

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I approve the project referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

These conditions are required to:

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

The Hon Kristina Keneally MP
Minister for Planning

Sydney

Signed: 24 March 2009

SCHEDULE 1

Project Application:	06_0261
Proponent:	Coal and Allied Operations Pty Limited
Approval Authority:	Minister for Planning
Land:	See Appendix 1
Project:	Hunter Valley Operations South Coal Project

Blue type represents December 2009 modification

Red type represents 3 February 2012 modification

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DEFINITIONS

Annual Review	The review required by Condition 4 of Schedule 5
BCA	Building Code of Australia
CCC	Community Consultative Committee
CHPP	Coal handling and preparation plant
Council	Singleton Shire Council
CNA	Coal and Allied Operations Pty Limited
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department
DRE	Division of Resources and Energy within the Department of Trade and Investment, Regional Infrastructure and Services
DSC	Dams Safety Committee
EA	Environmental assessment titled <i>Hunter Valley Operations South Coal Project Environmental Assessment Report, Volumes 1, 2 and 3</i> , dated January 2008, including the response to submissions
EA (Mod 1)	Environmental Assessment titled <i>Raising of Lake James Dam</i> , dated October 2009, and the response to submissions (including its Statement of Commitments) dated November 2009
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm to 10pm
HVGC	Hunter Valley Gliding Club Co-operative Limited
HVO	CNA's mining complex known as Hunter Valley Operations
HVO North	CNA's activities and facilities at its HVO mining complex located north of the Hunter River
HVO South	CNA's activities and facilities at its HVO mining complex located south of the Hunter River
Independent Dispute Resolution Process	The independent dispute resolution process as described in Appendix 9
LCPP	Lemington coal preparation plant
LCPP 'Short Loop' rail line	The rail loop and coal loading facilities shown in Appendix 7
Land	Land 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 approval
Material harm to the environment	Material harm to the environment as defined in <i>Protection of the Environment Operations Act 1997</i>
Mine water	Water that accumulates within active mining areas, coal reject emplacement areas, tailings dams and infrastructure areas (excluding sedimentation dams)
Mining Operations	The removal and emplacement of topsoil and overburden, and the extraction, processing, and transportation of coal carried out on site
Minister	Minister for Planning, or delegate
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
Privately-owned land	Land that is not owned by a public authority, or a mining company (or its subsidiary)
Project	The development described within the EA
Project Area	The area outlined in broken red line in Figure 2 in Appendix 2
Proponent	Coal and Allied Operations Pty Limited, or its successors in title
Reasonable and feasible	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. Feasible relates to engineering considerations and what is practical to build
Response to Submissions	The Proponent's response to issues raised in submissions, dated July 2008 and 15 September 2008
ROM	Run-of-Mine
RTA	Roads and Traffic Authority
Site	The land subject to this Project Approval, as listed in Appendix 1 and shown conceptually in Figure 2 of Appendix 2
Statement of Commitments	The Proponent's commitments in Appendix 3

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) statement of commitments;
 - (c) EA (Mod1); and
 - (d) conditions of this approval.

Notes:

- The general layout of the project is shown in Appendix 2.
- 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 approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable and feasible requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.

Limits on Approval

5. Mining operations may take place for a period of 21 years from the date of this approval.

Note: Under this approval, the Proponent is required to rehabilitate the site and carry out any additional undertakings to the satisfaction of both the Director-General and the Executive Director, Mineral Resources in DRE. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and those additional undertakings have been carried out satisfactorily.

6. The Proponent shall not extract more than 16 million tonnes of ROM coal a year from the site.

Management Plans/Monitoring Programs

7. With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.
8. The Proponent shall ensure that monitoring programs, management plans and the Environmental Management Strategy, as in existence at the date of this approval in December 2008, continue to be implemented (to the satisfaction of the Director-General) until replaced by monitoring programs and management plans approved in accordance with the conditions of this approval.

Surrender of Consents

9. Within 12 months of the date of this approval, the Proponent shall surrender all existing development consents and existing use rights associated with HVO South's mining operations and related facilities in accordance with clause 97 of the *EP&A Regulation*.
- 9A. Within 3 months of any modification to this approval, the Proponent shall review and if necessary revise any strategies/plans/programs required under this approval which are relevant to the modification to the satisfaction of the Director-General.

Structural Adequacy

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

Notes:

- Under Part 4A of the *EP&A Act*, the Proponent is required to obtain construction and occupation certificates for the proposed building works.

- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*

Demolition

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

Operation of Plant and Equipment

12. The Proponent shall ensure that all plant and equipment used on site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Development Contributions

13. Within 12 months from the date of this approval (unless otherwise agreed by the Director-General), the Proponent shall enter into an agreement with Singleton Council to provide development contributions to Council for the project, in accordance with Division 6 of Part 4 of the EP&A Act.

If the Proponent and Council cannot agree on the level or composition of the development contributions, then either party may refer the matter to the Director-General for resolution.

Dispute Resolution

14. In the event that the Proponent and the Council or a Government agency, other than the Department, cannot agree on the specification or requirements of this approval, the matter shall be referred by either party to the Director-General for resolution, whose determination of the disagreement shall be final and binding on the parties.
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SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

ACQUISITION OF AFFECTED PROPERTIES

Acquisition Upon Request

- Upon receiving a written request for acquisition from the owner of the land listed in Table 1, the Proponent shall acquire the land in accordance with the procedures in conditions 10-12 of schedule 4.

Table 1: Land subject to acquisition upon request

16 - Algie	38 - Henderson
32 - Algie (Curlewis)	
Keys (vacant land - Lot 2 DP 770905 and Lot 84 DP 753792)	

Note: 'Acquisition upon request' for 38 – Henderson commences with the recommencement of mining operations at any South Lemington pit.

NOISE

Noise Impact Assessment Criteria

- The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 2 at any residence on privately-owned land, or on more than 25% of any privately-owned land.

Table 2: Noise impact assessment criteria dB(A)

Land Number / Receiver	Day <i>L_{Aeq}(15 minute)</i>	Evening <i>L_{Aeq}(15 minute)</i>	Night <i>L_{Aeq}(15 minute)</i>	Night <i>L_{A1}(1 minute)</i>
Hunter Valley Gliding Club (when in use)	55	55	55	
7– Stapleton (Cheshunt East)	41	41	41	45
10 – Moses (Wandewoi)	37	37	37	45
<i>Maison Dieu residences</i>				
16 – Algie	42	42	42	45
32 – Algie (Curlewis)				
5 – Bowman, 47 – Moxey, 61 – Shearer and all other land on Shearer's Lane	41	41	41	45
34 – Ernst	40	40	40	45
50 – Nelson				
24 – Clifton and Edwards and residences located within 250 metres of this residence, not otherwise listed in this table	39	39	39	45
Maison Dieu residences within 1 kilometre of Shearers Lane, not otherwise listed in this table	37	37	37	45
All other Maison Dieu residences	35	35	35	45
<i>Jerrys Plains Road Residences</i>				
36 – Smith (ex Garland)	36	36	36	45
All Jerrys Plains Road residences other than Smith	35	35	35	45
Jerrys Plains village residences	35	35	35	45
<i>Warkworth residences</i>				
38 - Henderson	48	48	48	45
23 – Hawkes (Springwood)	43	43	43	45
45 – Kelly and all other privately-owned land in Warkworth village	43	43	43	45
All other privately-owned land	35	35	35	45

However, if the Proponent has a written negotiated noise agreement with any landowner of the land listed in Table 2, and a copy of this agreement has been forwarded to the Department and EPA, then the Proponent may exceed the noise limits in Table 2 in accordance with the negotiated noise agreement.

Notes:

- Noise impacts at HVCG are to be assessed in the immediate vicinity of its residential facilities and/or clubhouse. Noise impact assessment limits are only applicable during times of use that have been notified by HVGC to the Proponent.
- The land numbers and receiver references are as described in the EA, and shown in Appendix 4.
- To determine compliance with the $L_{Aeq(15 \text{ minute})}$ noise limits, noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- To determine compliance with the $L_{A1(1 \text{ minute})}$ noise limits, noise from the project is to be measured at 1 metre from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the project is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).
- The noise emission limits identified in the above table apply under meteorological conditions of:
 - wind speeds of up to 3 m/s at 10 metres above ground level; or
 - temperature inversion conditions of up to 3°C/100m, plus a 2 m/s source-to-receiver component drainage flow wind at 10 metres above ground level for those receivers where applicable in accordance with the NSW Industrial Noise Policy.

Land Acquisition Criteria

3. If the noise generated by the project exceeds the criteria in Table 3 at any residence on privately-owned land (not listed in Table 1 and not subject to acquisition on request by Wambo Coal Mine), or on more than 25% of any privately-owned land, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 7-9 of schedule 4.

Table 3: Land acquisition criteria dB(A)

Land Number / Receiver	Day	Evening	Night
	$L_{Aeq(15 \text{ minute})}$	$L_{Aeq(15 \text{ minute})}$	$L_{Aeq(15 \text{ minute})}$
36 – Smith (ex Garland)	43	41	41
All Maison Dieu residences	43	41	41
All Jerrys Plains Road residences other than Smith	43	40	40
All other privately-owned land	40	40	40

Note: Noise generated by the project is to be measured in accordance with the notes presented in Table 2.

Additional Noise Mitigation Measures

4. Upon receiving a written request from:
 - an owner of land listed in Table 1 (unless the landowner has requested acquisition or where a negotiated noise agreement established under this approval is in place); or
 - an owner of land listed in Table 4 (except where a negotiated noise agreement established under this approval is in place); or
 - any residence on privately-owned land where subsequent noise monitoring show the noise generated by the project is greater than or equal to the equivalent criteria in Table 5 (except where a negotiated noise agreement established under this approval is in place)
 the Proponent shall implement reasonable and feasible noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at any residence on the land in consultation with the landowner.

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

Within 3 months from the date of this approval, the Proponent shall notify all applicable landowners that they are entitled to receive noise mitigation measures, to the satisfaction of the Director-General.

Table 4: Land subject to additional noise mitigation upon request

17 – Algie	34 – Ernst
24 – Clifton and Edwards, and residences located within 250 metres of this residence	5 – Bowman, 47 – Moxey, 61 – Shearer and all other Shearers Lane residences
All privately-owned Warkworth residences	7 – Stapleton (Cheshunt East)

Table 5: Additional Noise Mitigation Criteria dB (A)

Land Number / Receiver	Day	Evening	Night
	<i>L_{Aeq}(15 minute)</i>	<i>L_{Aeq}(15 minute)</i>	<i>L_{Aeq}(15 minute)</i>
Maison Dieu residences	39	39	39
Smith (ex Garland)	39	39	39
Jerrys Plains Road residences except Smith	38	38	38
All other privately-owned land	38	38	38

Note: Noise generated by the project is to be measured in accordance with the notes to Table 2.

Continuous Improvement

5. The Proponent shall:
 - (a) continue to implement all reasonable and feasible best practice noise mitigation measures;
 - (b) continue to investigate ways to reduce the noise generated by the project, including maximum noise levels which may result in sleep disturbance; and
 - (c) report on these investigations and the implementation and effectiveness of these measures in the [Annual Review](#) to the satisfaction of the Director-General.

Monitoring

6. The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must:
 - (a) be submitted to the Director-General for approval within 6 months from the date of this approval, or other time agreed by the Director-General; and
 - (b) include a:
 - combination of real-time and supplementary attended monitoring measures; and
 - noise monitoring protocol for evaluating compliance with the noise impact assessment and land acquisition criteria in this approval.

Note: The requirement for this Noise Monitoring Program may, with the Director-General's approval, be satisfied as a component of CNA's Hunter regional noise monitoring program. This program should take into account monitoring requirements of neighbouring mines, and where possible, be integrated with these mines' monitoring networks.

BLASTING AND VIBRATION

Airblast Overpressure Impact Assessment Criteria

7. The Proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 6 at any residence on privately-owned land.

Table 6: Airblast overpressure impact assessment criteria

Airblast overpressure level (dB(Lin Peak))	Allowable exceedance
115	5% of the total number of blasts over a period of 12 months
120	0%

Ground Vibration Impact Assessment Criteria

8. The Proponent shall ensure that the ground vibration level from blasting at the project does not exceed the criteria in Table 7, at any residence on privately-owned land.

Table 7: Ground vibration impact assessment criteria

Peak particle velocity (mm/s)	Allowable exceedance
5	5% of the total number of blasts over a period of 12 months
10	0%

Note: Vibration shall be measured in accordance with applicable guidelines, including EPA's Assessing Vibration: A Technical Guideline (2006).

9. For St Philip's Church and the outbuildings at Archerfield, the Proponent shall ensure that ground vibration peak particle velocity generated by the project does not exceed 5 mm/s, or as otherwise approved by the Director-General.

Blasting Hours

10. The Proponent shall only carry out blasting on site between 7 am and 6 pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the EPA.

Operating Conditions

11. During mining operations on site, the Proponent shall implement best blasting practice to:
 - (a) protect the safety of people, property, public infrastructure, and livestock;
 - (b) minimise the dust and fume emissions from blasting at the project to the satisfaction of the Director-General.
12. The Proponent may carry out a maximum of:
 - (a) 3 blasts a day; and
 - (b) 15 blasts a week, on the site.
13. The Proponent shall not undertake blasting within 500 metres of any privately-owned land, unless suitable arrangements have been made with the landowner and any tenants to minimise the risk of flyrock-related impact to the property to the satisfaction of the Director-General.

Road Closure

14. The Proponent shall continue to implement its existing Road Closure Management Plan for the project to the satisfaction of RTA, Council and DRE.

Public Notice

15. During mining operations on site, the Proponent shall:
 - (a) notify the landowner/occupier of any residence within 2 kilometres of the mining area who registers an interest in being notified about the blasting schedule at the mine, or any other landowner nominated by the Director-General;
 - (b) operate a blasting hotline, or alternate system agreed to by the Director-General, to enable the public to get up-to-date information on the blasting schedule at the project;
 - (c) advertise the blasting hotline number in a local newspaper at least 4 times each year; and
 - (d) publish an up-to-date blasting schedule on its website to the satisfaction of the Director-General.

Property Inspections

16. At least 3 months prior to blasting within 2 kilometres of any privately-owned land, or any other landowner nominated by the Director-General, the Proponent shall advise applicable landowners that they are entitled to a structural property inspection.

If the Proponent receives a written request for a structural property inspection from the landowner, the Proponent shall within 2 months of receiving this request and prior to blasting within 2 kilometres of the property:

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and
- (b) give the landowner a copy of the property inspection report.

