Environmental Assessment Report

<table>
<thead>
<tr>
<th>Proponent</th>
<th>The Cornwall Coal Company Pty Ltd</th>
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<tr>
<td>Proposal</td>
<td>Cullenswood 5 Coal Mine</td>
</tr>
<tr>
<td>Location</td>
<td>6870 Esk Main Road, St Marys</td>
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<tr>
<td>NELMS no.</td>
<td>PCE No. 9242</td>
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<tr>
<td>Permit application no.</td>
<td>DA 113-2015 (Break O'Day Council)</td>
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Assessment process milestones

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>25/02/2015</td>
<td>Notice of Intent lodged</td>
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<tr>
<td>30/03/2015</td>
<td>EER Guidelines issued</td>
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<tr>
<td>16/6/2015</td>
<td>Permit application submitted to Council</td>
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<td>18/06/2015</td>
<td>Referral received by Board</td>
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<td>18/07/2015</td>
<td>Start of public consultation period</td>
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<td>01/08/2015</td>
<td>End of public consultation period</td>
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<tr>
<td>Acronyms</td>
<td>Description</td>
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<td>Board</td>
<td>Board of the Environment Protection Authority</td>
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<tr>
<td>EER</td>
<td>Environmental Effects Report</td>
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<td>DPIPWE</td>
<td>Department of Primary Industries, Parks, Water and Environment</td>
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<td>EIA</td>
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<td>EMPC Act</td>
<td><em>Environmental Management and Pollution Control Act 1994</em></td>
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<td>Environmental Management and Pollution Control System</td>
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<td>EPBC Act</td>
<td><em>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</em></td>
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<td>LUPA Act</td>
<td><em>Land Use Planning and Approvals Act 1993</em></td>
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<td>PCAB</td>
<td>Policy and Conservation Advice Branch</td>
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<td>RMPS</td>
<td>Resource Management and Planning System</td>
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<td>SD</td>
<td>Sustainable development</td>
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<td>TSP Act</td>
<td>Threatened Species Protection Act 1995</td>
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Report summary

This report provides an environmental assessment of The Cornwall Coal Company’s proposed Coal Mine at 6870 Esk Main Road, St Marys.

The proposal involves the development of an open-cut pit for the extraction of up to 50,000 tonnes of coal per annum. Coal is processed at the company’s washery in Fingal, which is a separately permitted activity.

This report has been prepared based on information provided by the proponent in the Environmental Effects Report (EER). Relevant government agencies and the public have been consulted and their submissions and comments considered as part of this assessment.

Further details of the assessment process are presented in section 1 of this report. Section 2 describes the statutory objectives and principles underpinning the assessment. Details of the proposal are provided in section 3. Section 4 reviews the need for the proposal and considers the alternatives to the proposal. Section 5 summarises the public and agency consultation process and the key issues that were raised in that process. The detailed evaluation of environmental issues is contained in section 6. The report conclusions are contained in section 7.

Appendix 1 contains the environmental permit conditions for the proposal. Attachment 2 of the permit conditions contains the table of commitments from the EER.
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1 Approval process

A Notice of Intent in relation to the proposal was received by the Board of the Environment Protection Authority (the Board) on 25 February 2015.

An application for a permit under the *Land Use Planning and Approvals Act 1993* (LUPA Act) in relation to the proposal was submitted to the Break O’Day Council (the Council) on 16 June 2015.

The proposal is defined as a ‘level 2 activity’ under clause 5(c), schedule 2 of the *Environmental Management and Pollution Control Act 1994* (EMPC Act), being a mine. Section 25(1) of the EMPC Act required Council to refer the application to the Board for assessment under the Act. The application was received by the Board on 18 June 2015.

The assessment has been undertaken by the Deputy General Manager, EPA Division, under delegation from the Board.

The Board required that information to support the proposal be provided in the form of an Environmental Effects Report (EER).

Two drafts of the EER were submitted to the Department for comment prior to its finalisation and acceptance on behalf of the Board. The proponent submitted the permit application and a draft EER to the Council before the EER had been finalised and hence additional information was formally requested from the proponent before it was accepted. The EER was released for public inspection for a 14 day period commencing on 18 July 2015. An advertisement was placed in *The Examiner* newspaper and a notice was placed on the EPA website. The EER was also referred at this time to relevant government agencies for comment.

No public submissions were received.
2 SD objectives and EIA principles

The proposal must be considered by the Board in the context of the objectives of the Resource Management and Planning System of Tasmania (RMPS), and in the context of the objectives of the Environmental Management and Pollution Control System (EMPCS) (both sets of objectives are specified in Schedule 1 the EMPC Act). The functions of the Board are to administer and enforce the provisions of the Act, and in particular to use its best endeavours to further the RMPS and EMPCS objectives.

The Board must undertake the assessment of the proposal in accordance with the Environmental Impact Assessment Principles defined in Section 74 of the EMPC Act.
3 The proposal

The proposal is to develop an open-cut mine on mining lease 1937P/M, south west of St Marys (Figures 1 and 2), to extract up to 50,000 tonnes of coal per annum.

The resource is estimated to be approximately 150,000 tonnes; providing for a 3 year operation.

Excavation will be undertaken in a sequence of blocks, approximately 3,500 to 6,000 m² in area (Figure 3). Each block will take between four to six weeks to process, after which it will be filled with waste material (e.g. overburden) from the next block in the mining sequence, and subsequently rehabilitated once no longer required for access.

Drilling and blasting will be undertaken, but no processing or stockpiling of product will occur on The Land. Product generated from the activity will be transported to the Cullenswood 2 site (Figure 2) for stockpiling and cartage to the Duncan Washery in Fingal.

The management of the coal on the Cullenswood 2 site, and subsequent haulage from that site, is subject to conditions contained in Permit DA 008-10, as varied by EPN 8604/1.

The main characteristics of the proposal are summarised in Table 1. A detailed description of the proposal is provided in Section B of the EER.

