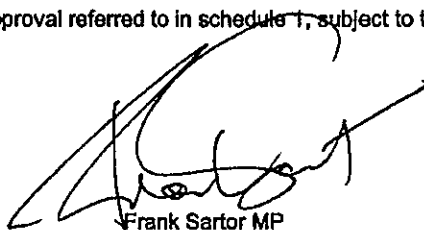


# Notice of Modification

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

I approve the modification to the project approval referred to in schedule 1, subject to the conditions in schedule 2.



Frank Sartor MP  
Minister for Planning

Sydney 30th Nov 2007

### SCHEDULE 1

The project approval (05\_0021) granted by the Minister for Planning for the Wilpinjong Coal Project on 1 February 2006.

### SCHEDULE 2

1. In the "Table Of Contents" section on page 2, after item 11 insert the following:
  12. APPENDIX 8: STATEMENT OF COMMITMENTS FOR OPERATIONAL ROAD ACCESS AND BLASTING FREQUENCY MODIFICATION, 05\_0021-1
2. In the "Definitions" section on page 3, delete the definitions of DEC and DNR and insert in alphabetical order the following:

DECC	Department of Environment and Climate Change
DWE	Department of Water and Energy
3. Delete condition 2(c) in schedule 2 and replace with:
  - (c) Modification Application 05\_0021-1 and EA titled *Wilpinjong Coal Project Operational Phase Mine Access Route and Blasting Frequency Modification*, dated April 2007, and prepared by Resource Strategies Pty Ltd;
  - (d) the proponent's Statement of Commitments for this modification, dated 10 August 2007 (see Appendix 8); and
  - (e) conditions of this approval.
4. Delete condition 3 in schedule 2 and replace with:

If there is any inconsistency between the above documents, the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this approval shall prevail over all other documents to the extent of any inconsistency.
5. Replace all references to "DEC" in schedule 3 with "DECC".
6. Replace all references to "DNR" in schedule 3 with "DWE".
7. In Table 2 of condition 2 of schedule 3 delete "51 – Bailey" and replace with "58 – Maher".
8. Delete condition 12 of schedule 3 and replace with:

The Proponent shall comply with the following blasting restrictions on site:

  - (a) a maximum of 2 blasts per day;
  - (b) a maximum of 5 blasts per week, averaged over any 12 month period;

- (c) a maximum of 2 blasts per week where the maximum instantaneous charge (MIC) is greater than 400kg; and
- (d) a maximum of 1 blast per week where the MIC is greater than 400kg, when averaged over any 12 month period.

However the Director-General may approve minor variations to these restrictions for short periods of time.

9. Delete condition 13 of schedule 3 and replace with:

During mining operations, the Proponent shall:

- (a) implement best blasting practice to:
  - protect the safety of people and livestock in the area surrounding blasting operations;
  - protect public or private infrastructure/property in the area surrounding blasting operations from blasting damage; and
  - minimise the dust and fume emissions from blasting at the project;
- (b) limit temporary blasting related road closures to 1 per day; and
- (c) co-ordinate timing of blasting on site with the timing of blasting at the adjoining Moolarben coal mine to minimise the potential cumulative blasting impacts of the two mines,

to the satisfaction of the Director-General.

10. Delete condition 52(a) of schedule 3 and replace with:

- (a) the intersection of the internal mine access road with the Ulan-Wollar Road to the satisfaction of Council.

11. After condition 52 of schedule 3, insert the following:

#### **Upgrade of Ulan-Wollar Road**

- 52A By 31 March 2009, the Proponent shall, at its own expense, upgrade the Ulan-Wollar Road between the Ulan Road and the mine access road (including sealing and installation of appropriate line-marking and signage) to the satisfaction of Council.

#### **Upgrade of Intersection between Ulan Road (MR 208/214) and Ulan-Wollar Road**

- 52B By 30 June 2008, or prior to the Moolarben coal mine commencing construction, whichever is the sooner, the Proponent shall design and upgrade the existing intersection between the Ulan Road and the Ulan-Wollar Road, in conjunction with the owner of the Moolarben coal mine, to the satisfaction of the RTA.

