**DETERMINATION OF A DEVELOPMENT APPLICATION PURSUANT TO SECTION 101(8) OF THE UNAMENDED ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister for Urban Affairs and Planning, pursuant to Section 101(8) of the unamended Environmental Planning and Assessment Act, 1979 ("the Act") determine the development application ("the application") referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule 2.

The reasons for the imposition of the conditions are:

1. to minimise the adverse environmental impacts the development may cause; and
2. to provide for environmental monitoring and reporting.

sgnd Craig Knowles

**Minister for Urban Affairs and Planning**

Sydney, 25 February 1999 File No. W91001178

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**SCHEDULE 1**

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| **Application made by:** | Tahmoor Coal Pty Ltd ACN 076 663 968 ("the Applicant"). |
| **To:** | The Minister for Urban Affairs and Planning ("the Minister"). |
| **In respect of:** | Certain lands shown in blue hatching or red in Figure 1. |
| **For the following:** | Extension to underground coal mining as part of Tahmoor North Coal Mine ("the Development"). |
| **Development Application:** | DA 67/98 lodged with Wollondilly Shire Council on 30 March 1998 accompanied by an Environmental Impact Statement ("EIS") prepared by Olsen Environmental Consulting Pty Ltd dated 11 March 1998. |

**NOTES:**

1. To ascertain the date upon which the consent becomes effective, refer to section 101(9) of the unamended Act. To ascertain the date upon which the consent is liable to lapse, refer to section 99 of the unamended Act.
2. Reference to the unamended EP&A Act 1979 means the Act in force on 1 July 1998.

**Red type represents 30 November 2006 modification.**
**Blue type represents March 2012 modification.**
**Green type represents November 2012 modification**

**SCHEDULE 2**

**Abbreviations and definitions**

| | |
|---|---|
| Act | *Environmental Planning & Assessment Act 1979* |
| Annual Review | the review required by Condition 43 |
| Council | Wollondilly Shire Council |
| DA | development application |
| DA area | area to which the DA applies, described in Schedule 1 and shown on Figure 1 |
| Day | the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays |
| Department | Department of Planning and Infrastructure |
| Director-General | Director General of the Department of Planning and Infrastructure, or delegate |
| DRE | Division of Resources and Energy, within the Department of Trade & Investment, Regional Infrastructure & Services |
| EA | Environmental Assessment |
| EIS | environmental impact statement |
| EPA | Environment Protection Authority |
| Evening | the period from 6pm to 10pm |
| Feasible | feasible relates to engineering considerations and what is practical to build or carry out |
| first workings | establishment of mine access and ventilation roadways within the coal seam |
| Heritage Study | Wollondilly Heritage Study 1993 |
| Incident | a set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this consent |
| MSB | Mine Subsidence Board |
| Material harm to the environment | harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial |
| Mining operations | extraction, processing, handling, storage and transportation of coal on the site |
| Minister | Minister for Planning and Infrastructure, or delegate |
| Night | the period from 10pm to 7am, Monday to Saturday, 10pm to 8am on Sundays and Public Holidays |
| NOW | NSW Office of Water |
| POEO Act | *Protection of the Environment Operations Act 1997* |
| Privately-owned land | land that is not owned by a public agency, or a mining company (or its subsidiary) |
| Reasonable | reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements |

| | |
|---|---|
| Reasonable costs | the costs agreed between the Department and the Applicant for obtaining independent experts to review the adequacy of any aspects of the extraction plan, or where such costs cannot be agreed, the costs determined by a dispute resolution process |
| Redbank Tunnel rail deviation | the development described in the modification application dated 21 December 2010 (DA 67/98 – MOD 2) and accompanying EA titled Redbank Tunnel Subsidence Management – Modification of Project Approval – Environmental Assessment, dated September 2011, including the associated Submissions Report and Statement of Commitments |
| second workings | removal or extraction of coal left after first workings |
| Statement of Commitments | Statement of Commitments relating to the Redbank Tunnel rail deviation |
| Tahmoor Mine | the development approved under this consent, together with the development approved under consent granted by Wollondilly Shire Council dated 20 March 1975 and the consent granted by the Land and Environment Court dated 7 September 1994 (DA 57-93), considered collectively (see Figure 2) |

**General**

1. The Applicant shall carry out the development generally in accordance with the:
   - (i) DA 67/98;
   - (ii) accompanying EIS titled *Tahmoor North Underground Extension Underground Coal Mining to Extend Life of Tahmoor Mine*, dated March 1998 and prepared for Austral Coal by Olsen Environmental Consulting Pty Ltd;
   - (iii) application dated 19 May 2006 to modify a development consent 67-5-2006;
   - (iv) accompanying document *Tahmoor Colliery Proposed Consent Modification - Statement of Environmental Effects*, dated May 2006 and prepared by Centennial Coal;
   - (v) the letter from Ms Donna Dryden representing Centennial Coal, dated 19 July 2006 and headed *Tahmoor Colliery – Proposed Modification to Development Consent* (DA 67/98);
   - (vi) application dated 21 December 2010 to modify a development consent (DA 67/98 – MOD 2);
   - (vii) accompanying EA titled *Redbank Tunnel Subsidence Management – Modification of Project Approval – Environmental Assessment*, dated September 2011 and prepared by GHD, including the associated Submissions Report;
   - (viii) application dated 18 September 2012 to modify a development consent (DA 67/98 – MOD 3);
   - (ix) accompanying EA titled *Redbank Tunnel Rail Deviation – Subdivision of Land*, dated September 2012 and prepared by

