

# Notice of Modification

## Section 75W of the *Environmental Planning and Assessment Act 1979*

I modify the development consent referred to in Schedule 1, as set out in Schedule 2.



The Hon Tony Kelly MLC  
Minister for Planning

Sydney

26 NOV 2010

2010

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### SCHEDULE 1

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

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### SCHEDULE 2

1. Replace Schedule 2 with the following text:

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## DEFINITIONS

Annual Review	The review required by Condition 3 of Schedule 5
Applicant	Stratford Coal Pty Limited
Council	Gloucester Shire Council
ARTC	Australian Rail Track Corporation
BCA	Building Code of Australia
CCC	Community Consultative Committee
Conditions of this consent	Conditions contained in Schedules 2 to 5 inclusive
CPI	Consumer price index
DA	Development application
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Development	The development described in the EIS
Director-General	Director-General of the Department, or delegate
EA	Environmental assessment
EIS	The environmental impact statement titled <i>Stratford Coal Project</i> , dated September 1994, and prepared by Peter Ryan and Chris Ellis as modified by the: <ul style="list-style-type: none"> <li>• SEE titled <i>Proposal to Increase Saleable Coal Production to 1.7 Mtpa</i>, and associated documents, dated April 1996, and prepared by Stratford Coal Pty Limited;</li> <li>• SEE titled <i>Proposed Modifications to the Stratford Coal Mine</i>, dated August 1998, and prepared by Resource Strategies Pty Ltd;</li> <li>• SEE titled <i>Stratford Coal Mine Modification</i>, dated July 2003, and prepared by Resource Strategies Pty Ltd, including the <i>Stratford Coal Mine Operating Noise Impact Assessment</i>;</li> <li>• SEE titled <i>Stratford Coal Mine Roseville West Pit Modification</i>, dated October 2006, and prepared by Resources Strategies Pty Ltd;</li> <li>• SEE titled <i>Stratford Coal Mine Coal Handling Modification</i>, dated June 2008, and prepared by Stratford Coal Pty Ltd; and</li> <li>• EA titled <i>Stratford Coal Mine July 2010 Modification Environmental Assessment</i></li> </ul>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the POEO Act
POEO ACT	<i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this consent
I&I NSW	Department of Industry and Investment, trading as Industry & Investment NSW
Land	In general, the definition of land is consistent with the definition in the EP&A Act. However, in relation to the noise and air quality conditions in Schedules 3 and 4 it means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mine water	Water that accumulates within active mining areas and infrastructure areas, synonymous with dirty water
Mining operations	Includes the removal of overburden and the extraction, processing, handling, storage and transportation of coal
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the development
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency or a mining company (or its subsidiary)

Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The treatment or management of land disturbed by the development for the purpose of establishing a safe, stable and non-polluting environment
Remediation	Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact
SEE	Statement of environmental effects
Site	The land to which the DA applies, shaded in light green on the figure in Appendix 1
Stratford Mining Complex	The Stratford and Bowens Road North mines, considered collectively

## SCHEDULE 3 ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

### TERMS OF CONSENT

2. The Applicant shall carry out the development generally in accordance with the:
  - (a) EIS; and
  - (b) conditions of this consent.

*Note: The general layout of the development is shown in the figure in Appendix 2.*

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

### LIMITS ON CONSENT

5. The Applicant may carry out mining operations on site until the end of 2019.

*Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of both the Director-General and the Director-General of I&I NSW. Consequently, this consent will continue to apply in all other respects - other than the right to conduct mining operations - until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.*

6. The Applicant shall not carry out any development in the Roseville West Pit at night.
7. The Applicant may process:
  - (a) up to 4.6 million tonnes of coal on site in a calendar year until the end of 2013; and
  - (b) up to 3 million tonnes of coal on site in a calendar year from the start of 2014 until the end of mining operations in 2019.
8. The Applicant shall ensure that all coal is transported from the site by rail.
9. The Applicant may dispatch a maximum of:
  - (a) 2 laden trains from the site during the night until 2013; and
  - (b) 1 laden train from the site during the night from the start of 2014 until the end of mining operations in 2019.

### STRUCTURAL ADEQUACY

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

#### Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works; and
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

### DEMOLITION

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

### OPERATION OF PLANT AND EQUIPMENT

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

### **STAGED SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM**

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

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

14. Until they are replaced by an equivalent strategy, plan or program approved under this consent, the Applicant shall continue to implement the existing strategies, plans or programs that apply to any development on site.

### **CONTRIBUTIONS TO COUNCIL**

15. Until the completion of mining operations on site, the Applicant shall pay Council \$86,000 a year (payable quarterly and indexed to CPI Sydney [all groups] index from 1998) for the provision of community infrastructure and services.

**SCHEDULE 3  
ENVIRONMENTAL PERFORMANCE CONDITIONS**

**ACQUISITION UPON REQUEST**

1. Upon receiving a written request for acquisition from an owner of the land listed in Table 1, the Applicant shall acquire the land in accordance with the procedures in Conditions 5 - 6 of Schedule 4.

