

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, 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 projects.

The Hon Tony Kelly MLC
Minister for Planning MP

Sydney

2010

SCHEDULE 1

Application Numbers:

08_0102

Applicant:

Bloomfield Collieries Pty Limited

Approval Authority:

Minister for Planning

Land:

See Appendix 1

Project 08_0102:

Rix's Creek North Open Cut Project

(Schedules 1 – 5 updated in entirety during Modification 6, dated 23 August 2016)

Red type represents Modification 7, dated 1 September 2017

Blue type represents Modification 8, dated 3 April 2019

Green type represents Modification 9, dated February 2021

Purple type represents Modification 10, dated March 2025

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.

CONSOLIDATED CONSENT

TABLE OF CONTENTS

DEFINITIONS	3
ADMINISTRATIVE CONDITIONS	6
Obligation to Minimise Harm to the Environment	6
Terms of Approval	6
Limits of Approval	6
Surrender of Consents and Approvals	7
Structural Adequacy	7
Demolition	7
Infrastructure	7
Operation of Plant and Equipment	7
Evidence of Consultation	8
Compliance	8
Applicability of Guidelines	8
ENVIRONMENTAL PERFORMANCE CONDITIONS	9
Acquisition Upon Request	9
Noise	9
Blasting	13
Air Quality & Greenhouse Gas	14
Meteorological Monitoring	17
Soil & Water	17
Biodiversity	20
Heritage	22
Transport	23
Visual	23
Waste	24
Bushfire Management	24
Exploration Activities	24
Rehabilitation	24
ADDITIONAL PROCEDURES	27
Notification of Landowners	27
Independent Review	27
Land Acquisition	28
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	30
Environmental Management	30
Reporting	32
Independent Environmental Audit	32
Access to Information	34
APPENDIX 1: SCHEDULE OF LAND	35
APPENDIX 2: PREVIOUS EAS	36
APPENDIX 3: PROJECT LAYOUT PLAN	37
APPENDIX 3A: MOD 7 EXPLORATION DRILLING PROGRAM	38
APPENDIX 4: LAND OWNERSHIP & RESIDENTIAL RECEIVERS	40
APPENDIX 5: NOISE COMPLIANCE ASSESSMENT	42
APPENDIX 6: GLENNIES CREEK AND STATION CREEK ALLUVIAL AQUIFERS	43
APPENDIX 7: AREA FOR FURTHER ARCHAEOLOGICAL INVESTIGATION	44
APPENDIX 8: CONCEPTUAL FINAL LANDFORM AND OFFSETS	45
APPENDIX 9: STATEMENT OF COMMITMENTS	ERROR! BOOKMARK NOT DEFINED.

CONSOLIDATED CONSENT

DEFINITIONS

Annual review	The review required by condition 10 of Schedule 5
Applicant	Bloomfield Collieries Pty Limited, or any person carrying out any development under this consent
Approved mine plans	The plan for open cut mining depicted in the figure in Appendix 3
Adaptive management	Adaptive management includes monitoring subsidence effects and impacts and, based on the results, modifying the mine plan as mining proceeds to ensure that the effects, impacts and/or associated environmental consequences remain within predicted and/or designated ranges
ARTC	Australian Rail Track Corporation
Ashton	Ashton coal mine
BCA	Building Code of Australia
Biodiversity offset strategy	The biodiversity enhancement program described in the EA Mod 4 and shown conceptually in the figures in Appendix 8
Blast	A single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the project
Blast misfire	The failure of one or more holes in a blast pattern to initiate
Built features	Includes any building or work erected or constructed on land, and includes dwellings and infrastructure such as any formed road, street, path, walk or driveway, any pipeline, water, sewer, telephone, gas or other service main
CCC	Community Consultative Committee required by condition 7 of Schedule 5
CHPP	Coal Handling and Preparation Plant
Conditions of this consent	Conditions contained in Schedules 2 to 5 inclusive
Council	Singleton Council
CPHR	Conservation Programs, Heritage and Regulation Group within the New South Wales Department of Climate Change, Energy, the Environment and Water
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning, Housing and Infrastructure
Development	The development described in the documents listed in condition 2 of Schedule 2 of this consent.
EA Mod 1	Integra Mine Complex Modification 1 Environmental Assessment, prepared by EMGA Mitchell McLennan, dated 2 December 2011
EA Mod 2	Integra Mine Complex Modification 2 Environmental Assessment, prepared by EMGA Mitchell McLennan, dated September 2012
EA Mod 4	Integra Mine Complex Modification 4 Environmental Assessment, prepared by EMGA Mitchell McLennan and dated 16 May 2014; and associated response to submissions titled <i>Integra Mine Complex Modification 4 Response to Submissions</i> , dated 9 July 2014
EA Mod 5	Environmental Assessment for Proposed Modifications to Rix's Creek DA 49/94 N90/00356 (Mod 7) and Integra Open Cut Project 08_0102 (Mod 5), prepared by Bloomfield Collieries Pty Ltd, dated 4 February 2016
EA Mod 6	Application to Modify Project Approval for Integra Underground Project (MP 08_0101) and Integra Open Cut Project (MP 08_0102), prepared by HV Coking Coal Pty Limited and Bloomfield Collieries Pty Limited, dated February 2016; and associated additional information provided by the Applicant in a letter titled <i>PA 08_0101 and PA 08_0102 – Modifications to Integra Underground and Integra Open Cut Coal Projects</i> , dated 4 July 2016
EA Mod 7	Environmental Assessment for Proposed Modifications to Rix's Creek DA 49/94 N90/00356 (Mod 9) and Rix's Creek North Open Cut Project 08_0102 (Mod 7), and associated response to submissions titled <i>Rix's Creek – (DA 49/94 Mod 9) and Rix's Creek North (DA 08_0102 Mod 7) Response to Submissions</i>
EA Mod 8	Modification application MP 08_102 MOD 8, prepared by Bloomfield Collieries Pty Limited and dated 2 July 2018, and accompanying documents titled <i>Attachment 1 Proposed Modification to Rix's Creek North Open Cut Project 08_0102 (Mod 8)</i> , <i>Attachment 2 Extract from EIS Camberwell Coal Project 1989</i> , <i>Attachment 3 Global Acoustics Report</i> and <i>Attachment 4 Todoroski Air Sciences Report</i> ; associated response to submissions, prepared by AECOM and dated 13 December 2018; and letter prepared by Bloomfield Collieries Pty Limited and dated 27 February 2019
EA Mod 9	Rix's Creek North Mine Landform Amendment, Exploration and Blasting Frequency Modification Statement of Environmental Effects, prepared by Bloomfield Collieries Pty Limited and dated June 2020, submitted with the application for consent for the development, including the Applicant's response to submissions dated September 2020

CONSOLIDATED CONSENT

EA Mod 10	Modification application MP08-0102-Mod-10, prepared by Bloomfield Collieries and dated 21 June 2024, and accompanying documents titled 'Rix's Creek North Modification 10 – Modification Report for Bloomfield Collieries Pty Ltd' dated 21 June 2024, including the submissions report dated October 2024 and titled 'Rix's Creek North Modification 10 – Submissions Report – Bloomfield Collieries Pty Ltd', and amendment report dated November 2024 and titled 'Rix's Creek North Modification 10 – Amendment Report – Bloomfield Collieries Pty Ltd', and additional information provided by the Applicant in support of the application.
EEC	Endangered Ecological Community as defined under the NSW <i>Threatened Species Conservation Act 1995</i>
Environmental consequences	The environmental consequences of subsidence impacts, including: damage to built features; loss of surface water flows to the subsurface; loss of standing pools; adverse water quality impacts; development of iron bacterial mats; rock falls; damage to Aboriginal heritage sites; impacts on aquatic ecology; and ponding
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances. Feasible relates to engineering considerations and what is practical to build or carry out
Heritage NSW	Heritage NSW within the Department of Climate Change, Energy, the Environment and Water
IEA	Independent environmental audit required by condition 11 of Schedule 5
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
INP	NSW Industrial Noise Policy, or its latest version as replacement
Integra Underground	All land to which project approval 08_0101 applies
Land	In general, the definition of land is consistent with the definition in the EP&A Act. However, in relation to the noise and air quality conditions in Schedules 3 and 4 it means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the NSW Land Registry Services at the date of this consent
Material harm	Is harm to the environment that: <ul style="list-style-type: none"> 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
Minister	Minister for Planning and Public Spaces, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mitigation	Activities associated with reducing the impacts of the project
MOD 6	The modification to the development as described in EA Mod 6
MOD 7	The modification to the development as described in EA Mod 7
MOD 8	The modification to the development as described in EA Mod 8
MOD 9	The modification to the development as described in EA Mod 9
MOD 10	The modification to the development as described in EA Mod 10
Mount Owen Complex	Includes Glendell, Mt Owen and Ravensworth East coal mines
NAG	Noise assessment group, see the figures in Appendix 5 for more detail
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Northern mining area	The area shaded in light pink on the figure in Appendix 3 titled "Northern Mining Area"
Open cut mining operations	Includes overburden removal and the extraction, processing, handling, storage and transportation of coal within the project area

CONSOLIDATED CONSENT

Open cut project EA	Environmental assessment titled <i>Integra Open Cut Project</i> , dated June 2009, and the associated response to submissions titled <i>Submissions Report</i> , dated March 2010
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Previous EAs	Previous environmental impact assessments or environmental impact statements for the project, as listed in Appendix 2
Privately-owned land	Land that is not owned by a public agency, or a mining company (or its subsidiary)
Project	The open cut project as described in the documents listed in condition 2 of Schedule 2, including the implementation of any development associated with the previous EAs
Project area	All land within the solid maroon line on the figure in Appendix 3
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, gas supply, drainage, sewerage, telephony, telecommunications etc
Reasonable	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
Rehabilitation	The treatment or management of land disturbed by the project for the purpose of establishing a safe, stable and non-polluting environment, and includes remediation
Remediation	Activities associated with partially or fully repairing the impacts and/or environmental consequences of the project
Resources Regulator	NSW Resources Regulator, part of NSW Resources within the Department of Primary Industries and Regional Development
Rix's Creek South	Rix's Creek South coal mine
ROM coal	Run-of-mine coal
Safe, serviceable and repairable	Safe means no danger to users, serviceable means available for its intended purpose, and repairable means damaged components can be repaired economically
SA NSW	Subsidence Advisory NSW
Secretary	Planning Secretary under the EP&A Act, or nominee
Site	The land listed in Appendix 1
Statement of Commitments	The Applicant's commitments in Appendix 9
TfNSW	Transport for NSW
Underground project EA	Environmental assessment titled <i>Proposed Integra Underground Coal Project</i> , dated July 2009, and the associated response to submissions, titled <i>Integra Underground Project Collated Response to Submissions</i> , dated March 2010
Water Group	Water Group within the NSW Department of Climate Change, Energy the Environment and Water
Western mining area	The area shaded in light pink on the figure in Appendix 3 titled "Western Mining Area"

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance criteria established under [this development consent](#), the [Applicant](#) must minimise any material harm to the environment that may result from the construction, operation or rehabilitation of the project.

TERMS OF APPROVAL

2. The [Applicant](#) must carry out the project generally in accordance with the:
 - (a) previous EAs;
 - (b) open cut project EA;
 - (c) EA Mod 1;
 - (d) EA Mod 2;
 - (e) EA Mod 4;
 - (f) EA Mod 5;
 - (g) EA Mod 6;
 - (h) [EA Mod 7](#);
 - (i) [EA Mod 8](#);
 - (j) [EA Mod 9](#);
 - (k) [EA Mod 10](#); and
 - (l) [project layout plan](#).

3. The [Applicant](#) must carry out the project in accordance with the:
 - (a) Statement of Commitments; and
 - (b) conditions of [this consent](#).

Notes to conditions 2 and 3:

- *Previous EAs for the project are listed in Appendix 2;*
- *The project layout plan is shown in Appendix 3;*
- *The Statement of Commitments is reproduced in Appendix 9; and*
- *This development consent is intended to regulate all existing and approved development on site.*

4. If there is any inconsistency between the above documents then the most recent document [must](#) prevail to the extent of the inconsistency. However, the conditions of [this consent must](#) prevail to the extent of any inconsistency.
5. The [Applicant](#) must comply with any reasonable requirement/s of the 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 OF APPROVAL

Mining Operations

6. The [Applicant](#) may carry out open cut mining operations on site until 31 December 2035.

Note: Under [this consent](#), the [Applicant](#) is required to rehabilitate the site and carry out additional undertakings to the satisfaction of both the Secretary and the Resources Regulator. Consequently, [this consent](#) will continue to apply in all respects - other than the right to conduct mining operations - until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.

Coal Production

7. The [Applicant](#) must not extract more than:
 - (a) 1.5 million tonnes of ROM coal from the open cut mining operations in the northern mining area in a calendar year; and
 - (b) 4.5 million tonnes of ROM coal from the open cut mining operations in the western mining area in a calendar year.

Coal Transport

8. The **Applicant** must not:
 - (a) export more than 7.3 million tonnes of coal from the site in a calendar year;
 - (b) dispatch more than 7 trains a day from the site; and
 - (c) dispatch more than 3 trains a day from the site, when averaged over each calendar year.
9. The **Applicant** must not transport coal from the site by public road, except in an emergency situation and with the prior approval of the Secretary.

