

Development Consent

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

I, the Minister for Infrastructure, Planning and Natural Resources, 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,

2004

File No: S02/02690

SCHEDULE 1

Development Application:	DA 450-10-2003.
Applicant:	Coal & Allied Operations Pty Ltd.
Consent Authority:	Minister for Infrastructure and Planning.
Land:	See Appendix 1.
Proposed Development:	<p>The extension of open cut coal mine operations at the West Pit of Hunter Valley Operations in general accordance with the Environmental Impact Statement for the <i>Hunter Valley Operations - West Pit Extension and Minor Modifications</i>, which includes:</p> <ul style="list-style-type: none">• extending open cut mining operations to the east of currently approved development;• using existing mining methods and equipment;• using existing coal preparation facilities at the West Pit to process up to 6 million tonnes per annum (Mtpa) of coal and use of related coal reject disposal facilities;• continuing coal production at the rate of 12 Mtpa at West Pit;• increasing the approved production capacity of the Carrington Pit from 6 Mtpa to 10 Mtpa;• increasing approved coal haulage from mining areas south of the Hunter River to the Hunter Valley Coal Preparation Plant from 8 Mtpa to 16 Mtpa;• upgrading the capacity of the Hunter Valley Coal Preparation Plant from 13 Mtpa to 20 Mtpa;• upgrading the Belt Line Conveyor from the Hunter Valley Coal Preparation Plant to the Hunter Valley Loading Point;• constructing a conveyor between the Hunter Valley Loading Point and the Newdell Loading Point;• hauling coal, on an intermittent basis, between the Hunter Valley Loading Point and Newdell Loading Point and the Ravensworth Coal Terminal;

- hauling coal, on an intermittent basis, between the Hunter Valley Coal Preparation Plant and the Hunter Valley Loading Point along a private haul road;
- moving coal and coal rejects between mining areas and facilities of the Hunter Valley Operations, including mining areas and facilities located south of the Hunter River;
- constructing temporary crossings of the Hunter River to allow the relocation of heavy mining equipment; and
- consolidating 15 existing development approvals, applying to Hunter Valley Operations north of the Hunter River, into a single consent.

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 involves coal-mining related development that requires a new mining lease under section 63 of the *Mining Act 1992*.

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:

- *Protection of the Environment Operations Act 1997*;
- *National Parks and Wildlife Act 1974*;
- *Water Act 1912*;
- *Rivers and Foreshores Improvement Act 1948*;
- *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*.

BCA Classification: Class 10b: Coal conveyor

Note:

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

SCHEDULE 2 DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Coal & Allied Operations Pty Ltd
BCA	Building Code of Australia
Bore	Any bore or well or excavation or other work connected or proposed to be connected with sources of sub-surface water, and used or proposed to be used or capable of being used to obtain supplies of such water whether the water flows naturally at all times or has to be raised whether wholly or at times by pumping or other artificial means
CCC	Community Consultative Committee
Council	Singleton Shire Council
DA	Development Application
Day	Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DEC	The Department of Environment and Conservation
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or delegate
DNR	Department of Natural Resources
DPI (MR)	Department of Primary Industries (Mineral Resources)
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>
EPL	Environment Protection Licence
EPL 640	Environment Protection Licence No. 640 issued for HVO's operations north of the Hunter River or any subsequent replacement for, or variation of, EPL 640
Evening	Evening is defined as the period from 6pm to 10pm
GTA	General Term of Approval
HVO	Hunter Valley Operations
Land	Land means the whole of a lot in a current plan registered at the Land Titles Office at the date of this consent
MOP	Mining Operations Plan
MSC	Muswellbrook Shire Council
MSB	Mine Subsidence Board
Night	Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
PCA	Principal Certifying Authority appointed under Section 109E of the Act
Privately-owned land	Land excluding land owned by a mining company, where: <ul style="list-style-type: none"> • A private agreement does not exist between the Applicant and the land owner; and • There are no land acquisition provisions requiring the Applicant to purchase the land upon request from the land owner
ROM coal	Run-of-mine coal
RTA	Roads and Traffic Authority
Site	Land to which the DA applies
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.

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Red type represents August 2005 modification
Blue type represents June 2006 modification

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 450-10-2003;
 - (b) EIS titled *Hunter Valley Operations – West Pit Extension and Minor Modifications*, volumes 1 – 4, dated October 2003, and prepared by Environmental Resources Management Australia;
 - (c) the section 96(1A) modification application for the Hunter Valley Loading Point, dated 30 June 2005, and prepared by Matrix Consulting;
 - (d) *Carrington Pit Extended Statement of Environmental Effects* volumes 1 & 2, dated October 2005, and prepared by Environmental Resources Management Australia;
 - (e) *Carrington Pit Extension Response to Submissions Report*, dated May 2006, and prepared by Environmental Resources Management Australia;
 - (f) Summary of Commitments for Carrington Pit as Extended, dated 28 May 2006 and prepared by the Applicant; and
 - (g) conditions of this consent.
3. If there is any inconsistency between the above documents, the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any 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 3 months of the submission of the revised West Pit extension MOP to the DPI(MR), the Applicant shall surrender all existing development consents and existing use rights associated with Hunter Valley Operations' (HVO's) mining operations and related facilities north of the Hunter River in accordance with clause 97 of the *EP&A Regulation*.

Limits on Approval

6. This consent expires 21 years after the date it commences.
Note: This condition does not affect the operation of section 95 of the EP&A Act.
7. The Applicant shall not extract more than 12 million tonnes per annum (Mtpa) of ROM coal from the West Pit and 10 Mtpa of ROM coal from the Carrington Pit.
8. The Applicant shall ensure that the Hunter Valley Coal Preparation Plant does not receive more than 16 Mtpa of coal from mining operations south of the Hunter River, and process more than 20 Mtpa of coal.
9. The Applicant shall ensure that the West Pit Coal Preparation Plant does not process more than 6 Mtpa of coal.

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:

- 1) *Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*

- 2) Part 8 of the EP&A Regulation sets out the requirements for the certification of development.
- 3) ¹The development is located 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 on the site.

Demolition

- 11. The Applicant shall ensure that any demolition work is carried out in accordance with *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, or to transport coal off-site, are:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Community Enhancement Contribution

- 13. Before carrying out any development, or as agreed otherwise by Council, the Applicant shall pay Council \$15,000 for the provision of stream improvement works in the Hunter River or its tributaries. If Council has not carried out these enhancement works within 12 months of payment, the Applicant may retrieve the funds from Council.

¹ Incorporates MSB GTA.

**SCHEDULE 4
SPECIFIC ENVIRONMENTAL CONDITIONS**

ACQUISITION UPON REQUEST

1. Upon receiving a written request for acquisition from any landowner of the land listed in Table 1, the Applicant shall acquire the land in accordance with the procedures in conditions 9-11 of schedule 5 and condition 7 of schedule 5 for property 8.

