

Project Approval

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

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

These conditions are required to:

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

Frank Sartor MP
Minister for Planning

Signed by Minister Sartor 7 September 2006.

Sydney

2006

File No: S97/00573

SCHEDULE 1

Application No:	05_0065
Proponent:	Coalpac Pty Limited
Approval Authority:	Minister for Planning
Land:	Lot 1/FP 180294, Lot 113/DP 877190, Part Ben Bullen State Forest
Project:	Invincible Open Cut Coal Mine Extension

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DEFINITIONS

AEMR	Annual Environmental Management Report
Proponent	Coalpac Pty Limited, or its successors in title
CCC	Community Consultative Committee
Coal haulage	The movement of coal trucks to or from Invincible Colliery on public roads
Council	Lithgow City Council
Day	Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and public holidays
DEC	Department of Environment and Conservation
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
DPI	Department of Primary Industries
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	Evening is defined as the period from 6pm to 10pm
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Minister	Minister for Planning, or delegate
Vegetation Offset Strategy	The “ <i>Vegetation Offset Strategy</i> ” shown in Appendix 2 and described in section 5.7.2.1 of the EA for the Invincible Open Cut Coal Mine Extension Project, dated March 2006
Privately owned land	Land that is not owned by a public agency, or a mining company or its subsidiary; and where relevant, land that is not covered by a private agreement between the Applicant and the land owner that specifically allows for variances to criteria for environmental performance in this consent
Site	Land to which the Project Application applies

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with:
 - (a) Project Application 05_0065;
 - (b) EA titled *Environmental Assessment – For Proposed Extension of Invincible Open Cut Mine and Rehabilitation Activities*, dated March 2006, and prepared by Craven, Elliston & Hayes (Lithgow) Pty. Limited; and
 - (c) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans, programs, or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, or correspondence.

Limits on Approval

5. Apart from the conditions relating to the Rehabilitation and Landscape Management Plan, this approval lapses 5 years after the date it commences.

Note: Under this approval, the Proponent is required to implement the Rehabilitation and Landscape Plan for the life of the impact (as determined by the DPI in consultation with the DEC and the Department). This approval will continue to operate during this period.

6. The Proponent is permitted to:
 - (a) produce up to 350,000 tonnes of saleable coal a year from the project; and
 - (b) transport up to 200,000 tonnes of coal a year by road to domestic destinations other than the Mount Piper or Wallerawang power stations.
7. The Proponent shall not process coal mined from the project at the Invincible Colliery coal preparation plant.

Hours of Operation

8. The Proponent is permitted to:
 - (a) carry out mining and processing operations on the site between 7am to 10pm, excluding public holidays; and
 - (b) undertake maintenance activities, and safety procedures directed by the DPI, at any time.

Note: Hours of Operation do not apply to blasting activities at the site (see condition 6 of schedule 3).

Structural Adequacy

9. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for any building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

Demolition

10. The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

Operation of Plant and Equipment

11. The Proponent shall ensure that all plant and equipment used at the site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Community Enhancement Contribution

12. Within 6 months of this approval, the Proponent shall contribute \$38,857.50 to Lithgow City Council for the provision of community facilities in the Cullen Bullen area. Any monies not expended within 2 years of their receipt by Council, shall be returned to the Proponent.
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SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Impact Assessment Criteria

1. The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1.

Table 1: Noise impact assessment criteria dB(A)

Residence / Location	Day <i>L_{Aeq}(15 minute)</i>	Evening <i>L_{Aeq}(15 minute)</i>
<i>Billabong</i>	40	35
<i>Hillview</i>	41	36
<i>All privately owned land fronting the Castlereagh Highway and the village of Cullen Bullen</i>	40	35

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

Notes:

- a) Noise from the project is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the *L_{Aeq}(15 minute)* noise limits in the above table. The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- b) Where it can be demonstrated that direct measurement of noise from the project is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).
- c) The noise emission limits identified in the above table apply under meteorological conditions of:
 - wind speeds of up to 3 m/s at 10 metres above ground level; or
 - temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.
- d) The locations in Table 1 are shown in Appendix 2 of this approval.

Continuous Improvement

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

Monitoring

3. Within 3 months of this approval, the Proponent shall prepare (and following approval implement) a Noise Monitoring Program for the project to the satisfaction of the Director-General. The Noise Monitoring Program must provide for attended monitoring, and include a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in this approval.

