

APPENDIX 2

SSD-5850 Development Consent



Development Consent

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

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

These conditions are required to:

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

| Member of the Commission | Member of the Commission | Member of the Commission |
|--------------------------|--------------------------|--------------------------|
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| Sydney | 2016 | |
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SCHEDULE 1

| | |
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| Application Number: | SSD-5850 |
| Applicant: | Mt Owen Pty Limited |
| Consent Authority: | Minister for Planning |
| Land: | See Appendix 1 |
| Development: | Mount Owen Continued Operations Project |

Blue type represents September 2017 modification

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DEFINITIONS

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| Annual review | The review required by condition 5 of Schedule 5 |
| Applicant | Mt Owen Pty Limited, or any person/s who rely on this consent to carry out development that is subject to this consent |
| ARI | Average Recurrence Interval |
| ARTC | Australian Rail Track Corporation Ltd |
| BCA | Building Code of Australia |
| Biodiversity Offset Strategy | The conservation and enhancement strategy described in the EIS, summarised in Table 9 and depicted conceptually in the figure in Appendix 5 |
| Blast misfire | The failure of one or more holes in a blast pattern to initiate |
| CCC | Community Consultative Committee |
| Conditions of this consent | Conditions contained in Schedules 2 to 5 inclusive |
| Council | Singleton Shire Council |
| Date of commencement | The date notified to the Department by the Applicant under condition 9 of Schedule 2 |
| Day | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays |
| Department | Department of Planning & Environment |
| Development | The development described in the EIS documents listed in condition 2(a) of Schedule 2 |
| DPI | Department of Primary Industries |
| DPI Water | Division of Water within the DPI |
| DRE | Division of Resources and Geoscience within the Department |
| DSC | Dams Safety Committee |
| EA (Mod 1) | Environmental Assessment titled <i>Integra to Mount Owen Complex Water Pipeline Modification Environmental Assessment</i> dated June 2017, including the Response to Submissions titled <i>Integra to Mount Owen Complex Water Pipeline Modification EA Response to Submissions</i>, dated 11 July 2017 |
| EEC | Endangered Ecological Community, as defined under the TSC Act and/or EPBC Act |
| EIS | Environmental Impact Statement titled <i>Mount Owen Continued Operations Project: Environmental Impact Statement</i> (10 volumes) dated January 2015, response to submissions titled <i>Mount Owen Continued Operations Project Response to Submissions: Report A</i> dated June 2015 (including Addendum dated October 2015) and <i>Report B</i> dated August 2015, <i>Response to Queries Raised by Agencies Following Response to Submissions</i> dated November 2015, the <i>Mount Owen Continued Operations Project Response to PAC Review Report</i> dated May 2016 and the <i>Mount Owen Continued Operations Project Clarification of Project and Assessment Findings Report</i> dated October 2016. |
| EPA | Environment Protection Authority |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> |
| EPBC Act | <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> |
| EPL | Environment Protection Licence issued under the POEO Act |
| Evening | The period from 6pm to 10pm |
| Feasible | Feasible relates to engineering considerations and what is practical to build or implement |
| Greater Ravensworth Water Sharing Scheme | The integrated water management system operated across the Mount Owen Complex, Ravensworth Complex, Liddell Coal Mine and Integra Underground coal mines |
| GDE | Groundwater Dependent Ecosystem |
| Heritage Branch | Heritage Branch of OEH |
| Heritage item | An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> |
| Incident | A set of circumstances that: <ul style="list-style-type: none"> causes or threatens to cause material harm to the environment; and/or breaches or exceeds the limits or performance measures/criteria in this consent |
| Land | As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent |
| Material harm to the environment | Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial |

| | |
|---|--|
| Mine water | Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with coal or carbonaceous material |
| Minimise | Reduce adverse impacts by implementing all reasonable and feasible mitigation measures |
| Mining operations | Includes the removal and emplacement of overburden and extraction, processing, handling, storage and transport of coal on site |
| Minister | Minister for Planning, or delegate |
| Minor | Not very large, important or serious |
| Mitigation | Activities associated with reducing the impacts of the development |
| Mount Owen Complex | The combined operations of the Mount Owen, Ravensworth East and Glendell Mines |
| Mount Owen Rail Loop | The private rail line associated with the Mount Owen Mine |
| Negligible | Small and unimportant, such as to be not worth considering |
| Night | The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays |
| NP&W Act | <i>National Parks and Wildlife Act 1974</i> |
| OEH | Office of Environment and Heritage |
| POEO Act | <i>Protection of the Environment Operations Act 1997</i> |
| Privately-owned land | Land that is not owned by a public agency or a mining company (or its subsidiary) |
| Public infrastructure | Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc. |
| RAP | Registered Aboriginal party |
| Ravensworth Complex | The combined operations of the Ravensworth Open Cut and Ravensworth Underground Mines |
| Reasonable | Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements |
| Rehabilitation | The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting |
| Remediation | Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact |
| Residence | Existing dwellings or approved dwellings, as at the date of this consent |
| RFS | Rural Fire Service |
| RMS | Roads and Maritime Services |
| ROM | Run-of-mine |
| SANSW | Subsidence Advisory NSW |
| Secretary | Secretary of the Department, or nominee |
| Site | The land defined in Appendix 1 |
| TSC Act | <i>Threatened Species Conservation Act 1995</i> |
| VPA | Voluntary Planning Agreement |
| Water pipeline infrastructure | The water pipeline from Integra Underground to Mount Owen Complex depicted in Figure 2D(i) in Appendix 2 |

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

2. The Applicant must carry out the development
 - (a) generally in accordance with the EIS, [EA \(Mod 1\)](#) and the Development Layout Plans; and
 - (b) in accordance with the conditions of this consent.

Note: The Development Layout Plans for the development are shown in Appendix 2.

3. If there is any inconsistency between any of the documents listed in condition 2(a), the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
4. The Applicant must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
 - (a) any strategies, plans, programs, reviews, reports, audits or correspondence that are submitted in accordance with this consent (including any stages of these documents);
 - (b) any reviews, reports or audits commissioned by the Department regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.

LIMITS ON CONSENT

Mining Operations

5. The Applicant may carry out mining operations on the site until 31 December 2031.

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

Coal Extraction and Transportation

6. The Applicant must not extract more than 14 million tonnes of ROM coal from the site in any calendar year, comprising:
 - (a) up to 4 million tonnes of ROM coal from the Ravensworth East Mine; and
 - (b) up to 10 million tonnes of ROM coal from the Mount Owen Mine (North Pit).
7. The Applicant may process up to 17 million tonnes of ROM coal from the Mount Owen Complex at the Mount Owen coal handing and preparation plant in a calendar year.
8. The Applicant must:
 - (a) transport coal from the site by rail using the Mount Owen Rail Loop or by conveyor to the Bayswater and/or Liddell Power Stations; and
 - (b) not transport more than 2 Mtpa of ROM coal and/or crushed gravel by conveyor to the Liddell Coal Mine and/or Ravensworth Coal Terminal.

NOTIFICATION OF COMMENCEMENT

9. Prior to physically commencing development under this consent, the Applicant must notify the Department in writing of the date that it intends to commence development permitted under this consent.

SURRENDER OF CONSENTS

10. Within 12 months of the date of commencement of development under this consent, or as otherwise agreed by the Secretary, the Applicant must surrender the existing development consents DA 14-1-2004 for the Mount Owen Mine and DA 52-03-99 for the Ravensworth East Mine, in accordance with Section 104A of the EP&A Act, and to the satisfaction of the Secretary.

Following the commencement of development under this consent, the conditions of this consent shall prevail to the extent of any inconsistency with the conditions of the development consents DA 14-1-2004 and DA 52-03-99, prior to the surrender of those consents.

Notes:

- This consent will apply to all components of the existing operations at the Mount Owen Mine and Ravensworth East Mine, from the commencement of development under this consent.
- This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 4A of the EP&A Act. Surrender of a consent should not be understood as implying that works legally constructed under a valid consent can no longer be legally maintained or used.

STRUCTURAL ADEQUACY

11. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA and [SANSW](#).

Notes:

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

DEMOLITION

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

PROTECTION OF PUBLIC INFRASTRUCTURE

13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

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

OPERATION OF PLANT AND EQUIPMENT

14. The Applicant must ensure that all plant and equipment used on site, or to monitor the performance of the development, is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

PLANNING AGREEMENT

15. Within 6 months of the date of commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant must enter into a VPA with Council in accordance with:
 - (a) Division 6 of Part 4 of the EP&A Act; and
 - (b) the terms of the Applicant's offer in Appendix 8.

SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

ACQUISITION UPON REQUEST

1. Upon receiving a written request from the owner of any land listed in Table 1, the Applicant must acquire the land in accordance with the procedures in conditions 5 and 6 of Schedule 4.

Table 1: Land subject to acquisition upon request

| Acquisition Basis | Land ^a |
|--------------------------|--|
| Air Quality | 105 ^b , 114, 115, 116, 133 ^c |
| Noise | 21, 22, 23 |

Notes:

a The location of the land referred to in Table 1 is shown on the figure in Appendix 3.

b The Applicant is only required to acquire property 105, if its acquisition is not reasonably achievable under the approval for the Rix's Creek North open cut mine.

c The Applicant is only required to acquire Lot 31 DP6842 and Lot 2 DP1175728 within property 133.

ADDITIONAL MITIGATION UPON REQUEST

2. Upon receiving a written request from the owner of any residence listed in Table 1 or Table 2, the Applicant must implement additional mitigation measures at the residence, in consultation with the landowner, in respect of the basis on which that residence is identified in Table 1 or Table 2.

These measures must be reasonable and feasible, and directed towards reducing the air quality and/or noise impacts of the development on the residence. In the case of air quality, mitigation may include measures such as air filters, a first flush drainage system and/or air conditioning. In the case of noise, mitigation may include measures such as double-glazing, insulation and/or air conditioning.

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

Table 2: Land subject to additional mitigation upon request

| Mitigation Basis | Residence |
|-------------------------|------------------|
| Noise | 13, 19, 93 |

Note: The location of the land referred to in Table 2 is shown on the figure in Appendix 3.

NOISE

Construction – Hebden Road and Rail Line Works

3. The Applicant must manage noise from construction activities associated with the Hebden Road upgrade works and additional rail line, in accordance with the noise management levels defined in Table 2 of the *Interim Construction Noise Guideline*.

The Applicant must also ensure that the combined operational and construction noise from the development does not exceed a level of 5 dB(A) above the daytime operational $L_{Aeq(15min)}$ noise criteria in Table 3 during Standard Construction Hours (7 am to 6 pm, Monday to Friday; and 8 am to 1 pm on Saturdays) and does not exceed the evening or night time operational $L_{Aeq(15min)}$ noise criteria in Table 3, except where an alternative temporary limit has been approved by the Secretary for specific works or where the Applicant has an agreement with the owner/s of the relevant residence/land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

4. In seeking an alternative temporary construction noise limit above the levels identified in condition 3, the Applicant must submit a Construction Noise Work Protocol to the Secretary for approval, prior to undertaking the nominated construction works. This protocol must:
 - (a) be prepared to the satisfaction of the Secretary;
 - (b) be prepared in consultation with the EPA and any landowners who may be affected by the proposed variation; and
 - (c) address the relevant requirements of the *Interim Construction Noise Guideline*.

The Applicant may only undertake construction activities that require a Construction Work Noise Protocol, in accordance with an approved Construction Noise Work Protocol as approved from time to time by the Secretary.

Noise Criteria

5. The Applicant must ensure that the noise generated by the development (including rail movements along the Mount Owen Rail Loop, but excluding the construction works specified in condition 3), does not exceed the criteria in Table 3 at any residence on privately-owned land.

Table 3: Noise criteria dB(A)

| Residence | Day / Evening / Night <i>L_{Aeq}(15min)</i> | Night <i>L_{A1}(1min)</i> |
|--|--|--|
| 41, 48 | 36 / 35 / 35 | 45 |
| 91 | 37 / 37 / 36 | 45 |
| 14, 92 | 37 / 37 / 37 | 45 |
| 10, 11 | 37 / 37 / 37 | 46 |
| 13 | 38 / 38 / 38 | 45 |
| 12, 94, 95, 112 | 38 / 38 / 38 | 46 |
| 111 | 39 / 39 / 36 | 45 |
| 19 | 39 / 39 / 39 | 45 |
| 93 | 40 / 40 / 40 | 46 |
| 21, 22, 23 | 41 / 41 / 41 | 45 |
| 122 | 42 / 42 / 42 | 50 |
| All other residences Area 4 – South | 37 / 37 / 36 | 46 |
| All other residences Area 4 – North and all other residences Area 5 | 37 / 37 / 35 | 45 |
| All other residences Area 6 | 40 / 40 / 40 | 50 |
| All other residences Area 7 | 40 / 40 / 38 | 48 |
| All other residences Area 8 – East | 39 / 39 / 35 | 45 |
| All other residences Area 8 – West | 44 / 44 / 42 | 52 |
| All other residences Area 9 | 48 / 48 / 43 | 53 |
| Other privately-owned residences | 35 / 35 / 35 | 45 |

Note: The location of the land referred to in Table 3 is shown on the figure in Appendix 3.

Noise generated by the development is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time-to-time). Appendix 4 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

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

Noise Operating Conditions

6. The Applicant must:
 - (a) implement all reasonable and feasible mitigation measures, to minimise the construction, operational, low frequency, road and on-site rail noise of the development, with a particular focus on managing noise impacts during adverse weather conditions;
 - (b) identify any mobile plant or equipment (other than light vehicles) that will operate in noise sensitive areas (i.e. areas with the potential to generate increased noise at privately-owned residences, such as areas near the boundary of the site or elevated land/overburden emplacements) and ensure that this mobile plant or equipment is fitted with reasonable and feasible noise attenuation within 12 months of commencing development under this consent;
 - (c) operate a comprehensive noise management system that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
 - (d) minimise the noise impacts of the development during meteorological conditions when the noise limits in this consent do not apply (see Appendix 4);
 - (e) ensure that the Mount Owen Rail Loop is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL;
 - (f) use reasonable endeavours to ensure that rolling stock is selected to minimise noise;
 - (g) use its best endeavours to co-ordinate noise management with nearby mines (ie. Glendell, Integra Underground and Rix's Creek North Mines) to reasonably and feasibly minimise cumulative noise impacts; and
 - (h) carry out regular attended monitoring to determine whether the development is complying with the relevant conditions of this consent.

Note: Monitoring under this consent is not required at all residences and the use of representative monitoring locations can be used to demonstrate compliance with criteria, if agreed to by the Secretary.

