Development Consent

Section 80 of the *Environmental Planning & 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 2 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

Sydney 2004 File No. S04/00866

SCHEDULE 1

Development Application: DA-200-5-2003.

Applicant: Castlereagh Coal Pty Ltd

Consent Authority: Minister for Infrastructure and Planning.

Land: See Appendix 1.

Proposed Development: The proposal includes the:
- continuation of approved mining operations; and
- extension of open cut mining operations.

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 the Minister's declaration of 29 June 2001.

Integrated Development: The proposal is classified as integrated development, under section 91 of the *Environmental Planning and Assessment Act 1979*, because it requires an approval under the *Protection of the Environment Operations Act 1997*.

Designated Development: The proposal is classified as designated development, under section 77A of the *Environmental Planning and Assessment Act 1979*, because it meets the criteria for coal mines in schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Notes:

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

SCHEDULE 2
DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Castlereagh Coal Pty Ltd
BCA	Building Code of Australia
CCC	Community Consultative Committee
Council	Lithgow City Council
CPHR	Conservation Programs Heritage and Regulation Group within the NSW Department of Climate Change, Energy, the Environment and Water
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
Department	Department of Planning, Housing and Infrastructure
EIS	Environmental Impact Statement
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPL	Environment Protection Licence under the POEO Act
Evening	Evening is defined as the period from 6 pm to 10 pm
GTA	General Term of Approval
Heritage NSW	Heritage NSW within the NSW Department of Climate Change, Energy, the Environment and Water
L_{Aeq}	The equivalent continuous noise level – the level equivalent to the energy average noise levels emitted by the premises over the stated measurement period
Land	Land means the whole of a lot in a current plan registered at the Land Titles Office at the date of this consent
Minister	NSW Minister for Planning and Public Spaces, or delegate
Modification 5	The modification to the development as described in the *Modification Report – Cullen Valley Mine, DA 200-5-2003 Modification 5* (Mod 5, dated January 2025), including the associated Submissions Report titled *Cullen Valley Mine Modification 5 – Submissions Report* (dated June 2025) and additional information dated 24 June 2025 and 21 July 2025
PCA	Principal Certifying Authority appointed under section 109E of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Privately-owned land	Land excluding land owned by a mining company, where a private agreement does not exist between the Applicant and the land owner
RBL	Rating Background Level
Resources Regulator	NSW Resources Regulator
Site	Land to which the DA applies
TfNSW	Transport for NSW
Vacant land	Vacant land is defined as the whole of the lot in a current plan registered at the Land Titles Office that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot at the date of this consent.
Water Group	Water Group within the NSW Department of Climate Change, Energy, the Environment and Water

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SCHEDULE 3
ADMINISTRATIVE CONDITIONS

Red type represents December 2004 modification
Blue Type represents July 2025 modification

Obligation to Minimise Harm to the Environment

1. The Applicant must 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 must carry out the development generally in accordance with the:
   (a) DA-200-5-2003;
   (b) EIS titled *Feldmast Coal Project Cullen Bullen*, dated February 1997, and prepared by International Environmental Consultants Pty Ltd;
   (c) EIS titled *Cullen Valley Mine Lease Extension Project*, dated April 2003, and prepared by International Environmental Consultants Pty Ltd, as modified by correspondence from the Applicant dated 20 May 2004 (see Appendix 2);
   (d) Modification Report titled *Modification Report – Cullen Valley Mine, DA 200-5-2003 Modification 5* (dated January 2025), prepared by EMM Consulting and including the Submissions Report titled *Cullen Valley Mine Modification 5 – Submissions Report* (dated June 2025) and additional information dated 24 June 2025 and 21 July 2025; and
   (e) conditions of this consent.

3. If there is any inconsistency between the above, the conditions of this consent must prevail to the extent of the inconsistency.

4. The Applicant must comply with any reasonable requirement/s of the Planning Secretary 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.

4A. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Limits of Approval

5. The Applicant may carry out mining operations on the site, within the approved disturbance area, until 19 August 2030.

   Notes:

   - *Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.*
   - *Mining operations and rehabilitation are also regulated under the Mining Act 1992.*

6. The Applicant must not:

   (a) produce more than 1 million tonnes of saleable coal a year from the development; and
   (b) transport more than 250,000 tonnes (cumulative total) of coal a year by road to domestic destinations other than the Mount Piper Power Station.

6A. Mining and coal handling must only occur during daytime operational hours.

Surrender of Consent

7. Within 6 months of the date of this consent, the Applicant must surrender its previous development consent for the Cullen Valley Mine to the satisfaction of the Planning Secretary, in accordance with clause 97 of the *EP&A Regulation.*

Structural Adequacy

8. The Applicant must 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 detailed requirements for the certification of development.*

Demolition

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

Operation of Plant and Equipment

10. [1]The Applicant must ensure that all plant and equipment at the site, or used in connection with the development, are:
    (a) maintained in a proper and efficient condition; and
    (b) operated in a proper and efficient manner.

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[1] EPA GTA

SCHEDULE 4
SPECIFIC ENVIRONMENTAL CONDITIONS

Red type represents December 2004 modification
Blue Type represents July 2025 modification

IDENTIFICATION OF BOUNDARIES

1. Within 6 months of the date of this consent, the Applicant must:
   (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction;
   (b) submit a survey plan of these boundaries to the Planning Secretary; and
   (c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.