#### **Upgrade of Ulan Road (MR 208/214)**

- 52C The Proponent shall, in consultation with Council, ensure that any money that would have been spent on the upgrading of the Wollar Road (arising from its planning agreement with Council, as specified in condition 2 of schedule 2) is reallocated to the upgrading of the Ulan Road and the Ulan-Wollar Road.

The Proponent shall pay Council an additional \$20,000 each year for 3 years (with the payments due on 31 December in each of 2007, 2008 and 2009) to assist with the development of school bus lay-by areas along Ulan Road.

#### **Program for the Implementation of Road Works**

- 52D The Proponent shall:

- (a) prepare a detailed program for the staged upgrade of the Ulan Road and Ulan-Wollar Road in consultation with the RTA, Council, and the owner of the Moolarben coal mine to the satisfaction of the Director-General. This program must:
  - be prepared by a suitably qualified expert/s whose appointment has been approved by the Director-General;
  - include a detailed program to progressively implement these works;
  - allocate the available funding in any relevant VPA or statement of commitments to these works; and
- (b) following the approval of this program, implement the program in consultation with the RTA, Council and the owner of the Moolarben coal mine,

to the satisfaction of the Director-General.

12. Delete condition 53 of schedule 3 and replace with:

**Traffic Management**

53 The Proponent shall co-ordinate the timing of shift changes on site with the timing of shift changes at the adjoining Ulan and Moolarben coal mines to minimise the potential cumulative traffic impacts of the shift changes at the three mines to the satisfaction of the Director-General.

13. After condition 2 of schedule 5, insert the following:

2A. Within 3 months of any modification to this approval, the Proponent shall review and if necessary revise all strategies/plans/programs required under this approval which are relevant to the modification to the satisfaction of the Director-General.

14. Delete conditions 7 and 8 of schedule 5 and replace with:

7. At the end of year 2 of the project, 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 a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
  - (b) include consultation with the relevant agencies;
  - (c) assess, in respect of the requirements of this approval and any relevant mining lease or environment protection licence, the environmental performance of the project and its effects on the surrounding environment;
  - (d) assess whether the project is complying with relevant standards and performance measures specified in these approvals (including under any strategy, plan or program required under these approvals) and with other statutory requirements;
  - (e) review the adequacy of strategies, plans or programs required under these approvals; and, if necessary,
  - (f) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.

*Note: This audit team must be led by a suitably qualified auditor and include experts in the fields of water management, noise management and mine rehabilitation.*

8. Within 6 weeks of completing 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.
- 8A. Within 3 months of submitting the audit report to the Director-General, the Proponent shall review and if necessary revise the strategies/plans/programs required under this approval, to the satisfaction of the Director-General.

15. Renumber conditions currently numbered 9 and 10 under "Access To Information" in schedule 5 as conditions 12 and 13.

16. In new condition 13(b) of schedule 5 delete the words "3 months" and replace with "2 months".

17. After Appendix 7, insert the following:

**APPENDIX 8  
STATEMENT OF COMMITMENTS FOR OPERATIONAL ROAD ACCESS AND BLASTING  
FREQUENCY MODIFICATION, 05\_0021-1**

**WILPINJONG COAL**

10 August 2007

The Director-General  
c/- David Kitto  
Department of Planning  
Level 4  
23-33 Bridge Street  
SYDNEY NSW 2000

Dear Sir

**RE: WILPINJONG COAL PROJECT OPERATIONAL PHASE MINE ACCESS ROUTE AND  
BLASTING FREQUENCY MODIFICATION – CONSOLIDATED STATEMENT OF  
COMMITMENTS**

As requested, please find below a consolidated statement of commitments<sup>1</sup> incorporating the commitments made by Wilpinjong Coal Pty Limited (WCPL) in the:

- *Operational Phase Mine Access Route and Blasting Frequency Modification – Environmental Assessment* (WCPL, April 2007); and
- *Operational Phase Mine Access Route and Blasting Frequency Modification – Responses to Submissions* (WCPL, July 2007).

