

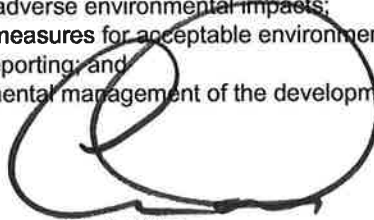
Development Consent

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

As delegate of the Minister for Planning and Infrastructure, I approve the development application referred to in Schedule 1, subject to the conditions in Schedules 2 to 6.

These conditions are required to:

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



Chris Wilson
Executive Director
Development Assessment Systems and Approvals

Sydney

18 MARCH

2013

SCHEDULE 1

Application Number:	SSD-4962
Applicant:	Newcastle Coal Company Pty Limited
Consent Authority:	Minister for Planning and Infrastructure
Land:	See Appendix 1
Development:	Tasman Extension Project

TABLE OF CONTENTS

DEFINITIONS	3
ADMINISTRATIVE CONDITIONS	
Obligation to Minimise Harm to the Environment	5
Terms of Consent	5
Limits on Consent	5
Surrender of Existing Development Consents	6
Structural Adequacy	6
Demolition	6
Operation of Plant and Equipment	6
Staged Submission of Strategies, Plans or Programs	6
Road Maintenance Contribution	6
ENVIRONMENTAL PERFORMANCE CONDITIONS	8
Subsidence	8
SPECIFIC ENVIRONMENTAL CONDITIONS – GENERAL	10
Transport	10
Noise	11
Air Quality & Greenhouse Gas	12
Meteorological Monitoring	13
Water	13
Biodiversity	13
Aboriginal Heritage	15
Visual	15
Bushfire Management	15
Waste	15
Rehabilitation	16
ADDITIONAL PROCEDURES	17
Notification of Landowners	17
Independent Review	17
ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING	18
Environmental Management	18
Reporting	19
Independent Environmental Audit	20
Access to Information	20
APPENDIX 1: SCHEDULE OF LAND	21
APPENDIX 2: DEVELOPMENT AREA	23
APPENDIX 3: DEVELOPMENT LAYOUT	24
APPENDIX 4: KEY SURFACE FACILITIES	25
APPENDIX 5: OFFSITE BIODIVERSITY OFFSET AREA	27
APPENDIX 6: ABORIGINAL CULTURAL HERITAGE SITES	29
APPENDIX 7: GEORGE BOOTH DRIVE PROPERTY ACCESS TREATMENTS	30
APPENDIX 8: ROAD MAINTENANCE CONTRIBUTIONS	31
APPENDIX 9: NOISE COMPLIANCE ASSESSMENT	32

DEFINITIONS

Adaptive management	Adaptive management includes monitoring subsidence impacts and subsidence effects and, based on the results, modifying the mining plan as mining proceeds to ensure that the effects, impacts and/or associated environmental consequences remain within predicted and designated ranges and in compliance with the conditions of this consent
Annual Review Applicant	The review required by Condition 4 of Schedule 6 Newcastle Coal Company Pty Limited, or any other person or persons who rely on this consent to carry out the development that is subject to this consent
BCA	Building Code of Australia
Built features	Any building or work erected or constructed on land, and includes dwellings and infrastructure such as any formed road, street, path, walk, or driveway; any pipeline, water, sewer, telephone, gas or other service main
CCC	Community Consultative Committee
Coal haulage route	The route proposed in the EIS for haulage of coal by trucks between the site and the Bloomfield Coal Handling and Preparation Plant via George Booth Drive and John Renshaw Drive
Conditions of this consent	Conditions contained in Schedules 2 to 6 inclusive
Construction	The demolition of buildings or works, carrying out of works and erection of buildings covered by this consent
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure
Development	The development described in the EIS
Development area	All land to which the development application applies, including the underground mining domains and the Existing and New Pit-Top, as listed in Appendix 1 and shown in Appendix 2
Director-General	Director-General of the Department, or delegate
DRE	Division of Resources and Energy, within the Department of Trade & Investment, Regional Infrastructure & Services
EIS	Environmental Impact Statement
Environmental consequences	The environmental consequences of subsidence impacts, including: damage to built features; loss of surface water flows to the subsurface; loss of standing pools; slope changes to streams; adverse water quality impacts; development of iron bacterial mats; cliff falls; rock falls; landslides; damage to Aboriginal heritage sites; impacts on aquatic ecology; and ponding.
EPA	Environment Protection Authority, or its successor
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
Executive Director Mineral Resources	Executive Director Mineral Resources within DRE, or the equivalent role
Existing Pit-Top	The existing Tasman Underground Mine surface infrastructure site in operation at the date of this consent, as shown in Figure 1 of Appendix 4
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or to implement
First workings	Development of main headings, related cut throughs and the like
Ha	Hectare
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal object or Aboriginal place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A set of circumstances that: <ul style="list-style-type: none"> • causes or threatens to cause material harm to the environment; and/or • breaches or exceeds the limits or performance measures/criteria in this consent
Land	As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedule 4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent

Level of Service	A quantitative measure of the traffic conditions on a road or at an intersection as defined in the <i>Guide to Traffic Management Part 3: Traffic Studies and Analysis (Austroads 2009)</i>
Major Cliff	Continuous rock face, including overhangs, having a minimum length of 20 metres, a minimum height of 10 metres and a minimum slope of 2 to 1
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mining operations	Includes all extraction, processing, handling and storage of coal carried out on the site
Minister	Minister for Planning and Infrastructure, or delegate
Minor	Not very large, important or serious
Minor cliff	A continuous rock face, including overhangs, having a minimum length of 20 metres, heights between 5 metres and 10 metres and a minimum slope of 2 to 1 (>63.4°); or a rock face having a maximum length of 20 metres and a minimum height of 10 metres
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
MSB	Mine Subsidence Board
Negligible	Small and unimportant, such as to be not worth considering
New Pit-Top	The new surface infrastructure site for the proposed development (including the upcast ventilation shaft) as shown in Figure 2 of Appendix 4
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
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency, or a mining company (or its subsidiary)
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
Reasonable costs	The costs agreed between the Department and the Applicant for obtaining independent experts to review the adequacy of any aspects of the Extraction Plan, or where such costs cannot be agreed, the costs determined by a dispute resolution process
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
ROM coal	Run-of-mine coal
RMS	Roads and Maritime Services
Safe, serviceable & repairable	Safe means no danger to users who are present; serviceable means available for its intended use; and repairable means damaged components can be repaired economically
Second workings	Extraction of coal from panels or pillars
Site	All land within the Development Area (see Appendices 1 and 2)
SMP	Subsidence Management Plan
Steep slopes	An area of land having a gradient between 1 in 3 (33% or 18.3°) and 2 to 1 (200% or 63.4°)
Subsidence	The totality of subsidence effects, subsidence impacts and environmental consequences of subsidence impacts
Subsidence effects	Deformation of the ground mass due to mining, including all mining-induced ground movements, such as vertical and horizontal displacement, tilt, strain and curvature
Subsidence impacts	Physical changes to the ground and its surface caused by subsidence effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and upsidence and surface depressions or troughs
Underground mining domain	The area outlined in a solid blue edge and solid salmon edge in Figure 1 in Appendix 3
VENM	<i>Virgin Excavated Natural Material</i> as defined under the POEO Act

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

2. The Applicant shall carry out the development generally in accordance with the:
 - (a) EIS titled *Tasman Extension Project, Environmental Impact Statement* (3 volumes) dated June 2012, as modified by the response to submissions, dated 28 September 2012, and the letter to the Office of Environment and Heritage, dated 22 October 2012; and
 - (b) conditions of this consent.

Note: The general layout of the development is shown in Appendices 2 to 4

3. If there is any inconsistency between the above documents, the more 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 strategies, plans, programs, reviews, audits, reports 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

Mining Operations

5. The Applicant may carry out mining operations on the site until 31 December 2029.

Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of either the Director-General or the Executive Director Mineral Resources. 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.

Coal Production and Transportation

6. The Applicant shall not extract more than 1.5 million tonnes of ROM coal from the site in any calendar year.
7. The Applicant shall transport all ROM coal from the site to the Bloomfield Coal Handling and Preparation Plant via the coal haulage route.
8. *Prior* to the commissioning of the Hunter Expressway and completion of the New Pit-Top, the Applicant shall not transport more than 4,000 tonnes of ROM coal a day from the site.
9. *Following* the commissioning of the Hunter Expressway and completion of the New Pit-Top, the Applicant may transport up to 6,200 tonnes of ROM coal a day from the site.