BLASTING AND VIBRATION

Airblast Overpressure Criteria

4. The Proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 2 at any residence on privately owned land.

Table 2: Airblast overpressure impact assessment criteria

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

Ground Vibration Impact Assessment Criteria

5. The Proponent shall ensure that the ground vibration level from blasting at the project does not exceed the criteria in Table 3 at any residence on privately owned land.

Table 3: Ground vibration impact assessment criteria

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

Blasting Hours

6. The Proponent shall only carry out blasting at the project between 9am and 3pm Monday to Friday inclusive, except for public holidays. No blasting is allowed at other times without the written approval of the DEC.

Blasting Frequency

7. The Proponent shall not carry out more than 1 blast per day at the site without the written approval of the DEC, unless conducted for safety reasons.

Blast Management Plan

8. Within 3 months of this approval, the Proponent shall prepare (and following approval implement) a Blast Management Plan for the project to the satisfaction of the Director-General. This Plan must include:
 - (a) a blast monitoring program;
 - (b) measures to minimise the dust and fume emissions from blasting at the project, particularly during adverse meteorological conditions; and
 - (c) measures that would be implemented to protect the safety of people, property, public infrastructure, and livestock, including the specific measures that would be implemented to consult with landowners prior to blasting within 500 metres of any privately owned land.

Public Notice

9. During the life of the project, the Proponent shall:
 - (a) notify the landowner/occupier of any residence within 2 kilometres of proposed blasting operations of the project who registers an interest in being notified about the blasting schedule at the mine;
 - (b) operate a Blasting Hotline, or alternate system agreed to by the Director-General, to enable the public to get up-to-date information on the blasting schedule at the project; and
 - (c) advertise the blasting hotline number in a local newspaper each year, to the satisfaction of the Director-General.

Property Inspections

10. Within 3 months of this approval, the Proponent shall advise all landowners within 2 kilometres of proposed blasting operations of the project that they are entitled to a structural property inspection.
11. If the Proponent receives a written request for a structural property inspection from any landowner within 2 kilometres of proposed blasting operations at the project, or other landowner approved by the Director-General, the Proponent shall within 3 months of receiving this request:
 - (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to inspect the condition of any building or

- structure on the land, and recommend measures to mitigate any potential blasting impacts; and
- (b) give the landowner a copy of the property inspection report.

Property Investigations

12. If any landowner within 2 kilometres of proposed blasting operations at the project, or other landowner approved by the Director-General, claims that buildings and/or structures on his/her land have been damaged as a result of blasting at the project, the Proponent shall within 3 months of receiving this claim:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to investigate the claim; and
 - (b) give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damages to the satisfaction of the Director-General.

If the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 1).

AIR QUALITY

Impact Assessment Criteria

13. The Proponent shall ensure that the dust emissions generated from the project do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 4, 5 and 6 at any residence on, or on more than 25 percent of, any privately owned land.

Table 4: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³

Table 5: Short term impact assessment criterion for particulate matter

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

Table 6: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 2003, AS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

Operating Conditions

14. The Proponent shall:
- (a) ensure any visible air pollution generated by the project is assessed regularly, and that all reasonable and feasible measures are taken to minimise air quality impacts on privately owned land; and
 - (b) implement all reasonable and feasible measures to minimise any off-site odour and fume emissions generated by the project, to the satisfaction of the Director-General.

Monitoring

15. Within 3 months of this approval, the Proponent shall prepare (and following approval implement) an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. The Air Quality Monitoring Program shall include a combination of high volume samplers and dust deposition gauges to monitor the dust emissions of the project; and an air quality monitoring protocol for evaluating compliance with the air quality impact assessment criteria in this approval.

METEOROLOGICAL MONITORING

16. Within 3 months of this approval, the Proponent shall ensure that it can obtain data from a suitable meteorological station operating in the vicinity of the project in accordance with the requirements in *Approved Methods for Sampling of Air Pollutants in New South Wales*.

SURFACE AND GROUND WATER

Discharge Limits

17. Except as may be expressly provided by a DEC Environment Protection Licence, the Proponent shall not discharge any water from the site or to underground mine workings.