*Table 1: Land subject to acquisition upon request*

29 - Ward	40 - Blanch
31 - Isaac	41 - Devereaux
32 - McIntosh	315 - Bagnall
33 - Battaglini	Cr 1 - Wood

*Note: To identify the locations referred to in Table 1, see the figure in Appendix 3.*

**NOISE**

**Noise Criteria**

2. Except for the land referred to in Table 1, the Applicant shall ensure that the noise generated by the Stratford mining complex does not exceed the criteria in Table 2 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

*Table 2: Noise criteria dB(A)*

<b>Location</b>	<b>Day</b>	<b>Evening</b>	<b>Night</b>	
	<i>L<sub>Aeq</sub>(15 minute)</i>	<i>L<sub>Aeq</sub>(15 minute)</i>	<i>L<sub>Aeq</sub>(15 minute)</i>	<i>L<sub>A1</sub>(1 minute)</i>
Craven Village	35	35	40	45
39 - Standen				
42 - D Blanch				
36 - Wallace	35	35	37	45
34 - Hall	35	35	36	45
25 - Thompson				
298 - Yates				
291 - Stackman				
All other privately-owned land	35	35	35	45

*Notes:*

- To identify the locations referred to in Table 2, see the figure in Appendix 3;
- For the purposes of this condition, the Craven Village is comprised on the properties listed as Cr 2-8 in the figure in Appendix 3; and
- Noise generated by the Stratford mining complex is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

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

**Noise Acquisition Criteria**

3. If the noise generated by the Stratford mining complex exceeds the criteria in Table 3 at any residence on privately-owned land or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner, the Applicant shall acquire the land in accordance with the procedures in Conditions 5 - 6 of Schedule 4.

Table 3: Noise acquisition criteria dB(A)  $L_{Aeq}(15min)$

Location	Day	Evening	Night
Stratford Village Craven Village	42	41	40
All other privately-owned land	40	40	40

**Notes:**

- Noise generated by the Stratford mining complex is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy;
- For the purposes of this condition, the Craven Village is comprised on the properties listed as Cr 2-8 in the figure in Appendix 3, and the Stratford Village is the land shown as urban development on the figure in Appendix 3; and
- For this condition to apply, the exceedences of the criteria must be systemic.

**Additional Noise Mitigation Measures**

4. Upon receiving a written request from the owner of any residence:
- on the land listed in Table 1;
  - in the Craven Village (see the land listed as Cr 2-8 in the figure in Appendix 3);
  - on the land listed as 39 and 42 in the figure in Appendix 3;
  - on the land listed as R8-12 in the figure in Appendix 3;
  - on privately-owned land where subsequent noise monitoring shows that the noise generated by the Stratford mining complex is greater than or equal to  $L_{Aeq}(15\text{ minute})$  38 dB(A), or on privately-owned land between the Stratford and Duralie mines where the maximum passby rail traffic noise from the Stratford mining complex exceeds 85dBA,

the Applicant shall implement additional noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the owner. These measures must be reasonable and feasible.

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

**Rail Noise**

- By the end of December 2011, or as otherwise agreed by the Director-General, the Applicant shall only receive or dispatch locomotives on/off site that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL (No. 3142).
- Unless the Director-General agrees otherwise, the Applicant shall ensure that the Stratford rail loop is only occupied simultaneously by two trains at night on:
  - no more than 40 times in a calendar year before the end of 2013;
  - no more than 25 times in a calendar year from the start of 2014; and
  - no more than once a week.

**Operating Conditions**

- The Applicant shall:
  - implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the operational, low frequency and rail noise generated by the development; and
  - regularly assess the real-time noise monitoring and meteorological forecasting data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this consent,
to the satisfaction of the Director-General.

**Noise Management Plan**

- The Applicant shall prepare and implement a Noise Management Plan for the Stratford mining complex to the satisfaction of the Director-General. This plan must:
  - be prepared in consultation with DECCW and ARTC, and submitted to the Director-General for approval by the end of May 2011 or prior to the proposed construction of the new rail loop on site, whichever is sooner;
  - describe the noise mitigation measures that would be implemented to ensure compliance with the relevant conditions of this consent, including:
    - the measures to minimise construction noise during the construction of the proposed new rail loop;
    - the scheduling measures that would be implemented to minimise the occurrence of two trains simultaneously occupying the Stratford rail loop at night;



- the measures that would be implemented on site to offset the noise generated by the development on site when two trains are simultaneously occupying the Stratford rail loop at night;
  - a real-time noise management system that employs both reactive and proactive mitigation measures; and
  - a detailed program to replace or attenuate the existing plant on site;
- (d) include a noise monitoring program that:
- uses a combination of real-time and supplementary attended monitoring measures to evaluate the performance of the development;
  - includes a program to monitor the actual sound power levels of the plant on site, compare it with the benchmark levels used in the most recent EA for the development, and evaluate the effectiveness of any attenuation; and
  - includes a protocol for determining exceedances of the relevant conditions of this consent.