Hours of Operation

10. The Applicant shall comply with the operating hours in Table 1.

Table 1: Operating hours

Activity	Operating Hours
Coal extraction and operation of surface facilities	24 hours, 7 days per week
Transportation of coal or VENM by road	7.00 am to 10.00 pm - Monday to Friday At no time on Weekends or Public Holidays

Note: The Applicant may transport coal outside these hours in an emergency, and only with the written approval of the Director-General.

Construction

11. During the construction of the New Pit-Top, the Applicant may transport VENM from the site via public roads to the Donaldson Open Cut Coal Mine or the Daracon Buttai Quarry.
12. During the construction of the New Pit-Top, the Applicant shall not transport more than a combined total of 4,000 tonnes a day of ROM coal and VENM from the site.

SURRENDER OF EXISTING DEVELOPMENT CONSENT

13. Within 6 months of completing underground mining in the Fassifern Coal Seam as approved under DA 274-9-2002, or as otherwise agreed by the Director-General, the Applicant shall surrender the existing development consent (DA 274-9-2002) for the mine in accordance with Section 104A of the EP&A Act.

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

14. Prior to the surrender of the existing development consent, the conditions of this consent (including any notes) shall prevail to the extent of any inconsistency with the conditions of the existing development consent (DA 274-9-2002).

STRUCTURAL ADEQUACY

15. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structure, that are part of the development are constructed in accordance with:
 - (a) the relevant requirements of the BCA; and
 - (b) any additional requirements of the MSB where the building or structure is located on land within declared Mine Subsidence Districts.

Notes:

- *Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*
- *Under Section 15 of the Mine Subsidence Compensation Act 1961, the Applicant is required to obtain the MSB's approval before constructing any improvements in a Mine Subsidence District.*

DEMOLITION

16. 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

17. The Applicant shall ensure that all plant and equipment used at the site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS

18. With the approval of the Director-General, the Applicant may submit any strategies, plans or programs required by this consent on a progressive basis.

Notes:

- *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.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

ROAD MAINTENANCE CONTRIBUTION

19. *Following* the commissioning of the Hunter Expressway and completion of construction of the New Pit-Top, unless otherwise agreed by the Director-General, the Applicant shall pay Cessnock City Council annual contributions for the maintenance of the section of George Booth Drive on the coal haulage route in accordance with the terms of the Applicant's offer to Cessnock City Council in Appendix 8.

**SCHEDULE 3
ENVIRONMENTAL PERFORMANCE CONDITIONS**

SUBSIDENCE

Performance Measures – Natural and Heritage Features

- For all underground mining in the West Borehole Coal Seam, the Applicant shall ensure that the development does not cause any exceedances of the performance measures in Table 2, to the satisfaction of the Director-General.

Table 2: Subsidence Impact Performance Measures – Natural and Heritage Features

Water Resources	Performance Measure
1 st and 2 nd order streams	<ul style="list-style-type: none"> Minor environmental consequences Negligible connective cracking between the surface and the underground workings
3 rd order streams and above	<ul style="list-style-type: none"> Negligible environmental consequences No connective cracking between the surface and the underground workings
Land	
Major cliffs, minor cliffs, and steep slopes	<ul style="list-style-type: none"> Negligible environmental consequences (including rock falls, displacement or dislodgement of boulders or slabs, or fracturing)
Biodiversity	
Threatened species, threatened populations, endangered ecological communities, groundwater dependent ecosystems	<ul style="list-style-type: none"> Negligible environmental consequences
Aboriginal Heritage	
Aboriginal cultural heritage rock formations of significance in the Men's Area shown in Appendix 6	<ul style="list-style-type: none"> Negligible impact or environmental consequences
Aboriginal heritage sites of high and high/moderate significance identified Appendix 6	<ul style="list-style-type: none"> Negligible impact or environmental consequences
Other Aboriginal heritage sites	<ul style="list-style-type: none"> Less than 10% of Aboriginal heritage sites identified in Appendix 6 are to be affected by subsidence impacts (other than minor impacts or environmental consequences)

Notes:

- Classification of streams in accordance with Strahler stream order system.
- The Applicant will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this consent (see Condition 4 below).
- Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Director-General will be the final arbiter.
- The requirements of this condition only apply to the impacts and consequences of mining operations undertaken in the West Borehole Coal Seam. The Applicant must comply with existing subsidence management and monitoring measures required under the existing development consent (DA 274-9-2002) and any approved SMP for underground mining in the Fassifern Coal Seam.

Performance Measures – Built Features

- For all mining in the West Borehole Coal Seam, The Applicant shall ensure that the development does not cause any exceedances of the performance measures in Table 3, to the satisfaction of the Director-General.

Table 3: Subsidence Impact Performance Measures – Built Features

Built Features	Performance Measure
Communications Towers on Mount Sugarloaf	<ul style="list-style-type: none"> Always safe and serviceable No damage
Fibre-Optic Cables	<ul style="list-style-type: none"> Always safe, serviceable and repairable, unless otherwise agreed with the owner
TransGrid Towers	
Ausgrid Power Poles	
Privately-owned residences	
Other built features	

Notes:

- The Applicant will be required to define more detailed performance indicators for each of these performance measures in Built Features Management Plans or a Public Safety Management Plan (see Condition 4 below).
 - Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Director-General will be the final arbiter.
 - The requirements of this condition only apply to the impacts and consequences of mining operations undertaken in the West Borehole Coal Seam. The Applicant must comply with existing subsidence management and monitoring measures required under the existing development consent (DA 274-9-2002) and any approved SMP for underground mining in the Fassifern Coal Seam.
 - Requirements regarding safety or serviceability do not preclude preventative actions or mitigation being taken prior to or during mining in order to achieve or maintain these outcomes.
 - Requirements under this condition may be met by measures undertaken in accordance with the Mine Subsidence Compensation Act 1961.
3. Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the subsidence performance measures in Table 3 is to be settled by the Director-General, following consultation with the MSB and the Executive Director Mineral Resources. Any decision by the Director-General shall be final and not subject to further dispute resolution under this consent.

Extraction Plan

4. The Applicant shall prepare and implement an Extraction Plan for all second workings in the West Borehole Coal Seam, to the satisfaction of the Director-General. Each Extraction Plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;
 - (b) be approved by the Director-General before the Applicant carries out any second workings in the West Borehole Seam that is covered by the Extraction Plan;
 - (c) include detailed plans of existing and proposed underground workings and any associated surface development, including any applicable adaptive management measures;
 - (d) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed mining covered by the Extraction Plan, incorporating any relevant information obtained since this consent;
 - (e) describe in detail the performance indicators and the measures that would be implemented to ensure compliance with the performance measures in Tables 2 and 3, and manage or remediate any impacts and/or environmental consequences to meet the rehabilitation objectives in Condition 29 of Schedule 4;
 - (f) include a:
 - *Subsidence Monitoring Program* to assist with the management of the risks associated with subsidence, and which:
 - validates the subsidence predictions;
 - analyses the relationship between the predicted and resulting subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and
 - informs the contingency plan and adaptive management process;
 - *Built Features Management Plan* to manage the potential subsidence impacts of the proposed underground workings on built features, and which
 - has been prepared in consultation with the owner/s of potentially affected feature/s;
 - addresses in appropriate detail all items of key public infrastructure and other public infrastructure and all classes of other built features;
 - recommends appropriate pre-mining mitigation measures to reduce subsidence impacts; and
 - recommends appropriate remedial measures and includes commitments to mitigate, repair, replace or compensate predicted impacts on potentially affected built features in a timely manner;
 - *Land Management Plan*, which has been prepared in consultation with any affected public authorities, to manage the potential impacts and/or environmental consequences of the proposed underground workings on land in general, with a specific focus on major cliffs, minor cliffs and steep slopes;
 - *Aboriginal Cultural Heritage Management Plan*, which has been prepared in consultation with OEH and relevant Aboriginal stakeholders, to manage the potential environmental consequences of the proposed second workings on Aboriginal cultural heritage and includes all requirements under Condition 25 of Schedule 4;

- *Water Management Plan*, which has been prepared in consultation with OEH and NOW, which provides for the management of the potential impacts and/or environmental consequences of the proposed underground workings on watercourses and aquifers, including:
 - surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality;
 - a program to monitor and report stream flows, assess any changes resulting from subsidence impacts;
 - a program to monitor and report groundwater inflows to underground workings; and
 - a program to predict, manage and monitor impacts on groundwater bores on privately-owned land; and
- *Biodiversity Management Plan*, which has been prepared in consultation with OEH, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species populations and their habitats; endangered ecological communities; and groundwater water dependent ecosystems;
- *Public Safety Management Plan* to ensure public safety on the site;
- include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Tables 2 and 3, or where any such exceedance appears likely;
- include appropriate revisions to the Rehabilitation Management Plan required under Condition 31 of Schedule 4; and
- include a program to collect sufficient baseline data for future Extraction Plans.

