

# APPENDIX A

## SUMMARY OF MT ARTHUR COAL PLANNING APPROVALS

**BAYSWATER NO 3 DEVELOPMENT CONSENT (DA 210/93)  
GRANTED 1994 BY MINISTER FOR PLANNING**

	Bayswater No 3 (DA 210/93)
Condition	Requirement
	<b>Schedule 2</b>
1	The Development is to be carried out generally in accordance with the Environmental Impact Statement dated November 1993 and prepared by Resource Planning Pty Ltd certified in accordance with Section 77(3) of the Act, Drawing 300007 Plan of Proposed Land Acquisition, and the Applicant's submissions to the Commission of Inquiry as may be modified by the conditions set out herein.
2	Approval in respect of coal extraction is limited to a period of 21 years from date of a grant of mining lease in respect of the development.
3	The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Local Government Act, 1993, Pollution Control Act, 1970, Clean air Act, 1961, Clean Water Act, 1970, Noise Control Act, 1975, Protection of the Environment Administration Act, 1991 and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices as well as the requirements of the Environment Protection Authority ("EPA"), Department of Mineral Resources ("DMR"), National Parks and Wildlife Service ("NPWS"), Department of Conservation and Land Management ("CaLM"), Roads and Traffic Authority ("RTA"), and Department of Water Resources ("DWR") are fully met.
4(i)	The Applicant shall: measure and record the $L_{A10,15 \text{ minute}}$ noise level over a representative 72 hour period at locations agreed to by EPA, during normal operation of the mine, at least on a quarterly basis such that the 40 dB(A) day time and 35 dB(A) night time noise level isopleths are able to be plotted in respect of the area, or as otherwise required by EPA.
4(ii)	Submit a management plan for information of Muswellbrook Council ("Council") and approval by EPA, detailing noise safeguards and procedures for dealing with noise episodes which exceed the above established $L_{A10}$ noise levels as required by EPA.

Bayswater No 3 (DA 210/93)	
Condition	Requirement
5(i)	The Applicant shall: ensure that noise and vibration monitoring and control is generally carried out in accordance with the recommendations of Australian Standard AS-2187-1993.
5(ii)	Not blast within 500 metres of the Edderton Road or any approved deviation of the road while either are open for traffic.
5(iii)	design all blasts based on the results of monitored blasts designed to minimise air blast overpressure and ground vibration using the Nonel or equivalent system such that any one blast has less than a five (5) per cent probability of exceeding an air blast overpressure of 115 dB(A) and vibration with a peak particle velocity of 5 mm/sec at the closest residence outside the mining lease.
5(iv)	Determine appropriate weather data by taking measurements immediately prior to blasting and from the data shall predict whether noise levels outside the project area are likely to be increased above levels expected under neutral meteorological conditions. The data shall be recorded by the Applicant as part of its monitoring data.
5(v)	Not blast if the predictions in sub-clause (iv) herein indicate that noise goals are likely to be exceeded or as otherwise advised by EPA.
5(vi)	Monitor all blasts and record the overpressure and peak particle velocity at locations to be agreed by EPA and the Department of Mineral Resources.
5(vii)	Consult with residents whose properties are adjoining or adjacent to the development, with a view to determining the most reasonable and appropriate blasting times for the development. The Applicant shall give reasonable notice of proposed blasting times.
5(viii)	upon written request of the owner of any property located within two kilometres of the boundaries of the four proposed pits, and made within 6 months of commencement of coal production, arrange at its own cost, for the inspection by a technically qualified person agreed to by both parties, to record the material condition of any structure on such property. The Applicant shall supply a copy of any inspection report, certified by the person who undertook the inspection, to the relevant property owner with 14days of receipt of same.
5(ix)	Avoid the occurrence of concurrent blasts with adjoining surface coal mine operators.

	Bayswater No 3 (DA 210/93)
Condition	Requirement
5(x)	Not blast before the Applicant's Environmental Officer has prepared a brief report indicating that sensitive receiver locations are unlikely to be significantly affected. The report shall note the wind speed and direction at the time of blasting and observations of the dispersal of the dust cloud. The reports shall be forwarded to Council each three months for public information.
5(xi)	Not blast when wind speed and direction is likely to carry dust onto the Roxburgh vineyard during the months of December, January and February, or when wind speed is greater than 10 metres per second.
6(i)	The Applicant shall: install and utilise meteorological monitoring stations at locations which will provide representative data for the area containing the proposed mine, rural residential properties in the vicinity of the Denman and Edderton Road area and land holdings known as Rosemount, Rosebrook and Taloma. Such stations shall be installed in locations specified by and to the satisfaction of the EPA.
6(ii)	Compile the meteorological data to adequately characterise the mine site.
6(iii)	Relate the meteorological data and characterisation to proposed schedules of mining operations, to minimise the potential for dust emission.
6(iv)	Install dust deposition gauges and in each calendar month shall determine the dust deposition rate in g/m <sup>2</sup> /month such that the 2g/m <sup>2</sup> /month isopleth for dust arising is able to be plotted on an annual basis.
6(v)	Continue meteorological monitoring as well as the monitoring of dust deposition rates and concentrations of total suspended particulates for the life of the mine subject to sub-clause (i). The extent and location of dust monitoring network to be specified by the EPA.
6(vi)	Have two (2) high volume samplers equipped to sample particles of less than 10 microns located in positions approved by the EPA. Sampling is to be undertaken on a 24hr 6 days per week cycle with averaging periods (annual means) as well as monitoring equipment/procedures to follow AS2724.3 and AS3508.9.6.
6(vii)	Provide to Director of Planning ("the Director"), EPA, DMR and Council results and analysis of air quality monitoring on an agreed basis.

	Bayswater No 3 (DA 210/93)
Condition	Requirement
6(viii)	Consult with Mines Inspector on whether to cease all mining operations located within 1000 metres of the limit of the buffer zone at such times when the average hourly wind velocity exceeds 10 metres per second and the operations are resulting in visible dust emissions blowing in the direction of the buffer zone boundary.
6(ix)	consult with Mines Inspector on whether to cease all out-of-pit operations including overburden dumping and shaping, topsoil stripping and various earthworks which are located within 500 metres of the limit of the buffer zone at such times when the average hourly wind velocity exceeds 5.6 metres per second and operations result in visible dust emissions blowing in the direction of the buffer zone boundary.
6(x)	Cease mining operations at any time when the driver visibility or traffic safety on the Edderton Road is adversely affected, in accordance with the requirements of Council.
6(xi)	Submit within 14 days management plans for approval by the Mines Inspector giving air quality safeguards and operational procedures for dealing with dust episodes and particularly dealing with the Roxburgh vineyard, and the Taloma property. (Copy of plan to be provided for information to Rosemount Estates, within 7 days.)
6(xii)	Implement the management plan if the Mines Inspector is satisfied that adequate measures have been incorporated in the plan to minimise the occurrence and intensity of episodes of wind blown dust in adverse meteorological conditions.
7(i)	The Applicant shall: maintain sufficient equipment with the capacity to apply water to all unsealed trafficked areas at the rate of at least one litre per square metre per hour or apply an equally effective dust suppressant.
7(ii)	Ensure the prompt rehabilitation of all disturbed areas to minimise the generation of wind erosion dust, in accordance with requirements of DMR.
7(iii)	install automatic water sprays on coal stockpiles such that the stockpiles are sprayed when the wind speed from any direction exceeds 5.6 m/s.

Bayswater No 3 (DA 210/93)	
Condition	Requirement
8(i)	The Applicant shall: monitor both Bayswater No 2 and Bayswater No 3 Colliery sites for the occurrence of spontaneous combustion, and shall notify to the Department of Mineral Resources, within 7 days, the occurrence of any area of spontaneous combustion.
8(ii)	Comply with requirements of DMR in relation to such occurrences.
9(i)	Employ a person responsible for acting immediately on noise and dust complaints as a result of mining operations on a 24 hours per day, 7 days per week basis.
9(ii)	Install a telephone line dedicated to receiving noise and dust complaints and advertise the number publicly.
9(iii)	Maintain a record of all noise and dust complaints and of the actions taken to control and mitigate all such complaints. A copy of the record shall be forwarded to Council fourteen days before the end of the month for public information.
10	The Applicant shall prepare a detailed water management plan for the site. The plan shall be submitted to DWR for information and approval of EPA prior to work commencing on the site. The plan shall address the following matters:
10(i)	The quality and quantity of discharge from the site.
10(ii)	Storm diversion within the site.
10(iii)	The adequacy of drainage structures on Edderton Road and Denman Road to cater for increased flows in times of peak release from the mine site or altered drainage patterns due to activities on the site. Works may be identified to increase the capacity to such structures to ensure the service of the road is not reduced.
10(iv)	the quality of water in Saddlers Creek, Quarry Creek or other drainage paths from the mine such that waters shall not be reduced in water quality by any discharge from the mine site.
10(v)	Identify any possible adverse effects on water supply sources of surrounding landholders as a result of the mining operations.

	Bayswater No 3 (DA 210/93)
Condition	Requirement
10(vi)	The long term treatment of groundwater accessions to any final voids.
11	The Applicant shall consult with EPA, DWR, CaLM and Hunter Catchment Management Trust to define measures necessary to control salinity impacts to groundwater, strategies to minimise dryland salinity and re-establishment of water tables.
12(i)	The Applicant shall: within twelve (12) months of the date of this consent prepare and submit to the Heritage Council of NSW, and Council, a conservation plan in respect of all items of heritage significance in the mining area. The plan shall contain photographs and shall detail within the cartilage of the mining area, measures for protection of historical artefacts and conservation of the area.
12(ii)	Prior to the commencement of mining at MacDonalds Pit, prepare a monitoring and protection plan for "Edderton" and "Belmont". The plan shall address vibration effects, site maintenance, inspection and reporting to the Council.
13(i)	The Applicant shall: undertake, at its own expense, a further archaeological investigation program approved by NPWS and designed to:
13(a)	provide such information necessary for the assessment of the significance of Aboriginal sites within the proposed mining lease area;
13(b)	assess the need for the "conservation zone" previously identified to reserve an example of undisturbed archaeology;
13(c)	Test for the presence of a "ceremonial precinct" near Mt Arthur, as indicated by NPWS submission to the Inquiry.
13(ii)	Apply to the Director-General of National Parks and Wildlife for consents to destroy Aboriginal sites as required.
14(i)	in the event that the impact of dust or noise from the mining operations at residences in the vicinity of the Bayswater No 3 coal mine is in excess of the amenity criteria of EPA, undertake such works or change mining practices so as to meet EPA's criteria. In the event that EPA subsequently ascertains that such works or changes to mining practices have not resulted in compliance with its criteria, purchase the affected land if required to do so by the property owners on the basis of a mutually agreed acquisition price or by reference to clauses below.

	Bayswater No 3 (DA 210/93)
Condition	Requirement
14(ii)	in respect of a request to purchase land arising under subclause (i), the Applicant shall pay the owners a fair and reasonable acquisition price which shall take into account and provide payment for:
14(ii)(a)	a sum not less than the current market value of the owner's interest in the land having regard to the existing use of the land whosoever is the occupier and all improvements thereon immediately prior to the granting of this consent as if the land was unaffected by the development proposal. The provisions of this subclause do not apply to the holder of an authority under the Mining Act, 1992.
14(ii)(b)	the owners reasonable compensation of r disturbance allowance and relocation costs within the Local Government Areas of Scone, Muswellbrook
14(ii)(c)	current market value as defined in Section 70 of the Land Valuation Act
14(ii)(d)	the owners reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price of the land and/or the terms upon which it is to be acquired, then:
14(iii)	In the event that the Applicant and any owner referred to in subclause (i) herein cannot agree within the time limit upon the acquisition price of the land and/or the terms upon which it is to be acquired, then either party may refer the matter to the Director.
14(iia)	either party may refer the matter to the Director who shall request the President for the time being of the Australian Institute of Valuers and Land Economists to appoint an independent valuer a Fellow of the Institute, who shall determine after consideration of any submissions from the owners a fair and reasonable acquisition price as described and referred to in subclause (ii) herein.



	Bayswater No 3 (DA 210/93)
Condition	Requirement
14(iiiib)	<p>In the event of a dispute regarding outstanding matters that cannot be resolved, the independent valuer shall refer the matter to the Director, recommending the appointment of a qualified panel. The Director, if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:</p> <ol style="list-style-type: none"> <li>1) the appointed independent valuer,</li> <li>2) the Director, or her nominee, and/or</li> <li>3) the President of the Law Society of NSW or his nominee</li> </ol> <p>The qualified panel shall determine: A fair and reasonable acquisition price as described and referred to in Clause (ii)</p>
14(iiic)	The Applicant shall bear the costs of any valuation or survey assessment requested by the Director in accordance with subclauses (a) and (b) herein.
14(iiid)	Upon receipt of a valuation arising pursuant to subclauses (a) and (b) herein, the Applicant shall offer to acquire the relevant land at a price not less than the said valuation. Should the Applicant's offer to acquire not be accepted by an owner within six months of the date of such offer, the Applicant's obligations to such owner pursuant to this Clause shall cease.
14(iiie)	Upon settlement of the acquisition referred to in this Clause the Applicant shall also pay to the owner the costs and compensation assessed pursuant to subclause (iii) herein including the owner's reasonable costs in the event of a subdivision.
15	The Applicant shall at the request of CaLM, purchase, or provide other land in exchange for, or restore Crown Land affected by the development.
16	The Applicant shall prepare and regularly update at its own expense, to the satisfaction of CaLM a Land Management Plan for all its landholdings to provide for proper land management, according to objects of land care.

Bayswater No 3 (DA 210/93)	
Condition	Requirement
17(i)	The Applicant shall: Undertake to transport all export coal from Bayswater Colliery by rail within three (3) years of the commencement of coal production at the Bayswater No 3 Colliery, or by the time of commissioning of the dragline, which ever is the earlier.
17(ii)	During the 3-year interim period of road haulage, the Applicant shall undertake to transport any export coal in excess of 1.7 million tonnes per annum by rail through the rail loading facilities near Muswellbrook and to utilise these facilities whenever there is available capacity.
17(iii)	During the 3-year interim period of road haulage provide Council, with a copy to the Singleton Council, every three months, details of monthly coal production and the method of transport of export coal.
17(iv)	Provide to Council within, two years of the date of this consent, evidence that legal and/or contractual arrangements have been entered into for the transport of all export coal to the Port of Newcastle via the Drayton Loop or other rail facility.
18(i)	The Applicant shall: restrict vehicular access to the development from the existing and relocated Edderton Road.
18(ii)	Undertake to provide a fenced bypass of the Haul Road Overpass for stock, high or wide loads as shown in Annexure "A".
18(iii)	Submit for Council's approval, and the RTA's advice, a full set of engineering plans prior to any works commencing on the deviation of Edderton Road. Plans shall be in accordance with the following: <ul style="list-style-type: none"> <li>a) plans to be endorsed by suitably qualified engineer</li> <li>b) construction to be supervised by suitably qualified engineer</li> <li>c) works as executed to be endorsed by the supervising engineer and submitted to Council</li> <li>d) all construction to be in accordance with RTA standards.</li> </ul>
18(iv)	maintain the realigned section of the Edderton Road for the life of the mine, to the satisfaction of Council.

	Bayswater No 3 (DA 210/93)
Condition	Requirement
18(v)	lodge as a security deposit, or bank guarantee, in the sum of \$100,000 with Council to ensure that the stability of the road is maintained. The security deposit or part thereof is to be repaid to the Applicant or released five years after the closure of the mine. The bank guarantee or bond shall be lodged prior to the relocation of the road and shall be indexed from the date of approval to Sydney All Ordinaries CPI Index.
18(vi)	be responsible for landscaping of the realigned Edderton Road in accordance with Annexure "B". Planting and a timetable for implementation of landscaping shall be submitted for approval by Council within 6 months of consent.
18(vii)	submit the wording and location of signs on Edderton Road for approval by the Council, maintain same and give at least 48 hours notice of closure of the Edderton Road.
18(viii)	remove the Haul Road Overpass after its use has ceased and reinstate the area to Council's satisfaction.
18(ix)	provide all weather road access to properties affected by the relocation of the Edderton Road.
19(i)	The Applicant shall: within three months of the date of this consent or within such further period as Council may permit, submit for Council's approval:
19(ia)	a detailed landscaping plan covering all portions within the proposed mining lease area and associated lands. The Applicant shall engage a suitably qualified person to assist in preparing the landscaping plan. The plan shall provide for the establishment of trees and shrubs and the construction of mounding.
19(ib)	details of visual appearance of buildings, structures, facilities or works (including paint colours and specifications). Buildings and structures shall be designed and constructed/renovated so as to present a neat and orderly appearance and to blend as far as possible with the surrounding landscape.
19(ic)	a comprehensive plan of landscape management which shall include detailed plans, specifications and staged work programs to be undertaken, maintenance of all landscape works and maintenance of building materials and cladding.
19(ii)	within six months of consent, construct suitable bunding and plant tree screen covers along the existing Edderton Road within the lease area, to the satisfaction of Council, to reduce the visual impact of the proposed mining activities.

	Bayswater No 3 (DA 210/93)
Condition	Requirement
19(iii)	apply to all disturbed areas exposed for 30 days or more, a surface sealant such as bitumen emulsion, straw or seed as directed by CaLM.
19(iv)	apply a surface sealant such as bitumen emulsion, straw or seed within 30 days of its construction to any mounding or bunding, as directed by CALM.
19(v)	comply with the requirements of Council in respect to any supplementary tree planting and visual amenity enhancement works while within or immediately outside the mining lease area which may be identified by the Council as necessary for the maintenance of visual amenity in the local area.
20(i)	The Applicant shall: prior to commencement of mining, in consultation with NPWS, the Wanaruha Local Aboriginal Land Council and CaLM, develop a Plan of Management to mitigate the impact of habitat destruction and to enhance the conservation of wildlife and native vegetation within Saddlers Creek.
20(ii)	Submit such plan to NPWS for its approval prior to implementation of the plan.
21	The Applicant shall pay to the Council a financial contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 according to the requirements of the Council's Section 94 Contributions Plan.
22	The Applicant shall screen all on-site flood lighting and vehicular lights within the development, to the satisfaction of the Council.
23	The Applicant shall relocate Pacific Power transmission lines at proposed mining sites to the satisfaction of Pacific Power and at a mutually agreed time.
24	The Applicant shall provide adequate fire protection works on site. This shall include one fully equipped fire fighting unit on standby and annual hazard reduction works.
25	The Applicant shall negotiate and reach agreement with the Denman-Singleton Pasture Protection Board on the relocation of the travelling stock route, prior to commencement of mining operations.
26	The Applicant shall employ an Environmental Officer whose qualifications are acceptable to the Department of Mineral Resources to be responsible for ensuring that all environmental safeguards proposed for the development and as required by this consent and other statutory approvals, are enforced and monitored from commencement of construction.

	Bayswater No 3 (DA 210/93)
Condition	Requirement
27(i)	The Applicant shall: participate and co-operate in the establishment by the Council of a Community Consultative Committee to monitor compliance with conditions of this consent during the term of the development. The Chairman, provided from the Council, shall convene representatives of the Applicant (2), representatives of landowners (3), Council (2), community groups (2) and locally based government agencies (DMR, DWR, EPA, CaLM). The Committee shall report to both the Council and the Applicant to bring to their respective attention matters related to the environmental performance of the development.
27(ii)	the Applicant shall nominate two representatives to attend the Committee meetings, provide monitoring data and such other information requested, provide an Annual Report detailing compliance with monitoring conditions, provide wind data results, reimburse members of the Committee for expenses incurred in attending meetings.
27(iia)	The Applicant shall at its own expense: nominate 2 representatives to attend all meetings of the Committee
27(iib)	provide to the Committee the monitoring data as part of a report which includes interpretation and discussion by a suitably qualified person.
27(iic)	promptly provide to the Committee such other information as the Chairman of the Committee may reasonably request concerning the environmental performance of the development.
27(iid)	provide an Annual Report to all members of the Committee detailing the measures the Applicant has adopted and the resources the Applicant has utilised over the preceding 12 months to ensure compliance with monitoring conditions.
27(iie)	provide wind data results of dust and noise/vibration monitoring programs and the surface/groundwater monitoring program to all members of the Committee prior to each meeting; and
27(iif)	reimburse the Council and 'citizen' members of the Committee for all reasonable expenses incurred in attending and in the case of the Council arranging and conducting Committee meetings and Committee site inspections.

Bayswater No 3 (DA 210/93)	
Condition	Requirement
28(i)	The Applicant shall: Prepare and submit to DMR for approval an annual Environmental Management Plan Report. The report shall include:
28(ia)	short, medium and long-term mining plans.
28(ib)	rehabilitation report in respect of open cut operations.
28(ic)	a review of effectiveness of environmental management of the subject area in terms of EPA and DWR.
28(id)	a review of performance in terms of the conditions of development consent.
28(ie)	a listing of any variations obtained to approvals applicable to the subject area during the previous year.
28(if)	the outcome of the water budget for the year, the quantity of clean water used from water storages, and detailed date of the disposal of any contaminated water into water courses.
28(ii)	consult with the Director during report preparation concerning any additional requirements.
28(iii)	ensure that copies of the annual Environmental Management Plan Report are submitted to the Director, EPA, CaLM, DWR, DMR, NPWS, Council and the Community Consultative Committee and be available for public inspection.
28(iv)	ensure that the first report is completed and submitted within twelve months of this consent, at a date to be determined in consultation with DMR, and thereafter annually on the anniversary of that date.
29	in the event that the applicant and the Council or a Government body other than the Department, cannot agree on the specification or requirements applicable under this consent, other than provided in Condition 14, the matter shall be referred by either party to the Director or if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.

	Bayswater No 3 (DA 210/93)
Condition	Requirement
30(i)	The Applicant shall: conduct, at its own expense, at intervals of 5, 10 and 15 years after commencement of mining, an environmental audit of the mining and infrastructure areas and monitoring programs within the mining lease.
30(ii)	ensure that the audit is conducted by an independent person who shall report to the Community Consultative Committee, DMR, EPA, Director and Council.
30(iii)	comply with any reasonable requests of the Director in respect to the implementation of any measures arising from the audit, within such time as the Director may advise.

**BAYSWATER RAIL LOADING FACILITY AND RAIL LOOP DEVELOPMENT CONSENT (DA 105-04-00)  
GRANTED 2000 BY THE MINISTER FOR URBAN AFFAIRS AND PLANNING**

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
	<b>Schedule 2</b>
1	There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the project. This requires that all practicable measures are to be taken to prevent and minimise harm that may result from the construction, operation and, where relevant, decommissioning of the development.
1.1(a)	The development is to be carried out generally in accordance with development application No. 105-04-00, and the EIS dated March 2000, prepared by Umwelt (Australia) Pty Limited and certified in accordance with Section 78A(8) of the Act, and all other relevant documentation provided to DUAP, including:
1.1(a) (i)	Additional Aboriginal relic's information requested by the NPWS and supplied by Umwelt (Australia) Pty Limited in a letter dated 10 May 2000;
1.1(a) (ii)	Additional information requested by the EPA and supplied by Umwelt (Australia) Pty Limited in a letter dated 15 June 2000; with results of extended noise monitoring and in a letter dated 20 July 2000 and accompanying report titled "Response to EPA Submission of 5 July 2000";
1.1(a) (iii)	Coal Operations Australia Limited Response to the Summary of Submissions received from DUAP on 2 June 2000, prepared by Umwelt (Australia) Pty Limited August 2000.  As may be modified by the conditions set out herein.
1.1(b)	If, at any time, the Director-General is aware of environmental impacts from the proposal that pose serious environmental concerns due to the failure of environmental management measures in place to ameliorate the impacts, the Director-General may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.
1.1(c)	If any licence conditions are breached the applicant shall comply with any modification to the work as specified by the relevant agency.
1.2(i)	The approval of the rail loading facility and rail loop is for a period of 25 years from the date of this consent.



Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
1.2(ii)	At least two weeks prior to the commencement of construction and operation respectively or within such period as agreed by the Director-General a compliance report detailing compliance with all the relevant conditions that apply prior to the commencement of construction and operation.
1.2(iii)	Date of commencement of construction and operation is to be notified in writing to the Director-General, and MSC, at least two weeks prior to commencement of construction and operation respectively.
1.3	In the event that the Applicant, MSC or a Government agency, other than the Department of Urban Affairs and Planning, cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the Director-General, whose determination of the disagreement shall be final and binding on the parties.
2.1(a)	The Environmental Officer(s) employed by Bayswater Mine:
2.1(a) (i)	Shall be responsible for the preparation of the environmental management plans required by this consent (refer Condition 2.2);
2.1(a) (ii)	Shall be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;
2.1(a) (iii)	Shall be responsible for receiving and responding to complaints in accordance with Condition 9.2(a); and
2.1(a) (iv)	Shall have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.
2.1(b)	The Applicant shall notify the Director-General, DMR, EPA, NPWS, DLWC, MSC and the CCC (refer condition 9.1) of any changes to the name and/or contact details of the Environmental Officer(s). Any new appointment of an Environmental Officer(s) is to receive prior approval of the Director-General.
2.2(a)	The Applicant shall prepare an Environmental Management Strategy providing a strategic context for the environmental management plans [refer condition 2.29d)]. The Environmental Management Strategy shall be prepared in consultation with the relevant authorities and the Community Consultative Committee (refer condition 9.1) and to the satisfaction of the Director-General, prior to commencement of construction. The Strategy shall be provided to the Director-General no later than the time the first Environmental Management Plan under sub clause (d) below is submitted.

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
2.2(b)	The Environmental Management Strategy shall include, but not be limited to:
2.2(b) (i)	Statutory and other obligations which the Applicant is required to fulfil during construction and operation, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
2.2(b) (ii)	Definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the Environmental officer;
2.2(b) (iii)	Overall environmental management objectives and performance outcomes, during construction, operation and decommissioning of the rail loading facility and rail loop, for each of the key environmental elements for which management plans are required under this consent;
2.2(b) (iv)	Overall ecological and community objectives for the project, and a strategy for the restoration and management of the areas affected by construction and operation, including elements such as wetlands and other habitat areas, creek lines and drainage channels, within the context of those objectives;
2.2(b) (v)	Identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;
2.2(b) (vi)	Overall objectives and strategies to protect economic productivity within the area affected by the rail loading facility and rail loop;
2.2(b) (vii)	Steps to be taken to ensure that all approvals, plans, and procedures are being complied with;
2.2(b) (viii)	Processes for complaint handling, investigation and resolution in relation to the environmental management of the project; and
2.2(b) (ix)	Documentation of the results of consultations undertaken in the development of the Environmental Management Strategy.
2.2(c)	The Applicant shall make copies of the Environmental Management Strategy available to MSC, EPA, D:WC, NPWS, DMR, MSB and the CCC within fourteen days of approval by the Director-General.

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
2.2(d)	<p>The Applicant shall prepare/update the following environmental management plans:</p> <ul style="list-style-type: none"> <li>• Archaeology and cultural management plan (refer condition 2.3)</li> <li>• Flora and fauna management plan (refer condition 2.4)</li> <li>• Erosion and sediment control plan (refer condition 2.5(a))</li> <li>• Landscape management plan (refer condition 2.7)</li> <li>• Bushfire management plan (refer condition 2.8)</li> <li>• Land management plan (refer condition 2.9(a))</li> <li>• Site water management plan (refer condition 3.1)</li> <li>• Dust management plan (refer condition 5.1)</li> <li>• Noise management plan (refer condition 5.4.3(a))</li> <li>• Lighting management plan (refer condition 5.5)</li> <li>• Joint acquisition management plan (refer condition 10.3)</li> </ul>
2.2(e)	The Applicant shall make copies of the Environmental Management Plans available to MSC, EPA, DLWC, NPWS, DMR, MSB and the CCC within fourteen days of approval by the Director-General.
2.2(f)	The management plans are to be revised, and updated as necessary, at least every 5 years or as otherwise directed by the Director-General in consultation with the relevant government agencies. They will reflect changing environmental requirements or changes in technology/operational practices. Changes shall be made and approved in the same manner as the initial environmental management plan. The plans shall also be made publicly available at MSC within two weeks of approval of the relevant government authority.

