

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (UNAMENDED)**

**DETERMINATION OF DEVELOPMENT APPLICATION  
PURSUANT TO SECTION 91**

I, the Minister for Urban Affairs and Planning, pursuant to Section 101 of the unamended 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.

Signed

Andrew Refshauge  
**Minister for Urban Affairs and Planning**

Sydney, 22 December 1999 File No. N95/00147

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Red text represents MOD 1 dated 19 September 2011

**SCHEDULE 1**

<b>Development Application:</b>	DA 92/97
<b>Applicant:</b>	Coal and Allied Operations Pty Ltd
<b>Consent Authority:</b>	Minister for Urban Affairs and Planning
<b>Land:</b>	See Appendix 1
<b>Development:</b>	Construction and operation of the Mt Pleasant open cut coal mine and associated infrastructure

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## DEFINITIONS

Aboriginal stakeholders	Cultural Heritage Working Group, Wonaruah Local Aboriginal Land Council, Wonnarua Tribal Council and any other relevant Aboriginal groups.
Annual review	The review required by condition 3 of schedule 5
Applicant	Coal and Allied Operations Pty Ltd, or its successors
ARTC	Australian Rail Track Corporation
BCA	Building Code of Australia
Blast misfire	The failure of one or more holes in a blast pattern to initiate
CCC	Community Consultative Committee
CHPP	Coal Handling and Preparation Plant
Conditions of this consent	Conditions contained in schedules 2 to 5 inclusive
Council	Muswellbrook Shire Council
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
Development	The development described in the EIS
Director-General	Director-General of the Department, or delegate
DPI	Department of Primary Industries
DRE	Division of Resources and Energy, within the Department of Trade & Investment, Regional Infrastructure & Services
EEC	Endangered Ecological Community as defined under the <i>NSW Threatened Species Conservation Act 1995</i>
EIS	The environmental impact statement for the Mt Pleasant Mine, prepared by ERM Mitchell McCotter and dated September 1997, as modified by the : <ul style="list-style-type: none"> <li>• Applicant's submissions to the Commission of Inquiry into the establishment and operation of the Mt Pleasant Mine; and</li> <li>• environmental assessment for the Mt Pleasant Project Modification prepared by EMGA Mitchell McLennan, dated October 2010; the associated response to submissions, dated December 2010; and the addendum to the environmental assessment, dated 31 August 2011</li> </ul>
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 carry out
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	In general, the definition of land is consistent with the definition in the EP&A Act. However, in relation to the noise and air quality conditions in schedules 2-5 it means 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 modification
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, synonymous with dirty water
Mining operations	Includes the removal of overburden and the extraction, processing, handling, storage and transportation of coal
Minister	Minister for Planning and Infrastructure, or delegate
Minor	Small in quantity, size and degree
Mitigation	Activities associated with reducing the impacts of the development
MSB	Mine Subsidence Board
NAG	Noise assessment group, see the figure in Appendix 6 for more detail
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and public holidays
NOW	NSW Office of Water within the Department of Primary Industries
OEH	Office of Environment and Heritage
Offset strategy	The strategy required by condition 29 of schedule 3 of this approval
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency, 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, gas supply, drainage, sewerage, telephony, telecommunications etc
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The treatment or management of land disturbed by the development for the purpose of establishing a safe, stable and non-polluting environment, and

Remediation	includes remediation Activities associated with partially or fully repairing the impacts and/or environmental consequences of the development
ROM	Run-of-mine
RTA	Roads and Traffic Authority
Site	The land listed in Appendix 1
Southern catchment	The catchment located in the south west corner of the site and identified in Figure 12 of the EIS as the active fines emplacement
Statement of commitments	The Applicant's commitments in Appendix 3

## **SCHEDULE 2 ADMINISTRATIVE CONDITIONS**

### **OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

1. 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 in accordance with the:
  - (a) EIS;
  - (b) statement of commitments; and
  - (c) conditions of this consent.

*Notes:*

- The general layout of the development is shown in Appendix 2; and
- The statement of commitments is reproduced in Appendix 3.

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 Director-General arising from the Department's assessment of:
  - (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted by the Applicant in accordance with this consent; and
  - (b) 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 the site until 22 December 2020.

*Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of both the Director-General and the Executive Director, Mineral Resources in 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 10.5 million tonnes of ROM coal from the site in a calendar year.

#### **Coal Transport**

7. The Applicant shall transport all coal from the site by either (but not both):
  - (a) conveyor to the Bengalla mine; or
  - (b) rail via an on-site rail loop.

Prior to the construction of the coal transport infrastructure on site, the Applicant shall notify the Director-General of the coal transport option chosen.

8. If the Applicant decides to develop the conveyor/service corridor to the Bengalla mine, then the Applicant shall:
  - (a) ensure that the final design of the conveyor/service corridor includes all reasonable and feasible measures to avoid and/or minimise the impacts on threatened species, endangered ecological communities, and Aboriginal objects with medium to high significance; and
  - (b) submit detailed plans of the development in the conveyor/service corridor to the Director-General for approval.

Following approval, the Applicant shall implement the detailed plans to the satisfaction of the Director-General.

### **STRUCTURAL ADEQUACY**

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

**DEMOLITION**

10. 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**

11. 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 include matters that are expressly provided for in the conditions of this consent, such as the maintenance of public roads.*

**OPERATION OF PLANT AND EQUIPMENT**

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

**STAGED SUBMISSION OF STRATEGIES, PLANS AND PROGRAMS**

13. With the approval of the Director-General, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.

*Note: While any strategy, plan or program may be submitted on a progressive basis, the Applicant will need to ensure that the operations on site are covered by suitable strategies, plans or programs at all times.*

**PLANNING AGREEMENT**

14. By the end of March 2012, unless otherwise agreed by the Director-General, the Applicant shall enter into a planning agreement with Council in accordance with:
- (a) Division 6 of Part 4 of the EP&A Act; and
  - (b) the terms of the Applicant's offer dated 14 February 2011, which is summarised in Appendix 4.

This agreement must provide for annual payments to be made to Council with the first period for payment commencing upon the commencement of development on the site.

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## SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

### ACQUISITION UPON REQUEST

- Upon receiving a written request for acquisition from the owner of the land listed in Table 1, the Applicant shall acquire the land in accordance with the procedures in conditions 6-7 of schedule 4.

*Table 1: Land subject to acquisition upon request*

<b>Receiver</b>	<b>Receiver</b>
43, 44 – J.B. Moore	143, 161, 237 – J.S. & N.M. Lonergan
45 – B.A. & T.E. Strachan	147 – M.J. & R.G. Adnum
47 – B.L. & M.L. Bates	156 – J.E. & J.L. Lonergan
67 – J.M. Simpson	158 – J.M. Hoath
96 – R.P. Grey	159, 236 – J.E. & M.S. Ducey
101 – C. Austin	129 – R.M. & S.D. Farrell
102 – A. Mather	130 – M.J. Farrell
107 – B.L. Wilton	135, 309 – K.J. & G.M. Yore
108 – J.S. Gibson	146 – C.R. & N.J. Hoath
112 – B.D. Barry	153 – G.M. Casey
118 – J. & C. Hayes	157 – R.B. Parkinson & S.A. Peberdy
120, 308 – D.L. & P.A. Moore	229 – C. Horne
121 – C & J.M. Moore	263 – R.R. & J.M. Hamilton
137, 138 A – D.H. MacIntyre	C – P.M. Yore
D – S. Yore	

Notes:

- To identify the locations referred to in Table 1, see the figures in Appendix 5; and
- All land is noise affected, except receiver 67 which is air quality affected.

### ADDITIONAL NOISE AND DUST MITIGATION UPON REQUEST

- 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 dust mitigation measures (such as double-glazing, insulation, air filters, first flush roof water drainage system and/or air conditioning) at the residence in consultation with the landowner. These measures must be reasonable and feasible and related to the noise and/or dust impacts on the residence.

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

*Table 2: Land where additional noise mitigation measures are available on request*

<b>Receiver</b>	<b>Receiver</b>
68 – Googe	203 – Millard
74 – Sormaz	205 – Dapkos Pty Ltd
77 – Purser	231 – Wicks
78, 80 – W.J. Adnum	240 – MacIntyre
79 – W.J. & D.W. Adnum	242 – Raphael
86, 290 – Cowtime Investments Pty Ltd	257 – Lane
139 – Upton	258 – Ellis
140 – Dapkos Pty Limited	259 – Peel
154 – Standing	279 – Parkinson

Note: To identify the locations referred to in Table 2, see the figures in Appendix 5.

## NOISE

### Noise Criteria

- Except for the noise-affected land referred to 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 or on more than 25 percent of any privately-owned land.

Table 3: Noise criteria dB(A)

Location		Day	Evening	Night	
		L <sub>Aeq</sub> (15min)	L <sub>Aeq</sub> (15min)	L <sub>Aeq</sub> (15min)	L <sub>A1</sub> (1min)
NAG 1	260, 261	37	37	37	45
	258	40	40	40	45
	259	39	39	39	45
	All other privately-owned land	35	35	35	45
NAG 2	272	36	36	36	45
	All other privately-owned land	35	35	35	45
NAG 3	139, 154, 240	40	40	40	45
	241	39	39	39	45
	All other privately-owned land	35	35	35	45
NAG 4	169	36	36	36	45
	All other privately-owned land	35	35	35	45
NAG 5	All privately-owned land	41	40	39	45
NAG 6	205	41	41	41	45
	203, 242	40	40	40	45
	202	39	39	39	45
	204	38	38	38	45
	All other privately-owned land	37	37	37	45
NAG 7	68, 74, 279	43	42	42	45
	86, 290	42	42	42	45
	77	42	41	41	45
	79, 80, 231	41	41	41	45
	78	41	40	40	45
	All other privately-owned land	40	37	37	45
NAG 8	35	42	41	41	45
	289	41	40	40	45
	23, 84	40	40	40	45
	All other privately-owned land	41	39	39	45
NAG 9	All privately-owned land	39	38	37	45
NAG 10	All privately-owned land	35	35	35	45
NAG 11	All privately-owned land	37	36	35	45
All other privately-owned land		35	35	35	45

Notes:

- To identify the locations referred to in Table 3, see the figures in Appendices 5 and 6.
- Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy.

