

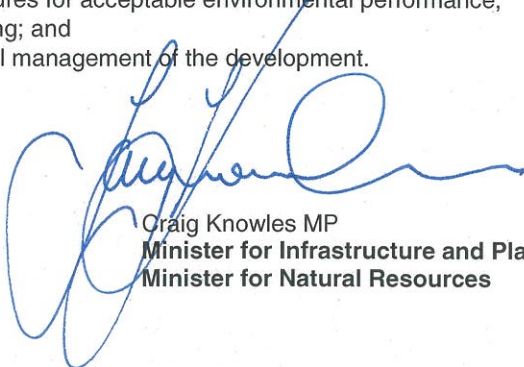
Development Consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Infrastructure and Planning, approve the Development Application referred to in schedule 1, subject to the conditions in schedules 3 to 6.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the on-going environmental management of the development.



Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

8. 12. 2004

2004

File No: S02/02289

SCHEDULE 1

Development Application:

DA 14-1-2004.

Applicant:

Hunter Valley Coal Corporation Pty Ltd.

Consent Authority:

Minister for Infrastructure and Planning.

Land:

See Appendix 1.

Proposed Development:

The development of open cut mining operations at the Mt Owen coal mine in general accordance with the Environmental Impact Statement for the Mt Owen Operations project, which includes:

- continuing existing and approved mining operations;
- extending open cut mining operations in Pit B and Pit C over a 17 to 21 year mine life;
- developing the Eastern Rail Pit;
- developing an out-of-pit overburden emplacement area known as the West Dump;
- increasing Run of Mine (ROM) coal production at the Mount Owen mine from 8 to 10 million tonnes a year;
- constructing and operating a ROM coal receival facility and haul road to enable Mt Owen Coal Handling and Preparation Plant (CHPP) to receive and process ROM coal from the Ravensworth East and Glendell coal mines;
- increasing the approved processing rate of the Mt Owen CHPP to 15 million tonnes of ROM coal a year;
- establishing additional product coal stockpile capacity at the Mount Owen mine;
- increasing the approved capacity of the Mount Owen rail loading facility and rail spur line to up to 15 million tonnes of ROM coal a year;
- continuing the disposal of tailings from the Mt Owen CHPP in voids at Ravensworth East coal mine;
- modifying the mine's water management system; and
- making minor modifications to existing office and other infrastructure

State Significant Development:

The proposal is classified as State significant development, under section 76A(7) of the *Environmental Planning and Assessment Act 1979*, because it satisfies the criteria in Schedule 1 of *State Environmental Planning Policy 34 - Major Employment Generating Industrial Development*.

Integrated Development:

The proposal is classified as integrated development, under section 91 of the *Environmental Planning and Assessment Act 1979*, because it requires additional approvals under the:

- *Water Act 1912*;
- *Rivers and Foreshore Improvement Act 1948*;
- *Protection of the Environment Operations Act 1997*;
- *National Parks and Wildlife Act 1974*;
- *Roads Act 1993*; and
- *Mine Subsidence Compensation Act 1961*.

Designated Development:

The proposal is classified as designated development, under section 77A of the *Environmental Planning and Assessment Act 1979*, because it is for a coal mine that would “produce or process more than 500 tonnes of coal a day”, and consequently meets the criteria for designated development in schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Note:

- 1) *To find out when this consent becomes effective, see section 83 of the Environmental Planning and Assessment Act 1979;*
 - 2) *To find out when this consent is liable to lapse, see section 95 of the Environmental Planning and Assessment Act 1979; and*
 - 3) *To find out about appeal rights, see section 97 of the Environmental Planning and Assessment Act 1979.*
-

SCHEDULE 2 DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Hunter Valley Coal Corporation Pty Ltd, or its successors
BCA	Building Code of Australia
CCC	Community Consultative Committee
Council	Singleton Shire Council
DA	Development Application
Day	Day is defined as the period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
DEC	Department of Environment and Conservation
Department	Department of Infrastructure, Planning and Natural Resources
Director-General	Director-General of Department of Infrastructure, Planning and Natural Resources, or delegate
DPI	Department of Primary Industries
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	Evening is defined as the period from 6 pm to 10 pm
GTA	General Terms of Approval
HCFFAC	Hunter Coalfield Flora and Fauna Advisory Committee: the committee established by the Director-General to provide advice on flora and fauna management in the Hunter Coalfield (or specific mines in the Hunter Coalfield). However, until this committee is established the current Mount Owen Interagency Advisory Group will carry out any function assigned to the HCFFAC in the conditions of consent.
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Minister	Minister for Infrastructure and Planning, or delegate
Night	Night is defined as the period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Biodiversity Offset Strategy	The revegetation and enhancement program described in the EIS for the Mt Owen Operations project, dated December 2003
Privately owned land	Land that is not owned by a public agency, or a mining company or its subsidiary
Receiver	As defined in the <i>NSW Industrial Noise Policy</i> (EPA 2000)
ROM	Run of Mine
RTA	Roads and Traffic Authority
Site	Land to which the DA applies

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SCHEDULE 3 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.

Terms of Approval

2. The Applicant shall carry out the development generally in accordance with the:
 - (a) DA 14-1-2004;
 - (b) EIS titled *Mt Owens Operations EIS*, volumes 1-5, dated December 2003, and prepared by Umwelt (Australia) Pty Ltd;
 - (c) Primary Submission to the Commission of Inquiry, dated June 2004, and prepared by Umwelt (Australia) Pty Ltd;
 - (d) Submission in Reply to the Commission of Inquiry, dated July 2004, prepared by Umwelt (Australia) Pty Ltd; and
 - (e) conditions of this consent.
3. If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Surrender of Consents

5. Within 12 months of this consent, the Applicant shall surrender all previous development consents for the Mt Owen coal mine to the satisfaction of the Director-General.

Limits on Approval

6. Apart from the conditions relating to the implementation of the Biodiversity Offset Strategy, this consent shall lapse 21 years after the date it commences.