Site Water Management Plan

18. Within 6 months of this approval, the Proponent shall prepare (and following approval implement) a Site Water Management Plan for the mine, in consultation with the DPI and DEC, and to the satisfaction of the Director-General. This plan must be prepared by suitably qualified expert/s whose appointment/s have been approved by the Director-General, and must include:
- (a) a Site Water Balance;
 - (b) an Erosion and Sediment Control Plan; and
 - (c) a Surface Water Monitoring Program.

Site Water Balance

19. The Site Water Balance must include details of:
- (a) sources of water;
 - (b) water use on site;
 - (c) water management on site;
 - (d) site water transfers; and
 - (e) any off-site water discharges.

Erosion and Sediment Control Plan

20. The Erosion and Sediment Control Plan must:
- (a) be consistent with the requirements of Landcom's Managing Urban Stormwater: Soils and Construction manual;
 - (b) identify activities that could cause soil erosion and generate sediment;
 - (c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
 - (d) describe the location, function, and capacity of erosion and sediment control structures; and
 - (e) describe what measures would be implemented to maintain the structures over time.

Surface Water Monitoring Plan

21. The Surface Water Monitoring Plan must include:
- (a) surface water assessment criteria;
 - (b) a program to monitor quantity and quality of any off-site water discharges;
 - (c) a program to monitor surface water flows and quality in local watercourses;
 - (d) a protocol for the investigation, notification, and mitigation of identified exceedances of the surface water assessment criteria.

REHABILITATION AND LANDSCAPE MANAGEMENT

22. Within 6 months of this approval, the Proponent must prepare and implement a detailed Rehabilitation and Landscape Management Plan for the project, in consultation with the DEC, Forests NSW and the Department, and to the satisfaction of the DPI. This plan must be prepared by suitably qualified expert/s, and must include:
- (a) the rehabilitation objectives for the site, which must include the re-establishment of vegetation capable of supporting forestry operations similar to those in adjacent sections of the Ben Bullen State Forest;
 - (b) a description of the measures that would be implemented to:
 - minimise or manage the ongoing environmental effects of the project;
 - progressively rehabilitate the site in a manner that is generally consistent with the final landform in the EA;
 - ensure acid generating, and potentially acid generating, materials are effectively managed;
 - implement the “*Vegetation Offset Strategy*” described in section 5.7.2.1 of the EA and shown conceptually in Appendix 2; and
 - manage the remnant vegetation and habitat on the site;
 - (c) detailed assessment and completion criteria for the rehabilitation of the site;
 - (d) a detailed description of how the performance of the rehabilitation of the mine would be monitored over time (at least 10 years after the establishment of vegetation) to achieve the stated objectives;
 - (e) a detailed description of what measures would be implemented over the next 3 years to rehabilitate and manage the landscape of the site including the procedures to be implemented for:
 - progressive rehabilitation of areas disturbed by mining;
 - rehabilitating drainage lines on the site;
 - managing impacts on fauna;
 - landscaping the site to minimise visual impacts;
 - conserving and reusing topsoil;
 - collecting and propagating seed for rehabilitation works (particularly of *Eucalyptus cannonii* and *Eucalyptus viminalis* populations on the site);
 - salvaging and reusing material from the site for habitat enhancement;
 - controlling weeds and feral pests;
 - controlling access;
 - bushfire management; and
 - (f) details of who is responsible for monitoring, reviewing, and implementing the plan.

Note: Reference to “rehabilitation” in this approval includes all works associated with the rehabilitation and restoration of the site as described in Section 2.9 of the EA.

ABORIGINAL CULTURAL HERITAGE

23. Within 3 months of this approval, the Proponent shall prepare (and following approval implement) an Aboriginal Cultural Heritage Management Plan, in consultation with the DEC and Aboriginal communities, and to the satisfaction of the Director-General. The Plan must include a description of the measures that would be implemented if any Aboriginal objects are discovered during the project.

BEN BULLEN STATE FOREST

24. Prior to the removal of any commercially viable timber within the Ben Bullen State Forest, the Proponent shall consult with the Western Region office of Forests NSW.
25. Prior to the commencement of mining operations within Ben Bullen State Forest, the Proponent shall ensure that fire prevention and protection measures, access to the forest, and communication protocols are to the satisfaction of the Macquarie Region office of Forests NSW.

TRANSPORT

Coal Haulage Limits

26. Within 3 months of this approval, the Proponent shall prepare (and following approval implement) a Coal Haulage Vehicle Management Plan to reduce the impacts of coal haulage traffic from the project on public roads, to the satisfaction of the Director-General.

