

# Notice of Modification

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

The Independent Planning Commission of NSW (the Commission), as delegate of the Minister for Planning and Public Spaces, modifies the development consent referred to in Schedule 1, as set out in Schedule 2.



Tony Pearson (Chair)  
**Member of the Commission**



Robyn Kruk AO  
**Member of the Commission**



Dr Peter Williams  
**Member of the Commission**

Sydney

29 August 2019

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### SCHEDULE 1

The development consent (DA 305-7-2003) for the development of open cut and underground mining operations at the Wambo coal mine, granted by the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) on 4 February 2004.

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### SCHEDULE 2

1. Delete Schedules 2 to 6, including the Appendices, and replace with the following:

## TABLE OF CONTENTS

<b>DEFINITIONS .....</b>	<b>3</b>
<b>PART A ADMINISTRATIVE CONDITIONS .....</b>	<b>9</b>
Obligation to Minimise Harm to the Environment.....	9
Terms of Consent .....	9
Staged Development .....	9
Notification of Commencement or Completion of a Development Stage .....	9
Limits of Consent .....	9
Community Consultative Committee.....	10
Evidence of Consultation .....	10
Staging, Combining and Updating Strategies, Plans or Programs.....	10
Application of Existing Strategies, Plans or Programs .....	11
Supply of Overburden .....	11
Public Infrastructure.....	11
Demolition.....	11
Structural Adequacy .....	11
Operation of Plant and Equipment.....	11
Compliance.....	11
Applicability of Guidelines .....	11
<b>PART B SPECIFIC ENVIRONMENTAL CONDITIONS .....</b>	<b>13</b>
Subsidence .....	13
Noise .....	15
Blasting.....	18
Air Quality and Greenhouse Gas .....	20
Meteorological Monitoring.....	22
Water .....	22
Biodiversity .....	26
Heritage .....	29
Visual .....	30
Waste .....	30
Hazards Management .....	30
Bushfire Management.....	31
Rehabilitation .....	31
Transport .....	32
<b>PART C ADDITIONAL PROCEDURES.....</b>	<b>34</b>
Acquisition Upon Request .....	34
Additional Mitigation Upon Request.....	34
Notification of Landowners/Tenants.....	34
Notification of Exceedances .....	34
Independent Review .....	34
Land Acquisition .....	35
<b>PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING.....</b>	<b>36</b>
Environmental Management.....	36
Revision of Strategies, Plans and Programs.....	37
Reporting and Auditing .....	37
Access to Information .....	38
<b>APPENDIX 1 SCHEDULE OF LAND .....</b>	<b>40</b>
<b>APPENDIX 2 DEVELOPMENT LAYOUT PLANS .....</b>	<b>42</b>
<b>APPENDIX 3 APPROVED UNDERGROUND MINE PLAN.....</b>	<b>44</b>
<b>APPENDIX 4 RECEIVER ZONES AND LOCATIONS.....</b>	<b>45</b>
<b>APPENDIX 5 NOISE COMPLIANCE ASSESSMENT .....</b>	<b>47</b>
<b>APPENDIX 6 BIODIVERSITY OFFSET STRATEGY .....</b>	<b>48</b>

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the NP&W Act
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the NP&W Act
<b>Annual Review</b>	The review required by condition D10
<b>Applicant</b>	Wambo Coal Pty Limited, or any person carrying out any development under this consent
<b>Approved disturbance area</b>	The area identified as 'approved Wambo surface development' on the Development Layout and any other associated surface development described in the documents listed in condition A2(c)
<b>Approved mine plan</b>	The approved underground mine plan for Wambo underground mine in Appendix 3
<b>ARI</b>	Average Recurrence Interval
<b>ARTC</b>	Australian Rail Track Corporation
<b>Associated surface development</b>	Includes ventilation shafts, dewatering infrastructure, gas drainage and gas flaring infrastructure, pit top facilities, access road, offices, car park, electrical sub-station, and associated services and easements such as powerlines, water supply, fire control, communications and waste water
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BCD</b>	Biodiversity & Conservation Division within the Department
<b>BCT</b>	NSW Biodiversity Conservation Trust
<b>Blast misfire</b>	The failure of one or more holes in a blast pattern to initiate
<b>Bore</b>	Any bore or well or excavation or other work connected or proposed to be connected with sources of sub-surface water, and used or proposed to be used or capable of being used to obtain supplies of such water whether the water flows naturally at all times or has to be raised whether wholly or at times by pumping or other artificial means
<b>Built features</b>	Includes any building or work erected or constructed on land, and includes dwellings and infrastructure such as any formed road, street, path, walk, or driveway; any pipeline, water, sewer, telephone, gas or other service main
<b>Calendar year</b>	A period of 12 months from 1 January to 31 December
<b>CCC</b>	Community consultative committee required by condition A20
<b>Conditions of this consent</b>	Conditions contained in Schedule 2
<b>Construction</b>	All physical works to enable mining operations to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	Singleton Council
<b>Date of commencement</b>	The date notified to the Department by the Applicant under condition A77
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Decommissioning</b>	The deconstruction or demolition and removal of works and buildings installed as part of the development
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the documents listed in condition A2(c), as modified by the conditions of this consent
<b>Development Layout</b>	The figures in Appendix 2

<b>DPIE Water</b>	Water Group within the Department
<b>DRG</b>	Division of Resources and Geoscience within the Department
<b>DSC</b>	Dams Safety Committee
<b>EA</b>	Environmental Assessment
<b>EA (Mod 9)</b>	The modification application DA 305-7-2003 MOD 9 and accompanying letter prepared by Wambo Coal Pty Ltd, dated August 2010
<b>EA (Mod 11)</b>	The modification application DA 305-7-2003 MOD 11 and accompanying documents titled <i>Wambo Montrose Water Storage Modification Environmental Assessment</i> , dated June 2012 and <i>Wambo Montrose Water Storage Modification Response to Submissions</i> dated 4 September 2012
<b>EA (Mod 13)</b>	The modification application DA 305-7-2003 MOD 13 and accompanying documents titled <i>North Wambo Mine Modification Environmental Assessment - The addition of North Wambo Underground Mine Longwalls 9 and 10</i> , dated December 2012 and <i>North Wambo Underground Mine Modification - Response to Submissions</i> dated April 2013
<b>EA (Mod 14)</b>	The modification application DA 305-7-2003 MOD 14 and accompanying documents titled <i>North Wambo Underground Mine Longwall 10A Modification Environmental Assessment - The addition of North Wambo Underground Mine Longwall 10A</i> , dated September 2014, and associated Response to Submissions dated December 2014
<b>EA (Mod 15)</b>	The modification application DA 305-7-2003 MOD 15 and accompanying documents titled <i>South Bates (Wambo Seam) Underground Mine Modification Environmental Assessment - The addition of South Bates (Wambo Seam) Underground Mine Longwalls 14 to 16</i> , dated August 2015, and associated Response to Submissions dated September 2015 and letter from Peabody Energy to the Department titled <i>Modification 15 to DA 305-7-2003 – Supplementary Request to Include Revised Portal Location</i> , dated 2 November 2015
<b>EA (Mod 12)</b>	The modification application DA 305-7-2003 MOD 12 and accompanying documents titled <i>South Wambo Underground Mine Modification Environmental Assessment</i> , dated April 2016, associated Response to Submissions dated June 2016 and letter from Peabody Energy to the Department titled <i>Modification 12 to DA 305-7-2003 – Request to Revise First Workings Layout</i> , dated 13 July 2016
<b>EA (Mod 17)</b>	The modification application DA 305-7-2003 MOD 17 and accompanying documents titled <i>South Bates Extension Modification Environmental Assessment</i> , dated March 2017, associated Response to Submissions (Parts A and B) dated June and September 2017
<b>EA (Mod 16)</b>	The modification application DA 305-7-2003 MOD 16 and accompanying documents titled <i>United Wambo open cut coal mine Project Environmental Impact Statement</i> , prepared by Umwelt (Australia) Pty Limited, dated August 2016, submitted with the application for consent for the development for SSD-7142, including the Applicant's response to submissions, the Applicant's response to the Independent Planning Commission's review and the additional information responses provided by the Applicant in support of the application dated 20 September 2017, 6 November 2017, 5 December 2017, 11 October 2018, 17 October 2018, 12 April 2019, 14 April 2019 and 27 May 2019
<b>EEC</b>	Endangered ecological community, as defined under the BC Act and/or EPBC Act
<b>EIS</b>	The Environmental Impact Statement titled <i>Wambo Development Project</i> , volumes 1-5, dated July 2003, prepared by Resource Strategies Pty. Ltd submitted with the application for consent for the development, including the letter from Holmes Air Sciences to the Department, dated 3 September 2003, and titled <i>Wambo Development Project - Response Air Quality Assessment</i> and any other additional information provided by the Applicant in support of the application

<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>Environmental consequences</b>	The environmental consequences of subsidence impacts, including: damage to infrastructure, buildings and residential dwellings; loss of surface flows to the subsurface; loss of standing pools; adverse water quality impacts; development of iron bacterial mats; cliff falls; rock falls; damage to heritage items; impacts on aquatic ecology; ponding
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPBC Act</b>	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>First workings</b>	Development of main headings, longwall gate roads, related cut throughs and other workings for mine access and ventilation
<b>GPS</b>	Global Positioning System
<b>Heritage Branch</b>	Heritage Branch of the Department of Premier and Cabinet
<b>Heritage item</b>	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: <ul style="list-style-type: none"> <li>• the State Heritage Register under the <i>Heritage Act 1977</i>;</li> <li>• a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>;</li> <li>• a Local Environmental Plan under the EP&amp;A Act;</li> <li>• the World Heritage List;</li> <li>• the National Heritage List or Commonwealth Heritage List under the EPBC Act; or</li> <li>• anything identified as a heritage item under the conditions of this consent</li> </ul>
<b>HVO</b>	Hunter Valley Operations coal mining complex approved under MP 06_0261 (HVO South) and DA 450-10-2003 (HVO North)
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean 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 consent
<b>Low level cliffs</b>	Low level cliffs as defined in the Subsidence Assessment (Appendix A) of the EA in EA (Mod 17)
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul> <p>This definition excludes “harm” that is authorised under either this consent or any other statutory approval’</p>
<b>Mine closure</b>	Decommissioning and final rehabilitation of the site following the cessation of mining operations

<b>Mine water</b>	Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with carbonaceous material
<b>Minimise</b>	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
<b>Minister</b>	NSW Minister for Planning and Public Spaces, or delegate
<b>Minor</b>	Not very large, important or serious
<b>Mitigation</b>	Activities associated with reducing the impacts of the development
<b>Modification 9</b>	The modification to the development as described in EA (Mod 9)
<b>Modification 16</b>	The modification to the development as described in EA (Mod 16)
<b>Modification 17</b>	The modification to the development as described in EA (Mod 17)
<b>MOP</b>	Mining operations plan, or similar, required by a mining lease under the <i>Mining Act 1992</i>
<b>MTW</b>	Mount Thorley Warkworth coal mine approved under SSD 6464 and SSD 6465
<b>Negligible</b>	Small and unimportant, such as to be not worth considering
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>NP&amp;W Act</b>	<i>National Parks and Wildlife Act 1974</i>
<b>NRAR</b>	NSW Natural Resources Access Regulator
<b>Open cut mining operations</b>	The carrying out of open cut mining, including the extraction, processing, stockpiling and transportation of coal on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden and coarse/fine reject material resulting from open cut mining
<b>Open woodland</b>	50% woodland within mixed woodland/pasture areas
<b>PA</b>	Planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Phase 1</b>	The phase of the development that comprises open cut mining operations at Wambo open cut mine, underground mining operations at Wambo underground mine and the operation of Wambo mine infrastructure (including minor upgrades to this infrastructure) within the green operational area identified in Figure 1 of Appendix 2
<b>Phase 2</b>	The phase of the development that comprises underground mining operations at Wambo underground mine, the operation of Wambo mine infrastructure within the green operational area identified in Figure 2 of Appendix 2 and associated surface development
<b>Phase 3</b>	The phase of the development following the cessation of underground mining operations that includes mine closure
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Privately-owned land</b>	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary)
<b>Public infrastructure</b>	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
<b>Reasonable</b>	Means applying 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
<b>Reasonable costs</b>	The costs agreed between the Department and the Applicant for obtaining independent experts to review the adequacy of any aspects of an Extraction Plan

<b>Registered Aboriginal Parties</b>	As described in the <i>National Parks and Wildlife Regulation 2009</i>
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Remediation</b>	Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact
<b>Residence</b>	Existing or approved dwelling at the date of grant of this consent
<b>Resources Regulator</b>	NSW Resources Regulator
<b>RFS</b>	NSW Rural Fire Service
<b>RMS</b>	NSW Roads and Maritime Services
<b>ROM</b>	Run-of-mine
<b>SA NSW</b>	Subsidence Advisory NSW
<b>Safe, serviceable &amp; repairable</b>	Safe means no danger to users who are present, serviceable means available for its intended use, and repairable means damaged components can be repaired economically
<b>Second workings</b>	Extraction of coal from longwall panels, mini-wall panels or pillar extraction
<b>SEE</b>	Statement of Environmental Effects
<b>SEE (Mod 1)</b>	The letter from Wambo Coal Pty. Ltd. to the Department, dated 24 October 2003, and titled <i>Wambo Development Project – Development Application Amendment (DA 305-7-2003-i)</i>
<b>SEE (Mod 2)</b>	The SEE titled <i>Wambo Development project – Wambo Seam Underground Mine Modification</i> , dated January 2005
<b>SEE (Mod 3)</b>	The document titled <i>Wambo Development Project – Modification of DA 305-7-2003-I</i> , dated 24 October 2005
<b>SEE (Mod 4)</b>	The document titled <i>Wambo Development Project – Modification of DA 305-7-2003-I</i> , dated 23 January 2006
<b>SEE (Mod 5)</b>	The document titled <i>Wambo Development Project – Modification of DA 305-7-2003-I</i> , dated 27 July 2006
<b>SEE (Mod 6)</b>	The document titled <i>Wambo Coal Mine Modification Statement of Environmental Effects</i> , dated September 2006
<b>SEE (Mod 7)</b>	The document titled <i>Wambo Coal Mine Statement of Environmental Effects on Proposed Modification</i> , dated March 2009
<b>SEE (Mod 8)</b>	The document titled <i>Wambo Coal Mine Modification Statement of Environmental Effects</i> , dated June 2009 and the response to submissions dated July 2009
<b>Site</b>	The land defined in Appendix 1
<b>South Bates Extension Area</b>	The longwall mining domain described in EA (Mod 17)
<b>Southern Area</b>	The area described as such in Figure HA-5 in Appendix HA of Volume 4 of the EIS
<b>Subsidence</b>	The totality of subsidence effects, subsidence impacts and environmental consequences of subsidence impacts
<b>Subsidence effects</b>	Deformation of the ground mass due to mining, including all mining-induced ground movements, such as vertical and horizontal displacement, tilt, strain and curvature
<b>Subsidence impacts</b>	Physical changes to the ground and its surface caused by subsidence effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and subsidence and surface depressions or troughs
<b>Underground mining operations</b>	The carrying out of underground mining, including the extraction, processing, stockpiling and transportation of coal on the site and the

	emplacement of coarse/fine reject material resulting from underground mining
<b>United Wambo open cut coal mine</b>	The open cut coal mine approved under SSD 7142, but including Wambo open cut mine during Phase 2 and Phase 3
<b>Wambo CHPP</b>	Wambo Coal Handling and Preparation Plant
<b>Wambo open cut mine</b>	The open cut mine approved under this consent that will be regulated under this consent during Phase 1
<b>Wambo mine infrastructure</b>	The ancillary mine infrastructure and supporting facilities approved under this consent, including the Wambo CHPP and mine infrastructure area
<b>Wambo Mining Complex</b>	The development approved under this consent, together with the development approved under DA 177-8-2004, considered collectively
<b>Wambo train loading facility</b>	The train loading facility and associated facilities approved under DA 177-8-2004
<b>Wambo underground mine</b>	The underground mine and associated surface development approved under DA 305-7-2003



## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS, SEE (Mod 1), SEE (Mod 2), SEE (Mod 3), SEE (Mod 4), SEE (Mod 5), SEE (Mod 6), SEE (Mod 7), SEE (Mod 8), EA (Mod 9), EA (Mod 11), EA (Mod 13), EA (Mod 14), EA (Mod 15), EA (Mod 12), EA (Mod 17) and EA (Mod 16); and
  - (d) generally in accordance with the Development Layout and approved mine plan.