Table 1: Summary of the proposal's main characteristics

<table>
<thead>
<tr>
<th>Activity</th>
<th>Location and planning context</th>
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<tbody>
<tr>
<td>Extraction of a maximum of 50,000 tonnes of</td>
<td>Location 6870 Esk Main Road, St Marys</td>
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<tr>
<td>coal per annum</td>
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<table>
<thead>
<tr>
<th>Location and planning context</th>
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<tbody>
<tr>
<td>Location 6870 Esk Main Road, St Marys</td>
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<tr>
<td>Land zoning</td>
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<td>Land tenure</td>
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<tr>
<td>Mining lease</td>
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<td>Lease area</td>
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<td>Bond</td>
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<thead>
<tr>
<th>Existing site</th>
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<tr>
<td>Land Use</td>
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<tr>
<td>Topography</td>
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<td>Geology</td>
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<td>Soils</td>
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<tr>
<td>Hydrology</td>
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<td>Fauna/flora</td>
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<td>Local region</td>
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<td>--------------</td>
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<tr>
<td><strong>Climate</strong></td>
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<tr>
<td><strong>Surrounding land zoning, tenure and uses</strong></td>
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</tbody>
</table>
| **Species of conservation significance** | The following flora species listed under the Tasmanian *Threatened Species Protection Act 1995* (TSP Act) have been recorded from the vicinity of the proposed pit (Figure 9 of the EER):  
- *Desmodium varians*, Slender ticktrefoil (endangered);  
- *Scleranthus fasciculatus*, Spreading knawel (vulnerable); and  
- *Glycine microphylla*, twining glycine (vulnerable). |

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<tr>
<th>Proposed infrastructure</th>
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<tr>
<td><strong>Major equipment</strong></td>
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<td><strong>Other infrastructure</strong></td>
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<tr>
<th>Inputs</th>
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<tr>
<td><strong>Water</strong></td>
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<td><strong>Energy</strong></td>
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<td><strong>Other raw materials</strong></td>
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<tr>
<th>Wastes and emissions</th>
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<tr>
<td><strong>Liquid</strong></td>
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<td><strong>Controlled wastes</strong></td>
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<td><strong>Noise</strong></td>
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<tr>
<th>Construction and operations</th>
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| **Proposal timetable** | The following project timelines were stated in the EER:  
- Construction of access road - July 2015  
- Construction of sediment pond (Figure 7 of the EER) - August 2015  
- Opening of first block (Figure 4b of the EER) - August 2015 |
| **Operating hours** | 06.30 to 19.00 hours Monday to Friday, 06.30 to 17.00 hours Saturday, 24 hour cartage from the Cullenswood 5 pit to the Cullenswood 2 ROM pad. |
Figure 1  Location of mining lease 1937 P/M and proposed Cullenswood 5 open-cut extraction pit (Figure 1 of the EER)

Figure 2  The Land (purple boundary) and location of proposed Cullenswood 5 open-cut extraction pit and the existing Cullenswood 2 pit (Figure 2 of the EER)
Figure 3  Proposed extraction plan and sequence of mining (Figure 4b of the EER)

Figure 4  Proposed drainage (Figure 7 of the EER)
4 Need for the proposal and alternatives

Cornwall Coal Pty Ltd currently extracts and processes approximately 500,000 tonnes of coal per year across four locations (Blackwood, Cullenswood, Huntsman and Kimbolton).

According to the EER, the proposed project would further secure a coal resource for the Cornwall Coal Company Pty Ltd and provide subsequent employment opportunities to its employees and contractors. All of the coal extracted by Cornwall Coal is used by industries located in Tasmania, including Cement Australia at Railton and Norske Skog at New Norfolk.

The continuation of coal supplies to these companies and other clients helps underpin a broader economic base across a large geographic area of Tasmania.

The Cullenswood 5 resource has been test-drilled and proven. The proposal is for an open-cut pit only, and will not have a ROM pad, amenities block or office block. The Cullenswood 5 coal mine will be located next to the existing Cornwall Coal Pty Ltd Cullenswood 2 coal mine, where these facilities will be utilised. The proposal is effectively an intensification of an existing activity.
5 Public and agency consultation

No public representations were received.

The EER was referred to a number of government agencies/bodies with an interest in the proposal. Responses were received from the following:

- Department of State Growth; Mineral Resources Tasmania.

The following Divisions/areas of the Department of Primary Industries, Parks, Water and Environment also provided submissions on the EER:

- Policy and Conservation Advice Branch (PCAB),
- Aboriginal Heritage Tasmania (AHT),
- EPA regulatory officer.
6 Evaluation of environmental issues

The environmental issues considered relevant to the proposal have been evaluated by the EPA Division. Details of this evaluation, along with the permit conditions required by the Delegate, are discussed below.

### Issue 1: Flora, fauna and habitat

#### Description of potential impacts

According to the EER, 11 hectares of land is proposed to be progressively block mined. The Land is predominantly cleared agricultural land, dominated by pasture species, and hardwood forest plantation. No threatened flora or fauna species were found within the proposed disturbance area during the ecological surveys (September and November 2014).

Two flora species listed under the TSP Act, Slender ticktrefoil (*Desmodium varians*) and Spreading knawel (*Scleranthus fasciculatus*) have been recorded within 500 metres of the proposed pit (Figure 9 of the EER).

#### Management measures proposed in EER

No measures were proposed.

#### Public and agency comment

PCAB noted that that three flora species listed under the TSP Act (Table 1) may have potential habitat within The Land area. PCAB were unable to determine if the natural values assessment was adequate due to a lack of information in the EER. Further information was provided by the proponent on this matter (see below).

MRT suggested that the proponent has not given context or sufficient information on the likelihood for the threatened flora species to occur in the proposed Cullenswood 5 area. No discussion has been provided about flowering times or seasonality of the identified species or potential flaws around the survey techniques that could potentially lead to individual plants or communities being missed as a function of the survey timing or process.

#### Evaluation

According to the EER, there will be no significant impact to any threatened flora, fauna or vegetation communities listed under the relevant Schedules of the EPBC Act, TSP Act or Nature Conservation Act 2002.

Additional information provided by the proponent with respect to survey timing and methodology was sufficient to determine that there is unlikely to be an impact on the threatened flora species identified in Table 1. The proponent indicated that the surveys were conducted to coincide with the peak growth and/or flowering periods of the listed species, and adopted a survey methodology that was acceptable to PCAB consistent with the methodology outlined in the *Guidelines for Terrestrial Natural Values Surveys related to Development Proposals*. A permit to take would nevertheless be required prior to any disturbance to threatened flora species.

#### Conclusion

No conditions are required.
**Issue 2: Weed and disease management**

**Description of potential impacts**

Occasional small patches (<20m<sup>2</sup>) of spear thistle (*Cirsium vulgare*) and/or variegated thistles (*Silybum marianum*) were recorded in the area to be disturbed.

Neither species are listed as a declared weed under the *Weed Management Act 1999*.

According to the EER, *Phytophthora cinnamomi* is unlikely to be present, as no susceptible native plant species were observed on The Land, and hence a lack of host species to support its survival in this location.

**Management measures proposed in EER**

- A Weed and Pathogen Management Plan will be developed for the Cullenswood 5 activity (commitment 7).
- The DPIPWE issued ‘Guideline for Safe and Effective Herbicide Use near Water’ is to be applied for weed spraying activities (commitment 8).
- Machinery washdown will occur at the existing facilities at the Cullenswood 2 activity (commitment 9).

**Public and agency comment**

No comment was received.

**Evaluation**

The commitment to develop a Weed and Pathogen Management Plan (WPMP) for the proposed activity is considered necessary and will be required by condition OP1.

The EER outlines key objectives of a WPMP, which include minimising the risk of introducing soil-borne pathogens into The Land. While there appear not to be any declared weeds on The Land, according to the *Cullenswood No. 2 Mine Environmental Effects Report*, Jan 2010, slender thistle (*Carduus tenuiflorus*) and horehound (*Marrubium vulgare*), both declared weeds, were observed on the Cullenswood 2 site during a 2009 survey.

