

Appendix 1

PA 06_0308

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 5.

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.



The Honourable Kristina Keneally MP
Minister for Planning

24/9/08

Sydney

2008

SCHEDULE 1

Application No:	06_0308
Proponent:	Namoi Mining Pty Limited
Approval Authority:	Minister for Planning
Land:	See Appendix 1
Project:	Sunnyside Coal Project

TABLE OF CONTENTS

DEFINITIONS	3
ADMINISTRATIVE CONDITIONS	4
Obligation to Minimise Harm to the Environment	4
Terms of Approval	4
Limits on Approval	4
Hours of Operation	4
Management Plans / Monitoring Programs	4
Structural Adequacy	5
Demolition	5
Operation of Plant and Equipment	5
Community Enhancement Funds	5
SPECIFIC ENVIRONMENTAL CONDITIONS	6
Acquisition of Affected Properties	6
Noise	6
Blasting and Vibration	8
Air Quality	9
Meteorological Monitoring	10
Water Management	10
Landscape Management	11
Heritage	12
Transport	13
Visual	13
Greenhouse Gases	14
Waste	14
ADDITIONAL PROCEDURES	15
Notification of Landowners	15
Independent Review	15
Land Acquisition	16
ENVIRONMENTAL MANAGEMENT, MONITORING, REPORTING & AUDITING	17
Environmental Management Strategy	17
Environmental Monitoring Program	17
Reporting	17
Independent Environmental Audit	18
Community Consultative Committee	18
Access to Information	18
APPENDIX 1: SCHEDULE OF PROJECT LAND	19
APPENDIX 2: PROJECT MAPS	20
APPENDIX 3: STATEMENT OF COMMITMENTS	24
APPENDIX 4: INDEPENDENT DISPUTE RESOLUTION PROCESS	43

DEFINITIONS

AEMR	Annual Environmental Management Report
AgQuip	The AgQuip Festival, held at Blackjack Road, generally during the 3 rd week in August
BCA	Building Code of Australia
CCC	Community Consultative Committee
CHPP	Coal handling and preparation plant
Council	Gunnedah Shire Council
Day	The period from 7am to 6pm on Monday to Saturday
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 Namoi Mining Pty Limited entitled <i>Environmental Assessment Sunnyside Coal Project via Gunnedah and Specialist Consultant Studies Compendium, Volumes 1 & 2 (April 2008)</i>
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
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 removal and emplacement of overburden and the extraction, processing and transportation of coal on and from the site
Minister	Minister for Planning, or delegate
Privately-owned land	Land that is not owned by a public agency, or a mining company (or its subsidiary)
Proponent	Namoi Mining 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 Sunnyside Coal Project described in the EA
Reasonable and Feasible	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. Feasible relates to engineering corrections and what is practical to build
RTA	Roads and Traffic Authority
ROM	Run-of-mine
Site	Land to which the project application applies (see Appendix 1 and 2)
Statement of Commitments	The Proponent's Final Statement of Commitments for Site Operations and Management in Appendix 3

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) Sunnyside Coal Project Response to Public and Government Agency Submissions (June 2008);
 - (c) Sunnyside Coal Project Supplementary Response to Submissions (July 2008);
 - (d) Statement of Commitments (see Appendix 3); and
 - (e) conditions of this approval.

Notes:

- *The general layout of the project is shown in Figure 1 of Appendix 2; and*
- *The Statement of Commitments is reproduced in Appendix 3.*

3. If there is any inconsistency between the above documents, the latter 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 7 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 1 million tonnes of ROM coal a year from the site.
7. The Proponent shall use the coal transport route shown in Figure 2 of Appendix 2 to transport all coal from the site to the Whitehaven Siding CHPP.

Hours of Operation

8. Construction activities may take place only between 7 am to 6 pm each Monday to Friday and 7 am to 4 pm on Saturdays, and not on Public Holidays.
9. Mining operations may take place only between 7 am to 10 pm each Monday to Friday and 7 am to 6 pm on Saturdays, and not on Public Holidays.
10. Transport of coal may take place only between 7 am to 6 pm Monday to Friday (or between 7 am to 8 pm during Eastern Summer Time) and between 7 am to 4 pm on Saturdays, and not on Public Holidays.

Note: See condition 39 of Schedule 3.

Management Plans / Monitoring Programs

11. 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

12. 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

13. 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

14. 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.

Community Enhancement Funds

15. By 31 November 2008, and on each anniversary of that date until and including 2012, the Proponent shall provide development contributions of \$100,000 per annum to the Gunnedah Shire Council for expenditure by the Council on community enhancement projects.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

ACQUISITION OF AFFECTED PROPERTIES

Acquisition Upon Request

1. Upon receiving a written request for acquisition from the owner of "Lilydale", the Proponent shall acquire the land in accordance with the procedures in conditions 8-10 of schedule 4.

NOISE

Note: These conditions must be read in conjunction with Section 8 of the Statement of Commitments.

Construction Noise Impact Assessment Criteria

2. The Proponent shall ensure that the noise generated during the construction of the project does not exceed the level set out in Table 1.

Table 1: Construction noise impact assessment criterion dB(A)

Day/Evening	Land
$L_{A10(15\text{ minute})}$	
40	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")

Operational Noise Impact Assessment Criteria

3. The Proponent shall ensure that the noise generated during mining operations and other activities on the site does not exceed the level set out in Table 2:

Table 2: Operational noise impact assessment criterion dB(A)

Day/Evening	Land
$L_{Aeq(15\text{ minute})}$	
35	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")

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 meteorological conditions of:
 - wind speeds of 3 m/s at 10 metres above ground level; or
 - up to 3°C/100 m temperature inversion strength for all receivers, plus a 2 m/s source-to-receiver component drainage flow wind at 10 metres above ground level for those receivers where applicable.

However, if the Proponent has a written negotiated noise agreement with the landowner of any land, and a copy of this agreement has been forwarded to the Department and DECC, then the Proponent may exceed the noise limits in Table 1 or Table 2 on that land in accordance with the negotiated noise agreement.

Land Acquisition Criteria

4. If the noise generated by the project exceeds the level in Table 3, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 8-10 of schedule 4.

Table 3: Land acquisition criterion dB(A)

Day/Evening	Land
$L_{Aeq(15\text{ minute})}$	
40	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")

Note: Noise generated by the project is to be measured in accordance with the notes presented below Table 1.

Additional Operational Noise Mitigation Measures

5. Upon receiving a written request from the landowner of:
- "Illili", "Ferndale", or
 - any residence on privately owned land where noise generated by the project exceeds 37 dB(A) $L_{Aeq(15\text{ minute})}$,

the Proponent shall implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner.

These additional mitigation measures must be reasonable and feasible.

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.

Within 3 months of this approval, the Proponent shall notify all applicable landowners of their entitlements under this condition.

Traffic Noise Impact Assessment Criteria

6. The Proponent shall implement all reasonable and feasible measures to ensure that the traffic noise generated by the project combined with the traffic noise generated by other mines does not exceed the level in Table 4:

Table 4: Traffic noise criterion dB(A)

Day/Evening	Road
$L_{Aeq(1\text{ hour})}$	
55	Any residence adjacent to Torrens Road

Note: Traffic noise generated by the project is to be measured in accordance with the relevant procedures in the DECC's Environmental Criteria for Road Traffic Noise.

Additional Traffic Noise Mitigation Measures

7. If the traffic noise generated by the project exceeds the criterion in Table 4, the Proponent shall, upon receiving a written request from any landowner adjacent to Torrens Road, implement noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner.

These additional mitigation measures must be reasonable and feasible.

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.

Within 3 months of this approval, the Proponent shall notify all applicable landowners of their entitlements under this condition.

Continuous Improvement

8. The Proponent shall:
- (a) implement all reasonable and feasible best practice noise mitigation measures;
 - (b) investigate ways to reduce the noise generated by the project, including off-site road noise; and
 - (c) report on these investigations and the implementation and effectiveness of these measures in the AEMR,
- to the satisfaction of the Director-General.

Monitoring

9. The Proponent shall prepare and implement a detailed Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must:
- (a) be prepared in consultation with DECC;
 - (b) be submitted to the Director-General for approval prior to carrying out any development on site; and
 - (c) include:
 - attended monitoring measures; and
 - a noise monitoring protocol for evaluating compliance with the noise impact assessment and land acquisition criteria in this approval.

