

Appendix 1

PA 05_0102

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

David Kitto
Director
Mining and Industry Projects
(as Delegate for the Minister for Planning)

Sydney

26 MARCH

2010

SCHEDULE 1

The Project Approval (05_0102) for the Narrabri Coal Project, granted by the Minister for Planning on 13 November 2007.

SCHEDULE 2

1. Delete the definitions for "DECC", "DPI", "DWE" and "Land" in "DEFINITIONS" and insert in alphabetical order the following:

DECCW	Department of Environment, Climate Change and Water
Feasible	Feasible relates to engineering considerations and what is practical to build
I&I NSW	Industry and Investment NSW
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 3A 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
NOW	DECCW's NSW Office of Water
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
2. Delete all references to "DECC" and replace with "DECCW".
3. Delete all references to "DPI", and replace with "I&I NSW".
4. Delete all references to "DWE" and replace with "NOW".
5. In condition 2 of schedule 2, delete all words after "statement of commitments (see Appendix 3);" and replace with the following:
 - (c) modification application 05_0102_MOD 1, supporting Environmental Assessment titled "*Narrabri Coal Mine – Section 75W Modification*", dated October 2009 and Proponent's Response to Submissions dated 10 February 2010; and
 - (d) conditions of this approval.
6. Following condition 8 of schedule 2 insert:
 - 8A. The Proponent shall prepare revisions of any strategies, plans or programs required under this approval if directed to do so by the Director-General. Such revisions shall be prepared to the satisfaction of, and within a timeframe approved by, the Director-General.

7. Delete the text of the second dot point in the "Notes" below Table 1 and replace with:

- The noise limit applies to applicable receivers under all meteorological conditions except for any one of the following:
 - wind speed greater than 3 metres/second at 10 metres above ground level; or
 - temperature inversions of 1.5 - 4°C/100 metres and a source-to-receiver wind speed greater than 2 metres/second at 10 metres above ground level; or
 - temperature inversions of greater than 4°C/100 metres.
- The meteorological data to be used for determining meteorological conditions is the data recorded by the meteorological weather station to be determined in consultation with the DECCW.

8. Following condition 12 of schedule 3 insert:

Noise Acquisition Criteria

12A. If the noise generated by the project exceeds the criteria in Table 1A at any residence on privately-owned land, or on more than 25% of any privately-owned land, then the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 5-7 of schedule 3A.

Table 1A: Noise acquisition criteria dB(A)

Location	Day	Evening	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)
All privately owned residences	40	40	40

Note: Noise generated by the project is to be measured in accordance with the notes presented below Table 1. For this condition to apply, the exceedances of the criteria must be systemic.

Additional Noise Mitigation Measures

12B. If the noise generated by the project is equal to or exceeds the criteria in Table 1B at any residence on privately-owned land, then the Proponent shall, upon receiving a written request from the landowner, implement reasonable and feasible noise mitigation measures (such as double-glazing, insulation, and/or air conditioning) at the residence in consultation with the landowner. If within 3 months of receiving this request from the landowner, 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.

Table 1B: Additional noise mitigation criteria

Location	Day	Evening	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)
All privately owned residences	38	38	38

Note: Noise generated by the project is to be measured in accordance with the notes presented below Table 1. For this condition to apply, the exceedances of the criteria must be systemic.

9. Following condition 13 of schedule 3 insert:

Noise Management

13A. The Proponent shall prepare and implement a Noise Management Plan for the mine's activities to the satisfaction of the Director-General. This Plan shall:

- (a) be prepared in consultation with DECCW by a suitably qualified expert whose appointment has been approved by the Director-General;
- (b) be submitted to the Director-General for approval by 31 May 2010;
- (c) include a Noise Monitoring Program incorporating real-time noise and temperature inversion monitoring; and

- (d) include reactive noise control measures to manage noise impacts for sensitive receivers.
Prior to 14 May 2010

10. Following condition 32 of schedule 3 insert:

32A. Prior to the commencement of any surface disturbance activities associated with modification application 05_0102_MOD 1, the Proponent shall protect, whether by fencing or appropriate signage, all known Aboriginal sites within 50 metres of these activities.

11. Following condition 41 of schedule 3 insert a new Schedule 3A, as follows:

SCHEDULE 3A ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. If the results of the monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, except where a negotiated agreement has been entered into in relation to that impact, then the Proponent shall, within 2 weeks of obtaining the monitoring results, notify the Director-General, the affected landowners and tenants (including tenants of mine-owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 3.
2. If the results of monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant air quality impact assessment criteria in schedule 3, then the Proponent shall send the relevant landowners and tenants (including tenants of mine-owned properties) a copy of the NSW Health fact sheet entitled "Mine Dust and You" (and associated updates) in conjunction with the notification required in condition 1.

INDEPENDENT REVIEW

3. If a landowner considers the project to be exceeding the impact assessment 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, the Proponent shall within 2 months of the Director-General's decision:

- (a) consult with the landowner to determine his/her concerns;
 - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to:
 - determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and
 - identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and
 - (c) 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 impact assessment 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) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria and conduct further monitoring to determine whether these measures ensure compliance; or
- (b) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Director-General.

If further monitoring under paragraph (a) determines that the project is complying with the relevant criteria, 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 land acquisition criteria in schedule 3, then the Proponent shall offer to acquire all or part of the landowner's land in accordance with the procedures in conditions 5-7 below, to the satisfaction of the Director-General.