Notes:

- *In accordance with Condition 18 of Schedule 2, the preparation and implementation of Extraction Plans may be staged, with each plan covering a defined area of underground workings. In addition, these plans are only required to contain management plans that are relevant to the specific underground workings that are being carried out.*

First Workings

5. The Applicant may carry out first workings within the West Borehole Coal Seam without an approved Extraction Plan, provided that first workings are designed to remain stable and non-subsiding, except insofar as they may be impacted by approved second workings.

Payment of Reasonable Costs

6. The Applicant shall pay all reasonable costs incurred by the Department to engage suitably qualified, experienced and independent experts to review the adequacy of any aspect of an Extraction Plan.
-

**SCHEDULE 4
SPECIFIC ENVIRONMENTAL CONDITIONS – GENERAL**

TRANSPORT

Monitoring of Coal Transport

1. The Applicant shall:
 - (a) keep accurate records of the amount of coal transported from the New Pit-Top (on a daily basis); and
 - (b) make these records publicly available on its website at the end of each financial year.

Road Works

2. The Applicant shall:
 - (a) construct an appropriate site access intersection and roundabout from George Booth Drive to the New Pit-Top, prior to the transportation of coal from the New Pit-Top, in consultation with Cessnock City Council, and to the satisfaction of RMS;
 - (b) undertake the driveway treatments listed in Appendix 7 prior to commencement of construction of the New Pit-Top, in consultation with Cessnock City Council and the relevant landowner, and to the satisfaction of RMS; and
 - (c) upgrade the Abel Underground Mine Access Road intersection with John Renshaw Drive if the results of the performance monitoring program in Condition 4 of Schedule 4 demonstrates that the performance of this intersection is equal to or less than Level of Service D, in consultation with the RMS and to the satisfaction of the Director-General.

Independent Traffic Count

3. Within 6 months of the commencement of the construction of the New Pit-Top, and every 12 months thereafter, unless the Director-General directs otherwise, the Applicant shall commission an independent traffic count to calculate the proportion of loaded heavy vehicles generated by the development to total heavy vehicles on George Booth Drive to inform the calculation of the annual road maintenance contribution by the Applicant to Cessnock City Council in accordance with Condition 19 of Schedule 2 and Appendix 8, to the satisfaction of Cessnock City Council.

Performance Monitoring Program

4. Within 6 months of the commencement of the construction of the New Pit-Top, and every 12 months thereafter, unless the Director-General directs otherwise, the Applicant shall commission a suitably qualified person, to monitor and assess the performance of the following intersections:
 - (a) New Pit-Top Access Road – George Booth Drive;
 - (b) the George Booth Drive - John Renshaw Drive; and
 - (c) the Abel Underground Mine Access Road - John Renshaw Drive,to the satisfaction of the Director-General.

Note: Monitoring of the listed intersections may be discontinued with the agreement of the Director-General.

Road Transport Protocol

5. The Applicant shall update the Road Transport Protocol for the development, to the satisfaction of the Director-General. The updated protocol must be prepared in consultation with the RMS, Cessnock City Council and Lake Macquarie City Council. The plan must be submitted to the Director-General for approval prior to commencement of construction of the New Pit-Top.

Independent Traffic Audit

6. Within 6 months of the commencement of construction of the New Pit-Top, and every 12 months thereafter, unless the Director-General directs otherwise, the Applicant shall commission a suitably qualified person, whose appointment has been approved by the Director-General, to conduct an Independent Traffic Audit of the development. This audit must:
 - (a) be undertaken without prior notice to the Applicant, and in consultation with RMS, Cessnock City Council and Lake Macquarie City Council (where applicable);
 - (b) assess the impact of the development on the performance and safety of the road network, including:
 - the results of the performance monitoring program of key intersections;
 - any potential safety issues associated with new driveways on the section of George Booth Drive used for coal haulage;

- (c) review coal haulage and accident records on the coal haulage route, and investigate any incidents involving haulage vehicles from the development;
 - (d) assess the effectiveness of the Road Transport Protocol; and, if necessary, recommend measures to reduce or mitigate any adverse (or potentially adverse) impacts.
7. Within 1 month of receiving the audit report, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the report to the Director-General, with a detailed response to any of the recommendations contained in the audit report, including a timetable for the implementation of any measures proposed to address the recommendations in the audit report. Any road works recommended in the Independent Traffic Audit must be undertaken within 6 months of the audit to the satisfaction of the relevant road authority, unless otherwise agreed with the Director-General.

NOISE

Noise Impact Assessment Criteria

8. The Applicant shall ensure that the noise generated by the development on the site does not exceed the criteria in Table 4 at any residence on privately-owned land.

Table 4: Noise Criteria dB(A)

Location	Day <i>L_{Aeq} (15 min)</i>	Evening <i>L_{Aeq} (15 min)</i>	Night <i>L_{Aeq} (15 min)</i>	Night <i>L_{A1} (1 min)</i>
Residences on George Booth Drive	36	36	36	45
All other privately-owned residences	35	35	35	45
	<i>L_{Aeq} (period)</i>			-
Sugarloaf State Conservation Area	50 (when in use)			-

Note: After the first review of any EPL granted for this project under Section 78 of the POEO Act, nothing in this approval prevents the EPA from imposing stricter noise limits on the mining operations on site under the EPL.

Appendix 9 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

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

Operating Conditions

9. The Applicant shall:
- (a) implement best management practice, including all reasonable and feasible noise mitigation measures to minimise the construction, operational and road traffic noise generated by the development; and
 - (b) regularly assess the results of noise monitoring to ensure compliance with the relevant conditions of this approval,
- to the satisfaction of the Director-General.

Noise Management Plan

10. The Applicant shall prepare and implement a Noise Management Plan for the development to the satisfaction of the Director-General. This plan must:
- (a) be submitted to the Director-General for approval prior to the commencement of the construction of the New Pit-Top;
 - (b) describe the mitigation measures that would be implemented to minimise noise during construction and operations, including road noise generated by vehicles associated with the development;
 - (c) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent; and
 - (d) include a noise monitoring program that:
 - uses attended monitoring to evaluate the performance of the development; and
 - includes a protocol for determining exceedances of the relevant conditions of this consent.

AIR QUALITY & GREENHOUSE GAS

Air Quality Criteria

11. The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the particulate emissions generated by the development do not exceed the criteria listed in Tables 5, 6 and 7 at any residence on privately-owned land.

Table 5: Long term criteria for particulate matter

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

Table 6: Short term criterion for particulate matter

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

Table 7: Long term criteria for deposited dust

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

Notes for Tables 5 to 7:

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

Greenhouse Gas Emissions

12. 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.

Operating Conditions

13. The Applicant shall:
- implement best management practice on site, including all reasonable and feasible air quality mitigation measures to minimise the off-site odour, fume and dust emissions generated by the development;
 - minimise any visible air pollution generated by the development;
 - minimise the surface disturbance of the site generated by the development; and
 - regularly assess the air quality monitoring data, and modify 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

14. The Applicant shall prepare and implement a detailed Air Quality & Greenhouse Gas Management Plan for the development to the satisfaction of the Director-General. This plan must:
- be prepared in consultation with the EPA, and submitted to the Director-General for approval prior to commencement of construction of the New Pit-Top;
 - describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent;
 - describe the measures that would be implemented to minimise the release of greenhouse gas emissions from the site; and
 - include an air quality monitoring program to evaluate the performance of the development.

METEOROLOGICAL MONITORING

15. 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:
- complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
 - is capable of calculating temperature lapse rates from measurements made at 2 and 10 metres in accordance with the *NSW Industrial Noise Policy*.

