

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission of NSW (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Member of the Commission

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Sydney

2020

SCHEDULE 1

Application Number:

MP09_0013

Applicant:

Wollongong Coal Limited

Consent Authority:

The Independent Planning Commission of NSW

Land:

The land defined in Appendix 1

Development:

Russell Vale Revised Preferred Underground Expansion Project as defined in the definitions in Schedule 1

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DEFINITIONS

AEP	Annual Exceedance Probability
Approved mine plan	The mine plan for Years 1-5 shown in Appendix 2
Annual review	The review required by condition F11
Applicant	Wollongong Coal Limited, or any other person carrying out any development under this consent
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity Conservation Division within the Department
BCT	NSW Biodiversity Conservation Trust
Biodiversity Offsets Scheme	Biodiversity Offsets Scheme (including associated addendum for offsetting upland swamps) established under the BC Act.
Built features	Includes any building or work erected or constructed on land, and includes dwellings and infrastructure such as any formed road, street, path, walk, or driveway; any pipeline, water, sewer, telephone, gas or other service main
CCC	Community consultative committee required by condition A18
Conditions of this consent	Conditions contained in Schedule 2
Construction	The construction works for the development as described in the RPPR. Construction work does not include surveys, acquisitions, fencing, investigative drilling or excavation, minor clearing, minor access roads, minor adjustments to services/utilities, works which allow isolation of the site so that access for construction can be provided (including service relocations) and establishing temporary facilities for construction (including for example an office and amenities compounds, temporary water and communications, construction compounds, materials storage compounds, maintenance workshops, testing laboratory or material stockpile areas).
CPI	Consumer Price Index, as published by the Australian Bureau of Statistics
Date of Commencement	The date notified to the Department by the Applicant under condition A5(a)
Day	The period from 7am to 6pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The deconstruction or demolition and removal of works and buildings installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	Department of Planning, Industry and Environment
Development	The development as described in the documents in condition A2(c) as modified by the conditions of this consent.
Development Layout	The plans in Appendix 2
DPIE Water	Water Group within the Department
Early Morning Shoulder	The period from 5am to 7am Monday to Saturday
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
Environmental consequences	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.
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
First workings	Development of main headings, gate roads, related cut throughs and other workings for mine access and ventilation
Ha	Hectare
Heritage Branch	Heritage Branch within the Department of Premier and Cabinet
Heritage item	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: - the State Heritage Register under the <i>Heritage Act 1977</i>; - a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>; - a Local Environmental Plan under the EP&A Act; - the World Heritage List;

	the National Heritage List or Commonwealth Heritage List under the EPBC Act; or
Incident	Anything identified as a heritage item under the conditions of this consent
ICNG	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
Land	<i>Interim Construction Noise Guideline (DECC, 2009)</i> or any policy which updates or replaces this policy
Material harm	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
	Is harm to the environment that: - involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or - 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 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 consent'
MEG	Mining, Exploration and Geoscience within the Department of Regional NSW
Mine water	Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with carbonaceous material
Mine closure	Decommissioning and final rehabilitation of the site following the cessation of mining operations
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	The carrying out of mining, including the extraction, processing, stockpiling and transportation of coal on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden and reject material
Minister	NSW Minister for Planning and Public Spaces, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 5am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Noise sensitive areas	Areas where mining operations are being carried out that have potential to lead to increased noise at privately-owned residences, such as elevated areas or areas near the boundary of the site
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NPfi	<i>Noise Policy for Industry (2017)</i> or any policy which updates or replaces this policy
NRAR	NSW Natural Resources Access Regulator
PA	Planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PKCT	Port Kembla Coal Terminal
Privately-owned land	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary or related party)
Public infrastructure	Linear and related infrastructure and the like that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc
Reasonable	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
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2009</i>
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RR	Resources Regulator within the Department
RFS	NSW Rural Fire Service
RMS	Roads and Maritime Services
ROM	Run-of-mine

RPPR	<i>Russell Vale Colliery Revised Underground Expansion Project: Revised Preferred Project Report and Response to Second PAC Review (Volumes 1 and 2) dated July 2019, Russell Vale Colliery Revised Underground Expansion Project: Submissions Report – Part A dated November 2019, Russell Vale Colliery Revised Underground Expansion Project: Submissions Report – Part B dated February 2020, Russell Vale Colliery Revised Underground Expansion Project: Additional Information Response Report dated 16 June 2020</i>
SA NSW	Subsidence Advisory NSW
Second workings	Extraction of coal from bord and pillar workings
Site	The land defined in Appendix 1
Subsidence	The totality of subsidence effects, subsidence impacts and environmental consequences of subsidence impacts
Subsidence effects	Deformation of the ground mass due to mining, including all mining-induced ground movements, such as vertical and horizontal displacement, tilt, strain and curvature
Subsidence impacts	Physical changes to the ground and its surface caused by subsidence effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and upsidence and surface depressions or troughs
Surface facilities site	Russell Vale Pit-Top Site, coal conveyor and truck load out facilities, ventilation shaft sites and any other site subject to proposed surface disturbance (excluding subsidence impacts) associated with the development (see Appendix 2)
TfNSW	Transport for New South Wales
WCC	Wollongong City Council
WSC	Wollondilly Shire Council

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; and
 - (c) generally in accordance with the RPPR and the Development Layout.
- 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 paragraph 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 the document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

NOTIFICATION OF COMMENCEMENT

- A5. The Applicant must notify the Department in writing at least two weeks prior to:
- (a) commencing the development under this consent
 - (b) commencing construction under this consent;
 - (c) commencing mining operations under this consent;
 - (d) ceasing mining operations (i.e. leading to mine closure); and
 - (e) suspending mining operations (i.e temporary care and maintenance).
- A6. If the development is 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.

LIMITS ON CONSENT

Mining Operations

- A7. Underground mining operations may only be carried out by means of bord and pillar mining techniques, except for longwall mining of approximately 25 m required to retrieve existing longwall mining equipment.
- A8. Mining operations may be carried out on the site for a period of 5 years from the date of commencement of mining operations, unless otherwise agreed by the Planning Secretary.

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.

Coal Extraction and Transportation

- A9. A maximum of 1.2 million tonnes of ROM coal may be extracted from the site in any calendar year.
- A10. A maximum of 1 million tonne of ROM coal from the site may be processed in any calendar year.

- A11. Transportation of ROM coal, product coal and coal reject from the site must only be undertaken by trucks between 7am to 6pm Monday to Friday and 8am to 6pm Saturday, with a maximum of 17 laden trucks leaving the site per hour, except during exceptional circumstances with written approval of the Planning Secretary, where a maximum of 12 laden trucks per hour can leave the site up to 10pm.

Note: The kind of circumstances which may constitute an exceptional circumstance include a major disruption or scheduling issue on the transport route (including on the road network or at PKCT). The Planning Secretary's approval can be provided through identifying the exceptional circumstances through an approved Traffic Management Plan required under condition B30.

- A12. No transportation of ROM coal, product coal and coal reject from the site is permitted on Sundays or Public Holidays.
- A13. Trucks arriving at the site before 7am Monday to Friday and 8am Saturday must proceed to the truck parking area on site and turn off the engine until coal loading commences.

Hours of Operation

- A14. Underground mining operations, including the use of the primary sizer building, decline conveyor and tripper system located at the surface, may be undertaken 24 hours a day, 7 days a week.
- A15. Apart from use of the surface facilities identified in condition A14, operations at the surface facilities site must only be undertaken between 7am to 6pm Monday to Friday and 8am to 6pm Saturday, unless the Planning Secretary agrees otherwise.

SURRENDER OF EXISTING CONSENT

- A16. Within 12 months of commencing development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent for Russell Vale Preliminary Works Project (MP10_0046) in accordance with the EP&A Regulation.

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 approval or approval can no longer be legally maintained or used.

- A17. Upon commencing development under this consent, and before the surrender of the existing development consent required under condition A16, the conditions of this consent prevail to the extent of any inconsistency with the conditions of MP10_0046.

COMMUNITY CONSULTATIVE COMMITTEE

- A18. The Applicant must continue operation of the Russell Vale CCC established under MP10_0046 for the development. The CCC must be operated in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019) during the life of the development, or other timeframe agreed by 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 and the local community.

EVIDENCE OF CONSULTATION

- A19. 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 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.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A20. 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); and

- (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).