## BLASTING

### Blasting Criteria

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

Table 4: 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	115	5	5% of the total number of blasts over a period of 12 months
	120	10	0%

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

### Blasting Hours

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

### Blasting Frequency

11. The Applicant shall not carry out more than:
- (a) 1 blast a day on site, unless an additional blast is required following a misfire; and
  - (b) 3 blasts a week, averaged over any 12 month period.

### Property Inspections

12. If the Applicant receives a written request for the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on their land, or to have a previous property inspection report updated, then within 2 months of receiving this request the Applicant shall:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to:
    - establish the baseline condition of the buildings and/or structures on the land or updated the previous property inspection;
    - inspect the condition of any building or structure on the land, and recommend measures to minimise the potential blasting impacts of the development on these buildings and/or structures; and
  - (b) give the landowner a copy of the new or updated property inspection report.

### Property Investigations

13. If the owner of any privately-owned land claims in writing that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within 2 months of receiving this claim the Applicant shall:

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to investigate the claim; and
- (b) give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant shall repair the damages to the satisfaction of the Director-General.

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

### Operating Conditions

14. During mining operations on site, the Applicant shall:
- (a) implement best blasting practice to:
    - protect the safety of people and livestock in the surrounding area;
    - protect public or private property in the surrounding area; and
    - minimise the dust and fume emissions from blasting on site; and
  - (b) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site, to the satisfaction of the Director-General.

### Blast Management Plan

15. The Applicant shall prepare and implement a Blast Management Plan for the development to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with DECCW, and submitted to the Director-General for approval by the end of May 2011;
  - (b) describe the blast mitigation measures that would be implemented on site to ensure compliance with the relevant conditions of this consent;
  - (c) describe the measures that would be implemented to ensure the public can get up-to-date information on the proposed blasting schedule on site; and
  - (d) include a blast monitoring program to evaluate the performance of the development.

### AIR QUALITY & GREENHOUSE GAS

#### Odour

16. The Applicant shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.

#### Greenhouse Gas Emissions

17. The Applicant shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Director-General.

#### Air Quality Assessment Criteria

18. The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Stratford mining complex do not exceed the criteria listed in Tables 5, 6 or 7 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 5: Long term criteria for particulate matter

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

Table 6: Short term criterion for particulate matter

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

Table 7: Long term criteria for deposited dust

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

Notes to Tables 5-7:

- <sup>a</sup> Total impact (i.e. incremental increase in concentrations due to the Stratford mining complex plus background concentrations due to all other sources);
- <sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the Stratford mining complex on its own);
- <sup>c</sup> Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.
- <sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Director-General in consultation with DECCW.

### Air Quality Acquisition Criteria

19. If particulate matter emissions generated by the Stratford mining complex exceed the criteria in Tables 8, 9 or 10 at any residence on privately-owned land or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner the Proponent shall acquire the land in accordance with the procedures in Conditions 5-6 of Schedule 4.

Table 8: Long term acquisition criteria for particulate matter

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

Table 9: Short term acquisition criteria for particulate matter

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

Table 10: Long term acquisition criteria for deposited dust

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

Notes to Tables 8-10:

- <sup>a</sup> Total impact (i.e. incremental increase in concentrations due to the Stratford mining complex plus background concentrations due to all other sources);
- <sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the Stratford mining complex on its own);
- <sup>c</sup> Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method;
- <sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Director-General in consultation with DECCW.

### Operating Conditions

20. The Applicant shall:
- implement best practice air quality management on site, including all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions generated by the development, including any emissions from spontaneous combustion;
  - minimise any visible air pollution generated by the development;
  - regularly assess the real-time air quality monitoring and meteorological forecasting data and relocate, modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent,
- to the satisfaction of the Director-General.

## **Air Quality & Greenhouse Gas Management Plan**

21. The Applicant shall prepare and implement an Air Quality & Greenhouse Gas Management Plan for the Stratford mining complex to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with DECCW, and be submitted to the Director-General for approval by the end of May 2011; and
  - (b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, including the proposed real-time air quality management system; and
  - (c) include an air quality monitoring program, that uses a combination of real-time monitors, high volume samplers and dust deposition gauges to evaluate the performance of the development, and includes a protocol for determining exceedances with the relevant conditions of this consent.

## **METEOROLOGICAL MONITORING**

22. During the life of the development, the Applicant shall ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- (a) complies with the requirements in *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
  - (b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Industrial Noise Policy*.

## **SOIL AND WATER**

### **Water Discharges**

23. The Applicant shall ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the project in any EPL.

### **Irrigation**

24. The Applicant shall only carry out irrigation on the waste emplacement areas on site that drain directly to mine water storages.

