

METROPOLITAN COAL

CONSTRUCTION MANAGEMENT PLAN



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Revision Status Register

Section/Page/ Annexure	Revision Number	Amendment/Addition	Distribution	DP&E Approval Date
All	ConMP-R01-A	Original	SCA and DP&I	-
All	ConMP-R01-B	Edits and additions made to address comments from the NSW Sydney Catchment Authority and minor amendments and formatting	DP&I	-
Section 4	ConMP-R01-C	Edits made to address comments from DP&I	DP&I	14 November 2011
Section 6.2.4	ConMP-R01-D	Revision of Aboriginal stakeholder survey participation protocol consistent with the Longwalls 23-27 Heritage Management Plan	DP&E	25 August 2015
All	ConMP-R01-E	Amendments made for consistency with the Longwalls 301-303 Extraction Plan	WaterNSW and DP&E	17 April 2018
	ConMP-R01-F	Revisions made to address comments from WaterNSW	WaterNSW and DP&E	-

February 2018

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1 INTRODUCTION

Metropolitan Coal is a wholly owned subsidiary of Peabody Energy Australia Pty Ltd (Peabody). Metropolitan Coal was granted approval for the Metropolitan Coal Project (the Project) under Section 75J of the New South Wales (NSW) *Environmental Planning and Assessment Act, 1979* (EP&A Act) on 22 June 2009. A copy of the Project Approval is available on the Peabody website (<http://www.peabodyenergy.com>).

The Project comprises the continuation, upgrade and extension of underground coal mining operations and surface facilities at Metropolitan Coal. The underground mining longwall layout is shown on Figure 1.

1.1 PURPOSE AND SCOPE

This Construction Management Plan (ConMP) has been prepared for surface construction works (excluding rehabilitation and remediation works) in the Woronora Special Area in accordance with Condition 11, Schedule 3 of the Project Approval.

The relationship of this ConMP to the Metropolitan Coal Environmental Management Structure is shown on Figure 2.

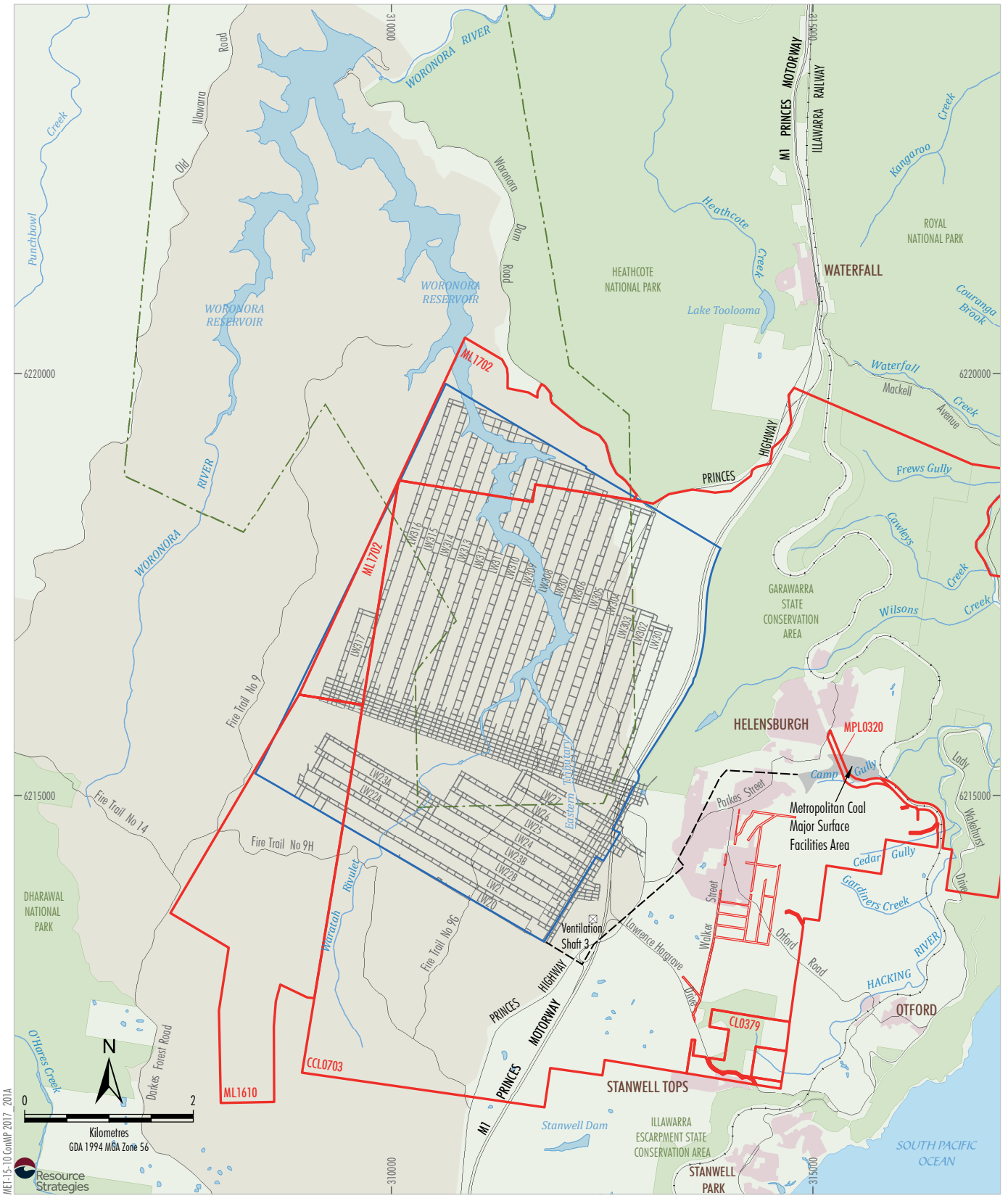
Of particular relevance, the Metropolitan Coal Rehabilitation Management Plan required by Condition 4, Schedule 6 of the Project Approval details rehabilitation and remediation works for the Woronora Special Area. As such, the ConMP refers to the Metropolitan Coal Rehabilitation Management Plan for such activities.

1.2 STRUCTURE OF THE CONMP

The remainder of the ConMP is structured as follows:

- Section 2: Describes the review and update of the ConMP.
- Section 3: Outlines the statutory requirements applicable to the ConMP.
- Section 4: Provides a description of surface construction works.
- Section 5: Provides the detailed baseline data.
- Section 6: Describes the management measures that will be implemented.
- Section 7: Details the performance indicators that will be used to assess the Project.
- Section 8: Describes the monitoring program.
- Section 9: Provides a contingency plan to manage any unpredicted impacts and their consequences.
- Section 10: Describes the annual review and improvement of environmental performance.
- Section 11: Describes the management and reporting of incidents, complaints, and non-compliances.
- Section 12: Lists the references cited.

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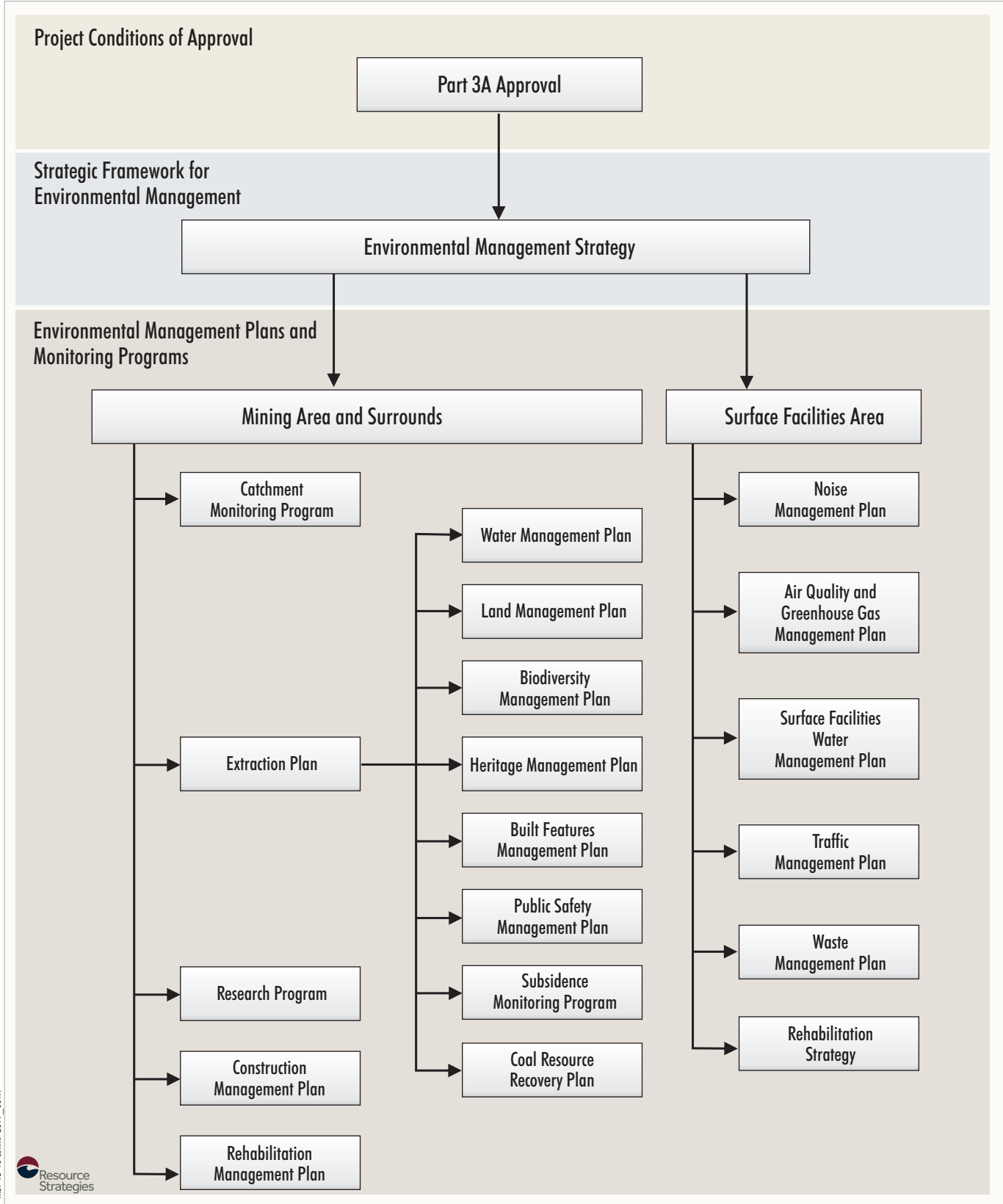
MEF-15-10 CompP 2017 201A
 Resource Strategies
 GDA 1994 MGA Zone 56
 Kilometres
 0 2

