

# Project Approval

## Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I approve the project application referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

These conditions are required to:

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

Signed 20 February 2011

Richard Pearson  
**Deputy Director-General**

Sydney

2011

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### **SCHEDULE 1**

<b>Application Number:</b>	10_0041
<b>Proponent:</b>	Enhance Place Pty Limited
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	See Appendix 1
<b>Project:</b>	Pine Dale Coal Mine – Yarraboldy Extension

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Red type represents Mod 1 dated March 2012

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## DEFINITIONS

Annual review	The review required by Condition 3 of Schedule 5
Approved mine plan	The mine plan depicted in the figure in Appendix 2
BCA	Building Code of Australia
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; and pipeline, water, sewer, telephone, gas or other service main
CCC	Community Consultative Committee
Conditions of this approval	Conditions contained in Schedules 2 to 5 inclusive
Council	Lithgow City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning <b>and Infrastructure</b>
Director-General	Director-General of the Department, or delegate
EA	Environmental assessment titled <i>Pine Dale Coal Mine – Yarraboldy Extension</i> , dated August 2010; associated response to submissions titled <i>Pine Dale Coal Mine – Yarraboldy Extension – Response to Public Submissions</i> , dated October 2010 and <i>Pine Dale Coal Mine – Yarraboldy Extension – Response to Government Agency Submissions</i> dated October 2010 and amended December 2010; and correspondence to the Department of Planning, dated 6 December 2010
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under <i>POEO Act</i>
Evening	The period between 6pm to 8pm Monday to Saturday, excluding public holidays
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
Heritage Branch	Heritage Branch of the Department
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Land	In general, the definition of land is consistent with the definition in the EP&A Act. However, in relation to the noise and air quality conditions in Schedules 3 and 4 it means 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 approval
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
<b>Mod 1</b>	<b>Modification application form and Annexure 1, dated 12 January 2012</b>
Mine water	Water that accumulates within active mining areas, coal reject emplacement areas, tailings dams and infrastructure areas, synonymous with dirty water
Mining operations	Includes the removal of overburden and the extraction, processing, handling, storage and transportation of coal
Minister	Minister for Planning <b>and Infrastructure</b> , or delegate
Minor	Small in quantity, size and degree
Mitigation	Activities associated with reducing the impacts of the project
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 8pm to 7am on Monday to Saturday, and 8pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water
<b>OEH</b>	<b>Office of Environment and Heritage</b>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Private Haul Road	Road owned by Coal Link Pty Limited and indicated in Appendix 2.
Privately-owned land	Land that is not owned by a public agency or a mining company (or its subsidiary)
Project	The development described in the EA
Proponent	Enhance Place Pty Limited, or its successors
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Reasonable costs	The costs agreed between the Department and the Proponent for obtaining independent experts to review the adequacy of any aspects of the project
Rehabilitation	The treatment or management of land disturbed by the project for the purpose of establishing a safe, stable and non-polluting environment, and includes remediation
ROM	Run-of-mine
<b>RMS</b>	<b>Roads and Maritime Services</b>
Site	The land to which the project application applies, as listed in Appendix 1
Statement of commitments	The Proponent's commitments in Appendix 4

## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation or rehabilitation of the project.

### TERMS OF APPROVAL

2. The Proponent shall carry out the project generally in accordance with the:
  - (a) EA;
  - (b) statement of commitments;
  - (c) Mod 1; and
  - (d) conditions of this approval.

*Notes:*

- The general layout of the project is shown in Appendix 2; and
- The statement of commitments is reproduced in Appendix 4.

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

### LIMITS ON APPROVAL

5. The Proponent may carry out mining operations on the site until **31 December 2014**.

*Note: Under this approval, the Proponent is required to rehabilitate the site and carry out additional undertakings to the satisfaction of both the Director-General and the Executive Director, Mineral Resources in DRE. Consequently, this approval will continue to apply in all other respects - other than the right to conduct mining operations - until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.*

6. The Proponent shall not:
  - (a) extract more than 350 000 tonnes of ROM coal from the site in a calendar year;
  - (b) extract more than 800 000 tonnes of ROM coal from the site over the life of the project;
  - (c) export more than 350 000 tonnes of coal from the site in a calendar year; and
  - (d) import any ash onto the site.

### SURRENDER OF CONSENTS

7. By the end of July 2011, or as otherwise agreed by the Director-General, the Proponent shall surrender the existing development consent (461-04) for the site in accordance with Section 104A of the EP&A Act.
8. Prior to the surrender of the consent referred to in Condition 7 above, the conditions of this approval shall prevail to the extent of any inconsistency with the conditions of this consent.

### STRUCTURAL ADEQUACY

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

*Notes:*

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

### DEMOLITION

10. The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

## **OPERATION OF PLANT AND EQUIPMENT**

11. The Proponent shall ensure that all the plant and equipment used on site, or to transport coal from the site, is:
  - (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## **STAGED SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM**

12. With the approval of the Director-General, the Proponent may submit any strategy, plan or program required by this approval on a progressive basis.

*Note: While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the existing operations of the site are covered by suitable strategies, plans or programs at all times.*

13. The Proponent shall continue to implement the existing strategies, plans or programs that apply to any development on site until they are replaced by an equivalent strategy, plan or program approved under this approval.

## **COUNCIL CONTRIBUTIONS**

15. Prior to the production of saleable coal on site, the Proponent shall pay Council \$79,800 (GST inclusive) for the provision of community infrastructure and services.
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## SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

### NOISE

#### Noise Criteria

- The Proponent shall ensure that the noise generated by the project does not exceed the criteria in Table 1 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 1: Noise Criteria dB(A)

Location		Day	Evening
		<i>L<sub>Aeq</sub> (15 min)</i>	<i>L<sub>Aeq</sub> (15 min)</i>
Residences 18, 32 and 33		42	39
Residences 20-23, 25 and 27-29		42	36
Residences 8, 10-12 and 14		42	35
Residences 2, 5-7 and 35		35	35
All other residences		35	35
During construction and removal of the amenity bund	Residences 8, 10-12, 14, 18, 20-23, 25, 27-29 and 32 - 33	46	N/A

Notes:

- To identify the locations referred to in Table 1, see figures in Appendix 1;
- Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

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

#### Noise Acquisition Criteria

- If the noise generated by the project exceeds the criteria in Table 2 at any residence on privately-owned land or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner, the Proponent shall acquire the land in accordance with the procedures in Conditions 6 - 7 of Schedule 4.

Table 2: Noise acquisition criteria dB(A) *L<sub>Aeq</sub> (15min)*

Location	Day	Evening
Residences 8, 10-12, 14, 18, 20-23, 25, 27-29 and 32 - 33	47	44
Residences 2, 5-7 and 35	43	41
All other residences	41	41

Notes:

- To identify the locations referred to in Table 2, see figures in Appendix 1;
- Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.
- For this condition to apply, the exceedances of the criteria must be systemic.

#### Additional Noise Mitigation Measures

- If noise generated by the project is greater than or equal to the noise levels in Table 3 at any residence on privately owned land, the Proponent shall implement additional noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the owner.

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

Table 3: Noise treatment criteria dB(A)  $L_{Aeq(15min)}$

Location	Day	Evening
Residences 8, 10-12, 14, 18, 20-23, 25, 27-29 and 32 - 33	44	42
Residences 2, 5-7 and 35	40	38
All other residences	38	38

Notes:

- To identify the locations referred to in Table 3, see figures in Appendix 1;
- Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.
- For this condition to apply, the exceedances of the criteria must be systemic.

#### Traffic Noise Impact Assessment Criteria

4. The Proponent shall take all reasonable and feasible measures to ensure that the traffic noise generated by the project does not exceed the traffic noise impact assessment criteria in Table 4.

Table 4: Traffic noise impact assessment criteria dB(A)

Road	Day $L_{Aeq15\text{ hour}}$
Castlereagh Highway (SH18)	60

Note:

- Traffic noise generated by the project is to be measured in accordance with the relevant procedures in the **OEH's** Environmental Criteria for Road Traffic Noise.

#### Operating Hours

5. Apart from equipment maintenance activities, the Proponent may only carry out development on site between 7 am and 6 pm from Monday to Saturday, excluding public holidays. Equipment maintenance activities may be carried out on site between the hours of 7 am to 10 pm from Monday to Saturday and between 9 am to 4 pm on Sundays, excluding public holidays.

Note: Condition 9 of Schedule 3 specifies blasting hours and Condition 34 of Schedule 3 specifies product transportation hours.

#### Operating Conditions

6. The Proponent shall:
- implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the operational and road traffic noise generated by the project;
  - investigate ways to reduce the noise generated by the project;
  - report on these investigations and the implementation and effectiveness of these measures in the Annual Review,
- to the satisfaction of the Director-General.