### **Avondale Creek**

25. The Applicant shall not carry out any development within 40 metres of Avondale Creek.
26. The Applicant shall improve the riparian habitat along Avondale Creek to the satisfaction of the Director-General. These improvements must be made to the section of the creek running from the northern extent of the proposed Woodland Corridor (shown on the figure in Appendix 5) to where it intersects with the south-western boundary of mining lease 1360 (see the figure in Appendix 2).

### **Water Management Plan**

27. The Applicant shall prepare and implement a Water Management Plan for the development to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with DECCW, NOW and I&I NSW by suitably qualified and experienced persons whose appointment has been approved by the Director-General;
  - (b) be submitted to the Director-General for approval by the end of May 2011; and
  - (c) include:
    - a Site Water Balance
    - Surface Water Management Plan
    - Groundwater Management Plan.
28. The Surface Water Management Plan must include:
- (a) a detailed description of the water management system on site, including the:
    - clean water diversion systems;
    - erosion and sediment controls;
    - water storages; and
    - irrigation system;
  - (b) a plan for identifying, extracting, handling, and the long-term storage of potentially acid forming material on site;
  - (c) a plan for improving the riparian vegetation along Avondale Creek on the site;
  - (d) detailed plans, including design objectives and performance criteria, for the:
    - design and management of the final voids;
    - reinstatement of drainage lines; and
    - control of any potential water pollution from the rehabilitated areas of the site;
  - (e) performance criteria for the following, including trigger levels for investigating any potentially adverse impacts:

- the water management system;
  - surface water quality of Avondale Creek and the Avon River; and
  - stream and riparian vegetation health of Avondale Creek;
- (f) a program to monitor:
- the effectiveness of the water management system;
  - surface water flows and quality of Avondale Creek and the Avon River;
  - stream and riparian vegetation health of Avondale Creek; and
- (g) a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the project; and
29. The Groundwater Management Plan must include:
- (a) groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;
- (b) a program to monitor :
- groundwater inflows to the open cut mining operations;
  - regional groundwater levels and quality in the vicinity of the site; and
- (c) a plan to respond to any exceedances of the groundwater assessment criteria.

## HERITAGE

30. The Applicant shall
- (a) protect the Aboriginal heritage site listed as No. 31.1.8
- (b) monitor topsoil removal on site; and
- (c) notify DECCW immediately if any new Aboriginal objects are found, to the satisfaction of the Director-General

## TRANSPORT

### Monitoring of Coal Transport

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

## VISUAL

### Visual Amenity and Lighting

32. The Applicant shall:
- (a) minimise visual impacts, and particularly the off-site lighting impacts, of the development; and
- (b) ensure that all external lighting associated on site complies with *Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting*.
- to the satisfaction of the Director-General.

## WASTE

33. The Applicant shall:
- (a) minimise the waste generated by the development;
- (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of; and
- (c) dispose of rejects generated by the processing of coal on site in general accordance with the approved *SCM Life of Mine Reject Disposal Plan*,
- to the satisfaction of the Director-General.

## BUSHFIRE MANAGEMENT

34. The Applicant shall:
- (a) ensure that the development is suitably equipped to respond to any fires on site; and
- (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the surrounding area.

## REHABILITATION

### Rehabilitation Objectives

35. The Applicant shall rehabilitate the site to the satisfaction of the Director-General of I&I NSW. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS (and depicted conceptually in the figures in Appendix 4), and comply with the objectives in Table 11.

Table 11: Rehabilitation Objectives

<b>Feature</b>	<b>Objective</b>
Mine site (as a whole)	Safe, stable & non-polluting
Surface infrastructure	To be decommissioned and removed, unless the Director-General agrees otherwise
Other land affected by the development	Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprising: <ul style="list-style-type: none"><li>• a wildlife corridor (see the figure in Appendix 4);</li><li>• local native plant species; and</li><li>• a landform consistent with the surrounding environment</li></ul>
Final Voids	Safe, stable and non-polluting
Community	Minimise the adverse socio-economic effects associated with mine closure

### Progressive Rehabilitation

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

### Rehabilitation Management Plan

37. The Applicant shall prepare and implement a Rehabilitation Management Plan for the Stratford mining complex to the satisfaction of the Director-General of I&I NSW. This plan must:
- (a) be prepared in consultation with the Department, DECCW, NOW, Council and the CCC;
  - (b) be prepared in accordance with any relevant I&I NSW guideline;
  - (c) build, to the maximum extent practicable, on the other management plans required under this consent; and
  - (d) be submitted to the Director-General of I&I NSW for approval by the end of December 2011.

