

The first PAC made a number of recommendations to safe guard mining activities so that the Liverpool Plains and surrounding groundwater aquifers had some levels of protection.

Below is a table summarizing the recommendations made and whether the Final PAC determination adopted the recommendations.

PAC 1 Recommendation Type	Number of Recommendations	Number Adopted	Number Rejected
Mining Operations	12	1 adopted, 1 partially adopted	10
NSW Government policy	3	Voluntary Land Acquisition and mitigation Policy gazetted	2
External Oversight (Land & Water Commissioner)	1	0	1
Science	2	1	1
Acquisition requirements	3	0	3
Koala monitoring and management	3	2 adopted, 1 partially adopted	0
Community involvement	1	0	1
Totals	25	4 adopted 2 partially adopted	19

Other Issues raised in Final PAC consultation	Issue Raised by Community	Final PAC recommended changes to conditions	Final PAC rejected community issues raised
Aboriginal Cultural Heritage	1	0	1
Floodplain Definition	1	0	1
Cumulative Impacts	1	0	1
Total	3	0	3

This summary highlights that the consultation process via the Planning Assessment Commission considered the issues raised by the community however the process has failed in providing a pathway to resolving these issues.

Upon analysis of the recommendations a clear pattern emerges.

If the mining conditions needed to be more stringent to address the issues raised by the community but the restrictions would impact on the mining operations - the issues were ignored.

If the mining conditions related to process or external activities such as technical working groups - the issues were addressed.

PAC 1 Recommendation	Shenhua's Response	Final PAC Determination
Agriculture		
1. Amend EL boundary to remove areas that intrude into the black soil plains	Reject Beyond the scope of the PAC's statutory functions	Not Adopted The mine is located on the hills above the black soil plains and would not disturb the black soils of the Liverpool Plains.
2. NSW Government refine Regional Land Use Plan 2012, identify & protect highly valuable, fertile, black soil plains where mining should be prohibited	Reject – considered a blunt instrument response to land use. Matter for NSW Government and believe that 'more detailed work or refinements' are already an inherent part of the gateway certification system (which doesn't apply to present DA)	Not Adopted Refer Rec 1. The area of BSAL to be impacted is small in the regional context and will be re-established as part of the mines rehabilitation and final land use plans.
3. Strengthen draft condition relating to agricultural productivity of non-operational land around project site	Reject Would be counter productive and reduce Shenhua's flexibility to best manage any agricultural land it owns. 'Best endeavours' requirement is sufficiently strong.	Not Adopted
4. Include a condition that allows NSW Land & Water Commissioner to nominate independent party to resolve disputed impacts on agricultural production	Reject Project approval will have rigorous conditions in respect of off-boundary dust impacts; and existing compensation scheme already in place under the Mining Act	Not Adopted
Water		
5. Complete additional modeling recommended by Dr Mackie and consider against the impacts predicted to date prior to any determination	Reject Australiasian Groundwater and Environmental Consultants Pty Ltd (AG & E) have prepared 'Response to PAC – Dr Colin Mackie Review' and shows that the EIS model produces conservative impacts when compared to other approaches suggested and provides comfort that the impacts of the project will be acceptable	Considered further work by Shenhua in response to Dr Colin Mackie. Commissioned Dr Frans Kalf to conduct further review. Accepted the Shenhua modeled impacts and considers that the precautionary principle has been addressed.
6. Differences between outcomes reported so far and those predicted under revised modeling to be assessed prior to determination (and publicly exhibited if impacts prove greater)	Reject Revised modeling has not demonstrated impacts greater than those currently predicted in the EIS	Partially adopted Conditions strengthened to include additional monitoring to verify that the actual impacts to groundwater system are consistent with the model predictions. Install additional monitoring bores and

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		piezometers close to the mining areas and further afield to monitor groundwater drawdown and recharge, including after the mining pits are back-filled. Compensatory measures will be the mitigation if the impact is greater than that predicted. Agreed with Departmental amended conditions for groundwater protection.
Air, Noise & Blasting		
7. Update conditions for noise and dust to clarify that scaling back and shut down of operations will be required at certain times to ensure compliance with limits	Support	?? difficult to determine from the criteria
8. Conditions prior to commencement of mining in each new pit to be updated to comply with standards of the day and ensure best practice (taking into account the more restricted options available compared to those for a new mine)	Reject & Disagree Need the certainty of being able to carry out the development for all three mining areas as has been assessed in accordance with current requirements. Deferring aspects of the Development Consent is only appropriate in staged development Applications. This condition is unprecedented and unnecessary. The Environment Protection Licence (EPL) can be amended to reflect current standards 5 years after its granted. The Mining Operation Plan (MOP) must detail the staging specifics of the mine and must be updated at least every seven years.	Not Adopted
9. All residences predicted to be impacted by exceedance of air quality criteria be given options to sell, negotiate agreeable outcome, provide mitigation measures or have alternative accommodation provided	Reject parts of the condition. Dust – reject explicit conditions for outdoor entertaining spaces and provision of alternative accommodation Air – reject conditions to extend the zone of affectation (ZOA) for PM10 exceed 50ug/m3 on more than 25% of property. Huge swathe of black soil land and inconsistent with NSW Government policy.	Not Adopted
10. Limits should be included in the conditions to ensure	Reject Inconsistent with NSW	Not Adopted

