

Project Approval

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

As delegate of the Minister for Planning, I 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.


Sam Haddad
Director-General

Sydney

3rd September

2009

SCHEDULE 1

Application No:

07_0087

Proponent:

Bloomfield Collieries Pty Limited

Approval Authority:

Minister for Planning

Land:

See Appendix 1

Project:

Bloomfield Coal Project

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DEFINITIONS

AEMR	Annual Environmental Management Report
BCA	Building Code of Australia
CCC	Community Consultative Committee
CHPP	Coal handling and preparation plant
Council	Cessnock City Council
Day	The period between 7am and 6pm on Monday to Saturday and between 8am and 6pm on Sunday and Public Holidays
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
DII	Department of Industry and Investment
EA	Environmental Assessment prepared for the Bloomfield Group entitled <i>Bloomfield Colliery Completion of Mining and Rehabilitation Part 3A Environmental Assessment Project Application 07_0087</i> Volumes 1, 2 and 3 (November 2008), including the response to submissions
EEC	Endangered Ecological Community
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period between 6pm and 10pm
Land	The whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
LGA	Local government area
Material harm to the environment	Material harm to the environment as defined in <i>Protection of the Environment Operations Act 1997</i>
Mining operations	The removal and emplacement of overburden and the extraction of coal
Minister	Minister for Planning, or delegate
Morning shoulder	The period between 6am and 7am, Monday to Saturday (excluding Public Holidays)
Night	The period between 10pm and 6am, Monday to Saturday and between 10pm and 8am on Sunday and Public Holidays
OOW	Office of Water (within DECCW)
Privately-owned land	Land that is not owned by a public agency, or a mining company (or its subsidiary)
Proponent	Bloomfield Collieries Pty Limited or any other person or persons who rely on this approval to carry out the project that is subject to this approval
Project	The Bloomfield Coal Project described in the EA
Reasonable and feasible	<i>Reasonable</i> 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. <i>Feasible</i> relates to engineering considerations and what is practical to build
Response to submissions	The Proponent's response to issues raised in submissions, dated 5 February 2009
RTA	Roads and Traffic Authority
ROM	Run-of-mine
Site	Land to which the project application applies (see Appendix 1 and 2)
Statement of Commitments	The Proponent's Final Statement of Commitments for Site Operations and Management in Appendix 3

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) Statement of Commitments; and
 - (c) conditions of this approval.

Notes:

- *The general layout of the project is shown in Appendix 2; and*
- *The Statement of Commitments is reproduced in Appendix 3.*

3. If there is any inconsistency between the above documents, the more recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirements of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.

Limits on Approval

5. Mining operations may take place on the site until 31 December 2021.

Note: Under this Approval, the Proponent is required to rehabilitate the site to the satisfaction of the Director-General and DII. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated to a satisfactory standard.

6. The Proponent shall not extract more than 1.3 million tonnes of ROM coal a year from the site.

Hours of Operation

7. Project operations may take place 24 hours per day, 7 days per week.

Management Plans / Monitoring Programs

8. With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.
9. The Proponent shall prepare revisions of any strategy, plan or program required under this project approval if directed to do so by the Director-General. Such revisions shall be prepared to the satisfaction of, and within a timeframe approved by, the Director-General.
10. With the approval of the Director-General, the Proponent may integrate any strategy, plan, program, review, audit or committee required by this approval with any similar requirement under the development consent for the Donaldson Coal Mine and the project approval for the Abel Coal Mine.

Structural Adequacy

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

Notes:

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

Demolition

12. 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

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

Community Enhancement Fund

14. The Proponent shall establish a Community Enhancement Fund of a minimum of \$500,000 and implement expenditure from that fund to the satisfaction of the Director-General. Proposals for expenditure from the fund must:
- (a) be prepared by the Proponent in consultation with Council and the CCC and be submitted to the Director-General for approval by 31 December 2009;
 - (b) be expended over the ten calendar years 2010-2019; and
 - (c) include:
 - a minimum of \$180,000 on local infrastructure projects within Cessnock LGA, to be commenced no later than 30 September 2011; and
 - a minimum of \$32,000 annually to locally-operating community charities.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Noise Impact Assessment Criteria

- The Proponent shall ensure that the noise generated by the project does not exceed at any residence on privately-owned land, or on more than 25% of any privately-owned land, the noise impact assessment criteria shown in Table 1 for the monitoring location nearest to that residence or land:

Table 1: Operational noise impact assessment criteria dB(A)

Morning shoulder	Day	Evening	Night		Location and Locality
<i>L_{Aeq}(15 min)</i>	<i>L_{Aeq}(15 min)</i>	<i>L_{Aeq}(15 min)</i>	<i>L_{Aeq}(15 min)</i>	<i>L_{A1}(1 min)</i>	
40	35	35	35	45	E Browns Rd, Black Hill
42	35	35	35	45	F Black Hill Rd, Black Hill
43	39	42	37	45	G Buchanan Rd, Buchanan
35	35	35	35	45	H Mt Vincent Rd, Louth Park
35	35	35	35	45	L Kilshanny Ave, Ashtonfield
48	39	39	37	46	M John Renshaw Drive, Buttai
43	42	42	35	45	N Lings Road, Buttai

Notes:

- To interpret the locations in Table 1, see Appendix 2.
- The limits in Table 1 are to apply under meteorological conditions of up to 3 m/s at 10 m above ground level, with the wind direction and frequency of occurrence determined in accordance with the requirements of the NSW Industrial Noise Policy, but excluding conditions of F and G class inversions as described in that Policy.
- To determine compliance with the *L_{Aeq}(15 minute)* noise limits, noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, alternative means of determining compliance may be accepted (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- To determine compliance with the *L_{A1}(1 minute)* noise limits, noise from the project is to be measured at 1 metre from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the project is impractical, accept alternative means of determining compliance may be accepted (see Chapter 11 of the NSW Industrial Noise Policy).

