

Notice of Modification

Section 96(2) of the *Environmental Planning and Assessment Act 1979*

Under Section 96(2) of the *Environmental Planning and Assessment Act 1979*, I, the Acting Deputy Director-General, Office of Sustainable Assessments and Approvals, Department of Planning, modify the development consent referred to in Schedule 1, as set out in Schedule 2.

Yolande Stone
Acting Deputy Director-General
(as delegate for the Minister for Planning)

SIGNED YOLANDE STONE 18 JANUARY 2006

Sydney

2005

Red text represents Roseville West Pit Modification – 16 February 2007

Blue text represents the Coal Handling Infrastructure Modification – 1 September 2008

SCHEDULE 1

The development consent (DA No. 23-98/99) for the Stratford coal mine, which was granted by the Minister for Urban Affairs and Planning on 5 February 1999.

SCHEDULE 2

1. Replace "Schedule 2" of the Minister's consent with the following text.

SCHEDULE 2

DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Stratford Coal Pty Limited
Council	Gloucester Shire Council
DA	Development Application
Day	Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning
DEC	Department of Environment and Conservation
DNR	Department of Natural Resources
DPI	Department of Primary Industries
Director-General	Director-General of the Department of Infrastructure Planning & Natural Resources, or delegate
DST	Daylight Standard Time
EIS	Environmental Impact Statement
EST	Eastern Standard Time
Evening	Evening is defined as the period from 6pm to 10pm
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Night	Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays;
Privately-owned land	Land that is not owned by a public agency, a mining company or its subsidiary; or where relevant, land that is not covered by a private agreement between the Applicant and the land owner that specifically allows for variances to criteria for environmental performance in this consent.
Site	Land to which the DA applies
SEE	Statement of Environmental Effects

1. GENERAL

1.1 Obligation to Minimise Harm to the Environment

The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.

1.2 Terms of Approval

- (a) The Applicant shall carry out the development generally in accordance with the:
- DA 23-98/99;
 - EIS titled *Stratford Coal Project*, dated September 1994, and prepared by Peter Ryan and Chris Ellis;
 - SEE titled *Proposal to Increase Saleable Coal Production to 1.7 Mtpa*, and associated documents, dated April 1996, and prepared by Stratford Coal Pty Limited;
 - SEE titled *Proposed Modifications to the Stratford Coal Mine*, dated August 1998, and prepared by Resource Strategies Pty Ltd;
 - SEE titled *Stratford Coal Mine Modification*, dated July 2003, and prepared by Resource Strategies Pty Ltd, including the *Stratford Coal Mine Operating Noise Impact Assessment*, dated August 2005, prepared by Heggies Australia Pty Ltd;
 - SEE titled *Stratford Coal Mine Roseville West Pit Modification*, dated October 2006, and prepared by Resources Strategies Pty Ltd;
 - SEE titled *Stratford Coal Mine Coal Handling Modification*, dated June 2008, and prepared by Stratford Coal Pty Ltd; and
 - conditions of this consent.
- (b) *If there is any inconsistency between the above documents, the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any inconsistency.*
- (c) The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
- any reports, plans or correspondence that are submitted in accordance with this consent; and
 - the implementation of any actions or measures contained in these reports, plans or correspondence.

1.3 Period of Approval

In respect of the right to conduct coal mining operations, this consent is limited to a period of 17 years from the date of grant of the mining lease ML 1360 for the Stratford coal mine.

Note: Under this consent, the Applicant is required to rehabilitate the site to the satisfaction of the DPI and the consent will continue for this and related purposes.

1.4 Limits on Approval

- (a) The Applicant shall not transport more than 2.3 million tones of coal a year from the Stratford coal mine (including coal from the Bowens Road North mining operations).
- (b) The Applicant shall not carry out any development at the Roseville Pit (*including the Roseville West Pit*) to the north of Bowens Road at night.

