

# Appendix 1

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PA 06\_0198 MOD 1

# Notice of Modification

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

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.



David Kitto  
Director, Mining & Industry Projects

Sydney

27 MAY

2010

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SCHEDULE 1

The project approval for the Rocglen Coal Mine (formerly known as the Belmont Coal Project), granted by the Minister for Planning on 15 April 2008.

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SCHEDULE 2

1. In condition 2 of Schedule 2, delete all words after "statement of commitments;" and add the following:
  - (c) modification application 06\_0198 – MOD 1 and the accompanying Environmental Assessment prepared by GSS Environmental and dated May 2010; and
  - (d) the conditions of this approval.

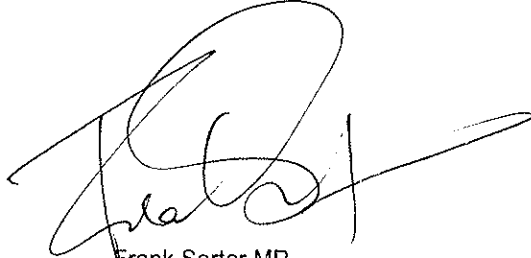
# Project Approval

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

I approve the project application referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

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



Frank Sartor MP  
Minister for Planning

Sydney

15<sup>th</sup> April

2008

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### SCHEDULE 1

<b>Application No:</b>	06_0198
<b>Proponent:</b>	Whitehaven Coal Limited
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	See Appendix 1
<b>Project:</b>	Belmont Coal Project

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## DEFINITIONS

AEMR	Annual Environmental Management Report
Biodiversity Offsets	The conservation and enhancement program described in the EA
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 titled <i>Belmont Coal Project Environmental Assessment and Specialist Consultant Studies Compendium</i> , Volumes 1 & 2 (October 2007), including the <i>Response to Public and Government Agency Submissions</i> dated 11 February 2008
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
Hoad Lane intersection	The intersection of Hoad Lane and Shannon Harbour Road
Kamilaroi Highway intersections	The intersection of the Kamilaroi Highway with the Whitehaven Siding coal handling and preparation plant access road and also its intersection with Blue Vale Road
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
Minister	Minister for Planning, or delegate
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	Whitehaven Coal 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 Belmont 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 considerations and what is practical to build
ROM	Run-of-mine
RTA	Roads and Traffic Authority
Site	Land to which the project application applies, which includes the project site, sections 1 and 2 of the transport route, Wean Road and its proposed diversion (see Figures 1 and 2 of Appendix 2)
Statement of Commitments	The Proponent's commitments 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) statement of commitments; and
  - (c) conditions of this approval.

*Notes:*

- The general layout of the project is shown in Figures 1 and 2 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 12 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 1.5 million tonnes of ROM coal a year from the site.

### Hours of Operation

7. The Proponent is permitted to undertake mining operations 24 hours a day, Monday to Saturday, with the exception of public holidays.

*Note: This condition does affect the operation of conditions 13 and 40 of schedule 3 in relation to blasting and coal transportation hours.*

8. The Proponent is only permitted to undertake construction activities between the hours of:
  - (a) 6 am to 8 pm, Monday to Saturday;
  - (b) 6 am to 5 pm, Sunday; and
  - (c) at no time on public holidays.

### Management Plans / Monitoring Programs

9. 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**

10. 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**

11. 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**

12. 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.

## SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

### SOIL AND WATER

*Note: These conditions should be read in conjunction with sections 4, 5, 10, 13 and 17 of the Statement of Commitments.*

#### Discharge

1. Except as may be expressly provided for by an EPL, the Proponent shall not discharge any surface waters from the site.

#### Water Management Plan

2. The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must:
  - (a) be prepared in consultation with DWE and DECC by suitably qualified expert/s whose appointment/s have been approved by the Director-General;
  - (b) be submitted to the Director General prior to the commencement of construction activities (not including construction of the Kamilaroi Highway and Hoad Lane intersections or sections 1 and 2 of the road transport route); and
  - (c) include a:
    - Site Water Balance;
    - Erosion and Sediment Control Plan;
    - Surface Water Monitoring Plan;
    - Groundwater Monitoring Program; and
    - 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

3. The Site Water Balance must:
  - (a) include details of:
    - sources and security of water supply;
    - water use on site;
    - water management on site;
    - any off-site water transfers;
  - (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

4. 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

5. 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; and
  - (d) procedures for reporting the results of this monitoring.