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

Cumulative Noise Criteria

- The Proponent shall take all reasonable and feasible measures to ensure that the noise generated by the project combined with the noise generated by other mines does not exceed the following amenity criteria at any residence on, or on more than 25 percent of, any privately owned land:
 - L_{Aeq}(11 hour)* 50dB(A) – Morning shoulder and Day;
 - L_{Aeq}(4 hour)* 45 dBA) – Evening; and
 - L_{Aeq}(9 hour)* 40 dB(A) – Night.

Continuous Improvement

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

Monitoring

- The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. The Program must :

- (a) be prepared in consultation with DECCW and be submitted to the Director-General for approval within 6 months of the date of this approval; and
- (b) include:
 - a combination of unattended and attended monitoring measures; and
 - a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in this approval.

BLASTING AND VIBRATION

Airblast Overpressure Limits

5. 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 in a 12 month period
120	0%

Ground Vibration Impact Assessment Criteria

6. The Proponent shall ensure that the ground vibration level from blasting at the project does not exceed the levels 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 in a 12 month period
10	0%

Blasting Hours and Frequency

7. The Proponent shall carry out blasting on site only between 9 am and 5 pm Monday to Saturday. No blasting is allowed on Sundays and Public Holidays.
8. The Proponent may carry out on the site a maximum of:
 - (a) 2 blasts a day; and
 - (b) 5 blasts a week, averaged over a 12 month period.

Operating Conditions

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

Public Notice

11. The Proponent shall:
- (a) notify the landowner/occupier of any residence within 2 kilometres of the mining area who registers an interest in being notified about the blasting schedule at the mine, or any other landowner nominated by the Director-General;
 - (b) operate a blasting hotline, or alternate system agreed to by the Director-General, to enable the public to get up-to-date information on the blasting schedule at the project;
 - (c) advertise the blasting hotline number in a local newspaper at least 4 times each year; and
 - (d) publish an up-to-date blasting schedule on its website, to the satisfaction of the Director-General.

Property Inspections

12. The Proponent shall advise the owners of privately-owned land that they are entitled to a structural property inspection to establish the baseline condition of buildings and other structures on the property:
- (a) within 2 months of the date of this approval, for properties within 2 kilometres of blasting operations occurring at the date of this approval; and
 - (b) at least 2 months prior to blasting within 2 kilometres of additional properties.

If the Proponent receives a written request for a structural property inspection from any such landowner, the Proponent shall:

- within 2 months of receiving this request 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 (prior to blasting taking place within 2 km of the property, if possible), and recommend measures to mitigate any potential blasting impacts; and
- give the landowner a copy of the property inspection report.

Property Investigations

13. If any landowner of privately-owned land within 2 kilometres of blasting operations, or any other landowner nominated by the Director-General, claims that buildings and/or other structures on his/her land have been damaged as a result of blasting at the project after the date of this approval, 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 5).

Blast Monitoring Program

14. The Proponent shall prepare and implement a Blast Monitoring Program for the project to the satisfaction of the Director-General. This program must:
- (a) be submitted to the Director General for approval within 6 months of the date of this approval; and
 - (b) include a protocol for evaluating blasting impacts on, and demonstrating compliance with, the blasting criteria in this approval for all privately-owned residences and other structures.

AIR QUALITY

Impact Assessment Criteria

15. The Proponent shall ensure that dust emissions generated by the project do not cause additional exceedances of the criteria listed in Tables 4 to 6 at any residence on privately-owned land, 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 criterion 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, 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

Monitoring

16. The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. This program must:
 - (a) be prepared in consultation with DECCW and be submitted to the Director-General for approval within 6 months of the date of this approval; and
 - (b) include:
 - a combination of high-volume samplers and dust deposition gauges to monitor the dust emissions of the project and provision for additional real time monitoring if required in response to monitoring results and/or complaints; and
 - an air quality monitoring protocol for evaluating compliance with the air quality impact assessment criteria in this approval.

METEOROLOGICAL MONITORING

17. During the project, the Proponent shall ensure there is a suitable continuously operating meteorological station on or adjacent to the site that complies with the requirements in *Approved Methods for Sampling of Air Pollutants in New South Wales* (DECCW, 2007), or its latest version, to the satisfaction of the Director-General.

WATER MANAGEMENT

Discharge

18. Except as may be expressly provided for by an EPL, or in accordance with section 120 of the *Protection of the Environment Operations Act 1997*, the Proponent shall not discharge any mine water from the site. However, water may be transferred between the site and the adjoining Donaldson Coal Mine and/or Abel Coal Mine, in accordance with any approved Water Management Plan (see below).

