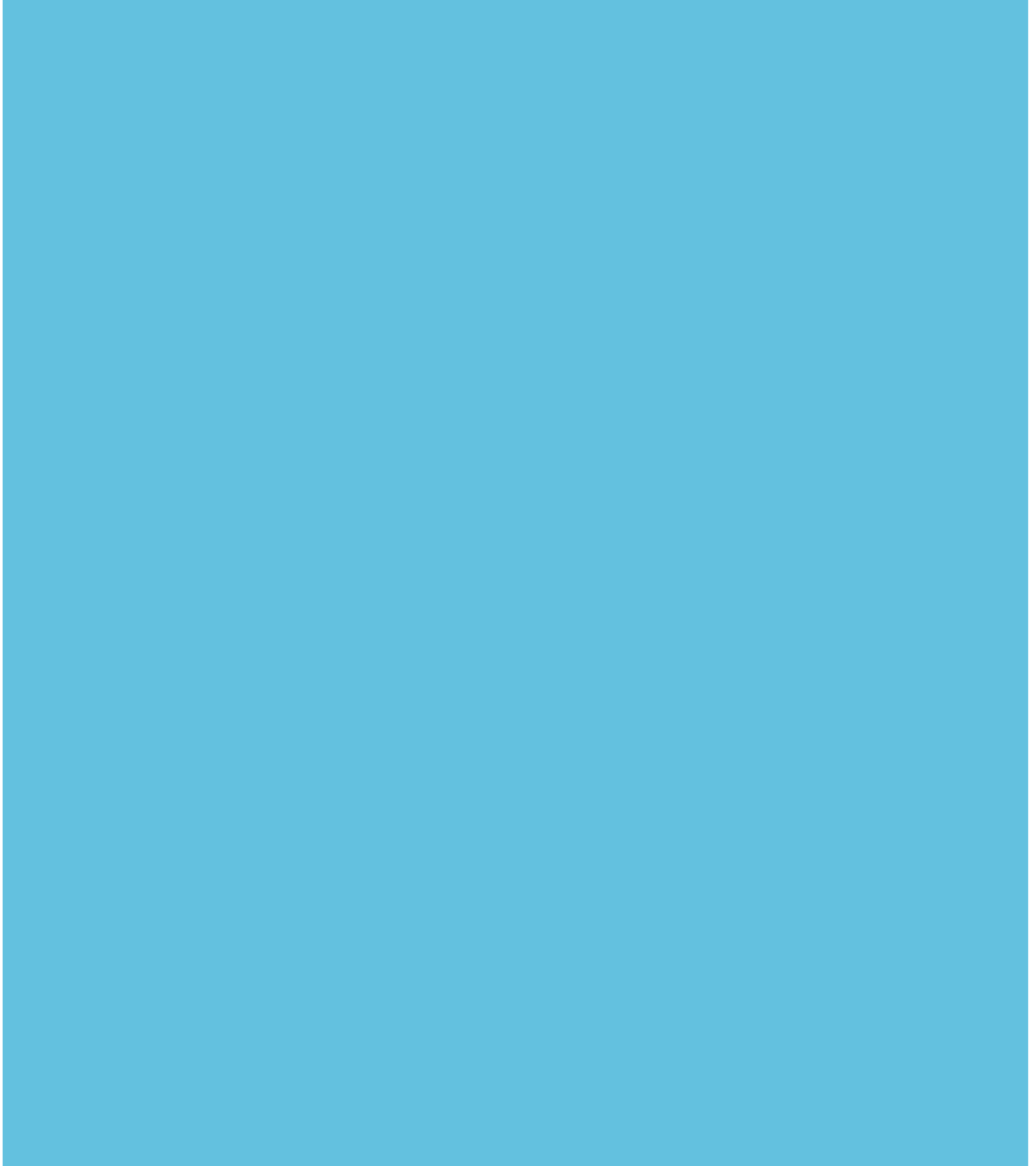


Appendix A Development Consents SSD-6464, SSD-6465 and DA 41-03-99



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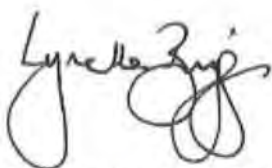
Development Consent

Section 89E of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission approves the development application referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

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



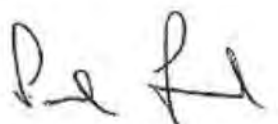
Lynelle Briggs AO (Chair)
Member of the Commission



Gordon Kirkby
Member of the Commission



Garry West
Member of the Commission



Paul Forward
Member of the Commission

Sydney

26 November 2015

SCHEDULE 1

Application Number:	SSD-6464
Applicant:	Warkworth Mining Limited
Consent Authority:	Minister for Planning
Land:	See Appendix 1
Development:	Warkworth Continuation Project

TABLE OF CONTENTS

DEFINITIONS	3
ADMINISTRATIVE CONDITIONS	5
Obligation to Minimise Harm to the Environment	5
Terms of Consent	5
Limits on Consent	5
Commencement of Development Under this Consent	5
Surrender of Existing Development Consent	5
Structural Adequacy	6
Demolition	6
Protection of Public Infrastructure	6
Operation of Plant and Equipment	6
Updating & Staging Strategies, Plans or Programs	6
Community Enhancement	6
ENVIRONMENTAL PERFORMANCE CONDITIONS	7
Acquisition Upon Request	7
Additional Mitigation Upon Request	7
Noise	7
Blasting	9
Air Quality	11
Meteorological Monitoring	13
Water	13
Biodiversity	15
Heritage	19
Transport	21
Visual	21
Bushfire Management	22
Waste	22
Rehabilitation	22
ADDITIONAL PROCEDURES	25
Notification of Landowners/Tenants	25
Independent Review	25
Land Acquisition	25
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	27
Environmental Management	27
Reporting	28
Auditing	29
Access to Information	29
APPENDIX 1: SCHEDULE OF LAND	30
APPENDIX 2: DEVELOPMENT LAYOUT PLANS	37
APPENDIX 3: LAND OWNERSHIP PLANS	42
APPENDIX 4: DIRECT LAND-BASED BIODIVERSITY OFFSETS	52
APPENDIX 5: HERITAGE	56
APPENDIX 6: REHABILITATION PLANS	71
APPENDIX 7: NOISE COMPLIANCE ASSESSMENT	74
APPENDIX 8: INDICATIVE ROUTE-EMERGENCY ACCESS TRACK	75
APPENDIX 9: INTERIM NOISE CRITERIA	76

DEFINITIONS

Aboriginal stakeholders	Cultural Heritage Working Group and any Aboriginal groups registered for cultural heritage consultation for the development
Annual review	The review required by condition 3 of schedule 5
Applicant	Warkworth Mining Limited, or any person who seeks to carry out the development approved under this consent
BCA	Building Code of Australia
Blast misfire	The failure of one or more holes in a blast pattern to initiate
CCC	Community Consultative Committee
CHAG	Coal & Allied Community Heritage Advisory Group
Conditions of this consent	Conditions contained in schedules 1 to 5 inclusive
Council	Singleton Council
CMA	Hunter-Central Rivers Catchment Management Authority
CPI	Australian Bureau of Statistics Consumer Price Index
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Development	The development as described in the EIS
DRE	Division of Resources and Energy within the NSW Department of Trade & Investment
EIS	Environmental Impact Statement titled <i>Warkworth Continuation 2014 Environmental Impact Statement</i> (6 volumes) dated June 2014, and associated response to submissions titled <i>Warkworth Continuation 2014 Response to Submissions</i> (2 volumes) dated 10 November 2014, and associated response titled <i>Warkworth Continuation 2014 Response to Planning Assessment Commission review report</i> dated 20 March 2015
EEC	Endangered ecological community, as defined under the <i>Threatened Species Conservation Act 1995</i>
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A 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.
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 to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mine water	Water that accumulates within active mining and infrastructure areas
Mining company	Mining, extractive industry or petroleum company
Mining operations	Includes the removal of overburden and extraction, processing, handling, storage and transportation of coal on site
Minister	Minister for Planning, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
MSB	Mine Subsidence Board
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water within the Department of Primary Industries
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>

Privately-owned land	Land that is not owned by the Crown or a mining company (or its subsidiaries)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, and ensure it is safe, stable and non-polluting
RFS	Rural Fire Service
RMS	Roads and Maritime Services
ROM coal	Run-of-mine coal
Secretary	Secretary of the Department, or nominee and/or delegate
Site	The land listed in Appendix 1
TSC Act	<i>Threatened Species Conservation Act 1995</i>
VPA	Voluntary Planning Agreement
Wollombi Brook Aboriginal Cultural Heritage Conservation Area	The area depicted on Figure 15 in Appendix 5

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 shall 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 shall carry out the development:
 - (a) generally in accordance with the EIS; and
 - (b) in accordance with the conditions of this consent.

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

3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the Secretary arising from:
 - (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this consent;
 - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.

LIMITS ON CONSENT

Mining Operations

5. The Applicant may carry out mining operations on site for 21 years from the date of commencement of development under this consent.

Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Secretary and the DRE. Consequently, this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.

Coal Extraction

6. The Applicant shall not extract more than 18 million tonnes of ROM coal from the Warkworth mine in a calendar year.

Coal Transport

7. The Applicant shall:
 - (a) not transport any coal produced at the development by public road; and
 - (b) ensure that the coal produced on site is only sent to the Mt Thorley Coal Loader for transport by rail to export and/or domestic markets.

COMMENCEMENT OF DEVELOPMENT UNDER THIS CONSENT

8. The Applicant shall:
 - (a) notify the Secretary in writing of the date of commencement of development under this consent; and
 - (b) may only commence development under this consent once the Secretary has agreed in writing that all prerequisites to the commencement of development under this consent have been met.

SURRENDER OF EXISTING DEVELOPMENT CONSENT

9. By the end January 2017, unless the Secretary agrees otherwise, the Applicant shall surrender the existing development consent (DA-300-9-2002-i) for the Warkworth mine in accordance with Section 104A of the EP&A Act.

Following the commencement of development under this consent, the conditions of this consent shall prevail to the extent of any inconsistency with the conditions of DA-300-9-2002-i.

STRUCTURAL ADEQUACY

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

Notes:

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

DEMOLITION

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

PROTECTION OF PUBLIC INFRASTRUCTURE

12. Unless the Applicant and the applicable authority agree otherwise, the Applicant shall:
- (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.

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

13. The Applicant shall ensure that all plant and equipment used on site, or to monitor the performance of the development, is maintained and operated in a proper and efficient manner.

UPDATING & STAGING STRATEGIES, PLANS OR PROGRAMS

14. 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 required for the Mt Thorley mine.

To ensure these strategies, plans or programs are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this consent.

Notes:

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

COMMUNITY ENHANCEMENT

15. Within 6 months of the date of this consent, unless the Secretary agrees otherwise, the Applicant shall enter into a VPA with Council in accordance with:
- (a) Division 6 of Part 4 of the EP&A Act; and
 - (b) the terms of Applicant's offer in its letter to the Department dated 4 May 2015.

The VPA shall include provisions for the payment, collection, management and distribution of the contributions under the agreement, with a focus on funding community infrastructure and services in the area surrounding the mine, including Bulga Village.

Note: The Applicant's offer comprises a total contribution of \$11 million over 21 years for both the development and the Mt Thorley Continuation Project (SSD-6465).

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 shall acquire the land in accordance with the procedures in conditions 5 and 6 of schedule 4.

Table 1: Land subject to acquisition upon request

Acquisition Basis	Land
Noise & Air	77, 102, D, E, F
Noise	34, 81, 148, 150, 190, 192, J
Air	A, B

Note: To interpret the land referred to in Table 1, see the applicable figures in Appendix 3.

2. The Applicant is only required to acquire property 77 if the owner of this land no longer has voluntary land acquisition rights under the planning approvals for the Wambo mine and/or its associated rail facilities.

ADDITIONAL MITIGATION UPON REQUEST

3. Upon receiving a written request from the owner of any residence on the land listed in Table 1 or Table 2, the Applicant shall implement additional noise and/or air quality mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy*. They must also be reasonable and feasible and proportionate with the level of predicted impact.

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 2: Land subject to additional mitigation upon request

Mitigation Basis	Characterisation of Impact	Land
Noise	Moderate	12, 14, 15, 126, 128, 130, 139, 152, 183, 191, 192, 217, 262, 263

Notes:

- To interpret the land referred to in Table 2, see the applicable figures in Appendix 3.
- Definitions of marginal and moderate mitigation are given in the *Voluntary Land Acquisition and Mitigation Policy*.

NOISE

Noise Criteria – Before 1 January 2017

4. Before 1 January 2017, except for the land in Table 1, the Applicant shall ensure that the noise generated by the development does not exceed the noise criteria in condition 18 of DA-300-9-2002-i.

Notes:

- The referenced noise criteria in condition 18 of DA-300-9-2002-i are reproduced in Appendix 9.
- These noise criteria apply in the interim period until the completion of the Applicant's noise attenuation program, which is to be completed by the end of 2016 (see condition 6(d) below). From 1 January 2017, the noise criteria in condition 5 will apply.

Noise Criteria – From 1 January 2017

5. From 1 January 2017, except for the land in Table 1, the Applicant shall ensure that the noise generated by the development does not exceed the criteria in Table 3 at any residence on privately-owned land.

Table 3: Noise criteria dB(A)

Location	Land	Day (L _{Aeq} (15min))	Evening (L _{Aeq} (15min))	Night (L _{Aeq} (15min))	Night (L _{A1} (1 min))
Bulga	17, 19	40	40	40	50
	37, 43, 52, 62, 63, 64, 66, 71, 72, 73, 75, 82, 210, 211, 236, 252, 920	39	39	39	49
	12, 14, 15, 16, 18, 20, 21, 22, 23, 24, 26, 28, 31, 35, 36, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, 58, 60, 61, 67, 70, 74, 80, 84, 89, 215, 217, 229, 231, 234, 235, 237, 238, 243, 253, 254, 903, 917, 918, 919, 921 929	38	38	38	48
	8, 9, 225, 226, 227, 228, 230, 266, 922	37	37	37	47
	4, 6, 7, 10, 221, 222, 223	36	36	36	46
	All other residences on privately owned land	35	35	35	45
Milbrodale	111	36	36	36	46
	All other residences on privately owned land	35	35	35	45
Warkworth	All other residences on privately owned land	38	38	38	48
Maison Dieu	All other residences on privately owned land	35	35	35	45
Gouldsville, Long Point	126, 262	41	41	41	51
	128	39	39	39	49
	130, 139	38	38	38	48
	All other residences on privately owned land	35	35	35	45
Hambledon Hill/ Wylies Flat	192	40	40	40	50
	152, 191, 263	39	39	39	49
	183	38	38	38	48
	181, 182, 184, 185, 186, 187, 937a, 937b	37	37	37	47
	155, 156, 157, 180, 937d, 937e	36	36	36	46
	All other residences on privately owned land	35	35	35	45
Mount Thorley	^a 144, ^a 915	43	43	43	53
	^a 146	42	42	42	52
	148, 188	36	36	36	46
	All other residences on privately owned land	35	35	35	45

Notes:

- To interpret the land referred to in Table 3, see the applicable figures in Appendix 3.
- ^a Noise limits developed relative to current acquisition criteria.

Noise generated by the development is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time-to-time) or an equivalent NSW Government noise policy, as amended by Appendix 7 which 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.

Operating Conditions

6. The Applicant shall:
- implement all reasonable and feasible measures to minimise the operational, low frequency and road noise of the development;
 - 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;
 - minimise the noise impacts of the development during meteorological conditions when the noise limits in this consent do not apply (see Appendix 7);
 - ensure that:
 - all new trucks, dozers, drills and excavators purchased for use on the site after the date of this consent are commissioned as noise suppressed (or attenuated) units; and
 - the existing fleet of trucks, dozers, drills and excavators on site at the date of this consent is progressively fitted with suitable noise attenuation packages to ensure that 100% of the fleet being used on site is attenuated by the end of 2016; and
 - carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent and, if necessary, adjust the scale of operations on site to meet the criteria in this consent.

Noise Management Plan

7. The Applicant shall prepare a Noise Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:
- be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to carrying out any development under this consent;
 - describe the measures that would be implemented to ensure compliance with the relevant noise criteria and operating conditions of this consent;
 - describe the proposed noise management system in detail;
 - include provisions for keeping the local community informed about the operation of the noise management system and monitoring programs (including any correction factors under the *NSW Industrial Noise Policy*), including regular briefings and a public information session within 6 months of the granting of this development consent;
 - include a noise monitoring program that:
 - evaluates and reports on:
 - the effectiveness of the noise management system;
 - the effectiveness of the noise attenuation program (see condition 6(d));
 - 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 trigger for further attended monitoring where there is a risk of non-compliance with the noise criteria in this consent); and
 - defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.

BLASTING

Blasting Criteria

8. The Applicant shall ensure that the blasting on the site does not cause exceedances of the criteria in Table 4.

Table 4: Blasting 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 over a period of 12 months

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

Blasting Hours

9. The Applicant shall only carry out blasting on site between 7am 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

10. The Applicant may carry out a maximum of:
- (a) 3 blasts a day; and
 - (b) 12 blasts a week, averaged over a calendar year, at 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.

11. The Applicant shall not carry out more than 1 blast a day within 500 metres of the Putty Road and/or Golden Highway.

Property Inspections

12. If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit/s on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant shall:
- (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

13. If the owner of any privately-owned land claims that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, then within 2 months of receiving this claim the Applicant shall:
- (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 shall 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

14. During mining operations on site, the Applicant shall:
- (a) implement all reasonable and feasible measures to:
 - protect the safety of people and livestock in the surrounding area;
 - protect public or private infrastructure/property in the surrounding area from any damage; and

- minimise the dust and fume emissions of any blasting;
- (b) ensure that blasting on the site does not damage historic heritage sites outside the disturbance area including the Wambo Homestead, Bulga Bridge, St Phillips Church or the following Aboriginal grinding groove sites:
 - MTW-266~WSW-09-22;
 - MTW-267~WSW-09-22;
 - MTW-268~WSW-209-23; and
 - Aboriginal grinding groove site Mt Thorley M 37-6-0163 (prior to its relocation);
- (c) minimise the frequency and duration of any road closures; and
- (d) operate a suitable system (including a hotline and website updates) to enable the public to get up-to-date information on the proposed blasting schedule on site.

Note: To identify the Aboriginal grinding grooves and historic heritage sites referred to in this condition, see the applicable figures in Appendix 5.

15. The Applicant shall not undertake blasting on site within 500 metres of:
- (a) any public road; or
 - (b) any land outside the site that is not owned by the Applicant,
- unless:
- the Applicant has a written agreement with the applicable infrastructure authority 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; or
 - the Applicant has:
 - 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 buildings and/or structures; and
 - updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the road or land.

Blast Management Plan

16. The Applicant shall prepare a Blast Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:
- (a) be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to carrying out any development under this consent;
 - (b) describe the measures that would be implemented to ensure compliance with the blasting criteria and operating conditions of this consent;
 - (c) include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with the RMS and Council;
 - (d) include a monitoring program for evaluating the performance of the development, including:
 - compliance with the applicable criteria;
 - avoiding any blasting impacts on the heritage items specified in condition 14 above; and
 - minimising the fume emissions from the site.

AIR QUALITY

Air Quality Impact Assessment Criteria

17. Except for the land in Table 1, the Applicant shall 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 5, 6 and 7 at any residence on privately owned land.

Table 5: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³

Table 6: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	^d Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³

Table 7: Long term impact assessment criteria for deposited dust

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

Notes to Tables 5-7

- ^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, sea fog, fire incidents or any other activity agreed by the Secretary.

Mine-owned Land

18. The Applicant shall 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 5,6 and 7 at any occupied residence on mine-owned land (including land owned by another mining company), unless and to the extent that:
- the tenant and landowner (if the residence is owned by another mining or gas company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under schedule 4 of this consent;
 - 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;
 - air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining or gas company) of the particulate emissions at the residence; and
 - 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.

Operating Conditions

19. The Applicant shall:
- implement all reasonable and feasible measures to minimise the:
 - odour, fume and dust emissions of the development; and
 - release of greenhouse gas emissions from the development;
 - 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;
 - minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d to Tables 5-7 above); and
 - co-ordinate the air quality management on site with the air quality management at nearby mines (including the Mt Thorley, Bulga, Wambo and Hunter Valley Operations mines) to minimise any cumulative air quality impacts.

Air Quality Management Plan

20. The Applicant shall prepare a detailed Air Quality Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:
- be prepared in consultation with the EPA, and be submitted to the Secretary for approval prior to carrying out any development under this consent;
 - describe the measures that would be implemented to ensure compliance with relevant air quality criteria and operating conditions of this consent;
 - describe the proposed air quality management system;
 - include provisions for keeping the local community informed about the operation of the air quality management system and monitoring programs, including regular briefings and a public information session within 6 months of the granting of this development consent;
 - include an air quality monitoring program that:
 - adequately supports the proactive and reactive air quality management system;
 - evaluates and reports on:
 - the effectiveness of the air quality management system; and
 - 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; and

- (f) include a protocol that has been prepared in consultation with the owners of nearby mines (including the Mt Thorley, Bulga, Wambo and Hunter Valley Operations mines) to minimise cumulative air quality impacts.

METEOROLOGICAL MONITORING

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

WATER

Water Supply

- 22. The Applicant shall 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.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.

Compensatory Water Supply

- 23. The Applicant shall provide a compensatory water supply to the owner of any privately-owned land whose basic landholder water rights (as defined in the *Water Management Act 2000*) are adversely and directly impacted as a result of the development. This supply must be provided in consultation with NOW, and to the satisfaction of the Secretary.

The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable from the loss being identified, unless otherwise agreed with the landowner.

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

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

Note: The Water Management Plan (see condition 27) is required to include trigger levels for investigating potentially adverse impacts on water supplies.

Water Discharges

- 24. Unless an EPL or the EPA authorises otherwise, the Applicant shall ensure that all surface water discharges from the site comply with the:
 - (a) discharge limits (both volume and quality) set for the development in any EPL; and
 - (b) relevant provisions of the POEO Act or *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

Note: For the avoidance of doubt, it is noted that the EPA will determine the cumulative allowable salinity discharges to the Hunter River catchment, according to rules of the Hunter River Salinity Trading Scheme and the respective quantities of tradeable salinity credits held by participants in the scheme (including the Bulga mine and other nearby mining operations).

Water Transfers

- 25. The Applicant may receive water from, and transfer water to, the Mt Thorley mine, Hunter Valley Operations mine, Bulga mine and Redbank Power Station.

Water Management Performance Measures

- 26. The Applicant shall comply with the performance measures in Table 8 to the satisfaction of the Secretary.

Table 8: Water management performance measures

Feature	Performance Measure
Water management – General	Minimise the use of clean water (i.e. water not in contact with disturbed areas) on site Minimise the need for make-up water from external supplies (apart from permissible mine water transfers)
Wollombi Brook Alluvial Aquifer	Negligible environmental consequences to the alluvial aquifer beyond those predicted in the EIS
Construction and operation of infrastructure	Design, install and maintain erosion and sediment controls generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1</i>, <i>Volume 2A – Installation of Services</i> and <i>Volume 2C – Unsealed Roads</i> Design, install and maintain the infrastructure within 40 m of watercourses generally in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land (DPI 2007)</i>, or its latest version Design, install and maintain any creek crossings generally in accordance with the <i>Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013)</i> and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003)</i>, or their latest versions
Clean water diversion & storage infrastructure	Design, install and maintain the clean water system to capture and convey the 100 year ARI flood. Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site
Sediment dams	Design, install and/or maintain the dams generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries</i>
Mine water storages	Design, install and/or maintain mine water storage infrastructure to ensure no discharge of mine water off-site (except in accordance with condition 23) On-site storages (including mine infrastructure dams and treatment dams) are suitably designed, installed and/or maintained to minimise permeability Maintain adequate freeboard within the pit void at all times to minimise the risk of discharge to surface waters
Flood mitigation measures	Design, install and maintain flood mitigation measures along the western side of the development, to ensure there is adequate freeboard (at least 500mm) between the Probable Maximum Flood level in Wollombi Brook and the crest levee or peak of the flood mitigation infrastructure. Residual impacts downstream must be managed in an appropriate manner.
Overburden emplacements	Design, install and maintain emplacements to encapsulate and prevent migration of tailings, acid forming and potentially acid forming materials, and saline and sodic material Design, install and maintain emplacements to prevent off-site migration of saline groundwater seepage
Chemical and hydrocarbon storage	Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards

Water Management Plan

27. The Applicant shall prepare a Water Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:
- be prepared in consultation with the EPA, NOW and OEH and submitted to the Secretary for approval prior to carrying out any development under this consent;
 - in addition to the standard requirements for management plans (see condition 3 of schedule 5), include a:
 - Site Water Balance that:
 - includes details of:

- sources and security of water supply, including contingency planning for future reporting periods;
- water use and management on site, including details of water sharing between neighbouring mining operations;
- any off-site water transfers and discharges;
- reporting procedures, including the preparation of a site water balance for each calendar year; and
- investigates and implements all reasonable and feasible measures to minimise water use on site;
- (ii) Surface Water Management Plan, that includes:
 - detailed baseline data on surface water flows and quality in the watercourses that could potentially be affected by the development;
 - a detailed description of the water management system on site, including the:
 - clean water diversion systems;
 - erosion and sediment controls (mine water system); and
 - mine water management systems including irrigation areas;
 - detailed plans, including design objectives and performance criteria, for:
 - design and management of final voids;
 - design and management for the emplacement of coal reject materials;
 - reinstatement of drainage lines on the rehabilitated areas of the site; and
 - control of any potential water pollution from the rehabilitated areas of the site;
 - performance criteria for the following, including trigger levels for investigating any potentially adverse impacts associated with the development:
 - mine water management system;
 - surface water quality of Wollombi Brook; and
 - channel stability, stream and riparian vegetation health of Wollombi Brook;
 - a program to monitor and report on:
 - the effectiveness of the mine water management system; and
 - surface water flows and quality, stream and riparian vegetation health in Wollombi Brook potentially affected by the development;
 - a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the development; and
- (iii) Groundwater Management Plan, which includes:
 - detailed baseline data on groundwater levels, yield and quality in the region, and privately-owned groundwater bores, that could be affected by the development;
 - groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;
 - a program to monitor and report on:
 - groundwater inflows to the open cut pits;
 - the seepage/leachate from water storages, emplacements, backfilled voids, and final voids;
 - the impacts of the development on:
 - regional and local (including alluvial) aquifers;
 - groundwater supply of potentially affected landowners;
 - groundwater dependent ecosystems and riparian vegetation;
 - base flows to Wollombi Brook;
 - a plan to respond to any exceedances of the groundwater assessment criteria; and
 - a program to validate the groundwater model for the development, including an independent review of the model with every independent environmental audit, and compare the monitoring results with modelled predictions.

BIODIVERSITY

Retirement of Credits

28. Within 3 years of the date of commencement of development under this consent, the Applicant shall retire biodiversity credits of a number and class specified in Tables 9 and 10 below to the satisfaction of OEH.

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects* and can be achieved by:

- (a) acquiring or retiring credits under the Biobanking Scheme in the TSC Act;
- (b) making payments into an offset fund that has been developed by the NSW Government; or
- (c) providing supplementary measures.

Table 9: Ecosystem credit requirements

Vegetation Community	Code (BVT)	Biometric Vegetation Type	Area (ha)	Endangered Ecological Community (EEC)	^a Credits required
Warkworth Sands Woodland	HU872	Rough-barked Apple - Narrow-leaved Ironbark - Blakely's Red Gum - Bull Oak - Coast Banksia woodland on sands of the Warkworth area	72.12	Warkworth Sands Woodland in the Sydney Basin Bioregion EEC	3,043
Warkworth Sands Grassland	HU872	Rough-barked Apple - Narrow-leaved Ironbark - Blakely's Red Gum - Bull Oak - Coast Banksia woodland on sands of the Warkworth area	0.67	N/A	16
Central Hunter Grey Box - Ironbark Woodland	HU817	Narrow-leaved Ironbark - Bull Oak - Grey Box shrub - grass open forest of the central and lower Hunter	614.64	Central Hunter Grey Box-Ironbark Woodland in the New South Wales North Coast and Sydney Basin Bioregions EEC	^b 12,180
Regenerating Central Hunter Grey Box - Ironbark Woodland	HU817	Narrow-leaved Ironbark - Bull Oak - Grey Box shrub - grass open forest of the central and lower Hunter	6.43	Central Hunter Grey Box-Ironbark Woodland in the New South Wales North Coast and Sydney Basin Bioregions EEC	108
Central Hunter Grey Box - Ironbark Derived Grassland	HU817	Narrow-leaved Ironbark - Bull Oak - Grey Box shrub - grass open forest of the central and lower Hunter	378.6	N/A	4,516
Central Hunter Ironbark - Spotted Gum - Grey Box Forest	HU818	Narrow-leaved Ironbark - Grey Box - Spotted Gum shrub - grass woodland of the central and lower Hunter	16.61	Central Hunter Ironbark-Spotted Gum-Grey Box Forest in the New South Wales North Coast and Sydney Basin Bioregions EEC	633

Notes:

- ^a Or as otherwise determined by OEH as part of its detailed consideration of credits retirement.
- ^b This must be read in conjunction with the similar figure in Table 11. It reflects the fact that some of these credits may be retired through mine rehabilitation.

Table 10: Species credit requirements

Species	^a Credits Required
Regent Honeyeater	18,929
Southern Myotis	18,222
Large-eared Pied Bat	139

Note:

- ^a Or as otherwise determined by OEH as part of its detailed consideration of credits retirement.

Rehabilitation Offsets

29. Within 10 years of the completion of mining operations under this consent, the Applicant shall retire ecosystem credits of a number and class specified in Table 11 to the satisfaction of OEH.

Table 11: Ecosystem Credit Requirements.

Vegetation Community	Code (BVT)	Biometric Vegetation Type	Area (ha)	Endangered Ecological Community (EEC)	^a Credits Required
Central Hunter Grey Box - Ironbark Woodland	HU817	Narrow-leaved Ironbark - Bull Oak - Grey Box shrub - grass open forest of the central and lower Hunter	2,100	Central Hunter Grey Box-Ironbark Woodland in the New South Wales North Coast and Sydney Basin Bioregions EEC	11,204

Note:

- ^a Or as otherwise determined by OEH as part of its detailed consideration of credits retirement.

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects* and can be achieved by:

- retiring credits generated by mine rehabilitation;
- acquiring or retiring credits under the Biobanking Scheme in the TSC Act;
- making payments into an offset fund that has been developed by the NSW Government; or
- providing supplementary measures.

Direct Land-Based Offsets

- Within 3 years of the date of commencement of the development under this consent, the Applicant shall secure offset areas listed in Table 12 under an in perpetuity conservation mechanism such as entering into a biobank agreement, in accordance with the relevant provisions of the TSC Act. The direct land-based offsets may be used as offsets for any approval required under the EPBC Act for this development.

Table 12: Direct Land-based Offsets

Offset Area	Minimum Size (hectares)
Northern Biodiversity Area	303
Southern Biodiversity Area	705
Goulburn River Biodiversity Area	1,063
Bowditch Biodiversity Area	520
Putty Road Biodiversity Area	94
2003 Warkworth Sands Woodland Area	155.8
North Rothbury Biodiversity Area (Hanwood Estate)	40

Note: To identify the areas referred to in Table 12 see the applicable figures in Appendix 4.

- The Applicant may use the ecosystem and species credits generated by the establishment of an in perpetuity conservation mechanism such as a biobank agreement for all of these offset areas, apart from those credits generated for Putty Road Biodiversity Area and 2003 Warkworth Sands Woodland Area, to retire the biodiversity credit requirements of the development under condition 28. All ecosystem and species credits generated by the establishment of an in perpetuity conservation mechanism for the Putty Road Biodiversity Area and 2003 Warkworth Sands Woodland Area shall be retired permanently upon the establishment of an in perpetuity conservation mechanism for these areas, and may not be used sold or used to retire any other credit requirements.

Additional Warkworth Sands Woodland Measures

- Within 6 months of the commencement of development under this consent, the Applicant shall:
 - develop suitable performance criteria to the satisfaction of OEH for determining the successful regeneration of the Warkworth Sands Woodland EEC in the Northern Biodiversity Area within 15 years from the commencement of development of under this consent; and
 - lodge a bond (in the form of a bank guarantee) of \$1 million (indexed to CPI) with OEH.

Note: The Applicant's biodiversity offset strategy involves the regeneration of 159 hectares of Warkworth Sands Woodland in the Northern Biodiversity Area, and the protection of an additional 19.5 hectares of existing Warkworth Sands Woodland in the Northern Biodiversity Area and 56 hectares of existing Warkworth Sands Woodland in the Southern Biodiversity Area.

33. If, at the end of 15 years from the commencement of development of under this consent, the regeneration of the Warkworth Sands Woodland EEC in the Northern Biodiversity Area meets the performance criteria to the satisfaction of OEH, then OEH shall refund the bond to the Applicant.

If, however, the regeneration does not meet the performance criteria to the satisfaction of OEH, then the Applicant will forfeit the bond to OEH for use by OEH for the regeneration of Warkworth Sands Woodland EEC in the local area, or equivalent strategic conservation initiatives in the region.

34. Within 12 months of the commencement of development under this consent, the Applicant shall prepare an Integrated Management Plan for the Warkworth Sands Woodland EEC to the satisfaction of OEH. This plan must be prepared in consultation with the owners of the Wambo and Bulga mines, and outline the measures that would be implemented to co-ordinate management and recovery efforts for the EEC.
35. Within 6 months of the commencement of development under this consent, the Applicant shall contribute \$1 million to OEH's *Saving Our Species – Regent Honeyeater* conservation program. The contribution may be used as a supplementary measure for any approval required under the EPBC Act for this development.

Biodiversity Management Plan

36. The Applicant shall prepare a Biodiversity Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:
- (a) be prepared in consultation with OEH and submitted to the Secretary for approval prior to the commencement of any development under this consent;
 - (b) describe the short, medium, and long term measures that would be implemented to:
 - manage the remnant vegetation and fauna habitat on the site;
 - implement the biodiversity offset strategy described in the EIS;
 - regenerate and conserve Warkworth Sands Woodland EEC in the biodiversity areas;
 - integrate the implementation of the biodiversity offset strategy to the greatest extent practicable with the rehabilitation of the site;
 - (c) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy (including the regeneration of Warkworth Sands Woodland), and triggering remedial action (if necessary);
 - (d) include a detailed description of the measures that would be implemented over the next 3 years for:
 - regenerating Warkworth Sands Woodland in the biodiversity offset areas;
 - protecting vegetation and fauna habitat outside the approved disturbance area on-site;
 - enhancing the quality of existing vegetation and fauna habitat on the site and in the biodiversity offset areas;
 - minimising clearing and avoid unnecessary disturbance;
 - maximising the salvage of resources within the approved disturbance area - including vegetative and soil resources – for beneficial reuse in the enhancement of any land-based offsets or the rehabilitation of the site;
 - collecting and propagate seed;
 - minimising the impacts on fauna on site, including undertaking pre-clearance surveys;
 - managing salinity using best practice dryland salinity management revegetation measures;
 - controlling weeds and feral pests;
 - controlling erosion;
 - managing grazing and agriculture on site;
 - controlling access; and
 - bushfire management;
 - (e) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;
 - (f) identify the potential risks to the successful implementation of the biodiversity offset strategy (including the regeneration of Warkworth Sands Woodland), and include a description of the contingency measures that would be implemented to mitigate against these risks; and
 - (g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

Note: Management measures relating to the biodiversity offset strategy may be addressed via equivalent measures required by OEH as part of a BioBanking Agreement or similar conservation agreement.

Conservation Bond

37. Within 3 months of the approval of the Biodiversity Management Plan, unless otherwise agreed by the Secretary, the Applicant shall lodge a Conservation Bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond shall 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.

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 OEH as part of a Biobanking Agreement or transfer to conservation reserve estate 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 Management Plan.*

HERITAGE

Wollombi Brook Aboriginal Cultural Heritage Conservation Area

38. The Applicant shall prepare a conservation management plan for the Wollombi Brook Aboriginal Cultural Heritage Conservation Area to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:
- (a) be prepared in consultation with OEH and Aboriginal stakeholders, and submitted to the Secretary for approval prior to carrying out any development to the west of Wallaby Scrub Road under this consent unless otherwise agreed by the Secretary;
 - (b) describe the measures that would be implemented to provide for the protection, conservation and enhancement of Aboriginal heritage values in the area;
 - (c) include a program/procedures for:
 - protection and management of Aboriginal sites, including protocols for the establishment of strictly controlled non-access zones and protocols around culturally sensitive areas;
 - maintaining and managing access to the area by the relevant Aboriginal stakeholders, including establishment of areas for active Aboriginal cultural heritage and landscape management; and
 - ongoing consultation and involvement of the relevant Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage in the area;
 - (d) investigate the potential for collaborative management of the Aboriginal heritage values of the land within the Southern Biodiversity Area and the adjoining Wambo-owned land adjacent to the conservation area, in consultation with the owner of the Wambo mine; and
 - (e) include an action plan for the implementation of the plan, including the establishment and role of the Wollombi Brook Aboriginal Cultural Heritage Conservation Area management committee in overseeing implementation of the plan.
39. Prior to carrying out any development to the west of Wallaby Scrub Road under this consent, unless the Secretary agrees otherwise, the Applicant shall enter into a conservation agreement or agreements pursuant to section 69B of the *National Parks and Wildlife Act 1974* relating to the Wollombi Brook Aboriginal Cultural Heritage Conservation Area, recording the obligations assumed by the Applicant under the conditions of this consent in relation to the conservation area, and register the agreement/s pursuant to section 69F of the *National Parks and Wildlife Act 1974*.

Note: The location of the conservation area is shown in the figure in Appendix 5.

Human Remains

40. This consent does not allow the Applicant to disturb any in-situ human remains on site.

Protection of Heritage Items

41. The Applicant shall protect the heritage items identified in Table 1 of Appendix 5.

Salvage

42. Prior to carrying out any development on site that could affect the heritage items identified in Table 2 of Appendix 5, the Applicant shall salvage those items in accordance with the approved program under the Aboriginal Heritage Management Plan.

Aboriginal Heritage Management Plan

43. The Applicant shall prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:
- (a) be prepared in consultation with OEH and Aboriginal stakeholders, and submitted to the Secretary for approval prior to carrying out any development under this consent;
 - (b) include a program to:
 - salvage, investigate and/or manage Aboriginal sites and potential archaeological deposits within the disturbance area;
 - assess and remove scarred trees within the disturbance area;
 - protect and monitor Aboriginal sites outside the disturbance areas;
 - manage the discovery of any new Aboriginal objects or skeletal remains during the development;
 - facilitate access to archaeological sites on site for Aboriginal stakeholders; and
 - Aboriginal stakeholders are consulted and involved in the conservation and management of Aboriginal cultural heritage on the site; and
 - (c) include a research program, that has been prepared by suitably qualified and experienced persons whose appointment has been approved by the Secretary, for locating and evaluating sand bodies of likely Pleistocene and early Holocene age that may contain evidence of Aboriginal habitation in the Upper Hunter Valley.

Mount Thorley Warkworth Historic Heritage Conservation Fund

44. The Applicant shall establish and contribute \$500,000 under the Mount Thorley Warkworth Historic Heritage Conservation Fund in consultation with Council and the CHAG and to the satisfaction of the Secretary.

Mount Thorley Warkworth Great Northern Road Conservation Fund

45. The Applicant shall establish and contribute \$200,000 under the Mount Thorley Warkworth Great Northern Road Conservation Fund to be administered by the Applicant in consultation with Council, CHAG, Convict Trail Project and Heritage Branch, to the satisfaction of the Secretary.

Historic Heritage Management Plan

46. The Applicant shall prepare a Historic Heritage Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. This plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with the Heritage Branch, Council, CHAG and local historical organisations;
 - (c) be submitted to the Secretary for approval prior to carrying out any mining to the west of Wallaby Scrub Road;
 - (d) include the following for the management of historic heritage on site:
 - conservation management plans for the former RAAF Base Bulga, Great North Road (Wallaby Scrub Road portion), Brick House and Springwood Homestead; and
 - a program/procedures for:
 - archaeological investigations of Wallaby Scrub Road, Well 2 and the former RAAF Base Bulga Complex;
 - photographic recording of all historic heritage sites within the disturbance areas prior to disturbance;
 - relocation and storage of moveable heritage items;
 - managing the discovery of any new heritage items during the development;
 - ongoing consultation and involvement of the relevant historical groups in the conservation and management of historic heritage on the site;
 - developing an interpretation programme of the heritage values of the RAAF Base Bulga Complex and the Great North Road Complex;
 - establishing the Mount Thorley Warkworth Historic Heritage Conservation Fund and the Mount Thorley Warkworth Great Northern Road Conservation Fund; and
 - protecting the other heritage items outside the disturbance areas.

Note: It is accepted that the conservation management plan for the Springwood Homestead and interpretation programme for the RAAF Base Bulga Complex and the Great North Road Complex will not be submitted with the initial Historic Heritage Management Plan. These should be progressively added to the plan once completed.

TRANSPORT

Wallaby Scrub Road

47. This consent allows open cut mining through the existing alignment of Wallaby Scrub Road.

Note: The Applicant also requires other related approvals in order to undertake mining within the existing road alignment, including an approval under the Roads Act 1993 to close Wallaby Scrub Road. It also needs to obtain a mining lease over the road under the Mining Act 1992 for mining from surface to 20 metres depth.

Intersections

48. Unless the Secretary agrees otherwise, the Applicant shall:
- (a) close the intersection of Lydes Lane and the Golden Highway in consultation with Council and to the satisfaction of the RMS, within 6 months of the date of this consent; and
 - (b) pay the RMS \$375,000 towards the upgrade of the intersection of the Golden Highway (Putty Road) and Mitchell Line of Road within 12 months of the date of this consent.

Putty Road Crossing

49. If the Applicant decides to construct a third crossing of Putty Road between the Warkworth and Mt Thorley mines, then this crossing must be constructed to the satisfaction of the RMS, and the Applicant shall bear all the costs associated with the construction, maintenance and subsequent removal of this crossing during the rehabilitation of the site.

Rural Fire Service – Emergency Access Track/Fire Trail

50. Prior to the closure of Wallaby Scrub Road, the Applicant shall do the following in consultation with Council, RMS and the RFS:
- (a) develop a suitable emergency access track/fire trail to the west of the approved mining pit in general accordance with the indicative track/trail shown on the figure in Appendix 8, and ensure that this track/trail complies with the relevant standards in the RFS' *Planning for Bush Fire Protection* publication and the Bushfire Coordinating Committee's *Fire Trails Policy No. 2/2007*, or its latest version;
 - (b) develop a protocol with the RFS that:
 - provides for ongoing access and use of the new emergency access track/fire trail following the closure of Wallaby Scrub Road;
 - provides for access to the site during emergencies on site to assist with any emergency response; and
 - provides for the Applicant to use the emergency response equipment and appropriately trained personnel on site to assist the RFS (and any other emergency agencies) respond to emergencies in the surrounding area,to the satisfaction of the Secretary.

Following approval, the Applicant shall carry out the development in accordance with this protocol.

Monitoring of Coal Transport

51. The Applicant shall:
- (a) keep records of the amount of coal transported from the development in each calendar year; and
 - (b) make these records available on its website at the end of each calendar year.

