

# Project Approval

## Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, the Planning Assessment Commission approves the modification of the project approval referred to in Schedule 1, as set out in Schedule 2, Schedule 3 and Schedule 4.



Mr Paul Forward  
Chair of the Commission



Mr Joe Woodward PSM  
Member of the Commission

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Sydney

26 September 2014

### SCHEDULE 1

**Development Number:**

09\_0062

**Applicant:**

Hunter Valley Energy Coal Pty Ltd

**Consent Authority:**

Minister for Planning

**Land:**

See Appendix 1

**Development:**

Mt Arthur Coal Mine – Open Cut Consolidation Project

Purple text represents MOD 2 dated April 2025

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

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

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**DEFINITIONS**

Applicant	Hunter Valley Energy Coal Pty Ltd, or any person carrying out any development under this consent
Annual review	The review required by condition 3 of schedule 5
ARTC	The Australian Rail Track Corporation Ltd
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCA	Building Code of Australia
BCT	The Biodiversity Conservation Trust of the NSW Department of Climate Change, Energy, the Environment and Water
Biodiversity offset strategy	The conservation and enhancement program described in the EA, and shown in Appendix 7
Blast misfire	The failure of one or more holes in a blast pattern to initiate
CCC	Community Consultative Committee
Conditions of this consent	Conditions contained in Schedules 2 to 5 (inclusive) of this document
Council	Muswellbrook Shire Council
CPHR	Conservation Programs, Heritage and Regulation Group within the New South Wales Department of Climate Change, Energy, the Environment and Water
CPI	Means the Consumer Price Index for New South Wales (Australia), as published by the Australian Bureau of Statistics
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described within the documents listed in condition 2 of Schedule 2; including the implementation of any development associated with the previous EAs listed in Appendix 3 of this document, as modified by the conditions of this consent
EA	<p>(a) the Environmental Assessment titled <i>Mt Arthur Coal Consolidation Project Environmental Assessment</i> (6 volumes), prepared by Hansen Bailey and dated November 2009, including the Response to Submissions dated February 2010; and</p> <p>(b) the Environmental Assessment titled <i>Mt Arthur Coal Open Cut Modification - Environmental Assessment</i> (2 volumes), prepared by Resource Strategies Pty Ltd and dated April 2013, including the Response to Submissions dated September 2013.</p> <p>(c) Modification application MP 09_0062 MOD 2 and accompanying Modification Report titled 'Mt Arthur Coal Mine Modification 2', prepared by Resource Strategies Pty Ltd, dated September 2023', including the Submissions Report, prepared by Resource Strategies Pty Ltd, dated April 2024</p>
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances. Feasible relates to engineering considerations and what is practical to build or carry out
Heritage NSW	Heritage NSW of the NSW Department of Climate Change, Energy, the Environment and Water
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this consent which may or may not cause a non-compliance
Land	As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm	<p>Is harm to the environment that:</p> <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul> <p>This definition excludes "harm" that is authorised under either this consent or any other statutory approval</p>
Mine closure	Decommissioning and final rehabilitation of the site following the cessation of mining operations
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development

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Mining operations	Includes the removal of overburden and all coal extraction, processing, handling, storage and transportation activities carried out on site
Minister	NSW Minister for Planning and Public Spaces, or delegate
Mitigation	Activities associated with reducing the impacts of the development, prior to or during those impacts occurring
Mod 2	The modification to the development as described in EA
Mt Arthur mine complex	The combined operations of the development (including the former Mt Arthur North mine, Bayswater No. 2 mine, Bayswater No. 3 mine and the South Pit Extension Project), and the Mt Arthur Underground Project
Mt Arthur Underground Project	The underground mining operations approved under MP 06_0091
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Previous EAs	The previous environmental impact assessments for open cut operations at the Mt Arthur mine complex, as listed in Appendix 3
Privately-owned land	Land that is not owned by a public agency or a mining company (or its subsidiary)
Public Infrastructure	Any infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
RAPs	Registered Aboriginal Parties as described in the <i>National Parks and Wildlife Regulation 2019</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a condition which is safe, stable and non-polluting having regard to approved post mining land uses and the rehabilitation objectives and outcomes referenced within this consent
Resources Regulator	The Resources Regulator within Regional NSW
RFS	Rural Fire Services
ROM	Run of Mine
SA NSW	Subsidence Advisory NSW
Secretary	Planning Secretary under the EP&A Act, or nominee
Site	The land referred to in schedule 1, and listed in Appendix 1
TfNSW	Transport for NSW
Visual Impacts Management Report	Visual Impacts Management Report, prepared by AECOM, dated July 2015, approved by the Secretary on 7 August 2015.
Water Group	The Water Group of the NSW Department of Climate Change, Energy the Environment and Water

**SCHEDULE 2  
ADMINISTRATIVE CONDITIONS****OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

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

**TERMS OF CONSENT**

2. The Applicant must carry out the development generally in accordance with the:
  - (a) EA;
  - (b) conditions of this consent; and
  - (c) development layout in Appendix 2.
3. If there is any inconsistency between the above documents, the most recent document [prevails](#) to the extent of the inconsistency. However, the conditions of this [consent prevail](#) to the extent of any inconsistency.
4. Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:
  - (a) the content of any strategy, study, plan, review, audit, notification, report or correspondence submitted under or otherwise in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in condition 4(a).

**LIMITS OF CONSENT**

5. Mining operations for the [development](#) may take place until 30 June 2030.

*Notes:*

  - *Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.*
  - *Mining operations and rehabilitation are also regulated under the Mining Act 1992.*
6. The [Applicant must](#) not extract more than:
  - (a) 32 million tonnes of ROM coal from the open cut mining operations on the site in a financial year [until 30 June 2026 and 25 million tonnes of ROM coal in a financial year thereafter](#); and
  - (b) 36 million tonnes of ROM coal from the Mt Arthur mine complex in a financial year [until 30 June 2026 and 29 million tonnes of ROM coal in a financial year thereafter](#).
7. The [Applicant must](#):
  - (a) not transport coal from the site by road (except in an emergency situation and with the prior approval of the Secretary in consultation with Council); and
  - (b) restrict coal transport on the Antiene rail spur to a maximum of:
    - 27 million tonnes of product coal in a financial year [until 30 June 2026 and 20 million tonnes of product coal in a financial year thereafter](#); and
    - 30 train movements a day [until 30 June 2026 and 20 train movements a day thereafter](#), for the Mt Arthur mine complex, except under an agreement with the [Maxwell Mine](#) to use some of its approved capacity, and where a copy of this agreement has been provided to the Secretary.

*Note: For the avoidance of doubt, each train entering and exiting the site is classified as 2 train movements, and a day refers to the 24 hours from midnight to midnight the next day.*
- 7A. The Applicant may process and transport residual stockpiled coal from the site between 30 June 2030 and 31 December 2030 as part of the rehabilitation activities.
- 7B. The Applicant must not:
  - (a) process more than 2 million tonnes of ROM coal between 30 June 2030 and 31 December 2030; and
  - (b) transport more than 1.5 million tonnes of product coal between 30 June 2030 and 31 December 2030.

**SURRENDER OF CONSENTS**

8. By the end of September 2011, or as otherwise agreed by the Secretary, the [Applicant must](#) surrender all existing development consents/approvals for the [development](#) in accordance with sections 75YA and 104A of the EP&A Act, and to the satisfaction of the Secretary.

*Notes:*

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- *This consent will apply to all components of the Mt Arthur mine complex's open cut operations from the date of approval. The existing management and monitoring plans/strategies/programs/protocols/ committees for the development will continue to apply until the approval of the comparable plan/strategy/program/ protocol/committee under this consent;*
- *The existing approvals are identified in Appendix 3.*

### STRUCTURAL ADEQUACY

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

Notes:

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

### DEMOLITION

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

### PROTECTION OF PUBLIC INFRASTRUCTURE

11. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development,
- except where such works have been compensated through the *Mining Act 1992* or the planning agreement referred to in condition 14 below.

*Note: This condition does not apply to any damage to public infrastructure subject to compensation payable under the Mine Subsidence Compensation Act 1961, or to damage to roads caused as a result of general road usage.*

### OPERATION OF PLANT AND EQUIPMENT

12. The Applicant must ensure that all plant and equipment used at the site, and equipment used offsite to monitor the performance of the Mt Arthur mine complex, is:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

### STAGED SUBMISSION OF STRATEGIES, PLANS AND PROGRAMS

13. With the approval of the Secretary, the Applicant may:
- (a) submit any strategy, plan or program required by this consent on a progressive basis; and
  - (b) combine any strategy, plan or program required by this consent with any similar strategy, plan or program for the Mt Arthur Underground Project.

*Note: For the avoidance of doubt, existing approved management plans, strategies or monitoring programs for the open cut operations of the Mt Arthur mine complex will continue to apply until the approval of a similar plan, strategy or program under this consent, or until the surrender of existing approvals (see condition 8 above).*

### PLANNING AGREEMENT

14. The Applicant must comply with the planning agreement with Council executed on 24 June 2011 for the life of the Mt Arthur mine complex, as summarised in Appendix 9. If there is any dispute between the Applicant and Council about the implementation of the planning agreement, then either of the parties may refer the matter to the Secretary for resolution.

### ACCESS TO LAND

15. If any mining company in the area is investigating the potential to use infrastructure associated with the development, such as the Antiene rail spur, on commercial terms in order to avoid the costs and environmental impacts of constructing new infrastructure for its development, the Applicant must consult with the company about the potential to reach a mutually acceptable agreement to the satisfaction of the Secretary.

**SCHEDULE 3  
ENVIRONMENTAL PERFORMANCE CONDITIONS**

**ACQUISITION UPON REQUEST**

1. Upon receiving a written request for acquisition from an owner of the land listed in Table 1, the Applicant must acquire the land in accordance with the procedures in conditions 7-8 of schedule 4.

Table 1: Land subject to acquisition upon request

Receiver No. <sup>1</sup>	Receiver	Acquisition Basis
6	Private landholder	Air quality
28 <sup>2</sup>	Private landholder	Air quality
29 <sup>2</sup>	Private landholder	Air quality
101 <sup>3</sup>	Private landholder	Noise
102	Private landholder	Noise
226	Private landholder	Air quality
264 <sup>4</sup>	Private landholder	Air quality

Notes:

- 1 To interpret the locations referred to in Table 1, see the applicable figure in Appendix 4.
- 2 These receivers will maintain their rights to acquisition upon request until 31 December 2016, when the EA predicts that the development will comply with the relevant acquisition criteria at these properties.
- 3 The Applicant is only required to acquire this property if acquisition is no longer reasonably achievable under the approval for the Maxwell mine.
- 4 The Applicant is only required to acquire this property if acquisition is not reasonably achievable under a separate approval for the Bengalla mine.

**NOISE**

**Impact Assessment Criteria**

2. The Applicant must ensure that the noise generated by the Mt Arthur mine complex does not exceed the criteria in Table 2 at any residence on privately-owned land, except where such exceedances were predicted in the EA.

Table 2: Noise Impact Assessment Criteria dB(A)

Location	Day (L <sub>Aeq</sub> (15min))	Evening (L <sub>Aeq</sub> (15min))	Night (L <sub>Aeq</sub> (15min))	Night (L <sub>A1</sub> (1 min))
A – Antiene Estate	37	40	38	45
B – Skellatar Stock Route, Thomas Mitchell Drive, Denman Road East	39	38	37	45
C – Racecourse Road	41	40	39	45
D – Denman Road North-west, Roxburgh Vineyard (north-east), Roxburgh Road	37	36	35	45
E – South Muswellbrook	39	39	39	45
F – Denman Road West, Roxburgh Vineyard (west)	37	36	35	45
G – East Antiene	41	40	39	45
H – South of Mine	35	35	35	45

Note: To interpret the locations referred to Table 2, see the applicable figures in Appendix 4 and Appendix 5.

Noise generated by the Mt Arthur mine complex is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy*. Appendix 10 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

3. Deleted
4. Deleted
5. Deleted

#### Traffic Noise Criteria

6. Deleted

#### Additional Noise Mitigation Measures

7. Upon receiving a written request from the owner of any residence:
  - (a) on the noise affected land listed in Table 1 (unless the landowner has requested acquisition under [this consent](#)); and
  - (b) on the land listed in Table 4, the [Applicant must](#) implement reasonable and feasible noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at any residence in consultation with the owner.

If within 3 months of receiving this request from the landowner, the [Applicant](#) and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

Table 4: Land subject to additional noise mitigation upon request

Receiver No. <sup>1</sup>	Receiver
6 <sup>2</sup>	Private landholder
94	Private landholder
97 <sup>2</sup>	Private landholder
98 <sup>2</sup>	Private landholder
99 <sup>2</sup>	Private landholder (2 residences)
100	Private landholder
200	Private landholder
200a	Private landholder
226	Private landholder

#### Notes:

- 1 To interpret the locations referred to in Table 4, see the applicable figure in Appendix 4.
- 2 These receivers [will](#) maintain their rights to mitigation upon request until 31 December 2016, when the EA predicts that the [development](#) will comply with the relevant criteria at these properties.