Note: This condition does not operate so as to prevent blasting within the first 3 months of this approval as consents applying to the site contain similar provisions for the inspection or residences potentially affected by blasting operations.

Property Investigations

17. If any landowner of privately-owned land within 2 kilometres of blasting operations, or any other landowner nominated by the Director-General, claims that buildings and/or structures on his/her land have been damaged as a result of blasting at the project, the Proponent shall within 3 months of receiving this claim:
- (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 Proponent shall repair the damages to the satisfaction of the Director-General.

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

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 9).

Blast Monitoring Program

18. The Proponent shall prepare and implement a Blast Monitoring Program for the project to the satisfaction of the Director-General. This program must:
- (a) be submitted to the Director General for approval within 6 months from the date of this approval, or as otherwise agreed by the Director-General; and
 - (b) include a protocol for evaluating blasting impacts on, and demonstrating compliance with, the blasting criteria in this approval for all privately-owned residences and structures.

Note: The requirement for this Blast Monitoring Program may, with the Director-General's approval, be satisfied as a component of CNA's Hunter regional blast monitoring program. This program should take into account monitoring requirements of neighbouring mines, and where possible, be integrated with the mines' monitoring networks.

AIR QUALITY

Impact Assessment Criteria

19. The Proponent shall ensure that dust generated by the project does not cause additional exceedances of the air quality impact assessment criteria listed in Tables 8, 9, and 10 at any residence on privately-owned land, the Hunter Valley Gliding Club (when in use) or on more than 25 percent of any privately-owned land.

Table 8: Long term impact assessment criteria for particulate matter

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

Table 9: Short term impact assessment criterion for particulate matter

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

Table 10: Long term impact assessment criteria for deposited dust

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

Notes:

- Air quality impacts at HVGC are to be assessed in the immediate vicinity of its residential facilities and/or clubhouse. Air quality limits are only applicable during times of use that have been notified by HVGC to the Proponent.
- Deposited dust is assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method, or its latest version.

However, if the Proponent has a written negotiated air quality agreement with any landowner or HVGC to exceed the air quality limits in Table 8, 9 and/or 10, and a copy of this agreement has been forwarded to the Department and EPA, then the Proponent may exceed the air limits in Table 8, 9 and/or 10 in accordance with the negotiated air quality agreement.

Land Acquisition Criteria

20. If the dust emissions generated by the project exceed the criteria in Tables 11, 12, and 13 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 7-9 of schedule 4.

Table 11: Long term land acquisition criteria for particulate matter

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

Table 12: Short term land acquisition criteria for particulate matter

Pollutant	Averaging period	Criterion	Percentile¹	Basis
Particulate matter < 10 µm (PM ₁₀)	24 hour	150 µg/m ³	99 ²	Total ³
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³	98.6	Increment ⁴

¹Based on the number of block 24 hour averages in an annual period.

²Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Director-General in consultation with EPA.

³Background PM₁₀ concentrations due to all other sources plus the incremental increase in PM₁₀ concentrations due to the mine alone.

⁴Incremental increase in PM₁₀ concentrations due to the mine alone.

Table 13: Long term land acquisition criteria for deposited dust

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

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

Additional Air Quality Impact Mitigation Measures

21. Upon receiving a written request from:
- an owner of land listed in Table 1 (unless the landowner has requested acquisition); or
 - an owner of land listed in Table 14
- the Proponent shall implement reasonable and feasible air quality impact mitigation measures (such as air conditioning, first flush drinking water collection systems etc) at any residence on the land, in consultation with the landowner.

However, if the Proponent has an air quality agreement with the owner of any land listed in Table 1 or Table 14 and a copy of this agreement has been forwarded to the Department and EPA, then the Proponent does not have to implement such measures.

If within 3 months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution. Within 3 months of the date of this approval, the Proponent shall notify all applicable landowners that they are entitled to receive air quality impact mitigation measures, to the satisfaction of the director-General.

Table 14: Land subject to additional air quality impact mitigation upon request

7 – Stapleton (Cheshunt East)	34 – Ernst
24 – Clifton and Edwards and residences located within 250 metres of this residence.	50 – Nelson
	56 – Edwards

Operating Conditions

22. The Proponent shall:
- (a) ensure any visible air pollution generated by the project is assessed regularly, and that mining operations are relocated, modified, and/or stopped as required to minimise air quality impacts on privately-owned land;
 - (b) ensure that the real-time air quality monitoring and meteorological monitoring data is assessed regularly and, where the dust is generated by the project, that mining operations are relocated, modified and/or stopped as required to ensure compliance with the relevant air quality criteria, and in particular to mitigate dust emission impacts for Maison Dieu and Warkworth residences; and
 - (c) implement all practicable measures to minimise the off-site odour and fume emissions generated by any spontaneous combustion or blasting activities on site to the satisfaction of the Director-General.

Monitoring

23. The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. This program must:
- (a) be submitted to the Director-General for approval within 6 months of the date of this approval, or as otherwise agreed by the Director-General; and
 - (b) include:
 - high-volume and real-time samplers to monitor the dust emissions of the project; and
 - an air quality monitoring protocol for evaluating compliance with the air quality impact assessment and land acquisition criteria in this approval.

Note: The requirement for this Air Quality Monitoring Program may, with the Director-General's approval, be satisfied as a component of CNA's Hunter regional air quality monitoring program. This program should take into account monitoring requirements of neighbouring mines, and where possible, be integrated with these mines' monitoring networks.

METEOROLOGICAL MONITORING

24. During the life of the project, the Proponent shall ensure that there is a suitable meteorological station in the vicinity of the site that complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline.

SURFACE AND GROUND WATER

Discharge Limits

25. The Proponent shall only discharge mine water from the site in accordance with the provisions of an EPL, section 120 of the *Protection of the Environment Operations Act 1997* or the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

Protection of Watercourses

26. The Proponent shall:
- (a) ensure mining operations do not interfere with the stability of the Hunter River, Wollombi Brook and creek lines located outside the area of mining operations; and
 - (b) retain a buffer zone of 150 metres, or less if agreed by the Director-General following consultation with **NOW**, from the edge of open cut pits and the high bank of the Hunter River and its connected alluvium, excepting the area of the site adjacent to the Hobden Gully levee.

Note: The requirement under condition 23(b) does not apply to lands, part of the site, located to the north of the Hunter River.

Water Management Plan

27. The Proponent shall prepare and implement a Water Management Plan to the satisfaction of the Director-General. This Plan must:
- (a) be prepared in consultation with **NOW** by a suitably qualified expert whose appointment has been approved by the Director-General;
 - (b) be submitted to the Director-General for approval within 6 months of this approval or otherwise agreed by the Director-General; and
 - (c) include:
 - a site water balance, which includes details of sources and security of water supply, on site water use and management and off site water transfers and investigates and describes measures to minimise water use by the project;
 - an erosion and sediment control plan for surface works on the site that is consistent with the requirements of the *Managing Urban Stormwater: Soils and Construction Manual* (Landcom 2004, or its latest version);
 - a program for review of groundwater modelling that includes assessment of the effect of short and long-term changes to groundwater quality and mobilisation of salts;
 - a surface water monitoring program that includes:
 - detailed baseline data of surface water flows and quality in the watercourses that could be affected by the project, including the Hunter River and Wollombi Brook;
 - surface water impact assessment criteria, including trigger levels for investigating potentially adverse surface water impacts of the project; and
 - a program to monitor surface water flows and quality in the watercourses that could be affected by the project;
 - a groundwater monitoring program that includes:
 - additional baseline data of groundwater levels, yield and quality in the region, and privately-owned groundwater bores, which could be affected by the project;
 - groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts of the project; and
 - a program to monitor:
 - groundwater inflows to the open cut mining operations; and
 - impacts of the project on the region's aquifers, any groundwater bores, and surrounding watercourses, and in particular, the Hunter River and Wollombi Brook and adjacent alluvium; and
 - a surface and groundwater response plan which describes the measures and/or procedures that would be implemented to:
 - respond to any exceedances of the surface water and groundwater assessment criteria;
 - offset the loss of any baseflow to watercourses caused by the project;
 - compensate landowners of privately-owned land whose water supply is adversely affected by the project; and
 - mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation, and Hunter River Red Gum populations located within and adjacent to the site.

Note: The requirements for the Surface and Ground Water Quality Monitoring Programs and Response Plan may, with the Director-General's approval, be satisfied as a component of CNA's Hunter regional environmental monitoring program.

Groundwater Impacts Report

28. The Proponent shall provide an annual report of alluvial and hard rock buffer groundwater levels. This report shall:
- (a) be provided to **NOW** and the Department in the **Annual Review** each year following the reporting period;
 - (b) include interpreted drawdown levels resulting from existing and/or ongoing mining operations of the project; and
 - (c) account for any drawdown loss of alluvial groundwater or river flows to the satisfaction of the Director-General.
- 28A. The Proponent shall design and construct Lake James (as described in the documents listed in condition 2(c) of schedule 2) to the satisfaction of the DSC. The final dam design, as submitted to DSC, must be accompanied by a detailed assessment of the potential operational and environmental risks associated with the dam.

REHABILITATION AND LANDSCAPE

Biodiversity Offset Strategy

29. *Deleted*

River Red Gum Restoration Strategy

30. Within 12 months of the date of this approval, or otherwise agreed by the Director-General, the Proponent shall review, revise and provide a timetable for the implementation the HVO River Red Gum Strategy for the Hunter River and Wollombi Brook river red gum populations (as shown in Appendix 8), in consultation with **NOW** and **EPA**, and to the satisfaction of the Director-General. This strategy must be prepared by suitably qualified expert/s, and must include:
- (a) the conservation and restoration objectives for the river red gum populations;
 - (b) a description of the short, medium and long term measures that would be implemented to conserve and restore the river red gum populations (including measures to address matters which affect the long term health and sustainability of the river red gums such as surface and ground water supply, and controlling weeds, livestock and feral animals); and
 - (c) detailed assessment and completion criteria for the conservation and restoration of the river red gum populations.

Hunter Lowland Red Gum Forest

31. The Proponent shall protect all stands of the Hunter Lowland Red Gum Forest (also identified as Hunter Floodplain Red Gum Woodland Complex in the EA) endangered ecological community within the site, and adjacent lands under the control of the Proponent, as shown in Appendix 8, to the satisfaction of the Director-General.

Habitat Management Areas

32. *Deleted*

Strategic Study Contribution

33. If, during the project, the Department or the **EPA** commissions a strategic study into the regional vegetation corridor stretching from the Wollemi National Park to the Barrington Tops National Park, then the Proponent shall contribute a reasonable amount, up to \$10,000, towards the completion of this study.

Rehabilitation

34. The Proponent shall progressively rehabilitate the site in a manner that is generally consistent with the final landform set out in the EA (shown conceptually in Appendix 6) to the satisfaction of the **Executive Director, Mineral Resources in DRE** and the Director-General.

Landscape Management Plan

35. The Proponent shall prepare and implement a detailed Landscape Management Plan for the project to the satisfaction of the Director-General and the **Executive Director, Mineral Resources in DRE**. This plan must:
- (a) be prepared by suitably qualified expert/s;
 - (b) be prepared in consultation with **NOW**, **DRE** and Council where appropriate jurisdictions exist;
 - (c) be submitted for approval within 12 months from the date of this approval or as otherwise approved by the Director-General; and

- (d) include:
- a **Rehabilitation and Biodiversity Management Plan**;
 - Final Voids Management Plans; and
 - a Mine Closure Plan.

Note: The Department accepts that the initial Landscape Management Plan may not include the detailed Final Void Management Plan and Mine Closure Plan. However, if this occurs, the Proponent will be required to seek approval from the Director-General for an alternative timetable for the completion and approval of the Final Void Management Plan and Mine Closure Plan.

Rehabilitation and Biodiversity Management Plan

36. The Rehabilitation and **Biodiversity** Management Plan must include:
- the objectives for rehabilitation of the site and offset area;
 - a description of how the rehabilitation of the site would be integrated with the rehabilitation and offset strategies of the Warkworth/Mt Thorley, Wambo, United, HVO North, Ravensworth West, Ravensworth South, Narama and Ashton mines to ensure there is a comprehensive strategic framework for the restoration and enhancement of the landscape over time;
 - a description of the short, medium, and long term measures that would be implemented to:
 - rehabilitate the site;
 - manage the remnant vegetation and habitat on the site;
 - maximise effective habitat linkages to surrounding vegetated lands;
 - conserve and reuse topsoil;
 - control weeds, feral pests and access; and
 - manage any potential conflicts between the rehabilitation works and Aboriginal cultural heritage;
 - detailed performance and completion criteria for the rehabilitation of the site;
 - a detailed description of how the performance of the rehabilitation of the mine would be monitored over time to achieve the stated objectives;
 - a detailed description of what measures and procedures would be implemented over the next 3 years to rehabilitate the site;
 - a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
 - details of who (by person and/or position) is responsible for monitoring, reviewing, and implementing the plan.

Notes: Reference to "rehabilitation" in this approval includes all works associated with the rehabilitation and restoration of the site as described in the EA.

Final Voids Management

37. A Final Void Management Plan must:
- be prepared for each proposed final void at least 5 years prior to the completion of mining in the vicinity of the proposed void;
 - incorporate design criteria and specifications for the final void based on verified groundwater modelling predictions and a re-assessment of post-mining groundwater equilibration;
 - assess potential uses of the void, such as off stream water storage;
 - assess the potential interactions between the Hunter River and its connected alluvium and the final void; and
 - describe what actions and measures would be implemented to:
 - minimise any potential adverse impacts associated with the final void; and
 - manage and monitor the potential impacts of the final void.

Mine Closure Plan

38. The Mine Closure Plan must:
- be prepared in consultation with **NOW**, **DRE** and Council;
 - define the objectives and criteria for mine closure;
 - investigate options for the future use of the site, including the final void;
 - investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;
 - describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and
 - describe how the performance of these measures would be monitored over time.