A21. 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.

APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS

A22. The Applicant must continue to apply existing management strategies, plans or monitoring programs approved under MP10_0046, until the approval of a similar plan, strategy or program under this consent.

PROTECTION OF PUBLIC INFRASTRUCTURE

A23. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to damage to roads caused as a result of general road usage or otherwise addressed by contributions required by condition B28 of this consent.

DEMOLITION

A24. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

A25. 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 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

A26. The Applicant must ensure that all plant and equipment used at the site is:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

COMPLIANCE

A27. 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

A28. 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) of the condition.

A29. 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.

PART B - SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Operational Noise Criteria

- B1. Except for the carrying out of construction, the Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 1 at any residence on privately-owned land.

Table 1: Operational Noise Criteria dB(A)

Location	Noise Level (dBA)					
	Day	Evening	Night		Early Morning Shoulder	
	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	LAF _{max}	L _{Aeq} (15 min)	LAF _{max}
R1	44	43	43	52	44	54
R2	44	43	43	52	44	54
R3	44	43	42	52	44	54
R4	44	43	43	52	44	54
R5	48	45	42	52	44	54
R6	48	45	42	52	44	54
R7	48	45	42	52	44	54
R8	48	45	42	52	44	54
R9	44	43	41	52	41	52
R10	44	43	41	52	41	52
R11	44	43	39	52	41	52
R12	44	43	39	52	41	52
R13	44	43	39	52	41	52
R14	44	43	39	52	41	52
R15 ¹	45	-	-	-	-	-
R16 ¹	45	-	-	-	-	-
R17 ¹	45	-	-	-	-	-

Notes:

- To identify the locations referred to in Table 1, refer to Appendix 3.
- ¹ Receivers relate to a school therefore only daytime criteria apply.

Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NPfI. Appendix 4 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, the noise criteria in Table 1 do not apply if the Applicant has an agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Noise Operating Conditions

- B2. The Applicant must:
- take all reasonable steps to minimise the construction, operational and road noise of the development, including low frequency noise and other audible characteristics;
 - implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas, and monitors and reports on these measures;
 - monitor and record all major equipment use and make this data readily available at the request of the Department or the EPA;
 - minimise the noise impacts of the development during all meteorological conditions in order to satisfy the noise criteria in Table 1 in conjunction with Appendix 4;
 - operate a comprehensive noise management system that uses a combination of meteorological forecasts, predictive noise modelling and real-time monitoring to guide the day to day planning of mining operations and the implementation of adaptive management both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
 - carry out attended noise monitoring (quarterly or as otherwise agreed with the Secretary) to determine whether the development is complying with the relevant conditions of consent; and
 - regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent.

Noise Management Plan

- B3. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
 - (b) be prepared in consultation with EPA and WCC;
 - (c) be approved by the Secretary prior to the commencement of mining operations under this consent;
 - (d) describe the measures that would be implemented to ensure:
 - (i) compliance with the noise criteria and operating conditions in this consent;
 - (ii) best practice management is being employed; and
 - (iii) the noise impacts of the development are minimised during all meteorological conditions in order to satisfy the noise criteria in Table 1 in conjunction with Appendix 4;
 - (e) seek to minimise road traffic noise generated by employee commuter vehicles on public roads, particularly on Bellambi Road;
 - (f) describe the proposed noise management system in detail;
 - (g) 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) includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;
 - (iii) monitors noise at the nearest and/or most affected residences;
 - (iv) adequately supports the noise management system; and
 - (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.
- B4. The Applicant must implement the Noise Management Plan as approved by the Secretary.

AIR QUALITY & GREENHOUSE GAS

Odour

- B5. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

Air Quality Criteria

- B6. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate emissions generated by the development do not cause exceedances of the criteria listed in Table 2 at any residence on privately-owned land.

Table 2: Air quality criteria

Pollutant	Averaging Period	Criterion
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³
	24 hour	^b 50 µg/m ³
Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³
	24 hour	^b 25 µg/m ³
Total suspended particulates (TSP)	Annual	^{a, c} 90 µg/m ³
^c Deposited dust	Annual	^b 2 g/m ² /month ^a 4 g/m ² /month

Notes:

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

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

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

^d Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

- B7. The air quality 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 air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Air Quality Operating Conditions

- B8. The Applicant must:
- (a) take all reasonable steps to:
 - (i) minimise odour, fume and particulate matter (including PM₁₀ and PM_{2.5}) emissions of the development, paying particular attention to minimising wheel-generated haul road emissions;
 - (ii) eliminate or minimise the risk of spontaneous combustion;
 - (iii) improve energy efficiency and reduce greenhouse gas emissions of the development;
 - (iv) minimise any visible off-site air pollution generated by the development; and
 - (v) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
 - (b) ensure that major mobile diesel mining equipment used in undertaking the development includes reasonable and feasible diesel emissions reduction technology;
 - (c) operate a comprehensive air quality management system that uses a combination of meteorological forecasts, predictive air quality modelling and real-time monitoring 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;
 - (d) minimise air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 2 above);
 - (e) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and
 - (f) regularly assess meteorological and air quality monitoring data, and modify operations on the site to ensure compliance with the relevant conditions of this consent.

Air Quality and Greenhouse Gas Management Plan

- B9. The Applicant must prepare a detailed Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s
 - (b) prepared in consultation with EPA;
 - (c) be approved by the Secretary prior to the commencement of the mining operations under this consent;
 - (d) describe the measures that would be implemented to ensure:
 - (i) compliance with the air quality criteria and operating conditions in this consent;
 - (ii) best practice management is being employed; and
 - (iii) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
 - (e) describe the air quality management system in detail; 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* (DEC, 2007), 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;
 - (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 these events.
- B10. The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Secretary.

METEOROLOGICAL MONITORING

- B11. Prior to commencing construction under this consent and for the remaining 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* (DEC, 2007);
 - (b) is capable of continuous real-time measurement of wind speed, wind direction sigma theta and temperature; and
 - (c) is capable of measuring meteorological conditions in accordance with the NPfl;
- unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

WATER

Water Licences

- B12. The Applicant must obtain all necessary water licences for the development, including during rehabilitation and following mine closure, under the *Water Act 1912* and/or the *Water Management Act 2000* prior to the take of water occurring, or an alternative mechanism agreed by the Planning Secretary and DPIE Water.

Water Supply

- B13. 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.
- B14. The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.

Water Discharges

- B15. The Applicant must ensure that all surface discharges from the site comply with:
- discharge limits (both volume and quality) set for the development in any EPL; or
 - relevant provisions of the POEO Act.

Water Management Performance Measures

- B16. The Applicant must ensure that the development does not cause any exceedance of the performance measures in Table 3, to the satisfaction of the Planning Secretary.

Table 3: Water Management Performance Measures

Feature	Performance Measure
Water Management - General	- Maintain separation between clean, dirty (i.e. sediment-laden) and mine water management systems - Minimise the use of clean and potable water on the site - Maximise water recycling, reuse and sharing opportunities - Minimise the use of make-up water from external sources - Design, install, operate and maintain water management systems in a proper and efficient manner - Minimise risks to the receiving environment and downstream water users
Erosion and sediment control works	- Design, install and maintain erosion and sediment controls 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) - 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) - Design, install and maintain any creek crossings 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)
Clean water diversions and storage infrastructure	- Design, install and maintain the clean water system to capture and convey the 100-year ARI flood event - Maximise, as far as reasonable, the diversion of clean water around disturbed areas on site
Flood protection works	Design, install and maintain flood levees to protect mining areas from a 100-year ARI flood event and to ensure no increased flooding impacts on roads or privately-owned land
Mine water storages	- Design, install and maintain mine water storage infrastructure to avoid unlicensed or uncontrolled discharge of mine water - New storages designed to contain the 100-year ARI storm event and minimise permeability
Chemical and hydrocarbon storage	Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards
Aquatic and riparian ecosystems, including affected sections of Bellambi Creek	- Maintain or improve baseline channel stability - Develop site-specific in-stream water quality objectives in accordance with ANZECC 2000 and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW procedures</i> (DECC 2006), or its latest version