#### Operating Conditions

8. The [Applicant must](#):
  - (a) implement best noise management practice, which includes implementing all reasonable and feasible noise mitigation measures to minimise the operational, road and rail noise of the Mt Arthur mine complex;
  - (b) operate a comprehensive noise management system on site that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of [this consent](#);
  - (c) minimise the noise impacts of the [development](#) during meteorological conditions when the noise limits in [this consent](#) do not apply (see Appendix 10);
  - (d) co-ordinate noise management at the Mt Arthur mine complex with the noise management at the [Maxwell](#) and Bengalla mines to minimise cumulative noise impacts; and
  - (e) carry out monthly attended monitoring in accordance with Appendix 10 (unless otherwise agreed with the Secretary), to determine whether the Mt Arthur mine complex is complying with the relevant conditions of [this consent](#).

#### Noise Management Plan

9. The [Applicant must](#) prepare a Noise Management Plan for the Mt Arthur mine complex to the satisfaction of the Secretary. This plan must:
  - (a) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in [this consent](#);
  - (b) describe the proposed noise management system in detail; and

- (c) include a monitoring program that:
- evaluates and reports on:
    - the effectiveness of the noise management system;
    - compliance against the noise criteria in [this consent](#); and
    - compliance against the noise operating conditions;
  - includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a better indicator of compliance with the noise criteria in [this consent](#) and trigger for further attended monitoring); and
  - defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.

9A. The Noise Management Plan, as approved by the Secretary, must be implemented for the development.

## BLASTING

### Impact Assessment Criteria

10. The [Applicant must](#) ensure that blasts on site do not cause exceedances of the criteria in Table 5.

Table 5: Blasting impact assessment criteria

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Residence on privately owned land	120	10	0%
	115	5	5% of the total number of blasts in a financial year
Public infrastructure	-	50	0%

However, these criteria do not apply if the [Applicant](#) has a written agreement with the relevant owner to exceed these criteria, and has advised the Department in writing of the terms of this agreement.

*Note: An alternative limit for public infrastructure may be determined by the Secretary in accordance with the structural design methodology in AS 2187.2-2006, or another methodology acceptable to the Secretary.*

### Blasting Hours

11. The [Applicant must](#) only carry out blasting on site between 8am and 5pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Secretary.

### Blasting Frequency

12. The [Applicant](#) may carry out a maximum of:
- 3 blasts a day;
  - 4 blasts a day, on a maximum of 12 days each financial year; and
  - 12 blasts a week, averaged over a financial year, on the site.

This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.

#### Notes:

- For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.
- For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast.
- In circumstances of recurring unfavourable weather conditions (following planned but not completed blast events), to avoid excess explosive sleep times and minimise any potential environmental impacts, the [Applicant](#) may seek agreement from the Secretary for additional blasts to be fired on a given day.

### Property Inspections

13. Deleted
14. If the [Applicant](#) receives a written request from the owner of any privately-owned land within 3 kilometres of any approved open cut mining pit on site for a property inspection to establish the baseline condition

## CONSOLIDATED CONSENT

of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the **Applicant must**:

- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:
  - establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and
  - identify measures that should be implemented to minimise the potential blasting impacts of the **development** on these buildings and/or structures; and
- (b) give the landowner a copy of the new or updated property inspection report.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the **Applicant** or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Secretary for resolution.

### Property Investigations

15. If any landowner of privately-owned land within 3 kilometres of any approved open cut mining pit on site (including the whole of the Racecourse Road area and the area southwest of Skellatar Stock Route), or on any other land where the Secretary agrees that a property inspection is warranted claims that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, then the **Applicant must** within 3 months of receiving this claim:
  - (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to investigate the claim; and
  - (b) give the landowner a copy of the property investigation report.

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

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the **Applicant** or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.

### Operating Conditions

16. During mining operations on site, the **Applicant must**:
  - (a) implement best blasting practice to:
    - protect the safety of people and livestock in the area surrounding blasting operations;
    - protect public or private infrastructure/property in the area surrounding blasting operations from blasting damage; and
    - minimise the dust and fume emissions from blasting at the Mt Arthur mine complex;
  - (b) ensure that blasting on the site does not damage heritage sites, including Edinglassie, Rous Lench, and Balmoral;
  - (c) co-ordinate the timing of blasting on site with the timing of blasting at the **Maxwell** and Bengalla coal mines to minimise the potential cumulative blasting impacts of the three mines; and
  - (d) operate a suitable system to enable the general public and surrounding landowners and tenants to get up-to-date information on the proposed blasting schedule on site.
- 16A. The **Applicant must** not undertake blasting on site within 500 metres of any public road or any land outside the site not owned by the **Applicant** unless the **Applicant** has:
  - (a) demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the infrastructure or land without compromising the safety of people or livestock or damaging the infrastructure and/or other buildings and structures; and
  - (b) updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the infrastructure or land; or
  - (c) a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the infrastructure or land, and the **Applicant** has advised the Department in writing of the terms of this agreement.

### Blast Management Plan

17. The **Applicant must** prepare a Blast Management Plan for the **development** to the satisfaction of the Secretary. This plan must:
  - (a) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of **this consent**, including:
    - detailed demonstration that blasting within the blast control area shown in Appendix 5 can be undertaken in a manner that will meet the blast impact assessment criteria in Table 5 at all times; and
    - a detailed blast fume management strategy to minimise and manage blast fumes;
  - (b) include a road closure management plan, prepared in consultation with the applicable roads authority, that includes provisions for:
    - minimising the duration of closures, both on a per event basis and weekly basis;

- avoiding peak traffic periods as far as practicable; and
  - coordinating with neighbouring mines to minimise the cumulative effect of road closures;
- (c) include a blast monitoring program for evaluating and reporting on compliance with the blasting criteria and operating conditions of [this consent](#); and
- (d) Include the requirement for Mt Arthur Coal to actively participate in Muswellbrook Council's online blasting portal.

17A. The Blast Management Plan, as approved by the Secretary, must be implemented for the development.

## AIR QUALITY

### Odour

18. The [Applicant must](#) ensure that no offensive odours are emitted from the site, as defined under the POEO Act.
19. Deleted

### Impact Assessment Criteria

20. The [Applicant must](#) ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the [development](#) do not cause exceedances of the criteria listed in Tables 6, 7 and 8 at any residence on privately-owned land (except for air quality affected land listed in Table 1).

Table 6: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	<sup>d</sup> Criterion
Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 25 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a</sup> 8 µg/m <sup>3</sup>

Table 7: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	<sup>d</sup> Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>

Table 8: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month

Notes to Tables 6-8:

a Total impact (i.e. incremental increase in concentrations due to the [development](#) plus background concentrations due to all other sources);

b Incremental impact (i.e. incremental increase in concentrations due to the [development](#) on its own);

c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and

d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary.

### Air Quality Acquisition Criteria

21. If particulate matter emissions generated by the Mt Arthur mine complex exceed the criteria, or contribute to the exceedances of the relevant cumulative criteria, in Tables 9, 10 and 11 at any residence on privately-owned land then upon receiving a written request for acquisition from the landowner, the [Applicant must](#) acquire the land in accordance with the procedures in conditions 7-8 of schedule 4.

Table 9: Long term land acquisition criteria for particulate matter

Pollutant	Averaging period	<sup>d</sup> Criterion
Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>

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Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 30 µg/m <sup>3</sup>
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Table 10: Short term land acquisition criteria for particulate matter

Pollutant	Averaging period	<sup>d</sup> Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>a</sup> 150 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>

Table 11: Long term land acquisition criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month

Notes to Tables 9-11

*a* Total impact (i.e. incremental increase in concentrations due to the **development** plus background concentrations due to all other sources);

*b* Incremental impact (i.e. incremental increase in concentrations due to the **development** on its own);

*c* Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and

*d* Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary.

If the air quality acquisition criteria in Tables 9, 10 and 11 are being exceeded, and more than one mine is responsible for this non-compliance, then the **Applicant must**, together with the relevant mine/s acquire the land on as equitable a basis as possible with the relevant mine/s, in accordance with the procedures in conditions 7-8 of schedule 4.

If the **Applicant** cannot agree on the arrangements for the acquisition of the land with the relevant mine/s within 3 months of the written request from the landowner, then the **Applicant** must refer the matter to the Secretary for resolution.

### Additional Air Quality Mitigation Measures

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

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

Table 12: Land subject to additional air quality mitigation upon request

Receiver No. <sup>1</sup>	Receiver
91 <sup>2</sup>	Private landholder
94 <sup>2</sup>	Private landholder
187	Private landholder
200	Private landholder
201	Private landholder

Notes:

<sup>1</sup> To interpret the locations referred to in Table 12, see the applicable figure in Appendix 4.

<sup>2</sup> These receivers **will** maintain their rights to mitigation upon request until 31 December 2016, when the EA predicts that the **development** will comply with the relevant criteria at these properties.

### Mine-owned Land

- 22A. The **Applicant must** ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Mt Arthur mine complex do not cause

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exceedances of the criteria listed in Tables 9, 10 and 11 at any occupied residence on mine-owned land (including land owned by another mining company) unless:

- (a) the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under schedule 4 of [this consent](#);
- (b) the tenant of any land owned by the [Applicant](#) can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice and cause;
- (c) air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining company) of the particulate emissions at the residence; and
- (d) data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property, to the satisfaction of the Secretary.

### Operating Conditions

23. The [Applicant must](#):

- (a) implement best practice air quality management, including all reasonable and feasible measures to minimise offsite odour, fume and dust emissions of the Mt Arthur mine complex;
- (b) implement all reasonable and feasible measures to [improve energy efficiency and](#) minimise [Scope 1 and Scope 2](#) greenhouse gas emissions [generated](#) from the site;
- (c) minimise any visible air pollution generated by the Mt Arthur mine complex;
- (d) minimise the surface disturbance on the site;
- (e) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of [this consent](#);
- (f) minimise the air quality impacts of the [development](#) during adverse meteorological conditions and extraordinary events (see Note d above under Table 8); and
- (g) co-ordinate air quality management at the Mt Arthur mine complex with air quality management at the [Maxwell](#), Mangoola and Bengalla mines to minimise cumulative air quality impacts.

### Air Quality Management Plan

24. The [Applicant must](#) prepare an Air Quality Management Plan for the Mt Arthur mine complex to the satisfaction of the Secretary. This plan must:

- (a) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of [this consent, including how the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events](#);
- (b) describe the air quality management system;
- (c) include an air quality monitoring program that:
  - adequately supports the air quality management system;
  - evaluates and reports on the:
    - the effectiveness of the air quality management system;
    - compliance with the air quality criteria;
    - compliance with the air quality operating conditions; and
  - defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.

24A. [The Air Quality Management Plan, as approved by the Secretary, must be implemented for the development.](#)

## GREENHOUSE GAS

### Mt Arthur Gas Assignment Model

24B. [Within 3 months of the approval of Mod 2, or other timeframe agreed by the Secretary, the Applicant must update the Mt Arthur Gas Assignment Model to the satisfaction of the Secretary. The model must:](#)

- (a) [be prepared in consultation with the EPA;](#)
- (b) [be prepared by a suitably qualified and experienced person/s; and](#)
- (c) [have regard to the EPA's comments issued as part of Mod 2 on the Mt Arthur Coal Mine Gas Assignment Model \(DOC25/71340-6, dated 26 February 2025\).](#)

### Greenhouse Gas Mitigation Plan

24C. [Within 6 months of the determination of Mod 2, unless otherwise agreed by the Secretary, the Applicant must prepare a Greenhouse Gas Mitigation Plan in consultation with the EPA. The Greenhouse Gas Mitigation Plan must consider the results of the updated gas assignment model required by Condition 24B.](#)

*Note:*

- With the introduction of the EPA's Climate Change Policy and Climate Change Action Plan, the Applicant will be required to prepare and implement a Climate Change Mitigation and Adaptation Plan (or similar) in accordance with requirements provided by the EPA under the POEO Act.
- In accordance with its Climate Change Action Plan 2023-26, the NSW EPA is preparing guidance for the preparation and implementation of various climate change related guidelines.

### METEOROLOGICAL MONITORING

25. During the life of the development, the Applicant must ensure that there is a suitable meteorological station in the vicinity of the site that:
- (a) complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
  - (b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Industrial Noise Policy*, unless a suitable alternative is approved by the Secretary following consultation with the EPA.

### SOIL AND WATER

#### Water Supply

26. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the Secretary.

*Note: The Applicant is required to obtain all necessary water licences and approvals for the development under the Water Act 1912 and/or Water Management Act 2000.*

#### Water Pollution

27. Unless an EPL or the EPA authorises otherwise, the Applicant must comply with Section 120 of the POEO Act and the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

#### Hunter River and Saddlers Creek Alluvials

28. The Applicant must not undertake any open cut mining operations within 150 metres of the Hunter River alluvials and Saddlers Creek alluvials that has not been granted approval under previous consents/approvals for Mt Arthur mine complex without the prior written approval of the Secretary. In seeking this consent the Applicant must demonstrate, to the satisfaction of the Secretary in consultation with the Water Group, that adequate safeguards have been incorporated into the Surface and Ground Water Response Plan (see condition 34 below) to minimise, prevent or offset groundwater leakage from the alluvial aquifers.

*Note: The alluvial aquifers and 150 metre buffers are shown conceptually in Appendix 6.*

#### Site Water Management Plan

29. The Applicant must prepare a Water Management Plan for the Mt Arthur mine complex to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the Water Group and the EPA; and
  - (b) include a:
    - Site Water Balance;
    - Erosion and Sediment Control Plan;
    - Surface Water Monitoring Program;
    - Groundwater Monitoring Program; and
    - Surface and Ground Water Response Plan.