Note: Under this consent, the Applicant is required to implement the Biodiversity Offset Strategy for the life of the impact (as determined by the Director-General in consultation with the HCFFAC). This consent will continue to operate during this period.

7. The Applicant shall not extract more than 10 million tonnes of ROM coal a year from the Mt Owen mine.
8. The Applicant shall not process more than 15 million tonnes of ROM coal a year at the Mt Owen CHPP.
9. The Applicant shall ensure that the Mt Owen rail loading facility and rail spur do not transport more than 15 million tonnes of ROM coal a year.

Structural Adequacy

10. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of development.
- The development is located partly in the Patrick Plains Mine Subsidence District. Under section 15 of the Mine Subsidence Compensation Act 1961, the Applicant is required to obtain the Mine Subsidence Board's approval before constructing or relocating any improvements in a Mine Subsidence District.

Demolition

11. The Applicant shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

Operation of Plant and Equipment

12. The Applicant shall ensure that all plant and equipment used at the site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

SCHEDULE 4 SPECIFIC ENVIRONMENTAL CONDITIONS

ACQUISITION UPON REQUEST

1. Upon receiving a written request for acquisition from the landowner of the land listed in Table 1, the Applicant shall acquire the land in accordance with the procedures in conditions 10-12 of schedule 5:

Table 1: Land subject to acquisition upon request (project specific)

64 – Richards	84 - Lawlor
66 – Cramp	85 - Frost
67 – Robinson and Brandl	87 - Westcott
68 - Deaves	88 - Flynn
69 - Fairfull	89 - White
70 – Johnson	91 - Lancaster
72 – Baker and Ellis	108 – Gardener (north of Glennies Creek Road)
73 - Cole	109 - Noble
83 – Rose	110 - Donellan

Note: For more information on the numbering and identification of properties used in this consent, see Appendix 5 of the Applicant's Primary Submission to the Commission of Inquiry, dated June 2004.

¹NOISE

Noise Impact Assessment Criteria

2. The Applicant shall ensure that the noise generated by the development does not exceed the noise impact assessment criteria in Table 2.

Table 2: Noise impact assessment criteria dB(A)

Day <i>L_{Aeq}(15 minute)</i>	Evening/Night <i>L_{Aeq}(15 minute)</i>	Night <i>L_{A1}(1 minute)</i>	Land Number
37	37	45	29 - Nagle and Partridge
			55 - Bodiam
36	36	45	40 - Holmes
			53 - Cullinan
			54 - Reid
			93 - Scott
			90 – Wilson
35	35	45	All other privately owned land, excluding the land listed in Table 1 apart from 91 – Lancaster

¹ Incorporates DEC GTA

However, if the Applicant has a written negotiated noise agreement with any landowner of the land listed in Table 2, and a copy of this agreement has been forwarded to the Department and the DEC, then the Applicant may exceed the noise limits in Table 2 in accordance with the negotiated noise agreement.

Notes:

- a) Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the $L_{Aeq(15 \text{ minute})}$ noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the development is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- b) Noise from the development is to be measured at 1 metre from the dwelling façade to determine compliance with the $L_{A1(1 \text{ minute})}$ noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the development is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).
- c) The noise emission limits identified in the above table apply under meteorological conditions of:
 - Wind speeds of up to 3 m/s at 10 metres above ground level; or
 - Temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.

3. While the land listed in Table 1 (excluding 91 – Lancaster) is privately owned, the Applicant shall ensure that the noise generated by the development does not exceed the noise predictions in the EIS for any residence on this land.

Additional Noise Mitigation Measures

4. Upon receiving a written request from:
 - a landowner of the land listed in Table 1 (excluding 91 – Lancaster); or
 - a landowner of the land numbered 29 (Nagle and Partridge) and 55 (Bodiam) in the EIS; or
 - the owner of any residence where subsequent noise monitoring shows the noise generated by the development is greater than, or equal to, $L_{Aeq(15 \text{ minute})}$ 37 dB(A),
 the Applicant shall implement additional noise mitigation measures in the form of double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner. These additional mitigation measures must be reasonable and feasible. If within 3 months of receiving this request from the landowner, the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.

Land Acquisition Criteria

5. If the noise generated by the development exceeds the criteria in Table 3, the Applicant shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 10-12 of schedule 5.

Table 3: Land acquisition criteria dB(A)

Day/Evening/Night $L_{Aeq(15 \text{ minute})}$	Land
40	All privately owned land, excluding the land listed in Table 1

Note: Noise generated by the development is to be measured in accordance with the notes presented below Table 2.

Cumulative Noise Criteria

6. The Applicant shall take all reasonable and feasible measures to ensure that the noise generated by the development combined with the noise generated by other mines does not exceed the following amenity criteria on any privately owned land, excluding the land listed in Table 1 (excluding 91 – Lancaster):
 - $L_{Aeq(11 \text{ hour})}$ 50 dB(A) – Day;
 - $L_{Aeq(4 \text{ hour})}$ 45 dB(A) – Evening; and
 - $L_{Aeq(9 \text{ hour})}$ 40 dB(A) – Night.

7. If the cumulative noise generated by the development combined with the noise generated by other mines exceeds the following amenity criteria on any privately owned land, excluding the land listed in Table 1, then upon receiving a written request from the landowner, the Applicant shall acquire the land on as equitable basis as possible with the relevant mines, in accordance with the procedures in conditions 10-12 of schedule 5:
- $L_{Aeq(11 \text{ hour})}$ 53 dB(A) – Day;
 - $L_{Aeq(4 \text{ hour})}$ 48 dB(A) – Evening; and
 - $L_{Aeq(9 \text{ hour})}$ 43 dB(A) – Night.

Monitoring

8. Within 6 months of this consent, the Applicant shall prepare and implement a Noise Monitoring Program for the development, to the satisfaction of the Director-General. The Noise Monitoring Program shall include a combination of real-time and supplementary attended monitoring measures, and a noise monitoring protocol for evaluating compliance with the noise impact assessment and land acquisition criteria in this consent.

