CONSOLIDATED CONSENT

Project Approval

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

As delegate of the Minister for Planning, I approve the project referred to in schedule 1, subject to the conditions in schedules 2 to 5.

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 ongoing environmental management of the project.

Sam Haddad
Director-General

SIGNED 3 SEPTEMBER 2009

Sydney 2009

SCHEDULE 1

Application No:	07_0087
Applicant:	Bloomfield Collieries Pty Limited
Consent Authority:	Minister for Planning
Land:	See Appendix 1
Project:	Bloomfield Coal Project

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

May 2011 modification in red
March 2012 modification in blue
February 2013 modification in green
August 2018 modification in purple
June 2026 modification in orange

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DEFINITIONS

Annual Review	The review required by condition 3 of Schedule 5
Applicant	Bloomfield Collieries Pty Limited or any other person or persons who rely on this consent to carry out the project that is subject to this consent
BC Act	*Biodiversity Conservation Act 2016*
BCT	NSW Biodiversity Conservation Trust
Biodiversity Offset Strategy	The Biodiversity Offset Strategy as described in EA (MOD 1), EA (MOD 4) and EA (MOD 5)
Biodiversity Offset Strategy for Modification 1	The Biodiversity Offset Strategy as described in EA (MOD 1)
Bloomfield Site	The Bloomfield Coal Handling and Preparation Plant, the Bloomfield Rail Loading Facility, Rail Loop and Rail Spur, and the Bloomfield Colliery open-cut pits which are used to emplace coal reject and tailings from the project
CCC	Community Consultative Committee
CHPP	Coal handling and preparation plant
Construction	All physical works required to enable mining operations to be carried out, including demolition and removal of buildings, works or infrastructure, and erection of buildings, works or other infrastructure permitted by this consent
Council	Cessnock City Council
CPHR	Conservation Programs, Heritage and Regulation Group of NSW Department of Climate Change, Energy, the Environment and Water
Day	The period between 7am and 6pm on Monday to Saturday and between 8am and 6pm on Sunday and Public Holidays
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning, Housing and Infrastructure
DSC	Dams Safety Committee
EA	Environmental Assessment prepared for the Bloomfield Group entitled *Bloomfield Colliery Completion of Mining and Rehabilitation Part 3A Environmental Assessment Project Application 07_0087* Volumes 1, 2 and 3 (November 2008), including the response to submissions dated 5 February 2009
EA (MOD 1)	Modification application 07_0087 Mod 1 and Environmental Assessment titled *Extension of the Project Approval Area for out-of-pit overburden emplacement and rehabilitation, alternative haul road and powerline relocation*, prepared by Business Environment and dated September 2010, including the Biodiversity Offset Strategy titled *Bloomfield Colliery Project Modification (07_0087 MOD 1) – Proposed Offset Strategy,* dated 31 March 2011
EA (MOD 2)	Modification application 07_0087 Mod 2 and letter entitled Bloomfield Coal Project – Modification of PA 07_0087, dated November 2011
EA (MOD 3)	Modification application 07_0087 Mod 3 as requested by letter entitled *Bloomfield Coal Project – Modification of PA 07-0087* and dated 17 December 2012
EA (MOD 4)	Modification application 07_0087 and accompanying Environmental Assessment prepared for the Bloomfield Group entitled *Bloomfield Colliery – Life of Mine Extension, Modification 4* (January 2018), including the response to submissions dated 14 June 2018
EA (MOD 5)	Modification application 07_0087 and accompanying Environmental Assessment prepared for Bloomfield Group entitled *Bloomfield Colliery Continuation – Modification 5* (dated 28 March 2025); Response to Submissions dated 29 August 2025; and additional information prepared by the Applicant in support of the modification application
EEC	Endangered Ecological Community
EPA	Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPBC Act	Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*
EPL	Environment Protection Licence issued under the *Protection of the Environment Operations Act 1997*
Evening	The period between 6pm and 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage NSW	Heritage NSW group within NSW Department of Climate Change, Energy, the Environment and Water

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 consent
LGA	Local government area
Material harm	Is harm that: • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) This definition excludes "harm" that is authorised under either this consent or any other statutory approval
Mining operations	The carrying out of mining, including the extraction, processing, stockpiling and transportation of coal on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden, tailings and reject material
Minister	NSW Minister for Planning, or delegate
Modification 1	The modification to the project as described in EA (MOD 1)
Modification 4	The modification to the project as described in EA (MOD 4)
Modification 5	The modification to the project as described in EA (MOD 5)
Morning shoulder	The period between 6am and 7am, Monday to Saturday (excluding Public Holidays)
NCC	National Construction Code
Night	The period between 10pm and 6am, Monday to Saturday and between 10pm and 8am on Sunday and Public Holidays
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Privately-owned land	Land that is not owned by a public agency, or a mining company (or its subsidiary)
Project	The Bloomfield Coal Project described in the EA
Reasonable	Means applying 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
RAP	Registered Aboriginal Party
Resources Regulator	NSW Department of Primary Industries and Regional Development
ROM	Run-of-mine
Site	Land to which the project application applies (see Appendix 1 and 2)
Water Group	Water Group within NSW Department of Climate Change, Energy, the Environment and Water

SCHEDULE 2
ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Applicant must implement all reasonable and feasible 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 Consent

2. The Applicant must carry out the project generally in accordance with the:
   (a) EA, EA (MOD 1), EA (MOD 2), EA (MOD 3), EA (MOD 4) and EA (MOD 5); and
   (b) Biodiversity Offset Strategy.

   Note: The general layout of the project is shown in Appendix 2

2A. The Applicant must carry out the project in accordance with the conditions of this consent.

3. If there is any inconsistency between the above documents, the more recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

3A. Within 6 months of the determination of Modification 5, the Applicant must lodge an application to modify the development consent for the Abel Coal Project (05_0136) to exclude the 'Bloomfield Site' and remove all conditions relating to the 'Bloomfield Site' from the development consent for the Abel Coal Project (05_0136). This includes removal of conditions relating to the CHPP, rail loading facility, rail loop and rail spur, and the open-cut pits which are used to emplace coal reject and tailings.

   Note: Until such time as the Abel Coal Project consent is modified as required by this condition, all conditions relating to the Bloomfield site in both the Abel Coal Project (05_0136) and Bloomfield Coal Project (07_0087) consents must be complied with. During this period, conditions 6A and 6B of this consent do not apply, and the processing and transport limits in the Abel Coal Project consent (05_0136) continue to govern those activities on the Bloomfield Site, however, to the extent of any other inconsistency between the two consents during this period, the conditions of the Bloomfield Coal Project consent (07_0087) prevail.

4. The Applicant must comply with any reasonable requirements of the Planning Secretary arising from the Department's assessment of:
   (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with the conditions of this consent;
   (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with the conditions of this consent; and
   (c) the implementation of any actions or measures contained in these documents.

Limits on Consent

5. Mining operations may take place on the site until 31 December 2035.

   Note: Under this consent, the Applicant is required to rehabilitate the site to the satisfaction of the Planning Secretary and Resources Regulator. Consequently this consent 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 Applicant must not extract more than 0.9 million tonnes of ROM coal a year from the site.

6A. The Applicant shall not process more than 8.5 million tonnes of ROM coal per calendar year.

   Note: This condition only applies once the Abel Coal Project (05_0136) consent has been modified as required by condition 3A of Schedule 2.

6B. The Applicant shall transport all product coal produced on site via the rail loop, rail spur and the Main Northern Railway, except in an emergency. In an emergency, product coal may be transported from the site by road, with the prior written approval of the Planning Secretary, and subject to any restrictions that the Planning Secretary may impose.

   Note: This condition only applies once the Abel Coal Project (05_0136) consent has been modified as required by condition 3A of Schedule 2.

Hours of Operation

7. Project operations may take place 24 hours per day, 7 days per week.

Management Plans / Monitoring Programs

8. With the approval of the Planning Secretary, the Applicant may submit any management plan or monitoring program required by this approval on a progressive basis.

9. The Applicant must prepare revisions of any strategy, plan or program required under this development consent if directed to do so by the Planning Secretary. Such revisions must be prepared to the satisfaction of, and within a timeframe approved by, the Planning Secretary.

10. With the approval of the Planning Secretary, the Applicant may integrate any strategy, plan, program, review, audit or committee required by this consent with any similar requirement under the development consent for the Donaldson Coal Mine and the development consent for the Abel Coal Mine.

Structural Adequacy

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

Notes:

- *Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*

Demolition

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

Operation of Plant and Equipment

13. The Applicant must 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.

Community Enhancement Fund

14. The Applicant must establish a Community Enhancement Fund of a minimum of $500,000 and implement expenditure from that fund to the satisfaction of the Planning Secretary. Proposals for expenditure from the fund must:
    (a) be prepared by the Applicant in consultation with Council and the CCC and be submitted to the Planning Secretary for approval by 31 December 2009;
    (b) be expended over the ten calendar years 2010-2019; and
    (c) include:
    - a minimum of $180,000 on local infrastructure projects within Cessnock LGA, to be commenced no later than 30 September 2011; and
    - a minimum of $32,000 annually to locally-operating community charities.