BLASTING AND VIBRATION

Note: These conditions should be read in conjunction with section 8 of the Statement of Commitments.

Airblast Overpressure Limits

10. The Proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 5 at any residence on privately-owned land.

Table 5: Airblast overpressure impact assessment criteria

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

Note: The overpressure values in Table 5 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

11. The Proponent shall ensure that the ground vibration level from blasting, or any other activity at the project does not exceed the levels in Table 6 at any residence on privately-owned land.

Table 6: Ground vibration impact assessment criteria

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

Blasting Hours

12. The Proponent shall carry out blasting on site only between 10 am and 5 pm each Monday to Friday and 10 am and 2 pm on Saturdays (excepting Public Holidays).

Blasting Frequency

13. The Proponent shall not carry out more than:
 - (a) 2 blasts a day; and
 - (b) 5 blasts a week, averaged over any 12 month period; on site.

Property Inspections

14. At least 2 months before carrying out any blasting on the site, 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 to establish the baseline condition of the property.
15. If the Proponent receives a written request for a property inspection from any such landowner, the Proponent shall:
 - (a) commission a suitably qualified person, whose appointment has been approved by the Director-General, to inspect and report on the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and
 - (b) give the landowner a copy of this property inspection report.

Note: It is preferable for the property inspection to be carried out prior to the commencement of blasting activities on the site, and the Proponent should facilitate this occurring wherever possible.

Property Investigations

16. If any landowner within 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:
 - (a) commission a suitably qualified person whose appointment has been approved by the Director-General to investigate the claim and prepare a property investigation report; and
 - (b) give the landowner a copy of the report.

If this independent investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damage 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

17. Prior to the commencement of blasting, the Proponent shall prepare and implement a detailed Blast Monitoring Program for the project, in consultation with the DECC and to the satisfaction of the Director-General.

AIR QUALITY

Note: These conditions must be read in conjunction with Section 11 of the Statement of Commitments.

Impact Assessment Criteria

18. The Proponent shall ensure that dust emissions generated by the project do not cause additional exceedances of the criteria listed in Tables 7 to 9 at any residence on privately owned land, or on more than 25 percent of any privately-owned land.

Table 7: Long term impact assessment criteria for particulate matter

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 8: Short term impact assessment criterion for particulate matter

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

Table 9: Long term impact assessment criterion for deposited dust

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

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

19. 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;
 - 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

Note: This condition must be read in conjunction with Section 11 of the Statement of Commitments

20. During the project, the Proponent shall ensure there is a suitable continuously operating 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.

WATER MANAGEMENT

Note: These conditions must be read in conjunction with Section 7 & 10 of the Statement of Commitments.

Discharge

21. Except as may be expressly provided for by an EPL, or in accordance with section 120 of the *Protection of the Environment Operations Act 1997*, the Proponent shall not discharge any mine water from the site.

Water Management Plan

22. 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 public road upgrades other than the realignment of Coochooboonah Lane) in consultation with the DECC and DWE by suitably qualified expert/s whose appointment/s have been approved by the Director-General and include a:
- Site Water Balance;
 - Erosion and Sediment Control Plan;
 - Surface Water Monitoring Plan;
 - Groundwater Monitoring Program; and
 - Groundwater Contingency Plan.

Site Water Balance

23. 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 using the most recent water monitoring data.

Erosion and Sediment Control

24. 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

25. The Surface Water Monitoring Program 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; and
 - (d) procedures for reporting the results of this monitoring.

Groundwater Monitoring Program

26. 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; and
 - (e) procedures for reporting the results of this monitoring.

Groundwater Contingency Plan

27. The Groundwater Contingency Plan must:
- (a) provide measures to mitigate any impacts of the mine on the quality or quantity of groundwater supplies available on privately-owned land;
 - (b) establish trigger levels, benchmarks and contingency criteria; and
 - (c) provide for negotiated agreements with affected landowners, including compensation where mining impacts result in increased extraction costs for landowners.

LANDSCAPE MANAGEMENT

Koala Habitat

Note: This condition must be read in conjunction with Sections 2, 9 and 18 of the Statement of Commitments.

28. The Proponent shall implement the Koala habitat management and enhancement actions described in the EA (shown conceptually in Figure 6 in Appendix 4) in consultation with the DECC and to the satisfaction of the Director-General.

Note: Conditions 29 – 31 must be read in conjunction with Section 17 of the Statement of Commitments.

Rehabilitation

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

Rehabilitation and Landscape Management Plan

30. The Proponent shall prepare and implement a detailed Rehabilitation and Landscape Management Plan for the site to the satisfaction of the Director-General and DPI. This plan must:
- (a) be prepared in consultation with DECC, DWE and Council by suitably qualified expert/s whose appointment/s have been approved by the Director-General; and
 - (b) be submitted to the Director-General and DPI for approval by 1 March 2009;
 - (c) include:
 - the rehabilitation objectives for the site;
 - a description of how the rehabilitation of the site would be integrated with the landscape of the surrounding area;
 - detailed performance and completion criteria for the rehabilitation of the site;
 - a detailed description of the measures that would be implemented to achieve the performance and completion criteria for each site, including the procedures to be implemented for
 - protection and enhancement of koala habitat;
 - progressively rehabilitating the areas disturbed by mining operations;
 - restoration of agricultural land suitability;
 - revegetating the site;
 - protecting and/or enhancing areas in the vicinity of the disturbance area;
 - conserving and re-using any topsoil;
 - controlling weeds and feral pests;
 - controlling access; and
 - bushfire management.
 - a program to monitor the performance of the rehabilitation against the stated objectives, performance and completion criteria;
 - a description of the potential risks to successful rehabilitation, and a description of the contingency measures that would be implemented to minimise these risks; and
 - details of who is responsible for monitoring, reviewing and implementing the plan.

Mine Closure Plan

31. At least 2 years prior to the cessation of mining operations on the site the Proponent shall prepare a Mine Closure Plan. This 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 storage dams;
 - (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 must be read in conjunction with Section 12 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 public road upgrades other than the realignment of Coocooboonah Lane);
 - (b) be prepared in consultation with the DECC and the local Aboriginal community;

- (c) include a protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage on site; and
- (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 must be read in conjunction with Section 2 of the Statement of Commitments.

Monitoring of Coal Transport

34. The Proponent shall keep records of the amount of coal transported from the site each year, and include these records in the AEMR.

Traffic Management

35. Prior to transporting any coal off-site, the Proponent shall:
- (a) construct a realignment of Coochooboonah Lane to the satisfaction of the landowner and Council;
 - (b) upgrade the intersection of Coochooboonah Lane and the Oxley Highway to the satisfaction of the RTA and Council;
 - (c) upgrade the intersection of the Oxley Highway and Blackjack Road to the satisfaction of the RTA and Council;
 - (d) upgrade the section of Blackjack Road to be used for coal transport to the satisfaction of Council;
 - (e) upgrade the intersection of Blackjack Road and Quia Road to the satisfaction of Council;
 - (f) upgrade the section of Quia Road to be used for coal transport to the satisfaction of Council;
 - (g) upgrade the intersection of Quia Road and Farrar Road to the satisfaction of Council;
 - (h) upgrade the intersection of Quia Road and Torrens Road to the satisfaction of Council; and
 - (i) upgrade Torrens Road to the satisfaction of Council.
36. Prior to carrying out any development on site, the Proponent shall prepare, and subsequently implement, a Construction Traffic Management Plan for the project to the satisfaction of the RTA and Council.
37. Within 6 months of this approval the Proponent shall enter into an agreement with Council for the maintenance of the section of the Oxley Highway between Coochooboonah Lane and Blackjack Road.
38. Prior to transporting coal from the site the Proponent shall construct 2 bus stops on the Oxley Highway to the satisfaction of Council.
39. Notwithstanding condition 10 of Schedule 2, the Proponent shall ensure no coal is transported from the site during AgQuip.

VISUAL IMPACT

Visual Amenity

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

Lighting Emissions

41. 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

Energy Savings Action Plan

42. 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 accordance with the *Guidelines for Energy Savings Action Plans* (DEUS, 2005), or its latest version;
 - (b) include consideration of energy use by mobile equipment;
 - (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.

