

METROPOLITAN COAL LONGWALLS 311-316

PUBLIC SAFETY MANAGEMENT PLAN





METROPOLITAN COAL

LONGWALLS 311-316

PUBLIC SAFETY MANAGEMENT PLAN

Revision Status Register

Section/Page/ Annexure	Revision Number	Amendment/Addition	Distribution	DPHI Approval Date
All	PSMP-R01-A	Original	DPHI, MEG, DSNSW & WaterNSW	
All	PSMP-R01-B	Updated to reflect amendments to the Longwalls 311-316 longwall layout and to address agency comments		

July 2024

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1 INTRODUCTION

The Metropolitan Colliery (Metropolitan Coal Mine) is owned and operated by Metropolitan Collieries Pty Ltd (Metropolitan Coal), which is a wholly owned subsidiary of Peabody Energy Australia Pty Ltd (Peabody). The Metropolitan Coal Mine is located adjacent to the township of Helensburgh (Figure 1), approximately 30 kilometres (km) north of Wollongong in New South Wales (NSW).

Metropolitan Coal was granted approval for the Metropolitan Coal Project (the Project) under section 75J of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) on 22 June 2009. A copy of the Project Approval is available on the Peabody website (<http://www.peabodyenergy.com>).

The Project comprises the continuation, upgrade and extension of underground coal mining operations (Longwalls 20-27 and Longwalls 301-317) and surface facilities at Metropolitan Coal. Longwalls 311-316 are situated to the west of Longwalls 301-310 and define the next mining sub-domain within the Project underground mining area (Figures 1, 2 and 3). Longwall 317 will be subject to future Extraction Plans.

1.1 MINING SCHEDULE

Longwalls 311-316 and the area of land within 600 metres (m) of Longwalls 311-316 secondary extraction are shown on Figures 1, 2 and 3. Longwall extraction will occur from north to south. The layout of Longwalls 311-316 includes both 163 m and 138 m panel widths (void) and 45 m and 70 m pillar widths (solid). As the mine progresses west of the reservoir it will transition to 163 m panel widths, with 138 m panel widths remaining at the northern commencing ends beneath the reservoir.

The provisional extraction schedule for Longwalls 311-316 is provided in Table 1.

**Table 1
Provisional Extraction Schedule**

Longwall	Estimated Start Date	Estimated Duration	Estimated Completion Date
Longwall 311	October 2024	8 Months	June 2025
Longwall 312	July 2025	6 Months	December 2025
Longwall 313	January 2026	5 months	June 2026
Longwall 314	August 2026	9 months	June 2027
Longwall 315	July 2027	8 months	March 2028
Longwall 316	April 2028	8 months	December 2028

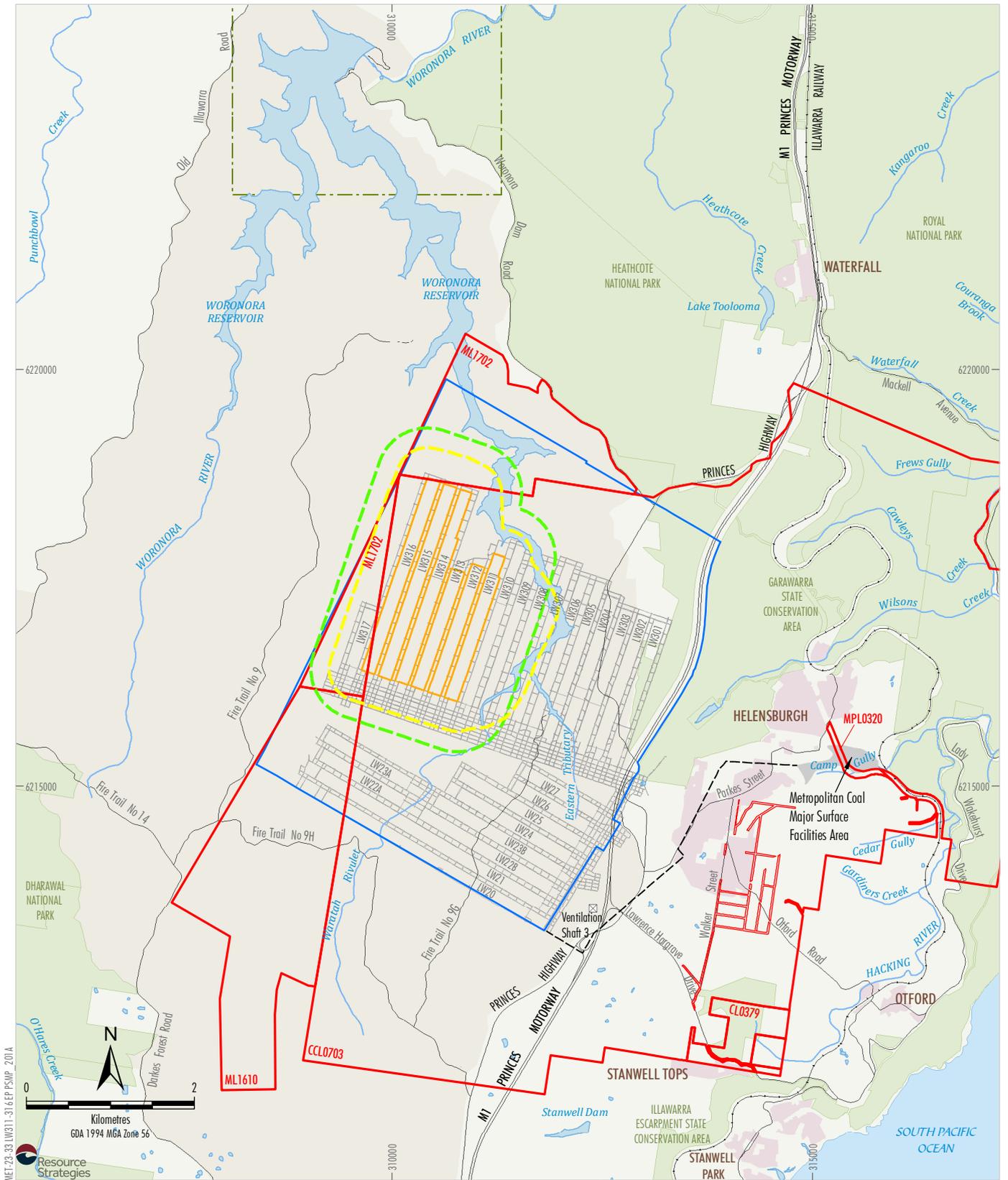
The total cumulative predicted subsidence effects, subsidence impacts and/or environmental consequences at the completion of the Project are considered in the *Metropolitan Coal Project Environmental Assessment* (Project EA) (Helensburgh Coal Pty Ltd [HCPL], 2008) and the *Metropolitan Coal Project Preferred Project Report* (HCPL, 2009), and the cumulative subsidence effects, subsidence impacts and environmental consequences will be assessed in future Extraction Plans.

1.2 PURPOSE AND SCOPE

In accordance with Condition 6(g), Schedule 3 of the Project Approval, this Public Safety Management Plan (PSMP) has been prepared as a component of the Metropolitan Coal Longwalls 311-316 Extraction Plan to manage the potential consequences of the Extraction Plan on public safety within the mining area.

The relationship of this PSMP to the Metropolitan Coal Environmental Management Structure and to the Metropolitan Coal Longwalls 311-316 Extraction Plan is shown on Figure 4.

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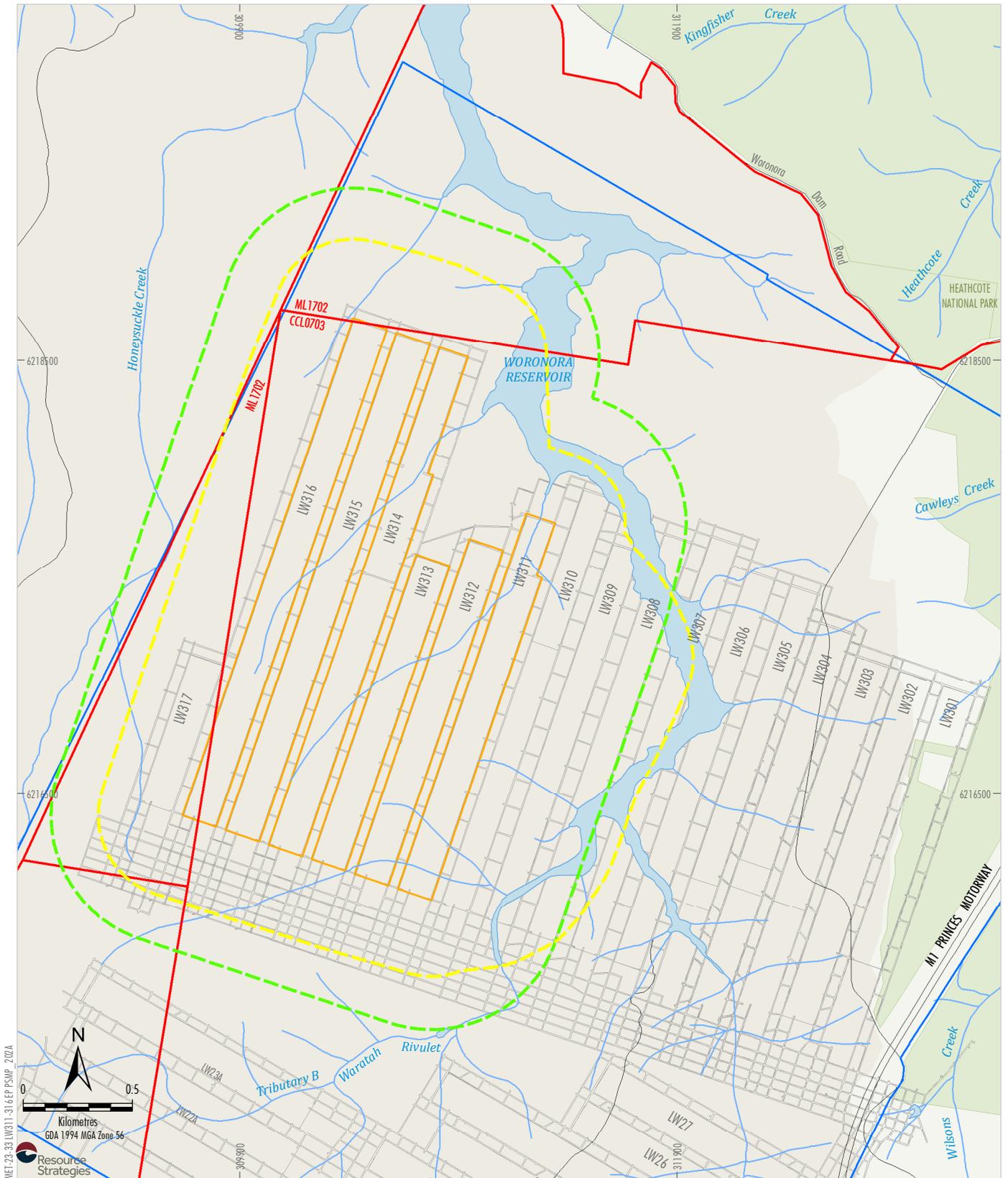