LAND ACQUISITION

5. 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 property at the date of this written request, as if the property was unaffected by the project the subject of the project application, 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 property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of 'reasonable and feasible measures' in condition 12B of schedule 3 or condition 4(a) of this schedule;
 - (b) the reasonable costs associated with:
 - relocating within the Narrabri or Gunnedah local government areas, or to any other local government area determined by the Director-General;
 - 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 following 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 shall request the President of the NSW Division of the Australian Property Institute (the API) to appoint a qualified independent valuer to:

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

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 shall determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above and the independent valuer's report. 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.

6. The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 5 above.
7. If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall also pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.

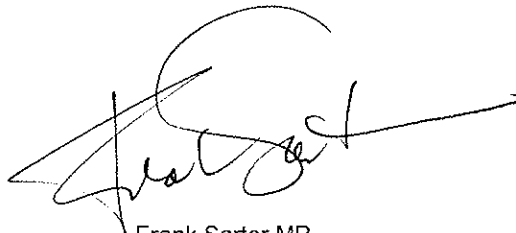
Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I approve the project referred to in schedule 1, subject to the conditions in schedules 2 to 4.

These conditions are required to:

- prevent and/or minimise 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.



Frank Sartor MP
Minister for Planning

Sydney *BM NW*

2007
SCHEDULE 1

Application No:	05_0102
Proponent:	Narrabri Coal Pty Limited
Approval Authority:	Minister for Planning
Land:	See Appendix 1
Project:	Narrabri Coal Project

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DEFINITIONS

AEMR	Annual Environmental Management Report
BCA	Building Code of Australia
CCC	Community Consultative Committee
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
DPI	Department of Primary Industries
DWE	Department of Water and Energy
EA	Environmental Assessment prepared for Narrabri Coal Pty Limited entitled <i>Narrabri Coal Project Environmental Assessment and Specialist Consultant Studies Compendium</i> , Volumes 1&2 (April 2007), including the <i>Response to Public and Government Agency Submissions</i> (June 2007) and <i>Preferred Project Report</i> (June 2007)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm to 10pm
GSC	Gunnedah Shire Council
Kamilaroi Highway Intersection	The intersection of the Kamilaroi Highway and the mine access road and "Bow Hills" quarry access road (see Figure 4 of Appendix 2)
km	Kilometre
Land	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	Material harm to the environment as defined in <i>Protection of the Environment Operations Act 1997</i>
Mining operations	The extraction, processing and transportation of coal on the site, including the formation of mine access drifts
Minister	Minister for Planning, or delegate
NSC	Narrabri Shire Council
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Privately-owned land	Land that is not owned by a public agency, or a mining company (or its subsidiary)
Proponent	Narrabri Coal Pty Limited or any other person or persons who rely on this approval to carry out the project that is subject to this approval
Project	The Narrabri Coal Project described in the EA
RTA	Roads and Traffic Authority
ROM	Run-of-mine
Site	Land to which the project application applies (see Appendix 2)
Statement of Commitments	The Proponent's commitments in Appendix 4
Subsidence	Subsidence of the land surface caused by underground coal mining

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all practicable measures to prevent and/or minimise any 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 (see Appendix 3); and
 - (c) conditions of this approval.

Note: The general layout of the project is shown in Figure 1 of Appendix 2.

3. If there is any inconsistency between the above documents, the later 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 and feasible requirements of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.

Limits on Approval

5. Mining operations may take place on the site for 21 years from the grant of the mining lease for the project.

Note: Under this Approval, the Proponent is required to rehabilitate the site to the satisfaction of the Director-General and DPI. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated to a satisfactory standard.
6. The Proponent shall not extract more than 2.5 million tonnes of ROM coal a year from the site.
7. The Proponent shall transport all coal from the site by rail.

Management Plans / Monitoring Programs

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

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.*
- *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 plant and equipment used on site is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Planning Agreements

12. Within 12 months of this approval, the Proponent shall enter into a planning agreements with Narrabri Shire Council (NSC), Gunnedah Shire Council (GSC) and the Minister in accordance with:
- (a) Division 6 of Part 4 of the EP&A Act; and
 - (b) the terms of the Proponent's offer to the Minister on 7 September 2007, which includes the matters set out in Appendix 4.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

WATER MANAGEMENT

Note: These conditions should be read in conjunction with sections 6, 7, 8 and 11 of the Statement of Commitments.

Great Artesian Basin

1. Within 5 years of the date of this approval, the Proponent shall ensure that any loss of water flow into the Great Artesian Basin aquifers (equal to the maximum predicted impact, or the measured impact of the project, whichever is the greater), is managed, licensed or offset to the satisfaction of DWE.

Note: The EA predicts a maximum impact of 100 megalitres a year for Great Artesian Basin aquifers in year 50 of the project.