Conservation and Biodiversity Offset Implementation Bond

39. **Deleted**

ABORIGINAL HERITAGE

Aboriginal Heritage Management Plan

40. The Proponent shall prepare and implement an Aboriginal Heritage Management Plan for the project to the satisfaction of the Director-General. The Plan must:
- (a) be prepared in consultation with EPA and the Aboriginal community;
 - (b) be submitted to the Director-General for approval within 12 months of this approval or as otherwise agreed by the Director-General; and
 - (c) include:
 - measures to be taken to avoid impacts to Aboriginal cultural heritage values at all stages of the project. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community;
 - a program for the recording, salvage and surface collection of Aboriginal objects/sites within the site;
 - a program for the conservation of the other Aboriginal objects/sites within the site, including measures to secure, analyse and record the objects/sites;
 - definition of restricted access zones to protect Sites 26-44, 47-58, 84-100, 102-104 and 107-109 from disturbance;
 - measures to ensure potential impacts to Sites 26-44, 47-58 and 107-109 by the proposed rail spur and loop are avoided;
 - measures to provide for the controlled collection of Sites 1-24, 59-79, 80-83, 101 and 105-106, where avoidance of impacts by planned mining and infrastructure activities is not possible;
 - provision for a long term 'keeping place' and care and control plan for any Aboriginal objects recovered from the site;
 - provisions for Aboriginal cultural heritage awareness training for all HVO South employees, and as a component of mine site inductions for contractors working at HVO South;
 - a description of the measures that would be implemented if any Aboriginal skeletal remains are discovered during the project;
 - a protocol for the ongoing consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the objects/sites; and
 - a protocol for the regular review of the Plan's effectiveness.

Notes:

- The requirements for the Aboriginal Heritage Management Plan may, with the Director-General's approval, be satisfied as a component of CNA's Hunter regional Aboriginal heritage management plan.
- The Aboriginal cultural heritage sites and site numbers referenced in this condition are provided in Section 12 and Annex M of the EA.

TRANSPORT AND UTILITIES

Monitoring of Coal Transport

41. The Proponent shall keep records of the amount of coal transported from the site each year, and include these records in the **Annual Review**.

Coal Haulage Limits

42. The Proponent shall not transport coal from the project by public roads, unless otherwise approved by the Director-General.

Relocation of Comleroi Road

43. The Proponent shall:
- (a) prior to construction, consult with all road users and Council about the proposed road works and their timing;
 - (b) develop and implement procedures for road closures and diversions to be undertaken during the construction of the relocated road; and
 - (c) construct the relocated section of the road to the satisfaction of Council.

Jerrys Plains Road Heavy Equipment Crossing

44. Prior to the relocation of any heavy equipment, to or from the project, that would require Jerrys Plains Road to be closed to public traffic, the Proponent shall obtain approval for each planned road closure from RTA and then undertake each transfer of equipment across Jerrys Plains Road in accordance with any approval obtained from RTA for this purpose.

Coal Conveyor to HVO North

45. The Proponent shall design and construct the conveyor to HVO North to the satisfaction of **DRE** and **NOW**. A copy of all final documentation shall be provided to the Director-General within 6 months of the completion of its construction.

LCPP 'Short Loop' Rail Line

46. Prior to the commencement of construction activities for the Lemington Coal Preparation Plant 'short loop' rail line and coal loading facilities, the Proponent shall provide an alternative area of Habitat Management Area, to replace that disturbed by mining operations or construction of mine infrastructure, to the satisfaction of the Director-General.

Hunter Valley Gliding Club Co-operative Limited

47. While HVGC continues to use its facilities within the site, the Proponent shall maintain an agreement with HVGC to address the potential impact of the mine on the use and operation of HVGC's facilities, including the potential impacts to the flight paths from dragline operations. This agreement shall take into consideration the impacts of the dragline position on:
- useable length of the runway;
 - interference with flight paths; and
 - guidelines of the Department of Aviation.

Note: This condition shall cease to operate if both parties agree to terminate the agreement and the need for an agreement.

48. The Proponent shall not conduct any activity associated with the project above the obstacle limitation surface (OLS) as shown in Figure 2.3 of the *HVO South Coal Project Response to Submissions Report (July 2008)* unless agreed with HVGC.
49. The Proponent shall develop an Amenity Management Plan for HVGC's facilities within the site. This Plan shall;
- (a) be prepared in consultation with the Hunter Valley Gliding Club;
 - (b) be submitted to the Director-General for approval 6 months prior to the commencement of mining in the Riverview South East Extension Area, or otherwise agreed by the Director-General;
 - (c) include a risk assessment to identify those circumstances most likely to generate impacts from mining operations on gliding activities and use of the club's residential facilities;
 - (d) include details of any proposed modifications to the HVO South mine plan to exclude land owned by the Hunter Valley Gliding Club;
 - (e) provide for additional air quality and noise modelling of the potential impacts of modified mining activities; and
 - (f) identify and implement management measures for mining activities to ensure that air quality and noise emissions meet respective impact assessment criteria, or obtain written agreement from the Hunter Valley Gliding Club to exceed these criteria
- to the satisfaction of the Director-General.

If the Proponent and HVGC cannot agree on the level or composition of the Amenity Management plan, then either party may refer the matter to the Director-General for resolution.

Should the Hunter Valley Gliding Club cease to operate its facilities at the site, the Proponent's obligations under this condition shall cease.

VISUAL AMENITY

Lighting Emissions

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

Visual Impact Mitigation

51. Within 12 months of this approval, or otherwise agreed by the Director-General, the Proponent shall prepare a visual impact mitigation report for the project to the satisfaction of the Director-General. This report shall:
- (a) be prepared in consultation with Council;

- (b) identify the privately-owned residences and public roads that are likely to experience significant additional visual impacts from the project during its operation; and
 - (c) describe (in general terms) the mitigation measures that could be implemented to reduce the visibility of the mine from these residences and roads.
52. Within 3 months of the Director-General approving this report, the Proponent shall advise all owners of residences identified in the report that they are entitled to mitigation measures to reduce the visibility of the mine from their properties and reach agreement with Council about mitigation measures (if any) to be implemented for public roads. If the Proponent and Council cannot agree about these measures, the matter shall be referred by either party to the Director-General for resolution.

Note: The additional visual impact mitigation measures must be aimed at reducing the visibility of the mine from significantly affected residences and do not necessarily require measures to reduce visibility of the mine from other locations on the affected properties. The additional visual impact mitigation measures do not necessarily have to include measures on the affected property itself (i.e. the additional measures may consist of measures outside the affected property boundary that provide an effective reduction in visual impacts).

GREENHOUSE & ENERGY EFFICIENCY

53. The Proponent shall implement all reasonable and feasible measures to minimise greenhouse gas emissions from the project to the satisfaction of the Director-General.
54. Within 12 months of this approval or otherwise agreed by the Director-General, the Proponent shall prepare and implement a Greenhouse and Energy Efficiency Plan for the project. This plan must:
- (a) be prepared generally in accordance with the *Guidelines for Energy Savings Action Plans* (DEUS 2005, or its latest version);
 - (b) be submitted to the Director-General for approval;
 - (c) include a program to estimate/monitor greenhouse gas emissions and energy use generated by the project;
 - (d) include a framework for investigating and implementing measures to reduce greenhouse gas emissions and energy use at the project;
 - (e) include a research program to inform the continuous improvement of the greenhouse gas minimisation measures at the project, including a feasibility study to identify and assess potential options for the capture and reuse of coal seam methane;
 - (f) describe how the performance of these measures would be monitored over time; and
 - (g) report on the project's greenhouse gas emissions and minimisation measures in the **Annual Review**
- to the satisfaction of the Director-General.

WASTE

55. The Proponent shall:
- (a) monitor the amount of waste generated by the project;
 - (b) investigate ways to reuse, recycle or minimise this waste;
 - (c) implement reasonable and feasible measures to minimise this waste;
 - (d) ensure irrigation of treated wastewater is undertaken in accordance with [EPA's Environmental Guideline for the Utilisation of Treated Effluent](#); and
 - (e) report on waste management and minimisation in the **Annual Review**
- to the satisfaction of the Director-General.
56. Within 12 months of this approval or otherwise agreed by the Director-General, the Proponent shall install and operate a wastewater treatment system with adequate capacity to treat wastewater loads from the Lemington workshop and facilities, to the satisfaction of [EPA](#).
57. Except as expressly permitted in a licence under the *Protection of the Environment Operations Act 1997* or by the *Protection of the Environment Operations Amendment (Scheduled Activities and Waste) Regulation 2008*, waste must not be:
- (a) received at the project site for storage, treatment, processing or disposal; or
 - (b) disposed of at the project site.

HAZARDS

Dangerous Goods

58. The Proponent shall ensure that the storage, handling, and transport of:
- (a) dangerous goods is done in accordance with the relevant *Australian Standards*, particularly *AS1940* and *AS1596*, and the *Dangerous Goods Code*; and
 - (b) explosives are managed in accordance with the requirements of **DRE**.

Fire Control

59. During the project, the Proponent shall:
- (a) ensure that it maintains suitable equipment 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 on site.
60. The Proponent shall ensure that it maintains a Fire Management Plan for the site, in consultation with Council and the Rural Fire Service.
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**SCHEDULE 4
ADDITIONAL PROCEDURES FOR AIR QUALITY AND NOISE MANAGEMENT**

NOTIFICATION OF LANDOWNERS

1. Within 1 month of this approval, the Proponent shall notify the landowners of the land listed in Table 1 in writing that they have the right to require the Proponent to acquire their land at any stage of the project (subject to the note to that Table).
2. If the results of monitoring required in Schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria in Schedule 3, except where this is predicted in the documents listed in condition 2 of Schedule 2 or where a negotiated agreement has been entered into in relation to that impact, then the Proponent shall, within 2 weeks of obtaining the monitoring results, notify the Director-General, the affected landowners and tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in Schedule 3.
3. If the results of monitoring required in Schedule 3 identify that impacts generated by the project are greater than the relevant air quality impact assessment criteria in Schedule 3, then the Proponent shall send the relevant landowners and tenants (including tenants of mine owned properties) a copy of the NSW Health fact sheet entitled "Mine Dust and You" (and associated updates) in conjunction with the notification required in condition 2.

INDEPENDENT REVIEW

4. If a landowner considers the project to be exceeding the impact assessment criteria in Schedule 3, except where this is predicted in the EA, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 2 months of the Director-General's decision:

- (a) consult with the landowner to determine his/her concerns;
 - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to:
 - determine whether the project is complying with the relevant impact assessment criteria in Schedule 3; and
 - identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and
 - (c) give the Director-General and landowner a copy of the independent review.
5. If the independent review determines that the project is complying with the relevant impact assessment criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

If the independent review determines that the project is not complying with the relevant impact assessment criteria in Schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:

- (a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria, and conduct further monitoring to determine whether these measures ensure compliance; or
 - (b) secure a written agreement with the landowner to allow exceedances of the relevant impact assessment criteria,
- to the satisfaction of the Director-General.

However, if the further monitoring referred to under paragraph (a) above determines that the project is complying with the relevant impact assessment criteria, then the Proponent may discontinue the independent review with the approval of the Director-General.

If the independent review determines that the project is not complying with the relevant land acquisition criteria in Schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall offer to acquire all or part of the landowner's land in accordance with the procedures in conditions 7-9 below, to the satisfaction of the Director-General.

6. If the independent review determines that the relevant impact assessment criteria in Schedule 3 are being exceeded, but that more than one mine is responsible for this non-compliance, then the Proponent shall, together with the relevant mine/s:
 - (a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the relevant impact assessment criteria are complied with, and conduct further monitoring to determine whether these measures ensure compliance; or

- (b) secure a written agreement with the landowner and other relevant mines to allow exceedances of the relevant impact assessment criteria in Schedule 3, to the satisfaction of the Director-General.

If the further monitoring referred to under paragraph (a) above determines that the project is complying with the relevant impact assessment criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

If the independent review determines that the relevant land acquisition criteria in Schedule 3 are being exceeded, but that more than one mine is responsible for this non-compliance, then the Proponent shall acquire all or part of the landowner's land on as equitable basis as possible with the relevant mine/s, in accordance with the procedures in conditions 7-9 below, to the satisfaction of the Director-General.

LAND ACQUISITION

7. Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:
- (a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the project the subject of the project application, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of 'additional noise mitigation measures' in condition 4 of schedule 3, 'additional air quality impact mitigation measures' in condition 21 of schedule 3, or 'additional visual impact mitigation measures' in condition 52 of schedule 3;
 - (b) the reasonable costs associated with:
 - relocating within the Singleton or Muswellbrook local government areas, or to any other local government area determined by the Director-General;
 - 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 following this period, the Proponent 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 (the API) to appoint a qualified independent valuer to:

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

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

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Director-General for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Director-General shall determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above and the independent valuer's report. Within 14 days of this determination, the Proponent 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 Proponent's binding written offer under this condition within 6 months of the offer being made, then the Proponent's obligations to acquire the land shall cease, unless the Director-General determines otherwise.

8. The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 7 above.
 9. If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall also pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.
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SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:
 - (a) be submitted to the Director-General for approval within 6 months of this project approval or otherwise agreed by the Director-General;
 - (b) provide for the strategic context for the environmental management of the project;
 - (c) identify the statutory requirements that apply to the project;
 - (d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance;
 - manage cumulative impacts; and
 - respond to emergencies;
 - (e) include an environmental monitoring program for the project that includes all the monitoring requirements of this approval;
 - (f) describe how the various incident and approval reporting requirements of the project would be integrated into a single reporting system; and
 - (g) describe the role, responsibility, authority and accountability of all the key personnel involved in the environmental management of the project.

Note: The requirements for the Environmental Management Strategy may, with the Director-General's approval, be satisfied as a component of CNA's Hunter regional environmental management strategy.

REPORTING

Incident Reporting

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

Regular Reporting

3. The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.

Annual Review

4. By the end of March each year, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:
 - (a) describe the development that was carried out in the previous calendar 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 project over the previous calendar year, which includes a comparison of these results against:
 - the relevant statutory requirements, limits or performance measures/criteria;
 - the monitoring results of previous years; and
 - the relevant predictions in the EA;
 - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the project;
 - (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the next year to improve the environmental performance of the project.

INDEPENDENT ENVIRONMENTAL AUDIT

5. By 31 March 2010, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:

- (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
- (b) include consultation with the relevant agencies;
- (c) assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval and any relevant mining lease and EPL (including any strategy, plan or program required under these approvals); and
- (d) review the adequacy of strategies, plans and/or programs required under these approvals; and, if appropriate,
- (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.

Note: This audit team should be led by a suitably qualified auditor, and include experts in the field of noise and air quality, surface water and groundwater and mine rehabilitation.

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

COMMUNITY CONSULTATIVE COMMITTEE

- 8. The Proponent shall operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General in general accordance with the *Guideline for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version)*.