WATER

Note: Under the Water Act 1912, the Applicant is required to obtain necessary water licences for the development.

Water Supply

16. The Applicant shall ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the Director-General.

Surface Water Discharges

17. Except as may be expressly provided by an EPL, the Applicant shall comply with Section 120 of the POEO Act during the carrying out of the development.

Water Management Plan

18. The Applicant shall prepare and implement a Water Management Plan for the development to the satisfaction of the Director-General. This plan must be prepared in consultation with NOW and the EPA, by suitably qualified and experienced persons, and submitted to the Director-General for approval prior to commencement of construction of the New Pit-Top. This plan must include:
- a comprehensive water balance for the development, that includes details of:
 - sources and security of water supply;
 - water make in the underground workings;
 - water storage volumes in the Stockrington Colliery workings;
 - water use; and
 - any water discharges;
 - management plans for the surface facilities sites, that include:
 - a detailed description of water management systems for each site, including:
 - clean water diversion systems;
 - erosion and sediment controls; and
 - any water storages;
 - measures to minimise potable water use and to reuse and recycle water; and
 - monitoring and reporting procedures.

BIODIVERSITY

Biodiversity Offset Strategy

19. The Applicant shall implement the biodiversity offset strategy described in the EIS and summarised in Table 8, to the satisfaction of the Director-General.

Table 8: Summary of the Biodiversity Offset Strategy

Area	Offset Type	Minimum Size/Amount
Offsite Biodiversity Offset Area (as shown in Appendix 5)	Lower Hunter Spotted Gum-Ironbark Forest EEC	20 ha
	Remnant native vegetation	22 ha
Existing Pit-Top	Remnant native vegetation	10 ha
New Pit-Top	Remnant native vegetation	12 ha
Sugarloaf SCA	Funding to OEH for conservation projects in Sugarloaf SCA	\$25,000 per annum while coal is being extracted beneath Sugarloaf SCA

Note: To identify the areas referred to in Table 8 refer to the applicable figures in Appendix 4 and Appendix 5.

Long Term Security of Offsets

20. Within 12 months of the commencement of construction of the New Pit-Top, unless the Director-General agrees otherwise, the Applicant shall make suitable arrangements to provide appropriate long term security for the land within the Biodiversity Offset Strategy identified in Table 8, to the satisfaction of the Director-General.

Note: In order of preference, mechanisms to provide appropriate long term security to the land within the Biodiversity Offset Strategy include incorporation into the nearby State Conservation Areas, Biobanking Agreement, or Voluntary Conservation Agreement.

Research Program

21. Prior to the commencement of construction of the New Pit-Top, the Applicant shall:
- translocate as many *Rutidosia heterogama* plants from the New Pit-Top disturbance footprint as practicable to the land approximately 70 m south of the New Pit-Top; and
 - conduct or fund a research program into the translocation program, to the satisfaction of OEH.

Within 1 year of translocating the *Rutidosia heterogama*, unless otherwise agreed with the Director-General, the Applicant shall publish the findings of the research program in a peer reviewed scientific journal

Biodiversity Management Plan

22. The Applicant shall prepare and implement a Biodiversity Management Plan for the development to the satisfaction of the Director-General. This plan must:
- be prepared in consultation with OEH, and be submitted to the Director-General for approval prior to the commencement of construction of the New Pit-Top;
 - describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site;
 - establish baseline data for the existing habitat in the offsite biodiversity offset area and on the site;
 - describe the short, medium, and long term measures that would be implemented to:
 - manage the impacts of clearing vegetation, including pre-clearance surveys;
 - manage the remnant vegetation and habitat in the offsite biodiversity offset area and on the site; and
 - implement the biodiversity offset strategy, including detailed performance and completion criteria;
 - include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;
 - identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate these risks;
 - provide details about the research and translocation program for *Rutidosia heteroga*;
 - include a mechanism for the payment of the conservation funding component of the biodiversity offset strategy, to the satisfaction of OEH; and
 - include details of who would be responsible for monitoring, reviewing, and implementing the plan.

Conservation Bond

23. Within 6 months of the commencement of construction of the New-Pit Top, the Applicant shall lodge a conservation bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria described in the Biodiversity Management Plan. The sum of the bond shall be determined by:
- calculating the full cost of implementing the offset strategy (other than land acquisition costs); and
 - employing a suitably qualified quantity surveyor to verify the calculated costs.

If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Director-General, the Director-General will release the bond.

If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Director-General will call in all or part of the conservation bond, and arrange for the satisfactory completion of the relevant works.

With the agreement of the Director-General, this bond may be combined with the rehabilitation security deposit administered by DRE.

ABORIGINAL HERITAGE

Geotechnical Investigations

24. Prior to commencement of mining in the West Borehole Seam, the Applicant shall undertake a geotechnical investigation of the three culturally significant rock formations within the Men's Area on the Mount Sugarloaf Range, in consultation with relevant Aboriginal stakeholders, and to the satisfaction of OEH.

Aboriginal Cultural Heritage Management Plan

25. The Applicant shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with OEH, the Aboriginal community, and relevant landowners;
 - (b) be submitted to the Director-General for approval prior to commencement of construction of the New Pit-Top;
 - (c) include the results of additional investigations (such as geotechnical assessments, surveys and current register searches) for Aboriginal heritage items (including previously known sites), sufficient to identify the significance of all sites which may be impacted by subsidence (including the three culturally significant rock formations within the Men's Area), and to identify any actions required to ensure that the performance measures in Table 2 are met;
 - (d) include the following program/procedures for Aboriginal cultural heritage management within the development area:
 - trigger action response plans, including details of how unexpected subsidence impacts would be identified, notified and remediated/repared;
 - recording, salvaging, excavating and/or otherwise managing the Aboriginal sites and potential archaeological deposits within the underground mining domain, the Existing Pit-Top and New Pit-Top;
 - managing the discovery of any new Aboriginal objects or skeletal remains during the development;
 - maintaining and managing access to Aboriginal heritage sites by the Aboriginal community; and
 - ongoing consultation and involvement of the Aboriginal community in the conservation and management of Aboriginal heritage within the development area;
 - (e) include appropriate payment and reporting mechanisms for the provision of up to \$20,000 for an Aboriginal heritage educational documentation program for the Mount Sugarloaf area, and for the provision of up to \$10,000 to further investigate selected grinding groove sites in the underground mining domain.

Note: Relevant sections of this plan that relate to managing subsidence impacts must be suitably integrated with the Extraction Plan prepared in accordance with Condition 4 of Schedule 3.

VISUAL

Visual Amenity and Lighting

26. The Applicant shall minimise the visual impacts of the development, including constructing a visual bund adjacent to George Booth Drive and ensuring 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.

BUSHFIRE MANAGEMENT

27. The Applicant shall:
- (a) ensure the design of the New Pit-Top complies with the requirements of the NSW Rural Fire Service;
 - (b) ensure that the development is suitably equipped to respond to any fires on site; and
 - (c) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the surrounding area.

WASTE

28. The Applicant shall:
- (a) implement all reasonable and feasible measures to 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) monitor and report on effectiveness of the waste minimisation and management measures in the Annual Review,
- to the satisfaction of the Director-General.

REHABILITATION

Rehabilitation Objectives

29. The Applicant shall rehabilitate the site to the satisfaction of the Executive Director Mineral Resources. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS, and comply with the objectives in Table 9.