Noise Management Plan

7. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise;
 - describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this consent;
 - describe the noise management system in detail; and
 - include a monitoring program that:
 - evaluates and reports on:
 - the effectiveness of the noise management system;
 - compliance with the noise criteria in this consent; and
 - compliance with the noise operating conditions;
 - includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a better indicator of compliance with the noise criteria in this consent and a trigger for further attended monitoring); and
 - defines what constitutes a noise incident, and includes a protocol for identifying noise incidents and notifying the Department and relevant stakeholders of any such incident.

The Applicant must implement the approved Noise Management Plan as approved from time to time by the Secretary.

BLASTING

Blasting Criteria

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

Table 4: Blasting criteria

| Location | Airblast overpressure (dB(Lin Peak)) | Ground vibration (mm/s) | Allowable exceedance |
|--|---|--------------------------------|---|
| Residence on privately-owned land ^a | 120 | 10 | 0% |
| | 115 | 5 | 5% of the total number of blasts over a calendar year |
| Historic buildings and structures | | | |
| St Clements Church | 120 | 5 | 0% |
| | 115 | 2 | 5% of the total number of blasts over a calendar year |
| Ravensworth Homestead | 126 | 5 | 0% |
| Chain of Ponds Inn | 133 | 10 | 0% |
| Kangory (Dulwich) Homestead | 126 | 5 | 0% |
| Former Hebden Public School | - | 16 | 0% |
| John Winter Memorial | - | 250 | 0% |
| Infrastructure | | | |
| Electricity transmission lines ^b | - | 50 | 0% |
| Prescribed dams ^c | - | 50 | 0% |
| Main Northern Rail Line ^b | - | 25 | 0% |
| Public roads ^b | - | 100 | 0% |
| Integra Underground Mine's surface facilities ^d | - | 25 or 100 ^e | 0% |

| | | | |
|--|---|------------------------|----|
| Integra Underground Mine's underground workings ^d | - | 10 or 250 ^f | 0% |
| All other public infrastructure ^b | - | 50 | 0% |

- a Unless otherwise agreed with the relevant owner/s of the residence, and the Applicant has advised the Department in writing of the terms of this agreement.*
- b Unless otherwise agreed with the relevant infrastructure provider or owner, and the Applicant has advised the Department in writing of the terms of this agreement.*
- c Unless otherwise agreed to by the Dam Safety Committee, and the Applicant has advised the Department in writing of the terms of this agreement.*
- d Unless otherwise agreed to by the relevant infrastructure owner and the Secretary (in writing).*
- e 25 mm/s for occupied non-sensitive sites (e.g. factories or commercial premises) or 100 mm/s for unoccupied structures of reinforced concrete or steel construction.*
- f 10 mm/s safety and personnel withdrawal limit for occupied underground workings and 250 mm/s structural limit for unoccupied workings.*

Blasting Hours

9. The Applicant must only carry out blasting on site between 9 am and 5 pm (Monday to Saturday inclusive), with the exception of an allowable maximum of 12 blasts in a calendar year which may be undertaken between 7 am and 9 am (Monday to Saturday inclusive). No blasting is allowed on Sundays, public holidays or any other time without the agreement of the Secretary.

Blasting Frequency

10. The Applicant may carry out a maximum of:
- (a) 2 blasts a day at the Ravensworth East Mine;
 - (b) 2 blasts a day at the Mount Owen Mine;
 - (c) 5 blasts a week at the Ravensworth East Mine, averaged over a calendar year; and
 - (d) 8 blasts a week at the Mount Owen Mine, averaged over a calendar year.

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

Notes:

- *For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.*
- *For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast, for the purpose of calculating the maximum number of daily and weekly blasts under this condition.*

Property Inspections

11. If the Applicant receives a written request from the owner of any privately-owned land within 3 kilometres of any approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant must:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:
 - establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and
 - identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and/or structures; and
 - (b) give the landowner a copy of the new or updated property inspection report.

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

Property Investigations

12. If the owner of any privately-owned land within 3 kilometres of any approved open cut mining pit on site claims that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, then within 2 months of receiving this claim the Applicant must:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and
 - (b) give the landowner a copy of the property investigation report.

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

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

Blast Operating Conditions

13. The Applicant must:
- (a) implement all reasonable and feasible measures to:
 - protect the safety of people and livestock from blasting impacts in the areas surrounding blasting operations;
 - protect public or private infrastructure/property in the surrounding area from damage from blasting operations; and
 - minimise the dust and fume emissions of any blasting;
 - (b) ensure that blasting on the site does not damage heritage items, and develop specific measures to protect the Ravensworth Homestead, Chain of Ponds Inn, Kangory (Dulwich) Homestead, Former Hebden Public School and John Winter Memorial from any blasting damage associated with the development;
 - (c) minimise the frequency and duration of any road closures, and use all reasonable efforts to avoid road closures for blasting during peak traffic periods;
 - (d) operate a suitable system to enable members of the public to get up-to-date information on the proposed blasting schedule on site and associated road closures;
 - (e) use all reasonable endeavours to co-ordinate the timing of blasting at the site with any nearby mines (including the Glendell and Rix's Creek North Mines) to minimise cumulative blasting impacts; and
 - (f) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent.

Notes:

- *For the location of the heritage items referred to in paragraph (b) above, refer to Appendix 6*
- *The system referred to in paragraph (d) above, should include the option for interested members of the public to be provided with an SMS text message alert, notifying them of the day's blasting schedule. If for any reason, the scheduled blast is to be fired 30 minutes prior to or 30 minutes after the original notification, or has been cancelled, a further text message should be sent to these individuals.*
- *Monitoring under this consent is not required at all locations and the use of representative monitoring locations can be used to demonstrate compliance with criteria, if agreed to by the Secretary.*

14. The Applicant must not undertake blasting on site within 500 metres of any public road or any land outside the site not owned by the Applicant, unless the Applicant has:
- (a) a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the infrastructure or land, and the Applicant has advised the Department in writing of the terms of this agreement; or
 - (b) demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the infrastructure or land without compromising the safety of people or livestock or damaging the infrastructure and/or other buildings and structures, and the Secretary has approved an updated Blast Management Plan that includes specific mitigation measures to be implemented while blasting is being carried out within 500 metres of the infrastructure or land.

Blast Management Plan

15. The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise;
 - (b) describe the measures that will be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
 - (c) include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with applicable roads authorities and includes provisions for:
 - minimising the duration of closures, both on a per event basis and weekly basis;
 - avoiding peak traffic periods as far as practicable; and
 - coordinating with neighbouring mines to minimise the cumulative effect of road closures;
 - (d) propose and justify any agreed alternative ground vibration limits for public infrastructure in the vicinity of the site (if relevant);
 - (e) include an agreed strategy for the management of potential blast interactions within 500 metres of any approved and/or developed underground workings for the Integra Underground Mine, and includes details of:
 - systems for the prior and timely notification of scheduled blasting and subsidence activities;
 - personnel evacuation and safety protocols for specific blast events; and
 - procedures and protocols for managing the interaction of the two mines; and
 - (f) include a monitoring program for evaluating and reporting on compliance with the blasting criteria and operating conditions of this consent.

The Applicant must implement the approved Blast Management Plan as approved from time to time by the Secretary.

AIR QUALITY

Air Quality Criteria

16. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Tables 5, 6 and 7 at any residence on privately-owned land, except for the residences shown in Table 1 as being eligible for acquisition on request on the basis of air quality impacts.

Table 5: Long term impact assessment criteria for particulate matter

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

Table 6: Short term impact assessment criterion for particulate matter

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

Table 7: Long term impact assessment criteria for deposited dust

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

Notes to Tables 5-7:

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

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

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

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

For the purposes of this condition, 'reasonable and feasible avoidance and mitigation measures' includes, but is not limited to, the requirements in conditions 18 and 19 to develop and implement a real time air quality management system that ensures effective operational response to the risk of exceedance of the criteria.

Mine-owned Land

17. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Tables 5, 6 and 7 at any occupied residence on mine-owned land (including land owned by another mining company) unless:
- the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under Schedule 4 of this consent;
 - the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice;
 - air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining company) of the likely particulate emissions at the residence; and
 - data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property.

Air Quality Operating Conditions

18. The Applicant must:
- implement all reasonable and feasible measures to minimise the odour, fume, spontaneous combustion, greenhouse gas and dust (including PM₁₀ and PM_{2.5}) emissions of the development, including through the proactive and reactive management for all emission sources (crustal and combustion);
 - minimise visible air pollution generated by the development;

- (c) minimise to the greatest extent practicable, the extent of potential dust generating surfaces exposed on the site at any given point in time;
- (d) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
- (e) install and operate a weather station with a 10 m high tower, located approximately between or at either dust monitoring stations SX9 and SX10, for use in managing potential air quality impacts to receivers situated to the south-east of the development;
- (f) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note d above under Tables 5-7);
- (g) co-ordinate air quality management on site with the air quality management at nearby mines (ie. Glendell and Rix's Creek North mines) to minimise cumulative air quality impacts; and
- (h) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent, and report on this in the annual review referred to in condition 5 of Schedule 5.

Note: Monitoring under this consent is not required at all residences and the use of representative monitoring locations can be used to demonstrate compliance with criteria, if agreed to by the Secretary.

Air Quality Management Plan

19. The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - (a) be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise;
 - (b) describe the method for the selection of a suitable site and installation timeframe for the weather station to be located approximately between, or at either dust monitoring stations SX9 and SX10;
 - (c) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this consent;
 - (d) describe the air quality management system in detail;
 - (e) include an initial baseline estimate of the emissions of PM_{2.5} from all diesel engines used for the development; and
 - (f) include an air quality monitoring program that:
 - adequately supports the air quality management system;
 - evaluates and reports on the:
 - the effectiveness of the air quality management system;
 - compliance with the air quality criteria;
 - compliance with the air quality operating conditions; and
 - defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.

The Applicant must implement the approved Air Quality Management Plan as approved from time to time by the Secretary.

METEOROLOGICAL MONITORING

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

WATER

Water Supply

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

Note:

- *Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development.*
- *The Applicant should consult with DPI Water regarding the licensing requirements for the final landform and any associated impacts on the Bowmans Creek and Glennies Creek catchments.*

Compensatory Water Supply

22. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than a negligible impact) as a result of the development, in consultation with DPI Water, and to the satisfaction of the Secretary.

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

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

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

Note: The Water Management Plan (see condition 26) is required to include trigger levels for investigating potentially adverse impacts on water supplies.

Water Pollution

23. Unless an EPL or the EPA authorises otherwise, the Applicant must comply with Section 120 of the POEO Act.

Creek Diversions

24. The Applicant must construct, maintain and rehabilitate any approved creek diversions associated with the development, including the diversions of Bettys Creek around the Eastern Rail Pit and into Main Creek, to the satisfaction of the Secretary.

Water Management Performance Measures

25. The Applicant must comply with the performance measures in Table 8.

Table 8: Water management performance measures

| Feature | Performance Measure |
|--|--|
| Water management – General | <ul style="list-style-type: none"> Minimise the use of clean water on site Minimise the need for make-up water from external supplies (other than the Greater Ravensworth Water Sharing Scheme) |
| Main, Glennies and Bowmans Creek alluvial aquifers | <ul style="list-style-type: none"> Negligible environmental consequences to the alluvial aquifer as a result of the development, including: <ul style="list-style-type: none"> negligible change in groundwater levels; negligible change in groundwater quality; and negligible impact to other groundwater users, beyond those predicted in the documents listed in condition 2(a) of Schedule 2. |
| Construction and operation of infrastructure | <ul style="list-style-type: none"> Design, install and maintain erosion and sediment controls generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1</i>, <i>Volume 2A – Installation of Services</i>, <i>Volume 2C – Unsealed Roads</i>, <i>Volume 2D – Main Road Construction</i> and <i>Volume 2E Mines and Quarries</i> Design, install and maintain any infrastructure within 40 metres of watercourses generally in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land (2007)</i>, or its latest version Design, install and maintain any creek crossings generally in accordance with the <i>Policy and Guidelines for Fish Friendly Waterway Crossings</i> (NSW Fisheries, 2003) and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings</i> (NSW Fisheries 2003), or their latest versions |
| Clean water diversion & storage infrastructure | <ul style="list-style-type: none"> Design, install and maintain the clean water system to convey the 100 year 24 hour ARI event Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site |

| Feature | Performance Measure |
|---|---|
| Sediment dams | <ul style="list-style-type: none"> Design, install and maintain the dams generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries</i> |
| Mine water storages | <ul style="list-style-type: none"> Design, install and maintain mine water storage infrastructure to ensure no discharge of mine water to the off-site environment On-site storages (including mine infrastructure dams, groundwater storage and treatment dams) are suitably designed, installed and maintained (including to minimise permeability) Ensure adequate freeboards within all pit voids at all times to minimise the risk of discharge to surface waters |
| Tailings storages | <ul style="list-style-type: none"> Design and maintain tailings storage areas to encapsulate and prevent the movement of tailings seepage/leachate offsite |
| Overburden emplacements | <ul style="list-style-type: none"> Design, install and maintain emplacements to encapsulate and prevent migration of tailings, acid forming and potentially acid forming materials, and saline and sodic material Design, install and maintain out-of-pit emplacements to prevent and/or manage long term saline seepage |
| Chemical and hydrocarbon storage | <ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards |
| Creek realignment and restoration works | <ul style="list-style-type: none"> Diverted creek lines are hydraulically and geomorphologically stable Incorporate erosion control measures based on vegetation and engineering revetments Incorporate persistent/permanent pools for aquatic habitat Revegetate with suitable native species |
| Aquatic and riparian ecosystems | <ul style="list-style-type: none"> Develop site-specific in-stream water quality objectives in accordance with ANZECC 2000 and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> procedures (2006), or its latest version |

Water Management Plan

26. The Applicant must prepare a Water Management Plan for the development. This plan must:
- be prepared in consultation with DPI Water and EPA, and submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise;
 - include detailed performance criteria and describe measures to ensure that the Applicant complies with the water management performance measures (see Table 8);
 - in addition to the standard requirements for management plans (see condition 3 of Schedule 5), this plan must include a:
 - Water Balance that:
 - includes details of:
 - sources and security of water supply, including contingency planning for future reporting periods;
 - water use and management on site;
 - any off-site water transfers; and
 - reporting procedures, including the preparation of a site water balance for each calendar year; and
 - describes the measures that would be implemented to minimise clean water use by the development;
 - Salt Balance that:
 - includes details of:
 - sources of saline material on the site;
 - saline material and saline water management on site; and
 - reporting procedures, including the preparation of a salt balance for each calendar year;
 - Erosion and Sediment Control Plan, that:
 - is consistent with the requirements of *Managing Urban Stormwater: Soils and Construction -Volume 1 and Volume 2E Mines and Quarries*, or its latest version;
 - identifies activities that could cause soil erosion, generate sediment or affect flooding;
 - describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk;
 - describes the location, function, and capacity of erosion and sediment control structures and flood management structures; and
 - describes what measures would be implemented to maintain the structures over time;
 - Surface Water Management Plan, that includes:

- relevant baseline data on channel stability, water flows and water quality in the sections and parts of creeks, rivers and waterbodies that are likely to experience a greater than negligible impact as a result of the development;
 - a detailed description of the water management system on site;
 - a description of measures used to manage, monitor and report on the transfer of water under the Greater Ravensworth Water Sharing Scheme;
 - an appropriately detailed description of the flood warning signage and flood conveyance measures to be installed along Hebden Road;
 - appropriately detailed plans, design objectives and performance criteria for:
 - the Hebden Road realignment and upgrade works (including the construction of a new bridge over Bowmans creek);
 - construction of an additional rail line and rail bridge crossing over Bettys Creek;
 - any approved creek diversions associated with the development;
 - any restoration works to be undertaken on creeks impacted by the development;
 - sediment and mine water dams;
 - the remediation of the dirty-water dam near Hebden Road, prior to its use as an offline flow detention area for Yorks Creek;
 - emplacement of tailings, acid forming and potentially acid forming materials, and saline and sodic materials;
 - re-establishment of free draining second and third order creeks, and their associated catchments, in the final post-mining landform; and
 - any final voids for the development (see the Rehabilitation Objectives in Table 10);
 - surface water performance criteria, including trigger levels for investigating any potentially adverse impacts, for the following:
 - the water management system, including mine water storages and sediment dams;
 - surface water user supplies;
 - downstream surface water quality;
 - downstream flooding impacts; and
 - stream and riparian vegetation health;
 - a program to monitor and report on:
 - the effectiveness of the water management system;
 - impacts on downstream water users (that are not negligible);
 - surface water flows and quality, as well as stream and riparian vegetation health in the watercourses that are likely to experience a greater than negligible impact as a result of the development; and
 - downstream flooding impacts; and
 - a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the development;
- (v) Groundwater Management Plan, that includes:
- relevant baseline data on groundwater levels, yield and quality in the region and privately-owned groundwater bores that are likely to experience a greater than negligible impact as a result of the development;
 - a detailed description of the groundwater management system on site;
 - appropriately detailed plans, design objectives and performance criteria, for:
 - emplacement of tailings, acid forming and potentially acid forming materials, and saline and sodic materials;
 - any final voids for the development (see the Rehabilitation Objectives in Table 10);
 - groundwater performance criteria, including trigger levels for investigating any potentially adverse groundwater impacts, for the following:
 - Main Creek, Glennies Creek, Bettys Creek, York Creek, Swamp Creek and Bowmans Creek alluvial aquifers and the Permian hard rock aquifer;
 - groundwater user bores;
 - groundwater inflows to the mining operations;
 - seepage/leachate from water storages, emplacements, backfilled voids and final voids; and
 - groundwater dependent ecosystems;
 - a program to monitor and report on:
 - groundwater inflows to the mining pits;
 - seepage/leachate from water storages, emplacements, backfilled voids and final voids;
 - background changes in groundwater yield/quality against mine-induced changes;
 - impacts of the development on:
 - regional and local (including alluvial) aquifers;
 - groundwater supply of potentially affected landowners; and

- groundwater dependent ecosystems and riparian vegetation;
 - a plan to respond to any exceedances of the groundwater performance criteria, and mitigate any adverse groundwater impacts of the development; and
 - consideration of the cumulative groundwater interactions of the development and other nearby mines, including the Glendell Mine and Integra Underground Mine;
- (vi) a program to periodically validate the water balance, salt balance, surface water take and groundwater model for the development, and compare monitoring results with modelled predictions, unless otherwise agreed by the Secretary;
- (vii) a protocol to report on the measures, monitoring results and performance criteria identified above, in the annual review referred to in condition 5 of Schedule 5; and
- (viii) a protocol that has been prepared, using all reasonable endeavours, in consultation with the owners of any nearby mines (including the Glendell, Liddell, Ravensworth Operations, Integra Underground and Rix's Creek North Mines) to:
- minimise cumulative water quantity and quality impacts;
 - review opportunities for water sharing between the mines;
 - co-ordinate water quality monitoring programs where practicable; and
 - undertake joint investigations/studies in relation to complaints/exceedances of trigger levels where cumulative impacts are considered likely.

The Applicant must implement the approved Water Management Plan as approved from time to time by the Secretary.

BIODIVERSITY

Biodiversity Offset Strategy

27. The Applicant must implement the Biodiversity Offset Strategy described in the documents listed in condition 2(a) of Schedule 2, summarised in Table 9 and shown conceptually in either Appendix 5 or 7.

Table 9: Summary of the Biodiversity Offset Strategy

| Area | Offset Name ^a | Size hectares (ha) |
|-------------------|---|--------------------|
| On-site Offsets | Northwest Offset | 71.4 |
| | Northeast Offset | 83.6 |
| | Southeast Offset | 58.3 |
| | TSR Offset | 25.1 |
| | Forest East Offset | 110.9 |
| | Southeast Corridor Offset | 74.1 |
| | Southern Remnant Offset | 4.0 |
| | Cross Creek Offset | 367.0 |
| | Stringybark Creek Habitat Corridor Offset | 97.5 |
| | Rehabilitation Woodland | 518.0 ^b |
| Off-site Offsets | Esparanga Offset | 303.0 |
| | Mitchell Hills Offset | 143.7 |
| Total Area | | 1856.6 |

Notes:

^a To identify the areas referred to in Table 9, see the applicable figures in Appendices 5 and 7.

^b The Rehabilitation Woodland offset area must be rehabilitated to a level that meets the EEC listing criteria for the Central Hunter Ironbark – Spotted Gum – Grey Box Forest EEC.

Threatened Species

28. The Applicant must ensure that the Biodiversity Offset Strategy and the Rehabilitation Strategy for the development focus on the regeneration, enhancement and/or re-establishment of:
- (a) significant and/or threatened flora communities, including:
- Central Hunter Grey Box — Ironbark Woodland EEC; and
 - Central Hunter Ironbark — Spotted Gum — Grey Box Forest EEC; and
- (b) habitat and/or foraging resources for other significant and/or threatened flora and fauna species, including:

- Spotted-tailed Quoll;
- Squirrel Glider;
- Koala;
- Swift Parrot;
- Regent Honeyeater;
- Green and Golden Bell Frog;
- Brush-tailed Phascogale;
- Eastern Bent-wing Bat;
- East-coast Freetail Bat;
- Southern Myotis;
- Speckled Warbler;
- Little Lorikeet;
- Grey-crowned Babbler;
- Diamond Firetail; and
- Masked Owl.

Long Term Security of Offsets

29. The Applicant must make suitable arrangements for the long term protection of the areas identified in Table 9, to the satisfaction of the Secretary. These arrangements must be implemented by:
- (a) the end of June 2018, unless the Secretary agrees otherwise, for all on-site and off-site offsets excluding the Rehabilitation Woodland offset area; and
 - (b) within 12 months of the finalisation of the location of the Rehabilitated Woodland (see Table 9) under condition 31(c) below, unless the Secretary agrees otherwise.

Note: This condition can be satisfied for any area identified in Table 9 that is already subject to long term protection mechanisms under previous development consents for the Mount Owen or Ravensworth East mines, if the Secretary agrees that the existing mechanism/s provide sufficient protection to address the requirements of this condition.

Compensatory Planting

30. The Applicant must plant and maintain, until established, 10 River Oak trees for every established River Oak tree removed during construction of the Greater Ravensworth tailings management infrastructure.

Notes:

- An established River Oak tree is considered to be two metres or greater in height.
- The Greater Ravensworth tailings management infrastructure is shown in Appendix 2.

Water Pipeline Infrastructure

- 30A. The Applicant must implement the mitigation and management measures specified in EA (Mod 1) during construction of the water pipeline infrastructure, including avoiding disturbance of stags, hollow bearing trees and the Bettys Creek Habitat Management Area.

Biodiversity Management Plan

31. The Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with OEH, and submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise;
 - (b) describe the short, medium, and long term measures that would be undertaken to:
 - manage the remnant vegetation and fauna habitat on the site and in the offset areas (see Table 9);
 - implement the Biodiversity Offset Strategy
 - minimise the impacts of the development on threatened species, in particular those listed in condition 28 above, and where appropriate, enhance available habitat for and support the recovery of these species on the site; and
 - integrate the implementation of the Biodiversity Offset Strategy to the greatest extent practicable with the rehabilitation of the Mount Owen Complex and any conservation activities being undertaken in the Ravensworth State Forest and New Forest Area;
 - (c) include detailed performance and completion criteria for evaluating the performance of the Biodiversity Offset Strategy and include triggers for remedial action, where these performance or completion criteria are not met;
 - (d) include a final location for the Rehabilitated Woodland offset area (see Table 9) within 5 years (or such other period as agreed by the Secretary) of the commencement of development under this consent;
 - (e) include a detailed description of the measures that would be implemented to:
 - enhance the quality of existing vegetation, vegetation connectivity and fauna habitat on the site, within the East-West Corridor Management Area (see Figure 7B in Appendix 7) and in the biodiversity offset areas, including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata;

- introduce naturally scarce fauna habitat features such as den structures, nest boxes and salvaged tree hollows, where appropriate and with a particular focus on the regenerated and rehabilitated woodland areas, and use all reasonable and feasible efforts to promote the use of these introduced habitat features by threatened fauna species;
 - maximise the salvage of resources within the approved disturbance area - including tree hollows, vegetative and soil resources – for beneficial reuse in the enhancement of the rehabilitation woodland areas and, where practicable, the biodiversity offset areas;
 - manage any potential conflicts between regeneration and restoration works in the biodiversity offset areas and the East-West Corridor Management Area, and any Aboriginal heritage values (both cultural and archaeological) in these areas;
 - manage the collection and propagation of seed;
 - protect vegetation and fauna habitat outside the approved disturbance area on-site;
 - minimise the impacts on fauna on site, including undertaking pre-clearance surveys;
 - provide for the salvage, transplanting and/or propagation of any threatened flora (including, but not limited to, threatened orchid species) found during pre-clearance surveys, in accordance with the *Guidelines for the Translocation of Threatened Plants in Australia* (Vallee *et al.*, 2004);
 - avoid and mitigate the spread of noxious weeds;
 - control weeds and feral pests, including but not limited to goats, rabbits, red fox, cats and pigs, with consideration of actions identified in relevant threat abatement plans;
 - control erosion on the site and in the biodiversity offset areas;
 - manage any grazing and agriculture on the site or in the biodiversity offset areas;
 - control access to the site and the biodiversity offset areas;
 - manage bushfire hazards on the site and in the biodiversity offset areas; and
 - rehabilitate any sections or parts of creeks and drainage lines that are impacted by the development (both inside and outside the approved disturbance area);
- (e1) include a detailed description of the measures and procedures to be implemented to:
- minimise, to the greatest extent practicable, the disturbance of threatened species and EECs, and rehabilitate any areas of disturbed land associated with the construction of the water pipeline infrastructure; and
 - satisfy the requirements of conditions 30 and 30A of Schedule 3;
- (f) include details of the proactive measures and completion criteria proposed to manage the impacts of the development on habitat connectivity, with particular reference to the resilience, width and function of woodland corridors and specific measures to prioritise supplementary planting activities in the Southeastern Corridor Offset during Year 1 of the development;
- (g) include a strategy for the regeneration of woodland areas within the offset areas (see Table 9), including details of:
- the level of direct management required to achieve the target woodland community at each offset area;
 - periodic targets for the regeneration of woodland communities;
 - trigger levels where additional management activities (such as weed management and direct seeding or planting of underrepresented species) would be required; and
 - any specific controls or management activities required to ensure this regeneration is trending towards the target communities.
- (h) include a seasonally-based program to monitor and report on the effectiveness of the above measures (including the use of anthropogenic habitat features by native and threatened fauna), the progress against the detailed performance and completion criteria, and any progressive improvements that could be implemented to improve biodiversity outcomes;
- (i) include measures to report on the results of the monitoring activities required under paragraph (h) above, to facilitate shared learnings and research into the application of regeneration and rehabilitation techniques and methods for EECs and native vegetation in the Hunter Valley;
- (j) monitor and report on the impacts of the development on groundwater ecosystems and riparian vegetation (having regard to the requirements of the Groundwater Management Plan and focusing on areas that are likely to experience a greater than negligible impact as a result of the development), and identify trigger levels for the remediation of any material impacts to these ecosystems;
- (k) report on the effectiveness of the above measures against the periodic performance and completion criteria, as part of the annual review referred to in condition 5 of Schedule 5;
- (l) identify the potential risks to the successful implementation of the Biodiversity Offset Strategy, and include a description of the contingency measures that would be implemented to mitigate against these risks, including provisions for alternative direct and/or supplementary offset measures where regeneration of EECs and/or the propagation/translocation of threatened flora do not meet the performance and completion criteria; and
- (m) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

The Applicant must implement the approved Biodiversity Management Plan as approved from time to time by the Secretary.

Conservation Bond

32. Within 6 months of the approval of the Biodiversity Management Plan, unless otherwise agreed by the Secretary, the Applicant must lodge a Conservation Bond with the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria in the Biodiversity Management Plan. The sum of the bond must be determined by:
- calculating the full cost of implementing the Biodiversity Offset Strategy (other than land acquisition costs); and
 - employing a suitably qualified, independent and experienced person to verify the calculated costs, to the satisfaction of the Secretary.

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

The Conservation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following:

- an update or revision to the Biodiversity Management Plan;
- the completion of an Independent Environmental Audit in which recommendations relating to the implementation of the Biodiversity Offset Strategy have been made; or
- in response to a request by the Secretary.

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

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

Notes:

- Alternative funding arrangements for long term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate, can be used to reduce the liability of the conservation bond. The sum of the bond may be reviewed in conjunction with any revision to the Biodiversity Offset Strategy.*
- The sum of the Conservation Bond required under this condition excludes the costs associated with the establishment of the Rehabilitated Woodland area, to the extent that these costs are covered by a separate rehabilitation security required under the mining lease.*

HERITAGE

Protection of Aboriginal Heritage Items

33. Unless otherwise authorised under the NP&W Act, the Applicant must ensure that the development does not cause any direct or indirect impact on identified Aboriginal heritage items located outside the approved disturbance area of the development.