VISUAL

Operating Conditions

52. The Applicant shall:
- (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development, including lighting impacts on road users and long term impacts of final voids;
 - (b) establish and maintain vegetated bunds, vegetative screening and/or screen fencing along the boundary of the site including adjoining public roads where appropriate;
 - (c) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version; and
 - (d) monitor and report on the effectiveness of these measures.

Initial works to establish the vegetative bunds and/or screening referred to in condition 52(b) must be undertaken within 6 months of the date of commencement of development under this consent (unless otherwise agreed by the Secretary), in accordance with a tree screening plan that has been prepared in consultation with Council and to the satisfaction of the Secretary. The use of screen fencing shall be limited to areas where vegetative screening is not feasible, or as an interim measure prior to establishment of vegetation.

Additional Visual Mitigation Measures

53. Upon receiving a written request from the owner of any residence on privately-owned land who has, or would have, significant direct views of the mining operations from this residence and/or its associated facilities (such as pool or barbeque area) during the development, the Applicant shall implement additional visual impact mitigation measures (such as landscaping or vegetation screens) on the land in consultation with the landowner. These measures must be reasonable and feasible, and directed towards reducing the visibility of mining operations from the residence and/or its associated facilities.

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.

Notes:

- The additional visual impact mitigation measures must be aimed at reducing the visibility of the mining operations on site from significantly affected residences, and do not require measures to reduce the visibility of the mining operations from other locations on the affected properties.
- The additional visual impact mitigation measures do not necessarily have to include the implementation of measures on the affected property itself (i.e. the additional measures could involve the implementation 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.

BUSHFIRE MANAGEMENT

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

WASTE

55. The Applicant shall:
- implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the development;
 - ensure that the waste generated by the development is appropriately stored, handled and disposed of; and
 - monitor and report on effectiveness of the waste minimisation and management measures in the Annual Review.

REHABILITATION

Rehabilitation Objectives

56. The Applicant shall rehabilitate the site to the satisfaction of the DRE. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS (and depicted conceptually in the figure in Appendix 6), and comply with the objectives in Table 13.

Table 13: Rehabilitation objectives

Feature	Objective
Mine site (as a whole)	• Safe, stable and non-polluting • Materials (including topsoils, substrates and seeds of the disturbed areas) are recovered, appropriately managed and used effectively as resources in the rehabilitation of the site • Final landforms to: ○ sustain the intended land use for the post-mining domains; ○ be designed to minimise the visual impacts of the development; ○ be in keeping with the natural terrain features of the area; ○ be integrated with the rehabilitated landforms of

Feature	Objective
	- surrounding mines; ○ backfill the gap between the two main emplacements in accordance with the dozer (and dragline) option shown on the applicable figure in Appendix 6; ○ incorporate micro-relief; and ○ incorporate drainage lines consistent with topography and natural drainage where reasonable and feasible
Water quality	• Water retained on site is fit for the intended land use(s) for the post-mining domains • Water discharged from site is consistent with the baseline ecological, hydrological and geomorphic conditions of the creeks prior to mining disturbance • Water management is consistent with the applicable regional catchment strategy
Final voids	• Designed as long term groundwater sinks and to maximise groundwater flows across back-filled pits to the final void • Minimise: ○ the size and depth of final voids ○ the drainage catchment of final voids ○ any high wall instability risk • risk of flood interaction for all flood events up to and including the 1% AEP
Biodiversity	• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprising local plant species • Vegetation to be established, with the restoration of at least 1,617 hectares of Central Hunter Grey Box – Ironbark Woodland EEC • Size, location and species of native tree lots and corridors are established to sustain biodiversity habitats • Species are selected that re-establishes and complements regional and local biodiversity
Surface infrastructure	• To be decommissioned and removed, unless the DRE agrees otherwise
Agriculture	• Land capability classification for the relevant nominated agricultural pursuit for each domain is established and self-sustaining within 5 years of land use establishment (first planting vegetation)
Community	• Ensure public safety • Minimise the adverse socio-economic effects associated with mine closure

Progressive Rehabilitation

57. The Applicant shall rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies shall be employed when areas prone to dust generation cannot yet be permanently rehabilitated.

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

Rehabilitation Management Plan

58. The Applicant shall prepare a Rehabilitation Management Plan for the development to the satisfaction of the DRE, and carry out the development in accordance with this plan. The plan must:
- be prepared in consultation with the Department, NOW, OEH, Council and the CCC;
 - be prepared in accordance with any relevant DRE guideline, including any NSW government policy regarding final voids;
 - be submitted to the DRE for approval prior to carrying out any development under this consent;
 - describe how the rehabilitation of the site would be integrated with the implementation the biodiversity offset strategy;

- (e) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);
 - (f) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including timeframes for achieving specified rehabilitation objectives;
 - (g) includes a mine closure strategy, that details measures to minimise the long term impacts associated with mine closure, including final landform and final voids, final land use and socio-economic issues;
 - (h) include interim rehabilitation where necessary to minimise the area exposed for dust generation;
 - (i) include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and
 - (j) build to the maximum extent practicable on the other management plans required under this consent.
-

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS/TENANTS

1. Within 1 month of the date of this consent, the Applicant shall:
 - (a) notify in writing the owners of:
 - the land listed in Table 1 of schedule 3 that they have the right to require the Applicant to acquire their land in accordance with the procedures in conditions 5-6 below at any stage during the development;
 - any residence on the land listed in Table 2 of schedule 3 that they have the right to request the Applicant to ask for additional noise mitigation measures to be installed at their residence at any stage during the development; and
 - any privately-owned land within 2 kilometres of the approved open cut mining pit/s that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated;
 - (b) notify the tenants of any mine-owned land of their rights under this consent (see condition 18 of schedule 3); and
 - (c) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EIS identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria in schedule 3 at any time during the life of the development.
2. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, or for any of the land listed in Table 1 that is subsequently purchased by the Applicant, the Applicant shall:
 - (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and
 - (b) advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Secretary.
3. As soon as practicable after obtaining monitoring results showing:
 - (a) an exceedance of any relevant criteria in schedule 3, the Applicant shall notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria; and
 - (b) an exceedance of the relevant air quality criteria in schedule 3, the Applicant shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).

INDEPENDENT REVIEW

4. If an owner of privately-owned land considers the development to be exceeding the criteria in schedule 3 at his/her land, 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, then the Applicant shall:

- (a) commission 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 within 2 months of the Secretary's decision, unless the Secretary agrees otherwise.

LAND ACQUISITION

5. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall make a binding written offer to the landowner based on:
 - (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the 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 land 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 and/or air quality mitigation measures in condition 3 of schedule 3;
- (b) the reasonable costs associated with:
 - relocating within the Muswellbrook, Singleton or Cessnock 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
- (c) reasonable compensation for any disturbance caused by the land acquisition process.

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

Upon receiving such a request, the Secretary shall 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 shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

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

Within 14 days of this determination, the Applicant shall 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 shall cease, unless the Secretary determines otherwise.

6. The Applicant shall pay all reasonable costs associated with the land acquisition process described in condition 5 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

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

Adaptive Management

2. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement remediation measures as directed by the Secretary.

Management Plan Requirements

3. The Applicant shall 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.

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

Annual Review

4. By the end of March each year, the Applicant shall review the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. This review must:
- describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year;
 - 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:
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous years; and
 - relevant predictions in the EIS;
 - identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - identify any trends in the monitoring data over the life of the development;
 - identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - describe what measures will be implemented over the next year to improve the environmental performance of the development.

Revision of Strategies, Plans and Programs

5. Within 3 months of:
- the submission of an:
 - annual review under condition 4 above;
 - incident report under condition 7 below;
 - audit report under condition 9 below; or
 - any modification to the conditions of this consent (unless the conditions require otherwise), or
 - the introduction of any NSW government policy regarding voids,
- the Applicant shall 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 4 weeks of the review, unless the Secretary agrees otherwise, 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

6. The Applicant shall operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be operated in 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 be comprised of an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community.*

REPORTING

Incident Reporting

7. The Applicant shall notify the Secretary and any other relevant agencies immediately of any incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

8. The Applicant shall 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.

AUDITING

Independent Environmental Audit

9. Within 1 year of the commencement of development under this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
 - (d) include an assessment – undertaken by an independent expert whose appointment has been endorsed by OEH – of the progress towards implementation of the biodiversity offset strategy, in particular the regeneration of Warkworth Sands Woodland against the detailed performance and completion criteria under the biodiversity management plan (see condition 36 of schedule 3);
 - (e) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
 - (f) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under the abovementioned approvals.

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

10. Within 6 weeks of the completion of this audit, unless the Secretary agrees otherwise, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

11. From the commencement of development under this consent, the Applicant shall:
- (a) make copies of the following publicly available on its website:
 - the EIS;
 - current statutory approvals for the development;
 - approved strategies, plans and programs required under the conditions of this consent;
 - a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - the results of real time noise monitoring, updated daily (unless otherwise agreed by the Secretary);
 - a complaints register, which is to be updated monthly;
 - minutes of CCC meetings;
 - the annual reviews of the development (for the last 5 years, if applicable);
 - any independent environmental audit of the development, 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.
-

APPENDIX 1 SCHEDULE OF LAND

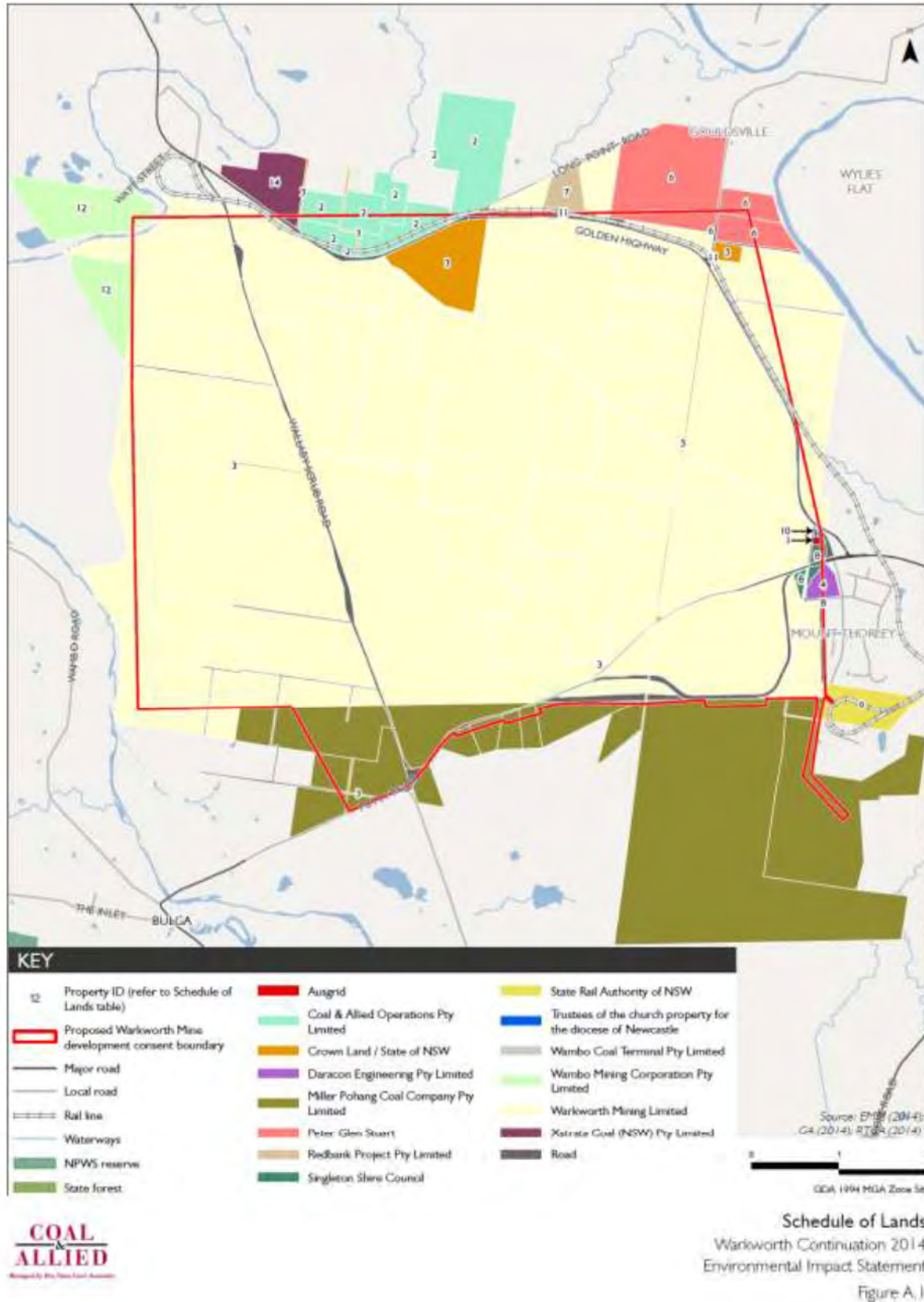


Figure 1: Land Ownership Plan Within the Development Application Area

ID	LOT	DP	OWNER
	3	1026900	Road
	4	1026900	Road
	10	1121154	Road
1	40	587922	Ausgrid
2	146	970755	Coal & Allied Operations Pty Limited
2	143	755267	Coal & Allied Operations Pty Limited
2	135	755267	Coal & Allied Operations Pty Limited
2	2	129806	Coal & Allied Operations Pty Limited
2	4	113342	Coal & Allied Operations Pty Limited
2	142	755267	Coal & Allied Operations Pty Limited
2	1	129808	Coal & Allied Operations Pty Limited
2	1	129806	Coal & Allied Operations Pty Limited
3	1	1086834	Crown Land / State of NSW
3	2011	1137289	Crown Land / State of NSW
3	3	705493	Crown Land / State of NSW
3		0	Crown Land / State of NSW
3		0	Crown Land / State of NSW
3		0	Crown Land / State of NSW
3		0	Crown Land / State of NSW
4	372	1026537	Daracon Engineering Pty Limited
5	271	600747	Miller Pohang Coal Company Pty Limited
5	1	42614	Miller Pohang Coal Company Pty Limited
5	99	755270	Miller Pohang Coal Company Pty Limited
5	551	569597	Miller Pohang Coal Company Pty Limited
5	17	658927	Miller Pohang Coal Company Pty Limited
5	3	42614	Miller Pohang Coal Company Pty Limited
5	8	247340	Miller Pohang Coal Company Pty Limited
5	19	247339	Miller Pohang Coal Company Pty Limited
5	6	587986	Miller Pohang Coal Company Pty Limited
5	61	755270	Miller Pohang Coal Company Pty Limited
5	9	247340	Miller Pohang Coal Company Pty Limited
5	7	247340	Miller Pohang Coal Company Pty Limited
5	272	600747	Miller Pohang Coal Company Pty Limited
5	271	260663	Miller Pohang Coal Company Pty Limited
5	2	610376	Miller Pohang Coal Company Pty Limited
5	5	247340	Miller Pohang Coal Company Pty Limited
5	273	260663	Miller Pohang Coal Company Pty Limited
5	341	612684	Miller Pohang Coal Company Pty Limited
5	1	43422	Miller Pohang Coal Company Pty Limited
6	74	755267	Peter Glen Stuart
6	1	910550	Peter Glen Stuart
6	75	755267	Peter Glen Stuart
6	126	665628	Peter Glen Stuart
7	450	1119428	Redbank Project Pty Limited
8	5	1026900	Singleton Shire Council
8	28	255730	Singleton Shire Council

ID	LOT	DP	OWNER
8	371	1026537	Singleton Shire Council
8	29	255730	Singleton Shire Council
9	6	251238	State Rail Authority of NSW
10	2	602169	Trustees of church property for the diocese of Newcastle
11	2	1086834	Wambo Coal Terminal Pty Limited
11	451	1119428	Wambo Coal Terminal Pty Limited
12	23	3030	Wambo Mining Corporation Pty Limited
12	7	3030	Wambo Mining Corporation Pty Limited
13	360	1135647	Warkworth Mining Limited
13	220	1135537	Warkworth Mining Limited
13	99	755267	Warkworth Mining Limited
13	350	1135536	Warkworth Mining Limited
13	35	260056	Warkworth Mining Limited
13	19	113342	Warkworth Mining Limited
13	B	182301	Warkworth Mining Limited
13	162	755267	Warkworth Mining Limited
13	18	113342	Warkworth Mining Limited
13	105	755267	Warkworth Mining Limited
13	16	113342	Warkworth Mining Limited
13	17	113342	Warkworth Mining Limited
13	102	755267	Warkworth Mining Limited
13	154	755267	Warkworth Mining Limited
13	91	755267	Warkworth Mining Limited
13	A	182301	Warkworth Mining Limited
13	103	755267	Warkworth Mining Limited
13	7	248570	Warkworth Mining Limited
13	1	248570	Warkworth Mining Limited
13	1	705493	Warkworth Mining Limited
13	35	755270	Warkworth Mining Limited
13	24	755270	Warkworth Mining Limited
13	272	260663	Warkworth Mining Limited
13	140	248186	Warkworth Mining Limited
13	21	113342	Warkworth Mining Limited
13	129	755267	Warkworth Mining Limited
13	166	657481	Warkworth Mining Limited
13	16	755267	Warkworth Mining Limited
13	6	113342	Warkworth Mining Limited
13	13	113342	Warkworth Mining Limited
13	179	755267	Warkworth Mining Limited
13	138	248186	Warkworth Mining Limited
13	1B	37572	Warkworth Mining Limited
13	22	113342	Warkworth Mining Limited
13	48	755267	Warkworth Mining Limited
13	189	755267	Warkworth Mining Limited
13	3	43383	Warkworth Mining Limited
13	203	704466	Warkworth Mining Limited

ID	LOT	DP	OWNER
13	200	755267	Warkworth Mining Limited
13	1	227280	Warkworth Mining Limited
13	2	227280	Warkworth Mining Limited
13	3	227280	Warkworth Mining Limited
13	178	755267	Warkworth Mining Limited
13	132	755267	Warkworth Mining Limited
13	6	245850	Warkworth Mining Limited
13	8	245850	Warkworth Mining Limited
13	155	755267	Warkworth Mining Limited
13	1	326244	Warkworth Mining Limited
13	1	245850	Warkworth Mining Limited
13	3	245850	Warkworth Mining Limited
13	137	755267	Warkworth Mining Limited
13	1	129800	Warkworth Mining Limited
13	152	755267	Warkworth Mining Limited
13	21	625709	Warkworth Mining Limited
13	4	43383	Warkworth Mining Limited
13	2	827333	Warkworth Mining Limited
13	3	129811	Warkworth Mining Limited
13	8	246201	Warkworth Mining Limited
13	20	113342	Warkworth Mining Limited
13	36	260056	Warkworth Mining Limited
13	139	248186	Warkworth Mining Limited
13	136	755267	Warkworth Mining Limited
13	71	755270	Warkworth Mining Limited
13	170	755267	Warkworth Mining Limited
13	165	755267	Warkworth Mining Limited
13	144	755267	Warkworth Mining Limited
13	6	248570	Warkworth Mining Limited
13	137	248186	Warkworth Mining Limited
13	143	573290	Warkworth Mining Limited
13	1	949066	Warkworth Mining Limited
13	46	755267	Warkworth Mining Limited
13	15	113342	Warkworth Mining Limited
13	180	755267	Warkworth Mining Limited
13	131	248186	Warkworth Mining Limited
13	2	705493	Warkworth Mining Limited
13	134	755267	Warkworth Mining Limited
13	2	1097294	Warkworth Mining Limited
13	1	755267	Warkworth Mining Limited
13	168	755267	Warkworth Mining Limited
13	7	245850	Warkworth Mining Limited
13	156	755267	Warkworth Mining Limited
13	1	326245	Warkworth Mining Limited
13	197	657482	Warkworth Mining Limited
13	5	248570	Warkworth Mining Limited

ID	LOT	DP	OWNER
13	11	246201	Warkworth Mining Limited
13	2	129822	Warkworth Mining Limited
13	131	755267	Warkworth Mining Limited
13	1	129819	Warkworth Mining Limited
13	2	129811	Warkworth Mining Limited
13	3	246201	Warkworth Mining Limited
13	6	247820	Warkworth Mining Limited
13	95	755267	Warkworth Mining Limited
13	93	755267	Warkworth Mining Limited
13	1	610376	Warkworth Mining Limited
13	104	755267	Warkworth Mining Limited
13	164	755267	Warkworth Mining Limited
13	2	804245	Warkworth Mining Limited
13	191	755267	Warkworth Mining Limited
13	97	755267	Warkworth Mining Limited
13	130	755267	Warkworth Mining Limited
13	5	113342	Warkworth Mining Limited
13	141	573290	Warkworth Mining Limited
13	184	755267	Warkworth Mining Limited
13	89	755267	Warkworth Mining Limited
13	132	248186	Warkworth Mining Limited
13	130	248186	Warkworth Mining Limited
13	27	755267	Warkworth Mining Limited
13	90	755267	Warkworth Mining Limited
13	10	113342	Warkworth Mining Limited
13	7	113342	Warkworth Mining Limited
13	196	755267	Warkworth Mining Limited
13	150	755267	Warkworth Mining Limited
13	173	755267	Warkworth Mining Limited
13	2	245850	Warkworth Mining Limited
13	12	246201	Warkworth Mining Limited
13	5	246201	Warkworth Mining Limited
13	2	130264	Warkworth Mining Limited
13	1	129822	Warkworth Mining Limited
13	1	129812	Warkworth Mining Limited
13	1	129811	Warkworth Mining Limited
13	92	755267	Warkworth Mining Limited
13	25	755270	Warkworth Mining Limited
13	185	755267	Warkworth Mining Limited
13	161	755267	Warkworth Mining Limited
13	1	804245	Warkworth Mining Limited
13	182	755267	Warkworth Mining Limited
13	135	248186	Warkworth Mining Limited
13	142	573290	Warkworth Mining Limited
13	2	43383	Warkworth Mining Limited
13	12	113342	Warkworth Mining Limited

ID	LOT	DP	OWNER
13	183	755267	Warkworth Mining Limited
13	144	573290	Warkworth Mining Limited
13	1	573286	Warkworth Mining Limited
13	47	1096589	Warkworth Mining Limited
13	1	176095	Warkworth Mining Limited
13	167	755267	Warkworth Mining Limited
13	111	755267	Warkworth Mining Limited
13	1	1097294	Warkworth Mining Limited
13	9	246201	Warkworth Mining Limited
13	5	245850	Warkworth Mining Limited
13	1	130264	Warkworth Mining Limited
13	151	755267	Warkworth Mining Limited
13	3	129819	Warkworth Mining Limited
13	2	129799	Warkworth Mining Limited
13	2	246201	Warkworth Mining Limited
13	11	113342	Warkworth Mining Limited
13	8	1026900	Warkworth Mining Limited
13	1	1041796	Warkworth Mining Limited
13	7	247820	Warkworth Mining Limited
13	96	755267	Warkworth Mining Limited
13	94	755267	Warkworth Mining Limited
13	26	755270	Warkworth Mining Limited
13	87	755267	Warkworth Mining Limited
13	190	755267	Warkworth Mining Limited
13	841	531116	Warkworth Mining Limited
13	106	755267	Warkworth Mining Limited
13	110	755267	Warkworth Mining Limited
13	187	755267	Warkworth Mining Limited
13	1	130275	Warkworth Mining Limited
13	177	755267	Warkworth Mining Limited
13	157	755267	Warkworth Mining Limited
13	159	755267	Warkworth Mining Limited
13	10	246201	Warkworth Mining Limited
13	4	245850	Warkworth Mining Limited
13	120	1089243	Warkworth Mining Limited
13	2	129819	Warkworth Mining Limited
13	1	129799	Warkworth Mining Limited
13	1	246201	Warkworth Mining Limited
13	2	735566	Warkworth Mining Limited
13	12	1121154	Warkworth Mining Limited
13	22	625709	Warkworth Mining Limited
13	1	130276	Warkworth Mining Limited
13	14	113342	Warkworth Mining Limited
13	136	248186	Warkworth Mining Limited
13	5	43383	Warkworth Mining Limited
13	134	248186	Warkworth Mining Limited

ID	LOT	DP	OWNER
13	172	755267	Warkworth Mining Limited
13	1	43383	Warkworth Mining Limited
13	133	248186	Warkworth Mining Limited
13	2	248570	Warkworth Mining Limited
13	4	658759	Warkworth Mining Limited
13	4	248570	Warkworth Mining Limited
13	11	1121154	Warkworth Mining Limited
13	63	755267	Warkworth Mining Limited
14	1	1043120	Xstrata Coal (NSW) Pty Limited

APPENDIX 2 DEVELOPMENT LAYOUT PLANS



The proposal
Warkworth Continuation 2014
Environmental Impact Statement
Figure 2.3

Figure 3: General Development Layout

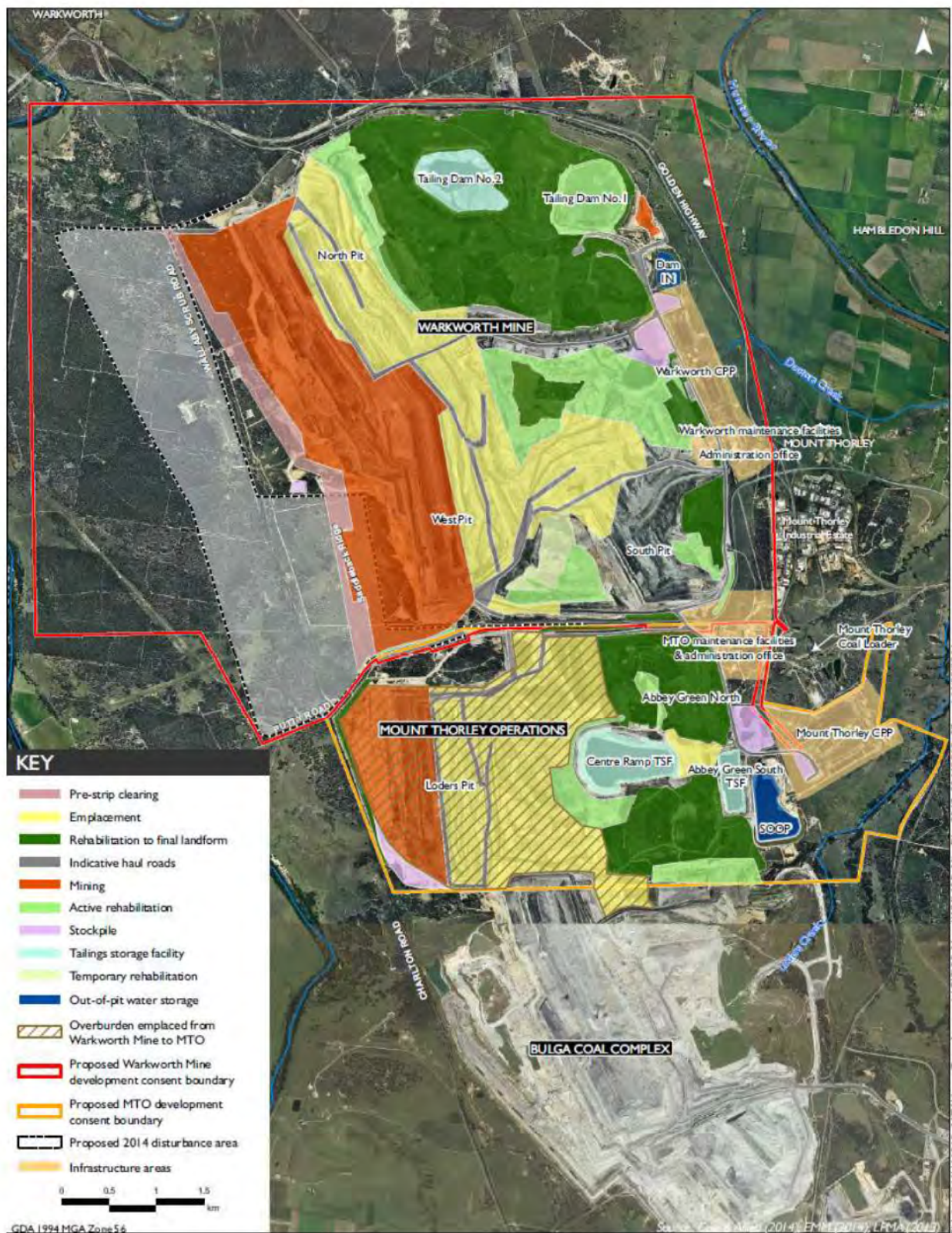


Figure 4: Conceptual Mine Plan – Year 3

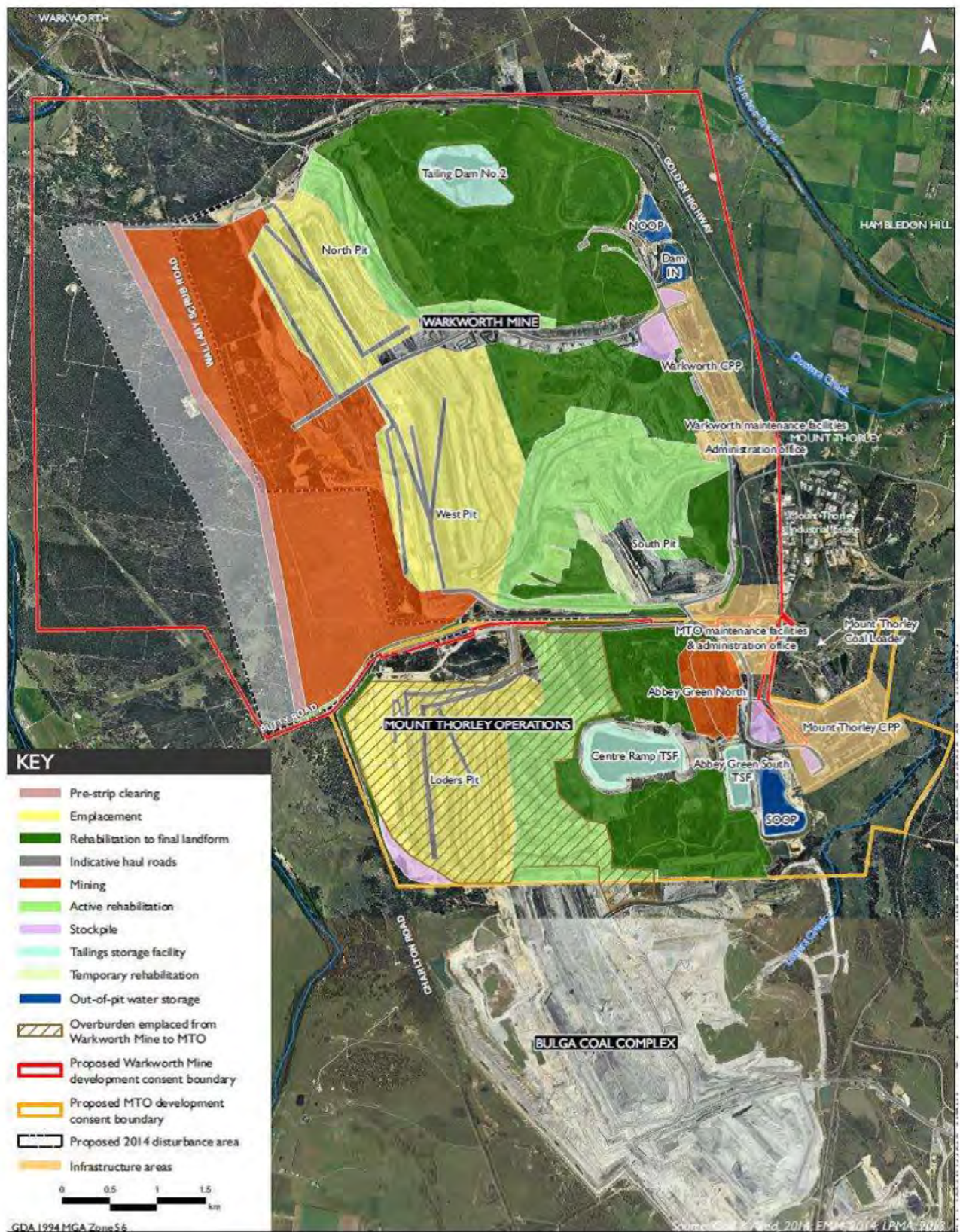
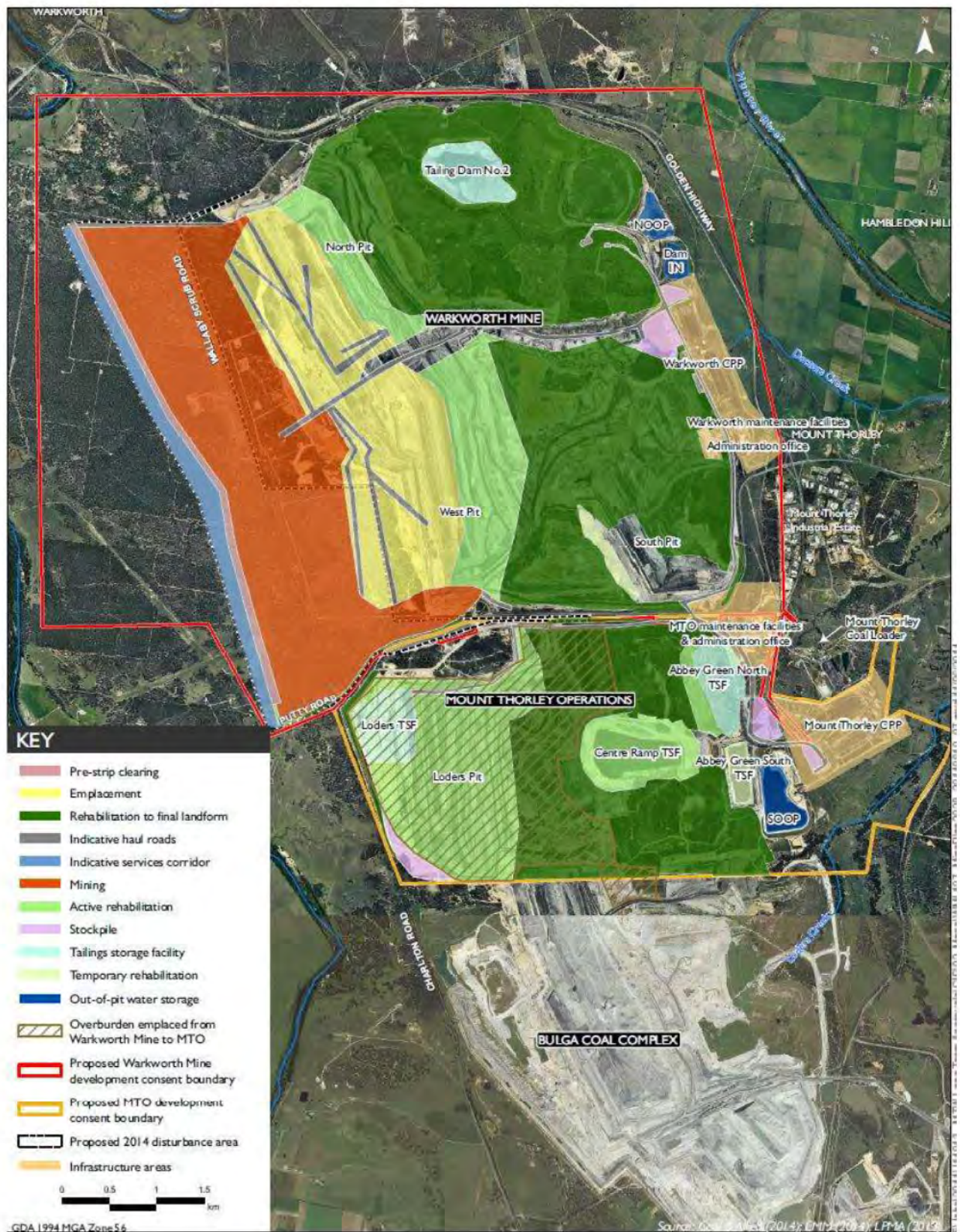
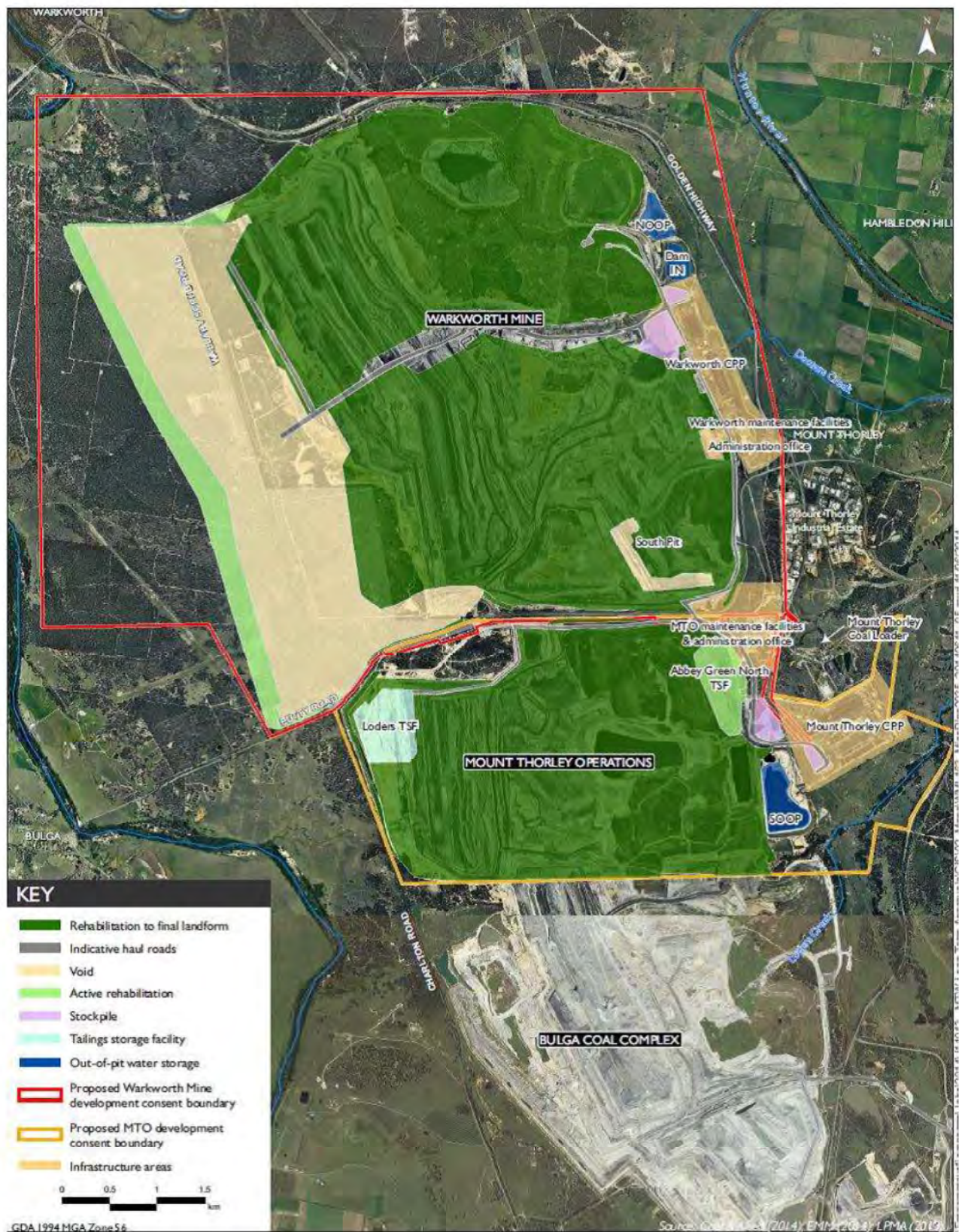


Figure 5: Conceptual Mine Plan - Year 9



Indicative Year 14 mine plan
Warkworth Continuation 2014
Environmental Impact Statement
Figure 2.9

Figure 6: Conceptual Mine Plan – Year 14



Indicative Year 21 mine plan
Warkworth Continuation 2014
Environmental Impact Statement
Figure 2.10