It is noted that washdown facilities at the existing Cullenswood 2 site will be used (commitment 9), but none are proposed for the Cullenswood 5 site. Note, the Cullenswood 5 proposal is effectively an intensification of the existing activity, with suitable measures already in place on the Cullenswood 2 site that will assist in minimising the potential spread of weeds to the Cullenswood 5 site.

**Conclusion**

The proponent will be required to comply with the following conditions:

**OP1  Weed and Pathogen Management Plan**

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**Issue 3: Surface Water**

**Description of potential impacts**

The activity will create exposed surfaces that could be vulnerable to erosion and sediment loss during rainfall events.

Drainage from the activity will enter a nearby agricultural drainage line, before draining into Bullock Paddock Creek approximately 1.2 km to the north, and eventually into Break O’Day River approximately 3 km away.

Bunding and drains will be constructed at strategic locations around the mine extraction area to divert stormwater away from the area, and effectively limit the surface ‘catchment’ of the extraction area to 15 hectares (Figure 4).
Surface water that accumulates within the extraction area will be managed by directing the water from the open/disturbed block areas to the active pit floor via bunded soil and overburden, and cut-off drains.

According to the EER, the volume of water that would be directed to the active pit floor is unlikely to result in overflow due the size of the pit floor and depth (approximately 12 m on average). There will always be a pit floor to receive surface water due to the opening and progressive rehabilitation of the blocks (Figure 3).

A sediment dam will also be constructed (Figure 4) to capture and treat water from approximately 1 hectare of disturbed land outside the extraction area, associated with hardstand zones (e.g. vehicle turning areas, Appendix E of the EER). In order to detain stormwater and sediment from the 1 hectare area, the EER determined that a sediment basin of capacity of 887 kL is required (see Appendix E of the EER for calculations), assuming a 6 monthly cleanout.

According to the EER, the coal resource is low in sulphur content. Coal extraction is unlikely to result in any contamination from 'acid' drainage.

### Management measures proposed in EER

- A sediment basin of 0.9ML will be constructed and cleaned every 6 months (commitment 10).
- Water quality testing of the water flowing from the sediment dam will occur, unless otherwise approved by the Director, every 3 months. If the dam is not discharging when the sampling period is due then a sample is not required to be collected nor tested (commitment 12).

### Evaluation

The proposed management of surface water within the mine extraction area is generally considered to be acceptable. The EER notes that a similar strategy has been employed successfully at the Cullenswood 2 pit. This has been confirmed by the EPA Regulatory Officer.

The proponent’s strategy to limit the quantity of surface water that will be required to be managed within the extraction area, by diverting stormwater away, is important and will be required by condition **E1**. Indeed, the local topography is such that high amounts of surface runoff from the topographic high areas to the south may be expected during large rainfall events. Earth works for stormwater diversion will have to be undertaken prior to opening up of the pits for extraction.

The commitment (commitment 10) to construct an appropriately sized sediment basin to control and manage stormwater flow from the hardstand zone outside the extraction area, to be cleaned every 6 months, is considered necessary and will be required by condition **E2**. Condition **E3** requires that all polluted stormwater is treated prior to discharge from The Land.

Note, the EER indicates that stormwater from the pits within the mine extraction area may also be directed to the sediment dam (Figure 4), although it is unclear if this would be an ongoing management strategy, or would only occur where it is impractical to manage water within the active pit floor. Conditions **E2** and **E3** will nevertheless require that appropriate measures are in place to treat and manage stormwater on The Land prior to discharge.

The commitment (commitment 12) to undertake water quality testing of the discharge from the sediment dam every 3 months is supported and required by condition **M1**. To ensure the proper functioning of the stormwater management system, particularly in view of the potential for discharge and pumping from the pit (see also Issue 4), condition **M1** requires sampling and testing of water from the sediment dam every three months, if the dam does not discharge.

The proposed monitoring parameters are considered to be appropriate, although electrical conductivity (EC) will also be required by condition **M1**, as it is considered to be a key water quality parameter, and along with monitoring of sulphate, will assist in identifying acid drainage if it were to occur.

Condition **E4** sets emission discharge limits at the monitoring site. These limits are the same as those proposed in the EER, and those established for the Cullenswood 2 site.

Note, after the initial clearance and pit development of the new extraction areas, if the water quality
monitoring demonstrates the proper functioning of the water management system, and compliance with the limits contained within these conditions, condition M1 allows the proponent to submit a case to the Director to alter the monitoring frequency.

According to the EER, the peak 1 in 100 year Break O’Day river floodwater level is located over two kilometres north, and approximately 10m below the height, of the proposed site. The potential for Break O’Day flood waters to impact the activity is considered to be extremely low.

### Conclusion

The proponent will be required to comply with the following conditions:

- **E1** Perimeter drains
- **E2** Design and maintenance of settling ponds
- **E3** Stormwater
- **E4** Effluent quality limits
- **M1** Monitoring and reporting requirements
- **M2** Dealing with samples obtained for monitoring

### Issue 4: Groundwater

#### Description of potential impacts

Intersection and pump out of groundwater can impact the water table, and disposal of groundwater to surface waters may impact on surface water quality and aquatic ecology, and may exacerbate sediment loss and erosion.

According to the EER, no groundwater data exists for the site. The nearest groundwater bores are maintained by MRT at St Marys and Fingal. The EER provided summary information from these bores.

The proponent suggests that the effect of the Cullenswood 5 pit on groundwater level and flow is unlikely to be significant given the location of the proposed pit, at the base of the Fingal Tier. They also note that groundwater has not been encountered at the Cullenswood 2 pit during its operation, approximately 500 metres to the north-west.

According to the EER, the coal resource is low in sulphur content and therefore coal extraction is unlikely to result in any groundwater contamination from ‘acid’ drainage.

#### Management measures proposed in EER

- Should continuous pumping of groundwater be required during extraction of coal/overburden, a groundwater study will be completed and, if appropriate, extraction rates and/or techniques modified to minimise impact on local groundwater resources (commitment 11).

#### Public and agency comment

MRT provided the following comment:

The probability of intercepting significant groundwater flow and intersecting potential geochemical issues could be deemed to be low, however no information has been provided that addresses this issue with respect to the proposed area itself.

#### Evaluation

Operational experience from the nearby Cullenswood 2 activity suggests that infiltration flow into the proposed Cullenswood 5 pit, and impact on groundwater level, are unlikely to be a significant factor requiring management. Indeed, exploration drilling associated with the Cullenswood 2 pit suggests that there is unlikely to be a significant aquifer present, noting that the Cullenswood 2 pit and the proposed pit are within the same geological setting.

Nevertheless, if groundwater were to be encountered, the proponent will be required to use, or discharge the water, in a manner that does not cause the release of sediment from the Land or erosion (condition GW1), for example discharge to an appropriately sized sediment pond.
The coal resource is likely to be low in sulphur, and groundwater recharge from the pit leading to contamination of the groundwater resource, is not anticipated.

