph (c) (a) and the effectiveness of the measures in paragraph (e);
  - (g) describe any further studies, work, research or consultation that will be undertaken to expand the site-specific rehabilitation knowledge base, reduce uncertainty and improve rehabilitation outcomes; and
  - (h) outline intervention and adaptive management techniques to ensure rehabilitation remains on a trajectory of achieving the Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan as soon as reasonably practical.

#### **Notes:**



- *The Rehabilitation Management Plan should address all land impacted by the development.*
- *The Rehabilitation Management Plan may be combined with a Mining Operations Plan, or similar plan, required under mining lease/s granted for the development.*
- *The Biodiversity Management Plan and Rehabilitation Management Plan require substantial integration to achieve the biodiversity objectives for the rehabilitated site.*

## **TRANSPORT**

### **Monitoring of Coal and Reject Transport**

B60. The Applicant must:

- (a) keep accurate records of the:
  - (i) amount of coal and rejects transported to and from the site (on a daily basis);
  - (ii) date and time of each truck movement to and from the site;
  - (iii) date and time of each train movement generated by the development; and
- (b) publish these results in the Annual Review.

### **Transport Operating Conditions**

B61. The Applicant must:

- (a) ensure that all laden trucks entering or exiting the site have their loads covered;
- (b) only transport product coal by road to end users without rail access; and
- (c) take all reasonable steps to minimise traffic safety issues and disruption to local road users.

*Notes:*

- *Truck movements to and from the site are also controlled by the conditions specified in A7, A10 and A14.*

### **Road Maintenance**

B62. The Applicant must:

- (a) prepare a pre-dilapidation survey of the transport route/s prior to the commencement of any construction, road haulage or decommissioning works, or other timeframe agreed by the appropriate roads authority;
- (b) prepare a post-dilapidation survey of the transport route/s within 1 month of the completion of construction, road haulage or decommissioning works, or other timeframe agreed by the applicable roads authority; and
- (c) rehabilitate and/or make good any development-related damage identified in the post-dilapidation survey prepared under paragraph (b) within 2 months of completing the post-dilapidation survey, or other timing as may be agreed by the applicable roads authority,

to the satisfaction of the applicable roads authority.

B63. If the construction, road haulage and/or decommissioning of the development is to be staged, the obligations in condition B62 apply to each stage.

B64. If there is a dispute about the scope of any remedial works or the implementation of the works, then either party may refer the matter to the Planning Secretary for resolution.

### **Road Upgrades**

B65. Prior to the commencement of second workings, the Applicant must upgrade the intersections of Remembrance Driveway and the Mine Access Road and Remembrance Driveway and Olive Lane, to the satisfaction of the relevant roads authority.

*Notes:*

- The road upgrade works identified above include all road furniture and safety requirements required to meet relevant road standards, to the satisfaction of the appropriate roads authorities.
- If there is a dispute between the relevant parties about the implementation of this condition, then any party may refer the matter to the Planning Secretary for resolution.

### **Traffic Management Plan**

B66. The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with TfNSW and Council;
- (c) include details of:
  - (i) key transport routes and traffic types to be used for development-related traffic; and
  - (ii) the processes in place for the control of truck movements entering and exiting the site;

- (d) include a protocol for undertaking pre and post-dilapidation surveys and repairing any roads identified in the dilapidation surveys to have been damaged during construction, road haulage and/or decommissioning works;
- (e) include details of the measures to:
  - (i) ensure compliance with the traffic operating conditions and transport-related conditions of consent;
  - (ii) minimise traffic safety issues and disruption to local road users during the construction and operational phases of the development, including:
    - avoiding or minimising construction and mining-related traffic during school drop off / pick-up and peak traffic periods;
    - periodically assess the performance of the Avon Dam Road and Remembrance Driveway intersection and minimise the development-related traffic impacts on the operating capacity of this intersection;
    - notifying the local community about development-related traffic impacts;
    - implementing temporary traffic controls, including detours and signage (where required);
    - responding to any emergency repair requirements or maintenance during construction and/or decommissioning;
    - managing any over-dimensional vehicles; and
    - minimising potential for conflict with school buses;
- (f) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:
  - (i) adhere to posted speed limits or other required travelling speeds;
  - (ii) adhere to the designated transport routes and travel times; and
  - (iii) implement safe driving practices.
- (g) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.

B67. The Applicant must not commence construction until the Traffic Management Plan is approved by the Planning Secretary.

B68. The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.

#### **Social Impact Management Plan**

B69. The Applicant must prepare a Social Impact Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s, whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with Council, the CCC, local affected communities and other interested stakeholders;
- (c) be submitted to the Planning Secretary for approval within six months of commencing development under this consent;
- (d) identify both positive and negative social impacts resulting from the development and following mine closure, both locally and regionally;
- (e) identify and build upon adaptive management and mitigation measures outlined in the EIS to avoid, minimise, and/or mitigate negative social impacts, including specific measures to minimise stress-related impacts on residents that may be affected by subsidence;
- (f) identify opportunities to secure and enhance positive social impacts from the development, including opportunities to assist in maintaining community services and facilities;
- (g) include a stakeholder engagement plan to guide the evaluation and implementation of social impact management and mitigation measures, and
- (h) include a program to monitor, review and report on the effectiveness of these measures, including updating the plan 3 years prior to mine closure.

B70. The Applicant must not commence second workings until the Social Impact Management Plan is approved by the Planning Secretary.

B71. The Applicant must implement the Social Impact Management Plan as approved by the Planning Secretary.

## PART C SPECIFIC ENVIRONMENTAL CONDITIONS – UNDERGROUND MINING

### SUBSIDENCE

#### Performance Measures – Natural and Heritage Features etc.

- C1. The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 7.

**Table 7:** Subsidence impact performance measures – natural and heritage features etc

Feature	Performance Measures
<b>Water Resources</b>	
All watercourses within the Subsidence Area	<ul style="list-style-type: none"> <li>No greater subsidence impact or environmental consequences to water quality, water flows (including baseflow) or stream health (including riparian vegetation), than predicted in the EIS</li> </ul>
Other watercourses	<ul style="list-style-type: none"> <li>Negligible environmental consequences including beyond those predicted in the EIS, including: <ul style="list-style-type: none"> <li>negligible diversion of flows or changes in the natural drainage behaviour of pools;</li> <li>negligible decline in baseline channel stability;</li> <li>negligible gas releases and iron staining; and</li> <li>negligible increase in water turbidity</li> </ul> </li> </ul>
GDEs including Thirlmere Lakes	<ul style="list-style-type: none"> <li>Negligible impacts including: <ul style="list-style-type: none"> <li>negligible change in groundwater levels; and</li> <li>negligible change in groundwater quality</li> </ul> </li> </ul>
<b>Land</b>	
Any cliff located directly above longwalls	<ul style="list-style-type: none"> <li>Minor environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing, that in total do not impact more than 5% of the total face area of the cliff within any longwall mining domain)</li> </ul>
Any cliff within Subsidence Area beyond the extent of longwalls	<ul style="list-style-type: none"> <li>Negligible environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing, that in total do not impact more than 0.5% of the total face area of such cliffs within Subsidence Area)</li> </ul>
All land within the Subsidence Area	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the EIS</li> </ul>
All land outside the Subsidence Area	<ul style="list-style-type: none"> <li>Negligible subsidence impacts or environmental consequences</li> </ul>
<b>Biodiversity</b>	
Threatened species, threatened populations, or endangered ecological communities	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the EIS</li> <li>Negligible impacts on threatened species, populations or communities due to remediation of subsidence cracking</li> </ul>
Aquatic habitat	<ul style="list-style-type: none"> <li>Negligible environmental consequences to aquatic and riparian ecosystems beyond those predicted in the EIS</li> </ul>
<b>Heritage sites</b>	
Aboriginal cultural heritage sites listed in Appendix 4	<ul style="list-style-type: none"> <li>No greater subsidence impacts or loss of heritage values than predicted in the EIS</li> </ul>
Historic heritage sites listed in Appendix 4	<ul style="list-style-type: none"> <li>No greater subsidence impacts or loss of heritage values than predicted in the EIS</li> </ul>
<b>Mine workings</b>	
First workings	<ul style="list-style-type: none"> <li>To remain long term stable and non-subsiding</li> </ul>
Second workings	<ul style="list-style-type: none"> <li>To be carried out only within the approved mine plan, in accordance with an approved Extraction Plan</li> </ul>

**Notes:**

- These performance measures apply to all mining taking place after the date of this consent.
- The Applicant is required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this consent (see condition C8).

- C2. Measurement and monitoring of compliance with performance measures and performance indicators in this consent is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans and monitoring programs. In the event of a dispute over the appropriateness of proposed methods, the Planning Secretary will be the final arbiter.

#### Additional Offsets

- C3. If the Applicant exceeds the performance measures in Table 7 and the Planning Secretary determines that:
- it is not reasonable or feasible to remediate the subsidence impact or environmental consequence; or
  - remediation measures implemented by the Applicant have failed to satisfactorily remediate the subsidence impact or environmental consequence,

then the Applicant must provide an offset to compensate for the subsidence impact or environmental consequence, that is proportionate to the significance of the subsidence impact or environmental consequence, following consultation with BCS and/or Heritage NSW and to the satisfaction of the Planning Secretary.

- C4. The offset required under condition C3 must give priority to like-for-like physical environmental offsets, but may also consider other offsets under the Biodiversity Offsets Scheme of the BC Act, such as the Biodiversity Conservation Fund established by BCT, or funding or implementing supplementary measures, such as:
- actions outlined in threatened species recovery programs;
  - actions that contribute to threat abatement programs;
  - biodiversity research and survey programs; and/or
  - rehabilitating degraded habitat.

#### Performance Measures – Built Features

- C5. The Applicant must ensure that the development meets the performance measures in Table 8.

