

# Development Consent

## ***Section 4.36 of the Environmental Planning and Assessment Act 1979***

The Independent Planning Commission of NSW (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, 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.

Name Member of the Commission	Name Member of the Commission	Name Member of the Commission
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Sydney

12 October 2019

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### **SCHEDULE 1**

<b>Application Number:</b>	SSD 6300
<b>Applicant:</b>	Bloomfield Collieries Pty Limited
<b>Consent Authority:</b>	Independent Planning Commission of NSW
<b>Site:</b>	The land defined in Appendix 1
<b>Development:</b>	Rix's Creek South Continuation of Mining Project

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Green type represents July 2021 modification

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## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the NP&W Act
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the NP&W Act
<b>Annual Review</b>	The review required by condition E9
<b>Applicant</b>	Bloomfield Collieries Pty Limited, or any person carrying out any development under this consent
<b>Approved disturbance area</b>	The approved surface disturbance areas identified in green and orange on the Development Layout
<b>ARI</b>	Average Recurrence Interval
<b>Ashton SEOC</b>	Ashton South East Open Cut Project approved under MP 08_0182, as modified
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BCD</b>	Biodiversity & Conservation Division within the Department
<b>BCT</b>	NSW Biodiversity Conservation Trust
<b>Blast misfire</b>	The failure of one or more holes in a blast pattern to initiate
<b>Calendar year</b>	A period of 12 months from 1 January to 31 December
<b>CCC</b>	Community consultative committee required by condition A18
<b>CHPP</b>	Coal handling and preparation plant
<b>Coke Ovens</b>	The Rix's Creek Coke Ovens and Associated Works, a local heritage item listed on the Singleton Local Environmental Plan 2013
<b>Conditions of this consent</b>	Conditions contained in Schedule 2
<b>Construction</b>	All physical works required to enable mining operations to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	Singleton Council
<b>Date of commencement</b>	The date notified to the Department by the Applicant under condition A5
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Decommissioning</b>	The deconstruction or demolition and removal of works and buildings installed as part of the development
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the document/s listed in condition A2(c), as modified by the conditions of this consent
<b>Development Layout</b>	The figure/s in Appendix 2
<b>DPIE Crown Lands</b>	Crown Lands Group within the Department
<b>DPIE Water</b>	Water Group within the Department
<b>EIS</b>	The Environmental Impact Statement titled <i>Rix's Creek Mine Continuation of Mining Project - Environmental Impact Statement</i> , prepared by AECOM, dated October 2015, submitted with the application for consent for the development; the Applicant's revised response to submissions dated November 2017; the Applicant's response to the Independent Planning Commission's review dated December 2018; and the Applicant's additional information responses dated 4 February, 25 March, 2 April, 9 August, 20 August and 2 September 2019 and Statement of Commitments dated 5 March 2019 provided in support of the application
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>

<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPBC Act</b>	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage Branch</b>	Heritage Branch of the Department of Premier and Cabinet
<b>Heritage item</b>	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: <ul style="list-style-type: none"> <li>• the State Heritage Register under the <i>Heritage Act 1977</i>;</li> <li>• a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>;</li> <li>• a Local Environmental Plan under the EP&amp;A Act;</li> <li>• the World Heritage List;</li> <li>• the National Heritage List or Commonwealth Heritage List under the EPBC Act; or</li> <li>• anything identified as a heritage item under the conditions of this consent</li> </ul>
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B 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
<b>Material harm</b>	Is harm to the environment that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul> <p>This definition excludes “harm” that is authorised under either this consent or any other statutory approval’</p>
<b>MEG</b>	<b>Regional NSW – Mining, Exploration and Geoscience</b>
<b>Mine-owned land</b>	Land owned by a mining, petroleum or extractive industry company (or its subsidiary or related party)
<b>Mine water</b>	Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with carbonaceous material
<b>Mine closure</b>	Decommissioning and final rehabilitation of the site following the cessation of mining operations
<b>Minimise</b>	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
<b>Mining operations</b>	The carrying out of mining, including the extraction, processing, stockpiling and transportation of coal on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden and reject material
<b>Minister</b>	NSW Minister for Planning and Public Spaces, or delegate
<b>Minor</b>	Not very large, important or serious
<b>Mitigation</b>	Activities associated with reducing the impacts of the development
<b>MOD 1</b>	<b>The modification to the development as described in MR (MOD 1)</b>
<b>MOP</b>	Mining operations plan, or similar, required by a mining lease under the <i>Mining Act 1992</i>
<b>MR (MOD 1)</b>	<b>The Modification Report titled <i>Rix’s Creek South SSD6300 Modification 1: Modification Report</i> prepared by James Bailey and Associates and dated 24 May 2021</b>
<b>NAG</b>	Noise assessment group

<b>Negligible</b>	Small and unimportant, such as to be not worth considering
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
<b>Noise sensitive areas</b>	Areas where mining operations are being carried out that have potential to lead to increased noise at privately-owned residences, such as elevated areas or areas near the boundary of the site
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>'Non-road' mobile diesel equipment</b>	Mobile equipment used in mining operations that is fitted with a diesel engine with a capacity >30 litres and that is self-propelled or transportable and primarily designed for off-road use
<b>NP&amp;W Act</b>	<i>National Parks and Wildlife Act 1974</i>
<b>NRAR</b>	NSW Natural Resources Access Regulator
<b>Open woodland</b>	Medium density native woodland with a significant grassy understorey
<b>PA</b>	Planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Privately-owned land</b>	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary or related party)
<b>Public infrastructure</b>	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.
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
<b>Registered Aboriginal Parties</b>	As described in the <i>National Parks and Wildlife Regulation 2009</i>
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Residence</b>	Existing or approved dwelling at the date of grant of this consent
<b>Resources Regulator</b>	NSW Resources Regulator
<b>RFS</b>	NSW Rural Fire Service
<b>Rix's Creek North</b>	Rix's Creek North Open Cut Project approved under MP 08_0102, as modified
<b>ROM</b>	Run-of-mine
<b>RMS</b>	NSW Roads and Maritime Services
<b>SA NSW</b>	Subsidence Advisory NSW
<b>Site</b>	The land defined in Appendix 1
<b>TfNSW</b>	<a href="#">Transport for NSW</a>

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- in compliance with the conditions of this consent;
  - in accordance with all written directions of the Planning Secretary;
  - generally in accordance with the EIS and MR (MOD 1); and
  - generally in accordance with the Development Layout.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - the implementation of any actions or measures contained in any such document referred to in paragraph (a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### NOTIFICATION OF COMMENCEMENT

- A5. The Applicant must notify the Department in writing at least two weeks prior to:
- commencing development under this consent;
  - commencing mining operations under this consent;
  - undertaking Stage 2, Stage 3 and Stage 4 surface disturbance (refer to the staged biodiversity credit requirements in condition B45);
  - ceasing mining operations (i.e. leading to mine closure); and
  - suspending mining operations (i.e. temporary care and maintenance).
- A6. If the development is to be further staged, the Department must be notified in writing at least two weeks prior to the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

#### LIMITS OF CONSENT

##### Mining operations

- A7. Mining operations may be carried out on the site, within the approved disturbance area, for a period of 21 years from the date of this consent.

##### Notes:

- Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.*
- Mining operations and rehabilitation are also regulated under the Mining Act 1992.*

##### Coal Extraction, Processing and Transportation

- A8. A maximum of 3.6 million tonnes of ROM coal may be extracted from the site in any calendar year.
- A9. ROM coal from the site may be transferred to Rix's Creek North for processing, stockpiling and transportation.
- A9a. A maximum of 10,000 tonnes of residual coalaceous material may be transferred from the Preston Colliery by road for processing, stockpiling and transportation as described in MR (MOD 1).
- A9b. A maximum of 20,000 tonnes of residual coalaceous material may be transferred from the Bloomfield Colliery by road for processing, stockpiling and transportation as described in MR (MOD 1).
- A10. ROM coal from Rix's Creek North may be transferred to the site for processing, stockpiling and transportation.
- A11. A maximum of 4.5 million tonnes of ROM coal may be processed on the site in any calendar year.

A12. Product coal may only be transported from the site by rail.

#### **Hours of Operation**

A13. The Applicant may undertake the development 24 hours a day, 7 days a week.

**Notes:**

- For limitations on blasting operations see condition B9.
- For limitations on construction hours see condition C1.

#### **Identification of Approved Disturbance Area**

A14. Within three months of commencing development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must provide to the Department a survey plan of the boundaries of the approved disturbance areas.

#### **SURRENDER OF EXISTING CONSENT**

A15. Within 12 months of commencing development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent for Rix's Creek Coal Mine (DA 49/94) in accordance with the EP&A Regulation.

**Note:** *This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be necessarily be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.*

A16. Upon the commencing development under this consent, and before the surrender of the existing development consent required under condition A15, the conditions of this consent prevail to the extent of any inconsistency with the conditions of DA 49/94.

#### **PLANNING AGREEMENT**

A17. Within six months of commencing development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a PA with the Council in accordance with:

- (a) Division 7.1 of Part 7 of the EP&A Act; and
- (b) the terms of the offer in Appendix 8.

#### **COMMUNITY CONSULTATIVE COMMITTEE**

A18. The Applicant must continue operation of the Rix's Creek Community Consultative Committee (CCC) established under DA 49/94 for the development. The CCC must be operated in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019) during the life of the development, or other timeframe agreed by the Planning Secretary.

**Notes:**

- *The CCC is an advisory committee only.*
- *In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.*

A19. With the approval of the Planning Secretary, the Applicant may combine the CCC required by this consent with any similar CCC required by a consent or approval for any adjoining mine subject to common, shared or related ownership or management.

#### **EVIDENCE OF CONSULTATION**

A20. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document for approval; and
- (b) provide details of the consultation undertaken to the Planning Secretary, including:
  - (i) the outcome of that consultation, matters resolved and unresolved; and
  - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS**

A21. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);



- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and
- (d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by a consent or approval for any adjoining mine subject to common, shared or related ownership or management.

A22. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

A23. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

#### **APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS**

A24. The Applicant must continue to apply existing management strategies, plans or monitoring programs approved under DA 49/94, until the approval of a similar plan, strategy or program under this consent.

#### **SUPPLY OF OVERBURDEN**

A25. With the approval of the Planning Secretary, the Applicant may supply overburden material to regional infrastructure developments in the vicinity of the site if the use of such material in those developments is the subject of development consent granted under Part 4 of the EP&A Act, an environmental assessment carried out under Division 5.1 of Part 5 of the EP&A Act, or an approval granted under Division 5.2 of Part 5 of the EP&A Act.

#### **PUBLIC INFRASTRUCTURE**

##### **Protection of Public Infrastructure**

A26. 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<sup>a</sup> that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure<sup>a</sup> that needs to be relocated as a result of the development.

<sup>a</sup> *This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by condition A17 or to damage subject to compensation under the Mining Act 1992.*

#### **DEMOLITION**

A27. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

#### **STRUCTURAL ADEQUACY**

A28. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development must be constructed in accordance with:

- (a) the relevant requirements of the BCA; and
- (b) any additional requirements of SA NSW where the building or structure is located on land within a declared Mine Subsidence District.

##### **Notes:**

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*
- *The development is located within the Patrick Plains Mine Subsidence District. Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SA NSW's approval before carrying out certain development in this district.*

#### **OPERATION OF PLANT AND EQUIPMENT**

A29. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

#### **COMPLIANCE**

A30. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## APPLICABILITY OF GUIDELINES

- A31. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) of the condition.
- A32. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## CROWN LAND

- A33. The Applicant must consult with DPIE – Crown Lands prior to undertaking any development on Crown Land or Crown Roads.

### **Notes:**

- *Under section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with DPIE – Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease.*
- *Under section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with DPIE – Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.*

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### NOISE

#### Operational Noise Criteria

- B1. The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 1 at any residence<sup>a</sup> on privately-owned land, excluding the noise-affected land referred to in Table 7.