***Blasting, Vibration and Public Safety***

WCPL will:

- Undertake all additional blasting activities in accordance with the Blast Management Plan and Monitoring Programme, including:
  - Operating a free-call Blasting Hotline that provides information on the daily and proposed weekly blasting schedule. Advertisement of the contact number in local newspapers at least quarterly, via the Wilpinjong Community Newsletter.
  - Maintenance of road closure notification boards on Ulan-Wollar Road. Provision of at least three days warning of impending road closures subject to blasting demands.
  - Traffic control signs set up in accordance with the Roads and Traffic Authority (RTA)/Mid-Western Regional Council (MWRC) guidelines for all temporary road closures.
  - Modification of blast design to meet vibration and airblast limits and avoid damage to life or property from flyrock, including consideration of wind speed, direction and other meteorological factors prior to blasting to minimise impacts on neighbours.
  - Assessment of wind speed and direction immediately prior to each blast to minimise the potential for dust emissions from blasting to adversely impact on neighbouring private residences.
  - Monitoring of blasts to determine whether airblast and ground vibration limits are met. Review of monitoring results and management practices to evaluate performance and identify responsive action, if required.

<sup>1</sup> This document is not provided as a Preferred Project Report.

**WILPINJONG COAL**

- Establishment of a meteorological assessment protocol so that blasts are postponed during adverse weather conditions.
  - Restriction of blasting activities to Monday to Saturday inclusive between 9.00 am and 5.00 pm EST, with no blasting on Sundays, public holidays, or at any other time without the written approval of the Department of Environment and Climate Change (DECC).
  - Notification of private landholders within 2 km of the Project who have registered an interest in being informed of the blasting frequency via telephone, e-mail or as otherwise agreed.
  - Repairing of any damage to buildings and/or structures on private residences confirmed to have been incurred as a result of blasting activities at the Project (via structural assessment process).
  - Gaining approval from the MWRC (in respect of public roads) and Australian Rail Track Corporation (ARTC) (in respect of the Gulgong-Sandy Hollow railway) prior to blasting within 500 m of a public road or railway.
  - Operating the complaints line and register and managing all blast related complaints in accordance with the existing complaints protocol.
- Limit the maximum Instantaneous charge of additional blasts for coal and interburden to a maximum of 400 kg.
  - Update the Blast Management Plan and Monitoring Programme and the Aboriginal Cultural Heritage Management Plan to include notification of the Department of Planning and DECC (within 24 hours) following the identification of an exceedance of ground vibration levels (specified in the Blast Management Plan and Monitoring Programme i.e. 80 mm/s) at Aboriginal Rock Art Sites 72, 152 or 153 or identification of actual damage.
  - Consult with Moolarben Coal Mines Pty Limited regarding management of potential cumulative blasting amenity impacts associated with road closures (should the Moolarben Coal Project be approved).
  - Continue to consult with the MWRC and the ARTC (in accordance with the current legal agreement between WCPL and the ARTC) in regard to managing blasting amenity impacts.

**Traffic and Public Safety**

WCPL will:

- Contribute an additional \$20,000 per annum to the MWRC over the next three years for the development of school bus lay-by areas along Ulan Road.
- Finance the sealing of the un-sealed section of Ulan-Wollar Road between Ulan Road and the internal mine access road.
- Continue to water the unsealed section of Ulan-Wollar Road until the section of Ulan-Wollar Road between Ulan Road and the internal mine access road is sealed.
- Finance the installation appropriate line-marking and signage along the section of Ulan-Wollar Road between Ulan Road and the internal mine access road.