Continuous Improvement

9. The Applicant shall:
- investigate ways to reduce the noise generated by the development, including maximum noise levels which may result in sleep disturbance;
 - implement all reasonable and feasible best practice noise mitigation measures on the site; and
 - report on these investigations and the implementation of any new noise mitigation measures on site in the AEMR, to the satisfaction of the Director-General.

²BLASTING AND VIBRATION

Airblast Overpressure Criteria

10. The Applicant shall ensure that the airblast overpressure level from blasting at the development does not exceed the criteria in Table 4 at any residence on privately owned land.

Table 4: Airblast overpressure impact assessment criteria

Airblast overpressure level (dB(Lin Peak))	Allowable exceedance
115	5% of the total number of blasts over a period of 12 months
120	0%

Ground Vibration Impact Assessment Criteria

11. The Applicant shall ensure that the ground vibration level from blasting at the development does not exceed the criteria in Table 5 at any residence on privately owned land.

Table 5: Ground vibration impact assessment criteria

Peak particle velocity (mm/s)	Allowable exceedance
5	5% of the total number of blasts over a period of 12 months
10	0%

Blasting Hours

12. The Applicant shall only carry out blasting at the development between 9 am and 5 pm (EST) and 9 am and 6 pm (DST) Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the DEC.

² Incorporates DEC GTA

Blasting Frequency

13. The Applicant shall not carry out more than 2 blasts a day at the site without the written approval of the Director-General.

Blasting Trial

14. The Applicant shall prepare and implement a Blasting Trial Program to evaluate the merits of blasting from 7 am for a 12 month trial period, in consultation with DEC, and to the satisfaction of the Director-General. After evaluating the results of this program, the Director-General may approve up to a 12 blasts a year at the development between 7 am and 9 am Monday to Saturday (inclusive).

Blast Management Plan

15. Within 6 months of this consent, the Applicant shall prepare and implement a Blast Management Plan for the development, in consultation with the CCC, and to the satisfaction of the Director-General. This plan must include:
 - (a) a description of what actions and measures would be implemented to:
 - ensure the safety of people, property and livestock;
 - minimise the dust and fume emissions from blasting at the development, particularly during adverse meteorological conditions; and
 - minimise the cumulative impacts of blasting (associated with blasting at the development and at surrounding mines – such as Camberwell, Ravensworth East and Glendell); and
 - (b) a detailed Blast Monitoring Program.
16. Prior to carrying out any blasting within 500 metres of active mining areas at Glennies Creek Colliery or any privately owned land, the Applicant shall revise the Blast Management Plan for the development, in consultation with Glennies Creek Coal Management Pty Ltd (or its assigns or successors in title) or the relevant landowner, to the satisfaction of the Director-General.

Public Notice

17. During the life of the development, the Applicant shall:
 - (a) notify the landowner/occupier of any residence within 3 km of the development who registers an interest in being notified about the blasting schedule at the mine;
 - (b) operate a Blasting Hotline, or alternate system agreed to by the Director-General, to enable the public to get up-to-date information on the blasting schedule at the development; and
 - (c) advertise the blasting hotline number in a local newspaper at least 4 times each year, to the satisfaction of the Director-General.

Property Inspections

18. Within 3 months of this consent, the Applicant shall advise all landowners within 3 km of the development that they are entitled to a structural property inspection.
19. If the Applicant receives a written request for a structural property inspection from any landowner within 3 km of the development, the Applicant shall within 3 months of receiving this request:
 - (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and
 - (b) give the landowner a copy of the property inspection report.

Property Investigations

20. If any landowner within 3 km of the site claims that buildings and/or structures on his/her land have been damaged as a result of blasting at the development, the Applicant shall within 3 months of receiving this request:
 - (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to investigate the claim; and
 - (b) give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant shall repair the damages to the satisfaction of the Director-General.

If the Applicant or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 2).

AIR QUALITY

Impact Assessment Criteria

21. The Applicant shall ensure that the dust emissions generated by the development do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 6, 7, and 8 at any residence on, or on more than 25 percent of, any privately owned land, excluding the land listed in Table 1.

Table 6: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³

Table 7: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³

Table 8: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

22. While the land in Table 1 is privately owned, the Applicant shall ensure that the dust emissions generated by the development do not cause additional exceedances of the air quality criteria in Tables 6, 7, and 8 at any residence on this land. However, where the air quality predictions in the EIS suggest that the dust emissions generated by the development are likely to exceed these criteria at any residence on this land, the Applicant shall comply with the predictions in the EIS for this residence.

Land Acquisition Criteria

23. If the dust emissions generated by the development exceed the criteria in Tables 9, 10, and 11 at any residence on, or on more than 25 percent of, any privately owned land, the Applicant shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 10-12 of schedule 5.

Table 9: Long term land acquisition criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³

Table 10: Short term land acquisition criteria for particulate matter

Pollutant	Averaging period	Criterion	Percentile ¹	Basis
Particulate matter < 10 µm (PM ₁₀)	24 hour	150 µg/m ³	99 ²	Total ³
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³	98.6	Increment ⁴

¹Based on the number of block 24 hour averages in an annual period.

²Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Director-General in consultation with the DEC.

³Background PM₁₀ concentrations due to all other sources plus the incremental increase in PM₁₀ concentrations due to the mine alone.

⁴Incremental increase in PM₁₀ concentrations due to the mine alone.

Table 11: Long term land acquisition criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

PM₁₀ Calibration Factor

24. Within 18 months of this consent, the Applicant shall validate the calibration factor applied to the 24-hour average PM₁₀ predictions in the EIS, and if necessary, revise the 24-hour average PM₁₀ predictions for the development, in consultation with DEC, and to the satisfaction of the Director-General. If the revised 24-hour average PM₁₀ predictions identify land, excluding the land in Table 1, where the dust generated by the development (on its own) is likely to cause exceedances of the 24-hour average PM₁₀ acquisition criteria at the residence on that land, then the Applicant shall notify the relevant landowner accordingly. Upon receiving a written request for acquisition from any of these landowners, the Applicant shall acquire the relevant land in accordance with conditions 10-12 of schedule 5.