**Table 1:** Operational noise criteria dB(A)

NAG	Day/Evening/Night	Night
	<i>L<sub>Aeq</sub> (15 min)</i>	<i>L<sub>A1</sub> (1 min)</i>
A – C	42	47
D – O	40	47
All other privately-owned residences	35	45

<sup>a</sup> The NAGs referred to in Table 1 are shown in Appendix 3.

- B2. Noise generated by the development must be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Industrial Noise Policy* (EPA, 2000). [Appendix 4](#) sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.
- B3. The noise criteria in Table 1 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

#### Noise Operating Conditions

- B4. The Applicant must:
- take all reasonable steps to minimise all noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the development;
  - implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas;
  - monitor and record all major equipment use and make this data readily available at the request of the Department or the EPA;
  - operate a comprehensive noise management system that uses a combination of meteorological forecasts, predictive noise modelling and real-time monitoring to guide the day to day planning of mining operations and the implementation of adaptive management both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
  - record the daily adaptive management measures implemented on the site, including how operations were modified or stopped to comply with the noise criteria in Table 1, and make these records readily available at the request of the Department or the EPA;
  - take all reasonable steps to minimise noise impacts of the development during noise-enhancing meteorological conditions, particularly when the noise criteria in this consent do not apply (see [Appendix 4](#)); and
  - carry out regular attended noise monitoring (at least once a month, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent.

#### Noise Management Plan

- B5. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s;
  - be prepared in consultation with the EPA;
  - be submitted to the Planning Secretary for approval within six months of commencing development under this consent;
  - describe the measures to be implemented to ensure:
    - compliance with the noise criteria and operating conditions of this consent;
    - best practice management is being employed; and
    - noise impacts of the development are minimised during noise-enhancing meteorological conditions, particularly when the noise criteria in this consent do not apply (see [Appendix 4](#));
  - seek to minimise road traffic noise generated by employee commuter vehicles on public roads;
  - describe the noise management system in detail;

- (g) describe the fleet attenuation program; and
- (h) include a monitoring program that:
  - (i) uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;
  - (ii) includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;
  - (iii) adequately supports the noise management system;
  - (iv) includes a protocol for distinguishing noise emissions of the development and Rix's Creek North; and
  - (v) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.

B6. The Applicant must implement the Noise Management Plan as approved by the Planning Secretary.

## BLASTING

### Blasting Criteria

B7. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria at the locations <sup>a</sup> in Table 2.

**Table 2:** *Blasting criteria*

<b>Location</b>	<b>Airblast overpressure (dB(Lin Peak))</b>	<b>Ground vibration (mm/s)</b>	<b>Allowable exceedance</b>
Residence on privately-owned land	120	10	0%
	115	5	5% of the total number of blasts over a calendar year
Coke Ovens		10 <i>(unless surveys under condition B19(i)(ii) identify a more appropriate criterion)</i>	0%
Main Northern Railway Line		25	0%
Public Roads		100	0%
All other public infrastructure		50 <i>(or a limit determined by the structural design methodology in AS 2187.2 - 2006, or other alternative limit for public infrastructure, to the satisfaction of the Planning Secretary)</i>	0%

<sup>a</sup> The locations referred to in Table 2 are shown in Appendix 3 and Appendix 6.

B8. The blasting criteria in Table 2 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

### Blasting Hours

B9. The Applicant must only carry out blasting on the site between 9 am and 5 pm (Monday to Saturday inclusive). No blasting is allowed on Sundays, public holidays or any other time without the prior written approval of the Planning Secretary.

### Blasting Frequency

B10. The Applicant may carry out a maximum of:

- (a) 3 single blast events<sup>a</sup> a day; and
- (b) 10 single blast events<sup>a</sup> a week, averaged over a calendar year.

B11. Condition B10 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.

<sup>a</sup>Within conditions B10 and B11, a 'single blast event' means a blast which involves either a single detonation or a number of individual blasts fired in quick succession in a discrete area of the development. Should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast event.

### Property Inspections

- B12. 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 the site for a property inspection to establish the baseline condition of any buildings and structures on their land, or to have a previous property inspection updated, then within two 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:
    - (i) establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and
    - (ii) identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and structures; and
  - (b) give the landowner a copy of the new or updated property inspection report.
- B13. 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 Planning Secretary for resolution.

### Property Investigations

- B14. If the owner of any privately-owned land within 3 kilometres of any approved open cut mining pit on the site or any other landowner where the Planning Secretary is satisfied an investigation is warranted, claims in writing that buildings or structures on their land have been damaged as a result of blasting on the site, then within two months of receiving this written 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.
- B15. 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 Planning Secretary.
- B16. 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 Planning Secretary for resolution.

### Blast Operating Conditions

- B17. The Applicant must:
- (a) take all reasonable steps to:
    - (i) ensure the safety of people and livestock from blasting impacts of the development;
    - (ii) protect public and private infrastructure and property in the vicinity of the site from blasting damage associated with the development; and
    - (iii) minimise the dust and fume emissions of any blasting;
  - (b) ensure that blasting on the site does not damage heritage items<sup>a</sup>, except in accordance with the predictions in the document/s listed in condition A2(c), and develop specific measures to protect heritage items outside the approved disturbance areas from any blasting damage associated with the development;
  - (c) operate a comprehensive blast management system that uses a combination of meteorological forecasts and predictive blast modelling to guide the planning of blasts to minimise blasting impacts;
  - (d) minimise the frequency and duration of any public road closures for blasting, and use all reasonable efforts to avoid road closures during peak traffic periods;
  - (e) operate a suitable system to enable interested members of the public to get up-to-date information on the proposed blasting schedule on the site and any associated public road closures, including notification via SMS message of the blasting schedule and associated road closures for that day and any variations to that schedule and closures;
  - (f) use all reasonable efforts to co-ordinate the timing of blasting at the site with nearby mines to minimise cumulative blasting impacts; and
  - (g) carry out regular blast monitoring to determine whether the development is complying with the relevant conditions of this consent.

<sup>a</sup> The locations of the heritage items referred to in paragraph (b) are shown in Appendix 6.

- B18. The Applicant must not undertake blasting on the site within 500 metres of any public road or any land outside the site not owned by the Applicant, unless the blast generates ground vibration of 0.5 mm/s or less, or the Applicant has:
- a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the public road or land, and the Applicant has advised the Department in writing of the terms of this agreement; or
  - demonstrated, to the satisfaction of the Planning Secretary, that the blasting can be carried out closer to the public road or land without compromising the safety of people or livestock or damaging the road or other buildings and structures, and updated the Blast Management Plan to include specific mitigation measures to be implemented while blasting is being carried out within 500 metres of the road or land.

### Blast Management Plan

- B19. The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s;
  - be prepared in consultation with the EPA;
  - be submitted to the Planning Secretary for approval within six months of commencing development under this consent;
  - describe the blast management system and the measures that will be implemented to ensure compliance with the blasting criteria and conditions of this consent;
  - include a Blast Fume Management Strategy for:
    - minimising blast fume emissions;
    - rating and recording blast fume events in accordance with *Visual NOx Fume Rating Scale* (AEISG, 2011), or equivalent monitoring technique; and
    - reporting significant blast fume events to the Department and the EPA;
  - include a Road Closure Management Plan for any blasting within 500 metres of a public road, that has been prepared in consultation with relevant 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 reasonable; and
    - co-ordinating closures with nearby mines to minimise the cumulative effect of road closures;
  - identify any agreed alternative ground vibration limits for public or private infrastructure in the vicinity of the site (if relevant);
  - include a strategy to manage potential blast interactions with nearby mines;
  - include a strategy to monitor, mitigate and manage the effects of blasting on the Coke Ovens, including:
    - undertaking annual dilapidation surveys (or as otherwise agreed with the Planning Secretary) by a suitably qualified structural engineer, the first of which must be undertaken prior to any blasting in the North Pit and the last of which must be undertaken within one year after blasting is completed in the North Pit;
    - reviewing and establishing final ground vibration criteria and tailoring blast design to comply with these criteria; and
    - remediating any blasting-related damage to the satisfaction of Council and the Heritage Division; and
  - include a monitoring program for evaluating and reporting on compliance with the relevant conditions of this consent.
- B20. The Applicant must implement the Blast Management Plan as approved by the Planning Secretary.

### AIR QUALITY AND GREENHOUSE GAS

#### Odour

- B21. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

#### Air Quality Criteria

- B22. 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 Table 3 at any residence on privately-owned land, excluding the air quality-affected land referred to in Table 7.

**Table 3:** Air quality criteria

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a, c</sup> 25 µg/m <sup>3</sup>

<b>Pollutant</b>	<b>Averaging period</b>	<b>Criterion</b>
	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a, c</sup> 8 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>
Total suspended particulate (TSP) matter	Annual	<sup>a, c</sup> 90 µg/m <sup>3</sup>

**Notes:**

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

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

<sup>c</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.

B23. The air quality criteria in Table 3 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

**Mine-owned Land**

B24. Particulate matter emissions generated by the development must not exceed the criteria listed in Table 3 at any occupied residence on mine-owned land (including land owned by another mining company) unless:

- (a) the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under **Part D** of this consent;
- (b) the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving 14 days notice;
- (c) air quality monitoring is regularly undertaken to inform the tenant and landowner (if the residence is owned by another mining company) of the likely particulate matter emissions at the residence; and
- (d) data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property.

**Air Quality Operating Conditions**

B25. The Applicant must:

- (a) take all reasonable steps to:
  - (i) minimise odour, fume and particulate matter (including PM<sub>10</sub> and PM<sub>2.5</sub>) emissions of the development, paying particular attention to minimising wheel-generated haul road emissions;
  - (ii) eliminate or minimise the risk of spontaneous combustion;
  - (iii) improve energy efficiency and reduce greenhouse gas emissions of the development;
  - (iv) minimise any visible off-site air pollution generated by the development; and
  - (v) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
- (b) ensure that all 'non-road' mobile diesel equipment used in undertaking the development includes reasonable and feasible diesel emissions reduction technology;
- (c) operate a comprehensive air quality management system that uses a combination of meteorological forecasts, predictive air quality modelling and real-time monitoring 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;
- (d) minimise air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 3 above);
- (e) minimise air quality impacts of the development on air quality-affected land referred to in Table 7 and Table 8 for as long as the land remains privately-owned (i.e. until it is acquired);
- (f) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and
- (g) regularly assess meteorological and air quality monitoring data, and modify operations on the site to ensure compliance with the relevant conditions of this consent.

## Air Quality and Greenhouse Gas Management Plan

- B26. The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
  - (b) be prepared in consultation with the EPA;
  - (c) be submitted to the Planning Secretary for approval within six months of commencing development under this consent;
  - (d) describe the measures to be implemented to ensure:
    - (i) compliance with the air quality criteria and operating conditions of this consent;
    - (ii) best practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site and energy efficiency); and
    - (iii) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
  - (e) describe the air quality management system in detail; and
  - (f) include an air quality monitoring program, undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007), that:
    - (i) uses monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of mining operations;
    - (ii) adequately supports the air quality management system; and
    - (iii) includes a protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.
- B27. The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Planning Secretary.

## METEOROLOGICAL MONITORING

- B28. Prior to commencing mining operations under this consent and for the remaining life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- (a) complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007);
  - (b) is capable of continuous real-time measurement of wind speed, wind direction sigma theta and temperature; and
  - (c) is capable of measuring meteorological conditions in accordance with the *NSW Industrial Noise Policy* (EPA, 2000),
- unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

## WATER

### Water Supply

- B29. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.
- B30. The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.

**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, including during rehabilitation and post mine closure.

### Compensatory Water Supply

- B31. Prior to commencing mining operations under this consent, the Applicant must notify owners of licensed privately-owned groundwater bores that are predicted to have a drawdown of greater than 2 metres as a result of the development.
- B32. 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 an impact that is minor or negligible) as a result of the development, in consultation with DPIE Water, and to the satisfaction of the Planning Secretary.
- B33. 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.
- B34. If the Applicant and the landowner cannot agree on whether the loss of water is attributed to the development or 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 Planning Secretary for resolution.