Figure 7: Conceptual Mine Plan – Year 21

APPENDIX 3 LAND OWNERSHIP PLANS

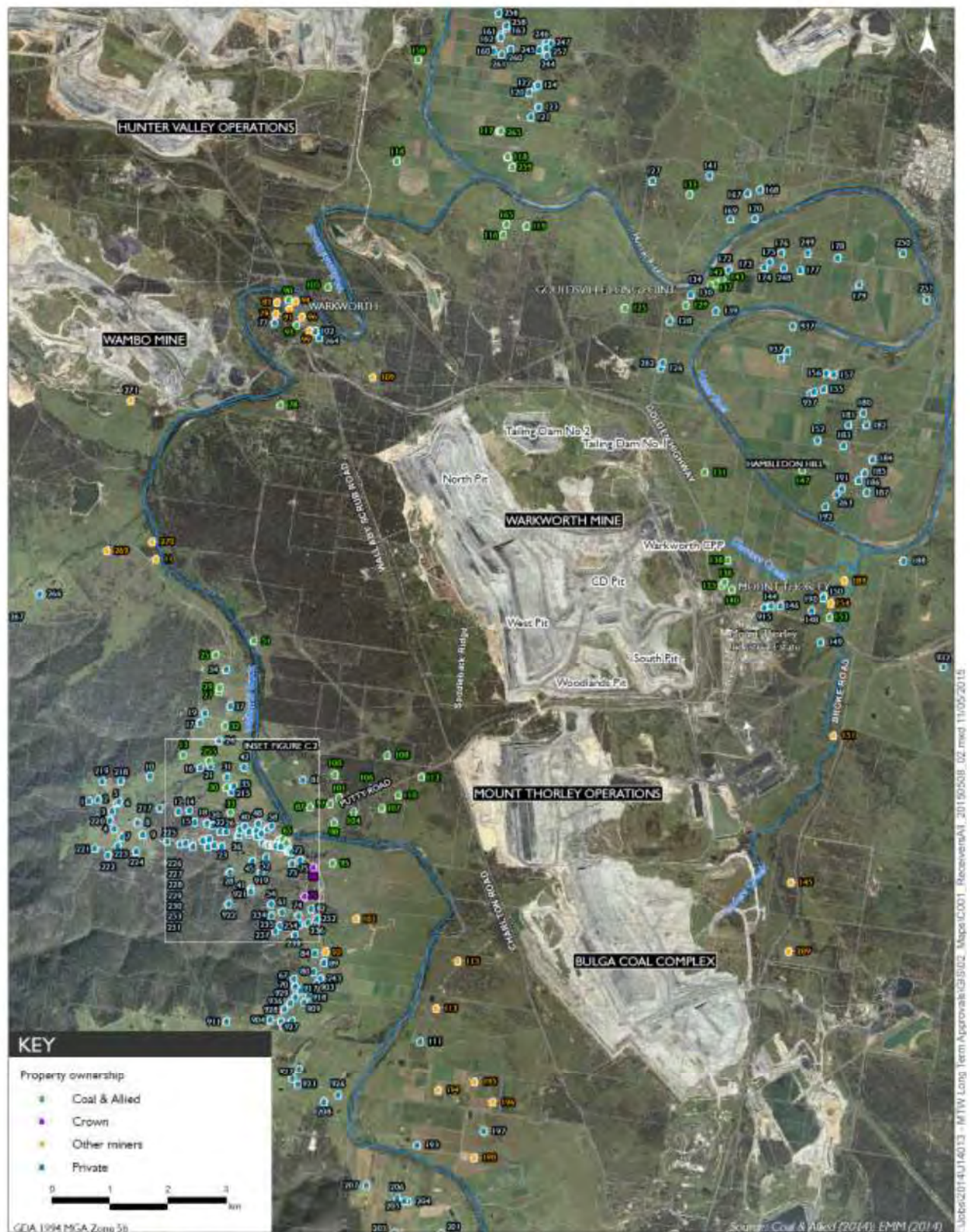


Figure 8: Surrounding Residences

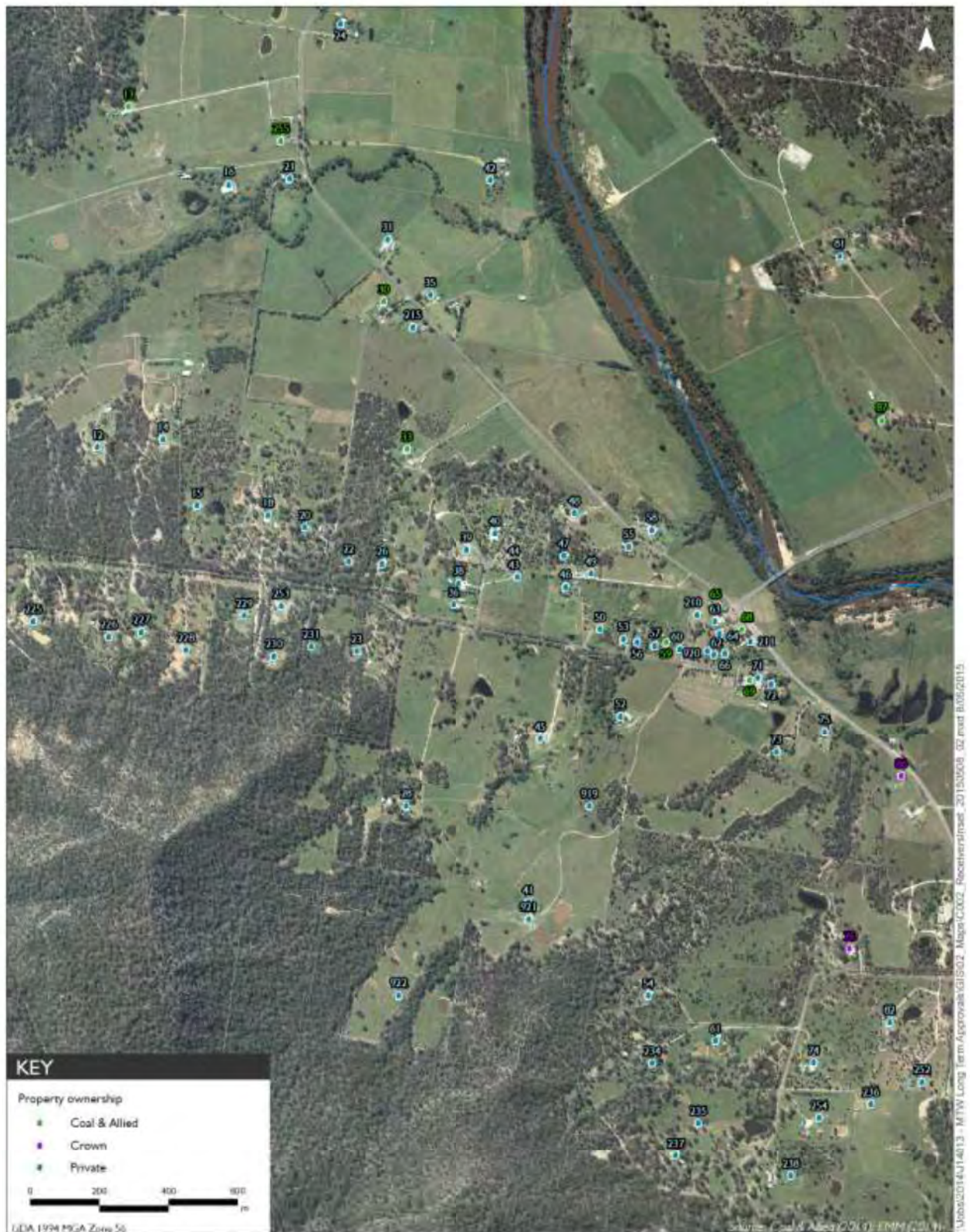


Figure 9: Surrounding Residences – South West (Bulga)



Figure 10: Vacant Land

Assessment location ID	Property owner
1	Judith Leslie
2	Shayne Aaron Currie
3	Charleroi Pty Limited
4	Graeme O'Brien & Susann Florence O'Brien
5	Daniel Bruce Jones
6	Russell James Doidge, Trinette Louise Reid
7	Darral Keith Margery & Annette Gaye Margery
8	Laurence Fletcher, Margaret Ann Fletcher
9	Donald Bruce Roser
10	Andrew Mark Robey, Kim Luanne Robey
11	Wambo Mining Corporation Pty. Limited
12	Ronald Alexander Corino, Pauline Rayner
13	Warkworth Mining Limited
14	Karin Margaret Hunt
15	William Lindsay Gordon Slaney, Peta Slaney
16	Leona Ann Williams
17	George David Lianos, Honor Claire Lianos
18	Barry John Anderson, Melissa Gai Anderson
19	Denis Cyril Maizey, Elaine Margaret Maizey
20	Gregory William Banks, Marion Elizabeth Banks
21	Gregory William Banks, Marion Elizabeth Banks
22	Elizabeth Mackenzie
23	Peter Jason Kolatchew, Heidi Kolatchew
24	Ronald Garry Bailey, Fiona Susan Bailey
25	William George Joseph Lambkin, Dawn Lambkin*
26	Barbara Gae Harrison, Trevor Eric Harrison
27	Warkworth Mining Limited
28	Hubert George Upward
29	Warkworth Mining Limited
30	Warkworth Mining Limited
31	Gregory Malcolm Caban
32	Warkworth Mining Limited
33	Warkworth Mining Limited
34	Allan Clyde Lepisto, Nerida Lepisto
35	Lawrence Malcolm Caban, Rhonda Beryl Caban
36	Raymond Carl Powell
37	Gregory Paul Crowe
38	Benjamin John Street, Jami Ann Street
39	Gregory John Mcnaught
40	Margaret Player, John MacLachlan Player
41	Hubert George Upward
42	Mark Anthony Lancaster, Debbie Marie Lancaster
43	Geoffrey Allen Burgess, Betty Joy Burgess

Assessment location ID	Property owner
44	Barry Fogwell
45	Adam Charles Cameron
46	Jason Phillip Horn
47	Philip Adamthwaite
48	Brett James Gallagher, Rebecca Louise Gallagher
49	John Thompson, Delwyn Kay Jackson
50	Bradley Richard Sales, Sharon Ann Bellamy
51	Warkworth Mining Limited
52	Stewart James Mitchell, Marie Clare Mitchell
53	Robert McLaughlin
54	Christopher Stanley Neville & Elizabeth Ann Neville
55	Robert John Evans
56	Leonard Walter Mclachlan, Noelene Rita Mclachlan
57	Paul William Harris, Tracey Anne Swindail
58	David Andrew Gregory
59	Warkworth Mining Limited
60	Vaughan Thomas Cagney, Candice Rose Albert
61	Darrell Stanley Kaizer
62	Dwi Octaviani
63	Margueriette Ann Henneberry, Paul Andrew Burgess
64	Dusko Dragicevic, Milan Dragicevic
65	Warkworth Mining Limited
66	Michael Vivian Bendall, Sue-Ellen Bendall
67	Michael Shane Dawson & Suzana Dawson
68	Warkworth Mining Limited
69	Warkworth Mining Limited
70	Peter Francis Ritchie And Fiona Jennifer Ritchie
71	Robert Ian Hedley, Jan Maree Louis
72	Frank Henry Turnbull
73	Phillip Joseph Reid, Carol Reid
74	Ronald Guy Godyn, Anne-Marie Godyn
75	Lindsay Robert Smith, Jillian Maree Smith
76	The State Of New South Wales
77	William Joseph Kelly, Marie Joyce Kelly, Lawrence Kelly
78	Warkworth Mining Limited
79	Wambo Mining Corporation Pty. Limited
80	Dimitrious Vikas & Joy Mary Vikas
81	Agl Energy Limited
82	Stephen Glenn Williamson, Nicole Leanne Highett
83	Xstrata Coal Pty Limited
84	Mary Veronica Thompson
86	The State Of New South Wales
87	Andre Marc Renaud, Noela Mary Renaud*

Assessment location ID	Property owner
89	Bryan Dudley Medhurst
90	Coal & Allied Operations Pty Limited
91	Wambo Coal Pty Limited
92	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
93	Coal & Allied Operations Pty Limited
94	Wambo Coal Pty Limited
95	Miller Pohang Coal Company Pty Limited
96	Wambo Mining Corporation Pty. Limited
97	Warkworth Mining Limited
98	Miller Pohang Coal Company Pty Limited
99	Wambo Coal Pty Limited
100	Miller Pohang Coal Company Pty Limited
101	Miller Pohang Coal Company Pty Limited
102	Brian Edward Kennedy, John Griffiths (Warkworth Hall)
103	Saxonvale Coal Pty. Limited, Nippon Steel Australia Pty. Limited
104	Miller Pohang Coal Company Pty Limited
105	Coal & Allied Operations Pty Limited
106	Miller Pohang Coal Company Pty Limited
107	Miller Pohang Coal Company Pty Limited
108	Miller Pohang Coal Company Pty Limited
109	Xstrata Coal (Nsw) Pty Limited
110	Miller Pohang Coal Company Pty Limited
111	Ian Wallace Russell
112	Miller Pohang Coal Company Pty Limited
113	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
114	Coal & Allied Operations Pty Limited
115	Saxonvale Coal Pty. Limited, Nippon Steel Australia Pty. Limited
116	Coal & Allied Operations Pty Limited
117	Coal & Allied Operations Pty Limited
118	Coal & Allied Operations Pty Limited
119	Coal & Allied Operations Pty Limited
120	Russell John Wenham, Janelle Susan Wenham
121	Julie Gai Ernst, Gregory John Ernst
122	Stephen Douglas Edwards, Terri-Anne Howard, Joselyn Vida Clifton
123	Neil Robert Nelson, Glenda Joy Nelson
124	Stephen Douglas Edwards, Terri-Anne Howard, Joselyn Vida Clifton
125	Coal & Allied Operations Pty Limited
126	Peter Glen Stuart
127	Noel Francis Riley, Elaine Roslyn Riley
128	Warren John Welsh, Adam John Young
129	Coal & Allied Operations Pty Limited
130	Francescantonio Ventra, Joanne Ventra
131	Warkworth Mining Limited

Assessment location ID	Property owner
133	Coal & Allied Operations Pty Limited
134	Andrew Arthur Barrett, Nicole Maree Kenny
135	Warkworth Mining Limited
136	Warkworth Mining Limited
137	Coal & Allied Operations Pty Limited
138	Warkworth Mining Limited
139	Kevin Denis Hartcher, Linda Anne Hartcher
140	Warkworth Mining Limited
141	Warren Thomas Barry, Lesley Una Barry
142	Coal & Allied Operations Pty Limited
143	Coal & Allied Operations Pty Limited
144	Jason Cyril Rumbel, Rebecca Ruth Rumbel
145	Saxonvale Coal Pty. Limited, Nippon Steel Australia Pty. Limited
146	Paul Henry Russell
147	Warkworth Mining Limited
148	Dorothy Clare Russell
149	Timothy Peter Hedley
150	Keith David Isaac, Sharon Ann Isaac
151	Bulga Coal Management Pty Limited
152	Graham Edwin Berry, Elizabeth Anne Berry
153	Warkworth Mining Limited
154	Bulga Coal Management Pty Limited
155	Trevor Keith Berry, Graham Edwin Berry
156	Jean Mary O'Hara
157	Jean Mary O'Hara
158	Coal & Allied Operations Pty Limited
160	Elizabeth Stuart Bowman
161	Wyoming Holsteins Pty Limited
162	Wyoming Holsteins Pty Limited
163	Wyoming Holsteins Pty Limited
165	Coal & Allied Operations Pty Limited
167	Nathan James Laing
168	Stuart Francis Nichol Wright, Pamela Lynn Wright
169	Harold Douglas Hobden
170	John Marcheff
172	John Stuart Gough, Lynette Jean Gough
173	Michael John Wellard, Faye Denise Wellard
174	Margaret Anne Neal
175	Bradley John Halter
176	Michael Raymond Mapp, Shirley Maree Mapp
177	Greig Andrew Delaney
178	Craig Ian Flissinger, Catherine Anne Flissinger
179	Tickalara Pty. Limited

Assessment location ID	Property owner
180	Bruce Graham Moore
181	David Charles Vassallo, Sheree Ann Vassallo
182	Robert Francis Holstein And Andrea Terry Holstein
183	Paul Anthony Cavanough, Jacinta Jade Dawkins
184	Campbell Stuart Ball And Gail Agnes Ball
185	Leonard Dale Franks
186	Leonard Dale Franks
187	Keith Heuston Pty. Limited
188	Comserve (No.932) Pty Ltd
189	Bulga Coal Management Pty Limited
190	Keith David Isaac, Sharon Ann Isaac
191	Robert John Vidler, Coral May Vidler
192	Jean Mary O'Hara
193	Robert Kennedy
194	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
195	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
196	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
197	Robert Kennedy
198	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
199	Adrian Garton, Susan Jean Garton
200	Karren Anne Mccraw, Kenneth Ian Mccraw
201	Richard James Owens
202	Richard James Owens
203	Grapemen Holdings Pty Limited
204	Brenda Joan Tanner
205	Victoria Ann Foster
206	Theo Poulos, Maria Poulos
207	John Stephen Tulloch
208	Cybele Genevieve Orton
209	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
210	Meria Violet Ford
211	Mike Dean Silk, Antoinette Silk
215	Allan Wayne Louis, Cheryl Anne Louis
217	Packtron Packaging Pty Limited
218	Phillip John Haerse, Elizabeth Rae Haerse
219	Philip Geoffrey Carroll
220	George Jiri Tlaskal
221	Christina Mary Metlikovec
222	John Vincent Putland
223	Andrew Glenn Upward
224	Rex Wayne Davis, Heather Anne Davis
225	Anthony and Trudie Seibel – Barnes
226	Neale Mccallum, Julie Marie Mcnaughton

Assessment location ID	Property owner
227	Ian Wyn Jones, Karen Michelle Jones
228	Jason Peter Passlow, Belinda Louise Lee
229	Maurice Francis Chapman, Nellie Vera Chapman
230	Paul Dermot Byrne O'Toole, Melissa Jane O'Toole
231	Mark Mcalpin Roser, Nicole Roser
234	Robert John Bridge, Kylie Terese Bridge
235	Garrett James Walters & Clare Joanne Gowans
236	Scott Francis Ryan
237	Leslie Carol Krey
238	Raymond George Caban, Kathryn Louise Caban
243	John Patrick Cant, Cherie Margaret Cant
244	Todd Anthony Mills, Sharron Ann Mills
245	Chriss Ivan Maskey
246	Paul Raymond Burley, Catherine Maree Burley
247	Tony Zanardi, Sandra Maree Zanardi
248	Keith Joseph Horne
249	Thomas William Watson, Betty Watson
250	John Michael Woods
251	Frederick John & Carole Maria Flinn
252	Jaques Family Investments Pty Limited
253	Stuart Edward Reakes
254	Peter William Shore & Melanie Louise Shore
255	Warkworth Mining Limited
256	Bruce Eric Moxey, Thea Anne Moxey
257	Robert John Algie
258	Wyoming Holsteins Pty Limited
259	Coal & Allied Operations Pty Limited
260	Wyoming Holstiens Pty. Limited
261	Wyoming Holstiens Pty. Limited
262	Peter Glen Stuart
263	John Klasen, Ruth Anne Klasen
264	George Robert Miller (Anglican Church)
265	Coal & Allied Operations Pty Limited
266	Ronald Wayne Fenwick
267	Kenneth Max Brosi
268	Kenneth Max Brosi, Julie Anne Brosi & Pauline June McLoughlin
269	Wambo Mining Corporation Pty Limited
270	Wambo Mining Corporation Pty Limited
271	Wambo Mining Corporation Pty Limited
903	Adam John Baker
904	Allan Mark Brasington, Judith Anne Brasington
905	Cameron Michael Turner, Melissa Jayne Harris
909	Emanuel Victor Vassallo

Assessment location ID	Property owner
911	Gary Dale Harris
915	Jason Cyril Rumbel, Rebecca Ruth Rumbel
917	John Robert Lamb
918	Joseph Vassallo, Doris Vassallo
919	Kenneth Neil Cameron
920	Lindsay Gordon Harris, Jillian May Ferguson
921	Melanie Caban, Keiran Lionel Caban
922	Melanie Evelyn Upward
923	Michelle Maria Brennan
926	Paul William Mackay, Suzanne Elizabeth Mackay
927	Phillip John Gunter, Leona Mary Gunter
928	Sarah Elizabeth Purser, Stirling Owen Keayes
929	Simon James Beavis
932	Stephen Dennis Tipping
936	Thomas Charles Jackson, Susan Gai Jackson
937	Trevor Keith Berry, Graham Edwin Berry

**APPENDIX 4
DIRECT LAND-BASED BIODIVERSITY OFFSETS**

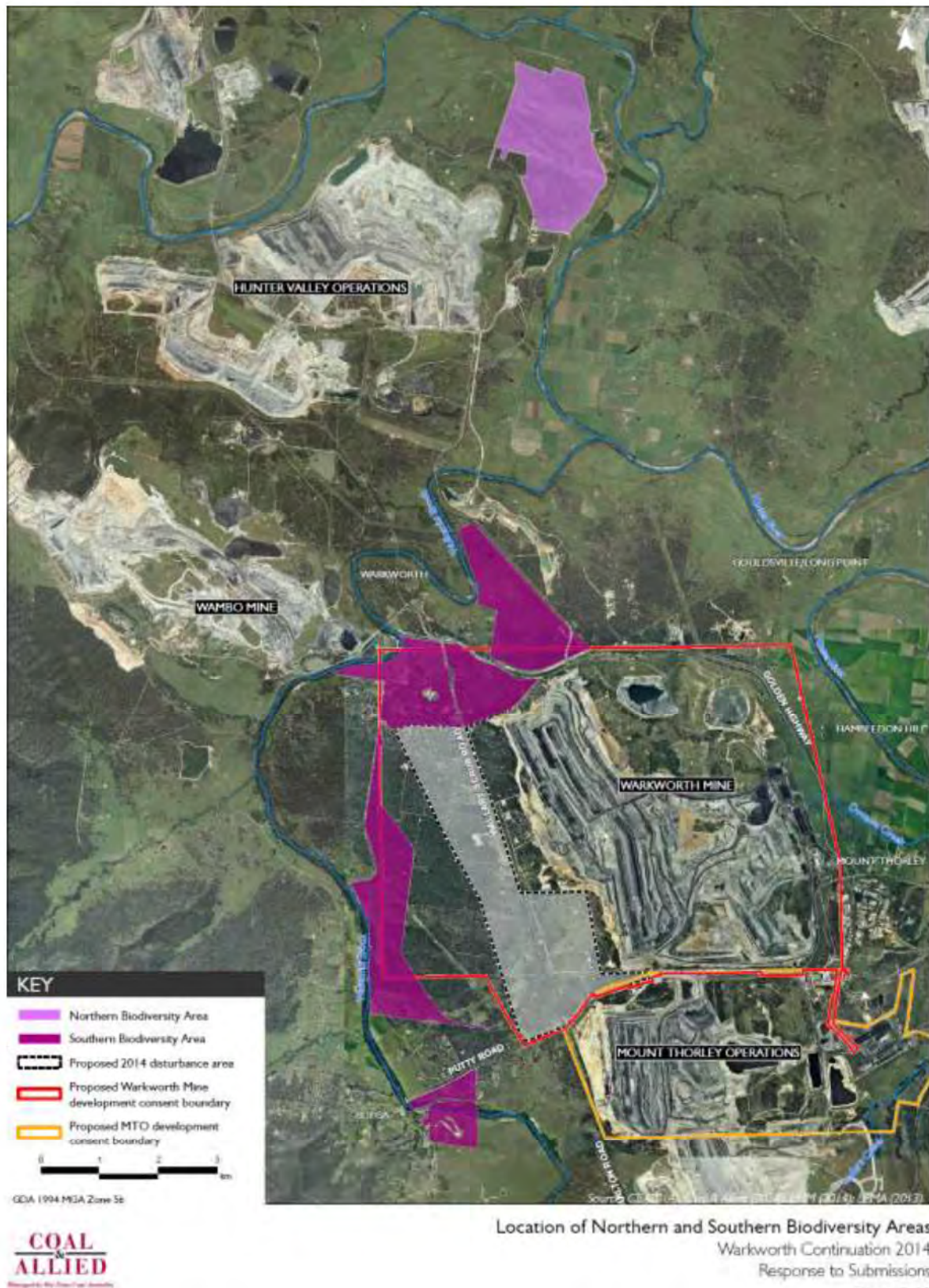
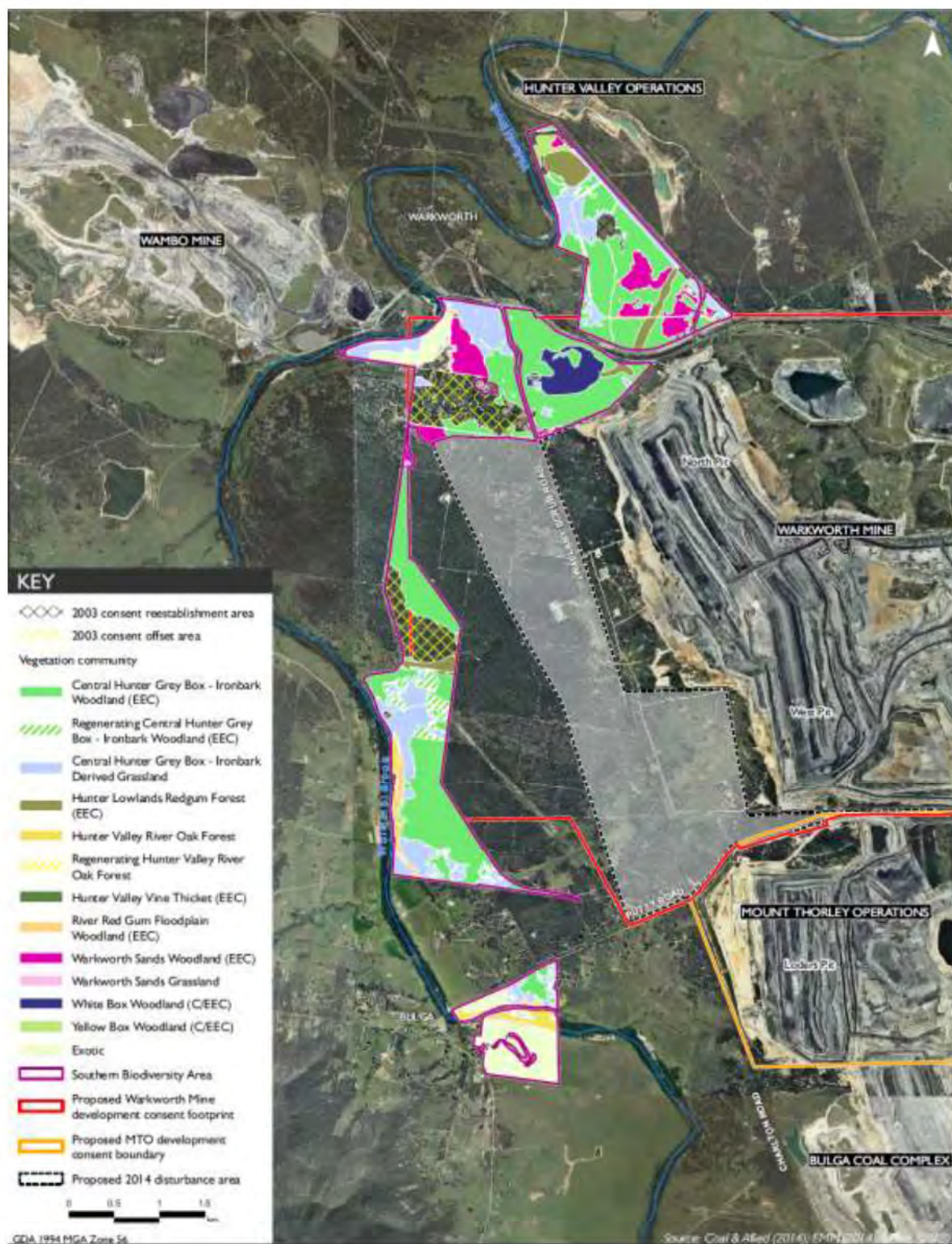


Figure 11: Location of Northern and Southern Biodiversity Areas



Vegetation communities in the Southern Biodiversity Area
Warkworth Continuation 2014
Environmental Impact Statement

Figure 12.7

Figure 12: Vegetation Communities in the Southern Biodiversity Area

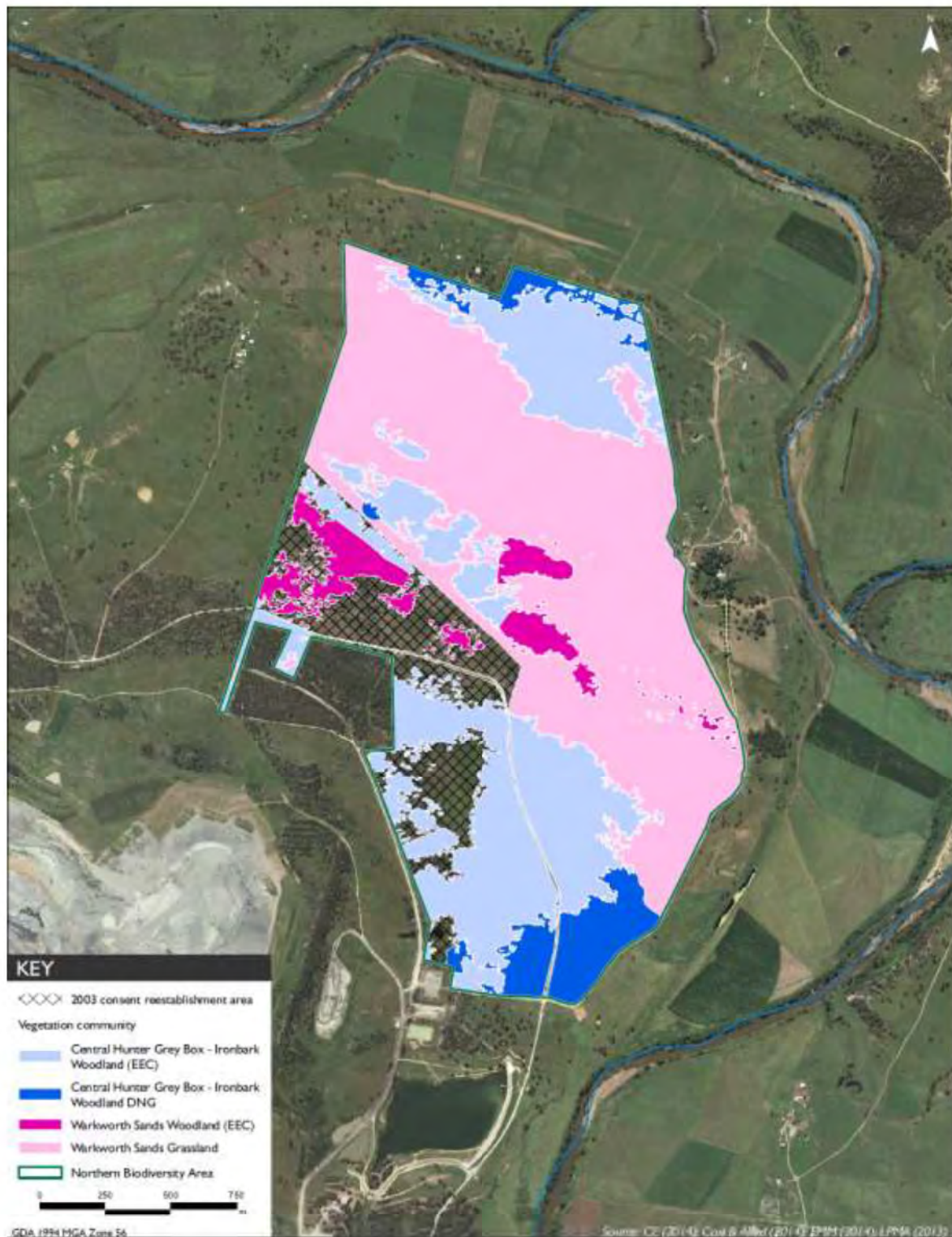


Figure 13: Vegetation Communities in the Northern Biodiversity Area

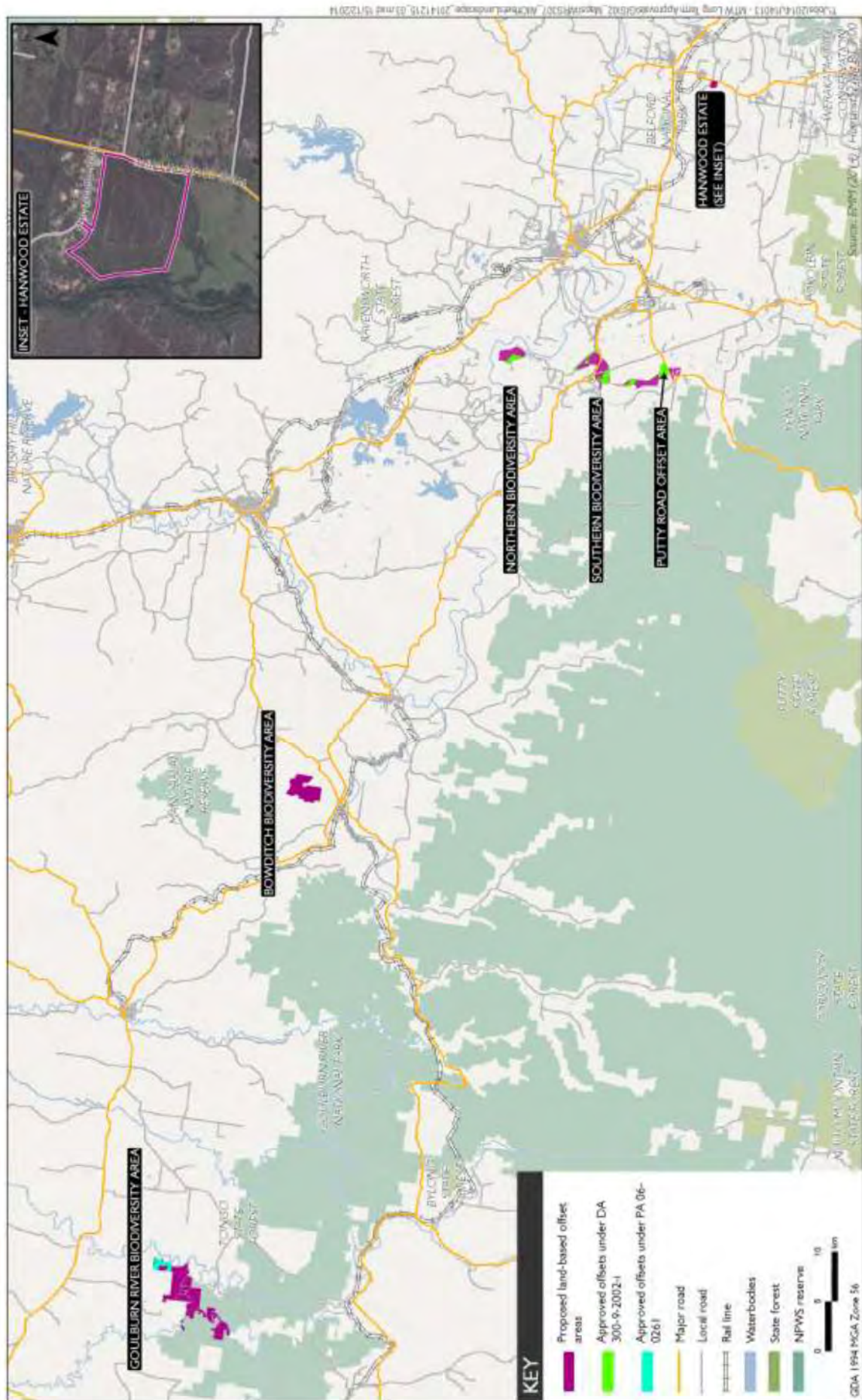


Figure 14: Location of Goulburn River, Bowditch and Other Biodiversity Areas,

APPENDIX 5 HERITAGE

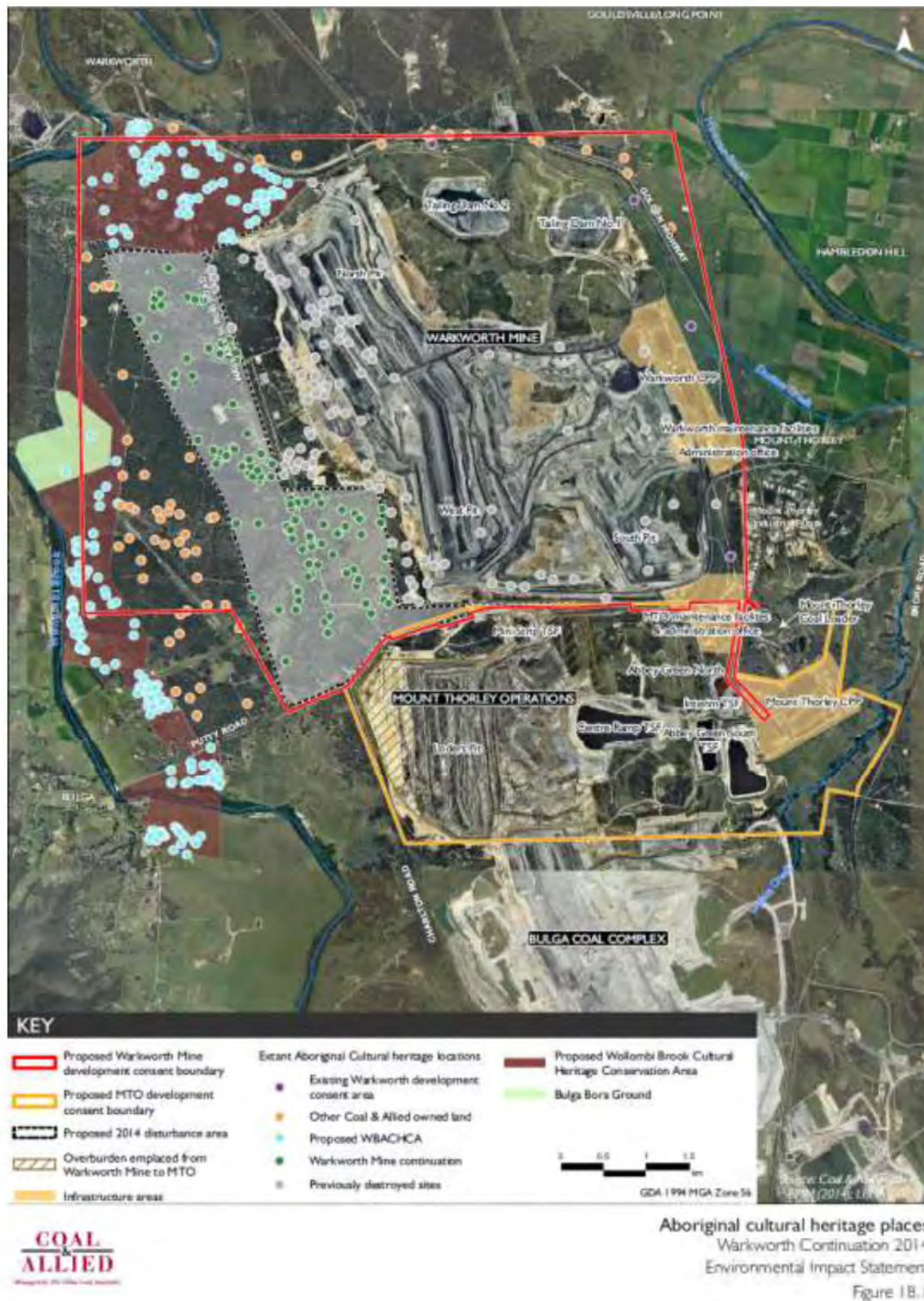


Figure 15: Wollombi Brook Aboriginal Cultural Heritage Conservation Area

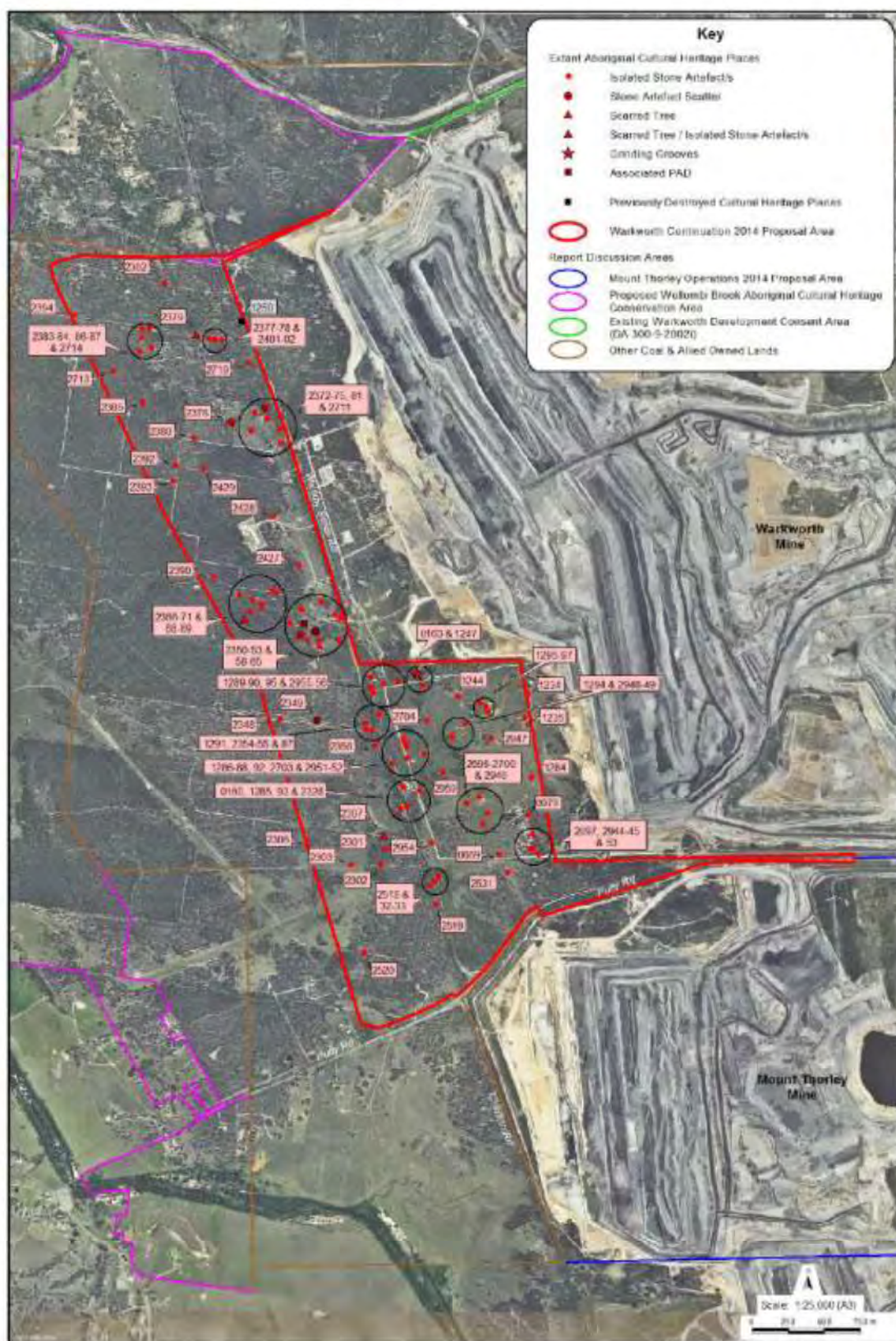


Figure 4: Map showing the location and current status of Aboriginal cultural heritage places within the Warkworth Continuation 2014 proposal area. Note: all place numbers are prefixed by the AHIMS code 37-6-XXXX.

