

# Licence Variation

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Licence - 21283

VICKERY COAL PTY LTD  
PO BOX 600  
GUNNEDAH NSW 2380

Attention: Mr Tony Dwyer

Notice Number 1629034  
File Number EF14/4230; DOC23/524656  
Date 18-Aug-2023

## NOTICE OF VARIATION OF LICENCE NO. 21283

### BACKGROUND

- A. VICKERY COAL PTY LTD (“the licensee”) is the holder of Environment Protection Licence No. 21283 (“the licence”) issued under the *Protection of the Environment Operations Act 1997* (“the Act”). The licence authorises the carrying out of activities at BLUE VALE RD, BOGGABRI, NSW, 2382 (“the premises”).
- B. On 15-May-2023 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. On 12 August 2020, the Vickery Extension Project obtained Development Consent (SSD 7480) issued by the Independent Planning Commission of NSW as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*.
- D. As part of the planning assessment process referred to in paragraph C, the EPA reviewed the Vickery Extension Project and considered factors listed in section 45 of the Act. The EPA provided Recommended Conditions of Approval for the project during the planning assessment process.
- E. This variation notice removes the reference to scheduled development works and enables the commencement of scheduled activities to occur at the premises. The conditions added to the licence reflect, and are consistent with, the EPA's Recommended Conditions of Approval and Development Consent SSD 7480.
- F. The licensee provided comments on the draft licence variation notice on 11 July 2023, 28 July 2023 and 09 August 2023 following notice revisions to reflect commitments in updated management plans. Comments provided have been considered and where relevant, further amendments have been made in finalising this notice.
- G. This variation does not authorise a significant increase in environmental impact from activities authorised or controlled by the licence.

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## VARIATION OF LICENCE NO. 21283

1. By this notice the EPA varies licence No. 21283. The attached licence document contains all variations that are made to the licence by this notice.
2. The following variations have been made to the licence:
  - **Administration Conditions:** - updated to reflect commencement of scheduled activities at the premises.
  - **Discharges to Air and Water and Applications to Land:** - updated to include air, water (both surface and ground), noise, blasting and meteorological discharge and monitoring points at the premises.
  - **Limit Conditions:** - updated to include limit conditions for air, water, noise, and blasting activities. Hours of operations also updated to reflect commencement of scheduled activities at the premises.
  - **Operating Conditions:** - updated to include process and management condition relating to water management, waste management and requirements for pollution incident response management plan for the premises.
  - **Monitoring and Recording Conditions:** - updated to reflect monitoring of air, water (both surface and ground), noise, blasting and meteorological parameters at the premises.
  - **Reporting Conditions:** - no changes made
  - **General Conditions:** - no changes made
  - **Pollution Reduction Programs and Studies** - no changes made
  - **Special Conditions:** - no changes made.

.....  
**Rebecca Scrivener**  
**Unit Head - Regional Operations**  
**Environment Protection Authority**  
(by Delegation)

## INFORMATION ABOUT THIS NOTICE

- This notice is issued under section 58(5) of the Act.

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- Details provided in this notice, along with an updated version of the licence, will be available on the EPA's Public Register (<http://www.epa.nsw.gov.au/prpoeo/index.htm>) in accordance with section 308 of the Act.

### **Appeals against this decision**

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

### **When this notice begins to operate**

- The variations to the licence specified in this notice begin to operate immediately from the date of this notice, unless another date is specified in this notice.
- If an appeal is made against this decision to vary the licence and the Land and Environment Court directs that the decision is stayed the decision does not operate until the stay ceases to have effect or the Land and Environment Court confirms the decision or the appeal is withdrawn (whichever occurs first).

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## Licence Details

Number:	21283
Anniversary Date:	17-May

## Licensee

VICKERY COAL PTY LTD

PO BOX 600

GUNNEDAH NSW 2380

## Premises

VICKERY COAL PROJECT

BLUE VALE RD

BOGGABRI NSW 2382

## Scheduled Activity

Chemical storage

Coal works

Crushing, grinding or separating

Mining for coal

## Fee Based Activity

<u>Fee Based Activity</u>	<u>Scale</u>
Coal works	0-2000000 T annual handing capacity
Crushing, grinding or separating	> 500000-2000000 T annual processing capacity
General chemicals storage	0-5000 kL storage capacity
Mining for coal	> 500000-2000000 T annual production capacity

## Contact Us

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## Information about this licence

### Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

### Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

### Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

### Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

### Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

### Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).