Water Management Plan

19. The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must:
 - (a) be prepared in consultation with DECCW and OOW and be submitted to the Director-General for approval within 6 months of the date of this approval;
 - (b) be prepared by suitably qualified expert/s whose appointment/s have been approved by the Director-General; and
 - (c) include:

- a Site Water Balance;
- an Erosion and Sediment Control Plan;
- a Surface Water Monitoring Plan;
- a Ground Water Monitoring Program; and
- a Surface and Ground Water Response Plan.

Site Water Balance

20. The Site Water Balance must:
- (a) include details of:
 - sources and security of water supply;
 - water use and management on site;
 - any off-site water transfers or discharges; and
 - reporting procedures; and
 - (b) describe measures to minimise water use by the project.

Erosion and Sediment Control

21. The Erosion and Sediment Control Plan must:
- (a) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction (Volume 2E – Mines and Quarries)* manual (DECCW 2008), or its latest version;
 - (b) identify activities that could cause soil erosion and generate sediment;
 - (c) describe measures to minimise soil erosion and the potential for transport of sediment downstream;
 - (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

22. The Surface Water Monitoring Program must include:
- (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the project;
 - (b) surface water and stream health impact assessment criteria;
 - (c) a program to monitor the impact of the project on surface water flows, water quality and stream health; and
 - (d) reporting procedures for the results of the monitoring program.

Groundwater Monitoring

23. The Groundwater Monitoring Program must include:
- (a) further development of the regional and local groundwater model;
 - (b) detailed baseline data to benchmark the natural variation in groundwater levels, yield and quality (including at any privately owned bores in the vicinity of the site);
 - (c) groundwater impact assessment criteria;
 - (d) a program to monitor the impact of the project on groundwater levels, yield, quality, groundwater dependent ecosystems and riparian vegetation;
 - (e) procedures for the verification of the groundwater model; and
 - (f) reporting procedures for the results of the monitoring program and model verification.

Surface and Groundwater Response Plan

24. The Surface and Groundwater Response Plan must describe the measures and/or procedures that would be implemented to:
- (a) investigate, notify and mitigate any exceedances of the surface water, stream health and ground water impact assessment criteria;
 - (b) compensate landowners of privately-owned land whose water supply is adversely affected by the project; and
 - (c) mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

LANDSCAPE MANAGEMENT

Rehabilitation

25. The Proponent shall progressively rehabilitate the site in a manner that is generally consistent with the final landform set out in the EA to the satisfaction of the DII and the Director-General.

Note: the conceptual final landform is shown in Appendix 4.

Landscape Management Plan

26. The Proponent shall prepare and implement a detailed Landscape Management Plan for the project to the satisfaction of the Director-General and DII. This plan must:
- (a) be prepared in consultation with DECCW by suitably qualified expert/s whose appointment/s have been approved by the Director-General; and
 - (b) include a:
 - Rehabilitation Management Plan to be submitted to the Director-General for approval within 6 months of the date of this approval;
 - Final Void Management Plan to be submitted to the Director-General for approval by 31 December 2011; and
 - Mine Closure Plan to be submitted to the Director-General for approval by 31 December 2011.

Rehabilitation Management Plan

27. The Rehabilitation Management Plan must include:
- (a) the rehabilitation objectives for the site;
 - (b) a description of the short, medium, and long term measures that would be implemented to:
 - rehabilitate the site; and
 - manage the remnant vegetation and habitat on the site;
 - (c) performance and completion criteria for the rehabilitation of the site;
 - (d) a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:
 - minimising and rehabilitating disturbed areas;
 - protecting vegetation and soil outside the disturbance areas;
 - undertaking pre-clearance surveys;
 - managing impacts on fauna;
 - landscaping the site to minimise visual impacts;
 - conserving and reusing topsoil;
 - collecting and propagating seed for rehabilitation works;
 - salvaging and reusing material from the site for habitat enhancement;
 - controlling weeds and feral pests;
 - controlling access; and
 - bushfire management;
 - (e) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;
 - (f) a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
 - (g) details of who would be responsible for monitoring, reviewing, and implementing the plan.

Final Void Management Plan

28. The Final Void Management Plan must:
- (a) justify the final location and future use of the final void;
 - (b) incorporate design criteria and specifications for the final void based on verified groundwater modelling predictions and a re-assessment of post-mining groundwater equilibration; and
 - (c) describe what actions and measures would be implemented to:
 - minimise any potential adverse impacts associated with the final void; and
 - manage and monitor the potential impacts of the final void.

Mine Closure Plan

29. The Mine Closure Plan must:
- (a) be prepared in consultation with DII and Council;
 - (b) define the objectives and criteria for mine closure;
 - (c) investigate options for the future use of the site in a manner consistent with the *Lower Hunter Regional Strategy* (Department of Planning, 2006) and/or other extant regional planning strategies;
 - (d) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;
 - (e) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and
 - (f) describe how the performance of these measures would be monitored over time.

Conservation Funding

30. Within 6 months of the date of this approval, the Proponent shall provide a one-off contribution of \$20,000 to conservation projects within the Cessnock LGA, in consultation with DECCW and to the satisfaction of the Director-General.

HERITAGE

Aboriginal Cultural Heritage Management Plan

31. The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with the DECCW and the local Aboriginal community and be submitted to the Director-General for approval within 6 months of the date of this approval;
 - (b) include a protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage on site; and
 - (c) describe the measures that would be implemented to protect Aboriginal sites on site, or if any new Aboriginal objects or skeletal remains are discovered during the project.