## Groundwater Monitoring Program

6. The Groundwater Monitoring Program must include:
- further development of the regional and local groundwater model;
  - 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);
  - groundwater impact assessment criteria;
  - a program to monitor the impact of the project on groundwater levels, yield and quality; and
  - procedures for reporting the results of this monitoring.

## NOISE

*Note: These conditions should be read in conjunction with sections 8 and 17 of the Statement of Commitments.*

### Impact Assessment Criteria

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

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)

However, if the Proponent has a written negotiated noise agreement with any landowner 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 in accordance with the negotiated noise agreement.

#### Notes:

- To determine compliance with the  $L_{Aeq}(15 \text{ minute})$  noise limits, 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 Department and 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 Department and DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).

### Road Traffic Impact Assessment Criteria

8. The Proponent shall ensure that the cumulative noise generated by road traffic associated with the project, Canyon (Whitehaven) and Tarrawonga mines on public roads does not exceed the criteria in Table 2.

Day	Evening	Night	Location
$L_{Aeq}(1 \text{ hour})$	$L_{Aeq}(1 \text{ hour})$	$L_{Aeq}(1 \text{ hour})$	
60	60	50	Any residence on privately-owned land.

Table 2: Road Traffic Noise Criteria dB(A)

**Continuous Improvement**

9. 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 and rail noise and maximum noise levels which may result in sleep disturbance; 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**

10. The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must:
- (a) be prepared in consultation with the DECC;
  - (b) be submitted to the Director-General for approval prior to the commencement of construction activities (not including the construction of the Kamilaroi Highway and Hoad Lane intersections and sections 1 and 2 of the coal transport route);
  - (c) use attended noise monitoring measures to monitor the performance of the project; and
  - (d) include a protocol to establish whether the project is complying with the noise impact assessment criteria in Tables 1 and 2.

**BLASTING AND VIBRATION**

*Note: These conditions should be read in conjunction with sections 9 and 17 of the Statement of Commitments.*

**Airblast Overpressure Impact Assessment Criteria**

11. The Proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 3 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 3: Airblast overpressure impact assessment criteria*

*Note: The overpressure values in Table 3 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**

12. 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 4 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 4: Ground vibration impact assessment criteria*

### **Blasting Hours**

13. The Proponent shall only carry out blasting on site between 9 am and 5 pm Monday to Saturday.

### **Blasting Frequency**

14. The Proponent may carry out:
  - (a) a maximum of 2 blasts a day;
  - (b) 5 blasts a week, averaged over a 12 month period;on site without the written approval of the Director-General.

### **Operating Conditions**

15. During mining operations on site, the Proponent shall implement best blasting practice to:
  - (a) protect the safety of people, property, public infrastructure, and livestock;
  - (b) minimise the dust and fume emissions from blasting at the mine site, to the satisfaction of the Director-General.
16. The Proponent shall not undertake blasting within 500 metres of any privately-owned land, unless suitable arrangements have been made with the landowner and any tenants to minimise the risk of flyrock-related impact to the property to the satisfaction of the Director-General.

### **Road Closure**

17. Prior to blasting within 500 metres of any public road, the Proponent shall prepare and implement a Road Closure Management Plan for the project to the satisfaction of GSC and DPI.

### **Public Notice**

18. During mining operations on site, the Proponent shall:
  - (a) notify any person who registers an interest in being notified about the blasting schedule at the mine;
  - (b) operate a Blasting Hotline, or alternate system agreed to by the Director-General, to enable the public to get up-to-date information on the blasting schedule at the project;
  - (c) advertise the blasting hotline number in a local newspaper each year; and
  - (d) provide signage, with updated details of proposed blasting times, immediately to the north and south of the mine site on Wean Road,to the satisfaction of the Director-General.

### **Property Inspections**

19. Before carrying out any blasting, the Proponent shall advise the owners of "Costa Vale", "Surrey" and "Brolga", 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:
  - (a) 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
  - (b) 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 any building or structure on 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
  - (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 in consultation with DECC, and to the satisfaction of the Director-General.

