Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I approve the project application referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:
- prevent and/or minimise adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

The Honourable Kristina Keneally MP
Minister for Planning
24/9/08

Sydney 2008

SCHEDULE 1

Application No:	06_0236
Proponent:	Hunter Enviro-Mining Pty Limited
Approval Authority:	Minister for Planning
Land:	See Appendix 1
Project:	Hebburn No.3 Chitter and Tailings Reclamation Project

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DEFINITIONS

AEMR	Annual Environmental Management Report
CCC	Community Consultative Committee
CHPP	Coal handling and preparation plant
Council	Cessnock City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
DPI	Department of Primary Industries
DWE	Department of Water and Energy
EA	Environmental Assessment prepared for Hunter Enviro-Mining Pty Limited entitled *Environmental Assessment Report Chitter and Tailings Reclamation Project* Volumes 1 & 2 (December 2006), as modified by the *Preferred Project Report* (October 2007) and *Response to Submissions* (October 2007)
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPL	Environment Protection Licence issued under the *Protection of the Environment Operations Act 1997*
km	Kilometre
Land	The whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Material harm to the environment	Material harm to the environment as defined in *Protection of the Environment Operations Act 1997*
Mining operations	The extraction and transportation of reclaimed chitter and tailings at 3 sites as described in the EA
Minister	Minister for Planning, or delegate
Privately-owned land	Land that is not owned by a public agency, or a mining company (or its subsidiary)
Proponent	Hunter Enviro-Mining Pty Limited or any other person or persons who rely on this approval to carry out the project that is subject to this approval
Project	The chitter and tailings reclamation project as described in the EA
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering corrections and what is practical to build
RTA	Roads and Traffic Authority
Site	Land to which the project application applies (see Appendix 2)
Statement of Commitments	The Proponent's commitments (see Appendix 4)

SCHEDULE 2
ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent 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 project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
   (a) EA;
   (b) Statement of Commitments; and
   (c) conditions of this approval.

   Notes:
   - *The general layout of the project is shown in Appendix 2;*
   - *The Statement of Commitments is reproduced in Appendix 4.*

3. If there is any inconsistency between the above documents, the conditions of this approval shall prevail to the extent of any inconsistency.

4. The Proponent shall comply with any reasonable and feasible requirements of the Director-General arising from the Department's assessment of:
   (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this approval; and
   (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.

Limits on Approval

5. This approval expires 4 years after the grant of a mining lease for the project.

   Note: Under this Approval, the Proponent is required to rehabilitate the site to the satisfaction of the Director-General and DPI. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated to a satisfactory standard.

6. The Proponent shall not extract more than:
   (a) 1.7 million tonnes of carbonaceous material from the Aberdare East site;
   (b) 1 million tonnes of carbonaceous material from the Neath site;
   (c) 0.16 million tonnes of carbonaceous material from the Richmond Main East site; and
   (d) 900,000 tonnes of extracted carbonaceous material a year from the 3 sites.

7. The Proponent shall ensure that all development associated with the project is carried out between the hours of 7am to 6pm, Monday to Friday only (excepting Public Holidays).

Management Plans / Monitoring Programs

8. With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.

Operation of Plant and Equipment

9. The Proponent shall ensure that all plant and equipment used on site is:
   (a) maintained in a proper and efficient condition; and
   (b) operated in a proper and efficient manner.

SCHEDULE 3
SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Noise Impact Assessment Criteria

1. The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately-owned land, or more than 25% of any privately-owned land:

Noise Assessment Location	**Day** $L_{Aeq(15\ minute)}$
Aberdare East	38
A1147	39
A1150	42
Neath	44
N101	45
NR26	47
Richmond Main East	35
R11	38

Table 1: Noise impact assessment criteria dB(A)

However, if the Proponent has a written negotiated noise agreement with any landowner of the land and a copy of this agreement has been forwarded to the Department and DECC, then the Proponent may exceed the noise limits in Table 1 in accordance with the negotiated noise agreement.

Notes:
- *The noise assessment locations are as shown in Figures 2,3 and 4 in Appendix 2.*
- *To determine compliance with the $L_{Aeq(15\ minute)}$ noise limits, noise from the project 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. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC 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.*
- *The noise emission limits identified in the above table apply under meteorological conditions of:*
  - *wind speeds of up to 3 m/s at 10 metres above ground level; or*
  - *temperature inversion conditions of up to 3ºC/100m, and source to receiver gradient wind speeds of up to 2 m/s at 10 metres above ground level for those receivers where applicable.*

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Operating Conditions

2. The Proponent shall:
   (a) not carry out any operations at the Aberdare East site when there are winds in the vectors 135 degrees to 270 degrees (clockwise), and on the Neath site when there are winds in the vectors 250 degrees to 60 degrees (clockwise);
   (b) implement all reasonable and feasible noise mitigation measures;
   (c) investigate ways to to reduce the noise generated by the project with a view to continually improving the noise mitigation measures; and
   (d) monitor the noise generated by the project at privately-owned residences and land surrounding the site, using a combination of real-time and attended monitoring measures.