- LEGEND**
- Mining Lease Boundary
 - Woronora Special Area
 - Railway
 - Project Underground Mining Area
Longwalls 20-27 and 301-317
 - Longwalls 311-316 Secondary Extraction
 - Longwalls 311-316 35° Angle of Draw and/or
Predicted 20 mm Subsidence Contour
 - 600 m from Longwalls 311-316
Secondary Extraction
 - Woronora Notification Area
 - Existing Underground Access Drive (Main Drift)

Source: Land and Property Information (2015); Department of Industry (2015); DPE (2023); Metropolitan Coal (2023); MSEC (2024)

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METROPOLITAN COAL
Longwalls 311-316 and
Project Underground Mining Area

Figure 1

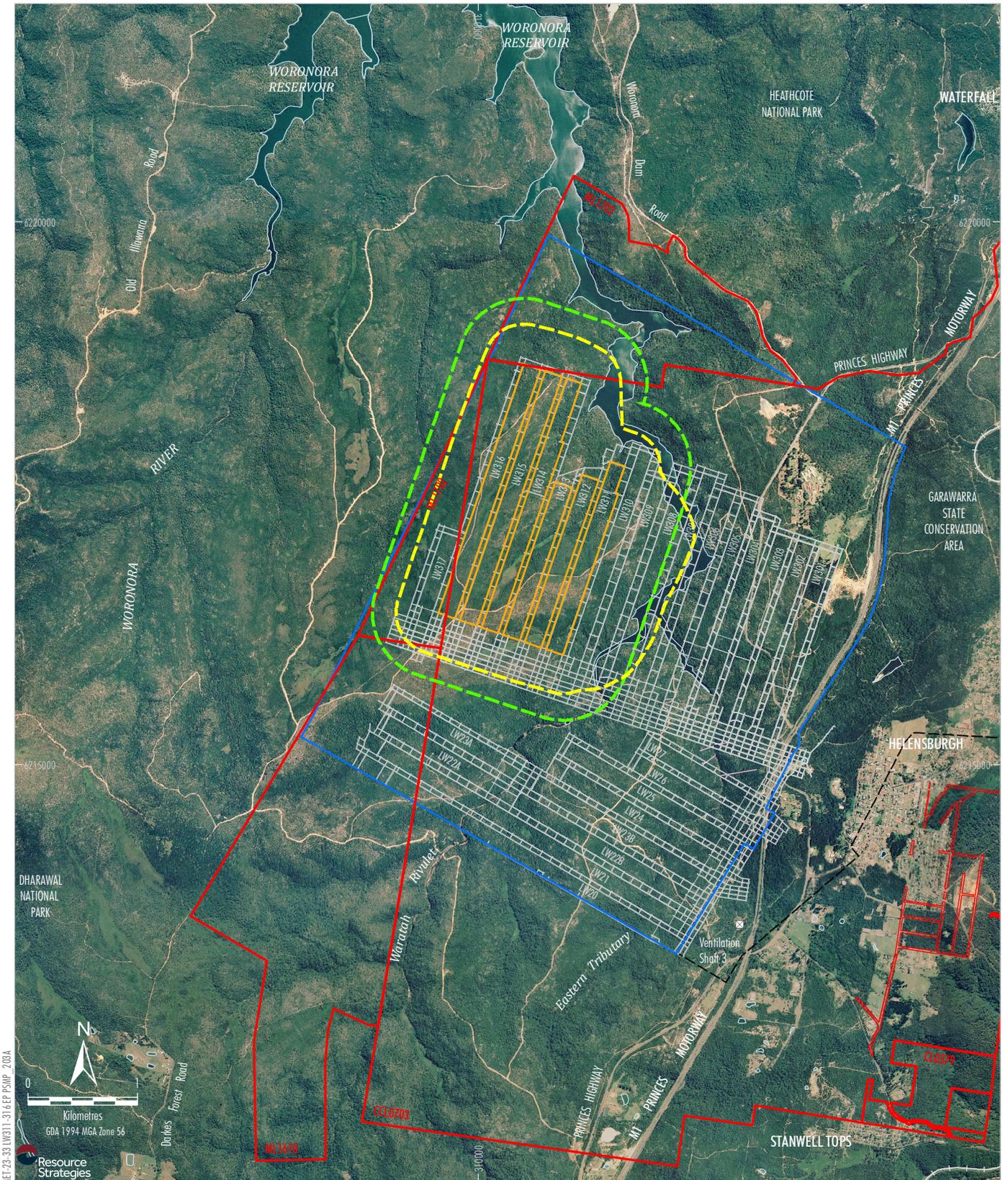


- LEGEND**
- Mining Lease Boundary
 - Woronora Special Area
 - Project Underground Mining Area
Longwalls 20-27 and 301-317
 - Longwalls 311-316 Secondary Extraction
 - Longwalls 311-316 35° Angle of Draw and/or
Predicted 20 mm Subsidence Contour
 - 600 m from Longwalls 311-316
Secondary Extraction

Source: Land and Property Information (2015); Department of Industry (2015);
DPE (2023); Metropolitan Coal (2023); MSEC (2024)

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METROPOLITAN COAL
Longwalls 311-316 Layout

Figure 2

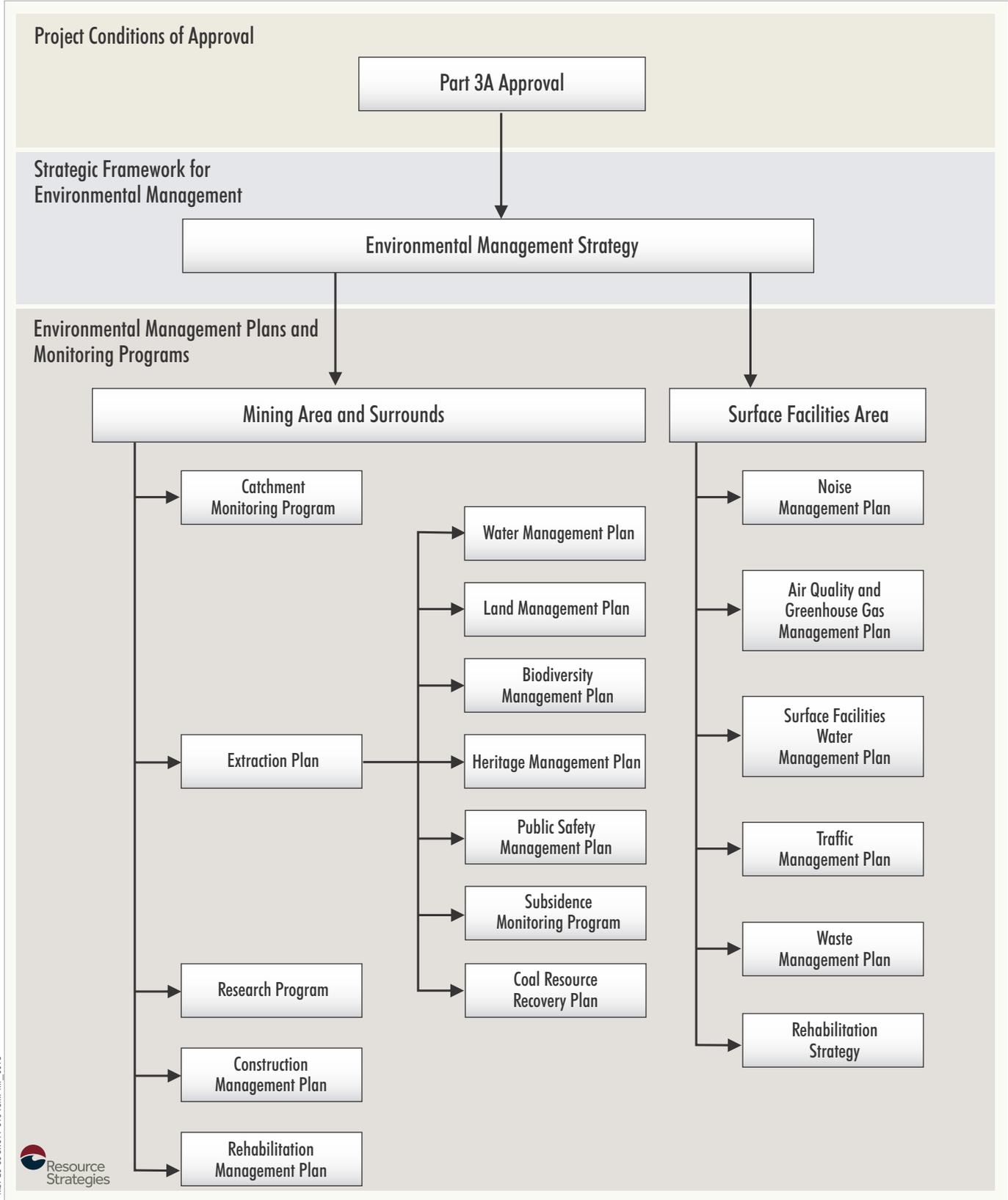


Source: Land and Property Information (2015); Date of Aerial Photography 1998;
 Department of Industry (2015); Metropolitan Coal (2023); MSEC (2024)

- LEGEND**
- Mining Lease Boundary
 - Railway
 - Project Underground Mining Area
Longwalls 20-27 and 301-317
 - Longwalls 311-316 Secondary Extraction
 - Longwalls 311-316 35° Angle of Draw and/or
Predicted 20 mm Subsidence Contour
 - 600 m from Longwalls 311-316
Secondary Extraction
 - Existing Underground Access Drive (Main Drift)

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 METROPOLITAN COAL
 Longwalls 311-316 and
 Project Underground Mining Area -
 Aerial Photograph

Figure 3



MEF-23-33 LW311-316 PSMP INT 001B



Figure 4

2 PUBLIC SAFETY MANAGEMENT PLAN REVIEW AND UPDATE

In accordance with Condition 4, Schedule 7 of the Project Approval, this PSMP will be reviewed within three months of the submission of:

- an audit under Condition 8, Schedule 7;
- an incident report under Condition 6, Schedule 7;
- an annual review under Condition 3, Schedule 7; and
- if necessary, revised to the satisfaction of the Director-General (now Secretary) of the NSW Department of Planning and Environment (DPE) (now the NSW Department of Planning, Housing and Infrastructure¹) to ensure this PSMP is updated on a regular basis and to incorporate any recommended measures to improve environmental performance.

This PSMP will also be reviewed within three months of approval of any Project modification and if necessary, revised to the satisfaction of the DPE.

The revision status of this PSMP is indicated on the title page of each copy. The distribution register for controlled copies of the PSMP is described in Section 2.1. Revisions to any documents listed within this PSMP will not necessarily constitute a revision of this document.

2.1 DISTRIBUTION REGISTER

In accordance with Condition 10, Schedule 7 of the Project Approval, 'Access to Information', Metropolitan Coal will make the PSMP publicly available on the Peabody website.