VISUAL

32. The Proponent shall:
- (a) take all reasonable and feasible measures to mitigate visual and off-site lighting impacts of 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

Energy Savings Action Plan

33. The Proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared in accordance with the *Guidelines for Energy Savings Action Plans* (DEUS, 2005), or its latest version, and be submitted to the Director-General for approval within 6 months of the date of this approval;
 - (b) include consideration of energy use by mobile equipment;
 - (c) include a program to monitor the effectiveness of measures to reduce energy use on site.

WASTE MINIMISATION

34. 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 all 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.

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. If the results of the monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, except where a negotiated agreement has been entered into in relation to that impact, then the Proponent shall, within 2 weeks of obtaining the monitoring results, notify the Director-General, the affected landowners and 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 criteria in schedule 3.
2. If the results of monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant air quality impact assessment criteria in schedule 3, then the Proponent shall send the relevant landowners and tenants (including tenants of mine owned properties) a copy of the NSW Health fact sheet entitled "Mine Dust and You" (and associated updates) in conjunction with the notification required in condition 1.

INDEPENDENT REVIEW

3. If a landowner considers the project to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land.

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

- (a) consult with the landowner to determine his/her concerns;
 - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to:
 - determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and
 - identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and
 - (c) give the Director-General and landowner a copy of the independent review.
4. If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:

- (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria and conduct further monitoring to determine whether these measures ensure compliance; or
- (b) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Director-General.

If further monitoring under paragraph (a) determines that the project is complying with the relevant criteria, then the Proponent may discontinue the independent review with the approval of the Director-General.

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

If the further monitoring referred to under paragraph (a) above determines that the project is complying with the relevant impact assessment criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, MONITORING, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project, to the satisfaction of the Director-General. The strategy must:
 - (a) be submitted to the Director-General for approval within 6 months of the date of this approval;
 - (b) provide the strategic framework for environmental management of the project;
 - (c) identify the statutory approvals that apply to the project;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (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 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; and
 - respond to emergencies;
 - (f) include:
 - copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and
 - a clear plan depicting all the monitoring to be carried out in relation to the project.

Management Plan Requirements

2. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (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 project 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 project;
 - effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (f) a program to investigate and implement ways to continually improve the environmental performance of the project 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.

Annual Review

3. Each year, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:
 - (a) describe the works that were carried out in the past year, and the works that are proposed to be carried out over the next year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the mine complex over the past year, which includes a comparison of these results against the
 - 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 last 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 project;
- (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
- (f) describe what measure will be implemented over the next year to improve the environmental performance of the project.

Revision of Strategies, Plans and Programs

4. Within 3 months of the submission of an:
 - (a) audit under condition 7 of schedule 5;
 - (b) incident report under condition 6 of schedule 5; and
 - (c) Annual Review under condition 3 of schedule 5,
 the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval 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 project.

Community Consultative Committee

5. Within 3 months of the date of this approval, the Proponent shall establish a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General. The CCC must be operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version).

Note: The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval. In accordance with the Guideline, the Committee should comprise an independent chair and appropriate representation from the Proponent, affected Councils, recognised environmental groups and the general community. The CCC may also be combined with any similar CCC for the Donaldson Coal Mine or the Abel Coal Mine.

INCIDENT REPORTING

6. The Proponent shall notify the Director-General and any other relevant agencies of any incident associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.

INDEPENDENT ENVIRONMENTAL AUDIT

7. Every 3 years, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
 - (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the project and assess whether it is complying with the requirements in relevant project approvals 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 these approvals; and
 - (e) recommend appropriate measures or actions to improve the environmental performance of the mine complex, and/or any assessment, plan or program required under these approvals.