Noise Management Plan

3. The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Director-General. This plan must:
   (a) be prepared in consultation with DECC by a suitably qualified expert whose appointment has been approved by the Director-General;
   (b) be submitted to the Director-General for approval prior to any development being carried out on site;
   (c) include a detailed description of the:
   - "No Operations Protocol" that would be implemented at the Aberdare East and Neath sites when winds are in the vectors described in condition 2 above;
   - reasonable and feasible noise mitigation measures that would be implemented; and
   - investigations that would be conducted to identify ways to improve the performance of these measures; and

   (d) include a detailed program to monitor the noise generated by the project, which includes a protocol for evaluating whether the project is complying with the noise impact assessment criteria in this approval.

AIR QUALITY

Impact Assessment Criteria

4. The Proponent shall ensure that dust emissions generated by the project does not cause additional exceedances of the criteria listed in Tables 2 to 4 at any residence on privately owned land, or on more than 25 percent of any privately-owned land.

Table 2: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 $\mu g/m^3$
Particulate matter < 10 µm (PM_{10})	Annual	30 $\mu g/m^3$

Table 3: Short term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM_{10})	24 hour	50 $\mu g/m^3$

Table 4: Long term impact assessment criteria for deposited dust

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

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

Operating Conditions

5. The Proponent shall ensure any visible air pollution generated by the project is assessed regularly, and that operations are relocated, modified and/or stopped as required to minimise air quality impacts on privately-owned land.

Monitoring

6. The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. This program must:

(a) be prepared in consultation with the DECC;
(b) be submitted to the Director-General prior to any development being carried out on site; and
(c) use a combination of high volume samplers and dust deposition gauges to monitor the performance of the project.

METEOROLOGICAL MONITORING

7. During the project, the Proponent shall ensure that there is a suitable meteorological station in the vicinity of each site that complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline (DECC, 2007), or its latest version.

WATER

Discharge Limits

8. Except as may be expressly provided for by an EPL, the Proponent shall not discharge any surface waters from the site.

Water Management Plan

9. The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must:
(a) be prepared in consultation with DECC and DWE, by suitably qualified expert/s whose appointment/s have been approved by the Director-General, and submitted to the Director-General for approval;
(b) be submitted to the Director-General for approval prior to carrying out any development on site; and
(c) include:
- a water balance at each site;
- a detailed erosion and sediment control plan for the project that has been prepared in accordance with the requirements in *Managing Urban Stormwater: Soils and Construction* manual (Landcom, 2004), or its latest version;
- a surface and groundwater monitoring program that includes both surface and groundwater impact assessment criteria for monitoring the performance of the project and triggering further investigations into the potential surface or groundwater impacts of the project; and
- a surface and groundwater response plan that includes detailed procedures for investigating exceedances of the surface or groundwater assessment criteria and taking any remedial action.

TRAFFIC & TRANSPORT

10. Prior to carrying out any development on site, the Proponent shall:
(a) undertake the following road works to the satisfaction of RTA:
- upgrading the intersection of Cessnock Street and the Gordon Williams Memorial Lawn Cemetery entrance, Cessnock, to a type AUR intersection with appropriate pavement marking; and
- installing advance warning signs on Leggetts Drive, at the intersection with the Richmond Main East Haulage Route and at the intersection of HEZ Spine Road;

(b) undertake the following road works to the satisfaction of Council:
- bitumen sealing of the southern arm of Government Circuit, Kearsley;
- upgrading the intersection of Government Circuit and Caledonia Street, Kearsley to a type AUR intersection;
- upgrading the intersection of Maitland Road and Tunnel Road, Neath to a type AUR intersection;
- widening and bitumen sealing of the shoulders of Duffie Drive;
- bitumen sealing of the shoulders at the intersection of the Aberdare Fire Trail and Duffie Drive, Neath; and
- installing advance warning signs on Neath Road at the intersection of Neath Road and the Kearsley Powerline Fire Trail;

(c) upgrade the following fire trails to the satisfaction of the Department of Lands:
- Kearsley Powerline Fire Trail between the entrance to the Gordon Williams Memorial Lawn Cemetery and Hebburn Road;
- Aberdare Fire Trail between the Kearsley Powerline Fire Trail and Duffie Drive; and
- Washery Fire Trail between the Neath site and Tunnel Road, Neath; and

(d) upgrade the Kearsley Powerline Fire Trail between Neath Road and Hebburn Road to the satisfaction of DECC; and

(e) upgrade the rail level crossing on the Kearsley Powerline Fire Trail in consultation with the South Maitland Railway, and to the satisfaction of the Department of Lands.