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Condition	Requirement
2.3(a)	Prepare an Archaeology and Cultural Management Plan to address Aboriginal and European cultural heritage issues. The Plan shall be prepared in consultation with the relevant local Aboriginal community, Upper Hunter Historical Society, and NPWS, and to the satisfaction of the Director-General. The Plan shall include but not be limited to:
2.3(a) (i)	Identification of all areas of conservation within the DA area;
2.3(a) (ii)	Provision of management strategies for all parts of the DA area not affected by the Bayswater rail loading facilities and rail loop;
2.3(a) (iii)	Identification of any future salvage, excavation and monitoring of any heritage/archaeological sites within the DA area, prior to and during development. This shall include details of recording to be undertaken for identified heritage/archaeological sites, and future upkeep, storage, and relocation of salvaged artefacts within the DA area.
2.3(a) (iv)	Details of measures to assist the Aboriginal community to maintain and manage cultural heritage in the DA area;
2.3(a) (v)	Details of management of Aboriginal heritage sites which will be unaffected by activities in the DA area, including provision for fencing;
2.3(a) (vi)	Identification and discussion of Aboriginal archaeological sites that will require a section 90 consent to destroy under the <i>National Parks and Wildlife Act 1974</i> , and potential Aboriginal sites that may require section 90 consents in the future;
2.3(a) (vii)	Details of measures to fully document, in accordance with the NSW Heritage Council guidelines, any non-indigenous heritage sites that will be destroyed by the development; and
2.3(a) (viii)	Details of consultation undertaken in the preparation of this Plan.
2.3(b)	Members of the Aboriginal community are to be provided with the opportunity to recover relics from locations along the development impact areas as requested, as part of the section 90 consent to destroy under the <i>National Parks and Wildlife Act 1974</i> ( <i>NPWS General Terms of Approval</i> ).
2.3(c)	If, during the course of construction and operation of the rail loading facilities and rail loop, the Applicant becomes aware of any heritage or archaeological site not covered by a Consent to Destroy, all work likely to affect the site shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include NPWS, the NSW Heritage Office, and the relevant local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

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Condition	Requirement
2.3(d)	The Applicant is to consult regularly during construction with the relevant local Aboriginal community using consultation principles and strategies consistent with those outlined in the “ <i>Guidelines for best practice community consultation in the NSW Mining and Extractive Industries</i> ”. The results of these consultations shall be documented in the AEMR.
	<p><b>Notes</b> 1. No Aboriginal archaeological sites, that have been identified, shall be destroyed without the approval of the Director-General of NPWS, under section 90 of the <i>National Parks and Wildlife Act 1974</i>, prior to any disturbance of the identified sites by development activity.</p> <p>2. Wherever possible, the Applicant is to contract representatives of the relevant local Aboriginal community to assist in the proposed archaeological investigations and to undertake salvage of artefacts..</p> <p>3. Any proposed works that will affect non-indigenous heritage items, including demolition of the items, will require an approval under section 139 of the <i>Heritage Act 1977</i> and an application for an excavation permit under section 140 of the <i>Heritage Act 1977</i> to disturb the relics. This may also require additional approvals from MSC if the items are listed on the Heritage Schedule of the Local Environmental Plan.</p>
2.3(e)	The Applicant shall monitor the effectiveness of the measures outlined in the Archaeology and Cultural Management Plan [Condition 2.3(a)]. . A summary of monitoring results shall be included in the AEMR.
2.4(a)	The Applicant shall prior to commencement of construction activities prepare and implement a Flora and Fauna Management Plan for the management of flora and fauna issues for the DA area. The Plan shall be prepared to the satisfaction of the Director- General. The Plan shall include but not be limited to:
2.4(a) (i)	A detailed assessment of the current characteristics and ecological values of existing ecosystems likely to be affected by the development;
2.4(a) (ii)	Strategies to minimise the net loss of ecologically significant vegetation communities within DA area as a result of the development, including the provision of compensatory areas of equivalent ecological and habitat value where necessary;
2.4(a) (iii)	Strategies to manage the impact of surface water runoff, erosion and sediment control measures on flora and fauna, and also the impact of heavy machinery;
2.4(a) (iv)	Details of the methods for salvaging and relocating hollow bearing limbs/stags, that have been identified, to areas regenerated with native vegetation or existing areas of native vegetation, to augment and reconstruct faunal habitat (including hollow branches to be removed and re-erected in the proposed habitat compensation area). The limbs and trunks are not to be burnt;

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Condition	Requirement
2.4(a) (v)	Measures to connect existing areas and future areas of habitat rehabilitation to form a network of wildlife corridors throughout the site and to adjoining lands to facilitate species recruitment through natural immigration (including details of the habitat corridor proposed in Section 4.9.7 of the EIS);
2.4(a) (vi)	Details of the integration of this plan with the Bayswater flora and fauna management plan and this plan's inter-relationship with the proposed Mount Arthur North project, if approved.
2.4(b)	The applicant shall ensure that the forested portions of the study area that will be retained under the proposed development, the habitat compensation area and the habitat corridor, as described in the EIS, will be fenced, or ensure that current fencing is maintained and upgraded, to restrict access for stock and unauthorised personnel.
2.4(c)	The applicant shall ensure that appropriate nest boxes are installed in both the existing habitat areas and habitat compensation areas in consultation with NPWS. The nest boxes shall be designed to provide suitable nesting and roosting sites for Squirrel Gliders, Brushtail Possums, tree roosting bats and parrot and owl species identified in the EIS as likely to occur at the site.
2.4(d)	Details of monitoring regeneration works, the effectiveness of the reforestation, the establishment of the habitat compensation area, the establishment of the habitat corridor and the impacts of the rail loading facility and rail loop on native vegetation are to be publicly reported annually as part of the AEMR. <b>Note:</b> Results, if available, from the monitoring program currently being undertaken at Mt Owen Mine should be referenced in determining the appropriate height, aspect, design and location of nest boxes.
2.5(a)	The Applicant shall prepare an Erosion and Sediment Control Plan for the rail loading facility and rail loop in consultation with DLWC, taking account of any DLWC guidelines or requirements, to the satisfaction of the Director-General. The Plan shall be updated prior to the commencement of construction ( <i>DLWC General Terms of Approval</i> ).
2.5(b)	The Erosion and Sediment Control Plan shall include but not be limited to:
2.5(b) (i)	Details of temporary and permanent sediment and erosion control systems to be used during both construction and operation of the rail loading facility and rail loop and for a time until the site is stabilised, including for earthworks associated with landscaping ( <i>DLWC General Terms of Approval</i> );
2.5(b) (ii)	Details of salinity management;

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
2.5(b) (iii)	Measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The Plan should be prepared in accordance with the requirements for such plans outlined in <i>Managing Urban Stormwater: Soils and Construction</i> (available from the Department of Housing) ( <i>EPA General Terms of Approval</i> ).
2.5(b) (iv)	Details of the proposed measures to maximise the retrieval of topsoil for subsequent use in the rehabilitation program;
2.5(b) (v)	Consideration and management of erosion and sedimentation of surface watercourses/waterbodies, including Ramrod Creek and all creeklines within the DA area;
2.5(b) (vi)	Measures to construct drains, banks, channels, and similar works to divert stormwater away from disturbed and contaminated land surfaces including the rail loading facility and rail loop. All diversion banks, channels and points of discharge must be constructed or stabilised so as to minimise erosion and scouring;
2.5(b) (vii)	Details of the integration of the erosion and sediment control plan for the Bayswater rail loading facility and rail loop with the existing erosion and sediment control plan for the Bayswater mine site; and
2.5(b) (viii)	A program for reporting on the effectiveness of the sediment and erosion control systems and performance against objectives contained in the approved Erosion and Sediment Control Management Plan, and EIS.
2.5(b) (ix)	Details of methods to be adopted to minimise area of disturbance during Construction ( <i>DLWC General Terms of Approval</i> ).
2.5(c)	The Applicant shall, in consultation with DLWC, ensure that all soil and / or vegetation material to be removed from the area of operation is disposed of on an appropriate site where it will not be swept back into watercourses, including Ramrod Creek ( <i>DLWC General terms of Approval</i> ).
2.5(d)	The Applicant shall ensure that cut batters made for the rail loop as shown on Figure 3.2 of the EIS be topsoiled and grassed in consultation with DMR and DLWC unless hard rock prevents the adhering of the topsoil.
	<b>Note:</b> The <i>Rivers and Foreshore Improvement Act, 1948</i> permit holder and the owner and occupier of the land are responsible for any excavation or soil removal undertaken by any other person at the site.
2.5(e)	The size of culverts shall be determined by a practicing engineer in consultation with DLWC prior to construction ( <i>DLWC General terms of Approval</i> ).

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Condition	Requirement
2.5(f)	The Applicant shall ensure that all culverts are constructed to comply with NSW Fisheries Policy and Guideline for culvert construction, where appropriate (DLWC General Terms of Approval).
2.5(g)	The Applicant shall ensure that the flows or hydraulic levels upstream and downstream of the culverts shall not hinder the passage of fish and aquatic animals (DLWC General Terms of Approval).
2.5(h)	The Applicant shall ensure the erosion of the bed and banks shall be prevented with suitable scour protection as recommended by the practising civil engineer referred to in subclause (e) above (DLWC General Terms of Approval).
2.6(a)	Carry out rehabilitation of all areas associated with construction and operation of the rail loading facility and rail loop to the satisfaction of the DLWC; and
2.6(b)	Report on the success or otherwise of progressive rehabilitation in the AEMR
2.7	The Applicant shall, prior to the commencement of construction, prepare and submit for the approval of the Director-General, in consultation with MSC, a detailed Landscape and Revegetation Management Plan prepared by a suitably qualified person. The plan shall include, but not be limited to:
2.7 (i)	<p>details of the establishment of vegetation, including:</p> <ul style="list-style-type: none"> <li>the proposed habitat compensation area and proposed vegetation corridors between the rail line and Thomas Mitchell Drive as described in section 4.9.7 of the EIS, incorporating vegetation and animal protection corridors with regard to the Upper Hunter Synoptic Plan or its latest version;</li> <li>the construction of visual screens along the top of the railway embankment as shown in Figures 4.16 and 4.21 of the EIS or other appropriate lighting controls determined in consultation with FreightCorp; and</li> <li>the construction of mounding or bunding, for the purposes of maintaining satisfactory visual amenity, ecological functioning and habitat provision;</li> </ul>
2.7 (ii)	Consideration of revegetation works along areas of Ramrod Creek owned by the Applicant;
2.7 (iii)	Use of indigenous species;



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Condition	Requirement
2.7 (iv)	Details of the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications). Buildings and structures shall be designed and constructed so as to blend as far as possible with the surrounding landscape;
2.7 (v)	Details, specifications and staged work programs to be undertaken, including a maintenance program of all landscape works, building materials and cladding.
2.8	Prior to commencement of construction, the Applicant shall prepare a bushfire management plan to incorporate the area of the rail loading facility and rail loop works to the satisfaction of MSC. The plan shall also describe its integration with the existing bushfire management plan for the Bayswater mine site.
2.9(a)	The Applicant shall, prior to commencement of construction, prepare a Land Management Plan for the areas of the proposed rail loading facilities and rail loop, and its holdings in the DA area, to provide for proper land management in consultation with DLWC, MSC, and to the satisfaction of the Director-General. The plan shall include, but not be limited to:
2.9(a) (i)	Pastures and remnant vegetation management;
2.9(a) (ii)	Prevention and rehabilitation of land degradation;
2.9(a) (iii)	Eradication of vermin and noxious weeds as required by the Rural Lands Protection Authority, the Upper Hunter Weeds Authority, the Prickly Pear Authority and other relevant authorities;
2.9(a) (iv)	Feral animal control; and
2.9(a) (v)	Details of the integration of this plan with the existing Bayswater mine Land Management Plan.
2.9(b)	The Applicant shall minimise the removal of trees and other vegetation from the proposed rail loading facilities and rail loop, and restrict any clearance to the areas occupied by these activities, and those areas necessary for fire control (in accordance with MSC requirements).

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Condition	Requirement
	<p><b>Note:</b></p> <p><u>Travelling Stock Reserve:</u></p> <p>The travelling stock reserve detailed in Section 2.1.2.1 is Crown land and any proposal involving a private treaty sale/exchange of the land requires the consent of the Minister administering the <i>Crown Lands Act, 1989</i>. Enquiries in relation to the procedural aspects of the private treaty purchase of the Crown land as part of an exchange proposal should be directed to the DLWC District Manager, Land NSW (Maitland) PO Box 6, East Maitland 2323 or phone 4934 2280 (ref.MD99H 344).</p> <p><u>Native Title:</u></p> <p>Any proposal regarding Crown land needs to satisfy the requirements under Commonwealth and State Native Title Act legislation and address the issues of any native title rights or interests that may exist in the land. Enquiries in regard to native title matters should be directed to DLWC's Resource Access Works and Services division PO Box 6, East Maitland 2323 or phone 49342324.</p>
3.1(a)	The Applicant shall prior to the commencement of construction, prepare a Site Water Management Plan to the satisfaction of the Director-General and DLWC, which shall include, but not be limited to, the following matters:
3.1(a) (i)	Measures to be undertaken to ensure that principles adopted in the surface water and groundwater management for the Bayswater No.2 and Bayswater No.3 sites are extended to the construction and operation stages of the rail loading facilities and rail loop;
3.1(a) (ii)	Management of the quality and quantity of surface and groundwater within the areas covered by the water management plans;
3.1(a) (iii)	Management of stormwater and general surface runoff diversion to ensure separate effective management of clean and dirty water;
3.1(a) (iv)	Measures to prevent the quality of any surface waters being degraded below that identified in Table 2.5 of the EIS due to the construction and operation of the rail loading facilities and rail loop;
3.1(a) (v)	Identification of changes in flow of surface waters including Ramrod Creek and unnamed tributaries and all creeks within the DA area due to the construction and operation of the rail loading facilities and rail loop;

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Condition	Requirement
3.1(a) (vi)	Demonstration of compliance with Sections 20Y and 22BA of the <i>Water Act (1912)</i> , concerning any embargoes on water extraction within the Hunter Catchment ( <i>DLWC General Terms of Approval</i> );
3.1(a) (vii)	Contingency plans for managing adverse impacts of the development on surface and groundwater quality;
3.1(a) (viii)	Measures to develop and implement a Stormwater Management Scheme to mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in <i>Managing Urban Stormwater: Council Handbook</i> or its latest version (available from the EPA) ( <i>EPA General Terms of Approval</i> ).
3.1(a) (ix)	Details of water make and storage on site, including contingencies in the event of very wet conditions (75% and greater rainfall years) occurring on the site. This must be balanced against the operations water demand or transfer arrangements with adjacent holdings. Specific storage requiring assessment are the main raw water dam, 30 megalitre sedimentation basin and any existing structures that are to be used to supply water to the development ( <i>DLWC General Terms of Approval</i> );
3.1(a) (x)	Measures to ensure that poorer quality class waters are effectively reused on the site including consideration of segregation of waters based on salinity classes and other levels of contamination;
3.1(a) (xi)	Measures to isolate heavily contaminated waters, including waters containing oil and grease, operation chemical residues or other criteria, to avoid mixing with reuse or discharge waters;
3.1(a) (xii)	Details of design and maintenance of all storages, diversions, transmission channels and sedimentation dams for the site, to minimise sedimentation of watercourses as a result of the construction and operation of the rail loading facilities and rail loop;
3.1(a) (xiii)	Details of any licensing requirements for any extractions, storages, or other constructions on the site, including any licence requirements for the use of the existing 1000 megalitre dam or the proposed 30 megalitre sedimentation dam ( <i>DLWC General Terms of Approval</i> );
3.1(a) (xiv)	Measures for assessing chemical water quality impacts of the operations above and below the site;

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Condition	Requirement
3.1(a) (xv)	Details of the design and implementation of dust suppression infrastructure as outlined in the EIS, including proposed overhead sprinklers for conveyor wash down;
3.1(a) (xvi)	Details of the integration of this plan with the existing Bayswater Mine Site Water Management Plan; and
3.1(a) (xvii)	A program for reporting on the effectiveness of the water management systems and performance against objectives contained in the approved site water management plans, and EIS.
3.1(b)	The Applicant shall obtain a licence from DLWC prior to the commencement of construction under Part 3A of the <i>Rivers and Foreshores Improvement Act 1948</i> for any development within 40 meters of the banks of any prescribed stream, including Ramrod Creek and several unnamed tributaries. Any permit subsequently granted is not transferable to any other person or company and does not allow operations at any other Site ( <i>DLWC General terms of Approval</i> ).
3.1(c)	The location and nature of any works under the <i>Rivers and Foreshore Improvement Act 1948</i> permit shall not be altered unless a subsequent permit is sought ( <i>DLWC General terms of Approval</i> ).
3.1(d)	The works associated with the proposal shall not significantly damage ( <i>DLWC General terms of Approval</i> ):
3.1(d) (i)	Vegetation outside the area of operation;
3.1(d) (ii)	The stability of adjacent or nearby streams; or
3.1(d) (iii)	The quality of water in Ramrod Creek.
3.1(e)	If in the opinion of a DLWC officer any work undertaken in accordance with a permit under the <i>Rivers and Foreshores Improvement Act (1948)</i> is being carried out in such a manner as it may significantly damage or detrimentally affect Ramrod creek beyond approved works, or damage or interfere in any way with any work, the operation on that section of the creek shall cease upon oral or written direction of such officer ( <i>DLWC General Terms of Approval</i> ).

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Condition	Requirement
	<p><b>Note:</b></p> <p><u>Pollution of waters</u></p> <p>Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with, in connection with the carrying out of the development (<i>EPA General terms of Approval</i>)</p>
3.2(a)	The Applicant shall:
3.2(a) (i)	<p>Prepare a monitoring program in respect of ground and surface water quality and quantity, including water in and around the DA area during construction and operation of the rail loading facility and rail loop in consultation with DLWC, and to the satisfaction of the Director-General. The monitoring program shall:</p> <ul style="list-style-type: none"> <li>include the duration (pre, during, and post operations), of any additional sites to be sampled, frequency of sampling, the parameters to be measured, the need for any contingency plans, the reporting procedure and determination of appropriate cut-off criteria for monitoring purposes determined in consultation with DLWC;</li> <li>include long term monitoring of the condition of Ramrod Creek and affected downstream watercourses during the life of the rail loading facility and rail loop. This shall include the monitoring of the chemical and biological state of Ramrod Creek to assess the level of impact occurring as a result of the proposal. In the event that the monitoring identifies any adverse impacts are occurring, a plan of remediation shall be developed and implemented to the satisfaction of DLWC; and</li> <li>outline the integration of this monitoring program with the monitoring program for the Bayswater mine site.</li> </ul>
3.2(ii)	Construct and locate any additional surface and groundwater monitoring positions, as identified in the mine monitoring program in consultation with DLWC, and to the satisfaction of the Director-General, prior to the commencement of construction;

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Condition	Requirement
3.2(iii)	The Applicant shall submit a water quality monitoring report to DLWC to allow DLWC to assess water quality data handling requirements for the catchment water quality archive. This report must include site locations (mapped and AMG coordinates), water quality sampling design and data handling, and provision of electronic and hard copy water quality data to DLWC. This water quality reporting shall be incorporated into the AEMR (refer to condition 8.1) ( <i>DLWC General Terms of Approval</i> ).
4.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997 ( <i>EPA General Terms of Approval</i> ).
	<b>Note:</b> This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.
5.1(a)	<p>The Applicant shall, prior to the commencement of construction, prepare a Dust Management Plan detailing air quality safeguards and procedures for dealing with dust emissions from the Bayswater rail loading facility and rail loop to the satisfaction of the Director-General. The Plan shall be prepared in consultation with the owners of Drayton mine with the aim of achieving a consistent approach in the preparation of the Dust Management Plans for the Bayswater and Drayton rail facilities respectively. The Plan shall include, but not be limited to, details of:</p> <ul style="list-style-type: none"> <li>• the identification of dust affected properties and the relevant dust limits consistent with the EIS;</li> <li>• specifications of the procedures for the dust monitoring program for the purpose of undertaking independent dust investigations, including joint investigations with the owners of the Drayton rail loop and Antiene rail spur where necessary;</li> <li>• the procedure to notify property owners and occupiers likely to be affected by dust from construction and operation;</li> <li>• the establishment of a protocol for handling dust complaints that include recording, reporting and acting on complaints;</li> <li>• appropriate mechanisms for community consultation;</li> <li>• outlining mitigation measures to be employed to minimise dust emissions;</li> </ul>

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Condition	Requirement
	<ul style="list-style-type: none"> <li>• equipment to be available and used to control dust generation;</li> <li>• methods to determine when and how the construction and operation is to be modified to minimise the potential for dust emissions, if the relevant criteria are exceeded;</li> <li>• identification of longer term strategies directed towards mitigating dust levels that exceed the relevant EPA dust amenity criteria;</li> <li>• details of any additional locations for dust monitoring and deposition gauges (including existing Bayswater monitoring locations if proposed to be used) at residential areas and frequency of monitoring, as agreed with the EPA;</li> <li>• details of the integration of this plan with the Bayswater mine dust management plan, and this plan's inter-relationship with the Drayton rail facilities dust management plan; and</li> <li>• a program to continue baseline monitoring undertaken prior to development consent.</li> </ul>
5.1(b)	The Applicant shall:
5.1(b) (i)	Undertake monitoring at locations described in the Dust Management Plan (Condition 5.1(a));
5.1(b) (ii)	Establish and/or supplement existing dust deposition and PM10 monitoring locations for construction and operation, including sites for monitoring impacts of dust at the nearest non-mined owned residences, the location of existing relevant Bayswater or Drayton monitoring locations proposed to be used, and locations as may be determined to be necessary by the Director-General in accordance with the Dust Management Plan referred to in Condition 5.1(a); and
5.1(b) (iii)	Provide all results and analysis of air quality monitoring in the AEMR including a determination of the annual dust deposition rate in gm/m2/month, which shall be plotted in the AEMR.

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Condition	Requirement
5.1(c)	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:</p> <ul style="list-style-type: none"> <li>any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or</li> <li>if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or</li> <li>if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place (<i>EPA General Terms of Approval</i>).</li> </ul>
	<p><b>Note:</b> The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)</p>
5.1(d)	<p>Monitoring of dust deposition and the concentration of PM10 particulate matter in ambient air must be carried out at locations agreed to in consultation with the EPA. The sampling methods, units of measure, interval and frequency of monitoring will be as set out in the "Approved Methods for Sampling and Analysis of Air Pollutants in NSW" or its latest version (<i>EPA General terms of Approval</i>).</p>
5.1(e)	<p>In the event that a landowner or occupier considers that dust from the project at their dwelling or over more than 25% of their vacant land is in excess of the relevant EPA dust amenity criteria, and the Director-General is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:</p>
5.1(e) (i)	<p>Consult with the landowner or occupants affected to determine their concerns;</p>
5.1(e) (ii)	<p>Make arrangements for, and bear the costs of, in consultation with the owner's of the Drayton rail loop and Antiene rail spur, appropriate independent dust investigations in accordance with the Dust Management Plan, and to the satisfaction of the Director-General, to quantify the impact and determine the source of the effect and contribution of the Bayswater rail loading facility and rail loop;</p>



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Condition	Requirement
5.1(e) (iii)	<p>Modify the operation in accordance with the Dust Management Plan if exceedences are demonstrated to result from the rail loading facility and/or rail loop activities. This shall include:</p> <ul style="list-style-type: none"> <li>• introduction of additional controls, either of dust generation from individual sources on the site or on site operations or modify operations, to ensure that the dust criteria are achieved; and / or,</li> <li>• enter into an agreement with the landowner, or provide such forms of benefit or amelioration as may be agreed between the parties as providing acceptable amelioration/benefit for the dust levels experienced. The agreement may also be made in consultation with the owner of the Drayton rail loop and Antiene rail spur and</li> </ul>
5.1(e) (iv)	Conduct follow up investigations to the satisfaction of the Director-General, where necessary.
	<b>Note:</b> Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot.
5.1(f)	Further independent investigations shall cease if the Director-General is satisfied that the relevant consent limits or relevant EPA dust amenity criteria are not being exceeded and are unlikely to be exceeded in the future.
5.1(g)	If the independent dust investigations in sub-clause (e) above confirm that dust limits are in excess of the relevant EPA dust amenity criteria, the Applicant shall at the written request of the owner acquire the relevant property. Acquisition shall be in accordance with the procedures set out in Condition 10.1, 10.2 and 10.3.
5.2(a)	Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises ( <i>EPA General Terms of Approval</i> ).

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)										
Condition	Requirement									
5.3.1(a)	<p>For three years from the date of this consent, the applicant shall co-operate with the relevant mining operators to limit the cumulative noise contributions from the operation of Bayswater rail loading facility and rail loop such that these noise levels in conjunction with the total cumulative noise emissions from the operations of the existing Bayswater mine, Drayton coal mine, Drayton rail loop, Antiene rail spur, and proposed Mount Arthur North project if approved, do not exceed the dB(A) Leq(9 hour/4 hour/11 hour) noise limits in Table 1 at any non-mine owned dwellings (refer also condition 10.1). The applicant shall also ensure that the noise levels from the Bayswater rail loop alone shall not exceed the dB(A) Leq(15 minute) noise limits also shown in Table 1 for the first three years from the date of this consent.</p> <p style="text-align: center;"><u>Table 1: Noise limits</u></p> <table><tr><th>Night time (10pm-7am)</th><th>Evening time (6pm-10pm)</th><th>Day time (7am-6pm)</th></tr><tr><td>42 dB(A) Leq(9 hour)</td><td>42 dB(A) Leq(4 hour)</td><td>42 dB(A) Leq(11 hour)</td></tr><tr><td>40 dB(A) Leq(15 minute)</td><td>40 dB(A) Leq(15 minute)</td><td>40 dB(A) Leq(15 minute)</td></tr></table>	Night time (10pm-7am)	Evening time (6pm-10pm)	Day time (7am-6pm)	42 dB(A) Leq(9 hour)	42 dB(A) Leq(4 hour)	42 dB(A) Leq(11 hour)	40 dB(A) Leq(15 minute)	40 dB(A) Leq(15 minute)	40 dB(A) Leq(15 minute)
Night time (10pm-7am)	Evening time (6pm-10pm)	Day time (7am-6pm)								
42 dB(A) Leq(9 hour)	42 dB(A) Leq(4 hour)	42 dB(A) Leq(11 hour)								
40 dB(A) Leq(15 minute)	40 dB(A) Leq(15 minute)	40 dB(A) Leq(15 minute)								
5.3.1(b)	<p>After three years from the date of this consent, the applicant shall co-operate with the relevant operators to limit the cumulative noise contributions from the operation of Bayswater rail loading facility and rail loop such that these noise levels in conjunction with the total cumulative noise contributions from the operations of the Bayswater mine, Drayton rail loop, Antiene rail spur, Drayton coal mine, and proposed Mount Arthur North project if approved, do not exceed the dB(A) Leq(9 hour/4 hour/11 hour) noise limits in Table 2 at any non-mine owned dwellings (refer also condition 11.1). The applicant shall also ensure that the noise levels from the Bayswater rail loading facility and rail loop alone shall not exceed the dB(A) Leq(15 minute) noise limits also shown in Table 2 after three years from the date of this consent.</p> <p style="text-align: center;"><u>Table 2: Noise limits</u></p> <table><tr><th>Night time</th><th>Evening Time</th><th>Day time</th></tr><tr><td>40 Leq(9 hour) dB(A)</td><td>40 Leq(4 hour) dB(A)</td><td>40 Leq(11 hour) dB(A)</td></tr><tr><td>38 Leq(15 minute) dB(A)</td><td>38 Leq(15 minute) dB(A)</td><td>38 Leq(15 minute) dB(A)</td></tr></table>	Night time	Evening Time	Day time	40 Leq(9 hour) dB(A)	40 Leq(4 hour) dB(A)	40 Leq(11 hour) dB(A)	38 Leq(15 minute) dB(A)	38 Leq(15 minute) dB(A)	38 Leq(15 minute) dB(A)
Night time	Evening Time	Day time								
40 Leq(9 hour) dB(A)	40 Leq(4 hour) dB(A)	40 Leq(11 hour) dB(A)								
38 Leq(15 minute) dB(A)	38 Leq(15 minute) dB(A)	38 Leq(15 minute) dB(A)								

	Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)									
Condition	Requirement									
5.3.1(c)	Notwithstanding Condition 5.3.1 (b) above, the Director-General may otherwise agree to a request from the applicant to maintain the noise criteria of Table 1, provided the Director- General is satisfied that the applicant can justify that it cannot achieve the noise criteria in Table 2 by:									
5.3.1(c) (i)	Providing full detail of whatever means are required to achieve the noise levels in Table 2, and a quantitative analysis of the cost effectiveness of such means to the satisfaction of the EPA; and									
5.3.1(c) (ii)	Following the analysis at (i) above, the applicant is required to determine, to the satisfaction of the EPA, the best alternative mitigation measures that might not achieve the levels in Table 2, but are considered reasonable and feasible and will be put in place by the applicant.									
5.3.1(d)	<p>Notwithstanding sub clauses (a), (b) and (c), above, the area of noise affectation for the cumulative operation of the Drayton rail loop, Antiene rail spur, Drayton coal mine, Bayswater rail loading facility and rail loop, Bayswater mine, Antiene rail spur, and proposed Mount Arthur North project if approved, is defined by demonstrated exceedence of noise levels at any non-mine owned dwellings of the dB(A) Leq(9 hour/4 hour/11 hour) noise limits shown in Table 3 below. The area of noise affectation for the Bayswater rail loop and rail loading facility alone is defined by demonstrated exceedence of noise levels at any non-mine owned dwellings of the dB(A) Leq(15 minute) noise limits also shown in Table 3 below.</p> <p style="text-align: center;"><u>Table 3: Noise Affectation Criteria</u></p> <table><tr><th>Night Time</th><th>Evening Time</th><th>Day time</th></tr><tr><td>45 dB(A)Leq(9hour)</td><td>45 dB(A)Leq(4hour)</td><td>45 dB(A)Leq(11hour)</td></tr><tr><td>43 dB(A)Leq(15 minute)</td><td>43 dB(A)Leq(15 minute)</td><td>43 dB(A)Leq(15 minute)</td></tr></table>	Night Time	Evening Time	Day time	45 dB(A)Leq(9hour)	45 dB(A)Leq(4hour)	45 dB(A)Leq(11hour)	43 dB(A)Leq(15 minute)	43 dB(A)Leq(15 minute)	43 dB(A)Leq(15 minute)
Night Time	Evening Time	Day time								
45 dB(A)Leq(9hour)	45 dB(A)Leq(4hour)	45 dB(A)Leq(11hour)								
43 dB(A)Leq(15 minute)	43 dB(A)Leq(15 minute)	43 dB(A)Leq(15 minute)								

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
5.3.1(e)	<p>In the event that a landowner or occupier considers that noise from the project at their dwelling is in excess of:</p> <ul style="list-style-type: none"> <li>the noise levels depicted in Table 1 within the first three years from the date of this consent; or</li> <li>the noise levels depicted in Table 2 after the first three years from the date of this consent (or as agreed by the Director-General); or</li> <li>the noise levels depicted in Table 3; or</li> <li>that a landowner considers that the noise levels depicted in Table 3 is being exceeded over more than 25% of their vacant land, and the Director-General is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:</li> </ul>
5.3.1(e) (i)	Consult with the landowner or occupants affected to determine their concerns;
5.3.1(e) (ii)	<p>Make arrangements for, and bear the costs of, in consultation with the owner's of Drayton mine, appropriate independent noise investigations in accordance with the noise management plan, and to the satisfaction of the Director-General, to quantify the impact and determine the source of the effect and the contribution of the Bayswater rail loading facility and rail loop to the effect;</p>
5.3.1(e) (iii)	<p>Modify the rail loading facility and rail loop operations in accordance with a noise reduction plan prepared as part of the noise management plan, if exceedences are demonstrated to result from rail loading and rail loop activity. This shall include:</p> <ul style="list-style-type: none"> <li>introduction of additional controls, either on noise emission from individual sources on the site or on site operations or modify operations, to ensure that the criteria in the Table 2 are achieved;</li> <li>with the agreement of the landowner, undertaking of noise control at the dwelling to achieve acceptable internal noise levels;</li> <li>entering into an agreement with the owner of the Drayton rail loop and Antiene rail spur and the landowner, or provide such other forms of benefit or amelioration as may be agreed between the parties, as providing acceptable amelioration/benefit for the noise levels experienced;</li> </ul>