Water Management Plan

B17. 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;
- (b) be prepared in consultation with WCC, DPIE Water, WaterNSW and the EPA;
- (c) be approved by the Secretary prior to the commencement of mining operations under this consent;
- (d) describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see Table 3);
- (e) build on existing monitoring programs, where practicable;
- (f) 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, licences and harvestable rights);
 - water storage capacity;
 - water use and management on the site, including any water transfers or sharing with other industries;
 - licensed discharge points and limits; and
 - reporting procedures, including the annual preparation of an updated site water balance;
 - (ii) **Salt Balance** that includes details of:
 - sources of saline material on the site;
 - saline material and saline water management on the site;
 - measures to minimise discharge of saline water from the site; and
 - reporting procedures, including the annual preparation of an updated salt balance;
 - (iii) **Erosion and Sediment Control Plan** that:
 - is consistent with the requirements of *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) and *Volume 2E: Mines and Quarries* (DECC, 2008);
 - identifies activities that could cause soil erosion, generate sediment or affect flooding;
 - includes a program to review the adequacy of flood protection works, and ensure they comply with the relevant performance measures listed in Table 3;
 - describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk;
 - describes the location, function, and capacity of erosion and sediment control structures and flood management structures; and
 - describes what measures would be implemented to maintain (and if necessary decommission) the structures over time;
 - (iv) **Surface Water Management Plan** that:
 - Is consistent with the Guidelines for *Controlled Activities on Waterfront Land* (NRAR, 2018);
 - includes detailed baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development, including:
 - stream and riparian vegetation health;
 - channel stability (geomorphology); and
 - water supply for other surface water users;
 - includes a detailed description of the surface water management system;
 - includes detailed plans, design objectives and performance criteria for water management infrastructure, including:
 - any approved creek diversions or restoration works associated with the development, including details of the Bellambi Creek Diversion Works that were required under the Russell Vale Preliminary Works Project (MP10_0046);
 - water run-off diversions and catch drains;
 - water storages and sediment dams; and
 - reinstated drainage networks on rehabilitated areas of the site;
 - includes detailed performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development, for:
 - downstream surface water flows and quality;
 - channel stability;
 - downstream flooding impacts;
 - stream and riparian vegetation health;
 - water supply for other water users; and
 - post-mining water pollution from rehabilitated areas of the site;
 - includes a program to monitor and evaluate:
 - compliance with the relevant performance measures listed in Table 3 and the performance criteria in this plan;
 - controlled and uncontrolled discharges and seepage/leachate from the site;
 - surface water inflows, outflows and storage volumes, to inform the Site Water Balance; and

- the effectiveness of the surface water management system and the measures in the Erosion and Sediment Control Plan;
 - includes reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results; and
 - includes a trigger action response plan to respond to any exceedances of the performance measures or performance criteria, and repair, mitigate and/or offset any adverse surface water impacts of the development;
- (v) **Groundwater Management Plan** that includes:
- detailed baseline data of groundwater levels, yield and quality for groundwater resources potentially impacted by the development;
 - a detailed description of the groundwater management system;
 - groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts associated with the development, on:
 - regional and local aquifers (alluvial and hardrock); and
 - groundwater supply for other water users such as licensed privately-owned groundwater bores;
 - a program to monitor and evaluate:
 - compliance with the relevant performance measures listed in Table 3 and the performance criteria in this plan;
 - water loss/seepage from water storages into the groundwater system, including from any final void;
 - groundwater inflows, outflows and storage volumes, to inform the Site Water Balance;
 - the hydrogeological setting of any nearby alluvial aquifers and the likelihood of any indirect impacts from the development;
 - the effectiveness of the groundwater management system;
 - reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results;
 - a trigger action response plan to respond to any exceedances of the groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development; and
 - a program to periodically validate the groundwater model for the development, including an independent review of the model every 3 years, and a comparison of monitoring results with modelled predictions; and
- (vi) a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition F11.

B18. The Applicant must implement the Water Management Plan as approved by the Planning Secretary.

Adit Discharge Water Management Plan

- B19. The Applicant must prepare an Adit Discharge 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;
 - (b) be prepared in consultation with EPA, DPIE Water and WaterNSW;
 - (c) be submitted to the Planning Secretary for approval within 12 months of the date of commencement;
 - (d) identify the location of all mine related adits and other potential groundwater leakage points associated with the development and historical mining at the Russell Vale Colliery;
 - (e) include:
 - (i) predictions of the volumes and discharge water quality from each point;
 - (ii) timelines for discharges;
 - (iii) avoidance, mitigation and monitoring measures to reduce adverse impact of discharge waters;
 - (iv) treatment, discharge and beneficial reuse options during operations and post-mining, including associate environmental impacts and costs;
 - (v) details of any consultation with other mines in the region and relevant agencies to ensure outcomes are based on strategic regional considerations;
 - (vi) any necessary funding arrangements during operations and post-mining which consider short and long term discharges and appropriate water quality targets based on an agreed potential discharge water end use;
 - (f) be reviewed and updated every 5 years, including a protocol to report on the outcome of the requirements identified above.
- B20. The Applicant must implement the Adit Discharge Water Management Plan as approved by the Planning Secretary.

BIODIVERSITY

Biodiversity Management Plan

- B21. The Applicant must prepare a Biodiversity 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;
 - (b) be prepared in consultation with BCD;
 - (c) be approved by the Secretary prior to the commencement of mining operations under this consent;
 - (d) establish baseline data for existing remnant vegetation and habitat on site;
 - (e) describe the short, medium, and long-term measures to be undertaken to manage the remnant vegetation and habitat on the site;
 - (f) include a detailed description of the measures that would be implemented to:
 - (i) minimise impacts to biodiversity on the site, including any species and communities listed under the BC Act and EPBC Act;
 - (ii) protect vegetation and fauna habitat outside of the approved disturbance areas;
 - (iii) control weeds, including measures to avoid and mitigate the spread of noxious weeds;
 - (iv) control feral pests;
 - (v) control erosion;
 - (vi) control access to vegetated or revegetated areas; and
 - (vii) manage bushfire hazards;
 - (g) include a program to monitor and report on the effectiveness of the above measures and identify measures that could be implemented to improve biodiversity outcomes; and
 - (h) include details of who would be responsible for monitoring, reviewing, and implementing the plan.
- B22. The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.

Notes:

1. The Biodiversity Management Plan required under condition B21 applies to managing biodiversity impacts associated with surface infrastructure areas within the site. Biodiversity impacts associated with subsidence are incorporated into the Extraction Plan required under condition C10.
2. The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated site.

HERITAGE

Protection of Aboriginal Heritage

- B23. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage items.

Note: Identified heritage items are shown in the figure in Appendix 6.

Aboriginal Cultural Heritage Management Plan

- B24. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:
- (a) be prepared by suitably qualified and experienced persons;
 - (b) be prepared in consultation with BCD and Registered Aboriginal Parties;
 - (c) be approved by the Secretary prior to the commencement of mining operations under this consent;
 - (d) include the outcome of Aboriginal community consultation that meets the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010);
 - (e) include updated baseline recording of Aboriginal heritage sites previously identified in the vicinity of the first-workings mine panels;
 - (f) include updated assessment of risk of impact from the development to Aboriginal heritage sites previously identified above the Bulli Seam goaf areas yet to be confirmed as subsided;
 - (g) describe the measures to be implemented on the site to:
 - (i) comply with the heritage-related operating conditions of this consent;
 - (ii) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;
 - (iii) monitor identified Aboriginal objects and Aboriginal places identified in the vicinity of the first-workings mine panels (see Appendix 6);
 - (iv) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;
 - (v) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places; and
 - (vi) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and

- (h) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.

B25. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.

Historic Heritage Management Plan

B26. The Applicant must prepare a Historic Heritage Management Plan for the development, in respect of all non-Aboriginal cultural heritage items, to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with the Heritage Branch, WCC and WSC, and in accordance with the relevant Heritage Branch guidelines;
- (c) be approved by the Secretary prior to the commencement of mining operations under this consent;
- (d) describe how historic heritage values of the site would be recorded and preserved, including all heritage items at the surface facilities site;
- (e) identify all heritage items in the vicinity of the site and include a statement of significance for each item;
- (f) describe the measures to be implemented on the site to:
 - (i) ensure all workers receive suitable heritage inductions prior to carrying out any activities which may cause impacts to historic heritage, and that suitable records are kept of these inductions;
 - (ii) undertake photographic/archival recording of any items of heritage significance predicted to be impacted by the development, prior to disturbance;
 - (iii) protect heritage items from unpredicted impacts of the development, disrepair or vandalism (where practicable); and
 - (iv) manage any new heritage items discovered during the life of the development; and
- (g) include a strategy for the care, control and storage of relics salvaged from the site.