Aboriginal Heritage Management Plan

34. The Applicant must prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - be prepared in consultation with OEH, RAPs and relevant landowners, and submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise; and
 - include the following for the management of Aboriginal heritage:
 - an Aboriginal cultural heritage education program, to be developed in consultation with relevant RAPs, and used for the induction of all personnel and contractors involved in construction or surface disturbance activities approved under this consent;
 - details regarding the establishment and role of the Aboriginal Cultural Heritage Working Group in monitoring and managing cultural heritage;
 - details regarding the management of the Yorks Creek Voluntary Conservation Area and Aboriginal heritage sites within the Mount Owen Complex that would not be disturbed by the development;
 - a program and description of the measures/procedures that would be implemented for:
 - protecting, monitoring and/or managing (including any proposed archaeological investigations and/or salvage measures) Aboriginal cultural heritage on site;
 - managing any new Aboriginal objects or skeletal remains discovered during the development;
 - maintaining and managing reasonable access for relevant Aboriginal stakeholders to heritage items on site and within offset areas; and

- ongoing consultation and involvement of relevant Aboriginal stakeholders (including RAPs) in the conservation and/or management of Aboriginal cultural heritage on the site; and
- a strategy for the storage of heritage items salvaged on site, both during the development and in the long term.

The Applicant must implement the approved Aboriginal Heritage Management Plan as approved from time to time by the Secretary.

Historic Heritage Management Plan

35. The Applicant must prepare a Historic Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the Heritage Branch, Council, local historical organisations and relevant landowners, and submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise; and
 - (b) include the following for the management of historic heritage:
 - plans/strategies to monitor, mitigate and manage the effects of blasting on historic heritage items, particularly those identified in condition 13(b), and including details of baseline (ie pre-blasting) and ongoing risk-based dilapidation surveys (subject to landowner access arrangements);
 - ensure any workers on site receive suitable heritage inductions prior to carrying out any activities which may cause impacts to historic heritage, and that suitable records are kept of these inductions;
 - a program and description of the measures/procedures that would be implemented for:
 - undertaking surface surveys and archaeological investigations (where subsurface disturbance is proposed) of any items of heritage significance (including the former Ravensworth Public School and Ravensworth village) that would be directly impacted by the Hebden Road construction works;
 - protecting heritage items located outside the disturbance area from the impacts of the development;
 - managing any new historic heritage items discovered during the development; and
 - additional archaeological excavation and/or recording of any significant heritage items requiring demolition.

The Applicant must implement the approved Historic Heritage Management Plan as approved from time to time by the Secretary.

TRANSPORT

Monitoring of Coal Transport

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

Hebden Road

37. The Applicant must carry out the Hebden Road upgrade works described in the documents listed in condition 2(a) of Schedule 2, in consultation with the RMS and to the satisfaction of Council. These construction works are to be commenced within 12 months of the commencement of mining operations within the disturbance areas shown in Figure 2A of Appendix 2, or as otherwise agreed by the Secretary.

Notes:

- *The road upgrade works identified above include all road furniture, safety signage and markings required to meet relevant road standards, to the satisfaction of the relevant roads authorities.*
- *If there is a dispute between the relevant parties about the implementation of this condition, then any party may refer the matter to the Secretary for resolution.*

Mount Owen Rail Loop

38. The Applicant must construct the additional rail line and its connection with the Mount Owen Rail Loop and Main Northern Rail Line, in consultation with and to the satisfaction of the ARTC.

Notes:

- *The rail line construction works identified above include any furniture and safety signage required to meet relevant connection or safety standards, to the satisfaction of the ARTC.*
- *If there is a dispute between the parties about the implementation of this condition, then any party may refer the matter to the Secretary for resolution.*

VISUAL

Visual Operating Conditions

39. The Applicant must:
- implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development;
 - ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;
 - ensure no in-pit mobile lighting rigs shine directly above the pit wall and other mobile lighting rigs do not shine directly above the horizontal (except where required for emergency safety purposes);
 - ensure that all external lighting associated with the development complies with relevant Australian Standards including *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version; and
 - undertake reasonable and feasible measures to shield views of mining operations and associated equipment from users of public roads and privately-owned residences.

BUSHFIRE MANAGEMENT

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

WASTE

41. The Applicant must:
- implement all reasonable and feasible measures to minimise the waste (including coal rejects and tailings) generated by the development;
 - ensure that the waste generated by the development is appropriately stored, handled and disposed of;
 - manage on-site sewage treatment and disposal in accordance with the requirements of Council; and
 - monitor and report on the effectiveness of the waste minimisation and management measures in the annual review referred to in condition 5 of Schedule 5.

REHABILITATION

Rehabilitation Objectives

42. The Applicant must rehabilitate the site to the satisfaction of DRE. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the documents listed in condition 2(a) of Schedule 2 (and shown conceptually in the Rehabilitation Plans in Appendix 7), and comply with the objectives in Table 10.

Table 10: Rehabilitation Objectives

| Feature | Objective |
|---|--|
| Mine site (as a whole) | <ul style="list-style-type: none">Safe, stable and non-pollutingFinal landforms (including final voids) designed to incorporate micro-relief and integrate with surrounding natural landforms^aConstructed landforms maximise surface water drainage to the natural environment (excluding final void catchments)Minimise long term groundwater seepage zonesMinimise visual impact of final landforms as far as is reasonable and feasibleFinal landforms designed in consideration of water licensing requirements, as calculated through consultation with DPI Water |
| Final voids | <ul style="list-style-type: none">Designed as to ensure sufficient freeboard at all times to minimise the risk of discharge to surface watersMinimise to the greatest extent practicable:<ul style="list-style-type: none">the size and depth of final voids;the drainage catchment of final voids;any high wall instability risk; andthe risk of flood interaction for all flood events up to and including the Probable Maximum Flood |
| Rehabilitation areas and other vegetated land | <ul style="list-style-type: none">Restore at least 2037 ha of self-sustaining native woodland ecosystems characteristic of vegetation communities found in the local area, as shown conceptually in Figure 7A in Appendix 7^bEstablish areas of self-sustaining: |

| Feature | Objective |
|-------------------------|---|
| | <ul style="list-style-type: none"> – riparian habitat, within any diverted and/or re-established creek lines and retained water features; – potential habitat for threatened flora and fauna species; and – wildlife corridors, as far as is reasonable and feasible, and as shown conceptually in Figure 7B in Appendix 7 |
| Agricultural land | <ul style="list-style-type: none"> • Rehabilitate grassland areas identified in Appendix 7 as being potential grazing areas to support sustainable grazing activities |
| Creek restoration works | <ul style="list-style-type: none"> • Engineered to be hydraulically and geomorphologically stable • Incorporate erosion control measures based on vegetation and engineering revelements • Incorporate structures for aquatic habitat • Revegetate with suitable native species |
| Surface infrastructure | <ul style="list-style-type: none"> • To be decommissioned and removed, unless DRE agrees otherwise |
| Community | <ul style="list-style-type: none"> • Ensure public safety • Minimise adverse socio-economic effects associated with mine closure |

Notes:

^a The rehabilitation objectives detailed in Table 10 apply to the entire site, including all landforms constructed under either this consent or previous consents. However, they do not require any additional earthmoving works to be undertaken for landforms that have been approved and constructed under previous consents.

^b The long term conservation of the Rehabilitation Woodland offset area identified in Table 9 will be satisfied in accordance with condition 29. The conservation values of the remaining native woodland restored under this condition will be established in accordance with the Rehabilitation Strategy required under condition 43, and managed and enhanced, in accordance with the Rehabilitation Management Plan required under condition 45.

Rehabilitation Strategy

43. The Applicant must prepare a Rehabilitation Strategy for the Mount Owen Complex to the satisfaction of the Secretary. This strategy must:
- be prepared in consultation with DRE and Council, and be submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise;
 - build upon the Rehabilitation Objectives in Table 10 and the Rehabilitation Plans shown in Appendix 7, including identification of opportunities for increasing the areas of woodland and habitat connectivity within the rehabilitated landscape;
 - include details of the canopy, sub-canopy, understorey and ground strata species to be established in the rehabilitation areas, with a particular focus on ensuring the achievement of an appropriate level of diversity and mix of functional groups within each target community;
 - identify opportunities for the incorporation of preferred feed trees, foraging resources and habitat for threatened fauna species identified in condition 28; and
 - include an indicative schedule for the staged rehabilitation of the development.

The Applicant must implement the approved Rehabilitation Strategy as approved from time to time by the Secretary.

Progressive Rehabilitation

44. The Applicant must rehabilitate the site progressively as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation cannot be permanently rehabilitated.

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

Rehabilitation Management Plan

45. The Applicant must prepare a Rehabilitation Management Plan for the Mount Owen Complex to the satisfaction of DRE. This plan must:
- be prepared in consultation with the Department, DPI Water, OEH, DPI, Council and the CCC, and submitted to DRE for approval prior to the commencement of mining operations under this consent, unless the Secretary agrees otherwise;
 - be prepared in accordance with any relevant DRE guideline;
 - describe how the rehabilitation of the site would achieve the objectives identified in Table 10, the outcomes described in the Rehabilitation Strategy in condition 45 and be integrated with the Biodiversity Offset Strategy described in condition 27;
 - include a detailed Tailings Management Plan for the development;
 - include a detailed soil and growing medium balance for the development;
 - include a detailed plan for the reinstatement and review of the proposed:

- agricultural land capability of grassland areas in the final landform, including a protocol for periodic trials to demonstrate that the land capability is being achieved; and
 - rehabilitated woodland areas and fauna habitat, including a protocol for periodic trials to demonstrate that the target vegetation community is being achieved;
- (g) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and for triggering remedial action (if necessary);
- (h) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform (including final voids), final land uses and water management in the final landform;
- (i) include procedures for the use of interim stabilisation and temporary vegetation strategies, where reasonable and feasible to minimise the area exposed for dust generation;
- (j) identify how rehabilitation activities will implement the findings of any previous Mount Owen Research programs, research commitments identified in the EIS and the Hunter Ironbark Research Program being undertaken at the Ravensworth Complex;
- (k) include a program to monitor, independently audit and report on the effectiveness of the measures in paragraph (h) above, and progress against the detailed performance and completion criteria in paragraph (g) above (at a minimum these reporting requirements must be included as part of the annual review referred to in condition 5 of Schedule 5); and
- (l) build on and integrate with the other management plans required under this consent.

The Applicant must implement the approved Rehabilitation Management Plan as approved from time to time to the satisfaction of DRE.

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS/TENANTS

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

INDEPENDENT REVIEW

4. If an owner of privately-owned land considers the development to be exceeding the relevant criteria in Schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.

If the Secretary is not satisfied that an independent review is warranted, the Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.

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

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

LAND ACQUISITION

5. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on:
 - (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due

to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise and/or air quality mitigation measures in condition 2 of Schedule 3;

- (b) the reasonable costs associated with:
 - relocating within the Singleton, Cessnock or Muswellbrook local government area, or to any other local government area determined by the Secretary; and
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
- (c) reasonable compensation for any disturbance caused by the land acquisition process.

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

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

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

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

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

Within 14 days of this determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.

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

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

SCHEDULE 5

ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Adaptive Management

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

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

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

Environmental Management Strategy

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

The Applicant must implement the approved Environmental Management Strategy as approved from time to time by the Secretary.

Management Plan Requirements

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

- exceedances of the impact assessment criteria and/or performance criteria; and
- (h) a protocol for periodic review of the plan.

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

Relationships between Management Plans and Annual Review

4. With the agreement of the Secretary, the Applicant may combine any strategy, plan, program or Annual review required by this consent with any similar strategy, plan, program or Annual Review required for the Glendell Mine, Integra Underground Mine or any other adjoining operation in common ownership or management.

Annual Review

5. By the end of March each year, or as otherwise agreed with the Secretary, the Applicant must submit a report to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:
 - (a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous years; and
 - relevant predictions in the documents listed in condition 2(a) of Schedule 2;
 - (c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the development;
 - (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

Revision of Strategies, Plans and Programs

6. Within 3 months of:
 - (a) the submission of an annual review under condition 5 above;
 - (b) the submission of an incident report under condition 9 below;
 - (c) the submission of an audit under condition 11 below; or
 - (d) any modification to the conditions of this consent (unless the conditions require otherwise);
 the Applicant must review the strategies, plans, and programs required under this consent, to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Secretary.

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

Updating & Staging Strategies, Plans or Programs

7. The Applicant may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

With the agreement of the Secretary, the Applicant may prepare a revision or stage of any strategy, plan or program required under this consent without undertaking consultation with all parties nominated under the applicable condition in this consent.

The Applicant must continue to apply existing approved management plans, strategies or monitoring programs for activities approved under development consents DA 14-1-2004 and DA 52-03-99 until the approval of a similar plan, strategy or program under this consent (see condition 10 of Schedule 2).

Notes:

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

Community Consultative Committee

8. The Applicant must operate a Community Consultative Committee (CCC) for the Mount Owen Complex to the satisfaction of the Secretary. This CCC must be operated in general accordance with the [Department's Community Consultative Committee Guidelines State Significant Projects November 2016, or its latest version](#).

Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.*
- *In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community.*
- *The Department will accept continued representation by community members of a CCC that is in effect as at the date of this consent for any of the mines in the Complex. The Department will also accept the combination of the Mount Owen Complex CCC with the Integra Underground CCC.*

REPORTING

Incident Reporting

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

Regular Reporting

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

INDEPENDENT ENVIRONMENTAL AUDIT

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

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

12. Within 12 weeks of commissioning of this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary and any other NSW Government agency that request it, together with its response to any recommendations contained in the audit report and a timetable for the implementation of these recommendations, as required. The Applicant must implement the audit report recommendations, to the satisfaction of the Secretary.