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The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

## Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

## Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

## This licence is issued to:

<b>VICKERY COAL PTY LTD</b>
<b>PO BOX 600</b>
<b>GUNNEDAH NSW 2380</b>

subject to the conditions which follow.



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## 1 Administrative Conditions

### A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Coal works	Coal works	0 - 2000000 T annual handing capacity
Crushing, grinding or separating	Crushing, grinding or separating	> 500000 - 2000000 T annual processing capacity
Chemical storage	General chemicals storage	0 - 5000 kL storage capacity
Mining for coal	Mining for coal	> 500000 - 2000000 T annual production capacity

### A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
VICKERY COAL PROJECT
BLUE VALE RD
BOGGABRI
NSW 2382
THE LAND APPROVED UNDER SSD-7480 - INDICATED BY ALL PROJECT COMPONENTS ON THE MAP IN FIGURE 2, APPENDIX 2 - DEVELOPMENT LAYOUT - RECEIVED BY THE EPA 13 JUNE 2023 (CM9:DOC23/524616).

### A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and

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b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

## 2 Discharges to Air and Water and Applications to Land

### P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
5	Ambient air monitoring		Ambient Air Quality Monitoring point - Located on South-western side of VCM development boundary and labelled as PM1 - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
6	Ambient air monitoring		Ambient Air Quality Monitoring Point - Located western side of VCM development boundary and labelled as PM2 - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).

P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

<i>Water and land</i>			
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
2	Surface water quality monitoring		Surface Water Monitoring Point - North-Western Side of VCM Development Layout and labelled as DDC-DS1 - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
3	Surface water quality monitoring		Surface Water Monitoring Point - Northern Side of VCM Development Layout and labelled as DDC-US - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).

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9	Surface water quality monitoring		Surface Water Monitoring Point - located on South-western side of VCM Development Layout and labelled as NR-US - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
10	Ambient surface water quality monitoring		Ambient Surface Water Monitoring Point - located on western side of VCM Development Layout and labelled as NR-DS2 - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
14	Wet weather discharge	Wet weather discharge	Sediment Dam Water Discharge Monitoring Point - Northern side of VCM Development Layout and labelled as SD-A - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
15	Groundwater monitoring		Ground water monitoring point (alluvial) - Western Side of VCM Development Layout and labelled as VNW394 - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
16	Ground water monitoring		Ground water monitoring point (permian) - Western Side of VCM Development Layout and labelled as VNW391 - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
17	Ground water monitoring		Ground water monitoring point (permian) - Southern Side of VCM Development Layout and labelled as VS059 - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
18	Ground Water Monitoring		Ground water monitoring point (alluvial) - Southern Side of VCM Development Layout and labelled as SB04 - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
19	Ground Water Monitoring		Ground water monitoring point (alluvial) - Northern Side of VCM Development Layout and labelled as GW-11 - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).

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20	Wet weather discharge	Wet weather discharge	Sediment Dam Water Discharge Monitoring Point - Northern side of VCM Development Layout and labelled as SD-B - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
21	Wet weather discharge	Wet weather discharge	Sediment Dam Water Discharge Monitoring Point - Northern side of VCM Development Layout and labelled as SD-C - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).

P1.3 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

### *Noise/Weather*

EPA identification no.	Type of monitoring point	Location description
1	Meteorological Station	Meteorological station to be located in vicinity of premises and labelled as MET 1. Station to be compliant with "Approved Methods for Sampling of Air Pollutants in NSW" and capable of continuous real-time measurement of temperature lapse rate according to the "NSW Industrial Noise Policy." To be installed before any scheduled activities commence at the site.
4	Meteorological Station	Located south of VCM and labelled MET 2 - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
7	Noise monitoring	Attended Noise Monitoring Point - Located on western side of VCM and labelled as N-AT1 - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
8	Noise monitoring	Attended Noise Monitoring Point - Located on south-western side of VCM and labelled as N-AT2 - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
11	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast Monitoring Point - Monitoring of overpressure and vibration at Kurrumbede Homestead and labelled as B-01 - located on southern side of VCM Development Layout - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).

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12	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast Monitoring Point - Monitoring of vibration at grinding groove site and labelled as B-02 - located on western side of VCM Development Layout - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).
13	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast Monitoring Point - Monitoring of overpressure and vibration at private residences and labelled as B-03 - located on south-western side of VCM Development Layout - As per Figure 1- EPL Monitoring Locations - received by EPA 26/06/2023 (CM9 DOC23/552327).