Evidence of Consultation

15. Where conditions of this consent require consultation with an identified party, the Applicant must:
    (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
    (b) provide details of the consultation undertaken including:
    - the outcome of that consultation, matters resolved and unresolved; and
    - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Applicability of Guidelines

16. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

17. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Compliance

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

SCHEDULE 3
SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Operational Noise Criteria

1. The Applicant must ensure that the noise generated by the project does not exceed the criteria in Table 1 at any residence on privately-owned land.

Table 1: Operational noise criteria (dB(A))

Noise Assessment Area	Location	Day	Evening	Night	
		$L_{Aeq(15\ min)}$	$L_{Aeq(15\ min)}$	$L_{Aeq(15\ min)}$	L_{AFmax}
E	Black Hill	40	35	35	52
F	Black Hill	40	35	35	52
G	Buchanan	39	39	37	52
H	Louth Park	35	35	35	52
L	Ashtonfield	40	40	40	52
M	Buttai	39	39	37	52
N	Buttai	42	42	35	52
I	Ashtonfield	40	36	36	52
J	Thorton	40	35	35	52

Note: The noise assessment areas referred to in Table 1 are shown in Appendix 2.

1A. Noise generated by the project must be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017). Appendix 3A sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

1B. The noise criteria in Table 1 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Rail Noise Criteria

1C. The Applicant must ensure that the noise generated by rail movements on the rail spur does not exceed the criteria in Table 1B at any residence on privately-owned land.

Table 1B: Rail spur noise criteria (dB(A))

Location	Day	Evening	Night
All privately-owned land	40	35	35

Additional Noise Mitigation Measures

1D. Upon receiving a written request from the owner of any residence on privately-owned land listed in Table 1C, the Applicant must implement additional noise mitigation measures at the residence in consultation with the owner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development* (NSW Government, 2018). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the noise impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations.

If within 3 months of receiving a request from an owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

Table 1C: Land where additional noise mitigation may be available at the residence upon request

Noise Assessment Area	Location	Receivers
M	Buttai	M and M1

N	Buttai	N2

Note: The noise assessment areas and receivers referred to in Table 1C, are shown in Appendix 2 and the EA (MOD 5).

1E. Within one month of determination of Modification 5, the Applicant must notify in writing the owner of the residences on the land listed in Table 1C that they are entitled to ask the Applicant to install additional mitigation measures at the residence.

Cumulative Noise Criteria

2. The Applicant must take all reasonable and feasible measures to ensure that the noise generated by the project combined with the noise generated by other mines does not exceed the following amenity criteria at any residence on, or on more than 25 percent of, any privately owned land:
   - *$L_{Aeq(11\ hour)}$ 50dB(A) – Morning shoulder and Day;*
   - *$L_{Aeq(4\ hour)}$ 45 dBA) – Evening; and*
   - *$L_{Aeq(9\ hour)}$ 40 dB(A) – Night.*

Noise Operating Conditions

3. The Applicant must:
   (a) implement best management practice to minimise the construction, operational, road and rail noise of the project, including the measures described in the EA (MOD 5);
   (b) operate an on-site noise management system to ensure compliance with the relevant conditions of this consent;
   (c) minimise the noise impacts of the project during meteorological conditions under which the noise limits in this consent do not apply (see Appendix 3A);
   (d) only receive and/or dispatch locomotives and rolling stock either on or from the site that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL (No. 3142);
   (e) carry out regular monitoring to determine whether the project is complying with the noise criteria and other relevant conditions of consent;
   (f) investigate ways to reduce the noise generated by the project; and
   (g) report on these investigations and the implementation and effectiveness of these measures in the Annual Review.

Noise Management Plan

4. The Applicant must prepare a Noise Management Plan for the project. This plan must:
   (a) be prepared by a suitably qualified and experienced person/s in consultation with EPA;
   (b) describe the measures to be implemented to ensure:
      - compliance with the noise criteria and operating conditions in this consent; and
      - best practice management is being employed;
   (c) include a monitoring program that:
      - is undertaken by a suitably qualified and experienced person/s;
      - uses combination of attended, unattended and real-time monitoring to proactively management noise generated by the project and to evaluate compliance with the noise impact assessment criteria in this consent;
      - monitors noise at the nearest and/or most affected residences;
      - adequately supports the noise management system; and
      - includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.

4A. The Applicant must not commence mining operations associated with Stage 3 – 5 of Modification 5 (as shown on the figure in Appendix 7) until the Noise Management Plan is approved by the Planning Secretary.

4B. The Applicant must implement the approved Noise Management Plan.

BLASTING AND VIBRATION

Airblast Overpressure Limits

5. The Applicant must ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 2 at any residence on privately-owned land.

Table 2: Airblast overpressure impact assessment criteria

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

Ground Vibration Impact Assessment Criteria

6. The Applicant must ensure that the ground vibration level from blasting at the project does not exceed the levels in Table 3 at any residence on privately-owned land.

Table 3: Ground vibration impact assessment criteria

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

Blasting Hours and Frequency

7. The Applicant must carry out blasting on site only between 9 am and 5 pm Monday to Saturday. No blasting is allowed on Sundays and Public Holidays.

8. The Applicant may carry out on the site a maximum of:
   (a) 2 blasts a day; and
   (b) 5 blasts a week, averaged over a 12 month period.

Operating Conditions

9. During mining operations on site, the Applicant must implement best blasting practice to:
   (a) protect the safety of people, property, public infrastructure, and livestock; and
   (b) minimise the dust and fume emissions from blasting at the project,
   to the satisfaction of the Planning Secretary.

10. The Applicant must not undertake blasting within 500 metres of any privately-owned land, unless suitable arrangements have been made with the landowner and any tenants to minimise the risk of flyrock-related impact to the property to the satisfaction of the Planning Secretary.

Public Notice

11. The Applicant must:
   (a) notify the landowner/occupier of any residence within 2 kilometres of the mining area who registers an interest in being notified about the blasting schedule at the mine, or any other landowner nominated by the Planning Secretary;
   (b) operate a blasting hotline, or alternate system agreed to by the Secretary, to enable the public to get up-to-date information on the blasting schedule at the project;
   (c) advertise the blasting hotline number in a local newspaper at least 4 times each year; and
   (d) publish an up-to-date blasting schedule on its website,
   to the satisfaction of the Planning Secretary.

Property Inspections

12. The Applicant must advise the owners of privately-owned land that they are entitled to a structural property inspection to establish the baseline condition of buildings and other structures on the property:
   (a) within 2 months of the date of this consent, for properties within 2 kilometres of blasting operations occurring at the date of this consent; and
   (b) at least 2 months prior to blasting within 2 kilometres of additional properties.

If the Applicant receives a written request for a structural property inspection from any such landowner, the Applicant must:

- within 2 months of receiving this request commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to inspect the condition of any building or structure on the land (prior to blasting taking place within 2 km of the property, if possible), and recommend measures to mitigate any potential blasting impacts; and
- give the landowner a copy of the property inspection report.

Property Investigations

13. If any landowner of privately-owned land within 2 kilometres of blasting operations, or any other landowner nominated by the Planning Secretary, claims that buildings and/or other structures on his/her land have been damaged as a result of blasting at the project after the date of this consent, the Applicant must within 3 months of receiving this claim:
    (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to investigate the claim; and
    (b) give the landowner a copy of the property investigation report.

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

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

Blast Monitoring Program

14. The Applicant must prepare a Blast Monitoring Program for the project to the satisfaction of the Planning Secretary. This program must:
    (a) be submitted to the Director General for approval within 6 months of the date of this consent; and
    (b) include a protocol for evaluating blasting impacts on, and demonstrating compliance with, the blasting criteria in this consent for all privately-owned residences and other structures.

    The Applicant must implement the Blast Monitoring Program as approved by the Planning Secretary.

AIR QUALITY

Impact Assessment Criteria

15. The Applicant must ensure that dust emissions generated by the project do not cause additional exceedances of the criteria listed in Tables 4 to 6 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.