WASTE

Waste Minimisation

43. 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
ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. Within 1 month of this approval, the Proponent shall notify the owner of "Lilydale" in writing that he/she has the right to require the Proponent to acquire their land at any stage during the project.
2. If the results of monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria in schedule 3, then the Proponent shall notify the Director-General and the affected landowners and/or existing or future 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. However, no notification is required if the impact is predicted in the EA or where an agreement has been negotiated with a landowner that excludes the requirement for ongoing notification of such impacts.

INDEPENDENT REVIEW

3. If a landowner considers the project to be exceeding the impact assessment criteria in schedule 3, except where this is predicted in the EA, 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.

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.

4. 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
 - (b) conduct further monitoring to determine whether these measures ensure compliance; or
 - (c) 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 (b) 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.

5. If further monitoring under condition 4(b) determines that measures implemented under condition 4(a) have not achieved compliance with the land acquisition criteria in schedule 3, and the Proponent cannot then secure within 3 months a written agreement with the landowner under condition 4(c) to allow these exceedances, then the Proponent shall, upon receiving a written request from the landowner, acquire all or part of the landowner's land in accordance with the procedures in conditions 7-9 below.
6. If:
 - (a) the landowner disputes the results of the independent review; or
 - (b) the Proponent is unable to secure a written agreement under condition 4(c) with the landowner then (subject to condition 5) either the Proponent or the landowner may refer the matter to the Director-General for resolution.

Where matters referred to the Director-General under this condition cannot be resolved by the Director-General within 28 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process.

LAND ACQUISITION

7. 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 the 'additional noise mitigation measures' in conditions 5 and 7 of schedule 3;
 - (b) the reasonable costs associated with:
 - relocating within the Gunnedah local government area, 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 required; 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 shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.

The appointed valuer is to provide a full report and explanation of the determination and proposed terms to the Proponent, landowner and the Director-General.

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

If the landowner refuses to accept this offer within 6 months of the date of the Proponent's offer, the Proponent's obligations to acquire the land shall cease, unless otherwise agreed by the Director-General.

8. The Proponent shall bear the costs of any valuation or survey assessment requested by the independent valuer, or the Director-General and the costs of determination referred above.
9. If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall 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.

SCHEDULE 5

ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

Note: This schedule must be read in conjunction with section 18 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, noise management and mine rehabilitation.

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. This CCC must be established and operated in accordance with the *Guideline 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.

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 all 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**

<i>Parish</i>	<i>Land Title Reference</i>
<i>Gill</i>	<i>Lot 1 DP 393755 Lot 12 DP 755503 Lot 16 DP 7555031 Lot 162 DP 755503 Various Road Reserves</i>