Table 9: Rehabilitation Objectives

Feature	Objective
Mine site (as a whole)	<ul style="list-style-type: none"> • Safe, stable and non-polluting
Existing Pit-Top and New Pit-Top (and any other surface infrastructure)	<ul style="list-style-type: none"> • Infrastructure to be decommissioned and removed • Site to be made safe, and hydraulically and geotechnically stable • Site to be revegetated with suitable local native plant species, and a landform consistent with the surrounding environment
Built features damaged by mining operations	<ul style="list-style-type: none"> • Repair to pre-mining condition or equivalent unless the owner agrees otherwise, or the damage is fully restored, repaired or compensated for under the <i>Mine Subsidence Compensation Act 1961</i>
Major Cliffs/Minor Cliffs/Steep Slopes	<ul style="list-style-type: none"> • Any subsidence impacts (e.g. cracks, instability, etc) have been remediated and stabilised • No additional risk to public safety, compared to pre-mining conditions
Aboriginal heritage sites	<ul style="list-style-type: none"> • Any subsidence impacts (e.g. cracks, instability, etc) have been remediated and stabilised
3 rd order watercourses subject to subsidence impacts	<ul style="list-style-type: none"> • Restore pre-mining surface flow and pool holding capacity • Hydraulically and geomorphologically stable, with riparian vegetation that is the same condition or better than prior to mining
Other watercourses subject to subsidence impacts	<ul style="list-style-type: none"> • Hydraulically and geomorphologically stable, with riparian vegetation that is the same condition or better than that which existed prior to mining
Community	<ul style="list-style-type: none"> • Ensure public safety • Minimise the adverse socio-economic effects associated with mine closure

Notes:

- *These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by underground mining in the West Borehole Coal Seam, and to all surface infrastructure in the development area, whether constructed prior to or following the date of this consent.*
- *Rehabilitation of subsidence impacts and environmental consequences caused by mining which took place prior to the date of this consent may be subject to the requirements of the existing development consent (DA 274-9-2002), the conditions of relevant mining lease/s, or a relevant SMP approval.*

Progressive Rehabilitation

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

Rehabilitation Management Plan

31. The Applicant shall prepare and implement a Rehabilitation Management Plan for the development, in consultation with OEH, NOW, Cessnock City Council, Lake Macquarie City Council, and the CCC, and to the satisfaction of the Director-General and the Executive Director Mineral Resources. This plan must:
- be submitted to the Director-General and the Executive Director Mineral Resources for approval within 12 months of the commencement of the construction of the New Pit-Top;
 - be prepared in accordance with any relevant DRE guideline and be consistent with the rehabilitation objectives in the EIS and in Table 9;
 - describe how the performance of the rehabilitation would be monitored and assessed against the objectives in Table 9;
 - describe the process whereby additional measures would be identified and implemented to ensure the rehabilitation objectives are achieved;
 - provide for detailed mine closure planning, including measures to minimise socio-economic effects due to mine closure, to be conducted prior to the site being placed on care and maintenance; and
 - be integrated with the other management plans required under this consent.

Note: The Rehabilitation Management Plan should address all land impacted by the development (including the Existing Pit-Top and New Pit-Top) whether prior to, or following, the date of this consent.

**SCHEDULE 5
ADDITIONAL PROCEDURES**

NOTIFICATION OF LANDOWNERS

1. As soon as practicable after obtaining monitoring results showing:
 - (a) an exceedance of any relevant criteria in Schedule 4, the Applicant shall notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria; and
 - (b) an exceedance of any relevant air quality criteria in Schedule 4, the Applicant shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).

INDEPENDENT REVIEW

2. If an owner of privately-owned land considers the development to be exceeding the relevant criteria in Schedule 4, 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:
 - (i) consult with the landowner to determine his/her concerns;
 - (ii) conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 4; and
 - (iii) 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.
-

SCHEDULE 6 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Applicant shall prepare and implement an Environmental Management Strategy for the development to the satisfaction of the Director-General. This strategy must:
 - (a) be submitted to the Director-General for approval prior to the commencement of the construction of the New Pit-Top;
 - (b) provide the strategic framework for environmental management of the development;
 - (c) identify the statutory approvals that apply to the development;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (e) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise during the course of the development;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (f) include:
 - (i) copies of any strategies, plans and programs approved under the conditions of this consent; and
 - (ii) 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:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures/criteria;
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) 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:
 - (i) impacts and environmental performance of the development;
 - (ii) effectiveness of any management measures (see c above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (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:
 - (i) incidents;
 - (ii) complaints;
 - (iii) non-compliances with statutory requirements; and
 - (iv) 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 for particular management plans.

Adaptive Management

3. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedules 3 and 4. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

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

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

Annual Review

4. By the end of March each year, or other timing as may be agreed by the Director-General, 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 financial 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 financial year, which includes a comparison of these results against the:
 - (i) relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) monitoring results of previous years; and
 - (iv) relevant predictions in the EIS;
 - (c) identify any non-compliance over the past financial 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 current financial year to improve the environmental performance of the development.

Revision of Strategies, Plans and Programs

5. Within 3 months of:
 - (a) the submission of an annual review under Condition 4 above;
 - (b) the submission of an incident report under Condition 7 below;
 - (c) the submission of an audit report under Condition 9 below; or
 - (d) 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

6. The Applicant shall continue to operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Director-General. This CCC must be operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Developments* (Department of Planning, 2007, or its latest version).

Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the 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.*
- *In operating the CCC, the Department will accept the continued representation from existing CCC members.*

REPORTING

Incident Reporting

7. The Applicant shall notify, at the earliest opportunity, the Director-General and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the development, the Applicant shall notify the Director-General and any other relevant agencies 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, and such further reports as may be requested.

Regular Reporting

8. 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.

INDEPENDENT ENVIRONMENTAL AUDIT

9. Within 12 months of the commencement of construction of the New Pit-Top, 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 field specified by the Director-General.

10. 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

11. Within 6 months of the date of this consent, the Applicant shall:
 - (a) make copies of the following publicly available on its website:
 - (i) the documents referred to in Condition 2 of Schedule 2;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (v) a complaints register, updated monthly;
 - (vi) minutes of CCC meetings;
 - (vii) the annual reviews of the development;
 - (viii) any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit;
 - (ix) any other matter required by the Director-General; and
 - (b) keep this information up-to-date, to the satisfaction of the Director-General.
-

**APPENDIX 1
SCHEDULE OF LAND**

Tenure Type	Lot Number	Deposited Plan Number
Freehold	101	1164569
Freehold	102	1164569
Freehold	103	1164569
Freehold	2	809377
Freehold	3	1061633
Freehold	4	1061633
Freehold	5	1061633
Freehold	6	1061633
Freehold	7	1061633
Freehold	8	1061633
Freehold	9	1061633
Freehold	10	1061633
Freehold	11	1061633
Freehold	12	1061633
Freehold	13	1061633
Freehold	14	1061633
Freehold	15	1061633
Freehold	1	207238
Freehold	1	960528
Freehold	1	960529
Freehold	4	960529
Freehold	1	960530
Freehold	95	755262
Freehold	124	755262
Freehold	125	755262
Freehold	126	755262
Freehold	221	1034182
Freehold	222	1034182
Freehold	52	706484
Freehold	22	223395
Freehold	1	175522
Freehold	21	624214
Freehold	1	231108
Freehold	51	706484
Freehold	1	923509
Freehold	1	1050996
Freehold	2	1050996
Freehold	7	813135
Freehold	2	551917

Freehold	1	1046942
Freehold	2	1039968
Tenure Type	Lot Number	Deposited Plan Number
Freehold	Part 1	1039968
Crown	121	755262
Crown	1	551918
Crown	21	223395
Crown	1	338999
Crown	7021	1075979
Crown	7022	1075973
Crown	7023	1075973
National Parks and Wildlife Service	104	755262
National Parks and Wildlife Service	2	231108
National Parks and Wildlife Service	1	551917
State Forests of NSW	94	755262
State Forests of NSW	76	755244
State Forests of NSW	108	755244
Cessnock City Council or Crown	Other roads located within, between or adjacent to the above parcels of land	
Part NSW State Forest (Heaton State Forest)	Crown land forming part Heaton State Forest No 122 dedicated 27 May 1914 and subsequent extensions	
Part State Conservation Area (Sugarloaf State Conservation Area)	Crown land forming part Sugarloaf State Conservation Area	