11. The Proponent shall cease haulage activities past the Gordon Williams Memorial Lawn Cemetery whilst funerals are in progress.

LANDSCAPE MANAGEMENT

Rehabilitation

12. The Proponent shall rehabilitate the site to the satisfaction of the Director-General and DPI. This rehabilitation must ensure that:
    (a) all three sites are long-term stable, properly integrated into the surrounding area and acid and saline pollution is reduced substantially;
    (b) the Aberdare East and Neath sites are generally covered with woodland that is consistent with the vegetation in the surrounding areas; and
    (c) the Richmond Main East site is generally covered in grassland with increased planting in the riparian zone adjoining the extraction area.

Rehabilitation and Landscape Management Plan

13. The Proponent shall prepare and implement a detailed Rehabilitation and Landscape Management Plan for the site to the satisfaction of the Director-General and DPI. This plan must:
    (a) be prepared in consultation with DECC; Department of Lands, DWE and Council by suitably qualified expert/s whose appointment/s have been approved by the Director-General; and
    (b) be submitted to the Director-General and DPI for approval prior to any development being carried out on site;
    (c) include:
    - the rehabilitation objectives for each site;
    - a description of how the rehabilitation of each site would be integrated with the landscape of the surrounding area;
    - detailed performance and completion criteria for the rehabilitation of each site;
    - a detailed description of the measures that would be implemented to achieve the performance and completion criteria for each site, including the procedures to be implemented for:
        - progressively rehabilitating the areas disturbed by mining operations;
        - revegetating the sites, including the establishment of woodland;
        - protecting and/or enhancing areas in the vicinity of the disturbance areas;
        - conserving and re-using any topsoil;
        - collecting and propagating seed for rehabilitation works;
        - salvaging and re-using material from the site for habitat enhancement;
        - controlling weeds and feral pests;
        - controlling access;
        - bushfire management;
    - a program to monitor the performance of the rehabilitation against the stated objectives, performance and completion criteria;
    - a description of the potential risks to successful rehabilitation, and a description of the contingency measures that would be implemented to minimise these risks; and
    - details of who is responsible for monitoring, reviewing and implementing the plan.

SCHEDULE 4

INDEPENDENT REVIEW

1. If a landowner considers the development to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the Director-General in writing for an independent review of the impacts of the development on his/her land. If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 2 months of the Director-General's decision:
   (a) consult with the landowner to determine his/her concerns;
   (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to**:**
      - determine whether the development is complying with the relevant impact assessment criteria in schedule 3; and
      - identify the source(s) and scale of any impact on the land, and the development's contribution to this impact; and

   (c) give the Director-General and landowner a copy of the independent review.

2. If the independent review determines that the development is complying with the relevant impact assessment criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the Director-General.

3. If the independent review determines that the development is not complying with the relevant impact assessment criteria in schedule 3, and that the development is primarily responsible for this non-compliance, then the Applicant shall:
   (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the development complies with the relevant criteria; and
   (b) conduct further monitoring to determine whether these measures ensure compliance.

   If the additional monitoring referred to above subsequently determines that the development is complying with the relevant criteria in schedule 3, or the Applicant and landowner enter into a negotiated agreement to allow these exceedances, then the Applicant may discontinue the independent review with the approval of the Director-General.

4. If the independent review determines that the relevant criteria in schedule 3 are being exceeded, but that more than one mine is responsible for this non-compliance, then the Applicant shall, together with the relevant mine/s:
   (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the relevant criteria are complied with; and
   (b) conduct further monitoring to determine whether these measures ensure compliance; or
   (c) secure a written agreement with the landowner and other relevant mines to allow exceedances of the criteria in schedule 3,

   to the satisfaction of the Director-General.

   If the additional monitoring referred to above subsequently determines that the developments are complying with the relevant criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the Director-General.

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

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

SCHEDULE 5

ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General prior to the any development being carried out on site:
   (a) provide the strategic context for environmental management of the project;
   (b) identify the statutory requirements that apply to the project;
   (c) describe in general how the environmental performance of the project would be monitored and managed;
   (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 project;
      - receive, handle, respond to, and record complaints;
      - resolve any disputes that may arise during the course of the project;
      - respond to any non-compliance;
      - manage cumulative impacts; and
      - respond to emergencies; and
   (e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project.