Table 4: Air quality criteria

Pollutant	*Averaging Period*	*Criterion*	
Particulate matter < 10 µm (PM_{10})	Annual	[a,c] 25 µg/m^3	
Particulate matter < 10 µm (PM_{10})	24 hour	[b] 50 µg/m^3	
Particulate matter < 2.5 µm ($PM_{2.5}$)	Annual	[a,c] 8 µg/m^3	
Particulate matter < 2.5 µm ($PM_{2.5}$)	24 hour	[b] 25 µg/m^3	
Total suspended particulates (TSP)	Annual	[a,c] 90 µg/m^3	
[d] Deposited dust	Annual	[b] 2 g/m^2/month	[a] 4 g/m^2/month

Notes:
[a] Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).
[b] Incremental impact (i.e. incremental increase in concentrations due to the project on its own).
[c] Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.
[d] Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003:

Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

Operating Conditions

16. The Applicant must:
    (a) implement best air quality management at the site, including all reasonable and feasible measures to minimise off-site odour and dust emissions generated by the project, including from any spontaneous combustion on site;
    (b) operate an air quality management system on site to ensure compliance with the relevant conditions of this consent;
    (c) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see note c to Tables 4 above);
    (d) minimise cumulative air quality impacts associated with surrounding mines;
    (e) carry out routine air quality monitoring in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (EPA, 2022),* to determine whether the project is complying with the relevant conditions in this consent; and
    (f) regularly assess meteorological and air quality monitoring data and relocate, modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

Air Quality Management Plan

16A. The Applicant must prepare an Air Quality Management Plan. This plan must:
    (a) be prepared in consultation with EPA;
    (b) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this consent;
    (c) describe the proposed on-site air quality management system; and
    (d) include an air quality monitoring program that:
    - uses a combination of high-volume samplers and dust deposition gauges to monitor the dust emissions of the project and provision for additional real time monitoring if required in response to monitoring results and/or complaints; and
    - includes an air quality monitoring protocol for evaluating compliance with the air quality impact assessment criteria in this consent.

16B. The Applicant must not commence mining operations associated with Stages 3 – 5 of Modification 5 (as shown on the figure in Appendix 7) until the Air Quality Management Plan is approved by the Planning Secretary.

16C. The Applicant must implement the approved Air Quality Management Plan.

METEOROLOGICAL MONITORING

17. During the project, the Applicant must ensure there is a suitable continuously operating meteorological station on or adjacent to the site that complies with the requirements in *Approved Methods for Sampling of Air Pollutants in New South Wales* (DEC, 2007), or its latest version, to the satisfaction of the Planning Secretary.

WATER MANAGEMENT

Discharge

18. Except as may be expressly provided for by an EPL, or in accordance with section 120 of the *Protection of the Environment Operations Act 1997*, the Applicant must not discharge any mine water from the site. However, water may be transferred between the site and the adjoining Donaldson Coal Mine and/or Abel Coal Mine, in accordance with any approved Water Management Plan (see below).

Water Supply

18A. The Applicant shall ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the Planning Secretary.

Water Management Plan

19. The Applicant must prepare a Water Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:
    (a) be prepared in consultation with EPA and Water Group and be submitted to the Planning Secretary for approval within 6 months of the date of this consent;
    (b) be prepared by suitably qualified expert/s whose appointment/s have been approved by the Planning Secretary; and
    (c) include:
    - a Site Water Balance;
    - an Erosion and Sediment Control Plan;
    - a Surface Water Monitoring Plan;
    - a Ground Water Monitoring Program; and
    - a Surface and Ground Water Response Plan.

    The Applicant must implement the Water Management Plan as approved by the Planning Secretary.

Site Water Balance

20. The Site Water Balance must:
    (a) include details of:
    - sources and security of water supply;
    - water use and management on site;
    - any off-site water transfers or discharges; and
    - reporting procedures; and
    (b) describe measures to minimise water use by the project.

Erosion and Sediment Control

21. The Erosion and Sediment Control Plan must:
    (a) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction (Volume 2E – Mines and Quarries)* manual (DECC 2008), or its latest version;
    (b) identify activities that could cause soil erosion and generate sediment;
    (c) describe measures to minimise soil erosion and the potential for transport of sediment downstream;
    (d) describe the location, function and capacity of erosion and sediment control structures; and
    (e) describe what measures would be implemented to maintain the structures over time.

Surface Water Monitoring

22. The Surface Water Monitoring Program must include:
    (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the project;
    (b) a detailed description of the water management system on site, including the:
    - clean water diversion system;
    - dirty water management system; and
    - water storages;
    (c) surface water and stream health impact assessment criteria;
    (d) a program to monitor the impact of the project on surface water flows, water quality (including dissolved carbon, nutrients and metals/metalloids) and stream health; and
    (e) reporting procedures for the results of the monitoring program.

Groundwater Monitoring

23. The Groundwater Monitoring Program must include:
    (a) further development of the regional and local groundwater model;
    (b) detailed baseline data to benchmark the natural variation in groundwater levels, yield and quality (including at any privately owned bores in the vicinity of the site);
    (c) groundwater impact assessment criteria;
    (d) details of the expanded groundwater monitoring network, including the strategy for installation of new monitoring bores within and immediately adjacent to the Creek Cut and Workshop mining areas depicted in the figure in Appendix 2. This is to include at least one upgradient bore and two downgradient bores for both mining areas;
    (e) a program to monitor the impact of the project on groundwater take, levels, yield, quality, groundwater dependent ecosystems and riparian vegetation;
    (f) procedures for the verification of the groundwater model; and
    (g) reporting procedures for the results of the monitoring program and model verification.

Surface and Groundwater Response Plan

24. The Surface and Groundwater Response Plan must describe the measures and/or procedures that would be implemented to:
    (a) investigate, notify and mitigate any exceedances of the surface water, stream health and ground water impact assessment criteria;
    (b) compensate landowners of privately-owned land whose water supply is adversely affected by the project; and
    (c) mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

Elwells Creek Diversion Management Plan

24A. Prior to either the commencement of construction of the Elwells Creek Diversion or the commencement of mining operations associated with Stage 5 of Modification 5 (as shown on the figure in Appendix 7), whichever is sooner, the Applicant must prepare an Elwells Creek Diversion Management Plan in consultation with Water Group and to the satisfaction of the Planning Secretary. The plan must:
    (a) include baseline information on the geomorphology, flow regimes and riparian ecosystems of the existing channel;
    (b) include detailed design criteria and plans for the proposed 775m creek diversion which are consistent with the Guideline Series for Controlled Activities on Waterfront Land (DPE, 2022);
    (c) include mitigation and management measures to ensure the creek diversion is hydraulically and geomorphology stable; and
    (d) include detailed design criteria and plans for the reinstated channel, including performance and completion criteria for the rehabilitation of the creek line.

    The Applicant must implement the Elwells Creek Diversion Management Plan as approved by the Planning Secretary.

24B The Applicant must report on water take from the site each year (direct and indirect) in the Annual Review, including harvestable rights, excluded works and water taken under each water licence.

REHABILITATION

Rehabilitation Objectives and Commitments

25. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the documents listed in condition 2 of Schedule 2 and comply with the objectives in Table 5.

Table 5: *Rehabilitation Objectives*

Feature	*Objective*
All areas of the site affected by the project	• Safe, stable and non-polluting • Fit for the intended post-mining land use/s
Areas proposed for native ecosystem re-establishment	• Restore self-sustaining native woodland ecosystems characteristic of vegetation communities found in the local area • Establish areas of self-sustaining: – riparian habitat, within any diverted and/or re-established creek lines and retained water features; – potential habitat for threatened flora and fauna species; and – wildlife corridors, as far as is reasonable and feasible
Areas proposed for agricultural land	• Establish/restore grassland areas to support sustainable agricultural activities • Achieve the nominated land capability classification
Other land affected by the development	• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of local native plant species (unless Resources Regulator agrees otherwise)

Feature	*Objective*
Final Landform	• Stable and sustainable for the intended post-mining land use/s • Integrated with surrounding natural landforms • Incorporate micro-relief and drainage lines that are consistent with surrounding topography, to the greatest extent practicable • Maximise surface water drainage to the natural environment (excluding final void catchment)
Final voids	• Designed as long term groundwater sinks to maximise ground water flows across back filled pits to the final void • Minimise to the greatest extent practicable: – the size and depth of final voids; – the drainage catchment of final voids; – any high wall instability risk; and – the risk of flood interaction
Creek restoration works, including reinstated Elwells Creek	• Engineered to be hydraulically and geomorphologically stable • Incorporate erosion control measures based on vegetation and engineering revetments • Incorporate structures for aquatic habitat • Revegetate with suitable native species
Surface infrastructure of the development	• To be decommissioned and removed, unless Resources Regulator agrees otherwise
Water quality	• Water retained on the site is fit for the intended post-mining land use/s • Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation
Community	• Ensure public safety • Minimise adverse socio-economic effects associated with mine closure

Notes: *The rehabilitation objectives detailed in 5 apply to the entire site, including all landforms constructed under either this consent or previous consents. However, they do not require any additional earthmoving works to be undertaken for landforms that have been approved and constructed prior to Modification 4 or under previous consents.*

These objectives do not apply to infrastructure that is required for the continued operation of the Abel Coal Project (05_0136), or that is otherwise subject to a separate consent. The requirement to decommission and remove surface infrastructure applies only to infrastructure that exclusively serves the Bloomfield Coal Project and is not required for any other approved purpose.