Groundwater Model

2. Within 12 months of the commencement of mining operations, the Proponent shall undertake a transient calibration of the groundwater model presented in the EA, in consultation with DWE and DECC, and to the satisfaction of the Director-General.
3. Following the completion of the transient calibration of the groundwater model and the first annual review of the water balance, the Proponent shall prepare a Dewatering Contingency Plan. This plan must:
 - (a) be prepared in consultation with DWE and DECC and to the satisfaction of the Director-General;
 - (b) identify the freeboard required to prevent the evaporation/storage ponds from discharge of water under weather conditions of a 1 in 100 year 72 hour storm event for the site;
 - (c) contain measures to ensure minewater is not pumped to the evaporation/storage ponds once this freeboard level is reached;
 - (d) identify lead times required for the construction of a water conditioning plant to ensure the capacity of the site's evaporation /storage ponds is not exceeded (see below);
 - (e) refine its estimates of quantities of salts that would be accumulated within the evaporation/storage ponds over the life of the project;
 - (f) identify how it would manage and/or dispose of these accumulated salts, in consultation with DWE and DECC, and to the satisfaction of the Director-General.
4. The Proponent must commence construction of the water conditioning plant identified in condition 10(d) when daily mine dewatering volumes exceed 0.88 megalitres, or an alternative trigger point based on a review of the water balance and model and established in consultation with DWE and DECC, and approved by the Director-General.

Discharge

5. Except as may be expressly provided for by an EPL, the Proponent shall not discharge any surface waters from the site. However, product water from the water conditioning plant may be transferred to water users in accordance with an approved Water Management Plan (see below).

Evaporation/Storage Ponds

6. The Proponent shall:
 - (a) construct evaporation/storage ponds incorporating the use of low permeability layers to manage minewater generated by the project;
 - (b) prior to commencement of construction, submit pond designs and a construction QA/QC program to DECC; and
 - (c) prior to commissioning the ponds, submit an "as constructed" report, produced by an experienced and qualified engineer, to DECC;to the satisfaction of the Director-General.

Water Management Plan

7. The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must be submitted to the Director-General for approval prior to the commencement of construction activities (not including the construction of the Kamilaroi Highway

intersection) in consultation with DECC and DWE by suitably qualified expert/s whose appointment/s have been approved by the Director-General and include a:

- (a) Site Water Balance;
- (b) Erosion and Sediment Control Plan;
- (c) Surface Water Monitoring Plan;
- (d) Groundwater Monitoring Program; and
- (e) Surface and Groundwater Response Plan, setting out the procedures for:
 - investigating, and if necessary mitigating, any exceedances of the surface or groundwater assessment criteria (see below); and
 - responding to any unforeseen impacts of the project.

Site Water Balance

8. The Site Water Balance must:
 - (a) include details of:
 - sources and security of water supply;
 - water use on site;
 - water management on site;
 - off-site water transfers;
 - reporting procedures;
 - (b) describe measures to minimise water use by the project; and
 - (c) be reviewed and recalculated each year in the light of the most recent water monitoring data.

Erosion and Sediment Control

9. The Erosion and Sediment Control Plan must:
 - (a) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction* manual (Landcom, 2004), or its latest version;
 - (b) identify activities that could cause soil erosion and generate sediment;
 - (c) describe measures to minimise soil erosion and the potential for transport of sediment to downstream waters;
 - (d) describe the location, function, and capacity of erosion and sediment control structures; and
 - (e) describe what measures would be implemented to monitor and maintain the structures over time.

Surface Water Monitoring Program

10. The Surface Water Monitoring Plan must include:
 - (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project;
 - (b) surface water impact assessment criteria;
 - (c) a program to monitor the impact of the project on surface water flows and quality;
 - (d) procedures for reporting the results of this monitoring.

Groundwater Monitoring Program

11. The Groundwater Monitoring Program must include:
 - (a) further development of the regional and local groundwater model;
 - (b) detailed baseline data to benchmark the natural variation in groundwater levels, yield and quality (including at any privately owned bores in the vicinity of the site);
 - (c) groundwater impact assessment criteria;
 - (d) a program to monitor the impact of the project on groundwater levels, yield and quality;
 - (e) a program to monitor, (by the use of shallow piezometers/lysimeters), detect, and quantify any leakage from the site's evaporation/storage ponds; and
 - (f) procedures for reporting the results of this monitoring.

NOISE

Note: These conditions should be read in conjunction with section 15 of the Statement of Commitments.

Impact Assessment Criteria

12. The Proponent shall ensure that the noise generated by the project does not exceed the levels set out in Table 1 at any privately-owned residence.

Location	Day	Evening	Night	
	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{A1}(1 \text{ minute})$
All privately owned residences	35	35	35	45

Table 1: Impact assessment criteria dB(A)

Notes:

- To determine compliance with the $L_{Aeq}(15 \text{ minute})$ limit, noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- These limits apply under the relevant meteorological conditions outlined in the assessment procedures in Chapter 5 of the NSW Industrial Noise Policy.
- To determine compliance with the $L_{A1}(1 \text{ minute})$ noise limits, noise from the project is to be measured at 1 metre from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).
- These limits do not apply if the Proponent has an agreement with the relevant owner/s of these residences to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

Continuous Improvement

13. The Proponent shall:
- implement all reasonable and feasible best practice noise mitigation measures;
 - investigate ways to reduce the noise generated by the project, including off-site road and rail noise and maximum noise levels which may result in sleep disturbance; and
 - report on these investigations and the implementation and effectiveness of these measures in the AEMR,
- to the satisfaction of the Director-General.

Monitoring

14. The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must:
- be submitted to the Director-General for approval prior to the commencement of construction activities;
 - be prepared in consultation with the DECC;
 - use attended noise monitoring measures to monitor the performance of the project
 - include a protocol to establish whether the project is complying with the noise impact assessment criteria in Table 1.

BLASTING AND VIBRATION

Note: These conditions should be read in conjunction with section 2 of the Statement of Commitments.