Figure 16: Aboriginal Cultural Heritage Places Identified in Table 2 Below

Table 1: Aboriginal Cultural Heritage Places to be Protected

AHIMS No	Place Name	Place Type	PAD	Status
37-6-0641	Lemington Mine Lease ISF4	Isolated Stone Artefact/s	-	Valid
37-6-0848	Site T (Bulga)	Stone Artefact Scatter	-	Valid
37-6-0991	JP30	Isolated Stone Artefact/s	-	Valid
37-6-1437	JP 16	Isolated Stone Artefact/s	-	Valid
37-6-1438	JP 17	Isolated Stone Artefact/s	-	Valid
37-6-1440	JP 18	Isolated Stone Artefact/s	-	Valid
37-6-1441	JP 19	Isolated Stone Artefact/s	-	Valid
37-6-1442	JP 21	Isolated Stone Artefact/s	-	Valid
37-6-1445	JP 24	Stone Artefact Scatter	-	Valid
37-6-1446	JP 25	Stone Artefact Scatter	-	Valid
37-6-1448	JP 27	Stone Artefact Scatter	-	Valid
37-6-1450	JP 31	Isolated Stone Artefact/s	-	Valid
37-6-1451	JP 35	Stone Artefact Scatter	-	Valid
37-6-2062	KR57	Stone Artefact Scatter	-	Valid
37-6-2064	KR59	Stone Artefact Scatter	-	Valid
37-6-2065	KR60	Stone Artefact Scatter	-	Valid
37-6-2304	MTW-5	Isolated Stone Artefact/s	-	Valid
37-6-2305	MTW-6	Isolated Stone Artefact/s	-	Valid
37-6-2311	MTW-12	Isolated Stone Artefact/s	-	Valid
37-6-2322	MTW-23	Isolated Stone Artefact/s	-	Valid
37-6-2323	MTW-24	Isolated Stone Artefact/s	-	Valid
37-6-2329	MTW-30	Isolated Stone Artefact/s	-	Valid
37-6-2331	MTW-32	Isolated Stone Artefact/s	-	Valid
37-6-2332	MTW-33	Isolated Stone Artefact/s	-	Valid
37-6-2333	MTW-34	Isolated Stone Artefact/s	-	Valid
37-6-2334	MTW-35	Isolated Stone Artefact/s	-	Valid
37-6-2335	MTW-36	Isolated Stone Artefact/s	-	Valid
37-6-2336	MTW-37	Isolated Stone Artefact/s	-	Valid
37-6-2337	MTW-38	Isolated Stone Artefact/s	-	Valid
37-6-2338	MTW-39	Isolated Stone Artefact/s / Shell Material	-	Valid
37-6-2339	MTW-40	Isolated Stone Artefact/s	-	Valid
37-6-2340	MTW-41	Isolated Stone Artefact/s	-	Valid
37-6-2341	MTW-42	Isolated Stone Artefact/s	-	Valid
37-6-2342	MTW-43	Scarred Tree	-	Valid
37-6-2343	MTW-44	Isolated Stone Artefact/s / Stone Source	-	Valid
37-6-2344	MTW-45	Isolated Stone Artefact/s	-	Valid
37-6-2345	MTW-46	Isolated Stone Artefact/s	-	Valid
37-6-2346	MTW-47	Isolated Stone Artefact/s	-	Valid
37-6-2347	MTW-48	Isolated Stone Artefact/s	-	Valid
37-6-2391	MTW-92	Isolated Stone Artefact/s	-	Valid
37-6-2395	MTW-96	Isolated Stone Artefact/s	-	Valid
37-6-2396	MTW-97	Isolated Stone Artefact/s	-	Valid
37-6-2397	MTW-98	Isolated Stone Artefact/s	-	Valid
37-6-2398	MTW-99	Isolated Stone Artefact/s	-	Valid
37-6-2399	MTW-100	Isolated Stone Artefact/s	-	Valid
37-6-2400	MTW-101	Isolated Stone Artefact/s	-	Valid

37-6-2436	MTW-137	Isolated Stone Artefact/s	-	Valid
37-6-2437	MTW-138	Isolated Stone Artefact/s	-	Valid
37-6-2438	MTW-140	Stone Artefact Scatter	-	Valid
37-6-2439	MTW-141	Stone Artefact Scatter	-	Valid
37-6-2440	MTW-142	Stone Artefact Scatter	-	Valid
37-6-2441	MTW-143	Isolated Stone Artefact/s	Yes	Valid
37-6-2442	MTW-144	Isolated Stone Artefact/s	-	Valid
37-6-2443	MTW-145	Isolated Stone Artefact/s	-	Valid
37-6-2444	MTW-146-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2445	MTW-147-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2446	MTW-148-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2447	MTW-149-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2448	MTW-150-WSW-09-4	Stone Artefact Scatter	Yes	Valid
37-6-2449	MTW-151-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2450	MTW-152-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2451	MTW-153-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2452	MTW-154-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2453	MTW-155-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2454	MTW-156-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2455	MTW-157-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2456	MTW-158-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2457	MTW-159-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2458	MTW-160-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2459	MTW-161-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2460	MTW-162-WSW-09-4	Isolated Stone Artefact/s	Yes	Valid
37-6-2461	MTW-163-WSW-09-41	Isolated Stone Artefact/s	-	Valid
37-6-2462	MTW-164-WSW-09-40	Isolated Stone Artefact/s	-	Valid
37-6-2463	MTW-165-WSW-09-27	Scarred Tree	-	Valid
37-6-2464	MTW-166-WSW-09-42	Isolated Stone Artefact/s	-	Valid
37-6-2465	MTW-167-WSW-09-43	Isolated Stone Artefact/s	-	Valid
37-6-2466	MTW-168-WSW-09-28	Scarred Tree	-	Valid
37-6-2467	MTW-169-WSW-09-29	Scarred Tree	-	Valid
37-6-2468	MTW-170-WSW-09-44	Isolated Stone Artefact/s	-	Valid
37-6-2469	MTW-171-WSW-09-5	Isolated Stone Artefact/s	-	Valid
37-6-2470	MTW-172-WSW-09-45	Isolated Stone Artefact/s	-	Valid
37-6-2471	MTW-173-WSW-09-6	Isolated Stone Artefact/s	Yes	Valid
37-6-2472	MTW-174-WSW-09-6	Isolated Stone Artefact/s	Yes	Valid
37-6-2473	MTW-175-WSW-09-6	Isolated Stone Artefact/s	Yes	Valid
37-6-2474	MTW-176-WSW-09-6	Stone Artefact Scatter	Yes	Valid
37-6-2475	MTW-177-WSW-09-7	Isolated Stone Artefact/s	-	Valid
37-6-2476	MTW-178-WSW-09-68	Isolated Stone Artefact/s	-	Valid
37-6-2477	MTW-179-WSW-09-30	Scarred Tree	-	Valid
37-6-2478	MTW-180-WSW-09-69	Isolated Stone Artefact/s	-	Valid
37-6-2479	MTW-181-WSW-09-31	Scarred Tree	-	Valid
37-6-2480	MTW-182-WSW-09-70	Isolated Stone Artefact/s	-	Valid
37-6-2481	MTW-183-WSW-09-71	Isolated Stone Artefact/s	-	Valid
37-6-2482	MTW-184-WSW-09-11	Stone Artefact Scatter	Yes	Valid
37-6-2483	MTW-185-WSW-09-12	Isolated Stone Artefact/s	-	Valid
37-6-2484	MTW-186-WSW-09-12	Isolated Stone Artefact/s	-	Valid
37-6-2485	MTW-187-WSW-09-12	Isolated Stone Artefact/s	-	Valid

37-6-2486	MTW-188-WSW-09-12	Isolated Stone Artefact/s	-	Valid
37-6-2487	MTW-189-WSW-09-12	Isolated Stone Artefact/s	-	Valid
37-6-2488	MTW-190-WSW-09-57	Isolated Stone Artefact/s	-	Valid
37-6-2489	MTW-191-WSW-09-72	Isolated Stone Artefact/s	-	Valid
37-6-2490	MTW-192-WSW-09-13	Isolated Stone Artefact/s	-	Valid
37-6-2491	MTW-193-WSW-09-73	Isolated Stone Artefact/s	-	Valid
37-6-2492	MTW-194-WSW-09-74	Isolated Stone Artefact/s	-	Valid
37-6-2494	MTW-196-WSW-09-14	Isolated Stone Artefact/s	-	Valid
37-6-2505	MTW-207-WSW-09-18	Isolated Stone Artefact/s	-	Valid
37-6-2506	MTW-208-WSW-09-17	Isolated Stone Artefact/s	-	Valid
37-6-2507	MTW-209-WSW-09-18	Stone Artefact Scatter	-	Valid
37-6-2521	MTW-223-WSW-09-32	Scarred Tree	-	Valid
37-6-2522	MTW-224-WSW-09-53	Isolated Stone Artefact/s	-	Valid
37-6-2523	MTW-225-WSW-09-54	Isolated Stone Artefact/s	-	Valid
37-6-2524	MTW-226-WSW-09-8	Isolated Stone Artefact/s / Stone Source	-	Valid
37-6-2577	MTW-282-WSW-09-63	Isolated Stone Artefact/s	-	Valid
37-6-2578	MTW-283-WSW-09-36	Scarred Tree	-	Valid
37-6-2579	MTW-284-WSW-09-64	Isolated Stone Artefact/s	-	Valid
37-6-2580	MTW-285-WSW-09-37	Scarred Tree	-	Valid
37-6-2581	MTW-286-WSW-09-65	Isolated Stone Artefact/s	-	Valid
37-6-2708	WS12	Isolated Stone Artefact/s	-	Valid
37-6-2709	WS13	Isolated Stone Artefact/s	-	Valid
37-6-2712	WS6	Isolated Stone Artefact/s	-	Valid
37-6-2942	MTW-521	Isolated Stone Artefact/s	-	Valid
37-6-2943	MTW-522	Isolated Stone Artefact/s	-	Valid
37-6-0611	Jerry's Plains Road 2	Isolated Stone Artefact/s	-	Valid
37-6-0682	Wark-2	Isolated Stone Artefact/s	-	Valid
37-6-2061	KR56	Stone Artefact Scatter	-	Valid
37-6-2063	KR58	Stone Artefact Scatter	-	Valid
37-6-0055	Wollombi Brook 04	Spiritual Place	-	Valid
37-6-0056	Wollombi Brook 03	Spiritual Place / Scarred Tree	-	Valid
37-6-1103	Site 1 GG	Grinding Grooves	-	Valid
37-6-1239	W70	Isolated Stone Artefact/s	-	Valid
37-6-1241	W71	Isolated Stone Artefact/s	-	Valid
37-6-1254	W25 (MTW337-336)	Stone Artefact Scatter	-	Valid
37-6-1255	W26 (MTW-334, MTW-343)	Isolated Stone Artefact/s	-	Valid
37-6-1258	W27 (MTW-342)	Isolated Stone Artefact/s	-	Valid
37-6-1259	W28 (MTW-314)	Isolated Stone Artefact/s	-	Valid
37-6-1260	W29 (MTW-356)	Isolated Stone Artefact/s	-	Valid
37-6-1262	W31 (MTW-333)	Isolated Stone Artefact/s	-	Valid
37-6-1264	W32	Isolated Stone Artefact/s	-	Valid
37-6-1265	W33 (MTW-332)	Isolated Stone Artefact/s	-	Valid
37-6-1267	W34 (MTW-320)	Isolated Stone Artefact/s	-	Valid
37-6-1268	W35 (MTW-312)	Isolated Stone Artefact/s	-	Valid
37-6-1270	W36 (MTW-316)	Isolated Stone Artefact/s	-	Valid
37-6-1300	W64 (MTW-315)	Isolated Stone Artefact/s	-	Valid
37-6-2308	MTW-9	Isolated Stone Artefact/s	-	Valid

37-6-2309	MTW-10	Isolated Stone Artefact/s	-	Valid
37-6-2310	MTW-11	Isolated Stone Artefact/s	-	Valid
37-6-2312	MTW-13	Stone Source	-	Valid
37-6-2313	MTW-14	Scarred Tree	-	Valid
37-6-2314	MTW-15	Isolated Stone Artefact/s	-	Valid
37-6-2315	MTW-16	Stone Arrangement	-	Valid
37-6-2316	MTW-17	Isolated Stone Artefact/s	-	Valid
37-6-2317	MTW-18	Isolated Stone Artefact/s	-	Valid
37-6-2318	MTW-19	Isolated Stone Artefact/s	-	Valid
37-6-2319	MTW-20	Isolated Stone Artefact/s	-	Valid
37-6-2320	MTW-21	Isolated Stone Artefact/s	-	Valid
37-6-2321	MTW-22	Isolated Stone Artefact/s	-	Valid
37-6-2324	MTW-25	Isolated Stone Artefact/s / Stone Source	-	Valid
37-6-2325	MTW-26	Isolated Stone Artefact/s	-	Valid
37-6-2326	MTW-27	Isolated Stone Artefact/s	-	Valid
37-6-2327	MTW-28	Isolated Stone Artefact/s	Yes	Valid
37-6-2330	MTW-31	Isolated Stone Artefact/s	-	Valid
37-6-2403	MTW-104	Isolated Stone Artefact/s	-	Valid
37-6-2404	MTW-105	Isolated Stone Artefact/s	-	Valid
37-6-2405	MTW-106	Isolated Stone Artefact/s	-	Valid
37-6-2406	MTW-107	Isolated Stone Artefact/s	-	Valid
37-6-2407	MTW-108	Isolated Stone Artefact/s	-	Valid
37-6-2408	MTW-109	Stone Artefact Scatter	-	Valid
37-6-2409	MTW-110	Isolated Stone Artefact/s	-	Valid
37-6-2410	MTW-111	Isolated Stone Artefact/s	-	Valid
37-6-2411	MTW-112	Isolated Stone Artefact/s	-	Valid
37-6-2412	MTW-113	Stone Artefact Scatter	-	Valid
37-6-2413	MTW-114, MTW-518	Isolated Stone Artefact/s	-	Valid
37-6-2414	MTW-115	Isolated Stone Artefact/s	-	Valid
37-6-2415	MTW-116	Isolated Stone Artefact/s	-	Valid
37-6-2416	MTW-117	Isolated Stone Artefact/s	-	Valid
37-6-2417	MTW-118	Isolated Stone Artefact/s	-	Valid
37-6-2418	MTW-119	Isolated Stone Artefact/s	-	Valid
37-6-2419	MTW-120	Isolated Stone Artefact/s	-	Valid
37-6-2420	MTW-121	Isolated Stone Artefact/s	-	Valid
37-6-2421	MTW-122	Isolated Stone Artefact/s	-	Valid
37-6-2422	MTW-123	Isolated Stone Artefact/s	-	Valid
37-6-2423	MTW-124	Isolated Stone Artefact/s	-	Valid
37-6-2424	MTW-125	Isolated Stone Artefact/s	-	Valid
37-6-2425	MTW-126	Isolated Stone Artefact/s	-	Valid
37-6-2426	MTW-127	Isolated Stone Artefact/s	-	Valid
37-6-2430	MTW-131	Isolated Stone Artefact/s	-	Valid
37-6-2431	MTW-132	Isolated Stone Artefact/s	-	Valid
37-6-2432	MTW-133	Isolated Stone Artefact/s	-	Valid
37-6-2433	MTW-134	Isolated Stone Artefact/s	-	Valid

37-6-2434	MTW-135	Isolated Stone Artefact/s	-	Valid
37-6-2435	MTW-136	Isolated Stone Artefact/s	-	Valid
37-6-2493	MTW-195-WSW-09-75	Isolated Stone Artefact/s	-	Valid
37-6-2495	MTW-197-WSW-09-14	Isolated Stone Artefact/s	-	Valid
37-6-2496	MTW-198-WSW-09-14	Isolated Stone Artefact/s	-	Valid
37-6-2497	MTW-199-WSW-09-14	Isolated Stone Artefact/s	-	Valid
37-6-2498	MTW-200-WSW-09-15	Isolated Stone Artefact/s	Yes	Valid
37-6-2499	MTW-201-WSW-09-15	Isolated Stone Artefact/s	Yes	Valid
37-6-2500	MTW-202-WSW-09-15	Stone Artefact Scatter	Yes	Valid
37-6-2501	MTW-203-WSW-09-79	Isolated Stone Artefact/s	-	Valid
37-6-2502	MTW-204-WSW-09-16	Isolated Stone Artefact/s	-	Valid
37-6-2503	MTW-205-WSW-09-76	Isolated Stone Artefact/s	-	Valid
37-6-2504	MTW-206-WSW-09-80	Isolated Stone Artefact/s	-	Valid
37-6-2508	MTW-210-WSW-09-19	Isolated Stone Artefact/s	Yes	Valid
37-6-2509	MTW-211-WSW-09-19	Isolated Stone Artefact/s	Yes	Valid
37-6-2510	MTW-212-WSW-09-19	Isolated Stone Artefact/s	Yes	Valid
37-6-2511	MTW-213-WSW-09-19	Isolated Stone Artefact/s	Yes	Valid
37-6-2512	MTW-214-WSW-09-78	Isolated Stone Artefact/s	-	Valid
37-6-2513	MTW-215-WSW-09-77	Isolated Stone Artefact/s	-	Valid
37-6-2514	MTW-216-WSW-09-46	Isolated Stone Artefact/s	-	Valid
37-6-2515	MTW-217-WSW-09-47	Isolated Stone Artefact/s	-	Valid
37-6-2516	MTW-218-WSW-09-48	Isolated Stone Artefact/s	-	Valid
37-6-2517	MTW-219-WSW-09-49	Isolated Stone Artefact/s	-	Valid
37-6-2525	MTW-227-WSW-09-33	Scarred Tree	-	Valid
37-6-2526	MTW-228-WSW-09-34	Scarred Tree	-	Valid
37-6-2527	MTW-230-WSW-09-55	Isolated Stone Artefact/s	-	Valid
37-6-2528	MTW-231-WSW-09-56	Isolated Stone Artefact/s	-	Valid
37-6-2529	MTW-232-WSW-09-20	Isolated Stone Artefact/s	Yes	Valid
37-6-2530	MTW-233-WSW-09-58	Isolated Stone Artefact/s	-	Valid
37-6-2534	MTW-237-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2535	MTW-238-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2536	MTW-239-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2537	MTW-240-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2538	MTW-241-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2539	MTW-242-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2540	MTW-243-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2541	MTW-244-WSW-09	Isolated Stone Artefact/s	-	Valid
37-6-2542	MTW-245-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2543	MTW-246-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2544	MTW-247-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2545	MTW-248-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2546	MTW-249-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2547	MTW-250-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2548	MTW-251-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2549	MTW-252-WSW-09-20	Isolated Stone Artefact/s	Yes	Valid
37-6-2550	MTW-253-WSW-09-20	Isolated Stone Artefact/s	Yes	Valid

37-6-2551	MTW-254-WSW-09-20	Isolated Stone Artefact/s	Yes	Valid
37-6-2552	MTW-255-WSW-09-20	Isolated Stone Artefact/s	Yes	Valid
37-6-2553	MTW-256-WSW-09-22	Isolated Stone Artefact/s	Yes	Valid
37-6-2554	MTW-258-WSW-09-21	Scarred Tree	Yes	Valid
37-6-2555	MTW-260-WSW-09-21	Mound Feature (possible Burials)	Yes	Valid
37-6-2556	MTW-261-WSW-09-21	Isolated Stone Artefact/s	Yes	Valid
37-6-2557	MTW-262-WSW-09-21	Isolated Stone Artefact/s	Yes	Valid
37-6-2558	MTW-263-WSW-09-21	Isolated Stone Artefact/s	Yes	Valid
37-6-2559	MTW-264-WSW-09-21	Scarred Tree	Yes	Valid
37-6-2560	MTW-265-WSW-09-21	Isolated Stone Artefact/s	Yes	Valid
37-6-2561	MTW-266-WSW-09-22	Grinding Grooves	Yes	Valid
37-6-2562	MTW-267-WSW-09-22	Grinding Grooves	Yes	Valid
37-6-2563	MTW-268-WSW-09-23	Grinding Grooves	Yes	Valid
37-6-2564	MTW-269-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2565	MTW-270-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2566	MTW-271-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2567	MTW-272-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2568	MTW-273-WSM-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2569	MTW-274-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2570	MTW-275-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2571	MTW-276	Isolated Stone Artefact/s	Yes	Valid
37-6-2572	MTW-277-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2573	MTW-278-WSW-09-61	Isolated Stone Artefact/s	-	Valid
37-6-2574	MTW-279-WSW-09-62	Isolated Stone Artefact/s	-	Valid
37-6-2575	MTW-280-WSW-09-62	Isolated Stone Artefact/s	-	Valid
37-6-2576	MTW-281-WSW-09-62	Isolated Stone Artefact/s	-	Valid
37-6-2582	MTW-287-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2583	MTW-288-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2584	MTW-289-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2585	MTW-290-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2586	MTW-291-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2587	MTW-292-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2588	MTW-293-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2589	MTW-294-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2590	MTW-295-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2591	MTW-296-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2592	MTW-297-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2593	MTW-298-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2594	MTW-299-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2595	MTW-300-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2596	MTW-301-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2597	MTW-302-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2598	MTW-303-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2599	MTW-304-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2600	MTW-305-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid

37-6-2601	MTW-306-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2602	MTW-307-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2603	MTW-308-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2604	MTW-309-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2605	MTW-310-WSW-09-66	Isolated Stone Artefact/s	-	Valid
37-6-2606	MTW-311-WSW-09-67	Isolated Stone Artefact/s	-	Valid
37-6-2607	MTW-313	Isolated Stone Artefact/s	-	Valid
37-6-2608	MTW-317	Isolated Stone Artefact/s	-	Valid
37-6-2609	MTW-318	Isolated Stone Artefact/s	-	Valid
37-6-2610	MTW-319	Scarred Tree	-	Valid
37-6-2611	WE 16 (MTW-321)	Scarred Tree	-	Valid
37-6-2612	MTW-322	Scarred Tree	-	Valid
37-6-2613	MTW-323	Scarred Tree	-	Valid
37-6-2614	MTW-324	Scarred Tree	-	Valid
37-6-2615	MTW-325	Isolated Stone Artefact/s	-	Valid
37-6-2616	MTW-326	Isolated Stone Artefact/s	-	Valid
37-6-2617	MTW-327	Isolated Stone Artefact/s	-	Valid
37-6-2618	MTW-328	Isolated Stone Artefact/s	-	Valid
37-6-2619	MTW-329	Isolated Stone Artefact/s	-	Valid
37-6-2620	MTW-330	Isolated Stone Artefact/s	-	Valid
37-6-2621	PN6 (MTW-331)	Isolated Stone Artefact/s	-	Valid
37-6-2622	MTW-335	Isolated Stone Artefact/s	-	Valid
37-6-2623	MTW-338	Isolated Stone Artefact/s	-	Valid
37-6-2624	MTW-339	Isolated Stone Artefact/s	-	Valid
37-6-2625	MTW-340	Isolated Stone Artefact/s	-	Valid
37-6-2626	MTW-341	Isolated Stone Artefact/s	-	Valid
37-6-2627	MTW-344	Isolated Stone Artefact/s	-	Valid
37-6-2628	MTW-345	Isolated Stone Artefact/s	-	Valid
37-6-2629	MTW-346	Isolated Stone Artefact/s	-	Valid
37-6-2630	MTW-347	Isolated Stone Artefact/s		Valid
37-6-2631	MTW-348	Isolated Stone Artefact/s	-	Valid
37-6-2632	MTW-349	Isolated Stone Artefact/s	-	Valid
37-6-2633	MTW-350	Isolated Stone Artefact/s	-	Valid
37-6-2634	MTW-351	Isolated Stone Artefact/s	-	Valid
37-6-2635	MTW-352	Isolated Stone Artefact/s	-	Valid
37-6-2636	MTW-353	Isolated Stone Artefact/s	-	Valid
37-6-2637	MTW-354	Isolated Stone Artefact/s	-	Valid
37-6-2638	MTW-355	Isolated Stone Artefact/s	-	Valid
37-6-2639	MTW-357	Stone Artefact Scatter	-	Valid
37-6-2640	MTW-358	Isolated Stone Artefact/s	-	Valid
37-6-2641	MTW-359	Isolated Stone Artefact/s	-	Valid
37-6-2642	MTW-360	Isolated Stone Artefact/s	-	Valid
37-6-2643	MTW-361	Isolated Stone Artefact/s	-	Valid
37-6-2644	MTW-362	Isolated Stone Artefact/s	-	Valid
37-6-2645	MTW-363	Isolated Stone Artefact/s	-	Valid
37-6-2646	MTW-365	Isolated Stone Artefact/s	-	Valid

37-6-2647	MTW-366	Isolated Stone Artefact/s	Yes	Valid
37-6-2648	MTW-367	Isolated Stone Artefact/s	Yes	Valid
37-6-2649	MTW-368	Isolated Stone Artefact/s	Yes	Valid
37-6-2650	MTW-369	Isolated Stone Artefact/s	Yes	Valid
37-6-2651	MTW-370	Isolated Stone Artefact/s	Yes	Valid
37-6-2652	MTW-371	Isolated Stone Artefact/s	Yes	Valid
37-6-2653	MTW-372	Isolated Stone Artefact/s	Yes	Valid
37-6-2654	MTW-373	Isolated Stone Artefact/s	Yes	Valid
37-6-2655	MTW-374	Isolated Stone Artefact/s	Yes	Valid
37-6-2656	MTW-375	Isolated Stone Artefact/s	Yes	Valid
37-6-2657	MTW-376	Isolated Stone Artefact/s	Yes	Valid
37-6-2658	MTW-377	Isolated Stone Artefact/s	Yes	Valid
37-6-2659	MTW-378	Isolated Stone Artefact/s	Yes	Valid
37-6-2660	MTW-379	Isolated Stone Artefact/s	Yes	Valid
37-6-2661	MTW-380	Isolated Stone Artefact/s	Yes	Valid
37-6-2662	MTW-381	Isolated Stone Artefact/s	Yes	Valid
37-6-2663	MTW-382	Isolated Stone Artefact/s	Yes	Valid
37-6-2664	MTW-383	Isolated Stone Artefact/s	Yes	Valid
37-6-2665	MTW-384	Isolated Stone Artefact/s	Yes	Valid
37-6-2666	MTW-385	Isolated Stone Artefact/s	Yes	Valid
37-6-2667	MTW-386	Isolated Stone Artefact/s	Yes	Valid
37-6-2668	MTW-387	Isolated Stone Artefact/s	Yes	Valid
37-6-2669	MTW-388	Isolated Stone Artefact/s	Yes	Valid
37-6-2670	MTW-389	Isolated Stone Artefact/s	Yes	Valid
37-6-2671	MTW-390	Isolated Stone Artefact/s	Yes	Valid
37-6-2672	MTW-391	Isolated Stone Artefact/s	Yes	Valid
37-6-2673	MTW-392	Isolated Stone Artefact/s	Yes	Valid
37-6-2674	MTW-393	Isolated Stone Artefact/s	Yes	Valid
37-6-2675	MTW-394	Isolated Stone Artefact/s	Yes	Valid
37-6-2676	MTW-395	Isolated Stone Artefact/s	Yes	Valid
37-6-2677	MTW-396	Isolated Stone Artefact/s	Yes	Valid
37-6-2678	MTW-397	Isolated Stone Artefact/s	-	Valid
37-6-2679	MTW-398	Isolated Stone Artefact/s	Yes	Valid
37-6-2680	MTW-399	Isolated Stone Artefact/s	Yes	Valid
37-6-2681	MTW-400	Isolated Stone Artefact/s	Yes	Valid
37-6-2682	MTW-401	Isolated Stone Artefact/s	Yes	Valid
37-6-2683	MTW-402	Isolated Stone Artefact/s	Yes	Valid
37-6-2684	MTW-403	Isolated Stone Artefact/s	Yes	Valid
37-6-2685	MTW-404	Isolated Stone Artefact/s	Yes	Valid
37-6-2686	MTW-405	Isolated Stone Artefact/s	Yes	Valid
37-6-2687	MTW-406	Isolated Stone Artefact/s	Yes	Valid
37-6-2688	MTW-407	Isolated Stone Artefact/s	Yes	Valid
37-6-2689	MTW-408	Isolated Stone Artefact/s	Yes	Valid
37-6-2690	MTW-409	Isolated Stone Artefact/s	-	Valid
37-6-2691	MTW-410	Isolated Stone Artefact/s	-	Valid
37-6-2692	MTW-411	Isolated Stone Artefact/s	-	Valid

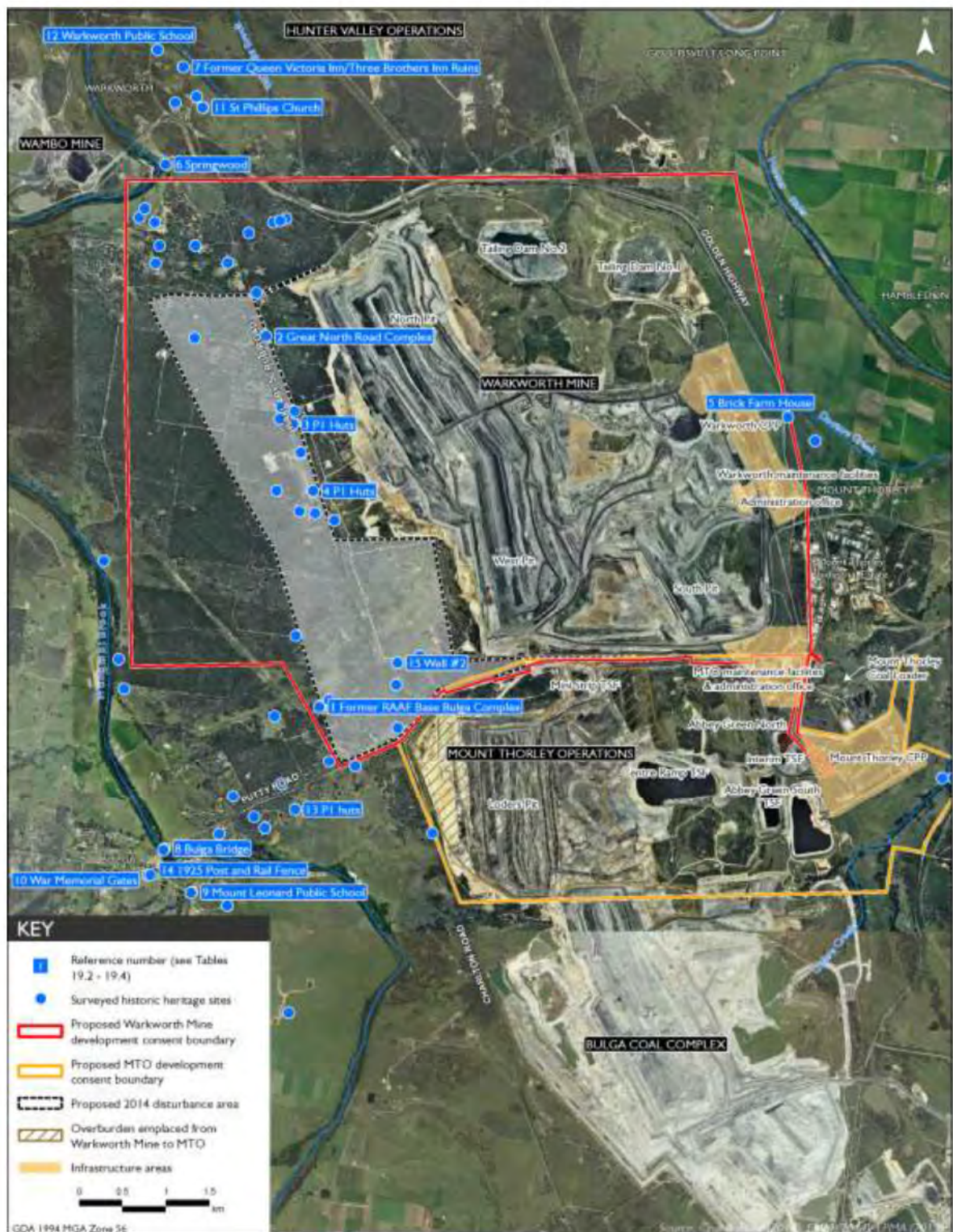
37-6-2693	MTW-412	Isolated Stone Artefact/s	-	Valid
37-6-2694	MTW-413	Scarred Tree	-	Valid
37-6-2705	PN4	Isolated Stone Artefact/s	-	Valid
37-6-2706	PN5 (N)	Isolated Stone Artefact/s	-	Valid
37-6-2924	MTW-505	Isolated Stone Artefact/s	-	Valid
37-6-2923	MTW-506	Isolated Stone Artefact/s	-	Valid
37-6-2925	MTW-507	Isolated Stone Artefact/s	-	Valid
37-6-2926	MTW-508	Isolated Stone Artefact/s	-	Valid
37-6-2927	MTW-509	Isolated Stone Artefact/s	-	Valid
37-6-2928	MTW-510	Isolated Stone Artefact/s	-	Valid
37-6-2929	MTW-511	Stone Artefact Scatter	-	Valid
37-6-2930	MTW-512	Isolated Stone Artefact/s	-	Valid
37-6-2931	MTW-513	Isolated Stone Artefact/s	-	Valid
37-6-2936	MTW-514	Isolated Stone Artefact/s	-	Valid
37-6-2937	MTW-515	Isolated Stone Artefact/s	-	Valid
37-6-2938	MTW-516	Isolated Stone Artefact/s	-	Valid
37-6-2939	MTW-517	Isolated Stone Artefact/s	-	Valid
37-6-2940	MTW-519	Isolated Stone Artefact/s	-	Valid
37-6-2941	MTW-520	Isolated Stone Artefact/s	-	Valid

Table 2: Aboriginal Cultural Heritage Places to be Impacted by the Development

AHIMS No	Place Name	Place Type	PAD	Status
37-6-0160	Mt Thorley J (MTW590-594)	Isolated Stone Artefact/s	-	Valid
37-6-0163	Mt Thorley M	Grinding Grooves	-	Valid
37-6-0669	MT 37 (MTW587-587)	Isolated Stone Artefact/s	-	Valid
37-6-0979	BP-4	Isolated Stone Artefact/s	-	Valid
37-6-1234	W12 (MTW-563)	Isolated Stone Artefact/s	-	Partially Destroyed
37-6-1235	W13 (MTW-562)	Isolated Stone Artefact/s	-	Partially Destroyed
37-6-1244	W20 (MTW-573)	Isolated Stone Artefact/s	-	Valid
37-6-1247	W21	Isolated Stone Artefact/s	-	Valid
37-6-1250	W23	Isolated Stone Artefact/s	-	Destroyed
37-6-1284	W48 (MTW-561)	Isolated Stone Artefact/s	-	Valid
37-6-1285	W49 (MTW-579)	Isolated Stone Artefact/s	-	Valid
37-6-1286	W50 (MTW-580)	Isolated Stone Artefact/s	-	Valid
37-6-1287	W51 (MTW-582)	Isolated Stone Artefact/s	-	Valid
37-6-1288	W52 (MTW-584)	Isolated Stone Artefact/s	-	Valid
37-6-1289	W53	Isolated Stone Artefact/s	-	Valid
37-6-1290	W54 (MTW-599)	Isolated Stone Artefact/s	-	Valid
37-6-1291	W55 (MTW-596)	Isolated Stone Artefact/s	-	Valid
37-6-1292	W56 (MTW-595)	Isolated Stone Artefact/s	-	Valid
37-6-1293	W57 (MTW-589)	Isolated Stone Artefact/s	-	Valid
37-6-1294	W58 (MTW-574)	Isolated Stone Artefact/s	-	Valid
37-6-1295	W59	Isolated Stone Artefact/s	-	Valid
37-6-1296	W60 (MTW-570)	Isolated Stone Artefact/s	-	Valid
37-6-1297	W61 (MTW-572)	Isolated Stone Artefact/s	-	Valid
37-6-2301	MTW-2	Isolated Stone Artefact/s	-	Valid
37-6-2302	MTW-3	Isolated Stone Artefact/s	-	Valid
37-6-2303	MTW-4	Isolated Stone Artefact/s	-	Valid
37-6-2306	MTW-7	Isolated Stone Artefact/s	-	Valid
37-6-2307	MTW-8	Scarred Tree	-	Valid
37-6-2328	MTW-29	Isolated Stone Artefact/s	-	Valid
37-6-2348	MTW-49	Isolated Stone Artefact/s	-	Valid
37-6-2349	MTW-50	Isolated Stone Artefact/s	Yes	Valid
37-6-2350	MTW-51	Isolated Stone Artefact/s	-	Valid
37-6-2351	MTW-52	Isolated Stone Artefact/s	-	Valid
37-6-2352	MTW-53	Isolated Stone Artefact/s	-	Valid
37-6-2353	MTW-54	Isolated Stone Artefact/s	-	Valid
37-6-2354	MTW-55	Isolated Stone Artefact/s	-	Valid
37-6-2355	MTW-56	Isolated Stone Artefact/s	-	Valid
37-6-2356	MTW-57	Isolated Stone Artefact/s	-	Valid
37-6-2357	MTW-58	Isolated Stone Artefact/s	-	Valid
37-6-2358	MTW-59	Isolated Stone Artefact/s	-	Valid
37-6-2359	MTW-60	Stone Artefact Scatter	Yes	Valid
37-6-2360	MTW-61	Stone Artefact Scatter	-	Valid
37-6-2361	MTW-62	Isolated Stone Artefact/s	-	Valid

AHIMS No	Place Name	Place Type	PAD	Status
37-6-2362	MTW-63	Isolated Stone Artefact/s	-	Valid
37-6-2363	MTW-64	Isolated Stone Artefact/s	-	Valid
37-6-2364	MTW-65	Isolated Stone Artefact/s	Yes	Valid
37-6-2365	MTW-66	Isolated Stone Artefact/s	-	Valid
37-6-2366	MTW-67	Isolated Stone Artefact/s	-	Valid
37-6-2367	MTW-68	Isolated Stone Artefact/s	-	Valid
37-6-2368	MTW-69	Isolated Stone Artefact/s	-	Valid
37-6-2369	MTW-70	Scarred Tree	-	Valid
37-6-2370	MTW-71	Isolated Stone Artefact/s	-	Valid
37-6-2371	MTW-72	Isolated Stone Artefact/s	-	Valid
37-6-2372	MTW-73	Isolated Stone Artefact/s	-	Valid
37-6-2373	MTW-74	Isolated Stone Artefact/s	-	Valid
37-6-2374	WS2A (MTW-75)	Stone Artefact Scatter	-	Valid
37-6-2375	MTW-76	Isolated Stone Artefact/s	-	Valid
37-6-2376	MTW-77	Stone Artefact Scatter	-	Valid
37-6-2377	MTW-78	Isolated Stone Artefact/s	-	Valid
37-6-2378	MTW-79	Isolated Stone Artefact/s	-	Valid
37-6-2379	MTW-80	Scarred Tree / Isolated Stone Artefact/s	-	Valid
37-6-2380	MTW-81	Isolated Stone Artefact/s	-	Valid
37-6-2381	MTW-82	Isolated Stone Artefact/s	-	Valid
37-6-2382	MTW-83	Isolated Stone Artefact/s	-	Valid
37-6-2383	MS1 (MTW-84)	Isolated Stone Artefact/s	-	Valid
37-6-2384	MS8 (MTW-85)	Isolated Stone Artefact/s	-	Valid
37-6-2385	MTW-86	Isolated Stone Artefact/s	-	Valid
37-6-2386	MTW-87	Isolated Stone Artefact/s	-	Valid
37-6-2387	MTW-88	Isolated Stone Artefact/s	-	Valid
37-6-2388	MTW-89	Isolated Stone Artefact/s	-	Valid
37-6-2389	MTW-90	Isolated Stone Artefact/s	-	Valid
37-6-2390	MTW-91	Isolated Stone Artefact/s	-	Valid
37-6-2392	MTW-93	Isolated Stone Artefact/s	-	Valid
37-6-2393	MTW-94	Isolated Stone Artefact/s	-	Valid
37-6-2394	MTW-95	Isolated Stone Artefact/s	-	Valid
37-6-2401	MTW-102	Isolated Stone Artefact/s	-	Valid
37-6-2402	MTW-103	Isolated Stone Artefact/s	-	Valid
37-6-2427	MTW-128	Isolated Stone Artefact/s	-	Valid
37-6-2428	MTW-129	Isolated Stone Artefact/s	-	Valid
37-6-2429	MTW-130	Isolated Stone Artefact/s	-	Valid
37-6-2518	MTW-220-MSW-09-50	Isolated Stone Artefact/s	-	Valid
37-6-2519	MTW-221-WSW-09-51	Isolated Stone Artefact/s	-	Valid
37-6-2520	MTW-222-WSW-09-52	Isolated Stone Artefact/s	-	Valid
37-6-2531	MTW-234-WSW-09-9	Isolated Stone Artefact/s	-	Valid
37-6-2532	MTW-235-WSW-09-59	Isolated Stone Artefact/s	-	Valid
37-6-2533	MTW-236-WSW-09-60	Isolated Stone Artefact/s	-	Valid
37-6-2695	PL10 (MTW-600)	Isolated Stone Artefact/s	-	Valid

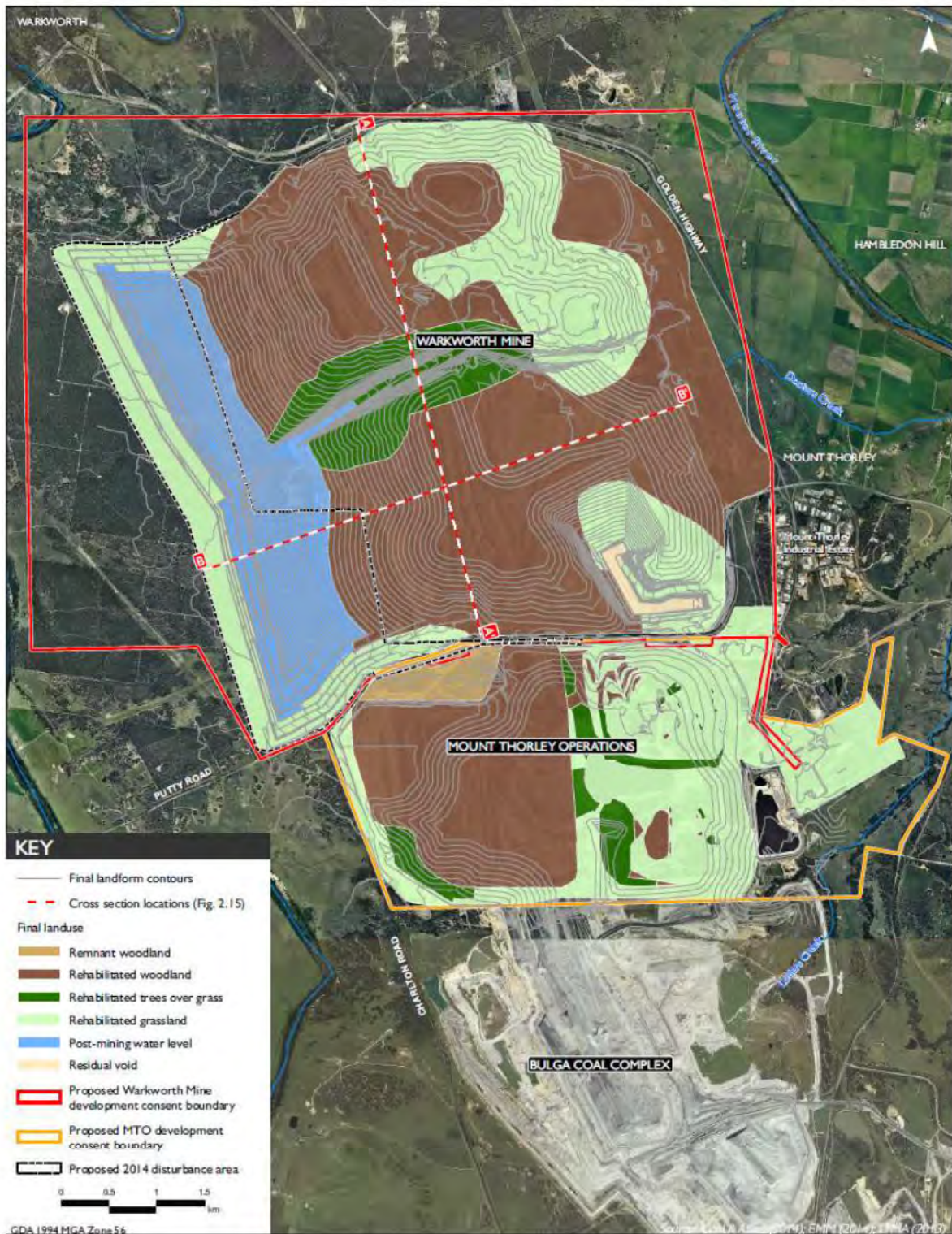
AHIMS No	Place Name	Place Type	PAD	Status
37-6-2697	PL2	Isolated Stone Artefact/s	-	Valid
37-6-2698	PL3	Isolated Stone Artefact/s	-	Valid
37-6-2699	PL4 (MTW-568)	Isolated Stone Artefact/s	-	Valid
37-6-2700	PL5 (MTW-577)	Isolated Stone Artefact/s	-	Valid
37-6-2703	PL8	Isolated Stone Artefact/s	-	Valid
37-6-2704	PL9	Isolated Stone Artefact/s	-	Valid
37-6-2707	WS10	Isolated Stone Artefact/s	-	Valid
37-6-2710	WS2	Isolated Stone Artefact/s	-	Valid
37-6-2711	WS3	Isolated Stone Artefact/s	-	Valid
37-6-2713	WS7	Isolated Stone Artefact/s	-	Valid
37-6-2714	WS9	Isolated Stone Artefact/s	-	Valid
37-6-2944	MTW-566	Isolated Stone Artefact/s	-	Valid
37-6-2945	MTW-567	Isolated Stone Artefact/s	-	Valid
37-6-2946	MTW-569	Isolated Stone Artefact/s	-	Valid
37-6-2947	MTW-571	Isolated Stone Artefact/s	-	Valid
37-6-2948	MTW-575	Isolated Stone Artefact/s	-	Valid
37-6-2949	MTW-576	Isolated Stone Artefact/s	-	Valid
37-6-2950	MTW-578	Isolated Stone Artefact/s	-	Valid
37-6-2951	MTW-581	Isolated Stone Artefact/s	-	Valid
37-6-2952	MTW-583	Isolated Stone Artefact/s	-	Valid
37-6-2953	MTW-585	Isolated Stone Artefact/s	-	Valid
37-6-2954	MTW-588	Isolated Stone Artefact/s	-	Valid
37-6-2955	MTW-597	Isolated Stone Artefact/s	-	Valid
37-6-2956	MTW-598	Isolated Stone Artefact/s	-	Valid