Commitment 11 is supported, which is to undertake a groundwater study should continuous pumping of groundwater be required. To ensure groundwater discharge, if it does occur, is appropriately managed and does not compromise the surface water management system, condition GW2 will require the proponent to develop a groundwater management plan if discharge to the sediment settling pond is likely to compromise its capacity.

### Conclusion

The proponent will be required to comply with the following conditions:

| GW1 | Groundwater discharge |
| GW2 | Groundwater Management Plan |

### Issue 5: Dust

#### Description of potential impacts

Potential sources of dust from the activity include:

- The stripping and stockpiling of topsoil;
- Excavation and ripping during dry windy conditions (mainly the summer months);
- The movement of rock, soil and coal within the pit by machinery; and
- Road (gravel) use within and next to the pit.

#### Management measures proposed in EER

- Measures that will be used to suppress dust include the following industry environmental practices for extractive activities, and are already applied at the Cullenswood 2 activity (commitment 2):
  - Watering of internal roads as required during dry and windy conditions; and
  - Minimising the geographic extent of areas of exposed soil.

#### Public and agency comment

No comment was received.

#### Evaluation

The nearest residence (owner of the land) is approximately 2.7 km to the north. The predominant wind direction is from the west.

Whilst the activity is unlikely to result in a dust nuisance, condition A1 is considered necessary to ensure appropriate management is undertaken (commitment 2) to suppress dust emissions if required.

#### Conclusion

The proponent will be required to comply with the following conditions:

| A1 | Control of dust emissions |
### Issue 6: Solid waste management

**Description of potential impacts**

According to the EER, rock waste, soil and overburden will be stockpiled then returned to the pit for reinstatement and rehabilitation. Other solid wastes (e.g. machinery-related or general refuse) will not be generated on The Land, or will be disposed of on the nearby Cullenswood 2 Land, where bins are available.

**Management measures proposed in EER**

- Bins for general refuse will not be provided on The Land as these are provided at the nearby C2 activity (commitment 5).

**Public and agency comment**

No comment was received.

**Evaluation**

Solid waste generated on the site is likely to be low level general refuse and can be adequately disposed of at the neighbouring site. Commitment 5 is supported.

**Conclusion**

No conditions are required.

### Issue 7: Noise including blasting

**Description of potential impacts**

Noise emissions are expected from blasting, use of heavy machinery for excavation and ripping, and from on-site vehicle movements.

**Management measures proposed in EER**

- Blasting will only take place between the hours of 1000 and 1600 hrs Monday to Friday (commitment 3).
- Operating hours for the extraction pit will be 6.30am - 7pm Monday to Friday; and 6.30am - 5pm Saturdays.
- Noise and vibration monitoring/management measures include (commitment 4).
  - The monitoring of ground vibration and air blast overpressure will be carried out for all blasting at multiple locations by the blast contractor; and
  - Blasting will be avoided, when possible, when atmospheric inversions are present.

**Public and agency comment**

No comment was received.

**Evaluation**

The nearest residence is approximately 2.7 km to the north. Noise emissions from the use of heavy machinery, including onsite haulage of product, are unlikely to cause a noise nuisance due to the attenuation distance. Further, according to the EER most of the noise will be deflected by block faces and the overall shape of the pit.

The EER states that blasting is not expected to be a part of normal operation and would only be required to dislodge hard coal seam/overburden material. Given the distance to the nearest residence, blast impacts are not expected. Nevertheless, standard blasting requirements in relation to blast times (commitment 3) and noise and vibration limits will be required (conditions B1 and B2), to ensure nuisance from blast events does not occur.

The commitment (commitment 4) to monitor the blast events and avoid blasting during unfavourable weather conditions is supported. Given the attenuation distances involved and the fact that monitoring is typically carried out by the blast contractors as standard practice, further restrictions on blasting are not considered necessary.
The proposed 0630 hours Monday to Saturday start time for pit extraction, with 24 hours cartage to the Cullenswood 2 ROM pad, is unlikely to result in a noise nuisance during night time hours, due to the attenuation distances involved. A restriction of the proposed operating hours is therefore not required.

**Conclusion**

The proponent will be required to comply with the following conditions:

<table>
<thead>
<tr>
<th>B1</th>
<th>Blasting times</th>
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<tbody>
<tr>
<td>B2</td>
<td>Blasting-noise and vibration limits</td>
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</tbody>
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**Issue 8: Aboriginal heritage**

**Description of potential impacts**

Disturbance of ground may impact Aboriginal heritage.

A field survey of the Cullenswood 5 area was undertaken by Cultural Heritage Management Australia (CHMA) and an Aboriginal Heritage Officer. Two Aboriginal heritage sites, classified as isolated artefacts, were identified on The Land.

The EER proposed that both sites be flagged and barricaded before construction begins, and that if it appears that a site will be impacted by the proposed development works, then it recommended that the artefact be re-located to an area outside the development footprint.

**Management measures proposed in EER**

- The ‘Discovery of Cultural Heritage Items Procedure’ will be implemented if a suspected cultural heritage relic is encountered during excavation works (commitment 14).

**Public and agency comment**

Aboriginal Heritage Tasmania (AHT) noted that neither the archaeological consultant nor AHT have recommended that the two items be relocated (in the event that they cannot be avoided). Relocation is rarely the preferred option, especially for isolated artefacts. This should be changed to simply state “If it appears likely that the site (the isolated artefact) will be impacted by the proposed mine development works, then a permit to interfere must be sought.”

**Evaluation**

The commitment (commitment 14) to implement the ‘Discovery of Cultural Heritage Items Procedure’ is supported and will ensure AHT is informed if further discoveries are made.

If a site is to be impacted by the proposed development works, then a permit to interfere (under the *Aboriginal Relics Act 1975*) must be sought (LO3).

**Conclusion**

All relics should be managed in accordance with the *Aboriginal Relics Act 1975* (refer Information Schedule LO3).
Issue 9: Environmental hazardous materials

Description of potential impacts

No fuels or oils will be stored (temporarily or otherwise) on The Land, and there will be no refuelling of machinery on The Land. Spill kits will not be provided on The Land. Two spill kits are available at the nearby Cullenswood 2 mine, if they are required.

The only ‘chemicals’ that will be used on The Land are those for weed spraying. These will be handled, used and disposed of in accordance with the manufacturer’s directions and relevant regulations.

Management measures proposed in EER

- No fuels or oils will be stored at the C5 activity and there will be no refuelling of machinery on The Land of the C5 activity (commitment 6).

Public and agency comment

No comment was received.

Evaluation

It is understood that refuelling of machinery can be undertaken at the Cullenswood 2 mine site, and there is no need for the storage of fuel or oil on The Land.

Commitment 6 is therefore supported, and is reinforced by condition H1.