### AIR QUALITY

*Note: These conditions should be read in conjunction with sections 14 and 17 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 5 to 7 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 <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>

*Table 5: Long term impact assessment criteria for particulate matter*

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

*Table 6: 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 <sup>2</sup> /month	4 g/m <sup>2</sup> /month

*Table 7: 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 in consultation with DECC, and 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 Kamilaroi Highway and Hoad Lane intersections and sections 1 and 2 of the coal transport route);
  - 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 subsidence of the land surface caused by auger coal mining does not result in vertical subsidence of greater than 20 mm.

## LANDSCAPE

*Note: These conditions should be read in conjunction with sections 4, 6, 11, 13 and 16 of the Statement of Commitments.*

### Biodiversity Offsets

27. The Proponent shall:
- implement the Biodiversity Offsets summarised in Table 8 and described in the EA (shown conceptually in Figure 6 in Appendix 4); and
  - make suitable arrangements to provide appropriate long term security for the offset areas by the end of August 2010, to the satisfaction of the Director-General.

	<b>Offset Area</b>	<b>Minimum Size</b>
1	"Glenroc" remnant Ironbark – Pilliga Grey Box vegetation	42.3 ha
2	Northern boundary of project site	2.6 ha
3	Jaeger Lane	2.6 ha
4	Southern boundary of project site	3.8 ha
5	Whitehaven Regional Biodiversity Offset Area	60 ha (see condition 28)

*Table 8: Biodiversity Offsets*

28. The Proponent is to allocate at least 60 ha of the required offset from the Whitehaven Regional Biodiversity Offset area (offset 5 in Table 8 - also refer to Appendix 5). This must be done in consultation with DECC, and to the satisfaction of the Director-General.

### Rehabilitation

29. The Proponent shall progressively rehabilitate the site in a manner that is generally consistent with the final landform set out in the EA (shown conceptually in Figure 5 in Appendix 4) to the satisfaction of the Director-General and DPI.

The final landform shall provide for at least 84 hectares of woodland vegetation, in a manner generally consistent with that shown conceptually in Figure 6 in Appendix 4.

### Landscape Management Plan

30. 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:
- be prepared in consultation with DWE, DECC and GSC by suitably qualified expert/s whose appointment/s have been approved by the Director-General;
  - be submitted to the Director-General for approval by the end of March 2009; and
  - include a:
    - Rehabilitation and Offset Management Plan;
    - Final Void Management Plan; and
    - Mine Closure Plan.

*Note: The Department accepts that the initial Landscape Management Plan may not include the detailed Final Void Management Plan and Mine Closure Plan. However, if this occurs, the Applicant will be required to seek approval from the Director-General for an alternative timetable for the completion and approval of the Final Void Management Plan and Mine Closure Plan.*

### Rehabilitation and Offset Management Plan

31. The Rehabilitation and Offset Management Plan must include:
- the objectives for rehabilitation of the site and offset areas;

- (b) a strategic description of how the rehabilitation of the site would be integrated with surrounding land use;
- (c) a description of the short and long term measures that would be implemented to:
  - rehabilitate the site;
  - implement the biodiversity offsets;
  - manage the remnant vegetation and habitat on the site and in the offset areas; and
  - maximise effective vegetative linkages for the offset areas and across the valley floor to the Whitehaven Regional Biodiversity Offset area;
- (d) detailed performance and completion criteria for the rehabilitation of the site and the implementation of the biodiversity offsets;
- (e) a detailed description of how the performance of the rehabilitation works and the offset areas would be monitored over time to achieve the stated objectives;
- (f) 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/or biodiversity offsets and Aboriginal cultural heritage;
- (g) a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
- (h) details of who is responsible for monitoring, reviewing and implementing the plan.

#### **Final Void Management Plan**

32. The Final Void Management Plan must:
- (a) justify the final location, configuration and future use of the final void;
  - (b) incorporate design criteria and specifications of the final void based on verified groundwater modelling predictions and re-assessment of the post-mining groundwater levels;
  - (c) assess the potential interactions between groundwater resources, surface water flows and the final void; and
  - (d) describe what actions and measures would be implemented to:
    - minimise any potential adverse impacts associated with the final void; and
    - manage and monitor the potential impact of the final void.