ENVIRONMENTAL MONITORING PROGRAM

2. The Proponent shall prepare and implement an Environmental Monitoring Program for the project to the satisfaction of the Director-General. This program must consolidate the various monitoring requirements in schedule 3 of this approval into a single document and be submitted to the Director-General concurrently with the submission of the relevant monitoring programs/plans.

REPORTING

Incident Reporting

3. As soon as practicable, and in any event within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) material harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.
4. Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that:
   (a) describes the date, time, and nature of the exceedance/incident;
   (b) identifies the cause (or likely cause) of the exceedance/incident;
   (c) describes what action has been taken to date; and
   (d) describes the proposed measures to address the exceedance/incident.

Annual Reporting

5. Within 12 months of this approval, and annually thereafter, the Proponent shall submit an AEMR to the Director-General and to all relevant agencies. This report must:
   (a) identify the standards and performance measures that apply to the project;
   (b) describe the works carried out in the last 12 months;
   (c) describe the works that would be carried out in the next 12 months;
   (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
   (e) include a summary of the monitoring results for the project during the past year;
   (f) include an analysis of these monitoring results against the relevant:
      - impact assessment criteria/limits;
      - monitoring results from previous years; and
      - predictions in the EA;
   (g) identify any trends in the monitoring results over the life of the project;
   (h) identify any non-compliance during the previous year; and
   (i) describe what actions were, or are being, taken to ensure compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 12 months of this approval, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
   (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
   (b) include consultation with the relevant agencies
   (c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements of this approval and any relevant mining lease or EPL (including any strategy, plan or program required under these approvals);
   (d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate,
   (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.

   Note: This audit team must be led by a suitably qualified auditor and include experts in the fields of noise and mine rehabilitation.

7. Within 6 weeks of the completing of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

8. Within 3 months of submitting the audit report to the Director-General, the Proponent shall review, and if necessary revise the strategies/plans/programs required under this approval to the satisfaction of the Director-General.

COMMUNITY CONSULTATIVE COMMITTEE

9. Within 3 months of this approval, the Proponent shall establish a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General, in general accordance with the *Guideline for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007)*, or its latest version.

ACCESS TO INFORMATION

10. Within 3 months of the approval of any strategy/plan/ program required under this approval (or any subsequent revision of these strategies/plans/ programs), or the completion of the audits or AEMRs required under this approval, the Proponent shall:
    (a) provide a copy of the relevant document/s to the relevant agencies and CCC; and
    (b) put a copy of the relevant document/s on its website.

11. During the project, the Proponent shall:
    (a) make a summary of monitoring results required under this approval publicly available at the mine and on its website; and
    (b) update these results on a regular basis (at least every 3 months).

APPENDIX 1
SCHEDULE OF PROJECT LAND

Site	Land Title Description	Parish	County
Aberdare East	Lot 566 DP 821172	Parish of Cessnock	County of Northumberland
	Lot 567 DP 821173	Parish of Cessnock	County of Northumberland
	Crown land (Pt 755259), under reserve R101448 for future public requirements located bounded by Duffie Drive, Maitland Road, Greta Street and Neath Road, Neath/Abermain	Parish of Cessnock/ Parish of Stanford	County of Northumberland
Neath	Crown land (Pt 755259), under reserve R101448 for future public requirements adjoining Lot 102 DP755259, Carrs Road, Neath,	Parish of Stanford	County of Northumberland
	Crown land (Pt 755215) under reserve R101448 for future public requirements adjoining Lot 393 DP755215, David Street, Neath	Parish of Cessnock	County of Northumberland
	Crown land (Pt 755259), under reserve R101448 for future public requirements located between Duffie Drive and Neath Road, Neath	Parish of Cessnock	County of Northumberland
	Crown land (Pt 755259), under reserve R101448 for future public requirements located between Duffie Drive and Neath Road	Parish of Stanford	County of Northumberland
	South Maitland Railway, west of Neath Road, Parish of Stanford, County of Northumberland.	Parish of Stanford	County of Northumberland
	Lot 328, DP 821117	Parish of Stanford	County of Northumberland
	Lot 1 DP 791531	Parish of Stanford	County of Northumberland
	Werakata National Park (Pt DP 755259) located between Neath Road and Hebburn Road, Abermain	Parish of Stanford	County of Northumberland
	Lot 58 DP 755259, east of Neath Road, Neath	Parish of Stanford	County of Northumberland
	Lot 2, DP1015130	Parish of Cessnock	County of Northumberland
Richmond Main East	Lot 2 DP 986081	Parish of Stanford/ Parish of Stockrington	County of Northumberland
	Lot 20 DP 755260	Parish of Stanford/ Parish of Stockrington	County of Northumberland
	Lot 19 DP 1061633	Parish of Stanford / Parish of Stockrington	County of Northumberland
	Crown Land described as ALC 4242, Kurri Kurri-Mulbring Road, Richmond Vale	Parish of Stanford	County of Northumberland
	Lot 14 DP 716009	Parish of Stanford	County of Northumberland
	Lot 7009 DP 1030081	Parish of Stanford	County of Northumberland
	Lot 2 DP 533820	Parish of Stanford	County of Northumberland
	Lot 7 DP1037092	Parish of Stanford	County of Northumberland
	Crown Land described as ALC 4250, Hebburn Road, Abermain	Parish of Stanford	County of Northumberland