8 - Holz	10 - Moses
9 - Dallas	12 - Barry

Table 1: Land subject to acquisition upon request

Note: For more information on the numbering and identification of properties used in this consent, see Figure 24, volume 4 of the EIS for the Hunter Valley Operations – West Pit and Minor Modifications.

2. While the land listed in condition 1 is privately-owned, the Applicant shall implement all practicable measures to ensure that the impacts of the development comply with the predictions in the EIS, to the satisfaction of the Director-General.

AIR QUALITY

Impact Assessment Criteria

3. The Applicant shall ensure that the air pollution generated by the development does not exceed the criteria listed in Tables 2, 3, and 4 at any privately-owned land, excluding the land in Table 1.

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 2: Long-term impact assessment criteria for particulate matter

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

Table 3: Short-term impact assessment criterion for particulate matter

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 4: Long-term impact assessment 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.

Land Acquisition Criteria

4. If the air pollution generated by the development exceeds the criteria in Tables 5, 6, and 7 at 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 9-11 of schedule 5.

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 5: Long-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

Table 6: Short-term land acquisition criteria for particulate matter

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.

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 7: 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.

²Monitoring

5. The Applicant shall establish air quality monitoring stations (or obtain free and unencumbered access to data from existing air quality monitoring stations) at a minimum of 6 locations around the site, including the residences on properties 10 (Moses), 4 (Muller) and 8 (Holz) whilst privately-owned or at alternative locations as approved by the Director-General, and including locations representative of the most-affected residences in Jerrys Plains and Maison Dieu, to monitor (by sampling and obtaining results by analysis) the concentration of each pollutant in Table 8 to the satisfaction of DEC and the Director-General, using the specified averaging period, frequency, and sampling method:

Pollutant	Units of Measure	Averaging Period	Frequency	Sampling method ¹
PM ₁₀	µg/m ³	24 hour, annual	Continuous	AS3580.9.8 – 2001 ²
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 8: Air quality monitoring

² Incorporates DEC GTA

¹ NSW EPA, 2001, *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*.

² Standards Australia, 2001, AS3580.9.8-2001, *Method for Sampling and Analysis of Ambient Air - Determination of Suspended Particulate Matter - PM₁₀ Continuous Direct Mass Method using a Tapered Element Oscillating Microbalance Analyser, or any other method that is approved by the Director-General, in consultation with the DEC.*

6. Within 6 months of the date of this consent, the Applicant shall prepare and implement an Air Quality Monitoring Program, to the satisfaction of the Director-General.

³NOISE

Noise Impact Assessment Criteria

7. The Applicant shall ensure that the noise generated by the development does not exceed the noise impact assessment criteria presented in Table 9 at any privately-owned land.

Day/Evening/Night <i>L_{Aeq(15 minute)}</i>	Night <i>L_{A1(1 minute)}</i>	Land Number
40	46	4 – Muller (from year 1 to year 7) 7 – Stapleton Jerrys Plains Village – represented by residence locations 13 and 14 on Figure 24, volume 4 of the EIS (years 20 & 21) . 1 – Hayes (years 20 & 21) 18 – Bennet (years 20 & 21) 51 – Nicholls (years 20 & 21) 52 – Old – (years 20 & 21)
39	46	2 – Skinner 3 – Elisnore 11 – Fisher 19 – Biralee Feeds 31 – Cooper 36 – Garland 54 – Skinner
38	46	1 – Hayes (from year 1 to year 19) 18 – Bennet (from year 1 to year 19) 51 – Nicholls (from year 1 to year 19) 52 – Old (from year 1 to year 19)
36	46	4 – Muller (from year 8 to year 21)
35	46	All other residential or sensitive receptors, excluding the receptors listed in condition 1 above.

Table 9: Noise impact assessment criteria dB(A)

Notes:

- (a) The years referenced in Table 9 are to be considered as the position of mining operations as set out in the EIS for that year. If mining operations are delayed or accelerated from the planned location as shown in the EIS for a particular year, then the noise assessment criteria will be adjusted in accordance with the location of actual mining operations. The location of actual mining operations in relation to locations predicted in the EIS, will be indicated in the AEMR (see schedule 6, condition 5).
- (b) The noise limits in Table 9 are for the noise contribution of the West Pit extension and all Hunter Valley Operations north of the Hunter River and coal haulage identified in the EIS from the south side of the Hunter River.
- (c) Noise from the development is to be measured at the most affected point 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 minute)}* noise limits in the above table.
- (d) To determine compliance with the *L_{Aeq(15 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.
- (e) Noise from the development is to be measured at 1 metre from the dwelling façade to determine compliance with the *L_{A1(1 minute)}* noise limits in the above table.
- (f) The noise emission limits identified in the above table do not apply under meteorological conditions of:
- i wind speeds in excess 3 m/s at 10 metres above ground level; and/or
 - ii temperature inversion conditions in excess of 3°C/100m, and wind speeds in excess of 2 m/s at 10 metres above ground level.

³ Incorporates DEC GTAs

Land Acquisition Criteria

8. If the noise generated by the development exceeds the criteria in Table 10, the Applicant shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 9-11 of schedule 5.

Day/Evening/Night <i>L_{Aeq}(15 minute)</i>	Property
43	11 – Fisher
42	7 - Stapleton
41	All residential or sensitive receptors, excluding the receptors listed in condition 1 above

Table 10: Land acquisition criteria dB(A)

Monitoring

9. The Applicant shall establish at least 5 permanent real-time noise monitoring stations at representative locations around the mine including residences on the land numbered 1 (Hayes) and 4 (Muller) in the EIS, while privately-owned, or at alternative locations approved by the Director-General, and at least 3 other locations (or obtain free and unencumbered access to data from existing real-time noise monitoring stations) approved by the DEC, and to the satisfaction of the Director-General. These stations shall monitor the noise generated by the development, in general accordance with the *NSW Industrial Noise Policy* and *AS 1055: Acoustics – Description and Measurement of Environmental Noise*.
10. Within 6 months of the date of this consent, the Applicant shall prepare and implement a Noise Monitoring Program for the development to the satisfaction of the Director-General, which includes a noise monitoring protocol for evaluating compliance with the criteria in conditions 7 and 8.

METEOROLOGICAL MONITORING

11. The Applicant shall maintain a permanent meteorological station at a location approved by the DEC, and to the satisfaction of the Director-General, to monitor the parameters specified in Table 11, using the specified units of measure, averaging period, frequency, and sampling method in the table.

Parameter	Units of measure	Averaging period	Frequency	Sampling method¹
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 @ 2m	W/m ²	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 11: Meteorological monitoring

¹ NSW EPA, 2001, *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*.