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



## Noise Acquisition Criteria

- If the noise generated by the development exceeds the criteria in Table 4 at any residence on privately-owned land or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner, the Applicant shall acquire the land in accordance with the procedures in conditions 6-7 of schedule 4.

*Table 4: Noise acquisition criteria dB(A)*

<b>Location</b>	<b>Day</b>	<b>Evening</b>	<b>Night</b>
	<b><i>L<sub>Aeq</sub>(15min)</i></b>	<b><i>L<sub>Aeq</sub>(15min)</i></b>	<b><i>L<sub>Aeq</sub>(15min)</i></b>
All privately-owned land in NAG 1, NAG 2, NAG 3, NAG 4, and NAG 10	40	40	40
All privately-owned land in NAG 5	46	45	44
All privately-owned land in NAG 6	42	42	42
All privately-owned land in NAG 7	45	42	42
All privately-owned land in NAG 8	46	44	44
All privately-owned land in NAG 9	44	43	42
All privately-owned land in NAG 11	42	41	40
All other privately-owned land	40	40	40

**Notes:**

- To identify the locations referred to in Table 4, see the figures in Appendices 5 and 6;
- Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy; and
- For this condition to apply, the exceedances of the criteria must be systematic.

## Cumulative Noise Criteria

- Except for the noise-affected land referred to in Table 1, 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 in the area does not exceed the criteria in Table 5 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

*Table 5: Cumulative noise criteria dB(A) *L<sub>Aeq</sub>* (period)*

<b>Location</b>	<b>Day</b>	<b>Evening</b>	<b>Night</b>
NAG 8, 9	55	45	40
All other privately-owned land	50	45	40

**Notes:**

- To identify the locations referred to in Table 5, see the figures in Appendices 5 and 6; and
- Cumulative noise is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

## Cumulative Noise Acquisition Criteria

- If the noise generated by the development combined with the noise generated by other mines in the area exceeds the criteria in Table 6 at any residence on privately-owned land or on more than 25 percent of privately-owned land, then upon receiving a written request for acquisition from the landowner, the Applicant shall acquire the land on as equitable basis as possible with the relevant mines in accordance with the procedures in conditions 6-7 of schedule 4.

*Table 6: Cumulative noise acquisition criteria dB(A) *L<sub>Aeq</sub>* (period)*

<b>Location</b>	<b>Day</b>	<b>Evening</b>	<b>Night</b>
NAG 8, 9	60	50	45
All other privately-owned land	55	50	45

**Notes:**

- To identify the locations referred to in Table 6, see the figures in Appendices 5 and 6;
- Cumulative noise is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy; and
- For this condition to apply, the exceedances of the criteria must be systematic.

## Rail Noise

- The Applicant shall ensure that its rail spur is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with the noise limits in RailCorp's EPL (No. 12208) and ARTC's EPL (No. 3142).

## Operating Conditions

8. The Applicant shall:
- implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the operational, low frequency, and rail noise generated by the development;
  - minimise the noise impacts of the development during temperature inversions;
  - regularly assess the real-time noise monitoring and meteorological forecasting data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this consent; and
  - co-ordinate the noise management on site with the noise management at nearby mines (including the Bengalla mine) to minimise the cumulative noise impacts of the mines, to the satisfaction of the Director-General.

## Noise Management Plan

9. The Applicant shall prepare and implement a Noise Management Plan for the development to the satisfaction of the Director-General. This plan must:
- be submitted to the Director-General for approval prior to carrying out any development on site;
  - describe the noise mitigation measures that would be implemented to ensure compliance with the relevant conditions of this consent, including a real-time noise management system that employs both reactive and proactive mitigation measures;
  - include a noise monitoring program that:
    - uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;
    - includes a protocol for determining exceedances of the relevant conditions of this consent; and
  - include a protocol that has been prepared in consultation with the owners of the nearby mines (including the Bengalla mine) to minimise the cumulative noise impacts of the mines.

## BLASTING

### Blasting Criteria

10. The Applicant shall ensure that the blasting on the site does not cause exceedances of the criteria in Table 7.

Table 7: 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
Historic heritage sites	-	10	0%
All public infrastructure	-	50	0%

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

### Blasting Hours

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

### Blasting Frequency

12. Unless otherwise agreed by the Director-General, the Applicant may carry out a maximum of:
- 1 blast a day; and
  - 5 blasts a week, averaged over any calendar year; for the development.

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, or to blasts required to ensure the safety of the mine or its workers.

*Note: 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.*

## Property Inspections

13. 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 report updated, then within 2 months of receiving this request the Applicant shall:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to:
    - establish the baseline condition of the buildings and/or structures on the land, or update the previous property inspection report;
    - identify any 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.

## Property Investigations

14. If the owner of any privately-owned land claims that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within 2 months of receiving this claim the Applicant shall:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, 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 damages to the satisfaction of the Director-General.

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

## Operating Conditions

15. The Applicant shall:
- (a) implement best blasting management practice on site to:
    - protect the safety of people and livestock in the surrounding area;
    - protect public or private infrastructure/property in the surrounding area;
    - minimise the dust and fume emissions of the blasting on site; and
    - minimise blasting impacts on heritage items in the vicinity of the site;
  - (b) co-ordinate the blasting on site with the blasting at nearby mines (including the Bengalla mine) to minimise the cumulative blasting impacts of the mines; and
  - (c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site,
- to the satisfaction of the Director-General.
16. The Applicant shall not undertake blasting within 500 metres of :
- (a) a public road without the approval of Council; and
  - (b) any land outside the site not owned by the Applicant, unless:
    - the Applicant has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Applicant has advised the Department in writing of the terms of this agreement, or
    - the Applicant has:
      - demonstrated to the satisfaction of the Director-General that the blasting can be carried out closer to the land without compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and
      - updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land.

## Blast Management Plan

17. The Applicant shall prepare and implement a Blast Management Plan for the development to the satisfaction of the Director-General. This plan must:
- (a) be submitted to the Director-General for approval prior to carrying out any blasting on site;
  - (b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent;
  - (c) include a road closure management plan, prepared in consultation with Council;
  - (d) include a blast monitoring program for evaluating compliance with the relevant conditions of approval; and
  - (e) include a protocol that has been prepared in consultation with the owners of nearby mines (including the Bengalla mine) for minimising and managing cumulative blasting impacts of the mines.

## AIR QUALITY & GREENHOUSE GAS

### Odour

18. The Applicant shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act, unless otherwise authorised by an EPL.

### Greenhouse Gas Emissions

19. The Applicant shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site.

### Air Quality Criteria

20. Except for the air quality-affected land referred to 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 exceed the criteria listed in Tables 8, 9 or 10 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 8: Long term criteria for particulate matter

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

Table 9: Short term criterion for particulate matter

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

Table 10: Long term criteria for deposited dust

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

Notes to Tables 8-10:

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

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

<sup>c</sup> 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

<sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Director-General.

### Air Quality Acquisition Criteria

21. If particulate matter emissions generated by the development exceed the criteria in Tables 11, 12 or 13 at any residence on privately-owned land or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner the Applicant shall acquire the land in accordance with the procedures in conditions 6-7 of schedule 4.

Table 11: Long term acquisition criteria for particulate matter

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

Table 12: Short term acquisition criteria for particulate matter

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

**Table 13: Long term acquisition criteria for deposited dust**

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

Notes to Tables 11-13:

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

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

<sup>c</sup> 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

<sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Director-General.

## Operating Conditions

22. The Applicant shall:
- (a) implement best practice air quality management, including all reasonable and feasible measures to minimise offsite odour, fume and dust emissions of the development;
  - (b) minimise any visible off-site air pollution;
  - (c) minimise the surface disturbance on site;
  - (d) regularly assess the real-time air quality monitoring and meteorological forecasting data and relocate, modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent; and
  - (e) co-ordinate the air quality management on site with the air quality management at nearby mines (including the Bengalla mine) to minimise the cumulative air quality impacts of the mines, to the satisfaction of the Director-General.

## Air Quality and Greenhouse Gas Management Plan

23. The Applicant shall prepare and implement an Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Director-General. This plan must:
- (a) be submitted to the Director-General for approval prior to carrying out any development on site;
  - (b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, including a real-time air quality management system that employs reactive and proactive mitigation measures;
  - (c) include an air quality monitoring program that:
    - uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the development;
    - includes PM<sub>2.5</sub> monitoring (although this obligation could be satisfied by the regional air quality monitoring network if sufficient justification is provided);
    - includes a protocol for determining exceedances of the relevant conditions of this consent; and
  - (d) include a protocol that has been prepared in consultation with the owners of nearby mines to minimise the cumulative air quality impacts of the mines.

## METEOROLOGICAL MONITORING

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

## SOIL & WATER

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

### Water Supply

25. The Applicant shall ensure that it has sufficient water for all stages of development, and if necessary, adjust the scale of mining operations on site, to match its available water supply to the satisfaction of the Director-General.

### Water Discharges

26. The Applicant shall ensure that any surface water discharges from the site comply with the:
- (a) discharge limits (both volume and quality) set for the development in any EPL; or

- (b) relevant provisions of the POEO Act or *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

### Compensatory Water Supply

27. The Applicant shall provide compensatory water supply to any landowner of privately-owned land whose water entitlements are adversely and directly impacted (other than an impact that is negligible) as a result of the development, in consultation with NOW, and to the satisfaction of the Director-General.

The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the development. Equivalent water supply should be provided (at least on an interim basis) within 24 hours of the loss being identified.