## 3 Limit Conditions

### L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

### L2 Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.

L2.4 Water and/or Land Concentration Limits

#### POINT 14,20,21

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Oil and Grease	milligrams per litre				10
pH	pH				6.5-8.5

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Total suspended solids	milligrams per litre	50
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L2.5 The Total Suspended Solids concentration limits specified for Points 2,3,9,10 and 14 may be exceeded for water discharged provided that:

- (a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 38.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- (b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 38.4 millimetre, 5 day rainfall event.

Note: 38.4 mm equates to the 5 day 90%ile rainfall depth for Gunnedah sourced from Table 6.3a Managing Urban Stormwater: Soils and Construction Volume 1: 4th edition, March 2004.

## L3 Waste

- L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.
- L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.
- L3.3 Reject material from the Whitehaven CHPP can be disposed of at the premises in accordance with the disposal method outlined in the Environmental Assessment titled 'Vickery Extension Project - Environmental Impact Statement', prepared by Resource Strategies, or as modified, or as otherwise approved by the EPA.

## L4 Noise limits

Note: Location numbers listed in the table in condition L4.1 are defined in the Vickery Extension Project Noise and Blasting Assessment - Report 15260 Version A dated 08 August 2018.

L4.1 Noise generated at the premises must not exceed the noise limits in the table below.

Locality and Location	Day - LAeq (15 minute)	Evening - LAeq (15 minute)	Night - LAeq (15 minute)	Night - LA1 (1 minute)
Any other privately-owned residential receiver without a negotiated agreement in place	40	35	35	45
131a	40	37	37	52

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131b	40	36	36	52
132	40	36	36	52

- L4.2 The noise limits identified in the above table do not apply at privately owned residences that are:
- identified as residences subject to acquisition or noise mitigation on request within the Project Approval; or
  - subject to a private agreement, relating to the noise levels, between the licensee and the land owner.
- L4.3 For the purposes of demonstrating compliance with Condition 4.1:
- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
- Evening is defined as the period from 6pm to 10pm all days;
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.
- L4.4 The noise limits set out in condition L4.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level
Evening	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level
Night	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level; OR Stability Category F with wind speeds up to and including 2m/s at 10m above ground level.

- L4.5 If the meteorological conditions do not meet the conditions described in condition L4.4, the noise limit is the equivalent of those described in condition L4.1 plus 5dB
- L4.6 For the purposes of condition L4.3:
- The meteorological conditions are to be determined from meteorological data obtained from the on-site meteorological weather stations identified as EPA Points 1 and 4; and
  - Stability Category shall be determined by the sigma-theta method referred to in Fact Sheet D of the Noise Policy for Industry.
- L4.7 To determine compliance:
- with the LAeq(15 minute) noise limits in condition L4.1, the noise measurement equipment must be located:
    - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
    - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
    - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
  - with the noise limits in condition L4.1, the noise measurement equipment must be located:

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- (i) at the most affected point at a location where there is no dwelling at the location; or
- (ii) at the most affected point within an area at a location prescribed by condition L4.6(a).

- L4.8 A non-compliance of condition L4.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:
- at a location other than an area prescribed by conditions L4.7(a) and L4.7(b); and/or
  - at a point other than the most affected point at a location.
- L4.9 For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.
- L4.10 Compliance measurements should not be undertaken during rain or where wind speed at microphone level will affect the acquisition of valid sound pressure level measurements.

## L5 Blasting

- L5.1 The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time and at any point within 30m of any non-project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.2 The overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) for more than five percent of the total number of blasts over each reporting period at any time and at any point within 30 metres of any non-project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time and at any point within 3.5 metres of any non-project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five percent of the total number of blasts over each reporting period at any point within 3.5 metres of any non-project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.5 Blasting operations on the premises must only be carried out between the hours 9am to 5pm, Monday to Saturday, inclusive.
- L5.6 The hours during which blasting is permitted may be varied by the EPA upon consideration of the impact any variation may have on the amenity of the residents in the locality.
- L5.7 Blasting at the premises is limited to 1 blast on each day on which blasting is permitted.



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Note: Additional blasts are permitted where it is demonstrated to be necessary for safety reasons and the EPA and neighbours have been notified of the intended blast prior to the additional blast being fired.

Note: Condition L5.7 does not apply to blasts that generate ground vibration of 0.5mm/s or less at any residence on privately-owned land.