² The Applicant shall calculate lapse rate from measurements made at 2m and 10m or any improved system of the determination of inversions.

BLASTING & VIBRATION

Airblast Overpressure Limits

12. The Applicant shall ensure that the airblast overpressure level from blasting at the development does not exceed the criteria in Table 12 at any residence on privately-owned land.

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

Table 12: Airblast overpressure impact assessment criteria

Ground Vibration Impact Assessment Criteria

13. The Applicant shall ensure that the ground vibration level from blasting at the development does not exceed the criteria in Table 13 at any residence on privately-owned land.

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

Table 13: Ground vibration impact assessment criteria

Blasting Hours

14. The Applicant shall only carry out blasting at the development between 7 am and 6 pm Monday to Saturday inclusive. No blasting is allowed on Sundays, Public Holidays or any other time without the written approval of DEC.

Interactions With Adjoining Mines

15. Prior to carrying out any mining or associated development within 500 metres of active mining areas at Ravensworth Operations, the Applicant shall enter into an agreement with Ravensworth Operations Pty Ltd (or its assigns or successors in title) to address the potential interactions between the two mines. If during the course of entering into this agreement, or subsequently implementing this agreement, there is a dispute between the parties about any aspect of the agreement, then either party may refer the matter to the Director-General for resolution.
16. Prior to carrying out any mining or associated development within 500 metres of active mining areas at Cumnock No. 1 Colliery, the Applicant shall enter into an agreement with Cumnock No. 1 Colliery Pty Ltd (or its assigns or successors in title) to address the potential interactions between the two mines. If during the course of entering into this agreement, or subsequently implementing this agreement, there is a dispute between the parties about any aspect of the agreement, then either party may refer the matter to the Director-General for resolution.

Monitoring

17. The Applicant shall monitor the airblast overpressure and ground vibration impacts of the development at residences on the land numbered 9 (Dallas) and 10 (Moses) whilst privately-owned, or at alternative locations approved by the Director-General, using the units of measurement, frequency, sampling method, and locations specified in Table 14.

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 particle velocity	mm/s	During every blast	AS2187.2-1993	Not more than 30 m from a building or structure

Table 14: Airblast overpressure and ground vibration monitoring

¹Standards Australia, 1993, AS2187.2-1993 Explosives - Storage, Transport and Use - Use of Explosives.

18. Within 6 months of the date of this consent, the Applicant shall prepare and implement a detailed Blasting Monitoring Program for the development to the satisfaction of the Director-General. The Applicant shall not carry out any development in the West Pit Extension area before the Director-General has approved this program.

Property Investigations

19. If any landowner within a 2 km radius of the site claims that his/her property, including vibration-sensitive infrastructure such as underground irrigation mains, has been damaged as a result of blasting at the development, the Applicant shall:
- (a) within 14 days of receiving this claim in writing, commission a suitably qualified person whose appointment has been approved by the Director-General to investigate the claim; and
 - (b) provide 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 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).

⁴SURFACE & GROUND WATER

Note: The Applicant is required to obtain or modify licences or permits for the development under the Water Act 1912, the Rivers and Foreshores Improvement Act 1948 and the Protection of the Environment Operations Act 1997.

Pollution of Waters

20. Except as may be expressly provided by a DEC licence, the Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the development.

Discharge Limits

21. Except as may be expressly provided by a DEC licence or the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002 (or any subsequent version of the Regulation)*, the Applicant shall:
- (a) not discharge more than 237 ML/day from the licensed discharge points at HVO north of the Hunter River;
 - (b) ensure that the discharges from licensed discharge points comply with the limits in Table 15:

Pollutant	Units of measure	100 percentile concentration limit
pH	pH	6.5 ≤ pH ≤ 9.5
Non-filterable residue	mg/litre	NFR ≤ 120

Table 15: Discharge Limits

Note: This condition does not authorise the pollution of waters by any other pollutants.

⁵Water Licensing

22. Prior to the renewal of a licence obtained under the *Water Act*, or 5 years after the issue date (whichever is first), the Applicant must undertake a comparison of predicted impacts, on water resources, in the EIS against actual impacts, to the satisfaction of the [DNR](#).

Groundwater Barrier

- 22A. Within 2 years of commencing mining in the Carrington Pit Southern Extension, or as otherwise agreed with the Director-General, the Applicant shall construct a groundwater barrier wall across the eastern arm of the palaeochannel of the Hunter River, to the satisfaction of the Director-General and at a location no further south than shown in the figure “*Carrington River Red Gums, Billabong and*

⁴ Incorporates DEC GTA
⁵ Incorporates [DNR](#) GTAs

Associated Infrastructure” included in the *Carrington Pit Extension Response to Submissions Report*, dated May 2006.

- 22B. By 31 December 2006, or as otherwise agreed with the Director-General, the Applicant shall submit a report to the Department and the DNR that:
- (a) examines all reasonable and feasible options for the design and construction of the groundwater barrier wall (including matters such as materials, timing and method of construction, costs, projected initial and longterm effectiveness) to the satisfaction of the Director-General; and
 - (b) recommends a preferred option for the approval of the Director-General.

Site Water Management Plan

23. Before carrying out any development in the West Pit Extension area, the Applicant shall prepare a Site Water Management Plan for the development to the satisfaction of the Director-General. This plan must include:
- (a) the predicted site water balance;
 - (b) an Erosion and Sediment Control Plan;
 - (c) a Surface Water Monitoring Program;
 - (d) a Groundwater Management Program; and
 - (e) a strategy for the decommissioning of water management structures on the site.
24. ⁶Each year, the Applicant shall:
- (a) review the site water balance for the development against the predictions in the EIS;
 - (b) re-calculate the site water balance for the development; and
 - (c) report the results of this review in the AEMR.
25. The Erosion and Sediment Control Plan shall:
- (a) be consistent with the requirements of the Department of Housing’s *Managing Urban Stormwater: Soils and Construction* manual;
 - (b) identify activities that could cause soil erosion and generate sediment;
 - (c) describe the location, function, and capacity of erosion and sediment control structures;
 - (d) describe measures to minimise soil erosion and the potential for the migration of sediments to downstream waters; and
 - (e) include a program to monitor the effectiveness of the Erosion and Sediment Control Plan.
26. The Surface Water Monitoring Program shall include:
- (a) surface water impact assessment criteria; and
 - (b) a program to monitor surface water flows and quality in Emu, Farrell’s and Parnell’s Creeks and the Hunter River.
27. ⁷The Groundwater Management Plan (GMP) must cover the full cycle of operation from pre-mining to completion of rehabilitation/restoration of all groundwater. This plan must include:
- (a) clearly defined objectives for the GMP;
 - (b) release criteria applicable to the objectives of the GMP;
 - (c) identification of monitoring bores and piezometers which are representative of those areas likely to be impacted within and around the operational area;
 - (d) pre-mining and post-mining, for a period of 10 years, monitoring of watertable levels and water quality;
 - (e) analytes to be monitored;
 - (f) procedures for sampling and monitoring;
 - (g) frequency of readings in relation to all specified parameters;
 - (h) levels of readings indicating contamination/impacts of the groundwater;
 - (i) procedures for investigation of detected contamination/impacts; and
 - (j) trigger levels, contingency criteria and contingency plans to address potential groundwater impacts.