**Note:** *With the approval of the Planning Secretary, longwall panels may be shortened or narrowed, providing that the proposed variations do not result in increased subsidence impacts or environmental consequences.*

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in paragraph (a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the documents listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### STAGED DEVELOPMENT

- A5. Following the determination of Modification 16, the development must be undertaken in the following stages:
- (a) Phase 1 (as defined), including open cut mining operations at Wambo open cut mine and underground mining operations at Wambo underground mine;
  - (b) Phase 2 (as defined), including underground mining operations at Wambo underground mine; and
  - (c) Phase 3 (as defined), including mine closure.
- A6. Phase 1 commences immediately following the determination of Modification 16.

#### NOTIFICATION OF COMMENCEMENT OR COMPLETION OF A DEVELOPMENT STAGE

- A7. The dates of commencement of both Phase 2 and Phase 3 (as set out in condition A5) of the development must be notified to the Department in writing, at least one month before those dates.
- A8. The Department must be notified in writing of any period of suspension of open cut or underground mining operations during Phase 1 or Phase 2, immediately following both the commencement and completion of those periods.

#### LIMITS OF CONSENT

##### Mining operations

- A9. Open cut mining operations may only be carried out at Wambo open cut mine during Phase 1, subject to condition A10.
- A10. If, after Phase 2 has commenced, SSD 7142 (or related approval under the EPBC Act) is declared by a Court to be invalid, then the Applicant may seek the agreement of the Planning Secretary for the development to revert to Phase 1 (as defined), but only during any period during which SSD 7142 (or related approval under the EPBC Act) remains invalid.

**Note:** *During any period in which the development reverts to Phase 1, all conditions of this consent that apply during Phase 1 (including with respect to noise criteria and management plans) must be adhered to by the Applicant.*

- A11. Underground mining operations may be carried out at Wambo underground mine, but only within the area covered by the approved mine plan, until 31 August 2042.

**Note:** *Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other*

than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.

### **Coal Extraction and Transportation**

- A12. A maximum of 9.75 million tonnes of ROM coal may be extracted from Wambo underground mine in any calendar year.
- A13. During Phase 1, a maximum of 8 million tonnes of ROM coal may be extracted from Wambo open cut mine in any calendar year.
- A14. During Phase 2, ROM coal from United Wambo open cut coal mine may be received, processed and/or stockpiled on the site.
- A15. During Phase 2, overburden and coal reject material may be transferred to the United Wambo open cut coal mine for emplacement.
- A16. A maximum of 14.7 million tonnes of ROM coal from the Wambo Mining Complex and United Wambo open cut coal mine may be processed at the Wambo CHPP in any calendar year.

**Note:** Despatch of product coal is separately approved under DA 177-8-2004.

- A17. The Applicant must ensure that all product coal is transported off site by rail except in an emergency, and as agreed by the Planning Secretary in consultation with Council.

### **Hours of Operation**

- A18. The Applicant may undertake approved mining operations 24 hours a day, 7 days a week.

**Note:** For limitations on blasting operations see condition B24.

### **Identification of Approved Disturbance Area**

- A19. Within three months of the determination of Modification 16, or other timeframe agreed by the Planning Secretary, the Applicant must provide to the Department a survey plan of the boundaries of the approved disturbance areas.

### **COMMUNITY CONSULTATIVE COMMITTEE**

- A20. The Applicant must continue the operation of the Wambo Community Consultative Committee (CCC) for the development, as operating under this consent prior to the approval of Modification 16. The CCC must be operated in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019) for the life of the development, or other timeframe agreed by the Planning Secretary.

**Notes:**

- The CCC is an advisory committee only.
- In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.

- A21. With the approval of the Planning Secretary, the Applicant may combine the CCC required by this consent with any similar CCC required by an adjoining mining consent or approval, in common, shared or related ownership or management, including SSD 7142 (United Wambo open cut coal mine).

### **EVIDENCE OF CONSULTATION**

- A22. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - (b) provide details of the consultation undertaken to the Planning Secretary, including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### **STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS**

- A23. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
  - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);
  - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and

- (d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by consent or approval for an adjoining mine subject to common, shared or related ownership or management, including DA 177-8-2004 (Wambo train loading facility) and SSD 7142 (United Wambo open cut coal mine).

A24. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A25. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

#### **APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS**

A26. The Applicant must continue to apply all management strategies, plans or monitoring programs required under this consent prior to the approval of Modification 16 and approved by the Planning Secretary prior to the approval of Modification 16, until the approval of a similar plan, strategy or program following the approval of Modification 16.

#### **SUPPLY OF OVERBURDEN**

A27. With the approval of the Planning Secretary, the Applicant may supply overburden material to infrastructure developments (for example roadworks and the like) in the vicinity of the site if the use of such material in those developments is the subject of development consent granted under Part 4 of the EP&A Act, an environmental assessment carried out under Division 5.1 of Part 5 of the EP&A Act, or an approval granted under Division 5.2 of Part 5 of the EP&A Act.

#### **PUBLIC INFRASTRUCTURE**

##### **Protection of Public Infrastructure**

A28. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure<sup>a</sup> that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure<sup>a</sup> that needs to be relocated as a result of the development.

<sup>a</sup> *This condition does not apply to damage to roads caused as a result of general road usage or damage subject to compensation under the Mining Act 1992.*

#### **DEMOLITION**

A29. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

#### **STRUCTURAL ADEQUACY**

A30. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with:

- (a) the relevant requirements of the BCA; and
- (b) any additional requirements of SA NSW where the building or structure is located on land within a declared Mine Subsidence District.

##### **Notes:**

- *Under the EP&A Act, the Applicant 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 development.*
- *Under the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SA NSW's approval before carrying out certain development in a Mine Subsidence District.*

#### **OPERATION OF PLANT AND EQUIPMENT**

A31. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

#### **COMPLIANCE**

A32. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

#### **APPLICABILITY OF GUIDELINES**

A33. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

- A34. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### SUBSIDENCE

#### Performance Measures – Natural and Heritage Features etc.

- B1. The Applicant must ensure that underground mining operations undertaken following the approval of Modification 9 comply with the performance measures in Table 1.

**Table 1:** *Subsidence impact performance measures – natural and heritage features etc*

<b>Feature</b>	<b>Performance Measures</b>
<i>Water</i>	
Wollombi Brook	<ul style="list-style-type: none"> <li>• Negligible subsidence impacts and environmental consequences</li> <li>• Release of water from the site only in accordance with EPL requirements</li> </ul>
<i>Land</i>	
Low level cliffs within the South Bates Extension Area	<ul style="list-style-type: none"> <li>• Minor environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing that in total do not impact more than 5% of the total face area of such features)</li> </ul>
<i>Biodiversity</i>	
Wollemi National Park	<ul style="list-style-type: none"> <li>• Negligible subsidence impacts and environmental consequences</li> </ul>
Warkworth Sands Woodland Community	<ul style="list-style-type: none"> <li>• Minor cracking and ponding of the land surface or other subsidence impacts</li> <li>• Negligible environmental consequences</li> </ul>
White Box, Yellow Box, Blakely's Red Gum Woodland/Grassy White Box Woodland Community	<ul style="list-style-type: none"> <li>• Minor cracking and ponding of the land surface or other subsidence impacts</li> <li>• Negligible environmental consequences</li> </ul>
Central Hunter Valley Eucalypt Forest and Woodland Ecological Community	<ul style="list-style-type: none"> <li>• Minor cracking and ponding of the land surface or other subsidence impacts</li> <li>• Negligible environmental consequences</li> </ul>
Conservation Areas (including the proposed Wambo offset area under SSD 7142)	<ul style="list-style-type: none"> <li>• Negligible reduction to previously identified biodiversity credits</li> </ul>
<i>Heritage</i>	
Wambo Homestead Complex	<ul style="list-style-type: none"> <li>• Negligible impact on heritage values, unless approval has been granted by the Heritage Branch and/or the Minister</li> </ul>

**Notes:**

- *The Applicant will be required to define more detailed performance criteria for each of these performance measures in the Extraction Plan (see condition B7 below).*

- B2. Measurement and monitoring of compliance with performance measures and performance criteria in this consent is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans and monitoring programs. In the event of a dispute over the appropriateness of proposed methods is to be settled by the Planning Secretary, following consultation with the relevant agency. Any decision by the Planning Secretary shall be final.

#### Additional Offsets

- B3. If the Applicant exceeds the performance measures in Table 1 and the Planning Secretary determines that:
- it is not reasonable or feasible to remediate the subsidence impact or environmental consequence; or
  - remediation measures implemented by the Applicant have failed to satisfactorily remediate the subsidence impact or environmental consequence,

then the Applicant must provide an offset to compensate for the subsidence impact or environmental consequence that is proportionate to the significance of the subsidence impact or environmental consequence, following consultation with BCD and to the satisfaction of the Planning Secretary.

## Performance Measures – Built Features

- B4. The Applicant must ensure that underground mining operations undertaken following the approval of Modification 9 comply with the performance measures in Table 2.

**Table 2:** Subsidence impact performance measures – built features

<b>Feature</b>	<b>Performance Measures</b>
<i>Built Features</i>	
All built features (including public infrastructure and all structures on privately-owned land)	<ul style="list-style-type: none"> <li>• Always safe</li> <li>• Serviceability should be maintained wherever practicable</li> <li>• Loss of serviceability must be fully compensated</li> <li>• Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated</li> </ul>
<i>Public Safety</i>	
Public safety	<ul style="list-style-type: none"> <li>• Negligible additional risk</li> </ul>

### Notes

- The Applicant is required to define more detailed performance criteria for each of these performance measures in Built Features Management Plans or Public Safety Management Plan (see condition B7 below).
- Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining.
- Compensation required under this condition includes any compensation payable under the Coal Mine Subsidence Compensation Act 2017.

- B5. Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 2 is to be settled by the Planning Secretary, following consultation with the Resources Regulator. Any decision by the Planning Secretary shall be final.

### First Workings

- B6. The Applicant may carry out first workings within the underground mining areas of the approved mine plan, other than in accordance with an approved Extraction Plan, provided that the Resources Regulator is satisfied that the first workings are designed to remain stable and non-subsiding in the long-term, except insofar as they may be impacted by approved second workings.

**Note:** The intent of this condition is to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible direct subsidence impacts.

### Extraction Plan

- B7. The Applicant must prepare an Extraction Plan for all second workings on the site to the satisfaction of the Planning Secretary. Each Extraction Plan must:
- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
  - include detailed plans of existing and proposed first and second workings and any associated surface development;
  - provide updated predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed mining covered by the Extraction Plan, incorporating any relevant information obtained since this consent;
  - describe in detail the performance criteria to be implemented to ensure compliance with the performance measures in Table 1 and Table 2, and manage or remediate any impacts and/or environmental consequences to meet the rehabilitation objectives in condition B104, including:
    - a trigger action response plan to identify risks and specific follow up actions to avoid exceedances of the performance measures; and
    - a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of the performance measures, or where any such exceedance appears likely;
  - include the following to the satisfaction of the Resources Regulator (or DRG, as the case may require):
    - a coal resource recovery plan that demonstrates effective recovery of the available resource;
    - a **Subsidence Monitoring Program** to:
      - provide data to assist with the management of the risks associated with subsidence (conventional and non-conventional);
      - validate the subsidence predictions; and

- analyse the relationship between the subsidence effects and impacts under the plan against those predicted and any ensuing environmental consequences;
- (iii) a **Built Features Management Plan** to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings on built features, and which:
- addresses, in appropriate detail, all items of public infrastructure and all classes of other built features; and
  - has been prepared following appropriate consultation with the owner/s of potentially affected feature/s;
- (iv) a **Public Safety Management Plan** to ensure public safety in the mining area; and
- (v) appropriate revisions to the Rehabilitation Management Plan required under condition B107; and
- (f) include a:
- (i) **Water Management Plan**, which has been prepared in consultation with EPA, DPIE Water and NRAR, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on surface water resources, groundwater resources and flooding, and which includes:
- surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources (level, yield and quality);
  - a program to monitor and report on compliance with the surface and groundwater impact assessment criteria;
  - a program to monitor and report on groundwater inflows to underground workings; and
  - a program to manage and monitor impacts on privately-owned licensed bores;
- (ii) **Biodiversity Management Plan**, which has been prepared in consultation with BCD, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on flora and fauna, with a specific focus on threatened species, populations and their habitats, EECs and groundwater dependent ecosystems;
- (iii) **Land Management Plan**, which has been prepared in consultation with any affected public authorities, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on land in general, with a specific focus on cliffs, minor cliffs, rock face features, steep slopes and agricultural enterprises;
- (iv) **Heritage Management Plan**, which has been prepared in consultation with BCD and relevant stakeholders for Aboriginal and non-Aboriginal heritage, to manage the potential impacts and/or environmental consequences of the proposed second workings on heritage items; and
- (g) include a program to collect sufficient baseline data for future Extraction Plans.