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
5.3.1(e) (iv)	Conduct follow up investigations to the satisfaction of the Director-General, where necessary.
5.3.1(f)	If the independent noise investigations in sub-clause (e) above confirm that noise limits in Table 3 are being exceeded, the Applicant shall at the written request of the owner acquire the relevant property. Acquisition shall be in accordance with the procedures set out in Condition 10.2 and 10.3.
5.3.1(g)	If continued complaints and noise investigations confirm that noise limits in Table 1 and/or 2 are being exceeded, but are less than the noise levels in Table 3, the Applicant shall continue to negotiate with the owner of Drayton mine and the landowner until an acceptable resolution is reached.
5.3.1(h)	Further independent investigations shall cease if the Director-General is satisfied that the relevant consent limits or EPA amenity criteria are not being exceeded and are unlikely to be exceeded in the future.
	<p><b>Note:</b></p> <ol style="list-style-type: none"> <li>1. The noise emission limits in this condition apply for adverse weather conditions. "Adverse" weather conditions means the presence of winds up to 3 metres per second, and/or temperature inversions for up to 4 degrees C per 100 metres.</li> <li>2. Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot.</li> </ol>
5.3.2(a)	<p>The Applicant shall within three months of the date of this consent, prepare a Noise Management Plan for the Bayswater rail loading facility, to the satisfaction of the Director-General. The Plan shall be prepared in consultation with the owner of Drayton mine with the aim of achieving a consistent approach in the preparation of the Bayswater rail loading facility noise management plan. The Plan shall:</p> <ul style="list-style-type: none"> <li>• include details of the conduct of noise investigations at three monthly intervals, unless otherwise agreed by the Director-General, to evaluate, assess and report the L eq(15 minute) (project alone) and L eq(9hour/4 hour/11 hour) (cumulative) noise emission levels due to normal operations of the rail loading facility and rail loop under adverse weather conditions;</li> <li>• details of the proposed methodologies including establishing the rail loading facility and rail loop operating configuration; determining survey intervals; weather conditions and seasonal variations; selecting variations, locations, periods and times of measurements;</li> <li>• outline the design of any noise monitoring and modelling or other studies including the means for determining the noise levels emitted by the rail loading facility and rail loop;</li> </ul>

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
	<ul style="list-style-type: none"> <li>• particularly focus on the management of night time noise (10.00pm – 7.00am) for each year of operation;</li> <li>• identify noise affected properties and the relevant noise limits consistent with the EIS, the additional noise information requested by the EPA and supplied by Umwelt (Australia Pty Limited) in a letter dated 15 June 2000; with results of extended noise monitoring and in a letter dated 20 July 2000 and accompanying report titled “Response to EPA Submission of 5 July 2000; and Coal Operations Australia Limited Response to the Summary of Submissions received from DUAP on 2 June 2000, prepared by Umwelt (Australia) Pty Ltd, August 2000;</li> <li>• specify the procedures for a noise monitoring program for the purpose of undertaking independent noise investigations, in consultation with the owners of Drayton mine, as necessary;</li> <li>• outline the procedure to notify property owners and occupiers likely to be affected by noise from the operations;</li> <li>• establish a protocol for handling noise complaints that include recording, reporting and acting on complaints;</li> <li>• record appropriate mechanisms for community consultation;</li> <li>• outline mitigation measures to be employed on the site to limit noise emissions;</li> <li>• identify longer term strategies directed towards mitigating noise levels that exceed the noise criteria in Table 2 under adverse meteorological conditions;</li> <li>• outline measures to be used to reduce the impact of intermittent, low frequency and tonal noise (including any truck reversing alarms);</li> <li>• outline construction details of the acoustic screens to be constructed between chainages 700 – 1100 and 5200 – 6600 as shown on Figure 7 of the COAL Response to Summary of Submissions Received from DUAP 2 June 2000, prepared by Umwelt (Australia) Pty Ltd, August 2000;</li> <li>• specify measures to be taken to document any higher level of impacts or patterns of temperature inversions, and detail actions to quantify and ameliorate enhanced impacts if they lead to exceedence of the relevant noise criteria;</li> <li>• survey and investigate noise reduction measures, if required, from plant and equipment annually, subject to noise monitoring results and/or complaints received, and report in the AEMR at the conclusion of the first 12 months of operations and set targets for noise reduction taking into consideration valid noise complaints in the previous year. The Report shall also include remedial measures to achieve compliance with the specified noise goals; and</li> <li>• include details of the integration of this plan with the existing Bayswater mine Noise Management Plan, and the inter-relationship of this plan with the Drayton rail facility’s noise management plan.</li> </ul>

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
5.3.2(b)	<p>Prior to commencement of construction, the Applicant must prepare, and subsequently implement, a Construction Noise Management Plan to the satisfaction of the Director- General. The Plan shall include, but not be limited to, the following matters:</p> <ul style="list-style-type: none"> <li>• compliance standards;</li> <li>• community consultation;</li> <li>• complaints handling monitoring/system;</li> <li>• site contact person to follow up complaints;</li> <li>• mitigation measures;</li> <li>• the design/orientation of the proposed mitigation methods demonstrating best practice;</li> <li>• construction times;</li> <li>• contingency measures where noise complaints are received;</li> <li>• monitoring methods and program.</li> </ul>
5.3.2(c)	The Applicant shall also:
5.3.2(c) (i)	Make copies of the Plans available to the EPA, MSC and CCC within fourteen days of approval, or as otherwise agreed to be the Director-General; and
5.3.2(c) (ii)	Include a summary of noise monitoring results in the AEMR (refer condition 8.1(a)).
5.3.3(a)	The levels of noise emitted from the premises must be monitored for 72 hrs every 3 months, unless otherwise agreed by the Director-General, at locations agreed to in consultation with the EPA. The monitoring must determine the LAeq, 9hour, LAeq, 15min, LA90, 15 min, and LA1, 1 min and include an assessment of the impact of operational noise on adjoining residents ( <i>EPA General Terms of Approval</i> ).

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
5.3.3(b)	Noise monitoring at the specified locations must be undertaken during daytime (7.00am-6.00pm), evening (6.00pm-10.00pm) and night time (10.00pm-7.00am) ( <i>EPA General Terms of Approval</i> ).
5.4(a)	The Applicant shall prior to commencement of operations prepare a Light Management Plan to the satisfaction of MSC and the Director-General. The Plan shall include:
5.4(a) (i)	<p>Details of the implementation of visual controls discussed in section 4.12.4 of the EIS and as detailed section 2.8 of Response to Summary of Submissions Received from DUAP 2 June 2000, to screen or direct or manage all headlights from trains travelling along the Bayswater Rail loop away from Thomas Mitchell Drive and residences, to the satisfaction of MSC. These visual controls shall include:</p> <ul style="list-style-type: none"> <li>• planting of the vegetation corridors between the Bayswater rail line and Thomas Mitchell Drive; and</li> <li>• construction of visual screens along the top of the rail embankment as shown in Figures 4.16 and 4.21 of the EIS; and/or</li> <li>• other effective operating practices developed in consultation with FreightCorp.</li> </ul>
5.4(a) (ii)	Details of any measures, apart from those listed in (i), to be adopted to screen and direct all on-site lighting away from residences and roadways.
5.4(b)	The Application shall report the effectiveness of the visual controls in the AEMR.
6.1(a)	Coal transported along the Bayswater Rail Loop is limited to 13 million tonnes per annum during the simultaneous operation of the Drayton Rail Loop at 7 million tonnes per annum.
6.1(b)	Coal transported along the Bayswater Rail Loop can only exceed 13 million tonnes per annum where the combined annual tonnage of operations along the Bayswater Rail Loop and Drayton Rail Loop do not exceed 20 million tonnes per annum.
6.1(c)	The peak number of train movements along the Bayswater Rail Loop are limited to 18 per day, except in the event that Drayton mine does not utilise all of its 7 million tonnes per annum, the applicant may take up the spare capacity, with a total limit of 30 train movements per day along the Bayswater rail loop and Antiene rail spur.



Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
6.1(d)	The maximum annual rate of coal haulage shall be calculated from the date of commencement of rail haulage. The Applicant shall submit a statement every six (6) months regarding the quantities, number of daily train movements and destination of product hauled on Bayswater rail loop in that period to the Director-General unless otherwise agreed by the Director-General, commencing from the date of commencement of rail haulage.
	<p><b>Note:</b> Condition 6.1 shall be read in conjunction with condition 6.1 Limits on Transportation of Coal of the consent issued by the Minister for Urban Affairs and Planning to Drayton Coal Pty Ltd (Drayton) for increased coal transport tonnage using the existing Drayton Rail Loop and Antiene Rail Spur. Condition 6.1 of the Drayton consent is as follows:</p> <p>(a) Coal transported along the Drayton Rail Loop is limited to Seven (7) million tonnes per annum.</p> <p>(b) Coal transported along the Antiene Rail Spur is limited to Twenty (20) million tonnes per annum.</p> <p>(c) The peak number of train movements along the Drayton Rail Loop is limited to 12 per day.</p> <p>(d) The peak number of train movements along the Antiene Rail Spur are limited to 30 per day.</p> <p>(e) The maximum annual rate of coal haulage shall be calculated from the date of commencement of this consent. The Applicant shall submit a statement every six (6) months regarding the number of daily train movements, quantities and destination of product hauled on the Drayton rail loop and Antiene rail spur in that period to the Director-General unless otherwise agreed by the Director-General, commencing from the date of commencement of this consent.</p>
6.2 (i)	The owners of Drayton mine, prior to construction of the rail turn out from the Antiene Rail Spur to the Bayswater Rail Loop, to determine an appropriate period for construction when Drayton mine is not engaged in a coal haulage campaign; and
6.2 (ii)	Rail Access Corporation prior to the installation of signalling for the Bayswater Rail Loop to co-ordinate integration of the signalling system with Rail Access Corporation's existing signalling network.
	<p><b>Note:</b> A commercial agreement is in place between the owners of the Bayswater and Drayton rail facility proposals respectively which requires the applicant to advise the owners of the Drayton rail facility, no less than sixty (60) business days before the commencement of each year, of its proposed Estimated Annual Tonnage and its planned shipping schedule for coal haulage on the Antiene Spur. On the first business day of each month, the applicant will advise the owners of Drayton mine of its planned shipping schedule for coal haulage for each of the then ensuing three months.</p>

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
6.3	No coal from Bayswater mine shall be hauled on public roads after commercial rail haulage from the Bayswater Rail Loading Facility has commenced, except under emergency or special situations and only with the prior written permission of the Director-General, RTA and MSC.
6.4(a)	Access points to all construction sites off Thomas Mitchell Drive need to be identified in consultation with MSC. The access points shall be limited to no more than two, in addition to the construction corridor (for the purposes of bridge construction), and shall be properly developed with appropriate signs and traffic management plans ( <i>MSC General Terms of Approval</i> ).
6.4(b)	The location of the new access road to Bayswater mine and its intersection with Thomas Mitchell Drive shall be identified in consultation with MSC ( <i>MSC General Terms of Approval</i> ).
6.4(c)	A joint audit of road condition along Thomas Mitchell Drive shall be conducted by the Applicant and MSC prior to the commencement of construction and after the completion of construction activities to assess any damage caused by construction. The Applicant shall cover all cost of the audit ( <i>MSC General Terms of Approval</i> ).
6.4(d)	Under no circumstances is Thomas Mitchell Drive to be used for haulage of excavated materials around the construction sites ( <i>MSC General terms of Approval</i> ).
6.4(e)	Temporary closures shall also be advertised in a paper circulating in the local area 24 hours prior to any closures taking place ( <i>MSC General terms of Approval</i> ).
6.4(f)	Construction work, within the road reserve, is to be carried out in accordance with Council's environmental requirements which include: <ul style="list-style-type: none"> <li>• appropriate dust mitigation measures to control dust generated as a result of the construction activities;</li> <li>• erosion and sediment control in accordance with MSC's Erosion and Sediment Control Policy and Code of Practice;</li> <li>• rehabilitation of any areas disturbed as a result of construction activities to its state prior to construction; and</li> <li>• the protection of Ramrod Creek and its tributaries from pollution as a result of the construction activities (<i>MSC General terms of Approval</i>).</li> </ul>

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
6.5	Prior to construction the Applicant shall consult with affected service authorities and make arrangements satisfactory to those authorities for the protection or relocation of services (such as transmission lines, pipelines, optic cables etc) prior to the commencement of construction activities. This shall include consultation with Energy Australia in regard to the relocation of the 11kv and 33kv transmission lines that currently traverse the Bayswater Rail Loop and Loading Facility locations.
7(a)	In addition to the requirements contained elsewhere in this consent, the Director-General may, at any time in consultation with the relevant government authorities and Applicant, require the monitoring programs in Conditions 2, 3 and 5 to be revised/updated to reflect changing environmental requirements or changes in technology/operational practices. Changes shall be made and approved in the same manner as the initial monitoring programs. All monitoring programs shall also be made publicly available at MSC within two weeks of approval of the relevant government authority.
7(b)	All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program. Only laboratories with a nationally recognised relevant accreditation shall be used for laboratory analysis.
7.1(a)	Every three years from the date of this consent until completion of the use of the rail loading facility and rail loop in the DA area, or as otherwise directed by the Director- General, the Applicant shall conduct an environmental audit of the infrastructure areas of the development in accordance with ISO 14010 - Guidelines and General Principles for Environmental Auditing, and ISO 14011 - Procedures for Environmental Auditing (or the current versions), and in accordance with any specifications required by the Director-General. The audit shall, as far as possible, be co-ordinated with the audit for the Drayton coal transport (rail) operations. Copies of the report shall be submitted by the Applicant to the Director-General, MSC, EPA, DLWC, DMR, NPWS and CCC within two weeks of the report's completion for comment.
7.1(b)	The audit shall:
7.1(b) (i)	Assess compliance with the requirements of this consent, licences and approvals;
7.1(b) (ii)	Assess the development against the predictions made in the EIS;
7.1(b) (iii)	Review the effectiveness of the environmental management of the operation, including any mitigation works;
7.1(b) (iv)	Be carried out at the Applicant's expense; and

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
7.1(b) (v)	Be conducted by a duly qualified independent person or team approved by the Director-General in consultation with MSC.
7.1(c)	The Director-General may, after considering any submission made by the relevant government agencies, MSC and CCC on the report, notify the Applicant of any requirements with regard to any recommendations in the report. The Applicant shall comply with those reasonable requirements within such time as the Director-General may require.
7.2	The applicant shall utilise the existing meteorological station at Bayswater mine, or establish an alternative meteorological station at a relevant location, in accordance with the requirements of AS 2922 1987 "Ambient Air Guide for Siting of Sampling Units" or updated version. The Meteorological station must be capable of recording wind direction and speed, temperature and sigma theta and be operated in accordance with the requirements of AS 2923-1987 "Ambient Air Guide Horizontal Wind for Air Quality Application", or subsequent relevant standards.
8.1(a)	The Applicant shall, throughout the life of the rail loading facility and rail loop and for a period of at least three years after the completion of operations in the DA area, prepare and submit an Annual Environmental Management Report (AEMR), which may be incorporated into the existing Bayswater Colliery AEMR to the satisfaction of the Director-General. The AEMR shall review the performance of the facility against the Environmental Management Strategy, the conditions of this consent, and other licences and approvals relating to the facility. To enable ready comparison with the predictions made in the EIS, diagrams and tables, the report shall include, but not be limited to, the following matters:
8.1(a) (i)	An annual compliance review of the performance of the project against conditions of this consent and statutory approvals;
8.1(a) (ii)	A review of the effectiveness of the environmental management of the facility in terms of EPA, DLWC, DMR, and MSC requirements;
8.1(a) (iii)	Results of all environmental monitoring required under this consent or other approvals, including interpretations and discussion by a suitably qualified person;
8.1(a) (iv)	Identify trends in monitoring results over the life of the facility;
8.1(a) (v)	An assessment of any changes to agricultural land suitability resulting from the facility operations, including cumulative changes;
8.1(a) (vi)	A listing of any variations obtained to approvals applicable to the subject area during the previous year;
8.1(a) (vii)	The outcome of the water budget for the year, the quantity of water used from water storages and details of discharge of any water from the site;

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
8.1(a) (viii)	Detail of rehabilitation of the site undertaken to date; and
8.1(a) (ix)	Environmental management targets and strategies for the next year, taking into account identified trends in monitoring results.
8.1(b)	In preparing the AEMR, the Applicant shall:
8.1(b) (i)	Respond to any requests made by the Director-General for any additional requirements;
8.1(b) (ii)	Comply with any requirements of the Director-General or other relevant government agencies; and
8.1(b) (iii)	Ensure that the first report is completed and submitted within twelve months of this consent; or at a date determined by the Director-General in consultation with the DMR and the EPA; or in the next AEMR after the date of this consent.
8.1(c)	The Applicant shall ensure that copies of each AEMR are submitted at the same time to DUAP, EPA, DLWC, NPWS, MSC and CCC, and made available for public information at MSC within fourteen days of submission to these authorities.
8.2(a)	The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in subclauses b and c ( <i>EPA General terms of Approval</i> ).
8.2(b)	<p>All records required to be kept by the licence must be:</p> <ul style="list-style-type: none"> <li>• in a legible form, or in a form that can readily be reduced to a legible form;</li> <li>• kept for at least 4 years after the monitoring or event to which they relate took place; and</li> <li>• produced in a legible form to any authorised officer of the EPA who asks to see them (<i>EPA General terms of Approval</i>).</li> </ul>

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Condition	Requirement
8.2(c)	<p>The following records must be kept in respect of any samples required to be collected:</p> <ul style="list-style-type: none"> <li>the date(s) on which the sample was taken;</li> <li>the time(s) at which the sample was collected;</li> <li>the point at which the sample was taken; and</li> <li>the name of the person who collected the sample (<i>EPA General terms of Approval</i>).</li> </ul>
8.2(e)	<p>The Applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the Applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return. This may form part of the AEMR.</p>
9.1(i)	<p>The Applicant shall, at its own expense:</p>
9.1(i) (a)	<p>Provide to the existing Bayswater Community Consultative Committee (CCC), or its equivalent, regular information on the progress of the construction and operation of the rail loading facility and rail loop and monitoring results;</p>
9.1(i) (b)	<p>Promptly provide to the Committee such other information as the Chair of the Committee may reasonably request concerning the environmental performance of the construction and operation; and</p>
9.1(i) (c)	<p>Provide access for site inspections by the Committee.</p>
9.1(ii)	<p>The Applicant shall co-ordinate with Drayton mine, joint meetings of the Bayswater and Drayton CCCs, or their equivalents, on a basis to be agreed by the two CCCs, to discuss the management of the joint user rail facility.</p>
9.2(a)	<p>The Environmental Officer employed by Bayswater mine (refer condition 2.1) shall be responsible:</p>

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
9.2(a) (i)	For recording complaints with respect to construction and operation of the rail loading facility and rail loop in accordance with the existing Bayswater mine complaints handling procedures, or its equivalent, including use of the dedicated and publicly advertised telephone line, 24 hours per day 7 days per week, entering complaints or comments in an up to date log book, or other suitable data base, and ensuring that a response is provided to the complainant within 24 hours;
9.2(a) (ii)	For providing a report of complaints received with respect to construction, and operation of the Bayswater rail loading facility and rail loop throughout the life of the project every six months to the Director-General, MSC, EPA, DMR, and CCC, or as otherwise agreed by the Director-General. A summary of this report shall be included with the existing complaints recording in the Bayswater mine AEMR, or its equivalent (condition 8.1(a)).
9.2(a) (iii)	Consult with the environmental co-ordinator employed by the Drayton mine to co-ordinate a response to any complaints received regarding the operation of the joint user rail facility.
10.1(a)	In the event that the cumulative impact of noise or dust contributed by the operation of the Bayswater rail loading facility and rail loop and other nearby mining/industrial activities, including the Drayton rail loop and Antiene rail spur, Bayswater mine, Drayton mine, and Mount Arthur North Project if approved, at dwellings, or vacant land (as described in Condition 6.3.1(e)), in the vicinity of the operation, is in excess of the noise or dust criteria contained in these conditions of consent, the Applicant shall negotiate with the other mining companies appropriate arrangements to reasonably contribute to the management of the identified cumulative impacts to the satisfaction of the Director- General.
10.1(b)	If it is identified from subclause (a) above that an industrial operator, other than a mining company, is the cause of an exceedence, the applicant shall provide a report to the Director-General the reasons for the cumulative criteria exceedences with demonstration that the applicant's activities are not the sole cause of the exceedences.
10.1(c)	If agreement on appropriate contributions towards mitigation measures/ acquisition cannot be reached from negotiations undertaken in accordance with subclause (a), then the Director-General may appoint an independent panel to resolve the matter. The membership of the independent panel shall be as determined by the Director-General. The independent panel shall determine the responsibilities of each of the mining companies. The decision of the independent panel shall be final and binding on all parties. The responsibilities of the mining companies and the landowner as described in Condition 10.2 and 10.3 will apply.

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
10.1(d)	Prior to the appointment of the independent panel, the applicant shall provide the Director-General a report detailing the applicant's reasons for being unable to get agreement with the other parties, and the reasons for the cumulative criteria exceedences with demonstration that the applicant's activities are not the sole cause of the exceedences.
10.2	Area of Affection – Land Acquisition
	<b>Note:</b> In Condition 10.2 (a)-(h) "land" means the whole of a lot in a current plan registered at the Land Titles Office as at the date of this consent.
10.2(a)	The Applicant shall negotiate and purchase a property, as identified in conditions 5.1, 5.3 and/or 10.1, within six (6) months of a written request from the affected land owner.
10.2(b)	In respect of a request to purchase land arising under this condition, the Applicant shall pay the owner the acquisition price which shall take into account and provide payment for:
10.2(b) (i)	A sum not less than the current market value of the owner's interest in the land at the date of this consent, as if the land was unaffected by the Bayswater rail loading facility and rail loop the subject of this DA, having regard to: <ul style="list-style-type: none"> <li>the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; and</li> <li>the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of request is completed subsequent to that date.</li> </ul>
10.2(b) (ii)	The owner's reasonable compensation for disturbance allowance and relocation costs within the Singleton or Muswellbrook Local Government Area, or within such other location as may be determined by the Director-General in exceptional circumstances;
10.2(b) (iii)	The owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price of the land and the terms upon which it is to be acquired. Notwithstanding any other condition of this consent, the landowner and the Applicant may, upon request of the landowner, acquire any property affected by the project during the course of this consent on terms agreed to between the Applicant and the landowner.



Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
10.2(d)	In the event that the Applicant and any owner referred to in this condition cannot agree within the time limit upon the acquisition price of the land and/or the terms upon which it is to be acquired, then:
10.2(d) (i)	Either party may refer the matter to the Director-General, who shall request the President of the Australian Institute of Valuers and Land Economists to appoint a qualified independent valuer or Fellow of the Institute, who shall determine, after consideration of any submissions from the owners, a fair and reasonable acquisition price for the land as described in sub-clause (c) and/or terms upon which it is to be acquired;
10.2(d) (ii)	<p>In the event of a dispute regarding outstanding matters that cannot be resolved, the independent valuer shall refer the matter to the Director-General, recommending the appointment of a qualified panel. The Director-General, if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:</p> <ol style="list-style-type: none"> <li>1) the appointed independent valuer,</li> <li>2) the Director-General or nominee, and</li> <li>3) the President of the Law Society of NSW or nominee.</li> </ol> <p>The qualified panel shall determine a fair and reasonable acquisition price as described in sub-clause (c) above and/or the terms upon which the property is to be acquired.</p>
10.2(e)	The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Director-General and the costs of determination referred to in sub clauses (c) and (d).
10.2(f)	Upon receipt of a determination pursuant to sub-clauses (c) and (d), the Applicant shall, within 14 days, offer in writing to acquire the relevant land at a price not less than the determination. Should the Applicant's offer to acquire not be accepted by the owner within six (6) months of the date of such offer, the Applicant's obligations to purchase the property shall cease, unless otherwise agreed by the Director-General.

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
10.2(g)	In the event that only part of the land is to be transferred to the Applicant, the Applicant shall pay all reasonable costs associated with obtaining Council approval to any plan of subdivision and registration of the plan at the Office of the Registrar-General.
10.2(h)	The provisions of this condition do not apply to a land owner who is the holder of an authority under the Mining Act, 1992.
10.3	<p>The Applicant shall prior to commencement of operations of the Bayswater rail loading facility and rail loop, prepare a Joint Acquisition Management Plan with the owner of Drayton mine, to the satisfaction of the Director-General. The plan shall:</p> <ul style="list-style-type: none"> <li>Provide details of a joint approach to be adopted by the Applicant and the owner of Drayton mine in regard to meeting the acquisition procedure requirements outlined in condition 11.2 of this consent relating to the cumulative impacts of the Bayswater rail loading facility and rail loop, the existing Bayswater mine, Drayton coal mine, Drayton rail loop, Antiene rail spur and Mount Arthur North project if approved, should acquisition be required.</li> </ul>
11.1(a)	The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Local Government Act 1993, Protection of the Environment Administration Act 1991, Protection of the Environment Operations Act 1997, Rivers and Foreshores Improvement Act 1948, Water Act 1912, National Parks and Wildlife Act 1974, Mine Subsidence Act 1961 and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by the MSC, EPA, DMR, NPWS, DLWC, MSB, RTA, NSW Agriculture, NSW Fisheries, and RAC, are fully met.
11.1(b)	<p><b>Structural Adequacy</b></p> <p>Detailed plans and specifications relating to the design and construction of all structural elements associated with the proposed development are to be submitted to the Principal Certifying Authority prior to the commencement of construction works. Such plans and specifications must be accompanied by certification provided by a practicing professional structural engineer or an accredited certifier certifying the structural adequacy of the proposed building design and compliance with the Building Code of Australia.</p>
11.1(c)	<p><b>Verification of Construction</b></p> <p>Upon completion of building works and prior to the issue of an occupation certificate, a certificate/s prepared by a suitably qualified person or a compliance certificate/s issued by an accredited certifier, is to be submitted to the Principal Certifying Authority certifying that the following building components, where relevant, have been completed in accordance with approved plans and specifications:</p>

Bayswater Rail Loading Facility and Rail Loop (DA 105-04-00)	
Condition	Requirement
11.1(c) (i)	Footings;
11.1(c) (ii)	Concrete structures, including ground floor and any subsequent floors, retaining walls and columns;
11.1(c) (iii)	Framing and roof structure;
11.1(c) (iv)	Fire protection coverings to building elements required to comply with the Building Code of Australia; and
11.1(c) (v)	Mechanical ventilation. The certificate/s shall demonstrate at what stage of construction inspections were undertaken.
12.2	The Applicant shall seek the approval of the Mine Subsidence Board for the construction of any improvements, including those related to the rail loading facility and rail loop, any relocation or diversion of infrastructure or existing improvements, prior to undertaking the Works ( <i>Mine Subsidence Board General terms of Approval</i> ).

**MT ARTHUR NORTH DEVELOPMENT CONSENT (DA 144-05-2000)  
GRANTED IN 2000 BY THE MINISTER FOR URBAN AFFAIRS AND PLANNING**

<b>Mt Arthur North Development Consent Conditions (DA 144-05-2000)</b>	
<b>Condition</b>	<b>Requirement</b>
	<b>Schedule 2</b>
General	There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the project. This requires that all practicable measures are to be taken to prevent and minimise harm that may result from the construction, operation and, where relevant, decommissioning of the development.
1.1(a)	<p>The development is to be carried out generally in accordance with development application No. 144-05-2000, and the EIS dated April 2000, prepared by URS Australia Pty Ltd and certified in accordance with Section 78A(8) of the Act, and the following documentation:</p> <ul style="list-style-type: none"> <li>(i) additional noise, air quality and water management information requested by the EPA and supplied by Hansen Consulting in a document dated 21 August 2000;</li> <li>(ii) additional Aboriginal heritage information requested by NPWS and supplied by Hansen Consulting in a document dated 4 August 2000 dated; and</li> <li>(iii) additional information provided to the Department in response to the issues raised during the exhibition period in a document entitled Response to Submissions supplied by Hansen Consulting and dated 29 September 2000.</li> <li>(iv) Coal Operations Australia Limited Primary Submission document to the Commission of Inquiry (Hansen Consulting, November 2000); and</li> <li>(v) Coal Operations Australia Limited Submission in Reply document to the Commission of Inquiry (Hansen Consulting, January 2001).</li> </ul>
1.1(b)	If, at any time, the Director-General is aware of environmental impacts from the proposal that pose serious environmental concerns due to the failure of environmental management measures in place to ameliorate the impacts, the Director-General may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.
1.1(c)	If any licence conditions are breached the applicant shall comply with any modification to the work as specified by the relevant agency.