APPENDIX 2
PROJECT MAPS

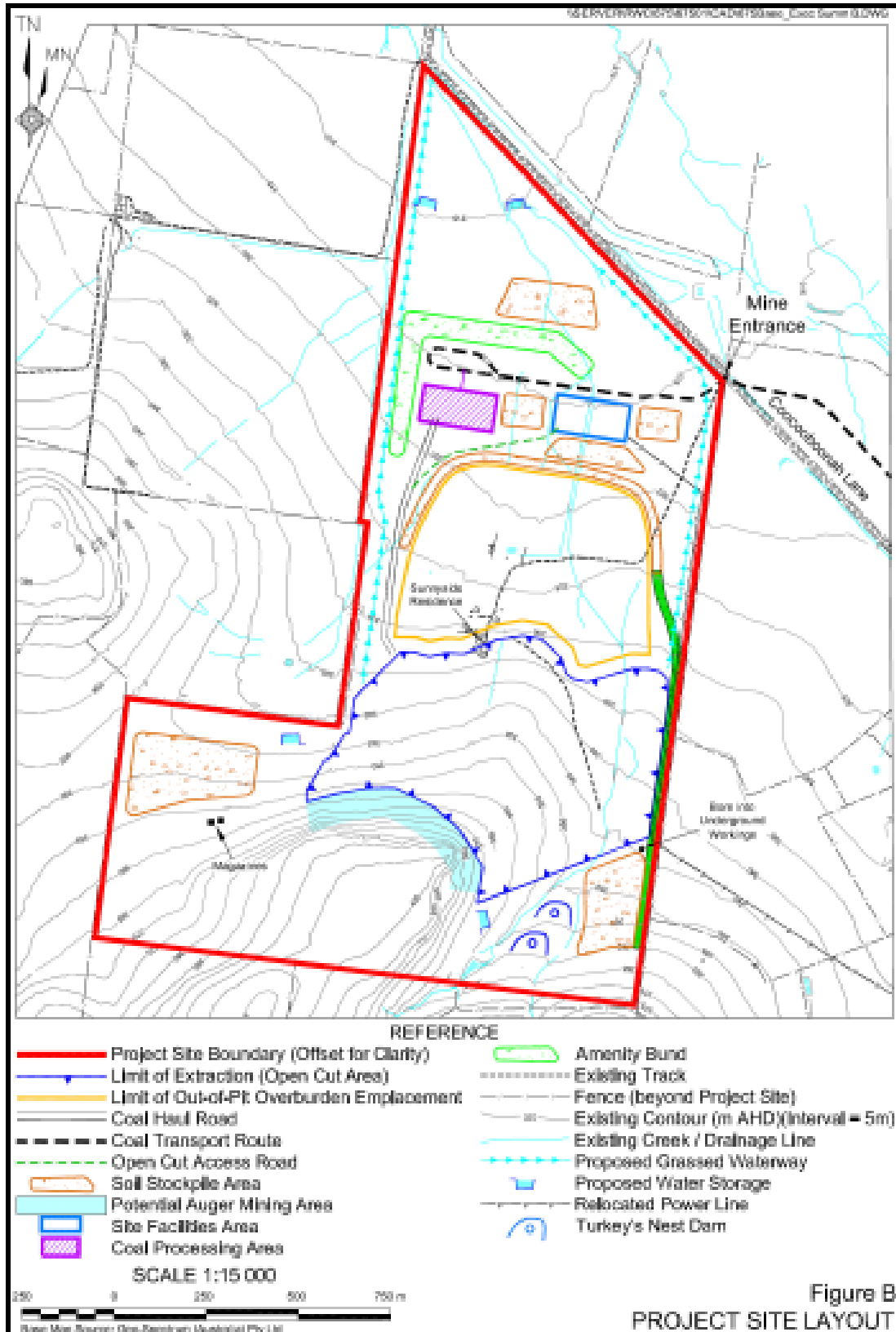


Figure 1: Project Layout

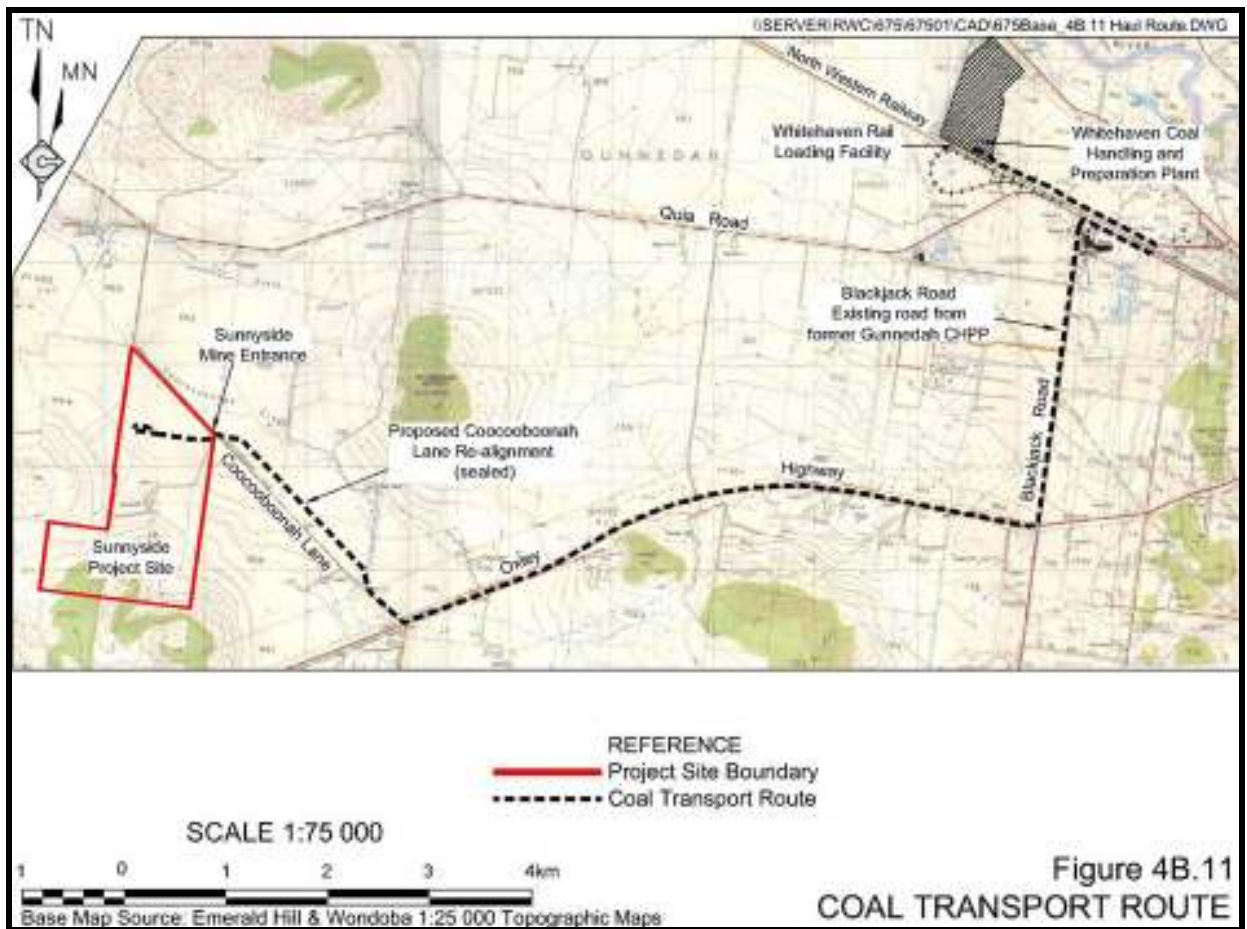


Figure 2: Coal transport route

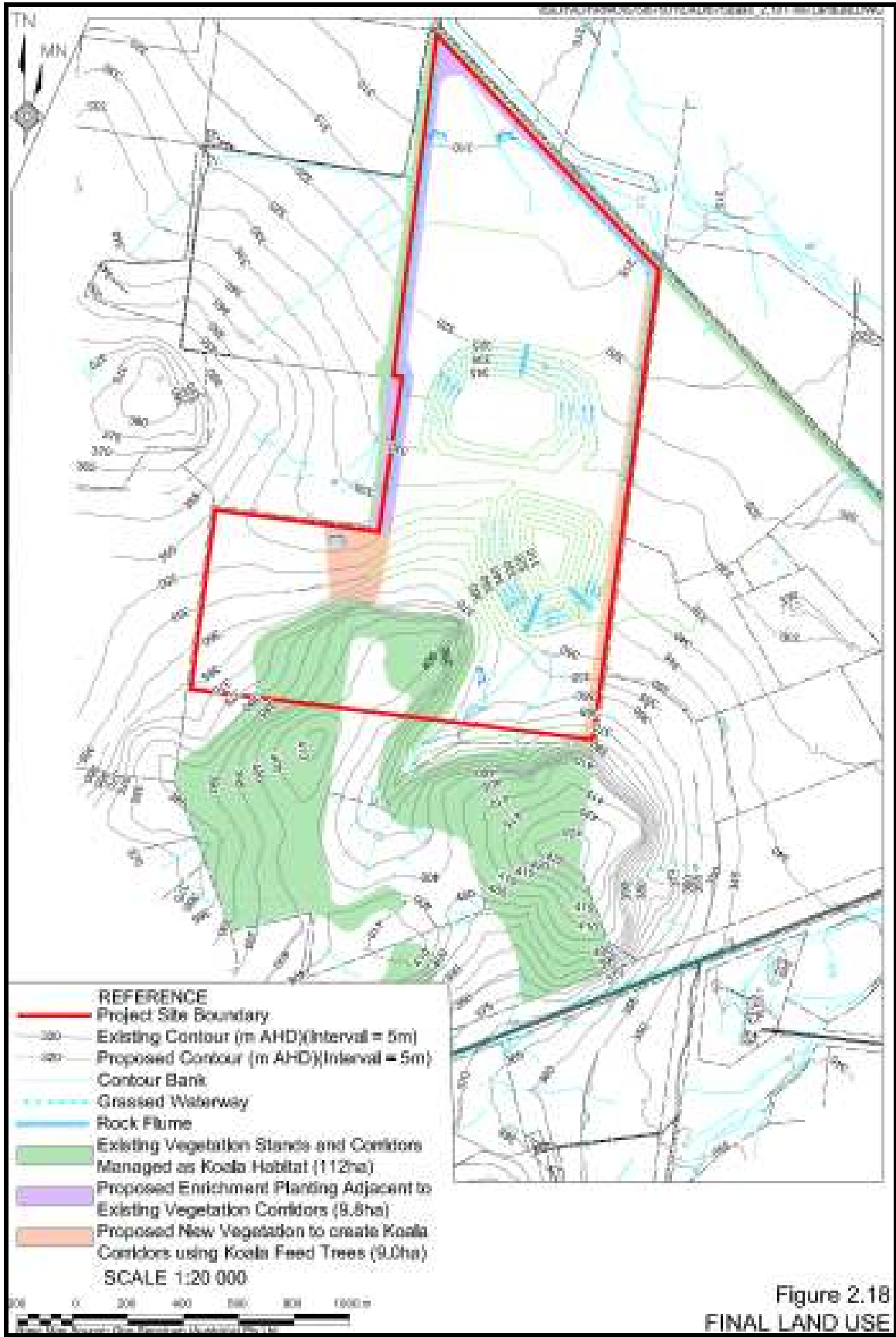


Figure 2.18
FINAL LAND USE

Figure 4: Conceptual final land-use showing Koala habitat protection and enhancement areas

**APPENDIX 3
STATEMENT OF COMMITMENTS**

Desired Outcome	Action	Timing	
1. General Project Development			
Operate the Project to ensure that all component activities are undertaken in a responsible and proactive manner	1.1	All activities will be subject to the Mining, Rehabilitation and Environmental Management Process managed by the Department of Primary Industries – Mineral Resources.	Ongoing.
	1.2	Operate the mine with comprehensive systems to manage and monitor groundwater, surface water, noise, blasting, air quality, visibility, Aboriginal heritage, flora, fauna, traffic, visual and socio-economic aspects.	Ongoing.
	1.3	Apply for a Mining Lease with boundaries generally coincident with the Project Site.	Late 2007.
	1.4	Obtain all necessary certifications for all buildings constructed or relocated on site from Gunnedah Shire Council.	Mid 2008.
	1.5	Seek approval from Gunnedah Shire Council to install a septic system on site.	Prior to Project commencement.
	1.6	Undertake all rehabilitation and site decommissioning within 12 months of the end of mining. This would include re-instating Coochooboonah Lane to its pre-mining alignment	Approximately December 2013.
	1.7	Implement management strategies to minimise the likelihood of spontaneous combustion.	Ongoing.
	1.8	Construct the out-of-pit overburden emplacement in a manner that would ensure the initial emplaced overburden would form an acoustic barrier around the operating area within the emplacement.	During Year 1 of mining operations.
	1.9	Undertake a geological and geotechnical assessment prior to any auger mining to confirm it is both safe and economic to proceed.	During mining operations.
	1.10	Direct surface runoff water around the final void.	Ongoing.
	1.11	Potable water would be transported from Gunnedah to supplement rainwater collected off site buildings and stored in tanks. Ablutions water would be transported from Gunnedah.	Ongoing.