Cardno, including the associated Submission Response letter dated 12 November 2012 and prepared by Cardno;

(x) Statement of Commitments (see Appendix 1); and

(xi) conditions of this consent.

1A. If there is any inconsistency between the above documents, the more recent document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any inconsistency.

**Limit of approval**

2. (i) No second workings shall be undertaken under land which was zoned Residential 2(a) in Redbank or South Picton at the date of lodgement of the DA with Council.

(ii) Second workings shall not be undertaken under land which was zoned Industrial 4(a) at the date of lodgement of the DA with Council unless the Applicant has a binding compensation agreement with the landowner to the satisfaction of the Director-General in consultation with DRE.

3. The Applicant shall submit a revised mine plan to the Director-General and Council within three months from the date of granting of a mining lease pursuant to this consent.

4. The approval for mining is for a period of 21 years from the date of granting of a mining lease pursuant to this consent. If, at any time, the Director-General is aware of environmental impacts from the proposal that pose serious environmental concerns due to the failure of existing environmental management measures to ameliorate the impacts, the Applicant shall comply with any order by the Director-General to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.

5. The Applicant shall notify the Director-General and the Council in writing of the intended date of commencement of the first second workings in the area covered by this DA (DA 67/98) fourteen days prior to the commencement of such workings.

6. The Applicant shall not:

(i) cause subsidence within the two areas shown in black crosshatching in Figure 2; or

(ii) cause moderate, severe or very severe structural damage to houses, sheds or pools within the DA area in excess of the percentages of such structures shown in the relevant column of Figure 3

without obtaining either an approval under Part 4 of the Act or a modification of consent under Part 4 of the Act.

*Note: In this condition, "percentage of such structures" means the percentage of such structures as may exist from time to time, ie allowing for new buildings and demolition within the area affected by subsidence caused by mining within the DA area.*

**7.** Mining is not to occur so as to result in the subsidence of any habitable floors to below the 1:100 year flood level (1% flood level).

**Statutory requirements**

8. The Applicant shall ensure that all statutory requirements, including all relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions and Directions of the Council and relevant government agencies are met and approvals obtained.

**Environmental Management Services**

9. The Applicant shall engage recognised Environmental Management Services throughout the life of the mine. The Environmental Management Services shall:
   (i) provide for the preparation of environmental management plans;
   (ii) provide for considering and advising on matters specified in the conditions of this consent and compliance with such matters;
   (iii) provide for receiving and responding to complaints in accordance with Condition 43;
   (iv) be involved in the induction and training program for all persons involved with construction activities, mining and remedial activities (including surface drainage mitigation works);
   (v) have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts. Failing the effectiveness of such steps immediately advise Senior Management of the mine of environmental implications and of any need to stop work; and
   (vi) provide a representative to be a member of the Community Consultative Committee (Condition 47).

10. The Applicant shall notify the Director-General, EPA, NOW, DRE, Council, the Community Consultative Committee of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the name and contact details of the principal person responsible for overseeing environmental management of the mine. This principal person shall be a person who has the authority to stop work if an adverse impact on the environment is likely to occur.

**Revision of subsidence predictions**

11. As part of any application to DRE for approval of a Subsidence Management Plan:

   (i) the Applicant shall revise subsidence predictions and the impacts on bridge structures, culverts and embankments based on the final mine plan and prepare management plans in consultation with the relevant authorities;

   (ii) the Applicant shall revise subsidence predictions and the impacts on mains and overhead cables based on the final mine plan and prepare management plans in consultation with the relevant authorities; and

(iii) for mining that may change drainage patterns of floodprone land, the Applicant shall revise subsidence predictions and prepare management plans for those lands in consultation with Council and relevant landowners.

Any such revisions of subsidence predictions shall be reported in the Annual Review (Condition 45).

**Subsidence monitoring**

12. The Applicant shall undertake a detailed and ongoing monitoring program of subsidence resulting from mining to the satisfaction of the Director-General and in consultation with DRE and Council from the date of commencement (Condition 5) and for a period of at least three years after the completion of mining, or other such period as determined by the Director-General in consultation with DRE and Council. Monitoring shall include the following:

(i) impacts on dams that may be affected by subsidence occurring in the DA area;

(ii) a survey of the stream channel system;

(iii) monitoring of groundwater levels and quality;

(iv) monitoring of remedial measures;

(v) a comparison of predicted impacts with actual impacts, including mapping of subsidence profiles in residential areas and of anomalous events;

(vi) strains and impacts in the vicinity of the Nepean Fault Zone; and

(vii) the angle of draw.