B27. The Applicant must implement the Historic Heritage Management Plan as approved by the Planning Secretary.

TRANSPORT

Bellambi Lane of Maintenance Contributions

B28. The Applicant must pay Bellambi Lane maintenance contributions to WCC equivalent to a total of \$338,000 (in 2019/2020 dollars value), with:

- (a) \$67,600 to be paid in 5 instalments for the 5 years of operation of the mine;
- (b) all instalments to be payable by 31 March each year; and
- (c) payments indexed in accordance with the CPI for the December quarter of the previous year.

Monitoring of Coal Transport

B29. The Applicant must monitor and report on:

- (a) the amount of coal transported from the site (on a daily basis);
- (b) the date and time of each truck movement from the site; and
- (c) make these records publicly available on its website at the end of each quarter.

Traffic Management Plan

B30. 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;
- (b) be prepared in consultation with RMS and WCC;
- (c) be approved by the Secretary prior to the commencement of mining operations under this consent;
- (d) include details of all transport routes to be used for the development;
- (e) include details of the measures to be implemented to minimise traffic impacts and safety issues impacts of the development on the residential areas surrounding the surface facilities site, and in particular the residences located along Bellambi Lane;
- (f) include a traffic management protocol for construction and operation of the development, which considers:
 - (i) truck number, time and operating restrictions as required by conditions A11-A13;
 - (ii) appropriate speed limits;
 - (iii) truck separation distances;
 - (iv) minimisation of compression braking and other noisy practices, including on the approach to Port Kembla Road/Springhill Road traffic lights when entering or exiting PKCT;
 - (v) reporting traffic faults and traffic incidents; and
- (g) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:
 - (i) adhere to any revised speed limits for the development;
 - (ii) adhere to the designated transport routes;
 - (iii) implement safe driving practices; and
- (h) include a program to monitor and report on the effectiveness of these measures.

B31. The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.

VISUAL

Visual Amenity and Lighting

B32. The Applicant must:

- (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;
- (b) ensure no fixed outdoor lights shine above the horizontal or above the building line or any illuminated structure;
- (c) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1997 - Control of Obtrusive Effects of Outdoor Lighting*;
- (d) implement a landscaping strategy to shield public views of the development that includes a road-side tree planting and maintenance schedule; and
- (e) ensure that the visual appearance of all noise walls/bunds, buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape;

to the satisfaction of the Secretary.

Visual Impact Management Plan

B33. The Applicant must prepare a Visual 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;
- (b) be prepared in consultation with WCC;
- (c) be approved by the Secretary prior to the commencement of mining operations under this consent;
- (d) describe the measures to be implemented to minimise the visual and off-site lighting impacts of the development;
- (e) include a landscaping strategy to shield public views of the development that includes a road-side tree planting and maintenance schedule; and
- (f) include a program to monitor and report on the implementation and effectiveness of the mitigation measures.

B34. The Applicant must implement the Visual Impact Management Plan as approved by the Planning Secretary.

WASTE

B35. The Applicant must:

- (a) take all reasonable steps to minimise the waste (including coal rejects) 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;
- (d) manage on-site sewage treatment and disposal in accordance with the requirements of WCC;
- (e) ensure coal reject material:
 - (i) is tested every 6 months to confirm its suitability for beneficial reuse and/or underground emplacement;
 - (ii) that meets the EPA's *Coal Washery Rejects Order 2014* and *Coal Washery Rejects Exemption 2014* is prioritised for beneficial reuse;
 - (iii) is only emplaced underground if it meets the neutral or beneficial effect on water quality test in accordance with the *Neutral or Beneficial Effect on Water Quality Assessment Guideline* (SCA, 2015); and
- (f) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition F11.

B36. 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.

BUSHFIRE MANAGEMENT

B37. 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, 2006) 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.

B38. Prior to commencing mining operations 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*.

B39. The Applicant must implement the Bushfire Management Plan in consultation with RFS.

DANGEROUS GOODS

- B40. The Applicant must ensure that the storage, handling, and transport of:
- (a) dangerous goods is done 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.

EXPLORATION ACTIVITIES AND SURFACE INFRASTRUCTURE

Gas Drainage

- B41. 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

- B42. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining leases(s) associated with the development under the *Mining Act 1992*. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the RPPR and comply with the objectives in Table 4.

Table 4: Rehabilitation Objectives

Feature	Objective
All areas of the site affected by the development	• Safe, stable and non-polluting • Fit for the intended post-mining land use/s • Establish the final landform and post-mining land use/s as soon as practicable after cessation of mining operations • Minimise post-mining environmental impacts
Areas proposed for native ecosystem re-establishment	• Establish/restore self-sustaining native ecosystems • Establish local plant community types • Establish: - riparian habitat within any diverted and/or re-established creek lines and retained water features; - habitat, feed and foraging resources for threatened fauna species; and - vegetation connectivity and wildlife corridors, as far as is reasonable and feasible
Other areas affected by the development	• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of local native plant species for the intended post mining land use(s)
Final landforms	• Stable and sustainable for the intended post-mining land use/s • Consistent with surrounding topography to minimise visual impacts • Incorporate relief patterns and design principles consistent with natural drainage that mimic natural topography and mitigate erosion to the greatest extent practicable
Surface infrastructure sites	• Decommissioned and, subject to Historic Heritage Management Plan, removed, unless further approval is obtained for their retention and post-mining use. • Revegetated with suitable local native plant species to a landform consistent with the surrounding environment and the intended post mining land use(s)

Portals and vent shafts	- Decommissioned and made safe and stable - Retain habitat for threatened species (e.g. bats), where practicable
Watercourses subject to mine water discharges and/or subsidence impacts or environmental consequences that are greater than negligible	- Hydraulically and geomorphologically stable - Aquatic ecology and riparian vegetation that is the same or better than prior to grant of this consent
Built features damaged by mining operations	- Repair to pre-mining condition or equivalent unless the: - owner agrees otherwise; or - damage is fully restored, repaired or compensated for under the <i>Coal Mine Subsidence Compensation Act 2017</i>
Water quality	- Water retained on site is fit for the intended post-mining land use(s) - Water management is consistent with any regional catchment management strategy
Community	- No additional risk to public safety than prior to grant of this consent - Minimise adverse socio-economic effects associated with mine closure

Notes:

- 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.
- Where remediation of watercourses is likely to cause subsidence impacts or environmental consequences greater than those that require rehabilitation, alternative equivalent works may be undertaken within the affected watercourse.

Rehabilitation Management Plan

- B43. The Applicant must prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. This plan must:
- be prepared by a suitably qualified and experienced person/s;
 - be prepared in accordance with the relevant requirements specified under the *Mining Act 1992*;
 - be prepared in consultation with the Department, DPIE Water, BCD, WaterNSW and WCC;
 - be prepared in accordance with any relevant MEG Guideline;
 - include a life of mine rehabilitation and mining schedule which outlines key progressive rehabilitation milestones from the commencement of operations through to decommissioning and mine closure;
 - include Rehabilitation Objectives, Rehabilitation Completion Criteria and a Final Landform and Rehabilitation Plan
 - include an overview of the identified risks to achieving successful rehabilitation and the type of rehabilitation strategies to be implemented to address the identified risks;
 - describe the measures to be implemented on the site to achieve the Rehabilitation Objectives in Table 4 and the criteria in paragraph (f);
 - include detailed mine plans and scheduling for rehabilitation to be initiated, undertaken and/or completed over the next three years, or other suitable time period as agreed with the Resources Regulator;
 - include procedures for the reasonable use of interim stabilisation and temporary vegetation strategies to minimise the area exposed for dust generation;
 - include a program to monitor, audit and report on the progress against the Rehabilitation Objectives and Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan; and
 - 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.

Note: The Rehabilitation Management Plan may be combined with a Mining Operations Plan, or similar plan, required under any mining lease granted for the development

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 5, to the satisfaction of the Secretary.