## SCHEDULE 4 ADDITIONAL PROCEDURES

### NOTIFICATION OF LANDOWNERS

1. By the end of December 2010, the Applicant shall notify in writing the owners of:
  - (a) the land listed in Table 1 of Schedule 3 that they have the right to require the Applicant to acquire their land at any stage during the development; and
  - (b) any residence on the land listed in Table 1 or in Condition 4(b)-(d) of Schedule 3 that they are entitled to ask for additional noise mitigation measures to be implemented at their residence at any stage during the development.
2. Within 2 weeks of obtaining monitoring results showing:
  - (a) an exceedance of the relevant criteria in Schedule 3, the Applicant shall notify the affected landowner and tenants in writing of the exceedance, and provide monitoring results to each of these parties until the development is complying with the relevant criteria again; and
  - (b) an exceedance of the relevant criteria in Condition 4(e) of Schedule 3, the Applicant shall notify the relevant owner in writing that they are entitled to ask for additional noise mitigation measures to be installed at their residence; and
  - (c) an exceedance of the relevant air quality criteria in Schedule 3, the Applicant shall send the affected landowners and tenants (including the tenants of any mine-owned land) a copy of the NSW Health fact sheet entitled "*Mine Dust and You*" (as may be updated from time to time).

### INDEPENDENT REVIEW

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

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

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

If the independent review determines that the development is not complying with the relevant acquisition criteria in Schedule 3, then upon receiving a written request from the landowner, the Applicant shall acquire all or part of the landowner's land in accordance with the procedures in Conditions 5-6 below.

### LAND ACQUISITION

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

- relocating within the Great Lakes or Gloucester local government areas, or to any other local government area determined by the Director-General; and
  - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
- (c) reasonable compensation for any disturbance caused by the land acquisition process.

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

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

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

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

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

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

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

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



**SCHEDULE 5**  
**ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

**ENVIRONMENTAL MANAGEMENT**

**Environmental Management Strategy**

1. The Applicant shall prepare and implement an Environmental Management Strategy for the Stratford mining complex to the satisfaction of the Director-General. This strategy must:
  - (a) be submitted to the Director-General for approval by the end of May 2011;
  - (b) provide the strategic framework for the environmental management of the complex;
  - (c) identify the statutory approvals that apply to the complex;
  - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the complex;
  - (e) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the complex;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the operation of the complex;
    - respond to any non-compliance;
    - respond to emergencies; and
  - (f) include:
    - copies of any strategies, plans and programs approved under the conditions of this consent; and
    - a clear plan depicting all the monitoring required to be carried out under the conditions of this consent.

**Management Plan Requirements**

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

*Note: The Director-General may waive some of these requirements if they are unnecessary or unwarranted.*

**Annual Review**

3. By the end of December 2011, and annually thereafter, the Applicant shall review the environmental performance of the development to the satisfaction of the Director-General. This review must:
  - (a) describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the development over the past year, which includes a comparison of these results against the
    - the relevant statutory requirements, limits or performance measures/criteria;
    - the monitoring results of previous years; and
    - the relevant predictions in the EA;

- (c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;
- (d) identify any trends in the monitoring data over the life of the development;
- (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

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

4. Within 3 months of:
- (a) the submission of:
    - an annual review under Condition 3 above;
    - an incident report under Condition 6 below;
    - an audit under Condition 8 below; and
  - (b) any modification to the conditions of this consent (unless the conditions require otherwise), the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Director-General.

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

#### **Community Consultative Committee**

5. The Applicant shall ensure there is a CCC for the Stratford Mining Complex. This CCC must be established and operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version), and to the satisfaction of the Director-General.

*Note:*

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent;*
- *In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community; and*
- *With the approval of the Director-General, this CCC may be combined with the current CCC for the Duralie coal mine.*

#### **REPORTING**

##### **Incident Reporting**

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

##### **Regular Reporting**

7. The Applicant shall provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent, and to the satisfaction of the Director-General.

#### **INDEPENDENT ENVIRONMENTAL AUDIT**

8. By the end of December 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
  - (b) include consultation with the relevant agencies;
  - (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
  - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
  - (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under the abovementioned approvals.