Hours of Operation

10. The **Applicant** must only carry out:
 - (a) open cut mining operations in the northern mining area from 7am to 10pm, seven days a week (including public holidays); and
 - (b) vegetation clearing and topsoil stripping on site between 7am and 6pm.

SURRENDER OF CONSENTS AND APPROVALS

11. By the end of June 2017, or as otherwise agreed by the Secretary, the **Applicant** must surrender all existing development consents and project approvals for the site (other than **this consent** and the development consent for the Glennies Creek to Ashton Water Pipeline granted by Council on 13 February 2004) in accordance with Sections 75YA and 104A of the EP&A Act.

Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 4A of the EP&A Act. Surrender of a consent or approval should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

12. Prior to the surrender of these consents and/or approvals, the conditions of **this consent** (including any notes) **must** prevail to the extent of any inconsistency with the conditions of these consents and/or approvals.

STRUCTURAL ADEQUACY

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

Notes:

- Under Part 4A of the EP&A Act, the **Applicant** is required to obtain construction and occupation certificates for the proposed building works;
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project; and
- The project is located in the Patrick Plains Mine Subsidence District. Under Section 15 of the Mine Subsidence Compensation Act 1961, the **Applicant** is required to obtain the **SA NSW**'s approval before constructing or relocating any improvements on site.

DEMOLITION

14. 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.

INFRASTRUCTURE

Protection of Public Infrastructure

15. Unless the **Applicant** and the applicable authority agree otherwise, the **Applicant** must:
 - (a) repair or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project, except where impacts to such works have otherwise been fully compensated through the compensation provisions of the *Mining Act 1992*.

OPERATION OF PLANT AND EQUIPMENT

16. The **Applicant** must ensure that all the plant and equipment used on site, or to transport coal from the site, is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

EVIDENCE OF CONSULTATION

17. 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; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

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 development.

APPLICABILITY OF GUIDELINES

19. 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.
20. 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.

SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

ACQUISITION UPON REQUEST

- Upon receiving a written request for acquisition from an owner of the land containing a residential receiver listed in Table 1, the **Applicant** must acquire the land in accordance with the procedures in conditions 6 and 7 of Schedule 4.

Table 1: Land subject to acquisition upon request

Residential Receiver No.	Acquisition Basis
N64	Noise
177	Noise and Air Quality
N240	Air Quality
N234-239	Air Quality
170	Noise

For the purposes of acquisition under this condition, parcels of land that are in close proximity and operated as a single agricultural enterprise by the owner of a listed residential receiver should be included as part of the land to be acquired. Where the **Applicant** and the owner(s) cannot agree whether non-contiguous parcels of land should be included, either party may refer the matter to the Secretary for resolution. The Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 7 and 8 of Schedule 4 **must** be final.

Note: To interpret the locations referred to in Table 1, see the applicable figures in Appendix 4.

NOISE

Noise Criteria

- Except for the land referred to in Table 1 for which the acquisition basis is noise, the **Applicant** must ensure that the noise generated by the project does not exceed the criteria in Table 2 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 2: Noise criteria dB(A)

Location		Day	Evening	Night	
		L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{A1} (1min)
NAG 3	All privately-owned land	40	40	39	49
NAG 4	N88, N91	40	40	40	47
	N105, N161	41	41	41	47
	All other privately-owned land	42	42	37	47
NAG 5	N139	36	36	36	52
	N103	37	37	37	52
	All other privately-owned land	50	46	42	52

CONSOLIDATED CONSENT

Location		Day	Evening	Night	
		L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{A1} (1min)
NAG 6	171, N176	35	35	35	48
	N133	37	37	37	48
	170	38	38	38	48
	All other privately-owned land	41	41	38	48
NAG 7	All privately-owned land	45	42	39	49
NAG 8	N142	35	35	35	45
	All other privately-owned land	42	42	35	45
NAG 9	N146, N148, N149	35	35	35	48
	N143, N144, N145, N147, N150, N151, N152	36	36	36	48
	2	37	37	37	48
	24, N174	39	39	39	48
	All other privately-owned land	40	40	38	48
NAG 10	4	40	40	40	47
	5	41	41	41	47
	7	42	42	42	47
	All other privately-owned land	39	39	37	47
NAG 11	N18	35	35	35	49
	N20, N21	37	37	36	49
	12	37	37	37	49
	11	38	38	38	49
	6	39	39	39	49
	13, 14, N175	40	40	40	49
	9, 10	42	42	42	49
	All other privately-owned land	41	41	39	49
NAG 12	N52	35	35	35	45
	N51	37	37	37	45
	N53	38	38	38	45
	N50, N54	39	39	39	45
	N62	40	40	40	45
	All other privately-owned land	38	38	35	45
NAG A	N24, N25, N26, N27, N28, N29, N30, N36, N37, N38, N39, N40, N41	35	35	35	46
	N31	36	36	35	46
	N42, N43	36	36	36	46
	N32	37	37	35	46
	N22, N23	37	37	37	46
	N34	39	39	36	46
	N35	39	39	35	46
	All other privately-owned land	39	39	36	46
NAG C	All other privately-owned land	37	37	35	45
NAG D	All other privately-owned land	40	40	38	48

CONSOLIDATED CONSENT

Location		Day	Evening	Night	
		L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{A1} (1min)
NAG F	N67	40	40	40	50
	All other privately-owned land	40	40	40	50
All other privately-owned land		35	35	35	45

Notes:

- All land located within NAG 1, NAG 2, NAG B, NAG D and NAG G is now mine-owned.

However, these criteria do not apply if the Applicant, or another mining company, has acquired the land or if the Applicant has a written agreement with the relevant landowner to exceed the criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Noise generated by the project is to be measured in accordance with the relevant requirements of the INP. Appendix 5 sets out the requirements for evaluating compliance with these criteria.

Note: To interpret the locations referred to in Table 2, see the applicable figures in Appendix 4.

3. Deleted

Table 3: Deleted

Cumulative Noise Criteria

- The Applicant must minimise noise generated by the project combined with the noise generated by other mines in the vicinity does not exceed the criteria in Table 4 at any residence on privately-owned land or on more than 25 percent of any privately-owned land (except for the residential receivers in Table 1 for which the acquisition basis is noise). The Applicant must share the costs associated with implementing these measures on as equitable basis as possible with the relevant mines.

Table 4: Cumulative noise criteria dB(A) L_{Aeq} (period)

Location	Day	Evening	Night
NAGs 4, 5, 8 and 9	55	45	40
All other privately-owned land	50	45	40

Cumulative noise is to be measured in accordance with the relevant requirements of the INP. Appendix 5 sets out the requirements for evaluating compliance with these criteria.

For the purposes of this condition, 'reasonable and feasible avoidance and mitigation measures' includes, but is not limited to, the requirements in conditions 9 and 10 to develop and implement a real-time noise management system that ensures effective operational response to the risk of exceedance of the criteria.

Note: To identify the locations referred to in Table 4, see the figures in Appendix 4.

5. Deleted

Table 5: Deleted

Mobile Rock Crushing Plant Hours

- 5A. The Applicant must only operate the mobile rock crushing plant between 7 am and 6 pm.

Additional Noise Mitigation Measures

- Upon receiving a written request from the owner of any residence:
 - on the land listed in Table 1 for which the acquisition basis is noise; or
 - on land listed in Table 6,
 the Applicant must implement additional noise mitigation measures (such as double-glazing, insulation, and/or air conditioning) at the residence in consultation with the landowner.

If within 3 months of receiving this request from the 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 Secretary for resolution.

CONSOLIDATED CONSENT

Table 6: Land where additional noise mitigation measures are available on request

4	5
7	10
14	N31
N20	N50
N32	N54
N53	N105
N62	N161
N91	N183

Notes:

- To interpret the locations referred to in Table 6, see the applicable figures in Appendix 4.

Table 7: Deleted

7. Deleted

Table 8: Deleted

Rail Noise

8. The Applicant must seek to ensure that its rail spur is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with noise limits L6.1 to L6.4 in RailCorp's EPL (No. 12208) and ARTC's EPL (No. 3142) or a Pollution Control Approval issued under the former *Pollution Control Act 1970*.

Operating Conditions

9. The Applicant must:
- implement best practice noise management, including all reasonable and feasible noise mitigation measures, to minimise the operational, low frequency, and rail noise generated by the project at all times, including during temperature inversions;
 - operate a comprehensive noise management system that uses a combination of predicted meteorological forecasting and real-time noise monitoring data to guide the day-to-day planning of mining operations and the implementation of both proactive and reactive mitigation measures to ensure compliance with the relevant conditions of [this consent](#);
 - maintain or improve the effectiveness of noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired;
 - ensure that noise attenuated plant is deployed preferentially in locations relevant to sensitive receivers;
 - minimise the noise impacts of the project during meteorological conditions under which data is to be excluded for the purposes of assessing compliance with these conditions (see Appendix 5); and
 - co-ordinate the noise management on site with noise management at nearby mines (including Integra Underground, Ashton, [Rix's Creek South](#) and the Mount Owen Complex) to minimise cumulative noise impacts,
- to the satisfaction of the Secretary.

Noise Management Plan

10. The Applicant must prepare a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with the EPA, and then submitted to the Secretary for approval;
 - describe the measures that would be implemented to ensure:
 - compliance with the noise criteria and operating conditions of [this consent](#); and
 - best management practice is being employed;
 - describe the noise management system in detail;
 - include a noise monitoring program that:
 - uses a combination of real-time and supplementary attended monitoring measures to evaluate the performance of the project;
 - includes a protocol for determining exceedances of the relevant conditions in [this consent](#);
 - evaluates and reports on the effectiveness of the noise management system and the best practice noise management measures; and

- (e) includes a protocol that has been prepared in consultation with the owners of nearby mines (including Integra Underground, Ashton, Rix's Creek South and the Mount Owen Complex) to minimise the cumulative noise impacts of the mines.

The Applicant must implement the management plan as approved by the Secretary.

BLASTING

Blasting Criteria

11. The Applicant must ensure that the blasting on site does not cause exceedances of the criteria in Table 9.

Table 9: Blasting criteria

Receiver	Airblast Overpressure (dB(Lin Peak))	Ground Vibration (ppv(mm/s))	Allowable Exceedance
Residence on privately-owned land	115	5	5% of the total number of blasts over a period of 12 months
	120	10	0%
Main Northern Railway culverts and bridges	-	25	0%
All public infrastructure	-	50	0%

However, these criteria do not apply if the Applicant has a written agreement with the relevant landowner or infrastructure owner to exceed the criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Blasting Hours

12. The Applicant must only carry out blasting on site between 9am and 5pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Secretary.

Blasting Frequency

13. The Applicant must not carry out more than:
- 3 blasts a day across the northern and western mining areas unless an additional blast is required following a blast misfire; and
 - 10 blasts a week on site, averaged over a 12 month period.

Property Inspections

14. If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut mining pits on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection report updated, then within 2 months of receiving this request the Applicant must:
- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary to:
 - establish the baseline condition of the buildings and/or structures on the land or update the previous property inspection report; and
 - identify any measures that should be implemented to minimise the potential blasting impacts of the project on these buildings and/or structures; and
 - give the landowner a copy of the new or updated property inspection report.

Property Investigations

15. If any landowner of privately-owned land within 2 kilometres of any approved open cut mining pit on site claims that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within 2 months of receiving this request the Applicant must:
- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to investigate the claim; and
 - 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 Secretary.

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

Operating Conditions

16. The **Applicant** must:
- implement best blasting management practice on site to:
 - protect the safety of people and livestock in the surrounding area;
 - protect private or public property in the surrounding area;
 - minimise the dust and fume emissions of the blasting; and
 - co-ordinate the blasting on site with the blasting at nearby mines (including Ashton, **Rix's Creek South** and the Mount Owen Complex) to minimise cumulative blasting impacts;
 - co-ordinate the blasting on site with nearby underground mines (including Integra Underground) to minimise operational disturbance and to ensure the safety of underground personnel; and
 - operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site, to the satisfaction of the Secretary.
17. The **Applicant** must not undertake blasting within 500 metres of:
- Middle Falbrook Road or Stony Creek Road without the approval of Council;
 - the New England Highway without the approval of **TfNSW**; and
 - the Main Northern Railway without the approval of the ARTC.
18. The **Applicant** must not carry out blasting in the northern or western mining areas that is within 500 metres of any privately-owned land or land not owned by the **Applicant** unless:
- the **Applicant** has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the **Applicant** has advised the Department in writing of the terms of this agreement; or
 - the **Applicant** has:
 - demonstrated to the satisfaction of the Secretary that the blasting can be carried out without compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and
 - updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land.

Blast Management Plan

19. The **Applicant** must prepare a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with **EPA**, and then submitted to the Secretary for approval;
 - describe the blast mitigation measures that would be implemented to ensure compliance with the relevant condition of **this consent**;
 - describe the measures that would be implemented to ensure that the public can get up-to-date information on the proposed blasting schedule on site;
 - include an agreed strategy for the management of potential blast interactions with Integra Underground, including details of agreed:
 - systems for the prior and timely notification of scheduled blasting and subsidence activities;
 - personnel evacuation and safety protocols for specific blast events; and
 - procedures and protocols for managing the interaction of the two mines; and
 - include a blast monitoring program to evaluate the performance of the project; and
 - include a protocol that has been prepared in consultation with the owners of the nearby mines (including Ashton, **Rix's Creek South** and the Mount Owen Complex) for minimising and managing the cumulative blasting impacts of the mines.