Note: After reviewing the relevant documentation the Department may require the licence holder to undertake particular measures or perform particular work within a specified time, in order to restore any groundwater systems or groundwater dependant ecosystems impacted by mining activities located outside of the coal measures.

⁶ This should differentiate between licensed extracted water (from surface or groundwater sources), incidental water encountered in mining operations, and Harvestable Right water, which may not be exported from the site. These calculations must exclude the clean water system, including any sediment control structures, and any dams in the mine lease area which fall under the Maximum Harvestable Right Dam Capacity; include any dams that are licensable under Section 205 of the Water Act 1912, and water harvested from any non-harvestable rights dam on the mine lease area; address balances of inflows, licenced water extractions, and transfers of water from the site to other sites; include an accounting system for water budgets; and include a salt budget.

⁷ Incorporates DNR GTAs

Final Void Management Plan

28. At least 5 years before the cessation of open cut coal extraction that will result in the creation of a final void, or as otherwise agreed with the Director-General, the Applicant shall prepare and implement a Final Void Management Plan for each void, in consultation with DPI(MR) and DNR, and to the satisfaction of the Director-General. Each plan must:
- assess locational, design and future use options;
 - be integrated with the Site Water Management Plan and the Landscape and Rehabilitation Management Strategy;
 - assess short term and long term groundwater and other impacts associated with each option; and
 - describe the measures to be would be implemented to avoid, minimise, manage and monitor potential adverse impacts of the final void over time.

⁸Temporary Crossing of the Hunter River

29. Prior to the commencement of any work within 40 metres of the Hunter River, a permit under Part 3A of the *Rivers and Foreshores Improvement Act 1948* shall be obtained from the DNR. All works shall be:
- undertaken in accordance with the permit application, except as otherwise provided by conditions of the permit;
 - designed and constructed such that the works do not cause sedimentation, erosion or permanent diversion of the Hunter River;
 - constructed in accordance with section 10.8 (Temporary Crossing of the Hunter River), volume 1 of the EIS, dated October 2003; and titled "*Hunter Valley Operations – West Pit Extension and Minor Modifications*"; and
 - constructed in accordance with the Statement of Environmental Effects, prepared by Coal & Allied, dated August 2001, titled "*Proposed relocation of a dragline and electric rope shovel - Ravensworth and Hunter Valley Operations.*"

Notes:

- Should Crown land, as defined under the Crown Lands Act 1989, be included in the temporary crossing, there is a requirement to seek approval from the Department of Lands under the Crown Lands Act; and*
- Any works on Crown public roads require the Department of Lands' approval and must satisfy the statutory requirements of the Roads Act 1993.*

FAUNA & FLORA

Rehabilitation/Regeneration Strategy

30. The Applicant shall not destroy or disturb more than 1 mature river red gum in the river red gum population associated with the Carrington billabong, and ensure that the mining highwall is located at least 150 metres from the standing water line of the billabong.
31. By 30 June 2007, the Applicant shall prepare and implement a comprehensive Rehabilitation and Restoration Strategy for the Carrington billabong and river red gum population, in consultation with DNR, and to the satisfaction of the Director-General. This strategy must be prepared by suitably qualified expert/s, and must include:
- the rehabilitation and restoration objectives for the billabong and associated river red gum population;
 - a description of the short, medium and long term measures that would be implemented to rehabilitate and restore the billabong and associated river red gum population (including measures to address matters which affect the long term health and sustainability of the billabong and river red gums such as surface and ground water supply, and controlling weeds, livestock and feral animals); and
 - detailed assessment and completion criteria for the rehabilitation and restoration of the billabong and associated river red gum population.

Note. The billabong, standing water line and river red gum population referred to are the billabong, standing water line and endangered population of river red gums located on land owned by the Applicant between the Hunter River and Levee 5, as shown in the figure "Carrington River Red Gums, Billabong and Associated Infrastructure" included in the Carrington Pit Extension Response to Submissions Report, dated May 2006.

32. By 30 June 2007, the Applicant shall prepare and implement a conceptual Landscape and Rehabilitation Management Strategy, in consultation with affected agencies, to the satisfaction of the Director-General. The strategy must:

⁸ Incorporates DNR GTAs

- (a) include objectives for landscape management and rehabilitation of the site and a justification for the proposed strategy;
- (b) present a conceptual plan for landscape management and rehabilitation of the site;
- (c) be integrated with the relevant requirements of the Mining Operations Plan;
- (d) describe the measures that would be implemented to achieve the objectives (including an indicative timetable for mine closure);
- (e) include proposals to offset the flora and fauna impacts of the development (including proposals resulting from condition 30A above), and an outline of how the strategy would integrate with existing and planned corridors of native vegetation in areas surrounding the development; and
- (f) outline how the proposed strategy would be integrated with the landscape management and rehabilitation of the other operations within Hunter Valley Operations (both north and south of the Hunter River) and other coal mines in the vicinity.

Strategic Study Contribution

33. If, during the development, the Department or the DEC 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 \$10,000, towards the completion of this study.

Operating Conditions

34. The Applicant shall salvage and reuse as much material as possible from the land that will be mined, such as soil, seeds, tree hollows, rocks and logs. Cleared vegetation must be reused or recycled to the greatest extent practicable. No burning of cleared vegetation shall be permitted. Reuse options including removing millable logs, recovering fence posts, mulching and chipping unusable vegetation waste for on-site use are to be implemented.

Flora and Fauna Management

35. The Applicant shall prepare and implement procedures for the management of flora and fauna for the development. These procedures shall:
- (a) provide details on:
 - delineating areas of disturbance;
 - protecting areas outside of the disturbance areas;
 - identifying when pre-clearance surveys are required for fauna;
 - determining the best time to clear vegetation to avoid nesting/breeding activities of threatened fauna;
 - capturing and releasing fauna;
 - relocating bat roosts;
 - salvaging habitat resources and collecting seed;
 - controlling weeds in regeneration/rehabilitation areas; and
 - controlling access to the regeneration/rehabilitation areas;
 - (b) describe how the land in regeneration areas would be revegetated;
 - (c) describe how the mined areas would be rehabilitated for grazing and biodiversity values;
 - (d) identify actions to minimise the potential impacts of the development on threatened fauna;
 - (e) describe how the performance of the revegetation/rehabilitation strategies would be monitored over time including, as a minimum, the parameters in Table 16; and
 - (f) identify who is responsible for monitoring, reviewing, and implementing the procedures.