27. The Proponent shall ensure that coal haulage from the project occurring within the Lithgow local government area:
- (a) is conveyed only on the Castlereagh Highway, the Great Western Highway and Boulder Road, except with the written approval of the Director-General;
 - (b) occurs between 7 am and 9.30 pm Monday to Saturday, and at no time on Sundays or public holidays for coal hauled to the Mount Piper power station; and
 - (c) occurs between 7 am and 6 pm Monday to Saturday, and at no time on Sundays or public holidays for coal hauled to other destinations.

Note: The hours of operation specified in this condition may be varied with the written consent of the DEC if it is satisfied that the amenity of the residents in the locality will not be adversely affected.

VISUAL IMPACT

Visual Amenity

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

Lighting Emissions

29. The Proponent shall:
- (a) take all practicable measures to mitigate off-site lighting impacts from the project; and
 - (b) ensure that all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the Director-General.

GREENHOUSE GAS

30. The Proponent shall:
- (a) estimate the greenhouse gas emissions generated by the project;
 - (b) investigate ways to reduce greenhouse gas emissions generated by the project; and
 - (c) report on greenhouse gas estimation and abatement measures in the AEMR, to the satisfaction of the Director-General.

WASTE MINIMISATION

32. The Proponent shall:
- (a) monitor the amount of waste generated by the project;
 - (b) investigate ways to minimise waste generated by the project;
 - (c) implement reasonable and feasible measures to minimise waste generated by the project; and
 - (d) report on waste management and minimisation in the AEMR, to the satisfaction of the Director-General.
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**SCHEDULE 4
ADDITIONAL PROCEDURES FOR ENVIRONMENTAL MANAGEMENT**

Notification of Landowners

1. If the results of the air quality, noise and/or blasting monitoring required in schedule 3 identify that the air pollution, noise and/or blasting impacts generated by the project is greater than any of the air quality, noise and/or blasting criteria in schedule 3, except where this is predicted in the EA and except where a negotiated air quality, noise or blasting impacts agreement has been entered into, then the Proponent shall notify the Director-General and the affected landowners and/or existing or future tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the air quality, noise and/or blasting criteria in schedule 3.

Independent Review

2. If a landowner considers the project to be exceeding the air quality, noise and/or blasting criteria in schedule 3, then he/she may ask the Director-General in writing for an independent review of the air pollution, noise and/or blasting impacts of the project on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 3 months of the Director-General advising that an independent review is warranted:

- (a) consult with the landowner to determine his/her concerns;
 - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct air quality, noise and/or blasting monitoring on the land, to determine whether the project is complying with the relevant air quality, noise and/or blasting criteria in schedule 3, and identify the source(s) and scale of any air quality, noise and/or blasting impact on the land, and the project's contribution to this impact;
 - (c) give the Director-General and landowner a copy of the independent review.
3. If the independent review determines that the project is complying with the relevant air quality, noise and/or blasting criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.
 4. If the independent review determines that the project is not complying with the relevant air quality, noise and/or blasting criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:
 - (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant air quality, noise and/or blasting criteria; and
 - (b) conduct further air quality, noise and/or blasting monitoring to determine whether these measures ensure compliance; or
 - (c) secure a written agreement with the landowner to allow exceedances of the air quality, noise and/or blasting criteria in schedule 3, to the satisfaction of the Director-General.

If the additional monitoring referred to above subsequently determines that the project is complying with the relevant air quality, noise and/or blasting criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

If the Proponent is unable to finalise an agreement with the landowner, then the Proponent or landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 1).

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

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

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. Within 3 months of this approval, the Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:
 - (a) provide the strategic framework for environmental management of the project;
 - (b) identify the statutory requirements that apply to the project;
 - (c) describe in general how the environmental performance of the project would be monitored and managed during the project;
 - (d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance;
 - manage cumulative impacts; and
 - respond to environmental emergencies; and
 - (e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project.

ENVIRONMENTAL MONITORING PROGRAM

2. Within 6 months of this approval, the Proponent shall prepare an Environmental Monitoring Program for the project in consultation with relevant agencies, and to the satisfaction of the Director-General. This program must consolidate the various monitoring requirements in schedule 3 of this approval into a single document.