29A. The Water Management Plan, as approved by the Secretary, must be implemented for the development.

30. The Site Water Balance must:
- (a) include details of:
    - sources and security of water supply;
    - water use on site;
    - water management on site;
    - any off-site water transfers;
    - reporting procedures; and
  - (b) investigate and implement all reasonable and feasible measures to minimise water use by the Mt Arthur mine complex.

31. The Erosion and Sediment Control Plan must:
  - (a) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction, Volume 1, 4<sup>th</sup> Edition, 2004* (Landcom), or its latest version;
  - (b) identify activities that could cause soil erosion, generate sediment or affect flooding;
  - (c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk;
  - (d) describe the location, function, and capacity of erosion and sediment control structures and flood management structures; and
  - (e) describe what measures would be implemented to maintain the structures over time.
32. The Surface Water Monitoring Program must include:
  - (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the **development**;
  - (b) surface water and stream health impact assessment criteria;
  - (c) a program to monitor and assess:
    - surface water flows and quality;
    - impacts on water users;
    - stream health;
    - channel stability,
 in Quarry Creek, Fairford Creek, Whites Creek (and the Whites Creek diversion), Saddlers Creek, Ramrod Creek and other unnamed creeks; and
  - (d) reporting procedures for the results of the monitoring program.
33. The Groundwater Monitoring Program must include:
  - (a) detailed baseline data of groundwater levels, yield and quality in the region, and privately-owned groundwater bores, that could be affected by the **development**;
  - (b) groundwater impact assessment criteria;
  - (c) a program to monitor:
    - groundwater inflows to the mining operations;
    - impacts on regional aquifers;
    - impacts on the groundwater supply of potentially affected landowners;
    - impacts on the Hunter River and Saddlers Creek alluvial aquifers; and
    - impacts on any groundwater dependent ecosystems and riparian vegetation;
  - (d) procedures for the verification of the groundwater model; and
  - (e) reporting procedures for the results of the monitoring program and model verification.
34. The Surface and Ground Water Response Plan must describe the measures and/or procedures that would be implemented to:
  - (a) investigate, notify and mitigate any exceedances of the surface water, stream health and groundwater impact assessment criteria;
  - (b) compensate landowners of privately-owned land whose water supply is adversely affected by the **development**, including provision of an alternative supply of water to the affected landowner that is equivalent to the loss attributed to the **development**;
  - (c) minimise, prevent or offset potential groundwater leakage from the Hunter River and Saddlers Creek alluvial aquifers; and
  - (d) mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

#### Site Contamination

35. The **Applicant must** prepare and implement a Remedial Action Plan for the former Bayswater No. 2 infrastructure area to the satisfaction of the Secretary. The Remedial Action Plan **must** be prepared by a suitably qualified consultant, in accordance with the *Contaminated Land Management Act 1997* and applicable EPA guidelines, and be submitted to the Secretary for approval prior to undertaking any overburden placement in this area.

#### BIODIVERSITY

##### Biodiversity Offsets

36. The **Applicant must** implement the biodiversity offset strategy as outlined in Table 13 and as generally described in the EA (and shown in Appendix 7), to the satisfaction of the Secretary.

Table 13: Biodiversity Offset Strategy

Area	Offset Type	Minimum Size (hectares)
Mt Arthur Conservation Area	Existing vegetation	105
Saddlers Creek Conservation Area	Existing vegetation	131

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Area	Offset Type	Minimum Size (hectares)
	and vegetation to be established	
Thomas Mitchell Drive Off-site Offset Area	Existing vegetation and vegetation to be established	495
Thomas Mitchell Drive On-site Offset Area	Existing vegetation and vegetation to be established	222
Roxburgh Road 'Constable' Offset Area	Existing vegetation and vegetation to be established	110
Oakvale Offset Area	Existing vegetation and vegetation to be established	250
Middle Deep Creek Offset Area	Existing vegetation and vegetation to be established	410
Rehabilitation Area <sup>1</sup>	Vegetation to be established	2,642
<b>Total<sup>2</sup></b>		<b>4,365</b>

Notes:

<sup>1</sup> Refer to the rehabilitation plan in Appendix 7.

<sup>2</sup> In accordance with Condition 13 of Schedule 2, the Applicant may manage the 4,365 ha of offsets for the development, in conjunction with the 449 ha of additional offsets required under the separate Mt Arthur Underground Project.

37. Deleted

38. The Applicant must ensure that the biodiversity offset strategy and/or rehabilitation strategy is focused on the re-establishment of, to the satisfaction of the Secretary:

- (a) significant and/or threatened plant communities, including:
  - Upper Hunter White Box – Ironbark Grassy Woodland;
  - Central Hunter Box – Ironbark Woodland;
  - Central Hunter Ironbark – Spotted Gum - Grey Box Forest;
  - Narrabeen Footslopes Slaty Box Woodland;
  - Hunter Floodplain Red Gum Woodland Complex;
  - White Box Yellow Box Blakely's Red Gum Woodland;
  - Hunter Lowlands Red Gum Forest; and
- (b) significant and/or threatened plant species, including:
  - River Red Gum (*Eucalyptus camaldulensis*);
  - Pine Donkey Orchid (*Diuris tricolor*);
  - Tiger Orchid (*Cymbidium canaliculatum*);
  - Weeping Myall (*Acacia pendula*); and
- (c) habitat for significant and/or threatened animal species.

38A. The Applicant must retire the biodiversity credits specified in Table 13A before any impacts on the relevant biodiversity values listed in Table 13A occur. The retirement of the biodiversity credits specified in Table 13A must be carried out in accordance with the Biodiversity Offsets Scheme of the BC Act, including application of relevant Ancillary Rules established under the BC Act.

Table 13A: Biodiversity credit requirements (Mod 2)

Biodiversity Values and Credit Type	Credits Required
Ecosystem Credits	
PCT 483 Grey Box x White Box Grassy Open Woodland on Basalt Hills in the Merriwa Region, Upper Hunter Valley	536
PCT 1655 Grey Box – Slaty Box shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter and Sydney Basin	30
<b>Total</b>	<b>566</b>

- 38B. The Applicant must retire the biodiversity credits (consistent with the maximum Biodiversity Risk Weighting in Table 13B) specified in Table 13B below, or such lesser amount calculated for the Hunter Valley Delma (*Delma vescolineata*) in accordance with section 10.1.3 of the Biodiversity Assessment Method, before any impacts on the relevant biodiversity values occur.

The retirement of biodiversity credits specified in Table 13B must be carried out in accordance with the Biodiversity Offsets Scheme of the BC Act, including the application of Ancillary Rules: Biodiversity conservation actions that may be relevant to the Hunter Valley Delma (*Delma vescolineata*) published under clause 6.5 of the *Biodiversity Conservation Regulation 2017*.

Table 13B: Biodiversity credit requirements – Hunter Valley Delma (*Delma vescolineata*) (Mod 2)

Biodiversity Risk Weighting	Credits Required
1.5	343
2	457
3	686

### Long Term Security of Offsets

39. The Applicant must make suitable arrangements to provide appropriate long term security for the:
- biodiversity offset areas by 31 March 2015, unless otherwise agreed with the Secretary; and
  - re-established woodland in the Rehabilitation Area at least 2 years prior to the cessation of rehabilitation activities associated with the development, or other timeframe agreed by the Secretary,
- to the satisfaction of the Secretary and, with respect to the Thomas Mitchell Drive off-site offset area identified in Table 13 above, in consultation with Council.
- 39A. Within 2 years of the approval of Mod 2, or other timeframe agreed by the Secretary, the Applicant must make in perpetuity offset security arrangements to the satisfaction of the Secretary for the 23 hectares of Box Gum Woodland, referred to as the 'proposed additional Box-Gum Woodland' located adjacent to the Saddlers Creek Offset Area, shown in Appendix 7.

### Biodiversity Management Plan

40. The Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with the CPHR and Council, and be submitted to the Secretary for approval by the end of March 2015, unless otherwise agreed with the Secretary;
  - describe how the implementation of the offset strategy would be integrated with the overall rehabilitation of the site (see below);
  - include:
    - a description of the short, medium, and long term measures that would be implemented to:
      - implement the offset strategy; and
      - manage the remnant vegetation and habitat on the site and in the offset areas;
    - detailed performance and completion criteria for the implementation of the offset strategy;
    - a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:
      - implementing revegetation and regeneration within the disturbance areas and offset areas, including establishment of canopy, sub-canopy (if relevant), understorey and ground strata;
      - protecting vegetation and soil outside the disturbance areas;
      - managing salinity;
      - undertaking pre-clearance surveys;
      - managing impacts on fauna;
      - landscaping the site and along public roads (including Thomas Mitchell Drive, Denman Road, Edderton Road and Roxburgh Road) to minimise visual and lighting impacts;
      - collecting and propagating seed;
      - salvaging, transplanting and/or propagating threatened flora and native grassland, in accordance with the *Guidelines for the Translocation of Threatened Plants in Australia* (Vallee *et al.*, 2004);
      - controlling weeds and feral pests;
      - managing grazing and agriculture;
      - controlling access;
      - bushfire management;

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- minimising impacts on Box Gum Woodland including re-establishing, enhancing and protecting the 'proposed additional Box Gum Woodland' areas (shown in Appendix 7) vegetation to a condition state commensurate with Box Gum Woodland;
- (iv) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria; and
- (v) details of who would be responsible for monitoring, reviewing, and implementing the plan.

40A. The Biodiversity Management Plan, as approved by the Secretary, must be implemented for the development.

### Conservation Bond

41. Within 6 months of the approval of the Biodiversity Management Plan, the Applicant must lodge a conservation and biodiversity bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond must be determined by:
- (a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and
  - (b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Secretary.

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

If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond.

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

#### Notes:

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

## REHABILITATION

### Rehabilitation Objectives

- 41A. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This rehabilitation must be generally consistent with the documents listed in condition 2 of Schedule 2 (and shown conceptually in the rehabilitation plan in Appendix 7 and the final landform plan in Appendix 8) and must comply with the objectives in Table 14.

Table 14: Rehabilitation Objectives

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Final landforms designed to incorporate natural micro-relief and natural drainage lines to integrate with surrounding landforms</li> <li>• Fit for the intended post-mining land use/s</li> <li>• Establish the final landform and post-mining land use/s as soon as practicable after cessation of mining operations</li> <li>• Minimise post-mining environmental impacts</li> </ul>
Final voids	<ul style="list-style-type: none"> <li>• Designed as long term groundwater sinks and to maximise groundwater flows across back-filled pits to the final void</li> <li>• Minimise to the greatest extent practicable:               <ul style="list-style-type: none"> <li>○ the size and depth of final voids</li> <li>○ the drainage catchment of final voids</li> <li>○ any high wall instability risk</li> </ul> </li> <li>• risk of flood interaction</li> </ul>
Agricultural land	<ul style="list-style-type: none"> <li>• Rehabilitate at least 33 hectares of Class II agricultural capability land in the area identified in the rehabilitation plan (see Appendix 7)</li> </ul>

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Feature	Objective
	<ul style="list-style-type: none"> <li>Rehabilitate other areas identified for agricultural use in the rehabilitation plan to sufficient agricultural capability to support grazing</li> </ul>
Revegetation areas <sup>1</sup>	<ul style="list-style-type: none"> <li>Restore at least 2,665 hectares of self-sustaining woodland ecosystems in accordance with the rehabilitation plan, including at least 523 hectares of White Box Yellow Box Blakely's Red Gum Woodland</li> </ul>
Creek diversions and realignments	<ul style="list-style-type: none"> <li>Flows to mimic pre-development flows for all flood events up to and including the 1 in 100 year ARI</li> <li>Incorporate erosion control measures based on vegetation and engineering revetments</li> <li>Incorporate structures for aquatic habitat, and replace any habitat removed</li> <li>Revegetate with suitable native species</li> </ul>
Surface infrastructure	<ul style="list-style-type: none"> <li>Surface infrastructure not required for the final land use to be decommissioned and removed</li> </ul>
Community	<ul style="list-style-type: none"> <li>Ensure public safety</li> <li>Minimise the adverse socio-economic effects associated with mine closure</li> </ul>
Water quality	<ul style="list-style-type: none"> <li>Water retained on the site is fit for the intended post-mining land use/s</li> <li>Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation</li> </ul>
Final landform	<ul style="list-style-type: none"> <li>Stable for the intended post-mining land use/s</li> <li>Integrated with surrounding natural landforms and other mine rehabilitated landforms, to the greatest extent practicable</li> <li>Incorporate micro-relief and drainage features that mimic natural topography and mitigate erosion, to the greatest extent practicable</li> <li>Maximise surface water drainage to the natural environment i.e. free draining (excluding final void catchment)</li> <li>Minimise visual impacts, where practicable</li> </ul>

Note:

<sup>1</sup> The rehabilitation plan for the site is shown in Appendix 7. Revegetation areas include the remnant woodland within the approved disturbance area (including the Impact Minimisation Area) shown in Appendix 7, which forms part of the woodland corridor area obligations under this consent.