NOISE

Noise Limits

2. [2]The Applicant must ensure that the noise generated by the development does not exceed the noise limits in Table 1 at any privately owned land:

Day	Evening	Night	Night	Land Descriptor
	$L_{Aeq(15\ minute)}$		$L_{A1(1\ minute)}$	
43	*(deleted)*	*(deleted)*	*(deleted)*	• Ryan • Tesoriero • Fitzgerald • Tilley • Red Springs (during mining to the west of the railway line) • Hillcroft (during mining to the west of the railway line) • Dobson • Williams • Northey
40	*(deleted)*	*(deleted)*	*(deleted)*	Forest Lodge
37	*(deleted)*	*(deleted)*	*(deleted)*	Red Springs (during mining to the east of the railway)
35	*(deleted)*	*(deleted)*	*(deleted)*	Hillcroft (during mining east of the railway) and all other land (including vacant land)

Table 1: Noise limits dB(A)

However, if the Applicant has a written noise agreement with any landowner, and a copy of this agreement has been forwarded to the Department and EPA, then the Applicant may exceed the noise limits in Table 1 for the landowner's land in accordance with the terms of the noise agreement.

Note: For more information on the individually named properties in Table 1 see Appendix 3.

Additional Noise Mitigation - Forest Lodge

3. Upon receiving a written request from the landowner, the Applicant must investigate (and subsequently implement) all reasonable and feasible measures to mitigate the noise impacts of the development on the residence identified as Forest Lodge in the map in Appendix 3, in consultation with the landowner, and to the satisfaction of the Planning Secretary.

[2] Incorporates EPA GTA

Continuous Improvement

4. The Applicant must:
   (a) investigate ways to reduce the noise generated by the development;
   (b) implement best practice noise mitigation measures at the development; and
   (c) report on these investigations and the implementation of any new noise mitigation measures at the development in the AEMR.

Land Acquisition Criteria

5. If the noise generated by the development exceeds the criteria in Table 2, the Applicant must, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in Conditions 3-5 of Schedule 5.

Day	Evening	Night	Land Descriptor
$L_{Aeq(15\ minutes)}$			
43	*(deleted)*	*(deleted)*	• Ryan • Tesoriero • Fitzgerald • Tilley • Red Springs (during mining to the west of railway line) • Hillcroft (during mining to the west of the railway line) • Dobson • Williams • Northey
42	*(deleted)*	*(deleted)*	Red Springs (during mining to the east of the railway)
40	*(deleted)*	*(deleted)*	Hillcroft (during mining east of the railway) and all other land (including vacant land)

Table 2: Land acquisition criteria dB(A)

Notes:

- *For more information on the individually named properties in Table 2 see Appendix 3.*
- *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 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary to determine compliance with the $L_{Aeq(15\ minute)}$ noise limits in Table 1 and 2.*
- *For the purpose of noise measures required for this condition, the $L_{Aeq\ (15\ minute)}$ noise level must be measured or computed at the nearest or most affected residence over a period of 15 minutes using "FAST" response on the sound level meter. For the purpose of the noise criteria for this condition, 5dB(A) must be added to the measured level if the noise is substantially tonal or impulsive in character.*
- *Where it can be demonstrated that direct measurement of noise from the development is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.*
- *The modification factors presented in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise levels where applicable.*
- *Noise from the development is to be measured at 1m from the dwelling façade to determine compliance with the $L_{A1(1minute)}$ noise limits in Tables 1 and 2.*
- *The noise emission limits identified in Condition 2 and 5 apply under meteorological conditions of:*
  - *Wind speed up to 3m/s at 10 metres above ground level; or*
  - *Temperature inversion conditions of up to 3°C/100m and wind speed up to 2m/s at 10 metres above the ground in accordance with the definitions provided in the Industrial Noise Policy; and*
  - *Temperature inversion conditions do not apply in conditions 2 and 5 where the noise limits are assessed at 43 $L_{Aeq(15\ minute)}$.*
- *Construction noise is considered to be operational noise for the purposes of this consent.*

Noise Monitoring

6. [3]Within 3 months of the date of this consent, unless otherwise approved by the EPA, the Applicant must establish a continuous noise monitoring system adjacent to the meteorological weather station required under this consent. This system must be capable of recording L_{Amax}, L_{A1}, L_{A90} and L_{Aeq} noise levels in 15-minute statistical intervals. Unless otherwise agreed, the results of this monitoring must be reported to the EPA on a monthly basis, and included in the AEMR.

7. The Applicant must undertake quarterly attended noise monitoring of the noise generated by the development at representative locations around the site to the satisfaction of the Planning Secretary, and in general accordance with the *NSW Industrial Noise Policy* and *AS1055-1997: Acoustics – Description and Measurement of Environmental*, or its latest version.

8. Within 3 months of the date of this consent, the Applicant must prepare (and then implement) a Noise Monitoring Program for the development in consultation with EPA, and to the satisfaction of the Planning Secretary. This program must include a noise monitoring protocol for evaluating compliance with the criteria in Tables 1 and 2.

BLASTING & VIBRATION

Airblast Overpressure Limits

9. The Applicant must ensure that the airblast overpressure level from blasting at the development does not exceed the criteria in Table 3 at any residence or sensitive receiver on privately owned land.

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

Table 3: Airblast overpressure limits

Note: The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be assessed to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

Ground Vibration Criteria

10. [4]The Applicant must ensure that the peak vector sum from the development does not exceed the criteria in Table 4 at any residence or sensitive receiver on privately owned land:

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

Table 4: Ground vibration limits

[3] EPA GTA
[4] EPA GTA

11. The Applicant must ensure that the peak vector sum from blasting at the development does not exceed 2mm/s at the sandstone overhang/rock shelter site C-S-1 without the written approval of the Planning Secretary.

Notes:
- *For more information on C-S-1 see Appendix 4.*
- *Prior to seeking approval from the Planning Secretary to exceed the 2mm/s peak particle velocity limit at the sandstone overhang/rock shelter site C-S-1, the Applicant must undertake a structural assessment of the site C-S-1, in consultation with Heritage NSW and EPA to determine alternate limits for future operations.*
- *If further archaeological studies confirm that C-S-1 does not have archaeological significance, this requirement shall cease to apply.*

Blasting Hours

12. [5]The Applicant must only carry out blasting at the development between 9 am and 3 pm Monday to Friday inclusive. No blasting is allowed on public holidays or any other time without the written approval of EPA.