Conclusion

The proponent will be required to comply with the following condition:

H1   No environmentally hazardous materials

---

Issue 10: Decommissioning and Rehabilitation

Description of potential impacts

Lack of progressive rehabilitation and final decommissioning/rehabilitation may result in land degradation, and affect future land uses.

The EER describes a general approach to progressive rehabilitation, summarised in Section 3 of this report.

According to the EER, the maximum area of land open at any one time without rehabilitation will be 5 ha; 4 ha within the pit area and 1 ha associated with the disturbed hardstand area.

Management measures proposed in EER

- Progressive rehabilitation’ will occur for those areas that have been exhausted of coal and are no longer needed or used for the operation of the pit (commitment 16).
- In the event of permanent closure of the open-cut extraction pit a detailed Decommissioning and Rehabilitation plan will be developed and submitted to the EPA and MRT for approval (commitment 17).

Public and agency comment

No comment was received.

Evaluation

Standard condition DC1, notification of permanent cessation, will be required.

The commitment (commitment 16) to undertake progressive rehabilitation is considered necessary, and will also be required by condition DC2. Condition DC2 will limit the maximum area of disturbed land at any one time, without rehabilitation to 5 ha. This accounts for both the disturbance area within the pit and the hardstand area out of the pit. MRT indicated that the maximum permitted un-rehabilitated area for mining lease 1698P/M is 19 ha. The current measured disturbance is just over 9 hectares. An additional 5 ha will
not result in the exceedance of the maximum un-rehabilitated area for the mining lease, as determined by MRT.

The Land is currently used for livestock grazing and is to be returned to pasture following mine closure. The commitment (commitment 17) to develop a Decommissioning and Rehabilitation Plan is supported, although not considered necessary. The proposed management measures, combined with standard conditions (DC1, DC2, DC3 and DC4) are considered adequate to ensure rehabilitation of the activity.

**Conclusion**

The proponent will be required to comply with the following conditions:

| DC1  | Notification of cessation |
| DC2  | Progressive rehabilitation |
| DC3  | Rehabilitation on cessation |
| DC4  | Stockpiling of surface soil |
7 Report conclusions

This assessment has been based on the information provided by the proponent, the Cornwall Coal Company Pty Ltd, in the permit application, EER, and in correspondence and discussion between the EPA Division and the proponent and the proponent’s representatives.

This assessment has incorporated specialist advice provided by EPA Division scientific specialists and regulatory staff, the Policy and Conservation Advice Branch (DPIPWE) and Aboriginal Heritage Tasmania (DPIPWE), other Divisions and other government agencies (e.g. Mineral Resources Tasmania).

No public submissions were received on the proposal.

It is concluded that:

1. the RMPS and EMPCS objectives have been duly and properly pursued in the assessment of the proposal; and
2. the assessment of the proposed activity has been undertaken in accordance with the Environmental Impact Assessment Principles.

It is concluded that the proposed activity is capable of being managed in an environmentally acceptable manner such that it is unlikely that the objectives of the Environmental Management and Pollution Control Act 1994 (the RMPS and EMPCS objectives) would be compromised, provided that the Permit Conditions - Environmental No. 9242 appended to this report are imposed and duly complied with, including commitments made by the proponent in the EER.
8 Report approval

Environmental Assessment Report and conclusions, including permit conditions, adopted:

John Mollison
Delegate for the Board of the Environment Protection Authority

Date: 4 September 2015
9 References

10 Appendices

Appendix 1  Permit conditions, includes Attachment 1 The Land and Attachment 2 EER commitments
PERMIT PART B
PERMIT CONDITIONS - ENVIRONMENTAL No. 9242

Issued under the Environmental Management and Pollution Control Act 1994

Applicant: THE CORNWALL COAL COMPANY PTY LIMITED
ACN 009 485 518
CEMENT AUSTRALIA HOUSE, LEVEL 2, 40 MC DOUGALL ST
MILTON QLD 4064

Activity: The operation of a pit to extract coal (ACTIVITY TYPE: Extractive Pits)
CULLENSWOOD NO. 5, CULLENSWOOD EST
ST MARYS TAS 7215

The above activity has been assessed as a level 2 activity under the Environmental Management
and Pollution Control Act 1994.

Acting under Section 25(5)(a)(i) of the EMPCA, the Board of the Environment Protection
Authority has required that this Permit Part B be included in any Permit granted under the Land Use
Planning and Approvals Act 1993 with respect to the above activity.

Municipality: BREAK O'DAY
Permit Application Reference: 244059
EPA file reference:

Date conditions approved: 04 SEP 2015

Signed: CHAIRPERSON, BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY
DEFINITIONS

Unless the contrary appears, words and expressions used in this Permit Part B have the meaning given to them in Schedule 1 of this Permit and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Permit Part B, the EMPCA prevails to the extent of the inconsistency.

ENVIRONMENTAL CONDITIONS

The person responsible for the activity must comply with the conditions contained in Schedule 2 of this Permit Part B.

INFORMATION

Attention is drawn to Schedule 3, which contains important additional information.

Delegate for

CHAIRPERSON, BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

04 SEP 2015
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*Attachments*

Chairperson, Board of the Environment Protection Authority

04 Sep 2015
Attachment 1: The Land (modified: 02/09/2015 08:49) ....................................................... 2 pages
Attachment 2: Commitments (modified: 02/09/2015 08:44) ....................................................... 1 page
Schedule 1: Definitions

In this Permit Part B:-

Aboriginal Relic has the meaning described in section 2(3) of the Aboriginal Relics Act 1975.

Best Practice Environmental Management or 'BPEM' has the meaning described in Section 4 of EMPCA.

Construction means activities associated with the construction phase of the activity, including but not limited to, activities associated with the clearance of vegetation, site works to create a level site, rock breaking, installation of fences and other infrastructure whether on land or in water.

Director means the Director, Environment Protection Authority holding office under Section 18 of EMPCA and includes a person authorised in writing by the Director to exercise a power or function on the Director's behalf.

Environmentally Hazardous Material means any substance or mixture of substances of a nature or held in quantities which present a reasonably foreseeable risk of causing serious or material environmental harm if released to the environment and includes fuels, oils, waste and chemicals but excludes sewage.

Noise Sensitive Premises means residences and residential zones (whether occupied or not), schools, hospitals, caravan parks and similar land uses involving the presence of individual people for extended periods, except in the course of their employment or for recreation.

Person Responsible is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person, and includes a body corporate.

Quarry Code Of Practice means the document of this title published by the Department of Primary Industries, Water and Environment and the Department of Infrastructure, Energy and Resources in June 1999, and includes any subsequent versions of this document.

Reporting Period means the financial year ending on 30 June of each calendar year.


The Land means the land on which the activity to which this document relates may be carried out, and includes: buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land. The Land falls within the area defined as "The Land Cullenswood No 5" as shown on the plan as Attachment 1, located on Mining Lease 1937 P/M.
Schedule 2: Conditions

Maximum Quantities

Q1 Regulatory limits
   1 The activity must not exceed the following limits (annual fees are derived from these figures):
      1.1 50,000 cubic metres per year of product.