### Rehabilitation Strategy

42. The Applicant must prepare a revised Rehabilitation Strategy for the Mt Arthur mine complex to the satisfaction of the Secretary. This strategy must:
- be prepared in consultation with the CPHR, the Resources Regulator and Council, and be submitted to the Secretary for approval within 12 months of the approval of Mod 2, unless otherwise agreed with the Secretary;
  - be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
  - align with strategic rehabilitation and mine closure objectives and address the principles of the Strategic Framework for Mine Closure (ANZMEC and MCA, 2000);
  - build upon the Rehabilitation Objectives in Table 14 and conceptual rehabilitation plan in Appendix 7, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including final voids), post-mining land use/s and water management;
  - describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition 40 of Schedule 3 and the Visual Amenity and Lighting requirements referred to in condition 52 of Schedule 3;
  - include details of target vegetation communities and species to be established within the proposed revegetation areas;
  - investigate opportunities to refine and improve the final landform and final void outcomes over time;
  - include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including the final voids), that:
    - considers regional and local strategic land use planning objectives and outcomes;
    - support a sustainable future for the local community;
    - utilise existing mining infrastructure, where practicable
    - opportunities for regional vegetation connectivity with adjoining developments; and

- avoid disturbing self-sustaining native ecosystems, where practicable;
- (i) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and
- (j) include a program to periodically review, and if necessary revise, this strategy at least every two years.

42A. The Rehabilitation Strategy, as approved by the Secretary, must be implemented for the development.

### Progressive Rehabilitation

43. Deleted

*Note: Progressive rehabilitation is a requirement under the conditions imposed under the Mining Act.*

### Rehabilitation Management Plan

44. Deleted

*Note: The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the provisions of the Mining Act 1992.*

## SOCIAL

### Closure Social Impact Management Plan

- 44A. The Applicant must prepare a Closure Social Impact Management Plan for the Mt Arthur mine complex to the satisfaction of the Secretary. This plan must:
- (a) be submitted to the Secretary for approval within six months of the approval of Mod 2, unless otherwise agreed with the Secretary;
  - (b) be prepared by suitably qualified and experienced person/s;
  - (c) be developed in consultation with Council and the CCC;
  - (d) include a Stakeholder Engagement Framework including details about communications with relevant stakeholders, including local services providers, and particularly focussed on the Muswellbrook community, and incorporating risk communication techniques;
  - (e) describe the measures that would be implemented to manage and mitigate negative (and cumulative) social impacts from mine closure;
  - (f) describe the community benefits funding arrangements to support the transition to closure of the mine, having regard to local and NSW State Government initiatives to support workforce and community transition following closure including the relevant Future Jobs and Investment Authority;
  - (g) include a program to monitor, review and report on the effectiveness of these measures including:
    - (i) identifying performance indicators, incorporating trigger action response plan; and
    - (ii) having regard to the principles and monitoring framework recommended in the “*Social Impact Assessment for the Mt Arthur Coal Mine Modification 2030 Project (1 September 2023)*” MOD 2;
- 44B. The Closure Social Impact Management Plan, as approved by the Secretary, must be implemented for the development.

## HERITAGE

### Protection of Aboriginal Heritage

45. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage items located outside the approved disturbance area.
- 45A. If any suspected human remains are discovered in, on or under the land:
- (a) all work at the location must immediately cease;
  - (b) the area must be secured to avoid further harm to the remains;
  - (c) local police and Heritage NSW must be notified as soon as practicable and details of the suspected remains and their locations provided; and
  - (d) work must not recommence at the location unless authorised in writing by the Secretary.

- 45B. Any human remains determined to be a traditional Aboriginal ancestral burial must be managed in consultation with the RAPs and Heritage NSW.
- 45C. The applicant must maintain a database of all Aboriginal objects that have been collected/salvaged. The database must:
- (a) identify and describe each Aboriginal object that has been collected/salvaged;
  - (b) identify where the Aboriginal objects were originally located; and
  - (c) identify where the Aboriginal objects are stored.

*Note: The applicant is required to submit a completed Aboriginal site impact recording form to the NSW Aboriginal Heritage Information Management System for each Aboriginal site that has been subject to salvage.*

### Aboriginal Heritage Management Plan

- 45D. The Applicant must prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person;
  - (b) be prepared in consultation with the RAPs;
  - (c) be prepared in consultation with Heritage NSW;
  - (d) include a clear map demarcating the Aboriginal sites that would be protected;
  - (e) include a clear map demarcating the Aboriginal sites that would be disturbed;
  - (f) describe the measures that would be implemented to manage and mitigate the impacts to Aboriginal sites identified to be disturbed, including:
    - (i) the requirements, methodology and procedures for collection of surface artefacts within the approved disturbance area;
    - (ii) the measures that would be implemented to protect, store and manage salvaged Aboriginal objects over the life of the development, including post mining; and
    - (iii) procedures for recording details of any Aboriginal objects that are collected or salvaged;
  - (g) describe the measures to be implemented on the site to undertake care, control and temporary storage of Aboriginal objects salvaged on the site during the life of the development;
  - (h) describe the measures that would be implemented to manage the discovery of any new Aboriginal objects or suspected human remains during the development;
  - (i) describe the measures to be implemented to ensure ongoing consultation with the RAPs for the long term management of salvaged Aboriginal objects, having regard to the cultural values of the salvaged Aboriginal objects and final landform/post mining landuses.
- 45E. The Aboriginal Heritage Management Plan, as approved by the Secretary, must be implemented for the development.

### Historic Heritage Management Plan

- 45F. The Applicant must prepare a Historic Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the Heritage NSW, Council, local historical organisations and relevant landowners;
  - (b) include the following for the management of other historic heritage on site:
    - conservation management plans for the Edinglassie and Rous Lench homesteads;
    - a detailed plan for the relocation of the Beer Homestead, including provision for a landscape study to determine the most appropriate location and an architectural report to determine the most sympathetic method for relocation;
    - a program/procedures for:
      - photographic and archival recording of potentially affected heritage items;
      - protection and monitoring of heritage items outside the development disturbance area;
      - monitoring, notifying and managing the effects of blasting on potentially affected heritage items; and
      - additional archaeological excavation and/or recording of any significant heritage items requiring demolition; and
    - describe the measures to be implemented to manage and conserve identified historic heritage items on the site during the life of the development and in the long term, having regard to potential post mining landuses.
- 45G. The Historic Heritage Management Plan, as approved by the Secretary, must be implemented for the development.

## TRANSPORT

### Monitoring of Coal Transport

46. The **Applicant must** keep records of the:
- amount of coal transported from the site in each financial year;
  - number of coal haulage train movements generated by the Mt Arthur mine complex (on a daily basis); and
  - make these records available on its website at the end of each financial year.

### Road Upgrades and Maintenance

47. The **Applicant must**:
- contribute to the upgrade and maintenance of Thomas Mitchell Drive, proportionate to its impact (based on usage) on that infrastructure, in accordance with the Contributions Study prepared by GHD titled, "*Thomas Mitchell Drive Contributions Study, December 2014*" (or its latest version), unless otherwise agreed by the Secretary;
  - upgrade the Thomas Mitchell Drive/New England Highway intersection to the satisfaction of the applicable roads authority, by the end of June 2011 unless otherwise agreed by the roads authority;
  - upgrade the Thomas Mitchell Drive/Denman Road intersection to the satisfaction of the applicable roads authority, by the end of December 2017, unless otherwise agreed by the Secretary;
  - realign Edderton Road and its intersection with Denman Road prior to mining within 200 metres of the road, to the satisfaction of Council and the TfNSW;
  - upgrade the intersection of Edderton Road and the secondary site access road to the satisfaction of Council prior to using this road for deliveries to the relocated explosives facility; and
  - maintain reasonable access to the summit of Mt Arthur for emergency services and legitimate users on a 24 hour per day basis, except for temporary closures as required for blasting.

The road or intersection upgrades referred to in this condition may be satisfied through funding the required upgrades, subject to the agreement of the applicable roads authority, and subject to providing the funding such that the upgrades can be completed within the stated timeframe.

For Thomas Mitchell Drive, the contributions must:

- be paid to Council within three months of the GHD contributions study being issued by the Department for the upgrade works; and
- be paid to Council in accordance with the maintenance schedule established in accordance with the Contributions Study during the life of the **development**, unless otherwise agreed with Council.

If there is any dispute between the **Applicant** and Council or TfNSW in relation to the funding or completion of the upgrades, then any of the parties may refer the matter to the Secretary for resolution.

Note:

- In making a determination about the applicable upgrade and maintenance contributions for Thomas Mitchell Drive, the Secretary **must** take into account the contributions already paid and currently required to be paid towards the upgrade and maintenance of the local road network surrounding Muswellbrook under **this consent** and the planning agreement executed on 24 June 2011, and summarised in Appendix 9.
- For clarity it is noted that while the **Applicant** is required to upgrade the Thomas Mitchell Drive/Denman Road intersection in accordance with Condition 47 (c), it may receive contributions from other mining companies toward the cost of accelerating this upgrade, in proportion to the respective impacts of these other mine/s on this intersection, as identified in the Contributions Study prepared by GHD titled "*Thomas Mitchell Drive Contributions Study, December 2014*" (or its latest version), unless otherwise agreed with the Secretary.

### Railway Crossing

48. The **Applicant must** implement all reasonable and feasible measures to minimise blocking the railway crossing on Antiene Railway Station Road, to the satisfaction of the Secretary.

### Rail Loop Duplication

- 48A. The **Applicant must** ensure that the rail loop duplication is undertaken in consultation with the ARTC and relevant infrastructure/land owners (including Council), and constructed to meet relevant standards and network interface requirements, to the satisfaction of ARTC.
- 48B. The **Applicant must** prepare and implement a Construction Management Plan for the rail loop duplication and associated bridge widening to the satisfaction of the Secretary. This plan must be prepared in consultation with Council and ARTC, and must be submitted to the Secretary for approval prior to the commencement of construction activities for the rail duplication and associated bridge. The plan must describe how public safety and access to Thomas Mitchell Drive would be maintained during the construction period.

## VISUAL

### Mining Operations Additional Visual Impact Mitigation

49. By the end of December 2014, the **Applicant must** revise the *Visual Impacts Management Report* prepared by AECOM in May 2011, to the satisfaction of the Secretary. The revised report must:
- identify the privately-owned land that is likely to experience significant visual impacts during the **development**; and
  - describe (in general terms) the additional mitigation measures that could be implemented to reduce the visibility of the mine from these properties.

*Notes:*

- The additional visual impact mitigation measures should be aimed at reducing the visibility of the mine from significantly affected residences or areas on privately-owned land subject to tourist and/or general public access or areas on the Woodlands thoroughbred horse stud with views of the **development**, and do not necessarily require measures to reduce visibility of the mine from other locations on affected properties. The additional visual impact mitigation measures do not necessarily have to include measures on the affected property itself (i.e. the additional measures may consist of measures outside the affected property boundary that provide an effective reduction in visual impacts).*
- Except in exceptional circumstances, the Secretary will not require additional visual impact mitigation to be undertaken for residences that are more than 5 kilometres from the mining operations.*

50. Within 3 months of the Secretary approving this report, the **Applicant must** advise all owners of privately-owned land identified in the report that they are entitled to additional mitigation measures to reduce the visibility of the mine from their properties.

51. Upon receiving a written request from an owner of privately-owned land identified the **Visual Impacts Management Report**, or upon receiving a direction from the Secretary regarding any other privately-owned land, the **Applicant must** implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) in consultation with the landowner, and to the satisfaction of the Secretary.

These mitigation measures must be reasonable and feasible, and must be implemented within a reasonable timeframe.

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

### Visual Amenity and Lighting

52. The **Applicant must**:
- implement all reasonable and feasible measures to mitigate visual and off-site lighting impacts of the **development**;
  - ensure no outdoor lights shine above the horizontal; and
  - ensure that all external lighting associated with the **development** complies with relevant Australian Standards, including *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the Secretary.

## WASTE

53. The **Applicant must**:
- minimise and monitor the waste generated by the **development**;
  - ensure that the waste generated by the **development** is appropriately stored, handled and disposed of;
  - manage on-site sewage treatment and disposal in accordance with the requirements of Council;
  - report on waste management and minimisation in the Annual Review; and
  - ensure that waste tyres generated by the development are appropriately stored, handled and disposed of, and beneficial reuse/recycling options implemented in accordance with any requirements of an EPL,** to the satisfaction of the Secretary.

## BUSHFIRE MANAGEMENT

54. The **Applicant must**:
- ensure that the **development** is suitably equipped to respond to any fires on site; and
  - assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site.