The Applicant shall include information on monitoring conducted and the interpreted results in the Annual Review (Condition 45).

13. If determined necessary by the Director-General in consultation with Council and NOW, the Applicant shall carry out works in accordance with an Erosion and Sediment Control Plan, prepared to the requirements of NOW, to restore any damage to watercourses (including the banks) resulting from the mining operations, subject to any other necessary approvals.

**Water Quality**

14. The Applicant shall prepare and implement a plan to monitor and manage any subsidence impacts on septic tanks or package sewage treatment plants. The plan shall be prepared to the satisfaction of the Director-General and in consultation with Council.

**Notifications and pre-mining structural inspections**

15. (i) The Applicant shall notify each relevant landowner/occupier under whose property it intends to commence first workings at least one (1) month prior to commencement of such workings; and

(ii) The Applicant shall notify in writing each landowner/occupier within a 35 degree angle of draw of its intentions to proceed with second workings at least three (3) months prior to making an application to DRE for approval of a Subsidence Management Plan.

Notification of second workings shall include:

(a) pre-mining inspection rights including a copy of consent conditions 15 to 26 inclusive;

(b) revised subsidence predictions using updated monitoring data;

(c) identification of potential damage to improvements;

(d) owner's obligation of disclosure under insurance policies and mortgage agreements;

(e) rights of claiming consequential loss under the Mining Act; and

(f) advice as to where an unabridged copy of these conditions of consent are available for public inspection.

16. If determined necessary by DRE, the Applicant shall cause a pre-mining structural inspection to be carried out on substantial improvements on land identified by the DRE at least one month prior to commencement of second workings taking place that may cause subsidence impacts on the relevant property. These inspections shall:

(i) be conducted with the consent of the landowner/occupier and in consultation with MSB;

(ii) include a report prepared on the structural integrity of all buildings in their entirety (including roofs, ceilings, openings, foundations and household sewage treatment and disposal systems);

(iii) be conducted by an independent and technically qualified person;

(iv) include permanent reference marks on each corner of all substantial improvements with level tied to Australian Height Datum to a stable point in the area; and

(v) include soil sampling for moisture content and soil type as appropriate.

A copy of the inspection report shall be provided to the landowner/occupier upon completion.

17. Where a pre-mining structural inspection under Condition 16 involves a building identified in the Wollondilly Heritage Study the report shall be prepared with the assistance of a qualified heritage expert. The Director-General may also require such a report on a building which is not identified in the Wollondilly Heritage Study be prepared with the assistance of a qualified heritage expert if the Director-General is satisfied, on the basis of available information, that the building may be older than 50 years and have heritage significance. Prior notice of such inspections shall be provided to the Director-General by the Applicant to enable a decision to be made.

*Note: Structural inspections by the Applicant are in addition to any pre-mining surveys conducted by the Mine Subsidence Board.*

**Management, compensation and acquisition**

18. Where a dwelling within the DA area is, or is likely to be, subject to damage as a result of the development, upon receipt of notification under Condition 15(ii) the landowner may request the Applicant in writing to:

    (i) carry out such works as agreed by the landowner to remedy or mitigate any damage or compensate the landowner for such effects in accordance with the Mine Subsidence Compensation Act 1961 and/or the Mining Act 1992 (except where such works are the responsibility of the Mine Subsidence Board); or

    (ii) where damage is, or is likely to be, severe, very severe or unrepairable (as defined in the EIS referred to in condition 1), acquire the whole of the property, or such part of the property requested by the landowner if subdivision is approved, except where purchase is agreed by the Mine Subsidence Board.

    The Applicant shall comply with any such request for acquisition in accordance with Conditions 20-22. If necessary to confirm the impact, the Applicant shall, at the request of the landowner in writing, conduct a follow-up structural inspection to one carried out under Conditions 16-17. Any inspection or assessment under this Condition shall be conducted as if it were conducted under Conditions 16-17.

19. The Applicant shall, if requested by the Mine Subsidence Board, ensure that any substantial improvements, including homes, sheds and pools, which are subject to residual tilts in the range of 4 mm/m to 7 mm/m as a result of mining or mining related activities, are relevelled within six months of receipt of a written request from the landowner.

*Note: Relevelling of residual tilt of greater than 7 mm/m is the responsibility of the Mine Subsidence Board.*

**Acquisition Procedure**

20. Upon receipt of a written request to purchase property in accordance with any Condition 18(ii), unless mining proposals are altered to avoid this property purchase mechanism, the Applicant shall negotiate and purchase the whole of the property (unless the request specifically requests acquisition of only part of the property and subdivision has already been approved) within six months of receipt of the request. The Applicant shall pay the landowner an acquisition price resulting from proper consideration of:

    (i) a sum not less than the current market value of the owner's interest in the land, whosoever is the occupier, having regard to:
    - the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; and
    - the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of the request is completed subsequent to that date,

    as if the land was unaffected by the development proposal;

(ii) the owner's reasonable compensation for disturbance allowance and relocation within the Wollondilly local government area, or within such other location as may be determined by the Director-General in exceptional circumstances;

(iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price for the land and the terms upon which it is to be acquired; and

(iv) the purchase price determined by reference to points (i), (ii) and (iii) shall be reduced by the amount of any compensation awarded to a landowner pursuant to the Mining Act, 1992 or other legislation providing for compensation in relation to coal mining but limited to compensation for dwellings, structures and other fixed improvements on the land, unless otherwise determined by the Director-General in consultation with the DRE or MSB.