The Applicant shall submit a copy of these procedures to the Director-General for approval within 6 months of the date of this consent.

Parameter	Units of measure
Density of vegetation	Plants/m ²
	Understorey
	Ground cover
Diversity of flora	Species/m ²
Age/maturity of flora	Vegetation height/diameter/form
Vegetation health	-
Disturbance	Weeds/m ²
	Erosion
	Feral animals
	Stock
Density of fauna	Fauna (Avian/Mammals/Reptiles-Amphibians)/m ²
Diversity of fauna	Species/m ²
Density of fauna habitat	Hollow-bearing trees/nesting sites/ logs/dams, etc. Habitat Complexity Score
Ecosystem Function	Landscape Function Analysis

Table 16: Parameters and Units of Measure for Fauna and Flora Monitoring

Annual Review

36. The Applicant shall
- review the performance of the flora & fauna management procedures annually, and, if necessary,
 - revise these documents to take into account any recommendations from the annual review.

⁹ABORIGINAL CULTURAL HERITAGE

Note: The Applicant is required to obtain consent from the DEC under the National Parks and Wildlife Act 1974 to destroy Aboriginal sites and objects on the site. The DEC has issued General Terms of Approval for the sites listed in condition 37.

West Pit Extension - Consents to Destroy

37. The Applicant shall obtain consent from DEC to destroy the following sites:
- | | | |
|---------|-------------|-------------|
| • WPE 1 | • WPE 8 | • 37-2-1967 |
| • WPE 2 | • WPE 9 | • 37-2-0038 |
| • WPE 3 | • WPE 10 | • 37-2-0144 |
| • WPE 4 | • WPE 11 | • 37-2-0894 |
| • WPE 5 | • 37-2-1964 | • 37-2-0896 |
| • WPE 6 | • 37-2-1965 | • 37-2-0805 |
| • WPE 7 | • 37-2-1966 | |

West Pit Extension - Salvage

38. Before making application for section 90 consents under NP&W Act, the Applicant shall prepare a salvage program for the sites listed in condition 37 in consultation with the DEC and Aboriginal communities, and to the satisfaction of the DEC.

Other Areas

39. The Applicant shall apply to the DEC for section 90 consents to destroy under the NP&W Act for the following sites:
- | | | |
|-------------|-------------|-------------|
| • 37-2-0145 | • 37-2-0562 | • 37-2-0785 |
| • 37-2-0147 | • 37-2-0777 | • 37-2-0786 |
| • 37-2-0148 | • 37-2-0778 | • 37-2-0787 |
| • 37-2-0523 | • 37-2-0779 | • 37-2-0788 |
| • 37-2-0524 | • 37-2-0780 | • 37-2-0789 |
| • 37-2-0525 | • 37-2-0781 | • 37-2-0790 |
| • 37-2-0526 | • 37-2-0782 | • 37-2-0791 |
| • 37-2-0527 | • 37-2-0783 | • 37-2-0792 |
| • 37-2-0528 | • 37-2-0784 | • 37-2-0793 |

⁹ Incorporates DEC GTAs.

- 37-2-0794
- 37-2-0795
- 37-2-0796
- 37-2-0895
- 37-2-1865
- 37-2-1866
- 37-2-1867
- 37-2-1868
- 37-2-1869
- 37-2-1870
- 37-2-1871
- 37-2-2078 (C1)
- 37-2-2079 (C2)
- 37-2-2080 (C3)
- 37-2-1872
- IF1
- TD
- TG
- 37-2-1504
- 37-2-1522
- 37-2-1535
- 37-2-1864
- 37-2-1874
- 37-2-1875
- 37-2-1876
- 37-5-0494 (C4)
- 37-2-2083 (C8)
- 37-2-2084 (C9)
- 37-2-1962
- 37-2-1963
- 37-5-0061
- 37-2-1861
- 37-2-1862
- 37-2-1873
- 37-2-1860
- 37-5-0131
- 37-3-0286
- 37-5-0061
- 37-1-0399
- 37-2-2085 (C10)
- 37-2-1962 (CM45)
- 37-2-1963 (CM46)

40. The Applicant shall continue the Cultural Heritage Indigenous Management Agreement developed in consultation with, and to the satisfaction of, the Wonnarua Tribal Council, particularly in relation to the management of Aboriginal site 37-2-1877 (ie CM-CD1) and Older Stratum as shown in Drawing 002 – Revision A which may include consideration of permanent conservation status for the site CM-CD1, and also sites 37-2-1504 (ie CM1), part of 37-2-1505 (CM2), 37-2-1522 (CM19), and 37-2-1535 (CM32). Details of any agreement shall be provided to the Director-General within 14 days of any final agreement(s).
41. The Applicant shall not mine within 15 metres of the Aboriginal site 37-2-1877 (CM-CD1) and the Older Stratum, as measured from the margin of the predicted maximum extent of those deposits as identified in Drawing 002-Revision A, dated 4 August 2000.
- 41A. Prior to disturbance by mining, the Applicant shall ensure that the scarred tree 37-2-2080 (C3) is removed and relocated to a site where it will be protected from future development, in consultation with the Wonnarua Tribal Council, and to the satisfaction of the Director-General.

Note. In conditions 37 – 41A, all seven-figure numbers refer to Aboriginal site listings in DEC's Aboriginal Heritage Information Management System (AHIMS). All other numbers are site numbers used by the Applicant in on-site Aboriginal heritage studies. Site numbers beginning with C or CM are associated with the Carrington Pit, as shown in Fig 5.1 of Annex G of the Carrington Pit Extended Statement of Environmental Effects.

Trust Fund Contribution

42. Before carrying out the development, or as agreed otherwise by the Director-General, the Applicant shall contribute \$20,000 to the Hunter Aboriginal Cultural Heritage Trust Fund for further investigations into Aboriginal cultural heritage, as defined by the Trust Deed.

TRAFFIC & TRANSPORT

New Access Intersection to Hunter Valley Loading Point

Note: The Applicant requires Council approval under the Roads Act 1993 for the new road entry from Liddell Station Road to the Hunter Valley Loading Point.

43. ¹⁰The Applicant shall design, construct and maintain for the duration of this consent, the proposed new access intersection from Liddell Station Road to the Hunter Valley Loading Point to the satisfaction of the Council.

Road Closure

Note: The Applicant requires MSC approval under the Roads Act 1993 prior to closing a section of Pikes Gully Road.

44. Within 12 months of the date of this consent, unless otherwise agreed by the Director-General, the Applicant is to complete the relevant requirements to enable the section of Pikes Gully Road situated in the Muswellbrook local government area to be closed as a public road.
45. The Applicant shall not blast within 500 metres of a public road while the road is open to the public. Any road closures with respect of blasting shall be subject to a plan of management approved by Council.