Desired Outcome	Action	Timing	
1. General Project Development			
Operate the Project to ensure that all component activities are undertaken in a responsible and proactive manner (Cont'd).	1.12	Operational water will initially be supplied from water within the Gunnedah Coal Mine N° 5 Entry underground workings. This will eventually augment the pit groundwater inflow and water drawn from the various sedimentation and fresh water dams that would form part of the site surface water management system.	Ongoing.
	1.13	Power will be predominantly generated on site by diesel powered generators.	Ongoing.
	1.14	There will be capacity to store 68 000L of diesel and 10 000L of oil on site in self-bunded fuel tanks.	Ongoing.
	1.15	An Environment Protection Licence to be applied for.	Mid 2008.
	1.16	RTA approval to be sought for proposed roadworks along the Oxley Highway.	Mid 2008.
	1.17	Road Construction Permit to be applied for from Gunnedah Shire Council prior to modifications and other roadworks associated with re-alignment of Coccooboonah Lane and public road intersections along the coal transport route.	Mid 2008.
	1.18	A Water Licence be applied for and granted before installation and operation of a water bore into the Gunnedah N° 5 Colliery workings.	Mid 2008.
	1.19	A licence be applied and granted from WorkCover for the installation of explosives magazine within the Project Site area.	Mid 2008.
2. Traffic and Transport			
	2.1	Ensure all trucks transporting coal are well maintained and that drivers act in a courteous manner at all times.	Ongoing.
	2.2	Avoid loading trucks that are unroadworthy or not carrying covers.	Ongoing.
	2.3	Ensure all truck drivers operate in accordance with a Transport Policy and Code of Conduct.	Ongoing.

Desired Outcome	Action	Timing
2. Traffic and Transport (cont'd)		
	2.4 Contact all potentially affected landowners and surrounding residents prior to initial construction and the commencement of any upgrading works to inform / discuss the proposed works.	Prior to initial construction and ongoing.
	2.5 Liaise routinely with local residents to ensure their satisfaction with all aspects of changed traffic conditions.	Ongoing.
	2.6 Relocate part of Coccoofoonah Lane to avoid disturbing remnant Koala habitat. RTA requested changes will result in approximately three trees being removed.	Prior to mining commencing.
	2.7 Upgrade parts of the proposed coal transport route beyond Coccoofoonah Lane and various intersections to improve traffic flow and safety aspects.	Prior to coal transportation.
	2.8 The truck fleet will consist of a mix of standard 28t capacity semi-trailers and 40t capacity B-Double vehicles.	Ongoing.
	2.9 Develop a Road Maintenance and Capital Improvement Agreement with Gunnedah Shire Council.	Prior to mining commencing.
	2.10 Erect appropriate road signage.	Prior to coal transportation.
	2.11 Ensure all employees and contractors are regularly informed about the safe driving requirements to and from the Project Site.	Ongoing.
	2.12 Transport all oversize loads with all necessary permits.	During transport of oversize loads (primarily during site establishment).
	2.13 Erect a blast board at the Project Site entrance and update at least 24 hours prior to each blast.	Prior to initial blast.

Desired Outcome	Action	Timing	
3. Operating Hours – Site Establishment			
Management of construction activities in accordance with the approved operating hours.	3.1	Undertake on-site construction within the hours of: 7.00am to 6.00pm / Monday to Friday, 7.00am to 4.00pm / Saturday.	During site establishment.
	3.2	Undertake coal transport route construction within the hours of: 7:00am to 6:00pm / Monday to Friday with the contingency to extend to 8.00pm if light and seasonal conditions permit, 7.00am to 4.00pm / Saturday	During site establishment.
4. Operating Hours – Operations			
Management of operating hours of work in accordance with the approved consent conditions	4.1	Undertake vegetation clearing / soil removal within the hours: 7.00am to 6.00pm Monday to Friday with a contingency to extend operations to 8.00pm if light and seasonal conditions permit. Saturday activity would be between 7.00am and 4.00pm with contingency to extend through to 6.00pm	During vegetation clearing and soil removal.
	4.2	Undertake drilling within the hours: 7.00am to 8.00pm / Monday to Friday and 7.00am to 6.00pm Saturday.	During drilling.
	4.3	Undertake blasting within the hours: 10.00am to 5.00pm / Monday to Friday and 10.00am to 2.00pm Saturday	During blasting.
	4.4	Undertake overburden / interburden removal and placement within the hours 7.00am to 10.00pm Monday to Friday and 7.00am to 4.00pm Saturday.	During overburden / interburden removal and placement.
	4.5	Undertake internal transport of coal product to ROM stockpile within the hours 7.00am to 10.00pm Monday to Friday and 7.00am to 4.00pm Saturday.	During internal transport of coal.
	4.6	Undertake on-site processing within the hours 7.00am to 10.00pm Monday to Friday and 7.00am to 6.00pm Saturday.	Ongoing.
	4.7	Undertake coal transport to Whitehaven CHPP and Rail Loading Facility within the hours 7.00am to 6.00pm Monday to Friday with contingency to extend to 8.00pm light and seasonal conditions permitting.	During coal transport.
	4.8	Undertake maintenance within the hours: 24 hours over 7 days.	During maintenance.
	4.9	Undertake rehabilitation within the hours: 7.00am to 6.00pm / Monday to Friday and 7.00am to 4.00pm Saturday.	During rehabilitation.

Desired Outcome	Action	Timing
5. Waste Management		
Minimisation of general waste creation and maximisation of recycling wherever possible.	5.1 Place all paper and general wastes originating from the Site Facilities Area, together with routine maintenance consumables from the daily servicing of equipment in garbage bins located adjacent to the various buildings.	Continuous.
Minimisation of the potential risk of environmental impact due to waste creation, storage and/or disposal.	5.2 Collect general waste bins and place contents in large waste skip bins positioned adjacent to the heavy vehicle maintenance building to await removal by licensed contractor.	Daily - wastebins. As required – skip bins.
	5.3 Collect industrial waste regularly.	Fortnightly.
	5.4 Collect waste oils and grease and pump to bulk storage tanks.	As required.
	5.5 Store waste oils and grease at the maintenance workshop for collection by a licensed waste recycling contractor.	Bi-monthly.
	5.6 Collect all parts and packaging and transfer to the maintenance workshop for disposal or recycling.	As required.
	5.7 Install adequate toilet and ablution facilities within the mine facilities area for the site workforce and visitors.	During site establishment.
	5.8 Direct sewage to a bio-cycle (or equivalent system) with effluent irrigation to land – to be approved by Gunnedah Shire Council.	Ongoing following installation.
	5.9 Store potentially hydrocarbon-contaminated water in the oil/water separator for regular removal from site by a licensed contractor.	As required.
	5.10 Assemble all proposed waste management practices in a Waste Management Plan.	Within 6 months of the start of site establishment.
	6. Safety and Security	
To protect the safety of employees (including contractors), visitors to the mine, the public as well as local land owners and land users.	6.1 Ensure compliance with statutory regulations and maintain awareness of changes.	Ongoing.
	6.2 Eliminate or control safety and health hazards in the work environment.	Ongoing.
	6.3 Provide relevant occupational health and safe working practices and job training.	Ongoing.
	6.4 Conduct regular safety meetings and provide open forum for input from all employees.	Ongoing.
	6.5 Provide effective emergency arrangements for all employees and general public protection.	Ongoing.
	6.6 Undertake regular employee assessment and counselling if required.	Ongoing.

Desired Outcome	Action	Timing
6. Safety and Security (cont'd)		
	6.7 Ensure all contractors adopt the NMPL's policy objectives and maintain safety standards at all times while working on the premises.	Ongoing.
To protect the safety of employees (including contractors), visitors to the mine, the public as well as local land owners and land users. (Cont'd)	6.8 Develop an Occupational Health and Safety Management System and Major Hazard Management System to be approved by the Chief Inspector of Coal Mines.	Prior to mining and Ongoing.
	6.9 Erect and maintain all boundary fencing encompassing the Project Site.	During site establishment.
	6.10 Install lockable mine entrance gate.	During site establishment.
	6.11 Erect appropriate security fencing signs at key locations in and around the Project Site.	During site establishment.
	6.12 Erect advisory truck traffic warning signage prior to intersection of private sections of the proposed coal transport route along the re-aligned Coochoonah Lane.	During site establishment.
	6.13 Ensure all equipment complies with Mine Design Guidelines (MDG15).	Prior to commencement of operations.
	6.14 Submit Mining Operations Plan to the Department of Primary Industries.	Prior to commencement of operations.
7. Groundwater		
Access to groundwater resources within the N ^o 5 underground as a supplementary water source for mine operations.	7.1 Obtain all necessary approvals and construct a groundwater bore (see Figure A) to withdraw water collected in the void of the Gunnedah N ^o 5 underground workings.	During site establishment.
Prevention of groundwater contamination.	7.2 Control dirty or contaminated surface water within surface structures (see Commitments in Section 10).	Ongoing.
	7.3 Refuel the mining fleet within designated areas of the Project surface facilities.	Ongoing.
	7.4 Undertake all maintenance works requiring the use of oils, greases and lubricants within designated areas of the Project surface facilities.	Ongoing.
	7.5 Direct all water from wash-down areas and workshops, except some mobile equipment to oil / water separators and containment systems.	Ongoing.
	7.6 Ensure all storage tanks are either self-bunded tanks or bunded with an impermeable surface and a capacity to contain a minimum 110% of the largest storage tank capacity.	Prior to mining and Ongoing.