Metropolitan Coal recognises that various regulators have different distribution requirements, both in relation to whom documents should be sent and in what format.

An Environmental Management Plan and Monitoring Program Distribution Register has been established in consultation with the relevant agencies and infrastructure owners that indicates:

- to whom the Metropolitan Coal plans and programs, such as the PSMP, will be distributed;
- the format (i.e. electronic or hard copy) of distribution; and
- the format of revision notification.

Metropolitan Coal will make the Distribution Register publicly available on the Peabody website.

Metropolitan Coal will be responsible for maintaining the Distribution Register and for ensuring that the notification of revisions is sent by email or post as appropriate.

In addition, Metropolitan Coal employees with local computer network access will be able to view the controlled electronic version of this PSMP on the Metropolitan Coal local area network. Metropolitan Coal will not be responsible for maintaining uncontrolled copies beyond ensuring the most recent version is maintained on Metropolitan Coal's computer system and the Peabody website.

¹ The former Department of Planning and Environment (DPE) was renamed to the Department of Planning, Housing and Infrastructure on 1 January 2024. References to DPE have been retained throughout the remainder of this document.

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3 STATUTORY REQUIREMENTS

Metropolitan Coal's statutory obligations are contained in:

- (i) the conditions of the Project Approval;
- (ii) relevant licences and permits, including conditions attached to mining leases; and
- (iii) other relevant legislation.

These are described below.

3.1 ENVIRONMENTAL PLANNING & ASSESSMENT ACT APPROVAL

Condition 6(g), Schedule 3 of the Project Approval requires the preparation of a PSMP as a component of Extraction Plan(s) for second workings. Project Approval Condition 6(g), Schedule 3 states:

SECOND WORKINGS

Extraction Plan

6. *The Proponent shall prepare and implement an Extraction Plan for all second workings in the mining area to the satisfaction of the Director-General. This plan must:*

...

- (g) *include a Public Safety Management Plan, which has been prepared in consultation with DRE² and the DSC³ (for any mining within the DSC notification area), to ensure public safety in the mining area.*

In addition, Condition 2, Schedule 7 of the Project Approval outlines management plan requirements that are applicable to the preparation of this PSMP. Table 2 indicates where each applicable component of the condition is addressed within this PSMP.

**Table 2
Management Plan Requirements**

Project Approval Condition	PSMP Section
Condition 2, Schedule 7	
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;	Section 4
b) a description of:	
• the relevant statutory requirements (including any relevant approval, licence or lease conditions);	Section 3
• any relevant limits or performance measures/criteria;	Section 6
• 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;	Section 6
c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;	Sections 7 and 8

² The Division of Resources and Energy (DRE) is now the Resources Regulator.

³ Dams Safety Committee (DSC) is now Dams Safety NSW.

**Table 2 (Continued)
Management Plan Requirements**

Project Approval Condition	PSMP Section
d) a program to monitor and report on the: <ul style="list-style-type: none"> • impacts and environmental performance of the project; • effectiveness of any management measures (see c above); 	Sections 7 and 8
e) a contingency plan to manage any unpredicted impacts and their consequences;	Section 9
f) a program to investigate and implement ways to improve the environmental performance of the project over time;	N/A
g) a protocol for managing and reporting any: <ul style="list-style-type: none"> • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and 	Section 10 Section 10 Section 10 Section 10
h) a protocol for periodic review of the plan.	Section 2

3.2 LICENCES, PERMITS AND LEASES

In addition to the Project Approval, all activities at or in association with the Metropolitan Coal Mine will be undertaken in accordance with the following licences, permits and leases which have been issued or are pending issue.

- The conditions of mining leases issued by the NSW Division of Resources and Geoscience (now Mining, Exploration and Geoscience), under the NSW *Mining Act 1992* (e.g. Consolidated Coal Lease [CCL] 703, Mining Lease [ML] 1610, ML 1702, Coal Lease 379 and Mining Purpose Lease 320).
- The conditions of Environment Protection Licence (EPL) No. 767 issued by the NSW Environment Protection Authority under the NSW *Protection of the Environment Operations Act 1997*.
- The prescribed conditions of specific surface access leases within CCL 703 for the installation of surface facilities as required.
- Water Access Licences (WALs) issued by the NSW Department of Industry – Water (now DPE – Water) under the NSW *Water Management Act 2000*, including WAL 36475 under the *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023* and WAL 25410 under the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023*.
- Mining and workplace health and safety related approvals granted by the Resources Regulator and WorkCover NSW.
- Supplementary approvals obtained from WaterNSW for surface activities within the Woronora Special Area (e.g. fire road maintenance activities).

3.3 OTHER LEGISLATION

Metropolitan Coal will conduct the Project consistent with the Project Approval and any other legislation that is applicable to an approved Part 3A Project under the EP&A Act.

The following Acts may be applicable to the conduct of the Project (HCPL, 2008)⁴:

- *Biodiversity Conservation Act 2016*;
- *Biosecurity Act 2015*;
- *Contaminated Land Management Act 1997*;
- *Crown Land Management Act 2016*;
- *Dams Safety Act 2015*;
- *Dangerous Goods (Road and Rail Transport) Act 2008*;
- *Energy and Utilities Administration Act 1987*;
- *Fisheries Management Act 1994*;
- *Mining Act 1992*;
- *National Parks and Wildlife Act 1974*;
- *Protection of the Environment Operations Act 1997*;
- *Rail Safety (Adoption of National Law) Act 2012*;
- *Roads Act 1993*;
- *Water Act 1912*;
- *Water Management Act 2000*;
- *Water NSW Act 2014*;
- *Work Health and Safety Act 2011*; and
- *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

Relevant licences or approvals required under the above Acts will be obtained as required.

⁴ The list of potentially applicable Acts has been updated to reflect changes to the Acts that were in force at the time of submission of the *Metropolitan Coal Project Environmental Assessment* (Project EA) (HCPL, 2008).

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4 BASELINE DATA

Baseline data in relation to the potential consequences of mining is provided in the various management plans prepared under the Extraction Plan as shown in Figure 4. The Metropolitan Coal Longwalls 311-316 Land Management Plan (LMP) which describes potential consequences on cliffs, overhangs, steep slopes and land in general is also of relevance to public safety.

4.1 LONGWALLS 311-316 LAND MANAGEMENT PLAN

Cliffs and Overhangs

As described in the Longwalls 311-316 LMP, cliffs are defined as a continuous rock face, including overhangs, having a minimum height of 10 m and a slope of greater than 66 degrees (°). The location of cliffs within the Project underground mining area (Figure 5) was determined by Mine Subsidence Engineering Consultants Pty Ltd (MSEC) (2008) from site inspections and from 1 m surface contours of the area. Overhangs associated with cliffs and/or considered sensitive to potential mine subsidence movements (due to their location relative to the Waratah Rivulet) were also identified within the Project underground mining area (Figure 5).

An additional cliff and overhang site (COH17) was identified below the full supply level on the Eastern Tributary arm of the Woronora Reservoir in August 2018 (Figure 5).

Six cliff and overhang sites are located within the Longwalls 311-316 35° angle of draw and/or predicted 20 millimetres (mm) subsidence contour (sites COH10, COH11, COH12, COH13, COH18 and COH19) while an additional four cliff and overhang sites (sites COH5, COH7, COH8 and COH09) are outside the Longwalls 311-316 35° angle of draw and/or predicted 20 mm subsidence contour and within 600 m of Longwalls 311-316.

COH18 is located above Longwall 312 and COH19 is located above Longwall 314. COH11, COH12 and COH13 are located above previously extracted Longwalls 307 and 308 (Figure 4).

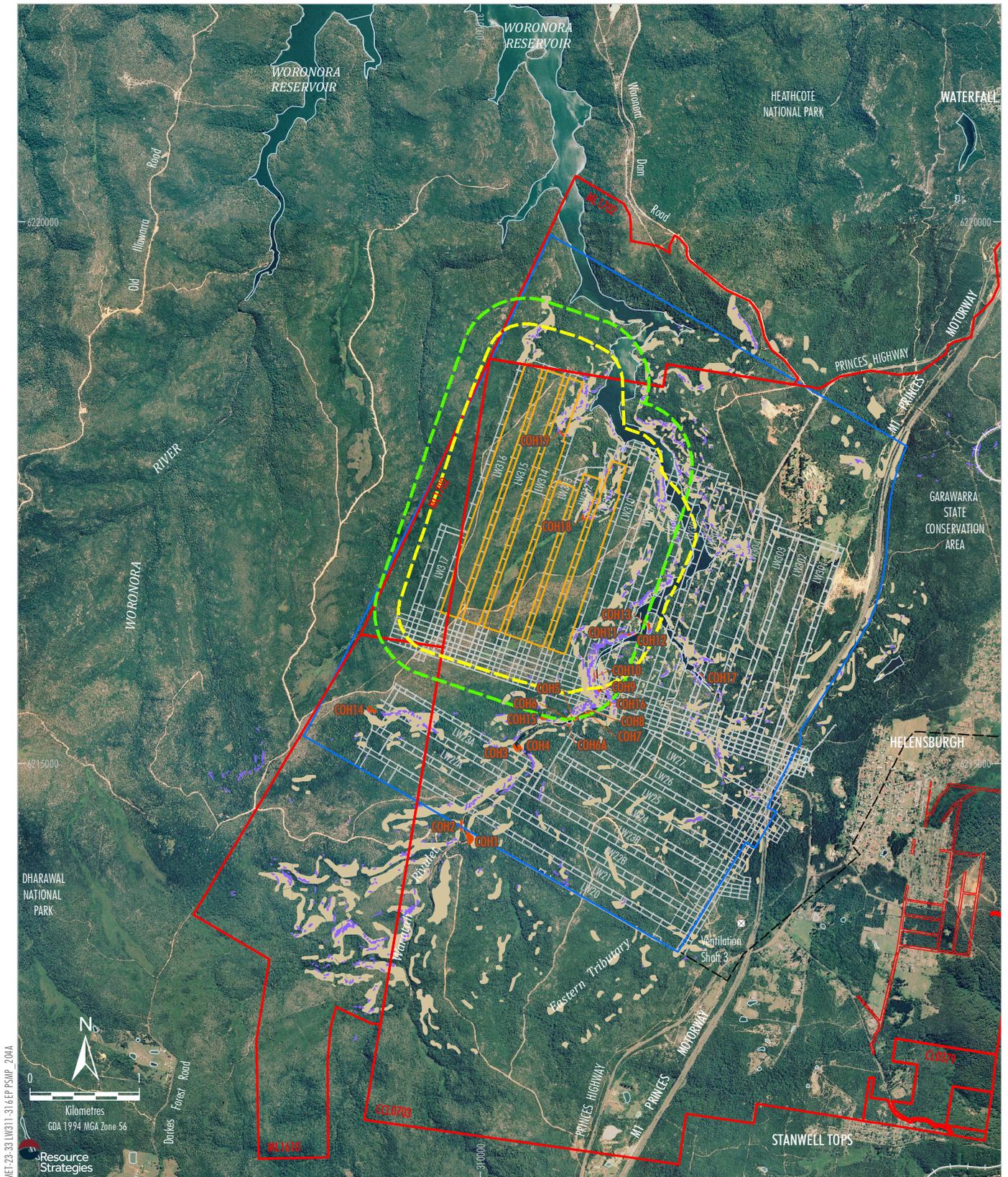
Site inspections of cliffs and overhangs within 600 m of Longwalls 20-27 secondary extraction were conducted by MSEC prior to the commencement of Longwalls 20-22 and/or Longwalls 23-27. A site inspection of cliff and overhang site COH17 was conducted by MSEC prior to the commencement of Longwall 303. The baseline characteristics of each cliff and overhang were recorded. The data obtained includes:

- photographic records of each cliff and overhang;
- sketches of overhangs;
- mapping of the approximate location of the cliff/overhang face and the rear extent of the overhang/undercut; and
- mapping of the location of the cliff or overhang relative to the Waratah Rivulet (where relevant).