Operating Conditions

25. The Applicant shall:
- ensure any visible air pollution generated by the development is assessed regularly, and that mining operations are relocated, modified, and/or stopped as required to minimise air quality impacts on privately owned land;
 - ensure real-time air quality monitoring for 24-hour average PM₁₀ and the meteorological monitoring data are assessed regularly, and that mining operations are relocated, modified and/or stopped as required to ensure compliance with the relevant air quality criteria; and
 - implement all practicable measures to minimise the off-site odour and fume emissions generated by any spontaneous combustion at the development,
- to the satisfaction of the Director-General.

Additional Air Quality Mitigation Measures

26. Upon receiving a written request from:
- a landowner of the land numbered 66 (Cramp), 67 (Robinson and Brandl) and 68 (Deaves) in the EIS; or
 - any landowner where subsequent dust monitoring shows the dust generated by the development is greater than the deposited dust criteria in Table 8,
- the Applicant shall, in consultation with the landowner, install a first flush system (or similar) on any water tank used as a drinking water supply on the land. If within 3 months of receiving this request, the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.

³Monitoring

27. Within 6 months of this consent, the Applicant shall prepare and implement a detailed Air Quality Monitoring Program to the satisfaction of the Director-General. The Air Quality Monitoring Program shall include a combination of real-time monitors, high volume samplers and dust deposition gauges to monitor the dust emissions of the development; and an air quality monitoring protocol for evaluating compliance with the air quality impact assessment and land acquisition criteria in this consent.

⁴METEOROLOGICAL MONITORING

28. Within 6 months of this consent, the Applicant shall ensure that there is a suitable meteorological station operating in the vicinity of the development in accordance with the requirements in *Approved Methods for Sampling of Air Pollutants in New South Wales*, and to the satisfaction of the DEC and the Director-General.

⁵SURFACE AND GROUND WATER

Discharge Limits

29. The Applicant shall only discharge water from the development in accordance with the provisions of a DEC Environment Protection Licence or the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

Creek Inspections

30. Prior to carrying out any of the proposed creek diversion works, the Applicant shall conduct a detailed survey of the condition of Bettys Creek and Main Creek, and any buildings or structures adjoining the creeks downstream of the proposed diversion works, to the satisfaction of the Director-General.

Bettys Creek Diversion

31. The Applicant shall design, construct, maintain, and rehabilitate the proposed diversion of Bettys Creek around the proposed Eastern Rail Pit, to the satisfaction of the Director-General.
32. The Applicant shall design, construct, and maintain the proposed diversion of Bettys Creek into Main Creek to ensure that it does not increase the peak flow or velocity of flows in Main Creek, or increase the extent or level of flooding in Main Creek and at the Glennies Creek Road bridge for the rain events modelled in the EIS, to the satisfaction of the Director-General.

Site Water Balance

33. The Applicant shall:
- (a) prepare a detailed site water balance for the development;
 - (b) measure:
 - water use on site;
 - water transfers across the site;
 - water transfers between the site and surrounding mines;
 - (c) review the site water balance for the development annually; and
 - (d) report the results of this review in the AEMR, to the satisfaction of the Director-General.

³ Incorporates DEC GTA

⁴ Incorporates DEC GTA

⁵ Incorporates the Department's GTA

Erosion of Sediment Control

34. The Applicant shall implement a range of standard erosion and sediment controls at the development, in general accordance with the requirements of the Department of Housing's *Managing Urban Stormwater: Soils and Construction* manual.

Surface Water Monitoring

35. The Applicant shall regularly monitor:
- (a) the volume and quality of water discharged from the site under the Hunter River Salinity Trading Scheme;
 - (b) surface water flows and quality upstream and downstream of the development in Yorks Creek, Swamp Creek, Bettys Creek and Main Creek;
 - (c) channel stability in Yorks Creek, Swamp Creek, Bettys Creek and Main Creek;
 - (d) waterlogging adjacent to the lower reaches of Main Creek; and
 - (e) report the results of this monitoring in the AEMR, to the satisfaction of the Director-General.

Ground Water Monitoring

36. The Applicant shall regularly monitor:
- (a) the volume of ground water seeping into the open cut mine workings;
 - (b) regional groundwater levels and quality in the surrounding aquifers;
 - (c) the groundwater pressure response in the surrounding coal measures; and
 - (d) report the results of this monitoring in the AEMR, to the satisfaction of the Director-General.

Water Management Plan

37. Within 6 months of this consent, the Applicant shall prepare and implement a Water Management Plan for the mine, to the satisfaction of the Director-General. This plan must include:
- (a) the detailed plans for the proposed diversions of Bettys Creek;
 - (b) a site water balance;
 - (c) an Erosion and Sediment Control Plan;
 - (d) a Surface Water Monitoring Program;
 - (e) a Ground Water Monitoring Program; and
 - (f) a Surface and Ground Water Response Plan, to address any potential adverse impacts associated with the development.

Note: The Department accepts that the initial Water Management Plan may not include the detailed plans for the proposed diversions of Bettys Creek. If that occurs, however, the Applicant will be required to review and revise the Water Management Plan for the development to the satisfaction of the Director-General prior to carrying out any of the proposed diversions.

38. Within 3 months of the completion of the Independent Environmental Audit (see condition 6 of Schedule 6), the Applicant shall review and revise the Water Management Plan for the development to the satisfaction of the Director-General.

Final Void Management

39. At least 5 years before the cessation of mining, the Applicant shall prepare and implement a Final Void Management Plan for the development, in consultation with the DPI, and to the satisfaction of the Director-General. This plan must:
- (a) investigate options for the future use of the final void;
 - (b) assess the potential interactions between the proposed diversion of Bettys Creek into Main Creek and the final void; and
 - (c) describe what actions and measures would be implemented to:
 - minimise any potential adverse impacts associated with the final void; and
 - manage and monitor the potential impacts of the final void over time.