Airblast Overpressure Limits

15. The Proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 2 at any residence on privately-owned land.

Airblast overpressure level (dB(Lin Peak))	Allowable exceedance
115	5% of the total number of blasts in a 12 month period
120	0%

Table 2: Airblast overpressure impact assessment criteria

Note: The overpressure values in Table 2 apply when the measurements are performed with equipment having a lower cut-off frequency of 2 Hz or less. If the instrumentation has a higher cut-off frequency a correction of 5 dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10 Hz should not be used.

Ground Vibration Impact Assessment Criteria

16. The Proponent shall ensure that the ground vibration level from blasting, or any other activity at the project does not exceed the criteria in Table 3 at any residence on privately-owned land.

Peak particle velocity (mm/s)	Allowable exceedance
5	5% of the total number of blasts in a 12 month period
10	0%

Table 3: Ground vibration impact assessment criteria

Blasting Hours

17. The Proponent shall only carry out blasting associated with construction activities on site between 10 am and 4pm Monday to Friday.

Blasting Frequency

18. The Proponent may carry out:
- a maximum of 2 blasts a day associated with construction activities; and
 - 5 blasts a week associated with construction activities, averaged over a 12 month period; on site without the written approval of the Director-General.

Property Inspections

19. Before carrying out any blasting, the Proponent shall advise all landowners within 2 km of proposed blasting activities, and any other landowner nominated by the Director-General, that they are entitled to a property inspection.
20. If the Proponent receives a written request for a property inspection from any landowner within 2 km of proposed blasting activities, or any other landowner nominated by the Director-General, the Proponent shall within 3 months of receiving this request:
- commission a suitably qualified person, whose appointment has been approved by the Director-General, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and
 - give the landowner a copy of this property inspection report.

Property Investigations

21. If any landowner within a 2 km of proposed blasting activities, or any other landowner nominated by the Director-General, claims that his/her property, including vibration-sensitive infrastructure such as water supply or underground irrigation mains, has been damaged as a result of blasting at the project, the Proponent shall within 3 months of receiving this request:
- commission a suitably qualified person whose appointment has been approved by the Director-General to investigate the claim; and

(b) give the landowner a copy of the property investigation report.
If this independent 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.

Monitoring

22. Prior to the commencement of blasting, the Proponent shall prepare and implement a detailed Blasting Monitoring Program for the project to the satisfaction of the Director-General.

AIR QUALITY

Note: These conditions should be read in conjunction with section 13 of the Statement of Commitments.

Impact Assessment Criteria

23. The Proponent shall ensure that dust emissions generated by the project does not cause additional exceedances of the criteria listed in Tables 4 to 6 at any residence on privately owned land, or on more than 25 percent of any privately-owned land.

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³

Table 4: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³

Table 5: Short term impact assessment criteria for particulate matter

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Table 6: Long term impact assessment criteria for deposited dust

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

Monitoring

24. The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. This program must:
- be submitted to the Director-General prior to the commencement of construction activities (not including the construction of the Kamilaroi Highway intersection);
 - be prepared in consultation with the DECC; and
 - use a combination of high volume samplers and dust deposition gauges to monitor the performance of the project.

METEOROLOGICAL MONITORING

25. During the project, the Proponent shall ensure there is a suitable meteorological station on site that complies with the requirements in *Approved Methods for Sampling of Air Pollutants in New South Wales* (DECC, 2007), or its latest version.

SUBSIDENCE

Subsidence Impact Limits

26. The Proponent shall ensure that the project does not result in subsidence impacts of greater than 20 mm vertical subsidence on any land.

Notification of Landowners

27. Six months prior to mining occurring under each privately owned property, the Proponent shall notify the relevant landowner/s of the extent of planned mining operations under their property.

LANDSCAPE MANAGEMENT

Note: These conditions should be read in conjunction with sections 5, 9 and 11 of the Statement of Commitments.

Rehabilitation

28. The Proponent shall rehabilitate the site to the satisfaction of the Director-General and DPI.

Landscape Management Plan

29. The Proponent shall prepare and implement a detailed Landscape Management Plan for the site to the satisfaction of the Director-General and DPI. This plan must:
- (a) be submitted to the Director-General for approval within 12 months of this approval;
 - (b) be prepared by suitably qualified expert/s whose appointment/s have been endorsed by the Director-General;
 - (c) be prepared in consultation with DWE, DECC and NSC; and
 - (d) include a:
 - Rehabilitation Management Plan; and
 - Mine Closure Plan.

Rehabilitation Management Plan

30. The Rehabilitation Management Plan must include:
- (a) the rehabilitation objectives for the site;
 - (b) a strategic description of how the rehabilitation of the site would be integrated with surrounding land use;
 - (c) a general description of the short and long term measures that would be implemented to rehabilitate the site;
 - (d) a detailed description of the measures that would be implemented to rehabilitate the site, including the measures to be implemented for:
 - managing the remnant vegetation and habitat on site;
 - minimising impacts on fauna;
 - minimising visual impacts;
 - conserving and reusing topsoil;
 - controlling weeds, feral pests, and access;
 - managing bushfires; and
 - managing any potential conflicts between the rehabilitation works and Aboriginal cultural heritage.
 - (e) detailed performance and completion criteria for the rehabilitation of the site;
 - (f) a detailed description of how the performance of the rehabilitation works would be monitored over time to achieve the stated objectives and against the relevant performance and completion criteria; and
 - (g) details of who is responsible for monitoring, reviewing and implementing the plan.