## L6 Hours of operation

### Construction hours

L6.1 Unless otherwise specified by another condition of this licence, construction activities may be carried out 24 hours a day, seven (7) days a week except for:

(a) construction activities associated with the Project Rail Spur, Kamilaroi Highway Overpass and road realignments between the hours of 7am and 6pm Monday to Sunday and at no time on Public Holidays, unless the Planning Secretary agrees otherwise.

L6.2 The following activities may be carried out outside the hours in Condition L6.1:

(a) Delivery of plant, equipment and materials which is required to be delivered outside standard construction hours by Police and/or other authorities for safety reasons.

(b) Emergency work to avoid loss of life, damage to property and/or environmental harm.

(c) Activities approved through the process outlined in Condition L6.3.

L6.3 The hours of construction specified in condition L6.1 may be varied with the prior written approval of the EPA.

Any request to alter the hours of construction shall be:

(a) considered on a case-by-case or activity-specific basis;

(b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;

(c) accompanied by written evidence that appropriate consultation with potentially affected noise sensitive receivers and notification of relevant agencies has been and will be undertaken;

(d) all reasonable and feasible noise mitigation measures have been put in place; and,

(e) accompanied by a noise impact assessment consistent with the requirements of the Interim Construction Noise Guideline (DECCW, 2009).

### Operating Hours

L6.4 Unless otherwise specified by another condition of this licence:

(a) Mining operations may be carried out 24 hours a day, seven (7) days a week;

(b) Road transport of run of mine (ROM) coal may occur between 6am-9.15pm Monday to Friday and 7am-5.15pm Saturdays only.

## L7 Potentially offensive odour

L7.1 No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.

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Note: *Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.*

## 4 Operating Conditions

### O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.

This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

### O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

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

### O3 Dust

O3.1 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

O3.2 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O3.3 Trucks transporting coal from the premises must be covered as soon as practicable after loading and prior to leaving the licensed premises to prevent wind-blown emissions and spillage. The covering must be maintained until immediately before unloading the trucks.

### O4 Processes and management

#### Reuse of Mine water

O4.1 If reuse of mine water is proposed in a catchment other than mine water catchments, then the proponent must assess potential risks, in consultation with the EPA, including:

- salinity of irrigation water and related erosion and soil structure degradation risks;
- salinity and pollutants in mine water runoff to sediment basins that discharge to the environment and

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increased risk of a wider range of potential pollutants in discharges.

Any reuse of mine water in catchments other than mine water catchments must not occur before the EPA provides written approval to the proponent. This may be in the form of a licence variation notice or via letter.

## Run of Mine Hopper

O4.2 The Run of Mine Hopper must be enclosed on three sides with the open side directed away from receptors.

## O5 Waste management

- O5.1 The licensee must prepare and implement a Waste Management Plan for the premises. The Waste Management Plan must include, but is not limited to, management measures for:
- waste tyres; and
  - waste oils, chemical, mechanical and hazardous waste; and
  - general solid waste; and
  - septage and grey water.

## O6 Other operating conditions

O6.1 Offensive blast fume must not be emitted from the premises.

Definition: *Offensive blast fume* means post-blast gases (whether visible or invisible, odorous or odourless) from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:

- are harmful to (or is likely to be harmful to) a person that is outside the premises from which it is emitted, or
- interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.

O6.2 The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions, fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment.

O6.3 The licensee must keep the Pollution Incident Response Management Plan (PIRMP) on the premises at all times.

## 5 Monitoring and Recording Conditions

### M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

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M1.2 All records required to be kept by this licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:

- the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

## M2 Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Air Monitoring Requirements

### POINT 5,6

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Continuous	AM-22

M2.3 Water and/ or Land Monitoring Requirements

### POINT 2,3,9

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Quarterly	Grab sample
Oil and Grease	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample
Total suspended solids	milligrams per litre	Quarterly	Grab sample

### POINT 10

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 1	Grab sample

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Oil and Grease	milligrams per litre	Special Frequency 1	Grab sample
pH	pH	Special Frequency 1	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample

**POINT 14,20,21**

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 1	Grab sample
Oil and Grease	milligrams per litre	Special Frequency 1	Grab sample
pH	pH	Special Frequency 1	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample

**POINT 15,16,17,18,19**

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Every 6 months	Grab sample
Lead	milligrams per litre	Every 6 months	Grab sample
pH	pH	Every 6 months	Grab sample
Standing Water Level	metres	Every 6 months	In situ

M2.4 For the purposes of the table(s) above, Special Frequency 1 means the collection of samples as soon as practicable after a discharge from points 14, 20 and 21 commences and in any case not more than 12 hours after discharge commences.