APPENDIX 2 DEVELOPMENT AREA

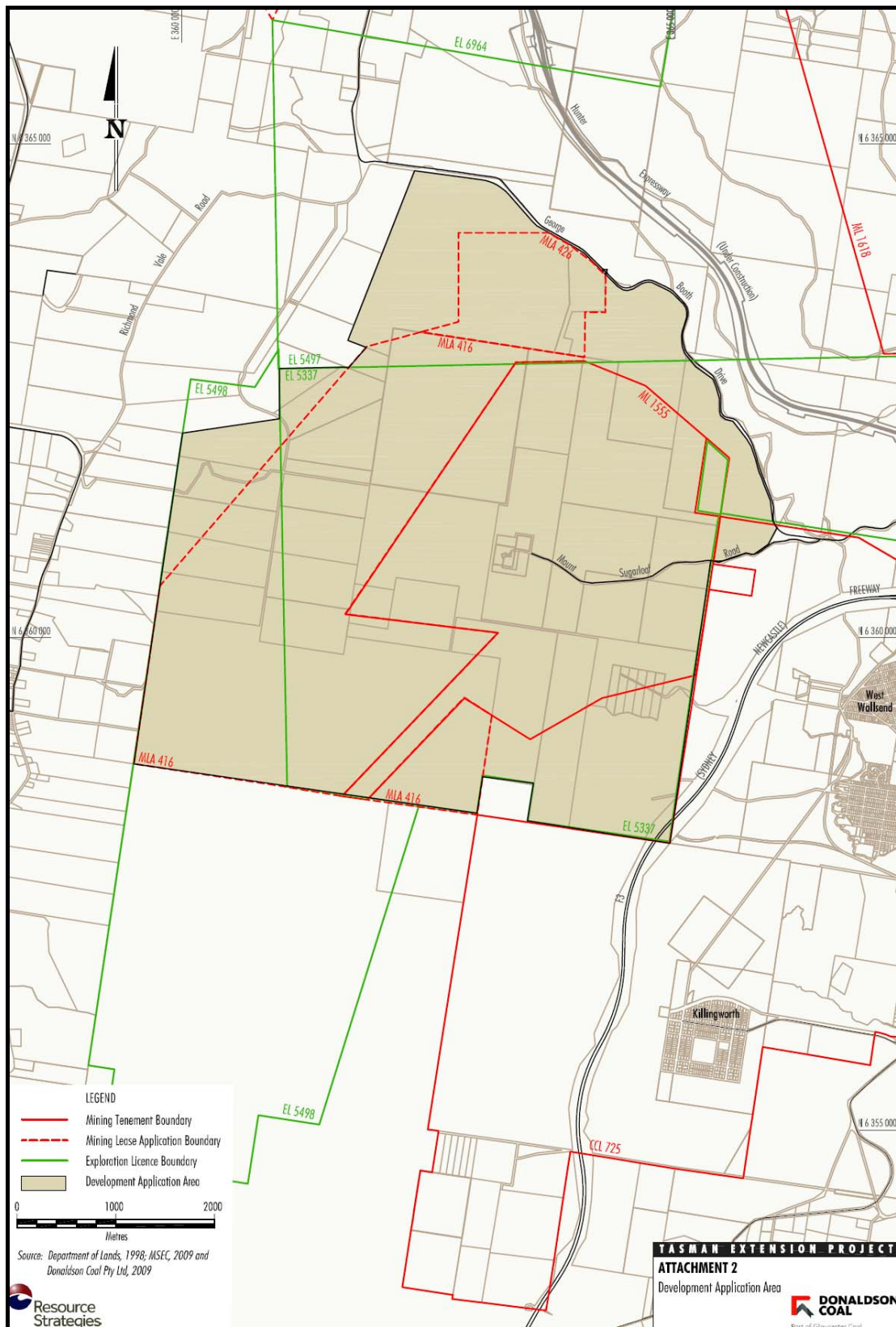


Figure 1: Tasman Extension Project – Development Application Area

APPENDIX 3 DEVELOPMENT LAYOUT

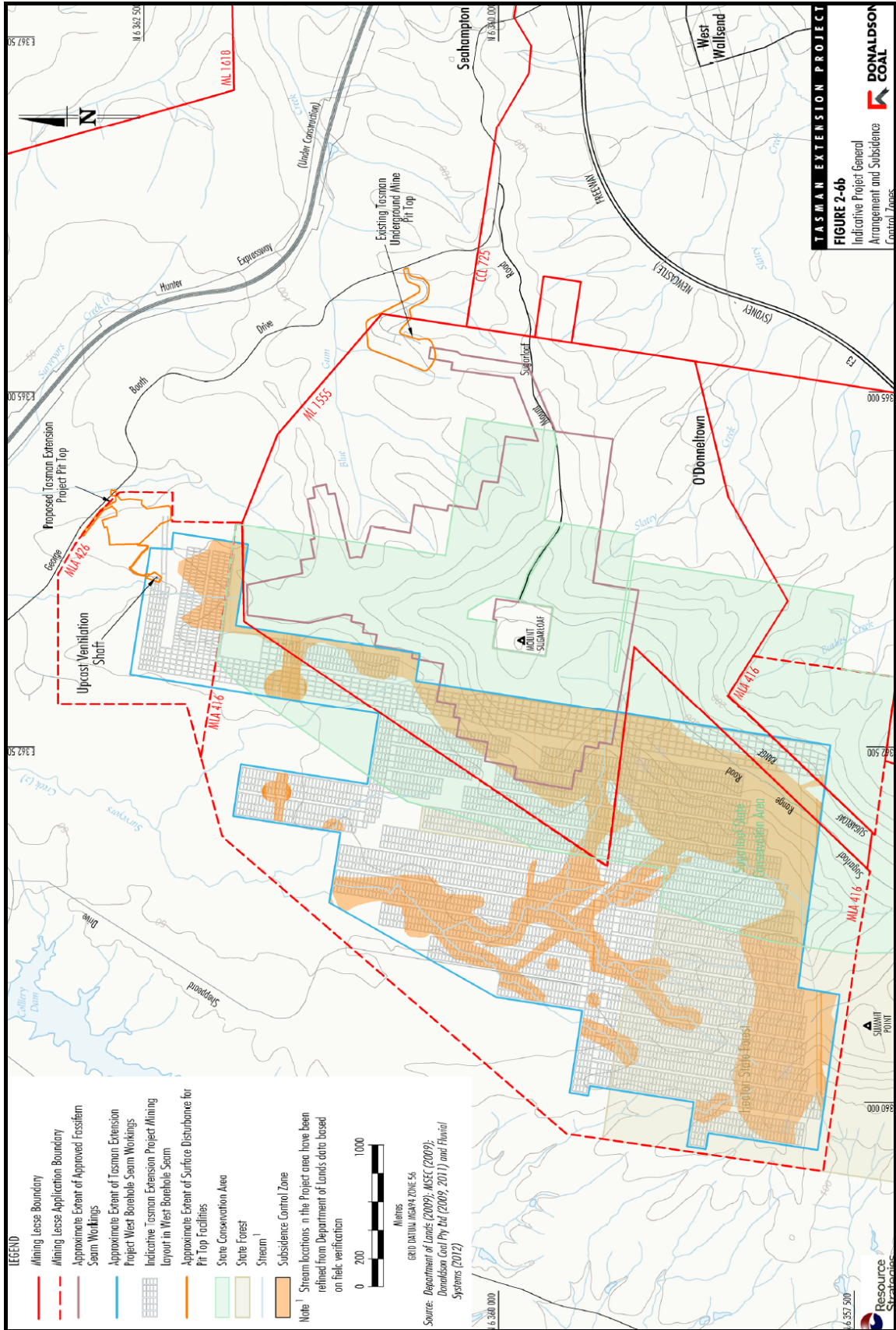


Figure 1: General Layout of the Tasman Extension Project

**APPENDIX 4
KEY SURFACE FACILITIES SITES**



Figure 1: General Arrangement of the Existing Pit-Top site



Figure 2: General Arrangement of the New Pit-Top site

**APPENDIX 5
OFFSITE BIODIVERSITY OFFSET AREA**

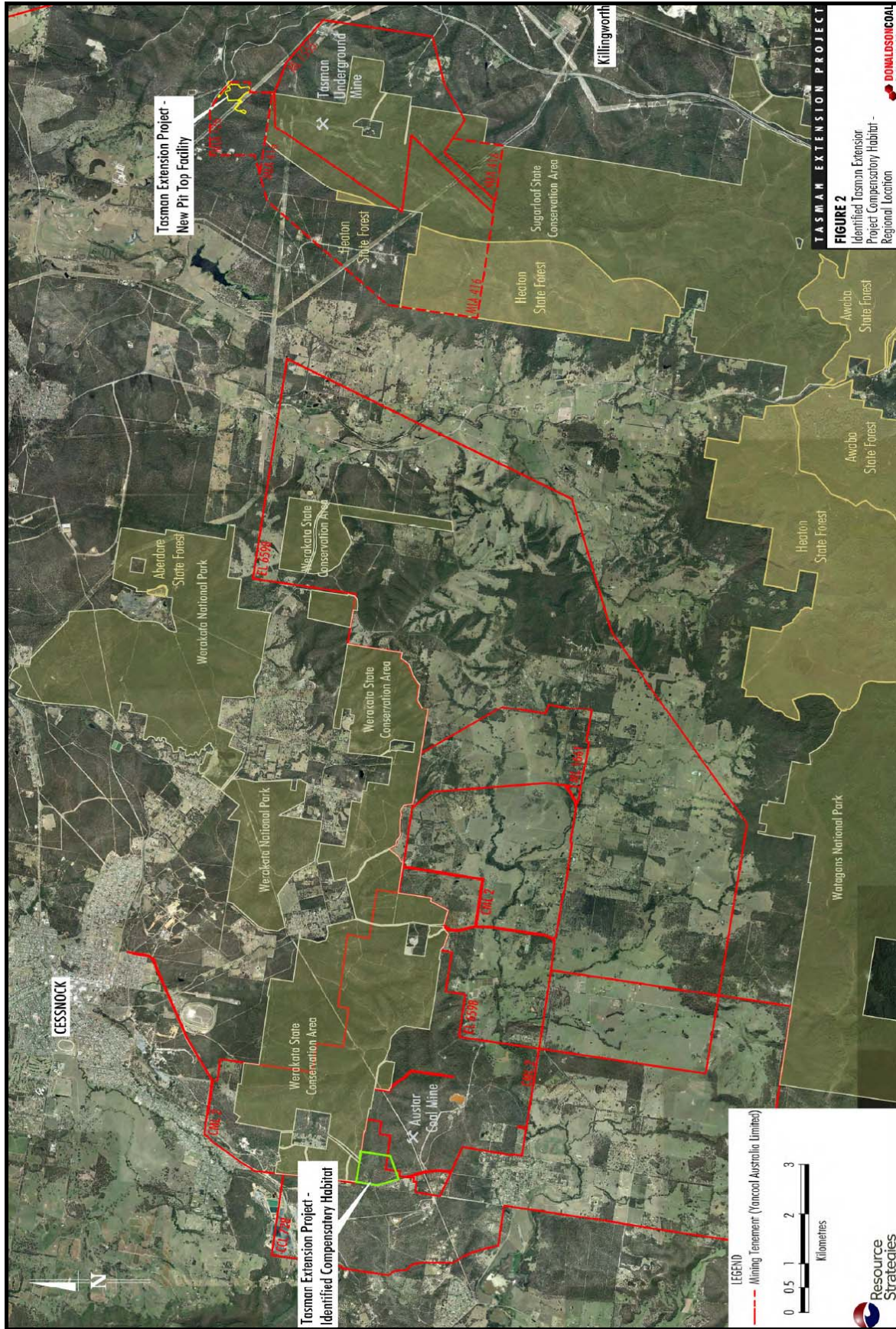


Figure 1: Location of the Offsite Biodiversity Offset Area

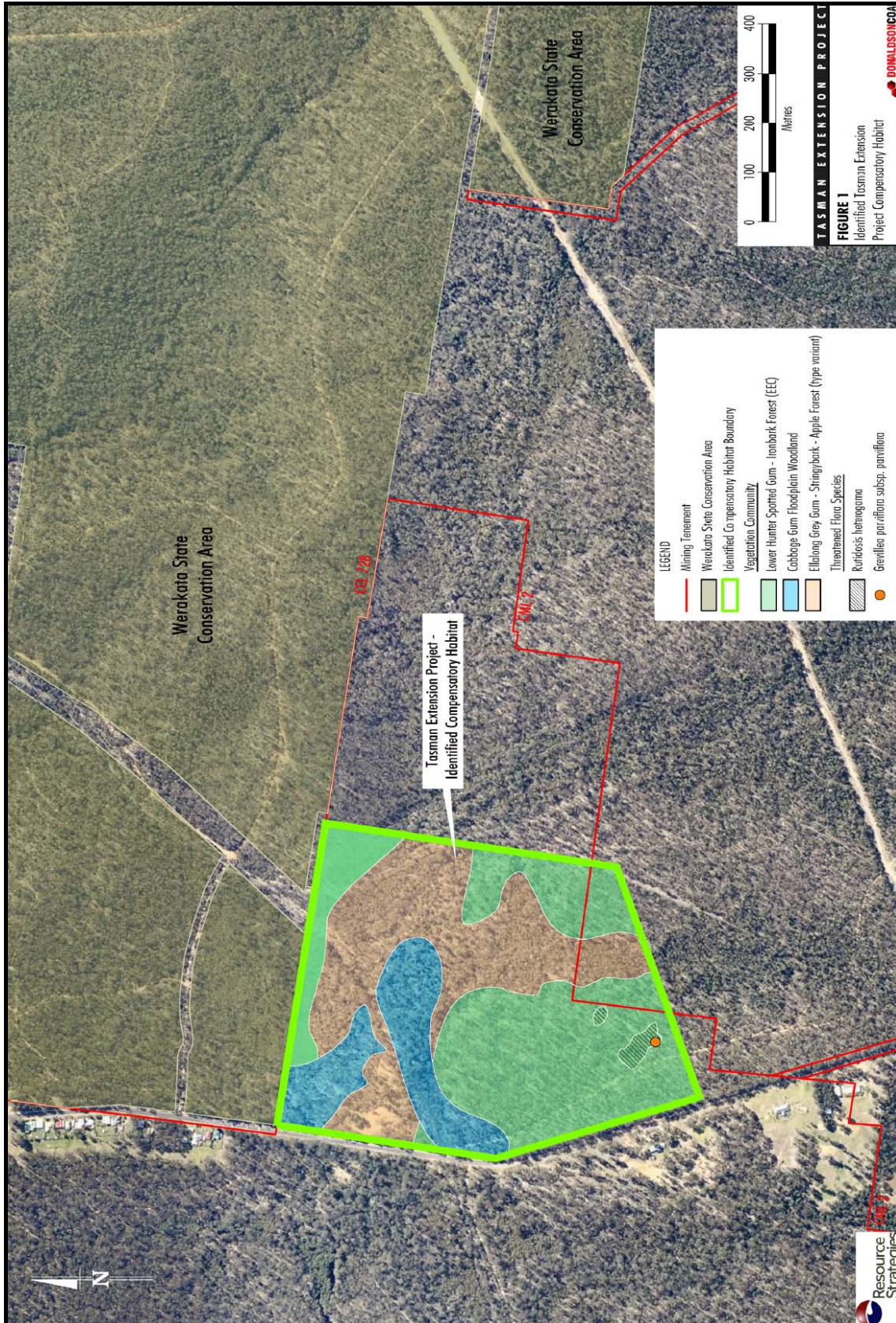


Figure 2: Vegetation in the Offsite Biodiversity Offset Area

**APPENDIX 6
ABORIGINAL CULTURAL HERITAGE SITES**

Overall Local Archaeological Significance Ranking	Aboriginal Heritage Site Code	Number of Sites
High	38-4-0440, 38-4-0447, TE92/A.	3