- LEGEND**
- Mining Lease Boundary
 - Woronora Special Area
 - Railway
 - Project Underground Mining Area
Longwalls 20-27 and 301-317
 - Woronora Notification Area
 - Existing Underground Access Drive (Main Drift)

Source: Land and Property Information (2015); Department of Industry (2015); Metropolitan Coal (2016); MSEC (2016)

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 METROPOLITAN COAL
 Project Longwalls 20-27 and
 Longwalls 301-317 Layout

Figure 1



ME-15-10 ConMP 2017_001A



Figure 2

2 CONMP REVIEW AND UPDATE

In accordance with Condition 4, Schedule 7 of the Project Approval, this ConMP will be reviewed within three months of the submission of:

- an audit under Condition 8, Schedule 7;
- an incident report under Condition 6, Schedule 7;
- an annual review under Condition 3, Schedule 7; and

if necessary, revised to the satisfaction of the Director-General (now Secretary) of the NSW Department of Planning and Environment (DP&E), to ensure the ConMP is updated on a regular basis and to incorporate any recommended measures to improve environmental performance.

The ConMP will also be reviewed within three months of approval of any Project modification and if necessary, revised to the satisfaction of the DP&E.

The revision status of this ConMP is indicated on the title page of each copy. The distribution register for controlled copies of the ConMP is described in Section 2.1.

2.1 DISTRIBUTION REGISTER

In accordance with Condition 10, Schedule 7 of the Project Approval 'Access to Information', Metropolitan Coal will make the ConMP publicly available on the Peabody website. A hard copy of the ConMP will also be maintained at the Metropolitan Coal site.

Metropolitan Coal recognises that various regulators have different distribution requirements, both in relation to whom documents should be sent and in what format.

An Environmental Management Plan and Monitoring Program Distribution Register has been established in consultation with the relevant agencies and infrastructure owners that indicates:

- to whom the Metropolitan Coal plans and programs, such as the ConMP, will be distributed;
- the format (i.e. electronic or hard copy) of distribution; and
- the format of revision notification.

Metropolitan Coal will make the Distribution Register publicly available on the Peabody website.

Metropolitan Coal will be responsible for maintaining the Distribution Register and for ensuring that the notification of revisions is sent by email or post as appropriate.

In addition, Metropolitan Coal employees with local computer network access will be able to view the controlled electronic version of this ConMP on the Metropolitan Coal local area network. Metropolitan Coal will not be responsible for maintaining uncontrolled copies beyond ensuring the most recent version is maintained on Metropolitan Coal's computer system and the Peabody website.

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3 STATUTORY REQUIREMENTS

Metropolitan Coal's statutory obligations are contained in:

- (i) the conditions of the Project Approval;
- (ii) relevant licences and permits, including conditions attached to mining leases; and
- (iii) other relevant legislation.

These are described below.

3.1 EP&A ACT APPROVAL

Condition 11, Schedule 3 of the Project Approval requires the preparation of a ConMP for surface construction works in the Woronora Special Area. Approval Condition 11, Schedule 3 states:

CONSTRUCTION MANAGEMENT - WORONORA SPECIAL AREA

11. *The Proponent shall prepare and implement a Construction Management Plan for all surface construction works (excluding remediation or rehabilitation works) in the Woronora Special Area to the satisfaction of the Director-General¹. This plan must be prepared in consultation with SCA², include detailed plans of the proposed construction works, and be approved by the Director-General before the Proponent is allowed to carry out the construction works.*

In addition, Condition 12, Schedule 2 of the Project Approval indicates strategies, plans or programs required by the Project Approval may be submitted on a progressive basis.

Condition 2, Schedule 7 of the Project Approval outlines management plan requirements that are applicable to the preparation of the ConMP. Table 1 indicates where each component of the condition is addressed within this ConMP.

**Table 1
Management Plan Requirements**

Project Approval Condition	ConMP Section
Condition 2, Schedule 7	
2. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:	
a) detailed baseline data;	Section 5
b) a description of:	
• the relevant statutory requirements (including any relevant approval, licence or lease conditions);	Section 3
• any relevant limits or performance measures/criteria;	Not applicable
• the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;	Section 7
c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;	Sections 6, 8 and 9

¹ The Director-General is now the Secretary.

² The Sydney Catchment Authority (SCA) is now WaterNSW.

**Table 1 (Continued)
Management Plan Requirements**

Project Approval Condition	ConMP Section
d) a program to monitor and report on the: <ul style="list-style-type: none"> • impacts and environmental performance of the project; • effectiveness of any management measures (see c above); 	Sections 6, 8 and 10
e) a contingency plan to manage any unpredicted impacts and their consequences;	Section 9
f) a program to investigate and implement ways to improve the environmental performance of the project over time;	Sections 8 and 10
g) a protocol for managing and reporting any: <ul style="list-style-type: none"> • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and 	Section 11.1 Section 11.2 Section 11.3 Not applicable
h) a protocol for periodic review of the plan.	Section 2

3.2 LICENCES, PERMITS AND LEASES

In addition to the Project Approval, all activities at or in association with Metropolitan Coal will be undertaken in accordance with the following licences, permits and leases which have been issued or are pending issue:

- The conditions of mining leases issued by the Division of Resources and Geoscience (DRG), previously Division of Resources and Energy (DRE), under the NSW *Mining Act, 1992* (e.g. Consolidated Coal Lease [CCL] 703, Mining Lease [ML] 1610, ML 1702, Coal Lease [CL] 379 and Mining Purpose Lease [MPL] 320).
- The *Metropolitan Coal Mining Operations Plan 1 October 2012 to 30 September 2019* approved by the DRG.
- The conditions of Environment Protection Licence (EPL) No. 767 issued by the NSW Environment Protection Authority (EPA) under the NSW *Protection of the Environment Operations Act, 1997*. Revision of the EPL will be required prior to the commencement of Metropolitan Coal activities that differ from those currently licensed.
- The prescribed conditions of specific surface access leases within CCL 703 for the installation of surface facilities as required.
- Water Access Licences (WALs) issued by the NSW Department of Primary Industries – Water (DPI-Water) (now the Department of Industry – Crown Lands and Water Division [CLWD]) under the NSW *Water Management Act, 2000*, including WAL 36475 under the *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011* and WAL 25410 under the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011*.
- Mining and workplace health and safety related approvals granted by the NSW Resources Regulator and WorkCover NSW.
- Supplementary approvals obtained from WaterNSW (previously the Sydney Catchment Authority [SCA]) for surface activities within the Woronora Special Area (e.g. fire road maintenance activities).

3.3 OTHER LEGISLATION

Metropolitan Coal will conduct the Project consistent with the Project Approval and any other legislation that is applicable to an approved Part 3A Project under the EP&A Act.