12A. Prior to any blasting under Modification 5, the Applicant must give at least 2 weeks written notice to the Planning Secretary.

Public Notice

13. During the life of the development, the Applicant must:
(a) notify anyone who registers an interest in being notified about the blasting schedule at the development;
(b) operate a blasting hotline, or alternative system agreed to by the Planning Secretary, to enable the public to get up-to-date information on blasting operations at the development; and
(c) publish a notice about this hotline or system in a local newspaper on at least a 6-monthly basis.

Blast Management Plan

14. Within 3 months of the date of this consent, the Applicant must prepare (and then implement) a Blast Management Plan for the development, in consultation with Rail Corporation, Council, and the landowners of the Hillcroft and Forest Lodge properties (see Appendix 3), and to the satisfaction of the Planning Secretary . This plan must:
(a) describe what measures would be implemented to minimise the potential blasting impacts of the development on the Wallerawang-Gwabegar Railway Line, Red Springs Road, and the land on Hillcroft and Forest Lodge properties (see Appendix 3) that may be within 500 metres of any blasting carried out at the development;
(b) monitor the performance of these measures; and
(c) describe what procedures would be followed to address any blasting-related impacts.

Blast Monitoring

15. The Applicant must monitor the blasting impacts of the development at representative locations around the site, using the specified units of measure, frequency, sampling method, and location in Table 5.

Parameter	Units of Measure	Frequency	Sampling Method	Measurement Location
Airblast overpressure	dB(Lin Peak)	During every blast	AS2187.2-1993[1]	Not less than 3.5 m from a building or structure
Peak Vector Sum (PVS)	Mm/s	During every blast	AS2187.2-1993	Not more than 30m from a building or structure

Table 5: Airblast overpressure and ground vibration monitoring

[5] EPA GTA

[1]*Standards Australia, 1993, AS2187.2-1993: Explosives - Storage, Transport and Use - Use of Explosives.*

16. The Applicant must monitor the ground vibration impacts at the sandstone overhang/rock shelter site C-S-1 (see Appendix 4) to the satisfaction of the Planning Secretary.

    Note: If further archaeological studies confirm that C-S-1 (see Appendix 4) does not have archaeological significance, this requirement shall cease to apply.

17. Within 3 months of the date of this consent, the Applicant must prepare (and then implement) a Blast Monitoring Program for the development, in consultation with the EPA, and to the satisfaction of the Planning Secretary.

    Note: This program must include provisions for reporting the date, time, PVS, dB(Lin Peak) and wave form trace for each blast.

Property Inspection

18. Prior to blasting within 2 km of any residence, the Applicant must notify the landowner that they are entitled to a property inspection. If the Applicant receives a written request for a property inspection from any landowner within 2 km of the active mining area, the Applicant must:
    (a) within 14 days of receiving the request, commission a suitably qualified person, whose appointment has been approved by the Planning Secretary, 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 this property inspection report within 14 days of receiving the report.

Property Investigations

19. If any landowner within a 2 km radius of the active mining area claims that his/her property has been damaged as a result of blasting at the development, the Applicant must:
    (a) within 14 days of receiving this claim in writing, commission a suitably qualified person whose appointment has been approved by the Planning Secretary to investigate the claim; and
    (b) give the landowner a copy of the property investigation report within 14 days of receiving the report.

    If this independent investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damages to the satisfaction of the Planning Secretary.

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

    If the matter cannot be resolved within 21 days, the Planning Secretary shall refer the matter to an Independent Dispute Resolution Process (See Appendix 5).

AIR QUALITY

Impact Assessment Criteria

20. The Applicant must ensure that the air pollution generated by the development does not cause any additional exceedances of the criteria listed in Tables 6, 7, and 8 at any privately owned land.

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	[a, c] 90 µg/m³
Particulate matter < 10 µm (PM_{10})	Annual	[a, c] 25 µg/m³
Particulate matter < 2.5 µm ($PM_{2.5}$)	Annual	[a,c] 8 µg/m3

Table 6: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM_{10})	24 hour	[b]50 µg/m³
Particulate matter < 2.5 µm (PM2.5)	24 hour	[b]25 µg/m³

Table 7: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
[d]Deposited dust	Annual	[b]2 g/m²/month	[a]4 g/m²/month

Table 8: Long term impact assessment criteria for deposited dust

Note:
[a]Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).
[b]Incremental impact (i.e. incremental increase in concentrations due to the development on its own).
[c]Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed to by the Secretary.
[d]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.

Operating conditions

21. The Applicant must:
    (a) take all reasonable steps to:
    - minimise odour, fume, and dust (including PM_{10} and $PM_{2.5}$) emissions of the development;
    - minimise any visible off-site air pollution generated by the development;
    - minimise the extent of potential dust generating surfaces exposed on the site at any given point in time; and
    - improve energy efficiency and minimize Scope 1 and Scope 2 greenhouse gas emissions generated by the development;

    (b) operate a comprehensive air quality management system that uses a combination of meteorological forecasting and air quality monitoring to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
    (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 6 above);
    (d) carry out routine air quality monitoring in accordance with the methodology listed in

Table 12, no less frequently than every month (unless otherwise agreed with the Planning Secretary) to determine whether the development is complying with the relevant conditions in this consent; and

(e) regularly assess meteorological and air quality monitoring data and relocate, modify or stop operations on the sire to ensure compliance with the relevant conditions of this consent.

22. The Applicant must ensure that all loaded trucks leaving the site are covered at all times.

Minimisation of Visible Dust

23. The Applicant must regularly monitor the development for visible dust; and if visible dust is being generated on-site, then the Applicant must relocate, modify, and/or stop mining operations to minimise adverse dust impacts occuring on any privately-owned land.