21. An offer by the Applicant to purchase a property under Conditions 18(ii) and 20 shall remain open to the landowner three years after completion of mining of longwall panels that affect the property.

22. Notwithstanding any other condition of this consent, the landowner and the Applicant may enter into any other agreed arrangement regarding compensation; or the Applicant may, upon request of the landowner, acquire any property affected by the Tahmoor Mine during the course of this consent on terms agreed to between the Applicant and the landowner.

**Independent Valuation**

23. In the event that the Applicant and the landowner cannot agree within three months upon the acquisition price of the land and/or the terms upon which it is to be acquired under the terms of this consent, then either party may refer the matter to the Director-General who shall request an independent valuation to determine the acquisition price. The independent valuer shall consider any submissions from the landowner and the Applicant in determining the acquisition price.

24. If the independent valuer requires guidance on any contentious legal, planning or other issues, the independent valuer shall refer the matter to the Director-General, who, if satisfied that there is a need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:

(i) the appointed independent valuer;

(ii) the Director-General; and/or

(iii) the President of the Law Society of NSW or nominee.

The qualified panel shall, on the advice of the valuer, determine the issue referred to it and advise the valuer.

25. The Applicant shall bear the costs of any independent valuation or survey assessment requested by the Director-General.

26. The Applicant shall, within fourteen days of receipt of a valuation by the independent valuer, offer in writing to acquire the relevant land at a price not less than the said valuation.

**Heritage Items**

27. The Applicant shall not cause damage to any building or structure which is a Heritage Item without the prior approval of Council. The application for such approval shall include a detailed report assessing:

    (i) likely subsidence and the potential damage to the item arising from subsidence;
    (ii) impacts of expected damage on the historical significance of the Item (prepared by a qualified heritage expert endorsed by Council); and
    (iii) appropriate mitigation, management or restoration measures.

    *Note: In this condition, "Heritage Item" means an item either listed in Schedule 1 of the Wollondilly Local Environmental Plan 1991 or identified in the Wollondilly Heritage Study 1993. The power for Council to issue an "approval" is established under this condition, and should not be read as establishing any requirement for the application for and grant of development consent under the Act.*

28. When applying for the approval of Council under condition 27, the Applicant shall provide a copy of the application and detailed report to the owner or owners of affected buildings or structures and to the Community Consultative Committee.

29. Prior to commencement of mining the Applicant shall comply with the statutory requirements of NPWS in relation to works affecting Aboriginal sites.

30. If the Applicant becomes aware of any heritage or archaeological material that may be affected by mining or subsidence, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include NPWS, the Heritage Office, and the Local Aboriginal Land Council. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

**Counselling services**

31. The Applicant shall provide funding to Council for independent counselling services for landowners who may request support on stress-related matters resulting from the development. These counselling services shall be available to landowners from two years prior to mining of longwall panels that affect the landowner's property and until three years after completion of mining of longwall panels that affect the landowner's property.

**Modification to the Court's consent**

32. Prior to commencement of mining under this consent, the Applicant shall obtain any necessary modifications to the 1994 approval by the Land and Environment Court arising out this consent. The Applicant shall supply copies of any such application for modification to the Department, Council and the Community Consultative Committee upon lodgement with the Court.

**NOISE**

### Noise Management Plan

33. The Applicant shall prepare and implement a Noise Management Plan for the Tahmoor Mine to the satisfaction of the Director-General. This plan must:

    (a) be prepared in consultation with EPA, and submitted for approval to the Director-General by 31 October 2012;
    (b) describe the noise mitigation measures that would be implemented to ensure compliance with all relevant conditions of consent for the Tahmoor Mine;
    (c) outline procedures to manage responses to any complaints or issues raised by the owners of affected residences; and
    (d) include a noise monitoring program that includes a protocol for determining exceedances of all relevant conditions of consent for the Tahmoor Mine.

### Redbank Tunnel rail deviation

34. The Applicant shall ensure that construction work for the Redbank Tunnel rail deviation is carried out from 7 am to 6 pm Monday to Friday (inclusive) and 8 am to 1 pm on Saturday, unless at the request or direction of the ARTC.

    If construction may result in exceedances of the *Interim Construction Noise Guidelines (*DECCW, 2009), the Applicant shall undertake community consultation and implement associated mitigation measures in accordance with the 'Additional Mitigation Measures Matrix' in the *Construction Noise Strategy* (Transport Construction Authority, 2010).