The following Acts may be applicable to the conduct of the Project (Helensburgh Coal Pty Ltd [HCPL], 2008):

- *Contaminated Land Management Act, 1997;*
- *Crown Lands Act, 1989;*
- *Dams Safety Act, 1978;*
- *Dangerous Goods (Road and Rail Transport) Act, 2008;*
- *Energy and Utilities Administration Act, 1987;*
- *Fisheries Management Act, 1994;*
- *Mining Act, 1992;*
- *Noxious Weeds Act, 1993;*
- *Protection of the Environment Operations Act, 1997;*
- *Rail Safety (Adoption of National Law) Act, 2012;*
- *Roads Act, 1993;*
- *Biodiversity Conservation Act, 2016;*
- *Water NSW Act, 2014;*
- *Water Act, 1912;*
- *Water Management Act, 2000;*
- *Work Health and Safety Act, 2011;* and
- *Work Health and Safety (Mines and Petroleum Sites) Act, 2013.*

Relevant licences or approvals required under these Acts will be obtained as required.

4 DESCRIPTION OF SURFACE CONSTRUCTION WORKS

Surface construction works in the Woronora Special Area will include the installation, upgrade and maintenance of environmental monitoring equipment (e.g. pluviometers, groundwater bores and gauging stations), access tracks, surface exploration activities (including seismic investigations) and other minor Project-related surface activities.

As the requirement for surface construction works arise, Metropolitan Coal will provide the specific details of the proposed surface construction works (in the form of a completed Surface Works Assessment Form [Appendix 1]) to the DP&E and WaterNSW for comment. If no comments from the DP&E or WaterNSW are received within one month of the Surface Works Assessment Form being issued for comment, the proposed construction works will be considered to be approved.

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As described in Section 1.1, rehabilitation and remediation works in the Woronora Special Area are detailed in the Metropolitan Coal Rehabilitation Management Plan. It should be noted that surface construction works previously conducted in the Woronora Special Area are included in the Rehabilitation Management Plan – Surface Disturbance Register.

5 BASELINE DATA

Baseline data of relevance to areas that may be subject to surface construction works includes:

Ecological Information

- Vegetation community mapping by Bangalay Botanical Surveys (2008) and Eco Logical Australia (2015; 2016), which includes mapping of upland swamp vegetation (Figure 3). Metropolitan Coal will plot the co-ordinate(s) of the proposed surface construction site on to the vegetation community mapping to determine its position in relation to vegetation communities.
- Threatened flora species recorded in the Project underground mining area and surrounds (Figure 4). Metropolitan Coal will plot the co-ordinate(s) of the proposed surface construction site on to the threatened flora species mapping to determine its position in relation to threatened flora.
- Endangered Ecological Communities (EECs) recorded in the Project underground mining area and surrounds (Figure 3), namely:
 - Southern Sydney Sheltered Forest on Transitional Sandstone Soils in the Sydney Basin Bioregion EEC (vegetation community 5a shown on Figure 3).
 - O'Hares Creek Shale Forest EEC (vegetation communities 5b and 5r shown on Figure 3).

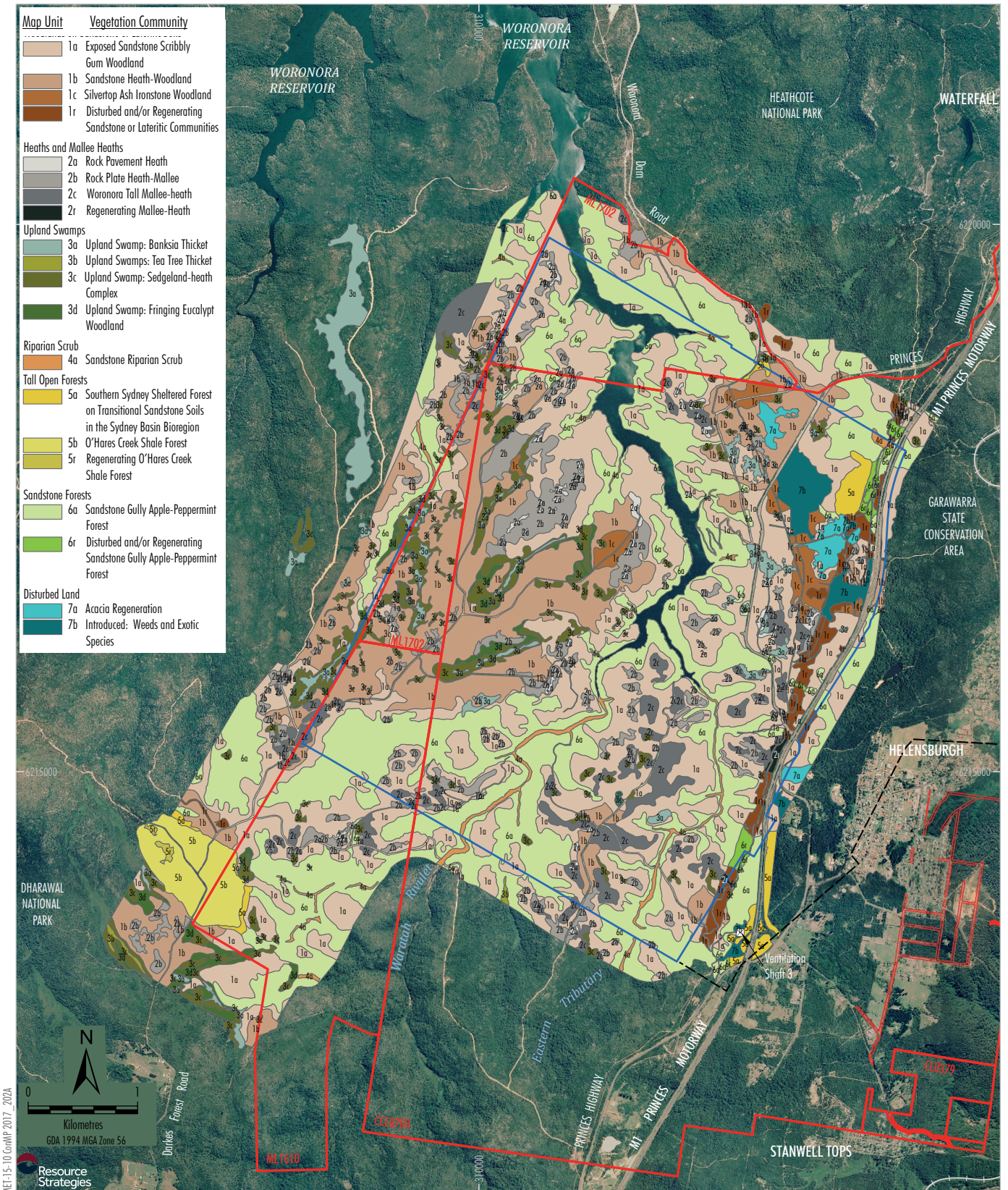
Metropolitan Coal will plot the co-ordinate(s) of the proposed surface construction site on to the vegetation community mapping to determine its position in relation to these EECs.

- Threatened fauna recorded in the Project underground mining area and surrounds (Figure 5). Metropolitan Coal will plot the co-ordinate(s) of the proposed surface construction site on to the threatened fauna species mapping to inform the identification of management measures.
- Terrestrial and aquatic ecology data and baseline information presented in the Metropolitan Coal Longwalls 301-303 Biodiversity Management Plan.
- Terrestrial and aquatic ecology data and information presented in the Metropolitan Coal Project Environmental Assessment (Project EA) (HCPL, 2008).