The **Applicant** must implement the **management plan as approved** by the Secretary.

AIR QUALITY & GREENHOUSE GAS

Odour

20. The **Applicant** must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.

Greenhouse Gas Emissions

21. The **Applicant** must minimise the release of greenhouse gas emissions from the site to the satisfaction of the Secretary.

Air Quality Criteria

22. Except for the land referred to in Table 1 for which the acquisition basis is air quality, the **Applicant** must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the project does not **exceed** the criteria listed in Table 10 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 10: 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 to Table 10:

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

For the purposes of this condition, 'reasonable and feasible avoidance and mitigation measures' includes, but is not limited to, the requirements in conditions 26 and 27 to develop and implement a real-time air quality management system that ensures effective operational response to the risk of exceedance of the criteria.

23. Deleted

Table 11: Deleted

Additional Dust Mitigation Measures

24. Upon receiving a written request from the owner of any residence:
- (a) on the land listed in Table 1 for which the acquisition basis is air quality; **or**
 - (b) on the land listed in Table 12,
- the **Applicant** must implement additional reasonable and feasible dust mitigation measures (such as a first flush roof system, internal or external air filters, and/or air conditioning) at the residence in consultation with the owner.

If within 3 months of receiving this request from the 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 Secretary for resolution.

Table 12: Land subject to dust mitigation on request

88	176
----	-----

Notes:

- To interpret the locations referred to in Table 12, see the applicable figures in Appendix 4;
- For this condition to apply, the exceedances of the criteria must be systemic; **and**
- 173 and 174 have been acquired by the Applicant.

Mine-owned Land

25. The **Applicant** must ensure that particulate matter emissions generated by the project do not exceed the criteria in Table 10 at any occupied residence on any mine-owned land (including land owned by adjacent mines), unless:
- (a) the tenant and/or landowner has been notified of any health risks in accordance with the notification requirements under Schedule 4 of **this consent**;
 - (b) the tenant on land owned by the **Applicant** can terminate the tenancy agreement without penalty, subject to giving reasonable notice, and the **Applicant** uses its best endeavours to provide assistance with relocation and sourcing of alternative accommodation;
 - (c) air mitigation measures such as air filters, a first flush roof water drainage system and/or air conditioning) are installed at the residence, if requested by the tenant and landowner (where owned by another mine other than the **Applicant**);
 - (d) particulate matter air quality monitoring is undertaken to inform the tenant and landowner (where owned by a mine other than the **Applicant**) of potential health risks; and
 - (e) monitoring data is presented to the tenant in an appropriate format, for a medical practitioner to assist the tenant in making an informed decision on the health risks associated with occupying the property, to the satisfaction of the Secretary.

Operating Conditions

26. The **Applicant** must:
- (a) implement best practice air quality management on site, including all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions generated by the project, including those generated by spontaneous combustion;
 - (b) **maintain the site in a condition which minimises the emission of air pollution (including dust) from the premises;**
 - (c) operate a comprehensive air quality management system on site that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of **this consent**;
 - (d) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see noted in **condition 22**);
 - (e) minimise surface disturbance on the site;
 - (f) co-ordinate the air quality management on site with the air quality management of nearby mines (including Integra Underground, Ashton, **Rix's Creek South** and the Mount Owen Complex) to minimise cumulative air quality impacts; and
 - (g) **ensure all plant and equipment installed at the site or used in connection with the project is**
 - **maintained in a proper and efficient condition; and**
 - **operated in a proper and efficient manner,**to the satisfaction of the Secretary.

Air Quality & Greenhouse Gas Management Plan

27. The **Applicant** must prepare an Air Quality & Greenhouse Gas Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) **deleted**
 - (b) describe the measures that would be implemented to ensure:
 - compliance with the air quality criteria and operating conditions of **this consent**;
 - best practice air quality management is being employed; and
 - **Scope 1 and Scope 2 greenhouse gas emissions are minimised**
 - (c) describe the air quality management system in detail;
 - (d) include an air quality monitoring program that:
 - uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the project;
 - includes a protocol for determining any exceedances of the relevant conditions of **this consent**;
 - adequately supports the proactive and reactive air quality management system;
 - includes PM_{2.5} monitoring (although this obligation could be satisfied by the regional air quality monitoring network if sufficient justification is provided);
 - evaluates and reports on the effectiveness of the air quality management system and the best practice air quality management measures;
 - (e) include a protocol that has been prepared in consultation with the owners of nearby mines (including Integra Underground, Ashton, **Rix's Creek South** and the Mount Owen Complex) to minimise the cumulative air quality impacts of the mines;
 - (f) **include a monitoring and evaluation process that details:**

- monitoring methods, including location frequency and duration of monitoring;
 - triggers for the implementation of reactive management strategies which are clearly articulated, and auditable;
 - methods for documenting the implementation of proactive and reactive mitigation measures; and
 - monitoring and reporting greenhouse gas emissions and performance evaluation; and
- (g) include a process to review the Plan; to the satisfaction of the Secretary.

The Applicant must implement the management plan as approved by the Secretary.

Note: With the introduction of the EPA's Climate Change Policy and Climate Change Action Plan, the Applicant will be required to prepare and implement a Greenhouse Gas Mitigation Plan and a Climate Change Adaptation Plan in accordance with requirements provided by the EPA. On implementation, these plans could be referenced to meet the requirements of this condition in relation to greenhouse gas emissions.

METEOROLOGICAL MONITORING

28. For the life of the project, the Applicant must ensure that there is a meteorological station in the vicinity of the site that:
- (a) complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
 - (b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Industrial Noise Policy* or as otherwise approved by the EPA.

SOIL & WATER

Water Supply

29. The Applicant must obtain all necessary water licences for the project under the *Water Act 1912* or the *Water Management Act 2000*.
30. The Applicant must 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 Secretary.

Baseflow Offsets

31. The Applicant must offset the loss of any baseflow to the surrounding watercourses and/or associated creeks caused by the project to the satisfaction of the Secretary.

Notes:

- This condition does not apply in the case of losses of baseflow which are negligible.
- Offsets should be provided via the retirement of adequate water entitlements to account for the loss attributable to the project.
- The Applicant is not required to provide additional baseflow offsets where such offsets have already been provided under previous consents or approvals for the project. These existing offsets are to be described and evaluated in the *Surface and Ground Water Response Plan* (see below).

Compensatory Water Supply

32. The Applicant must provide compensatory water supply to any landowner of privately-owned land whose water entitlements are impacted (other than an impact that is negligible) as a result of the project, in consultation with the Water Group, and to the satisfaction of the Secretary.

The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the project. Equivalent water supply must be provided (at least on an interim basis) as soon as practicable after the loss being identified.

If the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide alternative compensation to the satisfaction of the Secretary.

Surface Water Discharges

33. The **Applicant** must ensure that all surface water discharges from the site comply with the:
- discharge limits (both volume and quality) set for the project in any EPL; or
 - relevant provisions of the POEO Act or *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

Glennies Creek and Station Creek Alluvial Aquifers

34. The **Applicant** must not undertake any open cut mining operations within 150 metres of the Glennies Creek alluvial aquifer or Station Creek alluvial aquifer without the prior written approval of the Secretary. In seeking **this consent**, the **Applicant** must consult with **the Water Group** and demonstrate to the satisfaction of the Secretary that adequate safeguards have been incorporated into the Surface and Groundwater Response Plan (see below) to minimise, prevent and/or adequately offset groundwater leakage from the alluvial aquifers.

*Notes: The alluvial aquifers and 150 metre buffer zones are shown conceptually on the figure in Appendix 6. This condition does not restrict the **Applicant's** right to construct and use water management works, access tracks, environmental bunds, remediation works and other similar works.*

Water Management Performance Measures

35. The **Applicant** must comply with the performance measures in Table 13 to the satisfaction of the Secretary.

Table 13: Water management performance measures

Feature	Performance Measure
Water management – General	<ul style="list-style-type: none"> Maximise water sharing with the other mines in the region Minimise the use of clean water on site Minimise the need for supplementary water from external supplies
Glennies Creek and Station Creek alluvial aquifers	<ul style="list-style-type: none"> Negligible environmental consequences to the alluvial aquifer beyond those predicted in the documents referred to in conditions 2 and 3 of Schedule 2, including: <ul style="list-style-type: none"> negligible change in groundwater levels; negligible change in groundwater quality; and negligible impact to other groundwater users
Construction and operation of infrastructure	<ul style="list-style-type: none"> Design, install and maintain erosion and sediment controls generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1</i>, <i>Volume 2A – Installation of Services</i> and <i>Volume 2C – Unsealed Roads</i> Design, install and maintain all new infrastructure within 40 m of watercourses generally in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land (DPI 2007)</i>, or its latest version Design, install and maintain creek crossings generally in accordance with the <i>Policy and Guidelines for Fish Friendly Waterway Crossings</i> (NSW Fisheries, 2003) and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings</i> (NSW Fisheries 2003), or their latest versions
Mine sediment dams	<ul style="list-style-type: none"> Design, install and maintain the dams generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> and <i>Volume 2E Mines and Quarries</i> Design, install and maintain dams to capture site runoff and minimise any sediment and salt loads from entering nearby watercourses

Feature	Performance Measure
Clean water diversion & storage infrastructure	<ul style="list-style-type: none"> Design, install and maintain the clean water system to capture and convey the 100 year ARI flood Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site
Mine water storages	<ul style="list-style-type: none"> Design, install and maintain mine water storage infrastructure to store a 100 year ARI 72 hour storm event Design, install and maintain on-site storages (including tailings dams, mine infrastructure dams, groundwater storage and treatment dams) to ensure they are suitably lined to minimise permeability Ensure adequate freeboard within all pit voids to minimise the risk of discharge to surface waters
Tailings storage	<ul style="list-style-type: none"> Design and maintain tailings storage areas to encapsulate and prevent the movement of tailings seepage/leachate offsite
Overburden emplacement	<ul style="list-style-type: none"> Design, install and maintain emplacements to encapsulate and prevent migration of tailings, acid forming and potentially acid forming materials, and saline and sodic material Design, install and maintain emplacements to prevent and/or manage long term saline groundwater seepage
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards
Aquatic and riparian ecosystems	<ul style="list-style-type: none"> Maintain or improve baseline channel stability Develop site-specific in-stream water quality objectives in accordance with ANZECC 2000 and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> procedures (DECC 2006), or its latest version

Water Management Plan

36. The **Applicant** must prepare a Water Management Plan for the project to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with **CPHR**, EPA, **the Resources Regulator** and Council, and be endorsed by **the Water Group** and then submitted to the Secretary for approval;
 - include detailed performance criteria and describe measures to ensure that the **Applicant** complies with the Water Management Performance Measures (see Table 13);
 - include a Site Water Balance, which must:
 - include details of:
 - sources and security of water supply;
 - water use on site;
 - water management on site; and
 - any off-site water transfers, and
 - describe what measures would be implemented to minimise clean water use on site;
 - include an Erosion and Sediment Control Plan, which must:
 - identify activities that could cause soil erosion and generate sediment;
 - describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk;
 - describe the location, function and capacity of erosion and sediment control structures and flood management structures; and
 - describe what measures would be implemented to maintain the structures over time;
 - include a Surface Water Management Plan, which must include:
 - detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the project;
 - surface water and stream health impact assessment criteria including trigger levels for investigating any potentially adverse surface water impacts from the project (for existing creeks and reinstated/rehabilitated creeks);
 - a program to monitor and assess:

- surface water flows and quality;
 - impacts on water users;
 - stream health; and
 - channel stability.
- (f) Include a Groundwater Management Plan, which must include:
- detailed baseline data of groundwater levels, yield and quality in the region, particularly for privately-owned groundwater bores that could be affected by the project;
 - groundwater impact assessment criteria including trigger levels for investigating any potentially adverse groundwater water impacts; and
 - a program to monitor and assess:
 - groundwater inflows to the mining operations;
 - impacts on regional aquifers;
 - impacts on the groundwater supply of potentially affected landowners;
 - impacts on the Glennies Creek and Station Creek; and
 - impacts on groundwater dependent ecosystems and riparian vegetation;
- (g) a Surface and Groundwater Response Plan, which must include:
- a response protocol for any exceedances of the surface water and groundwater assessment criteria, including provisions for independent investigation by a suitable qualified hydrogeologist whose appointment has been approved by the Secretary;
 - measures to offset the loss of any baseflow to watercourses caused by the project;
 - measures to compensate landowners of privately-owned land whose water supply is adversely affected by the project; and
 - measures to mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

The **Applicant** must implement the **management plan as approved** by the Secretary.

BIODIVERSITY

Biodiversity Offset

37. The **Applicant** must implement the biodiversity offset strategy summarised in Table 14, described in the open cut and underground project EAs (as amended by EA Mod 4), and shown conceptually in the figures in Appendix 8 to the satisfaction of the Secretary.