#### Noise Management Plan

7. The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Director-General. This plan must:
- be prepared in consultation with **OEH** and Council, and submitted to the Director-General for approval by the end of April 2011;
  - describe the noise mitigation measures that would be implemented to ensure compliance with the relevant conditions of this approval, including measures that would be implemented during the construction of the amenity bund;
  - include a noise monitoring program that:
    - uses attended monitoring to evaluate the performance of the project; and
    - includes a protocol for determining exceedances of the relevant conditions of this approval.

## BLASTING

### Blasting Criteria

8. The Proponent shall ensure that the blasting on site does not cause exceedances of the criteria in Table 5.

Table 5: Blast impact criteria

<b>Location</b>	<b>Airblast overpressure (dB(Lin Peak))</b>	<b>Ground vibration (mm/s)</b>	<b>Allowable exceedance</b>
Residence on privately-owned land	115	5	5% of the total number of blasts over a period of 12 months
	120	10	0%

### Blasting Hours

9. The Proponent shall only carry out blasting on site between 10am and 3pm Monday to Friday inclusive. No blasting is allowed on weekends or public holidays, or at any other time without the written approval of Director-General.

### Blasting Frequency

10. The Proponent shall not carry out more than 1 blast a day on site, unless an additional blast is required following a blast misfire.

*Note: A blast may involve a number of explosions within a short period, typically less than two minutes.*

### Property Inspections

11. If the Proponent receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection report updated, then within 2 months of receiving this request the Proponent shall:
- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to:
    - establish the baseline condition of the buildings and/or structures on the land or update the previous property inspection report; and
    - identify any measures that should be implemented to minimise the potential blasting impacts of the project on these buildings and/or structures; and
  - give the landowner a copy of the new or updated property inspection report.

### Property Investigations

12. If the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit on site claims that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within 2 months of receiving this claim the Proponent shall:
- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to investigate the claim; and
  - give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damages to the satisfaction of the Director-General.

If the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.

### Operating Conditions

13. The Proponent shall
- implement best blasting management practice on site to:
    - protect the safety of people and livestock in the surrounding area;
    - protect public or private property in the surrounding area; and
    - minimise the dust and fume emissions of the blasting;
  - co-ordinate the blasting on site with the of blasting all mines operating in the vicinity of the site to minimise the cumulative blasting impacts of the mines; and
  - operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site, to the satisfaction of the Director-General.



14. The Proponent shall not carry out blasting on site within 500 metres of any privately-owned land or any public road unless the Proponent has:
- demonstrated to the satisfaction of the Director-General that the blasting can be carried out without compromising the safety of people, or damaging buildings and/or structures; and
  - updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land or public road.

### Blast Management Plan

15. The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Director-General. This plan must:
- be prepared in consultation with OEH and Council, and submitted to the Director-General for approval prior to undertaking any blasting on-site;
  - describe the blast mitigation measures that would be implemented to ensure compliance with the relevant conditions of this approval;
  - describe the measures that would be implemented to ensure the public can get up-to-date information on the proposed blasting schedule on site;
  - include a blast monitoring program to evaluate the performance of the project; and
  - include a protocol that has been prepared in consultation with the owners of all other operating open-cut mines within 2 kilometres of the site for minimising and managing the cumulative blasting impacts of the mines.

### AIR QUALITY & GREENHOUSE GAS

#### Odour

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

#### Greenhouse Gas Emissions

17. The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Director-General.

#### Air Quality Criteria

18. The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the particulate emissions generated by the project do not exceed the criteria listed in Tables 6, 7 and 8 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 6: Long term criteria for particulate matter

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>d</sup>Criterion</b>
Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 30 µg/m <sup>3</sup>

Table 7: Short term criterion for particulate matter

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>d</sup> Criterion</b>
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>a</sup> 50 µg/m <sup>3</sup>

Table 8: Long term criteria for deposited dust

<b>Pollutant</b>	<b>Averaging period</b>	<b>Maximum increase in deposited dust level</b>	<b>Maximum total<sup>f</sup> deposited dust level</b>
<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month

Notes for Tables 6-8:

- <sup>a</sup>Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to other sources);
- <sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the project on its own);
- <sup>c</sup> 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; and
- <sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agree to by the Director-General in consultation with **OEH**.

### Air Quality Acquisition Criteria

19. If the particulate matter emissions generated by the project exceed the criteria in Tables 9, 10, and 11 at any residence on privately-owned land or on more than 25 percent of any privately owned land, then upon receiving a written request for acquisition from the landowner the Proponent shall acquire the land in accordance with the procedures in Conditions 6 - 7 of Schedule 4.

Table 9: Long term acquisition criteria for particulate matter

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>d</sup> Criterion</b>
Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 30 µg/m <sup>3</sup>

Table 10: Short term acquisition criteria for particulate matter

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>d</sup> Criterion</b>
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>a</sup> 150 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>

Table 11: Long term acquisition criteria for deposited dust

<b>Pollutant</b>	<b>Averaging period</b>	<b>Maximum increase in deposited dust level</b>	<b>Maximum total deposited dust level</b>
<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month

Notes for Tables 9 - 11:

- <sup>a</sup>Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to other sources);
- <sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the project on its own);
- <sup>c</sup> 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; and
- <sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agree to by the Director-General in consultation with **OEH**.

### Operating Conditions

20. The Proponent shall:
- implement best practice air quality management on site, including all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions generated by the project, including those generated by any spontaneous combustion on site; and
  - minimise any visible air pollution generated by the project; and
  - regularly assess the air quality monitoring and meteorological forecasting data, and relocate, modify and/or stop operations on site to ensure compliance with the relevant conditions of this approval, to the satisfaction of the Director-General.

### Air Quality & Greenhouse Gas Management Plan

21. The Proponent shall prepare and implement a detailed Air Quality & Greenhouse Gas Management Plan for the project to the satisfaction of the Director-General. This plan must:
- be prepared in consultation with **OEH** and Council, and submitted to the Director-General for approval by the end of April 2011;
  - describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval; and
  - include an air quality monitoring program, that uses a combination high volume samplers and dust deposition gauges to evaluate the performance of the project, and includes a protocol for determining exceedances with the relevant conditions of this approval.

## METEOROLOGICAL MONITORING

22. During the life of the project, the Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
  - is capable of continuously recording wind speed and direction, temperature and rainfall.

## SOIL & WATER

### Water Discharges

23. The Proponent shall ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the project in any EPL.

### Baseflow Offsets

24. The Proponent shall offset the loss of any baseflow to the surrounding watercourses and/or associated creeks caused by the project to the satisfaction of the Director-General.

#### Notes:

- This condition does not apply if the baseflow losses are negligible.
- Offsets should be provided via the retirement of adequate water entitlements to account for the loss attributable to the project.

### Compensatory Water Supply

25. The Proponent shall provide a compensatory water supply to any owner of privately-owned land whose water entitlements are adversely impacted (other than an impact that is negligible) as a result of the project, in consultation with NOW, and to the satisfaction of the Director-General.

The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the project. Equivalent water supply must be provided (at least on an interim basis) within 24 hours of the loss being identified.

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

If the Proponent is unable to provide an alternative long-term supply of water, then the Proponent shall provide alternative compensation to the satisfaction of the Director-General.

### Baseline Water Monitoring Plan

26. The Proponent shall prepare and implement a Baseline Water Monitoring Plan for the project to the satisfaction of the Director-General. This plan must:
- be prepared in consultation with OEH and NOW by suitably qualified and experienced persons whose appointment has been approved by the Director-General;
  - be submitted to the Director-General for approval by the end of February 2011; and
  - include programs for:
    - consultation with other industries in the vicinity of the mine to gather existing surface water data;
    - intensive baseline monitoring to be conducted for the first 6 months of site establishment to provide detailed data on surface water flows/levels and quality in creeks and other waterbodies that could be affected by the project (including the Neubecks Creek, the Blue Lake and the Coxs River).

### Water Management Plan

27. The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must be prepared in consultation with OEH and NOW by suitably qualified and experienced persons whose appointment has been approved by the Director-General, and submitted to the Director-General for approval by the end of April 2011.

In addition to the standard requirements for management plans (see Condition 2 of Schedule 5), this plan must include:

- a Site Water Balance that:
  - includes details of:
    - sources and security of water supply;
    - water use on site; and
    - reporting procedures; and

- describes what measures would be implemented to minimise potable water use on site.
- (b) a Surface Water Management Plan, that includes:
- a detailed description of the water management system on site, including the:
    - clean water diversion systems;
    - erosion and sediment controls; and
    - water storages;
  - a plan for identifying, extracting, handling, and the long-term storage of potentially acid forming materials on site;
  - detailed plans, including design objectives and performance criteria, for:
    - reinstatement of drainage lines on the rehabilitated areas of the site; and
    - control of any potential water pollution from rehabilitated areas of the site;
  - performance criteria for the following, including trigger levels for investigating any potentially adverse impacts on:
    - the water management system;
    - surface water quality in creeks and other water bodies that could potentially affected by the project (including Neubecks Creek, the Blue Lake and Coxs River);
    - the stream health, vegetation health and channel stability of water bodies that could potentially affected by the project
  - a program to monitor:
    - the effectiveness of the water management system;
    - surface water flows and quality in creeks and other water bodies that could potentially affected by the project;
    - the stream health, riparian vegetation health and channel stability of creeks and other water bodies that could potentially affected by the project;
  - a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the project; and
- (c) a Groundwater Management Plan, which includes:
- groundwater assessment criteria, including trigger levels for investigating and potentially adverse groundwater impacts;
  - a program to monitor:
    - groundwater inflows to the open cut mining operation
    - the impacts of the project on:
      - baseflows to Neubecks Creek;
      - any groundwater bores on privately owned land; and
  - a program to validate the groundwater model for the project, and calibrate it to site specific conditions; and
  - a plan to respond to any exceedances of the performance criteria, and offset the loss of any baseflow to Neubecks Creek caused by the project.