Moderate to High	38-4-0445, TE64/C, TE157/A, TE200/A.	4
Moderate	38-4-0444, 38-4-0446, 38-4-0449, TE46/A, TE46/B, TE46/C, TE46/D, TE85/A, TE104/C.	9
Low to Moderate	38-4-0448, 38-4-0450, 38-4-0457, 38-4-0486, 38-4-0488, 38-4-0610, 38-4-619, 38-4-0869, TE32/A, TE39/A, TE57/A, TE57/B, TE64/D, TE67/A, TE67/B, TE79/A, TE86/A, TE86/B, TE88/A, TE135/A, TE176/A.	21
Low	38-4-0443, 38-4-0487, 38-4-618, 38-4-0623, 38-4-0624, 38-4-0975, TE1/A, TE1/B, TE10/A, TE29/A, TE34/A, TE41/A, TE45/A, TE50/A, TE51/A, TE53/A, TE53/B, TE56/A, TE56/B, TE64/A, TE64/B, TE71/A, TE77/A, TE77/B, TE77/C, TE79/B, TE79/C, TE79/D, TE80/A, TE80/B, TE80/C, TE84/A, TE86/C, TE86/D, TE92/B, TE96/A, TE96/B, TE96/C, TE104/A, TE104/B, TE107/A, TE124/A, TE126/A, TE126/B, TE126/C, TE135/B, TE135/C, TE135/D, TE152/A, TE152/B, TE153/A, TE154/A, TE154/B, TE154/C, TE155/A, TE178/A, TE181/A, TE181/B, TE181/C, TE182/A, TE182/B, TE188/A, TE199/A.	63