1.5 Contributions to Council

The Applicant shall pay a community infrastructure contribution of \$86,000 a year (payable quarterly and indexed to CPI Sydney [all groups] index from 1998) to the Council until the completion of mining activities.

2. MINE MANAGEMENT

2.1 Rejects from Duralie

The Applicant shall ensure that all rejects associated with the coal from the Duralie mine are managed to the satisfaction of the DPI.

2.3 Mining Operations, Waste Management and Rehabilitation

The Applicant shall:

- prepare a Mining Operations Plan for all mining operations on the site;

- dispose of coarse and fine rejects on the site; and
 - rehabilitate the site,
- to the satisfaction of the DPI.

3. LAND AND SITE ENVIRONMENTAL MANAGEMENT

3.1 Appointment of Environmental Officer

The Applicant shall appoint an Environmental Officer whose qualifications are acceptable to the DPI to oversee the environmental management, monitoring, auditing and reporting on the site.

3.2 Heritage Assessment and Management

The Applicant shall:

- protect Aboriginal artefact scatter No. 31.1.8;
 - monitor topsoil removal; and if any Aboriginal objects are found or observed,
 - immediately advise DEC and carry out any requirements DEC may have,
- to the satisfaction of the DEC.

3.3 Flora and Fauna Assessment and Management

(a) The Applicant shall:

- implement the approved plan of management for the proposed Wildlife Corridor as proposed in the EIS (see condition 1.2);
- protect the remnant Squirrel Glider habitat ; and
- carry out flora and flora monitoring within the Wildlife Corridor, to the satisfaction of the Director-General.

(b) The Applicant shall carry out a range of measures to improve the riparian vegetation in Avondale Creek to the north of the mine to the satisfaction of the Director-General to compensate for the removal of riparian vegetation associated with the extension of the Roseville Pit to the north of Bowens Road. By the end of **April 2007**, the Applicant shall prepare (and subsequently implement) a Compensatory Habitat Plan to the satisfaction of the Director-General. This plan must:

- describe the measures that would be implemented to improve the riparian vegetation in Avondale Creek; and
- describe how the performance of the measures would be monitored.

3.4 Visual Amenity & Landscaping

The Applicant shall:

- implement the approved Landscaping Plan for the site; and
 - carry out any supplementary tree planting or visual enhancement works that are required by Council to maintain the visual amenity of the local area,
- to the satisfaction of Council.

3.5 Bushfire and Other Fire Controls

The Applicant shall:

- provide adequate fire protection works on site, including one fully equipped fire fighting unit on stand-by (or alternative facilities specified by the Council); and
 - undertake annual hazard reduction works in accordance with Council's Bushfire Management Plan,
- to the satisfaction of Council.

4. WATER MANAGEMENT

4.1 Water Discharges

The Applicant shall only discharge water from the site in accordance with the provisions of a DEC Environment Protection Licence.

4.2 Site Water Balance

The Applicant shall:

- prepare a detailed site water balance for the development;
- measure:
 - water use on site; and

- water transfers across the site;
- review the site water balance for the development annually; and
- report the results of this review in the AEMR, to the satisfaction of the Director-General.

4.3 Erosion and Sediment Control

The Applicant shall implement a range of standard erosion and sediment controls on the site to the satisfaction of the Director-General, in general accordance with the requirements of the Department of Housing’s *Managing Urban Stormwater: Soils and Construction* manual.

4.4 Surface Water Monitoring

The Applicant shall regularly monitor:

- the volume and quality of water discharged from the site;
- surface water quality upstream and downstream of the development in Avondale Swamp, Avondale Creek, Dogtrap Creek and the Avon River; and
- report the results of this monitoring in the AEMR, to the satisfaction of the Director-General.

4.5 Ground Water Monitoring

The Applicant shall regularly monitor:

- the volume of ground water seeping into the open cut mine workings;
- regional groundwater levels and quality in the vicinity of the site; and
- report the results of this monitoring in the AEMR, to the satisfaction of the Director-General.