FAUNA AND FLORA

Southern Remnant

40. The Applicant shall not reduce the area of the Southern Remnant below 25 hectares without the written approval of the Minister. In seeking this approval, the Applicant shall submit a report to the Minister that has been prepared in consultation with the HCFFAC. The report shall include:

- (a) the proposal to increase the amount of vegetation clearing in the Southern Remnant, including any offsets;
- (b) the results of any consultation conducted during the preparation of the report;
- (c) an assessment of the ecological, social and economic impacts of the proposal; and
- (d) justification for the proposal.

Note: Within 4 weeks of receiving this report, the Minister will endeavour to:

- *make the report public;*
- *seek independent expert advice on the proposal;*
- *seek advice from the DEC on the proposal;*
- *determine the proposal; and*
- *make this determination public.*

Biodiversity Offset Strategy

- 41. The Applicant shall implement the Biodiversity Offset Strategy in accordance with best practice flora and fauna management, and to the satisfaction of the Director-General.
- 42. Within 3 years of this consent, the Applicant shall implement suitable arrangements to provide long-term security for the offset in the Biodiversity Offset Strategy to the satisfaction of the Director-General.

Note: The long-term security of the offset can be achieved through a combination of the following: Deed of Agreement with the Minister, rezoning the land under the Singleton Local Environment Plan 1996, caveats on the title under the Conveyancing Act 1919, transfer of land to Forests NSW and protection through the forest management zoning system, etc.. However, the precise combination of measures that would be used is likely to take some time to finalise.

Green and Golden Bell Frog Habitat

- 43. Within 18 months of this consent, the Applicant shall create alternative habitat for the Green and Golden Bell Frog in the Biodiversity Offset Strategy area, enhance the existing habitat for this species and implement a captive breeding program if the Green and Golden Bell Frog is rediscovered within the site, in consultation with DEC, to the satisfaction of the Director-General. Details of the location, number, design and maintenance of the alternative habitat and the captive breeding program are to be provided in the Flora and Fauna Management Plan (see condition 45 below), and are to include:-
 - (a) a minimum of 6 alternative Green and Golden Bell Frog breeding habitat areas (scrapes with appropriate planting and shelter/over wintering sites) in the proposed offset area north (3) and south (3) of the original Betty's Creek alignment;
 - (b) details of the captive breeding program that is to be managed by a professional, experienced and appropriately licensed facility (i.e. one where there are full time professional staff engaged in the husbandry of captive animals) to the satisfaction of the Director-General of the DEC;
 - (c) the captive breeding program, once established, is to be maintained until such time that the alternative habitat has been created and demonstrated to be providing suitable breeding habitat for Green and Golden Bell Frogs (likely to be a minimum of 4 years after the rediscovery, capture and reintroduction of any Green and Golden Bell Frogs).

Eastern Free-tail Bat

- 44. The Applicant shall implement all reasonable and feasible measures to minimise the impacts of the development on the Eastern Free-tail Bat on the site, in consultation with the DEC, and to the satisfaction of the Director-General.

Flora and Fauna Management Plan

- 45. Within 6 months of this consent, the Applicant shall prepare and implement a detailed Flora and Fauna Management Plan for the development in consultation with the HCFFAC, and to the satisfaction of the Director-General. This plan must include:
 - (a) a description of the Biodiversity Offset Strategy in broad terms, including its objectives, and its relationship to the Ravensworth State Forest and the rehabilitation of the mine over time;
 - (b) assessment and completion criteria for the Biodiversity Offset Strategy;
 - (c) a detailed description of what actions and measures will be implemented including:
 - details, timeframes and locations of all ameliorative measures proposed in the Species Impact Statement for the development;
 - timeframes for the cessation of grazing and timber/firewood collection;
 - the design, location and maintenance regime for the Green and Golden Bell Frog habitat created as a requirement of condition 43 and the Green and Golden Bell Frog captive breeding program;

- (d) a detailed flora and fauna monitoring program for the development that is based on sound statistical principles; and
- (e) a detailed description of the procedures to:
 - salvage and reuse material from the site;
 - clear vegetation on site;
 - control erosion and sedimentation in the Biodiversity Offset Strategy area;
 - manage soil and water in the Biodiversity Offset Strategy area;
 - manage bushfires in the Biodiversity Offset Strategy area;
 - collect and propagate seed from the local area;
 - control weeds and feral pests;
 - control access; and
 - manage any potential conflicts between the Biodiversity Offset Strategy and Aboriginal cultural heritage in the Biodiversity Offset Strategy area, in consultation with the DEC, and to the satisfaction of the Director-General.

Annual Review of Biodiversity Offset Strategy and Flora and Fauna Management Plan

46. The Applicant shall:
- (a) annually review the performance of the Biodiversity Offset Strategy and Flora and Fauna Management Plan, in consultation with the HCFFAC; and
 - (b) if necessary, revise the Biodiversity Offset Strategy implementation measures and/or Flora and Fauna Management Plan, to the satisfaction of the Director-General.

Independent Audit of the Biodiversity Offset Strategy and Flora and Fauna Management Plan

47. Within 3 years of the date of this consent, and every 3 years thereafter, the Applicant shall commission, and pay the full cost of, an Independent Audit of the Biodiversity Offset Strategy and Flora and Fauna Management Plan. This audit must:
- (a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been approved by the Director-General;
 - (b) assess the performance of the Biodiversity Offset Strategy and Flora and Fauna Management Plan; and
 - (c) if necessary, recommend actions or measures to improve the performance of the Biodiversity Offset Strategy and Flora and Fauna Management Plan.

Conservation Bond

48. Following the independent audit of the Biodiversity Offset Strategy at the end of year 9 of the development, or prior to the cessation of mining, whichever occurs first, the Applicant shall lodge a reasonable conservation bond with the Department to ensure that there are sufficient resources available to fully implement the Biodiversity Offset Strategy. The amount of the bond shall be set by the Director-General, in consultation with the Applicant and the HCFFAC, and reflect the costs, at that time, of fully implementing the Biodiversity Offset Strategy. The amount of the bond may be adjusted by the Director-General, in consultation with the Applicant and the HCFFAC, after each subsequent independent audit of the Biodiversity Offset Strategy.