Field Survey Results
Warkworth Continuation 2014
Environmental Impact Statement
Figure 19.2

Figure 17: Historic Heritage Items

APPENDIX 6 REHABILITATION PLANS



Final landuse and contours
Warkworth Continuation 2014
Environmental Impact Statement
Figure 2.16

Figure 18: Indicative Final Landform and Land Use

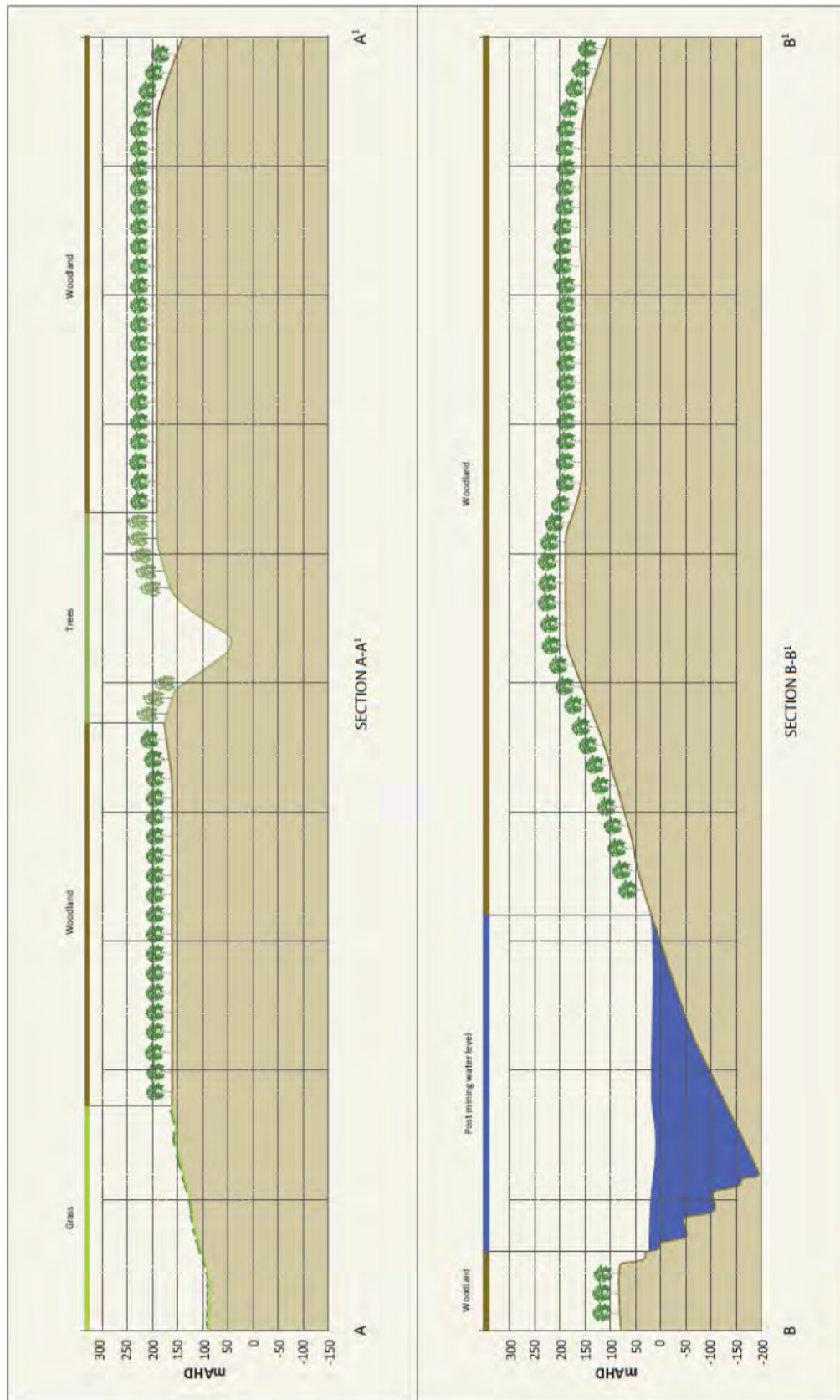
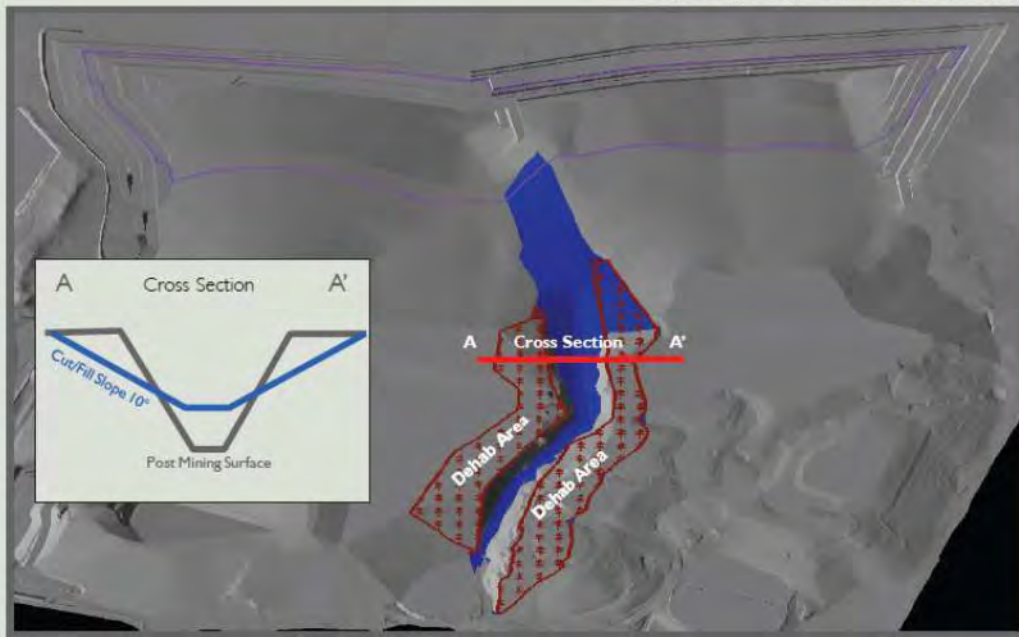


Figure 19: Indicative Final Landform – Cross Sections

Final landform cross-sections
Warkworth Continuation 2014
Environmental Impact Statement
Figure 2.15

COAL
ALLIED
Managed by the Three Coal Assets

Fill Flyover Road Gap – Truck and Shovel Option



Fill Flyover Road Gap – Dozer (and Dragline) Option

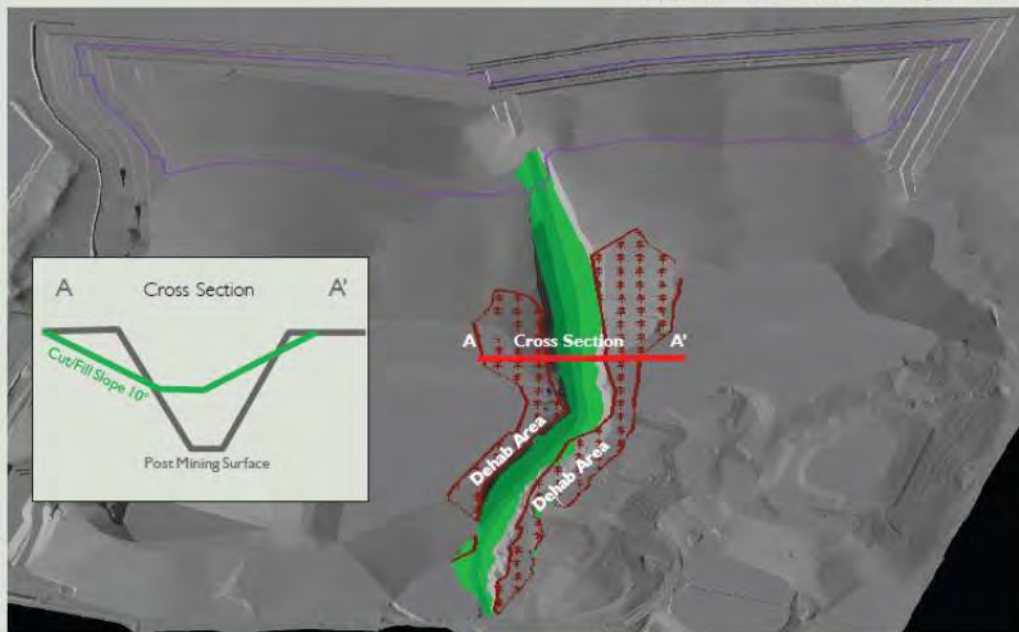


Figure 20: Indicative Final Landform – Main Emplacements Gap

APPENDIX 7 NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1. The noise criteria in Table 3 of schedule 3 are to apply under all meteorological conditions except the following:
 - a) wind speeds greater than 3 m/s at 10 m above ground level; or
 - b) stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level; or
 - c) stability category G temperature inversion conditions.

Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station located on the site.

Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.
4. This monitoring must be carried out at least 12 times a year, unless the Secretary directs otherwise.
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) or an equivalent NSW Government noise policy, 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 conformance 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; or
 - low frequency noise, where it is demonstrated that the dBC – dBA noise difference is caused by distance attenuation only.

APPENDIX 8 INDICATIVE ROUTE – EMERGENCY ACCESS TRACK

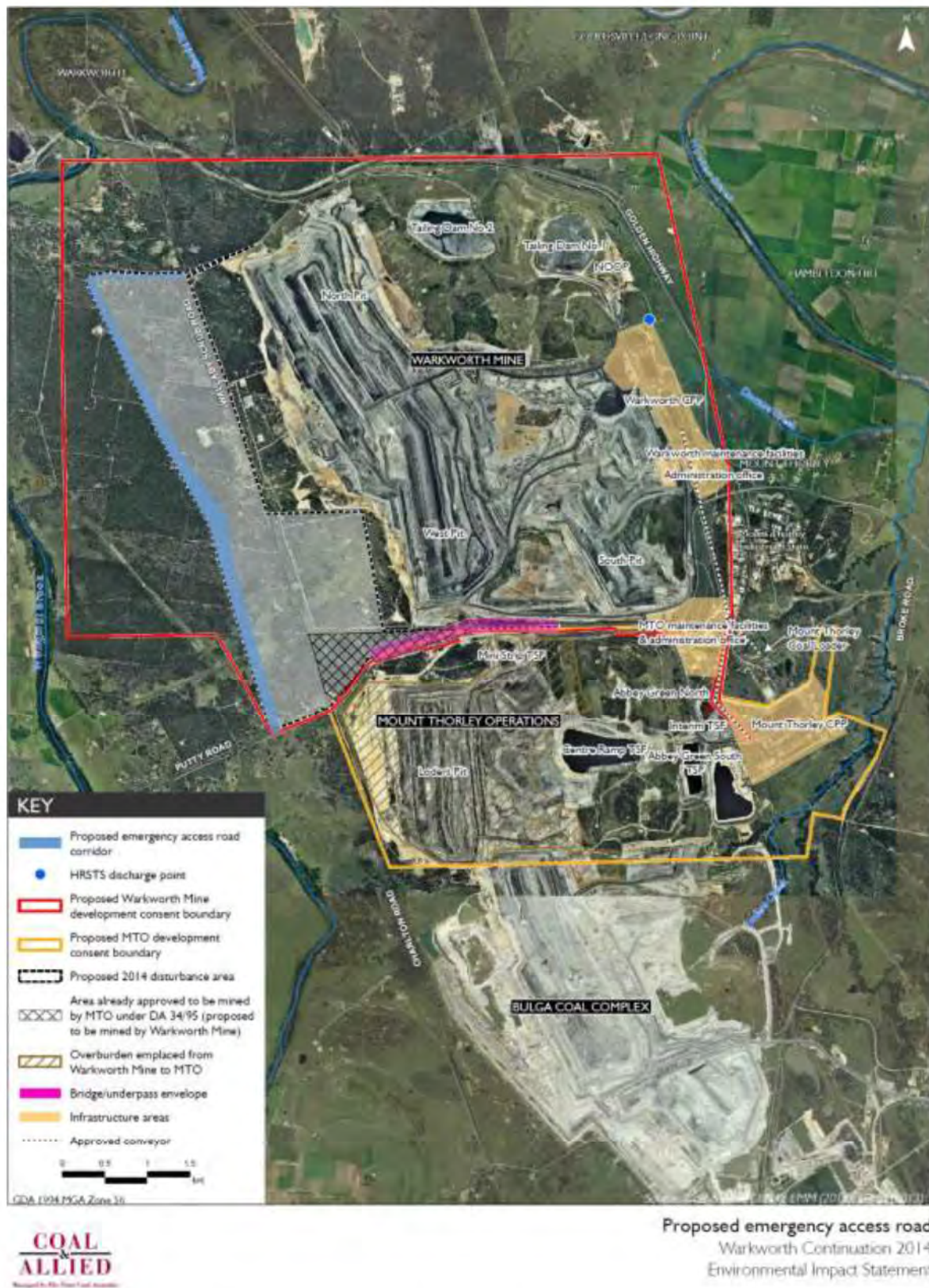


Figure 21: Indicative Alternative Emergency Access Track/Fire Trail Corridor

APPENDIX 9 INTERIM NOISE CRITERIA

Noise criteria in condition 18 of DA-300-9-2002-i

Day/Evening/Night $L_{Aeq}(15 \text{ minute})$	Land Number
39	31, 38, 58
38	5, 35, 47, 70 Bulga Village ¹ Warkworth Village ²
37	4, 39, 40, 41, 45, 49, 50, 56, 69
36	7, 9, 11, 42, 43, 54, 55, 125
35	All other residential or sensitive receptors, excluding: 10, 34, 36, 46, 127, 128, 129

Note: To interpret the land referred to in this table, see the applicable figure below.

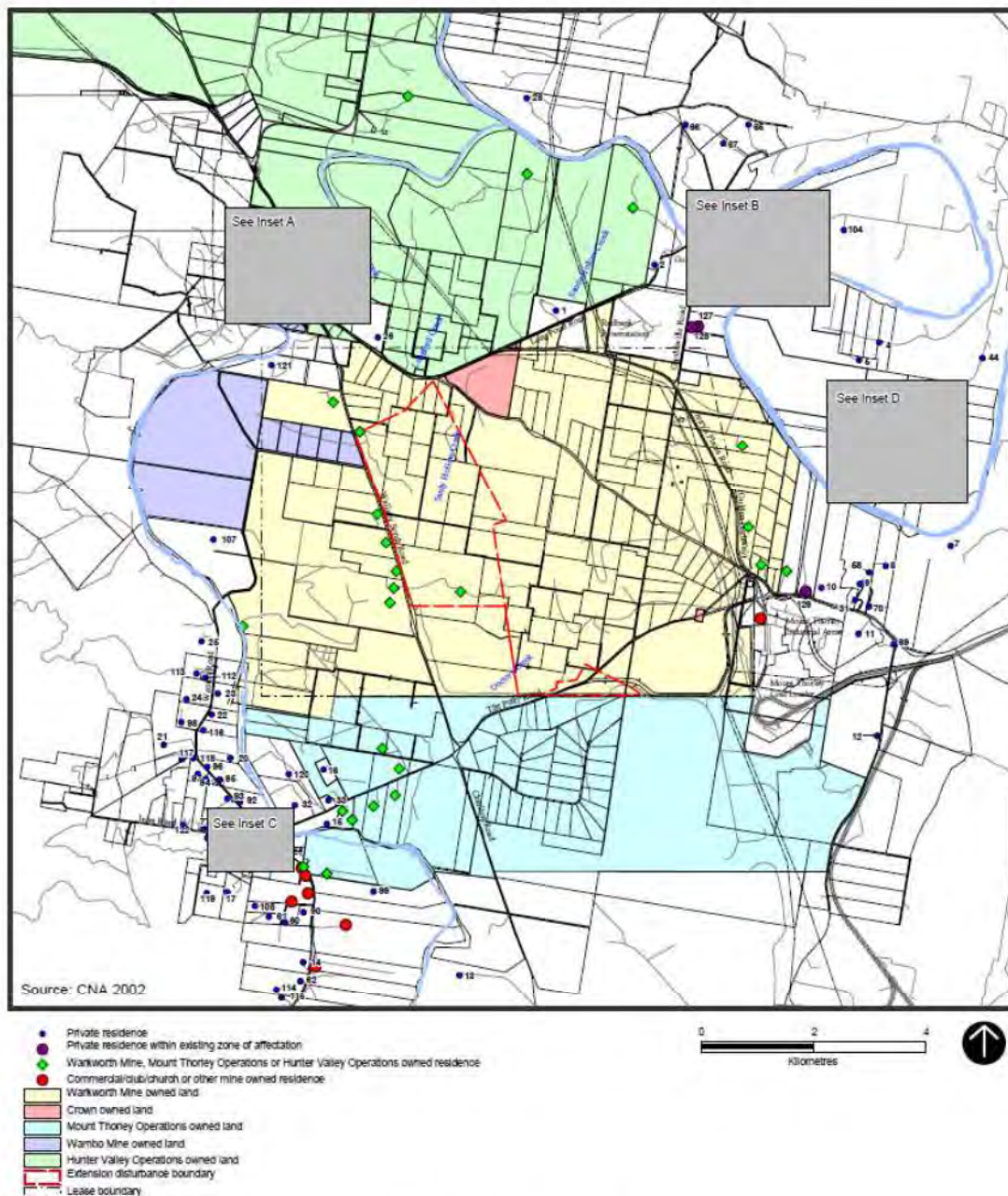
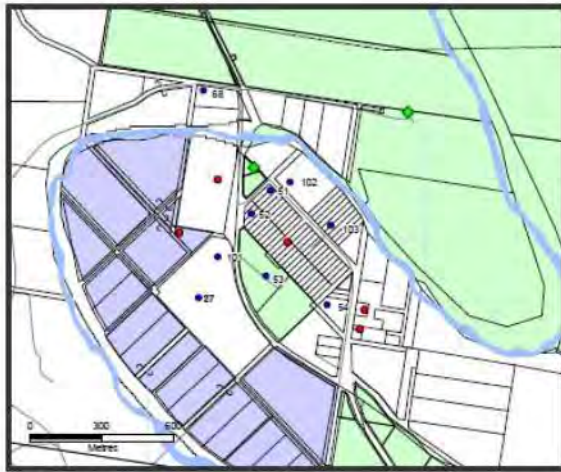


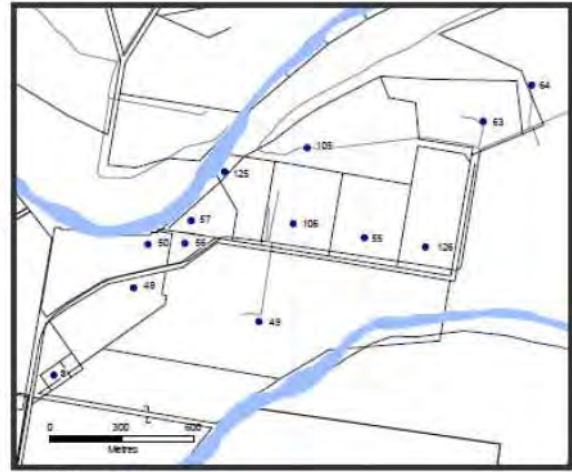
Figure 22: Surrounding Receivers

¹ Bulga Village includes the residential or sensitive receptors generally within the area bounded by properties 18, 20, 23, 22, 117, 122, 89, and 111 on the map EIS-35 in Volume 4 of the EIS for DA-300-9-2002-i.

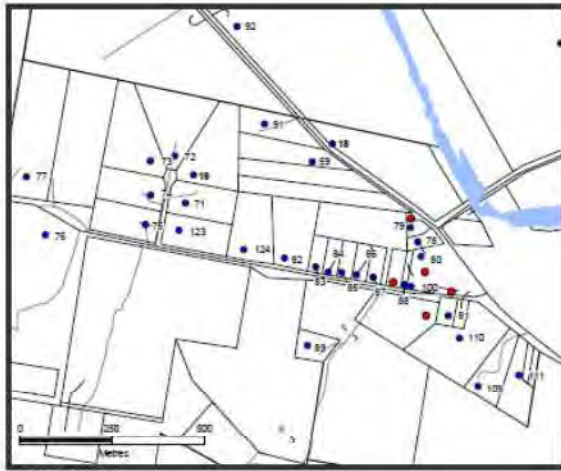
² Warkworth Village includes the residential or sensitive noise receptors generally within the area bounded by properties 29, 68, and 121 on the map EIS-35 in Volume 4 of the EIS for DA-300-9-2002-i.



Inset A (Warkworth)



Inset B (Goudsville)



Inset C (Bulga)

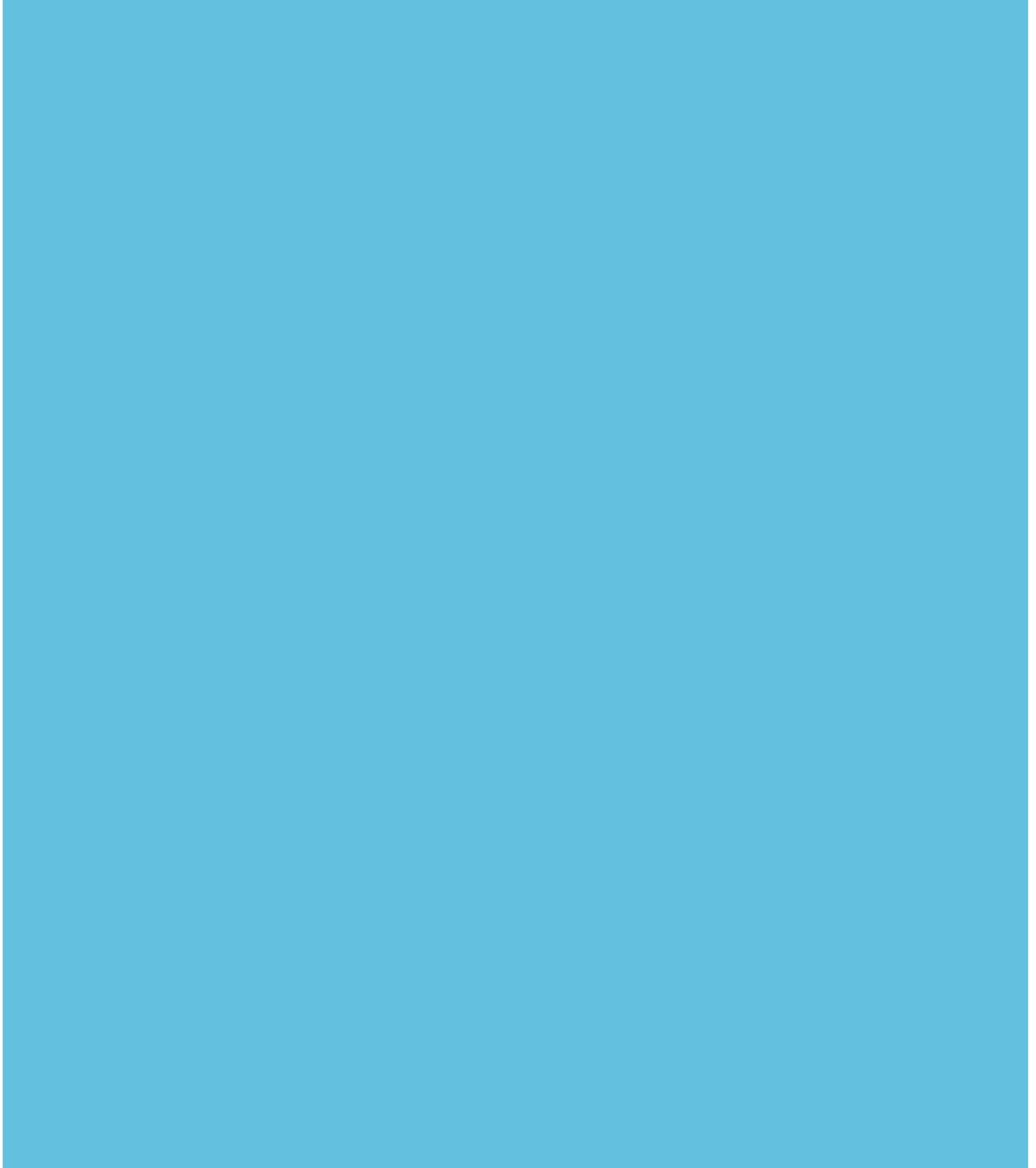


Inset D (Hambledon Hill)

Figure 23: Surrounding Receivers

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Appendix A



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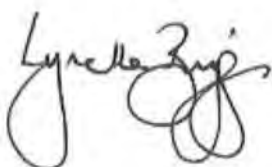
Development Consent

Section 89E of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission approves the development application referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

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



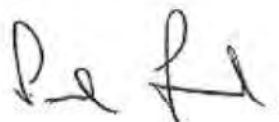
Lynelle Briggs AO (Chair)
Member of the Commission



Gordon Kirkby
Member of the Commission



Garry West
Member of the Commission



Paul Forward
Member of the Commission

Sydney

26 November 2015

SCHEDULE 1

Application Number:	SSD-6465
Applicant:	Mt Thorley Operations Pty Limited
Consent Authority:	Minister for Planning
Land:	See Appendix 1
Development:	Mt Thorley Continuation Project

TABLE OF CONTENTS

DEFINITIONS	3
ADMINISTRATIVE CONDITIONS	5
Obligation to Minimise Harm to the Environment	5
Terms of Consent	5
Limits on Consent	5
Commencement of Development Under This Consent	5
Surrender of Existing Development Consent	5
Structural Adequacy	6
Demolition	6
Protection of Public Infrastructure	6
Operation of Plant and Equipment	6
Updating & Staging Strategies, Plans or Programs	6
Community Enhancement	6
ENVIRONMENTAL PERFORMANCE CONDITIONS	7
Acquisition Upon Request	7
Noise	7
Additional Noise Mitigation Upon Request	8
Blasting	9
Air Quality	11
Meteorological Monitoring	12
Water	12
Heritage	15
Transport	15
Visual	15
Bushfire Management	16
Waste	16
Rehabilitation	16
ADDITIONAL PROCEDURES	18
Notification of Landowners/Tenants	18
Independent Review	18
Land Acquisition	18
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	20
Environmental Management	20
Reporting	21
Auditing	22
Access to Information	22
APPENDIX 1: SCHEDULE OF LAND	23
APPENDIX 2: DEVELOPMENT LAYOUT PLANS	26
APPENDIX 3: LAND OWNERSHIP PLANS	31
APPENDIX 4: HERITAGE	41
APPENDIX 5: REHABILITATION PLAN	43
APPENDIX 6: NOISE COMPLIANCE ASSESSMENT	44

DEFINITIONS

Aboriginal stakeholders	Cultural Heritage Working Group and any Aboriginal groups registered for cultural heritage consultation for the development
Annual review	The review required by condition 3 of schedule 5
Applicant	Mt Thorley Operations Pty Limited, or any person who seeks to carry out the development approved under this consent
BCA	Building Code of Australia
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 1 to 5 inclusive
Council	Singleton Shire Council
CMA	Hunter-Central Rivers Catchment Management Authority
CPI	Australian Bureau of Statistics Consumer Price Index
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Development	The development as described in the EIS
DRE	Division of Resources and Energy within the NSW Department of Trade & Investment
EIS	Environmental Impact Statement titled <i>Mount Thorley Operations 2014 Environmental Impact Statement</i> (5 volumes) dated June 2014, and associated response to submissions titled <i>Mount Thorley Operations 2014 Response to Submissions</i> (2 volumes) dated 10 November 2014, and associated response titled <i>Mt Thorley Continuation 2014 Response to Planning Assessment Commission review report</i> dated 20 March 2015
EEC	Endangered ecological community, as defined under the <i>Threatened Species Conservation Act 1995</i>
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A 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
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 to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mine water	Water that accumulates within active mining and infrastructure areas
Mining operations	Includes the removal of overburden and extraction, processing, handling, storage and transportation of coal on site
Mining company	Mining, extractive industry or petroleum company
Minister	Minister for Planning, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
MSB	Mine Subsidence Board
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water within the Department of Primary Industries
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>

Privately-owned land	Land that is not owned by the Crown or a mining company (or its subsidiary)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, and ensure it is safe, stable and non-polluting
RFS	Rural Fire Service
RMS	Roads and Maritime Services
ROM coal	Run-of-mine coal
Secretary	Secretary of the Department, or nominee and/or delegate
Site	The land listed in Appendix 1
Loders Creek Aboriginal Cultural Heritage Conservation Area	The area depicted on Figure 10 in Appendix 4
VPA	Voluntary Planning Agreement

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 shall 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 shall carry out the development:
 - (a) generally in accordance with the EIS; and
 - (b) in accordance with the conditions of this consent.

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

3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the Secretary arising from:
 - (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this consent;
 - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.

LIMITS ON CONSENT

Mining Operations

5. The Applicant may carry out mining operations on site for 21 years from the date of commencement of development under this consent.

Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Secretary and the DRE. Consequently, this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.

Coal Extraction

6. The Applicant shall not extract more than 10 million tonnes of ROM coal from the Mt Thorley mine in a calendar year.

Coal Transport

7. The Applicant shall:
 - (a) not transport any coal produced at the development by public road; and
 - (b) ensure that the coal produced on site is only sent to the Mt Thorley Coal Loader for transport by rail to export and/or domestic markets.

COMMENCEMENT OF DEVELOPMENT UNDER THIS CONSENT

8. The Applicant shall:
 - (a) notify the Secretary in writing of the date of commencement of development under this consent; and
 - (b) may only commence development under this consent once the Secretary has agreed in writing that all prerequisites to the commencement of development under this consent have been met.

SURRENDER OF EXISTING DEVELOPMENT CONSENT

9. By the end of January 2017, unless the Secretary agrees otherwise, the Applicant shall surrender the existing development consent (DA-34/95) for the Mt Thorley mine in accordance with Section 104A of the EP&A Act.

Following the commencement of development under this consent, the conditions of this consent shall prevail to the extent of any inconsistency with the conditions of DA-34/95.

STRUCTURAL ADEQUACY

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

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates (where applicable) 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 Patrick Plains Mine Subsidence District, and under Section 15 of the Mine Subsidence Compensation Act 1961, the Applicant is required to obtain the MSB's approval before constructing any improvements on the site.

DEMOLITION

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

PROTECTION OF PUBLIC INFRASTRUCTURE

12. Unless the Applicant and the applicable authority agree otherwise, the Applicant shall:
- (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.

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

13. The Applicant shall ensure that all plant and equipment used on site, or to monitor the performance of the development, is maintained and operated in a proper and efficient manner.

UPDATING & STAGING STRATEGIES, PLANS OR PROGRAMS

14. 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 required for the Warkworth mine.

To ensure these strategies, plans or programs are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this consent.

Notes:

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

COMMUNITY ENHANCEMENT

15. Within 6 months of the date of this consent, unless the Secretary agrees otherwise, the Applicant shall enter into a VPA with Council in accordance with:
- (a) Division 6 of Part 4 of the EP&A Act; and
 - (b) the terms of Applicant's offer in its letter to the Department dated 4 May 2015.

The VPA shall include provisions for the payment, collection, management and distribution of the contributions under the agreement, with a focus on funding community infrastructure and services in the area surrounding the mine, including Bulga Village.

Note: The Applicant's offer comprises a total contribution of \$11 million over 21 years for both the development and the Warkworth Continuation Project (SSD-6464).

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 shall acquire the land in accordance with the procedures in conditions 5 and 6 of schedule 4.

Table 1: Land subject to acquisition upon request

Acquisition Basis	Land
Noise	144, 146, 149, 915
Air	K

Note: To interpret the land referred to in Table 1, see the applicable figures in Appendix 3.

NOISE

Noise Criteria

2. Except for the land in Table 1, the Applicant shall ensure that the noise generated by the development does not exceed the criteria in Table 2 at any residence on privately-owned land.

Table 2: Noise criteria dB(A)

Location	Land	Day ($L_{Aeq}(15min)$)	Evening ($L_{Aeq}(15min)$)	Night ($L_{Aeq}(15min)$)	Night ($L_{A1}(1min)$)
Bulga	75	40	40	40	50
	42, 53, 55, 56, 57, 58, 60, 62, 63, 64, 66, 71, 72, 73, 82, 210, 211, 236, 252, 920	39	39	39	49
	16, 17, 19, 21, 24, 31, 35, 36, 37, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 52, 54, 61, 67, 70, 74, 80, 84, 89, 215, 234, 235, 237, 238, 243, 254, 903, 917, 918, 919, 929	38	38	38	48
	18, 20, 22, 23, 26, 28, 38, 39, 230, 231, 253, 921, 922	37	37	37	47
	12, 14, 15, 226, 227, 228, 229, 909, 928, 936	36	36	36	46
	All other residences on privately owned land	35	35	35	45
Milbrodale	111	37	37	37	47
	All other residences on privately owned land	35	35	35	45
Warkworth	All other residences on privately owned land	38	38	38	48
Maison Dieu	All other residences on privately owned land	35	35	35	45
Gouldsville, Long Point	126, 262	38	38	38	48
	All other residences on privately owned land	35	35	35	45
Hambledon Hill/ Wylies Flat	All other residences on privately owned land	35	35	35	45
Mt Thorley	148	39	39	39	49
	190	38	38	38	48
	150	37	37	37	47
	All other residences on privately owned land	35	35	35	45

Note: To interpret the land referred to in Table 2, see the applicable figures in Appendix 3.

Noise generated by the development is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time-to-time) or an equivalent NSW Government noise policy, as amended by Appendix 6 which 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.

ADDITIONAL NOISE MITIGATION UPON REQUEST

3. Upon receiving a written request from the owner of any residence on the land listed in Table 1 or Table 3, the Applicant shall implement additional noise mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy*. They must also be reasonable and feasible and proportionate with the level of predicted impact.

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 3: Land subject to additional noise mitigation upon request

Mitigation Basis	Characterisation of Impact	Receiver
Noise	Moderate	148, 190

Notes:

- To interpret the land referred to in Table 3, see the applicable figures in Appendix 3.
- Definitions of marginal and moderate mitigation are given in the *Voluntary Land Acquisition and Mitigation Policy*.

Operating Conditions

4. The Applicant shall:
 - (a) implement all reasonable and feasible measures to minimise the operational, low frequency and road noise of the development;
 - (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 6); and
 - (d) ensure that:
 - all new trucks, dozers, drills and excavators purchased for use on the site after the date of this consent are commissioned as noise suppressed (or attenuated) units; and
 - the existing fleet of trucks, dozers, drills and excavators on site at the date of this approval is progressively fitted with suitable noise attenuation packages to ensure that 100% of the fleet being used on site is attenuated by the end of 2016; and
 - (e) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent and, if necessary, adjust the scale of operations on site to meet the criteria in this consent.

Noise Management Plan

5. The Applicant shall prepare a Noise Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:
 - (a) be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to the commencement of any development under this consent;
 - (b) describe the measures that would be implemented to ensure compliance with the relevant noise criteria and operating conditions of this consent;
 - (c) describe the proposed noise management system in detail;
 - (d) include provisions for keeping the local community informed about the operation of the noise management system and monitoring programs (including any correction factors under the *NSW Industrial Noise Policy*), including regular briefings and a public information session within 6 months of the granting of this development consent;
 - (e) include a noise monitoring program that:
 - evaluates and reports on:
 - the effectiveness of the noise management system;
 - the effectiveness of the noise attenuation program (see condition 4(d));
 - 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 trigger for further attended monitoring where there is a risk of non-compliance with the noise criteria in this consent); and
- defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.

BLASTING

Blasting Criteria

- The Applicant shall ensure that the blasting on the site does not cause exceedances of the criteria in Table 4.

Table 4: Blasting 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 over a period of 12 months

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

Blasting Hours

- The Applicant shall only carry out blasting on site between 7am 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

- The Applicant may carry out a maximum of:
 - 2 blasts a day; and
 - 6 blasts a week, averaged over a calendar year, at 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.

- The Applicant shall not carry out more than 1 blast a day within 500 metres of the Putty Road.

Property Inspections

- If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit/s on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant shall:
 - 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
 - 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

11. If the owner of any privately-owned land claims that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, then within 2 months of receiving this claim the Applicant shall:
- (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 shall 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

12. During mining operations on site, the Applicant shall:
- (a) implement all reasonable and feasible measures to:
 - protect the safety of people and livestock in the surrounding area;
 - protect public or private infrastructure/property in the surrounding area from any damage; and
 - minimise the dust and fume emissions of any blasting;
 - (b) ensure that blasting on the site does not damage any historic heritage sites;
 - (c) minimise the frequency and duration of any road closures, and avoid road closures during peak traffic periods; and
 - (d) operate a suitable system (including a hotline and website updates) to enable the public to get up-to-date information on the proposed blasting schedule on site.

Note: To identify the historic heritage sites referred to in this condition, see the applicable figure in Appendix 4.

13. The Applicant shall not undertake blasting on site within 500 metres of:
- (a) any public road; or
 - (b) any land outside the site that is not owned by the Applicant,
- unless:
- the Applicant has a written agreement with the applicable infrastructure authority 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; or
 - the Applicant has:
 - 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 buildings and/or structures; and
 - updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the road or land.

Blast Management Plan

14. The Applicant shall prepare a Blast Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:
- (a) be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to carrying out any development under this consent;
 - (b) describe the measures that would be implemented to ensure compliance with the blasting criteria and operating conditions of this consent;
 - (c) include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with the RMS and Council;
 - (d) include a monitoring program for evaluating the performance of the development, including:
 - compliance with the applicable criteria;
 - avoiding any blasting impacts on the historic heritage items referred to in condition 12 above; and
 - minimising the fume emissions from the site.

AIR QUALITY

Air Quality Criteria

15. The Applicant shall 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 5, 6 and 7 at any residence on privately owned land.

Table 5: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³

Table 6: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	^d Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³

Table 7: Long term impact assessment criteria for deposited dust

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

Notes to Tables 5-7

- ^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, sea fog, fire incidents or any other activity agreed by the Secretary.

Mine-owned Land

16. The Applicant shall 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 5, 6 and 7 at any occupied residence on mine-owned land (including land owned by another mining or petroleum company, unless and to the extent that:
- the tenant and landowner (if the residence is owned by another mining or petroleum company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under schedule 4 of this consent;
 - 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;
 - air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining or gas company) of the particulate emissions at the residence; and
 - 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.

Operating Conditions

17. The Applicant shall:
- implement all reasonable and feasible measures to minimise the:
 - odour, fume and dust emissions of the development; and
 - release of greenhouse gas emissions from the development;
 - 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;
 - minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d to Tables 5-7 above); and
 - co-ordinate the air quality management on site with the air quality management at nearby mines (including the Warkworth, Bulga, Wambo and Hunter Valley Operations mines) to minimise any cumulative air quality impacts.

Air Quality Management Plan

18. The Applicant shall prepare a detailed Air Quality Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:
- (a) be prepared in consultation with the EPA, and be submitted to the Secretary for approval prior to carrying out any development under this consent;
 - (b) describe the measures that would be implemented to ensure compliance with relevant air quality criteria and operating conditions of this consent;
 - (c) describe the proposed air quality management system;
 - (d) include provisions for keeping the local community informed about the operation of the air quality management system and monitoring programs, including regular briefings and a public information session within 6 months of the granting of this development consent;
 - (e) include an air quality monitoring program that:
 - adequately supports the proactive and reactive air quality management system;
 - evaluates and reports on:
 - the effectiveness of the air quality management system; and
 - 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; and
 - (f) include a protocol that has been prepared in consultation with the owners of nearby mines (including the Warkworth, Bulga, Wambo and Hunter Valley Operations mines) to minimise the cumulative air quality impacts of these mines and the development.

METEOROLOGICAL MONITORING

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

WATER

Water Supply

20. The Applicant shall 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.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.

Compensatory Water Supply

21. The Applicant shall provide a compensatory water supply to the owner of any privately-owned land whose basic landholder water rights as defined in the *Water Management Act 2000* are adversely and directly impacted as a result of the development. This supply must be provided in consultation with NOW, and to the satisfaction of the Secretary.

The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable from the loss being identified, unless otherwise agreed with the landowner.

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

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

Note: The Water Management Plan (see condition 25) is required to include trigger levels for investigating potentially adverse impacts on water supplies.

Water Discharges

22. Unless an EPL or the EPA authorises otherwise, the Applicant shall ensure that all surface water discharges from the site comply with the:
- (a) discharge limits (both volume and quality) set for the development in any EPL; and
 - (b) relevant provisions of the POEO Act or *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

Note: For the avoidance of doubt, it is noted that the EPA will determine the cumulative allowable salinity discharges to the Hunter River catchment, according to rules of the Hunter River Salinity Trading Scheme and the respective quantities of tradeable salinity credits held by participants in the scheme (including the Bulga mine and other nearby mining operations).

Water Transfers

23. The Applicant may receive water from, and transfer water to, the Warkworth mine, Bulga mine, Hunter Valley Operations mine and Redbank Power Station.