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

### Water Management Plan

28. The Applicant shall prepare and implement a Water Management Plan for the development to the satisfaction of the Director-General. This plan must be prepared in consultation with NOW and DRE, and be submitted to the Director-General for approval prior to carrying out any development on site. The plan must include:

- (a) a Site Water Balance, which must:
  - include details of:
    - sources and security of water supply;
    - water use on site;
    - water management on site;
    - any off-site water transfers; and
  - investigate and implement all reasonable and feasible measures to minimise water use by the development;
- (b) an Erosion and Sediment Control Plan, which must:
  - identify activities that could cause soil erosion, generate sediment or affect flooding;
  - describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage any flood risk;
  - describe the location, function, and capacity of erosion and sediment control structures;
  - describe what measures would be implemented to maintain the structures over time;
- (c) a Surface Water Management Plan, which must include:
  - detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the development;
  - surface water and stream health impact assessment criteria including trigger levels for investigating any potentially adverse surface water impacts;
  - a program to monitor surface water flows and quality in the watercourses that could be affected by the project; and
  - reporting procedures for the results of the monitoring program;
- (d) a Groundwater Management Plan, which must include:
  - detailed plans, including design objectives and performance criteria, for the design and management of the proposed final voids;
  - detailed baseline data of groundwater levels, yield and quality in the region, and privately-owned groundwater bores, that could be affected by the development;
  - groundwater impact assessment criteria including trigger levels for investigating any potentially adverse groundwater impacts;
  - a program to monitor and assess:
    - groundwater inflows to the mining operations;
    - impacts on regional and local (including alluvial) aquifers;
    - impacts on the groundwater supply of potentially affected landowners;
    - impacts on groundwater dependent ecosystems and riparian vegetation;
- (e) a Surface and Ground Water Response Plan, which must include:
  - a response protocol for any exceedances of the surface water and groundwater assessment criteria;
  - measures to offset the loss of any baseflow to watercourses caused by the development;
  - measures to prevent, minimise or offset groundwater leakage from alluvial aquifers caused by the development;
  - measures to compensate landowners of privately-owned land whose water supply is adversely affected by the development; and
  - measures to mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

## **BIODIVERSITY**

### **Offset Strategy**

29. The Applicant shall prepare and implement an offset strategy for the development to the satisfaction of the Director-General. This strategy must:
- (a) be prepared in consultation with OEH;
  - (b) be submitted to the Director-General for approval prior to carrying out any development in the conveyor/service corridor;
  - (c) offset the biodiversity impacts of the development in the conveyor/service corridor; and
  - (d) focus on the re-establishment of:
    - significant and/or threatened flora communities and/or species; and
    - habitat for significant and/or threatened fauna species.

This offset strategy is not required if the Applicant does not carry out any development in the conveyor/service corridor.

*Note: The offset strategy may be combined with any similar offset strategy required for the development under Commonwealth legislation, or the Aboriginal cultural heritage conservation area/s described in condition 33 below, subject to suitably offsetting the impacts of the conveyor/service corridor.*

### **Long Term Security of Offset**

30. Within 2 years of the approval of the offset strategy, the Applicant shall demonstrate to the satisfaction of the Director-General that it has made suitable arrangements to provide appropriate long term security for the offset area/s in the offset strategy.

### **Conservation Bond**

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

The sum of the bond shall be determined by:

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

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

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

With the agreement of the Director-General, this bond may be combined with rehabilitation security deposit administered by the Minister for Mineral Resources.

### **Biodiversity Management Plan**

32. The Applicant shall prepare and implement a Biodiversity Management Plan for the development to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with OEH and Council, and be submitted to the Director-General for approval prior to carrying out any development on site;
  - (b) include:
    - a description of the short, medium, and long term measures that would be implemented to:
      - manage the remnant vegetation and habitat on the site and in the offset area/s (if and when applicable); and
      - implement the offset strategy (if and when applicable), including detailed performance and completion criteria;
    - a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:
      - implementing revegetation and regeneration within the disturbance areas and offset areas, including establishment of canopy, sub-canopy (if relevant), understorey and ground strata;
      - maximising salvage and beneficial use of resources in areas that are to be impacted, including vegetative, soil and cultural heritage resources;
      - protecting vegetation and soil outside the disturbance areas;



- rehabilitating creeks and drainage lines on the site, to minimise net loss of stream length and aquatic habitat;
- managing salinity;
- conserving and reusing topsoil;
- undertaking pre-clearance surveys;
- managing impacts on fauna;
- landscaping the site and along public roads to minimise visual and lighting impacts;
- collecting and propagating seed;
- salvaging and reusing material from the site for habitat enhancement;
- salvaging, transplanting and/or propagating threatened flora and native grassland;
- controlling weeds and feral pests;
- managing grazing and agriculture on site;
- controlling access; and
- bushfire management;
- a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;
- a description of the potential risks to successful revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
- details of who would be responsible for monitoring, reviewing, and implementing the plan.

## HERITAGE

*Note: Under the National Parks and Wildlife Act 1974 or the Heritage Act 1977, the Applicant is required to obtain approvals for any impacts to Aboriginal objects and/or significant relics.*

### Aboriginal Heritage Conservation Strategy

33. The Applicant shall prepare and implement an Aboriginal Heritage Conservation Strategy for the development to the satisfaction of the Director-General. This strategy must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;
  - (b) be prepared in consultation with OEH and the Aboriginal stakeholders;
  - (c) be submitted to the Director-General for approval prior to carrying out any development on site;
  - (d) provide for the establishment and conservation of an off-site Aboriginal cultural heritage conservation area/s that has comparable Aboriginal cultural heritage values (both cultural and archaeological) to the areas that would be developed on site;
  - (e) describe the measures that would be implemented to provide appropriate long term security for the proposed Aboriginal cultural heritage conservation areas; and
  - (f) include an action plan for the implementation of the strategy.

The detailed measures for the implementation of the strategy are to be outlined in the Heritage Management Plan (see condition 36).

*Note: The Aboriginal cultural heritage conservation area/s may be combined with any similar offset/conservation area required for the development under Commonwealth legislation, subject to suitably offsetting the cultural heritage impacts of the development.*

34. Within 2 years of the approval of the Aboriginal Heritage Conservation Strategy, the Applicant shall demonstrate to the satisfaction of the Director-General, that it has made suitable arrangements to provide appropriate long term security for the Aboriginal cultural heritage conservation area/s in the Aboriginal Heritage Conservation Strategy.

### Oral History

35. By the end of December 2013, the Proponent shall prepare a detailed history of the Mount Pleasant locality to the satisfaction of the Director-General. This history must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;
  - (b) be prepared in consultation with the OEH, the local history society, local community (including former residents as far as is practicable), and Aboriginal stakeholders;
  - (c) be prepared in accordance with the relevant the relevant Heritage Council of NSW guidelines; and
  - (d) include detailed historical research as well as an oral history.

### Aboriginal Heritage Management Plan

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



- (a) be prepared in consultation with OEH and the Aboriginal stakeholders by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;
- (b) be submitted to the Director-General for approval prior to carrying out any development on site;
- (c) include:
  - a detailed plan for the implementation of the approved Aboriginal Heritage Conservation Strategy (required under condition 34);
  - a description of the measures that would be implemented to:
    - comply with the requirements of any Aboriginal Heritage Impact Permit issued for the development, including any approved archaeological testing and salvage program;
    - store the Aboriginal objects salvaged, both during construction and in the long term;
    - protect, monitor and/or manage all Aboriginal objects on site until the impacts of the development on these objects is unavoidable;
    - minimise the blasting impacts of the development on Aboriginal objects in the vicinity of the site;
    - manage the discovery of any human remains or previously unidentified Aboriginal objects on site;
    - enable Aboriginal stakeholders to get reasonable access to the site during the development;
    - ensure Aboriginal stakeholders are consulted about the conservation and management of Aboriginal cultural heritage on site; and
    - ensure construction personnel receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions.

## **TRANSPORT**

### **Relocation of Rail Loop or Conveyor/Service Corridor**

37. Prior to carrying out any development on site, the Applicant shall enter into an agreement with the Minister for Mineral Resources, in consultation with the operators of the Bengalla Mine, so that if in the future the Bengalla mining operation is to extend further to the west, the Applicant shall undertake to relocate the Mount Pleasant rail loop or the conveyor/service corridor. Any relocation may require a further approval.

### **Road Works**

38. The Applicant shall, at its own expense:
- (a) construct a bridge to carry the Bengalla Link Road over the proposed Mount Pleasant rail loop, in consultation with the operators of the Bengalla Mine;
  - (b) construct the Mount Pleasant Northern Link Road to Dorset Road, prior to the closure of Castlerock Road;
  - (c) construct the Mount Pleasant Western Link Road (generally in accordance with Council's Western Roads Strategy) from the intersection of the Bengalla Link Road to the intersection of the Mount Pleasant Northern Link Road, prior to the closure of Wybong Road;
  - (d) construct the Mount Pleasant Mine Access Road;
  - (e) upgrade the Wybong Road from the Bengalla Link Road to the Mount Pleasant Mine Access Road; and
  - (f) construct an overpass or underpass across Wybong Road, or other means of crossing Wybong Road, should a construction road be proposed, to the satisfaction of Council.
39. Should the following intersections be required, the Applicant shall undertake construction works at:
- (a) the intersection of the Western Link Road and access to the mine site;
  - (b) the intersection of the Bengalla Link Road and the Western Link Road;
  - (c) the intersection of the Castlerock/Mount Pleasant Northern Link Road and the Western Link Road; and
  - (d) the intersection of the Mount Pleasant Northern Link Road and Kayuga Road, to the satisfaction of Council and/or the RTA.

If there is any dispute between the Applicant and Council or the RTA in relation to the funding or upgrade works, then any of the parties may refer the matter to the Director-General for resolution.

40. The Applicant shall:
- (a) prepare a detailed schedule outlining the timing of the road construction works required by conditions 38 and 39 by the end of December 2011; and
  - (b) update this schedule annually, to the satisfaction of Council.

### **Road Maintenance**

41. During the development, the Applicant shall maintain the roads and intersections between the Bengalla Mine main entrance and the Mt Pleasant Mine main entrance, including:

- (a) part of the Bengalla Link Road;
- (b) part of the Wybong Road; and
- (c) part of the Mount Pleasant Western Link Road.

The Applicant shall develop a Maintenance Management Plan in respect of these roads, to the satisfaction of Council.

### **Road Access and Signage**

- 42. The Applicant shall ensure that as far as possible the preferred mine access road route, as described in the EIS, is the only route used by employees and contractors travelling to the mine site from Muswellbrook.
- 43. The Applicant shall maintain signs and give at least 24 hours notice of temporary road closures. The location and wording of the signs are to be approved by Council. A protocol is to be established, in consultation with the emergency service providers and Council, to permit the passage of emergency vehicles during road closures.

### **Monitoring of Coal Transport**

- 44. The Applicant shall:
  - (a) keep records of the:
    - amount of coal transported from the site (on a monthly basis); and
    - date and time of each train movement generated by the development; and
  - (b) make these records available on its website at the end of each calendar year.