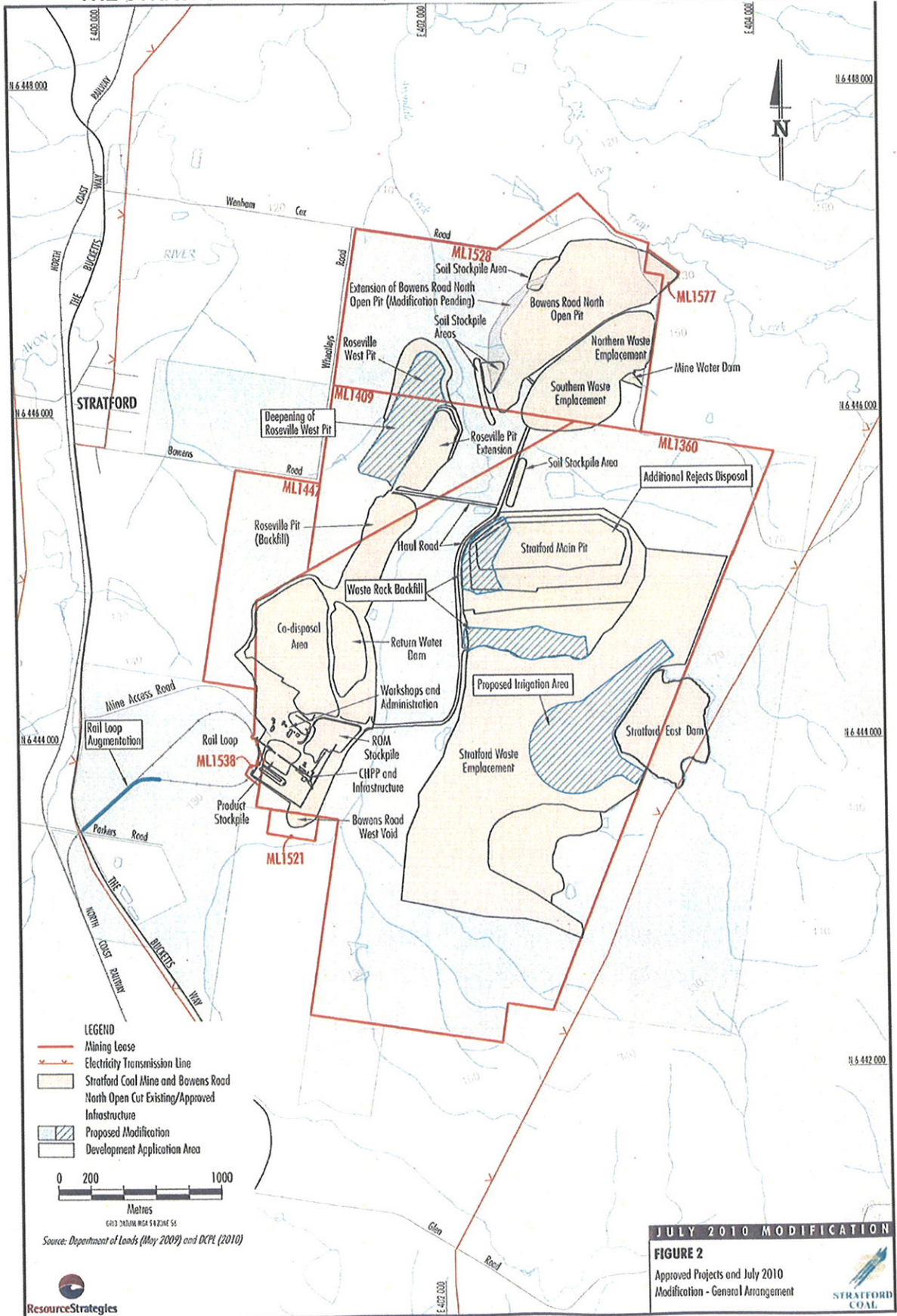
*Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.*

9. Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

#### **ACCESS TO INFORMATION**

10. From the end of December 2010, the Applicant shall:
    - (a) make copies of the following publicly available on its website:
      - the documents referred to in Condition 2 of Schedule 2;
      - all relevant statutory approvals for the Stratford Mining Complex;
      - all approved strategies, plans and programs required under the conditions of this consent;
      - the monitoring results of the development, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval;
      - a complaints register, which is to be updated on a monthly basis;
      - minutes of CCC meetings;
      - the annual reviews required under this consent;
      - any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit;
      - any other matter required by the Director-General; and
    - (b) keep this information up-to-date,  
to the satisfaction of the Director-General.
-