Water Management Performance Measures

24. The Applicant shall comply with the performance measures in Table 8 to the satisfaction of the Secretary.

Table 8: Water management performance measures

Feature	Performance Measure
Water management – General	Minimise the use of clean water (i.e. water not in contact with disturbed areas) on site Minimise the need for make-up water from external supplies (apart from permissible mine water transfers) Maximise the use of mine water
Construction and operation of infrastructure	Design, install and maintain erosion and sediment controls generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1</i>, <i>Volume 2A – Installation of Services</i> and <i>Volume 2C – Unsealed Roads</i> Design, install and maintain the infrastructure within 40 m of watercourses generally in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land (DPI 2007)</i>, or its latest version Design, install and maintain any creek crossings generally in accordance with the <i>Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013)</i> and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003)</i>, or their latest versions
Clean water diversion & storage infrastructure	Design, install and maintain the clean water system to capture and convey the 100 year ARI flood Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site
Sediment dams	Design, install and maintain the dams generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> and <i>Volume 2E Mines and Quarries</i>
Mine water storages	Design, install and maintain mine water storage infrastructure to ensure no unlicensed or uncontrolled discharge of mine water off-site (except in accordance with condition 20) On-site storages (including mine infrastructure dams and treatment dams) are suitably designed, installed and maintained to minimise permeability Maintain adequate freeboard within the pit void at all times to minimise the risk of discharge to surface waters
Flood mitigation measures	Design, install and maintain flood mitigation measures along the western side of the development, to ensure there is adequate freeboard (at least 500mm) between the Probable Maximum Flood level in Wollombi Brook and the crest levee or peak of the flood mitigation infrastructure Residual impacts downstream must be managed in an appropriate manner
Overburden emplacements	Design, install and maintain emplacements to encapsulate and prevent migration of tailings, acid forming and potentially acid forming materials, and saline and sodic material Design, install and maintain emplacements to prevent offsite migration of saline groundwater seepage

Feature	Performance Measure
Chemical and hydrocarbon storage	Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards
Loders Creek	Maintain or improve baseline channel stability Improve riparian health

Water Management Plan

25. The Applicant shall prepare a Water Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:
- (a) be prepared in consultation with the EPA, NOW and OEH and submitted to the Secretary for approval prior to carrying out any development under this consent; and
 - (b) in addition to the standard requirements for management plans (see condition 3 of schedule 5), include a:
 - (i) Site Water Balance that:
 - includes details of:
 - sources and security of water supply, including contingency planning for future reporting periods;
 - water use and management on site, including details of water sharing between neighbouring mining operations;
 - any off-site water transfers and discharges;
 - reporting procedures, including the preparation of a site water balance for each calendar year; and
 - investigates and implements all reasonable and feasible measures to minimise water use on site;
 - (ii) Surface Water Management Plan, that includes:
 - detailed baseline data on surface water flows and quality in the watercourses that could potentially be affected by the development;
 - a detailed description of the water management system on site, including the:
 - clean water diversion systems;
 - erosion and sediment controls (mine water system); and
 - mine water management systems including irrigation areas;
 - detailed plans, including design objectives and performance criteria, for:
 - design and management of final voids;
 - design and management for the emplacement of coal reject materials;
 - reinstatement of drainage lines on the rehabilitated areas of the site; and
 - control of any potential water pollution from the rehabilitated areas of the site;
 - performance criteria for the following, including trigger levels for investigating any potentially adverse impacts associated with the development:
 - mine water management system;
 - surface water quality of Lodgers Creek; and
 - channel stability, stream and riparian vegetation health of Lodgers Creek;
 - a program to monitor and report on:
 - the effectiveness of the mine water management system; and
 - surface water flows and quality, stream and riparian vegetation health in Lodgers Creek potentially affected by the development;
 - a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the development; and
 - (iii) Groundwater Management Plan, which includes:
 - detailed baseline data on groundwater levels, yield and quality in the region, and privately-owned groundwater bores, that could be affected by the development;
 - groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;
 - a program to monitor and report on:
 - groundwater inflows to the open cut pits;
 - the seepage/leachate from water storages, emplacements, backfilled voids, and final voids;
 - the impacts of the development on:
 - regional and local (including alluvial) aquifers;
 - groundwater supply of potentially affected landowners;
 - groundwater dependent ecosystems and riparian vegetation;
 - base flows to Lodgers Creek;
 - a plan to respond to any exceedances of the groundwater assessment criteria; and
 - a program to validate the groundwater model for the development, including an independent review of the model with every independent environmental audit, and compare the monitoring results with modelled predictions.

HERITAGE

Protection of Heritage Items

26. The Applicant shall protect the heritage items identified in Table 1 of Appendix 4.

Loders Creek Aboriginal Cultural Heritage Conservation Area

27. Within 3 years of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant shall enter into a conservation agreement or agreements pursuant to section 69B of the *National Parks and Wildlife Act 1974* relating to the Loders Creek Aboriginal Cultural Heritage Conservation Area, recording the obligations assumed by the Applicant under the conditions of this consent in relation to the conservation area, and register the agreement/s pursuant to section 69F of the *National Parks and Wildlife Act 1974*.

Note: The location of the conservation area is shown in the figure in Appendix 4.

Aboriginal Heritage Management Plan

28. The Applicant shall prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:
- (a) be prepared in consultation with OEH and Aboriginal stakeholders, and submitted to the Secretary for approval prior to carrying out any development under this consent;
 - (b) include a detailed plan of management for the Loders Creek Aboriginal Cultural Heritage Conservation Area;
 - (c) include a program to:
 - salvage, investigate and/or manage Aboriginal sites and potential archaeological deposits within the project disturbance area;
 - assess and remove scarred trees within the disturbance area;
 - protect and monitor Aboriginal sites outside the project disturbance area;
 - manage the discovery of any new Aboriginal objects or skeletal remains during the development;
 - facilitate access to archaeological sites on site for Aboriginal stakeholders; and
 - Aboriginal stakeholders are consulted and involved in the conservation and management of Aboriginal cultural heritage on the site.

TRANSPORT

Monitoring of Coal Transport

29. The Applicant shall:
- (a) keep records of the amount of coal transported from the development in each calendar year; and
 - (b) make these records available on its website at the end of each calendar year.

VISUAL

Operating Conditions

30. The Applicant shall:
- (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development, including lighting impacts on road users and impacts of mining voids;
 - (b) establish and maintain vegetated bunds, vegetative screening and/or screen fencing along the boundary of the site including adjoining public roads where appropriate;
 - (c) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version; and
 - (d) monitor and report on the effectiveness of these measures.

Initial works to establish the vegetative bunds and/or screening referred to in condition 30(b) must be undertaken within 6 months of the date of commencement of development under this consent (unless otherwise agreed by the Secretary), in accordance with a tree screening plan that has been prepared in consultation with Council and to the satisfaction of the Secretary. The use of screen fencing shall be limited to areas where vegetative screening is not feasible, or as an interim measure prior to establishment of vegetation.

Additional Visual Impact Mitigation

31. Upon receiving a written request from the owner of any residence on privately-owned land who has, or would have, significant direct views of the mining operations from this residence and/or its associated facilities (such as pool or barbeque area) during the development, the Applicant shall implement additional visual mitigation measures (such as landscaping or vegetation screens) on the land in consultation with the landowner. These measures must be reasonable and feasible, and directed towards reducing the visibility of mining operations from the residence and/or its associated facilities.

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.

Notes:

- The additional visual impact mitigation measures must be aimed at reducing the visibility of the mining operations on site from significantly affected residences, and do not require measures to reduce the visibility of the mining operations from other locations on the affected properties.
- The additional visual impact mitigation measures do not necessarily have to include the implementation of measures on the affected property itself (i.e. the additional measures could involve the implementation 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.

BUSHFIRE MANAGEMENT

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

WASTE

33. The Applicant shall:
- (a) implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the development;
 - (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of; and
 - (c) monitor and report on effectiveness of the waste minimisation and management measures in the Annual Review.

REHABILITATION

Rehabilitation Objectives

34. The Applicant shall rehabilitate the site to the satisfaction of the DRE. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS (and depicted conceptually in the figure in Appendix 5), and comply with the objectives in Table 9.

Table 9: Rehabilitation objectives

Feature	Objective
Mine site (as a whole)	• Safe, stable and non-polluting • Materials (including topsoils, substrates and seeds of the disturbed areas) are recovered, appropriately managed and used effectively as resources in the rehabilitation of the site • Final landforms to: ○ sustain the intended land use for the post-mining domains; ○ be designed to minimise the visual impacts of the development; ○ be in keeping with the natural terrain features of the area; ○ be integrated with the rehabilitated landforms of surrounding mines; ○ incorporate micro-relief; and ○ incorporate drainage lines consistent with topography and natural drainage where reasonable and feasible
Water quality	• Water retained on site is fit for the intended land use(s) for the post-mining domains • Water discharged from site is consistent with the baseline ecological, hydrological and geomorphic conditions of the creeks prior to mining disturbance • Water management is consistent with the applicable regional catchment strategy

Feature	Objective
Biodiversity	• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprising local plant species • Vegetation to be established with at least 483 ha of Central Hunter Grey Box - Ironbark Woodland EEC • Size, location and species of native tree lots and corridors are established to sustain biodiversity habitats • Species are selected that re-establishes and complements regional and local biodiversity
Surface infrastructure	• To be decommissioned and removed, unless the DRE agrees otherwise
Agriculture	• Land capability classification for the relevant nominated agricultural pursuit for each domain is established and self-sustaining within 5 years of land use establishment (first planting vegetation)
Community	• Ensure public safety • Minimise the adverse socio-economic effects associated with mine closure

Progressive Rehabilitation

35. The Applicant shall rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies shall be employed when areas prone to dust generation cannot yet be permanently rehabilitated.

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

Rehabilitation Management Plan

36. The Applicant shall prepare a Rehabilitation Management Plan for the development to the satisfaction of the DRE, and carry out the development in accordance with this plan. The plan must:
- be submitted to the DRE for approval prior to carrying out any development under this consent;
 - be prepared in consultation with the Department, NOW, OEH, Council and the CCC;
 - be prepared in accordance with any relevant DRE guideline, including any NSW government policy regarding voids;
 - include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);
 - describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including timeframes for achieving specified rehabilitation objectives;
 - includes a mine closure strategy, that details measures to minimise the long term impacts associated with mine closure, including final landform, final land use and socio-economic issues;
 - include interim rehabilitation where necessary to minimise the area exposed for dust generation;
 - include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and
 - build to the maximum extent practicable on the other management plans required under this consent.

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS/TENANTS

1. Within 1 month of the date of this consent, the Applicant shall:
 - (a) notify in writing the owners of:
 - the land listed in Table 1 of schedule 3 that they have the right to require the Applicant to acquire their land in accordance with the procedures in conditions 5-6 below at any stage during the development;
 - any residence on the land listed in Table 3 of schedule 3 that they have the right to request the Applicant to ask for additional noise mitigation measures to be installed at their residence at any stage during the development; and
 - any privately-owned land within 2 kilometres of the approved open cut mining pit/s that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated;
 - (b) notify the tenants of any mine-owned land of their rights under this consent (see condition 16 of schedule 3); and
 - (c) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EIS identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria in schedule 3 at any time during the life of the development.
2. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, or for any of the land listed in Table 1 that is subsequently purchased by the Applicant, the Applicant shall:
 - (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and
 - (b) advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Secretary.
3. As soon as practicable after obtaining monitoring results showing:
 - (a) an exceedance of any relevant criteria in schedule 3, the Applicant shall notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria; and
 - (b) an exceedance of the relevant air quality criteria in schedule 3, the Applicant shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).

INDEPENDENT REVIEW

4. If an owner of privately-owned land considers the development to be exceeding the criteria in schedule 3 at his/her land, 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, then the Applicant shall:

- (a) commission 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 within 2 months of the Secretary's decision, unless the Secretary agrees otherwise.

LAND ACQUISITION

5. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall make a binding written offer to the landowner based on:
 - (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the 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 land 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 3 of schedule 3;
- (b) the reasonable costs associated with:
 - relocating within the Muswellbrook, Singleton or Cessnock 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
- (c) reasonable compensation for any disturbance caused by the land acquisition process.

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

Upon receiving such a request, the Secretary shall 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 shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

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

Within 14 days of this determination, the Applicant shall 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 shall cease, unless the Secretary determines otherwise.

6. The Applicant shall pay all reasonable costs associated with the land acquisition process described in condition 5 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Applicant shall prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary, and carry out the development in accordance with this strategy. The strategy must:
 - (a) be submitted to the Secretary for approval prior to carrying out any development under this consent;
 - (b) provide the strategic framework for environmental management of the development;
 - (c) identify the statutory approvals that apply to the development;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the mine development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise;
 - respond to any non-compliance;
 - respond to emergencies; and
 - (f) include:
 - copies of any strategies, plans and programs approved under the conditions of this consent; and
 - a clear plan depicting all the monitoring required to be carried out under the conditions of this consent.

Adaptive Management

2. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement remediation measures as directed by the Secretary.

Management Plan Requirements

3. The Applicant shall 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.

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

Annual Review

4. By the end of March each year, the Applicant shall review the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. This review must:
- describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year;
 - 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:
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous years; and
 - relevant predictions in the EIS;
 - identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - identify any trends in the monitoring data over the life of the development;
 - identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - describe what measures will be implemented over the next year to improve the environmental performance of the development.

Revision of Strategies, Plans and Programs

5. Within 3 months of:
- the submission of an:
 - annual review under condition 4 above;
 - incident report under condition 7 below;
 - audit report under condition 9 below; or
 - any modification to the conditions of this consent (unless the conditions require otherwise), or
 - the introduction of any NSW government policy regarding voids,
- the Applicant shall 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 4 weeks of the review, unless the Secretary agrees otherwise, 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

6. The Applicant shall operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be operated in accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version). It may also be combined with any CCC for the Warkworth mine.

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 be comprised of an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community.*

REPORTING

Incident Reporting

7. The Applicant shall immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

8. The Applicant shall 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.

AUDITING

Independent Environmental Audit

9. Within 1 year of the commencement of development under this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
 - (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under the abovementioned approvals.

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

10. Within 6 weeks of the completion of this audit, unless the Secretary agrees otherwise, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

11. From the commencement of development under this consent, the Applicant shall:
- (a) make copies of the following publicly available on its website:
 - the EIS;
 - current statutory approvals for the development;
 - approved strategies, plans and programs required under the conditions of this consent;
 - a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - the results of real time noise monitoring, updated daily (unless otherwise agreed by the Secretary);
 - a complaints register, which is to be updated monthly;
 - minutes of CCC meetings;
 - the annual reviews of the development (for the last 5 years, if applicable);
 - any independent environmental audit of the development, 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.
-

APPENDIX 1 SCHEDULE OF LAND

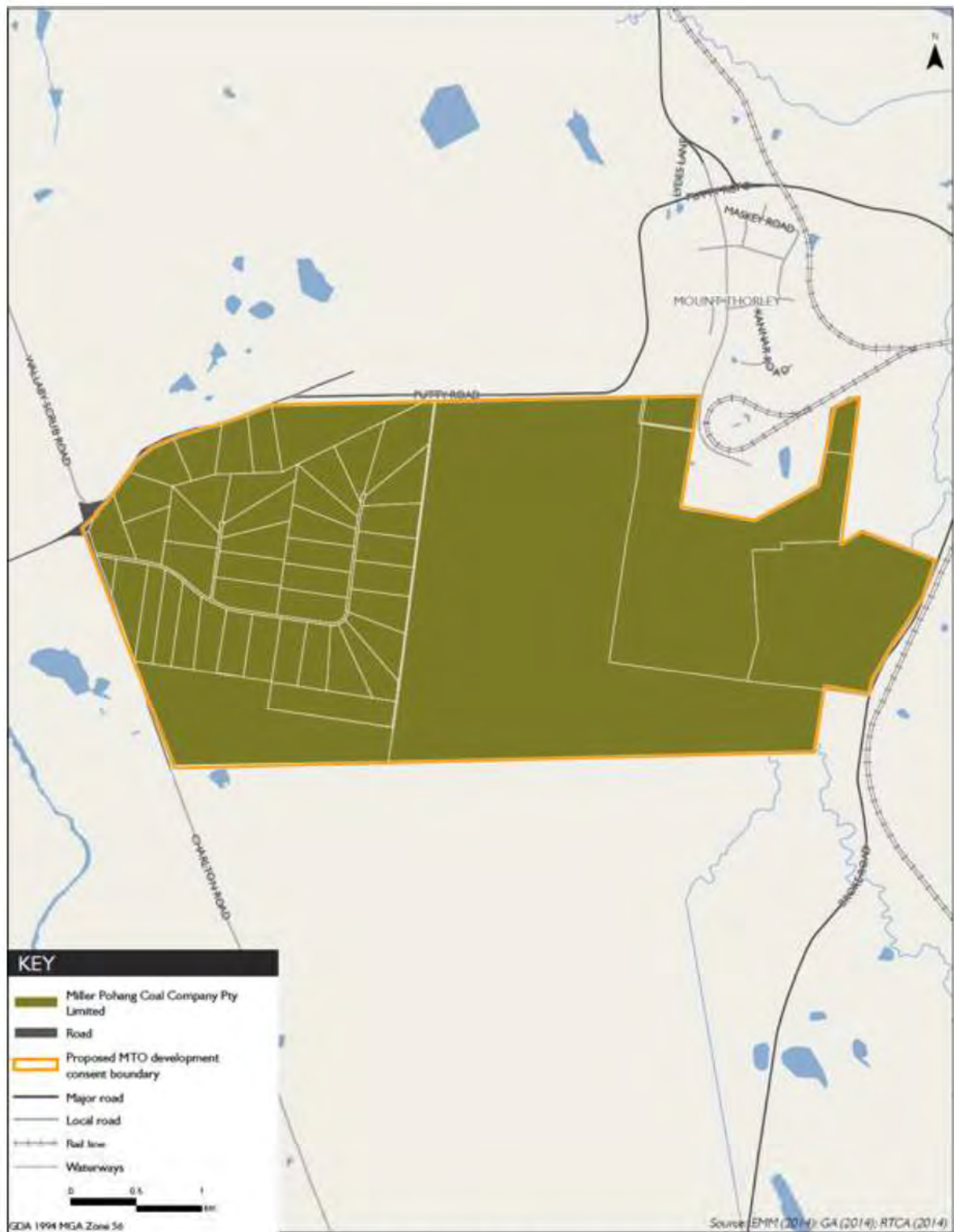


Figure 1: Land Ownership Plan Within the Development Application Area

LOT	DP	OWNER
1	45576	Miller Pohang Coal Company Pty Limited
36	755270	Miller Pohang Coal Company Pty Limited
29	248429	Miller Pohang Coal Company Pty Limited
28	248429	Miller Pohang Coal Company Pty Limited
271	600747	Miller Pohang Coal Company Pty Limited
8	251238	Miller Pohang Coal Company Pty Limited
1	42614	Miller Pohang Coal Company Pty Limited
37	248429	Miller Pohang Coal Company Pty Limited
39	248429	Miller Pohang Coal Company Pty Limited
3	247340	Miller Pohang Coal Company Pty Limited
1	247340	Miller Pohang Coal Company Pty Limited
555	609997	Miller Pohang Coal Company Pty Limited
35	248429	Miller Pohang Coal Company Pty Limited
17	658927	Miller Pohang Coal Company Pty Limited
41	248429	Miller Pohang Coal Company Pty Limited
43	248429	Miller Pohang Coal Company Pty Limited
6	247340	Miller Pohang Coal Company Pty Limited
8	247340	Miller Pohang Coal Company Pty Limited
19	247339	Miller Pohang Coal Company Pty Limited
46	248429	Miller Pohang Coal Company Pty Limited
708	749857	Miller Pohang Coal Company Pty Limited
22	263943	Miller Pohang Coal Company Pty Limited
2	42614	Miller Pohang Coal Company Pty Limited
9	247340	Miller Pohang Coal Company Pty Limited
7	247340	Miller Pohang Coal Company Pty Limited
272	600747	Miller Pohang Coal Company Pty Limited
271	260663	Miller Pohang Coal Company Pty Limited
38	248429	Miller Pohang Coal Company Pty Limited
4	247340	Miller Pohang Coal Company Pty Limited
2	247340	Miller Pohang Coal Company Pty Limited
56	755270	Miller Pohang Coal Company Pty Limited
36	248429	Miller Pohang Coal Company Pty Limited
42	248429	Miller Pohang Coal Company Pty Limited
12	247340	Miller Pohang Coal Company Pty Limited
14	247340	Miller Pohang Coal Company Pty Limited
34	248429	Miller Pohang Coal Company Pty Limited
18	247340	Miller Pohang Coal Company Pty Limited
16	247340	Miller Pohang Coal Company Pty Limited
31	248429	Miller Pohang Coal Company Pty Limited
10	247340	Miller Pohang Coal Company Pty Limited
44	248429	Miller Pohang Coal Company Pty Limited

LOT	DP	OWNER
33	248429	Miller Pohang Coal Company Pty Limited
11	247340	Miller Pohang Coal Company Pty Limited
30	248429	Miller Pohang Coal Company Pty Limited
5	247340	Miller Pohang Coal Company Pty Limited
13	247340	Miller Pohang Coal Company Pty Limited
45	248429	Miller Pohang Coal Company Pty Limited
273	260663	Miller Pohang Coal Company Pty Limited
15	247340	Miller Pohang Coal Company Pty Limited
17	247340	Miller Pohang Coal Company Pty Limited
40	248429	Miller Pohang Coal Company Pty Limited
32	248429	Miller Pohang Coal Company Pty Limited
1	43422	Miller Pohang Coal Company Pty Limited

APPENDIX 2 DEVELOPMENT LAYOUT PLANS

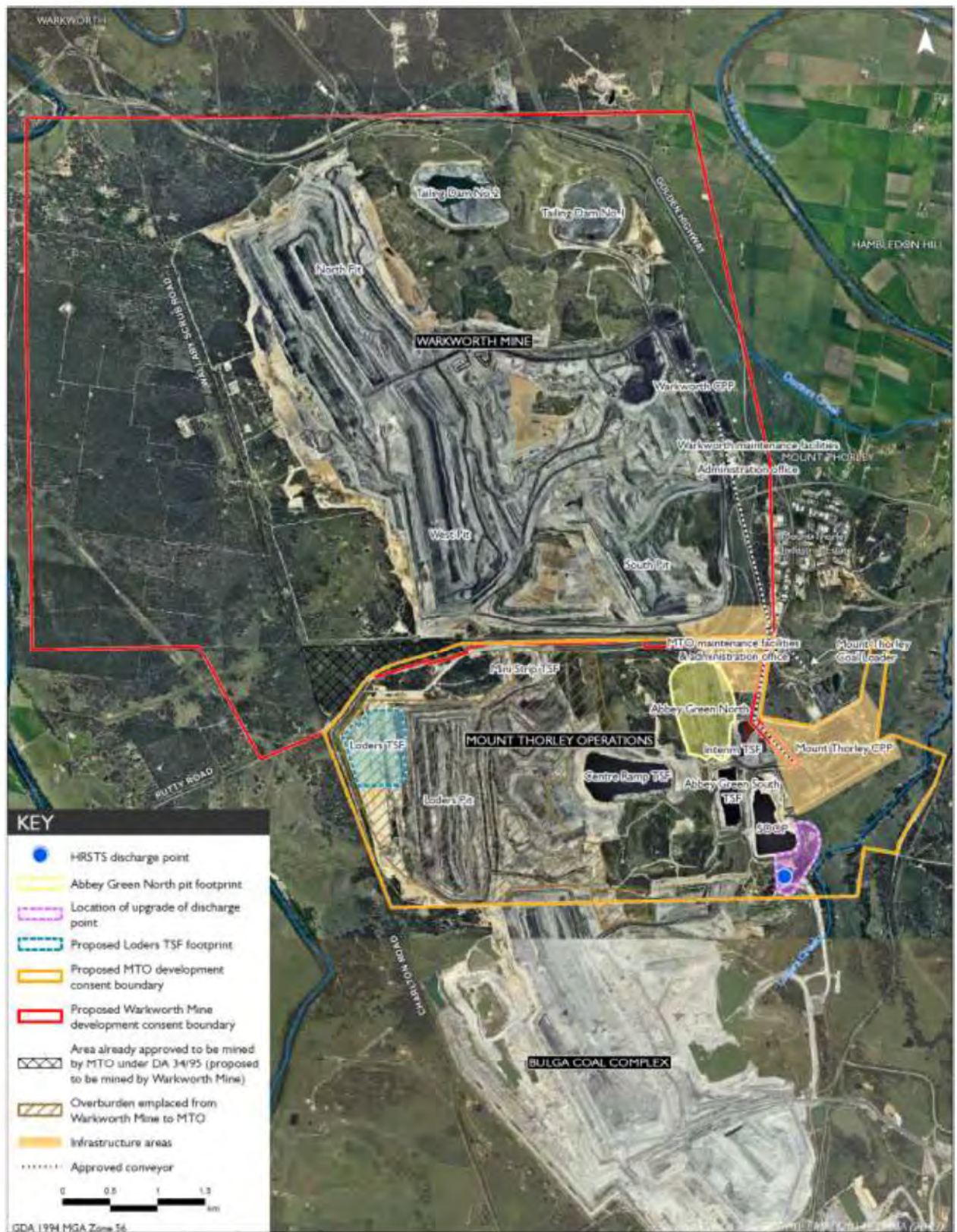


Figure 2: Project Layout

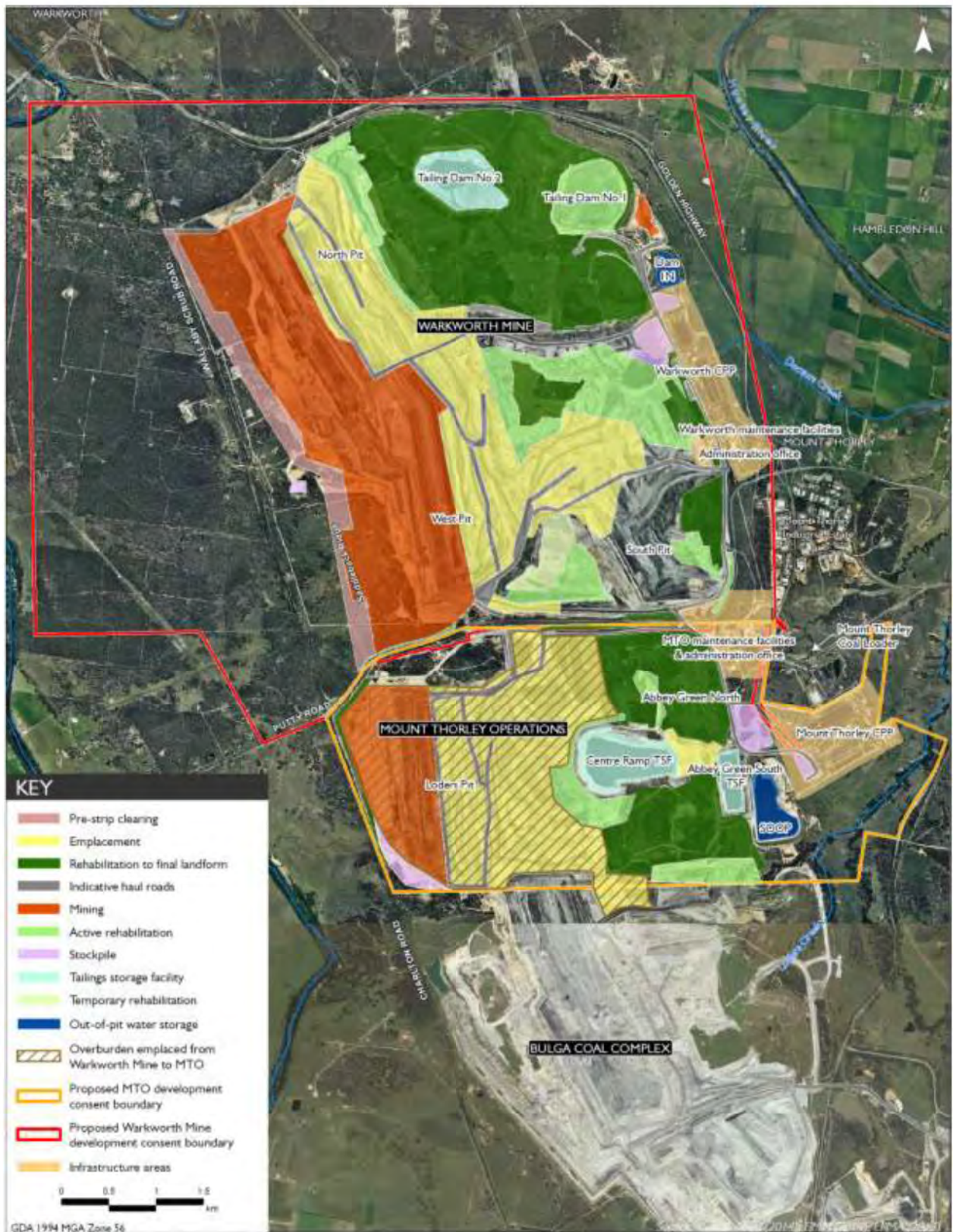


Figure 3: Conceptual Mine Plan - Year 3

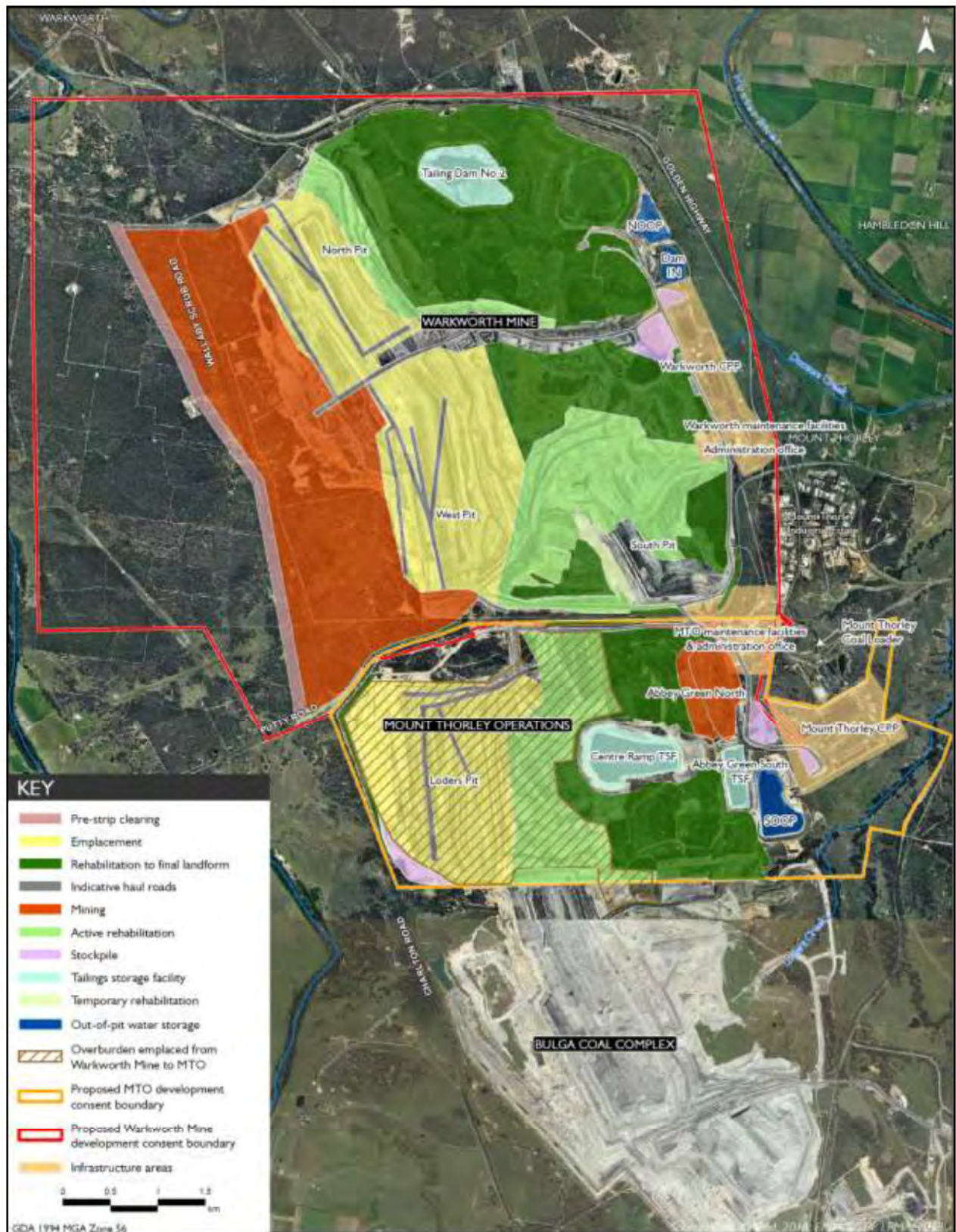


Figure 4: Conceptual Mine Plan - Year 9

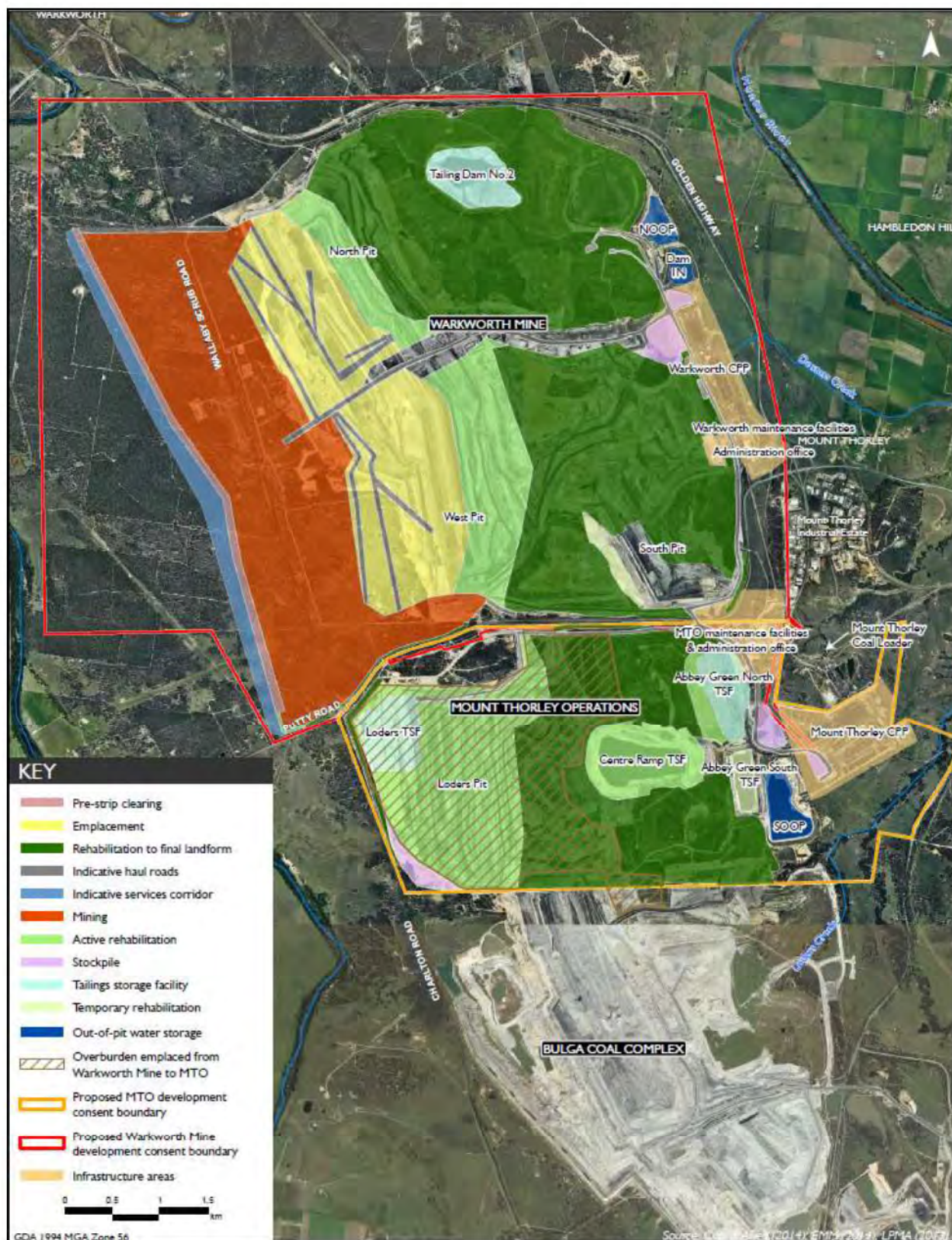


Figure 5: Conceptual Mine Plan - Year 14

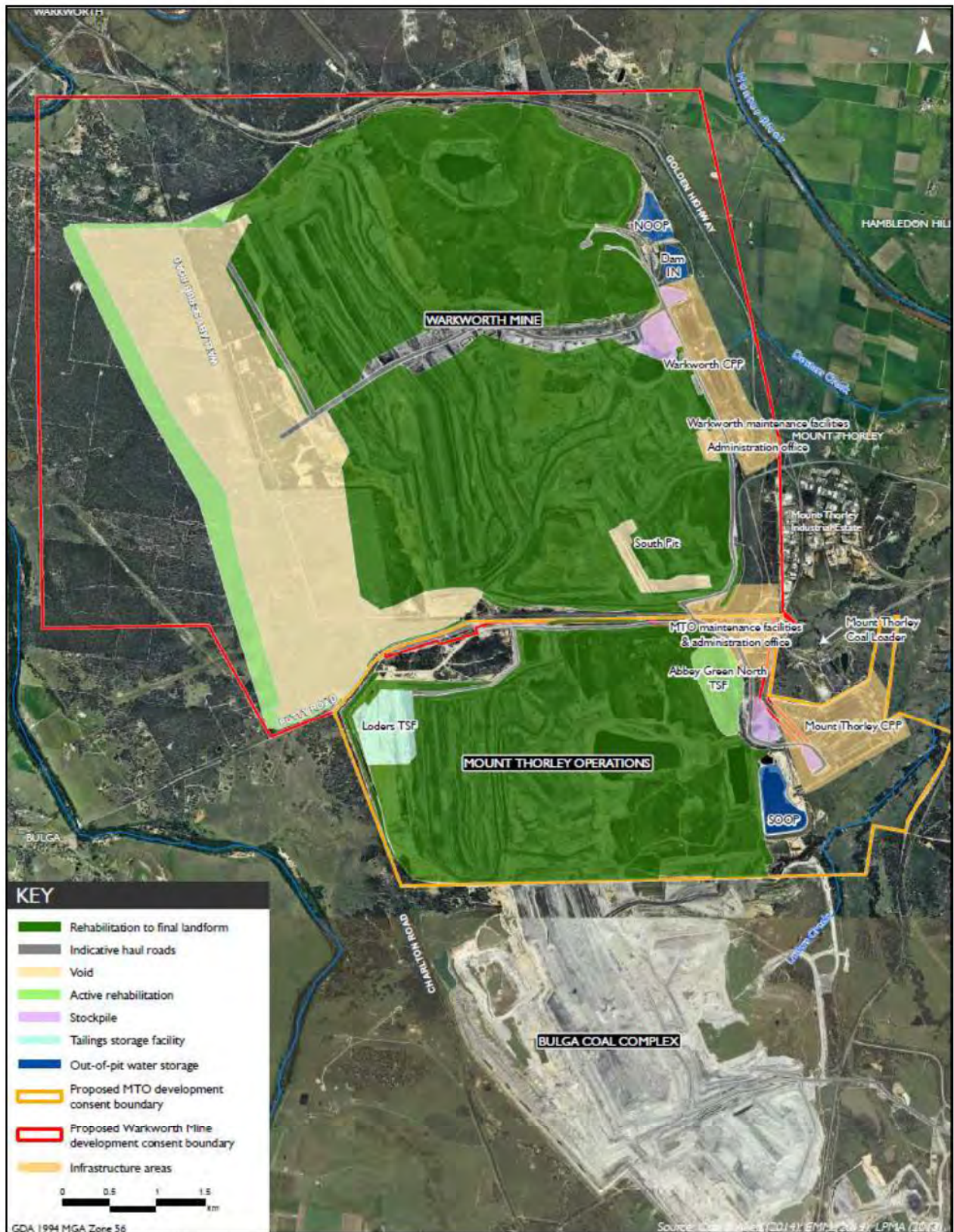


Figure 6: Conceptual Mine Plan - Year 21

APPENDIX 3 LAND OWNERSHIP PLANS

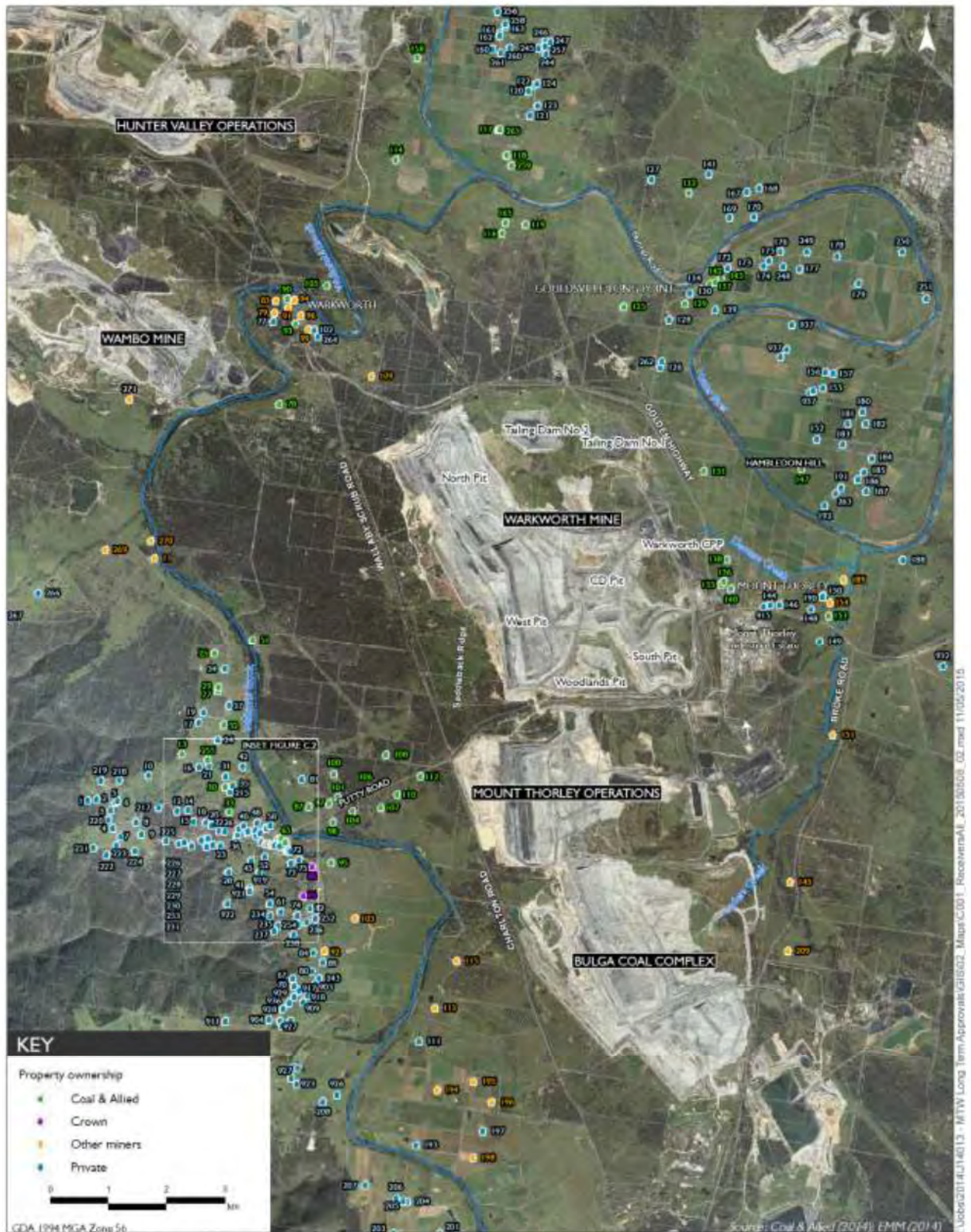


Figure 7: Surrounding Residences

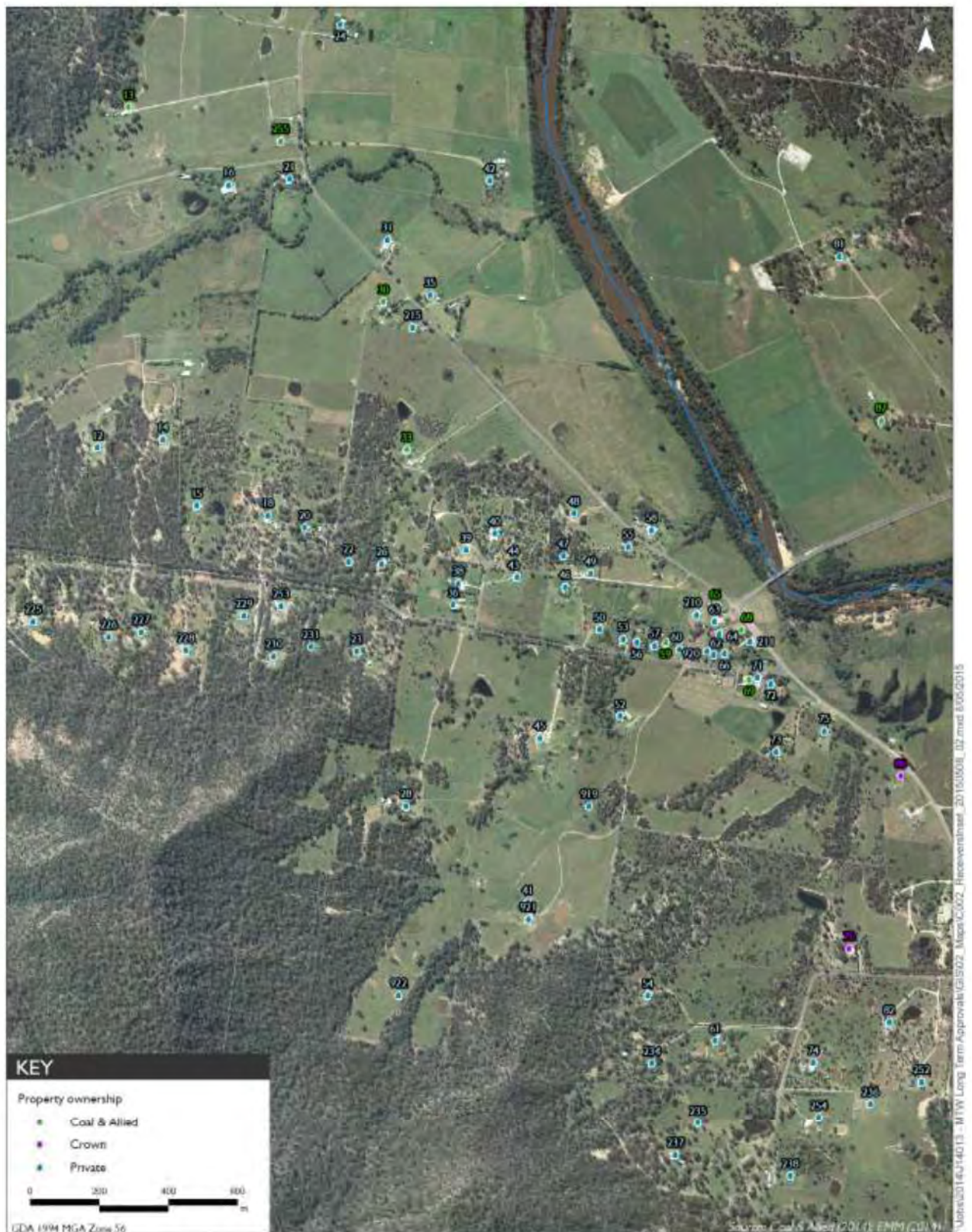


Figure 8: Surrounding Residences – South West (Bulga)