**Table 8:** Subsidence impact performance measures – built features.

Feature	Performance Measures
<b>Public Infrastructure</b>	
Key public infrastructure:	
<ul style="list-style-type: none"> <li>Main Southern Railway</li> <li>Remembrance Drive</li> <li>M31 Motorway</li> <li>Moomba to Sydney Gas Pipeline</li> <li>Gorodok Ethane Pipeline</li> <li>Bargo Waste Management Centre</li> </ul>	<ul style="list-style-type: none"> <li>Always safe and serviceable</li> <li>Damage that does not affect safety or serviceability must be fully repairable, and must be fully investigated and repaired at the cost of the Applicant</li> </ul>
<ul style="list-style-type: none"> <li>All other public infrastructure including roads, culverts, bridges, viaducts, water supply pipelines, sewerage mains, gas pipelines, electrical and telecommunication infrastructure and survey control marks</li> </ul>	<ul style="list-style-type: none"> <li>Always safe</li> <li>Serviceability should be maintained wherever practicable</li> <li>Loss of serviceability must be fully compensated</li> <li>Damage must be fully repairable, and must be fully investigated and repaired or else replaced or fully compensated at the cost of the Applicant</li> </ul>
<b>Other Built Features</b>	
<ul style="list-style-type: none"> <li>Public amenities including schools, churches and community centres</li> <li>Industrial, commercial and business premises</li> <li>Bargo Cemetery</li> <li>Wirrimbirra Sanctuary</li> <li>Privately-owned residences</li> <li>Other privately-owned built features and improvements, including petrol stations, sheds, garages, farm dams, tanks, swimming pools, tennis courts, roads, tracks and fences</li> </ul>	<ul style="list-style-type: none"> <li>Always safe</li> <li>Serviceability should be maintained wherever practicable</li> <li>Loss of serviceability must be fully compensated</li> <li>Damage must be fully repairable, and must be fully investigated and repaired or else replaced or fully compensated at the cost of the Applicant</li> </ul>
<b>Public safety</b>	
<ul style="list-style-type: none"> <li>Public Safety</li> </ul>	<ul style="list-style-type: none"> <li>Negligible additional risk.</li> </ul>

Notes:

- These performance measures apply to all mining taking place after the date of this consent.
- The Applicant is required to define more detailed performance measures in the Built Features Management Plans or Public Safety Management Plan (see condition C8).
- Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining.
- Requirements under this condition may be met by measures undertaken in accordance with the Coal Mine Subsidence Compensation Act 2017.

- C6. Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 8 is to be settled by the Planning Secretary, following consultation with the Resources Regulator. Any decision by the Planning Secretary shall be final.

**First Workings**

- C7. The Applicant may carry out first workings within the area of the approved mine plan, other than in accordance with an approved Extraction Plan, provided that the Resources Regulator is satisfied that the first workings are designed to remain stable and non-subsiding in the long term, and do not generate more than 20 mm of vertical subsidence, except insofar as they may be impacted by approved second workings.

**Note:** The intent of this condition is to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible direct subsidence impacts.

**Extraction Plan**

- C8. The Applicant must prepare an Extraction Plan for all second workings on the site of the development to the satisfaction of the Planning Secretary. Each Extraction Plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with the Resources Regulator, DPIE Water and SANSW;
  - (c) include detailed plans of existing and proposed first and second workings and overlying surface features, including any applicable adaptive management measures;
  - (d) include adequate consideration of mine roof and floor conditions, pillar width to height ratio, final pillar design dimensions and the long-term stability of pillars which has been undertaken in consultation with the Resources Regulator;
  - (e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed mining covered by the Extraction Plan, incorporating any relevant information obtained since this consent;
  - (f) describe in detail the performance indicators to be implemented to ensure compliance with the performance measures in Table 7 and Table 8, and manage or remediate any impacts and/or environmental consequences to meet the rehabilitation objectives in condition B55;
  - (g) include a:
    - (i) **Subsidence Monitoring Program** which has been prepared in consultation with the Resources Regulator to:
      - describe the ongoing conventional and non-conventional subsidence monitoring program;
      - provide data to assist with the management of risks associated with conventional and non-conventional subsidence;
      - validate the conventional and non-conventional subsidence predictions;
      - analyse the relationship between the predicted and resulting conventional and non-conventional subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and
      - inform the adaptive management process;
    - (ii) **Built Features Management Plan** which has been prepared in consultation with the Resources Regulator, to manage the potential subsidence impacts of the proposed underground workings on built features, and which:
      - has also been prepared in consultation with:
        - the owners of potentially affected features;
        - the Technical Committee required under condition C14;
        - the EPA in relation to the Bargo Waste Management Centre; and
        - the NSW Department regulating the *Pipelines Act 1967* in relation to the licensed gas pipelines;

- addresses in appropriate detail all items of key public infrastructure (with particular consideration of public roads and rail lines, including any associated bridges and culverts, gas pipelines and waste facilities), other public infrastructure and all classes of other built features;
  - recommends appropriate pre-mining mitigation measures to reduce subsidence impacts;
  - recommends appropriate remedial measures and includes commitments to mitigate, repair, replace or compensate predicted impacts on potentially affected built features in a timely manner; and
  - in the case of all key public infrastructure, and other public infrastructure except roads, trails and associated structures, reports external auditing for compliance with ISO 31000 (or an alternative standard agreed with the infrastructure owner), and provides for annual auditing of compliance and effectiveness during extraction which may impact the infrastructure;
- (iii) **Water Management Plan** which has been prepared in consultation with DPIE Water and BCS, which provides for the management of potential impacts and environmental consequences of the proposed underground workings on watercourses and aquifers, including:
- detailed baseline data on:
    - surface water flows, quality and geomorphic conditions of watercourses and/or water bodies that could be affected by subsidence; and
    - groundwater levels, yield and quality in the region, including for privately-owned licensed bores;
  - detailed surface and groundwater impact assessment criteria, including specific trigger levels for:
    - investigating any potentially adverse impacts on water resources or water quality;
    - active remediation of geomorphic and erosional impacts (including supporting justification for the selected triggers); and
    - providing compensatory water supply to affected water users under condition B25 of this Schedule;
  - a surface water monitoring program to monitor and report on:
    - stream flows and quality;
    - stream and riparian vegetation;
    - channel and bank stability; and
    - the effectiveness of remediation measures in controlling geomorphic and erosional impacts;
  - a groundwater monitoring program to monitor and report on:
    - groundwater inflows to the underground mining operations;
    - the height of groundwater depressurisation;
    - height of fracturing above indicative longwall panels following mining;
    - background changes in groundwater yield/quality against mine-induced changes, in particular, on privately-owned groundwater bores in the vicinity of the site;
    - permeability, hydraulic gradient, flow direction and connectivity of the deep and shallow groundwater aquifers; and
    - impacts of the development on GDEs (including Thirlmere Lakes);
  - a description of any adaptive management practices implemented to guide future mining activities in the event of greater than predicted impacts on aquatic habitat;
  - a program to validate the surface water and groundwater models for the development, and compare monitoring results with modelled predictions; and
  - a plan to respond to any exceedances of the surface water and groundwater assessment criteria, including a Watercourse Corrective Action Management Plan as detailed in Condition C12.
- (iv) **Biodiversity Management Plan** which:
- has been prepared in consultation with BCS;
  - establishes baseline data for existing habitat within the subsidence area, including water table depth, vegetation condition, stream morphology, key fish habitat and threatened species habitat; and
  - provides for the adaptive management of potential impacts and environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species, populations and their habitats, EECs/CEECs and water dependent ecosystems;
- (v) **Land Management Plan** which:
- has been prepared in consultation with any affected public authorities;

- provides for the management of potential impacts and/or environmental consequences of the proposed underground workings on land in general, with a specific focus on steep slopes; and
  - is informed by a detailed slope stability assessment prepared by a suitably qualified and experienced person/s;
- (vi) **Heritage Management Plan** which:
- has been prepared in consultation with Heritage NSW, Council and relevant stakeholders for both Aboriginal heritage and non-Aboriginal heritage items;
  - includes a pre-mining assessment of the condition and structure of local and State significant heritage items within the subsidence area;
  - describes the measures to be implemented to:
    - protect, monitor and manage potential environmental consequences of the proposed second workings on identified Aboriginal objects and Aboriginal places and local and State significant heritage items, in accordance with the commitments made in the EIS;
    - manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;
    - ensure compliance with the requirements under conditions B40 to B45 inclusive and the subsidence impact performance measures in Table 7; and
    - facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage sites within the subsidence area;
- (vii) **Public Safety Management Plan** which has been prepared in consultation with the Resources Regulator, which ensures public safety and manages access on the site;
- (viii) **Trigger Action Response Plan/s** addressing all features in Table 7 and Table 8, which contain:
- appropriate triggers to warn of increased risk of exceedance of any performance measure;
  - specific actions to respond to high risk of exceedance of any performance measure to ensure that the measure is not exceeded;
  - an assessment of remediation measures that may be required if exceedances occur and the capacity to implement the measures; and
  - adaptive management where monitoring indicates that there has been an exceedance of any performance measures in Table 7 and/or Table 8, or where any such exceedance appears likely; and
- (ix) **Contingency Plan** that expressly provides for:
- adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Table 7 and/or Table 8, or where any such exceedance appears likely;
  - an assessment of remediation measures that may be required if exceedances occur and the capacity to implement those measures;
- (h) propose appropriate revisions to the Rehabilitation Management Plan required under condition B59; and
- (i) include a program to collect sufficient baseline data for future Extraction Plans.

C9. The Applicant must not undertake second workings until the relevant Extraction Plan is approved by the Planning Secretary.

C10. The Applicant must implement the Extraction Plan as approved by the Planning Secretary.

#### **Payment of Reasonable Costs**

C11. The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced and independent person/s to review the adequacy of any aspect of an Extraction Plan.

#### **Watercourse Corrective Action Management Plan(s)**

C12. The Applicant must prepare a Watercourse Corrective Action Management Plan(s) for watercourses damaged by subsidence impacts associated by the development, to the satisfaction of the Planning Secretary. This plan(s) must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with the Resources Regulator, DPIE Water, BCS and Council;
- (c) be submitted to the Planning Secretary for approval prior to undertaking any watercourse remediation works;
- (d) describe the:
  - nature of the watercourse impact to be remediated;

- outcomes of investigations, including watercourse and pool mapping, hydrology and geomorphology assessment and ground/strata characterisation;
- remediation options analysis;
- proposed remediation strategy, including rehabilitation objectives and completion criteria, required to meet the rehabilitation objectives in Table 8;
- remediation methods, site access, materials, equipment and environmental controls;
- timeframes for watercourse remediation;

C13. The Applicant must implement any Watercourse Corrective Action Management Plan(s) approved by the Planning Secretary.