# APPENDIX 1 THE STRATFORD MINING COMPLEX & DEVELOPMENT APPLICATION AREA

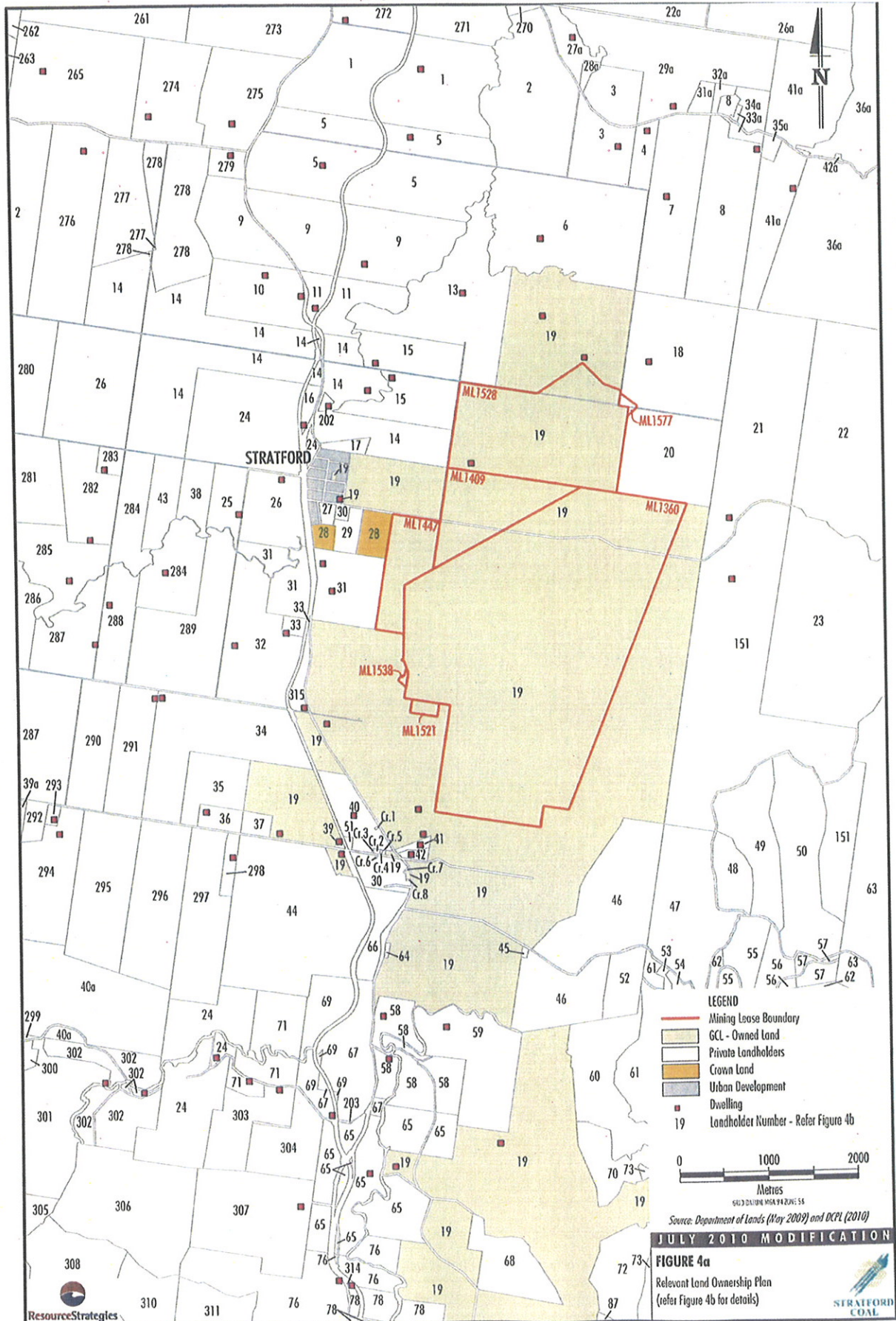








### APPENDIX 3 LAND OWNERSHIP PLANS



**FIGURE 4a**  
Relevant Land Ownership Plan  
(refer Figure 4b for details)



1	Wendy Jane Fraser	50	Neil James Porter	288	Alec Gregory Perrin
2	Farley (Gloucester) Pty. Limited	51	Gloucester Printing Services Pty Ltd	289	Eliza Ann Ruth McIntosh
3	D.J. & D.L. Rosenbaum Pty. Limited	52	Christiane Bertolino	290	Anne Frances Ryan & Darcy Tardoff
4	Colleen Dawn Crowley & Trevor Allan Crowley	53	William Charles Barnes & Cheryl Freda Barnes	291	Angela Lee Stackman & Mark Richard Partridge
5	Norman Edward Bignell	54	Kenneth John Hughes & Carrysong Pty Limited	292	James Reginald Fisher & Rhonda Patricia Fisher
6	AGL Gloucester Le Pty Ltd & AGL Gloucester MG Pty Ltd	55	Allan James Hancock & Lynda Margaret Hancock	293	Kerry Elizabeth Braunton
7	Mary Blanche Burrell	58	Douglas William Blanch & Evelyn Fay Blanch	294	Gregory Vincent Morcom & Karen Morcom
8	John Ernest Woodford & Marjorie Annette Woodford	59	Guy William Cassar & Cecile Elizabeth Cassar	295	William John Bush & Danielle Elizabeth Bush
9	Norman John Williams	60	Philip Weston Greenwood	296	Peter Geoffrey Watson & Heather Irene Watson
10	Kenneth James Whatmore & Anne Grace Whatmore	61	Brian John Allman	297	William Marten Bosma
11	Brian Keith Walker, Lesley Jane Walker, Tyson Brian Walker & Lacey Maree Walker	63	National Parks and Wildlife Service	298	Eric Allan Yates
13	AGL Energy Limited	64	Gloucester Shire Council	299	Malcolm Ronald Lee
14	Allen James Wenham & Pamela Diane Wenham	65	Noeline Elizabeth Weismanile	300	Bevan Douglas Hokin & Di Hokin
15	GS & GL Fala Superannuation Pty Limited	66	Lennard Charles Rogerson	301	Folio Identifier Pty Limited
16	Judith Helen Pickett	67	Ian Robert Bowen	302	Edwin John Walton & Wendy Walton
17	Darren James Fisher & Claire Louise Smith	68	Julie Dawn Lyford	303	JSTC Newcastle Pty Limited
18	Tanya Louise Denyer	69	Ralph Hooper & Bronwyn Ann Bartholmew	304	Ernie Danzil Abeysekera & Sharee Ann Abeysekera
19	Gloucester Coal Ltd	70	Robert George Knight	305	Lymaran Holdings Pty Limited
20	Trevor John Ellis	71	Anthony Douglas Burnet & Robyn Annette Burnet	306	Gregory Hunt & Catherine Hunt
21	Richard Charles Clarke & Carolyn Ann Clarke	72	Brooke McRae	307	Graham John Wolfenden & Rosalind Mary Wolfenden
22	Michael Burns & Leonie Therese Burns	73	Rodney John Pearce & Anne Jeanette Pearce	308	Pierre Marcel Simon Louys & Marie Therese Chantel Louys
23	Ross Lewis Bagnall	76	Garry Bruce Grant & Terry Paul Grant	310	Toni Unthank & Danny Francis Unthank
24	Geoffrey Lawrence Harris	78	Barry Anthony Eves	311	Paul Berthold & Carolyn Berthold
25	Marisa Thompson	87	Pacific Property Investments Ltd	314	Dataphone Pty Ltd