35. The Applicant shall prepare and implement a Construction Noise Management Plan for the Redbank Tunnel rail deviation to the satisfaction of the Director-General. This plan must:

    (a) be prepared in accordance with the Construction Noise Strategy;
    (b) be submitted for approval to the Director-General prior to the commencement of construction work;
    (c) describe the noise mitigation measures that would be implemented to minimise the noise impacts from construction activities;
    (d) describe the proposed noise monitoring program; and
    (e) outline procedures to manage responses to any complaints or issues raised by the owners of affected residences.

    *Note: construction work in Conditions 34 and 35 does not include surveys, acquisitions, fencing, investigative drilling or excavation, minor clearing, minor access roads, minor adjustments to services/utilities, works which allow isolation of the site so that access for construction can be provided (including service relocations) and establishing temporary facilities for construction (including for example an office and amenities compound, construction compound, materials storage compound, maintenance workshop, testing laboratory or material stockpile areas).*

## AIR QUALITY & GREENHOUSE GASES

### Greenhouse Gas Emissions

36. The Applicant shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the Tahmoor Mine, to the satisfaction of the Director-General.

**Air Quality Assessment Criteria**

37. The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Tahmoor Mine do not exceed the criteria listed in Tables 1, 2 or 3 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

*Table 1: Long-term criteria for particulate matter*

| **Pollutant** | **Averaging Period** | [d] **Criterion** |
|---|---|---|
| Total suspended particulate (TSP) matter | Annual | [a] 90 µg/m$^3$ |
| Particulate matter < 10 µm ($PM_{10}$) | Annual | [a] 30 µg/m$^3$ |

*Table 2: Short-term criterion for particulate matter*

| **Pollutant** | **Averaging Period** | [d] **Criterion** |
|---|---|---|
| Particulate matter < 10 µm ($PM_{10}$) | 24 hour | [a] 50 µg/m$^3$ |

*Table 3: Long-term criteria for deposited dust*

| **Pollutant** | **Averaging Period** | **Maximum increase in deposited dust level** | **Maximum total deposited dust level** |
|---|---|---|---|
| [c] Deposited dust | Annual | [b] 2 g/m$^2$/month | [a] 4 g/m$^2$/month |

*Notes to Tables 1-3:*

- *[a] Total impact (i.e. incremental increase in concentrations due to the Tahmoor Mine plus background concentrations due to all other sources);*
- *[b] Incremental impact (i.e. incremental increase in concentrations due to the Tahmoor Mine on its own);*
- *[c] Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and*
- *[d] Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Director-General.*

## Operating Conditions

38. The Applicant shall:

(a) implement best practice air quality management at the Tahmoor Mine, including all reasonable and feasible measures to minimise the off-site odour and dust emissions including those generated by any spontaneous combustion;
(b) minimise any visible air pollution generated by the Tahmoor Mine;
(c) regularly assess the air quality monitoring and meteorological forecasting data, and modify and/or suspend operations on site to ensure compliance with all relevant conditions of consents for the Tahmoor Mine,

to the satisfaction of the Director-General.

### Air Quality & Greenhouse Gas Management Plan

39. The Applicant shall prepare and implement an Air Quality & Greenhouse Gas Management Plan for the Tahmoor Mine to the satisfaction of the Director-General. This plan must:

(a) be prepared in consultation with EPA, and submitted for approval to the Director-General by 31 October 2012;
(b) describe the measures that would be implemented to ensure compliance with all relevant conditions of consents for the Tahmoor Mine;
(c) describe the measures that would be implemented to minimise the release of greenhouse gas emissions from the Tahmoor Mine; and
(d) include an air quality monitoring program, that includes a protocol for determining exceedances with all relevant conditions of consents for the Tahmoor Mine.

## NOTIFICATION OF LANDOWNERS

40. Within 2 weeks of obtaining monitoring results showing an exceedance of the relevant criteria in Tables 1-3, the Applicant shall notify the affected landowner and tenants in writing of the exceedance, and provide monitoring results to each of these parties until the Tahmoor Mine is complying with the relevant criteria again.

## INDEPENDENT REVIEW

41. If an owner of privately-owned land considers the Tahmoor Mine to be exceeding the relevant criteria in Tables 1-3, then he/she may ask the Director-General in writing for an independent review of the impacts of the Tahmoor Mine on his/her land.

If the Director-General is satisfied that an independent review is warranted, then within 2 months of the Director-General's decision the Applicant shall:

(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to:
- consult with the landowner to determine his/her concerns;
- conduct monitoring to determine whether the Tahmoor Mine is complying with the relevant criteria in Tables 1-3; and
- if the Tahmoor Mine is not complying with these criteria, then identify the measures that could be implemented to ensure compliance with the relevant criteria; and

(b) give the Director-General and landowner a copy of the independent review.

42. If the independent review determines that the Tahmoor Mine is complying with the relevant criteria in Tables 1-3, then the Applicant may discontinue the independent review with the approval of the Director-General.