4.6 Setback From Avondale Creek

The Applicant shall ensure that all the development associated with the Roseville Pit (including the Roseville West Pit) to the north of Bowens Road is located at least 40 metres from the bank of Avondale Creek, or as otherwise agreed by the Director-General.

4.7 Water Management Plan

By the end of May 2006, the Applicant shall prepare (and subsequently implement) a Water Management Plan for the Stratford coal mine, including the Bowens Road North operations, in consultation with the DNR, and to the satisfaction of the Director-General. This plan must include:

- a site water balance;
- an Erosion and Sediment Control Plan;
- a Surface Water Monitoring Program;
- a Ground Water Monitoring Program; and
- a Surface and Ground Water Response Plan, to address any potential adverse impacts associated with the development such as the reduction or loss of groundwater in bores in the vicinity of the mine.

4.8 Final Void Management Plan

By the end of September 2009, unless otherwise directed by the Director-General, the Applicant shall prepare (and subsequently implement) a Final Void Management Plan for the site, in consultation with the DPI and DNR, and to the satisfaction of the Director-General. This plan must:

- investigate options for the future use of the final void; and
- describe what actions and measures would be implemented to:
 - minimise any potential adverse impacts associated with the final void; and
 - manage and monitor the potential impacts of the final void over time.

5. AIR QUALITY, BLAST, NOISE AND LIGHT MANAGEMENT

5.1 Acquisition Upon Request

- (a) Upon receiving a written request for acquisition from the landowner listed in Table 1, the Applicant shall acquire the land in accordance with the procedures in condition 6.3 of this consent.

90b - Bagnall	49 - Isaac (s)	68 - Devereaux
58 - Bramley	48 - Isaac (n)	90a - Battaglini

69 - D Blanch	93a - Blanch	24 - Ellis
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Table 1: Land subject to acquisition upon request

Note: For more information on the numbering and identification of properties used in this consent, see Appendix 2.

- (b) By the end of May 2006, the Applicant shall notify the owners of the land listed in Table 1 that they have voluntary acquisition rights.

5.2 Noise and Dust Limits in the Acquisition Zone

While the land listed in Table 1 is privately-owned, the Applicant shall ensure that the noise generated by the development does not exceed the noise limits in Table 2, and the dust emissions generated by the development do not cause additional exceedances of the air quality impact assessment criteria in Tables 7, 8, and 9 at any residence on the land.

Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)	Land Number
41	41	47	58 – Bramley (deleted by Feb 07 Modification)
37	37	45	90b - Bagnall
37	36	43	93a - Blanch
37	36	42	48 – Isaac (north) 49 – Isaac (south) 68 – Devereaux 69 – D Blanch 90a – Battaglini 93a – Blanch (deleted by Feb 07 Modification)

Table 2: Noise limits for land in the acquisition zone

Notes:

- If the Applicant has a written agreement with any landowner of the land listed in Table 1, and a copy of this agreement has been forwarded to the Department and the DEC, then the Applicant may exceed the noise limits in Table 2 or the air quality impact assessment criteria in Tables 7, 8, and 9 in accordance with the negotiated noise agreement.
- See notes in condition 5.3 for more detail on how to interpret these limits.

5.3 Noise Limits

The Applicant shall ensure that the noise generated by the development does not exceed the noise limits set out in Table 3.

Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)	Land Number
37	35	40	Craven Village
37	35	40	93c – Standen 93 - Campbell
37	35	39	95 – Smith 89 - McIntosh
37	35	35	18 – Atkins 13 – Teidman 46 - Wadland
35	35	35	All other privately-owned land excluding the land in Table 1

Table3: Noise limits

Notes:

- If the Applicant has a written negotiated noise agreement with any landowner of the land listed in Table 2, and a copy of this agreement has been forwarded to the Department and the DEC, then the Applicant may exceed the noise limits in Table 2 in accordance with the negotiated noise agreement.
- Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the $L_{Aeq(15\text{ minute})}$ noise limits in the above table.
- Where it can be demonstrated that direct measurement of noise from the development is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- Noise from the development is to be measured at 1 metre from the dwelling façade to determine compliance with the $L_{A1(1\text{ minute})}$ noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the development is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). *(this note deleted by February 2007 Modification)*
- The noise emission limits identified in the above table apply under meteorological conditions of:
 - Wind speeds of up to 3 m/s at 10 metres above ground level; or
 - Temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.

5.3A Roseville West Pit Noise Limits

During the commencement of the Roseville West Pit until mining operations are 10 metres below natural ground level, the Day noise limits applicable for:

- Stratford rural residences in Table 3 are increased by 2 dB(A);
- Stratford village residences in Table 3 are increased by 1 dB(A); and
- Issac (south) residence in Table 2 is increased by 1 dB(A).

5.3B Coal Handling Modification Noise Limits

The day noise limit (Table 2) applicable for the Bagnall residence is increased by 2 dB(A), until the construction of the new coal stockpile and coal ROM stacker is complete, or 30 June 2009, whichever is the sooner.

5.4 Noise Acquisition Criteria

If the noise generated by the development exceeds the criteria in Table 4 at any privately-owned land, the Applicant shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in condition 6.3 of this consent.

Day $L_{Aeq(15\text{ minute})}$	Evening $L_{Aeq(15\text{ minute})}$	Night $L_{Aeq(15\text{ minute})}$	Land
42	41	40	Craven Village 93c – Standen 93 – Campbell 95 – Smith 89 – McIntosh 18 – Atkins 13 – Teidman 46 - Wadland
40	41	40	<i>All other privately-owned land excluding the land in Table 1</i>

Table 4: Land acquisition criteria dB(A)

Note: Noise generated by the development is to be measured in accordance with the notes presented below Table 3.

Additional Noise Mitigation Measures

5.5 Upon receiving a written request from:

- a landowner of the land listed in Table 1; or
 - the owner of any residence where noise monitoring shows the noise generated by the development is greater than, or equal to, $L_{Aeq(15\text{ minute})}$ 38 dB(A) at night,
- the Applicant shall implement additional noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at any residence on the land in consultation with the landowner. These additional mitigation measures must be reasonable and feasible. If within 3 months of receiving this request from the

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

5.5A

Prior to the operation of the new coal stockpile or new coal ROM stacker at the coal handling facility, the Applicant shall fully implement the additional noise mitigation measures described in Section 4.2 of the SEE titled *Stratford Coal Mine Coal Handling Modification*, dated June 2008.

5.6 Noise Monitoring

By the end of May 2006, the Applicant shall prepare (and subsequently implement) a Noise Monitoring Program for the Stratford coal mine, including the Bowens Road North operations, to the satisfaction of the Director-General. This program shall include a noise monitoring protocol for evaluating compliance with the noise limits and acquisition criteria in this consent.

5.7 Noise - Continuous Improvement

The Applicant shall:

- investigate ways to reduce the noise generated by the development, including maximum noise levels which may result in sleep disturbance;
- investigate ways to transport as much coal as possible during the day and evening;
- implement all reasonable and feasible noise mitigation measures on the site; and
- report on these investigations and the implementation of any new noise mitigation measures on site in the AEMR,

to the satisfaction of the Director-General.

5.7 Airblast Overpressure Criteria

The Applicant shall ensure that the airblast overpressure level from blasting at the development does not exceed the criteria in Table 4 at any residence on privately owned land or noise sensitive location as defined in the DEC's *Industrial Noise Policy*.

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

Table 5: Airblast overpressure impact assessment criteria

5.8 Ground Vibration Impact Assessment Criteria

The Applicant shall ensure that the ground vibration level from blasting at the development does not exceed the criteria in Table 5 at any residence on privately owned land or noise sensitive location as defined in the DEC's *Industrial Noise Policy*.