¹⁰ Incorporates Council GTA

Lemington Road

46. The Applicant shall reimburse Council for any road upgrading works undertaken on Lemington Road, to a maximum amount of \$30,000.
47. The Applicant shall alter or cease mining operations if driver visibility or traffic safety on Lemington Road is adversely affected by dust, in accordance with the requirements of Council.
48. The Applicant shall be responsible for the full cost of the maintenance of the Lemington Road deviation undertaken for the Carrington Pit until March 2011, in accordance with the standards and requirements of Council.

Intersection of Lemington Road and the Golden Highway

49. Within 2 years of the date of this consent, the Applicant shall upgrade the intersection of the Golden Highway (SH 27) and Lemington Road to a type "BAR" intersection with a sealed shoulder to the satisfaction of the RTA.

Road Safety Audit

- 49A.
 - (a) By 31 December 2006, the Applicant shall prepare and submit a road safety audit to the RTA and Council for all public roads used by mine employees and service vehicles in the vicinity of the development, including an audit of the existing intersections of all mine access roads with public roads;
 - (b) any improvement to meet accepted road safety standards required by the relevant road manager (ie the RTA or Council) for public roads as a result of impacts related to the development as identified by the audit shall be undertaken at the Applicant's cost and to the satisfaction of the road manager;
 - (c) any dispute between the Applicant and the relevant road manager in relation to the audit findings and the requirements of the road manager for improvements of public roads is to be determined by the Director-General; and
 - (d) any maintenance of line marking and sign posting required by the relevant road manager at existing intersections of mine access roads with public roads shall be undertaken at the Applicant's cost and to the satisfaction of the road manager.

Coal Haulage

50. ¹¹The Applicant shall ensure that spillage of coal from coal haulage vehicles is minimised and that sediment-laden runoff from roads is effectively managed, to the satisfaction of the Director-General. Measures that shall be implemented include:
 - (a) covering all loads where loaded coal trucks leave the site and enter public roads;
 - (b) ensuring the gunwhales of all loaded trucks are clean of coal;
 - (c) providing effective wheel wash facilities at all coal load and unload facilities prior to vehicles entering public roads; and
 - (d) sweeping, at regular intervals and at the completion of campaign hauls, public roads used for the transportation of coal.
51. The Applicant shall enter into an agreement with Council for the maintenance of the sections of Pikes Gully Road and Liddell Station Road whilst used by the Applicant for the haulage of coal, and during the period the roads are owned by Council.

Monitoring

52. The Applicant shall maintain and include in each AEMR records of the:
 - (a) amount of coal transported from the site each year;
 - (b) amount of coal received from Hunter Valley Operations south of the Hunter River;
 - (c) amount of coal hauled by road to the Hunter Valley Loading Point;
 - (d) amount of coal hauled by road to the Newdell Loading Point;
 - (e) amount of coal hauled by road from the Newdell Loading Point to the Ravensworth coal Terminal;
 - (f) amount of coal hauled by road from the Hunter Valley Loading Point to the Ravensworth Coal Terminal; and
 - (g) number of coal haulage truck movements generated by the development.

¹¹ This may include the use of sediment dams or the incorporation of runoff into the mine water management system.

VISUAL IMPACT

Visual Amenity

53. The Applicant shall implement measures to mitigate visual impacts including:
- (a) design and construction of development infrastructure in a manner that minimises visual contrasts; and
 - (b) progressive rehabilitation of mine waste rock emplacements (particularly outer batters), including partial rehabilitation of temporarily inactive areas.
54. The Applicant shall plant trees to provide an effective visual screen from Lemington Road in the vicinity of the Belt Line Road and adjacent to the Mitchell pit area. The plan for this tree planting is to:
- (a) provide for tree planting within 2 years of the date of this consent;
 - (b) achieve an 80% survival rate by the 5th year;
 - (c) be submitted to the **DPI(MR)** and Director-General for review and approval; and
 - (d) provide an assessment of whether visual bunds are required to supplement the vegetative visual screen.

Lighting Emissions

55. The Applicant shall take all practicable measures to mitigate off-site lighting impacts from the development.
56. All external lighting associated with the development shall comply with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

WASTE MINIMISATION

57. The Applicant shall minimise the amount of waste generated by the development to the satisfaction of the Director-General.

HAZARDS MANAGEMENT

Spontaneous Combustion

58. The Applicant shall:
- (a) take the necessary measures to prevent, as far as is practical, spontaneous combustion on the site; and
 - (b) manage any spontaneous combustion on-site to the satisfaction of **DPI(MR)**.

Dangerous Goods

59. The Applicant shall ensure that the storage, handling, and transport of:
- (a) dangerous goods is done in accordance with the relevant *Australian Standards*, particularly *AS1940* and *AS1596*, and the *Dangerous Goods Code*; and
 - (b) explosives are managed in accordance with the requirements of **DPI(MR)**.

BUSHFIRE MANAGEMENT

60. 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.
61. The Applicant shall ensure that the Bushfire Management Plan for the site, is to the satisfaction of Council and the Rural Fire Service.

REHABILITATION

62. The Applicant shall:
- (a) rehabilitate all mining areas in accordance with the requirements of any mining lease granted by the Minister for Mineral Resources, having regard to the *Synoptic Plan – Integrated Landscapes for Mine Site Rehabilitation*; and
 - (b) ensure that the progressive rehabilitation is carried out to the satisfaction of the **DPI(MR)**.

MINE EXIT STRATEGY

63. Within 5 years of the date of this consent, the Applicant shall work with the Council and MSC to investigate the minimisation of adverse socio-economic effects of a significant reduction in local employment levels and closure of the development at the end of its life.

**SCHEDULE 5
ADDITIONAL PROCEDURES FOR AIR QUALITY & NOISE MANAGEMENT**

Notify Landowners

1. If the air dispersion and/or noise model predictions in the documents listed in condition 2 of schedule 3 identify that the air pollution and/or noise generated by the development are likely to be greater than the air quality and/or noise impact assessment criteria in conditions 3 and 7 of schedule 4, then the Applicant shall notify the relevant landowners and/or existing or potential tenants (including tenants of mine-owned properties) accordingly before it carries out any 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 are greater than the air quality and/or noise impact assessment criteria in schedule 4, then the Applicant shall notify the relevant landowners and/or existing or future tenants (including tenants of mine-owned properties) at the end of each quarter.
3. Before carrying out any development in the West Pit Extension Area, the Applicant shall develop a procedure in consultation with DEC and NSW Health, for notifying landowners and tenants referred to in condition 1. This procedure must ensure that:
 - (a) all existing and future tenants are advised in writing about:
 - air quality impacts likely to occur at the residence during the operational life of the mine; and
 - likely health and amenity impacts associated with exposure to particulate matter;
 - (b) the written advice in (a) is based on current air quality monitoring data, dispersion modelling results, research and literature; and
 - (c) there is an ongoing process for providing current air quality monitoring data, dispersion modelling results, research and literature to the tenants.