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
1.2	<p>(i) This approval is for a period of 21 years from the date of granting of a mining lease pursuant to this consent.</p> <p>(ii) At least two weeks prior to the commencement of construction and Mining Operations respectively or within such period as agreed by the Director-General, the Applicant shall submit for the approval of the Director-General a compliance report detailing compliance with all the relevant conditions that apply prior to the commencement of construction and Mining Operations.</p> <p>(iii) Date of commencement of construction and Mining Operations is to be notified in writing to the Director-General, and MSC, at least two weeks prior to commencement of construction and Mining Operations respectively.</p>
1.3	In the event that the Applicant, MSC or a Government agency, other than the Department of Urban Affairs and Planning, cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the Director-General or if not resolved, to the Minister for Urban Affairs and Planning, whose determination of the disagreement shall be final and binding on the parties.
1.4	Security deposits and bonds will be paid as required by DMR under mining lease approval conditions.
2.1(a)	No mining undertaken in accordance with this consent shall occur until the Applicant has submitted and had accepted by the DMR, a Mining Operations Plan (MOP) in accordance with current guidelines issued by DMR. The Plan covers mining operations for a period of up to seven years.
2.1(b)	<p>The MOP shall:</p> <ul style="list-style-type: none"> <li>(i) be prepared in accordance with DMR Guidelines for the Preparation of Mining Operations Plans (Document 08060002.GUI or its most recent equivalent);</li> <li>(ii) demonstrate consistency with the conditions of this consent and any other statutory approvals;</li> <li>(iii) demonstrate consistency with the Environmental Management Plans for the project site;</li> <li>(iv) provide the basis for implementing mining operations, environmental management, and ongoing monitoring;</li> <li>(iv) include a mine rehabilitation and land use management plan; and</li> <li>(v) identify a schedule of proposed mine development for the period covered by the plan and include: <ul style="list-style-type: none"> <li>• the area proposed to be impacted by mining activity and resource recovery mining methods and remediation measures</li> <li>• areas of environmental, heritage or archaeological sensitivity and mechanisms for appropriately minimising impact</li> <li>• water management, and</li> </ul> </li> </ul>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	<ul style="list-style-type: none"> <li>proposals to appropriately minimise surface impacts.</li> </ul>
2.1(c)	In preparing the Mine Operations Plan, the Applicant shall consult with affected service authorities and make arrangements satisfactory to those authorities for the protection or relocation of those services.
2.1(d)	A copy of the MOP, excluding commercial in confidence information, shall be forwarded to MSC and the Director-General within 14 days of acceptance by DMR.
2.1 (e)	At least two years prior to the cessation of mining operations the Applicant shall investigate, determine and report, taking account of the potential community benefits, on a final strategy for the future use of the mine site, weirs, dams and any other infrastructure in consultation with DUAP, DLWC and MSC and for approval of DMR and the Director-General.
2.2	The Applicant shall prepare, prior to the commencement of Mining Operations, a Spontaneous Combustion Management Plan to the satisfaction of DMR.
2.3(a)	ROM coal production shall generally not exceed 15Mtpa. The Applicant must notify the Director-General and MSC prior to any short term increase in production above this level.
2.3(b)	The coal handling and preparation plant shall generally not process more than 20 Mtpa. The Applicant must notify the Director-General and MSC prior to any short term increase in the rate of coal processing above this level.
3.1(a)	<p>The Applicant shall employ a suitably experienced Environmental Officer(s) throughout the life of the mine whose appointment is to receive prior approval by the Director-General. The officer(s) shall:</p> <ul style="list-style-type: none"> <li>(i) be responsible for the preparation of the environmental management plans (refer to Condition No. 3.2);</li> <li>(ii) be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;</li> <li>(iii) be responsible for receiving and responding to complaints in accordance with Condition 10.2(a);</li> <li>(iv) facilitate an environmental induction and training program for all persons involved with construction activities, mining and remedial activities; and</li> <li>(v) have the authority to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.</li> </ul>
3.1(b)	The Applicant shall notify the Director-General, DMR, EPA, NPWS, DLWC, MSC, and CCC (refer condition 10.1) of the name and contact details of the Environmental Officer(s) upon appointment and any changes to that appointment.

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
3.2(a)	The applicant shall prepare an Environmental Management Strategy providing a strategic context for the environmental management plans [refer condition 3.2(d)]. The Environmental Management Strategy shall be prepared following consultation with the NPWS, DLWC, EPA, DMR, MSC, DUAP and the Community Consultative Committee (refer condition 10.1) and to the satisfaction of the Director-General. The strategy shall be provided to the Director-General no later than the time the first Environmental Management Plan under sub-clause (d) below is submitted.
3.2(b)	<p>The Environmental Management Strategy shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(i) statutory and other obligations which the Applicant is required to fulfil during construction and mining, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;</li> <li>(ii) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the Environmental Officer(s);</li> <li>(iii) overall environmental management objectives and performance outcomes, during construction, mining and decommissioning of the mine, for each of the key environmental elements for which management plans are required under this consent;</li> <li>(iv) overall ecological and community objectives for the project, and a strategy for the restoration and management of the areas affected by mining operations, including elements such as wetlands and other habitat areas, creek lines and drainage channels, within the context of those objectives;</li> <li>(v) identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;</li> <li>(vi) overall objectives and strategies to promote economic productivity within the area affected by mining;</li> <li>(vii) steps to be taken to ensure that all approvals, plans, and procedures are being complied with;</li> <li>(viii) processes for conflict resolution in relation to the environmental management of the project; and</li> <li>(ix) documentation of the results of consultations undertaken in the development of the Environmental Management Strategy.</li> </ul>
3.2(c)	The Applicant shall make copies of the Environmental Management Strategy available to MSC, EPA, DLWC, NPWS, DMR, MSB and the CCC within fourteen days of approval by the Director-General.
3.2(d)	<p>The Applicant shall prepare the following environmental management plans:</p> <ul style="list-style-type: none"> <li>• Archaeology and cultural management plan (refer condition 3.3)</li> <li>• Flora and fauna management plan (refer condition 3.4)</li> <li>• Erosion and sediment control plan (refer condition 3.5(a))</li> </ul>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	<ul style="list-style-type: none"> <li>• Soil stripping management plan (refer condition 3.5(c))</li> <li>• Landscape and Revegetation Management Plan (refer condition 3.7)</li> <li>• Final void management plan (refer to condition 3.8)</li> <li>• Bushfire management plan (refer condition 3.9)</li> <li>• Land management plan (refer condition 3.10(a))</li> <li>• Site water management plan (refer condition 4.1)</li> <li>• Waste management plan (refer condition 5.2(a))</li> <li>• Dust management plan (refer condition 6.1(a))</li> <li>• Blasting/Vibration Management Plan (refer condition 6.3(a))</li> <li>• Road Closure Management Plan (refer to condition 6.3(d))</li> <li>• Noise Management Plan (refer condition 6.4.3(a))</li> <li>• Construction Noise Management Plan (refer condition 6.4.3(b))</li> <li>• Lighting Management Plan (refer condition 6.5)</li> <li>• Joint Acquisition Management Plan (refer condition 11.3)</li> </ul> <p>These environmental management plans may also form part of the overall Site Management Plan and/or Mining Operations Plan</p>
3.2(e)	The Applicant shall make copies of the environmental management plans in sub-clause (d) above available to the relevant government agencies, MSC and CCC, and ensure that the plans are made publicly available within 14 days of approval.
3.2(f)	The management plans are to be reviewed, and updated as necessary, at least every 5 years or as otherwise directed by the Director-General, in consultation with the relevant government agencies. They will reflect changing environmental circumstances or changes in technology/operational practices. Changes shall be made and approved in the same manner as the initial environmental management plan. The plans shall also be made publicly available at MSC within two weeks of approval by the DUAP.
3.3	<p>Assessment and Management</p> <p>The Applicant shall prior to the commencement of Mining Operations;</p>



Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
3.3(a)	<p>Prepare an Archaeology and Cultural Management Plan to address Aboriginal and European cultural heritage issues. The Plan shall be prepared in consultation with the Wonnarua Tribal Council, and NPWS, and to the satisfaction of the Director-General. The Plan shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>(i) identification of all areas of conservation within the DA area. The establishment of a VCA at Mount Arthur and Heritage Management Zones 1 (west of Edderton Road), 2 (southeast of Edderton Road), 3 (Macleans Hill), as shown on Schedule A;</li> <li>(ii) provision of management strategies for Aboriginal heritage sites for all parts of the DA area not affected by mining;</li> <li>(iii) identification of any future salvage, excavation and monitoring programs for any heritage/archaeological sites within the DA area, prior to and during development;</li> <li>(iv) set out management procedures and protocols for issues relating to Aboriginal heritage for all stages of the development (training of field crews, Upper Hunter Wonnarua Tribal Council, and Wannaruah Local Aboriginal Land Council participation, staging of works, salvage etc);</li> <li>(v) details of a program for salvaging Aboriginal sites;</li> <li>(vi) details of consultation undertaken with the Wonnarua Tribal Council, and Wannaruah Local Aboriginal Land Council in the preparation of this Plan;</li> <li>(vii) details of the measures to fully document, in accordance with the NSW Heritage Council guidelines, any non-indigenous heritage sites that will be required to be removed as a result of the development;</li> <li>(viii) details of proposed monitoring that will be undertaken in the areas adjacent to the non indigenous heritage sites identified within the DA area during their excavation and removal, to identify any further cultural material that may exist;</li> <li>(ix) details of the methods to dispose of the excavated non-indigenous heritage sites in a manner approved by the NSW Heritage Council, and following consultation with MSC and the Muswellbrook and Upper Hunter Historical Society; and</li> <li>(x) details of the measures to mitigate any potential impacts resulting from the mine on the heritage homesteads Edinglassie, Rous-lench and Balmoral Homesteads and details of any maintenance procedures proposed to preserve their heritage value in accordance with the NSW Heritage Council requirements.</li> </ul>
3.3(b)	<p>Within six months of the commencement of Mining Operations, the Applicant shall make a \$50,000 contribution towards the establishment of a trust fund set up by the Department of Urban Affairs and Planning through the Public Trustee. The funds are to be used for a regional study of Aboriginal sites and other cultural heritage projects as defined by the Trust Deed.</p>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
3.3(c)	The Mt Arthur Conservation Area is to be afforded statutory protection in accordance with a Voluntary Conservation Agreement to ensure the long term protection of Aboriginal sites in that area. (Schedule A).
3.3(d)	No s.90 permits will be granted for the Aboriginal sites contained within the three (3) heritage management zones.
3.3(e)	The Wonnarua Tribal Council are to be provided the opportunity to recover artefacts as part of s90 permits for those sites within the impact area (refer to Schedule A.).
3.3(f)	If, during the course of construction of any surface facilities or mining activities, the Applicant becomes aware of any heritage or archaeological sites not previously identified, all work likely to affect the site shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to commencement of work. The relevant authorities may include NPWS, the NSW Heritage Office, and the relevant local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.
3.3(g)	The Applicant is to consult regularly with the WTC and the WLALC using consultation principles and strategies consistent with those outlined in the <i>"Guidelines for best practice community consultation in the NSW Mining and Extractive Industries"</i> . The results of these consultations shall be documented in the AEMR.
3.3(h)	Any proposed works that will affect non-indigenous heritage items, (including the items identified in Table 9.2 on page 191 of the EIS) including demolition of the items, will require an approval under section 139 of the Heritage Act 1977 and an application for an excavation permit under section 140 of the Heritage Act 1977 to disturb the relics will be required. This may also require additional approvals from MSC if the items are listed on the Heritage Schedule of the Local Environmental Plan.
3.3(i)	The Applicant shall monitor the effectiveness of the measures outlined in the Archaeology and Cultural Heritage MP. A summary of monitoring results shall be included in the AEMR.
3.3	Note No Aboriginal archaeological sites, that have been identified, shall be destroyed without the approval of the Director-General of NPWS, under section 90 of the National Parks and Wildlife Act 1974, prior to any disturbance of the identified sites by Mining Operations.
3.4	Flora and Fauna Assessment, Management and Monitoring

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
3.4(a)	<p>The Applicant shall prior to commencement of Mining Operations prepare and implement a Flora and Fauna Management Plan for the management of flora and fauna issues for the DA area. The Plan is specifically Required to outline procedures for clearing or disturbing vegetation and other habitat types, along with measures for habitat reinstatement and management. The Plan shall be prepared in consultation with NPWS and MSC, and to the satisfaction of the Director-General. The Plan shall be prepared by an appropriately qualified and experienced ecologist. The ecologist shall be responsible for providing advice to minimise potential impacts upon threatened and protected fauna species that may utilise the site and to provide expert advice on the regeneration and reconstruction of flora and fauna habitat on mined areas. The Plan shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>(i) Measures required prior to commencing work at Mount Arthur North <ul style="list-style-type: none"> <li>• details of strategic vegetation management, outlining timeframes for clearing and re-vegetation activities and a map illustrating the Plan. The Plan should aim to maximise scope for new vegetation to establish and restore ecological integrity;</li> <li>• strategies to supplement planting of <i>Corymbia maculata</i> Open Forest patches to strengthen the remaining area of the vegetation community. Planting on the site should seek to enhance the existing open forest structure, utilising seed stock from the site;</li> <li>• details of the creation, landscape and management of ponds on-site, where practical, to provide for Green and Golden Bell Frog habitat.</li> <li>• details of the schedule for clearing activities incorporating seasonal habitat requirements for species such as bats and other mammals, with the objective of avoiding incidents during sensitive hibernation and breeding periods.</li> </ul> </li> <li>(ii) Clearing of vegetation <ul style="list-style-type: none"> <li>• details of pre-clearance inspections, including the identification and inspection of trees containing tree hollows, including stags, prior to clearing of any vegetation;</li> <li>• details of how micro habitats including dead trees, stags, stumps and hollow branches will, where practical, be salvaged and relocated to areas depauperate of tree hollow habitat and in the recreation of habitat areas;</li> <li>• details of the establishment of roost and denning boxes appropriate for bat and avifauna species and methods for their regular maintenance. The details on the specific height, aspect, design, location and timing for the placement of the roosts and nest boxes shall consider any publicly available results and recommendations following the ongoing fauna habitat monitoring program occurring at the Mt Owen mine;</li> <li>• details of the methods for strategically placing felled trees between cleared and remnant bushland to provide runways of ground cover for dispersion of animals;</li> </ul> </li> </ul>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	<p>(iii) Reconstruction of native bushland – Post Mining fauna habitat</p> <ul style="list-style-type: none"> <li>• strategies for the establishment of long-term post-mining land use objectives over the site;</li> <li>• details for re-establishing patches of <i>Corymbia maculata</i> Open Forest on the post mine landform and any integration with similar patches on the Bayswater No. 3 Mine as soon as possible after mining ceases in each area;</li> <li>• measures to re-instate vegetation communities and to use local endemic species for revegetation as soon as possible;</li> <li>• methods to actively manage existing areas of remnant vegetation (habitat management zones) through fencing (using animal friendly materials ie not barbed wire) to exclude grazing animals, where appropriate, and control of feral animals where practical, revegetate where appropriate, and maintain weed and fire controls;</li> <li>• strategies for the establishment of wildlife corridor links consistent with and complimentary to, the Saddlers Creek and Mount Ogilvie habitat areas;</li> <li>• details of the strategies for the exclusion of grazing cattle on areas of native bushland reconstruction;</li> <li>• measures to monitor the success of revegetated areas and plant additional species where necessary. Implement measures to promote regeneration including fencing to exclude grazing animals, where appropriate, and control of feral animals where practical, maintain weed and fire controls;</li> <li>• methods of revegetation;</li> <li>• development of a protocol for identifying and managing significant impacts on any threatened flora and fauna species not identified in the EIS, during construction or operation of the coal mine; and</li> <li>• details of the habitat monitoring program (refer to subclause (i) below).</li> </ul> <p>Note Emphasis should be given to the need for monitoring of the effectiveness of rehabilitation to learn from the process. It should be noted that both positive and negative outcomes need to be reported, to maximise the opportunity to incorporate best practice principles into future mining proposals.</p>
3.4(b)	The revegetation of mined areas shall include, as a minimum, 30% as bushland. Bushland revegetated areas shall be protected from grazing by native fauna, where necessary, and domestic stock. The revegetation program shall also aim to extend and re-establish existing native vegetation on and adjacent to the site.

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
3.4(c)	If threatened species are identified on the site during construction or operation of the coal mine, the Applicant shall cease any work immediately which could adversely impact on the species, other than identified in the EIS, pending investigation and negotiation of ameliorative measures. The Applicant shall engage a suitable qualified person to investigate, and identify appropriate amelioration measures.
3.4(d)	Those areas proposed to be mined and those areas proposed to be reforested both by natural means and by direct seeding/planting shall be mapped so that the spatial and temporal relationship between the sequence of vegetation clearing, mining and habitat rehabilitation is clearly demonstrated.
3.4(e)	Natural drainage patterns shall be re-established as far as practical. For the dual purposes of the protection of water quality and to provide wildlife links to revegetated areas, all creeks natural or reconstructed shall be buffered on each side by filter strips of native vegetation at a minimum of 10 metres or of widths responsive to the topography of surrounding slopes, as far as practical at the completion of mining.
3.4(f)	During the life of the mine and until the revegetated areas are established to the satisfaction of the DMR, the Applicant shall maintain the revegetated areas. Maintenance shall include, where necessary, but not be limited to: <ul style="list-style-type: none"> <li>• replanting failed or unsatisfactory areas</li> <li>• repairing erosion problems</li> </ul>
	<ul style="list-style-type: none"> <li>• fire management – fire suppression or fire encouragement</li> <li>• pest and weed control</li> <li>• control of feral animal populations</li> <li>• maintain and repair fencing</li> <li>• fertiliser application</li> <li>• application of lime or gypsum to control pH and improve soil structure.</li> </ul>
3.4(g)	As well as the requirements under subclause (h), the efforts and progress of the Flora and Fauna Management Plan shall be documented in the Annual Environmental Management Report in accordance with the Department of Mineral Resource's Guidelines to the Mining, Rehabilitation and Environmental Management Process (March 1998) or its latest version.
3.4(h)	The regeneration works shall be monitored by an appropriately qualified and experienced ecologist. The results of the monitoring and the effectiveness of the reforestation shall be reported annually as part of the AEMR.

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Condition	Requirement
3.4(i)	<p>The Applicant shall prepare a detailed monitoring program of habitat areas on the site and any immediately adjacent land owned by COAL, including any wetlands and aquatic habitats, during the development and for a period after the completion of the development to be determined by the Director-General in consultation with NPWS. The monitoring program shall be included in the Flora and Fauna Management Plan (Condition 3.4(a)) and a summary of the results shall be provided in the AEMR. The program shall:</p> <p>(i) monitor impacts attributable to the development and include monitoring of the success of any restoration or reconstruction works. The Applicant shall carry out any further works required by the Director-General and DMR as a result of the monitoring;</p> <p>(ii) establish an ongoing monitoring program of the existing and proposed revegetated areas to assess their floristics and structure and to propose contingency measures for improvements to revegetation if required; and</p> <p>(iii) establish an ongoing monitoring program of fauna species diversity and abundance and the effectiveness of reconstructed ecosystems in providing fauna habitat and contingency measures should impacts be identified as occurring.</p> <p>Note: The information obtained from the monitoring shall be used to guide future revegetation efforts on the mine site.</p>
3.5(a)	<p>(a) The Applicant shall prepare an Erosion and Sediment Control Plan for the surface facilities and mining operations in consultation with the DLWC, taking account of the DLWC "Draft Guideline for Establishment of Stable Drainage Areas on Rehabilitated Minesites" or its latest version, and to the satisfaction of DLWC and the Director-General. The Plan for construction shall be prepared and implemented prior to the commencement of construction. The plan for operations shall be prepared and implemented prior to the commencement of mining operations.</p>
3.5(b)	<p>The Erosion and Sediment Control Plans shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>i) details of temporary and permanent sediment and erosion control systems to be used during both mine construction and operation, including for earthworks associated with landscaping;</li> <li>ii) details of soil salinity management where relevant;</li> <li>iii) measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The Plan should be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction (available from the Department of Housing) or its latest version;</li> <li>iv) details of the proposed measures to maximise the retrieval of topsoil for subsequent use in the rehabilitation program;</li> </ul>

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Condition	Requirement
	<p>v) consideration and management of erosion and sedimentation of surface watercourses/waterbodies, including all creeklines within the DA areas;</p> <p>vi) measures to construct banks, channels and similar works to divert stormwater away from disturbed and contaminated land surfaces such as mine workings, haul roads, overburden disposal areas, coal handling areas and wastewater treatment facilities. All diversion banks, channels and points of discharge must be constructed or stabilised so as to minimise erosion and scouring; and</p> <p>vii) a program for reporting on the effectiveness of the sediment and erosion control systems and performance against objectives contained in the approved Erosion and Sediment Control Management Plan, and EIS.</p>
3.5(c)	<p>The Applicant shall also prepare a Soil Stripping Management Plan to the requirements of DMR and DLWC that shall include, but not be limited to:</p> <p>i) details of the management of soil stockpiles, soil stripping techniques and scheduling; and</p> <p>ii) a program for reporting on the effectiveness of the soil stripping methods and performance against objectives contained in the soil stripping management plan, and EIS.</p>
3.5(d)	<p>Sedimentation dams must be constructed to contain or treat surface water runoff from all mining areas and areas disturbed by mining including overburden dumps, topsoil stockpiles, unsealed roads and areas cleared of vegetation. Sedimentation dams must be designed:</p> <ul style="list-style-type: none"> <li>• so that the maximum flow velocity through the dams meets DLWC guidelines;</li> <li>• to prevent short circuiting; and</li> <li>• if inflow is likely to contain oil or other deleterious floating matter a baffle must be installed at the outlet to prevent discharge of that matter.</li> </ul>
3.6	<p>The Applicant shall carry out rehabilitation of all mine areas in accordance with the requirements of any Mining Lease granted by the Minister for Mineral Resources and ensure the progressive rehabilitation of the area is also to the satisfaction of DLWC. The rehabilitation shall also have regard to the <i>Synoptic Plan – Integrated Landscapes for Minesite Rehabilitation (1999)</i> for the Upper Hunter, or its latest version.</p>
3.7(a1)	<p>The Applicant shall negotiate and purchase Property Nos. 286, 287 and 293 (as indicated in the EIS - all Constable) within 6 months of a written request from the owner. Acquisition shall be in accordance with the procedures set out in Condition 11.2.</p>
3.7(a)	<p>A Landscape and Revegetation Management Plan shall be prepared by the Applicant and approved by the DG prior to commencement of construction. The Plan shall be prepared in consultation with the MSC and address requirements specified in Consent.</p>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
3.7(b)	<p>A Landscape and Revegetation Management Plan shall be prepared by the Applicant and approved by the Director-General prior to commencement of construction. The Plan shall be prepared in consultation with the MSC. In preparation of such plan regard shall be had to the DMR's Upper Hunter Synoptic Plan. The Plan shall include, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>i) An on-site landscaping strategy detailing design and proposed planting of trees and shrubs and the construction of mounding or bunding: <ul style="list-style-type: none"> <li>1. along the access road to the mine site from Thomas Mitchell Drive;</li> <li>2. along other public roads including Denman Road and Edderton Road;</li> <li>3. around the water storage dam and industrial area;</li> <li>4. the overburden emplacements; and</li> <li>5. at any other areas identified as necessary by MSC for the maintenance of satisfactory visual amenity, and as agreed by the Director-General.</li> </ul> </li> <li>ii) Appropriate erosion control and sediment control practices for earthworks associated with the landscaping.</li> <li>iii) Details of visual appearance of all buildings, structures, facilities or works (including paint colours and specifications). Buildings and structures shall be designed and constructed/renovated so as to present a neat and orderly appearance and to blend as far as practicable with the surrounding landscape.</li> <li>iv) Details, specifications and staged work programs to be undertaken, maintenance of all landscape works and maintenance of building materials and cladding.</li> <li>v) the process of incorporating vegetation screening and fauna protection corridors into the proposed visual and landscaping works;</li> <li>vi) use of indigenous species;</li> <li>vii) details of an off-site landscape strategy detailing proposed planting of trees and/or shrubs along Roxburgh Road, and Denman Road west of the site. The strategy shall also include details of the process to be undertaken should the owners of the Hamilton or Piercefield residences or Roxburgh Vineyard request off-site landscaping works in accordance with sub-clause (b) below.</li> </ul>
3.7(c)	If the owner referred to in sub-clause (b) above requests, the Applicant shall meet the reasonable costs for implementing the property landscape enhancement plan.



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Condition	Requirement
3.7(d)	Should the Applicant and/or landowner dispute the details of the property landscape enhancement plan, then either party may refer the matter to the DG. If the matter cannot be resolved within 21 days, the matter shall be referred to an Independent Dispute Resolution Process. The decision of the Independent Dispute Resolution Process shall be final, as agreed by the DG.
3.7(e)	In the event that a landowner considers that the visual impacts from the proposal once operational are adversely greater than that predicted in the EIS at their dwelling, the Applicant shall, upon the receipt of a written request, consult the landowner, discuss their concerns and the level of impact compared to EIS predictions, and, in the case of impact adversely greater than the EIS predictions, possible mitigation measures.
3.7(f)	Should the Applicant and / or landowner dispute the level of adverse impact or any proposed mitigation measures from subclause (e) above, then either party may refer the matter to the DG in consultation with MSC. If the matter cannot be resolved within 21 days, the matter shall be referred to an Independent Dispute Resolution Process. The decision of the Independent Dispute Resolution Process shall be final, as agreed by the DG.
3.8	<p>The Applicant shall, by year 5 of operations, prepare a Final Void Management Plan to the satisfaction of the DG, in consultation with the DMR, DLWC, and MSC. The Plan shall be reviewed and updated every 5 years, or as otherwise agreed by the DG. The Plan shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>(i) An investigation of options for future use of the final voids;</li> <li>(ii) A re-examination and validation of groundwater modelling of the potential effects on the local and regional groundwater;</li> <li>(iii) Details of a strategy for the long term management of the final voids;</li> <li>(iv) Implement strategies to minimise any adverse impacts where the assessment indicates</li> <li>(v) the potential for degradation to surrounding water resources; and</li> <li>(vi) Programs for catchment management, including the types of fertilisers used in the</li> <li>(vii) rehabilitation programs to ensure that there is little residual risk of nutrient enrichment of</li> <li>(viii) final void water.</li> </ul>
3.9(a)	The Applicant shall provide adequate fire protection works on site, including the availability of trained personnel, water tankers and fire fighting equipment and annual hazard reduction measures with particular attention to boundaries of adjoining landholdings;
3.9(b)	make available to the Rural Fire Service and emergency services when required, water carts and trucks in cases of bushfire incidents on the mine site;
3.9(c)	submit an annual report on fire management activities to the Muswellbrook Fire Management Committee; and

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Condition	Requirement
3.9(d)	prior to commencement of mining operations prepare a Bushfire Management Plan for all its holdings contained in the DA, to the satisfaction of MSC and the Rural Fire Service.
3.10(a)	<p>The Applicant shall, prior to commencement of Mining Operations prepare a Land Management Plan for the areas of the proposed surface facilities, and its holdings in the DA area, to provide for proper land management in consultation with DLWC, MSC, and to the satisfaction of the Director-General. The plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>i) pastures and remnant vegetation management;</li> <li>ii) prevention and rehabilitation of land degradation;</li> <li>iii) control of weed infestation on topsoil stockpile material;</li> <li>iv) assessment of the potential for commercial harvesting of standing timber removed from the site;</li> <li>v) eradication of vermin and noxious weeds as required by the Rural Lands Protection Board,</li> <li>vi) the Upper Hunter Weeds Authority, the Prickly Pear Authority and other relevant authorities; and,</li> <li>vii) feral animal control.</li> </ul>
3.10(b)	The Applicant shall minimise the removal of trees and other vegetation and restrict any clearance to the areas occupied by mine activity, buildings and paved surfaces, and those areas necessary for fire control in accordance with MSC requirements.
3.11	The Applicant shall, to the satisfaction of Energy Australia and at its own cost, or by agreement with relevant parties, undertake the relocation and/or construction of any electrical transmission lines which may be required as a result of the proposed development. Such work shall be completed prior to any existing line being affected by mining activity from the Mount Arthur North mine.
4.1	<p>The applicant shall:</p> <p>Prior to the commencement of Mining Operations, prepare a Site Water Management Plan for the DA area, in consultation with DLWC and MSC and to the satisfaction of the Director-General and DLWC, which shall include, but not be limited to, the following matters:</p>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
4.1(a)	<ul style="list-style-type: none"> <li>(i) management of the quality and quantity of surface and ground water within the areas covered by the water management plans;</li> <li>(ii) management of stormwater and general surface runoff diversion to ensure separate effective management of clean and dirty water;</li> <li>(iii) measures to prevent the degradation of downstream surface water quality below the pre-mining ANZECC beneficial water use classification due to mining operations, particularly in the Hunter River, Whites Creek, Fairford Creek, and the unnamed creeks;</li> <li>(iv) demonstration of compliance with Section 20BA and Section 20Y of the Water Act (1912), concerning the embargoes on water extraction within the Hunter Valley, particularly to any groundwater captured by the mine from the Hunter River alluvium aquifers;</li> <li>(v) contingency plans for managing adverse impacts of the development on surface and groundwater quality; <ul style="list-style-type: none"> <li>(va) details of a dispute resolution process to resolve issues where maintenance of streamflow yield of catchments affected by mining operations, or deepening and/or increased operational costs of bores where the water table has been lowered by mining activities, are disputed between the Applicant and affected landowner;</li> </ul> </li> <li>(vi) an outline of the impact of the licensed works undertaken by the licences required from DLWC on downstream water users. This shall include the preparation of a discharge strategy to any identified downstream users. The strategy shall incorporate water quality goals;</li> <li>(vii) 9written evidence of the purchase and transfer of additional entitlement from the regulated Hunter River system prior to extracting any water beyond the volume already allocated to current licences held by the Applicant;</li> <li>(viii) 10details of the measure of extraction of water from the Hunter River;</li> <li>(ix) details of any reuse of contaminated water or circulation / distribution between Mount Arthur North and other mines or operations. The volume of any such water transfers is to be documented in the AEMR;</li> <li>(x) 11measures to develop and implement a Stormwater Management Scheme to mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook or its latest version (available from the EPA);</li> <li>(xi) measures to ensure that poorer quality class waters are effectively reused on the site including consideration of segregation of waters based on salinity classes and other levels of contamination;</li> <li>(xii) details of a strategy for the decommissioning of water management structures, including dirty water dams and clean water diversion dams.</li> <li>(xiii) measures to isolate heavily contaminated waters, including waters containing oil and grease, or other pollutants, operation chemical residues or other criteria, to avoid mixing with reuse or discharge waters;</li> </ul>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	<ul style="list-style-type: none"> <li>(xiv) details of design and maintenance of all storages, diversions, transmission channels and sedimentation basins for the site, to minimise sedimentation of watercourses;</li> <li>(xv) details of any licensing requirements for any extractions, storages, or other constructions on the site;</li> <li>(xvi) measures for assessing chemical water quality impacts of the mining operation above and below the mine site</li> <li>(xvii) projection of potential groundwater changes during mining (short term) and post-mining (long term) with particular attention given to the affect of changes to groundwater quality and mobilisation of salts; and</li> <li>(xviii) a program for reporting on the effectiveness of the water management systems and performance against objectives contained in the approved site water management plans, and EIS.</li> </ul>
4.1(b)	<p>The Applicant shall obtain a licence from DLWC under;</p> <ul style="list-style-type: none"> <li>(i) Part 2 of the Water Act 1912 for the provision of water supply from extraction of water from the Hunter River and for construction and use of drainage diversion channels defined under the Act prior to the commencement of construction of the licensable works;</li> <li>(ii) Part 5 of the Water Act 1912 for the bores and wells which intersect the groundwater table, including monitoring bores and the excavations which intersect the groundwater table; and</li> <li>(iii) Part 3A of the Rivers and Foreshores Improvement Act 1948 for the proposed installation of works for the stable discharge of water under the HRSTS prior to the commencement of works associated with the channel below the discharge dam and the point of re-entry into the Hunter River.</li> </ul>
4.1(c)	<p>The works associated with the proposal shall not damage or interfere in any way with:</p> <ul style="list-style-type: none"> <li>(i) vegetation outside the area of operation;</li> <li>(ii) the stability of adjacent or nearby streams; or</li> <li>(iii) the quality of water in the stream or watercourse below its ANZECC beneficial water use classification prior to the commencement of mining operations.</li> </ul>
4.1(d)	<p>The Applicant shall, in consultation with DLWC, ensure that all soil and/or vegetation material to be removed from the area of operation is disposed of on an appropriate site where it will not be swept back into watercourses.</p>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
4.1(e)	<p>The Applicant shall ensure, in consultation with DLWC, that all drainage diversion works minimise adverse impacts. This shall include:</p> <ul style="list-style-type: none"> <li>(i) measures to ensure drainage diversion works minimise site inundation and do not result in adverse downstream impacts due to changes in downstream flows;</li> <li>(ii) measures to ensure that sufficient flow detention measures are implemented to provide flow rates at non-erosion velocities prior to re-entry into the natural drainage systems;</li> <li>(iii) details of adequate scour protection where flows re-enter natural drainage lines from the diversion drains to prevent adverse erosion impacts;</li> <li>(iv) measures to ensure diversion systems are designed to provide stability for the long term for permanent diversions or the designed life of the structures for temporary diversions. This will require design considerations to verify the stability of the proposed drainage schemes for a range of conditions;</li> <li>(v) details of a pre-construction survey, by a suitably qualified person, of the channel site and adjacent banks showing design channel profile on cross-sections; and</li> <li>(vi) engineering hydraulic calculations by a suitably qualified person and assessment of scour potential of the channel to meet design flood capacity. This should be related to flow velocities, stability of design bed material type, bed slopes and profiles.</li> </ul>
4.1(e1)	The Applicant shall implement the works to be undertaken with respect to Water Licence Application numbers 20SL060751 and 20SL060753 in accordance with the Water Licence conditions as recommended in the Commission of Inquiry's report for the MAN Project (pp 80-81).
4.1(f)	The Applicant shall install a culvert where the existing Fairford Creek crosses Denman Road of sufficient capacity to cater for the increased flow from the combined Fairford and Whites Creeks prior to the diversion of Whites Creek into Fairford Creek. The discharge from the new Fairford Creek culvert shall be directed by a channel constructed by the Applicant from this culvert to the original Whites Creek drainage channel on the Hunter River side of Denman Road to the satisfaction of MSC and DLWC.
4.1(g)	The Applicant shall develop contingency arrangements to dispose of excess saline water in a planned and managed manner to ensure that the mine water management system is not exceeded with a subsequent unmanaged discharge occurring.