Desired Outcome	Action	Timing
7. Groundwater (Cont'd)		
Prevention of groundwater contamination. (Cont'd)	7.7 Construct two turkey's nest dams for the storage of any surplus open cut pit inflows (rather than direct placement into underground workings).	Ongoing.
	7.8 Preferentially use water in the two turkey's nest dams for on-site dust suppression (rather than placing water from these dams underground).	Ongoing.
	7.9 Construct a suitable bore and install appropriate pumping equipment to place diluted pit water (from Turkey's Nest Dam N° 2) into the N° 5 underground workings. (All bores would be licenced by DWE).	Prior to the completion of construction of Turkey's Nest Dam N° 2.
	7.10 Pump water to the N° 5 underground workings only from the second turkey's nest dam (to ensure only diluted water is placed underground). This would occur in the event of excessive wet weather when the second turkey's nest dam is approaching its capacity.	As required.
Preparation of a contingency plan in the event that the availability or quality of groundwater is reduced for local groundwater users.	7.11 Undertake remedial action if the available groundwater for existing groundwater users is reduced by over 15% due to mine activities.	As required.
Implement a groundwater monitoring program to confirm predictions and to identify emerging issues.	7.12 Implement the water monitoring programme outlined in Section 4B.1.6.1 including ongoing review and modification as required.	Before commencement of Project and ongoing throughout life of Project.
	7.13 Develop contingency measures identified to address any impacts identified by monitoring.	Ongoing.
	7.14 Include relevant data in the Sunnyside Mine Annual Environmental Management Report (AEMR)	Annually.
	7.15 Prepare a monitoring report at the conclusion of mining to outline changes in the local groundwater system.	At conclusion of mining.
	7.16 Establish and maintain a coverage of piezometers to the satisfaction of DWE in the vicinity of the open pit and the Project Site.	Within 12 months after the commencement of mining operations.

Desired Outcome	Action	Timing
8. Noise and Vibration		
Noise generated by site establishment, construction and operational activities does not exceed DECC nominated criteria nor significantly impact on neighbouring landowners and/or residents.	8.1 Seal the re-aligned Coochoonah Lane and all other upgraded road sections.	Prior to commencement of coal transportation.
	8.2 Regularly maintain all roads comprising the proposed coal transport route under a contribution plan with Gunnedah Shire Council.	Ongoing.
	8.3 Avoid all noisy activities occurring concurrently during construction particularly before 9.00am when the affects of local inversions may be noticeable.	During construction.
	8.4 Construct the out-of-pit overburden emplacement to provide an acoustic barrier between the open cut and Non-Project-related residences.	During emplacement construction in Year 1.
	8.5 Construct the amenity bund around the coal processing area to act as an acoustic barrier.	At commencement of overburden stripping.
	8.6 Adhere strictly to hours of operation, including transport activities, enforced by Mine Management.	Ongoing.
	8.7 Use equipment with lower sound power levels in preference to more noisy equipment.	Ongoing.
	8.8 Regularly service all equipment used on site to ensure the power sound levels remain at or below the levels used in the modelling to assess generated noise levels and compliance with the criteria.	Ongoing.
	8.9 Ensure that bulldozers either operate in first gear when reversing on the out-of-pit emplacement (and demonstrating compliance with noise criteria) or suspends operations (when compliance is not achieved with noise criteria).	During adverse weather conditions, particularly during periods of temperature inversions.
	8.10 Manage scraper operations through seasonal / daily programming to avoid operations during inversion conditions and, when necessary to reduce the number of scrapers operating from two to one when noise monitoring demonstrates the $L_{Aeq(15\text{ minute})}$ criteria of 35dB(A) is or will be exceeded.	Under inversion conditions or as required.
	8.11 Confine operations to lower levels of the in-pit overburden emplacement to mitigate noise exceedances under adverse wind conditions, ie. avoid operations on elevated section of the overburden emplacements during inversions and SSW winds.	Under adverse wind conditions or as required.

Desired Outcome	Action	Timing
8. Noise and Vibration (cont'd)		
Noise generated by site establishment, construction and operational activities does not exceed DECC nominated criteria nor significantly impact on neighbouring landowners and/or residents.	8.12 Fit mid frequency broadband reversing beepers to mobile mining equipment, decreasing sound power levels by 2dB(A) to 3dB(A).	At start of Project.
	8.13 Ensure the on-site road network is well maintained to limit body noise from empty trucks travelling on internal roads.	Ongoing.
	8.14 Maintain dialogue with neighbours and local community to ensure any concerns over construction, operational or transport noise are addressed.	Ongoing.
	8.15 Establish a noise monitoring program, in consultation with the DECC, prior to the commencement of the Project, designed to initially validate the predictions arising from the modelling and then record noise levels against the Project noise criteria.	Prior to construction.
	8.16 Document all proposed noise management strategies formally in a Noise Management Plan.	Prior to construction and mining activity.
	8.17 Monitor construction noise near "Lilydale" when the realignment of Coocooboona Lane is being undertaken.	During construction.
	8.18 Conduct operational noise monitoring monthly for the first six months of mining operations, reverting to quarterly for the remainder of the year.	Ongoing.
	8.19 Instruct all truck drivers to avoid the use of engine brakes when approaching the Project Site entrance and coal transport route intersections and to be mindful when accelerating.	During inductions and ongoing.
	8.20 Adhere strictly to approved hours of coal transportation.	Ongoing.
	8.21 Ensure all blasts are designed to comply with blast limits specified in the Environment Protection Licence.	All blasts.
8.22 Install a blast monitor at all residences within a 2km radius of the active blasting area to monitor blast parameters.	Ongoing.	

Desired Outcome	Action	Timing
9. Flora and Fauna		
	8.23 Use aggregates for blast hole stemming to prevent venting of explosion gases.	During blasting. Ongoing.
	8.24 Use average size blasts (MIC 960kg) when within the range of 150m to 210m of axe grinding groove (AGGI).	When mining near axe grinding groove.
	9.1 Re-align Coochoonah Lane to avoid removal of Koala habitat.	Prior to off-site coal transportation.
	9.2 Erect fencing to exclude livestock from Koala habitat areas.	Prior to topsoil removal.
	9.3 Erect a Koala-proof fence around the active mine area.	Progressively, as required.
	9.4 Restrict speeds of all vehicles on the Project Site to 40kph.	Entire mine life.
	9.5 Utilise local tree species in revegetation of disturbed areas with an emphasis on Koala feed trees.	During rehabilitation.
	9.6 Re-establish a small area of the Endangered ecological community Native Vegetation on Cracking Clay Soils of the Liverpool Plains.	After Coochoonah Lane is re-established in pre-mining location.
	9.7 Undertake clearing so the extent is minimised and consistent with operational requirements.	Ongoing.
	9.8 Clearly define all areas to be cleared.	Ongoing.
	9.9 Transfer soil material and biomass removed beyond the first 18 to 24 months of mining directly to an active rehabilitation area, where practicable.	Ongoing.
	9.10 Undertake progressive rehabilitation of all disturbed areas.	Ongoing.
	9.11 Control noxious weeds at all times.	Ongoing.
	9.12 Adopt a strategy to rehabilitate specific areas of the Project Site to native vegetation, create and / or improve habitat corridors on and adjacent to the Project Site, and protect areas of native vegetation from agricultural activities on NMPL land external to the Project Site.	Ongoing.
	9.13 Maintain, expand and / or create several Koala habitat corridors to promote the linkage of remnant vegetation in the local area.	Ongoing.