Hunter Coalfield Flora and Fauna Advisory Committee Contribution

49. The Applicant shall contribute a reasonable amount (up to a maximum of \$20,000) each year towards the operation of the HCFFAC.

Strategic Study Contribution

50. If, during the development, the Department commissions a strategic study into the regional vegetation corridor stretching from the Wollemi National Park to the Barrington Tops National Park, then the Applicant shall contribute a reasonable amount (up to a maximum of \$10,000) towards the completion of this study.

MT PLEASANT PUBLIC SCHOOL

Enhancement Program

51. Within 6 months of this consent, the Applicant shall prepare and implement an enhancement program for the Mt Pleasant Public School, in consultation with the principal of the school and representatives of the Mt Pleasant Public School P&C Association, and to the satisfaction of the Director-General.

Note: This enhancement program should be in general accordance with the proposal outlined in the Applicant's Submission in Reply to the Commission of Inquiry, dated July 2004.

⁶ABORIGINAL CULTURAL HERITAGE

Section 90 Consents

52. The Applicant shall obtain section 90 consents from DEC, under section 90 of the *National Parks and Wildlife Act 1974*, prior to disturbing any of the following Aboriginal sites and artefacts (sites shown in Figure 12.2 of the EIS): MC 1; MC 2; MC 3; MC 4; MC 5; MC 6; BC 44 – 67; and SC 13.

Archaeological Salvage Program

53. The Applicant shall prepare and implement a salvage program to the satisfaction of DEC that is based on landform context, including open area excavations in three or four locations, to complement and extend the previous investigations and salvages in the local area. The Aboriginal community must have input into the salvage program.

Trust Fund Contribution

54. Within 6 months of this consent, or as otherwise agreed by the Director-General, the Applicant shall contribute \$50,000 to the Hunter Aboriginal Cultural Heritage Trust Fund for further investigations into Aboriginal cultural heritage, as defined by the Trust Deed.

HERITAGE

Note: For more information on the references used in the following conditions see Figure 12.3 of the EIS.

Conservation Measures

55. The Applicant shall prepare a photographic record of the condition and integrity of heritage site MOH5 (homestead and dairy), and to update this record every 5 years until the cessation of mining, to the satisfaction of the Director-General.

Archival Record

56. The Applicant shall prepare an archival record of heritage sites MOH1, MOH2, MOH3 and MOH4, prior to any activity associated with the development that may disturb these sites, in accordance with the requirements of the NSW Heritage Office, and to the satisfaction of the Director-General.

TRAFFIC AND TRANSPORT

Monitoring of Coal Transport

57. The Applicant shall:
- (a) keep records of the:
 - amount of coal transported from the site each year; and
 - number of coal haulage train movements generated by the development (on a daily basis);and
 - (b) include these records in the AEMR.

Traffic Management

58. Prior to carrying out any construction on site, the Applicant shall prepare and implement a Construction Traffic Management Plan for the development to the satisfaction of the RTA and Council. This plan shall include a review of clearances and loads of bridges which may be affected by traffic associated with the development, a road safety audit of the single-lane bridge on Hebden Road and its approaches, and consideration of whether the bridge needs to be widened and whether the

⁶ Incorporates DEC GTA

signage or its approaches needs to be improved. Any road works, bridge widening and ancillary works, as recommended in the road safety audit or Construction Traffic Management Plan, shall be carried out at full cost to the Applicant, to the satisfaction of Council.

VISUAL IMPACT

Visual Amenity

59. The Applicant shall implement measures to mitigate the visual impacts, including the design and construction of development infrastructure in a manner that minimises visual contrasts, to the satisfaction of the Director-General.

Lighting Emissions

60. The Applicant shall:
- (a) take all practicable measures to mitigate off-site lighting impacts from the development; and
 - (b) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the Director-General.

GREENHOUSE GAS

61. The Applicant shall:
- (a) monitor the greenhouse gas emissions generated by the development;
 - (b) investigate ways to reduce greenhouse gas emissions generated by the development; and
 - (c) report on greenhouse gas monitoring and abatement measures in the AEMR, to the satisfaction of the Director-General.

WASTE MINIMISATION

62. The Applicant shall:
- (a) monitor the amount of waste generated by the development;
 - (b) investigate ways to minimise waste generated by the development;
 - (c) implement reasonable and feasible measures to minimise waste generated by the development; and
 - (d) report on waste and management and minimisation in the AEMR, to the satisfaction of the Director-General.

BUSHFIRE MANAGEMENT

63. The Applicant shall:
- (a) ensure that the development is suitably equipped to respond to any fires on site; and
 - (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire on site during the development; and
 - (c) prepare a conservation sensitive Bushfire Management Plan for the site in consultation with the HCFFAC, to the satisfaction of Council and the Rural Fire Service.

MINE CLOSURE STRATEGY

64. At least 5 years prior to the cessation of mining, the Applicant shall prepare a Mine Closure Strategy for the development, in consultation with the DPI and Council, and to the satisfaction of the Director-General.

SCHEDULE 5
ADDITIONAL PROCEDURES FOR AIR QUALITY AND NOISE MANAGEMENT

Notification of Landowners

1. The Applicant shall notify the landowners of the land listed in Table 1 in writing that they have the right to require the Applicant to acquire their land at any stage during the development.
2. If the results of the air quality and/or noise monitoring required in schedule 4 identify that the air pollution and/or noise generated by the development is greater than any of the air quality and/or noise criteria in schedule 4, except where this is predicted in the EIS, then the Applicant shall notify the Director-General and the affected landowners and/or existing or future tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the development is complying with the air quality and/or noise criteria in schedule 4.
3. Within 6 months of this consent, the Applicant shall develop a brochure to advise landowners and/or existing or future tenants (including tenants of mine owned properties) of the possible health and amenity impacts associated with exposure to particulate matter, in consultation with NSW Health, and to the satisfaction of the Director-General.