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
4.1(h)	The Applicant shall undertake regular assessments of the accuracy of the groundwater model against the predictions outlined in the EIS, to the satisfaction of DLWC. The scope of the assessment shall be determined in consultation with DLWC and shall include the consideration of the establishment of trigger levels via sensitivity testing, drawdown, pit seepage and river leakage. Should an assessment identify significant differences between the model and EIS predictions, the Applicant shall revise the assessment of the potential impacts on groundwater systems to the satisfaction of DLWC and implement any further mitigation measures to the satisfaction of DLWC. The trigger levels for re-assessment of groundwater impacts will be set within the conditions of the Part V licence under the Water Act.
4.1(i)	If necessary, the Applicant shall develop contingency measures to manage any impacts identified by monitoring that the management strategies have failed to predict or control, particularly relating to groundwaters associated with the alluvial aquifer of the Hunter River, to the satisfaction of DLWC.
4.1(j)	The Applicant shall prepare a statistical assessment to the satisfaction of DLWC to initially benchmark the pre-mining natural variation in groundwater quality and quantity and to set trigger levels for accepting accountability. The assessment is to be documented in the site water management plan.
4.1(k)	In the event that the development adversely affects groundwater users the Applicant shall, to the satisfaction of the DLWC, liaise with the users to provide a replacement water supply of similar quality and quantity to that affected, until such time as the development ceases to impact on the users' water supply. The cut-off levels for depressurization of the alluvial aquifer and water quality parameters shall be determined in consultation with the DLWC.
4.1(l)	Except as may be expressly provided by a licence under the POEO 1997 in relation of the development, section 120 of the POEO Act must be complied with in and in connection with the carrying out of the development.
4.1(m)	Any release of surplus minewater from the mine must comply with the requirements of the HRSTS and any licence issued under the POEO Act unless otherwise directed by the EPA. The HRSTS embodies: <ul style="list-style-type: none"> <li>the conditions of an EPA Licence;</li> <li>the HRSTS Rulebook dated 1 December 1998; and</li> <li>monitoring of the Hunter River by the DLWC on behalf of participating industries.</li> </ul>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
4.1(o)	Any application to the EPA for a licence under the POEO Act to discharge surplus minewater must be supported by a tributary impact statement. The tributary impact statement must include a geomorphological evaluation of the watercourse and an assessment of the impact of the proposed discharge on the streams flora and fauna as well as any users and residents downstream.
4.1(p)	The concentration of a pollutant in wastes discharged under the HRSTS must not: <ul style="list-style-type: none"> <li>• cause salinity in the Hunter River to exceed 600 microSiemens/cm (uS/cm) measured at Denman, or as otherwise determined by the EPA;</li> <li>• contain more than 120 milligrams per litre (mg/l) of non-filtrable residue; and</li> <li>• be of a pH less than 6.5 or greater than 9.5.</li> </ul>
4.1(q)	A wastewater management system must be constructed and utilised to manage the collection, storage, treatment, use and disposal of minewater, sewage effluent and other wastewater.
4.1(r)	Ponds and drains must be constructed at coal stockpile and coal handling areas to contain and treat contaminated runoff prior to reuse within the minewater management system.
4.1(s)	Domestic sewage must be treated in the existing Bayswater mine wetland treatment system unless otherwise approved in writing by the EPA.
4.2	The Applicant Shall:

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Condition	Requirement
4.2(a)	<p>(i) construct and locate surface and groundwater monitoring positions, as identified in the Site Water Management Plan (Condition 4.1(a)) in consultation with DLWC, and to the satisfaction of the Director-General, at least three months prior to the commencement of mining operations;</p> <p>(ii) prepare a detailed monitoring program in respect of ground and surface water quality and quantity, including water in and around the DA area during mining works and post mine operations in consultation with DLWC, and to the satisfaction of the Director-General. The monitoring program shall have the capacity to collect sufficient data to adequately assess:</p> <ul style="list-style-type: none"> <li>the impact of any licensed groundwater extraction on groundwater levels on neighbouring properties and in the locality, and to identify any water quality impacts;</li> <li>the impact of the development on groundwaters associated with the alluvial aquifer of the Hunter River;</li> <li>any licensing requirements associated with the monitoring works;</li> <li>develop a contingency program, with identified stages of implementation, to address potential adverse impacts or degradation of the groundwater systems, particularly relating to the groundwater associated with the alluvial aquifer of the Hunter River and to the groundwaters in the vicinity of any rejects. Degradation occurs where the quality classification of the groundwater system is reduced to a lower class; and</li> <li>any concerns or complaints from surrounding landholders on groundwater matters, and any ensuring actions, which shall be maintained and be available to DLWC.</li> </ul> <p>The monitoring program shall be incorporated in the Site Water Management Plan and shall include the duration (pre, during and post mining), sites to be sampled, frequency of sampling, the parameters to be measured, the need for any contingency plans, the reporting procedure and determination of appropriate cut-off criteria for monitoring purposes determined in consultation with DLWC. The results of the monitoring program shall be reported in the AEMR. The monitoring program for post-mining shall be prepared by year 20 of mine operations.</p> <p>(iii) report on the monitoring results and raw data in the AEMR on the following matters:</p> <ol style="list-style-type: none"> <li>a basic statistical analysis (mean, range, variance, standard deviation) of the results for the parameters measured in individual bores / wells and as a subset of the aquifer;</li> <li>an interpretation of the water quality results and changes in time for water quality and water levels (supported with graphs, contour plots showing changes in aquifer pressure levels);</li> <li>an interpretation and review of the results in relation to cut-off criteria and predictions made in the EIS;</li> <li>an interpretation of the water balance identifying the volume and make up of mine pit inflows as compared to Part V licence (required under Part V of the Water Act 1912), and predictions made in the EIS or previous AEMR; and</li> <li>provide an electronic copy of the data forwarded to DLWC.</li> </ol>



Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
4.2(b)	<p>The Applicant shall monitor the discharge of water as required by the EPA. This shall include:</p> <ul style="list-style-type: none"> <li>(i) monitoring equipment must be installed at the authorised discharge point licensed by the EPA to enable full compliance with the monitoring requirements detailed in subclause (ii).</li> <li>(ii) the following must be measured continuously at the authorised discharge point during discharge: <ul style="list-style-type: none"> <li>• the volume of the wastes discharged in megalitres per day; and</li> <li>• the conductivity of the wastes discharged in microSiemens per centimetre.</li> </ul> </li> <li>(iii) measurement of: <ul style="list-style-type: none"> <li>• non-filterable residue in milligrams per litre; and</li> <li>• pH</li> </ul> </li> <li>(iv) monitoring required by subclause b (iii) must be carried out on the following at least once during each discharge: <ul style="list-style-type: none"> <li>• the water discharged; and</li> <li>• the receiving waters, upstream and downstream of the discharge point.</li> </ul> </li> <li>(v) the Applicant must otherwise monitor waters and any discharge as specified by the HRSTS and as set out in an environment protection licence issued by the EPA.</li> </ul>
4.2(c)	Results of continuous monitoring required by subclause b (ii) must be forwarded via the Hunter Integrated Telemetry System (HITS) to the regional water quality monitoring network operated by the NSW Department of Land and Water Conservation (DLWC).
4.2(d)	Recording and communication equipment must be installed in accordance with the "HITS Remote Site Design Document" published by DLWC dated 22 December 1998, or its latest version.
5.1(a)	The Applicant shall construct and manage the overburden emplacements as set out in the EIS, and to the approval of the DMR.
5.1(b)	The Applicant shall undertake measures, as far as practical, to prevent spontaneous combustion from occurring on the site.
5.2(a)	<p>Prior to the commencement of construction works, the Applicant shall prepare and implement a Waste Management Plan for the DA area in consultation with MSC and to the satisfaction of the Director-General. The Plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(i) details of measures to facilitate waste management on site;</li> </ul>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	(ii) details of compliance with the Applicant's obligations under the <i>Protection of the Environment Operations Act</i> (1997); (iii) identification of all types and quantities of waste materials produced at the mine site during construction, commissioning and operation; (iv) programs aimed at minimising the production of waste at the mine site through the implementation of operational and management measures; (v) details of the potential reuse and recycling avenues for waste materials produced at the mine site, including collection and handling procedures; (vi) details of appropriate disposal routes in the event that reuse and recycling avenues are not available or are not practicable; and (vii) (vii) programs for involving and encouraging employees and contractors to minimise waste production at the mine site and reuse / recycling where appropriate.
5.2(b)	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997. This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.
5.2(c)	Bund(s) must be installed around areas in which fuels, oils and chemicals are stored. Bunds must: <ul style="list-style-type: none"> <li>• have walls and floors constructed of impervious materials;</li> <li>• be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);</li> <li>• have walls not less than 250mm high;</li> <li>• have floors graded to a collection sump; and</li> <li>• not have a drain valve incorporated in the bund structure.</li> </ul>
5.2(d)	A wastewater treatment facility with oil separator and sediment trap must be installed to treat drainage from the hardstand, vehicle servicing and general workshop areas.
5.2(e)	The Applicant shall dispose of all solid waste and putrescible matter from the site to the satisfaction of MSC or EPA, as relevant.

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Condition	Requirement		
6.1(a1)	The Applicant shall comply with the air quality standards/goals		
	<b>Table 1 Health Based Air Quality Standards/Goals for Particulate Matter Concentrations</b>		
	<b>Pollutant</b>	<b>Standard / Goal</b>	<b>Agency</b>
	Total Suspended Particulate Matter (TSP)	90mg/m <sup>3</sup> (annual mean)	NH&MRC
	Particulate matter < 10µg (PM <sub>10</sub> )*	150µg/m <sup>3</sup> (average of 99th percentile of 24 hour averages over three years)	US EPA
		50µg/m <sup>3</sup> (annual mean)	US EPA
	* The Applicant need only to monitor for and report against these PM <sub>10</sub> goals.		
	<b>Table 2 NSW EPA Amenity Based Criteria for Dust Fallout</b>		
	<b>Existing Dust Fallout Level (g/m<sup>2</sup>/month)</b>	<b>Maximum Acceptable Increase Over Existing Fallout Levels (g/m<sup>2</sup>/month)</b>	
		<b>Residential</b>	<b>Other</b>
	2	2	2
	3	1	2
	4	0	1
6.1(a)	The Applicant shall, prior to the commencement of Construction, prepare a Construction Dust Management Plan, and prior to mining operations prepare an Operations Dust Management Plan, detailing air quality safeguards and procedures for dealing with dust emissions from the Mount Arthur North mine to the satisfaction of the Director-General. The construction dust management plan shall be prepared in consultation with the EPA and MSC. The Operations Dust Management Plan shall be prepared following consultation with other mines in the vicinity including Drayton, Bayswater, Bengalla and Mount Pleasant mines with the aim of achieving a consistent approach in the preparation of the Mount Arthur North Dust Management Plan.		

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	<p>Consultation for the Operations Dust Management Plan shall also occur with the EPA, and MSC. The Plans shall include, but not be limited to, details of:</p> <ul style="list-style-type: none"> <li>(i) the identification of dust affected properties in accordance with the criteria detailed in Tables 1 and 2;</li> <li>(ii) specifications of the procedures for the dust monitoring program for the purpose of undertaking independent dust investigations, including joint investigations with the other mines in the vicinity including Drayton, Bayswater, Bengalla and Mount Pleasant mines, where necessary as agreed by other mines;</li> <li>(iii) outline the procedure to notify property owners and occupiers as identified in the EIS or by monitoring as likely to be affected by dust from the mine in excess of criteria detailed in Tables 1 and 2;</li> <li>(iv) measures to reduce the potential for wind erosion from exposed surfaces, particularly the use of techniques that increase the surface roughness and reduce the potential for dust entrainment;</li> <li>(v) methods and frequency of making dust monitoring data publicly available, such as the placement of monitoring details and results on the internet;</li> <li>(vi) measures to manage and mitigate short term episodic events including investigations into the relationships between short-term variations in dust levels (particularly TSP and dust deposition) and levels of complaints and annoyance, with a view to reviewing the monitoring approaches;</li> <li>(vii) investigations for improving short-term modelling techniques, by better characterising dust source variations and focusing on the feasibility of developing shorter-term amenity indicators;</li> <li>(viii) the establishment of a protocol for handling dust complaints that include recording, reporting and acting on complaints; (viii a) outline of response and/or management measures to be undertaken in the event of complaints from a landowner where dust levels are demonstrated to be below the dust criteria in Tables 1 and 2;</li> <li>(ix) appropriate mechanisms for community consultation;</li> <li>(x) outlining proactive/predictive and reactive mitigation measures to be employed to minimise dust emissions including visible dust emanating from the site;</li> <li>(xi) equipment to be available and used to control dust generation;</li> <li>(xii) measures to alter mining operations at any time when driver visibility or traffic safety on Denman Road, Edderton Road or Thomas Mitchell Drive is adversely affected by dust from mining operations;</li> <li>(xiii) methods to determine when and how the mine operation is to be modified to minimise the potential for dust emissions, particularly from surface activities;</li> <li>(xiv) identification of longer term strategies directed towards mitigating dust levels;</li> <li>(xv) details of locations and frequency of dust monitoring and deposition gauges at the residential areas as agreed by the Director-General;</li> </ul>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	<p>(xvi) details of the inter-relationship of this plan with the available dust management plans, if any, of Drayton, Bengalla, and Mount Pleasant mines and the Bayswater and Drayton rail loading facilities; and</p> <p>(xvii) a program to continue baseline monitoring undertaken prior to development consent.</p>
6.1(b)	<p>The Applicant shall:</p> <p>(i) undertake monitoring at locations described in the Dust Management Plan refer to Condition 6.1(a);</p> <p>(ii) Establish in consultation with the EPA dust deposition and total suspended particulate(TSP) matter monitoring sites; include sites for monitoring impacts of dust at the nearest non-mine owned residences and locations as may be determined to be necessary by the Director-General and in accordance with the Dust Management Plan referred to in Condition 6.1(a);</p> <p>(iii) consideration is to be given to the use of existing relevant monitoring locations at Bayswater, Drayton and Bengalla mines;</p> <p>(iv) provide quarterly reporting on the performance of the control measures and of the monitoring system detailed in the EIS and conditions of this consent, unless otherwise agreed by the Director-General. The reports shall be provided to the Director-General,</p> <p>(v) CCC and MSC within seven days of completion of the report; and vi) provide all results and analysis of air quality monitoring in the AEMR including a determination of the dust deposition rate in g/m2/month, which shall be plotted in the AEMR.</p>
6.1 (c)	<p>In the event that a landowner or occupier considers that dust from the project at his/her dwelling or over more than 25% of his/her vacant land is in excess of the criteria detailed in Tables 1 and 2 above, and the Director-General is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:</p> <p>(i) consult with the landowner or occupant affected to determine his/her concerns;</p> <p>(ii) make arrangements for, and bear the costs of, following consultation with the other mines in the vicinity including the Drayton, Bengalla, Bayswater and Mount Pleasant mines, appropriate independent dust investigations in accordance with the Dust Management Plan, and to the satisfaction of the Director-General, to quantify the impact and determine the source of the effect and contribution of the Mount Arthur North mine;</p> <p>(iii) modify the mining activity or take other steps in accordance with the Dust Management Plan if exceedences are demonstrated to result from MAN related activity. This shall include:</p> <p style="padding-left: 40px;">1) introduction of additional controls, either of dust generation from individual sources on the site or on site operations, or modify operations to ensure that the dust criteria are achieved; and/or;</p>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	<p>2) enter into an agreement with the landowner or provide such forms of benefit or amelioration of the impact of dust as may be agreed between the parties as providing acceptable compensation for the dust levels experienced. The agreement may also be made following consultation with the other mines in the vicinity including the Drayton, Bengalla, Bayswater and Mount Pleasant mines.</p> <p>(iv) conduct follow up investigation(s) to the satisfaction of the Director-General, where necessary.</p> <p><b>Note:</b> Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot.</p>
6.1(d)	<p>If the independent dust investigations in sub-clause (c) above confirm that dust levels from MAN alone are in excess of the relevant criteria detailed in this Consent, and if the measures in sub-clause (c)(iii) (1) above do not reduce the dust levels below the criteria specified in this Consent, or if agreement in accordance with sub-clause (c)(iii) (2) above cannot be reached, the Applicant shall at the written request of the owner acquire the relevant property. Acquisition shall be in accordance with the procedures set out in Condition 11.2.</p>
6.1(e)	<p>In the case of cumulative dust levels in excess of the criteria as described in sub-clause (d) above, the Applicant shall purchase an affected property at the written request of the property owner in accordance with the Joint Acquisition Management Plan (condition 11.3).</p>
6.1(f)	<p>Further independent investigation(s) shall cease if the DG is satisfied that the relevant criteria specified in this Consent are not being exceeded and are unlikely to be exceeded in the future.</p>
6.1(g)	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:</p> <ul style="list-style-type: none"> <li>any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or</li> <li>if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or</li> <li>if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.</li> </ul>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
6.2(a)	The Applicant shall ensure the prompt and effective rehabilitation of all disturbed areas following the completion of mining and associated activities in that area to minimise the generation of wind blown dust.
6.2(b)	Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
6.2(c)	Raw coal dump hoppers must be fitted with: <ul style="list-style-type: none"> <li>(i) An automatically activated dust suppression water spray system; and</li> <li>(ii) Windshields. The windshields must be full walls on three sides with a height of not less than two metres above the dump grate.</li> </ul>
6.2(d)	Belt conveyors, other than those whose functions preclude it, must be enclosed on the top and at least one side. Belt scrapers must be installed to effectively remove material from the underside of each belt.
6.2(e)	Air pollution control equipment must be fitted to all drilling rigs to prevent fines generated during drilling being discharged to the atmosphere.
6.2(f)	An effective water spray system must be installed at open coal stockpiles and operated at sufficient frequency to maintain the entire surface of the stockpile and related coal handling areas in a condition that will minimise the emission of wind blown or traffic generated dust.
6.2(g)	Mobile tankers equipped with a pump and sprays must be provided to suppress dust from unsealed roads when in use.
6.2(h)	Roads for coal or overburden haulage must be surfaced in selected hard, non-friable material. Soft mudstone, clay stone and shale must not be used.
6.3(a)	The overpressure level from blasting operations on the premises must not: <ul style="list-style-type: none"> <li>(i) Exceed 115dB (Linear Peak) for more than 5% of the total number of blasts over a period of 12 months; and</li> <li>(ii) Exceed 120dB (Linear Peak) at any time,</li> </ul> when measured at any point that is located at least 3.5m from any building or structure at any nearby residential property or other noise sensitive location such as a school or hospital.

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
6.3(b)	<p>Ground vibration peak particle velocity from the blasting operations at the premises must not:</p> <ul style="list-style-type: none"> <li>(i) Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and</li> <li>(ii) Exceed 10mm/s at any time,</li> </ul> <p>when measured at any point within the grounds of noise sensitive locations and within 30m of any residence or other noise sensitive location such as a school or hospital.</p>
6.3(c)	Blasting operations on the premises may only take place between 9.00am and 5.00pm Monday to Saturday inclusive.
6.3(d)	The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.
6.3(e)	The Applicant shall investigate any vibration problem(s) associated with above ground floor level of residential buildings which occur as a result of blasting at the mine in relation to the standards above. Should such an investigation be necessary the Applicant shall advise the DG the result of such investigation and any proposed preventive/remedial measures.
6.3(f)	<p>The Applicant shall prepare and implement a Blasting/Vibration Management Plan to the satisfaction of the Director-General, prior to the commencement of any blasting. The Plan must include, but not be limited to, the following matters:</p> <ul style="list-style-type: none"> <li>(i) compliance standards;</li> <li>(ii) mitigation measures;</li> <li>(iii) remedial action;</li> <li>(iv) monitoring methods and program;</li> <li>(v) monitoring program for flyrock distribution;</li> <li>(vi) measures to be undertaken to demonstrate that the Mount Arthur North mine is achieving best practice in minimising air blast overpressure, ground vibration levels, fumes and odours from blasting activities;</li> <li>(vii) measures to protect underground utilities (e.g.: rising mains, subsurface telecommunication and electric cables, irrigation lines) and livestock on non-mine owned land;</li> <li>(viii) measures to consider the blasting activities from other neighbouring mines particularly Drayton, Bayswater, Bengalla and Mount Pleasant.</li> </ul>



Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	<p>This shall include details of the proposed measures to ensure that cumulative blast related impacts are managed, such as through consultation with the other mines to co-ordinate blasting activities;</p> <p>(ix) procedures for the investigation of blast related complaints from the MAN, in consultation with other mines in the event of cumulative related impacts</p> <p>(x) procedures for the notification of occupiers of buildings and residents prior to detonation of each blast; and</p> <p>measures to ensure no damage by flyrock to people, property, livestock and powerlines.</p>
6.3(g)	The applicant shall, as a minimum, advise occupiers of buildings and residents within three (3) kilometres of blasting locations (including the whole of the Racecourse Road area and area south-west of Skellatar Stock Route) of future blasting events on at least a monthly basis, and of any changes to the proposed blast schedules. Such program shall also be available on the internet.
6.3(h)	Upon written request of the owner of any dwellings located within three (3) kilometres of the blasting locations, or any dwelling located in the Racecourse Road area or area south-west of Skellatar Stock Route, the Applicant shall arrange at its own costs, for the inspection by a technically qualified person agreed to by both parties, to record the material condition of any structure on such property within 14 days of receipt of the request. The Applicant shall supply a copy of any inspection report, certified by the person who undertook the inspection, to the relevant property owner within fourteen (14) days of receipt of the report.
6.3(i)	<p>The Applicant shall, in consultation with MSC and RTA, prepare a Road Closure Management Plan to the satisfaction of the Director-General prior to the commencement of any blasting within 500 metres of Denman Road. The Plan shall include, but not be limited to, the following matters:</p> <ul style="list-style-type: none"> <li>(i) details of the proposed safety management measures during the period of the road closure and blast;</li> <li>(ii) details of the procedures for closing Denman Road and the period which the road will be closed during blasting activities;</li> <li>(iii) methods for ensuring the safety of road users and the general public during the blast period;</li> <li>(iv) strategies for informing road users and the local community of the proposed road closure;</li> <li>(v) details of the procedures for permitting the passage of emergency vehicles during the road closure. This shall also include details of the proposed methods for sufficiently notifying emergency service providers of the proposed times and period of the road closures;</li> <li>(vi) methods for clearing the road of any debris resulting from a blast; and</li> <li>(vii) details of the disruptions that are likely to occur during the closure period.</li> </ul>
6.3(j)	The Applicant shall incur the costs for any damage to Denman Road resulting from any blast related activities. The repairs shall be undertaken to a standard acceptable to MSC and RTA.

Mt Arthur North Development Consent Conditions (DA 144-05-2000)			
Condition	Requirement		
6.3(k)	The applicant must monitor ground vibration and overpressure of all blasts.		
6.3(l)	Ground vibration or the overpressure must be measured at noise sensitive sites (e.g. residences, hospitals, schools etc), selected in consultation with the EPA.		
6.4.1(a)	<i>Intrusive (MAN Alone) and Amenity (Cumulative) Noise Criteria</i> The Applicant shall undertake management measures as outlined in the Noise Management Plan at dwellings where the noise criteria in Table 3 below are demonstrated to be exceeded, or are exceeded during mining operations.		
	<b>Table 3:</b> Intrusive (MAN Alone) $L_{Aeq}$ (15 minute) and Amenity (Cumulative) $L_{Aeq}$ (period) Noise Criteria (for noise from all coal mining operations)		
	<b>Locations as identified in Schedule B</b>	<b>Intrusive Criteria [Day/Evening/Night] <math>L_{Aeq}</math>(15 minute)</b>	<b>Amenity Criteria [Day/Evening/Night] <math>L_{Aeq}</math>(period)</b>
	Antiene Estate	37/40/38dB(A)	50/45/40dB(A)
	Skellatar Stock Route Thomas Mitchell Drive / Denman Road	39/38/37dB(A)	50/45/40dB(A)
	Racecourse Road	37/36/35dB(A)	50/45/40dB(A)
	Denman Road West Roxburgh Vineyard and Roxburgh Road	37/36/35dB(A)	50/45/40dB(A)
	South Muswellbrook (including the South Muswellbrook Development Area)	35/35/35dB(A)*	50/45/40dB(A)
Note: 1. Day period is 7am-6pm; Evening period is 6pm-10pm; Night period is 10pm-7am.			