If the independent review determines that the Tahmoor Mine is not complying with the relevant criteria in Tables 1-3 and that the project is primarily responsible for this non-compliance, then the Applicant shall:

(a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and

conduct further monitoring until the Tahmoor Mine complies with the relevant criteria to the satisfaction of the Director-General; or

(b) secure a written agreement with the landowner to allow exceedances of the relevant criteria.

## ENVIRONMENTAL MANAGEMENT

### Environmental Management Strategy

43. The Applicant shall prepare and implement an Environmental Management Strategy for the Tahmoor Mine to the satisfaction of the Director-General. This strategy must:

(a) be submitted for approval to the Director-General by 31 October 2012;
(b) provide the strategic framework for the environmental management of the Tahmoor Mine;
(c) identify the statutory approvals that apply to the Tahmoor Mine;
(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Tahmoor Mine;
(e) describe the procedures that would be implemented to:
- keep the local community and relevant agencies informed about the operation and environmental performance of the Tahmoor Mine, including a 24-hour contact telephone number
- receive, handle, respond to, and record complaints;
- resolve any disputes that may arise during the course of the Tahmoor Mine;
- respond to any non-compliance;
- respond to emergencies; and

(f) include:
- copies of any strategies, plans and programs approved under the conditions of consent for the Tahmoor Mine; and
- a clear plan depicting all the monitoring required to be carried out under the conditions of consent for the Tahmoor Mine.

### Management Plan Requirements

44. The Applicant shall ensure that the management plans required under conditions of consent for the Tahmoor Mine are prepared in accordance with any relevant guidelines, and include:

(a) detailed baseline data;
(b) a description of:
- the relevant statutory requirements (including any relevant approval, licence or lease conditions);
- any relevant limits or performance measures/criteria;
- the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the Tahmoor Mine or any management measures;

(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;

(d) a program to monitor and report on the:
- impacts and environmental performance of the Tahmoor Mine;
- effectiveness of any management measures (see c above);

(e) 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;

(f) a program to investigate and implement ways to improve the environmental performance of the Tahmoor Mine over time;

(g) a protocol for managing and reporting any:
- incidents;
- complaints;
- non-compliances with statutory requirements; and
- exceedances of the impact assessment criteria and/or performance criteria; and

(h) a protocol for periodic review of the plan.

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

**Annual Review**

45. By 31 March of each year, the Applicant shall prepare an Annual Review of the environmental performance of the Tahmoor Mine to the satisfaction of the Director-General. This review must:

(a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the next year;

(b) include a comprehensive review of the monitoring results and complaints records of the Tahmoor Mine over the past calendar year, which includes a comparison of these results against:
- the relevant statutory requirements, limits or performance measures/criteria;
- the monitoring results of previous years; and
- the relevant predictions in the EA;

(c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;

(d) identify any trends in the monitoring data over the life of the Tahmoor Mine;

(e) identify any discrepancies between the predicted and actual impacts of the Tahmoor Mine, and analyse the potential cause of any significant discrepancies;

(f) describe what measures will be implemented over the next year to improve the environmental performance of the Tahmoor Mine; and

(g) assess the performance of the mine against the conditions of the consents and other licences and approvals relating to the mine.

*Note: the first Annual Review shall be prepared by 31 March 2013.*

**Revision of Strategies, Plans and Programs**

46. Within 3 months of:

(a) the submission of an Annual Review under Condition 47;

(b) the submission of an incident report under Condition 49;
(c) the submission of an audit under Condition 52; and
(d) any modification to the conditions of this consent (unless the conditions require otherwise),

the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Director-General.

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

### Community Consultative Committee

47. The Applicant shall establish and operate a Community Consultative Committee (CCC) for the Tahmoor Mine in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version), to the satisfaction of the Director-General.

*Notes:*

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.*
- *In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community.*
- *This condition does not require the re-constitution of any CCC established under previous conditions of consent.*

## REPORTING

### Incident Reporting

48. The Applicant shall notify the Director-General and any other relevant agencies of any incident that has caused, or has the potential to cause, significant risk of material harm to the environment, at the earliest opportunity. For any other incident associated with the Tahmoor Mine, the Applicant shall notify the Director-General and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

### Regular Reporting

49. The Applicant shall provide regular reporting on the environmental performance of the Tahmoor Mine on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent, and to the satisfaction of the Director-General.

## INDEPENDENT ENVIRONMENTAL AUDIT

50. By 30 September 2011 and every 3 years following, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Tahmoor Mine. This audit must:

(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
(b) include consultation with the relevant agencies;
(c) assess the environmental performance of the Tahmoor Mine and assess whether it is complying with the requirements in all relevant development consents and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
(d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
*(e)* recommend appropriate measures or actions to improve the environmental performance of the Tahmoor Mine, and/or any assessment, plan or program required under the abovementioned approvals.

*Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.*

51. Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

## ACCESS TO INFORMATION

52. From 31 October 2012, the Applicant shall:

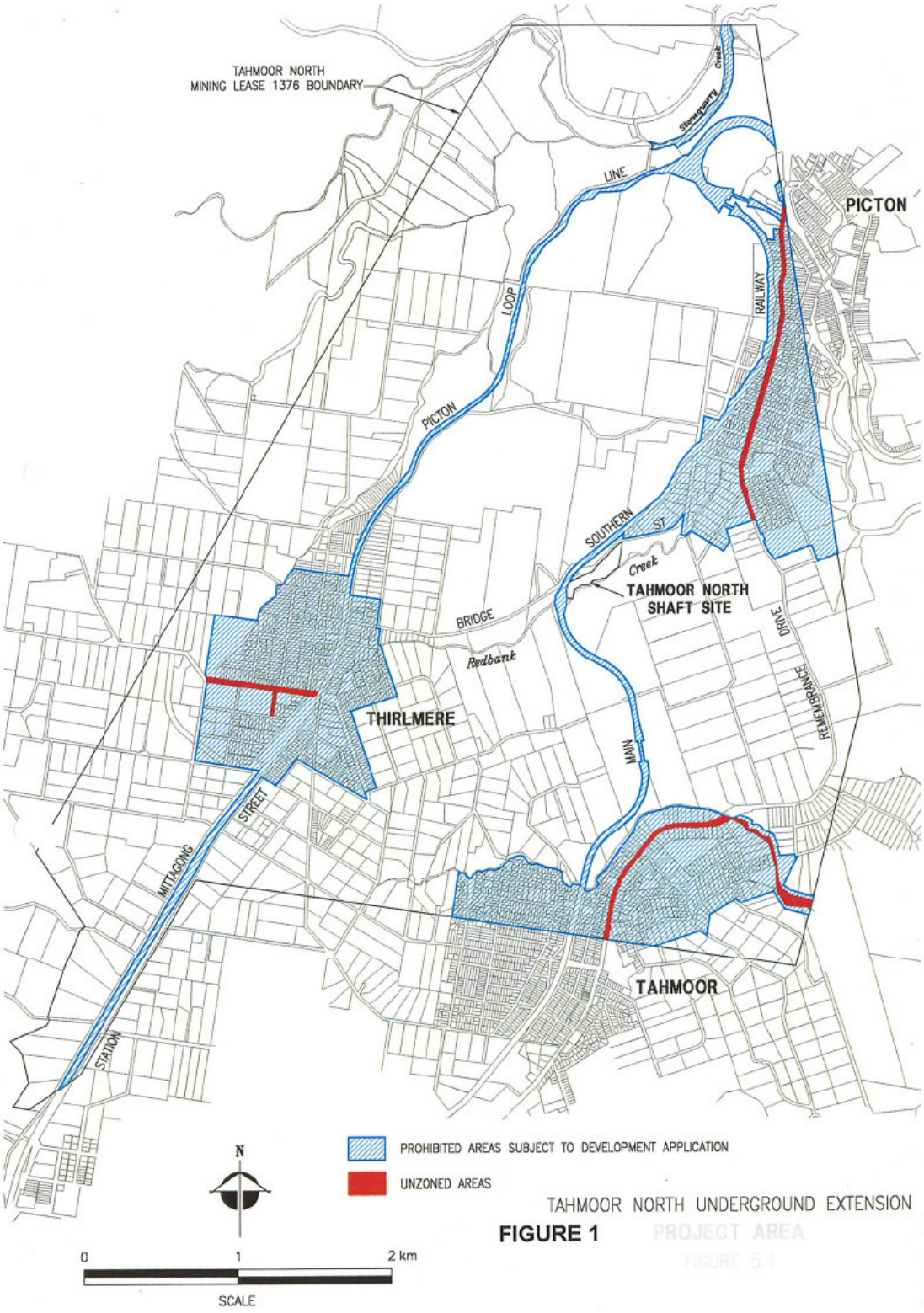
(a) make copies of the following publicly available on its website:
- all relevant statutory approvals for the Tahmoor Mine;
- all approved strategies, plans and programs required under the conditions of this consent;
- a comprehensive summary of the monitoring results of the Tahmoor Mine, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval;
- a complaints register, which is to be updated on a monthly basis;
- minutes of CCC meetings;
- the annual reviews required under this consent;
- any independent environmental audit of the Tahmoor Mine, and the Applicant's response to the recommendations in any audit;
- any other matter required by the Director-General; and

(b) keep this information up-to-date,

to the satisfaction of the Director-General.