APPENDIX 2
PROJECT MAP

***Figure 1**: Project Location*

APPENDIX 3
NOISE CONTOURS

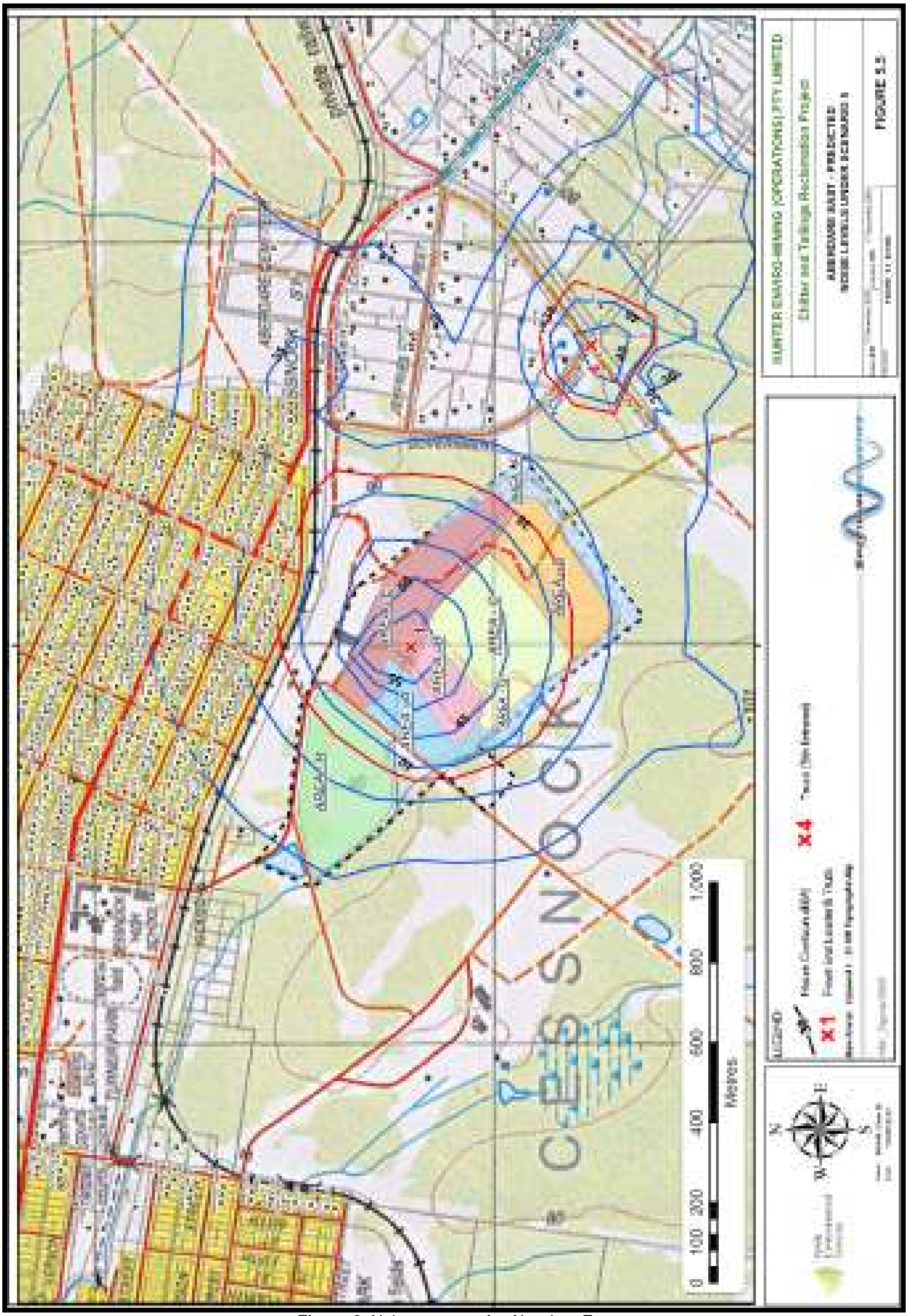

***Figure 2**: Noise contours for Aberdare East*

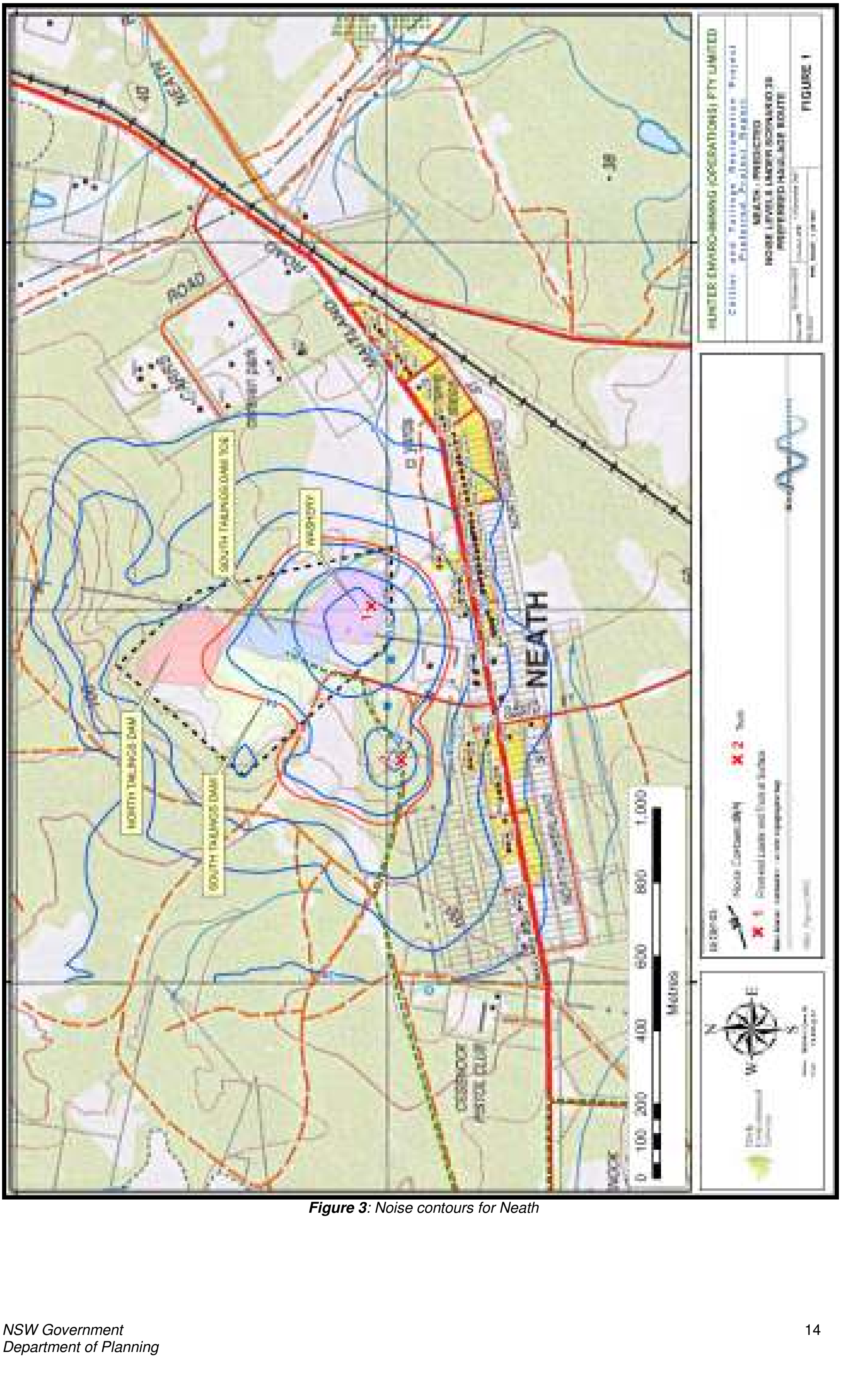

***Figure 3**: Noise contours for Neath*

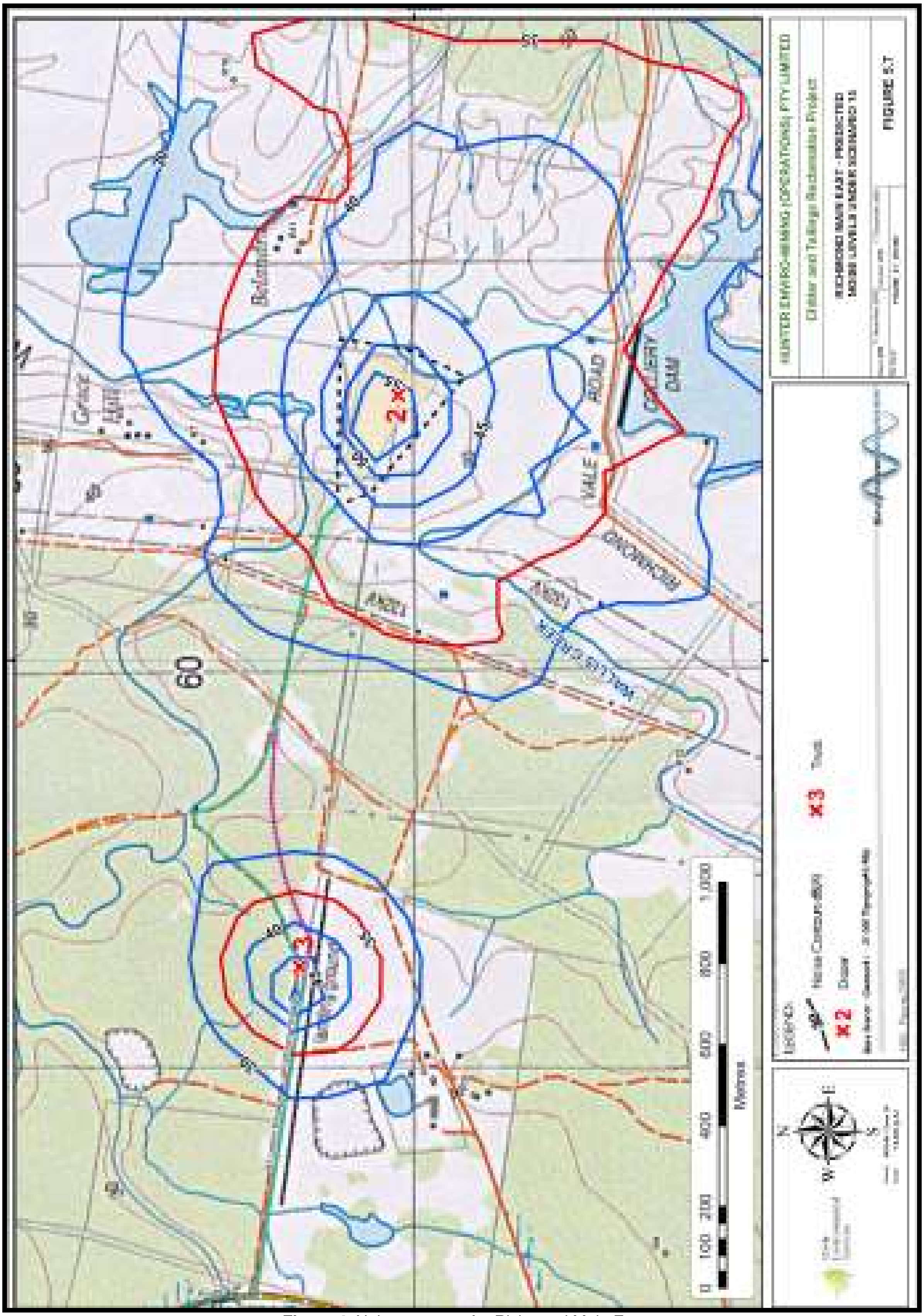

***Figure 4**: Noise contours for Richmond Main East*

APPENDIX 4
PROPONENT'S STATEMENT OF COMMITMENTS

(1) ***Community Consultation***

(a) *HEM will participate in a Community Reference Group developed for the project that will incorporate the following people:*

- *2 Community members from Aberdare East;*
- *2 Community members from Neath;*
- *1 Community member from Richmond Main East (if available);*
- *1 Representative of Cessnock City Council; and*
- *1 or 2 Representatives for Hunter Enviro-Mining (Operations) Pty Limited.*

The reference group will meet on a quarterly basis, unless otherwise determined by the Group.