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	<p>2. LAeq(15minute) is the value of LAeq(15 minute) which shall not be exceeded for more than 10% of the monitoring periods detailed in the noise monitoring program for continuous noise monitoring (refer condition 6.4.3(a)(i)) or for independent noise investigations (refer condition 6.4.3(a)(v)), as representative of any season (ie, December to February, March to May, June to August, or September to November), and would include the locality specific range of weather conditions occurring at the time of monitoring.</p> <p>3. LAeq(period) is the long-term LAeq noise level over the relevant day, evening, or night period, as detailed in the noise monitoring program for continuous noise monitoring (refer condition 6.4.3(a)(i)) or for independent noise investigations (refer condition 6.4.3(a)(v)). These periods would be representative of any season (ie, December to February, March to May, June to August, or September to November), and would include the locality specific range of weather conditions occurring at the time of monitoring.</p> <p>4. All measured or predicted noise levels to be rounded to the nearest decibel.</p>
6.4.1(b)	<p><i>Intrusive (MAN Alone) and Amenity (Cumulative) Noise Acquisition Criteria</i></p> <p>The acquisition zone for intrusive (MAN alone) noise is defined by predicted or demonstrated exceedence of the noise levels at any non-mined owned dwellings of the dB(A) (LAeq(15 minute)) noise levels shown in Table 4 below. The amenity acquisition zone for the cumulative operation of mines in the vicinity, including Drayton mine, Bayswater mine, Bengalla mine and Mount Pleasant mine, is defined by demonstrated exceedences of noise levels at any non-mined owned dwellings of the dB(A) LAeq (period) noise levels shown in Table 4 below.</p> <p><b>Table 4:</b> Intrusive (MAN Alone) Noise Acquisition Criteria LAeq (15 Minute) and Amenity (Cumulative) Noise Acquisition Criteria LAeq(period) (for noise from all coal mining operations)</p>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)			
Condition	Requirement		
	<b>Locations as identified in Schedule B</b> <b>L<sub>Aeq</sub>(period)</b>	<b>Intrusive Criteria</b> <b>[Day/Evening/Night] L<sub>Aeq</sub>(15 minute)</b>	<b>Amenity</b> <b>Criteria[Day/Evening/Night]</b>
	Antiene Estate	greater than 42/45/43dBA	greater than 53/48/43dBA
	Skellatar Stock Route/ Thomas Mitchell Drive/ Denman Road	greater than 44/43/42dBA	greater than 58/48/43dBA
	Racecourse Road	greater than 42/43/40dBA	greater than 53/48/43dBA
	Denman Road West/ Roxburgh Vineyard/ Roxburgh Road	greater than 42/41/40dBA	greater than 53/48/43dBA
	South Muswellbrook (including the South Muswellbrook Development Area)	greater than 40/40/40dBA	Greater than 53/48/43dBA
	<p>Note: 1. Day period is 7am-6pm; Evening period is 6pm-10pm; Night period is 10pm-7am.</p> <p>2. L<sub>Aeq</sub>(15minute) is the value of L<sub>Aeq</sub>(15 minute) which shall not be exceeded for more than 10% of the monitoring periods detailed in the noise monitoring program for continuous noise monitoring (refer condition 6.4.3(a)(i)) or for independent noise investigations (refer condition 6.4.3(a)(v)), as representative of any season (ie, December to February, March to May, June to August, or September to November), and would include the locality specific range of weather conditions occurring at the time of monitoring 5. L<sub>Aeq</sub>(period) is the long-term L<sub>Aeq</sub> noise level over the relevant day, evening, or night period, as detailed in the noise monitoring program for continuous noise monitoring (refer condition 6.4.3(a)(i)) or for independent noise investigations (refer condition 6.4.3(a)(v)).</p> <p>These periods would be representative of any season (ie, December to February, March to May, June to August, or September to November), and would include the locality specific range of weather conditions occurring at the time of monitoring. 3. All measured or predicted noise levels to be rounded to the nearest decibel.</p>		

	Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement	
6.4.1(c)	The properties in Table 5 are predicted to experience noise levels greater than the Intrusive (MAN alone) acquisition criteria identified in Table 4 above and shall be acquired by the Applicant if requested by the landowner in accordance with Condition 11.2.	
	Table 5: Dwellings and vacant land predicted to be within the intrusive noise acquisition zone	
	Property Number (as stated in the EIS)	Owner (as stated in the EIS)
	4	Karl Casben (vacant land)
	6	Karl Casben (vacant land)
	63	Michael J. & Debra J. Urlick
	64	Beryl D. & Jeffery N. Englebrecht
	142	Raymond & Faye Webber (vacant land)
300	Karen Casben & Gregory V. Morcom (vacant land)	
6.4.1 (d)	In the event that a landowner or occupier of a non-mine owned property considers that noise from the project once operational is in excess of:	
	<ul style="list-style-type: none"><li>the noise levels depicted in Tables 3 or 4 above; or</li><li>the noise levels depicted in Table 4 over more than 25% of his/her vacant land,</li></ul>	
	and the Director-General is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:	
	<ul style="list-style-type: none"><li>(i) consult with the landowner or occupant affected to determine his/her concerns;</li><li>(ii) make arrangements for, and bear the costs of, following consultation with other mine operations in the vicinity where necessary, appropriate independent noise investigations in accordance with the noise management plan, and to the satisfaction of the Director- General, to quantify the impact and determine the source of the effect and the contribution of Mount Arthur North to the effect;</li><li>(iii) take steps in accordance with a noise reduction plan prepared as part of the noise management plan, if exceedences are demonstrated to result from Mount Arthur North. This shall include:</li></ul>	

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	<p>1) introduction of additional controls, either on noise emission from individual sources on the site or on site operations or modify operations, to ensure that the criteria in the Table 3 above are achieved, as far as possible; or</p> <p>2) with the agreement of the landowner, and in the case of cumulative impacts the other relevant mining operations, undertaking of noise control at the dwelling to achieve internal noise levels due to MAN alone or due to all mining activities, as relevant, which are at least 10dBA below the relevant external noise criterion. Internal noise levels should be measured at the centre of any habitable room; or</p> <p>3) entering into an agreement with the landowner, and in the case of cumulative impacts the other relevant mining operations in the area and the landowner, to provide such other forms of benefit or amelioration of the impacts of noise as may be agreed between the parties, as providing acceptable compensation for the noise levels experienced;</p> <p>(iv) conduct follow up investigation(s) to the satisfaction of the Director-General, where necessary.</p> <p><b>Note:</b> Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot.</p>
6.4.1(e)	<p>If the independent noise investigation(s) in sub-clause (d) above confirms that noise criteria in Table 4 are being exceeded by MAN alone, and the measures in condition 6.4.1(d)(iii) do not reduce the noise levels below the criteria in Table 4, the Applicant shall, at the written request of the landowner, acquire the relevant property. Acquisition shall be in accordance with the procedures set out in Condition 11.2.</p> <p>In the case of cumulative noise levels in excess of the criteria in Table 4, the Applicant shall purchase an affected property in accordance with the Joint Acquisition Management Plan (condition 11.3).</p>
6.4.1(f)	<p>If continued complaints and noise investigations confirm that noise criteria in Table 3 are being exceeded, but are less than the noise levels in Table 4, the Applicant shall continue to negotiate with the landowner, and other mines in the vicinity where relevant, until a resolution to the satisfaction of the Director General is reached.</p>
6.4.1(g)	<p>If a landowner disputes any noise mitigation or other measures proposed by the Applicant in accordance with sub-clause (d) above, the matter shall be referred by either the Applicant or landowner to the Director-General in consultation with MSC. If the matter cannot be resolved within 21 days, the matter shall be referred to the Independent Dispute Resolution Process.</p>

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Condition	Requirement
6.4.1(h)	Further independent investigations shall cease if the Director-General is satisfied that the relevant criteria in Tables 3 and 4 are not being exceeded and are unlikely to be exceeded in the future.
6.4.1(i)	The Applicant shall, after commencement of mine construction as well as after commencement of operations and thereafter continuously, undertake monitoring of affected residences to verify noise predictions, including management and acquisition zones. Any alterations to predictions, management and acquisition zones, shall be provided to the affected resident(s) and to the CCC together with necessary action in accordance with this Condition.
6.4.1(j)	EPA Applicable Noise Limits for EPA licence purposes (refer to Schedule C).
6.4.1(k)	For the purpose of noise measurement for subclause (j) above, the $L_{Aeq}$ noise level must be measured or computed at the most affected area within 30 metres of the residence or at the boundary, if the boundary is closer than 30 metres to the residence, over a period/s of 15 minutes using "FAST" response on the sound level meter.
6.4.1(l)	For the purpose of the noise measurements referred to in subclause (k) above, 5dB must be added to the measured level if the noise is substantially tonal or impulsive in character.

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
6.4.3(a)	<p>The Applicant shall, prior to commencement of mining operations, prepare and implement a Noise Management Plan for the Mount Arthur North mine, to the satisfaction of the Director- General. The Plan shall be prepared following consultation with Drayton, Bengalla, Bayswater and Mount Pleasant mines with the aim of achieving a consistent approach in the preparation of the Mount Arthur North noise management plan. The EPA and MSC should also be consulted prior to the finalisation of the Management Plan. The Plan shall:</p> <ul style="list-style-type: none"> <li>i) include details of the methods to be used for the continuous monitoring of noise to evaluate, assess and report the L Aeq (15 minute) (MAN alone) and LAeq (period) (cumulative) noise emission levels due to the normal operations of the Mount Arthur North operations;</li> <li>ii) details regarding operating configuration; determining survey intervals; weather conditions and seasonal variations; selecting variations, locations, periods and times of measurements;</li> <li>iii) detail management measures where the target criteria in Table 3 of this consent are predicted to be exceeded, or are exceeded during mining operations;</li> <li>iv) Redefine both the Intrusive and amenity acquisition and management zones on a yearly basis in the AEMR, unless otherwise agreed by the Director-General. This review shall draw upon the noise monitoring results obtained during the previous year and incorporate noise modelling to provide a forward plan of predicted noise levels for the year ahead, and particularly focus on the management of night time noise (10:00pm–7:00am) for each year of operation;</li> <li>v) specify the procedures for a noise monitoring program for the purpose of undertaking independent noise investigations, following consultation with Drayton, Bengalla, Bayswater and Mount Pleasant mines, as necessary;</li> <li>vi) outline the procedure to notify property owners and occupiers likely to be affected by noise from the operations;</li> <li>vii) establish a protocol for handling noise complaints that include recording, reporting and acting on complaints, particularly where complaints are received and it is demonstrated noise levels are in excess of the criteria contained in this consent;</li> <li>viii) record appropriate mechanisms for community consultation;</li> <li>ix) outline proactive/predictive and reactive mitigation measures to be employed on the site to limit noise emissions;</li> <li>x) identify longer term strategies directed towards mitigating noise levels that exceed the noise target levels in Table 3;</li> <li>xi) outline measures to reduce the impact of intermittent, low frequency and tonal noise (including truck reversing alarms);</li> <li>xii) survey and investigate noise reduction measures from plant and equipment annually, subject to noise monitoring results and/or complaints received, and report in the AEMR at the conclusion of the first 12 months of operations and set targets for noise reduction taking into consideration valid noise complaints in the previous year; and</li> <li>xiii) include details of the inter-relationship of this plan with other Noise Management Plans, if any, of Bengalla, Bayswater, Drayton, Bayswater and Mount Pleasant mines.</li> </ul>



Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
6.4.3(b)	<p>Prior to commencement of construction, the Applicant shall prepare, and subsequently implement, a Construction Noise Management Plan to the satisfaction of the Director-General. The Plan shall include, but not be limited to the following matters:</p> <ul style="list-style-type: none"> <li>i) compliance standards;</li> <li>ii) community consultation;</li> <li>iii) complaints handling monitoring/system;</li> <li>iv) site contact person to follow up complaints;</li> <li>v) methods for the management of construction related traffic noise impacts;</li> <li>vi) mitigation measures;</li> <li>vii) the design/orientation of the proposed mitigation methods demonstrating best practice;</li> <li>viii) construction times;</li> <li>ix) contingency measures where noise complaints are received; and</li> <li>x) monitoring methods and program.</li> </ul>
6.4.3(c)	Noise associated with construction activities must comply with the intrusive noise criteria referred to in condition 6.4.1, Table 3, unless otherwise agreed in writing by the EPA.
6.4.3(d)	<p>The Applicant shall also:</p> <ul style="list-style-type: none"> <li>(i) make copies of the Noise Management and Construction Noise Management Plans available to the EPA, MSC and CCC within fourteen days of approval, or as otherwise agreed to be the DG; and</li> <li>(ii) include a summary of noise monitoring results in the AEMR.</li> </ul>
6.4.3(e)	The Applicant shall ensure that the design, construction and operation of the MAN project shall not create amenity problem(s) associated with low frequency vibration. The Applicant shall, in consultation with the EPA, investigate the cause of any low frequency vibration associated with the MAN project and report to the DG of the result of any such investigation and practical mitigation measures that can be adopted to eliminate such problem.
6.4.4(a)	The levels of noise emitted from the premises must be monitored in accordance with the noise monitoring program required in condition 6.4.3 (Noise Management Plan) at locations agreed to by the EPA. The monitoring must determine $L_{Aeq,9 \text{ hour}}$ $L_{Aeq,15 \text{ min}}$ $L_{A10,15 \text{ min}}$ $L_{A90,15 \text{ min}}$ and $L_{A1,1 \text{ min}}$ levels and include an assessment of the impact of operational noise on adjoining residents.

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
6.4.4(b)	Noise monitoring at the specified locations must be undertaken during daytime (0700- 1800), evening (1800-2200) and night time (2200-0700).
6.5(a)	<p>The Applicant shall, prior to commencement of construction, prepare a Lighting Management Plan in consultation with MSC, and to the satisfaction of the Director-General. The Plan shall include details of the implementation of visual controls to screen, direct or manage all on-site lighting from mine related activities in respect of residences and roadways. The Plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>i) details of the planting of vegetation screens along the mine boundary, such as along the Denman Road and Thomas Mitchell Drive, to screen potential lighting impacts;</li> <li>ii) details of technical measures and work practices necessary to minimise the spillage of light from areas to be illuminated, and to minimise the total night time glow from the mine;</li> <li>iii) details of the construction or placement of visual screens and/or overburden emplacements to screen lighting impacts;</li> <li>iv) details of the proposed process and measures to address complaints that may be received from residents or road users impacted by lighting from the mine site; and</li> <li>v) details of any other effective operating practices to manage potential lighting impacts.</li> </ul>
6.5(b)	The Applicant shall report on the effectiveness of the lighting emission controls in the AEMR.
7.1(a)	No coal shall be hauled from the mine site on public roads, except under emergency circumstances and with the prior approval of the Director-General and MSC.
7.2(a)	<p>The Applicant shall undertake the following to the satisfaction of MSC and the RTA:</p> <ul style="list-style-type: none"> <li>(i) contribute to intersection improvements at the existing junction of Thomas Mitchell Drive and Denman Road, based on the proportion usage generated by the MAN Project; and</li> <li>(ii) undertake the construction of a C type intersection on Thomas Mitchell Drive at the junction of the mine access road.</li> </ul>
7.2(b)	The Applicant shall ensure that the designated mine access road route as described in the EIS is the only route used by employees and contractors travelling to and from the mine site, except in emergency circumstances.
7.2(c)	The existing and proposed relocated access tracks providing access to the summit of Mt Arthur must be secured but available to emergency service and legitimate users on a 24 hour per day basis.

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
7.2(d)	The Applicant shall construct the proposed public road connecting the development with Thomas Mitchell Drive. The road is to be of a two lane sealed construction from its intersection with Thomas Mitchell Drive to the proposed Mount Arthur North Mine Industrial area in accordance with the EIS and Austroad standards
7.2(e)	Any costs incurred in transferring the Crown Road Reserve associated with the mine access road from DLWC to the control of MSC for use as a public road is to be at the Applicant's expense.
7.4	The Applicant shall maintain the public road to Austroads Standards, from the intersection with Thomas Mitchell Drive to the Industrial Area of the mine, for the life of the mine. Prior to the decommissioning of the mine, the road shall be inspected by MSC to determine any works required.
7.5	The Applicant shall maintain signs and through the information line established under Condition 10.2(a) give at least 24 hours notice of temporary road closures. The location and wording of the signs are to be approved by MSC. A protocol is to be established in consultation with the emergency services during road closures. Notification shall also be provided to relevant emergency services via fax seven (7) days prior to the road closure.
7.6	Provision of Utility Services. Refer Mining Operations Plan (Condition 2.1).
8.0(a)	In addition to the requirements contained elsewhere in this consent, the DG may, at any time in consultation with the relevant government authorities and Applicant, require the monitoring programs in Conditions 3, 4 and 6 to be revised/updated to reflect changing environmental circumstances or changes in technology/operational practices. Changes shall be made and approved in the same manner as the initial monitoring programs. All monitoring programs shall also be made publicly available at MSC within two weeks of approval of the relevant government authority
8.0(b)	All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall be included in the relevant environmental management plan. Only accredited laboratories shall be used for laboratory analysis.
8.1(a)	Every three years from the date of this consent until completion of mining in the DA area, or as otherwise directed by the DG, the Applicant shall conduct an environmental audit of the mining and infrastructure areas of the development in accordance with ISO 14010 - Guidelines and General Principles for Environmental Auditing, and ISO 14011 - Procedures for Environmental Auditing (or the current versions), and in accordance with any specifications required by the DG. Copies of the report shall be submitted by the Applicant to the Director-General, MSC, EPA, DLWC, DMR, NPWS and CCC within two weeks of the report's completion for comment.

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
8.1(b)	<p>The audit shall:</p> <ul style="list-style-type: none"> <li>i) assess compliance with the requirements of this consent, licences and approvals;</li> <li>ii) assess the development against the predictions made in the EIS;</li> <li>iii) review the effectiveness of the environmental management of the mine, including any mitigation works;</li> <li>iv) be carried out at the Applicant's expense; and</li> <li>v) be conducted by a duly qualified independent person or team approved by the Director-General in consultation with MSC.</li> </ul>
8.1(c)	The Director-General may, after considering any submission made by the relevant government agencies, MSC and CCC on the report, notify the Applicant of any requirements with regard to any recommendations in the report. The Applicant shall comply with those reasonable requirements within such time as the Director-General may require.
8.2(a)	The Applicant shall establish a meteorological station(s) at a relevant location(s) in accordance with the requirements of AS 2922 1987 "Ambient Air Guide for Siting of Sampling Units" or its updated version or as directed by the EPA. The Meteorological station(s) must be capable of recording wind direction and speed, temperature and sigma theta and be operated in accordance with the requirements of AS 2923-1987 "Ambient Air Guide Horizontal Wind for Air Quality Application", or subsequent relevant standards.
9.1(a)	The Applicant shall report on mine operations in accordance with the mine operations plan (refer to Condition 2.1).

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
9.2(a)	<p>The Applicant shall, throughout the life of the mine and for a period of at least three years after the completion of mining in the DA area, prepare and submit an AEMR to the satisfaction of the DG and DMR. The AEMR shall review the performance of the mine against the Environmental Management Strategy and the relevant Mining Operations Plans, the conditions of this consent, and other licences and approvals relating to the mine. To enable ready comparison with the predictions made in the EIS, diagrams and tables, the report shall include, but not be limited to, the following matters:</p> <ul style="list-style-type: none"> <li>(i) an annual compliance audit of the performance of the project against conditions of this consent and statutory approvals;</li> <li>(ii) a review of the effectiveness of the environmental management of the mine in terms of EPA, DLWC, DMR, and MSC requirements;</li> <li>(iii) results of all environmental monitoring required under this consent or other approvals, including interpretations and discussion by a suitably qualified person;</li> <li>(iv) identify trends in monitoring results over the life of the mine;</li> <li>(v) an assessment of any changes to agricultural land suitability resulting from the mining operations, including cumulative changes;</li> <li>(vi) a listing of any variations obtained to approvals applicable to the DA area during the previous year;</li> <li>(vii) the outcome of the water budget for the year, the quantity of water used from water storages and details of discharge of any water from the site;</li> <li>(viii) rehabilitation report; and</li> <li>(ix) environmental management targets and strategies for the next year, taking into account identified trends in monitoring results.</li> </ul>
9.2(b)	<p>In preparing the AEMR, the Applicant shall:</p> <ul style="list-style-type: none"> <li>(i) consult with the Director-General during preparation of each report for any additional requirements;</li> <li>(iii) comply with any reasonable requirements of the Director-General or other relevant government agency; and</li> <li>(iv) ensure that the first report is completed and submitted within twelve months of this consent, or at a date determined by the Director-General in consultation with the DMR and the EPA.</li> </ul>
9.2(c)	<p>The Applicant shall ensure that copies of each AEMR are submitted at the same time to the Director-General, DMR, EPA, DLWC, NPWS, MSC and CCC, and made available for public information at MSC within fourteen days of submission to these authorities.</p>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
9.3(a)	The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with any load calculation protocol must be recorded and retained as set out in subclauses b and c.
9.3(b)	<p>All records kept for the EPA licence must be:</p> <ul style="list-style-type: none"> <li>• in a legible form or a form which can be reduced to a legible form;</li> <li>• kept for at least 4 years;</li> <li>• produced in a legible form for an EPA officer on request.</li> </ul>
9.3(c)	<p>The following records must be kept for the required samples:</p> <ul style="list-style-type: none"> <li>• the date(s) on which the sample was taken;</li> <li>• the time(s) at which the sample was collected;</li> <li>• the point at which the sample was taken; and</li> <li>• the name of the person who collected the sample..</li> </ul>
9.3(d)	The Applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the Applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return. This may form part of the AEMR.
10.1(a)	<p>The Applicant shall;</p> <p>(i) establish a CCC and ensure that the first meeting is held prior to submission of the Environmental Management Strategy (Condition 3.2). Selection of representatives shall be to the satisfaction of the DG in consultation with the Applicant and MSC. The Committee shall comprise two (2) representatives of the Applicant (including the Environmental Officer), one (1) representative of MSC, and four (4) community representatives. The Committee shall be chaired by MSC.</p>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	(ii) Representatives from relevant government agencies or other individuals may be invited to attend meetings as required by the Chairperson. The Committee may make comments and recommendations about the preparation and implementation of environmental management plans, monitor compliance with conditions of this consent and other matters relevant to the operation of the mine during the term of the consent. The Applicant shall ensure that the Committee has reasonable access to the necessary plans for such purposes. The Applicant shall consider the recommendations and comments of the Committee and provide a response to the Committee and Director-General.
10.1(b)	<p>The Applicant shall, at its own expense:</p> <ul style="list-style-type: none"> <li>(i) nominate two (2) representatives (including the Environmental Officer) to attend all meetings of the Committee;</li> <li>(ii) provide to the Committee regular information on the progress of work and monitoring results;</li> <li>(iii) promptly provide to the Committee such other information as the Chair of the Committee may reasonably request concerning the environmental performance of the development;</li> <li>(iv) provide access for site inspections by the Committee; and</li> <li>(v) provide meeting facilities for the Committee, and take minutes of Committee meetings. These minutes shall be available for public inspection at MSC within 14 days of the meeting, or as agreed by the Committee.</li> </ul>
10.1(c)	If required by the Committee, the Applicant shall establish a trust fund or other funding arrangement that may be agreed between the Applicant and Committee, to be managed by the Chair of the Committee to facilitate the functioning of the Committee, and pay \$2000 per annum to the fund for the duration of mining in the DA area, or as otherwise reasonably directed by the Director-General. The monies are to be used only if required for the engagement of consultants to interpret technical information and the like. The annual payment shall be indexed according to the Consumer Price Index (CPI) at the time of payment. The first payment shall be made by the date of the first Committee meeting. A record of the finances of the trust fund during each year shall be provided to the Director-General and Applicant by the Chair on each anniversary of the first payment. Any unspent monies shall be returned to the Applicant each year.
10.2(a)	<p>The Environmental Officer(s) employed by the mine (refer condition 3.1) shall be responsible:</p> <ul style="list-style-type: none"> <li>(i) establishing and maintaining a system for recording complaints with respect to construction works and mine operations on a dedicated and publicly advertised telephone line, 24 hours per day 7 days per week, entering complaints or comments in an up to date log book, or other suitable data base, and ensuring that an initial response is provided to the complainant within 24 hours;</li> </ul>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	<p>(ii) for providing a report of complaints received with respect to the construction and operation of the mine, every six months throughout the life of the project to the Director-General, MSC, EPA, DMR, and CCC, or as otherwise agreed by the Director-General. A summary of this report shall be included in the AEMR (condition 9.2(a)).</p> <p>(iii) consult with the environmental officer(s) employed by other mines in the vicinity to seek to co-ordinate a response to any complaints received regarding the operations of MAN and other mines.</p>
10.2(b)	The Applicant must nominate at least two persons (and their telephone numbers) who will be available to the EPA on a 24 hours basis, and who have authority to provide information and to implement such measures as may be necessary from time to time to address a pollution incident or to prevent pollution from continuing as directed by an authorised officer of the EPA.
10.2(c)	The Applicant shall have regard to the complaints mechanism plan as agreed to by the Coal Mine General Manager's Forum established under the auspices of MSC, MSC, DUAP and EPA, in dealing with complaints.
11.1(a)	In the event that the cumulative impact of noise or dust contributed by the operation of the Mount Arthur North mine and other nearby mining/industrial activities, including the Bayswater/Drayton rail loop and Antiene rail spur, Bayswater mine, Drayton mine, Bengalla mine and Mount Pleasant mine, and any future mining/industrial operations, at dwellings, or vacant land (as described in Condition 6.1 and 6.4), in the vicinity of the operation, exceeds the amenity (cumulative) noise or dust criteria contained in conditions 6.1 and 6.4, the Applicant shall negotiate with the other mines and landowner to seek to determine appropriate arrangements to reasonably contribute to the management of the identified cumulative impacts or acquisition of the property to the satisfaction of the Director-General in proportion to their contributions to the impact.
11.1(b)	If it is identified that total industrial noise levels at any point exceed the cumulative criteria set out in Condition 6.4.1, and that an industrial source other than a mine contributes significantly to this total, the Applicant shall prepare a report to the Director-General outlining the contribution from all industrial sources to the total measured noise level.



Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
11.1(c)	If agreement on appropriate contributions towards mitigation measures/acquisition cannot be reached from negotiations undertaken in accordance with subclause 11.1(a), then the matter is referred to the Director-General in consultation with MSC by either the Applicant or landowner. If the matter is not resolved within 21 days of the referral, the matter will be referred to an Independent Dispute Resolution Process as determined by the Director-General, and resolved as agreed by the Director-General. The Independent Dispute Resolution Process shall determine the responsibilities of each of the mining companies in accordance with subclause 11.1(a) above and actions to be undertaken. The decision of the Independent Dispute Resolution Process shall be final, as agreed by the Director-General.
11.1(d)	Prior to referral to the Independent Dispute Resolution Process, the Applicant shall provide the Director-General a report detailing the Applicant's reasons for being unable to reach agreement with the other parties, and the reasons for the criteria exceedences with demonstration that MAN's activities are not the sole cause of the exceedences.
11.2	Note: In Condition 11.2 (a)-(g) "land" means the whole of a lot in a current plan registered at the Land Titles Office as at the date of this consent.
11.2(a)	The Applicant shall negotiate and purchase a property, as identified by Conditions 3.7(a1), 6.1 (d and e), 6.4.1 (c and e) or 11.1 (a and c), within six (6) months of a written request from the affected land owner. The owner of any dwelling, or vacant land (as described in Condition 6.1 (d and e) and 6.4.1(e)), located in areas that exceed noise and/or air quality criteria established in accordance with conditions 6.1 (a1) and 6.4.1 (b) of this consent, and at any time after the granting of development consent, may request the Applicant in writing to purchase the whole of that property.
11.2(b)	In respect of a request to purchase land arising under this condition, the Applicant shall pay the owner the acquisition price which shall take into account and provide payment for: <ul style="list-style-type: none"> <li>(i) a sum not less than the current market value of the owner's interest in the land at the date of this consent, as if the land was unaffected by the Mount Arthur North Project the subject of this DA, having regard to: <ul style="list-style-type: none"> <li>1) the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; and</li> <li>2) the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of request is completed subsequent to that date.</li> </ul> </li> <li>(ii) the owner's reasonable compensation for disturbance allowance and relocation costs within the Singleton, Scone or Muswellbrook Local Government Area, or within such other location as may be determined by the Director-General in exceptional circumstances; and</li> </ul>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
	<p>(iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price of the land and the terms upon which it is to be acquired.</p> <p>Notwithstanding any other condition of this consent, the Applicant may, upon request of the landowner, acquire any property affected by the project during the course of this consent on terms agreed to between the Applicant and the landowner.</p>
11.2(c)	<p>In the event that the Applicant and any owner referred to in this condition cannot agree within the time limit upon the acquisition price of the land and/or the terms upon which it is to be acquired, then:</p> <p>i) either party may refer the matter to the Director-General, who shall request the President of the Australian Institute of Valuers and Land Economists to appoint a qualified independent valuer or Fellow of the Institute, who shall determine, after consideration of any submissions from the owners, a fair and reasonable acquisition price for the land as described in sub-clause (b) and/or terms upon which it is to be acquired;</p> <p>ii) in the event of a dispute regarding outstanding matters that cannot be resolved, the independent valuer shall refer the matter to the Director-General, recommending the appointment of a qualified panel. The Director-General, if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:</p> <ol style="list-style-type: none"> <li>1) the appointed independent valuer,</li> <li>2) the Director-General or nominee, and</li> <li>3) the President of the Law Society of NSW or nominee.</li> </ol> <p>The qualified panel shall determine a fair and reasonable acquisition price as described in subclause (b) above and/or the terms upon which the property is to be acquired.</p>
11.2(d)	The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Director-General and the costs of determination referred to in sub clauses (b) and (c).
11.2(e)	Upon receipt of a determination pursuant to sub-clauses (b) and (c), the Applicant shall, within 14 days, offer in writing to acquire the relevant land at a price not less than the determination. Should the Applicant's offer to acquire not be accepted by the owner within six (6) months of the date of such offer, the Applicant's obligations to purchase the property shall cease, unless otherwise agreed by the Director-General.

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
11.2(f)	In the event that the Applicant and the landowner agree that only part of the land is to be transferred to the Applicant, the Applicant shall pay all reasonable costs associated with obtaining Council approval to any plan of subdivision and registration of the plan at the Office of the Registrar-General.
11.2(g)	The provisions of this condition do not apply to a landowner who is the holder of an authority under the Mining Act, 1992.
11.3	<p>The Applicant shall, prior to commencement of mining operations, prepare a Joint Acquisition Management Plan as far as practical, with Bengalla and Mount Pleasant mines, to the satisfaction of the Director-General. The plan shall:</p> <ul style="list-style-type: none"> <li>Provide details of a joint approach to be adopted by the Applicant, and Bengalla and Mount Pleasant mines in regard to meeting the acquisition procedure requirements outlined in Condition 11.2 of this consent relating to the cumulative impacts of the Mount Arthur North mine, and the existing Bengalla mine, and Mount Pleasant mine, should acquisition be required.</li> </ul>
11.4	Prior to the commencement of construction, the Applicant shall enter into a legally binding agreement with MSC for financial and/or in kind contribution to MSC for the purpose of community enhancement to address the social, amenity and associated community infrastructure requirements arising from the operation of the development. The financial and/or in-kind contribution shall be generally in accordance with the MSC Section 94 Contribution Plan and the associated Community Enhancement Program as adopted by MSC on 26 March, 2001.
12.1(a)	The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Local Government Act 1993, Protection of the Environment Administration Act 1991, Protection of the Environment Operations Act 1997, Rivers and Foreshores Improvement Act 1948, Water Act 1912, National Parks and Wildlife Act 1974, and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by the MSC, EPA, DMR, NPWS, DLWC, RTA, NSW Agriculture, and NSW Fisheries, are fully met.
12.1(b)	<p>Structural Adequacy</p> <p>Detailed plans and specifications relating to the design and construction of each structural element associated with the proposed development are to be submitted to the Principal Certifying Authority prior to the construction of each particular building or structure. Such plans and specifications must be accompanied by certification provided by a practicing professional structural engineer or an accredited certifier certifying the structural adequacy of the proposed building design and compliance with the Building Code of Australia.</p>

Mt Arthur North Development Consent Conditions (DA 144-05-2000)	
Condition	Requirement
12.1(c)	<p>Verification of Construction</p> <p>Upon completion of building works and prior to the issue of an occupation certificate, a certificate/s prepared by a suitably qualified person or a compliance certificate/s issued by an accredited certifier, is to be submitted to the Principal Certifying Authority certifying that the following building components, where relevant, have been completed in accordance with approved plans and specifications:</p> <ul style="list-style-type: none"> <li>(i) concrete structures, including ground floor and any subsequent floors, retaining walls and columns;</li> <li>(ii) framing and roof structure;</li> <li>(iii) fire protection coverings to building elements required to comply with the Building Code</li> <li>(iv) of Australia; and</li> <li>(v) mechanical ventilation.</li> </ul> <p>The certificate/s shall demonstrate at what stage of construction inspections were undertaken.</p>
12.2(a)	<p>The Applicant shall seek the approval of the Mine Subsidence Board for the construction of any improvements, including those related to the mine buildings and associated works, any relocation or diversion of infrastructure or existing improvements, prior to undertaking the works.</p>

**MT ARTHUR COAL EXPLORATION ADIT PROJECT APPROVAL (06\_0040)**  
**GRANTED IN 2006 BY THE MINISTER FOR PLANNING**

Mt Arthur Coal Exploration Adit Project Approval Conditions (06_0040)	
Condition	Requirement
	<b>Schedule 2</b>
	The proponent shall carry out the project generally in accordance with the: (a) EA, titled Mt Arthur Coal Environmental Assessment Proposed Exploration Adit, dated June 2005, prepared by Umwelt Environmental Consultants; and (b) Statement of Commitments (Appendix 2).
	<b>Appendix 2</b>
1	Mt Arthur Coal seeks approval for five years from the date of commencement of mining in the adit. Mt Arthur Coal will inform the Director-General of the Department of Planning in writing at least two weeks prior to the commencement of mining in the exploration adit
2	Total production from the exploration adit will not exceed 450,000 tonnes of ROM coal.
3	Total annual coal production from Mt Arthur Coal including production from the exploration adit will remain within the combined production limits of the MAN and Bayswater No. 3 development consents: 15 Mtpa ROM in the MAN consent (DA 144-05-2000); and 3.8 Mtpa product coal in the Bayswater No.3 consent (DA 210-93).
4	Construction and mining and associated activities for the exploration adit will be undertaken on a 24 hour a day, seven day per week basis.
5	Construction phase sediment and erosion controls for the downcast ventilation shaft will be designed and implemented in accordance with <i>Managing Stormwater: Soils and Construction</i> (Landcom, 2004).
6	The excavated material stockpile created during the drilling of the downcast ventilation shaft will be shaped and planted with a cover crop to minimise the potential for wind erosion.