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

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

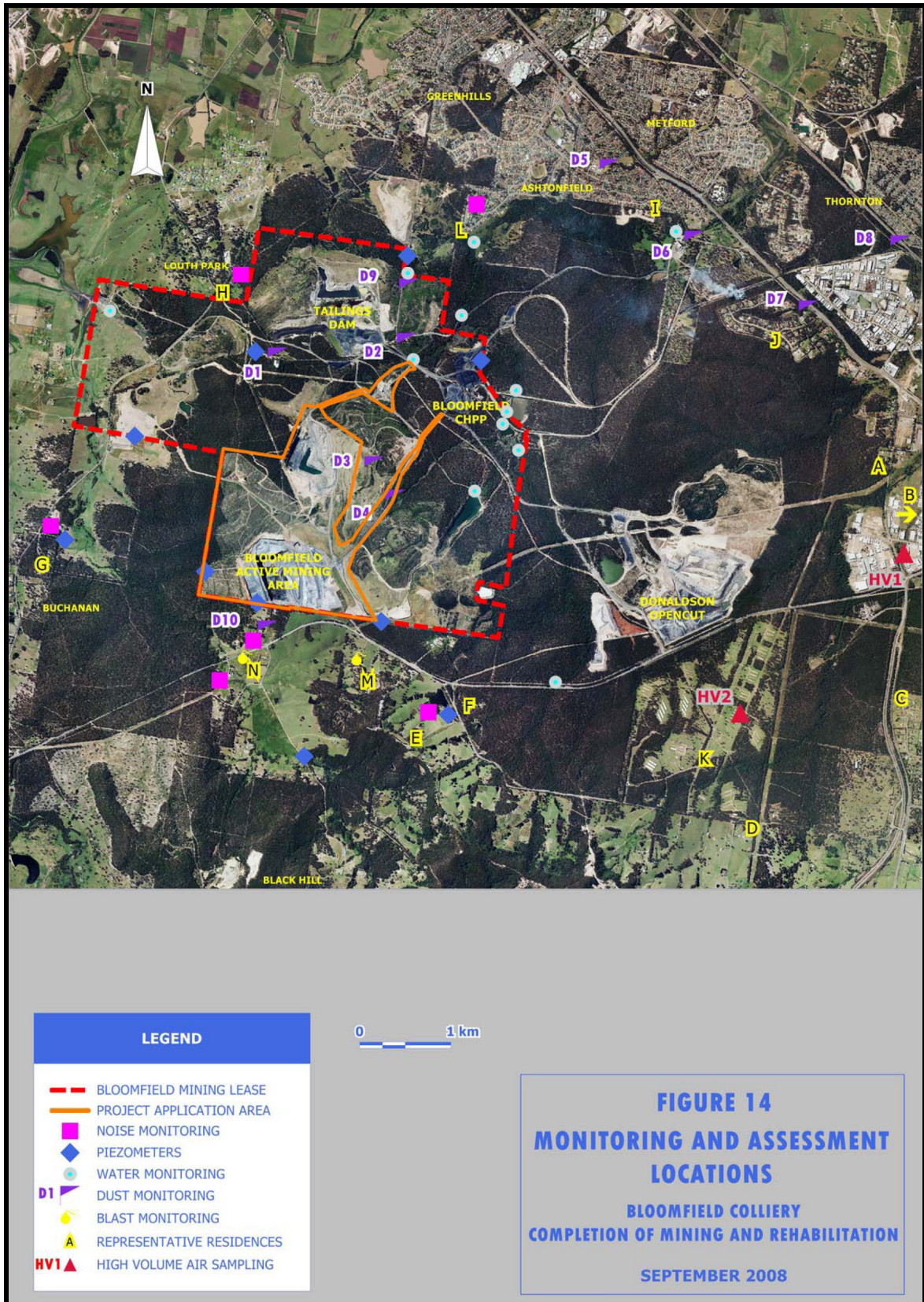
ACCESS TO INFORMATION

9. From the end of 2009, the Proponent shall make the following information publicly available on its website:
 - (a) a copy of all current statutory approvals for the project;
 - (b) a copy of the current environmental management strategy and associated plans and programs;
 - (c) a summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;
 - (d) a complaints register, which is to be updated on a monthly basis;
 - (e) a copy of the minutes of CCC meetings;
 - (f) a copy of any Annual Reviews (over the last 5 years);
 - (g) a copy of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit; and
 - (h) any other matter required by the Director-General.

**APPENDIX 1
SCHEDULE OF PROJECT LAND**

<i>Lot & DP Number</i>
Lot 36 DP 755260
Lot 35 DP 755260
Lot 34 DP 755260
Lot 48 DP 755260
Lot 30 DP 755260
Lot 29 DP 755260
Lot 28 DP 755260
Lot 27 DP 755260
Part Lot 26 DP 755260
Part Lot 43 DP 755260
Part Lot 25 DP 755260
Part Lot 24 DP 755260
Part Lot 18 DP 755237
Part Lot 19 DP 755237
Part Lot 20 DP 755237
Part Lot 23 DP 755237
Part Lot 29 DP 755237
Part Lot 13 DP 241097
Part Lot 1 DP 136865
Part Lot 3 DP 1045720
Part Lot 31 DP 755237
Part Lot 4 DP 241097 (Pipeline)
Part Lot 5 DP 241097 (Pipeline)
Part Lot 1 DP 617909 (Pump station)
Lot 1 DP 722210 (Road)
Part Lot 1 DP 42349 (Road)
Lot 6 DP 241097 (Pipeline)
Various Council Road Reserves
Crown Road Reserve
Hunter Water Pipeline

APPENDIX 2 PROJECT MAP



**APPENDIX 3
STATEMENT OF COMMITMENTS**

REF.	COMMITMENT	EA SECTION No. (Refer for further detail)
1.	General	
1.1	Bloomfield Collieries Pty Limited ('Bloomfield') will carry out the proposed development generally in accordance with this Part 3A Environmental Assessment ('EA'). If there is any inconsistency between this draft Statement of Commitments and the EA, the draft Statement of Commitments will prevail to the extent of the inconsistency.	1.4
1.2	<p>Bloomfield will undertake mining within the Project Area, as defined by Figure 2 of the EA. The Project Area includes the following items and their associated mining activities:</p> <ul style="list-style-type: none"> • The current and proposed active open cut coal mining areas; • The unshaped and shaped overburden dump areas within the Project Area; • The workshop and surrounding area used for maintenance and fuel storage; • The road linking the current and proposed coal mining areas with the ROM coal stockpiles adjacent to the coal washery; and • The road linking the current and proposed coal mining areas to the workshop. 	1.1, 2.1
2.	Production	
2.1	A maximum of 0.88 mtpa ROM coal will be mined from the Bloomfield Mine during Stage 1 with a maximum of 1.3 mtpa ROM coal mined during Stages 2 to 4.	2.5
2.2	Active mining will occur over 4 stages, which total approximately 10 to 12 years. The final (5 th) stage is the completion of site rehabilitation.	2.5
2.3	All Run-of-Mine ('ROM') coal will be transported by internal haul roads to the approved ROM coal stockpiles at the Bloomfield washery.	2.6.1
3.	Hours of Operation	
3.1	Bloomfield Mine will operate 24 hours per day, seven days per week.	2.4
4.	Rehabilitation	
4.1	All site rehabilitation, including monitoring and maintenance will be undertaken in accordance with procedures documented in the EA and the existing Bloomfield Rehabilitation Management System.	3.2
4.2	Any additional rehabilitation requirements and plans for this Project will be included in the existing Bloomfield Rehabilitation Management System.	3.2
4.3	Land that has been mined will be rehabilitated to a safe and stable form with a land capability similar to that existing prior to mining, and with a landform compatible with the surrounding landscape.	3.3.2
4.4	Post mining landform and land use plans will be developed in	3.6.1