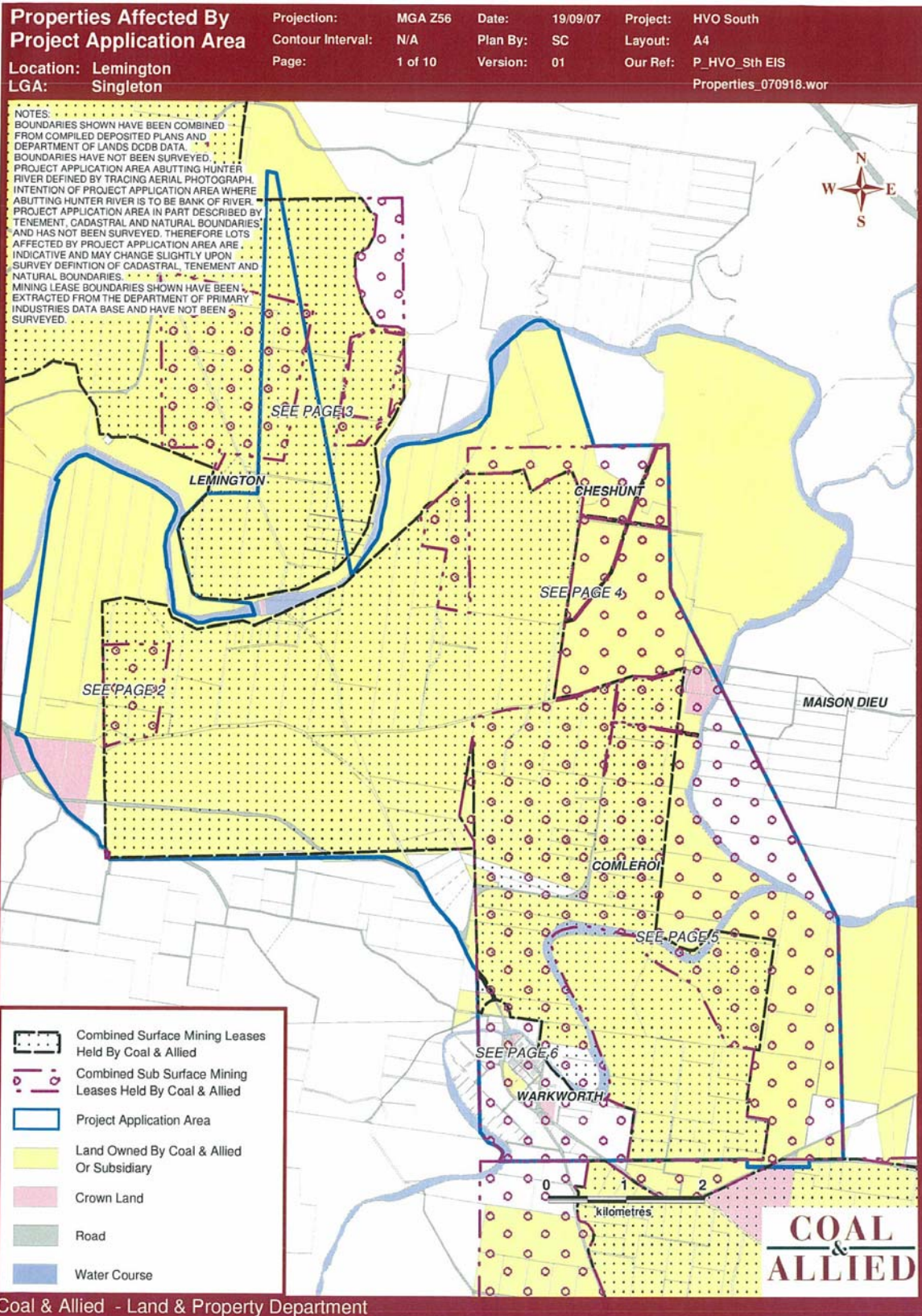
Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval.*
- *In accordance with the Guideline, the Committee should comprise an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the general community in the area of the development.*
- *With the approval of the Director-General, this CCC may be combined with the CCC for HVO North.*

ACCESS TO INFORMATION

- 9. **The Proponent shall:**
 - (a) **make the following information publicly available on its website:**
 - the EA;
 - current statutory approvals for the project;
 - approved strategies, plans or programs required under the conditions of this approval;
 - a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;
 - a complaints register, which is to be updated on a monthly basis;
 - minutes of CCC meetings;
 - the last five annual reviews;
 - any independent environmental audit, and the Proponent'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



LAND OWNERSHIP – HVO SOUTH PROJECT AREA

Lot	Section	DP	Property Owner	Wholly or Partly Affected by Coal & Allied Surface Mining Lease	Wholly or Partly Affected by Coal & Allied Sub Surface Mining Lease	Location
1		48394	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
1		48591	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
1		48592	Coal & Allied Operations Pty Limited	Y	N	Warkworth South of Wollombi Brook
1		48646	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
1		90727	Coal & Allied Operations Pty Limited	Y	N	Lemington
1		105943	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
1		114966	Coal & Allied Operations Pty Limited	Y	N	Lemington
1		123374	Coal & Allied Operations Pty Limited	N	Y	Warkworth Village
1		129808	Coal & Allied Operations Pty Limited	Y	Y	Warkworth South of Wollombi Brook
1		182139	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
1		191982	Coal & Allied Operations Pty Limited	Y	N	Lemington
1		195523	Coal & Allied Operations Pty Limited	N	Y	Warkworth South of Wollombi Brook
1		249327	Coal & Allied Operations Pty Limited	Y	N	Warkworth North East
1		251877	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
1		592598	Coal & Allied Operations Pty Limited	Y	Y	Warkworth South of Wollombi Brook
1		619309	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
1		633717	Coal & Allied Operations Pty Limited	Y	N	Warkworth North West
1		657394	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
1		719879	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North West
1		723248	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
1		723249	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
1		729048	Coal & Allied Operations Pty Limited	Y	Y	Lemington
1		729984	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North West
1		729985	Coal & Allied Operations Pty Limited	Y	N	Warkworth North East
1		737796	Coal & Allied Operations Pty Limited	Y	Y	Lemington
1		737880	Coal & Allied Operations Pty Limited	N	N	Warkworth North West
1		741544	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North West
1	5	759053	Coal & Allied Operations Pty Limited	N	Y	Warkworth Village
1		783484	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
1		797721	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
1		821123	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North West
1		821127	Coal & Allied Operations Pty Limited	Y	N	Warkworth North West
1		822177	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East

Lot	Section	DP	Property Owner	Wholly or Partly Affected by Coal & Allied Surface Mining Lease	Wholly or Partly Affected by Coal & Allied Sub Surface Mining Lease	Location
1		823767	Coal & Allied Operations Pty Limited	Y	N	Lemington
1		857021	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North West
1		876447	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
1		947886	Coal & Allied Operations Pty Limited	N	N	Warkworth North West
1		963714	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North West
1		997228	Coal & Allied Operations Pty Limited	Y	Y	Warkworth South of Wollombi Brook
1		998117	Coal & Allied Operations Pty Limited	N	N	Warkworth North West
1		1041635	Coal & Allied Operations Pty Limited	N	Y	Warkworth North East
1		1103396	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
2		300150	Coal & Allied Operations Pty Limited	N	N	Warkworth North West
2		306421	Coal & Allied Operations Pty Limited	Y	N	Warkworth North West
2		48646	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
2		619309	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
2		633717	Coal & Allied Operations Pty Limited	Y	N	Warkworth North West
2		710088	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
2		719879	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
2		723248	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
2		737880	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North West
2		755267	Coal & Allied Operations Pty Limited	N	Y	Warkworth South of Wollombi Brook
2		783484	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
2		808301	Coal & Allied Operations Pty Limited	Y	Y	Lemington
2		876447	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
2		998117	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North West
3		48646	Coal & Allied Operations Pty Limited	N	Y	Warkworth North East
3		113342	Coal & Allied Operations Pty Limited	N	Y	Warkworth South of Wollombi Brook
3		635392	Coal & Allied Operations Pty Limited	Y	N	Warkworth North West
3		783484	Coal & Allied Operations Pty Limited	Y	Y	Warkworth South of Wollombi Brook
4		113342	Coal & Allied Operations Pty Limited	Y	Y	Warkworth South of Wollombi Brook
4		783484	Coal & Allied Operations Pty Limited	Y	Y	Warkworth South of Wollombi Brook
5		720643	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
5		783484	Coal & Allied Operations Pty Limited	Y	Y	Warkworth South of Wollombi Brook
5		1085145	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North West
10		740183	Coal & Allied Operations Pty Limited	Y	Y	Lemington
11		586639	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East

Lot	Section	DP	Property Owner	Wholly or Partly Affected by Coal & Allied Surface Mining Lease	Wholly or Partly Affected by Coal & Allied Sub Surface Mining Lease	Location
11		843432	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
12		247239	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
12		586639	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
13		247239	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
14		247239	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
14		755267	Coal & Allied Operations Pty Limited	N	Y	Warkworth South of Wollombi Brook
15		247239	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
16		247239	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
20		1085391	Coal & Allied Operations Pty Limited	Y	Y	Lemington
31		610878	Coal & Allied Operations Pty Limited	N	Y	Warkworth Village
32		610878	Coal & Allied Operations Pty Limited	N	Y	Warkworth Village
40		753792	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North West
43		755267	Coal & Allied Operations Pty Limited	Y	Y	Warkworth South of Wollombi Brook
91		733895	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
101		1037665	Coal & Allied Operations Pty Limited	Y	Y	Lemington
102		588247	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
108		755267	Coal & Allied Operations Pty Limited	Y	N	Warkworth South of Wollombi Brook
112		755267	Coal & Allied Operations Pty Limited	Y	N	Warkworth South of Wollombi Brook
115		753792	Coal & Allied Operations Pty Limited	Y	N	Warkworth North East
118		755267	Coal & Allied Operations Pty Limited	Y	N	Warkworth South of Wollombi Brook
119		755267	Coal & Allied Operations Pty Limited	Y	N	Warkworth South of Wollombi Brook
121		755267	Coal & Allied Operations Pty Limited	Y	N	Warkworth South of Wollombi Brook
122		753792	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
122		755267	Coal & Allied Operations Pty Limited	Y	N	Warkworth South of Wollombi Brook
128		755267	Coal & Allied Operations Pty Limited	Y	N	Warkworth South of Wollombi Brook
135		755267	Coal & Allied Operations Pty Limited	Y	Y	Warkworth South of Wollombi Brook
140		753792	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
141		753792	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
142		755267	Coal & Allied Operations Pty Limited	Y	Y	Warkworth South of Wollombi Brook
143		755267	Coal & Allied Operations Pty Limited	Y	Y	Warkworth South of Wollombi Brook
145		755267	Coal & Allied Operations Pty Limited	Y	N	Warkworth South of Wollombi Brook
146		970755	Coal & Allied Operations Pty Limited	Y	Y	Warkworth South of Wollombi Brook
151		753792	Coal & Allied Operations Pty Limited	Y	N	Warkworth North West
152		704486	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East

Lot	Section	DP	Property Owner	Wholly or Partly Affected by Coal & Allied Surface Mining Lease	Wholly or Partly Affected by Coal & Allied Sub Surface Mining Lease	Location
153		704486	Coal & Allied Operations Pty Limited	N	Y	Warkworth North East
155		705446	Coal & Allied Operations Pty Limited	Y	N	Warkworth North East
164		729960	Coal & Allied Operations Pty Limited	Y	N	Warkworth North West
165		729961	Coal & Allied Operations Pty Limited	Y	N	Warkworth North West
166		729962	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
167		729963	Coal & Allied Operations Pty Limited	Y	N	Warkworth North East
170		752481	Coal & Allied Operations Pty Limited	Y	N	Lemington
179		823775	Coal & Allied Operations Pty Limited	Y	N	Warkworth North West
182		823775	Coal & Allied Operations Pty Limited	N	N	Warkworth North West
194		755267	Coal & Allied Operations Pty Limited	Y	N	Warkworth South of Wollombi Brook
195		755267	Coal & Allied Operations Pty Limited	Y	N	Warkworth South of Wollombi Brook
204		821040	Coal & Allied Operations Pty Limited	N	Y	Warkworth Village
300		597726	Coal & Allied Operations Pty Limited	N	N	Warkworth North West
745		597317	Coal & Allied Operations Pty Limited	N	N	Warkworth North West
854		1000822	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Village
1001		785197	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
1002		785197	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
1420		586339	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
1421		586339	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
A		386100	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
B		386100	Coal & Allied Operations Pty Limited	Y	Y	Warkworth Near Comleroi Road
1		111381	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
1		532623	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
1		659810	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
1		901179	J. & A. Brown and Abermain Seaham Collieries Limited	Y	Y	Warkworth North West
1		1102213	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
2		111381	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
2		114966	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
3		111381	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
12		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
13		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
14		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
15		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
16		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West

Lot	Section	DP	Property Owner	Wholly or Partly Affected by Coal & Allied Surface Mining Lease	Wholly or Partly Affected by Coal & Allied Sub Surface Mining Lease	Location
17		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
18		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
19		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
20		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
21		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
21		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
22		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
22		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
23		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
24		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
25		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
26		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
27		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
28		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
29		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
30		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
31		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
73		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	Y	Warkworth North West
89		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
98		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
117		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
118		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
119		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
120		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
120		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	Y	Warkworth North West
121		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
121		753792	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Warkworth North West
122		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
123		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
124		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
125		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
126		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
127		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington
164		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	N	Lemington