ACCESS TO INFORMATION

13. From the commencement of development under this consent, the Applicant must:
- (a) make copies of the following publicly available on its website:
 - the documents listed in condition 2(a) of Schedule 2;
 - current statutory approvals for the development;
 - approved strategies, plans or programs required under the conditions of this consent;
 - a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications of any conditions of this consent, or any approved plans or programs;
 - a complaints register, which is to be updated monthly;
 - minutes of CCC meetings;
 - the annual reviews of the development (for the last five years);

- any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit; and
 - any other matter required by the Secretary; and
- (b) keep this information up to date,
to the satisfaction of the Secretary.
-

**APPENDIX 1
SCHEDULE OF LAND**

| Lot | DP | Owner |
|------------|-----------|-----------------------------------|
| 1 | 1072124 | Mine Owned Glencore |
| 1 | 135026 | Mine Owned Glencore |
| 1 | 137381 | Mine Owned Glencore |
| 1 | 137382 | Mine Owned Glencore |
| 1 | 151176 | Mine Owned Glencore |
| 1 | 159786 | Mine Owned Glencore |
| 1 | 380676 | Mine Owned Glencore |
| 1 | 48490 | Government Authority |
| 1 | 745486 | Mine Owned Glencore |
| 1 | 793886 | Government Authority |
| 1 | 804150 | Mine Owned Glencore |
| 1 | 823167 | Mine Owned Glencore |
| 1 | 865784 | Mine Owned Glencore |
| 1 | 925901 | Mine Owned Glencore |
| 1 | 940619 | Mine Owned Glencore |
| 2 | 1072124 | Mine Owned Glencore |
| 2 | 233019 | Australian Rail Track Corporation |
| 2 | 38725 | Mine Owned Glencore |
| 2 | 549723 | Mine Owned Glencore |
| 2 | 6842 | Mine Owned Glencore |
| 2 | 730978 | Mine Owned Glencore |
| 2 | 804150 | Mine Owned Glencore |
| 2 | 823167 | Mine Owned Glencore |
| 2 | 829977 | Government Authority |
| 2 | 859544 | Mine Owned Glencore |
| 2 | 865784 | Mine Owned Glencore |
| 3 | 38725 | Mine Owned Glencore |
| 3 | 195598 | Mine Owned Glencore |
| 3 | 662944 | Mine Owned Glencore |
| 3 | 1072124 | Mine Owned Glencore |
| 3 | 823167 | Mine Owned Glencore |
| 3 | 859544 | Mine Owned Glencore |
| 4 | 1072124 | Mine Owned Glencore |
| 4 | 255403 | Mine Owned Glencore |
| 4 | 38725 | Mine Owned Glencore |
| 4 | 823167 | Mine Owned Glencore |
| 4 | 859544 | Mine Owned Glencore |
| 5 | 1077004 | Mine Owned Glencore |
| 5 | 38725 | Mine Owned Glencore |
| 5 | 823167 | Mine Owned Glencore |
| 5 | 859544 | Mine Owned Glencore |
| 6 | 1077004 | Mine Owned Glencore |
| 6 | 255403 | Mine Owned Glencore |
| 6 | 38725 | Mine Owned Glencore |
| 6 | 859544 | Mine Owned Glencore |
| 7 | 38725 | Mine Owned Glencore |
| 7 | 859544 | Mine Owned Glencore |
| 8 | 6830 | Mine Owned Glencore |
| 8 | 38725 | Mine Owned Glencore |
| 8 | 859544 | Mine Owned Glencore |

| Lot | DP | Owner |
|-----|---------|----------------------|
| 8 | 1077004 | Government Authority |
| 9 | 6842 | Mine Owned Glencore |
| 9 | 38725 | Mine Owned Glencore |
| 10 | 38725 | Mine Owned Glencore |
| 11 | 6830 | Mine Owned Glencore |
| 11 | 6842 | Mine Owned Glencore |
| 11 | 38725 | Mine Owned Glencore |
| 11 | 825904 | Mine Owned Glencore |
| 11 | 873459 | Mine Owned Glencore |
| 12 | 38725 | Mine Owned Glencore |
| 12 | 825904 | Mine Owned Glencore |
| 12 | 873459 | State Forest |
| 12 | 1017435 | Mine Owned Glencore |
| 13 | 38725 | Mine Owned Glencore |
| 13 | 665120 | Mine Owned Glencore |
| 13 | 825904 | Mine Owned Glencore |
| 14 | 38725 | Mine Owned Glencore |
| 14 | 825904 | Mine Owned Glencore |
| 15 | 38725 | Mine Owned Glencore |
| 15 | 873459 | Mine Owned Glencore |
| 16 | 38725 | Mine Owned Glencore |
| 17 | 6830 | Mine Owned Glencore |
| 19 | 38725 | Mine Owned Glencore |
| 20 | 38725 | Mine Owned Glencore |
| 21 | 6830 | Mine Owned Glencore |
| 21 | 38725 | Mine Owned Glencore |
| 21 | 841165 | Mine Owned Glencore |
| 22 | 841165 | Mine Owned Glencore |
| 23 | 6842 | Mine Owned Glencore |
| 23 | 841165 | Mine Owned Glencore |
| 24 | 6830 | Mine Owned Glencore |
| 24 | 841165 | Mine Owned Glencore |
| 25 | 6830 | Mine Owned Glencore |
| 25 | 841160 | Mine Owned Glencore |
| 26 | 6830 | Mine Owned Glencore |
| 26 | 841160 | AusGrid |
| 27 | 6830 | Mine Owned Glencore |
| 30 | 752462 | Mine Owned Glencore |
| 32 | 535087 | Mine Owned Glencore |
| 32 | 545601 | Mine Owned Glencore |
| 37 | 752462 | Mine Owned Glencore |
| 58 | 752462 | Mine Owned Glencore |
| 60 | 752462 | Mine Owned Glencore |
| 71 | 625171 | Mine Owned Glencore |
| 81 | 607296 | Mine Owned Glencore |
| 100 | 752462 | Mine Owned Glencore |
| 100 | 791739 | Mine Owned Glencore |
| 101 | 752462 | Mine Owned Glencore |
| 101 | 791739 | Mine Owned Glencore |
| 102 | 752462 | Mine Owned Glencore |
| 107 | 880058 | Mine Owned Glencore |
| 112 | 850054 | Mine Owned Glencore |
| 121 | 752462 | Mine Owned Glencore |

| Lot | DP | Owner |
|--|-----------|---------------------|
| 123 | 752462 | Mine Owned Glencore |
| 180 | 858299 | Mine Owned Glencore |
| 190 | 752462 | State Forest |
| 191 | 752462 | State Forest |
| 192 | 752462 | State Forest |
| 193 | 752462 | State Forest |
| 194 | 752462 | State Forest |
| 195 | 752462 | State Forest |
| 197 | 752462 | State Forest |
| 198 | 752462 | State Forest |
| 199 | 752462 | State Forest |
| 200 | 752462 | State Forest |
| 201 | 752462 | State Forest |
| 203 | 752462 | State Forest |
| 204 | 752462 | State Forest |
| 205 | 752462 | State Forest |
| 206 | 752462 | State Forest |
| 207 | 752462 | State Forest |
| 208 | 752462 | State Forest |
| 217 | 752462 | State Forest |
| 232 | 752470 | Mine Owned Glencore |
| 234 | 752462 | Mine Owned Glencore |
| 235 | 752462 | Mine Owned Glencore |
| 352 | 867083 | Mine Owned Glencore |
| 353 | 867083 | Mine Owned Glencore |
| 354 | 867083 | Mine Owned Glencore |
| 355 | 867083 | Mine Owned Glencore |
| 356 | 867083 | Crown Land |
| 383 | 752462 | Mine Owned Glencore |
| 921 | 844642 | Mine Owned Glencore |
| 922 | 844642 | Mine Owned Glencore |
| 923 | 844642 | Mine Owned Glencore |
| 924 | 862883 | Mine Owned Glencore |
| 925 | 862883 | Mine Owned Glencore |
| 1221 | 709371 | Mine Owned Glencore |
| 7001 | 93635 | Crown Land (TSR) |
| 7302 | 1132839 | Crown Land (TSR) |
| 7303 | 1132839 | State Forest |
| 2A | 6842 | Mine Owned Glencore |
| A | 158063 | Mine Owned Glencore |
| Various Crown Land reserves and State Forest | | |

APPENDIX 2 DEVELOPMENT LAYOUT PLANS

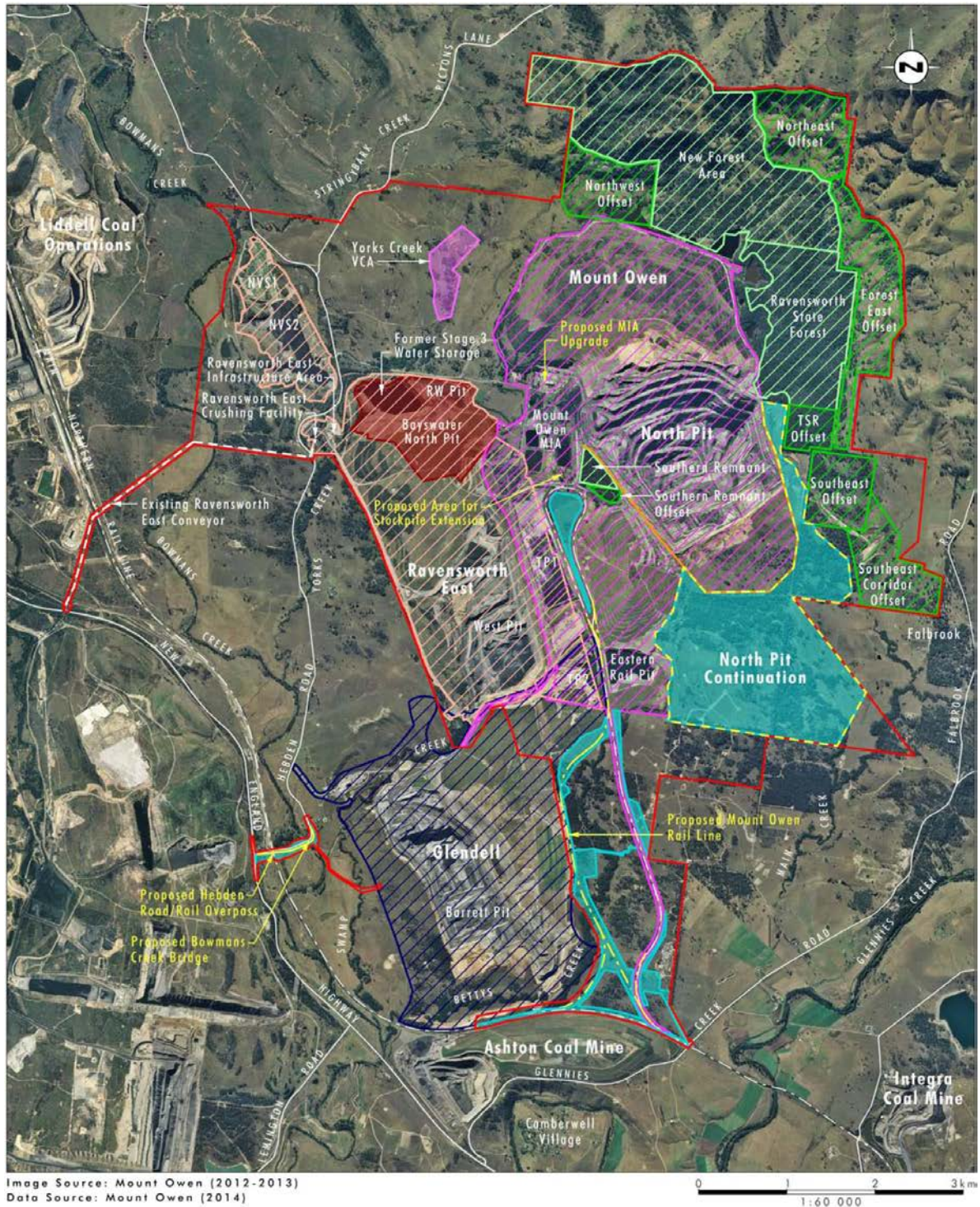
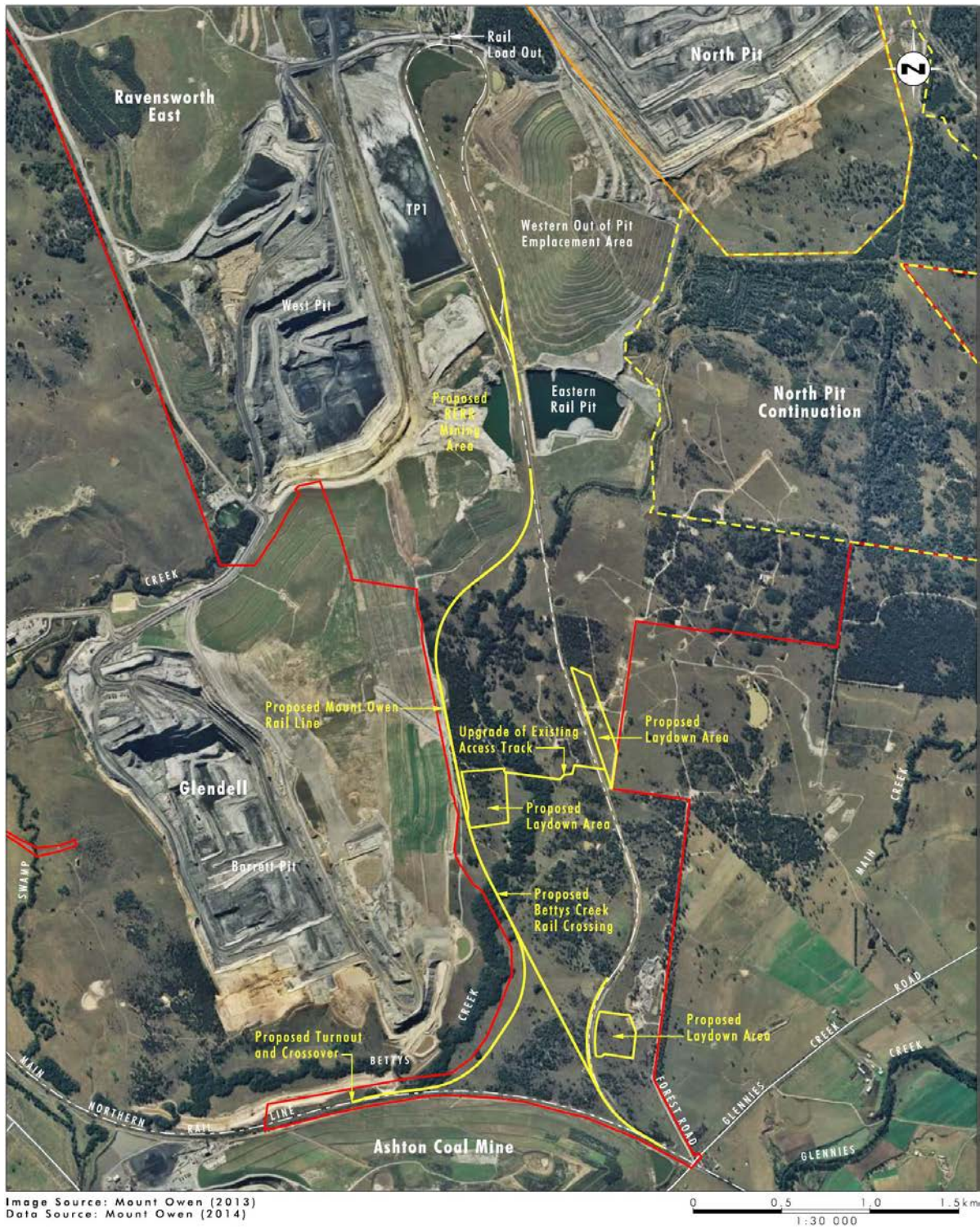