## **VISUAL**

### **Visual Amenity and Lighting**

- 45. The Applicant shall:
  - (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development;
  - (b) ensure no outdoor lights shine above the horizontal; and
  - (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,to the satisfaction of the Director-General.

### **Additional Visual Mitigation Measures**

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

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

*Note: Except in exceptional circumstances, the Director-General will not require additional visual impact mitigation to be undertaken for residences that are more than 3 kilometres from the mining operations.*

### **Landscape Management Plan**

- 47. The Applicant shall prepare and implement a Landscape Management Plan to mitigate the visual impacts of the development to the satisfaction of the Director-General. This plan must:
  - (a) be prepared in consultation with Council, and submitted to the Director-General for approval prior to carrying out any development on site;
  - (b) provide for the establishment of trees and shrubs and/or the construction of mounding or bunding:
    - along the access road to the mine site;
    - around the water storage dams and coal preparation plant;
    - at other areas identified as necessary for the maintenance of satisfactory visual amenity; and
  - (c) include details of the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications), aimed at blending as far as possible with the surrounding landscape.

## BUSHFIRE MANAGEMENT

48. 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 possible if there is a fire in the vicinity of the site.

## WASTE

### Waste Minimisation & Disposal

49. The Applicant shall:
- (a) 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 in a lawful manner.

### On-site Sewage

50. The Applicant shall ensure that all sewage generated on site is treated and disposed of to the satisfaction of Council.

### Disposal of Fine Rejects

51. The Applicant shall not emplace fine rejects in the southern catchment without the written approval of the Director-General

### Waste Management Plan

52. The Applicant shall prepare and implement a Waste Management Plan for the development to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with NOW and DRE, and submitted to the Director-General for approval prior to carrying any development on site;
  - (b) describe the measures that would be implemented to avoid, minimise, reuse and recycle all waste streams generated by the development;
  - (c) include a fines emplacement plan; and
  - (d) a program to evaluate the fines emplacement plan and methods, with a view to emplacing fines within active mining areas.

## REHABILITATION

### Rehabilitation Objectives

53. The Applicant shall rehabilitate the site to the satisfaction of the Executive Director, Mineral Resources in DRE. This rehabilitation must be generally consistent with the proposed rehabilitation strategy depicted conceptually in the figure in Appendix 7, and comply with the objectives in Table 14.

Table 14: Rehabilitation Objectives

<b>Feature</b>	<b>Objective</b>
Mine site (as a whole), including the final void	Safe, stable & non-polluting
Surface infrastructure	To be decommissioned and removed, unless the Director-General agrees otherwise
Land forms	To be set under condition 54 below
Land use	To be set under condition 54 below
Community	Minimise the adverse socio-economic effects associated with mine closure

### Rehabilitation Strategy

54. Prior to commencing any development on the site, the Applicant shall prepare a Rehabilitation Strategy for the development to the satisfaction of the Director-General. This strategy must:
- (a) be prepared in consultation with relevant stakeholders, including DRE, NOW, Council and the CCC;
  - (b) investigate options for the future use of the site upon the completion of mining;
  - (c) describe and justify the proposed rehabilitation strategy for the site; and
  - (d) define the rehabilitation objectives for the area, as well as the proposed completion criteria for this rehabilitation.

### **Progressive Rehabilitation**

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

### **Rehabilitation Management Plan**

56. The Applicant shall prepare and implement a Rehabilitation Management Plan for the development to the satisfaction of the Executive Director, Mineral Resources in DRE. This plan must:
- (a) be prepared in consultation with the Department, NOW, Council and the CCC;
  - (b) be submitted to the Executive Director Mineral Resources in DRE for approval, within 3 months of approval of the Rehabilitation Strategy;
  - (c) be prepared in accordance with any relevant DRE guideline;
  - (d) describe the measures that would be implemented to rehabilitate the site and implement the rehabilitation strategy (see condition 54); and
  - (e) build, to the maximum extent practicable, on the other management plans required under this consent.

## **SCHEDULE 4 ADDITIONAL PROCEDURES**

### **NOTIFICATION OF LANDOWNERS**

1. By the end of December 2011, 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 at any stage of the development;
    - any residence on the noise-affected land in Table 1 or Table 2 of schedule 3 that they are entitled to ask for additional noise mitigation measures to be installed at their residence at any stage of the development;
    - any residences on the air quality-affected land listed in Table 1 that they are entitled to ask for additional air quality mitigation measures to be installed at their residence at any stage of the development;
    - any privately-owned land within 2 kilometres of the approved open cut mining pit on the site that they are entitled to ask for an inspection to establish the baseline condition of any buildings and/or structures on their land, or to have a previous property inspection updated; and
  - (b) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the 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. As soon as practicable after obtaining monitoring results showing:
  - (a) exceedance of the relevant criteria in schedule 3, the Applicant shall notify the affected landowner and tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the development is complying with the relevant criteria again; and/or
  - (b) an exceedance of the relevant criteria of 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**

3. If an owner of privately-owned land considers the development to be exceeding the criteria in schedule 3, 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, then within 2 months of the Director-General's decision, the Applicant shall:

- (a) commission a suitably qualified, experienced and independent expert, whose appointment has been approved by the Director-General, to:
    - consult with the landowner to determine his/her concerns;
    - conduct monitoring to determine whether the development is complying with the relevant criteria; 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 towards the impact on the land;
      - identify the measures that could be implemented to ensure compliance with the relevant criteria; and
  - (b) 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 criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the Director-General.
- If the independent review determines that the development is not complying with the relevant criteria, and that the development is primarily responsible for this non-compliance, then the Applicant shall:
- (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until the development complies with the relevant criteria; or
  - (b) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Director-General.

If the independent review determines that the development is not complying with the relevant acquisition criteria, and that the development is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the Applicant shall acquire all or part of the landowner's land in accordance with the procedures in condition 6-7 below.

5. If the independent review determines that the relevant criteria are being exceeded, but that more than one mine is responsible for this exceedance, then together with the relevant mine/s the Applicant shall:
- (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until there is compliance with the relevant criteria; or
  - (b) secure a written agreement with the landowner and other relevant mine/s to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the Director-General.

If the independent review determines that the development is not complying with the relevant acquisition criteria in schedule 3, but that more than one mine is responsible for this non-compliance, then upon receiving a written request from the landowner, the Applicant shall acquire all or part of the landowner's land on as equitable a basis as possible with the relevant mine/s, in accordance with the procedures in conditions 6-7 below.

## 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 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 mitigation measures required under condition 2 of schedule 3;
  - (b) the reasonable costs associated with:
    - relocating within the Muswellbrook, Singleton or Scone local government area, or to any other local government area determined by the 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 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 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 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 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, 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 and implement an Environmental Management Strategy for the development to the satisfaction of the Director-General. The strategy must:
  - (a) be submitted to the Director-General for approval prior to carrying out any development on site;
  - (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 during the course of the development;
    - 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 to be carried out in relation to the development.

#### **Management Plan Requirements**

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

#### **Annual Review**

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

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

#### **Revision of Strategies, Plans and Programs**

4. Within 3 months of:
- the submission of an annual review under condition 3 above;
  - the submission of an incident report under condition 7 below;
  - the submission of an audit under condition 9 below; and
  - any modification to the conditions of this consent,
- the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Director-General.

*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.*

#### **Management of Cumulative Impacts**

5. In conjunction with the owners of the nearby mines (including the Bengalla mine), the Applicant shall use its best endeavours to minimise the cumulative impacts of the development on the surrounding area to the satisfaction of the Director-General.

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

#### **Community Consultative Committee**

6. The Applicant shall operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Director-General. This CCC must be operated in general accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version).

*Note: The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.*

### **REPORTING**

#### **Incident Reporting**

7. As soon as practicable after the Applicant becomes aware of any incident associated with the development, the Applicant shall notify the Director-General and any other relevant agencies of the incident. Within 7 days of becoming aware of the incident, the Applicant shall provide the Director-General and any relevant agencies with a detailed report on the incident.

#### **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, and to the satisfaction of the Director-General.

#### **INDEPENDENT ENVIRONMENTAL AUDIT**

9. By the end of March 2014, and every 3 years thereafter, 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:
- be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
  - include consultation with the relevant agencies;
  - assess the environmental performance of the development and 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 instruments);
  - review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
  - if necessary, recommend appropriate measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under the abovementioned approvals.

*Notes:*

- This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.*
- The audits can be coordinated with similar auditing requirements for the Bengalla mine.*



10. Within 3 months of commissioning this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

#### **ACCESS TO INFORMATION**

11. The Applicant shall:
- (a) make the following information publicly available on its website:
    - the EIS;
    - all 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, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
    - a complaints register, which is to be updated on a monthly basis;
    - minutes of CCC meetings;
    - the annual reviews (over the last 5 years);
    - any independent environmental audit, and the Applicant's response to the recommendations in any audit;
    - any other matter required by the Director-General; and
  - (b) keep this information up to date, to the satisfaction of the Director-General.
-