Lot	Section	DP	Property Owner	Wholly or Partly Affected by Coal & Allied Surface Mining Lease	Wholly or Partly Affected by Coal & Allied Sub Surface Mining Lease	Location
171		752481	J. & A. Brown and Abermain Seaham Collieries Limited	Y	Y	Lemington
1		129811	Warkworth Mining Limited	Y	Y	Warkworth South of Wollombi Brook
1		246201	Warkworth Mining Limited	Y	Y	Warkworth Village
2		129811	Warkworth Mining Limited	Y	Y	Warkworth South of Wollombi Brook
3		129811	Warkworth Mining Limited	Y	Y	Warkworth South of Wollombi Brook
7001		93632	Administered by The State Land Services	N	Y	Warkworth Village
1		90052	Commonwealth of Australia	N	Y	Warkworth Village
1	25	759053	Crown	N	Y	Warkworth Village
2	5	759053	Crown	N	Y	Warkworth Village
2	25	759053	Crown	N	Y	Warkworth Village
3	4	759053	Crown	N	Y	Warkworth Village
3	5	759053	Crown	N	Y	Warkworth Village
4	4	759053	Crown	N	Y	Warkworth Village
5	4	759053	Crown	N	Y	Warkworth Village
6	4	759053	Crown	N	Y	Warkworth Village
130		753792	Crown	Y	Y	Warkworth North East
175		823775	Crown	N	N	Warkworth North West
			Crown License 175936 (Coal & Allied Operations Pty Limited)	N	N	Warkworth North West
			Crown License 341401 (Coal & Allied Operations Pty Limited)	N	Y	Warkworth North East
201		755267	Crown Land	Y	Y	Warkworth South of Wollombi Brook
1		710088	The State of NSW	N	Y	Warkworth North East
154		704486	The State of NSW	N	Y	Warkworth North East
170		823775	The State of NSW	N	N	Warkworth North West
172		823775	The State of NSW	N	N	Warkworth North West
173		823775	The State of NSW	N	N	Warkworth North West
21		1109631	Brian Kennedy & John Griffiths	N	Y	Warkworth Village
No297		Bk 904	Ada Elizabeth Watts	N	Y	Warkworth Village
35		755267	Cec M Hawkes Pty Ltd	N	Y	Warkworth Village
36		755267	Cec M Hawkes Pty Ltd	N	Y	Warkworth Village
5		247239	Construction, Forestry, Mining & Energy Union	Y	Y	Warkworth Near Comleroi Road
6		770904	Edward & Carol Burley	N	Y	Warkworth Village
3		3005	Elizabeth Bowman	N	Y	Maison Dieu
4		3005	Elizabeth Bowman	N	Y	Maison Dieu
5		3005	Elizabeth Bowman	N	Y	Maison Dieu
1		113343	Heather Kannar	N	Y	Warkworth Village
1	2	759053	Heather Kannar	N	Y	Warkworth Village
1		794506	Heather Kannar	N	Y	Warkworth Village
2	2	759053	Heather Kannar	N	Y	Warkworth Village

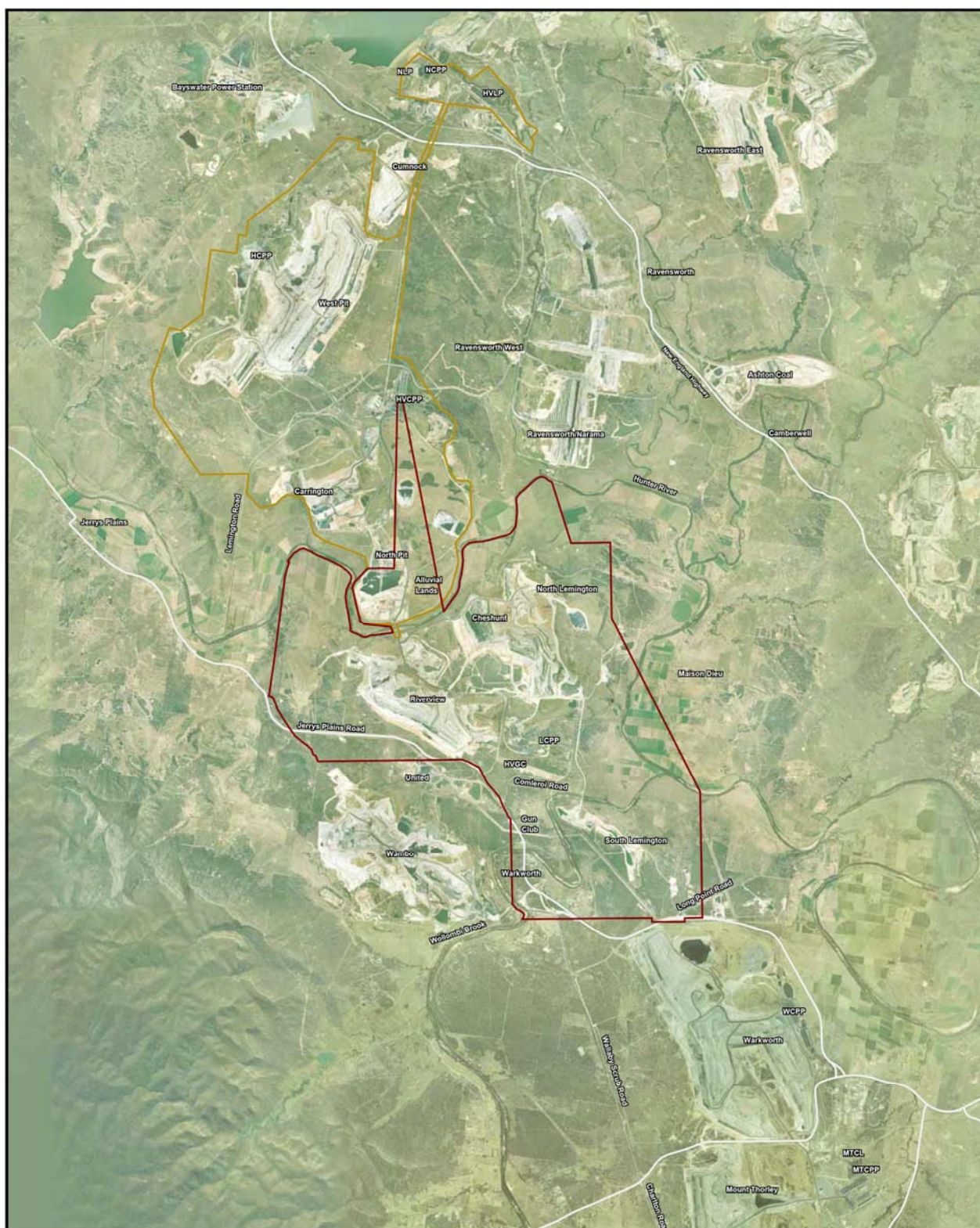
Lot	Section	DP	Property Owner	Wholly or Partly Affected by Coal & Allied Surface Mining Lease	Wholly or Partly Affected by Coal & Allied Sub Surface Mining Lease	Location
2		794506	Heather Kannar	N	Y	Warkworth Village
3	2	759053	Heather Kannar	N	Y	Warkworth Village
3		794506	Heather Kannar	N	Y	Warkworth Village
4	2	759053	Heather Kannar	N	Y	Warkworth Village
4	3	759053	Heather Kannar	N	Y	Warkworth Village
5	2	759053	Heather Kannar	N	Y	Warkworth Village
5	3	759053	Heather Kannar	N	Y	Warkworth Village
6	2	759053	Heather Kannar	N	Y	Warkworth Village
6	3	759053	Heather Kannar	N	Y	Warkworth Village
7	2	759053	Heather Kannar	N	Y	Warkworth Village
7	3	759053	Heather Kannar	N	Y	Warkworth Village
8	2	759053	Heather Kannar	N	Y	Warkworth Village
8	3	759053	Heather Kannar	N	Y	Warkworth Village
9	3	759053	Heather Kannar	N	Y	Warkworth Village
10	3	759053	Heather Kannar	N	Y	Warkworth Village
11	3	759053	Heather Kannar	N	Y	Warkworth Village
12	3	759053	Heather Kannar	N	Y	Warkworth Village
13	3	759053	Heather Kannar	N	Y	Warkworth Village
14	3	759053	Heather Kannar	N	Y	Warkworth Village
15	3	759053	Heather Kannar	N	Y	Warkworth Village
16	3	759053	Heather Kannar	N	Y	Warkworth Village
17	3	759053	Heather Kannar	N	Y	Warkworth Village
18	3	759053	Heather Kannar	N	Y	Warkworth Village
19	3	759053	Heather Kannar	N	Y	Warkworth Village
20	3	759053	Heather Kannar	N	Y	Warkworth Village
10		247239	Hunter Valley Gliding Club Cooperative Limited	Y	Y	Warkworth Near Comleroi Road
92		733895	Hunter Valley Gliding Club Cooperative Limited	Y	Y	Warkworth Near Comleroi Road
5		251617	Inchneuk Pty Ltd	N	Y	Maison Dieu
2		617852	John Maitland, Robert Graham, George Coates	N	N	Warkworth North West
2		835812	John Maitland, Robert Graham, George Coates	Y	N	Warkworth North West
3		835812	John Maitland, Robert Graham, George Coates	Y	N	Warkworth North West
4		635392	John Maitland, Robert Graham, George Coates	N	N	Warkworth Near Comleroi Road
4		835812	John Maitland, Robert Graham, George Coates	Y	N	Warkworth North West
6		247239	John Maitland, Robert Graham, George Coates	N	N	Warkworth Near Comleroi Road
7		247239	John Maitland, Robert Graham, George Coates	N	N	Warkworth Near Comleroi Road
8		247239	John Maitland, Robert Graham, George Coates	N	N	Warkworth Near Comleroi Road
9		835812	John Maitland, Robert Graham, George Coates	N	N	Warkworth North West
134		566275	John Maitland, Robert Graham, George Coates	Y	Y	Warkworth Near Comleroi Road
147		753792	Johnson Woods & Co Pty Ltd	N	N	Warkworth Near Comleroi Road

Lot	Section	DP	Property Owner	Wholly or Partly Affected by Coal & Allied Surface Mining Lease	Wholly or Partly Affected by Coal & Allied Sub Surface Mining Lease	Location
8		3005	Julie & Gregory Ernst	N	Y	Maison Dieu
9		3005	Julie & Gregory Ernst	N	Y	Maison Dieu
50		848334	Kenneth & Loraine Haynes	N	Y	Warkworth Village
9	2	759053	Kenneth Russell Partridge	N	Y	Warkworth Village
10	2	759053	Kenneth Russell Partridge	N	Y	Warkworth Village
11	2	759053	Kenneth Russell Partridge	N	Y	Warkworth Village
12	2	759053	Kenneth Russell Partridge	N	Y	Warkworth Village
13	2	759053	Kenneth Russell Partridge	N	Y	Warkworth Village
75		753792	M F Holdings Pty Ltd	N	N	Warkworth North West
1		446656	Neville Robert Stapleton	N	Y	Warkworth North East
1		770904	Olga Henderson	N	Y	Warkworth Village
1		770905	Olga Henderson	N	Y	Warkworth Village
1		1043120	Olga Henderson	Y	Y	Warkworth Village
2		770904	Olga Henderson	N	Y	Warkworth Village
3		770904	Olga Henderson	N	Y	Warkworth Village
4		770904	Olga Henderson	N	Y	Warkworth Village
5		770904	Olga Henderson	N	Y	Warkworth Village
7		770904	Olga Henderson	N	Y	Warkworth Village
40		755267	Olga Henderson	N	Y	Warkworth Village
41		755267	Olga Henderson	N	Y	Warkworth Village
186		755267	Olga Henderson	N	Y	Warkworth Village
1		70857	Phillip & Collen Algie	N	Y	Maison Dieu
6		3005	R & J Wenham	N	Y	Maison Dieu
45		1015315	Redbank Project Pty Limited	N	Y	Warkworth South of Wollombi Brook
1		66331	Robert Algie	N	Y	Maison Dieu
7		3005	Robert Algie	N	Y	Maison Dieu
10		3005	Robert Algie	N	Y	Maison Dieu
2		770905	Shane & Glenn Keys	Y	Y	Warkworth Village
84		753792	Shane & Glenn Keys	Y	Y	Warkworth Village
1	6	759053	Singleton Council	N	Y	Warkworth Village
2	6	759053	Singleton Council	N	Y	Warkworth Village
3	6	759053	Singleton Council	N	Y	Warkworth Village
2		90052	Telstra Corporation Limited	N	Y	Warkworth Village
12		843432	Telstra Corporation Ltd	N	Y	Warkworth Near Comleroi Road
1		738657	Wambo Coal Pty Ltd	N	Y	Warkworth Village
1		1090601	Wambo Coal Pty Ltd	N	Y	Warkworth Village
2		583524	Wambo Coal Pty Ltd	N	Y	Warkworth Village
2		738657	Wambo Coal Pty Ltd	N	Y	Warkworth Village
3		1085145	Wambo Coal Pty Ltd	Y	Y	Warkworth North West
4		1085145	Wambo Coal Pty Ltd	N	N	Warkworth North West
1		1088908	Wambo Coal Terminal Pty Ltd	N	Y	Warkworth Village

Lot	Section	DP	Property Owner	Wholly or Partly Affected by Coal & Allied Surface Mining Lease	Wholly or Partly Affected by Coal & Allied Sub Surface Mining Lease	Location
2		1088908	Wambo Coal Terminal Pty Ltd	N	Y	Warkworth Village
86		755267	Wambo Coal Terminal Pty Ltd	N	Y	Warkworth Village
88		755267	Wambo Coal Terminal Pty Ltd	N	Y	Warkworth Village
171		755267	Wambo Coal Terminal Pty Ltd	N	Y	Warkworth Village
174		755267	Wambo Coal Terminal Pty Ltd	N	Y	Warkworth Village
1	17	759053	Wambo Mining Corporation Limited	N	Y	Warkworth Village
2		113343	Wambo Mining Corporation Limited	N	Y	Warkworth Village
2	17	759053	Wambo Mining Corporation Limited	N	Y	Warkworth Village
3		113343	Wambo Mining Corporation Limited	N	Y	Warkworth Village
4		113343	Wambo Mining Corporation Limited	N	Y	Warkworth Village
5		113343	Wambo Mining Corporation Limited	N	Y	Warkworth Village
1	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
2	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
7	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
8	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
9	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
10	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
11	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
12	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
13	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
14	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
15	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
16	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
17	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
18	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
19	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
20	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
21	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
22	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
23	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
24	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
25	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
26	4	759053	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
199		755267	Wambo Mining Corporation Pty Limited	N	Y	Warkworth Village
1	16	759053	Wambo Mining Corporation Pty Ltd	N	Y	Warkworth Village