Table 14: Biodiversity offset strategy

Area	Offset Type	Minimum Size (hectares)
Northern Biodiversity Offset Area	Existing vegetation to be enhanced and restored to re-establish functioning ecosystems, and additional vegetation to be established, including regeneration of a minimum of 87 hectares of Derived Grassland/Native Pasture to vegetation communities representative of the Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC.	88
Southern Biodiversity Offset Area		30
Bridgeman Biodiversity Offset Area		86
Martins Creek Biodiversity Offset Area		194
Appletree Flat Biodiversity Offset Area	Existing vegetation to be enhanced and restored to re-establish functioning ecosystems.	216
TOTAL		614

38. The biodiversity offset strategy must:
- (a) ensure provision of at least 140 hectares of Narrow-leafed Ironbark-Spotted Gum-Forest Red Gum Forest (or a suitable equivalent) to further offset the impact of the open cut project;
 - (b) include an additional 6 hectares of Central Hunter Swamp Oak Forest (or a suitable equivalent) to offset the impacts from Integra Underground on the Glendell Biodiversity Offset Area; and
 - (c) include an offer to transfer the Appletree Flat Biodiversity Offset Area to **CPHR** for long term conservation purposes. This offer must include sufficient funding for the ongoing management of the Appletree Flat Biodiversity Offset Area to the satisfaction of the Secretary.

Long Term Security of Offsets

39. By 31 October 2016, or as otherwise agreed by the Secretary, the **Applicant** must make suitable arrangements to provide appropriate long term security for all the areas in the biodiversity offset strategy to the satisfaction of the Secretary.

Biodiversity Management Plan

40. The **Applicant** must prepare a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with **CPHR** and then submitted to the Secretary for approval;
 - describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site;
 - include:
 - a description of the short, medium, and long term measures that would be implemented to:
 - implement the biodiversity offset strategy; and
 - manage the remnant vegetation and habitat, both on site and in the biodiversity offset areas;
 - detailed performance and completion criteria for the implementation of the biodiversity offset strategy;
 - a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:
 - enhancing the quality of existing vegetation and fauna habitat in the biodiversity offset areas with ecological functions that are comparable with similar, undisturbed ecosystems;
 - restoring native vegetation and fauna habitat in the biodiversity offset areas through focusing on assisted natural regeneration;
 - targeting vegetation establishment including a program for active revegetation of 87.2 ha of Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC on the site and the timeframe in which this will be achieved;
 - introducing naturally scarce elements of fauna habitat (where practicable);
 - acquiring quantitative baseline data for existing ecosystems in the Appletree Flat Biodiversity Offset Area and on the site, including the Northern, Southern, Bridgeman and Martins Creek Biodiversity Offset areas – these must include habitat, flora and fauna baseline data;
 - maximising salvage and beneficial use of resources in areas that are to be impacted, including vegetative, soil and cultural heritage resources;
 - protecting vegetation and soil outside the areas that are to be impacted;
 - managing salinity;
 - conserving and reusing topsoil;
 - undertaking pre-clearance surveys;
 - managing impacts on fauna;
 - landscaping the site to minimise visual impacts;
 - collecting and propagating seed;
 - salvaging and reusing material from the site for habitat enhancement;
 - controlling weeds and feral pests, including terrestrial and aquatic species;
 - managing grazing and agriculture on site and in the biodiversity offset areas;
 - controlling access;
 - bushfire management; and
 - managing potential conflicts between the biodiversity offset areas and Aboriginal cultural heritage values;
 - a description of the potential risks to the successful implementation of the biodiversity offset strategy, and a description of the contingency measures that would be implemented to mitigate these risks;
 - a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria; and
 - details of who would be responsible for monitoring, reviewing, and implementing the plan.

The **Applicant** must implement the **management plan as approved** by the Secretary.

41. The **Applicant** must commission a suitably qualified, experienced and independent person approved by the Secretary to conduct an audit by 31 December 2020, and a second audit 5 years thereafter, of all biodiversity areas subject to regeneration, restoration and/or protection as Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC, as referred to in condition 37. A report on each audit is to be submitted to the Secretary within 6 months of completing the audit for approval.

Each report must, for each area of Derived Grassland/Native Pasture proposed for regeneration and restoration as Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC and for each existing area of Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC:

CONSOLIDATED CONSENT

- (a) report all relevant baseline data (as at the date of project approval) concerning flora and fauna, ecosystem condition and ecosystem function;
- (b) report all relevant current data (as at the time of the audit) concerning flora and fauna, ecosystem condition and ecosystem function;
- (c) provide a scientifically-valid comparison of the baseline data with the current data;
- (d) provide a scientifically-valid comparison of the current data with the data from the first audit and including the baseline data (in the case of the second audit);
- (e) report on any works and/or other disturbance that has taken place in the areas since project approval;
- (f) describe the management measures undertaken to regenerate and/or restore the areas, including the dates and/or periods during which those measures were implemented;
- (g) evaluate the effectiveness of the management measures undertaken; and
- (h) recommend any additional management measures to regenerate, restore and/or protect the EEC and provide a schedule for their implementation.

Conservation Bond

42. Within 6 months of the approval of the Biodiversity Management Plan (see above), the Applicant must lodge a conservation bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan.

The sum of the bond must be determined by:

- (a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and
- (b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Secretary.

The calculation of the conservation bond must be submitted to the Department for approval at least 1 month prior to lodgement of the final bond.

If the biodiversity offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond. If the biodiversity offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will call in all or part of the conservation bond and arrange for the satisfactory completion of the relevant works.

Notes:

- *Alternative funding arrangements for long term management of the biodiversity offset strategy, such as provision of capital and management funding as agreed by CPHR as part of a Biobanking Agreement or transfer to conservation reserve estate (or any other mechanism agreed with CPHR) can be used to reduce the liability of the conservation bond.*
- *The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy or the completion of major milestones within the approved plan.*

Targeted Survey

- 42A. Prior to the commencement of any exploration drilling activities within the area identified as the 'area not to be disturbed' in Appendix 3, the Applicant must:

- a) conduct a targeted survey for *Diuris tricolor* during its known flowering time (mid-September to mid-October) within the area of disturbance of each proposed borehole, in consultation with CPHR;
- b) prepare a report, to the satisfaction of the Secretary, detailing:
 - the results of the survey;
 - whether the proposed exploration activities would harm *Diuris tricolor*;
 - what measures would be implemented to avoid impacts on *Diuris tricolor* and other threatened species, populations or their habitats; and
 - suitable offset arrangements in accordance with the *NSW Biodiversity Offsets Policy for Major Projects*, if the survey concludes that *Diuris tricolor* would be harmed by the proposed boreholes.

The Applicant must implement the findings of the report, to the satisfaction of the Secretary.

HERITAGE

Further Archaeological Investigation

43. Prior to carrying out any development in the parts of the site outlined in purple on the figure in Appendix 8, unless the Secretary agrees otherwise, the Applicant must carry out further archaeological testing and investigation within the broader area outlined in purple on the figure in Appendix 7 to the satisfaction of the Secretary.

Heritage Management Plan

44. The **Applicant** must prepare a Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with **CPHR**, the Aboriginal community, **Heritage NSW**, Council, local historical organisations and any relevant landowners;
 - (c) be submitted to the Secretary for approval;
 - (d) include the following for the management of Aboriginal cultural heritage on site:
 - recording, salvaging and/or managing all Aboriginal sites, objects and deposits that are to be destroyed within the open cut project area;
 - conserving, managing and monitoring all Aboriginal sites, objects and deposits that are to be protected within the open cut project area, including the 3 scarred trees identified within the western mining area;
 - maintaining and managing access to Aboriginal sites, objects and deposits by the Aboriginal community, including provision of an appropriate Keeping Place;
 - managing the discovery of any new Aboriginal objects or skeletal remains identified during the project; and
 - ongoing consultation and involvement of the Aboriginal community in the conservation and management of Aboriginal cultural heritage values on the site.
 - (e) include programs/ procedures for the following, in accordance with the applicable guidelines of **Heritage NSW**:
 - further historical investigation of the area outlined in purple on the figure in Appendix 7 to identify the potential archaeological resources within the area;
 - archaeological testing of the potential archaeological resources within the area outlined in purple on the figure in Appendix 7;
 - further archaeological investigation of any areas where the archaeological testing (referred to above) identifies significant archaeological deposits;
 - archaeological excavation of the known grave on site, identified as the James Halliday Glennie grave site;
 - detailed archival recording of the Dulwich property if it is to be mined, or the preparation of a detailed conservation management plan for the Dulwich property if it is not to be mined (subject to the agreement of the landowner);
 - archival recording of any other heritage items to be destroyed by the project;
 - conserving, managing, monitoring, and where appropriate, relocating any non-Aboriginal sites, objects and deposits on the site;
 - interpreting the findings of the additional heritage or archaeological investigations carried out on the site; and
 - managing the discovery of any new non-Aboriginal objects or skeletal remains identified during the project.

The **Applicant** must implement the **management plan as approved** by the Secretary.

TRANSPORT

Monitoring of Coal Transport

45. The **Applicant** must:
- (a) keep accurate records of:
 - amount of coal transported from the site (on a monthly basis);
 - the date and time of each train movement from the site; and
 - (b) make these records publicly available on its website at the end of each calendar year.

VISUAL

Visual Amenity and Lighting

46. The **Applicant** must:
- (a) **minimise** visual and off-site lighting impacts of the project;
 - (b) ensure no unshielded outdoor lights shine above the horizontal; and
 - (c) ensure that all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting*, or its latest version, to the satisfaction of the Secretary.

Additional Visual Mitigation Measures

47. Upon receiving a written request from the owner of any residence on privately-owned land which has significant direct views of the open cut mining operations on site, the Applicant must implement additional visual mitigation measures (such as landscaping treatments or vegetation screens) on the land in consultation with the landowner. These measures must be reasonable and feasible, and directed towards minimising the visibility of the mining operations from the residence.

If within 3 months of receiving this request from the 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 Secretary for resolution.

WASTE

48. The Applicant must:
- (a) minimise and monitor the waste generated by the project; and
 - (b) ensure that the waste generated by the project is appropriately stored, handled, and disposed of;
 - (c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and
 - (d) report on waste management and minimisation in the annual review, to the satisfaction of the Secretary.
- 48A The Applicant must ensure that waste tyres generated by the project are appropriately stored, handled and disposed of, and beneficial reuse/ recycling options implemented in accordance with any requirements of an EPL.

BUSHFIRE MANAGEMENT

49. The Applicant must:
- (a) ensure that the project is suitably equipped to respond to fires on site; and
 - (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the site.

EXPLORATION ACTIVITIES

Exploration Activities Management Plan

- 49A. Within three months of the determination of MOD 9, or other timing as agreed by the Secretary, the Applicant must prepare an Exploration Activities Management Plan for the project to the satisfaction of the Secretary. This Plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with CPHR and Heritage NSW;
 - (c) include a description of the measures to be implemented for:
 - (i) managing exploration activities associated with mining operations under this consent;
 - (ii) consulting with and compensating affected landowners;
 - (iii) assessing noise, air quality, traffic, biodiversity, heritage, public safety and other impacts;
 - (iv) avoiding (where possible), or minimising environmental impacts;
 - (v) avoiding (where possible), or minimising impacts on threatened species, populations or their habitats and EECs, including any measures required condition 42A of Schedule 3;
 - (vi) minimising clearance and disturbance of native vegetation;
 - (vii) minimising and managing erosion and sedimentation; and
 - (viii) rehabilitating disturbed areas.
- 49B. The Applicant must not carry out exploration activities associated with the mining operations under this consent that cause temporary surface disturbance, except where authorised under the Mod 7 exploration drilling program shown in Appendix 3A, until the Exploration Activities Management Plan is approved by the Secretary.
- 49C. The Applicant must implement the Exploration Activities Management Plan as approved by the Secretary.

REHABILITATION

Rehabilitation Objectives

- 50 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 document/s listed in condition A2(c) and shown in Appendix 8 and must comply with the objectives in Table 15.

Table 15: Rehabilitation objectives

Area/Domain	Rehabilitation Objectives
Site (as a whole)	<ul style="list-style-type: none"> • Safe, stable & non-polluting • Final landforms designed to incorporate micro-relief and integrate with surrounding natural landforms • Constructed landforms maximise surface water drainage to the natural environment (excluding final void catchments) • Minimise long term groundwater seepage zones • Minimise visual impact of final landforms as far as is reasonable and feasible
Final voids	<ul style="list-style-type: none"> • Safe, stable & non-polluting • Minimise the size and depth of the final void as far as is reasonable and feasible • Minimise the drainage catchment of the final void as far as is reasonable and feasible • Minimise the risk of flood interaction for all flood events up to and including the Probable Maximum Flood • Negligible high wall instability risk
Surface infrastructure	To be decommissioned and removed, unless the Resources Regulator agrees otherwise
Historic underground workings	Safe, stable & non-polluting
Other land affected by the project	Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprised of: <ul style="list-style-type: none"> • local native plant species (unless the Resources Regulator agrees otherwise); and • a landform consistent with the surrounding environment
Community	<ul style="list-style-type: none"> • Ensure public safety • Minimise the adverse socio-economic effects associated with mine closure

Note: The rehabilitation objectives detailed in Table 15 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 under previous consents or prior to the approval of MOD 6.