**SCHEDULE 4  
ADDITIONAL PROCEDURES****NOTIFICATION OF LANDOWNERS**

1. By the end of September 2014, the **Applicant must** ensure that the owners of the land listed in:
  - (a) Table 1 of schedule 3 have been notified in writing that they have the right to require the **Applicant** to acquire their land at any stage during the **development**;
  - (b) Table 1 (noise affected land) and Table 4 of schedule 3 have been notified in writing that they are entitled to ask the **Applicant** to install additional noise mitigation measures at their residence at any stage during the **development**; and
  - (c) Table 1 (air quality affected land) and Table 12 of schedule 3 have been notified in writing that they are entitled to ask the **Applicant** to install additional air quality mitigation measures at their residence at any stage during the **development**.
2. If the results of the monitoring required in schedule 3 identify that impacts generated by the **development** are greater than the relevant impact assessment criteria, except where a negotiated agreement has been entered into in relation to that impact, then the **Applicant must**, within 2 weeks of obtaining the monitoring results notify the Secretary, the affected landowners and tenants (including tenants of mine-owned properties) accordingly, and provide regular monitoring results to each of these parties until the results show that the **development** is complying with the criteria in schedule 3.
3. The **Applicant must** send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to all landowners and/or existing or future tenants (including tenants of mine owned properties) of properties where:
  - (a) the predictions in the EA identify that the dust emissions generated by the **development** are likely to be greater than the air quality land acquisition criteria in schedule 3; and
  - (b) monitoring results identify that the mine is exceeding the air quality land acquisition criteria in schedule 3, with such notice to be provided within 2 weeks of identifying the exceedance.
- 3A. The **Applicant must** ensure that any receiver identified in condition 1 of schedule 4 is notified in writing of any change in the status of their acquisition or mitigation rights, at least 12 months prior to this change occurring, to the satisfaction of the Secretary.

**INDEPENDENT REVIEW**

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

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

- (a) Commission and fund a suitably qualified, experienced and independent expert, whose appointment has been approved by the Secretary, to:
    - consult with the landowner to determine his/her concerns;
    - conduct monitoring to determine whether the **development** is complying with the relevant impact assessment criteria in schedule 3; and
    - if the **development** is not complying with these criteria then:
      - determine if the more than one mine is responsible for the exceedance, and if so the relative share of each mine regarding the impact on the land;
      - identify the measures that could be implemented to ensure compliance with the relevant criteria; and
  - (b) give the Secretary and landowner a copy of the independent review.
5. If the independent review determines that the **development** is complying with the relevant impact assessment criteria in schedule 3, then the **Applicant** may discontinue the independent review with the approval of the Secretary.

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

- (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until the **development** complies with the relevant criteria; or
- (b) secure a written agreement with the landowner to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the Secretary.

If the measures referred to in (a) do not achieve compliance with the air quality acquisition criteria in schedule 3, and the **Applicant** cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then upon receiving a written request from the landowner, the **Applicant**

**must** acquire all or part of the landowner's land in accordance with the procedures in conditions 7-8 below.

6. If the independent review determines that the relevant impact assessment criteria in schedule 3 are being exceeded, but that more than one mine is responsible for this non-compliance, then the **Applicant must**, together with the relevant mine/s:
- implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until there is compliance with the relevant criteria; or
  - secure a written agreement with the landowner and other relevant mines to allow exceedances of the relevant impact assessment criteria in schedule 3, to the satisfaction of the Secretary.

If the measures referred to in (a) do not achieve compliance with the air quality acquisition criteria in schedule 3, and the **Applicant** together with the relevant mine/s cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then upon receiving a written request from the landowner, the **Applicant must** acquire all or part of the landowner's land on as equitable a basis as possible with the relevant mine/s, in accordance with the procedures in conditions 7-8 below.

### LAND ACQUISITION

7. Within 3 months of receiving a written request from a landowner with acquisition rights, the **Applicant must** make a binding written offer to the landowner based on:
- the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the **development**, having regard to the:
    - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
    - presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the 'additional noise mitigation measures' in condition 7 of schedule 3, or 'additional air quality mitigation measures' in condition 22 of schedule 3;
  - the reasonable costs associated with:
    - relocating within the Muswellbrook, Singleton or Scone local government area, or to any other local government area determined by the Secretary; and
    - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
  - reasonable compensation for any disturbance caused by the land acquisition process.

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

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

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

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

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Secretary **must** determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, and the detailed report of the party that disputes the independent valuer's determination. Within 14 days of this determination, the **Applicant must** make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.

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

## CONSOLIDATED CONSENT

8. The Applicant must pay all reasonable costs associated with the land acquisition process described in condition 7 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.
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FOR INFORMATION

**SCHEDULE 5  
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

**ENVIRONMENTAL MANAGEMENT**

**Environmental Management Strategy**

1. The **Applicant must** prepare an Environmental Management Strategy for the **development** to the satisfaction of the Secretary. The strategy must:
  - (a) provide the strategic framework for environmental management of the **development**;
  - (b) identify the statutory approvals that apply to the **development**;
  - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the **development**;
  - (d) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the **development**;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the **development**;
    - respond to any non-compliance;
    - respond to emergencies; and
  - (e) include:
    - copies of the various strategies, plans and programs that are required under the conditions of **this consent** once they have been approved; and
    - a clear plan depicting all the monitoring to be carried out in relation to the **development**.
- 1A. The Environment Management Strategy, as approved by the Secretary, must be implemented for the **development**.

**Management Plan Requirements**

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

**Annual Review**

3. By the end of June each year, the **Applicant must** review the environmental performance of the **development**. This review must:
  - (a) describe the works that were carried out in the past year, and the works that are proposed to be carried out over the next year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the **development** over the past year, which includes a comparison of these results against the
    - the relevant statutory requirements, limits or performance measures/criteria;
    - the monitoring results of previous years; and
    - the relevant predictions in the EA;
  - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
  - (d) identify any trends in the monitoring data over the life of the **development**;
  - (e) identify any discrepancies between the predicted and actual impacts of the **development**, and analyse the potential cause of any significant discrepancies; and

- (f) describe what measures will be implemented over the next year to improve the environmental performance of the [development](#).

### Revision of Strategies, Plans and Programs

4. Within 3 months of:
- (a) the submission of an annual review under condition 3 above;
  - (b) the submission of an incident report under condition 7 below;
  - (c) the submission of an audit under condition 9 below; or
  - (d) any modification to the conditions of [this consent](#),
- the [Applicant must](#) review, and if necessary revise, the strategies, plans, and programs required under [this consent](#) to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within four weeks of the review the revised document must be submitted to the Secretary for approval.

*Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the [development](#).*

### Community Consultative Committee

5. The [Applicant must](#) establish and operate a CCC for the [development](#) to the satisfaction of the Secretary. This CCC must be established by the end of March 2011 and be operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version).

*Notes:*

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the [Applicant](#) complies with [this consent](#).*
- *In accordance with the Guideline, the Committee should comprise an independent chair and appropriate representation from the [Applicant](#), affected councils and the general community.*

### Management of Cumulative Impacts

6. In conjunction with the owners of the nearby [Maxwell](#) and Bengalla mines, the [Applicant must](#) use its best endeavours to minimise the cumulative impacts of the [development](#) on the surrounding area to the satisfaction of the Secretary.

*Note: Nothing in [this consent](#) is to be construed as requiring the [Applicant](#) to act in a manner which is contrary to the Trade Practices Act 1974.*

## REPORTING

### Incident Notification

7. The [Applicant must](#) notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
- (a) date, time and location;
  - (b) a brief description of what occurred and why it has been classified as an incident;
  - (c) a description of what immediate steps were taken in relation to the incident;
  - (d) identifying a contact person for further communication regarding the incident.

- 7A. The [Applicant must](#) provide the Department with a subsequent incident report in accordance with Appendix 11 (Incident Notification and Reporting Requirements).

### Non-Compliance Notification

- 7B. Within seven days of becoming aware of a non-compliance, the [Applicant must](#) notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW Planning Portal (Department's Major Projects Website). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

### Regular Reporting

8. The [Applicant must](#) provide regular reporting on the environmental performance of the [development](#) on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of [this consent](#), and to the satisfaction of the Secretary.

**INDEPENDENT ENVIRONMENTAL AUDIT**

9. Independent Environmental Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (2020) or as updated from time to time and published on the Department's website.
10. Within 6 weeks of the completion of this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The Applicant must implement these recommendations.

**ACCESS TO INFORMATION**

11. From the end of December 2010, the Applicant must:
    - (a) make the following information publicly available on its website:
      - a copy of all current statutory approvals for the development;
      - a copy of the current environmental management strategy and associated plans and programs;
      - a summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
      - a complaints register, which is to be updated on a monthly basis;
      - a copy of the minutes of CCC meetings;
      - a copy of any Annual Reviews (over the last 5 years);
      - a copy of any Independent Environmental Audit, and the Applicant's response to the recommendations in any audit;
      - any other matter required by the Secretary; and
    - (b) keep this information up to date, to the satisfaction of the Secretary.
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**APPENDIX 1: SCHEDULE OF LAND**

**MT ARTHUR COAL OPEN CUT MODIFICATION  
ATTACHMENT A TO REQUEST TO MODIFY A MAJOR PROJECT FORM**

Property Ownership within EA Boundary		
Ownership	Lot	DP
Anglo Coal (Drayton Management) Pty Limited	321	625513
Anglo Coal (Drayton Management) Pty Limited	3	701496
Anglo Coal (Drayton Management) Pty Limited	4	701496
Anglo Coal (Drayton Management) Pty Limited	6	701496
Anglo Coal (Drayton Management) Pty Limited	8	843635
Anglo Coal (Drayton Management) Pty Limited	64	850818
Anglo Coal (Drayton Management) Pty Limited	65	850818
Anglo Coal (Drayton Management) Pty Limited	1	1004725
Anglo Coal (Drayton Management) Pty Limited	22	1018587
Anglo Coal (Drayton Management) Pty Limited	180	812852
Crown	2	48776
Crown	3	48776
Crown	4	48776
Crown	5	48776
Crown	6	48776
Crown	7	48776
Crown	8	48776
Crown	7003	93323
Crown	11	632691
Crown	160	722249
Crown	1	752486
Crown	85	752500
Crown	10	793428
Crown	1	532672
Crown	108	43392
Crown	1	47302
Freehold (Private Landholding)	4	6090
Freehold (Private Landholding)	1	34397
Freehold (Private Landholding)	2	34397
Hunter Valley Energy Coal Limited	1	223018
Freehold (Muswellbrook Council)	112	633293
Freehold (Private Landholding)	1	752441
Freehold (Private Landholding)	97	752441
Freehold (Private Landholding)	98	752441
Freehold (Private Landholding)	102	752441
Freehold (Private Landholding)	1	956112
Freehold (Private Landholding)	68	752500
Freehold (Private Landholding)	69	752500
Freehold (Private Landholding)	70	752500
Freehold (Private Landholding)	71	752500
Hunter Valley Energy Coal Limited	5	726248
Hunter Valley Energy Coal Limited	111	633293
Hunter Valley Energy Coal Limited	1	1090735
Hunter Valley Energy Coal Limited	2	1090735
Hunter Valley Energy Coal Limited	3	1090735
Hunter Valley Energy Coal Limited	4	1090735
Hunter Valley Energy Coal Limited	5	1090735
Hunter Valley Energy Coal Limited	6	1090735
Hunter Valley Energy Coal Limited	8	26211
Hunter Valley Energy Coal Limited	9	26211
Hunter Valley Energy Coal Limited	10	26211
Hunter Valley Energy Coal Limited	1	27346