The detailed baseline information for each site containing a cliff and/or overhangs is provided in the Longwalls 311-316 LMP, namely sites COH1, COH2, COH3, COH4, COH5, COH6, COH6A, COH7, COH8, COH9, COH10, COH14, COH15, COH16 and COH17 (Figure 5).

The extent of weathering was observed to vary from well weathered rock faces to relatively freshly exposed rock surfaces where weathering was not advanced and vegetation cover had not established.

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Source: Land and Property Information (2015); Date of Aerial Photography 1998; Department of Industry (2015); Metropolitan Coal (2023); MSEC (2008; 2018; 2021; 2023; 2024)

LEGEND

- Mining Lease Boundary
- Railway
- Project Underground Mining Area
Longwalls 20-27 and 301-317
- Longwalls 311-316 Secondary Extraction
- Longwalls 311-316 35° Angle of Draw and/or
Predicted 20 mm Subsidence Contour
600 m from Longwalls 311-316
- Secondary Extraction
- Existing Underground Access Drive (Main Drift)
- Cliffs and Overhangs
- Steep Slopes (Project Approval)
- Steep Slopes (Project Environmental Assessment)

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METROPOLITAN COAL
Cliffs and Overhangs, Steep Slopes and
Land in General within the Project
Underground Mining Area and Surrounds

Figure 5

Jointing is considered ubiquitous within the Hawkesbury Sandstone and cliff lines have developed in association with the conjugate joint sets present. Differential weathering has exposed the sub-horizontal layers at varying rates, reflecting the natural variation in rock strength through the profile. In places the differential weathering has resulted in overhangs, essentially reflecting the erosion of weaker layers below more competent strata units that can span varying distances.

Steep Slopes and Land in General

Consistent with the Project Approval, steep slopes are defined as an area of land having a natural gradient of between 33° and 66°. In the Project EA subsidence assessment (Appendix A of the Project EA) MSEC (2008) defined steep slopes as an area of land having a natural gradient of between 18° and 63°. The steep slopes were identified from surface level contours generated from 1 m contours of the area. Both definitions of steep slopes are shown on Figure 5.

Steep slopes have been identified to highlight areas where existing ground slopes may be marginally stable. However, no significant slope failures have been observed in the Southern Coalfield as a result of longwall mining. Steep slopes within 600 m of Longwalls 311-316 secondary extraction are shown on Figure 5.

The surface soils generally consist of soils derived from Hawkesbury Sandstone, in varying stages of weathering and fracturing. The majority of the slopes are stabilised, to some extent, by trees and other natural vegetation.

Land in general refers to the general landscape other than cliffs and steep slopes. A series of en-echelon rock ledges occur on the steep slopes and other land, as well as other rock formations such as boulders and rock pavements. Natural cracks along exposed rock ledges are common and migration of leaf litter and establishment of vegetation within these zones is common. Freshly exposed cracks attributable to mining would be readily apparent, at least in areas of no soil cover. No surface tension cracks as a result of previous mining had been observed within the 35° angle of draw and/or predicted 20 mm subsidence contour of Longwalls 311-316 at the time of PSMP preparation.

Land in general also includes other land features such as fire trails and vehicular tracks. Unsealed vehicular tracks and fire trails are located throughout the Project underground mining area and above Longwalls 311-316 (Figure 5).

Environmental Risk Assessment

The Environmental Risk Assessment conducted for the Longwalls 311-316 LMP indicated that there was no change in the previously assessed risk to cliffs and overhangs, steep slopes and land in general (Risk Mentor, 2023).

4.2 LONGWALLS 311-316 BUILT FEATURES MANAGEMENT PLAN

No built features are located within the Longwalls 311-316 35° angle of draw and/or 20 mm subsidence contour or in the vicinity of the Longwalls 311-316 35° angle of draw and/or 20 mm subsidence contour.

Fire trails and tracks are considered under the LMP and additionally are maintained under an access consent agreement with WaterNSW.

Built features located outside the Longwalls 311-316 35° angle of drawer and/or 20 mm subsidence contours that are considered sensitive to far field subsidence include water infrastructure (e.g. pipelines) and survey control marks. It is considered unlikely that that these features would experience adverse impacts as a result of Longwall 311-316 extraction (MSEC, 2024) and are not considered to pose a risk to public safety.

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As longwall extraction with time is moving away from the built features located to the east, there is an extensive history of monitoring data confirming that subsidence has reduced to negligible post-mining. The remaining far field monitoring occurring for the M1 Princes Motorway Bridge 2 is planned to be discontinued at the conclusion of Longwall 310. The extraction of Longwall 311 and beyond will be at distances greater than 2.1 km. The last measurable horizontal subsidence at Bridge 2 was recorded when extraction was approximately 1.2 km away (completion of Longwall 306). The last discernible vertical subsidence was recorded at 1.0 km (completion of Longwall 304). Transport for NSW were consulted on this approach and endorsed the discontinuation of the Metropolitan Coal Built Features Management Plan (BFMP) after the conclusion of Longwall 310 (Appendix 1).

The Public Safety Risk Assessment (Metropolitan Coal, 2023) indicated that there was a further reduction in the likelihood of extraction of Longwalls 311-316 posing a risk to public safety to negligible. For this reason, the Longwalls 311-316 Extraction Plan will not include Built Feature Management Plans.

4.3 LAND OWNERSHIP

A land ownership plan is provided on Figure 6. In summary, one lot is located within 600 m of Longwalls 311-316, and is owned by WaterNSW.

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5 RISK ASSESSMENT

In accordance with the DPE (2022) *Extraction Plan Guideline*, a risk assessment was held to identify and address potential safety hazards to the public, including:

- potential subsidence impacts on built features;
- potential instability of cliff formations or steep slopes caused by subsidence;
- deformations or fracturing of any land caused by subsidence; and
- any other impacts of subsidence.

The risk assessment was held on 5 December 2023 (Metropolitan Coal, 2023). Risk assessment attendees included representatives from Metropolitan Coal (Approvals Manager, Technical Services Manager, Environment & Community Superintendent, Environment and Community Coordinator and Senior Mining Engineer/Facilitator), MSEC and Resource Strategies Pty Ltd.

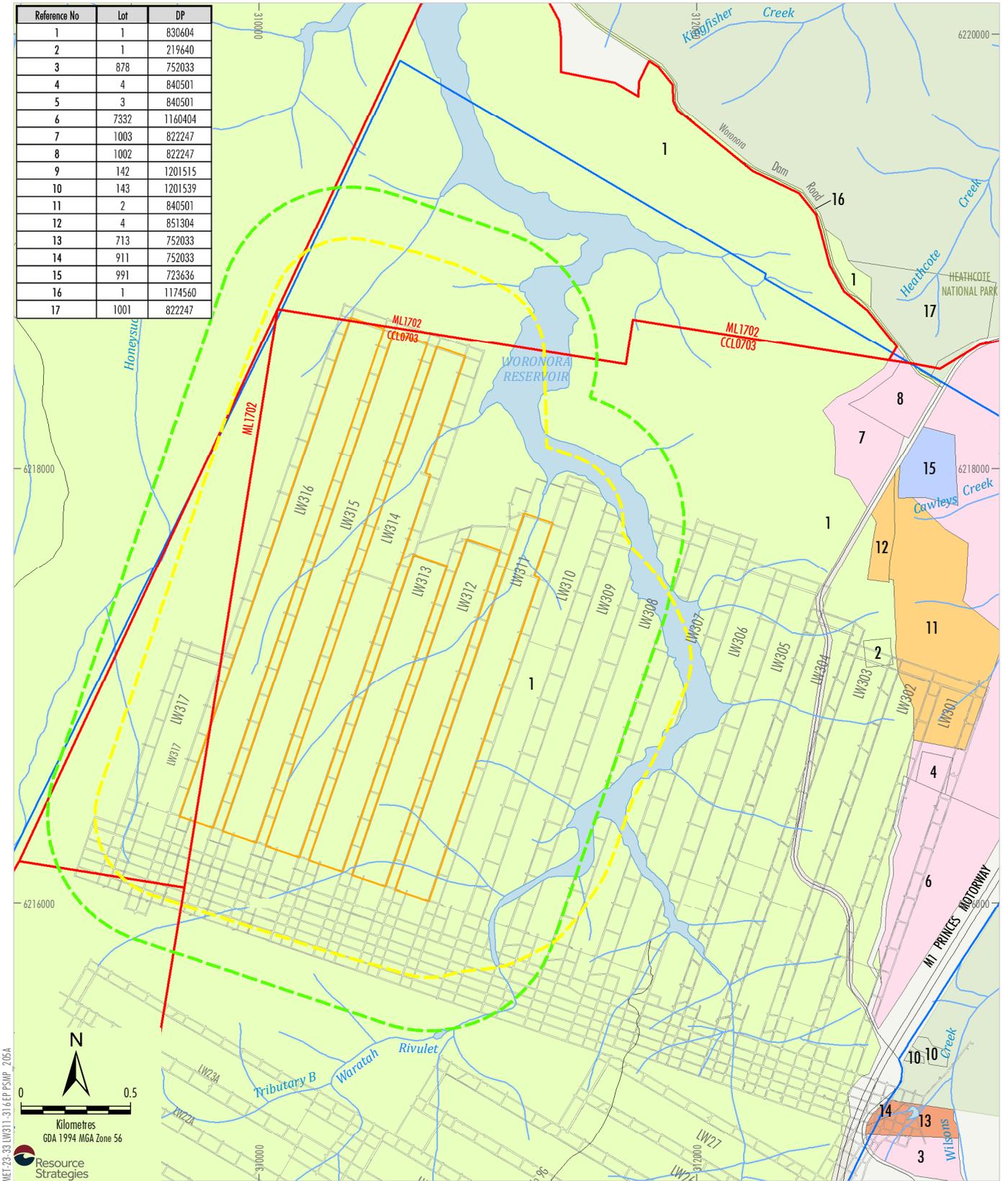
The risk assessment included consideration of the environmental risk assessment relevant to the Longwalls 311-316 LMP and predicted subsidence parameters and impact assessments for land within 600 m of Longwalls 311-316.