Desired Outcome	Action	Timing	
9. Flora and Fauna (cont'd)			
	9.14	Conserve the existing native vegetation on the Project Site during the life of the proposal and in the final landform.	Ongoing.
	9.15	Carry out, where possible, tree removal, especially the mature trees in late spring and early autumn to avoid spring nesting birds and over-wintering bats.	Ongoing.
	9.16	Undertake inspections of mature trees for nesting birds and roosting bats prior to each clearing campaign where mature tree with hollows are to be removed.	Prior to clearing.
	9.17	Relocate any nesting and roosting hollows, as well as nests, used by listed threatened species to appropriate locations nearby.	Prior to clearing.
	9.18	Bury all stumps, branches and tree trunks from felled timber within the overburden emplacements.	Ongoing.
	9.19	Commence post-mining rehabilitation of the Box Cut area as soon as possible. Re-establish the connectivity of habitat corridor along Coochooona Lane. Commence post-mining establishment of the Koala habitat corridors between Coochooona Lane and the remnant woodlands south of the Project Site as soon as practicable to re-establish and enhance the connectivity of local Koala habitat corridors.	As early as possible during mining activity.
	9.20	Include a vertebrate pest control program as part of the mining operation and management plan.	Ongoing.
	9.21	Avoid the clearing of native vegetation along the road shoulders where the proposed coal transport route utilizes public roads.	Ongoing.
10. Surface Water			
Prevention of discharge of dirty, saline or contaminated water from the Project Site.	10.1	Securely store all hydrocarbon products in accordance with the approved Hydrocarbon Management Plan.	Ongoing.
	10.2	Refuel all of the NMPL's mining fleet within designated areas of the Project surface facilities.	Ongoing.
	10.3	Direct all water from wash-down areas and workshops to oil/water separators and containment systems.	Ongoing.

Desired Outcome	Action	Timing	
10. Surface Water (cont'd)			
Prevention of discharge of dirty, saline or contaminated water from the Project Site.	10.4	Ensure all storage tanks are either self-bunded tanks or bunded with an impermeable surface and have a capacity to contain a minimum 110% of the largest storage tank capacity.	Ongoing.
	10.5	Construct catchment banks / drains directing sediment-laden water to sediment basins.	Prior to commencing activities in relevant catchment.
	10.6	Maintain groundcover on all land that is not being used for processing facilities, administration / maintenance facilities, roads, mining activities and the overburden emplacement.	Ongoing.
	10.7	Add flocculants to dirty water within the sediment basins, if required, to expedite the settlement process.	Ongoing.
	10.8	Implement the monitoring program nominated in the Environment Protection Licence to enable appropriate auditing and management.	Ongoing.
	10.9	Record any periods when elevated levels of sediment occur in water discharged from site.	As required.
	10.10	Enlarge the sediment basins or construct additional sediment basins, if required, to capture a minimum of a 5 day 90%ile storm event.	As required. Ongoing.
Minimisation of erosion and sedimentation.	10.11	Construct an additional storage dam downstream, if required. This dam would become the new site discharge point and monitoring location.	As required. Ongoing.
	10.12	Implement a 3-phase remedial action plan in the event of a major hydrocarbon spill.	As required. Ongoing.
Adequate water is available for site dust suppression.	10.13	Prepare an annual review of the water balance for management of surface and pit water.	Annually.
11. Air Quality			
Site activities are undertaken without exceeding DECC air quality criteria or goals.	11.1	Fence off all land which is not to be disturbed to encourage natural regeneration.	At start of mining.
	11.2	Establish ground cover on disturbed areas and emplacement area as soon as possible.	Ongoing.
	11.3	Undertake soil stripping at a time when there is sufficient soil moisture to prevent significant lift-off of dust.	Ongoing.
	11.4	Avoid stripping soil in periods of high wind.	Ongoing.
	11.5	Use water application for dust suppression to increase soil moisture should stripping occur during periods of high wind or low soil moisture.	As required.

Desired Outcome	Action	Timing
11. Air Quality (cont'd)		
	11.6 Utilise water injection on the drill rigs or alternatively fit them with dust collectors.	Ongoing.
	11.7 Use aggregates for blast hole stemming to prevent venting of explosion gases.	Ongoing.
	11.8 Conduct blasting both before the establishment, and after the break up of low-level atmospheric temperature inversions.	As required.
	11.9 Avoid ripping of softer overburden material during periods of high wind.	As required.
	11.10 Spray low moisture coal with water prior to excavation to raise moisture content to >6%.	As required.
	11.11 Minimise clearing ahead of construction activities.	Ongoing.
	11.12 Water cleared areas regularly during construction activities.	During construction.
	11.13 Minimise clearing ahead of road construction.	During construction.
	11.14 Water active construction areas regularly.	Ongoing.
Site activities are undertaken without exceeding DECC air quality criteria or goals. (Cont'd)	11.15 Restrict truck speeds on roads under construction to <50kph.	During construction.
	11.16 Apply water to the coal at the feed hopper, crusher and all conveyor transfer and discharge points at the rate of approximately 2.0L/t coal processed.	Ongoing.
	11.17 Temporarily cease operation in the event of protracted dry periods, high winds and significant dust generation and dispersal towards the surrounding residences.	As required.
	11.18 Minimise the extent of clearing / site preparation in advance of mining.	Ongoing.
	11.19 Clearly define any access or haul roads and restrict vehicles and equipment to those roads.	Ongoing.
	11.20 Routinely apply water with or without chemical dust suppressants.	Ongoing.
	11.21 Progressively rehabilitate areas of disturbance including topsoil and subsoil stockpiles.	Ongoing.
	11.22 Install bund walls and wind breaks as required.	Ongoing.
	11.23 Regularly water haul roads.	Ongoing.
	11.24 Avoid coal being loaded above the truck body sides.	Ongoing.

Desired Outcome	Action	Timing
11. Air Quality (cont'd)		
	11.25 Cover all trucks carrying product coal from the mine with approved covers and securely fix the tailgates to prevent windblown dust emission or spillages.	Ongoing.
	11.26 Fit all earthmoving equipment on-site with exhaust controls which satisfy NSW DECC emission requirements.	Prior to commencing site activity. Ongoing.
	11.27 Ensure all equipment is properly maintained to ensure no unacceptable exhaust emissions occur and commit to the removal of any vehicle or item of mobile equipment from on-site activities which is observed not to comply with NSW DECC guidelines.	Ongoing.
	11.28 Direct the exhausts of all equipment upwards or to the side so as not to impinge on the ground and cause dust lift-off.	Ongoing.
	11.29 Undertake an air quality monitoring program to demonstrate compliance with the nominated goals specified in the Environment Protection Licence. <ul style="list-style-type: none"> •1 Deposited dust at selected residences and strategic locations surrounding the Project Site. •2 Continuous wind speed and direction at the Project Site weather station. •3 PM₁₀ dust at a residence nearby six day cycle. Refer Section 4B.5.8.	Ongoing. Monthly / Ongoing Continuous. Six day cycle.
	11.30 Avoid burning vegetation.	Ongoing.
	11.31 Use water injection or dust collectors during drilling.	During drilling.
Site activities are undertaken without exceeding DECC air quality criteria or goals. (Cont'd)	11.32 Avoid ripping softer overburden material during periods of high wind.	Ongoing.
	11.33 Establish and maintain a dust monitoring program in line with recommended locations.	Ongoing.
	11.34 Install and maintain an automatic weather station within the Project Site.	Established
Minimise Greenhouse Gas Emissions wherever possible.	11.35 Adopt strategies to reduce GHG environs as nominated in EA Section 4B.5.5.4.	Ongoing.
Avoidance of accumulation of coal dust in domestic water tanks.	11.36 Install first flush devices on the domestic water tanks at "Werona", "Ivanhoe", "Mulwalla", "Mulwalla (2)", "Innisvale", "Sugarloaf", "Lilydale", "Woodlawn", "Plain View", "Illili", "Glendower", "Ferndale" and "Eulalie".	Prior to recovery of coal.