## APPENDIX 1 SCHEDULE OF LAND

Mount Pleasant Project Schedule of Lands				
LOT	SECTION	DP	COMMENTS	PROPERTY OWNER
11		112742		ANGLO COAL (DARTBROOK) PTY LIMITED, MARUBENI THERMAL COAL PTY LIMITED, SSANGYONG RESOURCES PTY LIMITED
1		911212		ANGLO COAL (DARTBROOK) PTY LIMITED, MARUBENI THERMAL COAL PTY LIMITED, SSANGYONG RESOURCES PTY LIMITED
12		659924		ANGLO COAL (DARTBROOK) PTY LIMITED, MARUBENI THERMAL COAL PTY LIMITED, SSANGYONG RESOURCES PTY LIMITED
13		750926		ANGLO COAL (DARTBROOK) PTY LIMITED, MARUBENI THERMAL COAL PTY LIMITED, SSANGYONG RESOURCES PTY LIMITED
7		1051153		ANGLO COAL (DARTBROOK) PTY LTD, MARUBENI THERMAL COAL PTY LTD, SSANGYONG RESOURCES PTY LIMITED
1453		628493		ANGLO COAL (DARTBROOK) PTY LTD, MARUBENI THERMAL COAL PTY LTD, SSANGYONG RESOURCES PTY LIMITED
1		213293		BENGALLA MINING COMPANY LIMITED
1		629491		BENGALLA MINING COMPANY LIMITED
5		801249		BENGALLA MINING COMPANY LIMITED
27		745897		BENGALLA MINING COMPANY LIMITED
29		731706		BENGALLA MINING COMPANY LIMITED
261		561919		BENGALLA MINING COMPANY PTY. LIMITED
1		742324		BRUCE LEONARD BATES, MARY LLEWELLYN BATES
3		236668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
5		560963		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
16		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
18		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
20		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
21		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
22		776758		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
22		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
24		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
25		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
26		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
27		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
A		925975		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
1		1072667		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPower BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
1	1	192121		COAL & ALLIED OPERATIONS PTY LIMITED
1	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED
1	3	2770		COAL & ALLIED OPERATIONS PTY LIMITED
1	4	2770		COAL & ALLIED OPERATIONS PTY LIMITED
1		634490		COAL & ALLIED OPERATIONS PTY LIMITED
1		104563		COAL & ALLIED OPERATIONS PTY LIMITED
1		944232		COAL & ALLIED OPERATIONS PTY LIMITED
1		1100374		COAL & ALLIED OPERATIONS PTY LIMITED
1		312392		COAL & ALLIED OPERATIONS PTY LIMITED
1		998239		COAL & ALLIED OPERATIONS PTY LIMITED
1		998477		COAL & ALLIED OPERATIONS PTY LIMITED
1		194043		COAL & ALLIED OPERATIONS PTY LIMITED
1		114090		COAL & ALLIED OPERATIONS PTY LIMITED
1		706645		COAL & ALLIED OPERATIONS PTY LIMITED
1		744333		COAL & ALLIED OPERATIONS PTY LIMITED
1		544039		COAL & ALLIED OPERATIONS PTY LIMITED
1		112742		COAL & ALLIED OPERATIONS PTY LIMITED
1		1081385		COAL & ALLIED OPERATIONS PTY LIMITED
1		318999		COAL & ALLIED OPERATIONS PTY LIMITED
1		1080962		COAL & ALLIED OPERATIONS PTY LIMITED
1		915913	CNA POSSESSORY TITLE FOLLOWING WATTS SALE – NAME ON TITLE DAVID SMALL	COAL & ALLIED OPERATIONS PTY LIMITED

LOT	SECTION	DP	COMMENTS	PROPERTY OWNER
			NAME ON TITLE W E WHITE & J HUTCHINSON. RESIDUE IN TITLE IN NAME OF MARY ANNE HORNE. TITLE NOTE SUBJ TO THE PAYMENT OF TESTATRIX'S (THE WITHIN NAMED M A HORNE'S) DEBTS AND FUNERAL AND TESTAMENTARY EXPENSES - CNA POSSESSORY TITLE FOLLOWING WATTS SALE	
1		905281		COAL & ALLIED OPERATIONS PTY LIMITED
1		2770		COAL & ALLIED OPERATIONS PTY LIMITED
1		780673		COAL & ALLIED OPERATIONS PTY LIMITED
1		2770		COAL & ALLIED OPERATIONS PTY LIMITED
2	1	2770		COAL & ALLIED OPERATIONS PTY LIMITED
2	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED
2	3	2770		COAL & ALLIED OPERATIONS PTY LIMITED
2		634490		COAL & ALLIED OPERATIONS PTY LIMITED
2		104563		COAL & ALLIED OPERATIONS PTY LIMITED
2		915913		COAL & ALLIED OPERATIONS PTY LIMITED
2		998239		COAL & ALLIED OPERATIONS PTY LIMITED
2		801249		COAL & ALLIED OPERATIONS PTY LIMITED
2		998477		COAL & ALLIED OPERATIONS PTY LIMITED
2		194043		COAL & ALLIED OPERATIONS PTY LIMITED
2		114090		COAL & ALLIED OPERATIONS PTY LIMITED
2		706645		COAL & ALLIED OPERATIONS PTY LIMITED
2		112742		COAL & ALLIED OPERATIONS PTY LIMITED
2		1081385		COAL & ALLIED OPERATIONS PTY LIMITED
2		780673		COAL & ALLIED OPERATIONS PTY LIMITED
2		629491		COAL & ALLIED OPERATIONS PTY LIMITED
3	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED
3	3	2770		COAL & ALLIED OPERATIONS PTY LIMITED
3		998239		COAL & ALLIED OPERATIONS PTY LIMITED
3		998477		COAL & ALLIED OPERATIONS PTY LIMITED
3		194043		COAL & ALLIED OPERATIONS PTY LIMITED
3		791576		COAL & ALLIED OPERATIONS PTY LIMITED
3		629491		COAL & ALLIED OPERATIONS PTY LIMITED
3		112742		COAL & ALLIED OPERATIONS PTY LIMITED
4	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED
4	3	2770		COAL & ALLIED OPERATIONS PTY LIMITED
4	4	2770		COAL & ALLIED OPERATIONS PTY LIMITED
4	29	758554		COAL & ALLIED OPERATIONS PTY LIMITED
4		801249		COAL & ALLIED OPERATIONS PTY LIMITED
5	1	2770		COAL & ALLIED OPERATIONS PTY LIMITED
5	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED
5	3	2770		COAL & ALLIED OPERATIONS PTY LIMITED
5		112742		COAL & ALLIED OPERATIONS PTY LIMITED
6	1	2770		COAL & ALLIED OPERATIONS PTY LIMITED
6	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED
6	3	2770		COAL & ALLIED OPERATIONS PTY LIMITED
6		750926		COAL & ALLIED OPERATIONS PTY LIMITED
6		749716		COAL & ALLIED OPERATIONS PTY LIMITED
6		821183		COAL & ALLIED OPERATIONS PTY LIMITED
7	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED
7		821183		COAL & ALLIED OPERATIONS PTY LIMITED
7		749716		COAL & ALLIED OPERATIONS PTY LIMITED
8		255048		COAL & ALLIED OPERATIONS PTY LIMITED
9		255048		COAL & ALLIED OPERATIONS PTY LIMITED
10		255048		COAL & ALLIED OPERATIONS PTY LIMITED
11		255048		COAL & ALLIED OPERATIONS PTY LIMITED
12		255048		COAL & ALLIED OPERATIONS PTY LIMITED
12		112742		COAL & ALLIED OPERATIONS PTY LIMITED
13		255048		COAL & ALLIED OPERATIONS PTY LIMITED
13		112742		COAL & ALLIED OPERATIONS PTY LIMITED
14	8	2770		COAL & ALLIED OPERATIONS PTY LIMITED
14		255048		COAL & ALLIED OPERATIONS PTY LIMITED
14		112742		COAL & ALLIED OPERATIONS PTY LIMITED
15		255048		COAL & ALLIED OPERATIONS PTY LIMITED
15		750926		COAL & ALLIED OPERATIONS PTY LIMITED
15		112742		COAL & ALLIED OPERATIONS PTY LIMITED
16		255048		COAL & ALLIED OPERATIONS PTY LIMITED
16		112742		COAL & ALLIED OPERATIONS PTY LIMITED
16		750926		COAL & ALLIED OPERATIONS PTY LIMITED
17		112742		COAL & ALLIED OPERATIONS PTY LIMITED
17		2770		COAL & ALLIED OPERATIONS PTY LIMITED
18		112742		COAL & ALLIED OPERATIONS PTY LIMITED
19		750926		COAL & ALLIED OPERATIONS PTY LIMITED
19		112742		COAL & ALLIED OPERATIONS PTY LIMITED
20		112742		COAL & ALLIED OPERATIONS PTY LIMITED





LOT	SECTION	DP	COMMENTS	PROPERTY OWNER
254		750926		COAL & ALLIED OPERATIONS PTY LIMITED
256		750926		COAL & ALLIED OPERATIONS PTY LIMITED
258		750926		COAL & ALLIED OPERATIONS PTY LIMITED
259		750926		COAL & ALLIED OPERATIONS PTY LIMITED
260		750926		COAL & ALLIED OPERATIONS PTY LIMITED
261		750926		COAL & ALLIED OPERATIONS PTY LIMITED
262		750926		COAL & ALLIED OPERATIONS PTY LIMITED
263		750926		COAL & ALLIED OPERATIONS PTY LIMITED
264		750926		COAL & ALLIED OPERATIONS PTY LIMITED
265		750926		COAL & ALLIED OPERATIONS PTY LIMITED
268		750926		COAL & ALLIED OPERATIONS PTY LIMITED
268		567444		COAL & ALLIED OPERATIONS PTY LIMITED
269		750926		COAL & ALLIED OPERATIONS PTY LIMITED
270		750926		COAL & ALLIED OPERATIONS PTY LIMITED
271		750926		COAL & ALLIED OPERATIONS PTY LIMITED
272		750926		COAL & ALLIED OPERATIONS PTY LIMITED
273		750926		COAL & ALLIED OPERATIONS PTY LIMITED
274		750926		COAL & ALLIED OPERATIONS PTY LIMITED
275		750926		COAL & ALLIED OPERATIONS PTY LIMITED
276		750926		COAL & ALLIED OPERATIONS PTY LIMITED
278		750926		COAL & ALLIED OPERATIONS PTY LIMITED
279		750926		COAL & ALLIED OPERATIONS PTY LIMITED
280		750926		COAL & ALLIED OPERATIONS PTY LIMITED
280		750926		COAL & ALLIED OPERATIONS PTY LIMITED
282		750926		COAL & ALLIED OPERATIONS PTY LIMITED
A		432713		COAL & ALLIED OPERATIONS PTY LIMITED
A		174071		COAL & ALLIED OPERATIONS PTY LIMITED
B		432713		COAL & ALLIED OPERATIONS PTY LIMITED
B		174071		COAL & ALLIED OPERATIONS PTY LIMITED
3	28	758554		COLIN RODNEY HOATH, NERIDA JOAN HOATH
4	28	758554		COLIN RODNEY HOATH, NERIDA JOAN HOATH
5	28	758554		COLIN RODNEY HOATH, NERIDA JOAN HOATH
6	28	758554		COLIN RODNEY HOATH, NERIDA JOAN HOATH
				CROWN LAND - CLOSED ROAD SOUTH SIDE 242//750926
				CROWN LAND - NE CORNER 2//915913
				CROWN LAND - SOUTH OF 44//750926
				CROWN LAND - NORTH SIDE 2//915913
				CROWN LAND - NORTH SIDE 2//915913
			ENCLOSURE PERMIT 45233 - CNA	CROWN ROAD
			ENCLOSURE PERMIT 409840 WAS LONERGAN	CROWN ROAD
			ENCLOSURE PERMIT 45292 WAS WATTS	CROWN ROAD
			ENCLOSURE PERMIT 45237 - CNA	CROWN ROAD
			ENCLOSURE PERMIT 160063 - CNA	CROWN ROAD
			ENCLOSURE PERMIT 45292 WAS WATTS	CROWN ROAD
20		747226		DAPKOS PTY. LIMITED
7		112742		DOROTHY RUBY BLUFORD
1	5	2770		DOUGAL HAMISH HAMILTON MACINTYRE
1	6	2770		DOUGAL HAMISH HAMILTON MACINTYRE
1	8	2770		DOUGAL HAMISH HAMILTON MACINTYRE
2	5	2770		DOUGAL HAMISH HAMILTON MACINTYRE
2	6	2770		DOUGAL HAMISH HAMILTON MACINTYRE
2	8	2770		DOUGAL HAMISH HAMILTON MACINTYRE
3	5	2770		DOUGAL HAMISH HAMILTON MACINTYRE
3	8	2770		DOUGAL HAMISH HAMILTON MACINTYRE
4	5	2770		DOUGAL HAMISH HAMILTON MACINTYRE
4	6	2770		DOUGAL HAMISH HAMILTON MACINTYRE
4	8	2770		DOUGAL HAMISH HAMILTON MACINTYRE
5	4	2770		DOUGAL HAMISH HAMILTON MACINTYRE
5	6	2770		DOUGAL HAMISH HAMILTON MACINTYRE
5	8	2770		DOUGAL HAMISH HAMILTON MACINTYRE
6	8	2770		DOUGAL HAMISH HAMILTON MACINTYRE
2	4	2770		GAVIN MICHAEL CASEY
86		750926		GAVIN MICHAEL CASEY
94		665393		GAVIN MICHAEL CASEY
152		750926		GAVIN MICHAEL CASEY
153		750926		GAVIN MICHAEL CASEY
154		750926		GAVIN MICHAEL CASEY
3	1	2770		JAMES STEPHEN LONERGAN
1	1	2770		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
1	2	2770		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
4	1	2770		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
4	2	2770		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
9		750926		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
10		750926		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN

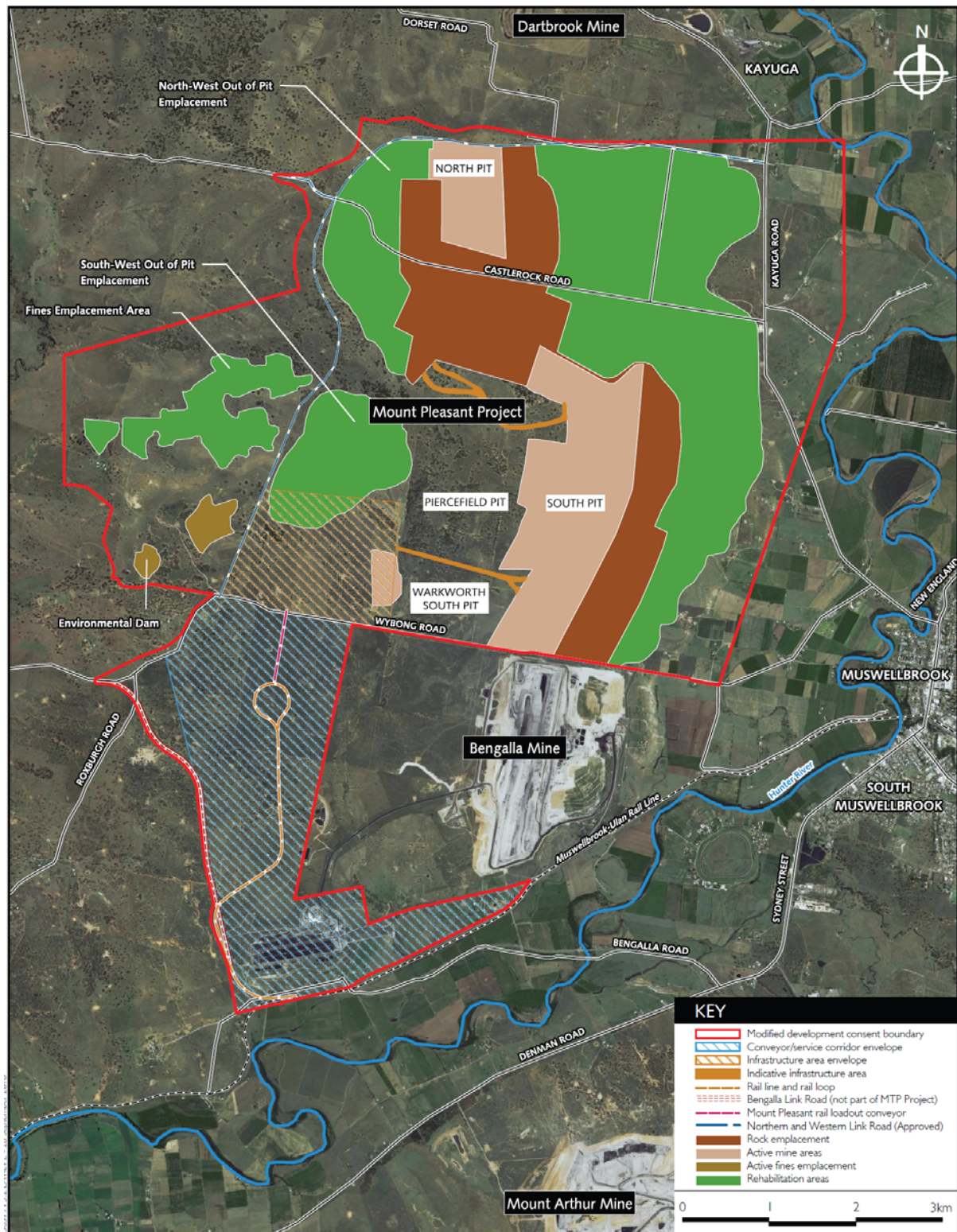
LOT	SECTION	DP	COMMENTS	PROPERTY OWNER
22		870608		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
73		750926		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
74		750926		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
200		750926		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
1		655691		JONATHON BUCHANAN MOORE
164		635272		KEITH JOSEPH YORE, GEORGINA MASKERY YORE
269		567444		KERRIE MAREE LEE
3	29	758554		MAXWELL JOHN ADNUM, ROBERT GEORGE ADNUM
7		236668		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
8		236668		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
8		821183		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
24		742543		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
41		792447		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
43		792447		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
92		620639		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
111		551930		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
2		791576		MICHAEL JOHN FARRELL
1		1143545		MUSWELLBROOK SHIRE COUNCIL
266		750926		MUSWELLBROOK SHIRE COUNCIL
8		1072668		ROAD
9		1072668		ROAD
10		1072668		ROAD
11		1072668		ROAD
12		1072668		ROAD
17		1072668		ROAD
19		1072668		ROAD
1		791576		RODNEY MICHAEL FARRELL, SYLVIA DIANNE FARRELL
12		1112792		ROSEBROOK PTY LIMITED
13		1112792		ROSEBROOK PTY LIMITED
14		1112792		ROSEBROOK PTY LIMITED
15		1112792		ROSEBROOK PTY LIMITED
16		1112792		ROSEBROOK PTY LIMITED
1		401237		ROSEBROOK PTY. LIMITED
7001		93329		THE STATE OF NEW SOUTH WALES
1		906668		THE TRUSTEES OF CHURCH PROPERTY FOR THE DIOCESE OF NEWCASTLE
				HUNTER RIVER
				VARIOUS COUNCIL AND CROWN PUBLIC AND UNFORMED ROADS

NOTE:

BOUNDARIES USED HAVE BEEN COMPILED FROM VARIOUS SOURCES INCLUDING THE LPMA DCDB, HAVE NOT BEEN SURVEYED AND SHOULD BE CONSIDERED APPROXIMATE ONLY.  
AS BOUNDARIES HAVE NOT BEEN SURVEYED HISTORICAL UNIDENTIFIED RESIDUES OF TITLES MAY EXIST  
OWNERSHIP AS SEARCHED THROUGH LPI FEBRUARY 2010



## APPENDIX 2 PROJECT LAYOUT PLAN



### APPENDIX 3 STATEMENT OF COMMITMENTS

Environmental aspect	Commitment
Noise and vibration	<ul style="list-style-type: none"> <li>A NMP will be prepared in accordance with the development consent.</li> <li>The NMP will be extended to include management of potential noise emissions associated with the construction of the conveyor. The plan will also consider pro-active and predictive modelling and management, and protocols for managing noise during adverse meteorological conditions.</li> <li>Noise monitoring will continue to be undertaken in accordance with the development consent.</li> <li>Implementation of the following feasible and reasonable mitigation measures: <ul style="list-style-type: none"> <li>a cover and a shield on the western side of the conveyor at locations where the conveyor would be at ground level. Where the conveyor is elevated, it will be completely enclosed;</li> <li>plant will operate in less exposed areas during the more sensitive night period;</li> <li>procurement of new and best available technology plant;</li> <li>provision of noise suppression on all mobile plant. It anticipated that the noise suppression technology will require an outlay of capital expenditure of between \$15M and \$20M; and</li> <li>updating the comprehensive operational noise management plan to include real-time back to base noise monitoring using the best available technology.</li> </ul> </li> <li>Coal &amp; Allied is committed to working with its communities and extend the opportunity for upfront acquisition upon request to the additional 13 properties affected under adverse conditions.</li> </ul>
Ecology	<ul style="list-style-type: none"> <li>During the construction phase pre-clearance surveys of relevant forest and woodland areas for threatened flora and fauna species will be undertaken.</li> <li>Details of the rehabilitation of the infrastructure area and conveyor/service corridor (should this option be pursued) upon decommissioning will be provided in the REMP.</li> <li>Ecological management for the Mount Pleasant Project will be undertaken in accordance with the existing development consent.</li> </ul>
Air quality	<ul style="list-style-type: none"> <li>Air quality management for the Mount Pleasant Project will be undertaken in accordance with the Air Quality Management Plan which is a requirement under the existing development consent.</li> </ul>
Aboriginal cultural heritage	<ul style="list-style-type: none"> <li>Aboriginal cultural heritage management will continue to be undertaken in accordance with Rio Tinto Coal Australia guidelines and relevant Coal &amp; Allied procedures.</li> <li>Site avoidance will be considered as part of the detailed design process to determine the final location for the siting of the infrastructure within the infrastructure envelope and the alignment of the optional conveyor/service corridor.</li> <li>Where site avoidance is impossible, cultural heritage management approaches that are set out in the CHMP for the Mount Pleasant Project area will be applied. This will include lodging an application for the relevant AHIPs under section 90 of the NPW Act.</li> <li>A field inspection of both the infrastructure and conveyor/service corridor envelopes will be conducted with CHWG members to finalise the design, alignment and protective management measures and to identify any unavoidable impacts associated with the proposed modifications.</li> <li>Aboriginal cultural heritage sites that cannot be avoided will be mitigated by standard salvage collection measures in accordance with the CHMP, following the issue of an AHIP (section 90, NPW Act).</li> <li>The CHMP will be revised to include the proposed modifications and any</li> </ul>