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

Table 6: Ground vibration impact assessment criteria

5.9 Blasting Hours

The Applicant shall only carry out blasting at the development between 9 am and 5 pm (EST) and 9 am and 6 pm (DST) Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the DEC.

5.10 Blasting - Operating Conditions

- (a) The Applicant shall ensure that all blasting at the site is carried out in accordance with best practice to:
- ensure the safety of people, property, and livestock; and
 - minimise the dust and fume emissions from blasting, particularly during adverse meteorological conditions,
- to the satisfaction of the Director-General.
- (b) If established by an expert, whose appointment has been approved by the Director-General, that blasting at the site causes damage to property or structures, the Applicant shall rectify the damage in consultation with the landowner, and to the satisfaction of the Director-General. The Applicant is to pay any costs associated with the appointment and assessment undertaken by the appointed expert.

5.11 Blast Monitoring

Prior to carrying out any blasting in the Roseville Pit to the north of Bowns Road, the Applicant shall prepare (and subsequently implement) a Blast Monitoring Program for the Stratford coal mine, including the Bowns Road North operations, to the satisfaction of the Director-General.

5.12 Air Impact Assessment Criteria

The Applicant shall ensure that the dust emissions generated by the development do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 7, 8, and 9 at any residence on any privately owned land, excluding the land listed in Table 1.

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

Table 7: Long-term Impact Assessment Criteria for Particulate Matter

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

Table 8: Short-term impact assessment criterion for particulate matter

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

Table 9: Long-term impact assessment criteria for deposited dust

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

5.13 Air Quality - Operating Conditions

The Applicant shall:

- ensure any visible air pollution generated by the development is assessed regularly, and that mining operations are relocated, modified, and/or stopped as required to minimise air quality impacts on privately owned land and public roads, such as Bowns Road and Bucketts Way; and
 - implement all reasonable and feasible measures to minimise the off-site odour and fume emissions generated by any blasting or spontaneous combustion at the development,
- to the satisfaction of the Director-General.

5.14 Air Quality Monitoring

By the end of May 2006, the Applicant shall prepare (and subsequently implement) a detailed Air Quality Monitoring Program for the Stratford coal mine, including the Bowens Road North operations to the satisfaction of the Director-General. This program shall include a protocol for evaluating compliance with the air quality impact assessment criteria in Tables 7, 8 and 9.

5.15 Lighting Emissions

The Applicant shall:

- take all feasible and reasonable measures to mitigate off-site lighting impacts from the development; and
- ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the Director-General.

6. ADDITIONAL PROCEDURES FOR AIR QUALITY AND NOISE MANAGEMENT

6.1 Notification of Landowners

If the results of the air quality and/or noise monitoring required in this consent identify that the air pollution and/or noise generated by the development is greater than any of the air quality and/or noise criteria in section 5 of this consent, excluding the landowners in Table 1, then the Applicant shall notify the Director-General and the affected landowners accordingly, and provide quarterly monitoring results to each of these parties until the results show that the development is complying with the air quality and/or noise criteria in section 5 of this consent.

6.2 Independent Review

- (a) If a landowner considers the development to be exceeding the air quality and/or noise criteria in section 5 of this consent, excluding the landowners in Table 1, then he/she may ask the Applicant in writing for an independent review of the air pollution and/or noise impacts of the development on his/her land.

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

- consult with the landowner to determine his/her concerns;
- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct air quality and/or noise monitoring on the land, to determine whether the development is complying with the relevant air quality and/or noise criteria in section 5 of this consent; and
- give the Director-General and landowner a copy of the independent review.

- (b) If the independent review determines that the development is complying with the relevant air quality and/or noise criteria in section 5 of this consent, then the Applicant may discontinue the independent review with the approval of the Director-General.