General

G1 Access to and awareness of conditions and associated documents
A copy of these conditions and any associated documents referred to in these conditions must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work on The Land, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.

G2 Incident response
If an incident causing or threatening environmental nuisance, serious environmental harm or material environmental harm from pollution occurs in the course of the activity, then the person responsible for the activity must immediately take all reasonable and practicable action to minimise any adverse environmental effects from the incident.

G3 No changes without approval
   1 The following changes, if they may cause or increase the emission of a pollutant which may cause material or serious environmental harm or environmental nuisance, must only take place in relation to the activity if such changes have been approved in writing by the EPA Board following its assessment of an application for a permit under the Land Use Planning and Approvals Act 1993, or approved in writing by the Director:
      1.1 a change to a process used in the course of carrying out the activity; or
      1.2 the construction, installation, alteration or removal of any structure or equipment used in the course of carrying out the activity; or
      1.3 a change in the quantity or characteristics of materials used in the course of carrying out the activity.

G4 Change of ownership
If the owner of The Land upon which the activity is carried out changes or is to change, then, as soon as reasonably practicable but no later than 30 days after becoming aware of the change or intended change in the ownership of The Land, the person responsible must notify the Director in writing of the change or intended change of ownership.

G5 Annual Environmental Review
   1 Unless otherwise specified in writing by the Director, a publicly available Annual Environmental Review for the activity must be submitted to the Director each year within three months of the end of the reporting period. Without limitation, each Annual Environmental Review must include the following information:
      1.1 a statement by the General Manager, Chief Executive Officer or equivalent for the activity acknowledging the contents of the Annual Environmental Review;
1.2 subject to the Personal Information Protection Act 2004, a list of all complaints received from the public during the reporting period concerning actual or potential environmental harm or environmental nuisance caused by the activity and a description of any actions taken as a result of those complaints;

1.3 details of environment-related procedural or process changes that have been implemented during the reporting period;

1.4 a summary of the amounts (tonnes or litres) of both solid and liquid wastes produced and treatment methods implemented during the reporting period. Initiatives or programs planned to avoid, minimise, re-use, or recycle such wastes over the next reporting period should be detailed;

1.5 details of all non-trivial environmental incidents and/or incidents of non compliance with permit or environment protection notice conditions that occurred during the reporting period, and any mitigative or preventative actions that have resulted from such incidents;

1.6 a summary of the monitoring data and record keeping required by these conditions. This information should be presented in graphical form where possible, including comparison with the results of at least the preceding reporting period. Special causes and system changes that have impacted on the parameters monitored must be noted. Explanation of significant deviations between actual results and any predictions made in previous reports must be provided;

1.7 identification of breaches of limits specified in these conditions and significant variations from predicted results contained in any relevant DPEMP or EMP, an explanation of why each identified breach of specified limits or variation from predictions occurred and details of the actions taken in response to each identified breach of limits or variance from predictions;

1.8 a list of any issues, not discussed elsewhere in the report, that must be addressed to improve compliance with these conditions, and the actions that are proposed to address any such issues;

1.9 a summary of fulfilment of environmental commitments made for the reporting period. This summary must include indication of results of the actions implemented and explanation of any failures to achieve such commitments; and

1.10 a summary of any community consultation and communication undertaken during the reporting period.

G6 Temporary suspension of activity

1 Within 30 days of becoming aware of any event or decision which is likely to give rise to the temporary suspension of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to suspend or has suspended.

2 During temporary suspension of the activity:

2.1 The Land must be managed and monitored by the person responsible for the activity to ensure that emissions from The Land do not cause serious environmental harm, material environmental harm or environmental nuisance; and

2.2 If required by the Director a Care and Maintenance Plan for the activity must be submitted, by a date specified in writing by the Director, for approval. The person responsible must implement the approved Care and Maintenance Plan, as may be amended from time to time with written approval of the Director.

3 Unless otherwise approved in writing by the Director, if the activity on The Land has substantially ceased for 2 years or more, rehabilitation of The Land must be carried out in accordance with the requirements of these conditions as if the activity has permanently ceased.
G7 Quarry Code of Practice
Unless otherwise required by these conditions or required in writing by the Director, the activity (or activities) undertaken on The Land must comply with the Acceptable Standards provisions of the Quarry Code of Practice.

Atmospheric

A1 Control of dust emissions
Dust emissions from The Land must be controlled to the extent necessary to prevent environmental nuisance beyond the boundary of The Land.

Blasting

B1 Blasting times
Blasting on The Land must take place only between the hours of 1000 hours and 1600 hours Monday to Friday. Blasting must not take place on Saturdays, Sundays or public holidays unless prior written approval of the Director has been obtained.

B2 Blasting - noise and vibration limits
1 Blasting on The Land must be carried out in accordance with blasting best practice environmental management (BPEM) principles, and must be carried out such that, when measured at the curtilage of any residence (or other noise sensitive premises) in other occupation or ownership, airblast overpressure and ground vibration comply with the following:
   1.1 for 95% of blasts, airblast overpressure must not exceed 115dB (Lin Peak);
   1.2 airblast overpressure must not exceed 120dB (Lin Peak);
   1.3 for 95% of blasts ground vibration must not exceed 5mm/sec peak particle velocity; and
   1.4 ground vibration must not exceed 10mm/sec peak particle velocity.
2 All measurements of airblast overpressure and peak particle velocity must be carried out in accordance with the methods set down in Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration, Australian and New Zealand Environment Council, September 1990.

Decommissioning And Rehabilitation

DC1 Notification of cessation
Within 30 days of becoming aware of any event or decision which is likely to give rise to the permanent cessation of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to cease or has ceased.

DC2 Progressive rehabilitation
Worked out or disused sections of The Land must be rehabilitated concurrently with extractive activities on other sections of The Land. Progressive rehabilitation must be carried out in accordance with the relevant provisions of the Quarry Code of Practice, unless otherwise approved in writing by the Director. The maximum disturbed area of land which may remain, at any time, without rehabilitation is 5 hectares.
DC3  Rehabilitation on cessation

1  Unless otherwise approved in writing by the Director, rehabilitation upon permanent cessation of the activity must be undertaken in accordance with relevant provisions of the Quarry Code of Practice and in accordance with the following:

1.1 rehabilitation earthworks must be substantially completed within 12 months of cessation of the activity; and

1.2 rehabilitated areas must be monitored and maintained for a period of at least three years after rehabilitation works have been substantially completed, after which time the person responsible for the activity may apply in writing to the Director for a written statement that rehabilitation has been successfully completed.

DC4  Stockpiling of surface soil

Prior to the commencement of extractive activities, the surface soils on the area to be disturbed from extraction or development of hardstand zone must be removed and stockpiled for later use in rehabilitation of The Land. The stockpiled surface soil must be kept separate from other overburden and protected from erosion and weed infestation.