Table 5: Subsidence Impact Performance Measures – Natural and Heritage Features, etc

Feature	Performance Measures
Watercourses	
Watercourses, including Cataract River, Cataract Creek and associated tributaries	- Negligible subsidence impacts or environmental consequences including: - negligible diversion of flows or changes in the natural drainage behaviour of pools; - negligible gas releases; - negligible increase in water cloudiness; - negligible increase in bank erosion; and - negligible increase in sediment load.
Water Supply	
Cataract Reservoir	- Negligible leakage from reservoir - Negligible reduction in water quality of reservoir - No connective cracking between the reservoir surface and the underground workings
Land	
Cliffs, steep slopes and rock face features	Negligible environmental consequences (including subsidence induced rockfalls, displacement or dislodgement of boulders or slabs, or fracturing)
Swamps	
Upland swamps identified in the figure in Appendix 5	Negligible environmental consequences including negligible change to the structural integrity of the bedrock base or any controlling rockbar of the swamp
Biodiversity	
Threatened species, threatened populations, or endangered ecological communities	Negligible environmental consequences
Heritage sites	
Aboriginal heritage sites identified in the figure in Appendix 6	- Negligible subsidence impacts and environmental consequences - Negligible loss of heritage value
Historic heritage sites identified in the figure in Appendix 7	- Negligible subsidence impacts and environmental consequences - Negligible loss of heritage value
Other Aboriginal and historic heritage sites	- Negligible subsidence impacts and environmental consequences - Negligible loss of heritage value
Mine workings	
First workings	To remain long-term stable and non-subsiding

Notes:

- The Applicant will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this consent.

- 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.
- C3. If the Applicant causes an exceedance of any Subsidence Impact Performance Measure (see Table 5) for *Watercourses* or for *Water Supply* that is deemed by the Secretary to be substantial and not capable of being offset under condition C4, then the Secretary may impose requirements on the Applicant to:
- revise components of its Extraction Plan;
 - change its future mine plan; and/or
 - cease mining until the cause of the exceedance is investigated and measures have been implemented by the Applicant to prevent a re-occurrence of the exceedance,
- to the satisfaction of the Secretary.

Notes:

- Any action under this condition must be proportionate with the significance of the subsidence impact or environmental consequence.
- Any action under this condition does not limit other actions by the Department under the penalty powers or enforcement provisions of the EP&A Act.

Offsets

- C4. If the Applicant exceeds the performance measures in Table 5 and the 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 a suitable offset to compensate for the subsidence impact or environmental consequence, to the satisfaction of the Secretary.

Notes:

- Any offset required under this condition must be proportionate with the significance of the subsidence impact or environmental consequence.
- Any offset required under this condition does not limit other actions by the Department under the penalty powers or enforcement provisions of the EP&A Act.

- C5. If required under Condition C4, any offsets for biodiversity and swamps must be undertaken in accordance with the Biodiversity Offsets Scheme of the BC Act.
- C6. The offset 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

- C7. The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 6, to the satisfaction of the Secretary.

Table 6: Subsidence Impact Performance Measures

Feature	Performance Measures
Key Public Infrastructure	
M1 Princes Motorway (formally known as Mount Ousley Road), electricity transmission lines and towers (330kV, 132kV, 2x33kV) and telecommunication lines	Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repairable and must be fully repaired.
Other Infrastructure	
Access roads, fire trails and other public infrastructure and built features	Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repairable and must be fully repaired or else replaced or fully compensated.
Public safety	
Public Safety	Negligible additional risk.

Notes:

- The Applicant will be required to define more detailed performance measures in the Built Features Management Plans or Public Safety Management Plan (see condition C10).
- Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes.
 - Requirements under this condition may be met by measures undertaken in accordance with the Coal Mine Subsidence Compensation Act 2017.

- C8. Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 6 is to be settled by the Secretary, following consultation with RR. Any decision by the Secretary shall be final and not subject to further dispute resolution under this consent.

First Workings

- C9. The Applicant may carry out first workings within the underground mining area, other than in accordance with an approved Extraction Plan, provided that the RR is satisfied that the first workings are designed to remain stable and non-subsiding, except insofar as they may be impacted by approved second workings.

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

Extraction Plan

- C10. The Applicant must prepare an Extraction Plan for all second workings on site to the satisfaction of the Secretary. The Extraction Plan must:

- (a) be prepared in consultation with RR, DPIE Water and WaterNSW and by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
- (b) be approved by the Secretary before the Applicant carries out any second workings covered by the plan;
- (d) include detailed plans of existing and proposed first and second workings and overlying surface features, including any applicable adaptive management measures;
- (e) 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 RR;
- (f) 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;
- (g) describe in detail the performance indicators that would be implemented to ensure compliance with the performance measures in Tables 5 and 6, and manage or remediate any impacts and/or environmental consequences to meet the rehabilitation objectives in Table 4;
- (h) include a:
 - (i) **Subsidence Monitoring Program** which has been prepared in consultation with RR to:
 - describe the ongoing conventional and non-conventional subsidence monitoring program, including consideration of contemporary subsidence monitoring methods such as InSAR (Interferometric Synthetic Aperture Radar) and LIDAR (Light Detection and Ranging);
 - provide data to assist with the management of risks associated with conventional and non-conventional subsidence;
 - confirm the status of the Bulli Seam goaf areas yet to be confirmed as subsided through observation of development roadway conditions driven below the edges of these extracted goaf areas;
 - 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 ensuring environmental consequences; and
 - inform the adaptive management process in paragraph (viii) below;
 - (ii) **Built Features Management Plan** which has been prepared in consultation with RR, to manage the potential subsidence impacts of the proposed underground workings on built features, and which:
 - has been prepared in consultation with the owner/s of potentially affected feature/s;
 - addresses in appropriate detail all items of key public infrastructure (with particular consideration of transmission lines and towers (including angle towers), 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 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 EPA, DPIE Water and WaterNSW, which provides for the management of potential impacts and/or environmental consequences of the proposed underground workings on watercourses and aquifers, including:
 - detailed baseline data on:
 - surface water flows and quality in water bodies that could be affected by subsidence, including including Cataract River, Cataract Creek and all major associated tributaries;
 - groundwater levels, yield and quality in the region;
 - surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality;
 - a surface water monitoring program to monitor and report on:
 - stream flows and quality;

- stream and riparian vegetation health; and
 - channel and bank stability;
 - a groundwater monitoring program to monitor and report on:
 - springs, their discharge quantity and quality, as well as associated groundwater dependent ecosystems;
 - groundwater inflows to the underground mining operations;
 - the height of groundwater depressurization;
 - background changes in groundwater yield/quality against mine-induced changes, in particular, on groundwater bore users 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 upland swamps (refer to condition C10(v) below) and other groundwater dependent ecosystems;
 - 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;
- (iv) **Biodiversity Management Plan** which has been prepared in consultation with BCD, which establishes a baseline data for the existing habitat on the site, including water table depth, vegetation condition, stream morphology and threatened species habitat, and provides for the management of potential impacts and/or environmental consequences of the proposed first workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species, populations and their habitats, EECs and water dependent ecosystems;
- (v) **Swamp Monitoring Program** which has been prepared in consultation with BCD, DPI Water and WaterNSW, and which includes (as a minimum):
- outcome of updated surveys of existing biodiversity, species distribution and swamp condition for potentially impacted and control swamps;
 - further consideration of the location of existing piezometers and the installation of upslope and downslope piezometers in shrub swamps, in order to better understand the down-slope movement of shallow groundwater;
 - installation of flow monitoring points, nested monitoring bores and environmental water tracers to define hydraulic connection between swamps and associated aquifers;
 - measures to record the nature and condition of terrestrial and aquatic flora and fauna within all swamps;
 - measures to characterise soils or peat layers within the swamps to determine:
 - porosity;
 - a basis for relating water levels to rainfall and evapotranspiration; and
 - the presence, or absence, of clay materials at the interface with the underlying bedrock;
 - a program for review of the water balance of all monitored swamps based on recorded rainfall, estimated evapotranspiration and recorded surface and shallow groundwater levels and outflow measurements;
 - detailed performance indicators for the relevant performance measures in Table 5, including performance indicators relating to surface and shallow groundwater levels and outflow measurements;
 - baseline data for swamp hydrology and swamp vegetation;
 - hydrological and vegetative monitoring which fully satisfies Before After Control Impact (BACI) design principles;
 - consideration of post-mining swamp monitoring, including for the initial 12 month post-mining period and longer-term monitoring for inclusion into regional data bases;
 - a program for consideration of long-term monitoring data for swamp hydrology and swamp vegetation (including baseline, during and post mining) to identify any statically significant changes;
 - provision of raw piezometer and other monitoring data to the Department, BCD and WaterNSW, if requested; and
 - incorporation of any relevant findings from swamp research developments into the swamp monitoring program;
- (vi) **Land Management Plan** which has been prepared in consultation with any affected public authorities, which 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 cliffs, minor cliffs, rock face features, steep slopes and gorges;
- (vi) **Heritage Management Plan** which has been prepared in consultation with BCD and the Heritage Branch and relevant stakeholders for both Aboriginal and non-Aboriginal heritage, which provides for the management of potential environmental consequences of the proposed second workings on Aboriginal and non-Aboriginal heritage;