**Note:**

**Nothing in these conditions removes or lessens any obligations by the Applicant under the mining lease, mining legislation or other legislation in relation to matters covered by these conditions.**




TAHMOOR NORTH UNDERGROUND EXTENSION

**FIGURE 1**

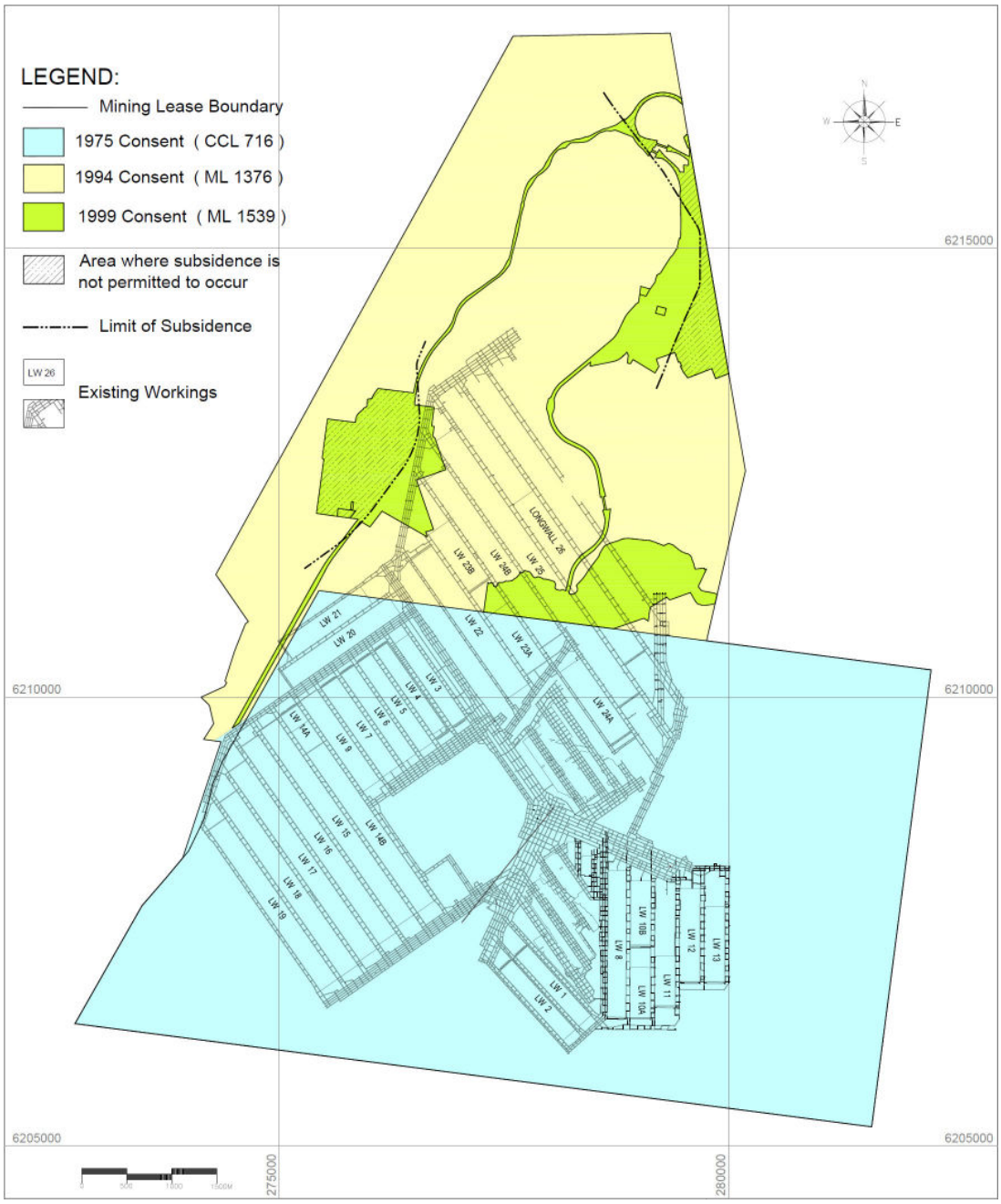



**Figure 2:** Map of Tahmoor Mine showing two areas (in black crosshatching) where subsidence is not permitted under condition 6(i) of this consent.

| Damage Assessment Category | Houses | | Sheds | | Pools | | Total | |
|---|---|---|---|---|---|---|---|---|
| | Number (1998) | Equiv't percent | Number (1998) | Equiv't percent | Number (1998) | Equiv't percent | Number (1998) | Equiv't percent |
| 0 (Negligible) | 756 | 83.17 | 389 | 95.34 | 63 | 96.92 | 1208 | 87.41 |
| 1 (Very Slight) | 104 | 11.44 | 16 | 3.92 | 2 | 3.08 | 122 | 8.83 |
| 2 (Slight) | 36 | 3.96 | 2 | 0.49 | <1 | <1.54 | 38 | 2.75 |
| 3 (Moderate) | 13 | 1.43 | <1 | <0.25 | 0 | 0 | 13 | 0.94 |
| 4 (Severe) | <1 | <0.11 | 0 | 0 | 0 | 0 | <1 | <0.07 |
| 5 (Very Severe) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**Figure 3:** Structural damage impacts associated with subsidence within the DA area as predicted in the EIS dated March 1998 (numbers only) and equivalent percentages (see condition 6(ii)).

Appendix 1: Statement of Commitments