REF.	COMMITMENT	EA SECTION No. (Refer for further detail)
	consultation with the landowner and with reference to the objectives of the Lower Hunter Regional Strategy (DoP, 2006).	
5.	Final Void	
5.1	The final void will be retained for the deposition of washery reject material in accordance with the Abel Project Approval.	3.5
5.2	Rehabilitation of the final void forms part of the Abel Project Approval. However, rehabilitation of the tailings filled void at the completion of the Abel Project will remain the responsibility of Bloomfield as outlined in the Draft Bloomfield Closure and Rehabilitation Strategy (Abel).	Letter to DoP (11/5/09)
6.	Environmental Management Systems and Plans	
6.1	Bloomfield's existing environmental management systems, plans and procedures will be applied to this Project and will be amended where relevant to incorporate additional items required to manage, mitigate, or monitor impacts associated with this Project.	2.8, 2.11, 3.2
7.	Environmental Monitoring and Reporting	
7.1	Bloomfield will undertake ongoing environmental monitoring as detailed in this EA.	2.8
7.2	Bloomfield will implement and participate in the actions required for the Integrated Environmental Monitoring Program ('IEMP') that forms part of the Abel Project Approval and which includes elements of the Bloomfield Project.	2.8, 2.12, 15.2
7.3	An Annual Environmental Management Report ('AEMR') will be prepared and forwarded to relevant government departments, including DoP. The AEMR will include a summary of all monitoring undertaken during the year, including a discussion of any exceedances and responses taken to ameliorate these exceedances.	4.3.2
8.	Consultation	
8.1	Bloomfield will continue to consult with the local community throughout the life of the Project.	5
8.2	A specific representative of Bloomfield will be nominated and contact details provided so that members of the community may contact the mine with questions or complaints if required.	5
8.3	A record of any complaints received regarding the Project will be retained by Bloomfield for the duration of the Project.	2.8
9.	Flora and Fauna	
9.1	A Flora and Fauna Management Plan will be developed and implemented prior to any clearing occurring as part of the Project.	7.6
9.2	The existing Bloomfield pre-clearance protocol will be implemented prior to any clearing occurring as part of the Project.	7.6, 7.7
9.3	Bloomfield will commit to commensurate support to the value of \$20,000 for a local activity or program related to biodiversity, to be commenced within the first two years of mining.	7.6, 7.7, Response to Submissions (29/1/09) and DECC meeting minutes (30/4/09)