FIGURE 1.1

**Proposed Refined Mount Owen
Continued Operations Project**

Figure 2A: Development Layout – Mount Owen Continued Operations Project



Legend

- Project Area
- Approved North Pit Mining Extent
- Proposed North Pit Continuation
- Proposed Rail Upgrade Works

FIGURE 2.13
Proposed Rail Line
Conceptual Design

Figure 2B: Development Layout – Rail Infrastructure Upgrades

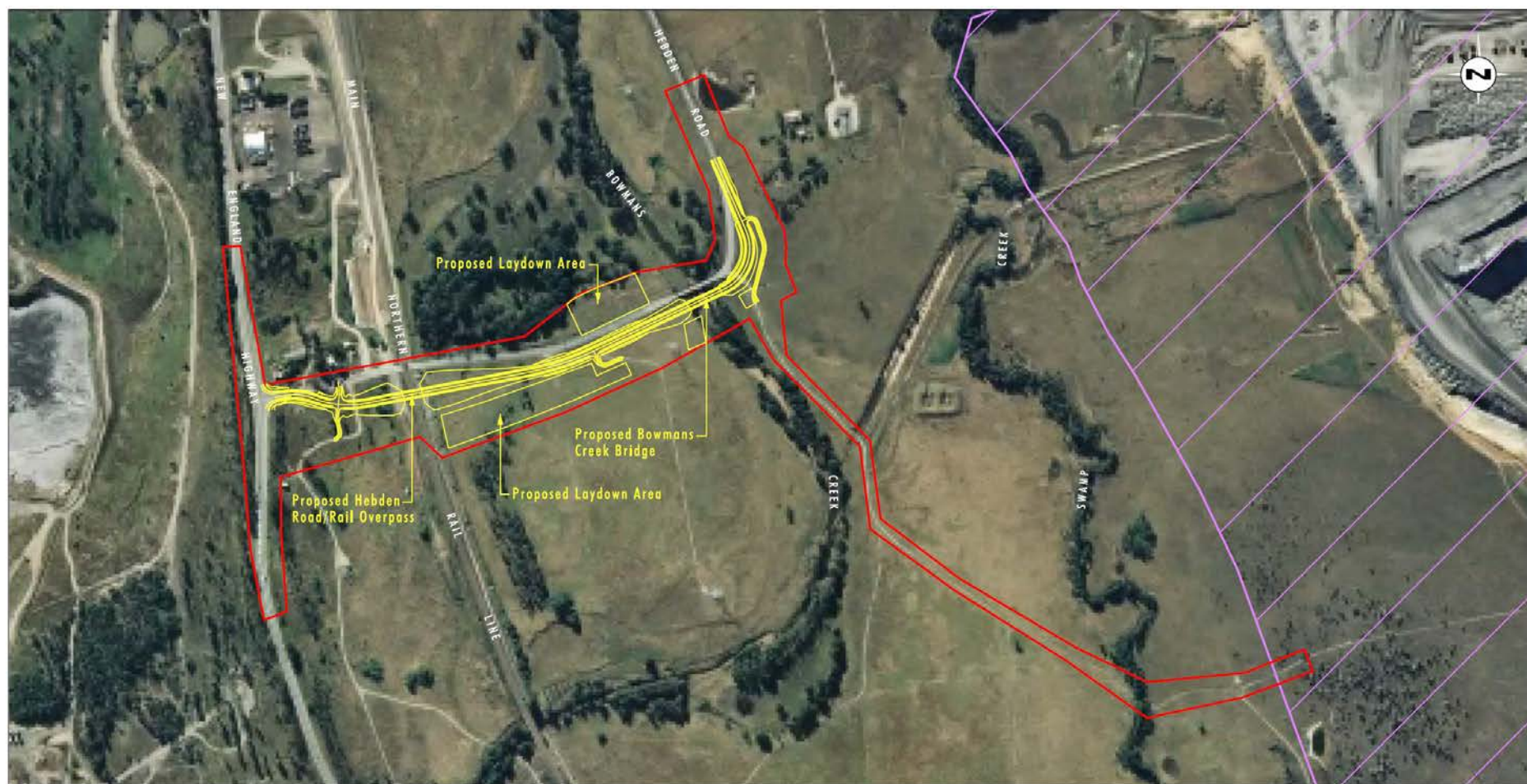


Image Source: Mount Owen (2013)
Data Source: Mount Owen (2014)

0 100 200 400 m
1:7 500

Legend

- Project Area
- Proposed Hebden Road Upgrade Works
- Approved Glendell Disturbance Area

FIGURE 2.15

Hebden Road Upgrade Works
Conceptual Design

Figure 2C: Development Layout – Hebden Road Upgrades

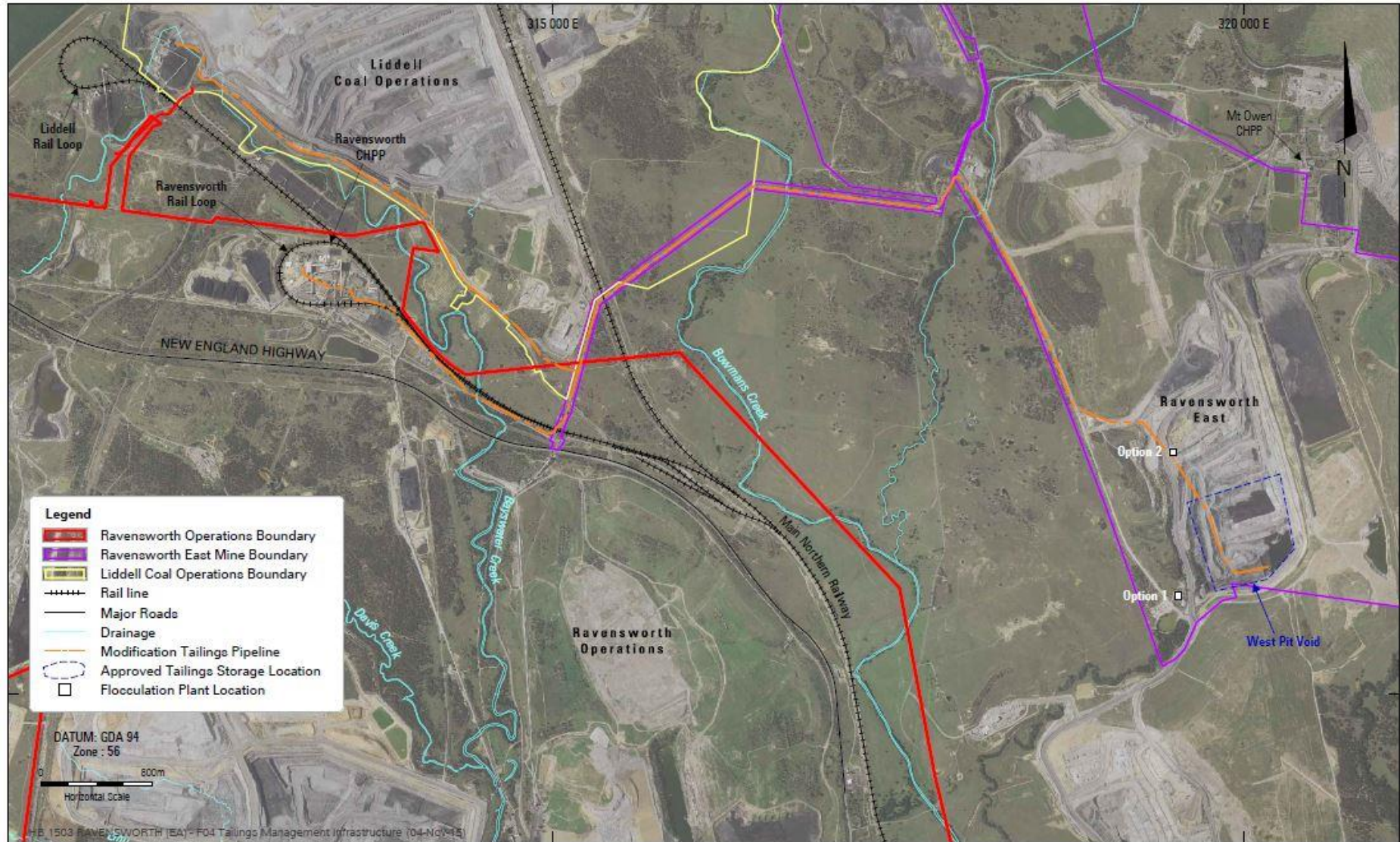
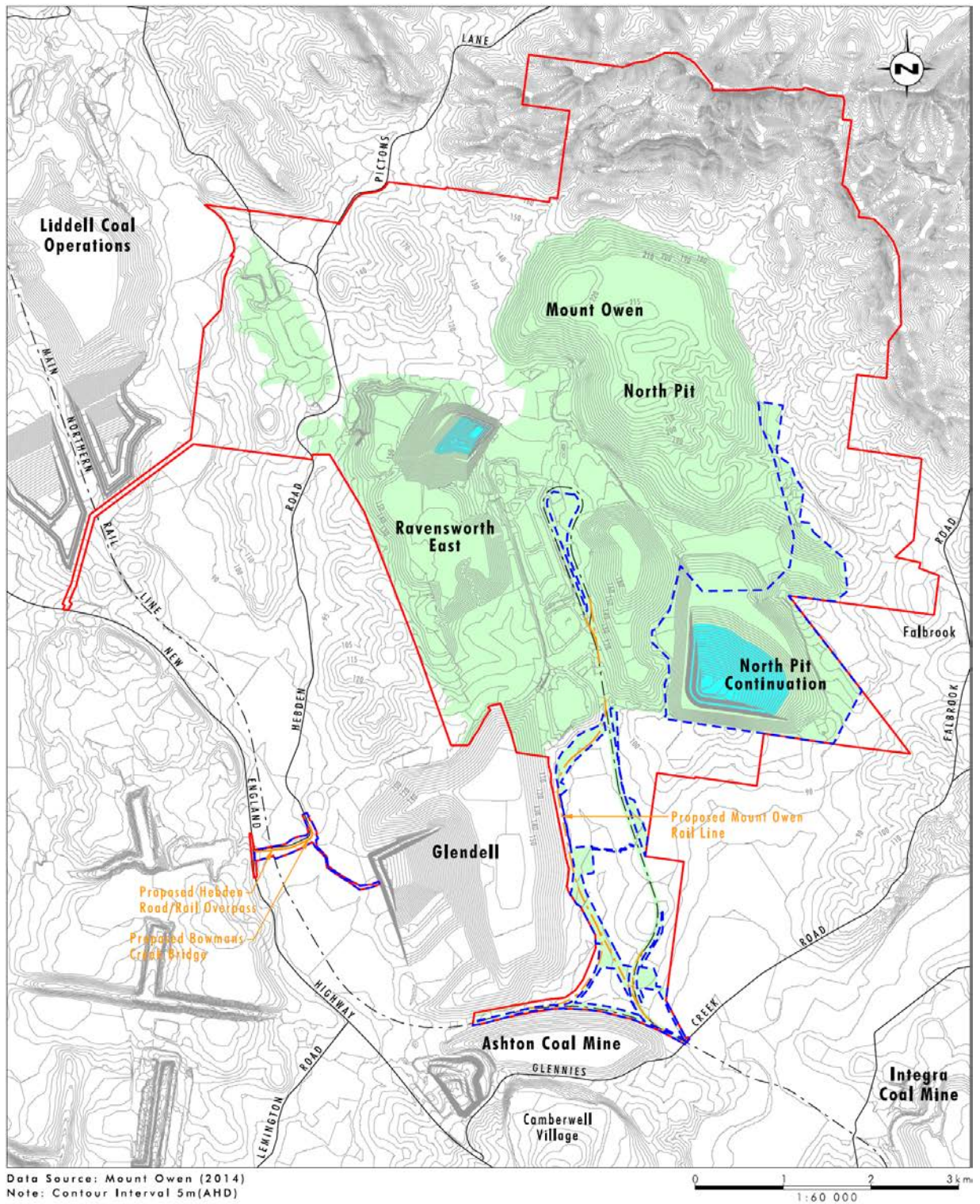


Figure 2D: Development Layout – Greater Ravensworth tailings management infrastructure



Legend

- Project Area
- - - Proposed Disturbance Area
- - - Proposed Rail Upgrade Works
- - - Proposed Hebden Road Upgrade Works
- Contour
- Rehabilitation - Complete
- Final Void Water Level