Independent Review

4. If a landowner considers the development to be exceeding the air quality and/or noise impact assessment criteria listed in schedule 4 at his/her dwelling, or at any proposed dwelling on his/her vacant land, then he/she may ask the Applicant for an independent review of the air pollution and/or noise impacts of the development on his/her dwelling, or proposed dwelling.

If the Director-General is satisfied that an independent review is warranted, the Applicant shall:

- (a) consult with the landowner to determine his/her concerns; and
- (b) commission a suitably qualified person – whose appointment has been approved by the Director-General – to conduct air quality and/or noise monitoring at the relevant dwelling 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 dwelling, and the development's contribution to this impact.

Within 14 days of receiving the results of this independent review, the Applicant shall give a copy of these results to the Director-General and landowner.

5. If the independent review (referred to in condition 4) determines that the development is complying with the relevant impact assessment criteria listed in schedule 4 at the dwelling, then the Applicant may discontinue the independent review with the approval of the Director-General.
6. If the independent review (referred to in condition 4) determines that the development is not complying with the relevant impact assessment criteria listed in schedule 4 at the dwelling, 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 impact assessment criteria; and conduct further air quality and/or noise monitoring at the dwelling to determine whether these measures ensure compliance; or
 - (b) secure a written agreement with the landowner to allow exceedances of the air quality and/or noise impact assessment criteria listed in schedule 4.

If the additional monitoring referred to above subsequently determines that the development is complying with the relevant impact assessment criteria listed in schedule 4 at the dwelling, then the Applicant may discontinue the independent review with the approval of the Director-General.

If the measures referred to in (a) do not ensure compliance with the air quality and/or noise land acquisition criteria listed in schedule 4 at the dwelling, and the Applicant cannot secure a written agreement with the landowner to allow exceedances of the air quality and/or noise impact assessment criteria listed in schedule 4, then the Applicant shall, upon receiving a written request

from the landowner, acquire all or part of the landowner's land in accordance with the procedures in conditions 9-11 below.

7. If the independent review determines that the development is not complying with the air quality and/or noise impact assessment criteria listed in schedule 4 at the dwelling, but that more than one mine are responsible for this non-compliance, then the Applicant shall, with the agreement of the landowner and other mine(s) prepare and implement a Cumulative Air Quality and/or Noise Impact Management Plan for the land to the satisfaction of the Director-General. This plan must provide the joint approach to be adopted by the Applicant and other mine(s) to manage cumulative air quality and/or noise impacts at the landowner's dwelling, and the acquisition of any land.

If the Applicant is unable to finalise an agreement with the landowner and/or other mine(s), and/or prepare a Cumulative Air Quality and Noise Impact Management Plan, 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 9-11 below.

8. If the landowner disputes the results of the independent review (referred to in condition 4), 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

9. Within 6 months of receiving a written request from the landowner, the Applicant shall pay the landowner:
- (a) the current market value of the landowner's interest in the land at the date of this written request having regard to:
 - in the case of any property listed in Table 1 of condition 1 of schedule 4, the assessment of current market value as if the land was unaffected by coal mining and related activities at Hunter Valley Operations (both north and south of the Hunter River);
 - in the case of any other property, the assessment of current market value as if the land was unaffected by the development the subject of this consent;
 - 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 Singleton or Muswellbrook local government areas, 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 NSW Division 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.

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

10. 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 to in Condition 9.
11. If the Applicant and landowner agree that only part of the land should 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 & REPORTING**

ENVIRONMENTAL MANAGEMENT STRATEGY

1. Within 6 months of the date 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; 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 Director-General's approval, the Applicant shall:
 - (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.
- 2A. Within 6 months of the completion of the Independent Environmental Audit, 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 the date of this consent, the Applicant shall prepare an Environmental Monitoring Program for the development in consultation with the 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.
- 3A. Within 6 months of the completion of the Independent Environmental Audit, the Applicant shall review, and if necessary revise, the Environmental Monitoring Program to the satisfaction of the Director-General.

UPDATING ENVIRONMENTAL MANAGEMENT REQUIREMENTS

4. The Applicant shall ensure that the Environmental Management Strategy, the Environmental Monitoring Program and all other environmental management plans and strategies required under this consent are reviewed and if necessary updated to reflect any changes to the development (or modifications to the development consent), to the satisfaction of the Director-General.

ANNUAL REPORTING

5. The Applicant shall submit an AEMR to the Director-General and the relevant agencies. 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:
 - impact assessment criteria;
 - 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 the location of actual mining operations in relation to the locations predicted in the EIS (see schedule 4, condition 7);
 - (g) identify any non-compliance during the previous year; and
 - (h) describe what actions were, or are being, taken to ensure compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 3 years of the date of this consent, 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 suitably qualified, experienced, and independent expert/s whose appointment has been endorsed by the Director-General;
 - (b) assess the various aspects of the environmental performance of the development, and its effects on the surrounding environment;
 - (c) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;
 - (d) review the adequacy of any strategy/plan/program required under this consent; and, if necessary,
 - (e) recommend measures or actions to improve the environmental performance of the development, and/or any strategy/plan/program required under this consent.
7. Within 3 months of completion of 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. The Applicant shall continue the operation of the Hunter Valley Operations Community Consultative Committee to oversee the environmental performance of the development. This committee shall, unless otherwise agreed by the Director-General:
 - (a) be comprised of:
 - 1 representative from the Applicant, (plus technical support staff, as required);
 - 1 representative from Council;
 - 1 representative from MSC; and
 - 7 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
 - (c) be able to invite representatives of government agencies to attend meetings;
 - (d) meet at least three times a year; and
 - (e) review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints.
9. The Applicant shall, at its own expense:
 - (a) ensure that 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) provide financial and in-kind support to enable Council to take the minutes of the Committee's meetings and make these minutes available to the public for inspection within 14 days of the Committee meeting, or as agreed to by the Committee;
 - (f) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development;
 - (g) 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. From 30 June 2007, and during the life of the development thereafter, the Applicant shall place a copy of the following documents and information (and any subsequent revisions) required under this consent on its website:
 - (a) all current environmental management plans, strategies and programs;
 - (b) all Independent Environmental Audits;
 - (c) all AEMRs; and
 - (d) a summary of all environmental monitoring results (to be updated at least every 6 months), to the satisfaction of the Director-General.