Mt Arthur Coal Exploration Adit Project Approval Conditions (06_0040)	
Condition	Requirement
7	Mt Arthur Coal will prepare and implement a construction traffic management plan for the construction phase of the downcast ventilation shaft facility. The construction traffic management plan will be prepared in consultation with Muswellbrook Shire Council.
8	Where possible trees within the downcast ventilation shaft facility area will be retained.
9	Where clearing of trees is necessary, clearing will be undertaken in accordance with the tree clearance strategies outlined in the MAN Flora and Fauna Management Plan, including a pre-clearance inspection by an ecologist.
10	In the event that hollow bearing trees are to be removed, salvaged tree hollows will be relocated to adjacent habitats or nest boxes established. The number of nest boxes required will be determined by a qualified ecologist.
11	If Aboriginal artefacts are uncovered during ground disturbance works for the downcast ventilation shaft facility, all work will cease and appropriate mitigation strategies for the area will be developed in consultation with the Aboriginal stakeholder groups.
12	In the unlikely event that human skeletal material is uncovered during ground disturbing works all work will cease and the NSW Police Department, DEC and Aboriginal stakeholder groups will be notified. These stakeholders will then be consulted in relation to the development of appropriate mitigation measures.
13	Mt Arthur Coal will manage operations at the proposed exploration adit, including all construction activities such that the total noise impacts of its mining operations comply with the noise limits specified in the MAN development consent (DA 144-05-2000).
14	Noise monitoring will be undertaken in accordance with the MAN development consent and MAN Operational Noise Management Plan to monitor noise impacts associated with the proposed exploration adit.
15	Surface operations associated with the exploration adit will be managed in accordance with the MAN Operational Dust Management Plan, including use of a water cart to suppress dust associated with ROM coal loading and haulage operations.
16	Air quality control measures will be implemented to ensure that total dust emissions from Mt Arthur Coal's operations including the exploration adit do not exceed the air quality goals set out in Table B.1 at any non-mine owned land unless a specific agreement is reached with the landholder in regard to air quality impacts.

Mt Arthur Coal Exploration Adit Project Approval Conditions (06_0040)				
Condition	Requirement			
	<b>Table B.1 – Air Quality Goals</b>			
	<b>Air Quality Parameter</b>	<b>PM<sub>10</sub></b>		<b>Deposition Annual Average g/m<sup>2</sup>/month</b>
		<b>24-hour Average µg/m<sup>3</sup></b>	<b>Annual Average µg/m<sup>3</sup></b>	
	Coal	50 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>	90 µg/m <sup>3</sup>
	2 (unless the background is >2 in which case the total dust must not be more than 4)			
17	Buildings constructed as part of the downcast ventilation shaft facility will be coloured in natural tones to blend in with the local environment.			
18	All chemicals will be stored in compounds designed in accordance with relevant Australian Standards (including AS1940 and AS1596), the Dangerous Goods Code and in accordance with Department of Environment and Conservation guidelines.			
19	No waste will be disposed of on site (excluding rock, tailings, coarse reject and cleared vegetation) with all other waste disposed of at an appropriately licensed waste management facility.			
20	Mt Arthur Coal will apply for a licence under Part 5 of the <i>Water Act</i> 1912 from the Department of Natural Resources prior to the commencement of the adit and will report on groundwater management for the adit in the Annual Environmental Management Report (refer to commitment 23).			
21	Unless required for ongoing use by the Mt Arthur Coal Underground Project, the initial closure and decommissioning works for the exploration adit are to be completed within 12 months of completion of the adit.			
22	Closure monitoring and maintenance works will continue until final closure is achieved and as agreed with the Department of Planning and Department of Primary Industries (Mineral Resources Division).			

	Mt Arthur Coal Exploration Adit Project Approval Conditions (06_0040)
Condition	Requirement
23	Details of the exploration adit operations including compliance with this Statement of Commitments and any Conditions of Approval, will be reported annually in an Annual Environmental Management Report (AEMR). AEMR reporting for the adit may be combined with AEMR reporting for other components of Mt Arthur Coal's operations.



**MT ARTHUR COAL SOUTH PIT EXTENSION PROJECT APPROVAL (06\_0108)  
GRANTED IN 2008 BY THE MINISTER FOR PLANNING**

	South Pit Extension Project Approval Conditions (06_0108)
Condition	Requirement
	<b>Schedule 2</b>
1	The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.
2	<p>The Proponent shall carry out the project generally in accordance with the:</p> <ul style="list-style-type: none"> <li>(a) the EA;</li> <li>(b) statement of commitments (see Appendix 3);</li> <li>(c) conditions of the consent for the Mount Arthur North mine (DA 144-05-2000) as may be modified from time to time, and as may reasonably be applied to the project the subject of this approval; and</li> <li>(d) conditions of this approval.</li> </ul> <p>Notes:</p> <ul style="list-style-type: none"> <li>▪ <i>The general layout of the project is show in Appendix 2.</i></li> <li>▪ <i>All conditions of consent for DA 144-05-2000 apply to the project by way of extended application, unless the contrary is clear. This should not be understood as a new requirement for the conditions of DA 144-05-2000 to be fulfilled afresh, only that those conditions are extended in their effect to the project the subject of this approval. If there is any uncertainty about the effect or application of the condition/s contained in DA 144-05-2000 to the project, the matter shall be referred to the Director-General who will determine the effect or application of the condition/s to the project. For the avoidance of doubt, the criteria and requirements contained in the conditions to DA 144-05-2000 apply to the combined operations of the Mount Arthur North mine and the project, unless otherwise noted.</i></li> </ul>
3	If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.

South Pit Extension Project Approval Conditions (06_0108)										
Condition	Requirement									
4	The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department’s assessment of: (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.									
5	Mining operations may take place until the consent for the Mount Arthur North mine (DA 144-05-2000) lapses.  Note: Under this Approval, the Proponent is required to rehabilitate the site to the satisfaction of the Director-General and DPI. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated to a satisfactory standard.									
6	The Proponent shall not extract more than: (a) 3 million tonnes of ROM coal a year from the South Pit Extension Area; and (b) 20 million tonnes of ROM coal a year from the combined Mount Arthur mine complex.									
7	Within 12 months of the date of this approval, or as otherwise agreed by the Director-General, the Proponent shall review and update as necessary the environmental management plans and monitoring programs for the Mount Arthur North mine (DA 144-05-2000) to encompass and accommodate the project. The plans/programs shall be prepared in consultation with the relevant government agencies and stakeholders, to the satisfaction of the Director-General.									
	<b>Schedule 3</b>									
1	<p>Notwithstanding condition 2 of schedule 2, the Proponent shall ensure that the dust emissions generated by the Mount Arthur mine complex do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 1, 2, and 3 at any residence on privately owned land, or on more than 25 percent of any privately owned land.</p> <p><i>Table 1: Long term impact assessment criteria for particulate matter</i></p> <table><tr><th><i><b>Pollutant</b></i></th><th><i><b>Averaging period</b></i></th><th><i><b>Criterion</b></i></th></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>90 µg/m³</td></tr><tr><td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td><td>Annual</td><td>30 µg/m³</td></tr></table>	<i><b>Pollutant</b></i>	<i><b>Averaging period</b></i>	<i><b>Criterion</b></i>	Total suspended particulate (TSP) matter	Annual	90 µg/m³	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m³
<i><b>Pollutant</b></i>	<i><b>Averaging period</b></i>	<i><b>Criterion</b></i>								
Total suspended particulate (TSP) matter	Annual	90 µg/m³								
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m³								

	South Pit Extension Project Approval Conditions (06_0108)			
Condition	Requirement			
	Table 2: Short term impact assessment criterion for particulate matter			
	Pollutant		Averaging period	Criterion
	Particulate matter < 10 µm (PM <sub>10</sub> )		24 hour	50 µg/m <sup>3</sup>
	Table 3: Long term impact assessment criteria for deposited dust			
	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
	Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month
	Note: Deposited dust is 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			
2	The Proponent may carry out a maximum of: (a) 2 blasts a day; and (b) 8 blasts a week, averaged over a 12 month period, at the Mount Arthur mine complex.			
3	The Proponent shall prepare and implement a Remedial Action Plan for the former Bayswater No. 2 infrastructure area to the satisfaction of the Director-General. The Remedial Action Plan shall be prepared by a suitably qualified consultant, in accordance with the Contaminated Land Management Act 1997 and applicable DECC guidelines, and be submitted to the Director-General for approval prior to undertaking any overburden placement in this area.			

South Pit Extension Project Approval Conditions (06_0108)											
Condition	Requirement										
4	<p>The Proponent shall:</p> <p>(a) implement the Offset Strategy described in the EA and summarised in Table 4 (shown conceptually in Appendix 4); and</p> <p>(b) progressively rehabilitate the site in a manner that is generally consistent with the final landform in the EA (shown conceptually in Appendix 5), to the satisfaction of the Director-General.</p> <p><i>Table 4: Offset Strategy</i></p> <table> <tr> <th>Area</th><th>Minimum Size</th></tr> <tr> <td>Mount Arthur Conservation Area (existing vegetation)</td><td>98 ha</td></tr> <tr> <td>Native Vegetation Corridor (vegetation to be established)</td><td>45 ha</td></tr> <tr> <td>Rehabilitation Area (vegetation to be established)</td><td>250 ha</td></tr> <tr> <td><b>Total</b></td><td><b>393 ha</b></td></tr> </table>	Area	Minimum Size	Mount Arthur Conservation Area (existing vegetation)	98 ha	Native Vegetation Corridor (vegetation to be established)	45 ha	Rehabilitation Area (vegetation to be established)	250 ha	<b>Total</b>	<b>393 ha</b>
Area	Minimum Size										
Mount Arthur Conservation Area (existing vegetation)	98 ha										
Native Vegetation Corridor (vegetation to be established)	45 ha										
Rehabilitation Area (vegetation to be established)	250 ha										
<b>Total</b>	<b>393 ha</b>										
5	<p>The Offset Strategy must contain adequate provisions to offset the project's net impact on significant plant communities, including the:</p> <ul style="list-style-type: none"> <li>• Central Hunter Ironbark – Spotted Grey-Gum Box Forest; and</li> <li>• Hunter Floodplain Red Gum Woodland Complex.</li> </ul>										
6	<p>The Proponent shall make suitable arrangements to provide appropriate long term security for the:</p> <p>(a) Mount Arthur Conservation Area, within 3 years of the date of this approval; and</p> <p>(b) woodland vegetation to be established in the Rehabilitation Area, at least 2 years prior to the completion of mining activities associated with the project, to the satisfaction of the Director-General.</p>										

South Pit Extension Project Approval Conditions (06_0108)	
Condition	Requirement
7	Within 12 months of the date of this approval, the Proponent shall demonstrate that appropriate monetary bonds are, or will be, in place with applicable authorities to fully implement the offset strategy, to the satisfaction of the Director-General.
8	The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.
9	The proponent shall use its best endeavours to complete the shaping and rehabilitation of the northern faces of the overburden emplacement area within 5 years of the date of this approval.
10	The Proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Director-General. This plan must: (a) be prepared generally in accordance with the Guidelines for Energy Savings Action Plans (DEUS 2005, or its latest version); (b) be submitted to the Director-General for approval within 12 months of the date of this approval; and (c) include a program to monitor the effectiveness of measures to reduce energy use on site.
<b>Appendix 3 – Statement of Commitments</b>	
6.2.1	Mt Arthur Coal will enter into a sub-lease agreement/partial-lease transfer (or other legal agreement with the same effect) with Anglo Coal to enable mining and related activities to be conducted consistent with the proposal outlined in the EA within the Drayton mine Mining Lease. Any sub-lease/partial-lease transfer must be approved by the Minister for Primary Industries before mining or related activities commence in this area. If a sub-lease is entered into, the agreement will include delineation of responsibility for environmental management of this area including water management, rehabilitation, spontaneous combustion and associated approvals (e.g. EPL and MOP).
6.4.3	Transgrid will be consulted consistent with current practice when blasting in close proximity to the high voltage transmission line located near to the southern boundary of the mining area.
6.6.1	Where possible, emplacement activities in Bayswater No. 2 and the Drayton West Pit will be prioritised to treat spontaneous combustion affected areas to remediate outbreaks as early as possible.

South Pit Extension Project Approval Conditions (06_0108)	
Condition	Requirement
6.7.1	<p>Aboriginal site loci within the disturbance area for the project (as defined by the 'new disturbance area' shown on <b>Figure 1.3</b>) shall be salvaged by surface collection prior to any earthworks. Salvage works will be undertaken in consultation with the Aboriginal community and in accordance with the salvage methodology contained in Appendix 3 of the Aboriginal Archaeology Assessment report (<b>Appendix 6</b> of the EA).</p> <p><i>Note: Aboriginal site JF/MJS3 as described in Appendix 6 of the EA includes site 37-2-2335 listed on the DECC Aboriginal Heritage Information Management Service database.</i></p>
6.7.2	A report containing the findings of the salvage program and subsequent artefact analysis will be completed within two years of the salvage works and two copies provided to the DECC. Copies will be made available to Aboriginal community groups that participated in the consultation program for this project.
6.7.3	Aboriginal site loci (or parts thereof) identified in the project specific archaeological survey for the project and located outside of the disturbance area for the project (as defined by the 'new disturbance area' shown on <b>Figure 1.3</b> and as listed in Table 8.1 of <b>Appendix 6</b> ), shall be managed <i>in situ</i> and protected by fencing, appropriate signage and notification to relevant site personnel. These loci will be protected and managed under Mt Arthur Coal's Archaeology and Cultural Management Plan (prepared for the Mount Arthur North mining area) which will be revised to incorporate these loci.
6.7.4	If any human skeletal material is uncovered during ground disturbing works all work will cease and the NSW Police Department, DECC and Aboriginal stakeholder groups will be notified. These stakeholders will then be consulted in relation to the development of appropriate mitigation measures.
6.8.1	Water management controls for all emplacement areas that are externally draining and other areas within the project area outside the pit water management system shall be designed and constructed to a standard consistent generally with Managing Urban Stormwater: Soils and Construction (Landcom, 2004) (the Blue Book) and Guidelines for Establishing Drainage Lines on Rehabilitated Minesites (Draft) (DLWC, 1999) or their subsequent revisions or alternate guidelines as recommended by the DWE or DPI.
6.8.2	Sediment dams constructed to capture and treat runoff from disturbed catchment areas that do not flow into the mining pit will be designed to treat water to a standard such that any overflows do not exceed 50 mg/L of sediment for rainfall events within the dam design capacity (design capacity as per the Blue Book or subsequent revisions at the time of completing works).

South Pit Extension Project Approval Conditions (06_0108)	
Condition	Requirement
6.8.3	<p>Operational water quality control to be implemented as part of the project to minimise impacts on the surrounding environment will include:</p> <ul style="list-style-type: none"> <li>clearly identifying and delineating areas required to be disturbed and ensuring that disturbance is limited to those areas, clearing as little vegetation as required and minimising machinery disturbance outside of these areas;</li> <li>construction of drains upslope of mine disturbance areas to convey clean runoff around disturbed areas where practically possible;</li> <li>constructing road and earthworks cut and fill batters (excluding the mining pit and emplacement areas) at slopes of 1V:3H or less, where possible, to maximise long term stability;</li> <li>regular maintenance of all erosion control works and rehabilitated areas;</li> <li>prompt revegetation of areas as soon as practical following completion of earthworks; and</li> <li>inspections of all major sediment erosion and control works on a regular basis and after major storm events to ensure these are in a functional condition and operating effectively.</li> </ul>
6.8.4	Water usage, estimated on-site water make (runoff and groundwater inflow) and external water sourcing will be reported in the AEMR.
6.8.5	Saddlers Creek itself will not be disturbed as part of mining or related activities with this area protected by management measures, including fencing.
6.8.6	Mt Arthur Coal will apply for a licence under Part 5 of the <i>Water Act 1912</i> from the DWE for the mining pit prior to the commencement of mining operations in the project area.
6.8.7	<p>An annual analysis of surface and groundwater monitoring data will be undertaken and will include:</p> <ul style="list-style-type: none"> <li>identification of any changes or long term trends in surface water quality. Should any adverse trends be identified, an investigation will be implemented to determine if the trend is a result of Mt Arthur Coal's operations and if so, will identify management strategies to be implemented to address the identified issues;</li> <li>a comparison to modelled groundwater impact predictions.</li> </ul> <p>The monitoring results and analysis findings will be reported in the AEMR.</p>

South Pit Extension Project Approval Conditions (06_0108)	
Condition	Requirement
6.8.8	Mt Arthur Coal will explore the potential to establish a groundwater/base flow monitoring system for Saddlers Creek in consultation with the DWE. Where a suitable approach can be identified, a base flow measurement program will be implemented with results reported on an annual basis in the AEMR, or as otherwise agreed, to the DWE.
6.8.9	Mt Arthur Coal will discuss with Drayton Mine opportunities to share groundwater monitoring data for use in impact verification.
6.9.1	The northern faces of the overburden emplacement area at Bayswater No. 2 will be given priority in the first five years of mining operations in the project area to provide visual screening. The emplacement of overburden over the former North Pit tailings dam may not be possible within this period due to the need to allow sufficient time for tailings to dry out, however, this area will also be completed if possible.
6.9.2	Initial revegetation works will be completed on the northern faces of the emplacement area within six months of final shaping unless severe dry conditions prevail.
6.9.3	To assist in the visual screening achieved by the northern face of the emplacement area, native trees chosen for their fast-growing and habitat qualities, will be planted along the crest line and adjacent land in this area.
6.9.4	Controls to be implemented for operations undertaken as part of the project to minimise night time lighting impacts will include: <ul style="list-style-type: none"> <li>• designation of specific night-time overburden emplacement locations so that night-time operations are undertaken in visually shielded locations where possible; and</li> <li>• use of louvres or shields on mobile lighting plant used in exposed areas (i.e. potentially visible off site) to reduce potential for lighting visibility at night and to reduce fugitive light emissions.</li> </ul>



South Pit Extension Project Approval Conditions (06_0108)	
Condition	Requirement
6.10.1	<p>Mt Arthur Coal will implement an ecological offset package for the project in consultation with the DECC and to the satisfaction of the Department. This package will include:</p> <ul style="list-style-type: none"> <li>modifying the Voluntary Conservation Agreement process (cultural heritage) underway for the proposed Mt Arthur conservation area to ensure that it provides for appropriate protection of the ecological values of this area in perpetuity, in addition to its archaeological values. This will include provision of adequate funding and management actions for implementation of the proposed Voluntary Conservation Agreement area for the life of the mine and suitable arrangements for the ongoing management of this area post mine closure as part of future mine closure planning processes;</li> <li>a vegetated corridor (approximately 45 hectares) will be established to connect the vegetated habitats of Mt Arthur and Saddlers Creek (refer to <b>Section 5.2.4.1</b>). The corridor will be established through seeding/planting of native species;</li> <li>Saddlers Creek near the project area (as defined in Figure 2.1 of the Response to Submissions report, November 2007) will be fenced off to protect the riparian corridor and encourage natural regeneration. Cattle grazing (other than as a land management tool) will be excluded from this area; and</li> <li>rehabilitation to create additional areas of native vegetation as discussed in commitment 6.10.7 below. Mt Arthur Coal will provide adequate funding and management actions for rehabilitated lands for the life of the mine and will consider any ongoing management requirements for these areas post mine closure as part of future mine closure planning processes. The post mine closure arrangements will be detailed in the closure plan prepared as part of the final MOP for the project area to the satisfaction of the DPI.</li> </ul>
6.10.2	Tree clearing will be undertaken in accordance with the process outlined in Section 6.3 of the Ecological Assessment (refer to <b>Appendix 5</b> of the EA).
6.10.3	The existing Mt Arthur Coal ecological monitoring program will be modified to include a fauna monitoring site on Saddlers Creek to the south of the project area, to be monitored on an annual basis for a period of 5 years, with the need for ongoing monitoring to be determined at this time in consultation with the Department.
6.10.4	Monitoring of rehabilitation success within the project area will be undertaken on an annual basis for a period of 5 years following completion of rehabilitation works, with the need for ongoing monitoring to be determined at this time in consultation with the DPI.
6.10.5	Nest boxes will be established as part of the project to offset the loss of tree hollows within the project area as discussed in Section 6.3.2 of the Ecological Assessment (refer to <b>Appendix 5</b> of the EA).

South Pit Extension Project Approval Conditions (06_0108)	
Condition	Requirement
6.10.6	Nest boxes installed as part of the project will be monitored on an annual basis for a period of 5 years, with the need for ongoing monitoring to be determined at this time in consultation with the Department.
6.10.7	To offset the loss of native woodland and forest vegetation, the following minimum areas of each vegetation community will be established as part of rehabilitation or habitat creation works: <ul style="list-style-type: none"> <li>o at least 48 hectares of Central Hunter Spotted Gum – Ironbark - Grey Box Forest:</li> <li>o at least 5 hectares of Central Hunter Bullock Forest Regeneration; and</li> <li>o at least 0.5 hectares of Hunter Floodplain Red Gum Woodland Complex via assisted regeneration of the Saddlers Creek riparian zone.</li> </ul>
6.10.8	Consistent with the offset for impacts on the regionally significant spotted gum as part of the Mount Arthur North project, seed stock from the site will be used to establish spotted gums included in offset plantings, where practical.
6.11.1	Mt Arthur Coal will prepare and implement a Mt Arthur mine complex wide Rehabilitation and Habitat Management Strategy to guide future rehabilitation works and habitat management strategies for the Mt Arthur Coal operations area. The plan will be submitted to the Director General of the Department for approval within 12 months of the commencement of mining operations and reviewed at least every 5 years. Progress in implementing the strategy will be reported in Mt Arthur Coal's AEMR. (Note: this strategy may be incorporated into the site wide Flora and Fauna Management Plan to be developed from existing management plans for site).
6.11.2	The rehabilitation and landscape management strategy to be implemented as part of the project will include: <ul style="list-style-type: none"> <li>• linkage of the Saddlers Creek riparian corridor to the Mt Arthur remnant vegetation area by a vegetation corridor as shown on <b>Figure 5.15</b> (resulting in establishment of approximately 45 hectares of native woodland/forest vegetation); and</li> <li>• establishment of substantial areas of native vegetation on rehabilitated overburden emplacement areas in the Bayswater No. 2 area as shown on <b>Figure 5.15</b> to ensure a net gain of woodland/forest vegetation as a result of the project and consistent with the Synoptic Landscape Plan.</li> </ul>
6.11.3	The detailed emplacement area design will be included in Mt Arthur Coal's MOP for approval of the DPI prior to emplacement activities commencing and will aim to enhance progressive rehabilitation opportunities.

South Pit Extension Project Approval Conditions (06_0108)	
Condition	Requirement
6.11.4	A decommissioning plan will be prepared for the Bayswater No. 2 workshop and industrial area as part of the MOP that proposes covering this area with overburden from new mining areas. This plan will be provided to the DPI for approval prior to the commencement of works.
6.11.5	Details of the final void associated with the project will be included in the Final Void Management Plan, or subsequent revision depending on the date of Project Approval, required to be prepared for the Mount Arthur North project by year five of operations at Mount Arthur North.
6.11.6	Mt Arthur Coal will reshape, construct drainage and sow with pasture grasses the Anglo Coal sub-lease/partial-lease transfer areas affected by emplacement activities conducted by Mt Arthur Coal. These works will be conducted in accordance with the terms of the sub-lease/partial-lease transfer and be detailed in the MOP covering activities in this area.
6.11.7	Mt Arthur Coal will seek the approval of the DPI for all landform designs that are proposed to have slopes of greater than 10 degrees as part of the MOP process.
6.12.1	No waste will be disposed of on site except for inert wastes permissible under Mt Arthur Coal's Environment Protection Licence with all other waste disposed of at an appropriately licensed waste management facility.
6.15.1	Mt Arthur Coal will enter into an agreement with Council under the Muswellbrook Section 94 Contributions Plan (2001) on the basis that the development contributions applicable to the project have already been paid as part of the development contribution for the Mount Arthur North Coal Project.
6.16.1	Mt Arthur Coal will apply to the DoL to close the Crown road reserves within the project area.
6.16.2	Mt Arthur Coal will commission a traffic consultant to undertake a night time road safety audit for the New England Highway/Thomas Mitchell Drive and Denman Road/Thomas Mitchell Drive intersections. This audit will be undertaken in a manner that considers existing Mt Arthur Coal operations and the currently proposed Mt Arthur Underground Project. The audit findings will be reported to the RTA and Council.