B8. The Applicant must not undertake second workings until the applicable Extraction Plan is approved by the Planning Secretary.

B9. The Applicant must implement the Extraction Plan as approved by the Planning Secretary.

**Notes:**

- *Management plans prepared under condition B7(e)&(f) should address all potential impacts of proposed underground coal extraction on the relevant features. Other site-wide management plans required under this consent are not required to duplicate these plans or re-address the specific impacts associated with underground coal extraction.*

B10. Conditions B7 to B9 do not apply to first or second workings which are covered by an Extraction Plan or Subsidence Management Plan approved, or submitted for approval, as at the date of determination of Modification 16.

**Payment of Reasonable Costs**

B11. The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced and independent person/s to review the adequacy of any aspect of an Extraction Plan.

**NOISE**

**Operational Noise Criteria**

B12. During Phase 1, the Applicant must ensure that the noise generated by the Wambo Mining Complex does not exceed the criteria in Table 3 at any residence<sup>a</sup> on privately-owned land.

**Table 3:** Operational noise criteria dB(A) for Phase 1

<b>Noise Assessment Location</b>	<b>Day</b> <i>L<sub>Aeq</sub> (15 min)</i>	<b>Evening/Night</b> <i>L<sub>Aeq</sub> (15 min)</i>	<b>Night</b> <i>L<sub>A1</sub> (1 min)</i>
R019	59	59	N/A
R003	40	40	50
R016			
R025			
R029			
R033			
R039			
R042			
R320 (previously 15B)			
R345 (previously 15B)			
R006			
R007			
R048			
R343 (previously 37)			
R017	38	38	50
R030 (previously 38)			
R035			
R049			
R075			
R346			
R348			
R379 (previously 91)			
R043	37	37	50
R163			
R344 (previously 137)			
R380 (previously 246)			
R381 (previously 178)	36	36	50
All other privately-owned residences	35	35	50

<sup>a</sup> The Noise Assessment Locations referred to in Table 3 are shown in Appendix 4.

- B13. During Phase 2 and Phase 3, the Applicant must ensure that the noise generated by the Wambo Mining Complex does not exceed the criteria in Table 4 at any residence<sup>a</sup> on privately-owned land.

**Table 4:** Operational noise criteria dB(A) for Phase 2 and Phase 3

<b>Noise Assessment Area</b>	<b>Noise Assessment Location</b>	<b>Day</b> <i>L<sub>Aeq</sub> (15 min)</i>	<b>Evening</b> <i>L<sub>Aeq</sub> (15 min)</i>	<b>Night</b> <i>L<sub>Aeq</sub> (15 min)</i>	<b>Night</b> <i>L<sub>A1</sub> (1 min)</i>
Area 1 - North Bulga	R003	38	38	38	48
	R007 R379	37	37	37	47
	All other privately-owned residences	35	35	35	45
Area 2 - South Wambo	R025	39	39	39	49
	R035a	37	37	37	47



<b>Noise Assessment Area</b>	<b>Noise Assessment Location</b>	<b>Day L<sub>Aeq</sub> (15 min)</b>	<b>Evening L<sub>Aeq</sub> (15 min)</b>	<b>Night L<sub>Aeq</sub> (15 min)</b>	<b>Night L<sub>A1</sub> (1 min)</b>
	All other privately-owned residences	35	35	35	45
Area 3 - Warkworth Village	R019	59	59	59	69
	All other privately-owned residences	44	44	43	53
All other areas	All privately-owned residences	35	35	35	45

<sup>a</sup> The Noise Assessment Areas referred to in Table 4 are shown in Appendix 4.

- B14. Noise generated by the Wambo Mining Complex must be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Industrial Noise Policy* (EPA, 2000). Appendix 5 of this consent sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.
- B15. The noise criteria in Table 3 and Table 4 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

### Noise Operating Conditions

- B16. The Applicant must:
- take all reasonable steps to minimise all noise from construction and operational activities, including low frequency and other audible characteristics, as well as road noise associated with the development;
  - monitor and record all major equipment use and make this data readily available at the request of the Department or the EPA;
  - operate a noise management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent;
  - take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions when the noise criteria in this consent do not apply (see Appendix 5); and
  - carry out regular attended noise monitoring (at least once a month, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent.

### Noise Management Plan

- B17. The Applicant must prepare a Noise Management Plan for the Wambo Mining Complex to the satisfaction of the Planning Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s;
  - be prepared in consultation with the EPA;
  - describe the measures to be implemented to ensure:
    - compliance with the noise criteria and operating conditions in this consent;
    - best practice management is being employed; and
    - noise impacts of the development are minimised during noise-enhancing meteorological conditions under which the noise criteria in this consent do not apply (see Appendix 5);
  - seek to minimise road traffic noise generated by employee commuter vehicles on public roads;
  - describe the noise management system in detail; and
  - include a monitoring program that:
    - uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;
    - includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;
    - adequately supports the noise management system; and
    - includes a protocol for distinguishing noise emissions between the Wambo Mining Complex and United Wambo open cut coal mine; and
    - includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.
- B18. The Applicant must not commence Phase 2 until the Noise Management Plan is approved by the Planning Secretary.
- B19. The Applicant must implement the Noise Management Plan as approved by the Planning Secretary.

## BLASTING

B20. Conditions B22 to B40 have application only during Phase 1.

B21. No blasting associated with open cut operations is allowed on the site during Phase 2.

### Blasting Criteria

B22. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 5.

**Table 5: Blasting criteria**

<b>Location</b>	<b>Airblast overpressure (dB(Lin Peak))</b>	<b>Ground vibration (mm/s)</b>	<b>Allowable exceedance</b>
Residence on privately-owned land	120	10	0%
	115	5	5% of the total number of blasts over a calendar year
Wambo Homestead	120	5	0%
All other heritage items	133	5	0%
Prescribed dams		50 <i>(unless otherwise directed by the DSC)</i>	0%
Public roads		100	0%
All other public infrastructure		50 <i>(or a limit determined by the structural design methodology in AS 2187.2 - 2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Planning Secretary)</i>	0%

B23. The blasting criteria in Table 5 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

### Blasting Hours

B24. The Applicant must only carry out blasting on the site between 9 am and 5 pm (Monday to Saturday inclusive). No blasting is allowed on Sundays, public holidays or any other time without the prior written approval of the Planning Secretary.

### Blasting Frequency

B25. The Applicant may carry out a maximum of:

- (a) 3 single blast events<sup>a</sup> a day; and
- (b) 15 single blast events<sup>a</sup> a week, averaged over a calendar year.

B26. Condition B25 does not apply to single blast events<sup>a</sup> that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.

<sup>a</sup> Within conditions B24 and B25, 'single blast event' means a blast which involves either a single detonation or a number of individual blasts fired in quick succession in a discrete area of the development. Should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast event.

### Property Investigations

B27. If the owner of any privately-owned land within 2 kilometres radius of the site or any other landowner where the Planning Secretary is satisfied an investigation is warranted, claims in writing that buildings or structures on their land

have been damaged as a result of blasting on the site, then within 2 months of receiving this written claim the Applicant must:

- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and
- (b) give the landowner a copy of the property investigation report.

B28. If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Planning Secretary.

B29. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.

### **Blast Operating Conditions**

B30. The Applicant must:

- (a) take all reasonable steps to:
  - (i) ensure the safety of people and livestock from blasting impacts of the development;
  - (ii) protect public and private infrastructure and property in the vicinity of the site from blasting damage associated with the development; and
  - (iii) minimise the dust and fume emissions of any blasting;
- (b) ensure that blasting on the site does not damage heritage items, and develop specific measures to protect heritage items from any blasting damage associated with the development;
- (c) minimise the frequency and duration of any public road closures for blasting, and use all reasonable efforts to avoid road closures during peak traffic periods;
- (d) operate a suitable system to enable interested members of the public to get up-to-date information on the proposed blasting schedule on the site and associated public road closures, including notification via SMS message of the blasting schedule and associated road closures for that day and any variations to that schedule and closures;
- (e) use all reasonable efforts to co-ordinate the timing of blasting at the site with nearby mines to minimise cumulative blasting impacts; and
- (f) carry out regular blast monitoring to determine whether the development is complying with the relevant conditions of this consent.

B31. The Applicant must not carry out more than 1 blast a day within 500 metres of Wallaby Scrub Road or the Golden Highway.

B32. The Applicant must not undertake blasting on the site within 500 metres of any public road or any land outside the site not owned by the Applicant, unless the blast generates ground vibration of 0.5 mm/s or less, or the Applicant has:

- (a) a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the public road or land, and the Applicant has advised the Department in writing of the terms of this agreement; or
- (b) demonstrated, to the satisfaction of the Planning Secretary, that the blasting can be carried out closer to the public road or land without compromising the safety of people or livestock or damaging the road or other buildings and structures, and updated the Blast Management Plan to include specific mitigation measures to be implemented while blasting is being carried out within 500 metres of the road or land.

### **Wambo Homestead**

B33. Ground vibration and airblast levels are to be monitored, using a monitoring station established within the Wambo Homestead Complex, and recorded for each blast conducted by the Applicant within 2 km of the Wambo Homestead Complex.

B34. The Applicant must appoint a structural engineer with expertise and experience in vibration and blast monitoring to examine all monitoring records from the Wambo Homestead Complex blast monitoring station. The appointment of the structural engineer is to be approved in writing by the Heritage Branch.

B35. The structural engineer is to report to the Applicant on the monitoring results each month for blasting within 2 km of the Wambo Homestead Complex and 6 monthly for the remainder of open cut mining operations and make recommendations to ensure the conservation and prevention of damage to the significant heritage structures. Copies of these reports are to be forwarded to the Heritage Branch.

B36. The structural engineer is to inspect the Wambo Homestead Complex structures annually and as soon as practical, but no later than 3 days after blast monitoring which exceeds the criteria in Table 5. During the period between blast monitoring being recorded which exceeds the criteria in Table 5 and the engineer's inspection, ground vibration from

blasting is to be limited to a level which will prevent further blasting damage. The structural engineer is to advise the Applicant and the Heritage Branch of any action required to repair the damage.

- B37. The structural engineer is to make an assessment of whether blasting within 2 km of the Wambo Homestead Complex is to cease or be managed in order to stabilise or repair the damage, and so advise the Applicant and the Heritage Branch. If blasting has been required to cease, it is not to resume until the damage has been stabilised or repaired, and the written approval for resumption has been issued by the Heritage Branch.

### Blast Management Plan

- B38. The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s;
  - be prepared in consultation with the EPA;
  - describe the measures that will be implemented to ensure compliance with the blasting criteria and conditions of this consent;
  - include a Blast Fume Management Strategy for:
    - minimising blast fume emissions;
    - rating and recording blast fume events; and
    - reporting significant blast fume events to the Department;
  - include a Road Closure Management Plan for any blasting within 500 metres of a public road, that has been prepared in consultation with relevant roads authorities and includes provisions for:
    - minimising the duration of closures, both on a per event basis and weekly basis;
    - avoiding peak traffic periods as far as reasonable; and
    - co-ordinating closures with nearby mines to minimise the cumulative effect of road closures;
  - identify any agreed alternative ground vibration limits for public or private infrastructure in the vicinity of the site (if relevant);
  - include a strategy to manage potential blast interactions with nearby mines;
  - include a strategy to monitor, mitigate and manage the effects of blasting on heritage items, particularly the Wambo Homestead; and
  - include a monitoring program for evaluating and reporting on compliance with the relevant conditions of this consent.
- B39. The Applicant must submit the Blast Management Plan to the Planning Secretary for approval within three months of the determination of Modification 16.
- B40. The Applicant must implement the Blast Management Plan as approved by the Planning Secretary.

### AIR QUALITY AND GREENHOUSE GAS

#### Odour

- B41. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

#### Air Quality Criteria

- B42. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Wambo Mining Complex do not cause exceedances of the criteria listed in Table 6 at any residence on privately-owned land, excluding the land referred to in Table 11.

**Table 6:** Air quality criteria

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a, c</sup> 25 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a, c</sup> 8 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>
Total suspended particulate (TSP) matter	Annual	<sup>a, c</sup> 90 µg/m <sup>3</sup>

<sup>a</sup> Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).

<sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

<sup>c</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.

B43. The air quality criteria in Table 6 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

#### **Mine-owned Land**

B44. Particulate matter emissions generated by the Wambo Mining Complex must not exceed the criteria listed in Table 6 at any occupied residence on mine-owned land (including land owned by another mining company) unless:

- (a) the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under PART C of this consent;
- (b) the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving 14 days' notice;
- (c) air quality monitoring is regularly undertaken to inform the tenant and landowner (if the residence is owned by another mining company) of the likely particulate matter emissions at the residence; and
- (d) data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property.

#### **Air Quality Operating Conditions**

B45. The Applicant must:

- (a) take all reasonable steps to:
  - (i) minimise odour, fume, spontaneous combustion, greenhouse gas and particulate matter (including PM<sub>10</sub> and PM<sub>2.5</sub>) emissions of the development;
  - (ii) minimise any visible off-site air pollution generated by the development (including methane flares); and
  - (iii) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
- (b) operate an air quality management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent;
- (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 6 above);
- (d) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and
- (e) regularly assess meteorological and air quality monitoring data, and modify operations on the site to ensure compliance with the relevant conditions of this consent.

#### **Air Quality Management Plan**

B46. The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the Wambo Mining Complex to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with the EPA;
- (c) describe the measures to be implemented to ensure:
  - (i) compliance with the air quality criteria and operating conditions in this consent;
  - (ii) best practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site and energy efficiency); and
  - (iii) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
- (d) describe the air quality management system in detail; and
- (e) include an air quality monitoring program undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007), that:
  - (i) uses monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of operations;
  - (ii) adequately supports the air quality management system; and
  - (iii) includes a protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.

B47. The Applicant must not commence Phase 2 until the Air Quality Management Plan is approved by the Planning Secretary.

B48. The Applicant must implement the Air Quality Management Plan as approved by the Planning Secretary.