Progressive Rehabilitation

51. The Applicant must carry out rehabilitation of the site progressively, that is, as soon as reasonably practicable following the disturbance.

Rehabilitation Strategy

- 51A The Applicant must prepare a Rehabilitation Strategy for all land disturbed by the development to the satisfaction of the Planning Secretary. This strategy must:

- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- be prepared in consultation with the Resources Regulator and Council;
- build upon the Rehabilitation Objectives in Table 15, 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;
- align with strategic rehabilitation and mine closure objectives and address the principles of the Strategic Framework for Mine Closure (ANZMEC and MCA, 2000);
- describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition 40;
- describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure;

CONSOLIDATED CONSENT

- (g) include indicative mine plans and scheduling for life-of-mine rehabilitation showing each rehabilitation domain;
- (h) include details of target vegetation communities and species to be established within the proposed revegetation areas;
- (i) investigate opportunities to refine and improve the final landform and final void outcomes over time;
- (j) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including the final void), that:
 - (i) align with regional and local strategic land use planning objectives and outcomes;
 - (ii) support a sustainable future for the local community;
 - (iii) utilise existing mining infrastructure, where practicable; and
 - (iv) avoid disturbing self-sustaining native ecosystems, where practicable;
- (k) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes;
- (l) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and
- (m) include a program to periodically review and update this strategy at least every three years.

51B The Rehabilitation Strategy may be combined with Rix's Creek South Rehabilitation Strategy.

51C The Applicant must submit the Rehabilitation Strategy to the Planning Secretary for approval within 12 months of the approval of MOD 10, or other timeframe agreed by the Planning Secretary.

51D The Applicant must implement the Rehabilitation Strategy approved by the Planning Secretary.

Rehabilitation Management Plan

52. Deleted.

53 Within 12 months of the completion of any exploration drilling works within the area identified as the 'area not to be disturbed' in Appendix 3, the Applicant must plant 2 trees for every established tree removed during exploration drilling. The replacement trees must be of like-for-like species, planted in the same area from which they were removed, and be maintained until established.

Note: An established tree is considered to be two metres or greater in height.

54 Rehabilitation of all areas disturbed by exploration drilling is to be undertaken in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*.

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. By the end of December 2010, the **Applicant** must:
 - (a) notify in writing the owners of:
 - the land listed in Table 1 of Schedule 3 that they have the right to require the **Applicant** to acquire their land at certain stages during the project;
 - any residence on the land listed in Table 1, for which the acquisition basis is noise, or Table 6 of Schedule 3 that they are entitled to ask for additional noise mitigation to be installed at their residence at certain stages during the project;
 - any residence on the land listed in Table 1, for which the acquisition basis is air quality, or Table 12 of Schedule 3 that they are entitled to ask for additional air quality mitigation measures to be installed at their residence at certain stages of the project; and
 - any privately-owned land within 2 kilometres of any approved open cut mining pit on site that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; and
 - (b) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the open cut project EAs identify that dust emissions from the project are likely to be greater than the relevant air quality criteria in Schedule 3 at any time during the life of the project.

Within 2 months of any modification to the conditions of this consent that leads to new land being added to Table 1 of Schedule 3, the **Applicant** must notify the owners of the new land added to Table 1 in accordance with the requirements of paragraph (a) above.

2. Prior to entering into any tenancy agreement for any land owned by the **Applicant** that is predicted to experience exceedances of the relevant noise criteria or dust criteria in Schedule 3, the **Applicant** must:
 - (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and
 - (b) advise the prospective tenants of the rights they would have under **this consent**, to the satisfaction of the Secretary.
3. As soon as practicable after obtaining monitoring results showing:
 - (a) an exceedance of any relevant criteria in Schedule 3, the **Applicant** must notify the affected landowner and/or tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the project is again complying with the relevant criteria; **and**
 - (b) **Deleted**
 - (c) an exceedance of any relevant criteria in condition 22 of Schedule 3, the **Applicant** must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).

INDEPENDENT REVIEW

4. If an owner of privately-owned land considers the project to be exceeding the relevant criteria in Schedule 3, then he/she may ask the Secretary in writing for an independent review of the impact of the project on his/her land.

If the Secretary is not satisfied that an independent review is warranted, the Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 60 days of the request for a review.

If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the **Applicant** must:

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:
 - consult with the landowner to determine his/her concerns;
 - conduct monitoring to determine whether the project is complying with the relevant criteria in Schedule 3; and
 - if the project is not complying with these criteria then:
 - determine if more than one mine is responsible for the exceedance, and if so the relative share of each mine towards the impact on the land;

- identify the measures that could be implemented to ensure compliance with the relevant criteria; and
 - (b) give the Secretary and landowner a copy of the independent review.
- 5. If the independent review determines that the project is complying with the relevant criteria in Schedule 3, then the **Applicant** may discontinue the independent review with the approval of the Secretary.

If the independent review determines that the project is not complying with the relevant criteria in Schedule 3, and that the project is primarily responsible for this non-compliance, then the **Applicant** must:

 - (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until there is compliance with the relevant criteria; or
 - (b) secure a written agreement with the landowner to allow the exceedances of the relevant criteria, to the satisfaction of the Secretary.

If the independent review determines that the project is not complying with the relevant acquisition criteria in Schedule 3, and that the project is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the **Applicant** must acquire all or part of the landowner's land in accordance with the procedures in conditions 8 to 9 below.
- 6. 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 exceedance, then together with the relevant mine/s the **Applicant** must:
 - (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until there is compliance with the relevant criteria; or
 - (b) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Secretary.

If the independent review determines that relevant acquisition criteria in Schedule 3 are being exceeded, but that more than one mine is responsible for the exceedance, then upon receiving a written request from the landowner, the **Applicant** must acquire all or part of the landowner's land on as equitable a basis as possible with the relevant mine/s in accordance with the procedures in conditions 7 to 8 below.

LAND ACQUISITION

- 7. Within 3 months of receiving a written request from a landowner with acquisition rights, the **Applicant** must make a binding written offer to the landowner based on:
 - (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the project, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - presence of improvements on the land and/or any approved building or structure which has been physically commenced on the land at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of any additional mitigation measures required under conditions 6 or 24 of Schedule 3;
 - (b) the reasonable costs associated with:
 - relocating within the Singleton or Muswellbrook local government areas, or to any other local government area determined by the Secretary; and
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
 - (c) reasonable compensation for any disturbance caused by the land acquisition process.

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

Upon receiving such a request, the Secretary will request the President of the NSW Division of the Australian Property Institute (the API) to appoint a qualified independent valuer to:

- consider submissions from both parties;
- determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;
- prepare a detailed report setting out the reasons for any determination; and
- provide a copy of the report to both parties.

CONSOLIDATED CONSENT

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

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report disputing the independent valuer's determination, and any other relevant submissions.

Within 14 days of this determination, the **Applicant** must make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.

If the landowner refuses to accept the **Applicant's** binding written offer under this condition within 6 months of the offer being made, then the **Applicant's** obligations to acquire the land **must** cease, unless the Secretary determines otherwise.

8. The **Applicant** must pay all reasonable costs associated with the land acquisition process described above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.
-

SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. If the Secretary requires, the **Applicant** must prepare an Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy must:
 - (a) be submitted to the Secretary for approval;
 - (b) provide the strategic framework for the 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; and
 - (f) include:
 - copies of any strategies, plans and programs approved under the conditions of **this consent**; and
 - a clear plan depicting all the monitoring required to be carried out under the conditions of **this consent**.

The **Applicant** must implement the approved strategy as approved from time to time by the 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; and
 - 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; and
 - 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 improve the environmental performance of the project over time;
 - (g) a program to regularly review management practices to align with contemporary best practice industry standards;
 - (h) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with the conditions of **this consent** and statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (i) a protocol for periodic review of the plan.

Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

CONSOLIDATED CONSENT

Preparation of Management Plans

3. Prior to approval of management plans required under Schedule 3, all existing management plans, monitoring programs, strategies, programs, protocols, etc approved as at the date of approval of Modification 6 shall continue to have full force and effect, and may be revised under the requirements of condition 5 below as if subject to the conditions of **this consent** that applied prior to the approval of Modification 6, or otherwise with the approval of the Secretary.

Relationships between Management Plans

4. With the agreement of the Secretary, the **Applicant** may combine any strategy, plan or program required by **this consent** with any similar strategy, plan or program required for **Rix's Creek South**.

Revision of Strategies, Plans & Programs

5. Within 3 months of:
 - (a) the submission of an incident report under condition 8 below;
 - (b) the submission of an annual review under condition 10 below;
 - (c) the submission of an audit report under condition 11 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 Secretary. **The Applicant must notify the Department in writing of any such review being undertaken. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the 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.

Updating & Staging Submissions of Strategies, Plans or Programs

6. The **Applicant** must regularly review the strategies, plans and programs required under **this consent** and ensure that these documents are updated to incorporate measures to improve the environmental performance of the project and reflect current best practice in the mining industry. To facilitate these updates, the **Applicant** may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the **Applicant** may also submit any strategy, plan or program required by **this consent** on a staged basis.

The Secretary may approve a revised strategy, plan or program required under this consent, or the staged submission of any of these documents, at any time. With the agreement of the Secretary, the **Applicant** may revise any strategy, plan or program approved under **this consent** without consulting with all the parties nominated under the applicable conditions of approval.

While any strategy, plan or program may be submitted on a staged basis, the Applicant will need to ensure that the operations associated with the development are covered by suitable strategies, plans or programs at all times.

If the submission of any strategy, plan or program is to be staged; then the relevant strategy, plan or program must clearly describe the specific stage/s of the development to which the strategy, plan or program applies; the relationship of this stage/s to any future stages; and the trigger for updating the strategy, plan or program.

Notes:

- While any strategy, plan or program may be submitted on a progressive basis, the **Applicant** must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and
- If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.

- 6A If the Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition of the consent.

Community Consultative Committee

7. The **Applicant** must operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Secretary. This CCC must be operated in general accordance with the **Department's Community Consultative Committee Guideline for State Significant Projects 2019 (or later version)**.

Notes:

CONSOLIDATED CONSENT

- The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the *Applicant* complies with *this consent*;
- In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the *Applicant*, Council, recognised environmental groups and the local community;
- The *Applicant* may, with the approval of the Secretary, combine the function of this CCC with the function of other CCCs in the area.

REPORTING

Incident Notification

8. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-compliance Notification

9. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name), set out the condition of *this consent* that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Annual Review

10. By the end of March each year, or other timing as may be agreed by the Secretary, the *Applicant* must submit a report to the Department reviewing the environmental performance of the project to the satisfaction of the Secretary. This review must:
 - (a) describe the works (including any rehabilitation) that were carried out during the previous calendar year, and the works that are proposed to be carried out over the current calendar year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the project over the previous calendar year, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous years; and
 - relevant predictions in the documents referred to in condition 2 of Schedule 2;
 - (c) identify any non-compliance over the previous calendar 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 current calendar year to improve the environmental performance of the project.

INDEPENDENT ENVIRONMENTAL AUDIT

11. By the end of December 2011, and every 3 years thereafter, unless the 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 Secretary;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the project and whether it is complying with the relevant requirements in *this consent* and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of any approved strategies, plans or programs required under these approvals, with particular reference to management practices to ensure that they align with contemporary best practice industry standards;
 - (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, strategy, plan or program required under the abovementioned approvals; and
 - (f) be conducted and reported to the satisfaction of the Secretary.

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

FOR INFORMATION

CONSOLIDATED CONSENT

12. Within 12 weeks of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report. The Applicant must implement these recommendations, to the satisfaction of the Secretary.

Monitoring and Environmental Audits

- 12A. 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 development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

ACCESS TO INFORMATION

13. The Applicant must:
- (a) make copies of the following publicly available on its website:
 - the documents referred to in conditions 2 and 3 of Schedule 2;
 - all current statutory approvals for the project;
 - all approved strategies, plans and programs required under the conditions of this consent;
 - the monitoring results of the project, reported in accordance with the specifications in any conditions of this consent, or any approved plans or programs;
 - a complaints register, which is to be updated on a monthly basis;
 - minutes of CCC meetings;
 - the annual reviews over the life of the project;
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
 - any other matter required by the Secretary;
 - (b) keep this information up-to-date, to the satisfaction of the Secretary.
-

CONSOLIDATED CONSENT

APPENDIX 1: SCHEDULE OF LAND

<i>Lot Number</i>	<i>Deposited Plan Number</i>	<i>Lot Number</i>	<i>Deposited Plan Number</i>
G	37613	73	752455
6	113538	74	752455
7	113538	75	752455
1	113540	76	752455
2	113540	77	752455
3	113540	78	752455
4	113540	81	752455
5	113540	86	752455
1	212284	95	752455
2	212284	98	752455
3	212284	136	752455
1	246434	13	753776
2	246434	14	753776
4	246434	70	777661
5	246434	71	777661
6	246434	1	783398
8	246434	1	802596
8	251618	2	802596
5	264089	221	809958
51	551899	1	810309
791	580967	2	810309
792	586255	1	823098
1	597205	231	829334
2	597205	233	829334
4	606344	240	829334
710	624852	2391	829334
1	628652	12	855251
2	628652	1	873260
100	633743	2	873260
1	725247	123	1067863
174	729917	7	1075078
91	752442	1	1083482
92	752442	2	1083482
93	752442	1	1111102
2	752450	2	1111102
6	752450	3	1111102
10	752450	4	1111102
119	752450	6	1111104
120	752450	2372	1171745
30	752455	221	1171746
31	752455	222	1171746
32	752455	2351	1171747
43	752455	2352	1171747
44	752455	2391	1171750
45	752455	2	1183034

Note: Lot 791 DP 580967 and Lot 710 DP 624852 have been consolidated as Lot 2 DP 1244769.