Mine Closure Plan

31. The Mine Closure Plan must:
- (a) define the objectives and criteria for mine closure;
 - (b) investigate options for the future use of the site;
 - (c) provide a detailed methodology for decommissioning the site's evaporation/storage ponds and the treatment of any accumulated salt within or around those ponds;
 - (d) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local and regional employment levels;
 - (e) describe the measures that would be implemented to minimise or manage the on-going environmental effects of the project; and
 - (f) describe how the performance of these measures would be monitored over time.

HERITAGE

Note: These conditions should be read in conjunction with section 10 of the Statement of Commitments.

Aboriginal Cultural Heritage Management Plan

32. The Proponent shall not destroy any known Aboriginal objects (as defined in the *National Parks and Wildlife Act 1974*) without the written approval of the Director-General.
33. The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be submitted to the Director-General prior to the commencement of construction activities (not including the construction of the Kamilaroi Highway intersection);
 - (b) be prepared in consultation with the DECC and the Narrabri Local Aboriginal Land Council;
 - (c) include a protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage on site;
 - (d) describe the measures that would be implemented to protect Aboriginal sites on site, or if any new Aboriginal objects or skeletal remains are discovered during the project.

TRANSPORT

Note: These conditions should be read in conjunction with section 14 of the Statement of Commitments.

Kamilaroi Highway Intersection

34. The Proponent shall construct the Kamilaroi Highway intersection in consultation with NSC and to the satisfaction of RTA. This intersection must:
- (a) be completed, other than for items listed in (c) below, prior to the commencement of construction activities on site (with the exception of construction of the Access Road);
 - (b) be constructed in accordance with a Traffic Management Plan approved by NSC and RTA;
 - (c) include boom gates, flashing lights and warning bells for the Kurrajong Creek Road level crossing, to the satisfaction of ARTC and NSC;
 - (d) include illumination of the Kurrajong Creek Road level crossing during construction of the intersection;
 - (e) provide an information sign on Kurrajong Creek Road to inform road users of likely delays due to train traffic; and
 - (f) maintain permanent access for the "Bow Hills" quarry.

Kurrajong Creek Road

35. Within 12 months of commencement of mining operations, the Proponent shall bitumen seal Kurrajong Creek Road (Shire Road 188) for a distance of 7 km south of the Kamilaroi Highway intersection (see Figure 2 of Appendix 2), to the satisfaction of NSC.

VISUAL IMPACT

Note: These conditions should be read in conjunction with section 12 of the Statement of Commitments.

Visual Amenity

36. The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.

Lighting Emissions

37. The Proponent shall ensure that:
- (a) no outdoor lights shine above the horizontal; and
 - (b) all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

GREENHOUSE GAS

Note: These conditions should be read in conjunction with section 13 of the Statement of Commitments.

Energy Savings Action Plan

38. The Proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with DECC;
 - (b) be prepared in accordance with the *Guidelines for Energy Savings Action Plans* (DEUS, 2005), or its latest version;
 - (c) be submitted to the Director-General for approval within 3 months of this approval; and
 - (d) include a program to monitor the effectiveness of measures to reduce energy use on site.

Gas Drainage

39. The Proponent shall implement all reasonable and feasible measures to minimise the greenhouse gas emissions from the underground mining operations to the satisfaction of the Director-General.
40. Prior to carrying out underground coal mining operations, the Proponent shall submit a Greenhouse Gas Minimisation Plan to the Director-General. This plan must:
- (a) identify options for minimising greenhouse gas emissions from underground mining operations, with a particular focus on capturing and/or using these emissions;
 - (b) investigate the feasibility of implementing each option;
 - (c) propose the measures that would be implemented in the short to medium term on site; and
 - (d) include a research program to inform the continuous improvement of the greenhouse gas minimisation measures on site.

WASTE

Note: These conditions should be read in conjunction with section 9 of the Statement of Commitments.

Waste Minimisation

41. The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be submitted to the Director-General for approval prior to commencing of construction;
 - (b) identify the various waste streams of the project;
 - (c) describe what measures would be implemented to reuse, recycle, or minimise the waste generated by the project;
 - (d) ensure irrigation of treated wastewater is undertaken in accordance with *Environmental Guidelines: Use of Effluent by Irrigation* (DEC, 2004), or its latest version; and
 - (e) include a program to monitor the effectiveness of these measures.

SCHEDULE 4

ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

Note: This schedule should be read in conjunction with sections 18 and 19 of the Statement of Commitments.

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 be submitted to the Director-General prior to the commencement of construction activities, and:
 - (a) provide the strategic context for environmental management of the project;
 - (b) identify the statutory requirements that apply to the project;
 - (c) describe in general how the environmental performance of the project would be monitored and managed;
 - (d) 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;
 - manage cumulative impacts; and
 - respond to emergencies; and
 - (e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project.

ENVIRONMENTAL MONITORING PROGRAM

2. The Proponent shall prepare and implement an Environmental Monitoring Program for the project to the satisfaction of the Director-General. This program must be submitted to the Director-General within 6 months of this approval and consolidate the various monitoring requirements in schedule 3 of this approval into a single document.

REPORTING

Incident Reporting

3. As soon as practicable, and in any event within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) material harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.
4. Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that:
 - (a) describes the date, time, and nature of the exceedance/incident;
 - (b) identifies the cause (or likely cause) of the exceedance/incident;
 - (c) describes what action has been taken to date; and
 - (d) describes the proposed measures to address the exceedance/incident.