Land Acquisition Criteria

24. The land acquisition criteria for air pollution generated by the development are listed in Tables 9, 10, and 11.

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m³
Particulate matter < 10 µm (PM_{10})	Annual	25 µg/m³

Table 9: Long term land acquisition criteria for particulate matter

[6] EPA GTA

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]

Table 10: Short term land acquisition criteria for particulate matter

[1]Based on the number of block 24 hour averages in an annual period.
[2]Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Planning Secretary in consultation with the EPA.
[3]Background PM_{10} concentrations due to all other sources plus the incremental increase in PM_{10} concentrations due to the mine alone.
[4]Incremental increase in PM_{10} concentrations due to the mine alone.

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

Table 11: Long term land acquisition criteria for deposited dust

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.

Monitoring

25. The Applicant must monitor the air quality impacts of the development at representative locations around the site, using the specified averaging period, frequency, and sampling method in Table 12 to the satisfaction of EPA and the Planning Secretary.

Pollutant	Units of Measure	Averaging Period	Frequency	Sampling method[1]
PM_{10}	µg/m^3	24 hour, annual	Continuous and 1 day in 6	AS3580.9.8 – 2001[2] AM-18
TSP	µg/m^3	24 hour, annual	1 day in 6	AM-15
Dust Deposition	g/m^2/month	Month, annual	Continuous	AM-19
Siting	-	-	-	AM-1

Table 12: Air quality monitoring

26. Within 3 months of the date of this consent, the Applicant must prepare, and then implement, an Air Quality Monitoring Program for the development to the satisfaction of the Planning Secretary.

[1] NSW EPA, 2001, Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.
[2]Standards Australia, 2001, AS3580.9.8-2002, Method for Sampling and Analysis of Ambient Air - Determination of Suspended Particulate Matter - PM_{10} Continuous Direct Mass Method using a Tapered Element Oscillating Microbalance Analyser, or any other method that is approved by the EPA and the Planning Secretary.

OFFENSIVE ODOUR

27. [7]The Applicant must not cause or permit the emission of offensive odour beyond the boundary of the site in accordance with section 129 of the *Protection of the Environment Operations Act 1997*.

METEOROLOGICAL MONITORING

28. [8]Within 3 months of the date of this consent, or as otherwise agreed, the Applicant must establish a permanent meteorological station at a location approved by the EPA, and to the satisfaction of the Planning Secretary, to monitor the parameters in Table 13, using the specified units of measure, averaging period, frequency, and sampling method.

Parameter	*Units of measure*	*Averaging period*	Frequency	*Sampling method[1]*
Lapse rate	*°C/100m*	*1 hour*	Continuous	*Note[2]*
Rainfall	*mm/hr*	*1 hour*	Continuous	*AM-4*
Sigma Theta @ 10 m	*°*	*1 hour*	*Continuous*	*AM-2*
Siting	-	-	-	*AM-1*
Temperature @ 10 m	*K*	*1 hour*	*Continuous*	*AM-4*
Temperature @ 2 m	*K*	*1 hour*	*Continuous*	*AM-4*
Total Solar Radiation @ 10m	*W/m²*	*1 hour*	*Continuous*	*AM-4*
Wind Direction @ 10 m	*°*	*1 hour*	*Continuous*	*AM-2*
Wind Speed @ 10 m	*m/s*	*1 hour*	Continuous	*AM-2*

Table 13: Meteorological monitoring

[1] NSW EPA, 2001, Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.
[2]The Applicant must calculate lapse rate from measurements made at 2m and 10m.

FLORA AND FAUNA

Compensatory Habitat

29. Within the limits of best practice flora and fauna management, the Applicant must conserve, manage and maintain at least 50 hectares of land on or adjacent to the site to the satisfaction of the Planning Secretary to compensate for the vegetation that would be removed by the development, in general accordance with the proposal contained in the Applicant's correspondence to the Department dated 20 May 2004 (see Appendix 2).

Flora and Fauna Management Plan

30. Within 12 months of the date of this consent, the Applicant must prepare, and then implement, a Flora and Fauna Management Plan for the development, in consultation with CPHR, and to the satisfaction of the Planning Secretary. This plan must include a:
    (a) Compensatory Habitat Plan;
    (b) Vegetation Clearance Protocol;
    (c) Weed Management Strategy;
    (d) Ecological Monitoring Program; and
    (e) description of who would be responsible for monitoring, reviewing, and implementing the plan.

31. The Compensatory Habitat Plan must:
    (a) describe the immediate and long-term compensatory habitat proposal, and demonstrate how this proposal would be integrated with the proposed rehabilitation of the site and surrounding areas of remnant vegetation;

[7] EPA GTA
[8] EPA GTA

(b) identify strategies to protect areas excluded from open cut mining from disturbance during mining operations;
(c) identify options for the permanent protection of areas of compensatory habitat;
(d) provide baseline data on the existing flora and fauna in the proposed compensatory habitat areas;
(e) describe how the compensatory habitat proposal would be implemented; and
(f) set completion criteria for the compensatory habitat proposal.

32. The Vegetation Clearance Protocol must include:
(a) plans[9] showing the vegetation communities in the area, highlighting important fauna habitat areas and threatened species locations; the areas to be cleared; and the proposed clearing program;
(b) procedures for progressive vegetation clearing and soil management;
(c) strategies for minimising vegetation clearance within the development area and protection of vegetated areas outside that area;
(d) identification of fauna management strategies;
(e) collection of seed from the local area;
(f) salvage and reuse of material from the site;
(g) a habitat tree management program, including fauna recovery procedures;
(h) potential for relocation of hollow bearing trees, compensatory management measures (such as replacement of lost hollows with nesting boxes); and
(i) where possible, strategies for re-using individuals or populations of any threatened plant species that would otherwise be destroyed by the development in rehabilitation works.