B35. 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 Planning Secretary.

**Note:**

- The Water Management Plan (see condition B41) is required to include trigger levels for investigating potentially adverse impacts on water supplies.

**Water Discharges**

B36. The Applicant must ensure that all surface discharges from the site comply with:

- discharge limits (both volume and quality) set for the development in any EPL; or
- relevant provisions of the POEO Act or *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

**Water Management**

B37. The Applicant may receive water from, and transfer water to, neighbouring mines including Rix's Creek North, Integra Underground and/or the Greater Ravensworth Water Access Sharing Scheme.

B38. The Applicant may integrate the site water management system with water management for Rix's Creek North.

**Water Management Performance Measures**

B39. The Applicant must ensure that the development complies with the performance measures in Table 4.

**Table 4:** Water management performance measures

<b>Feature</b>	<b>Performance Measure</b>
Water management – General	<ul style="list-style-type: none"> <li>• Maintain separation between clean, dirty (i.e. sediment-laden) and mine water</li> <li>• Minimise the use of clean and potable water</li> <li>• Maximise water recycling, reuse and sharing opportunities</li> <li>• Minimise the use of make-up water from external sources</li> <li>• Design, install, operate and maintain water management infrastructure in a proper and efficient manner</li> <li>• Minimise risks to the receiving environment and downstream water users</li> </ul>
Alluvial aquifers	<ul style="list-style-type: none"> <li>• Negligible impacts to alluvial aquifers beyond those predicted in the document/s listed in condition A2(c), including:               <ul style="list-style-type: none"> <li>– negligible change in groundwater levels; and</li> <li>– negligible impact to other groundwater users;</li> </ul> </li> <li>• Maintain appropriate setbacks in accordance with the <i>Aquifer Interference Policy</i> (DPI, 2012)</li> </ul>
Erosion and sediment control works	<ul style="list-style-type: none"> <li>• Design, install and maintain erosion and sediment controls in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landcom, 2004) and <i>2E Mines and Quarries</i> (DECC, 2008)</li> <li>• Design, install and maintain any new infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012)</li> <li>• Maintain a 20 metre setback for Pits 2 and 3 from the bank of Rix's Creek</li> <li>• Design, install and maintain any creek crossings in accordance with the <i>Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management</i> (DPI, 2013) and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings</i> (NSW Fisheries, 2003)</li> </ul>
Clean water diversions and storage infrastructure	<ul style="list-style-type: none"> <li>• Design, install and maintain the clean water system to capture and convey the 100 year ARI flood event</li> <li>• Maximise, as far as reasonable, the diversion of clean water around disturbed areas on the site, except where clean water is captured for use on the site</li> </ul>
Flood protection works	<ul style="list-style-type: none"> <li>• Design, install and maintain flood levees to protect mining areas from a 100 year ARI flood event and to ensure no increased flooding impacts on roads or privately-owned land</li> </ul>
Sediment dams	<ul style="list-style-type: none"> <li>• Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landcom, 2004) and <i>2E Mines and Quarries</i> (DECC, 2008) and the requirements under the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i></li> </ul>
Mine water storages	<ul style="list-style-type: none"> <li>• Design, install and maintain mine water storage infrastructure to avoid unlicensed or uncontrolled discharge of mine water</li> <li>• New storages designed to contain the 100 year ARI storm event and minimise permeability</li> </ul>
Tailings storages	<ul style="list-style-type: none"> <li>• Minimise storage of wet tailings and maximise drying and co-disposal of dried tailings within overburden emplacements</li> </ul>

<b>Feature</b>	<b>Performance Measure</b>
	<ul style="list-style-type: none"> <li>Design and maintain tailings storage areas to encapsulate and prevent the release of tailings seepage/leachate</li> </ul>
Overburden emplacements	<ul style="list-style-type: none"> <li>Design, install and maintain emplacements to encapsulate and prevent migration of acid forming and potentially acid forming materials, and saline and sodic material</li> <li>Design, install and maintain out-of-pit emplacements to prevent and/or manage long term saline seepage</li> </ul>
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> <li>Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard</li> </ul>
Creek diversions	<ul style="list-style-type: none"> <li>Diverted creek lines are hydraulically and geomorphologically stable</li> <li>Incorporate erosion control measures based on vegetation and engineering revegetations</li> <li>Incorporate water features such as persistent/permanent pools for aquatic habitat</li> <li>Revegetate with suitable riparian vegetation</li> </ul>
Aquatic and riparian ecosystems	<ul style="list-style-type: none"> <li>Negligible environmental consequences beyond those predicted in the document/s listed in condition A2(c)</li> <li>Maintain or improve baseline channel stability</li> <li>Develop site-specific in-stream water quality objectives in accordance with the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (ANZECC &amp; ARMCANZ, 2000) and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> (DEC, 2006)</li> </ul>

B40. The performance measures in Table 4 do not apply to water management structures constructed under previous consents.

#### **Water Management Plan**

B41. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with DPIE Water and the EPA;
- (c) be submitted to the Planning Secretary for approval within six months of commencing development under this consent;
- (d) describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see Table 4);
- (e) utilise existing data from nearby mines and build on existing monitoring programs, where practicable;
- (f) include a:
  - (i) **Site Water Balance** that includes details of:
    - predicted annual inflows to and outflows from the site;
    - sources and security of water supply for the life of the development (including authorised entitlements and licences);
    - water storage capacity;
    - water use and management on the site, including any water transfers or sharing with neighbouring mines;
    - licensed discharge points and limits; and
    - reporting procedures, including the annual preparation of an updated site water balance;
  - (ii) **Salt Balance** that includes details of:
    - sources of saline material on the site;
    - saline material and saline water management on the site;
    - measures to minimise discharge of saline water from the site; and
    - reporting procedures, including the annual preparation of an updated salt balance;
  - (iii) **Erosion and Sediment Control Plan** that:
    - is consistent with the requirements of *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) and *Volume 2E: Mines and Quarries* (DECC, 2008);
    - identifies activities that could cause soil erosion, generate sediment or affect flooding;

- includes a program to review the adequacy of existing flood protection works, and ensure they comply with the relevant performance measures listed in Table 4;
  - 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 (and if necessary decommission) the structures over time;
- (iv) **Surface Water Management Plan** that includes:
- detailed baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development, including:
    - stream and riparian vegetation health;
    - channel stability (geomorphology); and
    - water supply for other surface water users;
  - a detailed description of the surface water management system;
  - detailed plans, design objectives and performance criteria for water management infrastructure, including:
    - any approved creek diversions or restoration works associated with the development;
    - water run-off diversions and catch drains;
    - water storages and sediment dams;
    - emplacement areas;
    - backfilled pits and any final voids for the development (see also Table 6); and
    - reinstated drainage networks on rehabilitated areas of the site;
  - detailed performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development, for:
    - downstream surface water flows and quality;
    - channel stability;
    - downstream flooding impacts;
    - stream and riparian vegetation health;
    - water supply for other water users; and
    - post-mining water pollution from rehabilitated areas of the site;
  - a program to monitor and evaluate:
    - compliance with the relevant performance measures listed in Table 4 and the performance criteria in this plan;
    - controlled and uncontrolled discharges and seepage/leachate from the site;
    - impacts on water supply for other water users;
    - surface water inflows, outflows and storage volumes, to inform the Site Water Balance; and
    - the effectiveness of the surface water management system and the measures in the Erosion and Sediment Control Plan;
  - reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results; and
  - a trigger action response plan to respond to any exceedances of the performance measures or performance criteria, and repair, mitigate and/or offset any adverse surface water impacts of the development;
- (v) **Groundwater Management Plan** that includes:
- detailed baseline data of groundwater levels, yield and quality for groundwater resources potentially impacted by the development, including groundwater supply for other water users;
  - a detailed description of the groundwater management system;
  - groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts associated with the development, on:
    - regional and local aquifers (alluvial and hardrock);
    - impacts on groundwater supply for other water users; and
    - groundwater supply for other water users such as licensed privately-owned groundwater bores;
  - a program to monitor and evaluate:

- compliance with the relevant performance measures listed in Table 4 and the performance criteria in this plan;
  - water loss/seepage from water storages into the groundwater system, including from any final void;
  - groundwater inflows, outflows and storage volumes, to inform the Site Water Balance;
  - the hydrogeological setting of any nearby alluvial aquifers and the likelihood of any indirect impacts from the development;
  - the effectiveness of the groundwater management system;
  - reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results;
  - a trigger action response plan to respond to any exceedances of the groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development; and
  - a program to periodically validate the groundwater model for the development, including an independent review of the model every 3 years, and a comparison of monitoring results with modelled predictions; and
- (vi) a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition E9.

B42. The Applicant must implement the Water Management Plan as approved by the Planning Secretary.

## BIODIVERSITY

### Biodiversity Credits Required

B43. The Applicant must retire the biodiversity credits specified in Table 5 below to offset the biodiversity impacts of the development. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.

**Table 5: Biodiversity credit requirements**

<b>Credit Type</b>	<b>Stage 1 Credits Required</b>	<b>Stage 2 Credits Required</b>	<b>Stage 3 Credits Required</b>	<b>Stage 4 Credits Required</b>	<b>Total Credits Required</b>
<b>Ecosystem Credits</b>					
HU906 - Zone 2: <i>Bull Oak grassy woodland of the central Hunter Valley</i> (PCT 1692)	-	4	-	-	<b>4</b>
HU819 - Zone 4: <i>Narrow-leaved Ironbark - Native Olive shrubby open forest of the central and upper Hunter</i> (PCT 1605)	145	302	217	86	<b>750</b>
HU962 - Zone 5: <i>Grey Box grassy open forest of the central and lower Hunter Valley</i> (PCT 1748)	13	-	-	15	<b>28</b>
HU819 - Zone 7: <i>Derived native grassland Narrow-leaved Ironbark - Native Olive shrubby open forest of the central and upper Hunter</i> (PCT 1605)	1,112	566	871	330	<b>2,879</b>
HU819 - Zone 8: <i>Narrow-leaved Ironbark - Native Olive shrubby open forest of the central and upper Hunter</i> (PCT 1605)	173	138	153	183	<b>647</b>
HU818 - Zone 10: <i>Narrow-leaved Ironbark - Grey Box - Spotted Gum shrub - grass woodland of the central and lower Hunter</i> (PCT 2150)	120	-	-	-	<b>120</b>
<b>Total</b>					<b>4,428</b>

**Notes:**

- To identify the surface disturbance areas associated with Stages 1,2,3 and 4 in Table 5 refer to the applicable figure in Appendix 5, or as updated in the approved Biodiversity Management Plan.
- The credits in Table 5 were calculated in accordance with Framework for Biodiversity Assessment of the NSW Biodiversity Offset Policy for Major Projects (OEH, 2014) and may need to be converted to reasonably equivalent 'biodiversity credits', within the meaning of the BC Act, if the credits are to be retired in accordance with the Biodiversity Offsets Scheme of the BC Act.

## Staged Retirement

- B44. Within 12 months of commencing mining operations under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must retire the Stage 1 credits as specified in Table 5.
- B45. Prior to the commencement of surface disturbance associated with Stage 2, Stage 3 or Stage 4, or other timeframe agreed by the Planning Secretary, the Applicant must retire the relevant credits for these stages as specified in Table 5.
- B46. With the agreement of the Planning Secretary, the Applicant may adjust the staging of surface disturbance and the associated credit retirements in Table 5. Except in accordance with condition B47, the relevant credits must be retired, prior to the commencement of the associated surface disturbance.
- B47. With the agreement of the Planning Secretary, the Applicant may carry over surplus retired credits to satisfy the credit requirements of a later stage. This may occur, for example, where approved clearing for an earlier stage was not undertaken, but the impact has already been offset.
- B48. With the agreement of the Planning Secretary, biodiversity credits associated with any undisturbed areas agreed under condition B47 as not to be subject to any surface disturbance may be removed from the total credit obligations in Table 5.
- B49. Prior to commencing construction of the cut and cover tunnel, the Applicant must ensure that any biodiversity impacts relating to disturbance during construction of the tunnel and the temporary side track road have been offset to the satisfaction of BCD.