## BIODIVERSITY

### Biodiversity Offset

28. By the end of **May** 2012, the Proponent shall prepare a Biodiversity Offset Strategy for the project to the satisfaction of the Director-General. This strategy must:
- (a) be prepared in consultation with **OEH**; and
  - (b) provide for the long term conservation of at least 30 hectares of native vegetation in the region to offset the vegetation clearing associated with the project.
29. Within 6 months of the approval of the Biodiversity Offset Strategy (referred to in Condition 28 above), the Proponent shall make suitable arrangements to provide appropriate long-term security for the offset area in the strategy to the satisfaction of the Director-General.

### Biodiversity Management Plan

30. The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with **OEH**, and submitted to the Director-General for approval by the end of **May** 2012;
  - (b) include:
    - detailed performance and completion criteria for the implementation of the biodiversity offset strategy;
    - a detailed description of the measures that would be implemented to manage the remnant vegetation and habitat within the offset area, and ensure the biodiversity offset strategy is suitably implemented, including the procedures for:
      - revegetating or regenerating parts of the offset area, if required;
      - managing or improving the quality of existing vegetation in the offset area;
      - controlling weeds, feral pests and access; and
      - managing bushfires;
    - details of who would be responsible for monitoring, reviewing and implementing the plan.

## Conservation Bond

31. Within 3 months of the approval of the Biodiversity Management Plan, the Proponent shall lodge a conservation bond with the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond shall cover the full cost of implementing the Biodiversity Offset Strategy and be verified by a suitably qualified rehabilitation expert or quantity surveyor.

If the Biodiversity Offset Strategy is implemented to the satisfaction of the Director-General, the Director-General will release the conservation bond.

If the offset strategy is not implemented to the satisfaction of the Director-General, the Director-general will call in all or part of the conservation bond, and arrange for the satisfactory implementation of the Biodiversity Offset Strategy.

## HERITAGE

### Aboriginal Heritage Management Plan

32. The Proponent shall prepare and implement an Aboriginal Heritage Management Plan for the project to the satisfaction of the Director-General. The Plan must:
- be prepared in consultation with **OEH** and the Aboriginal community;
  - be submitted to the Director-General for approval prior to carrying out any open cut mining operations under this approval; and
  - include a:
    - program for the recording, salvage and surface collection of any Aboriginal objects/sites that may be encountered within the project area;
    - description of the measures that would be implemented if any Aboriginal skeletal remains are discovered during the project; and
    - protocol for the ongoing consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the objects/sites.

## TRANSPORT

### Monitoring of Coal Transport

33. The Proponent shall:
- keep accurate records of the:
    - amount of coal transported from the site (on a monthly basis); and
    - the date and time of loaded truck movements from the site; and
  - provide the Director-General with a summary of these truck movements on a quarterly basis.

### Operating Conditions

34. The Proponent shall only dispatch coal from the site by road between the hours of 7:00am to 8:00pm Monday to Saturday, excluding public holidays.

### Transport Route

35. The Proponent shall ensure that:
- all product coal is transported to the Mt Piper Power Station and the Wallerawang Power Station via the Private Haul Road (ie. Coal Link Road), except in an emergency situation and with the prior written approval of the Director-General;
  - a maximum of 100 000 tonnes of coal product is transported on Castlereagh Highway (SH18) in a calendar year, including a maximum of 30 000 tonnes transported to the east of the site on Castlereagh Highway (SH18) in a calendar year;
  - no transportation of coal via the Castlereagh Highway (SH18) is to occur past school bus stops during times when school buses are operating in the vicinity of the site;
  - no more than 10 coal product trucks per hour (20 movements) enter/exit the site via the Castlereagh Highway (SH18) during the day-time period;
  - no more than 4 coal product trucks per hour (8 movements) enter/exit the site via the Castlereagh Highway (SH18) during the evening period; and
  - no coal product trucks enter/exit the site during the night-time period.

## VISUAL

### Visual Amenity and Lighting

36. The Proponent shall:
- minimise the visual impacts, and particularly the off-site lighting impacts, of the project;
  - take all practicable measures to further mitigate off-site lighting impacts from the project; and

- (c) ensure that all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the Director-General.

### **Additional Visual Mitigation Measures**

37. The Proponent shall construct the amenity bund as described in the EA and rehabilitate all amenity bunds on-site in accordance with Condition 53 below.
38. Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct views of the mining operations on site, the Proponent shall implement visual mitigation measures (such as landscaping treatments or vegetation screens) on the land in consultation with the landowner. These measures must be reasonable and feasible, and directed toward minimising the visibility of the mining operations from the residence.

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

### **WASTE**

39. The Proponent shall:
- (a) minimise the waste generated by the project; and
  - (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of, to the satisfaction of the Director-General.
40. The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must be submitted to the Director-General by the end of April 2011.

### **BUSHFIRE MANAGEMENT**

51. The Proponent shall:
- (a) ensure that the development is suitably equipped to respond to any fires on-site; and
  - (b) assist the emergency services as much as possible if there is a fire on-site during the development.
52. By the end of April 2011, the Proponent shall prepare and implement a Bushfire Management Plan for the site, to the satisfaction of the State Forest in consultation with the local Rural Fire Service.

### **REHABILITATION**

#### **Rehabilitation Objectives**

53. The Proponent shall rehabilitate the site to the satisfaction of the **Executive Director, Mineral Resources in DRE**. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EA, however the area to be returned to native woodland and forests vegetation (ie. Class VII land which is consistent with surrounding State Forest lands) must be increased to cover the area marked with cross-hatching on the figure in Appendix 3, to the satisfaction of the **Executive Director, Mineral Resources in DRE**.

#### **Progressive Rehabilitation**

54. The Proponent shall carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance.

#### **Rehabilitation Management Plan**

55. The Proponent shall prepare and implement a Rehabilitation Management Plan for the project to the satisfaction of the **Executive Director, Mineral Resources in DRE**. This plan must:
- (a) be prepared in consultation with the Department, **OEH**, **NOW**, and the **CCC**;
  - (b) be prepared in accordance with any relevant **DRE** guideline;
  - (c) build, to the maximum extent practicable, on the other management plans required under this approval; and
  - (d) be submitted to the **Executive Director, Mineral Resources in DRE** for approval by the end of July 2011.

## SCHEDULE 4 ADDITIONAL PROCEDURES

### NOTIFICATION OF LANDOWNERS

1. By the end of April 2011, the Proponent shall notify in writing the owners of:
  - (b) any residence on the land listed in Table 3 of Schedule 3 that they are entitled to ask for additional noise mitigation measures to be implemented at their residence at any stage during the project; and
  - (c) any privately-owned land within 2 kilometres of the approved open cut mining pit on site that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated.
2. Within 2 weeks of obtaining monitoring results showing:
  - (a) exceedances of the relevant criteria in Schedule 3, the Proponent shall notify the affected landowners and/or tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the project is complying with the relevant criteria again;
  - (b) exceedances of the relevant criteria in Table 3 of Schedule 3, the Proponent shall notify in writing the applicable owner that they are entitled to ask for additional noise mitigation measures to be installed at their residence; and
  - (c) exceedances of the relevant air quality criteria in Schedule 3, send the affected landowners and tenants (including the tenants of any mine-owned land) a copy of the NSW Health fact sheet entitled "*Mine Dust and You*" (as may be updated from time to time).

### INDEPENDENT REVIEW

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

If the Director-General is satisfied that an independent review is warranted, then within 2 months of the Director-General's decision the Proponent shall:

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to:
    - consult with the landowner to determine his/her concerns;
    - conduct monitoring to determine whether the project is complying with the relevant criteria in Schedule 3; and
    - if the project is not complying with these criteria then:
      - determine if more than one mine is responsible for the exceedance, and if so the relative share of each mine towards the impact on the land;
      - identify the measures that could be implemented to ensure compliance with the relevant criteria; and
  - (b) give the Director-General and landowner a copy of the independent review.
4. If the independent review determines that the project is complying with the relevant criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

If the independent review determines that the project is not complying with the relevant impact assessment criteria in Schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:

- (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until the project complies with the relevant criteria; or
- (b) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Director-General.