26	Kevin John Lowrey & Robyn Lowrey	151	Trevor William Wadland & Yvonne Louise Carter	315	Kenneth Bruce Bagnall
27	The Council of the Shire of Gloucester	202	Paul Phillip Wenham	22a	R. O. Sansom & Son Pty. Limited
28	Crown Land	203	Samuel Taylor	26a	Edward John Mckinley & Shirley June Mckinley
29	Edwin Dennis Ward & Rhonda Fay Ward	261	Frank Murray Hooke & Susan Elizabeth Hooke	27a	Douglas Robert Maclean & Janette Ann Maclean
30	The State of New South Wales	262	Noel Albert Davis & Elizabeth Therese O'Sullivan	28a	Peter Stuart Jackson & Beverley Clair Jackson
31	Allan Stanley Isaac	263	Patrick Michael Ryan	29a	Mckinleys Lane Pty Limited
32	Eliza Ann Ruth McIntosh & Ronald Keith McIntosh	265	Hans Joran Stenstrom & Janete Stenhouse Stenstrom	31a	Terence William Cox & Valerie Rita Cox
33	William Joseph Battaglini & Jacklin Maree Battaglini	270	Jason David Collins & Michelle Isobel Barrett	32a	John Edward Malcolm-Coe & Emilia Malcolm-Coe
34	Graham Wesley Hall & Kim Lorraine Hall	271	William Alexander Tomb	33a	Anthony George Langmead & Elizabeth Anne Langmead
35	Leo John Dillon & Isobel Robyn Dillon	272	Allen Taylor & Company Limited	34a	Bernard Philip Tresidder
36	Graham Lindsay Wallace & Marion Frances Wallace	273	Baker Place Investments Pty Limited & Dr PW Brady Pty Limited	35a	Gary Raymond Perkins & Elly Perkins
37	Timothy James Worth	274	Warren Neil Wilson & Colleen Therese Wilson	36a	Anthony Stanford Berecny
38	Paul Michael Johnson & Judith Anne Johnson	275	Pace Farm Pty Limited	39a	Woods Road Pty Ltd
39	Paula Anne Standen	276	Alan Luscombe & Carol Luscombe	40a	Howard Kerr Williams & Margaret Russell Williams
40	Leslie Allenby Blanch	277	John William Farley	41a	Gary Ronald Ferris & Kathleen Grace Ferris
41	Cathryn Louise Devereux	278	Mark Anthony Campbell & Roseleen Linette Campbell	42a	William Rainsford Ribbons
42	Douglas John Blanch	279	John Donald Cullum & Rachel Anne Cullum	Cr.1	William Deane Wood
43	Vicki Colleen Moseley	280	Clifford John Bramley & Terri Louise Bramley	Cr.2	Patricia May Black
44	Peter Michael Cross & Kylie Jane	281	Colin William Lewis & Lesley Ann Lewis	Cr.3	Yvonne Frances Holden
45	Megan Jane Ellis	282	Peter Stephen Ross	Cr.4	Susan Frances Hoppe
46	Stanley Samuel Ellis	283	Janet Nolan	Cr.5	John Bruce PUNCHARD & Kerry Lewis Green
47	David Charles Digges, Carolyn Denise Digges, Timothy Charles Hart & Elizabeth Mary Hart	284	Alec Gregory Perrin & Noreen Nita Jean Perrin	Cr.6	Rodger Malcolm Boorer
48	Marion Iris Rounsley	285	Marshall Leon Carter & Theresa Kathleen Carter	Cr.7	David Robert Pryce-Jones
49	Yvonne Carter	286	Gerard Roland Burley	Cr.8	Douglas John Blanch & Gwenyth Alison Mcnair
		287	Dorothy Kay Sinderberry & Carole Martha Rinkin		

Source: Department of Lands (2010) and DCPL (2010) as at 9-3-10

JUNE 2010 MODIFICATION

FIGURE 4b  
Relevant Land Ownership List





# APPENDIX 4 CONCEPTUAL REHABILITATION PLAN