Lot	Section	DP	Property Owner	Wholly or Partly Affected by Coal & Allied Surface Mining Lease	Wholly or Partly Affected by Coal & Allied Sub Surface Mining Lease	Location
1	21	759053	Wambo Mining Corporation Pty Ltd	N	Y	Warkworth Village
2	16	759053	Wambo Mining Corporation Pty Ltd	N	Y	Warkworth Village
2	21	759053	Wambo Mining Corporation Pty Ltd	N	Y	Warkworth Village
3	16	759053	Wambo Mining Corporation Pty Ltd	N	Y	Warkworth Village
3	21	759053	Wambo Mining Corporation Pty Ltd	N	Y	Warkworth Village
4	21	759053	Wambo Mining Corporation Pty Ltd	N	Y	Warkworth Village
5	21	759053	Wambo Mining Corporation Pty Ltd	N	Y	Warkworth Village
10		113343	Wambo Mining Corporation Pty Ltd	N	Y	Warkworth Village
202		257063	Wambo Mining Corporation Pty Ltd	N	Y	Warkworth Village
1	1	759053	Wilfred & Ross Kannar	N	Y	Warkworth Village
2	1	759053	Wilfred & Ross Kannar	N	Y	Warkworth Village
3	1	759053	Wilfred & Ross Kannar	N	Y	Warkworth Village
4	1	759053	Wilfred & Ross Kannar	N	Y	Warkworth Village
5	1	759053	Wilfred & Ross Kannar	N	Y	Warkworth Village
6	1	759053	Wilfred & Ross Kannar	N	Y	Warkworth Village
7	1	759053	Wilfred & Ross Kannar	N	Y	Warkworth Village
8	1	759053	Wilfred & Ross Kannar	N	Y	Warkworth Village
9	1	759053	Wilfred & Ross Kannar	N	Y	Warkworth Village
10	1	759053	Wilfred & Ross Kannar	N	Y	Warkworth Village
86		753792	Wilfred & Ross Kannar	N	Y	Warkworth Village
87		753792	Wilfred & Ross Kannar	N	Y	Warkworth Village
88		753792	Wilfred & Ross Kannar	N	Y	Warkworth Village
89		753792	Wilfred & Ross Kannar	N	Y	Warkworth Village
2		113342	Wilfred and Ross Kannar	N	Y	Warkworth South of Wollombi Brook
114		755267	Wilfred and Ross Kannar	N	Y	Warkworth South of Wollombi Brook
123		755267	Wilfred and Ross Kannar	N	Y	Warkworth South of Wollombi Brook
No447		Bk718	William Henry Trewenack	N	Y	Warkworth Village
33		610878	William, Marie & Lawrence Kelly	N	Y	Warkworth Village
2		658467	Wyoming Holsteins Pty Ltd	N	Y	Maison Dieu
1		782299	Xstrata Coal Pty Ltd	N	Y	Warkworth Village
			Crown Enclosure Permit 51250 (Coal & Allied Operations Pty Limited)	Y	Y	Warkworth South of Wollombi Brook
174		823775	Road	N	N	Warkworth North West
176		823775	Road	N	N	Warkworth North West
193		755267	Road	N	Y	Warkworth Village
180		823775	Singleton Shire Council (Road)	Y	N	Warkworth North West

APPENDIX 2 PROJECT LAYOUT PLANS



Legend

- Project Application Area
- Current Development Consent Boundary (HVO North only)

Client: Coal & Allied Operations Pty Limited
 Project: Hunter Valley Operations South Coal Project
 Drawing No: 0047820_F_02 Suffix No: R1
 Date: 19.09.2006 Drawing Size: A3
 Drawn By: DH Reviewed By: LS
 Source: -
 Scale: Refer to Scale Bar



Figure 1.2

HVO South in its Local Setting

Environmental Resources Management Australia Pty Ltd
 Building C, 33 Saunders St, Pyrmont, NSW 2009
 Telephone +61 2 8584 8888

Figure 1: Local Setting of HVO South and North

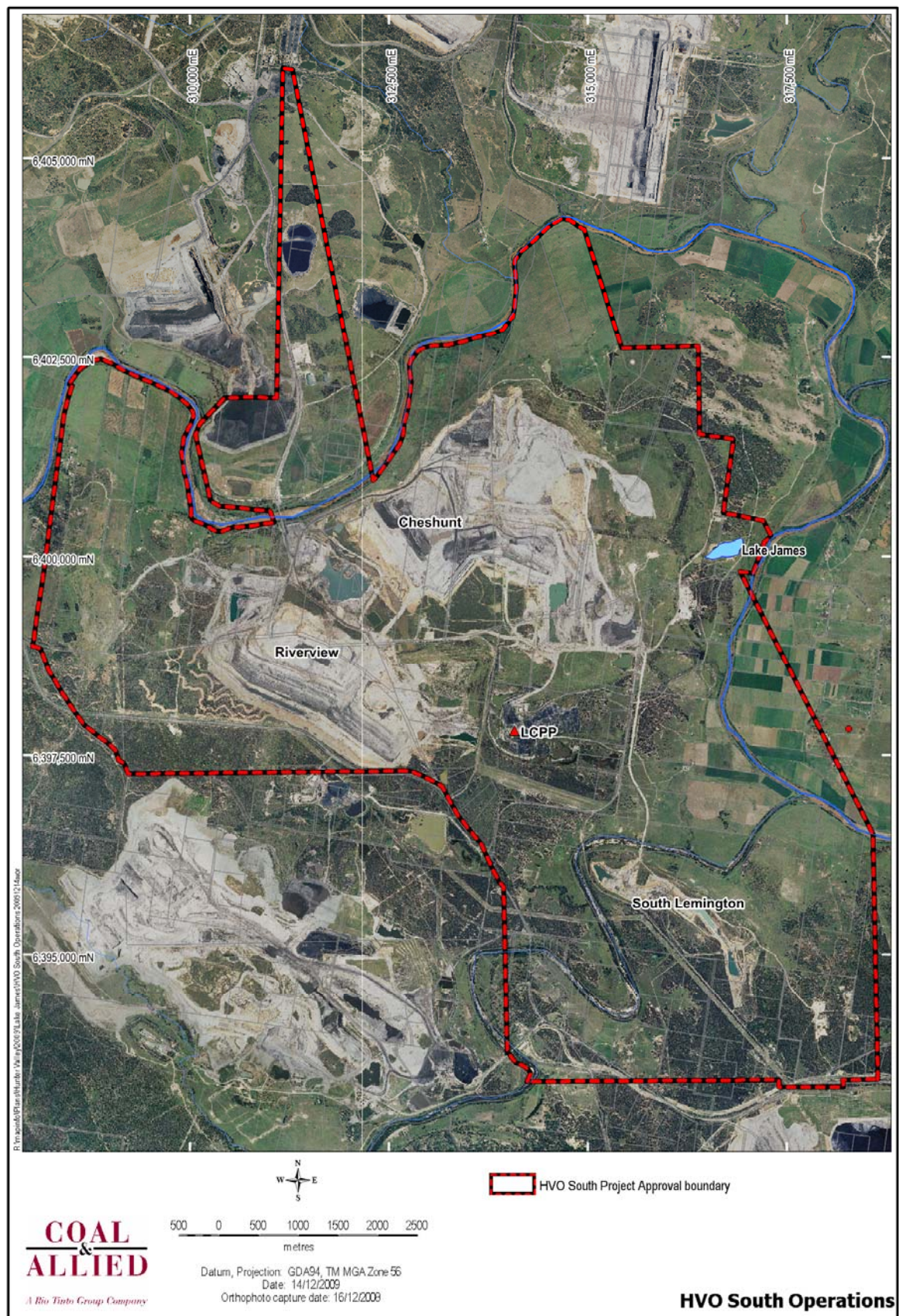


Figure 2: Amended Project Application Area

APPENDIX 3 CNA STATEMENT OF COMMITMENTS

The following Statement of Commitments has been prepared in accordance with the DGRs and Part 3A of the *EP&A Act*. These commitments outline the management, mitigation and monitoring measures to be adhered to by CNA throughout the development and operation of the proposed HVO South Coal Project to manage potential environmental impacts arising from the proposal.

Management of activities occurring at HVO is undertaken with reference to the corresponding management plan that details the key objectives and control measures. The management plans outline key environmental issues, performance criteria, recommended control measures, monitoring, inspection and incident management requirements, performance reporting and key related policies and procedures. The relevant EMS procedures describe the implementation of these recommended controls. Monitoring is undertaken in accordance with the approved monitoring programme to determine the effectiveness of the control measures and promotes a continuous improvement cycle. The CNA EMS will continue to be implemented across HVO and the relevant plans, procedures and monitoring programmes will be reviewed and modified to reflect the changes to HVO South resulting from the proposal.

The recommended management measures from each of the technical reports include a number of control measures to minimise the potential impacts resulting from the proposal. These measures have been considered in the context of the existing HVO activities and the CNA EMS. Many of these measures are already in place as part of existing controls for the HVO South activities, and will continue to be implemented across HVO South to minimise the potential impacts resulting from the proposal. This Statement of Commitments details those controls that are considered specific to the proposal.

General

CNA will:

- carry out the proposal generally in accordance with the systems, plans and mitigation measures identified throughout this Environmental Assessment Report;
- bring any matters that arise and require further assessment by the Director General to the Director General's attention and will comply with all requirements received; and
- obtain and maintain all permits, licences and approvals required throughout the life of the project that are not incorporated into the Part 3A Project Approval. This Statement of Commitments does not replace any obligations CNA has under these statutory requirements.

All works will be undertaken in accordance with the relevant Australian Standards where these standards do not conflict with specific legislative or safety requirements.

Standards may include but not be restricted to the latest versions of:

- *AS 2601-2001: The Demolition of Structures; and*
- *AS1940 - The Storage and Handling of Flammable and Combustible Liquids.*

Environmental Management Systems

The CNA EMS has been developed and implemented in accordance with ISO14001.

This EMS will continue to be applied to the activities undertaken as part of the HVO South Coal Project.

Management Measures

Community Consultation

The existing consultation programmes will continue to be undertaken to ensure any specific outcomes from the environmental assessment are included into the relevant programmes as required.

The community consultation specific to the proposal will continue throughout the project, from submission through to government decision and implementation of commitments. Ongoing communication techniques utilised by CNA (*Table 6.1*) will be implemented as appropriate.

Noise

In addition to the mitigation measures undertaken at HVO for noise, the following controls specific to the proposal will be implemented:

- equipment operation within South Lemington Pit 1 and associated truck movements will cease during night time operations if monitoring identifies unacceptable noise impacts will result from south westerly winds (occurring at or above 2.1 m/s). At lower wind speeds, real-time noise and/or weather monitoring will be used to guide modifications to operations as required.
- noise limits that will apply to the proposal are detailed in *Table 22.1*.

Table 22.1 Noise Limits Applicable to Proposal, dB(A)

No.	Location	Day Limits	Evening Limits	Night Limits	
		L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L ₁ (1 min)
3	Elisnore	38	38	38	45
4	Muller	38	38	38	45
5	Bowman	39	39	41	46
7	Stapleton ¹	N/A	N/A	N/A	45
8	Holz (Oaklands) ²	N/A	N/A	N/A	45
10	Moses (Wandewoi) ¹	N/A	N/A	N/A	45
13	Jerrys Plains Centre	38	38	38	45
16	Algie	39	39	42	46
17	Algie	39	39	40	46
19	Birrilee Feeds Pty Ltd	38	38	38	45
23	Hawkes ¹ (Springwood)	N/A	N/A	N/A	46
24	Clifton & Edwards	39	39	39	46
31	Cooper (Kilburnie)	39	39	39	49
32	Algie (Curlewis)	39	39	42	46
33	Edward & Haynes ²	N/A	N/A	N/A	46
34	Ernst	39	39	40	46
36	Garland	38	38	38	45
38	Henderson ¹	N/A	N/A	N/A	46
43	Kannar ²	N/A	N/A	N/A	46
45	Kelly ¹	N/A	N/A	N/A	46
47	Moxey	39	39	41	46
61	Shearer	39	39	41	46

1. These private residences are currently inside a zone of affectation. A private agreement may exist with the land holder.

2. These residences are owned by mining companies other than CNA.

General:

- Daytime (between 7am and 6pm); evening (between 6pm and 10pm); and night time (between 10pm and 7am).
- The noise emission limits above apply for winds up to 3 m/s (at a height of 10 m) and temperature gradients up to 4 degrees Celsius per 100 m.
- If there is a valid private amenity agreement with any property owners these criteria may be exceeded.
- Maison Dieu assessment locations are No's 5, 16, 17, 24, 32, 34, 47 and 61, Warkworth Village assessment locations are No's 23, 33, 38, 43 and 45 and Jerrys Plains assessment locations are No's 3, 4, 13, 19, 31 and 36. Isolated assessment locations are No's 7, 8 and 10.
- Location No. is consistent with the HVO West Pit consent (DA 450-10-2003).

Blast and Vibration

In addition to the mitigation measures undertaken at HVO for blast and vibration management, blasts will be designed to minimise impacts on neighbouring mine ventilation structures and minimise the potential for fracture development along pit walls to assist with pit wall stability:

- blast vibration will be managed through design and modelling;
- bench heights will be managed to not significantly exceed 15 m;
- no throw blasts will take place adjacent to final walls;
- high density explosives will be toe loaded;
- blast monitoring and post blast analysis will be undertaken where required;
- presplit blasting will be implemented on final walls where this indicates improved wall conditions; and
- visual monitoring by way of regular highwall and pit inspections will be undertaken.

Air Quality

In addition to the mitigation measures undertaken at HVO for air quality management, efficient mine planning and operations will ensure:

- the mine plan is regularly reviewed with a view to controlling dust emissions and keeping emissions to the lowest levels practicable;
- exposed areas are kept to the minimum practicable; and
- haul roads are kept to the shortest routes practicable and material handling is kept to the minimum levels practicable.

Groundwater

In addition to the mitigation measures undertaken at HVO for groundwater management, the following controls specific to the proposal will be implemented:

Groundwater Flow To and From Rivers:

- ① development of protocols for monitoring and reporting of [NOW](#) stream gauge results to clearly record any reductions in flows that are attributed to mining. This will include monitoring Hunter River flows immediately up gradient and down gradient of the site. In addition, consideration will be given to tying in specific CNA water level recordings with current [NOW](#) gauging locations;
- ① monitoring of groundwater elevations within alluvium between the Hunter River and the Cheshunt Pit; and
- ① measured groundwater elevations and river flow will be assessed against predictions to determine whether application of additional management measures is required; and
- ① offset seepage to pits in accordance with regulatory requirements.

Regional Groundwater Drawdown:

- ① the HVO *River Red Gum Rehabilitation and Restoration Strategy* and CNA EMS procedure for Flora and Fauna will be updated to reflect changes resulting from the proposal. This will include monitoring the health of the River Red Gums located on the Hunter River and

Wollombi Brook alluvium as identified in *Chapter 11 (Figure 11.2)*. The monitoring programme will include details on frequency of monitoring, reporting and corrective actions; and

- ① up to three monitoring wells will be installed in the proximity of the cluster of registered **NOW** bores located to the east of the LCPP (*Figure 25 Annex J*). Data will be used to compare actual versus predicted impacts. Deviations away from predicted impacts will be assessed, and if predictions are exceeded, management measures will be implemented.