If the independent review determines that the project is not complying with the relevant acquisition criteria in Schedule 3, and that the project is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the Proponent shall acquire all or part of the landowner's land in accordance with the procedures in Conditions 6-7 below.

5. If the independent review determines that the relevant criteria in Schedule 3 are being exceeded, but that more than one mine is responsible for this exceedance, then together with the relevant mine/s the Proponent shall:
  - (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until there is compliance with the relevant criteria; or
  - (b) secure a written agreement with the landowner and other relevant mines to allow exceedances of the relevant criteria, to the satisfaction of the Director-General.

If the independent review determines that the relevant acquisition criteria in Schedule 3 are being exceeded, but that more than one mine is responsible for this exceedance, then upon receiving a written request from the landowner, the Proponent shall acquire all or part of the landowner's land on as equitable a basis as possible with the relevant mine/s in accordance with the procedures in Conditions 6-7 below.

## LAND ACQUISITION

6. Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:
- (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the project, having regard to the:
    - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
    - presence of improvements on the land and/or any approved building or structure which has been physically commenced on the land at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of any additional noise mitigation measures under Condition 6 of Schedule 3;
  - (b) the reasonable costs associated with:
    - relocating within the Mid-Western Regional local government area, or to any other local government area determined by the Director-General; and
    - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
  - (c) reasonable compensation for any disturbance caused by the land acquisition process.

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

Upon receiving such a request, the Director-General will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

- consider submissions from both parties;
- determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;
- prepare a detailed report setting out the reasons for any determination; and
- provide a copy of the report to both parties.

Within 14 days of receiving the independent valuer's report, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

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

Within 14 days of this determination, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the Director-General's determination.

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

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



## SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:
  - (a) be submitted to the Director-General for approval by the end of April 2011;
  - (b) provide the strategic framework for environmental management of the project;
  - (c) identify the statutory approvals that apply to the project;
  - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
  - (e) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the project;
    - respond to any non-compliance;
    - respond to emergencies; and
  - (f) include:
    - copies of any strategies, plans and programs approved under the conditions of this approval; and
    - a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.

#### Management Plan Requirements

2. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
  - (a) detailed baseline data;
  - (b) a description of:
    - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - any relevant limits or performance measures/criteria;
    - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
  - (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
  - (d) a program to monitor and report on the:
    - impacts and environmental performance of the project;
    - effectiveness of any management measures (see c above);
  - (e) a contingency plan to manage any unpredicted impacts and their consequences;
  - (f) a program to investigate and implement ways to improve the environmental performance of the project over time;
  - (g) a protocol for managing and reporting any:
    - incidents;
    - complaints;
    - non-compliances with statutory requirements; and
    - exceedances of the impact assessment criteria and/or performance criteria; and
  - (h) a protocol for periodic review of the plan.

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

#### Annual Review

3. By the end of **December 2012**, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:
  - (a) describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the
    - the relevant statutory requirements, limits or performance measures/criteria;
    - the monitoring results of previous years; and
    - the relevant predictions in the EA;
  - (c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;
  - (d) identify any trends in the monitoring data over the life of the project;

- (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
- (f) describe what measures will be implemented over the next year to improve the environmental performance of the project.

#### **Revision of Strategies, Plans and Programs**

4. Within 3 months of:
  - (a) the submission of an annual review under Condition 3 above;
  - (b) the submission of an incident report under Condition 6 below;
  - (c) the submission of an audit report under Condition 8 below; and
  - (d) any modification to the conditions of this approval, (unless the conditions require otherwise), the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General.

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

#### **Community Consultative Committee**

5. The Proponent shall establish and operate a new Community Consultative Committee (CCC) for the project generally accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version), and to the satisfaction of the Director-General. This CCC must be operating by the end of April 2011.

*Notes:*

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval; and*
- *In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community.*

#### **REPORTING**

##### **Incident Reporting**

6. The Proponent shall notify the Director-General and any other relevant agencies of any incident associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.

##### **Regular Reporting**

7. The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.

#### **INDEPENDENT ENVIRONMENTAL AUDIT**

8. By the end of **December 2012 and June 2014**, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
  - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
  - (b) include consultation with the relevant agencies;
  - (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
  - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
  - (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.

*Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Director-General.*

9. Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

## ACCESS TO INFORMATION

10. From the end of February 2011, the Proponent shall:
- (a) make copies of the following publicly available on its website:
    - the documents referred to in Condition 2 of Schedule 2;
    - all current statutory approvals for the project;
    - all approved strategies, plans and programs required under the conditions of this approval;
    - the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
    - a complaints register, updated on a monthly basis;
    - minutes of CCC meetings;
    - the annual reviews of the project;
    - any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit;
    - any other matter required by the Director-General; and
  - (b) keep this information up-to-date, to the satisfaction of the Director-General.
-