The Applicant shall review relevant human health studies and update this brochure every 3 years, to the satisfaction of the Director-General.

The Applicant shall provide this brochure (and associated updates) to:

- (a) all landowners and/or existing or future tenants (including tenants of mine owned properties) in areas where the air dispersion model predictions in the EIS identify that the dust emissions generated by the development are likely to be greater than the air quality land acquisition criteria in condition 23 of schedule 4; and
- (b) all landowners and/or existing or future tenants (including tenants of mine owned properties) of properties where the monitoring results identify that the mine is exceeding the air quality land acquisition criteria in condition 23 of schedule 4.

Independent Review

4. If a landowner considers the development to be exceeding the air quality and/or noise criteria in schedule 4, except where this is predicted in the EIS, then he/she may ask the Applicant in writing for an independent review of the air pollution and/or noise impacts of the development on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Applicant shall within 3 months of the Director-General advising that an independent review is warranted:

- (a) consult with the landowner to determine his/her concerns;
 - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct air quality and/or noise monitoring on the land, to determine whether the development is complying with the relevant air quality and/or noise criteria in schedule 4, and identify the source(s) and scale of any air quality and/or noise impact on the land, and the development's contribution to this impact;
 - (c) give the Director-General and landowner a copy of the independent review.
5. If the independent review determines that the development is complying with the relevant air quality and/or noise criteria in schedule 4, then the Applicant may discontinue the independent review with the approval of the Director-General.
 6. If the independent review determines that the development is not complying with the relevant air quality and/or noise criteria in schedule 4, and that the development is primarily responsible for this non-compliance, then the Applicant shall:
 - (a) take all practicable measures, in consultation with the landowner, to ensure that the development complies with the relevant air quality and/or noise criteria; and
 - (b) conduct further air quality and/or noise monitoring to determine whether these measures ensure compliance; or
 - (c) secure a written agreement with the landowner to allow exceedances of the air quality and/or noise criteria in schedule 4,to the satisfaction of the Director-General.

If the additional monitoring referred to above subsequently determines that the development is complying with the relevant air quality and/or noise criteria in schedule 4, then the Applicant may discontinue the independent review with the approval of the Director-General.

If the measures referred to in (a) do not achieve compliance with the air quality and/or noise land acquisition criteria in schedule 4, and the Applicant cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then the Applicant shall, upon receiving a written request from the landowner, acquire the landowner's land in accordance with the procedures in conditions 10-12 below.

7. If the independent review determines that the relevant air quality and/or noise criteria in schedule 4 are being exceeded, but that more than one mine is responsible for this non-compliance, then the Applicant shall:
 - (a) take all practicable measures with the relevant mine/s, in consultation with the landowner, to ensure that the relevant air quality and/or noise criteria are complied with; and
 - (b) conduct further air quality and/or noise monitoring to determine whether these measures ensure compliance; or
 - (c) secure a written agreement with the landowner to allow exceedances of the air quality and/or noise criteria in schedule 4,to the satisfaction of the Director-General.
8. If the independent review determines that the relevant air quality and/or noise land acquisition criteria in schedule 4 are being exceeded at the residence and/or on the landowner's land, and that more than one mine is responsible for this non-compliance, and the Applicant cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then upon receiving a written request from the landowner, the Applicant shall acquire all or part of the landowner's land on as equitable a basis as possible with the relevant mine/s in accordance with the procedures in conditions 10-12 below.

If the Applicant is unable to finalise an agreement with the landowner and/or other mine/s, then the Applicant or landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process.

If, following the Independent Dispute Resolution Process, the Director-General decides that the Applicant shall acquire all or part of the landowner's land, then the Applicant shall acquire this land in accordance with the procedures in conditions 10-12 below.

9. If the landowner disputes the results of the independent review, either the Applicant or the landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process.

Land Acquisition

10. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall make a binding written offer to the landowner based on:
 - (a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the development the subject of the DA, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of condition 4 of schedule 4;
 - (b) the reasonable costs associated with:
 - relocating within the Singleton local government area, or to any other local government area determined by the Director-General;
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and
 - (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Director-General for resolution.

Upon receiving such a request, the Director-General shall request the President of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider

submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.

If either party disputes the independent valuer's determination, then the independent valuer should refer the matter back to the Director-General.

Upon receiving such a referral, the Director-General shall appoint a panel comprising the:

- (i) appointed independent valuer;
 - (ii) Director-General and/or nominee/s; and
 - (iii) President of the Law Society of NSW or nominee,
- to consider submissions from both parties, including meeting with the parties individually if requested, and to determine a fair and reasonable acquisition price for the land, and/or the terms upon which the land is to be acquired.

Within 14 days of receiving the panel's determination, the Applicant shall make a written offer to purchase the land at a price not less than the panel's determination.

If the landowner refuses to accept this offer within 6 months of the date of the Applicant's offer, the Applicant's obligations to acquire the land shall cease, unless otherwise agreed by the Director-General.

11. The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Director-General and the costs of determination referred above.
12. If the Applicant and landowner agree that only part of the land shall be acquired, then the Applicant shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision, and registration of the plan at the Office of the Registrar-General.

SCHEDULE 6
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. Within 6 months of this consent, the Applicant shall prepare and implement an Environmental Management Strategy for the development to the satisfaction of the Director-General. This strategy must:
 - (a) provide the strategic context for environmental management of the development;
 - (b) identify the statutory requirements that apply to the development;
 - (c) describe in general how the environmental performance of the development would be monitored and managed during the development;
 - (d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the development;
 - respond to any non-compliance;
 - manage cumulative impacts; and
 - respond to emergencies;
 - (e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development; and
 - (f) be updated following each Independent Environmental Audit required by condition 6 below.
2. Within 3 months of the completion of the Independent Environmental Audit (see condition 6 below), the Applicant shall review, and if necessary revise, the Environmental Management Strategy to the satisfaction of the Director-General.