FIGURE 2.4

Proposed Mount Owen
Conceptual Mine Plan
Final Landform

Figure 2E: Conceptual Final Landform

APPENDIX 3

RECEIVER ZONES AND LOCATIONS

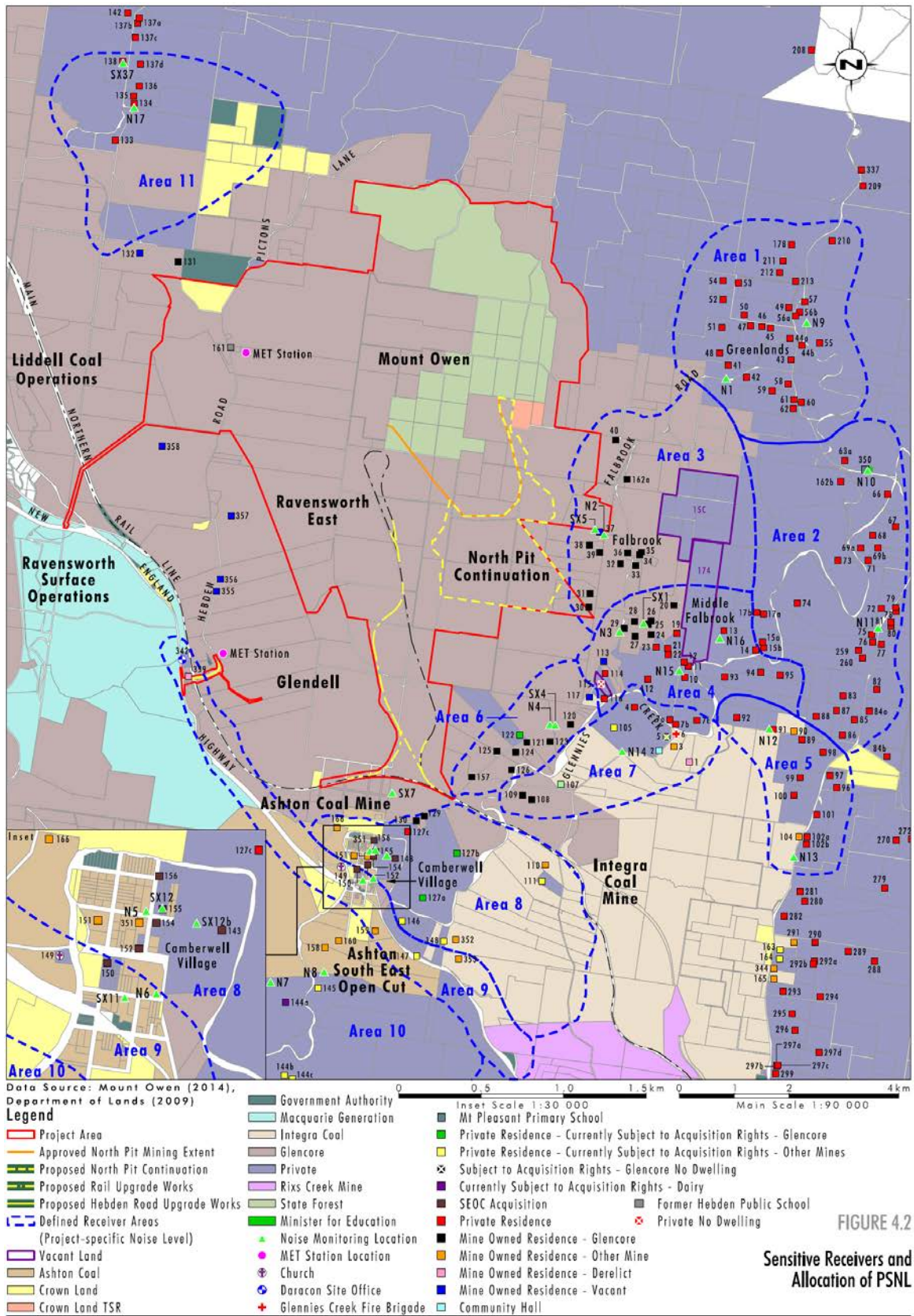


Figure 3: Receiver Zones and Locations

APPENDIX 4 NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

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

Determination of Meteorological Conditions

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

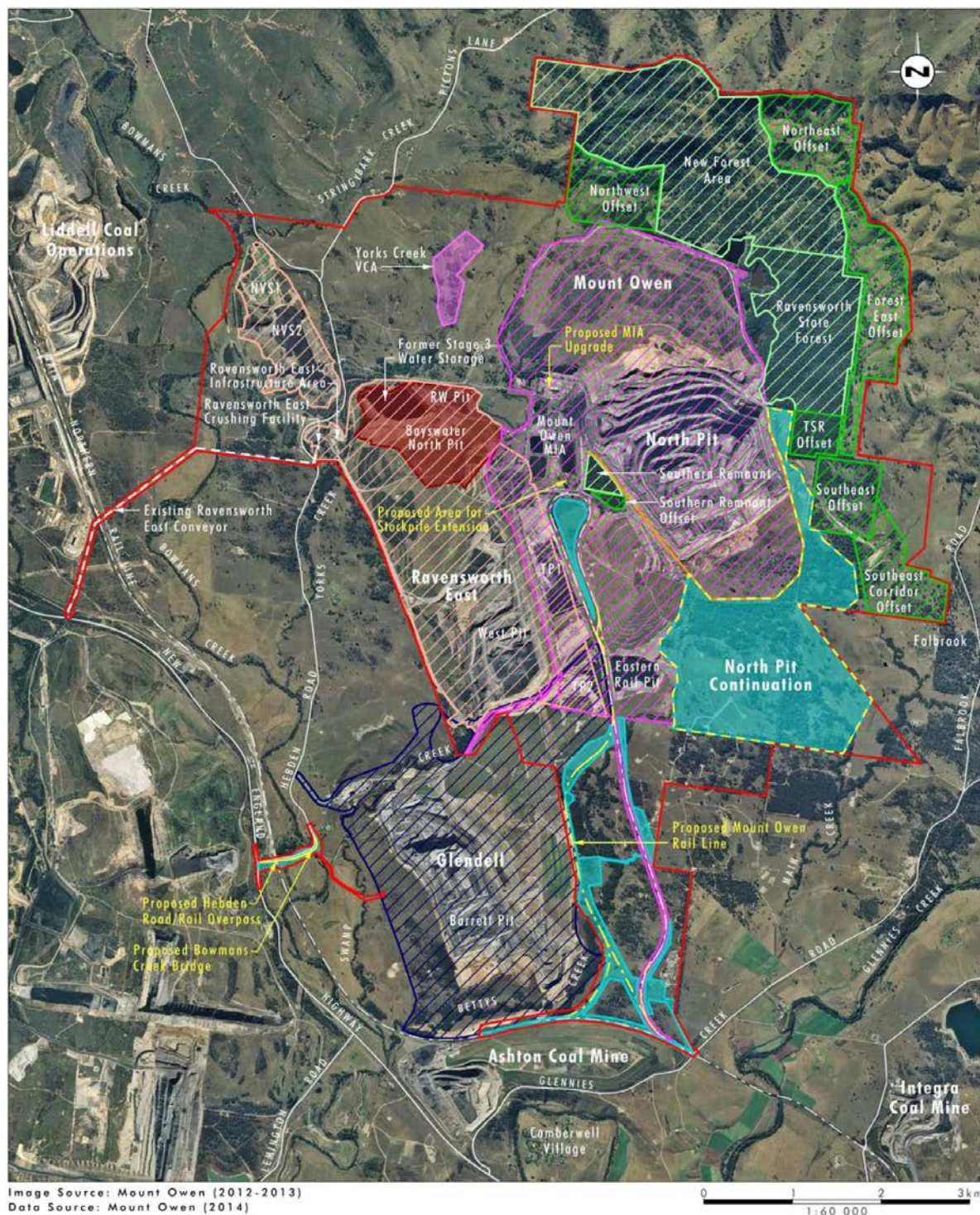
Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.
4. This monitoring must be carried out at least once a month (at least two weeks apart) for the first 12 months following commencement under this consent, and then quarterly thereafter, unless the Secretary directs otherwise.

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

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

APPENDIX 5 BIODIVERSITY OFFSET STRATEGY



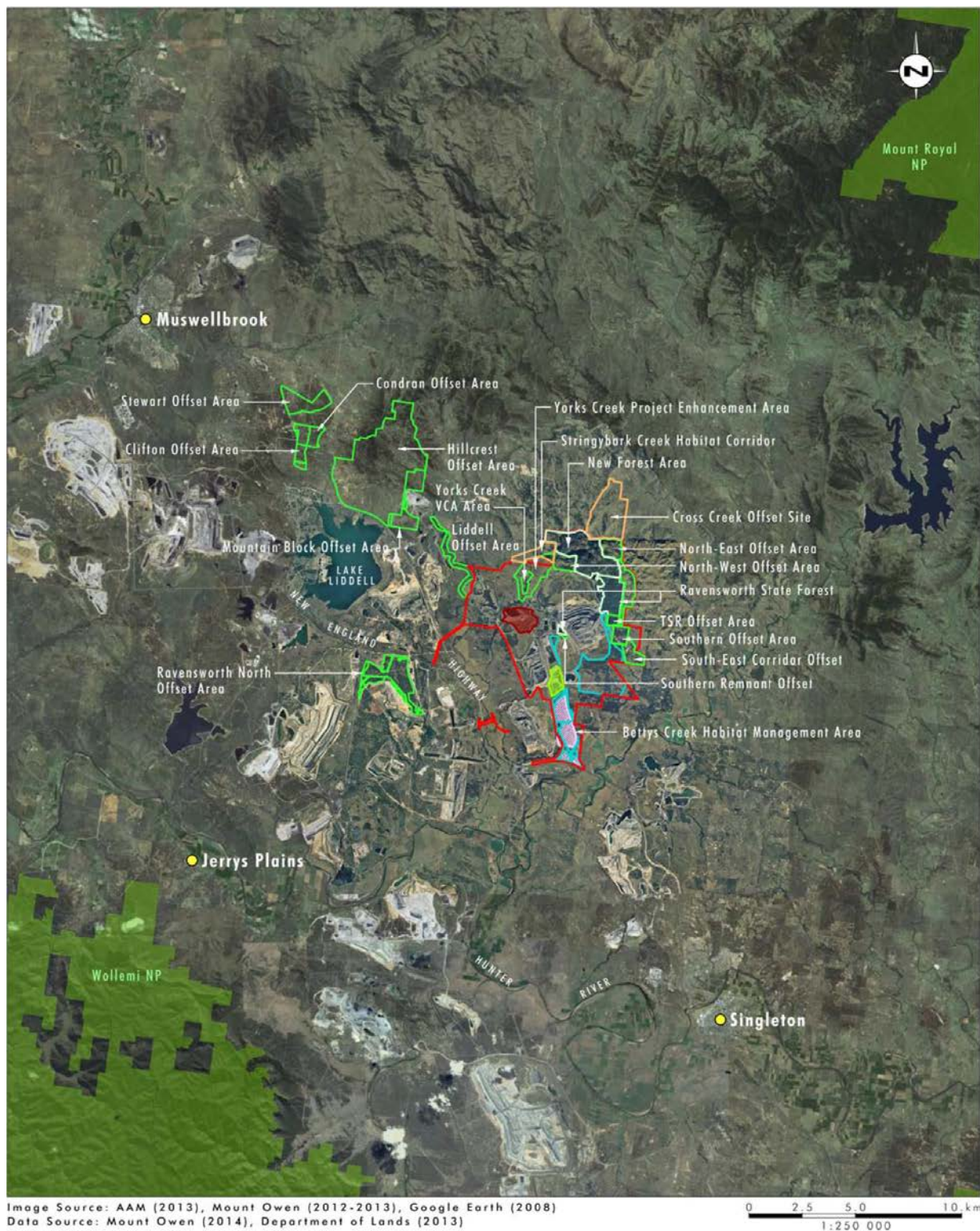
Legend

- | | |
|--|---|
| Project Area | Bayswater North Pit |
| Approved North Pit Mining Extent | Mount Owen Operational Area |
| Proposed North Pit Continuation | Glendell Operational Area |
| Proposed Rail Upgrade Works | Ravensworth East Operational Area |
| Proposed Hebben Road Upgrade Works | Existing Biodiversity Offset Area |
| Proposed Disturbance Area | Ravensworth State Forest |
| Yorks Creek VCA | |

FIGURE 1.1

Proposed Refined Mount Owen
Continued Operations Project

Figure 5A: Existing On-site Biodiversity Offset Areas



Legend

- | | |
|-----------------------------|--------------------------------------|
| Project Area | Bettys Creek Habitat Management Area |
| Referral Area | Ravensworth State Forest |
| Proposed RERR Mining Area | National Park |
| Bayswater North Pit | |
| Approved Glencore Offsets | |
| Proposed Mount Owen Offsets | |