# APPENDIX 1 SCHEDULE OF LAND

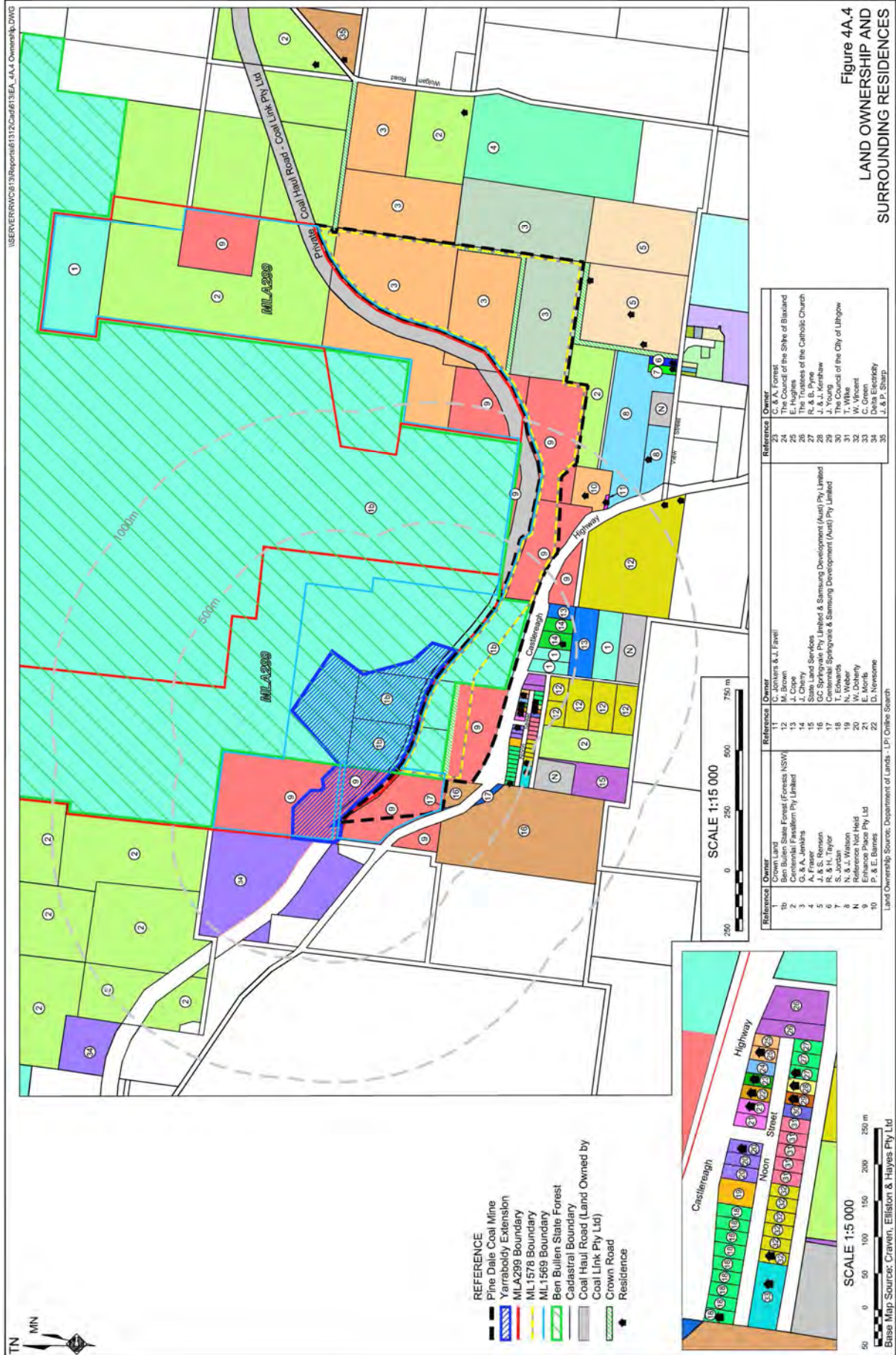


Figure 4A.4  
LAND OWNERSHIP AND  
SURROUNDING RESIDENCES