INCIDENT REPORTING

3. Within 7 days of detecting an exceedance of the limits/performance criteria in this approval, the Proponent shall report the exceedance/incident to the Department. The report must:
 - (a) describe the date, time, and nature of the exceedance/incident;
 - (b) identify the cause (or likely cause) of the exceedance/incident;
 - (c) describe what action has been taken to date; and
 - (d) describe the proposed measures to address the exceedance/incident.

ANNUAL REPORTING

4. Within 12 months of this approval, and annually thereafter, the Proponent shall submit an Annual Environmental Management Report (AEMR) to the Director-General and the relevant agencies. This report must:
 - (a) identify the standards and performance measures that apply to the project;
 - (b) describe the works carried out in the last 12 months;
 - (c) describe the works that will be carried out in the next 12 months;
 - (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
 - (e) include a summary of the monitoring results for the project during the past year;
 - (f) include an analysis of these monitoring results against the relevant:
 - impact assessment criteria/limits;
 - monitoring results from previous years; and
 - predictions in the EA;
 - (g) identify any trends in the monitoring results over the life of the project;
 - (h) identify any non-compliance during the previous year; and
 - (i) describe what actions were, or are being, taken to ensure compliance.

Note: The AEMR may also be prepared in accordance with any requirements of the DPI for an AEMR for the Mining Lease(s) associated with the project.

INDEPENDENT ENVIRONMENTAL AUDIT

5. Prior to the 31 December 2007, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
 - (a) be conducted by suitably qualified, experienced, and independent expert/s whose appointment has been endorsed by the Director-General;

- (b) assess the various aspects of the environmental performance of the project, and its effects on the surrounding environment;
 - (c) assess whether the project is complying with the relevant standards, performance measures, and statutory requirements;
 - (d) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
 - (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.
6. Within 3 months of commissioning this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, with a response to any recommendations contained in the audit report.

UPDATING ENVIRONMENTAL MANAGEMENT REQUIREMENTS

7. Within 6 months of the Independent Environmental Audit (see condition 5), the Applicant shall review, and if necessary revise, the Environmental Management Strategy, the Environmental Monitoring Program and all other environmental management plans and monitoring programs required under this consent, to the satisfaction of the Director-General.

COMMUNITY CONSULTATIVE COMMITTEE

8. Within 3 months of this approval, the Proponent shall establish a Community Consultative Committee (CCC) to provide a forum for open discussion between the Proponent, the community, the Council and other stakeholders on issues directly relating to the mine's operations and environmental performance, and to keep the community informed on these matters. The CCC shall:
- (a) be comprised of:
 - 2 representatives from the Proponent, including the person responsible for environmental management at the mine;
 - at least 2 representatives from Council; and
 - at least 3 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council. The local community representative positions will be re-appointed every two years unless otherwise agreed by the Director-General;
 - (b) be chaired by an independent chairperson, or Council representative, whose appointment has been approved by the Director-General;
 - (c) meet at least twice a year;
 - (d) review the Proponent's performance with respect to environmental management and community relations;
 - (e) undertake regular inspections of the mine operations;
 - (f) review community concerns or complaints about the mine operations, and the Proponent's complaints handling procedures; and
 - (g) provide feedback to:
 - the Proponent on improved environmental management and community relations, including the provision of information to the community and the identification of community initiatives to which the Proponent could contribute;
 - the Department regarding the conditions of this approval; and
 - the general community on the performance of the mine with respect to environmental management and community relations; and
 - (h) be operated generally in accordance with any guidelines the Department may publish in regard to the operation of Community Consultative Committees for mining projects.