#### Greenhouse Gas

B49. For the life of the development, the Applicant must:

- (a) monitor the greenhouse gas emissions generated by the development;
- (b) investigate ways to reduce greenhouse gas emissions generated by the development; and
- (c) report on greenhouse gas monitoring and abatement measures in the Annual Review,

to the satisfaction of the Planning Secretary.

#### METEOROLOGICAL MONITORING

B50. For the life of the development, the Applicant must ensure there is a suitable meteorological station operating in the vicinity of the site that:

- (a) complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007);
- (b) is capable of continuous real-time measurement of wind speed, wind direction sigma theta and temperature; and
- (c) is capable of measuring meteorological conditions in accordance with the *NSW Industrial Noise Policy* (EPA, 2000),

unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

#### WATER

##### Soil Erosion

B51. The Applicant must install and maintain suitable erosion and sediment control measures on the site, in accordance with the relevant requirements in the guidance series *Managing Urban Stormwater: Soils and Construction – Volume 1* (Landcom, 2004) and *2E Mines and Quarries* (DECC, 2008).

##### Water Supply

B52. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

B53. The Applicant must report on water extracted or discharged from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.

**Note:** Under the *Water Act 1912* and/or the *Water Management Act 2000*, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and post mine closure.

##### Pollution of Waters

B54. Except as may be expressly provided by an EPL, the Applicant must comply with section 120 of the POEO Act while carrying out the development.

##### Discharge Limits

B55. Except as may be expressly provided by an EPL or the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*, the Applicant must:

- (a) not discharge more than 250 ML/day in total from the licensed discharge point/s at the development; and
- (b) ensure that the discharges from licensed discharge point/s comply with the limits in Table 7.

**Table 7:** Discharge limits

<b>Pollutant</b>	<b>Units of measure</b>	<b>100 percentile concentration limit</b>
pH	pH	6.5 to 9.5
Total suspended solids	mg/litre	120

**Note:** This condition does not authorise the pollution of waters by any other pollutants.

##### Compensatory Water Supply

B56. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of the development, in consultation with DPIE Water, and to the satisfaction of the Planning Secretary.

B57. The compensatory water supply measures must provide an alternative long term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at

least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.

B58. If the Applicant and the landowner cannot agree on whether the loss of water is to be attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

B59. If the Applicant is unable to provide an alternative long term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary.

**Note:**

- The Water Management Plan (see condition B66) is required to include trigger levels for investigating potentially adverse impacts on water supplies.

**Water Management**

B60. The Applicant may receive water from, and transfer water to, neighbouring mines including HVO, MTW and United Wambo open cut coal mine.

B61. The Applicant may integrate the site water management system with water management for the Wambo train loading facility and United Wambo open cut coal mine.

**Water Management Performance Measures**

B62. The Applicant must ensure that the development complies with the performance measures in Table 8.

**Table 8:** Water management performance measures

<b>Feature</b>	<b>Performance Measure</b>
Water management – General	<ul style="list-style-type: none"> <li>• Maintain separation between clean, dirty and mine water</li> <li>• Minimise the use of clean and potable water</li> <li>• Maximise water recycling, reuse and sharing opportunities</li> <li>• Minimise the use of make-up water from external sources</li> <li>• Design, install, operate and maintain water management infrastructure in a proper and efficient manner</li> </ul>
Alluvial aquifers (including Wollombi Brook alluvium and excluding the North Wambo Creek alluvium)	<ul style="list-style-type: none"> <li>• Negligible impacts beyond those predicted in the documents listed in condition A2(c), including: <ul style="list-style-type: none"> <li>– negligible change in groundwater levels;</li> <li>– negligible change in groundwater quality; and</li> <li>– negligible impact to other groundwater users</li> </ul> </li> </ul>
Erosion and sediment control works	<ul style="list-style-type: none"> <li>• Design, install and maintain erosion and sediment controls in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004) and 2E Mines and Quarries (DECC, 2008)</i></li> <li>• Design, install and maintain any infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land (DPI Water, 2012)</i></li> <li>• Design, install and maintain any creek crossings generally in accordance with the <i>Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013)</i> and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)</i></li> </ul>
Clean water diversions and storage infrastructure	<ul style="list-style-type: none"> <li>• Design, install and maintain the clean water system to capture and convey the 100 year ARI flood event</li> <li>• Maximise, as far as reasonable, the diversion of clean water around disturbed areas on the site, except where clean water is captured for use on the site</li> </ul>
Sediment dams	<ul style="list-style-type: none"> <li>• Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004) and 2E Mines and Quarries (DECC, 2008)</i> and the requirements under the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i></li> </ul>
Above-ground mine water storages	<ul style="list-style-type: none"> <li>• Design, install and maintain mine water storage infrastructure to avoid unlicensed or uncontrolled discharge of mine water</li> </ul>
Prescribed dams under the <i>Dams Safety Act 1978 or Dams Safety Act 2015</i> (including South Wambo Dam)	<ul style="list-style-type: none"> <li>• Design, constructed and operated to the satisfaction of DSC</li> <li>• Drained prior to the commencement of secondary workings in underlying longwalls, to the satisfaction of DSC</li> </ul>

<b>Feature</b>	<b>Performance Measure</b>
Tailings storages	<ul style="list-style-type: none"> <li>Design and maintain tailings storage areas to encapsulate and prevent the release of tailings seepage/leachate</li> </ul>
Overburden emplacements	<ul style="list-style-type: none"> <li>Design, install and maintain emplacements to encapsulate and prevent migration of tailings, acid forming and potentially acid forming materials, and saline and sodic material</li> <li>Design, install and maintain out-of-pit emplacements to prevent and/or manage long term saline seepage</li> </ul>
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> <li>Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard</li> </ul>
Creek diversion and restoration works (including the North Wambo Creek Diversion)	<ul style="list-style-type: none"> <li>Diverted creek lines to be hydraulically and geomorphologically stable in the long-term</li> <li>Incorporate erosion control measures based on vegetation and engineering revetments</li> <li>Incorporate persistent/permanent pools for aquatic habitat</li> <li>Revegetate with suitable native species</li> </ul>
Aquatic, riparian and groundwater dependent ecosystems	<ul style="list-style-type: none"> <li>Negligible environmental consequences beyond those predicted in the documents listed in condition A2(c)</li> <li>Maintain or improve baseline channel stability</li> <li>Develop site-specific in-stream water quality objectives in accordance with the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (ANZECC &amp; ARMCANZ, 2000) and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> (DEC, 2006)</li> </ul>

B63. The performance measures in Table 8 do not apply to water management structures constructed prior to the approval of Modification 16.

#### **Groundwater Dependent Ecosystem Study**

B64. Within 12 months of the determination of Modification 17, or as otherwise agreed with the Planning Secretary, the Applicant must commission and provide to the Planning Secretary for approval, a Groundwater Dependent Ecosystem Study report. This study must:

- (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be developed in consultation with DPIE Water;
- (c) provide advice on the likely level of groundwater dependence of the vegetation in the South Bates Extension Area given current groundwater levels and expert knowledge of the vegetation communities in the region;
- (d) in the event it is considered that vegetation communities in the vicinity of the South Bates Extension Area are groundwater dependent (either entirely or partially), provide advice on the likelihood that subsidence associated with the South Bates Extension Area could cause adverse impacts and how any such impacts would manifest;
- (e) consider to what degree the cumulative impacts of adjacent mining operations may have already impacted groundwater dependent vegetation across the South Bates Extension Area;
- (f) provide any recommendations that would assist in assessing the potential fracture interconnections between surface water resources and hard rock aquifers that may impact on groundwater dependent vegetation; and
- (g) include a management and/or remediation program that describes measures that could be implemented to ensure compliance with the performance measures in Table 1 or Table 8 for any groundwater dependent endangered ecological community.

B65. The Applicant must take into account the findings of the Groundwater Dependent Ecosystem Study and not less than 2 years of monitoring results obtained under condition B7 in the preparation of any Extraction Plan for Longwalls 23 – 25.

#### **Water Management Plan**

B66. The Applicant must prepare a Water Management Plan for the Wambo Mining Complex to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with DPIE Water and the EPA;
- (c) describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see Table 8);
- (d) include a:



- (i) **Site Water Balance** that includes details of:
- predicted annual inflows and outflows on the site;
  - sources and security of water supply for the life of the development (including authorised entitlements and licences);
  - water storage capacity;
  - water use and management on the site, including any water transfers or water sharing with neighbouring mines;
  - licensed discharge points and limits; and
  - reporting procedures, including the annual preparation of an updated site water balance;
- (ii) **Salt Balance** that includes details of:
- sources of saline material on the site;
  - saline material and saline water management on the site;
  - measures to minimise discharge of saline water from the site; and
  - reporting procedures, including the annual preparation of an updated salt balance;
- (iii) **Erosion and Sediment Control Plan** that:
- is consistent with the requirements of *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) and *Volume 2E: Mines and Quarries* (DECC, 2008);
  - identifies activities that could cause soil erosion, generate sediment or affect flooding;
  - describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk;
  - describes the location, function, and capacity of permanent erosion and sediment control structures and flood management structures; and
  - describes what measures would be implemented to maintain (and if necessary decommission) the structures over time;
- (iv) **Surface Water Management Plan** that includes:
- detailed baseline data of surface water flows and quality of watercourses and/or waterbodies potentially impacted by the development, including:
    - stream and riparian vegetation health;
    - channel stability (geomorphology); and
    - water supply for other surface water users;
  - a detailed description of the surface water management system;
  - detailed plans, design objectives and performance criteria for water infrastructure, including:
    - any approved creek diversions or restoration works associated with the development;
    - water run-off diversions and catch drains;
    - water storages and sediment dams;
    - emplacement areas and tailings storages; and
    - reinstated drainage networks on rehabilitated areas of the site;
  - detailed performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts associated with the development, on:
    - downstream surface water flows and quality (including Wollombi Brook, North Wambo, South Wambo, and Stony Creeks);
    - channel stability;
    - stream and riparian vegetation health;
    - water supply for other water users; and
    - post-mining water pollution from rehabilitated areas of the site;
  - a program to monitor:
    - compliance with the relevant performance measures listed in Table 8 and the performance criteria established above;
    - controlled and uncontrolled discharges and seepage/leachate from the site;
    - impacts on water supply for other water users;
    - surface water inflows, outflows and storage volumes to inform the Site Water Balance; and
    - the effectiveness of the surface water management system and the measures within the Erosion and Sediment Control Plan;
  - reporting procedures for the results of the monitoring program; and

- a plan to respond to any exceedances of the surface water performance measures or performance criteria, and repair, mitigate, compensate and/or offset any adverse surface water impacts of the development;
- (v) **Groundwater Management Plan**, which is consistent with *Groundwater Monitoring and Modelling Plans – Introduction for prospective mining and petroleum activities* (DPI Water, 2014) and includes:
- detailed baseline data of groundwater levels, yield and quality for groundwater resources and groundwater dependent ecosystems potentially impacted by the development, including groundwater supply for other water users;
  - a detailed description of the groundwater management system;
  - groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts associated with the development, on:
    - regional and local aquifers (alluvial and hardrock);
    - groundwater supply for other water users such as privately-owned licensed groundwater bores; and
    - groundwater dependent ecosystems;
  - a program to monitor and evaluate:
    - compliance with the relevant performance measures listed in Table 8, and the performance criteria established above, including monitoring of regional groundwater levels and quality during the life of the development and at least 10 years post-mining;
    - water loss/seepage from water storages into the groundwater system (particularly from South Wambo Dam and Montrose East Dam);
    - groundwater inflows, outflows and storage volumes to inform the Site Water Balance;
    - any hydraulic connectivity between the alluvial and hardrock aquifers;
    - impacts on groundwater dependent ecosystems;
    - impacts on groundwater supply for other water users;
    - the effectiveness of the groundwater management systems; and
  - reporting procedures for the results of the monitoring program;
  - a plan to respond to any exceedances of the groundwater performance criteria, and repair, mitigate, compensate and/or offset any adverse groundwater impacts of the development; and
  - a program to periodically validate the groundwater model for the development, including an independent review of the model every 3 years, and comparison of monitoring results with modelled predictions; and
- (vi) a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition D10.

B67. The Applicant must not commence Phase 2 until the Water Management Plan is approved by the Planning Secretary.

B68. The Applicant must implement the Water Management Plan as approved by the Planning Secretary.

## **BIODIVERSITY**

### **Biodiversity Offset Strategy**

B69. The Applicant must implement the Biodiversity Offset Strategy set out in Table 9 and shown in Appendix 6, to the satisfaction of the Planning Secretary.

B70.

**Table 9: Biodiversity Offset Strategy**

<b>Area</b>	<b>Size</b>
Remnant Woodland Enhancement Area A	424 ha
Remnant Woodland Enhancement Area B	454 ha
Remnant Woodland Enhancement Area C	211 ha
Open Woodland Revegetation	270 ha
Remnant Woodland Enhancement Area D	46 ha
Remnant Woodland Enhancement Area D Extension	2 ha
Remnant Woodland Enhancement Area E	41.6 ha
Remnant Woodland Enhancement Area for the Wambo Coal Terminal	As shown in Appendix 6

**Notes:**

- The area of Open Woodland Revegetation in Table 9 was previously 1,570 hectares. Under EA (Mod 16) this obligation was reduced to 270 hectares, with the remaining area being taken up by SSD 7142.
- Additional offsets may be required by the Planning Secretary under condition B3.

B71. The land used to satisfy the requirement to establish Open Woodland Revegetation under condition B69 cannot be the same land as land used for Open Woodland Revegetation or Ecological Mine Rehabilitation under SSD 7142. If the United Wambo open cut coal mine does not proceed to Phase 2 (as defined within SSD 7142), then the Applicant must establish an additional 1,300 hectares of Open Woodland Revegetation, as otherwise required under SSD 7142.

**Long Term Security**

B72. The Conservation Agreement/s made under section 69B of the *National Parks and Wildlife Act 1974* for the offset areas listed in Table 9 must remain in force in perpetuity.

**Offset Conservation**

B73. The Applicant must not undertake any mining operations (except approved underground mining operations) or other activities within the offset areas listed in Table 9, other than:

- environmental management, environmental monitoring or other monitoring required under this consent or under an approved management plan or monitoring program;
- exploration and ancillary disturbance activities approved under a Biodiversity Management Plan or a Conservation Agreement; or
- rehabilitation activities under an approved Extraction Plan.