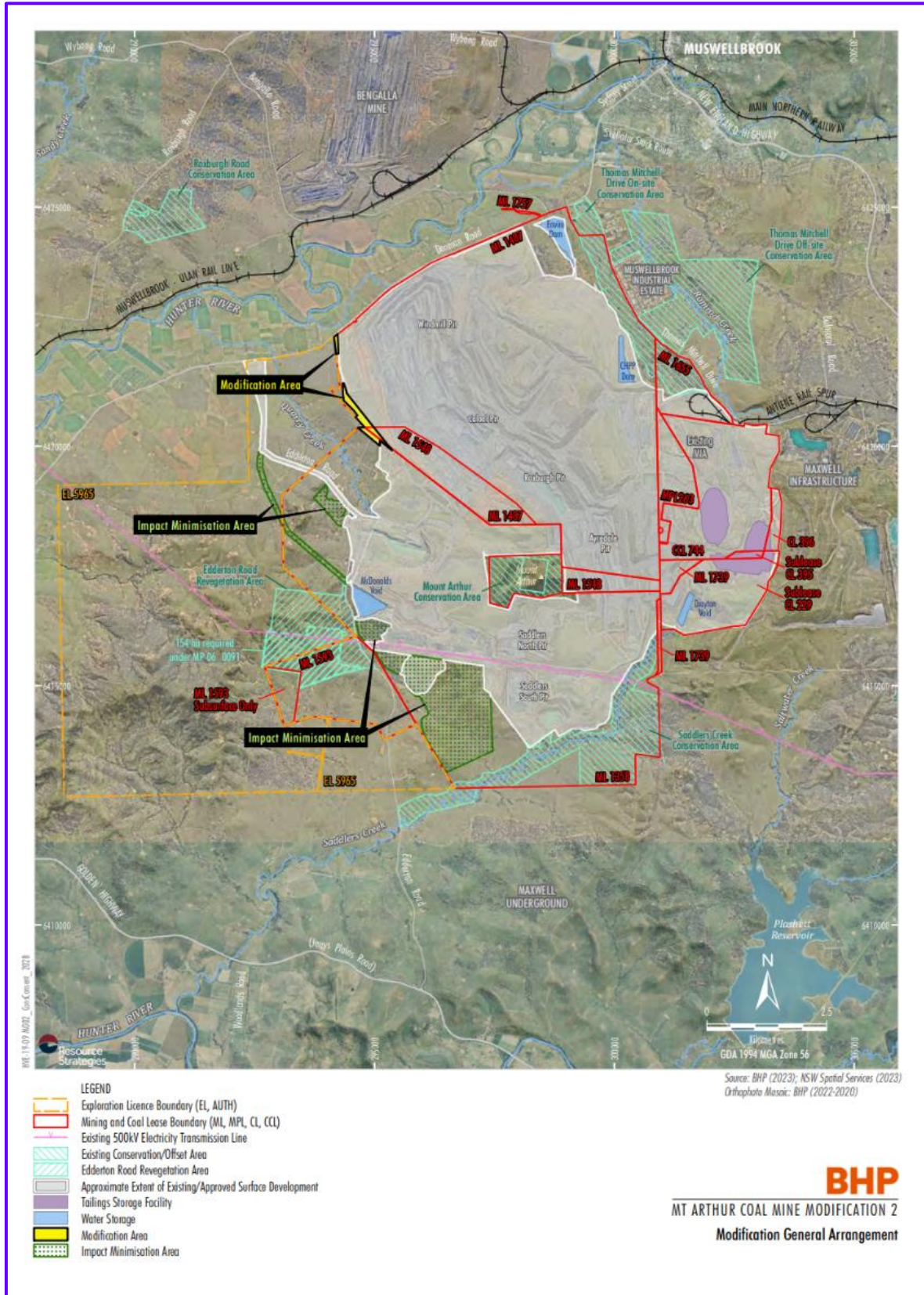
## CONSOLIDATED CONSENT

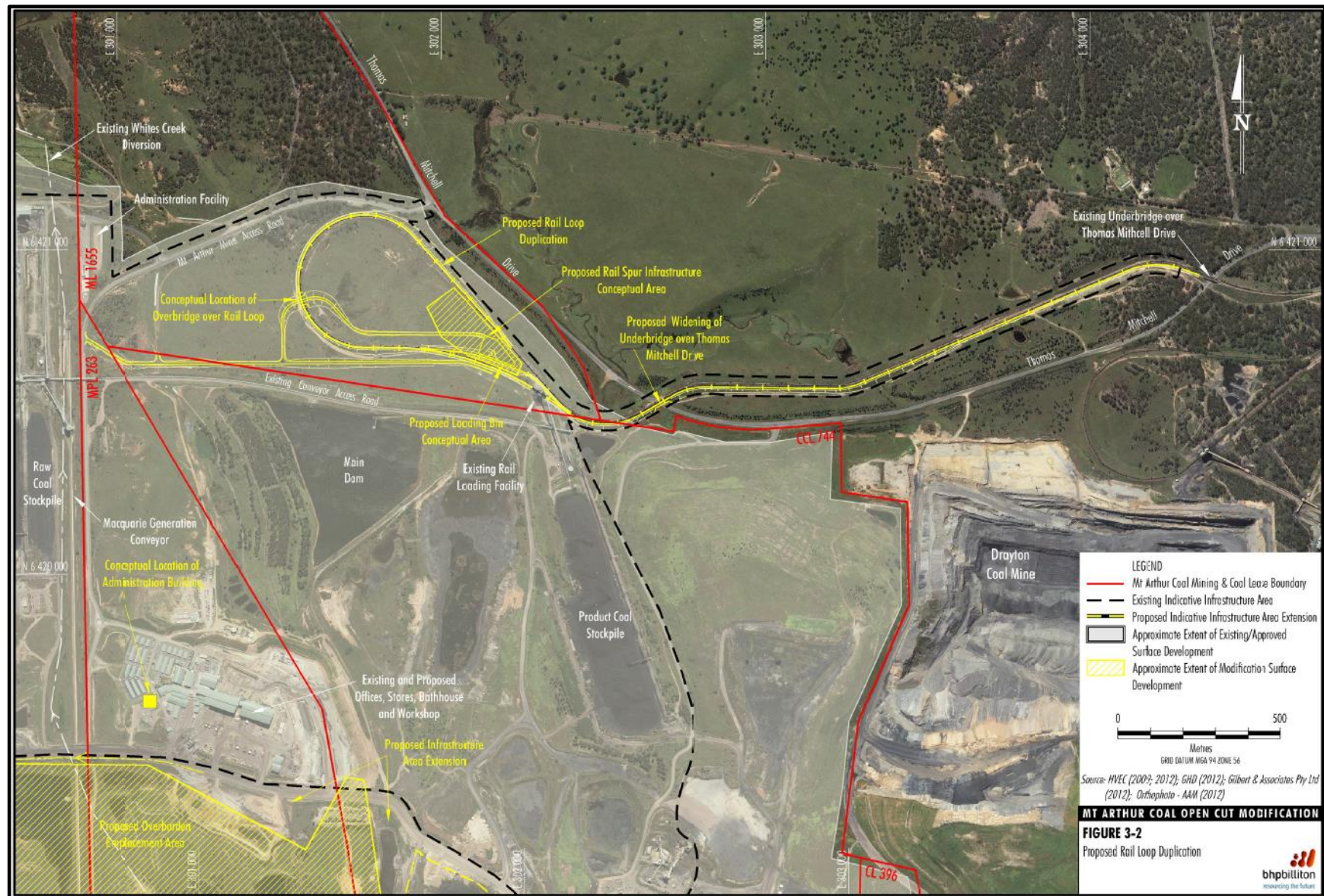
Property Ownership within EA Boundary		
Ownership	Lot	DP
Hunter Valley Energy Coal Limited	2	27346
Hunter Valley Energy Coal Limited	3	27346
Hunter Valley Energy Coal Limited	4	27346
Hunter Valley Energy Coal Limited	5	27346
Hunter Valley Energy Coal Limited	6	27346
Hunter Valley Energy Coal Limited	7	27346
Hunter Valley Energy Coal Limited	8	27346
Hunter Valley Energy Coal Limited	11	27346
Hunter Valley Energy Coal Limited	12	27346
Hunter Valley Energy Coal Limited	13	27346
Hunter Valley Energy Coal Limited	14	27346
Hunter Valley Energy Coal Limited	15	27346
Hunter Valley Energy Coal Limited	16	27346
Hunter Valley Energy Coal Limited	1	29950
Hunter Valley Energy Coal Limited	2	29950
Hunter Valley Energy Coal Limited	3	29950
Hunter Valley Energy Coal Limited	4	29950
Hunter Valley Energy Coal Limited	5	29950
Hunter Valley Energy Coal Limited	6	29950
Hunter Valley Energy Coal Limited	7	29950
Hunter Valley Energy Coal Limited	8	29950
Hunter Valley Energy Coal Limited	9	29950
Hunter Valley Energy Coal Limited	10	29950
Hunter Valley Energy Coal Limited	11	29950
Hunter Valley Energy Coal Limited	12	29950
Hunter Valley Energy Coal Limited	1	101142
Hunter Valley Energy Coal Limited	1	113689
Hunter Valley Energy Coal Limited	1	133634
Hunter Valley Energy Coal Limited	2	133634
Hunter Valley Energy Coal Limited	1	204369
Hunter Valley Energy Coal Limited	4	204369
Hunter Valley Energy Coal Limited	13	228159
Hunter Valley Energy Coal Limited	115	246348
Hunter Valley Energy Coal Limited	111	246348
Hunter Valley Energy Coal Limited	112	246348
Hunter Valley Energy Coal Limited	113	246348
Hunter Valley Energy Coal Limited	114	246348
Hunter Valley Energy Coal Limited	4	247064
Hunter Valley Energy Coal Limited	1	249536
Hunter Valley Energy Coal Limited	2	249536
Hunter Valley Energy Coal Limited	3	249536
Hunter Valley Energy Coal Limited	4	249536
Hunter Valley Energy Coal Limited	5	249536
Hunter Valley Energy Coal Limited	6	249536
Hunter Valley Energy Coal Limited	1	308136
Hunter Valley Energy Coal Limited	1	372862
Hunter Valley Energy Coal Limited	1	385720
Hunter Valley Energy Coal Limited	2	385720
Hunter Valley Energy Coal Limited	2	387021
Hunter Valley Energy Coal Limited	3	387021
Hunter Valley Energy Coal Limited	4	390143
Hunter Valley Energy Coal Limited	1	403081
Hunter Valley Energy Coal Limited	A	407349
Hunter Valley Energy Coal Limited	C	407349

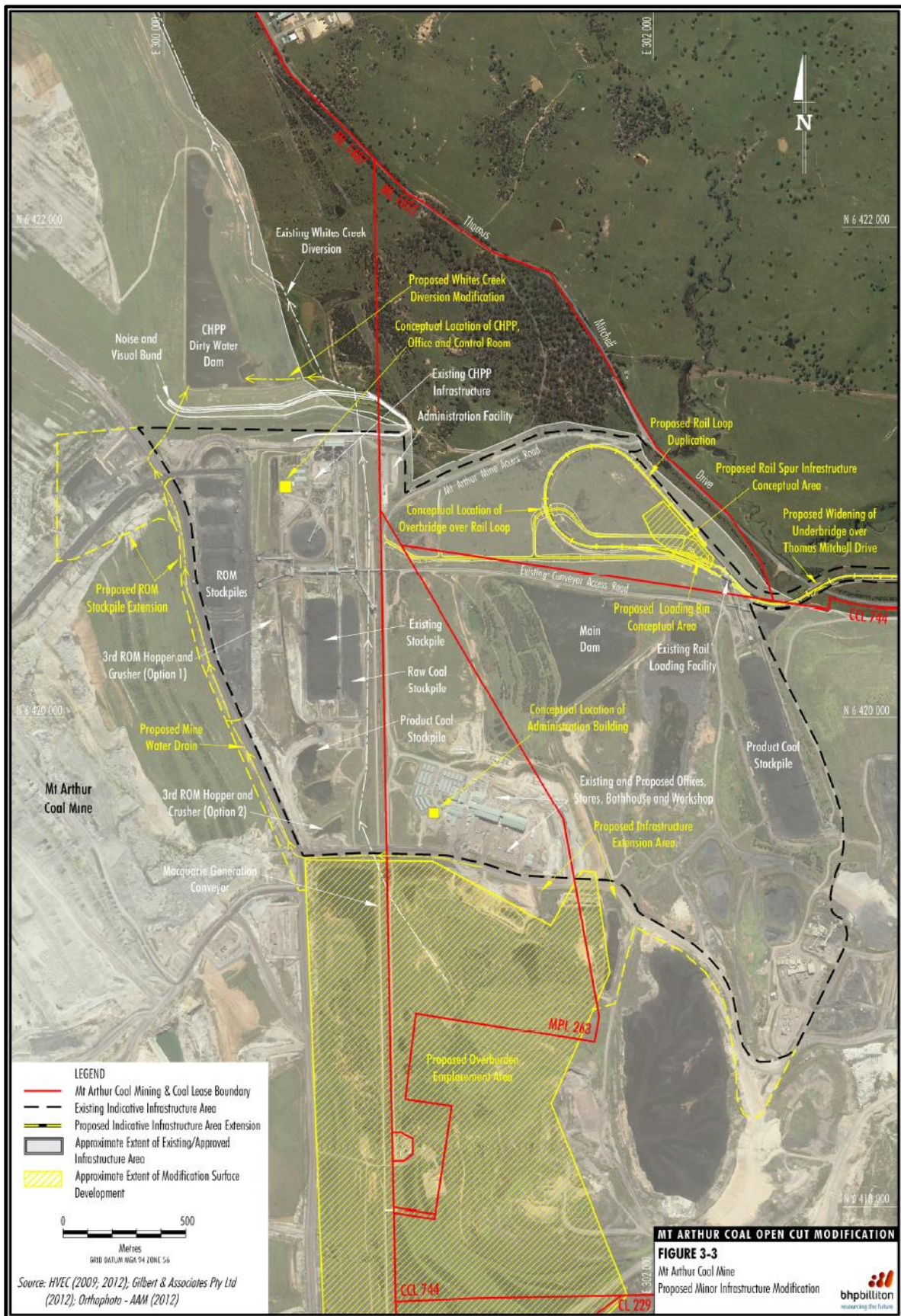
## CONSOLIDATED CONSENT

Property Ownership within EA Boundary		
Ownership	Lot	DP
Hunter Valley Energy Coal Limited	1	503827
Hunter Valley Energy Coal Limited	111	514759
Hunter Valley Energy Coal Limited	112	514759
Hunter Valley Energy Coal Limited	1	515936
Hunter Valley Energy Coal Limited	2	515936
Hunter Valley Energy Coal Limited	11	526344
Hunter Valley Energy Coal Limited	20	550431
Hunter Valley Energy Coal Limited	1	573259
Hunter Valley Energy Coal Limited	2	573259
Hunter Valley Energy Coal Limited	121	575515
Hunter Valley Energy Coal Limited	122	575515
Hunter Valley Energy Coal Limited	123	575515
Hunter Valley Energy Coal Limited	124	575515
Hunter Valley Energy Coal Limited	2	601359
Hunter Valley Energy Coal Limited	10	632691
Hunter Valley Energy Coal Limited	9	655749
Hunter Valley Energy Coal Limited	159	722249
Hunter Valley Energy Coal Limited	110	727767
Hunter Valley Energy Coal Limited	63	752449
Hunter Valley Energy Coal Limited	49	752500
Hunter Valley Energy Coal Limited	83	752500
Hunter Valley Energy Coal Limited	154	752500
Hunter Valley Energy Coal Limited	166	752503
Hunter Valley Energy Coal Limited	30	787702
Hunter Valley Energy Coal Limited	604	802124
Hunter Valley Energy Coal Limited	605	802124
Hunter Valley Energy Coal Limited	607	802124
Hunter Valley Energy Coal Limited	1	806149
Hunter Valley Energy Coal Limited	2	806149
Hunter Valley Energy Coal Limited	201	842045
Hunter Valley Energy Coal Limited	1	843634
Hunter Valley Energy Coal Limited	2	843634
Hunter Valley Energy Coal Limited	3	843634
Hunter Valley Energy Coal Limited	4	843634
Hunter Valley Energy Coal Limited	6	843635
Hunter Valley Energy Coal Limited	7	843635
Hunter Valley Energy Coal Limited	9	843635
Hunter Valley Energy Coal Limited	66	850818
Hunter Valley Energy Coal Limited	21	1018587
Hunter Valley Energy Coal Limited	113	1078759
Hunter Valley Energy Coal Limited	115	1078759
Macquarie Generation	1	790994
Macquarie Generation	181	812852
Macquarie Generation	46	241179
Macquarie Generation	45	241179
Macquarie Generation	44	241179
Macquarie Generation	1	556370
Macquarie Generation	1	238862
Macquarie Generation	PT5	752486
Macquarie Generation	PT2	752486
Macquarie Generation	22	241179

APPENDIX 2: DEVELOPMENT LAYOUT PLANS







### APPENDIX 3: PREVIOUS EAs

#### **Mt Arthur North Mine**

Development Application 144-05-2000 and Environmental Impact Statement titled *The Mt Arthur North Coal Project*, dated April 2000, and prepared by URS Australia, as amended by the following:

- Submissions to the Commission of Inquiry; and
- the 2002 modification application, including the plans titled *Mount Arthur North Industrial Area Facilities – General Arrangement*, prepared by Sinclair Knight Merz, dated 26 November 2002.