#### **Technical Committee for the Bargo Waste Management Centre**

C14. Prior to commencing second workings, the Applicant must establish a Technical Committee for the Bargo Waste Management Centre, comprising engineering and geotechnical specialists, whose appointment has been endorsed by the Planning Secretary; the Applicant and Council. The Technical Committee must continue to operate during the life of the development, or other timeframe agreed by the Planning Secretary. The role of the Technical Committee is to:

- (a) provide input into the preparation and implementation of the Built Features Management Plan;
- (b) consult with relevant statutory agencies, including the EPA and SA NSW;
- (c) identify all potential mechanisms for impacts of the development on the Bargo Waste Management Centre, including from non-conventional subsidence;
- (d) undertake a risk assessment to identify the level of subsidence induced risks;
- (e) recommend appropriate pre-mining mitigation measures required to reduce subsidence impacts;
- (f) recommend appropriate remedial measures and measures to investigate, mitigate, repair, replace or compensate predicted impacts and associated cost sharing responsibilities; and
- (g) recommend monitoring programs, trigger action response plan(s) and communication plans,

to ensure the development meets the performance measures in Table 8.

*Note:*

- *Technical Committees may also be established for other public infrastructure assets listed in Table 10.*

#### **Subsidence Acquisition Rights**

C15. The Applicant must offer acquisition rights to any landowner on privately owned land where a residence is subject to:

- (a) subsidence damage category R4 or R5; and/or
- (b) tilt of greater than 10 mm/m; and/or
- (c) subsidence damage category R3 or more and has/will be impacted by more than two longwalls, as a result of the development.

*Notes:*

- *Subsidence damage categories referred to in this condition are defined in Appendix 6.*

C16. Property acquisition required under this condition is to occur under the compensation provisions of the *Coal Mine Subsidence Compensation Act 2017*.



## PART D ADDITIONAL PROCEDURES

### ACQUISITION UPON REQUEST

- D1. Upon receiving a written request for acquisition from the owner of the privately-owned land listed in Table 9, the Applicant must acquire the land in accordance with the procedures in conditions D11 to D18, inclusive.

**Table 9:** Land subject to acquisition upon request

Acquisition Basis	Land
Noise	1426

<sup>a</sup> The locations of the land referred to in Table 9 are shown in Figure 1 in Appendix 3.

### MITIGATION UPON REQUEST

- D2. Upon receiving a written request for mitigation from:
- (a) the owner of any residence on the privately-owned land<sup>a</sup> listed in Table 10 (unless the landowner has requested acquisition); or
  - (b) a landowner listed in Table 10; or
  - (c) the owner of any residence where subsequent noise monitoring shows the noise generated by the development is equal to or greater than the relevant mitigation criteria (except where a negotiated noise agreement is in place);

the Applicant must implement additional mitigation measures at or in the 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 for State Significant Mining, Petroleum and Extractive Industry Development* (NSW Government, 2018). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the noise impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations.

**Table 10:** Land subject to additional mitigation upon request

Mitigation Basis	Land
Noise	966, 973, 975, 979, 982, 984, 987, 988, 989, 991, 1004, 1007, 1017, 1020, 1023, 1024, 1025, 1026, 1028, 1061, 1062, 1405, 1406, 1408, 1411, 1417, 1423, 1424, 1426, 1427, 1428, 1429, 1430, 1538, 1572, 1583, 1592, 1594, 1992, 1997, 1998, 1999, 2000, 2003, 2014, 2015, 2021, 2022, 2025, 2746

<sup>a</sup> The locations of the land referred to in Table 10 are shown in Figure 1 in Appendix 3.

- D3. 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 Planning Secretary for resolution.

### NOTIFICATION OF LANDOWNERS/TENANTS

- D4. Within one month of the date of this consent, the Applicant must:
- (a) notify in writing the owner of:
    - (i) the residences on the land listed in Table 10 that they are entitled to ask the Applicant to install additional mitigation measures at the residence; and
  - (b) notify the tenants of any mine-owned land of their rights under this consent.
- D5. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended noise criteria, the Applicant must advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Planning Secretary.

### NOTIFICATION OF EXCEEDANCES

- D6. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners, tenants and the CCC.

- D7. For any exceedance of any air quality criterion in PART B of this consent, the Applicant must also provide to any affected land owners and tenants a copy of the fact sheet entitled "*Mine Dust and You*" (NSW Health, 2017).

#### INDEPENDENT REVIEW

- D8. If a landowner considers the development to be exceeding any relevant air quality or noise criterion in Part B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.
- D9. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.
- D10. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
    - (i) consult with the landowner to determine their concerns;
    - (ii) conduct monitoring to determine whether the development is complying with the relevant criteria in PART B or PART C; and
    - (iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; and
  - (b) give the Planning Secretary and landowner a copy of the independent review; and
  - (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.

#### LAND ACQUISITION

- D11. Within 3 months of receiving a written request for acquisition 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:
    - (i) existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
    - (ii) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise mitigation measures in condition D2;
  - (b) the reasonable costs associated with:
    - (i) relocating within the Wollondilly local government area, or to any other local government area determined by the Planning Secretary; and
    - (ii) obtaining independent 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.
- D12. If, within two months of the binding written offer being made under condition D11, 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 Planning Secretary for resolution.
- D13. Upon receiving such a request, the Planning Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:
- (a) consider submissions from both parties;
  - (b) 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 condition D11;
  - (c) prepare a detailed report setting out the reasons for any determination; and
  - (d) provide a copy of the report to both parties.
- D14. 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.
- D15. However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, either party may refer the matter to the Planning 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 Planning Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in condition

D11, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.

- D16. 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 Planning Secretary's determination.
- D17. If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Planning Secretary determines otherwise.
- D18. The Applicant must pay all reasonable costs associated with the land acquisition process described in conditions D11 to D17 inclusive, 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.

RECOMMENDED

## **PART E ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

### **ENVIRONMENTAL MANAGEMENT**

#### **Environmental Management Strategy**

- E1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
  - (b) identify the statutory approvals that apply to the development;
  - (c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (d) set out the procedures to be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive record, handle and respond to complaints;
    - (iii) resolve any disputes that may arise during the course of the development;
    - (iv) respond to any non-compliance and any incident;
    - (v) respond to emergencies; and
  - (e) include:
    - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
    - (ii) a clear plan depicting all the monitoring to be carried out under the conditions of this consent.
- E2. The Applicant must not commence construction until the Environmental Management Strategy is approved by the Planning Secretary.
- E3. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.

#### **Adaptive Management**

- E4. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria 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 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;
- (c) within 14 days of the exceedance occurring (or other timeframe agreed by the Planning Secretary), submit a report to the Planning Secretary describing these remediation options and any preferred remediation measures or other course of action; and
- (d) implement reasonable remediation measures as directed by the Planning Secretary.

#### **Management Plan Requirements**

- E5. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) a summary of relevant background or baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) 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) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);
  - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (e) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to condition E5(d);

- (f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- (g) a program to investigate and implement ways to improve the environmental performance of the development over time;
- (h) a protocol for managing and reporting any:
  - (i) incident, non-compliance or exceedance of any impact assessment criterion or performance criterion;
  - (ii) complaint; or
  - (iii) failure to comply with other statutory requirements;
- (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and
- (j) a protocol for periodic review of the plan.

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

- E6. The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.

#### **REVISION OF STRATEGIES, PLANS AND PROGRAMS**

- E7. Within three months of:
- (a) the submission of an incident report under condition E9;
  - (b) the submission of an Annual Review under condition E13;
  - (c) the submission of an Independent Environmental Audit under condition E15;
  - (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); or
  - (e) notification of a change in development phase under condition A18;

The suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.

- E8. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

#### **REPORTING AND AUDITING**

##### **Incident Notification**

- E9. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 8.

##### **Non-Compliance Notification**

- E10. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- E11. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- E12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

##### **Annual Review**

- E13. By the end of March in each year after the commencement of the development, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:
- (a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:

- (i) relevant statutory requirements, limits or performance measures/criteria;
  - (ii) requirements of any plan or program required under this consent;
  - (iii) monitoring results of previous years; and
  - (iv) relevant predictions in the EIS.
- (c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
- (d) evaluate and report on:
- (i) the effectiveness of the noise and air quality management systems; and
  - (ii) compliance with the performance measures, criteria and operating conditions of this consent;
- (e) identify any trends in the monitoring data over the life of the development and provide any raw monitoring data as requested by the Planning Secretary;
- (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.
- E14. Copies of the Annual Review must be submitted to Council and relevant agencies, and made available to the CCC and any interested person upon request.

#### **Independent Environmental Audit**

- E15. Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements (2020)*.
- E16. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- E17. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the *Compliance Reporting Post Approval Requirements (2020)*, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- E18. In accordance with the specific requirements in the *Independent Audit Post Approval Requirements (2020)*, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under Condition C5 of this consent, or Condition C6 where notice is given by the Planning Secretary;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- E19. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approvals Requirements (2020)* unless otherwise agreed by the Planning Secretary.
- E20. Notwithstanding the requirements of the *Independent Audit Post Approvals Requirements (2020)*, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

#### **Monitoring and Environmental Audits**

- E21. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.
- For the purposes of the condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.
- E22. Noise and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s.