Aboriginal Heritage Information

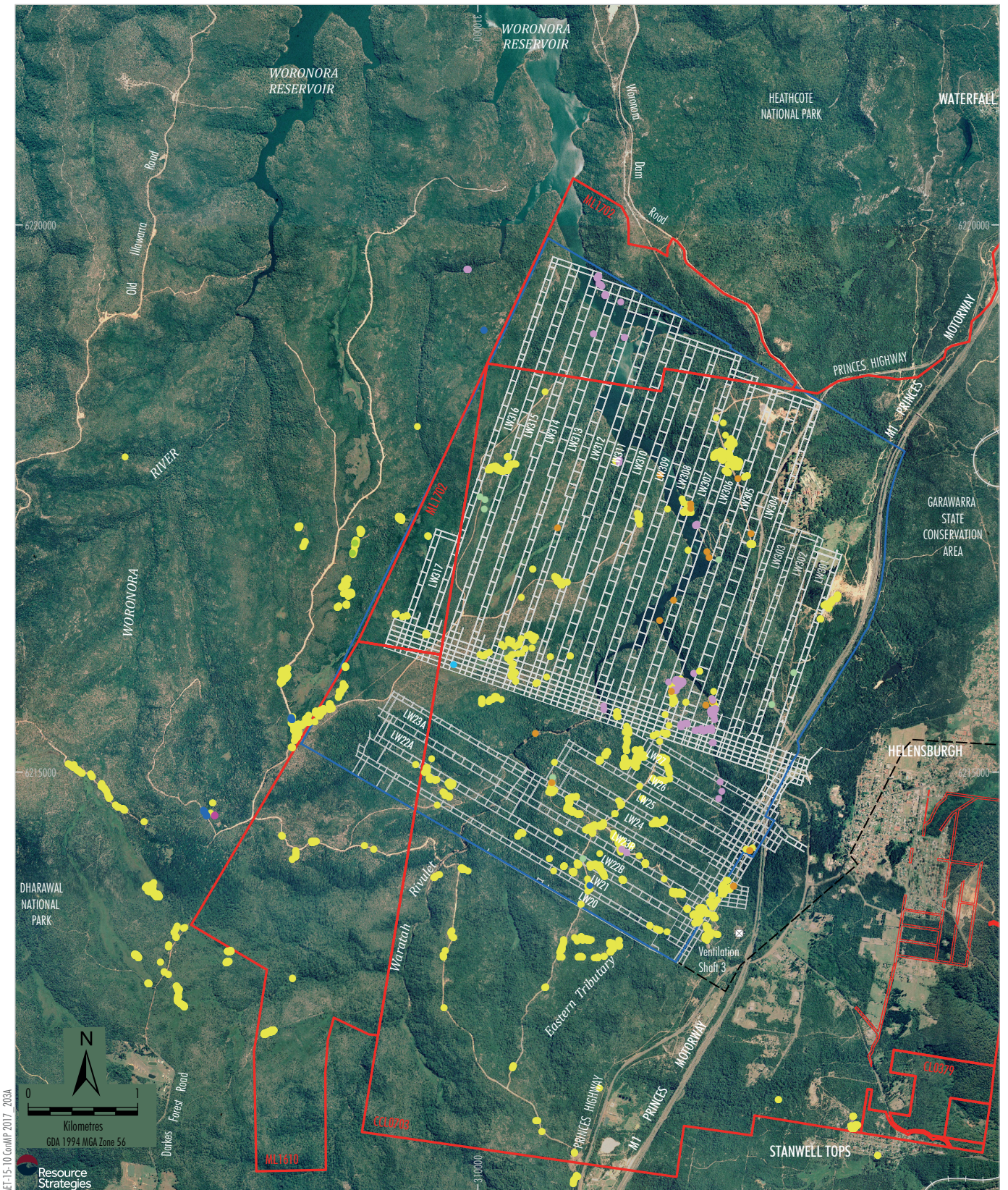
- Known Aboriginal heritage sites recorded in the Project underground mining area and surrounds (Figure 6). Metropolitan Coal will plot the co-ordinate(s) of the proposed surface construction site on to the known Aboriginal heritage sites mapping to determine its position in relation to heritage sites.
- Aboriginal heritage site data and baseline information presented in the Metropolitan Coal Longwalls 301-303 Heritage Management Plan.
- Aboriginal heritage data and information presented in the Project EA (HCPL, 2008).

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Mapped Vegetation Communities
Within the Project Underground
Mining Area and Surrounds

Figure 3



MEF-15-10 CompP 2017 203A

- LEGEND**
- Mining Lease Boundary
 - Railway
 - Project Underground Mining Area
Longwalls 20-27 and 301-317
 - Existing Underground Access Drive (Main Drift)

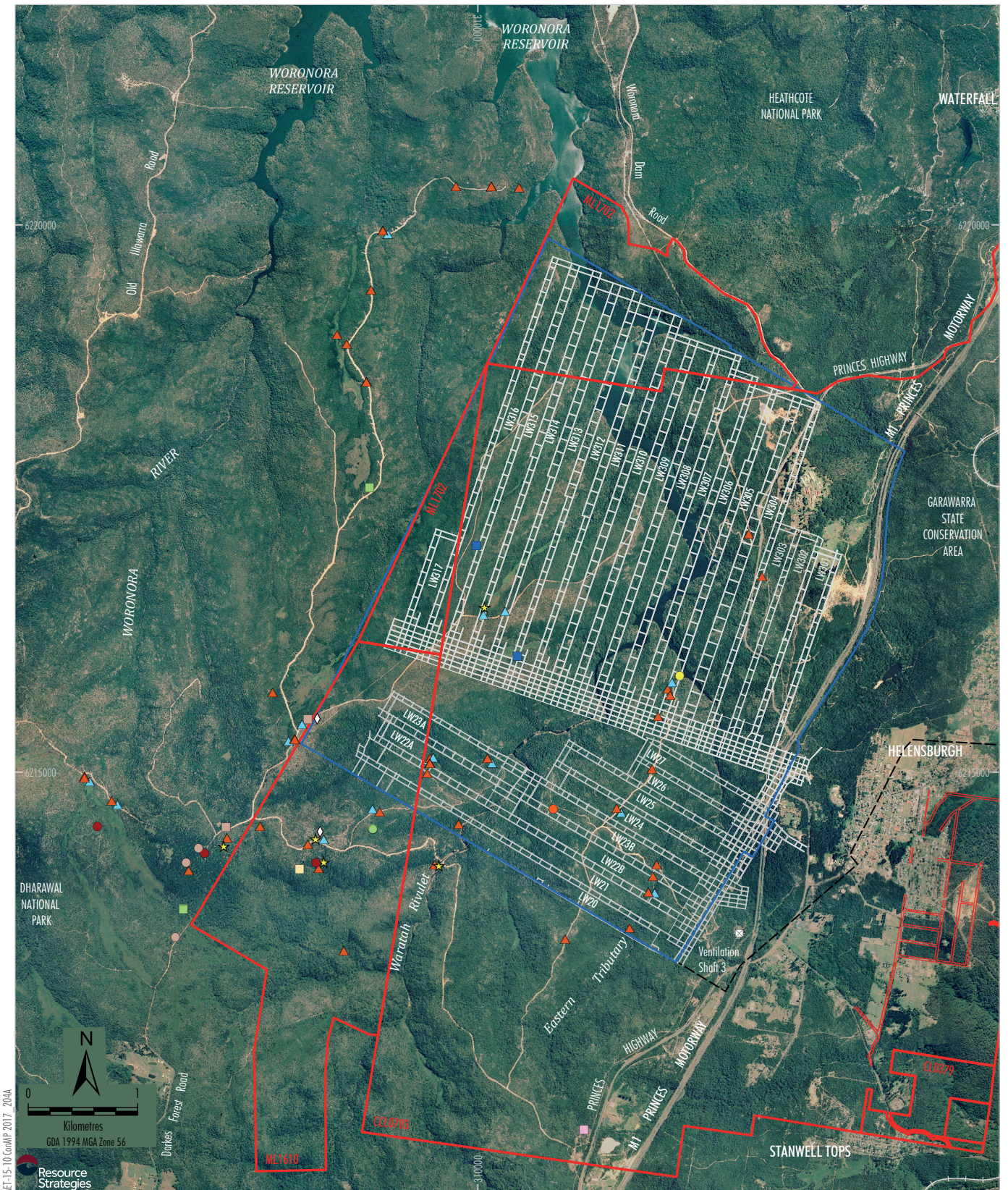
- Confirmed Threatened Species**
- *Astrotricha crossifolia*
 - *Acacia bynoeana*
 - *Acacia baueri* subsp. *aspera*
 - *Melaleuca deanei*
 - *Pultenaea aristata*
 - *Cryptostylis hunteriana*
- Potential (Unconfirmed) Threatened Species**
- *Epacris purpurascens* var. *purpurascens*
 - *Leucopogon exolasius*

Source: Land and Property Information (2015); Date of Aerial Photography 1998; Department of Industry (2015); Metropolitan Coal (2016); Threatened species recorded by Bangalay Botanical Surveys (2008); FloraSearch (2008, 2009); Eco Logical (2010-2015)

Notes 1. Includes threatened species records up to and including the Autumn 2015 surveys.
2. Each symbol is indicative of a specific location rather than the number of individuals of each species.

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METROPOLITAN COAL
Threatened Flora Recorded During
Metropolitan Coal Surveys

Figure 4



LEGEND

- Mining Lease Boundary
- Railway
- Project Underground Mining Area Longwalls 20-27 and 301-317
- Existing Underground Access Drive (Main Drift)

Threatened Fauna

- ▲ Giant Burrowing Frog
- ▲ Red-crowned Toadlet
- Grey Falcon
- Square-tailed Kite
- Black-necked Stork
- Eastern Ground Parrot
- Turquoise Parrot
- Grey-headed Flying Fox