## Biodiversity Management Plan

- B50. The Applicant must prepare a Biodiversity Management Plan to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
  - (b) be prepared in consultation with BCD;
  - (c) be submitted to the Planning Secretary for approval within six months of commencing development under this consent;
  - (d) describe the short, medium, and long-term measures to be undertaken to manage vegetation and fauna habitat on the site;
  - (e) describe how biodiversity management would be integrated with similar measures within other management plans, including the Rehabilitation Management Plan referred to in condition B74;
  - (f) include a Biodiversity Offset Strategy that:
    - (i) describes how the biodiversity credits in Table 5 (and any required under condition B49) will be identified, secured and retired; and
    - (ii) if adjustments are made to the staging of credit retirements in Table 5 (see condition B46), detail the adjusted stages and associated surface disturbance areas; and
  - (g) describe the measures to be implemented within the approved disturbance areas to:
    - (i) minimise the amount of clearing;
    - (ii) minimise impacts on fauna, including undertaking pre-clearance surveys;
    - (iii) provide for the salvage, transplanting and/or propagation of any threatened flora found during pre-clearance surveys, in accordance with the *Guidelines for the Translocation of Threatened Plants in Australia* (Vallee et al., 2004); and
    - (iv) maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;
  - (h) describe the measures to be implemented on the site to:
    - (i) minimise impacts to threatened ecological communities listed under the BC Act and EPBC Act, and contribute to conservation strategies for these communities;
    - (ii) minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber and hollow-bearing trees;
    - (iii) enhance the quality of vegetation, vegetation connectivity and wildlife corridors including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata;
    - (iv) introduce naturally scarce fauna habitat features such as nest boxes and salvaged tree hollows and promote the use of these introduced habitat features by threatened fauna species, including Squirrel Glider;
    - (v) manage any potential conflicts with Aboriginal heritage values;
    - (vi) protect vegetation and fauna habitat outside of the approved disturbance areas;
    - (vii) manage the collection and propagation of seed from the local area;
    - (viii) control weeds, including measures to avoid and mitigate the spread of noxious weeds;

- (ix) control feral pests with consideration of actions identified in relevant threat abatement plans;
  - (x) control erosion;
  - (xi) manage any grazing and agriculture;
  - (xii) control access to vegetated or revegetated areas; and
  - (xiii) manage bushfire hazards;
- (i) include a seasonally-based program to monitor and report on the effectiveness of the above measures, progress against the detailed performance indicators and completion criteria, and improvements that could be implemented to improve biodiversity outcomes;
  - (j) identify the potential risks to the successful implementation of the Biodiversity Offset Strategy, and include a description of the contingency measures to be implemented to mitigate against these risks; and
  - (k) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

B51. The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.

## HERITAGE

### Protection of Aboriginal Heritage

B52. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage items located outside the approved disturbance area, beyond those predicted in the document/s listed in condition A2(c).

**Note:** Identified heritage items are shown in the figure in Appendix 6.

B53. If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and BCD, and work must not recommence in the area until authorised by NSW Police Force and BCD.

B54. If any previously unknown Aboriginal object or Aboriginal place is discovered on the site, or suspected to be on the site:

- (a) all work in the immediate vicinity of the object or place must cease immediately;
- (b) a 10-metre buffer area around the object or place must be cordoned off; and
- (c) BCD must be contacted immediately.

B55. Work in the immediate vicinity may only recommence if:

- (a) the potential Aboriginal object or Aboriginal place is confirmed by BCD, in consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal Place;
- (b) the Aboriginal Cultural Heritage Management Plan is revised to include the Aboriginal object or Aboriginal place and appropriate measures in respect of it; or
- (c) the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object or Aboriginal place and makes a written direction in that regard.

B56. The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.

### Aboriginal Cultural Heritage Management Plan

B57. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:

- (a) be prepared by suitably qualified and experienced persons;
- (b) be prepared in consultation with BCD and Registered Aboriginal Parties;
- (c) be submitted to the Planning Secretary for approval within six months of commencing development under this consent;
- (d) describe the measures to be implemented on the site to:
  - (i) comply with the heritage-related operating conditions of this consent;
  - (ii) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;
  - (iii) protect, monitor and/or manage identified Aboriginal objects and Aboriginal places (including archaeological investigations of potential subsurface objects and salvage of objects within the approved disturbance area (including disturbance associated with the cut and cover tunnel)) in accordance with the commitments made in the document/s listed in condition A2(c);
  - (iv) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;

- (v) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;
  - (vi) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and
  - (vii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and
- (e) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.

B58. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.

#### **Historic Heritage Management Plan**

B59. The Applicant must prepare a Historic Heritage Management Plan for the development, in respect of all non-Aboriginal cultural heritage items, to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with the Heritage Branch, Council and relevant landowners and in accordance with the relevant Heritage Branch guidelines;
- (c) be submitted to the Planning Secretary for approval within six months of commencing development under this consent;
- (d) describe how historic heritage values of the site would be recorded and preserved;
- (e) identify all heritage items in the vicinity of the site and include a statement of significance for each item;
- (f) for the Coke Ovens, describe the measures to:
  - (i) minimise impacts of the development and to improve the integrity of the Ovens;
  - (ii) identify if there is any association with the nearby Mound with Historic Material and the Linear Embankment;
  - (iii) ensure full recording of the Ovens;
  - (iv) provide public access; and
  - (v) manage the Ovens over the life of the development and post-mining;
- (g) describe the measures to be implemented on the site or within any offset areas to:
  - (i) ensure all workers 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;
  - (ii) undertake photographic/archival recording of any items of heritage significance predicted to be impacted by the development, prior to disturbance, including the Mound with Historic Material and the Linear Embankment;
  - (iii) protect heritage items located outside the approved disturbance area from unpredicted impacts of the development, disrepair or vandalism (where practicable), including the Coke Ovens and Granbalang Trig Station; and
  - (iv) manage any new heritage items discovered during the life of the development; and
- (h) include a strategy for the care, control and storage of relics salvaged from the site.

B60. The Applicant must implement the Historic Heritage Management Plan as approved by the Planning Secretary.

#### **VISUAL**

##### **Visual Amenity and Lighting**

B61. The Applicant must:

- (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development and shield public views of the development;
- (b) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;
- (c) 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);
- (d) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*;
- (e) implement a landscaping strategy to shield public views of the development that includes a road-side tree planting and maintenance schedule;
- (f) procedures to notify, consult and implement site-specific mitigation measures at affected privately-owned residences south of Pit 3 near Maison Dieu Road and Dights Crossing Road; and

- (g) ensure that the visual appearance of all new buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.

## **WASTE**

- B62. The Applicant must:
- (a) take all reasonable steps to minimise the waste (including coal rejects) generated by the development;
  - (b) dispose of all waste at appropriately licensed waste facilities;
  - (c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and
  - (d) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition E9.
- B63. Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.
- B64. The Applicant must ensure that biosolids used on the site are managed in accordance with the *Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA, 1997) (or its latest version).

## **DANGEROUS GOODS**

- B65. The Applicant must ensure that the storage, handling, and transport of:
- (a) dangerous goods is done in accordance with the relevant Australian Standards, particularly *AS1940* and *AS1596*, and the *Dangerous Goods Code*; and
  - (b) explosives are managed in accordance with the requirements of the Resources Regulator.

## **BUSHFIRE MANAGEMENT**

- B66. The Applicant must:
- (a) ensure that the development:
    - (i) provides for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2006) guideline; and
    - (ii) ensure that there is suitable equipment to respond to any fires on the site; and
  - (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.
- B67. Prior to commencing mining operations under this consent, the Applicant must prepare a Bushfire Management Plan for the development in consultation with RFS. This plan must include a:
- (a) contact person and 24 hour contact phone number;
  - (b) schedule and description of proposed bushfire mitigation works, including:
    - (i) location of managed and unmanaged vegetation within the site;
    - (ii) location of water supply; and
    - (iii) internal access roads;
  - (c) plan identifying the location and storage of bulk flammable liquids and materials;
  - (d) 'hot works' management plan, including:
    - (i) circumstances when 'hot works' are limited or prohibited; and
    - (ii) safety measures to be implemented when 'hot works' are being conducted; and
  - (e) emergency/evacuation plan in accordance with the *Guidelines for the Preparation of Emergency/Evacuation Plans* (RFS) and Australian Standard *AS3745 Planning for Emergencies in Facilities*.
- B68. The Applicant must implement the Bushfire Management Plan in consultation with RFS.

## **EXPLORATION ACTIVITIES**

### **Exploration Activities Management Plan**

- B68a. Within three months of the determination of MOD 1, or other timing as agreed by the Planning Secretary, the Applicant must prepare an Exploration Activities Management Plan for the project to the satisfaction of the Planning Secretary. This Plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with BCD and Heritage NSW;
  - (c) include a description of the measures to be implemented for:
    - (i) managing exploration activities associated with mining operations under this consent;



- (ii) managing construction and operation of minor surface infrastructure and associated access tracks;
- (iii) consulting with and compensating affected landowners;
- (iv) assessing noise, air quality, traffic, biodiversity, heritage, public safety and other impacts;
- (v) avoiding (where possible), or minimising environmental impacts;
- (vi) avoiding (where possible), or minimising impacts on threatened species, populations or their habitats and EECs;
- (vii) minimising clearance and disturbance of native vegetation;
- (viii) minimising and managing erosion and sedimentation; and
- (ix) rehabilitating disturbed areas.

B68b. Unless otherwise agreed in writing by the Planning Secretary, the Applicant must not carry out exploration activities<sup>a</sup> associated with the mining operations under this consent that cause temporary surface disturbance outside the approved disturbance area until the Exploration Activities Management Plan is approved by the Planning Secretary.

<sup>a</sup> This condition does not prevent the carrying out of exploration activities which, in the opinion of the Planning Secretary, were permitted to be undertaken prior to the date of determination of MOD 1.

B68c. The Applicant must implement the Exploration Activities Management Plan as approved by the Planning Secretary.

## REHABILITATION

### Rehabilitation Objectives

B69. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the document/s listed in condition A2(c) (and shown conceptually in the figure in Appendix 7), and must comply with the objectives in Table 6.