Effluent Disposal

E1  Perimeter drains

1  Perimeter cut-off drains must be constructed at strategic locations on The Land to prevent surface run-off from entering the area used or disturbed in carrying out the activity. All reasonable measures must be implemented to ensure that sediment transported along these drains remains on The Land. Such measures may include provision of strategically located sediment fences, appropriately sized and maintained sediment settling ponds, vegetated swales, detention basins and other measures designed and operated in accordance with the principles of Water Sensitive Urban Design.

2  Drains must have sufficient capacity to contain run-off that could reasonably be expected to arise during a 1 in 20 year rainfall event. Maintenance activities must be undertaken regularly to ensure that this capacity does not diminish.

E2  Design and maintenance of settling ponds

1  Sediment settling ponds must be designed and maintained to the satisfaction of the Director and in accordance with the following requirements:

1.1 ponds must be designed to successfully mitigate reasonably foreseeable sediment loss which would result from a 1 in 20 year storm event;

1.2 discharge from ponds must occur via a stable spillway that is not subject to erosion;

1.3 all pond walls must be stable and treated with topsoil and vegetated or otherwise treated in such a manner as to prevent erosion; and

1.4 sediment settling ponds must be periodically cleaned out to ensure that the pond design capacity is maintained. Sediment removed during this cleaning must be securely deposited such that sediment will not be transported off The Land by surface run-off.

E3  Stormwater

1  Polluted stormwater from the activity that will be discharged from The Land must be collected and treated prior to discharge to the extent necessary to prevent serious or material environmental harm, or environmental nuisance.

[Signatures]

Chairperson, Board of the Environment Protection Authority

04 SEP 2015
2 Notwithstanding the above, all stormwater from the activity that is discharged from The Land must not carry pollutants such as sediment, oil and grease in quantities or concentrations that are likely to degrade the visual quality of any receiving waters outside the Land.

3 All reasonable measures must be implemented to ensure that solids entrained in stormwater from the activity are retained on The Land. Such measures may include appropriately sized and maintained sediment settling ponds or detention basins.

E4 Effluent Quality Limits

1 The concentrations in water of substances or measures listed in Column 1 of the Table of Effluent Quality Limits below must not exceed the limits specified in Column 3 when measured in the units specified in Column 2 at the point at which water is discharged from the sediment settling pond or at any point of discharge from the Land of water from the activity.

2 Table of Effluent Quality Limits

<table>
<thead>
<tr>
<th>Substance or measure</th>
<th>Unit of measurement</th>
<th>Maximum limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspended solids</td>
<td>mg/L</td>
<td>30</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td>mg/L</td>
<td>10</td>
</tr>
<tr>
<td>Sulphate</td>
<td>mg/L</td>
<td>250</td>
</tr>
<tr>
<td>Chloride</td>
<td>mg/L</td>
<td>250</td>
</tr>
</tbody>
</table>

Groundwater

GW1 Groundwater discharge
Groundwater removed from operational areas must be used or discharged in a manner that does not cause the release of sediment from the Land or erosion of soils.

GW2 Groundwater Management Plan

1 If groundwater ingress to operational areas occurs at a rate such that the rate of groundwater discharge to sediment settling ponds will exceed 50% of the design capacity of the ponds for the retention of sediment then a groundwater management plan must be submitted to the Director. This requirement will be deemed to be satisfied only when the Director indicates in writing that the submitted document adequately addresses the requirements of this condition to his or her satisfaction.

2 The plan must be prepared in accordance with any reasonable guidelines provided by the Director.

3 Without limitation, the plan must include details of the following:
   3.1 measures to reduce groundwater ingress or the impact of groundwater removal;
   3.2 a table containing all of the major commitments made in the plan;
   3.3 an implementation timetable for key aspects of the plan; and
   3.4 a reporting program to regularly advise the Director of the results of the plan.

4 The plan, as amended from time to time with the written agreement of the Director, must be implemented to the satisfaction of the Director.
Hazardous Substances

H1 No environmentally hazardous materials

1 Unless otherwise specified in writing by the Director, no environmentally hazardous materials, including chemicals, fuels and oils, are to be stored on The Land.

1.1 Refuelling of machinery must not take place on The Land.

Monitoring

M1 Monitoring and reporting requirements

1 Unless otherwise specified in writing by the Director, the effluent discharged from the sediment settling pond on The Land must be sampled at the outlet of the pond at least once every three months.

1.1 If no effluent discharges from the sediment settling pond during the 3 monthly monitoring period, then water within the pond must be sampled at the end of the 3 monthly monitoring period.

2 Sampling and testing must be conducted for the substances or measures listed in Column 1 of the Table of Monitoring Requirements below using the sampling or testing techniques listed in column 2; and

3 Exceedences of the effluent quality limits specified in these conditions must be reported to the Director within 24 hours of receipt of laboratory analyses of samples collected in accordance with these conditions.

3.1 Table of Monitoring Requirements

<table>
<thead>
<tr>
<th>Substance or measure</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>pH</td>
<td>field test</td>
<td>field test</td>
</tr>
<tr>
<td>Electrical conductivity</td>
<td>field test</td>
<td>field test</td>
</tr>
<tr>
<td>Suspended Solids</td>
<td>grab sample</td>
<td>grab sample</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td>grab sample</td>
<td>grab sample</td>
</tr>
<tr>
<td>Chloride</td>
<td>grab sample</td>
<td>grab sample</td>
</tr>
<tr>
<td>Sulphate</td>
<td>grab sample</td>
<td>grab sample</td>
</tr>
</tbody>
</table>

M2 Dealing with samples obtained for monitoring

1 Any sample or measurement required to be obtained under these conditions must be taken and processed in accordance with the following:

1.1 Australian Standards, NATA approved methods, the American Public Health Association Standard Methods for the Analysis of Water and Waste Water or other standard(s) approved in writing by the Director;

1.2 measurement equipment must be maintained and operated in accordance with the manufacturer's specifications;

1.3 samples must be tested in a laboratory accredited by the National Association of Testing Authorities (NATA), or a laboratory approved in writing by the Director, for the specified test;

1.4 results of measurements and analysis of samples and details of methods employed in taking measurements and samples must be retained for at least three years after the date of collection; and

Delegated for

[Signature]

[Name], BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

04 SEP 2015
1.5 noise measurements must be undertaken in accordance with the Tasmanian Noise Measurement Procedures Manual.

**Operations**

**OP1  Weed and Pathogen Management Plan**

1. Unless otherwise approved in writing by the Director, a Weed and Pathogen Management Plan must be submitted to the Director for approval within 3 months of the date of issue of these conditions.

2. Management of weed and plant pathogens must be undertaken in accordance with a Plan approved by the Director.
Schedule 3: Information

Legal Obligations

LO1 EMPCA
The activity must be conducted in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and Regulations thereunder. The conditions of this document must not be construed as an exemption from any of those requirements.