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predicted impacts are not exceeded (includes limits that vary over the life of the mine)	Government Policy and unreasonable	
11. All residences predicted to be impacted by exceedance of noise criteria be given options to sell, negotiate agreeable outcome or provide mitigation measures	Partially Reject Believe the limits should be same as other mines and contemporary NW Government Policy. Landholders should only benefit from one of the options not all.	Not Adopted
12. Limits should be included in the conditions to ensure predicted impacts are not exceeded (includes limits that vary over the life of the mine)	Reject Inconsistent with NSW Government Policy and unreasonable	Not Adopted
13. Update the Applicable Meteorological Conditions and Compliance Monitoring Requirements in Appendix 5 of draft conditions to reflect contemporary capabilities in monitoring during rain and hail conditions as well as gradient wind and temperature inversions features of the area	Partially support Support updating the inversion and mild wind conditions but not the windy rain and hail components	Not Adopted – no stipulation within the criteria
14. Final conditions clearly identify or map each residence that is listed as having a higher noise or dust criteria	Support Updated map in Figure 1	Not Adopted Properties are listed in tables
15. NSW Government develop a clear policy on the management of health and amenity impacts on land that is not occupied by a dwelling	Reject The Proposed Secretary's Environmental Assessment Report is adequate	NSW Government gazetted Voluntary Land Acquisition and Mitigation Policy December 2014
16. In absence of a definitive policy or clear specific justification the acquisition rights should be available to those properties identified in Table 4 & 5	Reject & Disagree The original Zone of Affection in the Secretary's Environmental Assessment Report is supported	Not Adopted - due to NSW Acquisition Policy
17. Blasting conditions include ground vibration criteria of 2mm/s for Breeza Cemetary	Support	Adopted
Long Term Land Use, Rehabilitation, landform and final void		
18. Prior to determination further details of the activities associated with mining the eastern pit is required. (dumping patterns, landform and rehabilitation to minimise out of	Reject A supplementary Mine Plan Report prepared by GHD is presented and addresses the PAC's concerns. Best practice mine planning has been	Not Adopted

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<p>pit disturbance, dumping schedule to minimize size of the active/exposed areas of the site, rehabilitation to prioritise establishment of koala feed and shelter corridors, replacement of agricultural land to meet BSAL.</p>	<p>implemented.</p>	
<p>19. Prior to allowing any works in each subsequent pit a review of the performance of the project against the predictions and best practice must be submitted and revised management plans and strategies for approval. A more detailed and comprehensive audit (along with review of the suitability of the mineplan, management plans & limites in place) is warranted prior to the commencement of each new pit. The review should address landform, rehabilitation outcomes, water impacts and water balance, air quality, noise and blasting impacts, biodiversity management outcomes. Updated plans must demonstrate that best practice and standards are implemented.</p>	<p>Reject & Disagree Deferring aspects of the Development Consent is only appropriate in staged development Applications. This condition is unprecedented and unnecessary. Same arguments as Rec 8</p>	<p>Not Adopted</p>
<p>20. NSW Government should consider ways to address long-term nature of proposed mining operations and options available to ensure standards of the day are applied to these operations. The level of scrutiny and effort given compared to the permanent landscape outcome and legacy issues produced warrants further policy work or guidelines.</p>	<p>Reject & Disagree Matter for NSW Government but of the view that sufficient controls are already in place</p>	<p>Not considered, no comment</p>
<p>Other</p>		
<p>21. Monitoring of the Koala population should be ongoing and planting of koala feed and shelter trees progressed as soon as possible</p>	<p>Support</p>	<p>Partially adopted. Interim Koala Habitat Plan to be prepared, commence planting of koala feed and shelter trees within 2 months of approval of the Plan. Planting and establishment of trees carried out in consultation with the Koala Technical Working</p>

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		Group
22. Establish a technical working group of Koala experts from government, scientific community and local wildlife and veterinary practices to oversee the management of the Koalas with the project.	Support	Adopted
23. Information on Koala management, monitoring, incidents and advice be made publicly available	Support	Adopted
24. Shuttle bus services should be provided to reduce the traffic numbers and the associated risks of koala fatalities and injuries around the site	Reject Will provide bus services between the Accommodation Facility and the Project during construction however during life of mine troop carriers will be utilized as with other coal mines	Partially adopted. Shuttle bus service established during construction to transition to the mine workforce and be provided for at least 1 year
Community Consultative Committee		
25. The CCC should include a Liverpool Plains Shire Council representative if they wish to nominate one.	Support	Not Adopted The Liverpool Plains Shire Council is not stipulated as a member but 'Council' is included (no clarification which Council it is)
Additional decisions in final determination		
Aboriginal Cultural Heritage		
Silent. Community asked for grinding groove sites to be left in situ for future generations	Silent	All sites to be removed intact as a whole. Impractical to preserve the sites in-situ as they are central parts of the eastern and western pits
Flood plain Definition		
Silent Exploration Licence definition is a narrower definition to the gazetted Water Management Act 2000.	Silent	Recognises the definition used by DRE and not the Water Management Act 2000
Cumulative Impacts		
Silent Community believed the cumulative impacts of other projects in the area in particular BHP Caroon Coal should be included. The assessment to date is project only.		Not Adopted Satisfied that the impacts from the project can be avoided or managed satisfactorily. Important for future proposed developments to include a cumulative impact assessment with this mine.

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Amendments to Management Plans or Strategies		
Silent Community concerned they could be amended without further scrutiny or consultation	Silent	Amended the condition to ensure that only minor revisions are can be updated by Shenhua without consultation with other agencies. If greater than minor then all relevant government agencies are to be consulted (does not include the community)