**Table 6:** Rehabilitation objectives

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Fit for the intended post-mining land use/s</li> <li>• Establish the final landform and post-mining land use/s as soon as practicable after cessation of mining operations</li> <li>• Minimise post-mining environmental impacts</li> </ul>
Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> <li>• Establish/restore self-sustaining native open woodland ecosystems</li> <li>• Establish local plant community types</li> <li>• Establish: <ul style="list-style-type: none"> <li>– riparian vegetation, within any diverted and/or re-established creek lines and retained water features;</li> <li>– habitat, feed and foraging resources for threatened fauna species; and</li> <li>– vegetation connectivity and wildlife corridors, as far as is reasonable and feasible</li> </ul> </li> </ul>
Areas proposed for agricultural land	<ul style="list-style-type: none"> <li>• Establish/restore grassland areas to support sustainable agricultural activities</li> <li>• Use species found in the local area that are suitable for pasture production</li> <li>• Achieve land and soil capabilities that are equivalent or better than pre-mining</li> <li>• Locate adjacent to surrounding agricultural land, where practicable</li> </ul>
Final Landform	<ul style="list-style-type: none"> <li>• Stable and sustainable for the intended post-mining land use/s</li> <li>• Integrated with surrounding natural landforms and other mine rehabilitated landforms including Rix's Creek North, to the greatest extent practicable</li> <li>• Incorporate micro-relief and drainage features that mimic natural topography and mitigate erosion, to the greatest extent practicable</li> <li>• Maximise surface water drainage to the natural environment, excluding final void catchment (i.e. free draining)</li> <li>• Reduce highwall slopes to a maximum of 18 degrees (excluding slopes below the post-mining standing water level in any final void)</li> <li>• Minimise visual impacts, where practicable, particularly from public views and the Granbalang Trig Station</li> </ul>
Final void	<ul style="list-style-type: none"> <li>• Designed as longterm groundwater sink to prevent the release of saline water into the surrounding environment, unless further mine planning and final landform design processes identify a more suitable outcome for the final void (see condition B72)</li> <li>• Minimise to the greatest extent practicable: <ul style="list-style-type: none"> <li>– the size and depth of final voids;</li> <li>– the drainage catchment of final voids;</li> </ul> </li> </ul>

<b>Feature</b>	<b>Objective</b>
	<ul style="list-style-type: none"> <li>- any high wall instability risk; and</li> <li>- the risk of flood interaction</li> <li>• Maximise potential for beneficial reuse, where practicable</li> </ul>
Highwall access to future underground coal resources	<ul style="list-style-type: none"> <li>• Rehabilitate as soon as practicable, unless the Applicant proceeds with an underground mining proposal (subject to separate approval), and this is subject to a development application at least 5 years prior to cessation of mining operations</li> </ul>
Surface infrastructure of the development, including infrastructure constructed under DA 49/94	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless the Resources Regulator agrees otherwise</li> <li>• Cut and cover tunnels under the New England Highway to be demolished and removed, or filled, unless TNSW agrees otherwise</li> </ul>
Rehabilitation materials	<ul style="list-style-type: none"> <li>• Materials from areas disturbed under this consent (including topsoils, substrates and seeds) are to be recovered, managed and reused as rehabilitation resources, to the greatest extent practicable</li> <li>• Maximise use of biosolids (or similar organic recycled material) to enhance soil quality for revegetation</li> </ul>
Water quality	<ul style="list-style-type: none"> <li>• Water retained on the site is fit for the intended post-mining land use/s</li> <li>• Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety</li> <li>• Minimise adverse socio-economic effects associated with mine closure</li> <li>• Provide public access to the Coke Ovens (see condition B59(f)(iv))</li> </ul>

B70. The rehabilitation objectives in Table 6 apply to the entire site, including all landforms constructed under either this consent or previous consents. However, the Applicant is not required to undertake any additional earthmoving works on landforms that have been approved and constructed under previous consents.

### **Progressive Rehabilitation**

B71. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

**Note:** *This condition does not prevent further disturbance at some later stage of the development of areas that have been rehabilitated.*

### **Rehabilitation Strategy**

B72. The Applicant must prepare a Rehabilitation Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with the Resources Regulator and Council;
- (c) be submitted to the Planning Secretary for approval within six months of commencing development under this consent;
- (d) building on the Rehabilitation Objectives in Table 6, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including final voids), post-mining land use/s and water management;
- (e) align with strategic rehabilitation and mine closure objectives and address the principles of the *Strategic Framework for Mine Closure* (ANZMEC and MCA, 2000);
- (f) describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition B50;
- (g) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature mine closure;
- (h) identify and describe all rehabilitation domains and define completion criteria for each;
- (i) include indicative mine plans and scheduling for life-of-mine rehabilitation showing each rehabilitation domain;
- (j) include details of target vegetation communities and species to be established within the proposed revegetation areas;
- (k) investigate opportunities to refine and improve the final landform and final void outcomes over time;

- (l) include a risks and opportunities assessment and risk register that includes risks associated with unplanned closure or care and maintenance;
- (m) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including the final void), that:
  - (i) align with regional and local strategic land use planning objectives and outcomes;
  - (ii) support a sustainable future for the local community;
  - (iii) utilise existing mining infrastructure, where practicable; and
  - (iv) avoid disturbing self-sustaining native ecosystems, where practicable;
- (n) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes;
- (o) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and
- (p) include a program to review and refine the final landform and final void outcomes to meet the relevant Rehabilitation Objectives in Table 6, in consultation with the Resources Regulator and the Council every three years.

B73. The Applicant must implement the Rehabilitation Strategy approved by the Planning Secretary.

### Rehabilitation Management Plan

B74. The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with the Department, MEG, DPIE Water, BCD and Council;
- (c) be submitted to the Resources Regulator for approval within nine months of commencing development under this consent;
- (d) be prepared in accordance with any relevant Resources Regulator Guideline;
- (e) include detailed performance indicators and completion criteria for each rehabilitation domain, and triggers for remedial actions;
- (f) describe the measures to be implemented on the site to achieve the Rehabilitation Objectives in Table 6, the requirements of the Rehabilitation Strategy referred to in condition B72 and the criteria in paragraph (e);
- (g) include detailed mine plans and scheduling for progressive rehabilitation to be initiated, undertaken and/or completed over the next three years, or other suitable time period as agreed with the Resources Regulator;
- (h) include procedures for the reasonable use of interim stabilisation and temporary vegetation strategies to minimise the area exposed for dust generation (see condition B71);
- (i) include a program to monitor, independently audit and report on progress against the criteria in paragraph (e) and the effectiveness of the measures in paragraph (f); and
- (j) describe any further studies, work, research or consultation that will be undertaken to expand the site-specific rehabilitation knowledge base, reduce uncertainty and improve rehabilitation outcomes.

B75. Deleted

## SOCIAL

### Social Impact Management Plan

B76. The Applicant must prepare a Social Impact Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with Council, the CCC, local affected communities and other interested stakeholders;
- (c) be submitted to the Planning Secretary for approval within six months of commencing development under this consent;
- (d) identify both positive and negative social impacts resulting from the development and following mine closure, both locally and regionally;
- (e) specify adaptive management and mitigation measures to avoid, minimise, and/or mitigate negative social impacts;
- (f) identify opportunities to secure and enhance positive social impacts from the development, including opportunities to assist in maintaining community services and facilities;

- (g) include a stakeholder engagement plan to guide the evaluation and implementation of social impact management and mitigation measures, and
- (h) include a program to monitor, review and report on the effectiveness of these measures, including updating the plan 3 years prior to mine closure.

B77. The Applicant must implement the Social Impact Management Plan as approved by the Planning Secretary.

## **TRANSPORT**

### **Coalaceous Material Haulage Management Plan**

B78. The Applicant must prepare a Coalaceous Material Haulage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared in consultation with TfNSW and Council;
- (b) include details of all transport routes and traffic types to be used for the transport of coalaceous material as detailed in MR (MOD 1);
- (c) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users, including:
  - (i) temporary traffic controls, including detours and signage (where relevant);
  - (ii) notifying the local community about development-related traffic impacts;
  - (iii) minimising potential for conflict with school buses and stock movements; and
  - (iv) access arrangements; and
- (d) include a Drivers' Code of Conduct that requires drivers to:
  - (i) adhere to posted speed limits or other required travelling speeds;
  - (ii) adhere to the designated transport routes; and
  - (iii) implement safe driving practices.

B79. The Applicant must not commence transport of coalaceous material described in MR (MOD 1) until the Coalaceous Material Haulage Management Plan is approved by the Planning Secretary.

B80. The Applicant must implement the Coalaceous Material Haulage Management Plan as approved by the Planning Secretary.

## PART C CONSTRUCTION SPECIFIC ENVIRONMENTAL CONDITIONS

### CONSTRUCTION

#### Construction Hours

- C1. Approved construction works must be undertaken during standard construction hours (7 am to 6 pm, Monday to Friday and 8 am to 1 pm on Saturdays), unless the Planning Secretary agrees otherwise.

#### Construction Noise

- C2. The Applicant must ensure that construction noise does not exceed the operational noise criteria in Table 1, except where an alternative temporary limit has been approved by the Planning 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.

#### Cut and Cover Tunnel

- C3. The proposed cut and cover tunnel under the New England Highway and temporary side track road must both be designed and constructed in accordance with the relevant Austroads guidelines, Australian Standards and TfNSW specifications, in consultation with and to the satisfaction of TfNSW.

**Note:** Additional approval may be required under the Roads Act 1993.

- C4. The Applicant must enter into a Works Authorisation Deed (WAD) prior to undertaking the road works.

**Note:** TfNSW can exercise its powers and functions of the roads authority, to undertake road works in accordance with sections 64 and 71 of the Roads Act 1993, as applicable, for all works under the WAD.

- C5. All road works must be undertaken at full cost to the Applicant and at no cost to TfNSW or Council.
- C6. The Applicant must enter into any other necessary access agreement/s with TfNSW or Council for the ongoing use and maintenance of the tunnel and related infrastructure within the road corridor.

#### Construction Traffic Management Plan

- C7. The Applicant must prepare a Construction Traffic Management Plan for construction of the cut and cover tunnel under the New England Highway to the satisfaction of TfNSW. This plan must:
- describe the measures to be implemented to minimise traffic and road safety issues and disruption to other road users;
  - include a risk assessment to identify hazards to traffic control, the level of risk posed and control measures to be implemented;
  - include a vehicle movement plan for:
    - managing light, heavy and over-dimensional vehicles during construction works;
    - transporting construction waste materials; and
    - restricting construction or transportation hours to avoid road user conflicts; and
  - include a traffic control plan prepared in accordance with *Traffic Control at Work Sites* (RMS, 2018).
- C8. The Applicant must not commence construction works associated with the cut and cover tunnel until the Construction Traffic Management Plan is approved by TfNSW.

## PART D ADDITIONAL PROCEDURES

### ACQUISITION UPON REQUEST

- D1. Upon receiving a written request for acquisition from the owner of the privately-owned land<sup>a</sup> listed in Table 7, the Applicant must acquire the land in accordance with the procedures in conditions D11 to D18, inclusive.

**Table 7:** Land subject to acquisition upon request

<i>Acquisition Basis</i>	<i>Land</i>
Noise, Air Quality	R1 (Lot 1 DP 1137660) Lot 1 DP 121623 <sup>c</sup> Lot 1 DP 1244196 (formerly Lot 1 DP 1136411) <sup>c</sup> Lot 54 DP 252692
Air Quality	R170 (Lot 2 DP 1111313) <sup>c</sup> R171 (Lot 75 DP 1124347) <sup>c</sup> Lot 3 DP 1111313 <sup>c</sup> Lot 2 DP 804005 Lot 52 DP 252692 Lot 53 DP 252692 N88 (Lot 103 DP 852484) <sup>d</sup> Lot 104 DP 852484 <sup>d</sup> N91 (Lot 102 DP 852484) <sup>d</sup> Lot 106 DP 855187 <sup>d</sup> N161 (Lot 105 DP 855187) <sup>c</sup> N172 (Lot 1 and 2 Section 8 DP 758214) <sup>b</sup> N103 (Lot 4 Section 9 DP 758214) <sup>c</sup> Lot 1 DP 248748 <sup>c</sup> N214 (Lot 5 Section 9 DP 758214) <sup>c</sup> N215 (Lot 6 Section 9 DP 758214) <sup>c</sup> N216 (Lot 7 Section 9 DP 758214) <sup>c</sup> N217 (Lot 3 Section 9 DP 758214) <sup>c</sup> N218 (Lot 8 Section 9 DP 758214) <sup>c</sup> N219 (Lot 2 Section 9 DP 758214) <sup>c</sup> N220 (Lot 9 Section 9 DP 758214) <sup>c</sup> N190 (Lot 4 DP 1166047) <sup>b</sup> Lot 5 DP 1166047 <sup>b</sup> N105 (Lot 3 DP 1088108) <sup>e</sup>

<sup>a</sup> The locations of the land referred to in Table 7 is shown in Appendix 3.

<sup>b</sup> The Applicant is only required to acquire these properties if acquisition is not reasonably achievable under the approval for Rix's Creek North Mine. Note, acquisition of these properties under the development consent for the Mount Owen Continued Operations Project (SSD 5850) is only required if acquisition is not reasonably achieved under this consent.