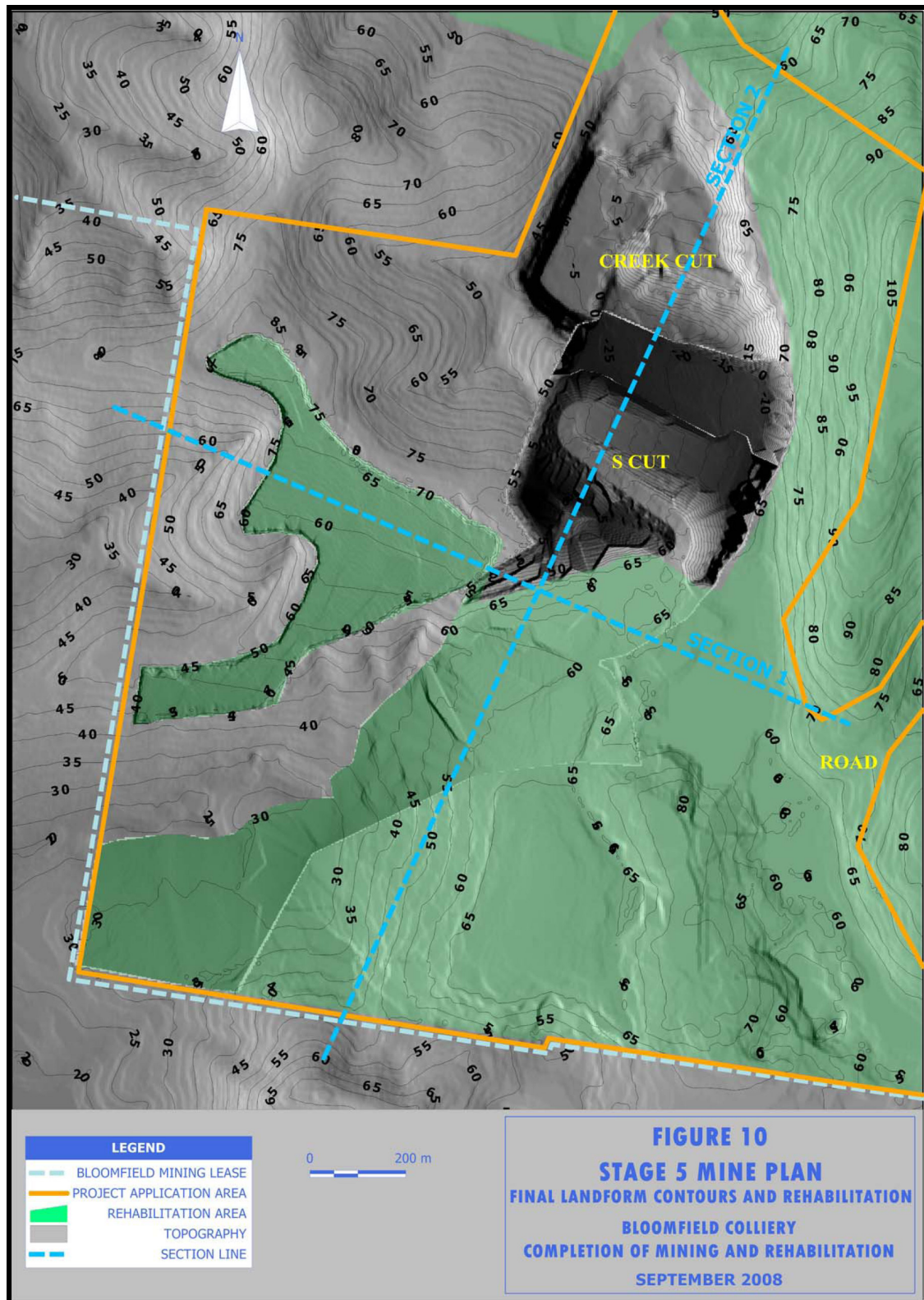
REF.	COMMITMENT	EA SECTION No. (Refer for further detail)
10.	Aboriginal Heritage	
10.1	<p>An Aboriginal Heritage Management Plan ('AHMP') will be prepared in consultation with Mindaribba LALC, prior to any Project impacts occurring. This Plan will specify the policies and actions required to mitigate and manage the potential impacts of the Project on Aboriginal heritage. The plan will include:</p> <ul style="list-style-type: none"> • Procedures for ongoing Aboriginal consultation and involvement; • Mitigation measures for the identified and potential Aboriginal evidence; • Management procedures for any previously unrecorded evidence or skeletal remains; • Training for relevant staff and contractors in their roles and responsibilities under the AHMP • Review of the plan. 	8.8
10.2	The AHMP will include a program of salvage to be undertaken in the Project Area with representatives of Mindaribba LALC collecting identified stone artefacts from sites B2, B16, B18, B19, B20 and B22 prior to any development impacts occurring.	8.8
10.3	Should any skeletal remains be detected during the Project, work in that location will cease immediately and the finds will be reported to the appropriate authorities, including the Police, DECCW and Mindaribba LALC.	8.8
10.4	In the event that Aboriginal objects are located during the Project, a protocol to ascertain the value of such finds, in consultation with the Aboriginal community representatives and a qualified archaeologist will be implemented and used to inform any management decision. DECCW will be informed of any finds using the appropriate site recording cards.	8.8
10.5	Further consultation with and continued involvement of <u>Mindaribba</u> LALC will be continued through the Project, in relation to the contents and recommendations of Aboriginal Heritage studies.	8.8
11.	Noise Management and Monitoring	
11.1	A Noise Management Plan will be prepared and implemented for the Project. The Plan will include mitigation and monitoring requirements for the Project.	9.2
11.2	<p>The following noise controls will be implemented to achieve noise criteria identified in this EA:</p> <p>During Year 1 (End of Stage 1):</p> <ul style="list-style-type: none"> • The excavator and dump site will be situated in a shielded location during night-time operation; • No dozer operation at the drill location will occur during night and morning shoulder periods; and • The front end loader will replace the dozer at the dump site during the night-time period unless 4 dBA of noise suppression is achieved. 	9.5

REF.	COMMITMENT	EA SECTION No. (Refer for further detail)
	<p>During Year 5 (End of Stage 2):</p> <ul style="list-style-type: none"> • The excavator and dump site will be situated in a shielded location during night-time operation; • No dozer operation at the drill location will occur during night and morning shoulder periods; and • The front end loader will replace the dozer at the dump site during the night-time period unless 4 dBA of noise suppression is achieved. <p>During Year 10 (End of Stage 4):</p> <ul style="list-style-type: none"> • The excavator and dump site will be situated in a shielded location during night-time operation; and • No dozer operation at the drill location will occur during the night period. 	
11.3	Bloomfield may undertake a noise monitoring and investigation program during the Project, in consultation with DECCW and DoP, to determine whether relevant noise criteria can be achieved without the use of the noise controls listed in 11.2. If such a study concludes that relevant criteria can be achieved, the above controls will be modified or removed.	9.5
11.4	Noise complaints received will be dealt with in accordance with Bloomfield's existing complaints protocol.	2.8
12.	Blasting	
12.1	Bloomfield will continue to consult with nearby residents regarding their blasting program, consistent with current practice and the Shot Firing and Explosives Management Plan.	2.8
12.2	Blasting will only be undertaken during the hours of 9.00 am to 5.00 pm Monday to Saturday. Blasting will not occur on Sundays or Public Holidays.	9.8
12.3	Blasts will be designed in consideration of vibration and airblast limits, wind speed and direction.	9.8
12.4	Blast monitoring will be conducted over the life of the mine in accordance with requirements provided by the Shot Firing and Explosives Management Plan.	2.8
12.5	All relevant personnel will be trained in Bloomfield's environmental obligations in relation to blasting controls.	2.8
13.	Air Quality	
13.1	An Air Quality Monitoring Program will be prepared and implemented for the Project. The Air Quality Monitoring Program will include monitoring at locations as described in the EA.	2.12
13.2	<p>Dust generation on the Project Area will be minimised by implementation of the following:</p> <ul style="list-style-type: none"> • All vehicles will be operated according to Mine Transport Management Plan, which requires vehicles to remain on specified routes; • Disturbed areas will be minimised where possible; 	2.8