#### **South Pit Extension Project**

Development Application 06\_0108 and Environmental Assessment titled *Proposed South Pit Extension Project*, dated July 2007, including the response to submissions dated November 2007.

#### **Bayswater No.3 Mine**

Development Application 210/93 and Environmental Impact Statement dated November 1993, and prepared by Resource Planning Pty Ltd, as amended by the following:

- Submissions to the Commission of Inquiry;
- the modification application and accompanying Statement of Environmental Effects, dated September 1999; and
- the modification application and accompanying Statement of Environmental Effects, dated 1 March 2001.

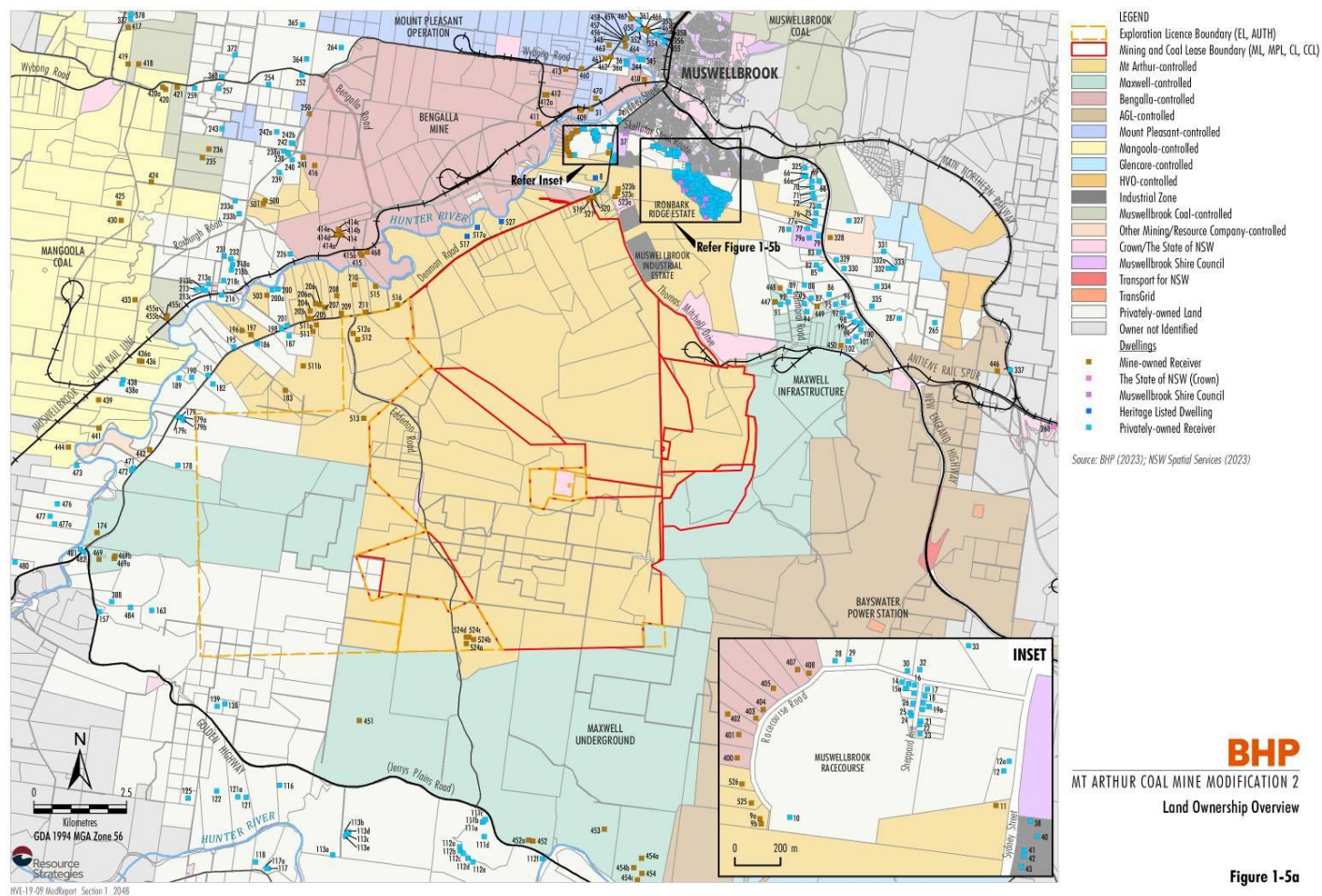
#### **Bayswater Rail Loading Facility and Rail Loop**

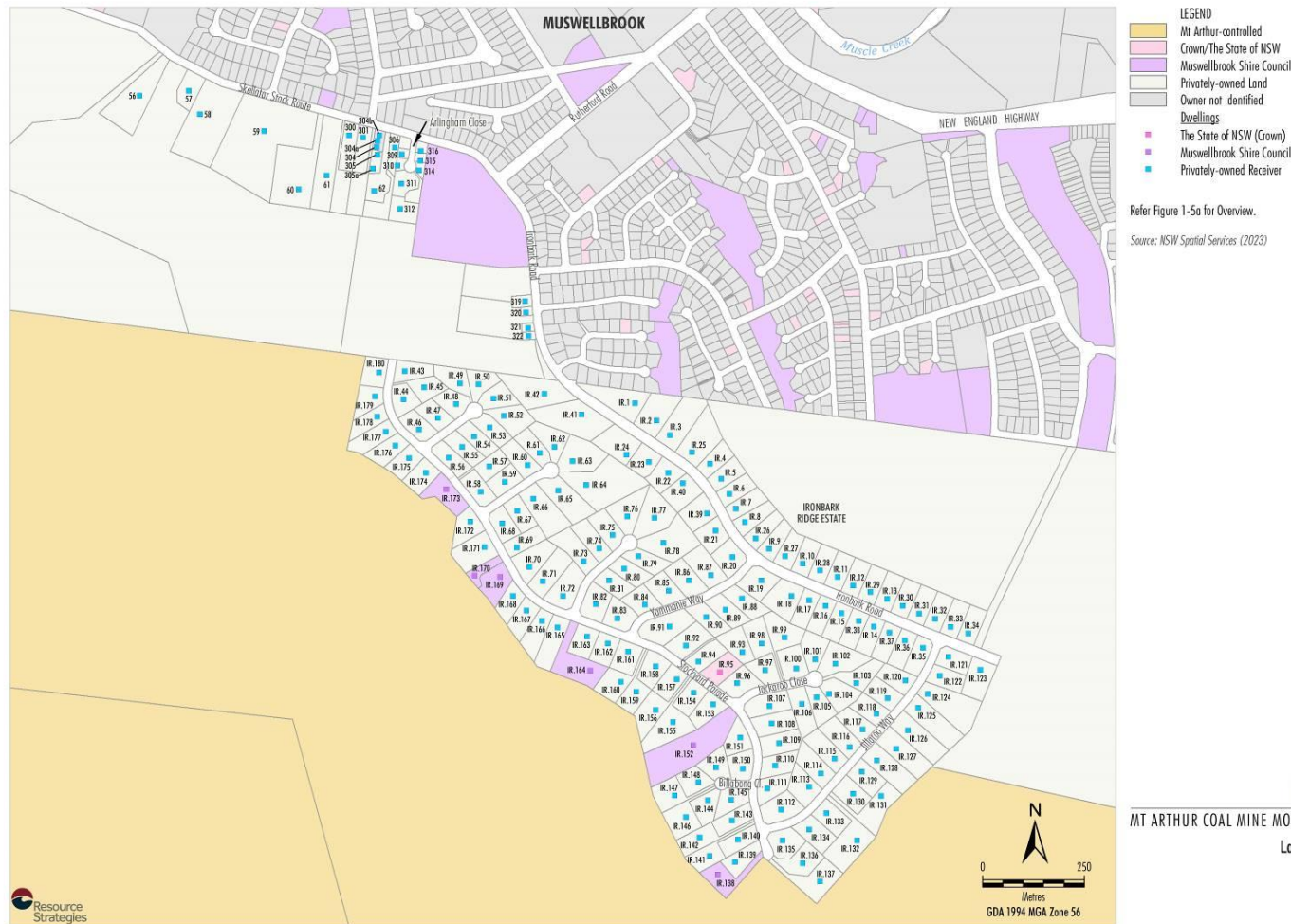
Development Application 105-04-00 and Environmental Impact Statement dated March 2000, and prepared by Umwelt (Australia) Pty Ltd.

#### **Bayswater Coal Preparation Plant**

Development Application 24/97 and Environmental Impact Statement dated April 1997, and prepared by Umwelt (Australia) Pty Ltd.