33. The Weed Management Strategy must include:
(a) weed identification;
(b) weed eradication methods and protocols for the use of herbicides; and
(c) methods to treat and re-use weed infested topsoil.

34. The Ecological Monitoring Program must include:
(a) a program to monitor revegetation of disturbance areas including:
- visual monitoring to determine the need for maintenance and/or contingency measures;
- monitoring of the quality of rehabilitation using a systems based approach through the assessment of landscape function, vegetation dynamics and habitat complexity; and

(b) a program to monitor the effectiveness of rehabilitation.

Annual Review

35. The Applicant must:
(a) review the performance of the Flora and Fauna Management Plan annually; and
(b) revise the document as necessary to take into account any recommendations from the annual review,

to the satisfaction of the Planning Secretary.

Independent Audit

36. Within 2 years of the date of this consent, and every 5 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission, and pay the full cost of, an Independent Audit of the compensatory habitat proposal. This audit must:
(a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been approved by the Planning Secretary;
(b) assess the performance of the compensatory habitat proposal;
(c) review the adequacy of the Flora and Fauna Management Plan; and, if necessary

[9] The plans must cover the development area and extend to vegetation in adjoining areas where this is both contiguous with the development and contains important fauna habitat areas and/or threatened species.

(d) recommend actions or measures to improve the performance of the compensatory habitat proposal, and the adequacy of the Fauna and Flora Management Plan.

37. Within 3 months of commissioning this audit, the Applicant must submit a copy of the audit report to the Planning Secretary with a detailed response to any recommendations in the audit report.

SUBSIDENCE

Note: This development will be regulated under the new approval process for managing the impacts of coal mining subsidence under the Mining Act 1992.

38. Before carrying out any underground mining operations that will potentially lead to subsidence of the land surface, the Applicant must prepare a Subsidence Management Plan for those operations in accordance with the following documents, or their latest version:
- *New Approval Process for Management of Coal Mining Subsidence - Policy*; and
- *Guideline for Applications for Subsidence Management Approvals*,

to the satisfaction of the Resource Regulator.

SURFACE WATER

[10]Pollution of Waters

39. Except as may be expressly provided by a EPL, the Applicant must comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the development.

[11]Discharge limits

40. Except as may be expressly provided by a EPL, the Applicant must ensure that the discharges from any licenced discharge point comply with the limits in Table 14.

Pollutant	Units of measure	100% concentration limit
Total suspended solids	mg/L	50
Oil and grease	mg/L	10
pH	pH units	6.5-8.5

Table 14: Discharge limits

Note: To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Monitoring

41. The Applicant must:

(a) measure:
- the volume of water discharged from the site; and
- water use on the site; and

(b) monitor the quality of the surface water discharged from the license discharge point/s at the development.

42. [12]For each monitoring/discharge point, the Applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant in Table 15, using the specified units of measure, frequency, and sampling method.

[10] EPA GTA
[11] EPA GTA
[12] EPA GTA

Pollutant	Units of measure	Frequency	Sampling Method
Filtrable iron	mg/L	Weekly during any discharge	Representative sample
Filtrable manganese	mg/L	Weekly during any discharge	Representative sample
Oil and Grease	mg/L	Weekly during any discharge	Representative sample
Salinity	mg/L	Weekly during any discharge	Representative sample
Total suspended solids	mg/L	Weekly during any discharge	Representative sample
pH	pH	Weekly during any discharge	Representative sample

Table 15: Monitoring parameters for discharge points

Note: Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with:

- *the Approved Methods Publication; or if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol,*
- *a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.*

Site Water Management Plan

43. Prior to 5 December 2025, the Applicant must prepare (and then implement) a Site Water Management Plan for the development, in consultation with EPA and Water Group, and to the satisfaction of the Planning Secretary. This plan must include:
    (a) the predicted site water usage including;
        (i) predicted annual inflows to and outflows from the site;
        (ii) sources and security of water supply for the life of the development (including authorised entitlements and licences);
        (iii) water storage capacity;
        (iv) water use and management on the site, including any water transfers or sharing with neighbouring mines;
        (v) licenced discharge points and limits; and
        (vi) reporting procedures, including the annual preparation of an updated site water balance;
    (b) a Surface Water Monitoring Program; and
    (c) an Erosion and Sediment Control Plan.

44. The Surface Water Monitoring Program must include:
    (a) detailed baseline data on surface water flows and quality;
    (b) surface water impact assessment criteria;
    (c) a program to monitor surface water flows and quality; and
    (d) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.

45. The Erosion and Sediment Control Plan must:
    (a) comply with the requirements of the Department of Housing's *Managing Urban Stormwater: Soils and Construction* manual;
    (b) identify activities that could cause soil erosion or discharge sediment or water pollutants from the site;
    (c) describe the location, function and capacity of all erosion and sediment control structures, and nominate which, if any, of these structures would be used as water sources for the development; and
    (d) describe the measures to minimise soil erosion and the potential migration of sediments to downstream waters.

Bunding

46. The Applicant must ensure that impervious bunds are constructed around all fuel, oil and chemical storage areas in accordance with the requirements of EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

VISUAL IMPACT

Visual Amenity

47. The Applicant must implement measures to mitigate the visual impacts of the development, including:
    (a) designing and constructing development infrastructure in a manner that minimises visual contrasts;
    (b) placing and maintaining visual screens around the development;
    (c) revegetating the proposed noise bund along the western boundary of the development as soon as practicable following each stage of its progressive construction; and/or
    (d) progressively rehabilitating the site as soon as practicable after active mining is completed,

    to the satisfaction of the Planning Secretary.

48. If the landowner of the Hillcroft, Red Springs, and/or Forest Lodge properties (see Appendix 3) requests the Applicant in writing to investigate ways to minimise the visual impact of the development on his/her property, the Applicant must:
    (a) within 14 days of receiving this request, commission a suitably qualified person whose appointment has been approved by the Planning Secretary, to investigate reasonable and feasible measures to minimise the visual impacts of the development on the landowner's property; and
    (b) give the landowner a copy of the visual impact mitigation report within 14 days of receiving this report.