<sup>c</sup> The Applicant is only required to acquire these properties if acquisition is not reasonably achievable under the approval for Rix's Creek North Mine or Ashton SEOC. Note, acquisition of these properties under the development consent for the Mount Owen Continued Operations Project (SSD 5850) is only required if acquisition is not reasonably achieved under this consent.

<sup>d</sup> The Applicant is only required to acquire these properties if acquisition is not reasonably achievable under the approval for Rix's Creek North Mine, Ashton SEOC or Glendell Mine. Note, acquisition of these properties under the development consent for the Mount Owen Continued Operations Project (SSD 5850) is only required if acquisition is not reasonably achieved under this consent.

<sup>e</sup> The Applicant is only required to acquire these properties if acquisition is not reasonably achievable under the approval for Rix's Creek North Mine or Glendell Mine. Note, acquisition of these properties under the development consent for the Mount Owen Continued Operations Project (SSD 5850) is only required if acquisition is not reasonably achieved under this consent.

### ADDITIONAL MITIGATION UPON REQUEST

- D2. Upon receiving a written request from the owner of any residence on the privately-owned land<sup>a</sup> listed in Table 7 or Table 8, the Applicant must implement additional mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Developments* (NSW Government, 2018). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the relevant noise and/or air quality impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations.

**Table 8:** Land subject to additional mitigation upon request

<b>Mitigation Basis</b>	<b>Land</b>
Air Quality	R173 (Lot 30 DP 1018512) R175 (Lot 1 DP 745211) R176 (Lot 11 DP 1169092) R177 (Lot 8 DP 246434)

<sup>a</sup> The locations of the land referred to in Table 8 is shown in Appendix 3.

- D3. If within three 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 Planning Secretary for resolution.

#### **NOTIFICATION OF LANDOWNERS/TENANTS**

- D4. Within one month of the date of this consent, the Applicant must:
- (a) notify in writing the owner of:
    - (i) the land listed in Table 7 that they have the right to require the Applicant to acquire their land at any stage during the development;
    - (ii) the residences on the land listed in Table 7 and Table 8 that they are entitled to ask the Applicant to install additional mitigation measures at the residence; and
    - (iii) 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*” (NSW Health, 2017) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the document/s listed in condition A2(c) identify that dust emissions generated by the development are likely to be greater than the relevant air quality criterion in PART B of this consent at any time during the life of the development.
- D5. 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*” (NSW Health, 2017); and
  - (b) advise the prospective tenants of the rights they would have under this consent,
- to the satisfaction of the Planning Secretary.

#### **NOTIFICATION OF EXCEEDANCES**

- D6. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise, blasting or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners, tenants and the CCC.
- D7. For any exceedance of any air quality criterion in PART B, the Applicant must also provide to any affected land owners and/or tenants a copy of the NSW Health fact sheet entitled “*Mine Dust and You*” (NSW Health, 2017).

#### **INDEPENDENT REVIEW**

- D8. If a landowner considers the development to be exceeding any relevant air quality, noise or blasting criterion in PART B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.
- D9. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning 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.
- D10. If the Planning Secretary is satisfied that an independent review is warranted, within three months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary’s decision, the Applicant must:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
    - (i) consult with the landowner to determine their concerns;
    - (ii) conduct monitoring to determine whether the development is complying with the relevant criterion in PART B of this consent; and
    - (iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion;
  - (b) give the Planning Secretary and landowner a copy of the independent review; and
  - (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.

## LAND ACQUISITION

- D11. Within three months of receiving a written request for acquisition 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:
    - (i) existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
    - (ii) 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 D2;
  - (b) the reasonable costs associated with:
    - (i) relocating within the Singleton local government area, or to any other local government area determined by the Planning Secretary; and
    - (ii) obtaining independent 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.
- D12. If, within two months of the binding written offer being made under condition D11, 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 Planning Secretary for resolution.
- D13. Upon receiving a request under condition D12, the Planning Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:
- (a) consider submissions from both parties;
  - (b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in condition D11;
  - (c) prepare a detailed report setting out the reasons for any determination; and
  - (d) provide a copy of the report to both parties.
- D14. 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.
- D15. However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, either party may refer the matter to the Planning 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 Planning Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in condition D11, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.
- D16. 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 Planning Secretary's determination.
- D17. If the landowner refuses to accept the Applicant's binding written offer under this condition within six months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Planning Secretary determines otherwise.
- D18. The Applicant must pay all reasonable costs associated with the land acquisition process described in conditions D11 to D17 inclusive, 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.



## PART E ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

- E1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) be submitted to the Planning Secretary for approval within six months of commencing development under this consent;
  - (b) provide the strategic framework for environmental management of the development;
  - (c) identify the statutory approvals that apply to the development;
  - (d) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (e) set out the procedures to be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive, record, handle and respond to complaints;
    - (iii) resolve any disputes that may arise during the course of the development;
    - (iv) respond to any non-compliance and any incident; and
    - (v) respond to emergencies; and
  - (f) include:
    - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
    - (ii) a clear plan depicting all the sites where monitoring is to be carried out under the conditions of this consent.
- E2. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.

#### Adaptive Management

- E3. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria 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 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 reasonable remediation measures as directed by the Planning Secretary.

#### Management Plan Requirements

- E4. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include where relevant:
- (a) summary of relevant background or baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) 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) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);
  - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (e) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to paragraph (d);
  - (f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (g) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (h) a protocol for managing and reporting any:

- (i) incident, non-compliance or exceedance of any impact assessment criterion or performance measure;
- (ii) complaint; or
- (iii) failure to comply with other statutory requirements;
- (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and
- (j) a protocol for periodic review of the plan.

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

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

- E5. Within three months of:
- (a) the submission of an incident report under condition E7;
  - (b) the submission of an Annual Review under condition E9;
  - (c) the submission of an Independent Environmental Audit under condition E10; or
  - (d) the modification of the conditions of this consent (unless the conditions require otherwise),
- the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.
- E6. If necessary, to either improve the environmental performance of the development or cater for a modification, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

## REPORTING AND AUDITING

### Incident Notification

- E7. The Applicant must immediately notify the Department and any other relevant agencies after it becomes aware of an incident. The notification must be in writing [via the Department's Major Projects Website](#) and identify the development (including the development application number and name) and set out the location and nature of the incident.

### Non-Compliance Notification

- E8. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing [via the Department's Major Projects Website](#) and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

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

### Annual Review

- E9. By the end of March each year, after the commencement of development, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning 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) report on the progress of biodiversity credits retirements and the associated actual versus proposed surface disturbance for each stage;
  - (c) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:
    - (i) relevant statutory requirements, limits or performance measures/criteria;
    - (ii) requirements of any plan or program required under this consent;
    - (iii) monitoring results of previous years; and
    - (iv) relevant predictions in the document/s listed in condition A2(c);
  - (d) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
  - (e) evaluate and report on:
    - (i) the effectiveness of the noise and air quality management systems; and
    - (ii) compliance with the performance measures, criteria and operating conditions of this consent;
  - (f) identify any trends in the monitoring data over the life of the development;

- (g) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (h) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.

#### **Independent Environmental Audit**

- E10. Within one year of commencing development under this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
- (a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;
  - (b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;
  - (c) be carried out in consultation with the relevant agencies and the CCC;
  - (d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);
  - (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
  - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
  - (g) be conducted and reported to the satisfaction of the Planning Secretary.
- E11. Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

#### **Monitoring and Environmental Audits**

- E12. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

For the purposes of this condition, as set out in the EP&A Act, “monitoring” means monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” means a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

- E13. Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s.

#### **ACCESS TO INFORMATION**

- E14. Within three months of commencing development under this consent, until the completion of all rehabilitation required under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
    - (i) the document/s listed in condition A2(c);
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) minutes of CCC meetings;
    - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
    - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vii) a summary of the current progress of the development;
    - (viii) contact details to enquire about the development or to make a complaint;
    - (ix) a complaints register, updated monthly;
    - (x) the Annual Reviews of the development;

- (xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report;
  - (xii) any other matter required by the Planning Secretary; and
  - (xiii) hyperlinks to government air quality and noise information and contact details for NSW government complaint avenues (including the Upper Hunter Air Quality Network and Government Environment Complaint Line); and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

**APPENDIX 1 SCHEDULE OF LAND**

<b>LOT</b>	<b>DP</b>	<b>OWNERSHIP</b>
1	170704	RIXS CREEK PTY LIMITED
3	212284	ARTC
1	251001	FOUR MILE PTY LIMITED
2	251001	FOUR MILE PTY LIMITED
3	251001	FOUR MILE PTY LIMITED
4	251001	FOUR MILE PTY LIMITED
5	251001	FOUR MILE PTY LIMITED
6	251001	FOUR MILE PTY LIMITED
7	251001	FOUR MILE PTY LIMITED
8	251001	FOUR MILE PTY LIMITED
9	251001	FOUR MILE PTY LIMITED
10	251001	FOUR MILE PTY LIMITED
11	251001	FOUR MILE PTY LIMITED
12	251001	FOUR MILE PTY LIMITED
13	251001	FOUR MILE PTY LIMITED
15	251617	FOUR MILE PTY LIMITED
7	251618	SHIRE OF PATRICK PLAINS
55	252692	RIXS CREEK PTY LIMITED
58	252692	FOUR MILE PTY LIMITED
5	264089	RIXS CREEK PTY LIMITED
A	404824	RIXS CREEK PTY LIMITED
1	413053	RIXS CREEK PTY LIMITED
1	449423	ARTC
1	573333	FOUR MILE PTY LIMITED
3	573333	FOUR MILE PTY LIMITED
1	598097	FOUR MILE PTY LIMITED
2	598097	FOUR MILE PTY LIMITED
200	610591	BIG BEN HOLDINGS PTY LIMITED
1	622634	RIXS CREEK PTY LIMITED
2	622634	RIXS CREEK PTY LIMITED
172	727694	State of NSW - Denman Singleton Pastures Protection Board
20	739911	TfNSW
10	739912	TfNSW
11	739912	TfNSW
118	752442	FOUR MILE PTY LIMITED
146	752442	FOUR MILE PTY LIMITED
147	752442	FOUR MILE PTY LIMITED
148	752442	FOUR MILE PTY LIMITED
149	752442	FOUR MILE PTY LIMITED
151	752442	FOUR MILE PTY LIMITED
152	752442	FOUR MILE PTY LIMITED
153	752442	FOUR MILE PTY LIMITED
154	752442	FOUR MILE PTY LIMITED

<b>LOT</b>	<b>DP</b>	<b>OWNERSHIP</b>
155	752442	FOUR MILE PTY LIMITED
156	752442	FOUR MILE PTY LIMITED
157	752442	FOUR MILE PTY LIMITED
158	752442	FOUR MILE PTY LIMITED
159	752442	FOUR MILE PTY LIMITED
160	752442	FOUR MILE PTY LIMITED
161	752442	FOUR MILE PTY LIMITED
162	752442	FOUR MILE PTY LIMITED
163	752442	FOUR MILE PTY LIMITED
164	752442	FOUR MILE PTY LIMITED
165	752442	FOUR MILE PTY LIMITED
166	752442	FOUR MILE PTY LIMITED
167	752442	FOUR MILE PTY LIMITED
1	804005	FOUR MILE PTY LIMITED
2	804005	HEUSTON
1004	811415	WYOMING HOLSTEINS P/L
1005	811415	RIXS CREEK PTY LIMITED
22	816458	RIXS CREEK PTY LIMITED
231	829334	RIXS CREEK PTY LIMITED
232	829334	FOUR MILE PTY LIMITED
234	829334	FOUR MILE PTY LIMITED
240	829334	RIXS CREEK PTY LIMITED
51	834397	BIG BEN HOLDINGS PTY LIMITED
3	873260	SINGLETON SHIRE COUNCIL
100	1030908	AS BOWMAN
103	1030908	AS BOWMAN
5	1111103	RIXS CREEK PTY LIMITED
57	1133740	FOUR MILE PTY LIMITED
1	1136411	AS BOWMAN
2	1139094	FOUR MILE PTY LIMITED
100	1143596	FOUR MILE PTY LIMITED
101	1143596	BIG BEN HOLDINGS PTY LIMITED
121	1170863	RIXS CREEK PTY LIMITED
122	1170863	RIXS CREEK PTY LIMITED
2372	1171745	ARTC
2361	1171748	FOUR MILE PTY LIMITED
2362	1171748	ARTC
2381	1171749	FOUR MILE PTY LIMITED
2382	1171749	ARTC
2391	1171750	FOUR MILE PTY LIMITED
2392	1171750	ARTC
11	1171751	FOUR MILE PTY LIMITED
12	1171751	ARTC
1501	1171753	ARTC