## APPENDIX 4: RECEIVER LOCATION PLANS



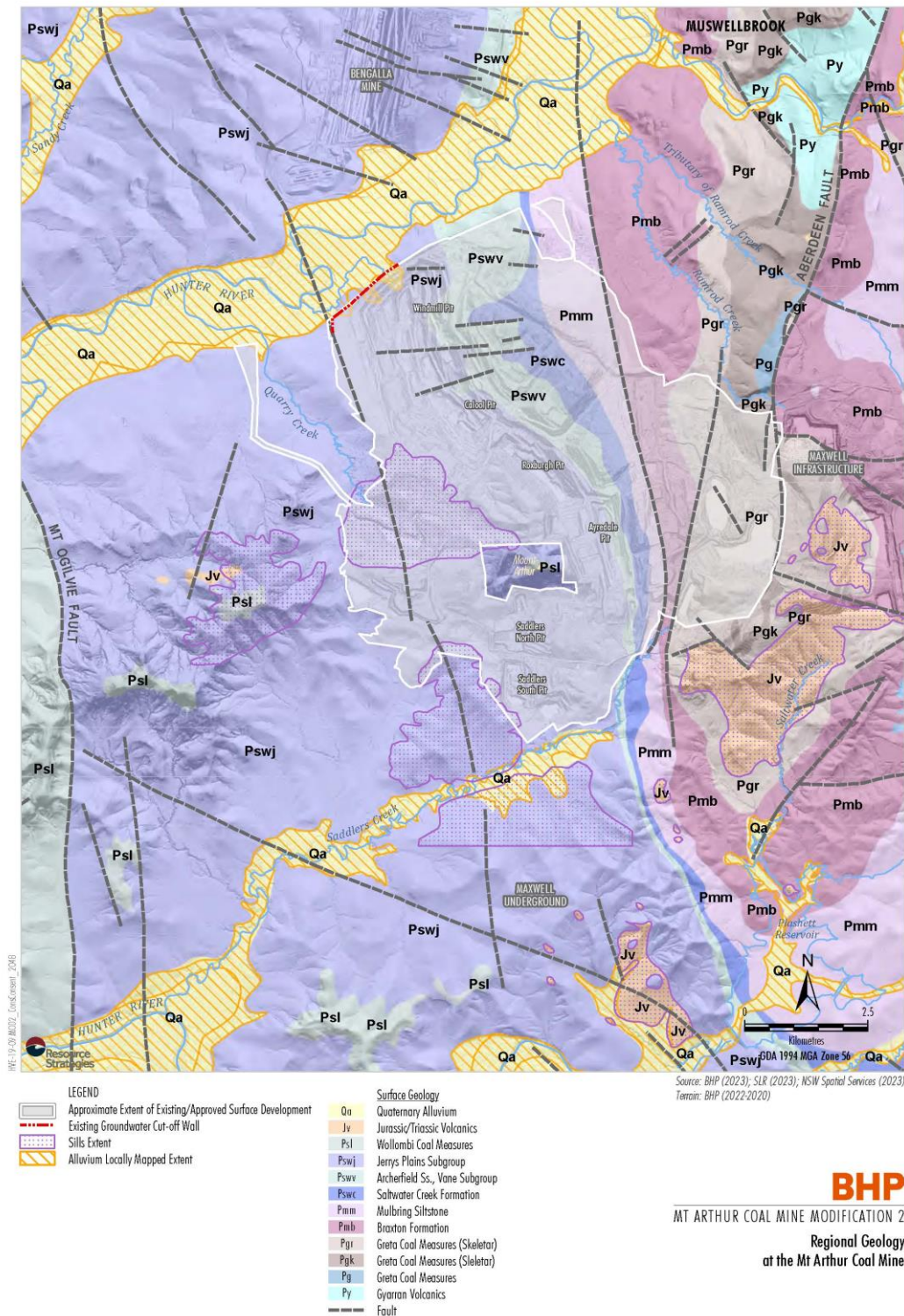


**LEGEND**

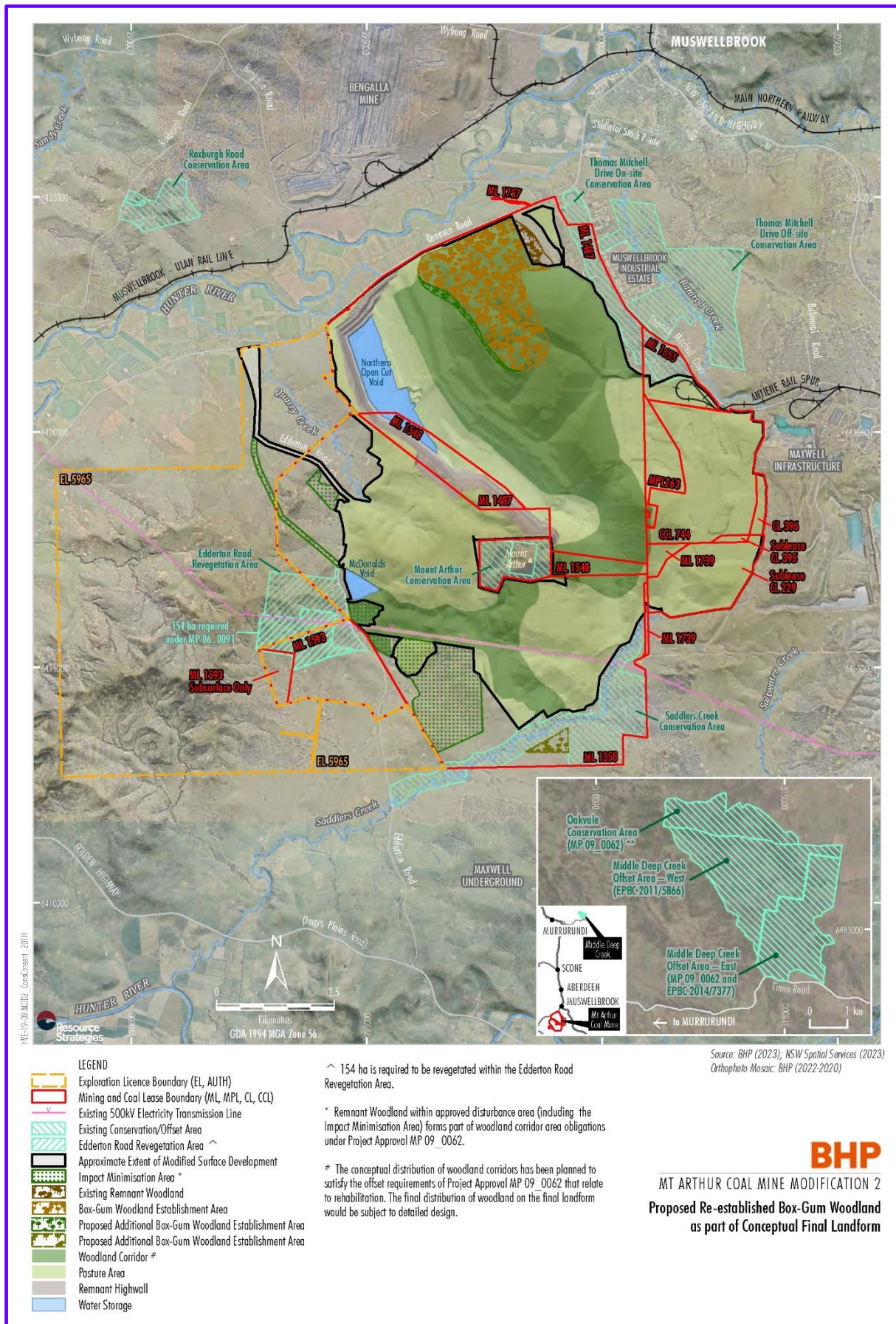
- Exploration Licence Boundary (EL, AUTH)
- Mining and Coal Lease Boundary (ML, MPL, CL, CCL)
- Approximate Extent of Existing/Approved Surface Development
- Modification Area
- Impact Minimisation Area
- Existing Blast Control Area
- Recommended Blast Control Zone
- Heritage Listed Dwelling

**BHP**  
MT ARTHUR COAL MINE MODIFICATION 2  
Location of Key Historic Heritage Sites and Blast Control Areas

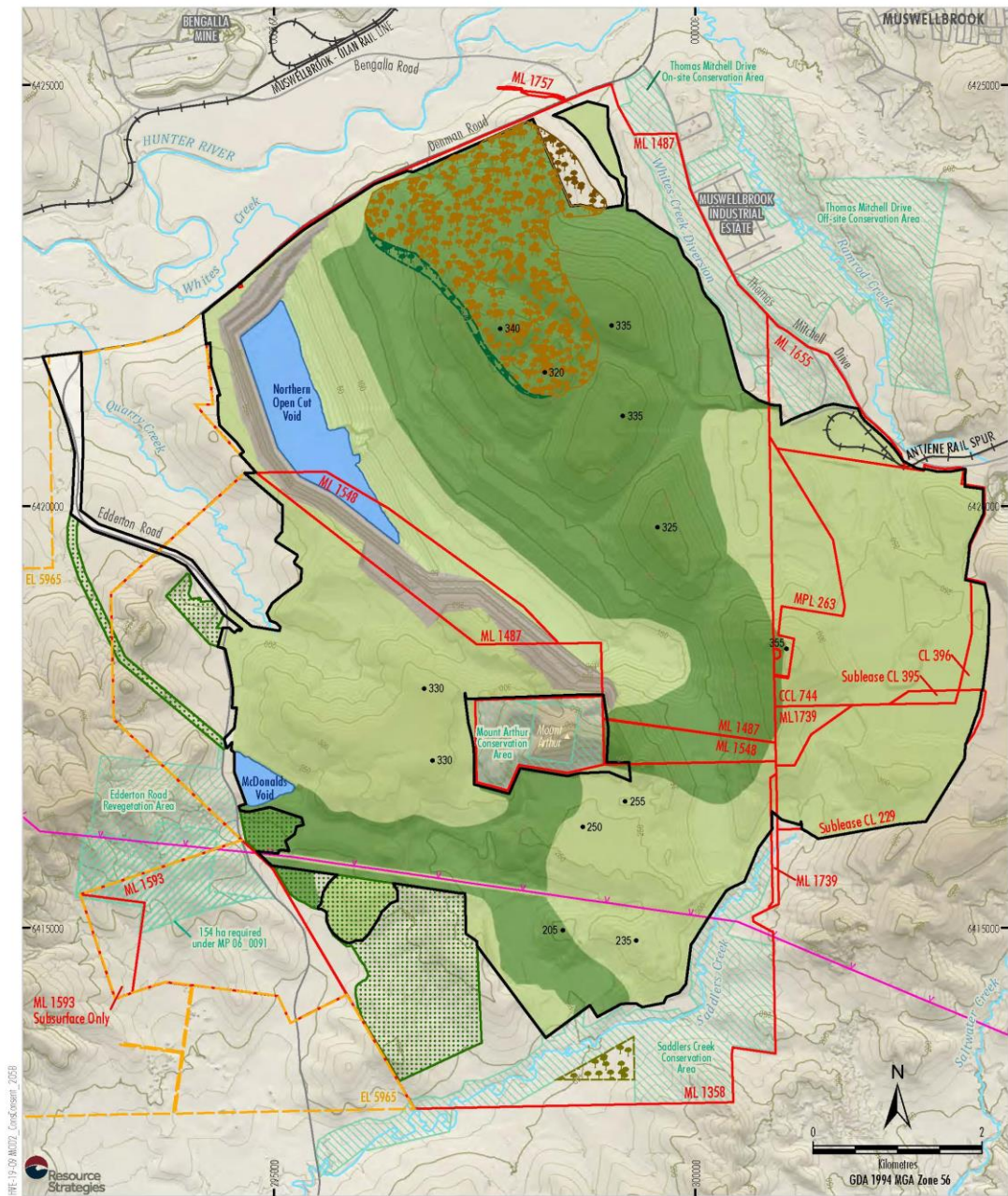
## APPENDIX 6: HUNTER RIVER AND SADDLERS CREEK ALLUVIALS



## APPENDIX 7: BIODIVERSITY OFFSET STRATEGY AND REHABILITATION PLAN



## APPENDIX 8: FINAL LANDFORM PLAN



BHP-19-09 M002, Confidential, 2023



LEGEND

- Exploration Licence Boundary (EL, AUTH)
- Mining and Coal Lease Boundary (ML, MPL, CL, CCL)
- Existing 500kV Electricity Transmission Line
- Existing Conservation/Offset Area
- Edderton Road Revegetation Area
- Approximate Extent of Modified Surface Development
- Impact Minimisation Area \*
- Existing Remnant Woodland
- Box-Gum Woodland Establishment Area
- Proposed Additional Box-Gum Woodland Establishment Area
- Proposed Additional Box-Gum Woodland Establishment Area
- Woodland Corridor #
- Pasture Area
- Remnant Highwall
- Water Storage
- 320 Approximate Elevation (m AHD)

\* Remnant Woodland within approved disturbance area (including the Impact Minimisation Area) forms part of woodland corridor area obligations under Project Approval MP 09\_0062.

# The conceptual distribution of woodland corridors has been planned to satisfy the offset requirements of Project Approval MP 09\_0062 that relate to rehabilitation. The final distribution of woodland on the final landform would be subject to detailed design.

Source: BHP (2023); NSW Spatial Services (2023)

**BHP**

MT ARTHUR COAL MINE MODIFICATION 2  
Proposed Re-established Box-Gum Woodland  
as part of Conceptual Final Landform

## APPENDIX 9: GENERAL TERMS OF THE PLANNING AGREEMENT

Funding Area	Applicant Contribution	Notes / Funding Time Frame
Thomas Mitchell Drive Upgrade	\$3,000,000, plus \$4,060,000 capital	<p>The total contribution of \$7,060,000 will be payable in yearly instalments to match execution of the works in accordance with the TMD Upgrade Plan.</p> <p>The \$4,060,000 capital will be repayable to the Applicant by Council from contributions from other projects/developments, in accordance with the terms of the planning agreement.</p>
Thomas Mitchell Drive Maintenance	\$120,000 per annum (max.) plus CPI	<p>Contributions to start at year 2 of the completion of the Thomas Mitchell Drive upgrade works (contributions to be staged if the upgrade works are staged).</p> <p>To be used for the ongoing upgrade and maintenance of Thomas Mitchell Drive.</p>
Mt Arthur Coal Community Fund	\$500,000 per annum plus CPI	Contributions to start on commencement of construction.
Council Environmental Assessment	\$20,000 per annum plus CPI	Contributions to start on commencement of construction.

## APPENDIX 10: NOISE COMPLIANCE ASSESSMENT

### Applicable Meteorological Conditions

1. The noise criteria in Table 2 of Schedule 3 are to apply under all meteorological conditions except the following:
  - (a) during periods of rain or hail;
  - (b) average wind speed at microphone height exceeds 5 m/s;
  - (c) wind speeds greater than 3 m/s measured at 10 m above ground level; or
  - (d) temperature inversion conditions greater than 3°C/100 m, or alternatively stability class F and G.

### Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions **must** be that recorded by the meteorological station on or in the vicinity of the site.

### Compliance Monitoring

3. Attended monitoring is to be used to determine compliance with the relevant conditions of **this consent**.
4. This monitoring must be carried out at least once a month (but at least two weeks apart), unless the Secretary directs otherwise.

*Note: The Secretary may direct that the frequency of attended monitoring increase or decrease at any time during the life of the **development**.*

5. Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (as amended from time to time), in particular the requirements relating to:
  - (a) monitoring locations for the collection of representative noise data;
  - (b) meteorological conditions during which collection of noise data is not appropriate;
  - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
  - (d) modifications to noise data collected including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.

## APPENDIX 11: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### Incident Notification Requirements

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition 7 of Schedule 5 of this consent or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within **7 days** (or as otherwise agreed by the Secretary) of the Applicant making the immediate incident notification (in accordance with condition 7 of Schedule 5 of this consent), the Applicant is required to submit a subsequent incident report that:
  - (a) identifies how the incident was detected;
  - (b) identifies when the Applicant became aware of the incident;
  - (c) identifies any actual or potential non-compliance with conditions of consent;
  - (d) identifies further action(s) that will be taken in relation to the incident; and
  - (e) a summary of the incident;
  - (f) outcomes of an incident investigation, including identification of the cause of the incident;
  - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
  - (h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Secretary.