- (vii) **Public Safety Management Plan** which has been prepared in consultation with RR and WaterNSW, which ensures public safety and manages access on the site;
- (viii) **Trigger Action Response Plan/s** addressing all features in Tables 5 and 6, 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;
 - adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Tables 5 and 6, or where any such exceedance appears likely; and
 - an assessment of remediation measures that may be required if exceedances occur and the capacity to implement those measures;
- (ix) Contingency Plan that expressly provides for:
 - adaptive management where monitoring indicates that there has been an exceedance of any performance measures in Tables 5 and 6, or where exceedance appears likely; and
 - an assessment of remediation measures that may be required if exceedances occur and the capacity to implement those measures;
- (x) proposes appropriate revisions to the Rehabilitation Management Plan required under condition B43; and
- (xi) includes a program to collect sufficient baseline data for future Extraction Plans.

C11. The Applicant must implement the Extraction Plan(s) as approved by the Planning Secretary.

***Note:** In accordance with conditions A20-A21, the preparation and implementation of Extraction Plans may be staged, with each plan covering a defined area of underground workings. In addition, these plans are only required to contain management plans that are relevant to the specific underground workings that are being carried out.*

Payment of Reasonable Costs

C12. The Applicant must pay all reasonable costs incurred by the Department to engage suitably qualified, experienced and independent persons to review the adequacy of any aspect of an Extraction Plan.

PART D –SPECIFIC ENVIRONMENTAL CONDITIONS - CONSTRUCTION

CONSTRUCTION

Construction Hours

- D1. Construction activities at the surface facilities site must only be undertake 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.

Construction Noise

- D2. The Applicant must ensure that the noise generated by construction complies with the requirements of the ICNG.

Out of Hours Construction Works

- D3. If the Applicant proposes to undertake any construction works outside the hours specified in condition D1, then the Applicant must prepare an Out of Hours Work Protocol for these works, to the satisfaction of the Planning Secretary. This protocol must:
- (a) be prepared in consultation with the EPA and any residents who may be affected by the noise generated by these works;
 - (b) address the relevant requirements of the ICNG; and
 - (c) be approved by the Planning Secretary before any out of hours construction works are carried out.
- D4. The Applicant must implement the Out of Hours Work Protocol approved by the Planning Secretary.

Note: For areas where construction noise is predicted to be at or below operational noise criteria at sensitive receptors, this is likely to provide sufficient justification to allow construction works to be undertaken outside of recommended standard hours as specified in the ICNG.

Construction Management Plan

- D5. The Applicant must prepare a Construction Environmental Management Plan for construction works to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared in consultation with the EPA, WCC and the relevant roads or utilities authorities;
 - (b) provide the specific environmental management measures for construction works; and
 - (d) describe the measures to be implemented to minimise construction-related traffic, noise, dust and visual impacts, including minimising surface disturbance.
- D6. The Applicant must not commence construction until the Construction Environmental Management Plan is approved by the Planning Secretary.
- D7. The Applicant must implement the Construction Environmental Management Plan as approved by the Planning Secretary.
-

PART E – ADDITIONAL PROCEDURES

NOTIFICATION OF EXCEEDANCES

- E1. As soon as practicable, and no longer than 7 days after obtaining monitoring results showing:
- (a) an exceedance of any relevant criteria in PART B of this consent, the Applicant must notify affected landowners in writing of the exceedance, and provide regular monitoring results to these landowners until the development is again complying with the relevant criteria; and
 - (b) an exceedance of any relevant air quality criteria 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

- E2. If an owner of privately-owned land considers the development to be exceeding the relevant criteria in PART B or PART C of this consent, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.
- E3. 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 28 days of the request for a review.
- E4. 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 and 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.
- E5. The Applicant must then comply with any written requests made by the Planning Secretary to implement any findings of the review and in accordance with any timeframes specified.

PART F – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- F1. 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.
- F2. The Applicant must not commence mining operations until the Environmental Management Strategy is approved by the Planning Secretary.
- F3. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.

Adaptive Management

- F4. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in this consent. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation, notwithstanding offsetting actions taken.

Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur;
- (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, submit a report to the Secretary describing these remediation options and any preferred remediation measures or other course of action; and
- (d) implement remediation measures as directed by the Planning Secretary; to the satisfaction of the Secretary.

Management Plan Requirements

- F5. 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 consent, 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;
 - (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 F5(c);
 - (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.

- F6. 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

- F7. Within three months of:
- (a) the submission of an incident report under condition F9;
 - (b) the submission of an Annual Review under condition F11;
 - (c) the submission of an Independent Environmental Audit under condition F13; or
 - (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise);
- the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.
- F8. 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 6 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

Incident Notification

- F9. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

- F10. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

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

Annual Review

- F11. By the end of March each year after the commencement of the development under this consent, 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 document/s listed in condition A2(c);
 - (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;
 - (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.
- F12. Copies of the Annual Review must be submitted to WCC and made available to the CCC and any interested person upon request.

INDEPENDENT ENVIRONMENTAL AUDIT

- F13. Within one year of commencement of development under this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
- (a) be prepared in accordance with the *Independent Audit Post Approval Requirements* (Department 2020 or as updated);
 - (b) be led and conducted by a suitably qualified, experienced and independent by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;
 - (c) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;
 - (d) be carried out in consultation with the relevant agencies and the CCC;
 - (e) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);
 - (f) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
 - (g) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
 - (h) be conducted and reported to the satisfaction of the Planning Secretary.
- F14. Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

Monitoring and Environmental Audits

- F15. 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 this 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.

- F16. 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

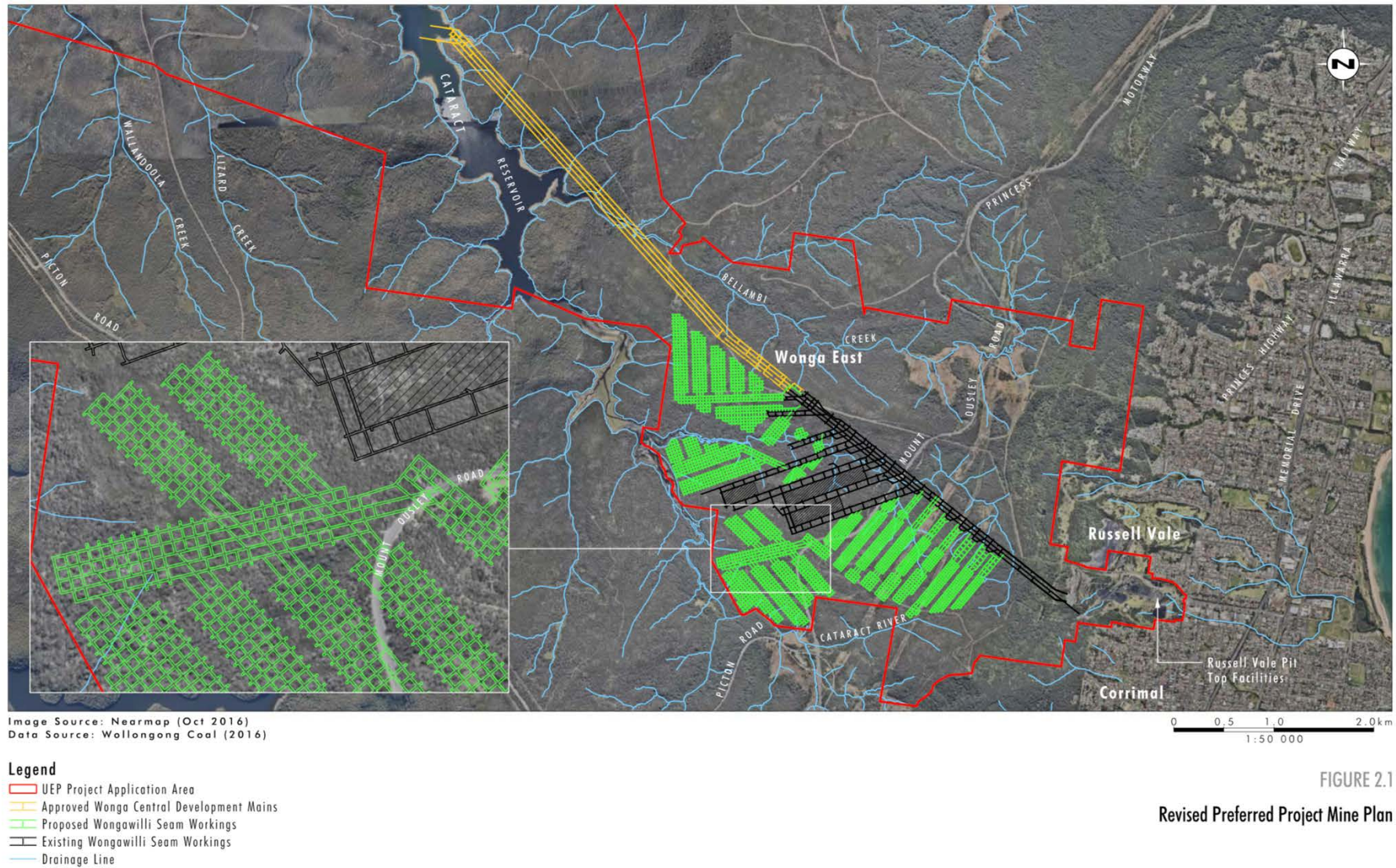
- F17. Before the commencement of construction until the completion of all rehabilitation required under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
 - (i) the documents referred to in condition A2(c) of this consent;
 - (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.