<b>LOT</b>	<b>DP</b>	<b>OWNERSHIP</b>
1502	1171753	FOUR MILE PTY LIMITED
7340	1178784	Crown Land
1	1183034	ARTC
2	1183034	RIXS CREEK PTY LIMITED
11	1187455	FOUR MILE PTY LIMITED
10	1187455	FOUR MILE PTY LIMITED
		Sections of various Council or Crown roads within, between or adjacent to the above parcels of land
		Sections of Crown land associated with the Main Northern Rail Line within, between or adjacent to the above parcels of land
		Sections of Crown land associated with the New England Highway within, between or adjacent to the above parcels of land
		Freehold within, between or adjacent to the above parcels of land
		Crown land creeks or streams located within, between or adjacent to the above parcels of land

APPENDIX 2 DEVELOPMENT LAYOUT PLAN

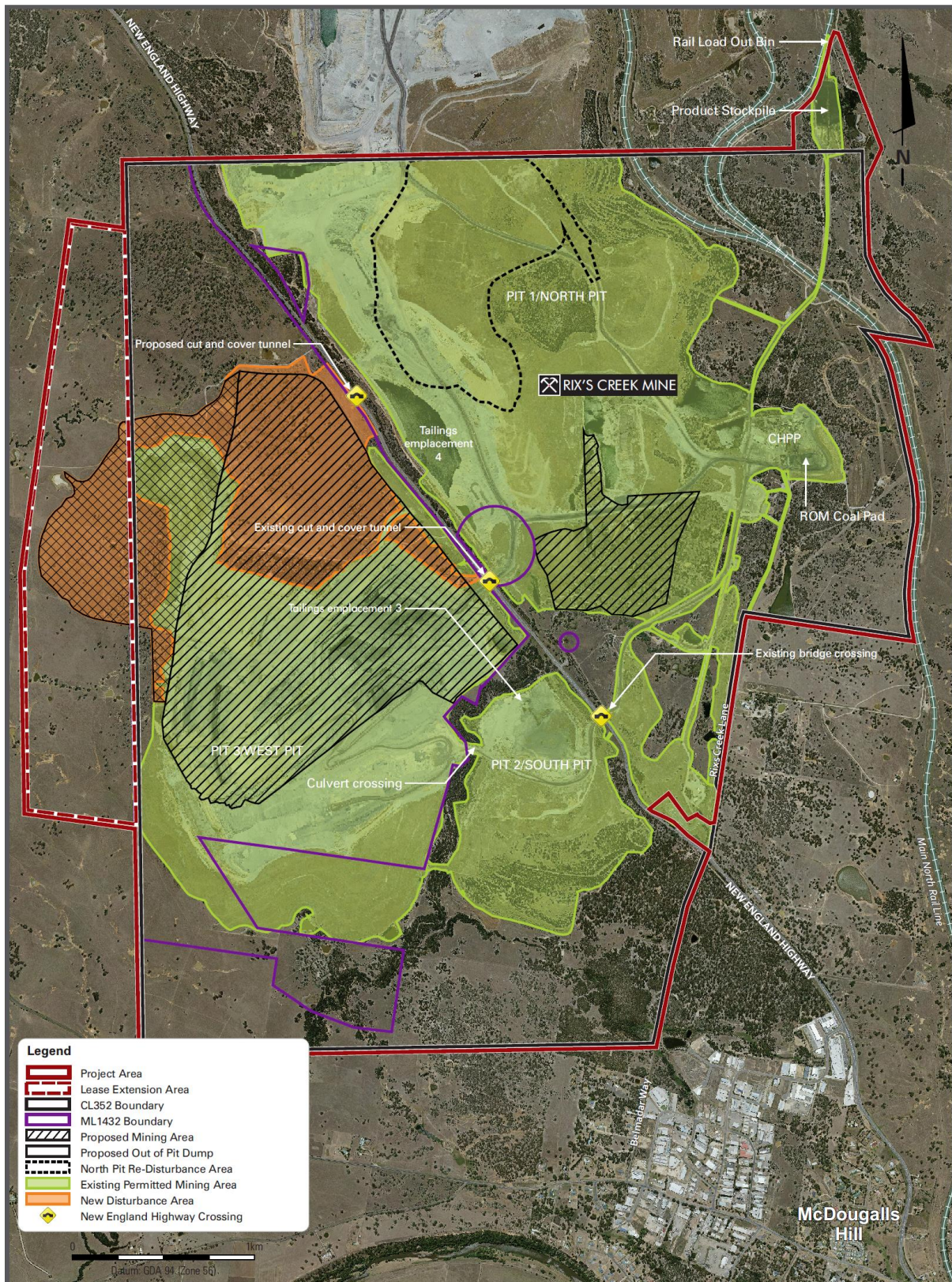


Figure 1: Development Layout



APPENDIX 3 RECEIVER ZONES AND LOCATIONS

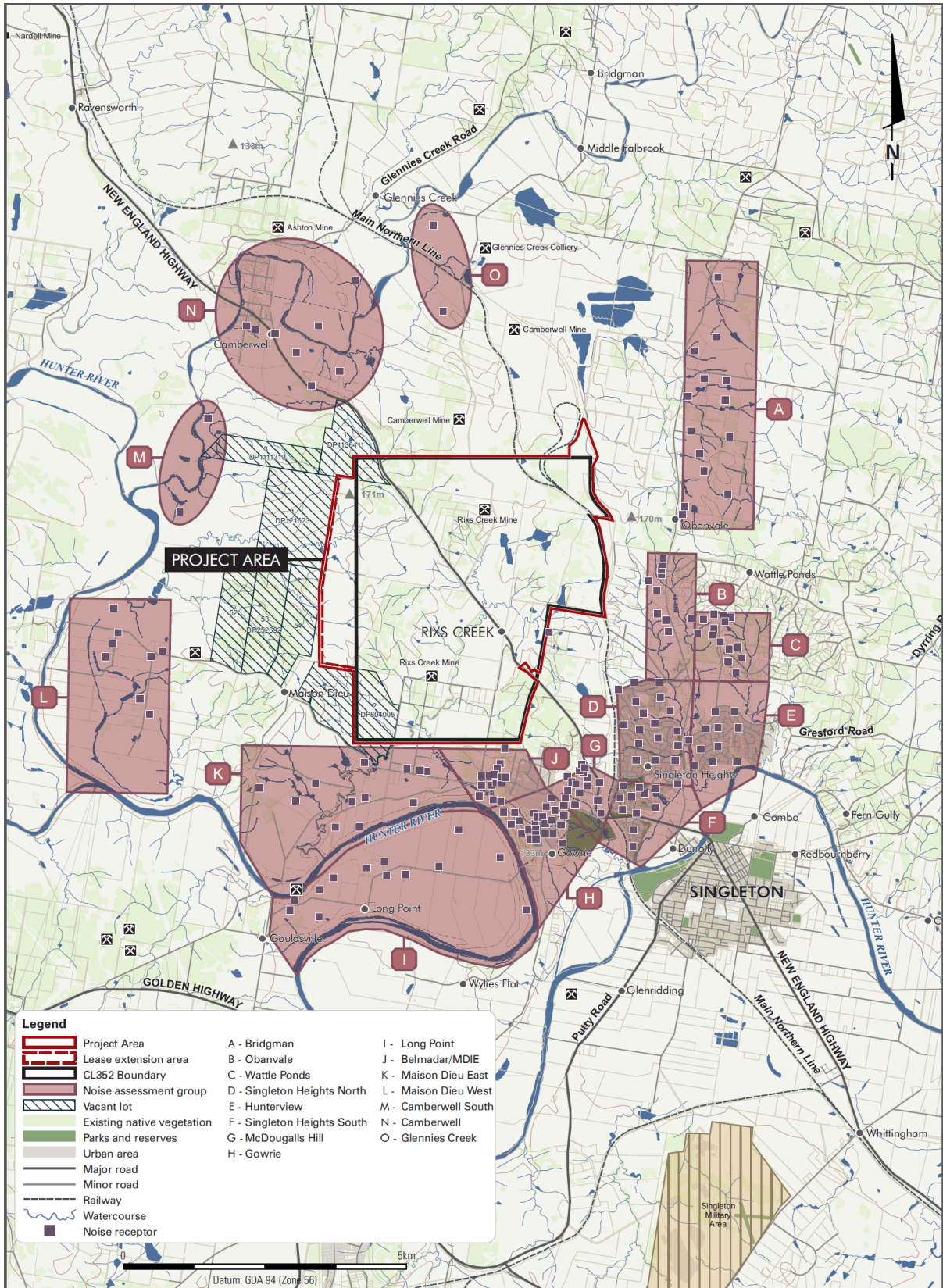


Figure 2: Noise Assessment Groups

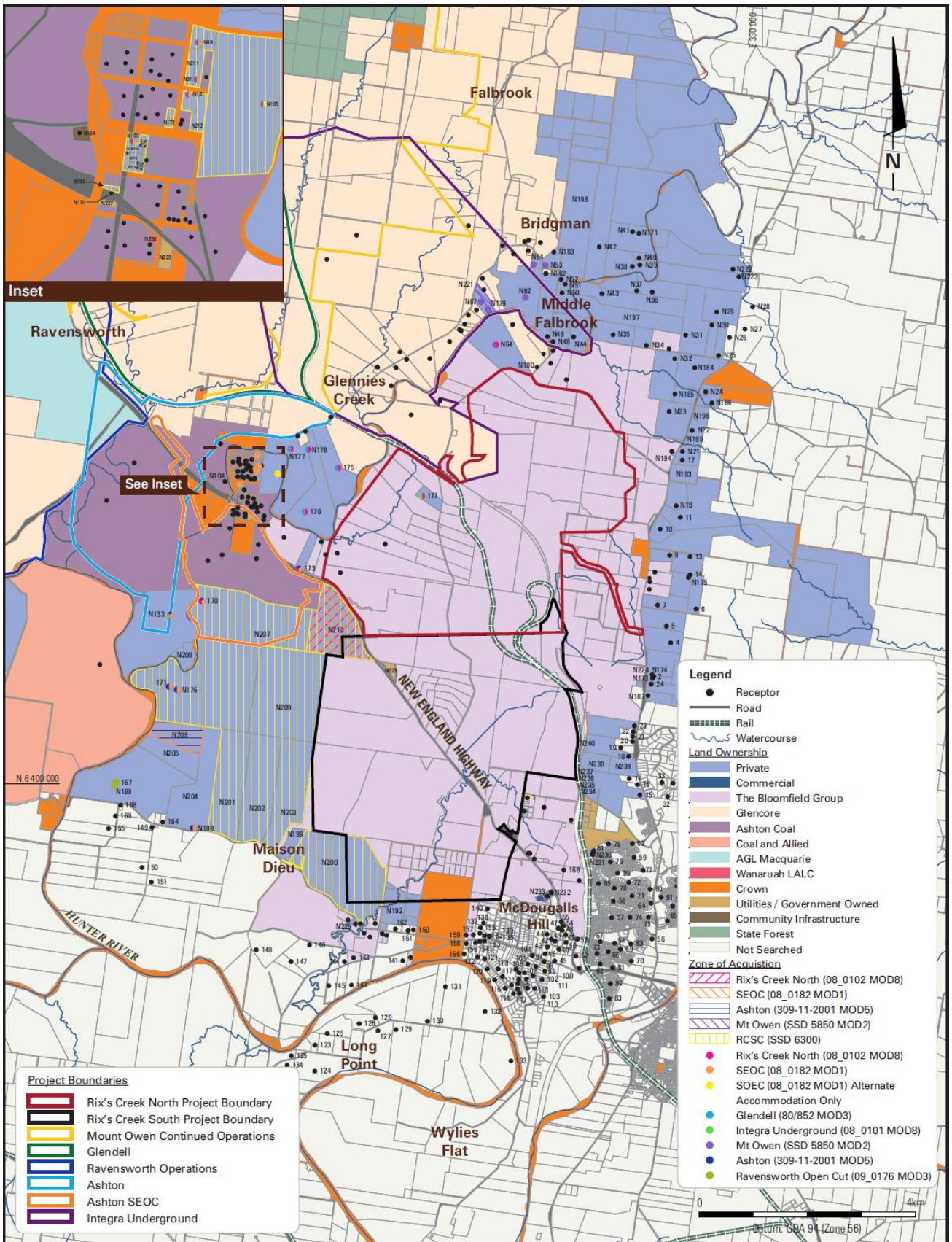


Figure 3: Receiver Locations

## APPENDIX 4 NOISE COMPLIANCE ASSESSMENT

### Applicable Meteorological Conditions

1. The noise criteria in condition B1 are to apply under all meteorological conditions except the following:
  - (a) where 3°C/100 metres (m) lapse rates have been assessed, then:
    - (i) wind speeds greater than 3 metres/second (m/s) measured at 10m above ground level;
    - (ii) temperature inversion conditions between 1.5°C and 3°C/100m and wind speeds greater than 2m/s measured at 10m above ground level; or
    - (iii) temperature inversion conditions greater than 3°C/100m.
  - (b) where Pasquill Stability Classes have been assessed, then:
    - (i) wind speeds greater than 3m/s at 10m above ground level;
    - (ii) stability category F temperature inversion conditions and wind speeds greater than 2m/s at 10m above ground level; or
    - (iii) stability category G temperature inversion conditions.

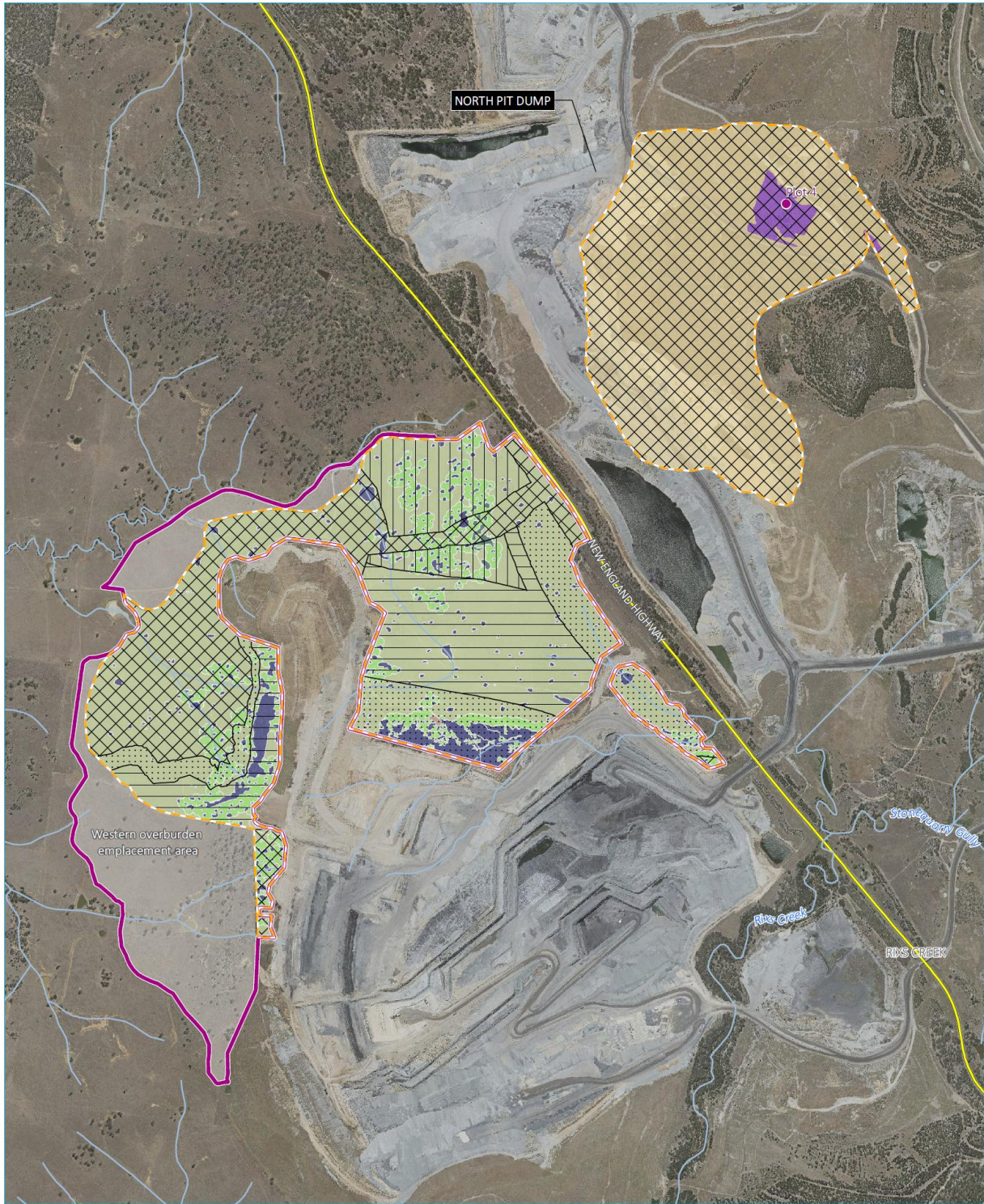
### Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station required under condition B28.