A number of risk control and management measures were identified during the risk assessment. Monitoring of potential risks to public safety is described in Section 7. The management of risks to public safety is described in Section 8.

Metropolitan Coal considers all risk control measures and procedures to be feasible to manage all identified risks.

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Reference No	Lot	DP
1	1	830604
2	1	219640
3	878	752033
4	4	840501
5	3	840501
6	7332	1160404
7	1003	822247
8	1002	822247
9	142	1201515
10	143	1201539
11	2	840501
12	4	851304
13	713	752033
14	911	752033
15	991	723636
16	1	1174560
17	1001	822247



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- LEGEND**
- Mining Lease Boundary
 - Woronora Special Area
 - Project Underground Mining Area Longwalls 20-27 and 301-317
 - Longwalls 311-316 35° Angle of Draw and/or
 - Predicted 20 mm Subsidence Contour
 - 600 m from Longwalls 311-316 Secondary Extraction

- Landholder**
- WaterNSW
 - The State of New South Wales (Crown Land)
 - The State of New South Wales (National Parks and Wildlife Service Estate)
 - Health Administration Corporation
 - The Trustees of the Macedonian Orthodox Monastery
 - R & C Stewart

Source: Land and Property Information (2015); Department of Industry (2015); (DPE 2023); Metropolitan Coal (2023); MSEC (2024)

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 Land Ownership within
 600 m of Longwalls 311-316

Figure 6

6 PERFORMANCE MEASURES AND INDICATORS

The Project Approval requires Metropolitan Coal not to exceed the subsidence impact performance measures outlined in Table 1 of Condition 1, Schedule 3.

The subsidence impact performance measure specified in Table 1 of Condition 1, Schedule 3 in relation to public safety is:

Table 1: Subsidence Impact Performance Measures

Built Features	
Built features	<i>Safe, serviceable and repairable, unless the owner and the MSB agree otherwise in writing.</i>

Metropolitan Coal will assess the Project against the following public safety performance indicator:

Public safety will be ensured in the event that any hazard to the general public arising from subsidence effects becomes evident.

No built features are located in the vicinity of Longwalls 311-316 that necessitate a BFMP. As extraction is moving away from previously considered built features the number of BFMP's has been reduced over time as monitoring confirms the reduction of subsidence to negligible levels post mining.

The final TfNSW BFMP will be concluded at the end of Longwall 310 which is expected to be four consecutive longwalls recording negligible subsidence.

7 MONITORING

7.1 CLIFFS AND OVERHANGS, STEEP SLOPES AND LAND IN GENERAL

A monitoring program will be implemented to monitor the impacts and environmental performance of the Project on cliffs and overhangs, steep slopes, and land in general as outlined in the Longwall 311-316 LMP. The monitoring program includes:

- measurement of subsidence parameters as outlined in the Longwalls 311-316 Subsidence Monitoring Program;
- monitoring of subsidence impacts on specific cliffs and overhangs; and
- opportunistic visual inspections for subsidence impacts on steep slopes and land in general.

Visual inspections for subsidence impacts for Longwalls 311-313 will be conducted at sites COH10, COH11, COH12, COH13, COH18 and COH19:

- prior to the commencement of Longwall 311 extraction;
- monthly at cliff site(s) located within 400 m of longwall extraction; and
- within three months of the completion of Longwall 311, Longwall 312 and Longwall 313 at all identified sites (i.e. sites COH10, COH11, COH12, COH13, COH18 and COH19) and within three months of the completion of Longwall 314, Longwall 315 and Longwall 316 at sites COH18 and COH19.

Additional visual observations of subsidence impacts will be conducted during routine works and sampling by Metropolitan Coal and its contractors.

In the event subsidence impacts are identified, the following details will be noted and/or photographed:

- the date of the inspection;
- the location of longwall extraction (i.e. the longwall chainage);
- the location of the cliff instability (i.e. freshly exposed rock face and debris scattered around the base of the cliff or overhang) relative to the cliff face or overhang;
- the nature and extent of the cliff instability (including an estimate of volume);
- the length of the cliff instability;
- other relevant aspects such as water seepage (which can indicate weaknesses in the rock);
- whether any actions are required (for example, implementation of appropriate safety controls, review of public safety etc.); and
- any other relevant information.

The information will be recorded in the Land Management Plan – Subsidence Impact Register (Appendix 2 of the Longwalls 311-316 LMP) and reported in accordance with the Project Approval conditions.

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Steep Slopes and Land in General

Visual inspections for subsidence impacts on steep slopes and land in general within 600 m of Longwalls 20-27 and Longwalls 301-310 extraction will be conducted by Metropolitan Coal and its contractors during catchment visits, sampling and routine works conducted in the catchment.

In the event subsidence impacts are identified within 600 m of Longwalls 20-27 and Longwalls 301-310 (that were not previously recorded during the mining of Longwalls 20-27 or Longwalls 301-310), or within 600 m of Longwalls 311-316, the following details will be noted and/or photographed:

- the location, approximate dimensions (length, width and depth), and orientation of surface tension cracks;
- the location of the surface tension crack in relation to fire trails or vehicular tracks;
- the location and approximate dimensions of rock falls (e.g. rock ledges);
- whether any actions are required (for example, implementation of appropriate safety controls, review of public safety, etc.); and
- any other relevant information.

The date of the observation, details of the observer and the location of longwall extraction will also be documented.

The information obtained will be recorded in the Land Management Plan – Subsidence Impact Register (Appendix 2 of the Longwalls 311-316 LMP) and reported in accordance with the Project Approval conditions.

The information obtained will be used to assess required management measures in relation to public safety. Management measures are discussed in Section 8.

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8 MANAGEMENT MEASURES

Risk controls and management measures applicable to public safety are described in Sections 8.1 to 8.3 below.

Management measures will be reported in the Annual Review in accordance with Project Approval Condition 3, Schedule 7.

8.1 RESTRICTED ACCESS

The land within 600 m of Longwalls 311-316 is owned and/or managed by WaterNSW, and therefore accessibility to the general public is restricted.

The general public are not allowed in the Woronora Special Area for any recreational or other purpose. It is understood that fines up to \$44,000 apply for people who are caught ignoring restrictions in Special Areas.

Metropolitan Coal authorised personnel are permitted to access the Woronora Special Area in accordance with the WaterNSW Special Areas Consent (D2020/2262). The WaterNSW Special Areas Consent is provided in Appendix 2 and includes the following specific safety controls:

- speed restrictions;
- restriction to designated access tracks;
- wet weather and fire hazard access restrictions;
- security and access keys; and
- relevant contact numbers (e.g. WaterNSW incident management and operational issues).

Metropolitan Coal's catchment induction applies to all Metropolitan Coal employees, visitors, and contractors accessing the Woronora Special Area. The catchment induction deals specifically with the safety of personnel within the catchment including awareness of the conditions of entry, suitable Personal Protective Equipment and emergency procedures.

8.2 LANDOWNERS

Metropolitan Coal understands there are no building structures present on land within 600 m of Longwalls 311-316. Notwithstanding, should any subsidence impacts be identified that pose a risk to public safety, Metropolitan Coal will implement management measures in consultation with the landowner.

At its closest point to Longwalls 311-316, the Woronora Dam wall and the labyrinth spillway are situated more than 4.5 km from the commencing end of Longwall 316. The dam wall and spillway are located at large distances from Longwalls 311-316. It is not expected that measurable conventional subsidence movements would occur at the dam wall and spillway (MSEC, 2024). In addition, it is unlikely that non-conventional subsidence movements would be observed at the distances of the dam wall and spillway from Longwalls 311-316 (MSEC, 2024).

Metropolitan Coal is required to obtain all necessary approvals from the Minister administering the *Mining Act 1992* in accordance with the requirements of the *Dams Safety Act 2015* and the Dams Safety Committee.

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9 CONTINGENCY PLAN

In the event the built features performance measure of ‘safe’ is considered to have been exceeded or is likely to be exceeded, Metropolitan Coal will implement the following Contingency Plan:

- The likely exceedance of the built feature performance measure will be reported to the Technical Services Manager and/or the Environment & Community Superintendent within 24 hours of assessment completion.
- The Technical Services Manager and/or the Environment & Community Superintendent will report the likely exceedance to the General Manager as soon as practicable after becoming aware of the exceedance.
- Metropolitan Coal will report the likely exceedance to the DPE, Resources Regulator and the relevant authority or asset owner as soon as practicable after Metropolitan Coal becomes aware of the exceedance.
- Metropolitan Coal will identify an appropriate course of action with respect to the identified impact(s), in consultation with specialists and relevant agencies, as necessary. For example:
 - proposed contingency measures;
 - a program to review the effectiveness of the contingency measures; and
 - consideration of adaptive management.

Potential contingency measures are described in Section 9.1.

- Metropolitan Coal will submit the proposed course of action to the DPE for approval.
- Metropolitan Coal will implement the approved course of action to the satisfaction of the DPE.

In accordance with Condition 6, Schedule 6 of the Project Approval, Metropolitan Coal will provide a suitable offset to compensate for the impact to the satisfaction of the Secretary of DPE if either the contingency measures implemented by Metropolitan Coal have failed to remediate the impact or the Secretary determines that it is not reasonable or feasible to remediate the impact.

9.1 POTENTIAL CONTINGENCY MEASURES

Potential contingency measures for an exceedance of the built features performance measure in relation to safety include:

- The conduct of additional monitoring (e.g. increase in monitoring frequency or additional sampling) to inform the proposed contingency measures.
- The repair or replacement of the damaged asset.
- The provision of a suitable offset(s) to compensate for the loss of the asset.
- The implementation of adaptive management measures. Examples of adaptive management measures include reducing the thickness of the coal seam extracted, narrowing of the longwall panels and/or increasing the setback of the longwalls from the affected area.

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10 REPORTING

10.1 INCIDENTS

An incident is defined as a set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in the Project Approval.

The reporting of incidents will be conducted in accordance with Condition 6, Schedule 7 of the Project Approval. Metropolitan Coal will notify the Secretary of the DPE and any other relevant agencies of any incident associated with the Project as soon as practicable after Metropolitan Coal becomes aware of the incident. Within seven days of the date of the incident, Metropolitan Coal will provide the Secretary of the DPE and any relevant agencies with a detailed report on the incident.

10.2 COMPLAINTS

A protocol for the managing and reporting of complaints has been developed as a component of Metropolitan Coal's Environmental Management Strategy and is described below.

The Environment & Community Superintendent is responsible for maintaining a system for recording complaints.

Metropolitan Coal will maintain public signage advertising the telephone number on which environmental complaints can be made. The Environment & Community Superintendent is responsible for ensuring that the currency and effectiveness of the service is maintained. Notifications of complaints received are to be provided as quickly as practicable to the Environment & Community Superintendent.