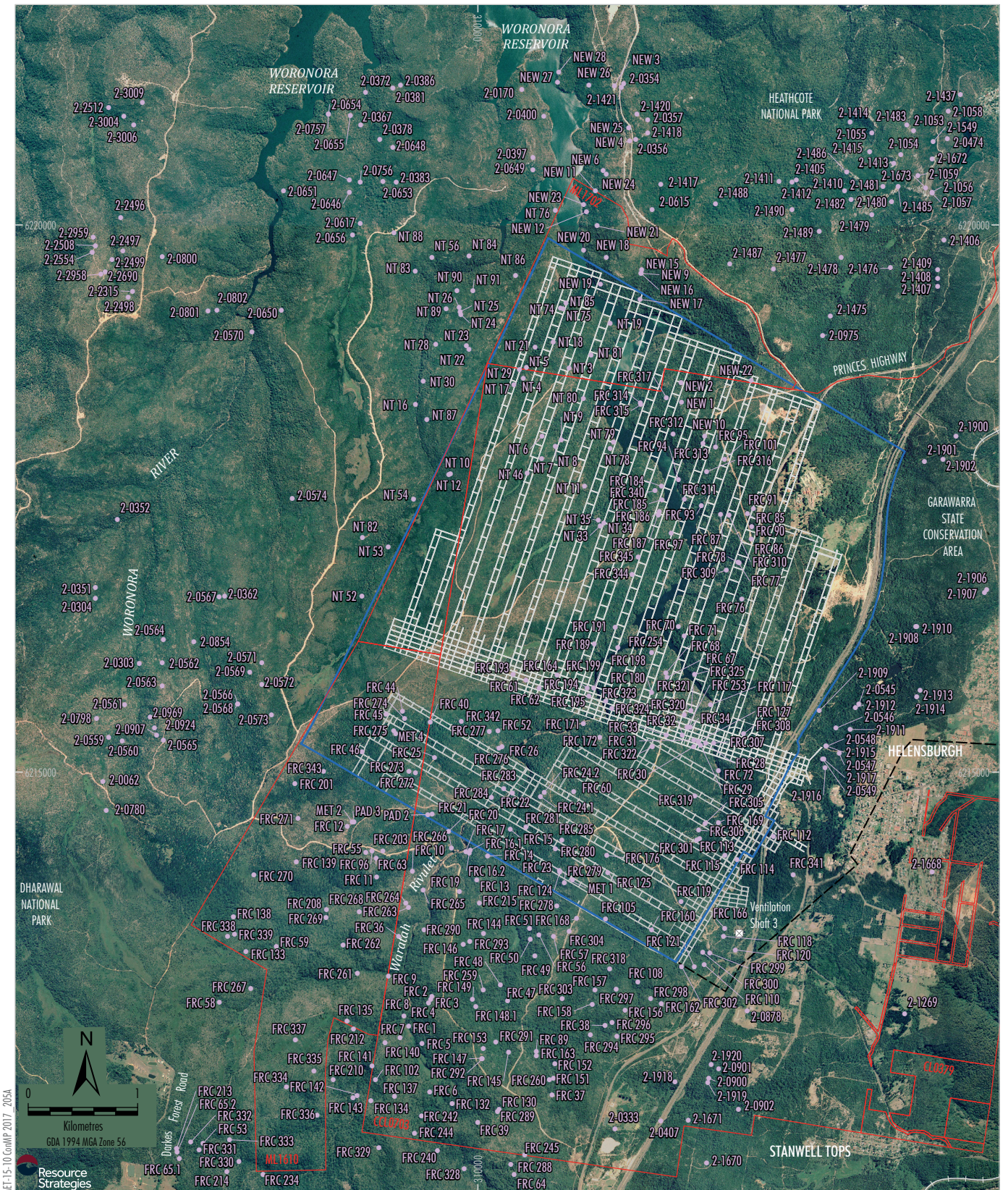
- Large-footed Myotis
- Squirrel Glider
- Eastern Pygmy-possum
- Eastern Bentwing Bat
- ★ Broad-headed Snake
- ◇ Diggings that could potentially belong to the threatened Southern Brown Bandicoot or Long-nosed Potoroo, or the Protected Long-nosed Bandicoot

Notes: 1. Includes threatened species records up to March 2016.
 2. Each symbol is indicative of a specific location rather than the number of individuals of each species.

Source: Land and Property Information (2015); Date of Aerial Photography 1998; Department of Industry (2015); Metropolitan Coal (2016); Threatened Species recorded by Western Research Institute and Biosphere Environmental Consultants (2008); Cenwest Environmental Services (2008-2015)

Peabody
 METROPOLITAN COAL
 Threatened Fauna Recorded During
 Metropolitan Coal Surveys

Figure 5



- LEGEND**
- Mining Lease Boundary
 - Railway
 - Project Underground Mining Area
Longwalls 20-27 and 301-317
 - Existing Underground Access Drive (Main Drift)
 - Aboriginal Heritage Site

Source: Land and Property Information (2015); Date of Aerial Photography 1998; Department of Industry (2015); Metropolitan Coal (2016); MSEC (2016); Illawarra Prehistory Group (2007; 2008); AHIMS (2007); Kayandel Archaeological Services (2006; 2007; 2008); Niche Environment and Heritage (2013)

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METROPOLITAN COAL
Known Aboriginal Heritage Sites
Within Project Underground Mining Area
and Surrounds

Figure 6

Land Information

- Information on cliffs and associated overhangs, steep slopes and land in general provided in the Metropolitan Coal Longwalls 301-303 Land Management Plan.
- Land information included in the Project EA (HCPL, 2008).

Water Information

- Detailed stream mapping and photographic records of the Waratah Rivulet, Eastern Tributary, Tributary A and Tributary B provided in the Metropolitan Coal Longwalls 301-303 Water Management Plan.
- Watercourse data (e.g. surface and groundwater quantity and quality data) referred to in the Metropolitan Coal Longwalls 301-303 Water Management Plan and Catchment Monitoring Program.
- Watercourse information included in the Project EA (HCPL, 2008).

Environmental Management Strategy and Associated Management Plans/Monitoring Programs

- The Metropolitan Coal Environmental Management Strategy and its associated management plans and monitoring programs (Figure 2), as well as the *Longwalls 14-17 Environmental Management Plan* and *Longwalls 18-19A Environmental Management Plan* detail the location of existing environmental monitoring locations in the Woronora Special Area.
- Metropolitan Coal will confirm that the proposed construction site does not impact on existing (or proposed) monitoring sites.

6 MANAGEMENT MEASURES

This section describes the management measures that will be implemented to minimise potential impacts associated with surface construction works in the Woronora Special Area.

A Construction Management Plan – Surface Works Register and Assessment Form will be used to manage the surface construction works (Appendix 1).

Monitoring of the performance of the management measures is described in Section 8.

6.1 VEGETATION MANAGEMENT

Vegetation clearance activities (i.e. the removal, lopping or slashing of vegetation) may be required for surface construction works. Management measures will be implemented at sites where vegetation clearance is necessary. The vegetation management of proposed disturbance sites is described below.

6.1.1 Review of Baseline Information

A review of the baseline information described in Section 5 will be conducted to determine whether there are any occurrences of the following features located within the proposed disturbance area or immediate surrounds:

- any occurrences of the Southern Sydney Sheltered Forest on Transitional Sandstone Soils EEC;

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- any occurrences of the O'Hares Creek Shale Forest EEC;
- upland swamps;
- known threatened flora species records;
- known threatened fauna species records; and
- existing (or proposed) monitoring sites.

Vegetation community mapping will be used to determine the type of vegetation in the proposed disturbance area.

Section 6.2 includes baseline investigation requirements in relation to known Aboriginal sites.

The baseline characteristics of the proposed disturbance area will be recorded in the Construction Management Plan - Surface Works Assessment Form (Appendix 1).

6.1.2 Areas in which Disturbance is to be Avoided and/or Limited

Surface works involving vegetation clearance will not be conducted in occurrences of the Southern Sydney Sheltered Forest on Transitional Sandstone Soils EEC or the O'Hares Creek Shale Forest EEC. The distribution of these EECs is shown on Figure 3.

In addition, vegetation clearance for surface infrastructure will not take place in upland swamps except for environmental monitoring purposes. Establishment of the environmental monitoring sites will involve minimal vegetation clearance for the installation of equipment and site access. The distribution of upland swamps is also shown on Figure 3 (vegetation communities 3a to 3d).

Surface works will also be located to avoid existing environmental monitoring sites (e.g. vegetation transects) unless the construction works proposed specifically relate to the monitoring site in question. The Metropolitan Coal Environmental Management Strategy and its associated management plans and monitoring programs (Figure 2), as well as the *Longwalls 14-17 Environmental Management Plan* and *Longwalls 18-19A Environmental Management Plan* detail the location of existing environmental monitoring locations within the Woronora Special Area.

6.1.3 Threatened Flora Surveys

Prior to disturbance, surveys for threatened flora species will be conducted within the proposed disturbance area. Works will be relocated, where feasible, to avoid or minimise impacts on any threatened species population.

In the event field inspections identify individuals of a threatened flora species within a proposed disturbance area that are not practicable to avoid, the potential impacts of the proposed works on the population of the threatened flora species will be assessed by a suitably qualified and experienced ecologist.

In the event the proposed surface activities are considered likely to have a significant impact on a population of the threatened species listed under the TSC Act or *Environment Protection and Biodiversity Conservation Act, 1999*, the proposed works will be modified to avoid such an outcome.

Given the nature of the proposed activities requiring vegetation clearance, it is anticipated that the majority of activities will be able to avoid disturbance to individuals of a threatened flora species.

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The outcomes of the threatened flora surveys will be recorded in the Construction Management Plan - Surface Works Assessment Form (Appendix 1).