Alluvial Buffer Zone:

- ① a buffer zone of 100 m will be retained from the Cheshunt Pit highwall to the edge of alluvium of the Hunter River;
- ① a buffer zone of 150 m will be retained from the South Lemington Pit 2 highwall to the edge of alluvium of the Wollombi Brook;
- ① bores will be installed to further delineate the saturated zone between the Hunter River and the Cheshunt Pit before mining commences within this area; and
- ① the groundwater component of the HVO Water Management Manual will include procedures for monitoring potential impacts, including accurately measuring seepage to pits throughout mining and assessment of proximity to alluvials as mining approaches.

Deep Cheshunt Pit Final Void:

- ① the Deep Cheshunt Pit final void will be designed to intercept leachate from overburden emplacements and minimise discharge of saline groundwater. Deep Cheshunt Pit final void design will be reviewed at least three years prior to anticipated mine closure;
- ① the Deep Cheshunt Pit Final Void Management Plan will include future use options including investigation of feasibility to use the Deep Cheshunt Pit final void as a water storage that could be used as a buffer in times of flood flows in the Hunter River and as a supplementary water supply at times of scarce water supply. This would include additional investigations to refine predictions of final void water chemistry;
- ① a post closure monitoring programme will be developed as part of the Deep Cheshunt Pit Final Void Management Plan for water quality monitoring of the final void; and
- ① the mine plan will be further reviewed with a view to minimise the area of the Deep Cheshunt Pit final void as much as practicable.

Surface Water

In addition to the mitigation measures undertaken at HVO for surface water management, the following controls specific to the proposal will be implemented.

Water Supply:

- ① modify Water Access Licences, review conditions and report on water use in the AEMR;
- ① monitor and record abstraction quantities; and
- ① increase pump capacity from Dam 20S (or alternative storage) to the LCPP and undertake minor improvements to the existing HVO South water system in conjunction with the design of the LCPP to minimise need to pump from Hunter *River Water Discharge*;
- ① review current discharge conditions in respect of the proposal and incorporate where applicable into the Water Management Manual.

Flood Mitigation:

- ① construct South Lemington Pit 2 Levee SLL2 as a permanent levee and ensure the outer face of the levee will withstand 100-year ARI flood flow velocities; and

- ⊖ assess Hobden Gully levee (CL1) prior to mine closure to determine if protection of the Deep Cheshunt Pit final void is required.

Erosion and Sediment Control:

- ⊖ erosion and sediment control structures will remain in place to divert water away from the Deep Cheshunt Pit final void unless required for use as flood flow storage.

Monitoring and Inspections:

- ⊖ prior to LCPP and infrastructure construction works review the Surface Water Monitoring Programme, establish additional representative monitoring sites where required and undertake monitoring; and
- ⊖ annual monitoring of water level and water quality in the Deep Cheshunt Pit final void after mining operations have ceased as part of the post closure monitoring programme. Monitoring will continue in accordance with regulatory requirements.

Ecology

In addition to the mitigation measures undertaken at HVO for management of flora and fauna, the following controls specific to the proposal will be implemented:

- ⊖ the River Red Gum Rehabilitation and Restoration Strategy prepared by CNA will be updated to include the stands along the Hunter River and Wollombi Brook, will include collection and storage of seed from existing stands, and will ensure the health of these River Red Gums is periodically monitored;
- ⊖ studies will be undertaken to investigate the preferred water source of River Red Gums and develop appropriate management measures;
- ⊖ areas identified with sand profile will be included in the Warkworth Green Offsets research programme;
- ⊖ the Coast Banksias will be assessed and fenced to exclude stock and provide for enhancement opportunities;
- ⊖ rehabilitation planning will identify opportunities to create similar ecological characteristics (such as habitat types) of proposed extension areas;
- ⊖ remnant vegetation areas not required to be disturbed by the proposal will be managed to ensure security of flora and fauna habitat in the future; and
- ⊖ the Warkworth and Wambo Green Offset areas and the Hunter Valley Synoptic Plan will be considered with rehabilitation planning to enhance linkage where practical.

Aboriginal Heritage

In addition to the mitigation measures undertaken at HVO for management of Aboriginal heritage, the following controls specific to the proposal will be implemented as agreed with the Aboriginal Working Group.

Management Measures for ACHMP HVO South Stage 1 include:

- ⊖ all management measures will be undertaken in accordance with the Aboriginal Heritage Assessment as outlined in the ACHMP;
- ⊖ if at a later date it is found necessary to undertake an action that would impact sites described within the Aboriginal cultural heritage assessment, additional and specific management recommendations may be implemented in consultation with the Working Group;

- ⊖ provision is to be made for the management of collected cultural heritage material;
- ⊖ provision will be made in the ACHMP for the Working Group to undertake an independent compliance audit of the management programme on a six monthly basis. In the event that any non-compliant activities are identified at any time, an additional compliance audit may be undertaken as part of the investigation process;
- ⊖ where any mitigation is required it will be undertaken by representatives of the Working Group and suitably qualified technical advisers;
- ⊖ implement a management programme providing for the controlled collection of the following sites where site avoidance is not possible. Until management measures (which may involve the collection of cultural material) have been implemented, mine-related impacts to the sites will be prevented:
 - Riverview South West Mining Extension Area Sites 1-24
 - South Lemington Pit 1 Mining Extension Area Sites 59-79
 - Proposed rail spur and loop easement Sites 80-83
 - LCPP Sites 101 and 105-106
- ⊖ the alignment of the proposed rail spur and loop have been amended to avoid impacts to Sites 26-44, 47-58 and 107-109;
- ⊖ restricted access zones will be defined for Sites 26-44, 47-58, 84-100, 102-104 and 107-109. The boundaries (*Figure 12.3*) are indicative only; and
- ⊖ land management activities on the Archerfield property will avoid any impacts to Site 25.

Management measures to be implemented in accordance with the agreed ACHMP for HVO South Stage 2.

Historic Heritage

In addition to the mitigation measures undertaken at HVO for management of historic heritage, the following action specific to the proposal will be implemented:

- ⊖ a targeted field assessment will be undertaken by an historic heritage professional where required to supplement existing information to report on the relative significance of the additional sites identified on CNA land including a derelict bridge structure over an unnamed ephemeral creek and the cockatoo fence and recommend additional management measures.

Visual

In addition to the mitigation measures undertaken at HVO for management of visual amenity, the following action specific to the proposal will be implemented:

- ⊖ a review of the extension areas that adjoin Jerrys Plains Road and the proposed rail spur and loop easement will be undertaken prior to construction of the rail spur and loop, to determine if additional screening is required.

Traffic and Transport

In addition to the mitigation measures undertaken at HVO for management of traffic and transport, the following action specific to the proposal will be implemented:

- ① ensure the relocation of Comleroi Road and construction of the rail loop are undertaken in accordance with the relevant regulatory requirements; and
- ① obtain the appropriate approvals, including those required for heavy equipment transfer; and
- ① ensure relevant stakeholders are consulted as required.

Waste Management

There are no suggested controls for waste management specific to the proposal. It is anticipated the mitigation measures currently implemented at HVO will be sufficient to manage the increase in waste resulting from the proposal.

Energy Management Activities

In addition to the mitigation measures currently implemented the mine plan will be regularly reviewed with a view to keeping emissions to the lowest levels practicable. Haul roads will be kept to the shortest routes practicable and material rehandling will be kept to the minimum levels practicable. Most of these measures are routinely applied as part of the efficient design of the mine.

Land Management

There are no suggested controls for land management that are specific to the proposal. The current mitigation measures implemented at HVO are anticipated to be sufficient to manage any potential impacts from the proposal on land use.

Mine Landscape Planning

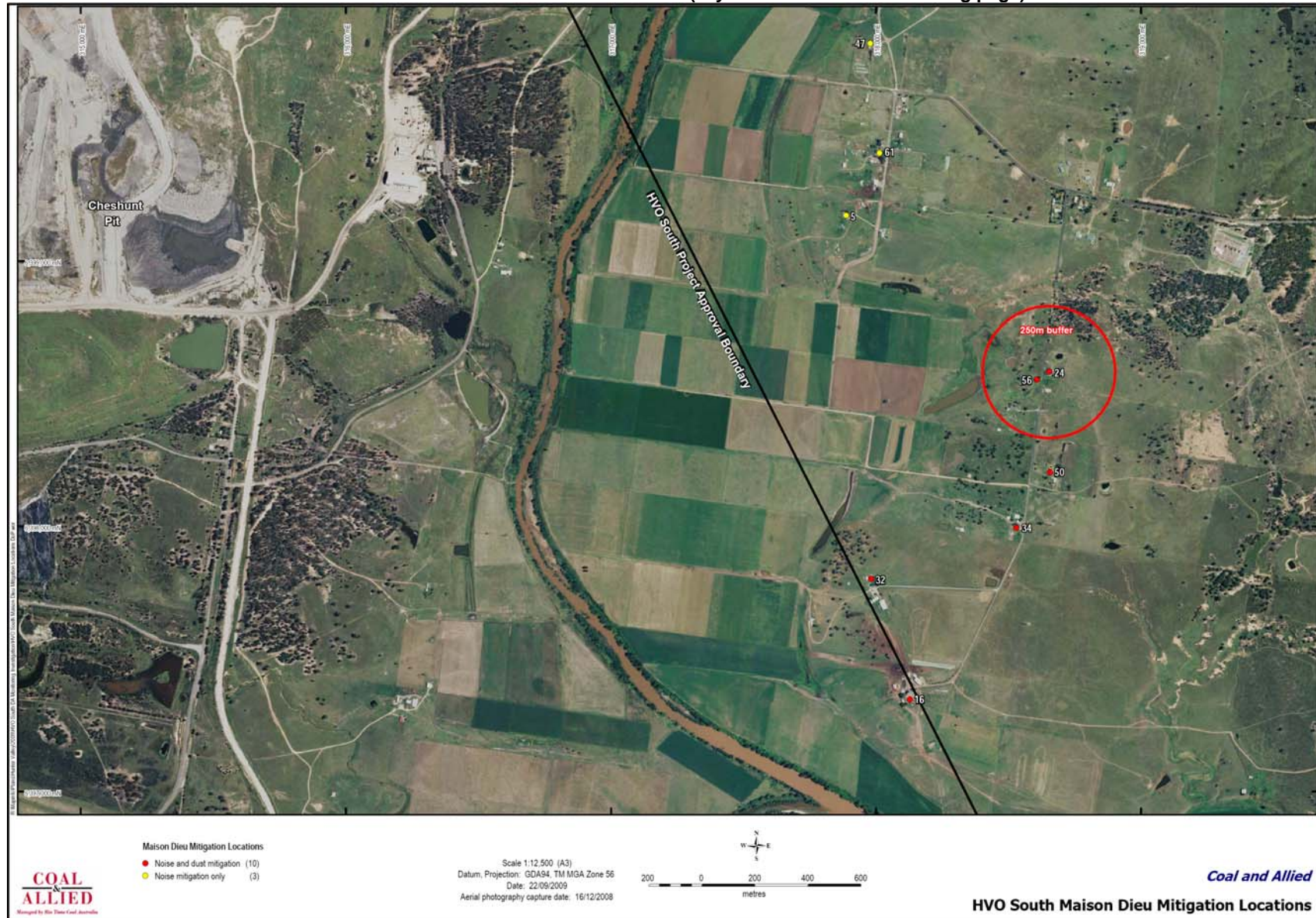
In addition to the mitigation measures undertaken at HVO for management of landscape planning, the following actions specific to the proposal will be implemented:

- General environmental land management practices implemented on all CNA owned land will be applied to the Archerfield Property along with planned rehabilitation areas.
- Remnant vegetation located within the Project Application area and outside proposed disturbance areas will be protected and enhanced to improve the ecological value and biodiversity. In particular, the specific management practices will include:
 - monitoring of remnant vegetation areas in accordance with existing procedures to provide evidence of success of management practices;
 - undertaking bushfire management, weed and pest control in accordance with recommended practices;
 - utilising local native species for seed stock where practical;
 - utilising existing farm dams and retention or establishment of native vegetation around dams to provide habitat; and
 - habitat creation and enhancement for common and threatened species.
- The vegetation on the Archerfield Property will require specific management practices to protect and enhance the ecological value and improve the biodiversity. In particular, the specific management practices will include:
 - monitoring of remnant vegetation areas in accordance with existing procedures to provide evidence of success of management practices;

- undertaking bushfire management, weed and pest control in accordance with recommended practices
 - maintenance and enhancement of native grasses, wherever possible;
 - utilising local native species for seed stock where practical;
 - utilising existing farm dams and retention or establishment of native vegetation around dams to provide habitat;
 - habitat creation and enhancement for common and threatened species; and
 - fencing of remnant vegetation to restrict stock access where practical.
- Options for securing the 140 ha of vegetation on the Archerfield Property will be investigated and a suitable mechanism will be implemented to ensure protection and enhancement of the biodiversity during the life of the project. Due to proximity of the Archerfield Property to coal resources and operations, it is considered inappropriate as a biobank site under the draft NSW Threatened Species Conservation (Biodiversity Banking) Regulation 2007 ([DECCW](#)). An alternative measure will need to be identified to secure the site for the duration of the development.
 - A Final Void Management Plan will be prepared for the Deep Cheshunt Pit final void at least five years prior to completion of mining and will include:
 - identification of possible beneficial uses for the void;
 - consideration of technologies which will assist to enhance the range of possible uses;
 - review of modelling and predictions of long term hydrological behaviour and water quality responses, including final void water quality and level;
 - long term integrity of void slopes;
 - waste characterisation and containment as pertains to runoff into final voids;
 - coal seam capping; and
 - long term management, monitoring and mitigation measures.
 - Mining in South Lemington Pits will be incorporated into a revised MOP for HVO South, which will supersede all previous MOPs for this area. The management commitments for South Lemington Pit 1 will include highwall stability monitoring, water storage management, minimisation of visual impacts and management of dust emissions and erosion.

The process for designing the landforms across HVO and undertaking progressive rehabilitation with the aim of achieving a final landscape vision will be undertaken in accordance with the *HVO Conceptual Landscape and Rehabilitation Management Strategy*.