25A. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

Note: *It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.*

Rehabilitation Strategy

25B. The Applicant must prepare a Rehabilitation Strategy for all land disturbed by the development. The strategy must:

(a) be submitted to the Planning Secretary for approval within six months of the approval of Modification 5;
(b) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
(c) be prepared in consultation with the Resources Regulator and Council;
(d) build upon the Rehabilitation Objectives in Table 5, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including final voids), post-mining land use/s and water management;
(e) investigate options for the future use of the site in a manner consistent with the Hunter Regional Plan 2041 (Department of Planning and Environment, 2022) and/or other extant regional planning strategies;

(f) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;
(g) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure;
(h) incorporate design criteria and specifications for the final void based on verified groundwater modelling predictions and a re-assessment of post-mining groundwater equilibration;
(i) align with strategic rehabilitation and mine closure objectives and address the principles of the Strategic Framework for Mine Closure (ANZMEC and MCA, 2000);
(j) describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition 30C;
(k) include indicative mine plans and scheduling for life-of-mine rehabilitation showing each rehabilitation domain;
(l) investigate opportunities to refine and improve the final landform and final void outcomes over time; and
(m) include a program to periodically review and update the strategy at least every three years.

26. Deleted

27. Deleted

28. Deleted

Tailings Dam Embankment

28A. Prior to any decision to construct the embankment as described in EA (MOD 4), the Applicant must submit relevant details to the DSC.

29. Deleted

Biodiversity Offsets

29A. By 31 December 2011, the Applicant must make suitable arrangements to provide appropriate long-term security for the Biodiversity Offset Area (see Appendix 6) to the satisfaction of the Planning Secretary.

Biodiversity Offset Management Plan

29B. By 31 December 2011, the Applicant must prepare a Biodiversity Offset Management Plan to the satisfaction of the Planning Secretary. This plan must:
(a) be generally consistent with CPHR's "Principles for the use of biodiversity offsets in NSW";
(b) include:
- a description of the short, medium and long term measures that would be undertaken to implement the Biodiversity Offset Strategy for Modification 1;
- detailed performance and completion criteria for the Biodiversity Offset Strategy for Modification 1; and
- a detailed description of the measures that would be implemented within the Biodiversity Offset Area for:
  - revegetation and regeneration, including (where relevant) establishment of canopy, sub-canopy, understorey and ground cover;
  - appropriate protection, conservation and management of native vegetation and faunal habitat;
  - controlling weeds and feral pests;
  - management of public access; and
  - bushfire management.

The Applicant must implement the Biodiversity Offset Management Plan as approved by the Planning Secretary.

Conservation Bond

29C. Within 6 months of the approval of the Biodiversity Offset Management Plan, the Applicant must lodge a conservation bond with the Department to ensure that the Biodiversity Offset Strategy for Modification 1 is implemented in accordance with the performance and completion criteria of the Biodiversity Offset Management Plan. The sum of the bond must be determined by:

(a) calculating the full remaining cost of implementing the offset strategy for Modification 1; and
(b) employing a suitably qualified quantity surveyor to verify these costs,

to the satisfaction of the Planning Secretary.

If the Biodiversity Offset Strategy for Modification 1 is completed to the satisfaction of the Planning Secretary, the Planning Secretary will release the conservation bond. If the Biodiversity Offset Strategy for Modification 1 is not completed to the satisfaction of the Planning Secretary, the Planning Secretary will call in all or part of the conservation bond, and arrange for the satisfactory completion of the relevant works.

Biodiversity Credits

29D. Prior to works commencing for the widening of the haul road and upgrade of the watercourse as described in EA (MOD 4), the Applicant must retire 10 ecosystem credits as listed in the credit profile in Appendix D of EA (MOD 4) in consultation with CPHR and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT and CPHR.

***Note**: The listed credits were calculated in accordance with Framework for Biodiversity Assessment of the NSW Biodiversity Offset Policy for Major Projects (OEH, 2014) and may need to be converted to reasonably equivalent 'biodiversity credits', within the meaning of the BC Act, to facilitate retirement.*

Conservation Funding

30. Within 6 months of the date of this consent, and again prior to 30 September 2011, the Applicant must provide contributions of $20,000 to conservation projects within the Cessnock LGA, in consultation with CPHR and to the satisfaction of the Planning Secretary.

Modification 5 Biodiversity Offsetting Requirements

30A. The Applicant must retire biodiversity credits for Modification 5 as specified in Table 6 below, prior to commencing native vegetation clearing in each of the stages. The retirement of credits must be carried out in accordance with the Biodiversity Offsets Scheme of the BC Act[1]. Written evidence of the retirement of these credits must be provided to the Planning Secretary prior to commencing each stage of native vegetation clearing.

***Table 6:** Biodiversity Offset Liabilities*

Ecological Feature	Impact (ha)	Ecosystem Credits per Stage					Total
		1	2	3	4	5	
Ecosystem Credits							
PCT 3433 – Hunter Coast Foothills Spotted Gum-Ironbark Grassy Forest. EEC of Lower Hunter Spotted Gum – Ironbark Forest in the Sydney Basin Bioregion	51.63	191	146	722	664	66	**1,789**
Species Credits							
Southern Myotis (*Myotis macropus*)	8.2	0	3	157	101	0	**261**
Gang-gang Cockatoo (*Callocephalon fimbriatum*)	49.3	190	146	722	664	0	**1,722**
White-bellied Sea-Eagle (*Haliaeetus leucogaster*)	36.4	62	91	478	664	0	**1,295**
Green-thighed Frog (*Litoria brevipalmata*)	18.2	115	55	102	161	22	**455**
Masked Owl (*Tyto novaehollandiae*)	48.3	190	146	722	664	0	**1,722**

Squirrel Glider (*Petaurus norfolcensis)*	47.6	190	136	675	664	53	**1,718**
Common Planigale (*Planigale maculata*)	51.6	190	146	772	664	66	**1,788**
Koala (*Phascolarctos cinereus*)	51.6	190	146	772	664	65	**1,787**
Eastern Cave Bat (*Vespadelus troughtoni*)	51.6	285	221	1,084	996	98	**2,684**
Large-eared Pied Bat (*Chalinolobus dwyeri)*	51.6	285	221	1,084	996	98	**2,684**
Swift Parrot (*Lathamus discolor)*	51.6	285	221	1,084	996	99	**2,685**

[1] Credits retired for impacts on EPBC Act listed species and associated habitat must be like-for-like.

***Note**: To identify the location of the stages specified in Table 6, refer to the figure in Appendix 7.*

30B. The Applicant must investigate reasonable and feasible on-site offsetting options to satisfy the offsetting liabilities specified in Table 6 for Stages 3, 4 and 5.

Biodiversity Management Plan

30C. The Applicant must prepare a Biodiversity Management Plan for the development. This plan must:
- (a) be prepared by suitably qualified and experienced person/s;
- (b) be prepared in consultation with CPHR;
- (c) be consistent with the Biodiversity Development Assessment Report for Modification 5 and the commitments included in the documents listed in condition 2 of Schedule 2;
- (d) describe the short, medium, and long-term measures to be undertaken to manage and improve the remnant vegetation and fauna habitat in the Biodiversity Avoidance Area shown In Appendix 8;
- (e) include a detailed description of the measures to be implemented to:
  - (i) revegetate the Biodiversity Avoidance Area to establish a minimum 390 m width Koala habitat corridor;
  - (ii) enhance the quality of vegetation, vegetation connectivity and wildlife corridors including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata;
  - (iii) maximise the salvage of resources within the approved disturbance area, including tree hollows, vegetative and soil resources, for beneficial reuse on site, including fauna habitat enhancement;
  - (iv) manage potential indirect impacts on threatened plant and animal species;
  - (v) minimise clearing and avoiding unnecessary disturbance of vegetation by the development;
  - (vi) minimise impacts on fauna, and implementing fauna recovery and management protocols;
  - (vii) control weeds and feral pests, with consideration of actions identified in relevant threat abatement plans;
- (f) include a seasonally based program to monitor and report on the effectiveness of biodiversity measures, and any progressive improvements that could be implemented to improve biodiversity outcomes.

30D. Construction or mining operations must not impact biodiversity values within the approved disturbance area for Stages 3 – 5 of Modification 5 (as shown on the figure in Appendix 7) until the Biodiversity Management Plan is approved by the Planning Secretary.

30E. The Applicant must implement the approved Biodiversity Management Plan.

HERITAGE

Aboriginal Cultural Heritage Management Plan

31. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared in consultation with Heritage NSW and RAPs and be submitted to the Planning Secretary for approval within 6 months of the date of this consent;
- (b) include a protocol for the ongoing consultation and involvement of RAPs in the conservation and management of Aboriginal heritage on site; and
- (c) describe the measures that would be implemented to protect Aboriginal sites on site, or if any new Aboriginal objects or skeletal remains are discovered during the project.

The Applicant must implement the Aboriginal Cultural Heritage Management Plan as approved by the Planning Secretary.