Annual Reporting

5. Within 12 months of this approval, and annually thereafter, the Proponent shall submit an AEMR to the Director-General and to all relevant agencies. This report must:
 - (a) identify the standards and performance measures that apply to the project;
 - (b) describe the works carried out in the last 12 months;
 - (c) describe the works that would be carried out in the next 12 months;
 - (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
 - (e) include a summary of the monitoring results for the project during the past year;
 - (f) include an analysis of these monitoring results against the relevant:
 - impact assessment criteria/limits;
 - monitoring results from previous years; and

- predictions in the EA;
- (g) identify any trends in the monitoring results over the life of the project;
- (h) identify any non-compliance during the previous year; and
- (i) describe what actions were, or are being, taken to ensure compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 2 years of this approval, and every 3 years thereafter, 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 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 relevant requirements of this approval and any relevant mining lease or EPL (including any strategy, plan or program required under these approvals);
 - (d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate,
 - (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.

Note: This audit team must be led by a suitably qualified auditor and include experts in the fields of water and noise management.

7. Within 6 weeks of the completing 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.
8. Within 3 months of submitting the audit report to the Director-General, the Proponent shall review, and if necessary revise the strategies/plans/programs required under this approval to the satisfaction of the Director-General.

COMMUNITY CONSULTATIVE COMMITTEE

9. Within 3 months of this approval, the Proponent shall establish a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General, in general accordance with the *Guideline for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007)*, or its latest version.

ACCESS TO INFORMATION

10. Within 3 months of the approval of any strategy/plan/ program required under this approval (or any subsequent revision of these strategies/plans/ programs), or the completion of the audits or AEMRs required under this approval, the Proponent shall:
- (a) provide a copy of the relevant document/s to the relevant agencies and CCC; and
 - (b) put a copy of the relevant document/s on its website.
11. During the project, the Proponent shall:
- (a) make a summary of monitoring results required under this approval publicly available at the mine and on its website; and
 - (b) update these results on a regular basis (at least every three months).

**APPENDIX 1
SCHEDULE OF PROJECT LAND**

Area	Land Title Reference
<i>Pit Top Area</i>	<i>Part Lot 60 DP 757124 Part Lots 151 & 152 DP 816020.</i>
<i>Indicative Mining Area</i>	<i>Part Lots 57, 58, 63 to 65, 81 to 84 & 115 DP 757124 Lot 61 DP 757124 Part Lot 1 DP 811171, Lot 2 DP 811171 Part Lots 3, 8, 25, 67 & 68 DP 757104 Lot 7 DP 757104 Part Lot 152 DP 816020 Lot 1 DP 659899, Part Lot 3 DP 1005608 Part Pilliga East State Forest Various Crown roads.</i>
<i>Remainder of Project Site</i>	<i>Lots 381 & 382 DP 1028753 Part Lot 1 DP 798487 Part Lots 57, 58, 60, 63 to 65, 81 to 84, 115 DP 757124 Part Lot 1 DP 811171 Part Lots 3, 8, 10, 25, 67 & 68 DP 757104 Part Lot 3 DP 1005608 Part Lots 151 & 152 DP 816020 Part Pilliga East State Forest Various Crown roads.</i>