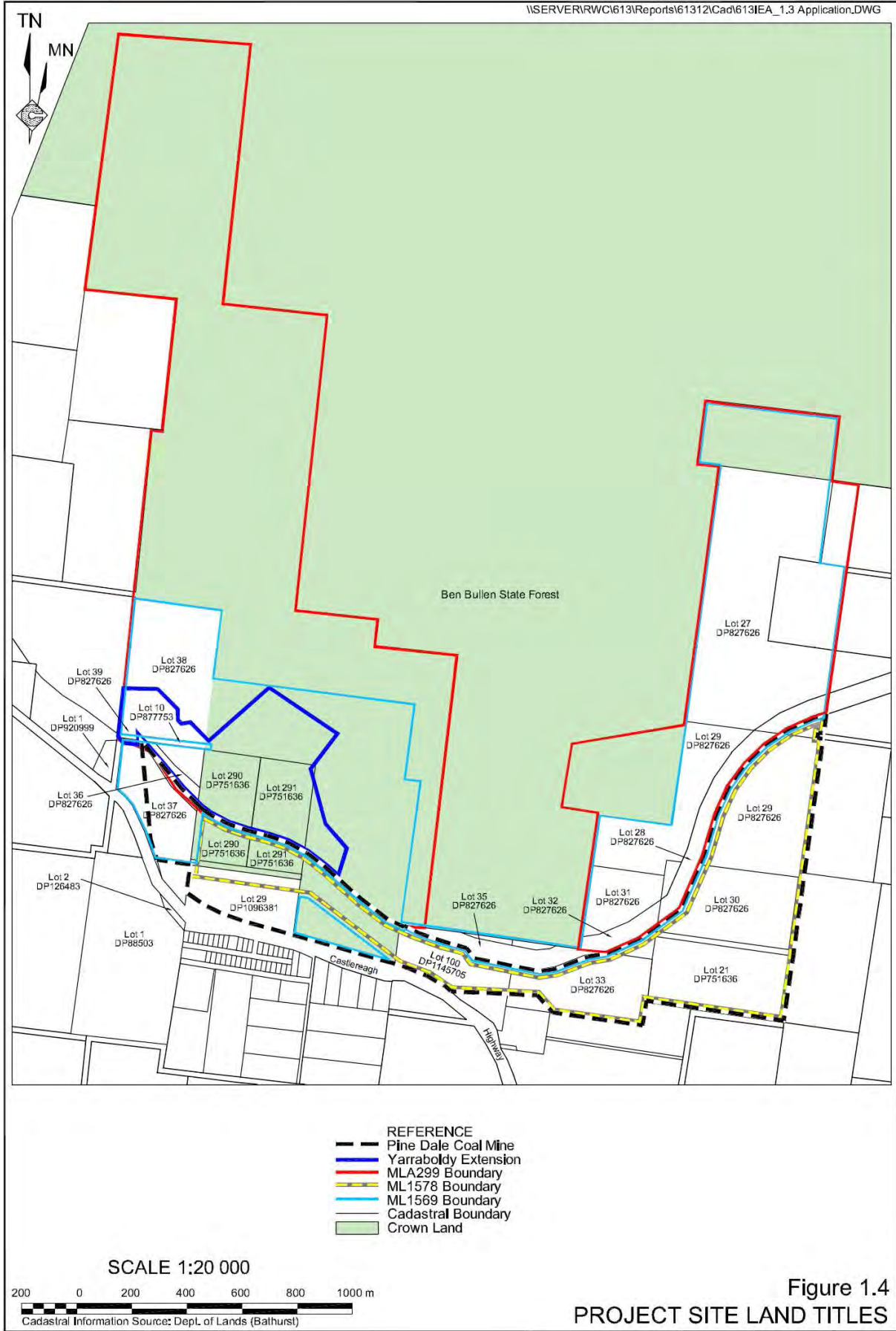
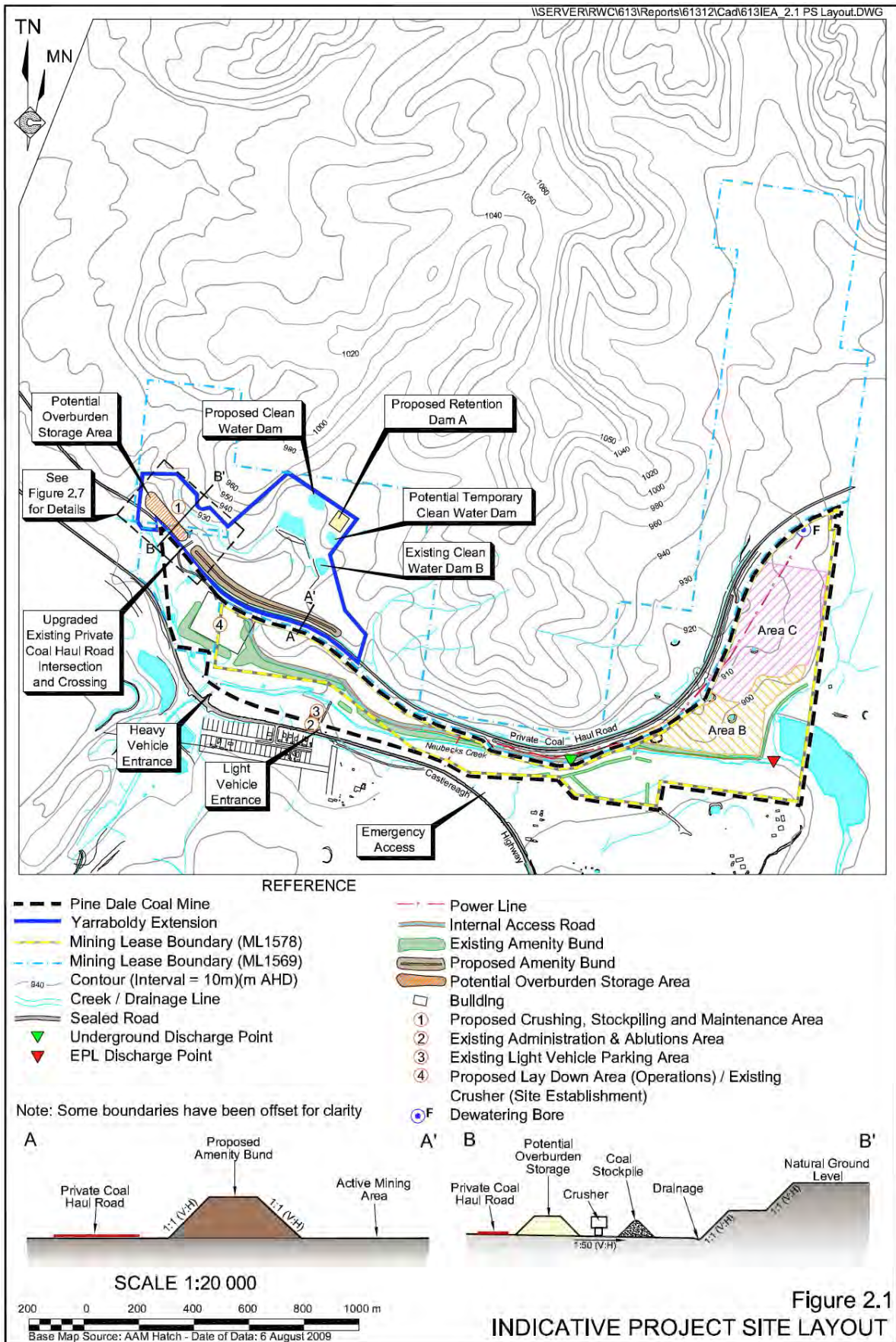
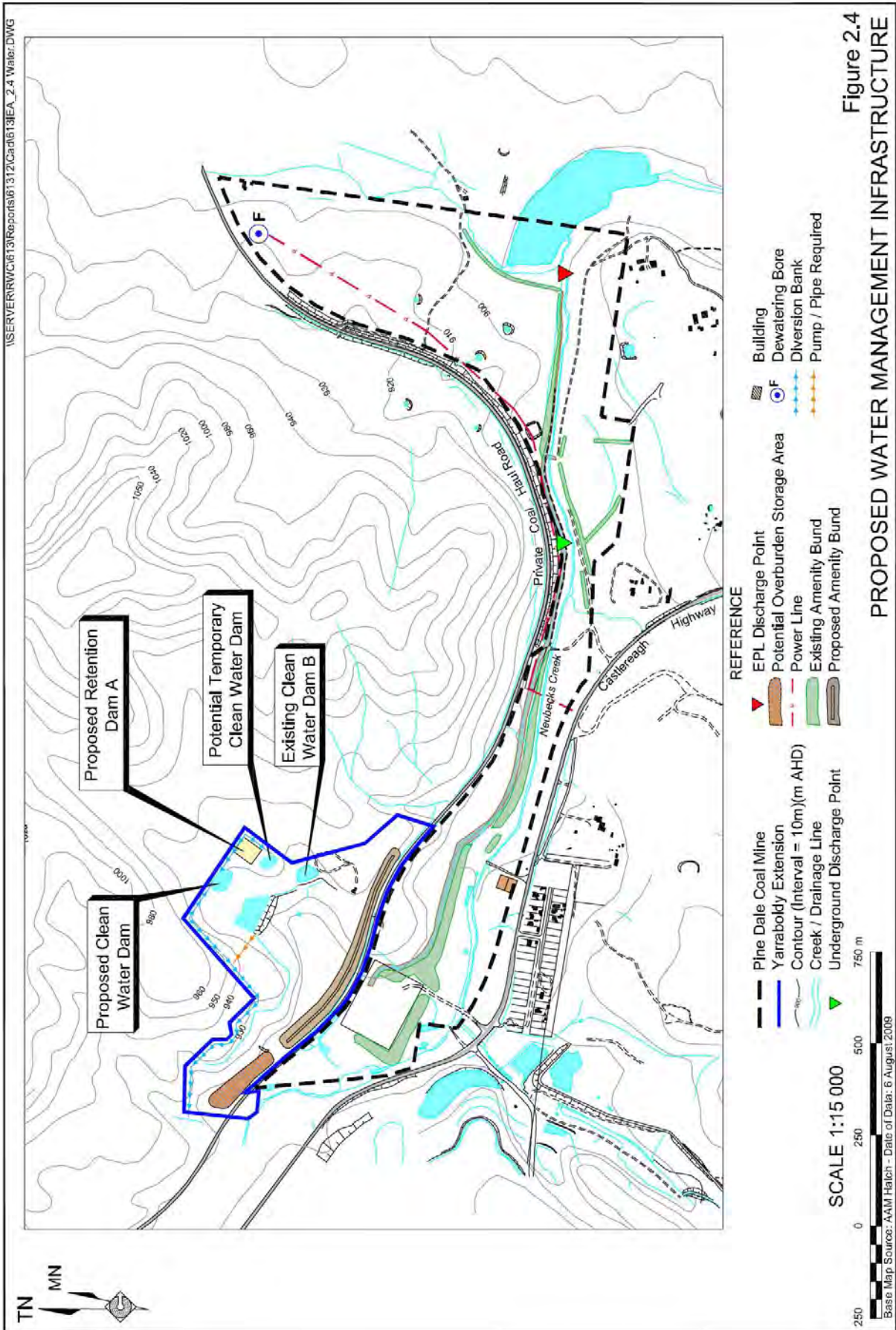
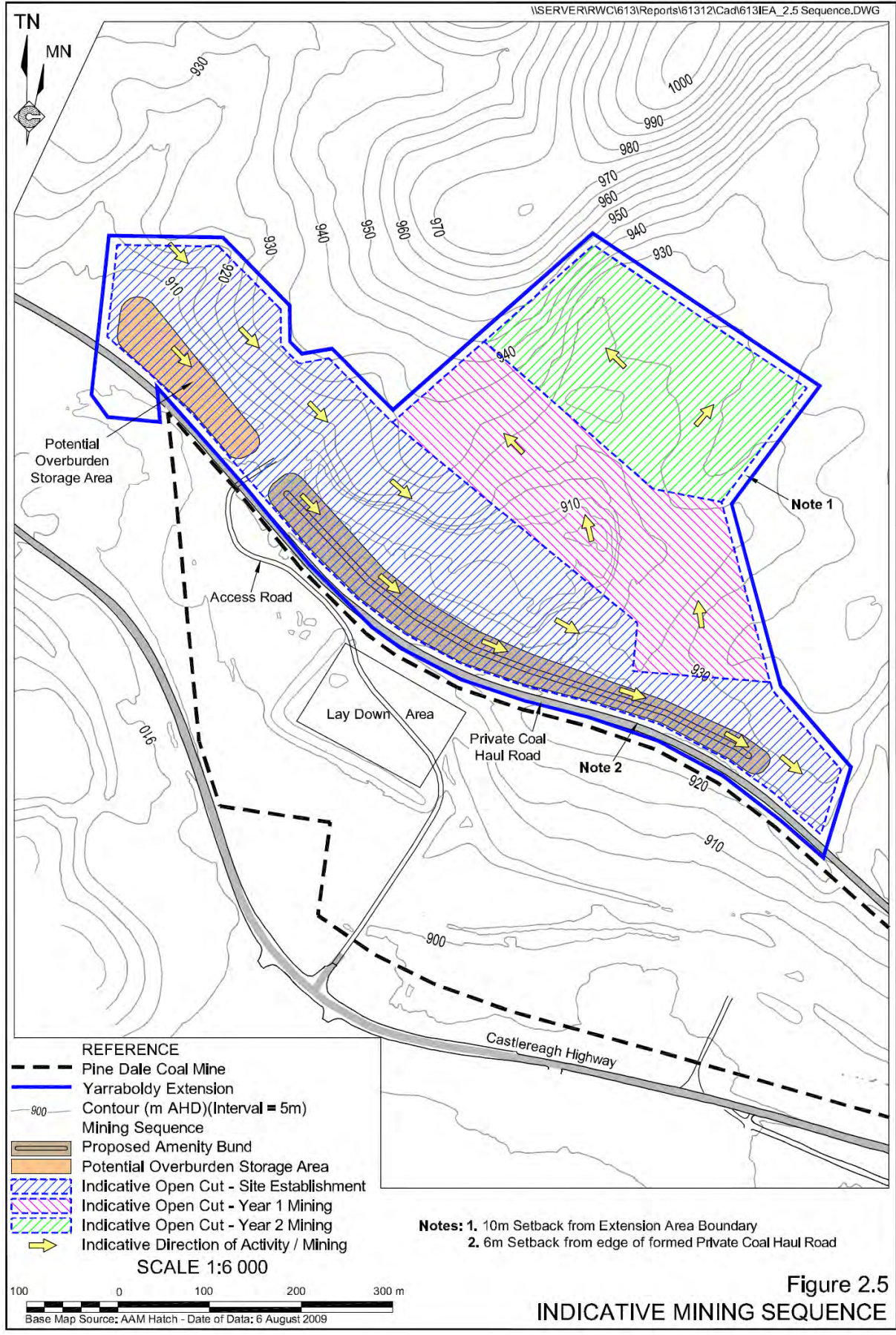