Historic Heritage Condition Surveys

31A. Within 2 months of approval of Modification 4, the Applicant must undertake condition surveys of the:
(a) Buttai No 1 and No 2 reservoirs; and
(b) Buttai Cemetery (Wilfred Elliot Private Cemetery), including any memorial headstones, graves, fences and trees,

to the satisfaction of the Planning Secretary.

Historic Heritage Conservation Management Plan

31B. The Applicant must prepare a Historic Heritage Conservation Management Plan for the Buttai No 1 and No 2 reservoirs and the Buttai Cemetery, to the satisfaction of the Planning Secretary: This plan must:
(a) be prepared by a suitably qualified and experienced person/s;
(b) be prepared in consultation with Heritage NSW, Hunter Water, Council and relevant landowners;
(c) be prepared in accordance with Heritage Council of NSW guidelines (where relevant);
(d) outline the results of the condition surveys required under condition 31A of Schedule 3;
(e) include a program for the regular monitoring of the condition of the No 1 and No 2 reservoirs throughout the life of the project; and
(f) include a contingency plan in the case of any damage to the No 1 or No 2 reservoirs, trunk watermains, or Buttai Cemetery caused by Modification 4.

The Applicant must implement the Historic Heritage Conservation Management Plan as approved by the Planning Secretary.

VISUAL

32. The Applicant must:
(a) take all reasonable and feasible measures to mitigate visual and off-site lighting impacts of the project; and
(b) ensure that all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*,

to the satisfaction of the Planning Secretary.

GREENHOUSE GAS

Greenhouse Gas Mitigation Plan

33. Within six months of the determination of Modification 5, unless otherwise agreed by the Planning Secretary, the Applicant must prepare a Greenhouse Gas Mitigation Plan for the development. The plan must
(a) be prepared in consultation with the EPA;
(b) be consistent with the EPA's guidelines *Emissions Reporting and Climate Change Mitigation and Adaptation Plans – Guidance for Environment Protection Licensees* (March 2026, or latest version) and *Greenhouse Gas Mitigation Guide for Coal Mines* (March 2026, or latest version) and include Scope 1 and Scope 2 emission goals consistent with emission reduction targets committed to in the document/s in condition 2 of Schedule 2;
(c) include an annual reporting framework for tracking emission reductions against emission goals, including reporting gross and net emissions, avoidance, mitigation and offsetting measures applied to meet the emission goals; and
(d) be revised every three years, unless otherwise agreed by the Planning Secretary to assess the feasibility of available greenhouse gas mitigation technology and identify measures to be applied to the development.

Note: As required under the EPA's guideline "Emissions Reporting and Climate Change Mitigation and Adaptation Plans – Guidance for Environment Protection Licensees, March 2026", impacted licensees will be required to prepare and implement a Climate Change Mitigation and Adaptation Plan by 31 March 2027. With the approval of the Planning Secretary, the preparation and implementation of this plan could be used to meet the requirements of condition 33A.

WASTE MINIMISATION

34. The Applicant must:
    (a) monitor the amount of waste generated by the project;
    (b) investigate ways to minimise waste generated by the project;
    (c) implement all reasonable and feasible measures to minimise waste generated by the project; and
    (d) report on waste management and minimisation in the Annual Review,

    to the satisfaction of the Planning Secretary.

BUSHFIRE MANAGEMENT

35. The Applicant must:
    (a) ensure that the development:
        (i) provides for asset protection in accordance with the relevant requirements in the Planning for Bushfire Protection (RFS, 2019) guideline; and
        (ii) ensure that there is suitable equipment to respond to any fires on the site; and
    (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

SCHEDULE 4
ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. If the results of the monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, except where a negotiated agreement has been entered into in relation to that impact, then the Applicant must, as soon as practicable and no longer than 7 days of obtaining the monitoring results, notify the Planning Secretary, the affected landowners and tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 3 and publish the results on its website.

2. If the results of monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant air quality impact assessment criteria in schedule 3, then the Applicant must send the relevant landowners and tenants (including tenants of mine owned properties) a copy of the NSW Health fact sheet entitled "Mine Dust and You" (and associated updates) in conjunction with the notification required in condition 1.

INDEPENDENT REVIEW

3. If a landowner considers the project to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the Planning Secretary in writing for an independent review of the impacts of the project on his/her land.

   If the Planning Secretary is satisfied that an independent review is warranted, the Applicant must within 2 months of the Planning Secretary'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 Planning Secretary, to conduct monitoring on the land, to:
   - determine whether the project 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 project's contribution to this impact; and

   (c) give the Planning Secretary and landowner a copy of the independent review.

   If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.

4. If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the Planning Secretary.

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

   to the satisfaction of the Planning Secretary.

   If further monitoring under paragraph (a) determines that the project is complying with the relevant criteria, then the Applicant may discontinue the independent review with the approval of the Planning Secretary.

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

to the satisfaction of the Planning Secretary.

If the further monitoring referred to under paragraph (a) above determines that the project is complying with the relevant impact assessment criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the Planning Secretary.

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, MONITORING, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Applicant must prepare an Environmental Management Strategy for the project, to the satisfaction of the Planning Secretary. The strategy must:
   (a) be submitted to the Planning Secretary for approval within 6 months of the date of this consent;
   (b) provide the strategic framework for environmental management of the project;
   (c) identify the statutory approvals that apply to the project;
   (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
   (e) 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; and
      - respond to emergencies;
   (f) include:
      - references to the various strategies, plans and programs that are required under the conditions of this consent once they have been approved; and
      - a clear plan depicting all the monitoring to be carried out in relation to the project.

   The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.

Management Plan Requirements

2. The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:
   (a) detailed baseline data;
   (b) a description of:
      - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
      - any relevant limits or performance measures/criteria;
      - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
   (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
   (d) a program to monitor and report on the:
      - impacts and environmental performance of the project;
      - effectiveness of any management measures (see (c) above);
   (e) a contingency plan to manage any unpredicted impacts and their consequences;
   (f) a program to investigate and implement ways to continually improve the environmental performance of the project over time;
   (g) a protocol for managing and reporting any:
      - incidents;
      - complaints;
      - non-compliances with statutory requirements; and
      - exceedances of the impact assessment criteria and/or performance criteria; and
   (h) a protocol for periodic review of the plan.

Annual Review

3. Each year, the Applicant must review the environmental performance of the project to the satisfaction of the Planning Secretary. This review must:
   (a) describe the works that were carried out in the past year, and the works that are proposed to be carried out over the next year;
   (b) include a comprehensive review of the monitoring results and complaints records of the mine complex over the past year, which includes a comparison of these results against the

- the relevant statutory requirements, limits or performance measures/criteria;
- the monitoring results of previous years; and
- the relevant predictions in the documents listed in condition 2 of Schedule 2;

(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
(d) identify any trends in the monitoring data over the life of the project;
(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
(f) describe what measure will be implemented over the next year to improve the environmental performance of the project.

Revision of Strategies, Plans and Programs

4. Within three months of:
(a) the submission of an annual review under Condition 3 above;
(b) the submission of an incident report under Condition 6 below;
(c) the submission of an audit report under Condition 7 below, or
(d) any modification of the conditions of this consent (unless the conditions require otherwise),
the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Planning Secretary.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.

Community Consultative Committee

5. Within 3 months of the date of this consent, the Applicant must establish a Community Consultative Committee (CCC) for the project to the satisfaction of the Planning Secretary. The CCC must be operated in general accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2016).

Notes:
- *The CCC is an advisory committee only.*
- *In accordance with the guidelines, the committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.*
- *The CCC may also be combined with any similar CCC for the Donaldson Coal Mine or the Abel Coal Mine.*

INCIDENT REPORTING

6. The Applicant must notify the Planning Secretary and any other relevant agencies of any incident associated with the project as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant must provide the Planning Secretary and any relevant agencies with a detailed report on the incident.

INDEPENDENT ENVIRONMENTAL AUDIT

7. Every 3 years, unless the Planning Secretary directs otherwise, the Applicant must 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 Planning Secretary;
(b) include consultation with the relevant agencies and the CCC;
(c) assess the environmental performance of the project and assess whether it is complying with the requirements in relevant development consents and any relevant EPL or Mining Lease (including any assessment, plan or program required under these consents);
(d) review the adequacy of strategies, plans or programs required under these consents; and
(e) recommend appropriate measures or actions to improve the environmental performance of the mine complex, and/or any assessment, plan or program required under these consents.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.

8. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations

contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

Monitoring and Environmental Audits

8A. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

Note: *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the project to provide data on compliance with the consent or on the environmental impact of the project, and an "environmental audit" is a periodic or particular documented evaluation of the project to provide information on compliance with the consent or the environmental management or impact of the project.*

ACCESS TO INFORMATION

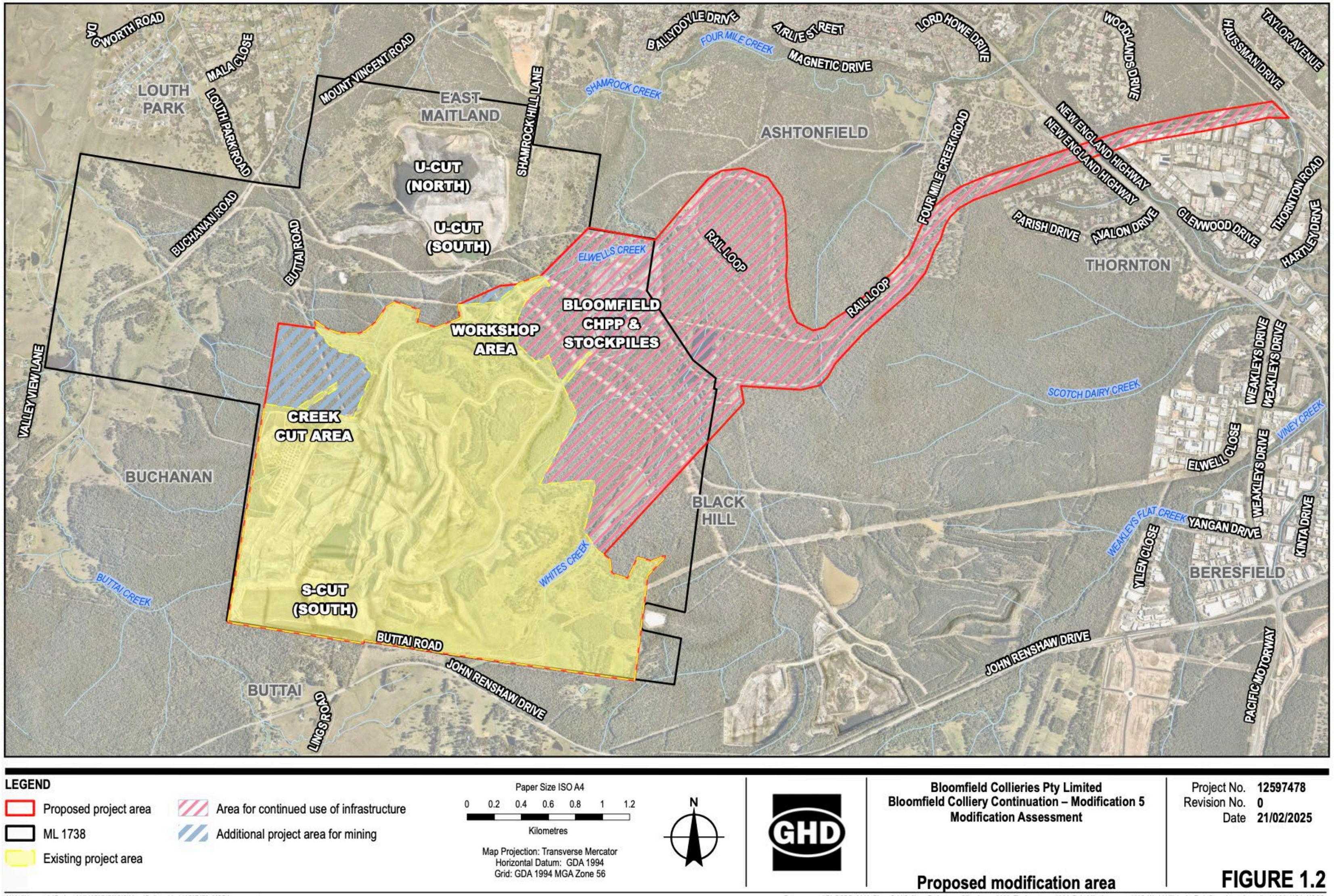
9. From the end of 2009, the Applicant must make the following information publicly available on its website:
   (a) a copy of all current statutory approvals for the project;
   (b) a copy of the current environmental management strategy and associated plans and programs;
   (c) a summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
   (d) a complaints register, which is to be updated on a monthly basis;
   (e) a copy of the minutes of CCC meetings;
   (f) a copy of any Annual Reviews (over the last 5 years);
   (g) a copy of any Independent Environmental Audit, and the Applicant's response to the recommendations in any audit; and
   (h) any other matter required by the Planning Secretary.

APPENDIX 1
SCHEDULE OF PROJECT LAND

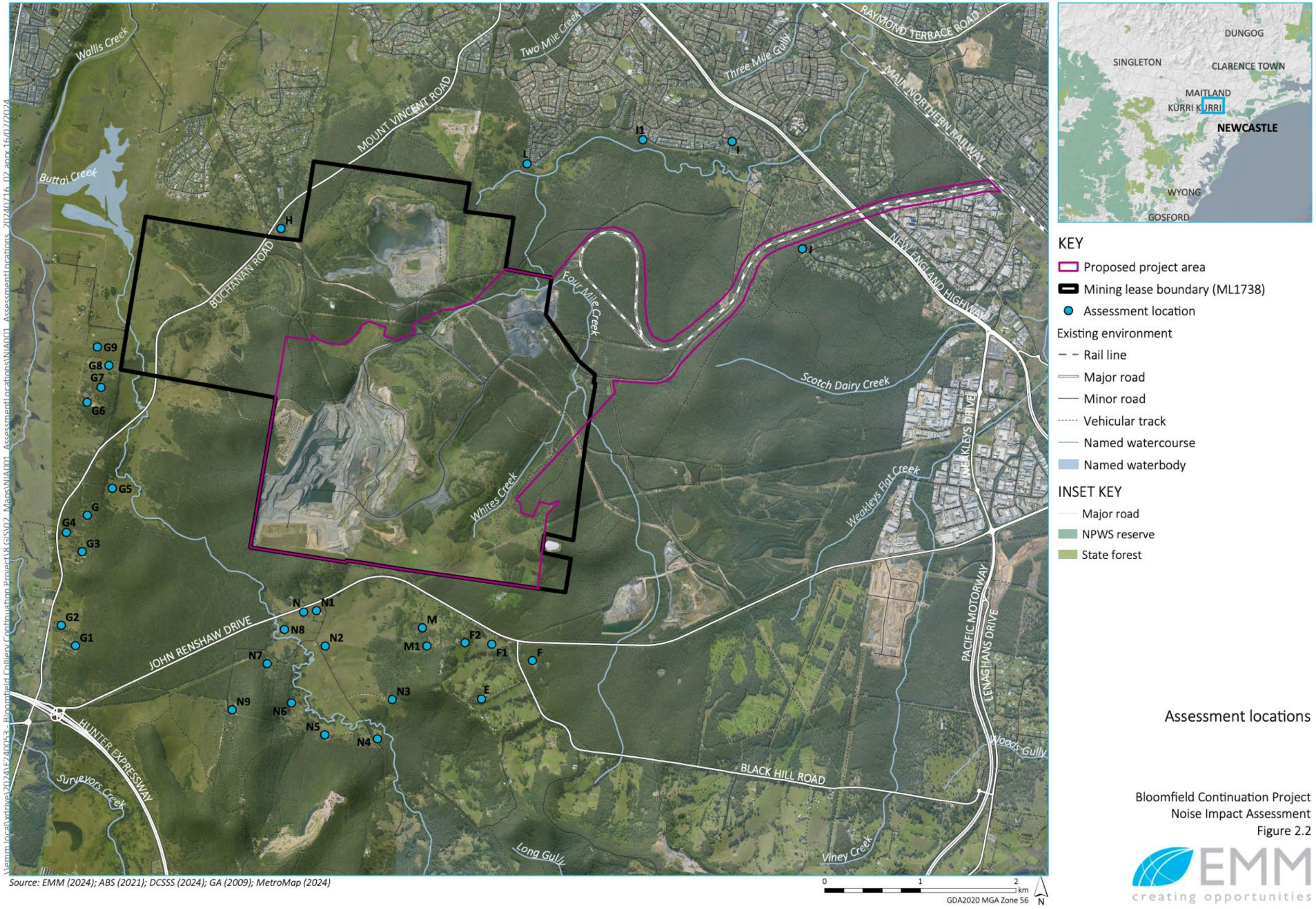
Lot & DP Number	
Lot 36 DP 755260	Lot 1 DP 722210
Lot 35 DP 755260	Lot 26 DP 755260
Lot 34 DP 755260	Lot 25 DP 755260
Lot 48 DP 755260	Part Lot 23 DP 755260
Lot 30 DP 755260	Lot 43 DP 755260
Lot 29 DP 755260	Part Lot 1 DP 1045722
Lot 28 DP 755260	Part Lot 2 DP 1045722
Lot 27 DP 755260	Part Lot 11 DP 755237
Part Lot 26 DP 755260	Lot 13 DP 241097
Part Lot 43 DP 755260	Part Lot 1 DP 136865
Part Lot 25 DP 755260	Lot 1 DP 42349
Part Lot 24 DP 755260	Part Lot 4 DP 241097
Part Lot 18 DP 755237	Part Lot 5 DP 241097
Part Lot 19 DP 755237	Part Lot 6 DP 241097
Part Lot 20 DP 755237	Lot 44 DP 755260
Part Lot 23 DP 755237	Part Lot 45 DP 755260
Part Lot 29 DP 755237	Part Lot 46 DP 755260
Part Lot 13 DP 241097	Part Lot 2 DP 456999
Part Lot 1 DP 136865	Part Lot 10 DP 755237
Part Lot 3 DP 1045720	Part Lot 18 DP 755237
Part Lot 31 DP 755237	Lot 19 DP 755237
Part Lot 4 DP 241097 (Pipeline)	Lot 20 DP 75523
Part Lot 5 DP 241097 (Pipeline)	Lot 23 DP 755237
Part Lot 1 DP 617909 (Pump station)	Part Lot 29 DP 755237
Lot 1 DP 722210 (Road)	Part Lot 1 DP 42349 (Road)
Lot 6 DP 241097 (Pipeline)	Various Council Road Reserves
Crown Road Reserve	Hunter Water Pipeline
Lot 1 DP 1045723	Lot 1 DP 617909
Lot 9 DP 755237	Lot 2 DP 136865
Lot 223 DP 755237	Lot PT31 DP 755237
Lot 1 DP 456999	Lot 35 DP 755237
Lot 15 DP 241097	Lot 36 DP 755237
Lot 14 DP 241097	Lot 23 DP 755237
Lot 1 DP 982215	Lot 29 DP 755237
Lot 1 DP 724270	Lot 1 DP 1045719
Lot 1 DP 1045720	Lot PT37 DP 755237
Lot 2 DP 1045720	Lot PT38 DP 755237
Lot 1 DP 1045722	Lot PT39 DP 755237
DP 2487-3070	Lot 25 DP 755260
Lot 2 DP 1045722	Lot 24 DP 755260
Lot 13 DP 241097	Lot 23 DP 755260
Lot 10 DP 755237	Lot 22 DP 755260
Lot 11 DP 755237	Lot 12 DP 241097
Lot 18 DP 755237	Lot 43 DP 755260
Lot 20 DP 755237	Lot 44 DP 755260
Lot 19 DP 755237	Lot 45 DP 755260
Lot 30 DP 755260	Lot 46 DP 755260
Lot 29 DP 755260	Lot 2 DP 456999
Lot 28 DP 755260	Lot 1 DP 241097
Lot 27 DP 755260	Lot 2 DP 241097
Lot 26 DP 755260	Lot 3 DP 241097
Lot PT34 DP 755260	Lot 4 DP 241097
Lot 1 DP 722210	Lot 5 DP 241097
Lot PT48 DP 755260	Lot 6 DP 241097
Lot PT35 DP 755260	Lot 7 DP 241097
Lot PT36 DP 755260	Lot 8 DP 241097
Lot 1 DP 42349	Lot 9 DP 241097