- (c) If the independent review determines that the development is not complying with the relevant air quality and/or noise criteria in section 5 of this consent, then the Applicant shall:

- take all reasonable and feasible measures, in consultation with the landowner, to ensure that the development complies with the relevant air quality and/or noise criteria; and
- conduct further air quality and/or noise monitoring to determine whether these measures ensure compliance; or
- secure a written agreement with the landowner to allow exceedances of the air quality and/or noise criteria in section 5 of this consent,

to the satisfaction of the Director-General.

If the additional monitoring referred to above subsequently determines that the development is complying with the relevant air quality and/or noise criteria in section 5 of this consent, then the Applicant may discontinue the independent review with the approval of the Director-General.

If the measures referred to in above do not achieve compliance with the noise land acquisition criteria in section 5 of this consent, and the Applicant cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then the Applicant shall, upon receiving a written request from the landowner, acquire the landowner's land in accordance with the procedures in condition 6.3 of this consent.

- (d) If the landowner disputes the results of the independent review, either the Applicant or the landowner may refer the matter to the Director-General for resolution.

6.3 Land Acquisition

- (a) Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall make a binding written offer to the landowner based on:

- the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the development the subject of the DA, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date;
- the reasonable costs associated with:
 - relocating within the Gloucester local government area, or to any other local government area determined by the Director-General;

- obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and
- reasonable compensation for any disturbance caused by the land acquisition process.

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

Upon receiving such a request, the Director-General shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.

If either party disputes the independent valuer's determination, then the independent valuer should refer the matter back to the Director-General.

Upon receiving such a referral, the Director-General shall appoint a panel comprising the:

- (i) appointed independent valuer;
 - (ii) Director-General and/or nominee/s; and
 - (iii) President of the Law Society of NSW or nominee,
- to consider submissions from both parties, including meeting with the parties individually if requested, and to determine a fair and reasonable acquisition price for the land, and/or the terms upon which the land is to be acquired.

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

If the landowner refuses to accept this offer within 6 months of the date of the Applicant's offer, the Applicant's obligations to acquire the land shall cease, unless otherwise agreed by the Director-General.

- (b) The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Director-General and the costs of determination referred above.
- (c) If the Applicant and landowner agree that only part of the land shall be acquired, then the Applicant shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision, and registration of the plan at the Office of the Registrar-General.

7. TRANSPORT AND UTILITIES

7.1 Rail Transport

- (a) The Applicant shall only transport coal from the site by rail.
- (b) The Applicant shall only receive and unload coal from the Duralie mine between 7am and 10pm.

7.2 Monitoring of Coal Transport

The Applicant shall:

- keep records of the:
 - amount of coal transported from the site each year; and
 - number of coal haulage train movements generated by the development (on a daily basis); and
- include these records in the AEMR.

7.3 Crossing of Bowens Road

- (a) The Applicant shall construct, maintain, and operate the proposed crossing of Bowens Road to the satisfaction of Council.
- (b) Prior to constructing the proposed crossing, the Applicant shall prepare (and subsequently implement) a Traffic Management Plan for a **sealed** crossing to the satisfaction of Council. This plan must describe the measures that would be implemented to:
 - maintain the proposed crossing in a safe and serviceable condition during all weather conditions; and
 - operate the proposed crossing safely to ensure there is no danger to other road users.
- (c) By the end of **2011**, unless otherwise agreed to by the Director-General, the Applicant shall close the proposed crossing of Bowens Road, and rehabilitate the road and adjoining land to the satisfaction of Council.

8. MONITORING, AUDITING, AND REPORTING

8.1 Environmental Management Strategy

- (a) By the end of May 2006, the Applicant shall prepare (and subsequently implement) an Environmental Management Strategy for the Stratford coal mine, including the Bowens Road North operations, to the satisfaction of the Director-General. This strategy must:
- provide the strategic context for the environmental management of the development at the mine;
 - describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operations at the mine;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the development;
 - respond to any non-compliance; and
 - respond to emergencies; and
 - describe the role, responsibility, authority, and accountability of all key personnel involved in the environmental management of the development with contact details.
- (b) Within 3 months of the completion of each Independent Environmental Audit required in this consent, the Applicant shall review, and if necessary revise, the Environmental Management Strategy to the satisfaction of the Director-General.