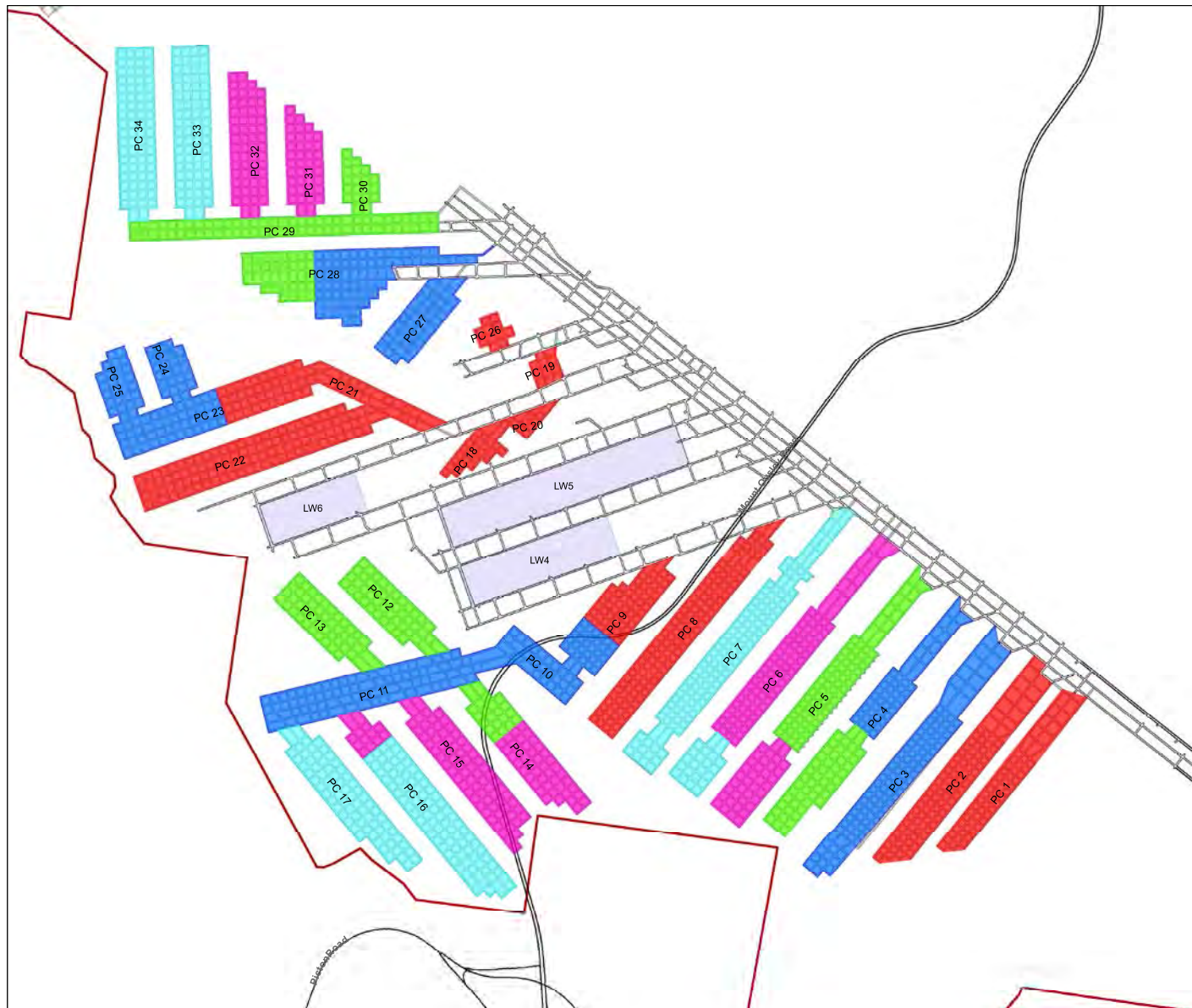
APPENDIX 1: SCHEDULE OF LAND

Real Property Description

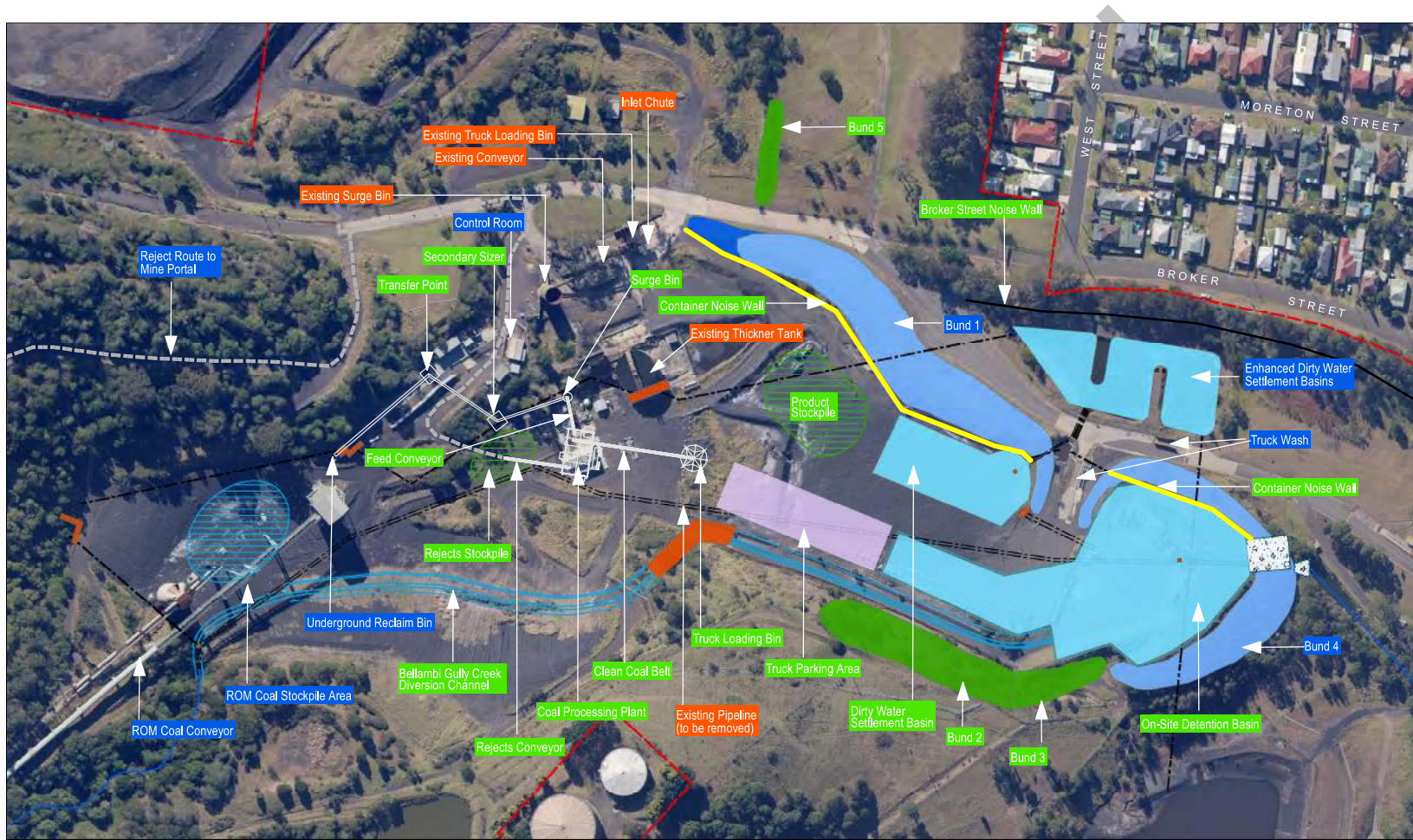
Property ID / Lot Number	DP Plan Number	Comments
Auto Consol 1833-110		Surface lease area
Auto Consol 1644-66		Surface lease area
Auto Consol 5333-243 includes:		Surface lease area
Lot 3	DP 60975	Surface lease area
Lot 30 to 32	DP 751301	Surface lease area
Lot 63 & 68-71	DP 751301	Surface lease area
Lot 1-2	DP 1046069	Surface lease area
Lot 1	DP 1046070	Surface lease area
Lot 130	DP 751301	Surface lease area
Lot 31	DP 1006012	Surface lease area
Lot 1	DP 630761	Surface lease area
Lot 1	DP 986675	Surface lease area
Lot 1	DP 986676	Surface lease area
Lot 1	DP 534522	Surface lease area
Lot 95 to 97	DP 4414	Surface lease area
Lots 1 to 4	DP 225021	Surface lease area
Lot 34	DP 751301	Surface lease area
Lot 6	DP 793358	Surface lease area
Lot 66	DP 751301	Surface lease area
Lot 67	DP 751301	Surface lease area
Lot 1	DP 652833	Surface lease area
Lot 6001	DP 1077301	Surface lease area
Part Lot 6000	DP 1077301	Surface lease area
Lot 1	DP 77407	Surface lease area
Lot 6500	DP 1083715	Underground lease area
Lot 6502	DP 1083715	Underground lease area
Part Lot 6501	DP 1083715	Underground lease area
Lot 12	DP 736121	Underground lease area
Part Lot 14	DP 1092321	SCA Land. Majority of area is underground lease, with some surface lease areas
Part Lot 7001	DP 93027	SCA Land. Majority of area is underground lease, with some surface lease areas

APPENDIX 2: DEVELOPMENT LAYOUT PLANS





commencement of mining operation