### M3 Testing methods - concentration limits

- M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
  - if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
  - if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2022* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

- M3.2 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods

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Publication unless another method has been approved by the EPA in writing before any tests are conducted.

## M4 Weather monitoring

M4.1 At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

### POINT 1,4

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Temperature at 2 metres	AM-4	degrees Celsius	15 minutes	Continuous
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous
Temperature at 10 metres	AM-4	degrees Celsius	15 minutes	Continuous
Rainfall	AM-4	millimetres per hour	1 hour	Continuous
Total Solar Radiation	AM-4	Watts per square metre	15 minutes	Continuous
Siting	AM-1 & AM-4	-	-	-
Sigma theta	AM-2 & AM-4	Degrees	15 minutes	Continuous

M4.2 The meteorological weather station(s) must be maintained so as to be capable of continuously monitoring the parameters specified in this section.

M4.3 The licensee must develop and implement a calibration, quality assurance, quality control and audit program for the meteorological monitoring station. The program must be implemented by 31 December 2023.

## M5 Recording of pollution complaints

M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M5.2 The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and

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f) if no action was taken by the licensee, the reasons why no action was taken.

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## M6 Telephone complaints line

M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M6.3 The preceding two conditions do not apply until one month after the date of the issue of this licence.

## 6 Reporting Conditions

### R1 Annual return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

1. a Statement of Compliance,
2. a Monitoring and Complaints Summary,
3. a Statement of Compliance - Licence Conditions,
4. a Statement of Compliance - Load based Fee,
5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
7. a Statement of Compliance - Environmental Management Systems and Practices.

At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee:

- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.



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Note: An application to transfer a licence must be made in the approved form for this purpose.

- R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
  - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.
- R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.
- R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- a) the licence holder; or
  - b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

## R2 Notification of environmental harm

- R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

- R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.

## R3 Written report

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- a) where this licence applies to premises, an event has occurred at the premises; or
  - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
- a) the cause, time and duration of the event;
  - b) the type, volume and concentration of every pollutant discharged as a result of the event;



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- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## 7 General Conditions

### G1 Copy of licence kept at the premises or plant

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

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## Dictionary

### General Dictionary

<b>3DGM [in relation to a concentration limit]</b>	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
<b>Act</b>	Means the Protection of the Environment Operations Act 1997
<b>activity</b>	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
<b>actual load</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>AM</b>	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
<b>AMG</b>	Australian Map Grid
<b>anniversary date</b>	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
<b>annual return</b>	Is defined in R1.1
<b>Approved Methods Publication</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>assessable pollutants</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>BOD</b>	Means biochemical oxygen demand
<b>CEM</b>	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
<b>COD</b>	Means chemical oxygen demand
<b>composite sample</b>	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
<b>cond.</b>	Means conductivity
<b>environment</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>environment protection legislation</b>	Has the same meaning as in the Protection of the Environment Administration Act 1991
<b>EPA</b>	Means Environment Protection Authority of New South Wales.
<b>fee-based activity classification</b>	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
<b>general solid waste (non-putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

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<b>flow weighted composite sample</b>	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
<b>general solid waste (putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>grab sample</b>	Means a single sample taken at a point at a single time
<b>hazardous waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>licensee</b>	Means the licence holder described at the front of this licence
<b>load calculation protocol</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>local authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>material harm</b>	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
<b>MBAS</b>	Means methylene blue active substances
<b>Minister</b>	Means the Minister administering the Protection of the Environment Operations Act 1997
<b>mobile plant</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>motor vehicle</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>O&amp;G</b>	Means oil and grease
<b>percentile [in relation to a concentration limit of a sample]</b>	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
<b>plant</b>	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
<b>pollution of waters [or water pollution]</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>premises</b>	Means the premises described in condition A2.1
<b>public authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>regional office</b>	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
<b>reporting period</b>	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
<b>restricted solid waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>scheduled activity</b>	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
<b>special waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>TM</b>	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .

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<b>TSP</b>	Means total suspended particles
<b>TSS</b>	Means total suspended solids
<b>Type 1 substance</b>	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
<b>Type 2 substance</b>	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
<b>utilisation area</b>	Means any area shown as a utilisation area on a map submitted with the application for this licence
<b>waste</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>waste type</b>	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non-putrescible), special waste or hazardous waste
<b>Wellhead</b>	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Mr Duncan McGregor

Environment Protection Authority

(By Delegation)

Date of this edition: 17-May-2019

## End Notes