Figure 1.4  
PROJECT SITE LAND TITLES

## APPENDIX 2 PROJECT LAYOUT PLANS









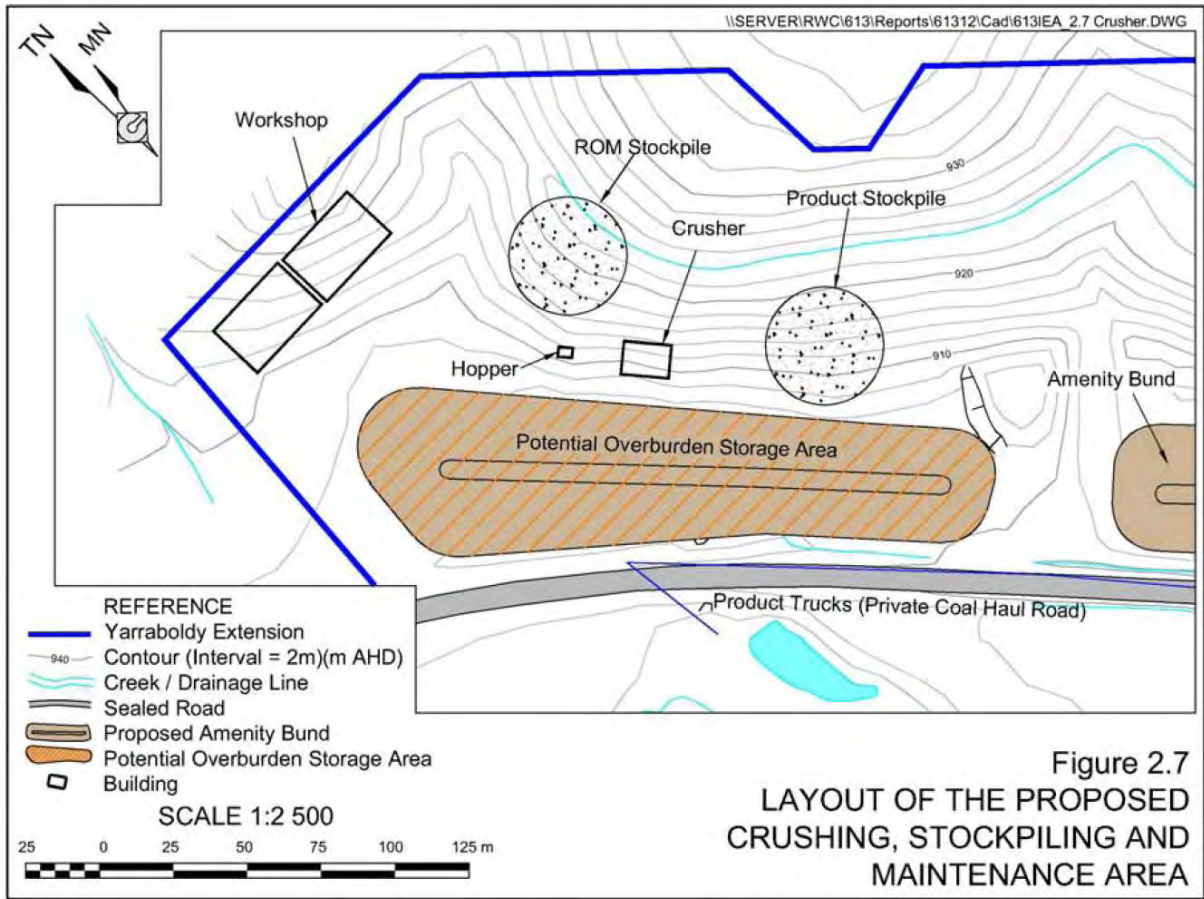
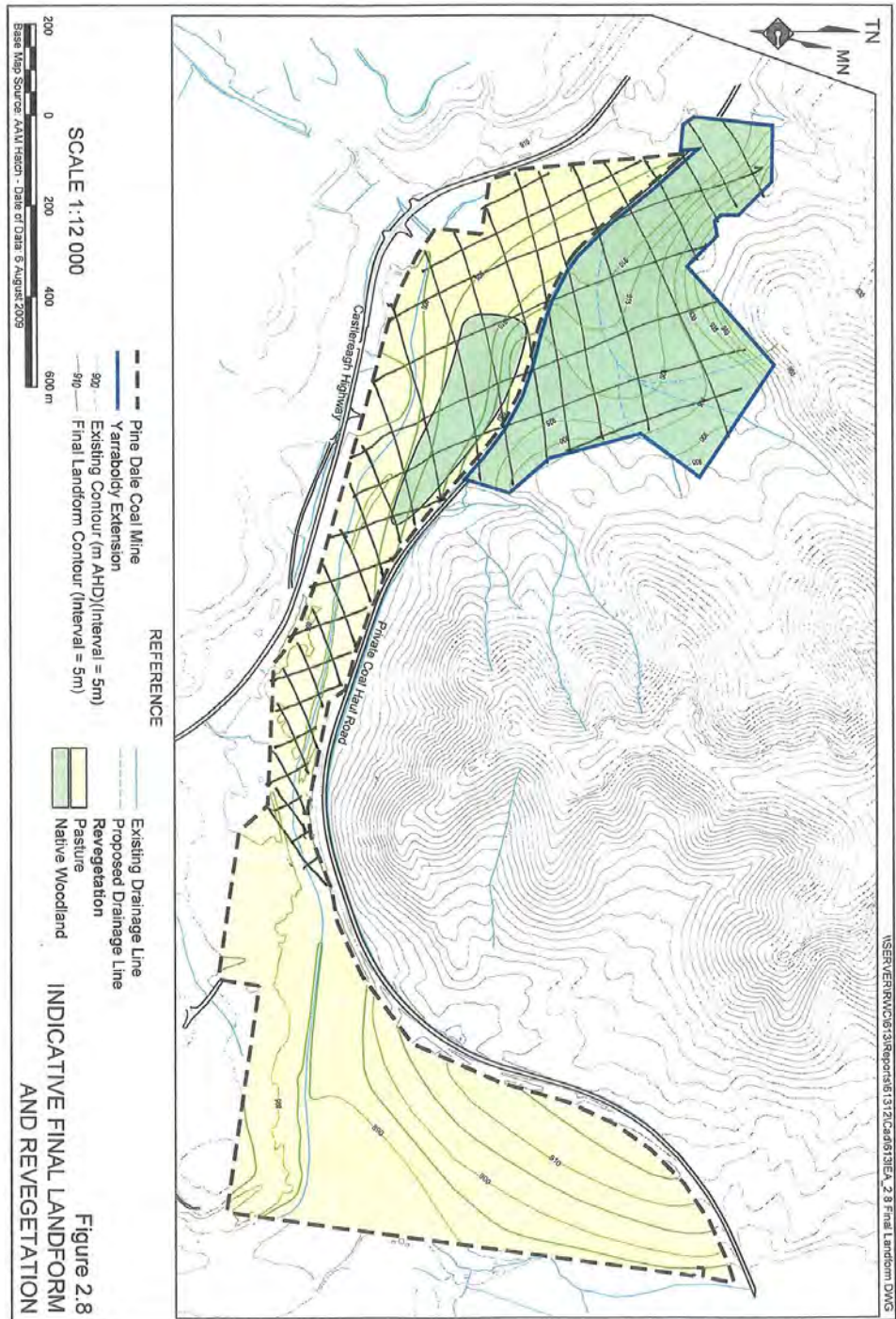


Figure 2.7  
LAYOUT OF THE PROPOSED  
CRUSHING, STOCKPILING AND  
MAINTENANCE AREA

# APPENDIX 3 CONCEPTUAL REHABILITATION PLAN

R.W. CORKERY & CO. PTY. LIMITED



ENHANCE PLACE PTY LIMITED  
Pine Dale Coal Mine - Yarrabody Extension  
Report No. 613/12 - July 2010

2 - 31

ENVIRONMENTAL ASSESSMENT  
Section 2 - Project Description

**APPENDIX 4  
STATEMENT OF COMMITMENTS**

<b>Desired Outcome</b>	<b>Action</b>	<b>Timing</b>
<b>1. Groundwater</b>		
Reduction in the amount of drawdown on local groundwater	1.1 Design the mine plan so that the interception of groundwater within the old Wallerawang Colliery underground workings is minimised.	Ongoing.
The need to discharge raw groundwater into the surrounding surface water environment is negated, thus avoiding the potential change in surface water quality.	1.2 Manage the small amount of groundwater intercepted on site for use in dust suppression or other internal uses e.g wash down.	As groundwater is intercepted.
Efficient dewatering of the pit.	1.3 Install sumps in strategic locations in the open cut pit as the pit develops.	Ongoing.
Determine if there are any impacts to groundwater associated with the Project to allow potential impacts to be identified in a timely manner to allow appropriate mitigation.	1.4 Continue the existing groundwater monitoring regime but also include monitoring of the bore that has been installed within the Yarraboldy footprint and the old ventilation shaft next to the haul road.	Ongoing.
Minimisation of groundwater contamination.	1.5 Manage chemicals and hydrocarbons appropriately.	Ongoing.
Prevention of managing water with a low pH.	1.6 Manage any potentially acid-generating material by the selective placement of cover material.	As required.
Timely mitigation of any impacts to groundwater.	1.7 If a non-conformance with a nominated trigger value is determined to be the result of activities associated with the Project, then the impacted landholder and DECCW - NOW will be notified and a remediation strategy will be proposed for discussion and implementation.	If a non-conformance with a nominated trigger value is determined to be the result of activities associated with the Project.
<b>2. Surface Water</b>		
Minimisation of changes to existing drainage patterns of the Project Site.	2.1 Retain, for as long as practicable, selected surface water structures such as the existing dams, sediment retention points and clean water diversion banks.	During construction period.
Prevention of sediment-laden water discharge off site from the progressive disturbed areas of the Project Site.	2.2 Install temporary erosion and sediment control structures.	During construction, site establishment, operational and rehabilitation phases.
	2.3 Construct diversion and sediment retention structures for the capture of sediment-laden water for treatment.	

Desired Outcome	Action	Timing
Minimisation of erosion and sedimentation.	2.4 Prepare and implement a general Erosion and Sediment Control Plan (in accordance with the requirements of Landcom (2004)) to manage surface water flows within the Project Site.	Ongoing.
	2.5 Establish and maintain groundcover at 70% or better over areas disturbed and no longer required by the Project and as site conditions provide for practicability.	
	2.6 Progressively rehabilitate disturbed areas no longer required by the Project soon after the cessation of mining activities.	

## 2. Surface Water (Cont'd)

Prevention of contamination of clean surface water on Project Site.	2.7 Construct diversion bunds or utilise existing infrastructure to keep dirty water flow separate from clean water diversions bunds.	Ongoing.
	2.8 Divert dirty water into sediment basin and Retention Dam A.	
	2.9 Divert clean water along clean water diversion bunds for flow into Neubecks Creek.	
Prevention of contamination of water in Neubecks Creek.	2.10 Divert dirty water into sediment controls or suitable structures for treatment.	Ongoing. As required.
	2.11 Pump water from sediment basin into Retention Basin A for storage and use in dust-suppression activities on Project Site.	
Prevention of saline groundwater discharge off site.	2.12 Pump groundwater from in-pit sump into Retention Dam A for storage and use in mining operations and dust suppression.	As required.
Minimisation of contamination of clean water on site with dirty water generated from mining operations.	2.13 Install a sediment trap in the coal crushing/stockpiling and maintenance area to remove coal fines from surface flows.	Ongoing.
	2.14 Install an oil/water separating unit to receive potentially contaminated water from the maintenance and wash-down bay for further treatment in the sediment basin.	
Implementation of a comprehensive and ongoing surface water monitoring program.	2.15 Monitor surface water quality for pH, EC, TSS, turbidity, oil and grease, filterable iron and sulfate ion concentrations.	Quarterly during surface flow events. Daily during discharge for pH, EC and turbidity. Whenever required.
	2.16 Record the approximate volume and quality of water extracted from the in-pit sump for discharge off site.	