FIGURE 7.1

Strategic Location of Cross Creek Offset Site
 in the Mount Owen Offset Cluster

Figure 5B: On-site Biodiversity Offset Areas

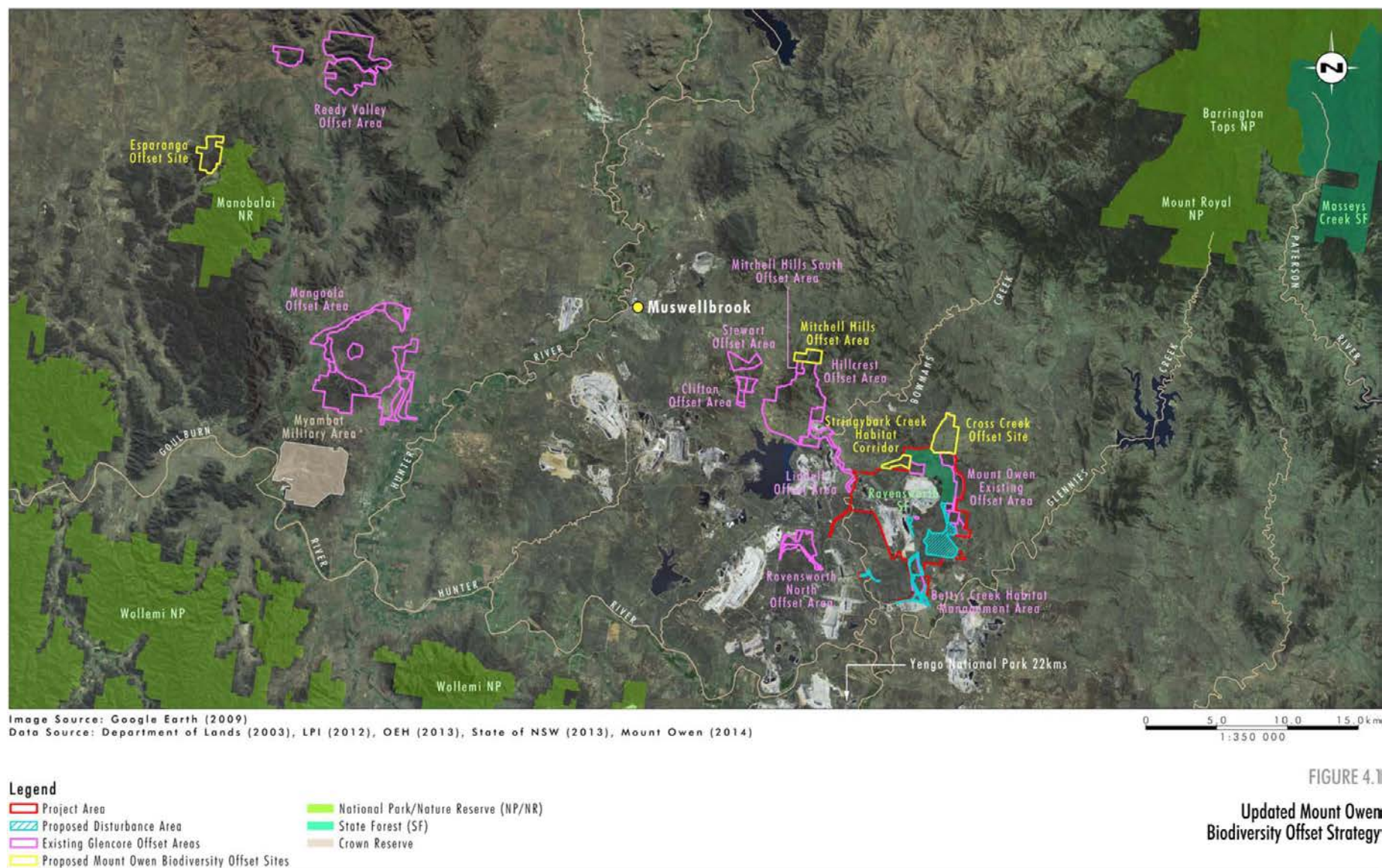


FIGURE 4.1
 Updated Mount Owen
 Biodiversity Offset Strategy

Figure 5C: Off-site (Esperanga and Mitchell Hills) Biodiversity Offset Areas

APPENDIX 6 HISTORIC HERITAGE SITES

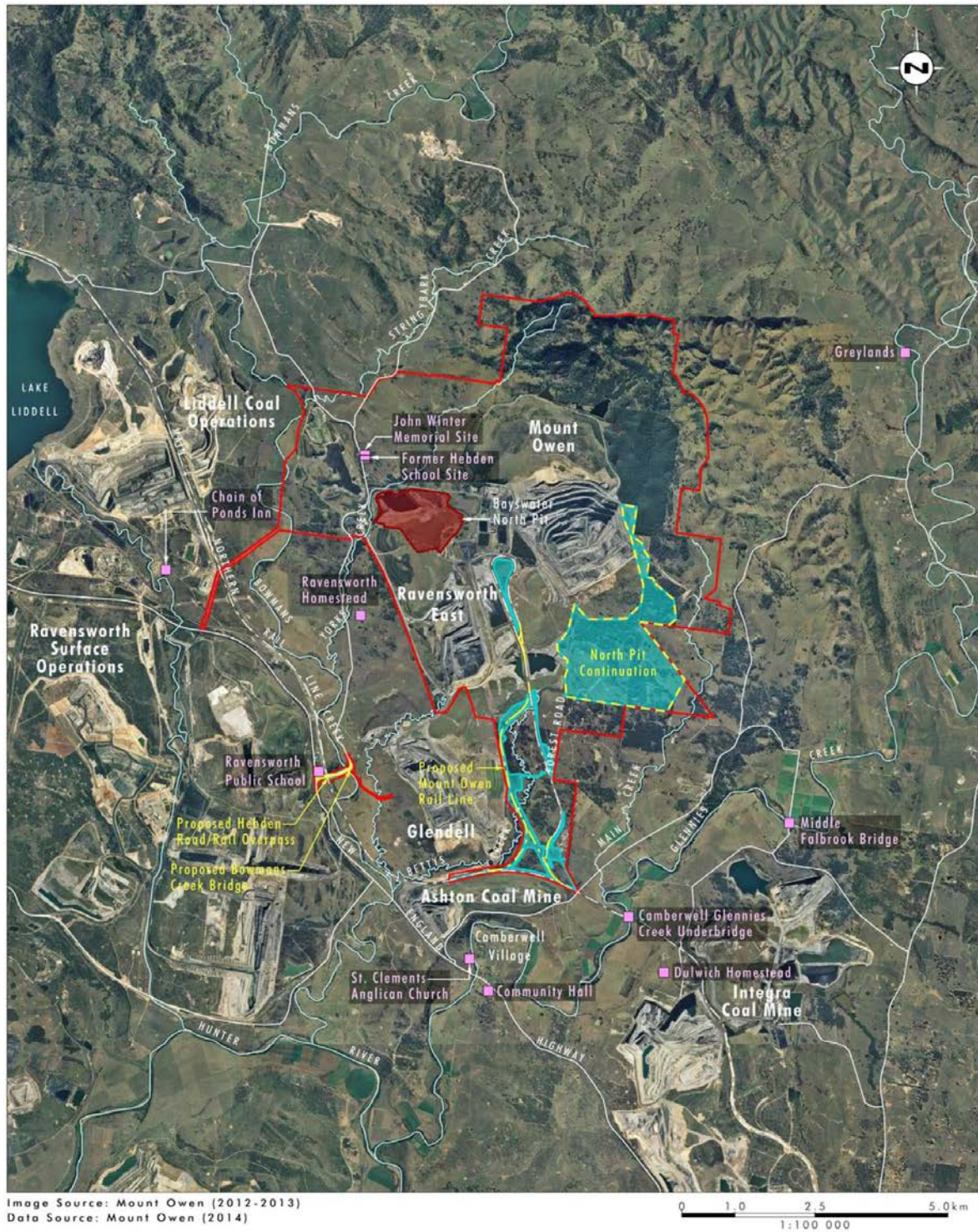


FIGURE 4.3
Location of Listed and
Potential Heritage Sites

Figure 6: Historic Heritage Sites

APPENDIX 7 REHABILITATION PLANS

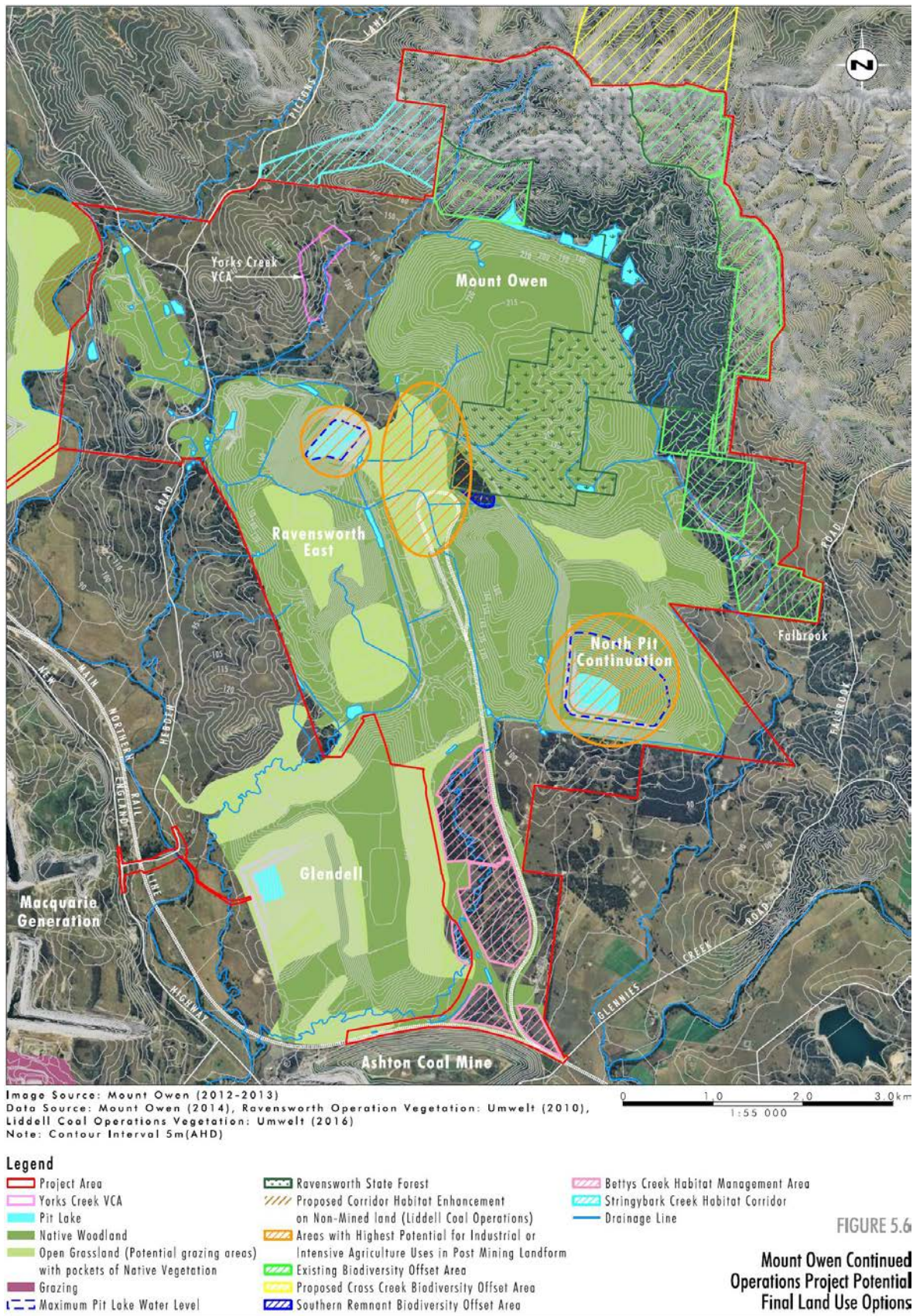


Figure 7A: Final Landform Rehabilitation Plan

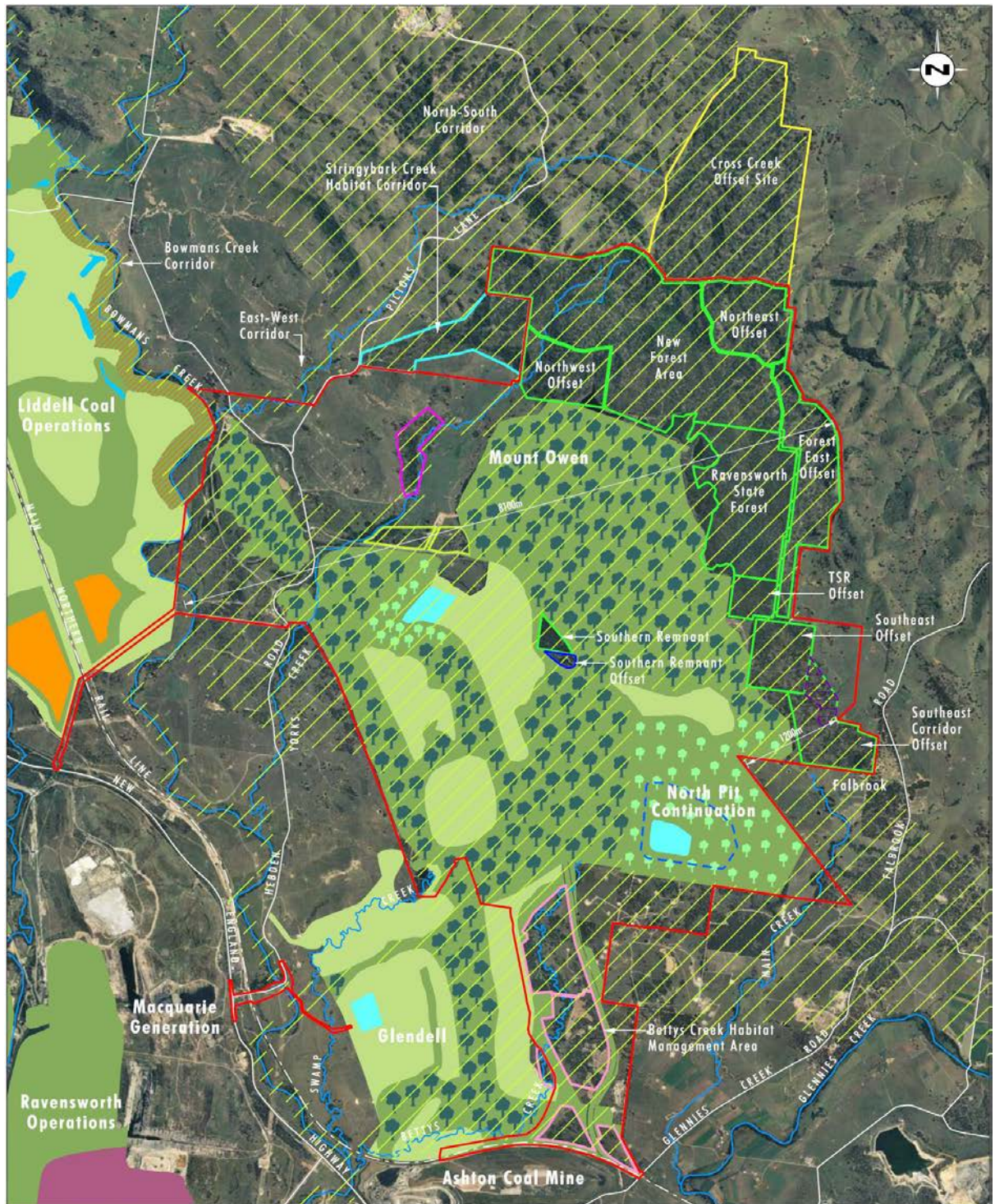


Image Source: Mount Owen (2012)
Data Source: Mount Owen (2014)

0 1.0 2.0 3.0 km
1:65 000

Legend

- | | | |
|--|---|--|
| Project Area | Proposed Corridor Habitat Enhancement on Non-Mined land (Liddell Coal Operations) | Grazing |
| Yorks Creek VCA | Existing Biodiversity Offset Area | Drainage Line |
| Pit Lake | Proposed Cross Creek Biodiversity Offset Area | Habitat Connectivity |
| Rehabilitation Woodland Advanced | Bettys Creek Habitat Management Area | Additional Active Revegetation Area |
| Rehabilitation Woodland Early | Southern Remnant Biodiversity Offset Area | |
| Rehabilitation Grassland | Stringybark Creek Habitat Corridor | |
| Grassland for Stabilisation (Liddell) | East-West Corridor Management Area | |
| Maximum Pit Lake Water Level | | |

FIGURE 4.6

Conceptual Habitat Connectivity
and Conceptual Final Landform
Year 20

Figure 7B: East-West Corridor Management Area and Final Landform Habitat Connectivity

APPENDIX 8
GENERAL TERMS OF APPLICANT'S VPA OFFER

| Applicant's Contribution | Intended Use | Payment Details* |
|---------------------------------|---|--|
| \$400,000 | Economic Development Initiatives – Riverfront Beautification | Ten year term comprising payments of \$50,000 per annum for the first five years and \$30,000 per annum for the remaining five years |
| \$500,000 | Completion of the All Abilities Playground at Rose Point Park | Four payments totalling \$500,000, to be paid at identified stages of the project. |
| \$100,000 | Sponsorship of Community Groups | Five year term comprising payments of \$20,000 per annum |
| \$24,000 | Support for Aboriginal Cultural Events | Three year term comprising payments of \$8,000 per annum |

* Payments subject to CPI adjustments