#### **Mine Closure Plan**

33. The Mine Closure Plan must:
- (a) define the objectives and criteria for mine closure;
  - (b) investigate options for the future use of the site, including the final void;
  - (c) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local and regional employment levels;
  - (d) describe the measures that would be implemented to minimise or manage the on-going environmental effects of the project; and
  - (e) describe how the performance of these measures would be monitored over time.

#### **HERITAGE**

*Note: These conditions should be read in conjunction with section 7 of the Statement of Commitments.*

#### **Destruction of Aboriginal Sites**

34. The Proponent may destroy sites B1, B2 and B3, and undertake salvage of the artefacts contained in these sites, to the satisfaction of DECC. Representatives of the local Aboriginal community may, subject to the conditions of a Care and Control permit, relocate some or all of the artefacts contained in these sites to the Cumbo Gunerah Keeping Place.

### **Aboriginal Cultural Heritage Management Plan**

35. The Proponent shall not destroy any known Aboriginal objects (as defined in the *National Parks and Wildlife Act 1974*), except in accordance with condition 34, without the written approval of the Director-General.
36. 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 and Hoad Lane intersections);
  - (b) be prepared in consultation with the DECC, Red Chief Local Aboriginal Land Council, Gunida Gunyah Aboriginal Corporation, Min Min Aboriginal Corporation and Bigundi Gunnedar Traditional People;
  - (c) include a protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage on site;
  - (d) make provision for the local Aboriginal community to monitor works at the project site that occur in areas considered by the local Aboriginal community to be culturally sensitive;
  - (e) describe the measures that would be implemented to protect Aboriginal objects and traditional resources (such as Wild Orange - *Capparis mitchellii*) on site, or if any new Aboriginal objects or skeletal remains are discovered during the project; and
  - (f) describe the cultural heritage awareness and protection training program to be undertaken by all employees and contractors.

### **TRANSPORT**

*Note: These conditions should be read in conjunction with sections 12 and 17 of the Statement of Commitments.*

#### **Monitoring of Coal Transport**

37. The Proponent shall keep records of the amount of coal transported from the mine site, and number of coal truck movements each year, and include these records in the AEMR.

#### **Coal Haul Road**

38. Prior to coal being transported from the site, the Proponent shall ensure the coal transport route from the Belmont mine site to the Whitehaven Siding coal handling and preparation plant is constructed and tar sealed, to the satisfaction of GSC. If agreement cannot be reached, the matter shall be referred to the Director-General for resolution.
39. The Proponent shall transport all coal from the site to the Whitehaven Siding coal handling and preparation plant by use of the road transport route shown in Figure 3 of Appendix 2, unless otherwise approved by the Director-General.

#### **Coal Transportation Hours**

40. The Proponent shall only dispatch coal from the site by road between the hours of:
- (a) 7 am to 9.15 pm, Monday to Friday;
  - (b) 7 am to 5.15 pm Saturday; and
  - (c) at no time on Sundays and public holidays.

#### **Kamilaroi Highway Intersections**

41. The Proponent shall construct the Kamilaroi Highway intersections in consultation with GSC and to the satisfaction of RTA. This intersection must:
- (a) be completed within 18 months of this approval;
  - (b) be constructed in accordance with a Traffic Management Plan approved by NSC and RTA; and
  - (c) include appropriate signage and illumination of the intersections.

#### **Hoad Lane Intersection**

42. Prior to coal being transported from the site, the Proponent shall construct the Hoad Lane intersection in general accordance with the design shown in Figure 4 of Appendix 1, and to the satisfaction of GSC.

## **Wean Road**

43. By the end of March 2009, the Proponent shall reconstruct and bitumen seal Wean Road from the northern end of the existing tar seal to a point 200 metres north of the proposed light vehicle entry to the site from Wean Road. Additionally, within 3 months of the completion of the proposed diversion of Wean Road to facilitate open cut mining operations, the Proponent shall reconstruct and extend the bitumen seal Wean Road to a point 200 metres north of the relocated position of Jaeger Lane (see Figure 1 of Appendix 2) in general accordance with GSC's Rural Local Roads Standard, and to the satisfaction of GSC.