## 3. Flora

Minimisation of short and long-term impacts on flora within the Project Site	3.1 Define and clearly mark vegetation for retention prior to the commencement of site establishment to ensure that impact on native vegetation is confined to those areas required for mining operations.	Prior to commencement of site establishment activities.
	3.2 Control noxious weeds on the Project Site.	Ongoing.

Desired Outcome	Action	Timing
Establishment of native vegetation with ecological and conservation value.	3.3 Utilise local native plant species and shrubs for rehabilitation and landscaping.	During rehabilitation and landscaping activities.
	3.4 Undertake replacement planting of some of the same tree species and shrubs within the Project Site upon cessation of mining activities.	During rehabilitation and landscaping activities.
Establishment of original groundcover.	3.5 Retain suitable bushrock with the topsoil and re-spread during the rehabilitation phase to return groundcover to near-original state.	During rehabilitation and landscaping activities.

#### 4. Fauna

Management of disturbance within the Project Site to minimise impact on fauna of conservation value.	4.1 Identify the boundaries of disturbance and progressive disturbance to avoid clearing outside these boundaries.	Site establishment phase.
	4.2 Retain substantial habitat trees wherever possible.	Site establishment phase.
	4.3 Undertake any tree-felling in accordance with a prepared Tree Felling Protocol.	
	4.4 Provide habitat for important target species such as the Purple copper butterfly through planting of appropriate flora species (eg. <i>Bursaria spinosa</i> spp <i>lasiophylla</i> ).	Rehabilitation phase.
Maintenance and improvement of the biodiversity value of the Project Site and surrounding areas.	4.5 Progressively increase forest and woodland communities within the already disturbed areas, the coaly residue areas and the rehabilitated land, to provide foraging and sheltering habitat.	Ongoing and rehabilitation phase.
	4.6 Use nesting boxes if required and salvage hollows to assist in maintaining the short and long term habitat value for hollow dependent species.	Rehabilitation phase.

#### 5. Heritage

Site activities are undertaken without impacting upon any Aboriginal and European heritage items.	5.1 Stop works at and in the immediate vicinity of any Aboriginal and European heritage sites or relics, if found.	During site establishment, construction and operational phases of Project.
	5.2 Contact DECCW if any Aboriginal and European heritage sites or relics are found.	
	5.3 Receive authorisation from DECCW prior to proceeding with any works in the vicinity of any identified Aboriginal and European heritage sites or relics are found.	

#### 6. Transport Aspects

Achieve safe and efficient transport operations.	6.1 Install "Truck Turning" signs in accordance with RTA requirements on the Castlereagh Highway.	Prior to despatch of coal from Yarraboldy onto the Castlereagh Highway.
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Desired Outcome	Action	Timing
	6.2 Install guide posts at all site entrances	As required.
	6.3 Improve the sight distances at all entrances through removal of vegetation in RTA verges with RTA approval.	As required.
	6.4 Construct an appropriate intersection with the Private Coal Haul Road to provide safe ingress and egress.	During site establishment.
	6.5 Implement a 'Surface Transport Management Plan' which incorporates safety and behaviour protocols	During site establishment and operations.
	6.6 Pay a financial contribution in accordance with the Lithgow Rural Roads Section 94 Contributions Plan - being 5 cents per tonne of coal transported per kilometre of Council road traversed.	Annually
Contribute to maintenance of local roads and infrastructure.	6.7 Pay a financial contribution in accordance with the Lithgow Rural Roads Section 94 Contributions Plan - being 5 cents per tonne of coal transported per kilometre of Council road traversed.	Annually
<b>7. Noise</b>		
All activities are undertaken in such a manner as to reduce the noise level generated and minimise impacts on surrounding landholders and/or residents.	7.1 Regularly service all equipment used on-site to ensure the sound power levels remain at or below the levels used in the modelling to assess generated noise levels and compliance with the criteria.	Ongoing.
	7.2 Attend to local community concerns over construction, operational or transport noise.	Ongoing
Noise generated by operational activities does not exceed DECCW nominated criteria nor significantly impacts on neighbouring landowners and/or residents.	7.3 Construct the amenity bund on the southern side of the mine area	During the first 6 months of operation.
	7.4 Position the drilling rig so that at least 3m of topographic shielding is provided to the south, if required, (this may be achieved using temporary bunding).	Prior to the construction of the amenity bund.
	7.5 Operate the pump behind at least a 1.5m noise barrier.	Ongoing.
	7.6 Orientate the crusher with the open side facing northwards.	Ongoing.
	7.7 Operate the existing crushing plant only when new plant is not operating.	Until existing plant is decommissioned.

Desired Outcome	Action	Timing
<b>8. Blasting</b>		
Achieve compliance with all ANZECC Blasting Guidelines.	8.1 Utilise deck charges and/or other suitable techniques to minimise ground vibration, overpressure and fly-rock.	For relevant blasts to achieve compliance.
	8.2 Utilise appropriate detonators and firing sequences to minimise ground vibration.	For relevant blasts to achieve compliance.
	8.3 Optimise use of stemming materials and/or other suitable techniques to minimise overpressure.	All blasts.
	8.4 Optimise initiation sequence to minimise airblast overpressure and ground vibration.	All blasts.
	8.5 Carry out all blasts strictly in accordance with the Blast Management Plan.	All blasts.
<b>9. Air Quality</b>		
Site activities are undertaken without exceeding DECCW air quality criteria or adversely impacting upon surrounding receivers.	9.1 Continue monitoring of PM <sub>10</sub> at the existing monitoring site, this being representative PM <sub>10</sub> level at the potentially worst affected receptor.	Ongoing.
	9.2 Increase frequency of PM <sub>10</sub> sampling from once per six days to once per three days in the event that elevated PM <sub>10</sub> levels are recorded.	In the event that elevated PM <sub>10</sub> levels is recorded.
	9.3 Continue with implementation of dust mitigation practices associated with Pine Dale Coal Mine, including watering of disturbed areas and haul roads, and covering of product truck loads.	Ongoing.
	9.4 Implement extra mitigation measures such as more watering, and modification of site activities.	If increased dust levels are recorded during windy conditions.
	9.5 Partially enclose the crusher and conveyors to minimise dust during processing.	Prior to crushing.
Implementation of an appropriate air quality monitoring program for continued compliance with DECCW guideline levels.	9.6 Monitor deposited dust levels at six existing deposition gauges (D1-D6).	Ongoing.
	9.7 Review and submit dust monitoring results to DECCW as part of the Annual Environmental Management Report.	Annually.
Minimisation of greenhouse gas, other gases, and odour emissions through reductions in diesel consumption.	9.8 Optimise and schedule vehicle operations to minimise vehicle movements.	Ongoing.
	9.9 Maintain engines according to manufacturers' guidelines and keep tyres at optimum pressure.	Ongoing.
	9.10 Minimise as far as operationally practicable vehicle idling time.	Ongoing.

Desired Outcome	Action	Timing
<b>10. Visibility</b>		
Limit the visibility of Operational areas from nearby residences and Castlereagh Highway.	10.1 Construct the amenity bund on the southern side of the mine area.	During the first 6 months of operation.
	10.2 Position / direct lighting so as to minimise off-site light emissions. Do not operate lighting when not required.	Ongoing.
	10.3 Maintain the mine in a tidy condition.	Ongoing.

<b>11. Soils, Land Capability and Agricultural Suitability</b>		
Maintenance of soil value for rehabilitation and minimisation of soil loss through erosion.	11.1 Retain soils stripped from undisturbed areas of the Project Site for rehabilitation works.	During site establishment, operational and rehabilitation phases.
	11.2 Develop appropriate soil management procedures for handling and stockpiling soils of the types found at the Project Site.	
	11.3 Develop appropriate soil and erosion management procedures to minimise soil erosion from stockpiles and stripped areas.	
Remediation of contaminated soils.	11.4 Excavate and remove soils contaminated with hydrocarbons.	As soon as possible and within one month of contamination occurring.
	11.5 Remove contaminated soil (if the contamination is limited in area) to a designated location at the site (away from natural drainage) for the bio-remediation of the contaminated material.	
	11.6 Remove contaminated soil (if the contamination is widespread) and transport to a facility licensed to accept the specific type of contaminated material.	