#### **ACCESS TO INFORMATION**

- E23. Before the commencement of construction until the completion of all rehabilitation required under this consent, the Applicant must:

- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
- (i) the EIS;
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent;
  - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
  - (v) minutes of CCC meetings;
  - (vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
  - (vii) 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;
  - (viii) a summary of the current phase and progress of the development;
  - (ix) contact details to enquire about the development or to make a complaint;
  - (x) a complaints register, updated monthly;
  - (xi) the Annual Reviews of the development;
  - (xii) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report;
  - (xiii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

# APPENDIX 1 SCHEDULE OF LAND

Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number
238	DP751250	4	DP1010127	202	DP1246186	1	DP25776	31	DP787855
248	DP751250	5	DP1010127	203	DP1246186	3	DP25776	32	DP787855
230	DP751250	2441	DP1013375	204	DP1246186	4	DP25776	33	DP787855
235	DP751250	2442	DP1013375	205	DP1246186	1	DP259522	34	DP787855
236	DP751250	2	DP1014573	206	DP1246186	2	DP259522	35	DP787855
2232	DP787222	1463	DP1015024	207	DP1246186	3	DP259522	36	DP787855
162	DP1054184	1464	DP1015024	1	DP1250157	4	DP259522	356	DP787918
1	DP120968	23	DP1015681	2	DP1250157	5	DP259522	2141	DP791120
161	DP1054184	25	DP1015681	200	DP1259999	1	DP262188	271	DP791479
162	DP1054184	3	DP1016819	201	DP1259999	2	DP262188	272	DP791479
162	DP1054184	5	DP1016819	4	DP12975	3	DP262188	14	DP791621
219	DP751250	6	DP1016819	7	DP12975	4	DP262188	15	DP791621
217	DP751250	7	DP1016819	12	DP12975	5	DP262188	16	DP791621
124	DP1005227	5021	DP1017437	13	DP12975	6	DP262188	17	DP791621
21	DP10196	5022	DP1017437	14	DP12975	1	DP262281	18	DP791621
22	DP10196	121	DP1019364	15	DP12975	2	DP262281	19	DP791621
23	DP10196	122	DP1019364	16	DP12975	3	DP262281	20	DP791621
24	DP10196	1	DP10196	18	DP12975	4	DP262281	21	DP791621
25	DP10196	2	DP10196	19	DP12975	5	DP262281	22	DP791621
26	DP10196	4	DP10196	20	DP12975	6	DP262281	23	DP791621
27	DP10196	5	DP10196	21	DP12975	7	DP262281	941	DP791674
28	DP10196	7	DP10196	22	DP12975	8	DP262281	942	DP791674
29	DP10196	8	DP10196	23	DP12975	9	DP262281	943	DP791674
31	DP10196	9	DP10196	24	DP12975	10	DP262281	1	DP792165
32	DP10336	10	DP10196	25	DP12975	11	DP262281	2	DP792165
33	DP10336	11	DP10196	26	DP12975	12	DP262281	3	DP792165
34	DP10336	12	DP10196	27	DP12975	13	DP262281	4	DP792165
35	DP10336	14	DP10196	28	DP12975	14	DP262281	5	DP792165
36	DP10336	16	DP10196	29	DP12975	15	DP262281	6	DP792165
37	DP10336	32	DP10196	30	DP12975	16	DP262281	11	DP794264
38	DP10336	33	DP10196	31	DP12975	17	DP262281	12	DP794264
39	DP10336	34	DP10196	32	DP12975	18	DP262281	13	DP794264
40	DP10336	35	DP10196	33	DP12975	19	DP262281	14	DP794264
41	DP10336	36	DP10196	34	DP12975	20	DP262281	1	DP800053
42	DP10336	41	DP10196	35	DP12975	21	DP262281	2	DP800053
43	DP10336	42	DP10196	36	DP12975	22	DP262281	3	DP800053
44	DP10336	43	DP10196	37	DP12975	1	DP262287	4	DP800053
45	DP10336	44	DP10196	38	DP12975	2	DP262287	5	DP800053
46	DP10336	45	DP10196	39	DP12975	3	DP262287	6	DP800053
49	DP10336	46	DP10196	40	DP12975	4	DP262287	31	DP800368
50	DP10336	47	DP10196	41	DP12975	5	DP262287	7	DP801222
51	DP10336	48	DP10196	42	DP12975	6	DP262287	8	DP801222
52	DP10336	49	DP10196	1189	DP130175	7	DP262287	9	DP801222
53	DP10336	50	DP10196	3	DP13116	8	DP262287	10	DP801222
54	DP10336	51	DP10196	4	DP13116	9	DP262287	510	DP803703
55	DP10336	52	DP10196	5	DP13116	10	DP262287	511	DP803703
56	DP10336	53	DP10196	6	DP13116	11	DP262287	861	DP805464
57	DP10336	54	DP10196	7	DP13116	12	DP262287	15	DP807880
58	DP10336	55	DP10196	8	DP13116	13	DP262287	16	DP807880
59	DP10336	56	DP10196	9	DP13116	14	DP262287	17	DP807880
99	DP10336	59	DP10196	10	DP13116	15	DP262287	18	DP807880
100	DP10336	60	DP10196	11	DP13116	16	DP262287	19	DP807880



Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number
101	DP10336	61	DP10196	12	DP13116	17	DP262287	20	DP807880
102	DP10336	62	DP10196	13	DP13116	18	DP262287	21	DP807880
103	DP10336	63	DP10196	16	DP13116	19	DP262287	22	DP807880
107	DP10336	64	DP10196	17	DP13116	20	DP262287	1	DP808176
108	DP10336	65	DP10196	18	DP13116	21	DP262287	2	DP808176
109	DP10336	66	DP10196	19	DP13116	22	DP262287	3	DP808176
111	DP10336	641	DP1022579	22	DP13116	23	DP262287	4	DP808176
112	DP10336	642	DP1022579	23	DP13116	24	DP262287	5	DP808176
113	DP10336	11	DP1023073	24	DP13116	25	DP262287	6	DP808176
114	DP10336	12	DP1023073	25	DP13116	26	DP262287	7	DP808176
115	DP10336	1	DP1024499	26	DP13116	2	DP262650	4	DP808210
116	DP10336	2	DP1024499	27	DP13116	3	DP262650	5	DP808210
117	DP10336	3	DP1024499	28	DP13116	4	DP262650	6	DP808210
118	DP10336	4	DP1024499	29	DP13116	5	DP262650	7	DP808210
119	DP10336	5	DP1024499	34	DP13116	6	DP262650	8	DP808210
120	DP10336	6	DP1024499	37	DP13116	1	DP270325	9	DP808210
121	DP10336	7	DP1024499	38	DP13116	2	DP270325	10	DP808210
122	DP10336	8	DP1024499	40	DP13116	1	DP29287	11	DP808210
123	DP10336	9	DP1024499	41	DP13116	2	DP29287	12	DP808210
125	DP10336	10	DP1024499	42	DP13116	13	DP29287	13	DP808210
126	DP10336	211	DP1027845	43	DP13116	14	DP29287	20	DP813656
127	DP10336	212	DP1027845	44	DP13116	15	DP29287	391	DP814767
128	DP10336	5	DP1028137	45	DP13116	34	DP301449	25	DP819608
129	DP10336	6	DP1028137	49	DP13116	35	DP301449	100	DP826178
130	DP10336	100	DP1029247	54	DP13116	40	DP301449	101	DP826178
131	DP10336	6	DP1029837	55	DP13116	33A	DP301449	11	DP829610
135	DP10336	7	DP1029837	56	DP13116	36A	DP301449	12	DP829610
136	DP10336	180	DP1030812	57	DP13116	40A	DP301449	13	DP829610
137	DP10336	181	DP1030812	58	DP13116	1	DP313185	190	DP832091
138	DP10336	11	DP1033495	59	DP13116	2	DP313185	191	DP832091
139	DP10336	12	DP1033495	65	DP13116	1	DP316212	192	DP832091
140	DP10336	1	DP10336	75	DP13116	2	DP316212	30	DP832105
141	DP10336	2	DP10336	89	DP13116	1	DP332466	31	DP832105
142	DP10336	3	DP10336	92	DP13116	A	DP359309	1	DP833128
143	DP10336	4	DP10336	93	DP13116	B	DP359309	2	DP833128
144	DP10336	5	DP10336	94	DP13116	A	DP360835	1	DP836395
145	DP10336	6	DP10336	95	DP13116	B	DP360835	2	DP836395
146	DP10336	7	DP10336	97	DP13116	A	DP372440	1	DP837001
147	DP10336	8	DP10336	98	DP13116	B	DP372440	2	DP837001
148	DP10336	10	DP10336	3	DP13127	C	DP372440	20	DP837305
149	DP10336	11	DP10336	4	DP13127	D	DP372440	22	DP837305
150	DP10336	12	DP10336	5	DP13127	C	DP376890	23	DP837305
151	DP10336	13	DP10336	8	DP13127	1	DP378263	24	DP837305
152	DP10336	14	DP10336	9	DP13127	A	DP389906	25	DP837305
165	DP10336	15	DP10336	10	DP13127	A	DP420110	27	DP837305
166	DP10336	16	DP10336	11	DP13127	B	DP420110	28	DP837305
167	DP10336	17	DP10336	12	DP13127	C	DP443467	29	DP837305
168	DP10336	18	DP10336	13	DP13127	D	DP443467	30	DP837305
169	DP10336	19	DP10336	14	DP13127	1	DP500352	215	DP838546
170	DP10336	20	DP10336	15	DP13127	2	DP500352	216	DP838546
100	DP1062577	21	DP10336	16	DP13127	3	DP500352	14	DP840952
1011	DP1067313	22	DP10336	17	DP13127	4	DP500352	3	DP841586
100	DP1069449	23	DP10336	18	DP13127	1	DP514560	101	DP842033

Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number
101	DP1069449	24	DP10336	19	DP13127	2	DP514560	14	DP845647
1192	DP1070152	25	DP10336	20	DP13127	1	DP524667	15	DP845647
1	DP1070416	26	DP10336	21	DP13127	2	DP524667	16	DP845647
2	DP1070416	27	DP10336	22	DP13127	3	DP534033	17	DP845647
1	DP1101649	28	DP10336	23	DP13127	4	DP534033	18	DP845647
2	DP1101649	29	DP10336	26	DP13127	1	DP546051	19	DP845647
12	DP1122904	30	DP10336	28	DP13127	1	DP550036	2	DP847661
7009	DP1124215	31	DP10336	29	DP13127	8	DP552270	3	DP847661
7340	DP1157186	60	DP10336	30	DP13127	9	DP552270	4	DP847661
7347	DP1158871	61	DP10336	31	DP13127	3	DP553566	5	DP847661
222	DP1206433	62	DP10336	40	DP13127	1	DP555118	6	DP847661
3929	DP1217416	63	DP10336	41	DP13127	2	DP555118	21	DP849821
3930	DP1217416	64	DP10336	42	DP13127	3	DP555118	22	DP849821
3931	DP1217418	65	DP10336	45	DP13127	2	DP557799	132	DP851807
3930	DP1217437	66	DP10336	46	DP13127	4	DP558856	91	DP853058
3931	DP1217437	67	DP10336	47	DP13127	171	DP564343	92	DP853058
3932	DP1217438	68	DP10336	49	DP13127	172	DP564343	261	DP853448
3932	DP1217466	69	DP10336	50	DP13127	1	DP566595	262	DP853448
89	DP1226921	70	DP10336	51	DP13127	3	DP566595	371	DP857719
5	DP1227085	71	DP10336	52	DP13127	1	DP566851	372	DP857719
11	DP130181	72	DP10336	53	DP13127	2	DP566851	9441	DP858870
12	DP130181	73	DP10336	54	DP13127	3	DP566851	9442	DP858870
11	DP130182	74	DP10336	55	DP13127	4	DP566851	401	DP859276
21	DP130183	75	DP10336	56	DP13127	1	DP567656	402	DP859276
360	DP130185	76	DP10336	57	DP13127	1	DP568282	1	DP860128
131	DP130186	77	DP10336	58	DP13127	2	DP568282	2	DP860128
110	DP130878	78	DP10336	59	DP13127	1	DP570613	3	DP860128
111	DP130878	79	DP10336	60	DP13127	2	DP570613	4	DP860128
135	DP130885	80	DP10336	61	DP13127	1	DP570912	183	DP862003
132	DP130897	81	DP10336	62	DP13127	2	DP570912	184	DP862003
45	DP134468	82	DP10336	65	DP13127	1	DP571172	311	DP862587
A	DP156857	83	DP10336	66	DP13127	2	DP571172	312	DP862587
B	DP156857	84	DP10336	67	DP13127	3	DP571172	1	DP863157
61	DP157493	85	DP10336	68	DP13127	4	DP571172	2	DP863157
1	DP160455	86	DP10336	69	DP13127	1	DP574903	271	DP865402
1	DP180408	87	DP10336	70	DP13127	2	DP574903	272	DP865402
A	DP181539	88	DP10336	71	DP13127	2	DP575366	181	DP865601
1	DP201879	89	DP10336	72	DP13127	3	DP575366	182	DP865601
2	DP201879	90	DP10336	73	DP13127	1	DP575925	1	DP868925
3	DP201879	91	DP10336	74	DP13127	1	DP577244	2	DP868925
1	DP208944	92	DP10336	75	DP13127	2	DP577244	151	DP869685
2	DP208944	96	DP10336	76	DP13127	2091	DP578711	152	DP869685
1	DP212216	97	DP10336	77	DP13127	2092	DP578711	B	DP87022
1	DP213596	98	DP10336	78	DP13127	1	DP580090	1	DP872422
2	DP213596	153	DP10336	79	DP13127	2	DP580090	2	DP872422
1	DP213616	154	DP10336	80	DP13127	751	DP580782	3	DP872422
2	DP213616	155	DP10336	81	DP13127	11	DP580784	4	DP872422
2	DP216449	156	DP10336	82	DP13127	101	DP581529	5	DP872422
3	DP23602	157	DP10336	83	DP13127	102	DP581529	6	DP872422
4	DP23602	158	DP10336	84	DP13127	461	DP582614	7	DP872422
5	DP23602	159	DP10336	85	DP13127	462	DP582614	8	DP872422
6	DP23602	160	DP10336	86	DP13127	463	DP582614	9	DP872422
7	DP23602	161	DP10336	87	DP13127	1	DP582811	10	DP872422

Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number
1	DP240715	162	DP10336	88	DP13127	2	DP582811	11	DP872422
2	DP240715	163	DP10336	91	DP13127	22	DP583199	12	DP872422
1	DP250441	164	DP10336	92	DP13127	23	DP583199	13	DP872422
2	DP250441	1151	DP1034036	93	DP13127	2	DP591793	14	DP872422
3	DP250441	1152	DP1034036	94	DP13127	3	DP591793	15	DP872422
4	DP250441	1	DP1034298	95	DP13127	1	DP594550	16	DP872422
5	DP250441	2	DP1034298	96	DP13127	2	DP594550	111	DP872568
1	DP25735	1	DP1037217	97	DP13127	3	DP594550	115	DP872568
2	DP25735	2	DP1037217	98	DP13127	41	DP599155	1	DP874952
3	DP25735	3	DP1037217	99	DP13127	42	DP599155	211	DP875390
4	DP25735	103	DP1037244	100	DP13127	10	DP605241	212	DP875390
5	DP25735	104	DP1037244	101	DP13127	11	DP605241	1	DP875776
6	DP25735	41	DP1038119	102	DP13127	511	DP608722	2	DP875776
7	DP25735	42	DP1038119	103	DP13127	51	DP611434	3	DP875776
8	DP25735	1	DP1040393	104	DP13127	52	DP611434	4	DP875776
9	DP25735	2	DP1040393	105	DP13127	231	DP613595	5	DP875776
10	DP25735	3	DP1040393	106	DP13127	232	DP613595	6	DP875776
11	DP25735	4	DP1040393	107	DP13127	10	DP615740	7	DP875776
12	DP25735	5	DP1040393	108	DP13127	2	DP617060	8	DP875776
19	DP25735	6	DP1040393	111	DP13127	22	DP619150	9	DP875776
20	DP25735	7	DP1040393	112	DP13127	1	DP620054	10	DP875776
21	DP25735	8	DP1040393	115	DP13127	2	DP620054	11	DP875776
22	DP25735	9	DP1040393	116	DP13127	3	DP620054	12	DP875776
23	DP25735	10	DP1040393	117	DP13127	1	DP621546	13	DP875776
24	DP25735	11	DP1040393	118	DP13127	2	DP621546	14	DP875776
25	DP25735	12	DP1040393	119	DP13127	233	DP621762	15	DP875776
26	DP25735	13	DP1040393	124	DP13127	234	DP621762	20	DP875776
27	DP25735	14	DP1040393	125	DP13127	235	DP621762	21	DP875776
28	DP25735	1	DP1041252	126	DP13127	227	DP623178	22	DP875776
29	DP25735	2	DP1041252	129	DP13127	228	DP623178	23	DP875776
30	DP25735	101	DP1042287	130	DP13127	44	DP629344	24	DP875776
31	DP25735	102	DP1042287	131	DP13127	45	DP629344	25	DP875776
251	DP257510	105	DP1044163	132	DP13127	1	DP633251	202	DP876436
252	DP257510	106	DP1044163	134	DP13127	1	DP635609	1	DP876471
4	DP29287	7	DP1048276	136	DP13127	2	DP635609	2	DP876471
6	DP29287	8	DP1048276	137	DP13127	107	DP654202	3	DP876471
7	DP29287	9	DP1048276	138	DP13127	3	DP656710	4	DP876471
8	DP29287	761	DP1051020	139	DP13127	33	DP666876	5	DP876471
9	DP29287	762	DP1051020	140	DP13127	34	DP666877	1	DP877585
A	DP354366	763	DP1051020	141	DP13127	1	DP702454	6	DP877774
B	DP354366	764	DP1051020	142	DP13127	2	DP702454	9	DP877774
B	DP373554	150	DP1056332	143	DP13127	2	DP70884	151	DP880009
A	DP386189	151	DP1056332	144	DP13127	1	DP70885	152	DP880009
B	DP386189	107	DP1059812	145	DP13127	11	DP713804	21	DP881044
1	DP391070	108	DP1059812	147	DP13127	101	DP732357	22	DP881044
253	DP40109	1351	DP1062879	155	DP13127	1	DP733076	1	DP9024
1051	DP547158	1352	DP1062879	158	DP13127	4	DP733166	2	DP9024
1	DP553566	1012	DP1067313	159	DP13127	5	DP733166	3	DP9024
2	DP553566	2	DP1067565	163	DP13127	6	DP733166	4	DP9024
1	DP571589	3	DP1067565	164	DP13127	7	DP733166	6	DP9024
1	DP590177	4	DP1067565	166	DP13127	8	DP733166	7	DP9024
2	DP590177	1191	DP1070152	167	DP13127	9	DP733166	8	DP9024
2	DP596515	1	DP1073167	168	DP13127	10	DP733166	9	DP9024

Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number
3	DP596515	241	DP1076074	169	DP13127	11	DP733166	10	DP9024
21	DP606337	242	DP1076074	170	DP13127	12	DP733166	13	DP9024
2	DP606784	243	DP1076074	171	DP13127	13	DP733166	14	DP9024
20	DP607804	244	DP1076074	172	DP13127	120	DP734715	15	DP9024
21	DP607804	130	DP1078247	173	DP13127	121	DP734715	16	DP9024
23	DP634256	131	DP1078247	174	DP13127	1	DP736476	17	DP9024
24	DP634256	1	DP1092217	175	DP13127	2101	DP740236	18	DP9024
33	DP654702	13	DP1092321	185	DP13127	2102	DP740236	19	DP9024
34	DP654711	40	DP1098581	186	DP13127	1	DP740726	20	DP9024
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6	DP747237	7337	DP1157130	A	DP157146	191	DP751250	43	DP9024
7	DP747237	7338	DP1157130	1	DP171858	200	DP751250	48	DP9024
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9	DP747237	201	DP1160084	1	DP182152	214	DP751250	53	DP9024
10	DP747237	202	DP1160084	2	DP18410	222	DP751250	55	DP9024
13	DP747237	104	DP1165753	3	DP18410	224	DP751250	56	DP9024
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44	DP751250	691	DP1188790	3	DP200795	592	DP774743	65	DP9024
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110	DP751250	873	DP1191842	6	DP200795	21	DP778748	68	DP9024
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131	DP751250	1	DP1192880	1	DP235598	1	DP782052	70	DP9024
179	DP751250	2031	DP1203890	1	DP246389	1	DP785866	71	DP9024
180	DP751250	2032	DP1203890	2	DP246389	2	DP785866	72	DP9024
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216	DP751250	6	DP12084	7	DP246389	7	DP785866	77	DP9024
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221	DP751250	8	DP12084	9	DP246389	9	DP785866	79	DP9024
228	DP751250	9	DP12084	10	DP246389	10	DP785866	80	DP9024
242	DP751250	10	DP12084	11	DP246389	11	DP785866	81	DP9024

Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number
245	DP751250	11	DP12084	12	DP246389	12	DP785866	82	DP9024
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1	DP770601	13	DP12084	14	DP246389	14	DP785866	84	DP9024
10	DP774570	14	DP12084	1	DP249947	15	DP785866	85	DP9024
11	DP774570	15	DP12084	2	DP249947	16	DP785866	86	DP9024
2	DP784022	16	DP12084	3	DP249947	17	DP785866	87	DP9024
2231	DP787222	17	DP12084	4	DP249947	18	DP785866	88	DP9024
1	DP789005	18	DP12084	5	DP249947	19	DP785866	89	DP9024
2	DP789005	19	DP12084	6	DP249947	20	DP785866	90	DP9024
25	DP791621	20	DP12084	7	DP249947	21	DP785866	91	DP9024
26	DP791621	21	DP12084	8	DP249947	22	DP785866	92	DP9024
27	DP791621	22	DP12084	9	DP249947	23	DP785866	94	DP9024
28	DP791621	23	DP12084	10	DP249947	24	DP785866	97	DP9024
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1	DP817749	26	DP12084	13	DP249947	3	DP787777	100	DP9024
2	DP817749	27	DP12084	14	DP249947	4	DP787777	101	DP9024
11	DP856442	1	DP1210340	16	DP249947	5	DP787777	102	DP9024
1011	DP867593	1131	DP1210979	17	DP249947	6	DP787777	105	DP9024
1012	DP867593	1132	DP1210979	18	DP249947	7	DP787777	106	DP9024
1013	DP867593	1	DP1212204	19	DP249947	8	DP787777	107	DP9024
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17	DP875776	2133	DP1213948	23	DP249947	12	DP787777	111	DP9024
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19	DP875776	3928	DP1217239	25	DP249947	1	DP787855	113	DP9024
201	DP876436	3929	DP1217239	26	DP249947	2	DP787855	114	DP9024
2	DP877585	3930	DP1217241	27	DP249947	3	DP787855	116	DP9024
3	DP877774	3931	DP1217241	28	DP249947	4	DP787855	124	DP9024
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5	DP877774	1	DP1219704	2	DP250590	6	DP787855	126	DP9024
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121	DP9024	8	DP1225847	5	DP250590	9	DP787855	129	DP9024
122	DP9024	1	DP1225855	6	DP250590	10	DP787855	130	DP9024
134	DP9024	2	DP1225855	7	DP250590	11	DP787855	131	DP9024
135	DP9024	3	DP1225855	1	DP250750	12	DP787855	132	DP9024
7013	DP93010	4	DP1225855	5	DP250750	13	DP787855	133	DP9024
1	DP952700	1	DP1225860	5	DP251908	14	DP787855	7010	DP93009
1	DP953034	2	DP1225860	6	DP251908	15	DP787855	1	DP955623
1	DP956345	3	DP1225860	7	DP251908	16	DP787855	2	DP955623
1	DP9803	4	DP1225860	3	DP255248	17	DP787855	3	DP955623
2	DP9803	5	DP1225860	4	DP255248	18	DP787855	1	DP964494
3	DP9803	1	DP1225861	5	DP255248	19	DP787855		SP36124
6	DP9803	2	DP1225861	6	DP255248	20	DP787855		SP36484
7	DP9803	3	DP1225861	7	DP255248	21	DP787855		SP41967
8	DP9803	4	DP1225861	8	DP255248	22	DP787855		SP42519
1	DP996286	56	DP1230333	9	DP255248	23	DP787855		SP61362
1	DP1001209	101	DP1232068	10	DP255248	24	DP787855		SP64335
121	DP1005227	102	DP1232068	11	DP255248	25	DP787855		SP69083
122	DP1005227	103	DP1232068	12	DP255248	26	DP787855		SP83317
123	DP1005227	350	DP1241386	13	DP255248	27	DP787855		SP85722

Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number	Lot No.	Plan Number
1462	DP1005445	5411	DP1246004	1	DP255425	28	DP787855		
501	DP1009611	5412	DP1246004	2	DP255425	29	DP787855		
3	DP1010127	201	DP1246186	4	DP255425	30	DP787855		

RECOMMENDED



## APPENDIX 2 DEVELOPMENT LAYOUT PLANS

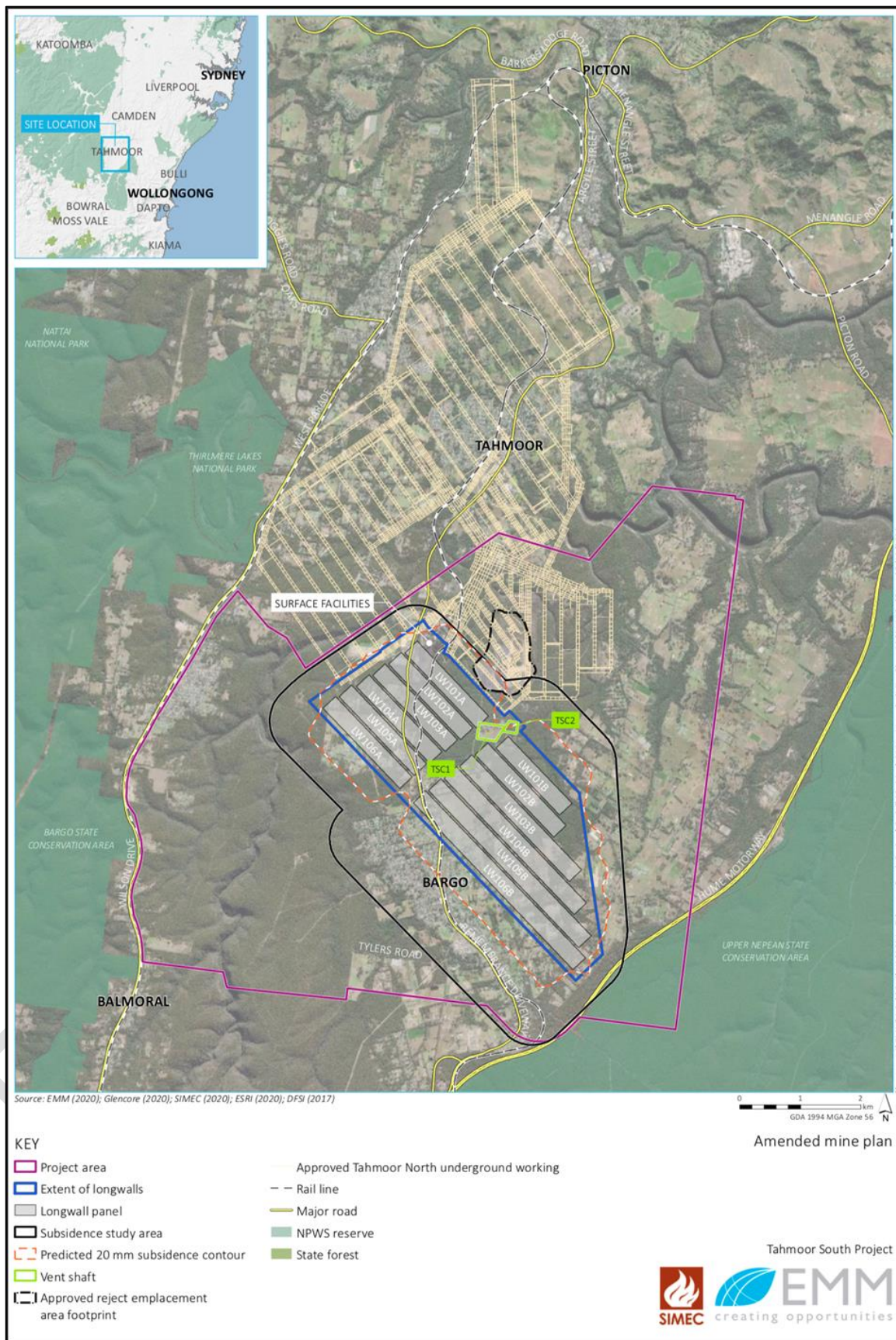
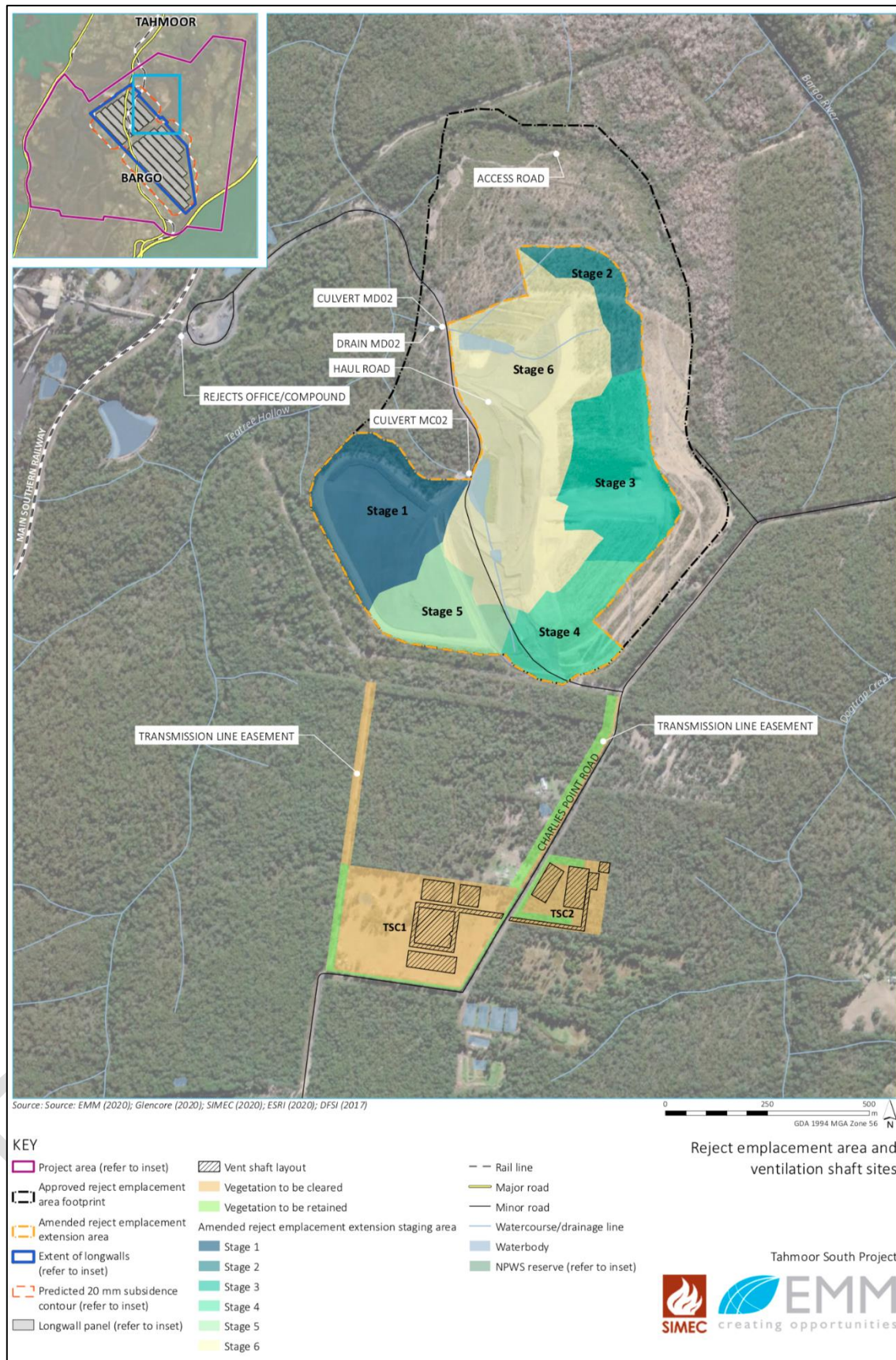