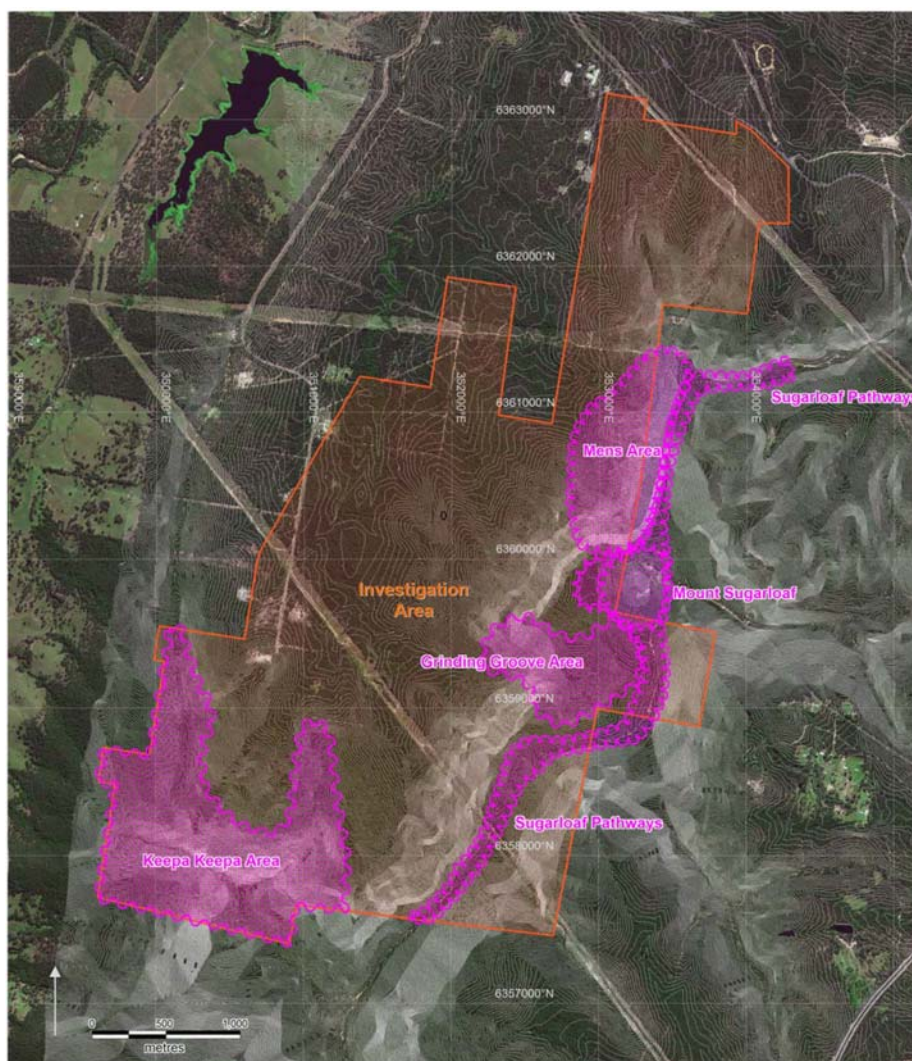


Figure 1: Aboriginal Cultural Heritage Areas of Significance, including Men's Area

**APPENDIX 7
GEORGE BOOTH DRIVE PROPERTY ACCESS TREATMENTS**

<i>Property</i>	<i>Proposed Treatment</i>
No. 1332 George Booth Drive	Provide sealed shoulder widening for the left turn into the property. Replace the Telstra pit with a trafficable pit and lid.
No. 1353 George Booth Drive	Provide sealed shoulder widening for the left turn into the property.
No. 1373 George Booth Drive	No improvements or modifications are proposed at this driveway.
No. 1395 George Booth Drive	Provide additional widening for the right turn shoulder. Guide posts to be relocated outside the sealed pavement.
No. 1408 & 1413 George Booth Drive	Trim or remove vegetation on the southbound side of the road, north of the driveway into No.1408, to improve sightlines out of the driveway to approaching vehicles. Relocate the power poles outside of the clear zone for the road.
"Henholme" – George Booth Drive	Provide sealed shoulder widening for the left turn into the property.
No. 1424 George Booth Drive	Provide a sealed widened shoulder for the left turn into the property. Extend the existing widened sealed shoulder to approximately 20m past the driveway prior to tapering back to the existing shoulder.
No. 1459 George Booth Drive – "County Downs"	Provide sealed shoulder widening for the left turn into the property. Relocate the power pole outside of the clear zone.
No. 1490 George Booth Drive	Provide a sealed widened shoulder for the left turn into the property. Relocate Hunter Expressway sign to outside of the clear zone for the road. Provide additional widening for the right turn shoulder.
No. 1523 George Booth Drive	Provide sealed shoulder widening for the left turn into the property.
No. 1530 & 1558 George Booth Drive	Extend the northbound shoulder widening to the south of property No. 1530, to allow the safe overtaking of a vehicle turning right into the property. Provide sealed shoulder widening for the left turn into the property.

**APPENDIX 8
ROAD MAINTENANCE CONTRIBUTIONS**

<p>Purpose of Monetary Contribution</p>	<p>Funds will contribute to the maintenance of the portion George Booth Drive used for the road transportation of run-of-mine coal from the proposed Tasman Extension Project.</p> <p>Cessnock City Council agrees to maintain this portion of George Booth Drive to a standard suitable for use by coal road haulage trucks associated with the Tasman Extension Project. Cessnock City Council agrees to maintain sealed shoulders along this portion of George Booth Drive, particularly in the vicinity of private property driveways.</p> <p>Cessnock City Council agrees to provide satisfactory evidence of money expended on maintaining this portion of road each year prior to the annual monetary contribution being made by Donaldson Coal.</p>
<p>Maximum Monetary Contribution</p>	<p>Up to \$8,000 per kilometre of transport distance in the Cessnock local government area (indexed to the Consumer Price Index) multiplied by the ratio of loaded heavy vehicles for the calendar year from the Tasman Underground Mine to total heavy vehicles on George Booth Drive, and paid in arrears.</p> <p>The ratio of loaded heavy vehicles will be based on actual number of Tasman coal road haulage trucks transporting run-of-mine coal during the calendar year.</p> <p>The monetary contribution would be calculated as outlined below.</p>
<p>Calculation of Monetary Contribution</p>	<p>Prior to each annual monetary contribution for road maintenance, Cessnock City Council agrees to provide a statement of costs expended on road maintenance works by Cessnock City Council on the subject portion of George Booth Drive during the calendar year.</p> <p>Donaldson Coal will make a monetary contribution to the road maintenance works based on the funds expended by Cessnock City Council during the calendar year multiplied by the ratio of loaded heavy vehicles for the calendar year from the Tasman Underground Mine to total heavy vehicles on George Booth Drive, capped at the maximum monetary contribution.</p> <p>The ratio of loaded heavy vehicles will be based on actual number of Tasman coal road haulage trucks transporting run-of-mine coal during the calendar year to total truck traffic as measured by the independent traffic count required under the development consent over a representative sample period.</p> <p>Any disagreement between Donaldson Coal and the Cessnock City Council would be subject to dispute resolution procedures under the development consent.</p>
<p>Timeline for Payment</p>	<p>Payment annually in arrears following the satisfaction of both of the following conditions:</p> <ul style="list-style-type: none"> - the formal transfer of maintenance responsibility for George Booth Drive from the NSW Roads and Maritime Services to the Cessnock City Council; and - the commencement of road haulage from the Tasman Extension Project New Pit-Top facility.
<p>Maintenance Responsibility</p>	<p>In the circumstance that Cessnock City Council does not acquire full maintenance responsibility for George Booth Drive within the Cessnock local government area (i.e. if the NSW Roads and Maritime Services retains some maintenance responsibility), the monetary contribution would apply <i>pro rata</i> to Cessnock City Council's portion of road maintenance responsibility.</p>

APPENDIX 9 NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1. The noise criteria in Table 4 of the conditions are to apply under all meteorological conditions except the following:
 - (a) during periods of rain or hail;
 - (b) average wind speed at microphone height exceeds 5 m/s;
 - (c) wind speeds greater than 3 m/s measured at 10 m above ground level; or
 - (d) temperature inversion conditions greater than 3°C/100 m.

Determination of Meteorological Conditions

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

Compliance Monitoring

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