    If both parties agree on the measures that should be implemented to minimise the visual impact of the development, then the Applicant must implement these measures to the satisfaction of the Planning Secretary.

    If the Applicant and the landowner disagree on the measures that should be implemented to minimise the visual impact of the development, then either party may refer the matter to the Planning Secretary for resolution.

Lighting Emissions

49. The Applicant must ensure that all external lighting associated with the development complies with *Australian Standard AS4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting,* or its latest version.

TRANSPORT

Coal Haulage Limits

50. The Applicant must ensure that all coal haulage from the development:
    (a) uses the dedicated coal haulage route from the development to the Castlereagh Highway;
    (b) is not conveyed on any local road within the Lithgow local government area, except with the written approval of the Planning Secretary;
    (c) occurs between 7.00 am and 5.30 pm Monday to Friday, between 7.00 am and 5.00 pm Saturdays, for no more than 30 days annually to the satisfaction of the EPA and Council, and at no time on Sundays and Public Holidays.

    Note: The hours of operation specified in this condition may be varied with the written consent of the EPA if it is satisfied that the amenity of the residents in the locality will not *be adversely affected.*

Coal Haul Road

51. The Applicant must ensure that:
    (a) the use of the haul road does not restrict access to the Speedway and sports ground; and access to haul road is restricted when it is not in use, in accordance with the terms of the Cullen Bullen Recreational Trust agreement.

52. Prior to 31 December 2004, the Applicant must prepare and implement a Coal Haulage Vehicle Management Plan to reduce the impacts of coal haulage traffic from the development on public roads to the satisfaction of the Planning Secretary.

Road Closure

53. The Applicant must not close any public roads without the approval of the relevant road authority.

Road Crossing

54. The Applicant must ensure that the road crossing of the mine haul road and Red Springs Road is undertaken in consultation with Council and to the satisfaction of the Planning Secretary.

54A. Unless otherwise agreed by the Planning Secretary, within 3 months of approval of Modification 5, the Applicant must, in consultation with TfNSW, install intersection warning signs on the Castlereagh Highway;
    (a) northbound on to the north of Watson Avenue; and
    (b) north and south bound near Boulder Road.

ABORIGINAL ARCHAEOLOGY

55. The Applicant must protect the open campsite-stone artifact scatter site C-OS-1 (see Appendix 4) and the associated Potential Archaeological Deposit during the development, in consultation with local Aboriginal groups, and to the satisfaction of the Planning Secretary.

56. The Applicant must
    (a) ensure that a protective buffer zone of at least 50 metres (radius) is maintained around the site C-S-1 (see Appendix 4), and that the site is not impacted by mining operations or surface activities;
    (b) the site C-S-1(see Appendix 4) is monitored in accordance with Condition 16,

    to the satisfaction of the Planning Secretary.

    Note: Under section 90(1) of the National Parks and Wildlife Act 1974, a person who, without first obtaining the consent of the Planning Secretary, knowingly destroys, defaces or damages, or knowingly causes or permits the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place is guilty of an offence against this Act.

BUSHFIRE MANAGEMENT

57. The Applicant must:
    (a) ensure that the development is suitably equipped to respond to any fires on site; and
    (b) prepare a Fire Management Plan;

    to the satisfaction of the Rural Fire Service.

WASTE MANAGEMENT

Waste Minimisation

58. The Applicant must:
    (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 to minimise waste generated by the development; and
    (d) report on waste monitoring and minimisation in the AEMR,

    to the satisfaction of the Planning Secretary.

Waste Disposal

59. [13]The Applicant must not cause, permit or allow any waste generated outside the mine to be received at the mine for storage, treatment, processing, reprocessing or disposal, or any waste generated at the mine to be disposed of at the mine, except as expressly permitted by a EPL.

    Note: This condition only applies to the storage, treatment, processing, reprocessing, or disposal of waste that requires a licence under the Protection of the Environment Operations Act 1997.

GREENHOUSE GAS

60. The Applicant must:
    (a) monitor the greenhouse gas emissions generated by the development;
    (b) investigate ways to minimise greenhouse gas emissions generated by the development;
    (c) implement reasonable and feasible measures to minimise greenhouse gas emissions generated by the development; and
    (d) report on greenhouse gas monitoring and minimization in the AEMR,

    to the satisfaction of the Planning Secretary.

Note: *In accordance with its Climate Change Action Plan 2023-26, the NSW EPA is preparing guidance for the preparation and implementation of various climate change related guidelines (e.g., including but not limited to Climate Change Mitigation and Adaptation Plans). Preparation of Climate Change Mitigation and Adaptation Plan (CCMAP) may be required under the EPA's regulatory framework, including conditions in the Environment Protection Licence.*

60A. The Scope 1 and 2 emissions generated by Modification 5 must not exceed the 25,000 tCO^{2-e} Large Greenhouse Gas Emitters threshold in any financial year.

[13] Incorporates EPA GTA

SCHEDULE 5
ADDITIONAL PROCEDURES FOR AIR QUALITY AND NOISE MANAGEMENT

Notify Landowners

1. If the results of the monitoring required in Schedule 4 identify exceedances of the air quality and/or noise limits/criteria in Schedule 4, then the Applicant must notify the Planning Secretary and relevant landowner/s in writing about these exceedances, and provide quarterly monitoring results to these parties until the monitoring results show that the development is complying with the relevant air quality and/or noise limits/criteria.

Independent Review

2. If a landowner considers the development to be exceeding the relevant air quality and/or noise limits/criteria listed in Schedule 4 on his/her land, then he/she may ask the Applicant for an independent review of the air quality and/or noise impacts of the development on his/her land. Within two weeks of receiving the request from a landowner, the Applicant must advise the Planning Secretary of the request.