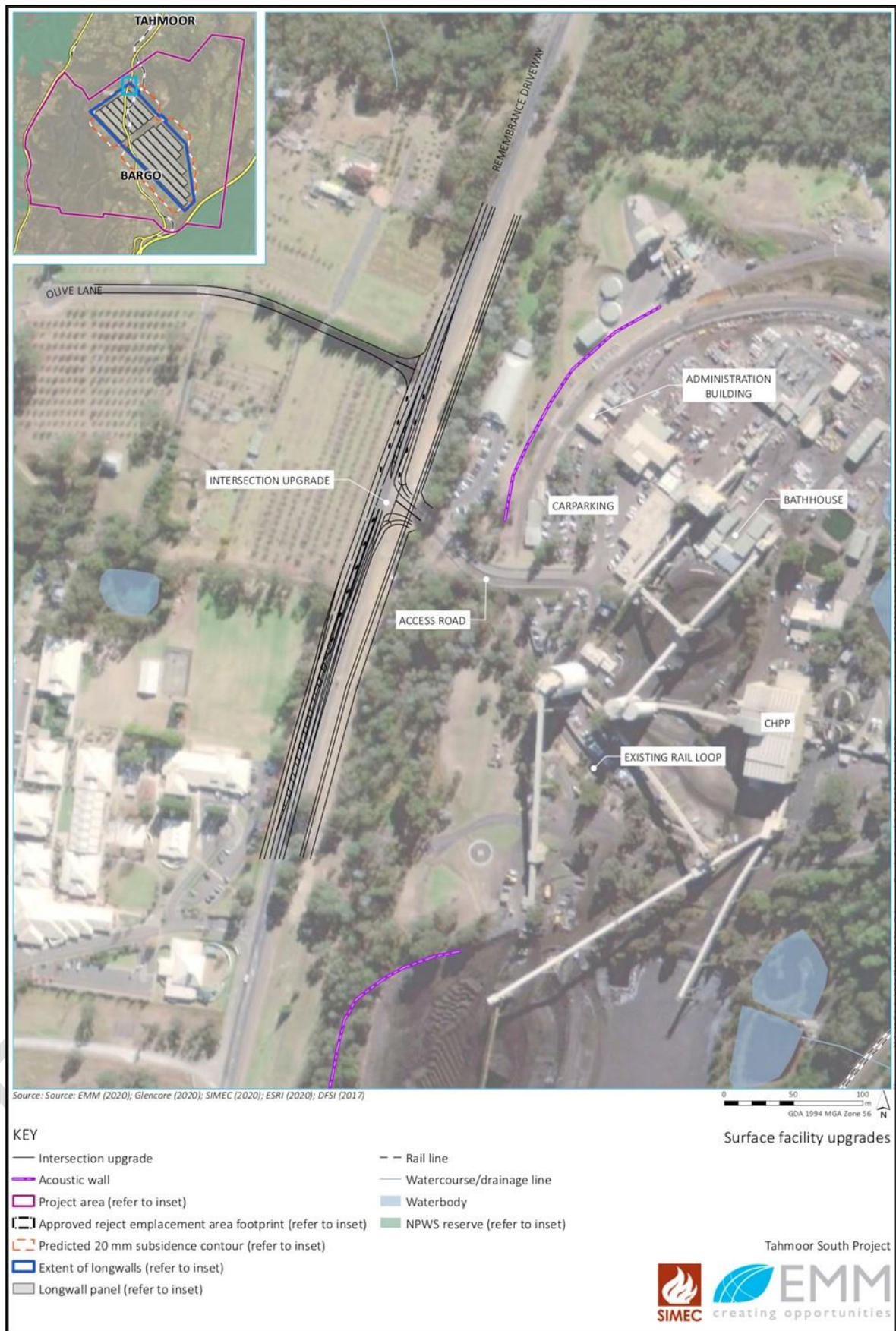
Figure 1 - Indicative Development Layout





**Figure 2 – Reject Emplacement Area and Ventilation Shaft Sites**





**Figure 3 – Surface Facilities Site**



## APPENDIX 3 RECEIVER LOCATIONS

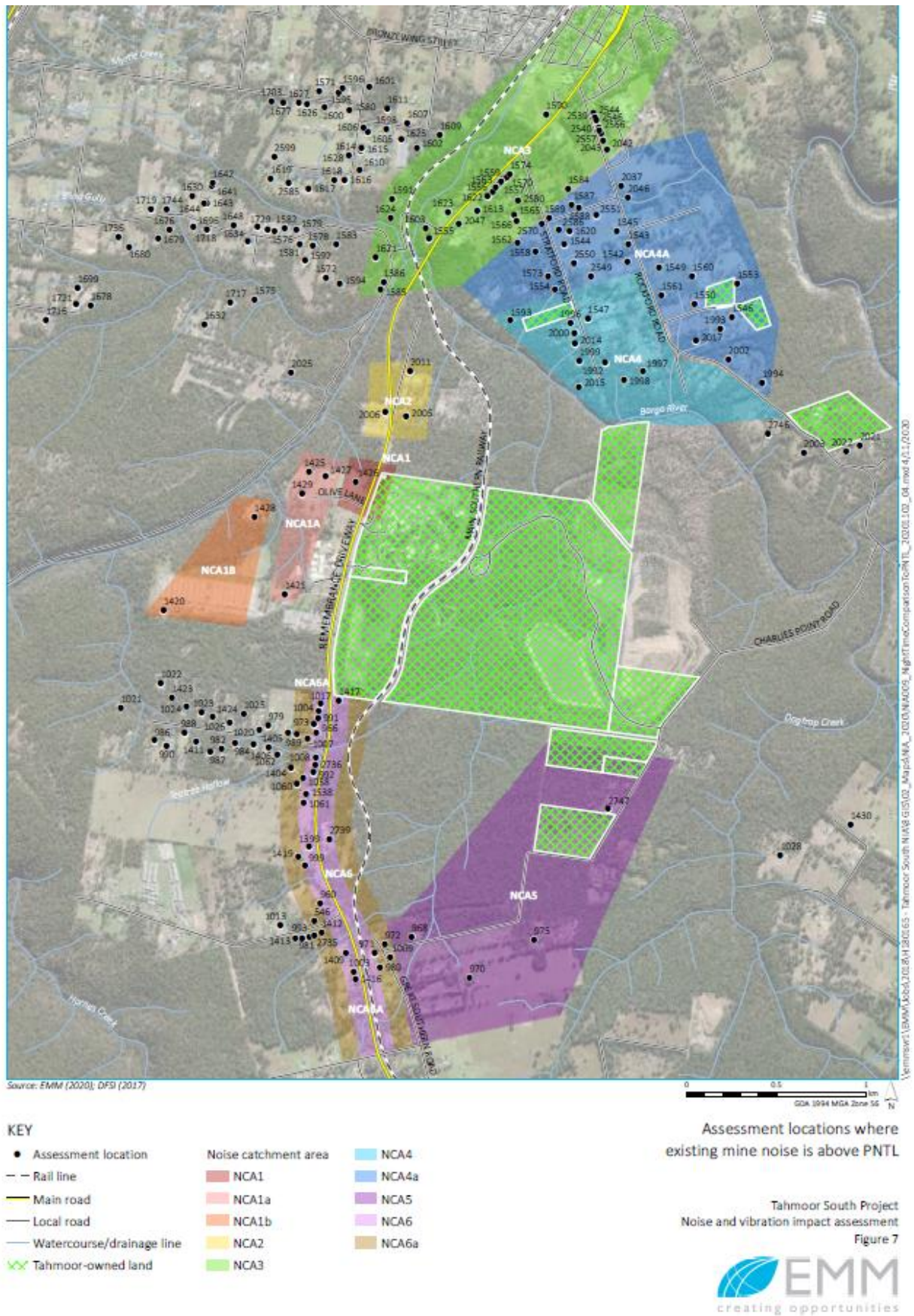


Figure 1 - Receiver Locations

## APPENDIX 4 HERITAGE SITES

### Aboriginal Heritage Sites within Subsidence Study Area

Site Number	Site Feature
52-2-1520	Shelter with Art
52-2-1521	Shelter with Art
52-2-1522	Shelter with Art
52-2-1523	Shelter with Art, Axe grinding groove and artefacts
52-2-1524	Shelter with Art and axe grinding groove
52-2-1525	Shelter with Art
52-2-1526	Shelter with Art
52-2-1527	Shelter with Art
52-2-1528	Shelter with Art
52-2-1529	Shelter with deposit and axe grinding groove
52-2-1530	Scarred Tree
52-2-1533	Shelter with Art
52-2-1534	Shelter with Art
52-2-1538	Shelter with Art and Deposit
52-2-1539	Shelter with Art and axe grinding groove
52-2-1540	Shelter with Art
52-2-3921	Axe Grinding Groove
52-2-3960	Shelter with Art and Deposit
52-2-3971	Shelter with Art
52-2-3968	Open Camp Site
52-2-4194	Axe grinding grooves
52-2-4195	Open Camp Site
52-2-4395	Axe grinding groove
52-2-4471	Shelter with Art and Deposit
52-2-4461	Potential Archaeological Deposit
52-2-4462	Potential Archaeological Deposit
52-2-4463	Isolated Artefact
52-2-4464	Isolated Artefact
52-2-4487	Open Camp Site
42-2-0275	Isolated Artefact