CONSOLIDATED CONSENT

APPENDIX 2: PREVIOUS EAS

Camberwell Coal Project (86/2889)

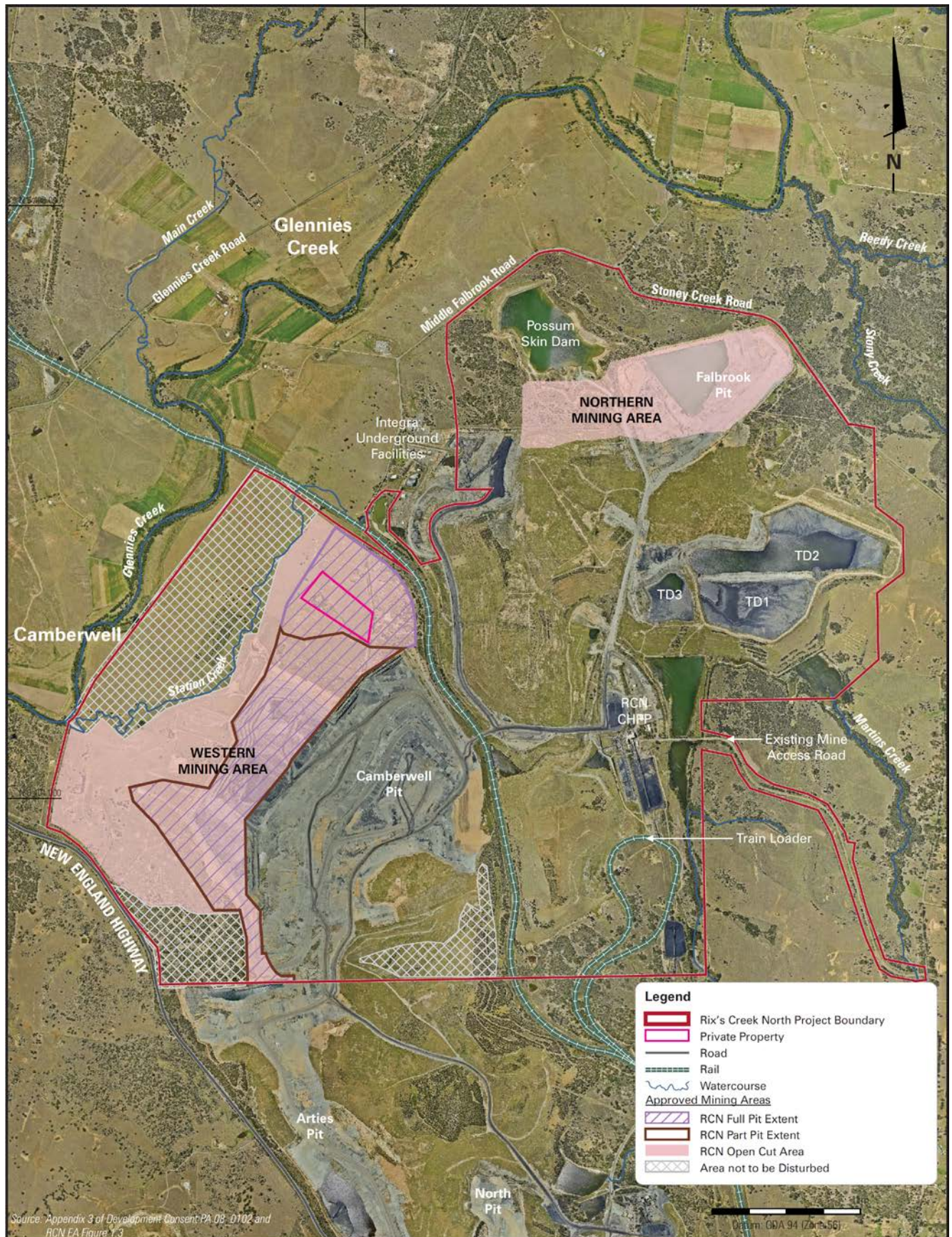
- Camberwell Coal Project, Glennies Creek - Environmental Impact Statement, dated October, 1989, as modified by the works set out in figures 1 and 2 attached to the April 1992 Notice of Amendment;
- Camberwell Coal Pty Limited to the Singleton Shire Council letter dated 21 December, 1989 advising on rail facilities;
- Letter from Camberwell Coal Pty Limited to the Singleton Shire Council, dated 29 January, 5 February, 6 February, 1990;
- Responses to letters of objection submitted to Council by Camberwell Coal Pty Limited dated 25 January, 1990;
- Responses by Camberwell Coal Pty Limited to comments submitted by government bodies, dated 5 February, 1990;
- Statement of Environmental Effects in support of a Section 96(2) application for the Camberwell Coal Mine, dated 2 July 2001, prepared by HLA-Envirosciences Pty Ltd;
- Additional information provided by PJ Murray in response to submissions received on the proposal in a letter dated 29 August 2001;
- Information provided by Camberwell coal Pty Limited accompanying the application to modify development consent received 20 November 2003;
- Statement of Environmental Effects in support of a Section 96(2) application for the Camberwell Coal Mine, dated July 2004, prepared by David Lane Associates;
- Statement of Environmental Effects Coal Handling and Preparation Plant Upgrade Camberwell Coal Mine, dated 31 March 2005, prepared by HLA Envirosciences Pty Limited;
- Statement of Environmental Effects Coal Handling and Preparation Plant Workshop, dated 31 July 2006, prepared by Camberwell Coal Pty Limited;
- Environmental Assessment for the Proposed Modification of Development Consent DA 86/2889 Integra Open Cut Increase in Annual ROM (ROM) Coal Production from 3.8Mt to 4.5Mt, dated 29 February 2008, prepared by Integra Coal Operations Pty Ltd; and
- Statement of Environmental Effects titled Relocation of Explosives Magazine Compound and Reload Facilities, dated 22 March 2010, prepared by Integra Coal Operations Pty Limited.

Glennies Creek Open Cut Coal Project (06_0073)

- Environmental Assessment titled Environmental Assessment Glennies Creek Open Cut Coal Mine, Volumes 1-3, dated October 2007, and the associated responses to submissions, titled Response to Government Agency Submissions Glennies Creek Open Cut Coal Mine, dated February 2008 and Supplementary Response to Government Agency Submissions Glennies Creek Open Cut Coal Mine, dated June 2008 prepared by RW Corkery & Co Pty Ltd.