Desired Outcome	Action	Timing
12. Aboriginal Heritage		
Provide appropriate protection to identified Aboriginal artefacts.	12.1 Undertake medium sized blasts when open cut pit is near axe grinding groove.	As required.
	12.2 Cover axe grinding groove with straw bales to prevent possible fly rock damage when blasting is nearby.	As required.
Minimise potential to impact upon unidentified Aboriginal artefacts.	12.3 Invite Aboriginal monitors to site for all soil stripping and ground disturbance activities. Manage any sites detected in accordance with the relevant acts.	Ongoing.
	12.4 Cease work at any area if further Aboriginal objects are uncovered during the course of the Project, and contact the NSW DECC for advice.	Ongoing.
Employees who are sensitive and respectful of possible identified Aboriginal sites and artefacts.	12.5 Conduct a Cultural Heritage Awareness Induction Course for staff, contractors and any heritage monitors working on the Project Site to help raise awareness and ameliorate any impact on heritage sites during site establishment and subsequent mining activities.	During induction of employees/contractors.
13. Visibility		
Restriction of vantage points of Project activities from neighbouring residences and public roads.	13.1 Minimise cleared or non-vegetated areas by progressively rehabilitating the Project Site.	Ongoing.
	13.2 Design the overburden emplacements to as much as possible, replicate existing topographic features.	During planning and design.
	13.3 Minimise the extent of land disturbance / clearing in advance of mining.	Ongoing.
	13.4 Implement air quality controls as identified in Section 4B.5.5.	Ongoing.
	13.5 Maintain the mine and associated areas of disturbance in a clean and tidy condition at all times.	Ongoing.
	13.6 Construct amenity bund around coal processing area to provide visual screening.	At start of Project.
The operation of the Siding Springs Observatory is not affected by Project operations.	13.7 Use a maximum of six lighting plants for night-time activities.	Ongoing.
	13.8 Position and direct floodlights to minimise emissions.	Ongoing.
Ongoing communication with neighbours.	13.9 Maintain regular communications with those residents whose visual amenity is affected by the Project and implement any reasonable additional controls to further reduce the impact on their visual amenity.	Ongoing.

Desired Outcome	Action	Timing	
14. Soils, Land Capability and Agricultural Suitability			
Maintenance of soil value for rehabilitation and minimisation of soil loss through erosion.	14.1	Strip topsoil from each SMU to a depth of 15cm. Stockpile topsoil for later retrieval and spreading over specific areas during the first 18 to 24 months of mine operations. Beyond this period, Project Site topsoil would be typically directly transferred onto sections of the final landform.	Ongoing.
	14.2	Strip subsoil from each SMU to a depth of 50cm below the topsoil. Stockpiles would be available for re-spreading as areas become available for rehabilitation.	Ongoing.
	14.3	Strip further subsoil to bedrock and segregate each SMU.	Ongoing.
	14.4	Place higher alkalinity soils over the surface of the overburden emplacement to provide neutralising capacity in the event pockets of acid forming rock are encountered.	Ongoing.
	14.5	Install erosion protection around stockpiles of this material with direct transfer from source to sink commenced as soon as practicable.	Ongoing.
	14.6	Topsoil stockpiles not exceed 2m in height and where practicable, be maintained as windrows in preference to larger structures.	Ongoing.
	14.7	Seed any stockpiles with a non-persistent cover crop as soon as possible after they have been established to reduce erosion potential and assist in the maintenance of the biological viability of the soil.	Ongoing.
	14.8	Subsoil stockpiles to generally not exceed 3m in height and typically be placed in larger stockpiles than the topsoil.	Ongoing.
	14.9	Maintain and regularly reconcile with rehabilitation requirements an inventory of soil resources present on the Project Site, ie. both in stockpiles and awaiting stripping.	Ongoing.
	14.10	Utilise water management structures to divert surface water flow away from soil stockpile areas to reduce the potential for erosion.	Ongoing.
	14.11	Place silt-stop fencing or similar immediately downslope of stockpiles where required, until stable vegetation cover is established.	Ongoing.
	14.12	Monitor erosion from soil stockpiles or rehabilitated surfaces throughout the life of the Project with remedial works undertaken should erosion be observed.	Ongoing.

Desired Outcome	Action	Timing
14. Soils, Land Capability and Agricultural Suitability (cont'd)		
	14.13 Undertake all clearing and topsoil stripping in campaigns on an as-needs basis.	Ongoing.
15. Bushfire Controls		
Avoid fire initiation.	15.1 Clear vegetation away from blast (>20m).	During blasting.
	15.2 Remove all coal from open cut around blast.	As required. Ongoing
	15.3 Undertake blast design by qualified personnel.	Ongoing.
	15.4 Undertake refuelling within designated fuel bays or within cleared area of the Project Site.	Ongoing.
	15.5 Turn vehicle engines off during refuelling.	Ongoing.
	15.6 Enforce no smoking policy in designated areas of the Project Site.	Ongoing.
	15.7 Maintain fire extinguishers within all site vehicles.	Ongoing.
	15.8 Regularly inspect and water stockpiles.	Ongoing.
	15.9 Control stockpile height and volume to limit the duration coal is retained in stockpiles.	Ongoing.
	15.10 Maintenance of housekeeping by mine management.	Ongoing.
	15.11 Ensure water cart is available to assist in extinguishing any fire ignited.	Ongoing.
16. Socio-Economic		
	16.1 Implement a policy which encourages employment of local district personnel with training and certification of suitable local persons provided.	During recruitment and induction. Ongoing.
	16.2 Provide a local induction kit to any new workers (from outside the district) including contact details for community groups and services throughout the region.	New arrivals. Ongoing.
	16.3 Inform Gunnedah Council of the predicted increase of population based on employment at the Project.	During recruitment. Ongoing.
	16.4 Establish a community enhancement fund to the value of \$500,000.	Five equal annual payments commencing within 3 months of the receipt of Project Approval.

Desired Outcome	Action	Timing	
17. Rehabilitation			
Ensure ongoing viable landuse post-mining.	17.1	Stabilise earthworks, drainage lines and disturbed areas no longer required for mine-related activities in order to minimise erosion and the associated generation of sediment-laden water, and to reduce the visibility of activities from adjacent properties and the local road network.	Ongoing.
	17.2	Provide a low maintenance, geotechnically and safe landform which is commensurate with a variety of agricultural land uses and / or nature conservation.	Ongoing.
	17.3	Blend the created landforms with the surrounding land fabric as far as practicable.	Ongoing.
	17.4	Utilise native tree, shrub and grass species and / or pasture species comparable with either the existing vegetation communities or those which occurred in the area prior to mining and agriculture-related disturbance.	Ongoing.
	17.5	Rehabilitate out-of-pit emplacement with agricultural pasture species and incorporate random tree plantings.	Ongoing.
18. Management Plans			
Develop and implement a series of Management Plans to assist with appropriate control of potentially impacting activities.	18.1	Mining Operations Plan.	Prior to commencement of any site activities.
	18.2	Koala Management Plan.	Prior to commencing site activities.
	18.3	Vegetation Management Plan.	Prior to commencing site activities.
	18.4	Blast Monitoring Plan.	Prior to blasting commencing and ongoing.
	18.5	Surface Water Management Plan.	Already produced and to be updated prior to site activities.
	18.6	Waste Management Plan.	Within 6 months of the start of site establishment.
	18.7	Spontaneous Combustion Monitoring Plan.	Within 6 months of the start of mining operations.
	18.8	Hydrocarbon Management Plan.	Prior to commencing site activities.
	18.9	Mine Closure Plan.	At least 2 years prior to mine closure.

Desired Outcome	Action	Timing
18. Management Plans (cont'd)		
	18.10 Prepare a Traffic Management Plan to ensure appropriate procedures are in place for public traffic during the realignment of Coocooboonah Lane and intersection upgrades – for submission with Section 138 permit applications to Gunnedah Shire Council and RTA.	Prior to commencement of the realignment of Coocooboonah Lane and intersection upgrades.
	18.11 Construction Noise Management Plan.	Prior to commencement of site activities.
	18.12 Operations Noise Management Plan.	Prior to commencing Project Operations stage.
	18.13 Traffic Noise Management Plan.	Prior to commencement of coal transportation.
	18.14 Air Quality Monitoring Plan.	Prior to commencing site activities.
	18.15 Groundwater Management Plan	Within 6 months of the start of mining operations.
	18.16 Archaeological Site Management Plan.	Prior to blasting commencing.
	18.17 Bushfire Management Plan.	Prior to commencing site activities.

APPENDIX 4
INDEPENDENT DISPUTE RESOLUTION PROCESS

**Independent Dispute Resolution Process
(Indicative only)**