APPENDIX 4
LANDOWNER/RECEIVER LOCATION PLAN (key to landowners on following page)

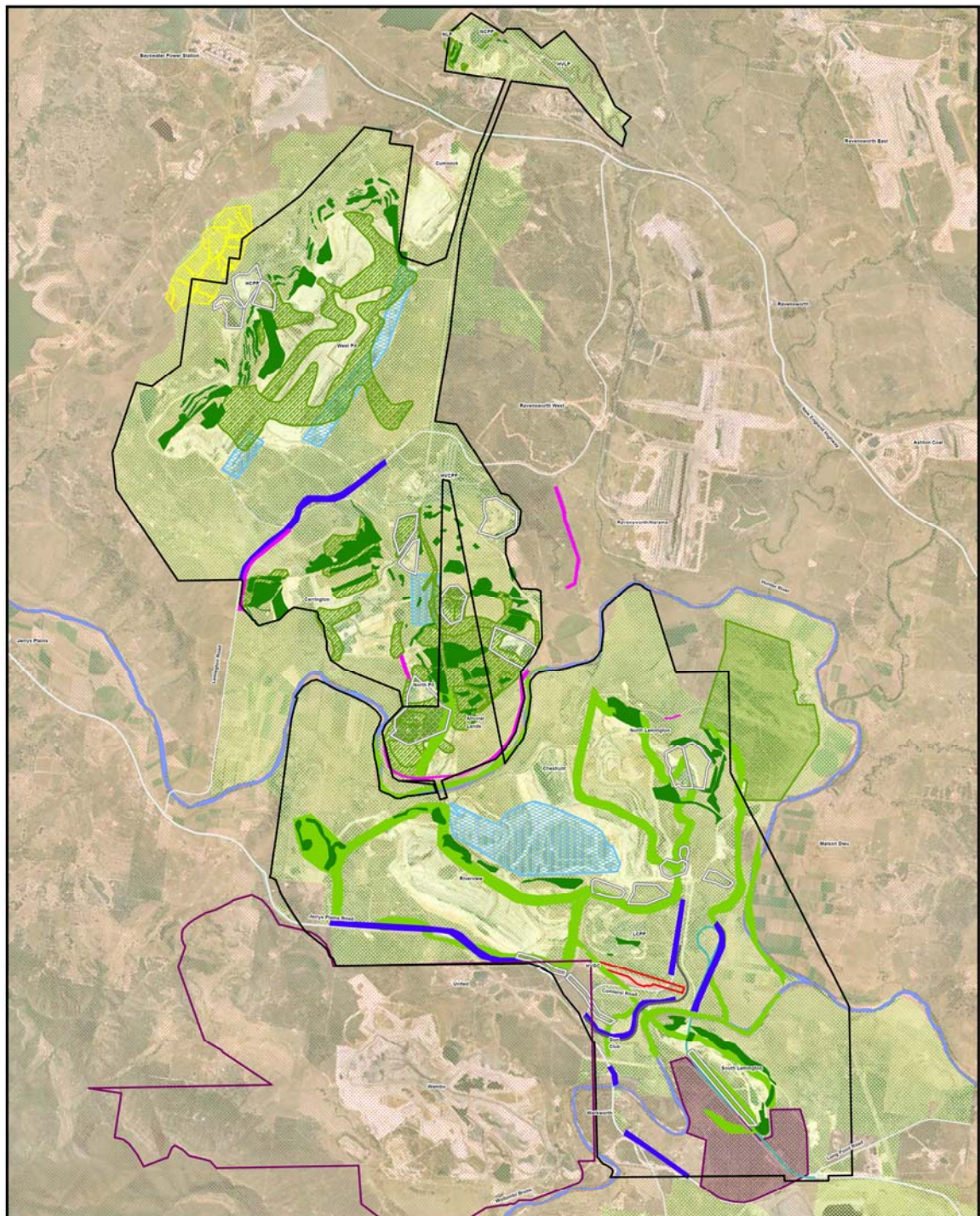


Surrounding Assessment Locations used for Modelling Purposes

Location No.	Location and Name	MGA56 Coordinates	
		Easting	Northing
Locations at Maison Dieu (East)			
5	Bowman	317887	6399172
16	Algie	318128	6397347
24	Clifton and Edwards	318660	6398580
32	Algie (Curlewis)	317982	6397802
34	Ernst	318530	3697994
47	Moxey	317979	6399821
50	Nelson	318656	6398203
56	Edwards	318607	6398553
61	Shearer	318008	6399499
Locations at Warkworth (South)			
23	Hawkes (Springwood)	313989	6392994
33	Edward and Haynes	314699	6394353
38	Henderson	315584	6393898
43	Kannar	314648	6394680
45	Kelly	314149	6394563
Locations west along Jerrys Plains Road (West)			
3	Elisnore	305416	6401053
4	Muller	305950	6399615
13	Jerrys Plains Centre	303535	6402851
19	Birrilee Feeds Pty Ltd	305655	6400600
31	Cooper (Kilburnie)	305953	6399990
36	Garland	306139	6399895
Isolated Locations			
7	Stapleton (Cheshunt) – North East	315919	6403004
8	Holz (Oaklands) – North	313711	6403979
10	Moses (Wandewoi) – North West	306970	6402069
<ul style="list-style-type: none">• Location No. is consistent with the HVO West Pit consent (DA 450-10-2003).• Location No's 33 and 43 have been purchased by Wambo Mine.• Location No. 8 has been purchased by Xstrata.			

APPENDIX 5
Deleted

APPENDIX 6 CONCEPTUAL REHABILITATION PLAN



Legend

	HVO North Development Consent Boundary and HVO South Project Application Area		Proposed Agro Forestry
	United Development Consent and Wambo Surface Disturbance Boundary		Habitat Management Area
	Existing Visual Screen		Water Filled Void
	Potential Visual Screen		Rehabilitated Tailings
	Existing Rehabilitation - Trees		Proposed Gliding Strip
	Proposed Native Vegetation - Strategy		Local Roads and Proposed Commercial Road
	Proposed Vegetation Enhancement Area		Proposed Rail Spur and Loop
	Proposed Native Vegetation MOP		Proposed Pasture
			Private Land Ownership

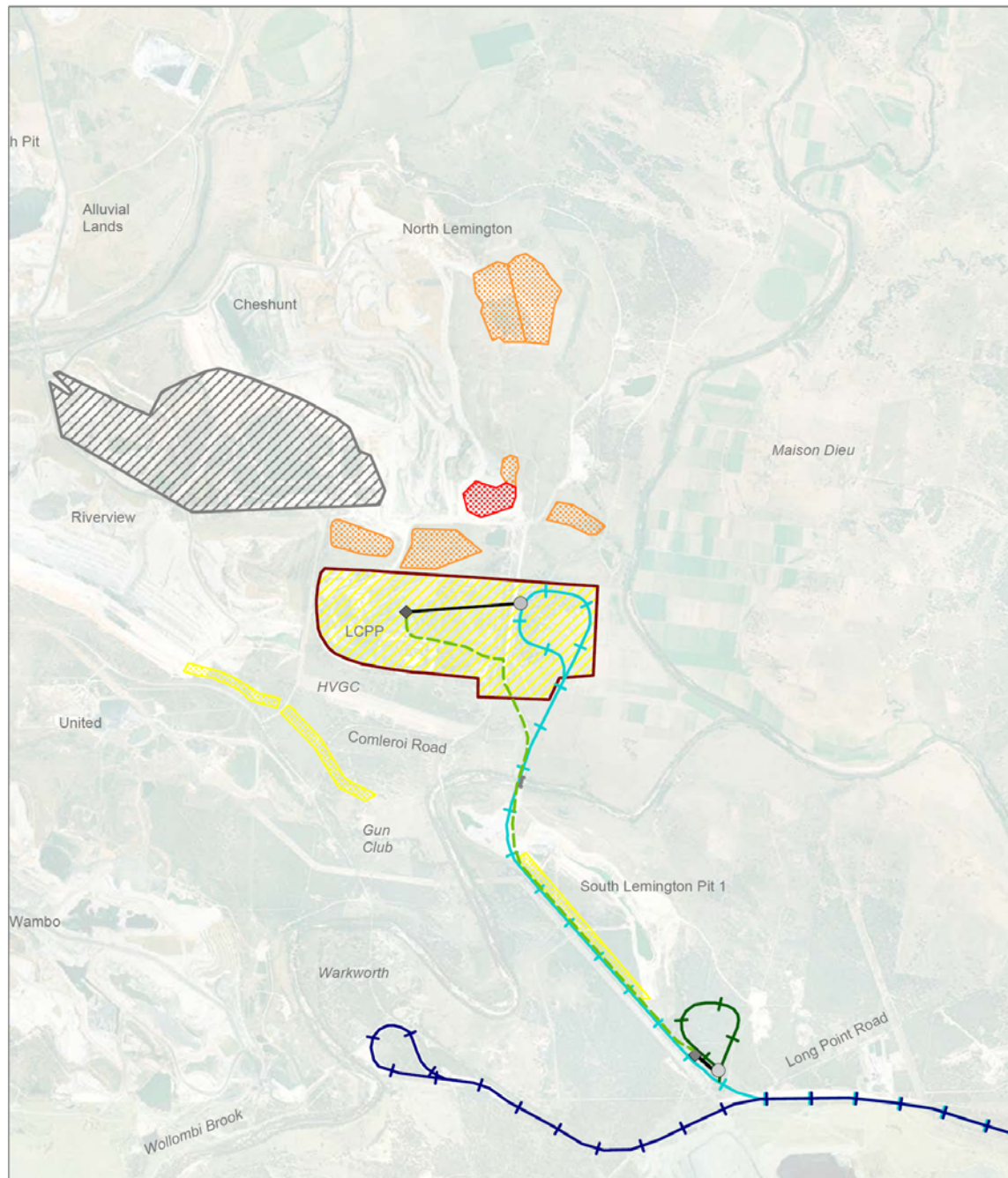
Client:	Coal & Allied Operations Pty Limited
Project:	Hunter Valley Operations South Coal Project
Drawing No:	0047820_F_GS20
Date:	04.10.07
Drawn By:	DH
Source:	
Scale:	

Reviewed By: LS

Figure 19.2
Conceptual Final Landscape

Environmental Resources Management Australia Pty Ltd
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APPENDIX 7 TRANSPORT OPTIONS



Legend

- | | | | |
|--|--|--|---------------------------------|
| | Lemington Coal Preparation Plant and Associated Infrastructure | | Existing Tailings Facility |
| | Final Void | | Proposed Tailings Facility |
| | Loading Terminal | | Rehabilitated Tailings Facility |
| | Coal Stockpile | | |
| | Proposed Trucking & Conveyor Route | | |
| | Proposed Short Loop | | |
| | Coal Conveyor | | |
| | Proposed Rail Line | | |
| | Wambo Rail Loop and Spur | | |
| | Existing Bridge | | |

Client:	Coal & Allied Operations Pty Limited
Project:	Hunter Valley Operations South Coal Project
Drawing No:	0047820_F_10
Date:	27.08.2007
Drawn By:	DH
Source:	-
Scale:	Refer to Scale Bar



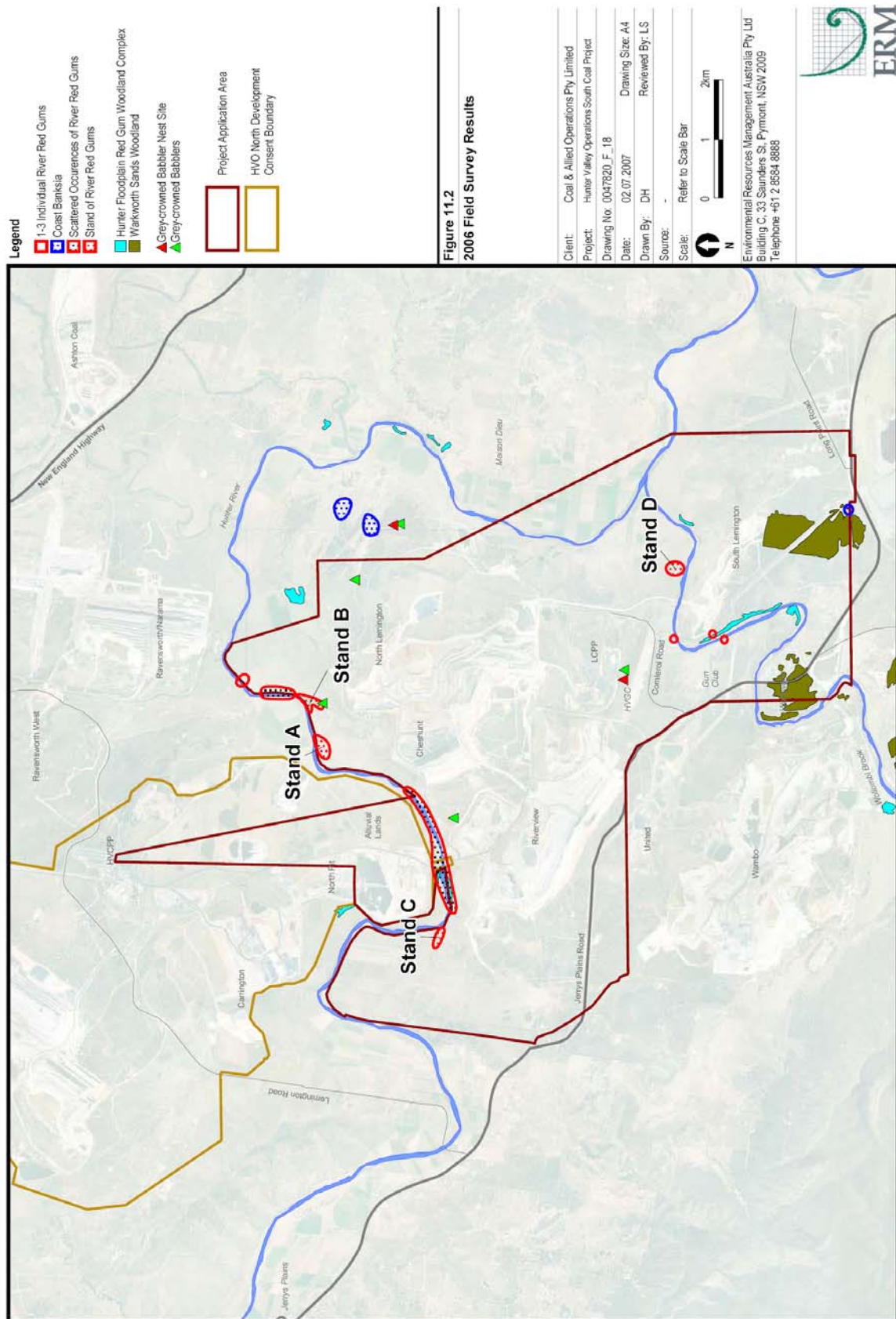
Figure 5.7

Proposed LCPP Footprint, Transport Options from LCPP to Wambo Rail Spur, Tailings Storage Facilities and Final Void

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APPENDIX 8 THREATENED SPECIES AND EECs AT HVO SOUTH



APPENDIX 9
INDEPENDENT DISPUTE RESOLUTION PROCESS

**Independent Dispute Resolution Process
(Indicative only)**