CONSOLIDATED CONSENT

APPENDIX 3: PROJECT LAYOUT PLAN



Open Cut Project Layout

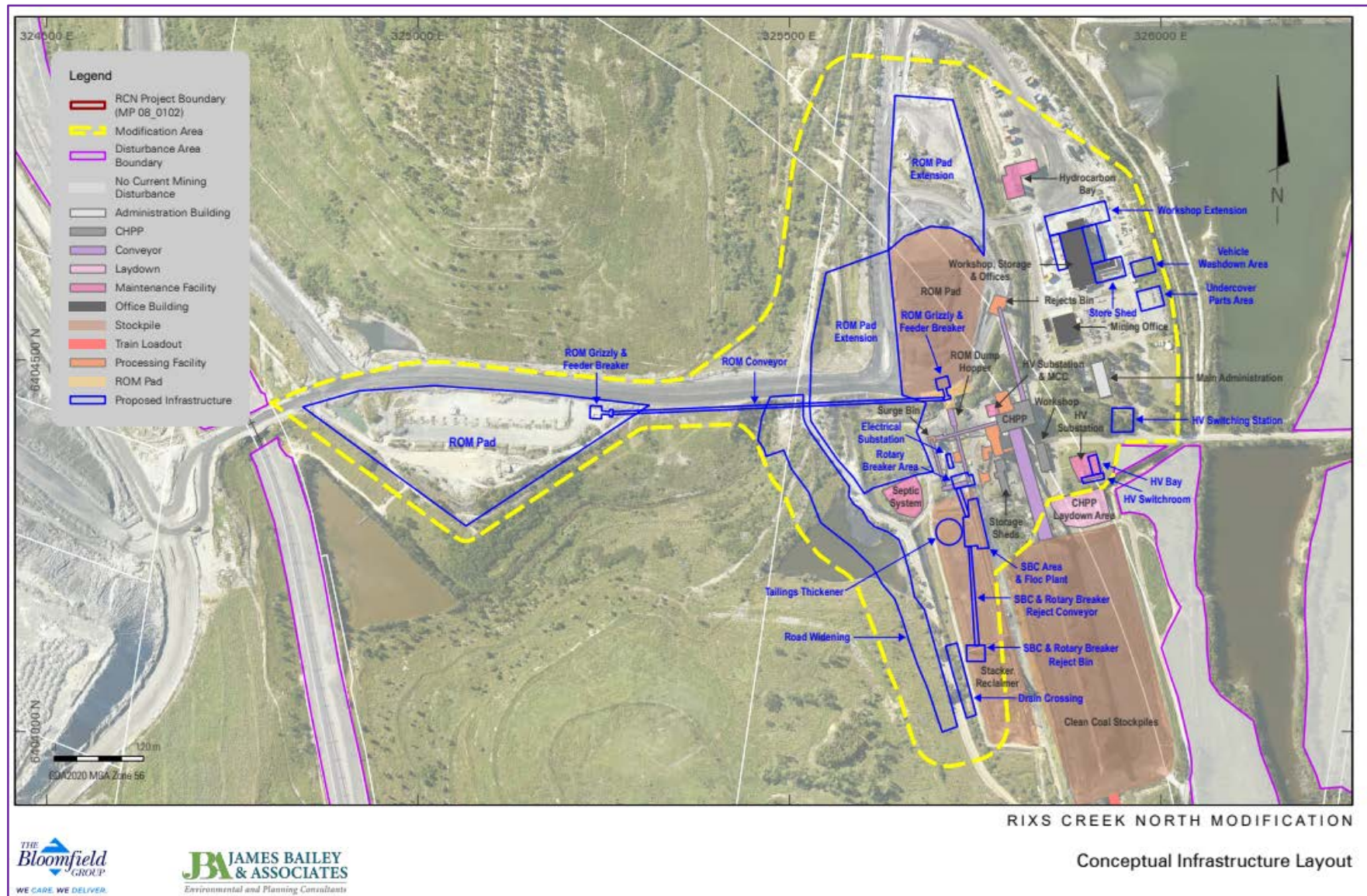
CONSOLIDATED CONSENT

APPENDIX 3A: MOD 7 EXPLORATION DRILLING PROGRAM



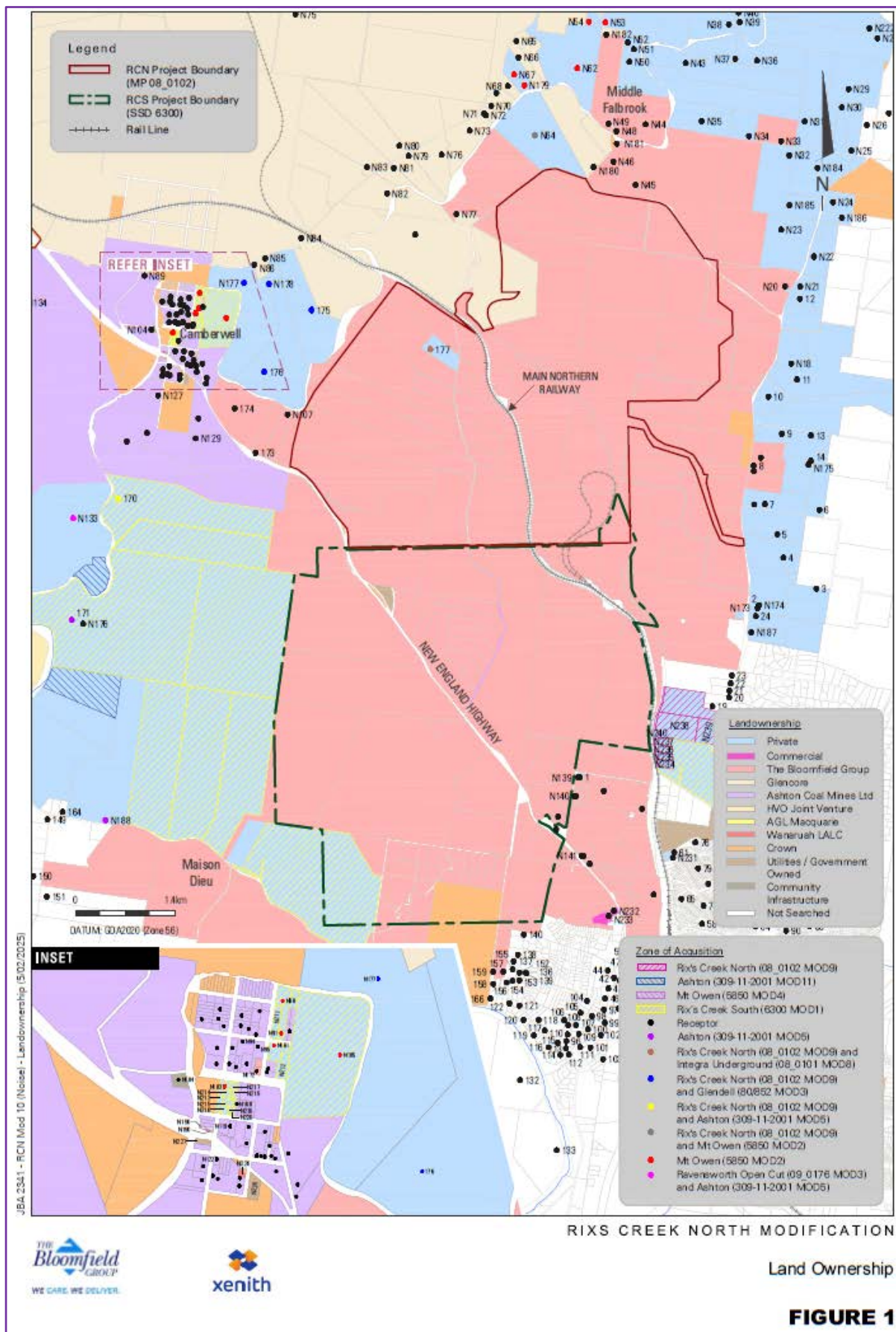
CONSOLIDATED CONSENT

APPENDIX 3B: MOD 10 CONCEPTUAL INFRASTRUCTURE LAYOUT



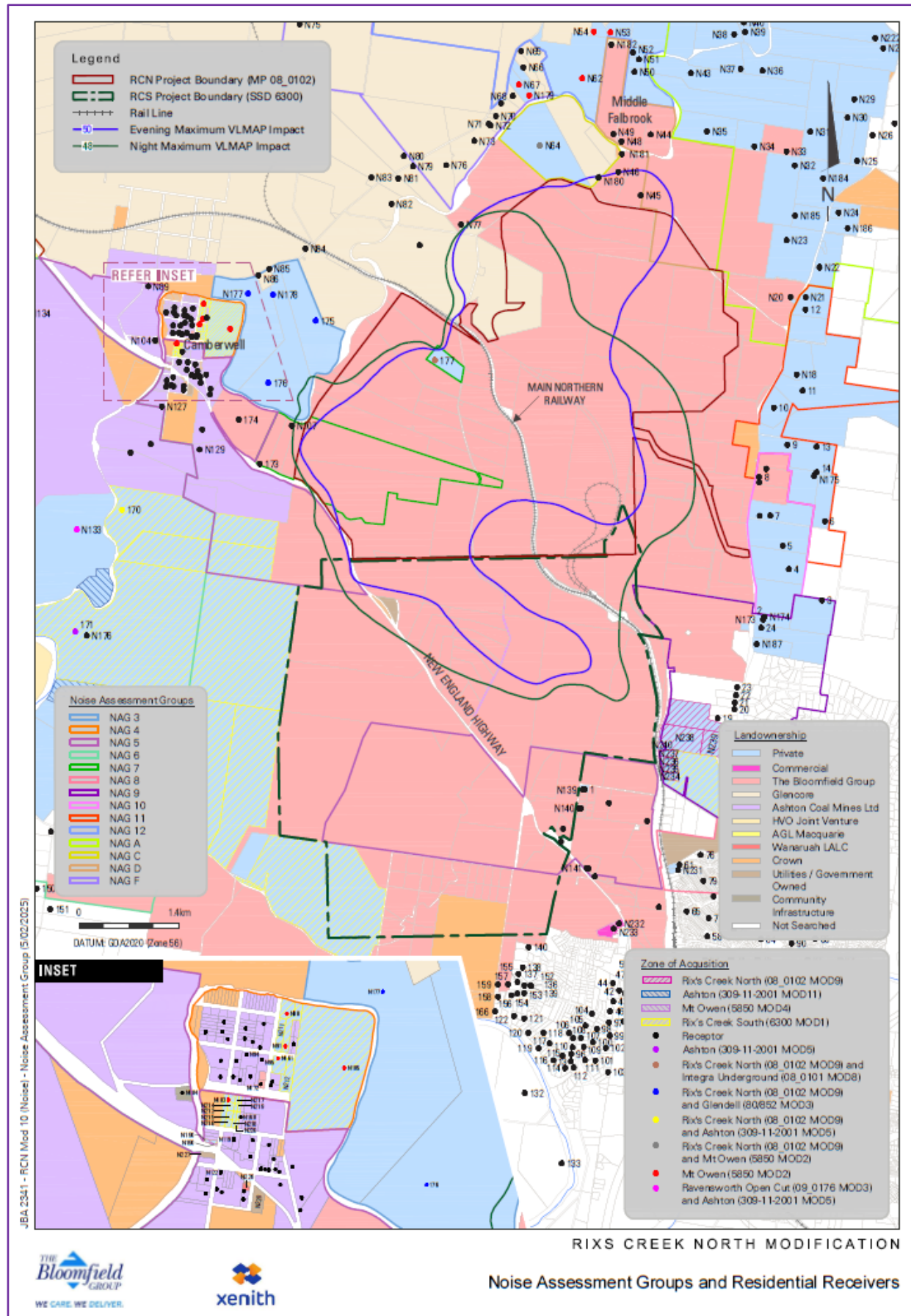
CONSOLIDATED CONSENT

APPENDIX 4: LAND OWNERSHIP & RESIDENTIAL RECEIVERS



Open Cut Project Land Ownership (at time of EA MOD 10)

CONSOLIDATED CONSENT



Noise Assessment Groups and Residential Receivers

APPENDIX 5: NOISE COMPLIANCE ASSESSMENT

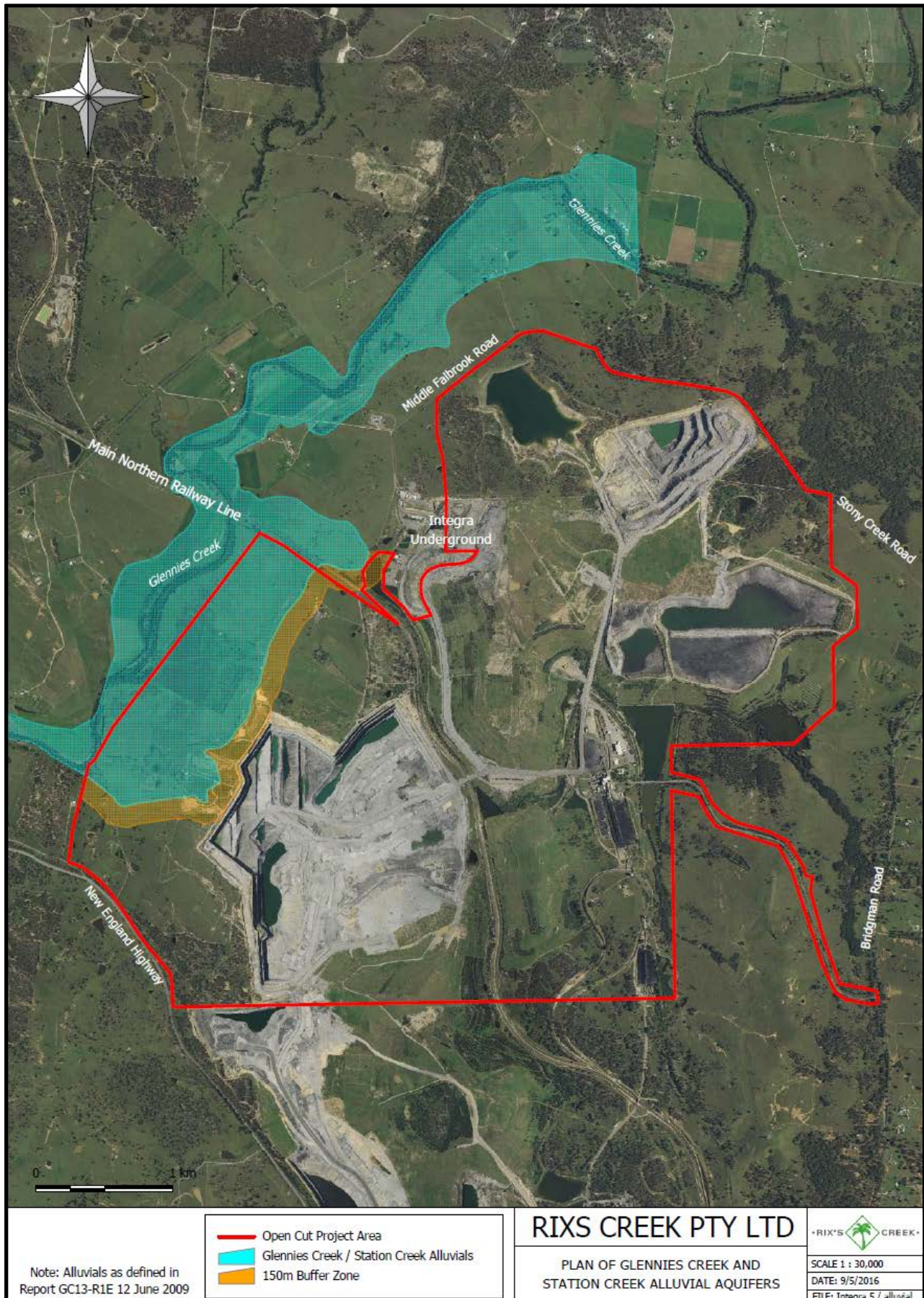
Compliance Monitoring

1. Attended monitoring is to be used to evaluate compliance with the relevant conditions of **this consent**.
2. Data collected for the purposes of determining compliance with the relevant conditions of **this consent** is to be excluded under the following meteorological conditions:
 - a) during periods of rain or hail;
 - b) average wind speed at microphone height exceeds 5 m/s;
 - c) wind speeds greater than 3 m/s measures at 10 m above ground level; and
 - d) temperature inversion conditions greater than 3°C/100m.
3. Unless otherwise agreed by the Secretary, this monitoring must be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (EPA, 2000), 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,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).
4. To the extent that there is any inconsistency between the *NSW Industrial Noise Policy* and the requirements set out in this Appendix, the Appendix prevails to the extent of the inconsistency.

Determination of Meteorological Conditions

5. Except for wind speed at microphone height, the data to be used for determining meteorological conditions **must** be that recorded by the meteorological station located on the site (as required by condition 28 of Schedule 3).