**APPENDIX 1
SCHEDULE OF LAND**

Hunter Valley Operations, West Pit Extension and Minor Modifications						
Development Application Area - Lot and DP Schedule						
DP	Lot	Portion	Part	Volume	Folio	Property Owner
752468	128					Coal & Allied Operations Pty Limited
1018576	1					Coal & Allied Operations Pty Limited
1017998	100					Novacoal Australia Pty Limited
705454	161					Novacoal Australia Pty Limited and Mitsubishi Development Pty Ltd
727718	165					Coal & Allied Operations Pty Limited
191982	1					Coal & Allied Operations Pty Limited
752481			20	3269	568	Coal & Allied Operations Pty Limited
752481		170				Coal & Allied Operations Pty Limited
808301	2					Coal & Allied Operations Pty Limited
90727	1			7716	156	Coal & Allied Operations Pty Limited
752481						Coal & Allied Operations Pty Limited
544091	201					Coal & Allied Operations Pty Limited
752481	98					Coal & Allied Operations Pty Limited
752481	21					J. & A. Brown and Abermain Seaham Collieries Limited
752481	18					Coal & Allied Operations Pty Limited
752481	17					Coal & Allied Operations Pty Limited
752481	22					J. & A. Brown and Abermain Seaham Collieries Limited
752481	124					Coal & Allied Operations Pty Limited
752481	125					Coal & Allied Operations Pty Limited
752481	126					Coal & Allied Operations Pty Limited
752481	127					Coal & Allied Operations Pty Limited
752481	123					Coal & Allied Operations Pty Limited
752481	122					Coal & Allied Operations Pty Limited
752481	121					Coal & Allied Operations Pty Limited
752481	120					Coal & Allied Operations Pty Limited
752481	119					Coal & Allied Operations Pty Limited
752481	118					Coal & Allied Operations Pty Limited
752481	117					Coal & Allied Operations Pty Limited
7542481		89				J. & A. Brown and Abermain Seaham Collieries Limited
740183	10					Coal & Allied Operations Pty Limited
752481	171			6353	145	J. & A. Brown and Abermain Seaham Collieries Limited
110662	1			13933	249	J. & A. Brown and Abermain Seaham Collieries Limited
737796	1					Coal & Allied Operations Pty Limited
110656	1			11057	141	J. & A. Brown and Abermain Seaham Collieries Limited
752468	126					Novacoal Australia Pty Limited
779625	1					Novacoal Australia Pty Limited
779626	1					Novacoal Australia Pty Limited
625507	1					Novacoal Australia Pty Limited and Mitsubishi Development Pty Ltd
48165						Lemington Road
786904	22					Coal & Allied Operations Pty Limited
786904	21					Novacoal Australia Pty Limited

48555	4			Novacoal Australia Pty Limited
1037665	101			Coal & Allied Operations Pty Limited
752468	80	1782	37	Novacoal Australia Pty Limited
752468	81			Novacoal Australia Pty Limited
752468	53	7834	45	Novacoal Australia Pty Limited
752468	83	7834	45	Novacoal Australia Pty Limited
752468	157			Novacoal Australia Pty Limited
752481	83	6408	207	Novacoal Australia Pty Limited
752481	82	6408	207	Novacoal Australia Pty Limited
596670	3	13659	69	J. & A. Brown and Abermain Seaham Collieries Limited
868175	305			Novacoal Australia Pty Limited
752481	200	6408	207	Novacoal Australia Pty Limited
752468	158	6408	206	Novacoal Australia Pty Limited
752468	84	6408	206	Novacoal Australia Pty Limited
752468	54	6408	206	Novacoal Australia Pty Limited
752468	65			Novacoal Australia Pty Limited
752468	70	1782	37	Novacoal Australia Pty Limited
752468	71			Novacoal Australia Pty Limited
752468	68	1782	37	Novacoal Australia Pty Limited
752468	66	6408	206	Novacoal Australia Pty Limited
752468	159	6408	206	Novacoal Australia Pty Limited
252530	8	8625	137	Novacoal Australia Pty Limited
752468	94	6408	206	Novacoal Australia Pty Limited
752468	156	6408	206	Novacoal Australia Pty Limited
752468	102	6408	206	Novacoal Australia Pty Limited
700554	12	8625	137	Novacoal Australia Pty Limited
130831	1	10547	67	Novacoal Australia Pty Limited
252530	2	8625	137	Novacoal Australia Pty Limited
252530	4	8625	137	Novacoal Australia Pty Limited
48555	7			Novacoal Australia Pty Limited
252530	5	8625	137	Novacoal Australia Pty Limited
130831	2			Novacoal Australia Pty Limited
252530	3	8625	137	Novacoal Australia Pty Limited
393657	1			Novacoal Australia Pty Limited
780177	1	8625	137	Novacoal Australia Pty Limited
868175	304			Novacoal Australia Pty Limited
860535	319			Coal & Allied Operations Pty Limited
48555	3			Novacoal Australia Pty Limited
48555	2			Novacoal Australia Pty Limited
48555	5			Novacoal Australia Pty Limited
752481	58	8625	137	Novacoal Australia Pty Limited
256503	2			J. & A. Brown and Abermain Seaham Collieries Limited
130831	4	10547	67	Novacoal Australia Pty Limited
130831	3	10547	67	Novacoal Australia Pty Limited
752468	82	1782	37	Novacoal Australia Pty Limited
752481	38	8625	137	Novacoal Australia Pty Limited
48537	1			Novacoal Australia Pty Limited
727260	1			Novacoal Australia Pty Limited and Mitsubishi Development Pty Ltd
574166	1			Macquarie Generation
211043	1			Cumnock No 1 Colliery Pty Limited

574166	2			Novacoal Australia Pty Ltd and Mitsubishi Development Pty Ltd
700429	100			The Shortland County Council
979456				J. & A. Brown & Abermain Seaham Collieries Ltd
869839	380			Novacoal Australia Pty Limited and Mitsubishi Development Pty Ltd
808431	2			Novacoal Australia Pty Limited
1019325	601			Macquarie Generation
808431	1			Coal & Allied Operations Pty Limited
201214	1			Novacoal Australia Pty Limited
869399	22			Coal Operations Australia Limited, Cumnock No.1 Colliery Pty Limited, Muswellbrook Coal Company Limited, BCA No. 11 Pty Limited
858172	11			Coal & Allied Operations Pty Limited
752470				Coal & Allied Operations Pty Limited
659810	1			J. & A. Brown and Abermain Seaham Collieries Limited
114966	2	12915	20	J & A Brown & Abermain Seaham Collieries Limited
700429	101			Coal & Allied Operations Pty Limited
729048	1			Coal & Allied Operations Pty Limited
752470	148			Crown Land Reserve 144
93617				Crown land Reserve 68816

Hunter River

Crown land fronting Portion 170, DP 752481.

Roads

Mitchell Line of Road – Parish of Ravensworth

Pikes Gully Road – Parish of Ravensworth

APPENDIX 2
INDEPENDENT DISPUTE RESOLUTION PROCESS