ENVIRONMENTAL MONITORING PROGRAM

3. Within 6 months of this consent, the Applicant shall prepare an Environmental Monitoring Program for the development in consultation with relevant agencies, and to the satisfaction of the Director-General. This program must consolidate the various monitoring requirements in schedule 4 of this consent into a single document.
4. Within 3 months of the completion of the Independent Environmental Audit (see condition 6 below), the Applicant shall review, and if necessary revise, the Environmental Monitoring Program to the satisfaction of the Director-General.

ANNUAL REPORTING

5. Each year, the Applicant shall prepare an AEMR to the satisfaction of the Director-General. This report must:
 - (a) identify the standards and performance measures that apply to the development;
 - (b) include a summary of the complaints received during the past year, and compare this to the complaints received in the previous 5 years;
 - (c) include a summary of the monitoring results on the development during the past year;
 - (d) include an analysis of these monitoring results against the relevant:
 - limits/criteria in this consent;
 - monitoring results from previous years; and
 - predictions in the EIS;
 - (e) identify any trends in the monitoring over the life of the development;
 - (f) identify and discuss any non-compliance during the previous year; and
 - (g) describe what actions were, or are being, taken to ensure compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

6. At the end of Year 3 of the development, and every 3 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;
 - (b) be consistent with *ISO 19011:2002 – Guidelines for Quality and/or Environmental Systems Auditing*, or equivalent updated versions of these guidelines;
 - (c) assess the environmental performance of the development, and its effects on the surrounding environment;

- (d) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;
 - (e) review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and
 - (f) if necessary, recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.
7. Within 3 months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Director-General, with a response to any of the recommendations contained in the audit report.

COMMUNITY CONSULTATIVE COMMITTEE

8. Within 6 months of this consent, the Applicant shall establish a new Community Consultative Committee to oversee the environmental performance of the development. This committee shall:
- (a) be comprised of:
 - 2 representatives from the Applicant, including the person responsible for environmental management at the mine;
 - 1 representative from Council; and
 - at least 3 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council;
 - (b) be chaired by the representative from Council or by a third party as approved by the Director-General;
 - (c) meet at least four times a year, or as determined by the Director-General;
 - (d) review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints; and
 - (e) be operated generally in accordance with Council's *Guidelines for Community Consultative Committees Within Singleton Shire* (March 2001).

Note: The Applicant may, with the approval of the Director-General, combine the function of this CCC with the function of other CCC's in the area, however, if it does this it must ensure that the above obligations are fully met in the combined process.

9. The Applicant shall, at its own expense:
- (a) ensure that 2 of its representatives attend the Committee's meetings;
 - (b) provide the Committee with regular information on the environmental performance and management of the development;
 - (c) provide meeting facilities for the Committee;
 - (d) arrange site inspections for the Committee, if necessary;
 - (e) take minutes of the Committee's meetings;
 - (f) make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee;
 - (g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and
 - (h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting.

ACCESS TO INFORMATION

10. Within 1 month of the approval of any management plan/strategy or monitoring program required under this consent (or any subsequent revision of these management plans/strategies or monitoring programs), the completion of the independent audits required under this consent (see conditions 47 of schedule 4 and condition 6 of schedule 6), or the completion of the AEMR (see condition 5 above), the Applicant shall:
- (a) provide a copy of the relevant document/s to the Council, relevant agencies and the CCC;
 - (b) ensure that a copy of the relevant documents is made publicly available at the mine; and
 - (c) put a copy of the relevant document/s on the Applicant's website, to the satisfaction of the Director-General.
11. During the life of the development, the Applicant shall:
- (a) make the results of the monitoring required under this consent publicly available both at the mine and on the Applicant's website; and
 - (b) update these results on a regular basis (at least every 2 months), to the satisfaction of the Director-General.

**APPENDIX 1
SCHEDULE OF LAND**

Freehold Land

DESCRIPTION	
Lot 2 DP 730978	Lot 121 DP 752462
Lot 11 DP 873459	Lot 100 DP 791739
Lot 1 DP 48490	Lot 101 DP 791739
Lot 8 DP 6830	Lot 4 DP 823167
Lot 2 DP 561235	Lot 5 DP 823167
Lot 4 DP 561235	Lot 3 DP 823167
Lot 1 DP 865784	Lot 2 DP 823167
Lot 354 DP 867083	Lot 1 DP 823167
Lot 353 DP 867083	Lot 4 DP 859544
Lot PT1 DP 940619	Lot 5 DP 859544
Lot 27 DP 6830	Lot 6 DP 859544
Lot 26 DP 6830	Lot 7 DP 859544
Lot 25 DP 6830	Lot 8 DP 859544
Lot 24 DP 6830	Lot 355 DP 867083
Lot 21 DP 6830	Lot 15 DP 873459
Lot 17 DP 6830	Lot 1 DP 925901
Lot 13 DP 665120	Lot 12 DP 1017435
Lot 1221 DP 709371	Lot 11 DP 6830
Lot 60 DP 752462	Lot 11 DP 6842
Lot 123 DP 752462	Lot 9 DP 6842
Lot 30 DP 752462	Lot 1 DP 135026
Lot 100 DP 752462	Lot 1 DP 380676
Lot 37 DP 752462	Lot 3 DP 859544
Lot 58 DP 752462	Lot 2 DP 859544
Lot 101 DP 752462	Lot 352 DP 867083
Lot 102 DP 752462	

Crown Land Descriptions

Ravensworth State Forest (No. 277, including extension No.1 and extension No. 2)

Crown Roads

All Crown roads shown within the Project Area on Figure 1.4 of the EIS titled *Mt Owens Operations EIS* (Umwelt, 2003)

Council Roads

Forest Road, Hebden Road, Glennies Creek Road

Travelling Stock and Camping Reserve No. 89694

Rail Easement (Main Northern Line – approx. 252.375 to 253.733 kilometres)

**APPENDIX 2
INDEPENDENT DISPUTE RESOLUTION PROCESS**