Figure 9: Vacant Land

Assessment location ID	Property owner
1	Judith Leslie
2	Shayne Aaron Currie
3	Charleroi Pty Limited
4	Graeme O'Brien & Susann Florence O'Brien
5	Daniel Bruce Jones
6	Russell James Doidge, Trinette Louise Reid
7	Darral Keith Margery & Annette Gaye Margery
8	Laurence Fletcher, Margaret Ann Fletcher
9	Donald Bruce Roser
10	Andrew Mark Robey, Kim Luanne Robey
11	Wambo Mining Corporation Pty. Limited
12	Ronald Alexander Corino, Pauline Rayner
13	Warkworth Mining Limited
14	Karin Margaret Hunt
15	William Lindsay Gordon Slaney, Peta Slaney
16	Leona Ann Williams
17	George David Lianos, Honor Claire Lianos
18	Barry John Anderson, Melissa Gai Anderson
19	Denis Cyril Maizey, Elaine Margaret Maizey
20	Gregory William Banks, Marion Elizabeth Banks
21	Gregory William Banks, Marion Elizabeth Banks
22	Elizabeth Mackenzie
23	Peter Jason Kolatchew, Heidi Kolatchew
24	Ronald Garry Bailey, Fiona Susan Bailey
25	William George Joseph Lambkin, Dawn Lambkin*
26	Barbara Gae Harrison, Trevor Eric Harrison
27	Warkworth Mining Limited
28	Hubert George Upward
29	Warkworth Mining Limited
30	Warkworth Mining Limited
31	Gregory Malcolm Caban
32	Warkworth Mining Limited
33	Warkworth Mining Limited
34	Allan Clyde Lepisto, Nerida Lepisto
35	Lawrence Malcolm Caban, Rhonda Beryl Caban
36	Raymond Carl Powell
37	Gregory Paul Crowe
38	Benjamin John Street, Jami Ann Street
39	Gregory John Mcnaught
40	Margaret Player, John MacLachlan Player
41	Hubert George Upward
42	Mark Anthony Lancaster, Debbie Marie Lancaster
43	Geoffrey Allen Burgess, Betty Joy Burgess

Assessment location ID	Property owner
44	Barry Fogwell
45	Adam Charles Cameron
46	Jason Phillip Horn
47	Philip Adamthwaite
48	Brett James Gallagher, Rebecca Louise Gallagher
49	John Thompson, Delwyn Kay Jackson
50	Bradley Richard Sales, Sharon Ann Bellamy
51	Warkworth Mining Limited
52	Stewart James Mitchell, Marie Clare Mitchell
53	Robert McLaughlin
54	Christopher Stanley Neville & Elizabeth Ann Neville
55	Robert John Evans
56	Leonard Walter Mclachlan, Noelene Rita Mclachlan
57	Paul William Harris, Tracey Anne Swindail
58	David Andrew Gregory
59	Warkworth Mining Limited
60	Vaughan Thomas Cagney, Candice Rose Albert
61	Darrell Stanley Kaizer
62	Dwi Octaviani
63	Margueriette Ann Henneberry, Paul Andrew Burgess
64	Dusko Dragicevic, Milan Dragicevic
65	Warkworth Mining Limited
66	Michael Vivian Bendall, Sue-Ellen Bendall
67	Michael Shane Dawson & Suzana Dawson
68	Warkworth Mining Limited
69	Warkworth Mining Limited
70	Peter Francis Ritchie And Fiona Jennifer Ritchie
71	Robert Ian Hedley, Jan Maree Louis
72	Frank Henry Turnbull
73	Phillip Joseph Reid, Carol Reid
74	Ronald Guy Godyn, Anne-Marie Godyn
75	Lindsay Robert Smith, Jillian Maree Smith
76	The State Of New South Wales
77	William Joseph Kelly, Marie Joyce Kelly, Lawrence Kelly
78	Warkworth Mining Limited
79	Wambo Mining Corporation Pty. Limited
80	Dimitrious Vikas & Joy Mary Vikas
81	Agl Energy Limited
82	Stephen Glenn Williamson, Nicole Leanne Highett
83	Xstrata Coal Pty Limited
84	Mary Veronica Thompson
86	The State Of New South Wales
87	Andre Marc Renaud, Noela Mary Renaud*

Assessment location ID	Property owner
89	Bryan Dudley Medhurst
90	Coal & Allied Operations Pty Limited
91	Wambo Coal Pty Limited
92	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
93	Coal & Allied Operations Pty Limited
94	Wambo Coal Pty Limited
95	Miller Pohang Coal Company Pty Limited
96	Wambo Mining Corporation Pty. Limited
97	Warkworth Mining Limited
98	Miller Pohang Coal Company Pty Limited
99	Wambo Coal Pty Limited
100	Miller Pohang Coal Company Pty Limited
101	Miller Pohang Coal Company Pty Limited
102	Brian Edward Kennedy, John Griffiths (Warkworth Hall)
103	Saxonvale Coal Pty. Limited, Nippon Steel Australia Pty. Limited
104	Miller Pohang Coal Company Pty Limited
105	Coal & Allied Operations Pty Limited
106	Miller Pohang Coal Company Pty Limited
107	Miller Pohang Coal Company Pty Limited
108	Miller Pohang Coal Company Pty Limited
109	Xstrata Coal (Nsw) Pty Limited
110	Miller Pohang Coal Company Pty Limited
111	Ian Wallace Russell
112	Miller Pohang Coal Company Pty Limited
113	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
114	Coal & Allied Operations Pty Limited
115	Saxonvale Coal Pty. Limited, Nippon Steel Australia Pty. Limited
116	Coal & Allied Operations Pty Limited
117	Coal & Allied Operations Pty Limited
118	Coal & Allied Operations Pty Limited
119	Coal & Allied Operations Pty Limited
120	Russell John Wenham, Janelle Susan Wenham
121	Julie Gai Ernst, Gregory John Ernst
122	Stephen Douglas Edwards, Terri-Anne Howard, Joselyn Vida Clifton
123	Neil Robert Nelson, Glenda Joy Nelson
124	Stephen Douglas Edwards, Terri-Anne Howard, Joselyn Vida Clifton
125	Coal & Allied Operations Pty Limited
126	Peter Glen Stuart
127	Noel Francis Riley, Elaine Roslyn Riley
128	Warren John Welsh, Adam John Young
129	Coal & Allied Operations Pty Limited
130	Francescantonio Ventra, Joanne Ventra
131	Warkworth Mining Limited

Assessment location ID	Property owner
133	Coal & Allied Operations Pty Limited
134	Andrew Arthur Barrett, Nicole Maree Kenny
135	Warkworth Mining Limited
136	Warkworth Mining Limited
137	Coal & Allied Operations Pty Limited
138	Warkworth Mining Limited
139	Kevin Denis Hartcher, Linda Anne Hartcher
140	Warkworth Mining Limited
141	Warren Thomas Barry, Lesley Una Barry
142	Coal & Allied Operations Pty Limited
143	Coal & Allied Operations Pty Limited
144	Jason Cyril Rumbel, Rebecca Ruth Rumbel
145	Saxonvale Coal Pty. Limited, Nippon Steel Australia Pty. Limited
146	Paul Henry Russell
147	Warkworth Mining Limited
148	Dorothy Clare Russell
149	Timothy Peter Hedley
150	Keith David Isaac, Sharon Ann Isaac
151	Bulga Coal Management Pty Limited
152	Graham Edwin Berry, Elizabeth Anne Berry
153	Warkworth Mining Limited
154	Bulga Coal Management Pty Limited
155	Trevor Keith Berry, Graham Edwin Berry
156	Jean Mary O'Hara
157	Jean Mary O'Hara
158	Coal & Allied Operations Pty Limited
160	Elizabeth Stuart Bowman
161	Wyoming Holsteins Pty Limited
162	Wyoming Holsteins Pty Limited
163	Wyoming Holsteins Pty Limited
165	Coal & Allied Operations Pty Limited
167	Nathan James Laing
168	Stuart Francis Nichol Wright, Pamela Lynn Wright
169	Harold Douglas Hobden
170	John Marcheff
172	John Stuart Gough, Lynette Jean Gough
173	Michael John Wellard, Faye Denise Wellard
174	Margaret Anne Neal
175	Bradley John Halter
176	Michael Raymond Mapp, Shirley Maree Mapp
177	Greig Andrew Delaney
178	Craig Ian Flissinger, Catherine Anne Flissinger
179	Tickalara Pty. Limited

Assessment location ID	Property owner
180	Bruce Graham Moore
181	David Charles Vassallo, Sheree Ann Vassallo
182	Robert Francis Holstein And Andrea Terry Holstein
183	Paul Anthony Cavanough, Jacinta Jade Dawkins
184	Campbell Stuart Ball And Gail Agnes Ball
185	Leonard Dale Franks
186	Leonard Dale Franks
187	Keith Heuston Pty. Limited
188	Comserve (No.932) Pty Ltd
189	Bulga Coal Management Pty Limited
190	Keith David Isaac, Sharon Ann Isaac
191	Robert John Vidler, Coral May Vidler
192	Jean Mary O'Hara
193	Robert Kennedy
194	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
195	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
196	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
197	Robert Kennedy
198	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
199	Adrian Garton, Susan Jean Garton
200	Karren Anne Mccraw, Kenneth Ian Mccraw
201	Richard James Owens
202	Richard James Owens
203	Grapemen Holdings Pty Limited
204	Brenda Joan Tanner
205	Victoria Ann Foster
206	Theo Poulos, Maria Poulos
207	John Stephen Tulloch
208	Cybele Genevieve Orton
209	Saxonvale Coal Pty Limited, Nippon Steel Australia Pty Limited
210	Meria Violet Ford
211	Mike Dean Silk, Antoinette Silk
215	Allan Wayne Louis, Cheryl Anne Louis
217	Packtron Packaging Pty Limited
218	Phillip John Haerse, Elizabeth Rae Haerse
219	Philip Geoffrey Carroll
220	George Jiri Tlaskal
221	Christina Mary Metlikovec
222	John Vincent Putland
223	Andrew Glenn Upward
224	Rex Wayne Davis, Heather Anne Davis
225	Anthony and Trudie Seibel – Barnes
226	Neale Mccallum, Julie Marie Mcnaughton

Assessment location ID	Property owner
227	Ian Wyn Jones, Karen Michelle Jones
228	Jason Peter Passlow, Belinda Louise Lee
229	Maurice Francis Chapman, Nellie Vera Chapman
230	Paul Dermot Byrne O'Toole, Melissa Jane O'Toole
231	Mark Mcalpin Roser, Nicole Roser
234	Robert John Bridge, Kylie Terese Bridge
235	Garrett James Walters & Clare Joanne Gowans
236	Scott Francis Ryan
237	Leslie Carol Krey
238	Raymond George Caban, Kathryn Louise Caban
243	John Patrick Cant, Cherie Margaret Cant
244	Todd Anthony Mills, Sharron Ann Mills
245	Chriss Ivan Maskey
246	Paul Raymond Burley, Catherine Maree Burley
247	Tony Zanardi, Sandra Maree Zanardi
248	Keith Joseph Horne
249	Thomas William Watson, Betty Watson
250	John Michael Woods
251	Frederick John & Carole Maria Flinn
252	Jaques Family Investments Pty Limited
253	Stuart Edward Reakes
254	Peter William Shore & Melanie Louise Shore
255	Warkworth Mining Limited
256	Bruce Eric Moxey, Thea Anne Moxey
257	Robert John Algie
258	Wyoming Holsteins Pty Limited
259	Coal & Allied Operations Pty Limited
260	Wyoming Holstiens Pty. Limited
261	Wyoming Holstiens Pty. Limited
262	Peter Glen Stuart
263	John Klasen, Ruth Anne Klasen
264	George Robert Miller (Anglican Church)
265	Coal & Allied Operations Pty Limited
266	Ronald Wayne Fenwick
267	Kenneth Max Brosi
268	Kenneth Max Brosi, Julie Anne Brosi & Pauline June McLoughlin
269	Wambo Mining Corporation Pty Limited
270	Wambo Mining Corporation Pty Limited
271	Wambo Mining Corporation Pty Limited
903	Adam John Baker
904	Allan Mark Brasington, Judith Anne Brasington
905	Cameron Michael Turner, Melissa Jayne Harris
909	Emanuel Victor Vassallo

Assessment location ID	Property owner
911	Gary Dale Harris
915	Jason Cyril Rumbel, Rebecca Ruth Rumbel
917	John Robert Lamb
918	Joseph Vassallo, Doris Vassallo
919	Kenneth Neil Cameron
920	Lindsay Gordon Harris, Jillian May Ferguson
921	Melanie Caban, Keiran Lionel Caban
922	Melanie Evelyn Upward
923	Michelle Maria Brennan
926	Paul William Mackay, Suzanne Elizabeth Mackay
927	Phillip John Gunter, Leona Mary Gunter
928	Sarah Elizabeth Purser, Stirling Owen Keayes
929	Simon James Beavis
932	Stephen Dennis Tipping
936	Thomas Charles Jackson, Susan Gai Jackson
937	Trevor Keith Berry, Graham Edwin Berry

APPENDIX 4 HERITAGE

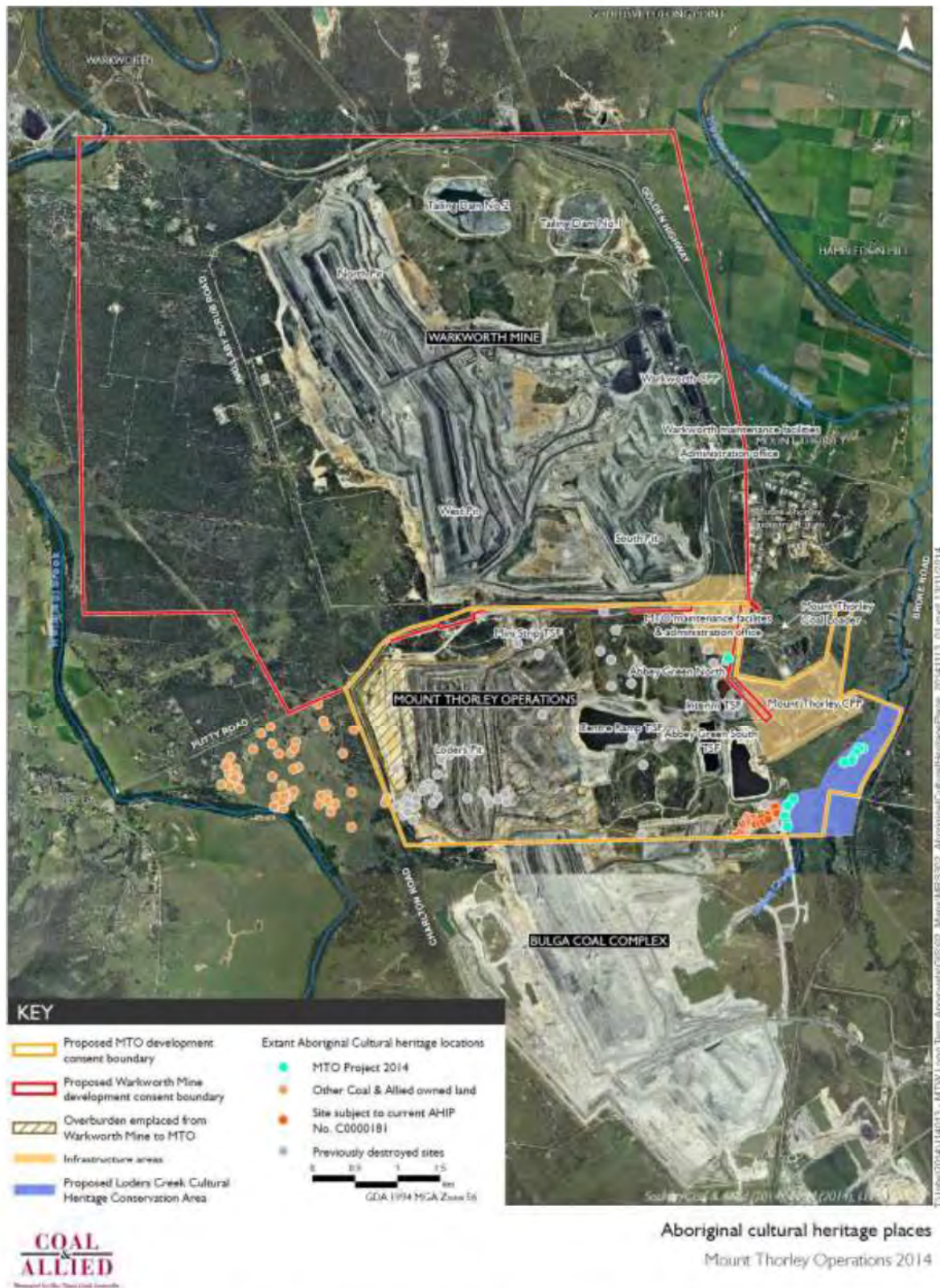


Figure 10: Extant Aboriginal Sites and Loders Creek Aboriginal Cultural Heritage Conservation Area

Table 1: Aboriginal Cultural Heritage Sites to be Protected

Details of extant only Aboriginal cultural heritage places within the MTO 2014 proposal area [NB: this is derived from Table 13 from the WCP EIS, vol. 5, Appx M, ACH study]

AHIMS No	Restricted	Place Name	Place Type	PAD	Status
37-6-0312	-	MT 26	Stone Artefact Scatter	-	Valid
37-6-0313	-	MT 27	Stone Artefact Scatter	-	Valid
37-6-0314	-	MT 28	Stone Artefact Scatter	-	Valid
37-6-0315	-	MT 29	Stone Artefact Scatter	-	Valid
37-6-0316	-	MT 30	Stone Artefact Scatter	-	Valid
37-6-0317	-	MT 31	Stone Artefact Scatter	-	Valid
37-6-0318	-	MT 32	Stone Artefact Scatter	-	Valid
37-6-0319	-	MT 33	Isolated Stone Artefact/s	-	Valid
37-6-0656	-	B73	Stone Artefact Scatter	-	Valid
37-6-0658	-	B 75	Stone Artefact Scatter	-	Valid
37-6-0659	-	B 76	Stone Artefact Scatter	-	Valid
37-6-0660	-	B 77	Stone Artefact Scatter	-	Valid
37-6-2717	-	AG-PAD-1	PAD	Yes	Partially Destroyed

APPENDIX 6 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) wind speeds greater than 3 m/s at 10 m above ground level; or
 - b) stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level; or
 - c) stability category G temperature inversion conditions.

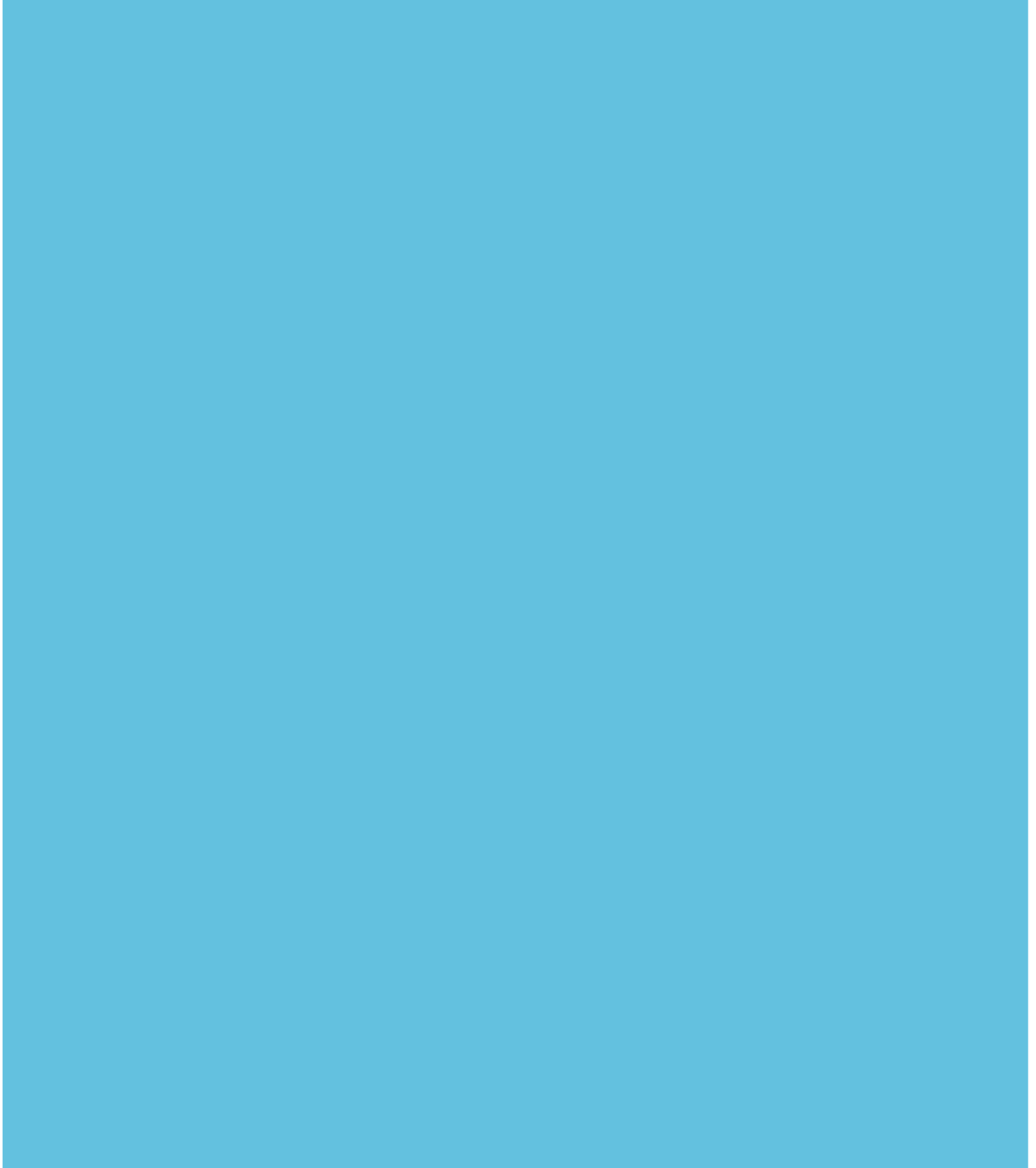
Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station located on the site.

Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.
4. This monitoring must be carried out at least 12 times a year, unless the Secretary directs otherwise.
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) or an equivalent NSW Government noise policy, 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 conformance 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; or
 - low frequency noise, where it is demonstrated that the dBC – dBA noise difference is caused by distance attenuation only.

Appendix A



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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

INTEGRATED STATE SIGNIFICANT DEVELOPMENT

**DETERMINATION OF DEVELOPMENT APPLICATION
PURSUANT TO SECTIONS 76(A)9 & 80**

I, the Minister for Urban Affairs and Planning, pursuant to Sections 76(A)9 & 80 of the Environmental Planning and Assessment Act, 1979 (“the Act”) determine the development application (“the application”) referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule 2.

The reasons for the imposition of the conditions are to:

- (i) minimise the adverse impact the development may cause through water and air pollution, noise and visual disturbance;
- (ii) provide for environmental monitoring and reporting; and
- (iii) set requirements for infrastructure provision.

Andrew Refshauge MP
Minister for Urban Affairs and Planning

Sydney, 23 December 1999 File No. N91/00461

Schedule 1

Application made by:	Bulga Coal Management Pty Ltd (“the Applicant”) A.C.N. 000 416 760.
To:	Minister for Urban Affairs and Planning (DA 41-03-99)
In respect of:	Land described in Schedule “A”
For the following:	Continued mining of the Bulga Open Cut Pit operations in Coal Lease Areas 372 and 224, and out-of-pit emplacement of overburden on the new South Whybrow site (“the Development”).
BCA Classification:	Not applicable

NOTE: 1) To ascertain the date upon which the consent becomes effective, refer to section 83 of the Act.

- 2) To ascertain the date upon which the consent is liable to lapse, refer to section 95 of the Act.
- 3) Section 97 of the Act confers on an Applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of notice

SCHEDULE 2

INDEX

	Page
1. General.....	2
2. Mine Management.....	4
3. Land and Site Environmental Management.....	6
4. Water Management.....	17
5. Hazardous Materials and Tailings Management.....	20
6. Air Quality, Blast, Noise and Light Management.....	21
7. Transport and Utilities.....	26
8. Monitoring/Auditing.....	27
9. Reporting.....	33
10. Community Consultation/Obligations.....	35
11. Proponents Obligations.....	36
12. Further Approvals and Agreements.....	43

DEFINITIONS:

AEMR - Annual Environmental Management Report

CCC - Community Consultative Committee

Commencement of mining – open cut mining operations in the Bulga Open Cut Pit as described in the EIS

Construction – Construction of surface structures or road works on a public road

DA - Development Application

DA area - Development Application area that includes all works described in the DA.

Day - The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays

Department – Department of Planning and Infrastructure

Director-General - Director-General of Planning and Infrastructure, or delegate

EIS - Environmental Impact Statement – Bulga Open Cut Continued Mining, February 1999

Evening - The period from 6pm to 10pm

Mining operations - includes soil stripping, overburden removal, and coal extraction as described in the EIS

Minister – Minister for Planning and Infrastructure

MOP – Mining Operations Plan

Night - The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays

ROM - Run-of-Mine coal production

Government Authorities

DPI – Department of Primary Industries

DRE – Division of Resources and Energy, within the Department of Trade and Investment, Regional Infrastructure and Services

DSC – Dams Safety Committee

SSC – Singleton Shire Council

MSB - Mine Subsidence Board

NOW – NSW Office of Water

OEH – Office of Environment and Heritage

RAC – *Rail Access Corporation*

RMS – *Roads and Maritime Services*

Red type represents February 2001 modification
 Blue type represents January 2008 modification
 Green type represents October 2008 modification
 Purple type represents November 2009 modification
 Brown type represents May 2010 modification
 Pink type represents July 2011 modification
 Orange type represents March 2013 modification
 Taupe type represents March 2014 modification

1. General

1.1 There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the project. This requires that all practicable measures be taken to prevent and minimise harm that may result from construction, operation and, where relevant, decommissioning activities related to the development.

1.2 Adherence to Terms of DA, EIS, etc.

- (a) The development is to be carried out generally in accordance with DA 41-03-99 and:
 - (i) the EIS titled “*Bulga Open Cut Continued Mining*” dated February 1999 (two volumes), prepared by ERM Mitchell McCotter Pty Limited in accordance with clause 54A and 55 of the Environmental Planning and Assessment Regulations 1998, and certified in accordance with Section 78(A)8 of the Environmental Planning and Assessment Act 1979, and other relevant information included in Noise Information provided to DUAP on 24 June 1999, Air Quality Information provided to DUAP on 30 June 1999, and Aboriginal Heritage Information provided to DUAP on 20 July 1999
 - (ii) Bulga Coal Project Environmental Impact Statement, February 1990;
 - (iii) Bulga Coal Project Variation to Development Consent, 28 October 1994;
 - (iv) Modification to Development Consent Bulga Coal Project, Proposal to Extend Overburden Dump, April 1995;
 - (v) the modification application 41-03-99 MOD 2 and supporting information prepared by Umwelt Environmental Consultants and dated 21 November; and
 - (vi) the modification application 41-03-99 MOD 3 and supporting information prepared by Umwelt Environmental Consultants and dated 25 August 2008;
 - (vii) the modification application 41-03-99 MOD 4 and Environmental Assessment prepared by Umwelt Environmental Consultants, dated August 2009, and the response to submissions dated October 2009;
 - (viii) the modification application 41-03-99 MOD 5 and Environmental Assessment prepared by Hansen Bailey Pty Limited, dated 15 February 2010;
 - (ix) the document titled *Bulga Coal Complex (Bulga Open Cut Mine) XRail Refuelling Facility*, dated February 2011;
 - (x) the document titled *Bulga Open Cut Western Mining Limit Modification Environmental Assessment*, dated September 2012; including its

statement of commitments, and the associated Response to Submissions, dated 18 January 2013; and

- (xi) the document titled *Environmental Assessment Proposed Modification to DA41-03-99 under Section 75W of Part 3A of the EP&A Act 1979 New Sedimentation Dam at Bulga Coal Surface Operations*, dated June 2013, including its statement of commitments, and the associated Response to Submissions, dated November 2013; and
- (xii) conditions of this consent.

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

- (b) In accordance with section 80A(5) of the Environmental Planning and Assessment Act 1979 and clause 68 of the Environmental Planning and Assessment Regulation 1994, the Applicant shall surrender to the Minister, the development consent for the Saxonvale Coal Lease (CL224) issued by the then Minister for Planning and Environment to Dampier Mining Company Limited on 26 March 1981, and the development consent for the Bulga Mine on Coal Lease (CL372) issued by the Minister for Local Government and Planning on 21 December 1990, prior to the commencement of mining.
- (c) If, at any time, the Director-General is aware of environmental impacts from the proposal that pose serious environmental concerns due to the failure of existing environmental management measures to ameliorate the impacts, the Director-General may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.
- (d) If any licence conditions are breached the applicant shall comply with any modification to the work as specified by the relevant agency.

1.3 Period of Approval/Project Commencement

- (a) The approval for mining is from the commencement of this consent for the period of up to 21 years from the date of mine consolidation of the Saxonvale Coal Lease (CL224) and Bulga Coal Lease, or the expiry of the Saxonvale Coal Lease (CL372).
- (b) At least one month prior to the commencement of mining, or within such period as agreed by the Director-General, the Applicant shall submit for the approval of the Director-General a compliance report detailing compliance with all relevant conditions that apply prior to the commencement of mining operations. Mining operations shall not commence until the report is approved by the Director-General.
- (c) Date of commencement of mining is to be notified in writing to the Director-General and SSC, at least two weeks prior to commencement of mining.

1.4 *Dispute Resolution*

In the event that the Applicant and the SSC or a Government agency, other than the Department, cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the Director-General or if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.

1.5 *Security Deposits*

Security deposits and bonds will be paid as required by **DRE** under mining lease approval conditions.

1.6 *Year 2000 Conformity*

One month prior to the commencement of operation of any automated system, including embedded systems used for operation, pollution control, monitoring and safety (including fire safety), the Applicant shall ensure that the system has been tested in accordance with the most recent edition of BSI/DISC PD2000-1 or equivalent standard to confirm continuous time and date functionality of that system.

2. Mine Management

2.1 *Mine Management Plan, Operations and Methods*

- (a) The Applicant shall submit and have accepted by the Director-General of DRE, a Mining Operations Plan (MOP) in accordance with current guidelines issued by DRE, as an extension of the MOP prepared for Bulga Open Cut Pit. The Plan is to cover mining operations for a period of up to seven years.
- (b) The MOP shall:
- (i) be prepared in accordance with DRE Guidelines for the Preparation of Mining Operations Plans (Document 08060002.GUI or its most recent version);
 - (ii) demonstrate consistency with the conditions of this consent and any other statutory approvals;
 - (iii) demonstrate consistency with the Environmental Management Plans for the project site;
 - (iv) provide the basis for implementing mining operations, environmental management, and ongoing monitoring; and
 - (v) identify a schedule of proposed mine development for the period covered by the plan and include:
 - the area proposed to be impacted by mining activity and resource recovery mining methods and remediation measures
 - areas of environmental, heritage or archaeological sensitivity and mechanisms for appropriately minimising impact
 - water management, and
 - proposals to appropriately minimise surface impacts.
- (c) In preparing the MOP, the Applicant shall consult with affected service authorities and make arrangements satisfactory to those authorities for the protection or relocation of those services.
- (d) A copy of the MOP, excluding commercial in confidence information, shall be forwarded to SSC and Director-General within 14 days of acceptance by DRE.

2.2 *Limits on Production*

The production levels of coal for the Bulga Open Cut Mine from the consolidated Saxonvale Lease (CL224) and Bulga Lease (CL372) shall not exceed a maximum of 12.2 million tonnes per annum Run-of-Mine (ROM) coal.

3. Land and Site Environmental Management

3.1 *Appointment of Environmental Officer(s)*

- (a) The Applicant shall employ a suitably qualified Environmental Officer(s) throughout the life of the mine whose qualifications are acceptable to the Director-General. The Officer(s) will:
 - (i) be responsible for the preparation of the Environmental Management Plans (refer condition 3.2);
 - (ii) be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;
 - (iii) be responsible for receiving and responding to complaints in accordance with condition 10.1;
 - (iv) facilitate an induction and training program for all persons involved with construction activities, mining and remedial activities; and
 - (v) have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.
- (b) The Applicant shall notify the Director-General, **DRE**, **OEH**, **NOW**, SSC and the CCC of the name and contact details of the Environmental Officer(s) upon appointment and any changes to the appointment(s).

3.2 *Environmental Management Strategies and Plans*

- (a) The Applicant shall prepare an Environmental Management Strategy providing a strategic context for the environmental management plans [refer condition 3.2d)]. The Environmental Management Strategy shall be prepared in consultation with the relevant authorities and the CCC (refer condition 10) and to the satisfaction of the Director-General, prior to submission of any of the environmental management plans.
- (b) The Environmental Management Strategy shall include:
 - (i) statutory and other obligations which the Applicant is required to fulfil during mining, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - (ii) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the Environmental Officer(s);
 - (iii) overall environmental management objectives and performance outcomes, during mining and decommissioning of the mine, for each of the key environmental elements for which environmental management plans are required under this consent;
 - (iv) overall ecological and community objectives for the project and a strategy for the restoration and management of the area affected by mining operations;

- (v) identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;
 - (vi) overall objectives and strategies to protect existing economic productivity within the area affected by mining, including agricultural productivity and other businesses;
 - (vii) steps to be taken to ensure that all approvals, plans, and procedures are being complied with;
 - (viii) processes for conflict resolution in relation to the environmental management of the project; and
 - (ix) documentation of the results of consultations undertaken in the development of the Environmental Management Strategy.
- (c) The Applicant shall make copies of the Environmental Management Strategy available to SSC, **OEI**, **NOI**, **DRE**, and the CCC within fourteen days of approval by the Director-General.
- (d) The Applicant shall prepare the following Environmental Management Plans:
- Archaeology and Cultural Management Plan (refer condition 3.3)
 - Flora and Fauna Management Plan (refer condition 3.4)
 - Landscape Management Plan (refer condition **3.6**)
 - Site Water Management Plan (refer condition 4.1(a))
 - Dust Management Plan (refer condition 6.1.1(a))
 - Blast and Vibration Management Plan (refer condition 6.2(a))
 - **Noise Management Plan (refer condition 6.3.8)**
- Note: With the approval of the Director-General, the Applicant may integrate any management plan or monitoring program required by this consent with any similar plan or program for the Bulga Complex.*
- (e) The management plans are to be revised/updated at least every 5 years or as otherwise directed by the Director-General in consultation with the relevant government agencies. **The management plans are also to be revised/updated after each modification to this consent, wherever appropriate.** Changes shall be made and approved in the same manner as the initial environmental management plan. The plans shall also be made publicly available at SSC within two weeks of approval of the relevant government authority.

Note: The reason for condition (e) is to reflect changing environmental requirements or changes in technology/operational changes that may affect or be introduced to maintain the approved operations.

3.3 Heritage Assessment and Management

Aboriginal Cultural Heritage

- (a) The Applicant shall prepare an Archaeology and Cultural Management Plan to address Aboriginal and European cultural heritage issues. The Plan shall be prepared in consultation with **any registered Aboriginal stakeholders** and **OEH**, and to the satisfaction of the Director-General prior to the commencement of mining operations. The Plan shall include but not be limited to:
- (i) identification of all areas of conservation within the DA area;
 - (ii) provision of management strategies for all parts of the DA area not affected by mining;
 - (iii) identification and monitoring of future salvage, excavation, and any heritage/archaeological sites within the DA area, prior to and during development;
 - (iv) the proposed program for collection of artefacts prior to commencement of mining in the area including the waste emplacement area;
 - (v) measures to protect and preserve the undisturbed deposits in Area 2 as identified in Figure 12.3 of the EIS;
 - (vi) measures to manage the discovery of any previously unidentified Aboriginal objects or skeletal remains during the life of the development; and**
 - (vii) details of measures to assist the Aboriginal community to maintain and manage cultural heritage in the DA area.**
- (b) Within six months of the commencement of Mining Operations, the Applicant shall make a \$50,000 contribution towards the establishment of a trust fund set up by the Department through the Public Trustee. The funds are to be used for a regional study of Aboriginal sites and other cultural heritage projects agreed to by the Wonnarua Tribal Council.
- (c) If, during the course of construction of any surface facilities or mining activities, the Applicant becomes aware of any heritage or archaeological material not previously identified, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include **OEH**, the NSW Heritage Office, and the relevant the local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.
- (d) ¹The Applicant shall ensure that archaeologically sensitive in situ deposits in Area 2 as identified in Figure 12.3 of the Bulga Open Cut Continued Mining EIS, February 1999, will not be disturbed by mining works.
- (e) ²The Applicant shall invite the Wonnarua Tribal Council and the Wanaruah Aboriginal Land Council to collect the artefacts in Area 1 prior to mining commencing in the development area.

¹ General Terms of Approval from **OEH**

² General Terms of Approval from **OEH**

- (f) The Applicant shall continue to preserve the site of the axe grinding grooves in accordance with relevant recommendations set out in the EIS (1990) and the requirements of the Director of OEH and provide a buffer zone and protective fence around the site in accordance with the requirements of the Director of OEH.
- (g) The Applicant shall take all practicable steps to ensure that the building known as 'Mount Leonard' is not damaged by blasting arising from the development.
- (h) The Applicant is to consult with the Aboriginal community regarding any approvals that are sought under Part 6 of the *National Parks and Wildlife Act 1974* using consultation principles and strategies consistent with those outlined in the *OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)*. The results of these consultations shall be documented in the AEMR.

Notes 1. No Aboriginal archaeological sites, that have been identified, shall be destroyed without the approval of the Director-General of OEH, under section 90 of the <i>National Parks and Wildlife Act 1974</i>, prior to any disturbance of the identified sites by mining operations. 2. Wherever possible, the Applicant is to contract representatives of the Wonnarua Tribal Council to assist in the proposed archaeological investigations and to undertake salvage of artefacts.

3.4 Flora and Fauna Assessment and Management

- (a) The Applicant shall prior to commencement of mining, prepare and implement a Flora and Fauna Management Plan for the management of flora and fauna issues for the DA area. The Plan shall be prepared in consultation with OEH and SSC, and to the satisfaction of the Director-General, and shall include but not be limited to:
 - (i) a detailed assessment of the current characteristics and ecological values of existing ecosystems likely to be affected by the development;
 - (ii) strategies to minimise the net loss of ecologically significant vegetation communities within the DA area as a result of the development, including the provision of compensatory areas of equivalent ecological and habitat value where necessary;
 - (iii) strategies to manage the impact of surface water runoff, erosion and sediment control measures on flora and fauna, and also the impact of heavy machinery;
 - (iv) details of monitoring the mine's impacts on native vegetation are to be reported in the Annual Environmental Management Report.

3.5 Vegetation Offsets

By the end of December 2010, the Applicant shall:

- (a) incorporate an offset of at least 20 hectares of existing Hunter Box – Ironbark Woodland into other conservation areas managed by Xstrata Coal Pty Limited;

- (b) rehabilitate at least 1 hectare of remnant Forest Red Gum Woodland on the drainage lines within the catchment of Nine Mile Creek; and
 - (c) make suitable arrangements to protect and manage these offset areas in the long-term,
- to the satisfaction of the Director-General and **OEH**.

3.5A – Additional Vegetation Offsets

By the end of December 2014, the Applicant shall:

- (a) provide an area that is, in the opinion of the Director-General, suitable in its quantity and vegetation community to offset the clearing of 1.2 hectares of *Central Hunter Grey Box – Ironbark Derived Native Grassland*, and 0.3 hectares of *Central Hunter Grey Box – Ironbark Woodland*;
 - (b) make suitable arrangements to manage, protect and provide long-term security for this area,
- to the satisfaction of the Director-General.