APPENDIX 6: GLENNIES CREEK AND STATION CREEK ALLUVIAL AQUIFERS



APPENDIX 7: AREA FOR FURTHER ARCHAEOLOGICAL INVESTIGATION

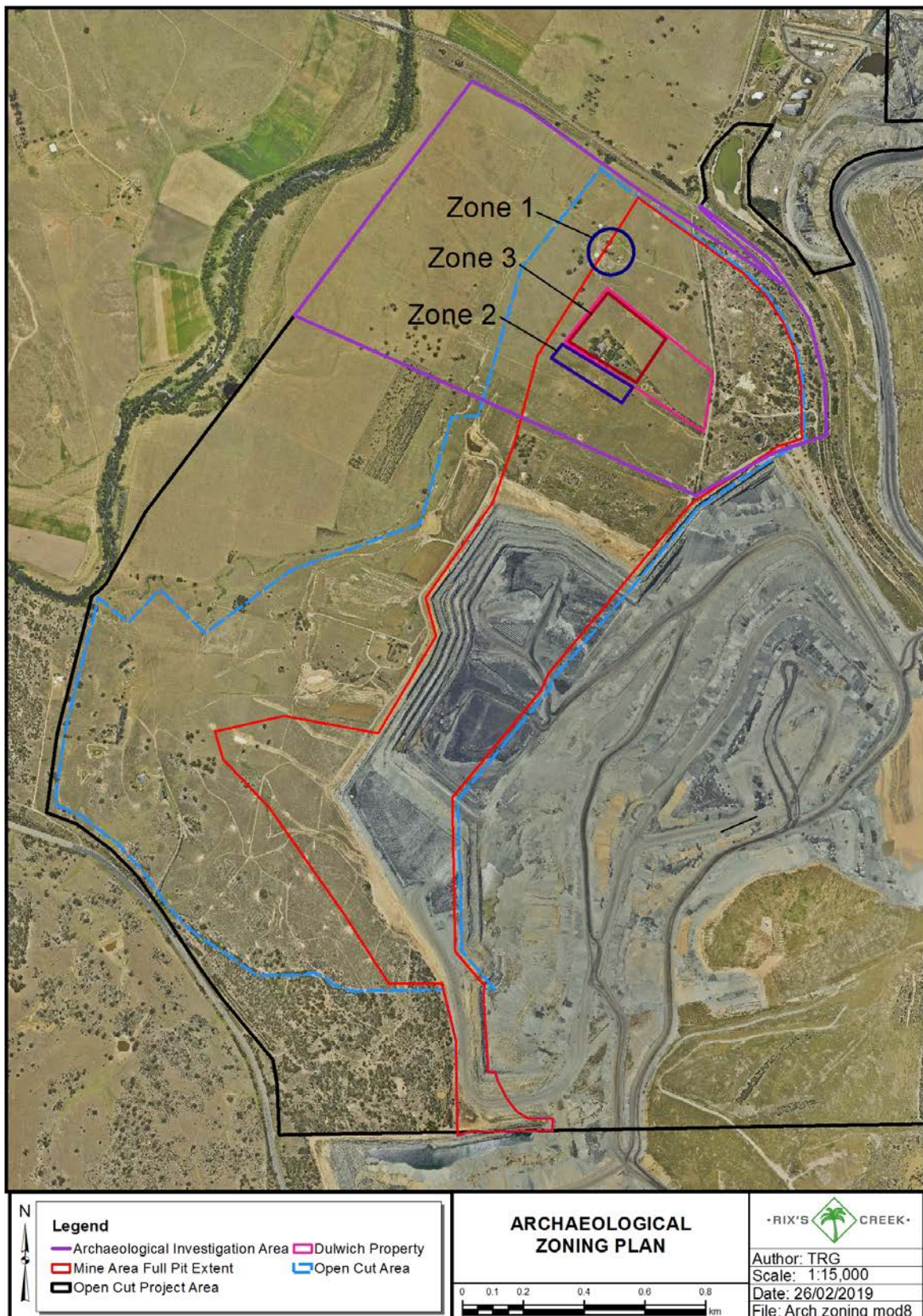
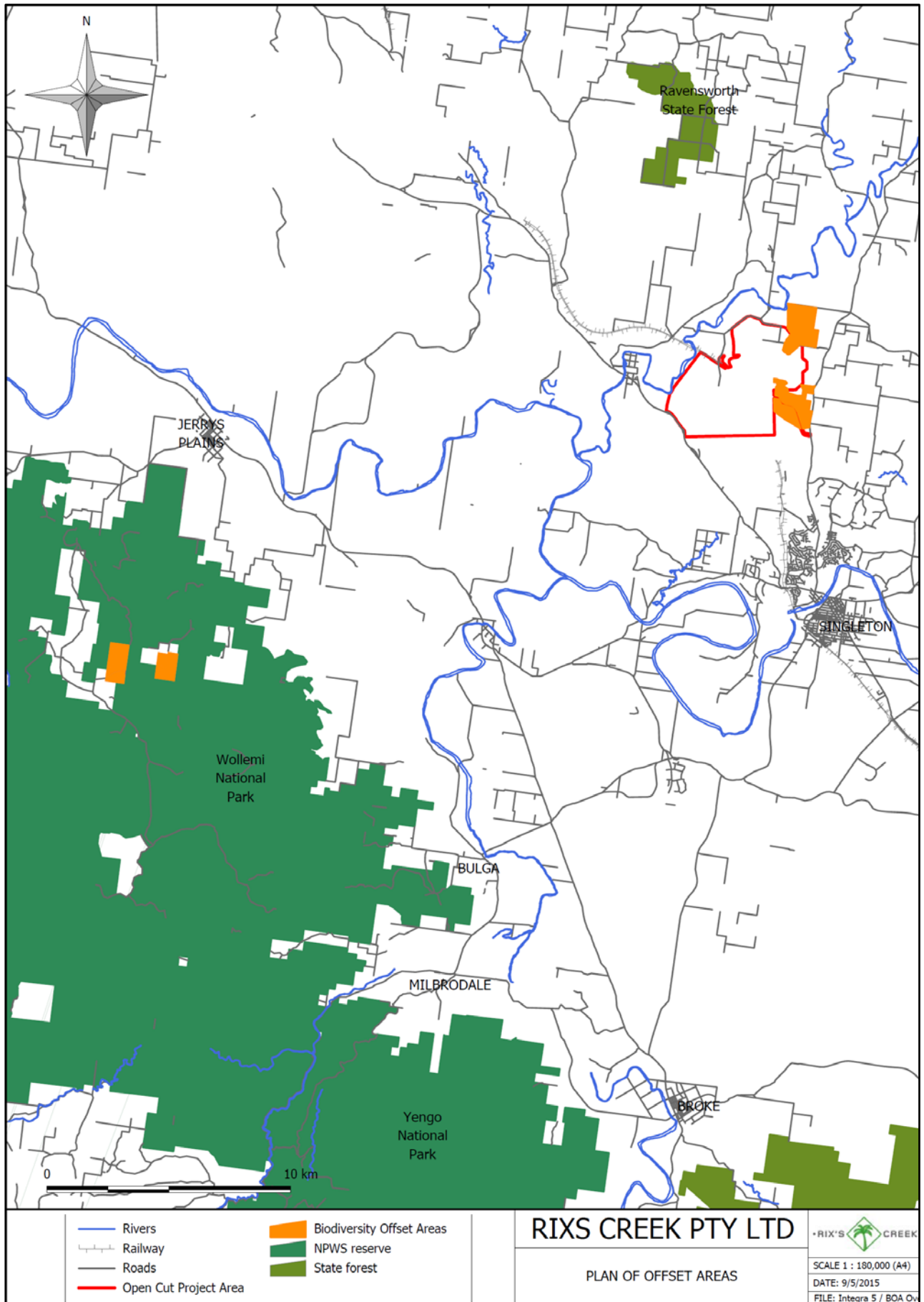
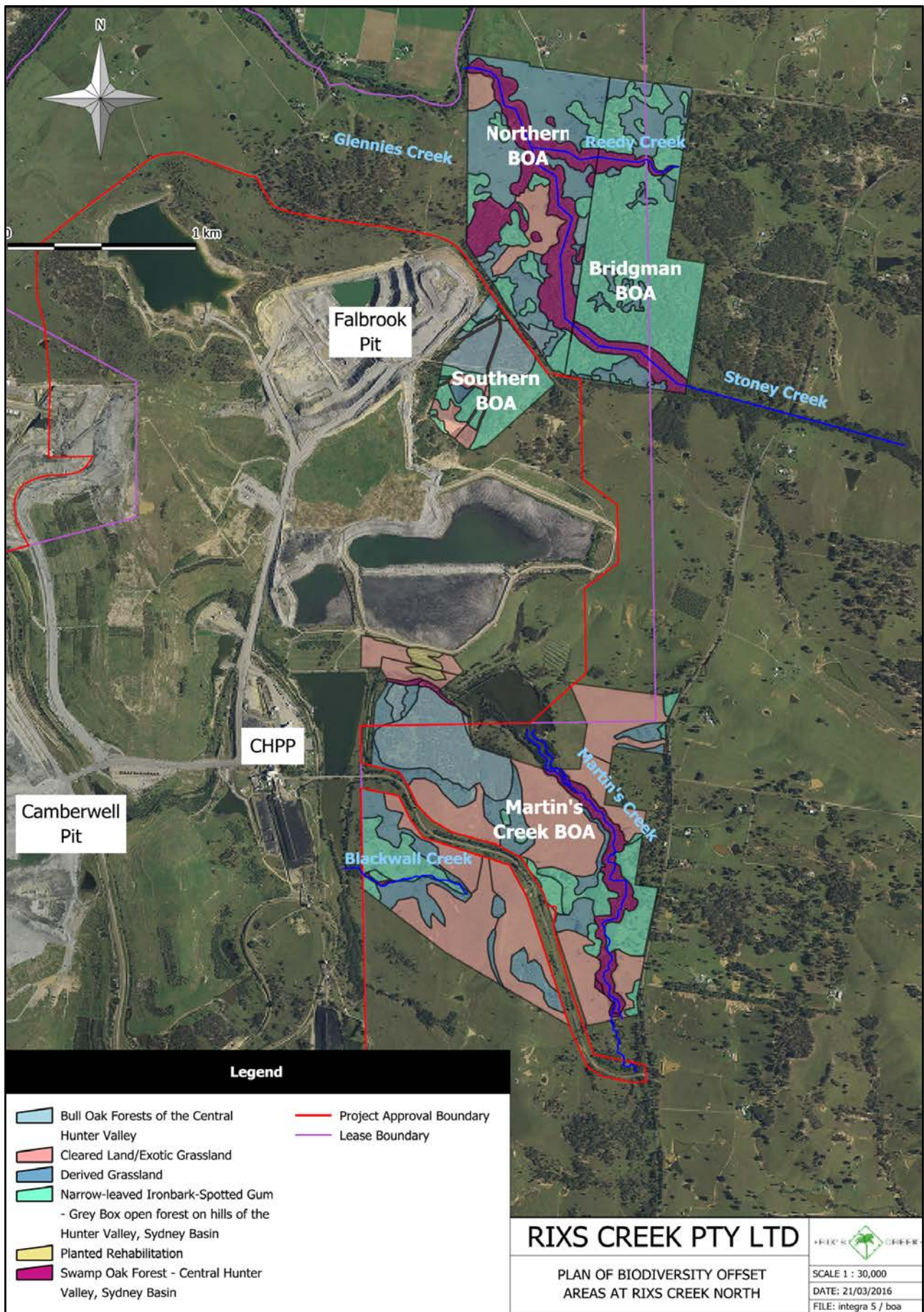
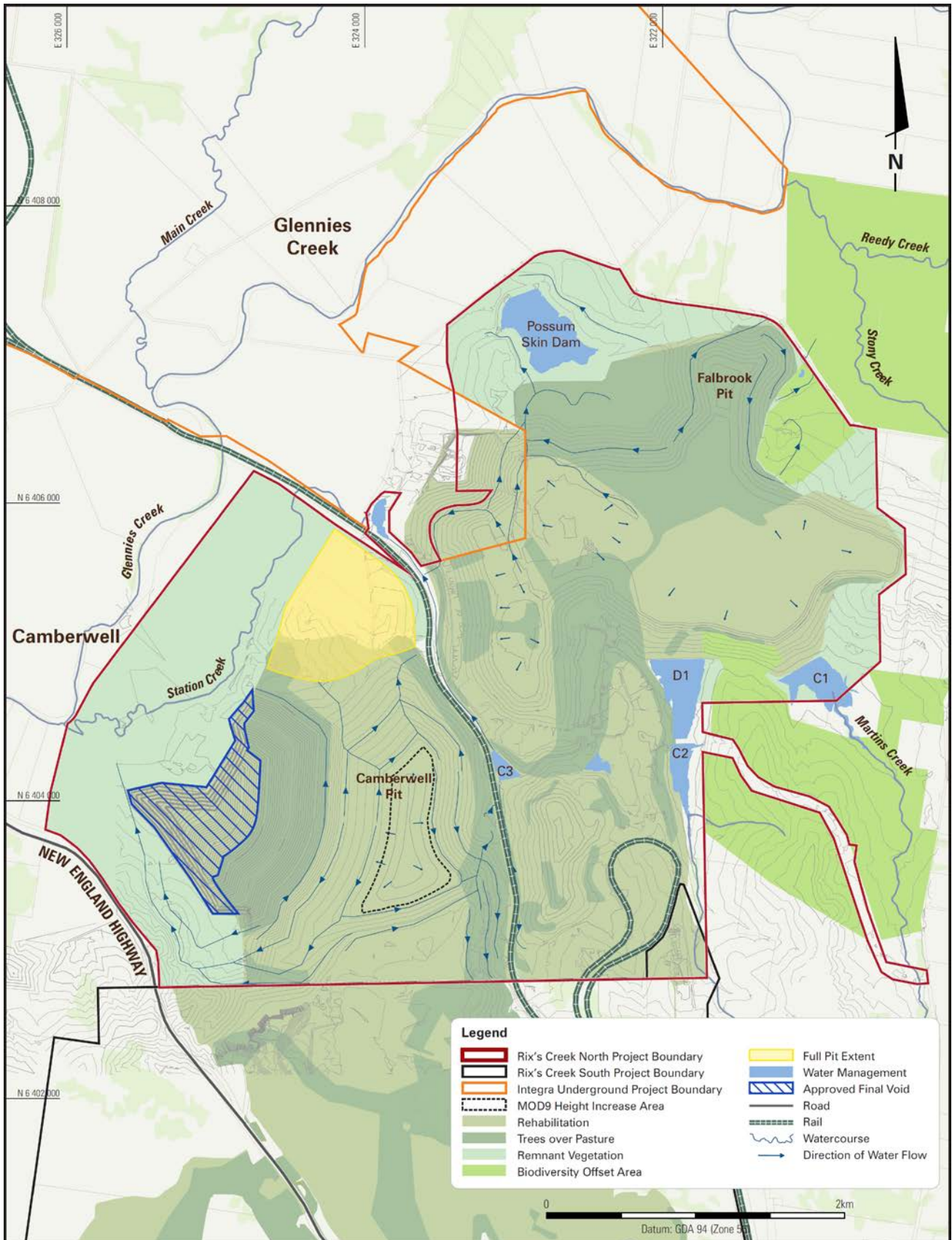


Figure: Archaeological Zoning Plan

APPENDIX 8: CONCEPTUAL FINAL LANDFORM AND OFFSETS







Conceptual Final Landform