Environmental aspect	Commitment
	<p>requirements specified by the regulator.</p> <ul style="list-style-type: none"> <li>Any mitigation salvage will be staged over time based upon mine operation plan requirements and the zoning regime of the CHMP.</li> <li>All cultural materials collected will be stored in the temporary cultural heritage storage facility at Coal &amp; Allied's Hunter Valley Services or at a facility to be established at the Mount Pleasant Project or VCA under an approved Care and Control Permit.</li> <li>All cultural heritage sites not affected by the proposed development will be managed in situ in accordance with the Rio Tinto Coal Australia Cultural Heritage Management System procedures for long-term protective management and to minimise future development disturbance.</li> <li>Sites that are assessed as vulnerable to damage due to the proximity to roads and tracks or other operational infrastructure will be appropriately buffered and barricaded in accordance with existing site protection protocols including monitoring protocols.</li> </ul>
Visual amenity	<ul style="list-style-type: none"> <li>Visual amenity management will be undertaken in accordance with the development consent, which requires the preparation of a Landscape Management Plan.</li> <li>Lighting management will be undertaken in accordance with the development consent, including preparation of an engineering report regarding light emissions.</li> </ul>
Surface water	<ul style="list-style-type: none"> <li>Water management for the proposed modifications will be incorporated into the Water Management System for the Mount Pleasant Project. These features will include the design of the catch drain and dam locations required for the final alignment of the optional conveyor/service corridor.</li> </ul>
Other environmental aspects	<ul style="list-style-type: none"> <li>The final alignment of the optional conveyor/service corridor will be incorporated into the Soil Stripping Plan and the Erosion and Sediment Control Management Plan.</li> <li>All other aspects will be managed in accordance with Mount Pleasant Project environmental management system, and the relevant environmental licensing and development consent requirements.</li> </ul>
Operational Management	<ul style="list-style-type: none"> <li>Should the conveyor/service corridor be pursued, a Plan of Management will be prepared in consultation with Bengalla Mine in order to manage activities associated with the facilities at Bengalla Rail Spur. The Plan of Management would include: <ul style="list-style-type: none"> <li>details of responsibilities for Bengalla Mine and Mount Pleasant Project;</li> <li>commitments regarding compliance with relevant and respective development consents; and</li> <li>details of management protocols to be performed by Bengalla Mine and Mount Pleasant Project ensuring compliance with consent conditions.</li> </ul> </li> </ul>

(Note: References to tables, sections, figures and appendices are references to the EA MOD 1)

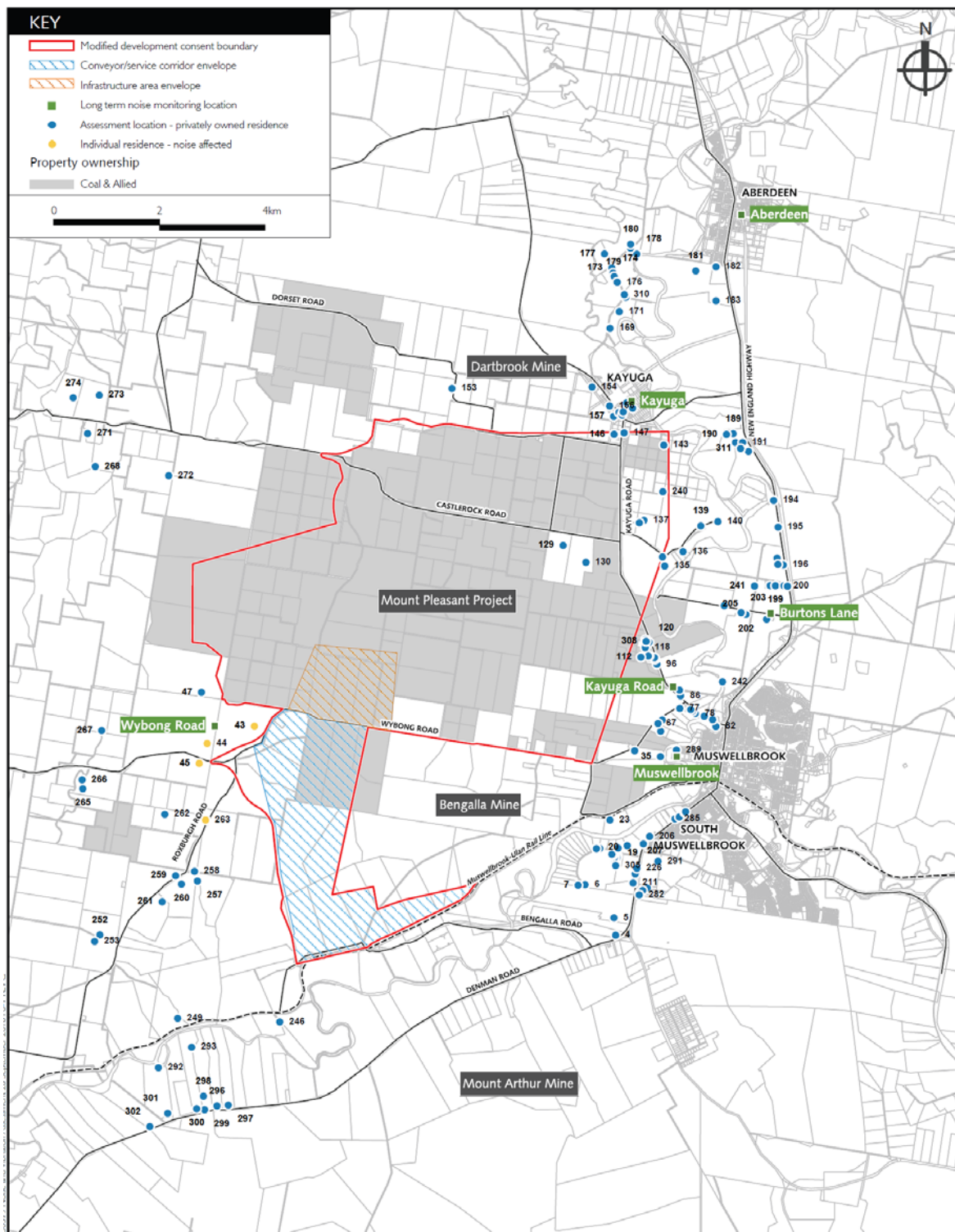
## APPENDIX 4 GENERAL TERMS FOR THE PLANNING AGREEMENT

Coal & Allied undertakes to make the following Development Contributions:

Note: where indicated in the following table CPI will be applied to the payment on each anniversary of the payment with the payment being increased in line with the CPI for the previous 12 month period.

Column 1	Column 2
Item	Development Contribution
Proposed Mt Pleasant Community Contribution	\$500,000 per annum (indexed annually according to CPI). A community representative committee will be established, including Coal & Allied representatives, to make recommendations to Council regarding these community contributions.
Council Roads Maintenance Costs	Costs associated with the maintenance of roads, as reasonably apportioned to the use of the road by Mount Pleasant, upto a maximum annual payment of \$220,000 per annum (indexed annually according to CPI). This contribution will be made for recurrent road maintenance to be used at Councils discretion for that purpose.
Environmental Officer	Coal & Allied to make contributions to an Environmental Officer, up to a maximum of \$20,000 per annum (indexed annually according to CPI).
Apprenticeships	Coal & Allied to use its best endeavours to engage 4 apprentices per year for the life of the mine sources from residents within the Muswellbrook Shire and Aberdeen.