8.2 Environmental Monitoring Program

- (a) By the end of May 2006, the Applicant shall prepare (and subsequently implement) an Environmental Monitoring Program for the Stratford coal mine, including the Bowens Road North operations, to the satisfaction of the Director-General. This program must consolidate the various monitoring requirements in this consent into a single document.
- (b) Within 3 months of the completion of the Independent Environmental Audit required in this consent, the Applicant shall review, and if necessary revise, the Environmental Monitoring Program to the satisfaction of the Director-General.

8.3 Annual Reporting

Each year, the Applicant shall prepare an AEMR to the satisfaction of the Director-General. This report must:

- identify the standards and performance measures that apply to the development;
- include a summary of the complaints received during the past year, and compare this to the complaints received in the previous 5 years;
- include a summary of the monitoring results on the development during the past year;
- include an analysis of these monitoring results against the relevant:
 - limits/criteria in this consent;
 - monitoring results from previous years; and
 - relevant predictions in the EIS and SEEs for the document;
- identify any trends in the monitoring over the life of the development;
- identify and discuss any non-compliance during the previous year; and
- describe what actions were, or are being, taken to ensure compliance.

8.4 Independent Environmental Audit

- (a) By the end of 2006, and every three years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;
 - be consistent with *ISO 19011:2002 – Guidelines for Quality and/or Environmental Systems Auditing*, or equivalent updated versions of these guidelines;
 - assess the environmental performance of the development, and its effects on the surrounding environment;
 - assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;
 - review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and
 - if necessary, recommend measures or actions to improve the environmental performance of the development, and/or the environmental management strategy or monitoring systems.

- (b) Within 3 months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Director-General, with a response to any of the recommendations contained in the audit report.

8.5 Community Consultative Committee

- (a) The Applicant shall ensure that there is a Community Consultative Committee to oversee the environmental performance of the development. This committee shall:
- be comprised of:
 - 2 representatives from the Applicant, including the person responsible for environmental management at the mine;
 - at least 1 representative from Council; and
 - at least 5 representatives from the local community, including 2 representatives from community groups,
whose appointment has been approved by the Director-General in consultation with the Council;
 - be chaired by the representative from Council;
 - meet at least four times a year, or as determined by the Director-General; and
 - review and provide advice on the environmental performance of the development, including any management plans, monitoring results, audit reports, or complaints.
- (b) The Applicant shall, at its own expense:
- ensure that 2 of its representatives attend the Committee's meetings;
 - provide the Committee with regular information on the environmental performance and management of the development;
 - provide meeting facilities for the Committee;
 - arrange site inspections for the Committee, if necessary;
 - take minutes of the Committee's meetings;
 - make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee;
 - respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development;
 - forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting; and
 - reimburse the Council and representatives from the local community for all reasonable expenses incurred in attending the Committee's meetings.

8.6 Access to Information

- (a) Within 1 month of the approval of any management plan or monitoring program required under this consent (or any subsequent revision of these management plans or monitoring programs), the completion of the independent audits required under this consent, or the completion of the AEMR, the Applicant shall:
- provide a copy of the relevant document/s to the Council, relevant agencies and the CCC; and
 - ensure that a copy of the relevant documents is made publicly available at the mine, to the satisfaction of the Director-General.
- (b) During the life of the development, the Applicant shall:
- make the results of the monitoring required under this consent publicly available at the Council and the mine; and
 - update these results on a regular basis (at least every 4 months), to the satisfaction of the Director-General.

APPENDIX 1
INDEPENDENT DISPUTE RESOLUTION PROCESS

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