**Strategic Study Contribution**

B74. If, during the life of the development, the Department commissions a strategic study into the regional vegetation corridor stretching from the Wollemi National Park to the Barrington Tops National Park, then the Applicant must contribute \$20,000 towards the completion of this study.

**Biodiversity Management Plan**

B75. The Applicant must prepare a Biodiversity Management Plan to the satisfaction of the Planning Secretary. This plan must:

- be prepared by a suitably qualified and experienced person/s;
- be prepared in consultation with BCD;
- describe the short, medium, and long term measures to be undertaken to manage vegetation and fauna habitat on the site and in the offset areas;
- describe how biodiversity management would be integrated with similar measures within the Water Management Plan referred to in condition B66 and the Rehabilitation Management Plan referred to in condition B107;
- describe the measures to be implemented within approved disturbance areas on the site to:
  - minimise the amount of clearing and employ temporary vegetation strategies (see condition B106);
  - minimise impacts on fauna, including undertaking pre-clearance surveys;

- (iii) provide for the salvage, transplanting and/or propagation of any threatened flora found during pre-clearance surveys, in accordance with the *Guidelines for the Translocation of Threatened Plants in Australia* (Vallee et al., 2004);
  - (iv) minimise impacts on fauna habitat features such as tree hollows and termite mounds where reasonable and feasible; and
  - (v) maximise the salvage of resources, including bush rocks, tree hollows, fallen timber, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;
- (f) describe the measures to be implemented on the site to:
- (i) enhance the quality of vegetation, vegetation connectivity and fauna habitat including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata;
  - (ii) introduce naturally scarce fauna habitat features such as nest boxes and salvaged tree hollows and promote the use of these introduced habitat features by threatened fauna species;
  - (iii) manage any potential conflicts between these works and Aboriginal heritage values; and
  - (iv) enhance riparian vegetation along the North Wambo Creek Diversion;
  - (v) protect vegetation and fauna habitat outside of the approved disturbance areas;
  - (vi) manage potential indirect impacts on threatened flora and fauna species;
  - (vii) manage the collection and propagation of seed from the local area;
  - (viii) control weeds, including measures to avoid and mitigate the spread of noxious weeds;
  - (ix) control feral pests with consideration of actions identified in relevant threat abatement plans;
  - (x) control erosion;
  - (xi) manage any grazing and agriculture;
  - (xii) control access to vegetated or revegetated areas; and
  - (xiii) manage bushfire hazards;
- (g) describe the measures to manage the offset areas listed in Table 9 in accordance with any Conservation Agreement/s, including measures to:
- (i) enhance the quality of existing remnant vegetation; vegetation connectivity and fauna habitat;
  - (ii) avoid clearing of Warkworth Sands EEC and minimise vegetation clearing generally for gas drainage infrastructure and exploration activities;
  - (iii) control weeds and feral pests; and
  - (iv) limit vehicular traffic;
- (h) include a seasonally-based program to monitor and report on:
- (i) the effectiveness of the above measures;
  - (ii) quality of vegetation, vegetation connectivity and fauna habitat through assessment of landscape functionality, species diversity and abundance, vegetation dynamics and habitat complexity; and
  - (iii) improvements that could be implemented to improve biodiversity outcomes;
- (i) identify the potential risks to the successful implementation of the Biodiversity Offset Strategy, and include a description of the contingency measures to be implemented to mitigate against these risks; and
- (j) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

B76. The Applicant must not commence Phase 2 until the Biodiversity Management Plan is approved by the Planning Secretary.

B77. The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.

#### **Conservation Bond**

B78. Within 6 months of the approval of the Biodiversity Management Plan referred to in condition B74 above, or other timeframe agreed by the Planning Secretary, the Applicant must lodge a Conservation Bond with the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria in the Biodiversity Management Plan. The sum of the bond must be determined by:

- (a) calculating the remaining cost of implementing and managing the Biodiversity Offset Strategy at third party rates; and
- (b) employing a suitably qualified, independent and experienced person to verify the calculated costs.

B79. The calculation of the Conservation Bond must be submitted to the Department for approval at least 2 months prior to lodgement of the bond.

B80. The Conservation Bond must be reviewed and, if required, an updated bond must be lodged with the Department within 3 months following:

- (a) any update or revision to the Biodiversity Management Plan;

- (b) the completion of an Independent Environmental Audit in which recommendations relating to the implementation of the Biodiversity Offset Strategy have been made; or
  - (c) in response to a request by the Planning Secretary,
- B81. If the Biodiversity Offset Strategy is completed generally in accordance with the performance and completion criteria in the Biodiversity Management Plan, to the satisfaction of the Planning Secretary, or if alternate funding arrangements are provided, the Planning Secretary will release the Conservation Bond.
- B82. If the Biodiversity Offset Strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Planning Secretary will call in all, or part of, the Conservation Bond, and arrange for the completion of the relevant works.

## HERITAGE

### Heritage Operating Conditions

**Notes:**

- *The Applicant is required to obtain consent from BCD under Section 90 of the National Parks Wildlife Act 1974 to destroy Aboriginal objects on the site.*
- *The Applicant must comply with the requirements of any Aboriginal Heritage Impact Permit/s issued for the development, including any approved salvage program.*

- B83. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage items located outside the approved disturbance area, beyond those predicted in the document/s listed in condition A2(c) or approved under a permit issued under the *National Parks and Wildlife Act 1974*.
- B84. The Applicant must ensure that Aboriginal objects salvaged from the site are housed in a keeping place established for the purpose.
- B85. If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and BCD, and work must not recommence in the area until authorised by NSW Police Force and BCD.
- B86. The Applicant must ensure that all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions.
- B87. The Applicant must undertake ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.

### Aboriginal Cultural Heritage Management Plan for Remnant Woodland Enhancement Area A

- B88. The Applicant must develop a management plan to manage Aboriginal cultural heritage in Remnant Woodland Enhancement Area A (referred to in Table 9 above) within 12 months of entering into a Conservation Agreement over that area, or as otherwise agreed by the Planning Secretary. The management plan must be:
- (a) prepared by a suitably qualified and experienced person/s;
  - (b) developed in consultation with BCD and the Registered Aboriginal Parties; and
  - (c) approved by the Planning Secretary.
- B89. The Applicant must implement the Aboriginal Cultural Heritage Management Plan for Remnant Woodland Enhancement Area A approved by the Planning Secretary.

### Wambo Homestead

- B90. The Applicant must prepare a conservation management plan for the Wambo Homestead Complex in accordance with Heritage Branch guidelines, to the satisfaction of the Heritage Branch. This plan must:
- (a) describe the measures to be implemented to conserve, manage and interpret the cultural significance of the Wambo Homestead Complex;
  - (b) contain a timetable for implementing conservation measures; and
  - (c) detail ongoing maintenance and inspection programs.
- B91. In circumstances where safe access to the Wambo Homestead Complex is able to be provided, opportunities are to be offered to the local community to visit the site during and after its conservation.
- B92. The Applicant must undertake annual photographic recording of all structures within the Wambo Homestead Complex. The photographs are to be of archival quality in accordance with the Heritage Branch guidelines, *How to Prepare Archival Records of Heritage Items 1994*, and *Guidelines for Photographic Recording of Heritage Items 1994*. The photographic record is to be lodged with the Heritage Branch, and a copy is to be submitted to the Department and the Council.

### Road Rehabilitation

- B93. Following the cessation of the use of the coal haulage road which traverses the Wambo Homestead Complex property, the land is to be returned to its former condition (pre-1999) and the half palisade fence on the southern

alignment of the mounting yard is to be reinstated as required by the 1999 approval of the Heritage Branch for construction of the road.

### **Movable Heritage Items**

B94. The Applicant must liaise with the Power House Museum and Museums and Galleries Foundation regarding the significance of movable heritage which would be impacted by open cut mining and identify suitable repositories for the conservation and storage of any significant items, including Site 3 Abandoned Homestead A and Site 9 Abandoned Tractor.

### **VISUAL**

#### **Visual Amenity and Lighting**

B95. The Applicant must:

- (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;
- (b) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;
- (c) ensure mobile lighting does not shine directly above the horizontal (except where required for emergency safety purposes);
- (d) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*; and
- (e) implement measures to mitigate visual impacts including:
  - (i) design and construction of development infrastructure in a manner that minimises visual contrasts; and
  - (ii) progressive rehabilitation of mine waste rock emplacements (particularly outer batters), including partial rehabilitation of temporarily inactive areas.

#### **Visual Mitigation**

B96. The Applicant must investigate and where feasible implement the following measures at locations assessed in the EIS as having a high potential visual impact:

- (a) implement landscaping works in consultation with affected rural residents; and/or
- (b) place and maintain visual screens between development infrastructure and the viewing location.

B97. During Phase 1, if a landowner of any dwelling assessed in the EIS as having a high potential visual impact requests the Applicant in writing to investigate ways to minimise the visual impact of the development on his/her dwelling, the Applicant must:

- (a) within 28 days of receiving this request, commission a suitably qualified person whose appointment has been approved by the Planning Secretary, to investigate ways to minimise the visual impacts of the development on the landowner's dwelling; and
- (b) give the landowner a copy of the visual impact mitigation report within 14 days of receiving this report.

B98. If both parties agree on the measures that should be implemented to minimise the visual impact of the development, then the Applicant must implement these measures to the satisfaction of the Planning Secretary.

B99. If the Applicant and the landowner disagree on the measures that should be implemented to minimise the visual impact of the development, then either party may refer the matter to the Planning Secretary for resolution.

### **WASTE**

B100. The Applicant must:

- (a) take all reasonable steps to minimise the waste (including coal rejects and tailings) generated by the development;
- (b) dispose of all waste at appropriately licensed waste facilities;
- (c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and
- (d) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition D10.

B101. Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

### **HAZARDS MANAGEMENT**

#### **Spontaneous Combustion**

B102. The Applicant must:

- (a) take the necessary measures to prevent, as far as is practical, spontaneous combustion on the site; and

- (b) manage any spontaneous combustion on the site to the satisfaction of the Resources Regulator.

### Dangerous Goods

B103. The Applicant must ensure that the storage, handling, and transport of:

- (a) dangerous goods is done in accordance with the relevant Australian Standards, particularly *AS1940* and *AS1596*, and the *Dangerous Goods Code*; and
- (b) explosives are managed in accordance with the requirements of the Resources Regulator.

### BUSHFIRE MANAGEMENT

B104. The Applicant must:

- (a) ensure that the development:
- (i) provides for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2006) guideline; and
- (ii) ensure that there is suitable equipment to respond to any fires on the site; and
- (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

### REHABILITATION

#### Rehabilitation Objectives

B105. The Applicant must rehabilitate the site to the satisfaction of the Resources Regulator. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the documents listed in condition A2(c) and must comply with the objectives in Table 10.

**Table 10: Rehabilitation objectives**

<b>Feature</b>	<b>Objective</b>
All areas of the site affected by the development	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Fit for the intended post-mining land use/s</li> </ul>
Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> <li>• Establish a minimum of 270 hectares of Open Woodland Revegetation to satisfy condition B69</li> <li>• Establish areas of self-sustaining: <ul style="list-style-type: none"> <li>– riparian vegetation, within any diverted and/or re-established creek lines and retained water features;</li> <li>– habitat resources for threatened flora and fauna species; and</li> <li>– vegetation connectivity and wildlife corridors, as far as is reasonable and feasible</li> </ul> </li> </ul>
Final Landform	<ul style="list-style-type: none"> <li>• Stable and sustainable for the intended post-mining land use/s</li> <li>• Consistent with and complement the topography of the surrounding region to minimise the visual prominence of the final landforms in the post mining landscape</li> <li>• Maximise surface water drainage to the natural environment (excluding final void catchment)</li> </ul>
Rehabilitation materials	<ul style="list-style-type: none"> <li>• Materials from areas disturbed under this consent (including topsoils, substrates and seeds) are to be recovered, managed and used as rehabilitation resources, to the greatest extent practicable</li> </ul>
Surface infrastructure of the development	<ul style="list-style-type: none"> <li>• Decommissioned and removed, unless the Resources Regulator agrees otherwise</li> <li>• All surface infrastructure sites are to be revegetated with suitable local native plant species to a landform consistent with the surrounding environment</li> </ul>
Portals and vent shafts of the development	<ul style="list-style-type: none"> <li>• To be decommissioned and made safe and stable</li> <li>• Retain habitat for threatened species (e.g. bats), where practicable</li> </ul>
Watercourses subject to mine water discharges and/or subsidence impacts or environmental consequences that are greater than negligible	<ul style="list-style-type: none"> <li>• Hydraulically and geomorphologically stable</li> <li>• Aquatic ecology and riparian vegetation that is the same or better than prior to commencement of mining</li> </ul>
Water quality	<ul style="list-style-type: none"> <li>• Water retained on the site is fit for the intended post-mining land use/s</li> <li>• Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation</li> </ul>

<b>Feature</b>	<b>Objective</b>
Built features damaged by mining operations	<ul style="list-style-type: none"> <li>• Repair to pre-mining condition or equivalent unless the: <ul style="list-style-type: none"> <li>- owner agrees otherwise; or</li> <li>- damage is fully restored, repaired or compensated for under the <i>Coal Mine Subsidence Compensation Act 2017</i></li> </ul> </li> </ul>
Cliffs, minor cliffs, rock face features and steep slopes	<ul style="list-style-type: none"> <li>• No additional risk to public safety compared to prior to mining</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety</li> <li>• Minimise adverse socio-economic effects associated with mine closure</li> </ul>

B106. The rehabilitation objectives in Table 10 apply to the entire site, including all landforms constructed under either this consent or previous consents. However, the Applicant is not required to undertake any additional earthmoving works on landforms that have been approved and constructed under previous consents.

### Progressive Rehabilitation

B107. The Applicant must rehabilitate<sup>a</sup> the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

<sup>a</sup> Nothing in this condition prevents further disturbance at some later stage of the development of areas that have been rehabilitated.