### Compliance Monitoring

3. Unless otherwise agreed by the Planning Secretary, the attended compliance monitoring must be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (EPA, 2000), 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,with the exception of applying appropriate modifying factors for low frequency noise during compliance testing. This should be undertaken in accordance with Fact Sheet C of the *NSW Noise Policy for Industry* (EPA, 2017).

APPENDIX 5 BIODIVERSITY OFFSETS



Source: EMM (2019); DFSI (2017); GA (2015)

KEY

- Plot location
- ▭ Rix's Creek Continuation Project (original design)
- ▭ Option 2
- ▨ Stage1
- ▨ Stage2
- ▨ Stage3
- ▨ Stage4
- Main road
- Watercourse/drainage line

- Plant community type
- ▨ Zone 2: PCT 1692 (Bull Oak grassy woodland)
  - ▨ Zone 4: PCT 1605 (Narrow-leaved Ironbark-Native Olive shrubby open forest)
  - ▨ Zone 5: PCT 1748 (Grey Box grassy open forest)
  - ▨ Zone 7: PCT 1605 (Narrow-leaved Ironbark - Native Olive shrubby open forest of the central and upper Hunter - derived grassland)
  - ▨ Zone 8: PCT 1605 (Narrow-leaved Ironbark - Native Olive shrubby open forest of the central and upper Hunter - other)
  - ▨ Zone 10: PCT 2150/HU818 (Narrow-leaved Ironbark - Grey Box - Spotted Gum shrub - grass woodland of the central and lower Hunter- moderate/good - young)
  - ▨ Disturbed/Exotic

RCCP Staged offset areas (option 2)

Rix's Creek Continuation Project  
RCCP overburden option assessment -  
biodiversity  
Figure 1



Figure 4: Conceptual Staged Surface Disturbance

APPENDIX 6 HERITAGE SITES



Figure 5: Heritage sites

APPENDIX 7 REHABILITATION PLAN

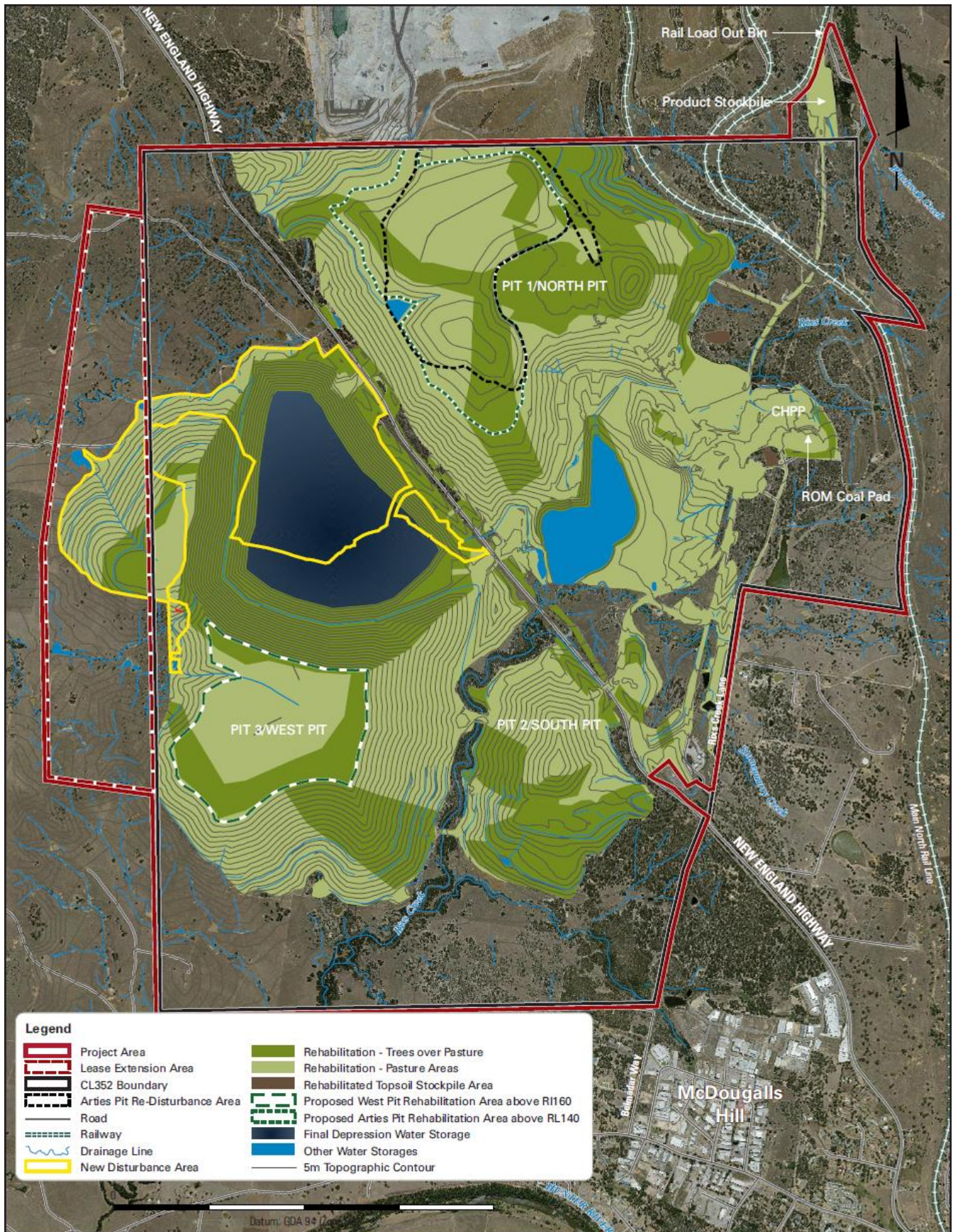


Figure 6: Conceptual Rehabilitation Plan

**APPENDIX 8 GENERAL TERMS OF APPLICANT'S VPA OFFER**

<i>Applicant's Contribution</i>	<i>Intended Use</i>	<i>Payment Details</i>
\$432,000	Singleton Community and Economic Development Fund	Two equal payments of \$216,000 to be paid. The first within one month and the second within 12 months of commencement of development, unless Council agrees otherwise