LO2 Storage and handling of Dangerous Goods, Explosives and dangerous substances
1 The storage, handling and transport of dangerous goods, explosives and dangerous substances must comply with the requirements of relevant State Acts and any regulations thereunder, including:
   1.1 *Work Health and Safety Act 2012* and subordinate regulations;
   1.2 *Explosives Act 2012* and subordinate regulations; and
   1.3 *Dangerous Goods (Road and Rail Transport) Act 2010* and subordinate regulations.

LO3 Aboriginal relics requirements
1 The *Aboriginal Relics Act 1975*, provides legislative protection to Aboriginal heritage sites in Tasmania regardless of site type, condition, size or land tenure. Section 14(1) of the Act states that; Except as otherwise provided in this Act, no person shall, otherwise than in accordance with the terms of a permit granted by the Minister on the recommendation of the Director of National Parks and Wildlife:
   1.1 destroy, damage, deface, conceal or otherwise interfere with a relic;
   1.2 make a copy or replica of a carving or engraving that is a relic by rubbing, tracing, casting or other means that involve direct contact with the carving or engraving;
   1.3 remove a relic from the place where it is found or abandoned;
   1.4 sell or offer or expose for sale, exchange, or otherwise dispose of a relic or any other object that so nearly resembles a relic as to be likely to deceive or be capable of being mistaken for a relic;
   1.5 take a relic, or permit a relic to be taken, out of this State; or
   1.6 cause an excavation to be made or any other work to be carried out on Crown land for the purpose of searching for a relic.
2 If a relic is suspected and/or identified during works then works must cease immediately and the Tasmanian Aboriginal Land and Sea Council and the Aboriginal Heritage Tasmania be contacted for advice before work can continue. In the event that damage to an Aboriginal heritage site is unavoidable a permit under section 14 of the *Aboriginal Relics Act 1975* must be applied for. The Minister may refuse an application for a permit, where the characteristics of the relics are considered to warrant their preservation.
3 Anyone finding an Aboriginal relic is required under section 10 of the Act to report that finding as soon as practicable to the Director of National Parks and Wildlife or an authorized officer under the *Aboriginal Relics Act 1975*. It is sufficient to report the finding of a relic to Aboriginal Heritage Tasmania to fulfil the requirements of section 10 of the Act.

LO4 Change of responsibility
If the person responsible for the activity ceases to be responsible for the activity, they must notify the Director in accordance with Section 45 of the EMPCA.

Chairperson, Board of the Environment Protection Authority
**Other Information**

**O11 Notification of incidents under section 32 of EMPCA**
Where a person is required by section 32 of EMPCA to notify the Director of the release of a pollutant, the Director can be notified by telephoning 1800 005 171 (a 24-hour emergency telephone number).

**O12 Commitments**
The person responsible for the activity has a general environmental duty to conduct the activity in accordance with the commitments contained in Attachment 2.
Attachment 1
The Land delineated by purple boundary. Mining Lease 1937P/M delineated by red boundary.

DELEGATE FOR THE BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY
The Land delineated by purple boundary and easting and northing points A to E
<table>
<thead>
<tr>
<th>No</th>
<th>Commitment</th>
<th>Responsible Party</th>
</tr>
</thead>
</table>
| 1  | Operating hours for the C5 open-cut extraction pit will be –  
  • 6.30am - 7pm Monday to Friday;  
  • 6.30am - 5pm Saturdays; and  
  • 24 hours cartage from the C5 pit to the C2 ROM pad.  
  **Blasting** will be limited to between 1000 and 1600 hrs Monday to Friday.                                                                                                                                                                                                     | Cornwall Coal     |
| 2  | Measures that will be used to suppress dust include the following industry environmental practices for extractive activities, and are already applied at the Cullenswood 2 activity:  
  • Watering of internal roads as required during dry and windy conditions; and  
  • Minimising the geographic extent of areas of exposed soil.                                                                                                                                                                                                                     | Cornwall Coal     |
| 3  | **Blasting** will only take place between the hours of 1000 hours and 1600 hours Monday to Friday.                                                                                                                                                                                                                                         | Cornwall Coal     |
| 4  | Noise and vibration monitoring/management measures include:  
  • The monitoring of ground vibration and air blast overpressure will be carried out for all blasting at multiple locations by the blast contractor; and  
  • Blasting will be avoided, when possible, when atmospheric inversions are present.                                                                                                                                                                                        | Cornwall Coal     |
| 5  | Bins for general refuse will not be provided on The Land as these are provided at the nearby C2 activity.                                                                                                                                                                                                                                     | Cornwall Coal     |
| 6  | No fuels or oils will be stored at the C5 activity and there will be no refuelling of machinery with The Land of the C5 activity.                                                                                                                                                                                                               | Cornwall Coal     |
| 7  | A Weed and Pathogen Management Plan will be developed for the C5 activity  
  (To be completed within 1 month of project commencement)                                                                                                                                                                                                                   | Cornwall Coal     |
| 8  | The DPIPWE issued ‘Guideline for Safe and Effective Herbicide Use near Water’ are to be applied for weed spraying activities.                                                                                                                                                                                                               | Cornwall Coal     |
| 9  | Machinery washdown will occur at the existing facilities at the C2 activity.                                                                                                                                                                                                                                                             | Cornwall Coal     |
| 10 | A sediment basin of 0.9ML will be constructed and cleaned every 6 months                                                                                                                                                                                                                                                                   | Cornwall Coal     |
| 11 | Should continuous pumping of groundwater be required during extraction of coal/overburden, a groundwater study will be completed and, if appropriate, extraction rates and/or techniques modified to minimise impact on local groundwater resources                                                                                                                                 | Cornwall Coal     |
| 12 | Water quality testing of the water flowing from the sediment dam will occur, unless otherwise approved by the Director, every 3 months. If the dam is not discharging when the sampling period is due then a sample is not required to be collected nor tested.                                                                                                    | Cornwall Coal     |
| 13 | Machinery owned and operated by the quarry operator is and will continue to be well maintained which ensures maximum fuel/oil efficiency.                                                                                                                                                                                                  | Cornwall Coal     |
| 14 | The ‘Discovery of Cultural Heritage Items Procedure’ will be implemented if a suspected cultural heritage relic is encountered during excavation works.                                                                                                                                                                                      | Cornwall Coal     |
| 15 | The ‘Discovery of Skeletal Material Procedure’ will be implemented if skeletal material is encountered during excavation works.                                                                                                                                                                                                         | Cornwall Coal     |
| 16 | Progressive rehabilitation’ will occur for those areas that have been exhausted of coal and are no longer needed or used for the operation of the pit.                                                                                                                                                                                                | Cornwall Coal     |
| 17 | In the event of permanent closure of the open-cut extraction pit a detailed Decommissioning and Rehabilitation plan will be developed and submitted to the EPA and MRT for approval (DRP prepared and provided to the EPA Director within 30 days of formal written notice to the EPA of permanent quarry closure).                                                                                          | Cornwall Coal     |

DELEGATE FOR THE BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

04 SEP 2015