Lot 1 DP 69246	Lot 10 DP 241097
Lot 3 DP 1045720	Lot 2 DP 42349
Lot 4 DP 1045720	Lot 3 DP 42349
Lot 1 DP 58967	Lot 1 DP 814843
Lot 1 DP 136865	

APPENDIX 2
PROJECT MAP



APPENDIX 2A – NOISE ASSESSMENT AREAS AND LOCATIONS



APPENDIX 3

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APPENDIX 3A NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1. The noise criteria in Table 1 of the conditions are to apply under all meteorological conditions except the following:

   (a) where 3°C/100 metres (m) lapse rates have been assessed, then:

   (i) wind speeds greater than 3 metres/second (m/s) measured at 10m above ground level;

   (ii) temperature inversion conditions between 1.5°C and 3°C/100m and wind speeds greater than 2m/s measured at 10m above ground level; or

   (iii) temperature inversion conditions greater than 3°C/100m.

   (b) where Pasquill Stability Classes have been assessed, then:

   (i) wind speeds greater than 3m/s at 10m above ground level;

   (ii) stability category F temperature inversion conditions and wind speeds greater than 2m/s at 10m above ground level; or

   (iii) stability category G temperature inversion conditions.

Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station required under condition 17 of Schedule 3.

Compliance Monitoring

3. A noise compliance assessment must be undertaken within two months of commencement of mining operations associated with Stages 3 – 5 of Modification 5 (as shown on the figure in Appendix 7). The assessment must be conducted by a suitably qualified and experienced acoustical practitioner and must assess compliance with noise criteria presented above. A report must be provided to the Department and EPA within 1 month of the assessment.

4. Unless otherwise agreed by the Planning Secretary, attended compliance monitoring must be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Noise Policy for Industry* (EPA, 2017), in particular the requirements relating to:

   (a) monitoring locations for the collection of representative noise data;

   (b) meteorological conditions during which collection of noise data is not appropriate;

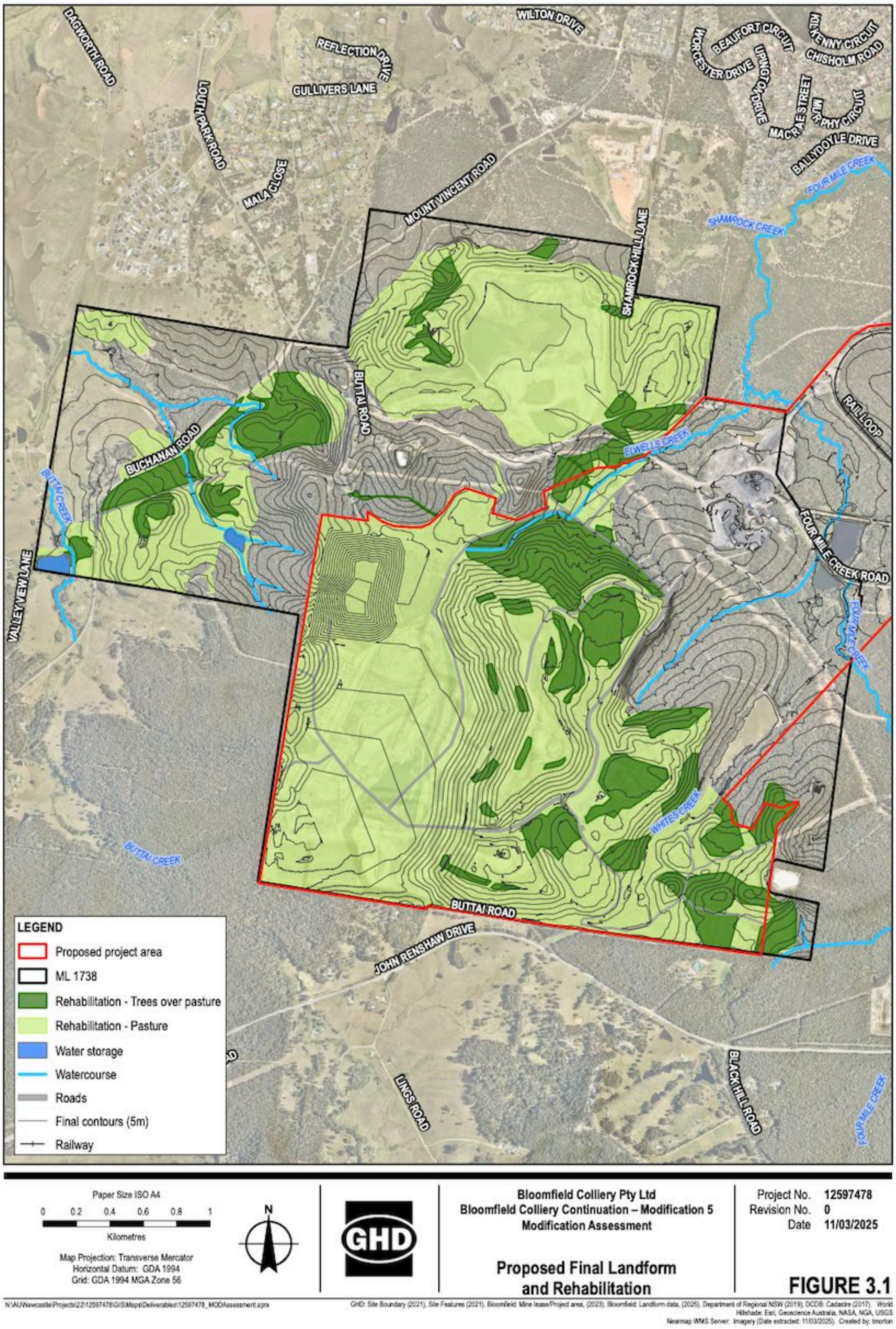
   (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and

   (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration,

   (e) modifying factors apart from adjustments for duration,

   with the exception of applying appropriate modifying factors for low frequency noise during compliance testing. This should be undertaken in accordance with *Fact Sheet C* of the *NSW Noise Policy for Industry (EPA, 2017)*.