(b) *HEM will have a local telephone complaints line, complaints will be recorded and followed up within 24 hours;*

(c) *HEM will provide regular updates on a publicly accessible website regarding the status of the rehabilitation operations.*

(2) ***Management Plans***

(a) *A Traffic Management Plan (TMP) (construction and operations) will be developed for the three operations to the satisfaction of Cessnock City Council and the Roads and Traffic Authority prior to road construction or haulage works commencing.*

(b) *An Air Quality Management Plan (AQMP) will be developed for each site to the satisfaction of the Department of Environment and Climate Change and the Department of Planning prior to undertaking works onsite.*

(c) *A Noise Management Plan (NMP) will be developed for each site to the satisfaction of the Department of Environment and Climate Change and the Department of Planning prior to undertaking works onsite.*

(d) *A Landscape and Rehabilitation Management Plan (LRMP) will be developed for each site to the satisfaction of the landowner, Department of Primary Industries, Department of Environment and Climate Change and the Department of Planning within 6 months of commencing the project.*

(e) *A Water Management Plan will be developed for each site to the satisfaction of the Department of Environment and Climate Change and the Department of Planning prior to undertaking works onsite.*

(f) *HEM will undertake an assessment of feed and reject material to assess long term geochemical stability and appropriate management recommendations.*

(3) ***Mine Operations Plan***

(a) *HEM will prepare and submit to the satisfaction of the Department of Primary Industries a Mine Operations Plan (MOP) with the relevant supporting management plans prior to the commencement of operations.*

(b) *HEM will abide by the relevant statutory obligations including the placement of a bond with the Department of Primary Industries to undertake repatriation of a site if HEM cannot appropriately discharge their duties under the Consent and the MOP.*

(4) ***Road Surveys***

HEM will in conjunction with the Cessnock City Council, Road and Traffic Authority, Department of Lands and the Department of Environment and Climate Change undertake the following surveys:

- *Prior to the commencement of operations a survey of all public roads and fire trails involved in the proposed haulage routes to determine pre-operational conditions;*
- *At completion of the project a further survey to identify any damage and works needed to restore the road pavement and shoulders of public roads to pre existing or appropriate condition and fire trails to a minimum standard determined within the land use agreement.*

All identified and agreed works that are directly attributable to HEM haulage activities will be completed at cost to HEM.

(5) ***Monitoring***

HEM will monitor wind speed and direction at both the Neath and Aberdare East sites to enable a continuous assessment of the level of operations and operational controls required at each site.

(a) Noise

Two (2) sensitive locations at Neath and Aberdare East will be monitored at weekly intervals for the first four weeks when operations reach maximum extraction;

Following the first four week monitoring period, monitoring will be undertaken at quarterly periods to ensure the project is operating within the nominated assessment criteria and that all reasonable, feasible and economically achievable mitigation measures are being appropriately implemented.

(b) Air Quality

A light scatter photometer will be installed at both the Neath and Aberdare East sites to allow a continuous assessment of air quality and the operations and to allow management measures to be implemented to improve operational controls.

(c) Reporting

The location and nature of operations will be recorded on a daily basis for the first four weeks of operations to provide an assessment of operating conditions vs the meteorological, noise and air quality data collected.

An assessment of the results of the monitoring (air and noise) after the first four weeks will be supplied to Council, the Community Reference Group and the DECC to provide for an assessment of the operations against the relevant criteria, where relevant criteria has been exceeded, HEM will provide recommendations of reasonable and feasible and economically achievable mitigation measures to alleviate impacts to residents.

Following the first four week assessment an assessment will be provided to Council, DECC and the Community Reference Group at quarterly intervals.

Operations will be reviewed weekly against monitoring data and operations to ensure impacts on surrounding residents are minimised.

(6) ***Cessation of Works***

(a) Noise and Dust

HEM will implement a real time monitoring program where works will be reviewed and or cease during the following climate conditions.

Aberdare East – winds in the vectors 135 through to 270 degrees (clockwise);

Neath – winds in the vectors 250 – 60 degrees (clockwise);

(b) Cessation of Haulage.

HEM will cease haulage activities past the Gordon Williams Memorial Lawn Cemetery when a funeral is progress.

(7) ***Heritage***

(a) HEM will prepare plans of each of the relevant historical sites prior to undertaking works on any site (Aberdare Shaft and related Aberdare East infrastructure, Neath, Aberdare North and Richmond Main East). Plans will be submitted to the NSW Heritage Office and Cessnock City Council. The plans will include:

- *Location of all remaining structures and visible infrastructure locations;*
- *Basic interpretation and naming of structures by experienced mining historians; and*
- *Regular revisions if additional infrastructure is identified.*

(b) HEM will rehabilitate sites in a sympathetic manner, cognisant of the key historic features and locations of each site by only seeding grass where infrastructure was located.

(8) ***Occupational Health and Safety***

An Occupational Health and Safety Management Plan will be developed for the project and implemented at each site (including the haulage routes) to ensure compliance with the provisions of the Occupational Health and Safety Act 2000, the Coal Mine Health and Safety Act 2002 and the Coal Mines Regulation Act 1982.