REF.	COMMITMENT	EA SECTION No. (Refer for further detail)
	<ul style="list-style-type: none"> Dust suppression water spraying will be used on all active haul roads and stockpile areas where required; All mobile equipment will be maintained in good working order; Adequate stemming will be used in blast holes; and Meteorological conditions will be considered in the timing of blasts to minimise impacts of blast generated dust. 	
14.	Greenhouse Gas Monitoring and Energy Efficiency	
14.1	Bloomfield will assess the viability of improving energy efficiency and reducing greenhouse gas emissions from its operations, including the mining fleet, stationary equipment and mining processes.	10.9
14.2	Bloomfield will monitor greenhouse gas emissions in accordance with the requirements of the current EEO and Greenhouse Challenge Plus programs and comply with any reporting requirements under the <i>NGER Act 2007</i> .	10.9
15.	Surface Water Management	
15.1	Surface water management for the Project will be undertaken in accordance with Bloomfield's existing Environmental Water Management System ('EWMS'). The EMWS will be modified to address the additional requirements for this Project provided in the Draft Water Management Plan (Appendix H).	2.8, 11.5
15.2	An Erosion and Sediment Control Plan will be prepared that will form part of the EWMS.	2.8, 11.3, 11.5
16.	Surface Water Monitoring Program	
16.1	Bloomfield's existing EWMS incorporates a Surface Water Monitoring Program which will be implemented for this Project and updated to include the additional monitoring point proposed for this Project in consultation with OOW.	11.5.2
16.2	A response/mitigation procedure will be developed as part of the EWMS for unforeseen surface or groundwater impacts being detected during the Project.	11.5.3, 12.4
17.	Groundwater Monitoring	
17.1	Bloomfield's existing EWMS will incorporate a Groundwater Monitoring Program, developed in consultation with OOW.	2.8, 12.4
18.	Visual Amenity	
18.1	<p>Visual impacts of the Bloomfield Mine will be mitigated by the following strategies:</p> <ul style="list-style-type: none"> Rehabilitation of the southern boundary of the Project Area adjacent to John Renshaw Drive will be given priority during the early stages of mining; Mobile directional lighting in active mine areas will be directed away from neighbouring properties and roadways; and Complaints regarding lighting will be investigated by Bloomfield during the relevant shift. 	14.6.1, 14.6.2
18.2	Tree areas will be incorporated into rehabilitation to assist the visual	3.4.3

REF.	COMMITMENT	EA SECTION No. (Refer for further detail)
	blending of overburden dumps with the surrounding landscape.	
19.	Staff Training	
19.1	Bloomfield will ensure that all personnel receive training in their responsibilities to mitigate, manage and monitor potential environmental impacts.	2.8, 2.11, 3.2
20.	Integration with Other Mining Operations – Roles & Responsibilities	
20.1	Bloomfield will implement and participate in the actions required for the Integrated Environmental Monitoring Program ('IEMP') that forms part of the Abel Project Approval and which includes elements of the Bloomfield Project.	2.8, 2.12, 15.2
20.2	Bloomfield is responsible for the operation, maintenance and monitoring of all water management systems and structures within its Project Area.	15.3.2 Letter to DoP (11/5/09)
20.3	Rehabilitation of the final void forms part of the Abel Project Approval. However, rehabilitation of the tailings filled void at the completion of the Abel Project will remain the responsibility of Bloomfield as outlined in the Draft Bloomfield Closure and Rehabilitation Strategy (Abel).	Letter to DoP (11/5/09)
21.	Community Enhancement Fund	
21.1	Bloomfield will establish a Community Enhancement Fund (CEF) that will provide a range of practical commitments to local community projects and contributions to the local community.	Response to Submissions (29/1/09) and email to DoP (7/5/09)
21.2	<p>The CEF will comprise two components:</p> <ul style="list-style-type: none"> • Within two years of the Bloomfield Mine being approved, \$180,000 will be provided by Bloomfield for a local infrastructure project within Cessnock Local Government Area, to be determined in consultation with Cessnock City Council. • Over a period of ten years from the date of the Bloomfield Mine being approved, \$320,000 will be provided by Bloomfield for a community welfare based charity/s focussed within the Cessnock LGA, to be determined in consultation with Cessnock City Council. 	Email to DoP (7/5/09)

APPENDIX 4 CONCEPTUAL FINAL LANDFORM



**APPENDIX 5
INDEPENDENT DISPUTE RESOLUTION PROCESS**

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