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

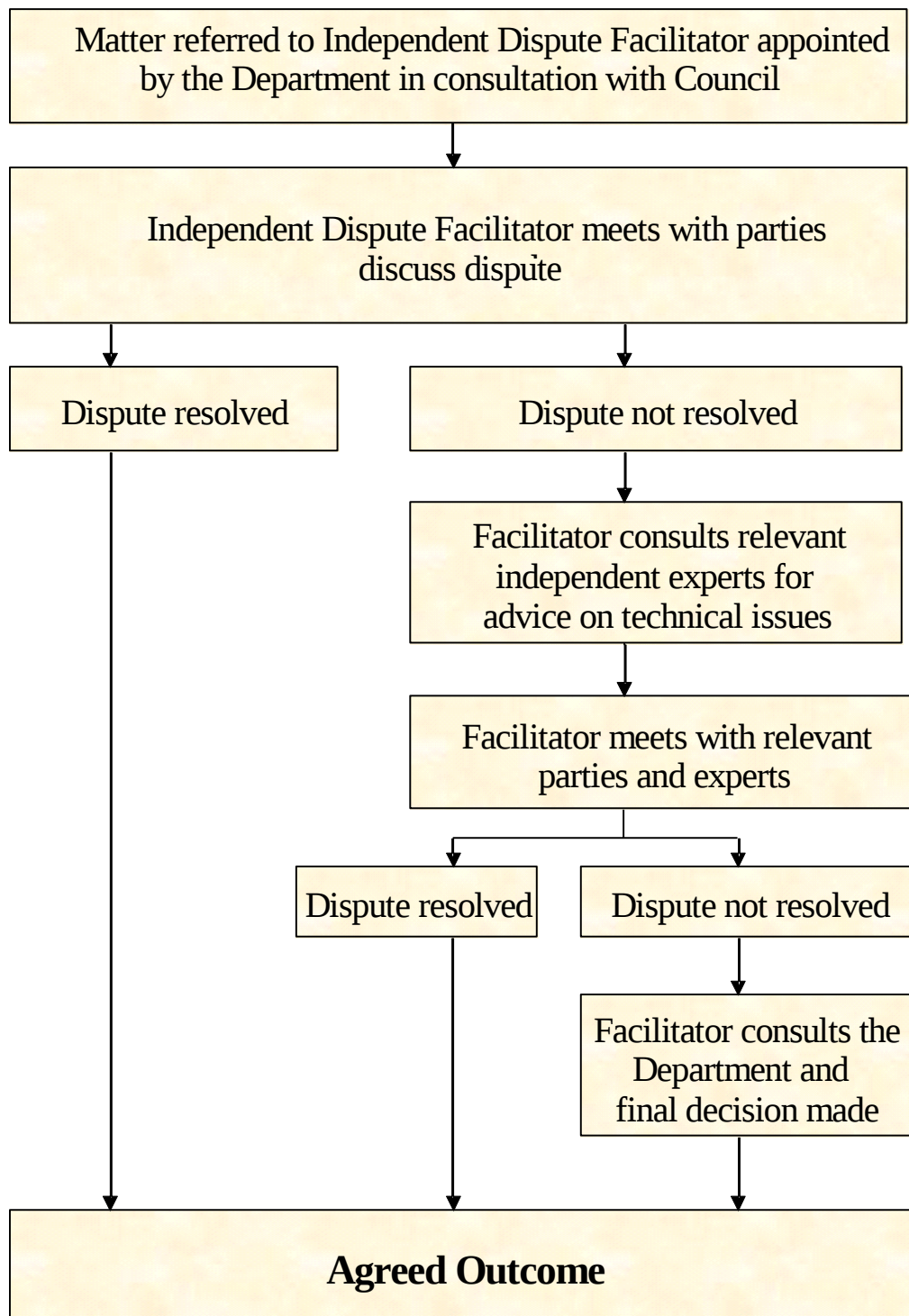
9. The Proponent shall, at its own expense:
- (a) ensure that 2 of its representatives attend CCC meetings;
 - (b) provide the CCC with regular information on the environmental performance and management of the project;
 - (c) provide meeting facilities for the CCC;
 - (d) arrange site inspections for the CCC, if necessary;
 - (e) take minutes of the CCC meetings;
 - (f) make these minutes available to the public, within a month of the CCC meeting;
 - (g) respond to any advice or recommendations the CCC may have in relation to the environmental management or community relations; and
 - (h) forward a copy of the minutes of each CCC meeting, including a response to any recommendations from the CCC, to the Director-General within a month of the CCC meeting.

ACCESS TO INFORMATION

10. Within 3 months of the approval of any plan/strategy/program required under this approval (or any subsequent revision of these plans/strategies/programs), the completion of the Independent Environmental Audits required under this approval, or the completion of the AEMR, the Proponent shall:
 - (a) provide a copy of the relevant document/s to the Council, relevant agencies and the CCC; and
 - (b) ensure that a copy of the relevant document/s is made publicly available at the Lithgow office of Craven Elliston & Hayes (Lithgow) Pty limited,to the satisfaction of the Director-General.

APPENDIX 1
INDEPENDENT DISPUTE RESOLUTION PROCESS

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



APPENDIX 2 VEGETATION OFFSET STRATEGY