6.1.4 Site Inspection

An inspection of the proposed disturbance area will be conducted to identify management measures to be implemented to minimise impacts on flora, prior to, during and/or following the completion of the surface works. Potential management measures include:

- Restricting vegetation clearance to the slashing of vegetation (i.e. leaving the lower stem and roots *in-situ* to maximise the potential for natural regrowth), rather than the removal of trees.
- Lopping of branches, rather than the removal of trees.
- The use of existing fire trails to access sites to minimise the disturbance of soils.
- Limiting the amount of soil disturbance to the minimum required for the mobilisation, placement and operation of equipment and for maintaining access to equipment.
- The use of rubber lattice matting or other measures to delineate work areas and to minimise disturbance to soils and vegetation.
- Identification of specific management measures to minimise impacts on terrestrial fauna and their habitats (e.g. avoiding the removal of trees or branches containing hollows, the placement of lopped branches in the general vicinity etc.).
- Identification of specific rehabilitation measures (e.g. placing stockpiled vegetative material over cleared areas to encourage natural regeneration).

The outcomes of the site inspection will be recorded in the Construction Management Plan - Surface Works Assessment Form (Appendix 1).

6.1.5 Final Site Selection and Works Design

The results of the surveys/assessments described in Sections 6.1.1 to 6.1.4 will be used to inform final site selection and works design to minimise the amount of vegetation clearance required.

Once the site selection and works design have been finalised, a Site Layout Plan will be produced and attached to the Construction Management Plan - Surface Works Assessment Form (Appendix 1). The Site Layout Plan will show the selected site, works design, management measures, access tracks, and where equipment will be located during the construction works.

6.1.6 General Soil and Vegetation Management

The disturbance of soils will be limited to the minimum required for the mobilisation, placement and operation of equipment and for maintaining access to equipment.

Vegetation disturbance will be kept to a practical minimum. To minimise impacts on terrestrial vegetation, vegetation clearance will generally be restricted to the slashing of vegetation (i.e. leaving the lower stem and roots *in-situ* to maximise the potential for re-growth) and lopping of branches, where practicable, rather than the removal of trees. Any lopped branches will be left on the site in a random pattern. Rubber lattice matting will be used to minimise vegetation disturbance in high traffic areas.

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Where possible, existing fire trails will be utilised for the siting/delivery of equipment and for access to construction sites. Where practicable, construction equipment and materials will be carried in by hand to minimise impacts on terrestrial vegetation. Site access requirements including any necessary vegetation clearance will be described in the Construction Management Plan - Surface Works Assessment Form (Appendix 1).

Vehicles and equipment will be maintained to suitable standards to minimise the risk of the introduction of weeds. Weed control measures will be implemented where required.

6.2 ABORIGINAL HERITAGE MANAGEMENT

6.2.1 Pre-Clearance Surveys

In accordance with the Metropolitan Coal Heritage Management Plan, pre-clearance surveys will be undertaken to identify the most appropriate location for required Project infrastructure. Pre-clearance surveys will involve the following:

1. Developing an inventory of surface infrastructure and conducting an initial desktop risk assessment based on the location of known sites.
2. Undertaking a pre-clearance survey of the proposed site(s) for surface infrastructure.
3. Assessing potential impacts to nearby Aboriginal heritage site(s) based on the results of the pre-clearance surveys and determining the most appropriate location for required surface infrastructure.
4. Where practicable, surface infrastructure will be located so as to avoid or minimise impacts to Aboriginal heritage sites. If impacts cannot be avoided, appropriate management and/or mitigation measures will be undertaken in accordance with the Metropolitan Coal Heritage Management Plan.

Where Aboriginal heritage sites are located close to required surface disturbance works, the surface disturbance protocol described below will be conducted.

6.2.2 Surface Disturbance Protocol

The surface disturbance protocol aims to avoid accidental damage to Aboriginal heritage sites located close to surface disturbance works. As described above, pre-clearance surveys will be undertaken to identify the most appropriate location for required Project infrastructure.

This protocol will apply to surface disturbance works (e.g. exploration works, installation/operation/maintenance of surface infrastructure, construction/maintenance of access tracks, monitoring and stream restoration) proposed to be located close to any known Aboriginal heritage site(s).

Surface disturbance works will be undertaken in consideration of the following:

1. Avoidance of impact to Aboriginal heritage sites will be the primary management measure, where practicable.
2. To avoid accidental damage to Aboriginal heritage sites located close to surface disturbance works, appropriate demarcation will be implemented (e.g. fencing, sign-posting or temporary flagging).

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3. Where avoidance is not practicable, a comprehensive baseline record will be developed and consideration of salvage will be undertaken in consultation with Aboriginal stakeholders prior to disturbance.

6.2.3 Recording and Registering New Aboriginal Heritage Sites

Any previously unrecorded Aboriginal heritage sites identified during fieldwork (e.g. pre-clearance surveys) will be recorded using the standard Office of Environment and Heritage (OEH) site card. This information will be submitted to the OEH for registration on the OEH Aboriginal Heritage Information Management System (AHIMS) database. Any previously unrecorded sites will also be subject to archaeological and cultural significance assessment, in consultation with Aboriginal stakeholders. Any previously unrecorded sites will be managed in accordance with the requirements of the Metropolitan Coal Heritage Management Plan.

6.2.4 Aboriginal Stakeholder Participation

The number of participants in an effective field team is governed by a number of safety, logistic and access considerations, including:

- **Safety:** a large group can be difficult to keep together when moving through dense vegetation in steep terrain. Large groups move slowly (especially through dense vegetation and in steep terrain) and can prevent a rapid response (i.e. evacuation) to imminent dangers that can often be encountered (e.g. bush fire warnings and electrical storms).
- **Logistics:** Participant numbers are limited by vehicle availability and safety restrictions. The remote nature of the area requires the use of vehicles for efficient field work.
- **Access Restrictions:** The area is within a WaterNSW Schedule One special area. Public access is controlled in this area to protect water quality and ecological integrity (WaterNSW and OEH, 2015). Excessive access into this area is not consistent with the WaterNSW's *Special Areas Strategic Plan of Management 2015* (WaterNSW and OEH, 2015).

Aboriginal stakeholders will be invited to attend relevant scheduled fieldwork in consideration of the above and also in accordance with relevant OEH consultation guidelines. In accordance with the Metropolitan Coal Heritage Management Plan, scheduled fieldwork to which Aboriginal stakeholders will be invited to attend includes:

- Aboriginal heritage monitoring;
- supplementary fieldwork; and
- the planning for and/or implementation of management and mitigation measures.

Invitations to attend scheduled fieldwork will be provided in writing with at least five business days notice. Dates for undertaking fieldwork will be subject to consultation with Aboriginal stakeholders and archaeologists. Prior to undertaking fieldwork, all participating Aboriginal stakeholders and archaeologists will be required to comply with Metropolitan Coal's workplace health and safety requirements. These requirements include the provision of copies of current relevant insurances (i.e. public liability and workers compensation) and appropriate personal protection equipment.

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All Metropolitan Coal staff and contractors (including Aboriginal stakeholders and archaeologists) may be subject to random drug and alcohol testing. All Metropolitan Coal staff and contractors (including Aboriginal stakeholders and archaeologists) must be able bodied and fit to undertake the work required.

Metropolitan Coal will maintain a consultation log to record all correspondence with Aboriginal stakeholders (e.g. emails, telephone calls, letters, meeting minutes, etc.).

Aboriginal stakeholders will be invited to comment on relevant draft documentation regarding the management of Aboriginal cultural heritage, if and when required.

6.3 EROSION AND SEDIMENT MANAGEMENT

Temporary erosion and sediment controls (e.g. silt fences and sediment control structures) may be required to be installed prior to the commencement of surface disturbance activities. Erosion and sediment control measures will be designed in general accordance with applicable erosion and sediment control principles and guidelines (e.g. *Managing Urban Stormwater: Soils and Construction, Volume 2E Mines and Quarries* [Department of Environment and Climate Change, 2008]). Where required, an Erosion and Sediment Control Plan will be prepared and attached to the Surface Works Assessment Form. Erosion and sediment controls will remain in place until such time as ground disturbed by the works has stabilised.

6.4 HAZARDOUS MATERIALS MANAGEMENT

The use of fuels and oils will be managed to minimise the risk of spills or leaks as described below.

Large quantities of fuel will not be stored at construction sites. Small amounts of fuel required for equipment will be transported by vehicle and carried in by hand to the construction site. Fuel will be transported/carried in a closed container (e.g. jerry can) and re-fuelling will be undertaken using an appropriately sized funnel.

Equipment (e.g. drill rigs, compressors, pumps) will be regularly inspected for leaks of oil/fuel/coolant. Equipment such as diesel operated compressors and petrol pumps will be bunded with sufficient capacity to contain in excess of 10% above the maximum fuel/oil storage capacity of the compressor/pump.

Spill containment/treatment resources (i.e. spill kits) will be provided and personnel will be trained in their use. Any spill that occurs will be immediately cleaned up and reported to the Metropolitan Coal Environment & Community Superintendent.