astructure to be constructed

APPENDIX 3: NOISE RECEIVER LOCATIONS



Legend

- UEP Project Application Area
- ◆ Representative Noise-Sensitive Receiver Location
- Long Term Noise Monitoring Location
- Short Term Noise Monitoring Location

FIGURE 5.8

Noise Monitoring and Representative Noise Sensitive Receiver Locations

APPENDIX 4: NOISE COMPLIANCE ASSESSMENT

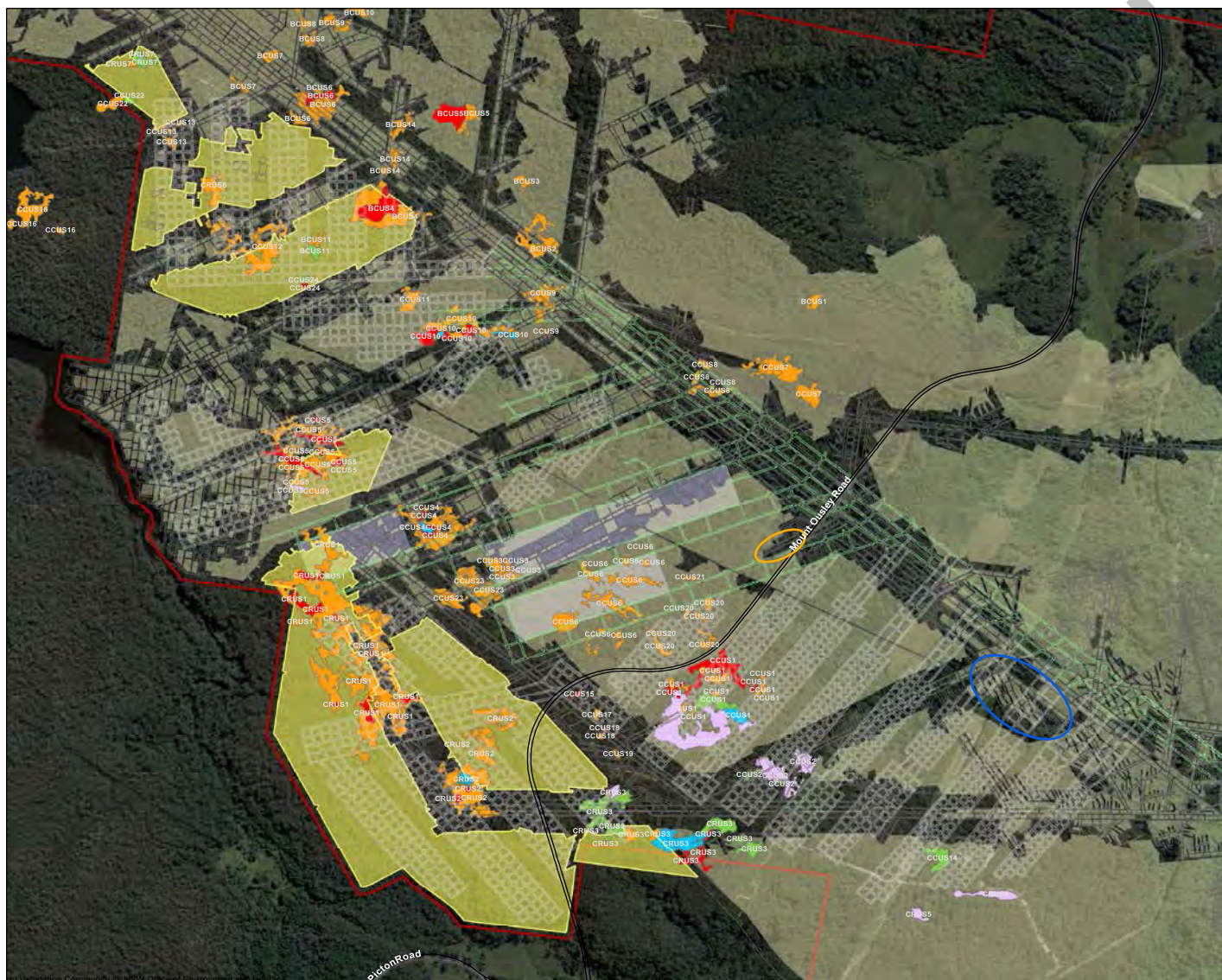
Applicable Meteorological Conditions

- a) The noise criteria in Table 1 of the conditions are to apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with winds speeds up to and including 0.5 m/s at 10 m above ground level
Evening	Stability Categories A, B, C and D with winds speeds up to and including 0.5 m/s at 10 m above ground level
Night	Stability Categories A, B, C and D with winds speeds up to and including 0.5 m/s at 10 m above ground level; or Stability Category E and F with winds speeds up to and including 2m/s at 10 m above ground level

- b) For those meteorological conditions not referred to in condition a) above, the noise criteria that apply are the noise criteria in Table 1 of the conditions plus 5 dB.
- c) The meteorological conditions shall be determined from meteorological data obtained from the on-site meteorological weather station required under condition B11.
- d) Stability category shall be determined using sigma-theta method (Section D1.4) from Fact Sheet D of the NPfI.

APPENDIX 5 UPLAND SWAMPS



1:12,000

APPENDIX 6: ABORIGINAL HERITAGE SITES



commencement of mining operation

APPENDIX 7: HISTORIC HERITAGE SITES