Complaints and enquiries do not have to be received via the telephone line and may be received in any other form. Any complaint or enquiry relating to environmental management or performance is to be relayed to the Environment & Community Superintendent as soon as practicable. All employees are responsible for ensuring the prompt relaying of complaints. All complaints will be recorded in a complaints register.

For each complaint, the following information will be recorded in the complaints register:

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

The Environment & Community Superintendent is responsible for ensuring that all complaints are appropriately investigated, actioned and that information is fed back to the complainant, unless requested to the contrary.

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In accordance with Condition 10, Schedule 7 of the Project Approval, the complaints register will be made publicly available on the Peabody website and updated on a monthly basis. A summary of complaints received and actions taken will be presented to the Community Consultative Committee as part of the operational performance review.

10.3 NON-COMPLIANCES WITH STATUTORY REQUIREMENTS

A protocol for the managing and reporting of non-compliances with statutory requirements has been developed as a component of Metropolitan Coal's Environmental Management Strategy and is described below.

Compliance with all approvals, plans and procedures will be the responsibility of all personnel (staff and contractors) employed on or in association with the Metropolitan Coal Mine, and will be developed through promotion of Metropolitan Coal ownership under the direction of the General Manager.

The Technical Services Manager and/or Environment & Community Superintendent will undertake regular inspections, internal audits and initiate directions identifying any remediation/rectification work required, and areas of actual or potential non-compliance.

As described in Section 10.1, Metropolitan Coal will notify the Secretary of the DPE and any other relevant agencies of any incident associated with Metropolitan Coal as soon as practicable after Metropolitan Coal becomes aware of the incident. Within seven days of the date of the incident, Metropolitan Coal will provide the Secretary of the DPE and any relevant agencies with a detailed report on the incident.

A review of Metropolitan Coal's compliance with all conditions of the Project Approval, mining leases and all other approvals and licences will be undertaken prior to (and included within) each Annual Review. The Annual Review will be made publicly available on the Peabody website.

Additionally, in accordance with Condition 8, Schedule 7 of the Project Approval, an independent environmental audit was undertaken by the end of December 2011, and is undertaken a minimum of once every three years thereafter. A copy of the audit report will be submitted to the Secretary of the DPE and made publicly available on the Peabody website. The independent audit will be undertaken by an appropriately qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary of the DPE.

11 REFERENCES

Department of Planning and Environment (2022) *Extraction Plan Guideline*.

Helensburgh Coal Pty Ltd (2008) *Metropolitan Coal Project Environmental Assessment*.

Helensburgh Coal Pty Ltd (2009) *Metropolitan Coal Project Preferred Project Report*.

Mine Subsidence Engineering Consultants Pty Ltd (2008) *Metropolitan Colliery Longwalls 20-44 Subsidence Assessment Report (MSEC Report MSEC285 Revision C, August 2008)*, Appendix A in HCPL (2008) *Metropolitan Coal Project Environmental Assessment*.

Mine Subsidence Engineering Consultants Pty Ltd (2024) *Metropolitan Coal Mine – Longwall 311-316 Subsidence Predictions and Impact Assessments for the Natural and Built Features in Support of the Extraction Plan (MSEC Report MSEC1340)*.

Metropolitan Collieries Pty Ltd (2023) *Public safety risk assessment from extraction of Longwalls 311 to Longwall 316, ME-TSE-RSK-507*.

Risk Mentor Pty Ltd (2023) *Metropolitan Coal Longwalls 311-316 Environmental Risk Assessment Report*.

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APPENDIX 1

TRANSPORT FOR NSW – ENDORSEMENT LETTER OF CESSATION OF BUILT
FEATURES MANAGEMENT PLAN

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Transport
for NSW

14 Feb 2024

Nicolas Tucker
Technical Services Manager
Metropolitan Coal
Off Parkes St, Helensburgh, NSW, 2508

Dear Nicolas,

Cessation of the Built Features Management Plan at the conclusion of Longwall 310

As described in your letter dated 5 January 2024 and the determination of the Technical Committee meeting held on 28/11/2023 (in TCM3-23MC), Transport for NSW (TfNSW) endorse the request by Metropolitan Colliery for the cessation of the Built Features Management Plan for TfNSW, at the conclusion of Longwall 310 to be acceptable.

Thanking you,

A handwritten signature in blue ink, appearing to read 'Cyril Gunaratne', with a long horizontal stroke extending to the right.

Cyril Gunaratne
Pavement Maintenance Planner

APPENDIX 2
WATERNSW SPECIAL AREAS CONSENT
(D2020/2262)

Metropolitan Coal – Public Safety Management Plan		
Revision No. PSMP-R01-B		
Document ID: Public Safety Management Plan		

Consent: F2020/2262

Metropolitan Collieries Pty Ltd
PO Box 402
HELENSBURGH NSW 2508

ACN: 003 135 635

Attention: Mr Stephen LOVE

Email: SLove@peabodyenergy.com

Special Area Consent – Issued under clause 10 of the Water NSW Regulation 2013

CONSENT SUMMARY

Consent No:

F2020/2262

Name of Consent Holder:

Metropolitan Collieries Pty Ltd

Address of Consent Holder:

PO Box 402, HELENSBURGH NSW 2508

Commencement date:

11 July 2020

Expiry date:

10 July 2025

Hours of Operation:

24 hours per day, 7 days per week unless otherwise specified in EP&A Act approval to a specific Permitted Activity

Contacts

Water NSW Incident Notification Number:

Ph: 1800 061 069

Operational issues:

Water NSW Catchment Assets Manager

Ph: 02 4886 9416

Material changes to Statutory Approvals:

Water NSW Mining Manager

Ph: 0436 861 165

Standard Conditions

1 Grant of Consent

1.1 Consent

- 1.1.1 In accordance with the provisions of Division 1 of Part 3 of the Water NSW Regulation 2013, Water NSW grants to the Consent Holder, Consent to enter upon and to pass and re-pass through the Special Area to enter and remain on the Designated Area for the purpose of undertaking the Permitted Activity in accordance with the conditions of this Consent.
- 1.1.2 The Consent Holder does not commit an offence under Part 3 of the Water NSW Regulation 2013 by reason of anything done in accordance with a Statutory Approval.
- 1.1.3 The Consent Holder must not undertake any activity in the Designated Area other than the Permitted Activity.
- 1.1.4 The employees, consultants and contractors of the Consent Holder who enter the Designated Area on behalf of the Consent Holder must comply with the Conditions on this Consent.
- 1.1.5 This Consent also extends to stakeholders of the Consent Holder as long as they are accompanied by an employee, consultant or contractor of the Consent Holder, on the condition that the Water NSW Catchment Assets Manager is informed 48 hours prior to entering the Designated Area, via the special_area_access@waterNSW.com.au email address.

1.2 Term of Consent

The Consent is granted to the Consent Holder up until the Expiry Date or until such time as the Consent Holder ceases undertaking the Permitted Activity, whichever occurs first.

1.3 Responsibility for other persons

The Consent Holder must ensure that all persons carrying out the Permitted Activity in the Designated Areas are familiar with the terms of this Consent, including the requirement to comply with the conditions of this Consent.

1.4 Reservation of Rights by Water NSW

This Consent does not limit the statutory powers of Water NSW under the *Water NSW Act 2014* or the Water NSW Regulation 2013 or any other law.

1.5 No assignment

Subject to Condition 1.1.1, this Consent is personal to the Consent Holder and the Consent Holder may not assign, transfer, charge or otherwise deal with or dispose of its interest in this Consent.

2 Regulatory Conditions

2.1 Access to Information

The Consent Holder must notify the Water NSW Mining Manager, in writing, as soon as practical when there is a material change to any Statutory Approval.

2.2 Compliance with Statutory Requirements

The Consent Holder must comply with the Statutory Approvals in undertaking the Permitted Activity.

2.3 Consent Fee and Cost Recovery

2.3.1 The Consent Holder must pay to Water NSW the Consent Fee, if required, in the manner set out in Item 8 of the Reference Schedule (Schedule 1).

2.3.2 The Consent Holder must pay to Water NSW all reasonable costs incurred by Water NSW to engage suitably qualified and independent experts to review and advise for the purpose of determining:

- (a) the adequacy of any plans or monitoring programs reasonably required as a condition of this Consent; and
- (b) whether the Consent Holder has complied with the conditions of this Consent.

2.3.3 The Consent Holder must pay to Water NSW all rehabilitation and compliance costs incurred by Water NSW by reason of the breach of this Consent by the Consent Holder. Where possible Water NSW will consult with the Consent Holder in determining the value of these costs.

2.4 Goods and Services Tax

All sums payable under this Consent are exclusive of GST. Where those payments are consideration for a taxable supply, or adjustments to the consideration of a taxable supply, the amount payable will be increased by a sum equal to the amount of the payment multiplied by the then current rate of GST.

3 Operating Conditions

3.1 General

3.1.1 Subject to the terms of the Statutory Approvals, the Consent Holder is permitted to access the Designated Area during the Hours of Operation as set out in Item 6 of the Reference Schedule (Schedule 1).

3.1.2 Water NSW may restrict access to the Designated Area in accordance with the Water NSW Regulation 2013 at any time due to weather or fire conditions or any other operational and/or safety reason.

3.1.3 The Consent Holder must ensure all employees, contractors and consultants undertake any Designated Area inductions and training sessions reasonably required by Water NSW prior to their first entry onto the Designated Area and from time to time as required during the term of the Consent.

3.1.4 The on-site supervisor while conducting the Permitted Activity, must have in their possession a copy of this Consent, any environmental assessments, Statutory Approvals and associated Conditions of Approval, any related environmental management plan, rehabilitation plan, revegetation plan, soil and water management plan, water monitoring plan, the Safe Work Plan and a copy of all licences, permits and other approvals that are required in relation to the Consent Holder's activities in the Designated Area, available for reference purposes.

3.1.5 Waste as defined under the *Protection of the Environment Operations Act 1997* must not be brought into the Special Area.

- 3.1.6 Any imported fill material to be used in the Designated Area must be restricted to 'Virgin Excavated Natural Material' (VENM) that is not mixed with any other waste.
- 3.1.7 Prior to entry, all vehicles, machinery and equipment to be used in the Special Area must be washed down, free of weeds, seeds and soil.
- 3.1.8 Activities conducted under this Consent that are likely to cause a fire or create a fire hazard are not permitted without prior written approval from Water NSW.
- 3.1.9 All vehicles, machinery and equipment used by the Consent Holder in the Designated Area must be maintained in proper and efficient condition, be without risks to the health and safety of persons and must be operated in a safe, proper and efficient manner.
- 3.1.10 Wet weather access must be in accordance with the approved *Special Area Wet Weather Management Plan* and *Special Area Wet Weather Trigger Action Respose Plan* (Schedule 8).
- 3.1.11 The employees, consultants and contractors of the Consent Holder:
- a) may not access the Designated Area or any Water NSW water storages, rivers, lakes or other watercourses within the Designated Area by boat unless the Consent Holder obtains prior written approval from Water NSW and complies with the current version, as amended from time to time, of Water NSW's Safe Use of Watercraft Procedure, which is attached to this Consent; and
 - b) when working in or near water, as defined by Water NSW's Working In or Near Water Procedure which is attached to this Consent, must comply with Water NSW's Working In or Near Water Procedure.
- 3.1.12 Storage of fuels, oils or chemicals is not permitted in the Designated Area unless the Consent Holder obtains prior written approval from Water NSW or unless permitted by a Statutory Approval.
- 3.1.13 Appropriate and effective erosion and sediment controls must be designed, installed and maintained for areas disturbed as a result of the Permitted Activity, in accordance with *Landcom's Managing Urban Stormwater – Soils and Construction – Volume 1, 4th Edition 2004* (the 'Blue Book') until disturbed areas are stabilised.