APPENDIX 4
CONCEPTUAL FINAL LANDFORM



APPENDIX 5

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APPENDIX 6
BIODIVERSITY OFFSET AREA

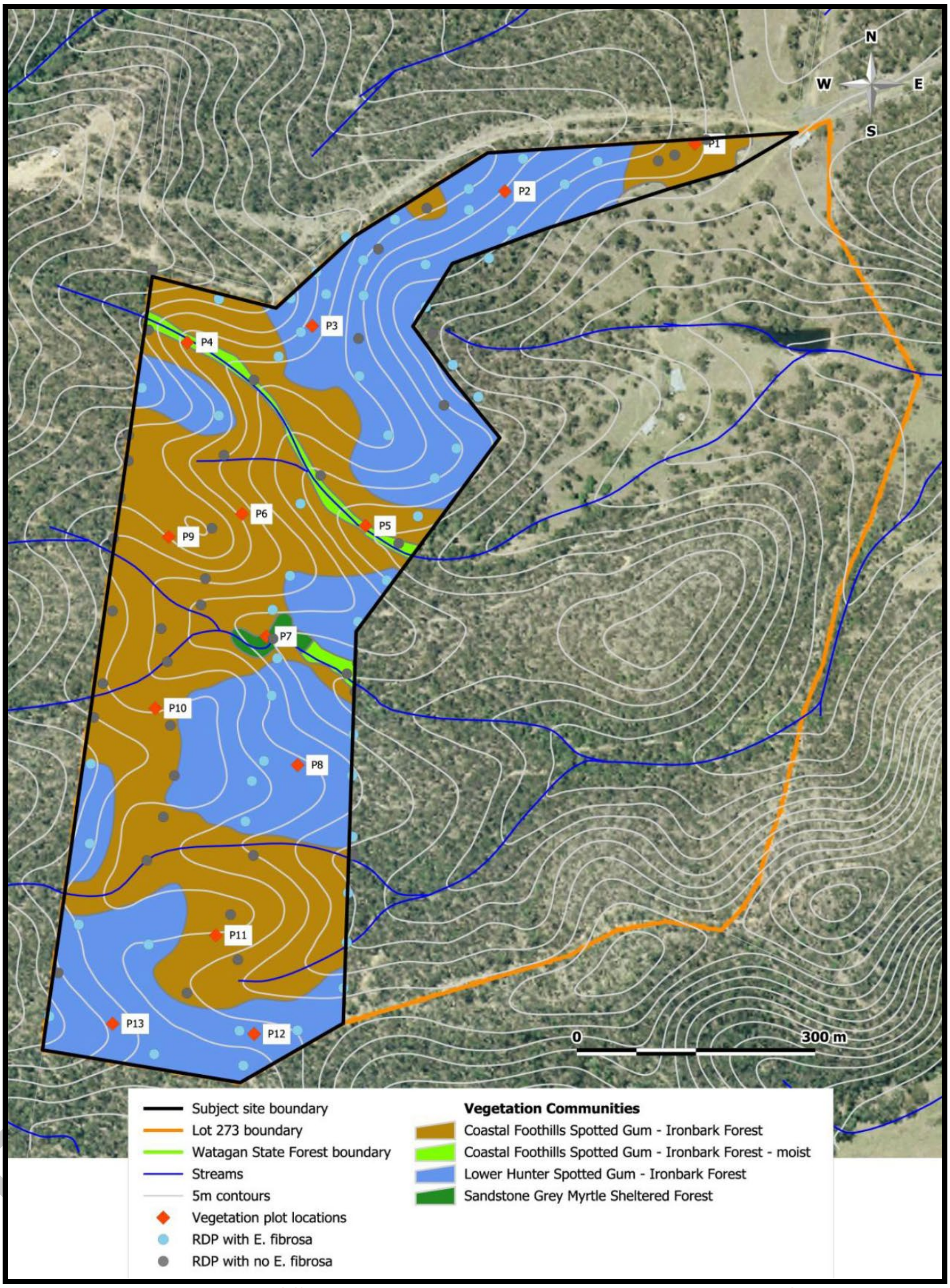
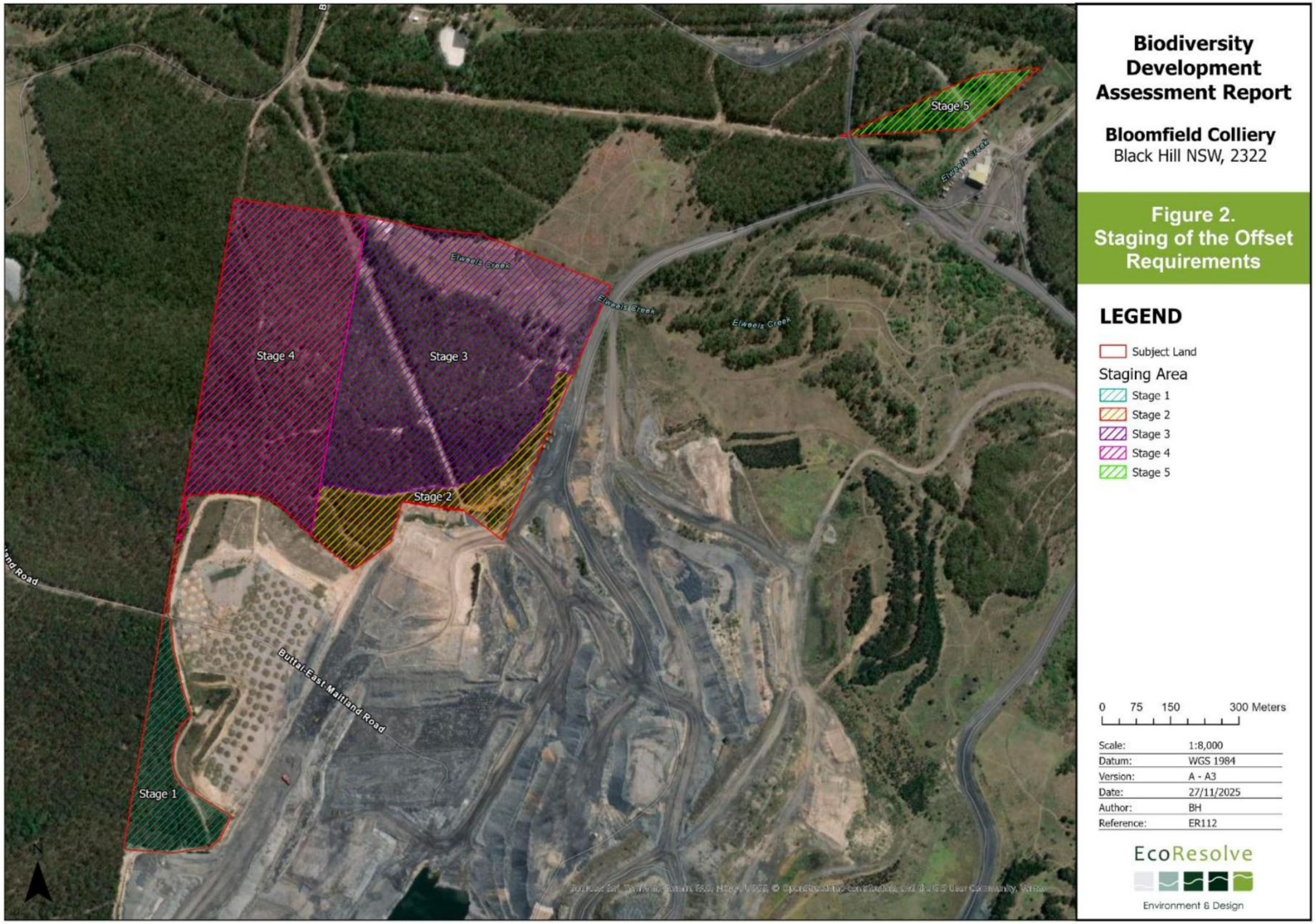


***Figure 1:** Biodiversity Offset Area (Part Lot 237 DP 1017683 Thursbys Road, Congewai)*

APPENDIX 7 - MODIFICATION 5 STAGING AREAS FOR OFFSETTING REQUIREMENTS



APPENDIX 8 – MODIFICATION 5 BIODIVERSITY AVOIDANCE AREA

EcoResolve
Environment & Design
5/14 Honeysuckle Drive Newcastle NSW 2300
Author: BH | Version: C-A3 | Date: 4/06/2026

Modification 5 Biodiversity Avoidance Area. (MP 07_0087)

Location: Bloomfield Colliery, Black Hill NSW, 2322
Purpose: Fee Proposal
Client: Thomas Holtz
Reference: ER112

Legend

Project Approval Boundary for Modification 5 (MP07_0087)

Biodiversity Avoidance Area

Proposed Retained Koala Corridor

Corridor width ~390 meters

0 0.15 0.3 0.6 0.9 1.2 Kilometers

N

Spatial Reference
Datum: GDA2020
Projection: Transverse Mercator
Scale: 1:23,000