### Historic Heritage Sites within Subsidence Study Area

<b>Name</b>	<b>Structure Reference Number</b> <i>(refer to Subsidence Assessment Report dated July 2020)</i>
Bargo Cemetery	N/A
Kalinya Gardens and landscape	BGR_235
Old Coomeroo Homestead, Silo and Shed	BGR_147
Homestead	BGR_281
Bargo Post Office	BGR_061
Bargo Hotel	BGR_041
Bargo Rural Trading Building	BGR_033
Commercial Building	BGR_027
Bargo Public School	BGR_015
Cottage	BHW_327
House	BHW_117
Bargo Public School Residence	BHW_121
Railway Cottages	BHW_297 BHW_299 BHW_301
Hawthorne	BHW_141
Bargo Railway Station and Toilet Block	BRL_160
House	BNN_047
Bargo Surgery	BRL_082
Cottage	BRL_150
Wirrimbirra Sanctuary	BRE_580
Avon Dam Road Railway Overbridge	N/A
Wellers Road Railway Overbridge	N/A
Tahmoor Mine	N/A
Anderson's Inn	N/A
Great Southern Road	N/A



## APPENDIX 5 REHABILITATION PLAN

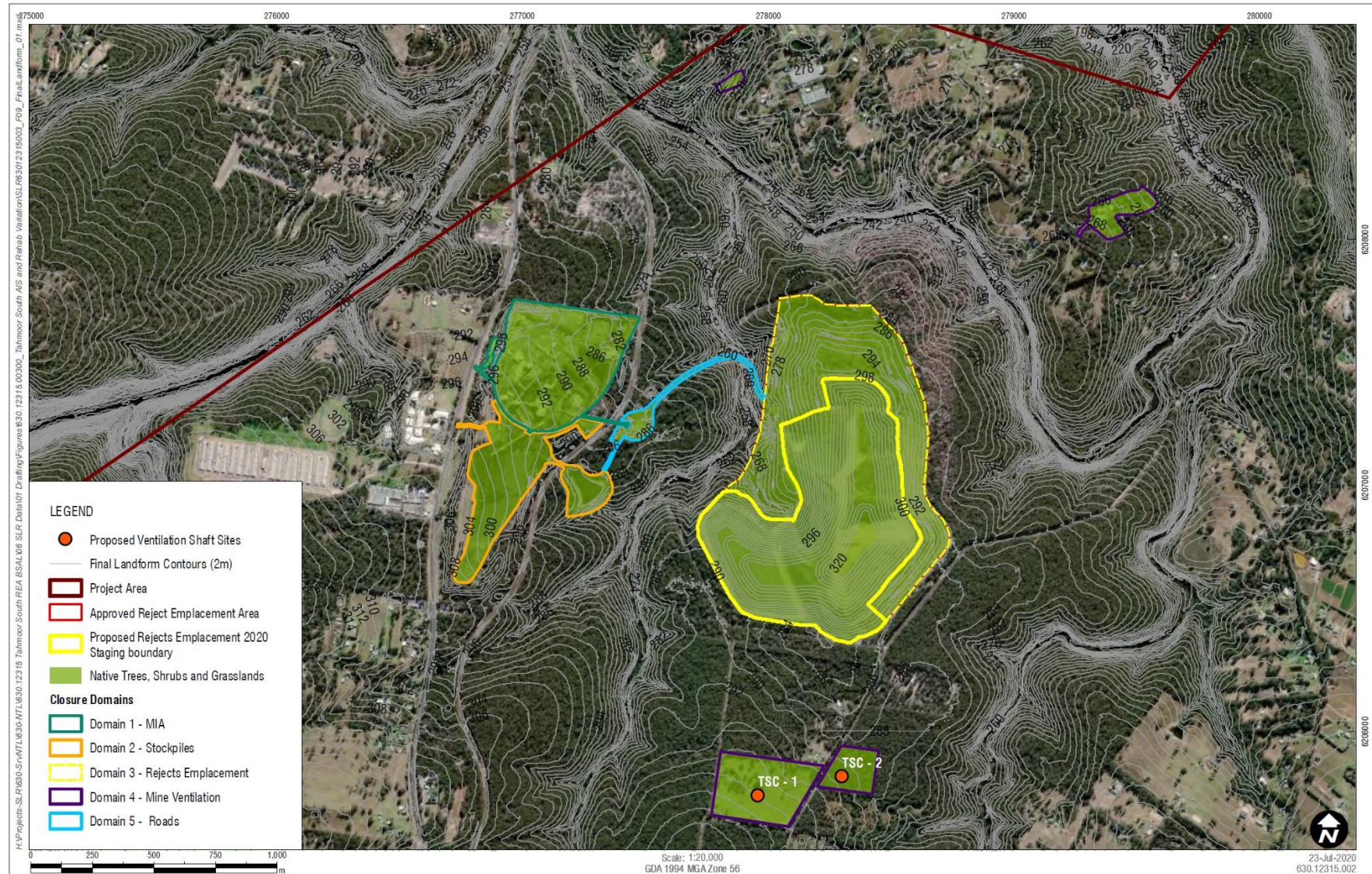


Figure 1 - Conceptual Final Landform

## APPENDIX 6 SUBSIDENCE DAMAGE CATEGORIES

REPAIR CATEGORY	EXTENT OF REPAIRS
Nil/No claim	No repairs required
R0 - Adjustment	<p>One or more of the following, where the damage does not require the removal or replacement of any external or internal claddings or linings:</p> <ul style="list-style-type: none"> <li>door or window jams or swings; or</li> <li>movement of cornices; or</li> <li>movement at external or internal expansion joints.</li> </ul>
R1 - Very minor repair	<p>One or more of the following, where the damage can be repaired by filling, patching or painting without the removal or replacement of any external or internal brickwork, claddings or linings:</p> <ul style="list-style-type: none"> <li>cracks in brick mortar only, or isolated cracked, broken, or loose bricks in the external façade; or</li> <li>cracks or movement &lt;5 mm in width in any external or internal wall claddings, lining or finish; or</li> <li>isolated, cracked, loose, or drummy floor or wall tiles; or</li> <li>minor repairs to any services or gutters.</li> </ul>
R2 - Minor repair	<p>One or more of the following, where the damage affects a small proportion of external or internal claddings or linings, but does not affect the integrity of external brickwork or structural elements:</p> <ul style="list-style-type: none"> <li>continuous cracking in bricks &lt;5 mm in width in one or more locations in the total external façade; or</li> <li>slippage along the damp proof course of 2 to 5 mm anywhere in the total external façade; or</li> <li>cracks or movement &gt;5 mm in width in any external or internal wall claddings, linings, finish; or</li> <li>several cracked, loose or drummy floor or wall tiles; or</li> <li>replacement of any services.</li> </ul>
R3- Substantial repair	<p>One or more of the following, where the damage requires the removal or replacement of a large proportion of external brickwork, or affects the stability of isolated structural elements:</p> <ul style="list-style-type: none"> <li>continuous cracking in bricks of 5 to 15 mm in width on one or more locations in the total external façade; or</li> <li>slippage along the damp proof course of 5 to 15 mm anywhere in the total external façade; or</li> <li>loss of bearing in isolated walls, piers, columns or other load-bearing elements; or</li> <li>loss of stability of isolated structural elements.</li> </ul>
R4 - Extensive repair	<p>One or more of the following, where the damage requires the removal or replacement of a large proportion of external brickwork, or the replacement or repair of several structural elements:</p> <ul style="list-style-type: none"> <li>continuous cracking in bricks &gt;15 mm in width in one or more locations in the total external façade; or</li> <li>slippage along the damp proof course of 15 mm or greater anywhere in the total external façade; or</li> <li>re-levelling of building; or</li> <li>loss of stability of several structural elements.</li> </ul>
R5 - Re-build	Extensive damage to house where Tahmoor Coal and the owner have agreed to rebuild as the cost of repair is greater than the cost of replacement.

## APPENDIX 7 GENERAL TERMS OF APPLICANT'S PA OFFER

Applicant's Contribution	Intended Use	Indicative Payment Schedule*
\$3.4 Million	Bargo Sportsground Upgrades	<ul style="list-style-type: none"> <li>\$40,000 for development of the Bargo Sportsground Masterplan to be paid within 60 days of entering into the formal VPA</li> <li>\$45,000 for Bargo Sportsground Playground to be paid within 60 days of entering into the formal VPA</li> <li>\$115,000 for Bargo Sportsground Wet-pour to be paid within 60 days of entering into the formal VPA</li> <li>\$250,000 – 3 years after the commencement of the Tahmoor South Project</li> <li>\$975,000 – 5 years after the commencement of the Tahmoor South Project</li> <li>\$975,000 – 8 years after the commencement of the Tahmoor South Project</li> <li>\$975,000 or any residual amount – 11 years after the commencement of the Tahmoor South Project</li> </ul>

\*Specific projects and timing of payments to be finalised in the executed agreement.



## APPENDIX 8 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition E9 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.