A list of hazardous materials to be used and their storage requirements will be included in the Surface Works Assessment Form.

Relevant Material Safety Data Sheets (MSDS) will be located at the construction site.

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6.5 TRANSPORT MANAGEMENT

Measures will be implemented to minimise the potential impacts of vehicles in the Woronora Special Area. These include:

- Only 4WD vehicles are permitted.
- Vehicles movements will be kept to the minimum necessary.
- Vehicles will be required to observe the 40 kilometres per hour (km/hr) speed limit on all roads within the catchment.
- The construction areas will be accessed via designated locked gates from the Princes Highway using existing fire trails. All gates will be kept locked at all times.
- Vehicles will be parked along adjacent fire roads.
- The use of a helicopter to access areas/deliver equipment in areas not accessible by fire trail.
- Access to the Woronora Special Area will not occur after WaterNSW has advised that the catchment has been closed. This notification is generally provided by e-mail after 10 mm of rain has been received in any 24 hour period.
- Vehicles will not be used in the catchment unless they have been serviced and maintained to an acceptable standard. No servicing or maintenance of vehicles will be conducted in the catchment.

Where construction works occur on or adjacent to fire roads, works will be conducted in such a way that the serviceability or integrity of the fire road is not compromised.

6.6 WASTE MANAGEMENT

Rubbish will be collected daily for disposal off-site. On completion of the construction works, equipment and all waste (such as litter, used materials, etc.) will be removed from the site.

Personnel will be instructed to use a portable chemical toilet located within the Woronora Special Area. Sewage wastes will be removed from the site by a registered contractor and disposed of in an appropriate manner.

6.7 BUSHFIRE PREPAREDNESS AND MANAGEMENT

Fire awareness and fire safety training will be included in the induction of all Metropolitan Coal personnel and contractors required to access the Woronora Special Area to reduce the risk of bushfire.

Hot work will be carried out in accordance with the WaterNSW Hot Work Policy for the Bushfire Season and no hot work will occur without a WaterNSW Hot Work Permit.

6.8 PEST MANAGEMENT

Management measures for introduced pests will be implemented in accordance with the Metropolitan Coal Biodiversity Management Plan.

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Management measures for introduced pests of particular relevance to surface construction activities include:

- Maintenance of a clean, rubbish-free environment in order to discourage scavenging and reduce the potential for colonisation of these areas by non-endemic fauna. Employees and contractors will not be permitted to take domestic pets into the Woronora Special Area.
- Reporting sightings of vertebrate pest species to WaterNSW, and the OEH for inclusion in the Atlas of NSW Wildlife in order for the distribution and abundance of the vertebrate pests to be better understood. This is particularly relevant to Feral Deer.
- The inclusion of general vertebrate pest awareness in Metropolitan Coal inductions, particularly for staff and contractors accessing the Woronora Special Area.

Employees and contractors involved in construction activities will also be made aware of safety issues associated with the potential occurrence of ticks, leeches, snakes and spiders.

6.9 SITE CLEAN UP

At the completion of surface construction works, the site will be left in a state fit for rehabilitation. Where appropriate, equipment and materials will be removed and effective management measures (e.g. erosion and sediment controls) will be left in place.

Rehabilitation of the surface disturbance areas will be managed in accordance with the Metropolitan Coal Rehabilitation Management Plan.

6.10 PERSONNEL TRAINING AND AWARENESS

Employees and contractors involved in construction activities will be given appropriate training and induction prior to the commencement of construction works. This will include employees and contractors being made aware of the management measures identified in this ConMP and the Surface Works Assessment Forms relevant to the construction activities being conducted.

7 PERFORMANCE INDICATORS

Metropolitan Coal will assess the performance of the construction activities against the following performance indicators:

The construction works are/have been conducted as described for the construction site in the Construction Management Plan – Surface Works Assessment Form.

Inspection of the construction works indicates appropriate erosion and sediment controls are/have been installed and are effective.

Inspection of the construction works indicates appropriate fuel and spill management measures are/have been implemented and are effective.

The construction works are/have been conducted in accordance with other management measures described in the Construction Management Plan.

Monitoring that will be conducted to assess the performance indicators is described in Section 8.

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8 MONITORING

The Construction Management Plan – Performance Indicator Assessment Form (Appendix 2) will be used to monitor and assess the performance of the construction works.

The Construction Management Plan – Performance Indicator Assessment Form will be filled out during construction works and following the completion of construction works. Follow up assessments will be made in the event the performance assessment indicates that management measures are not being appropriately implemented.

Once a surface disturbance area is no longer being utilised, monitoring will be conducted in accordance with the Metropolitan Coal Rehabilitation Management Plan to assess:

- where appropriate, whether equipment/infrastructure items have been removed;
- whether the area is tidy or rubbish removal is required;
- whether erosion and sediment controls are required and if so, the effectiveness of those installed;
- the presence of weeds and the need for the implementation of weed control measures;
- where appropriate, whether vegetation is re-establishing naturally or whether active revegetation is required; and
- if active revegetation is conducted, whether vegetation is establishing.

9 CONTINGENCY PLAN

In the event the performance indicators described in Section 7 are not met, Metropolitan Coal will conduct an investigation into the cause of the unpredicted impact and identify rectification measures.

Potential rectification measures include:

- identification of potential system improvements such as supplements or modifications to the Construction Management Plan – Surface Works Assessment Form (Appendix 1) or the Construction Management Plan – Performance Indicator Assessment Form (Appendix 2);
- identification for additional training of Metropolitan Coal personnel or contractor to improve awareness of responsibilities;
- review of erosion control measures focussing on causal factors and implementation of identified improvement measures;
- review of fuel management measures focussing on causal factors and implementation of identified improvement measures; and
- the conduct of additional monitoring (e.g. increase in monitoring frequency or auditing) to inform the proposed contingency measures.

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10 ANNUAL REVIEW AND IMPROVEMENT OF ENVIRONMENTAL PERFORMANCE

In accordance with Condition 3, Schedule 7 of the Project Approval, Metropolitan Coal will conduct an Annual Review of the environmental performance of the Project by the end of March each year.

The Annual Review will specifically address the environmental performance of the ConMP and will:

- describe the works that were carried out in the past calendar year, and the works that are proposed to be carried out over the current calendar year;
- include a comprehensive review of the monitoring results and complaints records of the Project over the past year, including a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous years; and
 - relevant predictions in the EA, Preferred Project Report and Extraction Plan;
- identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
- identify any trends in the monitoring data over the life of the Project;
- identify any discrepancies between the predicted and actual impacts of the Project, and analyse the potential cause of any significant discrepancies; and
- describe what measures will be implemented over the next year to improve the environmental performance of the Project.

As described in Section 2, this ConMP will be reviewed within three months of the submission of an Annual Review, and revised where appropriate.

11 REPORTING

11.1 INCIDENTS

An incident is defined as a set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in the Project Approval.

The reporting of incidents will be conducted in accordance with Condition 6, Schedule 7 of the Project Approval. Metropolitan Coal will notify the Secretary of the DP&E and any other relevant agencies of any incident associated with the Project as soon as practicable after Metropolitan Coal becomes aware of the incident. Within seven days of the date of the incident, Metropolitan Coal will provide the Secretary and any relevant agencies with a detailed report on the incident.

Metropolitan Coal will maintain a list of relevant contacts and contact numbers for employees/contractors involved in the construction activities. The list will be made available at the construction site.

11.2 COMPLAINTS

A protocol for the managing and reporting of complaints has been developed as a component of Metropolitan Coal's Environmental Management Strategy and is described below.

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The Environment & Community Superintendent is responsible for maintaining a system for recording complaints.

Metropolitan Coal will maintain public signage advertising the telephone number on which environmental complaints can be made. The Environment & Community Superintendent is responsible for ensuring that the currency and effectiveness of the service is maintained. Notifications of complaints received are to be provided as quickly as practicable to the Environment & Community Superintendent.

Complaints and enquiries do not have to be received via the telephone line and may be received in any other form. Any complaint or enquiry relating to environmental management or performance is to be relayed to the Environment & Community Superintendent as soon as practicable. All employees are responsible for ensuring the prompt relaying of complaints. All complaints will be recorded in a complaints register.

For each complaint, the following information will be recorded in the complaints register:

- date and time of complaint;
- method by which the complaint was made;
- personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- nature of the complaint;
- the action(s) taken by Metropolitan Coal in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by Metropolitan Coal, the reason why no action was taken.

The Environment & Community Superintendent is responsible for ensuring that all complaints are appropriately investigated, actioned and that information is fed back to the complainant, unless requested to the contrary.

In accordance with Condition 10, Schedule 7 of the Project Approval, the complaints register will be made publicly available on the Peabody website and updated on a monthly basis. A summary of complaints received and actions taken will be presented to the Community Consultative Committee as part of the operational performance review.