3.2 Notification of Intent to Enter

- 3.2.1 Notification of the details of the employees, consultants and contractors of the Consent Holder involved in the Permitted Activity must be provided to Water NSW prior to their entry on the Designated Area.
- 3.2.2 The Consent Holder must notify Water NSW in relation to entry under this Consent at least two (2) business days prior to any inspection work and at least one (1) week prior to commencing works.
- 3.2.3 Notification must be through the special_area_access@waternsw.com.au email address. The notification must include the Consent reference number (**F2020/2262**), the specific location, dates of entry, description of work, vehicle types and registration numbers, and at least one contact telephone number of personnel conducting the works onsite.

3.3 Roads and Fire Trails

- 3.3.1 The Consent Holder must comply with the Water NSW's Road and Fire Trail Rules listed in Schedule 7.
- 3.3.2 The Consent Holder may utilise Water NSW roads and fire trails listed in Schedule 4.

- 3.3.3 The roads and fire trails that are the sole responsibility of the Consent Holder to maintain and repair are indicated in Schedule 4.
- 3.3.4 The Consent Holder must maintain and repair the roads and fire trails listed in Schedule 4 in accordance with the documents: *Managing Urban Stormwater – Soils and Construction – Volume 2C – Unsealed Roads* (Department of Environment & Climate Change NSW, 2008) and *NSW Rural Fire Service Fire Trail Design, Construction and Maintenance Manual* (Soil Conservation Service, 2017) (Schedule 5).

3.4 Security

- 3.4.1 When entering or exiting the Designated Area the Consent Holder must ensure that all site entry points including gates and barriers remain closed, locked or otherwise secured to prevent unauthorised entry to the Designated Area.
- 3.4.2 Any damaged gates or barriers must be temporarily secured by the Consent Holder and reported immediately to the Water NSW Incident Notification Number as shown in the Consent Summary.
- 3.4.3 The employees, contractors and consultants of the Consent Holder must:
- (a) carry photographic identification which must include the name and address of their employer at all times when they are in the Designated Area; and
 - (b) produce the photographic identification if requested by an Authorised Officer of Water NSW.
- 3.4.4 Where short term or one off access is required by contractors or consultants, they do not require photographic identification, provided they are accompanied by the Consent Holder who has photographic identification as required by 3.4.3(a).
- 3.4.5 Water NSW keys are issued to the Consent Holder for use by employees, contractors and consultants of the Consent Holder. Water NSW keys are issued subject to the following conditions:
- (a) Water NSW keys must only be used to access the Designated Area in accordance with the conditions of this Consent;
 - (b) keys are issued to the Consent Holder and must not be transferred;
 - (c) if the Consent Holder no longer requires access to the Designated Area to conduct the Permitted Activity or when this Consent expires, the Consent Holder must return all Water NSW issued keys to Water NSW;
 - (d) if a key is lost, the Consent Holder must notify Water NSW within 24 hours of becoming aware that the key has been lost. Notification must be made in writing to the Water NSW Catchment Assets Manager via the special_area_access@waternsw.com.au email address;
 - (e) new keys will not be issued by Water NSW without a written request which provides detailed reasons why a new key is required. The Consent Holder will bear any costs incurred by Water NSW to issue new keys;
 - (f) the Consent Holder agrees that all keys remain Water NSW property and undertakes to return keys from a key holder as soon as the valid need for access ceases; and
 - (g) the Consent Holder agrees, if requested, to pay a bond of \$150.00 per key issued.
- 3.4.6 The Consent Holder must not place its own locks on gates in or to the Designated Area unless it obtains the prior written approval of Water NSW.

- 3.4.7 The Consent Holder must maintain a current list of all employees and contractors who have a Water NSW key in their possession and make that record available to Water NSW on request.
- 3.4.8 The Consent Holder must maintain a log of all persons entering the Designated Area under this Consent which includes details of the time of entry and exit on each day.

3.5 Waste Management

- 3.5.1 The Consent Holder must provide and maintain toilet facilities on the site where two or more persons are working in one location for a period of two days or more, and all site personnel must use and be instructed to use such facilities.
- 3.5.2 Where toilet facilities are not required by the Consent, human organic waste must be buried to a depth of no less than 150 millimetres and not within 100 metres of stored waters, creeks or drainage lines.

3.6 Work Health & Safety

- 3.6.1 All activities under this consent must be carried out in accordance with the duties under Work Health and Safety legislation.
- 3.6.2 Persons entering the Special Area must take reasonable care for his or her own health and safety and take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons.
- 3.6.3 All activities under this consent must be carried out in accordance with an appropriate, relevant and specific Safe Work Plan (SWP), which has been approved or endorsed by the Consent Holder.
- 3.6.4 The employees, consultants and contractors of the Consent Holder, when entering the Designated Area, must have suitable communications in place for reliable and effective use in remote areas, and have suitable arrangements in place to ensure safe egress from these areas.

4 Reporting Conditions

4.1 Incident Management

- 4.1.1 The Consent Holder must make each of its employees, consultants and contractors aware of the need to report and provide information via the **Water NSW Incident Notification Number (1800 061 069)** of any reportable designated incidents or events which are specified in Conditions 4.1.2, 4.1.3 and 4.1.4.
- 4.1.2 If the Consent Holder is required to report an incident or non-compliance under a Statutory Approval, the Consent Holder must also report that incident to Water NSW as soon as reasonably possible after becoming aware of that incident.
- 4.1.3 If a pollution incident occurs in the course of the Permitted Activity in the Designated Area so that material harm is caused or threatened to the environment as defined in section 147(1) of the *Protection of the Environment Operations Act 1997* the Consent Holder must notify Water NSW immediately of the incident and provide all relevant information.
- 4.1.4 If any Aboriginal or European cultural heritage site or artefact (as defined by the *National Parks and Wildlife Act 1974* or *Heritage Act 1977*) is identified during the Permitted Activity and does not already have an appropriate heritage plan that is being implemented, the Consent Holder's employees, consultants and/or contractors must **Stop Work immediately** at the location and ensure no further harm to the object. The Consent Holder must immediately report the find to

Water NSW, and report to the regulator in accordance with legislation. The Permitted Activity must not commence in the vicinity of the find until any required approvals have been granted by the regulator. In the event that skeletal remains are encountered, the area must be secured to prevent unauthorised access and the Consent Holder must immediately contact NSW Police and Water NSW.

4.2 Non Compliance

4.2.1 If the Consent Holder fails to comply with any condition of this Consent, the Consent Holder must notify Water NSW immediately upon becoming aware of the breach through the **Water NSW Incident Notification Number (1800 061 069)**. The Consent Holder must also provide Water NSW with a comprehensive written report in relation to the non-compliance within 14 days of first becoming aware of the non-compliance. The following must be addressed in the written report:

- (a) Consent reference and Condition number not complied with;
- (b) Summary of particulars of non-compliance (no more than 50 words);
- (c) Dates when the non-compliance occurred;
- (d) Precise location where the non-compliance occurred (attach a map or diagram);
- (e) Cause of Non-compliance;
- (f) Action taken to mitigate any adverse of the non-compliance;
- (g) Action taken to prevent a recurrence of the non-compliance.

4.2.2 The Consent Holder's compliance with the conditions of this Consent may be the subject of monitoring or audit by Water NSW from time to time. The Consent Holder must fully cooperate in the compliance monitoring or audit process.

4.3 Annual Statement of Compliance

The Consent Holder must provide Water NSW with a signed 'Annual Statement of Compliance with Consent Conditions' in the form set out in Schedule 6, indicating its compliance or otherwise with the conditions in this Consent for each 12 month reporting period (being 1 January to 31 December) with the reports due annually by 31 March. The Consent Holder must sign and endorse the Annual Statement of Compliance and submit it to Water NSW via email to compliance@waterNSW.com.au.

5 General Conditions

5.1 Release

By accessing the Designated Area, the Consent Holder agrees to exercise the rights granted by Water NSW at its own risk and to release to the full extent permitted by law, Water NSW, its employees, agents and contractors, in the absence of any negligence on their part from all suits, actions, demands and claims of every kind resulting from any damage or destruction to any property (both real and personal) and injury suffered or sustained by any persons (including death) arising out of or in connection with the Permitted Activity.

5.2 Indemnity

5.2.1 By accessing the Designated Area, from the date of the consent, the Consent Holder agrees to indemnify and keep indemnified, Water NSW, its employees, agents and contractors in the absence of any negligence on their part from and against all its actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses incurred by Water NSW or for which Water NSW may become liable resulting from any damage or

destruction to any property (both real and personal) and injury suffered or sustained by any persons arising out of or in connection with the Permitted Activity.

5.3 Warranty

Water NSW provides no warranty that the Designated Area is suitable for the Permitted Activity.

5.4 Insurance

5.4.1 The Consent Holder must, prior to accessing the Designated Area, provide Water NSW with a certificate of currency for Public Liability Insurance for the amount specified in Item 7 of the Reference Schedule covering property, injury or death arising from the Consent Holder undertaking the Permitted Activity in the Designated Area.

5.4.2 The policy must note the insurable interest of Water NSW.

5.5 Additional conditions

The Consent Holder must comply with the additional conditions contained in Schedule 2. To the extent that there is any inconsistency between the standard conditions of this Consent and the additional conditions in Schedule 2, the additional conditions take preference to the standard conditions in this Consent, to the extent necessary to resolve the inconsistency.