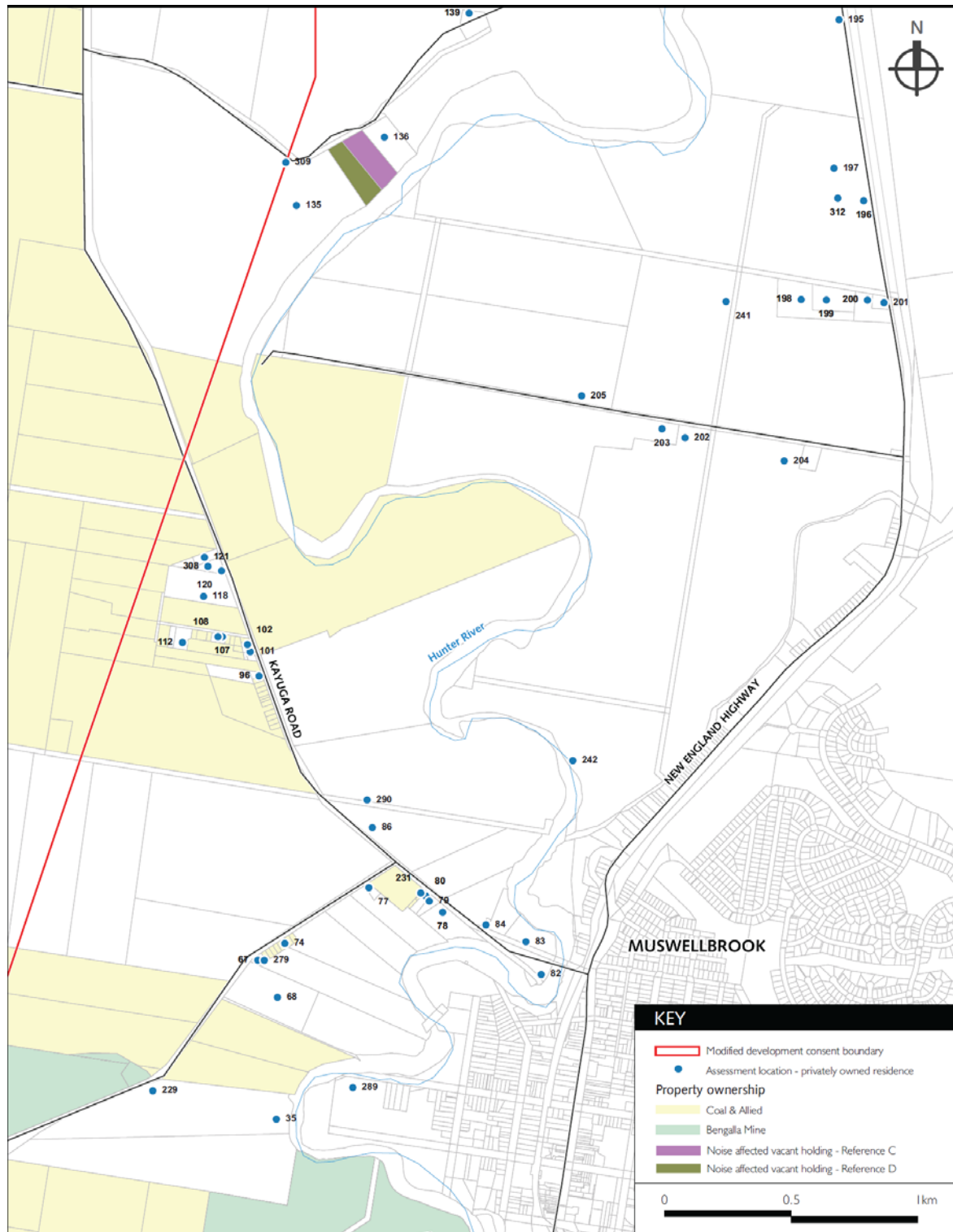
## APPENDIX 5 RECEIVER LOCATION PLANS



**COAL  
&  
ALLIED**

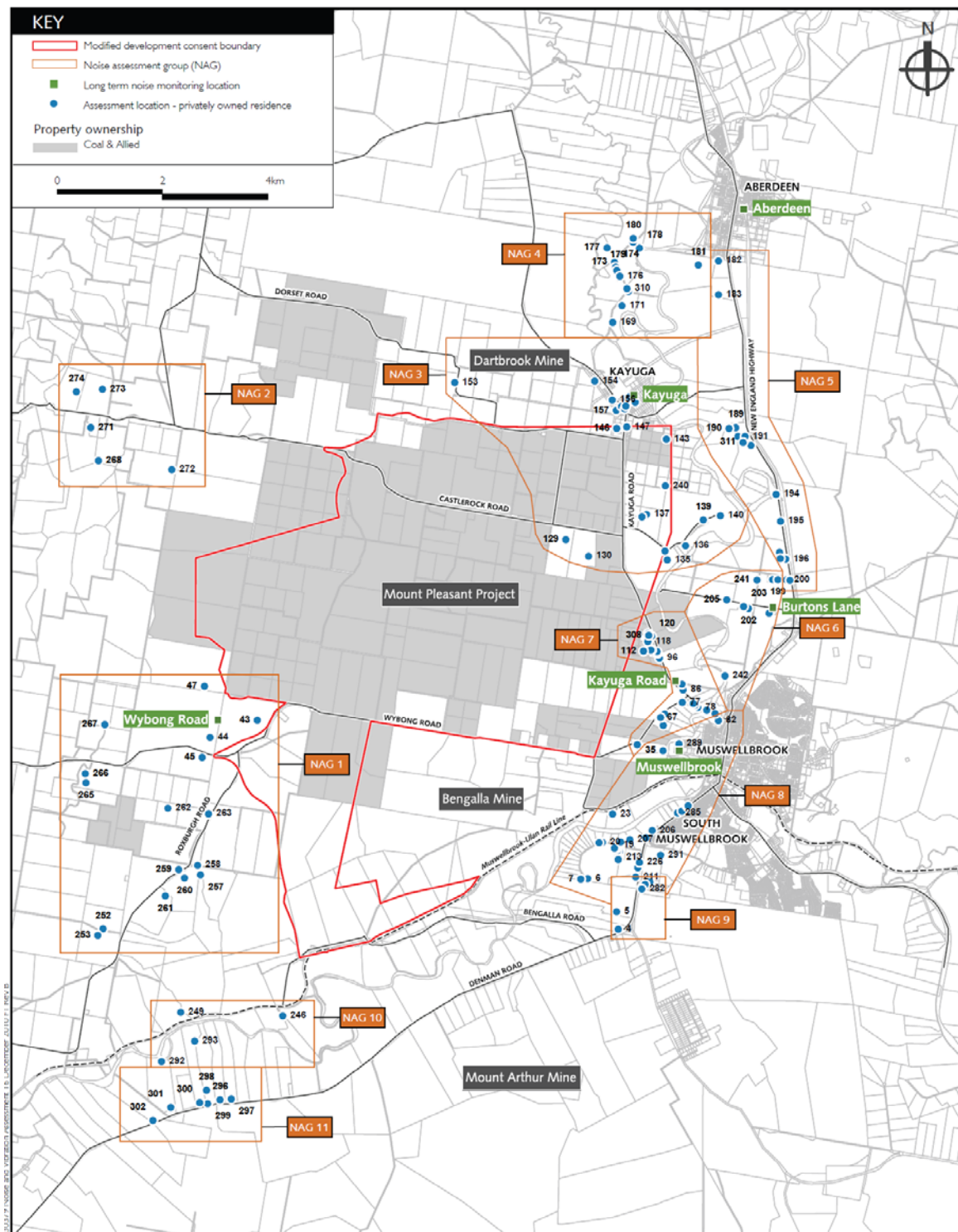
Proposed Modifications Noise Assessment and Affected Properties

Mount Pleasant Project Modification

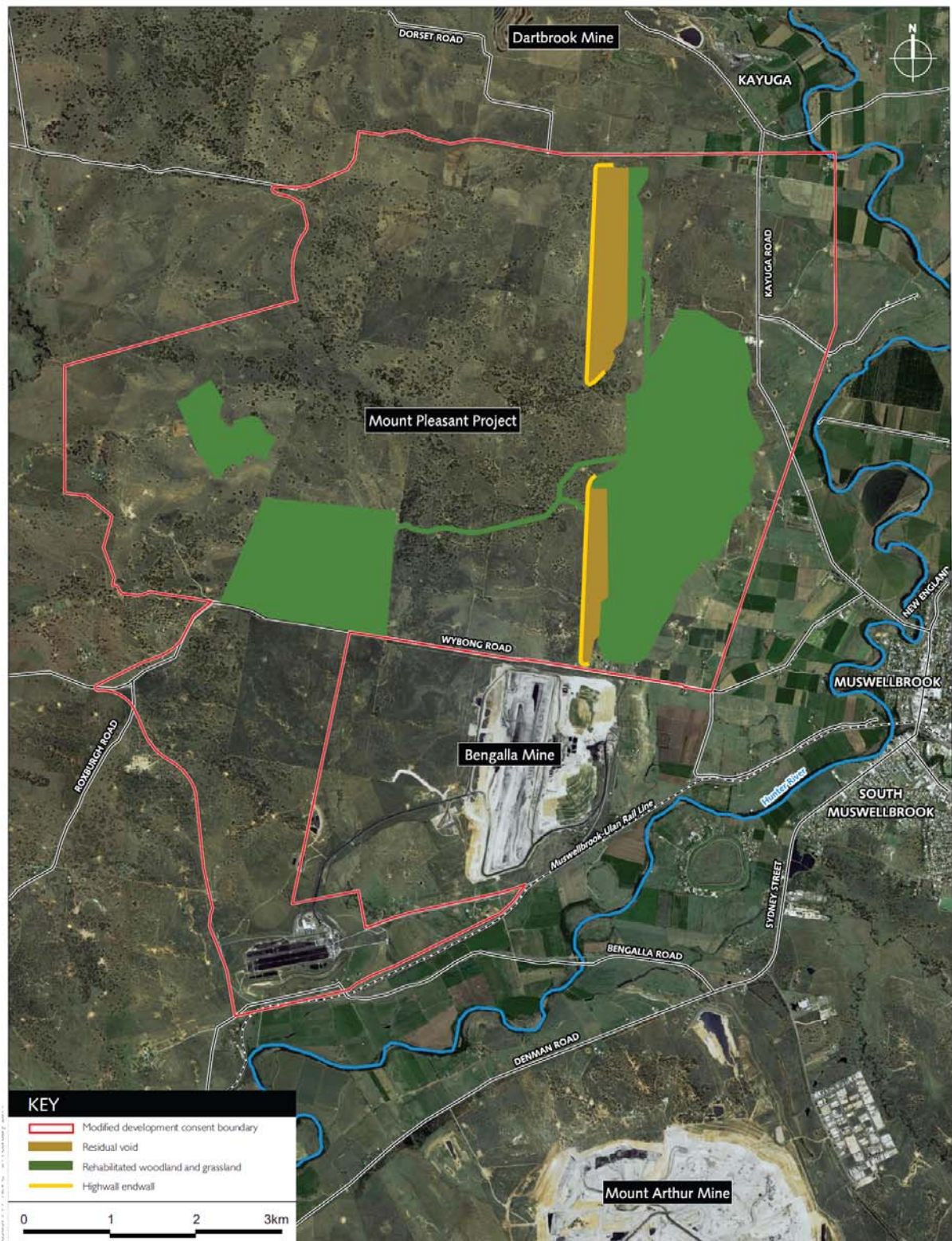




## APPENDIX 6 NOISE ASSESSMENT GROUPS



## APPENDIX 7 CONCEPTUAL FINAL LANDFORM – YEAR 6



Indicative Final Landform Year 6 Closure Scenario  
Mount Pleasant Project Modification

FIGURE I