### Rehabilitation Management Plan

B108. The Applicant must prepare a Rehabilitation Management Plan for all land disturbed by the development to the satisfaction of the Resources Regulator. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with the Department, DPIE Water, BCD and Council;
- (c) be prepared in accordance with any relevant DRG Guideline;
- (d) describe how the rehabilitation of the site would achieve the objectives identified in Table 10 and be integrated with the measures in the Biodiversity Management Plan referred to in condition B74;
- (e) describe how the rehabilitation of the site would be integrated with rehabilitation of the Wambo train loading facility and SSD 7142 United Wambo open cut coal mine;
- (f) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and for triggering remedial action (if necessary);
- (g) describe the measures to be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform, final land use/s and water management in the final landform;
- (h) include a detailed tailings management strategy that includes:
  - (i) a strategy for treating and/or emplacing all tailings material generated by the Wambo CHPP; and
  - (ii) timing for rehabilitation of all tailings storage facilities, in order that final landform and land use objectives can be achieved in a timely manner;
- (i) include procedures for the use of interim stabilisation and temporary vegetation strategies, where reasonable to minimise the area exposed for dust generation;
- (j) include a program to monitor, independently audit and report on the effectiveness of the measures in paragraph (g), and progress against the detailed performance and completion criteria in paragraph (f);
- (k) to the maximum extent practicable build on and integrate with the other management plans required under this consent; and
- (l) include detailed scheduling for progressive rehabilitation to be initiated, undertaken and/or completed over the next three years.

B109. The Applicant must not commence Phase 2 until the Rehabilitation Management Plan is approved by the Resources Regulator.

B110. The Applicant must implement the Rehabilitation Management Plan as approved by the Resources Regulator.

**Note:**

- The Resources Regulator may permit the Rehabilitation Management Plan to be combined with a Mining Operations Plan, or similar plan, required under any mining lease granted for the development.

## TRANSPORT

### Monitoring of Coal Transport

B111. The Applicant must:



- (a) keep accurate records of the amount of coal transported from the site (on a daily basis); and
- (b) include these records in the Annual Review.

### **Parking**

B112. The Applicant must provide sufficient parking on-site for all mine-related traffic to the satisfaction of the Planning Secretary.

### **Traffic Management Plan**

B113. The Applicant must prepare a Traffic Management Plan for the Wambo Mining Complex, that includes use of the site by traffic approved under SSD 7142, to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with RMS and Council;
- (c) include details of all transport routes, traffic types and access roads to be used for development-related traffic;
- (d) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users, particularly during shift change periods, including managing over-dimensional vehicles;
- (e) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:
  - (i) adhere to travelling speeds;
  - (ii) adhere to the designated transport routes, where applicable; and
  - (iii) implement safe driving practices.

B114. The Applicant must not commence Phase 2 until the Traffic Management Plan is approved by the Planning Secretary.

B115. The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.

## PART C ADDITIONAL PROCEDURES

### ACQUISITION UPON REQUEST

- C1. Upon receiving a written request for acquisition from the owner of the privately-owned land<sup>a</sup> listed in Table 11, the Applicant must acquire the land in accordance with the procedures in conditions C10 to C17, inclusive.

**Table 11:** Land subject to acquisition upon request

R019
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<sup>a</sup> The location of the land referred to in Table 11 is shown in Appendix 4.

### ADDITIONAL MITIGATION UPON REQUEST

- C2. Upon receiving a written request from the owner of any residence on the privately-owned land<sup>a</sup> listed in Table 11 or Table 12, the Applicant must implement additional mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Developments* (NSW Government, 2018). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the relevant noise and/or air quality impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations.

**Table 12:** Land subject to additional mitigation upon request

Mitigation Basis	Land
Noise	R003, R025

<sup>a</sup> The locations of the land referred to in Table 12 is shown in Appendix 4.

- C3. If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

### NOTIFICATION OF LANDOWNERS/TENANTS

- C4. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended air quality and/or noise criteria, the Applicant must:
- advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled *"Mine Dust and You"* (NSW Health, 2017); and
  - advise the prospective tenants of the rights they would have under this consent,
- to the satisfaction of the Planning Secretary.

### NOTIFICATION OF EXCEEDANCES

- C5. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise, blasting or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners, tenants and the CCC.
- C6. For any exceedance of any air quality criterion in PART B of this consent, the Applicant must also provide to any affected land owners and tenants a copy of the NSW Health fact sheet entitled *"Mine Dust and You"* (NSW Health, 2017).

### INDEPENDENT REVIEW

- C7. If a landowner considers the development to be exceeding any relevant air quality, noise or blasting criterion in PART B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.
- C8. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.
- C9. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:
- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
    - consult with the landowner to determine their concerns;
    - conduct monitoring to determine whether the development is complying with the relevant criterion in PART B of this consent; and

- (iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion;
- (b) give the Planning Secretary and landowner a copy of the independent review; and
- (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.

## **LAND ACQUISITION**

- C10. Within 3 months of receiving a written request for acquisition from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on:
- (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the:
    - (i) existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
    - (ii) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise and/or air quality mitigation measures in condition C2;
  - (b) the reasonable costs associated with:
    - (i) relocating within the Singleton local government area, or to any other local government area determined by the Planning Secretary; and
    - (ii) obtaining independent legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
  - (c) reasonable compensation for any disturbance caused by the land acquisition process.
- C11. If, within 2 months of the binding written offer being made under condition C10, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution.
- C12. Upon receiving a request, under condition C11, the Planning Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:
- (a) consider submissions from both parties;
  - (b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in condition C10;
  - (c) prepare a detailed report setting out the reasons for any determination; and
  - (d) provide a copy of the report to both parties.
- C13. Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.
- C14. However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, either party may refer the matter to the Planning Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Planning Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in condition C10, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.
- C15. Within 14 days of this determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Planning Secretary's determination.
- C16. If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Planning Secretary determines otherwise.
- C17. The Applicant must pay all reasonable costs associated with the land acquisition process described in conditions C10 to C16 inclusive, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

## PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

- D1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
  - (b) identify the statutory approvals that apply to the development;
  - (c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (d) set out the procedures to be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive record, handle and respond to complaints;
    - (iii) resolve any disputes that may arise during the course of the development;
    - (iv) respond to any non-compliance and any incident; and
    - (v) respond to emergencies; and
  - (e) include:
    - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
    - (ii) a clear plan depicting all the monitoring to be carried out under the conditions of this consent.
- D2. The Applicant must not commence Phase 2 until the Environmental Management Strategy is approved by the Planning Secretary.
- D3. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.

#### Adaptive Management

- D4. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.
- Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:
- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
  - (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
  - (c) implement reasonable remediation measures as directed by the Planning Secretary.

#### Management Plan Requirements

- D5. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include where relevant:
- (a) summary of relevant background or baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) any relevant commitments or recommendations identified in the documents listed in condition A2(c);
  - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (e) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to paragraph (d);
  - (f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (g) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (h) a protocol for managing and reporting any:

- (i) incident, non-compliance or exceedance of any impact assessment criterion and performance criterion);
- (ii) complaint; or
- (iii) failure to comply with other statutory requirements; and
- (i) a protocol for periodic review of the plan.

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

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

D6. Within three months of:

- (a) the submission of an incident report under condition D8;
- (b) the submission of an Annual Review under condition D10;
- (c) the submission of an Independent Environmental Audit under condition D11; or
- (d) the approval of any modification (excluding Modification 16) of the conditions of this consent,

the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.

D7. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

## REPORTING AND AUDITING

### Incident Notification

D8. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and identify the development (including the development application number and name) and set out the location and nature of the incident.

### Non-Compliance Notification

D9. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

**Note:** *A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.*

### Annual Review

D10. By the end of March each year or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:

- (a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
- (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:
  - (i) relevant statutory requirements, limits or performance measures/criteria;
  - (ii) requirements of any plan or program required under this consent;
  - (iii) monitoring results of previous years; and
  - (iv) relevant predictions in the documents listed in condition A2(c);
- (c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
- (d) evaluate and report on:
  - (i) the effectiveness of the noise and air quality management systems; and
  - (ii) compliance with the performance measures, criteria and operating conditions in this consent;
- (e) identify any trends in the monitoring data over the life of the development;
- (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and

- (g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.

### **Independent Environmental Audit**

- D11. By the end of October 2020, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
- (a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;
  - (b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;
  - (c) be carried out in consultation with the relevant agencies and the CCC;
  - (d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);
  - (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
  - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
  - (g) be conducted and reported to the satisfaction of the Planning Secretary.
- D12. Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

### **Monitoring and Environmental Audits**

- D13. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

For the purposes of this condition, as set out in the EP&A Act, “monitoring” means monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” means a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

- D14. Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s.

### **ACCESS TO INFORMATION**

- D15. Within three months of the determination of Modification 16, until the completion of all rehabilitation required under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
    - (i) the documents listed in condition A2(c);
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) detailed plans for the Phases of the development;
    - (v) minutes of CCC meetings;
    - (vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
    - (vii) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (viii) a summary of the current phase and progress of the development;
    - (ix) contact details to enquire about the development or to make a complaint;
    - (x) a complaints register, updated monthly;
    - (xi) the Annual Reviews of the development;

- (xii) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report; and
  - (xiii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

**APPENDIX 1 SCHEDULE OF LAND**

<b>Wambo Mine Development Consent</b>			
<b>Lot Sec DP</b>	<b>Status</b>	<b>Lot Sec DP</b>	<b>Status</b>
1//110084	Freehold	4//542226	Freehold
1//1089682	Freehold	4//720705	Freehold
1//114970	Freehold	45//753792	Freehold
1//709722	Freehold	46//753792	Freehold
1//720705	Freehold	49//753792	Freehold
1//241316	Freehold	5//542226	Freehold
1//616303	Freehold	5//1085145	Freehold
1//1177768	Freehold	50//753792	Freehold
1//1174490	Freehold	51//753792	Freehold
100//753792	Freehold	52//753792	Freehold
101//753792	Freehold	55//753792	Freehold
103//753792	Freehold	57//1074788	Freehold
104//753792	Freehold	58//753792	Freehold
109//753792	Freehold	60//753792	Freehold
110//753792	Freehold	61//753792	Freehold
111//753792	Freehold	62//753792	Freehold
112//753792	Freehold	63//753792	Freehold
113//753817	Freehold	64//753792	Freehold
118//753792	Freehold	66//753817	Freehold
129//755267	Freehold	67//753817	Freehold
131//1089157	Freehold	7//3030	Freehold
160//753817	Freehold	71//753817	Freehold
161//753817	Freehold	79//1074787	Freehold
170//823775	Crown	79//753821	Freehold
175//823775	Crown	82//548749	Freehold
18//753817	Freehold	83//548749	Freehold
2//1085145	Freehold	92//548749	Freehold
2//110084	Freehold	95//753792	Freehold
2//709722	Freehold	A//33149	Freehold
2//616303	Freehold	B//33149	Freehold
2//617852	Freehold	C//33149	Freehold
2//720705	Freehold	1//732501	Freehold
2//1174490	Freehold	2//732501	Freehold
208//753817	Freehold	3//732501	Freehold
22//753817	Freehold	4//732501	Freehold
220//1135537	Freehold	5//732501	Freehold
23//3030	Freehold	6//732501	Freehold



<b>Wambo Mine Development Consent</b>			
<b>Lot Sec DP</b>	<b>Status</b>	<b>Lot Sec DP</b>	<b>Status</b>
3//720705	Freehold	3//753817	Freehold
3//1177768	Freehold	4//753817	Freehold
3//1085145	Freehold	5//753817	Freehold
38//753792	Freehold	6//753817	Freehold
39//753792	Freehold	10//753817	Freehold
4//1085145	Freehold	73//753817	Freehold
149//753792	Freehold	Any Unidentified Historical Title Residues located within, between or adjacent to the above Parcels of Land	Freehold/Crown
16//755267	Freehold		
5//1085145	Freehold		

### Roads

1. Wambo Mine Road.
2. Road within Lot 1 DP 616303.
3. Road bounded by Lot 220 DP1135537, Lot 83 DP548749, Lot 23 DP3030, Lot 129 DP 755267, Lot 1 DP110084, Lot 1089682 and Lot 1 DP114970.
4. Bounded by Lots 92 & 129 DP 755267.
5. Bounded by Lots 4 & 5 DP542226, Lot 2 DP616303, Lots 2 & 3 DP720705 and Lot 3 1177768.
6. Bounded by Lot 2 DP616303, Lot 5 DP542226, Lot 4 DP720705 and Lots 45 & 46 DP753792.
7. Bounded by Lot 1 DP1174490, Lots 2, 3 & 4 DP1085145 and Lot 175 DP823775.
8. Bounded by Lots 62, 63, 64, 95 & 118 DP753792, Lot 1 DP 1177768 and Lot 2 DP1174490.
9. Bounded by Lot 79 DP1074487, Lot 170 DP823775, Lots 49-51, 58, 118 DP753792, Lot 2 DP1085145 and Lot 2 DP1174490.
10. Bounded by Lot 79 DP1074487, Lots 18, 160 & 161 DP753817 and Lots 49, 50 & 52 DP753792.
11. Bounded by Lot A DP33149, Lots 22, 66 & 71 DP753817 and Lot 2 DP 1174490.
12. Adjoining to the East and North of Lot 79 DP753821.
13. Wambo Road.
14. Road within Lot 208 DP753817.
15. Bounded by Lot A DP33149 and Lots 3, 4, 5, 6 & 113 DP753817.
16. Adjoining to the West and South of Lot 22 DP753817.

### Wollombi Brook

1. Bounded by Lot 220 DP1135537, Lot 83 DP548749, Lot 1 DP110084, Lot 1 DP241316 and Lot 7 DP3030.
2. Bounded by Lot 1 DP1089682 and Lots 1, 2, 3, 4, 5 & 6 DP732501.