3.6 Landscape Management Plan

- (a) The Applicant shall prepare and implement a detailed Landscape Management Plan for the development to the satisfaction of the **DRE** and Director-General. This plan must:
 - (i) be prepared in consultation with **OEH**, NOW and SSC by suitably qualified expert/s whose appointment/s have been approved by the Director-General;
 - (ii) be submitted to the Director-General for approval by the end of December 2010; and
 - (iii) include a:
 - Rehabilitation and Offset Management Plan;
 - Final Void Management Plan; and
 - Mine Closure Plan.

Rehabilitation and Offset Management Plan

- (b) The Rehabilitation Management Plan must include:
 - (i) the objectives for rehabilitation of the site and vegetation offsets;
 - (ii) a description of the short, medium, and long term measures that would be implemented to rehabilitate the site, manage the remnant vegetation and habitat on the site and implement the vegetation offsets;
 - (iii) detailed performance and completion criteria for the rehabilitation of the site and implementation of the vegetation offsets;
 - (iv) a detailed description of how the performance of the rehabilitation of the mine would be monitored over time in order to demonstrate achievement of the stated objectives;
 - (v) a detailed description of what measures would be implemented over the next 3 years, including for:
 - minimising and rehabilitating disturbed areas;
 - implementing vegetation offsets;
 - protecting vegetation and soil outside the disturbance areas;
 - undertaking pre-clearance surveys;
 - managing impacts on fauna;

- landscaping the site to minimise visual impacts;
 - conserving and reusing topsoil;
 - collecting and propagating seed for rehabilitation works;
 - salvaging and reusing material from the site for habitat enhancement;
 - controlling weeds and feral pests;
 - controlling access; and
 - bushfire management;
- (vi) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;
- (vii) a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
- (viii) details of who is responsible for monitoring, reviewing, and implementing the plan.

Final Void Management

- (c) The Final Void Management Plan must:
- (i) incorporate design criteria and specifications for the final void based on verified groundwater modelling predictions and a re-assessment of post-mining groundwater equilibration;
 - (ii) assess the potential interactions between creeks on the site and the final void; and
 - (iii) describe what actions and measures would be implemented to:
 - minimise any potential adverse impacts associated with the final void; and
 - manage and monitor the potential impacts of the final void.

Mine Closure Plan

- (d) The Mine Closure Plan must:
- (i) define the objectives and criteria for mine closure;
 - (ii) investigate options for the future use of the site, including the final void/s;
 - (iii) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;
 - (iv) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the development; and
 - (v) describe how the performance of these measures would be monitored over time.

3.7 Visual Amenity

The Applicant shall:

- (a) ensure no external lights shine above the horizontal;
 - (b) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version, and
 - (c) take all practicable measures to mitigate off-site lighting impacts from the development,
- to the satisfaction of the Director-General.

4. Water Management

4.1 Site Water Management Plan

The Applicant shall prepare and implement a Site Water Management Plan for the development to the satisfaction of the Director-General. This plan must:

- (a) be prepared in consultation with NOW, OEH and DRE;
- (b) be submitted to the Director-General for approval by the end of June 2010; and
- (c) include:
 - a Site Water Balance;
 - an Erosion and Sediment Control Plan;
 - a Surface Water Monitoring Plan;
 - a Groundwater Monitoring Program; and
 - a Surface and Groundwater Response Plan.

Site Water Balance

The Site Water Balance must:

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

Erosion and Sediment Control Plan

The Erosion and Sediment Control Plan must:

- (a) be consistent with the requirements of Landcom's *Managing Urban Stormwater: Soils and Construction* manual;
- (b) identify activities that could cause soil erosion and generate sediment;
- (c) describe measures to minimise soil erosion and the potential for transport of sediment downstream;
- (d) describe the location, function and capacity of erosion and sediment control structures; and
- (e) describe what measures would be implemented to maintain the structures over time.

Surface Water Monitoring Program

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;
 - surface water flows and quality;
 - stream health; and
 - channel stability;

- (d) a program to monitor any impacts on private water users and water levels in privately-owned farm dams; and
- (e) reporting procedures for the results of the monitoring program.

Groundwater Monitoring Program

The Groundwater Monitoring Program must include:

- (a) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts of the development;
- (b) a program to monitor the volume and quality of groundwater seeping into the underground mine workings;
- (c) a program to monitor:
 - groundwater inflows to the underground mining operations;
 - impacts on regional aquifers and surrounding aquifers;
 - impacts on the groundwater supply of potentially affected private landowners; and
 - impacts on groundwater dependent ecosystems and riparian vegetation;
- (d) reporting procedures for the results of the monitoring program.

Surface and Groundwater Response Plan

The Surface and Groundwater Response Plan must describe the measures and/or procedures that would be implemented to:

- (a) respond to any exceedances of the surface water, stream health and groundwater impact assessment criteria;
- (b) offset the loss of any baseflow to watercourses caused by the development where the impact assessment criteria are exceeded;
- (c) compensate landowners of privately-owned land whose water supply is adversely affected by the development; and
- (d) mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

4.2 CHPP Dam

The Applicant shall design and construct the CHPP Dam (as described in the documents listed in condition 1.2(a)(vii) of schedule 2) to the satisfaction of the DSC and DRE. The final dam design, as submitted to DSC and DRE, must be accompanied by a detailed assessment of the potential operational and environmental risks associated with the dam.

5. Hazardous Materials and Tailings Management

5.1 Overburden Emplacement and Management

The Applicant shall construct and manage the overburden emplacements as set out in the EIS and to the approval of the DRE.

5.2 Fine Rejects/Tailings Emplacement and Management

The Applicant shall prepare a Fine Rejects Management Plan for the placement of fine rejects into the Deep Pit North fine rejects emplacement area to the satisfaction of the **DRE** prior to any placement of fine rejects in the emplacement areas.

5.3 Waste

- (a) ³The Applicant must not cause, permit or allow any waste generated outside of the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- (b) ⁴This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.
- (c) Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the **OEH**.

5.4 Chemical and Hazard Management

- (a) The Applicant shall ensure that:
 - (i) The location for storage of LPG, with respect to separation from other dangerous goods and safety measures, shall be in accordance with AS 1596:1997- Storage and Handling of LPG Gas;
 - (ii) The procedures for storage, handling and use of Class 1 explosive materials shall be in accordance with the requirements of Workcover New South Wales.
- (b) The Applicant shall ensure that all above-ground tanks containing material likely to cause environmental harm:
 - (i) are bunded or have an alternative spill containment system. Bunds must be impervious and sized to contain 110% of the volume of the largest container stored within;
 - (ii) are designed and constructed in a manner that prevents the ingress of rain or water; and
 - (iii) are clearly labeled as to their contents.

6. Air Quality, Blast, Noise and Light Management

6.1 Air Quality Management

6.1.1 Dust Management Plan

- (a) The Applicant shall, prior to commencement of mining operations, prepare a Dust Management Plan detailing air quality safeguards and procedures for

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⁴ General Terms of Approval from the **OEH**

dealing with dust emissions to the satisfaction of the Director-General. The management plan shall be updated as required by the Director-General. The plan shall include, but not be limited to, details to:

- identify dust affected properties and the relevant dust limits consistent with the EIS and any subsequent submissions to the Department;
- specify the procedures for the dust monitoring program for the purpose of undertaking independent dust investigations;
- outline the procedure to notify property owners and occupiers likely to be affected by dust from the mine;
- establish a protocol for handling dust complaints that include recording, reporting and acting on complaints;
- record appropriate mechanisms for community consultation;
- outline mitigation measures to be employed to minimise dust emissions;
- ensure that equipment is available and used to control dust generation;
- identify longer term strategies directed towards mitigating dust levels that exceed the **OEH** target dust criteria;
- detail locations for dust monitoring and deposition gauges at the residential areas and frequency of monitoring, as agreed with the **OEH**;
- continue the baseline monitoring program undertaken prior to development consent.

6.1.2 Air Quality and Dust Monitoring

(a) The Applicant shall:

- (i) undertake monitoring at locations described in the Dust Management Plan;
- (ii) establish dust deposition and total suspended particulate (TSP) monitoring locations for the mine operations, including sites for monitoring impacts of dust at the nearest non-mined owned residences, and locations as may be determined to be necessary by the Director-General in consultation with the **OEH** and in accordance with the Dust Management Plan referred to in Condition 6.1(a);
- (iii) provide all results and analysis of air quality monitoring in the AEMR including a determination of the dust deposition rate in $\text{gm/m}^2/\text{month}$, which shall be plotted to provide trend analysis in the AEMR.;
- (iv) ⁵Monitoring of dust deposition and for the concentration of PM_{10} , total suspended particulate (TSP) in ambient air must be carried out at locations agreed to in consultation with the **OEH**.
- (v) Monitoring for the concentration of PM_{10} , TSP and deposited dust are to be carried out as required to be conducted by the general terms of approval, or in accordance with a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol, must be done in accordance with:
 - any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
 - if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition

⁵ General Terms of Approval from **OEH**

- of the licence or the protocol (as the case may be) requires to be used for that testing; or
- if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the **OEH** for the purposes of that testing prior to the testing taking place.
- (b) Monitoring of the concentration of PM₁₀ particulate matter in ambient air must be carried out at locations agreed to in consultation with the **OEH**. The sampling method, units of measure, interval and frequency of monitoring will be as set out in the “*Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*” or its latest version.
- (c) The Applicant shall ensure that the dust and particulate emissions generated from the development do not cause exceedances of the air quality impact assessment criteria listed in Tables 1, 2 and 3 at any residence on, or more than 25 percent of, any privately owned land.

Table 1: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³

Table 2: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³

Table 3: Long term impact assessment criteria for deposited dust

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

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

- (c) In the event that a landowner or occupier considers that dust from the project is in excess of the **OEH** criteria for dust levels, at their dwelling, and the Director-General, is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:
- consult with the landowner or occupants affected to determine their concerns;

- (ii) make arrangements for appropriate independent dust investigations in accordance with the Dust Management Plan, and to the satisfaction of the Director-General, to quantify the impact and determine the source of the effect;
 - (iii) modify the mining activity in accordance with a Dust Management Plan if exceedences are demonstrated to result from the mine related activity. This shall include:
 - introduction of additional controls, either of dust generation from individual sources on the site or on site operations or modify operations, to ensure that the dust criteria are achieved;
 - enter into an agreement with the landowner or provide such forms of benefit or amelioration as may be agreed between the parties as providing acceptable compensation for the dust levels experienced;
 - (iv) conduct follow up investigations to the satisfaction of the Director-General where necessary.
- (d) If the independent dust investigations in sub-clause (d) above confirm that dust limits are in excess of the relevant **OEH** criteria, the Applicant shall at the written request of the owner acquire the relevant property. Acquisition shall be in accordance with the procedures set out in **schedule 3**.
- (e) Further independent investigations shall cease if the Director-General is satisfied that the relevant consent limits or relevant **OEH** amenity criteria are not being exceeded and are unlikely to be exceeded in the future

6.1.3 Dust Suppression and Control

- (a) The Applicant shall:
 - (i) maintain and use sufficient equipment with the capacity to apply water to all unsealed trafficked areas at a rate which minimises dust emissions;
 - (ii) ensure the prompt and effective rehabilitation of all disturbed areas to minimise generation of wind erosion dust, in accordance with the requirements of **DRE**;
 - (iii) keep the surface of the coal product and stackout stockpiles sufficiently damp to minimise windblown dust; and
 - (iv) ⁶ensure activities occurring at the mine are carried out in a manner that will minimise emissions of dust from the premises.

6.2 Blast Management

- (a) The Applicant shall, prior to the commencement of mining, update or prepare a Blast and Vibration Management Protocol for the mining operations described in the EIS, to the satisfaction of the Director-General . The plan shall identify the blast provisions detailed in the ANZECC document titled

⁶ General Terms of Approval from **OEH**

“Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure, and Ground Vibration” or its latest version.

- (b) ⁷The Blast and Vibration Management Plan in subclause (a) must be prepared and implemented by the Applicant, and shall include, but need not be limited to:

- Compliance standards
- Mitigation measures
- Remedial action
- Monitoring methods and program
- Monitoring program for fly-rock distribution
- Measures to protect underground utilities (rising mains, subsurface telecommunication and electric cables)
- Notification of procedures for neighbours prior to detonation of each blast
- Measures to ensure no damage by fly-rock to people, property, livestock and powerlines.

- (a) The applicant shall advise residents within two (2) kilometres of the active mining area of future blasting events on a monthly basis, and of any changes to monthly programs.

- (b) Upon written request of the owner of any dwellings located within two (2) kilometres of the active mining area, the Applicant shall arrange at its own costs, for the inspection by a technically qualified person agreed to by both parties, to record the material condition of any structure on such property within 14 days of receipt of the request. The Applicant shall supply a copy of any inspection report, certified by the person who undertook the inspection, to the relevant property owner within fourteen (14) days of receipt of the report;

- (e) ⁸The overpressure level from blasting operations on the premises must not:
- (i) exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
 - (ii) exceed 120dB (Lin Peak) at any time,

when measured or computed at a free field location within 3.5 metres of any potentially affected residential building or other noise sensitive location such as a school or hospital unless otherwise approved in writing by the [OEHL](#).

- (f) ⁹Ground Vibration peak particle velocity (ppv) from the blasting operations on the premises must not:
- (i) exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and
 - (ii) exceed 10mm/s at any time,

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⁸ General Terms of Approval from [OEHL](#)

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when measured or computed at a free field location within 30 metres of any potentially affected residential boundary or other noise sensitive location such as a school or hospital.

- (g) ¹⁰In relation to blasting:
- (i) ¹¹Blasting associated with mining operations may only take place between the hours of 9am and 5pm Monday to Saturday inclusive.
 - (ii) ¹²The hours of operation for blasting operations specified in this condition may be varied if the **OEH**, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation. Approved hours and number of blasts per day must be approved and may be varied with the written consent of the **OEH**.
 - (iii) For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at noise sensitive sites (eg. residences, hospitals, schools etc), selected in consultation with the **OEH**.
 - (iv) The Applicant shall ensure that air blast overpressure and vibration monitoring is generally carried out in accordance with the recommendations of Australian Standard AS-2187-1993 or its latest version, and in terms of ANZECC guidelines, including compliance with the guideline titled “*Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Vibration*” or its latest version, to the satisfaction of the **OEH**.
 - (v) ¹³The Applicant must monitor ground vibration and overpressure of all blasts at locations agreed to in consultation with the **OEH**.

6.3 Noise

Acquisition Upon Request

- 6.3.1 Upon receiving a written request for acquisition from the owner of any land listed in Table 4, the Applicant shall acquire that land in accordance with the procedures in conditions 6 - 8 of schedule 3.

Table 4: Land subject to acquisition upon request

6 – I.B. Headley	149 – E. McInerney
7 – I.B. Headley	150 – E. McInerney
9 – I.B. & J.D. Headley	151 – R.D. & L.M. Lewis
10– I.B. & J.D. Headley	216 – R.D. & G.W. Turnbull

Land Acquisition Criteria

- 6.3.2 If the noise generated by the development exceeds the criteria in Table 5 at any residence on privately-owned land or on more than 25 per cent of any

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¹¹ General Terms of Approval from the **OEH**

¹² General Terms of Approval from the **OEH**

¹³ General Terms of Approval from the **OEH**

privately-owned land, the Applicant shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 6-8 of schedule 3.

Table 5: Land Acquisition Criteria dB(A)

Day/Evening/Night <i>L_{Aeq(15 minute)}</i>	Land
40	All privately owned land, excluding the land listed in Table 4.

Notes:

- Noise generated by the development is to be measured and evaluated in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.
- These noise limits do not apply on land if the Applicant has a negotiated agreement with the relevant owner/s of that land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

Noise Impact Assessment Criteria

6.3.3 The Applicant shall ensure that the noise generated by the development does not exceed the noise impact assessment criteria in Table 6 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.

Table 6: Noise Impact Assessment Criteria dB(A)

Residence/Land	Day	Evening	Night	
	<i>L_{Aeq(15 min)}</i>	<i>L_{Aeq(15 min)}</i>	<i>L_{Aeq(15 min)}</i>	<i>L_{A1(1 min)}</i>
249	40	40	40	45
8, 195	39	39	39	45
157, 179, 307	38	38	38	45
237, 239, 261, 262	38	38	37	45
232, 234, 235, 240	38	38	36	45
1, 2s, 154, 250, 252, 308	37	37	37	45
241, 243, 263, 264, 265, 266, 267, 272, 273, 274, 275, 276, 277, 279, 280, 281, 283, 284, 288	37	37	36	45
229, 230A, 230B, 231, 233, 236, 238, 242	37	37	35	45
97, 153, 163, 169e, 171, 183, 184, 197, 217s, 217m, 217n, 282, 285, 311	36	36	36	45
33, 156w, 222, 223, 226, 227, 228, 244, 254, 256, 286, 287, 289, 290, 291, 292, 293, 294, 295, 306	36	36	35	45
All other privately owned land, excluding the land listed in Table 4.	35	35	35	45

Notes:

- To interpret the locations referred to in Tables 4 and 6, see the applicable figure in Appendix 1.
- For the purposes of this condition an “exceedence” is considered to have occurred when valid attended noise data from compliance monitoring (collected in accordance with the requirements in Appendix 3) indicates the noise generated by the Bulga Coal Complex has exceeded the criteria set out in Table 6.
- Appendix 3 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.
- These noise limits do not apply at residences or land if the Applicant has a negotiated agreement with the relevant owner/s of that residence or land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

Additional Noise Mitigation Measures

6.3.4 Upon receiving a written request from:

- a landowner of the land listed in Table 4 (unless the landowner has requested acquisition); or
- a landowner of residence/land 8, 157, 179, 195, 232, 234, 235, 237, 239, 240, 249, 261, 262 or 307 (unless a negotiated agreement is in place); or
- the owner of any other residence where subsequent operational noise monitoring shows the noise generated by the development is greater than, or equal to, 38 dB(A) $L_{Aeq(15 \text{ minute})}$ (unless a negotiated agreement is in place),

the Applicant shall implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner.

These additional mitigation measures must be reasonable and feasible. The Applicant shall notify all landowners by 31 July 2013 that they are entitled to receive additional noise mitigation measures in accordance with this condition, to the satisfaction of the Director-General.

If within 3 months of receiving such a 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 Director-General for resolution.

Cumulative Noise Impact Assessment Criteria

6.3.5 The Applicant shall implement all reasonable and feasible measures to ensure that the noise generated by the development combined with the noise generated by other mines does not exceed the amenity criteria in Table 7 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land, to the satisfaction of the Director-General.

Table 7: Cumulative Noise Impact Assessment Criteria dB(A) L_{Aeq} (period)

Location	Day	Evening	Night
	<i>$L_{Aeq(11 \text{ hour})}$</i>	<i>$L_{Aeq(4 \text{ hour})}$</i>	<i>$L_{Aeq(9 \text{ hour})}$</i>
All privately owned land, excluding the land listed in Table 4.	50	45	40

Note: Cumulative noise is to be measured and evaluated in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Cumulative Land Acquisition Criteria

- 6.3.6 If the cumulative noise generated by the development combined with the noise generated by other mines exceeds the amenity criteria in Table 8 at any residence on privately owned land, or on more than 25% of privately owned land, then upon receiving a written request from the landowner, the Applicant shall take all reasonable and feasible measures to acquire the land on as equitable basis as possible with the relevant mines, in accordance with the procedures in conditions 6-8 of schedule 3, to the satisfaction of the Director-General.

Table 8: Cumulative Land Acquisition Criteria dB(A)

Location	Day	Evening	Night
	$L_{Aeq}(11 \text{ hour})$	$L_{Aeq}(4 \text{ hour})$	$L_{Aeq}(9 \text{ hour})$
All privately owned land, excluding the land listed in Table 4.	53	48	43

Notes:

- For the purpose of this condition, the expression “Applicant” in conditions 6-8 of schedule 3 should be interpreted as the Applicant and any other relevant mines.
- Cumulative noise is to be measured and evaluated in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Continuous Improvement

- 6.3.7 The Applicant shall:
- implement all reasonable and feasible best practice noise mitigation measures;
 - progressively upgrade and replace its mobile equipment fleet;
 - investigate methods to statistically analyse (for example, by using regression analysis) real-time noise and meteorological data to improve noise impact forecasting and to facilitate statistically-based compliance reporting; and
 - report the implementation and effectiveness of these measures in the AEMR,
- to the satisfaction of the Director-General.

Noise Management Plan

- 6.3.8 The Applicant shall prepare and implement a Noise Management Plan for the development to the satisfaction of the Director-General. This program must:
- be prepared by a suitably qualified expert whose appointment has been approved by the Director-General, and submitted to the Director-General for approval by 30 August 2010; and
 - include a:
 - combination of unattended and attended monitoring measures;
 - noise monitoring protocol for evaluating the contribution of low frequency noise;
 - noise monitoring protocol for evaluating compliance with the relevant criteria for noise impact assessment, land acquisition, cumulative impact assessment and cumulative acquisition in this consent; and

- response protocol that will immediately be followed if noise emissions are nearing or exceeding these criteria and a description of what contingency plans will be implemented on site if this occurs.

Notes:

- *The management responses to be followed in the event that noise emissions are nearing or exceeding the noise criteria in this consent should be staged in a manner that is commensurate with the level of noise emissions that may occur.*
- *Management responses should include relocating, modifying and/or ceasing operations until the exceedance is addressed and rectified. In the event of a breach of the noise criteria in this approval, noise traces for the offending period should be forwarded to the Department and OEH as soon as practicable following the event.*

7. Transport and Utilities

7.1 Road Transport

- (a) No coal shall be hauled on public roads.

8. Monitoring/Auditing

- 8.1 In addition to the requirements contained elsewhere in this consent, the Director-General may in consultation with the relevant government authorities and the Applicant, require the monitoring programs to be revised/updated at any time to reflect changing environmental requirements or changes in technology/operational practices related to the mining operations. Changes shall be made and approved in the same manner as the initial monitoring programs. All monitoring programs shall also be made publicly available at SSC within two weeks of approval of the relevant government authority.

- 8.2 All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program.

8.3 Meteorological

The Applicant shall continue meteorological monitoring by utilising and maintaining the existing weather station at the Bulga Complex. The meteorological data shall be particularly used for assessment of noise, dust and blasting impacts on nearby residences.

8.4 Third Party Monitoring/Independent Environmental Audit

- (a) Every 3 years from the date of this consent until the completion of mining operations, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (i) be conducted by suitably qualified, experienced, and independent expert/s whose appointment has been endorsed by the Director-General;
 - (ii) include consultation with the relevant agencies;
 - (iii) assess, in respect of the requirements of this consent and any relevant mining lease or environment protection licence, the environmental

- performance of the development and its effects on the surrounding environment;
- (iv) assess whether the development is complying with relevant standards and performance measures specified in these approvals (including under any strategy, plan or program required under these approvals) and with other statutory requirements;
 - (v) review the adequacy of strategies, plans or programs required under these approvals; and, if necessary,
 - (vi) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals.

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

- (b) Within 6 weeks of completing this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.
- (c) Within 3 months of submitting the audit report to the Director-General, the Applicant shall review and if necessary revise the strategies/plans/programs required under this consent, to the satisfaction of the Director-General.

9. Reporting

9.1 *Annual Environmental Management Report (AEMR)*

- (a) Within 12 months of this approval, and annually thereafter, the Applicant shall submit an Annual Environmental Management Report (AEMR) to the Director-General and the relevant agencies. This report must:
 - (i) identify the standards and performance measures that apply to the development;
 - (ii) describe the works carried out in the last 12 months;
 - (iii) describe the works that will be carried out in the next 12 months;
 - (iv) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
 - (v) include a summary of the monitoring results for the development during the past year;
 - (vi) include an analysis of these monitoring results against the relevant:
 - impact assessment criteria/limits;
 - monitoring results from previous years; and
 - predictions in any relevant documents referred to under condition 1.2(a) of Schedule 2;
 - (vii) identify any trends in the monitoring results over the life of the development;
 - (viii) identify any non-compliance during the previous year; and
 - (ix) describe what actions were, or are being, taken to ensure compliance.

9.2 ¹⁴*General Reporting*

- (a) The results of any monitoring required to be conducted by the **OEH**'s general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained.
- (b) All records required to be kept by the licence must be:
 - in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer, on request.
- (c) The following records must be kept in respect of any samples required to be collected:
 - The date(s) on which the sample(s) were taken;
 - The time(s) at which the sample(s) were collected;
 - The point(s) at which the sample(s) were taken; and
 - The name of the person who collected the sample(s).

9.3 *Access to Information*

- (a) By 30 April 2008, and thereafter within 3 months of the approval of any strategy/plan/program required under this consent (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or AEMRs required under this consent, the Applicant shall:
 - (i) provide a copy of the relevant document/s to the relevant agencies and CCC; and
 - (ii) put a copy of the document/s on its website.
- (b) By 30 April 2008, and thereafter throughout the life of the development, the Applicant shall:
 - (i) include a copy of this consent, as may be modified from time to time, on its website;
 - (ii) provide a full summary of monitoring results required under this consent on its website; and
 - (iii) update this summary on a regular basis (at least every 3 months).

¹⁴ General Terms from the **OEH**

10. Community Consultation/Obligations

10.1 Community Consultation

(a) Complaints

The Environmental Officer(s) (refer condition 3.1) shall be responsible:

- (i) for the receipt of complaints with respect to construction works and mine operations on a dedicated and publicly advertised telephone line, 24 hours per day 7 days per week, the entering of complaints or comments in an up to date log book, and ensuring that a response is provided to the complainant within 24 hours; and
- (ii) providing a report of complaints received every six months throughout the life of the project to the Director-General, SSC, OEH, DRE, and CCC, or as otherwise agreed by the Director-General. A summary of this report shall be included in the AEMR (condition 9.1(a)).

Community Consultative Committee

(b) The Applicant shall:

- (i) establish a Community Consultative Committee and ensure that the first meeting is held before the commencement of construction works. Selection of representatives shall be agreed by the Director-General and the appointment of an independent Chairperson shall be to the satisfaction of the Director-General in consultation with the Applicant and SSC. The Committee shall comprise representatives of the Applicant (including an Environmental Officer, condition 3.1), one (1) representative of SSC, and four community representatives, to monitor compliance with conditions of this consent and other matters relevant to the operation of the mine during the term of the consent. The formation of the Committee may consider its interrelationship with any existing Consultative Committees of adjoining mines.

Representatives from relevant government agencies (including DUAP) or other authorities may be invited to attend meetings as required by the Chairperson. The Committee may make comments and recommendations about the implementation of the development and environmental management plans. The Applicant shall ensure that the Committee has access to the necessary plans for such purposes. The Applicant shall consider the recommendations and comments of the Committee and provide a response to the Committee and Director-General on matters arising.

- (ii) The Applicant shall, at its own expense:
 - (a) nominate representatives to attend all meetings of the Committee;
 - (b) provide to the Committee regular information on the progress of work and monitoring results;

- (c) promptly provide to the Committee such other information as the Chair of the Committee may reasonably request concerning the environmental performance of the development;
 - (d) provide access for site inspections by the Committee;
 - (e) provide meeting facilities for the Committee, and take minutes of Committee meetings. These minutes shall be available for public inspection at SSC within 14 days of the meeting.
- (iii) The Applicant shall establish a trust fund or other funding arrangement that may be agreed between the Applicant and the Committee, to be managed by the Chair of the Committee to facilitate the functioning of the Committee, and pay \$2000 per annum to the fund or other agreed arrangement, for the duration of mining operations. The monies are to be used only as required for the engagement of consultants to interpret technical information and the like. The annual payment shall be indexed according to the Consumer Price Index (CPI) at the time of payment. The first payment shall be made by the date of the first Committee meeting. A record of finances of the trust fund or other agreed arrangement, during each year shall be provided to the Director-General and the Applicant, by the Chairperson, on the anniversary of the first payment. Any unspent monies shall be returned to the Applicant each year.

11. Deleted

12. Further Approvals and Agreements

12.1 Statutory Requirements

- (a) The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Local Government Act 1993, Protection of the Environment Administration Act 1991, Protection of the Environment Operations Act 1997, National Parks and Wildlife Act 1974, and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by the SSC, **OEH**, **DRE**, **NOW**, **RMS**, are fully met.

- (b) Structural Adequacy

Detailed plans and specifications relating to the design and construction of any structural elements associated with the proposed development are to be submitted to the Principal Certifying Authority prior to the commencement of construction works. Such plans and specifications must be accompanied by certification provided by a practicing professional structural engineer or an accredited certifier certifying the structural adequacy of the proposed building design and compliance with the Building Code of Australia.

- (c) Verification of Construction

Upon completion of building works and prior to the issue of an occupation certificate, a certificate/s prepared by a suitably qualified person or a compliance certificate/s issued by an accredited certifier, is to be submitted to the Principal Certifying Authority certifying that the following building components, where relevant, have been completed in accordance with approved plans and specifications:

- (i) footings;
- (ii) concrete structures, including ground floor and any subsequent floors, retaining walls and columns;
- (iii) framing and roof structure;
- (iv) fire protection coverings to building elements required to comply with the Building Code of Australia; and
- (v) mechanical ventilation.

The certificate/s shall demonstrate at what stage of construction inspections were undertaken.

SCHEDULE 3 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. Within 1 month of the date of this modification, the Applicant shall notify the landowners of the land listed in Table 4 of schedule 2 in writing that they have the right to require the Applicant to acquire their land at any stage during the development.
2. If the results of monitoring required in schedule 2 identify that impacts generated by the development are greater than the impact assessment criteria in schedule 2, except where this is predicted in the EA, and except where a negotiated agreement has been entered into in relation to that impact, then the Applicant shall notify the Director-General and the affected landowners and tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the development is complying with the criteria in schedule 2.

INDEPENDENT REVIEW

3. If a landowner considers the development to be exceeding the impact assessment criteria in schedule 2, then he/she may ask the Director-General in writing for an independent review of the impacts of the development on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Applicant shall within 3 months of the Director-General advising that an independent review is warranted:

- (a) consult with the landowner to determine his/her concerns;
 - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to:
 - determine whether the development is complying with the relevant impact assessment criteria in schedule 2; and
 - identify the source(s) and scale of any impact on the land, and the development's contribution to this impact; and
 - (c) give the Director-General and landowner a copy of the independent review.
4. If the independent review determines that the development is complying with the relevant impact assessment criteria in schedule 2, then the Applicant may discontinue the independent review with the approval of the Director-General.
 5. If the independent review determines that the development is not complying with the relevant impact assessment criteria in schedule 2, and that the development is primarily responsible for this non-compliance, then the Applicant shall:
 - (a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the development complies with the relevant

- criteria and conduct further monitoring to determine whether these measures ensure compliance; or
- (b) secure a written agreement with the landowner to allow exceedances of the criteria in schedule 2, to the satisfaction of the Director-General.

If the Applicant is unable to finalise an agreement with the landowner, then the landowner may refer the matter to the Director-General for resolution.

If the additional monitoring referred to under paragraph (a) above determines that the development is complying with the relevant criteria in schedule 2, then the Applicant may discontinue the independent review with the approval of the Director-General.

LAND ACQUISITION

6. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall make a binding written offer to the landowner based on:
 - (a) 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 6.3.4 of schedule 2;
 - (b) the reasonable costs associated with:
 - relocating within the Singleton local government area, or to any other local government area determined by the Director-General; and
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
 - (c) reasonable compensation for any disturbance caused by the land acquisition process.

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

Upon receiving such a request, the Director-General shall request the President of the NSW Division of the Australian Property Institute (API) to appoint a qualified independent valuer to:

- (a) consider submissions from both parties;

- (b) 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;
- (c) prepare a detailed report setting out the reasons for any determination; and
- (d) provide a copy of the report to both parties and the Director-General.

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

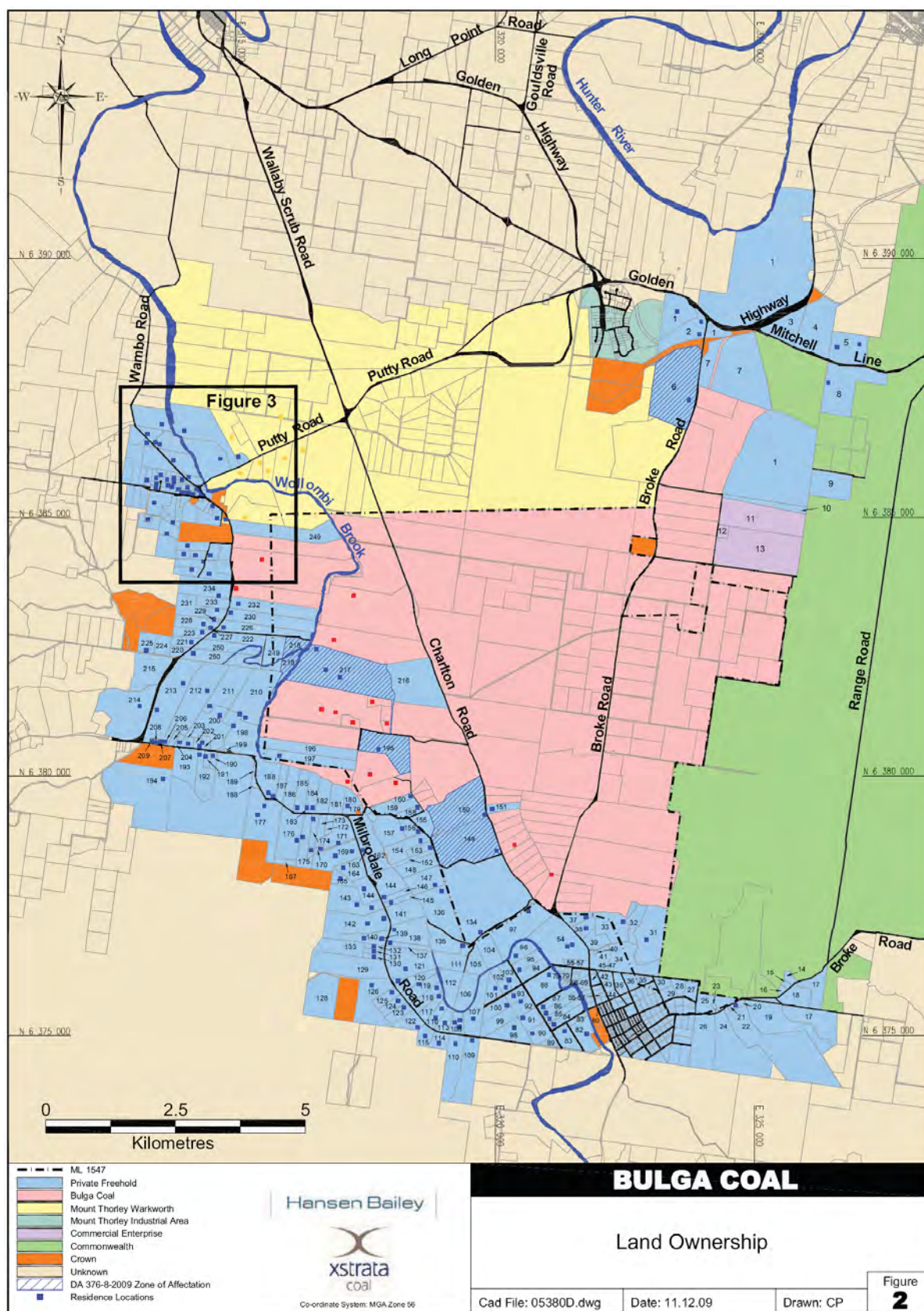
However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Director-General for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Director-General shall 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 and any other relevant matters.

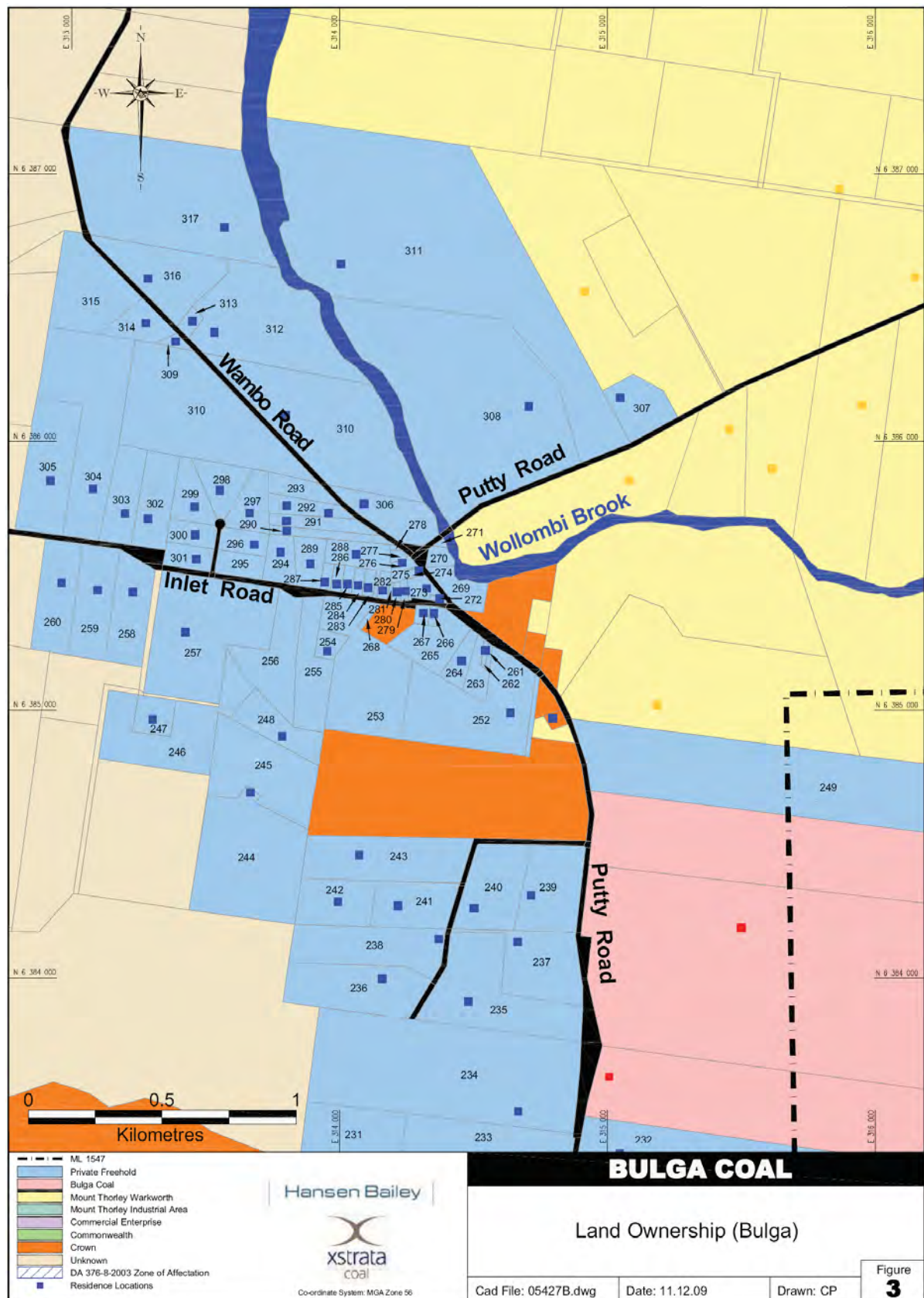
Within 14 days of the Director-General's determination, the Applicant shall make a binding written offer to the landowner to purchase the land at a price not less than the Director-General's determination.

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 shall cease, unless the Director-General determines otherwise.

7. The Applicant shall pay all reasonable costs associated with the land acquisition process described in condition 6 above.
8. If the Applicant and landowner agree that only part of the land shall be acquired, then the Applicant shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.

APPENDIX 1 **RECEIVER LOCATION PLANS***





* As identified in the Environmental Assessment dated 15 February 2010.

APPENDIX 2

STATEMENT OF COMMITMENTS**

Ref	Description
1	Install a representative real time noise monitoring network to proactively manage noise emissions from the Bulga Coal Complex.
2	Progressively either upgrade or replace the mobile equipment fleet with noise attenuation generally in accordance with the schedule provided in Table 1.
3	Implement noise management and mitigation measures as required to ensure noise levels described in this EA at privately owned receivers remain within the predictions presented in Table 5.
4	Revision of the existing Bulga Coal Complex Noise Management Plan to incorporate the revised <i>NSW Industrial Noise Policy</i> based and project specific noise criterion, the revised noise predictions, real time noise monitoring network and any additional noise mitigation and management controls.

** As identified in the Environmental Assessment dated 15 February 2010.

Note: The tables referenced in Appendix 2 are depicted in the Environmental Assessment dated 15 February 2010.

APPENDIX 3

NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1. The noise criteria in Table 6 of the conditions 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 10m above ground level; or
 - d. temperature inversion conditions greater than 3°C/100m.

Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station located on the site.

Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this approval.
4. Unless otherwise agreed with the Director-General, 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 4
SCHEDULE OF LANDS

Lot	DP
52	755264
1	102103
5	561424
2	133168
5	248448
4	615819
5	587986
112	606531
1	62544
5	10022
1243	1015814
709	749857
1	966407
45	755270
57	755270
24	755264
50	755270
12	247398
72	755270
6	247398
2	247398
1	42614
62	755270
76	755270
52	755270
48	755270
1	729923
21	811613
1	45581
6	758164
15	10022
9	10022
1	171648
120	755270
3	1105582
2	1143947
22	755264
28	755264
31	755264
3	561424
6	248448
1	657988
17	10022
6	10022
4	10022

Lot	DP
35	248429
1	861535
5	861535
274	260663
2	861535
79	755270
75	755270
11	244826
20	263943
21	263943
12	705699
6	758164
1	821150
127	856361
8	247398
4	247398
69	755270
78	755270
74	755270
21	877447
4	861535
1242	1015814
59	755270
125	755270
2	758164
54	755264
80	755264
85	755264
105	755264
30	755264
125	755264
27	755264
1	133168
18	10022
8	10022
34	248429
15	247398
5	247398
9	247398
2	133135
4	1007798
16	247398
36	755270
10	247398
17	247398

Lot	DP
40	755270
44	755270
38	755270
43	755270
122	755270
39	755270
49	755270
37	755270
41	755270
20	811613
B	174788
3	758164
8	758164
1	829741
4	599574
1	986831
2	205613
11	1069011
12	1069011
1	784032
29	755264
44	755264
61	755264
111	755264
33	755264
83	755264
53	755264
109	755264
103	755264
113	755264
26	755264
82	755264
98	755264
101	1033019
4	248448
8	248448
2	102103
852	612261
851	612261
33	248429
3	861535
13	247398
3	247398
1	247398
31	800688

Lot	DP
3	133135
77	755270
68	755270
73	755270
1	564480
1	47305
10	244826
A	174788
1	435160
1	822165
13	705699
3	758164
24	816636
1	723292
192	545559
2	758164
4	758164
1	758164
1	758164
8	758164
191	545559
4	758164
1	662301
126	729952
271	260663
123	755270
26	852571
27	852571
11	1118291
16	10022
51	755264
36	755264
56	755264
43	755264
81	755264
86	755264
2	62544
4	561424
14	247398
1	445449
6	704474
46	755270
51	755270
60	755270
11	705699

Lot	DP
1	205613
7	758164
13	1069011
34	755264
6	561424
3	133168
1	745971
7	248448
7	10022
1241	1015814
1	563668
18	247398
11	247398
30	800688
7	247398
19	247398
708	749857
121	755270
7	704474
5	758164
9	758164
2	986831
1	45576
7	758164
8	758164
3	758164
1	634708
9	758164
1244	1015814
1	205613