**MT ARTHUR COAL UNDERGROUND PROJECT APPROVAL (06\_0091)  
GRANTED IN 2008 BY THE MINISTER FOR PLANNING**

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
	<b>Schedule 2</b>
1.	The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.
2.	<p>The Proponent shall carry out the project generally in accordance with the:</p> <ul style="list-style-type: none"> <li>(a) EA;</li> <li>(b) preferred project report;</li> <li>(c) statement of commitments;</li> <li>(d) conditions of the consent for the Mount Arthur North mine (DA 144-05-2000) and the South Pit Extension Project (MP 06_0108), as may be modified from time to time or replaced, and as may reasonably be applied to the project; and</li> <li>(e) conditions of this approval.</li> </ul> <p>Notes:</p> <ul style="list-style-type: none"> <li>• The general layout of the project is shown in Appendix 2;</li> <li>• The statement of commitments is reproduced in Appendix 3 (excluding the commitments which are directly reflected in, or inconsistent with, the conditions of this approval);</li> <li>• All conditions of consent for DA 144-05-2000 and MP 06_0108 apply to the project by way of extended application, unless the contrary is clear. This should not be understood as a new requirement for the conditions of DA 144-05-2000 and MP 06_0108 to be fulfilled afresh, only that those conditions are extended in their effect to the project the subject of this approval. If there is any uncertainty about the effect or application of the condition/s contained in DA 144-05-2000 and MP 06_0108 to the project, the matter shall be referred to the Director-General who will determine the effect or application of the condition/s to the project. For the avoidance of doubt, the criteria and requirements contained in the conditions to DA 144-05-2000 and MP 06_0108 apply to the combined operations of the Mount Arthur mine complex including the project, unless otherwise noted.</li> </ul>
3.	If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
4.	<p>The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:</p> <p>(a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and</p> <p>(b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence submitted by the Proponent.</p>
5.	<p>Mining operations may take place until 31 December 2030.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>Under this Approval, the Proponent is required to rehabilitate the site and provide offsets to the satisfaction of the Director-General and DPI. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated and the offset provided to a satisfactory standard;</li> <li>Should the consent for the Mount Arthur North mine (DA 144-05-2000) lapse before this approval lapses, the conditions of DA-144-05-2000 will continue to apply insofar as they relate to the project.</li> </ul>
6.	<p>The Proponent shall not extract more than:</p> <p>(a) 8 million tonnes of ROM coal a year from the project area; and</p> <p>(b) 28 million tonnes of ROM coal a year from the combined Mount Arthur mine complex.</p>
7.	<p>The Proponent shall:</p> <p>(a) not transport coal from the site by road, except in an emergency situation and with the prior approval of the Director-General in consultation with Council; and</p> <p>(b) restrict train movements on the Antiene rail spur to a maximum of 24 movements per day, for the combined Mount Arthur mine complex, except under an agreement with the Drayton Mine to use some of its approved train movements, where this agreement has been approved by the Director-General.</p>
8.	<p>The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>Under Part 4A of the EP&amp;A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.</li> </ul> <p>Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the project.</p>

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
9.	The Proponent shall ensure that all demolition work is carried out in accordance with <i>Australian Standard AS 2601-2001: The Demolition of Structures</i> , or its latest version.
10.	<p>Unless an existing approval provides otherwise, or where a claim under the <i>Mine Subsidence Compensation Act 1961</i> can be made, or where the Proponent and the applicable authority agree otherwise, the Proponent shall:</p> <p>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; or</p> <p>(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.</p> <p>For the purposes of this condition, an existing approval includes any approval under the EP&amp;A Act or <i>Mine Subsidence Compensation Act 1961</i>.</p>
11.	<p>The Proponent shall ensure that all plant and equipment used on site is:</p> <p>(a) maintained in a proper and efficient condition; and</p> <p>(b) operated in a proper and efficient manner.</p>
12.	Within 12 months of this approval, unless otherwise agreed by the Director-General, the Proponent shall review and update as necessary the environmental management strategies, plans and monitoring programs for the Mount Arthur North mine (DA 144-05-2000 and MP 06_0108) to encompass and accommodate the project. The strategies/plans/programs shall be prepared in consultation with the relevant government agencies and stakeholders, and to the satisfaction of the Director-General.
13.	With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.
14.	Within 12 months of this approval, unless otherwise agreed by the Director-General, the Proponent shall use its best endeavours to enter into a planning agreement with Council in accordance with Division 6 of Part 4 of the EP&A Act, that provides for a contribution to Council for the purpose of community enhancement to address the social amenity and community infrastructure requirements arising from the project. The contribution shall be generally in accordance with Council's Section 94 Contribution Plan and associated Community Enhancement Program dated June 2006.
	<b>Schedule 3</b>
1.	<p><b>Acquisition Upon Request</b></p> <p>Upon receiving a written request for acquisition from the owner of the land listed in Table 1, the Proponent shall acquire the land in accordance with the procedures in the consent for the Mount Arthur North mine (DA 144-05-2000).</p>

Mt Arthur Underground Project Approval Conditions (06_0091)		
Condition	Requirement	
	<p><i>Table 1: Land subject to acquisition upon request</i></p> <table><tr><td>A1 – Robertson</td></tr></table> <p>Note: For more information on the numbering and identification of properties used in this approval, see the Figure in Appendix 5.</p>	A1 – Robertson
A1 – Robertson		
2.	<p><b>SUBSIDENCE</b></p> <p><i>Note: The project will generally be regulated under the approval process for managing the impacts of coal mining subsidence under the Mining Act 1992. The Proponent shall not cause any subsidence on:</i></p> <p>(a) the existing easement of Transgrid’s 330/500kV transmission line until the line has been relocated in accordance with an agreement with Transgrid, and to the satisfaction of the Director-General; and</p> <p>(b) the relocated transmission line easement ‘Option A’ at any time, except as may be agreed by Transgrid and the DPI.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"><li><i>The transmission line relocation is described in the PPR.</i></li></ul> <p><i>A copy of any agreement under condition 2(b) shall be forwarded to the Director-General.</i></p>	
3.	<p>The Proponent shall prepare and implement a Subsidence Management Plan for the project to the satisfaction of the Director-General of DPI. This plan must:</p> <p>(a) be prepared in accordance with the latest version or replacement of:</p> <ul style="list-style-type: none"><li><i>New Approval Process for Management of Coal Mining Subsidence - Policy; and</i></li><li><i>Guideline for Applications for Subsidence Management Approvals;</i></li></ul> <p>(b) be approved prior to carrying out any underground mining that could cause subsidence;</p> <p>(c) include detailed procedures to monitor, manage, remediate and/or compensate subsidence-related impacts on:</p> <ul style="list-style-type: none"><li>natural features, including:<ul style="list-style-type: none"><li>landforms;</li><li>surface water features, including Saddlers Creek (tributaries), Western Creek and Quarry Creek;</li><li>flora and fauna, including threatened species;</li></ul></li></ul>	

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
	<ul style="list-style-type: none"> <li>• public utilities, including: <ul style="list-style-type: none"> <li>○ Edderton Road and associated culverts and bridges;</li> <li>○ the 330/500kV transmission line;</li> <li>○ low voltage power lines and underground services;</li> </ul> </li> <li>• farm land and facilities, including: <ul style="list-style-type: none"> <li>○ agricultural utilisation of the land;</li> <li>○ farm buildings/dwellings, improvements and fences;</li> <li>○ farm dams and bores;</li> </ul> </li> <li>• areas and items of archaeological and heritage significance; and</li> </ul> <p>(d) a program to validate the subsidence prediction methodology for the project, and calibrate it to site specific conditions.</p>
4.	<p>Within 4 months of the completion of each longwall panel, or as otherwise agreed by the Director-General, the Proponent shall:</p> <p>(a) prepare an end-of-panel report:</p> <ul style="list-style-type: none"> <li>• reporting all subsidence effects (both individual and cumulative) for the panel;</li> <li>• describing in detail all subsidence-related impacts (both individual and cumulative) for the panel; and</li> <li>• comparing subsidence impacts and environmental consequences with predictions; and</li> </ul> <p>(b) submit a copy of the end-of-panel report to the Department, DPI and any other relevant agencies.</p>



Mt Arthur Underground Project Approval Conditions (06_0091)					
Condition	Requirement				
5.	<p>Notwithstanding condition 2 of schedule 2, upon receiving a written request from;</p> <ul style="list-style-type: none"> <li>a landowner of the land listed in Table 1 (unless the landowner has requested acquisition); or</li> <li>a landowner of the land listed in Table 2 (except where a negotiated noise agreement is in place, or where an acquisition process has commenced),</li> </ul> <p>the Proponent shall implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner. These additional mitigation measures must be reasonable and feasible.</p> <p>If within 3 months of receiving this request from the landowner, the Proponent 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 Director-General for resolution.</p> <p>Within 3 months of this approval, the Proponent shall notify all applicable landowners that they are entitled to receive additional noise mitigation measures, to the satisfaction of the Director-General.</p> <p>Should a landowner with acquisition rights subsequently request acquisition, then the additional noise mitigation improvements may be excluded from any acquisition offer.</p> <p><i>Table 2: Land subject to additional noise mitigation upon request</i></p> <table> <tr> <td>A2 – Horder</td><td>104 – Skinner</td></tr> <tr> <td>215 – Englebrecht</td><td>-</td></tr> </table> <p><i>Note: For more information on the numbering and identification of properties used in this approval, see the Figure in Appendix 5.</i></p>	A2 – Horder	104 – Skinner	215 – Englebrecht	-
A2 – Horder	104 – Skinner				
215 – Englebrecht	-				
6.	<p>Notwithstanding condition 12 of schedule 2, the Site Water Management Plan must:</p> <ol style="list-style-type: none"> <li>be submitted prior to carrying out any longwall mining operations; and</li> <li>include: <ul style="list-style-type: none"> <li>a Site Water Balance for the Mount Arthur Mine Complex, which; <ul style="list-style-type: none"> <li>includes details of: <ul style="list-style-type: none"> <li>sources and security of water supply;</li> <li>water use and management on site;</li> <li>any off-site water transfers;</li> <li>reporting procedures; and</li> </ul> </li> </ul> </li> </ul> </li> </ol>				

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
	<ul style="list-style-type: none"> <li>○ investigates and describes measures to minimise water use;</li> <li>• an Erosion and Sediment Control Plan for all surface and subsidence remediation works in the project area that is consistent with the requirements of the <i>Managing Urban Stormwater: Soils and Construction Manual</i> (Landcom 2004, or its latest version);</li> <li>• a Surface Water Monitoring Plan, including: <ul style="list-style-type: none"> <li>○ detailed baseline data of surface water flows and quality in the watercourses that could be affected by the project;</li> <li>○ surface water and stream health impact assessment criteria;</li> <li>○ a program to monitor: <ul style="list-style-type: none"> <li>- surface water flows, quality and impacts on water users;</li> <li>- stream health; and</li> <li>- channel stability,</li> </ul> </li> </ul> </li> </ul> <p>in Saddlers Creek, Western Creek and Quarry Creek;</p> <ul style="list-style-type: none"> <li>• a Groundwater Monitoring Plan, including: <ul style="list-style-type: none"> <li>○ detailed baseline data of groundwater levels, yield and quality in the region, and privately owned groundwater bores, that could be affected by the project;</li> <li>○ groundwater impact assessment criteria;</li> <li>○ a program to monitor: <ul style="list-style-type: none"> <li>- groundwater inflows to the underground mining operations;</li> <li>- impacts on regional aquifers;</li> <li>- impacts on the groundwater supply of potentially affected landowners;</li> <li>- impacts on Saddlers Creek alluvial aquifer; and</li> <li>- impacts on any groundwater dependent ecosystems and riparian vegetation; and</li> </ul> </li> <li>○ procedures for the verification of the groundwater model, and calibrate it to site specific conditions;</li> </ul> </li> <li>• a Surface and Ground Water Response Plan, which describes the measures and/or procedures that would be implemented to: <ul style="list-style-type: none"> <li>○ respond to any exceedances of the surface water, stream health and groundwater impact assessment criteria;</li> <li>○ compensate landowners of privately-owned land whose water supply is adversely affected by the project; and</li> <li>○ mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.</li> </ul> </li> </ul>

Mt Arthur Underground Project Approval Conditions (06_0091)											
Condition	Requirement										
7.	<p>The Proponent shall implement the rehabilitation and offset strategy described in the EA and summarised in Table 3 (shown conceptually in Appendix 4), to the satisfaction of the Director-General.</p> <p><i>Table 3: Rehabilitation and Offset Strategy</i></p> <table> <tr> <th>Area</th><th>Minimum Size</th></tr> <tr> <td>Saddlers Creek Conservation Area (existing vegetation)</td><td>82 ha</td></tr> <tr> <td>Saddlers Creek Conservation Area (vegetation to be established via natural regeneration)</td><td>213 ha</td></tr> <tr> <td>Edderton Road Corridor Revegetation Area (vegetation to be established)</td><td>154 ha</td></tr> <tr> <td><b>Total</b></td><td><b>449 ha</b></td></tr> </table>	Area	Minimum Size	Saddlers Creek Conservation Area (existing vegetation)	82 ha	Saddlers Creek Conservation Area (vegetation to be established via natural regeneration)	213 ha	Edderton Road Corridor Revegetation Area (vegetation to be established)	154 ha	<b>Total</b>	<b>449 ha</b>
Area	Minimum Size										
Saddlers Creek Conservation Area (existing vegetation)	82 ha										
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Edderton Road Corridor Revegetation Area (vegetation to be established)	154 ha										
<b>Total</b>	<b>449 ha</b>										
8.	Within 3 years of the date of this approval, the Proponent shall make suitable arrangements to provide appropriate long term security for the Saddlers Creek Conservation Area, to the satisfaction of the Director-General.										
9.	Within 12 months of the date of this approval, the Proponent shall demonstrate that appropriate monetary bonds are, or will be, in place with applicable authorities to fully implement the offset strategy, to the satisfaction of the Director-General.										
10.	The Proponent shall design 330/500kV transmission line relocation so as to avoid any impact on the Mt Arthur Conservation Area.										
11.	<p>Notwithstanding condition 12 of schedule 2, the Aboriginal Cultural Heritage Management Plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared in consultation with DECC and all relevant Aboriginal groups;</li> <li>(b) be submitted prior to carrying out any operations that could affect Aboriginal sites; and</li> <li>(c) include: <ul style="list-style-type: none"> <li>• a detailed plan of management for the Saddlers Creek Conservation Area;</li> <li>• a program/procedures for: <ul style="list-style-type: none"> <li>○ salvage, subsurface investigation and management of affected highly significant Aboriginal sites (including sites SC01 and QC01);</li> </ul> </li> </ul> </li> </ul>										

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
	<ul style="list-style-type: none"> <li>○ salvage and management of all other affected Aboriginal sites, based on additional assessment in the case of sites affected by the relocation of the 330/500kV transmission line; and</li> <li>○ protecting, monitoring and managing site QC02 (a scarred tree).</li> </ul> <p><i>Note: The Aboriginal Cultural Heritage Management Plan may form part of the Archaeology and Cultural Heritage Management Plan, as referred to in the Mount Arthur North mine consent (DA 144-05-2000).</i></p>
12.	<p>Notwithstanding condition 12 of schedule 2, the Non-Aboriginal Heritage Management Plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared in consultation with the Heritage Office, Council, and local historical organisations;</li> <li>(b) be submitted prior to carrying out any operations that could affect identified heritage items;</li> <li>(c) include: <ul style="list-style-type: none"> <li>• conservation management plans for the Belmont Homestead and Edderton Homestead complexes;</li> <li>• details of the Hospital Building relocation;</li> <li>• a program/procedures for: <ul style="list-style-type: none"> <li>○ photographic and archival recording of potentially affected heritage items, based on additional heritage research;</li> <li>○ baseline dilapidation surveys of all potentially affected heritage items;</li> <li>○ monitoring and managing the effects of subsidence on potentially affected heritage items; and</li> <li>○ additional archaeological excavation and/or recording of any significant heritage items requiring demolition.</li> </ul> </li> </ul> </li> </ul> <p><i>Note: The Non-Aboriginal Heritage Management Plan may form part of the Archaeology and Cultural Heritage Management Plan, as referred to in the Mount Arthur North mine consent (DA 144-05-2000).</i></p>

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
13.	<p>Prior to causing any subsidence on Edderton Road, the Proponent shall prepare (and subsequently implement) a Traffic Management Plan for the project in consultation with Council, MSB and DPI, and to the satisfaction of the Director-General. The plan shall include procedures in relation to:</p> <ul style="list-style-type: none"> <li>• monitoring and remediation of subsidence related impacts on the road, culverts and bridges;</li> <li>• temporary road closures, diversions, speed limits and warning signage;</li> <li>• ongoing maintenance of subsidence-related impacts to the road; and</li> <li>• consultation with the local community and relevant agencies regarding the traffic management measures.</li> </ul>
14.	The Proponent shall implement all reasonable and feasible measures to avoid blocking the railway crossing on Antiene Railway Station Road, to the satisfaction of the Director-General.
15.	Notwithstanding condition 12 of schedule 2, the Energy Savings Action Plan must include a detailed feasibility study into the capture and beneficial utilisation of hydrocarbon gas emissions from the project.
	<b>Schedule 4</b>
1.	Within 24 hours of detecting an exceedance of the approved limits/performance criteria at the Mount Arthur mine complex or the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.
2.	<p>Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that:</p> <ul style="list-style-type: none"> <li>(a) describes the date, time, and nature of the exceedance/incident;</li> <li>(b) identifies the cause (or likely cause) of the exceedance/incident;</li> <li>(c) describes what action has been taken to date; and</li> <li>(d) describes the proposed measures to address the exceedance/incident.</li> </ul>

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
3.	<p>Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or AEMR, required under this approval, the Proponent shall:</p> <p>(a) provide a copy of the relevant document/s to the relevant agencies and CCC;</p> <p>(b) place a copy of the document/s on its website.</p> <p><i>Note: References to strategies, plans, programs, audits, AEMR and CCC identified above include those required under the consent for the Mount Arthur North mine (DA 144-05-2000).</i></p>
4.	<p>During the project, the Proponent shall:</p> <p>(a) make a summary of monitoring results required under this approval publicly available on its website; and</p> <p>(b) update these results on a regular basis (at least every 3 months).</p> <p><i>Note: Monitoring results required under this approval include those required under the consent for the Mount Arthur North mine (DA 144-05-2000).</i></p>
5.	Notwithstanding condition 2 of schedule 2, the Proponent shall ensure that the audit team for Independent Environmental Audits includes a suitably qualified and independent subsidence expert, whose appointment has been approved by the Director-General.
	<b>Appendix 3 – Statement of Commitments</b>
6.2.7	Coal transported along the Bayswater Rail Loop from Mt Arthur Coal will be limited to 19 Mtpa.
6.2.9	Annual average and maximum daily train movements and tonnages will be reported annually in the AEMR.
6.3.2	Where a potential subsidence impact is identified on private property, Mt Arthur Coal will prepare an updated PPP for each of the potentially affected private landholders. These plans will clearly outline impacts of mining on the property and the management and remediation measures to be implemented.

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
6.3.3	<p>Subsidence management measures to be implemented as part of the project will include:</p> <ul style="list-style-type: none"> <li>• visual monitoring of the land surface and drainage lines within the subsidence affectation area pre and post subsidence to identify remediation requirements, if any;</li> <li>• detailed subsidence monitoring in accordance with Department of Primary Industry requirements, and utilise this data to regularly update the subsidence predictions for the site;</li> <li>• remediation and rehabilitation of subsidence impacts will be carried out, where required, as soon as practicable following subsidence using methods specified in SMPs;</li> <li>• building structures located within the subsidence affectation area will be inspected by a structural engineer prior to and after undermining and appropriate management measures implemented;</li> <li>• informing all relevant service providers of the potential impacts of mining subsidence on services;</li> <li>• farm dams within the subsidence affectation area will be monitored during and following undermining to ensure they remain in a safe and serviceable condition. Remediation works will be undertaken as required;</li> <li>• in the event of any significant loss of water from a privately owned farm dam, Mt Arthur Coal will provide an alternate source of water, as required, until the dam is repaired; and</li> <li>• all privately owned bores within the subsidence affectation area will be monitored during and following undermining. If the capacity of any utilised private bore is reduced to unacceptable level as a result of subsidence, Mt Arthur Coal will provide an alternative supply of water until such time as the MSB re-establishes or replaces the bore.</li> </ul>

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
6.4.1	<p>Mt Arthur Coal will, within 6 months of the commencement of operations submit to the Director-General for approval, a revised Mt Arthur Coal complex Ecological Management Plan which integrates management of ecological issues associated with the project with the remainder of Mt Arthur Coal operations. This will include:</p> <ul style="list-style-type: none"> <li>measures to minimise the impact of subsidence remediation works on ecological values such as use small earthmoving machinery to carry out subsidence remediation works within woodland/forest areas and use of hand remediation methods for any works within the vicinity of the known weeping myall (<i>Acacia pendula</i>) Endangered Population and EEC;</li> <li>measures to assist regeneration of vegetation communities affected by subsidence remediation where satisfactory natural regeneration does not occur;</li> <li>a due diligence process for the location of minor surface infrastructure to be implemented when they cannot be located wholly within previously cleared areas;</li> <li>use of existing clearing procedures;</li> <li>continued implementation of existing measures for the replacement of arboreal habitat, should the removal of any hollow bearing trees be required; and</li> <li>expansion of the existing Mt Arthur Coal ecological monitoring program to include monitoring of vegetation condition within subsidence affected areas, rehabilitation works, the weeping myall (<i>Acacia pendula</i>) stand and monitoring of fauna in the project area.</li> </ul>
6.4.2	<p>Mt Arthur Coal will develop a management strategy for the weeping myall (<i>Acacia pendula</i>) Endangered Population and EEC located in the project area (this may be included as part of the above Ecological Management Plan). The plan will consider the need for signposting and/or fencing to provide for protection of this area.</p>
6.4.3	<p>Mt Arthur Coal will establish and manage the proposed Saddlers Creek conservation area (refer to Figure 5.12) to protect and enhance its ecological values in perpetuity, to the satisfaction of the Director-General. The management of the proposed conservation area will address the existing degradation of Saddlers Creek.</p>
6.5.1	<p>The Aboriginal Cultural Heritage Management Plan (ACHMP) will:</p> <ul style="list-style-type: none"> <li>facilitate ongoing management of Aboriginal sites;</li> <li>outline the timing and methodology for the salvage of sites;</li> <li>detail the management strategy for the Saddlers Creek conservation area; and</li> <li>include the establishment of a Management Committee to review and advise in relation to ongoing management of sites within the project area.</li> </ul>



Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
6.5.2	<p>Aboriginal site loci within the subsidence remediation impact zone (shown on Figure 5.11 or as refined in the SMP process) will be salvaged by surface collection on a per longwall panel basis prior to the commencement of mining in each longwall panel. Salvage works will be undertaken in accordance with the methods outlined in Appendix 7 of the EA.</p> <p>6.5.3 Targeted sub-surface investigation will be carried out within areas of Quarry Creek (QC01), Saddlers Creek tributary (SC09) and Western Creek (WC04) in areas within the subsidence remediation impact zone (shown on Figure 5.11 or as refined in the SMP process) and for Saddlers Creek (SC01) within the proposed conveyor corridor (refer to Figure 5.11). The sub-surface investigations will be undertaken in accordance with the methods outlined in Appendix 7 of the EA.</p>
6.5.4	Aboriginal sites (or part thereof) located outside the subsidence remediation impact zone (shown on Figure 5.11 or as refined in the SMP process) and not required to be impacted for establishment of mining, will be conserved <i>in situ</i> and managed under the ACHMP for the duration of the project.
6.5.5	A report containing the findings of the salvage program and subsequent artefact analysis will be completed for the series of longwall panels in each target coal seam. The report will be prepared within 2 years of the completion of salvage works and 2 copies provided to DECC. Copies will be made available to Aboriginal community groups that participated in the consultation program for the project.

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
6.5.6	<p>Mt Arthur Coal commit to the following Aboriginal cultural heritage offsets:</p> <ul style="list-style-type: none"> <li>to set aside the proposed Saddlers Creek conservation area to be conserved in perpetuity for its Aboriginal cultural heritage values (refer to Figure 5.12). The proposed conservation area will be managed under an ACHMP prepared in consultation with DECC and the registered Aboriginal stakeholder groups;</li> <li>to fund and construct a Keeping Place within the Proposed Saddlers Creek conservation area, during the period of this project. The Keeping Place will store artefacts salvaged as part of the project and will be staffed an average of 50 days per year by appropriately trained Aboriginal community representatives, or as otherwise agreed with Mt Arthur Coal;</li> <li>to fund the training of 5 representatives from the registered Aboriginal stakeholder groups to undertake 'Collections Training' at the Australian Museum (or similar training) for staffing of the proposed Keeping Place, during the period of this project;</li> <li>to establish within or near to the existing fenced section of Quarry Creek west of Edderton Road, a facility suitable for use by the Aboriginal community when using the area for teaching purposes until such time as the area is impacted by subsidence;</li> <li>to offer training for one member of each of the registered Aboriginal stakeholder groups for the project in relation to site recording and artefact recording and basic analysis; and</li> <li>to establish a Management Committee including at least 5 representatives of the Aboriginal stakeholder groups to guide the ongoing management of sites within the project area for the duration of this project.</li> </ul>
6.5.7	If any human skeletal material is uncovered during ground disturbing works, all works will cease and the NSW Police Department, DECC and Aboriginal stakeholder groups will be notified. These stakeholder groups will then be consulted in relation to the development of appropriate mitigation measures.
6.6.2	The overland conveyor crossing of Saddlers Creek will have a catch tray system (or similar) on the underside of the conveyor where it passes over the creek to minimise the potential for coal spillage entering the creek.
6.6.3	<p>Drainage from pit-top facilities and high traffic hardstand areas, including workshops, will be appropriately managed to contain and treat run-off prior to re-use on-site within the mine water management system.</p> <p>Drainage from pit-top facilities and high traffic hardstand areas, including workshops, will be appropriately managed to contain and treat run-off prior to re-use on-site within the mine water management system.</p>

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
6.6.5	<p>Subsidence impacts on drainage lines will be effectively remediated such that there is no significant impact on downstream water users and environmental flows. Drainage line monitoring and remediation protocols will be developed as part of the SMP process, and in consultation with DWE, to guide the management of subsidence impacts and drainage line remediation works on surface water systems. The drainage line monitoring and remediation protocols will include:</p> <ul style="list-style-type: none"> <li>• detailed monitoring protocols (including monitoring which aims to assess any loss of flow from third order or higher stream systems);</li> <li>• a program to complete drainage remediation works in a timely manner post subsidence to limit the potential for surface water capture;</li> <li>• details of the design of drainage line remediation works. Remediation work will be generally consistent with DWEs <i>Rivers and Estuaries Management Policy</i> and the <i>Australian Stream Rehabilitation Manual 2000</i>;</li> <li>• assessment of the viability and benefits of applying proactive measures such as the installation of liners or geo-fabrics in drainage lines prior to subsidence; and</li> <li>• following the completion of any required reshaping works, remediated drainage lines will be revegetated and the riparian zone fenced to protect the drainage line and enhance ecological function.</li> </ul>
6.6.7	Surface water monitoring results will be reported annually in the AEMR.
6.6.8	The final design of the proposed Hunter River pump station and any upgrade to the existing extraction point will be determined in consultation with the DWE and Council. Any overland piping associated with these extraction points will be buried unless otherwise discussed with Council.
6.6.10	The results of groundwater monitoring and a comparison of measured and predicted impacts will be reported annually in the AEMR (refer to commitment 6.14.1).
6.6.11	Impacts on privately owned bores will be assessed by monitoring and in the event that any utilised privately owned bore is significantly affected, an alternative water supply will be provided by Mt Arthur Coal until such time as the bore is re-established or replaced.
6.6.12	Additional groundwater monitoring locations will be established to monitor the impacts of the project on groundwater aquifers as outlined in Appendix 10, or as otherwise agreed by the Director-General in consultation with the DWE.

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
6.6.13	<p>An annual analysis of surface and groundwater monitoring data will be undertaken and will include:</p> <ul style="list-style-type: none"> <li>• identification of any changes or long term trends in surface water quality. Should any adverse trends be identified, an investigation will be implemented to determine if the trend is a result of the project operations and if so, will identify management strategies to be implemented to address the identified issues; and</li> <li>• a comparison to modelled groundwater impact predictions.</li> </ul> <p>The monitoring results and analysis findings will be reported in the AEMR.</p>
6.7.2	Project operations will be managed with the aim of achieving the predicted noise levels in Section 5.6 of the EA.
6.7.4	Mt Arthur Coal will manage train movement noise impacts from Mt Arthur Coal trains travelling on the Bayswater Rail Loop and Antiene Rail Spur to meet the assumed noise acquisition criteria in the EA at all private residences (except East Antiene Location A1, refer to Section 5.6) when Mt Arthur Coal trains are travelling on the Bayswater Rail Loop and Antiene Rail Spur. Details of the measures implemented to manage train noise will be discussed in the AEMR.
6.7.7	Mt Arthur Coal will maintain the existing noise monitoring network (or as otherwise agreed with DECC), including real-time directional noise monitoring in accordance with the MAN development consent. In order to assess the compliance of rail passby noise with the applicable criteria, Mt Arthur Coal will undertake annual noise monitoring in east Antiene for a period of 3 years. Monitoring will be undertaken during winter night time periods and will monitor a minimum of 10 train movements. The monitoring program will be reviewed at the end of the 3 year period. Noise monitoring findings relating to the project will be reported annually in the AEMR (refer to commitment 6.14.1).
6.8.3	Mt Arthur Coal will maintain their existing dust monitoring network (or as otherwise agreed with DECC), that includes high volume air samplers measuring PM <sub>10</sub> on a 6 day cycle, real-time samplers measuring PM <sub>10</sub> and dust deposition gauges. Dust monitoring findings relating to the project will be reported annually in the AEMR (refer to commitment 6.14.1).
6.9.2	Mt Arthur Coal will investigate opportunities for reduction of greenhouse gas emissions from the project. This will include ongoing review of emissions monitoring and management technology.
6.9.3	Where gas purity reliably allows, methane emissions from the mine will either be flared or may be beneficially utilised where practical and feasible. Mt Arthur Underground will make application for the appropriate Petroleum tenure so that, subject to that tenure being granted, the opportunity to beneficially reuse methane emissions is available.

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
6.10.1	<p>Mt Arthur Coal will implement the following visual controls to screen or filter views of project infrastructure from residential and public road locations (refer to Figure 5.25):</p> <ul style="list-style-type: none"> <li>• construction of a 10 metre high bund around the northern and western edge of the Glen Munro pit-top facilities with tree plantings on the bund wall;</li> <li>• tree planting around the northern edge of Belmont pit to filter views of the edge of the open cut mining area;</li> <li>• tree planting on a rise to the south-west of the North Saddlers ROM facility to filter distant views of the ROM facility from the south-west;</li> <li>• all lighting to be located and directed so as to not directly impact on residential or road locations. Lighting will be designed to minimise excessive night glow in a manner consistent with AS 4282 Control of the Obtrusive Effects of Outdoor Lighting; and</li> <li>• all buildings potentially visible to the public to be coloured in suitable natural tones.</li> </ul>
6.11.1	A decommissioning plan will be prepared for each mining stage as part of the MOP process and submitted to the DPI for approval approximately 5 years prior to the commencement of decommissioning works (Note: this excludes progressive closure of underground mining facilities such as shafts which will be closed as part of ongoing mining activities will be outlined in the relevant MOP and undertaken in accordance with the requirements of the DPI).
6.11.2	Tailings emplacement strategies implemented during the life of the project will be implemented in consultation with, and following approval from, the DPI.
6.11.3	Mt Arthur Coal will prepare final void management plans for West Belmont Pit and Saddlers Pit at least 5 years prior to their planned closure. The plans will be incorporated into the MOP submitted to the DPI as part of the closure process.
6.11.5	The complex wide rehabilitation and habitat management strategy will be regularly reviewed and revised as part of the ongoing rehabilitation planning process at Mt Arthur Coal, with details of the implementation of the strategy included in the operations various MOPs submitted to the DPI for approval. Progress in implementing the strategy will be reported annually in the AEMR.
6.12.1	The Traffic Management Plan will include measures for the management of construction access from Edderton Road for minor surface infrastructure (e.g. ventilation facilities) and measures to minimise inconvenience to the public associated with access and use of Edderton Road. The Plan will be reviewed at least once every 3 years.
6.12.2	Mt Arthur Coal will liaise with Anglo Coal, Council, Macquarie Generation and the ARTC to address legal and appropriate access for properties along Antiene Railway Station Road.
6.13.1	Mt Arthur Coal will work with Council and the Department to create an appropriate CCC for the project. Mt Arthur Coal will provide the CCC with regular information regarding the environmental management performance of the project and any relevant matters regarding community relations.

Mt Arthur Underground Project Approval Conditions (06_0091)	
Condition	Requirement
6.14.1	Mt Arthur Coal will prepare an AEMR for the project. This AEMR may be integrated into a whole-of-site Mt Arthur Coal AEMR.
6.14.2	No waste will be disposed of on site except for inert wastes permissible under the EPL obtained for the project with all other waste disposed of at appropriately licensed waste management facilities located offsite.
6.14.4	Three years after commencement of project mining operations, and every 3 years thereafter, Mt Arthur Coal will commission and pay the full cost of an Independent Environmental Audit of the project in consultation with the Director-General. A copy of the audit report will be provided to the Director-General of the Department and DPI, DECC, Council, DWE and members of the CCC for the project. This audit may be combined with other independent environmental audits required by Mt Arthur Coal's development consents/Project Approvals as agreed by the Director-General.