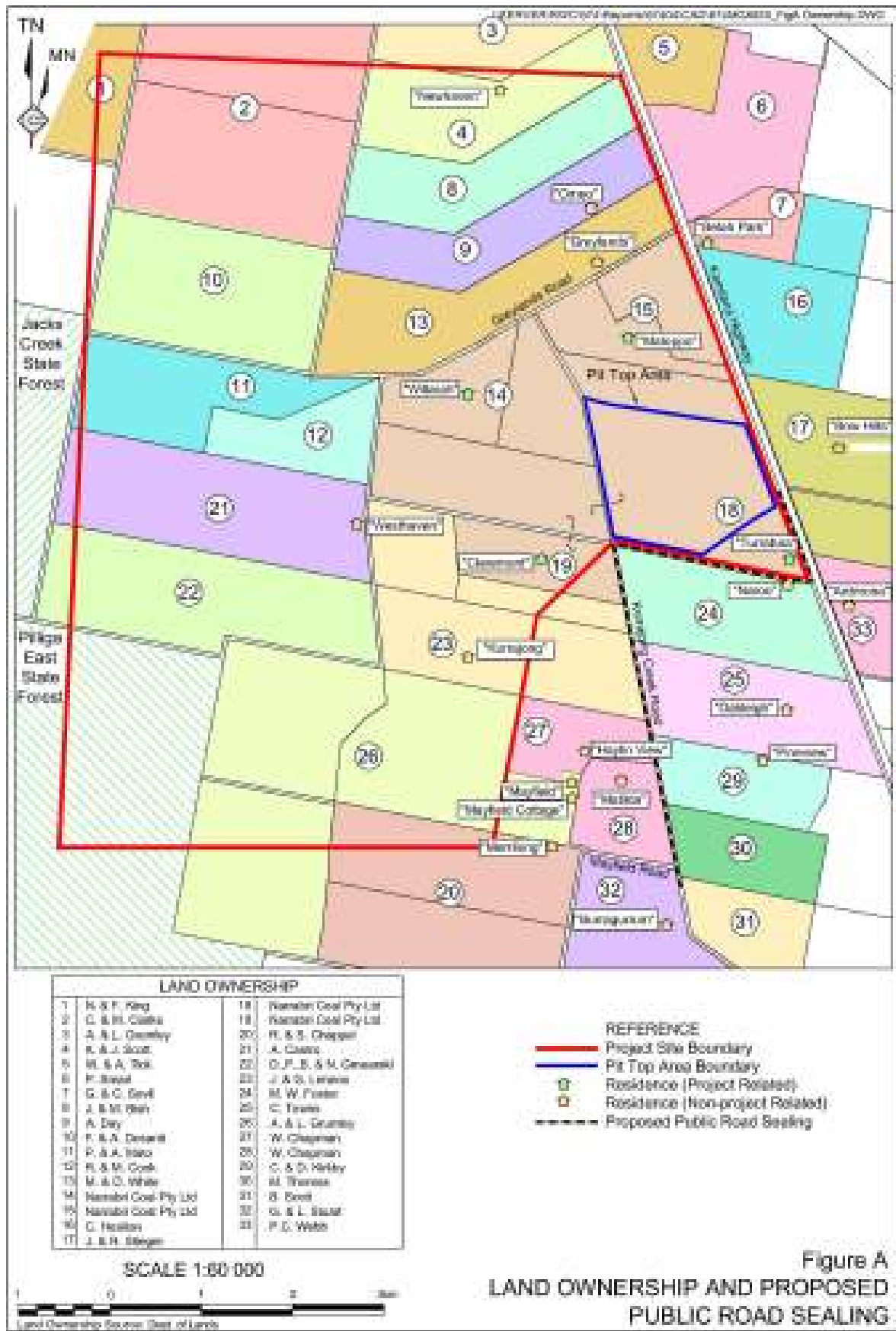


Figure 2: Section of Kurrajong Creek Road proposed to be sealed

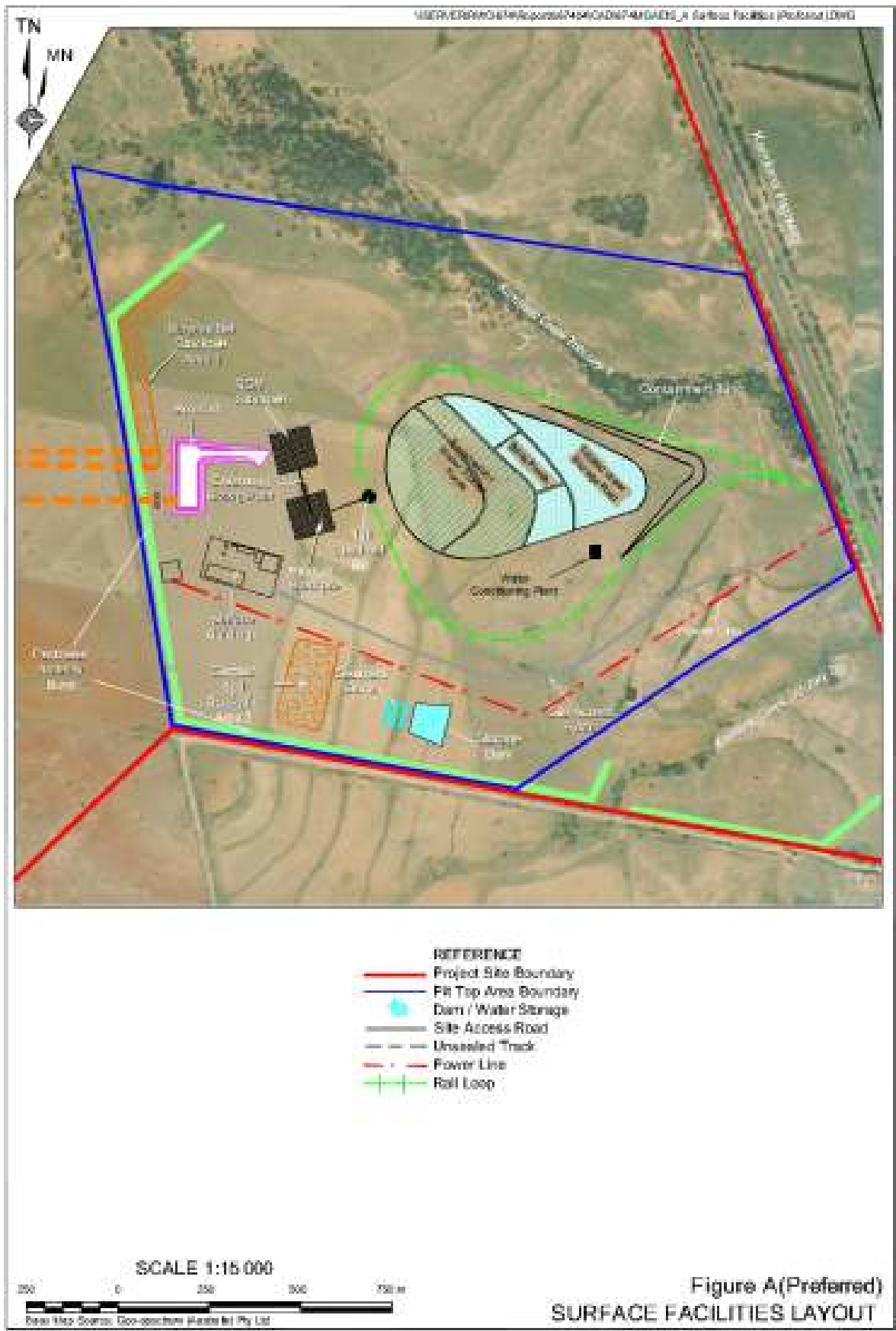


Figure 3: Surface Facilities Layout

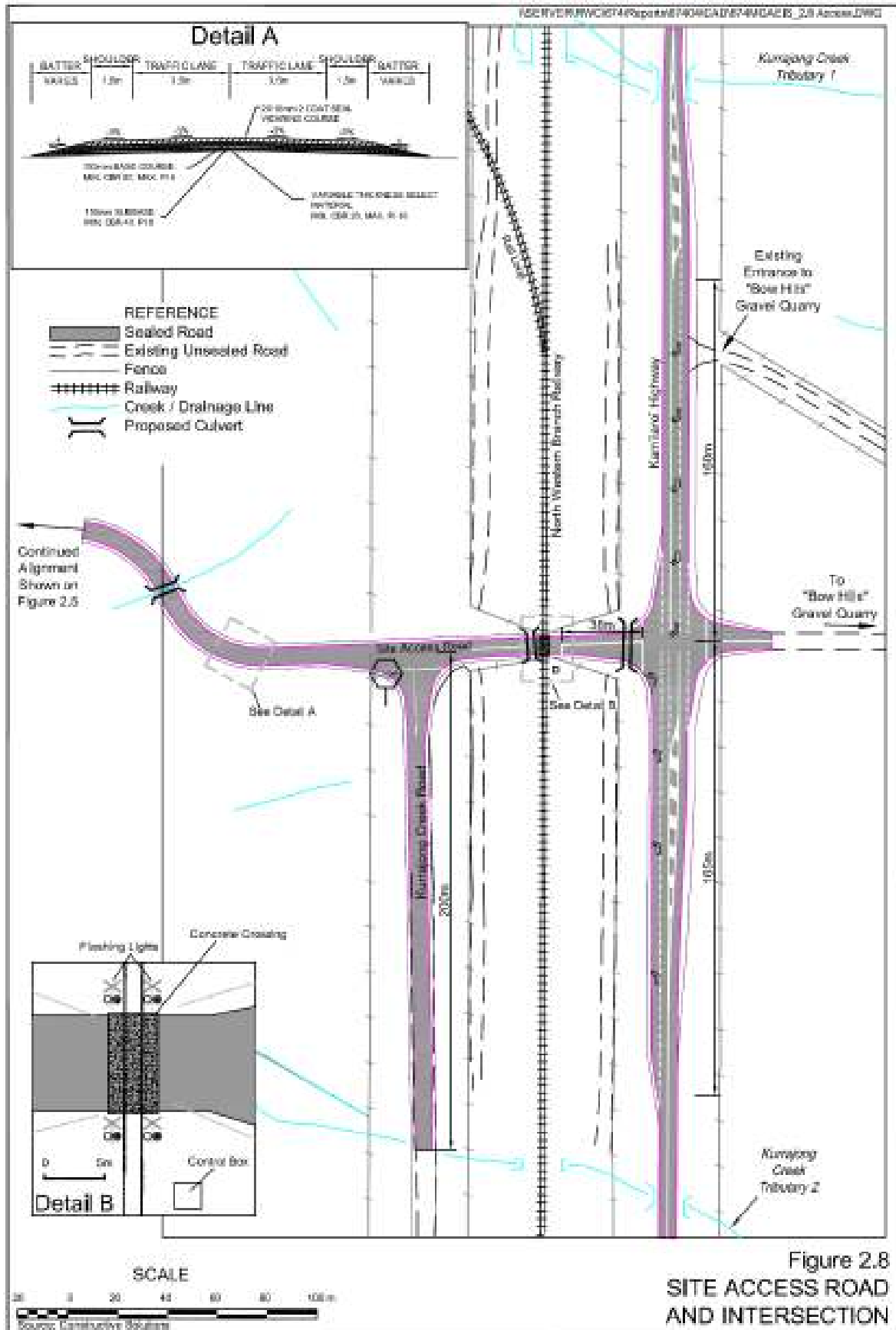


Figure 4: Proposed Kamilaroi Highway Intersection

**APPENDIX 3
STATEMENT OF COMMITMENTS**

**APPENDIX 4
GENERAL TERMS OF PLANNING AGREEMENTS**

Funding Area	Minimum Proponent Contribution	Funding Time Frame
<u>Narrabri Shire</u> Upgrade and seal Kurrajong Creek Road, adjacent to the Project site	7.0 kilometres length of Kurrajong Creek Road to be upgraded and sealed.	Works to be completed within 12 months of this approval.
<u>Narrabri Shire</u> Monetary Contribution – Provision of bush fire services	\$7,000	One instalment to be paid within 12 months of this approval.
<u>Narrabri Shire</u> Community Infrastructure Contribution	\$93,000	An initial instalment of \$13,000 to be paid within 12 months of this approval with \$20,000 to be paid for a period of four years on the anniversary of the initial payment.
<u>Gunnedah Shire</u> Monetary Contribution – Gunnedah Urban Riverine Scheme	\$100,000	\$20,000 each year for a period of 5 years with the first instalment to be paid within 12 months of this approval.

Notes:

- The Gunnedah Urban Riverine Scheme Contributions must be reviewed and adjusted to take into account any increase in the CPI over time, in accordance with the Planning Agreement between the Proponent and Gunnedah Shire Council required under this approval.
- The Community Infrastructure Contribution must be reviewed and adjusted to take into account any increase in the CPI over time, in accordance with the Planning Agreement and Narrabri Shire Council required under this approval.