   If the Planning Secretary is satisfied that an independent review is warranted, the Applicant must:
   (a) consult with the landowner to determine his/her concerns; and
   (b) commission a suitably qualified person – whose appointment has been approved by the Planning Secretary – to conduct air quality and/or noise monitoring at the relevant property to determine whether the development is complying with the relevant impact assessment criteria, and identify the source(s) and scale of any air quality and/or noise impact at the property, and the development's contribution to this impact.

   Within 14 days of receiving the results of this independent review, the Applicant must give a copy of these results to the Planning Secretary and landowner.

   - If the independent review determines that the development is complying with the relevant air quality and/or noise limits/criteria at the property, then the Applicant may discontinue the independent review with the approval of the Planning Secretary.

   - If the independent review determines that the development is not complying with the relevant air quality and/or noise limits/criteria at the property, then the Applicant must:
     (a) take all practicable measures, in consultation with the landowner, to ensure that the development complies with the relevant limits/criteria; and
     (b) conduct further air quality and/or noise monitoring at the property 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 limits/criteria,

     to the satisfaction of the Planning Secretary.

   - If the independent review determines that the development is not complying with the relevant air quality and/or noise land acquisition criteria at the property, and the Applicant cannot secure a written agreement with the landowner to allow these exceedances, then upon receiving a written request from the landowner, the Applicant must acquire the landowner's property in accordance with the Department's land acquisition procedures.

Land Acquisition

3. Within 6 months of receiving a written request from the landowner, the Applicant must pay the landowner:
   - the current market value of the landowner's interest in the land at the date of this written request, as if the land 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 land 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;

(b) the reasonable costs associated with:
- relocating within the Lithgow local government area, or to any other local government area determined by the Planning Secretary;
- 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 within 6 months of receiving this written request, 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 Planning Secretary for resolution.

Upon receiving such a request, the Planning Secretary shall request the President of the Australian Institute of Valuers and Land Economists 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 must refer the matter back to the Planning Secretary.

Upon receiving such a referral, the Planning Secretary shall appoint a panel to determine a fair and reasonable acquisition price for the land, and/or the terms upon which the land is to be acquired, comprising the:
- appointed independent valuer,
- Planning Secretary or nominee, and
- President of the Law Society of NSW or nominee.

Within 14 days of receiving the panel's determination, the Applicant must 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 Planning Secretary.

4. The Applicant must bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Planning Secretary and the costs of determination referred to in Condition 3.

5. If the Applicant and landowner agree that only part of the land should be acquired, then the Applicant must 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 & REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. Within 6 months of the date of this consent, the Applicant must prepare (and then implement) an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. 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 detailed 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;
      - report any environmental incidents;
      - resolve any disputes that may arise during the course of the development;
      - respond to any non-compliance;
      - manage cumulative impacts; and
      - respond to emergencies; and
   (e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.

2. Within 14 days of the Planning Secretary's approval, the Applicant must:
   (a) send copies of the approved strategy to the relevant agencies, Council, and the CCC; and
   (b) ensure the approved strategy is publicly available during the development.

ENVIRONMENTAL MONITORING PROGRAM

3. Within 6 months of the date of this consent, the Applicant must prepare (and then implement) an Environmental Monitoring Program for the development in consultation with the relevant agencies, and the satisfaction of the Planning Secretary. This program must consolidate the various monitoring requirements in Schedule 4 of this consent into a single document.

4. The Applicant must regularly review, and if necessary update, this program to the satisfaction of the Planning Secretary.

ANNUAL REPORTING

5. By the end of March each year, unless the Planning Secretary agrees otherwise, the Applicant must submit a review of the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. The review must
   (a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year;
   (b) include a comprehensive review of the monitoring results and complaints records of the development over the past calendar year, which includes a comparison of these results against the:
      - the relevant statutory requirements, limits or performance measures/criteria;
      - the monitoring results of previous years; and
      - the relevant predictions in the EIS;
   (c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;
   (d) identify any trends in the monitoring data over the life of the development;
   (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
   (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

Note: The report may be developed in conjunction with the AEMR provided to other agencies to avoid duplication of reporting requirements.

INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 2 years of the date of this consent, and every 3 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit. This audit must:
   (a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Planning Secretary;
   (b) be consistent with ISO 10911:2002 – Guidelines for Quality and/or Environmental Systems Auditing, or updated version of this guideline;
   (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, if necessary,
   (f) 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, or as otherwise agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, with a detailed response to any of the recommendations contained in the audit report.

COMMUNITY CONSULTATIVE COMMITTEE

8. The Applicant must ensure that there is a Community Consultative Committee to oversee the environmental performance of the development. This committee must:
   (a) be comprised of:
   - 2 representatives from the Applicant, including the person responsible for environmental management at the mine;
   - 1 representative from Council; and
   - 4 representatives from the local community,

   whose appointment has been approved by the Planning Secretary in consultation with the Council;
   (b) be chaired by an independent person whose appointment has been endorsed by the Planning Secretary;
   (c) meet at least twice a year; and
   (d) review and provide advice on the environmental performance of the development, including any environmental management plans, monitoring results, audit reports, or complaints.

9. The Applicant must, 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) arrange to take minutes of the Committee's meetings;
   (f) make these minutes available to the public for inspection 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 Planning Secretary within a month of the Committee meeting.

INCIDENT NOTIFICATION

10. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
    (a) date, time and location;
    (b) a brief description of what occurred and why it has been classified as an incident;
    (c) a description of what immediate steps were taken in relation to the incident; and
    (d) identifying a contact person for further communication regarding the incident.

11. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 7 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

12. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

APPENDIX 1
SCHEDULE OF LAND

Lots 2, 3, 4, 5, 6 and 14 DP 249955 Parish of Cullen Bullen, County of Roxburgh

Lot 1 DP 171665 Parish of Cullen Bullen, County of Roxburgh

Lots 1, 3 and 125 DP 220269, Portions 3, 37, 41, 42, 49, 61, 62, 85 Parish of Cullen Bullen, County of Roxburgh

Crown Land Portions 36, 332, 331

Lot 1 DP 160808 Parish of Cullen Bullen, County of Roxburgh

Lot 333 DP 41170 Parish of Cullen Bullen, County of Roxburgh

Lot 345 DP 720602; Portions 3, 17, 57, 59, 63, 74 and 164 Parish of Cullen Bullen, County of Roxburgh

Part Ben Bullen State Forest No. 434

Cullen Bullen Cemetery

Vacant Crown land identified as Portion ML54

Lot 1 DP1025909, Parish of Cullen Bullen, County of Roxburgh

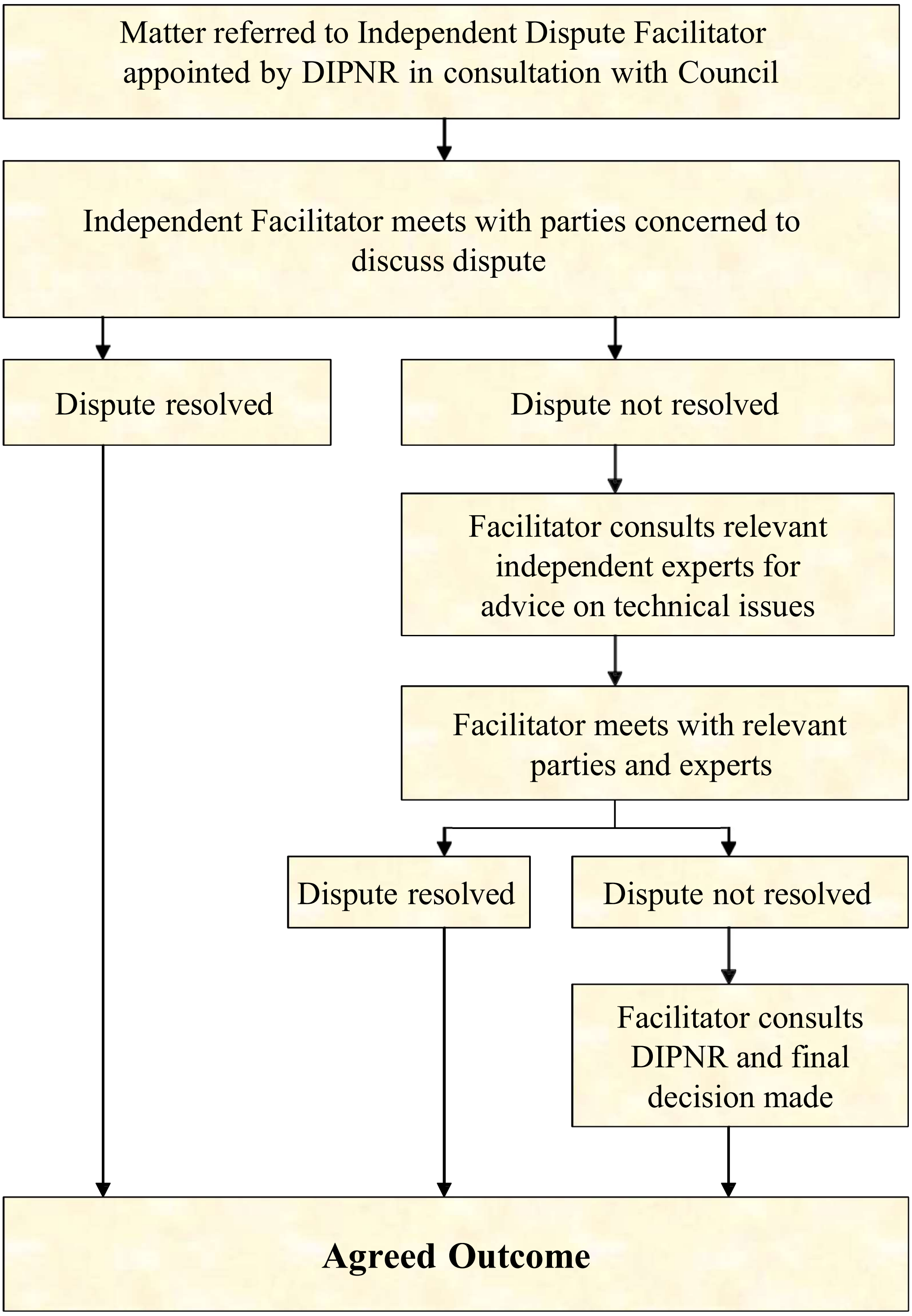
APPENDIX 2
COPY OF LETTER MODIFYING THE DA
FOR THE EXTENSION OF OPEN CUT MINING OPERATIONS

APPENDIX 3
PROPERTY DESCRIPTORS

APPENDIX 4
ARCHAEOLOGICAL HERITAGE SITES

APPENDIX 5
INDEPENDENT DISPUTE RESOLUTION PROCESS

Independent Dispute Resolution Process (Indicative only)



APPENDIX 6
APPROVED PROJECT BOUNDARY

__Figure 6:__ Approved Project Boundary

APPENDIX 7

INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition 11 of Schedule 6 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within **7 days** (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition 11 of Schedule 6), the Applicant is required to submit a subsequent incident report that:
   (a) identifies how the incident was detected;
   (b) identifies when the Applicant became aware of the incident;
   (c) identifies any actual or potential non-compliance with conditions of consent;
   (d) identifies further action(s) that will be taken in relation to the incident; and
   (a) a summary of the incident;
   (b) outcomes of an incident investigation, including identification of the cause of the incident;
   (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
   (d) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.