Wilpinjong Coal Pty Ltd  
Registered Office:  
Level 27, AMP Place, 10 Eagle Street  
Brisbane Qld 4000

Postal Address:  
Locked Bag 2005  
Mudgee NSW 2850

ACN 104 594 694  
Phone: +61 2 6373 4648  
Fax: +61 2 8080 8170

**WILPINJONG COAL**

- Contribute (in consultation with the MWRC and Moolarben Coal Mines Pty Limited) to the upgrading of the Ulan Road/Ulan-Wollar Road Intersection and the Ulan-Wollar Road/internal mine access road intersection.
- Continue to minimise the number of light and heavy vehicles using the local road network by promoting car pooling and/or utilising employee bus services and by limiting the number of heavy vehicle deliveries to site, where practicable.
- Assist MWRC to direct existing financial contributions made by WCPL to MWRC (in accordance with the Wilpinjong Coal Project Planning Agreement and Project Approval 05\_0021) towards the following recommended improvements:
  - Upgrading of the Ulan-Wollar Road/internal mine access road intersection to include:
    - geometry and linemarking as per RTA type 'AUR Right Turn Treatment for vehicles traveling west on Ulan-Wollar Road and turning right into the Project access road; and
    - appropriate lighting at the intersection in accordance with AS 1158:2005 *Lighting for Roads and Public Spaces* (AS 1158) to Country Energy and RTA requirements.
  - Upgrading of the Ulan Road/Ulan-Wollar Road intersection to include:
    - geometry and linemarking as per RTA type 'AUR Right Turn Treatment for vehicles travelling north on the Ulan Road and turning right into Ulan-Wollar Road;
    - a separate left turn deceleration lane (for vehicles traveling southbound on Ulan Road) to improve safety and capacity for left turn traffic from Ulan Road; and
    - appropriate lighting at the intersection in accordance with AS 1158 to Country Energy and RTA requirements.
- Continue to provide MWRC with annual payments for community infrastructure and road maintenance via the Wilpinjong Coal Project Planning Agreement and Project Approval 05-0021.

A Traffic Management Plan would be prepared for any works required on Ulan-Wollar Road and works associated with the Ulan Road/Ulan-Wollar Road intersection in accordance with AS 1742.3: 2002 *Manual of Uniform Traffic Control Devices – Traffic Control Devices for Works on Roads* (AS 1742.3) and the RTA publication *Traffic Control at Work Sites*.

**Road Safety and Road Surface Performance Strategy**

WCPL will:

- Implement a Road Performance Strategy during the Project life to maintain an appropriate level of road safety and road surface performance on Ulan-Wollar Road and Ulan Road. The Road Performance Strategy would: be implemented in consultation with the MWRC, RTA and other local mining operators; and include the following key measures:
  - Encourage the MWRC to allocate a proportion of WCPL's (and other local mine operator's) annual financial contributions towards the cost of annual traffic count surveys to determine the relative contribution of each local mining operation to total traffic flows on the road network and for road dilapidation/safety surveys to identify any required works to maintain road safety and the road pavement surface on Ulan Road and Ulan-Wollar Road.

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Level 27, AMP Place, 10 Eagle Street  
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Phone: +61 2 6373 4648  
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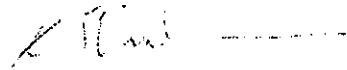
- Encourage employee traffic minimisation throughout the life of the Project by advocating car pooling through site inductions and regular tool box meetings and/or utilising employee bus services.
- Continue to actively promote safe driving on public roads.
- Consult with other local mining operators to identify whether the staggering of shift times could be undertaken to reduce cumulative peak hour traffic on Ulan Road and Ulan-Wollar Road if peak hour movements are identified as being excessive.
- Consult with the MWRC and other local mining operators to encourage the focussing of annual financial contributions from mining operations on road safety, road pavement improvements and general maintenance on Ulan Road and Ulan-Wollar Road.

**Traffic Noise**

WCPL will continue to minimise the number of light and heavy vehicles using the local road network by promoting car pooling and/or utilising employee bus services and by limiting the number of heavy vehicle deliveries to site, where practicable.

Please do not hesitate to contact me on (02) 6370 2500 should you have any queries.

Yours faithfully  
Wilpinjong Coal Pty Ltd



**KEITH DOWNHAM**  
Wilpinjong General Manager