APPENDIX 2 DEVELOPMENT LAYOUT PLANS

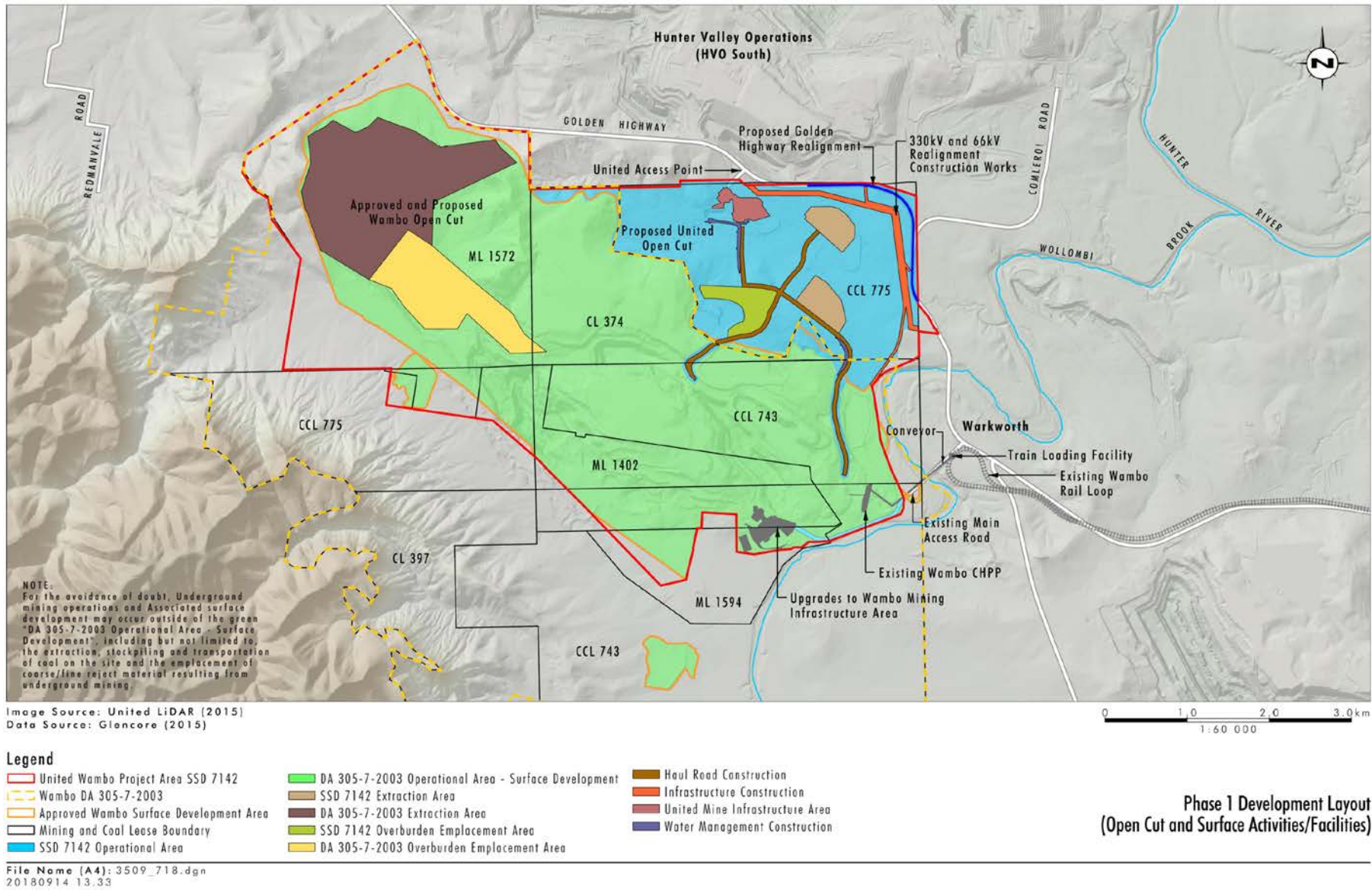
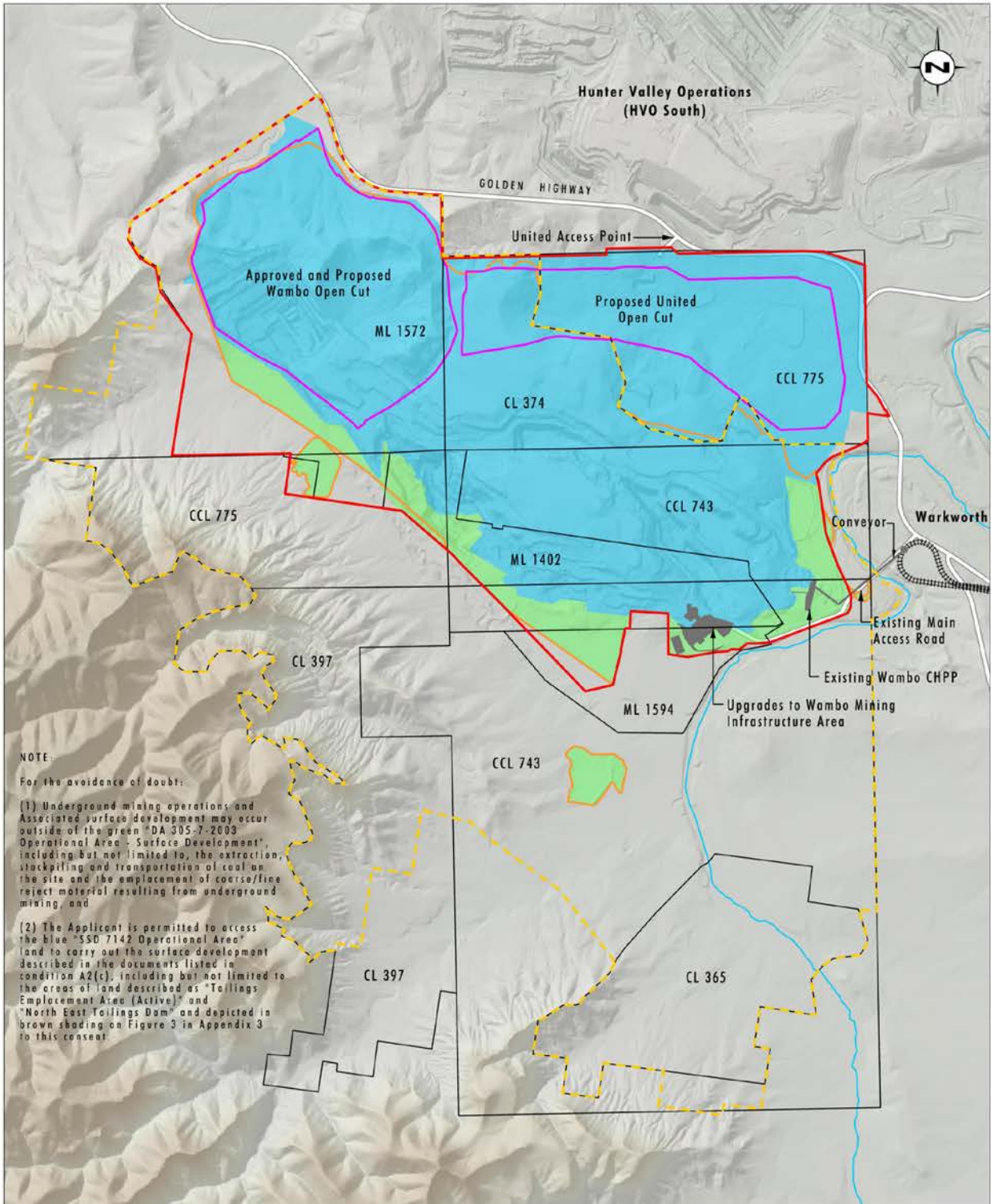


Figure 1: Development Layout – Phase 1



NOTE  
For the avoidance of doubt:

(1) Underground mining operations and Associated surface development may occur outside of the green "DA 305-7-2003 Operational Area - Surface Development", including but not limited to, the extraction, stockpiling and transportation of coal on the site and the emplacement of coarse/fine reject material resulting from underground mining, and

(2) The Applicant is permitted to access the blue "SSD 7142 Operational Area" land to carry out the surface development described in the documents listed in condition A2(c), including but not limited to the areas of land described as "Tailings Emplacement Area (Active)" and "North East Tailings Dam" and depicted in brown shading on Figure 3 in Appendix 3 to this consent.

Image Source: United LiDAR (2015)  
Data Source: Glencore (2015)

0 1.0 2.0 3.0 km  
1:60 000

**Legend**

- United Wambo Project Area SSD 7142
- Wambo DA 305-7-2003
- Approved Wambo Surface Development Area
- Proposed Conceptual Extraction Area
- Mining and Coal Lease Boundary
- SSD 7142 Operational Area
- DA 305-7-2003 Operational Area - Surface Development

**Phase 2 Development Layout  
(Surface Activities/Facilities)**

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Figure 2: Development Layout – Phase 2 – Surface infrastructure

APPENDIX 3 APPROVED UNDERGROUND MINE PLAN

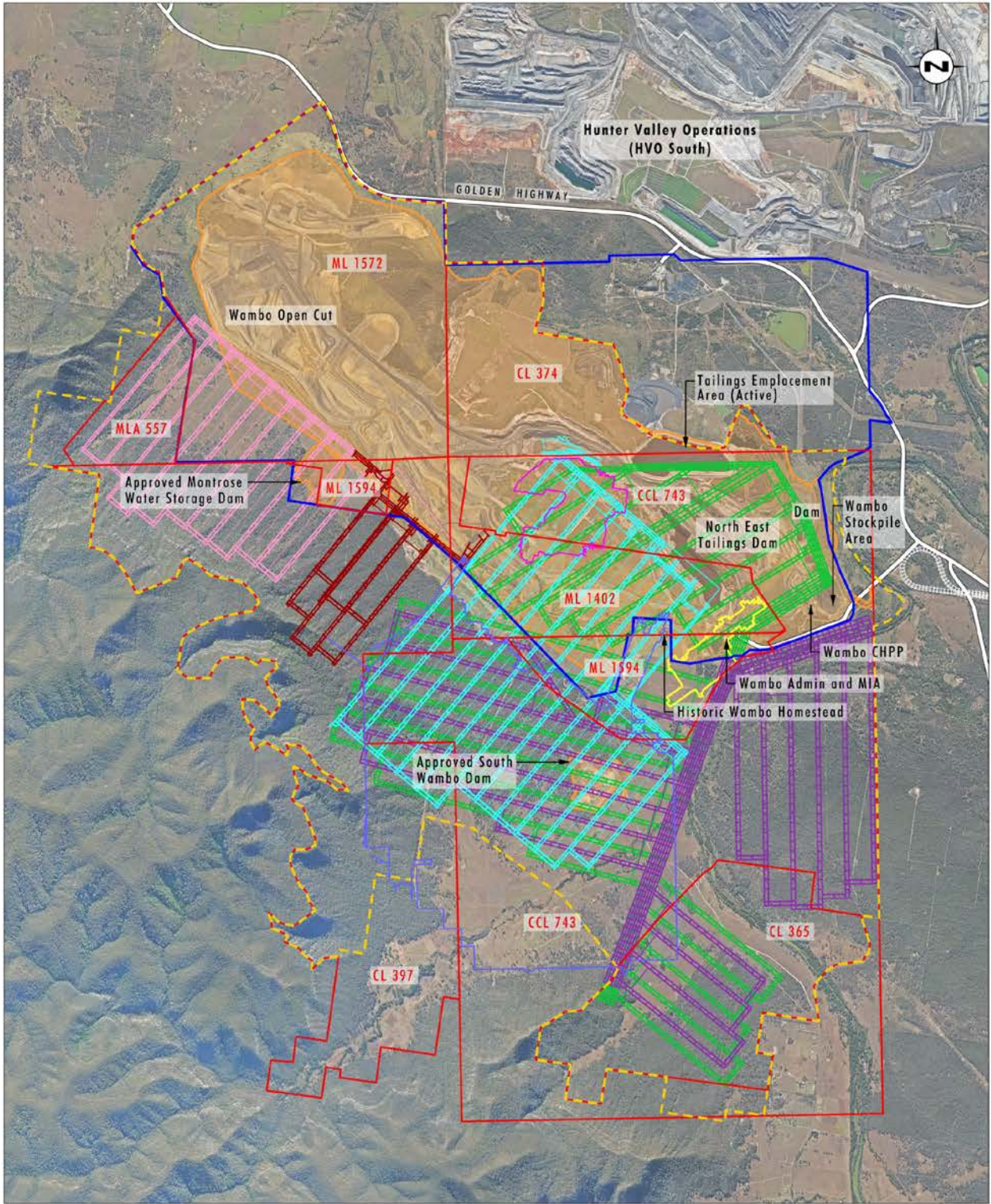


Image Source: AAM (2012), United (2018)  
 Data Source: Glencore (2018), Peabody (2018)

0 1.0 2.0 3.0km  
 1:60 000

Legend

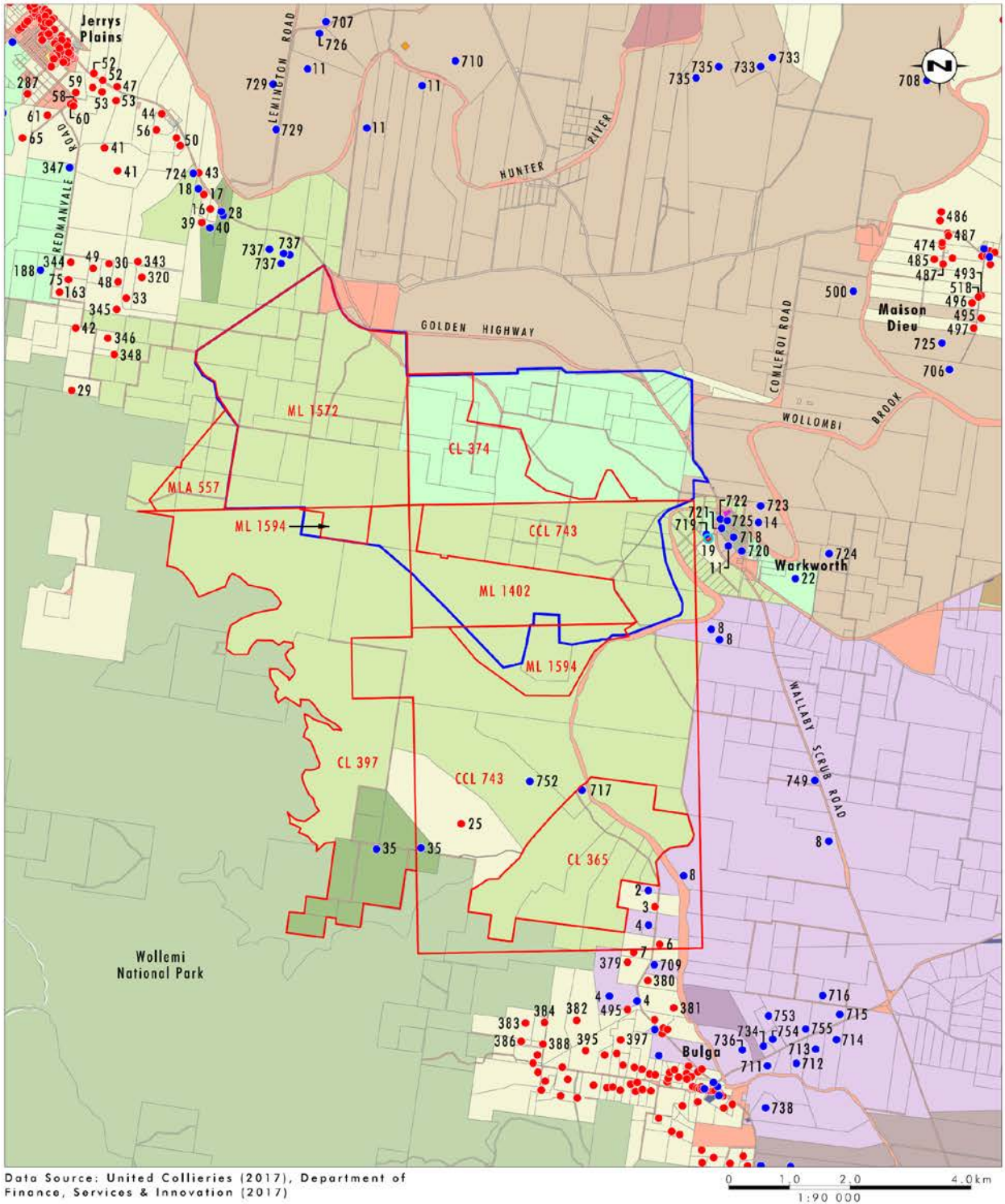
- Mining and Coal Lease Boundary
- United Wambo Project Area
- Wambo DA 305-7-2003
- Approved Wambo Surface Development Area
- Approved South Wambo Underground Mine (Arrowfield Seam)
- Approved South Wambo Underground Mine (Woodland Hill Seam)
- Approved South Bates Underground Mine (Whybrow & Wambo Seam)
- Approved South Bates Extension Mine MOD 17 (Whybrow)
- Approved North Wambo Underground Mine (Wambo Seam) (Complete)
- Approved Wollemi - Homestead Underground Extents (Whybrow Seam) (Complete)
- Approved Ridge Underground Extents (Whybrow Seam) (Complete)
- Approved Wambo Colliery Underground (Wambo Seam) (Complete)