## **Road Maintenance Agreement**

44. By the end of September 2008, the Proponent shall review (and implement any approved changes to) the road maintenance agreement between the Proponent and GSC for public roads used as the coal transport route within Gunnedah Shire, to the satisfaction of GSC. If agreement cannot be reached, the matter shall be referred to the Director-General for resolution.

## **Road Noise Management Plan**

45. Prior to the transport of any coal from the mine site, the Proponent shall produce and implement a combined Road Noise Management Plan for the project, Canyon (Whitehaven) and Tarrawonga mines, including a noise monitoring program and full consideration of the combined impacts of traffic associated with these mines, in consultation with GSC, and to the satisfaction of the Director-General.

## **VISUAL**

*Note: These conditions should be read in conjunction with section 11 of the Statement of Commitments.*

46. The Proponent shall:
- (a) ensure no outdoor lights shine above the horizontal;
  - (b) ensure that all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*;
  - (c) take all practicable measures to mitigate off-site lighting impacts from the project; and
  - (d) minimise the visual impacts of the project, to the satisfaction of the Director-General.

## **GREENHOUSE & ENERGY EFFICIENCY**

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

47. The Proponent shall prepare and implement a Greenhouse and Energy Efficiency Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with DECC and generally in accordance with the *Guidelines for Energy Savings Action Plans* (DEUS 2005, or its latest version);
  - (b) be submitted to the Director-General for approval by the end of September 2008;
  - (c) include a program to monitor greenhouse gas emissions and energy use generated by the project;
  - (d) include a framework for investigating and implementing measures to reduce greenhouse gas emissions and energy use at the site; and
  - (e) describe how the performance of these measures would be monitored over time.

## **WASTE**

*Note: These conditions should be read in conjunction with section 3 of the Statement of Commitments.*

### **Waste Minimisation**

48. The Proponent shall:
- (a) monitor the amount of waste generated by the project;
  - (b) investigate ways to reuse, recycle, or minimise the waste generated by the project;
  - (c) implement reasonable and feasible measures to minimise 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) report on waste management and minimisation in the AEMR, to the satisfaction of the Director-General.

**SCHEDULE 4**  
**ADDITIONAL PROCEDURES**

**INDEPENDENT REVIEW**

1. ~~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.
2. 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.
3. 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.

If the additional monitoring referred to above subsequently determines that the project is complying with the relevant criteria in schedule 3, or the Proponent and landowner enter into a negotiated agreement to allow these exceedances, then the Proponent may discontinue the independent review with the approval of the Director-General.

4. If the independent review determines that the relevant criteria in schedule 3 are being exceeded, but that more than one project is responsible for this non-compliance, then the Proponent shall, together with the relevant project/s:
- (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the relevant criteria are complied with; and
  - (b) conduct further monitoring to determine whether these measures ensure compliance; or
  - (c) secure a written agreement with the landowner and other relevant projects to allow exceedances of the criteria in schedule 3,
- to the satisfaction of the Director-General.

If the additional monitoring referred to above subsequently determines that the projects are complying with the relevant criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

5. If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 6).

## SCHEDULE 5

### ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

*Note: This schedule should be read in conjunction with sections 17 and 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 (not including the construction of the Kamilaroi Highway and Hoad Lane intersections and sections 1 and 2 of the road transport route), and:
  - (a) provide the strategic framework 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 by the end of September 2008 and consolidate the various monitoring requirements in schedule 3 of this approval into a single document.

#### REPORTING

##### Incident Reporting

3. 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. By the end of March 2009, 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. By the end of March 2011, 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 in this approval and any associated EPL or Mining Lease (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 ecology and minesite 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. By the end of September 2008, or other date agreed by the Director-General, the Proponent shall establish a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General. This CCC must be established and operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version)* to the satisfaction of the Director-General.

*Note: The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this consent.*

#### **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. From the end of September 2008, and thereafter during the project, the Proponent shall:
- (a) provide a copy of this approval as may be modified from time to time on its website;
  - (b) provide a comprehensive, running summary of monitoring results required under this approval on its website; and
  - (c) update these results on a regular basis (at least every three months).