11.3 NON-COMPLIANCES WITH STATUTORY REQUIREMENTS

A protocol for the managing and reporting of non-compliances with statutory requirements has been developed as a component of Metropolitan Coal's Environmental Management Strategy and is described below.

Compliance with all approvals, plans and procedures will be the responsibility of all personnel (staff and contractors) employed on or in association with Metropolitan Coal, and will be developed through promotion of Metropolitan Coal ownership under the direction of the General Manager.

The Manager – Technical Services and/or Environment & Community Superintendent will undertake regular inspections, internal audits and initiate directions identifying any remediation/rectification work required, and areas of actual or potential non-compliance.

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As described in Section 11.1, Metropolitan Coal will notify the Secretary of the DP&E and any other relevant agencies of any incident associated with Metropolitan Coal as soon as practicable after Metropolitan Coal becomes aware of the incident. Within seven days of the date of the incident, Metropolitan Coal will provide the Secretary of the DP&E and any relevant agencies with a detailed report on the incident.

A review of Metropolitan Coal's compliance with all conditions of the Project Approval, mining leases and all other approvals and licences will be undertaken prior to (and included within) each Annual Review. The Annual Review will be made publicly available on the Peabody website.

Additionally, in accordance with Condition 8, Schedule 7 of the Project Approval, an independent environmental audit was undertaken by the end of December 2011, and is undertaken a minimum of once every three years thereafter. A copy of the audit report will be submitted to the Secretary of the DP&E and made publicly available on the Peabody website. The independent audit will be undertaken by an appropriately qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary of the DP&E.

12 REFERENCES

Bangalay Botanical Surveys (2008) *Metropolitan Coal Project Baseline Flora Survey - Proposed Longwall Mining Area*. Report prepared for Helensburgh Coal Pty Ltd.

Department of Environment and Climate Change (2008) *Managing Urban Stormwater: Soils and Construction, Volume 2E Mines and Quarries*.

Helensburgh Coal Pty Ltd (2008) *Metropolitan Coal Project Environmental Assessment*.

WaterNSW and Office of Environment & Heritage (2015) *Special Areas Strategic Plan of Management 2015*.

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APPENDIX 1
CONSTRUCTION MANAGEMENT PLAN
SURFACE WORKS REGISTER AND ASSESSMENT FORM

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**Construction Management Plan
Surface Works Assessment Form**

**Note, this form must be completed in full
prior to the commencement of surface disturbance works**

Date:

Name and position:

Register number (i.e. Number 1, 2, etc.):

RMP register number:

Site name:

Site type:

Site co-ordinates (easting/northing):

Expected duration of works:

Works schedule:

- Describe the activities (including timing) to be conducted during construction works.

Review of baseline information - site features (refer Section 5 of the ConMP)

Are any of the following features located within the proposed disturbance area or immediate surrounds?

Are there occurrences of the Southern Sydney Sheltered Forest on Transitional Sandstone Soils EEC in the general area? **Yes/No**

Are there occurrences of the O'Hares Creek Shale Forest EEC in the general area? **Yes/No**

Are upland swamps located in the general area? **Yes/No**

Are there records of known threatened flora species in the general area? **Yes/No**

Are there records of known threatened fauna species in the general area? **Yes/No**

Are existing (or proposed) monitoring sites located nearby? **Yes/No**

What vegetation type is present?

Are known Aboriginal heritage sites present? **Yes/No**

Is this an area in which disturbance is to be avoided and/or limited? (refer Sections 6.1.1 and 6.1.2 of the ConMP) **Yes/No**

- Southern Sydney Sheltered Forest on Transitional Sandstone Soils EEC
- O'Hares Creek Shale Forest EEC
- Upland swamps
- Environmental monitoring sites

If the proposed disturbance area is located in an area to be avoided or limited, relocate site where appropriate in accordance with the requirements of the ConMP

Threatened flora survey (refer Section 6.1.3 of the ConMP)

Date of survey for threatened flora.

Name of suitably qualified ecologist conducting survey.

Have any threatened flora been identified within the proposed disturbance area or immediate surrounds.

Yes/No

Scientific names of threatened flora species recorded.

Will works be relocated to avoid or minimise impacts on the threatened flora species?

Yes/No

If it is not feasible to relocate the works, have the impacts of the proposed works on the population of the threatened flora species been assessed by a suitably qualified and experienced ecologist?

Yes/No

If No, do not proceed

Has the assessment concluded that the proposed surface activities are likely to have a significant impact on a population of the threatened flora species?

Yes/No

If Yes, the proposed works are to be modified to avoid such an outcome

[Attach any relevant ecological reports to this assessment form]

Vegetation clearance and site access (refer Section 6.1.6 of ConMP)

Is vegetation clearing required for the construction works? If yes, describe extent (e.g. m²) and method of clearing (e.g. slashing/lopping branches/removal)?

Yes/No

Describe the access requirements for the construction site (e.g. vehicle/pedestrian/helicopter) and where the access will be from (e.g. which fire road).

Is vegetation clearing required for site access? If yes, describe the extent and method of clearing?

Yes/No

Vegetation management measures to be implemented (refer Section 6.1.4 of the ConMP)

Site Layout Plan (refer Section 6.1.5 of ConMP)

Has a Site Layout Plan been prepared and attached to the Works Assessment Form? **Yes/No**

Have the following been indicated on the Site Layout Plan? **Yes/No**

- Site location
- Works design
- Management measures (e.g. erosion and sediment controls, spill kits)
- Access track/s (indicate type of access, e.g. pedestrian/vehicle. Also indicate location of nearest fire trail where access will be from)
- Areas of vegetation clearance
- Location of equipment (e.g. pump, generator, fuel storage, portable toilets)
- Equipment storage areas
- Safety equipment (e.g. fire extinguisher and first aid kit)

Attach photographs, where appropriate

Description of Photographs:

Aboriginal heritage pre-clearance survey (refer Section 6.2 of the ConMP)

Date of pre-clearance survey for Aboriginal heritage sites.

Name of survey attendees.

Are any Aboriginal heritage sites identified within the proposed disturbance area or immediate surrounds.

Yes/No

Description of recorded Aboriginal heritage sites.

Will works be relocated to avoid impacts on the Aboriginal heritage site?

Yes/No

If it is not feasible to relocate the works to avoid impacts to the Aboriginal heritage site, management and/or mitigation measures to be implemented in accordance with the Metropolitan Mine Heritage Management Plan. Describe measures below.

Where avoidance is not practicable, has a comprehensive baseline record been obtained and salvage considered in consultation with Aboriginal stakeholders prior to disturbance.

[Attach any relevant archaeological reports to this assessment form]

Known Aboriginal heritage sites located close to surface disturbance works

Details of demarcation (e.g. fencing, sign-posting or temporary flagging) implemented to avoid accidental damage to known Aboriginal heritage sites located close to surface disturbance works.

Erosion or sediment control measures required?

- Is any erosion or sediment control required? **Yes/No**
- If yes, has an Erosion and Sediment Control Plan been prepared and attached to the Surface Works Assessment Form? **Yes/No**

Fuel and spill management measures required?

- Are compressors and pumps bunded and with sufficient capacity? **Yes/No**
- Where fuels are used, are spill kits available at the construction site? **Yes/No**
- Have personnel been trained in spill clean up procedures? **Yes/No**

List Hazardous Materials and Storage Requirements

- What hazardous materials are required to be used and how will they be stored on site? **Yes/No**
- Are Materials Safety Data Sheets (MSDS) for hazardous materials located at the construction site? **Yes/No**

Bushfire Preparedness and Management

- Have MCPL staff and contractors been provided with fire awareness and fire safety training? **Yes/No**
- Has a Hot Work Permit been obtained from WaterNSW if required? **Yes/No**

APPENDIX 2
CONSTRUCTION MANAGEMENT PLAN
SURFACE WORKS PERFORMANCE INDICATOR ASSESSMENT FORM

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**Construction Management Plan
Surface Works Performance Indicator Assessment Form**

Date:

Name and position:

Register Number (i.e. Number 1, 2, etc.):

RMP Register Number:

Site Name:

Site Type:

Site Co-ordinates (Easting/Northing):

Have the Performance Indicators been achieved?

The construction works are/have been conducted as described for the construction site in the Construction Management Plan – Surface Works Register

Yes/No

Comment

Inspection of the construction works indicates appropriate erosion and sediment controls are/have been installed and are effective

Yes/No

Comment

Inspection of the construction works indicates appropriate fuel and spill management measures are/have been implemented and are effective

Yes/No

Comment

The construction works are/have been conducted in accordance with other management measures described in the Construction Management Plan

Transport management measures are/have been observed/implemented

Yes/No

Waste management measures are/have been observed/implemented

Yes/No

Bushfire preparedness and management measures are/have been observed/implemented

Yes/No

Pest management measures are/have been observed/implemented

Yes/No

*The site has been left in a state fit for rehabilitation
[not applicable during the conduct of the works]*

Yes/No/Not applicable

Comment

Is a follow up assessment required?

Comment