5.6 Definitions

5.6.1 In this Consent unless the contrary intention appears:

- a) **Authorised Officer** means a member of staff, and includes any class of persons prescribed by the regulations, who is designated by Water NSW as an authorised officer whose official duties are concerned with the enforcement of the *Water NSW Act 2014* and the *Protection of the Environment Operations Act 1997* or their regulations or with the investigation or prosecution of offences or alleged offences against these Acts or the regulations.
- b) **Authority** means any government or any governmental, semi-governmental, quasi-governmental, administrative or judicial body, department, commission, authority, tribunal or entity which has power to provide a Statutory Approval.
- c) **Commencement Date** means the commencement date of the Consent set out at Item 3 of the Reference Schedule.
- d) **Consent** means this document and all schedules to it.
- e) **Consent Holder** means the party identified at Item 1 of the Reference Schedule.
- f) **Consent Holder's Equipment** means all the equipment brought onto the Designated Area by the Consent Holder, its employees, contractors and consultants.
- g) **Consent Fee** means the amount payable by the Consent Holder in accordance with Condition 2.3 and set out in Item 8 of the Reference Schedule.
- h) **Designated Area** means that part of Water NSW land described in Item 2 of the Reference Schedule.
- i) **EP&A Act** means the *Environmental Planning and Assessment Act 1979*.
- j) **Expiry Date** means the date of the Consent will expire as set out at Item 4 of the Reference Schedule.
- k) **Hours of Operation** means times at which the Consent Holder is permitted to access the Designated Area for the purpose of the Permitted Activity. Hours of Operation are outlined in the Consent Summary and Item 6 of the Reference Schedule.

- l) **Permitted Activity** means the activity for which the Consent is required as described in Item 5 of Reference Schedule.
- m) **Reference Schedule** means Schedule 1 of this Consent.
- n) **Statutory Approval** means any licence, approval or consent issued by any Authority permitting the Consent Holder to undertake the Permitted Activities in the Designated Area.
- o) **Water NSW Act** means *Water NSW Act 2014*.
- p) **Water NSW Regulation** means Water NSW Regulation 2013.
- q) **Water NSW Road and Fire Trail Rules** means the rules set out in Schedule 7.

ISSUED BY:



Fiona Smith
Executive Manager Water and Catchment Protection
Water NSW

DATE: 10 July 2020

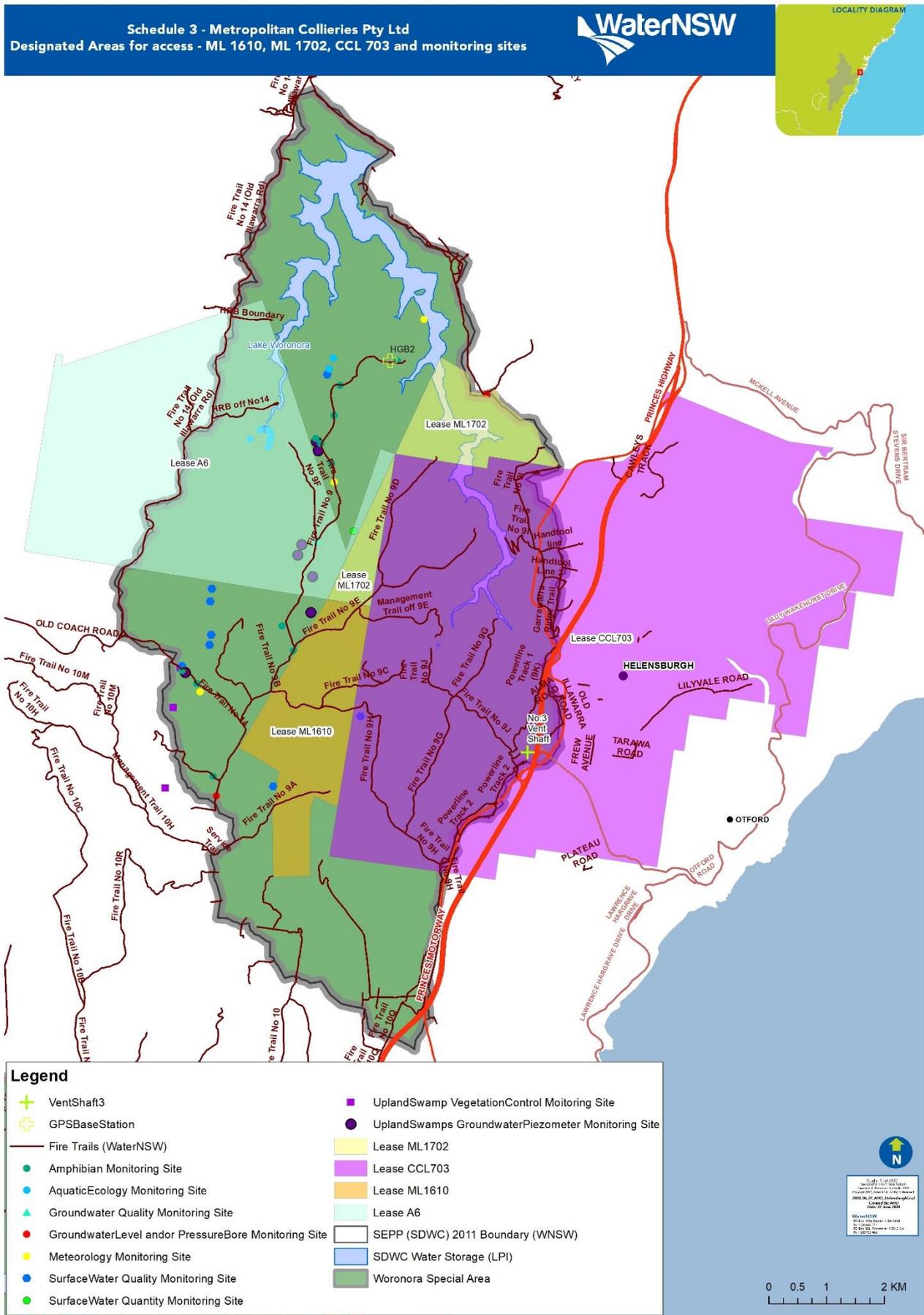
Schedule 1 – Reference Schedule

Item 1	Consent Holder:	Metropolitan Collieries Pty Ltd, and where the context permits, its employees, consultants and contractors
Item 2	Designated Area:	The surface area of the Woronora Special Area associated with ML 1610, ML 1702, CCL 703 and the monitoring sites shown in Schedule 3, as required to be accessed in accordance with a Statutory Approval.
Item 3	Commencement Date:	11 July 2020
Item 4	Expiry Date:	10 July 2025
Item 5	Permitted Activity:	To enter and remain on Special Area land and carry out activities that are otherwise prohibited by the Water NSW Regulation 2013 to the extent necessary to carry out the requirements of any Statutory Approval.
Item 6	Hours of Operation:	24 hours per day, 7 days per week unless otherwise specified in EP&A Act approval to a specific Permitted Activity.
Item 7	Insurance	Public Liability Insurance of up to \$25M for any one occurrence unlimited to the number of occurrences in any one policy year.
Item 8	Consent Fee	Not used.

Schedule 2 – Additional Conditions

Not Applicable.

Schedule 3 – Map – Metropolitan Collieries Pty Ltd mining leases ML 1610, ML 1703 and CCL 703, and monitoring sites



Schedule 4 – List of Fire Trails as at 10 July 2020

List of Water NSW roads and fire trails which may be utilised under this Consent:

9
9B
9C*
9D
9E
9F
9G
9H*
9I
9J
14

* indicates the roads and fire trails that are the sole responsibility of the Consent Holder to maintain and repair in accordance with Schedule 5, except where damage is caused by another user.

Schedule 5 – Managing Urban Stormwater – Soils and Construction – Volume 2C – Unsealed Roads, and NSW Rural Fire Service Fire Trail Design, Construction and Maintenance Manual

Managing Urban Stormwater – Soils and Construction – Volume 2C – Unsealed Roads (Department of Environment & Climate Change NSW, 2008)

NSW Rural Fire Service Fire Trail Design, Construction and Maintenance Manual (Soil Conservation Service, 2017)

Schedule 6 – Annual Statement of Compliance with Consent Conditions

Consent Holder

Metropolitan Collieries Pty Ltd

Consent Number

F2020/2262

Reporting Period

{insert dates}

Compliance with Consent Conditions

1. Were all of the following documents complied with during the reporting period? (tick a box)

Consent / Approval	Yes	No
a. Conditions of this Consent		
b. All Statutory Approvals		
c. Any environmental management plans, rehabilitation plans, revegetation plans, soil and water management plans, water monitoring plans or other plans required by Water NSW.		

2. If you answered “No” to any part of question 1, please supply the name of the non compliance / incident and the date the written report was provided to Water NSW, in the table below:

Non Compliance / Incident (one line)	Date written report provided to Water NSW	Relevant section of Annual Review (if applicable)

3. How many pages have you attached?

(Each attached page must be initialled by the person(s) who signs Section 4 of this Statement of Compliance)

4. Signature and Certification

The Statement of Compliance must only be signed by a person(s) with legal authority to sign it as set out below:

- By affixing the Common Seal in accordance with *Corporations Act 2001*, or
- By 2 Directors, or
- By a Director and a Company Secretary, or
- By a person delegated to sign on the company's behalf in accordance with the *Corporations Act 2001* and approved in writing by Water NSW to sign on the company's behalf.

Signature:

Name:

(printed)

Position

Date:

Signature:

Name:

(printed)

Position

Date:

SEAL (if signing under Seal)

The Consent Holder can request Water NSW approval for the compliance requirements of this Consent to be linked to and built into other compliance reporting that may be required under approvals issued under the EP&A Act.

Schedule 7 – Water NSW Road and Fire Trail Rules

1. The driver of any vehicle must hold a current driver's licence and obey all speed advisory and warning signs. Vehicle speed must not exceed **40 km/h** on public access roads at WaterNSW owned sites such as picnic grounds unless otherwise signposted and **60 km/h** for all other Water NSW roads and fire trails unless otherwise signposted.
2. Any motor vehicle used to travel on any surface within the Designated Area must be registered and suitable for the purpose for which it is being used. The minimum vehicle standard for use in the non publicly accessible areas within the Designated Area is a vehicle with All Wheel Drive or Four Wheel Drive capabilities.
3. All vehicles must carry appropriate safety and recovery gear consistent with the Consent Holder's Safe Work Plan or other Work Health and Safety requirements.
4. All drivers of vehicles must be competent to operate or drive, and be appropriately licensed, for the type of vehicle in use.
5. The Consent Holder must not drive or use any road or fire trail in the Designated Area if the road or fire trail is not suitable for type of vehicle in use, or if driving or using any road or fire trail will result or is likely to result in damage to the road or fire trail or damage to the surrounding catchment area.
6. Vehicles must not be driven on the roads or fire trails in the Designated Area if they have been closed by Water NSW for any reason, unless permitted by this Consent.
7. Vehicles may only be driven on formed fire trails in the Designated Area, unless permitted by the Statutory Approvals.
8. Vehicles must not be driven around fallen branches and trees on any road in the Designated Area. The Consent Holder must remove any items obstructing the road or report their location to Water NSW. Vehicles must not progress along a road unless the obstruction has been removed first.
9. Entry is restricted to vehicles essential to undertake the Permitted Activity and vehicle movements must be kept to a minimum.
10. For the purpose of this section, the term "vehicles" includes all vehicles including cars, trucks and any machinery driven on roads and fire trails.

Schedule 8 – Special Area Wet Weather Management Plan and Trigger Action Response Plan

A Wet Weather Management Plan and Wet Weather Trigger Action Response Plan (TARP) is to be negotiated and finalised within 90 days of the commencement of this Consent.