**APPENDIX 1  
SCHEDULE OF PROJECT LAND**

<i>Area</i>	<i>Land Title Reference</i>
<i>Mine Site Area including the proposed Wean Road diversion</i>	<i>Lots 1 and 4 DP 1120601 Lot 1 DP 787417</i>
<i>Coal Haulage Route</i>	<i>Lots 23 and 28 DP 754929 Council roads and road reserve, including:</i> <ul style="list-style-type: none"> <li><i>• Shannon Harbour road (SR 93);</i></li> <li><i>• Hoad Lane (SR 95);</i></li> <li><i>• Blue Vale Road (SR 7); and</i></li> <li><i>• Kamilaroi Highway (SH 29).</i></li> </ul>
<i>Wean Road</i>	<i>Wean Road (SR 6)</i>

## APPENDIX 2 PROJECT MAPS

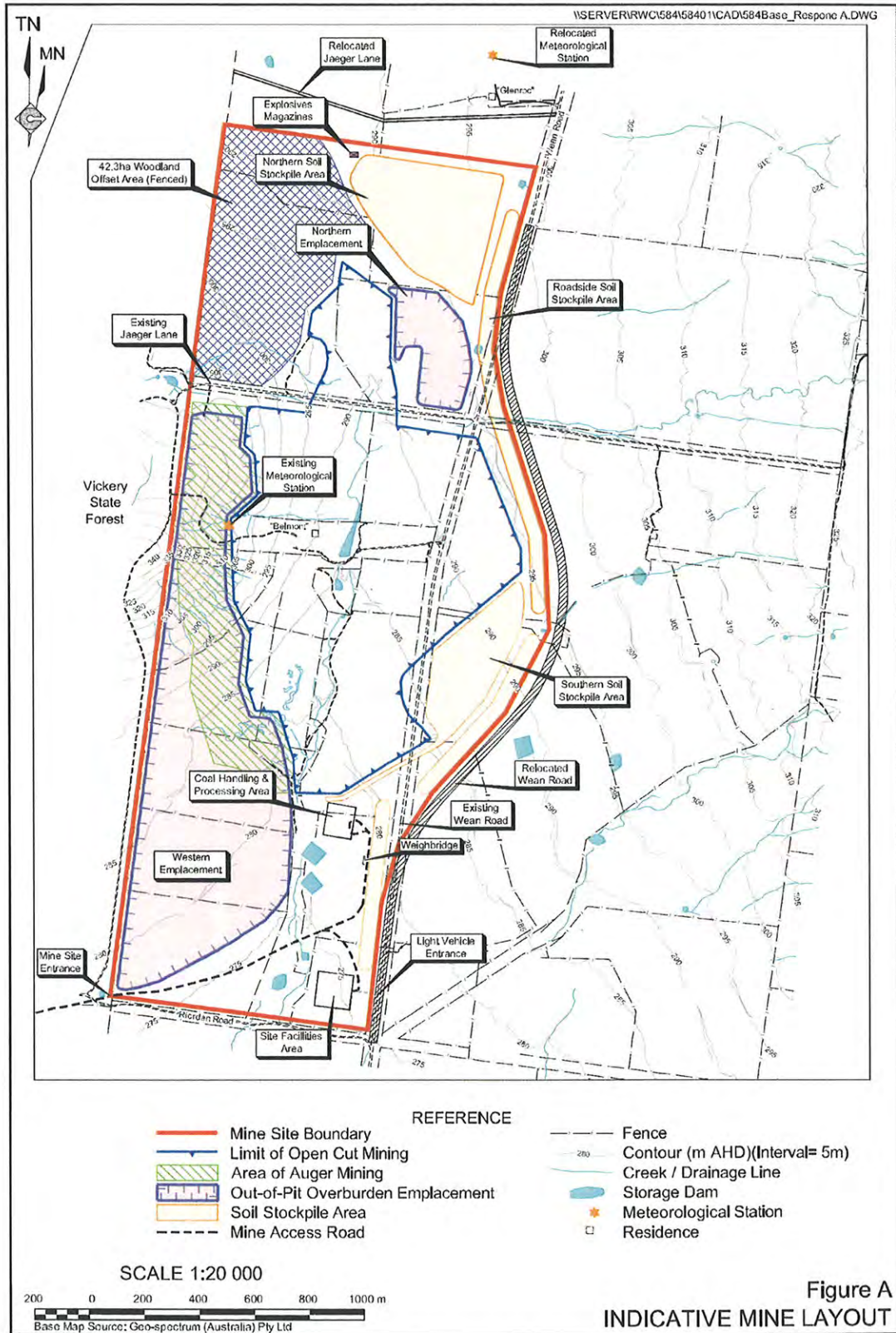
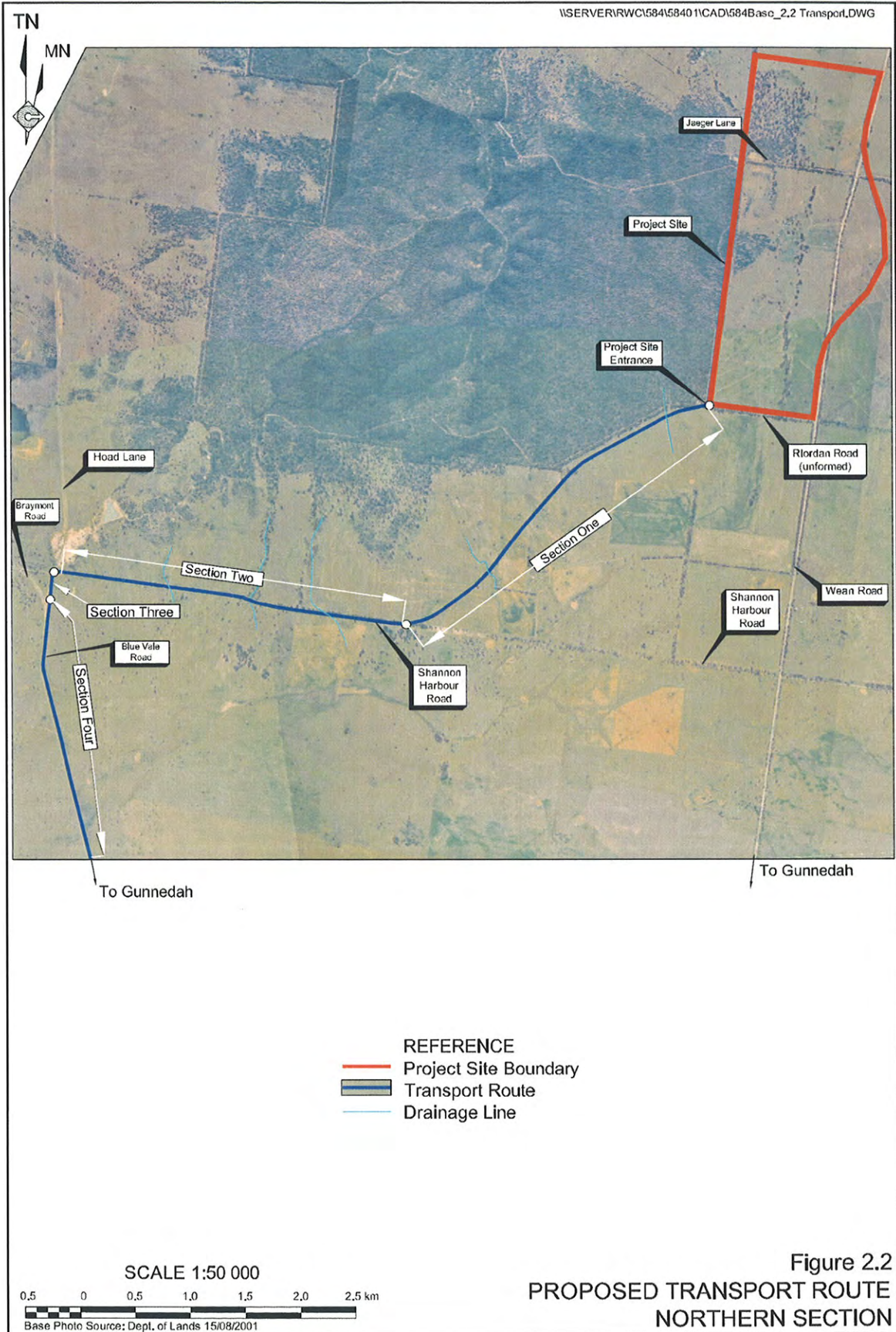


Figure 1: Project Mine Layout



**Figure 2:** Project Site (which includes Sections 1 and 2 of the Transport Route)