Approved Mining Layout

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Figure 3: Approved Underground Mine Plan

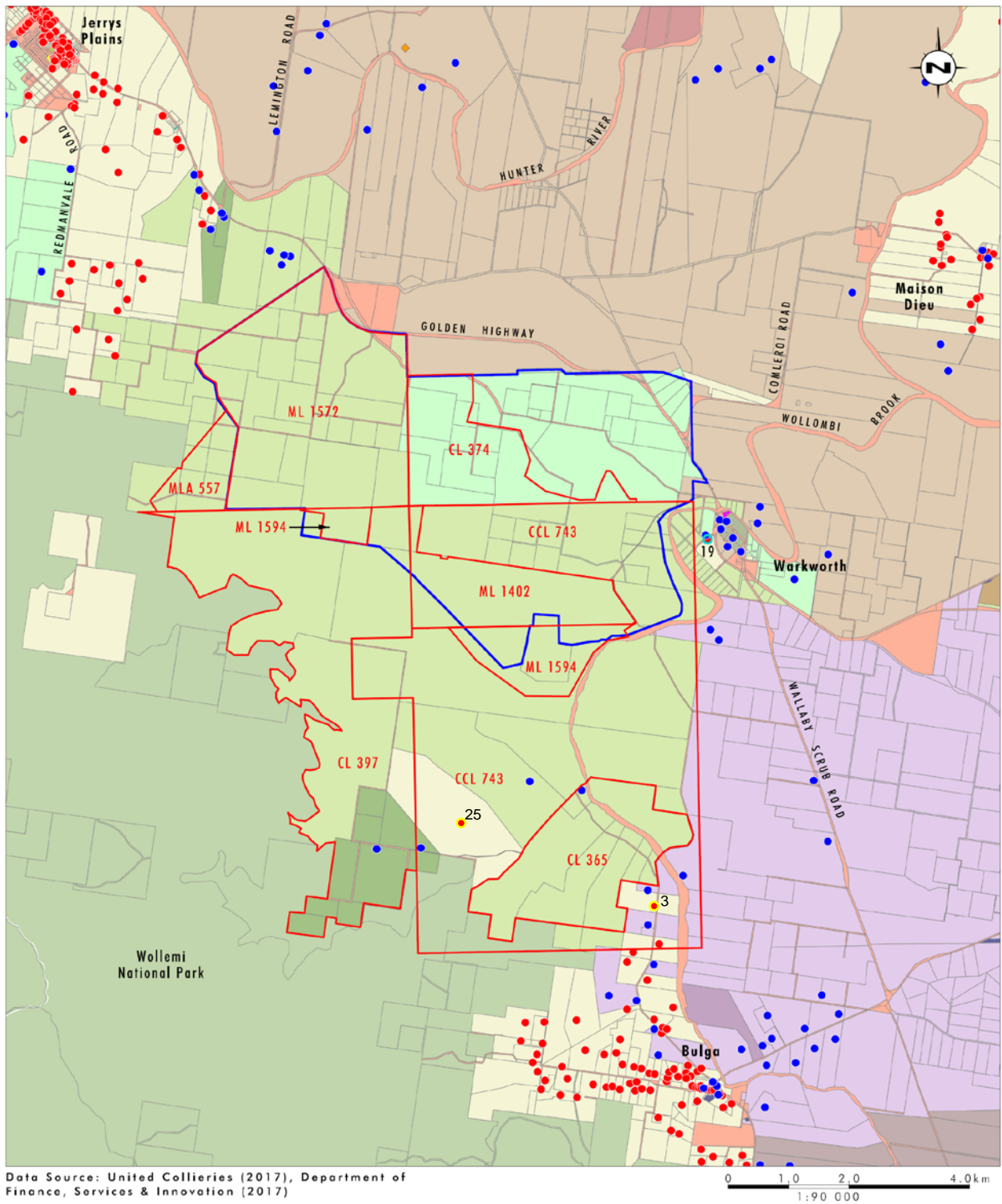
APPENDIX 4 RECEIVER ZONES AND LOCATIONS



Legend		
Mining and Coal Lease Boundary	Ausgrid	Warruah Local Aboriginal Land Council
United Wambo Project Area	Bulga Community Centre	Private Residence
Mine Owned (Bulga)	Government Authority (Federal, State or Local)	Mine Owned Residence
Mine Owned (HVO)	Department of Education and Communities	Acquisition Rights
Mine Owned (Glencore)	Diocese of Newcastle	
Mine Owned (Ravensworth)	National Parks and Wildlife Service	
Mine Owned (Wambo)	Private	
Mine Owned (Yancool)	Redbank Energy	
Mine Owned (United Wambo Joint Venture)	Singleton Council	
AGL Energy	Telstra	

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Figure 4: Receiver Locations



**Legend**

- |  |  |   |
|--|--|---|
| <ul style="list-style-type: none"> <li><span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Mining and Coal Lease Boundary</li> <li><span style="border: 1px solid blue; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> United Wambo Project Area</li> <li><span style="background-color: #d3d3d3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Mine Owned (Bulga)</li> <li><span style="background-color: #f5deb3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Mine Owned (HVO)</li> <li><span style="background-color: #d3d3d3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Mine Owned (Glencore)</li> <li><span style="background-color: #d3d3d3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Mine Owned (Ravensworth)</li> <li><span style="background-color: #d3d3d3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Mine Owned (Wambo)</li> <li><span style="background-color: #d3d3d3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Mine Owned (Yancoal)</li> <li><span style="background-color: #d3d3d3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Mine Owned (United Wambo Joint Venture)</li> <li><span style="background-color: #d3d3d3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> AGL Energy</li> </ul> | <ul style="list-style-type: none"> <li><span style="background-color: #ffcc00; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Ausgrid</li> <li><span style="background-color: #0000ff; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Bulga Community Centre</li> <li><span style="background-color: #ffcc00; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Government Authority (Federal, State or Local)</li> <li><span style="background-color: #ffff00; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Department of Education and Communities</li> <li><span style="background-color: #00b0f0; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Diocese of Newcastle</li> <li><span style="background-color: #d3d3d3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> National Parks and Wildlife Service</li> <li><span style="background-color: #d3d3d3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Private</li> <li><span style="background-color: #d3d3d3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Redbank Energy</li> <li><span style="background-color: #d3d3d3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Singleton Council</li> <li><span style="background-color: #d3d3d3; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Telstra</li> </ul> | <ul style="list-style-type: none"> <li><span style="background-color: #ff00ff; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Wanaruah Local Aboriginal Land Council</li> <li><span style="color: red; font-size: 12px;">●</span> Private Residence</li> <li><span style="color: blue; font-size: 12px;">●</span> Mine Owned Residence</li> <li><span style="border: 1px solid cyan; border-radius: 50%; width: 10px; height: 10px; display: inline-block; margin-right: 5px;"></span> Acquisition Rights</li> <li><span style="background-color: yellow; border-radius: 50%; width: 10px; height: 10px; display: inline-block; margin-right: 5px;"></span> Mitigation Rights</li> </ul> |
|--|--|---|

**Acquisition and Management Rights**

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Figure 5: Receivers with Acquisition and/or Mitigation Rights

## APPENDIX 5 NOISE COMPLIANCE ASSESSMENT

### Applicable Meteorological Conditions

1. The noise criteria in condition B12 are to apply under all meteorological conditions except the following:
  - (a) where 3°C/100 metres (m) lapse rates have been assessed, then:
    - (i) wind speeds greater than 3 metres/second (m/s) measured at 10m above ground level;
    - (ii) temperature inversion conditions between 1.5°C and 3°C/100m and wind speeds greater than 2m/s measured at 10m above ground level; or
    - (iii) temperature inversion conditions greater than 3°C/100m.
  - (b) where Pasquill Stability Classes have been assessed, then:
    - (i) wind speeds greater than 3m/s at 10m above ground level;
    - (ii) stability category F temperature inversion conditions and wind speeds greater than 2m/s at 10m above ground level;
    - (iii) stability category G temperature inversion conditions.

### Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station required under condition B50.

### Compliance Monitoring

3. Unless otherwise agreed by the Planning Secretary, this monitoring must be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (EPA, 2000), in particular the requirements relating to:
  - (a) monitoring locations for the collection of representative noise data;
  - (b) meteorological conditions during which collection of noise data is not appropriate;
  - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
  - (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration,

with the exception of applying appropriate modifying factors for low frequency noise during compliance testing. This should be undertaken in accordance with Fact Sheet C of the *NSW Noise Policy for Industry* (EPA, 2017).

APPENDIX 6 BIODIVERSITY OFFSET STRATEGY

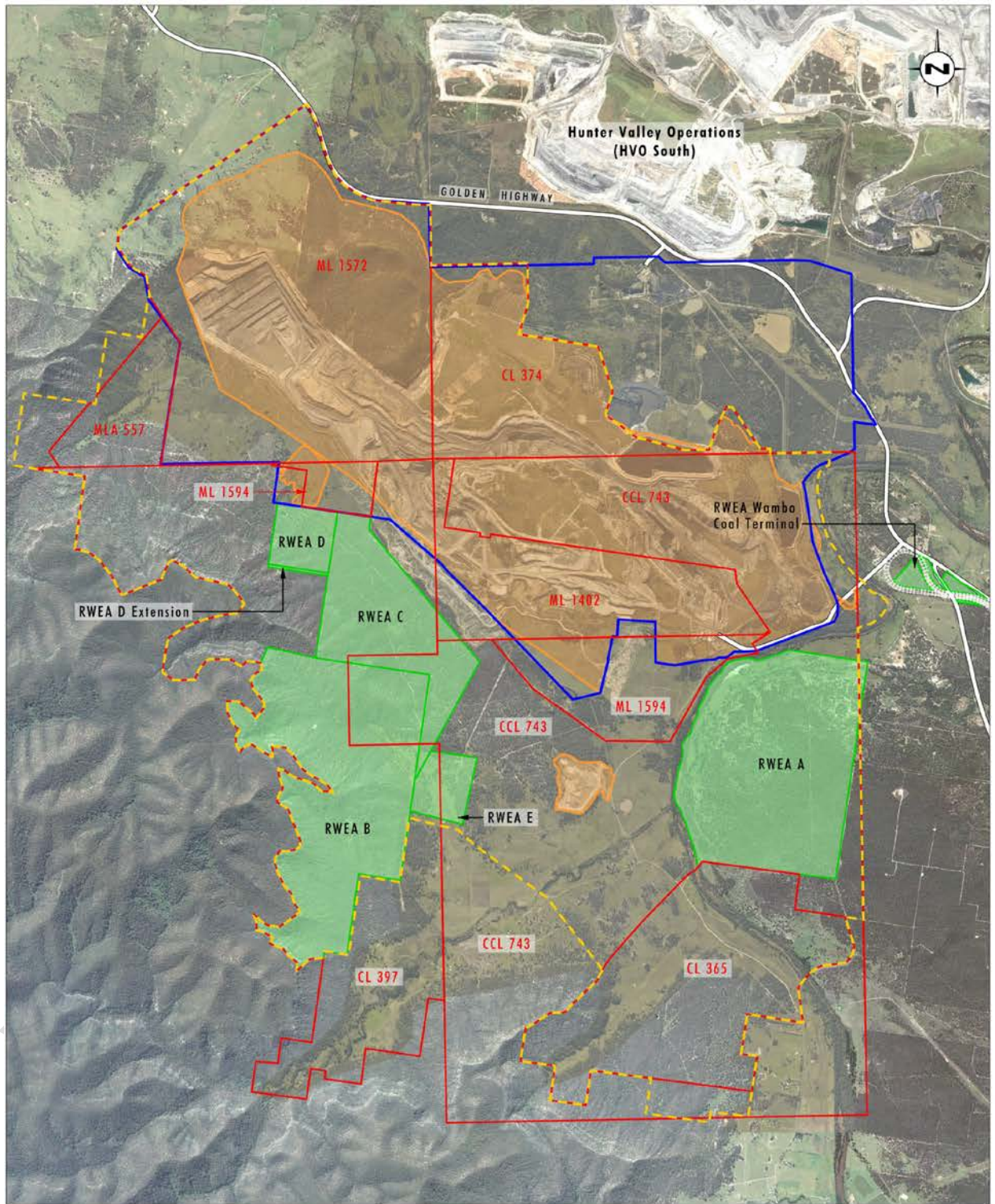


Image Source: AAM (2012), United (2015)  
 Data Source: Glencore (2014)

0 1.0 2.0 3.0km  
 1:60 000

Legend

- ▭ Mining and Coal Lease Boundary
- ▭ United Wambo Project Area
- ▭ Approved Wambo Surface Development Area
- ▭ Wambo DA 305-7-2003
- ▭ Wambo Remnant Woodland Enhancement Program Areas

Biodiversity Offset Areas

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Figure 6: Biodiversity Offset Area